DBS Offshore Wind

RWE Renewables UK Dogger Bank South (West) Limited

RWE Renewables UK Dogger Bank South (East) Limited

Dogger Bank South Offshore Wind Farms

Environment Agency Statement of Common Ground
Submission for Deadline 1

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Company:	**RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited**	Asset:	**Development**
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In preparation of this document RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited has made reasonable efforts to ensure that the content is accurate, up to date and complete for the purpose for which it was prepared

Rev No.	Date	Status/Reason for Issue	Author	Checked by	Approved by
01	29/01/2025	Submission for Deadline 1	RHDHV	RWE	RWE

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Position	
On behalf of	

Signatories	
Signed	
Name	
Position	
On behalf of	

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Glossary

Term	Definition
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Impact Assessment (EIA)	A statutory process by which certain planned projects must be assessed before a formal decision to proceed can be made. It involves the collection and consideration of environmental information, which fulfils the assessment requirements of the EIA Directive and EIA Regulations, including the publication of an Environmental Statement (ES).
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Planning Inspectorate (PINS)	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects (NSIPs).
Preliminary Environmental Information Report (PEIR)	Defined in the EIA Regulations as information referred to in part 1, Schedule 4 (information for inclusion in Environmental Statements) which has been compiled by the Applicants and is reasonably required to assess the environmental effects of the development.
Receptor	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of Receptors include species (or groups) of animals, plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Statutory consultation	The statutory consultation ran in two periods. The first period ran between 6th June and 17th July 2023, with a second period running between 4th August and 15th September 2023 to gather responses from third parties missed during the initial consultation period. The PEIR was presented as part of this consultation.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).

Acronyms

Acronym	Definition
ALARP	As Low As Reasonably Practicable
BNG	Biodiversity Net Gain
CEA	Cumulative Effects Assessment
CoCP	Code of Construction Practice
DBS	Dogger Bank South
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
EPR	Flood Risk Activity Permits
ETG	Expert Topic Group
ES	Environmental Statement
ExA	Examining Authority
FRA	Flood Risk Assessment
GWDTE	Groundwater Dependent Terrestrial Ecosystems
HDD	Horizontal Directional Drilling
IDB	Internal Drainage Board
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PEMP	Project Environmental Management Plan
PINS	Planning Inspectorate
RBMP	River Basin Management Plan
RIAA	Report to Inform Appropriate Assessment

Acronym	Definition
RR	Relevant Representation
SoCG	Statement of Common Ground
WER	Water Environment Regulations Compliance Assessment

1 Introduction

1.1 Background

1. This Statement of Common Ground (SoCG) has been prepared between RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd, ('the Applicants') and the Environment Agency ('Environment Agency') to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Dogger Bank South ('DBS') West Offshore Wind Farm and DBS East Offshore Wind Farm, collectively known as DBS Offshore Wind Farms (herein 'the Projects').

2. The Applicants have applied for development consent to construct and operate the proposed Projects under the Planning Act 2008. Further description of the Projects is available in **Chapter 5 Project Description, Figure 5-1** [APP-072].

3. In drafting this SoCG, the Applicants have had regard to the Planning Act 2008 Guidance: Examination stage for Nationally Significant Infrastructure Projects (Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, 2024).

4. The need for a SoCG between the Applicants and the Environment Agency is set out within the **Rule 6 Letter** [PD-002] issued by the Planning Inspectorate (PINS) on the 24th September 2024 and reiterated in the updated **Rule 6 Letter** [PD-010] issued on 17th December 2024.

5. This SoCG is intended to provide the Examining Authority (ExA) with a clear summary of discussions between the parties and has been structured to reflect topics which are of interest to the Environment Agency, and which have been raised within the Environment Agency's Relevant Representation (RR) [RR-015] to the Dogger Bank South Offshore Wind Farms DCO that has been submitted to the Planning Inspectorate pursuant to the Planning Act 2008.

6. This SoCG covers issues that have been raised throughout the Evidence Plan Process (EPP) through the Expert Topic Groups (ETGs) in addition to correspondence on potential Protective Provisions and land matters.

7. It is the intention that this document will facilitate further discussions between the Applicants and the Environment Agency and will provide the ExA with a clear overview of the level of common ground between both parties. This document will be updated throughout the Examination process.

8. The following application documents have informed the discussions with the Environment Agency and address the elements of the Projects that may affect the interests of the Environment Agency:

Table 1-1 - Application Documents of interest to the Environment Agency

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Draft Development Consent Order superseded by Draft Development Consent Order (Revision 3)	APP-027 superseded by AS-130
Book of Reference superseded by Book of Reference (Revision 3)	APP-031 superseded by AS-148
Chapter 4 Site Selection and Assessment of Alternatives superseded by Site Selection and Assessment of Alternatives (Revision 2)	APP-067 superseded by AS-017
Chapter 8 Marine Physical Environment	APP-080
Chapter 18 Terrestrial Ecology and Ornithology superseded by Environmental Statement Chapter 18 - Terrestrial Ecology and Ornithology (Revision 3)	APP-140 superseded by PDC-003
Appendix 18-10 Biodiversity Net Gain Strategy	APP-157
Chapter 19 Geology and Land Quality	APP-158
Chapter 20 Flood Risk and Hydrology	APP-163
Water Environment Regulations Compliance Assessment superseded by Appendix 20-3 - Water Environment Regulations Compliance Assessment (Revision 2)	APP-167 superseded by AS-074
Appendix 20-4 Flood Risk Assessment	APP-168
Outline Code of Construction Practise (CoCP) superseded by Outline Code of Construction Practice (Revision 2)	APP-234 superseded by AS-094
Outline Ecological Management Plan superseded by Outline Ecological Management Plan (Revision 3)	APP-235 superseded by AS-114
Outline Drainage Strategy superseded by Outline Operational Drainage Strategy (Revision 2)	APP-237 superseded by AS-098
Project Change Request 1 - Environmental Assessment Update	AS-141

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Project Change Request 2 - Onshore Substation Zone	AS-152
Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)	AS-036
Coastal Erosion Rate Technical Note	AS-116

9. The Environment Agency and the Applicants have been working together to minimise possible impacts of the Projects on the Environment Agency's operations, and so the Environment Agency may influence and enhance the design of the Projects where appropriate.

1.2 Approach to SoCG

10. This SoCG has been developed during the pre-examination and examination phases of the Projects. In accordance with discussions between the Applicants and the Environment Agency, this SoCG is focused on matters of material interest and relevance to the Environment Agency, namely matters covered in the Application Documents outlined in **Table 1-1** and related topics.

11. The structure of this SoCG is as follows:

- **Introduction:** background to the development of the SoCG.
- **Consultation and Engagement:** a summary of consultation and engagement with the Environment Agency to date.
- **Agreement Log:** a record of the Applicants' position alongside the Environment Agency's position. **Table 3-2** to **Table 3-6** sets out those areas agreed in relation to the application documents set out in **Table 1-1**. Where a matter is 'not agreed' or 'under discussion' this is described in further detail in **Table 3-7** to **Table 3-9**. It is agreed that this SoCG is an accurate description of the areas agreed and under discussion between the parties, and that this SoCG accurately records key meetings and consultation with the Environment Agency.

12. As referenced in **Table 2-1**, the Applicants consulted the Environment Agency on Project Change Requests 1 and 2 between 15th November and 16th December 2024. The Environment Agency did not provide any consultation comments on the Project Change Requests.

2 Consultation

2.1 Introduction to Consultation

13. The Environment Agency have been consulted on the proposed development throughout the pre-application stage, having engaged in the Marine Physical Environment, Water Resources, Terrestrial Ecology and Ornithology, Geology and Land Quality, and Flood Risk and Hydrology Expert Topic Groups (ETGs) under the Evidence Plan Process, as well as via non-statutory and statutory consultation under Section 42 of the Planning Act 2008.

2.2 Consultation Summary

14. **Table 2-1** summarises the consultation that the Applicants have undertaken with Environment Agency as statutory or non-statutory consultation during the pre-application and post-application phases. In addition, a number of draft documents have been issued throughout the pre-application stage of the Projects, for review and comments.

Table 2-1 - Summary of pre-application and post-application consultation with the Environment Agency

Date	Form of Consultation	Meeting Title / Topic	Summary of Consultation
Pre – Application			
14/09/2021	ETG Meeting	Onshore Ecology and Ornithology – Pre-Scoping	The following topics were discussed during the ETG: • Project overview; • The Evidence Plan Process (EPP); • Scoping Report and approach to the Environmental Impact Assessment (EIA); and • Site selection methodology.
17/09/2021	ETG Meeting	Water Resources – Pre-Scoping	The following topics were discussed during the ETG: • Project overview; • The Evidence Plan Process (EPP); • Scoping Report and approach to the Environmental Impact Assessment (EIA); and • Site selection methodology.

Date	Form of Consultation	Meeting Title / Topic	Summary of Consultation
07/04/2022	Technical Note	Marine Physical Environment – Method Statement	Method statement outlining the proposed conceptual modelling approach that was proposed to be taken in the assessment of marine physical processes (including the intertidal areas of the possible landfall locations) effects of the Projects.
04/05/2022	ETG Meeting	Site Selection ETG	The following topics were discussed during the ETG: • Project update; • Site selection process and methodology; • Landfall site; • Offshore cable corridor; • Onshore substation; and • Onshore cable corridor.
26/05/2022	ETG Meeting	Seabed – Methods Statements	The following topics were discussed during the ETG: • Project update • Benthic survey method statement • Marine Physical Processes method statement
13/12/2022	Technical Note	Marine Physical Environment – Method Statement	Technical note that expanded on the previous method statement issued on 7th April 2022, provided further evidence for the relevance of the previous marine physical processes modelling conducted for Dogger Bank A and B in relation to the Projects.
20/01/2023	ETG Meeting	Marine Physical Environment – Preliminary Environmental Information Report (PEIR) Approach	The following topics were discussed during the ETG: • Project update; • Existing environment; and • Applicability of Creyke Beck modelling studies.
07/02/2023	ETG Meeting	Seabed ETG – PEIR Approach	The following topics were discussed during the ETG: • Project update; • Benthic and Intertidal Ecology – existing environment;

Date	Form of Consultation	Meeting Title / Topic	Summary of Consultation
			• Fish and Shellfish Ecology – existing environment; and • Benthic and Intertidal Ecology PEIR assessed impacts.
20/04/2023	ETG Meeting	Terrestrial Ecology and Ornithology – Project Update, Surveys, PEIR Assessment	The following topics were discussed during the ETG: • Project update; • Site selection update; • Scoping Report status; • Ecological survey programme; • Desk study; • Habitat survey; • Wildlife surveys; • Assessment scenarios; • Ecology assessment; and • Biodiversity Net Gain (BNG) strategy.
17/07/2023	Section 42 Consultation	Marine Physical Environment, Terrestrial Ecology and Ornithology, Flood Risk and Hydrology, Geology and Land Quality, EIA Methodology	The Environment Agency's response to Section 42 consultation on PEIR. See **Consultation Report Appendix G1** [APP-044].
20/07/2023	ETG Meeting	Flood Risk and Hydrology / Geology and Land Use – PEIR Assessments	The following topics were discussed during the ETG: • Project update; • Surface water Internal Drainage Board (IDB) drains geomorphology; and • PEIR Geology and Land Quality.
11/09/2023	ETG Meeting	Marine Physical Environment – PEIR Comments	The following topics were discussed during the ETG: • Project update; • Programme; • Sensitivity test results; • Modelling results; • Ongoing modelling; and

Date	Form of Consultation	Meeting Title / Topic	Summary of Consultation
			• PEIR comments.
21/09/2023	ETG Meeting	Seabed – PEIR Comments	The following topics were discussed during the ETG: • Project update; • Benthic and Intertidal Ecology PEIR comments; • Project Design Envelope comments; • Holderness Coast inshore Marine Conservation Zone; • Cumulative Environmental Assessment; • Herring and Sandeel Habitat Assessment and Physical Disturbance; and • Underwater noise comments.
28/11/2023	Email	Flood Risk and Hydrology	Provision of the **Outline Drainage Strategy** [AS-098] and Environment Agency consultation responses from RWE to Environment Agency.
11/12/2023	ETG Meeting	Terrestrial Ecology ETG	The following topics were discussed during the ETG: • Project overview; • Onshore updates; • PEIR responses; • Terrestrial Ecology baseline survey results; • Priority habitats; • ES progress; • Cumulative Effects Assessment; and • BNG update.
28/11/2023	Draft Documents	Issue of draft Outline Drainage Strategy and written response to comments provided at Statutory S.42 Consultation	Issue of **Outline Drainage Strategy** [AS-098] and written response to comments provided at Statutory S.42 Consultation ahead of ETG 13/12/2023
13/12/2023	ETG Meeting	Flood Risk and Geology ETG	The following topics were discussed during the ETG:

Date	Form of Consultation	Meeting Title / Topic	Summary of Consultation
			• Project design update; • Flood risk and hydrology – PEIR comments and ES updates; • Outline Drainage Strategy; and • Geology and Land Quality– PEIR comments and ES updates.
29/01/2024	ETG Meeting	Benthic Ecology / Marine Physical Environment – Pre-ES ETG	The following topics were discussed during the ETG: • Project design update; • Physical Processes – summary approach; • Physical Processes operational modelling results; • Benthic Ecology monitoring survey summary; and • PEIR comments.
13/02/2024	Email	Protective Provisions	Response to Environment Agency regarding their feedback again potentially disapplying the Environmental Permitting in relation to a Flood Defence Consent.
22/02/2024	Meeting	Protective Provisions	Call to review the draft Environment Agency Protective Provisions
08/03/2024	Email	Protective Provisions	Actions from call on the 22/02/2024 and issue of draft protective provision for Environment Agency review (no comments received)
15/03/2024	Email	Project Shapefiles	Provision of latest project route for the Environment Agency's further review (shapefiles). Agreement that DBS would submit the draft Protective Provisions issued in the DCO application and the Environment Agency would provide further comment after submission.
15/03/2024	Draft Documents	Issue of Draft FRA and Flood Risk and Hydrology mitigation	Draft FRA and Flood Risk and Hydrology mitigation issued ahead of the ETG meeting on the 20/03.
20/03/2024	ETG Meeting	Flood Risk and Geology ETG	The following topics were discussed during the ETG:

Date	Form of Consultation	Meeting Title / Topic	Summary of Consultation
			• Project update; • Flood Risk and Hydrology ES chapter update; • Flood Risk Assessment (FRA) update; • Geology and Land Quality ES chapter update; and • Agreement logs.
11/04/2024	ETG Meeting	Benthic Compensation Plan ETG	The following topics were discussed during the ETG: • Project design update; • Report to Inform Appropriate Assessment (RIAA) conclusions; and • Compensation.
Post – Application			
23/08/2024	Email	Coastal Processes Query	Neil Wallace issued queries regarding the coastal processes baseline detailed in **Chapter 8 Marine Physical Environment** [APP-081].
05/09/2024	Email	Coastal Processes Query	Daniel Brutto provided an interim response to Neil Wallace regarding his coastal processes queries, noting additional information would be provided at the previous draft Deadline 1[1].
01/10/2024	Email	SoCG	The Applicants issued a draft SoCG and provided a link to the **Rule 6 Letter** [PD-002] and Examination Library ahead of the 09/10/2024 meeting.
09/10/2024	Meeting	SoCG and RR	Meeting to review the draft SoCG and the Applicant's responses to the Environment Agency's RR.
16/10/2024	Email	SoCG and RR Meeting	The Applicants issued the meeting minutes and presentation slides from the 09/10/2024 meeting and requested comments from the Environment Agency on the SoCG by the 23rd October 2024.

[1] Following postponement of the Projects examination, this additional information was provided in the Coastal Erosion Rate Technical Note, issued to the Planning Inspectorate on 6th December 2024.

Date	Form of Consultation	Meeting Title / Topic	Summary of Consultation
24/10/2024	Email	SoCG Comments	The Applicants requested an update on when to expect the Environment Agency's comments on the draft SoCG.
24/10/2024	Email	SoCG Comments	Richard Jennings provided comments on the Terrestrial Ecology section of the SoCG.
25/10/2024	Email	SoCG Comments	Matthew Wilcock confirmed the Environment Agency's agreement with the Flood Risk and Hydrology section of the draft of the SoCG.
28/10/2024	Email	SoCG Comments	Lily Booth confirmed her agreement with the Marine Physical Processes section of the draft of the SoCG.
07/11/2024	Meeting	Ecology Comments from the Environment Agency	Richard Jennings requested a conversation around his comments on the Terrestrial Ecology section of the SoCG. The following topics were discussed during the meeting: • Examination update and change request; and • SoCG comments provided by the Environment Agency.
15/11/2024	Email	Meeting Minutes from 07/11/2024 Meeting	The Applicants issued the minutes from the 07/11/2024 meeting to the Environment Agency.
15/11/2024	Email	Examination Update and Change Requests 1 and 2	The Applicants informed the Environment Agency about the Project Change Request 1 and 2 and that they will continue to progress the SoCG based on the original onshore converter station design, but the SoCG will reflect that the change is 'under discussion'.
19/12/2025	Email	SoCG	The Applicants issued a revised draft of the SoCG and informed the Environment Agency of the new **Rule 6 Letter** [PD-010] and key Examination dates.
05/01/2025	Email	Coastal Erosion	Lily Booth at the Environment Agency confirmed she would provide feedback on Coastal Erosion and requested the **Coastal Erosion Rate Technical Note** [AS-116].

Date	Form of Consultation	Meeting Title / Topic	Summary of Consultation
06/01/2025	Email	Coastal Erosion	The Applicants provided the updated **Coastal Erosion Rate Technical Note** [AS-116].
07/01/2025	Email	Marine Physical Processes	Lily Booth confirmed her satisfaction with the new way of calculating the erosion rates is appropriate, that items 19 and 20 of the SoCG are agreed, and that item 18 remains not agreed.
07/01/2025	Email	SoCG	The Applicants followed up with the Environment Agency to ask if they have any comments on the onshore topics in the draft revision of the SoCG and requested a call to discuss.
10/01/2025	Email	SoCG	The Applicants followed up with the Environment Agency with further dates for a call to discuss SoCG matters and thanked Lily Booth for confirming her position.
23/01/2025	Email	SoCG	The Applicants shared the version of the SoCG they intend to submit to PINS at Deadline 1.

3 Agreement Log

3.1 Overview

15. The following sections of this SoCG summarise the level of agreement between the parties for each relevant onshore and offshore topic.

16. To easily identify whether a matter is 'agreed', 'not agreed' or 'under discussion', a colour coding system, red, amber, green, is used respectively within the 'position status colour' column as set out in **Table 3-1**.

17. Where a matter is 'not agreed' or 'under discussion' further detail is provided in section 3.7.

Table 3-1 - Agreement logs position status key

Position Status	Position Status Colour
The matter is considered to be agreed between the parties.	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Under discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or the Environment Agency is not considered to result in a material impact to the assessment conclusions. Discussions have concluded.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or the Environment Agency is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

3.2 General

Table 3-2 - General Topics agreed, in discussion or not agreed with the Environment Agency

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
Consultation			
1.	The Applicants have adequately consulted with the Environment Agency throughout all stages of the Projects to date and the summary of Consultation (section 2.2of this SoCG) is a fair and accurate record of pre-application consultation. Section 2 of this document evidences the engagement and consultation process between the Parties. It is the Applicant's position that the Environment Agency have been appropriately engaged throughout the Application process by the Applicant.		
2.	The Environment Agency have been adequately consulted on the Project Change Request 2 – Onshore Substation Zone which was provided to the Environment Agency as part of a targeted non-statutory consultation exercise on 14th November 2024 by the Applicants.	The Project Change Request 2 was under consultation until the 16/12/2024, no comments were received.	
Site Selection and Assessment of Alternatives			
3.	The site selection and route refinement outlined in **Chapter 4 Site Selection and Assessment of Alternatives** [AS-017] has properly considered the alternatives for the relevant elements of the Projects.	The Environment Agency confirmed in Onshore Ecology and Ornithology – Pre-Scoping (14/09/2021) that they agree with the	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
		approach taken to considering constraints for site selection.	

3.3 Marine Physical Environment

Table 3-3 - Topics agreed, in discussion or not agreed in relation to Marine Physical Environment

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
EIA – Planning and Policy			
4.	All relevant plans and policies have been identified in section 8.4.1 of **Chapter 8 Marine Physical Environment** [APP-080] and these have been appropriately considered in the assessment.	The Environment Agency confirmed in an email 28/10/2024 that this matter is agreed.	
EIA – Baseline Environment			
5.	The ES adequately characterises the baseline environment in as detailed in section 8.5 of **Chapter 8 Marine Physical Environment** [APP-080].	The Environment Agency confirmed in an email 28/10/2024 that this matter is agreed.	
6.	Sufficient site-specific survey data has been collected to inform the assessment as presented within section 8.5 of **Chapter 8 Marine Physical Environment** [APP-080].	The Environment Agency confirmed in an email 28/10/2024 that this matter is agreed.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
EIA – Assessment Methodology			
7.	The study area identified in section 8.3.1 of **Chapter 8 Marine Physical Environment** [APP-080] is appropriate.	The Environment Agency confirmed in an email 28/10/2024 that this matter is agreed.	
8.	The realistic worst case scenario presented in the assessment for the development scenarios, as outlined in Table 8-1 of **Chapter 8 Marine Physical Environment** [APP-080] is appropriate.	No response received on this point from the Environment Agency, assumed agreed,.	
9.	The embedded mitigation in Table 8-3 of **Chapter 8 Marine Physical Environment** [APP-080] are appropriate.	No response received on this point from the Environment Agency, assumed agreed.	
10.	The project-specific numerical modelling undertaken for the assessment as presented in the **Marine Physical Processes Modelling Technical Report** [APP-084] is sufficient to inform the assessment of effects presented in section 8.6 of **Chapter 8 Marine Physical Environment** [APP-080].	No response received on this point from the Environment Agency, assumed agreed.	
11.	The impact assessment methodologies used for the EIA, as presented in section 8.4.3 of **Chapter 8 Marine Physical Environment** [APP-080] provide an appropriate approach to assessing potential impacts on the Projects.	The Environment Agency confirmed in an email 28/10/2024 that this matter is agreed.	
12.	The assessment of the significance of effects presented in section 8.7 of **Chapter 8 Marine Physical Environment** [APP-080] is consistent with the agreed assessment methodologies.	The Environment Agency confirmed in an email 28/10/2024 that this matter is agreed.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
13.	Section 8.7.3 of **Chapter 8 Marine Physical Environment** [APP-080] represents a comprehensive list of the potential impacts during construction.	The Environment Agency confirmed in an email 28/10/2024 that this matter is agreed.	
14.	Section 8.7.4 of **Chapter 8 Marine Physical Environment** [APP-080] represents a comprehensive list of the potential impacts during operation.	The Environment Agency confirmed in an email 28/10/2024 that this matter is agreed.	
15.	The assessment of cumulative effects, as detailed in section 8.8 of **Chapter 8 Marine Physical Environment** [APP-080] is consistent with the agreed methodologies.	No response received on this point from the Environment Agency, assumed agreed	
EIA - Assessment Conclusions			
16.	The conclusions of assessment of significance as detailed in section 8.7 of **Chapter 8 Marine Physical Environment** [APP-080] are appropriate and are considered not significant in EIA terms.	No response received on this point from the Environment Agency, assumed agreed	
EIA – Cumulative Effects Assessment (CEA) Conclusions			
17.	The conclusions of the CEA as detailed in section 8.8 of **Chapter 8 Marine Physical Environment** [APP-080] are appropriate and are considered not significant in EIA terms.	No response received on this point from the Environment Agency, assumed agreed	
Other Matters as Required			

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
18.	The proposed minimising of cable protection measures in the nearshore environment is considered acceptable with regards to the significance of effect assessed in section 8.7 of **Chapter 8 Marine Physical Environment** [APP-080].	The Environment Agency did not agree with the use of cable protection measures in the nearshore when the matter was discussed in the Benthic Ecology / Marine Physical Environment – Pre-ES ETG on 29th January 2024. The Environment Agency confirmed in an email (07/01/2025) that this matter was not agreed.	
19.	No significant effects on coastal processes within the landfall and wider region will occur as a result of the Projects. The Applicants provided an update to the baseline coastal processes data in the **Coastal Erosion Rate Technical Note** [AS-116] which answers queries provided by the Environment Agency's on 23rd August 2024.	The Environment Agency confirmed in an email 07/01/2025 that this matter is agreed.	
20.	The coastal erosion rate data presented in **Chapter 8 Marine Physical Environment** [APP-080] is sufficient to inform the assessment. The Applicants provided an update to the baseline coastal processes data in the **Coastal Erosion Rate Technical Note** [AS-116] which answers queries provided by the Environment Agency's on 23rd August 2024.	In an email separate to their RR the Environment Agency requested more information on the coastal erosion rates the Applicants presented in the report. They also queried whether there was a mistake in the data presented in Table 8-20 of **Chapter 8 Marine Physical Environment** [APP-080]. The Environment Agency since confirmed in an email 07/01/2025 that this matter is agreed.	

3.4 Terrestrial Ecology and Ornithology

Table 3-4 - Topics agreed, in discussion or not agreed in relation to Terrestrial Ecology and Ornithology

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
EIA – Planning and Policy			
21.	All relevant plans and policies have been identified in section 18.4.1 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] and these have been appropriately considered in the assessment. The Applicants confirmed in the meeting 7th November 2024 that the new East Riding of Yorkshire Council Local Plan has been referred to in the update to **Chapter 18 Terrestrial Ecology and Ornithology** [AS-110] submitted to the ExA on 22nd November 2024.	A comment was raised in the Environment Agency's RR to request reference to the more recent East Riding of Yorkshire Local Plan. The Environment Agency confirmed in the 07/11/2024 meeting that updating the wording of **Chapter 18 Terrestrial Ecology and Ornithology** [PDC-002] would address their comment.	
EIA – Baseline Environment			
22.	The ES adequately characterises the baseline environment in of the Terrestrial Ecology and Ornithology risks as detailed in section 18.5 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] Discussed and agreed in the Onshore Ecology and Ornithology – Pre-Scoping (14/09/2021) and Terrestrial Ecology (11/12/2023) ETGs.	The Environment Agency confirmed in the Onshore Ecology and Ornithology – Pre-Scoping (14/09/2021) and Terrestrial Ecology (11/12/2023) ETGs they agree with the approach to categorising the baseline. The Environment Agency further confirmed in an email (24/10/2024) that this matter is agreed.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
23.	Sufficient survey data has been collected to inform the assessment as presented within section 18.6 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140].	The Environment Agency confirmed in the Onshore Ecology and Ornithology – Pre-Scoping ETG (14/09/2021) they agree with the data sources and approach to data collection used to characterise the baseline and the ecological receptors and features being scoped into the survey effort. The Environment Agency further confirmed in an email (24/10/2024) that this matter is agreed.	
24.	The impacts scoped in for further assessment detailed in section 18.3.1 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] are appropriate.	The Environment Agency confirmed in the Onshore Ecology and Ornithology – Pre-Scoping ETG (14/09/2021) they agree with the impacts scoped in for further assessment. The Environment Agency further confirmed in an email (24/10/2024) that this matter is agreed.	
EIA – Assessment Methodology			
25.	The study areas identified in section 18.3.2 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] are appropriate.	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
26.	The realistic worst case scenario presented in the assessment for the development scenarios, as outlined in Table 18-2 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] are appropriate.	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	
27.	The embedded Mitigation in Table 18-4 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] are appropriate.	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	
28.	The impact assessment methodologies used for the EIA, as presented in section 18.4.3 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140], provide an appropriate approach to assessing potential impacts on the Projects.	The Environment Agency confirmed in the Onshore Ecology and Ornithology – Pre-Scoping ETG (14/09/2021) they agree with the approach to the Ecological Impact Assessment. The Environment Agency further confirmed in an email (24/10/2024) that this matter is agreed.	
29.	The assessment of significance presented in section 18.6 **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] is consistent with the agreed assessment methodologies.	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	
30.	Section 18.6.1 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] represents a comprehensive list of the potential impacts during construction.	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
31.	Section 18.6.2 **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] represents a comprehensive list of the potential impacts during operation.	The Environment Agency confirmed in the Terrestrial Ecology ETG (19/03/2024) that they agree with the impacts scoped out that do not require further assessment. As such the impacts scoped in are agreed. The Environment Agency further confirmed in an email (24/10/2024) that this matter is agreed.	
32.	The additional mitigation set out in section 18.6 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] is acceptable and appropriate. The Applicants confirmed in the 7th November 2024 meeting that the wording of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] has been updated in the to reflect the Environment Agency's comments. The additional wording is included in **Chapter 18 Terrestrial Ecology and Ornithology (Revision 3)** [AS-110]**.**	RR commented on **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] para 344 (p.115) '*If vegetation removal is required during the bird nesting season, an ornithologist/ecologist should be on site and oversee each section that is cut down. Leaving it for 48 hours after the initial check, risks birds coming in and starting nesting'* and on para 454 (p.151) that '*As well as covering excavations at night, they should also be fitted with a ramp to allow pets and wild animals to escape if they should fall into them'* as detailed in section 3.7.2 and Table 3-8. The Environment Agency confirmed in the 07/11/2024 meeting that updating the wording of **Chapter 18 Terrestrial Ecology and**	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
		Ornithology [PDC-002] would address their comment.	
33.	The assessment of cumulative effects, as detailed in section 18.8 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] is consistent with the agreed methodologies.	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	
EIA - Assessment Conclusions			
34.	The conclusions of the assessment of significance as detailed in in section 18.6 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] are appropriate and are considered not significant in EIA terms.	The Environment Agency confirmed in an email (24/10/2024)) that this matter is agreed.	
35.	The conclusions of the impact assessment as detailed in section 18.12 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] are appropriate in relation to residual significant effects identified in relation to breeding birds and ancient woodland.	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	
EIA – CEA Conclusions			
36.	The conclusions of the CEA as detailed in section 18.8 of **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] are appropriate and are considered not significant in EIA terms.	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	
Draft DCO / Outline Management Plans / Mitigation and Monitoring			

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
37.	The **Outline Ecological Management Plan (OEMP)** [AS-114] includes all relevant mitigation measures specified in **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] and is appropriate for managing construction impacts from the Projects on ecological receptors. Requirement 12 of the Draft DCO is to submit a EMP to the planning authority in consultation with Natural England and (where works have potential to affect wetland habitat) the Environment Agency for approval post-consent is appropriate.	The Environment Agency submitted in their RR that as well as covering excavations at night, they should also be fitted with a ramp to allow pets and wild animals to escape if they should fall into them. The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	
38.	The outcomes of the biodiversity assessment set out in the **BNG Strategy** [APP-157] are agreed and Requirement 32 of the Draft DCO to submit a revised net gain strategy, based on the final design to the planning authority for approval post-consent is appropriate.	Comments raised in the RR on the following elements of the BNG strategy, as detailed in section 3.7.2 and **Table 3-8**: • Missing Baseline Information / Data – River Condition Assessment; • Watercourse Strategic Significance; • Watercourse Distinctiveness; • Failure to Demonstrate No Net Loss or Biodiversity Net Gain; and • Opportunity for river restoration to support BNG & Humber RBMP.	
Other Matters as Required			
39.	There are no impacts upon fisheries as per **Chapter 18 Terrestrial Ecology and Ornithology** [APP-140].	The Environment Agency confirmed in an email (24/10/2024) that this matter is agreed.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
40.	The responses provided to the Environment Agency's Section 42 Consultation comments on the 28/11/2023 and included in the **Consultation Report Appendix G** [APP-044] are appropriate and acceptable.	The Environment Agency confirmed in the Terrestrial Ecology ETG (11/12/2023) they accept the responses to the PEIR comments provided in advance of the ETG. The Environment Agency further confirmed in an email (24/10/2024) that this matter is agreed.	
41.	**Chapter 18 Terrestrial Ecology and Ornithology** [APP-140] fully considers the following topics as set out in the **Rule 6 Letter** [PD-002]: • groundwater dependent ecosystems	A comment about chalk streams was raised in the Environment Agency's RR, see section 3.7.3 and **Table 3-9**.	

3.5 Geology and Land Quality

Table 3-5 - Topics agreed, in discussion or not agreed in relation to Geology and Land Quality

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
EIA – Planning and Policy			

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
42.	All relevant plans and policies have been identified in section 19.4.1 of **Chapter 19 Geology and Land Quality** [APP-158] and these have been appropriately considered in the assessment. The Environment Agency did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their RR. It is therefore considered by the Applicant that the matter is agreed.		
EIA – Baseline Environment			
43.	The ES adequately characterises the baseline environment in of the Geology and Land Quality risks as detailed in section 19.5 of **Chapter 19 Geology and Land Quality** [APP-158]. Discussed and agreed in the Flood Risk and Geology ETG (13/12/2023).	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the characterisation and coverage of the baseline environment.	
44.	Sufficient survey data has been collected to inform the assessment as presented within section 19.6 of **Chapter 19 Geology and Land Quality** [APP-158]. The Environment Agency did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their RR. It is therefore considered by the Applicant that the matter is agreed.		
EIA – Assessment Methodology			

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
45.	The study areas identified in section 19.3.2 of **Chapter 19 Geology and Land Quality** [APP-158] are appropriate.	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the study area coverage.	
46.	The realistic worst case scenario presented in the assessment for the development scenarios, as outlined in Table 19-1 of **Chapter 19 Geology and Land Quality** [APP-158] are appropriate. The Environment Agency did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their RR. It is therefore considered by the Applicant that the matter is agreed.		
47.	The embedded mitigation measures in Table 19-3 of **Chapter 19 Geology and Land Quality** [APP-158] are appropriate. The Environment Agency did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their RR. It is therefore considered by the Applicant that the matter is agreed.		
48.	The impact assessment methodologies used for the EIA, as presented in section 19.4.3 of **Chapter 19 Geology and Land Quality** [APP-158], provide an appropriate approach to assessing potential impacts on the Projects. The Applicants have included potable groundwater abstractions within the Geo-environmental Desk Study and Preliminary Risk Assessment. The Applicants have also included an assessment on the	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the assessment methodologies, including the scope of the Hydrogeological Risk Assessment.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
	identified potable groundwater abstractions within **Chapter 19 Geology and Land Quality** [APP-158].	The Environment Agency requested in this ETG that potable ground water includes water intended for human consumption.	
49.	The Receptors identified in section 19.6 of **Chapter 19 Geology and Land Quality** [APP-158] are appropriate.	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the coverage of Receptors identified.	
50.	The assessment of significance presented in section 19.6 of **Chapter 19 Geology and Land Quality** [APP-158] is consistent with the agreed assessment methodologies. The Environment Agency did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their RR. It is therefore considered by the Applicant that the matter is agreed.		
51.	Section 19.6.1 of **Chapter 19 Geology and Land Quality** [APP-158] represents a comprehensive list of the potential effects during construction.	The Environment Agency confirmed in the Flood Risk and Geology ETGs (13/12/2023 and 20/03/2024) that they agree with the potential effects during construction.	
52.	Section 19.6.2 of **Chapter 19 Geology and Land Quality** [APP-158] represents a comprehensive list of the potential effects during operation.	The Environment Agency confirmed in the Flood Risk and Geology ETGs (13/12/2023 and	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
		20/03/2024) that they agree with the potential effects during construction.	
53.	The assessment of cumulative effects, as detailed in section 19.8 of **Chapter 19 Geology and Land Quality** [APP-158] is consistent with the agreed methodologies. The Environment Agency did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their RR. It is therefore considered by the Applicant that the matter is agreed.		
EIA - Assessment Conclusions			
54.	The additional mitigation measures proposed in section 19.6.1 of **Chapter 19 Geology and Land Quality** [APP-158] during construction are appropriate and acceptable.	The Environment Agency confirmed in the Flood Risk and Geology ETGs (13/12/2023 and 20/03/2024) that they agree with the mitigation measures proposed during construction.	
55.	The additional mitigation measures proposed in section 19.6.2 of **Chapter 19 Geology and Land Quality** [APP-158] during operation are appropriate and acceptable.	The Environment Agency confirmed in the Flood Risk and Geology ETGs (13/12/2023 and 20/03/2024) that they agree with the mitigation measures proposed during operation.	
56.	The conclusions of the assessment of significance as detailed in in section 19.6 of **Chapter 19 Geology and Land Quality** [APP-158] are appropriate and are considered not significant in EIA terms.		

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
	The Environment Agency did not raise any issues on this subject throughout the ETG process, as part of their Section 42 response, or within their RR. It is therefore considered by the Applicant that the matter is agreed.		
EIA – CEA Conclusions			
57.	The conclusions of the CEA as detailed in section 19.8 of **Chapter 19 Geology and Land Quality** [APP-158] are appropriate and are considered not significant in EIA terms.	The Environment Agency confirmed in the Flood Risk and Geology ETGs (13/12/2023 and 20/03/2024) that they agree with the approach and results of the CEA.	
Draft DCO / Outline Management Plans / Mitigation and Monitoring			
58.	The **Outline Code of Construction Practice (CoCP)** [AS-094] includes all relevant mitigation measures specified in **Chapter 19 Geology and Land Quality** [APP-158] and is appropriate for managing construction impacts from the Projects on geological and ground water receptors. Requirement 19 of the Draft DCO to submit a CoCP to the planning authority for approval post-consent is appropriate.	Comment received in the RR (RR-015: 22) in relation to works within SPZ1 and the requirement for appropriate mitigation. However, this was agreed at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 that no amendments to the application were required.	
59.	The **Onshore Waste Assessment** [APP-162] is appropriate and agreed.	Comment made in the RR (RR-015: 23) on '*Mirror entry non-hazardous wastes and the WM3 guidance'*. However this was agreed at the Statement of Common Ground (SoCG) meeting	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
		on the 09/10/2024 that no amendments to the application were required.	
Other Matters as Required			
60.	The responses to the Environment Agency's Section 42 Consultation comments in **Consultation Report Appendix G** [APP-044] provided as a written response on the 3rd November 2023 are appropriate and acceptable.	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the Section 42 Consultation responses as provided in written correspondence.	
61.	Volume 7, **Chapter 19 Geology and Land Quality** [APP-158] fully considers the following topics as set out in the **Rule 6 Letter** [PD-002]: • Land contamination; • Ground water and SPZ's; • Identification and assessment of existing landfill; and • Waste Management. Specific comments on SPZ's and waste management were raised in the Environment Agency RR RR-015: 22 and RR-015: 23 and have been agreed, as detailed above. The Environment Agency has not raised any further issues on contamination or existing landfill throughout the ETG process, as part of their Section 42 response, or within their RR. It is therefore considered by the Applicant that the matter is agreed.		

3.6 Flood Risk and Hydrology

Table 3-6 - Topics agreed, in discussion or not agreed in relation to Flood Risk and Hydrology

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
EIA – Planning and Policy			
62.	All relevant plans and policies have been identified in section 20.4.1 of **Chapter 20 Flood Risk and Hydrology** [APP-163] and these have been appropriately considered in the assessment.	The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
EIA – Baseline Environment			
63.	The ES adequately characterises the baseline environment in of the Flood Risk and Hydrology risks as detailed in section 20.5 of **Chapter 20 Flood Risk and Hydrology** [APP-163]. Discussed and agreed in the Water Resources – Pre -Scoping (17/09/2021) ETG.	The Environment Agency confirmed in the Water Resources – Pre-Scoping (17/09/2021) and Flood Risk and Geology (13/12/2023) ETGs that they agree with the approach to characterising the baseline. In the Water Resources – Pre-Scoping (17/09/2021) the Environment Agency agreed with the baseline characterisation if future flood risk models and coastal change (Shoreline Management Plans) were considered. The Applicant has taken all current and relevant models, studies, and reports into account in the Flood Risk Assessment. This matter was closed	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
		out in the Flood Risk and Geology (13/12/2023) ETG. The Environment Agency further confirmed in an email (25/10/2024) that this matter is agreed.	
64.	Sufficient survey data has been collected to inform the assessment as presented within section 20.6 of **Chapter 20 Flood Risk and Hydrology** [APP-163].	The Environment Agency confirmed in the Water Resources – Pre-Scoping (17/09/2021) ETG they agree with the approach to data collection.	
65.	The Receptors identified in section 20.6 of **Chapter 20 Flood Risk and Hydrology** [APP-163] are appropriate.	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the Receptors identified. The Environment Agency further confirmed in an email (25/10/2024) that this matter is agreed.	
66.	The impacts scoped in for further assessment detailed in section 20.3.1 of **Chapter 20 Flood Risk and Hydrology** [APP-163] are appropriate.	The Environment Agency confirmed in the Water Resources – Pre-Scoping (17/09/2021) ETG they agree with the impacts scoped in for further assessment. The Environment Agency further confirmed in an email (25/10/2024) that this matter is agreed.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
EIA – Assessment Methodology			
67.	The study areas identified in section 20.3.2 of **Chapter 20 Flood Risk and Hydrology** [APP-163] are appropriate.	The Environment Agency confirmed in the Flood Risk and Geology (13/12/2023) ETG that they agree with the study areas identified. The Environment Agency further confirmed in an email (25/10/2024) that this matter is agreed.	
68.	The realistic worst case scenario presented in the assessment for the development scenarios, as outlined in Table 20-1 of **Chapter 20 Flood Risk and Hydrology** [APP-163] are appropriate.	The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
69.	The embedded mitigation measures in Table 20-3 of **Chapter 20 Flood Risk and Hydrology** [APP-163] are appropriate.	The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
70.	The impact assessment methodologies used for the EIA, as presented in section 20.4.3 of **Chapter 20 Flood Risk and Hydrology** [APP-163], provide an appropriate approach to assessing potential impacts on the Projects.	The Environment Agency confirmed in the Water Resources – Pre-Scoping (17/09/2021) and Flood Risk and Geology (13/12/2023) ETGs that they agree with the approach to the impact assessment methodologies. The Environment Agency further confirmed in an email (25/10/2024) that this matter is agreed.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
71.	The assessment of significance presented in section 20.6 of **Chapter 20 Flood Risk and Hydrology** [APP-163] is consistent with the agreed assessment methodologies.	The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
72.	Section 20.6.1 of **Chapter 20 Flood Risk and Hydrology** [APP-163] represents a comprehensive list of the potential effects during construction.	The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
73.	Section 20.6.2 of **Chapter 20 Flood Risk and Hydrology** [APP-163] represents a comprehensive list of the potential effects during operation.	The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
74.	The additional mitigation set out in section 20.6.1 of **Chapter 20 Flood Risk and Hydrology** [APP-163] is appropriate and acceptable.	The Environment Agency confirmed in the Flood Risk and Geology ETG (20/03/2024) that they agree with the proposed mitigation. The Environment Agency further confirmed in an email (25/10/2024) that this matter is agreed.	
75.	The assessment of cumulative effects, as detailed in section 20.8 of **Chapter 20 Flood Risk and Hydrology** [APP-163] is consistent with the agreed methodologies.	The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
EIA - Assessment Conclusions			

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
76.	The conclusions of the assessment of significance as detailed in in section 20.6 of **Chapter 20 Flood Risk and Hydrology** [APP-163] are appropriate and are considered not significant in EIA terms.	The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
EIA – CEA Conclusions			
77.	The conclusions of the CEA as detailed in section 20.8 of **Chapter 20 Flood Risk and Hydrology** [APP-163] are appropriate and are considered not significant in EIA terms.	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the outcomes of the CEA. The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
Draft DCO / Outline Management Plans / Mitigation and Monitoring			
78.	The Protective Provisions set out in Schedule 15 of the **Draft DCO** [AS-120] are considered appropriate.	See section 3.7.3 and **Table 3-9.**	
79.	The **Outline CoCP** [AS-094] includes all relevant mitigation measures specified in **Chapter 20 Flood Risk and Hydrology** [APP-163] and is appropriate for managing construction impacts from the Projects on ecological receptors. Requirement 19 of the Draft DCO to submit a CoCP to the planning authority for approval post-consent is appropriate.	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the proposed mitigation measures. The Environment Agency's comments regarding haul road design and additional mitigation measures in Flood Zones 2 and 3 were closed out and agreed in this meeting.	

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
		The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
80.	The **Outline Drainage Strategy** [AS-098] includes sufficient clarification regarding Greenfield run-off rates and is appropriate and acceptable.	The Environment Agency confirmed in the Flood Risk and Geology ETG (20/03/2024) they agree with the Outline Drainage Strategy. The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
81.	The outcomes of the **Flood Risk Assessment** [APP-168] including the climate change allowances are acceptable.	The draft Flood Risk Assessment was discussed with the Environment Agency in the Flood Risk and Geology ETG (20/03/2024) and no points of discussion were raised regarding the document. The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
82.	The outcomes of the **Water Environment Regulations Compliance Assessment (WER)** [AS-074] are acceptable.	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) they agree with the WER. Further comments were raised in the RR as detailed in section 3.7.3 and **Table 3-9.**	
Other Matters as Required			

SoCG ID	The Applicants' Position	The Environment Agency's Position	Position Status
83.	The Crossing methodology for Flood Risk and Hydrology assets detailed in the **Obstacle Crossing Register** [APP-074] is appropriate and acceptable.	The Environment Agency confirmed in the Flood Risk and Geology ETGs (13/12/2023 & 20/03/2024) that they agree with the Crossing methodology. However further comments have been raised in their RR see, section 3.7.3 and **Table 3-9.**.	
84.	The responses to the Environment Agency's Section 42 Consultation comments in **Consultation Report Appendix G** [APP-044] provided as a written response on the 11th November 2023 are appropriate and acceptable. Additional clarification regarding the 30-year design lifetime was added to the FRA in response to the Environment Agency's Section 42 Consultation comments.	The Environment Agency confirmed in the Flood Risk and Geology ETG (20/03/2024) that they agree with the Applicant's response to their Section 42 Consultation comments. The Environment Agency confirmed in an email (25/10/2024) that this matter is agreed.	
85.	The Works proposed to be undertaken in Flood Zones 2 and 3 are appropriate and acceptable.	The Environment Agency confirmed in the Flood Risk and Geology ETG (13/12/2023) that they agree with the proposed Works. However further comments have been raised in their RR see, section 3.7.3 and **Table 3-9.**.	

3.7 Status of Discussions for Matters 'Not Agreed' or 'Under Discussion'

3.7.1 Marine Physical Environment

Table 3-7 - Status of discussions relating to Marine Physical Environment

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
18.	Cable protection in the nearshore	Environment Agency expressed disagreement to the potential extent of cable protection measures within the 10m depth contour when the matter was discussed within the Benthic Ecology / Marine Physical Environment – Pre-ES ETG on 29/01/2024. Following this meeting commitments were made to reduce the potential extent of cable protection in the nearshore, awaiting Environment Agency's feedback to determine agreement / disagreement on this topic.	The Environment Agency confirmed in an email (07/01/2025) that this matter was not agreed.	

3.7.2 Terrestrial Ecology and Ornithology

Table 3-8 - Status of discussions relating to Terrestrial Ecology and Ornithology

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
38.	**BNG Assessment** [APP-157] - Missing Baseline Information / Data – River Condition Assessment	This matter was discussed at the 7th November 2024 meeting and it was agreed with the Environment Agency that the Applicants will endeavour to undertake the river condition assessments (RCAs) in the spring/early summer of 2025 to ensure the RCAs are undertaken in the optimal conditions and update the updating **Appendix 18-10 - Biodiversity Net Gain Strategy** [APP-157].	RR-015: 17 **Appendix 18-10 -Biodiversity Net Gain Strategy** [APP-157] states "RCAs were not carried out as part of the baseline habitat surveys." However, Table 18-10-9 of the **Appendix 18-10 - Biodiversity Net Gain Strategy** [APP-157], and the associated Statutory Biodiversity Metric (Annex B), report an on-site baseline value of 28.04 Watercourse Units. Based on the current information, it is not clear how the on-site baseline value for Watercourse Units has been calculated. We recommend that river condition assessments (and ditch condition assessments) are carried out for the watercourse habitat within the proposed development site, and that this information is provided prior (not after) to the consent. **Appendix 18-10 - Biodiversity Net Gain Strategy** [APP-157], and associated statutory	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
			Biodiversity Metric, should be updated to include the results of the river condition assessment. The Environment Agency agreed in the 7th November 2024 meeting that it is acceptable for the Applicants to undertake the RCAs in spring/early summer 2025.	
	BNG Strategy [APP-157] Watercourse Strategic Significance	This matter was discussed at the 7th November 2024 meeting where the Applicants set out that the current BNG strategy is outline and that they have committed to updating the BNG strategy once a detailed design is available which would also take into account the onshore design change should it be accepted by the ExA and the RCA survey results. The methods for assessing the strategic significance of watercourses will be outlined and calculations updated, where necessary as part of the Biodiversity Metric calculations.	RR-015: 18 The statutory Biodiversity Metric calculation tool provided in Annex B of **Appendix 18-10 - Biodiversity Net Gain Strategy** [APP-157] records the strategic significance of all on-site baseline watercourse habitat as Low. Table 18-10-5 (Levels of strategic significance) of the BNG strategy describes strategic significance for terrestrial area-based habitat but doesn't include information specific to watercourse habitat. As such, it is unclear how strategic significance has been determined for watercourse habitat. If the strategic significance of baseline watercourse habitat has been under-recorded, there is a risk that Watercourse Unit losses are under-represented in the Biodiversity Metric calculation. To ensure the proposed development and associated BNG strategy can be accurately assured, we recommend	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
			that the BNG strategy is updated to outline how strategic significance has been determined for watercourse habitat.	
	BNG Strategy [APP-157] - Watercourse Distinctiveness	This matter was discussed at the 7th November 2024 meeting where the Applicants set out that all matters relating to Watercourse Distinctiveness will be updated pending the results of the updated RCAs due to be undertaken in spring/early summer 2025. Figures presented within the Biodiversity Metric include some total/combined lengths of watercourses which is likely a contributing reason for the number of watercourses not aligning with **Appendix 5-2 - Obstacle Crossing Register** [APP-074]. The Applicants confirmed at the meetings the watercourse baseline worksheet would be reviewed following the results of the RCAs.	RR-015: 19 It is unclear whether the correct distinctiveness multipliers have been applied to the on-site watercourse habitat.	
			The proposed development crosses a significant number of watercourses, including rivers and streams, as well as small artificial watercourses (ditches). The number of watercourse crossings listed in the **Appendix 5-2 - Obstacle Crossing Register** [APP-074] doesn't appear to be consistent with the number of rows listed in the onsite watercourse baseline worksheet of the statutory Biodiversity Metric provided in Annex B of the **Appendix 18-10 - Biodiversity Net Gain Strategy** [APP-157].	
			If the distinctiveness of the of baseline watercourse habitat has been under recorded, there is a risk that baseline number of Watercourse Units and any Watercourse Unit losses are under-represented in the Biodiversity Metric calculation. We	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
			recommend that the BNG strategy and associated statutory Biodiversity Metric is updated to explain how watercourse distinctiveness has been applied.	
	Failure to Demonstrate No Net Loss or BNG	The availability of 4.5 watercourse units (comprising 3.42 Ditch Units and 1.08 Other Rivers and Streams Units) has been provisionally identified via a private third-party. This quantum of units would allow the Projects to deliver no net loss, based on the calculations provided within the June 2024 **Biodiversity Net Gain Strategy** [APP-157]. It is acknowledged however, that the current **Biodiversity Net Gain Strategy** [APP-157] calculations require revision based upon revised RCA surveys, strategic significance, distinctiveness, and spatial risk and therefore, the quantum of watercourse units required to deliver no-net-loss may change. It is acknowledged and agreed that different biodiversity unit types must be reported separately and not	RR-015: 20 Sections 18.10.5.4 (Recommendations for Management to Maximise Biodiversity Benefits) and 18.10.5.5 (Off-site Compensation Proposals) of **Appendix 18-10 - Biodiversity Net Gain Strategy** [APP-157] also do not include information relating to Watercourse habitat / Units. Although the BNG strategy highlights that consultation with external stakeholders has revealed viable options for off-site Biodiversity Unit delivery, it is unclear if this includes options for Watercourse Units. All references to 'spatial risk' within the BNG strategy relate to Local Planning Authority or National Character Area boundaries, which are used to determine the multiplier for area-based Habitat Units. Spatial risk multipliers for off-site delivery of Watercourse Units are determined using waterbody or operational catchment boundaries. Currently, there is limited information to demonstrate that	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		summed to give an overall biodiversity unit value. **Appendix 18-10 - Biodiversity Net Gain Strategy** [APP-157] will be updated to provide greater certainty that it is feasible for the Projects to demonstrate, as a minimum no net loss, for Watercourse Units when the RCA surveys have been completed in Spring 2025. This Applicants will discuss this with the Environment Agency at the SoCG meeting on the 9th October.	achieving no net loss or a BNG for Watercourse Units is feasible.	
	Failure to Demonstrate No Net Loss or BNG	This matter was discussed at the 7th November 2024 meeting where the Applicants set out that whilst the Projects are not required to achieve a 10% BNG, no net loss and a gain where possible has been sought by the Applicants whilst developing the outline BNG strategy. The Applicants are in conversation with suppliers of offsite units, with options available in the neighbouring Landscape Character Area. Spatial risk multipliers have been considered depending on where offsite mitigation is located. This option, if	RR-015: 20 While achieving a minimum 10% BNG is not yet a statutory requirement for NSIPs, it is our understanding that the proposed development is committed to achieving a no net loss or a BNG in line with the principles and rules of the statutory Biodiversity Metric. It is an important rule of the Biodiversity Metric that the three types of biodiversity units (Habitat Units, Hedgerow Units and Watercourse Units) are unique and cannot be summed, traded, or converted. When reporting biodiversity gains or losses with the metric, the three different biodiversity unit types must be reported	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		agreed would satisfy the requirement to achieve no net loss. In addition, the Applicants will continue to progress conversations with the East Riding of Yorkshire Council regarding the purchase of local offsite BNG units. However, there are no current projects available.	separately and not summed to give an overall biodiversity unit value. We recommend that the BNG strategy is updated to provide greater certainty that it is feasible for the proposed development to demonstrate a no net loss or BNG for Watercourse Units – this includes undertaking robust baseline habitat condition assessments, and providing narrative of how on-site, or where necessary off-site, compensatory watercourse habitat is likely to be delivered.	
	Additional information: Opportunity for river restoration to support BNG & Humber RBMP	This matter was discussed at the 7th November 2024 meeting. The Applicants agreed they would review any potential projects and identify if there were any viable options.	RR-015: 21 In line with the Humber River Basin Management Plan (RBMP), we recommend that the proposed development is used as an opportunity to restore or improve water bodies within or close to the proposed development. Opportunities to improve the condition of on- or off-site water bodies that are likely to yield Watercourse Units include removal of redundant in-channel and riparian physical modifications, improvements to in-channel and riparian morphology, and improvements to the vegetation structure of the watercourse and its riparian zone.	

3.7.3 Flood Risk and Hydrology

Table 3-9 - Status of discussions relating to Flood Risk and Hydrology

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
83.	River Crossing (Main Rivers)	There are four Environment Agency Main Rivers which may require a temporary crossing for access. These are located in **Appendix 5-2 Obstacle Crossing Register** [APP-074] and include Stream Dike (Wx-025), Holderness Drain (Wx-035), Monk Dike (WX-029) and Meaux and Routh East Drain (WX-030). The Applicants can commit to the temporary crossing of the Stream Dike and Holderness Drain for access by clear span bridge. There is however no construction access to the location between Monk Dike and Meaux and Routh East Drain. There is also no construction access available to the land between the watercourses to allow construction of embankments / footings for clear span temporary bridges and therefore a culvert crossing of one watercourse would be needed to achieve access. The Applicants would propose the crossing of Monk Dike by clear span bridge and the crossing of Meaux and Routh East Drain by temporary culvert crossing. This	RR-015:2: In **Flood Risk and Hydrology Consultation Responses** [APP-165] the Environment Agency note that main river crossings will be at a depth to minimise potential interaction with current or possible planned infrastructure. The Environment Agency expect to see clear span methods used if crossing main rivers for access purposes.	

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		was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 and **Appendix 5-2 Obstacle Crossing Register (Revision 2)** [AS-054] has been updated to confirm this.		
84.	River Crossing (Main Rivers) – depth of crossings	The Applicants acknowledge the need to agree the details of the crossing method / design with the Environment Agency to ensure the adoption of an appropriate depth for each Main River crossing. A Crossing Method Statement must be agreed with the Environment Agency prior to construction for all Main Rivers, this would include an agreement on the minimum depth below bed level for the installation of the Cable ducts based on detailed site investigation. This was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 and further detail has been added to section 5.15 of the **Outline Code of Construction Practice (Revision 2)** [AS-094] secured through	RR-015:2: The Environment Agency recommend that the final depth below each main river crossing be both based on detailed site investigation and agreed with the Environment Agency (as detailed in the ES and the FRA). The following watercourses are those where we have most concern, and where depths are likely to need to be maximised: • Monk Dyke; • Routh & Meaux East Drain; • River Hull; and • Beverley & Barmston Drain.	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		Requirement 19 of the **Draft DCO** [AS-130] to provide further clarification.		
83.	River Crossing (Main Rivers) – Future maintenance of flood defences and Depth of cables and standoff from future piling	The Applicants acknowledge any meetings to agree the crossing method statement with the Environment Agency, could include the Asset Performance and Projects teams to agree the appropriate depth for main river crossings. This was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 and further detail has been added to the **Outline Code of Construction Practice (Revision 2)** [AS-094]. In response to the Environment Agency query on what distance above the proposed cable the Applicants would be comfortable to allow piling to occur above it. This would depend on ground conditions and method of piling. The Applicants would require notification of any works within 20m of the cable ducts and an impact assessment to be undertaken to ensure that the consequences of any piling works were as	RR-015:2: We would need to ensure that the proposed cable does not prevent us from carrying out remedial or future works, such as embankment reprofiling or piling. We would also strongly recommend a meeting with respect to the main river crossings to include our Asset Performance and Projects teams to discuss the crossings. With respect to the depth of the crossings below main rivers, what distance above the proposed cable would the applicant be comfortable / allow piling to occur above it? For example, if the cable were at a depth of 20m what depth would we be able to pile to, 10m, 15m, 18m? (i.e. would there be an exclusion zone above the cable?)	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		low as reasonably practicable (ALARP) risk to our assets. At the Environment Agency Statement of Common Ground and Relevant Representation Meeting (09/10/24) the Applicants confirmed that it is difficult to commit to a specific burial depth, so a risk assessment would be carried out at the time, based on information from final investigations and the type of piling to be carried out. Section 5.15 of the **Outline Code of Construction Practice (Revision 2)** [AS-094] has been updated to clarify that a Crossing Method Statement must be agreed with the Environment Agency prior to construction for all Main Rivers, including those listed in RR-015: 2, this would include an agreement on the minimum depth below bed level for the installation of the Cable ducts based on detailed site investigation. .		
83.	River Crossing (Main Rivers) – Vibration	This was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 and detail on construction vibration has been added to section 5.15 of the **Outline**	RR-015: 6: We would recommend that vibration is taken into account when considering impact on main rivers or their associated defences – to ensure that it does not have an adverse effect on those assets	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		Code of Construction Practice (Revision 2) [AS-094] secured through Requirement 19 of the **Draft DCO** [AS-130] to provide further clarification. Vibration and settlement predictions will be considered in the detailed design of the trenchless crossing e.g. Horizontal Directional Drilling (HDD) methodology to specify a drill path and depth to avoid impact on existing assets being crossed. As detailed in section 6.3.2.7 the of the **Outline Code of Construction Practice** (**OCoCP**) [AS-094], the Applicants have committed to Flood Defence Monitoring to be agreed with the Environment Agency prior to construction.	and does not reduce the standard of protection afforded by those assets.	
	Flood Risk Activity Permits (EPR)	The Applicants acknowledge this comment. If Flood Risk Activity Permits (EPR) are not disapplied through the DCO process, the Applicants will ensure that all relevant permits are applied for prior to construction.	RR-015: 3: We note that if Flood Risk Activity Permits (EPR) are not disapplied through the DCO process that the applicant will ensure that all relevant permits are applied for and gained before works commence.	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		The Applicants are awaiting the Environment Agency comments on the Protective provisions in the Draft DCO.		
	Flood Risk Assessment (FRA)	The Applicants reviewed the proposed locations of each of the temporary construction compounds alongside each source of flood risk within **Appendix 20-4 Flood Risk Assessment** [APP-168]. Where possible, temporary construction compounds have been located within Flood Zone 1 or in areas at low risk from surface water flooding. The Applicants acknowledge the recommendation with regard to those Temporary Construction Compounds which need to be located within either Flood Zone 2 or Flood Zone 3. Mitigation measures, as recommended in the East Riding of Yorkshire Council Level 1 SFRA will be considered by the Applicants and may be included within detailed Code of Construction Practice as detailed in the **Outline Code of Construction Practice (Revision 2)** [AS-094].	RR-015: 4: In section 20.4.4.4.2 of the **Flood Risk Assessment** [APP-168] we note that the majority of the temporary construction compounds are to be located in flood zone 1. This section also details that there are likely to be 2 temporary construction compounds located in flood zone 2 & 2 in flood zone 3. We would recommend that these are in accordance with the mitigation recommendations in East Riding of Yorkshire Council's Level 1 SFRA.	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		The final Code of Construction Practice(s) will need to be approved by the relevant planning authority prior to the commencement of the relevant works, which is secured through Requirement 19 of the **Draft DCO** [AS-130].		
74.	Protective Provisions - Draft DCO Part 2 Section 6 (a) and Schedule 15 Part 3 disapplication of Environmental Permitting Regulations (England & Wales) 2016 (EPR)	A copy of the Environment Agency's preferred form of protective provisions was requested prior to submission of the DCO; however, these have not yet been received. The Applicants' draft protective provisions were provided to the Environment Agency on 8th March 2024. The Environment Agency agreed with the Applicants, via email on the 15th March 2024, they would provide further comments on the Applicants draft Protective Provisions after submission. At the Environment Agency Statement of Common Ground and Relevant Representation Meeting (09/10/24), a further request was made for the Environment Agency's form of protective	RR 015:7 The Applicant requests disapplication of the provision of the EPR, which relate to permits for flood risk activities. The applicant has included a suggested form of protective provisions for the benefit of the Environment Agency. The Environment Agency are currently considering whether or not it would be appropriate to agree to this disapplication of EPR. We do not normally agree to disapplication without protective provisions in our preferred form being included in the DCO.	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		provisions and the Applicants await receipt of these. The Applicants will review and consider any proposed changes to the draft DCO provisions once they are made available and have been reviewed.		
	Appendix 20-3 WER Compliance assessment - Table 20-3-4 Scoping Assessment for the River Water Bodies, Page 80	As described in section 20.6.1.1 of **Chapter 20 Flood Risk and Hydrology** [APP-163], the direct disturbance of surface water bodies refers to trenched watercourse crossings and the use of temporary water course crossings for the haul road. As stated in section 20.3.1 of Chapter 20 Flood Risk and Hydrology [APP-163], during the Projects' scoping stage, it was agreed that the direct disturbance of surface water bodies would be scoped out during the operational phase. Once the Projects are operational there will be no mechanisms by which elements of the Projects could directly disturb water bodies. The cable route does not cross any chalk rivers. Potential operational impacts associated with underground infrastructure, which	RR-105:8 In our response to the Scoping Opinion in December 2021 we noted: "*direct disturbance of surface water bodies during operation has been scoped out as post-construction there will be no mechanisms by which elements of the Projects could directly disturb water bodies*". If the cable route crosses chalk river / floodplain habitat, even via trenchless techniques, there may be potential for the underground service to impact upon the processes controlling groundwater/surface-water interaction. In chalk streams such interactions are very important. Based on this, perhaps the potential impact of direct disturbance of surface water bodies during the operational phase should be scoped in.	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		crosses below floodplains, are assessed in the Table 20-3-6 of **Appendix 20-3 Water Environment Regulations Compliance Assessment** [AS-074]. The scoping questions for the groundwater body crossed by the Projects include impacts on Groundwater Dependent Terrestrial Ecosystems (GWDTE) and any additional surface water bodies that could become noncompliant. The area of permanent infrastructure in the groundwater catchment is equivalent to 0.04% of the catchment area. Note that this figure is incorrectly stated as 0.05% in **Appendix 20-3 Water Environment Regulations Compliance Assessment** [AS-074]. The document has been updated to give the correct figure in **Appendix 20-3 Water Environment Regulations Compliance Assessment** (Revision 2) [AS-074]. Although there may be localised changes to flow paths and directions of groundwater in the vicinity of buried/near surface infrastructure, these small scale changes are unlikely to impact GWDTEs or dependent surface water features. Any localised dewatering needed for	Based on the above, we would like to see justification for the decision to scope out all operational activities.	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		unplanned emergency repairs is unlikely to significantly alter the movement or level of groundwater in the wider groundwater body (which measures 1,967km^2) or affect gross patterns of groundwater flow. This was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 and no further comments were raised.		
	Appendix 20-3 WER Compliance assessment – Page 41	There is one permeant culvert proposed, where the access road to the Onshore Converter Stations crosses a drain, see crossing WX-063 in **Appendix 5-2 Obstacle Crossing Register** [AS-053]. There are also three locations along the temporary construction accesses where the Projects may be utilising existing bridge / culvert structures for temporary cable corridor access, see crossings Wx-046, Wx-047 and Wx-048 in **Appendix 5-2 Obstacle Crossing Register** [AS-053]. The option for construction of an adjacent temporary culvert or bridge has been allowed for at these locations within the space retained within the Order Limits. However, if the existing crossings can be upgraded to a	RR-015:9 "*Onshore infrastructure would not create a permanent barrier to the downstream movement of water or sediment, or the upstream movement of fish.*" The Environment Agency would like confirmation that there will be no permanent culverted structures as part of the scheme. If there are, please present mitigation for their effects.	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		suitable standard, the new crossings could remain as permanent features. The measures listed in the **Outline Code of Construction Practice** [AS-094], para 162 for temporary features would also apply to the permanent culvert design. In terms of mitigation, the permanent culverts will be adequately sized to avoid impounding flows (including allowing for increased winter flows as a result of climate change) and the invert set below bed level to allow bedload transport. This additional detail for permanent culverts has been added to the **Outline Code of Construction Practice (Revision 2)** [AS-094]. This was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 and the Environment Agency agreed to come back with any further comments or agreement.		
	Appendix 20-3 Water Environment	**The Outline Code of Construction Practice** [AS-094] states at para 192, that '"*The Onshore Export Cables will be set*	RR-015:10 "*The Onshore Export Cable Corridor would use trenchless methods to cross Main*	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
	Regulations Compliance Assessment – Pages 82/65 and 7·5 Environmental Statement – Pages 128/311-312 (Plate 5-12)	*below the channel bed at a depth dependent on local geology and geomorphological risks. This would avoid exposure during periods of higher energy flow when the bed could be mobilised. This depth takes into consideration anticipated climate-change related changes in fluvial flows and erosion that will occur over time*". The **Outline Code of Construction Practice** [AS-094], also states in section 5.15 that a Crossing Method Statement, will be agreed with the Environment Agency prior to construction: *"The Crossing Method Statement(s) will set out construction operations to be undertaken (including construction methods and types of plant required) and the associated environmental and health and safety issues for certain crossings where an increased risk is identified. The method statements will include details of crossing techniques to be deployed at crossings, including sensitive environmental crossings (such as Main Rivers). These will be developed with the relevant asset owner or key stakeholder such as the Environment*	*Rivers. This means that Main Rivers would not be directly disturbed*." Please provide evidence that the trenchless crossing techniques used will be a sufficient depth below the watercourse to prevent any future interaction of the cable with the riverbed which may result from vertical incision. Cross-referencing with the geomorphology report should be made to show site-specific considerations have been made.	

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		Agency, Internal Drainage Board (IDB), Network Rail or the relevant planning authority." The depth of the crossing will consider both further detailed geotechnical investigations and the outcomes of **Appendix 20-2 Geomorphological Baseline Survey Technical Report** [APP-166] report which can be used to understand the likely response to high flows and give some indication of the potential for scour. This can be agreed with the Environment Agency as part of the Crossing Method Statement(s). The Crossing Method Statement must be agreed with the Environment Agency prior to construction for all Main Rivers, including those listed in RR-015: 2. Further detail on the depth of the crossing considering further detailed geotechnical investigations has been added to section 5.15 of **Outline Code of Construction Practice (Revision 2)** [AS-094] secured through Requirement 19 of the **Draft DCO** [AS-130] to provide further clarification.		

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		Thirteen major watercourses were identified for the geomorphological walkover survey in **Appendix 20-2 Geomorphological Baseline Survey Technical Report** [APP-166]. All the surveyed reaches are largely artificial drains characterised by re -sectioning for flood defence and drainage purposes. All the surveyed reaches are set within sediment deposition zones, with slow flows, low gradients and low velocities contributing to the settling out of fine sediments/silts by low energy glide flows. Most channels are characterised by riparian vegetation, which will help to increase channel roughness and reduce flow velocities. There was little evidence of active bank erosion or bank protection structures, which suggests that high energy erosive flows are uncommon in the study area. Most of the fine sediment in the surveyed areas is likely to have been sourced from the surrounding arable fields. Overall, the geomorphological characteristics of the study area suggest there is limited potential for significant vertical channel incision of sufficient		

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		magnitude to expose the buried Onshore Export Cables. The Applicants have committed to a minimum depth of at least 2m below bed level at all Main River crossings, as detailed in section 6.3.2.6 of the **Outline Code of Construction Practice** [AS-094] '*Trenchless techniques will be used for Main River crossings as confirmed and agree with the Environment Agency, LLFA and IDB there will be no impact on flood risk during the construction works. The cable entry and exit pits will be at least 20m from any 'Main River,' or from the nearest toe of any flood defences and would be installed at a depth to minimise potential interaction with current, or any planned, infrastructure (e.g., sheet piles), at least 2m below the channel bed.*' This was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 and the Environment Agency agreed to come back with any further comments or agreement.		

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
	7.5 Environmental Statement – Pages 136/340	The Applicants acknowledge this comment. With regards to the long-term impact, it is noted that the **Outline Code of Construction Practice** [AS-094] states at para 192, that "*The Onshore Export Cables will be set below the channel bed at a depth dependent on local geology and geomorphological risks. This would avoid exposure during periods of higher energy flow when the bed could be mobilised. This depth takes into consideration anticipated climate-change related changes in fluvial flows and erosion that will occur over time*". A geomorphology walkover survey has been undertaken (**Appendix 20-2 Geomorphological Baseline Survey Technical Report** [APP-166]). All of the surveyed reaches are largely artificial drains characterised by re-sectioning for flood defence and drainage purposes. All of the surveyed reaches are set within sediment deposition zones, with slow flows, low gradients and low velocities contributing to the settling out of fine sediments/silts by low energy glide flows.	RR-015:11: "*It is anticipated that the onshore electrical cables would be left in-situ with ends cut, sealed and buried to minimise environmental effects associated with removal.*" The development should avoid designs which present legacy risks to natural processes and geomorphology beyond the project lifespan. The decommissioning phase of this project involves leaving cables in-situ. Therefore, as outlined in the comment above, we would like to see evidence that the cables are placed at a sufficient depth under the watercourses to avoid exposure resulting from potential future incision which would become an impediment to natural processes. The development should not pose a risk to future restoration of floodplain areas and watercourses and should consider the long-term evolution of the fluvial systems present.	

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		Most channels are characterised by riparian vegetation, which will help to increase channel roughness and reduce flow velocities. There was little evidence of active bank erosion or bank protection structures, which suggests that high energy erosive flows are uncommon in the study area. Most of the fine sediment in the surveyed areas is likely to have been sourced from the surrounding arable fields. Overall, the geomorphological characteristics of the study area suggest there is limited potential for significant vertical channel incision of sufficient magnitude to expose the decommissioned (buried Onshore Export Cables). Further information on the decommissioning phase will be set out in a Decommissioning Plan to be prepared within six months of the permanent cessation of commercial operation of the Projects and approved by the relevant planning authority. This would include the consideration of the removal of the buried Onshore Export Cables and associated environmental effects at that time. The requirement for a decommissioning plan is secured by		

SoCG ID	Discussion Point	Applicants' Position	Environment Agency's Position	Position Status
		Requirement 27 of the **Draft DCO** [AS-120]. This was discussed with the Environment Agency at the Statement of Common Ground (SoCG) meeting on the 09/10/2024 and the Environment Agency agreed to come back with any further comments or agreement.		

4 Summary

18. This SoCG has outlined the consultation that has taken place between the Applicants and the Environment Agency during the pre-application and pre-examination phases. This SoCG will be updated as discussions progress and made available to PINS as requested through the DCO examination phase.

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