Triton Knoll Offshore Wind Farm Limited
Triton Knoll Electrical System

Appendix 29: Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and the Environment Agency

Date: October 2015

Appendix 29 of the Applicant's Response to Deadline 1

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TRITON KNOLL

Triton Knoll Offshore Wind Farm Limited

Triton Knoll Electrical System

Appendix 29: Statement of Common Ground between Triton Knoll Offshore Wind Farm Limited and the Environment Agency

Appendix 29 of the Applicant's response to Deadline 1

Date: October 2015

Drafted By:	Sarah Chandler
Approved By:	Kim Gauld-Clark
Date of Approval:	2 October 2015
Revision:	1.0

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1. CONFIRMATION OF AGREEMENT

Confirmation of Agreement with the Environment Agency

Signed: [redacted]

For: Triton Knoll Offshore Wind Farm Limited

Name: Paul Carter

Title: Offshore Consent Manager

Date: 2 October 2015

Signed: [redacted]

For: The Environment Agency

Name: Annette Hewitson

Title: Principal Planning Adviser

Date: 2 October 2015

2. INTRODUCTION

Reason for this Statement of Common Ground

2.1 This Statement of Common Ground (SoCG) has been prepared in respect of Triton Knoll Offshore Wind Farm Limited's (TKOWFL, or the Applicant) application for a development consent order (DCO) under the Planning Act 2008 (the Application).

2.2 This SoCG with the Environment Agency (EA) is a means of clearly recording any areas of agreement and disagreement between the two parties in relation to the Application. The SoCG has been structured to reflect topics of relevance to the EA as a statutory consultee in relation to the Application.

2.3 The structure of the SoCG is as follows:

- Section 1: Introduction;
- Section 2: Consultation;
- Section 3: Matters agreed; and
- Section 4: Matters under discussion.

2.4 Throughout this SoCG the phrase "It is agreed…" is used as a precursor to any point that has been specifically agreed between the Applicant and the EA.

2.5 It is the intention that this document will facilitate further discussions between both parties and also give the Examining Authority (ExA) an understanding of the level of common ground between both parties from the outset of the examination process.

The proposed development

2.6 The Application is for development consent to construct and operate the Triton Knoll Electrical System (the proposed development) under the Planning Act 2008. The Triton Knoll Electrical System (TKES) would connect the consented Triton Knoll Offshore Wind Farm (TKOWF) offshore array to the existing National Grid substation at Bicker Fen, Boston.

2.7 The TKOWF is located approximately 33km (20.5 miles) east of the Lincolnshire coast. The Secretary of State granted a DCO for the TKOWF on 12 July 2013. The Application was submitted to the Planning Inspectorate on the 24 April 2015 and accepted for examination on 21 May 2015.

2.8 The proposed development comprises the project elements as described in Volume 2, Chapter 1 *Offshore Project Description* (document reference 6.2.2.1) and Volume 3, Chapter 1 *Onshore Project Description* (document reference 6.2.3.1) of the Environmental Statement (ES), briefly comprising:

- Up to six offshore export cable circuits – to transmit the high voltage alternating current (HVAC) electricity from the offshore substations to the transition joint bays at the landfall;
- Landfall infrastructure just north of Anderby Creek, Lincolnshire – including transition joint bays which house the connection between the offshore cables and the onshore cables;
- Up to six onshore export cable circuits to transmit the HVAC electricity from the transition joint bays at the landfall to the proposed Triton Knoll Substation via the Intermediate Electrical Compound;
- An Intermediate Electrical Compound near to Orby Marsh – to provide compensation for reactive power to allow more efficient transmission and minimise losses;
- A Substation near the existing Bicker Fen National Grid Substation – to step-up the electricity to the voltage used by the National Grid and provide additional compensation for reactive power;
- Up to four onshore export cable circuits (400 kV) – to transmit the electricity from the proposed Triton Knoll Substation to the existing National Grid substation at Bicker Fen, Boston; and
- Unlicensed Works within the existing National Grid Bicker Fen substation compound comprising up to two new 'bays' of electrical equipment required to connect the TKES to the National Grid.

2.9 The draft DCO also includes the following in relation to the project:

- Compulsory acquisition powers in order to secure any permanent or temporary rights in the land required for the delivery of the project;
- The application and/or disapplication of legislative provisions relevant to the project; and
- Such ancillary, incidental and consequential provisions, permits or consents as are necessary or convenient, including protective provisions for the apparatus and rights of statutory undertakers.

Application elements under the Environment Agency's remit

2.10 The EA is a prescribed consultee for the proposed development under section 42 of the Planning Act 2008 and Regulation 9 (1)(a) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

2.11 The EA is an executive non-departmental public body established under the Environment Act 1995. It is an adviser to Government with principal aims to protect and improve the environment and to promote sustainable development. It plays a central role in delivering the environmental priorities of central government through its functions and roles. It is also an advisor to local decision makers in its role as a statutory consultation body in respect of particular types of development.

2.12 The EA's responsibilities include:

- Taking action to conserve and secure the proper use of water resources, preserve and improve the quality of rivers, estuaries and coastal waters and groundwaters through pollution control powers and regulating discharge consents;
- As the principal flood risk management operating authority, manage flood risk from designated main rivers and the sea and work to increase public awareness of flood risk, flood forecasting and warning;
- Take a strategic overview role for all flood and coastal erosion risk management; and
- Act on regulatory powers in respect of waste management and remediation of contaminated land designated as special sites, and encourage remediation of land contamination through the planning process.

2.13 In relation to this application, the EA's offshore remit is limited to the following geographical area:

- Regulating activities in controlled waters, including coastal waters out to 3 nautical miles;
- Statutory responsibility for the management of migratory fish to 6 nautical miles; and
- Competent Authority for several EU Directives, including the Water Framework Directive (including transitional and coastal waters out to 1 nautical mile).

2.14 The EA was previously a statutory consultee for development of land of 1 hectare or more. However, on 15 April 2015, the need to consult the EA was removed. The introduction of the Town and Country Planning (Development Management Procedure) (England) Order 2015 included a new duty to consult the relevant Lead Local Flood Authority (LLFA) for major development with surface water drainage. The relevant LLFA in respect of the Application is Lincolnshire County Council.

2.15 The assessment topics under the EA's remit that have been agreed to be included within this SoCG are:

- Volume 3, Chapter 6, Geology, Hydrogeology and Ground Conditions;
- Volume 3 Chapter 7, Hydrology and Flood Risk (including Flood Risk Assessment and Water Framework Directive Assessment);
- Volume 2 Chapter 2, Marine Physical Environment;
- Volume 2 Chapter 4, Intertidal and Subtidal Ecology;
- Draft DCO (document reference 3.1) (including Protective Provisions); and
- Land Interests.

3. CONSULTATION

Summary

3.1 The Applicant engaged with the EA on the proposed development during the pre-application process, both in terms of informal non-statutory engagement, and formal statutory consultation, carried out pursuant to section 42 of the Planning Act 2008 (the 2008 Act). A summary of consultation undertaken, specific to an environmental topic, is presented in each of the chapters of the ES, with detail on all the consultation undertaken by the Applicant during the pre-application process presented in the Consultation Report (document reference 5.1).

EIA Evidence Plan

3.2 The EA participated in the pre-application Triton Knoll EIA Evidence Plan process which commenced in May 2014. The primary aim of the EIA Evidence Plan was to ensure that TKOWFL, by agreement with the key statutory and non-statutory bodies, provided sufficient and proportionate information and applied appropriate and proportionate methods in the assessment of the TKES works and the application documentation. The EIA Evidence Plan (document reference 8.16) was submitted with the application for development consent and provides detail of the discussions and agreements undertaken and made as part of that process.

3.3 As part of the process the EA was represented on the topic-specific Review Panel relating to Hydrology and Flood Risk, and was a member of the Evidence Plan Steering Group.

3.4 Agreements reached during the EIA Evidence Plan process are set out in this SoCG in order to provide the ExA with a clear understanding of the status of these matters.

Pre-application consultation

3.5 In response to the statutory consultation in November 2014 the EA provided comments on the preliminary environmental information (PEI). The EA provided comments on the areas of the draft Environmental Statement (ES) relevant to their remit.

3.6 The meetings detailed in Table 1 were held with the EA and other relevant stakeholders to discuss outstanding issues.

3.7 It is agreed that Table 1 presents an accurate chronological overview of the key meetings in relation to the Application which were undertaken with the EA prior to the submission of the Application.

3.8 It is agreed that the Consultation Report (document reference 5.1) submitted with the application provides accurate record of the statutory consultation which the EA was involved in.

3.9 It is agreed that topic specific consultation with the EA, outside of the EIA Evidence Plan process, is captured within the consultation sections of each of the relevant ES chapters, listed in paragraph 2.15.

Table 1: Consultation undertaken with the Environment Agency pre-application

Date	Form of consultation	Activity/Summary
15 May 2014	Meeting	Evidence Plan Steering Group and Review Panel kick off meetings
12 June 2014	Meeting	EIA Evidence Plan technical meeting
03 – 04 July 2014	Site Visit	EIA Evidence Plan Review Panel Site Visit
31 July 2014	Meeting	EIA Evidence Plan Review Panel Meeting
10 Sept 2014	Meeting	EIA Evidence Plan Steering Group Meeting
25 Feb 2015	Meeting	EIA Evidence Plan Steering Group Meeting

Post-application consultation

3.10 The Applicant made initial contact with the EA in relation to the preparation of a SoCG in late May 2015, following the Secretary of State's acceptance of the application. It was agreed that drafting a SoCG would be appropriate as a means of making a clear statement to the ExA appointed for the Application on the key issues during the early stages of the examination.

3.11 The Applicant met with the EA on Friday 31 July to discuss a first draft of the SoCG and the Relevant Representation submitted by the EA to the Planning Inspectorate under section 56 of the 2008 Act.

4. MATTERS AGREED

4.1 The following sections of this SoCG set out the areas of agreement between the two parties in respect of the Application.

4.2 Where the agreements set out in the following sections refer to sections of the ES, it is agreed that those statements apply equally to the equivalent data, descriptions or analyses set out in any relevant technical reports, survey reports or any other application documents, unless otherwise stated.

Geology, Hydrogeology and Ground Conditions

4.3 This section of the SoCG sets out those aspects of the Application that are agreed in relation to geology, hydrogeology and ground conditions.

Scope and Methodology

4.4 It is agreed that the study area defined in paragraphs 6.34 – 6.36 and shown in Figures 6-1 – 6-2 of Volume 3, Chapter 6, *Geology, Hydrogeology and Ground Conditions* of the ES (document reference 6.2.3.6), is acceptable for the purposes of describing the baseline environment and understanding the potential geology, hydrogeology and ground conditions impacts resulting from the proposed development.

4.5 It is agreed that the impact assessment approach presented in paragraphs 6.37 – 6.48 of Volume 3, Chapter 6 of the ES is based on appropriate methodologies for the assessment of geology, hydrogeology and ground conditions impacts and that it is fit for purpose for use in the assessment process.

Existing Environment

4.6 Characterisation of the existing environment in the study area was informed by available project-specific data and other publically available information. An overview of Project specific data and reports is provided in Section 2 of Volume 5, Annex 6.1 *Geology and Ground Conditions Baseline Study* of the ES (document reference 6.2.3.6.1).

4.7 It is agreed that the methodology undertaken to characterise the existing environment with respect to geology, hydrogeology and ground conditions, provides an appropriate approach to describing the baseline environment. In addition it is agreed that the descriptions given in paragraphs 6.49 – 6.81 of Volume 3, Chapter 6 of the ES provide an accurate and appropriate characterisation of the existing environment.

Key Parameters for Assessment and Embedded Mitigation

4.8 It is agreed that the maximum adverse scenarios, as defined in Table 6-6 of Volume 3, Chapter 6 of the ES, are clearly described, sufficiently justified and appropriate for assessing the maximum likely impacts on geology, hydrogeology and ground conditions during all phases of the development.

4.9 It is agreed that there are no other scheme permutations, when considering the project details, which could lead to any greater effects on geology, hydrogeology and ground conditions than the realistic maximum adverse scenarios set out in Table 6-6.

4.10 It is agreed that Table 6-7 of Volume 3, Chapter 6 of the ES describes the mitigation measures that have been embedded into the project design and demonstrate how the design has sought to minimise harm to the environment.

4.11 It is agreed that the Outline Site Waste Management Plan (SWMP) (document reference. 8.7.7) provides a suitable indicative form for the final SWMP required under the draft DCO (document reference 3.1) and that the matters to be addressed as detailed in the Outline SWMP are appropriate for the mitigation and sustainable management of waste.

4.12 It is agreed that the updated Outline Pollution Prevention and Emergency Incident Response Plan (PPEIRP) (Appendix 39 of the Applicant's response to Deadline 1) provides a suitable indicative form for the final PPEIRP required under the draft DCO (document reference 3.1) and is adequate for ensuring the prevention of pollution to water bodies and the protection of water quality.

Assessment of Impacts

4.13 It is agreed that paragraphs 6.94 – 6.146 of Volume 3, Chapter 6 of the ES present a robust and appropriate assessment of the potential impacts on geology, hydrogeology and ground conditions arising from all stages of development.

4.14 It is agreed that the assessment of impacts arising from the construction phase of the project have been appropriately identified as being overall of minor significance which are medium-term and temporary.

4.15 It is agreed that any potential impacts to geology, hydrogeology and ground conditions arising from the operational and decommissioning phase of the project have been appropriately scoped out of the assessment.

Cumulative Impacts

4.16 It is agreed that cumulative effects have been adequately considered in paragraphs 6.147 – 6.151 of Volume 3, Chapter 6 of the ES. In addition it is agreed that cumulative impacts on geology, hydrogeology and ground conditions have been appropriately scoped out of the assessment.

Inter-related Effects

4.17 It is agreed that the assessment undertaken and detailed in Table 12-10 of Volume 3, Chapter 12 *Inter-related Effects (onshore)* of the ES (document reference 6.2.3.12) is appropriate and accurate. It is also agreed that with respect to inter-related impacts, geology, hydrogeology and ground conditions impacts of no greater effect than those identified in individual assessments are predicted from the project.

Mitigation

4.18 Agreement is subject to ongoing discussions with relation to ground investigations and contaminated land as set out in Section 5 *Matters Under Discussion* of this SoCG.

Hydrology and Flood Risk

4.19 The EA's remit in respect of managing flood risk is outlined in paragraph 2.12 of this SoCG and relates to fluvial and tidal sources only.

4.20 This section of the SoCG sets out those aspects of the Application that are agreed in relation to Hydrology and Flood Risk and which are relevant to the EA's remit.

Scope and Methodology

4.21 It is agreed that the study area defined in paragraphs 7.32 – 7.34 of Volume 3, Chapter 7 *Hydrology and Flood Risk* of the ES (document reference 6.2.3.7) is acceptable for the purposes of describing the baseline environment and understanding the potential hydrology and flood risk impacts resulting from the proposed development.

4.22 It is agreed that the data sources listed in Table 7-5 of Volume 3, Chapter 7 of the ES are adequate and appropriate for the purpose of informing the assessment of hydrology and flood risk impacts.

4.23 It is agreed that the impact assessment approach presented in paragraphs 7.47- 7.55 of Volume 3, Chapter 7 of the ES is based on appropriate methodologies for the assessment of impacts on hydrology and flood risk, and that it is fit for purpose for use in the assessment process.

Existing Environment

4.24 It is agreed that characterisation of the existing environment in the study area was appropriately informed by available project-specific data and other publically available information. An overview of the data and reports used to inform the baseline is provided in Paragraph 2.1.4 of Volume 5, Annex 7.1 *Hydrology and Flood Risk Baseline* of the ES (document reference 6.2.5.7.1).

4.25 It is agreed that the methodology undertaken to characterise the existing environment around the proposed development, as set out in Section 2 of Volume 5, Annex 7.1, provides an appropriate approach to describing the baseline environment and that the descriptions given in Paragraphs 7.57 – 7.72 of Volume 3, Chapter 7 of the ES provide an accurate and appropriate characterisation of the existing environment.

Key Parameters for Assessment and Embedded Mitigation

4.26 It is agreed that the realistic maximum adverse scenarios relating to each phase of the development, as defined in Table 7-9 of Volume 3, Chapter 7 of the ES, are clearly described, sufficiently justified and appropriate for assessing the maximum likely impacts on hydrology and flood risk.

4.27 It is agreed that there are no other scheme permutations, when considering the project details, which could lead to any greater realistic maximum adverse effect on the hydrological environment than the realistic maximum adverse scenarios set out in Table 7-9.

4.28 It is agreed that Table 7-10 of Volume 3, Chapter 7 of the ES describes the mitigation measures that have been embedded into the project design and demonstrates how the design has sought to minimise hydrology and flood risk impacts.

4.29 It has been previously agreed that the approach to the surface water drainage strategy, detailed in Section 6.2 of Volume 5, Annex 7.3 *Flood Risk Assessment* of the ES (document reference 6.2.5.7.3), is adequate and appropriate for the management of flood risk across all of the onshore works of the proposed development.

4.30 It is agreed that the EA is no longer the relevant consultee in respect of surface water management and the relevant LLFA, as detailed in paragraph 2.14 above, will now be consulted on this issue.

4.31 It is agreed that the use of trenchless techniques for the construction of the cable beneath sensitive assets such as major watercourses and flood defences, as detailed in the Application and the Crossing Schedule (document reference 8.3) submitted with the application, appropriately minimises the impacts on flood risk and the hydrological environment.

4.32 It is agreed that the Outline Construction Method Statement (CMS) (document reference 8.7.1) secured under the draft DCO (document reference 3.1), adequately ensures that construction methodologies necessary for the management of flood risk and the protection of the hydrological environment, and relevant to the proposed development are secured.

Assessment of Impacts

4.33 It is agreed that paragraphs 7.77 – 7.323 of Volume 3, Chapter 7 of the ES present a robust and appropriate assessment of the potential impacts on hydrology and flood risk arising from all stages of development. It is also agreed that the assessment

adequately considers the impacts during construction, operation and decommissioning and appropriately concludes that these are minor or negligible and therefore not significant.

4.34 It is agreed that Volume 5, Annex 7.2, *Water Framework Directive (WFD) Assessment* of the ES (document reference 6.2.5.7.2), gives adequate consideration to the WFD in relation to the proposed development and appropriately assesses the potential for non-temporary effects on WFD parameters of freshwater waterbodies. It is also agreed that there will be no significant impacts or physical disruption to waterbodies during any phase of the proposed development.

4.35 It is agreed that Volume 5, Annex 7.3, *Flood Risk Assessment* of the ES (document reference 6.2.5.7.3), is accurate and appropriate for the assessment of risks of flooding associated with the proposed development from fluvial and tidal sources, and proposes suitable mitigation measures that will reduce the risk of flooding which have been secured in the Application.

Cumulative Impacts

4.36 It is agreed that cumulative effects have been adequately considered in paragraphs 7.341 – 7.372 of Volume 3, Chapter 7, of the ES. In addition it is agreed that the assessment of the cumulative impact on hydrology and flood risk accurately concludes that there are unlikely to be any significant impacts.

Inter-related Effects

4.37 It is agreed that the assessment undertaken and detailed in Table 12-11 of Volume 3, Chapter 12 of the ES is appropriate, accurate, and with respect to inter-related impacts, hydrology and flood risk impacts of no greater effect than those identified in individual assessments are predicted from the project.

Mitigation and Monitoring

4.38 With respect to further mitigation measures, it is agreed that the embedded mitigation measures and the requirements secured in the draft DCO minimise potential hydrology and flood risk impacts as a result of the construction, operation and decommissioning of the project and therefore no further specific mitigation is required.

Marine Physical Environment

4.39 The EA's remit in respect of the Marine Physical Environment is limited to the geographical area set out in paragraph 2.13 of this SoCG.

4.40 This section of the SoCG sets out those aspects of the Application that are agreed in relation to Marine Physical Environment and which are relevant to the EA's remit.

Scope and Methodology

4.41 It is agreed that the Marine Physical Environment study area defined in paragraphs 2.16 – 2.18 of Volume 2, Chapter 2 *Marine Physical Environment* of the ES (document reference 6.2.2.2) is acceptable for the purposes of describing the baseline environment and understanding the potential impacts upon Marine Physical Environment from the proposed development.

4.42 It is agreed that the impact assessment approach presented in paragraphs 2.19 – 2.40 of Volume 2, Chapter 2 of the ES is based on appropriate methodologies for the assessment of Marine Physical Environment impacts and that it is fit for purpose for use in the assessment process.

4.43 It is agreed that characterisation of the existing environment in the study area was informed by available project specific data and other publically available information. An overview of Project specific data and reports is provided in paragraphs 2.41 – 2.69 of Volume 2, Chapter 2 of the ES.

4.44 It is agreed that relevant guidance detailed in paragraph 2.11 of Volume 2, Chapter 2 of the ES has been used to inform the assessment approach.

Existing Environment

4.45 It is agreed that the methodology undertaken to characterise the existing environment around the proposed development with respect to Marine Physical Environment, as set out in paragraphs 2.41 – 2.69 of Volume 2, Chapter 2 of the ES, provides an appropriate approach to describing the baseline environment.

4.46 It is agreed that the descriptions given in paragraphs 2.41 – 2.69 of Volume 2, Chapter 2 of the ES provide an accurate and appropriate characterisation of Marine Physical Environment based on the existing data available from literature and site specific surveys.

Key Parameters for Assessment and Embedded Mitigation

4.47 It is agreed that a maximum adverse scenario has been established according to the Design Envelope principles, using project specification details given in Volume 2, Chapter 1 *Offshore Project Description* of the ES (document reference 6.2.2.1).

4.48 It is agreed that the realistic maximum adverse scenarios relating to each of the potential impacts on Marine Physical Environment during all phases of development, as defined in Table 2-10 of Volume 2, Chapter 2 of the ES, are clearly described, sufficiently justified and appropriate for assessing the maximum likely impacts on Marine Physical Environment.

4.49 It is agreed that there are no other scheme permutations, when considering the project details set out in the Project Description in the ES, which could lead to any greater effect on Marine Physical Environment than the realistic maximum adverse scenarios set out in Table 2-10.

4.50 It is agreed that Table 2-11 of Volume 2 Chapter 2 Marine Physical Environment of the ES describes the mitigation measures that have been embedded into the project design and demonstrate how the design has minimised harm to the environment.

Assessment of Impacts

4.51 It is agreed that paragraphs 2.74 – 2.179 of Volume 2, Chapter 2 of the ES present a robust and appropriate assessment of the potential impacts on Marine Physical Environment arising from all stages of development.

4.52 It is agreed that there are no significant effects from the construction, operation and decommissioning of the proposed development on Marine Physical Environment as defined in Volume 2, Chapter 2 and summarised in Table 2-15 of the ES.

Cumulative Impacts

4.53 It is agreed that cumulative effects have been adequately considered in paragraphs 2.180 – 2.228 of Volume 2, Chapter 2 of the ES. In addition it is agreed that the assessment of the cumulative impacts on the marine physical environment accurately concludes that there are unlikely to be any significant impacts.

Inter-related Effects

4.54 It is agreed that the assessment undertaken and detailed in Table 12-2 of Volume 2, Chapter 12 of the ES is appropriate, accurate, and that no significant impacts on Marine Physical Environment are predicted from the project with respect to inter-related impacts.

Mitigation and Monitoring

4.55 Agreement on mitigation and monitoring is subject to ongoing discussions in relation to the Bathing Water Directive as set out in Section 5 *Matters Under discussion* of this SoCG.

Subtidal and Intertidal Ecology

4.56 The EA's remit in respect of ecology in the subtidal and intertidal areas for this Application is limited to: the conservation and enhancement of the natural beauty and amenity of coastal waters and of land associated with such waters; and the conservation of flora and fauna, which are dependent on an aquatic environment.

4.57 This section of the SoCG sets out those aspects of the Application that are agreed in relation to Subtidal and Intertidal Ecology and which are relevant to the EA's remit.

Scope and Methodology

4.58 It is agreed that the Subtidal and Intertidal Ecology study area defined in paragraphs 4.23 – 4.24 of Volume 2, Chapter 4 *Subtidal and Intertidal Ecology* of the ES (document reference 6.2.2.4) is acceptable for the purposes of describing the baseline environment and understanding the potential impacts upon Subtidal and Intertidal Ecology from the proposed development.

4.59 It is agreed that the impact assessment approach presented in paragraphs 4.31 – 4.40 of Volume 2, Chapter 4 of the ES is based on appropriate methodologies for the assessment of Subtidal and Intertidal Ecology impacts and that it is fit for purpose for use in the assessment process.

4.60 Characterisation of the existing environment in the study area was informed by available project specific data and other publically available information. An overview of project- specific data and reports is provided in paragraphs 4.25 – 4.29 of Volume 2, Chapter 4 of the ES.

4.61 It is agreed that relevant guidance, detailed in paragraph 4.11 of Volume 2, Chapter 4 of the ES, has been used to inform the assessment approach.

Existing Environment

4.62 It is agreed that the methodology undertaken to characterise the existing environment around the proposed development with respect to Subtidal and Intertidal Ecology, as set out in paragraphs 4.41 – 4.73 of Volume 2, Chapter 4 of the ES, provides an appropriate approach to describing the baseline environment.

4.63 It is agreed that the descriptions given in paragraphs 4.41 – 4.73 of Volume 2, Chapter 4 of the ES provide an accurate and appropriate characterisation of Subtidal and Intertidal Ecology based on the existing data available from literature and site specific surveys.

Key Parameters for Assessment and Embedded Mitigation

4.64 It is agreed that a maximum adverse scenario has been established according to the Design Envelope principles, using project specification details given in Volume 2, Chapter 1, *Offshore Project Description* of the ES (document reference 6.2.2.1).

4.65 It is agreed that the realistic maximum adverse scenarios relating to each of the potential impacts on Subtidal and Intertidal Ecology during all phases of development, as defined in Table 4-7 of Volume 2, Chapter 4 of the ES, are clearly described, sufficiently justified and appropriate for assessing the maximum likely impacts on Subtidal and Intertidal Ecology.

4.66 It is agreed that there are no other scheme permutations, when considering the project details set out in the Project Description of the ES, which could lead to any greater effect on Subtidal and Intertidal Ecology than the realistic maximum adverse scenarios set out in Table 4-7.

4.67 It is agreed that Table 4-8 of Volume 2, Chapter 4 of the ES describes the mitigation measures that have been embedded into the project design and demonstrate how the design has minimised harm to the environment.

Assessment of Impacts

4.68 It is agreed that paragraphs 4.90 – 4.182 of Volume 2, Chapter 4 of the ES present a robust and appropriate assessment of the potential impacts on Subtidal and Intertidal Ecology arising from all stages of development.

4.69 It is agreed that there are no significant effects from the construction, operation and decommissioning of the proposed development on Subtidal and Intertidal Ecology as summarised in Table 4-11 of Volume 2, Chapter 4 of the ES.

Cumulative Impacts

4.70 It is agreed that cumulative effects have been adequately considered in paragraphs 4.183 – 4.265 of Volume 4, Chapter 2 of the ES. In addition it is agreed that the assessment of the cumulative impacts on Subtidal and Intertidal Ecology accurately concludes that there are unlikely to be any significant impacts.

Inter-related Effects

4.71 It is agreed that the assessment undertaken and detailed in Table 12-3 of Volume 2, Chapter 12 Inter-related Effects (Offshore) (document reference 6.2.2.12) of the ES is appropriate, accurate, and that no significant impacts on Subtidal and Intertidal Ecology are predicted from the project with respect to inter-related impacts.

Mitigation and Monitoring

4.72 With respect to further mitigation and monitoring measures, it is agreed that given the generally low level of significance ascribed to the predicted changes to Subtidal and Intertidal Ecology as a result of the construction, operation and decommissioning of the project, no further specific mitigation or monitoring is required beyond that secured through embedded mitigation.

Draft Development Consent Order (DCO)

4.73 This section of the SoCG sets out those aspects of the Application that are agreed in relation to the draft DCO (document reference 3.1).

4.74 It is agreed that, in relation to the agreed scope of this SoCG, the articles of the draft DCO (document reference 3.1) are appropriate and reasonable for the proposed development.

4.75 It is agreed that the wording of **Requirement 5(5)** of the draft DCO (document reference 3.1) adequately secures consultation with the EA in relation to the detailed design of finished floor levels of the IEC and substation which, at the EA's request, will be based upon the results of topographic survey.

4.76 It is agreed that the wording of **Requirement 5(11)** of the draft DCO (document reference 3.1) adequately secures the use of trenchless techniques for cable duct and electrical circuit installation.

4.77 Although the wording of **Requirement 10** *Requirement for surface water drainage scheme* of the draft DCO (document reference 3.1) has been previously agreed as adequately securing a surface water drainage scheme, which accords with the surface water drainage strategy submitted as part of the Flood Risk Assessment (document reference 6.2.5.7.3), to align with the transfer of consultation duty to the relevant LLFA it is no longer necessary for the EA to be consulted. The Applicant will amend the wording in subsequent versions of the draft DCO to remove the EA from this requirement.

4.78 It is agreed that the wording of **Requirement 11** *Requirement for foul water drainage scheme* of the draft DCO (document reference 3.1) adequately secures a foul water drainage scheme that will include details of means of pollution control. Anglian Water requested to be removed from Requirement 11 which the Applicant has agreed to, it is agreed that the removal of consultation with Anglian Water from this requirement is acceptable.

4.79 It is agreed that the wording of **Requirement 14** *Code of construction practice (onshore) and construction environmental management plan* of the draft DCO (document reference 3.1) adequately secures a Code of Construction Practice (CoCP) which accords with the Outline CoCP (document reference 8.7); a Construction Environmental Management Plan (CEMP) which accords with the Outline CEMP (document reference 8.7.9); and the relevant specific plans listed in Requirement 14(2) which accord with the suite of Outline plans submitted with the application (document references 8.7.1 – 8.7.10).

4.80 It is agreed that the wording of Requirement 14(2)(a) will be amended to the following in subsequent versions of the draft DCO:

"construction method statements, including methods (including both trenchless and nontrenchless techniques) for the crossing of watercourses; main river crossings shall be undertaken using trenchless methods only;"

Protective Provisions

4.81 The EA confirms that it has no objection in principle to the inclusion of **Article 6** *Application and modification of legislative provisions* in the draft DCO (document reference 3.1), and thereby agree to the disapplication of the legislative provisions relevant to them under the Land Drainage Act 1991 (as amended), subject to the agreement of suitable Protective Provisions within Schedule 8, Part 1 of the draft DCO.

4.82 It is agreed that the inclusion of Protective Provisions in the draft DCO (document reference 3.1) are necessary for the protection of the EA's assets/apparatus and that the Applicant and the EA will continue to work together in order to finalise wording of the Protective Provisions that are agreeable to both parties. An update on the status of these negotiations will be provided to the ExA at the appropriate time.

Land Interests

4.83 The Environment Agency has interests in land within the Order limits which the Applicant wishes to acquire rights over. Table 2 details the plots as listed in the Book of Reference (document reference 4.3).

Table 2 - Summary of the Environment Agency's interests in land in relation to the proposed development

Description	Plot numbers
Lymn Bank	18/16, 18/17, 18/18
East Fen Catchwater Drain & West Fen Catchwater Drain	29/06, 29/07, 29/08, 30/02, 30/04, 30/05, 30/06, 30/07, 30/08, 30/09, 30/10, 30/12
River Witham strip	37/22
Skerth Drain	42/02, 42/03, 42/04, 42/05, 42/06
near South Forty Foot Drain	43/10, 43/11, 43/13, 43/14, 43/15
Acquisition for substation road (near South Forty Foot Drain)	45/18, 45/19
new rights (near South Forty Foot Drain)	45/20, 45/22

4.84 The Applicant has been liaising with the EA's estates team in respect of its landholdings. The EA has appointed an external land agent (Fisher German) to act on its behalf. The EA has received draft Heads of Terms from the Applicant and will be progressing negotiations in the coming weeks. An update on the status of these negotiations will be provided to the ExA at the appropriate time.

5. MATTERS UNDER DISCUSSION

Bathing Water Directive Status

5.1 In paragraph 8.2 of the EA's Relevant Representation (RR-106) it is requested that a requirement in relation to Bathing Water Directive status is included in the draft DCO. The Applicant and the EA are in discussion on this matter and will provide an update to the ExA in relation to those discussions and any agreements/disagreements that have been reached with regards to it at Deadline 2.

Ground Investigations and Contaminated Land

5.2 In paragraph 5.2 of the EA's Relevant Representation (RR-106) it is requested that a requirement in relation to ground investigations and contaminated land is included in the draft DCO. The Applicant and the EA are in discussion on this matter and will provide an update to the ExA in relation to those discussions and any agreements/disagreements that have been reached with regards to it at Deadline 2.