



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Our ID no: 20033306
Your ref:
Date: 10 July 2023

by email

Dear Sir/Madam,

APPLICATION BY EQUINOR NEW ENERGY LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE SHERINGHAM SHOAL OFFSHORE WIND FARM EXTENSION PROJECT AND DUDGEON OFFSHORE WIND FARM EXTENSION PROJECT THE EXAMINING AUTHORITY'S WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION (WQ4)

Thank you for consulting with us on the Examining Authority's Fourth Written Questions which was received (document library reference PD-021)

Due to the number of questions and in accordance with the requested approach we have recorded our response in a table format which is attached to this letter as APPENDIX 1, which we hope that you find of assistance.

Yours faithfully,

Barbara Moss-Taylor
Sustainable Places - Planning Specialist

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Q4.1. General and Cross-topic Questions	
Q4.1.4 Miscellaneous	
Q4.1.4.1	<p>Statements of Common Ground</p> <p>We note that the ExA requests confirmation of agreement that the Statement at Common Ground (SoCG) to be issued at deadline 8 (17th July) is the one agreed with us but. However, this request is contained in the 4th Written Questions that require response by deadline 7 (10th July). Our interpretation is that our response to this question is required for deadline 8.</p> <p>There is one remaining issue under discussion which is the matter of reference to a repealed section of the Water Resources Act in the draft DCO submitted at deadline 6. Under Disapplication and Modification of legislative provisions reference is made to section 109 of the Water Resources Act 1991. This section of the Act is repealed and so the reference is unhelpful. Reference to regulation 12 (requirement for an environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 in respect of a flood risk activity only should be made.</p>
Q4.11. Draft Development Consent Order	
Q4.11.5 Article 6 Disapplication and modification of legislative provisions	
Q4.11.5.1	<p>As of today, we have reached agreement on the wording of the Protective Provisions.</p> <p>If the wording of the Protective Provisions was not agreed the Environment Agency's position would have been protected in that the legislation requires that the Protective Provisions must be agreed for them to be valid. In the absence of agreed Protective Provisions the Applicant would be required to apply for a Flood Risk Activity Permit (FRAP) or exemption (as appropriate) under the provisions of Environmental Permitting (England and Wales) Regulations 2016 for each proposed crossing over, under or activity within 8 metres of a main river or 16 meters if the main river is tidal.</p>
Q4.11.7 Requirements 17 and 19	
Q4.11.7.1	<p>Update The latest draft of the SOCG with NCC and the Applicant [REP5-033] notes that the wording of R17 and R19 of the dDCO is still under discussion. Provide an update on such discussions.</p> <p>The Environment Agency has not been involved with any discussions regarding the wording of R17 and R19. However, we note that for R17 the Requirement identifies the Environment Agency as a consultee for discharge activity. This is necessary to ensure that any drainage plan does not create any preferential pathways for contaminated water to reach the underlying aquifer.</p> <p>For R19 we expect to be a consultee at the discharge of Requirements stage to ensure that processes do present risks for environmental matters within our remit.</p>
Q4.24. Water Quality and Resources	
Q4.24.4 Effectiveness of Mitigation Measures	

Q4.24.4.1	<p>Protective Provisions</p> <p>We have reached agreement with the Applicant on all matters of principal.</p> <p>A technical matter has been identified which is outlined at our answer to Q4.1.4.1. We expect for this matter to be resolved by deadline 8.</p>
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