



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Comments on the Environment
Agency's Deadline 7 Submission

Revision A

Deadline 8

July 2023

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Royal HaskoningDHV	
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1 The Applicant's Comments on the Environment Agency's Deadline 7 Submission

1. This document presents the Applicant's comments on the Environment Agency's Deadline 7 submission [ID no: 20033306].

Table 1 The Applicant's Comments on the Environment Agency's Responses to the Examining Authority's Fourth Written Questions [ID no: 20033306]

ID	Question	Environment Agency Response	Applicant's Comment
Q4.1. General and Cross-topic Questions			
Q4.1.4 Miscellaneous			
Q4.1.4.1	<p>Statements of Common Ground</p> <p>a) Applicant, submit final signed SoCG with electronic signatures at D8.</p> <p>b) Relevant parties, submit at D8 your confirmation that the final signed SoCG submitted by the Applicant is the version agreed with you. You may do so, by attaching to your submission the copy of the SoCG that is agreed with you.</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There is one remaining issue under discussion which is the matter of reference to a repealed section of the Water Resources Act in the draft DCO submitted at deadline 6.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 This section of the Act is repealed and so the reference is unhelpful.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>	<p>The Applicant and Environment Agency has reached agreement on the Protective Provisions and the Statement of Common Ground and the Environment Agency has advised that it will write into the Examination, confirming that agreement has been reached. The Applicant has submitted the agreed Final Statement of Common Ground with Environment Agency (Revision D) [document reference 12.1] at Deadline 8.</p> <p>Article 6 of the draft DCO (Revision K) [document reference 3.1] has been updated following discussions with the Environment Agency's regarding their concerns about the reference to section 109 of the Water Resources Act 1991.</p>
Q4.11. Draft Development Consent Order			
Q4.11.5 Article 6 Disapplication and modification of legislative provisions			
Q4.11.5.1	<p>Update</p> <p>a) Is there an agreement regarding the disapplication of the relevant legislation</p>	<p>As of today, we have reached agreement on the wording of the Protective Provisions.</p>	<p>The Applicant confirms the agreed set of protective provisions was included in the draft</p>

ID	Question	Environment Agency Response	Applicant's Comment
	<p>and the Protective Provisions or provide an update [REP1-111] [REP2-040, Q1.11.3.3] [REP5- 078] [REP5-051, DC1.3.2.1]?</p> <p>b) Can you explain, the implications of Protective Provisions not being agreed? What objections (if any) would remain outstanding and where do you feel the EA's interests are protected by the Environmental Permitting (England and Wales) Regulations 2016 [REP3-129]?</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>	<p>DCO (Revision J) [document reference 3.1] at Deadline 7.</p>
Q4.11.7 Requirements 17 and 19			
Q4.11.7.1	<p>Update</p> <p>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>	<p>The Applicant notes the Respondents comments and confirms that the Environment Agency are a named consultee in both Requirements 17 and 19 of the draft DCO (Revision K) [document reference 3.1].</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>Please see comments provided above.</p>

ID	Question	Environment Agency Response	Applicant's Comment
	<p>Provide an update on discussions to finalise the protective provisions still under discussion [REP5-049, Q3.24.4.1]. If agreement will not be reached by the end of the examination, please set out in full your reasons for any disagreements.</p> <p>See related question in Compulsory Acquisition and Temporary Possession.</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>	