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To the Applicant

(By email only)

Your Ref:

Our Ref: EN010125

Date: 10 July 2024

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Dear Mr McAllister

## **Planning Act 2008 (as amended) – Section 51**

### **Application by RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited for an Order Granting Development Consent for the Dogger Bank South Offshore Wind Farms**

#### **Advice following issue of decision to accept the application for examination**

On 10 July 2024 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicants provided under section 51 of the PA2008 in respect of these initial observations. The Applicants should pay attention to its content and consider how appropriate action might be taken in response.

#### **1. Consultees identified on a precautionary basis**

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicants may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.

## **2. Book of Reference (Doc 4.2) and the list of Section 42 (1) (d) Consultees provided in section 2.3 of Appendix B of the Consultation Report (Doc 5.3)**

The Planning Inspectorate has identified a discrepancy between the **Book of Reference (Doc 4.2)** and the table listing of Section 42 (1) (d) Consultees provided in section 2.3 of **Appendix B of the Consultation Report (Doc 5.3)**. It appears that one party listed in the Book of Reference are not contained in the list of consultees under Section 42 (1) (d) or referred to elsewhere in Application documents. The Applicant should cross-reference the **Book of Reference (Doc 4.2)** and the section 2.3 of **Appendix B of the Consultation Report (Doc 5.3)** and consider whether an updated set of documents should be provided. The Planning Inspectorate advises the Applicants to resolve any discrepancies before the issuance of notices under s56 of the PA2008, to ensure all relevant parties are notified of the accepted application and invited to submit a relevant representation under s102(4) of the PA2008.

## **3. Explanatory Memorandum (Doc 3.2)**

The Inspectorate has noticed that no explanation is provided in the **Explanatory Memorandum (Doc 3.2)** as to why a longer route is taken for a joint DBS East and DBS West cable (**Work Nos. 31A/B and 32B**) compared with the shorter DBS West alone cable route. The Applicant may wish to reflect on the need for an explanation of optionality to be provided in the **Explanatory Memorandum (Doc 3.2)**.

## **4. Plans and Figures**

The **Offshore Statutory and Non-Statutory Nature Conservation Sites Plan (Doc 2.13)** identifies the relevant sites considered in **ES Chapter 12 (Offshore Ornithology) (Doc 7.12)** and **Report to Inform Appropriate Assessment (RIAA) (Doc 6.1)**, with the exception of Special Protection Areas (SPAs) beyond 10km from the Proposed Development (eg Farne Islands SPA or SPAs in Scotland). The Applicant is requested to provide plans/figures to illustrate the locations of these SPAs.

The Inspectorate notes that on the **Works Plan (Offshore) (Doc 2.5)** Work Nos. 4A/4B ('up to one accommodation platform') and 6A/6B ('up to one electrical switching platform') are indicated within both offshore areas (DBS East and DBS West). Clarification is required as to why the accommodation platform and electrical switching platform serving DBS East may be located within the area of DBS West; or why the accommodation platform and electrical switching platform serving DBS West may be located within the area of DBS East.

## **5. Habitats Regulations Assessment (HRA)**

### **Report to Inform Appropriate Assessment (RIAA), Parts 1 to 4 (Doc 6.1)**

It is noted that the European sites/Natura 2000 sites considered in the RIAA (**Doc 6.1**), together with some potential effect pathways, differ from those identified in the HRA Screening (**Doc 6.1.1**), particularly in respect of Marine Mammals and Marine Ornithological Features. Whilst a summary of European/Natura 2000 sites considered in the RIAA is included in Section 4 of Part 1, the Applicants are requested to clarify which

European sites, qualifying features, and potential effect pathways have been screened for likely significant effects.

## 6. Environment Statement

### **ES Appendix 22-7 Geophysical Assessment Report, Part 1 (Doc 7.22.22.7) and ES Appendix 22-8 (Doc 7.22.22.8)**

Geophysical survey information has not been provided for all Priority Areas as part of the DCO application, with surveys ongoing (**ES Appendix 22-7, Part 1 (Doc 7.22.22.7)**). A post excavation report for Phase 1 trial trenching is also anticipated. The Applicants response to the signposting letter suggests that the reporting would be finalised by November 2024. The Applicants should confirm the precise date for submission as soon as possible, as this information may inform the development of the examination timetable.

**Appendix G** of the **Consultation Report, (Doc 5.8)** identifies that in addition to the worst case assessment of agricultural land presented in the ES, surveys are being carried out in 2024 (item SNE AQ006). The report also identifies that tree surveys are being carried out (item SNE 234). The Applicants should confirm the precise date for submission of these surveys.

## 7. Flood Risk Assessment

### **ES Appendix 20-4 Flood Risk Assessment (FRA) (Doc 7.20.20.4)**

The FRA does not provide specific information to differentiate between land within Flood Zones 3a and 3b, or to explain how the sequential or exception tests have been applied to the Onshore Cable Route to the proposed Birkhill Wood National Grid Substation - which crosses a small area identified as Flood Zone 3 which is also at risk from surface water flooding.

It is also unclear from the information presented whether the Proposed Development would achieve no net loss of floodplain storage.

As soon as practicable, the Applicants should respond to the Inspectorate to confirm the location and extent of Flood Zones 3a and 3b, within the proposed development corridor and whether this has any implications for application of the exception test and any proposed flood mitigation. If components would be located within Flood Zone 3b, the Applicants should provide confirmation that there would be no net loss of floodplain storage, in line with the principles of the exception test.

In addition, the Applicants should confirm whether the information provided for the sequential and exception tests in relation to the Landfall Zone and Onshore Export Cable Corridor is also applicable to the Onshore Cable Route to the proposed Birkhill Wood National Grid Substation. If the same information is not applicable, the Applicants should explain how the sequential and exception tests have been applied to the Onshore Cable Route to the proposed Birkhill Wood National Grid Substation.

## 8. Minor errors and omissions

There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist. The Applicant should review these minor errors and omissions and make appropriate amendments to these documents. They should take care to ensure that there is consistency in these and associated documents so as to not result in discrepancy between Application documents.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

*Simon Raywood*

**Simon Raywood**  
**Case Manager**

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