

The Planning Inspectorate
 National Infrastructure Directorate
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Our Ref: 005281918-01 - DBS
 Contact: Thomas Tremlett
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02 August 2024

Dear Simon,

Dogger Bank South Offshore Wind Farms Project
Request for signposting information
PINS Reference: EN010125

I write in response to the Section 51 advice letter received 10th July 2024 to provide response to advice and comments received in turn. I have responded to each numbered item raised in the letter in the table below.

Summary of S51 Advice request	Response
<p><u>1. Consultees identified on a precautionary basis</u></p> <p>S51 advice suggested that Barmston and Fraisthorpe Parish Council be included in Section 56 notifications to be issued by the Applicants.</p>	<p>The Applicants can confirm that Barmston and Fraisthorpe council have been sent a section 56 notification via post and email.</p>
<p><u>2. Book of Reference (application ref: 4.2) and the list of Section 42 (1) (d) Consultees provided in section 2.3 of Appendix B of the</u></p>	<p>The Applicants have reviewed this information. The discrepancy in the list is that our land agents Dalcour Maclaren received the Land Interest Questionnaire for title number YEA87072 (Book of Reference plot: 09-009) after</p>

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Summary of S51 Advice request	Response
<p>Consultation Report (application ref: 5.3)</p> <p>The Planning Inspectorate has identified a discrepancy in 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.</p> <p>It was advised this is dealt with prior to the issuance of notices under s56 of the PA2008.</p>	<p>the completion of the S42 consultations. The Applicants have been in contact with the occupier and his agent and they are aware of the projects and have also been sent a Section 56 notice.</p> <p>Additional land interests have come forward for the Projects since submitting the DCO and the Book of Reference (BoR) (Application Reference number: 4.2). We have sent relevant information to these persons, offered meetings to discuss the proposals and will look to have initial conversation regarding heads of terms shortly. These people with interest in land have been included in the issuance of Section 56 notifications.</p> <p>It is possible that further interests may come forward as we approach examination and propose a similar approach to the above should this occur. We will submit an updated Book of Reference upon request throughout the pre-examination and examination phase to capture these interests accordingly.</p>
<p>3. Explanatory Memorandum (application ref: 3.2)</p> <p>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</p>	<p>The Applicants propose updating the Explanatory Memorandum to explain this when the draft DCO is first updated during DCO examination unless requested to be submitted earlier.</p>

Summary of S51 Advice request	Response
<p>the shorter DBS West alone cable route. The Applicants may wish to reflect on the need for an explanation of optionality to be provided in the Explanatory Memorandum (Doc 3.2).</p>	
<p>4. Plans and Figures</p> <p>a) Request that plans/figures are provided to illustrate the locations of SPAS considered in ES Chapter 12 (Offshore Ornithology) (application ref. 7.12) and Report to Inform Appropriate Assessment (RIAA) (application ref. 6.1).</p> <p>b) 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.</p>	<p>A) The Applicants can confirm that plans/figures will be created and provided to the Planning Inspectorate to demonstrate where these sites are located relative to the DBS projects. We propose to issue these at Deadline 1 unless the Inspectorate request that they be submitted sooner.</p> <p>b) These platforms, if constructed, would represent assets shared between the Projects and not project specific assets. There would be up to one accommodation platform and up to one electrical switching platform delivered across the Projects combined. These platforms could be situated in any of the relevant locations indicated in the Works Plans. Each platform is included in the works for both projects to afford either project the power to build the relevant structure.</p>
<p>5. Habitats Regulations Assessment (HRA) Report to Inform Appropriate Assessment (RIAA), Parts 1 to 4 (Doc 6.1)</p>	<p>The HRA Screening Report was issued alongside PEIR in June 2023 (now included as an appendix to the Report to Inform Appropriate Assessment (RIAA) in the DCO Application). A draft of</p>

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<p>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 https://national-infrastructure-consenting.planninginspectorate.gov.uk/ European sites, qualifying features, and potential effect pathways have been screened for likely significant effects.</p>	<p>the HRA Screening Report had been provided to stakeholders in December 2022, and the version issued at PEIR took account of comments from those stakeholders.</p> <p>The European sites, qualifying features, and potential effect pathways taken forward in the RIAA represent the final position of the Projects, following further feedback received on the HRA Screening Report issued to stakeholders alongside PEIR.</p> <p>For clarity, a list of the changes made to sites and likely significant effect (LSE) pathways screened in between submission of the HRA Screening Report issued alongside PEIR and the RIAA are provided in Appendix A of this letter. Please note that in relation to offshore ornithology, these changes are discussed within section 4.5.4 of the RIAA. For Offshore Annex I Habitats and Annex II Marine Mammals, these changes were noted within section 6.2 and section 8.2 of the RIAA respectively.</p>
<p><u>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)</u></p> <p>A) 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</p>	<p>A) The Applicants have agreed with Heritage stakeholders that sufficient geophysical survey and trial trenching information was carried out pre-application (and included within the DCO submission) for the purpose of the Examination.</p> <p>This agreement through the Evidence Plan Process (EPP) for the provision of reporting from</p>

Summary of S51 Advice request	Response
<p>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.</p>	<p>the ongoing archaeological surveys on a rolling basis is referenced in Volume 7 ES Appendix 22-1 (application ref 7.22.22.1). This approach is increasingly recognised as acceptable to Historic Environment Stakeholders in the development of onshore infrastructure for large-scale offshore wind development; whereby it is recognised that archaeological evaluation is ongoing throughout the pre-submission, examination and post-consent phases. This approach helps to alleviate programme pressure, and to better understand archaeological risks during construction, should consent be awarded.</p> <p>The timeline for the provision of future reports is outlined below.</p> <p><u>Geophysical Survey Reports:</u></p> <p>Volume 7 ES Appendix 22-7 Geophysical Assessment Report (application ref 7.22.22.7) included geophysical survey coverage of approximately 78% of the Onshore Development Area.</p> <p>An Interim Update to this Geophysical Assessment Report will be provided to Historic Environment Stakeholders in August 2024, which will provide reporting on approximately 95% of the Onshore Development Area. The remaining areas are currently under crop and</p>

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	<p>currently unsuitable for geophysical survey until harvest.</p> <p>A Final Updated Geophysical Assessment Report will be completed once the last few fields have been surveyed, post-harvest, and this will be provided to Historic Environment Stakeholders in September 2024. This report will provide full coverage of all surveyable areas within the Onshore Development Boundary and will be used to inform the scope of remaining trial trenching to be undertaken pre-construction.</p> <p><u>Trial Trenching Phase 1 Report</u></p> <p>An Interim Archaeological Evaluation Report (on the Phase 1 Trial Trenching Report) was provided with the DCO Submission as Appendix 22-8 (application reference 7.22.22.8). This provided an interim account of the noteworthy archaeological results from the trenching completed during Phase 1 (Landfall and Substation). The Final version of this report will be provided to Historic Environment Stakeholders in August 2024.</p> <p>It should also be noted that a Phase 2 Trial Trenching campaign commenced in May 2024 and is currently ongoing, covering six areas of the Onshore Export cable route. The preliminary results of the Phase 2 Trial Trenching broadly align with the anticipated levels of</p>

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<p>B) 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</p>	<p>archaeology shown on the geophysical survey. Once the Phase 2 Trial Trenching fieldwork is complete, an interim report will be provided which will provide account of the key archaeological results. This report is anticipated to be available to Historic Environment Stakeholders by the end of September 2024</p> <p>The final report for Phase 2 Trial Trenching is expected to be available to Historic Environment Stakeholders by late December 2024. Again the Applicants re-iterate that it has been agreed with Historic Environment Stakeholders that the final Phase 2 report is not required for the purposes of the Examination, and should be considered as early pre-construction evaluation to keep programme on track, should consent be awarded.</p> <p>B) The results of the ALC survey for the Onshore Substation Zone are included in Appendix A (Outline Soil Management Plan) of Volume 8, Outline Code of construction Practice (application ref: 8.9). This Outline Soil Management Plan sets out the processes which will be followed for the management of soils of various Agricultural Land Classification (ALC) grades throughout the construction period.</p> <p>The report outlining the results of the ALC surveys for the</p>

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<p>identifies that tree surveys are being carried out (item SNE 234). The Applicants should confirm the precise date for submission of these surveys.</p>	<p>remaining Onshore Development Area is due to be completed in September 2024 and can be submitted shortly thereafter, if required. This survey has been undertaken to validate the assessments undertaken within the Land Use chapter (Volume 6, Environmental Statement, Chapter 21, application ref: 6.21) which used desk-study information to identify a worst-case for the ALC of soils within the Onshore Development Area where survey information was not yet available. The arboricultural surveys have been undertaken to support detailed design and inform the extent of Root Protection Zones that will be required to inform the contractor’s work methodology. They will however also validate the conclusions of other previous ecological surveys and desk based assessments included in the EIA. The reporting of the conclusions from this survey are due to be available in October 2024. Whilst the surveys are not expressly needed for the purpose of examination they can be submitted at the Planning Inspectorate’s request.</p>
<p><u>7. Flood Risk Assessment ES Appendix 20-4 Flood Risk Assessment (FRA) (Doc 7.20.20.4)</u></p> <p>The FRA does not provide specific information to differentiate between land within Flood Zones 3a and 3b, or to</p>	<p>With regard to the differentiation of Flood Zones within the Appendix 20-4 Flood Risk Assessment (application ref: 7.20.20.4), the Applicant notes that the Flood Zone mapping available from the Environment Agency does not differentiate between Flood Zone 3a and 3b</p>

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<p>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.</p> <p>It is also unclear from the information presented whether the Proposed Development would achieve no net loss of floodplain storage.</p> <p>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.</p> <p>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</p>	<p>i.e. it only defines Flood Zones 1, 2 and 3. To differentiate between Flood Zone 3a and 3b information is taken from a number of sources, where available. This can include outputs from the relevant Strategic Flood Risk Assessment (which may define areas classed as Flood Zone 3b), modelling data / information from the Environment Agency as well as their records related to the presence of defences and the Standard of Protection they afford. The identification of Flood Zone 3a or 3b is of key relevance to elements of the Projects that will be above ground once operational, this is only considered to be relevant to the proposed location of the Onshore Substation Zone.</p> <p>Paragraph 193 of Appendix 20-4 Flood Risk Assessment (application ref: 7.20.20.4) confirms that the Onshore Substation Zone is located in Flood Zone 1. As this is the only element of the Projects which will be located above ground, once operational, it is also the only element that could result in loss of floodplain storage. However, given its location in Flood Zone 1 it can be confirmed this would not result in loss of floodplain storage.</p> <p>During construction, Paragraphs 237 - 239 note that for Temporary Construction Compounds that may be located</p>

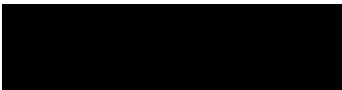
Summary of S51 Advice request	Response
<p>explain how the sequential and exception tests have been applied to the Onshore Cable Route to the proposed Birkhill Wood National Grid Substation.</p>	<p>in either Flood Zone 2 or Flood Zone 3, mitigation measures are included within both the Outline Drainage Strategy (document ref: 8.12) and the Outline Code of Construction Practice (document ref: 8.9), to ensure there is no flood risk impact. Given these are temporary elements of the Projects, it is only during construction when these measures would be required. As such, it is concluded that there would be no loss of floodplain storage, as a result of these elements of the Projects.</p> <p>The Applicant notes that flood risk related to the onward cable connection to the Proposed Birkhill Wood National Grid substation is considered in Section 20.4.4.3 of Appendix 20-4 Flood Risk Assessment (application ref: 7.20.20.4). This includes consideration of the Flood Zones which it is required to pass under. The approach adopted for the assessment of this element is the same as that identified for the remainder of the Onshore Export Cable Route set out in preceding sections.</p> <p>Whilst reference is made to the Onshore Export Cable in Section 20.4.5.2, assessment of the subterranean / below ground elements of the Projects included both the Onshore Export Cable Route and the onward cable connection to the Proposed Birkhill Wood National Grid substation. As such, conclusions</p>

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	<p>related to the need to pass under Flood Zone 3 at existing watercourses, linear nature of the Projects and the risk only being of relevance during construction are applicable to the Onshore Export Cable Route and the onward cable connection to the Proposed Birkhill Wood National Grid substation.</p> <p>On the basis of the information presented in Appendix 20-4 Flood Risk Assessment (application ref: 7.20.20.4) and given the flood risk to the various elements of the Projects, the Applicants can confirm that consideration of the Sequential Test and Exception Test covers all elements of the Projects including the onward cable connection to the Proposed Birkhill Wood National Grid Substation. As such, the conclusions set out within Appendix 20-4 Flood Risk Assessment (application ref: 7.20.20.4) remain unchanged.</p>
<p><u>8. Minor errors and omissions</u></p> <p>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.</p>	<p>The Applicants can confirm that these errors and omissions are being reviewed and agreement re: approach to resolving will be identified and agreed with the Planning Inspectorate in due course. It is proposed that any required updates and corrections can be made in time for deadline 1 of examination.</p>

Noting multiple of the requests and clarifications relate to the availability of materials from ongoing archaeology surveys and site investigations, the Applicants confirm that agreements have been sought in these cases with relevant statutory stakeholders that the materials at the point of submission are sufficient to inform the EIA process and the DCO Examination process. The Applicants are willing to send these documents to the Planning Inspectorate as and when they are available for consideration as part of DCO Examination, but reiterate that the submission of the reports from these additional surveys should not delay the start of the DCO Examination process.

I trust the clarifications and information provided in the table above prove helpful, but please let me know if you require any further information.

Yours sincerely,



Thomas Tremlett

Senior Consents Manager

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Appendix A - Differences between the HRA Screening and the RIAA

Terrestrial Ecology

No changes made.

Annex I Benthic Habitats

Pathways for LSE

- Changes in suspended solids (water clarity) – Screened in for operational phase effects in the RIAA following a comment from the Marine Management Organisation (MMO) on the HRA Screening Report issued alongside PEIR (see section 6.2, page 16 of Part 2 of the RIAA), the effect was initially screened out for this phase.
- Introduction or spread of invasive non-indigenous species (INIS) – Screened in for construction/decommissioning phase effects following a comment from the MMO on the HRA Screening Report issued alongside PEIR (see section 6.2, page 16 of Part 2 of the RIAA), the effect was initially screened out for these phases.
- Hydrocarbon & Polyaromatic Hydrocarbon (PAH) contamination – Screened in for all phases in the RIAA following comments from the MMO on the HRA Screening Report issued alongside PEIR (see section 6.2, page 16 of Part 2 of the RIAA), the effect was initially screened out entirely.
- Synthetic compound contaminant (including pesticides, antifoulants, pharmaceuticals) - Screened in for construction/decommissioning impacts in the RIAA following comments from MMO (see section 6.2, page 16 of Part 2 of the RIAA), the effect was initially screened out for these phases.
- Transition elements & organo-metal (e.g. TBT) contamination - Screened in for all phases in the RIAA following comments from MMO on the HRA Screening Report issued alongside PEIR (see section 6.2, page 16 of Part 2 of the RIAA), the effect was initially screened out entirely.
- Introduction or spread of invasive non-indigenous species (INIS) - Screened in for all phases in the final RIAA following comments from Natural England on the HRA Screening Report issued alongside PEIR (see section 6.2, page 17 of Part 2 of the RIAA), the effect was initially screened in only for operational phase effects.

European Sites (and their qualifying features) screened in for assessment remained the same.

Migratory Fish

No changes made.

Annex II Marine Mammals

Pathways for LSE

- Disturbance at seal haul-out sites – Screened in for all phases in the RIAA following comments from Natural England on the HRA Screening Report issued alongside PEIR (see section 8.2, page 30 of Part 3 of the RIAA), the effect was initially screened out for these phases.

Sites screened in

- Doggersbank SAC – This site was screened in for assessment in the final RIAA following comments from the Dutch government (see section 8.2, page 31 of Part 3 of the RIAA), this site was screened out in the HRA Screening Report.

Offshore Ornithology

The sites originally screened in which have been retained were:

- Greater Wash SPA;
- Flamborough and Filey Coast SPA;
- Coquet Island SPA;
- Farne Islands SPA;
- St Abbs Head to Fastcastle SPA; and
- Forth Islands SPA.

The following two sites were screened in originally but were subsequently been screened out:

- Outer Firth of Forth and St Andrews Bay complex pSPA was screened out because this SPA protects the foraging habitat rather than breeding colonies, (given the distance of the Projects from this site (250km) there is no pathway for direct or indirect impact upon those habitat); and,
- Northumberland Marine SPA was screened out as this SPA protects the foraging habitat of several breeding seabird SPAs (Farne Islands SPA, Coquet Island SPA and Northumbria Coast SPA) and potential impacts on designated species are considered within their respective breeding colony SPAs.

In addition, the following features of screened in SPAs were subsequently screened out once site specific data was available (on a species by species basis):

- Breeding shag and cormorant, part of the seabird assemblage at Flamborough and Filey Coast SPA and designated features of the Forth Islands SPA were screened out as these species were not recorded within the offshore ornithology survey area during baseline aerial surveys;
- Breeding lesser black-backed gull, a designated feature of Forth Islands SPA was screened out as non-breeding season collision risk within the Projects was fewer than 0.5 birds per annum (refer to section 9.1.1 of Volume 6, RIAA Part 4 of 4 (application ref: 6.1));

- Breeding herring gull, designated feature of the St Abbs Head to Fast Castle SPA, Forth Islands SPA, Fowlsheugh SPA and East Caithness Cliffs SPA was screened out as non-breeding season collision risk within the Projects was fewer than 2 birds per annum (refer to section 9.1.1 of Volume 6, RIAA Part 4 of 4 (application ref: 6.1)); and,
- Breeding great black-backed gull, a designated feature of East Caithness Cliffs SPA was screened out as non-breeding season collision risk within the Projects was fewer than 3.9 birds (refer to section 9.1.1 of Volume 6, RIAA Part 4 of 4 (application ref: 6.1));
- Breeding fulmar, designated feature of Coquet Island SPA was screened out as this species is not considered sensitive to disturbance / displacement and the collision risk within the offshore ornithology survey area was low (refer to the ES Volume 7, Chapter 12 Offshore Ornithology (application ref: 7.12)).

In addition, the following features of screened in SPAs were incorrectly screened in for further assessment in the original HRA Screening Report, and were subsequently screened out (on a species-by-species basis) for the following reasons:

- Breeding guillemot, razorbill and puffin, designated features of the Forth Islands SPA, were screened out as these species are beyond the mean maximum + 1SD foraging range to the Projects from this SPA;
- Breeding guillemot, a designated feature of the St Abbs Head to Fast Castle SPA was screened out as this species is beyond the mean maximum + 1SD foraging range to the Projects from this SPA.

It should be noted that the above species were screened in for the non-breeding season assessment.

The following additional SPAs, designated for breeding seabird species, were screened in on the advice of Natural England to assess impacts during the non-breeding season (when connectivity is estimated on the basis of relative population sizes and migration routes rather than foraging ranges):

- Fowlsheugh SPA;
- Buchan Ness to Collieston Coast SPA;
- Troup, Pennan and Lion's Heads SPA;
- East Caithness Cliffs SPA;
- North Caithness Cliffs SPA;
- Copinsay SPA;
- Hoy SPA;
- Rousay SPA;
- Calf of Eday SPA;

- Marwick Head SPA;
- West Westray SPA;
- Fair Isle SPA;
- Sumburgh Head SPA;
- Noss SPA;
- Foula SPA; and
- Hermaness, Saxa Vord and Valla Field SPA.

Other SPAs and features given consideration but screened out were:

- Pentland Firth proposed SPA (pSPA) was screened out as it was withdrawn as a pSPA following NatureScot's and JNCC's final advice and recommendations to Scottish Ministers on the proposals to classify a network of marine pSPAs (NatureScot, 2019);
- Breeding Manx shearwater, a designated feature of Outer Firth of Forth and St Andrews Bay Complex SPA, was screened out as this species was not recorded within the offshore ornithology survey area during baseline aerial surveys; and,
- Non-breeding little gull, a designated feature of the Greater Wash SPA, was screened out as this species was not considered to be at risk of displacement or collision as a result of development of the Projects in the ES Volume 7, Chapter 12 Offshore Ornithology (application ref: 7.12)).
- Non-breeding waterbirds (ducks and waders) as well as breeding terns and cormorants, designated features of the Northumbria Coast SPA and Ramsar site, are screened out as the export cable corridor does not pass through this SPA and Ramsar site.