

Date: 16 October 2024  
Our ref: 490727  
Your ref: EN010125



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BY EMAIL ONLY

Dear Jo Dowling,

**Planning Act 2008 (as amended) Section 89  
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17**

**Application by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd for an Order granting Development Consent for the Dogger Bank South Offshore Wind Farms Offshore Wind Farm**

The following constitutes Natural England's formal statutory response to the Secretary of State's Request for Information (RFI) dated 15<sup>th</sup> October 2024 [PD-004]. To inform this response Natural England has reviewed the Applicant's 14<sup>th</sup> October 2024 response [AS-006] to RFI dated 10<sup>th</sup> October 2024 [PD-003].

Natural England has been invited to comment upon whether the information contained in [AS-006] affects the comments made in our response [PDA-038] to the Rule 6 letter, particularly with respect to the draft Examination timetable. Natural England welcomes the opportunity to provide additional comments prior to the Preliminary Meeting.

**Draft Examination Timetable**

**Deadline 2**

Whilst the Applicant has agreed to share documents with us at the point of submission to allow the full two-week review period; having reviewed the list of indicative submission documents in Appendix A of [AS-006], we envisage that two weeks is likely to be insufficient time to review and provide responses on all of the documents listed. Unfortunately, without having seen the documents we cannot confirm what would be a sufficient review period. We acknowledge that some of the documents are marked as having minor updates only, but there are only a few of these less resource intensive documents which are relevant to our remit. We can, however, offer to do similar to that

proposed recently for the Outer Dowsing OWF examination, of triaging the additional documents ahead of Deadline 2 in order to provide initial feedback on any obvious evidence gaps and further information requests to aid issue resolution. But we would aim to provide our full advice on the documents submitted at the next appropriate deadline.

Our comments on the remaining Deadlines remain as given in our response to the Rule 6 letter [PDA-038].

### **Proposed Change Request**

Natural England notes the Applicant's intention to consult Interested Parties outside of the formal Examination process on a Change Request from 7<sup>th</sup> November – 9<sup>th</sup> December 2024. Whilst we provisionally welcome the changes to the application detailed in [PDA-012], we have several concerns regarding the process to be implemented.

- Natural England consider that consulting on the Change Request externally to the Examination is incompatible with the transparency required of the Examination process.
- Whilst 30 calendar days have been allowed for the external stakeholder consultation, the timeframe runs parallel to the review periods for Examination Deadlines 1-3. Natural England will not have capacity to engage in Discretionary Advice with the Applicant whilst also meeting our statutory commitments for these deadlines, to do so would result in deferring statutory responses to a later deadline. We also note that once submitted into Examination, the changes would be subject to statutory consultation as part of the Examination process. Considering this, and to avoid additional delays to formal deadline responses, should this process be progressed (see below), Natural England would defer our comments on the Change Request to the statutory period. However, we highlight that receiving documents midway through the Examination is not helpful if insufficient time is available to properly consider whether the changes are sufficient to result in a change to EIA or RIAA conclusions.
- Natural England acknowledges the recent PINS guidance regarding changes to accepted applications (*'Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for Examination'* (August 2024)) and agree that it would be preferable for refinements of this nature to be made pre-application through effective engagement with the Evidence Plan Process. However, in this instance we believe the process would be detrimental to achieving issue resolution due to the delay in formal consultation on the proposed changes, and the additional pressure put on Interested Parties to engage in two consultation processes simultaneously. We highlight that the proposed changes are for a reduction in Maximum Design Parameters (MDP) in response to concerns raised by

Interested Parties, which will reduce the impacts of the Project. Whilst the application of the changes would result in changes to the Project as applied for, it is not uncommon for MDP to be refined in this way throughout an Examination, particularly where engagement with the Evidence Plan Process has been limited. We therefore recommend that updated application documents incorporating the changes are formally submitted at the earliest opportunity, for consideration under normal Examination Process.

- We note that an Onshore Change Request is also proposed from Deadline 2. The concerns detailed above are also applicable to this second request.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

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