

Dogger Bank South Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your ref. EN01-125
Our ref. 005405086-01
Contact Thomas Tremlett
Phone [REDACTED]
Email [REDACTED]@rwe.com

8th November 2024

Dear Ms Dowling,

Dogger Bank South Offshore Wind Farms

PINS Reference: EN010125

RESPONSE TO RULE 17 LETTER [PD-007] AND ONGOING SUBMISSIONS OF NEW AND UPDATED DOCUMENTS

The Applicants acknowledge receipt of the **Rule 17 Letter [PD-007]** on the 7th November. This letter provides responses to matters raised in ‘**the Rule 17 Letter [PD-007]**’ and secondly provides an update on other documents planned to be submitted to the Examining Authority (ExA) on the 8th November as previously communicated in the **Applicants’ Response to Rule 17 Letter Dated 24th October [AS-016]**.

Response to Rule 17 Letter [PD-007]

Submission of information and re-opening of the Preliminary Meeting

As outlined in previous correspondence, the Applicants are working as quickly as possible to provide the updated Offshore Ornithology assessments following receipt of the **Natural England Relevant Representation [RR-039]**. The Applicants re-iterate that they were unaware that Natural England would not be reviewing the assessment as submitted until undertaken in-line with their revised guidance provided in March 2024 until receipt of this Relevant Representation on the 6th September 2024. The complex nature of these assessments and the specific manner in which Natural England have requested these updates to be provided result in the date outlined in the **Applicants’ Response to Rule 17 Letter Dated 24 October [AS-016]** of the 22nd November being close to the limit of what is achievable for the delivery of this information.

The Applicants will endeavour to pull forward the submission of these documents if possible to facilitate the re-opening of the Preliminary Meeting, considering the significant impacts the delay has on delivery of the Projects and the Government’s 2030 targets.

The Applicants' would however also like to re-iterate comments made within the **Applicants' Response to Rule 9 and Rule 17 Letter issued on 22 October 2024 [PDB-001]** including that:

- the initial assessment was comprehensive and robust in-line with relevant guidance and best practice prior to new guidance provided in March 2024 which was too close to the submission of the DCO application to incorporate.
- the Applicants were unaware that Natural England were not considering the detailed assessment despite opportunity being available for the Applicants to be notified of this fact prior to receipt of the Relevant Representations on the 6th September 2024.
- the assessment updates will not change the EIA or HRA conclusions for kittiwake and are unlikely to change the numbers of impacted birds in the assessments.
- the assessment updates will not change the EIA or HRA conclusions for guillemot, although numbers of impacted birds will increase in line with new NE guidance and to account for comments raised by NE in their Relevant Representation [RR-039].
- some updates were not possible to deliver earlier due to the reliance on the submission of other Offshore Wind Farms applications to obtain information to inform the Applicants' assessment.
- notwithstanding the numbers of affected birds changing the quantum of compensation required, variations of the totals will not affect the nature or suitability of the measures proposed within the compensation plans

Furthermore, **Natural England's Response to the Rule 9 and 17 Letter issued on 22 October 2024 [PDB-011]** identifies that the updated offshore ornithology assessments '*should be available for Interested Party (IP) review at the re-start of the Examination*' and that submission of this information in mid-November '*could allow the Examination to re-start promptly*'. With the above in mind, the Applicants would emphasise their view aligns with this, and that examination could be re-commenced immediately or shortly after the delivery of this information to the ExA and relevant stakeholders without further consultation on the matter.

Change requests 1 and 2

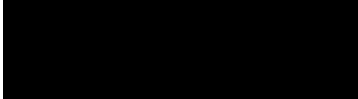
The Applicants confirm they will consult the additional stakeholders outlined by the ExA for both notified Change Requests. The Applicants can also confirm that site notices will be placed at appropriate locations in proximity to the Offshore Substation Zone, and that land documents will be provided as part of the Change Request upon submission to the ExA.

Update on submission of documents during the pre-examination period.

In light of the **ExA's Rule 17 Letter [PD-007]**, the Applicants confirm their intention to prioritise delivery of relevant offshore ornithology assessment updates and change requests. However, this will cause minor delays to the timing of delivery of some documents listed within the **Applicants' Response to Rule 17 Letter Dated 24th October [AS-016]** for delivery on the 8th November, detailed in **Appendix A of this letter**. The Applicants are still committed to providing this information, but due to the need to prioritise aforementioned deliverables, the Applicants will not submit all documents today and some documents will follow over the coming days when available as outlined in Appendix A.

The Applicants' trust that this response assists the ExA in their consideration of the revised examination timetable and that the ongoing submissions demonstrate the continuing progress made by the Applicants in readiness for the start of examination.

Yours sincerely,



Thomas Tremlett
Senior Consents Manager

DBS Offshore Wind Farms

**RWE Renewables UK
Dogger Bank South
(East) Limited**

Registered no. 13656240

**RWE Renewables UK
Dogger Bank South
(West) Limited**

Registered no. 13656525

Registered office:

Windmill Hill Business Park,
Whitehill Way, Swindon,
Wiltshire, England SN5 6PB

Registered in England
and Wales.

Appendix A

As set out in the **Applicants' Response to Rule 17 Letter Dated 24th October [AS-016]**, the intention of submissions outlined for delivery on the 8th November (some documents now slightly delayed) was to respond to points of detail raised by interested parties in their relevant representations, and by the ExA in their procedural decision letters. Due to the various sources of these requests and clarifications, this appendix confirms what has been provided regarding the first of these dates and our reasoning for providing this additional information under the headings below for ease of reference.

Information sought in Rule 17 letter 24 October 2024

The Applicants have submitted the following documents in response to requests made in the ExA's **Rule 17 letter** [PD-006] :

- **7.4 Chapter 4 Site Selection & Assessment of Alternatives (revision 2)** to update table 4.21
- **7.4 Chapter 4 Site Selection & Assessment of Alternatives (revision 2) (Tracked)**
- **2.18 Tree Preservation Order and Hedgerow Plan (revision 3)** to identify historically important hedgerows. Additionally, corrections have been made to address Action No. 2 of the **Action points from Preliminary Meeting** [EV2-002].

Action Points from Preliminary Meeting

In response to Action No. 4 of the ExA's **Action Points from Preliminary Meeting** [EV2-002] the Applicants confirm that Artificial Intelligence has not been used in the production of application documents, and is not likely to be used henceforth.

In response to Actions No. 2 and 3, the Applicants enclose:

- **2.18 Tree Preservation Order and Hedgerow Plan (revision 3)** – as described above
- **10.13 Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2)** to re-order the plans as requested in Action No. 3.
- **10.13 Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment and Outline Arboricultural Method Statement (Revision 2) (Tracked)**

Agenda for Compulsory Acquisition Hearing 1

In the **Agenda for Compulsory Acquisition Hearing 1** [EV3-001] the ExA sought answers to the Supplementary Agenda questions by Deadline 1, which is now provided:

- **10.32 Responses to supplementary agenda items CAH1**

Agenda for Issue Specific Hearing 1

In the **Agenda for Issue Specific Hearing 1** [EV4-001] the ExA sought answers to the Supplementary Agenda questions by Deadline 1, which is now provided:

- **10.31 Responses to supplementary agenda items ISH1**

Rule 6 letter

The Applicants have submitted a number of documents sought by the ExA in their **Rule 6 letter** [PD-002], in accordance with the timetable set out in our response [PDA-011]:

- Archaeological trial trenching and geophysical assessment reports sought in Annex F:
 - **10.12 DBS Phase 2 2024 Archaeological Trial Trenching Technical Note (Revision 2)**
 - **10.27 Archaeological Trial Trenching Phase 2 (Interim Report) Section 5**
 - **10.28 Archaeological Trial Trenching Phase 2 (Interim Report) Section 6**
 - **10.35 Geophysical Assessment Report (Final) [9 parts]**
- Traffic plans to be orientated North, sought in Annex F
 - **7.24.24.2 Environmental Statement Appendix 24-2 – Transport Assessment (Revision 2)**
 - **8.13 Outline Construction Traffic Management Plan (Revision 2)**
 - **8.13 Outline Construction Traffic Management Plan (Revision 2) (Tracked)**

The Applicants' has delayed submission of responses to remaining sections of Natural England's Relevant Representations (including Appendices A - F, and I) to the week commencing 11th November due to the re-prioritisation of activities noted above. It should be noted that the Applicants' have already submitted **10.18 Response to Natural England's Relevant Representations (Appendix G & H)** [PDB-006] on 29 October 2024.

Other updates

Given the discussion in respect of land rights matters at the Preliminary Meeting, the Applicants will submit the following documents during the week commencing 11th November to demonstrate the scale of engagement with affected parties and progress in negotiations:

- **4.2 Book of Reference (Revision 3)**
- **4.2 Book of Reference (Revision 3) (Tracked)**
- **10.4 Land Rights Tracker (Revision 2)**
- **10.4 Land Rights Tracker (Revision 2) (Tracked)**
- **10.4 Land Rights Tracker (Revision 2) (Excel format)**

The Applicants continue to update documents to reflect discussions and agreement reached with statutory parties and enclose the following documents:

- **8.24 Offshore Operations and Maintenance Plan (OOMP)** responding to comments from the Marine Management Organisation and Natural England in their relevant representations
- **8.24 Offshore Operations and Maintenance Plan (OOMP) (Tracked)**
- **10.36 Review of evidence on recovery of sandbank habitat following habitat damage** provided to address comments raised in Natural England's relevant representation [RR-039].

The Applicants' will provide a new revision of **1.4 Guide to the Application** at the end of November to provide clarity on documents that have been submitted in recent months since the Pre-Examination Procedural Deadline on 8th October.