



**Dogger Bank South Offshore Wind Farms – EN010125**

**Section 51 advice regarding draft application documents submitted by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd**

On Friday 16 February 2024 RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup>:

1. Book of Reference
2. Consultation Report
3. Consultation Report Appendices A, B1-B8, B9, B10, B11, C, D, E and F
4. Draft Development Consent Order
5. Draft Report to Inform the Appropriate Assessment - Habitats Regulations Assessment
6. Environmental Statement Chapter 5 – Project Description
7. Environmental Statement Chapter 5 – Project Description Figures
8. Environmental Statement Appendix 5-1 Consultation
9. Explanatory Memorandum

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<sup>1</sup> See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



10. Offshore Works Plans

11. Onshore Works Plans

12. Statement of Reasons

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicants and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.



Book of Reference		
Ref No.	Paragraph/Section	Comment/Question
1.	<b>General comment</b>	<p>The Book of Reference appears to provide a structure which would allow the submitted document to meet the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) Regulation 7 requirements for a Book of Reference.</p> <p>The Applicants will wish to ensure that when the Book of Reference is populated that it is accurate, complete and follows the approach required by APFP Regulation 7.</p>
2.	<b>General comment</b>	<p>Currently, the version of the Book of Reference provided consists mainly of template tables for each part required by the APFP Regulations, without explanation as to the purpose of each part and the document as context to this document and its role in Examination.</p> <p>The Applicants may wish to review this and consider whether there is value in the addition of explanation to the start of the Book of Reference to assist parties in understanding the function of each part and the purpose of the document.</p>



Consultation Report		
Ref No.	Paragraph/Section	Comment/Question
3.	<b>General comment</b>	<p>Due to the developing nature of this document, there are placeholders and placeholder text provided throughout. The Inspectorate is unable to provide extensive comments on the information to be covered in these parts of the Consultation Report. As part of the quality assurance process care should be taken to ensure all these placeholders are updated and that consistency is ensured within this document and with other application documents that cover related information.</p> <p>The Applicants will wish to ensure that information provided is as comprehensive and consistent by the time of submission.</p>
4.	<b>General comment</b>	<p>It is noticed that there is inconsistency in the formatting applied within the document. As part of the quality assurance process the Applicants may wish to ensure as far as possible the formatting used is consistent throughout documentation to provide reassurance that the quality assurance process has been undertaken.</p> <p>The Applicants may wish to ensure that there is consistency of approach within documents by the time of submission.</p>
5.	<b>General comment</b>	<p>The Applicants are reminded that the use of hyperlinks to non-verifiable website sources is discouraged as the content of sites may change over time, and the audit trail for changes may not be present or clear to the parties to a future examination. This advice is provided in section 5 of Planning Inspectorate National Infrastructure <a href="#">Advice Note 8.4</a>. For example, the videos of the webinars included in Table 6, whilst evidencing the webinar would not be a document entered into Examination.</p> <p>The Applicants may wish to review and amend its approach as it considers appropriate.</p>
6.	<b>Table 2</b>	<p>Table 2 identifies that Appendix B1 includes the notification given under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Regulation 8 but as noted in the feedback provided for Appendix B1 this does not appear to be the case. Appendix B1 includes the s46 acknowledgement letter from PINS but does not appear to contain the actual notification under Regulation 8.</p> <p>The Applicants may wish to review Appendix B1 and amend the Appendix or Table 2 as needed.</p>



Consultation Report		
Ref No.	Paragraph/Section	Comment/Question
7.	<b>Paragraphs 4.3.8, 4.3.9 and 4.3.10.</b>	<p>The Inspectorate notes that paragraphs 4.3.8, 4.3.9 and 4.3.10 gives the impression that the statutory consultation resulted in the identification of only two Local Authorities under section 42 and section 43 of the Planning Act 2008. Although the offshore elements may not have a host authority it should be clear whether neighbouring authorities for the onshore elements of this scheme have been identified and consulted. As it stands these paragraphs seem to identify that only East Riding of Yorkshire Council and Hull City Council have been identified. There appears to be no mention of City of York Council, North Yorkshire Council or North Lincolnshire Council, which might have been expected considering the host Local Authority status of East Riding of Yorkshire Council for the onshore elements of the project. Appendix B3 should have made it possible to cross reference but this is not currently possible due to the drafting status of the documentation provided resulting in Appendix B3 not being populated.</p> <p>The Applicants may wish to review their application of s42 and s43 or the framing of their Consultation Report and amend as appropriate to ensure all required parties were consulted prior to the submission of the application, and that this is reflected in the Consultation Report.</p>
8.	<b>Section 7.14</b>	<p>The Consultation Responses section could be seen to be very text heavy. An amendment of the presentation and framing of this section may be desirable to improve clarity and reduce the risk of identification of respondents.</p>



Consultation Report Appendices A, B1-B8, B9, B10, B11, C, D, E and F		
Ref No.	Paragraph/ Section	Comment/Question
9.	<b>General comment</b>	<p>Not all sheets are searchable documents. It is also noted that some redaction has been carried out in advance of submission and the Inspectorate advises that this does not provide any significant time saving to the preparation of documents for publication following submission as these elements would need to be redacted again.</p> <p>The Applicants may wish to review these Appendixes and amend as they deem appropriate. This may also be a matter the Applicants wish to check against all submission documents.</p>
10.	<b>General comment</b>	<p>Where images are included, the Applicants should consider the accessibility of the document through measures such as alternative text connected to the image. Information available on public authority websites is expected to comply with Accessibility Regulations and therefore the Applicants should consider how this can be achieved.</p> <p>The Applicants may wish to review these Appendixes and amend as they deem appropriate. This may also be a matter the Applicants wish to check against all submission documents.</p>
11.	<b>Appendix B1</b>	<p>Appendix includes s46 acknowledgement letter from PINS but does not appear to contain the actual notification under Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p> <p>The Applicants may wish to review Appendix B1 and amend as they deem appropriate.</p>
12.	<b>Appendix F7</b>	<p>The example introductory consultation emails included in Appendix F7 to Stakeholders have only been particularly redacted seemingly to remove personal information, but this has been done inconsistently. For example, in the case of the one sent to the Member of Parliament for Beverley and Holderness it appears the name of the member of parliament has been redacted but not the name of their Office Manager. It is also possible to identify the person to which this document was sent. The comment previously made about redaction by the Applicants prior to submission is reiterated at this point.</p> <p>The Applicants may wish to review their approach and amend as appropriate.</p>



Consultation Report Appendices A, B1-B8, B9, B10, B11, C, D, E and F		
Ref No.	Paragraph/ Section	Comment/Question
13.	<b>Appendix F8</b>	<p>It is not clear to the Inspectorate what the intention is with Appendix F8. The document forming Appendix F8 also shows automatic cross-referencing issues with Error! Bookmark not defined listed against the page number multiple times in the content page.</p> <p>The Applicants should review their documentation and ensure that this error is not present in their submission version.</p>

Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
14.	<b>Article 2 and Article 33</b>	<p>The Inspectorate notes that the terms “<i>generating station</i>” and “<i>electricity generating station</i>” are not defined in Article 2 and are used throughout the Draft Development Consent Order, including in Article 33.</p> <p>The Applicants may wish to consider defining the terms “<i>generating station</i>” and “<i>electricity generating station</i>”.</p>
15.	<b>Article 2, Schedule 2, Part 1 and Schedules 10 and 11, Part 2</b>	<p>The Inspectorate notes that Requirement 2(1)(d) in Schedule 2, Part 1 and Condition 1(1)(d) in Schedules 10 and 11, Part 2 refer to “<i>Mean Sea Level</i>”, but this term does not appear to be defined in the Draft Development Consent Order.</p> <p>The Applicants may wish to review their approach and consider whether this term should be defined within the Draft Development Consent Order.</p>
16.	<b>General including Article 41</b>	<p>The Inspectorate notes that the Draft Development Consent Order uses the term Secretary of State without specifying or providing clarity on which Secretary of State is being referred to.</p> <p>The Applicants may wish to consider specifying which Secretary of State.</p>



Draft Development Consent Order		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
17.	<b>Schedule 1, Part 1</b>	<p>The Inspectorate has noticed that there appears to be erroneous referencing within the Draft Development Consent Order. There is a reference on page 45 of the Draft Development Consent Order (relating to the works for Dogger Bank South East Offshore Wind Farm) under Further Associated Development (c) to Work Nos. 1B to 6A. As Work No. 6A appears to relate to Dogger Bank South West Offshore Wind Farm. Is this reference incorrect? Should this reference be to Work Nos. 1B to 6B rather than 6A?</p> <p>The Applicants may wish to review this reference and amend as deemed appropriate.</p>
18.	<b>Schedule 2, Part 1</b>	<p>The Inspectorate has noticed that there appears to be a typographical error with Requirement 6(6)(c). Should this requirement refer to “<i>cable crossings</i>” in this location?</p> <p>The Applicants may wish to review this reference and amend as deemed appropriate.</p>
19.	<b>Schedule 2, Part 1</b>	<p>It has been identified that in Requirement 8(1) and elsewhere within the Draft Development Consent Order that there is no requirement for approval to be in writing. The Applicants may wish to review and amend this Requirement and other parts of the Draft Development Consent Order as deemed appropriate.</p>
20.	<b>Schedule 2, Part 1</b>	<p>The Inspectorate notes that Requirement 9(5) refers to “<i>Work Nos. 25A or 26B and 26B...</i>” Is this correct?</p> <p>The Applicants may wish to review this reference and amend as deemed appropriate.</p>
21.	<b>Schedules 10 and 11, Part 2</b>	<p>It is noted that Condition 6(2) included in the Deemed Marine Licences for each Offshore Wind Farm included as Schedules 10 and 11 does not specify the method of submission of amendments to the written scheme. This appears to be at variance to the approach taken elsewhere in the Deemed Marine Licences for each Offshore Wind Farm included as Schedules 10 and 11.</p> <p>The Applicants may wish to review this provision and consider whether the approval for any subsequent amendments should also be required to be in writing. Alternatively, the Applicants may wish to provide justification in the Explanatory Memorandum for the rationale for this difference.</p>





Draft Report to Inform the Appropriate Assessment (RIAA) - Habitats Regulations Assessment		
Ref No.	Paragraph/Section	Comment/Question
22.	Page 23	<p>Sites designated for Annex II Marine Mammals:</p> <p>The draft RIAA includes advice from Natural England that “...<i>the direct effects of EMF on cetaceans can be screened out, though the indirect effects on prey should be considered</i>”. It is unclear from the information provided whether the indirect effects on prey have been considered.</p> <p>In line with advice from Natural England, the RIAA should consider whether this impact pathway could result in a likely significant effect (LSE)/ adverse effect on integrity (AEol) of marine mammal qualifying features.</p>
23.	Paragraphs 34 and 47	<p>Paragraph 34 of the draft RIAA states: “<i>Species for which there were predicted to be fewer than 5 collisions per year before apportioning among candidate SPAs have been screened out on the basis that an LSE can be ruled out</i>”.</p> <p>The draft RIAA then goes on to state (paragraph 47) that the breeding great black-backed gull feature of East Caithness Cliffs SPA, was screened out on the basis that non-breeding season collision risk within the Projects was fewer than 9 birds. As this appears to conflict with the statement in paragraph 34, the reasoning behind the decision to screen out breeding great black-backed gull of the East Caithness Cliffs SPA decision is unclear. The Applicants are advised to clarify this matter in the RIAA.</p>
24.	Paragraphs 103 and 104	<p>These paragraphs explain that as “<i>few individuals</i>” (lamprey) could be impacted by UXO detonation events, there is no potential for an AEol of the migratory fish qualifying features of the River Derwent Special Area of Conservation (SAC). If the Applicants are able to quantify “<i>few individuals</i>” as an approximate figure, this could help support the conclusion reached.</p> <p>The same point applies for the conclusion reached for migratory fish qualifying features of the Humber Estuary SAC.</p>



Draft Report to Inform the Appropriate Assessment (RIAA) - Habitats Regulations Assessment		
Ref No.	Paragraph/ Section	Comment/Question
25.	Paragraphs 112 to 115	Assessment of potential effects of the Projects alone on migratory fish of the Humber Estuary SAC (from underwater noise and vibration impacts due to UXO clearance):  Is this section missing a concluding paragraph on the potential for AEoI from the Projects alone (akin to paragraph 101 in relation to the River Derwent SAC)?
26.	Paragraph 162	Paragraph 162 states that the <i>“Input parameters used for the CRM [collision risk modelling] were those advised by Natural England”</i> . The Applicants are advised to submit evidence to support this statement and to cross-refer to it in section 9.1.1.
27.	Paragraphs 172 and 173	When cross-referring to the Environmental Statement (ES), the Applicants are advised to refer to specific sections/ paragraphs (rather than a broad reference to an ES Chapter), to allow the Examining Authority and Interested Parties to easily locate the relevant information.
28.	Paragraphs 192	This paragraph refers to the embedded mitigation measures in Table 9-6. However, the subsequent table is titled <i>“Table 9-8 Embedded Mitigation Measures.”</i>
29.	Table 9-8	Where relevant, the RIAA should confirm how the embedded measures would be secured through the Draft Development Consent Order - eg would the restrictions on vessel movements be secured through a suitable management plan?
30.	Page 85, paragraph 193	This paragraph refers to the realistic worst case design parameters being summarised in Table 9-7, but the subsequent table number is Table 9-9.
31.	Page 89, paragraph 194	This paragraph refers to two possible electrical solutions being considered for DBS West: HVAC or HVDC. However, this does not seem to correspond with draft ES Chapter 5, page 19 para 9, which states that both the DBS West and DBS East Projects would use HVDC to transmit electricity generated offshore to the landfall.



Draft Report to Inform the Appropriate Assessment (RIAA) - Habitats Regulations Assessment		
Ref No.	Paragraph/ Section	Comment/Question
32.	<b>Pages 93 and 94, paragraphs 218 and 219</b>	The Applicants have cited a worst-case area from which red-throated diver could be displaced as being a 2km radius around each cable laying vessel. The Applicants should provide further justification for the use of this distance and compare this with the disturbance zones for red-throated diver that have been discussed in other offshore windfarm Examinations, for example East Anglia TWO.
33.	<b>General comment including reference to paragraphs 221 to 224, 338 and 402</b>	<p>Paragraphs 221 to 224 explain that whilst Natural England advice on recent wind farm assessments has been to use a 10% mortality rate, the assessment in the RIAA is based on a 1% mortality rate.</p> <p>The Applicants consider (eg at paragraphs 338 and 402) that there is no evidence in support of either the (operational) 70% displacement rate, or the 10% mortality rate.</p> <p>Predicted change figures have been provided for the higher rates, but for a number of species, conclusions on the potential for AEoI are based only on the lower or mean rates (which the Applicants consider to be “<i>more appropriate</i>” based on the evidence).</p> <p>In some instances, use of the upper rates would have taken the figure over the 1% threshold, which would have triggered the requirement for further assessment. In all such instances, the Applicants are advised to consider providing the further assessment information in the RIAA on a precautionary basis, as it is probable that this would otherwise be sought during an Examination.</p> <p>In previous offshore wind farm examinations there have been extensive discussions on ornithological assessment methodology, including displacement and mortality rates and apportioning figures. Where agreement is not reached with Natural England prior to application submission, the Applicants are advised to submit alternative versions of the assessment using the parameters preferred by Natural England - as noted above, it is probable that this would otherwise be sought during an Examination.</p>
34.	<b>Page 117, paragraph 293</b>	The second and third sentences of this paragraph are incomplete.



Draft Report to Inform the Appropriate Assessment (RIAA) - Habitats Regulations Assessment		
Ref No.	Paragraph/ Section	Comment/Question
35.	Page 120, paragraph 300	In paragraph 300 (and elsewhere for other species, for example paragraphs 326; 366) it would be useful to provide the name of the species qualifying feature when concluding whether or not there would be an AEol.
36.	Page 126	Table 9-18 refers to Total in-combination gannet collision risk in its title. This should be in-combination kittiwake collision risk.
37.	Para 406	This paragraph cross-refers to evidence in paragraph 368 – is this a typo/ cross-referencing error? The same comment applies to paragraphs 409, 412, 415, 418.
38.	Table 9-43	Potential error in heading of Table 9-43 – should this read razorbill, rather than guillemot?
39.	Table 9-50	The operation figures in Table 9-50 for “ <i>Increase in background mortality (%)</i> ” don’t appear to correlate to the main text above – should the total increase in background mortality be 1.39% in the middle column and 0.099% in the end column (ie have the figures been entered the wrong way around)?
40.	Paragraph 882	Conclusion in paragraph 882 appears incomplete – the text appears to have been merged with header row below in error. Same point applies to other paragraphs in the draft RIAA including 1022, 1031, 1135, 1694
41.	Paragraph 964	Is 1.3 birds definitely the correct figure to reference in paragraph 964?
42.	Paragraphs 1034 and 1538	Is 0.2 birds definitely the correct figure to reference in paragraphs 1034 and 1538?



Draft Report to Inform the Appropriate Assessment (RIAA) - Habitats Regulations Assessment		
Ref No.	Paragraph/ Section	Comment/Question
43.	<b>Paragraphs 1326 to 1345</b>	These paragraphs appear to erroneously refer to the Marwick Head SPA, rather than the West Westray SPA.
44.	<b>Paragraphs 1372 and 1466</b>	Is 0.1 birds definitely the correct figure to reference in paragraphs 1372 and 1466?
45.	<b>Paragraph 1834</b>	The Applicants are advised to append a copy of the email from Natural England to the RIAA.
46.	<b>Page 636</b>	Section 11 Summary is missing from the draft document. As this is a very large document of over 600 pages a Summary section will be very useful. The Applicants may consider also providing a separate document that summarises their HRA conclusions.
47.	<b>General comment</b>	<p>In the submitted draft RIAA, the Applicants have not made reference to, or provided, information to assess potential derogations (on a 'without prejudice' basis or otherwise). This approach is at odds with that taken in other recent offshore wind farm Examinations, for example East Anglia ONE North, East Anglia TWO and Hornsea Project Four, where this information was provided on a 'without prejudice' basis.</p> <p>The Applicants have confirmed, at recent project update meetings with the Inspectorate, that they are continuing to engage in Steering Groups for the Round 4 Strategic Compensation Plans (SCP) for Flamborough and Filey Coast SPA and Dogger Bank SAC.</p> <p>If SNCBs have indicated that the Proposed Development is likely to adversely impact a protected site, as set out in National Policy Statement EN-3 the Applicants should include information to assess potential derogations with the application. This can be on a 'without prejudice' basis if the Applicants dispute the likelihood of adverse effects.</p>



Draft Report to Inform the Appropriate Assessment (RIAA) - Habitats Regulations Assessment		
Ref No.	Paragraph/Section	Comment/Question
48.	<b>General comment</b>	<p>Assessment of in-combination effects:</p> <ol style="list-style-type: none"> <li>1. For a number of sites and species, the potential for in-combination effects has been discounted on the basis that the figures would not represent a “<i>measurable increase</i>” in mortality (eg at paragraphs 565, 797, 910, 937 and 1007 of the draft RIAA). The Applicants are advised to explain why the predicted mortality figures are not considered to be a “<i>measurable increase</i>”.</li> <li>2. In line with comments above, for a number of species, the conclusions on the potential for in-combination effects are based on the lower or mean mortality rates. It appears unlikely that Natural England would agree with this approach and therefore, the Applicants are strongly advised to establish what Natural England’s preferred approach would be and to present those figures in the RIAA.</li> </ol>
49.	<b>General comment</b>	<p>Reference is made throughout the draft RIAA to use of information (eg seasonal and annual abundance estimates of birds) from the Sheringham and Dudgeon Extension projects.</p> <p>Where information/ data collected in relation to other projects is utilised, the RIAA should include an explanation of why that data is considered applicable and (if not updated, where relevant) considered to remain representative of the current state of the environment.</p> <p>The Applicants should make effort to agree the suitability of information used for the assessments in the RIAA with relevant consultation bodies.</p>
50.	<b>General comment</b>	<p>Advice from the Inspectorate at the project update meeting on 13 December 2022 was to discuss with Natural England at the earliest possible opportunity how species of concern have been affected by the avian influenza outbreak and to agree the assessment approach.</p> <p>The Inspectorate recommends that the Applicants include within the application an explanation of how the effects of avian influenza on the baseline populations have been accounted for in the assessment.</p>



Environmental Statement Chapter 5 – Project Description		
Ref No.	Paragraph/ Section	Comment/Question
51.	Page 18, paragraph 7	Reference is made to the Holistic Network Design (HND) as presented by National Grid Electricity System Operator. It might be beneficial if further information regarding this is submitted by the Applicants.
52.	Page 27, paragraph 33	It is stated that the results of the HND process were published in July 2022. It would be useful if these are submitted to accompany the applications.
53.	Page 42, paragraph 60	It states in paragraph 60 that Table 5.2 describes the minimum separation distances between wind turbines and goes on to refer to both inter-row spacing and the in-row spacing. However, Table 5.2 only refers to a “ <i>Minimum turbine spacing (centre to centre)</i> ” of 830 m but does not specify whether this would be for in-row, inter-row spacing or both.
54.	Pages 47 and 52	Tables 5-7 and 5-9 refer to either “ <i>Small Turbines</i> ” or “ <i>Large Turbines</i> ”. It would be beneficial if the Applicants could provide further commentary to explain the differences in the figures in the two columns, including whether there would be any circumstances in which ‘small’ turbines would be proposed.
55.	Table 5-2	Table 5-2 states a blade tip height of 394 metres, however this is slightly different to the Draft Development Consent Order which in Schedule 2 states a blade tip height of 394.08 metres.  Also, the rotor diameter in the ES is 344 whereas the Draft Development Consent Order includes a figure of 344.08 metres. The figures included for the Project Description should be consistent between the ES and Draft Development Consent Order.
56.	Page 54	The title of Table 5-10 would seem to imply that the figures given in Table 5-10 apply to both Collector Platforms and Offshore Converter Platforms. Is this the case?



Environmental Statement Chapter 5 – Project Description		
Ref No.	Paragraph/Section	Comment/Question
57.	Page 61, paragraph 128 and Works Plans	It would aid understanding if the Applicants could provide an explanation as to why a 500m temporary working buffer would be required on either side of the Offshore Export Cable Corridor, including what activities would be undertaken within this buffer zone and why this additional buffer would also be required in those areas where the cable corridor is already beyond 1km in width, such as on the approach to the DBS West Array Area.
58.	Page 94, paragraph 230	The first sentence appears to be incomplete or in need of amending.
59.	Page 102, paragraph 242	Reference is made to site investigation works progressing alongside the Development Consent Order application. Will all the site investigation activities be completed, and their results used to inform the submission of the application? If not, then it would be useful if the Applicants could detail those site investigations that are still outstanding at the time of submission and provide a timescale for their completion.
60.	Page 102, paragraph 245	It would be beneficial if the Applicants could state the process by which decisions about the use of imported material would be made and authorised. The Applicants should also detail what assumptions regarding such materials have been used to inform the worst-case scenario for assessment in the Environmental Statement, for example the average depth of the imported materials and how much of this would be recycled aggregates?
61.	Page 106, paragraph 261	Unless included elsewhere, the Applicants should specify the locations of all watercourses and drainage ditches that may need to be crossed. If these have already been set out elsewhere in the application then a cross-reference to where could usefully be included in this paragraph.
62.	Page 106, paragraph 262	The Applicants may wish to explain why a haul road width of 5m is deemed to be necessary if there are also passing places being proposed via a 3m wide lay-by approximately every 150m.





Environmental Statement Chapter 5 – Project Description		
Ref No.	Paragraph/Section	Comment/Question
63.	Page 108, paragraph 271	The Applicants have referred to five roads that have been identified as being of substandard width and that mitigation measures might include road widening. The Applicants should explain whether sufficient space has been provided within the Order limits to allow for road widening and/or the installation of passing places in these locations.
64.	Page 109, paragraph 280	This refers to the possible diversion of watercourse and/or drainage ditches. It would be beneficial if the Applicants could provide a cross-reference to where within the application the potential effects of such diversions have been assessed.
65.	Page 111, paragraph 291	The Applicants may wish to explain why an Agricultural Land Classification Survey would not be submitted to accompany the application, and also set out what assumptions about impacts on best and most versatile agricultural land have been made in the absence of such a survey.
66.	Page 112, paragraph 298	When will further details about the use or not of trenchless crossings be provided? If this would not be until the detailed design stage then how will this be assessed in the application? What will the criteria be for determining whether or not to use trenchless techniques?
67.	Page 117, paragraph 320	It would be beneficial if the Applicants could provide an illustrative layout of one or both of the main construction compounds.
68.	Page 120, paragraph 330	It might be beneficial if the Applicants could explain any differences between the likely effects of using air insulated versus gas insulated switchgear and explain how the worst-case scenario has been assessed in the application.
69.	Page 121	One of the rows in Table 5-30 sets out the duration of works at the Onshore Substation Zone. Presumably the figures given represent the number of years?



Environmental Statement Chapter 5 – Project Description		
Ref No.	Paragraph/ Section	Comment/Question
70.	Page 123, paragraphs 342 and 343	Unless already contained in the Outline Drainage Strategy, the Applicants might wish to demonstrate that sufficient space has been provided within the Order limits of the Onshore Substation Zone to incorporate any surface water drainage and attenuation that would be required.
71.	Page 123, paragraphs 345	Reference is made to the “ <i>Volume 7, Appendix 18-10 Biodiversity Net Gain Strategy</i> ”. The Applicants should explain how this has been secured in the Draft Development Consent Order as this does not appear to be specifically listed in either the Schedule 2, Part 1 Requirements or the documents to be certified in Schedule 19.
72.	Paragraph 346	Paragraph 346 refers to the lifetime of the Proposed Development being 30 or 32 years depending on whether the development will be concurrent, in isolation or sequential. This detail should also be included within the Draft Development Consent Order.
73.	Paragraph 355	<p>Draft ES Chapter 5 explains that the proposed onshore cable route would connect to the proposed Birkhill Wood National Grid substation (this substation is not part of the Projects and therefore not part of the Development Consent Order application).</p> <p>The ES project description chapter (and other relevant documents) should clearly describe the relationship between the Proposed Development and connected projects, including the extent to which the Proposed Development is dependent on their delivery and the development timelines and anticipated consenting routes of the other projects, with an explanation of how these will be coordinated. The Applicants are advised to address within the ES assessments the potential for connected projects to result in a likely significant effect / likely significant cumulative effect.</p> <p>See also the Inspectorate’s comments on the Explanatory Memorandum in this regard.</p>



**Environmental Statement Chapter 5 – Project Description Figures**

<b>Ref No.</b>	<b>Paragraph/Section</b>	<b>Comment/Question</b>
74.	<b>Figure 5-3p</b>	It would be helpful if this could also show the indicative boundary of the proposed Birkhill Wood National Grid substation and the further section of Onshore Export Cable as referred to in ES Chapter 5 paragraph 352.

**Environmental Statement Appendix 5-1 Consultation**

<b>Ref No.</b>	<b>Paragraph/Section</b>	<b>Comment/Question</b>
75.	n/a	No comments.

**Explanatory Memorandum**

<b>Ref No.</b>	<b>Paragraph/Section</b>	<b>Comment/Question</b>
76.	<b>Front Page</b>	<p>The Inspectorate has noticed that the front page of the Explanatory Memorandum document does not specify that the document is the Explanatory Memorandum (although the Application Reference: 3.2 may reference this document) as it refers to this as the Draft Development Consent Order.</p> <p>The Applicants may wish to review its approach and amend the title page as it deems appropriate.</p>



Explanatory Memorandum		
Ref No.	Paragraph/ Section	Comment/Question
77.	Paragraph 2.3 (f)	<p>The Explanatory Memorandum (EM) refers to the authorised project consisting, amongst other things, of “...onward connections to the proposed Birkhill Wood National Grid Substation.”</p> <p>Furthermore, Page 21 of 21 of Works Plans ED13554-GE-1058 depicts Works No 34A/B National Grid Substation Connection Works and in the Draft Development Consent Order it is noted that Works No 34A/B represent works that National Grid is not required, under its transmission licence to carry out itself.</p> <p>The Applicants should provide additional information to better explain the relationship between the Dogger Bank South proposed scheme and the proposed Birkhill Wood National Grid Substation. For example, what is the current planning status of the Birkhill Wood Substation and would it be required solely to accommodate this application? The Applicants should explain how the proposed substation has been accounted for in the Applicants’ assessment of cumulative impacts, how this has affected construction and operational considerations (including any opportunities for joint working to realise improved environmental outcomes,) and should set out any significant effects on this application in a scenario that the Birkhill Wood Substation is either not constructed or is delayed. See also the Inspectorate’s comments on the Environmental Statement Chapter 5 – Project Description in this regard.</p>
78.	Section 8	<p>The Inspectorate notices that there appears to be inconsistency in the paragraph numbering used in the Explanatory Memorandum. For example, Paragraph 8.4 in Section 8 the Draft Order is followed by paragraphs 1.1 to 1.3 before paragraph 8.5 can be found. This is then followed by paragraphs 1.4 to 1.9 before a resumption of numbering commencing at 8.6.</p> <p>The Applicants may wish to review this and amend this document as deemed appropriate.</p>
79.	Paragraph 8.5	<p>Reference is made in para 8.5(b) of the EM to “<i>connection works</i>”. However, this does not appear amongst the definitions listed in Article 2(1) – Interpretation of the Draft Development Consent Order.</p> <p>The Applicants may wish to review this and amend as deemed appropriate. It is important that there is consistency between documentation submitted as part of an application for Development Consent.</p>



Explanatory Memorandum		
Ref No.	Paragraph/Section	Comment/Question
80.	<b>Paragraph 8.105</b>	<p>The Inspectorate notices that paragraph 8.105 refers to Article 35 in the first sentence, but this paragraph is provided in a section referring to Article 34. Should this reference not be to Article 34?</p> <p>The Applicants may wish to review this reference and amend as deemed appropriate.</p>
81.	<b>Paragraph 8.115</b>	<p>The Inspectorate notices that paragraph 8.115 refers in the first sentence to Article 37 rather than the Article 40 – Crown Rights in the heading for this paragraph. Should the reference in the first sentence be to Article 40, rather than Article 37?</p> <p>The Applicants may wish to review this reference and amend as deemed appropriate.</p>
82.	<b>Paragraph 8.118</b>	<p>The Inspectorate notices that paragraph 8.118 refers in the first sentence to Article 40 rather than the Article 43 – Funding referenced in the heading for this paragraph. Should the reference in the first sentence be to Article 43, rather than Article 40?</p> <p>The Applicants may wish to review this reference and amend as deemed appropriate.</p>
83.	<b>Paragraph 9.38</b>	<p>The Inspectorate notices that paragraph 9.38 states that Requirement 30 relates to onshore collaboration. However, in the Draft Development Consent Order this is Requirement 31, as Requirement 30 in the Draft Development Consent Order relates to port traffic.</p> <p>The Applicants may wish to review this and amend as deemed appropriate.</p>



Offshore Works Plans		
Ref No.	Plan ref	Comment/Question
84.	<b>Drawing Number ED13554-GE-1058</b>	<p>There are a number of purple lines that traverse the Plans on both Page 1 of 21 and Page 2 of 21. Some of these have references, such as “Gas” but even most of those also make reference to a further Note that does not appear to be contained within the suite of Works Plans. It would be beneficial if the Applicants could clarify where this further information is provided.</p> <p>There is also a circled area in yellow around the Flamborough Head area indicated on Page 2 of 21, but this zone does not appear in the Key. Whilst this does not appear to be representative of any of the Works Numbers an explanation as to what it depicts would be useful, unless this is provided on other Plans.</p>

Onshore Works Plans		
Ref No.	Plan ref	Comment/Question
85.	<b>Drawings Number ED13554-GE-1057</b>	<p>On Page 1 of 2 and Page 2 of 2 of ED13554-GE-1057 the plans are numbered from number 3 to number 22. However, for the subsequent suite of plans, reference ED13554-GE-1058, the referencing is from “Page 3 of 21” to “Page 21 of 21” and therefore what is indicated as plan number 21 on ED-13554-GE-1057 (an area to the east of plan number 20 and north of plan 22) appears to be missing.</p>
86.	<b>Drawings Number ED13554-GE-1058</b>	<p>This Drawing suite begins with the Plan that is referenced as being “Page 3 of 21” and all the subsequent Drawings follow on from this ie “Page 4 of 21” etc up until “Page 21 of 21”. It would be helpful if the Applicants could confirm that the reason these are numbered starting at Page 3 of 21 is because Page 1 of 21 and Page 2 of 21 are represented by the Works Plans for the offshore area</p>
87.	<b>Drawings Number</b>	<p>Although it is listed in the Key, Works No. 14A/B (onshore cable corridor) is not specifically indicated on a number of the Works Plans, for example Page 4 of 21 and Page 5 of 21 and is only first indicated on Page 11</p>



Onshore Works Plans		
Ref No.	Plan ref	Comment/Question
	<b>ED13554-GE-1058</b>	of 21. Since the other Works Nos are specifically listed on each Page when they appear, then Works No. 14A/B should be as well.
<b>88.</b>	<b>Drawings Number ED13554-GE-1058</b>	<p>The Inspectorate has noticed that there appears to be missing background mapping data for some of the sheets from Page 5 of 21. The extent and visual impact of this is varies from sheet to sheet. It may not impact areas within the order limits but can be identified from the absence of some or all details from the Ordnance Survey mapping layer as found at Tickton Bridge on page 14 of 21. Even if this is outside of the order limits this may be unhelpful in providing context to parties to a potential future examination, should the application be Accepted for Examination. Whether it is being included as an Xref or directly into the model space, it could be helpful if mapping data is available and visible.</p> <p>The Applicants may wish to reflect on this comment, review their approach to the inclusion of mapping data and make any amendments considered appropriate.</p>

Statement of Reasons		
Ref No.	Paragraph/Section	Comment/Question
<b>89.</b>	<b>General comment</b>	The structure outlined for this document seems in principle to be logical as far as it is laid out in the contents, but the Inspectorate is limited in the comments that can be provided as the content of each section is not currently available to it. When populating the final version of this document for submission the Applicants should ensure consistency between the Statement of Reasons, Book of Reference and Land Plan.

**General**



1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicants may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”