

Outer Dowsing Offshore Windfarm (EN010130) Principal Areas of Disagreement Summary Statement from the Environment Agency (Registration No: 20049058)

Submission date: 19 September 2024

Revision 1

Table 1 – Outstanding Principal Areas of Disagreement				
Number	Area of concern	Explanation which will be reported on in full in Written Representations	Remedy Measures	Likelihood of Resolution
1	Disapplication of the Environmental Permitting Regulations 2016 in relation to flood risk activity permits.	The Environment Agency is currently not able to agree to disapplication of the Environmental Permitting Regulations 2016 in relation to flood risk activity permits (as included in Article 7 of the draft DCO). The Planning Act 2008, section 150, provides that the Environment Agency must consent to remove a requirement for a prescribed consent or authorisation before including such a provision within a DCO.	The Applicant and the Environment Agency need to agree on wording for Protective Provisions, to protect its interests in respect of flood risk activities, to be included in the DCO.	Yes – negotiations regarding the wording of Protective Provisions have been ongoing and it is highly likely that we can reach agreement on these.
2	Potential for the installation of the Export Cable Corridor (ECC) to interrupt the annual beach nourishment works undertaken by the Environment Agency.	The Environment Agency undertakes annual beach nourishment work in the area where the ECC landfalls. The Environment Agency requires the Applicant to enter into a legal agreement to ensure its works can be carried out on time and with no risk of additional costs to the public purse. If these works are impeded, the risk of flooding to 20,000 homes and businesses, 24,500 static caravans and 35,000 hectares of land would increase.	The Applicant and the Environment Agency need to enter into a legal agreement to ensure the beach nourishment work can be carried out, on time, and with no risk of additional costs to the public purse, and will not be impeded by the project works.	Yes – the Applicant has expressed a willingness to enter into such an agreement and we are currently working up Head of Terms for this.
3	Flood Risk Assessment for the ECC and 400 kV Cable Corridor	The flood risk assessment (FRA) contains insufficient information to determine if the project satisfies the flood risk Exception Test, in accordance with paragraph 5.8.11 of EN-1.	Additional information is required to demonstrate that flood risk will not be increased to third parties as a result of the developer working within	Yes - the Applicant is preparing additional information and is actively discussing mitigation to resolve outstanding concerns.

