

The Planning Inspectorate

Our ref: 20050175
Your ref: EN010125

Date: 19 March 2025

Dear Sir/Madam

Application by RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited for the Dogger Bank South Offshore Wind Farms Project

Environment Agency response to the Examining Authority's First Written Questions.

We have reviewed the Examining Authority's questions (ExQ3, issued 15 October 2024) and wish to offer the following responses set out in the accompanying table.

Please note that we are unable to provide full answers in relation to questions GGC.1.3 and HF 1.7 currently. I am working with colleagues to provide these as soon as possible.

Yours faithfully

Matthew Wilcock

Planning Specialist, Yorkshire Sustainable Places

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ExQ1	Question to:	Question	EA Response
CA.1.17	The Applicants and relevant statutory undertakers including Network Rail and the Environment Agency (EA)	Update on negotiations: The Applicants: The SoR [AS-146, paragraph 13.18] states that draft Protective Provisions are under negotiation and that the Applicants are currently seeking to agree the form of Protective Provisions with the affected undertakers. Schedule 15 of the draft DCO [REP1-004] includes the standard Protective Provisions for the protection of electricity, gas, water and sewerage undertakers (part 1) and the protection for operators of electronic communications code networks (part 2) in addition to bespoke Protective Provisions for the protection of the EA (part 3), drainage authorities (part 4) and for Network Rail Infrastructure Ltd (part 5). Can you provide details of any further bespoke Protective Provisions that are likely to be added to the draft DCO and the timeframe for their agreement? The Statutory Undertakers: Can you provide an update on progress regarding the agreement of Protective Provisions and whether you consider that they will be agreed before the close of the Examination?	<p>To give us confidence in disapplication we are still awaiting the response to the following question we posed at relevant reps: With respect to the depth of the crossings below main rivers, what distance above the proposed cable would the applicant be comfortable / allow piling to occur above it? For example, if the cable were at a depth of 20m what depth would we be able to pile to, 10m, 15m, 18m? (i.e. would there be an exclusion zone above the cable?)</p> <p>Once we have the answer to this, we would be able to say with more confidence whether we could agree to disapplication. We would then consult with our legal team re: the protective provisions.</p>
GGC.1.3	Environment Agency and ERYC	Landfill contamination: Are any of the identified historic landfill sites of concern to you and, having regard to Requirement 19 of the draft DCO and the Outline Pollution Prevention Plan [REP1-025, Appendix D], do you consider that any further	Unfortunately we have been unable to check the sites referenced in the question, but can do so if you are willing to accept a response at a later date.

		assessment is necessary at this stage? Please provide reasoning with your response.	
HF.1.2	Environment Agency, ERYC and Lead Local Flood Authority (LLFA)	Climate change data for the sequential test: The Applicants' response to ISH2 agenda item 11, action point 26 [AS-155] explains the Environment Agency 2013 River Hull and Holderness Drain Flood Mapping Study has been used as to inform the sequential test including the future risk of flooding. Given this study is 12 years old, could you confirm if its findings are considered the most relevant for identifying the current and future risk of flooding for the Proposed Development? If not, please identify which other sources should be used.	The only above ground infrastructure (a converter station) lies in Flood Zone 1 – 265 metres from FZ2 or 3 according to the reports. We are seeking advice from our modelling teams to understand if there is more suitable data available. However, it's possible that even with new climate change allowances added on to the model it would not bring this area in to flood zone 2 or 3, so it is possible that this modelling could still be suitable despite its age.
HF.1.5	Environment Agency	Geomorphological survey scope: Can you comment whether limiting the scope of the geomorphological survey [APP-166] to Water Framework Directive waterbodies is appropriate for informing the assessment of likely effects from the Proposed Development? If not, please explain why, and how the Applicants might resolve this.	Yes, we are comfortable that limiting the geomorphology survey to where the cable routes will cross main river and WFD waterbodies is appropriate.
HF.1.6	Environment Agency	Water Environment Regulations compliance assessment scope: Can you confirm if you agree with the waterbodies identified with Table 20-3-3 of the Water Environment Regulations Compliance Assessment (revision 3) [REP1-016], the parameters identified in Tables 20-3-4 and 20-3-5 [REP1-016] and the outcome of scoping assessment? Specific consideration should be given to the general approach that the Proposed Development only affects small proportions of each catchment, habitat or area as justification for scoping out.	We are satisfied that the water bodies identified are correct. If the cable route crosses chalk river / floodplain habitat, even via trenchless techniques, there may be potential for the underground service to impact upon the processes controlling groundwater/surface-water interaction. In chalk streams such interactions are very important. We would therefore recommend that the operational activities are scoped in for the hydromorphology quality elements for table 20-3-4.

HF.1.7	Environment Agency, ERYC, Beverley and North Holderness IDB and Yorkshire Water	Cumulative effects assessment: Can you comment on the Applicants' CEA in ES Chapter 20 (revision 2) [REP1-014, section 20.8], with specific consideration to the approach of identifying other schemes and the criteria used for subsequent shortlisting?	Unfortunately we have been unable to check whether there are any EA schemes that may have a cumulative impact in the area, but can do so if you are willing to accept a response at a later date.
HF.1.8	Environment Agency, ERYC and Yorkshire Water	Water resources: The Applicants identify aquifers, groundwater source protection zones, groundwater abstractions, surface water abstractions and drinking water safeguard zones relative to the Proposed Development [APP-164, Figures 20-1a to 20-3c]. The Applicants have submitted updated Figures 19-8a to 19-8c [REP1-013] that identify local authority managed commercial and domestic potable abstraction wells, and licensed groundwater and surface water abstractions. The figures include an additional 50m buffer. In context of this updated information, can you comment on the assessment of likely effects of the Proposed Development on these hydrogeological and hydrological receptors including any proposed mitigation? Your response should consider the details in ES Chapter 19 [APP-158, section 19.6.1.2]. In addition, could the EA comment or clarify whether it objects to the Proposed Development in the context of the updated information and the groundwater protection remarks in its Relevant Representation [RR-015]?	<p>We note in APP-158 section 19.6.1.2 - 102 -108, APP-164 and REP1-013, the applicant has identified potential impacts to the aquifer. We are satisfied the applicant has considered the likely effects the works would have on hydrogeological and hydrological receptors.</p> <p>If the works proceeded without the correct mitigation then we would likely object to the proposal due to the risk to groundwater resources, quality and contamination in sensitive receptors. However we do note that the applicant has suggested mitigation measures in APP-158 Table 19-3 to address the risks. Outside of the Table 19-3, we also note in Paragraph 125:</p> <p><i>"Should contamination be encountered that is considered to pose an unacceptable risk to groundwater and groundwater resources, a remediation strategy proportionate to the level of risk would be developed and agreed with the relevant bodies. Once agreed, any required remediation works, which will be dependent on the type and level of contamination encountered, would be undertaken to mitigate the potential risks posed."</i></p>

			That being the case, as long as the applicants mitigate the risks using the methods exactly as described in Table 19-3 and Paragraph 125, which are then reviewed and approved by the Environment Agency, then we do not object to the Proposed Development.
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