

Date: 25 April 2025  
Our ref: 17503; 489456  
Your ref: EN010125  
Interested Party ref: 20050173



National Infrastructure Planning  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Hornbeam House  
Crewe Business  
Park Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Sir/Madam,

**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**

The following constitutes Natural England's formal statutory response for Examination Deadline 4.

**1. Natural England's Deadline 4 Submissions**

Natural England has reviewed the documents submitted by the Applicant at Deadline 3. An update of Natural England's position regarding documents relevant to our remit is provided in Annex 1, including anticipated timing of responses. Natural England is also submitting the following detailed responses, signposted from Annex 1:

- EN010125 489457 DBS – Natural England's Risk and Issues Log Deadline 4
- EN010125 489457 DBS Appendix B4 – Natural England's Advice on Marine Physical Environment Deadline 4
- EN010125 489457 DBS Appendix C4 – Natural England's Advice on Benthic and Intertidal Ecology Deadline 4
- EN010125 489457 DBS Appendix F4 – Natural England's Advice on Marine Mammals Deadline 4
- EN010125 489457 DBS Appendix G4 – Natural England's Advice on Offshore Ornithology Deadline 4
- EN010125 489457 DBS Appendix H4 – Natural England's Advice on Offshore Ornithology

Compensation Deadline 4

- EN010125 489457 DBS Appendix M - Natural England's Response to The Examining Authority's Action points arising from Issue Specific Hearing 5 [EV10-002]

## **2. Natural England's Engagement Through Examination**

Natural England highlights to the Examining Authority (ExA) and the Applicant that the focus of our engagement during Examination will be on reviewing relevant updated Environmental Statement (ES) chapters/technical documents/outline plans or thematic clarification notes. Therefore, and as noted in our Rule 6 response [PDA-038; PDC-009], we do not generally respond to commentary on our submissions, other Interested Parties' representations/submissions or to comments from the Applicant or other stakeholders on the Risk and Issues Log, unless the ExA questions have directed us to do so. However, in this instance we have reviewed The Applicants' Responses to Deadline 2 Documents [REP3-028] to enable us to signpost to where issues are due to be progressed by planned, future submissions. In doing this, we note that the Applicant has provided additional technical information both within responses and in appendices of this document. Natural England request that all additional information provided is updated in relevant assessments/documents as needed, to enable issue resolution.

In light of the above, Natural England welcomes the Examiner's request in the Rule 17 letter dated 15<sup>th</sup> April 2025 [PD-018] for the ES to be updated in full at Deadline 7.

## **3. Issue Specific Hearing (ISH) Actions**

Natural England have reviewed the Actions from ISH5 [EV10-002] held on 10<sup>th</sup> April 2025, and acknowledge the Examiner's request in the Rule 17 letter [PD-018] for responses to be provided at Deadline 4. Natural England have responded as far as possible in Appendix M, however we have not been able to respond in full at this deadline. This is in part due to resource constraints as a result of the Easter holidays, and also due to necessary information not yet being available; we understand that the Applicant is due to submit key updated assessments at Deadline 4, including benthic and ornithology RIAAs. It is anticipated that these updates will progress and/or resolve several of the actions, particularly for ornithology, but it would be premature to advise on these at this Deadline. We also note that the Applicant will be submitting Written Summaries of their Oral Representations at Deadline 4, which often provide a more comprehensive view of the Applicant's positions than reviewing the auto-generated transcripts or recordings.

Accordingly, Natural England consider that we will be able to provide more meaningful updates

to the ExA following review of the Deadline 4 submissions, and will therefore provide outstanding comments on actions relevant to these documents in full at Deadline 5. For clarity, we have signposted in our current response where we consider an action will be progressed and/or addressed by a planned Deadline 4 submission, or where we wish to review the written summaries prior to responding.

#### **4. Attendance at potential June ISH**

Natural England acknowledges the ExA's disappointment at Interested Parties' (IP) lack of attendance at the recent hearings, as set out in the Rule 17 letter of 15<sup>th</sup> April 2025, and the early provision of dates for further hearings to be held week commencing 2<sup>nd</sup> June 2025, if required. Whilst we welcome the early notification and understand the ExA's desire for IPs to attend hearings, Natural England can confirm that we will not be attending, should they be held, for the reasons set out below.

A decision on whether the hearings are required will be predicated on the information submitted at Deadline 4. Whilst Natural England understands the need for the hearings to be secured early, based on the Applicant's planned submissions at Deadline 4 we consider that Natural England's Deadline 4 submission, and potentially those of other IPs, will not provide an accurate reflection of the likely position of the Application at Deadline 5 and thus the need for the hearings, which follow shortly after Deadline 5.

As noted in Section 3, key updates to address outstanding concerns related to ornithology and benthic aspects are due for submission at Deadline 4. Natural England and the Applicant have also scheduled meetings for early May to discuss actions needed to resolve remaining outstanding issues, the content of planned future submissions (including indirect prey effects and nearshore processes), and to confirm areas where agreement will not be reached. We anticipate that these will allow for substantially more progress and issue resolution to have been achieved at Deadline 5 than will be apparent at Deadline 4.

In addition, during the proposed time period for the hearings Natural England will also be engaged in North Falls OWF Deadline 5 (30<sup>th</sup> May), Morgan & Morecambe Transmission Assets Deadline 2 (3<sup>rd</sup> June), xlinks Deadline 2 (4<sup>th</sup> June), Sealink Relevant Representations (6<sup>th</sup> June) and of course Dogger Bank South Deadline 6 (13<sup>th</sup> June). Unfortunately, we must therefore prioritise where we consider the greatest environmental benefit to be achieved. In that light, we refer the ExA to the advice provided in our Rule 6 response [PDA-038; PDC-009] that Natural England will only attend ISH by exception and focus our engagement where there is the greatest prospect of significant environmental risks being resolved.

## **5. Provision of Outline Plans**

Natural England are concerned that several of the outstanding issues raised in our Relevant and Written Representations will not be resolved within Examination due to the Applicant's reluctance to provide and/or update outline plans. For example, an Outline Decommissioning Plan and HDD Landfall Management Plan including a Bentonite Breakout Management Plan have not been provided. We highlight that similar requests have been made of other Round 4 projects and they have been forthcoming.

## **6. Comments on conclusions**

The Applicant makes repeated reference to changes requested in Natural England's advice not having a material impact on assessment conclusions, and therefore not being a reason to cause a delay in Natural England finalising their positions. Whilst an update may not materially impact whether an adverse effect can be ruled out or not, it remains important for impact assessments to be based on correct outputs as these impact values will be used by other projects for in-combination assessments and to inform requirements for compensation. We also consider that it would be pre-emptive to 'finalise' a position prior to discussions regarding mitigation being fully closed out.

## **7. Plan Level HRA conclusions**

Natural England note the topic of Plan Level HRA conclusions being superseded by Project Level HRA conclusions has featured in both the Examiner's Questions (BE.1.10, [PD-014]) and the ISH actions [EV10-002]. For clarity, Natural England wish to highlight that we are in full agreement with the Applicant that *"the conclusions of the Plan Level HRA may be superseded by Project Level assessments where more detailed information is available"*, as has been the case for several features of the Flamborough and Filey Coast SPA. We also agree *"that it would be unreasonable to only update Plan Level HRA conclusions in a negative way in response to project-level information"*. Natural England has not advised otherwise, it is simply our view that in this case the evidence presented by the Applicant is insufficient to warrant divergence from the Plan Level conclusions.

## **8. Draft Development Consent Order (DCO)**

Natural England notes that the Project Environmental Statement (ES) has based assessments on an operational lifetime of 30 - 32 years. Similarly, our advice and considerations on this project thus far have been based on the proposed operational lifetime within the ES. However, we note that the draft Development Consent Order (DCO) does not include any condition or

requirement that would allow enforcement of an end date. A similar issue with the lack of an enforceable end date was raised within Natural England's response to Outer Dowsing Offshore Wind Farm Deadline 6 (Natural England's cover letter Point 5). Given the assumptions made within the Project ES Natural England considers that there will be a need for a robust process to assess any extension to the operational life of the Project, such as through a variation or a new licence process, or other appropriate regulatory process.

Therefore, we advise that an operational end date of 30 – 32 years is included within the Deemed Marine Licence (dML), which we understand to be aligned with standard best practice for all non-Offshore wind marine licences. We note that this is a new issue raised during the Examination process of Dogger Bank South and have included it as an additional row within the updated Risks and Issues Log tab A.

For awareness, we note during discussions on this matter with the MMO, that this has highlighted a potential cross cutting issue with offshore windfarm marine licences. Natural England considers that there is a benefit to including an end date of the operational phase within the DCO/dML to ensure that it is clear that any repowering etc. would be subject to a new consent or variation, which would also require a full reassessment of impacts. Natural England notes this is also supported by the MMO. For awareness, Natural England will also be advising the inclusion of an operational end date on the dML for all OWF NSIPs Applications currently in examination.

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

Yours faithfully

██████████  
Senior Officer – Marine Sustainable Development  
Yorkshire and North Lincolnshire Area Team  
E-mail: ██████████@naturalengland.org.uk

## Annex 1: Natural England's Response to the Applicant's Documents Submitted prior to and at Deadline 3 Relevant to our Remit

| PINS Document Reference                               | Document Name  | Natural England's Response/Position Summary  |
|---|--|--|
| <b>Documents Submitted prior to and at Deadline 3</b> |  |  |
| <b>General</b>  |  |  |
| REP3-002  | 1.4 Guide to the Application (Revision 5)                        | Natural England has no comments to make on this document.  |
| REP3-001  | 13.1 Cover Letter for Deadline 3                                 | Natural England has no comments to make on this document.  |
| REP3-027  | 13.2 The Applicants' Responses to ExQ1                           | Natural England's response to this document is provided in our Risk and Issues Log Deadline 4 and each thematic Appendix where relevant. |
| REP3-028  | 13.3 The Applicants' Responses to Deadline 2 Documents           | Natural England's response to this document is provided in our Risk and Issues Log Deadline 4 and each thematic Appendix where relevant. |
| <b>DCO</b>  |  |  |
| REP3-033  | 13.8 Disposal Site Plan  | Natural England has no comments to make on this document.  |
| REP3-005  | 3.1 Draft Development Consent Order (Revision 6) (Tracked)       | Natural England's response to this document is provided in our Risk and Issues Log Deadline 4.   |
| REP3-007  | 3.2 Explanatory Memorandum (Revision 6) (Tracked)                | Natural England has no comments to make on this document.  |
| REP3-008  | 3.4 Schedule of Changes (Revision 4)                             | Natural England's response to this document is provided in our Risk and Issues Log Deadline 4..  |
| <b>Marine Physical Environment</b>                    |  |  |
| REP3-024  | 10.37 Coastal Erosion Rate Technical Note (Revision 2) (Tracked) | Natural England's response to this document is provided in Appendix B4   |

| PINS Document Reference      | Document Name  | Natural England's Response/Position Summary  |
|------------------------------|--|--|
| REP3-032                     | 13.7 Bed Mobility & Thermal Environment  | Natural England's response to this document is provided in Appendix B4.  |
| REP3-011                     | 7.8.1 ES Chapter 8 - Marine Physical Environment Figure 8-1 to Figure 8-13 (Revision 2)                                | Natural England has no comments to make on this document.  |
| Benthic & Intertidal Ecology |  |  |
| REP3-022                     | 10.36 Review of Evidence on Recovery of Sandbank Habitat following Habitat Damage (Revision 2) (Tracked)               | Natural England's response to this document is provided in our Risk and Issues Log Deadline 4 and Appendix C4. |
| REP3-026                     | 10.38 Benthic Ecology Technical Note (Revision 2) (Tracked)  | Natural England's response to this document is provided in our Risk and Issues Log Deadline 4.                 |
| Marine Mammals               |  |  |
| REP3-031                     | 13.6 Marine Mammal Technical note - Significance of Effect for disturbance from piling and cumulative underwater noise | Natural England's response to these documents is provided in Appendix F4.                                      |
| REP3-013                     | 7.11.11.6 Appendix 11-6 UXO Clearance Information and Assessment (Revision 3) (Tracked)                                |  |
| Offshore Ornithology         |  |  |
| REP3-020                     | 10.20 DBS Guillemot and Razorbill Compensation Site Refinement Report (Revision 2) Tracked                             | Natural England's response to this document is provided in Appendix H4.  |
| REP3-030                     | 13.5 Precaution in the Ornithology Assessment and Implications for Compensation Quantum                                | Natural England's response to this document is provided in Appendix G4.  |