

ERYC (and LLFA) responses to Rule 17 Letter published 9th June 2025

Ref. no.	Question	ERYC Response
R17.47	<p>Draft DCO – Protective provisions</p> <p>Can you provide an update on the progress of agreeing the wording of the protective provisions. If they are presently not agreed, provide a summary of the outstanding issues, along with an indication of whether these are likely to be agreed by the end of the Examination. If they are already agreed, can you signpost the ExA to where this confirmation has been provided</p>	<p>ERYC as LLFA have agreed the wording of the protective provisions related to drainage. This is set out in the SoCG (Revision 2) at item 65.</p>
R17.3	<p>Ecology and nature conservation - Biodiversity net gain (BNG) strategy</p> <p>The applicants have submitted an updated BNG Strategy at deadline 5 [REP5-015]. Confirm whether the document has addressed previous concerns and would be acceptable. If not, please explain any outstanding matters and how they should be addressed.</p>	<p>We have considered the additional details submitted at REP5-015 Appendix 18-10 - Biodiversity Net Gain Strategy Revision 2 (RWE, May 2024) and note the inclusion of the River Condition Assessment Surveys.</p> <p>Detailing in paragraph 61 in relation to assumptions and limitation is acceptable and grassland condition is reasonably precautionary based on our knowledge of the habitat quality within the study area.</p> <p>We note the revised detailing in paragraph 73 and when read alongside paragraph 89 it is clear what is intended. This approach is considered sufficiently precautionary, however, where habitats cannot be reinstated to their original condition within 2 years, it is not appropriate to record these habitats as retained and this is appropriately acknowledged in paragraph 79. The use of moderate condition for any restored habitats and/or hedgerows, previously in good condition is proportionate given that management of the land would revert to the landowners. There is no official guidance on this matter from Defra at</p>

		<p>this time. The document provides clear detailing on the extent of habitat that can be controlled for management and maintenance (paragraph 91).</p> <p>We appreciate that BNG is an iterative process and the revised figures are noted across the document. Revisions to account for worst-case scenarios are welcomed, for example the detailing on the Haul Road specification (paragraph 86) and inclusion of man-hole covers (paragraph 90), for hedgerows (paragraph 93) and watercourses (paragraph 102). These scenarios are now reflected in the calculations for area habitats. Further options to be explored remain detailed in the strategy at paragraph 124 and are welcomed.</p> <p>We are satisfied that irreplaceable habitats are correctly recorded.</p> <p>The Dogger Bank South – Baseline River Condition Assessment (RCA) and Ditch Condition Assessment (DCA) Report fully outlines the limitations and, based on our local knowledge provides an accurate baseline for watercourses. Table 12 provides clear information on each watercourse subject to MoRPh which is welcomed</p> <p>We are satisfied that all previous concerns have been addressed and that agreements with ERYC are accurately recorded.</p>
R17.12	<p>Flood risk and hydrology</p> <p>Do you support the findings of the Flood Risk and Climate Change Technical Note [REP5-039], the updated ES Chapter 20 [REP5-017], and the updated Appendix 20-3 Water Environment Regulations Compliance Assessment [REP5-020]? Please explain your answer. Note there are tracked versions of these documents available on the project website to aid your review</p>	<p>We have been unable to respond by the deadline due to staff availability. A response will be forwarded w/c 16th June.</p>

R17.13	<p>Good design - Design review process</p> <p>In the applicants' [REP5-036] and ERYC's [REP5-044] responses to ExQ2 GD.2.3, there appears to be a difference of understanding in relation to the agreements made at a meeting on 15 May 2025 regarding the design review process and the timescales for consultation. For example, the applicants suggest that a 28 day period for consultation is acceptable, however, ERYC state that it would be acceptable subject to pre-submission meetings and the Terms of Reference allowing for a longer consultation period beyond 28 days under certain circumstances. Review this matter and ensure that any updates to the Design and Access Statement [REP2-027] are agreed between both parties.</p>	<p>The only outstanding concern ERYC had with the applicants response in REP-036 was a statement that says the 28 day review period would commence from receipt of any reports which require their comments and should be accompanied by a presentation of the proposed design and outcomes of any reports to allow consultees to ask questions. The purpose of the presentation request is to allow ERYC officers and any relevant consultees the opportunity to understand any review panel outcomes before submission, to avoid the need to revert to them for explanations and to give some opportunity for feedback if there are clear matters likely to lead to disagreement. This has been raised with the applicants and they have given a commitment to update the DAS by Deadline 7 to say 'presentation/meeting would take place before the submission of the review panel outcomes" Subject to that amendment we are content with the wording.</p>
R17.15	<p>Historic environment (onshore) - Lighting</p> <p>The applicants have advised that they intend to submit a nighttime visualisation showing the potential lighting effects from the converter stations towards the scheduled monument nearby to Butt Farm [REP5-036 question HE.2.4]. The ExA understands that this will be at deadline 6 or 7. Provide a view at the subsequent deadline on the effects from lighting from the converter stations on the scheduled monument based on the visualisation and supporting information from the applicants.</p>	<p>Review and response to be provided once the visualisation is available.</p>

R17.42	<p>Traffic and transport - Outline travel plan measures</p> <p>You stated in your response to ExQ2, TT.2.4 [REP5-044] in relation to the proposed outline travel plan measures that 'the principles of the measures are acceptable and should form the base towards a formal Travel Plan Note which HDM are happy to receive at a later date through a DCO requirement.' On that basis, therefore, confirm whether the outline Construction Traffic Management Plan (oCTMP) [REP4-046] provides an appropriate basis for the outline travel plan measures and that relevant details, including a travel plan note, could be agreed as part of the final construction traffic management plan? If not, explain your outstanding concerns and information that should be included as part of the oCTMP [REP4-046]</p>	<p>ERYC have met with the applicants and viewed a draft updated oCTMP. The draft document addressed concerns previously raised and would remove the requirement for further information in relation to the Travel Plan.</p> <p>If the updated oCTMP is not submitted, it is confirmed that the formal Travel Plan Measures including a Travel Plan note can be agreed within the final CTMP which is already a suggested requirement in the DCO.</p>
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