

The Planning Inspectorate

DoggerBankSouth@planninginspectorate.gov.uk

**Our ref:** 20050175

**Your ref:** EN010125

**Date:** 13 June 2025

Dear Sir/Madam

**Dogger Bank South Offshore Wind Farms Project: Environment Agency response to Rule 17 letter (9 June 2025)**

Please find below our responses in relation to the Rule 17 letter, issued 9 June 2025, for the Dogger Bank South Offshore Wind Farms project.

**R17.3 - Ecology and nature conservation - Biodiversity net gain (BNG) strategy**

*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.*

We have reviewed the Appendix 18-10 - Biodiversity Net Gain Strategy and note that according to Section 138 '...the on-site net change in biodiversity is -2.7% Habitat Units, +10.11% Hedgerow Units and +3.09% Watercourse Units'. We are satisfied with the gain in Hedgerow Units as it is above the legal minimum of 10%. However, we would need to see the final Biodiversity Net Gain Strategy and how this would address the short fall of -2.7% habitat units, as well as obtaining the legally required +10% of habitat units. The final Biodiversity Net Gain Strategy would also need to increase the net gain in watercourse units from +3.09% to the legal requirement of +10%. Finally, the Biodiversity Net Gain Strategy would need to detail whether the required compensation in habitat units is going to be delivered on site or off-site; and how the Biodiversity Net Gain will be legally secured, managed and monitored for a minimum 30-year period.

**R17.12 - Flood risk and hydrology**

*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.*

We have reviewed the *Flood Risk and Climate Change Technical Note [REP5-039]* document. Within the first section of the report, the applicant has undertaken an analysis of the full route with the updated flood risk information. We presume no further compounds were brought into a flood risk area because of the new information? Please could the applicant confirm that this is the case?

We are satisfied with the findings on the likely impacts to Section 7 - TTC-A.

In relation to Section 8 – TTC-B we seek further clarification on one point. Within the report it states that the site is only impacted by a 'defence reach removed' scenario. However, we note that this has not been considered further as the applicant have stated that the Environment Agency are unlikely to remove a section of defence within the short term. Although the Environment Agency do not intend to remove any sections of defences within the locality, there is always a residual risk of flooding, and if a bank were to fail it could have a similar impact to a defence removed. Therefore, it would make sense to use the worst case scenario (i.e. one that you know could get to the site) as part of this analysis.

We have also reviewed ES Chapter 20 and are pleased to see the one temporary culvert Wx- 030 crossing that impacts a main river has been mentioned specifically alongside the constraints it has.

We have no further comment to make on Appendix 20 Water Environment Regulations Compliance Assessment.

#### **R17.47 - Draft DCO – Protective provisions**

*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.*

We are continuing to progress discussions with the applicant in relation to agreeing the wording of the protective provisions. We have largely agreed the wording, with a single point remaining under discussion. We are hopeful that this will be agreed by the end of the examination.

Please do not hesitate to contact me if you require any further information. We look forward to continuing to work with the applicant to resolve any outstanding matters and to ensure the best environmental outcome for this project.

Yours faithfully

  
**Planning Specialist – Sustainable Places Yorkshire**

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