

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

Submission date: 4 April 2025

Revision 2

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.

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			the fluvial and tidal floodplains.	
4	Flood Risk Assessment for the Onshore Sub Station (OnSS)	The hydraulic model supporting the FRA is not considered fit for purpose and consequently we are unable to confirm that the project satisfies the flood risk Exception Test, as required by paragraph 5.8.11 of EN-1.	An updated hydraulic model and additional information is required to support the FRA and its conclusions.	Yes – the Applicant has submitted an amended hydraulic model (which we are currently reviewing) and is actively discussing mitigation to resolve outstanding concerns.

Table 2 – Resolved Principal Areas of Disagreement				
Number	Area of concern	Explanation	Remedy Measures	Summary of Resolution
1	Disapplication of the Environmental Permitting Regulations 2016 in relation to flood risk activity permits.	The Environment Agency was unable 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) as required by the Planning Act 2008, section 150.	The EA and the Applicant has now reached an agreement on the drafting of Protective Provisions to replace the Environmental Permitting Regime.	Protective Provisions included in the draft DCO (Schedule 18, Part 4) submitted at Deadline 5 [REP5-002] are in an agreed form and the EA signed a letter for the Applicant confirming its agreement to the disapplication of the Environmental Permitting Regulations 2016 on 4 April 2025 – a copy of this is included in the EA's Deadline 6 submission.

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 has agreed the form of a legal agreement under which the parties will collaborate to ensure the beach nourishment work can be carried out, on time, and with no risk of additional costs to the public purse, alongside the ECC landfall works. The Applicant has entered into this legal agreement.	On 4 April 2025 the Applicant completed a Legal agreement, which complements the Protective Provisions in Schedule 18 Part 4 of the draft DCO [REP5-002] and provides the security the Environment Agency required to protect the annual beach nourishment works.
3	Flood Risk Assessment for the ECC and 400 kV Cable Corridor	The flood risk assessment (FRA) contained insufficient information to determine if the project satisfied the flood risk Exception Test, in accordance with paragraph 5.8.11 of EN-1.	The Applicant submitted additional modelling REP4-094 (Landfall Noise Bund Hydraulic Modelling Report V3), including 4 appendix files REP4-095 REP4-097 REP4-098 , together with a revised FRA REP4-022 & REP4-024 , which resolve the areas of disagreement.	The revised FRA and supporting model demonstrated compliance with National Policy Statement requirements and appropriate flood mitigation measures are secured in various management plans under the Code of Construction Practice.
4	Flood Risk Assessment for the Onshore Sub Station (OnSS)	The hydraulic model supporting the FRA was not considered fit for purpose and consequently we were unable to confirm that the project satisfied the flood risk Exception Test, as required by paragraph 5.8.11 of EN-1.	The applicant submitted additional modelling files & technical notes to the EA, which supported a revised FRA submitted into the Examination REP4-027 & REP4-028 , and resolved the areas of disagreement.	The revised FRA and supporting model demonstrated compliance with National Policy Statement requirements and appropriate flood mitigation measures are secured in various management plans under

				the Code of Construction Practice and the DCO, Requirement 9 (Detailed onshore design parameters).
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