

**RWE Renewables UK Dogger Bank  
South (West) Limited**

**RWE Renewables UK Dogger Bank  
South (East) Limited**

**Dogger Bank South Offshore  
Wind Farms**

**Dogger Bank Offshore Wind Farm Project 1 Projco  
Limited, Dogger Bank Offshore Wind Farm Project  
2 Projco Limited, and Dogger Bank Offshore Wind  
Farm Project 3 Projco Limited Statement of  
Common Ground (Revision 2)  
Submission for Deadline 4**

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Signatories	
Signed	
Name	
Position	
On behalf of	

Signatories	
Signed	
Name	
Position	
On behalf of	

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## Glossary

Term	Definition
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
National Significant Infrastructure Project (NSIP)	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm project with a capacity of more than 100 MW constitutes an NSIP.
Preliminary Environmental Information Report (PEIR)	Defined in the EIA Regulations as information referred to in part 1, Schedule 4 (information for inclusion in Environmental Statements) which has been compiled by the Applicants and is reasonably required to assess the environmental effects of the development
Section 42 Consultee	Organisations and individuals that are required to be consulted by the Applicants under Section 42 of the Planning Act 2008. Non-prescribed Section 42 consultees may be included by Applicants if identified as being of significance.
Statutory consultation	The statutory consultation ran in two periods. The first period ran between 6th June and 17th July 2023, with a second period running between 4th August and 15th September 2023 to gather responses from third-parties missed during the initial consultation period. The Preliminary Environmental Information Report (PEIR) was presented as part of this consultation.
The Applicants	The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake).
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms).

## Acronyms

Term	Definition
AEP	Annual Energy Production
DBS	Dogger Bank South
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
GHG	Greenhouse Gas
ISH <sub>2</sub>	Issue Specific Hearing 2
ISH <sub>3</sub>	Issue Specific Hearing 3
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
PEIR	Preliminary Environmental Information Report
SoCG	Statement of Common Ground
SoS	Secretary of State
TCE	The Crown Estate

# 1 Introduction

## 1.1 Background

1. The Application is for development consent for the Applicants to construct and operate the proposed Projects under the Planning Act 2008. Further description of the Projects is available in **Chapter 5 Project Description, Figure 5-1** [APP-072].
2. This Statement of Common Ground (SoCG) has been prepared between RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd ('the Applicants'), and Dogger Bank Offshore Wind Farm Project 1 Projco Limited ('DBA Projco'), Dogger Bank Offshore Wind Farm Project 2 Projco Limited ('DBB Projco') and Dogger Bank Offshore Wind Farm Project 3 Projco Limited ('DBC Projco'), collectively known as 'the Projcos' to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Dogger Bank South ('DBS') West Offshore Wind Farm and DBS East Offshore Wind Farm, collectively known as DBS Offshore Wind Farms (herein 'the Projects').
3. In drafting this SoCG, the Applicants have had regard to the Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, 2024).
4. The need for a SoCG between the Applicants, and the Projcos is set out within the Rule 4, 6, 9, 13, and 17 letter [PD-010] dated 17<sup>th</sup> December 2024, issued by the Planning Inspectorate post-application of the Projects' DCO. Within the letter, the Planning Inspectorate requested the SoCG to include but not be limited to:
  - Whether potential wake loss and effects on annual energy production form a material consideration to the Examination of the Proposed Development, with reference to paragraphs 2.8.197 and 2.8.347 of National Policy Statement (NPS) EN-3 (or any others deemed relevant);
  - What effects the Proposed Development would have on annual energy production of offshore wind farms owned by the Interested Parties from wake loss caused by the Proposed Development;
  - Whether any effects on annual energy production would affect the viability of operation of those wind farms;
  - Potential cumulative wake loss effects on annual energy production; and
  - What types of mitigation could reduce any potential wake loss effects, or what other measures could be utilised to mitigate effects (such as Protective Provisions, Proximity Agreements or a requirement in the **Draft DCO (Revision 7)** [document reference: 3.1].

5. This SoCG is intended to provide the Examining Authority (ExA) with a clear summary of discussions between the parties and has been structured to reflect topics which are of interest to the Projcos, and which have been raised within the **Projcos' Relevant Representation** [RR-007] and **Written Representation** [REP1-071] to the Dogger Bank South Offshore Wind Farm DCO that has been submitted to the Planning Inspectorate pursuant to the Planning Act 2008.
6. It is the intention that this document will facilitate further discussions between the Applicants and the Projcos and will provide the ExA with a clear overview of the level of common ground between both parties. This document will be updated throughout the Examination process.

## 1.2 Approach to SoCG

7. This SoCG has been developed during the examination phases of the Projects in accordance with discussions between the Applicants and the Projcos.
8. The structure of this SoCG is as follows:
  - **Introduction:** background to the development of the SoCG.
  - **Consultation:** a summary of consultation to date.
  - **Agreement Log:** a record of the Applicants' position alongside those of the Projcos relating to topics discussed between parties and the status of agreement on those topics.



## 2 Consultation and Engagement

### 2.1 Introduction

9. The Projcos note within their **Relevant Representation** [RR-007] and **Written Representation** [REP1-071] that insufficient information has been provided to allow the Projcos to understand the impacts of wake loss or productivity losses from the Projects on DBA Projco, DBB Projco and DBC Projco. The Projcos do not consider that the information provided in **Chapter 16 Infrastructure and Other Users (Revision 2)** [REP1-012] is sufficient to reach a reasoned conclusion on the impacts of wake loss or productivity loss. As a result, the Projcos do not consider that the Applicants have met their obligations under NPS EN-3. The Projcos remain open to collaborating with the Applicants to inform a coordinated position.
10. The Projcos have been consulted on the proposed development throughout the pre-application stage, as well as via non-statutory and statutory consultation under Section 42 of the Planning Act 2008.

### 2.2 Consultation and Engagement Summary

11. **Table 2-1** summarises the consultation that the Applicants have undertaken with the Projcos as statutory or non-statutory consultation during the pre-application and post-application phases.

**Table 2-1 - Summary of pre-application and post-application consultation with the Projcos**

Date	Form of consultation	Originator of communications	Meeting Title/Topic	Summary of Consultation
<b>Pre – Application</b>				
10/05/2023	Email	The Applicants	Project Intro	Request for meeting.
15/05/2023	Email	The Projcos	Project Intro	Request for meeting.
16/05/2023	Meeting	The Applicants	Project Intro	Introductory call.
18/05/2023	Email	The Projcos	Query on legal entity	Query on DBS legal entity.
15/09/2023	Preliminary Environmental Information Report (PEIR) Consultation	The Projcos	Wake Loss	The Projcos' response to Section 42 consultation on PEIR. See <b>Appendix G Section 42 and 47 Responses and Applicants</b>

Date	Form of consultation	Originator of communications	Meeting Title/Topic	Summary of Consultation
				regard [APP-044] and <b>Appendix 16-1 - Infrastructure and Other Users Consultation Responses</b> [APP-132].
02/05/2024	Email	The Applicants	Draft <b>Chapter 16 Infrastructure and Other Users</b> [APP-130]	Draft <b>Chapter 16 Infrastructure and Other Users</b> [APP-130] provided to the Projcos for comment ahead of submission.
13/05/2024	Email	The Projcos	Draft <b>Chapter 16 Infrastructure and Other Users</b> [APP-130]	Request for wake loss modelling assessment to be provided for consideration alongside <b>Chapter 16 Infrastructure and Other Users</b> [APP-130].
04/06/2024	Emails	The Applicants	Wake loss modelling assessment	Update on progress of wake loss modelling assessment and submission.
<b>Post – Application</b>				
01/08/2024	Emails	The Projcos	Wake loss modelling assessment	Following up on the request regarding the sharing of the wake loss modelling assessment.
06/08/2024	Email	The Projcos	Wake loss modelling assessment	Following up on the request regarding the sharing of the wake loss modelling assessment or sharing of model parameters
29/08/2024	Email	The Projcos	Wake loss modelling assessment	Request for call to provide an update on the wake loss modelling assessment.

Date	Form of consultation	Originator of communications	Meeting Title/Topic	Summary of Consultation
09/09/2024	Environmental Statement Consultation	The Projcos	Relevant Representation	The Projcos' Relevant Representation [RR-007] was published by the Planning Inspectorate.
08/10/2024	Relevant Representation Response	The Applicants	Relevant Representation	The Applicants responded to the Relevant Representations from the Projcos within <b>The Applicants' Responses to Relevant Representations</b> [PDA-013].
23/12/2024	Email	The Projcos	Wake loss modelling assessment	Request for a call to provide an update on the wake loss modelling assessment.
07/01/2025	Email	The Applicants	Wake loss modelling assessment	Confirmation on the Applicants' unavailability for a call ahead of Issue Specific Hearing 2 (ISH2). Notification of draft SoCG in preparation.
08/01/2025	Emails	The Applicants	Wake loss modelling assessment	Confirmation on the Applicants' new availability for a call ahead of ISH2.
09/01/2025	Meeting	All	Wake loss modelling assessment	Update call where the Applicants informed the Projcos that they will not be sharing the basis of assessment for wake loss.
14/01/2025	Email	The Applicants	Wake loss modelling parameters	Confirmation that wake loss modelling parameters cannot be shared with the Projcos, as they contain commercially sensitive information.

Date	Form of consultation	Originator of communications	Meeting Title/Topic	Summary of Consultation
15/01/2025	Meeting	All	ISH 2	Attendance by the Projco's legal representative at ISH2 to discuss agenda items regarding wake loss.
20/01/2025	Email	The Projcos	Wake loss modelling parameters	Confirmation that the Projcos are still open for collaboration with the Applicants regarding wake loss.
24/01/2025	Email	The Applicants	Draft SoCG	Issued draft SoCG for the Projcos to review. Stated to the Projcos that the Applicants were open to further meetings but the position on wake loss is unlikely to change.
29/01/2025	Environmental Statement Consultation	The Projcos	Written Representation	The Projcos' <b>Written Representation</b> [REP1-071] was published by the Planning Inspectorate.
10/02/2025	Email	The Projcos	Draft SoCG	The Projcos provided comments on the draft SoCG previously issued.
12/02/2025	Email	The Applicants	Draft SocG	The Applicants issued a revised draft of the SoCG to the Projcos.
13/02/2025	Email	The Projcos	Draft SoCG	The Projcos confirmed agreement of the draft SoCG for submission into Examination at Deadline 2.
14/02/2025	Written Representation Response	The Applicants	Written Representation	The Applicants responded to the Written Representations from the Projcos within <b>The Applicants' Responses to</b>

Date	Form of consultation	Originator of communications	Meeting Title/Topic	Summary of Consultation
				<b>Deadline 1 Documents</b> [REP2-058].
15/04/2025	Email	The Applicants	Draft SoCG (Revision 2)	The Applicants issued Revision 2 of the draft SoCG for the Projcos to review.
22/04/2025	Email	The Projcos	Draft SoCG (Revision 2)	The Projcos confirmed agreement on Revision 2 of the SoCG for submission at Deadline 4 providing the following wording is added to SOCG ID 2: <i>"The Projcos note that the Applicants are anticipating submitting materials at Deadline 4, including reference to the results of their withdrawn wake assessment, and reserve their right to update their position once these are submitted."</i>
23/04/2025	Email	The Applicants	Draft SoCG (Revision 2)	The Applicants issued an updated version of the SOCG which included the requested wording from the Projcos.
23/04/2025	Email	The Projcos	Draft SoCG (Revision 2)	The Projcos confirmed agreement of Revision 2 of the SoCG for submission into Examination at Deadline 4.

## 3 Agreement Log

### 3.1 Overview

12. The following sections of this SoCG summarise the level of agreement between the parties for each relevant topic.
13. In order to easily identify whether a matter is 'agreed', 'not agreed' or 'under discussion', a colour coding system red, amber, green (RAG status) is used respectively within the 'status' column as set out in **Table 3-1**.

**Table 3-1 - Agreement logs position status key**

Position Status	Colour Code
The matter is considered to be agreed between the parties.	Agreed
The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed.	Under discussion
The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicants or the Projcos is not considered to result in a material impact to the assessment conclusions. Discussions have concluded.	Not agreed – No material impact
The matter is not agreed between the parties and the outcome of the approach taken by either the Applicants or the Projcos is considered to result in a materially different outcome on the assessment conclusions.	Not agreed – material impact

## 3.2 General

Table 3-2 - General Topics agreed, in discussion or not agreed with the Projcos

SoCG ID	The Applicants' Position	The Projcos' Position	Position Status
Engagement			
1.	The Applicants have adequately consulted with the Projcos at the pre-application and acceptance stages of the Projects to date and the Summary of Consultation (section 2.2 of this SoCG) is a fair and accurate record of pre-application consultation.	The Projcos are satisfied that they were adequately consulted at the pre-application stages (i.e. on the scoping report and PEIR) and at the acceptance stage.  The Projcos are content that section 2.2 of this document is a fair and accurate record of pre-application consultation.	
2.	The Applicants have adequately consulted with the Projcos at the post-acceptance stage of the Projects to date and the Summary of Consultation (section 2.2 of this SoCG) is a fair and accurate record of pre-application consultation.	The Projcos do not consider there to have been adequate consultation post-acceptance. This is because the Applicant has fundamentally changed the position it maintained throughout pre-application without an explanation or sufficient notice. The Applicants were willing to share wake loss modelling with the Projcos (and took the position that DBA Projco would be assessed) right up until the ISH, at which point they changed position. The Projcos do not consider that they have been adequately consulted on the Applicants' new position, nor do they consider adequate consultation to	

SoCG ID	The Applicants' Position	The Projcos' Position	Position Status
		<p>have taken place throughout 'all stages' of the Projects to date.</p> <p>The Projcos are content that section 2.2 of this document is a fair and accurate record of pre-application consultation.</p>	
Wake Effects			
2.	<p>The Applicants consider that neither NPS nor the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 require an assessment of wake effects.</p> <p>The Applicants do not consider that the "Other offshore infrastructure and activities" policies in EN-3 apply to existing offshore wind farms and believe the new Secretary of State (SoS) needs to reconsider the NPS interpretation in the Awel y Mor decision. Even if the Awel y Mor interpretation is followed, the Applicants consider that the application contains sufficient information to allow the Examining Authority and the SoS to reach a reasoned conclusion on the matters set out in paragraphs 2.8.342 – 2.8.348 to ensure that the relevant NPS policy tests have been met.</p>	<p>The Projcos do not agree with the Applicants' position on this topic, for the reasons set out in their <b>Relevant Representation</b> [RR-007], and their Deadline 1 submission [REP1-071].</p> <p>In summary, it is established precedent (following the Awel y Mor decision, which was reconfirmed by the Clean Power 2030 Action Plan) that the "Other offshore infrastructure and activities" policies in EN-3 do apply to existing offshore wind farms.</p> <p>There is no information (let alone sufficient information) within the application regarding the impacts of the Projects on DBA Projco, DBB Projco or DBC Projco in terms of wake loss. The Projcos will be submitting an assessment at Deadline 4.</p> <p>It is the Projcos' position that, that the wake loss assessment should be included within the</p>	



SoCG ID	The Applicants' Position	The Projcos' Position	Position Status
	<p>With regard to the Examining Authority's request at the Issue Specific Hearing 3 (ISH3) for further information in respect of the Applicants' withdrawn wake assessment conclusion previously referred to in Chapter 16 of the ES in relation to Dogger Bank A and the strong indication from the ExA of the risk of further delay to the Examination if the ExA's requested information on this matter is not provided, the Applicants will provide a response to the questions raised by the Examining Authority at the ISH3 in respect of the Applicants' withdrawn wake assessment by Deadline 4. This will be done on a "without prejudice" basis. The Applicants' proposed submission will refer to the results of the withdrawn wake assessment and respond to ExA's questions taking into account the commercially confidential nature of the assessment.</p> <p>It should be noted that as stated during the Hearing and Applicants' submissions to date, we consider that wake effects is not a matter that should be dealt with in the planning system. We note that Dogger Bank Projcos will be submitting their own wake assessment at Deadline 4. Notwithstanding the Applicants' position that wake effects should sit outside the planning regime, the Applicants' view is that Dogger</p>	<p>Environmental Statement as it is directly linked to an impact on offshore wind infrastructure and to the Applicant's greenhouse gas assessment. The assessment of the climate benefits of the DBS Projects will require to be tempered by the potential loss of AEP of other projects in the area including DBA, DBB and DBC as a result of wake loss effects. Without an assessment of the loss of AEP for DBA, DBB and DBC not only are those adverse effects not understood for those projects but the benefits of the DBS Projects in terms of renewable energy generation may be over-stated</p> <p>There is no evidence in front of the Examination on the availability of efficacy of design and mitigation measures. Such measures would be preferable to the Projcos (even if they could lead to a potential reduction in the AEP of the DBS Projects). Given the Applicants' approach to this issue, a requirement to mitigate wake losses is the minimum that is required to address this issue.</p> <p>Although the Projcos remain open to collaborating with the Applicants to inform a coordinated position on wake loss, recent communications with the Applicants have</p>	

SoCG ID	The Applicants' Position	The Projcos' Position	Position Status
	<p>Bank Projcos are better able to provide an accurate assessment of potential wake effects on their wind farms in some respects and the Applicants reserve the right for their technical experts to comment on any submissions made.</p> <p>The Greenhouse Gas (GHG) assessment presented within <b>Chapter 30 Climate Change</b> [APP-222] provides a robust evaluation of the Projects' contribution and effect on climate change. Even if based on the worst case scenario, the impact of wake loss on other existing or emerging projects would still be marginal in the context of total energy generation and emissions displacement. The fundamental conclusion of the assessment—that the Projects will make a significant contribution to reducing UK GHG emissions would remain unchanged. The Applicants propose to submit a sensitivity analysis of the GHG assessment using three scenarios of Annual Energy Production (AEP) loss for Offshore Wind Farms in operation, under construction or have been consented, and sit either partially or wholly within 100km of the Projects. This will be submitted in the form of a technical note at Deadline 4.</p> <p>The Applicants consider the resolution to this issue is for the Projcos to accept that the question of wake effects was resolved through The Crown Estates (TCE's)</p>	<p>stated that they are unlikely to change their position on this.</p> <p>If that is the case, the Projcos do not consider that there will be sufficient information before the Examining Authority or the SoS to reach a reasoned conclusion on the matters set out in NPS EN-3 (paras. 2.8.342-348).</p> <p>The Projcos note that the Applicants are anticipating submitting materials at Deadline 4, including reference to the results of their withdrawn wake assessment, and reserve their right to update their position once these are submitted.</p>	

SoCG ID	The Applicants' Position	The Projcos' Position	Position Status
	<p>Round 4 leasing process and the 7.5km buffer which was fixed. This approach has been generally accepted by the offshore wind sector, until the wholly unexpected outcome of the Awel y Mor decision. New projects should continue to be designed to achieve the maximum AEP, if they have respected TCE's buffer.</p> <p>It is the Applicants' position that a requirement would be unnecessary to make the development acceptable in planning terms, and wholly unreasonable for the following reasons:</p> <ul style="list-style-type: none"> <li>• Implication of a requirement of the type imposed on Awel y Mor were not properly considered during Examination or consulted upon during drafting;</li> <li>• Any requirement would fail the tests in EN-1 in relation to certainty, enforceability, and overall reasonableness;</li> <li>• Lack of specific DESNZ policy and guidance as to how wake loss might be assessed, what constitutes an effect, and when this would result in mitigation being required; and</li> <li>• Considerable doubt as to how a requirement could be discharged and how it could be enforced by SoS.</li> </ul>		

SoCG ID	The Applicants' Position	The Projcos' Position	Position Status
	<p>The Applicants do not consider there are any acceptable design solutions which would resolve the concerns regarding wake loss or mitigate for any potential impacts. Any theoretical mitigation options would reduce the overall AEP in aggregate, therefore any mitigation imposed would have a significantly more detrimental impact on the energy generation from the Projects than any benefit that may be accrued by the Projcos, leading to an overall net reduction in AEP. Furthermore, the Applicants agree with the SoS that a DCO requirement which provides for financial indemnity is inappropriate.</p>		

## 4 Summary

14. This SoCG has outlined the consultation and engagement that has taken place between the Applicants and the Projcos during the pre-application and Examination phases. The agreement logs present the position reached at the point of submission of this SoCG between the Projects and the Projcos in relation to relevant matters.
15. This SoCG will be updated as discussions progress and made available to PINS as requested through the DCO examination phase.

## 5 References

Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (2024). Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>. [Accessed January 2025].

RWE Renewables UK Dogger Bank  
South (West) Limited

RWE Renewables UK Dogger Bank  
South (East) Limited

Windmill Business Park  
Whitehill Way  
Swindon  
Wiltshire, SN5 6PB

**RWE**

**MASDAR** 