

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

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South (East) Limited**

**Dogger Bank South Offshore
Wind Farms**

**Ørsted Interested Parties Statement of Common
Ground (Revision 2)**

Submission for Deadline 4

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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 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	Green House Gas
IPs	Interested Parties
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
SoCG	Statement of Common Ground
SoS	Secretary of State

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 the Ørsted Interested Parties (IPs) which is defined as a combination of Hornsea 1 Limited, the collective of Breesea Limited, Soundmark Wind Limited, Sonningmay Limited and Optimus Wind Limited (together, the "Hornsea 2 Companies"), Orsted Hornsea Project Three (UK) Limited, Orsted Hornsea Project Four Limited, Lincs Wind Farm Limited, Westernmost Rough Limited and Race Bank Wind Farm Limited. The purpose of this SoCG 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 Orsted H3 and Orsted H4 is set out within the Rule 4, 6, 9, 13, and 17 letter [PD-010] dated 17th 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;
 - 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).

5. In the Ørsted IPs' Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-086], the Ørsted IPs wished to note that whilst wake loss was not directly referenced in the Relevant Representations of all of the Ørsted IPs, it is indeed a relevant consideration for all of the Ørsted IPs' projects. Following discussion with Ørsted regarding the SoCG for Hornsea 3 and Hornsea 4 related to wake effects requested by the Examining Authority (ExA) and being submitted at Deadline 2, the Ørsted IPs requested that the wider list of projects (Hornsea 1 limited, Hornsea 2 Companies, Lincs Wind Farm Limited, Westernmost Rough Limited and Race Bank Wind Farm Limited) are included within the SoCG on the 13th February 2024 (see Table 2-1 for a summary of consultation with the Ørsted IPs). Whilst the Applicants have not received any direct representations from Hornsea 1 Limited, Hornsea 2 Companies, Lincs Wind Farm Limited, Westernmost Rough Limited and Race Bank Wind Farm Limited regarding the potential for wake interactions between the Applicants' Projects and these schemes, the Applicants have updated this SoCG to include all Ørsted IPs, as requested.
6. This SoCG is intended to provide the ExA with a clear summary of discussions between the parties and has been structured to reflect topics which are of interest to the Ørsted IPs, specifically wake loss, and which have been raised within Relevant Representations [RR-045; RR-044] and Responses to the Applicants' Response to RRs [PDA-013] and [AS-048] [REP1-086] to the Dogger Bank South Offshore Wind Farm DCO that has been submitted to the Planning Inspectorate pursuant to the Planning Act 2008.
7. It is the intention that this document will facilitate further discussions between the Applicants and the Ørsted IPs 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

8. This SoCG has been developed during the examination phases of the Projects in accordance with discussions between the Applicants and the Ørsted IPs.
9. 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 Ørsted IPs relating to topics discussed between parties and the status of agreement on those topics.

2 Consultation and Engagement

2.1 Introduction

10. The Ørsted IPs note within their Relevant Representations [RR-045; RR-044] that given the proximity of the Dogger Bank South Offshore Wind Farms array to the Hornsea Three array (~45km) and Hornsea Four array (~41km), there is significant potential for the Projects' turbines to interfere with wind speed or wind direction and cause a reduction in the energy output from the Hornsea Three and Hornsea Four turbines. In their Response to Examining Authority's First Written Questions (ExQ1) [REP3-064], the Ørsted IPs noted that all of the Ørsted IPs have concerns in relation to wake loss, rather than solely Orsted Hornsea Project Three (UK) Limited and Orsted Hornsea Project Four Limited. They advise that the potential for impact and any necessary mitigations should be discussed further with the Applicants.
11. The Ørsted IPs 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

12. **Table 2-1** summarises the consultation regarding wake loss that the Applicants have undertaken with the Ørsted IPs 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 Ørsted IPs

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
Pre – Application			
03/05/2023	Emails with Ørsted	Project Intro	Request contact to progress discussions on interactions
04/05/2023	Meeting	Project Intro	Project introduction and discussion on interactions
17/07/2023	Section 42 Consultation	Site Selection and Assessment of Alternatives Other Marine Users Marine Mammals	Ørsted's response to section 42 consultation on PEIR. See Appendix G Section 42 and 47 Responses and Applicants regard [APP-044] and Appendix 16-1 - Infrastructure and Other Users Consultation Responses [APP-132].

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
		Cumulative Effects Shipping and Navigation	Wake loss was not specifically raised by Ørsted in their comments.
10/11/2023	Letter	Section 42 Statutory Consultation	Notice of statutory consultation issued to Ørsted
24/01/2024	Meeting	Project Updates	Meeting to discuss project updates and interactions including access off A1079
20/03/2024	Email to Ørsted	Offshore Interactions	Request for contact to discuss offshore interactions and requirements in relation to the DCO
26/03/2024	Email from Ørsted	Offshore Interactions	Confirmation that Protective Provisions/Cooperation Agreement may be required. Call proposed to discuss.
11/04/2024	Meeting	Project Interactions	Call to discuss onshore and offshore interactions and agreements required between parties. Ørsted confirmed Protective Provisions required.
09/05/2024	Email to Ørsted	Draft ES Chapter 16 Infrastructure and Other Users	Draft ES Chapter 16 provided to Ørsted for comment ahead of submission
07/06/2024	Email from Ørsted	Draft ES Chapter 16 Infrastructure and Other Users	Confirmation from Ørsted that there are no comments on draft Chapter 16
Post – Application			
31/07/2024	Emails with Ørsted	DCO Acceptance	Update to Ørsted on DCO acceptance and relevant representation period open. Request for update on HOW4 programme. Update on Protective Provisions review and agreement to Heads of Terms for a Cooperation/Interface Agreement
09/09/2024	Email	Relevant Representation	Received the Ørsted Hornsea Project Three (UK) Limited and Ørsted Hornsea Project Four Limited relevant representations to

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
			The Planning Inspectorate regarding wake loss.
08/10/2024	Email	Relevant Representation	The Applicants responded to the Relevant Representations from Ørsted Hornsea Project Three (UK) Limited and Ørsted Hornsea Project Four Limited within The Applicants' Responses to Relevant Representations [PDA-013] regarding wake loss.
15/11/2024	Email	Project Change Request 1	Project Change Request 1 - Offshore and Intertidal Works (Revision 1) [AS-141] issued to the Ørsted IPs for comment.
24/01/2024	Email	Draft SoCG	Issued draft SoCG for the Ørsted IPs to review.
31/01/2024	Email	Responses to the Applicants' Response to Relevant Representations	Received the Ørsted IPs' responses to the Applicants' response to Relevant Representation at Deadline 1.
12/02/2024	Phone call	Draft SoCG	Comments on the draft SoCG were provided by the Ørsted IPs via phone call, requesting that the SoCG includes the wider list of projects.
13/02/2024	Email	Draft SoCG	The Applicants issued a revised draft of the SoCG to the Ørsted IPs.
14/02/2024	Email	Draft SoCG	The Ørsted IPs confirmed agreement of the Draft SoCG for submission into Examination at Deadline 2.
15/04/2025	Email	Draft SoCG (Revision 2)	The Applicants issued Revision 2 of the draft SoCG for the Ørsted IPs to review.
24/04/2024	Email	Draft SoCG (Revision 2)	The Ørsted IPs provided comments on Revision 2 of the draft SoCG.

3 Agreement Log

3.1 Overview

13. The following sections of this SoCG summarise the level of agreement between the parties for each relevant topic.
14. 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 Ørsted IPs 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 Ørsted IPs 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 Ørsted IPs

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
Engagement			
1.	The Applicants have adequately consulted with the Ørsted IPs throughout all 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.		
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 needs to reconsider the NPS interpretation in the Awel y Mor decision. Even if the Awel y Mor interpretation is followed, the Applicants</p>	<p>The Ørsted IPs consider that given the proximity of the Dogger Bank South Offshore Wind Farms array to the Ørsted IP projects there is significant potential for the Dogger Bank South Offshore Wind Farms turbines to interfere with wind speed or wind direction and thus cause a reduction in energy output from the Ørsted IP portfolio.</p> <p>As with other impacted parties, the Ørsted IPs believe it should be the developer of a new project who assesses the impacts arising from their project, in line</p>	

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
	<p>consider that the application contains sufficient information to allow the Examining Authority and the Secretary of State 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>With regard to the Examining Authority's request at the ISH3 for further information in respect of the Applicants' withdrawn wake assessment 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>with the position of NPS EN-3 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. The Ørsted IPs consider therefore that it should be for the Applicants to provide an assessment of wake loss on the Ørsted IPs' assets. The Applicants possess the detailed knowledge of the project design that they are pursuing and hence are best placed to estimate the impact that their project will have on neighbouring assets. The Ørsted IPs refer to their submissions at Deadline 1 [REP1-o86], Deadline 3 [REP3-o64] and Deadline 4 (reference not yet available) on this matter.</p> <p>The Ørsted IPs also do not agree with the Applicants' assertion that the Secretary of State (SoS) has concluded that a DCO requirement which provides for financial indemnity is inappropriate.</p> <p>Further discussion and assessment on the potential for impact, including any necessary mitigations, is required between the Ørsted IPs and the Dogger Bank South Offshore Wind Farms.</p>	

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
	<p>In any event, as explained at ISH₃, the Applicants consider that Ørsted is better placed to conduct a wake assessment in relation to its projects.</p> <p>The Green House Gas (GHG) assessment presented within Chapter 30 Climate Change [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 technical note at Deadline 4.</p> <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</p>		

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
	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.		

4 Summary

15. This SoCG has outlined the consultation and engagement that has taken place between the Applicants and the Ørsted IPs 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 Ørsted IPs in relation to relevant matters.
16. 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].

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