

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

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**Dogger Bank South Offshore
Wind Farms**

The Applicants' Response to Rule 17

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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).
Effect	Term used to express the consequence of an impact. The significance of an effect is determined by correlating the magnitude of the impact with the value, or sensitivity, of the receptor or resource in accordance with defined significance criteria.
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.
Impact	Used to describe a change resulting from an activity via the Projects, i.e. increased suspended sediments / increased noise.
Onshore Converter Stations	A compound containing electrical equipment required to transform HVDC and stabilise electricity generated by the Projects so that it can be connected to the electricity transmission network as HVAC. There will be one Onshore Converter Station for each Project.
Onshore Substation Zone	Parcel of land within the Onshore Development Area where the Onshore Converter Station infrastructure (including the haul roads, Temporary Construction Compounds and associated cable routeing) would be located.
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
AoD	Above Ordinance Datum
DCO	Development Consent Order
EGL	Existing Ground Level
ERYC	East Riding of Yorkshire Council
ES	Environmental Statement
ExA	Examining Authority
FGL	Finished Ground Level
ISH	Issue Specific Hearing
WSI	Written Scheme of Investigation

1.1 Examining Authority's Rule 17 Letter Dated 7th July 2025

Table 1-1 – The Applicants' responses to the Examining Authority's Rule 17 Letter dated 7th July 2025 [PD-030]

I.D.	Question	Applicants' Response
17.1	<p><u>Landscape and visual effects</u></p> <p><i>The applicants</i></p> <p>At deadline 7, Environment Statement (ES) Chapter 23: Landscape and Visual Impact Assessment [REP7-090] table 23-1 (worst case design parameters) was updated; the maximum finished ground level for converter station eastern plot increased from 30.4 metres to 32.95 metres. The Examining Authority (ExA) assume, given that the maximum height of the converter stations has not been reduced, this would result in the overall maximum height of the converter stations from above ordnance datum therefore increasing by 2.55 metres in comparison to the previously stated maximum parameters. The finished ground level of the converter station western plot also increased, but by a lesser amount. Why has there been this change and has this been assessed in the ES, including being shown accurately in the visualisations? If not, why not and how would this affect the conclusions of the ES?</p>	<p>The change highlighted by the Examining Authority (ExA) is caused by the revised substation footprint adapting to the topography of the site. It is described in the Project Change Request 2 [AS152] and effects are assessed in section 23.6 of Chapter 23 Landscape and Visual Impact Assessment (Revision 2) [REP7-091]. The Applicants understand that East Riding of Yorkshire Council (ERYC) are content with how this has been assessed.</p> <p>As shown on Figures 5(a) and Figure 5(b) of Project Change Request 2 [AS152] the total footprint has reduced in area from 129,000 m² to 64,416 m² for both Onshore Converter Stations, which are now located within the footprint of the original Works No.25A. As shown in Appendix A of the Design and Access Statement (Revision 3) [REP7-103] in Section A-A and Section B-B there is a slope across the Onshore Substation Zone, falling from West to East. A revised indicative cut and fill, platform and Sustainable Drainage System design was submitted in Appendix 5-3 Engineering Drawings (Revision 2) [REP2-016] at Deadline 2 considering the new location of the Onshore Converter Stations, the topography and Existing Ground Levels (EGLs). The maximum platform levels in Chapter 23 Landscape and Visual Impact Assessment (Revision 2) [REP7-091] are taken from the Indicative Onshore Converter Station Formation Cut/Fill drawing in in Appendix 5-3 [REP2-016]. This shows the maximum Finished Ground Levels (FGLs) are lower than the EGLs in the north west corner of the site and the FGLs are slightly higher than EGLs in the south east corner of the site (which is downslope).</p> <p>The height of the Converter Stations, of up to 24m, has always been modelled based on the FGLs and not the EGLs, due to the slope across the Onshore Substation Zone. The indicative platform design, cut and fill and drainage design have been optimised to reduce the amount of material being transported off site to reduce the number of vehicle movements. Requirement 9 of the Draft Development Consent Order (DCO) (Revision 12) [document reference:3.1], states the maximum height of the building of 24m and that the proposed FGLs must be agreed with the ERYC.</p> <p>The updated visualisations have been produced in line with the FGLs presented in Table 23-1 of Chapter 23 Landscape and Visual Impact Assessment (Revision 2) [REP7-091] submitted at Deadline 7. Chapter 23 was updated at Deadline 7 accordingly to reflect the revised visualisations at year zero and year 10. The Applicants are confident the visualisations in Chapter 23 Landscape and Visual Impact Assessment Figure 23-1 to Figure 23-17 (Revision 4) [REP4-039], originally submitted at Deadline 2 for Project Change Request 2 [AS152] are a sufficiently accurate representation of what the Projects would look like, taking the FGLs into account.</p> <p>Given that the Landscape and Visual Impact Assessment has been updated to fully consider this change and the Applicants have never stated the 24m height is defined relative to ordnance datum (AoD) or EGL, they do not believe any change is required to the Application documents.</p>

I.D.	Question	Applicants' Response
	<p><i>East Riding of Yorkshire Council</i></p> <p>The residual effect on visual amenity at Viewpoint 2 at year 10 of operation has reduced in ES Chapter 23: Landscape and Visual Impact Assessment [REP7-090] from moderate adverse (significant) to minor adverse (not significant). Do you agree with this conclusion – explain why.</p>	<p>The Applicants confirmed with the ERYC by email on the 9th July 2025 that they agree with the conclusions of Chapter 23 Landscape and Visual Impact Assessment (Revision 2) [REP7-091] submitted at Deadline 7.</p>
2	<p><u>Onshore Historic Environment</u></p> <p><i>Historic England</i></p> <p>Confirm at what level of the scale of less than substantial harm you consider there would be, as a result of the proposed development, to the anti-aircraft gunsite scheduled monument nearby to Butt Farm – this is not clear from the signed Statement of Common Ground [REP8-017]. Set out what you consider the level of harm to be on the scale during construction, year 1 of operation and year 10 of operation.</p>	<p>Question is directed at Historic England. No response is required.</p>
	<p><i>The applicants</i></p> <p>The Statement of Common Ground between you and Historic England [REP8-017] suggests at SoCG ID 32 that you agree with Historic England on the level of harm to the anti-aircraft gunsite scheduled monument nearby to Butt Farm, which Historic England state is less than substantial harm. However, your document ‘‘The Applicants' Responses to Issue Specific Hearing 2 Supplementary Agenda Questions Appendix A Heritage assets, the effects and the attributed level of harm in response to ISH2 10.9’ [REP1-050] suggests that there would be no residual harm to the scheduled monument, which is confusing. The ExA note that your Closing Statement [REP8-042] contradicts this and states that residual effects following mitigation would still result in less than substantial harm to the scheduled monument.</p>	<p>The statement in The Applicants' Closing Statements [REP8-042] that residual effects following mitigation would still result in less than substantial harm to the scheduled monument is an editing error and should be disregarded. The Applicants’ position is that the proposed mitigation would, at maturity, preclude harm to the significance of the scheduled gun site. For clarity, the final sentence paragraph 269 of The Applicants’ Closing Statements [REP8-042] ‘<i>This would equate to a harm level of less than substantial, but at the lower end of the scale</i>’ is incorrect and should be disregarded.</p> <p>It remains clear that there is a difference of opinion between the Applicants and Historic England in terms of the magnitude of any harm that would arise to the significance of the Butt Farm gun site in the absence of mitigation and in terms of the effectiveness of the proposed mitigation. SOCG ID32 was therefore amended with the agreement of Historic England in the Statement of Common Ground (Revision 3) [REP8-017] to reflect an agreement that any harm arising to the scheduled gun site at Butt Farm would be no greater than ‘less than substantial’. For the sake of clarity, however, the SoCG has been updated in consultation with HE and submitted as SOCG (Revision 4) [document reference 9.4] at Deadline 9 in line with the ExA’s request to clarify the difference of opinion between Historic England and the Applicant, which is focused on the magnitude of harm.</p>
	<p>Set out clearly what you consider the level of harm to be to the scheduled monument on the scale of less than substantial harm during construction, year 1 of operation and year 10 of operation. Review this with Historic England and update the signed Statement of Common Ground if necessary.</p>	<p>With regard to the matter of harm to the Butt Farm gun site, the Applicants’ position remains that set out in Chapter 22 Onshore Archaeology and Cultural Heritage (Revision 3) [REP7-073], The Applicants’ Written Summaries of Oral Submissions made at Compulsory Acquisition Hearing 2 (CAH2), Issue Specific Hearing (ISH) 3, ISH4 and ISH5 [REP4-086], The Applicants’ Responses to April 2025 Hearing Action Points [REP4-096] and their response to ExA question HE 2.11 in The Applicants Responses to the Examining Authority's Second Written Questions (ExQ2) [REP5-056]. To recapitulate, maturation rates of woodland are variable and gradual. The Applicants consider that any impact during construction would be short term and reversible, and no harm to significance would arise. Change to setting that would present less than substantial harm at the lower end of the scale would arise as a result of the perceptibility of the completed Onshore Converter Station.</p>

I.D.	Question	Applicants' Response
		<p>It is, however, considered that by year ten, mitigation planting would be sufficiently mature to address any effect, but that any effect would be progressively reduced over the course of those ten years. The maximum duration of harm in a conservative estimate of the worst case would be ten years. In summary the Applicants position is:</p> <p>Construction – no harm</p> <p>Year 1 – less than substantial harm, on the lower end of the scale</p> <p>Year 10 – no harm</p> <p>The Applicants' position and Historic England's position is clearly set out in the Statement of Common Ground (Revision 4) [document reference 9.4] ID32, submitted at Deadline 9.</p>
	<p>Furthermore, you consider that the proposed development would result in less than substantial harm to the scheduled monument at the lower end of the scale pre- and post- mitigation in your Closing Statement [REP8-042]. Justify why there is no change in the level of harm on the scale given that the magnitude of impact in ES terms changes and prior to mitigation the converter stations are described as "visually intrusive".</p>	<p>As stated above, the statement in The Applicants' Closing Statements [REP8-042] that residual effects following mitigation would still result in less than substantial harm to the scheduled monument are an editing error and should be disregarded.</p> <p>The Applicants consider that their response to ExA question HE 2.11 in The Applicants Responses to the Examining Authority's Second Written Questions (ExQ2) [REP5-056] accurately reflects their understanding of the magnitude and duration of harm, and the effectiveness of the proposed landscaping mitigation.</p> <p>These responses also provide a justification of why the predicted level of harm has changed from the scenario in the absence of the mitigation achieved by surface treatments and landscaping set out in the Design and Access Statement (Revision 3) [REP7-103].</p>
	<p>The ExA note that table 5-1 of the Statement of Commonality of Statements of Common Ground and Examination Progress Tracker [REP8-014] shows that SoCG IDs 19 and 32 as matters as not agreed. However, the Statement of Common Ground between you and Historic England [REP8-017] shows these ID numbers as being agreed. Review the documents to ensure that they accurately reflect the agreed position on these matters.</p>	<p>The Applicants confirm that SoCG ID19 should be noted as agreed in the Statement of Commonality. This was agreed with Historic England immediately prior to Deadline 8 and should not have remained in Table 5-1 of the Statement of Commonality of Statements of Common Ground and Examination Progress Tracker [REP8-014], its inclusion is an error.</p> <p>SoCG ID 32 has been reverted back to 'not agreed'. The Applicants and Historic England wished to highlight within the SOCG (rev 03) that there were elements of agreement within this topic (that harm was 'less than substantial), but upon reflection the Applicants understand that this has caused confusion. SOCG ID32 has reverted to 'Not agreed' in order to reflect that the parties are not agreed on the magnitude of harm.</p>
	<p><i>Historic England and the applicants</i></p> <p>The signed Statement of Common Ground [REP8-017] suggests (SoCG ID 47) that regarding mitigation of effects on the heavy anti-aircraft gunsite, nearby to Butt Farm, all that is left to resolve is a mechanism for the enhancement measures to be finalised and implemented – do you foresee being able to reach agreement on this? If not, why not?</p>	<p>Historic England and the Applicants have discussed this matter on 8th July 2025. Both parties agree that the 'mechanism for the enhancement measures to be finalised and implemented' is set out at Appendix 3 of the Outline Onshore Written Scheme of Investigation (WSI) [REP4-049], which requires the production for a scheme-wide Public Outreach / Community Engagement Strategy to be developed in consultation with Historic England and ERYC. The final Onshore WSI, as secured through Requirement 18 of the Draft DCO (Revision 12) [document reference 3.1], will develop the Public Outreach / Community Engagement Strategy (to include the Butt Farm Enhancement and Engagement works, including physical enhancement proposals) into a mutually acceptable plan which will be subject to approval by ERYC in consultation with Historic England.</p> <p>The Applicants and Historic England have agreed the following joint statement on this matter:</p>

I.D.	Question	Applicants' Response
		<p><i>Historic England and the Applicants have discussed this matter on 8th July 2025. Both parties agree that Appendix 3 of the Outline Onshore WSI [REP4-049], as secured through Requirement 18, will develop the Public Outreach / Community Engagement Strategy on which Historic England will be consulted.</i></p> <p><i>The Onshore WSI also identifies enhancement and engagement works relating to Butt Farm, including physical enhancement proposals. The ability to carry out elements of these proposals is dependent on (among other things) the permission of the landowner and Scheduled Monument Consent being granted by the Secretary of State. Therefore, it is not possible for the parties at this stage to agree a full and final set of enhancement works or a timescale by which they will be implemented. Nevertheless, discussions to date have shown that the Applicants and Historic England are all broadly aligned on the potential scope of these enhancement works.</i></p> <p><i>For the avoidance of doubt, both the Applicants and Historic England are content that Requirement 18 and the Onshore WSI appropriately secures the provision of public outreach and community engagement strategies.</i></p>
3	<p><u>Infrastructure and other users</u></p> <p>The Secretary of State for Energy Security and Net Zero issued the decision to grant development consent for the Mona Offshore Wind Farm project on 4 July 2025. Provide a view of the Secretary of State's conclusions with regards to wake loss, including the insertion of requirement 27 in the Development Consent Order.</p>	<p>The Applicants' Response to the Mona DCO Decision with regards to wake effects [document reference 19.5] has been submitted at Deadline 9 as a standalone submission to reflect upon the Mona DCO decision and consider this in light of the ongoing disagreements between the Applicants and Interested Parties.</p>
4	<p><u>The applicants' ES conclusions for benthic ecology</u></p> <p><u>Natural England</u></p> <p>The ExA thanks Natural England for its responses to the ExA's Rule 17 question on the applicants' ES conclusions for benthic ecology, however the ExA would greatly appreciate further clarity. From the information you have submitted into the examination to date, the ExA has inferred that you disagree with the applicants' conclusions in ES Chapter 9 (Benthic ecology) [REP7-038] for the following impacts:</p> <ul style="list-style-type: none"> Impact 1 - temporary physical disturbance (construction, decommissioning and operation). Impact 2 - increased suspended sediment concentrations (including sediment deposition and smothering) (construction, decommissioning and operation). Impact 5 - permanent habitat loss (operation). Impact 7 - colonisation of introduced substrate, including invasive / non-native species (operation). <p>Conversely, the ExA has assumed you agree with the applicants' conclusions on the following impacts:</p> <ul style="list-style-type: none"> Impact 3 - remobilisation of contaminated sediments (construction and decommissioning). Impact 4 - underwater noise and vibration (construction and decommissioning). Impact 6 - interactions of EMF (including potential cumulative EMF effects). <p>Please confirm if these assumptions are correct. If not, please explain what your conclusions are and why, and give your final position.</p>	<p>No response is required.</p>
5	<p><u>Validated Development Consent Order (DCO)</u></p> <p>The ExA would like to take this opportunity to remind the applicants of the importance of submitting a validated DCO before the close of examination, along with evidence that the DCO has successfully passed validation. A PDF version of the SI validation report obtained from the link in the notification</p>	<p>The Applicants note the ExA's comments and have provided the requested documents at Deadline 9.</p>

I.D.	Question	Applicants' Response
	email should also be supplied. The applicants should also provide a clean (all tracking removed) standalone MS Word version of the dDCO, with no header or cover page.	

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