

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

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

**Dogger Bank South Offshore
Wind Farms**

**Ørsted Interested Parties Statement of Common
Ground (Revision 3)**

Submission for Deadline 9


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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
AyM	Awel y Mor
DBS	Dogger Bank South
DCO	Development Consent Order
DESNZ	Department for Energy Security and Net Zero
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
GHG	Green House Gas
HoTs	Heads of Terms
IPs	Interested Parties
ISH	Issue Specific Hearing
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
PPs	Protective Provisions
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** [REP7-032].
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. 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. The Applicants have updated this SoCG to include all Ørsted IPs, as requested by the Ørsted IPs. 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).
6. In REP5-074, the Ørsted IPs withdrew their wake loss objection from Hornsea 4, further to the announcement from Ørsted that the Hornsea Four Offshore Wind Farm was to be discontinued in its current form. At ISH6 and in REP6-085, and further to the Applicants reversing its position by making a wake loss assessment available, the Ørsted IPs withdrew their wake loss objections from Race Bank, Lincs, and Westernmost Rough.
7. 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 the following submissions by the Ørsted IPs to the Dogger Bank South Offshore Wind Farm DCO that has been submitted to the Planning Inspectorate pursuant to the Planning Act 2008:
 - **Hornsea 1 Limited Relevant Representation** [RR-023];
 - **Hornsea 2 Companies Relevant Representation** [RR-005];
 - **Ørsted Hornsea Project Four Limited Relevant Representation** [RR-044];
 - **Ørsted Hornsea Project Three (UK) Limited Relevant Representation** [RR-045];
 - **Lincs Wind Farm Limited Relevant Representation** [RR-029];
 - **Westernmost Rough Limited Relevant Representation** [RR-056];
 - **Race Bank Wind Farm Limited Relevant Representation** [RR-046];
 - **Responses to the Applicants' Response to RRs** [PDA-013] and [AS-048] [REP1-086];
 - **Response to Examining Authority's First Written Questions (ExQ1)** [REP3-064];
 - **Post-hearing submissions including written summaries of oral cases and other documents requested by the ExA at the Hearings** [REP4-121];
 - **Response to The Examining Authority's Second Written Questions (ExQ2) & Comments on the submissions made by the Applicants at Deadline 4** [REP5-074];
 - **Comments on any further information/ submissions received by Deadline 5** [REP6-085];

- **Comments on any further information/ submissions received by Deadline 6** [REP7-157]; and
 - **Closing Submissions.**
8. It is the intention that this document will facilitate further discussions between the Applicants and the Ørsted IPs and provide the ExA with a clear overview of the level of common ground between both parties. This document has been updated throughout the Examination process.

1.2 Approach to SoCG

9. This SoCG has been developed during the examination phases of the Projects in accordance with discussions between the Applicants and the Ørsted IPs.
10. 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

11. 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 wake loss effects should be assessed and addressed and that, if the Dogger Bank South examination were to conclude without such information being provided, the Secretary of State (SoS) will be in a position where it cannot appropriately apply the policies of NPS-EN3.
12. In REP5-074, the Ørsted IPs withdrew their wake loss objection from Hornsea 4, further to the announcement from Ørsted that the Hornsea Four Offshore Wind Farm was to be discontinued in its current form. At ISH6 and in REP6-085, and further to the Applicants reversing its position by making a wake loss assessment available, the Ørsted IPs withdrew their wake loss objections from Race Bank, Lincs, and Westernmost Rough.
13. The Applicants consider that the Ørsted IPs have been adequately 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. Consultation and Engagement Summary
14. **Table 2-1** summarises the consultation that the Applicants have undertaken with the proposed Hornsea 4 offshore wind farm project (Hornsea 4), and Hornsea Projects 1 to 3 as statutory or non-statutory consultation during the pre-application and with the wider group of Ørsted IPs during the 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 Hornsea 4	Project Intro	Request contact to progress discussions on interactions

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
09/05/2023	Meeting	Project Intro	Project introduction and discussion on interactions. Hornsea 4 advised a crossing agreement would be required.
06/06/2023	Section 42 Consultation	Section 42 Consultation	The Applicants contacted Orsted Hornsea 4 as part of the statutory consultation on PEIR (6 th June – 17 th July 2023). See Consultation Report Appendix B – Section 42 Consultation (Part 1 of 3) - Volume 5 [APP-036].
14/06/2023	Email	Project Interactions	The Applicants shared red line boundary shapefiles with Hornsea 4.
17/07/2023	Section 42 Consultation	Site Selection and Assessment of Alternatives Other Marine Users Marine Mammals Cumulative Effects Shipping and Navigation	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].
04/08/2023	Non-statutory Consultation	Non-statutory Consultation	The Applicants contacted Orsted Hornsea 1, 2, 3, 4 as part of the supplementary consultation on PEIR held 4 th August – 15 th September 2023). See Consultation Report Appendix B – Section 42 Consultation (Part 1 of 3) - Volume 5 [APP-036].
26/10/2023	Email	Draft Crossing Agreement	A draft crossing agreement was sent to Hornsea 4 in relation to onshore interfaces with their substation access road.
10/11/2023	Letter	Section 42 Statutory Consultation	Notice of statutory consultation issued to Ørsted Hornsea 4 as part of the targeted consultation. See Consultation Report Appendix B – Section 42 Consultation (Part 1 of 3) - Volume 5 [APP-036].

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
16/01/2024	Email	Project Interactions	The Applicants requested a further call with Hornsea 4 to discuss interactions, the proposals put forward and to agree a way forward to ensure any representation can be resolved.
24/01/2024	Meeting	Project Updates	Meeting to discuss project updates and interactions including access off A1079. Discussed the crossing agreement and the potential for a cooperation agreement to be put forward. Heads of Terms (HoTs) to be drafted once Hornsea 4 discuss with their legal team.
29/02/2024	Email	Project Interactions	The Applicants asked Hornsea 4 for confirmation of how to proceed regarding the crossing agreement.
03/03/2024	Email	Project Interactions	Hornsea 4 confirmed this was still being discussed with their legal team and that Protective Provisions (PPs) may be required instead of a cooperation agreement.
20/03/2024	Email	Offshore Interactions	Request to Hornsea 4 for contact to discuss offshore interactions and requirements in relation to the DCO
26/03/2024	Email	Offshore Interactions	Confirmation from Hornsea 4 that Protective Provisions/Cooperation Agreement may be required. Call proposed to discuss.
10/04/2024	Meeting	Project Interactions	Call with Hornsea 4 to discuss onshore and offshore interactions and agreements required between parties. Hornsea 4 confirmed Protective Provisions required.
23/04/2024	Email	Protective Provisions	The Applicants sent a chaser to Hornsea 4 regarding PPs.
07/05/2024	Email	Protective Provisions	Hornsea 4 provided draft PPs.

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
09/05/2024	Email	Draft ES Chapter 16 Infrastructure and Other Users	Draft ES Chapter 16 provided to Hornsea 4 for comment, with comments requested after submission.
07/06/2024	Email	Draft ES Chapter 16 Infrastructure and Other Users	Confirmation from Hornsea 4 that there are no comments on draft Chapter 16
Post – Application			
31/07/2024	Email	DCO Acceptance	Update to Ørsted on DCO acceptance and relevant representation period open. Request for update on Hornsea 4 programme. Update on Protective Provisions review and agreement to Heads of Terms for a Cooperation/Interface Agreement
14/08/2024	Meeting	Project Update	A meeting was held with Hornsea 4 where it was agreed Protective Provisions were required as well as a cooperation agreement. HoTs to be drafted by the Applicants.
09/09/2024	Email	Relevant Representation	Received the Ørsted Hornsea Project Three (UK) Limited and Ørsted Hornsea Project Four Limited relevant representations to 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.
14/10/2024	Email	Protective Provisions	The Applicants provided an updated form of PPs for Hornsea 4's consideration.

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
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.
28/11/2024	Email	Cooperation Agreement HoTs	The Applicants asked Hornsea 4 to provide comments on the Cooperation Agreement HoTs.
24/01/2025	Email	Draft SoCG	Issued draft SoCG for the Ørsted IPs to review.
31/01/2025	Email	Responses to the Applicants' Response to Relevant Representations	Received the Ørsted IPs' responses to the Applicants' response to Relevant Representation at Deadline 1.
04/02/2025	Email	Cooperation Agreement HoTs	The Applicants asked Hornsea 4 to provide comments on the Cooperation Agreement HoTs.
12/02/2025	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.
13/02/2025	Email	Draft SoCG	The Applicants issued a revised draft of the SoCG to the Ørsted IPs.
14/02/2025	Email	Draft SoCG	The Ørsted IPs confirmed agreement of the Draft SoCG for submission into Examination at Deadline 2.
24/02/2025	Email	Cooperation Agreement HoTs	The Applicants asked Hornsea 4 to provide comments on the Cooperation Agreement HoTs.
07/03/2025	Email	Cooperation Agreement HoTs	The Applicants received comments from Hornsea 4 on the Cooperation Agreement HoTs.

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
02/04/2025	Email	Cooperation Agreement HoTs	The Applicants provided comments to Hornsea 4 on the Cooperation Agreement HoTs.
07/04/2025	Email	Cooperation Agreement HoTs	The Applicants asked Hornsea 4 to provide comments on the Cooperation Agreement HoTs.
08/04/2025	Meeting	ISH3	Attendance by the Ørsted IPs' legal representative at ISH3 to discuss agenda items regarding wake loss.
15/04/2025	Email	Draft SoCG (Revision 2)	The Applicants issued Revision 2 of the draft SoCG for the Ørsted IPs to review.
18/04/2025	Email	Cooperation Agreement HoTs	The Applicants received comments from Hornsea 4 on the Cooperation Agreement HoTs.
24/04/2025	Email	Draft SoCG (Revision 2)	The Ørsted IPs provided comments on Revision 2 of the draft SoCG.
08/05/2025	Email	Cooperation Agreement HoTs	The Applicants asked whether Hornsea 4 still intend on progressing the Cooperation Agreement at this stage following the announcement that Hornsea 4 was to be discontinued in its current form.
15/05/2025	Email	Cooperation Agreement HoTs	Hornsea 4 advised that they would still like to progress the Cooperation Agreement and requested the Applicants to progress the drafting.
15/05/2025	Email	Meeting between the Applicants and the Ørsted IPs	The Ørsted IPs suggested a bilateral call with the Applicants on the topic of wake loss assessment and mitigation.
15/05/2025	Email	Meeting between the Applicants and the Ørsted IPs	The Applicants confirmed they would be happy to attend a bilateral call with the Ørsted IPs and asked the IPs what items regarding wake assessment they specifically wished to discuss.

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
16/05/2025	Email	Meeting between the Applicants and the Ørsted IPs	The Ørsted IPs provided reasoning for a bilateral call with the Applicants on wake loss impacts and assessment.
16/05/2025	Email	Meeting between the Applicants and the Ørsted IPs	The Ørsted IPs suggested suitable dates for a meeting with the Applicants.
19/05/2025	Email	Meeting between the Applicants and the Ørsted IPs	The Applicants confirmed they would be attending the meeting with the Ørsted IPs and provided a list of attendees.
20/05/2025	Meeting	Meeting between the Applicants and the Ørsted IPs	The Applicants and the Ørsted IPs attended a meeting to discuss wake impacts and assessment and mitigation.
28/05/2025	Email	Submission of the Applicants' wake assessment for Hornsea 1-4	The Applicants provided a copy of Addendum to Wake Effects - Response to ISH3 Action Points - Accepted at the discretion of the Examining Authority as a late submission for Deadline 5 [AS-179] to the Ørsted IPs.
03/06/2025	Email	Further meetings between the Applicants and the Ørsted IPs	The Applicants suggested an additional meeting with the Ørsted IPs to discuss the wake assessment and reasonable mitigation measures.
04/06/2025	Email	Further meetings between the Applicants and the Ørsted IPs	The Ørsted IPs confirmed that they would be open to having further meetings with the Applicants but consider it appropriate to enter into an NDA first.
05/06/2025	Meeting	ISH6	Attendance by the Ørsted IPs' legal representative at ISH6 to discuss agenda items regarding wake loss.
11/06/2025	Email	Further meetings between the Applicants and the Ørsted IPs	The Applicants questioned what topics the Ørsted IPs considered would require an NDA, noting that they did not consider agreement could be reached on the need for PPs or their contents.

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
12/06/2025	Email	Further meetings between the Applicants and the Ørsted IPs	<p>The Ørsted IPs put forward their understanding that, from the Applicants' perspective, the only current outstanding matter for further discussion is physical mitigation and recognised that, for this, an NDA may not be necessary.</p> <p>The Ørsted IPs confirmed that their focus would be on written submissions for the time being.</p>
27/06/2025	Email	Further meetings between the Applicants and the Ørsted IPs	The Applicants confirmed that, in their view, mitigation is the outstanding point of discussion and that they would shift attention to responding in writing.
30/06/2025	Email	Revised SoCG	The Applicants issued the revised SoCG for the Ørsted IPs to review.
02/07/2025	Email	Cooperation Agreement HoTs	<p>Hornsea 4 asked for an update on the status of the co-operation agreement.</p> <p>The Applicants advised that the draft is currently being finalised and will be issued shortly.</p>
02/07/2025	Email	Revised SoCG	<p>The Ørsted IPs provided amendments to the revised SoCG.</p> <p>The Ørsted IPs advised that their preference is to not sign the SoCG due to time constraints for sign off with each respective Interested Party.</p>
03/07/2025	Email	Revised SoCG	<p>The Applicants suggested that the SoCG is submitted at Deadline 9 due to the limited time available to address comments.</p> <p>The Applicants asked whether this extension would enable the Ørsted IPs to sign the SOCG.</p>

Date	Form of consultation	Meeting Title/Topic	Summary of Consultation
07/07/2025	Email	Revised SoCG	<p>The Applicants issued the revised SoCG for the Ørsted IPs to review with comments addressed.</p> <p>The Applicants asked again whether this extension would enable the Ørsted IPs to sign the SOCG.</p>
09/07/2025	Email	Revised SoCG	Chaser sent to the Ørsted IPs to review the revised SoCG and advise whether the SoCG could be signed.
09/07/2025	Email	Revised SoCG	<p>The Ørsted IPs provided amendments to the revised SoCG.</p> <p>The Ørsted IPs advised that they do not foresee being able to secure signatures from multiple IPs within the time remaining.</p>
10/07/2025	Email	Revised SoCG	The Applicants issued the revised SoCG for the Ørsted IPs to review with comments addressed.

3 Agreement Log

3.1 Overview

15. The following sections of this SoCG summarise the level of agreement between the parties for each relevant topic.
16. 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.	<p>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.</p> <p>The Applicants consulted Hornsea 4 as part of the section 42 consultation of the PEIR that ran from 6th June to 17th July 2023. The Applicants received comments from Hornsea 4 on 17th July 2023. No comments with regards to wake effects were made in response to section 42 consultation on PEIR although Hornsea 4 did provide comments on other matters. 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]. Hornsea 1, 2, 3 and 4 were also consulted on the PEIR during the supplementary consultation as non-statutory consultees (4th August –</p>	<p>The Ørsted IPs do not agree with this statement. Pre-application correspondence was only sent to Hornsea 4 and only received on 9th May 2024, a month before the DBS application was submitted to the Planning Inspectorate. The feedback was welcomed “post submission”, per that email. This does not amount to genuine consultation throughout the pre-application stage. In addition, no meaningful assessment of wake loss was put forward by the Applicants at this stage. Following the submission of its DCO application, the Applicant sought to swiftly withdraw the clearly inadequate wake loss assessment that it had put forward pre-Application (in Chapter 16 Infrastructure and Other Users). Thereafter, the applicant refused to submit a wake loss assessment on numerous occasions despite requests from the Ørsted IPs, the ExAs, and other IPs to do so. This continued to be the case until it became clear to the Applicant that this approach may</p>	

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
	<p>15th September 2023). See Consultation Report Appendix B – Section 42 Consultation (Part 1 of 3) - Volume 5 [APP-036].</p> <p>The Applicants sent a draft of Chapter 16 Infrastructure and Other Users to Hornsea 4 on 09/05/2024. Hornsea 4 confirmed via email on 07/06/2024 (see Table 2-1) that they had no comments on the draft Chapter 16 Infrastructure and Other Users despite a wake loss assessment for DBA being provided.</p> <p>The Ørsted IPs did not raise concerns regarding wake loss for any of their assets until Relevant Representations.</p>	<p>delay the examination. As such, it wasn't until close to the end of the examination, after Deadline 5, that a more meaningful wake loss assessment was finally made available.</p>	
Cooperation Agreement with Ørsted Hornsea Project Four Limited			
2.	<p>The Applicants have been discussing the form of agreement required to resolve concerns raised by Hornsea 4 since 2023 and have engaged appropriately. The Applicants are finalising the Cooperation Agreement for Hornsea 4's consideration and a draft will be issued WC 7th July 2025.</p>	<p>The Ørsted IPs have confirmed to the Applicants that they still wish to progress with this agreement and therefore continue to await the provision of a draft of this agreement from the Applicants (which the Ørsted IPs understand will be based on the previously agreed Heads of Terms between the parties).</p>	
Wake Effects			

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
3.	<p>The Applicants have maintained that neither NPS nor the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 require an assessment of wake effects and that the "Other offshore infrastructure and activities" policies in EN-3 do not apply to existing offshore wind farms calling the new Secretary of State to reconsider the NPS interpretation in the Awel y Mor decision. Following on from Mona decision, the Applicants acknowledge that the SoS has taken a clear position on the interpretation of EN-3. The Applicants however respectfully disagree that there was "no sensible basis" for questioning the applicability of the "other offshore infrastructure" policies to other offshore wind farms. If those policies are to be applied, the Applicants have stressed that there are special considerations which apply within an asset class and that the advice to be pragmatic is of particular importance.</p> <p>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 Secretary of State to reach a reasoned conclusion on the matters set out in</p>	<p>The Ørsted IPs consider that given the proximity of the Dogger Bank South Offshore Wind Farms array to the Ørsted IP projects, that continue to hold objections in relation to wake loss, 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>Given the late stage of the examination at which the Applicants submitted a wake loss assessment that considered the wake impact on the Hornsea 1-4 offshore wind farms, the Ørsted IPs took the decision, in an attempt to act reasonably and with pragmatism, to accept the figures presented in this wake loss assessment for Hornsea 1, Hornsea 2 and Hornsea 3, and used these figures to conduct the Financial Impact Assessment at Appendix 1 to their Deadline 7 Submission.</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>	

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
	<p>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 responded to the questions raised by the Examining Authority at the ISH3 in respect of the Applicants' withdrawn wake assessment at Deadline 4. This was done on a "without prejudice" basis. The Applicants provided an assessment of wake effects at Deadline 4 [REP4-099] for Dogger Bank A and provided an assessment for other wind farms (including Hornsea 1 to 4) after Deadline 5 before ISH6 [AS-179].</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 would reduce the overall Annual Energy Production (AEP) in aggregate, therefore any mitigation imposed would have a significantly more detrimental impact</p>		

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
	on the energy generation from the Projects than any benefit that may be accrued by the Ørsted IPs, 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.	<p><u>The draft NPS</u></p> <p>The Applicants position is that the draft NPS (April 2025) that was published for consultation cannot simply be considered a simple clarification of NPS-EN-3 (2023). The update published for circulation did not outline it was to be considered a clarification of the existing NPS, and other mechanisms to provide such clarity would have been put forward by the Department for Energy Security and Net Zero was that the totality of the case. The wording provided clearly introduces aspects for consideration of wake effects for future projects, with the Applicants welcoming confirmation that financial compensation is not a consideration in line with the SoS decision on Awel y Môr in September 2023.</p>	The Ørsted IPs do not agree with the Applicants' position on this for the reasons outlined in representations, including their closing submissions at Deadline 8. Paragraph 2.8.233 makes direct reference to inter-project compensation arrangements.	
5.	<p><u>Greenhouse Gas Assessment</u></p>	The Ørsted IPs provided their latest comments on this document on page 8 of their Deadline 6 Submission.	

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
	<p>The Applicants have submitted two documents [REP4-095 and REP5-034] into examination that provide an assessment of the impacts of the Projects on GHG emissions when including potential wake effects on other projects.</p> <p>These assessments have now been incorporated into the update of Chapter 30 Climate Change (Revision 2) [REP6-036] submitted at Deadline 6.</p>		
6.	<p><u>Wake Assessments</u></p> <p>The Applicants submitted a wake assessment for Hornsea Projects 1 to 4 prior to ISH6 [AS-179].</p> <p>The Applicants did not submit an assessment for Race Bank, Lincs, or Westernmost Rough because wind farms outside of [the] 100km range are unlikely to have a modellable impact or feel an impact from DBS.</p>	<p>Whilst the Ørsted IPs would always prefer that an independent assessment of wake loss be commissioned by the Applicants, the Ørsted IPs are willing (given the stage of the examination) to accept the figures presented in this wake loss assessment for Hornsea 1, Hornsea 2 and Hornsea 3</p> <p>In addition, the Ørsted IPs are withdrawing the wake loss objections from Race Bank, Lincs and Westernmost Rough offshore wind farms – whilst a wake loss assessment has not been done by the Applicants specifically for these assets, the Applicants have stated in their assessment that “<i>wind farms outside of [the] 100km range are unlikely to have a modellable impact or feel an impact from DBS</i>”. Acting reasonably, the Ørsted IPs therefore consider it appropriate to withdraw the wake loss objections for these assets.</p>	

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7.	<p><u>Mitigation</u></p> <p>The Applicants' position is that the draft NPS support for offshore wind would provide strong justification for the criteria of 'reasonable mitigation' including that it is at minimum net neutral on AEP as a key focus for SoS in decision making is ensuring the greatest electricity production via renewables.</p>	<p>The Ørsted IPs do not consider that it is for the Applicants alone to decide what is "reasonable".</p> <p>The Ørsted IPs state that the accepted practice is that private wake loss agreements have been entered into (as this was publicly stated in the Walney Extension offshore wind farm Environmental Statement, and it is also of note that Hornsea 1 publicly dropped its wake loss objection against the DCO application for Hornsea 2, midway through Hornsea 2's DCO examination).</p>	
8.	<p><u>Financial Compensation</u></p> <p>The Applicants' position is that the draft NPS concludes that financial compensation is not appropriate in the circumstances of offshore wind farm projects and wake effects, and that future applicants need only consider design mitigation matters which the Applicants have considered in AS-179.</p> <p>The Applicants do not consider financial compensation is justified or appropriate nor do they agree with the quantum of impact presented in the Ørsted IPs' financial impact assessment at Deadline 7 for the reasons set out in the Applicants' Responses to Deadline 7 Submissions.</p>	<p>The Ørsted IPs fundamentally disagree with the Applicants' position in relation to financial compensation, for the reasons set out in representations, including their closing submissions at Deadline 8. The Ørsted IPs have submitted a financial impact assessment at Deadline 7.</p> <p>The Ørsted IPs disagree that the draft NPS concludes that financial compensation is not appropriate. If this were the case, paragraph 2.8.233 would not state that developers may opt to enter into inter-project compensation arrangements.</p> <p>The quantum of impact presented in the Ørsted IPs' financial impact assessment at Deadline 7 is derived directly from the wake loss figures provided by the</p>	

SoCG ID	The Applicants' Position	Ørsted IPs' Position	Position Status
		Applicants and other publicly available information on forecast electricity price and generation.	
9.	<p><u>Protective Provisions (PPs)</u></p> <p>The Applicants do not consider it necessary that wake effects be managed post consent via PPs. Financial compensation is not justified or appropriate.</p> <p>The Applicants are therefore not providing draft PPs.</p> <p>The PPs proposed by the Ørsted IPs are completely unreasonable and unworkable. If imposed by the SoS they would be unlawful as failing the <i>Wednesbury</i> test.</p>	<p>The Ørsted IPs fundamentally disagree with the Applicants' position in relation to protective provisions (including in regard to reasonableness, given that the protective provisions provide a time-bound and secure route that is workable for both parties), for the reasons set out in representations, including their closing submissions at Deadline 8.</p>	

4 Summary

17. 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. This SoCG has been updated throughout the Examination and represents the final SoCG between the Applicants and the Ørsted IPs. The duration of the Ørsted IPs' sign off process (across multiple entities) means that it has not been practicable for the SoCG to be signed by each party upon submission of the final SoCG.

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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