

Dogger Bank South Examining Authority
National Infrastructure Planning
Temple Quay House
2 The Square,
Bristol

Our reference 006039834-01
Your reference EN010125
Contact [REDACTED]
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10 July 2025

Dear Mr Hunter,

Dogger Bank South Offshore Wind Farms Project

PINS Reference: EN010125

Deadline 9 Cover Letter

This letter summarises and explains the content of the Applicants' submissions to Deadline 9, the final deadline, of the Examination. Documents are described in the order requested by the Examination Timetable contained in the Rule 8 letter [PD-011]. This letter also responds to the Examining Authority's (ExA's) Rule 17 letter of 7 July 2025 [PD-030].

Conduct of the MMO

With respect to the MMO, the Applicants were surprised by the MMO's Deadline 8 submission [REP8-048] which provided comments contrary to agreements already reached. A substantial commentary on this is provided in response to [REP-048]: 1.1.3 of **The Applicants' Response to Deadline 8 Documents** (document ref: 19.2). The MMO's Deadline 8 submission [REP8-048] indicated the primary areas of disagreement on the DCO were limited to a) transfer of benefits; b) force majeure; and c) determination dates, whilst also re-opening discussion on the without prejudice noise restriction and the export cable restriction conditions in the DMLs, agreed by the MMO immediately prior to Deadline 7.

On the afternoon of 10th July, the day of the final deadline of the Examination, the Applicants sought an update from the MMO on the final SoCG issued earlier in the week. In response, after 4 PM on 10th July, in addition to the new revision of the SoCG, the Applicants were provided with the MMO's Deadline 9 submission proposing multiple changes to the Draft DCO, including amendments to DML conditions already agreed with MMO at previous deadlines (as logged in the MMO SoCG at Deadline 8 [REP8-019]). These changes had not been previously discussed with the Applicants, denying them any fair opportunity to engage or respond to the proposed wording.

The Applicants are deeply frustrated and concerned that the MMO has sought to suggest these extensive changes to the Draft DCO at such a late juncture after Closing Statements have been submitted, when it was expressly stated by the ExA in their Rule 17 Letter dated 9th June 2025 [PD-026] that no new information should be put forward at Deadline 8 or thereafter.

The Applicants suggest that the lateness of the proposed inclusions severely prejudices the Applicants' ability to review and respond within the examination and therefore any new DML condition changes in the MMO's Deadline 9 submissions should be disregarded from the ExA's consideration within their recommendation. However, should the Secretary of State determine that these late changes, that were not consulted upon, warrant further review, the Applicants are willing to consider and comment on the wording post-examination if requested.

The Applicants are concerned that allowing such late changes without due process being followed could encourage similar practice in future examinations, undermining the integrity and fairness of the DCO process for all parties involved.

Comments on submissions received by Deadline 8

The Applicants are providing comments on some material provided by interested parties at Deadline 8 in **19.2 The Applicants' Responses to Deadline 8 Documents**. In most instances, the Applicants consider that issues have already been sufficiently discussed earlier in examination and the Applicants' Position clarified within Closing Statements and have therefore generally decided to not respond further.

Any further information requested by the ExA

Answers to the ExA's request for information are provided in **19.3 The Applicants' Responses to Rule 17 letter dated 7 July 2025**, and with **19.5 The Applicants' Response to the Mona DCO Decision with regards to wake effects**.

The Applicants are pleased to provide **19.4 Letter of No Impediment (LoNI) for Bats and Badgers** in answer to ENC.2.4 of the ExA's second written questions [PD-022].

Final Statements of Common Ground

Some parties were unable to sign Statements of Common Ground (SoCGs) at Deadline 8 due to resourcing issues. In other cases, discussions have continued and it is possible to update Statements of Common Ground to a final position, which are also provided with tracked copies. These revised SoCGs are:

- **9.4 Historic England**
- **9.6 Marine Management Organisation (Revision 4)**
- **9.9 National Grid Electricity Transmission (Revision 3)**
- **9.15 Royal Society for the Protection of Birds (Revision 3)**
- **9.21 Ørsted (Revision 3)**
- **9.23 Natural England (Revision 2)**

With respect to the SoCG with Orsted IPs, despite significant engagement to agree the wording provided in the Statement of Common Ground, Orsted have opted not to sign the document neither commit to this being their final position on matters discussed in the SoCG. The document wording as presented has however all been shared with the Orsted IPs representative liaising with the Applicants.

Final Development Consent Order

3.1 Draft DCO (Revision 12) is provided alongside the **3.4 Schedule of Changes to dDCO (to Revision 12)** to reflect wording on disposal sites previously agreed with the MMO between Deadlines 8 and 9 and includes some additional minor corrections and updates to document references in Schedule 19. A validated Word version is also supplied along with the associated Statutory Instrument validation report.

Other documents

The Applicants are using this opportunity to provide updates sought by Natural England:

- **6.2.1 Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 6)**
- **17.8 Without Prejudice' Herring Spawning Plan (Revision 2)**

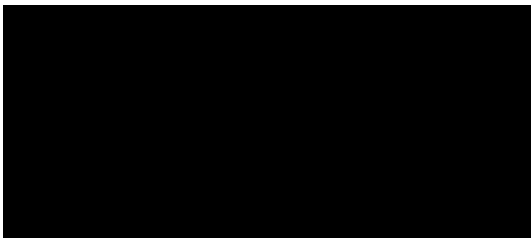
Following a request from the MMO at Deadline 8, the Applicants have updated **8.6 Commitments Register**.

Updated Guide to the Application

Given the additional documents listed above, **1.4 Guide to the Application** has been expanded with new documents and revisions provided at Deadline 9.

Please feel free to contact me if you require any clarification regarding the above. The Applicants note this is the final communication to the ExA prior to the close of the Examination. The Applicants would like to thank the ExA, the Planning Inspectorate Case Team and all Interested Parties for their participation in the Dogger Bank South Offshore Wind Farms Projects DCO.

Yours sincerely,



Senior Consents Manager
DBS Offshore Wind Farm

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