

Secretary of State for Energy Security and
Net Zero

55 Whitehall
London
SW1A 2HP

Our reference 006039845

Your reference EN010125

Contact Thomas Tremlett

Phone

Email

[REDACTED]
[REDACTED]@rwe.com

14 October 2025

Dear Secretary of State,

DBS East and DBS West Offshore Wind Farms ('the Projects')

PINS Reference: EN010125

Update following close of Examination

The Examination in respect of the above Application for a Development Consent Order (DCO) for the Projects closed on 11th July 2025. In their closing submissions [\[REP8-042\]](#) the Applicants noted a number of matters that had not yet been resolved at the close of Examination and were subject to ongoing discussions between the Applicants and the relevant stakeholders (paragraph 7 and section 4 of the Executive Summary). Since the close of the Examination, the Applicants have continued discussions with Interested Parties and Affected Persons with the intention of reaching further agreement on outstanding issues. As further outlined below, significant progress has been made and a number of compromises reached.

The Applicants are providing this update in order to inform the Secretary of State's decision making, and facilitate a prompt determination. The Projects have the potential to generate clean power for three million homes and thereby avoid 168.4 million tonnes of CO₂ emissions, which would contribute significantly to achieving the Government's energy policies. It is hoped that this proactive submission, which has already been shared with Natural England and the Marine Management Organisation (MMO), will reduce the need for additional consultation during the decision-making period.

Since the close of Examination, the Applicants' efforts have primarily focussed on resolving any outstanding matters with Natural England and the MMO in respect of ornithology and Habitats Regulations compensation; fish ecology; benthic Habitats Regulations compensation; progressing negotiation of protective provisions and obtaining Crown consents, and completing further land agreements with Affected Persons.

Areas of disagreement between the Applicants, Natural England and MMO

Several issues were noted as 'not agreed – material impact' in the final **Natural England Statement of Common Ground (SoCG) (Revision 2)** [\[REP9-018\]](#). After the close of Examination and receipt of Natural England's Deadline 9 comments [\[REP9-028\]](#), the Applicants reviewed which matters could be meaningfully progressed in the post-examination period. Progressed items are reflected in updated or new documents submitted with this letter (see Appendix A). To support Natural England's review, a SoCG update was prepared collaboratively with Natural England, setting out

their position on each update (see **Natural England Statement of Common Ground Update** [document reference: 20.3]).

In addition, several issues, primarily relating to fish ecology were noted as 'not agreed – material impact' in the final **MMO SoCG (Revision 4)** [REP9-013]. Specifically restriction conditions for piling and specified export cable works due to impacts on herring spawning. The Applicants have now come to an agreement on the topic of underwater noise and the associated without prejudice piling restriction condition, which is summarised in section 4 below, and in **The Applicants' and the MMO's Post-Examination Joint Position on the Without Prejudice Herring Noise Restriction** [document reference: 20.4].

For ease of reference, we set out below the key updates on a number of these matters and respectfully ask the Secretary of State to consider and take account of them alongside of the Examining Authority's Recommendation Report when determining the Application.

1. Ornithology

At Deadline 7, the Applicants submitted **Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots** [REP7-137] in response to Natural England's comments on the use of 'seabird hotspot modelling' to refine the Projects' Offshore Development Area to avoid high density areas of birds within the Projects' Array Areas. This document presented examples of the site-specific aerial survey data collated during the Projects' pre-application phase, illustrating any areas within the Array Areas that showed higher and lower densities of birds. It demonstrated that the refinement of the Array Area boundaries between Preliminary Environment Information Report (PEIR) and Environmental Statement stages had accounted for identified bird density hotspots, where relevant. While Natural England welcomed the report, they provided further comments at Deadline 8 [REP8-051] requesting additional information. Given the short timeframe between Deadlines 8 and 9 of Examination, the Applicants were unable to address all of Natural England's comments in the second revision of the report [REP8-040] submitted at Deadline 9.

Following the close of Examination, the Applicants continued work to address Natural England's remaining comments on the matter. The proposed scope was shared with Natural England in advance and Natural England confirmed by email on 20th August 2025 that they were '*on the whole happy with the proposed outputs*', subject to minor clarifications.

Preliminary outputs were shared with Natural England at a meeting on 16th September 2025 where they confirmed alignment with their requests but reserved comment pending the full report. The report (**Spatial modelling of baseline seabird data for Dogger Bank South** [document reference: 20.4]) was shared with Natural England on 2nd October 2025, however they were unable to provide comments ahead of its submission to the Secretary of State with this letter. It is the Applicants' position that they have taken all reasonable steps to avoid potential areas of high abundance for ornithological receptors and that further work on this issue would not yield any tangible ecological benefits and so it is not required.

2. Kittiwake Compensation

At Deadline 9, the Applicants submitted **Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 7)** [REP9-007] which contained updates on the status of the Marine Licence application for the kittiwake offshore artificial nesting structure (ANS). These updates confirmed that the Marine Licence application (MLA/2025/00344) had been submitted to the MMO alongside supporting documents. Following the close of the Examination period, the Applicants' Marine Licence has been publicly advertised and is now open for consultation. The offshore ANS design work has continued to progress following the close of examination, with the Applicants looking to appoint an Engineering, Procurement, Construction, Installation contractor imminently.

Furthermore, the Kittiwake Steering Group Meeting convened on 9 October 2025 during which the Applicants presented design progression and shared details presented in the Marine Licence application. Particulars relating to the offshore ANS design updates, the Marine Licence application and consultation through the Kittiwake Steering Group are provided for the Secretary of State in **Outline Kittiwake Compensation Implementation and Monitoring Plan (Revision 3)** [document reference: 6.2.1.2] to demonstrate progress made since the end of Examination.

Regarding compensation quantum, the Applicants have provided an additional calculation scenario on a without prejudice basis for kittiwake based on the method produced by the British Trust for Ornithology (BTO) on behalf of Natural England, as submitted at Deadline 7 [REP7-155]. This has been provided in the **Position Statement on Kittiwake Compensation Calculations** [document reference: 20.8]. It is our understanding that while Natural England have now reviewed this methodology and believe it to be robust, they also concede in their submission to the Secretary of State's Request for Information (RFI) letter to Outer Dowsing Offshore Wind (ODOW) that:

'Notwithstanding our support of the method proposed by BTO from an ecological standpoint, Natural England are cognisant of the advanced stage at which Outer Dowsing and the other Round 4 Projects are currently, and the risk of causing delays to consent in the context of meeting the 2030 clean power objective. We therefore suggest the Secretary of State (SoS) consider whether it is appropriate or reasonable to request that Outer Dowsing update their calculations of the compensation requirement for kittiwake at this stage in the determination phase, particularly given the range of compensation 'scenarios' already presented by Outer Dowsing (including presentation of different ratios) that it is very late in the process for Round 4 projects to revise their compensation estimates'.

This is exemplified in the fact that the Applicants have substantially progressed the design of their ANS since the close of examination based on figures that have been previously presented during examination, hence any change required to the scale of the ANS based upon a new compensation calculation method which may result in a higher worst-case quantum and may impact delivery (i.e. offshore ANS installation) programme. The Applicants (like ODOW) have presented a wide range of compensation scenarios in line with Natural England's closing position advice and believe this will provide the Secretary of State with enough information to agree the appropriate compensation quantum.

3. Guillemot [and Razorbill] Compensation

In their End of Examination Position on the Applicant's Proposed Offshore Ornithology Compensatory Measures [REP8-053] Natural England highlighted concerns that 'a site for project-led delivery could not be sufficiently in scope or secured'. Since that time the Applicants have made significant progress in identifying a suitable site for a project-led predator eradication scheme, (the proposed compensatory measure for guillemot [and razorbill]). Having been unable to secure a suitable project-led option in England, Wales or Northern Ireland, the Applicants have been investigating potential sites in Scotland and have identified several sites which initial surveys indicate have potential to provide the Applicants' guillemot [and razorbill] compensation requirements. Three separate locations have been identified and work to date indicates that they would meet the criteria for compensation options in terms of availability of suitable habitat, proximity to auk recruitment populations, predator presence and supportive landowners. To demonstrate their commitment the Applicants have issued Heads of Terms to the relevant landowners for their consideration. This new work has been presented to both Natural England (16th September) and NatureScot (3rd October).

Details of the new work undertaken and the locations are provided in a new document, the **Guillemot [and Razorbill] Compensation Secondary Site Shortlist Refinement Report** [document reference 20.5]. The Applicants have also updated the **Appendix 2 - Guillemot [and**

Razorbill] Compensation Plan (Revision 7) [document reference 6.2.2], with this information. The **Guillemot [and Razorbill] Outline Compensation Implementation and Monitoring Plan (Revision 3)** [document reference: 6.2.2.1], and the **Guillemot [and Razorbill] Compensation Site Shortlist Refinement Report (Revision 3)** [document reference 10.20] have also been updated to bring them in line with the current position. The Applicants consider that this should address many of Natural England's concerns.

In summary, the Applicants consider there are three pathways to delivering the required compensation for guillemot [and razorbill]. Either via a project-led option in Scotland (of which multiple options have been identified) or through the collaborative / strategic option on the Isles of Scilly, or a combination of both.

4. Fish and Shellfish Ecology

Potential impacts upon the Banks herring spawning grounds caused by export cable installation works and underwater noise from piling during construction were raised by both Natural England and MMO during the course of examination. Both parties requested seasonal restrictions on all cable installation work within the Offshore Export Cable Corridor and piling in the Array Areas from the start of August to the end of October (inclusive). These topics were discussed at length through numerous submissions made during the Examination.

Through a series of meetings and email exchanges, which took place between Deadline 5 and Deadline 7, wording for a DML condition to be included in DMLs 3 and 4 of the **Draft DCO (Revision 12)** [REP9-003] was discussed which would seasonally restrict specified export cable works. In addition, without prejudice condition wording to be included in DMLs 1 to 4 of the **Draft DCO (Revision 12)** [REP9-003] was discussed to restrict piling activities. This wording was agreed between all parties prior to Deadline 7 when it was added to the Draft DCO (see **Summary of Herring Noise Impact Discussions During Examination** [REP7-134]) on a without prejudice basis.

Natural England welcomed the inclusion of the condition to restrict specified export cable works during the herring spawning season and the without prejudice piling restriction condition within their Deadline 8 submission [As-184].

Despite the Draft DCO wording being agreed at Deadline 7, the MMO's Deadline 8 [REP8-048] submission noted further outstanding issues in relation to the **Without Prejudice Herring Spawning Plan (Revision 2)** [REP9-021] and **Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period** [REP6-014].

The MMO provided the Applicants with a Deadline 9 submission via email on 10th July 2025. This response included additional requests for information from the MMO and changes to the MMO's previous position on topics such as the proposed herring restrictions, which the Applicants had understood to have been largely resolved prior to Deadline 8.

The Applicants also understand that the MMO's Deadline 9 response did not reach the Planning Inspectorate due to a technical issue. Therefore, it was not published on the Planning Inspectorate's website, nor was it considered by the ExA. As such, the Applicants have provided a response to the MMO's Deadline 9 submission, included alongside this letter (see **The Applicants' Response to the MMO's Deadline 9 Document** [document reference: 20.2]).

Herring Spawning Sediment Disturbance

Within the MMO's Deadline 8 [REP8-048] submission, extensive comments were provided on **Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period** [REP6-014] methodology, including the suggestion of an 8-day post-settlement period. The post-settlement period is a period of time after works have ended to allow sediments and suspended sediments to

settle and therefore allows the area to be available for herring at the start of their spawning season. The Applicants provided responses within the Deadline 9 document [REP9-021], however, this additional 8-day period had not been presented in any previous consultation and was suggested without any prior engagement or indication by the MMO. The MMO did not provide any references or evidence to support its inclusion, either in terms of sediment plume / sediment deposition modelling within the Project's Offshore Export Cable Corridor or references to specific projects in which this period has been implemented.

Following close of Examination the Applicants have engaged with the MMO, with two meetings held on 5th August 2025 and 15th September 2025, which included discussion of the methodology included within the **Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period** [REP6-014].

At the end of the August meeting, the Applicants and the MMO / Cefas were to consider an appropriate post-work settlement period. The Applicants reviewed the site-specific modelling presented within **Chapter 8 Marine Physical Environment (Revision 2)** [REP7-035] and **Appendix 8-3 - Marine Physical Processes Modelling Technical Report (Revision 3)** [REP2-017]. This determined suspended sediment settlement was rapid and localised and therefore, no post-work settlement period is required. The MMO subsequently agreed that the 8-day post-work settlement period was not required, however, they noted that a minimum of 24hrs should be applied in order to allow sediment to settle and waves of herring to move into the area.

In the interest of resolving discussions, the Applicants have agreed to a 24hr period of post-work settlement. Both parties agreed that the methodology report should be updated and agreed in order to minimise future changes. As such, the **Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 2)** [document reference: 7.10.10.3] was provided to the MMO for comment on 3rd October 2025, however, they were unable to provide comments ahead of its submission to the Secretary of State with this letter. It is the Applicants' position that no further work is required.

In addition, both parties have agreed wording to update the relevant DML condition (condition 28 of DMLs 3 and 4) to reflect this (see I.D. 1.3.4. in **The Applicants' Response to the MMO's Deadline 9 Document** [document reference: 20.2]).

Herring Underwater Noise Restriction

Following Examination, the Applicants have engaged with the MMO to resolve the MMO's concerns regarding the without prejudice herring spawning noise restriction. The Applicants and the MMO have come to an agreement regarding the topic and have produced a joint position statement which accompanies this letter (see **The Applicants' and the MMO's Post-Examination Joint Position on the Without Prejudice Herring Noise Restriction** [document reference: 20.4]). A key component of this Joint Statement is a minor update to the without prejudice Herring Underwater Noise Restriction condition (condition 30 of DMLs 1 and 2 and condition 27 of DMLs 3 and 4) in the **Draft DCO (Revision 12)** [REP9-003] which has been agreed by both parties.

5. In-Principle Monitoring Plan (IPMP)

The IPMP is produced to provide the basis for delivering monitoring measures required by conditions within the Deemed Marine Licences (DMLs) for the Projects. The IPMP provides a framework for further discussions post consent with key stakeholders to agree the exact detail (timings, methodologies etc.) of the monitoring that is required. Due to the long lead in time for the development of offshore wind farms it is not desirable or effective to provide detailed method statements for monitoring prior to consent being granted. However, agreeing guiding principles reinforces commitments made in the Environmental Statement, Report to Inform Appropriate

Assessment and Marine Conservation Zone Assessment, complements conditions set out in the DMLs and allows refinements to be made based on the best available knowledge and technology. Final detailed plans for monitoring work would be produced closer to the time of construction.

The IPMP has been updated several times throughout the Examination period following comments received from stakeholders. At Deadline 9, Natural England issued further comments [\[REP9-030\]](#) on the IPMP regarding the DCO, marine processes, benthic ecology, fish and shellfish, marine mammals and ornithology. Following the close of Examination, the Applicants reviewed Natural England's Deadline 9 submission and have made amendments to the IPMP regarding secondary scour and monitoring of disposal mounds in light of Natural England's comments.

The updated document was sent to Natural England via email on 22nd September 2025. Natural England confirm agreement with the IPMP which is also reflected in section 1.2 of **Natural England Statement of Common Ground Update** [document reference: 20.3]).

6. Habitats Regulations Assessment – Benthic and Intertidal Ecology

The final **6.1 Report to Inform Appropriate Assessment (RIAA) Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 5)** [\[REP7-016\]](#) and **6.2 Habitats Regulations Derogation: Provision of Evidence (Revision 4)** [\[REP7-018\]](#) report (both submitted at Deadline 7 of Examination) included four without prejudice scenarios for consideration by the Secretary of State regarding habitat Loss, disturbance and the inclusion of estimated halo effects within the Dogger Bank SAC. With regards to halo effects, this scenario assumed there would be a 50m 'halo effect' around all infrastructure placed on the seabed, including cable protection measures, a figure which the Applicants disagree with as outlined in their Closing Statement but included (on a without prejudice basis) due to a lack of guidance from Natural England on the matter.

In their Deadline 9 submission [\[REP9-028\]](#), Natural England stated that *'if a reduced buffer for halo effect from cable protection (e.g. 20m) can be agreed then the compensation requirement will be reduced'*. Natural England then stated that *'if compensation for habitat disturbance is required and the same approach as for habitat loss (i.e. MPA designation or extension is provided for habitat disturbance) is applied, then some of the habitat loss from the Halo effect would already be compensated for, with the additional amounts of compensation extending from the edge of the disturbance corridor out to the edge of the halo effect (only). However, if compensation for habitat disturbance is not considered necessary by the Secretary of State, then habitat loss from the edge of cable protection out to the edge of the agreed halo effect buffer would need to be included as habitat loss'*.

In light of this submission, the Applicants have updated Table 6-7 of the **RIAA Habitats Regulations Assessment Part 2 of 4 Annex I Offshore Habitats and Annex II Migratory Fish (Revision 6)** [document reference: 6.1] and Table 4-4 of the **Habitats Regulations Derogation: Provision of Evidence (Revision 5)** [document reference: 6.2] report to include all potential scenarios of habitat loss, halo effects and disturbance accounting for any overlap of effects and reducing the halo on cable protection to 20m. Notwithstanding this the Applicants maintain the position that only habitat loss from infrastructure footprint should contribute to adverse effect on integrity of the Dogger Bank SAC as outlined by the evidence submitted by the Applicants provided throughout examination.

A draft version of these updates was presented to Natural England during a meeting held on 16th September 2025. Natural England confirmed during this meeting that they agree that the appropriate scenarios for habitat loss have been included to enable further consideration by the Secretary of State and Interested Parties.

The updated versions of **RIAA Habitats Regulations Assessment Part 2 of 4 Annex I Offshore Habitats and Annex II Migratory Fish (Revision 6)** [document reference: 6.1] and Table 4-4 of the **Habitats Regulations Derogation: Provision of Evidence (Revision 5)** [document reference: 6.2] have been issued to Natural England on the same date as submission of this letter.

7. Dogger Bank Compensation

As discussed in section 6, the Applicants have updated Table 4-4 of the **Habitats Regulations Derogation: Provision of Evidence (Revision 5)** [document reference: 6.2] report to include all potential scenarios of habitat loss, halo effects and disturbance accounting for any overlap of effects and reducing the halo on cable protection to 20m. The requirement for compensation (if any) can therefore be determined from whichever scenario the Secretary of State decides is appropriate.

8. Land Rights

The Applicants continue to negotiate with Affected Persons to acquire the land and rights over land necessary for the Proposed Development voluntarily, as explained in the **Statements of Reasons (Revision 5)** [REP8-008]. The Applicants' land rights strategy is to seek to agree voluntary arrangements and to reduce the reliance upon compulsory acquisition and temporary possession powers. This regards compulsory acquisition as a last resort, as can clearly be seen by the continued engagement and attempts to reach agreement with Affected Parties.

Further detail on the Applicants' land acquisition strategy; its approach to the payment of professional fees and commercial offers; and its meaningful attempts to secure the necessary land rights by agreement, is provided in the **Land Rights Tracker (Revision 9)** [document reference: 10.4] detailing the meaningful engagement with, and status of discussions for, each landowner. This document shows that the Applicants have been making every effort to engage meaningfully with Affected Parties.

Agreements required for the various elements of the Proposed Development	62
Heads of Terms agreed	35
Heads of Terms negotiating	27
Number of Option agreements completed	17
Number of Option agreements pending third party consent	10

The Applicants continue to make good progress with negotiations, having agreed 35 sets of Key Terms and legally completed 17 Option agreements since the Application was submitted, and having agreed 10 further sets of Option agreements with landowners, pending third party consent for completion.

Notwithstanding those negotiations, it has not been possible to conclude terms with all parties and therefore compulsory acquisition powers are necessary to ensure that this Nationally Significant Infrastructure Project can be delivered and that its significant public benefits can be realised.

9. Crown Land – Section 135 Planning Act 2008

Section 135(1) of the Planning Act 2008 is engaged by the Draft DCO because it seeks authorisation to acquire new rights and restrictive covenants over interests in land which are held otherwise than by or on behalf of the Crown.

The Applicants have been engaging with the relevant Crown Authorities (The Crown Estate and the Secretary of State for Defence) to obtain the section 135(1) and section 135(2) consents required to the making of the DCO and is in the process of finalising the consent with The Crown Estate's legal representatives.

Crown Consent under section 135 was issued by the Secretary of State for Defence on the 22 July 2025 and is supplied as **Crown S. 135 Consent (MoD)** [document reference: 20.7].

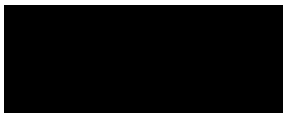
The Applicants continue to engage with The Crown Estate to provide sufficient information and comfort for Crown consent to be issued. Both the Applicants and The Crown Estate are in regular communication to ensure that there is agreement on the current land position and that the Crown consent to be issued captures all additional plots created as a result of the mean high water line shifting land boundaries.

Conclusion

The Applicants will continue discussions with relevant stakeholders and Affected Parties to seek consensus. However, there remain some unresolved issues for which the Applicants cannot accept standards, obligations and commitments that these bodies seek to impose. The Secretary of State will need to determine these matters on the basis of the evidence presented during the examination and subsequently. The Applicants are willing to respond promptly to requests for information, and have provided this submission in anticipation.

A timely grant of this DCO will permit the Applicants to install 3GW of clean power, addressing the need and urgency expressed in government energy and planning policies.

Yours sincerely,



Thomas Tremlett
Senior Consents Manager
DBS Offshore Wind Farms

**RWE Renewables UK
Dogger Bank South
(East) Limited**
Registered no. 13656240

**RWE Renewables UK
Dogger Bank South
(West) Limited**
Registered no. 13656525

Registered office:
Windmill Hill Business Park,
Whitehill Way, Swindon,
Wiltshire, England SN5 6PB
Registered in England
and Wales.

Appendix A

Table 1-1 List of updated Examination documents (clean and tracked).

Reference	Document Name
6.1	Report to Inform Appropriate Assessment Habitats Regulations Assessment Part 2 of 4 Annex I Offshore Habitats and Annex II Migratory Fish (Revision 6)
6.2	Habitats Regulations Derogation: Provision of Evidence (Revision 5)
6.2.1.2	Outline Kittiwake Compensation Implementation and Monitoring Plan (Revision 3)
6.2.2	Appendix 2 - Guillemot [and Razorbill] Compensation Plan (Revision 7)
6.2.2.1	Annex A - Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (Revision 3)
6.2.3	Appendix 3 - Project Level Dogger Bank Compensation Plan (Revision 6)
7.10.10.3	Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 2)
8.23	In-Principle Monitoring Plan (Revision 6)
10.4	Land Rights Tracker (Revision 9)
10.20	Guillemot and Razorbill Compensation Site Refinement Report (Redacted) (Revision 3)

Table 1-2 List of new documents.

Reference	Document Name
20.1	SoS Cover Letter (this document)
20.2	The Applicants' Response to the MMO's Deadline 9 Document
20.3	Natural England SoCG Update
20.4	Spatial modelling of baseline seabird data for Dogger Bank South
20.5	Guillemot and Razorbill Compensation Secondary Shortlist Site Refinement Report
20.6	The Applicants' and the MMO's Post-Examination Joint Position on the without prejudice herring noise restriction
20.7	Crown S. 135 Consent (MoD)
20.8	Position Statement on Kittiwake Compensation Calculations