

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

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South (East) Limited**

**Dogger Bank South Offshore  
Wind Farms**

**The Applicants' and the MMO's Post-Examination  
Joint Statement on the Without Prejudice Herring  
Noise Restriction**


**Document Date: October 2025**

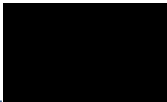
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Rev No.	Date	Status/Reason for Issue	Author	Checked by	Approved by
01	October 2025	Post-Examination Update	Haskoning	RWE	RWE

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On behalf of	Marine Management Organisation

# 1 Introduction

1. Impacts upon the Banks herring spawning grounds caused by underwater noise due to piling during construction were raised as a concern by the Marine Management Organisation (MMO) during the course of Examination of the Dogger Bank South (DBS) East and DBS West Offshore Wind Farms, collectively known as DBS Offshore Wind Farms (herein 'the Projects'). The MMO requested a seasonal restriction on piling in the Array Areas from the start of August to the end of October (inclusive), but noted the potential for a mechanism to reduce this requirement if appropriate evidence was provided post-consent. This topic was discussed at length through numerous submissions made during Examination.
2. Through a series of meetings and email exchanges, which took place between Deadline 5 and Deadline 7 of the Examination, wording for a DML condition to be included in DMLs 3 and 4 of **Draft DCO (Revision 12)** [REP9-003] was discussed, to restrict export cable installation works. Additionally, 'without prejudice' condition wording to restrict piling activities, to be included in DMLs 1 to 4 of the **Draft DCO (Revision 12)** [REP9-003], was also discussed. The wording of these conditions was agreed between the Applicants, the MMO and Natural England prior to Deadline 7 when it was added to the Draft DCO (see **Summary of Herring Noise Impact Discussions During Examination** [REP7-134]. Noting the MMO's position at Deadline 7 was that the condition was agreed in principle but that updates may still be required at Deadline 8.
3. Despite the Draft DCO wording being agreed in principle 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 could not agree on the inclusion of the condition as presented at Deadline 7 due to the reference to the Herring Spawning Plan which was not agreed by the MMO. The MMO did agree that it can be resolved post consent with further information after the design had been confirmed.
4. The MMO provided the Applicants with a Deadline 9 submission via email on 10<sup>th</sup> 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 and sandeel restrictions, which the Applicants had understood to have been largely resolved prior to Deadline 8. The MMO provided an updated condition at Deadline 9 to allow for post consent revision, without the reference to the Herring Spawning Plan.
5. Since the close of Examination the Applicants and the MMO continued discussions seeking to resolve these issues. This document aims to provide the Secretary of State with an outline of those discussions and the resolution both parties have agreed to.

## 2 Post-Examination

6. Following the close of Examination the Applicants have engaged with the MMO, including holding two meetings (05/08/25 and 15/09/25) where the **Without Prejudice Herring Spawning Plan (Revision 2)** [REP9-021] was discussed. At the end of the August meeting, the Applicants were tasked with reviewing the **Without Prejudice Herring Spawning Plan (Revision 2)** [REP9-021] and determining what additional distance could be added to the Herring Spawning Noise Restriction Boundary to make the disapplication of the restriction more precautionary. The MMO were also asked to undertake a similar review. This joint task aimed to support further discussions and help all parties agree on a clear and effective trigger mechanism for lifting any piling restrictions.
7. The Applicants considered applying a buffer to the Herring Spawning Noise Restriction Boundary. However, in the absence of peer-reviewed guidance and any robust evidence base for an appropriate buffer distance for underwater noise—and given the Applicants' position, as stated during Examination, that the 135 dB threshold is already overly precautionary—they chose not to apply one. Instead, a revised draft figure of the Herring Spawning Plan was sent to the MMO on the 27 August 2025, alongside a memo designed to clarify the benefits of the previously agreed without prejudice herring spawning restriction included in the **Draft DCO (Revision 12)** [REP9-003]. This memo provided illustrative modelling of the maximum 135db contour which would arise if the Herring Spawning Noise Restriction Boundary was not to be impinged and provided a clear demonstration of the distances that this contour would maintain from the coastline, thus not impacting herring spawning or related migratory activity.
8. During the September meeting, the Applicants proposed that the Herring Spawning Noise Restriction Boundary should remain drawn at the edge of the spawning ground such that the precautionary 135dB contour does not overlap with potential spawning habitat. This would result in a precautionary >38km 'migration corridor' between the coastline and the extent of the 135dB contour that encompasses the entire spawning ground.
9. After reviewing the revised figure and memo, the MMO / Cefas confirmed via email on the 24<sup>th</sup> September that they were content with a 38km migratory route at the shortest distance and the location of the Herring Spawning Noise Restriction Boundary as originally proposed.
10. In addition, in reviewing the original without prejudice condition wording presented within the **Draft DCO (Revision 12)** [REP9-003] the MMO requested a minor edit to reference the maintenance of a minimum 38km corridor from the coast which would not be impacted by the 135db contour.

11. Following the request to include reference to a 38km corridor, the Applicants proposed to edit sub-clause 4 of the without prejudice condition as follows (green highlights identify the key update):
- 30.—(1) No piling activity can commence within Work Nos. 1B and 4B during the herring spawning season until a herring spawning piling restriction plan (in accordance with the herring spawning plan) is submitted to and approved in writing by the MMO, in consultation with the relevant statutory nature conservation body.*
- (2) The herring spawning piling restriction plan must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO.*
- (3) The herring spawning piling restriction plan must present updated underwater noise modelling, which must be based on final project parameters to be used to install piles and must include details of any mitigation measures to be employed.*
- (4) If the updated underwater noise modelling referred to in sub-paragraph (3) above demonstrates that noise levels above 135 decibel from any piling area within Work Nos. 1A and/or 4A will impact:*
- (a) the area shoreward of the Herring Spawning Noise Restriction Boundary, and/or*
- (b) any area within 38km seaward of MHWS,*
- during the herring spawning season then any piles located within that piling area must not be installed during the herring spawning season without written approval from the MMO.*
- 5) Any piling activity within Work Nos. 1B and 4B during the herring spawning season must be undertaken in accordance with the approved herring spawning piling restriction plan approved under sub-paragraph (1) or in accordance with any approval given by the MMO under sub-paragraph (4) above.*
- (6) In this condition—*
- "Herring Spawning Noise Restriction Boundary" means the boundary indicated by the red line on the herring spawning area plan, with the restricted area being the area shoreward of this boundary*
- "herring spawning plan" means the document certified by the Secretary of State as the herring spawning plan for the purposes of the Order under article 42 (certification of plans and documents, etc.) and referenced in Schedule 19 (documents to be certified)*
- "herring spawning season" means 1 August to 31 October inclusive or such other period as agreed in writing with the MMO;*
- "piling area" means any area within Work Nos. 1B and/or 4B within which one or more piled foundations is proposed to be installed.]*
12. This was agreed with the MMO via email on 10<sup>th</sup> October 2025.

13. Although the Applicants dispute that a temporal restriction is required to mitigate effects which within the Environmental Statement were demonstrated to be not significant in Environmental Impact Assessment terms, they have come to an agreement with the MMO on the proposed wording within the without prejudice condition, and both parties agree that the decision should be left to the Secretary of State as to whether it should or should not be included as a condition within the DCO.
14. If the Secretary of State is minded to impose a seasonal restriction on piling on the proposed construction of the Projects, then the above condition wording would need to be included in Deemed Marine Licences 1-4 (Schedules 10-13) presented in the **Draft DCO (Revision 12)** [REP9-003]. The wording would not apply to Deemed Marine Licences 5 or 6 as it covers the Projects' inter-project cabling which requires no piling.

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