

The Crown Estate

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National Infrastructure Planning
The Planning Inspectorate
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AND BY EMAIL: DoggerBankSouth@planninginspectorate.gov.uk

27 November 2025 | 10:20 GMT

Dear Sirs

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by RWE Renewables Uk Dogger Bank South (West) Ltd and RWE
Renewables Uk Dogger Bank South (East) Ltd (together "the Applicant") for an Order
Granting Development Consent for Dogger Bank South Offshore Wind Farms
Development Consent Order**

I write further to the above.

In this letter:

"the book of reference" shall have the meaning given to it in the Order;

"the Commissioners" shall mean the Crown Estate Commissioners;

"Draft DCO" shall mean the Applicant's draft development consent order (reference EN010125) submitted to the Examining Authority at Examination Deadline 6 on 13 June 2025 under Document Number 005028758-09; and

"Order" shall mean Dogger Bank South Offshore Wind Farms Development Consent Order 202[•] once made by the Secretary of State.

As you are aware, the Commissioners disagree with any view that section 135(1) of the Planning Act 2008 ("the Act") provides that any provision authorising the acquisition of third party interests in Crown land may only be included in a development consent order if the unconditional consent of the appropriate Crown body to the acquisition is obtained before the development consent order is made.

However, and without prejudice to the Commissioners' position set out in the preceding paragraph, the Commissioners have reached a separate agreement with the Applicant which provides the Commissioners with sufficient assurance as to the way in which compulsory acquisition powers (as contained in Article 22 and 26 of the Draft DCO) may be exercised in respect of third party interests in Crown land forming part of the Crown Estate. As such, and subject to the below, the Commissioners confirm their consent to the compulsory acquisition of the third party interests in plots 02-001, 02-002, 02-003, 02-004, 02-005, 02-006, 02-007, 02-008, 02-009, 02-010, 02-011, 02-012, 02-013, 02-014, 02-015, 02-017 and 12-014 for

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which s135(1) consent is required. (to the extent that these form part of The Crown Estate) for the purpose of section 135(1) of the Act.

The Commissioners' consent is granted subject to:

1. the inclusion and continuing application of the following amended "Crown rights" wording in the Order at Article 41:

"41.—(1) Nothing in this Order affects prejudicially any estate, right, power, privilege, authority or exemption of the Crown and in particular, nothing in this Order authorises the undertaker or any licensee or lessee to take, use, enter upon or in any manner interfere with any land or rights of any description (including any portion of the shore or bed of the sea or any river, channel, creek, bay or estuary)—

(a) belonging to His Majesty in right of the Crown and forming part of The Crown Estate without the consent in writing of the Crown Estate Commissioners;

(b) belonging to His Majesty in right of the Crown and not forming part of The Crown Estate without the consent in writing of the government department having the management of that land; or

(c) belonging to a government department or held in trust for His Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any Crown land (as defined in the 2008 Act) which is for the time being held otherwise than by or on behalf of the Crown.

(3) A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically."

and;

2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act.

Section 135(2) consent is required for an order granting development consent to include provision(s) to apply to Crown land or rights benefiting the Crown (other than provision(s) authorising the compulsory acquisition of third-party interests in Crown land). The Commissioners disagree with any view that section 135(2) consent is required in relation to offshore Crown land because and on the basis that an agreement for lease will be entered into in relation to such land.

However, and without prejudice to the Commissioners' position, subject to:

1. the inclusion of Article 41 in the Order as referred to above and its continuing application; and

2. the Commissioners being consulted further if any variation to the Draft DCO is proposed which could affect any other provisions of the Order which are subject to section 135(1) and 135(2) of the Act,

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the Commissioners confirm their consent to Articles 18, 22, 26, 30, and 31 of the Draft DCO, to the extent that they are included in the Order, applying in relation to Crown land forming part of The Crown Estate within the Order limits comprising Plots 01-007, 01-008, 01-009, 01-010, 01-011, 01-012, 01-013, 01-014, 01-015, 02-001, 02-002, 02-003, 02-004, 02-005, 02-006, 02-007, 02-008, 02-009, 02-010, 02-011, 02-012, 02-013, 02-014, 02-015, 02-017 and 12-014 (to the extent that these form part of The Crown Estate) for the purpose of section 135(2) of the Act.

Yours sincerely



Executive Director Infrastructure & Energies

For and on behalf of the Crown Estate Commissioners