

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

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South (East) Limited**

**Dogger Bank South Offshore
Wind Farms**

**The Applicants' Response to Secretary of State
Request for Information**

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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).
Dogger Bank South (DBS) Offshore Wind Farms	The collective name for the two Projects, DBS East and DBS West.
Order Limits	The limits within which the Projects may be carried.
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
ANS	Artificial Nesting Structure
DBS	Dogger Bank South
DCO	Development Consent Order
ExA	Examining Authority
FFC	Flamborough and Filey Coast
IPMP	In-Principle Monitoring Plan
IPMP	In-Principle Monitoring Plan
MMO	Marine Management Organisation
MoD	Ministry of Defence
MoU	Memorandum of Understanding
MPA	Marine Protected Areas
MRF	Marine Recovery Fund
MW	megawatt
NGET	National Grid Electricity Transmission
NGT	National Gas Transmission
NPS	National Policy Statement
PEIR	Preliminary Environmental Impact Report
PP	Protective Provisions
RFI	Request for Information
RIAA	Report to Inform Appropriate Assessment
SNCBs	Statutory Nature Conservation Bodies
SoS	Secretary of State

Term	Definition
SPA	Special Protection Area
TSHD	trailing suction hopper dredger

1 Introduction

1. This document presents the Applicants' response to the Secretary of State's (SoS) Request for Information (RFI) dated 6th November 2025.
2. The responses provided in the tables in section 2 of this document are in answer to the requests within the SoS' letter.
3. The Applicants are also submitting a number of documents to accompany the text responses in section 2. These are listed in **Table 1-1**. The Applicants have provided tracked and clean versions where these are documents being revised to aid the SoS's review.

Table 1-1 List of Documents Submitted to Accompany the Applicants' Response to Request for Information

RFI Paragraph Number	Document Number	Document Name	Revision
6	22.4	The Crown Estate's Letter of Consent	1
7, 9, 11	22.8	Guillemot and Razorbill Compensation Update	1
7, 9, 10	6.2.2.1	Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan (Revision 4)	4
7, 9, 10	6.2.2	Guillemot [and Razorbill] Compensation Plan (Revision 8)	8
7	22.3	The Applicants' Position on Compliance with Legal and Policy Requirements for Compensatory Measures	1
11	22.5	The Applicants' Response to NatureScot's DESNZ letter	1
16	22.7	Kittiwake Compensation and Artificial Nesting Structure Update	1
16	6.2.1	Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 8)	8
18, 20	8.6	Commitments Register (Revision 5)	5
22	7.10.70.3	Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3)	3
22, 23, 24, 25, 31, 32	3.1	Draft Development Consent Order	13

RFI Paragraph Number	Document Number	Document Name	Revision
24, 25, 26, 28	8.23	In-Principle Monitoring Plan (IPMP) (Revision 7)	7
33	10.4	Land Rights Tracker (Revision 10)	10

2 The Applicants' Responses to Request for Information

2.1 Crown Consent

Table 2-1 - Applicants' Response to the Secretary of State's Request for Information – Crown Consent

RFI Paragraph Number	Request of	Request	Applicants' Response
5	N/A	The Secretary of State notes the consent remains outstanding in relation to Crown Land that the ExA referred to in Compulsory Acquisition Hearing 1 [EV3-006] ¹ . In addition, at Issue Specific Hearing 6 [EV11-010], the ExA requested that the Applicants provide submissions regarding section 135 (of the Planning Act of 2008) in relation to Crown Consent ¹ .	No response required.
6	The Applicants	The Applicants and the Crown Estate are requested to provide an update confirming whether or not the Applicant has obtained Crown Consent under s135(1) of the Planning Act 2008 for the acquisition of crown land. If consent has not been obtained, the reasons for this should be clearly set out, and a clear timeline detailing when Crown Consent is expected to be obtained by should be included.	The Applicants and The Crown Estate have now reached agreement on the terms of the Crown Consent and The Crown Estate has given its consent under section 135 of the Planning Act 2008. This has been submitted alongside this response (The Crown Estate's Letter of Consent [document reference 22.4]).

¹ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010125-001740-ISH6%20Code%20Part%204.HTML>

2.2 Offshore and Intertidal Ornithology

Table 2-2 - Applicants' Response to the Secretary of State's Request for Information – Offshore and Intertidal Ornithology

RFI Paragraph Number	Request of	Request	Applicants' Response
Guillemot [and razorbill] compensatory habitat			
7	N/A	It is noted that NE [REP8-054] have raised concerns that a project-led delivery location for guillemot [and razorbill] compensation cannot be considered to be sufficiently in scope or secured at this time. After the close of examination, the Applicants' latest Guillemot [and Razorbill] Compensation Plan (Revision 7) indicates that the only project-led site, Middle Mouse, is considered unlikely to provide the required level of compensation due to a lack of confirmed predator presence, and that it will not be progressed further. It is understood that three other possible sites are being considered, two of which are in the Outer Hebrides (Pabaigh, Bearasaigh Islands) and one in Shetland (Out Skerries), as outlined in the Applicants' Compensation Site Secondary Shortlist Refinement Report. However, surveys to confirm the presence of predators had not been completed for Bearasaigh Islands at the time the post-examination documents were submitted.	<p>The Applicants have provided a detailed update on the project-led locations for predator eradication within the Guillemot and Razorbill Compensation Update [document reference 22.8] submitted in response to this Request For Information (RFI). The Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan (Revision 4) [document reference 6.2.2.1] and Guillemot [and Razorbill] Compensation Plan (Revision 8) [document reference 6.2.2] have also been updated in line with this.</p> <p>Based on the initial results, the Applicants are confident that the compensation success quantum and required scaling as specified in Natural England's close of examination position can be met by a Project-led option.</p> <p>It is worth noting, the Applicants' have proposed a suspensive condition in the Draft DCO, which would allow this further data gathering and dialogue to be progressed post consent. This is further expanded upon in The Applicants' Position on Compliance with Legal and Policy Requirements for Compensatory Measures [document reference 22.3] provided at this deadline.</p>
8	The Applicants	The Applicants are requested to provide an update on the progress towards selecting one or more project-led locations for predator eradication as part of their guillemot (and razorbill) compensation plan. This includes details of the results of the predator surveys that were anticipated to be undertaken at the Bearasaigh islands in October 2025 and how their results have influenced the location(s) chosen to be progressed, and progress on landowner agreements.	<p>Predator surveys at the Bearasaigh Islands were slightly limited by poor weather, however a potential rat sighting was recorded on one of the islands, Flodaigh.</p> <p>The Applicants have taken the decision to combine the two Outer Hebrides locations (Pabaigh Islands and Bearasaigh Islands) into one scheme.</p> <p>Both the Out Skerries scheme and the Outer Hebrides scheme will continue to be progressed at this stage. Predators have been recorded on multiple islands within each potential scheme and each scheme is predicted to contain sufficient suitable habitat to provide the necessary compensation for the Projects. The biosecurity zones have been identified and landowner discussions are continuing on the Heads of Terms issued for both potential schemes. Letters of Comfort have been sought from landowners and provided in Annex A of the Guillemot [and Razorbill] Compensation Plan (Revision 8) [document reference 6.2.2]. The Applicants are expecting further Letters of Comfort and these will be shared with the SoS once received.</p>
9	The Applicants	The Applicants are requested to provide a refined assessment of the options available at those locations to inform a quantification of the potential of one or more of the locations to deliver a sufficient compensation for guillemot, and razorbill.	<p>The Applicants have provided a detailed update on the project-led locations for predator eradication within the Guillemot and Razorbill Compensation Update [document reference 22.8] submitted in response to this RFI. The Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan (Revision 4) [document reference 6.2.2.1] and Guillemot [and Razorbill] Compensation Plan (Revision 8) [document reference 6.2.2] have also been updated in line with this.</p> <p>The Applicants have taken the decision to combine the two Outer Hebrides sites, Bearasaigh and Pabaigh, into one scheme. At the current time, planning for predator eradication schemes in both the Out Skerries and the Outer Hebrides sites are being progressed. The Applicants are confident that the two Scottish schemes will provide the required quantum of compensation for both guillemot and razorbill.</p>

RFI Paragraph Number	Request of	Request	Applicants' Response
10	The Applicants	The Applicants are requested to outline a detailed timetable for when their pre-eradication studies for the selected location(s) will be completed. The Applicants are requested to update Figure 4-1 of the Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan and Plate 6-1 of the Guillemot [and Razorbill] Compensation Plan (Revision 7) accordingly.	<p>The Applicants have provided updated timelines within Figure 4-1 of the Outline Guillemot [and Razorbill] Compensation Implementation and Monitoring Plan (Revision 4) [document reference 6.2.2.1] and Plate 6-1 of the Guillemot [and Razorbill] Compensation Plan (Revision 8) [document reference 6.2.2].</p> <p>Pre-eradication surveys to determine the presence of predators and the availability of suitable habitat accessible to predators are complete. The Applicants are confident that the information gathered to date indicates that both the Out Skerries scheme and the Outer Hebrides scheme are feasible and have the potential to individually provide the Projects' compensation requirement. Given previous experience, the Applicants will continue to develop proposals for both schemes.</p>
11	NE and NatureScot	NE and NatureScot are invited to comment on the Compensation Site Secondary Shortlist Refinement Report and Guillemot [and Razorbill] Compensation Plan (Revision 7).	<p>The Applicants have provided both Natural England and NatureScot with an update since publication of the Guillemot and Razorbill Compensation Secondary Shortlist Site Refinement Report [document reference 20.5] and Guillemot [and Razorbill] Compensation Plan (Revision 7) [document reference 6.2.2]. Natural England was provided with the Guillemot and Razorbill Compensation Update [document reference 22.7] submitted in response to this RFI. NatureScot were provided with an extract of this document, relevant to the progress on the Scottish sites. The contents of the Guillemot and Razorbill Compensation Update [document reference 22.7] (with the exception of the habitat refinement data for Out Skerries) was discussed with NE in a meeting on 25th November 2025. NatureScot were also contacted on a number of occasions with a request for engagement. Despite not securing a meeting, NatureScot kindly provided the Applicants with their response to the RFI questions ahead of the deadline, hence the Applicants have responded to their comments in The Applicants' Response to NatureScot's DESNZ letter [document reference 22.5].</p>
12	Defra	Defra is invited to provide an update on any progress that has been made by the Isles of Scilly Task and Finish Group on the collaborative approach to Guillemot and Razorbill compensation in the Isles of Scilly, particularly in relation to the quantification of the compensation that is due to be created.	No response is required.
Artificial Nesting Sites (ANS)			
13	The Applicants	It is noted that the Applicants have been in discussions with other offshore wind projects about potentially sharing space on their onshore ANS at Gateshead. The Applicants are requested to confirm how many of the 240 spaces at the onshore ANS are being considered by other projects (i.e. what would remain exclusively for use by the Proposed Project), and what progress has been made towards expanding this site to accommodate 480 pairs.	<p>The Applicants are in discussions with three other offshore wind developers regarding shared nesting spaces on the onshore ANS. Each of these developers is assigned 20% of the 240 nesting spaces on the structure as it is currently built, leaving a remaining 40% to be split between the Projects (Dogger Bank South (DBS) East and DBS West). A minimum of 96 nesting spaces are assigned for the Projects under this development scenario. Should any or all the third parties no longer require nesting spaces on the Applicants' ANS, remaining spaces will be assigned equally between the Projects.</p> <p>Should additional capacity be required, the onshore ANS can be modified to host 480 nesting spaces without the need for any further consents. If extra nesting spaces are necessary for adaptive management, or to contribute to the Applicant's compensation package, such works can be implemented to double the capacity of the structure with little delay. A minimum of 336 nesting spaces would be available for the Projects under this development scenario.</p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			With a minor variation to the existing Planning Permission, the onshore ANS can be extended further to hold another unit on its current foundations which would provide 720 nesting spaces. A minimum of 576 nesting spaces would be available for the Projects under this development scenario.
14	The Applicants	It is understood that the Marine Licence relating to the offshore ANS (MLA/2025/00344) is progressing, with the consultation due to end on 11 November 2025. The update provided on the ANS by the Applicants in the Outline Kittiwake Compensation Implementation and Monitoring Plan (Revision 3) is noted. The Applicants are invited to confirm that the design presented for the ANS incorporates suitable nesting locations for guillemot [and razorbill], should this be required as part of adaptive management for the species, and to update the Outline Guillemot and Razorbill Compensation Implementation and Monitoring Plan (Revision 3), if required, to confirm this.	<p>The Applicants can confirm that nesting spaces to accommodate up to 415 guillemot and 62 razorbill have been included in the ANS design, with the option to add more should this prove to be successful and adaptive management for guillemot and/or razorbill is required.</p> <p>Note that these nesting spaces are additional to the spaces provided for kittiwake.</p>
15	NE	NE is invited to comment on the updated spatial modelling of baseline seabird data for Dogger Bank South submitted post-examination, particularly, whether any of their previous concerns in relation to the approach and presentation of the material remain outstanding.	<p>The Applicants consider that:</p> <ul style="list-style-type: none"> The data show no consistent hotspots either within or between species in DBS West. As a result, there is no clear demarcation of DBS West, where a boundary change would significantly reduce collisions The boundaries of the Projects were already amended after the Preliminary Environmental Impact Report (PEIR) to remove an area where The Crown Estate leasing areas met (see Appendix A - Offshore Ornithology Year 1 and 2 Combined Spatial Plots (Revision 2) [REP8-040]), the Applicants considered this area to be a consistent hotspot between and within species. <p>Through the refinement of the Array Areas at PEIR, the reduction in numbers of turbines for the Projects to a maximum of 200 turbines from the maximum of 300 turbines proposed in the Projects' Scoping Report and the commitment to a minimum air gap of 34m, the Applicants have demonstrated clear adherence to the mitigation hierarchy to avoid, reduce and mitigate as far as practicable the impacts to offshore ornithology. The Projects' designs have been progressed and in order to maintain flexibility, to create a compelling business case, and to maintain potential for operation by 2030 there is no further scope to refine the array area boundaries.</p> <p>Any reductions or changes to the array design or layout must be considered against other environmental, technical, economic and engineering constraints, any or all of which could increase as a result of any changes for ornithological reasons, which would countermand any benefits to ornithology. For example, the layout and site design must take account of requirements by the Maritime and Coastguard Agency, and Trinity House for navigational safety, including the provision of Search and Rescue lanes. Further, whilst Natural England advise that further boundary refinements to the southeast border of DBS West would benefit ornithology, such changes could come at a cost of increased impacts to radar through increasing overlaps with radar line of sight, and also benthic ecology as areas of more diverse benthic habitats could be disturbed and higher numbers of boulders may need to be moved and deposited as a trade-off.</p> <p>Furthermore, The Crown Estate Lease requirement to meet a minimum specific power density would make further amendments to site design challenging at this stage. The Applicants must seek to achieve as close to the minimum power density of 5MW/km² in order to be competitive in the bidding process for a Contract For Difference, without which the Projects may be delayed or not constructed at all.</p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			The Applicants are firmly of the opinion that they have refined the project design envelope as far as is reasonably practicable, to take account of the balance to be struck between impacts to multiple different receptors that have been considered during development.
16	NE	NE are invited to comment on the Applicants' application of Rhoades <i>et al.</i> (2025) in their Position Statement on Kittiwake Compensation Calculations.	<p>The Kittiwake Compensation and ANS Update [document reference 22.7] (submitted with this response) provides further illustration of the application of the BTO method and was discussed with Natural England on 25th November.</p> <p>Natural England stated that their advice on the application of the BTO methodology remains consistent with that provided to Outer Dowsing. <i>"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)"</i>.</p> <p>As such, while the Applicants do not support the application of the BTO methodology at this stage, the implications should it be used have been considered.</p> <p>In the meeting with Natural England on 25th November 2025 the Kittiwake and ANS Update [document reference 22.7] was presented and the quantum that could be delivered by the Applicants on the current ANS design discussed. Natural England verbally recognised that good progress had been made by the Applicants regarding meeting the compensation quantum and acknowledged the points the Applicants made around the BTO methodology. The revised upper limit for capacity (Appendix 1 - Project Level Kittiwake Compensation Plan (Revision 8) [document reference 6.2.1]) was received as a strong offer, that would fulfil the Applicants' compensation requirements .</p>
17	The Applicants	The Secretary of State notes that within the In-Principle Monitoring Plan ("IPMP"), the Applicants sets out that they will seek to avoid duplication of ornithological monitoring where Dogger Bank A, B and C offshore windfarms and Sofia projects are also undertaking monitoring. Noting that NE has raised concern over the lack of connectivity monitoring between the Project and the Flamborough and Filey Coast Special Protection Area, the Secretary of State requests the Applicants to clarify which monitoring aim the Applicants are looking to adopt a strategic approach to, and whether connectivity monitoring to alleviate uncertainty on apportioning displacement and collision impacts from the Project could be undertaken with this approach. Any evidence of agreements with other parties that may have been obtained in relation to strategic monitoring should also be provided to the Secretary of State.	<p>In general, monitoring is required to validate the key predictions of an assessment where there is uncertainty in the assumptions, and to avoid <u>underestimation</u> of an effect. In the case of the Projects, the Report to Inform Appropriate (RIAA), for example, has made an assumption that 100% of kittiwake are from the Flamborough and Filey Coast (FFC) Special Protection Area (SPA), this is a precautionary assessment as it is likely less than 100% of the birds originate from this colony.</p> <p>Given that existing tracking studies have already demonstrated connectivity between the Projects and the FFC SPA (Woodward <i>et al.</i>, 2019 and Wischniewski, <i>et al</i> 2022, unpublished, cited in Effects on Prey Species Technical Note (Revision 2) [REP6-049]), the only rationale for undertaking further tracking work would be to try to refine the apportionment. This would require a large effort to tag birds across numerous other colonies including offshore oil and gas platforms, but even then, the proportion of non-breeding (i.e. immature birds) would not be accounted for since it is not feasible to catch and tag these age classes. Undertaking further tracking work would provide additional evidence of where birds originate from, but there is no defined level of evidence that will determine a 'true' value for apportionment of connectivity between FFC and the Projects. Given the precautionary nature of Natural England's advice, it is unlikely that sufficient evidence can be obtained and agreed to reduce apportionment from 100% for future assessment. On this basis, the Applicants do not consider that there is a justification for further tracking work as priority (either project based or strategically).</p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>Rather than undertaking tracking studies, the Applicants consider it would be more useful to conduct monitoring that improves understanding of the actual effects at the wind farm, for example collision and displacement, rather than how effects might be distributed among colonies. It is for this reason that the Applicants have proposed monitoring of collision and displacement effects as potential options in the IPMP. These monitoring options will form the basis of discussions with relevant stakeholders, including Natural England, post consent in order to determine the most appropriate monitoring aims to take forward to implementation within the Ornithological Monitoring Plans. If the option to participate in strategic monitoring studies is available when the Projects' Ornithological Monitoring Plan is being developed, the Applicants would discuss with the relevant stakeholders whether such studies are appropriate to enable the discharging of Project specific ornithological monitoring conditions. Therefore, the Project is unable to confirm at this time if strategic approaches will be included in the Projects' Ornithological Monitoring Plans.</p> <p>The Applicants have engaged with Dogger Bank A, B, C and Sofia Offshore Wind Farms. Connectivity with the FFC SPA as a key theme throughout their ornithological monitoring plans and the project's collaborative approach to ornithological monitoring on the Dogger Bank. As all projects are still under construction and have yet to complete the full suite of their ornithological monitoring commitments, the Applicants will continue regular engagement to avoid duplication during the development of the Projects' Ornithological Monitoring Plans. In addition an MoU is in place between the Applicants and Outer Dowsing in order to facilitate collaboration between the parties. At the appropriate post consent stage, the Applicants and Outer Dowsing will explore options to work collaboratively to deliver post-consent ornithology monitoring.</p>

2.3 Benthic Ecology

Table 2-3 - Applicants' Response to the Secretary of State's Request for Information – Benthic Ecology

RFI Paragraph Number	Request of	Request	Applicants' Response
18	The Applicants, NE	It is understood that there remains disagreement between NE and the Applicants on the use of a fall pipe to deposit dredged sediment, including within the Dogger Bank SAC, and upstream of the dredged area. Noting the Applicants' concerns over the availability of suitable vessels to deliver the approach and the potential for additional dredging requirements from upstream disposal [REP6-052], and that commitments have been made by Developers on both the Five Estuaries and Outer Dowsing wind farms on the use of a fall pipe for sediment deposition within designated sites, the Applicants are requested to update the Commitments register, the Cable Statement, the Report to Inform Appropriate Assessment and any other relevant documentation to include these mitigation measures. If this is not possible, the Applicants are invited to provide evidenced, project-specific reasoning why it is unable to commit to the use of a fall pipe/down pipe and upstream deposition. NE are invited to comment on what the implications of site integrity are should these measures not be used.	<p>As noted during the course of Examination, the Applicants reiterate that should a trailing suction hopper dredger (TSHD) execute any sandwave levelling required as part of the delivery of the Projects, a fall pipe cannot be used to deposit dredged cargoes. The reason for this is that fall pipes are not found on TSHDs. Rather, fall pipes are found on subsea rock installation vessels. Fall pipes are used for the purpose of depositing rock on the seabed for cable or scour protection purposes. That a fall pipe could be used for the purpose of disposing of dredged material from a TSHD is a misconception.</p> <p>This misconception is highlighted in the commitments made by both the Outer Dowsing and Five Estuaries offshore wind projects, neither of which has committed to using a fall pipe to dispose of dredge cargoes obtained through the use of THSD.</p> <p>In their Outline Cable Specification and Installation Plan (Revision 9) Outer Dowsing made the commitment of: . <i>...using a precise disposal method via discharge pipe(s), downpipe(s) or equivalent.</i></p> <p>Whilst in their Outline Sediment Disposal Management Plan (Revision D) Five Estuaries made the following commitment: <i>When depositing sediment that has been removed from M&LS SAC back onto the seabed (within the same sediment cell) within the M&LS SAC, a discharge pipe (or downpipe) will be used where practicable.</i></p> <p>Given that fall pipes are not found on TSHDs, as is the case for other developers, the Applicants cannot commit to using one. However, the Applicants have discussed options for the achievement of the disposal of dredged sediment closer to the seafloor than might be achieved through the disposal of sediment through the TSHD disposal bay doors or via rainbowing (the methods through which TSHDs are designed to dispose of their cargoes) with their supply chain which should achieve the same outcome that Natural England are seeking through the use of a fall pipe.</p> <p>The two highly experienced, expert dredging contractors that the Applicants have spoken to about this matter have confirmed that the only technically feasible option for the achievement of the disposal of dredged sediment closer to the seafloor than might be achieved through the disposal of sediment through the TSHD disposal bay doors is to reverse pump sediment from the dredger's hopper, down the vessel's suction pipe and back into the marine environment through the draghead used to obtain the cargo in the first place.</p> <p>The Applicants have been advised by their prospective dredging contractors that whilst this proposal is technically feasible, it will involve using the TSHD in a manner it isn't designed for, potentially causing increased equipment failures and servicing and maintenance costs. In addition, disposing of a dredged cargo from a TSHD in this manner will result in increased dredge discharge durations and costs that are an order of magnitude above those required to dispose of dredged cargoes through the bay doors.</p> <p>Further, our prospective dredge contractors note of this approach that:</p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p><i>In general pumping material via the [suction] pipe is used to spray thin layers on top of a cable or backfilling a trench. Significant losses occur when backfilling by using the suction pipe, in sand this is 30%-50%. In case of silty material this is even larger, the fines will disperse extensively.</i></p> <p><i>For clean, non-polluted sandy material, discharging via the suction pipe is very uncommon, as it offers no environmental advantage over bottom door dumping. Sand's high settling velocity minimizes dispersion during conventional dumping, whereas pipe discharge requires substantial water addition to fluidize the material for pumping. This increased water content makes the mixture more prone to dispersion.</i></p> <p>Hence, the only technically feasible approach to disposing of dredged cargoes from a TSHD which might meet the request put forward by Natural England will result in additional dredge costs and programme elongation by a multiple of ~10 and is unlikely to deliver any clear environmental benefits over and above the cargo disposal methods that TSHDs are designed to deliver.</p> <p>In relation to the deposition of sediment 'upstream' of the dredged area, the Applicants note that should this be undertaken, it will increase the likelihood of the infill of dredged areas with previously dredged material prior to cable installation. Where this occurs, additional dredging is likely to be required, with corresponding increases of environmental impacts and construction costs and duration.</p> <p>However, despite the noted operational and environmental limitations and drawbacks, given that the disposal options discussed above are at least technically feasible, the Applicants are willing to make commitments similar to those made by both the Outer Dowsing and Five Estuaries offshore wind projects in relation to the disposal of dredge cargoes in protected areas. To this end, the Applicants have updated section 1.4.5.4 of the Cable Statement (Revision 6) [document reference 8.20] to note:</p> <p><i>Where any sediment is dredged from within the Dogger Bank SAC by a trailing suction hopper dredger during the construction of the authorised scheme it will be returned to the seabed within the Dogger Bank SAC 'upstream' of the direction of net sediment transport via a discharge pipe, a down pipe or similar (for example by reverse pumping the cargo through the suction pipe and draghead). Sediment disposal will be made as close to the seabed as is practicable.</i></p> <p>The Commitments register has also been updated to add words to the above effect to commitment C192. The updated Commitments Register (Revision 5) [document reference 8.6] is also provided at this deadline.</p> <p>The Report to Inform Appropriate Assessment (RIAA) documents have not been updated because the suggested mitigation is deemed to be secured through the edits made to the Cable Statement, which is already referenced with regards to sediment disposal in the embedded mitigation for the RIAA (see Table 6-2 of the RIAA HRA Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 6)) [document reference 6.1]. The suggested mitigation does not offer any benefits which would alter or improve the findings of the RIAA.</p> <p>Given the fact that the requested mitigation results in questionable environmental benefits and requires the use of dredging equipment in a manner it was not designed for, the Applicants would advise against this requirement becoming an assumed precedent for future offshore wind projects to follow.</p>
19	Defra	Noting the Written Ministerial Statement of 29 January 2025 which commits to designating / extending Marine Protected Areas ("MPAs") to compensate for likely environmental effects of offshore wind developments which include projects that	While this question is directed at Defra, the Applicants would like to take the opportunity to respond to this point. In accordance with Department for Energy Security and Net Zero guidance the appropriateness of using strategic compensation (new Marine Protected Area (MPAs) designations and/or extensions to existing MPAs to

RFI Paragraph Number	Request of	Request	Applicants' Response
		received a seabed lease from The Crown Estate under Leasing Round 4, and in the context of the interim guidance prior to the implementation of the Marine Recovery Fund ("MRF"), Defra is invited to advise whether the Proposed Development and its impacts are of a type which could in-principle be compensated by the MPA measure delivered through the MRF. This is the Applicants' preferred approach to compensation for Annex 1 Sandbank habitat, as outlined in their Project Level Dogger Bank Compensation Plan (Revision 5).	<p>provide benthic compensation) to compensate for adverse effects for the Projects has been discussed with Statutory Nature Conservation Bodies (SCNBs) and Defra from the earliest possible opportunity. Consultation with Defra and Natural England has been maintained regarding the suitability of strategic compensation via the Marine Recovery Fund (MRF) during the pre-application, examination and determination phases. The Applicants have worked closely with SNCBs and Defra to determine that this measure would provide appropriate compensation suitable for the Projects' potential adverse effect.</p> <p>The most recent Defra meeting during which this topic was discussed was 19th ovember 2025 and engagement to date has been constructive. The Applicants understand that they can proceed with submitting an expression of interest when the MRF becomes operational. The Marine Recovery Funds Regulations 2025 were laid before parliament on 25th November 2025 and will become operational on 17th December 2025. Natural England's Risk and Issues Log (Revision 9) [REP9-031] demonstrates support for the Applicants' approach to delivering benthic compensation via strategic compensation rather than via project led compensation.</p> <p>Further to direct, positive engagements with Defra and Natural England, the Applicants responded to a call for industry in 2024 to express interest in using this measure. This has helped to build a robust figure for how much compensation would be needed across multiple offshore wind developments, and what habitats need compensating.</p>
20	The Applicants	Noting NE's comment within the final risks and issues log [REP9-031] comment C38, Benthic and Intertidal Ecology), the Applicants are asked to advise if an updated Cable Statement has been produced, which includes commitment to a sandwave levelling, deposition and recovery plan and to submit this to the Secretary of State if the plan has been updated.	<p>The Applicants note that this commitment was made within Cable Statement (Revision 5) [REP6-043]. The relevant wording states:</p> <p><i>Further detail relating to sand wave levelling, deposition and sandbank recovery will be provided in the form of a plan provided as an Appendix to the Final Cable Statement(s) should sand wave levelling be required as part of the Projects.</i></p> <p>This commitment was also captured in the form of commitment C192 in the Commitments Register (Revision 3) [REP7-101]. With this commitment having been made previously the Applicants do not intend to make any further revisions to the Cable Statement for this purpose.</p>

2.4 Environmental Impact Assessment

Table 2-4 - Applicants' Response to the Secretary of State's Request for Information – Environmental Impact Assessment

RFI Paragraph Number	Request of	Request	Applicants' Response
21	The Applicants	<p>The Secretary of State notes that the wind turbine sizes that will be used for the Proposed Development (15-26.5 MW) are larger than those that were assessed in the Environmental Statement ("ES") (0.2-6.15 MW), and that no empirical data exists for the larger turbines. Noting Natural England's concern [REP9-030] over the reliability of the underwater noise modelling results due to this evidence gap, the Secretary of State requests the Applicants to provide further detail surrounding the precautions and assumptions used within the Underwater Noise Modelling Report to account for the difference in turbine size. In addition and without prejudice to the final decision, the Applicants are requested to update the IPMP to include provision for operational underwater noise modelling in order to validate the predications of the Underwater Noise Modelling Report in line with paragraph 5.8.85 of National Policy Statement EN-3.</p>	<p>The Applicants do not consider there to be a clear rationale for carrying out operational noise monitoring due to the conclusion of no significant impact to marine mammals from operational noise within the Environmental Statement. The Applicants highlight that the calculation in the Environmental Statement (Appendix 11-3 - Underwater Noise Modelling Report (Revision 2) [AS-138]) references the data from smaller turbines (0.2 to 6.15MW) that was included in the Tougaard <i>et al.</i> (2020)² study to derive the calculation, and this represented the best available data at the time. The Applicants submit that the assessment undertaken was robust and built in adequate precaution and assumptions (as explained below) in order to produce a prediction of operational noise impacts which would apply regardless of any difference in turbine size to that which was included in the model.</p> <p>This calculation has been used for the Dogger Bank South (DBS) Projects and in the assessments of recently consented offshore wind farms and projects awaiting consent decision in UK waters, including Mona, Morgan, Morecambe, Five Estuaries, Outer Dowsing, North Falls, Sheringham and Dudgeon Extensions, none of which have been required to provide operational noise monitoring to validate predictions of underwater noise modelling and conclusions of their environmental assessments. The majority of these projects are also proposing to install turbines larger than the empirical data currently available. Recently constructed offshore wind farms in the southern North Sea have also installed turbines of up to 14MW capacity and have not undertaken such monitoring, highlighting that this is not a novel issue to the DBS Projects. This issue should be monitored strategically to address this evidence gap appropriately for the industry as a whole, rather than adopting a piecemeal approach.</p> <p>The Applicants highlight that since the close of the Projects' examination, Development Consent Orders (DCOs) have been granted for Mona Offshore Wind Farm and Morgan Offshore Wind Farm and neither of those included requirements for the monitoring of operational underwater noise. Paragraph 4.83 of the SoS's decision letter in relation to Morgan explains that the Examining Authority "<i>concluded that further marine mammal monitoring measures would not be necessary, considering there is no deficiency in the Applicant's assessments and without clear rationale identified for carrying out monitoring, the information gathered may not prove relevant to future projects [ER 3.8.105].</i>". The Applicants submit that the same position would apply in the case of the Projects.</p> <p>There have been relatively few studies on underwater noise from operational turbines as operational noise is considered relatively low impact and to date no assessments have concluded a significant effect on any marine life from underwater noise during a wind farm's operation.</p> <p>Since Tougaard <i>et al.</i> (2020)², the most pertinent articles published have been by Holme <i>et al.</i> (2023)³ and Bellmann <i>et al.</i> (2023)⁴, which largely come to similar conclusions. Holme <i>et al.</i> (2023) study the underwater noise from 6.3MW and 8.3MW turbines in two wind farms using an array of hydrophones, the closest being 70m</p>

² Tougaard, J., Hermannsen, L., Madsen, P.T. (2020) How loud is the underwater noise from operating offshore wind? J. Acoust. Soc. Am. 148(5):2885–289

³ Holme, C.T., Simurda, M., Gerlach, S. & Bellmann, M.A. (2023). Relationship between underwater noise and operating offshore wind turbines.

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>to 150m from the turbines, over five weeks and a variety of meteorological conditions. Bellmann <i>et al.</i> (2023)⁴ review operational noise studies from 24 offshore wind farms, the largest turbines being 8MW. Both studies show a lack of strong correlation with underwater noise output and turbine size; in fact the larger Bellmann <i>et al.</i> (2023)⁴ study shows that the smaller turbines were actually slightly louder on average than their larger counterparts. This may be because of newer designs, and a move from gearbox to modern direct drive (gearboxless) designs, which are generally quieter.</p> <p>Holme <i>et al.</i> (2023)³ found that there was no obvious correlation with the overall underwater noise level and turbine activity, and changes in noise were mostly associated with natural conditions (e.g., wind and tidal changes) or vessel activities (shipping lanes). While the speed of the turbine rotation might theoretically increase noise output, it is naturally caused by increased wind speed, which further increases ambient noise within the water column that masks the turbine noise. For the sizes of turbines measured, Holme <i>et al.</i> (2023)³ indicated that the Tougaard <i>et al.</i> (2020)² calculation substantially overestimates the actual noise produced by the larger turbines, in some cases by 8dB. As the extrapolation used in the Tougaard <i>et al.</i> (2020)² calculation for larger turbines continues a prediction of a trend in increase in noise levels that does not appear to be realised in larger turbines in practice, the noise levels predicted in the Environmental Statement (Appendix 11-3 - Underwater Noise Modelling Report (Revision 2) [AS-138]) would therefore be considered highly precautionary. Even with this highly precautionary approach, the potential impact of operational noise was assessed as minor adverse, which is not significant in Environmental Impact Assessment terms.</p> <p>The Applicants draw the attention of the Secretary of State to the conclusions of the latest research on the larger turbines for which data currently is available, which show that any noise produced is generally of the order of ambient noise within 100m of the turbines, and would thus pose no risk of injury, and any significant impact on marine ecology is highly unlikely. There is no evidence to suggest that larger turbines would be significantly louder, and indeed the indication is that the assessment presented in the Environmental Statement, which concluded no significant impact, represents a considerable over-estimate of the noise from the larger turbines under consideration.</p> <p>Therefore, the Applicants do not consider it necessary to update the In-Principle Monitoring Plan (IPMP). However, the Applicants highlight that the IPMP provides a framework for further discussion with relevant stakeholders on monitoring in the post-consent phase. The Applicants will therefore consult and agree marine mammal monitoring with relevant stakeholders post consent to discharge the relevant deemed Marine Licence conditions for the specific Projects in alignment to the approach taken with all other recently consent Offshore Wind Farms.</p>
22	NE, MMO	The Secretary of State is aware that in their post-examination submissions, the Applicants provided an updated back calculation herring statement. NE and the MMO are invited to provide any comments they may have on this, and to set out whether it resolves previous concerns in relation to the method calculation used and the subsequent seasonal restrictions during the construction phase. The Applicants are invited to confirm which version of environmental statement Appendix 10-3 should be	<p>The Applicants confirm that Appendix 10-3 Back-calculation of the Peak Atlantic Herring Spawning Period (Revision 3) [document reference 7.10.10.3] submitted with this document is the most recent revision which could be certified if the Secretary of State should choose to do so. The Applicants have submitted the Draft DCO (Revision 13) [document reference 3.1] which includes an update to Schedule 19 to reflect this.</p> <p>The revision of the Back-calculation document submitted at this deadline has been agreed with the Marine Management Organisation (MMO) via email on the 20th November 2025:</p>

⁴ Bellmann MA, Müller T, Scheiblich K & Betke K (2023) Experience report on operational noise - Cross-project evaluation and assessment of underwater noise measurements from the operational phase of offshore wind farms, itap report no. 3926, funded by the German Federal Maritime and Hydrographic Agency, funding no. 10054419

RFI Paragraph Number	Request of	Request	Applicants' Response
		certified for the purposes of the Order under article 42 and references in Schedule 19 of the Order, should the Secretary of State consider that appropriate.	<p><i>'...the amendments that have been made to the updated back-calculation method for determining the 'peak' of the Atlantic herring spawning period, and the Applicant's acceptance of the temporal mitigation period of 21st August to 30th September (inclusive) for cable laying activities for the DBS export cable/s. No further changes to the method are required.'</i></p> <p>Natural England was also provided with the report and confirmed via email on the 18th November, 2025 that they defer to the MMO on this topic.</p>
23	MMO, NE	The Secretary of State is aware that before the end of the examination, the MMO and NE did not have opportunity to comment on the updated Herring Spawning Plan [REP9-020]. The MMO and NE are invited to comment on the updated plan.	<p>The Applicants note that the Herring Spawning Plan was updated (see Herring Spawning Plan (Revision 2) [REP9-020]) to resolve Natural England's comment in their Deadline 8 submission [AS-194] regarding a minor amendment to the restriction boundary.</p> <p>The MMO were provided with a draft version of the Herring Spawning Plan to explain the current red line boundary alongside modelled noise contours. This resulted in an agreed suggested amendment to the conditions in the Draft DCO as mentioned in The Applicants' and the MMO's Post-Examination Joint Statement on the Without Prejudice Herring Noise Restriction [document reference 20.6] which stated that:</p> <p><i>(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:</i></p> <p><i>(a) the area shoreward of the Herring Spawning Noise Restriction Boundary, and/or</i></p> <p><i>(b) any area within 38km seaward of MHWS,</i></p> <p><i>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.</i></p> <p>This has also been updated in the Draft DCO (Revision 13) [document reference 3.1] submitted alongside this document.</p> <p>Therefore, the Herring Spawning Plan (Revision 2) [REP9-020] has required no further updates and will be revised with updated noise modelling based on the final project design, post-consent.</p>

2.5 In-Principle Monitoring Plan

Table 2-5 - Applicants' Response to the Secretary of State's Request for Information – In-Principle Monitoring Plan

RFI Paragraph Number	Request of	Request	Applicants' Response
24	The Applicants	The Applicants are requested to revise all sections of the IPMP [REP8A-023] to require the regular submission of all relevant pre-construction, construction, and post-construction/operational survey and monitoring data to the Marine Data Exchange (The Crown Estate), and relevant Local Environmental Records Centres.	<p>To align with the request for amendments to the Draft Development Consent Order (DCO) by the Marine Management Organisation in their Deadline 9 document received via email on 10th July 2025 and the Applicants' response in The Applicants' Response to the Marine Management Organisation's Deadline 9 Document [document reference 20.2] (see I.D. 1.4.12b), provided to the Secretary of State on 10th October 2025, the Applicants' have added text to the In-Principle Monitoring Plan (IPMP) (Revision 7) [document reference 8.23] which states:</p> <p><i>'On execution of the monitoring plan, a monitoring report will be submitted to the MMO and made publicly available (and submitted to relevant evidence databases) no later than six months following the MMO's written approval.'</i></p> <p>The Draft DCO (Revision 13) [document reference 3.1] has also been updated to add the following wording to each of the monitoring conditions in the Deemed Marine License (DML):</p> <p><i>"All monitoring reports must be made publicly available and submitted to relevant evidence databases (as agreed with the MMO) no later than six months following written approval of the relevant report by the MMO under this condition, unless otherwise agreed in writing by the MMO."</i></p>
25	The Applicants	The Applicants are requested to revise all sections of the IPMP to specify that standalone monitoring plans for each topic will be produced. This includes standalone monitoring plans for marine mammals, sand eel monitoring, benthic monitoring and marine physical processes monitoring.	<p>Paragraphs have been added to the IPMP (Revision 7) [document reference 8.23] to clearly state that at standalone monitoring plan will be produced:</p> <ul style="list-style-type: none"> Marine Physical Environment (section 1.6.3.4); Benthic and Intertidal Ecology (section 1.6.4.4); and Sandeel monitoring (section 1.6.5.3). <p>However, the marine mammal section does not include this text as any monitoring to record and report the localised response of marine mammals to active sources of underwater noise and potential disturbance during construction, is incorporated into the Outline Marine Mammal Mitigation Protocol (Revision 5) [REP7-117].</p> <p>Updates have also been made to the relevant conditions of the DMLs in the Draft DCO (Revision 13) [document reference 3.1] to reflect the production and submission of standalone monitoring plans.</p>
26	The Applicants	The Applicants are requested to revise the IPMP to provide clarity on when remedial action will be implemented in the event that monitoring observations identify issues across any receptor. Consultation with the MMO and the relevant Statutory Nature Conservation Body should be undertaken, and details setting out, if required, where more targeted monitoring and/or remedial action would be carried out by the Applicants to better understand the potential impacts on habitats or species, and/or where appropriate, the effectiveness of remediation.	<p>Section 1.4 of the IPMP (Revision 7) [document reference: 8.23] has been updated to reflect the request made by the Secretary of State in relation to this matter, providing as much clarity on this topic as it is possible to provide at the present time. Section 1.4 of the IPMP now states:</p> <p><i>The scope and design of all monitoring work should be finalised and agreed following review of the results of any preceding survey and / or monitoring work (i.e. an adaptive monitoring approach), including those surveys conducted in support of the EIA. This includes the potential for survey requirements to be adapted based on the results of the monitoring outlined in this document, including in the event that unforeseen effects arise, which may in turn give rise to the need for adaptive management measures to be considered. In the event that a review of the construction monitoring results shows a greater impact than that assessed in the ES, the Applicants will use an adaptive management approach. Within the monitoring reports, the Applicants will provide a review of the monitoring results to determine whether results show an impact assessed either within or above those in the ES</i></p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>with justification of this conclusion supported by an interpretation of the monitoring results. Where the Applicants consider that the monitoring results show an impact greater than that assessed in the ES, the monitoring report will include proposals for remedial action and/or additional monitoring that the Applicants will submit to the MMO and SNCBs for further discussion. It is expected that these further discussions will result in an agreed action plan for the exploration of the results observed in addition to the agreement of plans for further monitoring or remedial actions as deemed necessary.</p> <p>The Applicants note that it is not possible to provide a higher level of detail than that provided above on adaptive management and monitoring or remedial action should monitoring observations identify issues across any receptor at the present time. This is because:</p> <ul style="list-style-type: none"> The Applicants do not yet have final project designs or construction method proposals, thus the impacts of the Projects as proposed to be constructed cannot be known at the present time Pre-construction baseline monitoring has not been designed or undertaken, hence the environmental context against which monitoring will be undertaken cannot be known at the present time <p>Any impacts that monitoring might reveal vary by receptor. Each receptor could be affected by different impacts, or any combination of impacts, as well as extraneous changes to populations or distribution changes that might be caused by factors which are extraneous to the Projects. The causative factors for any changes may be apparent through initial monitoring, but they may well require further contextualisation and exploration in order to determine whether an impact above that assessed in the Environmental Statement (ES) caused by the Projects has actually occurred and, if so, whether steps could be taken to manage these effects. Again, a full understanding of these issues cannot be developed at the present time.</p> <p>It is for these reasons that issues relating to monitoring design and the details of any adaptive monitoring or management are most appropriately dealt with at the post-construction phase of the Projects, when uncertainty will be greatly reduced and informed engagement can be undertaken with the relevant stakeholders – as suggested by the text included in the IPMP and highlighted above.</p>
27	The Applicants, NE	<p>The Secretary of State notes NE's concern in relation to prey availability as an indirect effect from the Proposed Development. Within the IPMP, the monitoring of sand eel is identified. The Applicants are requested to update the IPMP to set out how Natural England's advice [REP7-152] directing the Applicants to outputs produced by JNCC (Report 767, 20241) and the PrePARED project which provide recommendations for future work targeting both birds and mammals in relation to prey availability have been incorporated into the IPMP. Further, in line with NE's advice [REP9-039], consideration of the deployment of hydrophones or F-Pods to monitor foraging activity should be pursued. NE are invited to provide any further detail on what the post consent expectations are in relation to this matter so it is clear to the MMO what will be required as part of the approval of the monitoring plan post consent.</p>	<p>The Applicants highlight that the assessment of effects on prey was undertaken in line with best practice as per consented offshore wind farms. The assessment rationale and results are set out in the Effects on Prey Species Technical Note (Revision 2) [REP6-049] which concluded that the Projects would have limited effects upon bird and marine mammal receptors within and beyond relevant protected sites.</p> <p>The Applicants acknowledge the PrePARED work but highlight that the report identifies 12 different knowledge gaps and concludes that:</p> <p><i>"While closing some of these knowledge gaps may be achieved by collating or re-analysing existing datasets, other questions may require new data collection, including the deployment of novel underwater monitoring techniques. The next step is to define what research would need to be prioritised in the southern region of the North Sea, whilst ensuring it is complementary to existing projects and initiatives and adds value."</i></p> <p>The report cited therefore does not provide detailed recommendations for Project-level monitoring which could close knowledge gaps.</p> <p>In addition, the report states that:</p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>"Depletion of fish prey in the North Sea, caused by climate change and/or fisheries activities, is a key pressure contributing to poor kittiwake population status. The ecological mechanisms and processes underpinning the interactions between kittiwakes and their fish prey are complex and need to be better understood in order to inform robust, evidence-based ecological measures that would improve the viability of seabird populations of conservation importance."</p> <p>This highlights two key points:</p> <ul style="list-style-type: none"> The key pressures on prey resources are not related to offshore wind; and The ecological mechanisms of predator/prey relationships are complex and not understood at the present time. <p>The Applicants therefore highlight that whilst there are knowledge gaps, these need to be considered strategically and that the monitoring proposed by the Projects (see Table 1-4 of the IPMP [document reference 8.23]) is proportionate to the anticipated effects of the Projects.</p> <p>The Applicants do not consider there to be a clear rationale for monitoring foraging activity of harbour porpoise because the Report to Informa Appropriate Assessment concluded no adverse effect on integrity for harbour porpoise in the Southern North Sea Special area of Conservation (SAC), a conclusion which Natural England agreed with at Deadline 7 (see F17 of Natural England - Statement of Common Ground (Revision 2) [REP9-018]). Natural England's representation on indirect effects was also satisfactorily resolved at Deadline 7 as the risk to harbour porpoise from indirect effects is insufficient to conclude an Adverse Effect on Integrity conclusion alone (see F20 of Natural England - Statement of Common Ground (Revision 2) [REP9-018]). Therefore, monitoring of foraging activity is unnecessary and disproportionate to the conclusions of the environmental assessments. The Applicants consider that monitoring should be undertaken for specific purposes and to test a specific hypothesis, such as assessing the effectiveness of mitigation (e.g. noise monitoring during piling). This is supported by government guidance on the Environmental Impact Assessment (EIA) 2017 regulations (albeit for Town and Country Planning permissions) which states that</p> <p><i>'Monitoring should not be used as a general means of gathering environmental information; rather it is a means of monitoring, where appropriate, any mitigating measures identified through the Environmental Impact Assessment process.'</i></p> <p>The Applicants are also not aware of any guidance within the National Policy Statements that requires monitoring to be undertaken to fill wider industry evidence gaps.</p> <p>Large-scale multi-species studies to understand foraging activity of harbour porpoise at offshore wind farms have already been undertaken in the Moray Firth as part of the PreAPRED project. Analogous studies on harbour porpoise foraging activity being undertaken in the southern North Sea, including, recently, for the East Anglia THREE Offshore Wind Farm, which is also situated wholly within the summer area of the SNS SAC. Findings to date have shown no change to foraging activity following the construction of the windfarms⁵.</p>
28	The Applicants	The Secretary of State notes the research paper published by Natural England ⁶ in September 2025 in relation to migratory bat routes and offshore wind farms. Noting	An assessment on migratory bats was not undertaken in the ES, as this was not raised by Natural England or the Planning Inspectorate at the EIA scoping stage or throughout the pre-application period. The Applicants

⁵ [Porpoise Monitoring Report - Moray Firth MMMP WP4 - 250324.pdf](#)

⁶ [NECR562 Edition 1 Assessing migration of bat species and interactions with offshore wind farms - NECR562](#)

RFI Paragraph Number	Request of	Request	Applicants' Response
		commitments made by the Developer on the Five Estuaries Offshore Windfarm project to monitor migratory bats during the operational phase of the Project, the Applicants are requested to update the IPMP in line with paragraph 2.8.85 of National Policy Statement EN-3 to include provision for migratory bat monitoring.	<p>consider the risk of any impacts to migratory bats to be low, in relation to observed flight paths of migratory bats and the height of the turbine blades but have also acknowledged there is a lack of baseline data in the responses provided during the examination phase.</p> <p>The Applicants response to the Netherlands [AS-117, ID OD-012: 5] on the 6th December 2024 stated: '<i>Regarding the potential impacts on bat migration routes, most bat species in the UK are not known to undertake large-scale migrations and so do not spend significant time over the sea. The exception to this is Nathusius' pipistrelle Pipistrellus nathusii, which is known to undertake long-distance migrations throughout Europe, including sea crossings. Notably, evidence indicates that the migratory corridors of the species are closely associated with coastlines and change depending on environmental conditions (Voigt et al., 20239). Nathusius' pipistrelles are known to migrate to the UK from Europe, as evidenced by the UK Bat Conservation Trust's National Nathusius' Pipistrelle Project (NNPP) which recorded an individual in Essex that had been ringed previously in Latvia (BCT, 202310). Broad migratory flyways are known to run from Russia to Spain, following the northern coastline of mainland Europe (Pravettoni and UNEP/GRID-Adrenal, 201511). Narrower migratory flyways are known to branch off the coastal broad flyway into Germany, Switzerland and Czechia. Data on the migratory routes, patterns and behaviour of Nathusius' pipistrelles across the North Sea to/from the UK is minimal, with no known number of migrating individuals. The potential migration routes highlighted by the nationwide NNPP dataset were based on the long-distance data of only ten individuals, and therefore to date there is only evidence of ad hoc movement from Europe to the UK.</i></p> <p>In addition, the Applicants provided further detail on potential impacts on bats in their response to EXQ1 [REP3-027], MM1.11: '<i>With regards to information on the potential effects to migratory bats across the North Sea, available information is very limited and the majority of the existing literature on migratory bats over the North Sea focuses on Nathusius' pipistrelles, concluding that the migratory corridors of bat species are closely associated with coastlines, and change depending on environmental conditions (DBEIS, 2022 47; Voigt et al., 202344). The focus on Nathusius' pipistrelles is reflected in offshore observations of species in the Dutch sector of the North Sea, as the species accounts for upwards of 76% of observations (out of a total 34 bats observed) at offshore platforms (Boshamer and Bekker, 2008 48). In relation to the altitude at which migratory bats fly across the North Sea, migratory offshore Nathusius' pipistrelles have been observed flying at 1-3m over the sea, with deviation from this low altitude being observed when hunting (Ahlén et al., 2007 49). Based on this information, Nathusius' pipistrelle flight heights are expected to be generally lower than the Projects' turbine rotor swept zone which is 34m above mean sea level height. However, BEIS (2022) concluded that existing publications provide useful context but also reflect a continued lack of empirical data to support robust estimates of flight heights to better inform impact assessment.</i></p> <p>It should be noted, that although this issue was raised by the Netherlands during the examination, Natural England, as the relevant Statutory Nature Conservation Body (SNCB), did not include it as a matter of discussion in the Risk & issues log [REP9-031].</p> <p>The National Policy Statement EN-3 states:</p> <p>'Para 2.8.84: <i>Monitoring must measure and document the effects of the development and the efficacy of any associated mitigation or compensation; and</i></p> <p><i>Para 2.8.85: This will enable an assessment of the accuracy of the original predictions and improve the evidence base for future mitigation and compensation measures, enabling better decision-making in future EIAs and HRAs.</i></p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>Given that no mitigation or compensation has been proposed for migratory bats in the ES, the Applicants do not consider the specific wording in para 2.8.8.5, which relates to confirming mitigation has been successfully applied, is relevant to future operational monitoring for the Projects. Paragraph 2.8.85 does not require additional monitoring to be undertaken in order to fill existing evidence gaps.</p> <p>However, the Applicants have reviewed the research paper published by Natural England⁷ in September 2025 and recognise there is currently a lack of baseline data associated with migratory bats in the vicinity of the Projects. As a potential enhancement measure, the Applicants are willing to engage with Natural England to agree a reasonable and proportionate approach to migratory bat monitoring post consent and have included potential options in the In Principle Monitoring Plan (Revision 7) [document reference 8.23]. The Applicants will agree an appropriate option with NE, as an enhancement measure to further the interests of building a data set on migratory bats, given the monitoring is not linked to a significant effect identified in the ES.</p> <p>As proposed by the Five Estuaries Offshore Windfarm Applicants, the Projects could undertake an initial gap analysis desk study to determine potential options for monitoring. Following the gap analysis, and depending on the conclusions, an appropriate monitoring approach would be determined, in collaboration with Natural England.</p> <p>The Applicants consider the most appropriate approach would be to contribute to an existing research project or study, for example the MOTUS network or work undertaken by the Bat Conservation Trust. These are established international projects that are already yielding credible data.</p> <p>An alternative approach could be to place detectors on vessels working on the Projects during construction. However, monitoring would only be extended into the operational period if a significant number of bats were identified during the construction period. An appropriate monitoring methodology would need to be agreed with Natural England, to allow comparable data with other offshore windfarms to be collected to provide a robust regional data set in the North Sea.</p> <p>Given that only a very small number of bats are likely to be migrating to locations along the northeast coast in the vicinity of the Projects from Norway and Denmark, as is shown by the MOTUS Project, it is not considered that annual monitoring in a very limited number of coastal locations onshore i.e. the Projects Landfall Zone, as proposed by the Five Estuaries Offshore Windfarm Applicants, would be as valuable as contributing to an existing monitoring Project. Therefore, onshore monitoring is not proposed as an option</p>

⁷ [NECR562 Edition 1 Assessing migration of bat species and interactions with offshore wind farms - NECR562](#)

2.6 Air Defence Radar

Table 2-6 - Applicants' Response to the Secretary of State's Request for Information – Air Defence Radar

RFI Paragraph Number	Request of	Request	Applicants' Response
29	The Applicants, MMO	<p>The Applicants and the Ministry of Defence are invited to comment on the proposed amendment to Requirement 31 as shown in italics below:</p> <p><i>(1) No part of any wind turbine generator shall be erected as part of Work No. 1B until the Secretary of State, having consulted with the Ministry of Defence, confirms in writing that appropriate mitigation will be implemented and maintained for the life of the authorised development and that arrangements have been put in place with the Ministry of Defence to ensure that the approved mitigation is implemented, unless it is otherwise agreed it is not necessary.</i></p> <p><i>(2) No wind turbine generator forming part of Work No. 1B is permitted to rotate its rotor blades on its horizontal axis until the Secretary of State, having consulted with the Ministry of Defence, confirms satisfaction in writing that the approved mitigation has been implemented and will be maintained for the life of the DBS West Project Offshore development.</i></p> <p><i>(3) For the purposes of this requirement—</i> <i>"appropriate mitigation" means measures to prevent or remove any adverse effects which the DBS West Project Offshore works will have on the air defence radar(s) at Remote Radar Head (RRH) Staxton Wold, and the Ministry of Defence's air surveillance and control operations;</i> <i>"approved mitigation" means the detailed Radar Mitigation Scheme (RMS) that will set out the appropriate measures and timescales for implementation as agreed with the Ministry of Defence at the time the Secretary of State confirms satisfaction in writing in accordance with sub-paragraph (1); and</i> <i>"Ministry of Defence" means the Ministry of Defence as represented by Defence Infrastructure Organisation – Safeguarding, St George's House, DIO Head Office, DMS Whittington, Lichfield, Staffordshire, WS14 9PY or any successor body.</i></p> <p><i>(4) The undertaker must thereafter comply with all other obligations contained within the approved mitigation for the life of the DBS West Project Offshore works.</i></p>	<p>Mitigation relating to potential impacts on air defence radars, specifically from Dogger Bank South (DBS) West on Remote Radar Head Staxton Wold, and Development Consent Order (DCO) requirement wording related to the same, was discussed exhaustively throughout the DBS Examination with the Ministry of Defence (MoD) and in issue specific hearings.</p> <p>The result of discussions between the Applicants and the MoD was the mutually agreed requirement wording presented in Defence Infrastructure Organisation on behalf of the MoD's Position Update [REP8-047]. The agreed wording was drafted into the Draft DCO (Revision 12) [REP9-003] as requirement 31 by the Applicants prior to the end of Examination. The history of these issues is captured succinctly in section 4.3.3 of The Applicants' Closing Statement [REP8-042].</p> <p>In respect of the requirement wording suggested by the Secretary of State, the Applicants do not agree that the additional wording meets all the relevant legal tests for requirements set out in paragraph 4.1.16 of National Policy Statement (NPS) EN-1.</p> <p>The Applicants submit that a Grampian-style requirement, preventing erection of any wind turbine generators in DBS West until the Secretary of State confirms that appropriate mitigation will be implemented and maintained and that the relevant arrangements are in place with the MoD to ensure implementation, is not necessary or reasonable as it is not related to the impact which the mitigation is seeking to address.</p> <p>It is common ground that any potential impacts to radar will only take place at the point in time that the wind turbines in DBS West are operational. There are no adverse impacts to radar caused by the erection of the turbines and therefore it is not necessary or reasonable to introduce potential delay to the delivery of the Projects by moving the timings within the requirement that have already been agreed with the MoD as being appropriate to ensure adequate protection of the Staxton Wold radar.</p> <p>The approach to the timing of mitigation being proposed by the Applicants and the MoD has been approved previously in relation to military radar impacts in the:</p> <ul style="list-style-type: none"> • Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (requirement 27); • Hornsea Four Offshore Wind Farm Order 2023 (requirement 24); • East Anglia One North Offshore Wind Farm Order 2022 (requirement 34); • East Anglia Two Offshore Wind Farm Order 2022 (requirement 34); • Norfolk Vanguard Offshore Wind Farm Order 2022 (requirement 13); • Norfolk Boreas Offshore Wind Farm Order 2021 (requirement 13); and • East Anglia Three Offshore Wind Farm 2017 (requirement 33). <p>The Applicants note that there are different provisions that have been agreed in other offshore wind DCOs but that these are not related to impacts on military radar and therefore do not set a relevant precedent in this regard. The Applicants' position is therefore that the wording as currently included in the Draft DCO (Revision 13) [document reference 3.1] should be retained and that there are no compelling reasons to change the agreed wording, which is very well precedented in other offshore wind DCOs. On this basis the Applicants do not consider any additional mitigation is required. The Applicants understand that MOD remains in agreement with them in relation to this matter at the present submission deadline and that they have provided a submission to this effect to the Secretary of State at the RFI1 Deadline. Further to the above, the Applicants have received a copy of the letter sent by the MoD to DESNZ on 3rd December 2025 (Ministry of Defence document reference: DIO10053433).</p>

2.7 Wake Effects

Table 2-7 - Applicants' Response to the Secretary of State's Request for Information – Wake Effects

RFI Paragraph Number	Request of	Request	Applicants' Response
30	The Applicants, Ørsted Ips, Projco Ips	<p>The Applicants, Ørsted IPs and Projco IPs are invited to comment on the proposed insertion of a Requirement in relation to Wake Effects, which is shown in italics below:</p> <p><i>Wake effects plan</i></p> <p><i>(1) Work No. 1A must not be commenced until either—</i></p> <p><i>(a) A wake effects plan relating to that part of the authorised project has been submitted to and approved by the Secretary of State following consultation with owners of the relevant offshore wind farm(s); or</i></p> <p><i>(b) The undertaker has provided evidence to the Secretary of State that alternative mitigation for wake effects has been agreed with the owners of the relevant offshore wind farm(s); or</i></p> <p><i>(c) A combination of (1)(a) and (1)(b) is provided to and agreed by the Secretary of State to ensure that each of the relevant offshore wind farm(s) is considered.</i></p> <p><i>(2) Work No. 1B must not be commenced until either—</i></p> <p><i>(a) A wake effects plan relating to that part of the authorised project has been submitted to and approved by the Secretary of State following consultation with each of the owners of the relevant offshore wind farm(s); or</i></p> <p><i>(b) The undertaker has provided evidence to the Secretary of State that alternative mitigation for wake effects has been agreed with the relevant offshore wind farm(s); or</i></p> <p><i>(c) A combination of (2)(a) and (2)(b) is provided to and agreed by the Secretary of State to ensure that each of the relevant offshore wind farm(s) is considered.</i></p> <p><i>(3) Any wake effects plan(s) provided in accordance with paragraphs (1)(a), (1)(c), (2)(a) or (2)(c) must include:</i></p>	<ol style="list-style-type: none"> The SoS has requested comments on the proposed insertion of a requirement ("the proposed requirement") in relation to wake effects. This is set out below. The Applicants have previously set out their position that no requirement dealing with wake effects is justified albeit that in "The Applicants' Response to the Mona DCO Decision with regards to wake effects" (July 2025) [ref], and in the light of the SoS's decision in the Mona DCO, the Applicants, on a without prejudice basis, put forward wording for a draft requirement on wake effects. In the light of the Mona DCO decision, the fact that the SoS appears minded to impose some form of requirement in relation to the present Application and also other recent policy developments (as to which see below) the Applicants request that if the SoS is minded to impose a requirement that it reflects the following amendments (amends struck through and underlined): <p><u>Wake effects plan</u></p> <p><i>(1) Work No. 1A must not be commenced until either—</i></p> <p><i>(a) <u>A</u> a wake effects plan relating to that part of the authorised project has been submitted to and approved by the Secretary of State following consultation with owners of the relevant offshore wind farm(s); or</i></p> <p><i>(b) The undertaker has provided evidence to the Secretary of State that alternative mitigation for wake effects has been agreed with the owners of the relevant offshore wind farm(s); or</i></p> <p><i>(c) A combination of (1)(a) and (1)(b) is provided to and agreed by the Secretary of State to ensure that each of the relevant offshore wind farm(s) is considered.</i></p> <p><i>(2) Work No. 1B must not be commenced until either—</i></p> <p><i>(a) <u>A</u> a wake effects plan relating to that part of the authorised project has been submitted to and approved by the Secretary of State following consultation with each of the owners of the relevant offshore wind farm(s); or</i></p> <p><i>(b) The undertaker has provided evidence to the Secretary of State that alternative mitigation for wake effects has been agreed with the relevant offshore wind farm(s); or</i></p> <p><i>(c) A combination of (2)(a) and (2)(b) is provided to and agreed by the Secretary of State to ensure that each of the relevant offshore wind farm(s) is considered.</i></p> <p><i>(3) Any wake effects plan(s) provided in accordance with paragraphs (1)(a), (1)(c), (2)(a) or (2)(c) must include:</i></p> <p><i>(a) the wake effects from the approved development on the annual energy production of the relevant offshore wind farm(s);</i></p> <p><i>(b) details of reasonable steps that have been taken or are proposed to be taken by the undertaker to minimise wake effects on the relevant offshore wind farm(s) whilst maximising the capacity and energy output of the authorised development within the identified technical, environmental and other constraints of the authorised development;</i></p> <p><i>(c) the timescales for implementation of any wake effect mitigation measures;</i></p> <p><i>(d) any time limits for wake effect mitigation measures; and</i></p> <p><i>(e) details of any necessary monitoring of the wake effect mitigation measures.</i></p>

RFI Paragraph Number	Request of	Request	Applicants' Response
		<p>(a) the wake effects from the approved development on the annual energy production of the relevant offshore wind farm(s);</p> <p>(b) details of reasonable steps that have been taken or are proposed to be taken by the undertaker to minimise wake effects on the relevant offshore wind farm(s) whilst maximising the capacity and energy output of the authorised development within the identified technical, environmental and other constraints of the authorised development;</p> <p>(c) the timescales for implementation of any wake effect mitigation measures;</p> <p>(d) any time limits for wake effect mitigation measures; and</p> <p>(e) details of any necessary monitoring of the wake effect mitigation measures.</p> <p>(4) The layout plan submitted to the MMO under condition 15(1)(a) of schedule 10 of this Order must be in accordance with any approved wake effects plan submitted in accordance with sub-paragraph (1) above.</p> <p>(5) The layout plan submitted to the MMO under condition 15(1)(a) of schedule 11 of this Order must be in accordance with any approved wake effects plan submitted in accordance with sub-paragraph (2) above.</p> <p>(6) Each approved wake effects plan submitted under this requirement must be implemented as approved.</p> <p>(7) For the purposes of this requirement—"relevant offshore wind farms" means the two offshore wind farms consented under the Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (SI2015/318) as amended at the date of this Order and known as Dogger Bank A and Dogger Bank B, the offshore wind farm consented under the Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (SI2015/1592) as amended at the date of this Order and known as Dogger Bank C, the offshore wind farm consented under the Hornsea One Offshore Wind Farm Order 2014 (SI2014/3334) as amended at the date of this Order, the offshore wind farm consented under the Hornsea Two Offshore Wind Farm Order 2016 (SI2016/844) as amended at the date of this Order and the offshore wind farm consented under the Hornsea Three Offshore Wind Farm Order 2020 as amended at the date of this Order."</p>	<p>(4) The layout plan submitted to the MMO under condition 15(1)(a) of schedule 10 of this Order must be in accordance with any approved wake effects plan submitted in accordance with sub-paragraph (1) above.</p> <p>(5) The layout plan submitted to the MMO under condition 15(1)(a) of schedule 11 of this Order must be in accordance with any approved wake effects plan submitted in accordance with sub-paragraph (2) above.</p> <p>(6) Each approved wake effects plan submitted under this requirement must be implemented as approved.</p> <p>(7) For the purposes of this requirement—"relevant offshore wind farms" means the two offshore wind farms consented under the Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (SI2015/318) as amended at the date of this Order and known as Dogger Bank A and Dogger Bank B, the offshore wind farm consented under the Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (SI2015/1592) as amended at the date of this Order and known as Dogger Bank C, the offshore wind farm consented under the Hornsea One Offshore Wind Farm Order 2014 (SI2014/3334) as amended at the date of this Order, the offshore wind farm consented under the Hornsea Two Offshore Wind Farm Order 2016 (SI2016/844) as amended at the date of this Order and the offshore wind farm consented under the Hornsea Three Offshore Wind Farm Order 2020 as amended at the date of this Order."</p> <p>3. The justification for these amendments to the SoS's proposed requirement dealing with wake effects is set out below.</p> <p>4. Before so doing there are some preliminary matters that need to be dealt with.</p> <p>Preliminary matters</p> <p>5. The following preliminary matters arise.</p> <p>6. <u>First</u>, the SoS's letter of 6 November 2025 is welcomed in so far as (rightly, and for reasons previously advanced by the Applicants) it does not accede to the case advanced by Projcos/Ørsted that a protective provision, rather than a requirement, should be imposed dealing with wake effects and that this should explicitly make provision for financial compensation. Given the persistent requests by Projcos/Ørsted for such provision it is, however, very important that the SoS in the Decision sets out his reasons for rejecting these requests.</p> <p>7. <u>Second</u>, while the Applicants acknowledge that the SoS appears strongly minded to impose a wake effects requirement it is important to note that the factual position that arose Mona DCO decision is quite different from that in the present application for a number of reasons including:</p> <ol style="list-style-type: none"> The Applicants, unlike bp/EnBW in respect of the Mona DCO, did submit a wake assessment (Addendum to Wake Effects - Response to ISH3 Action Points Submission for Deadline 4 [AS-179]; The SoS in the Mona DCO decision was critical of bp/EnBW for a lack of engagement with the objectors; in contrast here there has been, and continues to be, engagement between the Applicants and Projcos/Ørsted; and In the context of the Mona DCO Decision the SoS was critical of bp/EnBW for failing to consider mitigation options in respect of wake effects. In contrast in the context of the Examination of the Applicants' DCO through the Applicants' extensive submissions there has been a great deal of consideration of mitigation, something that goes far beyond any other examinations. <p>8. <u>Third</u>, there are a number of findings by the SoS in the Mona DCO that are of general application namely that:</p> <ol style="list-style-type: none"> "the assessment of wake effects is an emerging process, with considerable levels of uncertainty. It is not a process that can yet establish exact figures for impacts, and it may never be able to" (see para. 4.81);

RFI Paragraph Number	Request of	Request	Applicants' Response
		(SI2016/844) as amended at the date of this Order and the offshore wind farm consented under the Hornsea Three Offshore Wind Farm Order 2020 as amended at the date of this Order.	<p>ii. in terms of wake effects "there may not be a simple solution which would not significantly compromise the generating capacity of the Proposed Development or other secured mitigation" (para. 4.86);</p> <p>iii. there is an urgent need for new offshore wind generation (para. 4.83);</p> <p>iv. the certain and quantifiable benefits of new offshore wind generation clearly outweigh the indicative and uncertain losses that may be caused by wake effects (para. 4.83);</p> <p>v. the "effects on other offshore infrastructure and activities should be ascribed moderate negative weight in the planning balance" (para. 4.89).</p> <p>9. <u>Fourth</u>, since the close of the Examination the revised Energy NPSs have been laid before Parliament as part of the formal designation process. In addition to the revised NPSs there is draft "Supplementary guidance for renewable energy infrastructure (EN-3): Offshore wind wake effects" ("the Guidance") (Planning for new energy infrastructure: 2025 revisions to National Policy Statements - GOV.UK), together with the Government response to the consultation (2025 revisions to National Policy Statements: government response (accessible webpage) - GOV.UK) ("the Government's Response") which has a section on wake effects: see below.</p> <p>10. The revised NPSs even when designated will, of course, not be directly applicable to the Applicants' DCO because, as is explained in Planning for new energy infrastructure: revised draft National Policy Statements for energy infrastructure (accessible webpage) - GOV.UK:</p> <p>"Transitional arrangements</p> <p><i>While the review is undertaken, the current suite of energy NPS remain relevant government policy and EN-1 to EN-5 have effect for the purposes of the Planning Act 2008.</i></p> <p><i>The Secretary of State has decided that for any application accepted for examination before amending the energy NPSs, the current suite of energy NPS, published in 2024, should have effect. The amended energy NPSs will therefore only have effect in relation to those applications for development consent accepted for examination after the publication of the final amended energy NPSs. However, any emerging draft energy NPSs (or those amended but not having effect) are potentially capable of being important and relevant considerations in the decision-making process. The extent to which they are relevant is a matter for the relevant Secretary of State to consider within the framework of the Planning Act 2008 and with regard to the specific circumstances of each development consent order application."</i></p> <p>11. The revised NPSs, the draft guidance and the Government's Response are plainly "important and relevant" considerations in decision making for the purposes of s. 104(2)(d) of the 2008 Act in relation to wake effects in this case; these documents now explicitly set out and explain what the SoS's policy is on wake effects.</p> <p>12. Moreover, the weight to be given to the revised NPSs in this regard must increase the closer it gets to designation. It seems likely that the revised NPSs will have been designated by the time the SoS makes his decision on the Applicants' DCO. The weight to be given to what the SoS says therein as regard wake effects must increase further at that point.</p> <p><u>The Applicants' justification for removal of references to "alternative mitigation for wake effects has been agreed with the owners of the relevant offshore wind farm(s)" in the proposed requirement</u></p> <p>13. There are a number of points that need to be set out as to why the struck through text above must be removed from the proposed requirement on wake effects.</p> <p>14. First, PINS Guidance (Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders - GOV.UK) explains:</p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>"5.1 15. Requirements – general considerations</p> <p><i>15.1 Section 120 of the PA2008 provides that a DCO may impose Requirements in connection with the development for which consent is granted. Such Requirements may correspond with conditions which could have been imposed on the grant of any permission, consent or authorisation (for example planning permission under the Town and Country Planning Act 1990 (the TCPA1990)) which would have been required for the development if it had been consented through a different regime.</i></p> <p><i>15.2 The law and policy relating to planning conditions (in particular, in England, relevant paragraphs of the National Planning Policy Framework and associated Planning Practice Guidance), imposed on planning permissions under the TCPA1990, will generally apply when considering Requirements to be imposed in a DCO in relation to the terrestrial elements of a proposed NSIP. Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects."</i></p> <p>Any requirement attached to a DCO must meet these tests. These submissions focus on, in particular, the tests of precision and relevance to planning.</p> <p>15. <u>Second</u>, the drafting in the proposed requirement referring to "<i>alternative mitigation</i>" fails the test of precision. Thus:</p> <ul style="list-style-type: none"> i. The guidance on the test of precision in the now cancelled Circular 11/95 (Circular 11/95: Use of conditions in planning permission) remains pertinent: see paras. 30 - 33. This set out the need for conditions to be both precise and clear. The test of precision has a number of aspects one of which is that the condition must be sufficiently precise for an applicant to be able to ascertain what must be done to comply with it (see para. 31). That is clearly failed here as regards those parts of the proposed requirement referring to "<i>alternative mitigation</i>". The requirement leaves the Applicant wholly unclear as to what it must do to discharge the requirement. ii. It is accepted that this same (or very similar) wording was used in the context of the requirement in the Mona DCO decision but that decision sheds no light on what this phrase actually means. iii. Further, looking at the drafting the use of the term "<i>alternative</i>" in this context might be seen as intending in some way to distinguish the subject matter of limb (b) from the mitigation that is the subject matter of limb (a), namely "<i>reasonable steps ... to minimise wake effects on the existing ... wind farms whilst maximising the capacity of the authorised development</i>". If that is the case, that would worsen the lack of precision. If the "<i>alternative mitigation</i>" is not mitigation of the type contemplated under limb (a), it is entirely unclear what type of mitigation limb (b) is contemplating, what planning purpose it is intended to serve, why it is thought to be necessary, and why its achievement is considered to remove any need to meet the requirements of limb (a). <p>16. <u>Third</u>, the same drafting also fails the test of being "<i>relevant to planning</i>". If, this were intended to refer to the payment of compensation, it would not be relevant to planning and limb (b) could not lawfully or rationally be imposed. The SoS could not lawfully conclude that the payment of an undisclosed sum of money by one commercial operator to another (which could be sufficient to satisfy limb (b)) would obviate the need to examine the "<i>reasonable steps ... to minimise wake effects</i>" subject to the SoS's decision-making as required under limb (a). Thus:</p> <ul style="list-style-type: none"> i. It would not be appropriate for the SoS to derogate from this public law function by providing that two private parties can simply agree that this requirement in the DCO no longer needs to be discharged, with no information being made available in the public domain as to how this conclusion has been reached and no ability for the SoS to interrogate the evidence that has been provided in support of the discharge of the requirement.

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>ii. The reference to “<i>alternative mitigation</i>” has no connection to planning and the taking of physical steps to reduce wake effects. If it did, the provision would simply duplicate the provisions of limb (a) (albeit without the public interest safeguards) and therefore fail the test of necessity.</p> <p>iii. Furthermore, were “<i>alternative mitigation</i>” intended to refer to financial compensation being agreed between the Applicants and Projcos/Ørsted this would be directly contrary to the SoS’s own policy as now set out in the revised NPSs that are before Parliament.</p> <p>17. <u>Fourth</u>, the revised wording in revised draft EN-3 as published in November 2025 states that (emphases added):</p> <p><i>“2.8.232 Applicants should demonstrate that they have made <u>reasonable endeavours to mitigate</u> the impact of wake effects on other offshore wind generating stations.</i></p> <p><i>82.8.233 However, there is <u>no expectation</u> that wake effects can be wholly removed between developments, <u>or that inter-project compensation arrangements are a necessary means to mitigate the impact of wake effects</u>, although developers may opt to take such approaches outside of the planning process.</i></p> <p>...</p> <p><i>2.8.316 Where an applicant has demonstrated that they have made an assessment of inter-array wake and shown that they have made reasonable efforts to work collaboratively with those who may potentially be impacted to mitigate impacts, then the existence of a residual wake effect impact is unlikely to carry more than limited weight against a project in the planning process”</i></p> <p>18. The draft Guidance includes the following further guidance on the above paragraphs (bold in the original text):</p> <p>“1.3 Paragraph 2.8.232</p> <p><i>This section encourages developers to have made ‘reasonable endeavours’ to mitigate the impact of wake effects. In practice, this means developers do not have to take every possible course of action to mitigate the impact of wake effects but should demonstrate reasonable efforts at mitigation, including evidencing their rationale for why they have or have not, on balance, decided to implement mitigations.</i></p> <p>1.4 Paragraph 2.8.233</p> <p><i>This section clarifies the role of the planning system where wake effects are raised. Disputes around compensation for wake effects are regarded to be a commercial matter to be managed between disputing developers. The planning system will not adjudicate on matters of compensation for wake loss.</i></p> <p>1.5 Paragraph 2.8.316</p> <p><i>This section is intended to help reduce the chances of delays to new offshore wind farms by explaining how wake effects will be considered as a planning application progresses. If developers meet the principles set out within the previous paragraphs wake effects will likely carry lower weight against a project being consented in planning decisions.”</i></p> <p>19. The Government’s Response explains that the November 2025 version of draft EN-3 includes “<i>clarificatory text on the consideration of wake effects by developers</i>”: see the Introduction at p. 5. The Government response includes (at p. 15) emphasis added:</p> <p><i>“Government acknowledges that wake effects are a complex and evolving consideration within the offshore wind sector, with no clear industry consensus at this time. In response to consultation feedback, the government has made changes to improve clarity and ensure greater consistency across the NPS.</i></p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>Following consultation, government has set the expectation that developers are to demonstrate reasonable efforts to mitigate wake effects, rather than being expected to fully eliminate ...</p> <p><u>In other areas, respondents proposed significant changes to the new text, including suggestions to introduce financial compensation mechanisms to mitigate wake effects. On this, there were two opposing viewpoints within industry. Some respondents argued for better protection in the planning system from incoming projects, including an expectation that they should be compensated for output loss caused by wakes. Other respondents argued that wake effects have been accounted for at the seabed leasing stage, through TCE's buffer zone between each lease area, and therefore no compensation should be paid. On this issue, the government maintains that wake effects are a commercial matter to be resolved between developers and the planning system is not expected to adjudicate on compensation arrangements for wake effects".</u></p> <p>20. So, what can be taken from this in terms of what is now Government policy on wake effects:</p> <ul style="list-style-type: none"> i. "reasonable endeavours" (see draft EN-3 at para. 2.8.232) or "reasonable efforts" (see the draft Guidance at para. 1.3) should be used to try and "mitigate" wake effects but with there being "no expectation" that wake effects can be wholly removed. The draft Guidance says, "this means developers do not have to take every possible course of action to mitigate the impact of wake effects but should demonstrate reasonable efforts at mitigation, including evidencing their rationale for why they have or have not, on balance, decided to implement mitigations." It is on this basis that the Applicant is prepared to accept the proposed requirement (subject to the amendments set out above). ii. There is also in the SoS's policy "no expectation" that "inter-project compensation arrangements are a necessary means to mitigate the impact of wake effects" (see draft EN-3 at para. 2.8.233). The reasons for this being Government policy is clear, namely that "inter-project compensation arrangements" are outside of the planning system (ibid). See to similar effect the draft Guidance which says at para 1.4 "Disputes around compensation for wake effects are regarded to be a commercial matter to be managed between disputing developers. <u>The planning system will not adjudicate on matters of compensation for wake loss</u>". Moreover, the Government's Response at p. 15 underlines this saying, "the government maintains that wake effects are a commercial matter to be resolved between developers and the planning system is not expected to adjudicate on compensation arrangements for wake effects". iii. Where an applicant has demonstrated that they have made an assessment of wake effects and shown that they have made "reasonable efforts to work collaboratively with those who may potentially be impacted to mitigate impacts" then "the existence of a residual wake effect impact is unlikely to carry more than limited weight against a project in the planning process" (see draft EN-3 at para 2.8.316). <p>21. In relation to the drafting of the proposed requirement that the SoS has put forward:</p> <ul style="list-style-type: none"> i. The language used in para. (3)(b) refers to "reasonable steps" and which it must be assumed is to be read in the light of the Government's policy being that "reasonable endeavours" be used (see above). In this context throughout the Examination Projcos/Ørsted have sought to rely in this regard on the mitigation hierarchy (and what is said in the current version of EN-3 on this (at para. 2.1.8) namely that "applicants must show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy"). This has led to submissions such as (see e.g. Projcos' Deadline 9 submissions [reference] saying at para. 1.5.1) that "[t]he Applicant's position is that there is no mitigation that can be imposed now, and so applying the mitigation hierarchy this only leaves compensation as a means of addressing this issue." The SoS's policy, as now reflected in the revised EN-3 does not support this, if there is no mitigation possible then there is very clearly no expectation at all of financial compensation for wake effects. ii. The references in the SoS's drafting to the requirement being discharged by the provision of "evidence to the Secretary of State that alternative mitigation for wake effects has been agreed with the owners of the relevant offshore wind farm" must be struck out as it risks creating an expectation that a matter which the SoS has (rightly) said is outside of the planning system is in fact part of that system.

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			<p>The SoS cannot rationally set out that his policy that inter-project compensation is outwith the planning system and at the same time impose a requirement that could be seen as contemplating the agreement of such compensation as a way of discharging a requirement in a DCO. The position is contradictory.</p> <p>Accordingly, the amendments put forward above should be accepted.</p> <p>iii. If, despite the various arguments advanced here, the SoS does impose a wake effects requirement which includes the wording relating to alternative mitigation, then the words "(which shall not provide for the making of financial payments)" should be added after "wake effects" in both instances i.e. paragraph (1)(b) and (2)(b) to read:</p> <p><i>"... alternative mitigation for wake effects (which shall not provide for the making of financial payments) ..."</i> in both instances</p>

2.8 Land Rights

Table 2-8 - Applicants' Response to the Secretary of State's Request for Information – Land Rights

RFI Paragraph Number	Request of	Request	Applicants' Response
31	NGET	On 24 October 2025 the Applicants filed revised Protective Provisions for NGET. NGET are requested to comment on these revised Protective Provisions and confirm whether the updated wording resolves their issues.	<p>The Applicants' submission on 24th October 2025 contained optional drafting for Protective Provisions (PPs) for the benefit of National Grid Electricity Transmission (NGET) that can be adopted by the Secretary of State if considered preferable to the Applicants' original drafting. This wording was suggested on a without prejudice basis as the Applicants maintain that the Deadline 8 version of the PPS included by the Applicants in the Draft Development Consent Order (DCO) remains an acceptable basis on which the DCO can be granted.</p> <p>To be consistent with the approach taken for other DCO drafting that has been submitted on a without prejudice basis, the Applicants have included the optional wording in Part 7 of Schedule 15 of the Draft DCO (Revision 13) [document reference 3.1] in square brackets.</p>
32	The Applicants, NGT, NRI	In the document 10.4 Land Rights Tracker (Revision 9), submitted by the Applicants on 14 October 2025, it is stated that negotiations remain ongoing with NGT and NRI with regard to Protective Provisions. The Applicants, NGT and NRI are requested to provide an update on whether agreement has been reached on the form of their respective Protective Provisions, and if not, when agreement is expected.	<p><u>National Gas Transmission</u></p> <p>The Applicants and National Gas Transmission (NGT) have been in active discussions on the PPs following the close of the examination but have been unable to agree terms.</p> <p>The Applicants maintain that the PPs in favour of NGT in Part 6, Schedule 15 of the draft DCO are comprehensive and sufficient to ensure that there is no serious detriment to the undertaking of NGT.</p> <p>Various submissions were made to the examination on the points of difference between the Applicants and NGT and the Applicants provided justification for the drafting included in the Draft DCO in submissions made at Deadline 7 [REP7-011] and Deadline 8 [REP8-003]. In particular, the Applicants invite the Secretary of State to consider section 5.2 of the Applicants' submission on sections 127 and 138 of the Planning Act 2008 in Applicants' Section 127 and 138 case - Statutory Undertakers [REP8-044] and The Applicants' response to NGT's Deadline 6 submissions [REP7-131] (see Table 2-14). These submissions outline the key areas of disagreement between the Applicants' preferred PPs and NGT's preferred PPs.</p> <p>One fundamental point of disagreement between the Applicants and NGT is the requirement to obtain "acceptable insurance and security" before commencing any "specified works".</p> <p>As noted in previous submissions, the Applicants maintain that the requirement to provide security, in addition to the provision of insurance and the indemnification of NGT, is unnecessary.</p> <p>The Applicants consider that NGT will be protected through the requirement to obtain insurance ahead of undertaking any works in the vicinity of NGT apparatus and interests. This is considered sufficient as confirmed in the Rampion 2 Offshore Wind Farm DCO decision issued in April 2025. This decision provided justification for why both security and insurance is unnecessary and excessive. Paragraph 7.6.24 of the Rampion 2 recommendation report found that an obligation for insurance and security was excessive and was deemed to be "overkill" and is in effect "an insurance to protect against the insurance".</p> <p>Furthermore, the PPs in favour of NGT in the Draft DCO include an uncapped indemnity in favour of NGT. The Projects will be adequately funded as set out within the Funding Statement (Revision 5) [REP8-012]. The Projects are being jointly developed by RWE Renewables UK Swindon Limited ("RWE") (with a share of 51%)</p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			<p>and the Abu Dhabi Future Energy Company PJSC ("Masdar") (with a share of 49%) both with substantial financial resources and stable credit ratings.</p> <p>RWE has substantial financial resources in its own right, plus, as a wholly owned subsidiary, it has the financial backing of RWE AG which is one of Europe's five leading electricity and gas companies. Masdar also has significant resources and has a proven record of advancing the commercialisation and deployment of renewable energy and clean technologies. Both RWE and Masdar has a stable outlook according to both Moody's and Fitch ratings agencies.</p> <p>NGT will therefore be able to recover any losses via the indemnity provided in the PPs. In the Applicant's preferred version of the NGT PPs, an indemnity clause has been included which will require the Applicants to indemnify NGT for any expenses, loss, demands, proceedings, damages, claims, penalties or costs incurred by NGT as a result of the delivery of the Dogger Bank South (DBS) Projects. Although this is subject to standard caveats, the Applicants have not included a cap on the amount that can be claimed by NGT. This is considered to be sufficient to ensure NGT's position is adequately protected, and the Applicants maintain that it is unnecessary for obligations to be added to the NGT PPs which would require security to be provided up to a value directed by NGT.</p> <p>The Applicants note that there are various recent examples of DCOs being granted without an obligation for "acceptable security" and "acceptable insurance" in the PPs. For example, the Hornsea Four Offshore Wind Farm Order 2023, the A122 (Lower Thames Crossing) Development Consent Order 2025 and the Sunnica Energy Farm Order 2024 all include PPs in favour of NGT (and NGET plc) without an obligation for the applicant to obtain "acceptable security" and "acceptable insurance".</p> <p>It is also notable that the PPs submitted by NGT in relation to the Net Zero Teeside Order 2024 on 23rd March 2023 (see submission made during the post-examination consultation undertaken by the Secretary of State) did not include a requirement for both security and insurance. Given that some of these projects are similar in nature to the DBS projects and include a comparable level of interaction with NGT assets, it is unclear why a different approach is required by NGT for the DBS projects.</p> <p>The inclusion of "acceptable insurance" and an uncapped indemnity coupled with the financial backing of the Applicants and the precedent set in other similar recent DCOs means that the Applicants consider that there is no basis or justification for including a requirement for "acceptable security" in the NGT PPs.</p> <p>The Applicants therefore consider that the PPs in the form included in Part 6, Schedule 15 of the Draft DCO (Revision 12) [REP9-003] should be included in the final DCO.</p> <p><u>Network Rail Infrastructure Limited</u></p> <p>The Applicants and Network Rail Infrastructure Limited (NRIL) have reached agreement on the PPs and the Draft DCO (Revision 13) [document reference 3.1] has been updated to include these PPs in Part 5, Schedule 15. This is in consideration of NRIL withdrawing its objection to the application.</p> <p>The Applicants understand Network Rail will write to the Secretary of State separately to confirm the withdrawal of their objection.</p> <p><u>Northern PowerGrid (Yorkshire) PLC</u></p>

RFI Paragraph Number	Request of	Request	Applicants' Response
			The parties have reached an agreement in respect of protection of Northern PowerGrid (NPG) assets and NPG have withdrawn their objection on 3 December 2025. A copy of the withdrawal letter has been submitted with the response to the RFI.
33	The Applicants, Albanwise Synergy Ltd, Ashley Nigel Foster, Bishop Burton College, Clifford Noel Warkup and Graham Clifford Warkup and Martin Geoffrey Warkup and Neil Anthony Warkup, East Riding Of Yorkshire Council, East Yorkshire Concrete Products Ltd, Environment Agency, F D Bird & Sons Ltd, INEOS Manufacturing (Hull) Ltd, James Heppell Mewburn, Mark Faulkingham, Mark Wilson Mewburn, Matthew Yeo and Moira Yeo and Stuart Yeo, Network Rail Infrastructure Ltd, Oliver White, Oliver White and Pamela White and The Executor Of The Estate Of The Late Andrew White, P C Foster & Son, Richard Hendrik Los and John Michael Mudryk and Ian Peter Robson, Riplingham Estates Ltd, Robert Charles Elvidge, Robin Ravis, Stephen Holtby, North Poplar Farm Limited, Wilfred Michael Houghton and the Executor of the Estate of the Late Jean Catherine Frank, York Diocesan Board Of Finance Ltd	In the document 10.4 Land Rights Tracker (Revision 9), submitted by the Applicants on 14 October 2025, it is stated that negotiations remain ongoing with various parties on land acquisition. The Applicants, Albanwise Synergy Ltd, Ashley Nigel Foster, Bishop Burton College, Clifford Noel Warkup and Graham Clifford Warkup and Martin Geoffrey Warkup and Neil Anthony Warkup, East Riding Of Yorkshire Council, East Yorkshire Concrete Products Ltd, Environment Agency, F D Bird & Sons Ltd, INEOS Manufacturing (Hull) Ltd, James Heppell Mewburn, Mark Faulkingham, Mark Wilson Mewburn, Matthew Yeo and Moira Yeo and Stuart Yeo, Network Rail Infrastructure Ltd, Oliver White, Oliver White and Pamela White and The Executor Of The Estate Of The Late Andrew White, P C Foster & Son, Richard Hendrik Los and John Michael Mudryk and Ian Peter Robson, Riplingham Estates Ltd, Robert Charles Elvidge, Robin Ravis, Stephen Holtby, North Poplar Farm Limited, Wilfred Michael Houghton and the Executor of the Estate of the Late Jean Catherine Frank, York Diocesan Board Of Finance Ltd are requested to provide an update on these negotiations.	The Applicants have updated the Land Rights Tracker (Revision 10) [document reference 10.4.] to provide the latest update on negotiations. Since the close of examination, negotiations have been ongoing, and heads of terms (HoT) have now been agreed with 37 out of the 61 affected landowners. Of the 37, 20 option agreements have been completed. Active negotiations are still ongoing with 38 landowners, to include all those who have signed HoT and not legally completed (17), not signed HoT (21). The Applicants are no longer seeking rights from (3).

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