



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

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South (East) Limited**

**Dogger Bank South Offshore
Wind Farms**

The Applicants' RFI₃ Wake Effects Submission

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1 Introduction

1. These submissions are made by the Applicants in response to the Secretary of State's request, contained in a letter dated 5 February 2026, to comment on the post-examination documents submitted by other parties: see [EN010125-002586-Dogger Bank South Offshore Wind Farms SOS Letter 3.pdf](#)
2. These submissions thus respond to:
 - i. The response from CMS Cameron McKenna Nabarro Olswang LLP ("CMS") on behalf of the Projco IPs (DBA Projco, DBB Projco and DBC Projco): [EN010125-002584-Projco IPs Response to Secretary of State consultation.pdf](#) ("the Projcos IPs consultation 2 response") [C2-006];
 - ii. The response from Pinsent Masons LLP on behalf of the Ørsted IPs: [Ørsted IPs - Response to January 2026 Rfl\(161931577.3\) \(002\) HYWRO](#) ("the Ørsted IPs consultation 2 response") [C2-007].
3. In so responding these submissions make reference to the Secretary of States's decision dated 10 February 2025 in respect of the Outer Dowsing Offshore Wind ("ODOW"): [EN010130-002643-SoS Decision letter.pdf](#) ("the ODOW DCO decision").
4. James Maurici KC has again provided input into the submissions below.

2 Preliminary Matters

5. In [The Applicants' Response to the Secretary of State's Request for Information on Wake Effects](#) ("the Applicants' consultation 2 response") [document reference 23.3] reliance was placed on the Secretary of State's conclusions as regards the proper interpretation of wake effects policy in his 17 December 2025 decision on the Five Estuaries DCO ("the Five Estuaries DCO decision"). The Five Estuaries DCO decision has not since been subject to any judicial review challenge; and no such challenge could now be brought. Given that the following conclusions on wake effects policy reached by the Secretary of State in that decision should be adopted in the decision on the present Application:

- i. Wake effects are a material consideration and should be the subject of an assessment by an applicant (paras. 4.50-4.51);
- ii. Applicants "*should demonstrate that they have made reasonable endeavours to mitigate the impact of wake effects on other offshore wind generating stations*" (para. 4.51);
- iii. There is no expectation that wake effects can be wholly removed (ibid);

The existence of wake loss impacts on other nearby wind farms will not justify refusal of a DCO for a new wind farm if cumulatively there would still be a "*greater capacity of clean electricity generation with the Proposed Development*" (para. 4.55).

6. This is important because the Projcos and Ørsted IPs continue to pursue lengthy and highly convoluted arguments on the interpretation of national policy on wake effects that pay little or no regard to the now designated NPS EN-3 or Secretary of State's previous conclusions on these matters in the Five Estuaries DCO decision. Indeed, it is telling that the Projcos and Ørsted IPs consultation 2 responses [C2-006; C2-007], despite post-dating the Five Estuaries DCO decision, ignore it entirely. This is somewhat extraordinary given that it is clear from what is said by the Secretary of State in the more recent ODOW DCO decision that Ørsted were well aware of the Five Estuaries DCO decision and indeed made submissions on it in the context of the ODOW DCO process. Thus, the ODOW DCO decision says at para. 4.79 that "[t]he Ørsted IPs maintained their opposition to the Applicant's approach to wake effects and noted that the Five Estuaries Offshore Wind Farm Order 2025 was the first DCO to not include any protection". The Ørsted IPs submission in the ODOW process (referring to the Five Estuaries DCO decision) is dated 16 January 2025; the Ørsted IPs consultation 2 response [C2-007] in relation to this Application post-dates this and is entirely silent on the Five Estuaries DCO decision.

7. The Ørsted IPs have said that if the Secretary of State were to grant the DCO for the Project *"without any protection on its face for the Ørsted IPs that continue to hold objections in relation to wake loss"* that such an outcome would be unacceptable and that *"the Ørsted IPs consider it would be unreasonable and irrational for the Secretary of State to reach such a decision"* [C2-007]. The Projcos IPs similarly state *"the Secretary of State cannot lawfully proceed to make the DCO without the inclusion of the protective provisions given the policy framework"* [C2-006]. Such threats of judicial review should not in any way influence the Secretary of State's decision-making. The suggestion that it would be unlawful to grant a DCO with no further protections in respect of wake effects is difficult to reconcile with the Secretary of State's unchallenged decision on Five Estuaries. Which decision the Projcos and Ørsted IPs have so far wholly ignored. The Secretary of State can lawfully grant the DCO with no further wake-related provisions, as he did in the Five Estuaries DCO decision. But if the Secretary of State considers that some further comfort that reasonable mitigation steps will be further considered then this should be in the form of a requirement – that being the approach that the Secretary of State has taken in other DCOs where he considered some form of further provisions were required. The Applicants have, without prejudice, set out the wording for such a requirement [REP9-024]. The Applicants have made various submissions as to why they do not think such a requirement is necessary [REP2-058, REP3-028, REP6-51, REP7-131, REP9-024, document reference 23.3]

3 The ODOW DCO Decision

8. There are a number of points to be made about the recent ODOW DCO decision.
9. First, the conclusions as regards the proper interpretation of national policy on wake effects are the same as those made by the Secretary of State in the Five Estuaries DCO decision: see paras. 4.50 – 4.57. It is regrettable, to say the least, that the Projcos and Ørsted IPs continue to contest key aspects of the policy position as clearly set out by the Secretary of State in these DCO decisions and as summarised above. NPS EN-3 2025 was not the subject of any legal challenge under s. 13 of the 2008 Act. A number of the arguments being advanced by the Projcos and Ørsted IPs essentially go to the merits of the policy the Secretary of State has set out in NPS EN-3 2025 on wake effects. Under s. 106(1)(b) of the 2008 Act the Secretary of State is entitled to, and should, disregard these arguments: see *R. (Spurrier) v Secretary of State for Transport* [2020] P.T.S.R. 240 at [38] and [91] – [111]. It is also clear from both the Five Estuaries and ODOW DCO decisions that while not directly applicable the NPS EN-3 2025 is an important and relevant consideration to which substantial weight should be attached. That view is also reflected in the Secretary of State’s RFI in respect of the present Application dated 16 January 2026.
10. Second, the ODOW DCO decision contains criticism of the Ørsted IPs for making assertions about the scale of wake effects based on their own internal modelling without producing such to back up the case being made: see e.g. paras. 4.59 and 4.62. The same criticisms can, and should be made, of the Ørsted IPs in the present Application: this is dealt with further below.
11. Third, the criticisms made of the applicant in the ODOW DCO decision as regards both lack of engagement and failure to make reasonable attempts to mitigate wake effects cannot be levelled at the Applicants in the present case for the reasons set out in detail below (and most conveniently summarised in [document reference 23.3])
12. Fourth, at para. 4.64 of the ODOW DCO decision letter the Secretary of State says that “[g]iven the ExA’s conclusion on the absence of likely significant effects, the ExA considered that Protective Provisions (“PPs”) to secure mitigation to minimise wake effects were not necessary. However, the ExA stated that if the Secretary of State decides that further consideration of mitigation is necessary this would more appropriately sit within a requirement in the DCO rather than in PPs [ER 3.7.104].” There are two points to make here:
 - i. The ODOW DCO decision provides no support for the proposition that wake effects, if they are required to be dealt with in a DCO, should be dealt with via protective provisions as opposed to requirements: see further Annex 1 attached to this submission, which updates the relevant part of the Applicants’ consultation 2 response [document reference 23.3], and puts this in the context of the now six other DCO decisions which have substantively considered wake effects. In none of those was a protective provision for wake effects imposed;

instead in each case where wake effects have required any provision to be made at all this has been by way of a requirement.

- ii. The Examining Authority (“ExA”) in the ODOW DCO process rejected the notion of requiring in a DCO the payment of financial compensation for wake effects – saying that this was neither “*necessary or appropriate*” (emphasis added). The ExA thus explained:

“... the ExA is mindful that there are no examples of economic loss arising from wake effects being addressed in other DCOs in the context of NPS EN-3 paragraph 2.8.345.

*3.7.109. The applicant [REP6-120] also raises numerous concerns about the request for compensation including the lack of policy support, the timing of payments for compensation and that the protective provisions contain no link back to what would be required to tip the named projects back into viability or a commitment for the projects to continue to operate after any such payment is made. The applicant considers that the inclusion of such a provision “...would be so obviously unreasonable, unfair, disproportionate and unduly burdensome in its operation as to be irrational in the **Wednesbury** sense”. The ExA acknowledges and concurs with these concerns and does not consider the inclusion of the commuted sums provision in the dDCO to be appropriate.”*

The Secretary of State agreed with the findings and conclusions of the ExA (paragraph 2.3 of the decision letter). The Applicants support, and endorse, these findings.

13. Fifth, the Secretary of State concluded in the ODOW DCO decision, in agreement with the ExA and the applicant, that the wake effect losses would not be significant in EIA terms. The Applicants submit that the same conclusion should be reached here as the impact, even at the closest wind farm DBA (although somewhat larger than the impact considered in the ODOW DCO decision) is, for context, well below the natural interannual variability of the wind (5.4% [see section 6 of REP8-038, See also AS-179]). The impact on GHG emissions is still significantly net positive [REP5-034; REP6-036. Moreover, and importantly, in this case, unlike in relation to the ODOW DCO decision, there has been extensive consideration of the mitigation of wake effects through design from the outset of the Projects: see Appendix A to the Applicants’ consultation 2 response [document reference 23.3].

14. Sixth, the Secretary of State in para. 4.88 of the ODOW DCO decision says, "*the Secretary of State acknowledges the requirements to avoid, reduce, mitigate or compensate for wake effects of the 2024 (paragraphs 2.8.213 to 2.8.217) or 2025 (paragraphs 2.8.186 to 2.8.190) NPSs.*" The Secretary of State then goes on to impose a requirement (see para. 4.88) in order to seek to "*minimise*", that is to say mitigate – not compensate – for wake effects. The necessity for the requirement in that case arose because the Secretary of State considered that the applicant there had failed to use reasonable endeavours to mitigate wake effects (*ibid.*). The requirement imposed is concerned only with "*mitigation*" not compensation: see Schedule 1, Part 3, requirement at 34 (1)(b) and (2)(c) and (d) which all refer to "*mitigation*". In the present case, as set out below, the Applicants have done far more by way of mitigation than was done in respect of ODOW.

4 What the Secretary of State needs to decide on wake effects in respect of the present application

15. The matters which the Secretary of State needs to determine in relation to wake effects issues are as set out in the Applicants' consultation 2 response [document reference 23.3] at section 2, repeated here for convenience:
- i. Whether it is necessary for the DCO to make any provision in respect of wake effects (the Applicants contend it is not; Projcos and Ørsted contend that it is) ("Issue 1");
 - ii. If it is deemed necessary to make some provision in respect of wake effects, whether this should - contrary to view thus far taken by the Secretary of State in this and other DCO applications - be (as Projcos and Ørsted contend) a protective provision rather than a requirement (as the Applicants, without prejudice, suggest) ("Issue 2");
 - iii. Assuming the answer to question ii. above is to impose a requirement; what the terms of any requirement should be and in particular whether it should (as Projcos but not Ørsted contend; and which the Applicants contest) make explicit provision for the payment of financial compensation in respect of wake effects ("Issue 3").

5 Allegations by the Projcos and Ørsted IPs of lack of engagement by the Applicants

16. The Projcos and Ørsted IPs consultation 2 responses [C2-006; C2-007], relying on the National Policy Statement for renewable energy infrastructure (EN-3) (published 6 January 2025) ("NPS EN-3 2025") and the "Supplementary guidance for renewable energy infrastructure (EN-3): Offshore wind wake effects" ("the Supplementary Guidance") (also published on 6 January 2026) allege a lack of engagement by the Applicants on wake effects in particular after 15 December 2025. It is said that this evidences a failure to demonstrate that a "good neighbour"¹ approach has been followed.
17. It should also be noted that the Projcos and Ørsted IPs consultation 2 responses [C2-006; C2-007], and indeed their earlier submissions, conflate two matters: "Engagement" and "Reasonable endeavours to mitigate". These two matters, while overlapping to some degree (because *one* matter on which there could be engagement is mitigation), are different. So, if for example an objector's case is overwhelmingly centred on seeking financial compensation, that does not prevent – as happened here – the Applicants giving detailed and careful consideration to all possible mitigations. Engagement with the Projcos and Ørsted IPs by the Applicants is considered in detail below but what is clear is that the Applicants have used reasonable endeavours to mitigate any wake effects. Submissions have been made in support of the Application, dealing both with possible future mitigations (see **Wake Effects - Response to ISH3 Action Points (Revision 2)** [REP8-038] at section 7 and **The Applicants' Deadline 7 Wake Loss Submission** [REP7-136] at section 4) and

¹The Supplementary Guidance says:

"1.2 Paragraph 2.8.176

Applicants of proposed offshore wind farms are encouraged to adopt a good neighbour approach, with constructive dialogue between developers. As part of this, developers of incoming offshore wind farms are strongly encouraged to conduct a wake assessment to understand the impact of their development on nearby offshore windfarms."

A wake assessment has been conducted in respect of the Application. Para. 2. 8.176 of NPS EN-3 2025 to which this guidance relates says "As we make increasing use of the nation's offshore wind resource, the question of wake effects, where wind turbulence arises between neighbouring developments, has gained attention. As with any new development, applicants should consider the impact of their proposal on other activities and make reasonable endeavours to address these. At the design stage there are therefore clear merits for applicants to make an assessment of inter-array wake effects between their proposed developments, and nearby offshore wind generating stations that are planned, consented or operational." For the reasons set out above it is clear that the Applicants have made reasonable endeavours to address these issues.

also how the historic “*design evolution*” sought to mitigate wake from the outset (see the Applicants’ consultation 2 response at Appendix A [document reference 23.3]).

18. There is a legal submission that needs to be made at this point on the subject matter of “*reasonable endeavours*”. The NPS EN-3 2025 uses the language of “*reasonable endeavours*” in respect of mitigation of wake effects: see para. 2.8.176 and 2.8.232, and see also the Supplementary Guidance at para. 1.3. The language of “*reasonable endeavours*” was no doubt carefully chosen by the Secretary of State. Indeed, the Supplementary Guidance reflects the well-established legal meaning of this phrase when it says, “*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 ...*”. There is extensive case-law on the difference between “*reasonable endeavours*”, “*all reasonable endeavours*”, and “*best endeavours*” in the contractual context. The case-law shows that “*reasonable endeavours*” is the least onerous and requires a party to try to achieve a result by taking one reasonable course of action, but not necessarily all possible reasonable actions (which is what “*all reasonable endeavours*” requires). It is also clearly established that “*reasonable endeavours*” does not require a party to sacrifice its own commercial interests in discharging its obligation to use reasonable endeavours: see *Jet2.com Ltd v Blackpool Airport Ltd* [2012] 1 C.L.C. 605 at [26] and Lewison *Interpretation of Contracts* 8th Ed. at section 7. The language of “*reasonable endeavours*” as used in NPS EN-3 2025 is especially apposite given that it also says at para. 2.8.233 that “*there is no expectation that wake effects can be wholly removed between developments*”.
19. Turning then to the subject of engagement. The Projcos and Ørsted IPs consultation 2 responses fail to set out what it is that they are, and have been in recent months, seeking engagement on with the Applicants.
20. There are four possible matters related to wake effects on which it is possible for there to be engagement:
 - i. **Wake assessment:** The Applicants have submitted a wake assessment [REP8-038; AS-179]. On a pragmatic basis the Ørsted IPs, but not the Projcos IPs, have agreed the assessment: Comments on any further information/ submissions received by Deadline 5 [REP6-085]. The Projcos IPs put in their own wake assessment [REP5-070 and REP7-140]. There has been substantial engagement between the Applicants and the Projcos IPs through the public submissions in relation to these competing wake assessments, together with technical engagement outside the public process. The position of the Projcos IPs is further examined below;
 - ii. **Available design and/or operational mitigation measures:** there has already been substantial engagement by way of detailed submissions into the Examination on both sides on these matters and further assessments of mitigation [REP7-136] undertaken by the Applicants at the request of the Projcos [REP6-081]. Moreover, the position taken by the Projcos and Ørsted

IPs (in its proposed Protective Provisions [Appendix 1 of [C1-022; REP6-085]) is that any such measures are entirely a matter for the Applicants. That is to say that if the Applicants choose to take such any such measures (and they work) then that will reduce the financial compensation, which the Projcos and Ørsted IPs say should be paid to reimburse 100% of the remaining financial impact. It is this compensation on which the Projcos and Ørsted IPs are entirely fixated. In the circumstances it is not clear what further technical engagement would be intended to achieve;

- iii. **The principle of financial compensation and whether it is justified in policy terms:** Extensive submissions into the Examination have been made by all the parties on this topic. The Applicants position is clear – financial compensation for wake effects is not something that can be required through the planning system. The NPS EN-3 2025 and the Supplementary Guidance unequivocally support that view. The Projcos and Ørsted IPs continue relentlessly to argue against this. [But realistically if they disagree with the policy (i.e. its lawfulness as regards its provisions relating to financial compensation or the lawfulness of how the policy is expressed) of the Secretary of State as clearly set out in NPS EN-3 2025 and Supplementary Guidance they should have judicially reviewed it pursuant to s. 13 of the 2008 Act. As far as the Applicants are aware, no such judicial review has been made (the deadline was 18 February 2026) and so it is now beyond challenge]. The parties remain wholly at odds on these matters of policy interpretation. There is no purpose in discussing this further beyond the discourse on the matter between the parties in this Application as part of the written and oral submissions made to date. The matter needs to be determined by the Secretary of State;
 - iv. **The mechanics of how financial compensation should be calculated and paid:** The Applicants have given a very clear explanation of why they are not prepared to engage in the detail of something with which they fundamentally disagree in principle and which has no precedent or policy support. This is an entirely legitimate and normal approach on facts such as this.
21. So, when the Projcos and Ørsted IPs say that the Applicants have failed to engage and that they have not complied with the good neighbour principle what they mean is really very simple. Given Projcos and Orsted IPs submissions, they appear to want the Applicants to sit down and negotiate a deal on financial compensation. It seems obvious that they wish to talk about one thing. And that is how much money the Applicants should pay to the Projcos and Ørsted IPs. There is no proper basis for any criticism to be made of the Applicants for not sitting down with Projcos and Ørsted IPs to agree how much compensation should be paid to them. Unless the Secretary of State takes the view that such financial compensation is a planning policy requirement then these criticisms of the Applicants should be dismissed. It is clear from NPS EN-3 2025 and the Supplementary Guidance that the Secretary of State does not regard the payment of compensation for wake effects to be, in any way, a planning policy

requirement. NPS EN-3 (2025) says in terms (see para 2.8.232) that "there is no expectation... that inter-project compensation arrangements are a necessary means to mitigate the impact of wake effects, although **developers may opt² to take such approaches outside of the planning process**" (emphases added). How can the Applicants be criticised for not sitting down to discuss compensation when there is no expectation of this within the planning process, and outside of planning the Secretary of State has confirmed that it is **optional**?

22. So the Projcos and Ørsted IPs consultation 2 responses [C2-006; C2-007] seek to portray the position as being that they stand ready and willing to engage and that the Applicants simply stating that no agreement is possible (see e.g. the Projcos IP consultation 2 response [C2-006] at para 3.11). But this is not the reality. Given their submissions to date, it is clear that the Projcos and Ørsted IPs are indeed very willing to sit down with the Applicants to agree a figure for financial compensation. That appears to be their one and only goal. They want the Applicants to "show them the money". The Applicants' position is that compensation is not required in planning policy. The Secretary of State has expressed the same view in the NPS EN-3 2025. Given this, and despite efforts having been made including the agreement of a Non-Disclosure Agreement to facilitate engagement, there remains now nothing of substance left to discuss. The Applicants cannot be criticised for not discussing a matter which is not required by policy and which NPS EN-3 2025 refers to as being an *optional* approach outside of planning.
23. The correct position is thus as follows:
- i. Contrary to the Ørsted and Projcos IPs' claims, the Applicants have demonstrated that they have made reasonable endeavours to mitigate the impact of wake effects on other offshore wind generating stations. The Applicants have thus made two submissions on possible future wake effects mitigations (see Wake Effects - Response to ISH3 Action Points (Revision 2) [REP8-038] and The Applicants' Deadline 7 Wake Loss Submission [REP7-136]) and one submission on the design evolution of the Projects, showing the historical consideration given to wake effects in the design process for the Projects (see the Applicants' consultation 2 response [document reference 23.3] at Appendix A meet the requirements).
 - ii. The Applicants have undertaken significant consideration of wake effect topics in the course of a number of submissions into the Examination particularly after it became clear that such matters were, in the view of the Secretary of State, to be treated as material considerations e.g. following the publication of a draft version of NPS EN-3 on 24 April 2025 and the Secretary of State's Mona DCO decision on 4 July 2025. The position in this regard was, however, not settled at earlier stages of the Examination.

²The OED online defines "opt" as meaning "to choose to do something" or "to choose to participate in something."

- iii. The Applicants have:
 - i. had multiple meetings with the Projcos and Ørsted IPs, including one technical meeting with each of the Projcos and Ørsted IPs;
 - ii. issued multiple reports, updates to reports at the request of the Projcos and Ørsted IPs related to wake effects [REP4-099; AS-179; REP8-038], including the assessment of additional mitigation methods [REP7-136].

For completeness, the Applicants have provided a consolidated summary of their engagement with the Projcos and Ørsted IPs. While this engagement has been referenced, to varying extents, in submissions throughout the Application's examination (including the Statement of Common Ground with Projcos [REP8-031] and Ørsted [REP9-017] and the decision stages a list is set out in **Appendix A** and **Appendix B** of this document for ease of reference.

- iv. As stated in **The Applicants' Deadline 7 Wake Loss Submission** [REP7-139, section 3.4] the Projcos IPs wake assessment has deficiencies in inputs (failing to consider Outer Dowsing), in modelling methodology (failing to account for the capping inversion, accounting for 1% difference in wake loss), and in financial modelling (lack of discounting and other issues). These concerns have been raised both through the public process and outside of it but have yet to be addressed. Wake effects are clearly not significant in EIA terms and have a small impact on GHG assessment [REP5-034].
24. The position is that the Applicants have engaged on wake effects but that they have not engaged in the way that the Projcos and Ørsted IPs actually want, so they are simply dismissing all these interactions. As matters stand, see above the Projcos and Ørsted IPs, have shown little interest in engaging with the Applicants on any topic except compensation, making it impossible to further engage on physical mitigations.
25. The ODOV DCO decision letter, see above, includes a requirement for the submission of a wake plan (see para 4.90). This was on the basis that the applicants there had not demonstrated that they had used reasonable endeavours to minimise wake effects. That is not the case here. Previous submissions made by the Applicants in the present case (**Wake Effects - Response to ISH3 Action Points (Revision 2)** [REP8-038] and **The Applicants' Deadline 7 Wake Loss Submission** [REP7-136]) and the Applicants' consultation 2 response [document reference 23.3 at Appendix A) already fulfil almost all of what is provided for in the requirement imposed in the ODOV DCO. So:
- i. *"Any wake effects plan must include the wake effects on the AEP of relevant offshore wind farms"*: see [AS-179]
 - ii. *"with details of reasonable steps or measures taken to minimise any wake loss effects..."*: see Appendix A of the Applicants' consultation 2 response [document reference 23.3];

- iii. *"The plan must also include timescales for implementation, time limits for any mitigation measures and details of consultation with each of the owners which must be undertaken as early as reasonably practicable." : see Wake Effects - Response to ISH3 Action Points (Revision 2) (Clean) [REP8-038] and The Applicants' Deadline 7 Wake Loss Submission [REP7-136])*
- 26. Moreover, it should also be noted in this regard that the Secretary of State has already considered, and relied on, at least one of the reports the Applicants have submitted on wake effects. Thus in the ODOW DCO decision letter the Secretary of State says at para 4.87 that:
 - "...During Dogger Bank South's Issue Specific Hearing 3 ("ISH3"), the Dogger Bank South applicant provided a report⁹ considering wake effects on existing and future OWFs in its vicinity in May 2025, a month after the Examination for the Proposed Development had concluded (April 2024). The report stated that the Proposed Development was outside the distance that would normally be considered for wake effects, and that the wind would need to flow through the Hornsea Projects, further reducing the impact and increasing the uncertainty. On the basis of this information, the Secretary of State agrees with the ExA [ER 3.7.68] therefore satisfied that it is not necessary to include Dogger Bank South in the cumulative effects assessment for the Proposed Development."*
- 27. Footnote 9 of the ODOW DCO decision letter refers **Addendum to Wake Effects - Response to ISH3 Action Points** [AS-179].

6 The Projcos IPs' Consultation 2 Response

28. There are a number of short points that the Applicants would make in response.
29. First, the central complaint made (see Section 3) is an alleged lack of "*constructive dialogue*" and engagement by the Applicants. The Applicants' response to this has been dealt with in detail above.
30. Second, the Projcos IPs' consultation 2 response [C2-006] at Section 4 seeks to question the status of NPS EN-1 and EN-3. Given that it is agreed that these policies are important and relevant material considerations it seems that the only purpose of these submissions is to justify the Projcos IPs position of picking out bits of the NPSs which fit with their case (so in Section 3 and 5) they rely heavily on both the NPS EN-3 2025 and the Supplementary Guidance (see paras, 3.8, 3.12, 5.2, 5.11, 6.5.4) while seeking to play down the status of NPS EN-3 2025 and the Supplementary Guidance where it directly contradicts their case, most notably as regards the provision of financial compensation within the planning system (see paras. 4.2 – 4.6, 6.6, 6.8 and 6.10). The Projcos IPs submissions are thus internally contradictory on the status of and relevance of the NPS EN-3 2025 and the Supplementary Guidance.
31. Third, in the Projcos IPs' consultation 2 response [C2-006] it is said (at para 5.4) that "*[t]he Applicant has not undertaken sufficient work to demonstrate that mitigation ... The Applicant has relied on studies for hypothetical scenarios or other offshore wind farms instead of undertaking a site-specific assessment (as the Projco IPs outlined in its response at Deadline 7 (REP7-139)). ...*" and that this means that the Applicants "*cannot demonstrate that it has made reasonable endeavours to mitigate the impact of the Projects on DBA, DBB or DBC and so cannot satisfy Paragraph 2.8.232*" (see para. 5.3). This is incorrect and should be rejected. The Applicants have undertaken far more consideration of mitigation matters than has been undertaken in respect of any previous offshore windfarm DCO application – all of which have been granted without any protective provisions or any explicit requirement for the payment of financial compensation. The Applicants have demonstrated that they have considered mitigation – they have satisfied the obligation to use reasonable endeavours to reduce wake effects. Site specific studies are not appropriate where the category of mitigation in question has been shown to either be unworkable or unreasonable. The Applicants' extensive efforts regarding mitigation have involved literature reviews and modelling as well as, see above, three previous submissions to the process on future and historic mitigation [REP8-038; AS-179; Appendix A of document reference 23.3]. The fact is that the Projcos IPs disagree with this work, but have not proposed alternatives which are proven and reasonable.

32. Fourth, the Projcos IPs, unlike the Ørsted IPs, have not accepted the Applicants' wake assessment. However, the Projcos IPs assessment of wake effects [REP7-140] is flawed and the Applicants' should be preferred. The Projcos IPs wake modelling continues to have significant technical errors resulting in significant over-estimates of the wake effects, and the financial modelling deliberately omits a number of basic steps in order to generate very large numbers. These points have been explained at [section 3.4 of REP7-136; section 4.3.2 of document reference 23.3].

7 The Ørsted IPs' Consultation 2 Response

33. The Applicants make the following additional points in response to Ørsted 's consultation 2 response [C2-007].
34. First, the complaints made about lack of engagement have been comprehensively covered above. The attempt to characterise the history of engagement on wake effects prior to December 2025 as "*limited*" is contradicted by the facts set out above. The complaint about lack of engagement since 15 December 2025 is also refuted. The Applicants are prepared to further engage particularly on the issue of mitigation if this can meaningfully add to what is already in the public domain, but there is only one topic that the Ørsted IPs appear to be interested to engage on and that is the amount of compensation they say that the Applicants should, outside of planning, agree to pay them to go away. The Applicants are not prepared to have discussions on this for the reasons set out above.
35. Second, under the heading of "Policy", and in particular in respect of para. 2.8.232 of the NPS EN-3 2025, the Ørsted IPs say that they "*do not consider that the Applicants have in any way worked with the Ørsted IPs during the evolution of the DBS Project such that they can assert that this paragraph of the new NPS EN-3 has been complied with*". It should be noted that para. 2.8.232 does not reference engagement. It is focussed on demonstrating that reasonable endeavours have been made to mitigate wake effects. They have: see above. There is in the Supplementary Guidance (see para 1.2) encouragement to engage with parties potentially impacted by wake effects. The Ørsted IPs say that they "*do not consider that the Applicants have in any way worked with the Ørsted IPs during the evolution of the DBS Project such that they can assert that this paragraph of the new NPS EN-3 has been complied with. The Applicants have not engaged in any discussions regarding the application of mitigation, furthermore no reasonable endeavours that demonstrate a commitment to implementing mitigation have been made or proposed – therefore, it cannot be said that the Applicants have made reasonable endeavours to mitigate impacts*". This is false for all the reasons set out above. The Applicants have engaged extensively through the Examination process and have sought to engage and are prepared to further engage on the topic of mitigation, but the only subject matter of real interest to the Ørsted IPs appears to be financial compensation.
36. Third, in the ODOV DCO decision the Secretary of State said at para 4.62 that the Ørsted IPs and Equinor IPs had provided viability evidence "*that wake effects from the Proposed Development could bring about the earlier decommissioning of existing wind farms or undermine the competitive position of OWFs yet to be constructed*" but noted that the ExA considered that "*little weight could be attached to this evidence because the financial loss assessments provided by the Ørsted IPs and Equinor IPs were caveated*

with a note that the assessments did not represent the "internal view" of the respective parties on the financial impacts which cannot be shared due to confidentiality [ER 3.7.91]. In relation to paragraph 2.8.347 of NPS EN-3, the ExA did not consider that there was sufficient evidence to demonstrate that the Proposed Development is likely to affect the future viability of existing or approved OWFs". The same position arises here. The Ørsted IPs have specifically stated in the context of the present Application that they do not endorse the Applicants' wake modelling, but have in fact used it to justify their financial modelling (i.e. not using numbers that represent their own "internal view"). Moreover, the Ørsted IPs have mentioned in various places that they have done their own wake modelling (also referenced in the ODOW DCO process) but they fail to provide any details of the conclusions which may be wholly different and significantly lower than the Applicants. If it showed higher levels of impact it is inconceivable that this would not have been provided by the Ørsted IPs.

37. Fourth, and perhaps in recognition of how weak the position of the Ørsted IPs is in suggesting that the grant of consent for the Project would render its wind farms unviable there is a significant switch of language in the Ørsted IPs consultation 2 response [C2-007]. The word "viability" is no longer used; instead the language used is "economic loss".
38. Fifth, in common with the Projcos IPs' consultation 2 response [C2-006] there is an attempt to play down the significance of the statements of policy contained in the NPS EN-3 2025. This should be rejected for the reasons given above in respect of the Projco IPs.
39. Sixth, the Ørsted IPs' consultation 2 response [C2-007] continues to push for "inter-project compensation arrangements made available through the proposed protective provisions" and relying on the opinion of Richard Turney KC. This has been comprehensively rebutted in the Applicants' consultation 2 response [document reference 23.3]. The continued pursuit of such protective provisions is unreasonable having regard to: (i) the fact that in *none* of the previous six DCO decisions that have substantively considered wake effects has the Secretary of State explicitly required financial compensation as part of the DCO; and (ii) this is now contrary to the policy set out in the NPS EN-3 2025 and the Supplementary Guidance. The later says in terms "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." Despite this the Ørsted IP consultation 2 submissions seek to directly argue against this.

8 Conclusion/summary

40. By way of summary and conclusion the Applicants' position, as set out in these submissions and in previous submissions during and after the Examination and in response to earlier RFIs, may be summarised as follows:
- i. **No provision for wake effects is necessary in the DCO:** The circumstances of this Application do not warrant the imposition of any provision for wake effects in the DCO. The Applicants have made reasonable endeavours to mitigate the impact of wake effects through design and operational considerations, as demonstrated in their submissions throughout the Examination (see e.g. [REP7-136; REP8-038]) and beyond (see e.g. [document reference 23.3]). The approach taken by the Secretary of State in the Five Estuaries DCO decision, where no requirement was imposed, should be followed here for essentially the same reasons.
 - ii. **If contrary to this the Secretary of State considers that provision is necessary, a requirement, and not protective provisions, is appropriate:** In none of the six previous DCO decisions where wake effects have been substantively considered has the Secretary of State imposed a protective provision. The Secretary of State's consistent practice has been to impose a requirement where he considered some provision was necessary. There is no basis for departing from this established approach.
 - iii. **Financial compensation should not be required:** The newly designated NPS EN-3 2025 and the associated Supplementary Guidance make clear that there is no expectation that inter-project compensation arrangements are a necessary means of mitigation within the planning process. The Supplementary Guidance states in terms that "*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.*" Therefore, any requirement the Secretary of State decided to include in the DCO should not include any explicit provision for compensation, consistent with the Secretary of State's practice to date.
 - iv. **The Applicants have demonstrated reasonable endeavours:** The Applicants have made extensive submissions on mitigation measures, including consideration of design evolution and potential future mitigations. The Applicants have issued reports and updates at the request of the Interested Parties, and engaged substantially through public process as well as some confidential engagement. The Projcos and Ørsted IPs' complaints of lack of engagement are unfounded; their real complaint is that the Applicants will not agree to pay financial compensation, which is not a planning policy requirement.

- v. **The Projcos' and Ørsted IPs' submissions should be rejected:** The continued pursuit of protective provisions requiring financial compensation is unreasonable having regard to: (i) the fact that in none of the previous DCO decisions has the Secretary of State explicitly required financial compensation as part of the DCO; and (ii) this is now contrary to the policy set out in NPS EN-3 2025 and the Supplementary Guidance. The arguments advanced by the Projcos and Ørsted IPs ignore the Secretary of State's conclusions in the Five Estuaries and ODOW DCO decisions and seek to maintain a position that has been repeatedly rejected.
 - vi. **If a requirement is imposed, the Applicants' without prejudice wording (see para 31 of REP9-024.) should be adopted.** The Applicants have put forward without prejudice wording for a requirement that is consistent with the approach taken in previous DCO decisions.
41. Finally, the Applicants urge the Secretary of State to reach a decision on this Application without further delay. The Applicants wish to progress the Projects to Final Investment Decision, construction, commissioning and operation as soon as reasonably possible. The continued pursuit of unmeritorious objections by the Projcos and Ørsted IPs should not be permitted to delay the delivery of critical national priority infrastructure. As recognised in NPS EN-1 and NPS EN-3 2025, offshore wind generation is essential to meeting the Government's Clean Power 2030 Mission and achieving 50GW of offshore wind capacity by 2030: see para 3.2.11 of the ExA report in relation to the ODOW DCO. Reducing delays in the consenting process is essential to accelerate the deployment of offshore wind (ibid.).
42. Any further delay to the decision on this Application will have real and material consequences for the Applicants' ability to progress construction and deliver the Projects in accordance with the Government's 2030 targets. The Applicants have explained why there is no realistic prospect of further agreement on wake effects matters and that the Secretary of State should not delay his decision by reference to any prospect of such agreement. The Secretary of State is respectfully requested to proceed to determine this Application on the basis of the submissions made.

Annex 1: DCO Outcomes in Relation to Wake Effects

13. The position here though is that there are now a number of previously decided applications for DCOs where wake effects has been in issue. The outcomes of these DCOs are briefly summarised in **Table 1-1**:

Table 1-1 DCO Outcomes in Relation to Wake Requirements

Date	DCO	Wake requirement imposed?	Comment on wording of requirement where imposed
19/09/2023	Awel y Môr	Y	The wording was drafted by the Secretary of State and imposed without consultation with the parties.
04/07/2025	Mona	Y	Draft wording for a requirement was invited by the Secretary of State. The wording of the requirement imposed was proposed by Mona. There was a minor drafting point from Ørsted which was agreed so the wording of the requirement, as imposed, was to all intents and purposes agreed by the parties.
29/08/2025	Morgan	N ³	N/A
01/12/2025	Morecambe	Y	The wording was put forward by Morecambe and Ørsted on an agreed basis and included in the DCO by the Secretary of State on the basis that it was agreed. The wording is different in major respects from the terms of the Mona requirement.
17/12/2025	Five Estuaries	N ⁴	<u>N/A (The Secretary of State had consulted on wording which was essentially the same as</u>

³ The Secretary of State had invited drafting for a requirement, but none was imposed because the wake effects objection was withdrawn following agreement being reached): "4.179. Noting the letters received from Ørsted IPs and the Applicant, the Secretary of State considers that it is not necessary to insert the Requirement provided by the Applicant in its response of 3 July 2025 in the Order. The Secretary of State notes the comments made by Moir Vannin OWFL in its final consultation response. This matter was addressed by the ExA (see paragraph 4.148 above) and the Secretary of State can see no reason to disagree with the ExA."

⁴ See below for discussion of this decision and its implications of the Application.

Date	DCO	Wake requirement imposed?	Comment on wording of requirement where imposed
			<u>Mona, but in the end did not impose a requirement.)</u>
<u>10/02/2026</u>	<u>Outer Dowsing</u>	<u>Y</u>	<u>Ørsted and Equinor sought protective provisions (PPs) to address wake effects. The Applicant opposed the inclusion of PPs and proposed a wake-effects requirement on a without prejudice basis. Ørsted and Equinor maintained their preference for PPs but provided a without prejudice requirement (Equinor) and without prejudice comments (Ørsted) on the Applicant’s proposed without prejudice requirement and also submitted substantially revised sets of draft PPs (which follow closely the PPs sought by the Projcos and Ørsted in the DBS application) during decision stage. The Secretary of State ultimately rejected the PPs and imposed a wake-effects requirement in the DCO, with wording broadly similar to the requirement included in the Morecambe DCO.</u>

14. So in relation to these six-five previous DCO decisions by the Secretary of State:
 - i. In four-three decisions (Awel y Môr, Mona, and Morecambe) the Secretary of State in relation to wake effects:
 - a) imposed a requirement but *not* a protective provision;
 - b) used various different forms of wording for the requirement ~~in each~~;
 - c) did *not* include any explicit obligation in the requirement for the payment of compensation.
 - i. In two further decisions (Morgan and Five Estuaries) the Secretary of State declined to impose any requirement in relation to wake effects: in the first instance because the parties reached an agreement and so the wake effects objection was withdrawn and in the second instance because the Secretary of State concluded that no requirement was necessary.
15. The Projcos’ Submissions [C1-022] state at para. 3.4 that to apply “*a consistent approach to the consideration of the issues, the Projco IPs’ position is that the Secretary of State’s consideration on this Application ... should extend to protective provisions*”.
16. That must be wrong given that in none of the six-five DCOs decisions where wake effects have been substantively considered were wake effects dealt with by the imposition of a protective provision. It is then difficult, to say the least, to see how advocating that the Secretary of State do something that is wholly *inconsistent* with all his previous decisions would result in consistency of decision-making. It would self-evidently not do so.

17. It is then said by Projcos (ibid.) [C1-022] that consistency is required in terms of “*the engagement by the Applicant in respect of those protective provisions (as it has on the consultation in respect of the Outer Dowsing Offshore Wind Farm).*” This submission is based on a misrepresentation of the factual position in that case. This is considered below in relation to Projcos’ allegation of there being some kind of legitimate expectation in this regard. But in the end what Projcos’ case comes down to is clear from para. 3.7 of the Projcos’ Submissions [C1-022]. Projcos is essentially seeking to criticise the Secretary of State for, where he has previously deemed it was necessary to make any provision in a DCO for wake effects, to do so via a requirement rather than a protective provision. It is said that protective provisions would provide “*a clear process*” in this regard. These process points relate, it is assumed, to the issue of appeals in relation to discharge. This is a matter considered in detail below.
18. In so far as Projcos contend for: (i) the imposition of a protective provision rather than a requirement; and/or (ii) any kind of explicit obligation (whether contained in a requirement of a protective provision) to pay compensation in respect of wake effects they are asking the Secretary of State to make a decision *inconsistent* with the previous decisions identified above. The principle of consistency accordingly provides no assistance whatsoever to the case sought to be advanced by Projcos.
19. Projcos then point out that different wording has been included for the ~~four~~ three requirements imposed in previous DCO decisions (see para. 3.7; [C1-022]): so Awel y Môr, Mona, ~~and~~ Morecambe and Outer Dowsing. That is true but uninteresting. As set out above in the table in the Awel y Môr DCO the wording was drafted by the Secretary of State and imposed without consultation with the parties. In contrast in the Mona DCO decision draft wording for a requirement was invited by the Secretary of State and the wording for the requirement, as imposed, was to all intents and purposes agreed by those parties. In Morecambe the wording was also agreed between the parties. In the Outer Dowsing DCO, the Secretary of State rejected both the protective provisions sought by the IPs and the parties’ alternative without-prejudice requirement drafting, and instead imposed his own wake-effects requirement in the DCO with wording similar to that used in the Morecambe DCO Here the wording for any requirement has not been agreed. and, For the reasons set out in the Applicants’ submissions regarding the different circumstances and approaches to engagement, wake assessment, design mitigation and the consideration of mitigation compared with Outer Dowsing the Secretary of State will thus need to consider, and give reasons, for the particular wording employed in so far as the parties disagree on it. What can be said, however, is that the Secretary of State has not in any of the previous cases imposed a requirement that explicitly obliged the paying of compensation for wake effects.

Appendix A

This table shows a record of all substantive engagement with Orsted. It shows the context of engagement regarding non-wake topics, particularly pre-submission where Orsted had every opportunity to raise wake effects but did not do so. The main engagement on wake is in **bold**.

Table A-1 Record of engagement with Ørsted from May 2023

Date	Form of engagement	Originator of the communications	Project phase	Topic	Summary
03/05/2023	Emails with Hornsea 4	The Applicants	Pre-Application	Project Intro	The Applicants requested contact to progress discussions on interactions between DBS and Orsted Hornsea 4 project.
09/05/2023	Meeting	All	Pre-Application	Project Intro	Project introduction and discussion on interactions. Hornsea 4 advised a crossing agreement would be required. Wake not raised by Orsted for this or any other Orsted project.
06/06/2023	Section 42 Consultation	The Applicants	Pre-Application	Section 42 Consultation	The Applicants contacted Orsted Hornsea 4 as part of the statutory consultation on PEIR (6th June – 17th July 2023). See Consultation Report Appendix B – Section 42 Consultation (Part 1 of 3) - Volume 5 [APP-036].
14/06/2023	Email	The Applicants	Pre-Application	Project Interactions	The Applicants shared red line boundary shapefiles with Hornsea 4.
17/07/2023	Section 42 Consultation	Ørsted	Pre-Application	Site Selection and Assessment of Alternatives Other Marine Users Marine Mammals Cumulative Effects Shipping and Navigation	Ørsted’s response to section 42 consultation on PEIR. See Appendix G Section 42 and 47 Responses and Applicants regard [APP-044] and Appendix 16-1 - Infrastructure and Other Users Consultation Responses [APP-132].
04/08/2023	Non-statutory Consultation	The Applicants	Pre-Application	Non-statutory Consultation	The Applicants contacted Orsted Hornsea 1, 2, 3, 4 as part of the supplementary consultation on PEIR held 4th August – 15th September 2023). See Consultation Report Appendix B – Section 42 Consultation (Part 1 of 3) - Volume 5 [APP-036].
10/11/2023	Letter	The Applicants	Pre-Application	Section 42 Statutory Consultation	Notice of statutory consultation issued to Ørsted Hornsea 4 as part of the targeted consultation. See Consultation Report Appendix B – Section 42 Consultation (Part 1 of 3) - Volume 5 [APP-036].
16/01/2024	Email	The Applicants	Pre-Application	Project Interactions	The Applicants requested a further call with Hornsea 4 to discuss interactions, the proposals put forward and to agree a way forward to ensure any representation can be resolved. Wake not raised by Orsted.
24/01/2024	Meeting	All	Pre-Application	Project Updates	Meeting to discuss project updates and interactions including access off A1079. Discussed the crossing agreement and the potential for a cooperation agreement to be put forward. Heads of Terms (HoTs) to be drafted once Hornsea 4 discuss with their legal team.
29/02/2024	Email	The Applicants	Pre-Application	Project Interactions	The Applicants asked Hornsea 4 for confirmation of how to proceed regarding the crossing agreement.

Date	Form of engagement	Originator of the communications	Project phase	Topic	Summary
03/03/2024	Email	Ørsted	Pre-Application	Project Interactions	Hornsea 4 confirmed the crossing agreement was still being discussed with their legal team and that Protective Provisions (PPs) may be required instead of a cooperation agreement, relating to direct interactions between the projects.
20/03/2024	Email	Applicants	Pre-Application	Offshore Interactions	Request to Hornsea 4 for contact to discuss offshore interactions and requirements in relation to the DCO.
26/03/2024	Email	Ørsted	Pre-Application	Offshore Interactions	Confirmation from Hornsea 4 that Protective Provisions/Cooperation Agreement may be required. Call proposed to discuss.
10/04/2024	Meeting	All	Pre-Application	Project Interactions	Call with Hornsea 4 to discuss onshore and offshore interactions and agreements required between parties. Hornsea 4 confirmed Protective Provisions required re direct interaction between projects.
23/04/2024	Email	The Applicants	Pre-Application	Protective Provisions	The Applicants sent a chaser to Hornsea 4 regarding PPs.
07/05/2024	Email	Ørsted	Pre-Application	Protective Provisions	Hornsea 4 provided draft PPs.
09/05/2024	Email	The Applicants	Pre-Application	Draft ES Chapter 16 Infrastructure and Other Users	Draft ES Chapter 16 provided to Hornsea 4 for comment, with comments requested after submission. This draft chapter included wake effects on DBA.
07/06/2024	Email	Ørsted	Pre-Application	Draft ES Chapter 16 Infrastructure and Other Users	Confirmation from Hornsea 4 that there are no comments on draft Chapter 16. Accordingly, no issue raised by Orsted regarding wake, despite being an express topic in draft Chapter 16.
31/07/2024	Email	The Applicants	Post-Application	DCO Acceptance	Update to Ørsted on DCO acceptance and relevant representation period open. Request for update on Hornsea 4 programme. Update on Protective Provisions review and agreement to Heads of Terms for a Cooperation/Interface Agreement
14/08/2024	Meeting	All	Post-Application	Project Update	A meeting was held with Hornsea 4 where it was agreed Protective Provisions were required as well as a cooperation agreement. HoTs to be drafted by the Applicants.
09/09/2024	Submission to ExA	Ørsted	Post-Application	Relevant Representation	Received the Ørsted Hornsea Project Three (UK) Limited and Ørsted Hornsea Project Four Limited relevant representations to The Planning Inspectorate regarding wake loss. This is first time wake has been raised by Orsted.
08/10/2024	Submission to ExA	The Applicants	Post-Application	Relevant Representation	The Applicants responded to the Relevant Representations from Ørsted Hornsea Project Three (UK) Limited and Ørsted Hornsea Project Four Limited within The Applicants' Responses to Relevant Representations [PDA-013] regarding wake loss.
14/10/2024	Email	The Applicants	Post-Application	Protective Provisions	The Applicants provided an updated form of PPs for Hornsea 4's consideration.

Date	Form of engagement	Originator of the communications	Project phase	Topic	Summary
15/11/2024	Email	The Applicants	Post-Application	Project Change Request 1	The Applicants issued Project Change Request 1 - Offshore and Intertidal Works (Revision 1) [AS-141] to the Ørsted IPs for comment.
28/11/2024	Email	The Applicants	Post-Application	Cooperation Agreement HoTs	The Applicants asked Hornsea 4 to provide comments on the Cooperation Agreement HoTs.
24/01/2025	Email	The Applicants	Examination	Draft SoCG	The Applicants issued draft SoCG for the Ørsted IPs to review. This included wake loss.
31/01/2025	Submission to ExA	The Applicants	Examination	Responses to the Applicants' Response to Relevant Representations	The Applicants received the Ørsted IPs' responses to the Applicants' response to Relevant Representation at Deadline 1.
04/02/2025	Email	The Applicants	Examination	Cooperation Agreement HoTs	The Applicants asked Hornsea 4 to provide comments on the Cooperation Agreement HoTs.
12/02/2025	Phone call	Ørsted	Examination	Draft SoCG	Comments on the draft SoCG were provided by the Ørsted IPs via phone call, requesting that the SoCG includes the wider list of projects re wake loss.
13/02/2025	Email	The Applicants	Examination	Draft SoCG	The Applicants issued a revised draft of the SoCG to the Ørsted IPs.
14/02/2025	Email	Ørsted	Examination	Draft SoCG	The Ørsted IPs confirmed agreement of the Draft SoCG for submission into Examination at Deadline 2.
24/02/2025	Email	The Applicants	Examination	Cooperation Agreement HoTs	The Applicants asked Hornsea 4 to provide comments on the Cooperation Agreement HoTs.
07/03/2025	Email	Ørsted	Examination	Cooperation Agreement HoTs	The Applicants received comments from Hornsea 4 on the Cooperation Agreement HoTs.
02/04/2025	Email	The Applicants	Examination	Cooperation Agreement HoTs	The Applicants provided comments to Hornsea 4 on the Cooperation Agreement HoTs.
07/04/2025	Email	The Applicants	Examination	Cooperation Agreement HoTs	The Applicants asked Hornsea 4 to provide comments on the Cooperation Agreement HoTs.
08/04/2025	Hearing	All	Examination	ISH3	Attendance by the Ørsted IPs' legal representative at ISH3 to discuss agenda items regarding wake loss. Hearing also attended by the Applicants' team
15/04/2025	Email	The Applicants	Examination	Draft SoCG (Revision 2)	The Applicants issued Revision 2 of the draft SoCG for the Ørsted IPs to review.
18/04/2025	Email	Ørsted	Examination	Cooperation Agreement HoTs	The Applicants received comments from Hornsea 4 on the Cooperation Agreement HoTs.
24/04/2025	Email	Ørsted	Examination	Draft SoCG (Revision 2)	The Ørsted IPs provided comments on Revision 2 of the draft SoCG.

Date	Form of engagement	Originator of the communications	Project phase	Topic	Summary
25/04/2025	Submission to ExA	The Applicants	Examination	Wake Effects - Response to Issue Specific Hearing 3 (ISH3) Action Points [REP4-099]	The Applicants submitted a report at DL4 as a result of ISH3 in response to action points [REP4-099]. The report presents the input data, methods and results, conclusion of the modelling for the impact on DBA only, wake assessment conclusion in the ES, and mitigation measures for wake effects.
08/05/2025	Email	The Applicants	Examination	Cooperation Agreement HoTs	The Applicants asked whether Hornsea 4 still intend on progressing the Cooperation Agreement at this stage following the announcement that Hornsea 4 was to be discontinued in its current form.
15/05/2025	Email	Ørsted	Examination	Cooperation Agreement HoTs	Hornsea 4 advised that they would still like to progress the Cooperation Agreement and requested the Applicants to progress the drafting.
15/05/2025	Email	Ørsted	Examination	Meeting between the Applicants and the Ørsted IPs	The Ørsted IPs suggested a bilateral call with the Applicants on the topic of wake loss assessment and mitigation.
15/05/2025	Email	The Applicants	Examination	Meeting between the Applicants and the Ørsted IPs	The Applicants confirmed they would be happy to attend a bilateral call with the Ørsted IPs and asked the IPs what items regarding wake assessment they specifically wished to discuss.
16/05/2025	Email	Ørsted	Examination	Meeting between the Applicants and the Ørsted IPs	The Ørsted IPs provided reasoning for a bilateral call with the Applicants on wake loss impacts and assessment, and the potential implications for DCO drafting. If the bilateral call is constructive then Orsted suggest entering an NDA to facilitate further open exchange of information and approaches.
16/05/2025	Email	Ørsted	Examination	Meeting between the Applicants and the Ørsted IPs	The Ørsted IPs suggested suitable dates for a meeting with the Applicants.
19/05/2025	Email	The Applicants	Examination	Meeting between the Applicants and the Ørsted IPs	The Applicants confirmed they would be attending the meeting with the Ørsted IPs and provided a list of attendees.
20/05/2025	Meeting	All	Examination	Meeting between the Applicants and the Ørsted IPs	Ørsted and the Applicants met to discuss wake impact concerns, with Ørsted requesting DBS conduct further assessment to provide reassurance. There was disagreement over the reliability of current methods, and Ørsted suggested sharing past commercial solutions as a way forward.
28/05/2025	Email	The Applicants	Examination	Submission of the Applicants' wake assessment for Hornsea 1-4	The Applicants provided a copy of Addendum to Wake Effects - Response to ISH3 Action Points - Accepted at the discretion of the Examining Authority as a late submission for Deadline 5 [AS-179] to the Ørsted IPs.
28/05/2025	Submission to ExA	The Applicants	Examination	16.2 Addendum to Wake Effects - Response to ISH3 Action Points - Accepted at the discretion of the Examining Authority as a late submission for Deadline 5 [AS-179]	An addendum to REP4-099 was accepted as a late submission following Deadline 5 which presents the results of impact on DBA, DBB, DBC, DBD, H1, H2, H3, H4, ODOV.

Date	Form of engagement	Originator of the communications	Project phase	Topic	Summary
03/06/2025	Email	The Applicants	Examination	Further meetings between the Applicants and the Ørsted IPs	The Applicants suggested an additional meeting with the Ørsted IPs to discuss the wake assessment and reasonable mitigation measures.
04/06/2025	Email	Ørsted	Examination	Further meetings between the Applicants and the Ørsted IPs	The Ørsted IPs confirmed that they would be open to having further meetings with the Applicants but consider it appropriate to do so on a confidential basis .
05/06/2025	Hearing	All	Examination	ISH6	Attendance by the Ørsted IPs' legal representative at ISH6 to discuss agenda items regarding wake loss. Hearing also attended by the Applicants' team.
11/06/2025	Email	The Applicants	Examination	Further meetings between the Applicants and the Ørsted IPs	The Applicants questioned what topics the Ørsted IPs considered would require an NDA, noting that they did not consider agreement could be reached on the need for wake PPs for financial compensation or their drafting.
12/06/2025	Email	Ørsted	Examination	Further meetings between the Applicants and the Ørsted IPs	The Ørsted IPs put forward their understanding that, from the Applicants' perspective, the only current outstanding matter for further discussion is physical mitigation and recognised that, for this, an NDA may not be necessary. The Ørsted IPs confirmed that their focus would be on written submissions for the time being.
26/06/2025	Submission to ExA	The Applicants	Examination	17.9 The Applicants' Deadline 7 Wake Loss [REP7-136] Submission	Additional evidence and evaluation of wake effect of DBS on other wind farms, mitigation strategies and relevant history of wake modelling in the offshore wind sector. The submission also responded to the critique of the Applicants' wake assessment and tries to explain the differences between the assessments. Ørsted's points regarding mitigation are also addressed and further engagement is welcomed.
27/06/2025	Email	The Applicants	Examination	Further meetings between the Applicants and the Ørsted IPs	The Applicants confirmed that, in their view, mitigation is the outstanding point of discussion and that they would shift attention to responding in writing.
30/06/2025	Email	The Applicants	Examination	Revised SoCG	The Applicants issued the revised SoCG for the Ørsted IPs to review.
02/07/2025	Email	Ørsted	Examination	Cooperation Agreement HoTs	Hornsea 4 asked for an update on the status of the co-operation agreement.
02/07/2025	Email	The Applicants	Examination	Cooperation Agreement HoTs	The Applicants advised Hornsea 4 that the draft is currently being finalised and will be issued shortly.
03/07/2025	Submission to ExA	The Applicants	Examination	14.14 Wake Effects - Response to ISH3 Action Points (Revision 2) [REP8-038]	A correction was submitted to [REP4-099] following the meeting with the Projcos on 10/06/2025 to explain how the 55% capacity factor should be used to calculate total energy loss, rather than implying that it had been used as in the original text.
03/07/2025	Email	Ørsted	Examination	Revised SoCG	The Ørsted IPs provided amendments to the revised SoCG. The Ørsted IPs advised that their preference is to not sign the SoCG due to time constraints for sign off with each respective Interested Party.

Date	Form of engagement	Originator of the communications	Project phase	Topic	Summary
07/07/2025	Email	The Applicants	Examination	Revised SoCG	The Applicants suggested that the SoCG is submitted at Deadline 9 due to the limited time available to address comments. The Applicants asked whether this extension would enable the Ørsted IPs to sign the SOCG.
09/07/2025	Email	The Applicants	Examination	Revised SoCG	The Applicants issued the revised SoCG for the Ørsted IPs to review with comments addressed. The Applicants asked again whether this extension would enable the Ørsted IPs to sign the SOCG.
09/07/2025	Email	The Applicants	Examination	Revised SoCG	The Applicants sent a chaser to the Ørsted IPs to review the revised SoCG and advise whether the SoCG could be signed.
09/07/2025	Email	Ørsted	Examination	Revised SoCG	The Ørsted IPs provided amendments to the revised SoCG. The Ørsted IPs advised that they do not foresee being able to secure signatures from multiple IPs within the time remaining.
10/07/2025	Emails	All	Examination	SoCG	Further correspondence regarding signing of the SoCG.
Sep –Nov 2025	Emails and Meeting	The Applicants	Recommendation / Decision	Wake Impact	There were limited confidential discussions with Ørsted on wake impacts, with the only substantive engagement being a meeting held in November 2025.

Appendix B

Table B-1 Record of engagement with the Projcos from May 2023

Date	Form of consultation	Originator of communications	Project phase	Topic	Summary
10/05/2023	Email	The Applicants	Pre-Application	Project Intro	Request for meeting.
15/05/2023	Email	The Projcos	Pre-Application	Project Intro	Request for meeting.
16/05/2023	Meeting	The Applicants	Pre-Application	Project Intro	Introductory call re DBS generally.
18/05/2023	Email	The Projcos	Pre-Application	Query on legal entity	Query on DBS legal entity.
15/09/2023	PEIR Consultation	The Projcos	Pre-Application	Wake Loss	The Projcos' response to Section 42 consultation on PEIR raised wake loss. See Consultation Report Appendix G Section 42 and 47 Responses and Applicants regard [APP-044] and Appendix 16-1 - Infrastructure and Other Users Consultation Responses [APP-132].
02/05/2024	Email	The Applicants	Pre-Application	Draft Chapter 16 Infrastructure and Other Users [APP-130]	Draft Chapter 16 Infrastructure and Other Users [APP-130] provided to the Projcos for comment ahead of submission. This included consideration of wake effects.
13/05/2024	Email	The Projcos	Pre-Application	Draft Chapter 16 Infrastructure and Other Users [APP-130]	Request for wake loss modelling assessment to be provided for consideration alongside Chapter 16 Infrastructure and Other Users [APP-130].
04/06/2024	Emails	The Applicants	Pre-Application	Wake loss modelling assessment	Update on progress of wake loss modelling assessment and submission requested. The Applicants advised that the report would be shared in due course once it had been finalised and approved internally. The Projcos thanked the Applicants for confirming that the report will be shared in due course.
01/08/2024	Emails	The Projcos	Post-Application	Wake loss modelling assessment	Following up on the request regarding the sharing of the wake loss modelling assessment. The Applicants advised that they would be in touch as soon as they are able to share the report.
06/08/2024	Email	The Projcos	Post-Application	Wake loss modelling assessment	Following up on the request regarding the sharing of the wake loss modelling assessment or sharing of model parameters.
29/08/2024	Email	The Projcos	Post-Application	Wake loss modelling assessment	Request for call to provide an update on the wake loss modelling assessment.
09/09/2024	Environmental Statement Consultation	The Projcos	Post-Application	Relevant Representation	The Projcos' Relevant Representation [RR-007] was published by the Planning Inspectorate. This raised wake effects.
08/10/2024	Relevant Representation Response	The Applicants	Post-Application	Relevant Representation	The Applicants responded to the Relevant Representations from the Projcos in The Applicants' Responses to Relevant Representations [PDA-013].
23/12/2024	Email	The Projcos	Post-Application	Wake loss modelling assessment	Request for a call to provide an update on the wake loss modelling assessment.

Date	Form of consultation	Originator of communications	Project phase	Topic	Summary
07/01/2025	Email	The Applicants	Post-Application	Wake loss modelling assessment	Confirmation on the Applicants' unavailability for a call ahead of Issue Specific Hearing 2 (ISH2). Notification of draft SoCG in preparation.
08/01/2025	Emails	The Applicants	Post-Application	Wake loss modelling assessment	Confirmation on the Applicants' new availability for a call ahead of ISH2.
09/01/2025	Meeting	All	Post-Application	Wake loss modelling assessment	Update call where the Applicants informed the Projcos that they will not be sharing the basis of assessment for wake loss.
14/01/2025	Email	The Applicants	Post-Application	Wake loss modelling parameters	Confirmation that wake loss modelling parameters cannot be shared with the Projcos, as they contain commercially sensitive information.
15/01/2025	Meeting	All	Examination	ISH 2	Attendance by the Projco's legal representative at ISH2 to discuss agenda items regarding wake loss. The Applicants also appeared at the hearing.
20/01/2025	Email	The Projcos	Examination	Wake loss modelling parameters	Confirmation that the Projcos are still open for collaboration with the Applicants regarding wake loss.
24/01/2025	Email	The Applicants	Examination	Draft SoCG	Issued draft SoCG for the Projcos to review. Stated to the Projcos that the Applicants were open to further meetings but the position on wake loss is unlikely to change.
29/01/2025	Environmental Statement Consultation	The Projcos	Examination	Written Representation	The Projcos' Written Representation [REP1-071] was published by the Planning Inspectorate.
10/02/2025	Email	The Projcos	Examination	Draft SoCG	The Projcos provided comments on the draft SoCG previously issued.
12/02/2025	Email	The Applicants	Examination	Draft SocG	The Applicants issued a revised draft of the SoCG to the Projcos.
13/02/2025	Email	The Projcos	Examination	Draft SoCG	The Projcos confirmed agreement of the draft SoCG for submission into Examination at Deadline 2.
14/02/2025	Written Representation Response	The Applicants	Examination	Written Representation	The Applicants responded to the Written Representations from the Projcos within The Applicants' Responses to Deadline 1 Documents [REP2-058].
08/04/2025	Meeting	All	Examination	ISH3	Attendance by the Projco's legal representative at ISH3 to discuss agenda items regarding wake loss. The Applicants also appeared at the hearing.
15/04/2025	Email	The Applicants	Examination	Draft SoCG (Revision 2)	The Applicants issued Revision 2 of the draft SoCG for the Projcos to review.
22/04/2025	Email	The Projcos	Examination	Draft SoCG (Revision 2)	The Projcos confirmed agreement on Revision 2 of the SoCG for submission at Deadline 4 providing the following wording is added to SOCG ID 2: "The Projcos note that the Applicants are anticipating submitting materials at Deadline 4, including reference to the results of their withdrawn wake assessment, and reserve their right to update their position once these are submitted."

Date	Form of consultation	Originator of communications	Project phase	Topic	Summary
23/04/2025	Email	The Applicants	Examination	Draft SoCG (Revision 2)	The Applicants issued an updated version of the SOCG which included the requested wording from the Projcos.
23/04/2025	Email	The Projcos	Examination	Draft SoCG (Revision 2)	The Projcos confirmed agreement of Revision 2 of the SoCG for submission into Examination at Deadline 4.
25/04/2025	Submission to ExA	The Applicants	Examination	Wake Effects - Response to Issue Specific Hearing 3 (ISH3) Action Points	The Applicants submitted a report at DL4 [REP4-099] as a result of ISH3 in response to action points. The report presents the input data, methods and results, conclusion of the modelling for the impact on DBA only, wake assessment conclusion in the ES, and mitigation measures for wake effects.
15/05/2025	Email	The Applicants	Examination	Projco's Wake Assessment	<p>The Applicants advised that they have reviewed the Projco's wake assessment submitted at Deadline 4 [REP4-117] and requested the Projco's provide additional information so that the Applicants could work to understand the difference in wake assessment results presented for DBA.</p> <p>The Applicants' requested the following information:</p> <ol style="list-style-type: none"> 1) Please provide all the information documented in Section 2: Inputs and Assumptions of "14.14 Wake Effects - Response to ISH3 Action Points [REP4-099]. Specifically: <ol style="list-style-type: none"> a. What wind farms were included in the simulation b. What were the sources of the layouts used? c. What turbine assumptions were made? d. What wind climate was used? (from what measurements, what long-term correction) e. What wind flow map/wrg was used, if any? f. What source of turbulence intensity was used? 2) Please provide information about your wake model: <ol style="list-style-type: none"> a. What version of TurbOPark (which implementation? E.g. OpenWind, WindFarmer, Orsted's original Matlab, PyWake) b. Is your implementation modified in any way (e.g. to account for blockage or atmospheric stability)? If so, please provide a brief description of the modification (see, for example, paragraphs 33 – 36 of [REP4-099]) c. Did you apply any additional modifications to the results? d. What specific modelling scenarios lead to the reported wake impact at DBA (i.e. is it the delta between two simulations where the only change was the inclusion of DBS)? 3) Please provide full details of the configuration used for the DBS wind farm(s). Note that the Applicants cannot share the commercially sensitive layout or power curves (which are not yet fixed) but there is no commercial consideration for your assumptions about DBS's layout. Thus, please provide:

Date	Form of consultation	Originator of communications	Project phase	Topic	Summary
					<ul style="list-style-type: none"> a. The number of turbines b. The exact layout used c. The type of turbine assumed (including rotor diameter, rated power, hub height etc) d. The power and thrust curves used (if it can be shared – if not please indicate what turbine-type we can use as a realistic stand-in) <p>The Applicants suggested that their queries on the Projco’s wake assessment be discussed via a meeting.</p>
20/05/2025	Email	The Applicants	Examination	Projco’s Wake Assessment	The Applicants asked whether the Projcos would be able to provide the information missing from their wake assessment in response to the Applicants’ queries.
20/05/2025	Email	The Projcos	Examination	Projco’s Wake Assessment	The Projcos advised that they would be submitting a wake assessment at Deadline 5 which would include the information requested by the Applicants. The Projcos confirmed they would be happy to consider the Applicants’ request for a meeting with the Applicants’ wake experts following review of the wake assessments by both parties.
23/05/2025	Email	The Applicants	Examination	Projco’s Wake Assessment	The Applicants confirmed that they would review the Projco’s wake assessment at Deadline 5 and follow up with any outstanding queries. The Applicants requested a copy of the Projco’s wake assessment to be sent directly via email for their review.
23/05/2025	Submission to ExA	The Projcos	Examination	The Projcos’ Assessment of Potential Dogger Bank South Wake Impacts	The Projcos submitted the methodology, results and a discussion of the potential wake impact on DBA/B/C [REP5-070]. A summary of financial impact was also presented.
28/05/2025	Email	The Applicants	Examination	Submission of the Applicants’ wake assessment for DBB and DBC	The Applicants provided a copy of Addendum to Wake Effects - Response to ISH3 Action Points [AS-179] to the Projcos.
28/05/2025	Submission to ExA	The Applicants	Examination	Addendum to Wake Effects - Response to ISH3 Action Points	An addendum to REP4-099 [AS-179] was accepted as a late submission following Deadline 5 which presents the results of impact on DBA, DBB, DBC, DBD, H1, H2, H3, H4, ODOW.
02/06/2025	Email	The Applicants	Examination	Meeting 10/06/2025	The Applicants requested a meeting with the Projcos following submission of their wake assessment at Deadline 5.
02/06/2025	Email	The Projcos	Examination	Meeting 10/06/2025	The Projcos confirmed they were happy to meet with the Applicants and requested an agenda to be provided.
04/06/2025	Email	The Projcos	Examination	Meeting 10/06/2025	The Projcos asked the Applicants to provide dates for the suggested meeting.
04/06/2025	Email	The Applicants	Examination	Meeting 10/06/2025	<p>The Applicants confirmed availability for a meeting on 10/06/2025 and provided an agenda. The Applicants proposed to discuss the following items:</p> <ul style="list-style-type: none"> • The Projcos objections to DBS’ wake report

Date	Form of consultation	Originator of communications	Project phase	Topic	Summary
					<ul style="list-style-type: none"> Clarifying some of our questions about the Projcos' report: model selection, which farms are modelled Consistency of inputs between the assessments e.g. layouts, power curves, and wind data Discussion regarding what mitigation we haven't considered in the Projcos' view Updates to the SoCG
05/06/2025	Meeting	All	Examination	ISH6	Attendance by the Projco's legal representative at ISH6 to discuss agenda items regarding wake loss. The Applicants also appeared at the hearing.
10/06/2025	Email	The Projcos	Examination	Meeting 10/06/2025	The Projcos asked for confirmation that neither party were bringing legal representatives to the meeting.
10/06/2025	Email	The Applicants	Examination	Meeting 10/06/2025	The Applicants confirmed that they would not have legal representatives in attendance.
10/06/2025	Meeting	The Applicants	Examination	Discussion to understand differences in wake assessments	The Applicants brought slides to the meeting to work through comments from the Projcos on the Applicants' assessment and to raise questions with the Projco's assessment as the Applicants had not been successful in replicating the Projco's reported effects.
11/06/2025	Email	The Projcos	Examination	Meeting Minutes	The Projcos asked when they could expect to receive the meeting minutes and slide pack.
11/06/2025	Email	The Applicants	Examination	Meeting Minutes	The Applicants confirmed the meeting minutes were in the process of being finalised and would be issued today.
11/06/2025	Email	The Applicants	Examination	Meeting Minutes	The Applicants issued a draft of the meeting minutes and slide pack presented for the Projcos' review and shared details of the bugs they had found in version of PyWake used by the Projcos.
12/06/2025	Email	The Projcos	Examination	Meeting Minutes	The Projcos thanked the Applicants for the meeting minutes and slide pack and confirmed that they would review the documents.
12/06/2025	Email	The Applicants	Examination	Meeting Minutes	The Applicants asked the Projcos whether they were able to review the meeting minutes with the aim to submit an agreed version at Deadline 6.
12/06/2025	Email	The Projcos	Examination	Meeting Minutes	The Projcos provided comments on the meeting minutes and advised that they could not agree to submission at Deadline 6.
12/06/2025	Email	The Applicants	Examination	Meeting Minutes	The Applicants acknowledged the comments from the Projcos and advised that a revised copy would be issued to the Projcos to resolve their comments.
19/06/2025	Email	The Applicants	Examination	Meeting Minutes	The Applicants issued a revised copy of the meeting minutes to the Projcos for review.
23/06/2025	Email	The Projcos	Examination	Meeting Minutes	The Projcos advised that they could not complete the review as some track changes were missing from the revised version.

Date	Form of consultation	Originator of communications	Project phase	Topic	Summary
23/06/2025	Email	The Applicants	Examination	Meeting Minutes	The Applicants sent a revised version of the meeting minutes to the Projcos.
26/06/2025	Email	The Applicants	Examination	Meeting Minutes	The Applicants asked the Projcos whether the meeting minutes had been reviewed.
26/06/2025	Email	The Projcos	Examination	Meeting Minutes	The Projcos confirmed that, subject to the post meeting note on ABL height being removed, they were happy a clean version of the minutes could be submitted as agreed an agreed version.
26/06/2025	Submission to ExA	The Applicants	Examination	The Applicants' Deadline 7 Wake Loss Submission	The Applicants submitted additional evidence and evaluation of wake effect of DBS on other wind farms, mitigation strategies and relevant history of wake modelling in the offshore wind sector into the examination [REP7-136]. The submission also responded to the critique of the Applicants' wake assessment and explains the differences between the assessments by providing a critique of the Projcos assessment. The Projcos' points regarding mitigation were also addressed and further engagement was welcomed.
27/06/2025	Email	The Applicants	Examination	Revised SoCG	The Applicants issued the revised SoCG for the Projcos to review.
02/07/2025	Email	The Projcos	Examination	Revised SoCG	The Projcos provided amendments to the revised SoCG and requested a clean version is issued to them for sign off.
02/07/2025	Email	The Applicants	Examination	Revised SoCG	The Applicants issued a clean version of the revised SoCG for sign off.
03/07/2025	Email	The Projcos	Examination	Revised SoCG	The Projcos returned a signed version of the revised SoCG.
03/07/2025	Submission to ExA	The Applicants	Examination	Wake Effects - Response to ISH3 Action Points (Revision 2) [REP8-038]	The Applicants submitted a correction to [REP4-099] following the meeting with the Projcos on 10/06/2025 to explain how the 55% capacity factor should be used to calculate total energy loss, rather than implying that it had been used as in the original text.
Sep 2025 – Feb 2026	Emails and Meeting	The Applicants	Recommendation/ Decision	Wake Impact	There were limited confidential discussions with the Projcos on wake impacts, with the only substantive engagement being a meeting held in December 2025.

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