

Secretary of State for Energy Security and Net Zero
Department for Energy Security and Net Zero
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Our reference 007009017-01

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24 June 2026

Dear Secretary of State,

The Dogger Bank South East and West Offshore Wind Farms Order 2026 ("the Order")
Schedule 18, Part 3 (Flamborough and Filey Coast Special Protection Area and Farne Islands
Special Protection Area: Guillemot Compensation Measures)

Further to the above Order made by the Secretary of State for Energy Security and Net Zero on 14 May 2026, RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited (together, "the undertakers") write in their capacity as applicants for, and undertakers of, the Dogger Bank South East and West Offshore Wind Farm Order 2026. The undertakers have submitted a request to make various corrections to the Order under section 119 and Schedule 4 to the Planning Act 2008.

One of those correction requests relates to paragraph 23 of Part 3, Schedule 18 to the Order, which concerns the timing and triggers for compensatory measures for guillemot.

Request for Secretary of State approval

Paragraph 23 of Part 3, Schedule 18 expressly permits amendments to its provisions with the written approval of the Secretary of State, following consultation with the relevant bodies. The undertakers' preference is for this matter to be resolved by way of a formal correction order; however, there is no certainty as to when any such correction order will be made, and experience on other projects suggests this process can take several months. In the interests of programme certainty, the undertakers therefore pursue the approval route under paragraph 23 in parallel.

As the Secretary of State will be aware, the undertakers hold Contracts for Difference ("CfD") for both Dogger Bank South East and Dogger Bank South West (together, "the Projects") and are accordingly subject to binding milestones for delivery. Having certainty as soon as possible regarding the timing and triggers for delivery of the guillemot compensatory measures is therefore critical to achieving those milestones.

In the interests of time, the undertakers request that the Secretary of State approves the alternative timing and triggers set out below by exercising the approval power under paragraph 23.

If the Secretary of State is willing to approve the alternative timings and triggers in writing through the process set out in paragraph 23, and that approval is issued in advance of the making of any correction order, the undertakers propose that the correction order can still be used to regularise the position on the face of the Order. Accordingly, the undertakers are twin-tracking this request with their correction order request.

Rationale for correction requested to paragraph 23

As set out in the cover letter that accompanied the undertakers' request for a correction order, the Secretary of State has included a minimum number of breeding seasons that the compensatory measures for guillemot must be in place in advance of the commencement of offshore works for Work Nos. 1A or 1B, within paragraph 23 of Part 3 of Schedule 18. The undertakers' position, consistently maintained throughout, is that any requirement for measures to be in place should be linked to the point at which the relevant impact will occur — specifically, the impact that could result in an adverse effect on integrity. That impact will not arise until, at the very earliest, the installation of the towers forming part of the wind turbine generators within Work Nos. 1A and 1B.

As set out in **ES Chapter 12 – Offshore Ornithology (Revision 4)** [REP6-015], guillemots are subject to displacement impacts, whereby they have been found to exhibit some avoidance to the presence of turbines and operational windfarms (Dierschke et al., 2016). Therefore, any impact will not occur until the installation of the turbine towers. The commencement of offshore works for Work Nos. 1A and 1B is therefore not an appropriate trigger as these Work Nos. include wider works beyond those that are likely to result in a displacement impact for guillemot. Those works will include, for example, installation of turbine foundations and inter-array cabling, neither of which would lead to an adverse effect on integrity for guillemot as that infrastructure will be located beneath the surface of the sea but are likely to be undertaken earlier in the construction programme. The commencement of Work Nos. 1A or 1B of itself will not result in an adverse effect on integrity and so the requirement for the measures to be in place in advance should not be linked to that milestone.

This position is consistent with paragraph 22(a)(iv) of Part 2 of Schedule 18, which requires the Guillemot CIMP to include *"an implementation timetable for delivery of the predator eradication measure, such timetable to specify a minimum period for the commencement of the predator eradication measure prior to the installation of any tower comprised within a wind turbine generator forming part of the authorised development"*. It is also aligned with the **Guillemot [and Razorbill] Compensation Plan (Revision 9)** [C2-005B], which states in Table 6-5 that *"Eradication activity will begin...at least two breeding seasons ahead of turbine installation"*, and at paragraph 181 that *"In accordance with EC guidance (EC, 2019) requiring compensation to be in place at the time when the effect occurs, the Applicants propose to begin a project-led predator eradication two breeding seasons prior to installation of the first wind turbine within the DBS West and/or DBS East Array Areas..."*. Paragraph 22 of Part 3 of Schedule 18 to the Order requires the Guillemot CIMP to be based on the strategy for guillemot compensation set out in the Guillemot Compensation Plan.

This approach has been the basis for comments raised by stakeholders, including relevant statutory nature conservation bodies such as Natural England, throughout the examination. This is confirmed by Natural England's **End of examination position on the applicant's proposed offshore ornithology compensatory measures** [REP8-054], in which they reference the undertakers' intention to *"begin predator eradication two breeding seasons in advance of turbine installation"*.

While Natural England discussed the number of breeding seasons within their submissions, they did not at any point question turbine installation as the appropriate trigger.

The undertakers also note that the term “in place” has been used in paragraph 23, which is not a defined or sufficiently precise term and would suggest that this is instead replaced with “commenced” to provide further clarity and precision and align with the proposals within the Guillemot Compensation Plan. The requirement for the compensatory measures to have “commenced” (rather than being in place) two breeding seasons before the installation of WTG towers was also the basis of the undertakers’ compensation proposals submitted during examination and post-examination in the **Guillemot [and Razorbill] Compensation Plan** [C2-005B] (as set out above) and the position on which Natural England based their comments during the examination, as per their end of examination position [REP8-054].

Based on the current programme for the Projects, which will ensure compliance with the relevant CfD milestones, Work Nos. 1A and 1B may commence as early as Q2 2029. To meet that programme, the current Order wording would require delivery of compensatory measures in autumn/winter 2026 (prior to the 2027 breeding season). Should the term ‘in place’ be interpreted as meaning that eradication must be completed before that date — and given that predator eradication may require two consecutive winters to achieve — the first eradication campaign would have needed to have commenced in September 2025. That was plainly not achievable.

In accordance with the Order, prior to commencing any compensatory measures, the undertakers are required to establish a steering group to consult on the Guillemot CIMP, which must then be submitted to and approved by the Secretary of State. Based on experience from other projects, this process is expected to take a minimum of 9–12 months from the grant of the Order. Accordingly, consultation on the Guillemot CIMP would have needed to have commenced in Autumn 2024. It would not have been possible to establish a Guillemot Steering Group until after the grant of the Order and until the outcome of the Secretary of State’s appropriate assessment under the Habitats Regulations was known. Delivery of compensatory measures in accordance with the current drafting, and to programme, is therefore clearly not achievable.

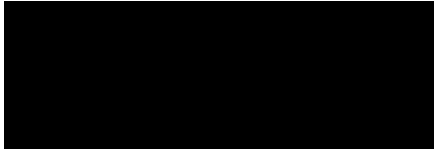
The timing and triggers inserted into paragraph 23 by the Secretary of State are therefore likely to cause delay to the construction and delivery of these Critical National Infrastructure Projects. They also introduce a direct conflict with the ability to base the Guillemot CIMP on the strategy for guillemot compensatory measures set out in the Guillemot Compensation Plan, as required under paragraph 22. Further, the expedited timing in the current drafting may preclude the undertakers from being able to take advantage of other compensation opportunities that may arise — such as payments into the Marine Recovery Fund for a predator eradication measure in the Isles of Scilly. The undertakers have therefore asked that the following correction be made to paragraph 23 and request that the Secretary of State separately consult the relevant parties and confirm in writing as soon as possible that the change is approved:

"23. ~~No construction of offshore works of any tower comprised within a wind turbine generator forming part of relating to~~ Work No. 1A or Work No. 1B may be commenced unless the measures set out in the guillemot CIMP approved by the Secretary of State have been ~~in place~~ commenced for at least two breeding seasons prior to commencement of construction, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the relevant local planning authority. For the purposes of this paragraph each breeding season is assumed to have commenced on 1 March in each year and ended on 31 July."



Should it be helpful to discuss any of the matters raised in this letter, please do not hesitate to contact me using the details provided.

Yours sincerely,



Senior Consents Manager
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