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Dear [REDACTED]

PLANNING ACT 2008

THE DOGGER BANK SOUTH EAST AND WEST OFFSHORE WIND FARMS ORDER 2026 ("the Order")

APPROVAL OF CHANGES TO SCHEDULE 18 OF THE ORDER

1. The Secretary of State received a request by the Applicant, RWE Renewables UK on 24 June 2026, to make changes to the timings and triggers in relation to compensatory measures required for the guillemot feature of the Farne Islands Special Protection Area ("SPA") and the Flamborough and Filey Coast SPA. This is in accordance with Paragraph 23, Schedule 18 of the Order which sets out that:

'No construction of offshore works 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 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.'

The Approval Request

2. The Applicant's approval request outlined the rationale behind the proposed changes to paragraph 23 of Schedule 18. In summary, the Applicant requested that any requirement for measures to be in place should be linked to the point at which the relevant impact on adverse effects on integrity will occur. In relation to the guillemot feature of the Flamborough and Filey Coast and the Farne Islands SPA, this impact will not arise until the installation of the towers forming part of the wind turbine generators within Work Nos. 1A and 1B. As currently drafted, the construction of Works No 1A and 1B cannot commence until the Guillemot Compensation Implementation and Monitoring Plan ("GCIMP") has been approved by the Secretary of State. As Works No 1A and 1B also include works in addition to the installation of

turbine towers such as interconnecting HVAC subsea cables, the construction of which may begin as soon as Q2 as 2029 to comply with Contracts for Difference (“CfD”) milestones, the Applicant reiterated that it would not be feasible to have the compensatory measures in place for guillemot two breeding seasons before construction given the lead in times required. The Applicant therefore additionally requested that the wording for compensatory measures for guillemot are changed to “commenced” two breeding seasons ahead of construction, replacing the wording of ‘being in place’ two breeding seasons before construction.

Consultation

3. On the 15 July 2026, the Secretary of State invited comments on the requested change from the statutory nature conservation bodies and the local planning authorities in accordance with the requirements of paragraph 23. The Shetland Isles as well as the Western Isles Councils were contacted as the proposed compensatory measures are planned to be in place within their jurisdiction.
4. The Shetland Islands Council responded via email on 29 July 2026, outlining that it had not had any previous engagement with the Applicant regarding the proposed compensatory measures within their jurisdiction, and had therefore not had the chance to feed into discussions regarding the merits of the compensatory measures, or what role the councils may play in delivering them. The Shetland Island Council made clear that they were not aware of how English planning processes interacted with Scottish sites.
5. Natural England (“NE”) responded on 5 August 2026, setting out their position that whilst they would prefer for Work No 1A(a) to be retained within the wording, as this would also capture other construction activities such as the installation of offshore platforms which are a pathway to guillemot disturbance. NE noted that there was precedent for retaining this works item within the Hornsea Four DCO, however there is also precedent to restricting this condition to the construction of the turbine towers only, as set out in the Outer Dowsing DCO. NE recognised the milestone pressures associated CfD targets for the Proposed Development. NE also had no issue with replacing the word ‘in place’ with ‘commence’, as this was what they had agreed in previous conversations with the Applicant throughout the Examination and determination stages of the Order.
6. The Western Isles Council and NatureScot did not respond to the consultation.

Consideration of the Approval Request

7. The Secretary of State has considered the Approval Request and the consultation responses received. She considers that the disturbance impacts to guillemot arise from Works No. 1A(a) and Works No. 1B(a) and not works associated with Works No. 1A(b) or Works No. 1B(b) which includes a network of subsea HVAC cables. This is consistent with what was presented by the Applicant during Examination [REP6-012] and was the Secretary of States understanding when granting development consent. The Secretary of State’s Habitats Regulations Assessment (“HRA”) published alongside the decision to grant consent for the Proposed Development sets out that measures to compensate

for this disturbance should commence at least two breeding seasons before construction of the turbine towers. Reference to Works 1A and 1B in the made Order is therefore a drafting error and was not the Secretary of States intention.

8. The Secretary of State approves the wording as requested by the Applicant to paragraph 23. The amended wording is set out below and would be regularised accordingly within a separate Correction Order request that is being determined by the Department.

“No construction of any tower comprised within a wind turbine generator forming part of 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 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.”

9. The Secretary of State expects the Applicant to engage with both local authorities identified in Scotland as they continue to develop the compensatory proposals. The Secretary of State notes that both the Shetland Island and the Western Isles Councils will be provided with further opportunity to comment on the merit of the proposals and the Order does not negate the need for any separate permissions or consents necessary to implement the compensation measures.

Yours sincerely,



Environment Manager
Department for Energy Security and Net Zero