

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

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South (East) Limited**

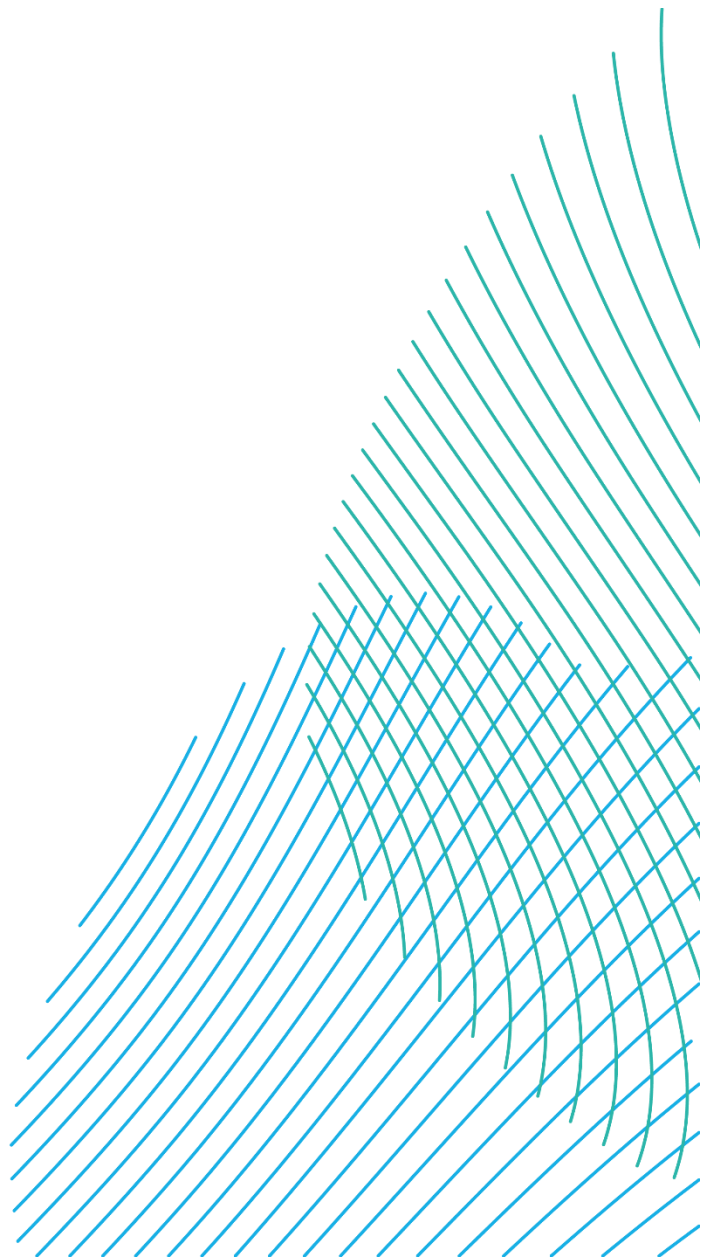
Dogger Bank South Offshore Wind Farms

**Application Cover letter
Volume 1**

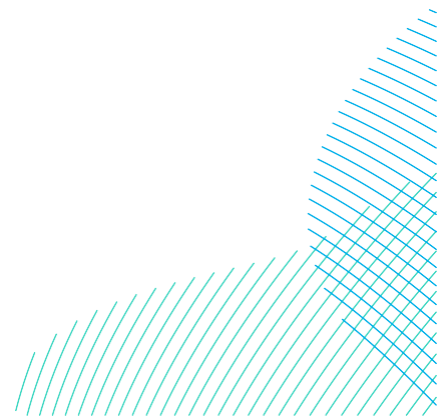
June 2024

**Application Reference: 1.1
APFP Regulation: 5(2)(q)
Revision: 01**

Unrestricted



Company:	RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited	Asset:	Development		
Project:	Dogger Bank South Offshore Wind Farms	Sub Project/Package:	Consents		
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Rev No.	Date	Status/Reason for Issue	Author	Checked by	Approved by
01	June 2024	Final for DCO Application	RWE	RWE	RWE





The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Application ref: 1.1
Our ref. 005028736-01
Contact Colin McAllister
Phone [REDACTED]
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12 June 2024

Dear Planning Inspectorate

Planning Act 2008 – Application for Development Consent
Dogger Bank South Offshore Wind Farms Project
PINS Reference: EN010125

RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited (“the Applicants”) encloses an application for an order granting development consent (“the Application”) pursuant to section 37 of the Planning Act 2008 (“the 2008 Act”).

1 SUBJECT OF THE APPLICATION

1.1 The Application is for development consent to construct and operate two offshore wind farm generating stations, known as Dogger Bank South East (“DBS East”) and Dogger Bank South West (“DBS West”), both located in the North Sea on the Dogger Bank (together referred to as “the Projects”). RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited are the owners of DBS West and DBS East respectively. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Abu Dhabi Future Energy Company – Masdar (49% stake).

**RWE Renewables UK
Dogger Bank South
(East) Limited**
Registered no. 13656240

**RWE Renewables UK
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Registered in England
and Wales.



- 1.2 The Projects would have a combined maximum number of 200 turbines. The offshore array areas for DBS West and DBS East are situated at a minimum of 100km and 122km from shore respectively.
- 1.3 The proposed onshore works consist of installation of buried onshore export cables, from a landfall on the East Riding of Yorkshire coastline near Skipsea to (up to) two newly constructed onshore converter stations near the hamlet of Bentley, before onward onshore cable routing to the proposed Birkhill Wood National Grid substation close to the existing Creyke Beck substation.
- 1.4 Development consent is required to the extent that development is or forms part of a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(a) and 15(3) of the 2008 Act. As DBS East and DBS West each have an overall capacity greater than 100 megawatts (MW), they are both NSIPs for the purposes of the 2008 Act. It is for this reason that the Projects fall within the remit of the Secretary of State.
- 1.5 As the owners of DBS West and DBS East, RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited are the named undertakers that have the benefit of the Draft Development Consent Order (DCO) (application reference 3.1). References in the Application documents to obligations on, or commitments by, 'the Applicants' are given on behalf of RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited as the undertakers of DBS West and DBS East respectively.

2 DOCUMENTATION ENCLOSED AND APPLICATION FEE

- 2.1 We have transferred the following documents to the Planning Inspectorate:
 - (a) The completed and signed application form;
 - (b) The Environmental Statement (ES); and
 - (c) Each of the other documents listed in **Volume 1, Guide to the Application (application ref: 1.4)**.
- 2.2 As agreed with the Planning Inspectorate, the Applicants will only send the documents electronically. The application documents include confidential documents which will be marked as

‘confidential’ in **Volume 1, Guide to the Application (application ref: 1.4)**.

- 2.3 A fee in the sum of £8,796 has already been submitted to the account of the Planning Inspectorate, using PINS reference EN010125.

3 APPLICATION FORMALITIES

- 3.1 The Application is made in the form required by section 37(3) of the 2008 Act. The Application documentation complies with the overall requirements of section 37 and the requirements set out in:

- (a) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
- (b) The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- (c) Guidance published by the Department for Levelling Up, Housing and Communities (DLUHC); and
- (d) The Planning Inspectorate’s Advice Note Six: Preparation and submission of application documents (version 11, August 2022).

- 3.2 The Applicants confirm that the Planning Inspectorate will be able to publish the Application (with any necessary redactions and minus any confidential documents) on the Planning Inspectorate’s webpage **following acceptance**.

4 DESCRIPTION OF THE PROJECTS

- 4.1 The Application seeks consent for the development outlined in section 1 above and described in full in Schedule 1 to **Volume 3, Draft DCO (application ref: 3.1)** and in **Volume 7, Environmental Statement (ES)** including **Chapter 5 Project Description (application ref: 7.5)**.

- 4.2 The development, which is the subject of the Application, also contains associated development under section 115 of the 2008 Act, including the infrastructure necessary to connect the Projects to the National Grid. Further explanation on the approach to associated development is contained within **Volume 3, Explanatory Memorandum (application ref: 3.2)**.

4.3 The Applicants are seeking to coordinate the development of the Projects as far as possible. However, given the different commercial ownerships of DBS East and DBS West, alternative development scenarios will allow the Projects to be constructed in a phased approach, if necessary. Therefore, the Application seeks to consent a range of development scenarios in the same overall corridors to allow for separate development if required, and to accommodate either sequential or concurrent build of the Projects.

4.4 The proposed DCO will, among other things, authorise:

- The construction and operation of up to 200 offshore wind turbine generators (up to 100 per Project) and their foundations;
- The construction of offshore platforms including offshore collector platforms and / or converter platforms, an electrical switching platform and an accommodation platform and their foundations;
- The construction of a network of subsea electrical cables connecting the wind turbine generators;
- Inter-platform cables connecting the Projects;
- The installation of up to four subsea export cable circuits to transmit the electricity generated by the wind turbine generators to landfall;
- The construction of up to four transition joint bays at landfall connecting the offshore cables to the onshore cables;
- The installation of up to four underground onshore export cable circuits connecting to up to two newly constructed onshore converter stations;
- Onward 400kV connection from the onshore converter stations to the proposed Birkhill Wood National Grid Substation; and
- Accesses, construction compounds ecological mitigation, and landscaping.

5 CONSENT FLEXIBILITY

- 5.1 The **Draft DCO (Volume 3, application ref: 3.1)** provides for flexibility in relation to the generating stations and their associated development. The Applicants have given careful consideration to the guidance in the National Policy Statements and the Planning Inspectorate's Advice Note Nine: Rochdale Envelope (July 2018). In the Applicants' view, the inclusion of the flexibility provided for in the Draft DCO is fundamental to whether or not the Draft DCO is fit for purpose, and therefore whether or not the Projects will proceed.
- 5.2 The Environmental Impact Assessment (EIA) which has been carried out in support of the Application has considered the flexibility which is sought in the Draft DCO. This matter is addressed in the ES and in all cases the parameters referred to in the Draft DCO have been adopted in the ES.
- 5.3 Further explanation on the Applicants' approach to the Rochdale Envelope is contained within the ES **Volume 7, EIA Methodology (application ref: 7.6)**.

6 DEEMED MARINE LICENCES

- 6.1 Included within **Volume 3, Draft DCO (application ref: 3.1)** at Schedules 10 to 14 are deemed marine licences (DMLs), as provided for in Section 149A of the 2008 Act. The approach to the split of the DMLs is discussed in more detail in **Volume 3, Explanatory Memorandum (application ref: 3.2)**. Versions of the Draft DCO, and the DMLs, have been the subject of consultation with the Planning Inspectorate and the Marine Management Organisation (MMO). The Applicants have also shared an earlier version of the Draft DCO with The Crown Estate, and an earlier version of Schedule 2 of the Draft DCO with the host local authority.
- 6.2 Where possible or appropriate the Applicants have sought to take comments into account in the documents submitted, but it should not be assumed that any of these organisations have approved the detailed form of the Draft DCO and DMLs. The Applicants expect to have further discussions to refine some aspects of the detail of the Draft DCO and DMLs after acceptance, as has taken place with other accepted NSIP applications.

7 COMPULSORY ACQUISITION

- 7.1 The Applicants are seeking authority within the Draft DCO to acquire compulsorily land and interests and other related powers

to support the delivery of the Projects, details of which can be found in **Volume 4, Statement of Reasons (application ref: 4.1)** and **Volume 4, Book of Reference (application ref: 4.2)**. Adequacy of funding for compensation is dealt with in **Volume 4, Funding Statement (application ref: 4.4)**.

- 7.2 Sections 127, 132 and 135 of the 2008 Act apply. Details of the extent of the proposed works affecting land held by a statutory undertaker and special category land can be found in **Volume 4, Statement of Reasons (application ref: 4.1)**.

8 HABITATS REGULATIONS

- 8.1 The Application documents include a **Report to Inform an Appropriate Assessment (RIAA) (Volume 6, application ref: 6.1)** as required by regulation 5(2)(g) of the APFP Regulations. This identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the Projects are likely to have an adverse effect on the integrity of any European site.
- 8.2 The RIAA has been discussed in detail with Natural England and other relevant stakeholders. In preparing the RIAA, the Applicants have been mindful throughout of the Planning Inspectorate's Advice Note Ten: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects (version 9, August 2022).
- 8.3 The RIAA concludes that:
- (a) For the kittiwake feature of the Flamborough and Filey Coast Special Protection Area (FFC SPA), an adverse effect on site integrity cannot be ruled out due to in-combination collision risk. The Applicants have therefore provided for compensatory measures as part of the Application to compensate for the predicted effects;
 - (b) For the guillemot feature of the FFC SPA, an adverse effect on site integrity cannot be ruled out due to in-combination displacement effects. The Applicants have therefore provided for compensatory measures as part of the Application to compensate for the predicted effects;
 - (c) For the 'sandbanks slightly covered by seawater all the time' feature of the Dogger Bank Special Area of Conservation (Dogger Bank SAC), an adverse effect on site integrity cannot be ruled out for Projects alone and in-combination long-term habitat loss. The Applicants have

therefore provided for compensatory measures as part of the Application to compensate for the predicted effects although note that primary and supporting compensation measures are reliant on government action rather than being deliverable by the Projects; and

- (d) For all other sites and features assessed in the RIAA, a conclusion of no adverse effect on site integrity is reached.

8.4 The Applicants' RIAA concludes that there will be no adverse effect on site integrity with respect to the razorbill feature of the FFC SPA due to in-combination displacement effects. However, in response to feedback from consultation undertaken during the pre-application period, the Applicants have provided for compensatory measures on a 'without prejudice' basis for this species, which could be applied to provide compensation in the event that the Secretary of State is unable to reach a conclusion of no adverse effects on site integrity in relation to this feature.

8.5 The Applicants are therefore submitting with the Application a series of documents setting out a derogation case (including compensatory measures) for the Projects. Documents relating to razorbill are submitted on a 'without prejudice' basis. The following documents are submitted:

- (a) **Volume 6, Habitats Regulations Derogation: Provision of Evidence (application ref: 6.2);**
- (b) **Volume 6, Project Level Kittiwake Compensation Plan (application ref: 6.2.1);**
- (c) **Volume 6, Guillemot [and Razorbill] Compensation Plan (application ref: 6.2.2);** and
- (d) **Volume 6, Project Level Dogger Bank Compensation Plan (application ref: 6.2.3).**

9 MARINE CONSERVATION ZONE ASSESSMENT

9.1 The Application includes a **Marine Conservation Zone Assessment - Stage 1 Assessment (Volume 8, application ref: 8.17)**, pursuant to Section 126 of the Marine and Coastal Access Act 2009 (MCAA).

9.2 The Assessment concludes that the conservation objective of maintain the protected features of the Holderness Offshore Marine Conservation Zone (MCZ) and the Holderness Inshore MCZ will not be hindered by the construction, operation and

decommissioning phases of the Projects, or cumulatively with any other plan, project or activity.

10 OTHER CONSENTS

10.1 Details of other consents and licences not forming part of the Application, which the Applicants or others may be seeking in relation to the Projects are set out in **Volume 8, Other Consents and Licenses (application ref: 8.3)**. A number of these applications will be progressed in parallel with the consideration of the Draft DCO by the Secretary of State. The Applicants will provide updates periodically in relation to the progress of these applications, as required.

11 PRE-APPLICATION CONSULTATION

11.1 The Applicants have had careful regard to the pre-application consultation requirements of the 2008 Act, the guidance on pre-application consultation issued by DCLG and the Planning Inspectorate, and its pre-application discussions held with the Planning Inspectorate, as required by section 50 of the 2008 Act. Whilst the pre-application process was almost complete when the revised April 2024 DLUHC Guidance was issued, the Applicants believe it has been followed in all material respects.

11.2 As required by section 37(3)(c) of the 2008 Act, the Application is accompanied by a **Consultation Report (Volume 5, application ref: 5.1)**, which provides details of the Applicants' compliance with sections 42, 47, 48 and 49 of the 2008 Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report and these have informed the evolution of the Application and the Projects overall.

12 OTHER MATTERS

12.1 Under regulation 5(2)(l) of the APFP Regulations, an applicant is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under regulation 5(2)(m) in relation to certain historic sites and features. The plans are attached as separate documents as follows:

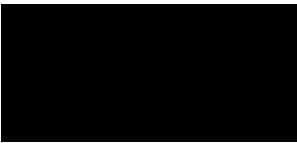
- **Volume 2, Offshore Statutory and Non-statutory Nature Conservation Sites Plan (application ref: 2.13);**

- **Volume 2, Statutory / Non-statutory Nature Conservation Sites Plan (Onshore) (application ref: 2.14);**
- **Volume 2, Statutory / Non-Statutory Features of the Historic Environment Plan (Onshore) (application ref: 2.15);** and
- **Volume 2, Historic Environment Plan (Offshore) (application reference 2.16).**

- 12.2 The associated assessments are provided in the Environmental Statement and not as stand-alone documents.
- 12.3 Under regulation 5(4A) of the APFP Regulations, any plans, drawings or sections required to be provided must be provided at a scale not smaller than 1:2500. This does not apply to any plans to sheets where the matters shown or identified on the plan or sheet are entirely in the UK marine area (regulation 5(4B) of the APFP Regulations). Several of the plans submitted are at a scale smaller than 1:2500 where the Applicants consider this appropriate and in accordance with Section 12 the Planning Inspectorate’s Advice Note Six: Preparation and submission of application documentation (version 11, August 2022).
- 12.4 Under Regulation 6(b)(i) of the APFP Regulations, an applicant is required to provide details of the proposed cable route and the method of installation for any cable. This information can be found in **Volume 8, Cable Statement (application ref: 8.20)** and in **Volume 2, Works Plans (application refs: 2.5 and 2.6)**.
- 12.5 Under Regulation 6(b)(ii) of the APFP Regulations, an applicant is required to provide a statement in respect of Safety Zones. This information can be found in **Volume 8, Safety Zone Statement (application ref: 8.19)**.
- 12.6 The Applicants are required to submit a Draft DCO in both a word version and PDF, together with a SI template validation report for the Draft DCO at submission. The SI template validation report is attached.
- 12.7 The following Application document **Volume 7, ES Appendix 18-4 – Badger Report (Confidential) (application ref: 7.18.18.4)** contains confidential information and is included in a folder titled “Confidential Appendix” within Volume 7 – ES Appendices. If it is to be released publicly the Applicants can provide a redacted version.

We look forward to hearing from you in relation to the formal acceptance of the Application. If we can be of any assistance in that regard, please do not hesitate to contact me at the contact details below.

Yours faithfully,



Colin McAllister

Development Project Manager

M: 

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