



# Preliminary Meeting Note

<b>Application:</b>	Dogger Bank South Offshore Wind Farms
<b>Reference:</b>	EN010125
<b>Time and date:</b>	10.00, 22 October 2024
<b>Venue:</b>	Virtual only

*This meeting note is not a full transcript of the Preliminary Meeting. It is a summary of the key points discussed. To help the reader this note includes hyperlinks to where further information on issues discussed at the meeting can be found.*

## 1. Welcome and introduction

Jo Dowling welcomed those present and introduced herself as the lead member of the Examining Authority (ExA). The other members of the ExA, Andrew Mahon, Helena Obremski, Laura Shorney and Matt Tandy, also introduced themselves.

The ExA explained that the appointments had been made under delegation from the Secretary of State for Housing, Communities and Local Government on 11 September 2024.

The ExA explained that it would be examining the application made by RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd (the Applicants), before making a recommendation to the Secretary of State for Energy Security and Net Zero, who would decide whether an Order granting Development Consent should be made for the proposed Nationally Significant Infrastructure Project (NSIP).

The ExA explained the purpose of the Preliminary Meeting (PM) and noted that the Examination would commence after it formally closed.

The ExA confirmed that all documents and submissions received and accepted during the Examination would be published on the National Infrastructure Planning [website](#).

The digital recording and transcripts of the PM would be available on the National Infrastructure Planning [website](#).

The ExA explained the Planning Inspectorate's duties under General Data Protection Regulation (GDPR) and that further information regarding GDPR can be found in the Planning Inspectorate's [Privacy Note](#).

## 2. Examination process

The ExA briefly explained the examination process under the Planning Act 2008 (PA2008) as detailed in Annex B to the Rule 6 letter [\[PD-002\]](#) of 24 September 2024. Further information can be found here:

[Nationally Significant Infrastructure Projects: What to expect at a Nationally Significant Infrastructure Project event - GOV.UK \(www.gov.uk\)](#)  
[Nationally Significant Infrastructure Projects: Registering to speak at, or attend, a Nationally Significant Infrastructure Project event - GOV.UK \(www.gov.uk\)](#)

The ExA then gave an overview of how the PM would be conducted and invited each attendee to introduce themselves. The ExA highlighted that the merits or concerns of the application would not be discussed at the PM, which was held to discuss the Examination procedure only. The merits or concerns of the application would only be discussed once the Examination begins following the close of the PM.

The ExA advised that a revised agenda was available on the website [\[EV2-001\]](#) and that a note and recording would be available on the project page of the website after the event.

Following a review of responses to the ExA's requests for additional information [\[PD-003\]](#) and [\[PD-004\]](#), the ExA considered that these could have implications for the draft Examination Timetable, so proposed an amendment to the published agenda, to take Item 6 (any other matters) before Item 5 (draft Examination Timetable).

No parties raised concerns regarding the change to the agenda order.

## 3. Initial Assessment of Principal Issues

The ExA explained the purpose of the Initial Assessment of Principal Issues (section 88 of the PA2008), which can be found at Annex C to the Rule 6 Letter [\[PD-002\]](#) of 24 September 2024, and asked for any observations on them.

No comments were made by any of the parties in attendance.

## 4. Procedural decisions

The ExA noted the procedural decisions made under section 89(3) of the PA2008 as set out at Annex F to the Rule 6 Letter [\[PD-002\]](#), and asked for any observations.

The ExA noted that the Applicants had confirmed [\[PDA-011\]](#) their intention to enter into Statements of Common Ground (SoCG) with the various parties requested by the ExA, with the exception of Natural England, who the Applicants claimed did not have the capacity to engage in the process. The ExA noted Natural England's request [\[PDA-038\]](#) for the Applicants to draft a SoCG based on Natural England's Risk and Issues Log and the Principal Areas of Disagreement summary statement. The final statement would be agreed at draft Deadline 7 in the draft Examination Timetable. The Applicants confirmed that they have agreed to take this action and would prepare a SoCG in accordance with Natural England's requests. The ExA confirmed that this approach was acceptable.

No Interested Parties made comments on the SoCGs or the submission of Written Representations.

The ExA highlighted that the updated Tree Preservation Order and Hedgerow Plans [\[PDA-009\]](#) contained some errors and requested an updated version of the plans at draft Deadline 1, with the identified errors corrected. The Applicants agreed to this request.

The ExA requested the plans in the appendices to the Arboricultural Survey Report, Preliminary Arboricultural Impact Assessment [\[PDA-034\]](#) and Outline Arboricultural Method Statement [\[PDA-035\]](#) be re-ordered to align with the order of other plans already submitted, to be submitted at draft Deadline 1. The Applicants agreed to this request.

The ExA referred to East Riding of Yorkshire Council's request [\[PDA-037\]](#) to delay the submission of its Local Impact Report until draft Deadline 2. The ExA suggested the submission of a draft Local Impact Report at draft Deadline 1, followed by a version with any necessary changes at draft Deadline 2, after approval by its planning committee. The ExA requested that clean and tracked change versions of the document be submitted. East Riding of Yorkshire Council agreed to this approach.

No other parties made comments on the submission of Local Impact Reports.

The ExA referred to additional submissions that had been accepted at its discretion [\[AS-001\]](#) to [\[AS-005\]](#). It asked for any responses to these documents be submitted at draft Deadline 1.

No Interested Parties made comments on the additional submissions.

## **5. Draft Examination Timetable**

This item was deferred until after item 6 of the agenda.

## **6. Any Other Matters**

### **6.1 Annex G**

The ExA highlighted the availability of Examination documents and mentioned the importance of the Examination Library.

### **6.2 Annex H**

The ExA explained how submissions should be made into the Examination using the 'Have Your Say' section of the project web page.

### **6.3 Maturity of the application information and assessments**

The ExA highlighted the need to complete, submit and examine all documents within the six-month Examination period, and noted directions in previous decision letters from the Secretary of State for other offshore wind farms that Habitats Regulations Assessment (HRA) derogation and compensation matters should reach a conclusion during the Examination.

The following Examination documents were relevant to the proposed submission schedule:

- The ExA's Rule 17 letter of Thursday 10 October [\[PD-003\]](#) and the Applicants' response of Monday 14 October [\[AS-006\]](#).
- The ExA's Rule 17 letter to Natural England and RSPB of Tuesday 15 October 2024 [\[PD-004\]](#) and responses received from Natural England [\[AS-008\]](#) and the RSPB [\[AS-007\]](#).

***Matter 1: the Applicants' proposed change request***

The ExA asked the Applicants to confirm their schedule of completion, consultation and submission of the proposed change request into the Examination. The Applicants highlighted that this was provided in the response to the Rule 17 letter on 14 October 2024 where they would consult between 7 November 2024 and 9 December 2024. Following subsequent consideration of consultation responses, the formal submission of the change request was anticipated on 14 December 2024.

The ExA asked the Applicants to confirm if the change would likely affect the assessments for the Dogger Bank Special Area of Conservation, marine mammals and the Southern North Sea Special Area of Conservation and fish, marine and benthic ecology. The Applicants confirmed that this was addressed on page 6 of the notification of the change request of 8 October 2024 [\[PDA-012\]](#), which highlighted the environmental topics.

The ExA asked if this would have an effect on offshore ornithology. The Applicants said that any change was expected to be beneficial, as detailed at the bottom of page 6 of the change request notification [\[PDA-012\]](#).

The ExA noted that it would be necessary to assess the implications of the change request for the six-month Examination period.

Noting that the response to the Rule 17 request also referenced the possibility of a second change request, the ExA asked for any updates. The Applicants confirmed that this was still under consideration but that nothing further could be advised at that point. The Applicants confirmed that there were no further change requests in preparation.

The ExA noted that Natural England had provided comments and advice [\[PDA-038\]](#) in response to the notification of the change request.

No parties present at the meeting provided any further comments on the change requests.

The ExA highlighted the constraints of a six-month Examination but considered that the schedule confirmed by the Applicants should be manageable.

The ExA asked that change requests be submitted in a timely manner, as any expansion could have implications for Compulsory Acquisition.

## ***Matter 2: offshore ornithology and HRA compensation proposals***

### Kittiwake compensation plan

The ExA asked the Applicants for confirmation that a progress report for the kittiwake compensation plan would be provided at draft Deadline 1, but that this would not include the final identified site or design details. The Applicants confirmed that this was correct.

The artificial nesting site already built by the Applicants was discussed, and the ExA suggested that this would be considered during the Examination, noting that part of it appeared to have been 'sublet'.

The ExA asked if a new area of search for an offshore artificial nesting structure had been required. The Applicants explained that two sites remained on the shortlist from the original area of search and long list, but that an additional area of search had been added, and that this had yielded further possible sites for the structure.

### Auk compensation plan

The ExA asked the Applicants for confirmation that an update to the delivery programme for auk compensation would be provided at draft Deadline 1. The Applicants confirmed this to be correct, and that the site or sites for auk compensation would not be finalised, noting that survey work on potential sites would be ongoing into 2025. The Applicants confirmed that this work would influence the site refinement process before the final site was chosen and secured.

### Updates to offshore ornithology reports

In response to a question from the ExA, the Applicants confirmed that updates to the Environmental Impact Assessment and HRA ornithology reports would be submitted at draft Deadline 2 to respond to the concerns of Natural England and the RSPB. As these could lead to changes to assessment outputs, there might be knock-on implications for mitigation and the nature or quantum of compensation. The Applicants agreed that the HRA compensation reports submitted at draft Deadline 1 would most likely need to be updated and resubmitted at draft Deadline 2.

Drawing these matters together, the ExA highlighted that it might be draft Deadline 4 before the full positions of the Applicants, Natural England, the RSPB and any other parties in relation to offshore ornithology matters and the corresponding HRA were understood. This would be 15 weeks into the 26-week Examination.

The ExA noted again that the Secretary of State had previously indicated that a realistic and secured compensation package should be pinned down during Examination and should not be deferred to the Decision stage. The ExA referred to the Hornsea 4 Offshore Windfarm decision, where the majority of eight rounds of consultation during the Decision stage related to the HRA compensation proposals. The ExA quoted from the Secretary of State's decision letter for the Norfolk Boreas offshore wind farm. This stated that the NSIP process was not designed for consultations on complex issues such as HRA to take place after the conclusion of the Examination.

### ***Matter 3: Land and rights acquisition and negotiations to progress voluntary agreements***

In relation to the Compulsory Acquisition of land and rights, the ExA queried whether it was still the case that no voluntary agreements were in place.

The ExA noted it appeared that, whilst initial contact for some landowners occurred in November 2023, there were also a number of landowners where initial contact seemed to have occurred as recently as early 2024. The Applicants outlined they had a 78% sign up to heads of terms, but that no binding options were yet in place. The ExA asked what specific reassurances could be given to ensure that the Applicants were striving to ensure land agreements would be secured within the six-month Examination period.

The Applicants said it was impossible to confirm which land agreements would be in place before the end of the Examination, but that they were taking steps to ensure that voluntary agreements would be progressed, and that they would provide further information to outline those that had and would continue to be taken in relation to this matter.

No other parties contributed on this item.

### ***Matter 4: Advertising of the application for Development Consent, including site notices***

The ExA noted the Consultation Report [[APP-034](#)] and responses from the local authorities regarding the adequacy of consultation. The ExA asked the Applicants to provide a summary of the practical measures that had been taken after acceptance of the application to notify the local community, with particular reference to where site notices had been displayed.

The Applicants requested a brief adjournment to obtain the requested information. The ExA confirmed there would shortly be an adjournment when the Applicants could do this.

## **6.4 Use of Artificial Intelligence (AI)**

The ExA provided a summary of how AI can be used and referred to [advice](#) on the National Infrastructure website.

The ExA requested a statement by draft Deadline 1 from Interested Parties to set out whether AI had been used in the production of any documents submitted to date, including what system or tools were used, the source that the AI content was based on and what material the AI has been used to create or alter.

No Interested Parties raised anything on this matter.

## **6.5 Adjournment for consideration**

The ExA adjourned the PM for approximately 25 minutes to consider the Applicants' submissions about the proposed updates to offshore ornithology and HRA compensation proposals and for the Applicants to consider the query raised by the ExA regarding post-submission consultation.

On resumption, the Applicants advised that they were confident that they were fully compliant with section 56 of the PA2008 regarding consultation. The section 56 period for submission of Relevant Representations had been from 26 July 2024 to 6

September 2024. Site notices were erected on 23 July 2024 in 39 locations, with gaps less than the required maximum of 5 kilometers. The consultation period was between 26 July 2024 and 6 September 2024, and the site notices were taken down on 9 September 2024.

In relation to the ExA's Compulsory Acquisition matter, the Applicants stated that all of the landowners were notified in accordance with section 56 of the PA2008 and noted that the level of engagement had been low during the Relevant Representations period. The Applicants were confident that those with land interests had been engaged long before heads of terms were sent out. The Applicants offered to expand on this in future written submissions.

The ExA went on to note that, during the adjournment, it had given very careful consideration to the Applicants' submissions in relation to the updated ornithology and HRA information to be provided and the written responses from Natural England and the RSPB. On balance, the ExA considered that there would be insufficient time in the Examination to consider and examine the evidence fully if the Examination was to proceed immediately. As a result, the ExA made the difficult decision to adjourn the PM until the necessary information and assessments had been provided to complete an efficient and effective Examination.

The ExA invited the Applicants and others to submit a written response about the nature and completeness of information on the outstanding matters, such that the PM could be resumed, a new Examination Timetable could be drawn up and agreed, and the Examination could begin. These submissions would need to be made by 29 October 2024. The ExA advised that the Applicants' response could usefully include any update to the submission schedule in the Pre-Examination response and at the PM. Following this, the ExA stated that it would review and amend the draft Examination Timetable and publish it with the date for the resumption and conclusion of the PM. There would be a procedural deadline for the ExA to receive comments on the revised Timetable. In addition, the ExA confirmed it would further review the application documents and may choose to issue a Rule 17 letter outlining any other documents that could usefully be updated, expanded or amended to ensure that it was as up to date and as full as necessary before the Examination commenced.

The Applicants were afforded the opportunity to respond to the ExA's decision, and they highlighted how they believed that requirements had been complied with.

In response to a request from the Applicants, the ExA summarised the information required to facilitate the completion of the Examination within the six-month Examination period. The ExA proposed to issue a letter to explain this in further detail.

No other Interested Parties had any comments to make.

The PM was adjourned at 12:11 and all Hearings in the draft Examination Timetable following the PM were formally postponed.