



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

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South (East) Limited**

**Dogger Bank South Offshore
Wind Farms**

**Network Rail Statement of Common Ground
Submission for Deadline 1**

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Glossary

| Term | Definition |
|---------------------------------|--|
| Development Consent Order (DCO) | An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP). |
| The Applicants | The Applicants for the Projects are RWE Renewables UK Dogger Bank South (East) Limited and RWE Renewables UK Dogger Bank South (West) Limited. The Applicants are themselves jointly owned by the RWE Group of companies (51% stake) and Masdar (49% stake). |
| The Projects | DBS East and DBS West (collectively referred to as the Dogger Bank South Offshore Wind Farms). |

Acronyms

| Acronym | Definition |
|---------|-------------------------------------|
| BAPA | Basic Asset Protection Agreement |
| DBS | Dogger Bank South |
| DCO | Development Consent Order |
| ExA | Examining Authority |
| NRIL | Network Rail Infrastructure Limited |
| PINS | Planning Inspectorate |
| RR | Relevant Representation |
| SoCG | Statement of Common Ground |

1 Introduction

1.1 Background

1. The Application is for development consent for the Applicants to construct and operate the proposed Projects under the Planning Act 2008. Further description of the Projects is available in **Chapter 5 Project Description, Figure 5-1** [APP-072].
2. This Statement of Common Ground (SoCG) has been prepared between RWE Renewables UK Dogger Bank South (West) Ltd and RWE Renewables UK Dogger Bank South (East) Ltd, ('the Applicants') and Network Rail Infrastructure Limited ('NRIL') to set out the areas of agreement and disagreement between the two parties in relation to the proposed Development Consent Order (DCO) application for the Dogger Bank South ('DBS') West Offshore Wind Farm and DBS East Offshore Wind Farm, collectively known as DBS Offshore Wind Farms (herein 'the Projects').
3. In drafting this SoCG, the Applicants have had regard to the Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, 2024).
4. The need for a SoCG between the Applicants and NRIL is set out within the Rule 6 letter issued on 24th September 2024 by the Planning Inspectorate post-application of the Projects DCO.
5. This SoCG is intended to provide the Examining Authority (ExA) with a clear summary of discussions between the parties and has been structured to reflect topics which are of interest to NRIL, and which have been raised within **NRIL's Relevant Representation** [RR-010] to the Dogger Bank South Offshore Wind Farm DCO that has been submitted to the Planning Inspectorate pursuant to the Planning Act 2008.
6. It is the intention that this document will facilitate further discussions between the Applicants and NRIL and will provide the ExA with a clear overview of the level of common ground between both parties. This document will be updated throughout the Examination process.
7. On 5th December 2024, NRIL provided initial comments on the draft SoCG, requested changes were incorporated. An updated draft was issued to NRIL on 11th December 2024 but to date no further comments have been received to confirm approval. This draft SoCG is therefore submitted in the absence of approval from NRIL but is considered by the Projects to reflect the current position.

1.2 Approach to SoCG

8. This SoCG has been developed during the pre-examination and examination phases of the Projects in accordance with discussions between the Applicants and NRIL.
9. The structure of this SoCG is as follows:
 - **Introduction:** background to the development of the SoCG.
 - **Consultation:** a summary of consultation to date.
 - **Agreement Log:** a record of the Applicants' position alongside NRIL's position.

2 Consultation and Engagement

2.1 Introduction

10. NRIL is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network.
11. NRIL has identified that the Projects’ development boundary interfaces with NRIL’s operational railway between Beverley and Arram railway stations on the Hull Bridlington and Seamer railway line.
12. NRIL has been consulted on the Projects throughout the pre-application stage, as well as via non-statutory and statutory consultation under Section 42 of the Planning Act 2008.

2.2 Consultation and Engagement Summary

13. **Table 2-1** summarises the consultation that the Applicants have undertaken with NRIL as statutory or non-statutory consultation during the pre-application and post-application phases.

Table 2-1 - Summary of pre-application and post-application consultation with NRIL

| Date | Form of Consultation | Topic | Summary of Consultation |
|--------------------------|----------------------|--|--|
| Pre – Application | | | |
| 24/04/2023 | Email | Asset Protection Enquiry Questionnaire | Initial asset protection enquiry questionnaire submitted to assetprotectioneastern@networkrail.co.uk |
| 24/04/2023 | Email | Easement/Property Rights | Introductory email sent to NRIL’s easements and wayleaves team to progress discussions on project requirements. |
| 09/05/2023 | Email | Asset Protection | Confirmation of contact details and meeting request from NRIL’s asset protection team. |
| 25/05/2023 | Meeting | Project Introduction | The following topics were discussed during the call: <ul style="list-style-type: none"> ● Project overview; |

| Date | Form of Consultation | Topic | Summary of Consultation |
|------------|----------------------|-------------------------------------|--|
| | | | <ul style="list-style-type: none"> • Network Rail asset protection enquiry processes and guidance; • S.42 consultation; and • Project consents and timescales |
| 25/05/2023 | Email to NRIL | Protective Provisions | Initial contact to NRIL's Town Planning/DCO team to request discussion on form of Protective Provisions for inclusion within DCO. |
| 26/05/2023 | Email from NRIL | Asset Protection Guidance | Asset protection general guidance and supporting standards documents provided to DBS by Alex Sapcote within NRIL ASPRO team. |
| 26/05/2023 | Email to NRIL | Schedule of Minimum Information | Submission of completed Schedule of Minimum Information forms to NRIL Easements and Wayleaves team. |
| 05/06/2023 | Letter | Statutory Consultation | Notification of statutory consultation period and information. |
| 10/07/2023 | Email to NRIL | Protective Provisions | Follow up email to NRIL to advise on Section 42 Consultation details and request discussion on Protective Provisions. |
| 11/07/2023 | Meeting | Clearance & Easement | Call with David Bradshaw to discuss DBS proposals, clearance process and next steps regarding easement discussions. |
| 11/07/2023 | Email from NRIL | Clearance & Easement | Email from David Bradshaw providing draft Heads of Terms and confirmation that business clearance submitted. |
| 13/07/2023 | Email to NRIL | Protective Provisions | Further email to NRIL's Town Planning/DCO team requesting discussion to progress form of Protective Provisions. |
| 17/07/2023 | Email from NRIL | Response to Section 42 Consultation | Response from NRIL to DBS Section 42 consultation, setting out NRIL requirements and contact details. |

| Date | Form of Consultation | Topic | Summary of Consultation |
|------------|-------------------------------|---------------------------------|---|
| 17/07/2023 | Email from NRIL | Easement/Property Rights | Provisions of draft Network Rail approved plans and title for review |
| 20/07/2023 | Email to NRIL | Section 42 Response | Email to NRIL confirming receipt of Section 42 response and noting advice provided and follow up on Protective Provisions. |
| 20/07/2023 | Email to NRIL Email to DBS | Protective Provisions | Follow up email to new contact provided in S42 response requesting discussion on Protective Provisions. |
| 28/07/2023 | Email from NRIL | Protective Provisions | Request for further details of the DBS project and confirmation NRIL are seeking to instruct legal to progress Protective Provisions discussions. |
| 08/08/2023 | Email to NRIL | Protective Provisions | Follow up to request contact details for legal representative in relation to Protective Provisions. |
| 14/08/2023 | Email from NRIL | Clearance | Clearance certificates provided to DBS. |
| 08/09/2023 | Email from NRIL | Protective Provisions | Confirmation that Dentons were instructed by NRIL to progress Protective Provisions discussions. |
| 10/09/2023 | Meeting | Easement/Property Rights | Discussion on HoTs and commercial terms. |
| 10/11/2023 | Letter | Targeted Statutory Consultation | Targeted statutory consultation issued to NRIL. |
| 06/02/2024 | Email to NRIL | Design/Feasibility Requirements | Request for further information on input from NRIL into future feasibility studies and Basic Asset Protection Agreement (BAPA) requirements. |
| 08/02/2024 | Emails with NRIL | Design/Feasibility Requirements | Emails between NRIL and DBS regarding next steps for feasibility and confirming project details. Provision of advice and guidance/standards from NRIL in relation |

| Date | Form of Consultation | Topic | Summary of Consultation |
|---------------------------|----------------------|--------------------------|---|
| | | | to feasibility design for UTX documents provided by NRIL's ASPRO team. |
| 23/02/2024 | Email from Dentons | Protective Provisions | Draft protective provisions provided. |
| 28/02/2024 | Meeting | Asset Protection | Call with NRIL ASPRO team to discuss BAPA process and project updates. |
| 27/03/2024 | Emails with NRIL | BAPA | Updates on progress of draft BAPA discussed. |
| 09/04/2024 | Email from NRIL | BAPA | Confirmation that draft BAPA to be provided in 3 weeks. |
| 13/05/2024 | Emails with NRIL | BAPA | Requested updates on BAPA progress. NRIL confirmed still in review. |
| 10/06/2024 | Meeting | Easement/Property Rights | Meeting with David Bradshaw to outline DBS position and provide offer on terms for property rights. |
| Post – Application | | | |
| 26/06/2024 | Email from NRIL | Easement/Property Rights | Initial confirmation HoTs were generally acceptable to NRIL. |
| 01/07/2024 | Email to NRIL | Easement/Property Rights | Further details issued outlining commercial position and comparable information. |
| 10/07/2024 | Email to NRIL | Easement/Property Rights | Further comparable information and justification issued. |
| 23/07/2024 | Letter | Section 56 Notice | Section 56 notification letter issued to NRIL. |
| 26/07/2024 | Email to Dentons | Protective Provisions | Email to Dentons with comments on the draft protective provisions. |
| 05/08/2024 | Emails with NRIL | Easement/Property Rights | Further discussions on comparable transactions and commercial values. |

| Date | Form of Consultation | Topic | Summary of Consultation |
|-------------|------------------------|--|---|
| 13/08/2024 | Email from NRIL | Asset Protection | Email confirming primary contact going forward. |
| 30/08/2024 | Email from NRIL | Easement/Property Rights | Confirmation that HoTs agreed. |
| 04/09/2024 | Meeting | Framework Agreement/Protective Provisions and Easement/Property Rights | Meeting between NRIL and DBS to discuss DBS project updates, next steps relating to a Framework Agreement, NRIL Protective Provisions, Property Rights and BAPA requirements. |
| 25/09/2024 | Email from Dentons | Framework Agreement | Draft Framework Agreement provided. |
| 27/09/2024 | Email from Dentons | Protective Provisions | Further comments on draft protective provisions. |
| 08/10/2024 | Email to NRIL | SoCG | First draft SoCG provided to NRIL for consideration. |
| 14/10/2024 | Email from Dentons | Property Agreement | Draft Easement provided. |
| 05/11/2024 | Email/Letter from NRIL | BAPA | Provision of estimated costs and BAPA to DBS for review and signature. |
| 05/12/02024 | Email from NRIL | SoCG | Comments received from NRIL on the draft SoCG. |
| 11/12/2024 | Email to Dentons | Framework Agreement and Protective Provisions | Comments provided on the Framework Agreement and PPs. |
| 11/12/2024 | Email to NRIL | SoCG | Updated draft SoCG issued to NRIL for review. |
| 08/01/2025 | Email from Dentons | Framework Agreement and Protective Provisions | Further comments received from Dentons on the Framework Agreement and Protective Provisions. |

3 Agreement Log

3.1 Overview

14. The following sections of this SoCG summarise the level of agreement between the parties for each topic.
15. In order to easily identify whether a matter is 'agreed', 'not agreed' or 'under discussion', a colour coding system red, amber, green (RAG status) is used respectively within the 'position status colour' column as set out in **Table 3-1**.

Table 3-1 - Agreement logs position status key

| Position Status | Position Status Colour |
|---|---------------------------------|
| The matter is considered to be agreed between the parties. | Agreed |
| The matter is neither 'agreed' or 'not agreed' and is a matter where further discussion is required between the parties, for example where relevant documents are being prepared or reviewed. | Under discussion |
| The matter is not agreed between the parties, however the outcome of the approach taken by either the Applicant or Network Rail is not considered to result in a material impact to the assessment conclusions. Discussions have concluded. | Not agreed – No material impact |
| The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or Network Rail is considered to result in a materially different outcome on the assessment conclusions. | Not agreed – material impact |

3.2 General

Table 3-2 - General Topics agreed, in discussion or not agreed with NRIL

| SoCG ID | The Applicants' Position | Network Rail's Position | Position Status |
|---|---|--|-----------------|
| Project Engagement | | | |
| 1. | <p>The Applicants have adequately consulted with the Network Rail throughout all stages of the Projects to date and the summary of Consultation (section 2.2 of this SoCG) is a fair and accurate record of pre-application consultation.</p> <p>NRIL did not raise any issue on this subject throughout discussion or within their Relevant Representation. It is therefore considered by the Applicant that the matter is agreed.</p> | | |
| Compulsory Acquisition & Land Rights | | | |
| 2. | <p>The Draft DCO (Revision 4) [AS-130 and AS-131] includes powers to acquire compulsorily new rights across Network Rail property.</p> <p>Good progress has been made in relation to a voluntary property agreement required for DBS cables to cross underneath the railway. Heads of Terms have been</p> | <p>In their Relevant Representation [RR-010] NRIL stated that it objects to any compulsory acquisition of rights over operational railway land and objects to the seeking of powers to carry out works in the vicinity of the operational railway until relevant agreements have been entered into by RWE.</p> <p>Option for an Easement is currently being negotiated.</p> | |

| SoCG ID | The Applicants' Position | Network Rail's Position | Position Status |
|------------------------------|--|--|-----------------|
| | <p>agreed and negotiations on an Option for Easement are progressing with solicitors instructed.</p> <p>The parties are in the process of negotiations in respect of the Framework Agreement, and a draft Basic Asset Protection Agreement has been issued by NRIL which is currently under review.</p> | <p>However, for the asset protection agreements, NRIL require the Applicant to enter into a Framework Agreement which requires the parties to enter to the relevant asset protection agreement prior to carrying out the works.</p> | |
| Protective Provisions | | | |
| 3. | <p>Protective Provisions for the benefit of Network Rail have been included in Part 5 of Schedule 15 to the Draft DCO (Revision 4) [AS-130 and AS-131]. The Applicants consider that the form of protective provisions included within the Draft DCO provide sufficient protection to NRIL's undertaking and interests. Discussions are ongoing between parties to reach agreement.</p> | <p>In their Relevant Representation [RR-010] NRIL stated that it welcomes the inclusion of its protective provision in its favour in the submission draft of the DCO. However, the protective provisions included in the draft order are not the agreed version or Network Rail's standard protective provision and therefore NRIL require their standard protective provisions on the face of the Order.</p> | |
| Asset Protection | | | |
| 4. | <p>NRIL's ASPRO team have been engaged since 2023 and have provided relevant standards and guidance to inform design. There is no objection in principle to the proposal for trenchless crossings in this location. Business and</p> | <p>In their Relevant Representation [RR-010] NRIL stated that clearance is a two-stage process by which Network Rail's technical and asset protection engineers review a proposal before clearance can be</p> | |

| SoCG ID | The Applicants' Position | Network Rail's Position | Position Status |
|----------------------------|---|---|-----------------|
| | <p>Technical Clearance certificates were issued to the Applicants in July 2023.</p> | <p>granted for a proposal to proceed. The clearances were granted subject to conditions, which RWE have been notified of.</p> <p>As the proposed route of the electricity cable is via an under track crossing a BAPA will be required.</p> | |
| Transfer of Benefit | | | |
| 5. | <p>The Applicants consider that Article 5(8)(e) is an appropriate provision to include in the Draft DCO (Revision 4) [AS-130 and AS-131] to allow for the transfer of the benefit of the Order where the timeframe for compensation claims has passed.</p> <p>The Protective Provisions in favour of NRIL included in Part 5 to Schedule 15 of the Draft DCO (Revision 4) [AS-130 and AS-131] will remain in place where any such transfer occurs. These will need to be complied with irrespective of the person who has the benefit of the Order.</p> | <p>In their Relevant Representation [RR-010] NRIL stated that it is concerned that Article 5(8)(e) of the Draft DCO (Revision 4) [AS-130 and AS-131] enables the benefit of the provisions of the Order to be transferred or leased to any person without the approval of the Secretary of State where the timeframe for all compensation claims has passed and all claims have been settled. Network Rail request that Article 5(8)(e) is deleted.</p> | |

4 Summary

16. This SoCG has outlined the consultation and engagement that has taken place between the Applicants and NRIL during the pre-application and Examination phases. The agreement logs present the position reached at the point of Deadline 1 between the Projects and Network Rail in relation to relevant onshore matters.
17. This SoCG will be updated as discussions progress and made available to PINS as requested through the DCO examination phase.

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