

RWE Renewables UK Dogger Bank
South (West) Limited

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South (East) Limited

Dogger Bank South Offshore
Wind Farms

The Wildlife Trust 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).
Environmental Statement (ES)	A document reporting the findings of the EIA and produced in accordance with the EIA Directive as transposed into UK law by the EIA Regulations.
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) for certain topics.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Habitats Regulation Assessment (HRA)	The process that determines whether or not a plan or project may have an adverse effect on the integrity of a European Site or European Offshore Marine Site.
National Significant Infrastructure Project	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm project with a capacity of more than 100 MW constitutes an NSIP
Preliminary Environmental Information Report (PEIR)	Defined in the EIA Regulations as information referred to in part 1, Schedule 4 (information for inclusion in Environmental Statements) which has been compiled by the applicants and is reasonably required to assess the environmental effects of the development.
Project Change Request 1	The proposed changes to the DCO application for the Projects set out in Project Change Request 1 - Offshore & Intertidal Works [document reference 10.49].
Receptors	A distinct part of the environment on which effects could occur and can be the subject of specific assessments. Examples of Receptors include species (or groups) of animals, plants, people (often categorised further such as 'residential' or those using areas for amenity or recreation), watercourses etc.
Section 42 Consultee	Organisations and individuals that are required to be consulted by the Applicants under Section 42 of the Planning Act 2008. Non-prescribed Section 42 consultees may be included by Applicants if identified as being of significance.

Term	Definition
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
ADD	Acoustic deterrent device
CEA	Cumulative Effects Assessment
CIMP	Compensation Implementation and Monitoring Plan
DBS	Dogger Bank South
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
HRA	Habitat Regulation Assessment
NAS	Noise abatement systems
MMMP	Marine Mammal Mitigation Protocol
PEIR	Preliminary Environmental Information Report
RIAA	Report to Inform Appropriate Assessment
PINS	Planning Inspectorate
SoCG	Statement of Common Ground
TWT	The Wildlife Trust
IoSWT	Isles of Scilly Wildlife Trust

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** [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 The Wildlife Trust (TWT) 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 Guidance: 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 TWT has been set out within the Rule 6 letter issued 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 the TWT, and which have been raised within the **TWT's Relevant Representation** [RR-028] to the Dogger Bank South Offshore Wind Farms 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 TWT 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. The following application documents have informed the discussions with TWT address the elements of the Projects that may affect the interests of TWT (**Table 1-1**).

Table 1-1 Application Documents of interest to the TWT

ES Chapter/ Application Document	Planning Inspectorate (PINS) Reference
Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 1 of 4 – Introduction and Terrestrial Ecology	APP-045
Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish	APP-046 (superseded by Revision 3 - AS-051 and AS-052)
Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 3 of 4 - Annex II Marine Mammals	APP-047
Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 4 of 4 – Marine Ornithological Features	APP-048 (superseded by Revision 3 - AS-085 and AS-086)
Habitats Regulations Derogation: Provision of Evidence	APP-051
Habitat Regulations Derogation: Provision of Evidence - Appendix 1 - Project-Level Kittiwake Compensation Plan	APP-052 (superseded by Revision 3 - AS-087 and AS-088)
Habitats Regulations Derogation: Provision of Evidence - Appendix 2 - Guillemot [and Razorbill] Compensation Plan	APP-056 (superseded by Revision 3 - AS-089 and AS-090)
Appendix 3 - Project Level Dogger Bank Compensation Plan	APP-059

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 TWT, this SoCG is focused on matters of material interest and relevance to TWT, namely matters covered in the Application Documents outlined in **Table 1-1** and related topics.

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 TWT's position. **Table 3-2** to **Table 3-5** set out those areas agreed 'not agreed' or 'under discussion' in relation to the application documents set out in **Table 1-1**.
10. It is agreed that this SoCG is an accurate description of the areas agreed and under discussion between the parties, and that this SoCG accurately records key meetings and consultation with TWT.
11. As referenced in **Table 2-1**, the Applicants consulted TWT on Project Change Request 1 between 15th November and 16th December 2024. TWT did not provide any consultation comments on the Project Change Request.

2 Consultation

2.1 Introduction to Consultation

12. During the pre-application stage, TWT have been included in the Marine Physical Environment, Benthic and Intertidal Ecology, Fish and Shellfish Ecology, Marine Mammals, and Offshore Ornithology Expert Topic Group (ETG) Meetings under the Evidence Plan Process (EPP), as well as via non-statutory and statutory consultation under Section 42 of the Planning Act 2008.
13. Due to resource issues, The Wildlife Trusts have focused engagement through The Crown Estate plan level process, particularly regarding the development of strategic compensation for impacts to Dogger Bank SAC.

2.2 Consultation Summary

14. **Table 2-1** summarises the consultation that the Applicants have undertaken with TWT as statutory or non-statutory consultation during the pre-application and post-application phases.
15. TWT engagement in the DBS project focused on meetings with The Crown Estate regarding strategic compensation until January 2024. Previous to this and due to resource constraint, TWT received and reviewed ETG topic group minutes but did not attend ETG meetings. Engagement on benthic impacts on Dogger Bank SAC at a project level increased from January 2024 due to a lack of certainty regarding benthic compensation. Engagement on ornithological impacts began in June 2024 due to an increase in engagement by the Applicants across the TWT movement to develop compensation for auks.

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

Date	Form of Consultation	Meeting Title/Topic	Summary of Consultation
Pre – Application			
07/02/2023	ETG Meeting	Offshore Ornithology Pre-PEIR	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> ● Provide ETG with a project update. ● Provide a summary of the baseline environment for offshore ornithology, following the site-specific surveys undertaken for the Projects. ● Detail the assessment methodology and preliminary findings of the assessment process.

Date	Form of Consultation	Meeting Title/Topic	Summary of Consultation
			TWT did not attend this meeting
21/02/2023	ETG Meeting	Marine Mammal Pre-PEIR	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> • Provide ETGs with a project update. • Provide a summary on responses to scoping comments, the site-specific surveys undertaken to inform PEIR, the underwater noise modelling approach and a brief summary of sites screened in for HRA. <p>TWT did not attend this meeting</p>
27/02/2023	Email	Offshore Ornithology Pre- ES	Comments from Natural England on the Ornithology ETG.
09/05/2023	ETG Meeting	Offshore Ornithology Non-Kittiwake Compensation	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> • Potential compensation measures for non-kittiwake species. <p>TWT did not attend this meeting</p>
17/07/2023	Section 42 Consultation	Marine Physical Environment, Benthic and Intertidal Ecology, Fish and Shellfish Ecology, Marine Mammals, and Offshore Ornithology	TWT response to Section 42 consultation on PEIR. See Appendix G [APP-044] of the Consultation Report [APP-034].
14/09/2023	ETG Meeting	Marine Mammals	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> • Project update; • Site selection; • Marine Mammals: PEIR comments and responses; • Updated underwater noise modelling; • Noise mitigation measures; • Noise monitoring; and • Cumulative Effects Assessment: CEA. <p>TWT did not attend this meeting.</p>

Date	Form of Consultation	Meeting Title/Topic	Summary of Consultation
21/09/2023	ETG Meeting	Benthic and Intertidal Ecology	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> ● Project Update: <ul style="list-style-type: none"> ○ Benthic and intertidal ecology; and ○ Review of PEIR comments. ● MCZA considerations; ● Fish and Shellfish Ecology: <ul style="list-style-type: none"> ○ Herring and Sandeel PEIR Queries. ● Other related queries. <p>TWT did not attend this meeting.</p>
25/01/2024	Email	Offshore Ornithology	<p>The Applicants issued a summary report detailing the collision and displacement numbers of key species that were used to inform the Offshore Ornithology ES chapter.</p>
11/01/2024	ETG Meeting	Benthic compensation, requests to join TCE strategic compensation working group	<p>Meeting between the Applicants, The Crown Estate and The Wildlife Trusts. TWT shared their position on strategic benthic compensation and a request to be more involved in the development of benthic compensation.</p>
29/01/2024	ETG Meeting	Benthic and Intertidal Ecology Marine Physical Processes	<p>The following topics were discussed during the ETG meeting:</p> <ul style="list-style-type: none"> ● Project Update; ● Physical Processes: <ul style="list-style-type: none"> ○ Modelling update; ○ Summary of construction impacts and model results; and ○ Summary of operation impacts. ● Benthic and Intertidal Ecology: <ul style="list-style-type: none"> ○ Benthic Ecology Monitoring Survey Summary; ○ Impact results from the ES; and ○ Results from the CEA. ● Report to Inform Appropriate Assessment (RIAA) conclusions.
11/04/2024	ETG Meeting	Benthic and Intertidal Ecology	<p>The following topics were discussed during the ETG meeting:</p>

Date	Form of Consultation	Meeting Title/Topic	Summary of Consultation
		HRA Compensation	<ul style="list-style-type: none"> • Project Update; • RIAA Conclusions: <ul style="list-style-type: none"> ○ Compensation.
13/06/2024	Email	General	The Applicants confirmed DCO submitted 12 th June 2024, queried if stakeholder would wish for meetings later in summer to discuss application docs.
Post Application			
03/07/2024	Email	Auk compensation	TD to CM re: auk compensation, specifically regarding contacting individual Wildlife Trusts without their knowledge and lack of strategic approach for auk compensation.
03/07/2024	Email	Auk compensation	Response from JL regarding the provision of info on potential auk location eradication schemes at ETG meeting and lack of strategic direction on auk compensation.
04/07/2024	Email	Auk compensation	TT to JL explaining lack of engagement due to resource constraint - and accepting invitation for meeting.
22/7/2024	Meeting	Auk compensation	TWT raised concerns about Auk compensation.
28/08/2024	Meeting	Auk compensation	Discussion on OWIC funding mechanism and possible Isles of Scilly project.
05/09/2024	Email	Auk compensation	JL provided a summary of DBS predator eradication feasibility study ambitions to pass on to Isle of Scilly Wildlife Trust.
10/09/2024	Email	Auk compensation	TD feedback from meeting with Isles of Scilly Wildlife Trust (IoSWT) on how an eradication scheme would need to proceed.
26/09/24	Meeting	Auk compensation	Meeting with IoSWT & TWT to discuss potential for predator eradication scheme at Isles of Scilly with DBS support.
30/09/24	ETG meeting	Kittiwake and auk compensation	DBS presented summary of site selection work undertaken since DCO submission on Areas of

Date	Form of Consultation	Meeting Title/Topic	Summary of Consultation
			Search for both kittiwake and auk compensation.
22/10/2024	SoCG meeting	SoCG meeting	Meeting to discuss the SoCG.
11/11/24	Meeting	Auk compensation	Meeting to inform DBS that TWT would be submitting a letter to ExA stating that they would only support a strategic approach to predator eradication at Isles of Scilly.
15/11/2024	Email	Project Change Request 1	Project Change Request 1 - Environmental Assessment Update [document reference: C1.1] issued to NFFO for comment.
05/12/2024	Email	Draft SoCG	The Applicants issued meeting minutes from previous SoCG meeting to TWT, queried status of TWT updates to SoCG.
12/12/2024	Email	Draft SoCG	TWT noted they had delayed returning comments on the SoCG until there was greater clarity on the status of the application.
08/01/2025	Email	Draft SoCG	The Applicants requested an update on SoCG update status following updated Rule 6 letter being issued, TWT confirmed they were reviewing the SoCG and aimed to issue the following week.
15/01/2025	Email	Draft SoCG	TWT issued updated SoCG to the Applicants for review prior to final approval.

3 Agreement Log

3.1 Overview

16. The following sections of this SoCG summarise the level of agreement between the parties for each relevant offshore topic.
17. To easily identify whether a matter is 'agreed', 'not agreed' or 'under discussion', a colour coding system red, amber, green 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 Applicants or TWT 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 Applicants or TWT 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 the TWT

SoCG ID	The Applicants' Position	TWT's Position	Position Status
EIA – Consultation			
1.	The Applicants have adequately consulted with TWT 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.	Due to resource issues, The Wildlife Trusts have focused engagement through The Crown Estate plan level process, particularly regarding the development of strategic compensation for impacts to Dogger Bank SAC.	

3.3 Marine Mammals

Table 3-3 Topics agreed, in discussion or not agreed in relation to Marine Mammals

SoCG ID	The Applicants' Position	TWT's Position	Position Status
Report to Inform Appropriate Assessment			
2.	The Applicants consider that the Marine Mammal Mitigation Protocol (MMMP) provides sufficient mitigation for underwater noise impacts on marine mammals throughout the life of the Projects.	TWT acknowledge the Applicants intent to 'consider' the use of noise abatement systems (NAS). However, we would require a commitment to the use of NAS, due to the requirements to use the lowest practical noise levels (JNCC guidelines) within the SAC for the protection of harbour	

SoCG ID	The Applicants' Position	TWT's Position	Position Status
	<p>A section on potential mitigation measures, including NAS, has been added to the Outline MMMP (Revision 2) [AS-100 and AS-101]. NAS is also being included in the Projects' procurement strategy as an optional element to allow it to be called upon should it be required based on the final design parameters.</p> <p>The final MMMP will be based upon the latest policy and guidance available. It will be developed post-consent once the final design parameters are used to ensure appropriate and proportionate mitigation measures are included. Deemed Marine Licence conditions are included within the Draft Development Consent Order (Revision 4) [AS-130 and AS-131] which require the undertaker to submit a final MMMP to the MMO in consultation with the relevant statutory nature conservation body for approval prior to the commencement of piling activities which will ensure appropriate mitigation measures are in place.</p>	<p>porpoises which are a designated feature. On 21st January Defra (2025) published the Marine Noise Policy Paper – Reducing Marine Noise which states that <i>"From January 2025...all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance."</i> RWE must therefore strengthen their commitment to employ mitigation to reflect this change in policy.</p> <p>TWT approves the use of acoustic deterrent devices (ADDs). However, the studies on the effectiveness of ADDs are varied and the devices themselves do not lower the energy (and therefore the risk of auditory injury) of the noise source. Therefore, ADDs should be used alongside NAS systems.</p>	

3.4 Benthic and Intertidal Ecology

Table 3-4 Topics agreed, in discussion or not agreed in relation to Benthic and Intertidal Ecology

SoCG ID	The Applicants' Position	TWT's Position	Position Status
Report to Inform Appropriate Assessment			
3.	<p>The conclusions reached in Assessment of potential effects of the Projects in combination with other plans and projects within the Report to Inform Appropriate Assessment Habitats Regulations Assessment - Part 2 of 4 – Annex I Offshore Habitats and Annex II Migratory Fish (Revision 3) [AS-051 and AS-052] are appropriate.</p>	<p>Most of the TWTs engagement to this effect has been through The Crown Estate during the project level HRA.</p> <p>TWT has significant concerns regarding further development on Dogger Bank SAC. The SAC is of great ecological importance within the North Sea and remains in unfavourable condition.</p> <p>TWT is also concerned with the Applicants' use of their own figures for physical damage area impacts where these figures have already been clarified (and were of higher value) in the plan-level HRA. TWT does not agree that impacts agreed in the plan level HRA can be overturned by project level studies (as suggested in Review of evidence on recovery of sandbank habitat following sandbank damage [AS-025]).</p>	
Dogger Bank Compensation Plan			
4.	<p>The Applicants' primary compensation measure for the Dogger Bank (new SAC designation or extension) as detailed in the Project Level</p>	<p>The Wildlife Trusts will only support strategic site extension of Dogger Bank SAC as a compensation measure. Any site extension designations should be led by DEFRA. The</p>	

SoCG ID	The Applicants' Position	TWT's Position	Position Status
	<p>Dogger Bank Compensation Plan [APP-059] provides sufficient compensation for the Projects activities within the Dogger Bank SAC.</p>	<p>outcome of impact assessments conducted by the Applicant, though a welcome submission, will not be the sole decision-making documents. We require confirmation that DEFRA will take the lead as the responsible body in the development of any site extensions.</p>	
5.	<p>The outline Dogger Bank Compensation Implementation and Monitoring Plan (CIMP) [APP-061] provides a sufficient plan for the development of future implementation and monitoring of any agreed compensation measures, should consent for the Projects be granted and compensation for the Dogger Bank Special Area of Conservation (DB SAC) sandbank feature be required.</p>	<p>The Wildlife Trusts assume strategic site extension will be delivered through the Marine Recovery Fund. Therefore, we question if a CIMP is necessary.</p>	

3.5 Offshore Ornithology

Table 3-5 Topics agreed, in discussion or not agreed in relation to Offshore Ornithology

SoCG ID	The Applicants' Position	TWT's Position	Position Status
Report to Inform Appropriate Assessment			
6.	The offshore ornithology Auk compensation plan provides a sufficient plan and compensates adequately for impacts on Auk populations at FFC SPA, through either project-led or strategically delivered projects.	TWT and the Isles of Scilly Wildlife Trusts are in the process of developing a strategic predator reduction measures to sit on the Library of Strategic Compensation Measures. Due to the risk of be associated with individual developer planning conditions, TWT can only take this measure forward strategically via the Marine Recovery Fund or similar interim mechanism.	

4 Summary

18. This SoCG has outlined the consultation that has taken place between the Applicants and TWT during the pre-application and Examination phases. This SoCG will be updated as discussions progress and made available to PINS as requested through the DCO examination phase.

5 References

Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (2024). Planning Act 2008: Examination stage for Nation-ally Significant Infrastructure Projects. Available at: <https://www.gov.uk/guidance/planning-act-2008-examination-stage-for-nationally-significant-infrastructure-projects>. [Accessed August 2024].

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