



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

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Dogger Bank South Offshore Wind Farms

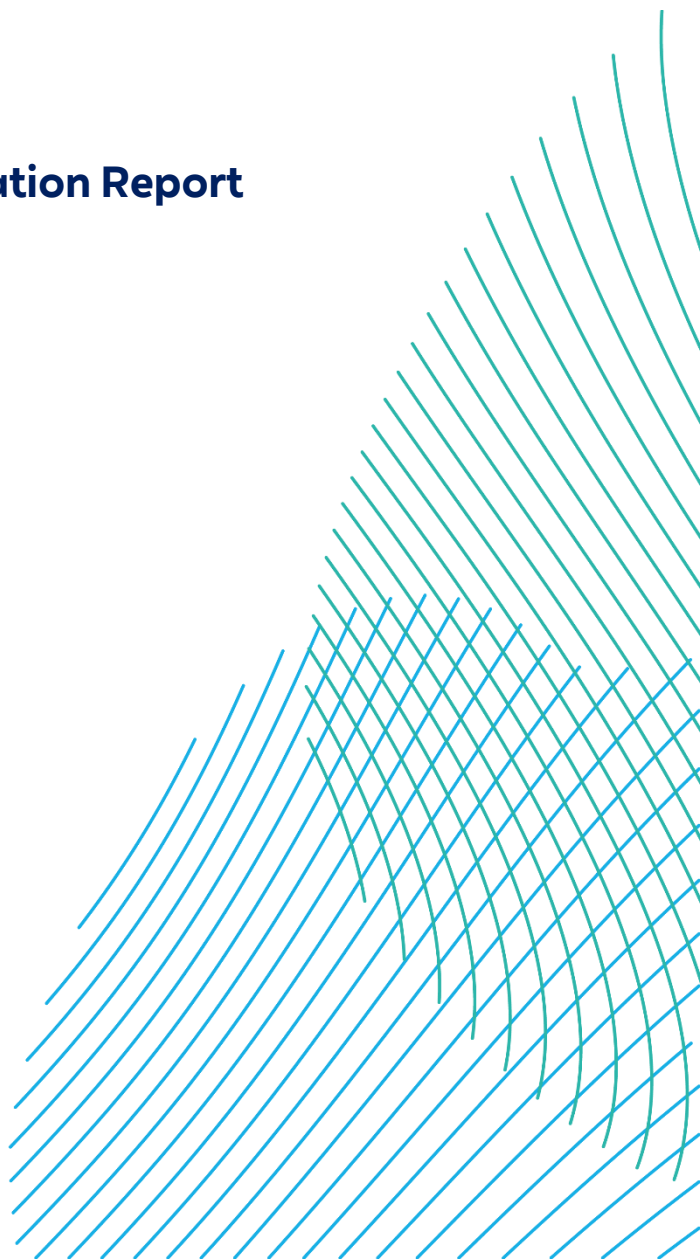
**Preliminary Environmental Information Report
Chapter 7 – Consultation**

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Glossary

Term	Definition
Dogger Bank South (DBS) offshore wind farms	The collective name for the two Projects, DBS East and DBS West.
EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.
European Site	Sites designated for nature conservation under the Habitats Directive and Birds Directive. This includes candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in regulation 8 of the Conservation of Habitats and Species Regulations 2017.
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.
Habitats Regulations	Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017.
Habitats Regulations 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.
Scoping Report	The report that was produced in order to request a Scoping Opinion from the Secretary of State.
Scoping Opinion	The report adopted by the Planning Inspectorate on behalf of the Secretary of State.

Term	Definition
The Applicant	RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited as the owners of DBS West and DBS East respectively are the named undertakers that will have the benefit of the Development Consent Order. References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of RWE Renewables UK Dogger Bank South (West) Limited and RWE Renewables UK Dogger Bank South (East) Limited.
The Projects	DBS East and DBS West (collectively referred to as the Dogger Bank South offshore wind farms).

Acronyms

Term	Definition
Cefas	Centre for Environment, Fisheries and Aquaculture Science
DBS	Dogger Bank South
DCO	Development Consent Order
EEA	European Economic Area
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
HRA	Habitats Regulations Assessment
IFCA	Inshore Fisheries and Conservation Authority
IPC	Infrastructure Planning Commission
JNCC	Joint Nature Conservation Committee
MMO	Marine Management Organisation
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Projects
PEIR	Preliminary Environmental Information Report
RSPB	The Royal Society for the Protection of Birds
SLVIA	Seascape, Landscape and Visual Impact Assessment
SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground

Term	Definition
SoS	Secretary of State
UK	United Kingdom

7. Consultation

7.1. Introduction

1. This chapter of the Preliminary Environmental Information Report (PEIR) presents the approach taken to consultation relating to the Environmental Impact Assessment (EIA) for the proposed Dogger Bank South (DBS) East and DBS West offshore wind farms, collectively known as the DBS offshore wind farms (herein 'the Projects').
2. This chapter outlines the technical consultation which has taken place to inform the EIA in advance of the PEIR submission. Technical consultation is defined as consultation which informs and focuses the approach to a technical aspect of an EIA with both statutory and non-statutory bodies. Technical consultation differs from other forms of consultation which have been undertaken and focuses on the EIA.
3. EIA-focused consultation includes statutory consultation (i.e. scoping and consultation undertaken in accordance with Section 42 of the Planning Act 2008 (herein 'the Planning Act'), see section 7.2.1) being in accordance with Regulation 12 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (herein 'the EIA Regulations'), and non-statutory consultation (e.g. through the Evidence Plan Process (EPP), see section 7.3.2).
4. A summary of technical consultation responses and their consideration by the Projects where relevant are given in each technical chapter of the PEIR. Whereby feedback has informed the site selection or project design; this is outlined in **Chapter 4 Site Selection and Assessment of Alternatives** and **Chapter 5 Project Description**.
5. In addition to the technical consultation the Applicant has consulted with a wider group of stakeholders including local communities and landowners. A description of all consultation, including technical, community, landowner, other stakeholders and statutory consultation under Sections 42, 47 and 48 of the Planning Act, will be provided in the Consultation Report which will form part of the Development Consent Order (DCO) application planned for submission in quarter one 2024.

6. Consultation will continue throughout the development of the Projects. Consultation on this PEIR forms part of the statutory consultation under Sections 42, 47 and 48 of the Planning Act. Technical stakeholders will continue to be consulted post-PEIR submission, where appropriate. The chapters of this PEIR have been prepared in consideration of technical consultation responses received to date. In order to allow finalisation of the submission, a cut-off of 17 February 2023 has been used for consultation information that has been incorporated in the PEIR. Consultation after this date will be given due consideration to inform the ongoing development of the Environmental Statement (ES) and DCO application.
7. The Projects will be subject to a single DCO application, with a combined EIA process and associated submissions and therefore both Projects are being consulted on simultaneously at this stage of their development.

7.2. Policy and Guidance

7.2.1. The Planning Act

8. As outlined in **Chapter 3 Policy and Legislative Context**, the Projects are defined under Part 3, Section 15(3) of the Planning Act 2008 as Nationally Significant Infrastructure Projects (NSIPs). The Applicant has therefore undertaken pre-application consultation in accordance with the requirements of the Planning Act 2008 and the EIA Regulations.
9. Sections 42 to 44 of the Planning Act set out details of potential consultees, including local authorities, statutory bodies, and interested persons in the land to be developed. Section 47 of the Planning Act sets out the Applicant's duty to consult local communities.
10. The Applicant has a duty under Section 47 to prepare a Statement of Community Consultation (SoCC), and to undertake consultation in line with that statement. In addition, consultation should be undertaken with other people or groups who are not statutory consultees, but who may still be significantly affected by the Projects.
11. Applicants are required under Section 37 of the Planning Act to produce a Consultation Report alongside the application, which details how the consultation requirements have been complied with.
12. Sections of the Planning Act of additional relevance to the Projects include:
 - Section 45: Stating the requirement to produce a timetable for consultation under Section 42;
 - Section 46: Duty to notify the SoS of the proposed application;
 - Section 48: Duty to publicise; and
 - Section 49: Duty to take account of consultation and publicity responses.

7.2.2. National Policy Statements

13. Consultation has been undertaken with reference to the relevant National Policy Statements (NPS) which form the primary national guidance documents for NSIPs. These documents encourage applicants to carry out pre-application consultation with a range of stakeholders. The relevant NPS for the Projects are:
- EN-1 - Overarching NPS for Energy;
 - EN-3 - Renewable Energy Infrastructure; and
 - EN-5 - Electricity Networks, which covers the electrical infrastructure in conjunction with EN-1.
14. At the time of writing, revisions to the current energy NPSs are under consultation. Once published the revised NPSs will apply to the application for the Projects and the ETG will comply with any relevant updates. See **Chapter 3 Policy and Legalisation** for further details.

7.2.3. EIA Regulations

15. For NSIPs, the EIA process is governed by the EIA Regulations, which make the pre-application publicity and consultation requirements for the EIA process consistent with those of the Planning Act.
16. The EIA Regulations set out a process for the notification of statutory stakeholders about the intention to submit an ES and the requirement for subsequent consultation on the included information. It places a duty on such stakeholders to enter into consultation with the promoter of an EIA development and to provide any environmental information they hold that is relevant to the preparation of the ES. The Regulations also require the local community to be informed and consulted about the Projects.
17. For the Projects, the relevant sections of the EIA Regulations relating to pre-application consultation are:
- Regulation 8(1)(b) - Notify the Secretary of State in writing that the applicant proposes to provide an ES;
 - Regulation 10 - Application for a Scoping Opinion;
 - Regulation 11 - Procedure to facilitate the preparation of ES;
 - Regulation 12 - Consultation statement requirements;
 - Regulation 13 - Pre-application publicity under section 48 (duty to publicise); and
 - Regulation 32 - Development with significant transboundary effects.

18. Habitats Regulations Assessment (HRA) relating to potential effects on European Sites or National Site Network sites (Conservation of Habitats and Species Regulations 2017 and Conservation of Offshore Marine Habitats and Species Regulations 2017) is undertaken alongside the EIA as part of the DCO consenting process. Consultation is required with relevant statutory and any relevant non-statutory nature conservation bodies, in order to gather evidence to support the HRA. The consultation for both EIA and HRA is undertaken together for the relevant topics as the two assessments are closely linked.
19. One way of consulting on HRA matters is to agree an Evidence Plan. Guidance on Evidence Plans was produced by Defra in 2012. The guidance provides an overview of the process and roles of the parties. Its focus is on compliance with the Habitats Regulations and the corresponding Planning Inspectorate Advice Note Ten (HRA relevant to NSIPs), although it is now common practice for the EPP to include all issues where there are potential significant environmental impacts which may benefit from additional consultation over and above that proposed as part of wider stakeholder consultation arrangements. This approach is being followed for the Projects, with the EPP having been initiated in September 2021. See Section 7.3.2 for further details.

7.2.4. Planning Inspectorate Advice Notes

20. The Planning Inspectorate has published a series of advice notes in relation to NSIPs. These are non-statutory but provide advice and information on a range of issues potentially arising throughout the application process. the Projects' approach to consultation has been informed by a range of the Planning Inspectorate's Advice Notes.
21. Notes of particular relevance include:
 - Advice Note Two: The Role of Local Authorities in the Development Consent Process (2015);
 - Advice Note Three: EIA Consultation and Notification (2017);
 - Advice Note Seven: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping (2020);
 - Advice Note Eight: Overview of the nationally significant infrastructure planning process for members of the public and others (2016);
 - Advice Note Ten: Habitat Regulations Assessment (HRA) (2022);
 - Advice Note Eleven: Working with public bodies in the infrastructure planning process (2017); and
 - Advice Note Fourteen: Compiling the Consultation Report (2021).

22. The approach to consultation has been guided by additional discussions with relevant local authorities, statutory consultees, the Scoping Opinion and by a review of best practice on recent applications of a similar nature and scale.

7.2.5. Guidance

23. The consultation approach also takes into account relevant local and national policy and guidance including:
- Infrastructure Planning Commission (IPC), 29 March 2010. IPC Guidance Note 1 on Pre-Application Stages (Chapter 2 of the Planning Act 2008). Revision 1; and
 - Department for Communities and Local Government. Planning Act 2008: Guidance on the pre-application process (2015).

7.3. Approach to EIA Consultation

24. The Applicant is in the process of conducting EIA consultation on the Projects. The process described in this chapter will be documented in full in the Consultation Report which will form part of the DCO submission.
25. In order to inform the PEIR, the Applicant has consulted on the Projects on a non-statutory basis (e.g. through the EPP, see section 7.3.2) since 2021 and will continue to consult via the EPP and direct engagement with stakeholders following the publication of this PEIR as the EIA and project design processes progress.

7.3.1. Overview to Date

26. The Applicant commenced non-statutory technical consultation via the EPP in September 2021.
27. On 26 July 2022, the Applicant submitted a Scoping Report to the Planning Inspectorate (Planning Inspectorate, 2022). The Secretary of State then issued the Scoping Opinion for the proposed Projects on 2 September 2022.
28. Since Scoping, the Applicant, supported by a team of EIA consultants, has continued a process of technical consultation for all topics, including via the EPP.
29. In addition to the technical consultation which has been undertaken to date, a non-statutory public consultation on the initial proposals for the Projects was held between 9 September and 14 October 2022.

30. East Riding of Yorkshire Council and Hull City Council were consulted on the draft SoCC in accordance with Section 47 of the Planning Act in February and March 2023.
31. Details of community and landowner consultation will be presented in the Consultation Report which will be submitted as part of the DCO application.
32. The Applicant issued the draft HRA Screening Report for comment on 13 December 2022 to Natural England, the Environment Agency, the Marine Management Organisation (MMO), Joint Nature Conservation Committee (JNCC), Cefas and the RSPB. Sites screened in for further assessment are detailed in the HRA screening report (RWE, 2022).

7.3.2. Evidence Plan Process

33. The Applicant has consulted with stakeholders on a non-statutory basis through the EPP since 2021, with key consultation outcomes recorded in the relevant chapters of this PEIR.
34. The EPP helps to agree on the information to be provided to the Planning Inspectorate as part of the DCO application, such that the Projects can show compliance with the EIA Regulations and the Conservation of Habitats, Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017.
35. The EPP aims to assist all parties during the evolution of the proposed DCO application process, by providing:
 - Greater confidence in the range and accuracy of existing information for use within the application;
 - The identification of knowledge gaps which may need to be fulfilled and the planning of subsequent surveying work to fill such gaps;
 - Opportunities to effectively plan timing and resourcing, ensuring the identification of key issues at an early stage to avoid the duplication of matters and streamline the process; and
 - Opportunities for multiple agencies and stakeholders to discuss a particular topic, which is recorded along with key agreements and actions.
36. The EPP does not replace or duplicate existing requirements and has been structured to fit with the Planning Act 2008 DCO application process, including the statutory pre-application consultation processes.
37. The Applicant is undertaking the majority of EIA and HRA technical consultation through the EPP. EIA Consultation that was undertaken outside the EPP is detailed in section 7.3.3.

38. As the Projects are being progressed together, early consultation through the Projects' EPP has included discussions around both Projects.

7.3.2.1. Expert Topic Groups

39. The EPP is divided into several ETGs which follow the majority of topics covered by the EIA and HRA. The ETGs are used to discuss, and if possible agree, the detail of the EIA information requirements for the DCO application. Each ETG is comprised of experts from relevant statutory and non-statutory bodies and they have the following functions:
- Agree on the relevance, appropriateness and sufficiency of existing baseline data for the specific assessments, including both site-specific and contextual data, and agree on the scope of any project-specific surveys to be undertaken;
 - Agree on the methods for data analysis;
 - Agree on realistic worst-case parameters for the assessments;
 - Agree on assessment methodology (including impact and levels of significance where possible);
 - Agree on the in-combination / cumulative impact assessment details, along with consideration of which projects to scope in and associated evidence;
 - Agree on focus areas for post-consent monitoring and mitigation;
 - Agree on whether and when to change the evidence requirements and collect additional evidence (updating the plan and timetable as necessary); and
 - Record discussions through in ETG meeting minutes and agreed outcomes in Agreement Logs which will be used to generate the Statement(s) of Common Ground (SoCG).
40. The process is iterative with each group working through the above functions, reaching agreements as far as possible during the pre-application period. Where possible, SoCG will be drafted in advance of the DCO application and submitted alongside it, noting updates will follow during the examination process. Any outstanding areas of disagreement will be noted in the relevant SoCG.
41. A breakdown of the various groups and which organisations are represented is provided in **Table 7-1**.
42. The table is organised into offshore, onshore and project wide ETGs. Although the EPP is not part of the statutory consultation, it provides the audit trail for the EIA and HRA process and associated decision-making.

Table 7-1 Expert Topic Groups and Organisations Represented

ETG	Member Organisations
Offshore	
Seabed	Natural England MMO Environment Agency The Wildlife Trusts North Eastern Inshore Fisheries and Conservation Authority (IFCA) Eastern IFCA
Offshore Ornithology	Natural England MMO The Royal Society for the Protection of Birds (RSPB)
Marine Mammal and Underwater Noise	Natural England MMO The Wildlife Trusts
Onshore	
Terrestrial Ecology and Ornithology	Natural England Environment Agency RSPB Yorkshire Wildlife Trust East Riding of Yorkshire Council
Traffic and Access, Onshore Noise and Air Quality	East Riding of Yorkshire Council Hull City Council

ETG	Member Organisations
Water Resource and Flood Risk	Environment Agency East Riding of Yorkshire Council Water Companies York Consortium of Internal Drainage Boards
Project Wide	
Seascape, Landscape and Visual Impact Assessment (SLVIA)	Natural England Historic England East Riding of Yorkshire Council Humber Archaeological Partnership Hull City Council
Historic Environment (offshore and onshore)	Historic England East Riding of Yorkshire Council – Historic Environment Advisory Service Humber Archaeology Partnership
Site Selection	East Riding of Yorkshire Council Environment Agency Historic England MMO National Highways Natural England North Eastern IFCA RSPB The Wildlife Trusts Yorkshire Wildlife Trust York Consortium of Drainage Boards

ETG	Member Organisations
HRA	MMO Natural England Cefas Environment Agency RSPB The Wildlife Trusts Yorkshire Wildlife Trust East Riding of Yorkshire Council North Eastern IFCA Chamber of Shipping Maritime and Coastguard Agency Trinity House Ministry of Defence

7.3.2.2. Evidence Plan Process Consultation

43. A summary of the consultation held so far under the EPP is provided in **Table 7-2**. Further details of the specific technical issues discussed as part of the EPP are presented in the topic chapters (**Chapters 8 to 30**). Further consultation under the EPP is planned following the publication of the PEIR and receipt of stakeholders' feedback.

Table 7-2 Overview of Meetings Under the EPP (to date)

Meeting Title	Meeting Dates	Consultees
Traffic and Access, Onshore Noise and Air Quality - Pre-Scoping	14 September 2021	National Highways Lincolnshire County Council East Riding County Council
Onshore Ecology and Ornithology - Pre- Scoping	14 September 2021	Natural England Environment Agency RSPB Durham Wildlife Trust Yorkshire Wildlife Trust Durham County Council East Riding of Yorkshire Council
Historic Environment - Pre-Scoping	15 September 2021	Historic England East Riding of Yorkshire Council Lincolnshire County Council East Lindsey District Council
Historic Environment - Pre-Scoping	15 September 2021	Durham County Council Hartlepool Borough Council
Water Resources - Pre- Scoping	17 September 2021	Environment Agency East Riding of Yorkshire Council Yorkshire and Humber Drainage Board Beverley & North Holderness Internal Drainage Board
Marine Mammal and Underwater Noise - Pre- Scoping	17 September 2021	Natural England The Wildlife Trusts MMO

Meeting Title	Meeting Dates	Consultees
SLVIA - Pre-Scoping	23 September 2021	Natural England Durham County Council Lincolnshire County Council The Wildlife Trusts East Riding of Yorkshire Council
Seabed - Pre-Scoping	28 September 2021	Natural England The Wildlife Trusts MMO NEIFCA
Offshore Ornithology - Pre-Scoping	13 October 2021	Natural England RSPB MMO
Site Selection ETG	4 May 2022	East Riding of Yorkshire Council Environment Agency Historic England MMO NEIFCA RSPB Yorkshire Wildlife Trust York Consortium of Drainage Boards National Highways Natural England The Wildlife Trusts
Site Selection ETG	23 May 2022	Natural England MMO

Meeting Title	Meeting Dates	Consultees
Seabed – Method Statements	26 May 2022	Natural England Joint Nature Conservation Committee NEIFCA MMO Environment Agency Centre for Environment, Fisheries and Aquaculture Science (Cefas)
Onshore Archaeology – Survey update	20 October 2022	Historic England Humber Archaeology Partnership
Traffic and Access – PEIR approach	21 November 2022	National Highways Hull City Council
Traffic and Access – PEIR approach and access	23 November 2022	East Riding of Yorkshire Council
LVIA – PEIR approach	13 December 2022	East Riding of Yorkshire Council Hull City Council Historic England
Onshore and Offshore Archaeology – PEIR Approach	19 January 2023	East Riding of Yorkshire Council Historic England Humber Archaeology Partnership
Marine Physical Environment – PEIR Approach	20 January 2023	Natural England Environment Agency JNCC MMO

Meeting Title	Meeting Dates	Consultees
Offshore Ornithology – PEIR Approach	7 February 2023	Natural England RSPB Lincolnshire Wildlife Trust JNCC The Wildlife Trusts
Seabed ETG – PEIR Approach	7 February 2023	Natural England Environment Agency Cefas JNCC MMO The Wildlife Trusts
Marine Mammals ETG – PEIR Approach	21 February 2023	Natural England MMO Lincolnshire Wildlife Trust JNCC The Wildlife Trusts

7.3.3. Other Technical Consultation

44. Consultation for EIA topic areas for which there are long-established EIA consultation processes have been undertaken outside the EPP and the details of these are provided in the relevant technical chapters of the PEIR, namely:

- Commercial Fisheries (**Chapter 13**);
- Shipping and Navigation (**Chapter 14**);
- Aviation and Radar (**Chapter 15**);
- Infrastructure and Other Users (**Chapter 16**);
- Human Health (**Chapter 27**);
- Socio-economics (**Chapter 28**); and
- Tourism and Recreation (**Chapter 29**).

7.4. Transboundary Cooperation

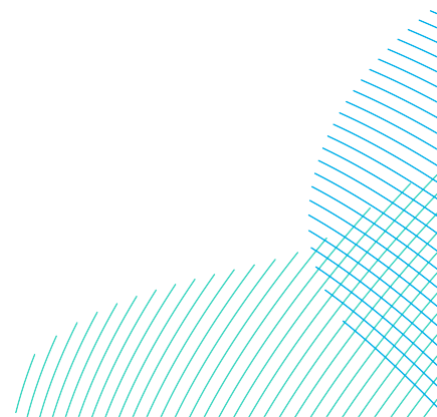
45. The United Nations Economic Commission for Europe Convention (the 'Espoo Convention') sets out the obligations of states to notify and consult each other on all major projects under consideration that have the potential to give rise to significant adverse environmental effects across international boundaries (termed 'transboundary effects').
46. Regulation 32 of the EIA Regulations places a statutory duty on the Secretary of State to notify and consult other European Economic Area (EEA) states where they are of the view that the development is likely to have significant effects on the environment of another EEA State.
47. The Planning Inspectorate Advice Note Twelve sets out the procedures for transboundary notification and consultation associated with NSIP applications, where such an application may have transboundary effects. Developers are advised to identify any possible significant transboundary effects.
48. Initial consideration of the potential for transboundary effects was made at the scoping stage, based on the information that was available at that time. Following this, the Planning Inspectorate provided a transboundary issues notification under Regulation 32 which identified Denmark, France, Germany and Belgium, The Netherlands, Sweden and Norway as states requiring notification due to potential impacts on commercial fisheries, aviation and radar, shipping and navigation and existing infrastructure.
49. Where relevant, details of transboundary consultation undertaken is provided in each of the technical chapters of the PEIR together with an assessment of the potential effects. The PEIR will be shared with the relevant transboundary consultees and the final assessments presented in the ES will identify the potential for significant transboundary effects and which EEA states may be affected.

7.5. Statements of Common Ground

50. Following submission of the DCO application, the Applicant will endeavour to agree on SoCGs with relevant consultees to assist the Planning Inspectorate in understanding which issues have been agreed upon and which remain unresolved. Where consultees have participated in the EPP, the SoCG will build on the Agreement Logs which have documented the consultation process thus far. Where possible, draft SoCGs will be submitted as part of the DCO application.

7.6. Conclusions

51. The Applicant is conducting a comprehensive and transparent pre-application consultation in relation to the EIA process, with a wide range of stakeholders.
52. The aim of the consultation process is to meet or exceed the requirements of the Planning Act and EIA Regulations whilst being as efficient and effective as possible with stakeholder input. To this end, the Projects have taken into account relevant advice and guidance published by the Planning Inspectorate and relevant United Kingdom (UK) Government departments.
53. Stakeholders have been engaged in the development process from an early stage. The Applicant acknowledges and appreciates their involvement and corresponding influence on the design of the Projects (as outlined in **Chapter 4 Site Selection and Assessment of Alternatives**) and the EIA.
54. Consultation responses have been carefully documented and considered in the ongoing development work. Responses which are considered relevant to this PEIR, and the regard that the Applicant has had for them, are included in each technical chapter of the PEIR.



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