



## Meeting note

<b>File reference</b>	<b>EN010021 and EN010051</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	Ewa Sherman
<b>Date</b>	7 November 2017
<b>Meeting with</b>	SSE Group
<b>Venue</b>	Temple Quay House, Bristol
<b>Attendees</b>	<b>The Planning Inspectorate:</b> Kay Sully – Case Manager Robert Ranger – Case Manager Ewa Sherman – Case Officer Helen Lancaster – Senior EIA and Land Rights Advisor Richard White – Assistant Case Officer <b>SSE Group:</b> Jonathan Wilson – Consents and Stakeholder Manager Dave Scott – Consent Manager
<b>Meeting objectives</b>	DCO potential amendment process
<b>Circulation</b>	All attendees

### Summary of key points discussed and advice given:

#### Welcome and Introductions

The Applicant and the Planning Inspectorate (the Inspectorate) team introduced themselves and their respective roles. The Inspectorate outlined its openness policy and ensured that those present understood that any issues discussed and advice given would be recorded and placed on the Inspectorate's website under section 51 of the Planning Act 2008 (PA2008). Further to this, it was made clear that any advice given did not constitute legal advice upon which the Applicant (or others) can rely.

#### Projects update

The Applicant confirmed that the original applicant Forewind was no longer progressing the Dogger Bank Offshore Wind Farm projects, and instead a new joint venture between SSE and Statoil (involved in the Forewind consortium that was previously progressing the projects) are progressing the Creyke Beck projects and Teesside A, whilst Innogy are progressing Teesside B. The Applicant gave a brief update on status of both projects Dogger Bank Creyke Beck (EN010021) and Dogger Bank Teesside A & B (EN010051), and as a successor of the original applicant sought procedural advice in relation to the proposed amendments to the Development Consent Orders (DCOs) for both. Currently at this early stage the Applicant is

reviewing the terms of the DCOs, including the definition of the 'commencement' and discharging conditions, and looking at the parameters of the consented developments and assessing them in terms of the worst case scenario, to assess whether any proposed changes are necessary, and if so, will be material or non-material.

The Inspectorate advised that it cannot give a definitive determination on materiality, and that this was a matter for the relevant Secretary of State (SoS), in this case Department for Business, Energy and Industrial Strategy (BEIS). Therefore the Applicant should provide a robust case and explain and justify as fully as possible why they consider the proposed change to be non-material or material when making the application to the SoS. The DCLG's [Planning Act 2008: Guidance on Changes to Development Consent Orders](#) provides a steer on the characteristics of when a change to a consent is more likely to be treated as a material change. A change is likely to be material if it would require an updated Environmental Statement to take account of new, or materially different, likely significant effects on the environment; if it would invoke a need for a Habitats Regulations Assessment or a need for a new or additional licence in respect of European Protected Species; authorise the compulsory acquisition of any land, and/ or impact on local business and residents, for example.

The Inspectorate confirmed that whilst the SoS is the determining body for applications, the Inspectorate will publish all documents on behalf of the SoS on its website, and manage the consultation responses. The Inspectorate stated that its role in the application stage was to host the application on its website and in handling consultation responses rather than being the decision maker. The Inspectorate will publish any decision by the Secretary of State regarding consent not to consult prescribed consultees on their project webpage, which is the same webpage used for the original DCO application. This is also where the change application and any consultation responses will be published in due course.

With regard to issues such as visual impacts, the Applicant was advised to assess the cumulative impact of any proposed changes.

The Inspectorate explained that there is no statutory timescale for a decision on a non-material change application, but there is an expectation in guidance that it will be within six weeks of the close of consultation. The documents to support the application should include: a draft amending order, a track changed version of the Order to be amended, and a Statement explaining the proposed change to the DCO. A consultation statement must also be submitted.

Consultation is governed by [The Infrastructure Planning \(Changes to, and Revocation of, Development Consent Orders\) Regulations 2011](#) which allow for a lesser list of consultees which may be agreed with the SoS.

The Inspectorate referred the Applicant to the National Infrastructure's webpages in regards to the projects where a non-material change to the DCO has been sought.

### **Specific decisions / follow up required**

The Applicant stated that it will be able to provide further update on whether changes would be proposed and whether those changes are considered to be non- material or material in early 2018.