



Meeting note

Project Name	Dogger Bank Creyke Beck
File reference	EN010021
Status	Final
Author	The Planning Inspectorate
Date	17 May 2018
Meeting with	SSE Group
Venue	Temple Quay House, Bristol
Meeting objectives	DCO amendment
Circulation	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.

Project update

The Applicant outlined the proposed non-material amendments which are as follows: larger rotor diameter (from 215m to 280m), larger monopile size (from 10m to 12m diameter) and increased pile hammer energy rating (from 3000kJ to 4000kJ). The Applicant explained that the total number of turbines is constrained by the maximum permissible swept area which is not proposed to change. The Applicant stated that the proposed changes are deliberately limited and proportionate to enable an optimum bid for the Capacity Auction in spring 2019. The proposed changes take into account environmental issues, advances in turbine technology and engagement with the statutory bodies. The Applicant has already carried out some further assessments, focusing on ornithology and other receptors potentially affected by the proposed changes including for marine mammals, fish and shellfish, to demonstrate that the changes are non-material. The Applicant confirmed that these assessments would be undertaken on a like for like basis with the assessments that underpinned the DCO.

The Applicant's intention is to submit the application to the Department for Business, Energy and Industrial Strategy (BEIS) at the end of June 2018, followed by the

consultation. Initial discussions with BEIS regarding the proposed changes were positive. The Applicant has had discussion with the MMO about the proposed change. The Environmental Report will likely focus on impacts to ornithological receptors noting that; the proposed larger rotor diameter doesn't increase swept path area which will remain subject to the existing constraints of the DCO. This will mean there will likely be fewer, larger turbines. The Applicant considers that the proposed changes do not materially affect the design envelope and the worst case scenario(s) established for the assessment in the ES, and that the findings in the Environmental Statement (ES) are not affected. The Applicant also noted that if the larger turbines are installed this will have the effect of reducing the overall number of turbines which for some impacts/ receptors will likely be beneficial and that key stakeholders shared the same view following initial discussions. The overall description of the development also remains the same.

The Inspectorate advised the Applicant to ensure that the ES is still robust in view of the proposed changes, and to consider the applicability of the transitional provisions in the EIA Regulations if benefit of the Order had been transferred. The Applicant clarified the ownership position, and advised that the benefit of the Order had not been transferred and that the undertakers named under the DCO had simply changed their names following a reorganisation.

The Inspectorate highlighted the recent ruling regarding the Habitats Regulations Assessment (HRA) (European court ruling C-323/17 - People Over Wind, Peter Sweetman v Coillte Teoranta (2018)) which held that it is impermissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European Site (i.e. mitigation measures) at the screening stage. The Applicant confirmed that it would take the judgement into account, and advised that it does not envisage adverse effects in relation to the project alone and in-combination with other plans or projects. The Applicant was also advised to consider how the proposed changes and the updated HRA information would be affected by the ongoing review of consents.

The Applicant confirmed that it has engaged with Natural England (NE), Royal Society for the Protection of Birds (RSPB) and Marine Management Organisation (MMO) who had provided positive feedback and no objections to the proposal. It will also have discussions with the Wildlife Trust and Whale and Dolphin Conservation (WDC). The Applicant does not anticipate the changes to result in any 'knock-on' effect to the supporting infrastructure. Following a request from NE and guidance introduced in 2016, the Applicant has assessed the impact on mammals, according to new criteria.

The Inspectorate advised that the purpose of the Environmental Report is to assess the impacts resultant from the proposed change and to address materiality in relation to each topic covered before.

Documentation to be submitted with the application

The Applicant confirmed that it has submitted Regulation 7(3) letter and Annexes with lists of consultees to BEIS, and it does not propose to make any changes to the onshore development. The Applicant had carried out transboundary consultation as part of the DCO application and believes that the findings of the ES in this regard have not changed. The Inspectorate advised to provide clear justification in the Environmental Report. The non-material change application will be accompanied by

the Consultation Statement, draft amended DCO and the Environmental Report and its appendices.

The Applicant asked whether the Inspectorate would be able to review draft versions of DCOs: clean and with track changes. The Inspectorate confirmed that it can look at methodology. However, it would be able to provide only high level advice rather than substantial comments as the Secretary of State is the decision maker, and the Inspectorate's role is much more administrative during this process.

The Inspectorate enquired whether the Applicant intends to submit a 'Shadow' Appropriate Assessment Report (SAAR) as a useful support for the NMC application which will amend the original DCO. The Applicant stated that the conclusions of the HRA that underpinned the DCO are not affected by the proposed changes to the DCO in the non-material change application. The Inspectorate also advised that there is an ongoing review of consents, which is a separate process. The Applicant confirmed that it will not submit an SAAR and that they agree review of consents is a separate process.

The Inspectorate advised to clearly set out the reasons why the Applicant requires further flexibility within the DCO which has already afforded a high degree of flexibility. The Applicant stated that the key driver for this change is the turbine technology which has changed in the last eighteen months and offered new possibilities. In regards to the onshore works the Applicant intends to make the construction easier through flexibility within the DCO, permitted development rights or the TCPA route if necessary.

Regarding the General Data Protection Regulations 2018 (GDPR 2018) the Applicant stated that it will be taking into account rights and responsibilities under the requirements of GDPR 2018 to ensure compliance with new Regulations.

Specific decisions / follow up required

The Inspectorate will check the Document Library which has been originally published for the project.