

Meeting note

File reference	EN010033
Status	Final
Author	Sian Thomas
Date	1 April 2016
Meeting with	DONG Energy
Venue	Planning Inspectorate Offices, Temple Quay House
Attendees	Planning Inspectorate Tom Carpen – Infrastructure Planning Lead Katherine King – Case Manager Sian Thomas – Assistant Case Officer Helen Lancaster – Senior EIA Advisor Sarah George – Legal Advisor The Applicant Bronagh Byrne – DONG Energy Ashley Carton - RHDHV
Meeting objectives	(Non-Material) Change request proposal
Circulation	As above

Summary of key points discussed and advice given:

The Planning Inspectorate (the Inspectorate) advised that a meeting note would be taken and published on the Planning Inspectorate's website; including any advice given under s51 of the Planning Act 2008 (PA2008). It was also noted that any such advice would not constitute legal advice upon which applicants (or others) could rely.

DONG Energy (the Applicant) began the meeting with a brief introduction to the background of the proposed change request. It was introduced as a non-material change in respect of the Hornsea Project One Offshore Wind Farm Development Consent Order 2014 [SI 2014 No 3331] as corrected by the Hornsea One Offshore Wind Farm (Correction) Order 2015 [SI 2015/1280].

The Applicant set out that the proposed application seeks to make a non-material amendment to Schedule 1, Part 1, Paragraph 2 of the DCO to increase the nameplate capacity from 1200MW to 1218MW. The Inspectorate noted that the decision on whether the change was material or non-material would ultimately be a decision for the Department for Energy and Climate Change (DECC). The Applicant explained that the increase in capacity would compensate for potential array cable energy losses. The maximum energy exported to the grid would not exceed 1200MW.

The Applicant provided a definition of 'nameplate capacity' in order to assist with the explanation of the proposal put forward. It was explained that the generating capacity

would be measured in megawatts (MW), and is the ability to produce electricity at an instance in time. Nameplate capacity is a form of measuring generating capacity and is the capacity rating shown on the nameplate attached to the generator by the manufacturer.

It was advised by the Inspectorate that it would be beneficial to provide a definition of 'nameplate' in non-technical terms in any communications to ensure that the proposed change request was fully understood by all parties who were consulted.

The Applicant explained that the installed capacity would be measured at the export side of the collector station. As a result of capacity being measured at the export side of the collector station, an increase in the name plate capacity of the wind farm to 1218MW is required, this will ensure that up to 1200MW are available for export having taken into account array cable losses.

Draft documents provided

Prior to the meeting held on the 1 April 2016, the Applicant provided draft documents to aid the discussion. Within this documentation a helpful table was provided: *'Table 3.1: WTG and inter array cabling worst case parameters compared with proposed design (parameters are taken from Table 3.4 and Table 3.13 respectively of the HOW01 ES, with amendments from the DCO)'*. The table provided information on the impact of the change request in comparison to that assessed within the original Environmental Statement (ES).

The table explained that the proposed number of turbines was 174 turbines running at a proposed capacity of 7MW each; equating to a total capacity of 1218MW (the total project capacity proposed as a part of this non-material change).

However, following further discussion it became apparent that the only change proposed was to increase the consented capacity. The Applicant does not intend to make any changes to the maximum number of turbines, size of turbines or methods of construction within the Development Consent Order (DCO). The use of the 7MW as set out in the table is an example of an option possible within the 'Rochdale Envelope'.

As such, it was noted by the Inspectorate that the extant consent permits a maximum of 240 turbines despite any intentions of only constructing 174 of the turbines consented.

The draft documentation provided by the Applicant prior to the meeting stated that:

'Subsequent to the DCO being granted the Project One Companies proposes to increase the name plate capacity of HOW01 to compensate for potential array cable energy losses. To generate a name plate capacity of 1218MW using 7MW turbines, will require 174 turbines...'

The Inspectorate emphasised the need for clarity in the draft documents. Consultees need to be aware that the use of 174 x 7MW turbines will not be secured in the DCO. Whilst this may be the intention, it will not be legally enforceable unless it is secured in the DCO. Any party consulted on the proposed change should be made aware of this. It should be clear that there will be other variables available to the Applicant if the change request is granted as a result of the increased capacity, for example if the

Applicant uses 8MW turbines, the increase in capacity would enable 2 more 8MW turbines to be constructed than would be possible under the extant consent. The environmental effect of the potential options should also be considered and assessed to ensure that the increase in capacity would not exceed the worst case scenario assessed in the ES.

The document provided to the Inspectorate; *'HOW01 – Draft Nameplate Capacity DCO Amendment provides information regarding the consented and proposed foundation types'* shows within *Table 3:1- WTG and inter array cabling worst case parameters compared with proposed design (parameters are taken from Table 3.4 and 3.13 respectively of the HOW01 ES, with any amendments from the DCO)*, the consented foundation type is noted as Monopile, Jacket, Gravity Base (including mono suction caisson). The proposed foundation types as a result of the non-material change request are stated as consisting of Monopile, Jacket (including the Mono Suction Caisson.) The proposal therefore suggests the removal of Gravity foundations. It was noted that the removal of foundations are mentioned in the table, however the removal is not secured within the DCO. The Inspectorate conveyed that this and other matters raised previously in the meeting needed to be made clear to consultees prior to the submission of the change request. Within this document, it was also suggested that it would be beneficial to explain that the proposed 'Non-Material Change' does not have a cumulative impact on the previous change, if that is indeed the case.

As an aside to the review of how the proposed change request had been articulated in the documentation, the Inspectorate highlighted that at present, the draft notice which is required to be submitted alongside a change request does not list the latest date the documents will be available for inspection as is required by Regulation 6(f) of the Infrastructure Planning (Changes to and Revocation of Development Consent Orders) Regulations 2011.

Environmental Implications

Within the table within the consultation documentation, the Environmental Impact Assessment (EIA) implications are noted under the columns:

'Seabed area affected per WTG (m²); Project total seabed area affected m² and the total combined length of inter-array cable (km).'

All elements state that at present there is no final design for the proposal of the non-material change and that the affected area will remain within the consented limit/Rochdale Envelope.

The Inspectorate emphasised the importance of considering all options that would be available as a result of the change and to demonstrate not only the conclusions but evidence that no impact is outside that assessed in the ES. For example, the Applicant should demonstrate that the environmental effect of 174 x 7MW turbines or 152 x 8MW turbines or a combination of 5MW, 7MW and 8MW turbines that would be permitted with the increased capacity, would not exceed the worst case assessed within the ES.

The non-material change request may have to look at new environmental information that has subsequently been brought forward following the approval of the DCO for Hornsea Project One.

The Southern North Sea possible Special Area of Conservation (SAC) for harbour porpoise was also discussed. This possible SAC was not considered during the examination for Hornsea One or in the Secretary of State's HRA, as consultation on it only began fairly recently. The Inspectorate advised that DECC may need to undertake a review of the Hornsea Project One consent following the designation of the SAC. It was suggested that the Applicant might find it helpful to approach DECC to discuss how the possible SAC should be addressed in relation to the non-material change proposal.

The interaction between the Review of Consents procedure and the change request process is unknown at present and the Inspectorate suggested that this issue should be raised directly with the Secretary of State. The review of consents procedure is set out in Regulation 63 of The Conservation of Habitats and Species Regulations 2010 (as amended in 2012).

Consultees

The Inspectorate clarified that the Applicant's proposed documents stated the Inspectorate agreed with the proposed list of consultees. The Inspectorate's view has not yet been sought and the Applicant agreed to amend.

The Inspectorate provided comments on suggested amendments for the table: '*Table 5.1: Summary of pre submission consultation responses*'. It was suggested that as well as stating who has been consulted, information should be included on those who had been considered but not required to be consulted. It is helpful to the Inspectorate to set out the reasons for these decisions. In addition, the Inspectorate advised that it would be worthwhile including this information to compare with the initial consultees for the extant consent. This would enable the Inspectorate and the Secretary of State to understand the rationale for consultation.

From the information contained within the consultation table (Table 5.1), the Inspectorate advised that it was worth being more precautionary and considering further consultees. For instance, the draft non-technical note did not include key fishing, shipping and sailing organisations such as the Royal Yachting Association (RYA). It was also suggested that the Royal Society for the Protection of Birds (RSPB) should be consulted. The Applicant stated that this would be amended and such organisations would be consulted.

Further proposed change

During the meeting the Applicant provided a plan showing the areas under the various ownerships for the Hornsea One Offshore Windfarm. Following advice provided by engineers, it was suggested that a new arrangement was required to be put in place. The proposed changes alter the internal boundaries between Zone 1 and 3 and Zone 3 and 2. The Applicant stated that none of the parameters were changing as a result of the proposal. The Inspectorate asked whether an update of the coordinates could be provided. It was also suggested that it would be helpful to provide information on how the proposed turbines will be distributed within the three zones. By doing so, this

would be helpful for organisations such as the RYA, RSPB and Marine Management Organisation (MMO).

What to submit

The Applicant queried what documentation would be required to be submitted to the Inspectorate for the non-material change request. The Inspectorate advised that a tracked change DCO assists, however the Secretary of State will require a draft amendment Order, setting out the changes, similar to that which the Secretary of State has just made following the first Hornsea change request.