



Department for
Business, Energy
& Industrial Strategy

1 Victoria Street
London SW1H 0ET

T +44 (0)300 068 56862
E Keith.welford@beis.gov.uk

www.beis.gov.uk

BY EMAIL ONLY

Jonathan.Wilson@sse.com

Jonathan Wilson
Lead Consent Manager
Dogger Bank Offshore Wind Farm Project
Level 4, 1 Kingdom Street
Paddington
London, W2 6BD

8 November 2019

Dear Mr Wilson

**THE DOGGER BANK TEESSIDE A AND B OFFSHORE WIND FARM ORDER
2015 (AS AMENDED) – “THE ORDER”**

REGULATION 7(3) – REQUEST FOR APPROVAL OF CONSULTEE LIST

I refer to your letter of 9 October 2019 to Denise Libretto here on behalf of Doggerbank Offshore Wind Farm Project 3 Projco Limited (“the Applicant”) about proposals to make a Non-Material Change application in respect of the Order. Your letter was accompanied by a stakeholder list which set out which particular persons or authorities would or would not be consulted directly about the Application – Appendix 1 (“Proposed list of stakeholders that would be consulted on the non-material change application”) and Appendix 2 (“Proposed list of stakeholders that wouldn’t be consulted on the non-material change application”).

In particular, your letter requests the Secretary of State’s consent under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”) to not consult those persons highlighted in Appendix 2 of the stakeholder list attached to your letter, as it was considered that they would not be directly affected by the proposed Non-Material Change application or would have an interest in it.

The information in your letter was supplemented by an e-mail from Ruth Henderson at Posford Haskoning on 23 October 2019 with an amended letter (with the same date) to reflect a change to the list of publications that the Applicant would be using

to publicise the proposed Non-Material Change application in accordance with regulation 6(1) of the 2011 Regulations.

A further communication about the request for consent under regulation 7(3) was submitted by Ruth Henderson on 4 November 2019. As you are aware, I wrote to Ruth Henderson following receipt of that communication to seek clarification of why you had decided that you would not seek comments on any Non-Material Change application from a number of aviation stakeholders – the Ministry of Defence, the Civil Aviation Authority and NATS. In response, Ruth Henderson wrote indicating that those stakeholders would be included in any consultation write-around and providing updated versions of Appendices 1 and 2 to reflect that position.

The Secretary of State has now considered the Applicant's request for consent under regulation 7(3) of the 2011 Regulations. The Secretary of State agrees with the proposal that the Applicant does need not to consult directly with all those persons listed in the amended Appendix 2 of the stakeholder list. The Secretary of State agrees that those authorities and persons that need not be consulted are not directly affected, either because the changes proposed will not affect their interests or because their interests relate to a different part of the scheme. Accordingly, the Secretary of State gives written consent, to the extent set out above, under regulation 7(3) of the 2011 Regulations.

In taking this decision, the Secretary of State is aware that, while those authorities and persons in the amended Appendix 2 stakeholder list will not be consulted directly in relation to the change proposals, there will also be public consultation on the proposed Non-Material Change application in line with the relevant provisions in the 2011 Regulations.

Finally, the Secretary of State's written consent in this matter should not be taken as indicating approval for any other aspects of the proposed Non-Material Changes to the Order that fall to the Secretary of State for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,

Keith Welford

KEITH WELFORD