

DOGGER BANK WIND FARMS

BY



Attn: Keith Welford
Department for Business Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Our Ref: AU-PM763-001-00001

Dear Keith,

The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592) (the DCO) as amended by The Dogger Bank Teesside A and B Offshore Wind Farm (Amendment) Order 2019 (S.I. 2019/699) (the Amendment Order)

The Dogger Bank Teesside A Offshore Wind Farm (Teesside A) and Doggerbank Offshore Wind Farm Project 3 Projco Limited (the Project Company)

Please find enclosed an application (the NMC Application) for a non-material change to the DCO. The NMC Application is submitted in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (the Regulations).

The DCO, Teesside A and the Project Company

The DCO granted development consent for two offshore wind farms of up to 1.2 gigawatts comprising up to 200 wind turbine generators (Teesside A and the Dogger Bank Teesside B Offshore Wind Farm (Teesside B)). The benefit of development consent for Teesside A was granted to Doggerbank Project 3 Bizco Limited (Bizco 3) and Bizco 3 has subsequently been renamed as the Project Company. The DCO was made on 4 August 2015 and came into force on 26 August 2015, and the Amendment Order was made on 25 March 2019 and came into force on 26 March 2019.

Teesside B is now known as the Sofia Offshore Wind Farm (Sofia). In relation to Sofia, the DCO was subsequently amended by the Amendment Order in March 2019. The Amendment Order did not make any amendments to Teesside A: it only made amendments to Sofia.

SSE and Equinor were two of four companies comprising the original Forewind Limited consortium that applied for, and was granted, the DCO. As you will be aware, since the DCO was granted the consortium has split: SSE and Equinor now own 50% each of Teesside A through the Project Company and have the benefit of the DCO in respect of Teesside A; and Sofia Offshore Wind Farm Limited (SOWFL) now owns 100% of Sofia and has the benefit of the DCO in respect of Sofia. The Project Company is a Joint Venture between SSE and Equinor, which has been set up to take forward the development of Teesside A.

The Project Company is applying for a non-material change to the DCO as amended in relation to the offshore works for Teesside A only. The proposed amendments do not relate to Sofia.

The Project Company is seeking a non-material change to the DCO (as amended) in respect of Teesside A for:

1. an increase to the permitted rotor diameter for individual wind turbine generators from 215m to 280m; and
2. the removal of the stated gross electrical output capacity of up to 1.2 gigawatts for Teesside A. No changes are being sought to the other parameters of Teesside A to necessitate this amendment (for example to pile diameter and hammer energy). It is envisaged that the change in the electrical output capacity will be achieved through the utilisation of more efficient wind turbines.

The proposed changes are relevant to the offshore works in respect of Teesside A only as they relate to the wind turbine parameters and generating capacity, and no changes are being sought to the onshore works in respect of Teesside A or to any works in respect of Sofia.

Regulation 4 of the Regulations

The Project Company is the applicant for the purposes of the NMC Application. The Project Company's address is No.1 Forbury Place 43 Forbury Road, Reading, United Kingdom, RG1 3JH.

The Project Company's agent for the purposes of the NMC Application is Royal HaskoningDHV. The Project Company's agent's address is 74/2 Commercial Quay, Commercial Street, Edinburgh, United Kingdom, EH6 6LX.

The Project Company has the benefit of development consent under the DCO in respect of Teesside A. The Project Company has the benefit of an agreement for lease with The Crown Estate in respect of the offshore elements of Teesside A. The NMC Application only relates to the offshore elements of Teesside A.

The details of the proposed changes sought pursuant to the NMC Application and the supporting documentation submitted alongside the NMC Application are set out below.

The NMC Application

Since the grant of the DCO, there have been a number of advancements in technology that would make Teesside A more efficient and cost effective. These advances are based on the size of wind turbine generators that are available, or that are likely to become available during the course of the development programme for Teesside A.

Therefore, the Project Company is making this NMC Application to change certain parameters within the DCO that are controlled by the requirements within Part 3 of Schedule 1 to the DCO and to remove the reference to a maximum generating capacity within the description of the Authorised Project within Part 1 of Schedule 1 to the DCO. The NMC Application seeks to:

1. increase the maximum permitted wind turbine generator rotor diameter from 215m to 280m; and
2. amend the stated gross electrical output capacity of up to 1.2 gigawatts for Teesside A to a gross electrical output capacity of more than 100 megawatts.

For the avoidance of doubt, this application does not relate to Sofia or the Shared Works and no substantive changes should be made to the DCO as it relates to Sofia or the Shared Works (save for the changes that split the requirements between the projects). For the avoidance of doubt, the Project Company is not the applicant or a successor in title of the applicant in respect of Sofia, does not have an interest in land in respect of Sofia and

does not have the benefit of the DCO in respect of Sofia. Furthermore, this application is not made on behalf of Sofia.

Rotor Diameter

The change sought is to increase this maximum parameter in the DCO to ensure that Teesside A contains the necessary flexibility to respond to technological advancements. This change will require an amendment to the relevant requirement within part 3 of schedule 1 to the DCO.

Whilst the Project Company is seeking to increase the maximum rotor diameter permitted by the DCO, the Project Company is not seeking to increase the maximum number of wind turbines or the total rotor-swept area of 4.35 square kilometres. Therefore, the total number of wind turbines which can be installed will continue to be constrained by these DCO parameters. For example, this means that the maximum number of wind turbines would be as follows:

1. with the current consented maximum rotor diameter of 215m: 119 (subject to the overall threshold of 200); whereas
2. with the proposed change to the consented maximum rotor diameter of 280m: 70 (subject to the overall threshold of 200).

Whilst the NMC application would permit fewer, larger turbines, Teesside A would retain the ability to deliver up to 200 turbines with a 167m rotor diameter as assessed and currently consented under the DCO.

Generating Capacity

The change sought is to amend the stated gross electrical output capacity of up to 1.2 gigawatts for Teesside A to a gross electrical output capacity of more than 100 megawatts, so that the description of Teesside A no longer operates as a capacity cap. The reason for the reference to more than 100 megawatts is to make it clear that Teesside A remains a nationally significant infrastructure project for the purposes of the Planning Act 2008.

There are clear benefits in not imposing a capacity cap, because Teesside A can then take advantage of technological progress in turbine design which would allow for increased electrical output (i.e. above and beyond the currently anticipated output) in order to maximise the delivery of renewable energy within the currently consented parameters (i.e. with no greater environmental effect than previously assessed). The benefits of removing the capacity cap can be demonstrated by some indicative examples within Teesside A's parameters. For example, taking a rotor diameter of 167 m and using the total rotor-swept area stipulated in the DCO of 4.35 km² 198 turbines could be installed. If a:

1. 6MW turbine was installed within those parameters, Teesside A could generate a gross electrical output capacity of 1,188 MW; but
2. 8MW turbine was installed within those same parameters, Teesside A could generate a gross electrical output capacity of 1,584MW. This is nearly a 400MW increase within the same Project envelope and same parameters as a result of more efficient turbine technology.

There are no planning justifications for limiting the capacity of Teesside A, as is demonstrated by the fact that capacity is not a constraint or parameter in itself and is only identified in the description of the authorised development. The DCO will continue to contain clearly defined and controlled parameters in respect of Teesside

A, and those parameters will continue to regulate Teesside A. It is those parameters which have been environmentally assessed.

This change is independent from the proposed increase to the rotor diameter, and is not contingent upon that change being made.

Materiality

The environmental report and technical appendices which accompany this NMC Application demonstrate that it is appropriate for this amendment to be consented as a non-material change to the DCO. In summary, and using the criteria in the DCLG's guidance (Planning Act 2008: Guidance on Changes to Development Consent Orders), the NMC Application should be treated as non-material and consented as a non-material change because the changes pursuant to it:

- 1.do not require an updated environmental statement (from that at the time the DCO was made). This is because the NMC Application does not give rise to new, or materially different, likely significant effects on the environment;
- 2.do not invoke a need for a Habitats Regulations Assessment (HRA) or a new or additional licence in respect of European Protected Species;
- 3.do not authorise the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the DCO; and
- 4.will have no effect on the local population.

In relation to the environmental statement and the HRA considerations, the environmental report and technical appendices demonstrate that the proposed changes will not give rise to new or materially different likely significant effects on the environment and that no new HRA is required. In particular, it is demonstrated that the conclusions of the environmental statement and its associated documents which supported the DCO application are not affected by the proposed changes. Similarly, it is demonstrated that the conclusions of the HRA which underpin the DCO are not affected, and a new HRA is not required. To inform this conclusion, a comparison with Teesside A on a like for like basis was undertaken to allow for a direct comparison between Teesside A as currently consented under the DCO and Teesside A with the proposed changes.

Please find enclosed in support of this NMC Application:

- 1.an Environmental Report, together with Appendix 1 which comprises an Ornithological Technical Report;
- 2.a draft amendment order, containing the changes to the DCO that the Project Company is seeking;
- 3.a tracked change version of the DCO, showing the effect of the amendment order on the DCO;
- 4.a copy of BEIS' Regulation 7(3) letter and accompanying appendices;
- 5.a copy of the template letter issued to consultees; and
- 6.a copy of the Regulation 6 notice under the Regulations.

The Consultation and Publicity Statement which is required to be submitted in support of the NMC Application will be submitted once the Project Company have complied with the consultation and publicity requirements of the Regulations.

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The NMC Application will necessitate consequential variations to the two deemed marine licences that were granted pursuant to schedule 8 and schedule 10 to the DCO. A separate request for a variation to the deemed marine licences will be submitted to the MMO.

Flamborough and Filey Coast Special Protection Area (“FFC SPA”)

With regards to this NMC Application I would like to request a further confirmation in relation to the FFC SPA review of consents. This request follows the same request to the Department for Business Energy and Industrial Strategy on 15th April 2019 with regards to the Dogger Bank Creyke Beck A&B projects.

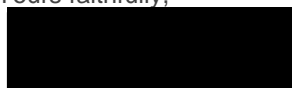
By letter of 8th May 2019, BEIS confirmed in relation to the Dogger Bank Creyke Beck A&B projects that the HRA undertaken for the change application (and referenced in the Secretary of State’s NMC decision letter of 9 April 2019 - see e.g. paragraph 27) considered the impacts of the Project both alone and in-combination with other projects on the FFC SPA and concluded no adverse effects. As such, the letter concluded *“I can confirm that the Secretary of State is satisfied that a review of consent has been conducted, under regulation 33(2) of the Conservation of Offshore Marine Habitats and Species Regulations 2017, and the AA already conducted for the Creyke Beck change application fulfils the requirement of regulation 33(3) to conduct an appropriate assessment. Therefore the 2015 Order as amended is confirmed and will not as currently in force be subject to a future review for the FFC SPA.”*

As this conclusion was quite correctly reached “in-combination” it is considered that the same conclusion holds equally for Teesside A, which was one of the in-combination projects. It is considered that: (i) it is the same range of in-combination projects under consideration now as were under consideration in reaching the conclusions in the 9th April 2019 NMC decision letter on the Dogger Bank Creyke Beck A&B projects and in the 8th May 2019 letter; and (ii) as explained above the Environmental Report and technical appendix which accompany this NMC Application demonstrate that the proposed changes will not give rise to new or materially different likely significant effects on the environment and that no new HRA is required. As with Dogger Bank Creyke Beck A&B, the Secretary of State’s Appropriate Assessment which accompanied the Teesside A DCO decision in 2015 included the Flamborough and Filey Coast pSPA and concluded no adverse effect on site integrity alone or in combination.

We seek confirmation that, as already concluded for the Dogger Bank Creyke Beck A&B projects, a review of consent has been conducted, under regulation 33(2) of the Conservation of Offshore Marine Habitats and Species Regulations 2017, and that, in respect of the FFC SPA and Teesside A, the 2015 Order is affirmed, is not modified or revoked and the review of consents process is complete.

Please do not hesitate to contact me if you have any queries in relation to the above.

Yours faithfully,



Jonathan Wilson

Lead Consent Manager
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