



SHEPHERD+ WEDDERBURN

OUR REF D2804.27/SM  
YOUR REF  
7 November 2017

The Secretary of State for Business, Energy and Industrial Strategy  
c/o Naomi Williams  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Dear Sirs

### **The Hornsea Two Offshore Wind Farm Order 2016 - Application for Non-Material Change**

We write to you on behalf of the Project Two Companies (as hereinafter defined) to request a non-material change to the Hornsea Two Offshore Wind Farm Order 2016 (SI 2016 No. 844 as amended by SI 2016 No. 1104) (the "Order"). The application is made pursuant to paragraph 2 of Schedule 6 to the Planning Act 2008 and the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the "2011 Regulations").

In this application, the "Project Two Companies" means Optimus Wind Limited (company number 07883284 and registered office 5 Howick Place, London, SW1P 1WG) and Breesea Limited (company number 07883217 and registered office 5 Howick Place, London, SW1P 1WG), both of whom were the applicant for, and are named as undertakers in, the Order.

#### Proposed change

Requirement 2(24) of Part 3 of Schedule 1 to the Order provides that "The combined total area of the site of Work Nos. 8A & 8B must not exceed 35,672 square metres, excluding any area of land required for landscaping and mitigation." The change sought to the Order is to substitute the figure of 35,672 square metres with the figure of 49,326 square metres. The effect of this will be to increase the combined total area of the site of Works No. 8A and Works No. 8B to bring the permitted area in line with the total combined area shown on the works plans (as defined in the Order). For the avoidance of doubt there is no requirement to increase the size of any of the design parameters of the substation infrastructure or to increase the footprint of plots 500 or 506 or any other part of the Order land as shown on the land plans (as defined in the Order).

#### Materiality of proposed change

The Project Two Companies submit:

- The change would not require an updated Environmental Statement (from that at the time the original Development Consent Order was made) to take account of new, or materially different, likely significant effects on the environment;

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- The change would not invoke a need for a Habitats Regulations Assessment or the need for a new or additional licence in respect of European Protected Species;
- The change would not authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised through the existing Order;
- The proposed change would not result in an impact on local people or businesses materially different from that assessed in the original Environmental Statement accompanying the Order.

It is therefore considered that the change proposed is non-material for the purposes of the 2011 Regulations. As also noted above, the proposed change to the Order will reflect the combined total area of the site of Works No. 8A and Works No. 8B, as already shown on the certified plans. Further discussion can be found in the accompanying Supporting Information.

#### Required information

Regulation 4 of the 2011 Regulations prescribes information that an application for a non-material change must contain. The prescribed information in relation to this application is summarised at Schedule 1 to this letter.

A list of all documents accompanying the application is set out at Schedule 2.

#### Notification and consultation

In order to comply with Regulations 6 and 7 of the 2011 Regulations:

##### *Notification*

A copy of the notice publicising the application is provided at Appendix A. The notice will be published for two successive weeks in:

- Grimsby Telegraph; and
- Scunthorpe Telegraph.

A hard copy of the application and accompanying documents will be made available for inspection free of charge at the following location, as specified in the notice:

- Grimsby Central Library, Town Hall Square, Grimsby, DN31 1HG.

A copy of the application and accompanying documentation will also be available online through the Planning Inspectorate's website at;

<http://infrastructure.planningportal.gov.uk/projects/yorkshire-and-the-humber/hornsea-offshore-wind-farm-zone-4-project-two/>.

A period of not less than 28 days from the date on which the notice is last published will be provided for responses to be made to the publicity. The notices will include a request that responses be made via the Planning Inspectorate.

The Secretary of State has provided written consent pursuant to Regulation 7(3) of the 2011 Regulations that the Project Two Companies need not consult with those persons listed in Appendix A of the Consultation and Publication Strategy (see Appendix D to this letter).

A copy of the notice (containing details of how to make representations) will therefore be sent to the parties listed in paragraph F2 of the Consultation and Publication Strategy. Please refer to Appendices D and E for further consultation information.

Fees

As required by Regulation 5 of the 2011 Regulations, a fee of £6,891 for the application has been transferred to the Department for Business, Energy and Industrial Strategy.

If you have any questions in relation to this application or the accompanying documentation please contact me on the details undernoted.

Yours sincerely

Scott McCallum  
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**Schedule 1  
Required Information**

Required Information	Response
Name and address of the applicant	Optimus Wind Limited (company number 07883284) and Breesea Limited (company number 07883217) both of 5 Howick Place, London, SW1P 1WG.
Name and address of an agent, if appointed	Shepherd and Wedderburn LLP, Condor House, 10 St Paul's Churchyard, London EC4M 8AL.
The Secretary of State's reference for the development consent order to which the application relates	The Hornsea Two Offshore Wind Farm Order 2016 (SI 2016 No. 844 as amended by SI 2016 No. 1104).
Details of the change being applied for	<p>The change applied for is an amendment to Requirement 2(24) of Part 3 of Schedule 1 to the Order to increase the total combined area of the site of Work Nos. 8A and 8B from 35,672 square metres, excluding any area of land required for landscaping and mitigation to 49,326 square metres, excluding any area of land required for landscaping and mitigation.</p> <p>Further information is provided in this letter, the draft amendment Order and in the Supporting Information.</p>
Any documents and plans considered necessary to support the application	A list of documents and plans is contained in Schedule 2.
A statement that the applicant is either— (i) the person who applied for the development consent order to which the application relates or a successor in title; (ii) a person with an interest in the land to which the development consent order relates; or (iii) any other person for whose benefit the development consent order has effect	Optimus Wind and Breesea Limited were the applicants for the Order (via SMart Wind Limited) and are the named undertakers.
The consultation and publicity statement referred to in regulation 7A	Details of consultation and publication of this application are contained within this letter, in the Consultation and Publication Strategy and Supporting Information. A copy of the notice of the application is also enclosed with this Order. Copies of the published newspaper adverts will be sent once received from the relevant publications.
Details of the applicant's interest in the land	The Order authorises the permanent acquisition of the land on which Work Nos. 8A and 8B will be situated. The Project Two Companies have a voluntary agreement to purchase some of that land and are in commercial discussions in relation to the remainder.
If requested by the Secretary of State, 3 paper copies of the application and other supporting documents and plans	Copies provided. Electronic copies have also been sent to the Planning Inspectorate.

**Schedule 2**  
**List of documents enclosed with this letter**

- Appendix A – Notice of Application
- Appendix B - Draft of The Hornsea Two Offshore Wind Farm (Amendment) Order 201[X]
- Appendix C – Supporting Information
- Appendix D – Consultation and Publication Strategy
- Appendix E – Letter of consent from Department for Business, Energy & Industrial Strategy