



East Anglia THREE Offshore Windfarm

DCO Non-Material Change Consultation and Publicity Report

Regulation 7A of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

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Revision Summary					
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1 Introduction

1.1 Overview

1. This document has been prepared to support the application for a non-material change to the East Anglia THREE Offshore Wind Farm Order 2017 (2017 Order) as required by regulation 7A of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 as amended (2011 Regulations).
2. East Anglia THREE Ltd (EATL) submitted an application for development consent and associated Deemed Marine Licences (dML) for the East Anglia THREE Offshore Wind Farm (EA THREE) in November 2015, with consent granted by the Secretary of State (SoS) for the Department for Business, Energy and Industrial Strategy (BEIS) in August 2017. The 2017 Order granted consent for the development of an offshore wind farm with a gross output of 1,200 Megawatt (MW) (1.2 Gigawatt (GW)), located approximately 69 km off the coast of Suffolk. The 2017 Order consented up to 172 wind turbines and associated offshore infrastructure.
3. On 15 March 2019 EATL submitted an application to BEIS for a non-material change to the 2017 Order, in accordance with the 2011 Regulations (Application). The Application sought:
 1. An amendment to the maximum generating capacity of the EA THREE development, from 1,200 MW (as limited by the 2017 Order) to a maximum generating capacity of 1,400MW;
 2. Confirmation that there is no upper limit for WTG capacity for the EA THREE project or, in the event this is not provided, an upper limit for WTG capacity of 19MW;
 3. An amendment to requirement 8(3) of the 2017 Order to allow more flexibility in delivery of the phases; and
 4. Inclusion of a new design parameter in the Requirements to the 2017 Order to limit the maximum number of gravity base foundations to 100, ensuring that the proposed increase in generating capacity does not give rise to any impacts beyond those assessed as part of the worst case when development consent for EA THREE was granted.
4. The Application did not seek to amend any of the parameters associated with the largest capacity WTG (and associated foundations), as secured in the 2017 Order.
5. A Supporting Statement for the application was prepared which reviews the receptors assessed within the EA THREE ES and provides an assessment as to whether there will be any changes in significance impact to what was described within the original application in the context of the increase in maximum generating capacity, the limit to the maximum number of gravity base foundations to 100, and no upper maximum limit for WTG capacity. Furthermore, it also considers whether the proposed changes would alter the conclusions of the Habitats Regulations Assessment (HRA) undertaken in respect of the 2017 Order.
6. Taking into account the four tests outlined in the 2015 DCLG Guidance on Changes to Development Consent Orders, the Supporting Statement demonstrated the proposed amendments to be non-material in nature due to there being no exceedance in the maximum consented parameters and therefore no changes in impact significance as described in the original ES.
7. The purpose of the amendment to the 2017 Order is to allow EA THREE account for electrical losses within the transmission system by taking advantage of current and future technical advancements in terms of wind turbine efficiency. This will improve the efficiency of the project without changing the physical parameters identified and addressed within the 2017 Order.

1.2 Consultation Report

8. EATL agreed appropriate consultees with BEIS under Regulation 7 of the 2011 Regulations.
9. Pre- and post-application consultation is described in detail in Section 2.
10. A consultation and publicity report is a requirement of regulation 7A of the 2011 Regulations and confirms that EATL have complied with all necessary steps set out in regulations 6 and 7 of the 2011 Regulations.

2 Maximum parameters

2.1 Pre-Application Consultation

11. EATL contacted BEIS to discuss an amendment to the 2017 Order on 20 January 2019 (Appendix 1). This was followed by a letter on 21 February requesting and proposing a reduced consultation list for the application process (Appendix 2a, 2b and 2c).
12. EATL consulted with each of the following consultees to develop the initial consultation list.

Table 1 1 Summary of pre-submission consultation responses

Consultee	Date of Consultation	of Consultation Format	Summary of Consultation
Marine Management Organisation	20th February 2019	Phone call	Advised of proposed Non-Material Change and agreed process for change to deemed Marine License. The Marine Management Organisation will be included in the consultation process.
Natural England	22nd January 2019	Phone call	Advised of proposed Non-Material Change and agreed Natural England would be included in consultation process.
Historic England	8th March 2019	Phone call	Historic England were advised of the proposed Non-Material Change. As the proposed changes will not alter any of the parameters used in the assessment there will be no change to the impacts previously assessed. Because of the limited changes to the project it was agreed with Historic England that they do not need to be consulted in relation to the non-material change.
The Crown Estate	27th February 2019	Email	The Crown Estate were advised the of proposed Non-Material Change. As the proposed changes will not alter any of the parameters used in the assessment there will be no change to the impacts previously assessed. The Crown Rights article (Article 37) will not change. Because of the limited changes to the project it was agreed with The Crown Estate that they do not need to be consulted in relation to the non-material change.
Suffolk County Council	7th February 2019	Meeting	The Local Planning Authorities were advised of proposed Non-Material Change as part of a regular programme of updates.
Suffolk Coastal District Council			As the proposed changes will not alter any of the onshore parameters of the project, and the Local Planning Authorities do not have an offshore interest, it was agreed that the Local Planning Authorities would not be included as a consultee.
Mid Suffolk District Council			

13. While considering the reduced list, BEIS requested clarification on some elements of the application (Appendix 3). EATL responded to this on 12 March 2019 (Appendix 4a and 4b) and a final consultation list was provided by BEIS on 25 March 2019 in accordance with regulation 7 of the 2011 Regulations (Appendix 5).

2.2 Post-Application Consultation

2.2.1 Application

14. In accordance with Regulation 4 of the 2011 Regulations, the following documents were submitted to BEIS on 15 March 2019:

1. The Supporting Statement, comprising
 - i. The details of the proposed non-material change to the Order as prescribed by the 2011 Regulations; and
 - ii. An explanation as to why the proposed change is considered non-material
2. The draft Amendment Order
 - i. The draft amendment Order provides for the amendment to the description of Work No. 1 in paragraph 1(a) of Schedule 1 to the 2017 Order. The draft amendment Order also inserts a new requirement into paragraph 3 of Part 3 (Requirements) of Schedule 1 to the 2017 Order to limit the maximum number of gravity base foundations to 100. This change would ensure that the increase in generating capacity does not give rise to any physical processes impacts beyond those assessed in the Environmental Statement as part of the worst case when the 2017 Order was granted;
 - ii. Finally, the draft amendment order provides for the amendment of requirement 8(3) to allow more flexibility in delivery of the phases.
3. A copy of the newspaper notice required by regulation 6 of the 2011 Regulations (Regulation 6 Notice)

15. These documents are available in Appendices 6a – 6g.

16. In accordance with regulation 6(1) of the 2011 Regulations, the Regulation 6 Notice was published in the following newspapers

Table 2 1 Newspaper publication dates

Publication	Dates
Eastern Daily Press	18 March 2019 and 25 March 2019
East Anglia Daily Times	18 March 2019 and 25 March 2019
Ipswich Star	18 March 2019 and 25 March 2019
Fishing News	21 March 2019 and 28 March 2019

17. Copies of these newspaper advertisements are provided in Appendix 7.
18. Due to an administrative error, the incorrect date for completion of consultation was included on the Regulation 6 Notice in Fishing News. Accordingly a further advert was placed on 2 May 2019 providing one further week of consultation, with a completion date of 10 May 2019. A copy of this advertisement as published is provided in Appendix 11.

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19. Copies of the application documents were placed at the inspection points given in the Regulation 6 Notice, namely:
- Woodbridge Library
 - Felixstowe Library
 - Lowestoft Library
 - Ipswich Library County Library
20. These documents will remain there until the end of the extended consultation period stated in the correction notice as published in Fishing News, i.e. 10 May 2019.
21. The application documents are also available to view on the East Anglia THREE Wind Farm project page on the Planning Inspectorate's website at: <https://infrastructure.planninginspectorate.gov.uk/projects/eastern/east-anglia-three-offshore-wind-farm/>

2.2.2 Application Consultation

22. The consultation documents were issued to each of the consultees agreed with BEIS in response to the Regulation 7 request. An example of the email and cover letter sent to each consultee is contained in Appendices 9a and 9b. Each consultee has subsequently confirmed in writing that they accept service by email. A copy of this correspondence can be provided if necessary.
23. A summary of the times and dates of consultation with each consultee is provided in the following table.

Table 2.2 Table showing the method of service and corresponding consultation period for each consultee as identified by BEIS in response to the Regulation 7 Request

Consultee	Date of Service	Consent for Received	Email Consultation Period	Extension Required
Royal Society for the Protection of Birds	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.
The Wildlife Trusts	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.
Civil Aviation Authority	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.
Maritime and Coastguard Agency	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.
Trinity House	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.
National Federation of Fishermen's Organisations	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.
VisNed (Dutch Fisheries)	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.
Historic England	27 March 2019	Yes	27 March 2019 – 25 April 2019	Yes, email follow up on 5 April 2019 confirming 25 April 2019 as deadline, email provided in Appendix 10a.
The Crown Estate	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.
Ministry of Defence	26 March 2019	Yes	26 March 2019 – 24 April 2019	No, the cover letter provided 24 April 2019 as the last day.

Natural England	28 March 2019	Yes	28 March 2019 – 26 April 2019	Natural England requested an extension to 3 May 2019, email provided in Appendix 10b
MMO	6 April 2019	Yes	6 April 2019 – 3 May 2019	Yes. Email follow up on 26 April 2019 confirming 3 May as deadline, email provided at Appendix 10c

2.2.3 Consultation Responses

24. A summary of each of the responses received is as follows:

2.2.3.1 Royal Society for the Protection of Birds

25. A letter provided on 18 April 2019 with the following queries / responses

No	Party	Comment / Response
1	RSPB	Query Table 2.1 of the Supporting Statement and 'Methods' section of CRM state "minimum clearance of the turbines above sea level must not exceed 22m" rather than "minimum clearance <i>should not be less than 22m</i> ".
1	SPR	Confirmed this is a typo error and that the Non-Material Change application will have no effect on this DCO Requirement.
2	RSPB	Query: would it be possible to retain a the 70%:30% split between turbines with a draught height of 24m and 22m, thereby further reducing collision risk?
2	SPR	Requirement 2 (2) of the 2017 Order originates from the 70/30 split. EA THREE intends to install fewer than 172 turbines so, whilst the percentage split won't be maintained the overall impact will be reduced compared with the consented position.

26. This letter and email correspondence is provided in Appendices 8a and 8b,

2.2.3.2 The Wildlife Trust

27. Emails on 1 April 2019, 4 April 2019 and 16 April 2019 with the following comments:

No	Party	Comment
1	TWT	Confirm proposed turbines will produce more energy than originally anticipated
1	SPR	Confirmed. The capacity change relates to improved technology within the turbines; there will be no changes to the physical parameters of the turbines within the consent
2	TWT	Will an increase in pile diameter or hammer energy be required?
2	SPR	There is no increase to hammer energy or pile diameter associated with the Non-Material Change.
3	TWT	Would there be any changes to the number of cables required?
3	SPR	The changes will have no effect on the number of cables required.

28. This correspondence is provided in Appendix 8c

2.2.3.3 Civil Aviation Authority

29. An email provided on 5 April 2019 concluding "I agree that this is a non-material change that does not require any additional input from CAA."

30. This email is provided in Appendix 8d.

2.2.3.4 Maritime and Coastguard Agency

31. An email provided on 4 April 2019 stating "it is unlikely the MCA will have any significant concerns to raise with regards to the proposed non-material changes"

32. This email is provided in Appendix 8e.

2.2.3.5 Trinity House

33. An email provided on 27 March 2019 concluding “I can confirm that Trinity House has no objections or comments to make concerning this change”.

34. This email is provided in Appendix 8f.

2.2.3.6 National Federation of Fishermen's Organisations

35. An email provided on 5 April 2019 concluding “We have no issues to raise with respect to this application for non-material change.”

36. This email is provided in Appendix 8g.

2.2.3.7 VisNed (Dutch Fisheries)

37. An email on 19 April 2019 with the following comments

No	Party	Comment / Response
1	Visned	Does the gravity base foundation limitation have any effect on spacing between turbines?
1	SPR	The spacing of the wind turbines is limited by the EA3 DCO to minimum 900m x 675m however the final design will be subject to procurement of turbines
2	Visned	The new proposal states that there will be ‘more flexibility in delivery of the phases’. Could this mean that it is forbidden to fish in the areas during the building period for a longer time?
2	SPR	The flexibility won’t change practical elements of the project; the change relates to marine licenses and would allow the project to use one single marine license (one each for transmission and generation) rather than two for each element.

38. This correspondence is provided in Appendix 8h.

2.2.3.8 Historic England

39. A letter provided on 24 April 2019 concluding ““We have considered the information provided to support this application and accept and confirm that the proposed amendments would not have a further adverse impact upon designated and non-designated heritage assets, beyond those identified within the Environmental Statement used in support of the original development consent order application. We therefore have no further comments to offer.”

40. This letter is provided in Appendix 8i.

2.2.3.9 The Crown Estate

41. A letter provided on 10 April 2019 concluding “The Crown Estate does not have any objection to the proposed amendments to the East Anglia THREE Offshore Windfarm”.

42. This letter is provided in Appendix 8j.

2.2.3.10 Ministry of Defence (MoD)

43. A letter provided on 10 April 2019 concluding “I can therefore confirm that the MOD has no objection to this application”.

44. This letter is provided in Appendix 8k.

45.

2.2.3.11 Natural England

46. A letter provided on 1 May 2019 concluding,

“Following Natural England’s review of the documents provided, we consider that the changes outlined above are non-material in nature. Furthermore, the proposed changes outlined within the documentation do not exceed the parameters that were previously assessed in the environmental statement (ES) and the associated Habitats Regulation Assessment. Thus, the worst case scenarios that were assessed within the original ES have not been exceeded and therefore there will no greater impacts caused by the NMC parameters.”

47. This letter is provided in Appendix 8l.

2.2.3.12 Marine Management Organisation (MMO)

48. A letter provided on 3 May 2019 stating “the MMO has no comment to make on the consultation at present”.

49. This letter is provided in Appendix 8m.

2.2.3.13 Third Party Consultees

50. One email was received from a third party consultee on 9 May 2019, responded to on 10 May 2019, containing the following comments:

No	Party	Comment / Response
1	Third Party	It has come to my attention that you have recently made an application for a non-material change to increase the output of this project from 1200MW to 1400MW. Would you kindly confirm whether it is still intended to retain the option of a one or two phase construction period and that you still intend to use the ducts already installed by EA1.
1	SPR	The East Anglia THREE project still intends to retain the option to build out in either one or two phases, and also to use the ducts installed during the construction of the East Anglia ONE project.
2	Third Party	On looking at the DCO application documents, Scottish Power made the point several times that they wished to retain an option for a “future project” at Bramford. Would you please confirm when you intend to bring this future project forward and whether you will be using the same landfall and cable route from Bawdsey.
2	SPR	At the time of submission for East Anglia THREE an option for a future project connecting at Bramford was considered however this is no longer the case, and there is no intention for ScottishPower Renewables to bring forward any such proposal.

51. This correspondence is provided in Appendix 8n.

3 Conclusion

53. EATL is seeking to amend the 2017 Order for the EA THREE offshore wind farm to increase its maximum generating capacity from 1,200MW to 1,400MW, with no maximum WTG capacity. As a consequence of this, and to ensure that impacts do not differ from those previously assessed, EATL has also proposed that an additional Requirement is included in the Amendment Order which restricts the maximum number of gravity base foundations to 100. An amendment to requirement 8(3) is also proposed to allow additional flexibility in the delivery of a phased construction.
54. Taking into account the four tests outlined in the 2015 DCLG Guidance on Changes to Development Consent Orders, it is considered that the proposed amendments have been demonstrated to be non-material in nature due to there being no exceedance in the maximum consented parameters and therefore no changes in impact significance as described in the original ES.
55. EATL agreed a programme of consultation with BEIS in accordance with regulation 7 of the 2011 Regulations. EATL has demonstrated that it complied with this consultation process as required by regulation 7A of the 2011 Regulations.
56. No consultees have highlighted any issues or outstanding queries in relation to the Application for non-material change to the 2017 Order.

Campbell, Rick

From: Campbell, Rick
Sent: 10 May 2019 13:28
To: [REDACTED]
Cc: East Anglia Three
Subject: RE: EA3

Dear [REDACTED]

Thank you for your email. The East Anglia THREE project still intends to retain the option to build out in either one or two phases, and also to use the ducts installed during the construction of the East Anglia ONE project.

It may be useful to explain the reasoning behind the non-material change. The purpose is to take advantage of advances in technology that we had not anticipated at the time of consent for the project, and to account for electrical losses within the system to deliver a maximum amount of electricity to the National Grid at Bramford. There is no intention to increase the size of the project grid connection from its current 1,200MW.

This is explained further in the supporting statement for the non-material change, available [here](#), section 1.3.

At the time of submission for East Anglia THREE an option for a future project connecting at Bramford was considered however this is no longer the case, and there is no intention for ScottishPower Renewables to bring forward any such proposal.

Please don't hesitate to ask if you have any further queries about the East Anglia THREE non-material change.

Kind regards

Rick Campbell



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Please consider the environment before printing this e-mail

From: [REDACTED]
Sent: 09 May 2019 15:19

To: East Anglia Three
Subject: EXTERNAL: EA3

For the attention of Rick Campbell

It has come to my attention that you have recently made an application for a non-material change to increase the output of this project from 1200MW to 1400MW. Would you kindly confirm whether it is still intended to retain the option of a one or two phase construction period and that you still intend to use the ducts already installed by EA1.

On looking at the DCO application documents, Scottish Power made the point several times that they wished to retain an option for a "future project" at Bramford. Would you please confirm when you intend to bring this future project forward and whether you will be using the same landfall and cable route from Bawdsey.

I look forward to hearing from you at your earliest convenience.

Kind regards

[REDACTED]