

Dogger Bank D Wind Farm - EN010144 Doggerbank Offshore Wind Farm Project 4 Projco Limited

Section 51 Advice Log Version: 2 December 2024

There is a statutory duty under <u>section 51 (s51) of the Planning Act 2008</u> for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (Doggerbank Offshore Wind Farm Project 4 Projco Limited) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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Date of Meeting/Advice	Meeting/Advice overview
<u>5 August 2022</u>	 Inception Meeting: Project Background Project Description Why Green Hydrogen at Dogger Bank D? Outline Programme Specific decisions or follow-up required A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: <u>View meeting note</u> (PDF, 129KB).
<u>16 February 2023</u>	 Project Update Meeting: Programme Update Draft Scoping Boundary Site Selection National Grid update Consultation Design Planning Act 2008 Administrative process and next steps A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: <u>View meeting note</u> (PDF, 76KB).
<u>13 March 2023</u>	 <u>Project Update Meeting:</u> Programme Update Environmental Impact Assessment (EIA) Scoping Current Consultation Any other business A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: <u>View meeting note</u> (PDF, 76KB).
<u>9 January 2024</u>	 Project Update Meeting: Project Update HRA derogations

	 EIA Regulation 32 Transboundary Screening Planning changes and Implications A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: <u>View meeting note</u> (PDF, 123KB).
24 April 2024	 Project Update Meeting: Programme Update Environmental Impact Assessment (EIA) Scoping Update Key Dogger Bank D Programme Milestones Site Selection Update – Offshore Other Updates Lessons and feedback from early adopters programme Specific decisions/ follow-up required A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: <u>View meeting note</u> (PDF, 125KB).
21 August 2024	 <u>Project Update Meeting:</u> Introductions Project Update Scoping Stakeholder Engagement Update Other topics for discussion Coordination Planning Inspectorate (PINS) Expectations / precedent from other projects? Update on approach from the project Good design - PINS expectations AOB PINS update on approach/timings to Transboundary screening Tier advice update Updated guidance A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: <u>View meeting note</u> (PDF, 125KB).

4 November 2024	Programme Document Feedback: The Inspectorate provided formal written feedback on the submitted Programme
	Document on Monday 4 November 2024.
	This feedback is available on the National Infrastructure Planning Website and this can be viewed at: <u>View feedback on programme</u> <u>document</u> (PDF, 138KB).
<u>13 November 2024</u>	Project Update Meeting:
	 Introductions Project Update, including general, derogation and Compensation, onshore and offshore updates Stakeholder Engagement Update Other topics for discussion including programme document – Planning Inspectorate comments and next steps, PINS Enhanced service and Transboundary consultation update. Any other business including updated guidance

Project name -s51	Advice Library
Торіс	Meeting date: 5 August 2022
Green Hydrogen Production – Engagement with Health and Safety Executive (HSE)	The Inspectorate queried if the Proposed Development would also include distribution pipelines. The Applicant stated that this would depend on the outcome of the site selection process. The Inspectorate queried the status of development of safety standards for hydrogen production. The Applicant stated that this was in development by the HSE. The Inspectorate recommended that the Applicant engage with the HSE regarding this aspect of the Proposed Development.
Engagement with relevant stakeholders	The Applicant explained it is in the early stages of site selection and is starting to prepare scoping. The Applicant noted its scoping is expected to be submitted to the Inspectorate towards the end of Quarter 1 2023.
	The Inspectorate queried when Statutory Consultation is likely to take place. The Applicant confirmed that it is likely to be 7 to 8 months prior to the submission of the DCO application.
	The Inspectorate advised the Applicant that early agreements with relevant stakeholders is key as it is will be vital in getting individuals input on the project in this area.
Evidence Plan Process	The Inspectorate queried if the Applicant is following an evidence plan process. The Applicant confirmed an evidence plan approach is its intention.
	The Inspectorate noted it would expect to attend steering group meetings for evidence plans.
Requirement for a derogation under the Habitats Regulations	The Inspectorate queried if a derogation under the Habitats Regulations would be required for this project. The Applicant stated it is very aware of this issue but was not able to comment due to the early stage of the project and the ongoing assessment process. The Inspectorate stated that it might be better to work on the basis that a derogation case would be required and develop 'without prejudice' solutions as early as possible with relevant stakeholders within the preapplication stage to avoid issues arising at acceptance or due to this issue dominating the examination process.
Торіс	Meeting date: 16 February 2023
Scoping Boundary	The Applicant presented a high-level plan showing the proposed project boundary, subject to refinement, which would likely form the basis of the EIA scoping request.

	The Applicant highlighted the novel nature of the hydrogen element of the scheme and the issues with the site selection due to technical and commercial uncertainties at this stage. The Inspectorate advised that any further refinements which can be made around about the design and layout of the Proposed Development prior to submission of the scoping request would improve the ability of the Inspectorate and consultation bodies to provide detailed comments in the Scoping Opinion. Should a high level of uncertainty remain around key design elements of the Proposed Development, this is likely to limit the Inspectorate's ability to agree to scope out aspects/ matters to enable the refinement of the Environmental Statement.
Consultation - Overlap	The Applicant stated that more consultations were due to be undertaken with statutory consultees (Environment Agency, Local Authorities, etc) in the coming weeks. The Inspectorate enquired about the timing of the non-statutory consultations given the timetable for submission of the Scoping Report (end of March 2023). The Inspectorate recommends that any non-statutory consultation avoids any overlap with the Inspectorate's statutory scoping consultation process. The Applicant responded that discussion with local communities and councils were due to commence and emphasised that the project wasn't a typical onshore grid connection, but a novel project on a significant scale.
Design	The Inspectorate advised the Applicant to look at the design aspects of the project as set out in the <u>National Infrastructure</u> <u>Commission's design principles</u> .
Planning Act Section 35 Direction – Green Hydrogen Manufacture	The Applicant confirmed that it was seeking a Section 35 direction (Planning Act 2008) from the Secretary of State in relation to the production of green hydrogen. The Inspectorate drew the Applicant's attention to two hydrogen- related NSIPs, the Keuper Gas Storage non material change and the Hynet North West Hydrogen Pipeline applications. The Applicant confirmed that the offshore windfarm, and the green hydrogen development would be considered under one Development Consent Order (DCO).
Administrative Process – Shapefile submission	The Inspectorate requested that the GIS shapefile should be submitted about two weeks before the Scoping Report. The specifications for the shapefile are set out in the Inspectorate's <u>Advice Note 7</u> . A file sharing website can be used to submit the scoping request documents.

Торіс	Meeting date: 13 March 2023
Environmental Impact Assessment (EIA)	The Applicant stated that it intends to submit the EIA Scoping Report for the Proposed Development to the Inspectorate at the end of Quarter 1 2023.
Scoping	The Applicant explained that the Scoping Report would be a substantial document and will include 27 aspect chapters. The Applicant provided an outline of the report structure that had been adopted to accommodate the different geographical coverage and nature of potential impacts associated with the two connection options.
	The Inspectorate advised that the Scoping Report should clearly and consistently identify aspects/ matters that are proposed to be scoped out from further assessment, with reference to the requirements set out in the Inspectorate's <u>Advice Note Seven</u> (see section 5.11).
Consultation - Overlap	The Inspectorate asked about the timing of any non-statutory consultation to be undertaken by the Applicant, specifically whether there was any potential for overlap with the Planning Inspectorate's statutory scoping consultation process. The Applicant responded that only targeted, high-level consultations were planned in the next few months.
	However, the Applicant highlighted its intention to notify bodies of the project generally, including of publication of the Scoping Report. The Inspectorate noted the potential for confusion around the purpose of any such "notification" with that of the formal scoping consultation and notification undertaken by the Planning Inspectorate (on behalf of the Secretary of State) with consultation bodies as defined in the Infrastructure Planning (EIA) Regulations 2017.
	Therefore, the Inspectorate advised the Applicant to include text in any such notification it issues to specifically explain that the scoping notification and consultation process under the EIA Regulations 2017 is the Planning Inspectorate's (on behalf of the Secretary of State) and is not an exercise of public consultation. The Inspectorate advised that further explanation was available in Advice Note Three on EIA Notification and Consultation.
	If any responses to the Inspectorate's scoping consultation from EIA consultation bodies are sent directly to the Applicant (rather than the Planning Inspectorate) in error, the Applicant confirmed that it will forward these on to the Inspectorate.
	The timing of the Applicant's Scoping Report submission and the Planning Inspectorate's consultation was discussed in relation to bank holidays in the April/ May period. The Inspectorate advised that it will be consulting the consultation

Geographical Information System (GIS) Shapefile	 bodies for a 28 day period on receipt of the Scoping Report. The Planning Inspectorate confirmed that it must adopt a Scoping Opinion within 42 days of receiving a scoping request. The Applicant made reference to submitting two separate GIS shapefiles to cover the scoping boundary. The Inspectorate requested that, preferably, the entirety of the red line boundary to which the Scoping Report relates should be presented in a single shapefile. Guidance on the technical specification for the shapefile are set out in <u>Advice Note</u> <u>Seven</u>. The Inspectorate requested that the GIS shapefile be submitted at least two weeks prior to submission of the
Habitats Regulation Assessment (HRA)	Scoping Report. The Applicant stated that a HRA Screening was currently being prepared with a completion target date of Q2 2023. The Inspectorate advised that <u>Advice Note Ten</u> on HRA had been updated to reflect changes in legislation and emerging best practice.
Торіс	Meeting date: 9 January 2024
Design changes – EIA Scoping	The Applicant outlined a change in design for the grid connection, explaining that a radial connection design proposal has been developed. The Applicant queried how this change should be managed with regards to EIA scoping. Advice from the Inspectorate is as follows: Although requesting a scoping opinion of the Secretary of State is not a statutory requirement, the EIA Regulations require the ES to be based on the most recent scoping opinion adopted (Regulation 14(3) of the EIA Regulations). The Regulation specifies 'So far as the proposed

	Regulations (the Applicant would then be provided with a new list of the consultation bodies notified under Regulation 11(1)(a)), as required by Regulation 11(1)(b)). The Inspectorate would notify and consult the consultation bodies again (including any additional bodies identified) and produce a new Scoping Opinion for the entire Proposed Development including the radial connection design proposal. Alternatively, the Applicant could seek to define the scope of the assessment of effects arising from the radial connection through engagement with relevant consultation bodies, including as part of the Evidence Plan Process. The Applicant should take care to ensure that aspects/ matters included in the EIA Regulations and particularly Schedule 4 (where relevant) are appropriately addressed. In order to demonstrate that aspects/ matters have been appropriately addressed, the ES (and PEIR, where possible) should explain the reasoning for scoping them in/ out and justify the approach taken. The Applicant should also consider whether it needs to identify any additional consultation bodies in light of the change to the red line boundary presented at scoping. Having regard to the advice above it is a matter for the
	Applicant to determine whether or not to submit a new scoping request.
HRA derogations	The Applicant is progressing conversations around derogations and compensatory measures, with an aim to identify the compensatory measures as early as possible during the pre-application stage. The Inspectorate advised that the HRA Report should describe the measures and how their delivery would be secured, including as much detail as possible in this regard. The Inspectorate's <u>Advice Note Ten</u> provides further advice regarding compensatory measures.
	The Applicant noted that a number of projects in the area have recently proposed compensatory measures which the competent authority has been satisfied with, which the Applicant will use to help define its own compensatory measures. It will be working with relevant stakeholders to gain more information on such compensatory measures.
	It was noted that The Crown Estate (TCE) are developing Round 4 Strategic Compensation Plans for Flamborough and Filey Coast Special Protected Area and Dogger Bank Special Area of Conservation. The Applicant will review how this progresses.
EIA Regulation 32 Transboundary Screening	The Applicant asked about the timescales for the transboundary screening and notification exercise undertaken by the Inspectorate (on behalf of the Secretary of State). The Inspectorate advised that it was in the process of

	drafting the transboundary screening and would shortly be issuing a query to the Applicant regarding the potential for significant effects on offshore ornithology in Ireland. Following the meeting the Applicant responded to the Inspectorate's query and the Inspectorate undertook the transboundary screening and notification exercise, with eight European Economic Area (EEA) States notified (Denmark, Belgium, Sweden, France, the Netherlands, Norway, Germany and Iceland). The Applicant has undertaken limited consultation with relevant parties regarding potential transboundary impacts. The Inspectorate referred the Applicant to <u>Advice Note 12</u> (Section 4.2), which states that where the Inspectorate is of the view that the proposed NSIP is likely to have a significant effect on the environment in an EEA State(s), the Applicant may wish to engage with certain appropriate bodies within those EEA State(s) and/ or other relevant states. Any engagement/ consultation may form part of the Applicant's statutory or non-statutory consultation under the pre-application stage of the DCO process and should be evidenced in the encent
	evidenced in the consultation report submitted with the DCO application.
Planning changes and Implications	Questions were raised from the Applicant regarding the Early Adopters Programme (EAP), focusing on relevant updates and feedback from other projects on the scheme. The Inspectorate highlighted the value of design principle documents, directing the Applicant towards the published advice on the Outer Dowsing Offshore Wind Farm project page.
Торіс	Meeting date: 24 April 2024
Environmental Impact Assessment (EIA) Scoping Update	An EIA scoping update was provided by the Applicant. As a result of the project changes, the Applicant will submit a new scoping request under Regulation 10(1) of the Infrastructure Planning EIA Regulations 2017 (the EIA Regulations) to the Secretary of State on 7 June 2024.
	The Applicant queried whether the original EIA scoping report (dated 21 April 2023) and EIA scoping opinion (dated 1 June 2023) will remain on the National Infrastructure website - noting that if so, it may cross-reference to these documents within the new scoping report. The Inspectorate confirms that these documents will remain on the website. Notwithstanding this, the Applicant should ensure that the new scoping request contains all the information required by EIA Regulation 10.

The Infrastructure Planning (Miscellaneous Provisions (MP)) Regulations 2024	The Inspectorate noted that the Infrastructure Planning (Miscellaneous Provisions (MP)) Regulations 2024 came into force on 30 April 2024 and amend the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. This, together with the red line boundary changes, is likely to result in some changes to the list of consultation bodies notified and consulted by the Inspectorate as part of the 2023 scoping exercise. The Applicant would be provided with a new list of the consultation bodies notified under Regulation 11(1)(a)) of the EIA Regulations, as required by Regulation 11(1)(b)), together with the new scoping opinion.
Compulsory Acquisition – Grid Connection Cable	The Inspectorate enquired about the length of the grid connection cable as this would have an impact on the amount of Compulsory Acquisition included within a future application. The Applicant responded that it would approximately be 30km and that the Compulsory Acquisition had been taken into account.
EIA Regulation 32 Transboundary Screening	The Inspectorate will reconsider the potential for transboundary effects under EIA Regulation 32 further to the adoption of a new scoping opinion. Any European Economic Area (EEA) States identified as having a likely significant effect on their environment, will be notified of the Proposed Development under Regulation 32 of the EIA Regulations (with the exception of those who previously confirmed their intention to participate in the EIA procedure, who will be consulted following acceptance of any DCO application). Within the scoping report, the Applicant may wish to provide a completed transboundary screening matrix dealing with the potential effects of the Proposed Development on EEA States.
Early Adopters Programme	The Applicant was keen to gain any insights arising from the Early Adopters Programme. The Inspectorate advised that it was still too early to make or release key lessons and feedback from the programme as some of the outcomes from components tested may be still to be identified now the trial cases are now in Acceptance and Pre-Examination stages.
	It was noted by the Inspectorate that some feedback, both to and from Applicants had already been published as required as section 51 advice and in the <u>news article</u> published on the government's website. The Applicant is encouraged to review this advice and take on board points of relevance to its application.
	The benefits of programme planning in ensuring the Inspectorate and other key stakeholders are kept informed of

	the programme and any changes in the programming of the Pre-Application stage was emphasised by the Inspectorate as this would assist the management of resources for these stakeholders.
Торіс	Meeting date: 21 August 2024
Stakeholder Engagement	The Applicant gave a summary update on the stakeholder engagement to date. The Inspectorate advised the Applicant that it will be useful to feed information from these engagements into the Consultation Report.
Project coordination	Following a query from the Applicant on how coordination should be approached and reflected in the Application. The Inspectorate advised the Applicant that Five Estuaries and North Falls Offshore Wind Farm proposals were examples of projects which have sort to undertake coordination.
Good Design	Following a request from the Applicant for more information from the Inspectorate on how Good Design should be approached in an Application for Development Consent, the Inspectorate provided some information and signposting to information on good design.
	The Inspectorate raised the importance of showing the design journey and how feedback and stakeholder engagement has been incorporated into the design. The Inspectorate also advised the Applicant to look at the Design Approach Document for the Outer Dowsing Offshore Wind Farm application as a reference point and added that the feedback to this document can be included in this meeting note. The Inspectorate added that further design advice will be published on their website in the next few months, and that the Design Approach Document is a mandatory component of the fast-track tier of the new pre-application service.
Transboundary	The Inspectorate advised the Applicant about the appropriate approach to Transboundary screening, stating that existing screening would stay on the project webpage and a potential re-screening would then be published.
Pre-Application Service to be introduced from October 2024	The Inspectorate gave the Applicant further advice on the pre-application tier service and requested that the Applicant attempt to identify dates of any key 'touch points' with the Inspectorate, for example meeting dates or document reviews, to provide the best opportunity to ensure resource could be planned effectively. The Inspectorate confirmed that it will be writing to all Applicants by the end of August to confirm tiers.

	However, at this stage, the Inspectorate could not confirm that the project is suitable to follow the fast track route on the basis of the information provided to date; further discussions in relation to this matter will take place in due course and the Applicant was directed to the <u>associated government</u> <u>guidance</u> and the Inspectorate's <u>pre-application prospectus</u> . The Inspectorate advised that if the Applicant did subsequently wish to pursue the formal fast track route that it should inform relevant stakeholders of this intention at the earliest opportunity, as outlined in the associated guidance. Irrespective of whether the formal Fast Track route was followed, the Inspectorate advised that there is opportunity to deal with applications quicker than statutory timeframes, for example examination and reporting periods, if the submitted application is of sufficient quality and there are few, if any, change requests or outstanding issues to be resolved.
Pre-Application Service to be introduced from October 2024 - New approach to the presentation of s51 advice at meetings	The Inspectorate reminded the Applicant about upcoming changes to the s51 advice in the context of the new pre-application service.
Updated guidance	The Applicant asked the Inspectorate about updated guidance, to which the Inspectorate replied that all the
	relevant advice notes are now on their website.
Торіс	relevant advice notes are now on their website. Advice Date: 04 November 2024
Topic Feedback on Programme Document	
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	be useful and support the progression of discussions around derogations/ compensation.
The required standard of information relating to derogations/ compensation	The Applicant noted the delay to the start of the Dogger Bank South Offshore Wind Farms (OWF) Examination and asked the Inspectorate how it could avoid such delays. The Inspectorate was clear that it is unable to discuss a live application but could provide advice relating more broadly to the HRA process for OWFs, as follows:
	The Inspectorate advised that an Examining Authority (ExA) requires sufficient information to meaningfully examine a proposed NSIP in six months. The Applicant explained that NE is not able to advise on compensation requirements for the Proposed Development at the current time. The Inspectorate advised that it can't compel NE to engage in these discussions, but (as above) the Inspectorate could participate in a multi-party meeting, or engage with NE directly. The Applicant was advised to continue to keep the Inspectorate informed of progress on this matter.
	The Applicant was advised to work towards agreeing the baseline data and the conclusions of the assessments of effects on integrity as far as possible with the Statutory Nature Conservation Bodies, noting that the conclusions of those assessments are likely to relate to the levels of compensation required. The Inspectorate noted that cases where there is engagement with an Evidence Plan Process during pre-application (with regular Steering Group and Expert Topic Group meetings) tend to be more effective in achieving this.
	The Applicant was advised to make use of the Inspectorate's draft documents review service for the draft HRA Report and to carefully consider the best time to provide the draft. The more complete the documents are when provided to us, the more thorough our advice can be.
	The Applicant was advised to review the requests for further information issued by the ExA for Dogger Bank South OWFs and that it may be helpful to maintain an overview of progress of that application.
Provision of project update information to the Inspectorate	The Inspectorate encouraged the Applicant to share the slide deck of the project update points for meetings going forward with us in advance, to assist us in providing the best service and providing the most appropriate comment and feedback. In line with the Pre-Application Prospectus, the agenda should be provided at least 10 working days in advance and it would be helpful to all attendees to have access to supporting information such as the slide deck in a similar timeframe.

Programme Document Feedback – Future feedback on amended versions of the programme document.	The Applicant was advised that if it submits another version of the Programme Document the Inspectorate may undertake a review, but any comments would be limited. The Inspectorate advised that the Programme Document should outline the proposed meeting schedule including the dates of proposed meetings, so that it can provide the most effective service to the Applicant.
Evidence Plan process	As part of the enhanced service, the Inspectorate can attend up to eight meetings per annum for the Evidence Plan. This can be a mix of steering group, Expert Topic Group and (where related to Evidence Plan matters) any multi-party meetings. The limit of up to eight meetings per annum related to the Evidence Plan process is in addition to nine project update or non-Evidence Plan multiparty meetings per year of service.
	The Inspectorate advised that it requires a minimum of six weeks' notice to participate.
Programme Document – Publication	The Inspectorate indicated that the Applicant may wish to publish the original programme document, an updated version following our feedback and then updated versions as the pre-application stage progresses. The reason for this is to assist stakeholders in understanding comments made and published under the Inspectorate's s51 advice duty.
Updated guidance and advice	The Inspectorate advised that on the 23 October 2024 they had released new advice on design and technical matters in relation to Good Design. The updated guidance is available at https://www.gov.uk/government/collections/national-infrastructure-planning-advice-notes . The Inspectorate expects the Applicant to have regard to this new and updated advice.
	A further Advice Page is anticipated to be released shortly on design and technical matters in relation to advice on linear schemes. The Applicant was advised that they may wish to have regard to this advice once published.
Regulation 32 transboundary screening	The Inspectorate advised that to date, it had received a response to the transboundary re-notification exercise from Belgium, confirming it wishes to participate in the procedure under Regulation 32 of the EIA Regulations 2017. Germany had confirmed it would respond by the deadline (20 November 2024).
	A full update will be provided to the Applicant as soon as practicable after the deadline and the responses will be published on the project page.