



**DOGGER BANK
TEESSIDE A & B**

**September
2014**

Deadline IV Appendix 20 Proposed minor amendment to the application – Part of Plots 40A and 40D

Document Title Dogger Bank Teesside A & B
Deadline IV Appendix 20
Proposed minor amendment to the application –
Part of Plots 40A and 40D
Forewind Document Reference F-EXL-RW-036
Issue Number 1.0
Date 22 September 2014

Drafted by	Andrew Guyton
Approved by	Mark Baxter

Part of Plots 40A and 40D

Introduction

- 1 This document is provided by Forewind Limited (Forewind) in relation to the application for development consent for the Dogger Bank Teesside A & B offshore wind farms.
- 2 As a result of changes to proposals made by York Potash Ltd, the promoters of a new potash mine and associated mineral transport system, Forewind has identified an opportunity to reduce the width of the order limits through a 540m section of the high voltage direct current (HVDC) onshore export cable (parts of Works No. 6A and 6B) from a temporary working width of 50m to 36m where it runs through part of Plots 40A and 40D. Forewind therefore request a change to the application for development consent for the Dogger Bank Teesside A & B offshore wind farms.

Ability to change a proposal after an application has been accepted for examination

- 3 The Department for Communities and Local Government document Planning Act 2008: Guidance for the examination of applications for development consent (here after referred to as 'the Guidance') (paragraphs. 105 to 107) recognises that applicants may need to change a proposal after an application has been accepted for examination. Legitimate reasons for such changes include the type of factors that have arisen in this case, namely technical developments and the discovery of unknown factors that need to be addressed to preserve the benefit of the proposed development.
- 4 Consistent with paragraphs. 106 and 107 of the Guidance, this statement demonstrates that the proposed change to the application is minor, not material and can still be considered under the existing application.
- 5 In preparing this statement, Forewind is also mindful of the rationale expressed in the case of *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982) 43 P & CR 233 which establishes that in accepting the amendment the ExA must be satisfied that to do so would not prejudice an interested party or deprive those who would have had a right to be consulted on the changed proposals with the opportunity of such consultation.

Background

- 6 York Potash Ltd is promoting the development of a potash mine (located to the south of the proposed HVDC export cable associated with Dogger Bank Teesside A & B) and associated mineral transport system linking the mine to a proposed materials handling facility at Wilton International and harbour facilities located at Tees Port (both located to the north of the proposed HVDC export cable associated with Dogger Bank Teesside A & B).

- 7 York Potash Ltd is securing consent for these works by way of three separate planning applications:
 - a. The mine and underground mining activities will be secured by way of a planning application in accordance with the Town and Country Planning Act 1990, submitted to the North York Moors National Park Authority. The target submission date for this application is September 2014.
 - b. Concurrently, York Potash Ltd propose identical 'straddling' applications for the mineral transport system and minerals handling facility will be submitted to the North York Moors National Park Authority and Redcar & Cleveland Borough Council at the same time as the mine application in September 2014. The 'straddling' applications will also be in accordance with the Town and Country Planning Act 1990.
 - c. A third application for the harbour facility will be secured by way of an application for a Development Consent Order to the Planning Inspectorate. The harbour facility is a Nationally Significant Infrastructure Project, with consent secured in accordance with the Planning Act 2008. This application is currently undertaking consultation pursuant to section 42 of the Planning Act 2008. The deadline for receipt of the consultation is the 16th October 2014, with the DCO application expected to be submitted to the Planning Inspectorate during quarter four 2014.
- 8 The proposed mineral transport system crosses the proposed onshore export cable corridor for the Dogger Bank Teesside A & B offshore wind farms at Plots 40A and 40D (refer to **Figure 1**). It is therefore the works associated with the second identical 'straddling' application for the proposed mineral transport system and minerals handling facility that is of relevance to Forewind's application.
- 9 To manage the interaction between the mineral transport system associated with the York Potash Ltd scheme and the HVDC onshore export cable associated with Dogger Bank Teesside A & B offshore wind farm, York Potash Ltd and Forewind have had ongoing consultation both before submission of Dogger Bank Teesside A&B offshore wind farm (March 2014) and post submission, through the preparation of a Statement of Common Ground (SoCG) between Forewind and York Potash Ltd, submitted to the Examining Authority (ExA) at Deadline II (28th August 2014).
- 10 At the time of submission of the application for Dogger Bank Teesside A & B in March 2014, York Potash Ltd proposed works in and around Plots 40A and 40D which comprised:
 - a. an underground pipeline and associated easements; and
 - b. a main works compound/mobilisation area.
- 11 To accommodate these proposed works by York Potash Ltd, Forewind considered it necessary to include provision of two 25m wide temporary construction working widths so as to ensure that the underground pipeline and main works compound/mobilisation area associated with York Potash Ltd project could be avoided by way of a major horizontal directional drill. The provision for a major horizontal directional drill through Plots 40A and 40D is shown on the Works Plans (Drawing No. F-ONL-MA-803-04), with supporting annotation stating: 'Trenching or

major HDD under works proposed by Yorkshire [stet] Potash Project' as submitted with the application (**application ref 2.4.2**).

- 12 Since submission of Dogger Bank Teesside A & B offshore wind farm, York Potash Ltd has amended the scope of its proposed works so as to reduce the impact of above ground works, modifying the approach to installation of the mineral transport system by replacing underground pipelines with tunnels which are up to 60m deep at this location. Further, York Potash Ltd no longer requires a main works compound/mobilisation area in this locality.
- 13 This updated proposal is documented in the Statement of Common Ground (SoCG) between Forewind and York Potash Ltd submitted to the Examining Authority (ExA) at Deadline II (28th August 2014). Paragraph 3-B-1 confirms that York Potash Ltd project and Dogger Bank Teesside A & B Projects will not conflict since the York Potash Ltd tunnel will be at least 60 metres below the surface at the point that the Forewind cable and the tunnel alignment intersect each other.
- 14 Accordingly, Forewind no longer consider it necessary to make provision for future permanent infrastructure laid just under the ground surface or main works compound/mobilisation area associated with York Potash Ltd. As a result, Forewind is only reliant on opening trenching and associated temporary construction working widths of 18m per project or 36m for both projects and does not require provision to be made for the wider temporary working width associated with a major horizontal directional drill (25m per project or 50m for both projects) to run through part of Plots 40A and 40D.
- 15 The proposed amendments to the work areas are shown on the updated Onshore Works Plans (sheet 4) provided at **Appendix B** (document ref **F-EXL-RW-036 App B**) and amended Onshore Works Plans (sheet 4) **Appendix C** (document ref **F-EXL-RW-036 App C**).

Figure 1: Teesside A & B Interaction with York Potash Ltd (at the time of application submission (March 2014))



Realignment of Horizontal Directional Drill Entry/Exit Compound

- 16 At the time of submission, the western most horizontal directional drill entry/exit compound in Plots 40A and 40D also provided for two sets of horizontal directional drill entry/exit compounds, those passing underneath works proposed by York Potash Ltd and those passing underneath A174/Wilton International entry point (refer to **Figure 1**).
- 17 The two sets of horizontal directional drill entry/exit compounds were co-located – allowing for savings to be made to the total land take required. Following the removal of the horizontal directional drill under works proposed by York Potash Ltd the western most horizontal directional drill entry/exit compound now only serves the proposed major horizontal directional drill under A174/Wilton International entry point.
- 18 To ensure that the set of horizontal directional drill entry/exit compounds continue to provide for appropriate alignment for the proposed major horizontal directional drill under A174/Wilton International entry point, the western horizontal directional drill entry/exit compound has been realigned.
- 19 The proposed amendments to the work areas are shown on the updated Onshore Works Plans (sheet 4) provided at **Appendix B** (document ref **F-EXL-RW-036 App B**) and amended Onshore Works Plans (sheet 4) **Appendix C** (document ref **F-EXL-RW-036 App C**).

Proposed Amendments

- 20 The proposed amendments to the application are:
 - a. Reduction, from 25m to 18m, in the temporary construction working width per project for 540m of HVDC export cable.
 - b. Removal of the eastern most horizontal directional drill entry/exit compound.
 - c. Realignment of the western horizontal directional drill entry/exit compound, ensuring alignment for the horizontal directional drill required under A174/Wilton International entry point.
- 21 The proposed amendments to the application are shown on proposed Onshore Works Plan Sheet 04. **Drawing No. F-ONL-MA-803-04**, provided at **Appendix C** and amended onshore Works Plan Amendment Sheet 04, with amendments detailed **Drawing No. F-ONL-MA-803-04**, provided at **Appendix D**.

Land Acquisition

- 22 **Table 1** details the changes to land acquisition as a result of the proposed minor amendment to the order limits.

Table 1 - Changes to land acquisition

Description	As Submitted in the Application	As Proposed in this Amendment	Change
Temporary construction working width per project	25m	18m	-7m
Total combined temporary construction working width	50m	36m	-14m
Extent Plot 40A	20,389m ²	16,644m ²	3,745m ²
Extent Plot 40D	19,499m ²	15,682m ²	3,817m ²

Application Documents

23 A schedule listing the revised number and reference of all application plans and documents that change as a consequence of the proposed amendment to the Order Limits are detailed in **Table 2**.

Table 2 - Changes to application documents

Plan/Drawing No.	Comments	Appendix/Document
Updated Onshore Land Plan Sheet 4 PA-2526-LP-05	Updated plan as a consequence of the amended order limits.	Appendix A F-EXL-RW-036 App A
Amended Onshore Land Plan Sheet 4	Updated plan showing proposed changes between Land Plan as submitted and updated Land Plan as a consequence of the amended order limits.	Appendix B F-EXL-RW-036 App B
Updated Onshore Order limits and grid coordinates plan F-ONL-MA-801	Updated plan as a consequence of the amended order limits.	Deadline IV Appendix 27 F-EXL-RW-038
Updated Onshore Works Plan Sheet 4 F-ONL-MA-803-04	Updated plan as a consequence of the amended order limits.	Appendix C F-EXL-RW-036 App B
Amended Onshore Works Plan Sheet 4 F-ONL-MA-803-04	Updated plan showing proposed changes between Works Plan as submitted and	Appendix D F-EXL-RW-036 App D

	updated Works Plan as a consequence of the amended order limits.	
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Book of Reference

- 24 The proposed changes would involve minor amendments to the Book of Reference (doc ref: **F-EXL-RW-037_clean** and **F-EXL-RW-037_tracked**) as follows:
- a. Part 1: Categories 1 and 2 of section 57 of the Planning Act 2008 - Plot 40A: area of land to be acquired. Reducing the area affected from 20,389m² to 16,644m²; and
 - b. Part 1: Categories 1 and 2 of section 57 of the Planning Act 2008 - Plot 40D: area of land to be acquired. Reducing the area affected from 19,499m² to 15,682m²

Statement of Reasons

- 25 The proposed changes do not require any amendments to the Statement of Reasons as submitted (**application ref 4.2**).

Description of Development and Draft DCO

- 26 The proposed amendment to the order limits does not require any change to either:
- a. The Description of Development as presented in either ES Chapter 5 Project Description (**application ref 6.5**); or
 - b. The draft DCO as submitted (**application ref 3.1**) or subsequently changed.

Environmental Effects

- 27 The proposed changes does not result in any changes to the predicted environmental effects or give rise to any new consequential significant environmental effects as documented in the Environmental Statement (**application ref 6.0**). Open trenching through this location and the realignment of a horizontal directional drill entry/exit compound is within the parameters of the existing Rochdale Envelope which has been the subject of assessment and consultation. Both construction scenarios were included in the assessment for all receptors: landscape, visual impact, geology, water resources, terrestrial ecology, land use and agriculture, archaeology, traffic, access, noise, vibration and air quality.

Stakeholder Engagement

- 28 Forewind undertook extensive pre-application consultation. In considering the proposed amended order limits at Plots 40A and 40D, Forewind do not believe the changes warrant a further full round of formal consultation consistent with that undertaken at Phase 2 Statutory Consultation for the following reasons:

- a. The provision of a horizontal directional drill, and the associated wider temporary construction working widths was presented as an option within the application.
- b. The provision of open trenching is within the parameters of the existing Rochdale Envelope which has been the subject of consultation under S42 of the Planning Act 2008 at Phase 2 statutory pre application consultation and notification of the application under S56 of the Planning Act 2008. The realignment of a horizontal directional drill entry/exit compound is within the parameters of the existing Rochdale Envelope which has been the subject of consultation under S42 of the Planning Act 2008 at Phase 2 statutory pre application consultation and notification of the application under S56 of the Planning Act 2008.
- c. The amendment will not result in any changes to the predicted environmental effects or give rise to any new consequential significant environmental effects.
- d. No changes are required to the description of development as presented in ES Chapter 5 Project Description (**application ref 6.5**).
- e. No changes are required to the associated permitted development described in the draft DCO.

29 Forewind has adopted instead a proportionate approach to consultation, focussing on those stakeholders who could be directly affected. To ensure that the proposed amendment meets the rationale expressed in the case of *Bernard Wheatcroft Ltd v Secretary of State for the Environment*, Forewind will consult, by way of a letter the following parties. In doing so ensuring that no suggestion can be made in this case that should the DCO be granted with the proposed amendment included, it would in any way prejudice an interested party or deprive those who would have had a right to be consulted on the changed:

- a. W A Wardman Ltd – Owner of Plot 40A and Plot 40D
- b. National Westminster Bank – Interest (Mortgage) in Plot 40A and Plot 40D
- c. G M Towers – Owner of Plot 40A and Plot 40D
- d. S J Towers – Owner of Plot 40A and Plot 40D
- e. Northern Gas Networks – Easement or other private right within Plot 40A and Plot 40D
- f. York Potash Ltd – Easement or other private right within Plot 40A and Plot 40D
- g. Kirkleatham Memorial Ltd – Easement or other private right within Plot 40A and Plot 40D

30 For the avoidance of any doubt Forewind will also notify the following parties of the proposed change. Forewind considers that notification to these parties is over and above the threshold established by *Bernard Wheatcroft Ltd v Secretary of State for the Environment*, but in doing so demonstrates its continued commitment to wider consultation over and above that established by regulations or case law:

- a. The local planning authority (Redcar & Cleveland Borough Council) by way of a letter detailing the amendment.

- b. Statutory nature conservation bodies by way of a letter detailing the amendment.
 - c. Advertise the amendment in the following papers (being those papers where advertisements have been placed for the initial and updated Statement of Community Consultation relevant to onshore matters):
 - i. Evening Gazette;
 - ii. Coastal View and Moor News; and
 - iii. The East Cleveland Herald and Post.
 - d. Deposit hard copies of this statement and supporting appendices in following libraries (being those papers where the application documents are deposited):
 - i. Marske Library;
 - ii. Redcar Central Library; and
 - iii. Saltburn Library.
 - e. Uploaded this statement and supporting appendices onto the applicants project website (www.forewind.co.uk)
 - f. Make this statement and supporting appendices available at all Hearings;
 - g. Supply this statement and supporting appendices upon request by phone/email/letter.
- 31 A deadline for the receipt of consultation responses by Forewind will be set to be not less than 28 days following receipt by affected parties of the consultation documents and following the date on which newspaper notices are published.
- 32 To ensure that the Examining Authority are kept informed of any responses to this order limit amendment through the examination, Forewind will
- a. Issue copies of correspondence, proof of publication (where available) and copies of any responses received at **Deadline V** (23rd October).
 - b. Document proof of all publications and all responses received at **Deadline VI** (20 November 2014).
- 33 In addition, Forewind has had regard to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended 2012) (EIA Regs) on consultation requirements for Environmental Impact Assessment (EIA), noting that there is no provision in the EIA Regulations for post submission consultation in this scenario.
- 34 Consistent with paragraph 29 above, as the proposed minor amendment does not alter any part of the Environmental Impact Assessment undertaken for this application, Forewind considers that no further consultation (over and above the extensive Phase 1 or Phase 2 pre-application consultation and the post acceptance consultation that was carried out in accordance with section 56 of the Planning Act 2008) is required on the Environmental Statement as submitted (**application ref 6.0**), however, as documented in paragraph 29 and 30 above, Forewind will consult with a range of parties on this statement and its supporting appendices.

Materiality of the change

- 35 Having regard to paragraph 106 of the 'Guidance for the examination of applications for development consent' (DCLG, April 2013), the reduced Order limits does not result in a new project, nor does it constitute a material change to the projects for which development consent is being sought.
- 36 Those persons with an interest in the land subject to this proposed amendment will be notified of the reduced temporary construction widths and realigned horizontal directional drill entry/exit compound through part of Plots 40A and 40D.
- 37 The application has been environmentally assessed on this basis and, therefore, the reduction of the temporary construction working width or realignment of the HDD directional drill entry/exit compound is within the parameters of the existing Rochdale Envelope which has been the subject of assessment in this case; it will not give rise to any new or different significant environmental effects.
- 38 Forewind is therefore confident that, following the consultation of parties identified in Paragraph 29, that, with reference to the rationale expressed in the case of *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (1982) 43 P & CR 233, the application will be able to demonstrate that there can be no suggestion in this case that should the DCO be granted with the proposed amendment included, it would in any way prejudice an interested party or deprive those who would have had a right to be consulted on the changed proposals with the opportunity of such consultation.
- 39 For the avoidance of any doubt Forewind will also notify with those parties identified in Paragraph 30. Forewind considers that notify to these parties is over and above the threshold established by *Bernard Wheatcroft Ltd v Secretary of State for the Environment* but in doing so demonstrates its continued commitment to wider consultation over and above that established by case law.

Appendix A

Updated Onshore Land Plan Sheet 4

Appendix B

Amended Onshore Land Plan Sheet 4

Appendix C

Updated Onshore Works Plan Sheet 4

Appendix D

Amended Onshore Works Plan Sheet 4



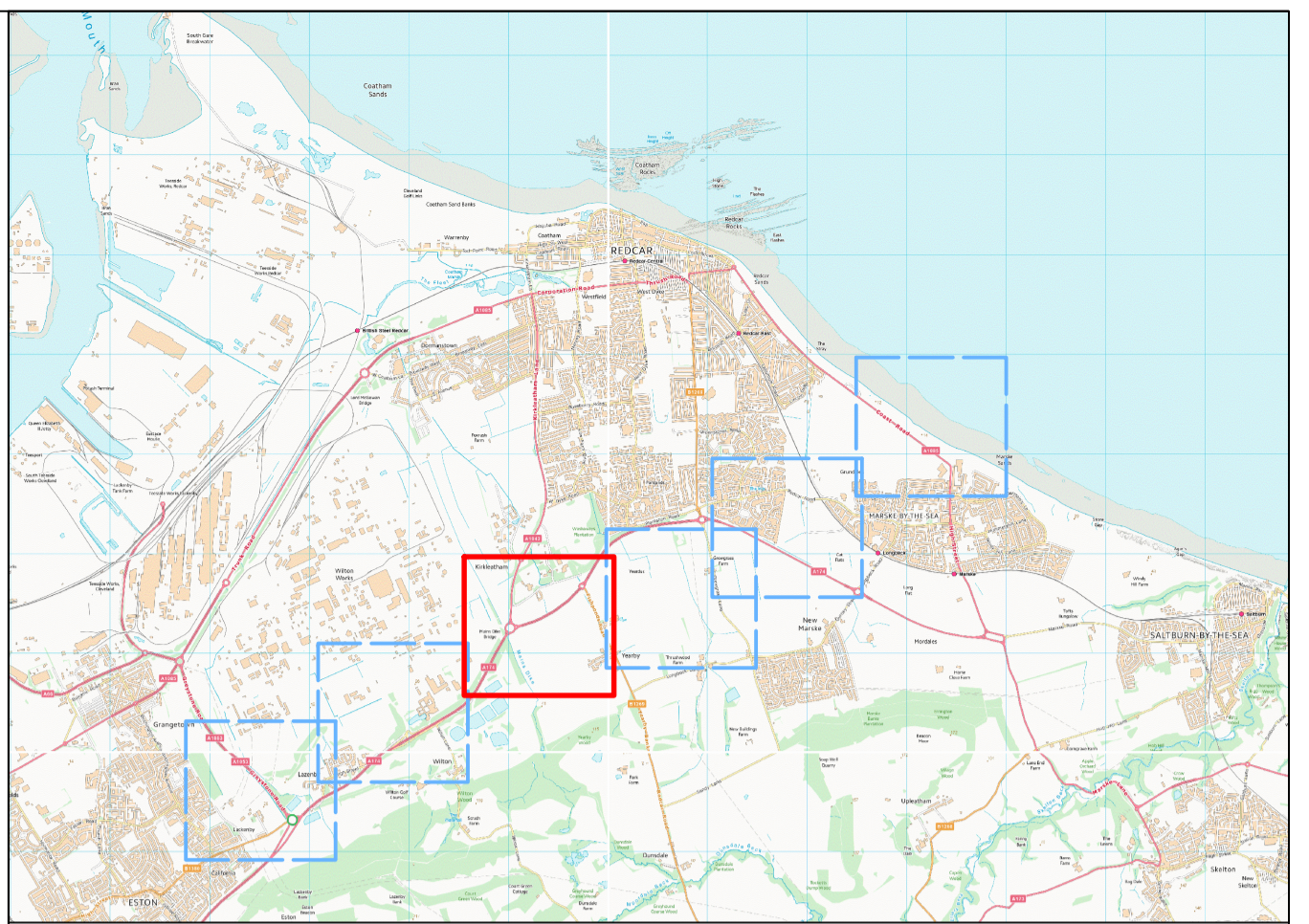
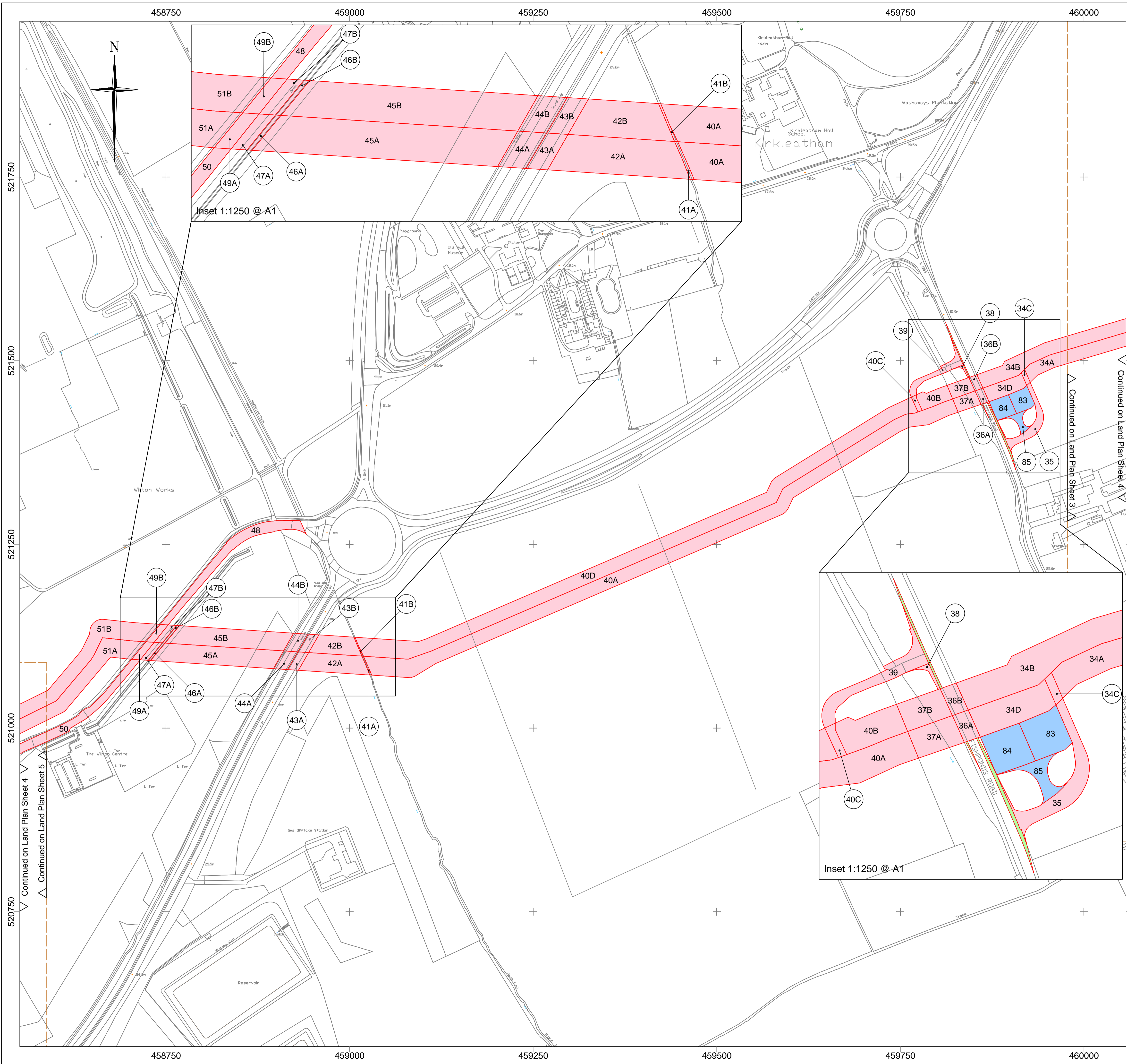
**DOGGER BANK
TEESSIDE A & B**

**September
2014**

Deadline IV Appendix 20 Appendix A Updated Onshore Land Plan Sheet 4

Document Title Dogger Bank Teesside A & B
Deadline IV Appendix 20 Appendix A
Updated Onshore Land Plan Sheet 4
Forewind Document Reference F-EXL-RW-036 App A
Issue Number 1
Date September 2014

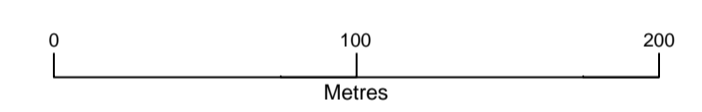
Drafted by	Persona	
Approved by	A Guyton	
Date / initials approval	AG	23-Sep-2014



Land Plan - APFP Regulations 2009: Reg 5(2)(i)-(iv)

- Land which is required for or affected by the proposed development
- Land and rights which are permanently required and subject to the extinguishment of private rights
- Land which is temporarily required and subject to the suspension of private rights
- Land which is required for or affected by the proposed development but which is not to be compulsorily acquired

Incorporating proposed amendments



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PROJECT TITLE
DOGGER BANK TEESSIDE A & B OFFSHORE WIND FARM

DRAWING TITLE
Onshore Land Plans - Amendment Sheet 04

Drawing Number: PA-2526-LP-04 Date: Sept 2014
 Scale: 1:2500 @ A1 Rev: 8 Author: KG
 Application Reference 2.3.2 Datum: OSGB36 Projection: BNG



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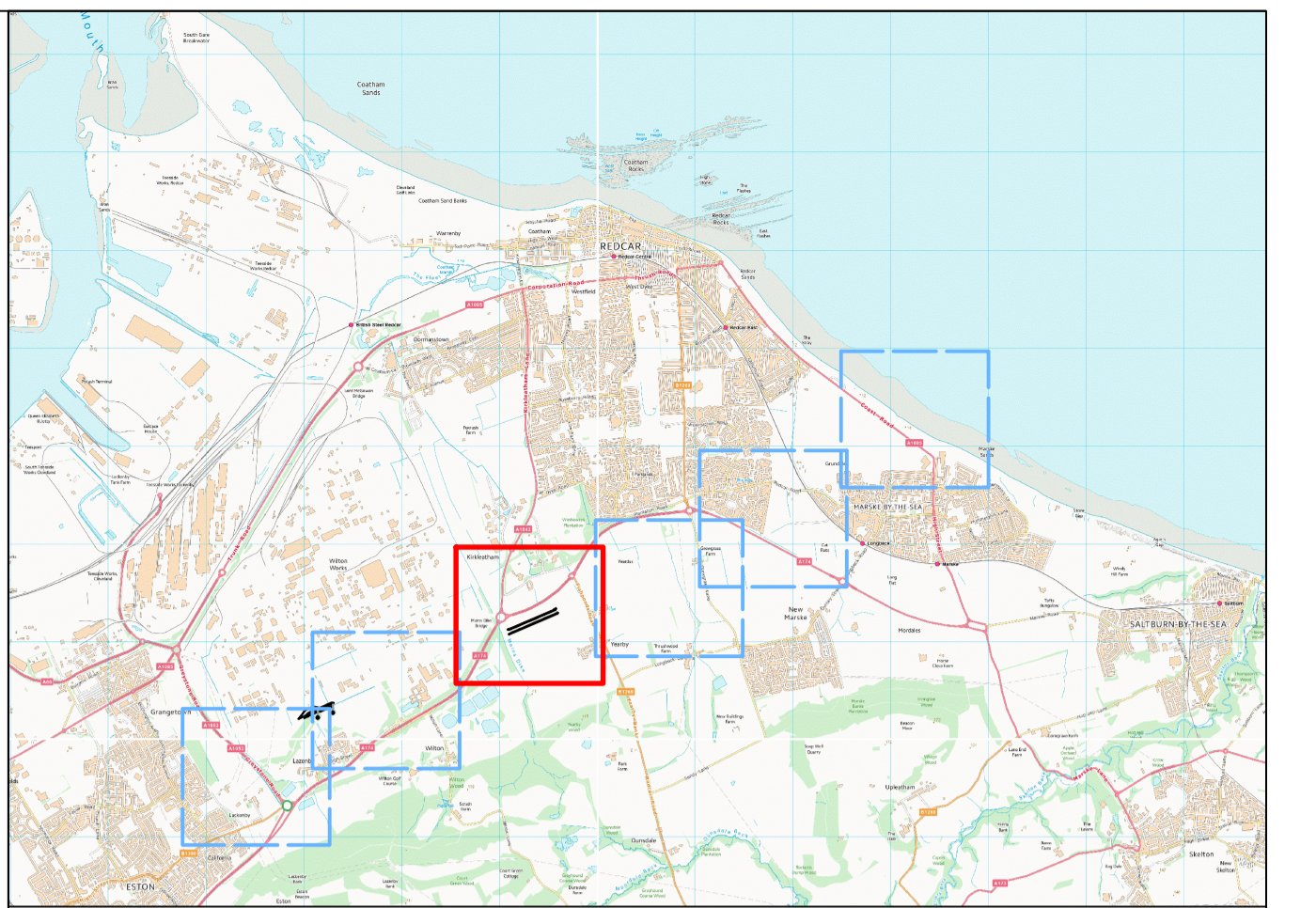
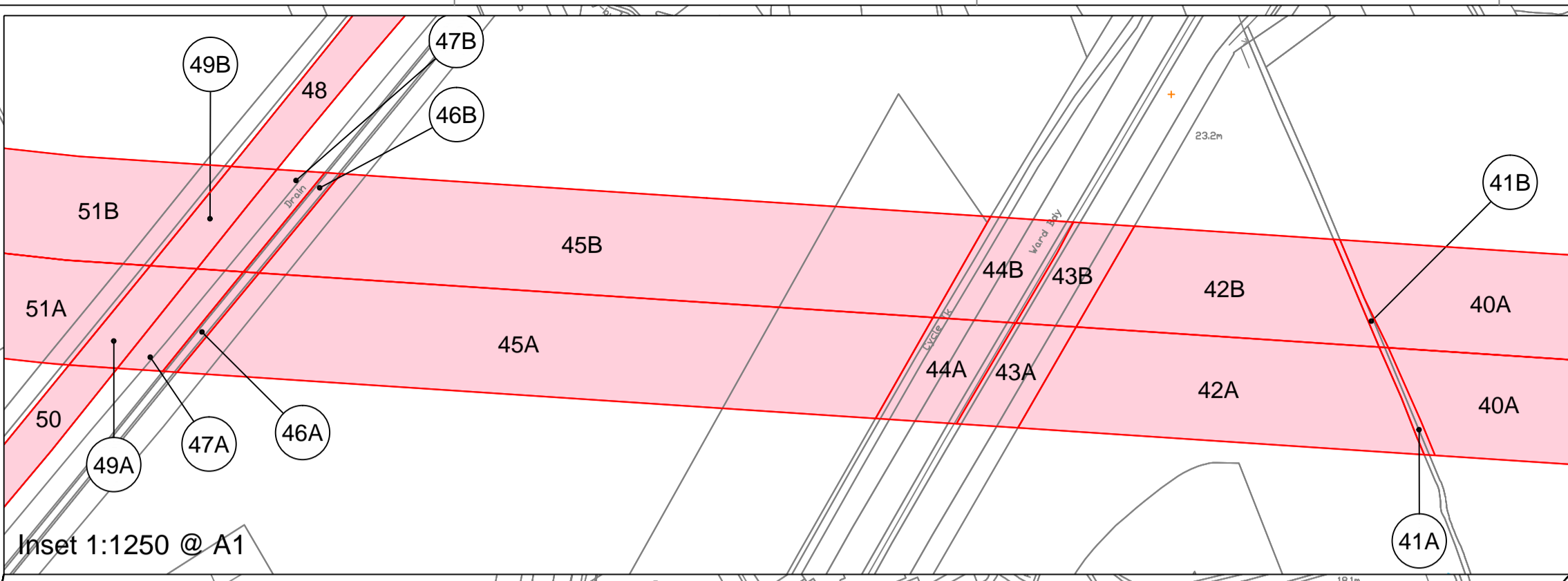
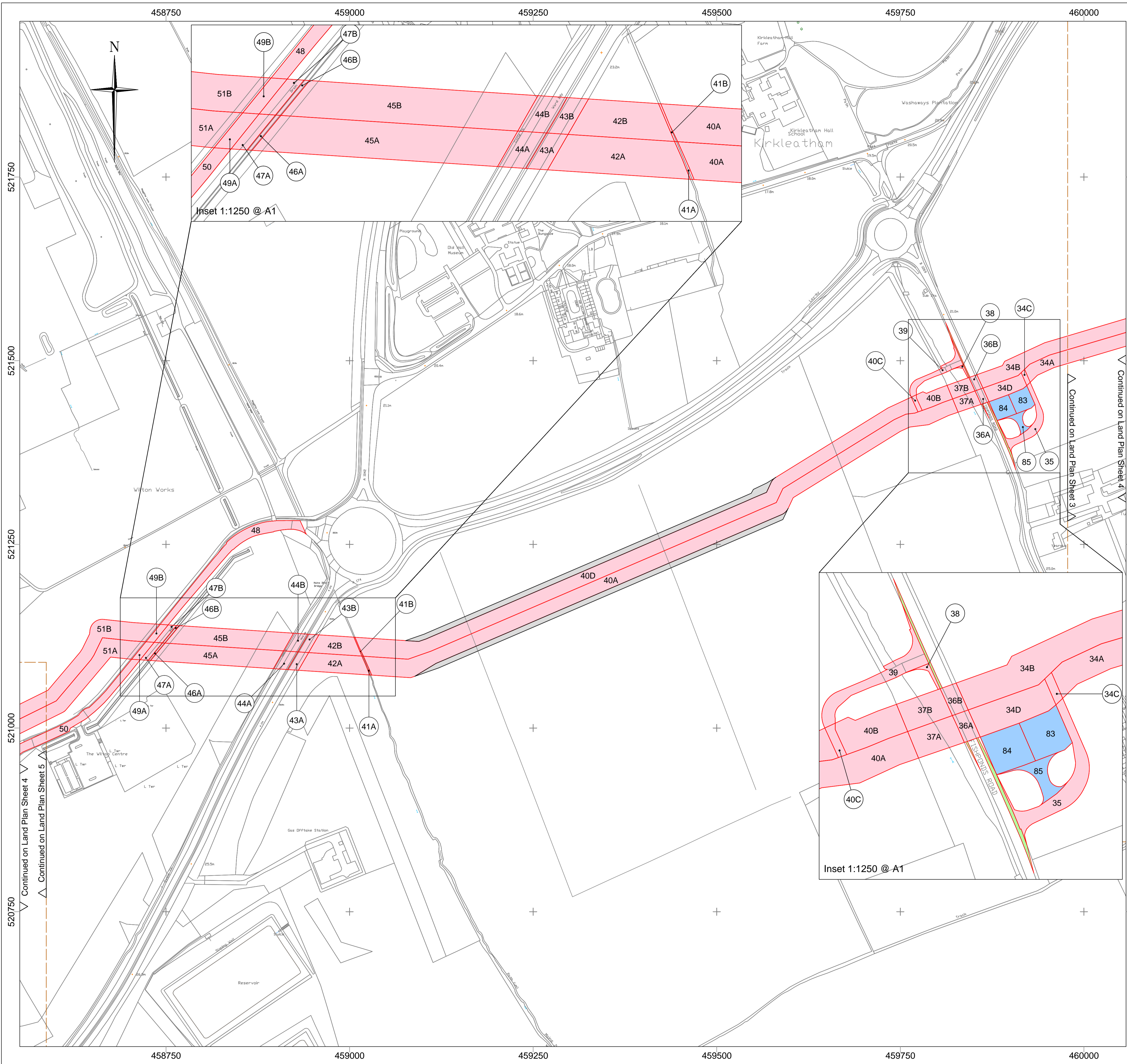
**DOGGER BANK
TEESSIDE A & B**

**September
2014**

Deadline IV Appendix 20 Appendix B Amended Onshore Land Plan Sheet 4

Document Title Dogger Bank Teesside A & B
Deadline IV Appendix 20 Appendix B
Amended Onshore Land Plan Sheet 4
Forewind Document Reference F-EXL-RW-036 App B
Issue Number 1
Date September 2014

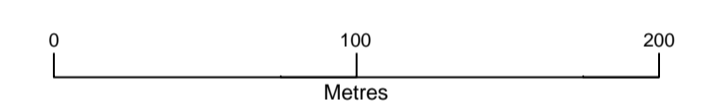
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Date / initials approval	AG	23-Sep-2014



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- Land which is required for or affected by the proposed development but which is not to be compulsorily acquired
- Land which is proposed to be removed in consequence of the proposed realignment

Amendments to this sheet are as follows:
Plots 40A and 40D amended



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PROJECT TITLE
DOGGER BANK TEESSIDE A & B OFFSHORE WIND FARM

DRAWING TITLE
Onshore Land Plans - Amendment Sheet 04

Drawing Number: PA-2526-LP-04 Date: Sept 2014
Scale: 1:2500 @ A1 Rev: 7 Author: KG
Application Reference 2.3.2 Datum: OSGB36 Projection: BNG



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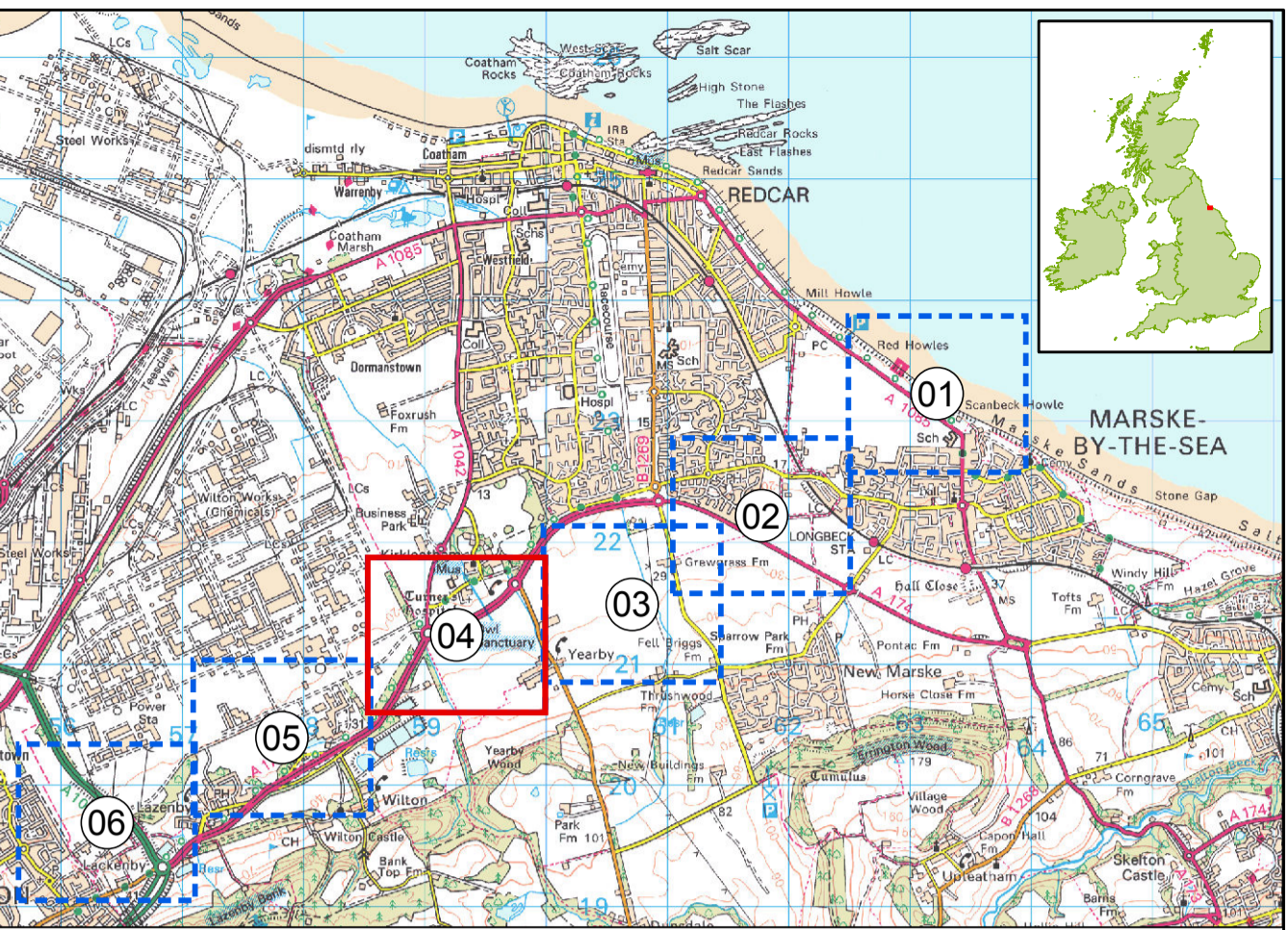
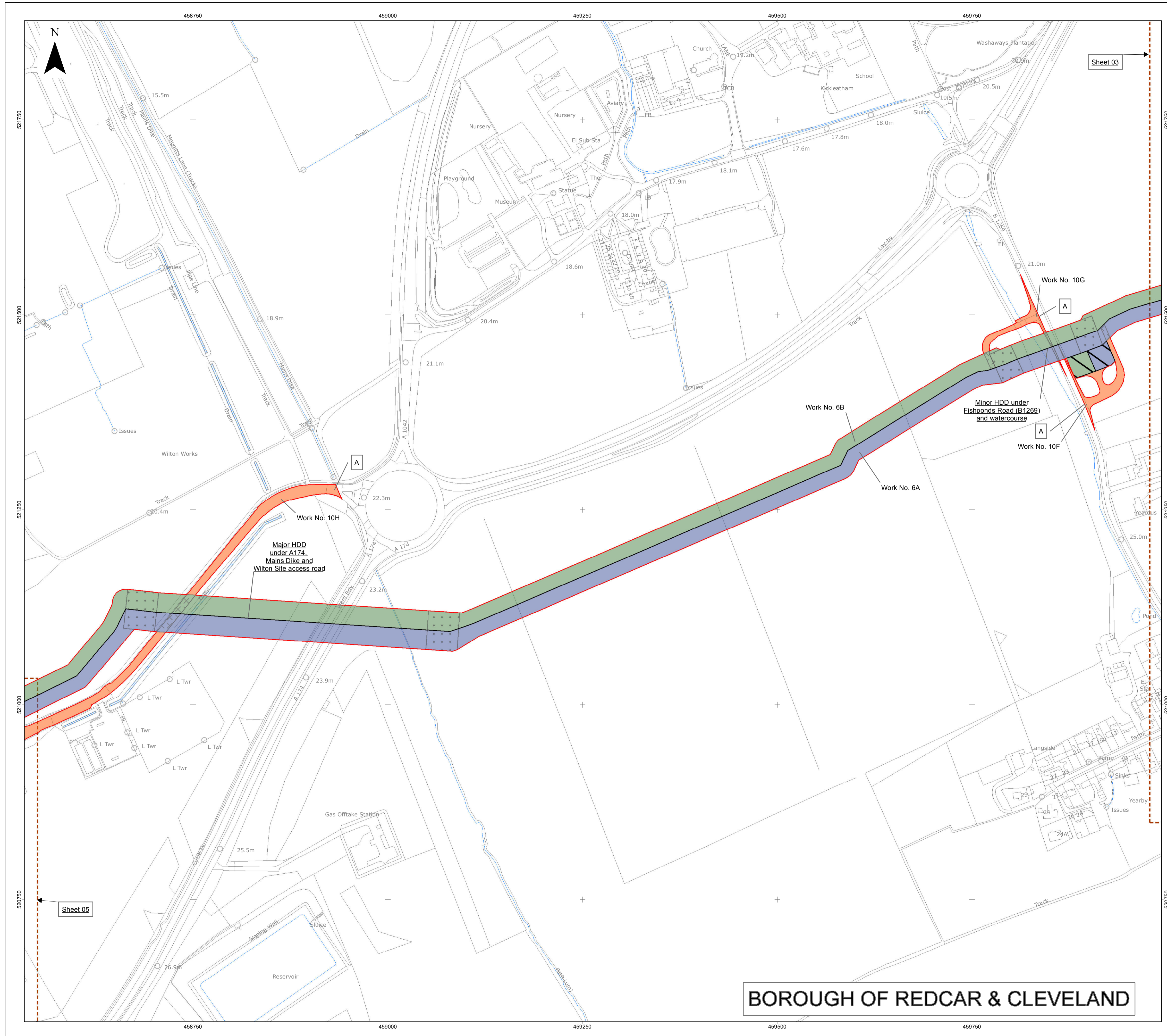
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**September
2014**

Deadline IV Appendix 20 Appendix C Updated Onshore Works Plan Sheet 4

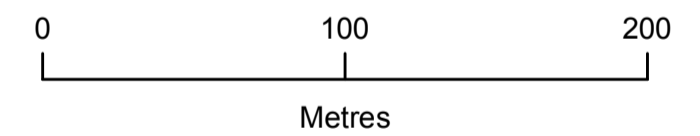
Document Title Dogger Bank Teesside A & B
Deadline IV Appendix 20 Appendix C
Updated Onshore Works Plan Sheet 4
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Drafted by	Persona	
Approved by	A Guyton	
Date / initials approval	AG	23-Sep-2014



- LEGEND**
- Order limits
 - Work No. 6A
 - Work No. 6B
 - Work No. 10 (A-K)
 - Work No. 10 (A-K, overlap with other works)
 - Horizontal directional drill entry/exit compound
 - Temporary construction compound
 - A Access to the Order limits from the public highway

NOTE: This is an amended sheet submitted to the examination following the amendment to Work No. 6A, 6B, 8A and 8B



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PROJECT TITLE
DOGGER BANK TEESSIDE A & B OFFSHORE WIND FARM

DRAWING TITLE
Onshore Works Plan Amendment Sheet 04

VERSION	DATE	REMARKS	Drawn	Checked
1	20/03/2014	First issue	JR	AG
2	22/09/2014	Updated order limits, Work 6&8	JR	AG

DRAWING NUMBER: **F-ONL-MA-803-04**

APFP REGULATIONS REFERENCE	5(2)(j)	APPLICATION REFERENCE	2.4.2
SCALE	1:2,500	PLOT SIZE	A1
DATUM	OSGB36	PROJECTION	BNG

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