



DOGGER BANK
TEESSIDE A & B

September
2014

Deadline IV Appendix 19 Proposed minor amendment to the application - Plots 58B and 58F

Document Title Dogger Bank Teesside A & B
Deadline IV Appendix 19
Forewind Document Reference Proposed minor amendment to the application -
Plots 58B and 58F
F-EXL-RW-035
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Approved by	Mark Baxter

Plots 58B and 58F

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 Forewind has been in discussion with Sembcorp Utilities (UK) Limited (“Sembcorp”) since March 2012 in order to agree Option Agreements (and Deed of Grant or Lease Agreements) for works proposed within its freehold ownership at Wilton International. As a result, the HVAC route as shown on the application plans as submitted to the Planning Inspectorate, crosses an area of land leased to GrainCo Limited (“GrainCo”), a tenant of Sembcorp’s at Wilton International.
- 3 It was not Forewind’s (or Sembcorp’s) intention to affect GrainCo and it was always envisaged by both parties that the proposed works would, where possible, remain wholly on Sembcorp’s freehold land within Wilton International in order to avoid disruption to tenants. In reaching agreed terms with Sembcorp, Forewind consider it a proportionate response to agree to their request to amend the order limits and the alignment of part of the onshore HVAC export cables that falls within the GrainCo’s leasehold interest.
- 4 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

- 5 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.
- 6 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.
- 7 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.
- 8 A DCO can be changed to include powers of compulsory acquisition under section 123 of the Planning Act 2008. This envisages a number of ways in which changes

can be made. Forewind propose relying on Section 123(3) which allows for provision to be made for compulsory acquisition in relation to additional land with the consent of all those with an interest in the additional land.

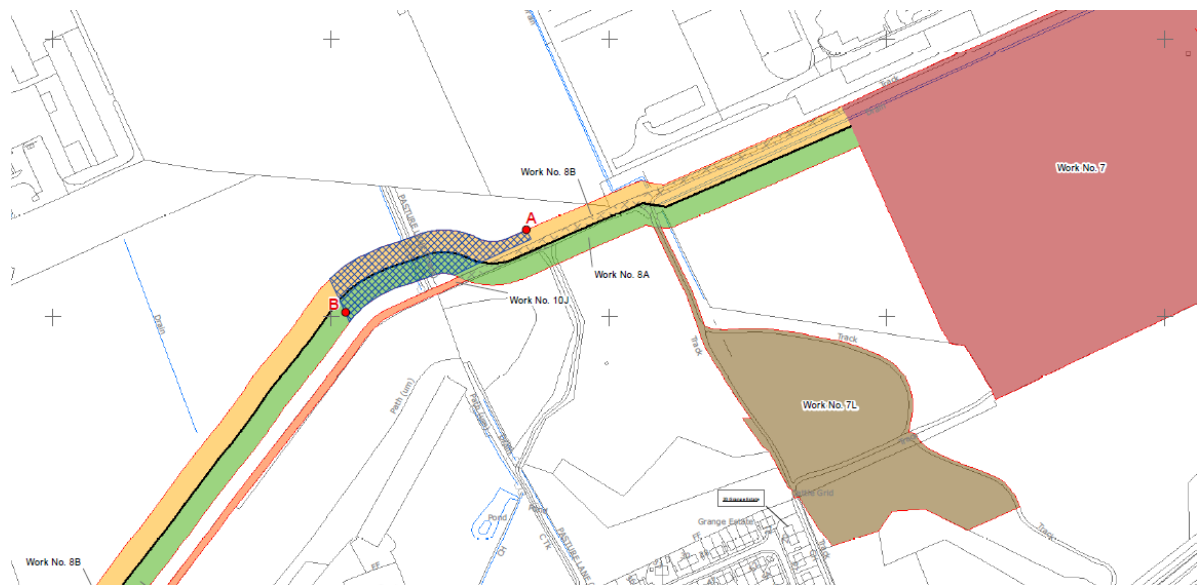
Actions completed between Deadline III and Deadline IV

- 9 Since Deadline III, Forewind and Sembcorp have agreed to a number of outstanding matters. An updated Statement of Common Ground (SoCG) is also provided at Deadline IV at **Appendix A**. Issues agreed include:
 - a. Forewind and Sembcorp have discussed the proposed realignment of the cable route that passes through Plots 58B and 58F.
 - b. The objective is to avoid property occupied by GrainCo, used for the purpose of a grain storage and processing facility and leased from Sembcorp pursuant to a 999 year lease.
 - c. An agreement in principle has been reached that the cable route should be realigned.
 - d. The freehold of the land affected by the proposed realignment of the cable route is owned by Sembcorp.
 - e. Forewind will be proposing a change to the Order Limits (this proposed amendment).
 - f. Sembcorp is in agreement with these proposed changes.
 - g. Forewind propose that the compulsory acquisition powers within the submitted DCO should also be applied to the additional land, marked on the Amended Land Plans as Plots 59i (now a freehold acquisition instead of the acquisition of rights), 58X and 58Y (both additional freehold acquisitions). Sembcorp consent to the powers of compulsory acquisition in the DCO being applied to this additional land.

Background to Proposed Amendment

- 10 Sembcorp made Written Representations to the Planning Inspectorate on 22nd August 2014 and 3rd September 2014 and a SoCG was agreed between Forewind and Sembcorp on 28th August 2014 and submitted to the Planning Inspectorate on the same day.
- 11 In response to ongoing discussion with Sembcorp and Forewind's proposed HVAC cable route alignment within Wilton International, Forewind issued a Position Statement on proposed amendment to application: Plots 58B and 58F at Deadline III.
- 12 That Position Statement provided background as to the ongoing discussions with Sembcorp, confirming that Forewind consider it a proportionate response to seek to amend the alignment of that part of Work Nos. 8A and 8B that falls within the GrainCo leasehold interest, being Plots 58B and 58F.
- 13 The extent of land affected by GrainCo leasehold interest was detailed in Drawing No. T-DES-0191-01 reproduced in **Figure 1**.

Figure 1 – Extract of Dogger Bank Teesside A & B Onshore Cable Corridor Area of GrainCo Demise Affected (Reproduced from Proposed amendment to application: Plots 58B and 58F – Position Statement)



- 14 As noted in the Position Statement, it was not Forewind’s (or Sembcorp’s) intention to affect GrainCo and it was always envisaged by both parties that the proposed works would, where possible, remain wholly on Sembcorp’s freehold land within Wilton International in order to avoid disruption to tenants.
- 15 The Position Statement advised that to achieve that outcome Forewind will need to amend the application since any possible realignment will be outside of the current proposed Order Limits.
- 16 Since Deadline III Forewind has examined the technical and environmental feasibility of alternative route alignments so as to ensure that it does not encroach onto land leased by GrainCo. In undertaking these further technical and environmental assessments, Forewind has concluded that, whilst a technical solution could be achieved within the order limits as applied for – it is not reasonable to install cables within the existing order limit boundaries without causing a severe level of disruption to GrainCo.
- 17 Forewind has carried out a due diligence examination of the proposed additional land to which compulsory acquisition powers are proposed. Sembcorp is the registered freeholder. Forewind has not identified any other interest in land or any owner whose consent might be required under Section 123(3) of the Planning Act 2008.

Engineering Evaluation

- 18 Forewind has investigated engineering solutions available in order to microsite the proposed HVAC route and so avoid any direct impacts on GrainCo’s existing building and operations, whilst avoiding physical constraints and minimising any environmental impacts.
- 19 The engineering assumptions used in the original route selection (and as applied for in the application) were applied in consideration of the route realignment required.

The preferred approach therefore was a 19.5m temporary construction working width, for each project (39m in total), consistent with the remainder of the HVAC onshore export cable. Further details on the rationale for the construction working widths on the onshore cables can be found in Section 4.3 (Onshore Cable Routes) in ES Chapter 5 Project Description (**application ref 6.5**).

Localised Constraints

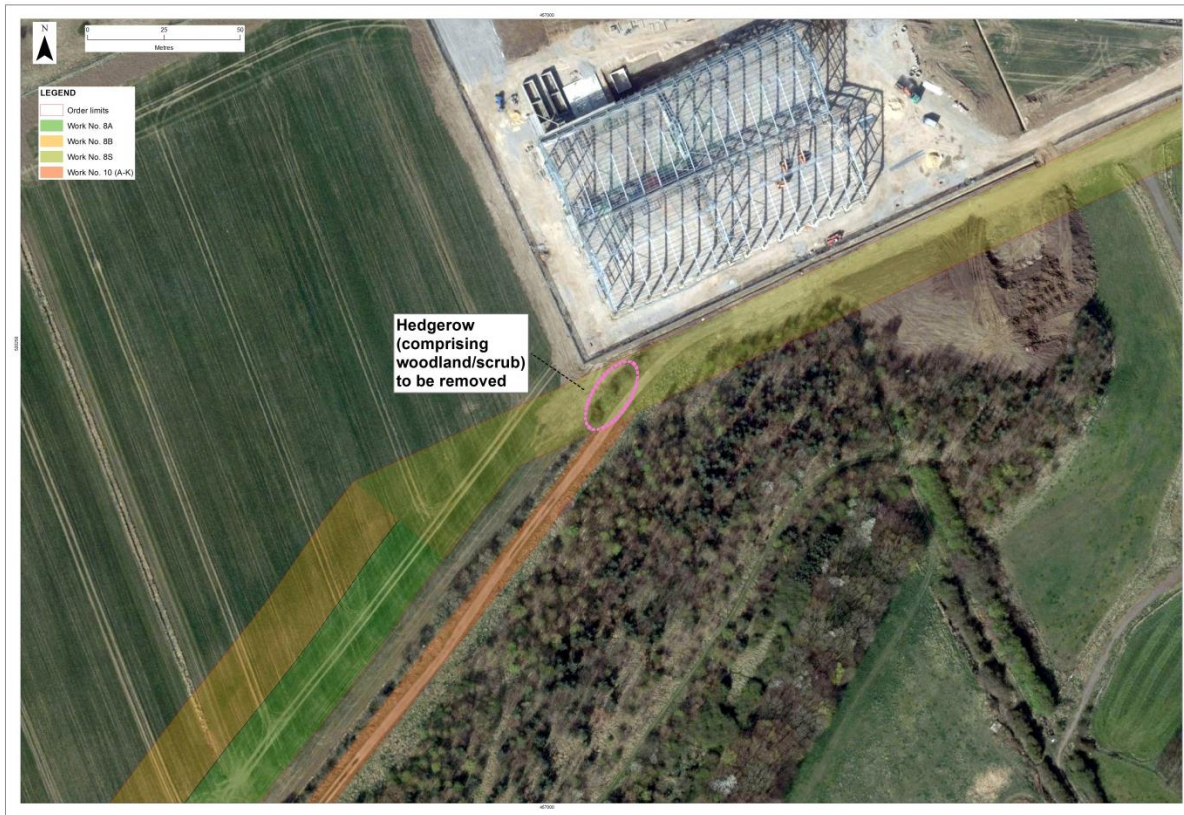
20 **Figure 2A**, an annotated photograph identifies the localised constraints (from the east looking west), showing from left to right i) established earth bund with woodland/scrub ii) Wilton International site track iii) drain (highlighted by way of a blue line and shown in **Figure 2A insert**) iv) fence line separating the area leased to GrainCo v) Hard standing associated with GrainCo and vi) grain storage facility.

Figure 2A – Photograph showing localised constraints (from the east looking west)



21 **Figure 2B**, an annotated aerial photograph identifies the localised constraints of the woodland/scrub to the western end of the proposed amendments.

Figure 2B – Annotated Aerial Photograph showing localised constraints of the hedgerow comprising woodland/scrub.



22 In reviewing the localised constraints, it is noted the site track is largely redundant with Sembcorp citing that they have no concerns over the temporary closure during the installation of the HVAC export circuit for each of the Teesside A & B projects. Whilst some local residents have been noted making use of the track for dog walking and the like, it is noted that such use is non permissive.

Width of corridor

23 A set back of 3.5m from the southern boundary of the Grainco leased area was considered necessary to avoid any potential impact on the re-routed drain, as shown in **Figure 2A**. This 3.5m setback having been taken as the northern boundary of the amended order limits at this point.

24 However, the option of reducing the construction working width in this short area was considered in order to reduce the impact on the existing woodland/scrub on the earth bund, and the hedgerow (also comprising woodland/scrub) to the north side of the existing track and south of the grain storage facility. The reduction of the width of the corridor would also be beneficial in terms of reducing the spoil from the construction works in this section of the HVAC cable route, as the 39m corridor overlaps with an established earth bund and may have required additional excavation works as a result.

25 It was determined that a reduction in width from the standard two separate 19.5m (39m in total) HVAC construction working widths, to a shared 18m HVAC construction working width would be achievable in this instance, limiting both the removal of woodland/scrub vegetation and the volume of spoil to be removed from the earth

bund. The amendment does however require an additional area of approximately 0.045ha of woodland/scrub to be lost as a result of the realignment over and above the application as submitted.

26 A shared 18m HVAC construction working width is already applied for a section of the HVDC cable route within Wilton International where the installation is along existing roads and where similar factors, i.e. the land not being used for agriculture. This approach is considered acceptable from an engineering perspective for this short section of the cable route as:

- a. Provision does not need to be made in the area for the separation of top soil from other spoil. The area is not used for agricultural purposes and as a result there is limited need to segregate topsoil and other spoil.
- b. One haul road can be used for a short distance where construction traffic can be managed and in this instance make use of circulation space provided for in the neighbouring converter stations and their associated construction compounds.
- c. Given the relatively short distance affected by the route realignment, the respective construction compounds being in close vicinity and the fact that the proposed amendment is now a shared area, with appropriate management procedures, it should still be possible to construct two projects in parallel in this section.

27 The components and land use of the standard two separate 19.5m (39m in total) HVAC construction working widths, applied where the export cable runs across agriculture land, is identified in **Figure 4**.

28 The components and land use of a 18m HVAC construction working widths, applied where the export cable can make use of existing roads or is not dependent on separate top soil storage is identified in **Figure 5**.

Figure 4 – Indicative cross section of a standard two separate 19.5m (39m in total) HVAC construction working widths.

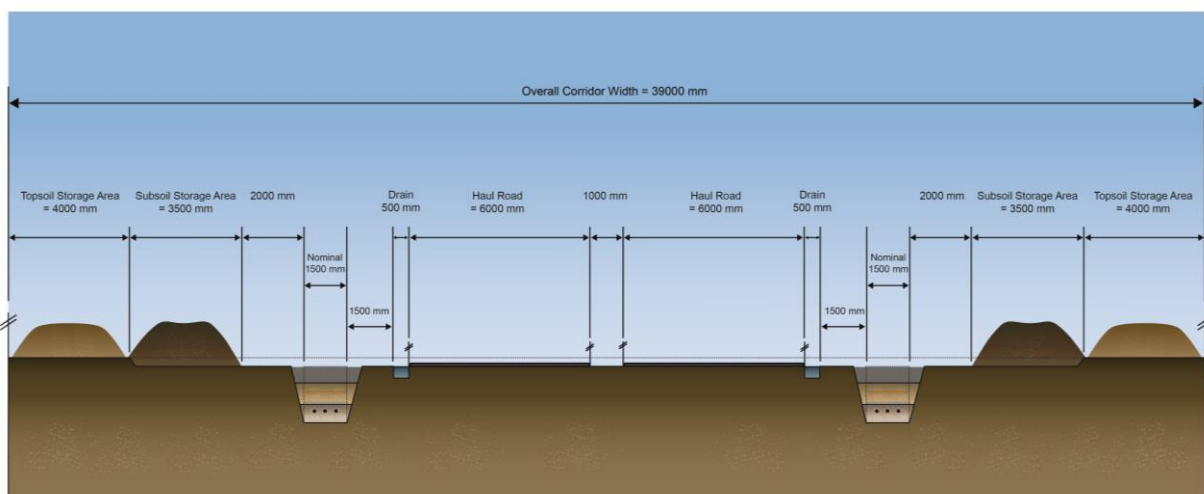
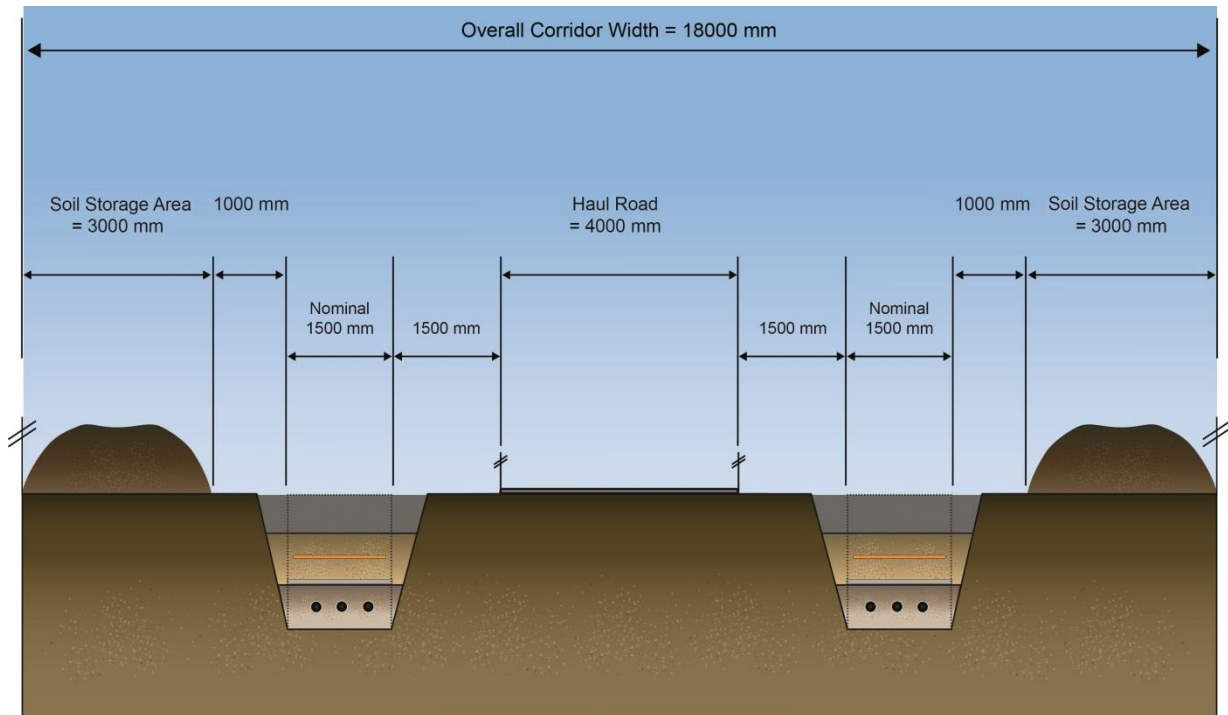


Figure 5 – Indicative cross section of a shared 18m HVAC construction working widths



29 **Figure 5** identifies an indicative cross section of an 18m HVAC construction working width. It is noted that the constraints in this locality require that the HVAC export cables associated with both projects will be contained beneath the access track with the final position of the access track between the current drain and the soil mound. Taking into account the required final position of the access track and the cables below, spoil for both projects may be deposited to the south of the existing track (to the left on **Figure 5**), in the area of the soil mound. There is therefore a need in this instance for both projects to ‘share’ this whole section (rather than just the central haul road) of the HVAC export cable route during construction. This is described further under changes to the Draft DCO and Works No. 8S.

Specific construction requirements

30 The reduction in the construction working width from separate 19.5m (39m in total) HVAC construction working widths to a shared 18m HVAC construction working width for this section of the HVAC export cable route, particularly in a concurrent build scenario, will require cooperative working arrangements between the two undertakers of Dogger Bank Teesside A and Dogger Bank Teesside B. Both projects working in such close proximity introduces a number of potential commercial and health & safety risks which will require additional mitigation and management systems to be put in place. Given the additional complexity and potential increase in construction duration as a result of management of cooperative working arrangements, Forewind considers that these shared working arrangements are only acceptable for a relatively short distance of cable route.

31 For both projects, the HVAC export cables will be installed within the shared 18m working width using the methodology described within Section 4.4 (Cable Installation) of ES Chapter 5 Project Description (**application ref 6.5**).

Proposed Amendments

32 The proposed amendments are:

- a. Realignment of approximately 180m of the onshore HVAC export cable corridor (being part of Works No. 8A and 8B).
- b. Replacement of two separate works areas (being Works No. 8A and No. 8B) of 39m with a shared works areas (being Works No. 8S) of 18m.

33 The proposed amendments to the application are shown on Onshore Works Plan Amendment Sheets 05 and 06. Drawing No. **F-ONL-MA-803-04**, provided at **Appendix C** (document ref **F-EXL-RW-035 App C**) and Onshore Works Plan Amendment 05 and 06, with amendments detailed. Drawing No. **F-ONL-MA-803-04**, provided at **Appendix D** (document ref **F-EXL-RW-035 App D**). These amendments to the works plans are reproduced in **Figure 6**.

Figure 6 – Extract of Onshore Works Plan Amendment (Centred on the proposed change from Sheets 05 and 06).



Land Acquisition

34 The proposed changes amends the temporary construction working width and area required for land acquisition. **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	As Proposed in this
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	DCO Application	Amendment
Total temporary construction working width (Area now identified as Works No. 8S)	39m (Work Nos. 8A and 8B)	18m (Work Nos. 8S)
Length of HVAC export cable route realignment	-	180m (approximate)
Reduced length of HVAC cable route per project (From Works No. 7 to edge of Works No. 9)	-	21m
Land removed from the order limits (Part of plots 58B and 58F)	-	5,887m ²
Additional Land previously not within the order limits. (Additional plots 58X and 58Y)	-	1,691m ²

35 Forewind propose that the compulsory acquisition powers within the submitted DCO should also be applied to the additional plots, Plots 58X and 58Y. Sembcorp consent to the powers of compulsory acquisition in the DCO being applied to this additional land. This is documented further in the SoCG provided at **Appendix A** (document ref **F-EXL-RW-035 App A**). For the avoidance of doubt, Sembcorp maintain their objection to the proposed compulsory acquisition of their property interests.

Application Plans

36 A schedule listing the revised number and reference of all application plans that change as a consequence of the proposed amendment to the Order Limits are detailed in **Table 2**. In addition, updated Onshore Order limits and grid coordinates plan are also provided at this Deadline.

Table 2 - Changes to application plans

Plan	Drawing No.	Comments	Appendix
Updated/Amended Onshore Land Plan Sheets 5 and 6	PA-2526-LP-05/06	Updated plans as a consequence of the amended order limits.	Appendix B F-EXL-RW-035 App B
Updated Onshore Works Plan Sheets 5 and 6	F-ONL-MA-803-05/06	Updated plan as a consequence of the amended order limits.	Appendix C F-EXL-RW-035 App C
Amended Onshore Works Plan Sheets 5 and 6	F-ONL-MA-803-05/06	Updated plan showing proposed changes between Works Plan as submitted and updated	Appendix D F-EXL-RW-035 App D

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

- 37 The proposed changes would involve minor amendments to the Book of Reference (document ref **F-EXL-RW-037_clean** and **F-EXL-RW-037_tracked**) as follows:
- d. Additional Plots 58X and 58Y which form the Additional Land;
 - e. Amalgamation of parts of Plots 58A, 58B, 58C and 58E to form a revised Plot 58, which comprises only land already within the application;
 - f. Renumbered Plots 59i and 58Z, which include land already within the application. Plot 59i was a plot where rights only were originally being sought. A freehold acquisition is now proposed.

Funding Statement and Statement of Reasons

- 38 The proposed changes do not require any amendments to the Funding Statement (**application ref 4.1**) or Statement of Reasons (**application ref 4.2**) as submitted.

Description of Development and Draft DCO

- 39 The proposed amendment to the order limits does not require any changes to the Description of Development as presented in ES Chapter 5 Project Description (**application ref 6.5**).
- 40 As detailed under Engineering Evaluation, the amended HVAC export corridor will be a shared works between Dogger Bank Teesside A and Dogger Bank Teesside B. As detailed in the Explanatory Memorandum, the two projects (Dogger Bank Teesside A and Dogger Bank Teesside B) are likely to be constructed by different operators (Bizco 2 and Bizco 3) each named as an Undertaker within the Order definitions.
- 41 Therefore, for the sake of clarity and transparency for stakeholders, the areas over which each Undertaker will have control both offshore and onshore is shown on the Works Plans through the use of different Works Nos (for example 1A, 2A, 3A etc. for Dogger Bank Teesside A (Bizco 2), and 1B, 2B, 3B etc. for Dogger Bank Teesside B (Bizco 3)). There are also shared areas identified separately such as the offshore temporary work area for construction (Work No. 2T), joint accesses to the onshore cable route (Work No.s 10A to 10F), the onshore converter station(s) site (Work No. 7), screening landform to the west of the converter station ((Work No. 7L) and some connections works at the existing National Grid substation at Lackenby (Work No. 9). These Work No.s are explicitly referenced as “shared areas” within the Order because equal access to these sites is necessary for both projects.
- 42 The amended HVAC export corridor will be a ‘shared’ works area and a new Works No. 8S has been included on the Works Plans. Work No. 8S combines works authorised under Work No. 8A and 8B, namely the provision of up to two sets of up to

three export cables for the transmission of HVAC electricity (i.e. six HVAC cables in total through Works No. 8S).

- 43 The inclusion of an additional shared work area also triggers a number of minor amendments to the Draft DCO. These are presented in the draft DCO Version 3 and DCO Change Log, document number **F-EXL-DCO-001**.
- 44 Schedule 5 of the DCO will require minor amendments to ensure that the rights sought within that Schedule correspond with the proposed realignment. The effect of this will be to delete Plots 58E and 58C from Part 3 of that Schedule, as the freehold will now be required as part of the compulsory acquisition. These amendments are presented in the draft DCO Version 3 and DCO Change Log, document number **F-EXL-DCO-001**.

Land Owner Consent

- 45 The only identified party with an interest in the land for the purposes of Section 123(3) of the Planning Act 2008 is Sembcorp. As documented in the updated SoCG at **Appendix A** (document ref **F-EXL-RW-035 App A**) Sembcorp have consented to the amendments presented in this statement.

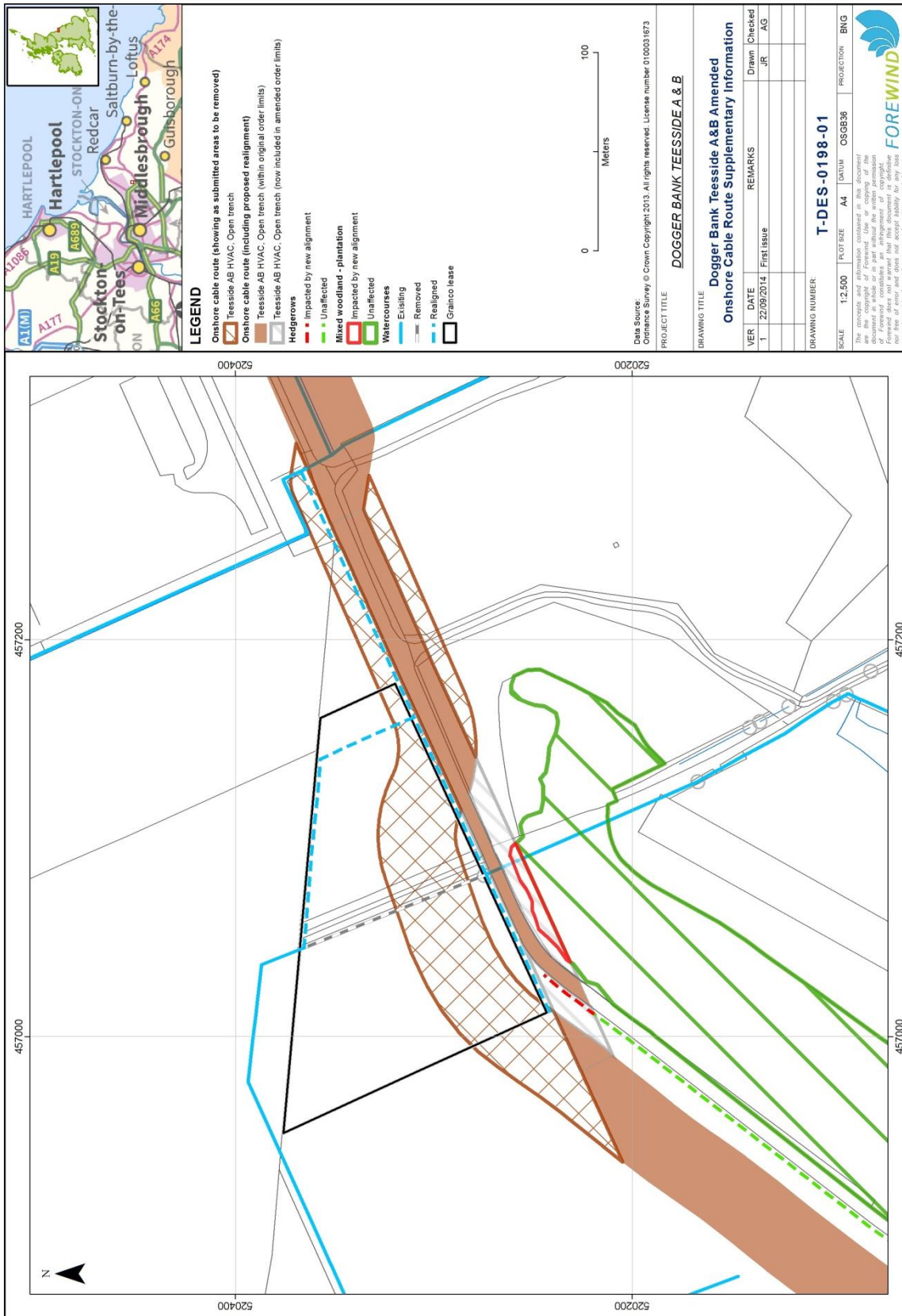
Environmental Effects

- 46 A Supplementary Environmental Impact Assessment – provided in support of the proposed order limits amendment is provided at **Appendix E (document ref F-EXL-RW-035 App E)**. The purpose of the supplementary assessment is to provide further environmental information necessary to conclude (if appropriate) that the proposed changes do 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**).
- 47 The supplementary assessment describes the potential environmental effects of the proposed approximate 180m HVAC export cable route realignment. The review is based on the assessment methodology and findings used in the ES. The effects of the proposed changes are considered qualitatively (unless otherwise stated) and compared to the findings reported in the ES.
- 48 The supplementary assessment screens the following assessment topics:
- a. landscape and visual impact;
 - b. socio-economics;
 - c. tourism and recreation;
 - d. geology, water resources and land quality;
 - e. terrestrial ecology;
 - f. land use and agriculture;
 - g. terrestrial archaeology;
 - h. traffic and access;

- i. noise and vibration; and
- j. air quality.

49 The screening identified two topics to be taken forward for further assessment: - landscape and visual impact and terrestrial ecology. The screening of all other topics identified no changes to the potential effects presented in the ES as submitted with the application. Where no changes to the potential effects presented in the ES are identified, that topic is not considered any further.

Figure 7 –Proposed Amendment – Environmental Supplementary Information



- 50 Landscape and visual impact is assessed within ES Chapter 21 Landscape and Visual Impact (**application ref 6.21**). Terrestrial ecology impact is assessed within ES Chapter 25 Terrestrial Ecology (**application ref 6.25**).
- 51 For landscape and visual impact, the supplementary assessment notes it was previously assumed that the earth bund to the south of the track (in the area of the realignment), and all the vegetation upon it, would remain intact during construction and the hedgerow comprising woodland/scrub to the north of the track would remain (in its entirety). Direct impacts to these areas of trees/scrub were not considered previously and will be taken forward for further consideration.
- 52 In undertaking the landscape and visual impact assessment, the supplementary assessment notes it was previously assumed that the entire earth bund and all the vegetation upon it would remain intact in this area. It was also assumed that the hedgerow comprising woodland/scrub would remain. Whilst there will be a change to both of these assumptions, it is not anticipated that the previously submitted impact assessment results would alter. There will be no significant impacts over and above those already identified, whether during construction or operation.
- 53 For terrestrial ecology, the supplementary assessment notes an additional area of approximately 0.045ha of woodland/scrub will be lost as a result of the realignment over and above that assessed in the ES. This comprises both the area of earth bund affected and the hedgerow north of the track. Direct impacts to this area of woodland/scrub, and any associated protected species, were not considered previously and will be taken forward for further consideration.
- 54 The supplementary assessment concludes that the habitats present along the proposed realignment remain of relatively low ecological interest and of local sensitivity only – as previously reported in the ES as submitted. There was no evidence of legally protected species; however the area continues to offer suitable breeding bird and foraging bat habitat – as previously reported within the ES as submitted.
- 55 The proposed realignment will result in the temporary loss of approximately 0.045ha of woodland/scrub. This increases the total areas of woodland / scrub temporarily affected by Dogger Bank Teesside A & B from 0.7ha (as reported in the ES) to 0.745ha. However, as detailed within ES Chapter 25 Terrestrial Ecology (**application ref 6.25**) and Requirement 26 (Restoration of land used temporarily for construction) of draft DCO Version 2, these areas will be reinstated following completion of the works, i.e. topsoil will be reinstated and the area reseeded, then left to naturally recolonise with scrub. However, the land immediately above the route of the cables will be maintained free of woody vegetation.
- 56 The temporary loss of this additional area of woodland / scrub, of local ecological importance, does not represent any additional impact beyond that previously reported within the ES, and no additional mitigation measures are proposed.
- 57 The supplementary assessment concludes that the proposed approximate 180m realignment of the Dogger Bank Teesside A & B HVAC onshore cable route does not result in any significant impacts predicted over and above those already identified within the ES as submitted (**application ref 6.0**). It is noted that the ES as submitted and the supplementary ES is based on a 20m wide width to provide for rounding.

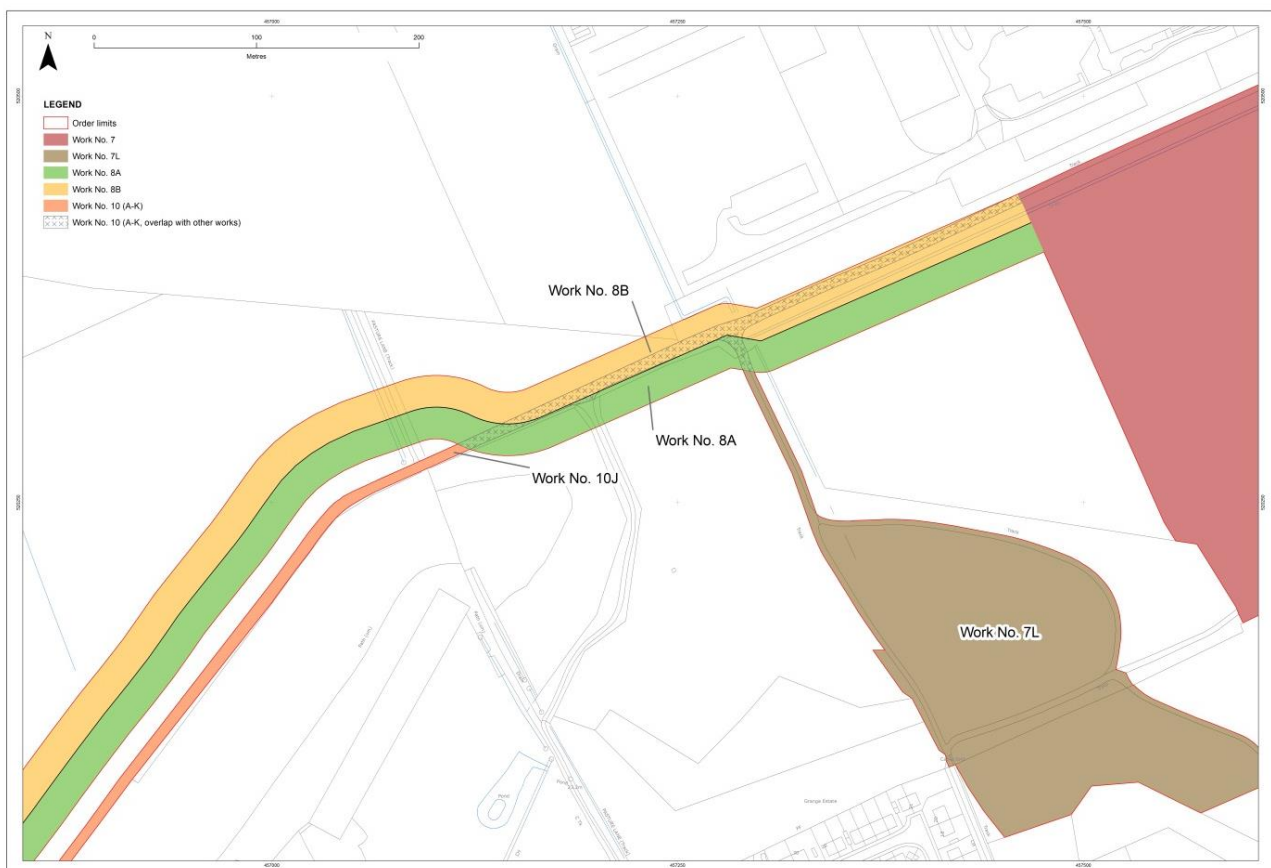
Stakeholder Engagement

58 Forewind undertook extensive pre-application consultation. Pursuant to Section 42 of the Planning Act 2008, to understand the issues and concerns of all interested parties, with Phase 2 Statutory Consultation between November and December 2014, consulting on a complete draft ES. Notice of the proposed application was also publicised under requirements S48 of the Planning Act 2008. Concurrently community consultation, under S47 of the Planning Act, in accordance with the updated Statement of Community Consultation (SoCC).

59 Further details of pre-application consultation is detailed in Consultation Report submitted with the application (**application ref 5.1**) and supporting appendices (**application ref 5.1.1 – 5.1.12**).

60 Following Phase 2 Statutory Consultation, Forewind continued to develop and rationalise the design of the proposed works in order to minimise environmental impacts and land take. An extract of the Works Plans as submitted are reproduced at **Figure 9**.

Figure 9 – Extract of Onshore Works Plans as submitted



61 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 change relates to a small section on cable amounting to only approximate 180m (length of Grainco Limited demise) of a total length of 9km (Works No. 3A/3B to Work No. 9).
- b. The new alignment will remain within Wilton International (former chemical works) and the corresponding area zoned for CS10 Steel, Chemical and Port Related Industries development in Redcar and Cleveland Local Development Framework.
- c. No new significant environmental have been identified as part of the supplementary environmental information.
- d. The proposed amendment does not require amendments to the 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.
- e. The change has been introduced at the request of the affected freeholder (Sembcorp) which has agreed to the change. No other new land interests would be affected.
- f. No new parties with an interest in the land have been identified as a result of the amendment.
- g. No changes are required to the associated permitted development described in the draft DCO.

62 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. Sembcorp Utilities (UK) Limited
- b. Grainco Limited
- c. M & G Solid Fuels LLP
- d. GDF Suez Teesside Limited
- e. BASF plc
- f. Dow Chemical Company Limited
- g. BP Chemicals Limited
- h. Du Pont (UK) Limited
- i. ICI Chemicals and Polymers Limited

63 For the avoidance of any doubt Forewind will also notify with the following parties. 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 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):
 - a. (Middlesbrough) Evening Gazette;
 - b. Coastal View and Moor News; and
 - c. 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):
 - a. Marske Library;
 - b. Redcar Central Library; and
 - c. 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.

64 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.

65 To ensure that the Examining Authority are kept informed of any responses to this order limit amendment through the examination, Forewind will:

- h. Issue copies of correspondence, proof of publication (where available) and copies of any responses received at **Deadline V** (23rd October).
- i. Document proof of all publications and all responses received at **Deadline VI** (20 November 2014).

66 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.

67 Consistent with environmental effects assessment above, as the proposed minor amendment does not alter any part of the Environmental Impact Assessment undertaken for this application, Forewind considers that 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 62 and 63 above,

Forewind will notify a range of parties on the amendment and its supporting appendices.

Materiality of the change

- 68 Having regard to paragraph 106 of the 'Guidance for the examination of applications for development consent' (DCLG, April 2013), the amended 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.
- 69 The only party with an identified interest in the land supports the proposed change and consents to the application of compulsory acquisition powers within that additional land. The necessary consent under Section 123 of the Planning Act 2008 has therefore been provided.
- 70 A DCO can be changed to include powers of compulsory acquisition under section 123 of the Planning Act 2008. Forewind propose relying on Section 123(3) which allows for provision to be made for compulsory acquisition in relation to additional land with the consent of all those with an interest in the additional land. The only identified party with an interest in the land for the purposes of Section 123(3) of the Planning Act 2008 is Sembcorp. As documented in the updated SoCG, Sembcorp have consented to the amendments presented in this statement.
- 71 The application has been environmentally assessed on this basis. Following a screening process of the proposed amendment, two assessment topics are considered to have the potential to change - Landscape and visual impact and terrestrial ecology. For landscape and visual impact, the supplementary assessment whilst there will be a change to base assumptions, it is not anticipated that the previously submitted impact assessment results would alter and there will be no significant impacts over and above those already identified, whether during construction or operation. For terrestrial ecology, the supplementary assessment notes although approximately 0.045ha of additional woodland/scrub will be lost as a result of the realignment the assessment concludes that the habitats present along the proposed realignment remain of relatively low ecological interest and of local sensitivity only and does not represent any additional impact beyond that previously reported within the ES, and no additional mitigation measures are proposed.
- 72 Forewind is therefore confident that, following the consultation of parties identified in **Paragraph 62**, that, with reference to the rationale expressed in the case of *Bernard Wheatcroft Ltd v Secretary of State for the Environment*, 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.
- 73 For the avoidance of any doubt Forewind will also consult with those parties identified in **Paragraph 63**. Forewind considers that consultation with 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.



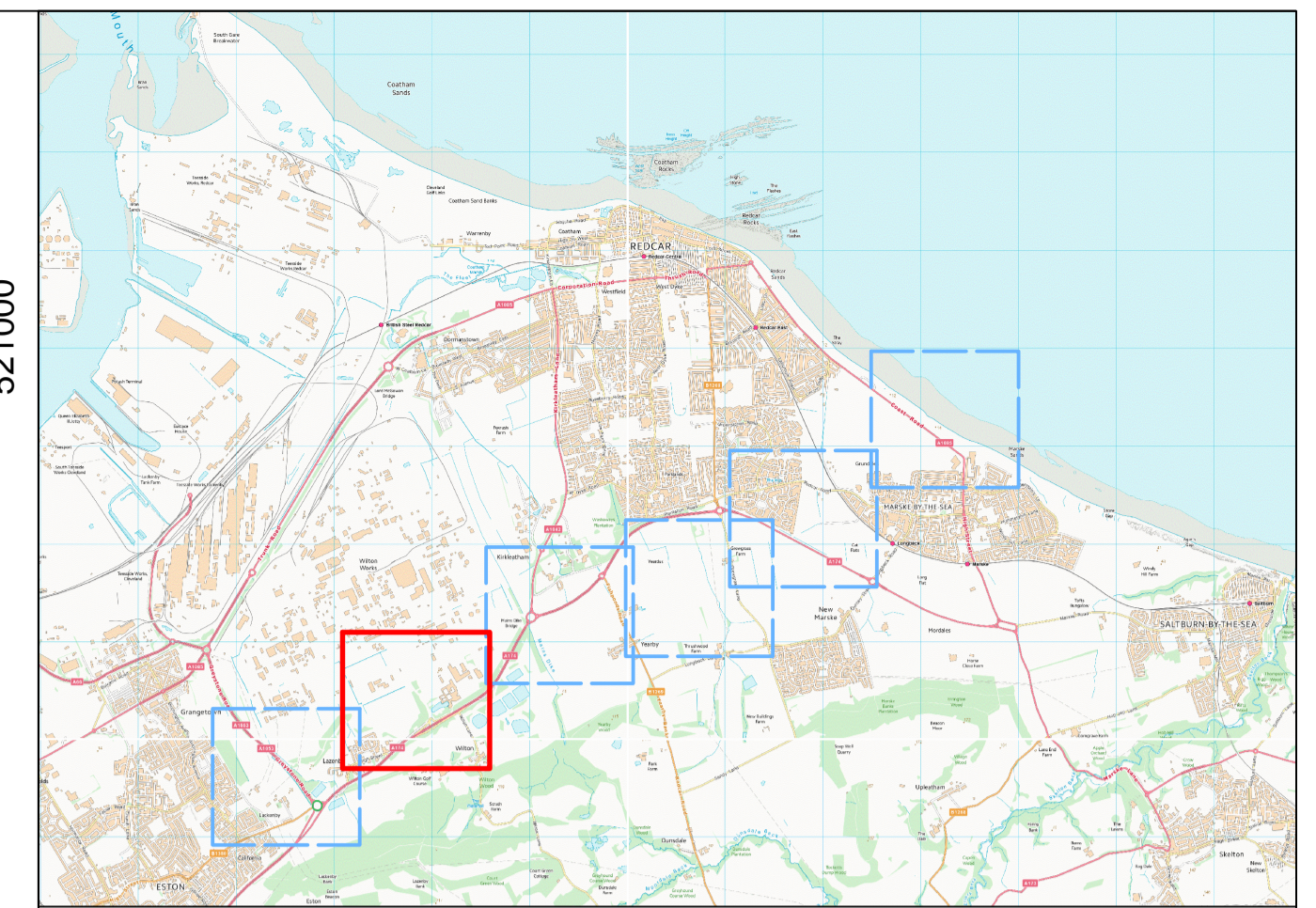
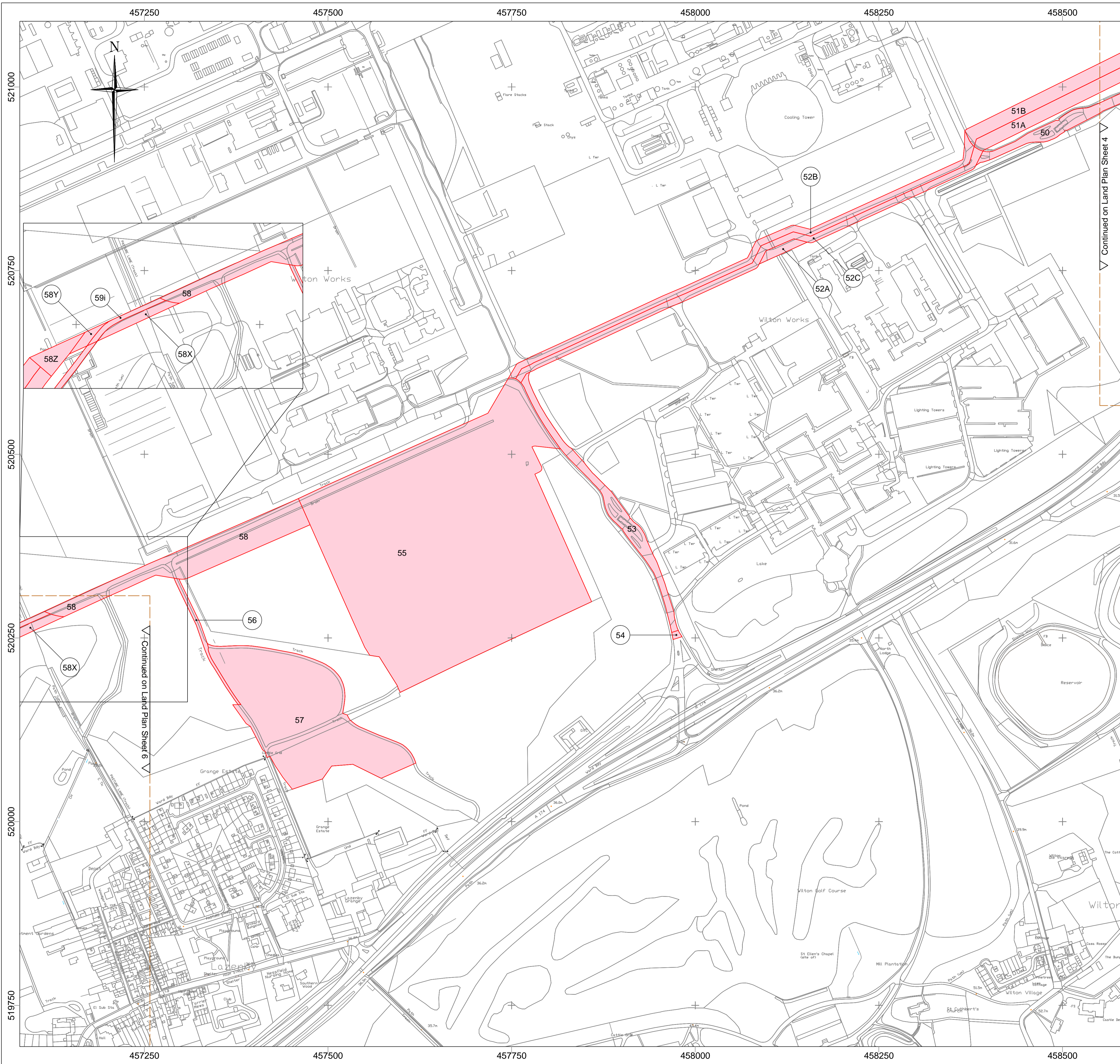
DOGGER BANK
TEESSIDE A & B

September
2014

Deadline IV Appendix 19 Appendix A Updated Onshore Land Plan Sheets 5 & 6

Document Title Dogger Bank Teesside A & B
Deadline IV Appendix 19 Appendix A
Updated Onshore Land Plan Sheets 5 & 6
Forewind Document Reference F-EXL-RW-035 App A
Issue Number 1
Date September 2014

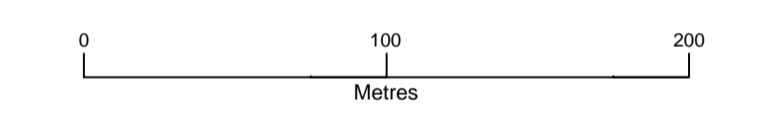
Drafted by	Persona	
Approved by	A Guyton	
Date / initials approval	AG	22-Sep-2014



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

Incorporating proposed amendments



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PROJECT TITLE
DOGGER BANK TESSIDE A & B OFFSHORE WIND FARM

DRAWING TITLE
Onshore Land Plans - Amendment Sheet 05

Drawing Number: PA-2526-LP-05	Date: Sept 2014
Scale: 1:2500 @ A1	Rev: 8
Application Reference 2.3.2	Datum: OSGB36
	Projection: BNG

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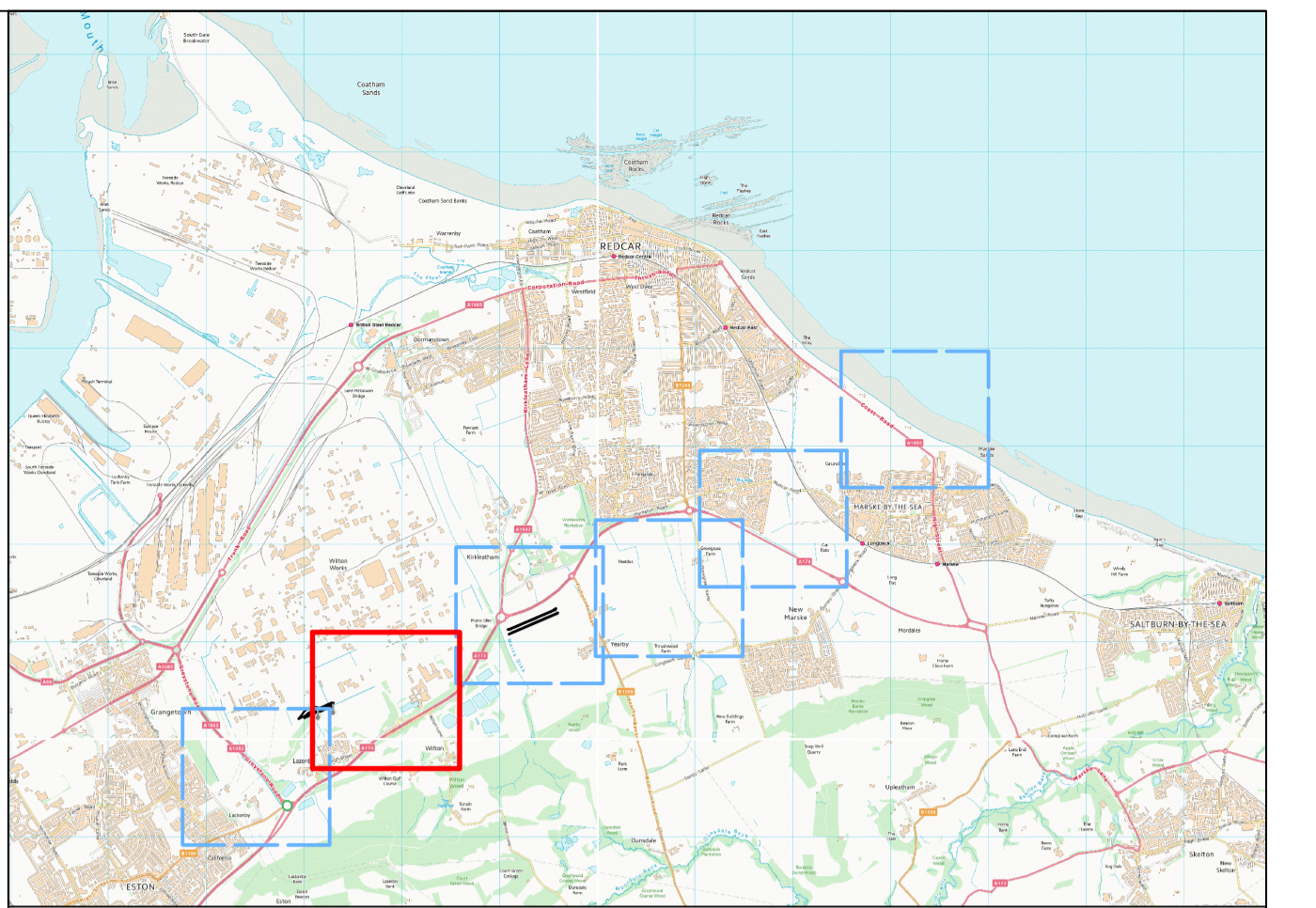
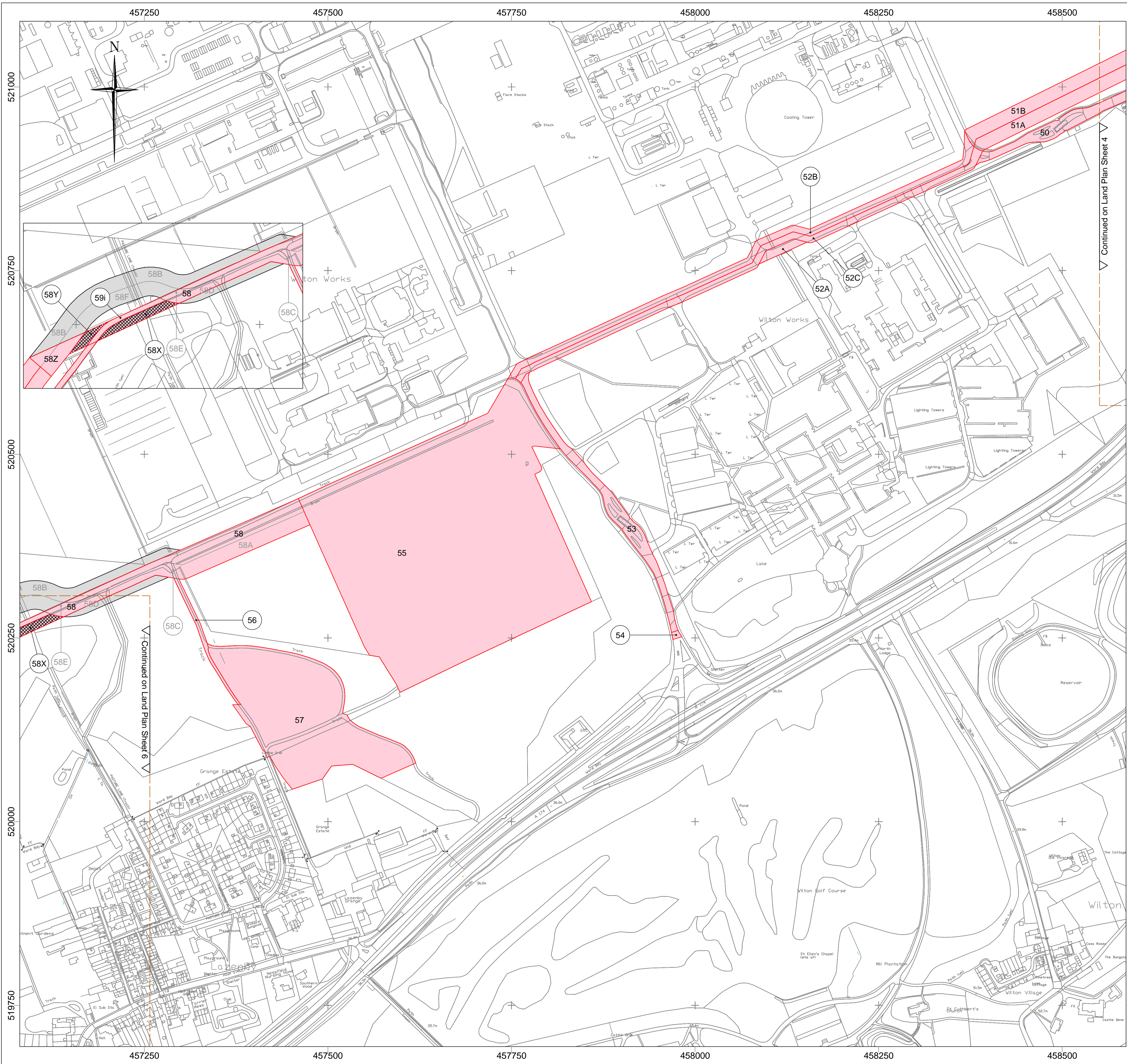
**DOGGER BANK
TEESSIDE A & B**

**September
2014**

Deadline IV Appendix 19 Appendix B Amended Onshore Land Plan Sheets 5 & 6

Document Title Dogger Bank Teesside A & B
Deadline IV Appendix 19 Appendix B
Amended Onshore Land Plan Sheets 5 & 6
Forewind Document Reference F-EXL-RW-035 App B
Issue Number 1
Date September 2014

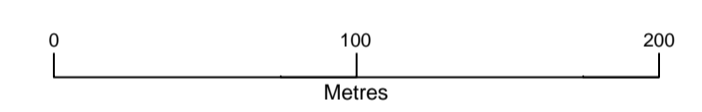
Drafted by	Persona	
Approved by	A Guyton	
Date / initials approval	AG	22-Sep-2014



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 proposed to be removed in consequence of the proposed realignment, including partial plots to be removed, or amalgamated into new Plot 58
- Additional land which is proposed to be added as a consequence of the proposed realignment

Amendments to this sheet are as follows:
Plots 58A, 58C, 58D and 58E deleted



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PROJECT TITLE
DOGGER BANK TEESSIDE A & B OFFSHORE WIND FARM

DRAWING TITLE
Onshore Land Plans - Amendment Sheet 05

Drawing Number: PA-2526-LP-05	Date: Sept 2014
Scale: 1:2500 @ A1	Rev: 7
Application Reference 2.3.2	Author: KG
Datum: OSGB36	Projection: BNG

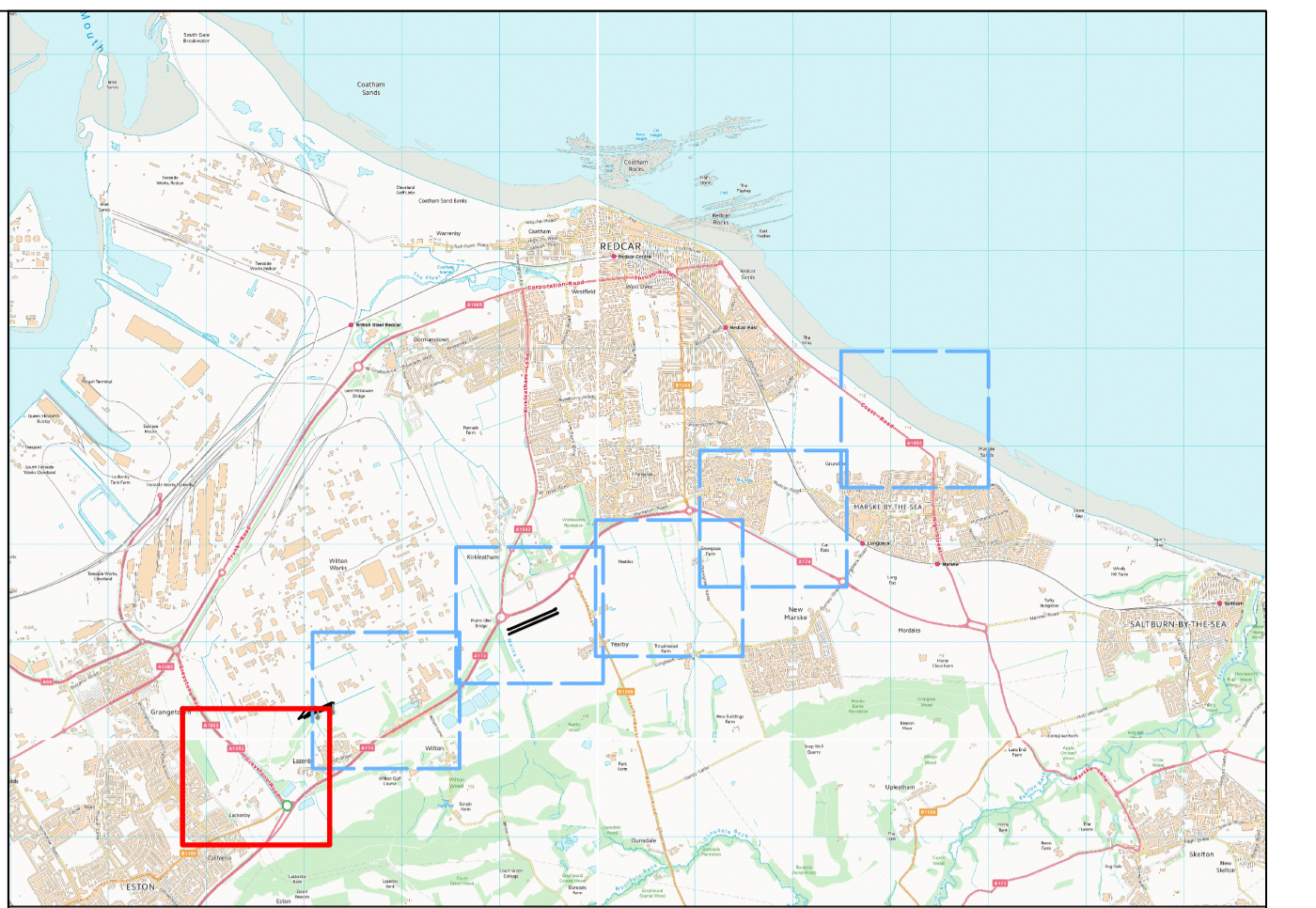
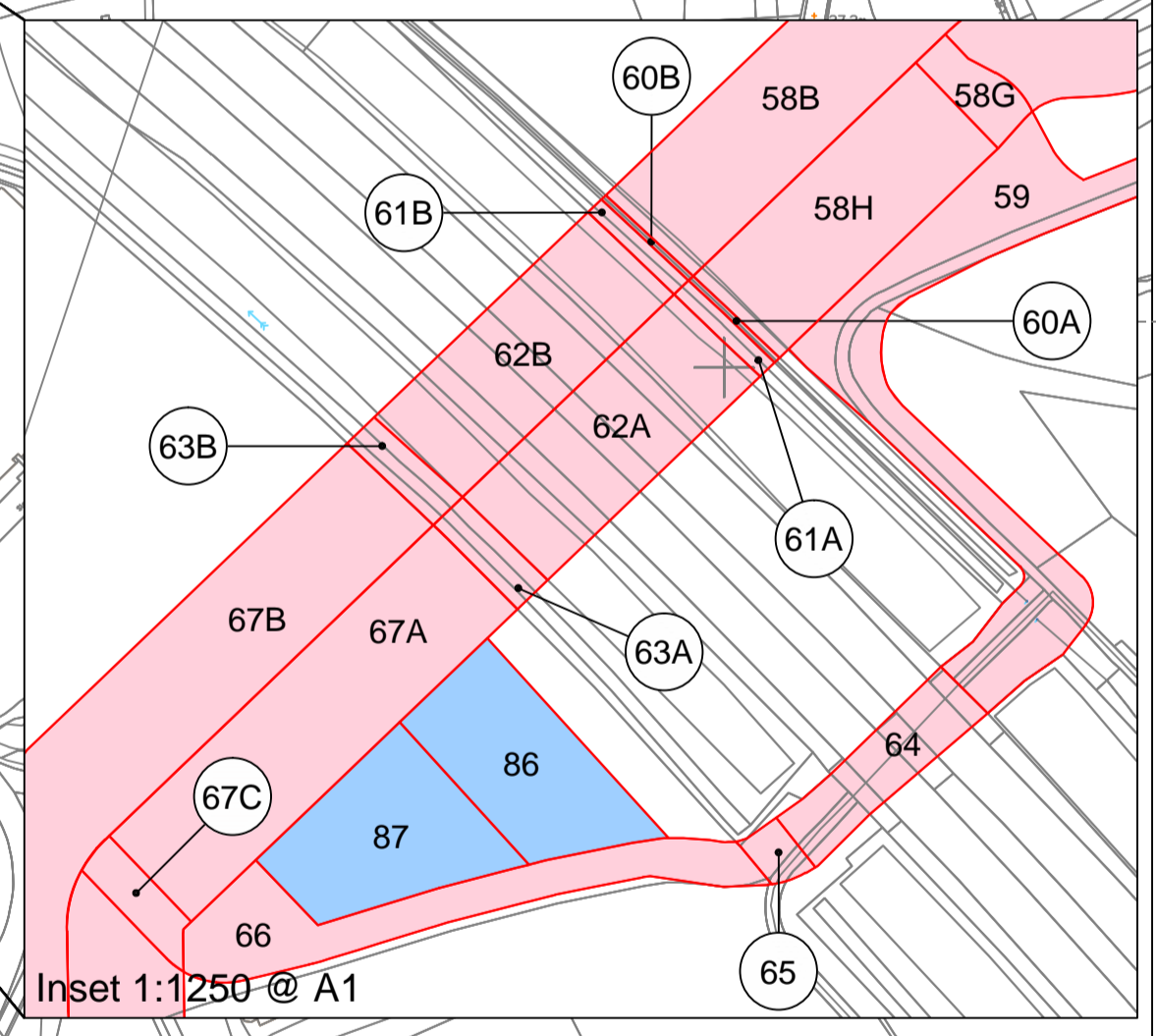
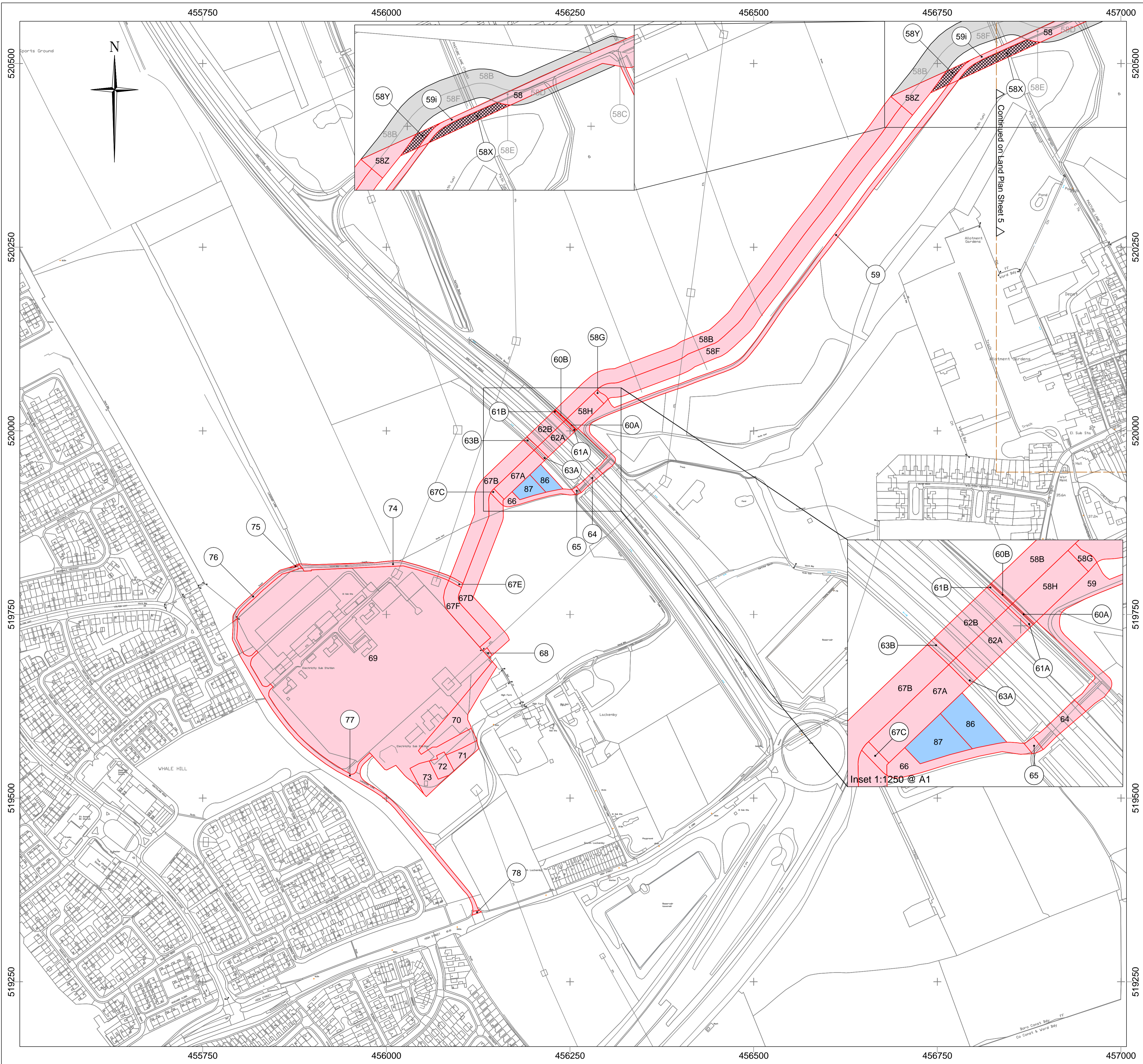
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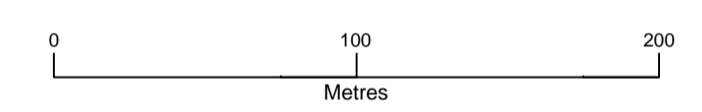




Land Plan - APFP Regulations 2009: Reg 5(2)(i)-(iv)

- 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 proposed to be removed in consequence of the proposed realignment, including partial plots to be removed, or amalgamated into new Plot 58
- Additional land which is proposed to be added as a consequence of the proposed realignment

Amendments to this sheet are as follows:
 Plots 58D deleted
 Plots 58B and 58F amended



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PROJECT TITLE
DOGGER BANK TEESIDE A & B OFFSHORE WIND FARM

DRAWING TITLE
Onshore Land Plans - Amendment Sheet 06

Drawing Number: PA-2526-LP-06 Date: Sept 2014
 Scale: 1:2500 @ A1 Rev: 7 Author: KG
 Application Reference 2.3.2 Datum: OSGB36 Projection: BNG



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