

DOGGER BANK WIND FARM

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Dear Recipient

The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (S.I. 2015/318) (as amended) (the “DCO”)

The Dogger Bank Creyke Beck A Offshore Wind Farm (“Dogger Bank A” or “DBA”) and The Dogger Bank Creyke Beck B Offshore Wind Farm (“Dogger Bank B” or “DBB”)

Doggerbank Offshore Wind Farm Project 1 Projco Limited (“Projco 1”) and Doggerbank Offshore Wind Farm Project 2 Projco Limited (“Projco 2”)

Please find enclosed an application for a non-material change to the DCO (the “NMC Application”). The NMC Application is submitted pursuant to the Infrastructure Planning (Change to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (the “Regulations”).

The DCO, Dogger Bank A and Dogger Bank B

The DCO granted development consent for two offshore wind farms of up to 200 wind turbine generators (Project A and Project B). The benefit of development consent for Project A (or “DBA”) was granted to Doggerbank Project 1 Bizco Limited (“Bizco 1”, later renamed “Projco 1”) and the benefit of Project B (or “DBB”) was granted to Doggerbank Project 4 Bizco Limited (“Bizco 4”, later renamed “Projco 2”). The DCO was made on 17 February 2015 and came into force on 11 March 2015. The Dogger Bank Creyke Beck Offshore Wind Farm (Correction) Order 2015 was made on 2 October 2015 and came into force on 5 October 2015. Three subsequent applications for non-material changes to the DCO have been submitted and approved:

1. The Dogger Bank Creyke Beck Offshore Wind Farm (Amendment) Order 2019 made on 9 April 2019, to allow each wind turbine generator to have a maximum rotor diameter of up to 280 metres;
2. The Dogger Bank Creyke Beck Offshore Wind Farm (Amendment) Order 2020 made on 20 March 2020, to remove the maximum generating capacity for each project; and

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3. The Dogger Bank Creyke Beck Offshore Wind Farm (Amendment) Order 2022, made on 17 June 2022, to increase the maximum permitted hammer energy during installation of the wind turbine generators and electricity substation (platform) structures.

The projects were originally developed by Forewind, a consortium comprising SSE, Equinor (formerly Statoil), Innogy (formerly RWE) and Statkraft. Following the grant of the DCO, the Projects have been split between the parent companies. As part of this reorganisation, Bizco 1 was renamed as Projco 1 and Bizco 4 was renamed as Projco 2. Both Projco 1 and Projco 2 (“the Project Companies”) are now jointly owned by SSE (40%), Equinor (40%) and ENI (20%).

This NMC Application seeks to amend the DCO provisions so Project A and Project B can be considered separately; and so the discharge and enforcement of each project’s relevant requirements is entirely severable approaching completion of the Development. Further detail is provided below.

The requirements under the Electricity Act 1989 and the Energy Act 2004 (that offshore electricity generation assets and transmission assets are not owned and operated by the same entities) will result in Ofgem appointing an independent transmission asset owner through its competitive tendering process. The DBA and DBB generation assets will continue to be owned and operated by the Project Companies. To ensure that post-construction condition discharges and the transfer of the transmission assets of DBA and DBB can proceed independently of one another, complete severance of the two projects is required.

The NMC’s proposed changes will allow for DCO requirements in respect of project completion and transmission arrangements to be progressed completely separately. The NMC Application is necessary to ensure post-construction approvals for one project are not delayed due to the other, and so separate tendering processes can be undertaken without the eventual transmission asset-holders needing to coordinate under the DCO.

Regulation 4 of the Regulations

The Project Companies are the applicants for the purposes of the NMC Application. The Project Companies’ address is No.1 Forbury Place 43 Forbury Road, Reading, United Kingdom, RG1 3JH.

Projco 1 has the benefit of development consent under the DCO in respect of Project A, and Projco 2 has the benefit of development consent under the DCO in respect of Project B. Projco 1 has the benefit of a lease with The Crown Estate in respect of the offshore elements of Project A and Projco 2 has the benefit of a lease with The Crown Estate in respect of the offshore elements of Project B.

The details of the proposed changes sought pursuant to the NMC Application and the supporting documentation submitted alongside the NMC Application are set out below.

The NMC Application

The changes sought by this NMC Application are to a number of defined terms used in the DCO (set out in Article 2), Article 11 (offshore works: abandonment, decay or removal) and paragraphs 1, 16, 19, 25, 26, 30 and 31 of Part 3 of Schedule 1 (requirements). The changes split the relevant articles and requirements (which, at present apply to the projects together) into two separate sets of articles and requirements, one applying to Project A, and the other applying to Project B.

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The changes proposed do not alter the substance of the relevant articles or requirements, nor do they alter the requirements each project will have to comply with and discharge. The NMC Application is purely to facilitate separate transmission arrangements for each project.

Materiality

The NMC only alters the interaction between DBA and DBB as joint or severable entities. There is no change to the substantive requirements of the DCO in any way. In line with the relevant guidance (Planning Act 2008: Guidance on Changes to Development Consent Orders), the proposed changes to the DCO pursuant to the NMC Application are appropriately classified as non-material for the following reasons:

1. As the NMC Application does not propose any changes to the substantive requirements of the DCO, the NMC Application cannot give rise to new, or materially different, likely significant effects on the environment. The NMC Application therefore does not require an updated environmental statement.
2. For the same reasons the NMC Application does not require a Habitats Regulations Assessment (HRA) or a new or additional licence in respect of European Protected Species.
3. The NMC Application does not authorise the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the DCO.
4. The NMC Application will have no effect on the local population.

Please find enclosed in support of this NMC Application:

1. a draft amendment order, containing the changes to the DCO that the Project Companies are seeking;
2. a tracked change version of the DCO, showing the effect of the amendment order on the DCO; and
3. a copy of the draft Regulation 6 notice that is to be published under the Regulations (provided separately on 14 March 2025).

The Consultation and Publicity Statement, which is required to be submitted in support of the NMC Application, will be submitted once the Project Companies have complied with the consultation and publicity requirements of the Regulations and will include the final Regulation 6 notice, the list of consultees and sample notification letter.

The application fee to the sum of £6,891.00, will be provided separately to the Department of Energy Security and Net Zero.

Yours sincerely


CMS Cameron McKenna Nabarro Olswang LLP on Behalf of Dogger Bank Wind Farm