Department for Energy Security & Net Zero

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Ref: EN010021

Robert Garden
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Saltire Court
20 Castle Terrace
Edinburgh, EH1 2EN

20 November 2025

Dear Mr Garden,

PLANNING ACT 2008

PROPOSED NON-MATERIAL CHANGE TO: THE DOGGER BANK CREYKE BECK OFFSHORE WIND FARM DEVELOPMENT CONSENT ORDER 2015 ("THE ORDER") – S.I. [2015/318]

1. I am directed by the Secretary of State for Energy Security and Net Zero ("the Secretary of State") to advise you that consideration has been given to the Application ("the Application") which was made by CMS Cameron McKenna Nabarro Olswang LLP on behalf of Dogger Bank Offshore Wind Farm Project 1 Projco (''Projco 1'') and Dogger Bank Offshore Wind Farm Project 2 Projco (''Projco 2'') ("the Applicants") for the two authorised projects (''DBA Project'' and ''DBB Project'') on 18 March 2025 for changes which are not material to be made to the Order under section 153 of, and Schedule 6 to, the Planning Act 2008 ("PA2008"). This letter is the notification of the Secretary of State's decision in accordance with Regulation 8 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) ("the 2011 Regulations").

2. The original application for development consent under PA2008 was granted consent on 17 February 2015 and gave development consent for the construction and operation of two offshore wind farms of up to 200 wind turbine generators (DBA and DBB), located 131km off the east Yorkshire coast. The Dogger Bank Creyke Beck Offshore Wind Farm (Correction) Order 2015 was issued on 2 October 2015. Three subsequent applications were also submitted and approved for non-material changes to the Order:

   (a) 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;

   (b) 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

   (c) 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.

3. The Applicants are seeking consent to amend the Order provisions so that DBA and DBB can be considered separately; and so that the discharge and enforcement of each project's relevant

requirements is entirely severable approaching completion of the Development. The Applicants seek these changes 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 Order.

Summary of the Secretary of State's Decision

4. The Secretary of State has decided under paragraph 2(1) of Schedule 6 to PA2008 to make non-material changes ("NMCs") to the Order to **authorise** the changes as detailed in the Application. This letter is the notification of the Secretary of State's decision in accordance with Regulation 8 of the 2011 Regulations.

5. The Secretary of State has considered whether the Application is for a material or non-material change. In doing so, the Secretary of State has had regard to paragraph 2(2) of Schedule 6 to the PA2008 which requires the Secretary of State to consider the effect of the change on the Order as originally made.

6. There is no statutory definition of what constitutes a 'material' or 'non-material' amendment for the purposes of Schedule 6 to the PA2008 and Part 1 of the 2011 Regulations.

7. So far as decisions on whether a proposed change is material or non-material, guidance has been produced by the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government), the "Planning Act 2008: Guidance on Changes to Development Consent Orders" (December 2015) ("the Guidance")[1], which makes the following points:

   (a) given the range of infrastructure projects that are consented through the Planning Act 2008, and the variety of changes that could possibly be proposed for a single project, the Guidance cannot, and does not attempt to, prescribe whether any particular types of change would be material or non-material;

   (b) however, there may be certain characteristics that indicate that a change to a consent is more likely to be treated as a material change. Four examples are given in the Guidance as a starting point for assessing the materiality of a proposed change, namely:

      i. whether an update would be required to the Environmental Statement ("ES") (from that at the time the Order was made) to take account of new, or materially different, likely significant effects on the environment;

      ii. whether there would be a need for a Habitats Regulations Assessment ("HRA"), or a need for a new or additional licence in respect of European Protected Species ("EPS");

      iii. whether the proposed change would entail compulsory acquisition of any land that was not authorised through the Order; and

      iv. whether the proposed change would have a potential impact on local people and businesses (for example, in relation to visual amenity from changes to the size and height of buildings; impacts on the natural and historic environment; and impacts arising from additional traffic).

[1] https://www.gov.uk/government/publications/changes-to-development-consent-orders

(c) although the above characteristics indicate that a change to a consent is more likely to be treated as a material change, these only form a starting point for assessing the materiality of a change. Each case must depend on thorough consideration of its own circumstances.

8. The Secretary of State has considered the change proposed by the Applicants against the four matters set out in (1), (2), (3) and (4) above:

(a) The Secretary of State notes that the information supplied supports the Applicants' conclusions that there are no new, or materially different, likely significant effects from those assessed in the ES. Considering the analysis supplied by the Applicants and responses to the consultation, the Secretary of State has concluded that no update is required to the ES as a result of the proposed amendments to the Order.

(b) In respect of the HRA, the Secretary of State has considered the nature and impact of the change proposed and is satisfied that there is no change to the conclusions of the HRA as a result of the proposed amendments and therefore a new HRA is not required. The Secretary of State is also satisfied that the proposed change does not bring about the need for a new or additional licence in respect of EPS as the amendments sought are not anticipated to give rise to any new or different effects from an ecological perspective than those assessed for the original application.

(c) In respect of compulsory acquisition, the Secretary of State notes that the proposed changes do not require any additional compulsory purchase of land.

(d) In respect of impacts on local people and businesses, the Secretary of State notes that no changes are anticipated by the Applicants to the impacts already assessed in the ES.

9. The Secretary of State therefore concludes that **none** of the specific indicators referred to in the guidance, or other relevant considerations, suggests that the changes considered in this letter is a material change.

10. Taking the information contained in the application and responses received from consultees into account, the Secretary of State is therefore satisfied that the changes considered in this letter are not material and should be dealt with under the procedures for NMCs.

Consultation and Responses

11. In accordance with the requirements of Regulation 7 of the 2011 Regulations specified parties, such as the local planning authority, were notified in a letter on 11 April 2025.

12. The Applicants published a notice of the Application in accordance with Regulation 6 (publicising the application) of the 2011 Regulations (the "Regulation 6 notice") for two consecutive weeks in the local press on the following dates:

(a) 27 March 2025 (Holderness & Hornsea Gazette, Fishing News)

(b) 3 April 2025 (Bridlington Free Press)

(c) 17 April 2025 (Holderness & Hornsea Gazette, Bridlington Free Press)

13. The application documents were made publicly available on the Planning Inspectorate's (''PINS'') website, such that there was an opportunity for anyone not notified to also submit representations to PINS. The Secretary of State did not deem it necessary to publish the notice

in any additional publications to satisfy the requirements of Regulation 6(1). The deadline for receipt of representations on the Application was 23 May 2025.

14. The Applicants submitted their Consultation and Publicity Report as required by Regulation 7A of the 2011 Regulations on 20 June 2025, which states that the Applicants have complied with all necessary steps set out in Regulations 6 and 7 of the 2011 Regulations in respect of stakeholder consultation and its public engagement approach. This was published on the PINS website on 24 June 2025.

15. A total of 10 responses were received from specified Interested Parties including Active Travel England, Office of Rail and Road, Maritime and Coastguard Agency, The Coal Authority, Scottish Environment Protection Agency, and Historic England, none of whom raised any objections to the Application. Natural England confirmed that the proposed NMC was unlikely to have any tangible implications on any of the designated sites of conservation interest but queried whether there is intent to vary the deemed Marine Licenses at a later date, in consultation with the MMO. Notice to E.ON was resent following confirmation from E.ON that responsibility lay with another department, no further comment was received. Indigo Networks requested the coordinates and postcode of the proposed site, which were subsequently provided by the Applicants. South Holderness Internal Drainage Board confirmed that although the Preston Internal Drainage Board amalgamated in 2013 to be part of South Holderness Internal Drainage Board, it did not believe the project affected its area.

16. The Secretary of State has considered the representations received in response to the consultation and does not consider that any further information needs to be provided by the Applicants or that further consultation is necessary.

Further Clarification Request – 28 August 2025

17. On 28 August 2025, the Secretary of State wrote to the Applicant requesting clarification on matters relating to proposed amendments to the Order. On 3 September, the Applicant responded to this request with the following information.

18. The Applicant confirmed that Work Nos. 3A and 3B both authorise elements of Project A and Project B that are located within the intertidal area between mean high-water springs and mean low-water springs. The Applicant explained that this area is both ‘onshore’ and ‘offshore’ as it falls within the jurisdiction both of terrestrial planning (i.e., the Town and Country Planning Act 1990) and marine licensing (under the Martine and Coastal Access Act 2009), and that this approach would ensure that the works are subject to both the onshore controls imposed through the requirements and the offshore controls imposed through the relevant marine license. The Applicant also confirmed that no changes are proposed to the Deemed Marine Licences, as they were already split between Project A and Project B.

19. The Applicant stated that the only shared work remaining within Work No.7 would be landscaping, as it is the only element within the definition of Work No.7 that is not separated into Project A and Project B works.

20. The Applicant confirmed that the omission of Work Nos. 2BA and 2BC from the amended offshore definitions was an oversight, and that the correct definition should read: ‘‘Project B offshore works’’ means Work Nos. 1B, 2B, 2BA, 2BC and 2T, and any related associated development.

21. In respect of the Applicant's response to the request, the Secretary of State considers that the Applicant has sufficiently addressed the queries relating to the proposed amendments to the Order and is therefore satisfied that the proposed changes to the Development are suitably demonstrated.

22. With regards to Work No.7, the Secretary of State has made some drafting changes to the definition of shared works and in requirement 16 included a separate provision for fencing that is included within the definition of shared works for the landscaping areas of both converter stations.

Environmental Impact Assessment

23. The Secretary of State has considered whether the Application would give rise to any new significant or materially different effects when compared to the effects set out in the ES for the development authorised by the Order.

24. The Secretary of State is satisfied that the information provided by the Applicants is sufficient to allow him to make a determination on the Application.

25. The Secretary of State has considered all relevant information provided and the comments of consultees. The Secretary of State agrees with the Applicants' conclusions that there will **not** be any new or materially different likely significant effects when compared to the effects set out in the ES for the development authorised by the Order and as such considers that there is no requirement to update the ES.

26. As there are no new significant environmental impacts as a result of the proposed change, the Secretary of State does not consider that there is any need for consultation on likely significant transboundary effects in accordance with Regulation 32 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

The Habitats Regulations

27. The Secretary of State has considered the relevant requirements as set out in the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations"). The Habitats Regulations require the Secretary of State to consider whether the Development would be likely, either alone or in combination with other plans and projects, to have a significant effect on any site within the national site network, known as "protected sites". If likely significant effects cannot be ruled out, then an Appropriate Assessment must be undertaken by the Secretary of State, pursuant to Regulation 63(1) of the Habitats Regulations, to address potential adverse effects on site integrity. The Secretary of State may only agree to the Application (subject to Regulation 64) if he has ascertained that it will not adversely affect the integrity of a protected site.

28. The Secretary of State has considered the information submitted in the Application and the comments of consultees and is satisfied that the proposed changes do not alter the conclusions set out in the Applicants' ES and the Secretary of State's HRA for the Order, and therefore a new HRA is **not** required.

General Considerations

Transboundary Impacts

29. Under Regulation 32 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the Secretary of State has considered whether the proposed development is likely to have a significant effect on the environment in a European Economic Area ("EEA") State. The Secretary of State has considered whether the change sought through this Application will have any potential impacts on an EEA State and has concluded that there is no change in the environmental impacts considered within the existing environmental statement for the project. Consequently, the Secretary of State has concluded that there would not be likely significant effects on the environment of any EEA state whether the Application is considered of itself or cumulatively with the environmental effects already considered for the 2015 Order and subsequent amendments.

30. The Secretary of State has also considered whether there may be potential impacts on protected sites in EU Member States, known as transboundary sites, from this Application. Noting that the Secretary of State has reached a conclusion that there will be no likely significant effects on protected sites, the Secretary of State has also concluded that there are no realistic impact pathways whereby transboundary sites may be impacted by this Application.

31. The Secretary of State therefore concludes there is no need for transboundary consultation with EEA States.

Equality Act 2010

32. The Equality Act 2010 includes a public sector equality duty. This requires a public authority, in the exercise of its functions, to have due regard to the need to (a) eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic (e.g. age; sex, sexual orientation, gender reassignment; disability; marriage and civil partnerships;[2] pregnancy and maternity; religion or belief; and race) and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

33. The Secretary of State has had due regard to the need to achieve the statutory objectives referred to in s149 of the Equality Act 2010 and is satisfied that there is no evidence that granting this Application will affect adversely the achievement of those objectives.

Human Rights Act 1998

34. The Secretary of State has considered the potential infringement of human rights in relation to the European Convention on Human Rights, by the amended development. The Secretary of State considers that the grant of development consent would not violate any human rights as enacted into UK law by the Human Rights Act 1998.

[2] In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

Natural Environment and Rural Communities Act 2006

35. The Secretary of State notes the "general biodiversity objective" to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992 when making this decision.

Secretary of State's Conclusions and Decision

36. The Secretary of State has considered the ongoing need for the Development and considers that the Project, amended with the proposed change, continues to conform with the policy objectives outlined in 2011 EN-1 (Overarching National Policy Statement for Energy) and 2011 EN-3 (National Policy Statement for Renewable Energy Infrastructure), along with the newly designated 2024 versions of these National Policy Statements. The need for the Development remains as set out in the Secretary of State's letter of 17 February 2015.

37. As such, for the reasons set out in the paragraphs above, the Secretary of State is satisfied that the Applicants' request is justified and demonstrates that the proposed changes will not result in changes to the impact conclusions of the ES that accompanied the original Dogger Bank Creyke Beck Offshore Wind Farm Projects application.

38. The Secretary of State has considered the nature of the proposed changes, noting that the proposed changes to the Development would not result in any further environmental impacts and will remain within the parameters consented by the Order.

39. For the reasons given in this letter, the Secretary of State considers that there is a compelling case for authorising the proposed changes to the Order. The Secretary of State is satisfied that the changes requested by the Applicants are not material changes to the Order and has decided under paragraph 2(1) of Schedule 6 to the Planning Act 2008 to make a NMC to the Order to authorise the changes detailed in the Application.

Challenge to Decision

40. The Secretary of State's decision on this Application is being notified as required by Regulation 8 of the 2011 Regulations.

Yours sincerely,

John Wheadon

John Wheadon
Head of Energy Infrastructure Planning Delivery & Innovation
Department of Energy Security & Net Zero

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 (5) of the Planning Act 2008, a decision under paragraph 2(1) of Schedule 6 to the Planning Act 2008 to make a change to an Order granting development consent can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order is published. The Amendment Order as made is being published on the date of this letter on the Planning Inspectorate website at the following address:

https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010021

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655)