



DOGGER BANK
WIND FARM
BY



Explanatory Memorandum

The Dogger Bank (Teesside A and B) Offshore Wind Farm Development Consent Amendment Order

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1. INTRODUCTION AND BACKGROUND

This Memorandum accompanies an application to amend The Dogger Bank (Teesside A and B) Offshore Wind Farm Development Consent Order 2015 (SI 2015 No. 1592) as amended by the Dogger Bank Teesside A and B Offshore Wind Farm (Amendment) Order 2019 (S.I. 2019/699) (“the Order”).

The Order granted development consent for 2 offshore wind turbine electricity generating stations in the North Sea between 125 kilometres and 290 kilometres off the United Kingdom coast together with associated development. The Order also authorised the compulsory purchase of land and rights in land and the right to use land and to override easements and other rights.

A number of the changes secured through the amendment order referred to in paragraph 1.1 above have been reflected in variations to the deemed marine licences (Marine Licences 2 and 4) granted by the Marine Management Organisation (MMO) on 25 April 2019.

It was initially intended that both projects authorised by the Order would be carried out and operated by entities controlled by the same joint venture. Since the Order was granted, it has been decided that entities under separate corporate control will ultimately construct and operate each project.

As a result, a non-material change application is being jointly submitted by Sofia Offshore Wind Farm Limited and Doggerbank Offshore Wind Farm Project 3 Projco Limited in order to achieve the necessary separation of the rights and obligations of the Order between the undertakers and projects (the “NMC application”).

The majority of changes proposed by the NMC application are therefore to allow for the separation of the two projects and for the discharge and enforcement of the relevant requirements on a project specific basis and to enable flexibility as the projects proceed.

2. THE AMENDMENT ORDER

2.1 ARTICLE 3 OF THE AMENDMENT ORDER

Article 3 makes changes to the definitions in Article 2(1) of the Order as follows:

- a) amends the definition of “cable” to include three cables laid in a trefoil formation in respect of an HVAC onshore cable;
- b) amends the definition of “Marine Licence 1” to include amendments to that licence authorised by the MMO that have been made or may be made from time to time;
- c) amends the definition of “Marine Licence 2” to include amendments to that licence authorised by the MMO that have been made or may be made from time to time;
- d) amends the definition of “Marine Licence 3” to include amendments to that licence authorised by the MMO that have been made or may be made from time to time;
- e) amends the definition of “Marine Licence 4” to include amendments to that licence authorised by the MMO that have been made or may be made from time to time;
- f) amends the definition of “Project A offshore works” to acknowledge that these works adopt a different definition for the purposes of the requirements in Part 3 of Schedule 1 of the Order;

- g) amends the definition of “Project A onshore works” to acknowledge that these works adopt a different definition for the purposes of the requirements in Part 3 of Schedule 1 of the Order;
- h) amends the definition of “Project B offshore works” to acknowledge that these works adopt a different definition for the purposes of the requirements in Part 3 of Schedule 1 of the Order;
- i) amends the definition of “Project B onshore works” to acknowledge that these works adopt a different definition for the purposes of the requirements in Part 3 of Schedule 1 of the Order;
- j) amends the definition of “relevant planning authority for the port” to acknowledge that different ports may service all or only part of the offshore works; and
- k) amends the definition of “shared works” to acknowledge that these works adopt a different definition for the purposes of the requirements in Part 3 of Schedule 1 of the Order.

Article 3 also amends Article 2(3) of the Order to specify the sub-heading of the referenced conditions in the Marine Licences. Including the descriptive sub heading with the relevant condition number will avoid any confusion which may arise where condition numbering in the Marine Licences may be altered due to a separate variation.

2.2 ARTICLE 4 OF THE AMENDMENT ORDER

Article 4 amends Article 12 of the Order to ensure that in the event only one of the projects (or part of it) is abandoned, falls into decay or is removed, the Secretary of State may direct the undertaker for the relevant project only to repair, restore or remove the offshore works for that relevant project, rather than for the entire authorised development. This amendment is necessary to separate the rights and obligations of the Article between the undertakers and projects.

2.3 ARTICLE 5 OF THE AMENDMENT ORDER

Article 5 amends Article 39 of the Order to cater for amendments to the relevant Marine Licences authorised by the MMO that have been made or may be made from time to time. Since the Order came into force, there have been variations to the Marine Licences made by the MMO. The amendments are proposed to clarify that any reference to the four Marine Licences within the Order includes any variations to those licences.

2.4 ARTICLE 6 OF THE AMENDMENT ORDER

Article 6 amends Article 42 of the Order to state the correct versions of the relevant versions of the plans and documents to be certified. This corrects a number of errors or omissions in the original Order and accords with the documents in the Examination Library.

2.5 ARTICLE 7 OF THE AMENDMENT ORDER

Article 7 amends the description of Work No. 10J in Part 1 of Schedule 1 of the Order to correct an error in the Order where the reference should be to HVAC cables rather than HVDC cables. The relevant access works forming Work no 10J will be located with HVAC cables, not HVDC cables.

2.6 ARTICLE 8 OF THE AMENDMENT ORDER

Article 8 amends the Ancillary Works in Part 2 of Schedule 1 of the Order to include additional offshore preparation works that were assessed in the Environmental Statement (see, for example, Sections 3.3 and 3.5 of Chapter 5 of the Environmental Statement) and omitted in error from the Order.

2.7 ARTICLE 9 OF THE AMENDMENT ORDER

Article 9 amends requirement 1 of Part 3 of Schedule 1 of the Order to insert new definitions to allow elements (or parts) of a work described in Part 1 of Schedule 1 to be undertaken separately or undertaken on a joint basis. More specifically:

- a) The new definition of “cable preparation works” has been introduced to enable all or any part of the trenched or trenchless works to install cable ducting or otherwise facilitate the laying of cables, to be carried out as a shared work for both projects. The actual laying of the cables (and any cable preparation works not carried out on a shared basis) would follow separately on a project specific basis. This change (combined with the amendments to the definition of “stages” described below) allows the undertakers to carry out cable preparation works on a joint basis without unnecessarily triggering an obligation for each project to apply for project specific pre-commencement requirements, which they may or may not be in a position to do at the same time. This change also allows for a single cable chamber (as a trenchless installation technique and in place of HDDs) to be used for the rail crossing, as described in the environmental report submitted with this NMC application.
- b) The new definitions of “Project A converter station works” and “Project B converter station works” capture the relevant parts of Work No. 7 relating to the construction of each project’s converter station (except for the converter station enabling works). They do not introduce any new works but (combined with the amendments to the definition of “stages” described below) would allow each undertaker to construct the converter station required for its project in accordance with its construction programme without unnecessarily triggering a need for the other project to discharge any pre-commencement requirements for the other project’s converter station works, which they may or may not be in a position to do at the same time.
- c) The new definitions of “Project A converter station enabling works”, “Project B converter station enabling works” and “Work No. 7 enabling works” relate to the enabling works for the converter stations for both projects. They do not introduce any new works but (combined with the amendments to the definition of “stages” described below) allow for the enabling works for each project’s converter station to either be undertaken as shared works with the other project’s enabling works for its converter station or separately for each project.
- d) The new definitions of “Project A HVAC cable works” and “Project B HVAC cable works” have been introduced to capture the relevant parts of Work No. 8S (being the HVAC cable works for both projects) relating to each project. They do not introduce any new works but (combined with the amendments to the definition of “stages” described below) allow for the cabling works comprising Work No. 8S to either be undertaken as shared works or separately for each project.
- e) The new definitions of “Project A National Grid substation connection works” and “Project B National Grid substation connection works” have been introduced to capture the relevant parts of Work No. 9 relating to each project. They do not introduce any new works but (combined with the amendments to the definition of “stages” described below) allow for the

National Grid substation works comprising Work No. 9 to either be undertaken as shared works or separately for each project.

- f) The definitions of “Project A onshore works”, “Project A offshore works”, “Project B onshore works” and “Project B offshore works” and “shared works” have been introduced to capture the relevant parts of the authorised development that are to be undertaken on a joint basis or separately for each project. The definitions are only relevant to the interpretation of the requirements in Schedule 1 of the Order and are needed to differentiate from those in Article 2. The definitions of “onshore works” and “offshore works” have also been amended to refer to the new definitions for project specific onshore works and shared works.
- g) The definition of “stages” has been amended to clarify that all or any part of the stages may be constructed sequentially or in parallel. The definition also provides that the stages may be changed with the agreement of the relevant planning authority. This provides flexibility to the project undertakers to ensure the projects are capable of being delivered in an efficient manner with the ability to accommodate any appropriate changes to staging that are required, acknowledging that it is not practicable or desirable to be definitive regarding staging before all details of the projects are known. Any future changes to staging would be subject to the approval of the relevant local planning authority.
- h) The individual stages themselves have been amended so that each stage contains either shared works or project specific works. This allows for a clear split of the rights and obligations for the relevant stages with flexibility for certain works to be carried out either as shared works or project specific works. Certain works are expressed as included in a shared stage with wording in parentheses to clarify that such works only form part of that stage where undertaken as shared works. Conversely certain works are expressed as included in a project specific stage with wording in parentheses to clarify that such works only form part of that stage where not undertaken as shared works.

Article 9 also amends requirement 1 of Part 3 of Schedule 1 of the Order to insert new definitions for “rail crossing works” and “Wilton cable works” by reference to grid coordinates set out in the Order. The definitions are needed to set prescribed areas where the undertakers may lay cables within the entire Order limits (rather than being restricted to a project specific corridor) in accordance with the corresponding amendment to requirement 19 of part 3 of Schedule 1 of the Order included in Article 15 of the Amendment Order. For information, three figures are appended to this document to show the land included within these grid coordinates.

2.8 ARTICLE 10 OF THE AMENDMENT ORDER

Article 10 amends requirement 13 of part 3 of Schedule 1 of the Order to specify the sub-heading of the referenced conditions in the Marine Licences. Including the descriptive sub heading with the relevant condition number will avoid any confusion that may arise where condition numbering in the Marine Licences maybe altered due to a variation.

2.9 ARTICLE 11 OF THE AMENDMENT ORDER

Article 11 amends requirement 14 of part 3 of Schedule 1 of the Order to specify the sub-heading of the referenced conditions in the Marine Licences. Including the descriptive sub heading with the relevant condition number will avoid any confusion that may arise where condition numbering in the Marine Licences may be altered due to a variation.

2.10 ARTICLE 12 OF THE AMENDMENT ORDER

Article 12 amends requirement 15 of part 3 of Schedule 1 of the Order to ensure that the obligations with regards to offshore decommissioning are split between the undertakers and projects. The changes would restrict the commencement of the offshore works for the relevant project until a decommissioning plan has been approved for the project rather than restricting the commencement of the offshore works for both until a single decommissioning plan has been approved.

2.11 ARTICLE 13 OF THE AMENDMENT ORDER

Article 13 amends requirement 16 of part 3 of Schedule 1 to ensure that the obligations with regards to offshore safety management are split between the undertakers and projects. The requirement therefore restricts commencement for each project rather than restricting the commencement of the offshore works for the entire authorised development.

Article 13 also amends the underlying requirement to address comments that the MMO and the Marine and Coastguard Agency (MCA) have made on other offshore wind projects since the Order was made. The MMO and MCA prefer offshore safety management to be an ongoing process throughout the construction of the relevant project. Therefore, instead of each project requiring MMO approval of an emergency response and co-operation plan before commencement of that project, the MMO (in consultation with the MCA) would need to confirm that the relevant undertaker for each project has taken into account and adequately addressed all MCA recommendations contained in the relevant guidance as applicable to each relevant project phase.

2.12 ARTICLE 14 OF THE AMENDMENT ORDER

Article 14 amends requirement 18 of part 3 of Schedule 1 of the Order ensure that the obligations with regards to the approval of phasing schemes are split between the undertakers and projects. The changes separately restrict the commencement of each project's onshore works and the shared works before the submission and approval of separate written schemes setting out the phasing and construction of those works rather than requiring a scheme setting out the phasing of all onshore works before any onshore works for either project can be undertaken. Once approved any subsequent revisions to each scheme may be re-submitted for approval by the relevant undertaker. The requirement also enables transparency as to those works that are capable of being carried out on either a project specific basis or a shared basis; upon submission of the relevant scheme for a project's onshore works or for the shared onshore works, the relevant undertaker must include evidence of the other undertaker's consent for the relevant works being carried out on a project specific basis or a shared basis. Where works have been included in the phasing scheme for a specific project, they do not need to be included in the shared works phasing scheme and where works have been included in the shared works phasing scheme they do not need to be included in a project specific phasing scheme. All parts of the authorised development will therefore be covered by one of the phasing schemes.

2.13 ARTICLE 15 OF THE AMENDMENT ORDER

Article 15 amends requirement 19 of part 3 of Schedule 1 of the Order to require the onshore works to comply with the plans listed in requirement 19 on a stage by stage basis rather than the entirety of the authorised development.

Article 15 also inserts new paragraphs (2), (3), (4) and (5) into requirement 19 of part 3 of Schedule 1 of the Order to provide for limited exceptions to the restriction contained in paragraph (1) of

requirement 19 requiring onshore works to be carried out in accordance with the onshore works plans. The change is needed to respond to engineering and design work that has been carried out by the undertakers since the Order was originally made and enables the undertakers to lay onshore cables within the entire Order limits within certain areas defined by the included grid co-ordinates rather than each undertaker being restricted to a project specific corridor at those specific locations.

2.14 ARTICLE 16 OF THE AMENDMENT ORDER

Article 16 amends requirement 20 of part 3 of Schedule 1 of the Order to restrict the commencement of works where there is non-compliance with the plans listed in requirement 19 on a stage by stage basis rather than for the entirety of the authorised development. This allows a stage to be commenced and carried out to the extent that the stage (or relevant part thereof) complies with the plans listed in requirement 19. The changes to requirement 20 also clarify that detailed design approval by the relevant planning authority for certain works can be done as part of the same stage (or part thereof) or as separate stages (or part thereof). The requirement also clarifies that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.15 ARTICLE 17 OF THE AMENDMENT ORDER

Article 17 amends requirement 21 of part 3 of Schedule 1 of the Order to enable landscaping schemes to be submitted and approved on a stage by stage basis rather than for the entire authorised development. The changes also clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.16 ARTICLE 18 OF THE AMENDMENT ORDER

Article 18 amends requirement 22 of part 3 of Schedule 1 of the Order to ensure the requirement would be consistent with the proposed changes to requirement 21.

2.17 ARTICLE 19 OF THE AMENDMENT ORDER

Article 19 amends requirement 23 of part 3 of Schedule 1 of the Order by splitting the obligation to complete permanent fencing for Work No. 7 before that work is brought into use so that the requirement relates to the converter station for each specific project. This is to ensure consistency with the proposal for the converter station for each project to be brought forward on a project specific basis rather than on a shared basis (save for the enabling works which can be brought forward on either a shared basis or a project specific basis). The changes also clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.18 ARTICLE 20 OF THE AMENDMENT ORDER

Article 20 amends requirement 24 of part 3 of Schedule 1 of the Order to clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.19 ARTICLE 21 OF THE AMENDMENT ORDER

Article 21 amends requirement 25 of part 3 of Schedule 1 of the Order to change the run-off rate from 1.62 litres per second to 16.2 litres per second. This is a correction and is in accordance with the figure stated in the Flood Risk Assessment at Appendix B to Chapter 24 of the Environmental Statement. The amendments also clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.20 ARTICLE 22 OF THE AMENDMENT ORDER

Article 22 amends requirement 26 of part 3 of Schedule 1 of the Order to enable archaeological schemes to be submitted and approved on a stage by stage basis rather than for the entire authorised development. The changes also clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.21 ARTICLE 23 OF THE AMENDMENT ORDER

Article 23 amends requirement 27 of part 3 of Schedule 1 of the Order to enable codes of construction practice to be submitted and approved on a stage by stage basis rather than for the entire authorised development. The changes also clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.22 ARTICLE 24 OF THE AMENDMENT ORDER

Article 24 amends requirement 28 of part 3 of Schedule 1 of the Order to clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.23 ARTICLE 25 OF THE AMENDMENT ORDER

Article 25 amends requirement 31 of part 3 of Schedule 1 of the Order to ensure that the obligations with regard to the control of artificial light emissions are split between each project's converter station works. This is to ensure consistency with the proposal for the converter station for each project to be brought forward on a project specific basis rather than on a shared basis (save for the enabling works which can be brought forward on either a shared basis or a project specific basis).

2.24 ARTICLE 26 OF THE AMENDMENT ORDER

Article 26 amends requirement 32 of part 3 of Schedule 1 of the Order to enable construction traffic routing and management plans to be submitted and approved on a stage by stage basis rather than for the entire authorised development. The changes also clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

2.25 ARTICLE 27 OF THE AMENDMENT ORDER

Article 27 amends requirement 34 of part 3 of Schedule 1 ensure that the obligations with regard to port access and transport are split between the undertakers and projects. The amended

requirement would restrict the commencement of the licensed activities for the relevant project until a port access and transport plan has been approved for that project rather restricting the commencement of the licensed activities for both projects until a single port access and transport plan has been approved. The amendments require new definitions for “Project A licensed activities” and “Project B licensed activities to replace “licensed activities” and give proper effect to the changes.

2.26 ARTICLE 28 OF THE AMENDMENT ORDER

Article 28 amends requirement 35 of part 3 of Schedule 1 of the Order to enable final pre-construction survey work for European protected species to be carried out on a stage by stage basis rather than for the entire authorised development. The changes also clarify that approvals under paragraph 1 of the requirement can cover one or more stages of the onshore works.

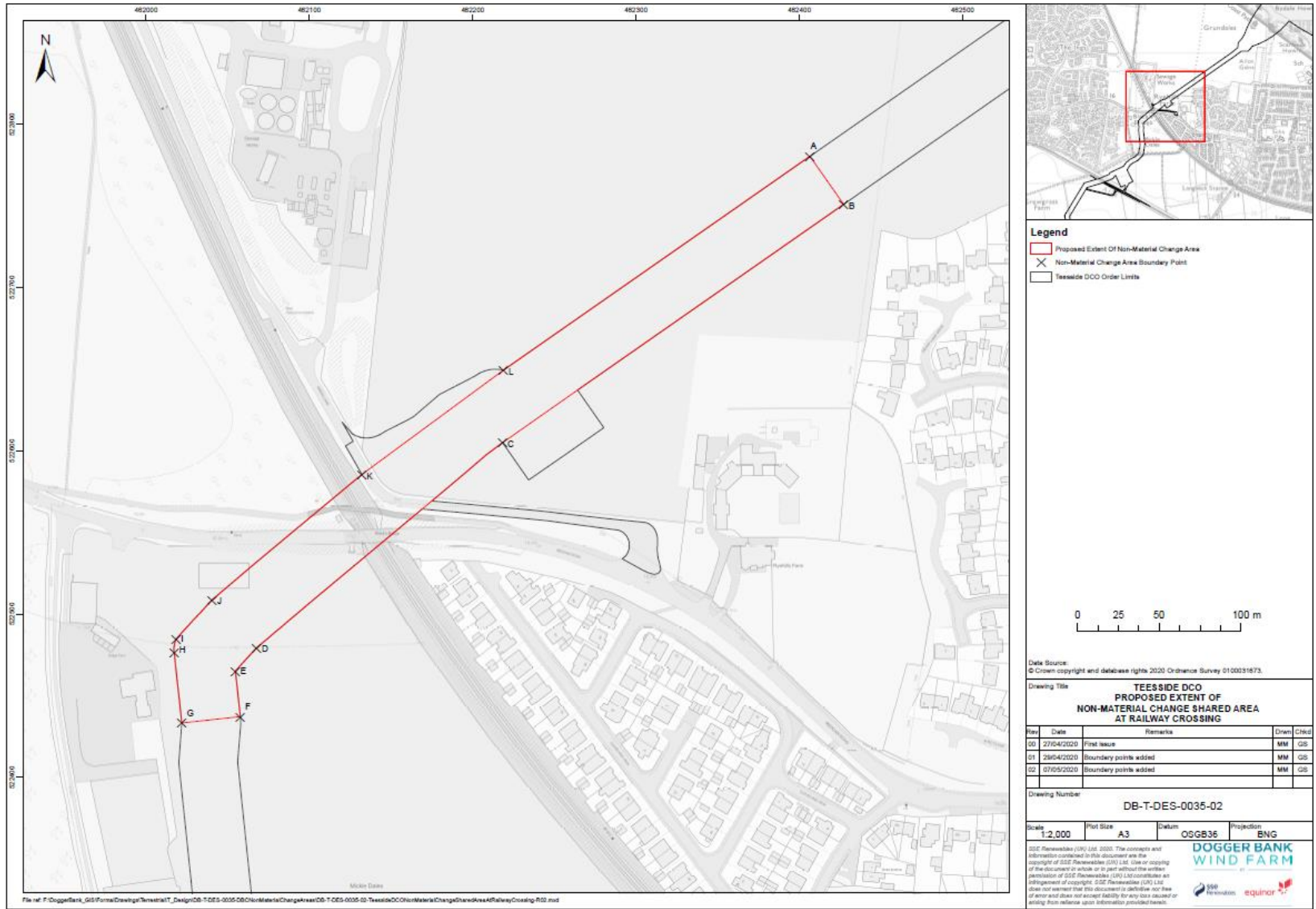
2.27 ARTICLE 29 OF THE AMENDMENT ORDER

Article 29 amends requirement 37 of part 3 of Schedule 1 of the Order to clarify that each undertaker is only required to submit a scheme to rectify telecommunications interference for any such interference caused by its own project.

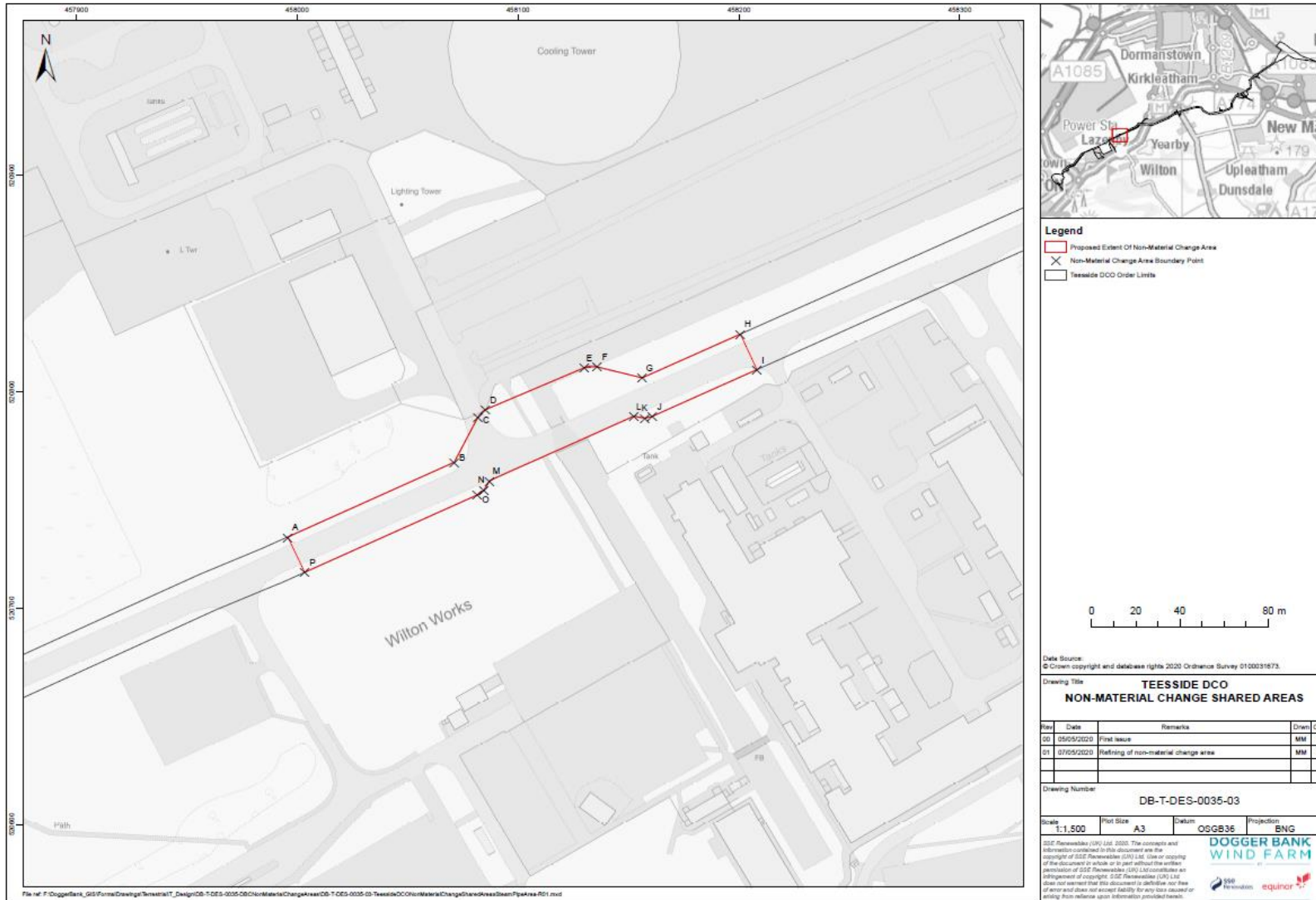
2.28 ARTICLE 30 OF THE AMENDMENT ORDER

Article 30 amends requirement 38 of part 3 of Schedule 1 of the Order to ensure that the obligations with regard to onshore decommissioning are split between the undertakers and projects. The changes would require a scheme for the demolition and removal of the relevant project (and any shared works not required for the commercial operation of the other project) to be submitted to the relevant local planning authority rather than a scheme being required for both projects at the same time. This prevents the cessation of the commercial operation of one project requiring the cessation of the other.

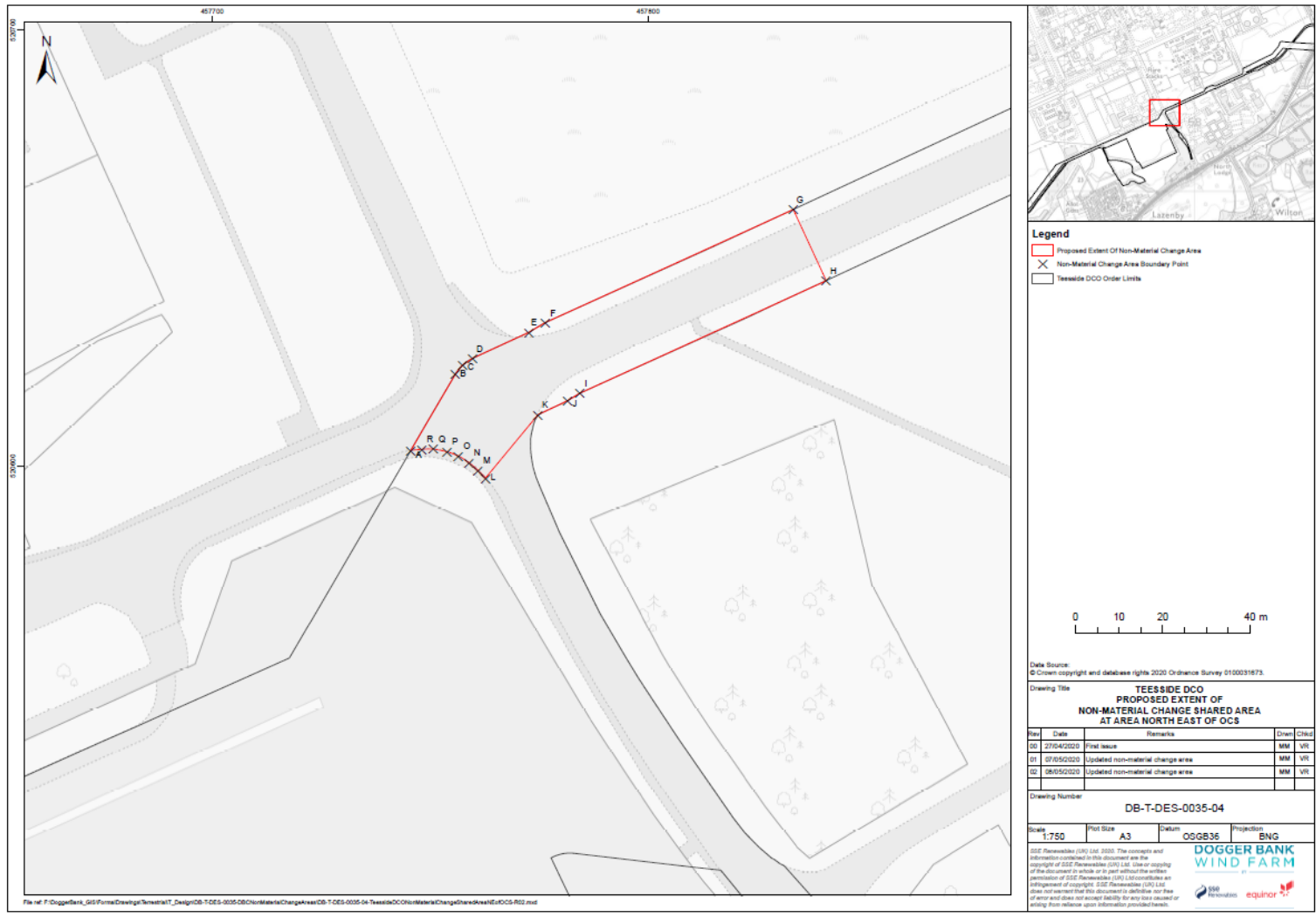
**APPENDIX A. LAND INCLUDED WITHIN GRID
COORDINATES IN REQUIREMENTS 1 AND 19 OF THE
DCO**



Appendix A-1 - Rail Crossing Works: Drawing showing area identified by grid coordinates in Table 1 of Requirements 1 and 19



Appendix A-2 – Wilton cable works 1: Drawing showing area identified by grid coordinates in Table 2 of DCO Requirements 1 and 19



Appendix A-3 - Wilton cable works 2: Drawing showing area identified by grid coordinates in Table 3 of DCO Requirements 1 and 19

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