



**DOGGER BANK
TEESSIDE A & B**

**March
2014**

Consultation Report

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Pursuant to Section 37(3)(c) of the Planning Act 2008

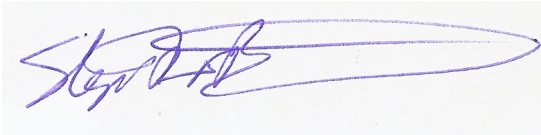
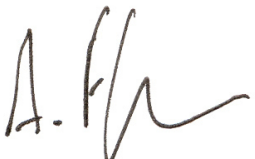
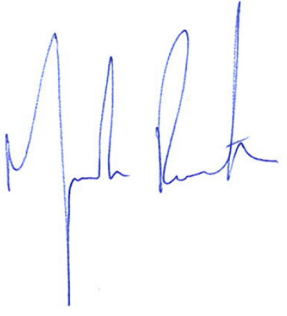
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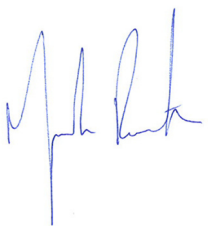
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Glossary of Abbreviations

ADD	Acoustic Deterrent Device
AIS	Automatic Identification System
ALARP	As Low As Reasonably Practicable
ANO	Air Navigation Order (2009)
APFP	(The Infrastructure Planning) Applications, Prescribed Forms and Procedures (Regulations 2009 (as amended))
AQMA	Air Quality Management Area
BAP	Biodiversity Action Plan
BCT	Bat Conservation Trust
BTO	British Trust for Ornithology
CAA	Civil Aviation Authority
Cefas	Centre for Environment, Fisheries & Aquaculture Science
CEH	Centre for Ecology and Hydrology
CIA	Cumulative Impact Assessment
CoS	Chamber of Shipping
CRPMEM	Comité Régional des Pêches Maritimes et des Elevages Marins du Nord/Pas de Calais/Picardie
cSAC	Candidate Special Area of Conservation
CTMP	Construction Traffic Management Plan
CTP	Construction Travel Plan
DCLG	Department of Communities and Local Government
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
DEFRA	Department of Environment, Food and Rural Affairs
DEPONS	Disturbance Effects on the Harbour Porpoise Population in the North Sea
DGC	The Defence Geographic Centre
DMRB	Design Manual for Roads and Bridges
EEA	European Economic Area
EIA	Environmental Impact Assessment
EMF	Electromagnetic Fields
EMMP	Environmental Management and Monitoring Plan
EPS	European Protected Species
ES	Environmental Statement
ESAS	European Seabirds At Sea

EU	European Union
FIPAD	Fishing Industry Protocol for Archaeological Discoveries
FLC	Fisheries Liaison Coordinators
FRA	Flood Risk Assessment
GW	gigawatts
HA	Highways Agency
HDD	Horizontal Directional Drilling
HETA	Humberside Engineering Training Association
HIR	Health Impact Review
HPA	Health Protection Agency
HRA	Habitats Regulation Assessment
HSE	Health and Safety Executive
HVAC	High Voltage Alternating Current
HVDC	High Voltage Direct Current
IAG	Inspection Action Group
ICES	International Council for the Exploration of the Sea
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IEMA	Institute of Environmental Management and Assessment
IHLS	International Herring Larval Survey
JNCC	Joint Nature Conservation Committee
LI	Landscape Institute
LVIA	Landscape and Visual Impact Assessment
LWS	Local Wildlife Site
MCA	Maritime and Coastguard Agency
MIEU	Major Infrastructure and Environment Unit
MMMP	Marine Mammal Mitigation Plan
MMO	Marine Management Organisation
MoD	Ministry of Defence
MP	Member of Parliament
MROG	Marine Renewables Ornithologists Group
NEIFCA	North Eastern Inshore Fisheries and Conservation Authority
NEPIC	North East Process Industry Cluster
NERL	NATS En-route plc
NFFO	National Federation of Fishermen's Organisations
NGET	National Grid Electricity Transmission

NIFCA	Northumberland Inshore Fisheries and Conservation Authority
NPS	National Policy Statements
NRA	Navigational Risk Assessment
NSRAC	North Sea Regional Advisory Council
NTS	Non-Technical Summary
NUFTA	New Under Ten Metre Fishermen's Association
NYCC	North Yorkshire County Council
OASIS	Online AccesS to the Index of archaeological investigationS
ORED	Office for Renewable Energy Development
ORJIP	Offshore Renewables Joint Industry Programme
ORPAD	Offshore Renewables Protocol for Archaeological Discoveries
PBR	Potential Biological Removal
PEI	Preliminary Environmental Information
PRoW	Public Rights of Way
pSPA	Potential Special Protection Area
PTS	Permanent Threshold Shift
RCBC	Redcar and Cleveland Borough Council
RIGS	Regionally Important Geological and Geomorphological Sites
rMCZ	Recommended Marine Conservation Zone
RNLI	Royal National Lifeboat Institution
RSPB	Royal Society for the Protection of Birds
RYA	Royal Yachting Association
SAC	Special Area of Conservation
SMP	Shoreline Management Plan
SNSOWF	Southern North Sea Offshore Wind Forum
SoCC	Statement of Community Consultation
SPA	Special Protection Area
SRN	Strategic Road Network
SSSI	Site of Special Scientific Interest
SWMP	Site Waste Management Plan
TAC	Total Allowable Catch
THLS	Trinity House Lighthouse Service
TA	Transport Assessment
TVWT	Tees Valley Wildlife Trust
UKHO	United Kingdom Hydrographic Office

VER	Valued Ecological Receptors
VMS	Vessel Monitoring System
WFD	Water Framework Directive
WRAP	Waste Recycling Action Programme
WSI	Written Scheme of Investigations
WTG	Wind Turbine Generator
WWT	Wildfowl and Wetlands Trust
ZAP	Zone Appraisal and Planning

Executive Summary

Overview

1. This Consultation Report has been prepared by GoBe Consultants and submitted by Forewind Limited (Forewind) to the Planning Inspectorate in support of the application for a Development Consent Order (DCO) for Dogger Bank Teesside A & B Offshore Wind Farm (Dogger Bank Teesside A & B).
2. This report has been prepared in accordance with Section 37(3)(c) of the Planning Act 2008 (as amended) (hereafter referred to as “the Planning Act”). It demonstrates how Forewind has complied with its duties under Sections 42, 47, 48 and 49 of the Planning Act. In summary:
 - Under Section 42 of the Planning Act, bodies prescribed by Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 were consulted. This list of consultees was augmented by additional bodies which were notified of the proposed application by the Planning Inspectorate under Regulation 9(1)(a) of the Environmental Impact Assessment (EIA) Regulations. In identifying a full list of Section 42 consultees, a wide interpretation of Local Authorities, parish councils and other statutory organisations was adopted for the purposes of consultation.
 - Under Section 47 of the Planning Act, a Statement of Community Consultation (SoCC) was developed for the project having due regard to comments from Local Authorities and the Marine Management Organisation (MMO) on what should be included in the SoCC. It was published in the prescribed manner and consultation with the local community was carried out in line with the proposals set out in the SoCC.
 - Under Section 48 of the Planning Act, the proposed development was publicised in the prescribed manner in local and national newspapers, industry publications and commercial fishing and shipping publications. The Section 48 notice occurred in parallel to statutory consultation under Section 42 of the Planning Act.
 - Under Section 49 of the Planning Act, Forewind has had regard to the relevant responses to all of the consultation and publicity carried out under Sections 42, 47 and 49.
3. In developing the approach to consultation for Dogger Bank Teesside A & B, Forewind has followed the specific requirements in legislation and guidance documents provided by the Department of Communities and Local Government (DCLG¹), and the Planning Inspectorate (Advice Note 14² and 16³).

¹ DCLG: Planning Act 2008: Guidance on the pre-application process (June 2013)

² Advice note fourteen: Compiling the consultation report. Republished April 2012 (version 2)

³ Advice note sixteen: The developer's pre-application consultation, publicity and notification duties. Published April 2012 (version 1)

4. In January 2010, following a competitive tender process, The Crown Estate awarded Forewind a Zone Development Agreement for the Dogger Bank Offshore Wind Farm Zone, as part of the Round 3 Offshore Wind Farm leasing process. The Dogger Bank Zone comprises an area of 8,660 km², and is located in the North Sea, between 125 km and 290 km off the UK coast. Dogger Bank Creyke Beck is the first stage of development of the Dogger Bank Zone and will comprise of two offshore wind farms with an installed capacity of up to 1.2 gigawatts (GW) each, connecting into the national grid at the existing substation at Creyke Beck, East Riding of Yorkshire.
5. Dogger Bank Teesside was named as Forewind's second stage of development of the Dogger Bank Zone. Dogger Bank Teesside was presented to consultees in early 2012, at the earliest stages of non-statutory consultation. The description of the Dogger Bank Teesside development at that stage comprised up to four offshore wind farms, by way of the submission of one, or a number, of DCO applications.
6. In December 2012, Forewind informed the Planning Inspectorate that the optimum consenting strategy for Dogger Bank Teesside was to split the development into two separate DCO applications – Dogger Bank Teesside A & B and Dogger Bank Teesside C & D.
7. Following this decision, Forewind undertook a second phase of statutory consultation under the Planning Act in November – December 2013 which related solely to Dogger Bank Teesside A & B. Forewind has now prepared an application for a single DCO for Dogger Bank Teesside A & B, which includes (amongst other things) a single Environmental Statement (ES) and this Consultation Report.

Consultation Summary

8. In considering the DCLG Planning Act 2008 Guidance on the pre-application process (January 2013) the scale of the proposed projects and the potential for a long development period, Forewind has undertaken an iterative consultation approach which has involved consultation on a zone wide and project specific basis. The consultation undertaken by Forewind for Dogger Bank Teesside A & B has involved two phases of statutory Section 47 and Section 42 consultation, in addition to early and ongoing non-statutory consultation with stakeholders. This approach was considered the most appropriate in order to manage the potential conflict between consulting as early as possible and having project proposals that were firm enough to enable consultees to make meaningful comment.
9. The flow diagram below (**Figure 1**) summarises, in high level form, the consultation process completed by Forewind. For clarity, items in blue represent the statutory phases of consultation required under the Planning Act.

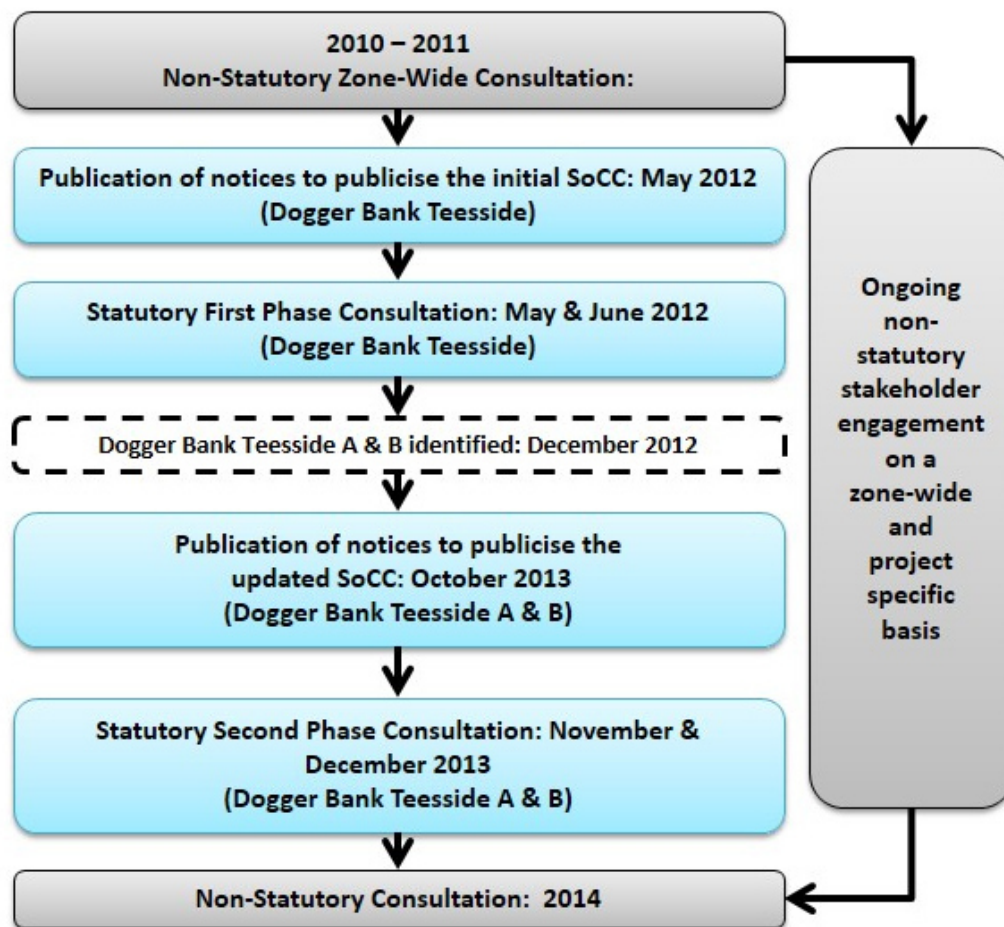


Figure 1 High-level summary of Dogger Bank Teesside A & B consultation approach

10. In line with The Crown Estate's guidance on the Zone Appraisal and Planning (ZAP) process, Forewind consulted stakeholders about the Dogger Bank Zone early in the development process in order to inform the identification of the locations of the first projects.
11. The ZAP consultation started with three stakeholder workshops held in April 2010. The objectives of the workshops were to provide an opportunity for early stakeholder engagement, communicate Forewind's development objectives, build on Forewind's understanding of the zone-wide development issues, identify stakeholder concerns and establish relations with stakeholders. Further detail on the consultation undertaken as part of the ZAP process is outlined in chapter 6 of this report.
12. The SoCC documents, which presented a detailed strategy setting out how the Applicant proposed to consult with the local community, were discussed with the relevant Local Authority and the Marine Management Organisation (MMO). The Section 43(1) authority for Dogger Bank Teesside A & B, and therefore the statutory consultee that was consulted on the content of the SoCCs under Section 47(2), was defined as Redcar and Cleveland Borough Council (RCBC).
13. An initial Dogger Bank Teesside SoCC was published prior to the first phase of statutory consultation. The document described how the consultation would be

carried out in two phases, giving detailed information on the first phase of consultation activities. After the first phase of consultation, Forewind confirmed that the optimum consenting strategy for Dogger Bank Teesside was to split Dogger Bank Teesside into two separate DCO applications. An updated SoCC was published prior to the second phase of statutory consultation, explicitly for the Dogger Bank Teesside A & B development, giving detail information on the second phase of consultation activities.

14. A notice was published in newspapers in the prescribed manner stating where and when both the initial SoCC and the subsequent updated SoCC could be inspected.
15. Forewind carried out a two phase statutory Section 42 and Section 47 consultation process. This approach was taken to ensure that consultees were engaged from an early stage in the development of the project and had multiple opportunities to comment on the proposals.
16. The first phase of statutory consultation under Section 42 of the Planning Act was undertaken in parallel to the first phase of statutory consultation under Section 47 of the Planning Act, during May and June 2012, and was based on the provision of the Dogger Bank Teesside Preliminary Environmental Information 1 (PEI1).
17. EIA Scoping was undertaken in parallel with the first phase of statutory consultation under the Planning Act. Due to the overlapping of the timeframes for the consultation activities, the Scoping responses have been considered alongside the first phase Section 42 statutory consultation responses in the Consultation Report. For clarity, these Scoping responses have been grouped together and clearly identified, since these responses do not fall under the statutory pre-application consultation requirement of the Planning Act.
18. In December 2012, after the first phase of statutory consultation, Forewind informed the Planning Inspectorate, and all consultees, that the optimum consenting strategy for Dogger Bank Teesside was to split Dogger Bank Teesside into two separate DCO applications – Dogger Bank Teesside A & B and Dogger Bank Teesside C & D.
19. The second phase of statutory consultation under Section 42 and Section 47 of the Planning Act was undertaken in a similar way to the first phase, during November and December 2013, and was based on the provision of a draft ES for Dogger Bank Teesside A & B.
20. Forewind chose to publicise (in accordance with the requirements of Section 48) the Dogger Bank Teesside A & B application once, to coincide with the final second phase of statutory Section 42 and 47 consultation. This approach reflected Forewind's stakeholder engagement strategy to prioritise consultation with those most affected by the proposals.
21. The statutory consultation activities during both phases of both Section 42 and Section 47 consultation included the following:
 - Preparation of a range of consultation materials suitable for differing levels of technical expertise ranging from detailed technical documents in the

form of PEI1 during the first phase of consultation in 2012 and draft ES during the second phase of consultation in 2013, to more basic materials providing non-technical information on the proposed project for the community;

- Lodging of consultation documents in public. Documents were made available at local libraries, and on the project website;
- A series of public exhibitions;
- Briefings for elected members;
- A project website which provided project and consultation information, allowed access to consultation documents, questionnaires, comment cards and newsletters;
- A series of press releases to the media and the posting of adverts in newspapers and in local communities to advertise the public exhibitions and inform the public about the proposal;
- The Dogger Bank News newsletter; and
- Follow-up discussions with statutory and non-statutory consultees to address key areas of concern.

22. These activities generated the following interest:

- Thirty-one responses were received from 30 consultees⁴ in relation to the first phase of statutory Section 42 consultation, of which 28 were received before the consultation deadline. Seventeen of these responses were from 14 identified Section 44 consultees. Eleven Scoping responses were also received from 14 consultees during the first phase of statutory consultation. Of the 41 consultees whose responses were considered for the first phase of statutory Section 42 consultation, 31 of these are identified as prescribed bodies and 6 identified as Local Authorities and National Park authorities. From these combined 42 responses from 41 consultees, with respect to key areas of interest, there were 27 responses relating to onshore aspects, 27 responses relating to offshore aspects and 17 responses relating to both onshore and offshore aspects such as consultation, the assessment of alternatives and designated sites;
- Fifty-four responses were received from 53 consultees in relation to the second phase of statutory Section 42 consultation, of which 53 were received before the consultation deadline. Thirty-three of these responses were from 28 identified Section 44 consultees. Of the 53 consultees whose responses were considered for the second phase of statutory Section 42 consultation, 48 of these are identified as prescribed bodies and 6 identified as Local Authorities and National Park authorities. With respect to key areas of interest, there were 9 responses relating to onshore aspects, 10 responses relating to offshore aspects and 39 responses

⁴ There were instances where more than one response was received from the same consultee.

relating to both onshore and offshore aspects such as consultation, and the project description;

- Thirteen responses were received from 13 consultees in relation to the first phase of statutory Section 47 consultation, of which 12 were received before the consultation deadline. Of the 13 consultees whose responses were considered for the first phase of statutory Section 47 consultation, 11 of these are identified as non-statutory organisations, with 1 response from a member of the public and 1 response from an elected representative. With respect to key areas of interest, 7 respondents submitted comments associated with the onshore aspects, 5 respondents with comments on offshore aspects and 6 respondents with comments on consultation and the assessment of alternatives;
- Twenty-eight responses were received from 24 consultees in relation to the second phase of statutory Section 47 consultation, of which 26 were received before the consultation deadline. Of the 24 consultees whose responses were considered for the second phase of statutory Section 47 consultation, 19 were identified as non-statutory organisations, with 5 responses from members of the public. With respect to key areas of interest, 3 respondents submitted comments associated with the onshore aspects, 10 respondents with comments on offshore aspects and 21 respondents submitting comments relating to both onshore and offshore aspects such as consultation, the assessment of alternatives, and the project description;
- A total of 5 responses from members of the public were received which made specific reference to the Section 48 notice;
- In total, 136 people attended the 3 public exhibitions in relation to the first phase of statutory consultation, held in May 2012. This resulted in the completion of 31 community consultation questionnaires, the majority of which were handed to Forewind at the exhibitions, although some were subsequently sent to Forewind via email or letter. Four freepost comment cards were received by Forewind after the public exhibitions; and
- In relation to the second phase of statutory consultation, a total of 93 people attended the public exhibitions held during the second phase of statutory consultation, held in November 2013. This resulted in the completion of 39 community consultation questionnaires, the majority of which were handed to Forewind at the exhibitions. Five freepost comment cards were completed at the public exhibitions with one comment card subsequently received by mail.

23. Responses received to the consultation raised key points on the following topics:

- Marine ecology;
- Nature conservation;
- fishing interests;
- The safety of shipping and navigation;

- Tourism and recreation;
- Socioeconomics;
- Ornithology;
- Physical processes, and
- Issues relating to the onshore works.

24. All responses received during the two statutory consultation periods, and those received after the consultation deadlines and deemed practicable to consider, have been considered by Forewind. Where relevant, responses have been taken into account by Forewind in preparing its Application for development consent for submission to the Planning Inspectorate. Where comments have not influenced the project, justification has been provided in this Consultation Report.
25. The amendments that have been made to the project following the statutory consultation undertaken can be summarised as follows:
- The main offshore change to date has been the reduction in the size of the temporary working area just off the coast at the site of the landfall between Redcar and Marske-by-the-Sea. This reduction will avoid certain geological features, which were brought to Forewind's attention by the Tees Valley Regionally Important Geological and Geomorphological Sites (RIGS) Group. These geological features include the Redcar mudstone formation of the Red Howles site, between Red Howles and Redcar Rocks;
 - Onshore, concerns were raised about the size of the land area proposed for the two converter stations at the Wilton Complex. After some assessment Forewind has been able to reduce this area by 3.8 hectares (9.4 acres). Its total footprint is now 9.3 hectares (23 acres);
 - Since the consultation and following a new topographical survey, there has been a review of the land area needed for the landscaping proposed to screen the converter stations. To properly accommodate this mitigation and ensure it is most effective, Forewind has needed to increase the amount of land required (although the scope of the landscaping proposed remains the same);
 - The orientation of the converter stations has also been changed by 180 degrees since the consultation. The transformers, which have the potential to generate the most noise, have been moved north of the converter hall and further away from residential areas;
 - Two alternative routes were proposed for access to the cable route section near the existing National Grid substation at Lackenby during construction. Route 1 is to the west of the substation, the route already used by National Grid to access the site and including the B1380, and Route 2 to the east, using the A1053 underpass and existing tracks within the Wilton Complex. It has been concluded that both routes will be needed due to the level of anticipated construction traffic. Most of the traffic will be routed via the

A1053 underpass and through the Wilton Complex (Route 2) with only larger vehicles needing to travel on Route 1;

- Some other relatively minor design amendments have been made to the proposed onshore cable routing. Having consulted landowners and those with an interest in the land, some routing requests have been proposed and subsequently accepted; and
- Acting on feedback given by Natural England on the data provided about wintering birds at the landfall area, particularly the Golden Plover, Forewind has undertaken work to further substantiate the results presented in the ES. The PEI provided during the consultation showed that bird numbers drop in January and February. To gather additional supporting evidence for this, Forewind has carried out a new desktop study plus winter field surveys. Depending on the relevance of the data gathered, consolidated results comprising the previous data and new information was fed back to Natural England as part of Forewind's ongoing consultation.

26. Feedback on the draft ES has been incorporated in the development and finalisation throughout the ES. In addition, conditions and requirements have been included in the draft DCO (incorporating the Deemed Marine Licences) (document reference 3.1) to address specific issues raised by consultees.
27. In the spirit of effective consultation, Forewind continues to engage with a range of consultees and will continue to do so as the project progresses.
28. In this Consultation Report, Forewind has endeavoured to accurately summarise the various stages of consultation that have been undertaken in order to demonstrate compliance with the requirements of the Planning Act. Specifically, the pre-application consultation undertaken has been set out and the views and feedback received from consultees has been summarised. The report also sets out how the consultation responses provided during the statutory and non-statutory consultation have subsequently influenced the final Application (Forewind's regard to the responses received).

1. Introduction

1.1. Overview

- 1.1.1. This Consultation Report describes the consultation activities undertaken by Forewind Limited (Forewind), in developing the application for a DCO for the Dogger Bank Teesside A & B Offshore Wind Farm (Dogger Bank Teesside A & B).
- 1.1.2. The report follows guidance provided by the DCLG, “Planning Act 2008: Guidance on the pre-application process” (January 2013) and considers advice provided by the Planning Inspectorate in Advice Note 14: Compiling the Consultation Report (April 2012, Version 2) which provides developers with guidance on the format and content of the consultation report. Further detail on relevant Legislation, Guidance and Advice is provided in chapter 2 of this report.
- 1.1.3. This report details how the Applicant has complied with the provisions of the Planning Act, and associated legislation, in relation to pre-application consultation for the proposed project. It has been prepared pursuant to Section 37(3)(c) of the Planning Act, and sets out the approach taken with regard to:
- Statutory consultation that has taken place during the development of the Dogger Bank Teesside A & B application (in order to comply with Sections 42, 47 and 48 of the Planning Act) and how the consultation responses have been taken into account in shaping the final form of the Application (pursuant to Section 49 of the Planning Act); and
 - The additional, non-statutory consultation that has been undertaken on the project and which has also influenced the development of the scheme and the final Application.
- 1.1.4. In line with the advice presented in Advice Note 14, this chapter presents an overview of the whole pre-application stage as it relates to the Dogger Bank Teesside A & B application. An explanation of the consultation undertaken in a high-level summary form, as well as a quick-reference guide to the consultation process, are presented in section 1.5 in order to ensure that the information presented is clear and concise from the outset.
- 1.1.5. By way of background, detail on Forewind (section 1.2) and a summary of the project (section 1.4) is also provided. The structure of the Consultation Report is also outlined in section 1.6 of this chapter, with reference to the sections of the report where further detail is provided.

1.2. Forewind

- 1.2.1. Forewind is a consortium comprising four leading international energy companies; RWE Innogy UK Limited, SSE Renewables Developments (UK) Limited, Statoil Wind Limited and Statkraft UK Limited. Together, these companies combine extensive experience of international offshore project delivery and renewable energy development, construction, asset management

and operations. Through the combined strength of its owner companies, Forewind has the ability to both make a significant contribution to the future of wind energy in the UK and demonstrate commitment to the continuing development of offshore wind.

- 1.2.2. A summary of each of the Forewind partner companies is provided below:



RWE Innogy UK Limited is the UK subsidiary of RWE Innogy. RWE Innogy is one of Europe's and the UK's leading renewable energy developers and operators. It is committed to developing and operating renewable energy projects to produce sustainable electricity across Europe and pools the expertise of its parent RWE Group.



SSE Renewables Developments (UK) Limited is part of the SSE group. SSE has over 3,000MW of renewables generation in its portfolio making it the largest generator of electricity from renewable sources across the UK and Ireland.



Statoil Wind Limited is part of Statoil, an international energy company headquartered in Norway that has operations in 36 countries. Statoil is committed to accommodating the world's energy needs responsibly. In undertaking this challenge Statoil draws upon 40 years of experience from oil and gas production in harsh environments such as the North Sea.



Statkraft UK Limited manages Statkraft's interests in the UK. Statkraft is Europe's largest generator of renewable energy and is the leading power company in Norway. Statkraft owns, produces and develops hydropower, wind power, gas power and district heating. Statkraft is also a major player in European power trading.

1.3. The Dogger Bank Zone

- 1.3.1. In January 2010, following a competitive tender process, The Crown Estate awarded Forewind a Zone Development Agreement for Dogger Bank Offshore Wind Farm Zone, as part of the Round 3 Offshore Wind Farm development process. The Dogger Bank Zone comprises an area of 8,660 km², and is located in the North Sea, between 125 km and 290 km off the UK coast. The location of the Dogger Bank Zone is shown in **Figure 1.1**.
- 1.3.2. Forewind's current plan is to secure development consent for six projects, which have a total target installed capacity of 7.2 GW. Forewind's focus is on the first four projects, which together are Dogger Bank Creyke Beck and Dogger Bank Teesside A & B.
- 1.3.3. Forewind intend to progress the development of the Dogger Bank Zone under four development areas, termed Tranches A, B, C and D.

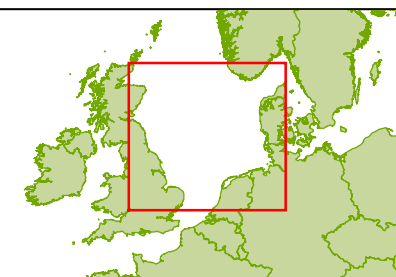
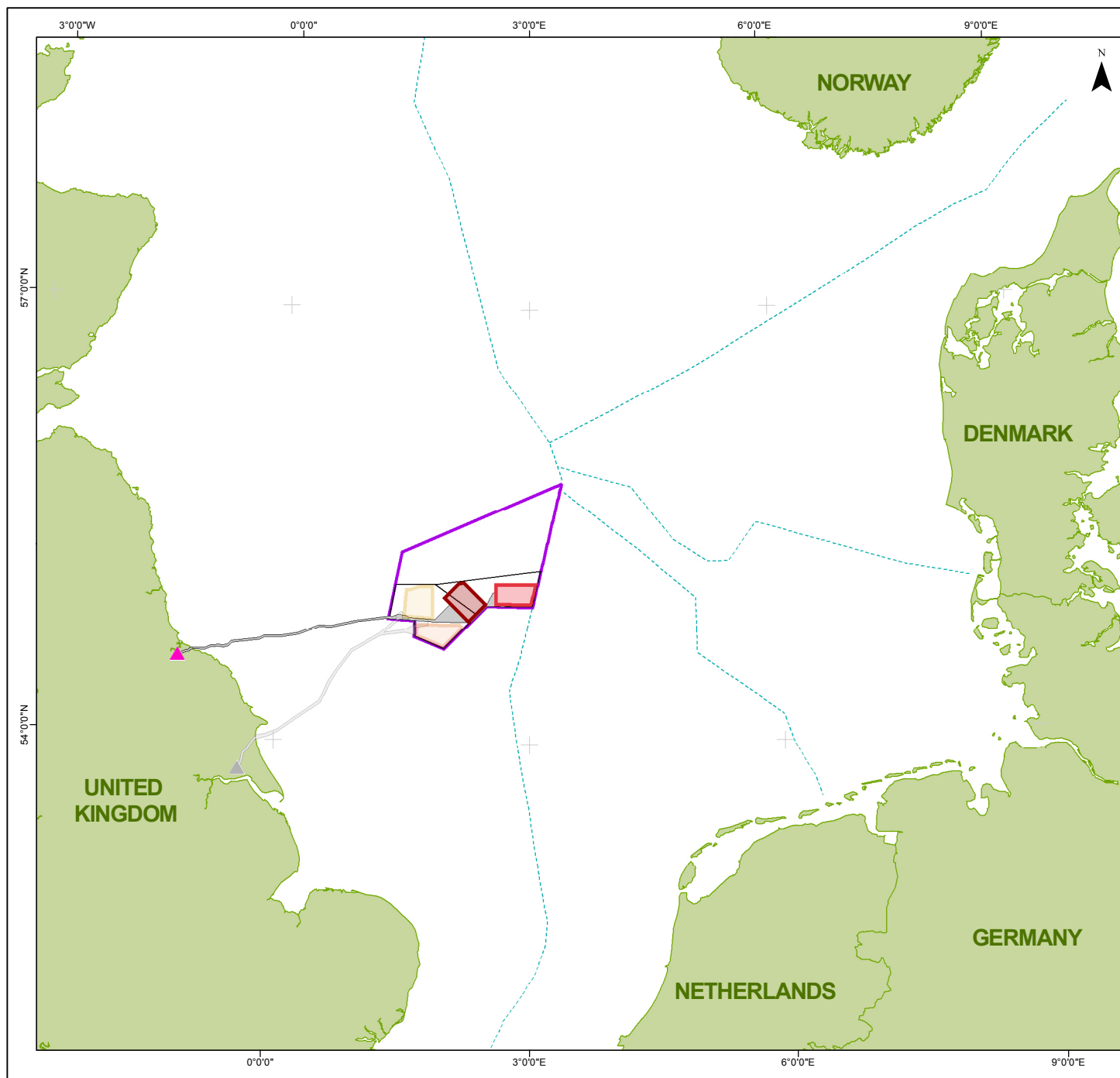
ZAP process

- 1.3.4. Forewind is using the concept of ZAP (further detailed in chapter 6), to produce recommendations for tranche boundaries. The intention is to identify four tranches within the Zone (Tranches A to D) with the capability of siting up to three wind farm projects in each.
- 1.3.5. Tranches A and B (**Figure 1.1**) were initially identified using data collated during the ZAP process and presented in the Zone Characterisation Documents (ZoC) (Forewind, 2010). The boundary selections for Tranches C and D (**Figure 1.1**) were identified later and were informed by the second iteration of the ZoC (Forewind, 2011) and The Offshore Tranche, Wind Farm Array Boundary, and In-Zone Export Cable Corridor Selection Report (Forewind, 2013).

Dogger Bank Creyke Beck Offshore Wind Farm

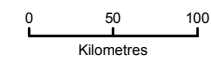
- 1.3.6. Dogger Bank Creyke Beck is the first stage of development of the Dogger Bank Zone and will comprise of two offshore wind farms with an installed capacity of up to 1.2GW, each connecting into the national grid at the existing substation at Creyke Beck, East Riding of Yorkshire. Jointly, these arrays are referred to as 'Dogger Bank Creyke Beck'. Dogger Bank Creyke Beck is located in Tranche A in the Dogger Bank Zone and will connect into the existing Creyke Beck substation near Cottingham, in the East Riding of Yorkshire (as illustrated in **Figure 1.1**). The application for a DCO for Dogger Bank Creyke Beck was submitted to the Planning Inspectorate on 29 August 2013, with the application accepted for examination on 25 September 2013. The Dogger Bank Creyke Beck project is currently going through the examination process, with a decision on the application expected from the Secretary of State (SoS) by the end of 2014.

The consultation and design decisions, in particular embedded design mitigation, adopted for Dogger Bank Creyke Beck have influenced the proposed Dogger Bank Teesside projects.



LEGEND

- Dogger Bank Teesside A
- Dogger Bank Teesside B
- Dogger Bank Creyke Beck A
- Dogger Bank Creyke Beck B
- Creyke Beck cable corridor
- Teesside A&B cable corridor
- Tranche boundary
- Dogger Bank Round 3 Zone
- International boundary
- National Grid's Creyke Beck Substation
- National Grid's Lackenby Substation



Source:
Round 3 © TCE, 2010
International Boundary © UKDeal, 2010
Administrative Boundaries © EuroGeographics, 2006

PROJECT TITLE

DOGGER BANK TEESSIDE A & B

DRAWING TITLE

Figure 1.1
Location of Dogger Bank Zone

VER	DATE	REMARKS	Drawn	Checked
1	28/02/2014	First Issue	AJ	CG
2	17/03/2014	Map title amended	PR	CG

DRAWING NUMBER:

M-DES-0237-02

SCALE	1:4,500,000	PLOT SIZE	A4	DATUM	WGS84	PROJECTION	UTM31N
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Dogger Bank Teesside

- 1.3.7. Dogger Bank Teesside was named as Forewind's second stage of development of the Dogger Bank Zone. The Dogger Bank Teesside study area is presented in **Figure 1.2**.
- 1.3.8. Dogger Bank Teesside was presented to consultees in early 2012, at the earliest stages of non-statutory consultation, and was the subject of a formal request to the Planning Inspectorate for a Scoping Opinion in May 2012. The Scoping Opinion is included in the application documents (document reference 1.5).
- 1.3.9. The Dogger Bank Teesside development was subject of the first phase of statutory consultation under the Planning Act in May – June 2012. The description of the Dogger Bank Teesside development at that stage comprised up to four offshore wind farms, by way of the submission of one, or a number, of DCO applications.
- 1.3.10. In December 2012, Forewind informed the Planning Inspectorate, and all consultees prescribed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended), that the optimum consenting strategy for Dogger Bank Teesside was to split the development into two separate DCO applications – Dogger Bank Teesside A & B and Dogger Bank Teesside C & D.
- 1.3.11. Following this decision, Forewind undertook a second phase of statutory consultation under the Planning Act in November – December 2013 which related solely to Dogger Bank Teesside A & B. Forewind has now prepared an application for a single DCO for Dogger Bank Teesside A & B, which includes (amongst other things) a single ES and this Consultation Report.
- 1.3.12. Following on from Dogger Bank Teesside A & B, the next stage of development will be Dogger Bank Teesside C & D. This development will comprise two wind farms in Tranche C of the Dogger Bank Zone and will be the subject of a separate DCO application. It is important to note that this Consultation Report and the wider DCO application of which this report forms a part relates solely to the Dogger Bank Teesside A & B project.
- 1.3.13. Further detail about Dogger Bank Teesside A & B is presented in the following section (section 1.4).

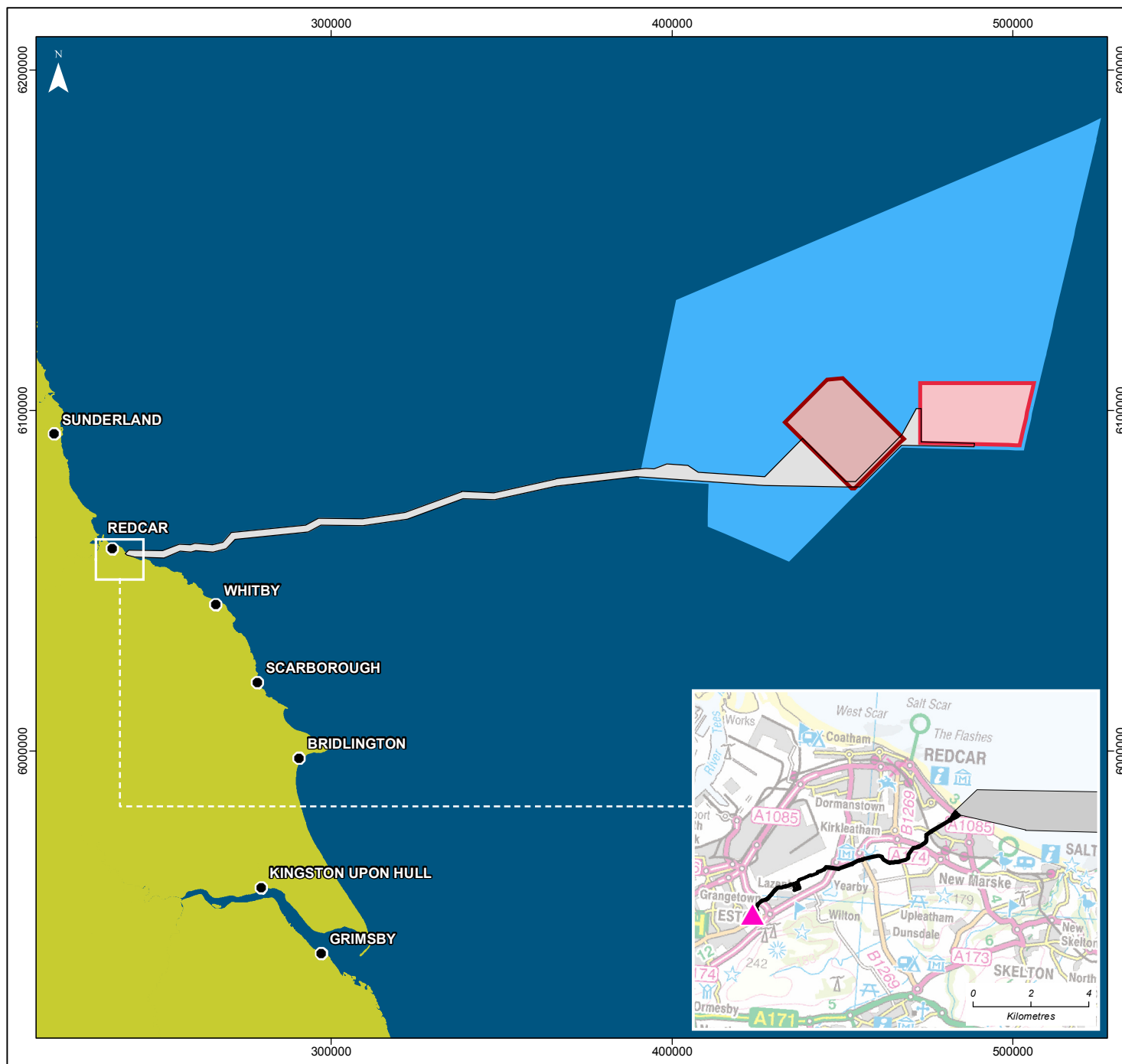
1.4. Dogger Bank Teesside A & B

- 1.4.1. The Dogger Bank Teesside A & B application, to which this Consultation Report refers, includes two offshore wind farms, each with a generating capacity of up to 1.2 GW (2.4 GW total). Within each of the two separate wind farm arrays there will be up to four offshore collector stations, one converter platform and up to two accommodation platforms along with sub-sea inter-array and export cabling.
- 1.4.2. The onshore elements for the two wind farms will include two buried cable systems from the landfall north of Marske-by-the-Sea to two proposed onshore converter stations located in the Wilton Complex (an area zoned for industrial

development) and then onto the National Grid connection at the existing National Grid substation at Lackenby.

- 1.4.3. Dogger Bank Teesside A is located within the eastern portion of the developable area in Tranche B. Dogger Bank Teesside B straddles Tranche A and Tranche B, with the majority of the project being located in Tranche B. The location of Dogger Bank Teesside A & B within the Dogger Bank Zone is shown in **Figure 1.2**.

The full scope of the Dogger Bank Teesside A & B projects which are the subject of this application are set out in detail in Chapter 5 Project Description (document reference 6.5) of the ES. The details of the projects are also described in the draft DCO and Deemed Marine Licences (document reference 3.1).



LEGEND

- Dogger Bank Teesside A
- Dogger Bank Teesside B
- National Grid's Lackenby Substation
- Teesside A&B onshore cable corridor
- Teesside A&B offshore cable corridor
- Dogger Bank Round 3 Zone



Source:
Round 3 © TCE, 2010
Ordnance Survey data © Crown copyright and database right, 2013

PROJECT TITLE
DOGGER BANK TEESSIDE A & B

DRAWING TITLE
**Figure 1.2
Location of Dogger Bank Teesside A & B**

VER	DATE	REMARKS	Drawn	Checked
1	28/02/2014	First Issue	AJ	CG
2	17/03/2014	Map title amended	PR	CG

DRAWING NUMBER:
M-DES-0236-02

SCALE	1:1,700,000	PLOT SIZE	A4	DATUM	WGS84	PROJECTION	UTM31N
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1.5. Overview of consultation process

- 1.5.1. This section of the Consultation Report provides an overview and narrative of the consultation undertaken with respect to the wider Dogger Bank Zone and more specifically in relation to both the statutory and non-statutory consultation undertaken for Dogger Bank Teesside A & B. It includes a table summarising all consultation activities in chronological order, which also signposts to the chapters within the main report where further detail on specific activities is presented (**Table 1.1**). A quick-reference flow diagram specific to Dogger Bank Teesside A & B consultation activities is also provided (**Figure 1.4**).
- 1.5.2. It is important to note that Forewind considers that all consultation undertaken on Dogger Bank Teesside (the development presented to consultees in the first phase of statutory consultation – see paragraphs 1.3.7 – 1.3.13) is equally relevant to the refined Dogger Bank Teesside A & B project (the subject of the second phase of statutory consultation - see paragraphs 1.4.1 – 1.4.4).

Zone-wide consultation

- 1.5.3. In line with The Crown Estate's guidance on the ZAP process, Forewind consulted stakeholders about the Dogger Bank Zone early in the development process in order to inform the identification of the locations of the first projects. The ZAP process is summarised in **Figure 1.3**.
- 1.5.4. The ZAP consultation started with three stakeholder workshops held in April 2010. The objectives of the workshops were to provide an opportunity for early stakeholder engagement, communicate Forewind's development objectives, build on Forewind's understanding of the zone-wide development issues, identify stakeholder concerns and establish relations with stakeholders. Further detail on the consultation undertaken as part of the ZAP process is outlined in chapter 6 of this report.
- 1.5.5. Forewind's overall approach to the Zone-wide consultation was set out in the Stakeholder Engagement Plan (Forewind, 2011), which was developed in consideration of the outcomes of the stakeholder workshops. The Stakeholder Engagement Plan was supported by the development of a Fisheries Liaison Plan (Forewind, 2011), which set out Forewind's approach to consulting fishing industry stakeholders. In addition, consultation in the form of community meetings, topic specific workshops with stakeholders and production of newsletters has continued throughout the development of the Dogger Bank Zone as well as during the identification of individual projects.
- 1.5.6. Further detail on the approach to the non-statutory zone-wide consultation is presented in chapter 6 of this report.

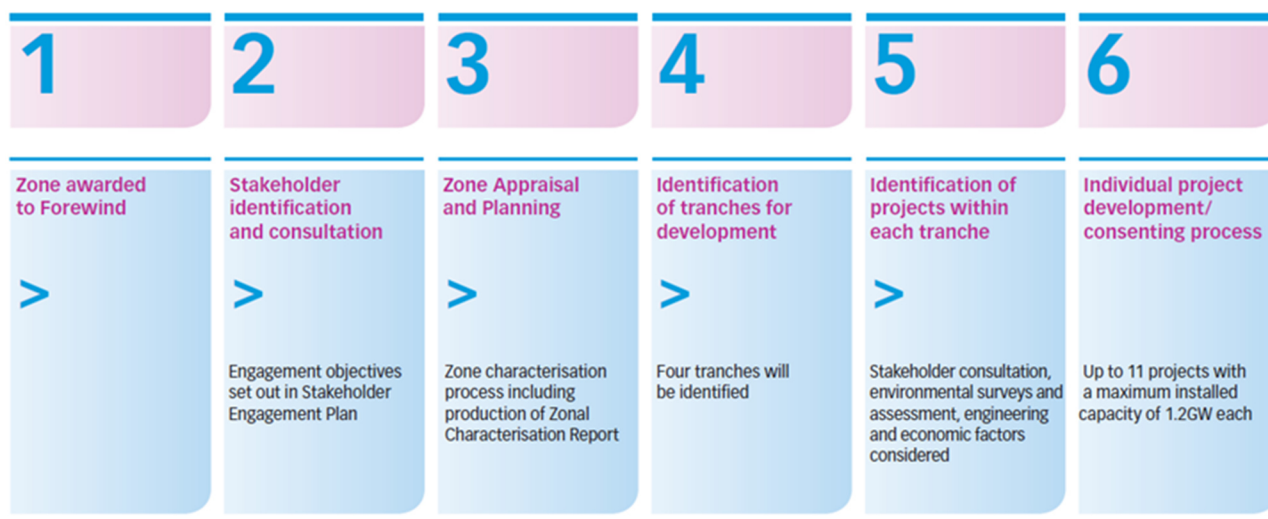


Figure 1.3 Zone development process⁵

Dogger Bank Teesside A & B Consultation

- 1.5.7. **Figure 1.4** provides a quick-reference guide to the consultation process undertaken for Dogger Bank Teesside A & B.
- 1.5.8. Non-statutory consultation was undertaken prior to the commencement of the statutory consultation process and was ongoing throughout the subsequent two phases of statutory consultation. Further detail on the approach to the non-statutory consultation is presented in chapter 6 of this report.
- 1.5.9. EIA Scoping (chapter 7 of this report) was undertaken in parallel with the first phase of statutory consultation in order to provide stakeholders with a full picture of the work that was done to date on the Dogger Bank Teesside projects, and to minimise the consultation burden on stakeholders.
- 1.5.10. Forewind has carried out a two phase statutory consultation under Section 42 and 47 of the Planning Act for the Dogger Bank Teesside A & B projects. This approach was taken to ensure that the consultees were consulted at an early stage and had multiple opportunities to comment and influence the development process. The approach to the Section 42 and Section 47 statutory consultation is detailed in chapter 3 and 4 of this report, respectively.
- 1.5.11. Forewind chose to publicise (in accordance with the requirements of Section 48) the Dogger Bank Teesside A & B application once, to coincide with the final second phase of statutory Section 42 and 47 consultation. This approach reflected Forewind's stakeholder engagement strategy to prioritise consultation with those most affected by the proposals.

⁵ This figure represents the zone development process as planned in 2010, at the start of the Dogger Bank Zone development process. The current Dogger Bank Zone development plan is to secure development consent for six projects (within three tranches) with a maximum installed capacity of 1.2 GW each.

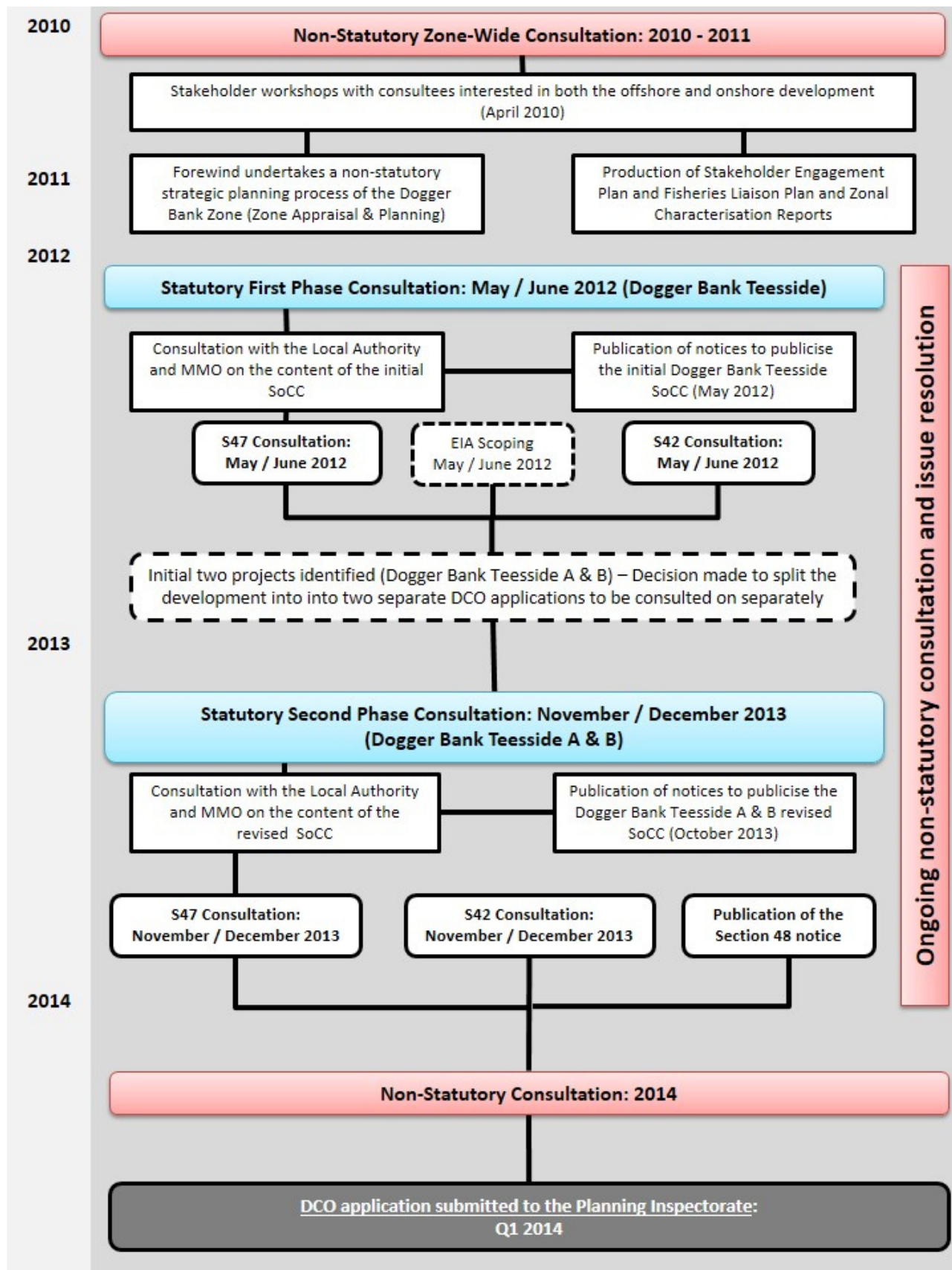


Figure 1.4 Dogger Bank Teesside A & B consultation – quick reference guide

- 1.5.12. Prior to the first phase of statutory consultation, consultation was undertaken with the RCBC and the Marine Management Organisation (MMO) on the content of the initial Statement of Community Consultation (SoCC) for Dogger Bank Teesside. The initial SoCC explained how Forewind planned to consult with the local community during the statutory consultation phase. Minor changes were made to the initial SoCC as a result of the consultation with RCBC and the MMO and the SoCC was published in the prescribed manner. The approach and consultation undertaken in relation to the initial SoCC is outlined in chapter 4 of this report.
- 1.5.13. The first phase of statutory consultation took place on the Dogger Bank Teesside project, with both Section 42 and 47 consultees. The responses from this first phase of consultation (as detailed in chapter 8 of this report) were considered in the further development of the project.
- 1.5.14. Before the commencement of the second phase of statutory consultation, consistent with the EIA Scoping Report, Forewind confirmed the consenting strategy for Dogger Bank Teesside and split the development of the four Dogger Bank Teesside projects into two separate DCO applications. As a result of this decision, the second phase of statutory consultation took place on the Dogger Bank Teesside A & B projects, based on a updated Dogger Bank Teesside A & B proposal and draft ES and following the publication of an updated SoCC in the prescribed manner. The updated SoCC outlined how Forewind planned to consult with the local community on Dogger Bank Teesside A & B during the second statutory consultation phase. The approach and consultation undertaken in relation to the updated SoCC is outlined in chapter 4 of this report.
- 1.5.15. Statutory consultation under Section 48 of the Planning Act was completed in 2013 and comprised the publication of the Section 48 notice in the prescribed manner (as detail in chapter 5 of this report).
- 1.5.16. Following the statutory consultation, additional non-statutory consultation continued prior to the submission of the DCO application in order to further discuss key issues raised. Further detail on the post-statutory consultation engagement is presented in chapter 9 of this report.
- 1.5.17. **Table 1.1** provides further detail on both the statutory and non-statutory consultation activities undertaken on a zone-wide and project specific bases, in chronological order, and provides links to where further information on each phase of the consultation is provided. For clarity, the statutory consultation activities are highlighted within red boxes.

Table 1.1 Overview of consultation activities

Date	Type of Consultation	Stage	Activity	Consultees	Further information
Q1 – Q2 2010	Zone-Wide	Non-statutory	<ul style="list-style-type: none"> Consultation as part of the ZAP process, which included ZAP workshops Fisheries Liaison Co-ordinators appointed and fisheries engagement initiated 	<ul style="list-style-type: none"> Statutory authorities Selected non-prescribed technical consultees (such as Royal Society for the Protection of Birds (RSPB)) Local Authorities International fishing and shipping organisations 	Consultation Report Chapter 6
Q1 2012	Dogger Bank Teesside	EIA Consultation	<ul style="list-style-type: none"> Pre-Scoping meetings with selected consultees on Dogger Bank Teesside 	<ul style="list-style-type: none"> As above 	Consultation Report Chapter 6
March – May 2012	Dogger Bank Teesside	Statutory Initial SoCC Statutory Consultation	<ul style="list-style-type: none"> Statutory consultation with the Local Authority (RCBC) and the MMO on the SoCC (9 March - 9 April 2012) Publication of the SoCC for Dogger Bank Teesside 	<ul style="list-style-type: none"> RCBC Marine Management Organisation (MMO) 	Consultation Report Chapter 4 and Chapter 8
21 May – 9 July 2012	Dogger Bank Teesside	Statutory First Phase of Statutory Consultation	<ul style="list-style-type: none"> First phase of statutory consultation in accordance with Sections 42 and 47 of the Planning Act and notification in accordance with Section 46 of the Planning Act Publication of PEI1 for Dogger Bank Teesside Public exhibitions 	<ul style="list-style-type: none"> Prescribed bodies Non-statutory consultees RCBC North Yorkshire County Council International fishing and shipping organisations, Offshore and near shore fishermen and fishing organisations Offshore and onshore landowners and occupiers The local community through public exhibitions 	Consultation Report Chapter 3, Chapter 4 and Chapter 8
21 May – 9 July 2012	Dogger Bank Teesside	EIA Consultation	<ul style="list-style-type: none"> Publication of the Scoping Report and formal Scoping Opinion requested 	<ul style="list-style-type: none"> Prescribed bodies Non-statutory consultees International fishing and shipping organisations, Offshore and near shore fishermen and fishing organisations 	Consultation Report Chapter 7

Date	Type of Consultation	Stage	Activity	Consultees	Further information
				<ul style="list-style-type: none"> Offshore and onshore landowners and occupiers The local community through public exhibitions 	
2012 – 2013	Dogger Bank Teesside A & B	Non-statutory / EIA Consultation	<ul style="list-style-type: none"> Consultation on emerging project design and assessment EIA methodologies and baseline surveys agreed with appropriate consultees. Landowners and occupiers contacted by land agent Site selection process One-to-One community engagement sessions Community update meetings Initial consultation on transboundary impacts with nature conservation authorities, fishing authorities and other contacts (provided by the Planning Inspectorate) in other EEA (European Economic Area) Member States Regulation 24 notice placed by the Planning Inspectorate in the London Gazette regarding transboundary impacts Members of Parliament (MP) and councillor briefings Identification and explanation of the splitting of Dogger Bank Teesside 	<ul style="list-style-type: none"> Prescribed bodies Non-statutory consultees Local Authorities and Ward Councillors International fishing and shipping organisations, Offshore and near shore fishermen and fishing organisations Offshore and onshore landowners and occupiers The local community Elected representatives such as councillors and MPs Nature conservation agencies for other European Union (EU) Member States 	Consultation Report Chapter 6
August 2013	Dogger Bank Teesside A & B	Non-statutory	<ul style="list-style-type: none"> Summaries of the draft ES provided for initial review and comments, prior to submitting the full draft ES for the second phase of statutory consultation 	<ul style="list-style-type: none"> RCBC Prescribed bodies 	Consultation Report Chapter 6
October 2013	Dogger Bank Teesside A & B	Statutory Updated SoCC Statutory Consultation	<ul style="list-style-type: none"> Statutory consultation with the Local Authority and the MMO on the Dogger Bank Teesside A & B updated SoCC Publication of the updated SoCC for Dogger Bank Teesside A & B 	<ul style="list-style-type: none"> RCBC MMO 	Consultation Report Chapter 4 and Chapter 8

Date	Type of Consultation	Stage	Activity	Consultees	Further information
Q4 2013	Dogger Bank Teesside A & B	Statutory Second Phase of Statutory Consultation	<ul style="list-style-type: none"> • Consultation on the draft ES for Dogger Bank Teesside A & B in accordance with Sections 42 and 47 of the Planning Act • Notification in accordance with Section 46 of the Planning Act • Statutory publicity in accordance with Section 48 of the Planning Act • Public exhibitions • Draft ES and Non-Technical Summary (NTS) published 	<ul style="list-style-type: none"> • Prescribed bodies • Non-statutory consultees • RCBC • North Yorkshire County Council • Other Local Authorities • International fishing and shipping organisations, • Offshore and near shore fishermen and fishing organisations • Offshore and onshore landowners and occupiers • The local community and their elected representatives such as councillors and MPs • Nature conservation agencies for other EU Member States 	Consultation Report Chapter 3, Chapter 4, Chapter 5 and Chapter 8
Q1 2014	Dogger Bank Teesside A & B	Non-statutory	<ul style="list-style-type: none"> • Continued discussion with consultees to resolve issues and concerns raised during the second statutory phase of consultation, prior to submitting the final ES 	<ul style="list-style-type: none"> • Prescribed bodies • Selected non-prescribed technical consultees (such as RSPB) • RCBC • Maritime and Coastguard Agency (MCA) • Trinity House Lighthouse Service (THLS) • Chamber of Shipping • German Federal Maritime & Hydrographic Agency • Nature conservation bodies • Offshore and near shore fishermen and fishing organisations • Offshore and onshore landowners and occupiers • Cleveland Potash 	Consultation Report Chapter 9

1.6. Structure of the Consultation Report

- 1.6.1. The Consultation Report describes the consultation process that Forewind has followed in terms of both the non-statutory stages of consultation and the statutory consultation and publicity stages as required under Sections 42, 47 and 48 of the Planning Act.
- 1.6.2. The Consultation Report has been structured to take account of the most recent guidance provided in the Planning Inspectorate Advice Note 14. The main chapters of the report, and the content of each, are set out in **Table 1.2**.

Table 1.2 Structure of the Dogger Bank Teesside A & B Consultation Report

Chapter	Overview
1. Introduction	Provides an overview and narrative of the whole pre-application stage as it relates to the Dogger Bank Teesside A & B project and presents a quick reference guide and summary of the consultation undertaken. An overview to the structure and approach taken in the Consultation Report is also provided.
2. Legislation, guidance and advice	Provides the regulatory context to the Consultation Report and the consultation undertaken under the Planning Act 2008. Provides detail on the relevant legislation, guidance in the context of the Consultation Report and advice and sets out the approach to the Statements of Compliance set out throughout the document.
3. Consultations under Section 42 of the Planning Act	Sets out what has been done to satisfy the requirements of Section 42 of the Planning Act including the identification of relevant Section 42 consultees during the two phase statutory consultation process.
4. Consultations under Section 47 of the Planning Act	Describes the approach to the Section 47 consultation including development of, and consultation on, the Statement of Community Consultation (SoCC), publication of the SoCC and the methods used to consult with Section 47 consultees during the two phase statutory consultation process.
5. Consultation under Section 48 of the Planning Act	Describes the development and publication of the Section 48 notice.
6. Non-statutory consultation	Describes the non-statutory consultation conducted prior to, during and subsequent to the statutory Sections 42, 47 and 48 consultation and publicity stages under the Planning Act. This includes a specific section on fisheries liaison.
7. Consultation under the EIA Regulations	Provides an overview of consultation, including with transboundary consultees, under the EIA Regulations, including a summary of how the Applicant has complied with the Regulations.
8. Summary of responses under Section 42, Section 47 and Section 48 of the Planning Act	Describes, on an ES topic basis, the responses received from Section 42 and Section 47 consultees during the two phases of statutory consultation and summarises the regard that has been had to the responses in finalising the Application, thus demonstrating compliance with Section 49 of the Planning Act. Also describes the responses received as a result of the Section 48 notification and summarises the regard that has been had to the responses in finalising the Application.
9. Post-statutory consultation engagement (pre-application)	Summarises the consultation conducted following the statutory consultation in continuing discussions on outstanding matters prior to the Application being finalised.
10. Conclusion	Summarises the consultation process, the feedback received from consultees and the changes to the application, as a result of the consultation undertaken.

- 1.6.3. A number of appendices are included to supplement the information provided in the Consultation Report and are referenced through the Consultation Report.
- 1.6.4. The main body of this report summarises the consultation process, responses received and the regard that has been had to those responses. A more detailed summary of the consultation responses is presented in **Appendices I, J, K, and L**. These appendices contain tables of all relevant responses received during the two phases of statutory consultation.
- 1.6.5. Throughout the Consultation Report, reference is made to a number of other Application documents, particularly the ES and the draft DCO. In reading this report, due attention should be paid to the contents of these other application documents. This is particularly important in understanding how regard has been had to the consultation responses in finalising the Application.

2. Legislation, Guidance and Advice

2.1. Introduction

- 2.1.1. This chapter provides an overview of the legislation, guidance and advice relevant to the consultation undertaken for the Dogger Bank Teesside A & B application and puts this into context with respect to the structure and contents of this Consultation Report.
- 2.1.2. The requirement for a consultation report is set out in Section 37(3)(c) of the Planning Act where it is noted that an application must, among other things, be accompanied by a consultation report. Section 37(7) of the Planning Act defines the consultation report as a document giving details of:
- What has been done by the Applicant in order to comply with Sections 42, 47 and 48 of the Planning Act in relation to a proposed application that has become the application;
 - Any relevant responses received to statutory consultation undertaken; and
 - The account taken by the Applicant of any relevant responses.
- 2.1.3. The legislative context on these Sections of the Planning Act is further described in this Consultation Report as follows:
- The duty to consult under Section 42 is set out in chapter 3;
 - The duty to consult under Section 47 is set out in chapter 4;
 - The duty to publicise under Section 48 is set out in chapter 5; and
 - The duty to take account of responses to consultation and publicity under Section 49 is set out in chapter 8.

2.2. Relevant legislation and guidance

- 2.2.1. In developing the approach to the pre-application consultation for Dogger Bank Teesside A & B, Forewind has given careful consideration to the specific requirements set out in the following legislation and guidance:
- The Planning Act 2008 (as amended);
 - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations);
 - The Infrastructure Planning (Applications, Prescribed Forms and Procedures) Regulations 2009 (as amended) (the APFP Regulations);
 - DCLG guidance on pre-application consultation (September 2009); and
 - DCLG guidance on the pre-application process (January 2013).
- 2.2.2. In addition, in preparing this Consultation Report, attention has been paid to:
- The Planning Inspectorate Advice Note 3 on EIA consultation and notification (July 2013)

- The Planning Inspectorate Advice Note 6 on the preparation and submission of application documents (June 2012);
- The Planning Inspectorate Advice Note 12 on development with significant transboundary impacts consultation (April 2012);
- The Planning Inspectorate Advice Note 14 on the Consultation Report (April 2012); and
- The Planning Inspectorate Advice Note 16 on the developer's pre-application consultation, publicity and notification duties (April 2012).

- 2.2.3. During the pre-application period for Dogger Bank Teesside A & B, there have been legislative changes that have affected the consultation process, particularly the enactment of the Localism Act 2011 (the Localism Act). Forewind has taken care to ensure that it has complied with any relevant changes brought about by this legislation. Due to the date of which Forewind notified the Planning Inspectorate of the project, the Infrastructure Planning (Prescribed Consultees and Interested Parties etc.) (Amendment) Regulations 2013 are not applicable to Dogger Bank Teesside A & B, although these regulations have been considered during the pre-application process where Forewind deemed necessary.
- 2.2.4. Forewind has also taken into consideration the National Policy Statements (NPS) – specifically the Overarching NPS for Energy (EN-1), the NPS for Renewable Energy Infrastructure (EN-3) and the NPS for Electricity Networks Infrastructure (EN-5). Compliance of the proposed works against the NPS is documented in a Planning and Design Statement (document reference 8.1) submitted with this application.
- 2.2.5. A brief summary of consultation undertaken in accordance with the EIA Regulations is included in this report in chapter 7, although the primary focus of the Consultation report is consultation undertaken in accordance with Sections 42, 47 and 48 of the Planning Act.
- 2.2.6. By way of demonstrating how this compliance has been achieved, a statement of compliance which details how the Applicant has complied with the relevant requirements in the Planning Act, the APFP Regulations, the EIA Regulations and the DCLG Guidance, by reference to the relevant sections of this Consultation Report, is provided in **Appendix A.1**.

3. Consultation under Section 42 of the Planning Act

3.1. Introduction

- 3.1.1. This chapter of the Consultation Report sets out the activities undertaken by Forewind to comply with its duty to consult under Section 42 of the Planning Act. It provides the information relevant to the Section 42 consultation as required under Section 37(7)(a) of the Planning Act and the relevant parts of the Planning Inspectorate and DCLG guidance on pre-application consultation (summarised in chapter 2).
- 3.1.2. Forewind carried out a two phase statutory consultation under Section 42 of the Planning Act. This approach was taken to ensure that the prescribed consultees were engaged from an early stage in the development of the project and had multiple opportunities to comment.
- 3.1.3. This chapter provides detail on the approach taken during both phases of statutory consultation and highlights, where relevant, any inconsistencies between each phase.

3.2. Legislative context

- 3.2.1. Section 42 (1) of the Planning Act⁶ requires the Applicant to consult the following about the proposed application:
- (a) such persons as may be prescribed;
 - (aa) the Marine Management Organisation (MMO);
 - (b) each Local Authority that is within Section 43 of the Act;
 - (c) the Greater London Authority if the land is in Greater London; and
 - (d) each person who is within one or more categories set out in Section 44 of the Act.
- 3.2.2. For the purposes of Section 42(a) of the Planning Act, the persons prescribed are those listed in column 1 of the table in Schedule 1 to the APFP Regulations.
- 3.2.3. With regard to Section 42(b), Local Authorities are defined as those within whose area the land to which the proposed application relates is located (Section 43(1) (“B”) Local Authorities). It also includes those Local Authorities that share a boundary or any part of a boundary with the Section 42(1) (“B”) authorities (Section 43(2) (“A”) Local Authorities).
- 3.2.4. For Dogger Bank Teesside A & B, relevant Local Authorities are county councils or district councils in England (Section 43(3)(a)). Section 43 was amended by the Localism Act 2011 to remove the requirement to consult with lower-tier

⁶ As amended by the Marine and Coastal Access Act 2009

district councils that border an upper-tier county council within which the project is located.

- 3.2.5. A full list of consultees identified in accordance with Section 42 (1) (a), (aa), (b) is included in **Appendix B.3** and described in more details below.
- 3.2.6. For the purposes of Section 42(d), a person is within Section 44 of the Planning Act if the Applicant knows (after making diligent inquiry) that the person is an owner, lessee, tenant or occupier of the land (Category 1, Section 44(1)); is interested in the land or has power to sell and convey the land or to release the land (Category 2, Section 44(2)); or is entitled to make a relevant claim if the order sought by the proposed application were to be made and fully implemented (Category 3, Section 44(4)). All consultees identified in accordance with Section 42(1)(d) are included in the Book of Reference (document reference 4.3).
- 3.2.7. There is a duty on the Applicant, when consulting a person under Section 42, to notify them of the deadline for receipt of comments to the consultation (Section 45(1)). This must be a minimum of 28 days, commencing on the day after the day on which the person receives the consultation documents (Section 45(2)). Consultation documents must be supplied to the person by the Applicant for the purposes of the consultation (Section 45(3)). In each phase of statutory consultation, Forewind provided consultees with more than the minimum 28 days to respond to the consultation materials.
- 3.2.8. Aligned with statutory consultation under Section 42 is a requirement for the Applicant to notify the Planning Inspectorate of the proposed application under Section 46. This must be done on or before commencing consultation under Section 42 (section 46(2) of the Planning Act) and the Planning Inspectorate must be supplied with the same information as is proposed to be used for Section 42 consultation (Section 46(1)) (see further detail in paragraphs 5.4.7 – 5.4.8).

3.3. Identification of Section 42 consultees

- 3.3.1. The following sections provide detail on how Forewind identified Section 42 consultees for both the first and second phase of statutory consultation under the following three categories:
- Prescribed Bodies;
 - Local Authorities (including relevant National Park Authorities); and
 - Landowners and Others with an Interest in the Land.
- 3.3.2. For the remainder of the Consultation Report the consultees identified under these three groups are referred to collectively as Section 42 consultees. It should be noted that in the relevant sections of the report (e.g. response summaries and how Forewind has had regard to responses), the Section 42 consultees have been considered separately under the three categories described.

Prescribed bodies

- 3.3.3. Prescribed bodies cover the main statutory bodies that are to be consulted under Section 42 as part of the pre-application process. They comprise ‘technical’ bodies with specific expertise and/or statutory responsibility for a given discipline.
- 3.3.4. The starting point for identifying the prescribed bodies relevant to Dogger Bank Teesside A & B was the list of consultees prescribed in Schedule 1 of the APFP Regulations. This list of consultees was then augmented by additional bodies which were notified of the proposed application by the Planning Inspectorate under Regulation 9(1)(a) of the EIA (hereafter referred to as the Regulation 9 list). The production of this list was triggered by Forewind notifying the Planning Inspectorate that it proposed to provide an ES in respect of the development under Regulation 6(1)(b) of the EIA Regulations (**Appendix B.1**).
- 3.3.5. Forewind provided the Planning Inspectorate with shapefiles of the Dogger Bank Teesside Scoping boundary and requested the Regulation 9 List in a letter dated 2 April 2012 (**Appendix B.2a**). The Regulation 9 list was provided to Forewind by the Planning Inspectorate on 27 April 2012 and is presented in **Appendix B.2c**, alongside the accompanying letter (**Appendix B.2b**). The Planning Inspectorate did not notify Forewind of any persons identified in accordance with Regulation 9(1)(c). The Ministry of Defence (MoD) and the Royal National Lifeboat Institution (RNLI) are the only additional non-prescribed consultation bodies identified in the Regulation 9 list which were not included in the list of consultees in Schedule 1 of the APFP Regulations.
- 3.3.6. In line with the DCLG Guidance (DCLG, 2013), Forewind requested and received advice from the Planning Inspectorate on certain bodies which ceased to exist during the pre-application stages.
- 3.3.7. Given the time that had passed between the first and second phase of statutory consultation, Forewind consulted with the Planning Inspectorate before the commencement of the second phase of statutory consultation in relation to the Section 42 consultee list. The Planning Inspectorate gave further advice on the consultees that should be included. Forewind reviewed and updated the Section 42 consultee list before the commencement of the second phase of statutory consultation. The final list of Section 42 consultees, encompassing the prescribed bodies and any additional bodies from the Regulation 9 list is presented in **Appendix B.3**. The list is set out in the order of Schedule 1 to the APFP Regulations as recommended by the Planning Inspectorate Advice Note 14. The list outlines any changes to consultees between the first and second phase of consultation, alongside the reasons for any amendments to the list of Section 42 consultees. In all cases, these reasons are either due to amendments in regulatory requirements or the change of status and/or responsibilities of consultees.

Local Authorities

- 3.3.8. With regard to identifying the Section 43(1) Local Authorities, the ‘land’ for the proposed development was defined as the area within which the onshore

infrastructure was to lie. Given the proposed locations of the onshore cables and substation, the ‘land’ was within the jurisdiction of Redcar and Cleveland Borough Council (RCBC) (Section 43(1) (“B”) Local Authority). Therefore, this council was identified as the Local Authority defined under Section 43(1) of the Planning Act with the intention being to:

- Consult the Authority on the project under Section 42; and
- Consult the Authority on the content of the Statement of Community Consultation (SoCC) under Section 47(2) (see chapter 4).

3.3.9. Those authorities with a boundary to RCBC and therefore relevant under Section 43(2) of the Planning Act (Section 43(2) (“A”) Local Authorities), are set out in **Table 3.1** and shown in **Figure 3.1**.

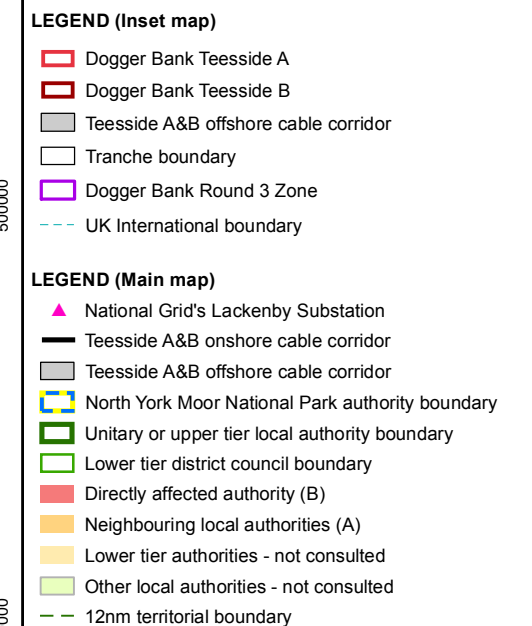
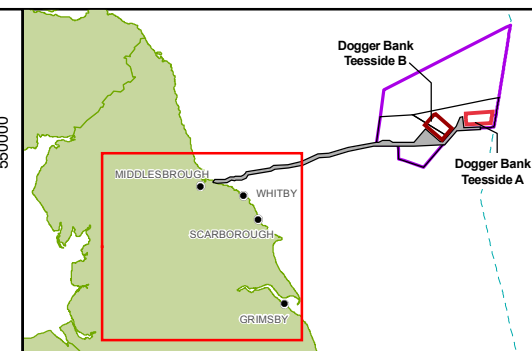
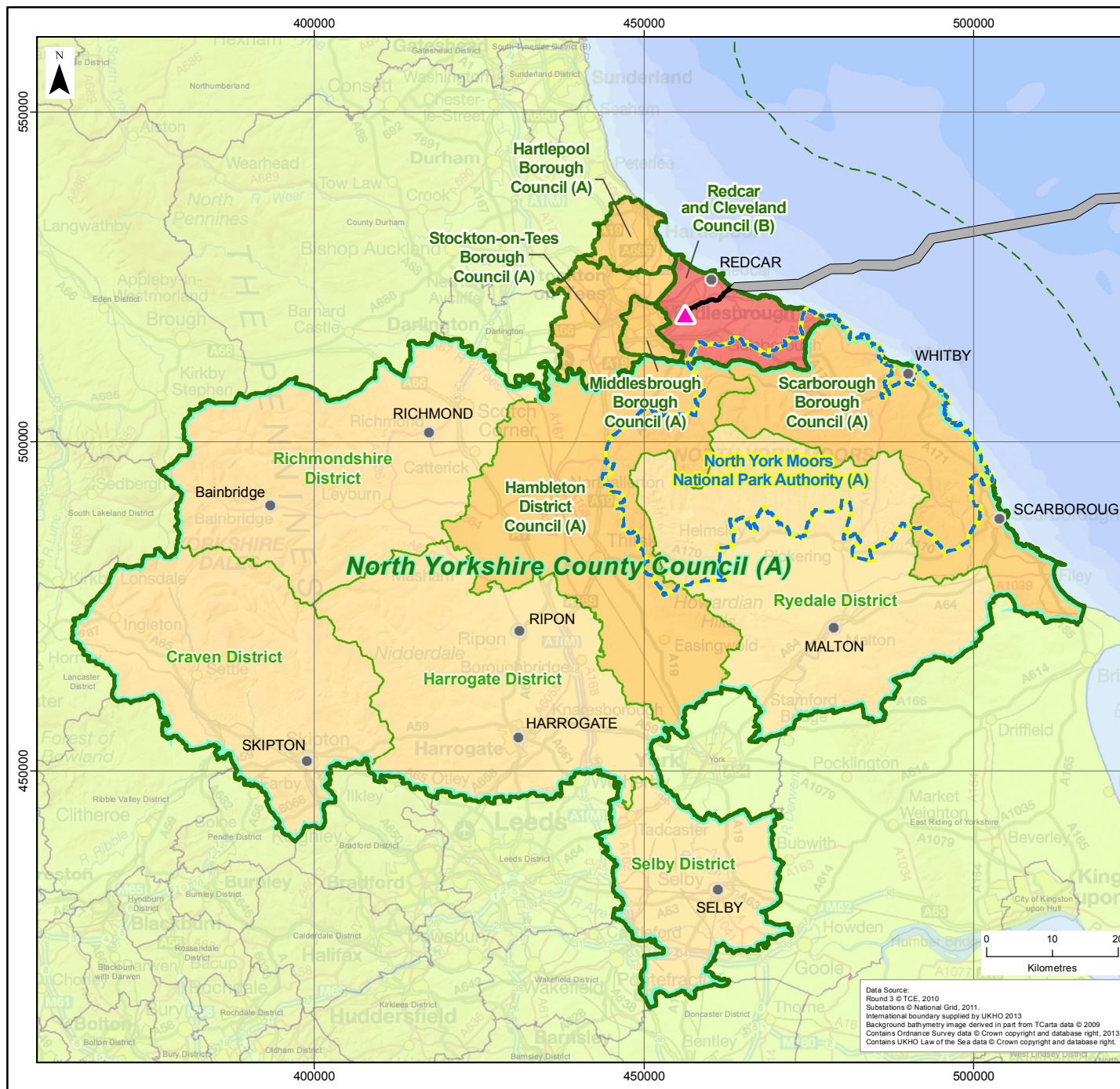
Table 3.1 Local Authorities identified in accordance with Section 43

Section 43(1) (“B”) Authorities	Section 43(2) (“A”) Authorities (bounding the S43(1) Authority)
Redcar and Cleveland Borough Council	Scarborough Borough Council
	Hambleton District Council
	Hartlepool Borough Council
	Middlesbrough Council
	Stockton-on-Tees Borough Council
	North Yorkshire County Council
	North York Moors National Park Authority

3.3.10. The Planning Inspectorate Advice Note 3 (The Planning Inspectorate, July 2013) recommends that developers of offshore schemes also consult Local Authorities that may be visually impacted by the offshore elements of the proposals, even if they are not captured within the definitions set out under Section 43 of the Act.

3.3.11. The 35 km Zone of Visual Influence for the offshore infrastructure of Dogger Bank Teesside A & B does not, given the distance of the scheme from the nearest adjacent UK coastline, cover any other Local Authorities. Therefore, no additional Authorities have been consulted on this basis.

The list of Local Authorities consulted during the first and second phases of statutory consultation remained consistent, as per **Table 3.1**.



PROJECT TITLE				
DOGGER BANK TEESIDE A & B				
DRAWING TITLE				
Figure 3.1				
Boundaries of Local Authorities consulted under Section 43 of the Planning Act				
VER	DATE	REMARKS	Drawn	Checked
1	20/11/2012	First Issue	AJ	CG
2	28/02/2014	Updated for Teesside A&B only	AJ	CG
3	17/03/2014	Map title amended	PR	CG
DRAWING NUMBER:				
T-DES-0141-03				
SCALE	1:900,000	PLOT SIZE	A4	DATUM
			OSGB	PROJECTION
			BNG	
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Landowners and others with an interest in the land

- 3.3.12. Section 42(1)(d) of the Planning Act states that the applicant must consult each person who is within one or more of the categories set out in Section 44. This includes any owner, lessee, tenant or occupier, any person interested in the land or has power to sell and convey the land and any person entitled to make a relevant claim. A list of landowner communications relating to commercial discussions with Section 44 consultees is provided in **Appendix B.4**.
- 3.3.13. Persons identified under Section 42(1)(d) are included in the Book of Reference (document reference 4.3), and this list is up to date at the time of submitting the application for a DCO. It is important to note that the persons listed in the Book of Reference (as Section 42(1)(d) consultees) may be subject to change over time, as a result of normal changes in land ownership.
- 3.3.14. Forewind sought to identify the Section 42(1)(d) consultees by diligent inquiry before each phase of the Section 42 consultation. In February 2012, at the very early stages of the project, Forewind's land agent, Dalcour Maclaren, carried out Land Registry Polygon Searches over the area affected by the preferred cable route corridors (Marske-by-the-Sea to the existing National Grid substation at Lackenby and the Wilton Complex) and a 4 km radius around the converter stations study area, to identify individual land parcels.
- 3.3.15. Dalcour Maclaren then sent a land questionnaire (**Appendix B.12**) to all the addresses identified by this polygon search on 15 March 2012, seeking information about the land. Responses were received directly from landowners and through land agents, with responses confirming land interests and in some cases leading to further questionnaires being issued to newly identified interests. In addition, contact referencing was also carried out whereby Dalcour Maclaren carried out site visits to collect and record landowner information through discussions with local people. All information gathered by these land referencing techniques was collated and used to populate the consultation database.
- 3.3.16. Having gathered this information, Dalcour Maclaren then began contacting all identified landowners within the corridor from the landfall to the existing National Grid substation at Lackenby to seek permission for non-intrusive survey access via formal access licences.
- 3.3.17. During the process of agreeing access licences, and latterly negotiating Heads of Terms for private treaty agreements, Dalcour Maclaren helped to keep landowners up-to-date on Forewind's development activities, both directly and via the landowners' agents. In addition, Dalcour Maclaren also gathered information regarding land interests and relayed landowners' feedback to Forewind. This included opinions on the red line boundary as well as requests and suggestions for changes.
- 3.3.18. The list of Section 42(1)(d) consultees changed over the course of the pre-application period in line with refinements and changes to the proposals, several of which were as a result of landowner consultation. Any changes in landownership or land interests were recorded and any additional interests were consulted where appropriate.

- 3.3.19. After the conclusion of the second phase of statutory consultation, two further consultees were identified with interests in the land along the cable corridor area. Forewind issued these newly identified parties with copies of the relevant second phase consultation material including the PEI and a copy of the Section 42(d) cover letter that was sent out at the beginning of the second phase of statutory consultation. Consultation with these parties is ongoing, but whilst consultation responses could not be considered within the Application documents, Forewind has committed to considering any relevant comments as part of the ongoing process of consultation.
- 3.3.20. Forewind's land agent regularly met with individual landowners to discuss the micro-siting of the onshore infrastructure (cable route and temporary works compounds) proposed on their land. Approximately 11 requests for minor alignment adjustments were received from landowners during this process to reduce land wastage and minimise disruption to the existing land uses. Examples of cable route realignment requests are provided in **Appendix B.5**.
- 3.3.21. During the first phase of statutory consultation, Forewind consulted all identified parties within the preferred corridor from the landfall up to the Wilton Complex and from there to the converter stations search area up to the existing National Grid substation at Lackenby. Forewind consulted all parties with an identified land interest. Following the public exhibitions for the first phase of statutory consultation, Dalcour Maclaren met landowners and their agents, where appointed, to seek their opinions regarding narrowing of the corridor.
- 3.3.22. Ahead of the second phase of statutory Section 42 consultation, Forewind checked and refreshed the information previously gathered by contracting a specialist land referencing firm to carry out an independent referencing exercise. A further questionnaire (**Appendix C.4**) was issued between August and September 2013 to check existing data and to identify any new interests created since the last referencing exercise, requesting further information about land interests (including information regarding third party interests, utilities and mortgagees).
- 3.3.23. In addition, site notices were placed on 3 parcels of unregistered land for 6 weeks, starting from 31 October 2013. No additional information regarding confirmation of ownership or other interest in the specific land parcels was supplied as a result of the notices, nor did they lead to identification of anyone falling within Section 52(3) of the Planning Act.
- 3.3.24. In addition to questionnaires and site notices, the referencing firm sought further information about land parcels through the electoral roll, 192.com and the Royal Mail website. Any additional landowners or interests identified were then checked via Land Registry, if registered, and where necessary, title documents were requested and reviewed. Questionnaires were then issued to any new interests identified.
- 3.3.25. It has not been necessary for Forewind to seek formal rights from the Planning Inspectorate to serve Land Interests Notices, under Section 52 of the Planning Act, because enquiries have not identified anyone on whom such notices could, with authorisation, be served.

- 3.3.26. Forewind also classified those with an interest in the seabed affected by the offshore works, such as pipeline operators, as Section 42(1)(d) consultees. These were identified through interrogation of The Crown Estate's Marine Resource System⁷ and inspection of charts such as those sourced from the Department of Energy and Climate Change's (DECC) Oil and Gas Licensing website⁸.

3.4. Undertaking consultation under Section 42

- 3.4.1. As detailed in chapter 2, Forewind carried out a two phase statutory consultation under Section 42 of the Planning Act. This approach was taken to ensure that the prescribed consultees were engaged from an early stage in the development of the project and had more than one opportunity to comment.
- 3.4.2. Forewind wrote to all Section 42 consultees in advance of each phase of statutory consultation to notify them of a deadline for receipt of consultation responses and that this deadline was more than 28 days starting from the day after receipt of the consultation documents.
- 3.4.3. Before and after the two phases of statutory consultation, Forewind continued to consult the Section 42 consultees on an ad-hoc, informal basis. This ongoing non-statutory consultation is detailed in chapter 6 and chapter 9 of this Consultation Report.
- 3.4.4. The following sections provide specific details on the consultation undertaken during the first and second phases of statutory consultation.

Notifying the Planning Inspectorate under Section 46

- 3.4.5. Prior to commencing the first phase of statutory Section 42 consultation, Forewind notified the Planning Inspectorate of its intention to submit an application for development consent for Dogger Bank Teesside as required under Section 46 of the Planning Act. The notification was sent on 15 May 2012. A copy of the notification is provided in **Appendix B.10**.
- 3.4.6. In accordance with Section 46(1), the notification to the Planning Inspectorate was accompanied by the same information that was provided to the Section 42 consultees, consisting of the PEI1 documents.
- 3.4.7. Prior to the commencement of the second phase of statutory Section 42 consultation, the Planning Inspectorate were also presented with the same information that was provided to the Section 42 consultees, including the draft ES.

Notification given to Section 42 consultees in advance of the first phase of statutory Section 42 consultation

- 3.4.8. Prior to the commencement of first phase of statutory consultation period, a pre-consultation letter was sent to the Section 42 consultees listed in **Appendix B.6** on 1 May 2012 providing advance warning of the upcoming consultation and to notify them of the deadline for receipt of consultation responses. The letter listed

⁷ <http://www.marssmapping.co.uk/>

⁸ <https://www.gov.uk/oil-and-gas-offshore-maps-and-gis-shapefiles>

the Dogger Bank Teesside PEI1 documents which were going to be made available at the start of the first phase of consultation.

- 3.4.9. As clarified in section 1.5 of the Consultation Report, EIA Scoping was undertaken in parallel with the first phase of statutory consultation. As such, the pre-consultation letter also informed consultees that Forewind was intending to request a Scoping Opinion from the Planning Inspectorate in parallel to the first phase of statutory Section 42 consultation and that as prescribed consultees, they were likely to be contacted by the Planning Inspectorate requesting their comments on the Dogger Bank Teesside Scoping Report (document reference 1.4).

First phase of statutory Section 42 consultation

- 3.4.10. All consultees listed in **Appendix B.3** (the Section 42 consultees) were invited in writing to provide comments on the proposed Application under Section 42 of the Planning Act. The letter template sent to all Section 42 consultees on 22 May 2012 is provided in **Appendix B.7**.
- 3.4.11. The following Dogger Bank Teesside PEI1 consultation documents were provided to the consultees on a DVD:
- A NTS of the first phase of the PEI1;
 - Appendix A – Project Description – details of the components that make up the project and how it will be built, what happens during operation and how it will be decommissioned;
 - Appendix B – Scoping Report – detailing how Forewind proposes to carry out the EIA; and
 - Appendix C – Site Selection Report – details of the work Forewind has done to date on selecting the converter stations site and the location for the cables to come ashore.
- 3.4.12. The letter and the above consultation documents constituted the Section 42 ‘consultation documents’ as required under Section 45(3) of the Planning Act. In accordance with Section 45(2), the letters gave the deadline for receipt by Forewind of the consultees’ comments to the consultation as 22 June 2012. With the start of the consultation being 24 May 2012, this constituted a 30 day consultation period (exceeding the minimum 28 day period required under Section 45(2) of the Planning Act). The letters also included Forewind’s telephone number alongside the postal and email address to which Section 42 comments should be sent.
- 3.4.13. Consultation documents were available online and in libraries from 24 May 2012. For those unable to access the documents from the DVD or from the Forewind website, the letter indicated that consultees should contact Forewind to request the documents in another format.
- 3.4.14. In order to reduce confusion, the deadline for responses was deliberately co-ordinated to be the same as that of the first phase of Section 47 consultation.

- 3.4.15. A reminder email was then sent on 14 June 2012 to all those Section 42 consultees from whom a response had not been received, reiterating that the deadline for responses was 22 June 2012. The email is provided in **Appendix B.8**.
- 3.4.16. Two consultees formally requested an extension to the deadline which was provided. The Environment Agency provided a response on 29 June 2012, after their deadline was extended (29 June 2012) due to the late arrival of the consultation documents (**Appendix B.9a**). Natural England provided a response after the deadline, on 29 June 2012 due to staff illness (**Appendix B.9b**).
- 3.4.17. As required by Section 42 of the Planning Act consultation was undertaken with landowners and persons interested in the land (as defined in the definitions under sub-sections (1) to (6) of Section 44 of the Act).
- 3.4.18. Letters following the same template as detailed in **Appendix B.11a** and **Appendix B.11b**, respectively) were sent to all onshore and offshore landowners or parties with an interest in land associated with the proposed application providing the same information and documents as provided to all Section 42 consultees (see paragraph 3.4.11). Information was also provided about the public exhibitions that were to be held in accordance with Section 47 of the Planning Act (see chapter 4).
- 3.4.19. Following the first phase of statutory consultation, Forewind reviewed all responses and any late responses. All responses were recorded and considered in the further development of the project. Such responses are summarised in the tables in **Appendix I**.

Notification given to Section 42 consultees in advance of the second phase of statutory Section 42 consultation

- 3.4.20. Prior to the commencement of second phase of statutory consultation period, a pre-consultation letter was sent to the Section 42 consultees listed in **Appendix B.3** on 11 September 2013 providing advance warning of the upcoming consultation and to notify them of the deadline for receipt of consultation responses (**Appendix C.1a**). The letter listed the Dogger Bank Teesside A & B consultation documents which were going to be made available at the start of the second phase of consultation. A hard copy request form (**Appendix C.1b**) was also included with the pre-consultation letter which allowed consultees to request a hard copy of any of the consultation documents, or a DVD containing all of the consultation documents. Requests were posted to consultees at the start of the second phase of consultation.
- 3.4.21. The pre-consultation letters were particularly important at this stage of the process as there was overlap with the second phase of Dogger Bank Teesside A & B consultation and the Dogger Bank Creyke Beck pre-examination process. For clarity, the pre-consultation letter contained a section titled “Dogger Bank Creyke Beck” which advised consultees that Forewind was also be promoting the Dogger Bank Creyke Bank development and had recently submitted an application for a DCO to the Planning Inspectorate. It also stated that it was likely that consultees may see statutory notices and advertisements about the

Dogger Bank Creyke Beck application in national newspapers and the Forewind website, and reminded consultees that the Dogger Bank Creyke Beck application was completely separate from the Dogger Bank Teesside A & B and Dogger Bank Teesside C & D projects. The pre-consultation letter also contained an update on the Dogger Bank Teesside C & D projects with an outline of the consultation process for the projects.

Second phase of statutory Section 42 consultation

- 3.4.22. As per the first phase of statutory consultation, all consultees listed in **Appendix B.3** (the Section 42 consultees) were invited in writing to provide comments on the proposed Application under Section 42 of the Planning Act. The letter template sent to all Section 42 consultees on 29 October 2013 is provided in **Appendix C.2**.
- 3.4.23. The following Dogger Bank Teesside A & B draft ES consultation documents were provided to the consultees on a DVD:
- A DVD containing the draft ES;
 - A NTS of the draft ES (contained on the DVD);
 - A copy of the notice published in accordance with the requirements of Section 48 of the Planning Act (see chapter 5 of this report).
- 3.4.24. A further DVD was available on request which contained other draft application documents and indicative offshore and onshore plans.
- 3.4.25. In addition to the document listed above, Section 42(d) consultees also received a copy of the 'Information for Landowners, Tenants and Occupiers Factsheet' (**Appendix C.5**) alongside the letter dated 29 October 2013.
- 3.4.26. The letter and the above consultation documents constituted the Section 42 'consultation documents' as required under Section 45(3) of the Planning Act. The letters gave the deadline for receipt by Forewind of the consultees' comments to the consultation as 20 December 2013. With the start of the consultation being 4 November 2013, this constituted a 47 day consultation period (greater than the minimum 28 day period required under Section 45(2) of the Planning Act). The letters also included Forewind's telephone number alongside the postal and email address to which Section 42 comments should be sent.
- 3.4.27. Consultation documents were available online and in libraries from 4 November 2013. For those unable to access the documents from the DVD or from the Forewind website, the letter indicated that consultees should contact Forewind to request the documents in another format.
- 3.4.28. In order to reduce confusion, the deadline for responses was deliberately co-ordinated to be the same as that of the second phase of Section 47 consultation and the deadline confirmed in the published Section 48 notice (see chapter 5 of this report).
- 3.4.29. A press release was published on the Forewind website on 12 December 2013, in order to remind consultees about the deadline for the receipt of consultation responses.

4. Consultation under Section 47 of the Planning Act

4.1. Introduction

- 4.1.1. This chapter of the Consultation Report sets out the activities undertaken by Forewind to comply with its duty to consult under Section 47 of the Planning Act. It provides the information relevant to statutory Section 47 consultation as required under Section 37(7)(a) of the Planning Act and the relevant parts of the Planning Inspectorate and DCLG guidance on pre-application consultation (summarised in chapter 2).
- 4.1.2. As detailed in chapter 2, Forewind carried out a two phase statutory consultation under Section 47 of the Planning Act. This approach was taken to ensure that the Section 47 consultees were engaged from an early stage in the development of the project and had multiple opportunities to comment.

4.2. Legislative context

- 4.2.1. Section 47(1) of the Planning Act requires the Applicant to prepare a Statement of Community Consultation (SoCC). The SoCC should set out how the Applicant intends to consult the local community on the proposed application. There is a duty on the Applicant to consult the relevant Local Authorities in respect of the content of the SoCC (Section 47(2)) because their knowledge of the local area may influence decisions on the geographical extent of consultation and the methods that will be most effective in the local circumstances.
- 4.2.2. Local Authority responses to consultation on the content of the SoCC should be received by the Applicant within a 28 day period (commencing on the day after the day on which the Local Authority receives the request for comments).
- 4.2.3. Consultation documents must be provided to the Local Authority at this stage, providing information which allows the authority to make an informed response to the SoCC consultation (Sections 47(3) and 47(4)). Section 47(5) of the Planning Act requires the Applicant to have regard to any response provided by the Local Authority that is received within the 28 day period.
- 4.2.4. The DCLG guidance on pre-application consultation notes that where a proposed project lies offshore, it is suggested that promoters should engage with the MMO as well as coastal Local Authorities closest to the proposed development, who will be able to advise as to what consultation might be appropriate⁹.
- 4.2.5. In developing the SoCC, regard must be had to the EIA Regulations and relevant guidance about pre-application procedure. Regulation 10 of the EIA Regulations stipulates that the SoCC must set out whether the proposal is EIA

⁹ Footnote 2 to paragraph 17 of the DCLG guidance.

development and, if so, how the Applicant intends to publicise and consult on PEI (see also chapter 7).

- 4.2.6. The Localism Act 2011 amended the provisions in respect of publication of the SoCC under Section 47(6) of the Planning Act. With effect from 1 April 2012, the amendments set out in the Localism Act 2011 provide that once the SoCC has been finalised, the Applicant must make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land (Section 47(6) of the Planning Act as amended), publish a notice stating where and when the statement can be inspected (Section 47(6)(a) as amended) and the Applicant must carry out consultation in accordance with the proposals set out in the statement (Section 47(7)).

4.3. The Statement of Community Consultation (SoCC)

- 4.3.1. This section sets out the process that was undertaken in developing the SoCC for Dogger Bank Teesside A & B. As set out in Advice Note 14, the Consultation Report must provide evidence of how the Applicant has complied with the SoCC preparation process required under the Planning Act. The Advice Note also advises that evidence should be submitted which shows which Local Authorities were consulted about the content of the draft SoCC; what comments were received from Local Authorities; confirmation that they were given 28 days' notice to provide their comments and a description of how the Applicant had regard to the Local Authorities' comments. The following sections summarise the consultation undertaken on the SoCC.
- 4.3.2. Section 47(2) of the Planning Act states that before preparing the SoCC, the Applicant must consult each Local Authority that is within Section 43(1) about what is to be in the statement. A Section 43(1) authority is a Local Authority within whose area the land lies to which the proposed application relates (in the case of an offshore wind farm such as Dogger Bank Teesside A & B this relates to the area within which the onshore elements of the scheme lie). The Section 43(1) authority for Dogger Bank Teesside A & B, and therefore the statutory consultee that was consulted on the content of the SoCC under Section 47(2), was defined as RCBC.
- 4.3.3. An initial Dogger Bank Teesside SoCC was published prior to the first phase of statutory consultation. The document described how the consultation would be carried out in two statutory phases, giving detailed information on the first phase of consultation activities. After the first phase of consultation, consistent with the EIA Scoping Report, Forewind confirmed the consenting strategy for Dogger Bank Teesside and split the development into two separate DCO applications. An updated SoCC was published prior to the second phase of statutory consultation, explicitly for the Dogger Bank Teesside A & B development, giving detailed information on the second phase of consultation activities.
- 4.3.4. During early consultation with RCBC in September 2011, RCBC advised Forewind that based on their previous experience with other planning applications in the Teesside area, the local community was difficult to engage in consultation on infrastructure development due to the industrial nature of the

area. They also advised that turnout at public exhibitions can be extremely low unless development is very visible to the residential areas. This advice was taken into consideration by Forewind when developing the SoCC documents.

Statutory consultation on the development of the initial SoCC (Dogger Bank Teesside)

- 4.3.5. The draft initial SoCC was prepared and provided to RCBC and the MMO for comment on 9 March 2012 (representing the start of the statutory consultation on the SoCC under Section 47(2) of the Planning Act). The letter (**Appendix D.3**) was accompanied by the SoCC Consultation Document (**Appendix D.2**) which was produced to provide supporting information for the Local Authority during its formal review of the draft SoCC. Section 47(3) of the Planning Act states that deadline for the receipt by the Applicant of a Local Authority's response to the draft initial SoCC consultation is the end of the period of 28 days that begins with the day after the day on which the Local Authority receives the consultation documents. Forewind set deadline for the receipt of responses from RCBC and the MMO of 9 April 2012 (which exceeded the 28 day statutory period).
- 4.3.6. Consultation on the draft initial SoCC continued until 26 April 2012, being the date of confirmation from the Local Authority (RCBC) that they had no further comments to make on the SoCC. This extended period for consultation on the draft SoCC was given in order to ensure that the Local Authority was allowed a sufficient time to respond in developing the final SoCC. Therefore, Section 47(3) has been fully complied with in respect of consultation with the Local Authorities on the draft SoCC.
- 4.3.7. In accordance with Section 47(5) of the Planning Act, regard was had to the responses received from the relevant Local Authority and the MMO in finalising the SoCC. All correspondence between RCBC and the MMO during consultation on the initial SoCC are presented in **Appendix D.3a** and **Appendix D.3b**, respectively.
- 4.3.8. In summary, with the exception of a number of small amendments, no significant changes to the SoCC were required as a result of comments received from RCBC and the MMO.

The initial SoCC (Dogger Bank Teesside)

- 4.3.9. The initial SoCC is provided in **Appendix D.1**.
- 4.3.10. As emphasised in paragraph 27 of the DCLG guidance, one of the roles of the Local Authority is to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication.
- 4.3.11. No hard-to-reach groups that fell within the consultation boundaries were identified during consultation with RCBC and therefore no additional or specific consultation was added to the initial SoCC. Forewind also considers that through the range of consultation methods set out in the initial SoCC, all

sections of the community were able to access the consultation materials and events and were able to submit comments.

Availability of the initial SoCC (Dogger Bank Teesside)

- 4.3.12. Section 47(6)(a) of the Planning Act (as amended by the Localism Act 2011) requires the Applicant to publish a notice stating where and when the SoCC can be inspected. To satisfy Section 47(6)(a), the newspapers listed in **Table 4.1** were selected and within these publications Forewind advertised the publication of the initial SoCC. Examples of copies of the advert for the published initial SoCC are included in **Appendix D.4**.

Table 4.1 Publication in which Forewind advertised the publication of the initial SoCC

Publication	Date Published	Distribution	Purpose
Middlesbrough Evening Gazette	10 May 2012	Regional daily evening newspaper. Middlesbrough, Stockton and Redcar and Cleveland Local Authority districts, as well as the northernmost fringe of North Yorkshire.	One of the biggest selling local, daily newspaper in the area. To reach community consultees and the extended local community who buy a daily newspaper
Coastal View and Moor News	19 May 2012	The towns and villages of East Cleveland, Redcar and North York Moors	Free delivered monthly community newspaper reaching people who do not buy a newspaper.
The East Cleveland Herald and Post	10 May 2012	Redcar, Saltburn, Marske, Guisborough and surrounding areas	Free weekly community newspaper reaching people who do not buy a newspaper.
Fishing News	11 May 2012	Commercial fishing industry, online	To capture offshore users notably those with commercial fishing interests that may use the Dogger Bank Zone

- 4.3.13. The initial SoCC was made available for inspection on the Forewind website, in hard copy at the local libraries listed in **Appendix D.9**, and was referenced in the Kingfisher Bulletin on 24 May 2012.
- 4.3.14. Forewind also sent the initial SoCC to the following people, as part of the invitation to the 2012 public exhibitions (**Appendix D.5a**):
- Community groups or organisations with postal addresses in the consultation area, or who are active within the consultation area;
 - Parish councils wholly or partly within the consultation area;
 - District and county councillors with wards/divisions wholly or partly within the consultation area; and
 - Members of UK and European Parliaments with local constituencies wholly or partly within the consultation area.
- 4.3.15. MPs, MEPs and local and parish councillors were sent an invitation (**Appendix D.5b**) to a private briefing of elected representatives to give them the opportunity

to meet with the Forewind team and discuss the proposals in advance of the public events.

- 4.3.16. Examples of copies of the published SoCC are included in **Appendix D.4**. The SoCC was also made available on the project website at the same time as publication.
- 4.3.17. In addition, the Applicant is required to make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land (Section 47(6) of the Planning Act as amended). In this regard the initial SoCC was:
- Deposited at local libraries/ access points (as described in paragraph 4.4.6 and in Appendix D.9);
 - Uploaded onto the project website;
 - Made available at public exhibitions events (as described in paragraph 4.4.9); and
 - Supplied upon request by phone/email/letter.

Statutory consultation on the development of the updated SoCC (Dogger Bank Teesside A & B)

- 4.3.18. The draft updated SoCC was prepared and provided to RCBC and the MMO for comment on 26 July 2013 (representing the start of the statutory consultation on the updated SoCC under Section 47(2) of the Planning Act). The letter (**Appendix E.3**) was accompanied by the SoCC Consultation Document (**Appendix E.2**) which was produced to provide supporting information for the Local Authority during its formal review of the draft updated SoCC. Section 47(3) of the Planning Act states that deadline for the receipt by the Applicant of a Local Authority's response to the draft updated SoCC consultation is the end of the period of 28 days that begins with the day after the day on which the Local Authority receives the consultation documents. Forewind set deadline for the receipt of responses from RCBC and the MMO of 31 August 2013 (which exceeded the 28 day statutory period).
- 4.3.19. Consultation on the draft updated SoCC continued until 29 August 2013, being the date of confirmation from the Local Authority (RCBC) that they had no further comments to make on the SoCC. This extended period for consultation on the draft SoCC was given in order to ensure that the Local Authority was allowed a sufficient time to respond in developing the final SoCC. Therefore, Section 47(3) has been fully complied with in respect of consultation with the Local Authorities on the draft SoCC.
- 4.3.20. In accordance with Section 47(5) of the Planning Act, regard was had to the responses received from the relevant Local Authority and the MMO in finalising the SoCC. All correspondence between RCBC and the MMO during consultation on the updated SoCC are presented in **Appendix E.3a** and **Appendix E.3b**, respectively.

- 4.3.21. In summary, with the exception of a number of small amendments, no significant changes to the SoCC were required as a result of comments received from RCBC and the MMO.

The updated SoCC (Dogger Bank Teesside A & B)

- 4.3.22. The updated SoCC is provided in **Appendix E.1**.
- 4.3.23. As emphasised in paragraph 27 of the DCLG guidance, one of the roles of the Local Authority is to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication.
- 4.3.24. No hard-to-reach groups that fell within the consultation boundaries were identified during consultation with the Local Authority and therefore no additional or specific consultation was added to the updated SoCC. Forewind also considers that through the range of consultation methods set out in the updated SoCC, all sections of the community were able to access the consultation materials and events and were able to submit comments.

Availability of the updated SoCC (Dogger Bank Teesside A & B)

- 4.3.25. Section 47(6)(a) of the Planning Act (as amended by the Localism Act 2011) requires the Applicant to publish a notice stating where and when the SoCC can be inspected. To satisfy Section 47(6)(a), the newspapers listed in **Table 4.2** were selected and within these publications Forewind advertised the publication of the updated SoCC. Examples of copies of the advert for the published updated SoCC are included in **Appendix E.4**.

Table 4.2 Publication in which Forewind advertised the publication of the updated SoCC

Publication	Date Published	Distribution	Purpose
Middlesbrough Evening Gazette	16 October 2013	Regional daily evening newspaper. Middlesbrough, Stockton and Redcar and Cleveland Local Authority districts, as well as the northernmost fringe of North Yorkshire.	One of the biggest selling local, daily newspaper in the area. To reach community consultees and the extended local community who buy a daily newspaper
Coastal View and Moor News	16 October 2013	The towns and villages of East Cleveland, Redcar and North York Moors	Free delivered monthly community newspaper reaching people who do not buy a newspaper.
The East Cleveland Herald and Post	17 October 2013	Redcar, Saltburn, Marske, Guisborough and surrounding areas	Free weekly community newspaper reaching people who do not buy a newspaper.
Fishing News	18 October 2013	Commercial fishing industry, online	To capture offshore users notably those with commercial fishing interests that may use the Dogger Bank Zone

- 4.3.26. The updated SoCC was made available for inspection on the Forewind website, in hard copy at the local libraries listed in **Appendix E.9**, and was referenced in the Kingfisher Bulletin on 24 October 2013.
- 4.3.27. Forewind also sent the updated SoCC to the following people, as part of the invitation to the 2013 public exhibitions (**Appendix E.5a**):
- Community groups or organisations with postal addresses in the consultation area, or who are active within the consultation area;
 - Residential addresses in the vicinity of the project;
 - Parish councils wholly or partly within the consultation area;
 - District and county councillors with wards/divisions wholly or partly within the consultation area; and
 - Members of UK and European Parliaments with local constituencies wholly or partly within the consultation area.
- 4.3.28. As a result of the feedback received at the first phase of public exhibitions, the updated SoCC was sent to residential addresses in the vicinity of the project, in addition to the individuals and groups that were sent the initial SoCC (as described in paragraph 4.3.14). The “vicinity” of the project was defined as those who would be visually impacted by construction works.
- 4.3.29. MPs, MEPs and local and parish councillors were sent an invitation (**Appendix E.5b**) to a private briefing of elected representatives to give them the opportunity to meet with the Forewind team and discuss the proposals in advance of the public events.
- 4.3.30. Examples of copies of the published updated SoCC are included in **Appendix E.4**. The updated SoCC was also made available on the project website at the same time as publication.
- 4.3.31. In addition, the Applicant is required to make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land (Section 47(6) of the Planning Act as amended). In this regard the updated SoCC was:
- Deposited at local libraries/ access points (as described in paragraph 4.4.6 and in **Appendix E.9**);
 - Uploaded onto the project website;
 - Made available at public exhibitions events (as described in paragraph 4.4.9); and
 - Supplied upon request by phone / email / letter.

4.4. First phase of statutory consultation under Section 47

- 4.4.1. The purpose of the first phase of statutory consultation was to raise the profile of the scheme and to gather early feedback from the local community on the broad proposals, as well as to gather information about the local community to help refine the consultation process.
- 4.4.2. The first phase of statutory Section 47 public consultation commenced on 24 May 2012 and ended on 22 June 2012 (covering a period of 30 days).
- 4.4.3. Section 47(7) of the Planning Act states that the Applicant must carry out consultation in accordance with the proposals set out in the SoCC. The following section sets out how Section 47 consultation was carried out, in terms of the information that was sent to consultees, the public exhibitions that were held, and the mechanisms employed for making communities aware of the consultation.

Consultation documents

- 4.4.4. A suite of documents were produced and used across the first phase of the Section 47 consultation process to enable effective consultation with stakeholders and local communities. The documents used are summarised in **Table 4.3**.

Table 4.3 Suite of first phase consultation documents employed under Section 47

Document	Purpose	Made available / provided to	Appendix
SoCC	Produced to publicise the way in which the developer will consult with the local community	Local libraries/ access points Project Website Public exhibitions events Upon request by phone/ email/letter Advert published in local press	D.1
PEI1 <ul style="list-style-type: none"> • NTS • Project Description • Scoping Report • Site Selection Report 	Produced to provide an introduction to the project.	Local libraries/ access points Project Website Public exhibitions events Upon request by phone/ email/letter	PEI NTS D.7
Press release	Produced to announce the start of the first community consultation events	Project website Distributed to local media	D.10
Community Consultation Summary	Produced to provide a short summary of key areas of the project which will be of interest to members of the public	Public exhibition events Project website	D.6

Document	Purpose	Made available / provided to	Appendix
Community Consultation Questionnaire	Produced to invite feedback on the proposals. Members of the public were able to fill in these forms at the public exhibitions or post them back to Forewind after the events.	Public exhibition events	D.8
Freepost Comment Card	Produced to invite feedback on the proposals and handed out at the public exhibitions.	Public exhibition events	D.13
Public exhibition panels	Produced to provide a short summary of key areas of the project which will be of interest to members of the public visiting the public exhibition events.	Public exhibition events Project website	D.12
Posters	Produced to advertise the exhibitions	Displayed on public notice boards near the exhibition venues	D.11

4.4.5. As part of the commitments outlined in the initial SoCC, Forewind committed to produce zone level newsletters (Dogger Bank News) and subject specific factsheets at key stages of the project. Further details on these consultation documents are presented in section 6.4 of this report.

4.4.6. The initial SoCC also outlined commitments made in relation to consultation with elected representatives. A full list of the meetings held with elected representatives and the matters discussed at these meetings is detailed in paragraph 6.5.12 and **Table 6.3**.

Non-statutory organisations

4.4.7. During early consultation with the Local Authority, RCBC, Forewind requested advice on the identification of non-statutory organisations that should be consulted under the requirements set out in the SoCC. RCBC provided Forewind with a database containing relevant non-statutory organisations in the area. In addition to the advice from RCBC, other relevant local non-statutory consultees that were known to Forewind were identified from previous projects and knowledge of the local area.

Making communities aware of the consultation

4.4.8. The relevant consultation documents (as presented in **Table 4.3**) were deposited for inspection at Council libraries and other appropriate Council buildings. The full list of locations where the consultation documents were lodged is presented in **Appendix D.9**.

4.4.9. The Forewind website (www.forewind.co.uk/projects/dogger-bank-teesside.html) was updated prior to the first phase of the statutory consultation under Section 47. The website included general information pages on the

project including project description and key statistics. In addition, a consultation page was developed which set out the elements of the project that were being consulted on, information on the public exhibitions and links to the SoCC and the key consultation documents listed in **Table 4.3**.

- 4.4.10. During the first phase of statutory consultation, press releases were picked up by the wider media and copies of the articles published are provided in **Appendix D.14**.

Public exhibitions

- 4.4.11. As part of the statutory Section 47 consultation, three public exhibitions were held at the following locations in Redcar and Lazenby:

- Kirkleatham Museum, Redcar – Thursday 24 May 2012, 2pm – 8pm;
- Redcar Central Library, Redcar – Friday 25 May 2012, 11am – 5pm; and
- Lazenby Village Hall, Lazenby – Saturday 26 May 2012, 11am – 5pm.

- 4.4.12. The following information was available to view at the public exhibitions, as identified in **Table 4.3** above:

- SoCC;
- PEI1;
 - NTS
 - Project Description
 - Scoping Report
 - Site Selection Report
- Community Consultation Summary;
- Community Consultation Questionnaire;
- Freepost Comment Card; and
- Public exhibition panels.

- 4.4.13. The following groups and individuals were sent a letter (**Appendix D.5**) approximately two weeks in advance of the events, inviting them to the exhibitions, along with a hard copy of the SoCC.

- Community groups or organisations with postal addresses in the consultation area, or who are active within the consultation area;
- Parish councils wholly or partly within the consultation area;
- District and county councillors with wards/divisions wholly or partly within the consultation area; and
- Members of UK and European Parliaments with local constituencies wholly or partly within the consultation area.

- 4.4.14. A press release (**Appendix D.10**) was put on the Forewind website and circulated to local newspapers to publicise the events. Posters (**Appendix D.11**)

advertising the exhibitions were put up in the vicinity of each exhibition venue a few days before the events.

- 4.4.15. In addition to the newspapers that Forewind used to publish the SoCC (as described in **Table 4.1**), a number of other local newspapers ran a story on the exhibitions which increased publicity. These included the Darlington & Stockton Times, the Middlesbrough Evening Gazette, and the Northern Echo (**Appendix D.14**). Websites such as Bdaily Business Network, NE Business, and Offshorewind.biz also provided coverage of the consultation events (**Appendix D.14**).
- 4.4.16. The exhibition consisted of 12 information panels (**Appendix D.12**), with further detailed information available in hard copies of the PEI1 documents. A non-technical community consultation summary leaflet (**Appendix D.6**) was handed out along with DVD copies of the PEI1 documents. A number of Forewind staff were on hand to answer questions and visitors were asked to complete a questionnaire (**Appendix D.8**) or Freepost response card (**Appendix D.13**) with their comments.
- 4.4.17. During the Lazenby exhibition, members of the public highlighted that the Lazenby Environmental Group had not been aware of the exhibitions until shortly before the exhibition dates and as such they would appreciate a group meeting to discuss the proposals. A meeting was held on 31 July 2012 during which details of the Dogger Bank Teesside development were presented and concerns discussed. Minutes for this meeting are presented in **Appendix D.16b**. It is important to note that although this consultation fell outwith the statutory consultation period, the meeting was arranged in response to requests and comments made during the first phase of statutory Section 47 consultation. Further detail is presented in chapter 6 of this report.

Consultation with elected representatives

- 4.4.18. Members of Parliament, councillors and town, community and parish councils were sent a letter (**Appendix D.5a**) approximately two weeks in advance of the events, inviting them to the exhibitions, along with a hard copy of the SoCC.
- 4.4.19. Elected representatives such as councillors and MPs were also invited (**Appendix D.5b**) to attend a private briefing to give them an opportunity to meet with the Forewind team and discuss the proposals in advance of the public consultation events.
- 4.4.20. Meetings were held with elected representatives throughout the pre-application process to ensure they were kept up to date with the project on the basis that they would disseminate the information to their constituents. Details of these meetings are outlined in chapter 6 of this report.

4.5. Community consultation between the two phases of statutory consultation

- 4.5.1. Although not part of the statutory Section 47 consultation, Forewind considered further community consultation held outwith the statutory consultation period as an extension of their Section 47 commitments. In this respect, members of the public were invited to a series of one-to-one discussions at venues near the proposal landfall between Redcar and Marske, along the onshore cable route and close to the planned converter stations site at Lazenby on 17-18 May 2013. Forewind published a press release on the project website to advertise the one-to-one discussions and this was picked up by local newspapers. Copies of the adverts for the discussions are presented in **Appendix D.15**. A press release summarising the discussions is presented in **Appendix D.16b**. These sessions are discussed further in chapter 6 of this report.

4.6. Second phase of statutory consultation under Section 47

- 4.6.1. At the second phase of consultation on the draft ES, the refined details of the proposals were presented. This included the proposed location of the onshore and offshore infrastructure and the results of the EIA and proposed mitigation.
- 4.6.2. The second phase of statutory Section 47 public consultation commenced on 4 November 2013 and ended on 20 December 2013 (covering a period of 47 days).
- 4.6.3. Section 47(7) of the Planning Act states that the Applicant must carry out consultation in accordance with the proposals set out in the SoCC. The following section sets out how second phase of Section 47 consultation was carried out, in terms of the information that was sent to consultees, the public exhibitions that were held, and the mechanisms employed for making communities aware of the consultation.

Consultation documents

- 4.6.4. A suite of documents were produced and used across the second phase of the Section 47 consultation process to enable effective consultation with stakeholders and local communities. The documents used are summarised in **Table 4.4**.

Table 4.4 Suite of second phase consultation documents employed under Section 47

Document	Purpose	Made available / provided to	Appendix
Updated SoCC	Produced to publicise the way in which the developer will consult with the local community	Local libraries/ access points Project Website Public exhibitions events Upon request by phone/ email/letter Advert published in local press	E.1
Draft ES <ul style="list-style-type: none"> • NTS • Draft ES Chapters • Habitats Regulations Assessment Report 	Produced to provide an independent assessment of the project's likely significant environmental effects on the existing baseline conditions.	Local libraries/ access points Project Website Public exhibitions events (hard copies and on DVDs) Upon request by phone/ email/letter A further DVD was available on request which contained other draft application documents and indicative offshore and onshore plans.	NTS E.7
Press release	Produced to announce the start of the second community consultation events	Project website Distributed to local media	E.10
Community Consultation Summary	Produced to provide a short summary of key areas of the project which will be of interest to members of the public	Public exhibition events Project website	E.6
Community Consultation Questionnaire	Produced to invite feedback on the proposals. Members of the public were able to fill in these forms at the public exhibitions or post them back to Forewind after the events.	Public exhibition events	E.8
Freepost Comment Card	Produced to invite feedback on the proposals and handed out at the public exhibitions.	Public exhibition events	E.13
Public exhibition panels	Produced to provide a short summary of key areas of the project which will be of interest to members of the public visiting the public exhibition events.	Public exhibition events Project website	E.12

Document	Purpose	Made available / provided to	Appendix
Posters	Produced to advertise the exhibitions	Displayed on public notice boards near the exhibition venues	E.11
EMF factsheet	Produced to provide a summary of electric and magnetic fields in relation to Dogger Bank which will be of interest to members of the public	Public exhibition events Project website	E.14

4.6.5. As part of the commitments outlined in the updated SoCC, Forewind committed to produce zone level newsletters (Dogger Bank News) and subject-specific factsheets at key stages of the project. Further details on the newsletters are presented in section 6.4 of this report. Two subject-specific factsheets were produced in relation to the second phase of statutory consultation, the EMF factsheet (**Appendix E.14**) and the Information for Landowners, Tenants and Occupiers Factsheet (**Appendix C.5**).

4.6.6. The updated SoCC also outlined commitments made in relation to consultation with elected representatives. A full list of the meetings held with elected representatives and the matters discussed at these meetings is detailed in paragraph 6.5.12 and **Table 6.3**.

Non-statutory organisations

4.6.7. The non-statutory organisations identified in paragraph 4.4.5 were consulted during the second phase of Section 47 consultation undertaken in 2013.

Making communities aware of the consultation

4.6.8. The relevant consultation documents (as presented in **Table 4.4**) were deposited for inspection at Council libraries and other appropriate Council buildings. The full list of locations where the consultation documents were lodged are listed in **Appendix E.9**.

4.6.9. The Forewind website (<http://www.forewind.co.uk/downloads/dogger-bank-teesside-a-b-2.html>) was updated prior to the second phase of the statutory consultation under Section 47. The website included general information pages on the project including project description and key statistics. In addition, a consultation page was developed which set out the elements of the project that were being consulted on, information on the public exhibitions and links to the updated SoCC and the key consultation documents listed in **Table 4.4**.

4.6.10. During the second phase of statutory consultation there was a BBC Radio Teesside interview with members of the Forewind team to make communities aware of the consultation (transcript provided in **Appendix E.15**) and press releases were picked up by the wider media (presented in **Appendix E.15**).

Public exhibitions

- 4.6.11. As part of the statutory Section 47 consultation, three public exhibitions were held at the following locations in Redcar and Lazenby:
- The Hub, Redcar – Friday 22 November 2013, 2pm – 7.30pm;
 - Lazenby Village Hall, Lazenby – Saturday 23 November 2013, 10.30am – 4.30pm; and
 - Zetland Park Methodist Church, Redcar – Monday 25 November 2013, 11am – 6pm.
- 4.6.12. The following information was available to view at the public exhibitions, as identified in **Table 4.4** above:
- Updated SoCC;
 - Draft ES;
 - NTS
 - Draft ES Chapters
 - Draft Habitats Regulation Assessment Report;
 - Community Consultation Summary;
 - Community Consultation Questionnaire;
 - Freepost Comment Card; and
 - Public exhibition panels.
- 4.6.13. The following groups and individuals were sent a letter (**Appendix E.5a**) approximately two weeks in advance of the events, inviting them to the exhibitions, along with a copy of the updated SoCC on a DVD:
- Community groups or organisations with postal addresses in the consultation area, or who are active within the consultation area;
 - Parish councils wholly or partly within the consultation area;
 - District and county councillors with wards/divisions wholly or partly within the consultation area; and
 - Members of UK and European Parliaments with local constituencies wholly or partly within the consultation area.
- 4.6.14. Elected representatives such as councillors and MPs were also sent a copy of the updated SoCC and invited (**Appendix E.5b**) to attend one of the special briefings.
- 4.6.15. A press release (**Appendix E.10**) was put on the Forewind website and circulated to local newspapers to publicise the events. Posters (**Appendix E.11**) advertising the exhibitions were put up in the vicinity of each exhibition venue two weeks before the events.
- 4.6.16. In addition to the newspapers that Forewind used to publish the updated SoCC (as described in **Table 4.2**), a number of other local newspapers ran a story on

the exhibitions which increased publicity. These included the Darlington & Stockton Times, and the Northern Echo (**Appendix E.15**). Websites such as Bdaily Business Network, Energy Business Review, Practical Boat Owner, Recharge News, Renew and Offshorewind.biz also provided coverage of the consultation events (**Appendix E.15**).

- 4.6.17. The exhibition consisted of 12 Dogger Bank Teesside A & B information panels (**Appendix E.12b**) and 3 Dogger Bank Zone information panels (**Appendix E.12a**), with further detailed information available in hard copies of the draft ES documents. A non-technical community consultation summary leaflet (**Appendix E.6**) was handed out along with DVD copies of the draft ES documents. A number of Forewind staff were on hand to answer questions and visitors were asked to complete a questionnaire (**Appendix E.8**) or Freepost response card (**Appendix E.13**) with their comments.

Consultation with elected representatives

- 4.6.18. Members of Parliament, councillors and town, community and parish councils were sent a letter (**Appendix E.5a**) approximately two weeks in advance of the events, inviting them to the exhibitions, along with a hard copy of the SoCC.
- 4.6.19. Elected representatives such as councillors and MPs were also invited (**Appendix E.5b**) to attend a private briefing to give them an opportunity to meet with the Forewind team and discuss the proposals in advance of the public consultation events.
- 4.6.20. Further meetings outwith the statutory consultation periods were also held with elected representatives throughout the pre-application process to ensure they were kept up to date with the project on the basis that they would disseminate the information to their constituents. Details of these meetings are outlined in chapter 6 of this report.

4.7. Additional community consultation activities undertaken

- 4.7.1. Over and above the commitments made in the SoCC, Forewind continued to keep local communities informed and continued to consult by means of community update meetings and elected representative briefings. As these consultation activities fell outwith the statutory phases of Section 47 consultation and are detailed in chapter 6 of this report.

4.8. Compliance with the SoCC commitments

- 4.8.1. In accordance with Section 47(7) of the Planning Act, consultation was carried out in line with the proposals set out in the initial and updated SoCC. The following commitments, set out in both the initial and updated SoCC were fulfilled during the two phases of statutory consultation:
- What Forewind will consult on and when;
 - Public exhibitions;
 - Availability of consultation documents;

- Local community consultees;
- Fisheries Liaison Plan;
- International consultees; and
- Newsletters and factsheets.

4.8.2. A summary of how the Section 47 consultation for Dogger Bank Teesside A & B was carried out in accordance with the initial and updated SoCC is provided in **Appendix D.17** (initial SoCC) and **Appendix E.16** (updated SoCC).

5. Statutory publicity under Section 48 of the Planning Act

5.1. Introduction

- 5.1.1. This chapter of the Consultation Report sets out the activities undertaken by the Forewind to comply with its duty to publicise the proposed application under Section 48 of the Planning Act. It seeks to provide the information relevant to Section 48 publicity as required in the Consultation Report under Section 37(7)(a) of the Planning Act and the relevant parts of the Planning Inspectorate and DCLG guidance on pre-application consultation (summarised in chapter 2).

5.2. Legislative context

- 5.2.1. Section 48(1) of the Planning Act requires the Applicant to publicise a proposed application at the pre-application stage. Regulation 4 of the APFP Regulations prescribes the manner in which an Applicant must undertake this publicity. Regulation 4(2) sets out what the publicity must entail, including the publishing by the Applicant of a notice, and Regulation 4(3) provides detail of the matters which must be included in that notice.
- 5.2.2. In developing and publishing the notice, regard must be had to the EIA Regulations and relevant guidance about pre-application procedure. Regulation 11 of the EIA Regulations stipulates that, where the application for development consent is an application for EIA development, the Applicant must at the same time as publishing the notice of the proposed application under Section 48(1), send a copy of the notice to the consultation bodies and to any person notified to the Applicant by the Planning Inspectorate in accordance with Regulation 9(1)(c) of the EIA Regulations.
- 5.2.3. Guidance provided by the Planning Inspectorate and DCLG pertinent to Section 48 publicity can be summarised as follows:
- The Planning Inspectorate Advice Note 16 on Pre-Application Stages notes that it would be helpful if the published deadlines for receipt of views on the application set out in the Section 48 notice are as close as possible to deadlines given in the Section 42 consultation.
 - DCLG Guidance on Pre-Application Consultation notes in paragraph 41 that Section 48 publicity is an integral part of the local community consultation process and, where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in secondary legislation, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.

5.3. The Dogger Bank Teesside A & B Section 48 notice

Development of the notice

- 5.3.1. The Section 48 notice was prepared with reference to the above legislation and guidance documents. A copy of the wording of the final notice is provided in **Appendix F.1**.

Timing and publicising the notice

- 5.3.2. As illustrated in **Figure 1.4**, Forewind chose to publicise (in accordance with the requirements of Section 48) the Dogger Bank Teesside A & B application once, to coincide with the final second phase of statutory Section 42 and 47 consultation. This approach reflected Forewind's stakeholder engagement strategy to prioritise consultation with those most affected by the proposals.
- 5.3.3. Regulation 4(2) of the APFP Regulations requires the notice to be published as set out below.
- 5.3.4. *The Applicant must publish a notice, which must include the matters prescribed by paragraph (3) of this regulation, of the proposed application –*
- a) for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the proposed development would be situated;*
 - b) once in a national newspaper;*
 - c) once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and*
 - d) where the proposed application relates to offshore development –*
 - i. once in the Lloyd's List; and*
 - ii. once in an appropriate fishing trade journal.*
- 5.3.5. The notices appeared in the press at the start of the Section 42 and Section 47 consultation period, three weeks before the start of the public exhibitions, and so acted as both publicity about the intended application as well as publicity about the imminent public exhibitions.
- 5.3.6. Copies of the Section 48 notice were sent to all consultation bodies (listed in **Appendix B.2c**) on 29 October 2013. The notice was sent in advance of publication with the consultation documents and with a formal request for comment on the proposed application under Section 42 of the Planning Act. Forewind were not notified by the Planning Inspectorate of any persons under Regulation 9(1)(c) of the EIA Regulations to which copies of the notice and the consultation materials should be sent.
- 5.3.7. It was stated in the accompanying letter that the attached Section 48 Notice would be published in accordance with Regulation 4 of the APFP Regulations and the provision of the Section 48 notice to consultees was in order meet Forewind's obligations under Regulation 11 of the EIA Regulations.

- 5.3.8. The letter also confirmed that as previously advised the deadline for responses to the consultation was 5pm on 20 December 2013.
- 5.3.9. In line with the Regulations described above, **Table 5.1** details the publications, dates and distribution area of the Dogger Bank Teesside A & B Section 48 notices.

Table 5.1 Section 48 notices - publication details

APFP Reference	Publication	First publication	Second publication	Distribution
4(2)(a)	Middlesbrough Evening Gazette	31 October 2013	7 November 2013	Middlesbrough, Stockton and Redcar and Cleveland Local Authority districts, as well as the northernmost fringe of North Yorkshire.
4(2)(a)	The East Cleveland Herald and Post ¹⁰	31 October 2013	N/A	Redcar, Saltburn, Marske, Guisborough and surrounding areas
4(2)(a)	Coastal View and Moor News	13 November 2013	N/A	The towns and villages of East Cleveland, Redcar and North York Moors
4(2)(b)	Guardian	31 October 2013	N/A	UK national
4(2)(c)	London Gazette	31 October 2013	N/A	Official newspaper of record for the UK
4(2)(d)(i)	Lloyd's List	31 October 2013	N/A	Leading maritime industry newspaper
4(2)(d)(ii)	Fishing News	1 November 2013	N/A	Commercial fishing industry in UK and Ireland
4(2)(d)(ii)	Kingfisher Bulletin	7 November 2013	N/A	Commercial fishing industry in UK and Ireland – online and paper formats

¹⁰ Forewind made every effort to maximise the distribution of the advert in the vicinity in which the proposed development would be situated, by publishing the Section 48 notices in two local newspapers, rather than the minimum of one specified in Regulation 4(2) of the APFP Regulations. A second advert was placed in the East Cleveland Herald and Post, however, due to an error by the newspaper owner, the second advert was not published.

- 5.3.10. Copies of the Section 48 Notice as it appeared in the publications listed above are provided in **Appendix F.2**. The notice was also made available on the project website.
- 5.3.11. The deadline for responses to be received, as set out in the Section 48 Notice, was 5pm on 20 December 2013, consistent with the deadline for responses from the Section 42 consultation and in line with the Planning Inspectorate Advice Note 16 which states that it would be helpful if the published deadlines for receipt of views on the application are as close as possible to deadlines in the Section 42 consultation.

Responses to Section 48 publicity

- 5.3.12. The responses received in relation to the Section 48 notice are summarised in Chapter 8 of this Report.

6. Non-statutory Consultation

6.1. Introduction

- 6.1.1. This chapter of the Consultation Report sets out the non-statutory consultation that Forewind has undertaken prior to, and during, the statutory consultation activities prescribed by the Planning Act. Consultation undertaken during these periods is referred to throughout the Consultation Report as 'non-statutory consultation' in so far as it refers to consultation undertaken outwith the statutory pre-application consultation requirements set out under Sections 42, 47 and 48 of the Act.
- 6.1.2. Following statutory consultation on the project, Forewind undertook further non-statutory consultation and discussions with a range of consultees on the remaining key issues raised during the second phase of statutory consultation. This non-statutory post-statutory consultation is considered separately in chapter 9 of this report.
- 6.1.3. Forewind has considered feedback received during all of the non-statutory consultation and, where relevant, this has helped to shape the final form of the Application alongside those comments received during the statutory consultations.

6.2. Relevant guidance

- 6.2.1. By definition, there is no statutory requirement for non-statutory consultation to be undertaken, or reported upon. However, the DCLG guidance on pre-application consultation notes, in paragraph 21, that technical expert input (from key stakeholders) will often be needed in advance of formal compliance with the pre-application requirements and that early engagement with these 'technical' bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process.
- 6.2.2. In addition, paragraph 52 of the DCLG guidance suggests that applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered as this will be helpful in informing proposals and assisting the Applicant in establishing a preferred option on which to undertake statutory public consultation.
- 6.2.3. The Planning Inspectorate also recognises, in Advice Note 14, that applicants may have been engaged in non-statutory consultation in advance of statutory consultation under the Planning Act. It is advised in this guidance that any such consultation, not carried out under the provisions of the Planning Act, is identified separately from statutory consultation in the Consultation Report.

6.3. Overview of non-statutory consultation

- 6.3.1. As a result of the timescales and complexity associated with developing a large Round 3 zone, such as the Dogger Bank Zone, a significant amount of non-statutory consultation has been undertaken over a period of several years from when the leasing of the Dogger Bank Zone was awarded in 2010, continuing through the application process in 2014. For clarity and ease of reference, **Figure 6.1** presents a high level summary of the non-statutory consultation undertaken to date. It is important to note that non-statutory consultation has been undertaken on a zone-wide basis as well as specifically for Dogger Bank Teesside A & B, although this not differentiated in the figure.
- 6.3.2. Further detail on the activities summarised in **Figure 6.1** is presented in sections 6.4 and 6.5 below.

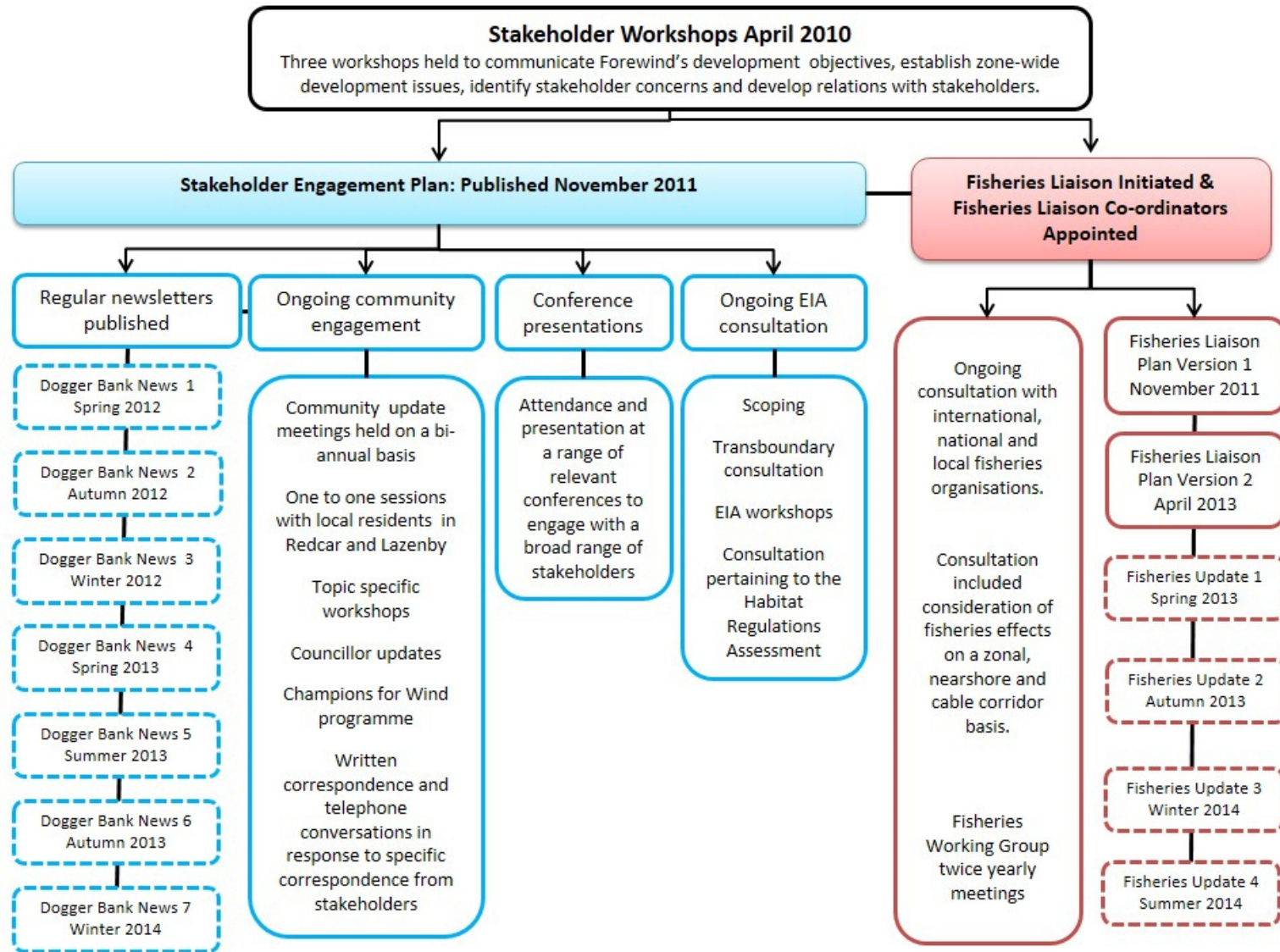


Figure 6.1 Overview of the non-statutory consultation process

6.4. Zone-wide non-statutory consultation

ZAP consultation

- 6.4.1. ZAP is a non-statutory strategic planning process, which is advocated by The Crown Estate and the MMO as part of the development process for larger Round 3 zones. One of the objectives of this zonal approach is to assist developers in making informed decisions on the location of their projects offshore by providing for a mechanism for the early consideration of environmental, planning and engineering constraints.
- 6.4.2. In April 2010, during the early stages of the zone development process, Forewind held three stakeholder workshops in Hull, Newcastle and London. Eighty eight national and international stakeholders from across the public and private sector attended the workshops, including statutory bodies, UK and international fishing organisations, environmental non-governmental organisations and developers of other offshore infrastructure projects. The workshops were designed to introduce Forewind and the Dogger Bank Zone, as well as to gather preliminary input from stakeholders to inform the ZAP process and the development of the Stakeholder Engagement Plan. The facilitator's report summarising the workshops is provided in **Appendix G.1**. The feedback from the events influenced the content of the Zonal Characterisation Report, published in October 2010, and subsequently updated in December 2011¹¹.
- 6.4.3. The ZAP process will continue through the development phase of the Dogger Bank Zone. The outcome of the initial ZAP and project development processes will inform subsequent ZAP and project development phases. Importantly, this approach is intended to provide stakeholders with the assurance that, while being asked to comment on individual projects, Forewind is cognisant of the need to maintain a strategic overview of the development strategy for the whole Dogger Bank Zone.

Stakeholder Engagement Plan (StEP)

- 6.4.4. Forewind published a StEP in November 2011 explaining how they would identify and consult with stakeholders, both individuals and organisations, who have an interest in the Dogger Bank Zone development proposals (**Appendix G.2**).
- 6.4.5. The StEP was created to in order to fulfil Forewind's stakeholder engagement objectives which are as follows:
- To identify and pro-actively engage with those statutory bodies, non-governmental organisations, other national and international organisations, the local community and landowners that have the potential to be affected by Forewind's activities;
 - To develop a transparent consultation and engagement strategy which fulfils the pre-application consultation requirements of the Planning Act 2008 (the Planning Act);

¹¹ Both documents available to download from <http://www.forewind.co.uk/downloads/zone.html>

- To prioritise consultation with stakeholders who are directly affected or who have a greater cause for concern as a result of our development proposals;
- To be open and honest in all communications with stakeholders;
- To recognise the interests and points of view of stakeholders and wherever appropriate to use these to inform our development activities; and
- To undertake a comprehensive ZAP Process and appropriate consultation with stakeholders to enable robust site selection and identification of individual projects for development.

6.4.6. The StEP provided an introduction to Forewind and the proposed development activities, described how Forewind intends to consult on the Dogger Bank Zone development as a whole and also on a project by project basis, and outlined how stakeholders could get involved in the consultation process.

Fisheries Liaison

6.4.7. Forewind made it clear, from the start of the development process, that engaging with the fishing industry was a fundamental element of its consultation strategy. As such, Forewind invited representatives from both national and international fishing organisations to the ZAP workshops (**Appendix G.1**). The fisheries liaison process is summarised in **Figure 6.1**.

6.4.8. At this early stage in the development process, Forewind also appointed two individuals with considerable experience of the fishing industry within the North Sea to undertake the role of Fisheries Liaison Co-ordinators (FLC). The FLCs are responsible for engagement and negotiations with key UK regional, national and international fishing organisations such as the North Sea Regional Advisory Council (NSRAC), the National Federation of Fishermen's Organisations (NFFO), the Scottish Fishermen's Federation, regional fishing groups and other equivalent bodies in relevant countries around the North Sea whose fishing vessels operate in areas relevant to the zone. The FLC also provide advice and support to Forewind on fishing issues, managing any fishing related data and ensuring that Forewind complies with relevant guidance and legislation.

6.4.9. Given the varied fishing activity on the Dogger Bank it was recognised that it would be more beneficial and efficient if fisheries liaison was undertaken on a zonal, nearshore and cable corridor basis, rather than on a specific project basis. As such, any consultation responses received from offshore fishing stakeholders have been recorded as being relevant to the whole Dogger Bank Zone and therefore may have influenced the development of other stages of the Dogger Bank Zone. Any consultation responses received from nearshore fishermen are considered as being only relevant to Dogger Bank Teesside A & B.

6.4.10. In November 2011, Forewind published its Fisheries Liaison Plan. This plan set out Forewind's objectives and approach to fisheries liaison, and was in line with the Fisheries Liaison with Offshore Wind and Wet Renewables Group "Recommendations for Fisheries Liaison - Best Practice guidance for offshore renewables developers" (The Crown Estate, May 2008). The Fisheries Liaison Plan was updated and republished in April 2013 to include up-to-date

information on the development of the individual Dogger Bank Zone projects. Both versions of the Fisheries Liaison Plan are provided in **Appendix G.4**.

- 6.4.11. Very few fishermen have engaged in the community consultation process to date, instead choosing to attend the fishing specific meetings that Forewind held or liaising on a one-to-one basis with Forewind's FLCs. In addition, Forewind met several times with Hartlepool fishermen, including the Hartlepool Fishermen's Society and the New Under Tens Fishermen's Association, fishermen from the Tees Bay area (Redcar, Marske, Saltburn), and fishermen from Whitby and Scarborough.
- 6.4.12. Representatives from relevant national, regional and transboundary international fisheries organisations were also invited to join a Dogger Bank Fisheries Working Group which hold twice yearly collaborative meetings.
- 6.4.13. Forewind has also produced a fishing newsletter called Fisheries Update, with the first edition being published in Spring 2013, the second edition in September 2013, and the third edition in Winter/Spring 2014. Fisheries Update newsletters will be published and distributed approximately three times a year going forwards. Editions of Fisheries Update are provided in **Appendix G.3**.

Dogger Bank News

- 6.4.14. The Dogger Bank News is a regular publication aimed at updating consultees on progress on Forewind's development of the Dogger Bank Offshore Wind Zone.
- 6.4.15. The Dogger Bank News editions that have been published to date are outlined in **Table 6.1**, with summaries of articles of relevance to Dogger Bank Teesside A & B, and provided in **Appendix G.5**.
- 6.4.16. The newsletter is distributed in hard copy to all addressed in the Consultation Area and to all other stakeholders on Forewind's database by email or hard copy as appropriate.

Table 6.1 Dogger Bank News Editions and summarised content of relevance to Dogger Bank Teesside A & B

Edition	Date	Content
Dogger Bank News 1	Spring 2012	A description of the planned first phase of statutory community consultation for the Dogger Bank Teesside
Dogger Bank News 2	Autumn 2012	A summary of the first phase of statutory consultation for Dogger Bank Teesside
Dogger Bank News 3	Winter 2012/2013	A description of the division of Dogger Bank Teesside into two separate DCO applications and the identification of preferred landfall and converter stations site for Dogger Bank Teesside A & B
Dogger Bank News 4	Spring 2013	A description of the winter progress with the surveys of the onshore cable route and including an invitation to local residents and members of the public to register for one-to-one discussions with Forewind at venues near the proposed onshore cable route and converter stations site location

Edition	Date	Content
Dogger Bank News 5	Summer 2013	A summary of the one-to-one sessions and outlining the second and final phase of statutory pre-application consultation for Dogger Bank Teesside A & B
Dogger Bank News 6	Autumn 2013	A description of the planned second phase of statutory community consultation for Dogger Bank Teesside
Dogger Bank News 7	Winter 2013/2014	A summary of the second phase of statutory consultation for Dogger Bank Teesside A & B, including the public exhibitions, questionnaire responses, and the changes made to the proposals for Dogger Bank Teesside A & B in response to the feedback received during the final stage of pre-application consultation.

- 6.4.17. The Dogger Bank News publications allowed Forewind to feed back information to the local community on a regular basis which was important when advertising the two statutory phases of consultation and providing feedback about the consultation undertaken.

Press releases

- 6.4.18. In addition to the Dogger Bank News, Forewind published press releases on their website throughout the pre-application phase. Press releases published outwith the statutory consultation periods have been presented in **Appendix G.6**.

Conferences

- 6.4.19. Forewind has also sought to keep a broad range of stakeholders informed of its progress through attending and presenting at a number of relevant conferences both in the UK and abroad. A list of the conferences is provided in **Table 6.2**.

Table 6.2 Conferences at which Forewind presented

Date	Conference	Location	Summary of communication
4 May 2011	NSRAC	London	Presentation to the Spatial Planning Working Group on Forewind's development process and engagement with European fishing community
11 May 2011	Inspection Action Group (IAG) Good Practice	Hull	An overview of the careers opportunities and skills required in the offshore wind industry
25 May 2011	Supply Chain Event organised by Scarborough Borough Council	Whitby	Supply chain introduction to Round 3 Offshore Wind with focus on Dogger Bank
3 November 2011	Preparing Young People for Careers in Offshore Wind	Whitby	An overview of the careers opportunities and skills required in the offshore wind industry
5 October 2012	North Sea Days 2012 - Deltares, NIOZ & WUR Imares	Egmond aan Zee, Netherlands	Introduction of the Dogger Bank project to a wide European audience consisting of scientists and policy makers

Date	Conference	Location	Summary of communication
30 November 2012	Renewable UK Annual Conference	Glasgow	Planning Act 2008 - Stakeholder engagement and consultation
6 March 2013	SNS2013: The Sea of Opportunity	Norwich	Developing the world's largest offshore wind project: Dogger Bank
26 June 2013	Windpower Monthly Offshore Consenting	London	Techniques for solving transboundary engagement issues time- and cost-effectively
19 October 2013	Citizen Workshop – The Dogger Bank	Newcastle	Presentation on Forewind's Dogger Bank development process, Forewind's future plans and the potential impacts from the Forewind projects.
5 November 2013	RenewableUK	Birmingham	Presentation about offshore wind development plans and a guide to the procurement time scale and processes.

Champions for Wind

- 6.4.20. To raise awareness amongst 13 to 14 year olds of the potential career opportunities in offshore wind energy and give an understanding of the qualifications and experience required to gain employment in the industry Forewind, in partnership with the Humberside Engineering Training Association (HETA), developed an innovative careers education engagement programme called Champions for Wind.
- 6.4.21. The initial phase of the programme was to identify and work with a network of approximately 10 secondary and special school teacher "champions" in the Yorkshire area, near to Forewind's first development, Dogger Bank Creyke Beck. The success of this initiative led to the extension of the programme to Teesside, with 10 teachers nominated as "champions" in that area, near to the location for the proposed infrastructure for Dogger Bank Teesside A & B. In summer 2013 they presented their results at the National STEM teachers conference. The programme was then extended to a third cohort with teachers, geographically spread from Hull to Hartlepool, currently developing their resources having attended the introductory workshop on November 2013. The results will again be presented at the National STEM teachers conference (June 2014).
- 6.4.22. Each teacher "champion", working with careers advisors and wind industry representatives, designs and develops a curriculum-based resource relevant to their local area and appropriate to their school on opportunities offered by the offshore wind industry. The teachers then deliver their resource to two to three schools each and will receive a bursary to support their work.
- 6.4.23. By facilitating careers education for young people in the area around the Dogger Bank projects' onshore infrastructure, Forewind aimed to meet the needs of the local community while also supporting the wind industry by boosting the number of motivated young people entering into it.

6.5. Dogger Bank Teesside A & B non-statutory consultation

- 6.5.1. As detailed in section 6.4 above, the majority of non-statutory consultation has been undertaken on a zone-wide basis (e.g. publication of newsletters and fisheries liaison). However, in addition to this, non-statutory consultation has also been undertaken with specific reference to Dogger Bank Teesside A & B. The following sections provide detail on the project specific non-statutory consultation that has been undertaken, prior to, and alongside, the statutory consultation phases.

Non-statutory consultation with key stakeholders

- 6.5.2. During the pre-application phase, the Planning Inspectorate advised Forewind that it would be helpful to provide a summary of all correspondence undertaken with key stakeholders throughout the pre-application phase, including both statutory and non-statutory consultation. As such, **Appendix G.7** provides what Forewind considers to be a comprehensive list of all meetings and communications with the following key stakeholders:

- Natural England;
- Joint Nature Conservation Committee (JNCC);
- Redcar and Cleveland Borough Council (RCBC);
- Marine Management Organisation (MMO);
- Maritime and Coastguard Agency (MCA);
- Trinity House Lighthouse Service (THLS); and
- Chamber of Shipping (CoS).

Non-statutory community consultation

- 6.5.3. As an extension of the activities outlined in the SoCC, albeit in a non-statutory framework, Forewind identified additional groups and organised additional meetings as a result of the feedback received during the statutory consultation periods.
- 6.5.4. Forewind organised community update meetings to discuss progress on the development of the Dogger Bank A & B onshore infrastructure and site selection process. These meetings are detailed in **Table 6.3** and were attended by local Ward and Parish Councillors, as well as Neighbourhood Officers and Neighbourhood Managers, with the agreement that they would pass information on to local residents.
- 6.5.5. During the Lazenby exhibition which took place in the first phase of statutory consultation period, members of the public highlighted that the Lazenby Environmental Group was not aware of the exhibitions until very short notice would appreciate a group meeting to discuss the proposals. A meeting was held on 31 July 2012 within which details of the Dogger Bank Teesside development were presented and concerns raised regarding the onshore infrastructure.

- 6.5.6. In May 2013, Forewind sent members of the local community invitations to three surgery-style one-to-one meeting in Redcar and Lazenby to discuss Dogger Bank Teesside A & B and provide an opportunity for the communities to raise any concerns that they had on the proposal. Forewind issued a press release (**Appendix D.15**) providing details on the meetings and promoted the event in the Dogger Bank News which was delivered to all local residents that would be visually impacted by the construction works and converter stations. Interest in the events was low with a total of just seven attendees across the three meetings.

Additional non-statutory consultation with Section 44 consultees

- 6.5.7. In early 2014, subsequent to the second statutory phase of consultation and prior to the final application being submitted, a number of minor changes were made to the onshore cable route. As a result Forewind undertook additional informal consultation with those Section 44 consultees that might be affected by the proposed changes.
- 6.5.8. A letter was sent on 30 January 2014 to 27 such landowners, tenants and occupiers. The letter (**Appendix C.6**) highlighted the relevant changes to the onshore cable works, provided justification for the amendments and included a draft plan showing the amended redline development boundary for reference. In the letters, Forewind stated that in order to ensure inclusions in the application, responses in relation to the proposed design amendments must be received by 28 February 2014.
- 6.5.9. Forewind received five responses from landowners and those with a land interest. Of these responses, one had no additional comments to make in addition to those comments previously submitted in their second phase statutory consultation response, and another claimed to have no current interest in the land. Two responses requested that land with development potential be avoided. One response confirmed that the consultee had existing assets in the area and suggested how they thought Forewind would impact that infrastructure.
- 6.5.10. Forewind has noted the responses received from the various landowners and those with interest in land and has had regard to the comments provided in **Chapter 5** and **Chapter 6 Assessment of Alternatives** (document reference F-ONL-CH-006) of the ES. Forewind will continue to consult with all landowners and interested parties.
- 6.5.11. Two consultees that had acquired land interests in the cable corridor area after the conclusion of the second phase of statutory consultation were identified by Forewind in February 2014. Forewind issued the newly registered parties with copies of the relevant second phase consultation material including the PEI and a copy of the Section 42(d) cover letter that was sent out at the beginning of the second phase of statutory consultation. Non-statutory consultation with these parties is ongoing, but whilst consultation responses could not be considered within the Application documents, Forewind has committed to considering any relevant comments as part of the ongoing process of consultation.

Elected representative briefings

6.5.12. Forewind endeavoured to keep elected representatives up to date throughout the development process. Relevant activities, over and above the statutory consultations are shown in **Table 6.3**.

Table 6.3 Elected representative engagement activities

Date	Consultees	Activity
16/05/12	MP Ian Swales (Redcar)	Introduction to the project and discussion on the possible impacts on constituency.
16/05/12	MP Alex Cunningham (Stockton North)	Introduction to the project and discussion on the possible impacts on constituency.
24/10/12	Local Ward, Town, and Parish Councillors, Neighbourhood Officers and Neighbourhood Managers	Introduction to Forewind and the Dogger Bank Teesside projects, presentation on the onshore infrastructure and a site selection update presentation.
08/05/13	MP Ian Swales (Redcar)	Update on the project and review of the latest proposed onshore works.
17/05/13	Local Ward Councillors and Neighbourhood Managers	Update on the project consents split, followed by discussions on micro-siting, environmental surveys, converter stations visual impacts, stakeholder engagement and consultation, and a Q&A session.
06/06/13	MP Ian Wright (Hartlepool)	Introduction to the project and discussion on the possible impacts on constituency.
13/12/13	MP Ian Swales (Redcar)	Update on the second phase of Dogger Bank Teesside A & B statutory consultation followed by discussion on supply chain and labour force and the proposal of bunding at the site.

7. Consultation under the EIA and Habitats Regulations

7.1. Introduction

7.1.1. The EIA Regulations contain provisions that are relevant to the pre-application consultations. These may be summarised as follows:

- Regulation 6 requires that the Applicant, before carrying out consultation under Section 42 of the Planning Act, must notify the Planning Inspectorate that it proposes to provide an ES in respect of the proposed development (this in the case where the Applicant has chosen not to seek a screening opinion);
- Regulation 8 sets out matters relating to the request for a Scoping Opinion;
- Regulation 9 sets out the procedure to facilitate preparation of ESs and includes provisions for the notification of the consultation bodies of their duties in providing information to facilitate the environmental statement, the provision of a list of those bodies so notified to the Applicant, and notifying the Applicant of those persons considered to be likely to be affected or have an interest in the project or unlikely to become aware of the proposed development by the others means set out in Part 5 of the Act;
- Regulation 10 requires that the SoCC prepared under Section 47 of the Planning Act should identify whether the proposed application constitutes EIA development and how the Applicant intends to publicise and consult on the PEI;
- Regulation 11 requires that the Applicant, at the same time as publishing notice of the proposed application under Section 48 of the Planning Act, must send a copy of that notice to the 'consultation bodies' and to any person notified to the Applicant under Regulation 9(1)(c); and
- Regulation 24 dealing with matters relating to Transboundary effects.

7.1.2. Guidance on matters related to the EIA regulations is provided in the Planning Inspectorate advice notes as follows:

- Advice Note 14 refers to the EIA Regulations and states that applicants may wish to draw attention to consultation responses received under the EIA process, but any reference to this consultation should be kept separate from the statutory consultation carried out under the provisions of the Planning Act; and
- The Planning Inspectorate Advice Note 16 also suggests that the Consultation Report should confirm any steps taken by the Applicant to comply with Regulation 11 of the EIA Regulations.

7.2. EIA consultation

- 7.2.1. Several pre-Scoping meetings took place in early 2012 with statutory stakeholders, prior to the commencement of the first phase of statutory consultation on Dogger Bank Teesside.
- 7.2.2. In a letter dated 30 March 2012, Forewind provided formal notification under Regulation 6 (1) (b) of the EIA Regulations of Forewind's intention to provide an ES in respect of the Dogger Bank Teesside offshore wind farm projects.
- 7.2.3. Forewind requested a formal Scoping Opinion (pursuant to Regulation 8 of the EIA Regulations) from the Planning Inspectorate in May 2012 which was accompanied by a Scoping Report (containing all of the information required under Regulation 8(3) of the Regulations). A Scoping Opinion was received from the Planning Inspectorate in June 2010. The Scoping Opinion is included in the application documents (document reference 1.5).
- 7.2.4. Scoping responses received from the stakeholders have been considered during the development of the ES. Detail on the comments received via the Scoping process, and how Forewind has considered these, are detailed in the respective topic specific chapters of the ES.
- 7.2.5. As stated in paragraph 1.5.10, EIA Scoping was undertaken in parallel with the first phase of statutory consultation under the Planning Act. Due to the overlapping of the timeframes for the consultation activities, the Scoping responses have been considered alongside the first phase Section 42 statutory consultation responses in chapter 3 of this report. For clarity, these Scoping responses have been grouped together and clearly identified as the consideration of these responses does not fall under the statutory requirement of the Planning Act 2008.

7.3. Transboundary consultation

- 7.3.1. In the Dogger Bank Teesside Scoping Report Forewind noted that, due to the Dogger Bank Zone being located adjacent to the UK's international boundary, consideration would be given to the effects on the environment of other EEA member states, including cumulative impacts with other projects. As such, Forewind sought, through the Scoping Report, to provide the Planning Inspectorate with the information they need to comply with their duties under Regulation 24 of the EIA Regulations (and by inference the Espoo Convention (1991)).
- 7.3.2. The Planning Inspectorate welcomed the early consideration of transboundary effects in its Scoping Opinion and advised that early engagement with the relevant European States should be carried out as further information on the transboundary impacts are realised. The Planning Inspectorate also advised Forewind to consult the consenting bodies in other European Union (EU) states to assist in identifying any potential cumulative effects with other developments.
- 7.3.3. On the 7 August 2012, the Planning Inspectorate published a notice (**Appendix H.1**) in the London Gazette (in accordance with Regulation 24 of the EIA Regulations), stating that proposed Dogger Bank Teesside offshore wind farm

may have significant effects on the environment in Belgium, Denmark, France, Germany, Netherlands, Norway and Sweden.

- 7.3.4. The Planning Inspectorate also wrote to these EEA States and set a deadline of the 18 September 2012 by which they should indicate their interest in participating in the process to examine the application.
- 7.3.5. In response, Germany notified the Planning Inspectorate of their interest in being consulted on Dogger Bank Teesside A & B, whilst Sweden and the Netherlands indicated that they do not wish to participate the EIA process for Dogger Bank Teesside A & B (**Appendix H.2**). It is understood that no further responses from other EEA states have been received.
- 7.3.6. Consultation also focused on sectors with an interest in Dogger Bank Teesside A & B or transboundary stakeholders who would potentially be affected by the project. These have focused on shipping and navigation, marine mammals and fishing. To ensure that appropriate parties were consulted with different approaches have been deployed. To identify the appropriate fisheries organisations with interests in the area, Forewind assessed official landings and surveillance data. Forewind consulted the international fishing community by attending and presenting at several NSRAC meetings and organising one-to-one meetings with relevant fishing industry bodies. To date, these have included national and regional fishermen's representative organisations, as well as individual skippers and fishing vessel owners from Norway, the Netherlands, Sweden, Denmark, Belgium, France and Germany. Meetings were also held with national fisheries directorates, national fisheries departments, data centres and fisheries research institutes. Further information on international fishing consultation can be found in paragraphs 6.4.7 to 6.4.12 and the Fisheries Liaison Plan (**Appendix G.4**). Shipping and navigation interests were identified through those operators known to regularly use routes which may be affected by the development and through the knowledge and judgement of the shipping and navigation technical consultant (Anatec Limited). Consultation on marine mammals were targeted a German and Dutch authorities.
- 7.3.7. Details of transboundary consultations (statutory and non-statutory) are detailed further in Table 2.1 of **Chapter 32 Transboundary Effects** of the ES.

7.4. Compliance with EIA Regulations

- 7.4.1. **Table 7.1** details how Forewind's pre-application consultation has complied with statutory requirements under the EIA Regulations, and if appropriate, where further detail is presented within the Consultation Report.

Table 7.1 Compliance with EIA Regulations

EIA Regulation requirement	Action and comment	Further detail
Regulation 6	The Applicant notified the Planning Inspectorate in its letter dated 30 March 2012. Confirmation received	Chapter 3 Appendix B.1
Regulation 8	The Applicant requested a formal Scoping Opinion in May 2012	Responses to the Scoping Opinion are considered in the ES. The Scoping Opinion is provided as part of the application document (document reference 1.5).
Regulation 9	Regulation 9 letter from the Planning Inspectorate received 27 April 2012 with an accompanying list of Regulation 9 consultation bodies and interested persons.	Appendix B.2
Regulation 10	The SoCC provided relevant detail as required under Regulation 10	Chapter 4 (and the initial and updated SoCCs as set out in Appendix D.1 and Appendix E.1)
Regulation 11	Section 48 notice sent to all relevant bodies	Chapter 5

7.5. Habitats Regulation Assessment

- 7.5.1. In accordance with DCLG Guidance (DCLG, 2013), Forewind consulted UK statutory bodies (Natural England, JNCC, the MMO, the Centre for Environment, Fisheries & Aquaculture Science (Cefas)) and non-statutory bodies (RSPB and the Wildlife Trust), as well as transboundary consultees, in order to gain evidence to inform the Habitats Regulation Assessment (HRA) report (document reference F-OFL-RP-002) which accompanies the application (as required under Regulation 5(2) of the APFP Regulations).
- 7.5.2. HRA Screening for Dogger Bank Teesside A & B was undertaken and in August 2013, a Screening Report submitted for comment to JNCC, Natural England, the MMO, DECC, the RSPB, Tees Valley Wildlife Trust, and the Teesmouth Bird Club, in addition to the Planning Inspectorate and the Department of Environment Food and Rural Affairs (DEFRA) (Application document 5.2.1). Further consideration of screening was submitted as part of the draft HRA Report that accompanied the second phase of statutory consultation under Section 42 of the Planning Act.
- 7.5.3. On the basis of the information available when undertaking screening, it was determined that the proposed development could either, by itself, or in combination with other plans or projects, have a likely significant effect on a number of designated European sites. As the proposed development is not directly connected with, or necessary to, the management of the screened European sites, it was determined that an appropriate assessment of the implications of the proposed development, in respect of the conservation objectives applicable to the relevant European sites, should be undertaken.

8. Summary of Responses under Section 42, Section 47 and Section 48 of the Planning Act

8.1. Introduction

- 8.1.1. This Chapter of the Consultation Report sets a summary of the responses received to the statutory consultations and sets out how the Applicant has complied with its duty under Section 49 of the Planning Act to have regard to consultation responses received under Sections 42, 47 and 48 of the Planning Act.
- 8.1.2. This Chapter seeks to provide the information relevant to the Section 42, 47 and 48 consultation responses as required in the Consultation Report under Sections 37(7)(b) and 37(7)(c) of the Planning Act and the relevant parts of the Planning Inspectorate and DCLG guidance on pre-application consultation. These requirements are summarised in Chapter 2.

8.2. Legislation and Guidance

The Planning Act

- 8.2.1. Section 49(2) of the Planning Act requires the Applicant to have regard to relevant responses to the consultation and publicity that has been undertaken under Sections 42, 47 and 48. A relevant response for the purposes of Sections 42, 47 and 48 is defined in Section 49(3) as:
- (a) a response from a person consulted under Section 42 that is received by the Applicant before the deadline imposed;
 - (b) a response to consultation under Section 47(7) that is received by the Applicant before any applicable deadline; and
 - (c) a response to publicity under Section 48 that is received by the Applicant before the deadline imposed.
- 8.2.2. Section 37(7) states that the Consultation Report should, inter alia, give details of:
- (b) relevant responses to the statutory consultation and publicity under Sections 42, 47 and 48 of the Planning Act; and
 - (c) the account taken of any relevant responses.

Guidance

- 8.2.3. The following paragraphs of the DCLG guidance are relevant to this chapter of the Consultation Report:
- Paragraph 61 - the Consultation Report should, among other things:
 - Set out a summary of relevant responses to consultation;

- Provide a description of how the application was influenced by those responses, outlining any changes made as a result and showing how significant relevant responses will be addresses; and
- Provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultee on impacts.
- Paragraph 62 - it is important to show how the information received by applicants during consultation has been used to shape and influence the project;
- Paragraph 87 - during the pre-application stage Applicants should have regard to relevant responses to publicity and consultation. Promoters should therefore be able to demonstrate that they have acted reasonably in fulfilling the requirements of Section 49 of the Planning Act; and
- Paragraph 94 - Applicants should be able to demonstrate that they have acted reasonably in fulfilling the requirements of the Planning Act, to take account of responses to consultation and publicity although the Government recognises that applicants and consultees will not always agree about whether or how particular impacts should be mitigated.

8.2.4. The Planning Inspectorate Advice Note 14 on compiling the Consultation Report states that it should draw together a summary of the relevant responses to the separate strands of consultation; and the account taken of responses in developing the application from proposed to final form, as required by Section 49(2).

8.2.5. The Advice Note also states that a summary of responses by appropriate category should be included together with a clear explanation of the reason why responses have led to no change, including where responses have been received after deadlines set by the Applicant.

8.3. Overview of approach

8.3.1. All responses to the Section 42, 47 and 48 consultation, including both responses received within the two statutory consultation periods, and those received after the consultation deadlines and deemed practicable to consider, are detailed in this chapter and summarised below. Formal responses, as well as responses highlighted in meetings held during the statutory phases have been included in this chapter.

8.3.2. Section 42 consultees such as Prescribed bodies, Local Authorities (including relevant National Park Authorities), and landowners and others with an interest in the land have been considered separately to Section 47 consultees such as members of the public, elected representatives and non-statutory organisations.

8.3.3. A list of all of the individual responses received, including a brief summary of the response and a list of the issues raised, are set out in **Appendices I, J, K, and L**.

- 8.3.4. Forewind categorised all of the issues raised in each response according to which Chapter of the ES Forewind deemed the response to relate to, in order to enable the presentation of responses by appropriate category in both the main Consultation Report and associated appendices, as recommended in the DCLG guidance. It is important to note that each issue is given equal important, regardless of the frequency in which it is raised. Responses from the two phases of statutory consultation are considered within each topic area with the relevant phase clearly identified to reflect the phased approach to consultation.
- 8.3.5. Comments that were not subject-specific have been categorised as 'Consultation' and have been discussed in section 8.7 of this report. These comments include, but are not limited to 'no comment', confirmation of no land interests in the area, requests for consultation materials or deadline extensions, and updating of consultee contact information.
- 8.3.6. Many of the responses received contain comments relevant to more than one issue area. In these cases, the response has been separated across the relevant tables as appropriate.
- 8.3.7. All comments made have been considered by the Applicant and have either resulted in amendments to the project and/or changes or additions to the application documentation (i.e. ES, DCO, etc.) or have led to further discussion and agreement (where possible) with consultees. The comments made and regard had to each are detailed in the following sections. Where comments have not led to a change in the project description, or application documents, this has been detailed and the Applicant's position has been presented and justified.
- 8.3.8. As stated in paragraph 1.5.10, EIA Scoping was undertaken in parallel with the first phase of statutory consultation under the Planning Act. Due to the overlapping of the timeframes for the consultation activities, the Scoping responses have been considered alongside the first phase Section 42 statutory consultation responses in this chapter. For clarity, these Scoping responses have been grouped together and clearly identified, as the consideration of these responses does not fall under the statutory requirement of the Planning Act.

8.4. Summary of responses received

Section 42 responses

First phase of statutory consultation

- 8.4.1. The first phase of statutory Section 42 consultation was held between 24 May 2012 and 22 June 2012. In total, 31 responses were received from 30 consultees¹² to the statutory Section 42 consultation from prescribed bodies, Local Authorities (including relevant National Park Authorities), and landowners and others with an interest in the land. Eleven Scoping responses from 14 consultees have been considered alongside the statutory Section 42 consultation responses due to the overlapping of the timeframes for the consultation activities. From these combined 42 responses from 41 consultees, with respect to key areas of interest, there were 27 responses relating to

¹² There were instances where more than one response was received from the same consultee

onshore aspects, 27 responses relating to offshore aspects and 17 responses relating to both onshore and offshore aspects such as consultation, the assessment of alternatives and designated sites.

- 8.4.2. Of the 41 consultees whose responses were considered for the first phase of statutory Section 42 consultation, 31 of these are identified as prescribed bodies and 6 identified as Local Authorities and National Park authorities.
- 8.4.3. The majority of responses were received by the Applicant before the deadline for responses of 22 June 2012, with three responses received after the deadline. Two consultees formally requested an extension to the deadline which was provided. The Environment Agency provided a response on 29 June 2012, after their deadline was extended due to the late arrival of the consultation documents. Natural England provided a response after the deadline, on 29 June 2012 due to staff illness. A response was received from GTC Pipelines Limited after the deadline on 28 June 2012. In this instance, Forewind deemed it practicable to consider the response from GTC Pipelines Limited for the first phase of statutory consultation.
- 8.4.4. **Figure 8.1** below shows the percentage of the Section 42 respondents raising issues associated with ES chapter topics during the first phase of statutory consultation. It can be seen that the largest percentage (over 23%) of Section 42 respondents provided comments regarding consultation associated with the Dogger Bank Teesside A & B project. As detailed in paragraph 8.3.5 of this report, comments such as 'no comment', confirmation of no land interests in the area, requests for consultation materials or deadline extensions, and updating of consultee contact information, have been categorised as 'Consultation', accounting for the large number of responses under this category. Over 20% of respondents also provided comments on the Assessment of Alternatives and Land Use and Agriculture ES topics.

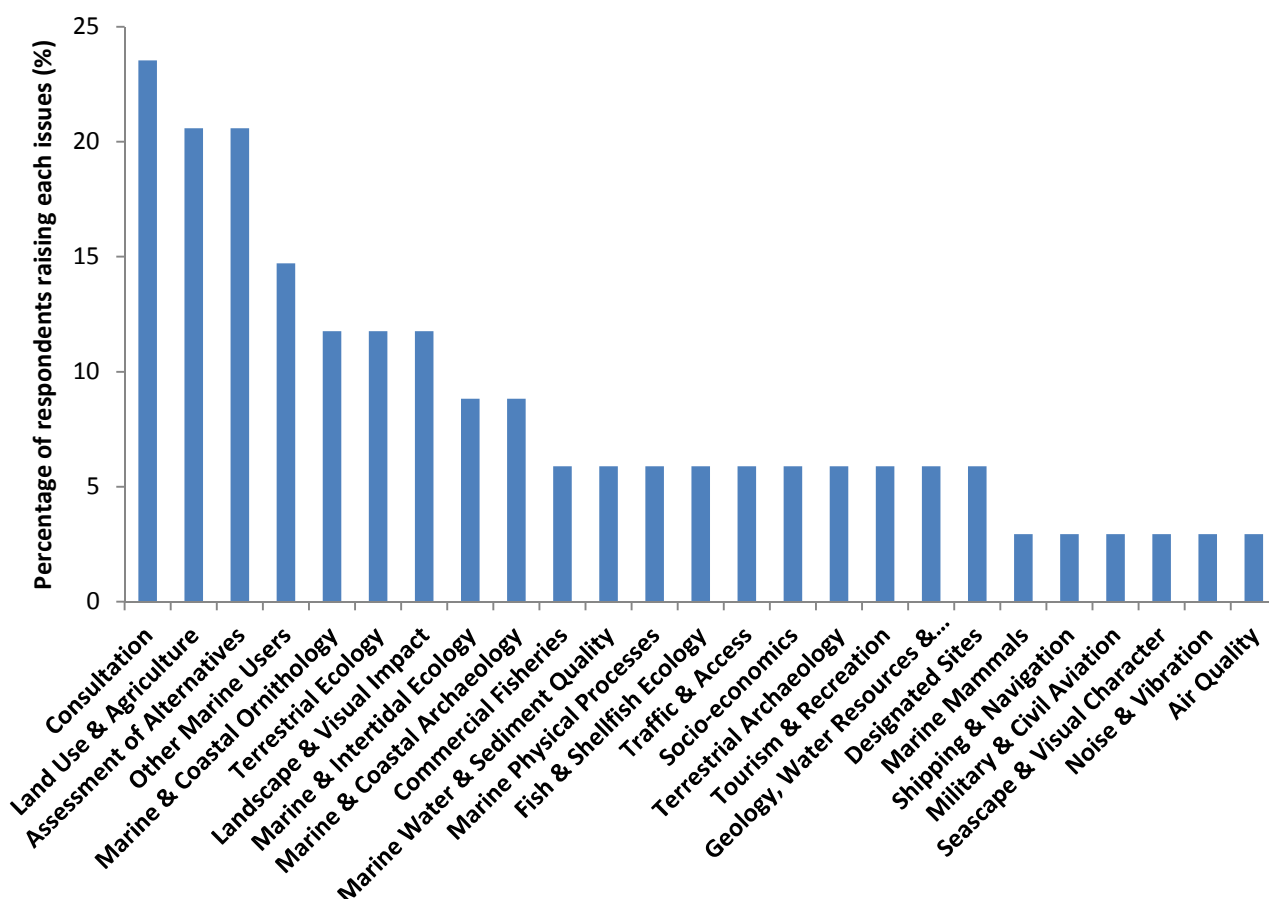


Figure 8.1 Percentage of Section 42 consultees raising ES chapter related issues during the first phase of statutory consultation

- 8.4.5. A list of all of the individual responses received, including a brief summary of the response and a list of the issues raised (as per ES chapters) is set out in **Appendix I**.

Second phase of statutory consultation

- 8.4.6. The second phase of statutory Section 42 consultation was held between 4 November 2013 and 20 December 2013. In total, 53 responses were received from 51 consultees¹³ to the statutory Section 42 consultation from prescribed bodies, Local Authorities (including relevant National Park Authorities), and landowners and others with an interest in the land. With respect to key areas of interest, there were 10 responses relating to onshore aspects, 8 responses relating to offshore aspects and 40 responses relating to both onshore and offshore aspects such as consultation, and the project description.
- 8.4.7. Of the 51 consultees whose responses were considered for the second phase of statutory Section 42 consultation, 45 of these are identified as prescribed bodies, and 6 are identified as Local Authorities and National Park Authorities.
- 8.4.8. The majority of responses were received by the Applicant before the deadline for responses of 20 December 2013, with one response received after the deadline. RCBC provided a response on 23 December 2013, with apologies for

¹³ There were instances where more than one response was received from the same consultee

the late response due to IT problems. In this instance, Forewind deemed it practicable to consider the response from RCB for the second phase of statutory consultation.

8.4.9. **Figure 8.2** below shows the percentage of the Section 42 respondents raising issues associated with ES chapter topics during the second phase of statutory consultation. It can be seen that the majority of Section 42 respondents (over 56%) provided comments regarding consultation associated with the Dogger Bank Teesside A & B project. As detailed in paragraph 8.3.5 of this report, comments such as 'no comment', confirmation of no land interests in the area, requests for consultation materials or deadline extensions, and updating of consultee contact information, have been categorised as 'Consultation', accounting for the large number of responses under this category. Over 11% of respondents also provided comments on the project description.

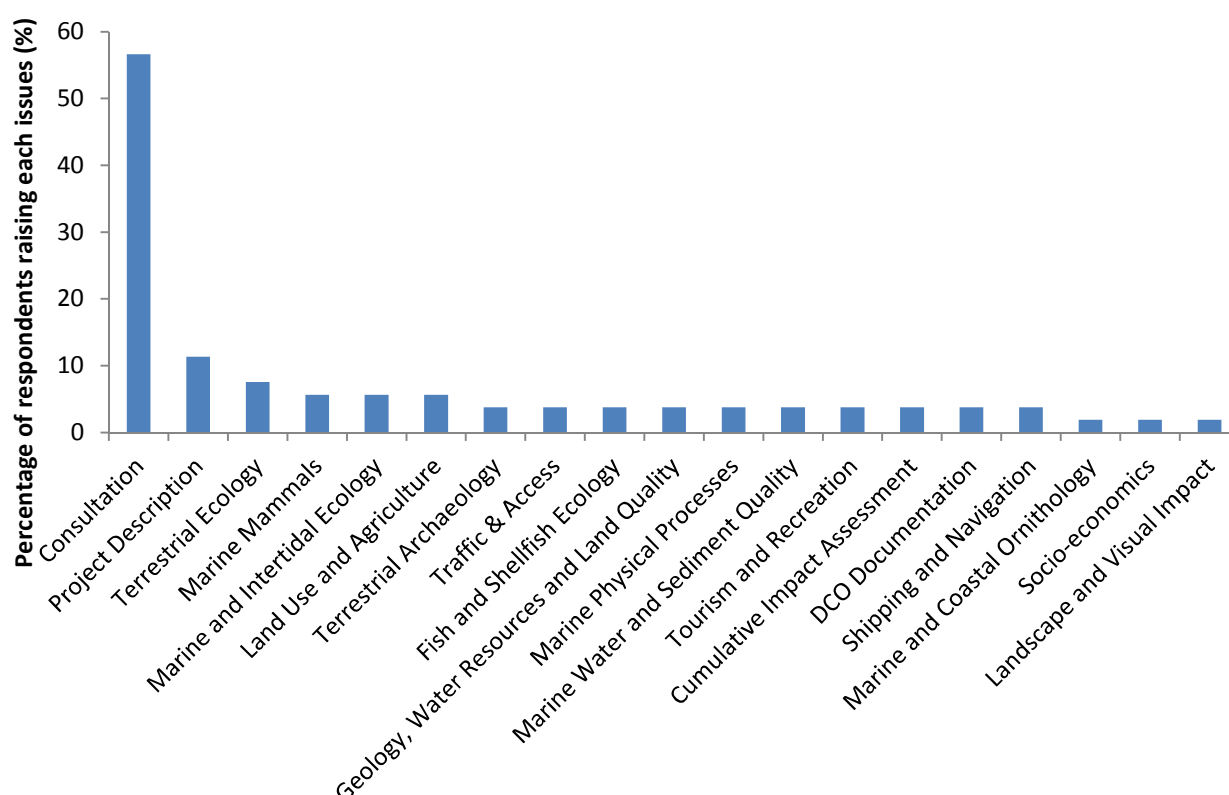


Figure 8.2 Percentage of Section 42 consultees raising ES chapter related issues during the second phase of statutory consultation

8.4.10. A list of all of the individual responses received, including a brief summary of the response and a list of the issues raised (as per ES chapters) is set out in **Appendix J**.

Section 44 responses

8.4.11. As detailed in Chapter 3, consultation was undertaken with landowners and persons interested in the land (Section 44 consultees). For the purpose of this report, these consultees are Section 42(d) consultees and as such, responses from Section 44 consultees have been considered within Section 42 sections of the Consultation Report. Summarised responses and the regard to which

Forewind has to the comments from Section 44 consultees are further detailed in Section 8.5 – 8.33 of this report.

- 8.4.12. The Section 44 consultees were provided with the same information and documents as provided to all Section 42 consultees. For clarity, the Section 44 specific responses have been collated and provided in **Appendix I.3** and **Appendix J.3**, in relation to the first and second phases of statutory consultation, respectively.

First phase of statutory consultation

- 8.4.13. 17 responses were received from 14 Section 44 consultees¹⁴ during the first phase of statutory consultation. Responses from Section 44 consultees requested clarification on details presented in the PEI and also made reference to a number of areas of concern, including:
- Existing infrastructure within the onshore cable area; and
 - Consultation on the site selection process.
- 8.4.14. A summary of the responses received is presented in **Appendix I.3**.
- 8.4.15. Forewind provided a response to each landowner (or, as appropriate, the property agents) which provided clarification and additional information if appropriate. Additional detail on how Forewind has had regard to the comments received is included in **Appendix I.3**.

Second phase of statutory consultation

- 8.4.16. 33 responses were received from 28 Section 44 consultees¹⁴ during the second phase of statutory consultation. Responses from Section 44 consultees requested clarification on details presented in the draft ES and also made reference to a number of areas of concern, including:
- Existing infrastructure within the onshore cable area;
 - Interference with agricultural activity; and
 - Consultation on the site selection process.
- 8.4.17. A summary of the responses received is presented in **Appendix J.3**.
- 8.4.18. Forewind provided a response to each landowner (or, as appropriate, the property agents) which provided clarification and additional information if appropriate. Additional detail on how Forewind has had regard to the comments received is included in **Appendix J.3**.

Section 47 responses

First phase of statutory consultation

- 8.4.19. The first phase of statutory Section 47 consultation was held between 24 May 2012 and 22 June 2012. In total, 13 responses were received from 13 consultees¹⁴ to the Section 47 consultation from members of the public, non-statutory organisations and elected representatives. With respect to key areas of interest, 7 respondents submitted comments associated with the onshore

¹⁴ There were instances where more than one response was received from the same consultee

aspects, 5 respondents with comments on offshore aspects and 6 respondents with comments on consultation and the assessment of alternatives.

- 8.4.20. Eleven responses to the Section 47 consultation were received from consultees identified as non-statutory organisations, with 1 response from a member of the public and 1 response from an elected representative.
- 8.4.21. The majority of responses were received by the Applicant before the deadline for responses of 22 June 2012, with 1 response received from a non-statutory organisation after the deadline (13 August 2012). Two responses were received prior to the start of the consultation on 9 and 10 May 2012.
- 8.4.22. **Figure 8.3** below shows the percentage of the Section 47 respondents raising issues associated with ES chapter topics. It can be seen that the largest percentage (over 30%) of Section 47 respondents providing comments and/or concerns about the assessment of alternatives with 23% of respondents providing comments on consultation associated with the Dogger Bank Teesside project. As detailed in paragraph 8.3.5 of this report, comments such as 'no comment', confirmation of no land interests in the area, requests for consultation materials or deadline extensions, and updating of consultee contact information, have been categorised as 'Consultation', accounting for the large number of responses under this category. Approximately 15% raised concerns about land use and agriculture, terrestrial ecology, commercial fisheries, socio-economics designated sites, and marine physical processes.

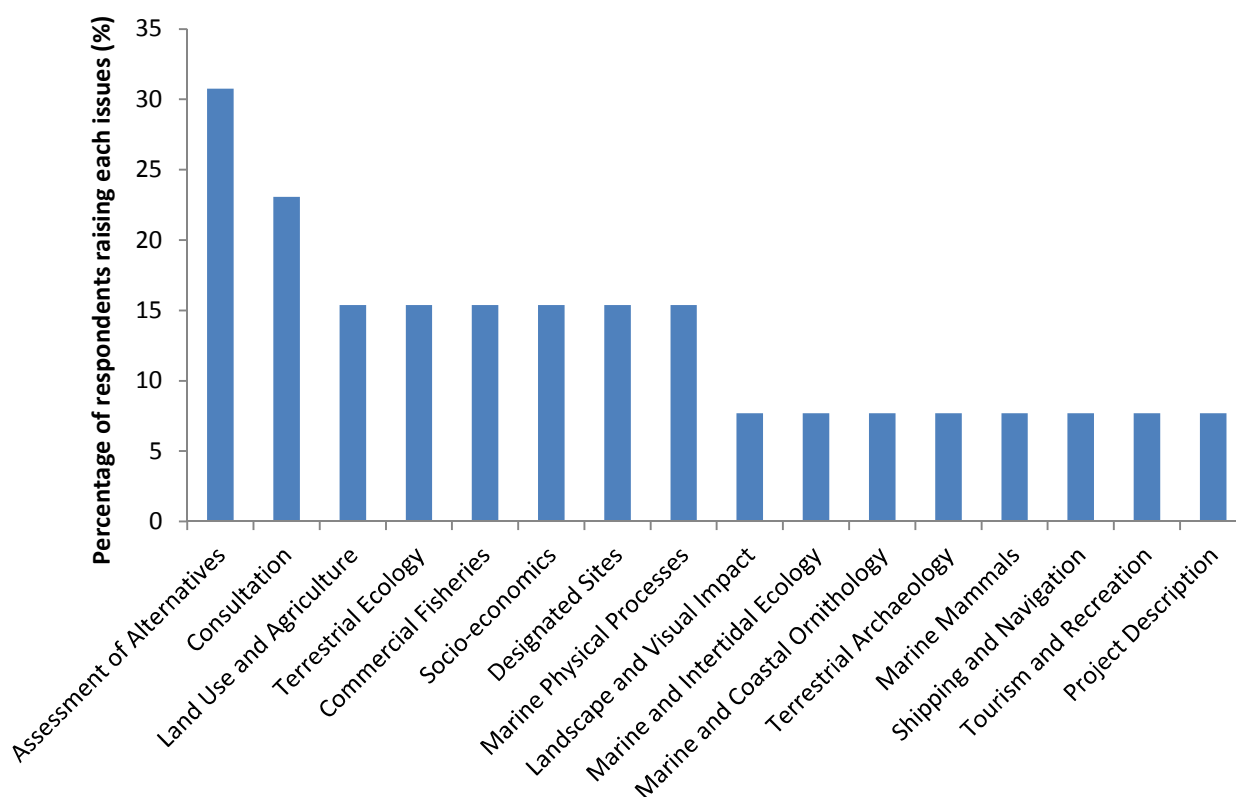


Figure 8.3 Percentage of Section 47 consultees raising ES chapter related issues during the first phase of statutory consultation

- 8.4.23. A list of all of the individual responses received (excluding the questionnaires and comment cards), including a brief summary of the response and a list of the issues raised (as per ES chapters) is set out in **Appendix K**.

Second phase of statutory consultation

- 8.4.24. The second phase of statutory Section 47 consultation was held between 4 November 2013 and 20 December 2013. In total, 33 responses were received from 27 consultees¹⁵ to the Section 47 consultation from members of the public and non-statutory organisations. With respect to key areas of interest, 3 respondents submitted comments associated with the onshore aspects, 16 respondents with comments on offshore aspects and 22 respondents submitting comments relating to both onshore and offshore aspects such as consultation, the assessment of alternatives, and the project description.
- 8.4.25. Nineteen responses to the Section 47 consultation were received from consultees identified as non-statutory organisations, with 5 responses from members of the public.
- 8.4.26. The majority of responses were received by the Applicant before the deadline for responses of 20 December 2013. The CoS provided a response after the deadline, on 8 January 2014. In this instance, Forewind deemed it practicable to consider the response from CoS for the second phase of statutory consultation. The NSRAC provided a response on 10 January 2014, after notifying Forewind on 13 December 2013 that they would not be able to submit a response within the statutory timeframe. Forewind stated that they were unable to extend the response deadline but that they would endeavour to address the response from the NSRAC if deemed practicable to do so. Upon receipt of the response on 10 January 2014, Forewind deemed it practicable to be considered alongside the Section 47 responses received for the second phase of statutory consultation.
- 8.4.27. **Figure 8.4** below shows the percentage of the Section 47 respondents raising issues associated with ES chapter topics during the second phase of statutory consultation. It can be seen that the largest percentage of Section 47 respondents (over 27%) provided comments in relation to commercial fisheries. Approximately 21% raised concerns about project description, with over 20% of respondents providing comments regarding the project description, and 18% providing comments in relation to fish and shellfish ecology. Approximately 15% of respondents provided comments in relation to the consultation associated with the Dogger Bank Teesside A & B project. As detailed in paragraph 8.3.5 of this report, comments such as 'no comment', confirmation of no land interests in the area, requests for consultation materials or deadline extensions, and updating of consultee contact information, have been categorised as 'Consultation', accounting for the large number of responses under this category.

¹⁵ There were instances where more than one response was received from the same consultee

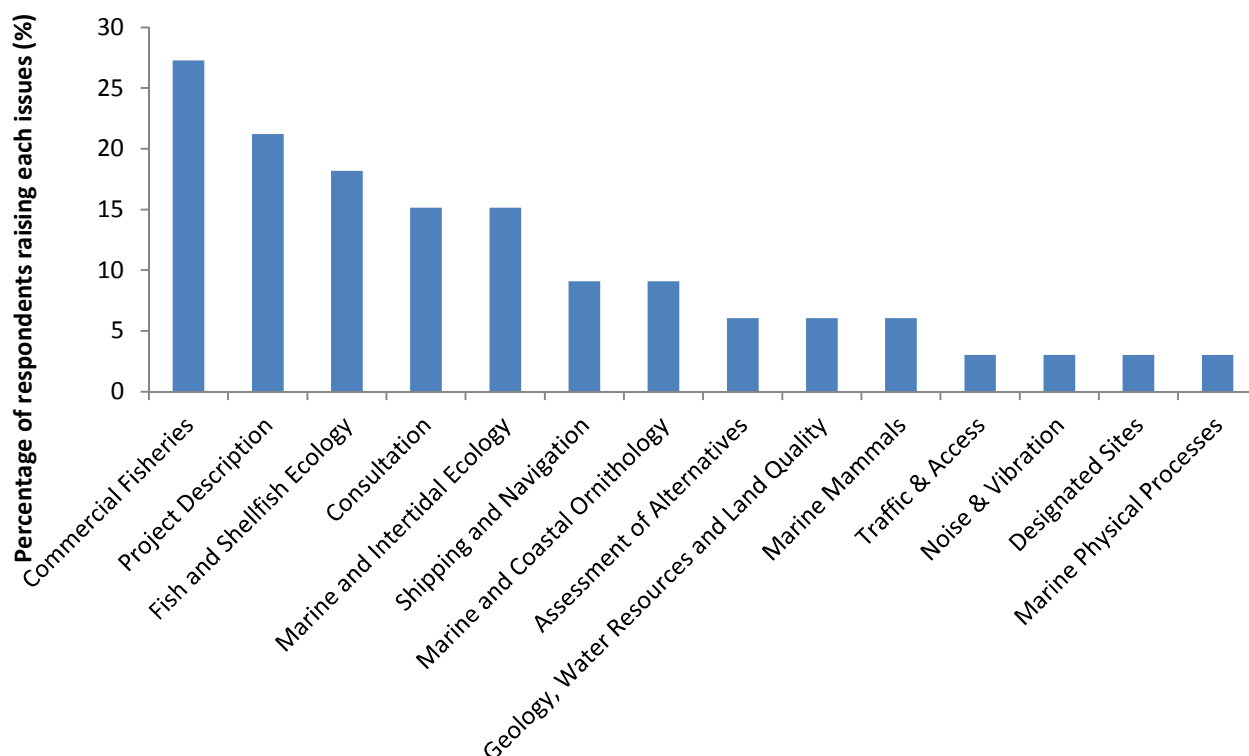


Figure 8.4 Percentage of Section 47 consultees raising ES chapter related issues during the second phase of statutory consultation

- 8.4.28. A list of all of the individual responses received (excluding the questionnaires and comment cards), including a brief summary of the response and a list of the issues raised (as per ES chapters) is set out in **Appendix L**.

Scoping responses

- 8.4.29. A total of 17 Scoping responses were received by the Planning Inspectorate and due to the overlapping of the timeframes for the consultation activities, the Scoping responses have been considered separately in the following sections. Six of these Scoping responses were also sent directly to Forewind with the intention of these responses also serving as statutory first phase Section 42 consultation responses. For the purpose of this report, in these instances, the responses have been considered as first phase of statutory consultation responses. Scoping responses are considered in more detail in the topic-specific chapters of the ES.

Section 48 responses

- 8.4.30. A total of 5 responses from members of the public were received which made specific reference to the Section 48 notice. Two of these responses were regarding requests for consultation materials. Forewind noted the comments from these consultees confirmed that the relevant materials were distributed accordingly. A further two respondents stated that they were generally opposed to the project. Forewind acknowledges the responses that state they are opposed to the project and where relevant have had due regard to any relevant detail on why this might be the case. One respondent stated that they were in

support of the proposals. Forewind acknowledges the positive response received.

8.5. Project Description (ES Chapter 5)

Main stakeholders

- 8.5.1. A number of stakeholders commented on elements of the project description as part of their feedback on receptor specific assessments presented in the PEI. Key topics that were discussed and that have impacted the project description are highlighted in this section and may also be referred to in the receptor specific sections below.
- 8.5.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.5.3. The following stakeholders provided responses with respect to the project description during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - Public Health England (formerly Health Protection Agency (HPA)).
 - Section 47 responses:
 - Orange Personal Communications Services.
 - Second phase of statutory consultation
 - Section 42 responses:
 - Network Rail Infrastructure Limited;
 - Ministry of Defence (MoD);
 - Public Health England (formerly Health Protection Agency);
 - Health and Safety Executive (HSE);
 - JNCC and Natural England (joint response); and
 - National Trust.
 - Section 47 responses:
 - Surfers Against Sewage;
 - Norwegian Fishermen's Association (Fiskebåt)
 - Kirkleatham Memorial Limited;
 - Tees Valley RIGS;
 - Redcar Fishermen's Association;
 - NFFO; and
 - NSRAC.

- 8.5.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.5.5. The key topics that were discussed in relation to the project description included:
- The location of the wind farm and associated onshore infrastructure;
 - The height of the wind turbine hub and rotor radius;
 - The layout of the wind farm array;
 - The Health Impact Review (HIR);
 - The effect of electromagnetic fields and non-ionising radiation;
 - The inclusion of protective provisions in the DCO;
 - The presence of pipelines in the indicative area for buried onshore cabling;
 - Health and safety aspects of the proposal;
 - The temporary works area; and
 - Offshore cable burial.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.5.6. Within the HPA response, advice was given on a number of topics in relation to noise and vibration. These are summarised below:
- Standards of protection for exposure to non-ionising radiation, including the power frequency electric and magnetic fields;
 - No body of evidence conclusively linking wind farms with adverse health effects arising from emission of chemicals, however onshore works should follow HPA guidance;
 - Forewind to consult local authorities regarding noise and shadow flicker;
 - Electric and magnetic fields– International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines to be highlighted and appropriate assessment should be done.
- 8.5.7. Forewind noted comments from HPA. Forewind have undertaken thorough consultation with the relevant departments within RCB to discuss scope, methodology and mitigation measures for the assessment.
- 8.5.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.5.9. Orange Personal Communications Services made contact with Forewind in relation to the first phase of statutory consultation to request coordinates of the Dogger Bank Zone and details of wind turbine tip heights and rotor diameters so they could assess any possible conflict with their microwave systems.
- 8.5.10. Forewind provided the consultee with the requested details, however no further comments were received from Orange Personal Communications Services in relation to the first phase of statutory consultation.
- 8.5.11. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.5.12. The response from Network Rail Infrastructure Limited highlighted the need to include Protective Provisions extending to Network Rail Infrastructure. Forewind confirmed that the draft DCO that was presented to consultees at the second phase of statutory consultation included Network Rail's standard protective provisions. As such, no further amendments were made to the draft DCO in this regard.
- 8.5.13. The MoD enquired if there had been any changes to the key offshore figures since June 2013, including the number of turbines per project and the maximum height of the turbines. Forewind noted the query from the MoD and confirmed that the numbers had not changed since their last query and advised the MoD that all relevant information was contained within **Chapter 19 Military and Civil Aviation** (document reference F-OFL-CH-019) of the ES.
- 8.5.14. In the response from Public Health England, comments were raised in relation to the electromagnetic field information and studies. Public Health England also suggested some minor changes to the text in the draft ES. Forewind noted the response from Public Health England and the comments in the response. Forewind has amended certain sections of text in line with Public Health England's comments. Forewind also confirmed that further details on electromagnetic field can be found in **Appendix 5C** of the draft ES.
- 8.5.15. The response from HSE advised that the indicative area for the buried onshore cabling is crossed by a natural gas pipelines and an ethylene pipeline and the HSE recommended that Forewind contact the pipeline operators, Northern Gas Networks and SABIC UK. HSE also stated that Forewind should follow the industry guidance on electrical safety.
- 8.5.16. The HSE noted that the proposed converter stations site is within HSE's Consultation Distance of a number of major hazard sites but highlighted that it would be unlikely that the HSE would advise against the development, subject to the assumption that when the development is completed it will consist of workplaces of less than 100 occupants in each building.

- 8.5.17. The HSE highlighted that the proposal does not make reference to the storage of hazardous substances and stated that if storage of hazardous substances is required, a Hazardous Substances Consent would be required.
- 8.5.18. In their response, the HSE noted that the proposed design must comply with general UK health and safety legislation, Electricity at Work Regulations 1989 and Electrical Safety, Quality and Continuity Regulations 2002.
- 8.5.19. The HSE also confirmed that the proposed development does not impinge in the separation distances of any explosive sites licensed by HSE.
- 8.5.20. Forewind noted the comments from the HSE and confirmed that consultation has been undertaken with Northern Gas Networks and SABIC UK in relation to pipelines. Forewind highlights that hazardous substance consent has been identified in Other Consents and Licences, Application Reference 5.4., and confirms that hazardous substance consent will be sought if required post award of the Order.
- 8.5.21. Furthermore, Forewind notes that further information on health impacts can be found in Appendix 5C Dogger Bank Teesside A & B HIR of the ES. Forewind also note that further information on legislation can be found in **Chapter 3 Legislation and Policy** (document reference F-ONL-CH-003) of the ES.
- 8.5.22. Within the JNCC and Natural England joint response to the second phase of statutory consultation, a number of comments were raised associated with the project description. These are summarised below alongside the regard that Forewind has had to the comments:
- It is not clear if the temporary works area for the export cable corridor will be 750m in total or 750m either side of the cable. JNCC and Natural England request further clarification. Forewind noted the request for clarification concerning temporary works areas and highlight that further information on this can be found in Table 2.7 of **Chapter 5** of the ES.
 - JNCC and Natural England would expect to see the accidental spill of hazardous materials into the marine environment considered within the ES, and, if scoped out, justification as to why further consideration was not required. JNCC and Natural England expect Forewind to produce a Marine Pollution Contingency Plan, upon which they would like to be consulted. Forewind noted the response concerning a Marine Pollution Contingency Plan, and confirm that this will be developed and the information on this can be found in paragraph 7.3.9 of **Chapter 5** of the ES.
 - Natural England did not find any evidence that the cable is future-proofed in terms of climate change. Natural England requested that this is included with the evidence presented and that Forewind refers to the relevant Shoreline Management Plan (SMP). Forewind noted the request concerning future proofing the cables, and confirms that further information on this can be found in **Chapter 9 Marine Physical Processes** (document reference F-OFL-CH-009) of the ES in Sections 6.3 and 6.4.
 - JNCC and Natural England have concerns regarding the disposal site and note that a disposal site document for Teesside A & B should be produced.

Forewind confirmed that it is their intention to dispose of any material moved as part of seabed preparation works within the boundaries of the wind farm. A Disposal Site Characterisation document for Dogger Bank Teesside A & B has been produced and can be found in Appendix F of **Chapter 12** of the ES.

- JNCC and Natural England do not consider the preservation of marine life established during the lifetime of the project as suitable justification for leaving hard infrastructure *in situ* at the time of decommissioning. Forewind noted the comment from JNCC and Natural England. As part of the decommissioning plan an EIA will be undertaken prior to decommissioning.
- JNCC and Natural England required further justification regarding the disposal seabed preparation and drilling spoil arisings and the statement that spoil materials will be winnowed away by natural processes. Forewind noted the comment from JNCC and Natural England and updates have been made to Section 4.4 of Appendix A, **Chapter 9** and Section 6.3 of **Chapter 9** of the ES.
- JNCC and Natural England would like further clarification on why a limit of 50m has been applied to micro-siting and the practicality of avoiding areas of conservation interest. Forewind noted the comment from JNCC and Natural England regarding micro-siting and clarification has been provided in paragraph 5.2.3 of **Chapter 5** of the ES.
- JNCC and Natural England would like further clarification on Forewind's intentions to remove offshore cables that become exposed or start degrading after the operational lifetime of the project. Forewind confirmed that it is their intention to bury the cables to a depth whereby cables would not become exposed during the operational life of the wind farm or beyond. If cable burial is not possible, remedial protection will be used on the cables. Forewind note that cables may still become exposed due to natural process or human intervention. During the operational life, Forewind will maintain the cable protection when required. Forewind confirm that after the operational life of the project, the cables will remain on the seabed as the damage caused by removal will probably exceed any risk of leaving them in place. Offshore cables are designed not to degrade and contain no chemicals that are likely to contaminate the surrounding seabed. Further information on these topics can be found in **Chapter 5** of the ES.

8.5.23. The response from the National Trust stated that they recognise that the technology proposed for the project is relatively new. As a result, the National Trust would expect the application to continually refer to emerging scientific research and recognise that there will need to be a continual review of best practice throughout the construction and operation of the wind farms, in order to avoid and mitigate against any adverse impacts.

8.5.24. Forewind noted the response from National Trust, and has taken account of the rapidly evolving nature of the offshore wind industry. Forewind confirm that best practice will be used throughout the lifespan of the project in order to mitigate

impacts on the environment. Further information on this can be found in **Chapter 5** of the ES.

- 8.5.25. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.5.26. Surfers Against Sewage requested images of the turbines that would be used for the project. Forewind noted the request and informed the organisation that the project infrastructure has not yet been decided, but that indicative information can be found in **Chapter 5** of the ES.
- 8.5.27. A meeting was held with members of the Norwegian Fishermen's Association (Fiskebåt) to update the fishermen on the Dogger Bank Teesside A & B projects ahead of the submission of the draft ES. The main topics of discussion were fish and shellfish ecology, commercial fisheries, project infrastructure and mitigation measures. Forewind noted the points made at the meeting and confirm that further information on project infrastructure can be found in **Chapter 5** of the ES.
- 8.5.28. A response was received from the landowners of the new crematorium, Kirkleatham Memorial Limited, highlighting concerns over the location and proximity of the cable route to the crematorium, including the purpose of temporary working areas.
- 8.5.29. Forewind noted the comments received from the Kirkleatham Memorial Limited concerning the temporary working areas. Forewind confirmed that the intermediate compounds are designed for site storage, welfare facilities and machinery parking, and once all work is completed along that section of the route, the working areas will be removed and the land reinstated. Further information on these sites can be found in **Chapter 5** of the ES.
- 8.5.30. The response from the Tees Valley RIGS referred to the temporary working areas in the nearshore area of the landfall and the potential impact on local geological features found in the area. Forewind noted the comments from Tees Valley RIGS and as a result of the comments made, Forewind narrowed the width of the temporary working area in the nearshore area. Forewind confirmed that further information on the temporary working area can be found in Section 2.1 of **Chapter 5** of the ES.
- 8.5.31. A meeting was held with fishermen from the Redcar Fishermen's Association to provide updates on the Dogger Bank Teesside A & B projects. The main topics of discussion were the commercial fisheries baseline, fish ecology studies and impact assessments, and mitigation measures in relation to the installation of cables. Forewind noted the points made at the meeting and suggested that community group meetings, as well as early warning of surveys and operational works would be beneficial to the fishermen. Forewind also confirmed that further information on project infrastructure can be found in **Chapter 5** of the ES.
- 8.5.32. Within the response from the NFFO, a number of comments were raised associated with the project description. These comments were in relation to the layout of the wind farm in relation to fisheries access, buried cables, cable

crossing proposals, post-installation trawl surveys, and disposal of spoil from seabed preparation. Forewind noted the comments from the NFFO. Further details on these comments and the detailed regard had to these comments from Forewind can be found in **Appendix L.2**.

- 8.5.33. Within the response from the NSRAC, a number of comments were raised associated with the project description. These comments were in relation to the layout of the wind farm in relation to fisheries access, buried cables, cable crossing proposals, post-installation trawl surveys, and disposal of spoil from seabed preparation. Forewind noted the comments from the NFFO. Further details on these comments and the detailed regard had to these comments from Forewind can be found in **Appendix L.2**.
- 8.5.34. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.6. Assessment of Alternatives (ES Chapter 6)

Main stakeholders

- 8.6.1. Site selection and the consideration of alternatives are relevant to all technical topics assessed within the ES and hence the relevant stakeholders for these topics have been consulted.
- 8.6.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.6.3. The following stakeholders provided responses with respect to site selection and the assessment of alternatives during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - Loftus Town Council;
 - Egdon Resources (UK) Limited;
 - The Health and Safety Executive (Explosives Inspectorate);
 - NGET;
 - English Heritage North East Office;
 - Environment Agency; and
 - Natural England.
 - Section 47 responses:
 - Rambler's Volunteers Footpath Secretary
 - Lazenby Environmental Group;
 - Eston Residents Association; and
 - Tees Valley Wildlife Trust (TVWT).
 - Second phase of statutory consultation

- Section 47 responses:
 - Kirkleatham Memorial Limited; and
 - EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society).

8.6.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.6.5. The key topics discussed in relation to site selection included:
- The location and design of the onshore converter stations;
 - The location of cable landfall and the cable route;
 - The layout of the wind farm array;
 - The consideration of existing infrastructure; and
 - Site selection methodology.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.6.6. Loftus Town Council stated that Forewind has appeared to have identified the best options for the landfall and converter stations site with all relevant alternatives considered. It was also stated that the three southerly converter stations site would be the most suitable. Forewind noted the comments from Loftus Town Council, and confirmed that relevant alternatives have been considered for the development as presented in **Chapter 6** of the ES.
- 8.6.7. Egdon Resources (UK) Limited responded to the first phase of statutory consultation to inform Forewind that they have a well at Kirkleatham and a gas pipeline that passes through the proposed indicative cable area in the onshore Scoping area. Forewind has had regard to this response and confirms that they will investigate if a crossing would be required and will liaise with the Egdon Resources (UK) Limited should this be the case. Further information on the onshore site selection process is presented in **Chapter 6** of the ES.
- 8.6.8. The Health and Safety Executive (Explosives Inspectorate) requested the opportunity to comment further on the application when more accurate details of the cable route were available. Forewind acknowledged this request and confirms that details of the cable route are provided in Section 4.7, **Chapter 6** of the ES.
- 8.6.9. NGET recommended that the location of NGET transmission infrastructure and any potential impact of the proposed project on that infrastructure are considered in the EIA. Forewind acknowledged this recommendation and

confirms that transmission infrastructure is considered within Stage 2 of the site selection process as detailed in Section 4.3 of **Chapter 6** of the ES.

- 8.6.10. The English Heritage North East Office provided comments on the potential landfall sites, the six proposed converter stations and the indicative cable corridors in relation to onshore heritage aspects. It was requested that Forewind use best practice methods such as archaeological desk-based assessment, geophysics and evaluation, viewsheds and the setting of heritage assets in order to evaluate the location of the onshore infrastructure. English Heritage also recommended the referencing of the Conservation Plan for Kirkleatham in the preparation of the EIA. Forewind has had regard to the comments from English Heritage and Forewind confirm that the site selection process is considered in **Chapter 6** of the ES of the ES.
- 8.6.11. The Environment Agency strongly recommended that the converter stations are located outside of areas with high flood risk. The Environment Agency also suggested that if the cable route required the crossing of existing watercourses, then appropriate measures should be taken to ensure there is no increased risk in flooding. Additionally, it was stated that the Environment Agency support Forewind's approach to the consideration of coastal erosion in the landfall location selection process. Forewind noted the comments from the Environment Agency, and confirm that the site selection for the landfall and converter stations is considered within **Chapter 6** of the ES. Forewind also confirmed that further information on crossing watercourses can be found in **Chapter 24 Geology, Water Resources and Land Quality** (document reference F-ONL-CH-024) and **Chapter 5**. Effects at the landfall, including sediment transport, have been considered in **Chapter 9**. Natural England highlighted some errors in the figures presented in the Site Selection Report. Forewind has had regard to Natural England's comments and the Site Selection Report has been updated and used to inform **Chapter 6** of the ES. Forewind also highlight that a Flood Risk Assessment (FRA) was undertaken as part of the ES, and that during the site selection process, location of project infrastructure outwith the fluvial floodplain was a key criteria for assessment.
- 8.6.12. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.6.13. The Ramblers Volunteers Footpath Secretary stated that the potential converter station sites are well chosen and landfall preference makes very good sense. It was also suggested that Forewind should focus on minimum disruption to access and wildlife. Forewind has had regard to the comments from Ramblers Association and have focussed on minimum disruption where possible during all phases of development. Forewind confirm that further information on the assessment of the converter stations site can be found in **Chapter 6** of the ES.
- 8.6.14. Lazenby Environmental Group raised concerns in their response regarding the location and design of the onshore converter stations, and the location of the

cable landfall in the Teesside area. Forewind acknowledged these concerns and further detail on the site selection process is presented in **Chapter 6** of the ES.

- 8.6.15. Lazenby Environmental Group presented a recommendation for the cable landfall between Coatham and South Gare. Forewind has had regard to the comments from Lazenby Environmental Group. This landfall was not selected as Forewind's preferred landfall mainly due to the number of other pipelines and cables that are planned or already come ashore there, reducing the amount of space available for a safe and technically feasible landfall for the Dogger Bank Teesside cables. The site selection process is outlined in **Chapter 6** of the ES.
- 8.6.16. Eston Residents Association's responses stated that they wish to formally object to the project, in particular to the area adjacent to the Wilton Complex.
- 8.6.17. Forewind has noted the comments from Eston Residents Association and confirms that Eston is considered within the Landscape and Visual Impact Assessment (LVIA). Relevant impacts resulting from the development have been identified with appropriate mitigation being proposed especially based around the substation.
- 8.6.18. Tees Valley Wildlife Trust (TVWT) stated that they were satisfied with the approach taken and the options presented in relation to the landfall and converter stations, with particular reference to sites S3 – S6, for which the TVWT would not have any objections to the siting of converter stations. TVWT also provide feedback on the proposed locations for the landfall. Forewind has had regard to the comments from TVWT, and confirms that the landfall and converter stations site selection processes are considered within Stage 4 (Section 4.5 of **Chapter 6** of the ES) and Stage 5 (Section 4.6 of **Chapter 6** of the ES), respectively.
- 8.6.19. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 47 responses and Forewind regard

- 8.6.20. The landowners of the new crematorium, operated by Kirkleatham Memorial Limited, provided a response highlighting concerns over the location and proximity of the cable route to the crematorium. Forewind noted the comments received from Kirkleatham Memorial Limited and confirmed that an extensive site selection process has been undertaken for Dogger Bank Teesside A & B. Section 4, Stage 6 of **Chapter 6** of the ES outlined the onshore cable route selection process, and the development criteria considered.
- 8.6.21. An introductory meeting was held between Forewind and EPIC Regeneration (representing the Hartlepool Fishermen's Society). Topics discussed included cumulative impacts, mitigation, potential re-routing of the cables and the impact of the project on the fishing fleet. Forewind noted the points raised in the meeting and highlight that further information on the offshore site selection process can be found in **Chapter 6** of the ES.

- 8.6.22. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.7. Consultation (ES Chapter 7)

Main stakeholders

- 8.7.1. Forewind received responses from both Section 42 and Section 47 consultees, in relation to Forewind's approach to consultation. Further information on the consultation process can be found in **Chapter 7 Consultation** (document reference F-ONL-CH-007) of the ES.
- 8.7.2. As detailed in paragraph 8.3.5 of this report, comments such as no comment', confirmation of no land interests in the area, requests for consultation materials or deadline extensions, and updating of consultee contact information, have been categorised as 'Consultation', accounting for the large number of responses under this category.
- 8.7.3. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.7.4. The following stakeholders provided responses with respect to consultation during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - Sembcorp Utilities (UK) Limited;
 - Cleveland Emergency Planning Unit;
 - Wilton Centre (No 1) Limited;
 - Natural England; and
 - Stockton-on-Tees Borough Council.
 - Section 47 responses:
 - Lazenby Environmental Group;
 - Eston Resident's Association; and
 - Surfers Against Sewage.
 - Scoping Responses
 - ES Pipelines Ltd, ESP Connections Ltd, ESP Electricity Limited and ESP Networks Ltd (joint response);
 - Middlesbrough Borough Council; and
 - The Coal Authority.
 - Second phase of statutory consultation
 - Section 42 responses:
 - Energetics Electricity Limited;

- Network Rail Infrastructure Limited;
 - Hartlepool Borough Council;
 - JNCC;
 - JNCC and Natural England (joint response);
 - Hambleton District Council;
 - Local Government Yorkshire and Humber;
 - Natural England;
 - Billingham Town Council;
 - Homes and Community Agency;
 - Saltburn, Marske & New Marske Parish Council;
 - Skelton and Brotton Parish Council;
 - Stockton-on-Tees Borough Council;
 - Network Rail Infrastructure Ltd;
 - Northumbrian Water Limited;
 - Department for Environment, Food and Rural Affairs (Defra);
 - Fulcrum Pipelines Ltd;
 - Quadrant Pipelines Limited, The Electricity Network Company Limited, and The Gas Transportation Company Limited;
 - UK Power Networks;
 - Guisborough Town Council;
 - Lockwood Parish Council;
 - Loftus Town Council;
 - Ministry of Defence;
 - NGET and National Grid Gas Plc;
 - North Yorkshire County Council;
 - The Coal Authority;
 - Canal & River Trust - NE Waterways;
 - Middlesbrough Borough Council;
 - UK Hydrographic Office (UKHO); and
 - Sembcorp Utilities (UK) Limited.
- Section 47 responses:
- EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society) (two responses);
 - A member of the public (TS_2nd Stage S47_R2);

- Sveriges Fiskares Riksförbund;
- Cleveland Potash Ltd.; and
- NSRAC.

- 8.7.5. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.
- 8.7.6. Relevant responses to the consultation on the content of the SoCC is detailed in Chapter 4 and **Appendix D.1** and **Appendix E.1** of this report and, as such, is not repeated here.

Key topics discussed

- 8.7.7. The key topics relating to Forewind's approach to consultation that were raised during consultation were:
- No comments on the proposals;
 - Confirmation of no land interests in the arewa
 - Updating of consultee contact information;
 - Requests for consultation deadline extensions; and
 - Requests for, and receipt of consultation documents.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.7.8. The response from Sembcorp Utilities (UK) Limited included a copy of a letter from ICI Chemicals and Polymers (dated 1990) regarding a commitment to use the land south of the power station only for development with a low visual and environmental impact. A copy of the minutes of a special planning committee meeting held in April 1991 regarding developments at the ICI Wilton Centre under the Instrument of Consent. Forewind noted the letters provided by Sembcorp Utilities (UK) Limited and highlighted that further information on the project infrastructure is included in **Chapter 5** of the ES.
- 8.7.9. Responses were received from the Cleveland Emergency Planning Unit and Stockton-on-Tees Borough Council stating that they had no comments to make on the proposals. Forewind noted the responses from Cleveland Emergency Planning Unit and Stockton-on-Tees Borough Council.
- 8.7.10. Lawyers acting on behalf of the Wilton Complex stated that the reminder letter regarding the consultation deadline was the first communication they and their client had received about the consultation. It also stated that their client would like to review the consultation information although it would not be possible to do in the timeframes referred to in Forewind's letter. The lawyers requested copies of the correspondence that their client should have received. They did not

consider that their client had been consulted with properly. Forewind contacted the Wilton Complex directly who confirmed that they do not have any concerns about the consultation documents. This was a mis-communication with their legal team.

- 8.7.11. A response from Natural England was received towards the end of the first phase of statutory consultation which stated that the lead advisor was out of the office due to illness and Natural England were not in a position to provide a formal Section 42 response before the deadline. Forewind agreed that it was possible to be flexible but that comments should be returned by the deadline if at all possible. A formal consultation response was received from Natural England after the deadline, on 29 June 2012.
- 8.7.12. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.7.13. The response from the Lazenby Environmental Group stated that the public exhibitions were not publicised well enough. Forewind noted that the exhibition publicity was considered poor and ensured that future events were publicised to the fullest extent.
- 8.7.14. The response from Eston Resident's Association contained comments on the consultation process, stating that people from the Eston area were not made aware about the exhibitions. Forewind has noted that the residents of Eston were not aware of the public exhibitions, and committed to ensure that future events are publicised to the fullest extent.
- 8.7.15. Surfers Against Sewage recommended a number of additional surfing groups that Forewind should contact. Forewind noted the groups and added them to their consultation records to ensure that they could be consulted with in the future.
- 8.7.16. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Scoping responses and Forewind regard

- 8.7.17. Scoping responses were received from ES Pipelines Ltd, ESP Networks Ltd, ESP Electricity Ltd and ESP Connections Ltd (joint response), and Middlesbrough Borough Council stating that they had no comments to make on the proposals. Forewind noted the responses from ES Pipelines Ltd, ESP Networks Ltd, ESP Electricity Ltd and ESP Connections Ltd, and Middlesbrough Borough Council.
- 8.7.18. The Coal Authority confirmed in their response that the site does not fall within the defined coalfield and stated that they had no issues that they would wish to see addressed as part of the ES for the proposal. Forewind has had regard to the comments from the Coal Authority and confirms that information on utilities is included in Section 4.2 of **Chapter 26** of the ES.

- 8.7.19. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.7.20. Responses were received from Hartlepool Borough Council, Hambleton District Council, Local Government Yorkshire and Humber, Homes and Communities Agency, Saltburn, Marske & New Marske Parish Council, Skelton and Brotton Parish Council, the Major Infrastructure and Environment Unit (MIEU) within the Department of Environment, Food and Rural Affairs (Defra), Fulcrum Pipelines Ltd, Quadrant Pipelines, The Electricity Network Company and The Gas Transportation Company, UK Power Networks, Guisborough Town Council, Lockwood Parish Council, Loftus Town Council, MoD, North Yorkshire County Council, The Coal Authority, and Middlesbrough Borough Council, stating that they had no comments to make on the proposals. Forewind noted the responses from the consultees.
- 8.7.21. The response from Energetics Electricity Limited responded to Forewind's consultation notification letter stating they were unable to provide a quote for the project. Forewind contacted the consultee and explained that the consultation was not to get a quote for works but to obtain feedback about their proposals and sent another suite of consultation materials to Energetics Electricity Limited. No further consultation response was received from Energetics Electricity Limited.
- 8.7.22. A response was received from Network Rail Infrastructure which related to land transaction requirements being undertaken by Forewind. Forewind noted the response, and highlighted that they will continue to engage with Network Rail Infrastructure to ensure all necessary agreements are in place for construction.
- 8.7.23. In a joint response from the JNCC and Natural England in relation to current works on Dogger Bank Creyke Beck and Dogger Bank Teesside A & B, it was highlighted that the JNCC and Natural England are currently working on both the Statement of Common Ground for Creyke Beck and the second statutory stage of consultation for Dogger Bank Teesside A & B, therefore they are experiencing difficulty in dealing with both. They highlighted that the level of service can be expected to be less than that experienced for the Dogger Bank Creyke Beck statutory consultation for the JNCC and Natural England. Forewind noted the comments from JNCC and Natural England and acknowledged the level of pressure that they are currently operating under.
- 8.7.24. Forewind called Billingham Town Council who confirmed they had seen the consultation materials and had no comments at this time. They confirmed that they will email this through once they have finished looking through. Forewind noted the consultation response from Billingham Town Council and highlight that no further response was received from the consultee during the second phase of statutory consultation.

- 8.7.25. Skelton and Brotton Parish Council confirmed verbally that they have no comments to make on the proposal and confirmed that they would send an email confirming this information. Forewind noted the comments from Skelton and Brotton Parish Council and highlight that no further response was received from the consultee during the second phase of statutory consultation.
- 8.7.26. Northumbrian Water provided a response, stating that a member of their team would need to be in place to ensure the protection of Northumbrian Water's assets that may be affected during the delivery of the Dogger Bank Scheme. Forewind noted the consultation response concerning Northumbrian Water's team member and confirm that further discussions on this will take place during the pre-construction phase.
- 8.7.27. The response from the Canal and River Trust – North East Waterways stated that they have no land or operational interests in the area, therefore do not need to be consulted. Forewind noted the response from the Canal and River Trust North East Waterways and that they have no operational interests in the area.
- 8.7.28. In the response from the UKHO, it was stated that they had no comments to make. However, according to the consultation response, it appears that the UKHO had read the incorrect consultation material and sent comments related to Dogger Bank Creyke Beck. They were sent an updated email on 13 January 2014 to highlight this and request any comments on Dogger Bank Teesside A & B projects. A further response was received on 14 January 2014 stating that they still have no comments and requested to be kept updated. Forewind noted that the UKHO had no comments on Dogger Bank Teesside A & B and confirmed that they would be kept updated on the projects.
- 8.7.29. The response from Sembcorp Utilities (UK) Limited highlighted the requirements for land transactions. Forewind confirmed that it is currently in discussions with Sembcorp Utilities (UK) Limited concerning the land within the Wilton Complex and these discussions will be ongoing.
- 8.7.30. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.7.31. A response was received from EPIC Regeneration Consultants LLP stating that they are representing the Hartlepool Fishermen's Society, and highlighting concerns over the level of consultation to date with the Hartlepool Fishermen's Society. Forewind noted the communication and sent a response clarifying the development programme details and any incorrect assumptions made about consultation.
- 8.7.32. A RCBC councillor stated that they would not be able to attend the exhibition on Friday 22. The councillor also asked if any funding was available for the Redcar Cenotaph. Forewind replied to highlight the other two exhibitions at the time, and noted that it is not possible for Forewind to provide any community funding at this time.

- 8.7.33. In the response from Sveriges Fiskares Riksförbund, it was stated that the consultee had received the material and maintained the opinions that they gave to Forewind in February 2013. Forewind noted the response and that the consultee's opinion of the project had not changed.
- 8.7.34. Cleveland Potash Ltd was in contact with Forewind during the second phase of statutory consultation, in order to organise a meeting in relation to Dogger Bank Teesside A & B impact assessments and discuss potential interactions between Forewind and mining activities. Forewind noted the response from Cleveland Potash Ltd and has arranged further meetings for 2014 to discuss matters further.
- 8.7.35. A second meeting was held with the MMO, Hartlepool fishermen, and EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society), to discuss the Dogger Bank Teesside A & B projects with the fishermen. An overview of commercial fisheries, fish ecology and impact assessments was given. Forewind highlighted that working group meetings would be a good idea and that Forewind will endeavour to provide all fishermen with early warning of surveys or operations. The fishermen believe that the impacts on themselves are major as opposed to minor or moderate. Forewind noted the comments received during the meeting and will endeavour to organise working group meetings going forward.
- 8.7.36. The NSRAC responded to the consultation notification, advising they are unable to meet the second phase of statutory consultation response deadline. Forewind noted the email from the NSRAC and responded to the consultee, highlighting that 20 December 2013 was the deadline for consultation responses, therefore comments received after this date may not be considered, however should the response be received by 10 January 2014, Forewind would endeavour to consider their comments if practicable to do so.
- 8.7.37. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.8. Designated Sites (ES Chapter 8)

Main stakeholders

- 8.8.1. Comments relating to designated sites were received from both Section 42 and Section 47 consultees.
- 8.8.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.8.3. The following stakeholders provided responses with respect to designated sites during the two phases of statutory consultation:

- First phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response); and
 - Natural England.
 - Section 47 responses:
 - Dutch Ministry for Infrastructure and the Environment; and
 - TVWT.
- Second phase of statutory consultation
 - Section 47 responses:
 - A member of the public (TS_2nd Stage S47_R3).

8.8.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.8.5. Very few comments were made specifically in relation to designated sites as this chapter of the ES is intended to be a summary of other assessments, but key comments included:
- How assessments have been made and how species of conservation interest have been considered; and
 - The approach to consideration of recommended designations.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.8.6. In the JNCC and Natural England joint response, it was stated that it was unclear how assessments of impacts on designated sites had been made and how specific species of conservation interest (i.e. BAP species) had been accounted for in the assessment. Forewind highlighted that **Chapter 8 Designated Sites** (document reference F-OFL-CH-008) of the ES is a signposting chapter, and presents the results of the specific assessment on designated sites and species from the other chapters within the ES (as noted in paragraph 1.1.3 of **Chapter 8** of the ES). Consequently, the methodology in **Chapter 8** of the ES describes the nature of the designated sites and species and the impacts on them (assessed in the other chapters of the ES). Additional text specifically clarifying this is presented in Sections 1, 2, and 3 of **Chapter 8** of the ES. For clarity, references have been added to **Chapter 8** of the ES, signposting to relevant sections within other chapters where the specific assessment has been undertaken.

- 8.8.7. Natural England also provided an individual response to Section 42 consultation, which stated that although the joint response from the JNCC and Natural England applied to the Section 42 consultation, Natural England were also providing additional comments in relation to designated sites. These additional comments related to the Site Selection Report, within which the Teesmouth and Cleveland Coast Special Protection Area (SPA) had been omitted from a figure, and the extent of the Local Site's Redcar to Saltburn Foreshore and Redcar to Saltburn Coast were incorrect. Natural England also welcomed the proposed avoidance of Landfall Area 1 which encompasses UK and European designated sites. Forewind has had regard to Natural England's comments and highlighted that the site selection process is considered in **Chapter 6** of the ES and designated sites are also included within individual topic assessments where appropriate in **Chapter 8** of the ES.
- 8.8.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.8.9. The Dutch Ministry for Infrastructure and the Environment suggested that the impact assessment should contain information on whether or not Dutch Natura 2000 sites and appointed species will be impacted by the Dogger Bank Teesside wind farm. Forewind noted the comments from the Dutch Ministry for Infrastructure and Environment and confirms that studies on designated sites and further information can be found in **Chapter 8** of the ES.
- 8.8.10. TVWT's response stated that they considered that recommended Marine Conservation Zones (rMCZs) could be scoped out if the cables would not run through these rMCZs. They also recommended that the impact of alteration of habitat in the candidate Special Area of Conservation (cSAC) should be assessed alongside the direct loss of habitat. Forewind has had regard to comments from TVWT and acknowledged that the site selection process is considered in Chapter 6 of the ES and designated sites are also included within individual topic assessments where appropriate in Section 6 of **Chapter 8** of the ES.
- 8.8.11. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 47 responses and Forewind regard

- 8.8.12. A member of the public responded to the second phase of statutory consultation in relation to a question posed at the Dogger Bank Teesside A & B public exhibitions. The resident confirmed that whilst there is an interest in extending the heritage coast from Filey to the mouth of the Tees, only the North Yorks and Cleveland Coastal forum has extended its interest in this area. Forewind noted the response and that the Heritage Coast had not been officially extended to the mouth of the Tees River.

- 8.8.13. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.9. Marine Physical Processes (ES Chapter 9)

Main stakeholders

- 8.9.1. Comments relating to marine physical processes were received from both Section 42 and Section 47 consultees during the two phases of statutory consultation.
- 8.9.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.9.3. The following stakeholders provided responses with respect to marine physical processes during the first phase of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response); and
 - Marine Management Organisation (MMO).
 - Section 47 responses:
 - Surfers Against Sewage ; and
 - TVWT.
 - Second phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response); and
 - Marine Management Organisation (MMO).
- 8.9.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.9.5. The key topics that were discussed during consultation were:
- The impacts of foundations and rock placement on wave regime;
 - The effect of coastal erosion on scour protection and cable burial;
 - The justification for scoping out of potential impacts;
 - Effects of decommissioning activities;
 - The effect of scour and spoil;
 - The potential impacts on hydrodynamic and tidal processes;

- Impacts of the cofferdams; and
- The extent of cable protection.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.9.6. Within the JNCC and Natural England joint response to the first phase of statutory consultation, a number of comments were raised associated with marine physical processes. These are summarised below:
- JNCC and Natural England requested further information in relation to the proposed scoping out of the effects on underlying offshore geology and hydrodynamic processes and the justification for doing so;
 - The hydrodynamic processes assessment should be informed by appropriate hydrodynamic information with consideration of in-combination effects and the effects upon the coastline, coastal processes and designated sites;
 - JNCC advised that screening for an Appropriate Assessment in relation to potential effects on hydrodynamic and sedimentary processes will be required;
 - JNCC and Natural England recommended that the assessment on hydrodynamic processes should also consider the potential effects of the development proposal upon the coastline, coastal processes and designated sites by impediment to sediment transport, interaction of turbines;
 - The effects of decommissioning activities on marine physical processes must be addressed;
 - The effect of spoil should be addressed in the EIA;
 - Potential future aggregate extraction activities should be assessed within the cumulative impact assessment; and
 - JNCC and Natural England request early consultation on the assessment of export and landfall effects.
- 8.9.7. Forewind has noted JNCC and Natural England's comments concerning underlying offshore geologies and scoping them out. Further information on this and the assessment of effects during operation can be found in Section 7 of **Chapter 9** of the ES. Further information concerning the effects during construction can be found in Section 6 of **Chapter 9**.
- 8.9.8. Forewind confirm that **Chapter 9** of the ES contains an assessment of effects during the operation of the wind farm, including sediment transport and effects from foundation structures in Section 7, consideration of potential effects upon the coastline in Section 6.4 and 6.5, and an assessment of effects during decommissioning, including removal of foundations, cables and landfall infrastructure in Section 8.

- 8.9.9. Forewind confirm that an assessment of effects during construction, including increase in suspended sediments can be found in Section 6 of **Chapter 9**, and the cumulative effects and impact assessment strategy can be found in Section 10 of **Chapter 9**.
- 8.9.10. Forewind has noted JNCC and Natural England's comments concerning the assessment of the export cable and landfall effects, and confirms that further information on these assessments can be found in Section 6 of **Chapter 9**.
- 8.9.11. The MMO raised a number of comments associated with marine physical processes in response to the first phase of statutory consultation. It is important to note that the MMO response provided comments on both PE11 and the Scoping Request. The majority of the comments provided below are in relation to the Scoping Report and these comments are summarised below:
- It was noted that scour protection may be needed and that a detailed cable burial and protection assessment will be carried out to identify the target burial depth in each area and that specifications regarding landfall cable burial will take future coastal erosion into account;
 - The approach to adopt a precautionary approach to impact assessment where uncertainty exists has been noted;
 - No impacts to the underlying geology of the development area are predicted and this issue may be scoped out of the EIA (as suggested) provided foundation penetration is restricted to the surface sediment layers;
 - The potential impacts during construction are listed as temporary influences on hydrodynamics, disturbance to the seabed and an increase in suspended sediment. The temporary, localised impacts of construction infrastructure can be scoped out of the EIA as suggested;
 - The MMO concur that the far-field hydrodynamic processes effects need to be tested thoroughly through a modelling study. Such testing is important because of its implications for the future cumulative impacts of the wider proposed Dogger Bank Zone;
 - Tidal processes will be of key importance in assessing impacts to the sediment transport regime;
 - The MMO agree that decommissioning impacts are to be similar to construction impacts;
 - The MMO approve of the focus on the cumulative effects of this and other activities on physical processes (during operation) and sediment transport (during all project phases); and
 - During operation, potential impacts are expected to be indirect and the result of the disturbance and re-suspension of contaminated sediments. These impacts are expected to be localised and associated with scour around foundation structures.

- 8.9.12. Forewind has noted the Marine Management Organisation's comments and concerns, and confirm that the effects of scour protection have been considered in Section 6.3 and Section 6.4 of **Chapter 9**.
- 8.9.13. Forewind confirm that **Chapter 9** contains further information on the assessment of potential impacts as a result of construction in Section 6, operational impacts in Section 7, decommissioning impacts in Section 8, and cumulative impacts in Section 10.
- 8.9.14. Forewind note that further information on water and sediment quality can be found in **Chapter 10 Marine Water and Sediment Quality** (document reference F-OFL-CH-010).
- 8.9.15. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.9.16. Surfers Against Sewage recommended the impacts on foundations and rock placement on the wave regime should be fully assessed. Forewind has had regard to the response from Surfers Against Sewage and confirms that the physical processes modelling has given due consideration to impacts on the wave regime. The results of the modelling are presented in **Chapter 9** of the ES.
- 8.9.17. TVWT recommended that the impact of alteration of habitat in the cSAC should be assessed alongside the direct loss of habitat. Forewind confirm that consideration has been given to the alteration of habitats within the physical processes modelling presented in **Chapter 9** of the ES and in the benthic impact assessment presented in **Chapter 12 Marine and Intertidal Ecology** (document reference F-OFL-CH-012) of the ES.
- 8.9.18. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.9.19. Within the JNCC and Natural England joint response, a number of comments were raised associated with marine physical processes. These are summarised below alongside the regard that Forewind has had to the comments:
- Natural England has concerns regarding the impacts of the cofferdams preventing the transport of eroded material from the dunes and till cliffs. Natural England suggested that Forewind should monitor the sediment on the updrift side of the cofferdams and carry out bypassing if there is evidence of sediment levels increasing. Forewind noted the comments from JNCC and Natural England concerning sediment levels around cofferdams and confirmed that beach levels will be monitored during construction and further information on this can be found in Section 6.3 of **Chapter 9** of the ES.

- Natural England questions whether the four smaller cofferdams still have the greatest effect in terms of interruption to sediment processes with regard to landfall. Forewind noted the request for clarification on the block of sediment movement from cofferdams, and confirms that the worst case scenario has been amended to two large cofferdams as opposed to four small cofferdams. Further information on this can be found in Section 6.5 of **Chapter 9** of the ES.
- Natural England would like further clarification to be provided to the extent of cable protection required for the project area. Forewind noted Natural England's comments concerning worst case scenarios and confirms that modifications to the worst case scenarios can be found in Table 5.1 and detailed in Section 7.5 of **Chapter 9** of the ES.
- Natural England would like to highlight that the removal of cable protection is preferred at the time of decommissioning. The intention for cable removal at the time of decommissioning is not considered under the worst case scenario. Forewind noted the comment from Natural England that the intention for cable removal at decommissioning is not considered under the worst case scenario. Cable removal has been added to the decommissioning section of Table 5.1 of **Chapter 9** of the ES.
- Natural England and JNCC have concerns with the approach and methodologies used to assess the re-distribution of side-cast material from foundation installation and question whether the predictions for non-suspended sediment are realistic, particularly as Forewind states that tidal currents are relatively weak. Forewind noted the request from JNCC and Natural England for clarification on side-cast material from foundation installation, and confirm that clarification on the method and potential for winnowing (removal of fine sediment) is provided in Section 6.3 of **Chapter 9** of the ES. Forewind confirm that **Chapter 5** details the foundations considered for Dogger Bank Teesside A & B. All foundations detailed within **Chapter 5** have been assessed as suitable for the geology found within Dogger Bank Teesside A & B.
- JNCC and Natural England requested clarification on how proposed infrastructure will interact offshore geology. JNCC and Natural England would also like assurance that construction scenarios of the foundations and export cable are realistic with consideration to the underlying geology of the area. Forewind confirmed that foundation installation will not materially change the underlying geology of this area of the North Sea however, geology will play a key role in dictating the practicalities of foundation installation and, indeed the choice of foundation itself. This is highlighted with the Scoping Report for Dogger Bank Teesside (Forewind, 2012). A detailed review of the geology is provided with **Chapter 12** Appendix A of the ES.
- Natural England noted that cable burial may not be possible within the first 25km of seabed offshore from the landfall site due to the seabed comprising rock. Natural England advised that cable protection should be

used as a last resort. Forewind notes the comment from Natural England. A detailed geophysical survey will be undertaken to inform the detailed design of the cable route.

- Natural England advised that where cobbles have been identified a pre-construction survey should be undertaken to inform decisions on micro-siting. Forewind noted the request from JNCC and Natural England regarding pre-construction surveys within the nearshore cable route. It is a requirement of the Deemed Marine Licence that pre-construction surveys are conducted to identify Annex 1 habitats.
- Natural England and JNCC stated that Forewind has not considered a construction scenario in which lower levels of suspended sediment are produced, but occur over a longer time scale. Forewind noted the comment from JNCC and Natural England requesting a new model to look at sediment dispersion over a longer time scale. Forewind state that the current worst case scenario considered within **Chapter 9** of the ES is suitable to cover the suggested situation. An intensive construction sequence has been modelled and a less intense situation would therefore be within those bounds.
- Natural England and JNCC are concerned that there is no modelling to demonstrate the extent and estimated duration of the distribution as the potential for mounds to winnow away has not proven realistic. Forewind noted the comment from JNCC and Natural England and updates have been made to Section 4.4 of **Chapter 9** Appendix A and Section 6.3 of **Chapter 9**.
- Natural England have concerns regarding the impacts of cofferdams on sediment transport and suggest that Forewind monitor the sediment and carry out bypassing if there is evidence of sediment levels increasing. The concerns from Natural England regarding cofferdams and the impact on sediment transport are recognised by Forewind. Forewind will ensure that the beach levels on the northwest and southeast of the cofferdams are monitored and material will be bypassed if there is evidence for accretion to the northeast coupled with depletion to the southeast.
- Natural England requires further clarification on how re-filling cofferdams will affect the cohesion of the beach. Forewind noted the concerns of Natural England regarding cofferdams and the effect of re-filling on the cohesion of the beach. Forewind would like to clarify that given that beach sand lacks any cohesion, the return of this material to backfill the cofferdam will have no impact on the structural integrity of the beach.
- JNCC advise that the omission of suspended sediment plumes in a transboundary context is addressed. Forewind noted the statement from JNCC regarding the omission of suspended sediment in a transboundary context. Figure 10.9 of **Chapter 9** of the ES shows that there is very little deposition of sediment from the cumulative plume that across the international boundary. Forewind confirm that transboundary

considerations are detailed further in **Chapter 32 Transboundary Effects** (document reference F-OFL-CH-032) of the ES.

- 8.9.20. Further details on the comments from the JNCC and Natural England, and the detailed regard had to these comments from Forewind can be found in **Appendix J.2**.
- 8.9.21. Within the MMO response, a number of comments were raised associated with marine physical processes. These are summarised below alongside the regard that Forewind has had to the comments:
- The MMO consider that it is not clear from the assessment provided how the 1-year and 50-year storm wave conditions have been chosen, and we request clarification on this in relation to the worst case scenarios presented. Forewind confirm that the 1-year and 50-year storm conditions were chosen based on the Metocean Design Basis published by Mathiesen et al. (2011)¹⁶. The wave parameters used were wave height, period, direction and spreading. Direction and spreading are constant, and the wave periods are from the time series. Forewind highlight that reference to Mathiesen et al. (2011) has been added in Sections 2.6 and 2.8 of the Marine Physical Processes Assessment of Effects Technical Report (Document reference F-OFL-CH-009 App.A).
 - The MMO noted that the Marine Physical Processes Assessment of Effects (Appendix 9A of the draft ES) states that empirical methods have been used to estimate scour volumes. The actual assessment is included in Appendix E to Appendix 9A, but it is not cross-referenced inside the draft ES **Chapter 9**. Forewind confirm that reference to Appendix E of Appendix 9A is made in Table 5.1 of **Chapter 9** of the ES.
 - The MMO notes that it is stated that waves from north and north east directional sectors were chosen for the modelling of baseline wave heights because offshore waves from those two sectors are larger and more frequent compared to other sectors. However, this seems to contradict with Figure 3.2 of Appendix 9A (Wave Roses at the Tranche A Waverider and the Northern Waverider). Forewind confirm that it is clear that at both waveriders (Tranche A and Northern) that waves from the north are most frequent. It is also clear that waves from the southeast are less frequent and smaller than those from the northeast. Hence, the MMO comment appears to be incorrect. Further information on this topic can be found in paragraph 3.2.1, Appendix 9A of **Chapter 9** of the ES.
 - MMO consider that clarification is required concerning the assumptions regarding the affirmation that the drill arisings spoil will transform into a sand wave. Forewind noted the comment requesting clarification on drill arisings and confirms that clarification on the morphology and dimension of the drill arisings mound is provided in Section 6.3 of **Chapter 9** of the ES.

¹⁶ Mathiesen, M., Nygaard, E. and Andersen, O.J. 2011. Dogger Bank Wind Power Sites Metocean Design Basis. Statoil Report PTM MMG MGE RA 63, Rev no 3, October, 2011, 129pp.

- The MMO notes that it is stated that “In order to compare the predicted sediment volumes released by the scour process into the context of the scale of natural processes, empirical formulae were used to determine sediment volumes disturbed during a one-year and 50-year storms across Dogger Bank without foundations in place. The methods adopted are described in Appendix E, however the MMO highlights that the methods used were not located in Appendix E. Forewind confirm that the Technical Report has been updated in line with the comments from the MMO.
- The MMO notes that it is stated that “the main driving force for suspended sediment dynamics in the North Sea is turbulence induced by tidal currents and waves (Stanev et al. 2008). The MMO requested clarification regarding whether Stanev et al. (2008) has been considered during the assessment of sediment naturally released during the 50-year storm without foundation in place. Forewind highlights that no data was reported from Stanev *et al.* (2008) in the assessment because they used a distinctly different methodology using a different fraction of the sediment on the seabed.
- The MMO notes that pre-construction monitoring is mentioned in the chapter but no details have been provided specifying how the bathymetry and side scan sonar survey will be undertaken. However, according to Condition 9 (page 60) of the draft Deemed Marine Licence, a detailed construction and monitoring programme will be submitted for approval to the MMO after consent and at least four months prior to the commencement of the survey works. The draft Deemed Marine Licence Condition 13 (page 63) specifies that the monitoring will include “one high resolution bathymetry and side-scan survey of the area(s) within the Order limits in which it is proposed to carry out construction works, including a 500m buffer area around the site of each works”.
- The MMO notes that Condition 16 of the DCO specifies that post-construction monitoring will include “one high resolution bathymetric survey per annum around a sample of adjacent turbines to a distance of three turbine spacings to assess any changes in seabed topography;” for a maximum of three years. A post-construction monitoring of a longer term than three years should be considered until it has been agreed by the MMO that scour equilibrium has been reached. Furthermore, monitoring should not be limited to three turbines and should instead include the entire array sites. Forewind acknowledge the comments raised by the MMO in regards to long term monitoring. In regards to pre-construction monitoring and condition 13 and 16, updates have been made to these conditions within the DCO. Forewind note that we will commit to a monitoring plan and will consult on an appropriate level of monitoring with the MMO at the appropriate time.
- The MMO highlights that it is not clear from the draft ES why impacts on offshore geology have been scoped out. Forewind confirm that in the formal Scoping Opinion (The Planning Inspectorate, 2012), the Planning Inspectorate declined to scope offshore geology out of the assessment on the grounds that the geology plays a key role in dictating the practicalities

of foundation installation and, indeed, the choice of foundation itself. Forewind has accepted this point and has provided a detailed review of the geology in Appendix A of **Chapter 12** of the ES.

- 8.9.22. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.10. Marine Water and Sediment Quality (ES Chapter 10)

Main stakeholders

- 8.10.1. Comments relating to marine water and sediment quality were received from Section 42 consultees during the two phases of statutory consultation.
- 8.10.2. Appendices I, J, K and L contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.10.3. The following stakeholders provided responses with respect to marine water and sediment quality during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response).
 - Scoping responses
 - Environment Agency.
 - Second phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response); and
 - Environment Agency (North East Office).
- 8.10.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.10.5. The key topics that were discussed during consultation were:
- Bathing water quality;
 - Contaminated sediments; and
 - The effect of spoil on marine water and sediment quality.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.10.6. In the JNCC and Natural England joint response, it was advised that the inter-relationships between ecology and the sandbank habitat of the Dogger Bank cSAC are assessed. The response also recommended that the effect of spoils should be addressed in the EIA for the effect upon benthic habitats and communities, turbidity and general water quality, and the potential for increasing or inhibiting sediment transport. JNCC and Natural England also highlighted that thought should be given to the impact of arisings from drilling into chalk as chalk spoil has been seen to persist in the marine environment at other sites. Forewind has noted JNCC and Natural England's comments on inter-relationships and spoil effects, and confirms that these have been addressed in **Chapter 10**, **Chapter 12** and **Chapter 31 Inter-Relationships** (document reference F-OFL-CH-031) of the ES.
- 8.10.7. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Scoping responses and Forewind regard

- 8.10.8. The Environment Agency recommended that the cable route and area for construction in the intertidal zone should be tested for heavy metal contamination and the results of the 2012 surveys should be made available to the Environment Agency for assessment.
- 8.10.9. The Environmental Agency also noted that the areas under consideration for the cable corridor / pipeline landfall are within the vicinity of designated bathing waters, which extend up and down the North East Coast. The Designated Bathing Water Season runs from May to September of each year when samples of water are sampled for bacteriological compliance against set standards. The Environment Agency suggested that consideration should be given to minimising any potential for impact upon bathing water quality within this period.
- 8.10.10. Forewind has noted the Environment Agency's comments and confirms that the issues raised have been addressed in Section 3 and 5 of **Chapter 10** of the ES.
- 8.10.11. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.10.12. Within the JNCC and Natural England joint response, a number of comments were raised associated with marine water and sediment quality. These are summarised below alongside the regard that Forewind has had to the comments:

- Natural England and JNCC requested clarity on the criteria used to describe the sensitivities of marine water quality receptors. Forewind confirm that consideration of whether a water body may be designated (equating to value) is an important consideration in the assessment of sensitivity and the following impact assessment. This point is clarified in Section 3 of **Chapter 10** of the ES.
- JNCC are concerned that disposal material could allow subsurface contaminant to be brought to the surface and become bio-available and welcome further discussion on this issue. Forewind highlights that samples were not taken at depth as there is no reason to suspect significant historical contamination over and above that likely to be present in the surface samples. Surface samples were therefore considered representative of general sediment quality.
- JNCC and Natural England note that the impact of re-suspension of contaminated sediments is considered negligible however, no information has been presented suggesting if recovery will occur and how long this will take. Forewind note that it is assumed that this comment relates to resuspension of contaminants during installation of the cable route as very low levels of contamination were found in the offshore location. As stated in paragraph 6.3.5 of **Chapter 10** of the ES, cable installation progresses rapidly and therefore the time for resuspension of sediments (and therefore any associated contamination) is limited. The open nature of the coastline further reduces the risk that any contamination (should it be released) would be quickly diluted to background levels.
- JNCC and Natural England do not support the conclusion of minor adverse for the cumulative impacts of scour. Forewind confirm that once the scour reaches its equilibrium depth incurred by the storms, then there would be no (or very little) re-filling of the scour hole (this is based on the 'benign' nature of the sea bed across Dogger Bank). Therefore repeated re-suspension of sediment through 're-scour' would be unlikely. Further information regarding the scour assessment is provided in **Chapter 9** of the ES.
- Natural England states that the assessment should include the impacts of storm events and cumulative impacts (from Teesside Offshore Windfarm and Blythe Demonstration Project) of sediment plumes from scour. Forewind confirm that there will be a very limited amount of plume created from scour around scour protection which will be very small compared to the plume created by the cable excavation. Additionally, background concentrations of suspended solids during a storm are likely to exceed any sediment release created by operational scour of these two projects. Furthermore, cabling (the activity most likely to lead to a cumulative impact due to the coastal location of these projects) is unlikely to occur during stormy conditions.

8.10.13. In the response from the Environment Agency (North East Office), it was highlighted that in relation to bathing waters, consideration will need to be given

to when the proposed cable work commences and finishes in line with the bathing water season, whether the beach will need to be closed, and to the management of work at the beach. Forewind noted the comment from the Environment Agency and will consult with them on matters relating to bathing waters. Forewind confirmed that further information on the management of work in the beach can be found in **Chapter 35 Summary of Monitoring and Mitigation** (document reference F-OFL-CH-035) of the ES.

- 8.10.14. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.11. Marine and Coastal Ornithology (ES Chapter 11)

Main stakeholders

- 8.11.1. Ornithology is a key topic of interest for all offshore wind farm developments and this has been reflected in the extensive consultation carried out for Dogger Bank Teesside A & B at statutory and non-statutory levels, with national and international stakeholders. **Chapter 11 Marine and Coastal Ornithology** (document reference F-OFL-CH-011) of the ES (and associated appendices) presents a detailed and comprehensive assessment of the impacts of Dogger Bank Teesside A & B on birds and clearly demonstrates how stakeholder concerns and recommendations have been central to the development and execution of the EIA.
- 8.11.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.11.3. The following stakeholders provided responses with respect to marine and coastal ornithology during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - North York Moors National Park Authority;
 - North Yorkshire County Council (NYCC); and
 - JNCC & Natural England (joint response).
 - Section 47 responses:
 - Dutch Ministry for Infrastructure and the Environment.
 - Scoping responses:
 - North York Moors National Park Authority.
 - Second phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response).
 - Section 47 responses:

- The Wildlife Trusts;
- RSPB; and
- NSRAC.

8.11.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

8.11.5. The key topics discussed in relation to marine and coastal ornithology included:

- Collisions of birds with the rotating blades;
- Potential impacts on feeding patterns of seabirds;
- Mitigation measures to minimise disturbance in breeding birds;
- Cumulative impacts on sea bird populations;
- The use of Potential Biological Removal (PBR) analysis;
- Ornithological assessment methodology; and
- Potential disturbance, displacement and barrier effects on ornithological receptors.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.11.6. North York Moors National Park Authority submitted a response during the Section 42 consultation process. In this response, the North York Moors National Park Authority stated that there may some potential for conflict between some of the seabirds that breed on the North York Moor coast and the turbines if the birds forage in these areas. The Authority highlighted that these birds currently have no protection offshore and they are not part of an SPA or Site of Special Scientific Interest (SSSI), so there is relatively little that can be done under the current planning system and legislation. The Authority also requested that the breeding sea birds be considered in the EIA and any wider mitigation measures.
- 8.11.7. Forewind has had regard to the comments made in the response from the North York Moors National Park Authority and highlighted that potential impacts to coastal breeding birds will be avoided through the use of Horizontal Directional Drilling (HDD), in addition to a suite of mitigation measures to minimise disturbance to seabirds during construction outlined in **Chapter 25** of the ES. Forewind confirm that the assessment presented in **Chapter 11** of the ES considers comments raised in the responses from North York Moors National Park Authority.

- 8.11.8. NYCC stated that it was expected that the EIA would include a thorough assessment of both the onshore and offshore ecological impacts of the project, looking particularly at the impacts upon marine ecology, including nationally important sea bird populations. NYCC also stated that it is important that cumulative impacts both offshore and onshore are fully considered. Forewind has had regard to the comments from NYCC and confirms that cumulative impacts in relation to ornithology are considered in Section 10 of **Chapter 11** of the ES.
- 8.11.9. Within the JNCC and Natural England joint response, a number of comments were raised associated with marine and coastal ornithology. These are summarised below:
- JNCC and Natural England noted that whilst Tranche A is well outside the foraging range of many species of relevance to coastal SPA populations during the breeding season, it may be an area of importance to these populations pre and post breeding (and not limited to the migration period as suggested);
 - The data from The Crown Estate and Forewind studies suggest that auk species are of key significance to the site and this emphasises the need to ensure that current and future survey methodologies are robust;
 - In relation to disturbance and displacement, JNCC and Natural England noted that birds may also respond to the visual cues of turbines (as well as noise);
 - The response provided information on the mechanisms of potential barrier effect and collision risk to bird species; and
 - JNCC also noted that they are encouraged that Forewind are in consultation with the JNCC and other statutory bodies regarding the ornithological survey methodologies.
- 8.11.10. Forewind has had regard to the comments from JNCC and Natural England and highlights that the importance of the area to the features of designated sites has been considered for all periods of the year in Sections 6, 7, 8, 10 and 11 of **Chapter 11** of the ES.
- 8.11.11. Details of the methodology used to calculate population estimates have been developed over the course of the work, in consultation with stakeholders. A meeting to discuss the combined boat and aerial survey methodology was held between Forewind, the surveyors, Gardline Ltd and Hi-Def Surveying Ltd, and the JNCC in April 2010. As a result of this, a review of the methodology was instigated, led by the British Trust for Ornithology (BTO). A follow-up meeting was held in November 2010 with stakeholder representation from JNCC and the RSPB. Key topics discussed during this meeting included the following points:
- A review of survey data collection protocols;
 - A review of the survey approach and whether this was sufficient to provide a robust characterisation of the populations of seabirds present in the Zone and tranche areas within this;

- Identification of the key species for assessment and the likely effects for these species; and
 - A review of potential methodologies for assessing effects on migratory species.
- 8.11.12. The assessment of barrier effects has drawn on the methodology of Maclean et al. (2009) which defines sensitivity based on the tolerance of the species to the increased energetic costs associated with barrier effects (assessment presented in **Chapter 11**). Forewind acknowledge that there is no existing data on migration altitude for many migrant species, and thus the precautionary approach outlined in Wright et al. (2012) on this issue has been followed.
- 8.11.13. Forewind would also like to highlight that the risk of birds to collision has been assessed through the consideration of avoidance rates. Results for a range of avoidance rate have been presented, with a worst case scenario of 98% avoidance taken through to the impact assessment (assessment presented in Sections 7, 10, and 11 of **Chapter 11** of the ES). One exception is northern gannet, where 99% avoidance rate has been assumed (see Section 3 of **Chapter 11** of the ES for reasoning). The species-specific sensitivity of receptors to collision primarily reflects the tolerance of the species' populations to the mortality associated with collisions and has been considered through two approaches.
- 8.11.14. Details of the methodology used to calculate population estimates have been developed over the course of the work, in consultation with stakeholders (see above). Consideration of the potential connectivity between the development area and protected sites has drawn on recent information on the potential foraging ranges of species and specific tracking studies (see **Chapter 11** of the ES).
- 8.11.15. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.11.16. The Dutch Ministry for Infrastructure and the Environment highlighted that onshore bird colonies in the Netherlands are all situated more than 100km from the Dutch-UK border, so no effects are to be expected there. The response also stated that large east-west fluxes of migrating birds can be impacted by the presence of the wind farm and as such the project could form a barrier for migrating seabirds (especially the guillemots and razorbills). It was recommended that this should be addressed in the EIA.
- 8.11.17. Forewind has had regard to the comments from the Dutch Ministry for Infrastructure and the Environment in relation to the barrier effect on migratory birds and confirms that the effect has been considered fully within **Chapter 11** of the ES.
- 8.11.18. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Scoping responses and Forewind regard

- 8.11.19. In the Scoping response submitted by North York Moors National Park Authority, it was recommended that the EIA should address the issue of whether the wind farm is likely to affect the feeding patterns of seabirds which nest along the coastal cliffs and make up part of the diverse ecology of the National Park natural environment.
- 8.11.20. Forewind has had regard to the comments made in the Scoping response from the North York Moors National Park Authority and highlights that potential impacts to coastal breeding birds will be avoided through the use of HDD, in addition to a suite of mitigation measures to minimise disturbance to seabirds during construction which are outlined in Section 6.4 of **Chapter 25** of the ES.
- 8.11.21. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.11.22. Within the JNCC and Natural England joint response, a number of comments were raised associated with marine and coastal ornithology. These are summarised below alongside the regard that Forewind has had to the comments:
- JNCC and Natural England note that displacement data for white-billed diver, assessed as being of regional importance, have been inconsistently recorded. Additionally, clarification is sought as to why a mortality rate of 37.5% has been chosen for this species. Forewind confirm that the missing values have been included in Appendix 11A Ornithology Technical Report (Document reference F-OFL-CH-011 App.A) of **Chapter 11** of the ES. Forewind also highlight that white-billed diver was not a species that was modelled due to its scarcity. Forewind note the point regarding mortality rate for white-billed diver. The mortality rate of 37.5% for this species was derived using a scale from 0-50% applied to sensitivity scores of 1-5 from Furness & Wade (2012). Red-throated diver was included in the review by Furness & Wade (2012) – white-billed diver were assumed to show a similar species response, given their close-relatedness. The species was thus assumed to have a sensitivity score of 4 on the scale used giving the 37.5% value. This value was therefore deemed appropriate in keeping with the methodology outlined for displacement in Section 3 of **Chapter 11** of the ES.
 - JNCC and Natural England note that the percentage increase relative to baseline mortality figures for lesser black-backed gull and great black-backed gull are incorrectly presented. Furthermore, those figures provided in the Technical Appendix, Appendix 7 using Option 1 of the Band Model have incorrect increases relative to background mortality presented. Forewind confirm that the grammar in the relevant sentences has been reworded and quantities amended and clarified as necessary to clarify the

statements being made. Forewind highlights that the figures quoted by JNCC and Natural England do not show the combined Dogger Bank project numbers to be lower than for Dogger Bank Teesside A & B alone.

- JNCC and Natural England note that the approach used to estimate population sizes appears robust, however it has not been subject to specific peer review and there are a number of aspects which require further explanation. Forewind highlight that a manuscript on the population modelling has been prepared for publication in the scientific literature and is currently (January 2014) under peer-review. This provides additional of the modelling procedure and of model fit.

8.11.23. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

8.11.24. Within the response from the Wildlife Trusts, a number of comments were raised associated with marine and coastal ornithology. These are summarised below alongside the regard that Forewind has had to the comments:

- The Wildlife Trust supports the concerns of the RSPB about collision for kittiwake from Flamborough Head and Bempton Cliffs SPA. We note that the Draft ES refers to the Flamborough and Filey Coast potential Special Protection Area (pSPA) rather than the existing Flamborough Head and Bempton Cliffs SPA. Forewind confirmed that the reference to populations in the proposed Flamborough and Filey Coast pSPA, rather than the existing Flamborough Head and Bempton Cliffs SPA, follows previous advice provided by Natural England. Further information on this can be found in Sections 4, 5 and 6 of **Chapter 11** of the ES.
- The Wildlife Trust support the RSPB's views on the use of Band Option 3 Model for collision risk. We suggest that the assessment should use either Option 1 and 98% thereby facilitating cumulative impact assessment, or present both Option 3 and Option 1 across a range of avoidance rates. The Wildlife Trust state that 98% should remain the default avoidance rate for gannet, until empirical evidence is available to justify a change applicable to breeding as well as non-breeding seasons. Forewind confirm that a separate document (Forewind and SMart Wind, 2013) has been produced to provide a review of avoidance rates of seabirds at offshore wind farms and the applicability of their use within the Band collision risk model. Further information on this can be found in Sections 4, 5 and 6 of **Chapter 11** of the ES.
- The Wildlife Trust support the concerns of the RSPB that PBR has not been validated for birds or mammals. Forewind noted the concerns of the Wildlife Trust regarding PBR and has commissioned a study into the derivation of appropriate PBR values for the black-legged kittiwake and northern gannet populations of the Flamborough and Filey Coast pSPA. As well as providing justification for the parameters used in setting PBR

values (including the use of appropriate recovery factors) the study provides a technical discussion on the theoretical basis of PBR and its use in respect of setting sustainable harvest levels in respect of seabird populations. More information on this topic can be found in **Chapter 11** of the ES.

8.11.25. Within the RSPB response, a number of comments were raised associated with marine and coastal ornithology. These are summarised below alongside the regard that Forewind has had to the comments:

- The RSPB note that it is unfortunate that the number of categories and the bandwidths for flight height estimation varied over time around the critical height of the lower blade sweep. Forewind confirmed that an extra flight height category was added during the period of data collection to provide improved understanding of behaviour. Further information on this can be found in paragraph 2.1.6, Appendix 11A of **Chapter 11** of the ES.
- The RSPB state that information is not presented as to the fit of each population model for each species, so it is not possible to determine appropriateness of adopted figures in each and every case. Forewind confirm that a manuscript on the population modelling has been prepared for publication in the scientific literature and is currently (January 2014) under peer-review. This provides additional confirmation of the modelling procedure and of model fit.
- The RSPB note that the basis for regional population estimation relies on old European Seabirds At Sea (ESAS) data and therefore may not be applicable for context with recently collected site-based data. Forewind acknowledge that the baseline population estimates are based on more recent and intensive survey than those obtained from ESAS. However, the latter provide a means for assessing populations within the North Sea for all species considered and for different times of year. Further information on this can be found in paragraph 7.7.7, Appendix 11A of **Chapter 11** of the ES.
- The RSPB highlight that in relation to gannet, connectivity also applies to Bass Rock in winter. Forewind acknowledged the response and confirms that Table 4.5, Appendix 11A of **Chapter 11** of the ES has been updated with this information.
- The RSPB state that the use of Vessel Monitoring System (VMS) data for sandeel fishery is useful but restricted to one of the main prey items and highlighted that the distribution of clupeids also is associated with several breeding seabirds and adult survival. Forewind note that Danish VMS data have been used in the population modelling as a proxy for the availability of sandeels. While it is acknowledged that the distribution of other prey species such as clupeids may also help explain the distributions of some seabird species, comparative data for other prey were not available for inclusion in the assessment. Further information on this is available in paragraph 4.3.33, Appendix 11A of **Chapter 11** of the ES.

- The RSPB note that mortality rates presented for Dogger Bank Teesside A & B represent the proportion of those birds predicted to be displaced that might be lost to the population. No attempt is made to assess this effect in relation to changes in background annual mortality and consequent population-level effects for relevant SPAs or more widely. Forewind highlight that with respect to displacement, it is re-iterated that the mortality rates considered in this assessment represent the proportion of those birds predicted to be displaced that might be expected to be lost to the population in the long-term. No attempt is made to assess this effect in relation to changes in background annual mortality that would be required to bring the population to the new lower equilibrium. Further information on this can be found in Appendix 11A of **Chapter 11** of the ES.
- The RSPB note that the main collision risk assessment is based on the extended Band model (2012), Option 3, and while some results for the basic model, Options 1 and 2, are presented in the further appendices, it would be preferable that they were referred to in the assessment (Chapter 11) and it's Technical Report (11A). Forewind highlight that discussion with regards to Collision Risk Modelling options and the appropriate avoidance rates to use within Collision Risk Modelling is ongoing. To inform this, a separate document (Forewind & SMartWind 2013) has been produced to provide a review of avoidance rates of seabirds at offshore wind farms and the applicability of their use within the Band collision risk model. Further information on the Band 3 model can be found in **Chapter 11** of the ES.

8.11.26. Within the response from the NSRAC, a number of comments were raised associated with marine and coastal ornithology. These are summarised below alongside the regard that Forewind has had to the comments:

- The NSRAC state that the used of Band Option 3 in the collision risk assessment is not appropriate. It is also stated that the use of 99% avoidance rates for gannet is not, nor is it justified in the supporting text, except by reference to the Triton Knoll application. Forewind highlight that additional detail regarding the flight height modelling is provided in Johnston et al. (2014). Forewind also note that discussion with regards to Collision Risk Modelling options and the appropriate avoidance rates to use within Collision Risk Modelling is ongoing. To inform this, a separate document (Forewind and SMart Wind 2013) has been produced to provide a review of avoidance rates of seabirds at offshore wind farms and the applicability of their use within the Band collision risk model. We also note the MROG Paper "Summary of current issues with Collision Risk Modelling approaches". As is noted, further work has been commissioned by Marine Scotland that should also better inform this issue. Further information on these issues can be found in Section 4, 5 and 6 of **Chapter 11** of the ES.
- The NSRAC state that in relation to displacement and barrier effects, the additive mortality arising from displacement and barriers is unknown (Centre for Ecology and Hydrology (CEH) displacement study, Forth & Tay, Searle et al. in prep.). The CEH study is a preliminary, but valuable, step in improving our understanding of displacement and barrier effects. Forewind

acknowledge the valuable work of CEH in understanding the potential impacts on demography of displacement and barrier effects. Further discussion on the likely impacts associated with displacement is provided in an independent review (Furness, 2013).

- The NSRAC state that PBR is not appropriate for ascertaining sustainable levels of “harvest” (which we also consider a pejorative term in the context of this ES). The major concern is that PBR is invalidated.

8.11.27. Forewind noted the concerns of NSRAC regarding PBR and has commissioned a study into the derivation of appropriate PBR values for the black-legged kittiwake and northern gannet populations of the Flamborough and Filey Coast pSPA. As well as providing justification for the parameters used in setting PBR values (including the use of appropriate recovery factors) the study provides a technical discussion on the theoretical basis of PBR and its use in respect of setting sustainable harvest levels in respect of seabird populations. More information on this topic can be found in **Chapter 11** of ES.

8.11.28. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.12. Marine and Intertidal Ecology (ES Chapter 12)

Main stakeholders

8.12.1. Comments relating to marine and intertidal ecology were received from both Section 42 and Section 47 consultees during the two phases of statutory consultation.

8.12.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.

8.12.3. The following stakeholders provided responses with respect to marine and intertidal ecology during the two phases of statutory consultation:

- First phase of statutory consultation
 - Section 42 responses:
 - NYCC;
 - JNCC and Natural England (joint response); and
 - MMO.
 - Section 47 responses:
 - TVWT.
- Second phase of statutory consultation
 - Section 42 responses:
 - JNCC and Natural England (joint response);
 - Environment Agency (North East Office); and

- MMO.
- Section 47 responses:
 - Tees Valley RIGS;
 - Redcar Fishermen's Association;
 - EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society);
 - The Wildlife Trusts; and
 - North Eastern Inshore Fisheries and Conservation Authority (NEIFCA).

8.12.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.12.5. The key topics discussed during consultation were:
- Cumulative impacts on marine and intertidal ecological receptors;
 - The design of proposed surveys and consultation;
 - The use of Valued Ecological Receptors (VER) in the assessment
 - The use of HDD methods;
 - Loss of marine and intertidal habitats;
 - The disposal site characterisation
 - Impacts arising from dredging and cable laying;
 - Cable landfall location in relation to the Red Howles Site;
 - Maintenance and decommissioning impacts; and
 - Electromagnetic field impacts.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.12.6. In their response to the first phase of consultation, NYCC recommended that Forewind should consider the cumulative impacts for onshore and offshore and thorough assessment of both the onshore and offshore ecological impacts (in particular the impacts upon marine ecology).
- 8.12.7. Forewind has had regard to the comments from North Yorkshire County Council and confirmed that the cumulative impacts have been considered within Section 10 of **Chapter 12** of the ES. Forewind also confirmed that cumulative impact assessments have been undertaken for all elements of the ES.

8.12.8. Within the JNCC and Natural England joint response, a number of comments were raised associated with marine and intertidal ecology. These are summarised below:

- Biodiversity Action Plan Priority Habitats should be identified within the ES
- Temporary loss of intertidal habitats should be assessed considering area of loss, recovery period and effects upon the intertidal and the ecology and interest features it supports;
- The installation of turbine foundations, scour protection and ancillary structures will lead to direct loss of both subtidal and sediment habitat
- Detail on the realistic requirements for maintenance operations should be provided in the ES along with an assessment of their potential impacts;
- Experience from other developments has shown that whilst cabling activities were considered as a one off activity and maintenance impacts considered temporary, they have rarely been this in reality with many developments needing to undertake further remedial works to replace, repair, rebury or add additional scour protection;
- Impacts on subtidal ecology as a result of changes in physical processes, identifies the effects of foundation structures, but should be extended to include all other infrastructure (e.g. collector substations, converter stations, platforms, moorings etc.) and scour protection on the foundations and cables. The impacts of maintenance should also be included;
- The assessment should identify and assess the impacts of all maintenance activities, such as the addition or removal of scour protection; increased noise from maintenance works, and should not restrict this to pollution incidents;
- Due to the lack of knowledge about electromagnetic field impacts, this topic should be scoped into the EIA. High Voltage Direct Current (HVDC) is a new technology and the topic will require further assessment or monitoring and the approach consulted upon in more detail in the early stages of the EIA;
- The assessment should identify changes in the natural substrate by introduced structures, foundations and scour protection. The wider effects of this upon the ecological functioning of the surrounding sedimentary habitats should also be addressed;
- The proposal to leave cables *in situ* in the intertidal after decommissioning should be considered in detail within the ES and must consider the potential need for a monitoring plan for exposure;
- Decommissioning impacts upon subtidal ecology should also consider the potential impacts upon habitat and species that have developed and been supported by these structures; and

- Cumulative effects within the project from the various activities or structures from the project should be considered, rather than assessing each activity or structure independently.

8.12.9. Forewind notes the comments submitted by JNCC and Natural England covering a number of topics relating to marine and intertidal ecology. These comments have been addressed in the following sections within **Chapter 12** of the ES:

- Section 6.2 – Assessment of physical disturbance to habitats and species;
- Section 7.1 – Loss of habitat via placement of project infrastructure;
- Section 7.2 – Assessment of temporary impacts due to physical disturbance by maintenance activities;
- Section 7.3 – 7.5 – Assessment of impacts on subtidal ecology as a result of suspended sediment concentration, change in hydrodynamics and increase in sediment deposition; and
- Section 7.7 – Assessment of impacts from electromagnetic fields on benthic communities.

8.12.10. The MMO did not provide a detailed response in relation to marine and intertidal ecology during the first phase of statutory consultation for Dogger Bank Teesside A & B, but did request that they be consulted on the more detailed proposed survey designs, sample collection protocols and sample processing protocols prior to the surveys being mobilised. Forewind noted the request from the MMO and have continued consultation with the MMO on matters relating to marine and intertidal ecology.

8.12.11. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

8.12.12. TVWT recommended that the impact of alteration of habitat in the cSAC should be assessed alongside the direct loss of habitat. Forewind has had regard to the comments from TVWT and impacts on marine ecology due to habitat loss have been addressed within **Chapter 12** of the ES and **Chapter 9** of the ES.

8.12.13. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

8.12.14. Within the joint response from the JNCC and Natural England, a number of comments were raised associated with marine and intertidal ecology. These are summarised below alongside the regard that Forewind has had to the comments:

- Natural England requested further justification regarding the disposal of spoil arisings. Forewind noted the response from Natural England, and highlighted that further information on disposal of seabed preparation and drilling spoil arisings can be found in Section 6.2 of **Chapter 12** of the ES.
- Natural England advises that where cobbles (and boulders) have been identified, detailed pre construction surveys should be undertaken to categorise the habitat and inform decisions on cable micro-siting. Forewind noted the response from Natural England, and highlighted that further information on pre-construction surveys can be found in paragraph 6.9.6 of **Chapter 12** of the ES.
- JNCC has outstanding concerns regarding the sensitivity assessments, the biotope mapping which underpins the assessments and some of the conclusions drawn. Forewind noted the response from the JNCC, and confirms that further information on the sensitivity assessments can be found in Section 3.3 of **Chapter 12** of the ES.
- Natural England state that it is not clear if cobble reef was identified on the cable route. Forewind noted the response from Natural England, and confirms that further information concerning identification of cobble reef can be found in paragraph 4.4.15 of **Chapter 12** of the ES.
- Natural England queried whether the trough areas within the cSAC extend onto the cable route. Forewind noted the response from Natural England concerning additional clarity over underlying cobble base, and confirms that further information on this can be found in paragraph 4.4.17 and 4.4.18 of **Chapter 12** of the ES.
- JNCC and Natural England recommended that the two rMCZs should be given due consideration in any future assessments. Forewind noted the response from the JNCC and Natural England concerning rMCZs. **Chapter 12** of the ES has been updated based on the November 2013 designation of 27 MCZs by DEFRA. Further information is detailed in Sections 6.8.7 to 6.8.11 of **Chapter 12** of the ES.
- Natural England noted that there is no reference to the measuring bar scale on the drop down video stills. Forewind noted the response from Natural England concerning measuring bar scale, and highlight that further information on this can be found in paragraph 3.2.18 of **Chapter 12** of the ES.
- Natural England requested clarification on the loss of habitat via export cable protection. Forewind noted the response from Natural England

concerning loss of habitat via export cable protection, and confirmed that further information on this can be found in Table 5.1 of **Chapter 12** of the ES.

- Natural England requested further clarity on the phrase „near the coast“ when describing suspended sediment concentration. Forewind noted the response highlighting further clarity on suspended sediment concentration, and confirmed that this detail can be found in paragraph 6.3.7 of **Chapter 12** of the ES.

8.12.15. In the response from the Environment Agency (North East Office), it was stated that the preferred methodology for onshore connection is directional drilling under the intertidal zone. It was further stated that if this is technically unfeasible and a cofferdam is required, The Environment Agency would like to see the area reinstated to previous profile, and replanting of any flora to occur. It was also noted that all suitable pollution prevention methods should also be employed to prevent damage to this sensitive area.

8.12.16. Forewind noted the comment concerning directional drilling under the intertidal zone and confirm that further information on this can be found in Environmental Management and Monitoring Plan (EMMP) which is detailed in **Chapter 35** of the ES.

8.12.17. Within the response from the MMO, a number of comments were raised associated with marine and intertidal ecology. These are summarised below alongside the regard that Forewind has had to the comments:

- The MMO noted that no details are provided in relation to the scaling device in the video or still images from the camera system. Forewind noted the comments concerning the camera system and scaling and confirmed that further information on the scaling device used can be found in paragraph 3.2.1 of **Chapter 12** of the ES.
- The MMO highlighted that details are required in relation to the solvent used for rinsing of the glass storage jars in relation to grab samples. Forewind noted the comments concerning the type of solvent used, and confirmed that further information on this can be found in paragraph 3.2.28 of **Chapter 12** of the ES.
- The MMO noted the use of VERs in the assessment and highlighted that the true spatial impact of physical loss of the habitats identified to be present within the site will not be known prior to decisions on ‘micro-siting’ of given turbines within the individual tranches and across the zone as a whole, along with decisions on which foundation types are to be used. Forewind noted the comments concerning assessment of impacts and the uncertainty due to micro-siting of turbines post application. Further information on this can be found in paragraph 6.2.21 and 6.2.22 of **Chapter 12** of the ES, as well as **Chapter 5**.

8.12.18. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.12.19. The response from Tees Valley RIGS highlighted that the organisation have concerns in relation to the Red Howles Site at cable landfall. It is stated that the Red Howles Site was identified and assessed during 2012/2013 and considered worthy of RIGS status for the following two reasons:
- It is one of a small number of outcrops of the Calcareous Shale Member of the Redcar Mudstone Formation; and
 - The outcrop also illustrates the presence of an articular structure between Red Howles and Redcar Rocks.
- 8.12.20. The response also highlights that the Red Howles RIGS site is included in the Redcar & Cleveland Council draft Local Plan out for consultation at present and that the Purpose of the designation of the Red Howles site is to protect it from damage. Tees Valley RIGS noted that from the information provided by Forewind, it appears that the site is not directly affected by the landfall proposals. Tees Valley RIGS considers that it would be desirable that positive measure be taken during construction to ensure that accidental damage does not occur from heavy equipment or any other actions'.
- 8.12.21. Forewind noted the comments received from Tees Valley RIGS and the concern highlighted over the Red Howles site at the landfall. Forewind recognises the potential for accidental damage during construction and has reduced the size of temporary working areas around the landfall to mitigate this. Further information on this change can be found in **Chapter 5** and **Chapter 9** of the ES.
- 8.12.22. A meeting was held with fishermen from Redcar Fishermen's Association to update them on the Dogger Bank Teesside A & B projects. Commercial fisheries baseline, fish ecology studies and impact assessments were discussed as well as mitigation measures on installation of the cables. Forewind suggested that community group meetings would be a good idea, as well as early warning of surveys and operational works. Forewind noted the comments from the meeting, and confirm that further information on marine ecology can be found in **Chapter 12** of the ES.
- 8.12.23. A meeting was held with the MMO, Hartlepool fishermen, and EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society) to discuss the Teesside projects with the fishermen. An overview of commercial fisheries, fish ecology and impact assessments was given. Forewind highlighted that working group meetings would be a good idea and that Forewind will endeavour to provide all fishermen with early warning of surveys or operations. The fishermen believe that the impacts on themselves are major as opposed to minor or moderate. Forewind noted the comments received during the meeting, and confirm that further information on marine and intertidal ecology can be found in **Chapter 12** of the ES.
- 8.12.24. The Wildlife Trusts stated that they were of the opinion that Dogger Bank Teesside A & B should not be a permanent development and so at the end of its life, all traces of hard substrate should be removed, whether or not they have formed the basis for new and different seabed communities. The Wildlife Trust

also requested to be consulted upon assessing decommissioning options in the short, medium and long term.

- 8.12.25. Forewind has noted the comments from the Wildlife Trusts and confirm that the development should not be a permanent installation. Further information on this topic can be found in Section 8 of **Chapter 12** of the ES and further information on decommissioning can be found in Section 6.7 of **Chapter 5** of the ES.
- 8.12.26. In the response from the NEIFCA, it was stated that in order to reduce sediment loading in the water column as a result of dredging operations and subsequent transport and deposition in areas outside of the cable corridor, the developer should seek to infill trenches as soon as possible following dredging and laying of cable.
- 8.12.27. Forewind has noted the comments from NEIFCA concerning infilling of trenches as soon as possible after laying cables. The option of trenching and infilling as a single activity is included with the ES, more information on which can be found in Chapter 5, and in Section 3.9 of **Chapter 13 Fish and Shellfish Ecology** (document reference F-OFL-CH-013).
- 8.12.28. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.13. Fish and Shellfish Ecology (ES Chapter 13)

Main stakeholders

- 8.13.1. Comments relating to fish and shellfish ecology were received from Section 42 consultees.
- 8.13.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.13.3. The following stakeholders provided responses with respect to fish and shellfish ecology during the first phase of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - MMO;
 - Environment Agency.
 - Second phase of statutory consultation
 - Section 42 responses:
 - JNCC and Natural England (joint response); and
 - MMO.
 - Section 47 responses:
 - A member of the public (TS_2nd Stage S47_R1);

- EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society) / New Under Ten Metre Fishermen's Association (NUFTA) (joint response);
- Norwegian Fishermen's Association (Fiskebåt);
- Redcar Fishermen's Association; and
- EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society) (two responses).

8.13.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

8.13.5. The key topics that were raised during the first phase of statutory consultation were:

- The importance of fish monitoring for the project;
- Herring and sandeel habitats and survey methods;
- Sensitivity of *Nephrops* and brown crab in relation to physical disturbance;
- Spawning and nursery grounds; and
- The consideration of migratory fish.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.13.6. The response from the MMO stated that also stated that further investigation of electromagnetic field effects in the context on HVDC cables is would be required in the ES, with particular reference to elasmobranchs. The MMO also recommended that Forewind consider short-snouted seahorses.
- 8.13.7. Forewind noted the response from the MMO and highlight that the potential for electromagnetic field derived from the export cable and array cables have been addressed in the Section 7 of **Chapter 13**, including potential impacts on elasmobranch species. Forewind has noted the MMO's comments regarding short-snouted seahorses and confirms that all fish species around the project site have been considered in **Chapter 13**.
- 8.13.8. The Environment Agency stated that consideration must be given to migratory fish such as salmon and sea trout that migrate through the study area. Forewind has had regard to the Environment Agency's comments and can confirm that migratory fish are fully considered in **Chapter 13** of the ES.
- 8.13.9. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.13.10. Within the JNCC and Natural England joint response, a number of comments were raised associated with fish and shellfish ecology. These are summarised below alongside the regard that Forewind has had to the comments:
- JNCC and Natural England noted that the maximum area for physical disturbance/habitat loss during construction was inconsistent. Forewind noted the inconsistency and amended the figures in the ES accordingly, this can be found in Section 6.2 of **Chapter 13** of the ES;
 - JNCC and Natural England suggested that the relative distribution of sediment should be provided for the inshore area close to landfall and the export cable. Forewind highlighted that information on the inshore area and export cable study area is provided in paragraph 6.4.16 of Section 6.4 of **Chapter 13** of the ES;
 - The consultees requested clarification on the figures quoted for the total area of prime habitat within the Dogger Bank SA1 sandeel management area. Forewind confirmed that the methodology used to derive the estimates of sandeel habitat are provided in Appendix 13G and Section 6.3 of **Chapter 13** of the ES;
 - JNCC and Natural requested clarification on the maximum sediment thickness used in modelling. Forewind noted the comments from the JNCC and Natural England, and highlight that further information on this can be found in Section 6.5 of **Chapter 13** of the ES;
 - Consultees requested clarification on the information provided based on the reference (Bone & Moore, 2008) on larvae. Forewind noted the comments from the JNCC and Natural England, and highlighted that clarification is provided in paragraph 6.5.9 in Section 6.5 of **Chapter 13** of the ES;
 - Consultees requested information on where hard structures are likely to be introduced along the export cable corridor. Forewind noted the comments from the JNCC and Natural England and stated that further information can be found in Section 7.5 and 7.6 of **Chapter 13** of the ES;
 - JNCC and Natural England requested clarification on the number of tows undertaken during the sandeel survey. Forewind noted the request for clarification, and highlight that this can be found in Appendix 13F of the ES;
 - JNCC and Natural England supplied the Hartlepool Fishermen's Society landings value for cod and lemon sole in order to provide local context. The consultees also queried why impacts not considered at a local level. Forewind states that the report uses averaged landings weights provided by the MMO and notes the landings values provided;
 - The consultees raised questions regarding sensitivity of *Nephrops* in relation to physical disturbance to their spawning and nursery grounds, given their mobility and occupation of burrows. Forewind confirmed that the

report was updated with habitat preference and the spawning and nursery areas for *Nephrops* based on Coull et al. (1998) and Ellis et al. (2012). This information can be found in Sections 3.3 and 4.2 of **Chapter 13** of the ES; and

- JNCC and Natural England suggested a review of MarLIN information for *Nephrops* sensitivity and recoverability i.e. in relation to suspended sediment on eggs, larvae and adult. Forewind stated that the report has been updated to include information from MarLIN, which can be found in Sections 6.3 and 6.5 of **Chapter 13** of the ES.

8.13.11. Within the MMO response, a number of comments were raised associated with fish and shellfish ecology. These are summarised below alongside the regard that Forewind has had to the comments:

- The MMO advised that Ellis et al. (2012) and Coull et al. (1998) be used to define spawning and nursery grounds in addition to Ellis et al. (2010). Forewind consider that Ellis et al. (2010) and Ellis et al. (2012) provide the same information on the spatial extent of spawning and nursery habitats, albeit in different formats. Coull et al. (1998) is referenced throughout **Chapter 13** of the ES and is also reviewed in Appendix 13A of the ES;
- The MMO advised that the current International Council for the Exploration of the Sea (ICES) advice for herring in the North Sea should be considered. Forewind confirmed that current ICES advice has been reviewed, and further information can be found in Section 6.3 of **Chapter 13** of the ES, and Section 6.2 of Appendix 13A of the ES;
- The MMO advised that the northern section of the herring spawning area should not be disturbed through the peak spawning period (mid-Aug to mid-Oct) and that it is not necessary to restrict activity during the whole spawning period. Forewind noted the comments received from the MMO, and highlight that further information on findings from site specific surveys can be found in Section 4.2 of **Chapter 13** of the ES;
- The MMO advised that data from the International Herring Larval Survey (IHLS) should be considered over a series of years. Forewind confirmed that IHLS data for the ten year period 2002-2011 is presented and can be found in Appendix 13A, in figures 6.40 to 6.48;
- The MMO requested the application be supported by specific sandeel surveys to cover the whole project and not just the area described by the fishery. Forewind noted the comment and confirmed that additional text has been provided in paragraph 3.2.20 in Section 3.2 of **Chapter 13** of the ES;
- The MMO queried the methodology for estimating spatial extent of sandeel and herring habitat. Forewind confirmed that the approach used to estimate the spatial extent of sandeel and herring habitat is based on the approach of Jensen et al. (2011) and is further described in Appendix 13G and Section 6.3 of **Chapter 13** of the ES;

- The MMO requested clarification on the methodology to define the spatial extent of habitat. Forewind noted the comment and confirmed that additional text has been added to paragraph 6.3.3.1 of **Chapter 13** of the ES;
- The MMO requested clarification on whether the impact assessment for sediment includes deposition from disposal. Forewind noted the comment and highlight that additional information is provided in paragraph 6.4.14 of **Chapter 13** and **Chapter 9** of the ES;
- The MMO requested further information on piling durations. Forewind noted the request and confirmed that updated information has been provided in Section 5.1, Table 5.1 of **Chapter 13** of the ES;
- The MMO queried whether noise impacts to sandeels during their period of dormancy were assessed. Forewind noted the query and highlighted that additional information has been added to paragraph 6.8.5 in Section 6.8 of **Chapter 13** of the ES;
- The MMO suggested that *Nephrops* be listed as of 'regional' importance and not just 'local'. Forewind noted the comment and confirmed that the valuation of *Nephrops* has been amended to 'regional'. Further information on this can be found in Sections 3.3, 6.3 and 6.5 of **Chapter 13** of the ES;
- The MMO requested further detail on the distribution of brown crab in the western North Sea. Forewind noted the response and has made updates to Table 4.6 in Section 4.6 of the **Chapter 13** of the ES. Figure 6.70 in Appendix 13A has also been provided to show brown crab distribution in the central North Sea;
- The MMO suggested that the reference to The Marine Life Information Network (MarLIN) sensitivity assessment for *Nephrops* be reviewed. Forewind confirmed that the chapter has been updated, and further information can be found in Section 6.3 of **Chapter 13** of the ES;
- The MMO requested additional information regarding the effects of sediment on the nursery habitat of *Nephrops*. Forewind noted the request and additional text has been added in Section 6.5 of **Chapter 13** of the ES;
- The MMO suggested that ovigerous brown crab are likely to be more sensitive to re-deposition of fine sediment as they are effectively sessile whilst brooding their egg mass. Forewind confirmed that additional text has been added to Section 6.5 of **Chapter 13** of the ES;
- The MMO advised that Chapter 13 of the ES should be updated to recognise that brown crab is of regional importance. Forewind accepts the comments and updates can be found in Section 7.11 of **Chapter 13** of the ES;
- The MMO requested clarification on whether unbundling of cables has been considered. Forewind confirmed that cables are to be assumed unbundled as a worst case scenario and highlight that Table 5.2 has been

updated and text added to clarify in the Section 3.3 of **Chapter 13** of the ES;

- The MMO requested further discussion on the recovery of fish/shellfish species to temporary loss of habitat. Forewind noted the comments received from the MMO and highlight that further information can be found in Section 7.3 of **Chapter 13** of the ES.

8.13.12. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

8.13.13. A letter from a member of the public was received by Forewind, stating that they support the project on the basis that it will reduce fishing and be a positive impact on offshore ecology and fish. Forewind noted the letter and the positive comments from the member of the public.

8.13.14. A response was received from EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society), confirming they are pulling together information on the Draft ES for a response. Additional data from the Hartlepool Fishermen's Society was provided with the response, including an analysis of group landings, turnover, and numbers of days at sea from January 2007 to May 2013. The response also included a paper on the impact of rock armouring on *Nephrops* populations. Forewind noted the response from EPIC Regeneration Consultants LLP and recorded the information within, including the data provided. Forewind also noted the paper on rock armouring. Forewind confirm that an assessment of impacts of hard substrates on fish and shellfish ecology can be found in Section 7.7 of **Chapter 13** of the ES.

8.13.15. A meeting was held with members of the Norwegian Fishermen's Association (Fiskebåt) to update the fishermen on the Dogger Bank Teesside A & B projects ahead of the PEI3 submission and answer any questions they may have. The main topics of discussion were fish and shellfish, commercial fishing, project infrastructure and mitigation measures. The minutes for the meeting were sent out post-PEI3. At the meeting, the fishermen stated that they would likely not continue to fish within the wind farm. Forewind noted the comments from the meeting, and highlight that further information on fish and shellfish can be found in **Chapter 13** of the ES.

8.13.16. A meeting was held with fishermen from the Tees Bay area (Redcar, Marske, Saltburn) to update them on the Dogger Bank Teesside A & B projects. Commercial fisheries baseline, fish ecology studies and impact assessments were discussed as well as mitigation measures on installation of the cables. Forewind suggested that community group meetings would be a good idea, as well as early warning of surveys and operational works. Forewind noted the comments from the meeting, and highlight that further information on fish and shellfish can be found in **Chapter 13** of the ES.

8.13.17. A meeting was held with the Hartlepool fishermen in order to discuss the Dogger Bank Teesside A & B projects with the fishermen. An overview of commercial

fisheries, fish ecology and impact assessments was given. Forewind highlighted that working group meetings would be a good idea and that Forewind will endeavour to provide all fishermen with early warning of surveys or operations. The fishermen stated that they believe that the impacts on themselves are major as opposed to minor or moderate. Forewind noted the comments received during the meeting, and highlight that further information on fish and shellfish can be found in **Chapter 13** of the ES.

- 8.13.18. Within the response from EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society), a number of comments were raised associated with fish and shellfish ecology. These are summarised below alongside the regard that Forewind has had to the comments:
- EPIC Regeneration Consultants LLP stated that the inshore element of the export cable corridor shows an area of the highest concentration over a known *Nephrops* habitat. Forewind noted the comments and highlights that the importance of *Nephrops* in inshore areas is noted in Table 4.6 in Section 4.6 of **Chapter 13** of the ES.
 - EPIC Regeneration Consultants LLP highlighted concerns that so little is understood about the impact of electromagnetic field and heating effects from HVDC cabling on commercial fish stocks and any potential for electromagnetic field to create barriers to fish stock migration. Forewind noted the comments and confirmed that a review of electromagnetic field impacts and its effects are presented in Section 7.10 – 7.12 of **Chapter 13**, and **Chapter 5** of the ES.
 - EPIC Regeneration Consultants LLP requested further information on bundling of cables, research undertaken by Bochert and Zettle (2004), and the presence of historic spoil dumping areas. Forewind noted the comments and confirms that further information on the above items are described in Sections 3.3 and 7.11 of **Chapter 13** of the ES, in relation to bundling, Section 7.11 in relation to the reference given, and paragraph 6.6.4 in relation to spoil dumping areas.
- 8.13.19. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.14. Marine Mammals (ES Chapter 14)

Main stakeholders

- 8.14.1. Comments relating to marine mammals were received from both Section 42 and Section 47 consultees during both phases of statutory consultation. Further details on marine mammals are presented in **Chapter 14 Marine Mammals** (document reference F-OFL-CH-014) of the ES.
- 8.14.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.14.3. The following stakeholders provided responses with respect to marine mammals during the two phases of statutory consultation:

- First phase of statutory consultation
 - Section 42 responses:
 - JNCC and Natural England (joint response).
 - Section 47 responses:
 - Dutch Ministry for Infrastructure and the Environment.
- Second phase of statutory consultation
 - Section 42 responses:
 - JNCC and Natural England (joint response);
 - MMO; and
 - National Trust.
 - Section 47 responses:
 - Whale and Dolphin Conservation Society; and
 - The Wildlife Trusts.

8.14.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.14.5. The key topics discussed during consultation were:
- The potential effect of construction noise on marine mammals, in particular on harbour porpoise;
 - The approach to the noise assessment;
 - Secondary effects on marine mammal prey resources;
 - Mitigation of piling noise;
 - Site monitoring;
 - Alternative (non-piling) foundation installation methods;
 - The Marine Mammal Mitigation Plan (MMMP);
 - The potential impacts on grey seals; and
 - The application for an EPS licence.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.14.6. Within the JNCC and Natural England joint response, a number of comments were raised associated with marine mammals. These are summarised below:
- Detailed timelines and potential construction scenarios should be provided in the ES, particularly with regard to piling, to allow for sufficient assessment particularly with regard to sensitive species of bird and marine mammals;
 - The ES should set out the approach to noise assessment, including thresholds; units and presentation of data; and the full range of physical impacts including Temporary Threshold Shift and Permanent Threshold Shift, and the zone and duration of marine mammal avoidance / displacement;
 - Electromagnetic fields are not normally assessed against pinnipeds, however due to the lack of knowledge of effects and impacts of High Voltage Direct Current, pinnipeds should be scoped in to the EIA;
 - Impacts during decommissioning should be considered separately to construction, especially in relation to cumulative impacts; and
 - The secondary effects upon marine mammals prey resources during operation should be addressed by the EIA.
- 8.14.7. Forewind has had regard to JNCC and Natural England's comments concerning construction scenarios, noise assessments, electromagnetic fields, decommissioning and secondary effects. These areas are covered in **Chapter 5** of the ES and **Chapter 14** of the ES.
- 8.14.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.14.9. The Dutch Ministry for Infrastructure and the Environment highlighted the importance of understanding the density and distribution of harbour porpoise and the need to mitigate the negative effects on this species. The consultee also recommended that noise monitoring should be undertaken, regardless of which foundation option is used. Forewind has had regard to the comments from the Dutch Ministry for Infrastructure and Environment and can confirm that marine mammals are considered within **Chapter 14** of the ES.
- 8.14.10. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.14.11. Within the JNCC and Natural England joint response, a number of comments were raised associated with marine mammals. These are summarised below alongside the regard that Forewind has had to the comments:
- JNCC and Natural England advised that for there to be confidence in a cumulative impact assessment an agreed framework should be established under the responsibility of the regulator to investigate cumulative impacts on marine mammal populations as part of Strategic Environmental Assessments. Forewind would welcome a strategic approach to the assessment of cumulative impacts that would help remove inconsistencies in approach and reduce uncertainty. In the absence of such a strategic approach, Forewind believes that Section 10 of **Chapter 14** of the ES provides the most robust approach to cumulative assessment possible.
 - JNCC and Natural England would consider it to be beneficial if developers make a concerted attempt to reduce the acoustic output from pile driving (e.g. sleeving), to investigate alternative installation methods (e.g. suction bucket) and to plan activities within the scope of what is proposed to reduce the potential that they contribute to negative effects on populations. Forewind highlights that Appendix C in Appendix 5A of the ES provides a review of the current status of noise reduction methods, including alternate foundations. Forewind consider alternatives to pile driving with the ES, and are committed to maintaining an up to date understanding and consideration of what measures may be used to reduce any negative effects on marine mammal populations.
 - JNCC and Natural England welcome the developers' commitment to implementing the JNCC piling guidelines as mitigation and will review the development of an effective marine mammal mitigation plan (MMMP) near construction time. Forewind highlighted that as stated in paragraph 6.1.54 to 6.1.70 of **Chapter 14** of the ES, a MMMP will be developed in consultation following JNCC Guidelines, and any new developments in relation to mitigation measure through Offshore Renewables Joint Industry Programme (ORJIP).
 - JNCC and Natural England recommend that site impact monitoring is considered and that if deemed appropriate a monitoring plan is developed by Forewind in conjunction with regulators and SNCBs. Forewind confirmed that should site impact monitoring be deemed appropriate they will develop a monitoring plan in conjunction with Regulators and SNCBs.
 - JNCC and Natural England consider that the mitigation zone proposed in the Marine Mammal Mitigation Plan should reflect those predictions in the ES and cover the maximum range out to which instantaneous Permanent Threshold Shift occurs. Forewind highlighted that as stated in paragraph 6.1.63 of **Chapter 14** of the ES, if deemed appropriate at the time of development of the MMMP, Forewind will extend the mitigation zone to

prevent the possibility of instantaneous Permanent Threshold Shift (PTS) occurring in all species for the maximum hammer energy. Forewind also confirmed that the MMMP will be developed in consultation with JNCC and Natural England.

- Natural England would like clarification on the conclusion made in regards to Grey seal. Forewind confirmed that paragraph 10.4.14 of **Chapter 14** of the ES refers to moderate adverse cumulative impact on grey seal of PTS. Paragraph 10.4.38 assessed a minor adverse impact on grey seal behaviour. Full justification for the conclusion of the assessment is provided in Section 10.4 of **Chapter 14** of the ES. Table 12.4 summarised the impact from pile driving noise (PTS and behaviour combined) the heading on the column was mistakenly has underwater noise – behavioural disturbance, when it should be all types of underwater noise impact combined. Forewind note that this has been amended in the ES.
- JNCC notes that the draft ES suggests that an EPS licence will not be required for minke whale and white-beaked dolphin but is likely to be needed in relation to harbour porpoise. Forewind highlights that paragraph 2.2.33 of **Chapter 14** of the ES states that that a licence may be required for harbour porpoise, minke whale and white-beaked dolphin. Forewind also states the EPS licence will draw on the information within the ES, and any new information prior to submission of the licence application three to six months prior to construction (paragraphs 2.2.40 and 2.2.41 of **Chapter 14** of the ES).

- 8.14.12. Within the MMO response, it was noted that no actual field based baseline ambient noise measurements had been undertaken at the site. The MMO requested that further details be provided to characterise ambient noise by collecting and presenting representative background ambient noise data, as has been undertaken on other North Sea developments. Forewind noted the comments from the MMO concerning offshore subsea noise studies and the need to have field based measurements at the site. It is likely that the developer will be required to undertake noise surveys prior to and during the construction of the projects. Further information on subsea noise studies can be found in Appendix 5A of **Chapter 14** of the ES.
- 8.14.13. The National Trust highlighted concerns regarding displacement impacts during construction as well as direct impacts and stated that they would welcome the commitment to a MMMP and would like to see mitigations such a seasonal timing, ramp up piling, and use of Acoustic Deterrent Devices (ADDs). Forewind noted the concerns from National Trust on displacement impacts, and confirmed that mitigation will be outlined in the MMMP and will be designed to be appropriate to the impacts.
- 8.14.14. The National Trust also highlighted that the issue of marine mammal spiral injury does not appear within the draft ES. The National Trust stated that they consider this to be a significant omission and requested that the issue was considered. Forewind confirmed that the issue of spiral injury of marine mammals has been

is considered in the assessment in Sections 6.4, 7.4, 8.5 and in Section 10 of **Chapter 14** of the ES, under the heading 'collision risk- ducted propellers'.

- 8.14.15. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.14.16. Within the response from the Whale and Dolphin Conservation Society, a number of comments were raised associated with marine mammals. These comments were in relation to foundation types, monitoring and mitigation, EPS, Piling noise, construction periods, noise modelling, survey methodology, cumulative assessment and operational noise. Forewind noted the comments from the Whale and Dolphin Conservation Society.
- 8.14.17. The Wildlife Trusts stated in their response that they believe that comprehensive monitoring is required to test the assumptions of the assessment), so that mitigation measures can be adapted in response to any impacts that are greater than anticipated, and the collective understanding of the response of harbour porpoise to piling can be increased. Forewind confirmed that should site impact monitoring be deemed appropriate, a monitoring plan (MMMP) will be developed in conjunction with regulators and statutory nature conservation bodies (SNCBs).
- 8.14.18. The Wildlife Trusts also suggested that the developers work collaboratively with other developers to devise and deliver monitoring strategies so that lessons can be learnt and comparisons made. Forewind confirmed that as developers, they are committed to collaborative projects on monitoring and mitigation methods including the ORJIP initiative, and Disturbance Effects on the Harbour Porpoise Population in the North Sea (DEPONS) project.
- 8.14.19. The Wildlife Trust requested the opportunity to feed into the development of the cetacean monitoring programme to provide reassurance that significant impacts, if they occur can be identified at an early stage and appropriate mitigation applied. Forewind confirmed that any impact monitoring programme will be developed in consultation with regulators and SNCBs.
- 8.14.20. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.15. Commercial Fisheries (ES Chapter 15)

Main stakeholders

- 8.15.1. Inshore and offshore independent fishermen were consulted, alongside national and international representatives of the fishing industry, as part of the process since commercial fishing occurs throughout the North Sea and is undertaken by fleets from other EEA states, as well as by the UK fleet. Further information on commercial fisheries is detailed in **Chapter 15 Commercial Fisheries** (document reference F-OFL-CH-015).

- 8.15.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.15.3. The following stakeholders provided responses with respect to commercial fisheries during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - MMO;
 - Section 47 responses:
 - Northumberland Inshore Fisheries and Conservation Authority (NIFCA); and
 - Dutch Ministry for Infrastructure and the Environment.
 - Scoping responses
 - Guisborough Town Council.
 - Second phase of statutory consultation
 - Section 42 responses:
 - MMO;
 - Section 47 responses:
 - A member of the public (TS_2nd Stage S47_R1);
 - EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society) / NUFTA (joint response);
 - Norwegian Fishermen's Association (Fiskebåt);
 - Redcar Fishermen's Association;
 - EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society) (three responses);
 - Comité Régional des Pêches Maritimes et des Elevages Marins du Nord/Pas de Calais/Picardie (CRPMEM);
 - NEIFCA;
 - National Federation of Fishermen's Organisations (NFFO); and
 - NSRAC.
- 8.15.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.15.5. The key topics discussed in relation to commercial fisheries included:

- The importance of consultation with non-statutory fishing organisations;
- Fisheries Liaison Plans;
- The comprehensive assessment of impact on commercial fisheries;
- Effects on commercial fish species from HVDC and High Voltage Alternating Current (HVAC) cables;
- Possible displacement of fishermen from traditional grounds; and
- The obstruction posed by cable armouring to mobile gear activities.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.15.6. The MMO response stated that they cannot comment on surveys or the fisheries monitoring plan without further details. The response also recommended that Forewind consider it has been recognised that any of the three potential cable landfalls will be within a shellfish fisheries area. Commercial fisheries (UK and international) will need to be comprehensively covered and potential impacts appropriately assessed in the ES.
- 8.15.7. Forewind has noted the MMO's comments regarding fisheries monitoring. Fisheries monitoring is covered in **Chapter 15** of the ES.
- 8.15.8. In relation to shellfish fisheries in the area, Forewind confirm that the Dogger Bank Teesside A & B export cable corridor does not pass through Bridlington Bay, although it does transect grounds which record significant shellfish landings. In light of this, and in addition to the finfish review, a review of shellfisheries has been included within the ES. Potential impacts associated with the construction, operational and decommissioning phase of Dogger Bank Teesside A & B have been assessed for both finfish and shellfish species within Sections 6 - 8 of **Chapter 15** of the ES). Forewind also confirms that the potential impacts of Dogger Bank Teesside A & B on commercial fisheries are assessed in **Chapter 15**.
- 8.15.9. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.15.10. NIFCA confirmed that the consultation area presented at the first phase of statutory consultation was outside of their district although fishermen in their district could still be active in the area. NIFCA recommended that Forewind should consult with the North Eastern Inshore Fisheries and Conservation Authority (NEIFCA) as the consultation area is adjacent to the NEIFCA district. Forewind noted the comments made by NIFCA and have continued consultation with NEIFCA throughout the pre-application process.
- 8.15.11. The Dutch Ministry for Infrastructure and the Environment stated that they were keen to read the Fisheries Liaison Plan and stressed the importance of

connecting Natura 2000 sites and fisheries. The response also stated that they are interested in how the layout of wind farms will be made suitable for fisheries and navigation of small vessels and a risk analysis of the possibility of accidents.

- 8.15.12. Forewind has had regard to the comments from the Dutch Ministry for Infrastructure and Environment and commercial fisheries are considered within **Chapter 15** of the ES. Forewind confirm that navigational safety is considered further in **Chapter 16 Shipping and Navigation** (document reference F-OFL-CH-016) of the ES.
- 8.15.13. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Scoping responses and Forewind regard

- 8.15.14. Guisborough Town Council provided a response to the Scoping Report which stated that the damage to the Dogger Bank itself caused by the installation and operation of the Dogger Bank Teesside A & B projects would be significant to the local fishing industry.
- 8.15.15. Forewind has had regard to Guisborough Town Council's comments concerning the local fishing industry, and confirms that the assessment of impacts on the local fishing industry can be found in **Chapter 15** of the ES.
- 8.15.16. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.15.17. Within the MMO response, a number of comments were raised associated with commercial fisheries. These are summarised below alongside the regard that Forewind has had to the comments:
- The MMO state that it is assumed that Figure 6.17 shows the activity of commercial fisheries based on VMS data, but this is not clear and should be confirmed. If it is based on VMS data, it would be useful to also include a map showing the landings by ICES rectangle in order to better describe the <10m fleet trawling for *Nephrops*. Forewind noted the comment from the MMO, and confirmed that an additional figure has been included to differentiate between over-15m vessels and under-15m vessels fishing activities. Further information on this can be found in paragraph 6.2.30 of **Chapter 15** of the ES.
 - The MMO note that pots are used to catch a small amount of whelks in the area, and that *Nephrops* are caught primarily using otter trawls and subject to Total Allowable Catch (TAC). Forewind noted the comments from the MMO concerning pots and confirmed that further information on this can be found in Table 4.1 of **Chapter 15** of the ES, with further information on *Nephrops* catching methods in paragraph 4.2.7 of **Chapter 15**.

- The MMO highlighted that Hartlepool fishermen are concerned regarding HVDC and heat and magnetic fields impacts on *Nephrops*. Forewind noted the comment from the MMO concerning HVDC, heat, and magnetic field impacts on *Nephrops*, and confirmed that further information on this topic can be found in Section 7.10 of **Chapter 15** of the ES.
- The MMO strongly recommended that long term monitoring is carried out so that potential impacts on the marine community can be adequately monitored. It is also recommended that targeted monitoring be undertaken. Consistent survey gear and methodologies must be used throughout the process to allow comparability across surveys and this requires further discussion within the ES. Forewind acknowledge the comments raised by the MMO in regards to long term monitoring. Forewind note that they will commit to a monitoring plan and will consult on an appropriate level of monitoring with the MMO at the appropriate time.

8.15.18. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.15.19. A letter from a member of the public was received by Forewind, stating that they support the project on the basis that it will reduce fishing and be a positive impact on offshore ecology and fish. Forewind noted the letter and the comments from the member of the public.
- 8.15.20. A response was received from EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society), confirming they are pulling together information on the Draft ES for a response. Additional data from the Hartlepool Fishermen's Society was provided with the response, including an analysis of group landings, turnover, and numbers of days at sea from January 2007 to May 2013. The response also included a paper on the impact of rock armouring on *Nephrops* populations. Forewind noted the response from EPIC Regeneration Consultants LLP and recorded the information within, including the data provided. Forewind also noted the paper on rock armouring. Forewind confirm that an assessment of impacts of hard substrates on fish and shellfish ecology can be found in Section 7.7 of **Chapter 13** of the ES.
- 8.15.21. A meeting was held with members of the Norwegian Fishermen's Association (Fiskebåt) to update the fishermen on the Dogger Bank Teesside A & B projects ahead of the PEI3 submission and answer any questions they may have. The main topics of discussion were fish and shellfish, commercial fishing, project infrastructure and mitigation measures. The minutes for the meeting were sent out post-PEI3. At the meeting, the fishermen stated that they would likely not continue to fish within the wind farm. Forewind noted the comments from the meeting, and highlight that further information on commercial fisheries can be found in **Chapter 15** of the ES.
- 8.15.22. A meeting was held with fishermen from the Tees Bay area (Redcar, Marske, Saltburn) to update them on the Dogger Bank Teesside A & B projects.

Commercial fisheries baseline, fish ecology studies and impact assessments were discussed as well as mitigation measures on installation of the cables. Forewind suggested that community group meetings would be a good idea, as well as early warning of surveys and operational works. Forewind noted the comments from the meeting, and highlight that further information on commercial fisheries can be found in **Chapter 15** of the ES.

- 8.15.23. A meeting was held between Forewind and EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society). Topics discussed included cumulative impacts, mitigation, potential re-routing of the cables and the impact of the project on the fishing fleet. Forewind noted the points raised in the meeting and highlight that further information on impacts to commercial fisheries and associated mitigation can be found in **Chapter 15** of the ES.
- 8.15.24. A second meeting was held with the MMO, Hartlepool fishermen, and EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society) to discuss the Teesside projects with the fishermen. An overview of commercial fisheries, fish ecology and impact assessments was given. Forewind highlighted that working group meetings would be a good idea and that Forewind will endeavour to provide all fishermen with early warning of surveys or operations. The fishermen believe that the impacts on themselves are major as opposed to minor or moderate. Forewind noted the comments received during the meeting and highlight that further information on commercial fisheries can be found in **Chapter 15** of the ES.
- 8.15.25. A response was received from Comité Régional des Pêches Maritimes et des Elevages Marins du Nord/Pas de Calais/Picardie (CRPMEM) highlighting that it is difficult to say if the impact of the Dogger Bank Teesside A & B export cable corridor installation and decommissioning will be discernible or not. This is due to complex factors influencing fishing strategies including; fishing strategies, attribution of quota and the presence/absence of species not managed by EU quota with high value. CRPMEM highlighted that displaced fishermen may relocate to already exploited areas resulting in an increase of fishing density on fewer and smaller areas. CRPMEM suggested that Forewind should be in contact with CRPMEM before and during the installation and decommissioning of the export cable to assure a good coordination between cable works and the French fishing activity. Forewind noted the comments received by CRPMEM and will continue ongoing liaison with the organisation.
- 8.15.26. In the response from the NEIFCA, it was noted that inshore vessels less than 15m are often overlooked in commercial fisheries impact assessments and NEIFCA encouraged the applicant to appoint a fisheries liaison officer for the duration of the project to establish dialogue with local fishermen, in order to obtain a more accurate picture of the inshore fishing landscape and ensure that industry related concerns are addresses.
- 8.15.27. NEIFCA also highlighted that the potting industry has already been subject to displacement due to EDF Teesside Offshore Windfarm and stated that in order to minimise gear displacement and disruption to the potting industry, it would be

prudent to conduct the construction stage of inshore cable route outside of the main potting season which runs between May and October.

- 8.15.28. NEIFCA suggested that efforts are made to limit cable armouring that may pose an obstruction to mobile gear activities. Where armouring is necessary, NEIFCA recommended that materials that encourage sediment deposition, such as concrete mattresses with integrated frond mats should be used.
- 8.15.29. Forewind highlights that Figure 8.14 and 8.16 of Appendix 15A show landings values and effort (days fished) by vessel category and are utilised to detail the extent of fishing grounds for the under 15m fleet. Forewind also highlights that Section 8.4 of Appendix 15A details fishing grounds and vessel specifications as depicted by local fishermen through consultation. Forewind has maintained a local fisheries liaison officer in order to ensure well maintained dialogue with local fishermen. Consultation is also ongoing with local potting fishermen to minimise disruption. Forewind confirm that cables will be buried where feasible, however in instances where burial is not feasible, cables will be protected with the cable protection designed to withstand trawling activities.
- 8.15.30. Within the response from EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society), a number of comments were raised associated with commercial fisheries. These comments were in relation to the inshore environment, trawl plots, inshore fishing activity, fishing methods used in the inshore area, *Nephrops* fishing activity, cable protection, and mitigation measures. Forewind noted the comments from EPIC Regeneration Consultants LLP. Further detail on the issues raised is provided in **Chapter 15** of the ES.
- 8.15.31. Within the NFFO response, a number of comments were raised associated with commercial fisheries. These are summarised below alongside the regard that Forewind has had to the comments:
 - The NFFO noted that it is not clear from the data representation of fishing activity derived from VMS, what density of VMS means. Forewind noted that the clarity of density of VMS is required, and confirmed that further information on this can be found in paragraph 3.2.9 of **Chapter 15** of the ES.
 - The NFFO highlighted that measures to minimise or mitigate for the potential loss of access to the project areas are not sufficiently well defined. Forewind confirmed that it will consult with relative fisheries representatives to determine a co-existence plan, and further information on this topic can be found in Section 9.7 of **Chapter 15** of the ES.
 - The NFFO stated that the ability of fisheries to continue within the sites during construction, operation and decommissioning should be assessed. Forewind noted the comments concerning continuation of fishing during various stages of the project, and confirmed that further information on this can be found in Table 3.3 and Table 3.4 of **Chapter 15** of the ES, which explain the criteria used for assessment of impacts
 - The NFFO acknowledged that publically available data sources do not allow assessments to take into account the degree to which the individual

fishing grounds of particular fishing businesses are affected. Forewind noted the comments concerning data availability, and highlighted that requests for additional, higher resolution data have been sent to Dutch, Danish & UK fisheries representatives. Further information on this topic can be found in paragraph 3.3.10 **Chapter 15** of the ES.

- The NFFO stated that the cumulative impact assessment upon fisheries does not currently address proposed management measures for fisheries within the Dogger Bank Special Area of Conservation (SAC). Forewind noted the comment concerning cumulative impacts, and confirmed that the SAC is considered within **Chapter 15** of the ES, and charted within baseline Figure 6.3. Management measures have yet to be agreed, and further information on this topic can be found in **Chapter 15** of the ES.

- 8.15.32. In the response from the NSRAC, similar points to those raised by the NFFO were made. These have been considered above. Additionally, The NSRAC noted that the cumulative impact assessment on fisheries does not address proposed management measures for fisheries within Dogger Bank SAC. The consultee stated that they would expect this to represent a significant additional impact upon fishing activity in the area. Forewind noted the comment concerning cumulative impacts and highlights that the Dogger Bank SAC is considered within Chapter 15 of the ES and is charted within baseline figure 6.3 in **Chapter 15** of the ES. Management measures have yet to be agreed, and further information on this topic can be found in **Chapter 15** of the ES.
- 8.15.33. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.16. Shipping and Navigation (ES Chapter 16)

Main stakeholders

- 8.16.1. Comments relating to shipping and navigation were received from both Section 42 and Section 47 consultees.
- 8.16.2. Of particular note is the Hazard Workshop that was held on 1 May 2013 and attended by representatives of Forewind, Anatec Ltd, Brown and May Marine, CoS, the Danish Fishermen's Association, Dutch fishermen, the NFFO, GDF Suez, the MMO, the Maritime and Coastguard Agency (MCA), the Royal Yachting Association (RYA) and RWE Innogy UK Limited. The purpose of this workshop was to identify any navigational hazards associated with the development.
- 8.16.3. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.16.4. The following stakeholders provided responses with respect to shipping and navigation during the two phases of statutory consultation:

- First phase of statutory consultation
 - Section 42 responses:
 - THLS.
 - Section 47 responses:
 - Dutch Ministry for Infrastructure and the Environment.
- Second phase of statutory consultation
 - Section 42 responses:
 - Maritime and Coastguard Agency (MCA); and
 - THLS.
 - Section 47 responses:
 - RYA;
 - CoS; and
 - EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society).

8.16.5. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.16.6. The key topics discussed during consultation in relation to shipping and navigation were:
- Cumulative and in-combinations effects on traffic patterns;
 - The navigational risk assessment;
 - Risk mitigation measures;
 - The layout and orientation of the wind farm; and
 - The name choice for the project.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.16.7. Within the THLS response, a number of comments were raised associated with shipping and navigation. These are summarised below:
- In relation to the navigational risk assessment, THLS suggested that a comprehensive vessel traffic analysis is undertaken in accordance with the requirements of MGN 371 by means of AIS and Radar augmented by visual observations where possible;

- The possible cumulative and in-combination effects on shipping routes and other vessel traffic patterns and concentrations should be fully assessed. The ES should include the likely overall impact on routes taken by shipping of these developments and particularly those being progressed elsewhere within the Dogger Bank and in the East Anglia and the Hornsea Offshore Wind Farm Zones.
- Risk mitigation measures such as marking of structures in accordance with international standards, a decommissioning plan, and the possible requirement for navigational marking of the export and inter-array cables was also highlighted by THLS.

- 8.16.8. Forewind has had regard to the comments made by THLS, and can confirm that the relevant information concerning surveys, cumulative impacts, decommissioning and mitigation can be found in **Chapter 16** of the ES.
- 8.16.9. Forewind has noted THLS's comments on cumulative impacts, decommissioning and navigational marking. These areas and any subsequent mitigation have been addressed in **Chapter 5** and **Chapter 16**.
- 8.16.10. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.16.11. The Dutch Ministry for Infrastructure and Environment highlighted that Forewind should be aware of the Southern North Sea Offshore Wind Forum (SNSOWF).
- 8.16.12. Forewind has had regard to the comments from the Dutch Ministry for Infrastructure and Environment and navigation is considered within Chapter 16 of the ES. Furthermore, Forewind highlights that, together with other Round 3 Offshore Wind Zones, Hornsea and East Anglia, have formed the SNSOWF. The Forum has undertaken work to assess the cumulative impact on shipping and navigation of all three zones becoming operational, as well as consulting with shipping associations and government bodies from Belgium, Denmark, Germany, France and The Netherlands.
- 8.16.13. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.16.14. Within the MCA response, a number of comments were raised associated with shipping and navigation. These are summarised below:
- The MCA is satisfied that all aspects of the Navigational Risk Assessment (NRA) have been properly addressed.
 - The MCA welcome the layout rules that have been identified and are comfortable that a layout plan can be agreed within these parameters,

which appear to take account of concern that have been raised over curved layout proposals.

- MCA reiterate concern of the naming choice and use of the word “Teesside” noting there is already a Teesside Offshore Windfarm, and how both development names Dogger Bank Creyke Beck and Dogger Bank Teesside A & B can be geographically referenced and are therefore potentially confusing. MCA acknowledge and welcome Forewind’s agreement to address this concern (post application).
- MCA highlight the need to achieve uniformity of layout across the individual wind farms within the Dogger Bank Zone, layout rules, principles and agreement will be a key issue in taking this forward.
- MCA wish to see some form of linear progression of the construction programme avoiding disparate sites across the development area.
- MCA stress the need for agreed layout and construction programming to be embedded within the Deemed Marine Licence.
- MCA state that an approved ERCoP will need to be in place prior to construction being undertaken, this will be included as a formal condition of the DCO.
- MCA state that the scale of the development and distance offshore will require a high level of ‘self-help’ capability to be developed, outline proposals, or at least support to this statement should be made very clear to application within the ES.
- MCA require that a single marine controller is established that ensures a multi-disciplined activity, has an effective overall maritime coordination process in place, again this should be highlighted within the ES.”

8.16.15. Forewind noted the concerns from the MCA and highlight that further information on site layout options, layout rules and embedded mitigation measures can be found in Section 5 of **Chapter 16** of the ES, with further information on cumulative impact assessment found in Section 10 of **Chapter 16** of the ES. Forewind also confirmed that further information on mitigation measures can be found in Appendix 16A.

8.16.16. Within the THLS response, a number of comments were raised associated with shipping and navigation. These are summarised below:

- THLS has significant concerns regarding the layout of turbines at Dogger Bank and in particular Dogger Bank Teesside B. They further advise that a linear turbine layout design with no standalone structures would help reduce the risk to the mariner to as low as reasonably practicable (ALARP);
- THLS recommend that offshore site construction plans should be carefully considered to ensure an individual wind farm “grows” from a single location rather than fragments into multiple work sites and then join up at a later date. The later would be incredibly difficult to satisfactorily mitigate the risk to mariners in the area;

- THLS encourages the applicant to continue to monitor the cumulative impact of other wind farms within the southern North Sea, particularly development of the Hornsea Zone to the south, on the Dogger Bank Zone.
- It should be noted that given the proximity, size, shape and orientation of Dogger Bank Teesside B in relation to other projects, THLS are concerned with this proposed project area as the risk to the mariner may be particularly difficult to mitigate sufficiently with the use of aids to navigation.
- THLS request that the name “Teesside” be changed to reflect the geographical location of this wind farm.

- 8.16.17. Forewind noted the comments from THLS and highlighted that further information on site layout options, layout rules and embedded mitigation measures can be found in Section 5 of **Chapter 16** of the ES, with further information on cumulative impact assessment found in Section 10 of **Chapter 16** of the ES. Forewind also confirmed that further information on mitigation measures can be found in Appendix 16A.
- 8.16.18. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.16.19. In the response from the RYA, it is stated that they are content that issues previously raised by the RYA have been adequately described in **Chapter 16** of the draft ES. In response to its concerns on site layout, the RYA notes that rules have been developed that will apply to the final proposed array layout which restrict the array patterns employed. The RYA further notes that the rules will be implemented into the final DCO. Forewind noted the response from the RYA, and highlights that further information on layout options and rules can be found in Section 5 of **Chapter 16** of the ES.
- 8.16.20. Within the CoS response, a number of comments were raised associated with shipping and navigation. These are summarised below:
- CoS is generally satisfied that the development will impact minimally upon shipping and navigation in the area due to the relatively low levels of commercial traffic present;
 - CoS stated that they are concerned that when the wind farms are assessed in combination with other proposed projects in the area, both within the Dogger Bank Zone and elsewhere, the potential impacts may be higher than those assessed in isolation;
 - CoS view the update to the SNSOWF work, and addition co-operation between developers, as vital to ensuring that the cumulative impacts on shipping and navigation are assessed in a holistic manner;
 - CoS remains concerned over the proposed layouts of the wind farms in the Dogger Bank Zone, both in terms of the site boundaries and potential inconsistencies in turbine layouts;

- CoS recommends that any export cables are buried to a minimum of one metre below the seabed as recommended by the MCA. Where burial is not possible and protection is required, navigable water depth should not be reduced by more than 5% of chart datum; and
 - CoS shares the concerns of the MCA and THLS over the proposal to name the wind farms “Teesside”. The chamber would support any action by Forewind to change the name of the wind farms.
- 8.16.21. Forewind noted the comments from CoS, and highlight that further information on site layout options, layout rules and embedded mitigation measures can be found in Section 5 of **Chapter 16** of the ES. Further information on cumulative impacts can be found in Section 10 of **Chapter 16** of the ES.
- 8.16.22. In the response from EPIC Regeneration Consultants LLP (representing the Hartlepool Fishermen's Society), it was stated that there is a high likelihood that this development will have significant cumulative impacts when taken in conjunction with those already created by the Teesside Offshore Wind Farm and the Breagh pipeline. It was also highlighted that there is concern that this development will lead to yet further displacement of anchorages for Teesport-bound shipping onto traditional fishing grounds.
- 8.16.23. EPIC Regeneration Consultants LLP went on to state that should Hartlepool be selected as the construction port, it would have a significant impact on the fishermen of Hartlepool, as they could anticipate having their access into and out of port hampered by the need to accommodate shipping movements for over three and a half years. It was also recommended that Forewind consider the cumulative impact of any development and growth plans for Teesport, particularly where these will lead to either an increase in the volume of shipping or the average tonnage of vessels using the port.
- 8.16.24. Forewind has noted the concerns over cumulative impacts, and highlight that further information on this can be found in Section 10 of **Chapter 16** of the ES. Forewind has also noted the concerns over impacts to shipping, and confirm that further information on embedded mitigation can be found in Section 5 of **Chapter 16** of the ES. Appendix 16A Navigational Risk Assessment Report also contains further details of additional mitigation measures.
- 8.16.25. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.17. Other Marine Users (ES Chapter 17)

Main stakeholders

- 8.17.1. During the statutory consultation, a large number of organisations with interests in the seabed were consulted including:
- Oil and gas operators;
 - Gas pipeline operators;
 - Subsea mining operators;

- Telecommunication cable operators; and
 - The marine aggregate dredging industry.
- 8.17.2. As detailed in paragraph 8.16.2, a Dogger Bank Teesside A & B Hazard Workshop was held on 1 May 2013 and attended by a representatives of organisations with interests in the seabed. The purpose of this workshop was to identify any navigational hazards associated with the development.
- 8.17.3. Further information on other marine users is presented in **Chapter 17 Other Marine Users** (document reference F-OFL-CH-017) of the ES.
- 8.17.4. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.17.5. The following stakeholders provided responses with respect to other marine users during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - Cable and Wireless Worldwide;
 - CEMEX UK Marine Ltd;
 - Centrica Energy; and
 - Nexen Petroleum UK Limited.
 - Second phase of statutory consultation
 - Section 42 responses:
 - RWE Dea.
- 8.17.6. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.17.7. The key topics discussed during consultation were:
- Continued consultation with other marine users;
 - Interactions between the export cable and mining activities; and
 - Routing of cables with respect to existing infrastructure.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.17.8. Cable and Wireless Worldwide contacted Forewind during the first phase of statutory consultation explaining that a letter and the consultation documents had not been received. They also stated that they would respond to the consultation before the deadline. With regard to this information, Forewind provided copies of the consultation documents to Cable and Wireless Worldwide. No further response was received from the consultee in relation to the first phase of statutory consultation.
- 8.17.9. CEMEX UK Marine Ltd provided a response to the first phase of statutory consultation which requested that CEMEX's marine aggregate interests continued to be considered in the ongoing Dogger Bank Teesside A & B developments and assessments, with specific reference to marine aggregate extraction licence application areas 466 and 485.
- 8.17.10. Forewind has had regard to these comments and confirms that the licence areas will continue to be shown in appropriate figures and Forewind will continue to consult with CEMEX.
- 8.17.11. Centrica Energy provided Forewind with a map showing the relative positions of the relevant Centrica awarded licences in relation to Dogger Bank Teesside A & B. Forewind received the map and have noted the positions of the licence areas.
- 8.17.12. Centrica Energy provided a further response which raised the following points:
- Centrica has the exclusive licence (P1889) to search for, bore for and get hydrocarbons and natural gas from the seabed and subsoil. Tranche B overlies, in part, the licensed area. The overlapping of zones may impair the installation of facilities for development of their oil and gas field in the area;
 - Dogger Bank Teesside A & B is adjacent to Centrica's Cygnus project. One of Forewind's cable routes may also cross Cygnus blocks;
 - Wider Dogger Bank Offshore Zone Development Envelope overlaps with existing Centrica Upstream's infrastructure and is adjacent to their Dutch E blocks;
 - Centrica requested to be kept informed of Forewind's offshore activities and will reciprocate by providing updates to Forewind;
 - Centrica noted that the presence of the wind farm could impact Centrica's helicopter operations;
 - Forewind to confirm that scouring impact studies and Centrica request that Forewind are kept informed of the outcome of the studies; and
 - Centrica requested that Forewind's cables should be routed outwith the safety zone of Centrica's facilities. Pipeline crossing agreements may be required.

- 8.17.13. Centrica Energy emphasised in their response that they believe in the successful co-existence of both wind farm and oil and gas activities and requested regular and efficient communication between parties.
- 8.17.14. Forewind noted Centrica's comments concerning the interactions of projects, and confirmed that relevant information is presented in **Chapter 17** of the ES.
- 8.17.15. Nexen Petroleum UK Limited provided a response that stated that they had reviewed the consultation documents and concluded that they do not have any objections or comments regarding the identified offshore infrastructure. Forewind noted the response from Nexen Petroleum UK Limited and confirmed that updates would be provided to Nexen, should they be required.
- 8.17.16. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.17.17. In the response from RWE Dea, it was stated that there is a possibility that the cable route will cross the RWE-operated Lochran licence area. They also highlighted that any company carrying out work within an area in which RWE possesses a licensed interest, must receive RWE's consent before carrying out any work. Forewind noted the response from RWE Dea and highlight that further information on this can be found in Sections 4.4 and paragraph 7.3.4 of Chapter 17 of the ES.

8.18. Marine and Coastal Archaeology (ES Chapter 18)

Main stakeholders

- 8.18.1. Comments relating to marine and coastal archaeology were received from Section 42 consultees. Further information on marine and coastal archaeology is presented in **Chapter 18 Marine and Coastal Archaeology** (document reference F-OFL-CH-018) of the ES.
- 8.18.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.18.3. The following stakeholders provided responses with respect to marine and coastal archaeology during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - North Yorkshire County Council; and
 - English Heritage (Offshore Developments);
 - Scoping responses
 - English Heritage (Offshore Developments).
 - Second phase of statutory consultation

- Section 42 responses:
 - English Heritage (Offshore Developments).

8.18.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

8.18.5. The key topics discussed during consultation were:

- The importance of the archaeological Written Scheme of Investigation (WSI); and
- The need for continued consultation with English Heritage with respect to marine and coastal archaeology.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.18.6. The response from North Yorkshire Council highlighted that the proposed development lies within an area of high archaeological potential and that English Heritage advice should be sought throughout the project. Forewind has noted North Yorkshire County Council's comments concerning the high archaeological potential of the area and has addressed this in **Chapter 18** and **Chapter 27 Terrestrial Archaeology** (document reference F-ONL-CH-027) of the ES.
- 8.18.7. Within the English Heritage (Offshore Developments) response, a number of comments were raised associated with marine and coastal archaeology. There are summarised below:
- Rochdale Envelope approach – English Heritage (Offshore Developments) stated that the assessment of impact to the historic environment should apply the Rochdale Envelope approach consistently across the assessment (especially for foundation design);
 - English Heritage stressed the importance of corroboration between desk-based sources of information and direct marine survey;
 - English Heritage recommended that information produced through the ZAP process is shared with English Heritage to help support the provision of advice;
 - It is recommended that English Heritage is consulted on the specifications to be adopted for marine survey and are supplied with draft archaeological investigation reports
 - A method statement should be supplied to English Heritage for agreement prior to finalisation as part of an agreed WSI;

- The preparation of a WSI, in agreement with English Heritage is very important;
- Any archaeological reports produced through the WSI are to be agreed with English Heritage prior to the development commencing; and
- The developer is also responsible for ensuring that copies of any agreed archaeological assessment reports are deposited with English Heritage; this requirement is completed by submitting an English Heritage OASIS (Online Access to the Index of archaeological investigationS') form with a digital copy of the report.
- Forewind to consider the UK Marine Policy Statement (March 2011) when considering the need for additional archaeological surveys;
- The ES must set out how a formal protocol and watching brief will be produced; and
- Forewind should consider the Historic Seascape Characterisation programme developed by English Heritage

8.18.8. Forewind has noted the comments received from English Heritage (Offshore Developments) and set up a meeting to discuss these points in more detail. Forewind confirm that further information on methodologies and survey work can be found in **Chapter 18**.

8.18.9. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Scoping responses and Forewind regard

8.18.10. Within the English Heritage (Offshore Developments) Scoping response, a number of comments were raised associated with marine and coastal archaeology. These are summarised below:

- English Heritage consider that impacts associated with anti-scour materials during operation are a relevant consideration in reference to both export and inter-array cabling and turbines;
- In reference to the commissioning of marine surveys, English Heritage highlight the potential to encounter previously unknown archaeological sites and request that the planning of this project must be fully informed by an adequate interpretation of geophysics survey data to identify anomalies with archaeological potential;
- English Heritage stress the importance of the developer notifying us regarding further survey work and we will require the developer to produce, in agreement with us, an Archaeological WSI;

8.18.11. Forewind has noted English Heritage (Offshore Developments) comments concerning anti-scour materials impacts, geophysics survey data and a WSI. These areas are covered in **Chapter 9** and **Chapter 18**. Forewind confirm that the WSI will not form part of the submission, but is available upon request.

- 8.18.12. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.18.13. Within the English Heritage (Offshore Developments) response, a number of comments were raised associated with marine and coastal archaeology. These are summarised below:
- English Heritage highlight that the approach of only reviewing seabed anomalies measuring 5m or greater in any one dimension, does not negate action that should be taken by the developer to protect or mitigate any impact on any known, or unknown archaeological sites that might not be identified because of the resolution for interpretation that was selected;
 - English Heritage require clarification regarding some of the sensitivity values used in the assessment;
 - English Heritage require estimation of depths of seabed disturbance, so that we are in an informed position to provide advice about suitable mitigation strategies;
 - English Heritage noted the detail provided in relation to Archaeological Exclusion Zones (AEZs);
 - English support the application of the Offshore Renewables Protocol for Archaeological Discoveries (ORPAD) system;
 - English Heritage support the statements made regarding the geoarchaeological assessment exercises conducted to date, and that further analysis and data gathering exercises are to be agreed and implemented as conditions of any consent granted for this proposed project;
 - English Heritage note the attention to monitoring requirements as a component of any agreed archaeological Written Scheme of Investigation (WSI) is noted;
 - English Heritage encourage the developer to continue promotion of the Fishing Industry Protocol for Archaeological Discoveries (FIPAD), as described in Forewind's Fisheries Update 2. They suggest that this would provide a mechanism to determine if any displacement of fishing activity has resulted in more interaction with seabed archaeological sites; and
 - English Heritage support the approach advocated that mitigation measures will be applicable to all Dogger Bank offshore wind farm projects. However, in order to address cumulative impact to identified historic environment receptors it will be necessary to ensure a consistent approach to the preparation and delivery of all WSIs for all Forewind projects proposed within the Dogger Bank Zone.

- 8.18.14. Forewind noted the comments from English Heritage, and highlight that further information on all aspects of marine and coastal archaeology can be found in **Chapter 18** of the ES.
- 8.18.15. Forewind note that consideration of archaeological objectives in the planning of pre-construction surveys forms part of the WSI, as does the subsequent archaeological assessment of this data. This ensures that full consideration is given to the protection of known and unknown archaeological sites and will inform the mitigation measures required to prevent significant impacts to them from the construction, operation and decommissioning of Dogger Bank Teesside A & B.
- 8.18.16. Forewind has updated **Chapter 18** of the ES in order to remove qualitative and/or quantitative judgements in determining character while retaining descriptive text on how the character will change to inform decision making.
- 8.18.17. Forewind also highlight that a consistency in approach across all WSIs for proposed wind farms in the Dogger Bank Zone has been, and will be, applied.
- 8.18.18. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.19. Military and Civil Aviation (ES Chapter 19)

Main stakeholders

- 8.19.1. Comments relating to military and civil aviation were received from Section 42 consultees during the first phase of statutory consultation.
- 8.19.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.19.3. The following stakeholders provided responses with respect to military and civil aviation during the first phase of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - Civil Aviation Authority (CAA).
- 8.19.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.19.5. The key topics discussed during consultation were:
- Consultation with all aviation operators and service providers;
 - Lighting and marking of turbines; and
 - The charting of turbines for aviation purposes.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.19.6. Within the CAA response, a number of comments were raised associated with military and civil aviation. These are summarised below:
- Owing to the range of potential impacts upon aviation, the CAA requested that the findings of all aviation-related consultation should be presented as well as the consideration of all potential issues;
 - The CAA highlighted that consultation needs to be undertaken with aviation operators and service providers, specifically the Ministry of Defence (MoD), NATS En-route plc (NERL) and offshore helicopter operators in order to identify any potential aviation concerns;
 - The CAA also highlighted the need to ensure maximum conspicuity of the turbines by night, the CAA stated that some or all of the turbines will need to be equipped with warning lighting. The relevant legal requirements are documented within Article 220 of the UK Air Navigation Order;
 - The CAA stated that meteorological masts are difficult to acquire [detect] visually and consideration should be given to lighting and marking of any masts required; and
 - There is a requirement for turbines to be charted for aviation purposes. The Defence Geographic Centre (DGC) and CAA should be kept fully appraised of the wind farm's development.
- 8.19.7. Forewind has had regard to the CAA's comments concerning consultation, turbine lighting, meteorological mast lighting and charting of turbines. The comments are addressed in **Chapter 5** and **Chapter 19** of the ES.
- 8.19.8. Forewind confirm that consultation has been undertaken with a number of stakeholders, with further consultation anticipated as the project progresses. This consultation is included in the respective sections of **Chapter 19** and potential issues are considered in detail.
- 8.19.9. Meteorological masts will be lit in accordance with the requirements of the Air Navigation Order 2009 (ANO), and notified to the CAA and DGC for charting and marking purposes. Forewind confirm that further details are provided in paragraph 9.1.2 of **Chapter 19** and **Chapter 5** of the ES.
- 8.19.10. All turbines in the Dogger Bank Zone will be charted for aviation purposes and the DGC and CAA will be kept fully appraised of the wind farm's development. Forewind confirm that further details are provided in Section 4 of **Chapter 19** of the ES.
- 8.19.11. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

8.20. Seascape and Visual Character (ES Chapter 20)

Main stakeholders

- 8.20.1. Comments relating to seascape and visual character were received from Section 42 consultees. Further information on seascape and visual character is presented in **Chapter 20 Seascape and Visual Character** (document reference F-OFL-CH-020) of the ES.
- 8.20.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.20.3. The following stakeholders provided responses with respect to seascape and visual character during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response).
 - Second phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response).
- 8.20.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.20.5. The key topics discussed during consultation were:
- Direct and indirect impacts on seascape quality and character;
 - Direct and indirect impacts on visual receptors;
 - Direct and indirect impacts on the designated landscape of North Yorkshire and Cleveland Heritage Coast; and
 - The basis of the selection of the study area for the cable route.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.20.6. Within the JNCC and Natural England joint response, a number of comments were raised associated with seascape and visual character. These are summarised below:
- The key issues that require addressing in relation to seascape and visual character are

- Direct impacts, or physical change, to the landscape and/or seascape (i.e. impacts on the fabric/elements of the landscape/seascape, for example landform changes);
 - Indirect impacts on the character and quality of the landscape/seascape;
 - Direct impacts on the visual amenity of visual receptors, for example changes in views and their content for stakeholders; and
 - Indirect impacts on visual receptors in different places, for example an altered visual perception leading to changes in public attitude, behaviour and how they value or use a place.
- The area is adjacent to the designated landscape of North Yorkshire and Cleveland Heritage Coast, and therefore consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation.

8.20.7. Forewind has had regard to JNCC and Natural England's comments concerning landscape and seascape visual impacts. The assessment considers direct and indirect impacts on the seascape and views, as detailed in Section 6, 7, and 8 of **Chapter 20** and in **Chapter 21 Landscape and Visual Impact Assessment** (document reference F-ONL-CH-021) of the ES.

8.20.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

8.20.9. The response from the JNCC and Natural England requested that the use of a 10km study area for the cable route be explained. Natural England noted that the Scottish offshore wind farms are not referred to in the assessment and requested further justification for this.

8.20.10. Forewind highlight that the basis for the selection of the study area is provided in Section 3.2 of **Chapter 20** of the ES. Forewind also state that the nearest offshore wind farm within Scottish waters is the Firth of Forth which is located in excess of 200km. Section 10 of **Chapter 20** of the ES sets out the approach taken in selecting projects to include in the cumulative assessment and screening out offshore project located beyond 100km of Dogger Bank Teesside A & B.

8.20.11. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.21. Landscape and Visual Impact (ES Chapter 21)

Main stakeholders

- 8.21.1. Comments relating to landscape and visual resources were received from both Section 42 and Section 47 consultees.
- 8.21.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.21.3. The following stakeholders provided responses with respect to landscape and visual resources during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response); and
 - NGET.
 - Section 47 responses:
 - Lazenby Environmental Group.
 - Scoping Responses
 - RCBC; and
 - English Heritage.
 - Second phase of statutory consultation
 - Section 42 responses:
 - RCBC.
- 8.21.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.21.5. The key topics discussed during consultation in relation to landscape and visual resources were:
- The usage of the appropriate guidance documents;
 - Direct and indirect impacts on landscape quality and character;
 - Direct and indirect impacts on visual receptors; and
 - The siting and design of the converter stations.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.21.6. Within the JNCC and Natural England joint response, a number of comments were raised associated with landscape and visual resources. These are summarised below:
- The key issues that require addressing in relation to landscape and visual character are:
 - Direct impacts, or physical change, to the landscape and/or seascape (i.e. impacts on the fabric/elements of the landscape/seascape, for example landform changes);
 - Indirect impacts on the character and quality of the landscape/seascape;
 - Direct impacts on the visual amenity of visual receptors, for example changes in views and their content for stakeholders; and
 - Indirect impacts on visual receptors in different places, for example an altered visual perception leading to changes in public attitude, behaviour and how they value or use a place.
 - Proposals to incorporate measures to help encourage people to access the countryside should be encouraged, with links to other green networks and, where appropriate, urban fringe areas. Relevant aspects of Local Authority green infrastructure strategies should be incorporated where appropriate; and
 - All new development should consider the character and distinctiveness of the area, to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness. The siting and design of the proposed development should demonstrate that local design characteristics and, wherever possible, the use of local materials has been considered.
- 8.21.7. Forewind confirm that the methodology used in the assessment detailed in Section 3 of **Chapter 21** of the ES and considers direct and indirect impacts on the landscape and views.
- 8.21.8. Forewind confirm that the relevant Local Authority green infrastructure strategies will be taken account of in the development of the detailed landscape design, post application, if practicable, and in liaison with RCBC. Forewind also highlights that the proposal is located within an industrial complex and as such, public access and provision for recreation is not considered appropriate in this context.
- 8.21.9. Forewind confirm that details of the development of the siting and design as it relates to local landscape character are described in Section 5 and 6 of **Chapter 21** of the ES.

- 8.21.10. NGET requested that the location of their transmission infrastructure and any potential impact of the proposed project on their infrastructure would be taken into account in the Environmental Assessment and as part of any subsequent DCO application, including the ES.
- 8.21.11. NGET also recommended that Forewind should take into consideration all health and safety requirements (electrical safety clearances, no trees planted above or within 3m of the existing underground cable etc.).
- 8.21.12. Forewind has had regard to the comments from NGET and confirms that the location of transmission infrastructure is considered as part of the wider site selection within **Chapter 6** of the ES.
- 8.21.13. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.21.14. Lazenby Environmental Group highlighted concerns regarding the design of the converter stations, specifically the height. Forewind has had regard to the comments from Lazenby Environmental Group. Relevant impacts resulting from the development have been identified with appropriate mitigation being proposed especially based around the converter stations site and edge of Lazenby village.
- 8.21.15. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Scoping responses and Forewind regard

- 8.21.16. RCBC stated that the Landscape Institute (LI) and Institute of Environmental Management and Assessment (IEMA) Guidelines for Landscape and Visual Impact Assessment (2nd edition, 2002) and Landscape Character Assessment: Guidance for England and Scotland (Countryside Agency & Scottish Natural Heritage) are the appropriate guidance documents to follow. Forewind has had regard to the comments from RCBC, and have followed the relevant guidance for LVIA. The method of assessment is stated with **Chapter 21** of the ES.
- 8.21.17. The English Heritage response raised a number of points in relation to landscape and visual resources. These are summarised below:
- The preferred landfall area may produce coastal considerations regarding archaeology (wagon ruts on the rocks might exist and the coastline known to contain areas of submerged forest);
 - The setting of Kirkleatham Village & Hall (conservation areas) is a material consideration for proposed converter station S4. Reference should be given to the Kirkleatham Conservation Plan S5 & S6 lie near Wilton Conservation Area and Grade 1 listed church;
 - Converter stations on Greenfield land need archaeological evaluation;
 - The cable route is situated on land with demonstrable archaeology; and

- The point at which the indicative cable area narrows to the south of Kirkleatham Hall is considered to be important with regard to parkland setting, key views and vistas in relation to the village of Yearby.

- 8.21.18. Forewind has noted the comments from English Heritage and these have been taken into account during the site selection process as detailed in **Chapter 6** of the ES. The terrestrial archaeology impact assessment is detailed within **Chapter 27** and Appendix 27A of the ES.
- 8.21.19. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.21.20. In the response from RCBC, it was stated that the proposed works and mitigation works are considered to be acceptable. It also stated that the proposed mitigation works at the southern end of the Wilton Complex adjacent to Lazenby are considered to provide a suitable level of screening. Forewind noted the consultation response and that the mitigation measures are considered suitable. Forewind also highlight that further information on this can be found in paragraph 6.3.14 of **Chapter 21** of the ES.
- 8.21.21. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.22. Socio-economics (ES Chapter 22)

Main stakeholders

- 8.22.1. Comments relating to socio-economics were received from both Section 42 and Section 47 consultees during the two phases of statutory consultation.
- 8.22.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.22.3. The following stakeholders provided responses with respect to socio-economics during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - Loftus Town Council.
 - Section 47 responses:
 - Ramblers Volunteers Footpath Secretary; and
 - Ian Swales, MP.
 - Scoping responses
 - Scarborough Borough Council.

- Second phase of statutory consultation
 - Section 42 responses:
 - RCBC.

8.22.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

8.22.5. The key topics discussed during consultation in relation to socio-economics were:

- The provision of jobs and training for the local community;
- The local supply chain;
- The socio-economic impact on the surrounding area; and
- The anticipated port location(s).

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.22.6. Loftus Town Council stated in their response to the first phase of statutory consultation that they hope there will be opportunities for employment for the local area during the construction and maintenance of the project.
- 8.22.7. Forewind has had regard to the comments made by Loftus Town Council and confirms that the assessment determined that job creation will result in both the regional and UK markets during construction and the operation as detailed in Sections 6.2 (construction) and 7.1 (operation) of **Chapter 22** of the ES.
- 8.22.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.22.9. The Ramblers Volunteers Footpath Secretary stated that there could be employment benefits for the local area if local labour is used for the construction and maintenance of Dogger Bank Teesside. Forewind confirmed that they would use local labour wherever possible and that overall employment benefits are anticipated for the local area.
- 8.22.10. Ian Swales, MP for the constituency of Redcar requested details of community support that Forewind might consider in light of the low number of jobs that would be created. Forewind responded to confirm that the project would create the potential for thousands of jobs and provided the Office for Renewable Energy Development (ORED) communication detailing the number of jobs

already announced by the renewable industry to date. Forewind noted the comments and provided further details on Champions for Wind programme.

- 8.22.11. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Scoping responses and Forewind regard

- 8.22.12. Scarborough Borough Council noted that the administrative area of Scarborough Borough is immediately adjacent to the study area, and includes the ports of Whitby and Scarborough as well as large areas of the North York Moors National Park. Scarborough Borough Council therefore considered that the socio-economic impact of the development as it affects the Borough should also be assessed both during construction and subsequent operation.
- 8.22.13. Forewind has had regard to the comments made by Scarborough Borough Council. Forewind has not made a decision in relation to ports to be used for construction of the wind farm. As such, it is not possible to present a meaningful assessment of socio-economic impacts of the influx of workers at a named port town. Once a construction port has been confirmed, Forewind will work with the port authority and relevant Local Authority to ensure that any effects are adequately understood and measures proposed where relevant.
- 8.22.14. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.22.15. In the response from RCBC, further information was requested on the anticipated port location(s), job creation, training and skills opportunities. The consultee also stated that given the job numbers during construction phase provided in the draft ES, there will be an increased demand on accommodation, eating establishments, transport, and possibly retail. RCBC highlighted that it would be beneficial to understand more about these requirements.
- 8.22.16. Forewind noted the request for more information and details and Forewind confirmed that they will continue to consult the council on these matters going forward. Forewind highlighted that further information on socio-economic impacts can be found in **Chapter 22** of the ES.
- 8.22.17. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.23. Tourism and Recreation (ES Chapter 23)

Main stakeholders

- 8.23.1. Comments relating to tourism and recreation were received from Section 42 consultees. Further information on tourism and recreation is presented in **Chapter 23 Tourism and Recreation** (document reference F-ONL-CH-023) of the ES.
- 8.23.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.23.3. The following stakeholders provided responses with respect to tourism and recreation during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response).
 - Section 47 responses:
 - Ramblers Volunteers Footpath Secretary.
 - Scoping responses:
 - Scarborough Borough Council.
 - Second phase of statutory consultation
 - Section 42 responses:
 - RCBC; and
 - Environment Agency (North East Office).
- 8.23.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.23.5. The key topics discussed during consultation in relation to tourism and recreation were:
- The consideration of potential tourism and recreational impacts on North York Moors National Park;
 - Measures to encourage the public to access the countryside;
 - Potential impacts on Public Rights of Way (PRoW);
 - Potential impacts on the Cleveland Way National Trail;
 - Potential construction impacts on tourism and recreation;
 - The potential impacts on the cable landfall at the beach during the construction phase; and

- Appropriate mitigation measures.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.23.6. Within the JNCC and Natural England joint response, a number of comments were raised associated with tourism and recreation. These are summarised below:
- JNCC and Natural England stated that they would encourage any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged;
 - Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of Local Authority green infrastructure strategies should be incorporated where appropriate;
 - The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development;
 - Consideration should also be given to the potential impacts on the adjacent/nearby Cleveland Way National Trail; and
 - Appropriate mitigation measures should be incorporated for any adverse impacts.
- 8.23.7. Forewind welcomed the comments provided by JNCC and Natural England and confirmed that the potential impacts to footpaths, bridleways and other PRoW are discussed in Section 6, **Chapter 23** of the ES. Forewind also confirmed that the EIA considers public open land and PRoW and coastal access routes in the vicinity of the development in Section 6, **Chapter 23**, and consideration has also been given to the Cleveland Way National Trail. Appropriate mitigation measures have been incorporated for any adverse impacts.
- 8.23.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.23.9. The Ramblers Volunteers Footpath Secretary stated that Forewind should focus on minimum disruption to public rights of way. Forewind noted the comments from the Ramblers Volunteers Footpath Secretary and confirms that further details on potential impacts to public rights of way can be found in **Chapter 23** of the ES.

- 8.23.10. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Scoping responses and Forewind regard

- 8.23.11. Scarborough Borough Council stated that the recreational and tourism impact on the Borough should also be included in the assessment and that such impacts on the North York Moors National Park should not be scoped out as proposed. Scarborough Borough Council highlighted that the Moors provide a significant asset for Teesside and many Teesside residents and visitors use it for recreational and tourism. The 5km distance from the study area is not considered a sufficient reason to exclude these impacts from the assessment.
- 8.23.12. Forewind welcomed the comments from Scarborough Borough Council and confirmed that the impacts on tourism and recreation are considered fully in **Chapter 23** of the ES. Forewind also confirmed that the North York Moors National Park has been scoped into the impact assessment and the assessment of impacts to this feature is described in Section 6, **Chapter 23** of the ES. Forewind highlight that impacts on socio-economics are discussed in full in **Chapter 22**.
- 8.23.13. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.23.14. A meeting was held between Forewind and RCBC within which the PRoW officer confirmed that he is in agreement regarding the scope and impacts of the assessment and confirming that he has no further comments to make in relation to the proposals. Forewind acknowledged the response from RCBC and highlighted that further information on the assessment of impacts is provided in Sections 6 – 8 of **Chapter 23** of the ES.
- 8.23.15. In the response from the Environment Agency (North East Office) it was recommended that consideration needs to be given to when or if the beach will be closed and the extent of any closure, as well as management of the work on the beach including excavations, dewatering, pumping etc. Forewind has noted the comments from the Environment Agency and highlighted that the potential impacts of beach closures are discussed in Section 6 of **Chapter 23** of the ES.
- 8.23.16. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.24. Geology, Water Resources and Land Quality (ES Chapter 24)

Main stakeholders

- 8.24.1. Comments relating to geology, water resources and land quality were received from Section 42 and Section 47 consultees.
- 8.24.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.24.3. The following stakeholders provided responses with respect to geology, water resources and land quality during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - Environment Agency.
 - Scoping responses
 - Environment Agency.
 - Second phase of statutory consultation
 - Section 42 responses:
 - Environment Agency (North East Office); and
 - RCBC.
 - Section 47 responses:
 - Tees Valley RIGS (two responses).
- 8.24.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.24.5. The key topics discussed during consultation in relation to geology, water resources and land quality were:
- The requirement of a Site Waste Management Plan (SWMP);
 - The approach and methodology of the FRA;
 - The requirement and methodology of the Water Framework Directive (WFD) Assessment;
 - Appropriate measures for crossing watercourses;
 - The avoidance of the Red Howles RIGS; and
 - Coastal erosion and sea defences.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.24.6. Environment Agency's response, they stated that they would welcome the opportunity to meet with Forewind and discuss:
- Comments on PEI1;
 - The sequential approach and rationale to be presented in relation to flood risk;
 - The reinstatement of ground levels to the pre-construction level if laying cables within flood zones;
 - Appropriate measures for crossing watercourses;
 - Surface water drainage from these sites;
 - The use of HDD method through sea defences. New defences to be built. Forewind should contact the Environment Agency as soon as will have the preferred landfall location; and
 - Coastal erosion to be taken into account.
- 8.24.7. Forewind has noted the response received from the Environment Agency and highlight that they have undertaken full consultation with the Environment Agency during the site selection elements of the proposal, in particular regarding the converter stations site selection.
- 8.24.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Scoping responses and Forewind regard

- 8.24.9. Within the Environmental Agency response, a number of comments were raised associated with geology, water resources and land quality. These are summarised below:
- The Environment Agency advised that under the Environmental Permitting Regulations 2010 any proposals to deposit, treat, store or dispose of any waste material may require an Environmental Permit or specific exemption obtained from the Environment Agency;
 - The project will require the preparation of a SWMP in accordance with the Site Waste Management Plan Regulations 2008; and
 - The Environment Agency recommended that Forewind should consider how they can incorporate recycled/recovered materials into the building programme and should be encouraged to commit to the Government's Waste Recycling Action Programme's (WRAP) Halving Construction and Demolition Waste to Landfill by 2012 policy, if they have not already done so.

- 8.24.10. Forewind has had regard to the response received from the Environment Agency, and have undertaken full consultation with them during the FRA, the WFD Assessment, water resources and waste management elements of the EIA and the site selection elements of the proposal. These elements are fully considered in **Chapter 24** of the ES.
- 8.24.11. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.24.12. In the response from the Environment Agency (North East Office) it was stated that the development proposal should take into account the WFD in terms of maintaining good ecological and chemical status of surface and groundwater's within the study area. It was also highlighted that consent may be required for water-crossings, from either the Environment Agency or Local Authority. Forewind note the comments from the Environment Agency and confirmed that a WFD assessment has been undertaken and can be found in Appendix 24E, **Chapter 24** of the ES.
- 8.24.13. In the response from RCBC, it was stated that the Council have no issues to raise concerning land quality and the presence of contaminated land, however should any further discussions be required these should be with the Council's environmental protection team. RCBC also highlight that comments have been raised in relation to flood risk and the treatment of surface water particularly with regard to the converter stations. RCBC advised that discussions should take place with the Environment Agency and Sembcorp Utilities (UK) Limited who help in the operation and running of the wider Wilton Complex.
- 8.24.14. Forewind noted that RCBC had no further comments regarding land quality and the presence of contaminated land. Any further discussions required will be raised with the Council's environmental protection team. Further discussions with Sembcorp Utilities (UK) Limited and the Environment Agency will be undertaken to discuss surface water management for the converter stations during further design stages of the project.
- 8.24.15. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.24.16. A response was received from Tees Valley RIGS stating that there was an area of Red Howles which they would like Forewind to avoid. Forewind noted the response and the area of the coastline the Tees Valley RIGS would like to be avoided. Forewind confirmed that they would research the Red Howles area and whether or not this will be avoided during construction. Forewind also highlighted that further information on this can be found in Section 4 of **Chapter 24** of the ES.

- 8.24.17. In a further response from Tees Valley RIGS, it was advised that it would be desirable that positive measures are taken during construction to ensure that accidental damage does not occur from heavy equipment or any other actions to the Red Howles Site. Forewind has noted the response from Tees Valley RIGS and confirmed that no direct impacts would occur at the Red Howles RIGS and further information on the cable route can be found in Section 4 of **Chapter 24** and in Appendix 24A of the ES.
- 8.24.18. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.25. Terrestrial Ecology (ES Chapter 25)

Main stakeholders

- 8.25.1. Comments relating to terrestrial ecology were received from both Section 42 and Section 47 consultees.
- 8.25.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.25.3. The following stakeholders provided responses with respect to terrestrial ecology during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - North York Moors National Park;
 - North Yorkshire County Council; and
 - JNCC & Natural England (joint response).
 - Section 47 responses:
 - Durham Bat Group ; and
 - Tees Valley Wildlife Trust.
 - Scoping responses
 - North York Moors National Park.
 - Second phase of statutory consultation
 - Section 42 responses:
 - Natural England;
 - JNCC & Natural England (joint response);
 - The Forestry Commission (Yorkshire and North East Area); and
 - RCBC.
- 8.25.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for

Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.25.5. The key topics discussed during consultation in relation to terrestrial ecology were:
- The potential impacts on onshore habitats and species;
 - The potential impacts on wintering birds on the coastal fields at the landfall, particularly in relation to golden plover and lapwing; and
 - The use of HDD and the impacts on the Redcar to Saltburn Coast Local Wildlife Site (LWS).

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.25.6. North York Moors National Park provided some comments on ornithology impact assessment (migratory waders, merlin, other seabirds that breed on the North York Moor National Park coast) before the start of the consultation period. Forewind requested that North York Moors National Park respond to the formal Scoping consultation to ensure their comments are considered by the Planning Inspectorate. North Yorkshire County Council highlighted that cumulative impacts require consideration for onshore and offshore and thorough assessment of both the onshore and offshore ecological impacts (in particular the impacts upon marine ecology, including nationally important sea bird populations). Forewind has had regard to the comments from North Yorkshire County Council and cumulative impacts on terrestrial ecology receptors have been considered within Section 10 of **Chapter 25** of the ES. Offshore cumulative impacts in relation to ornithology have been considered in **Chapter 11** of the ES.
- 8.25.7. Within the JNCC and Natural England joint response, a number of comments were raised associated with terrestrial ecology. These are summarised below:
- JNCC and Natural England recommend that Forewind consider the likelihood that the proposal will have a significant effect on internationally designated sites and therefore will require assessment under the Habitats Regulations;
 - There should be full consideration of impacts on habitats and species, including:
 - Historical survey data;
 - Status of habitats and species;
 - Development effects; and
 - Mitigation or compensation details.

- Ornithological studies should include surveys of wintering, breeding and passage species which are qualifying features of the Special Protection Area (SPA), and impacts including direct habitat loss, displacement and disturbance should be considered; and
- Forewind should take an ecosystem approach to inter-relationships and consider inter-relationships when looking at impacts.

- 8.25.8. Forewind has had regard to the comments from JNCC and Natural England and can confirm that an assessment has been undertaken as part of the HRA. Forewind highlights that impacts on all appropriate ecological receptors have been considered within the ES, with terrestrial ecology receptors considered in **Chapter 25** of the ES. Two years wintering bird data and one year passage and migration data has been obtained as presented in **Chapter 11** of the ES.
- 8.25.9. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.25.10. Durham Bat Group provided a response to the first phase of consultation before the start of the statutory period, providing comments and requesting sight of the EIA for the proposals. Durham Bat Group described the potential for migratory bats to be crossing the North Sea. The response also highlighted the protected status of bats and stated that the Durham Bat Group expects the surveys would conform to relevant guidelines and the work would be conducted by suitably qualified and licenced bat ecologists.
- 8.25.11. Forewind has had regard to Durham Bat Group's comments and confirmed that all bat surveys were undertaken by suitably qualified and licensed ecologists and in accordance with Bat Conservation Trust (BCT) guidelines as presented in Section 4.4 of **Chapter 25** of the ES.
- 8.25.12. Tees Valley Wildlife Trust stated that they were satisfied with the approach taken and the options presented in relation to the landfall and converter stations. The response highlighted the local importance of the beach in the area which is also designated as a LWS, and "The Stray" which is a coastal strip immediately behind the beach and designated as locally important grasslands.
- 8.25.13. Forewind noted the comments from Tees Valley Wildlife Trust and confirmed that impacts on designated sites have been considered in Section 6 of **Chapter 25** of the ES. Forewind also confirmed that designated sites are considered further in **Chapter 8** of the ES.
- 8.25.14. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Scoping responses and Forewind regard

- 8.25.15. North York Moors National Park stated that the EIA should address the issue of whether the wind farm is likely to affect the feeding patterns of seabirds which nest along the coastal cliffs and makeup part of the diverse ecology of the

National Park natural environment. Forewind has had regard to the comments from the North York Moors National Park and confirmed that the impacts to coastal breeding birds will be avoided through the use of HDD, in addition to a suite of mitigation measures to minimise disturbance to seabirds during construction outlined in Section 6.4, **Chapter 25** of the ES.

- 8.25.16. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.25.17. Within the Natural England response, it was advised that given the variation in the number of golden plover and lapwing using the coastal fields, further evidence is required (desk based study and additional survey) before they can make an informed judgement upon the impact to these populations. Forewind noted the suggestion and highlighted that further information on study and survey can be found in Section 6 of **Chapter 25** of the ES.
- 8.25.18. Within the JNCC and Natural England joint response, a number of comments were raised associated with terrestrial ecology. These are summarised below:
- Natural England stated that they are in agreement with the assessment of impacts on designated sites and would advise the use of HDD to avoid impacts on the Redcar to Saltburn Coast LWS;
 - Natural England consider that the mitigation measures with regard to protected species such as bats, breeding birds, otter and badger are appropriate; and
 - Natural England highlighted concerns over wintering birds on the coastal fields at the landfall and notes that large numbers of golden plover were using the coastal fields in November and December. It is also stated that concerns remain regarding the number of golden plover (and lapwing) remaining during January to March since numbers fluctuate between survey years. Natural England suggested that further information is required to support mitigation proposals.
- 8.25.19. Forewind highlighted that information on designated sites within the study area is provided in Section 4.1, with impacts considered in Section 6.2 of **Chapter 25** of the ES. Forewind also confirmed that mitigation measures for protected species have been committed to, as outlined in Sections 6.4 & 6.5 of **Chapter 25** of the ES.
- 8.25.20. Forewind has noted the comments on wintering birds and the concern over numbers during winter months. Forewind has undertaken additional winter surveys and desk top studies to monitor the levels of wintering birds and have reported the findings back to Natural England. Further information on wintering birds can be found in Section 4.6 of **Chapter 25** of the ES.
- 8.25.21. In the response from the Forestry Commission (Yorkshire and North East Area), it was stated that as there are no areas of ancient woodland that would be

affected by the project, the Forestry Commission has no comments to make in relation to the proposals. Forewind noted the response from the Forestry Commission.

- 8.25.22. In the response from RCBC, it was stated that the Council had no further comments to add on terrestrial ecology. Forewind noted that there are no further comments from the consultee.
- 8.25.23. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.26. Land Use and Agriculture (ES Chapter 26)

Main stakeholders

- 8.26.1. Comments relating to land use and agriculture were received from both Section 42 and Section 47 consultees.
- 8.26.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.26.3. The following stakeholders provided responses with respect to land use and agriculture during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - Envoy Asset Management Limited, Independent Power Networks Limited, Independent Pipelines Limited, and Quadrant Pipelines Limited (joint response);
 - ICI Chemicals and Polymers Limited;
 - JNCC & Natural England (joint response);
 - Northumbrian Water Limited;
 - GTC Pipelines Limited; and
 - NGET.
 - Section 47 responses:
 - National Farmers Union; and
 - Lazenby Environmental Group.
 - Second phase of statutory consultation
 - Section 42 responses:
 - Northern Gas Networks Limited;
 - ES Pipelines, ESP Connections Limited, ESP Electricity Limited, and ESP Networks Limited (joint response); and
 - NGET.

- 8.26.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.26.5. The key topics discussed during consultation in relation to land use and agriculture were:
- The presence and consideration of existing infrastructure;
 - Decommissioning and replanting;
 - The consideration of the York Potash Project; and
 - Potential impacts on agricultural practices.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.26.6. Envoy Asset Management provided a response on behalf of the following companies:
- Independent Power Networks Limited;
 - Independent Pipelines Limited; and
 - Quadrant Pipelines Limited.
- 8.26.7. The response contained plans of their gas networks in the area and a copy of their safety document 'Safe Working in the Vicinity of Independent Pipelines Limited and Quadrant Pipelines Limited Gas Systems'. Envoy Asset Management confirmed that the three companies stated above do not operate any electricity infrastructure in the area.
- 8.26.8. Forewind has noted the comments from Envoy Asset Management and the respective companies they represent, and can confirm that the information on utilities is considered in Section 4.2 of **Chapter 26** of the ES.
- 8.26.9. Within the ICI Chemicals and Polymers response, a number of comments were raised associated with land use and agriculture and the Bran Sands site. These are summarised below:
- The Bran Sands site is regulated by an environmental permit, which remains in place and site cannot be split;
 - The site has been capped to a standard agreed with the Environment Agency and based on a risk assessment. All excavations would require the involvement of the Environment Agency;
 - There is an obligation to manage landfill gas on the site;
 - The Site was used for over 40 years for the disposal of industrial waste;

- Phase 1 of the site has the Northumbrian Water water treatment plant on it on a long term lease; and
 - There is a complex network of way leaves and pipe corridors on the perimeter of the site.
- 8.26.10. Forewind has had regard to the comments from ICI Chemicals and Polymers concerning an onshore proposal site and confirms that further information on site selection and ground contamination can be found in **Chapter 6** and **Chapter 24**, respectively.
- 8.26.11. Within the JNCC and Natural England joint response, a number of comments were raised associated with land use and agriculture. These are summarised below:
- The ES should consider whether there is land in the area affected by the development qualifying for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest;
 - Decommissioning and replanting should be detailed and assessed as fully as possible;
 - The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development and potential impacts on the adjacent/nearby Cleveland Way National Trail;
 - The EIA process should detail the measures to be taken to ensure the design of the converter stations will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit;
- 8.26.12. Forewind has had regard to the response from JNCC and Natural England, and where appropriate the issues raised have been considered within **Chapter 26** of the ES. Where those items are inter-related, these have also been considered within Section 9 of **Chapter 26** of the ES.
- 8.26.13. The response from Northumbrian Water provided a contact for asset protection and requested another copy of PEI1 on CD. Northumbrian Water requested a meeting with Forewind once the cable route and the location of the converter stations site were more defined.
- 8.26.14. Forewind has noted the response from Northumbrian Water and confirm that the cable route and the location of the converter stations site has been considered within **Chapter 6** of the ES.
- 8.26.15. A response was received from GTC Pipelines Limited which requested confirmation of where the Dogger Bank Teesside A & B project was located. Forewind noted the response from GTC Pipelines Ltd and responded to inform the consultee of the project locations.
- 8.26.16. National Grid requested that the location of their transmission infrastructure and any potential impact of the proposed project on their infrastructure are taken into account in the Environmental Assessment and as part of any subsequent

Development Consent Order application, including the ES. Forewind has had regard to the response from National Grid, and can confirm that National Grid infrastructure has been considered in Section 4.2 of **Chapter 26** of the ES.

- 8.26.17. A further response was received from GTC Pipelines Limited within which it was stated that they have existing infrastructure in the area of Forewind's proposed works and provided copies of maps showing the location of their gas pipelines in Teesside. Forewind has had regard to the comments from GTC Pipelines Limited and can confirm that information on utilities is included in Section 4.2 of **Chapter 26** of the ES.
- 8.26.18. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.26.19. The National Farmers Union stated that not very many queries had been raised by their members in relation to Dogger Bank Teesside, although several concerns had been raised regarding the York Potash Project in Teesside. Forewind has noted the comments from National Farmers Union, and confirms that the York Potash Project has been considered as part of the Cumulative Impact Assessment in Section 10 of **Chapter 26** of the ES.
- 8.26.20. Lazenby Environmental Group raised concerns about the impact of the proposed development on residential areas and farmland in the Lazenby area. Forewind can confirm that potential impacts to farming and agricultural practices are considered in Sections 6, 7, 8, 9 and 10 of **Chapter 26** of the ES.
- 8.26.21. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.26.22. In the response from Northern Gas Networks, it was highlighted three locations where the cable route would cross their infrastructure and the type of infrastructure it is. The consultee also stated that method statements will be required identifying how the proposed cables are to cross, and the differences between Northern Gas Networks infrastructure. Forewind noted the response from Northern Gas Networks and the request for method statements. These will be progressed in the pre-construction phase of the project by the developer. Further information on crossing techniques can be found in **Chapter 5** and further information on infrastructure can be found in Section 4 of **Chapter 26** of the ES.
- 8.26.23. In the joint response from ES Utilities, accounting for ES Pipelines, ESP Electricity, ESP Networks, and ESP Connections, it was highlighted that they have a new pipeline in the village of Lazenby, but that it is assumed it will not be affected by Forewind's works. Forewind noted the response and the highlighted

pipeline. Forewind confirmed that work on the projects should not interact with the infrastructure.

- 8.26.24. National Grid responded, highlighting their existing infrastructure in the area of the cable route, current protection and guidance on their assets and the construction rules Forewind should follow. Forewind noted the response from National Grid Electricity Transmission and the requirements they have set out, and confirmed that protective provisions are included in the Draft DCO as submitted. The potential impacts associated with NGET's proposals are considered at a high level throughout the ES. Cables and pipeline crossings are the focus of discussions between Forewind and cable and pipeline operators. Site selection has taken these considerations into account. Forewind also confirmed that connection works to the NGET are provided for in Works 9 in the Draft DCO.
- 8.26.25. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.27. Terrestrial Archaeology (ES Chapter 27)

Main stakeholders

- 8.27.1. Comments relating to terrestrial archaeology were received from both Section 42 and Section 47 consultees.
- 8.27.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.27.3. The following stakeholders provided responses with respect to terrestrial archaeology during the two phases phase of statutory consultation:
- First phase of statutory consultation
 - Section 42 response:
 - English Heritage (North East Office).
 - Section 47 response:
 - Tees Archaeology.
 - Scoping response:
 - English Heritage.
 - Second phase of statutory consultation
 - Section 42 responses:
 - English Heritage (North East Office); and
 - RCBC.
- 8.27.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for

Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.27.5. The key topics discussed during consultation in relation to terrestrial archaeology were:
- Archaeological considerations at the preferred landfall area;
 - Consultation with relevant archaeological bodies;
 - Conservation areas in proximity to the proposed converter stations site; and
 - The need for archaeological evaluation of converter stations site locations.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.27.6. The response from English Heritage (North East Office) confirmed that Forewind has been following best practice for offshore geotechnical and geophysical aspects. Several other points are made in the response, and are summarised below:
- If site 2¹⁷ option is pursued, this would land the cabling within a Green Wedge in the adopted Core Strategy for Redcar & Cleveland. It would, however, avoid known assets within the Marske Conservation Area and some Grade II listed buildings outwith that being the closest. Further archaeology assessment to be done;
 - Sites 1, 2 and 3¹⁸ lie within an already highly industrial landscape so are less likely to be so sensitive overall;
 - Site 4¹⁸ close to Conservation Area, and several important Grade I and II* listed buildings and structures;
 - Sites 5 and 6¹⁸ lie near to Wilton Conservation Area and a Grade I listed church, some on greenfield sites. Archaeological evaluation would be needed;
 - For cable corridors it is important that the archaeological potential of any proposed route is investigated;
 - The Conservation Plan for Kirkleatham should be referenced in preparing the EIA.
- 8.27.7. Forewind has had regard to the comments received from English Heritage, which have fed into the site selection process and **Chapter 27** of the ES.

¹⁷ Further information on the site options is detailed in Chapter 6 of the ES.

¹⁸ Further information on the site options is detailed in Chapter 6 of the ES.

- 8.27.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Section 47 responses and Forewind regard

- 8.27.9. Tees Archaeology stated that with effect from 1 April 2012, RCBC ceased to provide any funding for Tees Archaeology work and they are unable to offer a service relating to their district. Tees Archaeology suggested that Forewind contact the Chief Executive at the Council to find out what arrangements have been made for archaeological advice in relation to planning applications. Forewind can confirm that consultation was undertaken with RCBC to discuss the consultation process regarding topics considered in **Chapter 27** of the ES.
- 8.27.10. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Scoping responses and Forewind regard

- 8.27.11. Within the English Heritage response, a number of comments were raised associated with terrestrial archaeology. These are summarised below:
- Preferred landfall area may produce coastal considerations regarding archaeology (Wagon ruts on the rocks might exist; coastline known to contain areas of submerged forest);
 - The setting of Kirkleatham Village and Hall (conservation areas) is a material consideration for proposed converter station S4. Reference should be given to the Kirkleatham Conservation Plan S5 and S6 lie near Wilton Conservation Area and Grade 1 listed church;
 - The converter stations on greenfield land need archaeological evaluation; and
 - The onshore cable route is situated on land with demonstrable archaeology.
- 8.27.12. Forewind has had regard to the comments received from English Heritage, which fed into the site selection process and **Chapter 27** of the ES.
- 8.27.13. The detailed Scoping responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.27.14. In the response from English Heritage (North East Office), it was stated that they were satisfied the proposals would not result in harm to any designated assets. English Heritage advised that the opinion of an archaeological consultant for RCBC should be sought regarding impact to non-designated assets. Forewind noted the response from English Heritage (North East Office) and note that an archaeological consultant for RCBC has been consulted previously.

- 8.27.15. RCBC responded to state that their archaeological consultant had made no comments on the proposal. Forewind noted that there are no further comments from RCBC.
- 8.27.16. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.28. Traffic & Access (ES Chapter 28)

Main stakeholders

- 8.28.1. Comments relating to traffic and access were received from both Section 42 and Section 47 consultees. Further information on traffic and access is presented in **Chapter 28 Traffic and Access** (document reference F-ONL-CH-028) of the ES.
- 8.28.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.28.3. The following stakeholders provided responses with respect to traffic and access during the two phases of statutory consultation:
- First phase of statutory consultation
 - Section 42 responses:
 - The Highways Agency (HA).
 - Section 47 responses:
 - Ramblers Volunteers Footpath Secretary.
 - Second phase of statutory consultation
 - Section 42 responses:
 - The Highways Agency (HA); and
 - RCBC.
 - Section 47 responses:
 - Kirkleatham Memorial Limited.
- 8.28.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.28.5. The key topics discussed during consultation in relation to traffic and access were:
- Consideration of traffic and access policy;
 - Transportation of abnormal loads;

- The potential impact on trunk roads;
- Potential impacts on the Strategic Road Network (SRN);
- The potential for increased amounts of mud on the roads; and
- The Construction Traffic Management Plan (CTMP) and the Construction Travel Plan (CTP).

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.28.6. Within the HA response, a number of comments were raised associated with traffic and access. These are summarised below:
- The infrastructure presented by Forewind includes A1053 and A174 which are the part of the SRN, the primary interest of the HA;
 - Considerations to be given to the policy provisions in Circular 02/2007 (paragraphs 41, 42 & 43) in relation to new access;
 - The appropriate information about the traffic volumes and resultant impact at the SRN to be provided;
 - Recommended to consult with HA Abnormal Loads team regarding the transportation of the abnormal loads to the site;
 - HA would like to be informed about the substation location once finalised;
 - HA would like to be informed about the other developments in the area and cumulative impacts;
 - If any trunk roads affected then Forewind should consult with the HA;
 - The scope of Forewind's assessment is appropriate and HA would like to be consulted in relations to the specific considerations of the SRN;
 - HA would like to see Forewind give consideration to the actual vehicular impact rather than the percentage impact;
 - More details to be included in the Traffic Assessment to clarify likely type, scale and location of impacts associated with this element;
 - Any road closures or diversions that can affect SRN are to be discussed with the HA; and
 - A full construction management plan should be provided taking account of specific detail requested by the HA in the Scoping response.
- 8.28.7. Forewind has had regard to the comments from the HA and these concerns have been fed into the EIA process. In response to the issues raised by the HA, a transport specific Scoping note was submitted that sought to provide greater detail in regard to the likely project traffic demand.
- 8.28.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2.**

Section 47 responses and Forewind regard

- 8.28.9. The Ramblers Volunteers Footpath Secretary stated that Forewind should focus on minimum disruption to access and wildlife and highlighted that there could be a problem with S3 as the land could present access issues during construction. Forewind has had regard to the response from Ramblers Volunteers Footpath Secretary.
- 8.28.10. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix K.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.28.11. In the response from the HA, it was confirmed that the HA are content with the findings of the Transport Assessment (TA) in that the impact upon the SRN does not cause any specific concerns. The HA requested that at the formal application stage the following conditions be included:
- Ensure that HDD drilling is undertaken in accordance with the Design Manual for Roads and Bridges (DMRB); and
 - That the HA is involved in the Construction Traffic Management Plan (CTMP) and Construction Travel Plan (CTP).
- 8.28.12. Forewind highlight that the draft DCO consulted on at PEI3 included provision for construction traffic routing and management plan to have been submitted to and approved in writing by the relevant planning authority prior to the commencement of onshore works. Forewind also note that the provision in the draft DCO has been modified to ensure provision is made for HA to be consulted with and approve the CTMP and CTP, and that drilling is undertaken in accordance with DMRB.
- 8.28.13. RCBC confirmed that they have no concerns with the proposed development and its impact upon the highway network. Forewind noted that there are no further comments.
- 8.28.14. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.28.15. The crematorium owners, Kirkleatham Memorial Limited, expressed concerns at the location of access points in relation to the crematorium entrance, and the effect of more vehicles on the road and the impact it will have on services, as well as the mud that vehicles will bring from the fields on to the roads that will get on their vehicles. Forewind noted the concerns over traffic and the access points adjacent to the crematorium and highlighted that all impacts will be temporary in nature and traffic impacts have been assessed and are not considered a significant impact to the area. Forewind also confirmed that there will also be wheel wash facilities in place to prevent mud being taken from the

agricultural fields to the road network. Forewind highlights that further information on traffic assessments, impacts and proposed mitigation can be found in **Chapter 28** of the ES.

- 8.28.16. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.29. Noise & Vibration (ES Chapter 29)

Main stakeholders

- 8.29.1. Comments relating to noise and vibration were received from both Section 42 and Section 47 consultees. Further information on noise and vibration is presented in **Chapter 29 Noise and Vibration** (document reference F-ONL-CH-029) of the ES.
- 8.29.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.29.3. The following stakeholders provided responses with respect to noise and vibration during the second phase of statutory consultation:
- Second phase of statutory consultation
 - Section 42 responses:
 - RCBC.
 - Section 47 responses:
 - Kirkleatham Memorial Limited.
- 8.29.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.29.5. The key topics discussed during consultation in relation to noise and vibration were:
- Working hours during the construction phase;
 - Mitigation as part of the converter stations development; and
 - Potential noise impacts to local sensitive receptors during construction of cable routes and converter stations and operational phase for the converter stations.

Stakeholder feedback and Forewind regard

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.29.6. Within the RCBC response, a number of comments were raised associated with noise. The topics to which the comments relate are summarised below:
- The agreed working hours during the construction phase;
 - The consideration of frequency analysis as part of the converter stations noise assessment;
 - The recent reduction in night-time baseline noise levels across the Wilton Complex; and
 - The use of acoustic bunding or screening as part of the converter stations development.
- 8.29.7. Forewind noted the comments concerning working hours, frequency analysis, night-time baseline noise levels, and acoustic bunding, and confirmed that further information on these issues can be found in Sections 4 and 7 of **Chapter 29** of the ES.
- 8.29.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

Section 47 responses and Forewind regard

- 8.29.9. The crematorium owners, Kirkleatham Memorial Limited highlighted concern over noise from construction and traffic, which will disrupt services. Forewind noted the concerns over noise from the construction works and the impact it will have on the crematorium. Forewind has assessed the potential noise impacts and these assessments show that the noise will be below the minimum impact threshold of 65db. Forewind confirmed that further information on noise assessments can be found in **Chapter 29** of the ES.
- 8.29.10. The detailed responses from Section 47 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix L.2**.

8.30. Air Quality (ES Chapter 30)

Main stakeholders

- 8.30.1. Comments relating to air quality were received from Section 42 consultees. Further information on air quality is presented in **Chapter 30 Air Quality** (document reference F-ONL-CH-030) of the ES.
- 8.30.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.30.3. The following stakeholders provided responses with respect to air quality during the two phases of statutory consultation:

- First phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response).
- Second phase of statutory consultation
 - Section 42 responses:
 - RCBC.

8.30.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.30.5. The key topics discussed during consultation in relation to air quality were:
- Offshore sources of air pollution;
 - The assessment of air quality in relation to receptors using the beach; and
 - The use of best practice for minimising air pollution.

Stakeholder feedback and Forewind regard

First phase of statutory consultation

Section 42 responses and Forewind regard

- 8.30.6. In the joint response from JNCC and Natural England, it is noted that the Scoping Report proposes to scope out offshore sources of air pollution due to the distance from receptors, presumably meaning terrestrial Air Quality Management Area (AQMA) and sensitive habitats. JNCC and Natural England highlight that it would be helpful to have the contribution of the construction and maintenance works, to wider air quality and climate change, outlined and quantified in the EIA. The consultees also state that best practice for minimising this contribution through all works and materials should also be considered.
- 8.30.7. Forewind has had regard to the comments from JNCC and Natural England in relation to the scoping out of offshore sources of air pollution.
- 8.30.8. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix I.2**.

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.30.9. In their response to the second phase of statutory consultation, RCBC asked Forewind whether the beach has been identified as a receptor within the air quality assessment. Forewind noted the query from RCBC and highlighted that further information on the assessment of the beach can be found in Section 4 of **Chapter 30** of the ES.

- 8.30.10. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.31. Cumulative Impact Assessment (ES Chapter 33)

Main stakeholders

- 8.31.1. Comments relating to the cumulative impact assessment were only received from Section 42 consultees during the second phase of statutory consultation. Further information on the Cumulative Impact Assessment (CIA) is presented in **Chapter 33 Cumulative Impact Assessment** (document reference F-OFL-CH-033) of the ES.
- 8.31.2. **Appendices I, J, K and L** contain summaries of all stakeholder responses, along with a summary of how Forewind have had regard to those comments.
- 8.31.3. The following stakeholders provided responses with respect to the CIA during the second phase of statutory consultation:
- Second phase of statutory consultation
 - Section 42 responses:
 - JNCC & Natural England (joint response); and
 - MMO.
- 8.31.4. Full lists of the responses received from consultees during the two statutory phases, including the issues raised in the responses (as per ES Chapters), are presented in **Appendix I.1** (first phase) and **Appendix J.1** (second phase) for Section 42 consultees, and in **Appendix K.1** (first phase) and in **Appendix L.1** (second phase) in relation to Section 47 consultees.

Key topics discussed

- 8.31.5. The key topics that were raised during consultation in relation to the CIA were the plans and projects to be included in the CIA.

Stakeholder feedback and Forewind regard

Second phase of statutory consultation

Section 42 responses and Forewind regard

- 8.31.6. Within the JNCC and Natural England joint response, Natural England advised that CIA will need to incorporate the impacts of already-operational offshore wind farms. JNCC and Natural England suggested the use of a tiered approach. Forewind noted the comments from Natural England concerning the incorporation of impacts, and confirmed that further information on this can be found in **Chapter 33** of the ES.
- 8.31.7. The MMO stated that it is unclear which offshore plans, projects and activities have been included in the CIA. It is important that in addition to plans and projects which have either been consented or are currently being determined, all reasonably foreseeable plans and projects are considered for inclusion within the CIA. Where plans and projects are screened out of this assessment, the

Applicant should provide robust rational for doing so. We would be happy to work with the Applicant to agree the plans and projects to be included within the CIA.

- 8.31.8. Forewind acknowledged the comments raised by the MMO regarding the CIA and highlight that **Chapter 33** is a summary chapter only. List of offshore plans, projects and activities that have been taken forward can be found within the individual chapters of the ES.
- 8.31.9. The detailed responses from Section 42 consultees and a record of how Forewind has had regard to the comments raised in the responses are set out in **Appendix J.2**.

8.32. Development Consent Order (document reference 3.1)

Main stakeholders

- 8.32.1. Comments relating to the DCO were received from the following Section 42 consultees during the second phase of statutory consultation:
- THLS; and
 - MMO.
- 8.32.2. Summaries of all the responses in relation to the DCO, alongside the associated regard to which Forewind has had to comments within these responses and any amendments made to the DCO in light of the comments received, can be found in **Appendix J.2**.

8.33. Questionnaires and comment cards completed at the public exhibitions during the first phase of statutory consultation

- 8.33.1. In total, 136 people attended the 3 public exhibitions held in May 2012. This resulted in the completion of 31 community consultation questionnaires, the majority of which were handed to Forewind at the exhibitions, although some were subsequently sent to Forewind via email or letter. A copy of the community consultation questionnaire is included in **Appendix D.8**. The views expressed in all of the completed community consultation questionnaires are summarised below.
- 8.33.2. The most well attended exhibition was at Kirkleatham, which accounted for nearly 49% of the total number of attendees. Attendees at the Redcar exhibition accounted for 33% of the total number of attendees. The least attended exhibition was Lazenby with 18% of the total number of attendees.
- 8.33.3. The following section sets out a summary and analysis of comments provided on the community consultation questionnaires on a question-by-question basis.

Question 1

- 8.33.4. Thirty of the completed community consultation questionnaires provided an answer to the question 'How did you hear about the exhibition?' with a single respondent giving no answer. **Figure 8.5** illustrates how the respondents found out about the consultation with over 35% finding out through invitations that were sent to consultees described in paragraph 4.3.14, and approximately 30% finding out through local newspaper articles. The 'Other' responses noted that they heard about the exhibitions from posters in the local community.

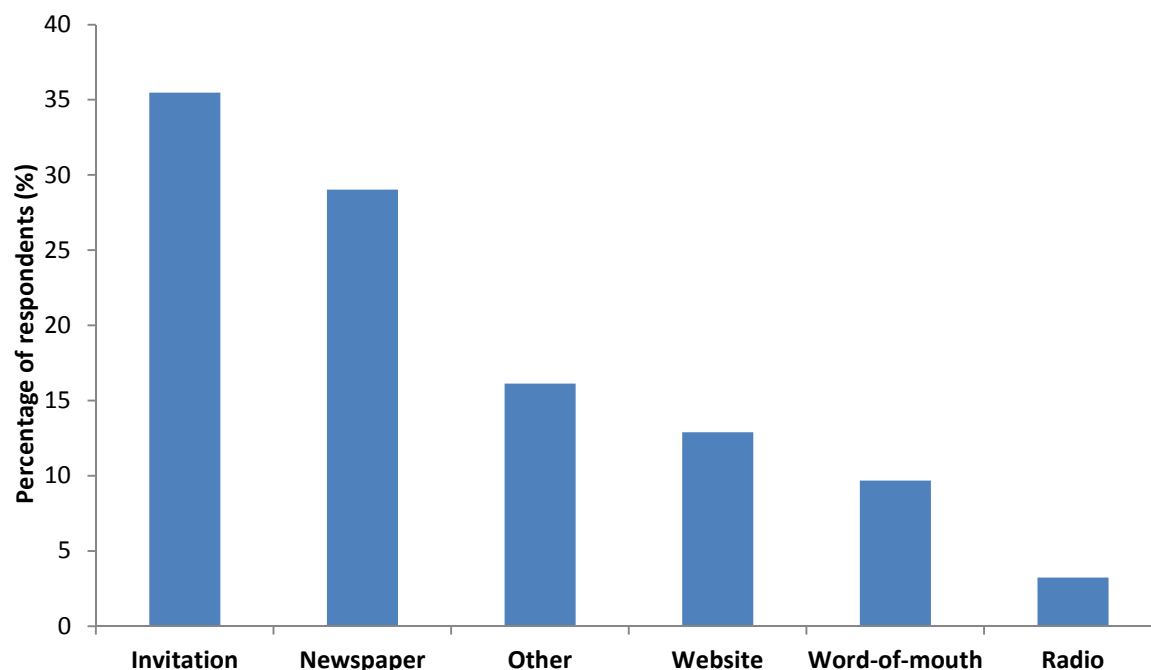


Figure 8.5 How respondents heard about the exhibition

Question 2

- 8.33.5. Approximately half of the completed community consultation questionnaires provided comments in relation to the question 'Do you have any comments on the indicative components or the way the wind farms (including all the onshore and offshore infrastructure) will be built, operated or decommissioning?' The comments entered are summarised in **Appendix K.3**.

Question 3

- 8.33.6. Approximately three-quarters of the completed community consultation questionnaires provided comments in relation to the question 'What is your opinion of Forewind's landfall and converter stations site selection process so far? Have all the relevant alternatives have been considered?' The comments entered are summarised in **Appendix K.3**.

Question 4

- 8.33.7. Over 30% of the completed community consultation questionnaires provided comments in relation to the question 'Six converter stations sites have been short-listed – do you have any comments on any or all of them?' The comments entered are summarised in **Appendix K.3**.

Question 5

- 8.33.8. Over 60% of the completed community consultation questionnaires provided comments in relation to the question ‘Are you aware of any other information or facts that Forewind should take into account when finalising the locations for project infrastructure?’ Of those that provided information on specific project infrastructure elements, over 25% provided information on the landfall(s) and approximately 20% providing information on both the onshore cable route and converter stations as shown in **Figure 8.6**. The comments entered are summarised in **Appendix K.3**.

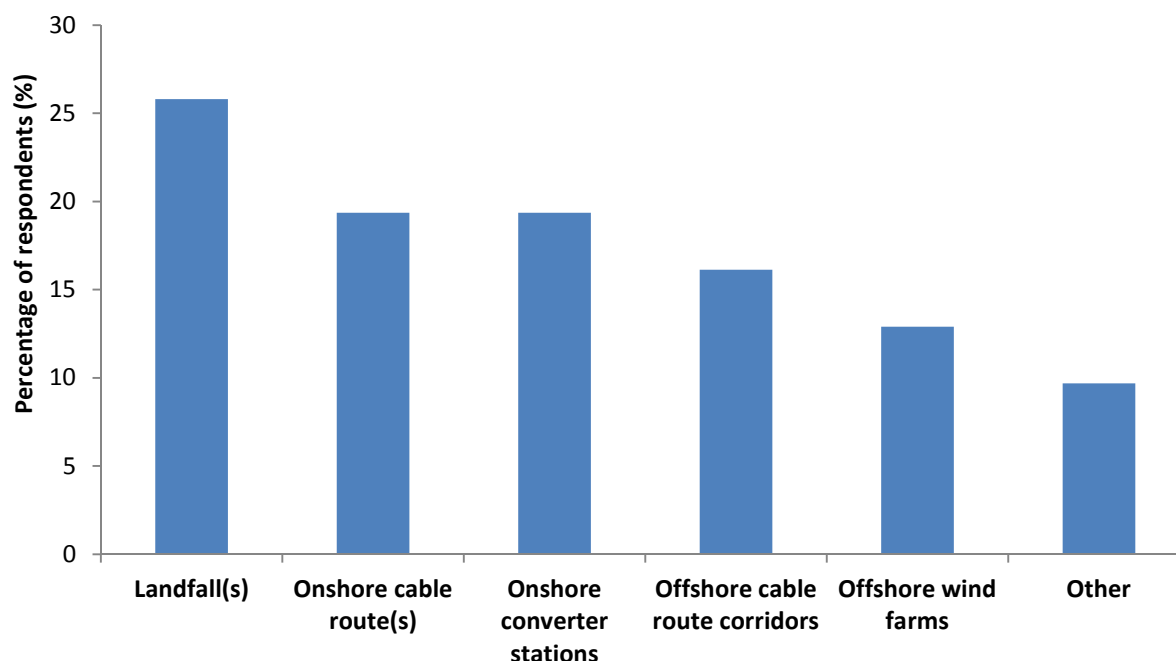


Figure 8.6 Information provided by respondents on specific project infrastructure elements

Question 6

- 8.33.9. Approximately 35% of the completed community consultation questionnaires provided comments in relation to the question ‘Do you have any comments on Forewind’s approach to the environmental impact assessment?’ The comments entered are summarised in **Appendix K.3**.

Question 7

- 8.33.10. Approximately 68% of the completed community consultation questionnaires provided comments in relation to the question ‘Having seen the development proposals, can you identify any potential benefits or opportunities for the local area?’ The comments entered are summarised in **Appendix K.3**.

Question 8

- 8.33.11. All of the completed community consultation questionnaires provided an answer to the question ‘How do you feel about the development?’ Approximately 71% of respondents felt positive, almost 23% felt neutral, and the remaining 6% felt negative about the development, as shown in **Figure 8.7**.

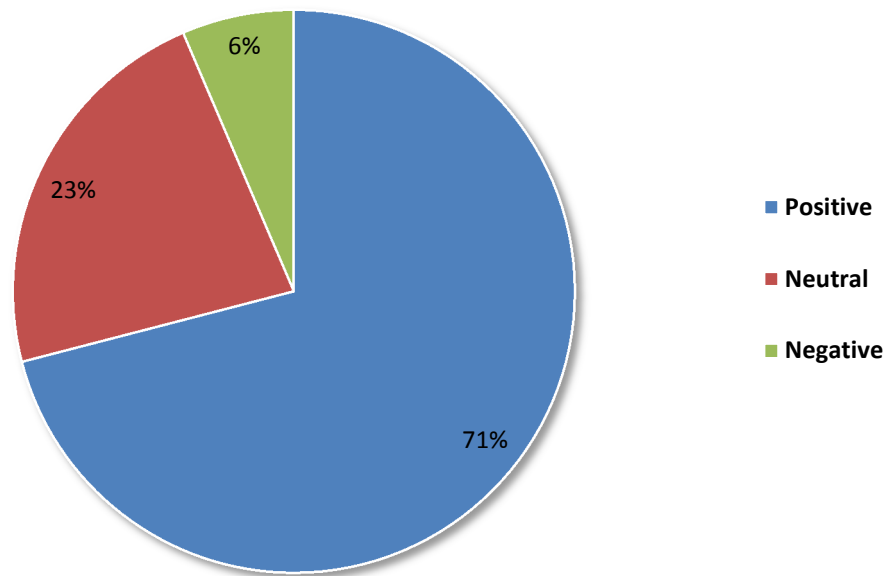


Figure 8.7 How respondents feel about the project

- 8.33.12. Over 80% of respondents answered the follow-on question which asked ‘Why?’ aiming to get respondents to justify their answer in relation to how they feel about the development. The comments entered are summarised in **Appendix K.3**.

Question 9

- 8.33.13. Only 9 completed community consultation questionnaires, representing approximately 30% of respondents, provided an answer to the question ‘Do you have any other comments?’ The comments entered are summarised in **Appendix K.3**.

Question 10

- 8.33.14. Approximately 87% of the completed community consultation questionnaires provided an answer to the question ‘Do you feel the exhibition provided enough information about the proposed development?’ Approximately 84% of respondents felt that enough information had been provided at the exhibitions, whilst only 3% felt that more information would have been helpful, as shown in **Figure 8.8**.

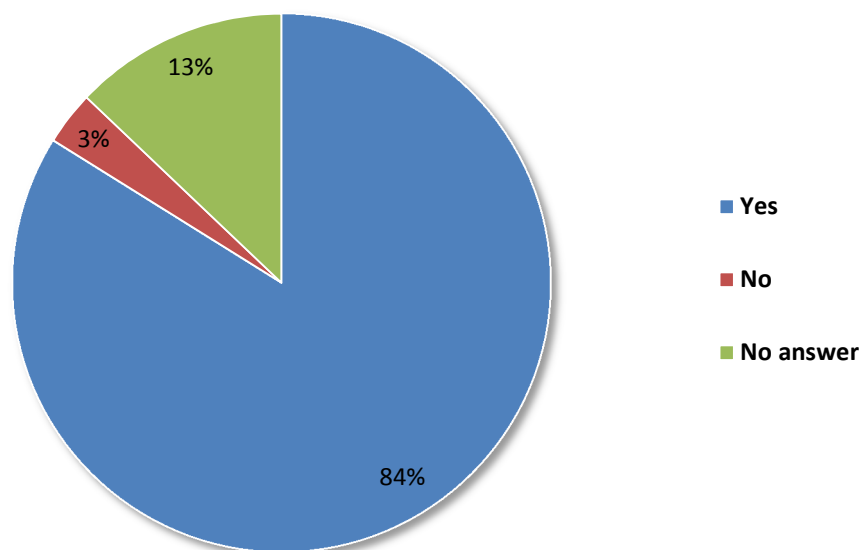


Figure 8.8 Responses to the question 'Do you feel the exhibition provided enough information about the proposed development?'

Question 11

- 8.33.15. Approximately 48% of the completed community consultation questionnaires provided comments in relation to the question 'How could Forewind improve their communications with you?' The comments entered are summarised in **Appendix K.3**.

General qualitative feedback

- 8.33.16. The qualitative information provided in the responses have been summarised for each completed community consultation questionnaire in **Appendix K.3** alongside Forewind's regard to the comments and answers to any questions raised in the consultee responses.

Freepost comment cards

- 8.33.17. Freepost comment cards were produced to invite feedback on the proposals and were handed out to members of the public at the public exhibitions. A copy of the freepost comment card is included in **Appendix D.13**.
- 8.33.18. Four freepost comment cards were received by Forewind after the public exhibitions. Two of these respondents felt positive about the development, one highlighted a previous bad experience with an EDF project, and the other response described concerns regarding the potential impact on local ports and the long term visual impact from the onshore cable corridor. Forewind noted the comments and will ensure a thorough consultation process and confirmed that potential impacts on ports are addressed in **Chapter 22** and **Chapter 16** of the ES. Similarly, Forewind confirmed that the visual impact of the cable corridor is considered within **Chapter 21** of the ES.

- 8.33.19. The detailed comments provided by consultees and submitted to Forewind on the freepost comment cards, and the regard to which Forewind has had to the comments raised are outlined in **Appendix K.4**.

8.34. Questionnaires and comment cards completed at the public exhibitions during the second phase of statutory consultation

- 8.34.1. In total, 93 people attended the 3 public exhibitions held in November 2013. This resulted in the completion of 39 community consultation questionnaires, the majority of which were handed to Forewind at the exhibitions, although some were subsequently sent to Forewind via email or letter. A copy of the community consultation questionnaire is included in **Appendix E.8**. The views expressed in all of the completed community consultation questionnaires are summarised below.
- 8.34.2. The most well attended exhibition was at Zetland Park Methodist Church, Redcar, which accounted for nearly 48% of the total number of attendees. Attendees at the The Hub, Redcar exhibition accounted for 31% of the total number of attendees. The least attended exhibition was Lazenby with 20% of the total number of attendees.
- 8.34.3. The following section sets out a summary and analysis of comments provided on the community consultation questionnaires on a question-by-question basis.

Question 1

- 8.34.4. Thirty-four of the completed community consultation questionnaires provided an answer to the question 'Do you believe that offshore wind energy is an integral part of the UK's future energy requirements?' with 5 respondents giving no answer. **Figure 8.9** illustrates how the respondents answered this questions with over 79% believing that offshore wind energy is an integral part of the UK's future energy requirements.

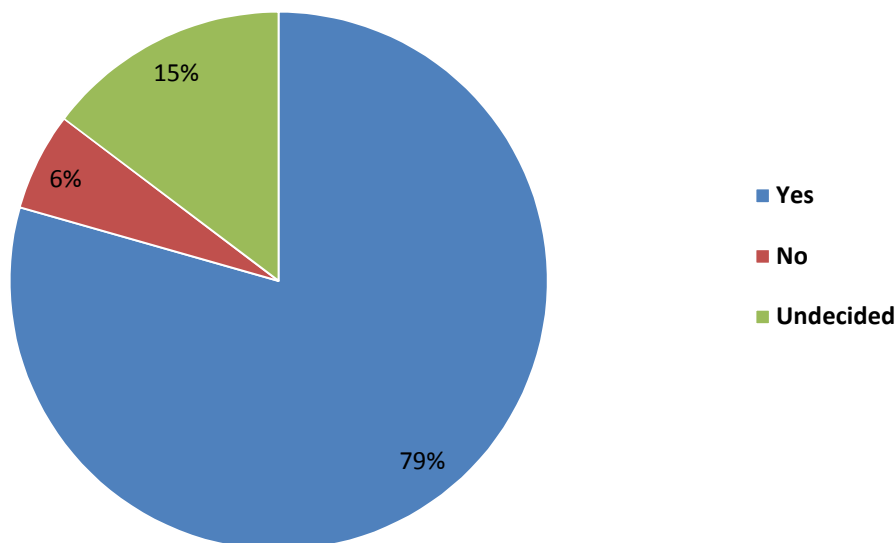


Figure 8.9 Responses to the question “Do you believe that offshore wind energy is an integral part of the UK’s future energy requirements?”

Question 2

- 8.34.5. Thirty-three of the completed community consultation questionnaires provided an answer to the question “Do you support the proposal of offshore wind energy development at Dogger Bank?”, with just under 90% of respondents stating that they support the proposal of offshore wind energy development at Dogger Bank. **Figure 8.10** illustrates how respondents answered the question.

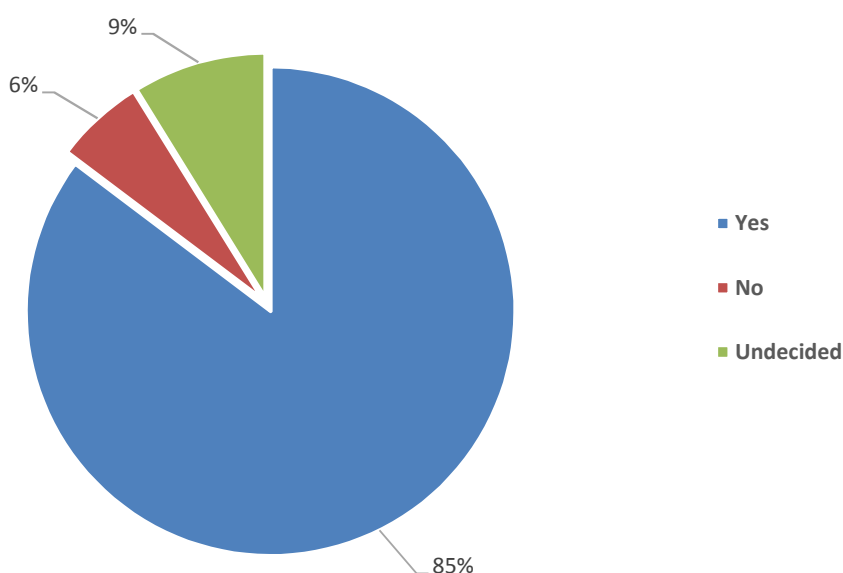


Figure 8.10 Responses to the question “Do you support the proposal of offshore wind energy development at Dogger Bank?”

Question 3

- 8.34.6. Approximately 12% of the completed community consultation questionnaires provided comments in relation to the question 'Do you have any comments on the extent and location of the project boundaries?' The comments entered are summarised in **Appendix L.3**.

Question 4

- 8.34.7. Approximately a quarter of the completed community consultation questionnaires provided comments in relation to the question 'Do you have any comments on the total installed capacity and number of wind turbines, or other aspects of the wind turbine array?'. The comments entered are summarised in **Appendix L.3**.

Question 5

- 8.34.8. Approximately 75% of the completed community consultation questionnaires provided comments in relation to the question 'Of the three types of foundations available, do you have a preference and why?' Of those that provided information on foundation preferences, 70% of respondents were undecided, with 17% indicating a preference for monopile foundations, 10% for multi-leg foundations and 4% indicating a preference for gravity base foundations as shown in **Figure 8.11**. The comments entered are summarised in **Appendix L.3**.

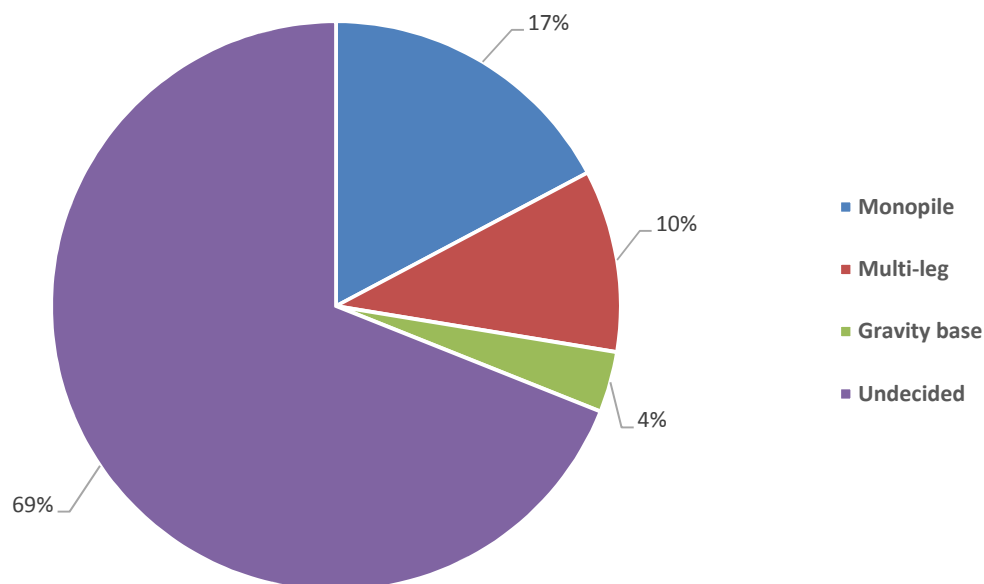


Figure 8.11 Foundation type preferences indicated by respondents

Question 6

- 8.34.9. Approximately 15% of the completed community consultation questionnaires provided comments in relation to the question ‘Do you have any comments on the proposed route of the export cable corridor, the installation methods or proposed cable protection?’ The comments entered are summarised in **Appendix L.3**.

Question 7

- 8.34.10. Approximately 17% of the completed community consultation questionnaires provided comments in relation to the question ‘Do you have any comments on the way that Forewind has assessed the impact of our proposal on birds?’ The comments entered are summarised in **Appendix L.3**.

Question 8

- 8.34.11. All of the completed community consultation questionnaires provided an answer to the question ‘Are you are particularly concerned about any of the following offshore environmental topics?’ Approximately 60% of respondents indicated that they were not particularly concerns about any offshore topics, approximately 38% were concerned about marine mammals, almost 30% were concerned about fish and shellfish, and 24% indicated that they were particularly concerned about marine and coastal ecology, as shown in **Figure 8.12**. The reasons given for concern in relation to the offshore topics are summarised in **Appendix L.3**.

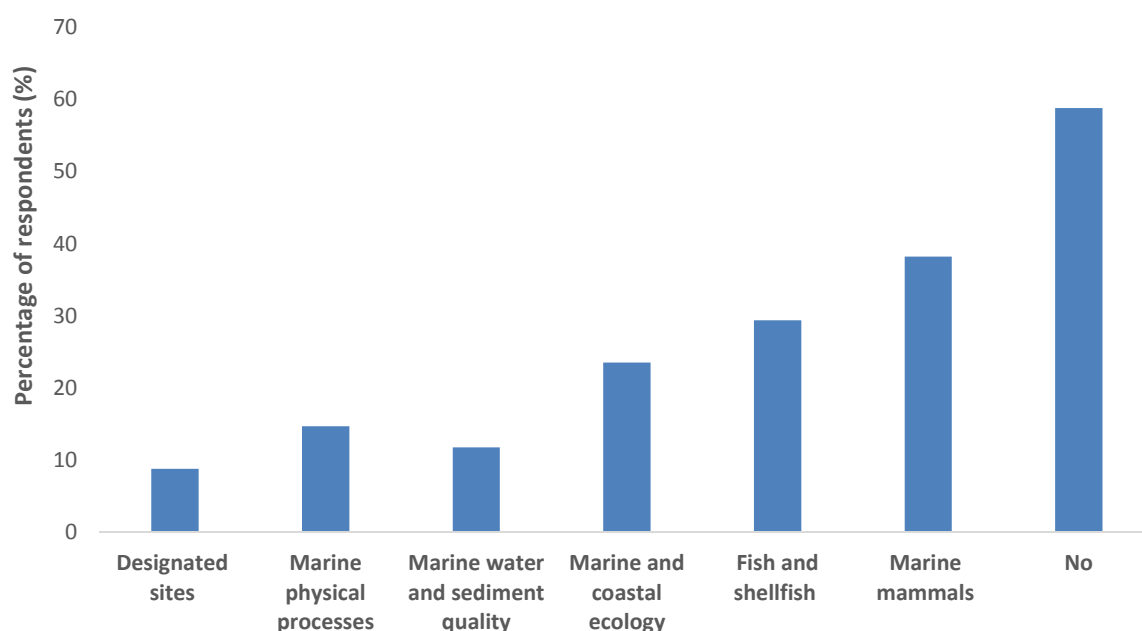


Figure 8.12 Offshore environmental topics of concern

Question 9

- 8.34.12. All of the completed community consultation questionnaires provided an answer to the question ‘Are you particularly concerned about any other offshore receptor topics listed below?’ Approximately 70% of respondents indicated that they were not particularly concerns about any offshore receptor topics, with 15% of respondents indicating that they were concerned about seascape and visual

impacts, and marine and coastal archaeology, as shown in **Figure 8.13**. The reasons given for concern in relation to the offshore receptor topics are summarised in **Appendix L.3**.

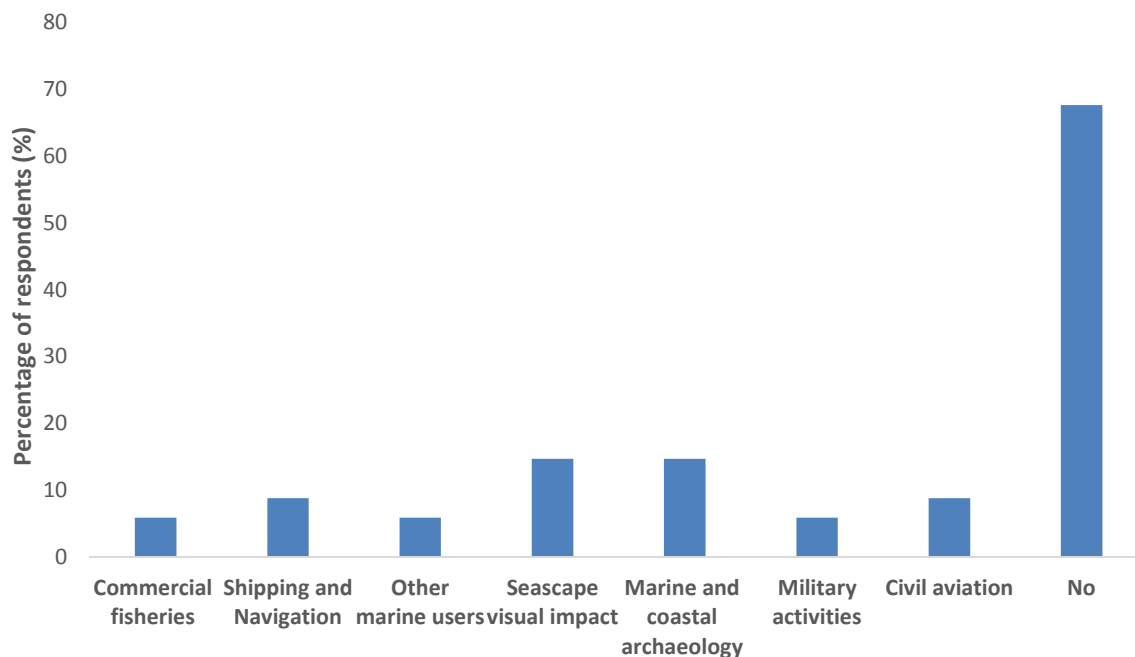


Figure 8.13 Offshore receptor topics of concern

Question 10

- 8.34.13. Approximately 14% of the completed community consultation questionnaires provided comments in relation to the question ‘Considering there is no established industry wide method for cumulative impact assessment, do you have any comments on Forewind’s approach?’ The comments entered are summarised in **Appendix L.3**.

Question 11

- 8.34.14. Approximately 9% of the completed community consultation questionnaires provided comments in relation to the question ‘Are there are any additional factors we should consider when finalising the onshore aspects of the proposals?’ The comments entered are summarised in **Appendix L.3**.

Question 12

- 8.34.15. Approximately 29% of the completed community consultation questionnaires provided comments in relation to the question ‘Do you have any comments on the proposed landfall location and whether there is anything else we should consider when finalising the location the cables come ashore?’ The comments entered are summarised in **Appendix L.3**.

Question 13

- 8.34.16. Approximately 16% of the completed community consultation questionnaires provided comments in relation to the question ‘Is there anything else we should consider when finalising details for the onshore cable route not already within

the draft Environmental Statement?’ The comments entered are summarised in **Appendix L.3**.

Question 14

- 8.34.17. All of the completed community consultation questionnaires provided an answer to the question ‘Of the two proposed alternative construction access routes to the existing National Grid substation at Lackenby, which do you prefer?’ Approximately 56% of respondents indicated that they had no preference, with 34% indicating a preference for access from within the Wilton Complex, and 10% of respondents indicating a preference for access from the B1380 (High Street), as shown in **Figure 8.14**. The additional comments in relation to the access arrangements are summarised in **Appendix L.3**.

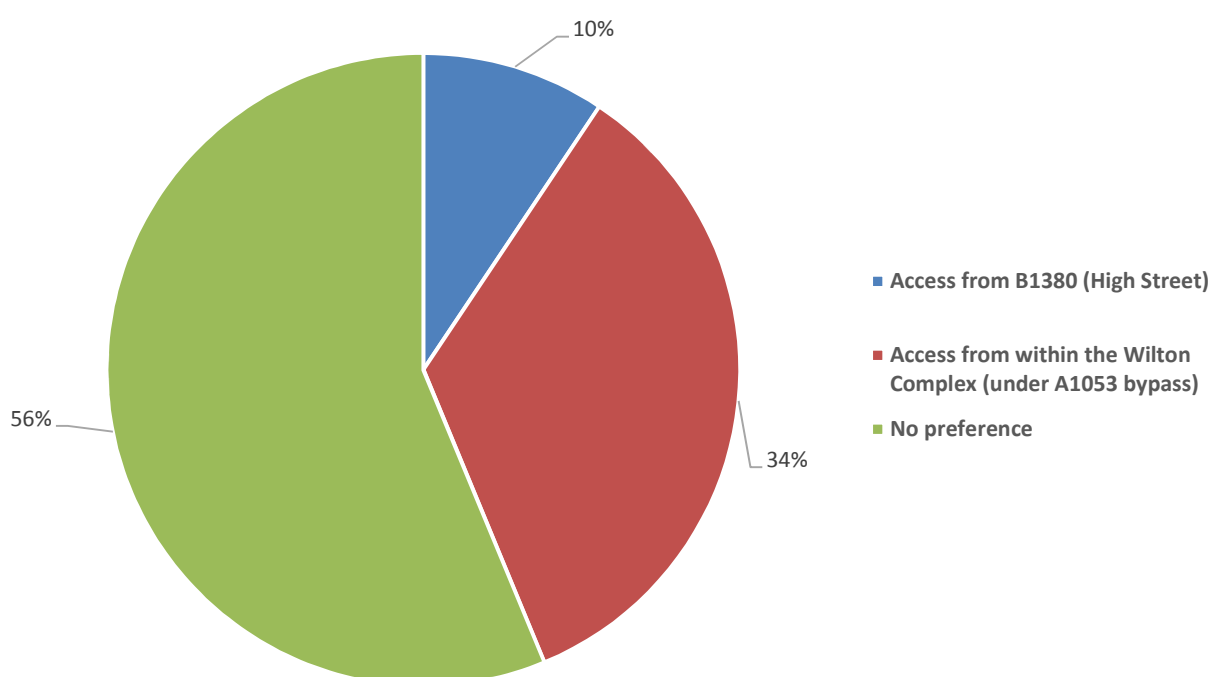


Figure 8.14 Responses to the question “Of the two proposed alternative construction access routes to the existing National Grid substation at Lackenby, which do you prefer?”

Question 15

- 8.34.18. All of the completed community consultation questionnaires provided an answer to the question ‘After considering the proposed location and layout of the converter stations, how do you feel about them?’ Approximately 60% of respondents indicated that they were undecided, with 34% of respondents feeling positive about the layout and design of the converter stations, and 6% of respondents indicating that they were feeling negative about the layout and design of the converter stations, as shown in **Figure 8.15**. The additional comments in relation to the access arrangements are summarised in **Appendix L.3**.

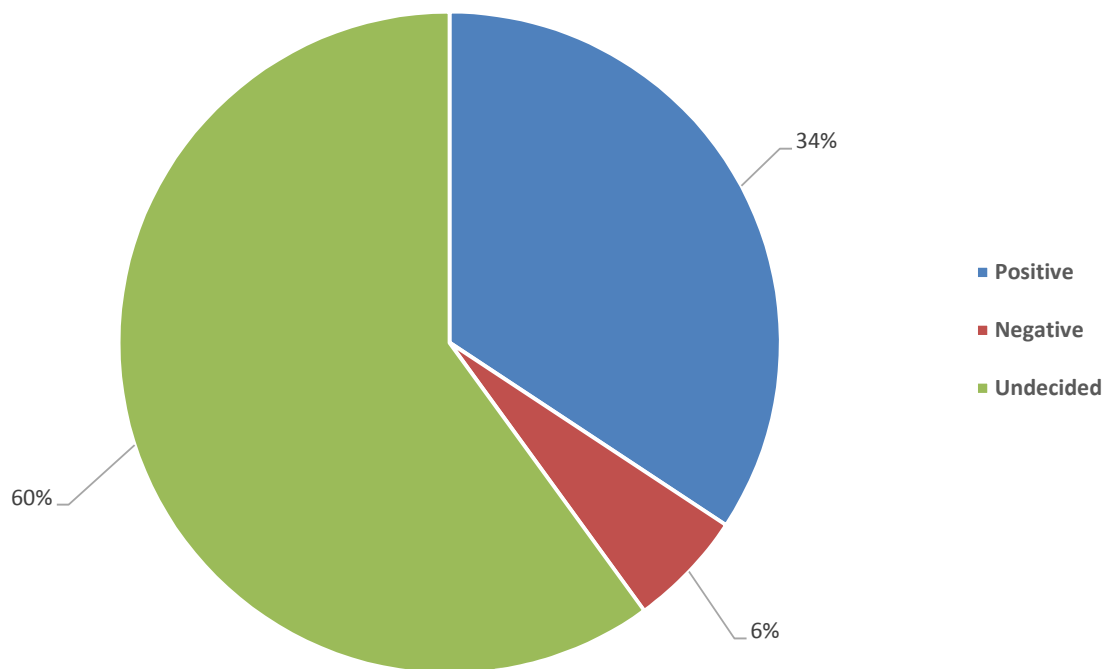


Figure 8.15 Responses to the question “After considering the proposed location and layout of the converter stations, how do you feel about them?”

Question 16

- 8.34.19. All of the completed community consultation questionnaires provided an answer to the question ‘What is your opinion on the landscaping proposed to reduce the visual impact of the converter stations?’ Approximately 59% of respondents indicated that they were undecided, with 38% of respondents feeling positive about the landscaping mitigation, and 3% of respondents indicating that they were feeling negative about the landscaping proposed to reduce the visual impact of the converter stations, as shown in **Figure 8.16**. The additional comments in relation to the access arrangements are summarised in **Appendix L.3**.

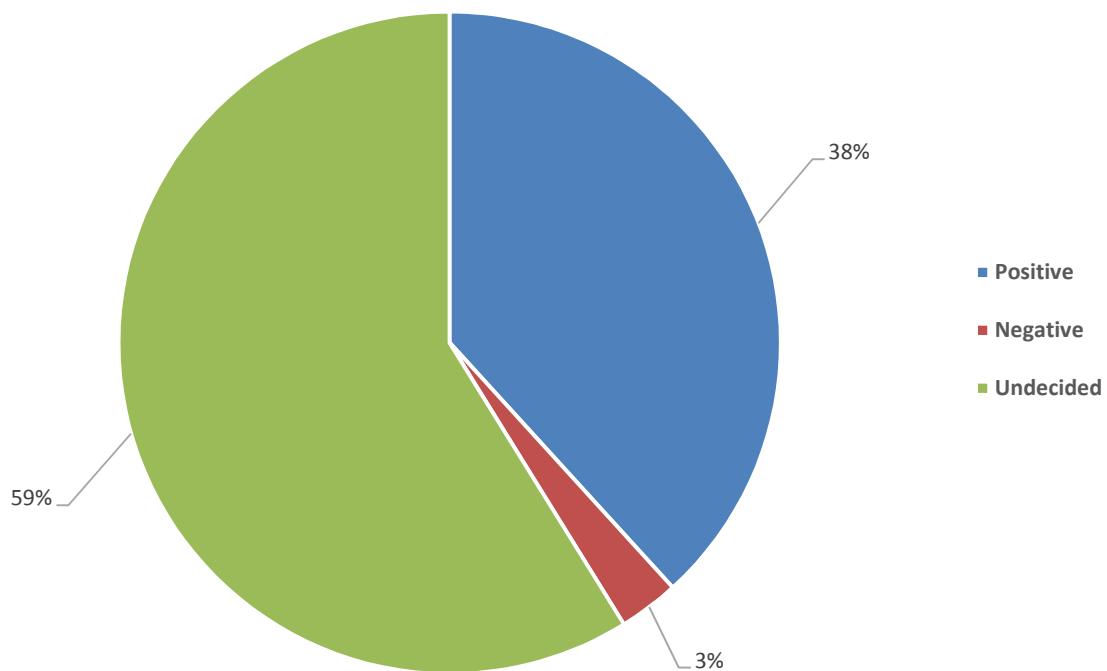


Figure 8.16 Responses to the question “What is your opinion on the landscaping proposed to reduce the visual impact of the converter stations?”

Question 17

- 8.34.20. Approximately 37% of respondents stated that Forewind could improve their communication with them, with 63% of consultees appearing happy with the level of communication with Forewind. The comments entered are summarised in **Appendix L.3**.

Question 18

- 8.34.21. All of the completed community consultation questionnaires provided an answer to the question ‘Do you have any preference(s) on how best to engage and inform local communities during construction?’ Over half of the respondents indicated a preference for continued newsletter distribution, with 44% preferring a local contact point, and 35% indicating a preference for community meetings, as shown in **Figure 8.17**. Comments given by respondents in relation to this question are summarised in **Appendix L.3**.

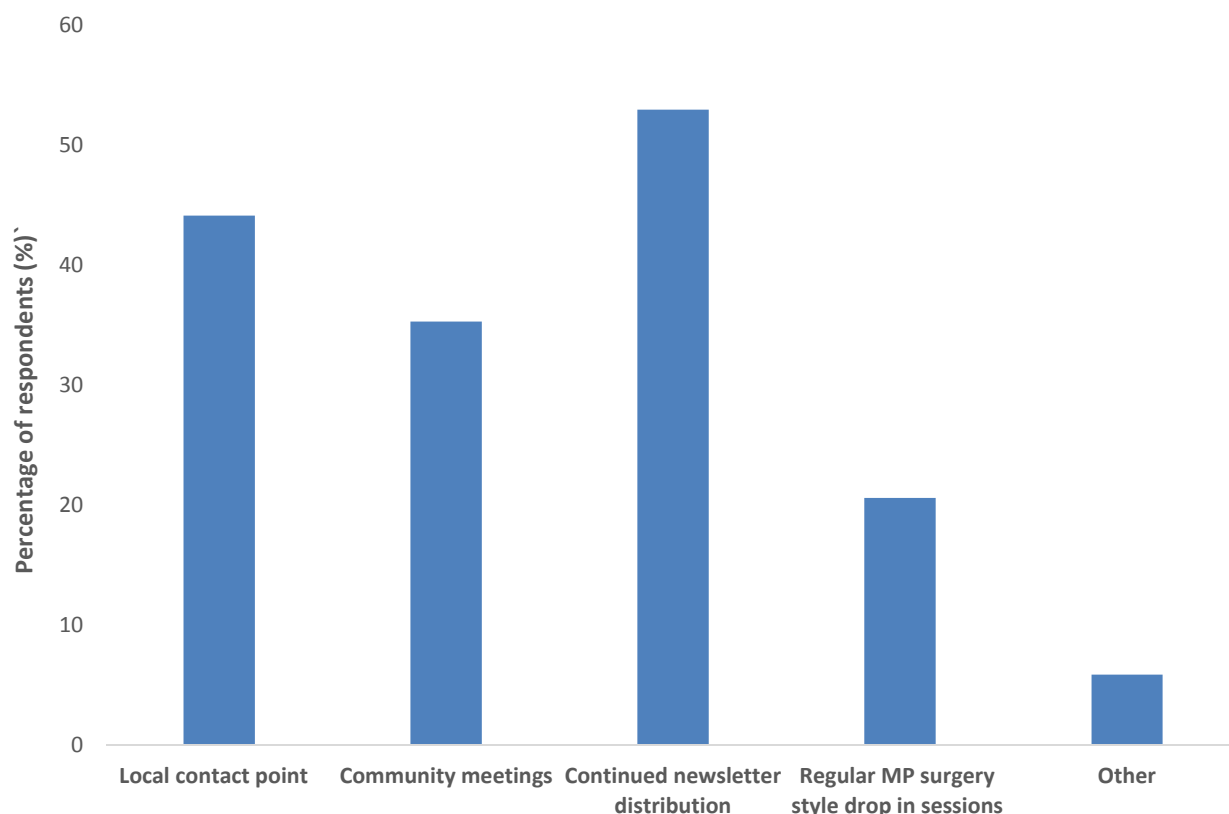


Figure 8.17 Responses to the question “Do you have any preference(s) on how best to engage and inform local communities during construction?”

Question 19

- 8.34.22. Approximately 81% of respondents stated that they found the Forewind exhibitions helpful in terms of giving sufficient information about Dogger Bank Teesside A & B and answering questions and concerns. The comments entered in relation to this question are summarised in **Appendix L.3**.

Question 20

- 8.34.23. Approximately 9% of the completed community consultation questionnaires provided comments in relation to the question ‘Do you have any additional comments on the impacts and the proposed mitigation measures for Dogger Bank Teesside A & B?’ The comments entered are summarised in **Appendix L.3**.

Question 21

- 8.34.24. Approximately 82% of respondents stated that they had overall positive impressions of the Dogger Bank Teesside A & B offshore wind proposal, with the remaining respondents equally split between negative, neutral, and undecided opinions on the proposal. **Figure 8.18** shows the responses to question 21 of the community consultation questionnaire.

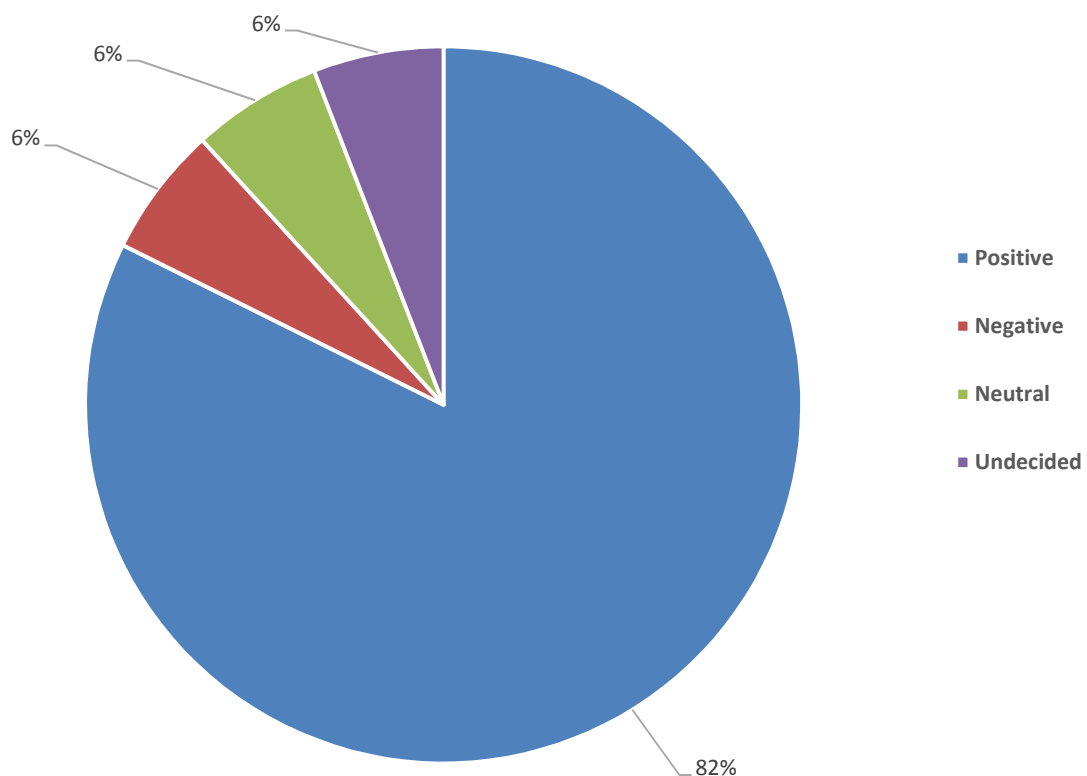


Figure 8.18 Responses to the question "What are your overall impressions of the Dogger Bank Teesside A & B offshore wind proposal?"

Question 22

- 8.34.25. Approximately 86% of respondents stated that they support the development, construction and operation of Dogger Bank Teesside A & B, with 6% stating that they do not support the proposal. Approximately 9% of respondents were unsure whether they supported the proposals. **Figure 8.19** shows the responses to question 22 of the community consultation questionnaire.

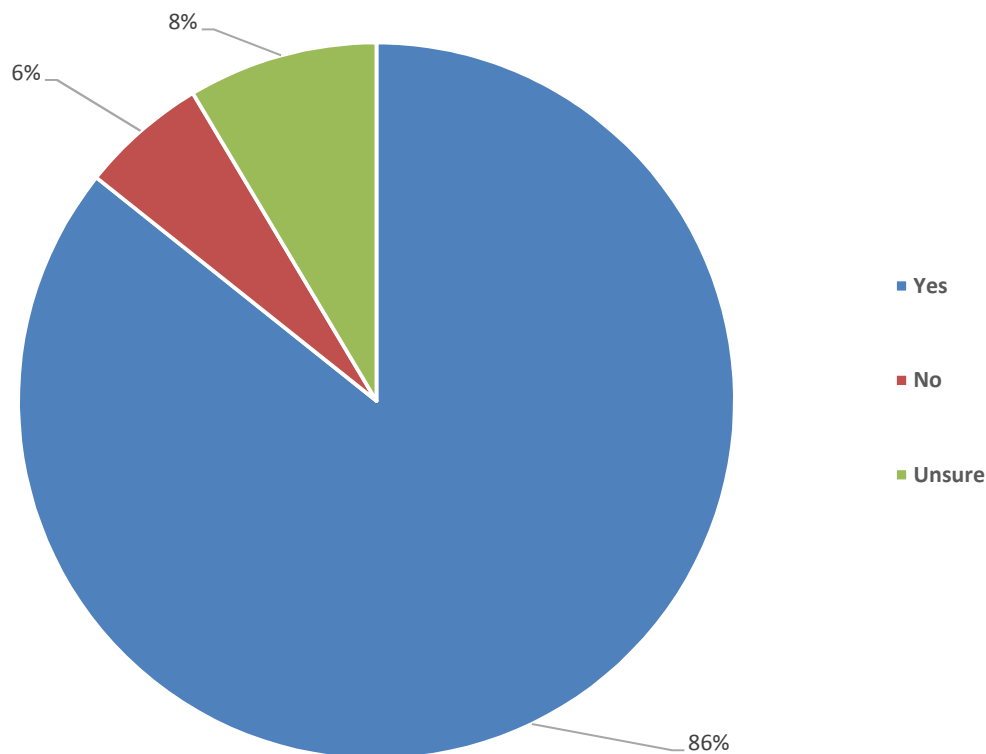


Figure 8.19 Responses to the question “Do you support the development, construction and operation of Dogger Bank Teesside A & B?”

General qualitative feedback

- 8.34.26. The qualitative information provided in the responses have been summarised for each completed community consultation questionnaire in **Appendix L.3** alongside Forewind’s regard to the comments and answers to any questions raised in the consultee responses.

Freepost comment cards

- 8.34.27. Freepost comment cards were produced to invite feedback on the proposals and were handed out to members of the public at the public exhibitions. A copy of the freepost comment card is included in **Appendix E.13**.
- 8.34.28. Five freepost comment cards were received by Forewind after the public exhibitions. Three of these respondents provided information or clarification on points raised by Forewind in the draft ES. The other two comment cards raised questions in relation to the design and layout of the converter stations, the amount of carbon dioxide produced in the production and installation of the turbines, and the provision of jobs by the project. Forewind noted the comments and where relevant, details have been updated in the ES. Forewind confirmed that the visual impact of the converter stations is considered within **Chapter 21** of the ES. Similarly, Forewind confirmed that information on the socio-economic impacts of the proposals can be found in **Chapter 22** of the ES. Forewind also noted that the exact number of tonnes of carbon dioxide cannot be determined

until the project infrastructure components and methodologies have been determined.

- 8.34.29. The detailed comments provided by consultees and submitted to Forewind on the freepost comment cards, and the regard to which Forewind has had to the comments raised are outlined in **Appendix L.4**.

9. Post-Statutory Consultation Engagement

9.1. Introduction

- 9.1.1. This Chapter of the Consultation Report sets out the non-statutory engagement that the Applicant has undertaken following its statutory consultation activities as prescribed by the Planning Act and described in chapters 3, 4 and 5 of this Consultation Report. This engagement was undertaken in order to further explore some of the more complex matters raised during the statutory consultation periods and seek to resolve issues prior to submitting the Application.
- 9.1.2. In continuing consultation during the post-statutory phase, Forewind has taken account of the DCLG guidance on pre-application which encourages consultation throughout the application process and beyond.

9.2. Summary of Post-Statutory Consultation Engagement

- 9.2.1. Forewind has undertaken non-statutory consultation subsequent to the statutory consultation activities, which ended in December 2013, with both statutory and non-statutory consultees. This consultation has continued to shape the project, influence the environmental assessments and has sought to resolve specific issues raised by consultees prior to submitting an application for Development Consent. This non-statutory consultation has formed an integral part of Forewind's approach to making appropriate and necessary amendments to the project and in developing any relevant mitigation measures.
- 9.2.2. A list of those consultees with whom Forewind has engaged from the end of the second phase of statutory consultation up to the point of application (December 2013 – March 2014) is provided in **Appendix G.8**. **Appendix G.8** also provides a summary of the matters discussed as part of this period of non-statutory consultation.
- 9.2.3. Forewind would like to highlight that, in the period between the end of the second phase of statutory consultation and the point of submission, Natural England submitted a formal response to Forewind which supplemented the response received during the statutory consultation period (as detailed in chapter 8 of the Consultation Report). During the statutory consultation period, Natural England provided a joint response with the JNCC (received on 13 December 2013), however, subsequent to this an email was received from JNCC (on 22 January 2013) indicating that the response received in December did not take full consideration of all the documents submitted for consultation. JNCC cited reasons of staff resource constraints and the handover of advice from JNCC to NE as the reasons for the incomplete response. The final and complete response was received from Natural England on 19 February 2014, approximately two months after the end of the formal consultation period which ended on 20 December 2013.

- 9.2.4. As detailed in chapter 3 of the Consultation Report, in setting out the statutory period for consultation Forewind considered and acknowledged the resourcing constraints of the statutory nature conservation bodies and therefore allowed a longer than prescribed statutory consultation period (a total 47 days, far in excess of the 28 days required under the Planning Act). As Natural England and JNCC provided no indication within the statutory consultation period that a further response was to be expected or that the response received was incomplete, Forewind began addressing the comments raised in preparation for submission of the Application. Primarily due to the delay in receiving the final response from Natural England, Forewind has been unable to consider this within the updates to the ES.
- 9.2.5. Pursuant to Section 49 of the Planning Act which states that the applicant must have regard to any relevant response 'that is received by the applicant before the deadline imposed by Section 45' (Section 45 being the timetable for consultation under Section 42), Forewind has not considered the response received from Natural England on 19 February 2014 as a response under Section 42 of the Planning Act. However, Forewind has responded informally to Natural England on the response received and are committed to continuing engagement with Natural England on the points raised.
- 9.2.6. Forewind would also like to highlight the post-formal consultation undertaken with Natural England in relation to impacts on wintering birds (golden plover and lapwing) within the coastal fields at the landfall, and potential mitigation measures that could be put in place. Forewind has provided additional information to Natural England in the form of a desk study and supplementary field survey data for January and February 2014. A meeting was held to discuss the required supplementary information, and Natural England provided a response upon this. Consultation will continue during the examination phase.
- 9.2.7. Forewind would also highlight that consultation with Cleveland Potash Ltd (CPL) has been taking place since January 2013 on a formal and informal basis. CPL were asked to respond to the formal consultation undertaken in November and December 2013 but did not provide a response within the statutory time period, although a meeting was held between Forewind and CPL during the second statutory phase of consultation in which matters related to marine physical processes were discussed. Due to concerns that were raised subsequent to the statutory consultation periods by CPL, ongoing informal consultation has been taking place and will continue with the aim of resolving the concerns raised. The key concerns relate to the interactions between the Dogger Bank Teesside A & B Export Cable and CPL mining activities.

10. Conclusions

10.1. Introduction

- 10.1.1. Since Forewind was awarded the development rights to develop an offshore wind farm in the Dogger Bank Offshore Wind Farm Zone in the North Sea, the project has been subject to extensive consultation, in terms of both non-statutory engagement and statutory consultation carried out pursuant to the Planning Act.
- 10.1.2. Early non-statutory consultation has had a significant influence on the project in terms of its site boundaries, the work undertaken to assess the suitability of the site for an offshore wind farm, and its design.
- 10.1.3. Forewind carried out a two phase statutory Section 42 and Section 47 consultation process. This approach was taken to ensure that consultees were engaged from an early stage in the development of the project and had multiple opportunities to comment on the proposals.
- 10.1.4. The first phase of statutory consultation under Section 42 of the Planning Act was undertaken in parallel to the first phase of statutory consultation under Section 47 of the Planning Act, during May and June 2012, and was based on the provision of the Dogger Bank Teesside PEI1.
- 10.1.5. In December 2012, after the first phase of statutory consultation, Forewind informed the Planning Inspectorate, and all consultees, that the optimum consenting strategy for Dogger Bank Teesside was to split the development into two separate DCO applications – Dogger Bank Teesside A & B and Dogger Bank Teesside C & D.
- 10.1.6. The second phase of statutory consultation under Section 42 and Section 47 of the Planning Act were undertaken in a similar way to the first phase, during November and December 2013, and was based on the provision of a draft ES for Dogger Bank Teesside A & B.
- 10.1.7. All responses to the consultation, whether they were received before the deadline for responses or after the statutory consultation period have been considered by Forewind, with the exception of a response from Natural England which was received on 19 February 2014. Where appropriate, responses have been taken into account by Forewind in preparing its Application for development consent for submission to the Secretary of State. Where comments have not influenced the project, justification has been provided in this Consultation Report.
- 10.1.8. The amendments that have been made to the project as a result of the statutory consultation undertaken can be summarised as follows:
- The main offshore change to date has been the reduction in the size of the temporary working area just off the coast at the site of the landfall between Redcar and Marske-by-the-Sea. This reduction will avoid certain geological features, which were brought to Forewind's attention by the Tees Valley

RIGS Group. These geological features include the Redcar mudstone formation of the Red Howles site, between Red Howles and Redcar Rocks.

- Onshore, concerns were raised about the size of the land area proposed for the two converter stations at the Wilton Complex. After some assessment Forewind has been able to reduce this area by 3.8 hectares (9.4 acres). Its total footprint is now 9.3 hectares (23 acres).
- Since the consultation and following a new topographical survey, there has been a review of the size of the land area needed for the landscaping proposed to screen the converter stations. To properly accommodate this mitigation and ensure it is most effective, Forewind has needed to revise the boundaries within the converter stations site.
- The orientation of the converter stations has also been changed by 180 degrees since the consultation. The transformers, which have the most potential for noise, have been moved north of the converter hall and further away from residential areas.
- Two alternative routes were proposed for access to the cable route section near the existing National Grid substation at Lackenby during construction. Route 1 is to the west of the substation, the route already used by National Grid to access the site and including the B1380, and Route 2 to the east, using the A1053 underpass and existing tracks within the Wilton Complex. It has been concluded that both routes will be needed due to the level of anticipated construction traffic. Most of the traffic will be routed via the A1053 underpass and through the Wilton Complex (Route 2) with only those larger vehicles needing to travel on Route 1.
- Some other relatively minor design amendments have been made to aspects of the proposed onshore works within individual fields along the cable route. As they impact only those with a specific interest in that area of land, Forewind will consult directly with the relevant landowners and with those people who have a specific interest in that particular field.
- Acting on feedback given by Natural England on the data provided about wintering birds at the landfall area, particularly golden plover, Forewind has undertaken work to further substantiate the results. The PEI provided during the consultation showed that bird numbers drop in January and February. To gather additional supporting evidence for this, Forewind has carried out a new desktop study plus field surveys this winter. Consolidated results comprising the previous data and new information has been fed back to Natural England as part of Forewind's ongoing consultation.

10.1.9. In addition, conditions and requirements have been included in the draft DCO (incorporating the Deemed Marine Licences) (document reference 3.1) to address specific issues raised by consultees.

10.1.10. Following statutory consultation on the project, the Applicant undertook further consultations to discuss the key issues raised from the consultation. These were held with the relevant prescribed bodies and statutory advisors, fishermen and

marine users. Feedback from this engagement has been fed into the Application where practicable.

- 10.1.11. In the spirit of effective consultation, the Applicant continues to engage with a range of consultees and will continue to do so as the project progresses.

10.2. Statement of Compliance

- 10.2.1. In developing the approach to consultation for Dogger Bank Teesside A & B, Forewind has followed the specific requirements set out in relevant legislation and guidance documents.
- 10.2.2. This Consultation Report sets out the activities Forewind has undertaken under Sections 42, 47 and 48 of the 2008 Act (chapters 3, 4 and 5 respectively) and the consultation responses received by Forewind under these sections (chapter 8). Each Chapter (chapters 3 – 5 and 8) sets out the relevant legislative context for each section to demonstrate how the consultation undertaken has adhered to relevant legislation and guidance.
- 10.2.3. A statement of compliance which details how Forewind has complied with the relevant requirements in the Planning Act, the APFP Regulations, the EIA Regulations and the DCLG Guidance, is provided in **Appendix A.1**. The statement of compliance can be summarised as follows:
- Undertaking statutory consultation under Section 42 of the Planning Act: chapter 3 and **Appendices B, C, I and J** of this Report demonstrate that all requirements of the Planning Act and relevant Regulations have been complied with and the guiding principles set out in the relevant guidance documents have been followed;
 - Undertaking statutory consultation under Section 47 of the Planning Act: chapter 4 and **Appendices D, E, K and L** of this Report demonstrate that all requirements of the Planning Act and relevant Regulations have been met and the guiding principles set out in the relevant guidance documents have been followed. In relation to the EIA Regulations, both the initial and the updated SoCCs provided relevant detail as required under Regulation 10. In addition the community was provided with the consultation documents (PEI and draft ES) at local exhibitions and reference was made to the consultation documents (PEI and draft ES) in press releases and project updates. Therefore there was no scope for confusion for members of the public on what was being consulted on during Section 47 consultation;
 - Undertaking statutory notification under Section 48 of the Planning Act: chapter 5 and **Appendix F** demonstrate that all requirements of the Planning Act and relevant Regulations have been complied with and the guiding principles set out in the relevant guidance documents have been followed;
 - Having regard to Section 42 consultation responses: chapter 8 and **Appendices I and J** demonstrate that all requirements for summarising

Section 42 responses and having regard to those responses under Section 49 of the Planning Act have been met;

- Having regard to Section 47 consultation responses: chapter 8 and **Appendices K and L** demonstrate that all requirements for summarising Section 47 responses and having regard to those responses under Section 49 of the Planning Act have been met; and
- Having regard to Section 48 publicity responses: chapter 8 demonstrated that all requirements for summarising Section 48 responses and having regard to those responses under Section 49 of the Planning Act have been met.

10.2.4. The compliance statements demonstrate that all relevant requirements set out in the legislation have been adhered to in completing the pre-application process for Dogger Bank Teesside A & B. Furthermore, where appropriate, guiding principles set out in relevant guidance documents have been followed in carrying out pre-application consultation for Dogger Bank Teesside A & B.

10.2.5. In conclusion, Forewind has undertaken extensive pre-application consultation in accordance with its SoCCs, in compliance with relevant legislation and in light of the guiding principles of consultation as set out in the Planning Inspectorate and DCLG guidance documents. Forewind has endeavoured to accurately reflect the various stages of consultation that have been undertaken and to represent the views and feedback from consultees that have been engaged in the process. It can be concluded from an analysis of the information provided in this Report that the comments, views and impacts identified through the pre-application consultation have influenced the submitted Application. This influence has predominantly been in terms of the content and scope of the Application documents and the final form of the Application.