



TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF PLANNING PERMISSION

Applicant / Agent Name And Address

DOGGERBANK OFFSHORE WIND FARM
PROJECT 3 PROJCO LIM
MISS VICTORIA/ KIM RIDYARD/ GAULD-
CLARKE
1 FORBURY PLACE
43 FORBURY ROAD
READING
RG1 3JH

Reference No: R/2020/0355/FFM

The Council as the Local Planning Authority **HEREBY GRANT PLANNING PERMISSION** for the development proposed by you in your application valid on: 9 July 2020

Details: **INSTALLATION OF UNDERGROUND HIGH VOLTAGE ELECTRICAL CABLES AND ANCILLARY WORKS WITHIN FIVE AREAS TO CONNECT EXISTING APPROVED DOGGER BANK C AND SOFIA WIND OFFSHORE WIND FARMS AND LACKENBY SUBSTATION AND ASSOCIATED TEMPORARY CONSTRUCTION COMPOUNDS (NO. NINE), HAUL ROAD, FIVE SITE ACCESSES, CONSTRUCTION OF RETAINING WALL AND REPROFILING OF EXISTING BUND WITH SURPLUS SPOIL**

Location: **VARIOUS LOCATIONS ALONG EXISTING APPROVED CABLE ROUTE FROM MARKSE BEACH TO LACKENBY**

Applicant: **DOGGERBANK OFFSHORE WIND FARM PROJECT 3 PROJCO LIM**

Subject to the following condition(s):

Definitions

“**cable preparation works**” means all or any part of the trenched or trenchless installation works to install cable ducting or otherwise facilitate the laying of cables in the relevant section of Work No. 6A(2), Work No. 6B(2), Work No. 8S(2), Work No. 8A(2) and Work No. 8B(2) and including the construction compounds CC B, CC C, CC D(2), CC D(3), CC E, CC F and CC G authorised by this permission.

“**commence**” means begin to carry out a material operation (as defined in section 56(4) of the Town and Country Planning Act 1990) in respect of the development except for operations consisting of site clearance and “commencement” shall be construed accordingly.

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“**DCO**” means the development consent order made on 4 August 2015 and known as The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 (S.I. 2015/1592) as amended

“**Project A(2) works**” means Work No. 6A(2), Work No. 8S(2) and Work No. 8A(2) save that any cable preparation works relating to Work No. 6A(2), Work No. 8S(2) and Work No. 8A(2) are excluded where those works are carried out as shared works;

“**Project B(2) works**” means Work No. 6B(2) and Work No. 8B(2) save that any cable preparation works relating to Work No. 6B(2) and Work No. 8B(2) are excluded where those works are carried out as shared works;

“**retaining and reprofiling works**” means the retaining and reprofiling works including the temporary haul road and the construction compounds CC H and CC I authorised by this permission;

“**shared works**” means Work No. 10C(2), Work No. 10D(2), Work No. 10E(2), Work No. 10J(2), Work No. 10J(3) and Work No. 10J(4) and may include the retaining and reprofiling works and/or cable preparation works;

“**stages**” mean each of the following stages (all or any part of which may be constructed in sequential order or in parallel) or as otherwise agreed with the local planning authority-

Stage TCPA1 - (Project A(2)) – Work No. 6A(2);

Stage TCPA2 - (Project B(2)) – Work No. 6B(2);

Stage TCPA3 - (shared works) – cable preparation works (where the cable preparation works are undertaken as a shared work);

Stage TCPA4 – (shared works) – retaining and reprofiling works

Stage TCPA5 - (shared works) – Work No. 10C(2), 10D(2), 10E(2), 10J(2), 10J(3) and 10J(4);

Stage TCPA6- (Project A(2)) Work No. 8S(2) (excluding the retaining and reprofiling works), Work No. 8A(2); and

Stage TCPA7 - (Project B(2)) – Work No. 8B(2).

References in this permission to:

- Work Nos. 6A(2) and 8A(2) are references to the elements of the works labelled on the site layout plan submitted with this application as “6(A&B2)” and “8(A&B2)” respectively that are to form part of the Project A(2) works.
- Work Nos. 6B(2) and 8B(2) are references to the elements of the works labelled on the site layout plan submitted with this application as “6(A&B2)” and “8(A&B2)” respectively that are to form part of the Project B(2) works.
- Work Nos. 8S(2), 10C(2), 10E(2), 10J(2), 10J(3) and 10J(4) are references to the works so labelled on the site layout plan submitted with the application.

- **CC B, CC C, CC D(2), CC D(3), CC E, CC F, CC G, CC H and CC I** are references to the construction compounds so labelled on the site layout plan submitted with this application

Conditions

Implementation

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

Stages of development

2. (1) The Project A(2) works must not commence until a written scheme setting out the phasing of construction of each stage of the Project A(2) works has been submitted to and approved by the local planning authority.

(2) The Project B(2) works must not commence until a written scheme setting out the phasing of construction of each stage of the Project B(2) works has been submitted to and approved by the local planning authority.

(3) Subject to paragraph (6) below, the shared works must not commence until a written scheme setting out the phasing of construction of each stage of the shared works has been submitted to and approved by the local planning authority.

(4) Each scheme submitted must be implemented as approved; provided that once a scheme has been approved under paragraphs (1), (2) or (3), revised phasing details may be submitted to the local planning authority for approval and following any such approval each revised scheme must be implemented as approved.

(5) Where the written scheme submitted to the local planning authority in accordance with paragraph (3) of this condition includes any of the cable preparation works, that scheme must include details of the phasing of such works.

(6) Where the written scheme submitted to the local planning authority in accordance with paragraph (3) of this condition includes any of the cable preparation works, it will not be necessary to comply with paragraph (1) or (2) prior to commencement of the cable preparation works included in that scheme.

REASON: To allow for the development to be delivered in a phased format

Provision of landscaping

3. (1) No stage may commence until a written landscaping scheme and associated work programme for that stage has been submitted to, and approved by, the local planning authority. Each landscaping scheme must include details of all proposed hard and soft landscaping works for the relevant stage, including where relevant—

- (a) location, number, species, size and planting density of any proposed planting, including any trees;

- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;
- (d) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (e) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (f) details of existing trees to be retained, with measures for their protection during the construction period;
- (g) retained historic landscape features and proposals for restoration, where relevant; and
- (h) implementation timetables for all landscaping works.

(2) For the avoidance of doubt, each landscaping scheme approved under paragraph (1) of this condition may cover one or more stages.

REASON: To ensure that the development would respect the site and the surroundings in accordance with policy SD4 of the Local Plan.

REASON FOR PRE-COMMENCEMENT: The preparation of a landscaping scheme is required early in the scheme to ensure the end development can be delivered in line with the landscaping scheme proposed.

Implementation and maintenance of landscaping

4. (1) The landscaping works must be carried out in accordance with the relevant landscaping scheme approved for that stage under condition 3 and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(2) Any tree or shrub planted as part of an approved landscaping scheme that, within 5 years after planting, is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged or diseased, must be replaced in the next planting season with a specimen of the same species and size as that originally planted, unless otherwise agreed by the local planning authority.

REASON: To ensure the satisfactory implementation of the approved landscaping scheme in the interests of the visual amenities of the locality.

Fencing and other means of enclosure

5. (1) No stage may commence until written details of all proposed permanent and temporary fences, walls or other means of enclosure for that stage have been submitted to and approved by the local planning authority.

(2) All construction sites must remain securely fenced at all times during construction of the works.

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- (3) Any temporary fencing must be removed on completion of the relevant work.
- (4) Fencing, walls and other means of enclosure must be provided in accordance with the approved details.
- (5) For the avoidance of doubt, each set of submitted details approved under paragraph (1) of this condition may cover one or more stages.

REASON: To ensure that any boundary treatments/fences would accord with policy SD4 of the Redcar and Cleveland Local Plan by respecting the character of the site and the surroundings and raising no significant adverse impact on neighbouring occupiers or highway safety.

REASON FOR PRECOMMENCEMENT: The provision of fencing will be required early in the development stage.

Highway accesses

6. (1) No stage may commence until, for that stage, written details of the siting, design, layout and any access management measures for any new permanent or temporary means of access to or from a public highway to be used by vehicular traffic, or any alteration to an existing means of access to or from a public highway used by vehicular traffic, have, after consultation with the highway authority, been submitted to and approved by the local planning authority.

(2) No stage may commence until, for that stage, written details identifying the routes and accesses for operational maintenance have, following consultation with the highway authority, been submitted to and approved by the local planning authority.

(3) All highway accesses must be constructed, maintained and removed in accordance with the approved details.

(4) For the avoidance of doubt, each set of submitted details approved under paragraph (1) of this condition may cover one or more stages.

REASON: In the interest of highway safety and maintenance to ensure the development complies with policy SD4 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: The provision of new access points will be required in advance of development commencing where new access points are required.

Surface and foul water drainage

7. (1) No stage may commence until written details of the surface and (if any) foul water drainage system (including means of pollution control) for that stage have, following consultation with the relevant sewerage and drainage authorities and the Environment Agency, been submitted to and approved by the local planning authority.

(2) The surface water drainage system works must restrict surface water discharge to no more than the greenfield run-off rate (16.2 litres per second).

(3) The submitted details for each stage must—

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site (surface water drainage scheme);
 - (b) include a timetable for implementation (foul and surface water schemes); and
 - (c) provide a management and maintenance plan for the lifetime of the proposed schemes (foul and surface water management).
- (4) The surface and foul water drainage systems must be constructed, managed and maintained in accordance with the approved details.
- (5) For the avoidance of doubt, each set of submitted details approved under paragraph (1) of this condition may cover one or more stages.

REASON: To ensure the development is supported by a suitably designed surface/foul water disposal infrastructure scheme and to minimise the risk flooding in the locality.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to drainage details which are often the first works on site and relate to site preparation.

Archaeology

8. (1) No stage may commence until the implementation of a programme of archaeological work has been secured in relation to that stage in accordance with a written scheme of archaeological investigation for the relevant stage that has been submitted to and approved by the local planning authority.

- (2) For each stage the relevant scheme must—
- (a) set out a pre-construction programme of archaeological evaluation that defines the extent, character and significant archaeological sites and the extent of areas that do not require detailed excavation. The results of the evaluation are to inform subsequent mitigation strategies;
 - (b) set out the programme and methodology for site investigation and recording;
 - (c) set out provision for the monitoring of geotechnical test pits in areas of significance as defined by the archaeological evaluation;
 - (d) set out the programme for post-investigation assessment, the results of which may inform the scope of analysis;
 - (e) provide for analysis of the site investigation and recording;
 - (f) provide for publication and dissemination of the analysis and records of the site investigation; and
 - (g) nominate a competent person or organisation to undertake the works set out in the written scheme of investigation.

- (3) No stage may commence until, in relation to the stage, the relevant site investigation has been completed as approved, and such completion has been approved by the local planning authority.
- (4) No stage may be brought into commercial operation (excluding commissioning) until the site investigation and post-investigation assessment for the relevant stage has been completed in accordance with the programme in the relevant approved scheme and the provision made for analysis, publication and dissemination of results and archive deposition for that stage has been secured.
- (5) The written scheme in relation to each stage must be carried out as approved.
- (6) For the avoidance of doubt, each scheme approved under paragraph (1) of this condition may cover one or more stages.

REASON: To ensure the consideration of any archaeological interest at the site.

REASON FOR PRE-COMMENCEMENT: A pre-commencement condition is required to ensure that no remains are disturbed or otherwise compromised by site excavation of other ground works.

Code of construction practice

9. (1) No stage may commence until, for that stage a code of construction practice (“CoCP”) in accordance with the outline code of construction practice has been submitted to and approved by the local planning authority following consultation with both Highways England and the relevant statutory nature conservation body.

(2) Each CoCP must include consideration of the following matters, amongst others, during construction of the works—

- (a) construction noise and vibration management;
- (b) air quality including dust management;
- (c) sustainable waste management during construction;
- (d) traffic management and materials storage on site;
- (e) water management (surface water and groundwater);
- (f) the mechanism for the public to communicate with the construction teams, including contact details;
- (g) land use and agriculture, including the management, excavation and removal of soils, land drainage, land quality and biosecurity;
- (h) a method statement for the crossing of watercourses;
- (i) method statements for horizontal directional drilling activities of highways, railways and apparatus in the Wilton Complex;
- (j) plans for public and private access across the development, including details of the temporary re-routing of public rights of way during the construction of the authorised

development including the provision of signage and other information alerting the public to the construction works and any re-routing;

- (k) management and mitigation of artificial light emissions from construction compounds.

(3) For the avoidance of doubt, each CoCP approved under paragraph (1) of this condition may cover one or more stages.

REASON: In the interest of neighbour amenity, highways safety and protection of ecology value in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to construction details which are often the first works on site and relate to site preparation.

Construction environmental management plan

10. (1) Before the commencement of each stage, a construction environmental management plan (“CEMP”) for that stage, drafted in accordance with the principles set out in the CoCP, must be submitted to and approved by the local planning authority.

(2) All remediation, construction and commissioning works must be undertaken in accordance with each relevant CoCP and CEMP.

(3) For the avoidance of doubt, each CEMP approved under paragraph 1 of this condition may cover one or more stages.

REASON: In the interest of neighbour amenity, highways safety and protection of ecology value in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to construction details which are often the first works on site and relate to site preparation.

Construction hours

11. (1) Construction work and any construction-related traffic movements to or from the site of the relevant work must take place only between 7 a.m. and 7 p.m. on Monday to Saturday, with no activity on Sundays, public or bank holidays, except—

- (a) where continuous periods of operation are required, such as concrete pouring and drilling;
- (b) for the delivery of abnormal loads, which may cause congestion on the local road network;
- (c) where works are being carried out on the foreshore;
- (d) where works are required to be carried out in an emergency; or
- (e) as otherwise agreed by the local planning authority as required outside of these hours pursuant to details submitted and approved under any other condition.

(2) All construction operations that are to be undertaken outside the hours referred to in subparagraph (1) must be agreed by the local planning authority in advance and must be carried out within the hours agreed by the local planning authority.

REASON: To ensure that the any activity during the construction development would not have a significant adverse impact in relation to noise and disturbance in accordance with policy SD4 of the Local Plan.

Construction traffic routing and management plans

12. (1) No stage may commence until, for that stage, written details of a construction traffic management plan (“CTMP”) and a construction travel plan (“CTP”), to be used for the management of construction traffic for that stage, has been submitted to and approved by the local planning authority following consultation with Highways England.

(2) Each CTMP and CTP must include details (including agreed routes) for abnormal indivisible loads (“AILs”) that may be delivered by road (or confirmation that no AILs are required for construction of the authorised development), and the approved details must be adhered to at all times when AILs are transported to or from the authorised development by road.

(3) Notices must be erected and maintained throughout the period of construction at construction site exits, in accordance with the CTMP, indicating to drivers the routes agreed by the local planning authority for traffic entering and leaving sites.

(4) For the avoidance of doubt, each scheme approved under paragraph (1) of this condition may cover one or more stages.

REASON: In the interest of highways safety in accordance with policy SD4 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: The information is required prior to any works commencing on site as it relates to construction details which are often the first works on site and relate to site preparation.

European protected species

13. (1) Subject to paragraph (5) below, no stage may commence until, for that stage, final pre-construction survey work has been carried out to establish whether a European protected species is present on any of the land affected, or likely to be affected, by any part of that stage or in any of the trees to be lopped or felled as part of that stage.

(2) Where a European protected species is shown to be present, the stage likely to affect the species must not commence until, after consultation with the relevant statutory nature conservation body and the Secretary of State for the Environment, Food and Rural Affairs, a scheme of protection and mitigation measures for that stage has been submitted to and approved by the local planning authority.

(3) Each stage which requires a scheme of protection and mitigation measures in accordance with paragraph 2 of this condition must be carried out in accordance with the approved scheme(s).

(4) In this condition, “European protected species” is a European protected species of animal within the meaning of Part 3 (protection of species) of the Conservation of Habitats and Species Regulations 2017.

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(5) For the avoidance of doubt, each scheme approved under paragraph (2) of this condition may cover one or more stages.

REASON: In the interest of the ecological value and long-term maintenance of the site in accordance with policies SD4 and N4 of the Redcar and Cleveland Local Plan.

REASON FOR PRE-COMMENCEMENT: To ensure that prior to the commencement of any development activities suitable consideration is given to ecological matters.

Restoration of land used temporarily for construction

14. Any land that is used temporarily for construction, and not ultimately incorporated in permanent works or approved landscaping, must be reinstated to its former condition, or such condition as the local planning authority may approve, within 6 months of completion of the development authorised by the DCO, or such other period as the local planning authority may approve.

REASON: To ensure that any land used for temporary purposes is restored in the interest of the character and appearance of the landscape in accordance with policy SD4 of the Redcar and Cleveland Local Plan.

Decommissioning

15. (1) Following the cessation of commercial operation of the Project A(2) works (in whole or in part), any demolition and/or removal of the Project A(2) works (in whole or in part) and any part of the shared works not required for the commercial operation of Project B(2) shall be undertaken in accordance with the relevant scheme for decommissioning approved under Requirement 38 of the DCO.

(1A) Following the cessation of commercial operation of the Project B(2) works (in whole or in part), any demolition and/or removal of the Project B(2) works (in whole or in part) and any part of the shared works not required for the commercial operation of Project A(2) shall be undertaken in accordance with the relevant scheme for decommissioning approved under Requirement 38 of the DCO.

(3) References in this condition to “the shared works” means those elements of the shared works as they relate to Project A(2) or Project B(2) and, for the avoidance of doubt, paragraph (1) of this condition will not be triggered when Project B(2) ceases commercial operation and paragraph (2) of this condition will not be triggered when Project A(2) ceases commercial operation.

REASON: To ensure that the land associated with the development once decommissioned is left to a suitable standard in accordance with policy SD4 of the Redcar and Cleveland Local Plan.

Amendments to plans, etc.

16. Where any condition requires the development to be carried out in accordance with any programme, statement, plan, protocol, scheme, details or arrangements approved by the local planning authority, the approved programme, statement, plan, protocol, scheme, details or arrangements must be taken to include any amendments that may subsequently be approved by the local planning authority (after consulting any person that the local planning authority is required to consult under the relevant condition).

REASON: To ensure the development is carried out in accordance with the most up to date plans and documents.

Unexpected Contamination

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority

Following completion of the development a report must be submitted confirming that unexpected contamination was not encountered during the development

REASON : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors



Signed:

Andrew Carter
Assistant Director Economic Growth

Date: **14 October 2020**

YOUR ATTENTION IS DRAWN TO INFORMATIVE NOTES BELOW:

INFORMATIVE NOTE:

The conditions above should be read carefully and it is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

Please note that in order to discharge any conditions, a fee is payable in respect to this.

Failure on the part of the developer to fully meet the terms of any conditions which require the submission of details prior to the commencement of development may result in the development being considered unlawful and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal action in the form of a Breach of Condition notice.

APPROVAL INFORMATIVE:

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

Consent under the current Building Regulations may also be required for the development before work can commence.

County of Cleveland Act, 1987 – Facilities for Fire Fighting

Section 5 of this Act requires that, where building regulation plans for the erection or extension of a building are deposited with the Council, the Council must reject the plans if it is not satisfied:

- That there will be adequate means of access for the Fire Brigade
- That the building or extension will not make means of access for the Fire Brigade to any neighbouring building inadequate
- If the building could be used for commercial or industrial purposes, that there is provision for installation of fire hydrants or other provision for an adequate supply of water for firefighting purposes.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within the timeframes stated below:

- **12 weeks** of the date of this notice for a householder application/minor commercial application;
- **six months** of the date of this notice for other planning applications
- **8 weeks** in the case of any advertisement

using a form which you can get from the Secretary of State at **Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, (Tel: 0303 444 5000)** or online at

<https://www.gov.uk/planning-inspectorate>. The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have it granted without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Planning Inspectorate does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In the circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to them. These circumstances are set out in Section 114 and related provisions of the Town & Country Planning Act 1990.

The Highways Act 1980 (Sections 131, 133 and 171)

Prior to commencing work on any development which entails interference with an adopted Highway a developer/contractor is required to obtain the consent of the Engineering (Highways Team). Such consent will not unreasonably be withheld but will be conditional upon obtaining a "Road Opening And Reinstatement" Consent and signing an "Undertaking To Pay For Works".

The Building Act 1984 (Section 80)

Prior to commencing work on any development which entails the demolition of part, or all of a building a developer or contractor is required to obtain the consent of the Engineering Team. Consent will be conditional on the Local Authority receiving the appropriate forms. Forms can be obtained direct from the Engineering Team.