



National Infrastructure
The Planning Inspectorate
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Your ref: EA3 EN010056
Our ref: EA3 NMC(3)
Date: 01 October 2021
Please ask for: Naomi Goold
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Dear Sir/Madam,

Re: East Anglia Three Offshore Wind Farm Order 2017 (as amended) – Application for a Non-Material Change 2021

Thank you for consulting East Suffolk Council (ESC) on the application for a Non-Material Change to East Anglia Three Offshore Wind Farm. It is understood the Non-Material Change application seeks consent for the following changes to the 2017 Development Consent Order (DCO):

- Removal of the stated gross electrical output capacity;
- Increase in the maximum height of the turbines from 262m to 282m;
- Increase in maximum rotor diameter of the turbines from 230m to 250m;
- Reduction in the number of turbines from 121 to 100.

The Council notes there is no statutory definition of what constitutes a material or non-material change for the purposes of Schedule 6 of the Planning Act 2008 and Part 1 of the 2011 Regulations. Guidance has however been published by the then Department for Communities and Local Government, 'Planning Act 2008: Guidance on Changes to Development Consent Orders' in 2015, which states that there may be certain characteristics that indicate a change to a consent is more likely to be treated as a material change:

- a) whether an update would be required to the Environmental Statement (from that at the time the original development consent order was made) to take account of likely significant effects on the environment;*
- b) whether there would be a need for a Habitats Regulations Assessment, or a need for a new or additional licence in respect of legally protected species;*
- c) whether the proposed change would entail compulsory acquisition of any land that was not authorised through the existing development consent order; or*
- d) whether the proposed change have a potential impact on local people and businesses.*

ESC fully recognises that it will be for the Secretary of State to determine the materiality of the amendments sought. The Council has however provided some comments in relation to the criteria

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set out above, which it is hoped the Secretary of State will take into consideration during the decision making.

Environmental Statement

In relation to point a) whether an update to the Environmental Statement would be required compared to the time the original DCO was made. This needs to involve consideration of the previous amendments granted in 2019 and 2021. The primary changes granted have been outlined below.

The first Non Material Change (NMC(1)) received consent on 6 June 2019 permitting the following:

- Increase the maximum electricity generating capacity from 1,200MW to 1,400MW;
- Amendment to paragraph 8(3) of requirement 3 of the 2017 Order to allow more flexibility in delivery of the two offshore phases; and
- Limitation of the maximum number of gravity base foundations to 100.

A second Non-Material Change (NMC(2)) was granted on 15 April 2021, permitting the following:

- Reduction in the number of Offshore Substation Stations (OSS) from 6 to 1;
- Increase in the number of pin piles per OSS jacket leg from 1 to 4;
- Increase in the number of legs of the OSS from 4 to 6.
- Increase in the maximum tip height of 247 m to 262 m;
- Increase in the minimum air draft of all turbines from 22 m to 24 m;
- Increase in maximum rotor diameter from 220 m to 230m; and
- Reduction in the maximum number of turbines from 172 to 121.

ESC has considered the current changes proposed in combination with the previous amendments granted but confined the comments provided to matters over which the Council has responsibility. For this reason, based on the changes sought, the Council's comments on the need to update the Environmental Statement are confined to the topic of seascape. The Council accepts the Applicant's reasoning and conclusion that the proposed amendments to the turbines will not result in any new or materially different likely significant effects from those described in the original Environmental Statement or NMC(2). The [Suffolk Seascape Sensitivity to Offshore Wind Farms \(2020\)](#) work also supports this conclusion. ESC therefore agrees that no update to the seascape section of the Environmental Statement is required as a result of the proposed amendments.

Habitats Regulations Assessment

In respect of criteria b), as the amendments relate to offshore matters, ESC will defer to Natural England in terms of whether the current amendments sought in combination with the previous amendments granted would result in the need for a Habitats Regulations Assessment or a new licence in respect of legally protected species.

Compulsory Acquisition

Criteria c) relates to compulsory acquisition, the Applicant has confirmed within their application that the changes will not require additional land outside the DCO boundaries to be sought.

Local People and Businesses

Finally point d) considers the potential impact on local people and businesses from the proposed changes. The Council recognises the significant role offshore wind has in helping the UK to achieve the Government's net zero target on greenhouse gas emissions by 2050. It is evident that, in order to achieve the required level of installed offshore wind capacity, not only is a coordinated offshore connections network essential but the significant contribution required from offshore wind in order to meet the net zero target requires existing and proposed projects to be as resource efficient as possible. This is vital for those communities which are adversely affected and have to live with the impacts by the onshore infrastructure associated with offshore wind developments.

ESC welcomes that the Applicant is seeking to remove the maximum stated electrical output capacity of the project and would like to see this output maximised when the project is operational and not reduced. The Council has already had experience of a Non-Material Change in relation to East Anglia One Offshore Wind Farm, which resulted in a reduction in the capacity of the scheme. Although the electrical output of the East Anglia One scheme was reduced by over one third, this did not result in one third reduction in the size and scale of the onshore infrastructure. Local communities have had to accept the same level of impact for a lower amount of electricity generation. ESC therefore fully supports maximising the electricity generation from the infrastructure consented and would urge the Applicant to ensure the existing connection agreement for the project does not comprise a constraint to this.

The Council notes that although the number of offshore turbines has been significantly reduced over the three amendments sought to the East Anglia Three project, there has not been a similar reduction in the size and scale of the onshore infrastructure. It is hoped that alongside the improvements in the efficiency of offshore turbines, the Applicant will seek to maximise any opportunities for improvements in the onshore converter station technology which would reduce the overall scale and size of the development. It is understood that this may be realised through the discharge of requirements process, but this is a matter which will affect the local community and therefore the Council considers it is important to raise.

ESC notes the Secretary of State's recent decision in relation to the [East Anglia One Offshore Wind Project NMC](#), and confirmation that a NMC utilising the originally approved parameters, cannot be used to increase the size or number of turbines. ESC assumes that the Secretary of State will take the same approach to this NMC.

Subject to the Developer making every effort to be as resource efficient as possible and maximise the energy output from the consented infrastructure, ESC has no objection to the Non-Material Amendment sought.

If you would like to discuss anything further, please do not hesitate to contact us using the details at the top of this letter.

Yours faithfully,



Philip Ridley BSC (Hons) MRTPI
Head of Planning and Coastal Management
East Suffolk Council