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Chris Jenner
(The Applicant)

Your Ref:

By email only

Our Ref: EN010130

Date: 3 July 2024

Dear Mr Jenner

The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

Application by Total Energies and Corio Generation for an Order Granting Development Consent for the Outer Dowsing Offshore Wind Project

Request for further information

I am writing on behalf of the Examining Authority (ExA) under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) to request the following information:

Applicant name

The Applicant's name has been registered with the Planning Inspectorate as Total Energies and Corio Generation. However, the ExA has noted that application documents refer to the Applicant as GTR4 Limited (trading as Outer Dowsing Offshore Wind). The Applicant is asked to confirm whether the name registered with the application should be amended. Once confirmation is received the Planning Inspectorate's website will be updated to reflect the changes if necessary.

Compulsory Acquisition of Rights - Work no 17

The Applicant is seeking to acquire rights over 161 ha of land identified as necessary for a 400kV onshore underground cable corridor. Within this area, the Applicant is seeking rights over land that appears to extend beyond that corridor in the location referred to as the 'Connection Area' [[APP-037](#), section 4.1.5.91]. Further information is requested from the Applicant which provides sufficient detail to clarify that the full extent of this land is required for the development to which the development consent would relate.

Methodological concerns and implications for the Environmental Statement (ES) and Report to Inform Appropriate Assessment (RIAA)

Natural England (NE) and the Royal Society for the Protection of Birds (RSPB) have raised a number of concerns relating to the baseline data and the Applicant's methodological approach, particularly in regard to the assessment of impacts for benthic and intertidal ecology, and offshore and intertidal ornithology. Many of these have been allocated a red risk rating by NE in its Relevant Representation (RR) [RR-045].

One example of the concerns raised relates to the Applicant's approach to apportioning for guillemot and razorbill. NE has stated in [RR-045] that: *"In order for Natural England to provide advice into the Examination, the Report to Inform Appropriate Assessment (RIAA) needs to present assessment outputs based on our advised apportioning approach."*

In addition, NE has also identified several instances of where it considers there is missing or incomplete survey data which may have implications for the ES and RIAA. For example, site specific information on detailed and semi-detailed Agricultural Land Classification, soil function surveys and over-wintering bird surveys. The latter was previously identified by the s51 advice letter dated 16 April 2024.

The ExA appreciates that the Applicant may not entirely agree with the preferred methodological approaches on some matters that have been referenced in the RRs from NE [RR-045], the Marine Management Organisation [RR-042] the RSPB [RR-056] and the Environment Agency [RR-018]. Nevertheless, where differences of opinion have been detailed in the aforementioned RRs the ExA considers it to be very important that it is presented with assessment outputs based on the methodological approach adopted by the Applicant as well as the approach respectively advocated by these organisations, and which make use of the most up to date data available to the Applicant.

Consequently, to make best use of the time available during the Examination, the ExA considers that this additional presentation of information should be provided at the earliest available opportunity. If the Applicant is unable to provide such information by the deadline given in this letter, the ExA requests that the Applicant sets out its earliest reasonable timeframe for producing this information.

Discrepancies and omissions identified in the application documents

ES Chapter 17: Seascape Landscape and Visual Impact Assessment [APP-072] - page 49 appears to be blank following an incomplete sentence. The Applicant is requested to confirm if there is text missing or if the sentence continues on page 50.

ES Chapter 20: Onshore Archaeology and Cultural Heritage [APP-075]:

- paragraphs 62 to 63 and the matrix presented in Table 20.8 indicate that the conclusions of whether impacts are significant or not significant at a given level of effect will be based on professional judgement. However, the assessment does not then clearly state in each case where effects are 'significant' or 'not significant' in line with other aspect chapters.

Whilst it is noted by the ExA that this Chapter contains a summary identifying the outcome of the assessment of effects, a complete chapter is requested.

ES Chapter 23: Geology and Ground Conditions [APP-078] Historic landfill sites are named e.g. Lowgate Farm (para. 59) in the text of the chapter but are numbered in

Chapter 23 Figures [APP-114] and in the plans provided in the Preliminary Land Quality Risk Assessment [APP-209]. It is not possible to cross reference the commentary in the ES with the plans upon which they are identified. The Applicant is requested to provide further clarification to allow cross reference between sources.

In its RR [RR-045] NE has referred to a number of errors, apparent omissions and inconsistencies in the information provided in some application documents. This has been observed for, but is not limited to, Annex B of the Offshore and Intertidal Ornithology Baseline Characterisation Report [APP-162] and the Offshore Ornithology Displacement Assessment [APP-164]. The ExA has also noted that this is the case with documents submitted with the application. Consequently, the ExA requests that the Applicant conduct a thorough proofread of all the submitted documents and rectify all errors and inconsistencies including, but not necessarily limited to, those highlighted by NE.

Missing Drawings

ES Chapter 27 Appendix 1 Transport Assessment Annex N Passing Place Proposal [APP-229] - As shown on page 2, the detailed drawing titled 'Location Reference 002 Boston' appears to be missing. The Applicant is requested to correct the drawing title on page 12 and check the consistency of Location Reference 015 as shown on page 2 with the drawings on pages 13 and 14.

ES Chapter 27 Appendix 1 Transport Assessment Annex F Construction Access General Arrangement Drawings [APP-221]- As shown on page 2, 'AC-49 & AC-50 Marsh Road' Site access details plans are either missing or require title correction in the names. The Applicant is requested to correct the location plan on site access detail plans on pages 14, 15 and 16 and align sheets with the Location Plan on page 2.

Redacted documents

In their RRs both NE [RR-045] and the RSPB [RR-056] have noted that Annex D of Appendix 12.1: Offshore and Intertidal Ornithology Baseline Characterisation Report [APP-162] have been redacted and that they were therefore unable to provide comment on this. Please clarify whether an unredacted version of Annex D of [APP-162] has been issued to these organisations, and if not, please confirm that an unredacted version can be supplied to both NE and the RSPB. If the Applicant is unable to do so, please explain why and set out what implications it considers that would have for any arguments it may make that are based on this information.

Policy Compliance Document

The ExA notes that the Applicant's Cover Letter [APP-001] provides an undertaking to submit its Planning Compliance Document following acceptance of its application and requests an update from the Applicant on its anticipated timeframe for submission of this document.

Apparent changes to the Order limits

The ExA notes a number of alterations to plots set out in the Schedule of Changes to the Book of Reference [AS-008]. In the table titled 'Schedule of Changes to plots' there are references to plots being removed due to red line boundary reshaping and to plots being

reshaped. Please clarify whether the Applicant intends to propose any alterations to the Order limits as a result of these, or any other, changes.

Disclaimer in application documents

The ExA notes that the following disclaimer has been included in the title page for each of the written documents provided as part of the application for the Outer Dowsing Offshore Wind Project submitted on 19 March 2024, as well as in documents submitted subsequently:

“Outer Dowsing Offshore Wind accepts no liability for the accuracy or completeness of the information in this document nor for any loss or damage arising from the use of such information.”

The ExA is concerned that the meaning and intent of this wording could be interpreted to imply that documents submitted by the Applicant may not be accurate.

The ExA therefore requests that the Applicant submits written confirmation that the documents it has submitted provide, to the best of its knowledge, an accurate representation of the facts as they relate to the application and that the disclaimer included in documents submitted as part of the application for the Outer Dowsing Offshore Wind Project can be disapplied for the purposes of the Examination of the application and the ExA’s Recommendation to the Secretary of State. The Applicant is also requested to provide a full list of the application documents affected with this confirmation.

The Applicant is requested to provide the information sought by the ExA in this request for further information, alongside the additional and updated information highlighted to the Applicant in s51 advice provided on 16 April 2024, no later than **07 August 2024**.

Other Interested Parties may also wish to respond to this request.

Yours sincerely

Rod Macarthur

Rod Macarthur
Lead Member of the Panel of Examining Inspectors

This communication does not constitute legal advice.

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