



The Planning Inspectorate

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The Applicant

East Lindsey District Council
South Holland District Council
Boston Borough Council
Lincolnshire County Council

Your Ref:

Our Ref: EN010130

Date: 31 July 2024

The Environment Agency
Natural England
Royal Society for the Protection of Birds
Historic England
National Trust
The Forestry Commission
National Highways
The Maritime and Coastguard Agency
The Marine Management Organisation
Trinity House

National Grid Electricity Transmission
Chamber of Shipping
NATS (En Route) plc
Defence Infrastructure Organisation
(Ministry of Defence).

By email only

Dear Sir / Madam,

The Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9 and Rule 17

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

As you may have seen from the letter submitted under Rule 4 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) published on 26 April 2024, I have been appointed by the Secretary of State (for Levelling Up, Housing and Communities – as the Department was then known) to be the lead member of the Examining Authority (ExA) who will examine and make a recommendation to the Secretary of State for Energy Security and Net Zero on the Outer Dowsing Offshore Wind project.

Following the decision of the Secretary of State to accept the application for examination on 16 April 2024 and further to our letter requesting further information on 3 July 2024, the ExA has decided to make a number of Procedural Decisions concerning requests for additional information as well as for the clarification and correction of others. The aim is to better utilise the pre-Examination stage of this process and to obtain the information needed as early as possible in the overall process.

Deadline for the Submissions of Comments and Summaries on Relevant Representations (RRs)

Comments are sought from the Applicant. However, other parties are also free to comment if they consider it is appropriate to do so.

Rule 3(2) of the Infrastructure Planning (Examination Procedure) Rules 2010 requires written comments on any RRs to be submitted either on the date of the Preliminary Meeting (PM), or a date specified in its letter under Rule 8 of the EPR (the Rule 8 letter), which follows as soon as practicable following the PM, whichever is the later. To comply, the ExA will request responses to RRs and summaries of any RRs exceeding 1500 words at the first Examination Deadline (D1), the date of which will be provisionally set out in the ExA's EPR letter under Rule 6 of the EPR (the Rule 6 Letter). However, the ExA has noted from experience that Applicants generally respond as quickly as possible following the close of the RR period, and it would be helpful to the ExA, for the PM and the subsequent Hearings, if responses and summaries to RRs could be submitted by the pre-Examination Procedural Deadline, **Thursday 19 September 2024**.

Statements of Common Ground (SoCGs)

The ExA would expect SoCGs to be signed with the following host authorities, statutory bodies and other organisations, but the Applicant is requested to confirm this:

- Lincolnshire County Council;
- East Lindsey District Council;
- South Holland District Council;
- Boston Borough Council;
- The Environment Agency;
- Natural England;
- Royal Society for the Protection of Birds;
- Historic England;
- National Trust;
- The Forestry Commission;
- National Highways;
- The Maritime and Coastguard Agency;
- The Marine Management Organisation;
- Trinity House;
- National Grid Electricity Transmission;
- Chamber of Shipping;
- NATS (En Route) plc; and
- Defence Infrastructure Organisation (Ministry of Defence).

The ExA will set out in its Rule 6 Letter in due course the frequency it will expect to receive draft and final SoCGs, although this is likely to be one draft and one final document.

Given the extent of the Proposed Development and having regard to the responses to the Adequacy of Consultation, the ExA requires an answer as to whether the Applicant intends to enter into SoCGs with parties set out in Annex A to this letter.

Principal Areas of Disagreement Statements (PADS)

While the ExA considers SoCGs are useful documents and have a place in the Examination, they can often overlap and duplicate respective Written Representations (WRs) and/or Local Impact Reports (LIRs) particularly on areas of agreement or no concerns. Conversely, matters of disagreement are generally not reported in any detail at the pre-Examination stage, if they are at all.

The ExA considers that identification, at an early stage in the process, of the principal areas of disagreement from Interested Parties (IPs) would be helpful. PADS should only be produced if the IP holds a substantive concern or concerns with the Proposed Development and should only set out the summary position as directed below. The ExA would anticipate that such matters listed in a PADS would summarily be expanded upon within a local authority's LIR/WR and other parties' WR, alongside their other minor or moderate comments on the Proposed Development. The ExA considers that an early identification of the principal matters that are not agreed, read alongside Relevant Representations (RRs), would assist in the clarification of principal issues, and provide a clear focus for the Examination and subsequent written questions to be asked.

The ExA welcomes the Applicant's engagement in the Early Adopters Programme launched by the Planning Inspectorate and notes that PADS summaries have been prepared in consultation with Natural England (NE) and the Marine Management Organisation (MMO)

With this in mind, for both the pre-Examination and Examination stages, the ExA has made a Procedural Decision to request from each named local authority and party in the bullet list above and any local authority undertaking a SoCG with the Applicant, to prepare and submit PADS. The ExA requests that these be in a table format, an example of which is provided at Annex B and similar to those submitted by the Applicant in its Principal Areas of Disagreement Statement Summary [[APP-053](#)], addressing the following matters:

- the principal issue in question;
- the brief concern held by the party which they will report on in full in LIR/WRs;
- what, in their view, needs to change/be amended/included to overcome the disagreement; and
- in the opinion of that party, the likelihood of the concern being addressed during the Examination stage.

The ExA requests the initial PADS are submitted at the same time as responses to RRs. The deadline for both is the pre-Examination Procedural Deadline **Thursday, 19 September 2024**.

The ExA would like each PADS to be a live document which is updated throughout the Examination stage indicating what progress, if any, has been made. The Rule 6 Letter will

set out the frequency at which PADS should be submitted, and we will seek the relevant parties' views at the PM.

Compulsory Acquisition (CA) and Land Rights Tracker

As with many nationally significant infrastructure projects, the ExA has made a Procedural Decision to request a CA Tracker to be submitted by the Applicant at the pre-Examination Procedural Deadline **Thursday, 19 September 2024** and for this to be updated at points to be determined during the Examination. However, for this scheme the ExA would like to extend the scope of the tracker to include additional information on land rights which the ExA considers will be more advantageous to all parties following the state of negotiations, and to avoid unnecessary repetition when reporting on CA matters to the Secretary of State. Further details will follow in the Rule 6 letter to be sent in due course; the purpose here is to inform the Applicant of the ExA's intention in this regard.

Deadline for the Submissions of Written Representations (WRs)

Rule 10(1) and Rule 10(2) of the EPR together require WRs to be submitted either on a date specified in the Rule 8 letter or on another date during the Examination, no less than 21 days after the ExA makes a request for submission of WRs. However, the ExA has concluded that its Examination would be greatly assisted if WRs could be submitted by D1, the date of which will be provisionally set out in the ExA's Rule 6 letter. To comply with the EPR the ExA will also request any responses to WRs and summaries exceeding 1500 words not submitted at D1 to be submitted at the second Examination Deadline (D2), the date of which will also be provisionally set out in the ExA's Rule 6 letter but asks all parties to note its preference for submissions of WRs to be received at the earlier date.

The Rule 6 Letter

As has been referred to in this letter, the next communication from the ExA is likely to be the Rule 6 letter, setting out details of the PM, the draft Examination timetable and other Procedural Decisions (amongst other items) in due course.

As a way of reducing the number of documents needing to be submitted from all parties, the ExA is currently considering, within the draft Examination Timetable, introducing a requirement for the Applicant to prepare a pre-Examination Progress Tracker to be submitted by the pre-Examination Procedural Deadline, **Thursday 19 September 2024**. In addition to this, we are also considering the inclusion of a mid-Examination Progress Tracker to be submitted at, or around, the three-month stage of the Examination, as well as Closing Statements at the final deadline from the Applicant, local authorities and statutory parties, in lieu of the normal practice of seeking updated draft documents and tracked changed versions at multiple deadlines. Further details will be provided within the Rule 6 letter should the ExA decide to proceed with this request.

Yours faithfully

Rod Macarthur

Rod Macarthur
Lead Member of the Panel of Examining Inspectors

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Annex A – List of Local Authorities

- West Lindsey District Council
- Cambridgeshire County Council
- Fenland District Council
- North Kesteven District Council
- South Kesteven District Council
- Nottinghamshire County Council
- North East Lincolnshire Council
- North Lincolnshire Council
- Rutland County Council

Annex B – Example of PADS Table

| Table 1 – Outstanding Principal Areas of Disagreement | | | |
|--|---|---|---|
| Area of Concern | Explanation | Remedy Measures | Likelihood of Resolution |
| <i>e.g. Traffic</i> | <i>e.g. Significant concerns over modelling of traffic impacts at London Road roundabout.</i> | <i>e.g. Applicant to provide additional information on modelling.</i> | <i>e.g. Yes – Applicant has indicated this will be provided at the next Deadline.</i> |

| Table 2 – Resolved Principal Areas of Disagreement | | | |
|---|--|--|-------------------------------------|
| Area of Concern | Explanation | Remedy Measures | Summary of Resolution |
| <i>e.g. Landscape and Visual</i> | <i>e.g. Significant concerns over the visual effect of Proposed Development at London Road receptor.</i> | <i>e.g. Applicant to provide additional viewpoints at this location and mitigation in the draft DCO.</i> | <i>e.g. Provided at Deadline 1.</i> |