

Outer Dowsing Offshore Wind

The Applicant's Change Notification dated 29th August 2024

Date: August 2024
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Rev: 1.0

Company:		Outer Dowsing Offshore Wind		Asset:		Whole Asset	
Project:		Whole Wind Farm		Sub Project/Package:		Whole Asset	
Document Title or Description:		16.1 The Applicant's Change Notification dated 29th August 2024					
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1.0	August 2024	Response to Section 89(3) Request dated 15 th August 2024	Shepherd and Wedderburn	Outer Dowsing	Outer Dowsing	Outer Dowsing	

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29 August 2024

Dear Louise,

**Planning Act 2008 – Application for Development Consent
GT R4 Limited, trading as Outer Dowsing Offshore Wind (the “Applicant”)
The Proposed Outer Dowsing Offshore Wind Farm Order
Change Notification
Application Reference: EN010130**

The Applicant refers to the Procedural Decision of 15 August (PD-007) in which the Examining Authority (“**ExA**”) requested that the Applicant submit a Change Notification. This letter provides such notification including details of the change, the implications of the change, and the steps the Applicant has taken to engage with relevant parties.

In summary, the Applicant seeks to make minor changes to the proposed Order Limits (the “**Change**”) identified during the Applicant’s annual renewal of Ordnance Survey (“**OS**”) MasterMap data which identified changes to the Mean High Water Springs (“**MHWS**”) and Mean Low Water Springs (“**MLWS**”) dataset.

The Applicant considers that the Change is non-material and that no further consultation ought to be required on the basis of: a) the limited extent of the Change; b) the steps taken to seek consent of the relevant landowner; and c) the absence of any changes to assessment conclusions presented in the Application.

Should the ExA agree with these conclusions, the Applicant asks that this letter and the submitted documents set out in Table 1 of this letter be treated together as its Change Application.

1 The Change

1.1 Reason and need for change

After the Applicant submitted its DCO Application, the OS mapping upon which the Order Limits and associated plans are based was updated to amend the MHWS and MLWS. This has resulted in the MHWS and MLWS mark within the ODOW Order limits moving. The extent of this change is presented in Figure 1 of the Applicant's Approach to Ordnance Survey Mapping Update submitted on 31 July 2024 (AS1-109).

As a result, the Applicant has updated all of the plans that were submitted to support the DCO Application to reflect the updated OS mapping at MLWS and MHWS and submitted these with the Applicant's Response to S51 advice (the "**S51 Response**") (AS1-004 – AS1-023).

In addition, all onshore plans have been updated to reflect further minor onshore Order Limit reductions as a result of ongoing design refinement and works to refine land plots, which resulted in the removal of unnecessary plots associated with Temporary Works Areas/Compounds, and enabling access routes.

2 Details of Change

As a consequence of the updated OS mapping, the extent and shape of land plots immediately adjacent to MLWS and MHWS have changed and plot 01-003 has been removed from the Order land. These plot changes are explained in the Schedule of Changes to the Book of Reference (AS1-031) and are reflected in the Book of Reference (AS1-029) and Statement of Reasons (AS1-032). Plot 01-003 has also been removed from Schedule 7 of the Draft DCO (AS1-024).

There are three areas (shown in Figure 2 of AS1-109) where the MLWS mark is now seaward of the MLWS mark presented in the ODOW documents at application. This means that these three areas are now considered to form part of the onshore Order land and fall within plot 01-002 on the Land Plans over which the Applicant is seeking powers to compulsorily acquire permanent rights.

Some land previously within plot 01-002 is now seaward of MLWS and has therefore been removed from the onshore Order land due to the change in MLWS.

All updates to plots are set out in the Applicant's Schedule of Changes for Plans submitted with its S51 Response (AS1-003). Table 1 of this letter provides a full list of the documents – submitted with the S51 Response – in which the change to MLWS and MHWS has been reflected. It should be noted that it has not been necessary to make any updates to the Compulsory Acquisition Funding Statement (APP-026) due to the very small nature of the changes.

3 Compulsory Acquisition and Consultation

3.1.1 Compulsory Acquisition

The three areas of land referred to above fall within the definition of "additional land" set out in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the "**CA Regulations**") (being

land over which compulsory acquisition powers are sought and which was not identified in the book of reference submitted with the application) because they were not included in the Book of Reference or shown on the Land Plans submitted with the Application. These areas did however fall within the Order Limits within the Applicant's application for development consent, however because they were seaward of MLWS they were not shown on the Land Plans or listed in the Book of Reference.

Plot 01-002 is owned by the Crown Estate ("TCE") and the Applicant has engaged with TCE in respect of this amendment. As evidenced in Appendix 1, TCE has advised that it consents, for the purpose of regulation 4(b) of the CA Regulations, to the provision in the DCO authorising compulsory acquisition powers in respect of the "additional land" provided that:

- a. The "additional land" is treated the same as all other Crown land in the Book of Reference (i.e. the text "(excluding all interests of the Crown)" is included in the description of the relevant plots in the Book of Reference); and
- b. The "additional land", like all other Crown plots affected by the DCO, will be subject to Section 135(1) consent and the Applicant will need to enter into the Crown's standard form agreement.

With respect to (a), the requested text is included in the description of the relevant plot (plot 01-002) in the Book of Reference (4.1 of the S41 Response, AS1-029). Furthermore, the powers that apply to the "additional land" will be subject to Article 43 of the DCO which provides protection for Crown interests. With respect to (b), the Applicant is working with TCE in order to obtain Section 135 consent for all plots within the Order land in which the Crown has an interest.

In the Book of Reference submitted in June 2024 (AS-006), Chapel St Leonards Parish Council is listed as a Category 2 person in respect of plot 01-002 in relation to legal easements granted by lease dated 17 June 2004 however having reviewed the relevant lease, the Applicant can confirm that Chapel St Leonards Parish Council does not have any interests in plot 01-002 and their inclusion as a Category 2 person in the Book of Reference in relation to plot 01-002 is an error. The Applicant has removed Chapel St Leonards Parish Council as a Category 2 person in relation to plot 01-002 in the Book of Reference (Document 4.1, AS1-029) submitted with its S51 Response. Therefore, the consent of Chapel St Leonards Parish Council is not required for this small change to the Order land.

Given that TCE has consented to the inclusion of the "additional land" and that no other persons have an interest in the "additional land" the Applicant's view is that Regulations 5 to 19 of the CA Regulations do not apply. Furthermore, the Applicant can confirm that including the "additional land" within the Order land does not give rise to any new or different likely significant environmental effects.

3.1.2 CA Regulation consultation

On the basis that the Applicant's view is that Regulations 5 to 19 do not apply, no consultation under the CA Regulations is required.

3.1.3 Wider consultation

The Applicant has considered whether it would be appropriate to consult with those persons prescribed under section 42(1)(a) to (d) of the Planning Act 2008. The Planning Inspectorate's Guidance "Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination" provides that:

"The applicant should consult all those persons prescribed under section 42(1)(a) to (d) of the Planning Act 2008 who would be affected by the proposed change, giving a minimum of 28 days from receipt of the information about the proposed change for responses" (emphasis added).

The Applicant's view is that TCE – who have been consulted and have consented to the change – is the only statutory consultee who would be affected by the proposed change in their capacity as the landowner of the "additional land".

Given the Change results in only small changes to the onshore Order Limits, the Change does not appear to affect the functions of statutory consultees, or other parties, beyond TCE.

As a result, the Applicant's position is that no further consultation with additional persons prescribed under section 42(1)(a) to (d) of the Planning Act 2008 is required and that all necessary consultation has taken place.

4 Conclusion: Application Assessment Conclusions, Original Project, and Timescales

Given the nature of the Change and TCE consent discussed above, the Change:

- a. does not result in any changes to the statutory timescale of, or result in the delay to the commencing of, the Examination;
- b. does not result in any changes to the assessment conclusions presented in the Application, including resulting in any new or different likely significant environmental effects; and
- c. does not result in the project being materially different to that originally submitted: notwithstanding the minor Order Limit changes, the project is substantially the same as was initially applied for.

Should the ExA agree with these conclusions, and the Applicant's view that no further consultation is required, the Applicant asks that this letter and the documents submitted in its S51 Response (set out in Table 1 of this letter) be treated together as the Applicant's Change Application.

If we can be of any further assistance, please contact Beth Travis (beth.travis@outerdowsing.com).

Yours sincerely,

Chris Jenner

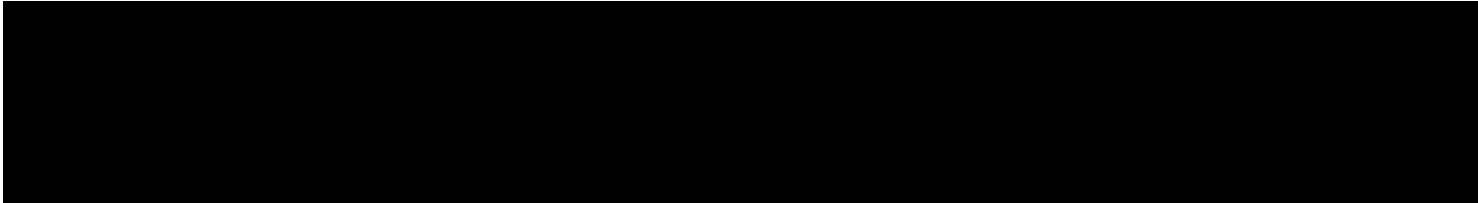
Development Manager
Outer Dowsing Offshore Wind

The Applicant's Change Notification dated 29th
August 2024

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Table 1: Documents reflecting changes to Order Limits

Document(s)	Document number	Reference number(s)
Plans (including Land Plans)	2.1 to 2.20	AS1-004-AS1-023
Draft DCO (the only relevant amendment being the removal of plot 01-003)	3.1	AS1-024; AS1-025*
Schedule of Changes to the Draft DCO	3.1.1	AS1-026
Book of Reference	4.1	AS1-029; AS1-030*
Schedule of Changes to the Book of Reference	4.1.1	AS1-031
Statement of Reasons	4.3	AS1-032; AS-033*
* “clean” and “tracked changes” versions both provided		



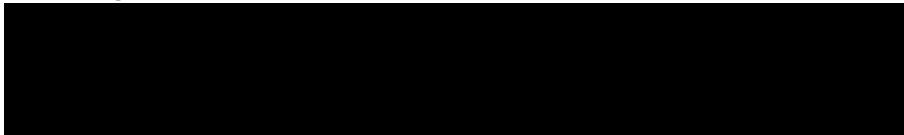
From [REDACTED]
Sent: Friday, July 26, 2024 10:08 AM
To: [REDACTED]
Subject: ODOW - Land at MLWS
Importance: High

Dear [REDACTED]

"For the purpose of regulation 4(b) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 only, we consent to the provision in the DCO authorising compulsory acquisition powers in respect of the "additional land" shown on the plan, provided that:

- 1. The "additional land" is treated the same as all other Crown land in the Book of Reference i.e. there is an express reference to "(excluding all interests of the Crown)".*
- 2. This "additional land", like all other Crown plots affected by the DCO, will be subject to s. 135 consent and ODOW will need to enter into the Crown's standard form agreement."*

Kind regards



1 St James's Market, London, SW1Y 4AH
thecrownestate.co.uk

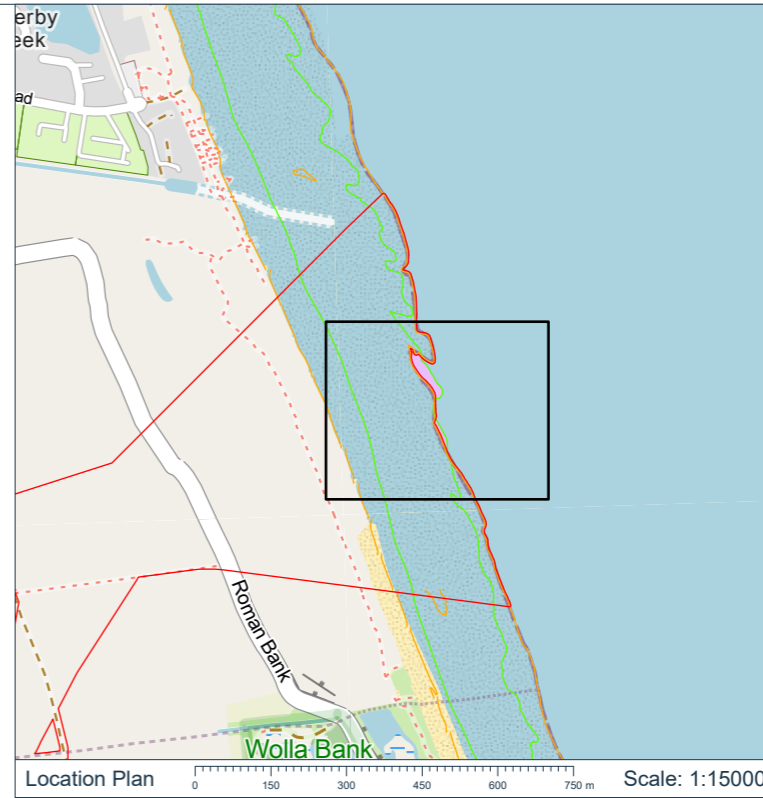
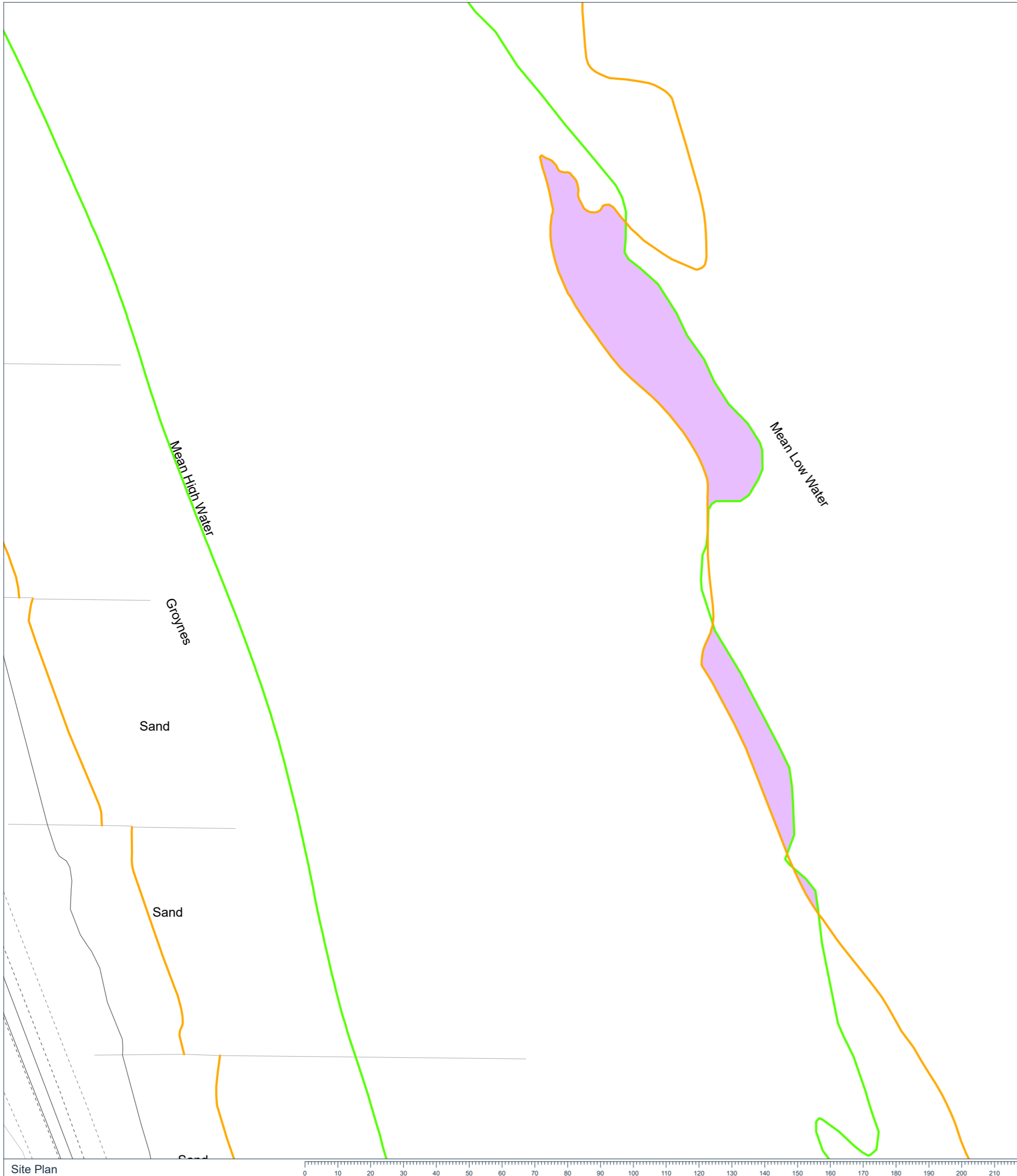


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Drawing Location: C:\Users\William\Faling\Dalour MacLaren\Outer Dowsing General\22000087 - Geomatics\01 DM Plans\2024\0706_22000087_PLN_INFO_13228.aprx



- Key:**
- Order Limits
 - Old Mean Water (Springs)
 - Current Mean Water (Springs)
 - Areas Added to Land Plan and BoR

Notes:

Coordinate System: British National Grid
 Projection: Transverse Mercator
 Datum: OSGB 1936

Interest:
N/A

Location:
Roman Bank, Anderby, Chapel St Leonards,
East Lindsey, Lincolnshire, PE24 5XH

Coords: 555703, 375519

Scheme Name:
Outer Dowsing

Drawing Name:
Information Plan

Drawing No: 22000087_PLN_INFO_13228.1

Rev	Date	Description
-	08.07.2024	First Issue

Drawn: JVP
Approved:
Sheet No: 1 of 1
Sheet Size: A3



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