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Chris Jenner
(The Applicant)

Your Ref:

By email only

Our Ref:

EN010130

Date:

11 September 2024

Dear Mr Jenner

The Planning Act 2008 (as amended) – Section 89(3)

Application by GT R4 Limited (trading as Outer Dowsing Offshore Wind) for an Order Granting Development Consent for the Outer Dowsing Offshore Wind Project

Change Notification by the Applicant for changes to the application

Thank you for your letter of 29 August 2024 giving notice of GT R4 Limited's (trading as Outer Dowsing Offshore Wind) intention to submit a request for changes to the application 'Change Notification' [[AS-021](#)].

The Change Notification has been submitted in response to the Examining Authority's (ExA) Procedural Decision [[PD-007](#)] dated 15 August 2024. The ExA notes that, in preparing its Change Notification, the Applicant has followed the majority of the advice set out in Step 1 of [the Planning Inspectorate's guidance for changes to an application after it has been accepted for examination](#). In its Change Notification, the Applicant describes the changes as:

- Modifications to the land plots adjacent to Mean Low Water Springs (MLWS) and Mean High Water Springs (MHWS) resulting from updated Ordnance Survey mapping. Specifically, land plot 01-003 and portions of land within plot 01-002 have been excluded from the Order limits, leading to a reduction in the Order limits.
- Conversely, three land areas have been incorporated into land plot 01-002 because the MLWS mark is now seaward of the MLWS mark presented in the application, resulting in permanent rights being sought over additional onshore land within the Order limits.

The ExA will, therefore, have to decide whether the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations) apply in full when considering a formal Change Application.

The ExA, having regard to the above matters, provides the following advice relating to the Applicant's 'Change Notification', with a view to allowing the Applicant to finalise and implement its consultations on its Change Request application.

Consultation

The ExA considers that, in order to ensure fairness, appropriate and proportionate consultation should be carried out. The ExA notes the Applicant's position regarding consultation on the proposed changes in advance of submission as set out in the Change Notification. The ExA also notes the engagement with The Crown Estate that has taken place regarding the proposed changes as stated in the notification letter.

The ExA advises that the Applicant consults with Chapel St Leonards Parish Council and the Marine Management Organisation (MMO) for the following reasons:

- Chapel St Leonards Parish Council – to clarify that the Parish Council agrees that it has no interest in the land identified as plot 01-002; and
- The MMO – the ExA notes that some land within plot 01-002 is now identified by the Applicant as being seaward of MLWS and that, therefore, in accordance with s42(1)(aa) of the Planning Act 2008, the MMO should be consulted.

If the Applicant concludes that it would not be necessary to consult with the parties named above, it should note this within its formal request to make a change to the Application, giving reasons for such a conclusion alongside an explanation of why it considers the level of consultation carried out to be appropriate.

Irrespective of the above, when submitting the formal change request the ExA recommends that the Applicant closely follows all of the guidance set out in Step 4 of [the Planning Inspectorate's guidance for changes to an application after it has been accepted for examination](#) when preparing its change application.

Next Steps and Effect on the draft Examination Timetable

If the ExA decides to accept the proposed changes, all Interested Parties will have an opportunity to make representations on the changed application during the Examination. The draft Examination timetable will be discussed at the Preliminary Meeting and may be subject to amendment. However, the ExA's current view, which may be subject to change depending on the content of the Change Application, is that representations on the changed application, if accepted, could be accommodated within the existing deadlines as set out in the draft Examination Timetable.

It should be noted that the ExA does not imply any acceptance of the Change Notification in this letter. Furthermore, please note that should any formal Change Request be accepted by the ExA the proposed Changes would be made on the basis that all the processes can be completed in the required time prior to the close of the Examination and

in accordance with any revised Examination Timetable that may be published. Should it not be possible to achieve this, then the ExA would not be in a position to take the change request into account in its recommendation to the Secretary of State as the relevant statutory procedures would not have been complied with.

Yours sincerely

Rod Macarthur

Rod Macarthur
Lead Member of the Panel of Examining Inspectors

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