

Date: 19 September 2024
Our ref: 487995
Your ref: EN010130



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VIA WEBSITE ONLY

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Dear Rod Macarthur,

Application by GT R4 Limited (trading as Outer Dowsing Offshore Wind) for an Order Granting Development Consent for the Outer Dowsing Offshore Wind Project – Rule 6 Letter

Thank you for your consultation dated 04 September 2024. The following constitutes Natural England's formal statutory response to the Rule 6 Letter. Natural England is an Interested Party (IP) within the examination of the Outer Dowsing Offshore Wind Farm Project.

Please accept this letter as Natural England's comments in relation to the contents of the Rule 6 letter and an overview of how Natural England proposes to provide our statutory advice to the Examining Authority (ExA) during the examination phase of the project.

1. Overview of Natural England's engagement with the Examination

Natural England recognises the significant contribution offshore wind NSIPs make to delivering the Government's green energy ambitions and net zero target, and the importance of our advice in securing positive environmental outcomes. Over the next 12 – 18 months, Natural England will be engaging with nine offshore wind NSIPs that have the potential to result in overlapping examinations and/or pre-determination consultations. This is likely to place significant pressure on our resources and our ability to engage with the complex demands of these projects, particularly during examinations.

Whilst Natural England remains committed to engaging in offshore wind NSIP examinations and meeting our statutory obligations, we need to address the workload pressures presented by these overlapping projects. By undertaking a review of previous contributions to offshore wind NSIP examinations, we have identified how we can best focus our advice to ensure we are able to engage efficiently and effectively, and have the greatest likelihood of achieving issue resolution. The approach we will be taking, which we have discussed with the Planning Inspectorate, will involve:

- Only attending Issue Specific Hearings by exception, and focusing our engagement where there is the greatest prospect of significant environmental risks being resolved.
- Having a narrower focus on documents tracking issue resolution via Principal Areas of Disagreement Summary Statements (PADSS) and our Risk & Issues Log.

In addition, we are also concerned that if there is submission of substantial new evidence, particularly if occurring late in the Examination process, this will put further pressure on Natural England's staff. Whilst we seek to meet Examination timeframes wherever possible, our concern is that our ability to do this will be affected if significant additional information is submitted. In these circumstances, Natural England will use its best endeavours but we will provide advice to the Examining Authority on what we consider is achievable in the circumstances.

Natural England is expecting the Applicant to submit substantial updates to the ExA on 19 September 2024 in response to the Rule 17 letter of the 03 July 2024 and the Procedural Decision Letter of the 31 July 2024. The Applicant's submission will include as a minimum updated offshore and onshore ornithology, benthic and marine mammal technical assessments (including updated ES chapters). Natural England is concerned there will be insufficient time to adequately review and provide a detailed response at Deadline 1. We further outline our concern and provide a suggestion to the alteration of the examination timetable to accommodate this in Section 12.

2. Attendance of the Preliminary Meeting

Thank you for your invitation to the Preliminary Meeting on 10 October 2024. Natural England will not be attending but hope this letter will suffice in providing our input into this meeting.

3. Accompanied Site Inspections (ASI)

Natural England does not plan to attend any site inspections, noting we are not permitted to provide advice during these visits.

4. Compulsory Acquisition Hearings (CAH)

Natural England does not plan to attend any Compulsory Acquisition Hearings, as these fall outside of our remit.

5. Issue Specific Hearings (ISH)

Natural England will only attend hearings by exception, targeting those ISH that have the greatest likelihood of resolving significant environmental risks. In such instances our attendance will be virtual. We highlight that where Natural England does not attend hearings, this should not be construed as a lack of concern on outstanding issues, as opposed to the likelihood of these being resolved.

Natural England would be pleased to respond to any questions from the ExA that arise from the hearings at a subsequent deadline.

6. Engagement with the Applicant

During the Examination Natural England will, where possible, engage with the Applicant to ensure issues are progressed. Due to the timing implications of multiple OWF examinations, Natural England will focus our engagement on key issues where the proposals are being amended in response to concerns, or where new or updated assessments present an opportunity for issue resolution.

7. Principal Areas of Disagreement Summary Statement (PADSS), Risk and Issues Log, Statement of Common Ground (SoCG), and other progress tracking documents

Natural England confirms that as a PADSS was submitted as part of our Relevant and Written Representations on 13 June 2024, and no updates are needed at this stage, we do not intend to provide an updated PADSS for the Procedural Deadline of the 19 September 2024.

We note in the procedural letter of the 31 July 2024, the ExA also requested an additional PADSS Table 2 for resolved issues. However, we highlight that PADSS guidance provided by the Planning Inspectorate steers interested parties towards presenting concise overarching principal areas of disagreement (as in Table 1). Therefore, Natural England considers it will be challenging to demonstrate 100% resolution for all aspects of each issue and present these within Table 2.

To ensure this detailed information is provided in full to the ExA, Natural England will provide the following information. At Deadline 1, Natural England intends to submit our own Risk and Issues (R&I) log and an accompanying PADSS. Updates to both the log and PADSS will be provided at all subsequent deadlines. This will include any relevant points regarding ongoing engagement with the Applicant. The R&I log and PADSS will be provided in the form of a protected excel spreadsheet with all issues provided with a red, amber or green (RAG) status. We consider issue resolution will be better tracked through our R&I log, with a Green (RAG) status highlighting where principal areas of disagreement and detailed issues have been resolved. We refer the ExA to the R&I log for the previous

Sheringham and Dudgeon Extension Project (noting a PADSS was not a requirement then) as a working example: [EN010109-002125-'s Risk and Issues Log D8 Update.pdf](#). We hope the combination of the PADSS and R&I log will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution.

Natural England notes the provision of a SoCG is requested by ExA at Deadline 1. Natural England has advised the Applicant that we will not engage in the production of a SoCG at that time, in favour of focusing on issue resolution. Our position on the SoCG not being bilateral will be made clear within our corresponding deadline response cover letter. Natural England has advised the Applicant to develop a SoCG based on our R&I log and PADSS, which NE will agree at the final SoCG deadline.

The final SoCG is requested by the ExA for Deadline 5 on 11 March 2025. Natural England notes there is a subsequent deadline on 04 April 2025 with the close of examination on 10 April 2025. We highlight there may be further updates required to the SoCG at Deadline 6.

8. Response to Deadlines

Throughout the Examination it is anticipated that many documents will be submitted and published on the PINS website. Natural England will screen all documents; however, we will only conduct detailed review and provide feedback on documents deemed relevant to our statutory function and the issues we have raised. We will advise the ExA in writing at each Deadline of which documents we have reviewed. If there is a document Natural England has not reviewed that the ExA wishes to have our advice on, then please inform us as soon as possible and we will endeavour to review ahead of the next Deadline or advise at which Deadline comments can be expected. Any documents not listed within our Deadline responses should be assumed to have not undergone detailed review by Natural England.

9. Submission of Additional Information

Provision of large amounts of new or updated information during the Examination presents major challenges for consultees, particularly when engaged with multiple overlapping cases. Whilst Natural England will always make best endeavours to respond to submissions in a timely fashion, it cannot be guaranteed that all documents submitted will be reviewed by the following Deadline. Regularly updated information from the Applicant regarding the predicted submissions and arrival times can help manage this to some extent and we encourage the ExA to seek this.

Furthermore, Natural England will not provide a response to documents allowed to be submitted into Examination 'between' Deadlines. Should there be documents submitted between Deadlines, we suggest these are issued at the next appropriate Deadline, and we will respond at the following Deadline, or if time does not allow the subsequent Deadline.

10. Comments on our Relevant and Written Representations, Applicant's Commitments and Submissions of other parties

We highlight that Natural England does not intend to comment on any direct responses by the Applicant or other IPs on our relevant and written representations.

Natural England advises that it is necessary for the Applicant to reflect any additional commitments in updated Named Plans, Technical Notes, DCO/dML conditions etc., and where appropriate Environmental Statement (ES) chapters. These documents provide a clear audit trail of commitments through the Examination that is readily available in the post consent phase and will be the focus of our review and written submissions at each Deadline. Should these documents not be updated, Natural England has concerns that any responses and commitments made by the Applicant are unlikely to be translated effectively into the post consent phases

More generally, Natural England will not respond on the submissions of other parties unless we become aware of a fundamental point of clarity which is required. Our focus will be on providing advice under our remit on nature conservation concerns, rather than advising on the merits of the submissions of others.

11. Report on the Implications for European Sites (RIES)

Natural England notes that only submissions up to Deadline 4 will be considered in the RIES. As a result, the RIES will not take account of updated advice on various Habitats Regulations Assessments (HRA) aspects beyond that point. Natural England recommends that the RIES is updated before it is included alongside the ExA report to the Secretary of State (SoS), so that a full account of the Examination's consideration of HRA matters is presented in one place.

Nevertheless, as previously advised to PINS and DESNZ, Natural England does not consider consultation on the RIES adequately discharges the statutory requirement to consult Natural England on Appropriate Assessments.

12. Draft Examination Timetable

Deadline 1

As highlighted in Section 1 above, Natural England is concerned there will be insufficient time to review and provide a response at Deadline 1 to the Applicant's updated assessments, due to be submitted 19 September 2024. Until we have receipt of these documents, we are unable to advise whether we can provide our advice at Deadline 1 to each thematic area. Of greatest concern is the substantial updates we expect to the ornithological, benthic and marine mammal assessments and the time required to undertake our review.

In addition, Natural England notes that Outer Dowsing OWF Deadline 1 is two days after the Five Estuaries OWF and Morgan OWF Deadline 2, which equates to three Examination deadlines in one week.

This timetable clash presents a further resource challenge to Natural England. Therefore, we kindly request the ExA considers moving Deadline 1 to 31 October 2024. Otherwise, and even with an extension, there is a risk the response to some thematic areas will be deferred to Deadline 2.

Deadline 5

Deadline 5 for Outer Dowsing is 11 March 2025, the day after the 10 March 2025 Deadline 8 for Five Estuaries OWF. We therefore kindly request Deadline 5 is moved by two days to the 13 March 2025.

We hope these comments assist the ExA at the Preliminary Hearing. For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

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