

Outer Dowsing Offshore Wind

The Applicant's planning obligations and side agreements tracker

Deadline 1

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1 Introduction and Document Purpose

1.1 Purpose of the Applicant's planning obligations and commercial side agreements tracker

1. This document presents the initial version of the Applicant's planning obligations and commercial side agreements tracker, submitted into the Examination for Deadline 1.
2. The Examination Timetable requests that the Applicant submits a tracking list which indexes all of the following documents that it has produced or intends to produce:
 - any planning obligations under the Town & Country Planning Act 1990 (as amended) or other legislative provisions relevant to planning, identifying the legislative head of power for the obligation, its subject matter(s) and why it is necessary, whether the obligation would be unilateral, bilateral or multi-lateral, the involved Interested Parties or other persons and whether the conclusion of such an agreement is considered likely to remove the need for any provisions in the draft DCO, to remove the need for one or more Statements of Common Ground or lead to the withdrawal of one or more Relevant and/ or Written Representations; and
 - any commercial side agreements or contracts proposed between the Applicant and Interested Parties or other persons, identifying the subject matter(s) and their purpose, the involved Interested Parties or other persons and whether the conclusion of such an agreement is considered likely to remove the need for one or more Statements of Common Ground or lead to the withdrawal of one or more Relevant and/or Written Representations.

A subsequent version, has been requested at Deadline 6 Friday 4 April 2025, where the Applicant will update the tracking list and identify what changes (if any) have occurred since the previous version, submitted here.

Table 1 Status of Planning Obligations and Side Agreements

Party	Type of Agreement	Summary	Status
The National Trust for Jersey	Exclusivity Agreement	Exclusivity Agreement to undertake preparatory activities relating to a predator eradication programme in Jersey.	Completed on 30 th October 2023.
The National Trust for Jersey	Collaboration Agreement	Collaboration Agreement to deliver a predator eradication programme in Jersey including ongoing monitoring.	Progressing: The Applicant is preparing draft Heads of Terms.
Perenco Gas (UK) Limited, Perenco North Sea Limited, Everard Energy Limited, Ithaca MA Limited, and RockRose (UKCS2) Limited.	Compensation Agreement for Non-Standard Helicopter Access	The Applicant has been in technical discussions regarding the proposed helicopter buffer areas around the Malory Platform and bespoke Protective Provisions that will be incorporated into the Development Consent Order (DCO). The Applicant is intending to enter into a commercial agreement to provide a mechanism to compensate for curtailment of helicopter operations. which is likely to resolve issues included in their Relevant Representation.	Progressing: The Applicant has issued updated Protective Provisions and is reviewing a draft commercial proposal from Perenco.
Shell U.K. Limited.	Compensation Agreement for Non-Standard Helicopter Access	The Applicant has been in technical discussions regarding the proposed helicopter buffer areas around the Barque Platform and bespoke Protective Provisions that will be incorporated into the Development Consent Order (DCO). The Applicant is intending to enter into a commercial agreement to provide a mechanism to compensate for curtailment of helicopter operations which is likely to resolve issues included in their Relevant Representation.	Progressing: The Applicant has issued draft Protective Provisions to Shell.
National Grid Electricity System Operator Limited (now known as National Energy Systems Operator Limited)	Grid Connection Agreements comprising a Bilateral Connection Agreement, Construction Agreement, Transmission Related Agreement and CUSC Accession Agreement.	The Applicant has signed a Grid Connection Agreement (and associated Agreement to Vary) that sets out the connection works and rights required for the proposed connection to the transmission system.	Completed on 15 th November 2023.
National Grid Electricity Transmission Plc	Asset Protection Agreement	The Applicant is discussing a side agreement to accompany the draft Protective Provisions to provide the necessary protection of other assets owned by National Grid Electricity Transmission plc within the Order Limits which is likely to resolve issues included in their Relevant Representation and Statement of Common Ground.	Progressing: The Applicant is discussing a side agreement.
Network Rail Infrastructure Limited	Asset Protection Agreement	Basic Asset Protection Agreement (BAPA)	Completed on 22 nd January 2024.
Network Rail Infrastructure Limited	Framework Agreement	The Applicant is in discussions with Network Rail to agree the form of a Framework Agreement to manage the interfaces with the Project. Matters included in the Framework Agreement include draft Protective Provisions and an option for a cable easement which is likely to resolve issues included in their Relevant Representation.	Progressing: The Applicant is reviewing the draft Framework Agreement.
Cadent Gas Limited	Side Agreement	Deed relating to the Protective Provisions for the benefit of Cadent Gas Limited.	Progressing. The Applicant is in discussions with Cadent Gas. The Applicant has received a draft of the side agreement and is considering its terms.

Party	Type of Agreement	Summary	Status
Lincolnshire County Council (LCC)	Section 106 Agreement	The Applicant is in preliminary discussions with LCC to agree a bilateral Section 106 agreement which is likely to resolve issues included in the Relevant Representation and Statement of Common Ground with LCC.	Progressing: The Applicant is reviewing a draft proposal for the scope of a Section 106 agreement.
The Environment Agency (EA)	Cooperation Agreement	The Applicant is discussing interface arrangements with the annual beach nourishment programme at the landfall location to ensure coordination of respective operations which is likely to resolve issues included in their Relevant Representation and Statement of Common Ground.	Progressing: The Applicant is reviewing a draft Heads of Terms.
The Crown Estate Commissioners	Transmission Agreement for Lease	In order to secure the seabed rights for the offshore transmission assets, the Applicant has entered into a signed Transmission Agreement for Lease with the Crown Estate Commissioners.	Completed on 17 th October 2024.
The Crown Estate Commissioners	Agreement for Lease for the proposed offshore Artificial Nesting Structures (ANSs)	The Applicant is in discussions with the Crown Estate Commissioners to secure an option for seabed rights for the installation and operation of offshore ANSs.	Progressing. The Crown Estate issued a Letter of Comfort on 8 th October 2024 confirming that they have the ability to grant the seabed rights required to construct the ANSs, subject to meeting certain conditions.
Triton Knoll OFTO Ltd.	Proximity Agreement	The Applicant is engaging on preliminary matters to determine the need and scope of a proximity agreement, noting there will be no interface within 500m of the respective offshore transmission assets.	Progressing. Any agreements that are required will be finalised post-consent when detailed design is confirmed, but the Applicant is preparing template proximity agreement for discussion in the interim.
Orsted Race Bank (UK) Ltd	Proximity Agreement	The Applicant is engaging on preliminary matters to determine the need and scope of a proximity agreement, noting there will be no interface within 500m of the respective offshore transmission assets.	Progressing. Any agreements that are required will be finalised post-consent when detailed design is confirmed, but the Applicant is preparing template proximity agreement for discussion in the interim.
Orsted Lincs (UK) Ltd	Proximity Agreement	The Applicant is engaging on preliminary matters to determine the need and scope of a proximity agreement, noting there will be no interface within 500m of the respective offshore transmission assets.	Progressing. Any agreements that are required will be finalised post-consent when detailed design is confirmed, but the Applicant is preparing template proximity agreement for discussion in the interim.
Dudgeon Extension Ltd.	Proximity Agreement	The Applicant is engaging on preliminary matters to determine the need and scope of a proximity agreement, noting there will be no interface within 500m of the respective offshore transmission assets.	Progressing. Any agreements that are required will be finalised post-consent when detailed design is confirmed, but the Applicant is preparing template proximity agreement for discussion in the interim.
NATS (Services) Limited and NATS (En Route) plc	Mitigation Services Agreement	The Mitigation Services Agreement will provide for the implementation of technical solutions to reduce the impact of the Project on the NATS (En Route) Plc Radars at Cromer and Claxby which is likely to resolve issues included in their Relevant Representation and Statement of Common Ground.	Progressing. The Applicant is engaging with NATS (Services) Limited and NATS (En Route) plc and is expecting to receive a draft mitigation services contract in October 2024 for discussion.
The Secretary of State for Defence acting through the ADEWS-Windfarm Team of the Ministry of Defence (MOD)	Air Defence Radar Mitigation Scheme Agreement (RMSA)	The RMSA will provide for the implementation of technical solutions to reduce the impact of the Project on MOD Staxton Wold and Neatishead Air Defence (AD) Primary Surveillance Radar (PSR) systems which is likely to resolve issues included in their Relevant Representation and Statement of Common Ground.	Progressing. The Applicant is engaging with the MOD to progress discussions in regard the RMSA that will be finalised post-consent and any associated Protected Provisions that may be required.

Party	Type of Agreement	Summary	Status
Witham Fourth District Internal Drainage Board Lindsey Marsh Drainage Board Black Sluice Internal Drainage Board South Holland Internal Drainage Board Welland and Deepings Internal Drainage Board, (together, the IDBs)	Side Agreement	The Side Agreement provides for an alternative streamlined process for the approval of certain specified works to apply in place for certain paragraphs of the Protective Provisions.	Progressing. The Applicant is engaging with the IDBs and has prepared the draft side agreement and the IDBs are considering its terms.