

Outer Dowsing Offshore Wind

The Applicant's Deadline 1 Covering Letter

Deadline 1

Date: October 2024

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Rev: 1.0

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24 October 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
Application Reference: EN010130**

The Applicant is pleased to provide a range of documents at Deadline 1 as listed and described in Table 1 below. In addition to those documents provided directly in response to the ExA’s requests in the Rule 8 Letter (PD-011), the Applicant has provided additional documents for the reasons set out in Table 1. These are:

- (i) **Land rights refresh: updated Land Plans and Compulsory Acquisition documents:** The ExA requested in the Rule 8 Letter (PD-011) that the Applicant submit an updated Book of Reference at Deadline 1. In order to update the Book of Reference, the Applicant has undertaken a HM Land Registry refresh. This, together with continued discussions with land agents, has resulted in a number of plots (which are shown on the Land Plans) being added, removed or reshaped (all within the boundary of the onshore Order Limits). These changes are reflected in the updated Book of Reference (Document 4.1) and narrated in the Schedule of Changes to the Book of Reference (Document 4.1.1). The addition, removal and reshaping of plots is due to changes in the extents of individual plot boundaries and has not resulted in any amendments to the Order Limits. As a result of the plot changes, the Applicant has submitted an updated set of Land Plans (Document 2.5), an updated Schedule of Changes for Plans (Document 2.0) to narrate the changes to the Land Plans, and an updated Statement of Reasons (Document 4.3). Where the documents have not been requested by the ExA at this deadline, the “reason for submission” has been described as “Land right refresh updates” in the below table.

In line with the ExA’s request in the Rule 6 and 8 Letters (PD-009; PD-011), the Applicant has made relevant persons aware that they can make a request to become an Interested Party under section 102A of the Planning Act 2008. As requested by the ExA, the Applicant has taken the opportunity at this deadline to update the Book of Reference to include this confirmation.

- (ii) **Guide to the Application:** Though the ExA has not specifically requested an updated Guide at Deadline 1, the Applicant shares the ExA's view that it is a "useful and important document in ensuring the correct versions of the documents are being used" (PD-009). As certain application documents have been updated for submission at this deadline, the Applicant has also updated the Guide to the Application. Noting the ExA's Case Team's request following the Procedural Deadline that the Applicant clarify which documents were superseded by those uploaded, the updated Guide to the Application makes clear where Deadline 1 documents have superseded previous document versions.
- (iii) **The Applicant's Corporate Structure:** due to changes to the corporate structure of one of the shareholders of the Applicant, the Compulsory Acquisition and Compensation Funding Statements (Documents 4.2; 7.9) have been updated in clean and tracked versions. Further information about the changes to the ownership structure are set out in the Funding Statements. Please note that this change only affects those sections related to structure (with most of the changes under the "Corporate Structure and Assets" heading of each document and Appendix 1 ("Structure Chart") of each). The Appendices relating to company accounts remain the relevant and up-to-date accounts for the purpose of the funding statements. The "reason for submission" of these documents has been labelled "corporate structure updates" in the below table.
- (iv) **The Applicant's Change Notification dated 24 October 2024:** the Applicant intends to make certain changes, set out in document 18.21, which it is notifying the ExA of at this deadline. The Applicant looks forward to receipt of the ExA's procedural decision in relation to these proposed changes.

The Applicant highlights the following additional points:

- (i) **Compulsory Acquisition ("CA") and Land Rights Tracker / Schedule of Negotiations and Powers Sought:** The Applicant has provided clean and tracked versions of the CA and Land Rights Tracker in response to the Deadline 1 Request for a clean and tracked "Schedule of Negotiations and Powers Sought" on the basis that this document sets out the most up to date information on negotiations and powers sought. The Applicant therefore considers that this document provides all of the information relevant to track CA and land rights and negotiations and powers sought. The Applicant would be grateful for the ExA's confirmation that it is content for the Applicant to continue to provide this document in response to each Deadline related to the submission of either or both the CA and Lands Rights Tracker and the Schedule of Negotiations and Powers Sought or alternatively if different information or a different form of tracker(s) is preferred by the ExA.
- (ii) **Updated or new benthic and intertidal ecology, offshore and intertidal ornithology and HRA documents:** The ExA has previously requested an "*indicative schedule showing when updated or new benthic and intertidal ecology, offshore and intertidal ornithology and HRA documents are likely to be submitted into the Examination by the Applicant, including their likely content and approximate size*" (PD-009), in response to which the Applicant

committed to keep the ExA updated as to any such documents which it proposes to submit.

The Applicant intends to submit ornithology documents at Deadline 2, expected to total around 100 pages, which will provide further evidence regarding the Applicant's offshore ornithology assessments and reflect the progress made by the Applicant in relation to the compensation measures.¹ The content to be covered by these documents includes the levels of precaution in the assessment; rates of displacement for guillemot and razorbill; SNCB guidance relating to bioseasons for guillemot; and lead-in periods applicable to the use of Artificial Nesting Structures.

The Applicant will continue to advise the ExA of when it becomes aware of the need for further such documents to be submitted.

- (iii) **ExA's Procedural Decision on Change:** Following the ExA's procedural decision regarding certain proposed changes to the Application (PD-011 Annex B Section 8), the Applicant intends to proceed as follows:
 - a. **ORBA and Public Rights of Way Diversion Consultation and Change Request:** the Applicant is carrying out requested consultation in line with ExA direction and, following which, will submit a Change Request;
 - b. **Deadline 1 Change Request:** the Applicant has provided a Change Request (Document 18.22) in relation to those changes where a Change Request has been requested at this deadline.
- (iv) **Use of Artificial Intelligence (AI) in evidence:** The Applicant confirms that its only use of AI "to create or alter any part documents, information or data" is the use of spelling and grammar tools in the drafting of documents (Grammarly and Microsoft Editor).
- (v) **Request to communicate electronically:** In response to the ExA's Deadline 1 request that Interested Parties notify it of the wish to have future correspondence received electronically, the Applicant confirms for the avoidance of doubt that it is content to have all communications made electronically.
- (vi) **Statements of Common Ground ("SoCGs"):** In line with the deadline to do so, the Applicant has provided draft SoCGs as listed in Table 1. Where there are any points that the Applicant wishes to highlight in relation to their progress on certain SoCGs, it has set them out in the below table.

As set out in The Applicant's Response to the Rule 17 Letter dated 31 July 2024 (PD1-070), the Applicant is not planning to submit a SoCG with the Forestry Commission, National

¹ Noting that some such compensation measures have been proposed on a "without prejudice" basis

Highways or National Trust on the basis that each party has confirmed that it does not have substantive issues with the project.

In relation to the SoCGs with the Marine Management Organisation and the Royal Society for the Protection of Birds, the initial draft SoCG focuses on the principal areas of disagreement between the Applicant and the relevant Interested Party, with the aim of making progress to resolve these and narrow the issues at Examination.

The Applicant has not submitted a SoCG with Natural England at this deadline. In their response to the Rule 6 letter (PD1-108) Natural England stated *“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.”* Natural England also committed to submitting the Risk and Issues (R&I) log and an accompanying PADSS at Deadline 1. The Applicant would therefore propose to draft a SoCG taking account of those documents for deadline 2 and will seek to discuss the draft SoCG with Natural England as soon as Natural England are able to engage.

- (vii) **Explanatory Memorandum:** The Applicant notes the request in the Rule 8 Letter (PD-011) to submit an updated Explanatory Memorandum (if required). In light of the minor changes that have been made to the draft DCO at this deadline (as set out in the Schedule of Changes to the Draft Development Consent Order (Document 3.1.1), an Explanatory Memorandum is not considered to be required.

If we can be of any further assistance, please contact Beth Travis [REDACTED] ([outerdowsing.com](mailto:beth@outerdowsing.com)).

Yours faithfully,

[REDACTED]

Development Manager
Outer Dowsing Offshore Wind

Table 1 List of documents submitted at Deadline 1, 24 October 2024

Applicant Reference	Document Title	Reason for submission
Documents requested in ExA’s Rule 8 letter (PD-011)		
3.1* (Superseding PD1-024; PD1-025)	Draft Development Consent Order	Deadline 1 document submission requested.
3.1.1 (Superseding PD1-026)	Schedule of Changes to the Draft DCO	Deadline 1 document submission requested.
4.1* (Superseding PD1-029; PD1-030)	Book of Reference	Deadline 1 document submission requested.
4.1.1 (Superseding PD1-031)	Schedule of Changes to the Book of Reference	Deadline 1 document submission requested.
15.4* (Superseding PD1-072)	Compulsory Acquisition and Land Rights Tracker (Schedule of Negotiations and Powers Sought)	Deadline 1 document submission requested.
18.2	The Applicant's Responses to Additional Submissions and Relevant Representations	In response to the request for “Responses to RRs (if not provided at the Pre-Examination Procedural Deadline)” and for “Comments on any further information/submissions accepted by the ExA”, the Applicant has provided (1) responses to further representations which have been received since the Pre-Examination Procedural Deadline and (2) further responses to RSPB’s relevant representations to supplement those provided in PD1-071.

Applicant Reference	Document Title	Reason for submission
		As set out in Document 18.2, the Applicant has since noticed that a small number of the representations related to onshore ornithology made by the RSPB were omitted from The Applicant's Responses to Relevant Representations (PD1-071) in error which have now been responded to in Table 2.1 of Document 18.2.
18.3	The Applicant's Comments on Oral Submissions made and Written Summary of Oral Case at the OFH held on 10 October 2024	Deadline 1 document submission requested.
18.4	The Applicant's suggested locations for the ASI	Deadline 1 document submission requested.
18.5	Applicant's planning obligations and side agreements tracker	Deadline 1 document submission requested. Please note that there is no current draft s 106 agreement to share with the ExA.
18.6	The Applicant's response to the ExA's request for further information in relation to the proposed ORBA and the revision to the Offshore ECC	Requested in PD-011, Annex C.
18.7	Draft SoCG with Anglian Water Services	Draft SoCG submission requested at Deadline 1.
18.8	Draft SoCG with Environment Agency	Draft SoCG submission requested at Deadline 1.
18.9	Draft SoCG with Historic England	Draft SoCG submission requested at Deadline 1.
18.10	Draft SoCG with Lincolnshire County Council (LCC)	Draft SoCG submission requested at Deadline 1. Please note that while the LCC's position has yet to be populated the LCC have reviewed the content of the SoCG and the SoCG has been updated accordingly to ensure all topics that the LCC and the Applicant intend to address are

Applicant Reference	Document Title	Reason for submission
		listed. The LCC's position will be included during future submissions of this SoCG into Examination.
18.11	Draft SoCG with Local Planning Authorities	Draft SoCG submission requested at Deadline 1. This provides a joint Statement of Common Ground with each of East Lindsey District Council, South Holland District Council, and Boston Borough Council.
18.12	Draft SoCG with Maritime and Coastguard Agency (MCA)	Draft SoCG submission requested at Deadline 1. Please note that due to resource constraints due to annual leave the MCA has only so far been able to provide a partial review of the SoCG but has committed to providing full comments in due course.
18.13	Draft SoCG with NATS	Draft SoCG submission requested at Deadline 1.
18.15	Draft SoCG with NGET	Draft SoCG submission requested at Deadline 1.
18.16	Draft SoCG with Chamber of Shipping	Draft SoCG submission requested at Deadline 1.
18.17	Draft SoCG with the MMO	Draft SoCG submission requested at Deadline 1.
18.18	Draft SoCG with the Ministry of Defence (MoD)	Draft SoCG submission requested at Deadline 1.
18.19	Draft SoCG with the RSPB	Draft SoCG submission requested at Deadline 1. Please note that due to resource constraints highlighted by RSPB, the Interested Party has only been able to provide a high-level review at this stage. RSPB have committed to providing further comments in due course.
18.20	Draft SoCG with Trinity House	Draft SoCG submission requested at Deadline 1.

Applicant Reference	Document Title	Reason for submission
18.22	The Applicant's Change Request dated 24 October	Requested in PD-011, Annex B Section 8.
Other documents		
18.1	The Applicant's Deadline 1 Covering Letter	This document has been uploaded to provide background and overview of the Deadline 1 submissions
1.2 (Superseding PD1-002)	Guide to the Application	This document has been uploaded to aid the review of Deadline 1 documents, particularly to clarify where previous document versions have been superseded as discussed above.
2.0 (Superseding PD1-003)	Schedule of Changes to Plans	Land right refresh updates.
2.5 (Superseding PD1-008)	Land Plans	Land right refresh updates.
4.2* (Superseding APP-026)	Compulsory Acquisition Funding Statement	Corporate Structure updates.
4.3 (Superseding PD1-032; PD1-033)	Statement of Reasons	Land right refresh updates.
7.9* (Superseding APP-264)	Compensation Funding Statement	Corporate Structure updates.
18.21	The Applicant's Change Notification dated 24 October	Notifying the ExA of certain changes it intends to make.
* indicates clean and tracked versions provided		