

Outer Dowsing Offshore Wind

The Applicant's Change Notification dated 24 October 2024

Deadline 1

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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
Change Notification
Application Reference: EN010130**

The Applicant refers to the Planning Inspectorate’s Guidance “Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination” (“**the Guidance**”). In accordance with the Guidance, this letter is a notification of the Applicant’s intention to submit a change request. This letter addresses the requirements in the Guidance relating to “Step 1” of the process for requesting a change to an accepted application.

The proposed changes are as follows:

- **Change 1:** the introduction of a new article of the draft Development Consent Order (the “**DCO**”) (reference 3.1), which disapplies the provisions of various, largely historic, local Acts, Orders and byelaws which confer various rights and powers on the Black Sluice Internal Drainage Board (“**IDB**”), insofar as these are inconsistent with the provisions of the DCO.
- **Change 2:** the introduction of protective provisions for the benefit of Port of Boston Limited, as statutory harbour authority (the “**Harbour Authority**”), and of a new article of the DCO, which disapplies the provisions of various, largely historic, local Acts, Orders and byelaws which confer various rights and powers on the Harbour Authority, insofar as these are inconsistent with the terms of the protective provisions.
- **Change 3:** amendments to article 19 (Removal of Human Remains) of the DCO to provide a different procedure to be followed where any human remains were interred more than 100 years ago

The Applicant has been engaging with the Black Sluice IDB and the Harbour Authority respectively in relation to proposed Changes 1 and 2.

The Appendix to this letter provides, in respect of each change, the information to be included in a change notification as set out in “Step 1” of the Guidance.

In addition to the above changes, the Applicant proposes to make the following updates to the application documents at Deadline 2, which it does not consider to be a change to the project within the meaning of the Guidance and therefore are not required to be subject to the change procedure set out in the Guidance:

- the addition of a further condition to each of the deemed marine licences at Schedules 12, 13, 14 and 15 of the draft DCO (reference 3.1) (deemed marine licences in respect of the proposed artificial nesting structures) (the “**ANS DMLs**”) in response to a request from the Ministry of Defence (“**MoD**”) that a condition requiring the submission of sufficient data to ensure that the development is appropriately and accurately charted is included in each of the ANS DMLs. The proposed condition would be similar in nature to condition 10, Part 2, Schedules 10 and 11 of the DCO.

The reasons the Applicant reached the above conclusion are set out in the table below in respect of these updates:

Condition to facilitate charting of development to be added to the ANS DMLs	<p>Under the heading “New or revised information”, the Guidance explains that changes to the application information may not necessarily result in changes to the proposed project. By way of example the Guidance states where an applicant submits new versions of the draft development consent order as articles are reviewed, drafting is improved or requirements are developed, the update will not necessarily be considered a change.</p> <p>The Applicant considers that this update is within the above category. The Applicant has agreed to include this condition in ANS DMLs in response to feedback from the MoD that they will require to chart all structures above 50m LAT, which includes the ANSs. The new condition is a requirement to notify the MoD of key dates and parameters and does not amount to a change to the project.</p>
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The Applicant would be grateful for the Examining Authority’s confirmation on whether it agrees with the Applicant’s view on this matter.

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

1 Appendix – The Proposed Changes

The Applicant has set out below, in respect of each change, the information required to be included in a change notification, as set out in the Guidance.

Change 1 – the introduction of a new article disapplying local Acts, Orders and byelaws granting certain powers to the Black Sluice IDB

Information to include in a change notification	Applicant’s Response
A clear description of the proposed change, including any new works, altered works and ancillary matters	The draft DCO (reference 3.1) will be updated to include a new article, which disapplies the provisions of various, largely historic, local Acts, Orders and byelaws which confer various rights and powers on the Black Sluice IDB. The disapplication provisions would apply insofar as the named local Acts, Orders and byelaws are inconsistent with the provisions of the DCO.
A statement setting out the reasons and need for making the change to the application	The new article is required so as to ensure that the law applicable to the works authorised by the DCO is clear and there is a mechanism in place to resolve any conflict which may arise between the terms of the DCO and the local, Acts, Orders and byelaws.
A statement establishing whether the proposed change involves changes to the Order land	The proposed change does not involve a change to the Order land. The change does not involve a request to include additional compulsory acquisition powers therefore the procedures in regulations 5 to 19 of the CA Regulations do not apply.
A statement establishing whether the proposed change to the application is expected to result in any new or different likely significant environmental effects	The environmental implications of this change have been reviewed to fully understand whether the changes affect the conclusions of the Environmental Statement (ES). It has been concluded that, since this change does not affect the mitigation proposed for the Project and that the Black Sluice IDB will continue to have the benefit of the protective provisions set out in Part 5, Schedule 18 of the draft DCO, the change is not expected to result in any new or different likely significant environmental effects.
Information to establish how the applicant considers the change to the application can be accommodated within the remaining statutory timescales	<p>The change can be accommodated within the remaining statutory timescales because:</p> <ul style="list-style-type: none"> • the proposed change would not generate new or different likely significant environmental effects; • the proposed change would not require additional compulsory acquisition powers; and

Information to include in a change notification	Applicant's Response
	<ul style="list-style-type: none"> the proposed change is being proposed early within the Examination timetable and it is considered that there is sufficient time to fully examine it.
<p>The timescale for the applicant's consultation about the proposed change, and the applicant's view on the scope of that consultation, including justification</p>	<p>The Applicant has engaged with the Black Sluice IDB to discuss and develop the protective provisions which are now at an advanced stage. The Applicant is hopeful that the Protective Provisions will be agreed with the drainage authorities early in the Examination. As part of these discussions, the Applicant has also advised the Black Sluice IDB of this proposed amendment to the draft DCO and requested their feedback.</p> <p>In light of the limited scope of Change 1, no other consultation is considered by the Applicant to be required.</p>
<p>The expected submission date for the 'change application'.</p>	<p>The Applicant expects to submit the change application at Deadline 2 or at the earliest practicable deadline following further discussions with the Black Sluice IDB.</p>

Change 2 – the introduction of protective provisions for the benefit of the Harbour Authority and a new article disapplying local Acts, Orders and byelaws granting certain powers to the Harbour Authority

Information to include in a change notification	Applicant’s Response
A clear description of the proposed change, including any new works, altered works and ancillary matters	The draft DCO (PD1-024) will be updated to include protective provisions for the benefit of the Harbour Authority and a new article, which disapplies the provisions of various, largely historic, local Acts, Orders and byelaws which confer various rights and powers on the Harbour Authority. The disapplication provisions would apply insofar as the named local Acts, Orders and byelaws are inconsistent with the provisions of the protective provisions.
A statement setting out the reasons and need for making the change to the application	The new article is required so as to ensure that the law applicable to the works authorised by the DCO is clear and there is a mechanism in place to resolve any conflict which may arise between the terms of the DCO and the local, Acts, Orders and byelaws. The Applicant has been engaging with the Harbour Authority and is approaching agreement on the terms of the proposed protective provisions.
A statement establishing whether the proposed change involves changes to the Order land	The proposed change does not involve a change to the Order land. The change does not involve a request to include additional compulsory acquisition powers therefore the procedures in regulations 5 to 19 of the CA Regulations do not apply.
A statement establishing whether the proposed change to the application is expected to result in any new or different likely significant environmental effects	The environmental implications of this change have been reviewed to fully understand whether the changes affect the conclusions of the Environmental Statement (ES). It has been concluded that, since this change does not affect the mitigation proposed for the Project and that the Harbour Authority will have the benefit of the protective provisions, the change is not expected to result in any new or different likely significant environmental effects.
Information to establish how the applicant considers the change to the application can be accommodated within the remaining statutory timescales	<p>The change can be accommodated within the remaining statutory timescales because:</p> <ul style="list-style-type: none"> • the proposed change would not generate new or different likely significant environmental effects; • the proposed change would not require additional compulsory acquisition powers; and • the proposed change is being proposed early within the Examination timetable and it is considered that there is sufficient time to fully examine it.

Information to include in a change notification	Applicant's Response
The timescale for the applicant's consultation about the proposed change, and the applicant's view on the scope of that consultation, including justification	<p>The Applicant has engaged with the Harbour Authority to discuss and develop the protective provisions and the proposed disapplication wording and these discussions are now at an advanced stage. The Applicant is hopeful that the protective provisions will be agreed with the Harbour Authority early in the Examination.</p> <p>In light of the limited scope of Change 2, no other consultation is considered by the Applicant to be required.</p>
The expected submission date for the 'change application'.	The Applicant expects to submit the change application at Deadline 2 or at the earliest practicable deadline following further discussions with the Harbour Authority.

Change 3: amendments to article 19 (Removal of Human Remains) of the DCO to provide a different procedure to be followed where any human remains were interred more than 100 years ago

Information to include in a change notification	Applicant's Response
A clear description of the proposed change, including any new works, altered works and ancillary matters	The draft DCO (reference 3.1) will be updated to include additional paragraphs which will set out the circumstances in which the notice procedure set out in Article 19 of the DCO does not need to be followed, and will provide an alternative procedure in those circumstances. The circumstances would be that the undertaker is satisfied that the remains were interred more than 100 years ago, and that no relative or personal representative of the deceased is likely to object to the remains being removed in accordance with this article. An alternative procedure would be provided which would permit the undertaker to remove any such human remains and set a procedure for the undertaker to apply to the Secretary of State for a direction as to their subsequent treatment.
A statement setting out the reasons and need for making the change to the application	The amendment to article 19 is required to ensure that archaeological remains are recovered appropriately without causing unacceptable delay to the implementation of this nationally significant infrastructure project.
A statement establishing whether the proposed change involves changes to the Order land	The proposed change does not involve a change to the Order land. The change does not involve a request to include additional compulsory acquisition powers therefore the procedures in regulations 5 to 19 of the CA Regulations do not apply.
A statement establishing whether the proposed change to the application is expected to result in any new or different likely significant environmental effects	The Applicant can confirm that Change 3 does not give rise to any new or different likely significant environmental effects.
Information to establish how the applicant considers the change to the application can be accommodated within the remaining statutory timescales	<p>The change can be accommodated within the remaining statutory timescales because:</p> <ul style="list-style-type: none"> • the proposed change would not generate new or different likely significant environmental effects; • the proposed change would not require additional compulsory acquisition powers; and • the proposed change is being proposed early within the Examination timetable and it is considered that there is sufficient time to fully examine it.
The timescale for the applicant's consultation about the proposed change, and the applicant's view on the scope	The Applicant considers that no consultation is necessary on this proposed change, as it results in no new or different environmental effects, and does not require additional land to be

Information to include in a change notification	Applicant's Response
of that consultation, including justification	included within the Order limits, and is a very limited amendment to a provision which is already included in the DCO. Interested Parties will be given the opportunity to comment on the subsequent Change Request within the timeframe of the Examination.
The expected submission date for the 'change application'.	The Applicant expects to submit the change application at the earliest practicable deadline following a procedural decision from the ExA regarding the need for consultation.

