



The Planning Inspectorate

National Infrastructure Planning
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To: All Interested Parties, Affected Parties, Category 3 Parties and Other Persons

Our Ref: EN010130

Date: 5 November 2024

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 9 and 13

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

Notification of Procedural Decision and Hearings

Notification of Procedural Decision relating to a request for changes to the application as part of the Applicant's submission for Deadline 1.

I am writing to advise you of a Procedural Decision taken by the Examining Authority (ExA) following the Applicant's notification of a formal change to application submitted on 8 October 2024 [[AS-025](#)]. The ExA's advice related to these possible changes was set out in its Rule 8 letter [[PD-011](#)]. However, the Applicant also advised the ExA of further changes that it had not yet submitted to the ExA; these were described by the Applicant as follows:

- changes to documents to account for additional utilities crossings; and
- changes to documents to account for additional drain crossings.

The Applicant considers that these proposed changes would not result in changes to the project and therefore do not require to be subject to the change notification procedure set out in the Guidance because these changes are, in the Applicant's view, updates which reflect the factual position on the ground and which do not change the proposed project. Based on the description of these changes provided by the Applicant, the ExA agrees with the Applicant that these changes do not need to be submitted as part of a formal change request.

After receiving advice from the ExA in the Rule 8 letter [[PD-011](#)] on other changes that it proposed, the Applicant submitted a formal change request at Deadline 1 (24 October 2024) [[REP1-039](#)] as follows:

- **Change 1:** The change resulting from updates to the Ordnance Survey (“OS”) MasterMap data which identified changes to the Mean High Water Springs (“MHWS”) and Mean Low Water Springs (“MLWS”) dataset (Notified in AS-021).
- **Change 2:** Revision to the Offshore Export Cable Corridor (“ECC”) (Notified in AS-025).
- **Change 3:** Onshore Order Limit reductions - removal of unnecessary plots (Notified in AS-021 and AS-025).

For **Change 1**, the Applicant notes that this change is required to accurately show the locations of the Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS) marks in relation to the Order land, and to ensure that the draft Development Consent Order (DCO) provides the Applicant with the necessary powers required to construct, operate, maintain and decommission the project on land which is considered to be within the onshore Order limits by reason of the change in the MHWS and MLWS.

Furthermore, the Applicant confirms that it has concluded the further consultation that the ExA advised it to undertake with the Marine Management Organisation (the “MMO”) and Chapel St Leonards Parish Council. The MMO confirmed to the Applicant that it welcomed the change made and Chapel St Leonards Parish Council confirmed that it did not have any interest in the Order Limits. The Applicant confirmed that the Crown Estate has given consent, for the purpose of regulation 4(b) of the Compulsory Acquisition Regulations (CA Regulations), to the provision in the DCO authorising compulsory acquisition powers in respect of the “additional land” provided that:

- a) The “additional land” is treated the same as all other Crown Land in the Book of Reference (i.e. the text “(excluding all interests of the Crown)” is included in the description of the relevant plots in the Book of Reference); and
- b) The “additional land”, like all other Crown plots affected by the DCO, will be subject to Section 135(1) consent and the Applicant will need to enter into the Crown’s standard form agreement.

The Applicant has confirmed that with respect to (a), the requested text is included in the description of the relevant plot (plot 01-002) in the Book of Reference [[AS1-029](#)]. In addition, the Applicant notes that the powers that apply to the “additional land” would be subject to Article 43 of the DCO which provides protection for Crown interests. With respect to (b), the Applicant is working with TCE in order to obtain Section 135 consent for all plots within the Order land in which the Crown has an interest.

The Applicant also confirmed that **Change 1** would not give rise to any new or different likely significant environmental effects.

For **Change 2**, the Applicant notes that it has excluded the ‘northern route’ option for the offshore export cable corridor (ECC) and would therefore seek to amend the Order limits to exclude this section of the offshore ECC from the draft DCO.

This proposed 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. The Applicant also concludes that **Change 2** would have no effect on the overall conclusions drawn within the Environmental Statement (ES) or Report to Inform Appropriate Assessment.

In relation to **Change 2**, the ExA confirmed in the Rule 8 letter [[PD-011](#)] that it did not require the Applicant to undertake further consultation with additional persons prescribed under section 42(1)(a) to (d) of the Planning Act 2008 and that all necessary consultation has taken place.

For **Change 3**, the Applicant advises that it has removed plots 35-004, 35-005, 35-006, 35-007, 35-008, 46-048 from the Order land and reduced the extent of plot 46-045 as these plots relate to accesses which have been removed at the request of the affected landowners and are therefore no longer required.

In addition, the Applicant has confirmed that this change would 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 and that there would be no change in the assessment conclusions of the ES for any environmental topics.

In relation to **Change 3**, the ExA confirmed in the Rule 8 letter [[PD-011](#)] that it did not require the Applicant to undertake further consultation with additional persons prescribed under section 42(1)(a) to (d) of the Planning Act 2008 and that all necessary consultation has taken place.

The ExA has reviewed the information submitted by the Applicant in its Change Request dated 24 October 2024 [[REP1-039](#)] and agrees that:

1. In the case of **Change 1**, the Applicant has secured the necessary consent from the Crown Estate;
2. In the cases of **Changes 2** and **3**, the changes do not involve a request to include additional compulsory acquisition powers;
3. In these cases the procedures in regulations 5 to 19 of the CA Regulations do not apply.
4. The ExA is satisfied that the proposed changes can be properly examined within the timeframe of the current Examination and therefore accepts the Applicant's proposed changes as set out in this Change Request.

In addition to the Change Request set out above, the Applicant also advised the ExA of further changes that it intended to make in its Change Notification dated 24 October 2024 [[REP1-038](#)]. These changes are described by the Applicant as follows:

- **Change 1:** the introduction of a new article of the draft 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.

Also within its Change Notification dated 24 October 2024 [REP1-038], the Applicant highlights further proposed changes 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 should not be 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 ExA welcomes the Applicant’s approach of pre-emptively highlighting its proposed changes in this manner and takes the view that the proposed changes set out in its Change Notification dated 24 October 2024 [REP1-038] all fall within the broad description of changes to the draft DCO as articles are reviewed, drafting is improved, or requirements are developed and that they are not such substantial changes that they would warrant a formal Change Request.

Notification of Hearings

The Examination Timetable at Annex A of the Examining Authority's (ExA) [Rule 8 letter](#), dated 17 October 2024, included reserved dates for Hearings.

We are now writing to advise you that the following Hearings will be held under Sections 91 and 92 of the Planning Act 2008. The Hearing(s) will be held virtually via Microsoft Teams.

Hearing	Date	Start time	Location
Compulsory Acquisition Hearing 1 (CAH1)	Tuesday 3 December 2024	Virtual Registration Process from: 13:30 Event start: 14:00	All hearings 3 – 6 December 2024 will be held as virtual hearings using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.
Issue Specific Hearing on the draft Development Consent Order (ISH1)	Wednesday 4 December 2024	Virtual Registration Process from: 09:30 Event start: 10:00	
Issue Specific Hearing on Environmental Matters (ISH2)	Wednesday 4 December 2024	Virtual Registration Process from: 14:00 Event start: 14:30	
Issue Specific Hearing on Environmental Matters (ISH3)	Thursday 5 December 2024	Virtual Registration Process from: 9.30 Event start: 10.00	
Issue Specific Hearing on Environmental Matters (ISH4)	Friday 6 December 2024	Virtual Registration Process from: 9.30 Event start: 10.00	
<p>NOTE: If any of the above Hearings are no longer required then notification will be published as soon as practicable on the project webpage of the National Infrastructure Planning website, providing reasonable notice to Interested Parties of the decision to cancel.</p>			

Please note that the published version of the Applicant's Notice under 13(6) of the Infrastructure Planning (Examination Procedure) Rules 2010 which appears in the 7 November 2024 print version of the Fishing News, contains an incorrect hearing start time

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for the Compulsory Acquisition Hearing on 3 December 2024 and the Issue Specific Hearing on Thursday 5 December 2024 due to an administrative error. The Examining Authority confirms that the times as stated above are correct.

You must register by **Tuesday 26 November 2024** if you wish to participate in any of the above hearings. Please see **Annex A** for further information on how to register for the hearings.

Joining instructions for Hearings will be issued by the Case Team via email shortly before the Hearing dates.

Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **Tuesday 26 November 2024**.

Applicant's notification duties

The Applicant is reminded of its duty to notify and publicise hearings under Rule 13(6) and 13(7) of The Infrastructure Planning (Examination Procedure) Rules 2010.

Purpose of Hearings

Please refer to the Planning Inspectorate's [Advice Note: What to expect at a Nationally Significant Infrastructure Project event](#) for information about the purpose of Open Floor, Issue Specific and Compulsory Acquisition Hearings.

Hearing Agendas

The Agendas and any detailed arrangements for the Hearings will be published on the [project webpage](#) no later than five working days before the Hearings. However, the actual Agenda on the day of each Hearing may be subject to change at our discretion.

If you have any further queries, please do not hesitate to contact the Case Team outerdowsingoffshorewind@planninginspectorate.gov.uk.

Yours faithfully

Rod Macarthur

Lead Member of the Panel of Examining Inspectors

This communication does not constitute legal advice.

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Annex A

Participation in Hearings

You must register by **26 November 2024** if you intend to participate in the Hearings and provide all the information requested.

Please register using the [Event Participation Form](#). If you have any difficulty completing the form, please contact the Case Team.

Any request to participate in a Hearing should include the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- confirmation of the Hearing(s) you wish to participate in;
- for blended events, confirmation of whether you will participate virtually or in-person;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the Book of Reference and the Land Plans; and

Joining instructions for Hearings will be issued by the Case Team via email shortly before the Hearing dates.

Please contact the Case Team if you require any support or assistance to attend any Hearing, either virtually or in person.

If you simply wish to observe any of the Hearings then you can either:

1. Watch a livestream of the event - a link to the livestream will be made available on the project webpage shortly before the event is scheduled to begin; and/or
2. Watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Procedure at Hearings and Post Hearing submissions

Please refer to the Planning Inspectorate's [Advice Note: What to expect at a Nationally Significant Infrastructure Project event](#) for information about the purpose of Issue Specific and Compulsory Acquisition Hearings.

Participation in a Hearing will be subject to the ExA's powers of control. It is for the ExA to determine how the Hearing will be conducted, including the time allowed at the Hearing for the making of a person's representations. The Hearing will be managed in the interests of ensuring fair access to the Hearing for all parties, and to ensure that the submissions of all invited persons are fully heard within the allotted time. For Issue Specific Hearings

Interested Parties (IPs) may be invited to make oral representations at the Hearing on the specific issues being examined at the Hearing as set out in the relevant Agenda.

All Hearings are recorded. The recordings and transcripts will be made available on the [project webpage](#) as soon as practicable following the Hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed at a Hearing. It is therefore important to note that anyone speaking at the Hearing will need to introduce themselves, including any organisation or groups that they represent, **each time they speak** to ensure that someone listening to the recording after the Hearing is clear who was speaking.

General Data Protection Regulations

As the recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Please refer to our [Privacy Notice](#) for further information. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain. The Planning Inspectorate's practice is to publish the recordings and transcripts and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order (DCO). If you actively participate in the Hearing, it is important that you understand that you will be recorded and that the recording and transcript will be made available in the public domain.

Post Hearing Submissions

The evidence presented orally at Hearings should be included in post Hearing submissions and submitted at **Deadline 3 (13 December 2024)**.