

# Outer Dowsing Offshore Wind

## The Applicant's Deadline 2 Covering Letter

### Deadline 2

Date: November 2024

Document Reference: 19.1

Rev: 1.0

Company:		<b>Outer Dowsing Offshore Wind</b>		Asset:	<b>Whole Asset</b>	
Project:		<b>Whole Wind Farm</b>		Sub Project/Package:	Whole Asset	
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FAO Louise Harraway  
Case Manager  
National Infrastructure Planning  
Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

**outerdowsing.com**  
2nd Floor, Boundary House  
91-93 Charterhouse Street  
London  
EC1M 6HR

27 November 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 has provided a range of documents at Deadline 2 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.

- (i) **Further HRA documents:** The Applicant indicated its intention in its Deadline 1 covering letter (REP1-001) to submit ornithology documents at Deadline 2, expected to total around 100 pages, in order to provide further evidence regarding the Applicant’s offshore ornithology assessments and reflect the progress made by the Applicant in relation to the compensation measures. These documents are included in this submission and are as follows:
- a. Levels of precaution in the assessment and confidence calculations for offshore ornithology (Document 19.8);
  - b. SNCB guidance and bioseasons for guillemot (Document 19.9)
  - c. Rates of displacement in guillemot and razorbill (Document 19.10)
  - d. Lead-in periods for kittiwake breeding on Artificial Nesting Structures (Document 19.11).

An update to the Without Prejudice Predator Control Evidence Base and Road Map (APP-257) has also been provided to reflect progress made with the delivery of predator control measures on the Plémont Seabird Reserve.

- (ii) **Compensation Measure Letters of Comfort:** The Applicant has also provided two more compensation-related documents: Letters of Comfort from BT (Document 19.14) and The Crown Estate (“TCE”) (Document 19.13) which set out, respectively, that BT would be

willing to enter into an Out of Service Cable Recovery Agreement with the Applicant in relation to its without prejudice proposed redundant infrastructure removal measure (see Section 6 of APP-248) and that TCE – subject to the caveats set out in its letter – has the ability to grant various rights which it would anticipate being required in respect of a range of the Applicant’s proposed compensation measures and without prejudice compensation measures.

- (iii) **Change Notification and Request:** In light of the evidence presented in the Lead-in periods for kittiwake breeding on artificial nesting structures document (Document 19.11) and the ExA’s written question reference Q1 HRA 2.4, a change notification is included with this submission to notify the ExA of the Applicant’s intention to request a change to Schedule 22 of the Order to reduce the length of time the proposed artificial nesting structure for kittiwake needs to be in place before operation of the project from three full breeding seasons to two full breeding seasons.

Further to the Change Notification of 8 October (AS-025) and the ExA’s corresponding procedural decision (PD-011), the Applicant has now submitted a Change Request at this deadline related to the introduction of the Offshore Restricted Build Area (“**ORBA**”).

- (iv) **Public Rights of Way (“PRoWs”) and utilities updates:** The ExA requested (Annex B Section 8 PD-011) that the Applicant provide a change request in relation to changes to certain documents to account for five recently identified proposed Public Rights of Way (“PRoWs”) and the proposed diversion of three of the five PRoWs. The Applicant has since been advised that the proposed PRoWs are not currently approved. The Applicant has therefore decided not to proceed with the proposed change, and has therefore submitted updated versions of each of the below documents which removes reference to the proposed PRoWs and diversions which were the subject of the Applicant’s Response to the ExA’s Procedural Decision 30 September 2024 and Change Notification (AS-025):
- a. Public Rights of Way Plan (2.10);
  - b. Crossing Schedule (6.3.3.2);
  - c. Onshore Crossing Plan (2.18);
  - d. Public Access Management Plan (8.17).
  - e. The update is explained in the Schedule of Changes for Plans (2.0).

Additional utilities crossings, discussed in 2.8 of the Applicant’s Change Notification dated 8th October (AS-025), are also now reflected and the Crossing Schedule (Document 6.3.3.2) has clarified PRDX-3 to ensure the correct PRoWs are referenced as being stopped up.

- (v) **Land update: Updated Land Plans:** The ExA requested in its Rule 8 Letter (PD-011) that the Applicant submit an updated Book of Reference (4.1) at Deadline 2. In order to update it, and as part of on-going inquiry and discussions with local agents, the Applicant has become aware of a plot split due to an additional occupier. This new information has been reflected in the Land Plans and the change is explained in the Schedule of Changes for Plans (2.0). An updated Statement of Reasons has also been submitted which reflects this plot split, and also reflects updates to commercial negotiations with Affected Persons.

- (vi) **Natural England Statement of Common Ground (“SoCG”)**: The Applicant noted in its Deadline 1 Covering Letter (REP1-001) that it had not submitted a SoCG with Natural England on the basis of Natural England’s position (PD1-108) that *“we will not engage in the production of a SoCG at that time, in favour of focusing on issue resolution... 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”*. In line with its commitment to do so and NE’s position, the Applicant has now submitted a draft Natural England SoCG, drafted by the Applicant alone, which takes into account the documents referenced by Natural England and will seek to discuss the draft SoCG with Natural England as soon as it is able to engage.
- (vii) **Port of Boston - Consent to Disapplication Letter**: The Applicant welcomes the ExA’s view (PD-012) that, among other things, the inclusion of a new article of the DCO which disapplies the provisions of various legislation related to the Port of Boston Limited as statutory harbour authority, do not constitute “changes” which require to be subject to the Change Request process. The Applicant has therefore reflected the disapplication wording in the version of the DCO submitted at this deadline. Port of Boston Limited has consented to the disapplication wording and their letter of consent is also included in this submission (19.12).
- (viii) **ExQ1 Updates**: the Applicant has appended various documents to its Responses to the Examining Authority's Written Questions (19.2) and, in addition, has submitted the following new or updated documents of relevance to and referred to in the Applicant’s responses to the Examining Authority’s First Written Questions (“WQs”)(“ExQ1”, PD-013), being:
- a. **Funding Statements**: the Compulsory Acquisition and Compensation Funding Statements (Documents 4.2; 7.9) have been updated in response to CA 1.18;
  - b. **Outline Code of Construction Practice (“CoCP”)** (8.1): The CoCP has been updated in response to Water Quality WQs;
  - c. **Outline Noise and Vibration Management Plan** (8.1.1): This Plan has been updated in response to Noise and Vibration WQs;
  - d. **MMMPs**: The Outline Marine Mammal Mitigation Protocol for Piling Activities and for Unexploded Ordnance (8.6.1; 8.6.2) have been updated in response to Marine Mammal WQs and in response to Natural England’s submissions at Deadline 1(REP1-060);
  - e. **Outline Biogenic Reef Mitigation Plan** (8.22): This Plan has been updated to address Benthic Ecology WQs and in response to Natural England’s submissions at Deadline 1 (REP1-059);
  - f. **Schedule of Mitigation** (8.13): The Schedule of Mitigation has been updated to reflect additional mitigations in response to questions within ExQ1.
  - g. **Array Layout Yield Study** (19.7): The Array Layout Yield Study discussed in OG 1.2 has been submitted in response to the request to do so.

Where documents have been updated, opportunities have been taken to tidy them by, for instance, updating definitions or correcting typos as appropriate.

- (ix) **Outline Cable Specification and Installation Plan (8.5)** This document has been updated to reflect commitments discussed with Natural England in response to its Deadline 1 submissions (REP1-057 – 066).

The Applicant highlights the following additional points:

- (x) **Draft Development Consent Order (dDCO) versions and changes:** the Applicant has made updates to the dDCO to incorporate the amendments which the ExA confirmed were not changes to the dDCO (see Notification of Procedural Decision relating to a request for changes to the application as part of the Applicant’s submission for Deadline 1 and Hearings) along with other drafting amendments. The Applicant has submitted a version of the dDCO which includes these updates (with the ORBA) and a version of the dDCO which includes these updates (without the ORBA), in response to the ExA’s request (ExQ1 Q1 GC 1.2) *“to submit updated copies of the dDCO and any other related documents which do not include (or which clearly exclude) amendments or reference to elements of the application which are subject to [outstanding] Change Requests”*. The Applicant has therefore provided, at this deadline, the following versions of the dDCO and Explanatory Memorandum:

<b>dDCOs submitted</b>	<b>Explanatory Memoranda submitted</b>
<b>3.1 Draft Development Consent Order (including ORBA) version 5.0</b> An updated version of the dDCO which includes amendments proposed by the Applicant at this deadline and the ORBA (clean);	<b>3.2 Explanatory Memorandum (including ORBA) version 3.0</b> An updated version of the Explanatory Memorandum which includes amendments proposed by the Applicant at this deadline and the ORBA (clean);
<b>3.1 Draft Development Consent Order (excluding ORBA) version 5.1</b> An updated version of the dDCO which includes amendments proposed by the Applicant at this deadline and excludes the ORBA (clean);	<b>3.2 Explanatory Memorandum (excluding ORBA) version 3.1</b> An updated version of the Explanatory Memorandum which includes amendments proposed by the Applicant at this deadline and excludes the ORBA (clean);
<b>3.1 Draft Development Consent Order (including ORBA) (Tracked) version 5.0</b> A tracked version of the dDCO which highlights the amendments proposed by the Applicant at this deadline, compared with the dDCO submitted at Deadline 1 (REP1-006) and includes the ORBA;	<b>3.2 Explanatory Memorandum (including ORBA) (Tracked) version 3.0</b> A tracked version of the Explanatory Memorandum which highlights the amendments proposed by the Applicant at this deadline, compared with the previous version of the Explanatory Memorandum submitted at the Procedural Deadline (PD1-027) and includes the ORBA;
<b>3.1 Draft Development Consent Order (Showing addition of the ORBA) version 5.2 (Comparison)</b>	<b>3.2 Explanatory Memorandum (Showing addition of the ORBA) version 3.2</b>

A comparison version of the dDCO which shows the changes between the Deadline 2 versions of the dDCO, with and without the ORBA.	A comparison version of the Explanatory Memorandum which shows the changes between the Deadline 2 versions of the Explanatory Memorandum, with and without the ORBA.
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The amendments covered in the updated dDCO are set out in its Schedule of Changes (document 3.1.1).

- (xi) **Compulsory Acquisition (“CA”) and Land Rights Tracker / Schedule of Negotiations and Powers Sought:** Following the Applicant’s explanation in its Deadline 1 Covering Letter of the approach it is seeking to take to these documents, and in the absence of any request to do otherwise by the ExA, the Applicant has, at this deadline provided a single “Compulsory Acquisition and Land Rights Tracker (Schedule of Negotiations and Powers Sought)” document, in clean and tracked (Document 15.4) . The Applicant stands ready to take a different approach should the ExA wish it to do so.
- (xii) **Deadline 3 submissions:** The Applicant is progressing further updates to Application documents in response to ExQ1 questions and – as discussed in (b) below – a Local Impact Report. In particular, the Applicant wishes to highlight its intention to submit updated versions of the following documents at Deadline 3 to reflect discreet points which respond to matters raised by the ExA and Interested Parties:
- a. Updates to the Outline Landscape and Ecological Management Strategy (8.10), as discussed in Habitats and Onshore Ecology, including Onshore Ornithology WQs;
  - b. Updates to the Onshore Outline Written Scheme of Investigation (8.9) following discussions with LCC as alluded to within the Local Impact Report
  - c. Updates to the CoCP (8.1) as discussed in Landscape and Visual WQs
  - d. Updates to the Outline Soil Management (8.1.3) and Construction Traffic Management (8.15) Plans as discussed in Land Use, Geology and Ground Conditions WQs.
- (xiii) **Further Benthic; Ornithology; HRA documents:** In line with its commitment to inform the ExA of its intention to submit further documents related to *“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), the Applicant intends to submit the following documents at the following deadlines:

*Deadline 3* (total page length around 60 pages)

- a. Sandwave Levelling Assessment;
- b. Summary of Ornithological Compensation Delivery Quantums as requested in Natural England’s Relevant Representation (RR-045);
- c. Updated version of Annex A Table 12 in document AS1-095 to show apportioning of kittiwakes to offshore colonies (as requested in F2.10);

- d. Updated version of Table 4.21 in document PD1-081 (as requested in F2.11).

*Deadline 4* (total page length around 150 pages)

- e. Update to Without Prejudice Additional Measures for guillemot and razorbill evidence and road map (APP-259) as requested in Q1 HRA 2.9 and 2.10.
- f. Updated ornithological in-combination assessment as discussed in Q1 HRA 1.3 (50 pages). This document to include lesser black-backed gull PVA with burn in as requested in F2.14.

If we can be of any further assistance, please contact Beth Travis [REDACTED]

Yours faithfully,

[REDACTED]  
Development Manager  
Outer Dowsing Offshore Wind



Table 1 List of documents submitted at Deadline 2, 27 November 2024

Applicant Reference	Document Title	Description / Reason for submission
<b>Documents requested in ExA's Rule 8 letter (PD-011)</b>		
1.2	Guide to the Application	Deadline 2 document submission requested
3.1*	Draft Development Consent Order (including ORBA)	Deadline 2 document submission requested
3.1	Draft Development Consent Order (excluding ORBA)	Deadline 2 document submission requested
3.1	Draft Development Consent Order (Showing addition of the ORBA) (Comparison)	Deadline 2 document submission requested.
3.1.1	Schedule of Changes to the Draft DCO	Deadline 2 document submission requested
3.2*	Explanatory Memorandum (including ORBA)	Deadline 2 document submission requested
3.2	Explanatory Memorandum (excluding ORBA)	Deadline 2 document submission requested
3.2	Explanatory Memorandum (Showing addition of the ORBA) (Comparison)	Deadline 2 document submission requested
4.1*	Book of Reference	Deadline 2 document submission requested
4.1.1	Schedule of Changes to the Book of Reference	Deadline 2 document submission requested
15.4*	Compulsory Acquisition and Land Rights Tracker (Schedule of Negotiations and Powers Sought)	Deadline 2 document submission requested
15.18	Statement of Commonality of Statements of Common Ground	Deadline 2 document submission requested
18.4.1	Applicant's draft itinerary for the Accompanied Site Inspection	Deadline 2 document submission requested

Applicant Reference	Document Title	Description / Reason for submission
19.2	The Applicant's Responses to the Examining Authority's Written Questions 1	Deadline 2 document submission requested
19.3	The Applicant's Comments on the Local Impact Reports	Deadline 2 document submission requested
19.4	The Applicant's Comments on Deadline 1 Submissions	Deadline 2 document submission requested
19.5	The Applicant's Responses to comments on Relevant Representations	Deadline 2 document submission requested
19.6	Inter-relationship report	Deadline 2 document submission requested
<b>Other documents</b>		
19.1	The Applicant's Deadline 1 Covering Letter	Document to summarise and describe Deadline 2 submission documents
4.3*	Statement of Reasons	Land update: Update to Land Plans
4.2*	Compulsory Acquisition Funding Statement	Document updated in response to ExQ1
2.0	Schedule of Changes for Plans	Land update: Update to Land Plans; PRow and utilities updates
2.5	Land Plans (Part 1 of 2)	Land update: Update to Land Plans;
2.5	Land Plans (Part 2 of 2)	Land update: Update to Land Plans;
2.10	Public Rights of Way Plan	PRow and utilities updates
2.18	Onshore Crossing Plan	PRow and utilities updates
6.3.3.2*	Chapter 3 Appendix 2 Onshore Crossing Schedule	PRow and utilities updates

Applicant Reference	Document Title	Description / Reason for submission
7.7.5*	Without Prejudice Predator Control Evidence & Road Map	Further HRA documents
7.9	Compensation Funding Statement	Document updated in response to ExQ1
8.1*	Outline Code of Construction Practice Tracked	Document updated in response to ExQ1
8.1.1*	Outline Noise and Vibration Management Plan	Document updated in response to ExQ1
8.13*	Schedule of Mitigation	Document updated in response to ExQ1
8.5 *	Outline Cable Specification and Installation Plan	Document updated in response to ExQ1
8.6.1*	Outline Marine Mammal Mitigation Protocol for Piling Activities	Document updated in response to ExQ1
8.6.2*	Outline Marine Mammal Mitigation Protocol for Unexploded Ordnance	Document updated in response to ExQ1
8.17*	Outline Public Access Management Plan	PRoW and utilities updates
8.22*	Outline Biogenic Reef Mitigation Plan	Document updated in response to ExQ1
18.14	(Draft) Statement of Common Ground with Natural England	Commitment to provide Natural England Statement of Common Ground in Deadline 1 Covering Letter (REP1-001)
19.7	Array Layout Yield Study	Document provided in response to ExQ1 request
19.8	Levels of precaution in the assessment and confidence calculations for offshore ornithology	Further HRA documents
19.9	SNCB guidance and bioseasons for Guillemot	Further HRA documents
19.10	Rates of displacement in guillemot and razorbill	Further HRA documents

Applicant Reference	Document Title	Description / Reason for submission
19.11	Lead-in periods for kittiwake breeding on Artificial Nesting Structures	Further HRA documents
19.12	Consent to Disapplication of Legislation, Port of Boston	Providing evidence of consent from Port of Boston Limited for the disapplication wording in the version of the DCO submitted at this deadline
19.13	BT Letter of Comfort	Letters of Comfort related to deliverability of certain compensation and without prejudice compensation measures
19.14	The Crown Estate Letter of Comfort	
19.15	The Applicant's Change Notification dated 27 November	Notifying the ExA of the Applicant's intention to request a change to Schedule 22 of the Order
19.16	The Applicant's Change Request dated 27 November 2024	Change Request related to the ORBA further to AS-025; PD-011
* indicates clean and tracked versions provided		