

# Outer Dowsing Offshore Wind

## Letter of Consent to Disapplication of Legislation, Port of Boston

Deadline 2

Date: November 2024

Document Reference: 19.12

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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Ref: PP1-ODOW-DEV-CS-LET-0025

FAO: Neil Harris  
Port of Boston Limited  
The Dock, Boston  
Lincolnshire  
PE21 6BN

14 November 2024

Dear Neil,

**Outer Dowsing Offshore Wind  
Consent to Disapplication of Legislation  
Port of Boston Limited**

As you will be aware from our recent discussions and emails, the Development Consent Order (“**DCO**”) for Outer Dowsing Offshore Wind (“**the Project**”) seeks to disapply the following local enactments and local byelaws, and any byelaws or other provisions made under any of those enactments or byelaws, insofar as inconsistent with the Protective Provisions, which are relevant or potentially relevant to the Port of Boston Limited (registered company number 02198182), being the harbour authority for the Port of Boston, as defined in the Harbours Act 1964, (hereinafter referred to as “**the Harbour Authority**”), in relation to works carried out within the Harbour Authority’s jurisdiction for the purpose of, or in connection with, the construction or maintenance of the Project:

- a) Public Act, 2 George III, c. 32;
- b) Public Act, 16 George III, c. 23;
- c) Boston Port and Harbour Act 1812;
- d) Act for improving the Port and Harbour of Boston 1827;
- e) An Act for amending the several Acts relating to the Port and Harbour of Boston in the county of Lincoln 1842;
- f) River Welland Dues Act 1842;
- g) River Witham Outfall Improvement Act 1880;
- h) Boston Dock Act 1881;
- i) Boston Corporation Act 1935;
- j) Boston Harbour Revision Order 1989; and
- k) Boston Dock Byelaws 1947.

We request the consent of the Harbour Authority to the disapplication of these statutory provisions. We are proposing protective measures in the DCO for the benefit of the Harbour Authority in order to secure that consent and the disapplication applies insofar as inconsistent with the Protective Provisions.

By signing and returning a copy of this letter the Harbour Authority confirms that it gives its consent to the disapplication of the local enactments and local byelaws, and any byelaws or other provisions made under any of those enactments or byelaws, listed above, insofar as inconsistent with the Protective Provisions contained in Part 6 of Schedule 18 of the DCO.

The Protective Provisions included in Part 6 of Schedule 18 of the draft DCO are appended to this letter.

Yours sincerely,



Chris Jenner  
Development Manager  
Outer Dowsing Offshore Wind

**Outer Dowsing Offshore Wind  
Consent to Disapplication of Legislation  
Port of Boston Limited**

On behalf of the Harbour Authority, I confirm that the Harbour Authority consents to the disapplication of the legislation listed in the above letter dated 14th November 2024 subject to the Protective Provisions contained in Part 6 of Schedule 18 of the Outer Dowsing Offshore Wind Farm Order (refer Appendix 1 below).



Neil Harris

(Print name)

Duly authorised for the Harbour Authority

Date: 20th November 2024

## Appendix 1 – Protective Provisions from DCO for the protection of harbour authorities

### Part 6

#### Protection for the Harbour Authority

1. For the protection of the Harbour Authority as referred to in this Part of this Schedule the following provisions have effect, unless otherwise agreed in writing between the undertaker and Harbour Authority.

#### Interpretation

2. In this Part of this Schedule—

“Harbour Authority” means Port of Boston Limited (registered company number 02198182) being the harbour authority for the Port of Boston, as defined in the Harbours Act 1964, and includes the harbour master and its statutory successors;

“plans” includes sections, descriptions, drawings, specifications, indicative programme of works, risk assessments and method statements pertaining to the specified work;

“Port of Boston” means the harbour undertaking of the Harbour Authority vested in it by the Boston Harbour Revision Order 1989;

“specified work” means in relation to any work or operation authorised by this Order as is situated:

- (a) inside of the channel width defined by the mean low water springs contour, at a depth less than or at -8m AOD; or
- (b) outside of the channel width defined by the mean low water springs contour, at a depth less than or at -4m AOD;

in the river Haven within the Port of Boston or anywhere in its jurisdiction;

"business day" means any day other than a Saturday, a Sunday or a day on which commercial banks in London are generally closed for business other than automated business;

#### Submission and approval of plans

3.—(1) Before beginning to construct any work authorised by this Order within the harbour limits of the Port of Boston, the undertaker must submit to the Harbour Authority plans of the intended work and any such further particulars as the Harbour Authority may reasonably require within 20 business days of the submission of the plans. The undertaker must state whether the works are specified works or not.

(2) Any such specified work must not be constructed except in accordance with such plans and further particulars as may be approved in writing by the Harbour Authority.

(3) Any approval of the Harbour Authority required under this paragraph—

- (a) must not be unreasonably withheld or delayed;
- (b) shall be deemed to be given if it is:
  - (i) neither given nor refused; or
  - (ii) refused without an indication of the grounds for refusal, within 30 business days of the submission of the plans or where further particulars are submitted under sub-paragraph (1), within 20 business days of the submission of those further particulars; and
- (c) may be given subject to such reasonable requirements or conditions as the Harbour Authority may make for the safety of navigation, including the protection for anchoring and dredging activities that may be carried on in the area of the specified works.

(4) The Harbour Authority must not withhold approval required under this paragraph except on the ground that the specified work may impact the safety of navigation.

(5) Any refusal under this paragraph must be accompanied by a statement of the grounds of refusal.

(6) No approval is required by the Harbour Authority for work authorised by this Order other than specified work.

#### **Construction of specified works and service of notices**

4. The Harbour Authority is entitled by its officer to watch and inspect the construction of such works.

5. The undertaker must give to the Harbour Authority not less than 10 business days' notice in writing of its intention to commence construction of any work authorised by this Order and notice in writing of its completion not later than 10 business days after the date on which it is completed.

#### **Harbour legislation**

6. Subject to article 33 and the terms of this Part, nothing in this Order prejudices or derogates from any of the powers, rights or privileges, or the jurisdiction or authority, of the Harbour Authority.

7. The undertaker shall not require any further approval or licence from the Harbour Authority in respect of work approved or deemed to have been approved or settled under this Part of this Schedule including any approval or licence specified to be required by the local enactments and local byelaws set out in article 33(1).

Chris Jenner (Development Manager)  
Outer Dowsing Offshore Wind  
2nd Floor, Boundary House  
91-93 Charterhouse Street  
Farringdon  
London  
EC1M 6HR

Date: 20th November 2024

Dear Chris,

**Outer Dowsing Offshore Wind  
Consent to Disapplication of Legislation  
Port of Boston Limited**

I respond to your letter dated 14th November 2024 regarding the disapplication of legislation following agreement on Protective Provisions and the limits of disapplication, and now attach a signed record of the Port of Boston consent to the disapplication, as requested.

Yours sincerely,



Neil Harris  
Authorised Representative of the Port of Boston

**Neil Harris BSc CEng MIStructE  
Chartered Structural and Maritime Engineer**

m: [Redacted]  
e: [Redacted]

Note: Sent by email to: [Redacted]