



Outer Dowsing Offshore Wind (Generating Station) – EN010130

Section 51 advice regarding draft application documents submitted by Total Energies and Corio Generation

On 13 October 2023 Outer Dowsing Offshore Wind submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Draft DCO
2. Explanatory Memorandum
3. Consultation Report
4. Onshore Works Plans
5. Offshore Works Plans

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



Draft DCO		
Ref No.	Paragraph/Section	Comment/Question
1.	Contents	Does the DCO need anything for 'Protective work to buildings' which has been included in other offshore windfarm DCOs, such as Hornsea 4.
2.	Interpretation	The Environmental Agency should be defined.
3.	Interpretation	It is not clear what works can be undertaken that would not result in the commencement of the Proposed Development. Therefore, pre-commencement works should be defined in the DCO.
4.	Part 4 Interpretation, Article 29	Temporary use of land for carrying out the authorised project – it is becoming increasingly regular (for example Hornsea 4, Norfolk Vanguard, Norfolk Boreas and the draft DCO for Sheringham and Dudgeon) for 28 days' notice to be given, which is something the Applicant may wish to consider.
5.	Part 4 Interpretation, Article 31	Statutory undertakers – should this article define what a statutory undertaker is?
6.	Requirement 19	Construction hours – (2) (d) is very broad and it is unclear what other time-critical elements of the onshore transmission works would be included. This should be defined.
7.	Requirements	It would be useful to group together requirements that relate to the same topic. For example, for transport the requirements for Highway Accesses and Traffic are not together.
8.	Schedule 23 Part 1(1) and 1(2)	It appears the definition of the "Marine Recovery Fund" has been incorrectly inserted at Part 1(2) rather than being a definition at Part 1(1).



Draft DCO		
Ref No.	Paragraph/Section	Comment/Question
9.	<p>Schedule 23</p> <p>Part 1(2)(b) – Kittiwake Compensation Steering Group (CSG) (KCSG)</p> <p>Part 2(2)(b) Guillemot (GCSG)</p> <p>Part 3(2)(b) Razorbill (RCSG)</p> <p>Part 4(2)(b) Benthic (BSCG)</p>	<p>Membership of compensation steering groups – details of the membership of the various compensation steering groups are not specified. The Applicant may wish to consider whether Parts 1(2), 2(2), 3(2) and 4(2) of Schedule 23 in respect of the compensation steering groups should also reference the members that each group must include, for example (but not necessarily limited to) the relevant Statutory Nature Conservation Body and the Marine Management Organisation, as included in the Hornsea Project Four DCO.</p>
10.	<p>Schedule 23</p> <p>Part 1(4)</p> <p>Part 2(4)</p> <p>Part 3(4)</p> <p>Part 4(4)</p>	<p>Adaptive management references in the various implementation and monitoring plans (IMP) – although each Part of Schedule 23 includes for details of adaptive management, there is no reference to detailing the factors used to trigger any alternative and/or adaptive management measures. The Applicant may wish to consider whether such wording should be included in Schedule 23 in respect of the IMPs.</p>



Draft DCO		
Ref No.	Paragraph/Section	Comment/Question
11.	Schedule 23 Part 1(4) Part 2(4) Part 3(4) Part 4(4)	Monitoring – although monitoring is included within each Part of Schedule 23, it is noted that Part 1 (kittiwake) and Part 4 (benthic) do not explicitly refer to the proposed frequency of monitoring reporting to the Secretary of State (eg ‘at least annually’ as per Hornsea Project Four DCO), nor do they detail the objectives of the monitoring. Annual reporting is noted in respect of the by catch reduction measure for razorbill and guillemot at Parts 2 and 3, but not for other proposed measures. The Applicant may wish to consider whether the frequency of reporting and required details/objectives of the proposed monitoring should be included.
12.	Schedule 23 Part 1(7) Part 2(7) Part 3(7)	Maintenance of artificial nesting structures – Parts 1(7), 2(7) and 3(7) relating to the artificial nesting structures for kittiwake, guillemot and razorbill do not refer to the lifetime of maintenance of such structures. The Applicant may wish to consider whether wording regarding the duration of maintenance should be included.
13.	Schedule 23 Part 1 Part 2 Part 3 Part 4	Amendments/variations to approved IMPs – Parts 1 to 4 do not include reference to any subsequent amendments or variations to the approved IMPs and how this would be managed and controlled. The Applicant may wish to consider whether this should be included.
14.	Schedule 23 Part 4(4)(b)	Implementation of the Inner Dowsing, Race Bank and North Bridge SAC extension measure – unlike the other measures within Part 4(4), this measure does not include reference to a specified time for implementation. The Inspectorate notes this is a measure outside of the Applicant’s control; however, where relying on such a measure, the Applicant may wish to consider how the Examining Authority (ExA) could be confident that delivery could be relied upon before harm occurred.



Explanatory Memorandum		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
15.	Schedules 11, 15 and 16	It would be useful for these schedules to set out if there is any precedence in other offshore windfarm DCOs. as most other sections do.

Consultation Report		
Ref No.	Plan ref	Comment/Question
16.	Paragraph 32	Not all sections of the report are listed and the reference to 'Section 1' should be 'Section 2'.
17.	Section 6.1	An explicit statement regarding carrying out consultation in line with the Statement of Community Consultation (SoCC) should be included, as well as an explanation for any deviations from the SoCC.
18.	Section 49 of the Planning Act 2008	The draft Consultation Report does not appear to demonstrate the Applicant's compliance under section 49 of the Planning Act (Duty to take account of responses to consultation and publicity)
19.	Section 48 of the Planning Act 2008	The draft Consultation Report includes limited information on how the Applicant has met the requirements set out in section 48 of the Planning Act 2008.
20.	General	It is understood it is a draft document but there are abbreviations not always set out in full on their first use and many typos throughout. The report would benefit from a comprehensive proofread.



Consultation Report		
Ref No.	Plan ref	Comment/Question
21.	General	Although many sections are to be completed, the general approach of the Consultation Report appears to be in line with PINS Advice Note 14.
22.	General	It would be helpful to include an explanatory statement regarding the selection of deposit locations during consultation, including the accessibility of these locations.
23.	General	Any evidence referred to in the Consultation Report should be included as an appendix to the report where possible. Examples include the Applicant's notification of intention to provide an Environmental Statement (ES), consultation letters regarding the SoCC and the Inspectorate's letter of acknowledgement of receipt of the s46 notice.
24.	General	Newspaper clippings to evidence publication of notices (including publication and date) should be included as appendices.
25.	General	Where the Applicant has chosen to undertake targeted consultation, as opposed to a full round of consultation, the final Consultation Report should ensure that justification for this decision is provided.



Onshore Works Plans		
Ref No.	Plan ref	Comment/Question
26.	Drawing 2 of 49	Works No. 11 and 12 have different colours but both say Landfall connection works. For the sake of avoiding any confusion, they could be named offshore and onshore.
27.	Drawing 46 of 49 and Drawing 47 of 49	Works No. 15 – HVAC Substation and Works No. 19 – Temporary works areas have the same colour (yellow). This makes it hard to see the difference. Would advise that Works No. 15 – HVAC Substation colour is changed.
28.	General	The works plans don't appear to show any trenchless crossings. If any are to be used, these should be shown.
29.	General	The Works Plans show temporary work areas, which it is assumed include construction compounds, but this is unclear. To help everyone's understanding it would be better to identify these in their own right.

Offshore Works Plans		
Ref No.	Plan ref	Comment/Question
30.	All	Works No. 5 – Offshore export cables and Works No. 8 – Temporary works areas have the same legend colour and pattern. If there are any temporary work areas that include any works other than export cables then they should have a different colour and/or pattern.
31.	Drawing 1 of 5 Drawing 3 of 5	Works No. 10 – Creation and recreation of biogenic reef – This is not included in the Order limit boundary. Is this intentional or an oversight? If intentional, what is the justification for its exclusion?



Offshore Works Plans		
Ref No.	Plan ref	Comment/Question
	Drawing 4 of 5	

General

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”