

# Outer Dowsing Offshore Wind

## The Applicant's Deadline 4 Covering Letter

### Deadline 4

Date: February 2025

Document Reference: 21.1

Rev: 1.0

Company:		Outer Dowsing Offshore Wind		Asset:		Whole Asset	
Project:		Whole Wind Farm		Sub Project/Package:		Whole Asset	
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3 February 2025

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 4 as listed and described in Table 1 below. In addition to those documents provided in response to Examining Authority (“ExA”) requests in the Rule 8 Letter (PD-011) and as a result of the ExA’s Second Written Questions (“ExQ2”), the Applicant has provided additional documents for the reasons set out in Table 1 and highlighted below. Table 2 provides signposting to where hearing action points have been delivered. Table 3 sets out the current status of Protective Provisions (“PPs”) with Interested Parties in case of assistance to the ExA, noting Action Point 9 arising from Issue Specific Hearing (“ISH”) 1.

The Applicant highlights the following points regarding Deadline 4 submissions to the ExA.

- (i) **Further benthic/intertidal ecology; offshore/intertidal ornithology; HRA documents:** In ISH 2, the Applicant committed to updating Habitats Regulations Assessment (“HRA”) and compensation documents to reflect the changes to figures as a result of the Offshore Restricted Build Area introduction and to ensure consistency of presentation for updated figures (ISH2, Action 4; request also made in ExQ2 HRA 1.1). The Applicant has therefore updated the HRA and compensation document listed in Table 1 (set out against the explanation “*Requested at ISH2 (ISH2, Action Point 4)*”). The changes made to these documents are described in ExQ2 HRA question responses.

A number of documents which fall within this category have also been submitted / updated as part of on-going discussion with SNCBs discussed in more detail below and set out in Table 1 in full.

- (ii) **On-going discussion with Statutory Nature Conservation Bodies (SNCBs):** the Applicant continues to engage with relevant SNCBs. As part of on-going discussion to resolve

outstanding issues and in addition to responses to SNCB documents submitted at Deadline 3, the Applicant has submitted or updated a number of documents to address specific concerns, particularly in relation to Natural England. These are flagged in Table 1 and marked in the table as “On-going discussion with SNCBs” with further explanation of the specifics.

#### *Natural England*

Recent engagement with Natural England has included reviewing and considering its response to the Applicant’s Deadline 3 Change Notification (REP3-050, now submitted as a Change Request discussed at (iv) below).

Further to the above Change Notification, the Applicant has continued to consult Natural England on their position on red throated diver impacts. As set out in Document 21.19, Natural England has welcomed the changes to the Offshore Reactive Compensation Platforms (“**ORCPs**”) parameters which the Applicant is proposing. In addition to this Change Request, and following a request from Natural England for further information, additional details regarding proximity of existing infrastructure has been included in the assessment of the potential disturbance / displacement of red-throated diver from the Export Cable Corridor (“**ECC**”) and ORCP within the updated Report to Inform Appropriate Assessment (“**RIAA**”). The ORCP, and the majority of the ECC (in particular the parts of the offshore ECC closer to the coast, within shallower water where red-throated diver are most likely to be found) are located within potential disturbance buffers from surrounding OWFs, in particular Lincs Offshore windfarm (“**OWF**”). Specifically, the ORCP plus a 2km disturbance buffer is within 8km of the Lincs OWF, with disturbance having been recorded from the presence of Lincs at this distance (HiDef, 2017). In summary, the presence of other infrastructure and the associated displacement of that infrastructure is such that no additional areas of the Greater Wash SPA will be subject to disturbance effects from the presence of the ORCPs for the Project. Lead-in periods for kittiwake breeding on Artificial Nesting Structures (Document 19.11) has been updated on the basis of the comments received from Natural England during the consultation on the change request discussed in more detail below (Document 20.19).

As set out in HRA 1.2, the Applicant is also seeking to engage with Natural England to discuss its outstanding concerns in respect of any potential adverse effects on the Wash SPA.

- (iii) **On-going discussion with TH Clements:** The Applicant continues to engage with TH Clements to resolve outstanding issues and has submitted a number of documents (marked “on-going discussion with TH Clements” in Table 1 in response to their requests). The status of a number of outstanding issues between the Applicant and TH Clements has been provided in Deadline 4 submissions and are summarised below for ease of reference.

**Drainage** The Applicant has issued indicative conceptual pre and post construction drainage plans to TH Clements’s agent for review with their client on Monday 27th January 2025. The plans are conceptual at this stage and are subject to change pending the full assessment as part of the Front End Engineering Design. Comments have been requested from TH Clements to be taken into consideration.

**Severed Land** The Applicant has obtained shapefiles of the land which TH Clements anticipates would be severed. These shapefiles have been reviewed and overlaid onto a plan with the Applicant's initial assessment, based on the current footprint of the Order Limits, of land which may be considered impractical to farm by the landowner/occupier. These plans have been issued to TH Clements and a meeting requested to investigate any disparities between the two assessments. It should be noted that the Applicant maintains its position as set out in its response to Q1 LU 1.5 (REP2-051) that this assessment is indicative at this stage and not reflective of the final position, which is subject to detailed design.

**Property Cost Estimate** The Applicant has addressed this issue in The Applicant's Written Summary of oral case put at the Compulsory Acquisition Hearing, 3rd Dec [REP3-039, section 3.2(c)]. In accordance with Action Point 6 of the CAH1 Hearing Action Points (EV4-008), the Applicant has reviewed the property cost estimate scope for private loss regarding potential costs for TH Clements and Son Limited and has offered a meeting to discuss this issue but unfortunately that meeting was not able to happen before Deadline 4.

**Soil Management Plan and Code of Construction Practice** The Applicant has received TH Clements's comments on the above documents which have been updated and submitted at this deadline.

**Dust contamination:** As discussed with the ExA at ISH3 (pg 32 of REP3-051), the Applicant did not seek to provide further submissions regarding dust contamination at that stage on the basis of on-going discussions. Discussion is still progressing on this issue but in order that the ExA has relevant evidence before it, the Applicant has now submitted Document 21.20 (The Applicant's Response to T.H. Clements' Dust Report, Assessment and Conclusions).

- (iv) **Change Request and Notification:** Further to the ExA's Response to the Applicant's Change Notification of 13 December 2024 (PD-019; responding to REP3-050), the Applicant has submitted a Change Request to formally request a change to the Maximum Design Parameters of the ORCPs. As required by Planning Inspectorate advice, the Applicant has provided clean and track changed versions of the draft DCO showing the proposed changes. These are in addition to clean and tracked versions of the draft DCO which reflect updates made at this deadline which are not subject to change requests. As a result, the following versions of the dDCO have been submitted at this deadline:

- a. 3.1 Draft Development Consent Order v7 Clean
- b. 3.1 Draft Development Consent Order v7 Tracked
- c. 3.1 Draft Development Consent Order (Change Request) v7.1 Clean
- d. 3.1 Draft Development Consent Order (Change Request) v7.1 Tracked (against clean v7 DCO)

The Applicant has also submitted a Change Notification to notify the ExA of proposed changes to a Public Right of Way ("PRoW") diversion and has included an Environmental Report to accompany this (documents 21.13; 21.18). As set out therein, the Applicant does not believe that this change requires to undergo the formal change process. If the ExA agrees, the

Applicant intends to submit at Deadline 5 an updated Public Access and Management Plan (REP2-041); updated PRow Plan (REP2-003); and updated Crossing Plan (2.18) and Onshore Crossing Schedule (6.3.3.2). Should the ExA require it, the Applicant will carry out further steps including submitting a formal Change Request in due course.

- (v) **Responses to ExQ2 and policy consideration:** certain of the ExA's questions have prompted updates to Examination documents. These included updates to documents based on the consideration of – and subsequent inclusion of – post-Application policy updates; prompting updates of certain documents to include reference to them. The Applicant's consideration of such policy and updates to relevant documents are explained in ExQ2 GC 1.2 (marked in the below list as "Updated in response to ExQ2 (GC 1.2)").
- (vi) **Land update: Updated Land documents:** The ExA requested in its Rule 8 Letter (PD-011) that the Applicant provide an updated Land Rights Tracker at Deadline 4. In order to update it, and as part of on-going inquiry and discussions with local agents, the Applicant has become aware of a range of updates to land interests. To ensure that these are captured comprehensively across land documents, the Applicant has provided, in addition to the Land Rights Tracker (15.4) updated versions of: the Book of Reference (4.1.1); Statement of Reasons (4.3); Land Plan (2.5). Updates to the Land Plans are explained in the Schedule of Changes for Plans (2.0) and the updated Statement of Reasons reflects the relevant changes in interests as well as updates to commercial negotiations with Affected Persons which are set out in the Land Rights Tracker. The updates to these documents do not result in any amendments to the Order Limits.
- (vii) **Response to ExQ2 HOE 1.12: RSPB Pipeline: Updated Crossing Plan (2.18) and Onshore Crossing Schedule (6.3.3.2):** As flagged in ExQ2 HOE 1.12, the Royal Society for the Protection of Birds ("RSPB") has, as part of on-going consultation, flagged the presence of a water main connecting to a pumping station which was omitted from the above documents. As a result of their request, it has now been included in the relevant documents.
- (viii) **Response to ExQ1 CC 1.5: Flood risk assessment updates:** The Applicant set out in response to ExQ1 CC1.5 that it would be updating flood assessments in response to the question posed at deadline 4 in line with necessary timelines to ensure consultation with the Environment Agency. These have now been submitted and are marked "response to ExQ1 (CC 1.5)" in Table 1.
- (ix) **Tracked documents:** as highlighted in the ExA's question and the Applicant's answer to Q2 SE 2.1, certain document updates submitted at Deadline 3 were not captured in the tracked versions. The Applicant apologises for the confusion caused. As set out in SE 2.1, in the tracked version of the Outline Code of Construction Practice submitted at this deadline (Document 8.1, Version 5), the paragraph previously not tracked has been shown in highlighted text. Prompted by this question, the Applicant has reviewed other documents to ensure no further tracking errors have occurred and has updated its processes for providing clean and tracked document versions. As part of this review, the Applicant has become aware that the outline Soil Management Plan ("oSMP") similarly contained certain updates at Deadline 3 which were not tracked. In the version of the tracked oSMP submitted at this deadline, the Applicant has

similarly highlighted the area of the Plan which was not shown in tracked changes at Deadline 3.

The Applicant highlights the following additional points:

- (x) **Further Benthic; Ornithology; HRA documents:** In line with its commitment to inform the ExA of its intention to submit further documents related to these topics, the Applicant reiterates its intention to submit the following documents at the next deadline(s):

*Deadline 5 submissions discussed at ISH2*

As discussed in Issue Specific Hearing 2 (summarised in REP3-041), the Applicant will provide updates to its cumulative assessments for Environmental Impact Assessment purposes in line with the ExA's request discussed on page 16 of REP3-041 which provides the full discussion of this issue.

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 4, 03 February 2025

Applicant Reference	Document Title	Description / Reason for submission
<b>Documents requested in ExA's Rule 8 letter (PD-011) and Issue Specific Hearings</b>		
1.2	Guide to the Application	Requested at Deadline 4 in PD-011
3.1*	Draft Development Consent Order <sup>1</sup>	Requested at Deadline 4 in PD-011
3.1.1	Schedule of Changes to the Draft DCO	Requested at Deadline 4 in PD-011
3.2*	Explanatory Memorandum	Requested at Deadline 4 in PD-011
7.1*	Report to Inform Appropriate Assessment	Requested at ISH2 (ISH2, Action Point 2)
7.1.1*	Offshore and Intertidal Ornithology Apportioning	Requested at ISH2 (ISH2, Action Point 4)
7.1.2*	Ornithology Population Viability Analysis (Habitats Regulations Assessment)	Requested at ISH2 (ISH2, Action Point 4)
7.2*	Habitats Regulations Assessment Screening Report	Requested at ISH2 (ISH2, Action Point 4)
7.3*	Report to Inform Appropriate Assessment Appendix 1: Screening Matrices	Requested at ISH2 (ISH2, Action Point 4)
7.4*	Report to Inform Appropriate Assessment Integrity Matrices	Requested at ISH2 (ISH2, Action Point 4)
7.5*	Derogation Case	Requested at ISH2 (ISH2, Action Point 4); and

<sup>1</sup> As set out in this Cover Letter, the draft Development Consent Order has been provided in versions to set out the amendments required should the Applicant's Change Request (21.19) be accepted.



Applicant Reference	Document Title	Description / Reason for submission
		Updated in response to ExQ2 (GC 1.2) <sup>2</sup>
7.6*	Without Prejudice Benthic Without Prejudice Compensation Strategy	Requested at ISH2 (ISH2, Action Point 4)
7.6.1*	Without Prejudice Sandbank Compensation Plan	Requested at ISH2 (ISH2, Action Point 4) and Updated in response to ExQ2 (GC 1.2) <sup>3</sup>
7.6.2*	Without Prejudice Biogenic Reef Compensation Plan	Requested at ISH2 (ISH2, Action Point 4) and Updated in response to ExQ2 (GC 1.2)
7.6.3*	Without Prejudice Benthic Compensation Evidence Base and Road Map	Requested at ISH2 (ISH2, Action Point 4)
7.7*	Ornithology Compensation Strategy	Requested at ISH2 (ISH2, Action Point 4)
7.7.1*	Kittiwake Compensation Plan	Requested at ISH2 (ISH2, Action Point 4); and Updated in response to ExQ2 (GC 1.2)
7.7.2*	Without Prejudice Guillemot Compensation Strategy	Requested at ISH2 (ISH2, Action Point 4); and Updated in response to ExQ2 (GC 1.2)
7.7.3*	Without Prejudice Razorbill Compensation Plan	Requested at ISH2 (ISH2, Action Point 4); and Updated in response to ExQ2 (GC 1.2)
7.7.4*	Offshore Artificial Nesting Structure Evidence Base and Roadmap	Requested at ISH2 (ISH2, Action Point 4)
7.7.5*	Without Prejudice Predator Control Evidence Base and Road Map	Requested at ISH2 (ISH2, Action Point 4)

<sup>2</sup> As set out in GC 1.2 the derogation case update has included reference to the Clean Power 2030 Action Plan specifically referenced by the ExA

<sup>3</sup> As set out in GC 1.2 the following documents have been updated to include reference to the *Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance (DESNZ January 2025)* and the accompanying Ministerial Statement of 29 January 2025. Available here: [Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance - GOV.UK](#); [REDACTED]. The documents are: 7.6.1; 7.6.2; 7.7.1; 7.7.2; 7.7.3; 7.7.6.

Applicant Reference	Document Title	Description / Reason for submission
7.7.6*	Without Prejudice Additional Measures for Guillemot and Razorbill Evidence and Road Map	Requested at ISH2 (ISH2, Action Point 4); and Updated in response to ExQ2 (GC 1.2). The Applicant also highlighted in its Deadline 3 Covering Letter (REP3-001) that this document would be provided at Deadline 4.
8.1.3*	Outline Soil Management Plan	Requested at CAH1 (CAH1, Action Point 19)
8.9*	Outline Written Scheme of Investigation	Committed to providing in ISH3, Action Point 4 as discussed in ExQ2 HE 1.2
8.18*	Design Principles Document	Updated following ISH3. Please note that while onshore updates have been made following this discussion, ORCP design has instead been captured in 21.16 ORCP Design Principles Statement.
8.19*	Design Approach Document	Applicant committed to updating at ISH3 to incorporate offshore design. In so doing, further updates to onshore elements following discussions at ISH3 have been made.
15.4*	Compulsory Acquisition and Land Rights Tracker (Schedule of Negotiations and Powers Sought)	Requested at Deadline 4 in PD-011
15.18	Statement of Commonality of Statements of Common Ground	Requested at Deadline 4 in PD-011
19.6*	Inter relationships with other infrastructure projects	Requested at Deadline 4 in PD-011
21.2	The Applicant's Responses to the Examining Authority's Written Questions 2	Requested at Deadline 4 in PD-011
21.3	The Applicant's Comments on Deadline 3 Submissions	Requested at Deadline 4 in PD-011

Applicant Reference	Document Title	Description / Reason for submission
21.4	The Applicant's Response to Written Summaries of Oral Cases at ISH1	Requested at Deadline 4 in PD-011 (Comments on any other submissions received at Deadline 3)
21.5	The Applicant's Response to Written Summaries of Oral Cases at ISH2	Requested at Deadline 4 in PD-011 (Comments on any other submissions received at Deadline 3)
21.6	The Applicant's Response to Written Summaries of Oral Cases at ISH3	Requested at Deadline 4 in PD-011 (Comments on any other submissions received at Deadline 3)
21.7	The Applicant's Response to Written Summaries of Oral Cases at CA1	Requested at Deadline 4 in PD-011 (Comments on any other submissions received at Deadline 3)
21.8	The Applicant's Comments on Natural England's Risk and Issues Log	Requested at Deadline 4 in PD-011 (Comments on any other submissions received at Deadline 3)
21.9	Wake Loss Technical Note	Committed to at ISH2 (ISH2, Action Point 2)
21.10	Archaeological trial trenching Interim Report	Requested in ISH3 (ISH3 Action Point 18)
21.11	Archaeological deposit modelling Interim Report	Requested in ISH3 (ISH3 Action Point 18)
21.12	BMV Quantitative Cumulative Assessment	Requested in ISH3 (ISH3 Action Point 11)
21.14	Shell Protective Provisions Plan	Committed to at ISH1 (provision of PPs)
21.15	Perenco Protective Provisions Plan	Committed to at ISH1 (provision of PPs)
21.16	ORCP Design Principles Statement	Committed to providing at ISH3
21.20	The Applicant's Response to T.H. Clements' Dust Report, Assessment and Conclusions	Reason for submission provided in "On-going discussion with TH Clements" above
21.21	NGET Protective Provisions Plan	Committed to at ISH1 (provision of PPs)
<b>Other documents</b>		
21.1	The Applicant's Deadline 4 Covering Letter	Provides overview of Deadline 4 submissions

Applicant Reference	Document Title	Description / Reason for submission
2.0	Schedule of Changes for Plans	Land update: Updated Land documents
2.5	Land Plans (Parts 1 and 2)	Land update: Updated Land documents
2.18	Onshore Crossing Plan	Response to ExQ2 (HOE 1.12; RSPB Pipeline Updates)
4.1*	Book of Reference	Land update: Updated Land documents
4.1.1	Schedule of Changes to the Book of Reference	Land update: Updated Land documents
4.3*	Statement of Reasons	Land update: Updated Land documents
6.3.3.2*	Onshore Crossing Schedule	Response to ExQ2 (HOE 1.12; RSPB Pipeline Updates)
6.3.12.6*	Appendix 12.5 of the ES Migratory bird collision risk modelling	On-going discussions with SNCBs: Updated to support the updates to the RIAA following the introduction of the ORBA at Natural England's request.
6.3.24.2*	Chapter 24 Appendix 2 Flood Risk Assessment Onshore ECC & 400kV	Response to ExQ1 (CC 1.5)
6.3.24.3*	Chapter 24 Appendix 3 Flood Risk Assessment: Onshore Substation Parts 1 to 8	Response to ExQ1 (CC 1.5)
8.1*	Outline Code of Construction Practice	On-going discussion with TH Clements: updated to incorporate comments made by TH Clements. When doing so the Applicant has made some other minor amendments visible in tracked changes.
8.5*	Outline Cable Specification and Installation Plan	On-going discussions with SNCBs: The Applicant has updated this document to mirror the



Applicant Reference	Document Title	Description / Reason for submission
		changes made to the Outline Scour and Cable Protection Management Plan.
8.6.1*	Outline Marine Mammal Mitigation Protocol for Piling Activities	Updated in response to ExQ2 (GC 1.2)
8.7*	In Principle Southern North Sea Special Area of Conservation Site Integrity Plan	Updated in response to ExQ2 (GC 1.2)
8.10*	Outline Landscape and Ecological Management Strategy	Updated in response to ExQ2 (see HOE questions)
8.13*	Schedule of Mitigation	Updated to incorporated mitigations set out in updated Outline Plans
8.21*	Outline Scour and Cable Protection Management Plan	On-going discussions with SNCBs: As set out in REP3-037 the Applicant committed to updating this document at Deadline 4 to include consideration of ecological based solutions for scour protection in response to requests by MMO, as well as confirming that only concrete mattresses will be used for cable protection within the depth of closure.
8.23	Outline ORCP lighting management plan	Committed to providing in ISH3, Action Point 3
9.1.1*	Policy Compliance Document	On-going discussion with Lincolnshire County Council: Updates to incorporate LCC request that relevant policies within the Lincolnshire Minerals and Waste Local Plan be included.
15.7	Noise Bund Hydraulic Modelling Report	Response to ExQ1 (CC 1.5)
15.7A	Noise Bund Hydraulic Modelling Report Appendix C Figures Parts 1 -4	Response to ExQ1 (CC 1.5)

Applicant Reference	Document Title	Description / Reason for submission
15.12*	iPCoD Interim Population Consequences of Disturbance Modelling Report	On-going discussions with SNCBs: Updated based on discussions with Natural England to include mean, median and “95%” CIs for the iPCoD modelling as requested by Natural England in iPCoD modelling report
19.11*	Lead-in periods for kittiwake breeding on Artificial Nesting Structures	On-going discussions with SNCB’s: updated following comments from Natural England during consultation on the Change Request.
21.13	Environmental Report for PRowS change notification	Document accompanying Change Notification discussed in this cover letter (section (iv))
21.17	The Oyster Restoration Company Letter of Comfort	This letter submitted regarding certain compensation measures to inform the ExA about the Applicant’s progress with deliverability.
21.18	Change Notification February 3rd 2025	Change Notification discussed in this cover letter (section (iv))
21.19	Change Request February 3rd 2025	Change Request discussed in this cover letter (section (iv))
* indicates clean and tracked versions provided		

Table 2 List of Hearing Actions requested by Deadline 4

The below actions have been taken from the ExA's Action lists for hearings conducted on week commencing 2 December 2024 (EV4-008; EV5-008; EV6-004; EV7-010).

Hearing	Action	Applicant's comment/where has the action been provided
CAH 1	2 <sup>4</sup> Provide an updated Soil Management Plan (" <b>SMP</b> ") and Organic Land Protocol (" <b>OLP</b> ") ( <b>Deadline ("D") 4</b> )	<p><b>SMP:</b> The Applicant has provided an updated SMP at D4. The ExA will note that the SMP and OLP were also provided at D3. The D4 version of the SMP now incorporates comments from TH Clements.</p> <p><b>OLP:</b> An updated version of the OLP has not been provided at this deadline on the basis that the version of the OLP submitted at Deadline 3 incorporated the views of relevant organic landowners. For further information on the extent of organic land owners' approval of the OLP, please see the Applicant's response to Q2 LU 1.10.</p>
	5 Provide an explanation as to how the Applicant intends to proceed if agreement with the Crown Estate has not been reached. ( <b>D5</b> )	This information will be provided in due course as requested if necessary. The Applicant has continued to engage with TCE and remains confident of its ability to provide Crown Consent at Deadline 5.

<sup>4</sup> Where Action Points relate to parties other than the Applicant or they relate to Deadline 3 Action Points they are not recorded here.  
Covering Letter

Hearing	Action	Applicant's comment/where has the action been provided
	<b>6</b> Review property cost estimate scope for private loss regarding potential costs for TH Clements and Son Limited. <b>(D4)</b>	On-going discussion with TH Clements discussed above and further set out in [REP3-039, section 3.2(c)].
<b>ISH1</b>	<b>9</b> If Protective Provisions ("PPs") not agreed by D3 then Interested Parties to submit their preferred wording <b>(D4)</b>	The Applicant has updated Schedule 18 of the dDCO to include the Applicant's preferred sets of protective provisions which reflect, as far as possible, agreement on the wording of the provisions reached with the relevant parties. Table 3 sets out the current status of negotiation with each party..
<b>ISH2</b>	<b>1</b> Applicant and Orsted Interested Parties (IPs) to provide a written note on the question of wake effects which includes a summary of further discussions relating to wake loss (discussion to also include the provision of a mechanism to ensure consultation in respect of operational and construction traffic to and from Orsted IPs developments). <b>(D4)</b>	The Applicant's positions are set out in Document 21.9; 21.5.
	<b>2</b> Provide a technical note which summarises the Applicant's assessment of how wake loss effects for offshore wind farms, including Triton Knoll and the Dudgeon Extension Project should be taken into account for the Proposed Development. <b>(D4)</b>	This is provided in Document 21.9
	<b>4</b> Habitats Regulations Assessment and compensation documents to be updated to reflect the changes to figures as a result of the offshore restricted build area introduction and to ensure consistency of presentation for any updated figures with explanations where necessary. <b>(D4)</b>	These documents are provided at this deadline, set out in Table 1 under the description "requested at ISH2 (ISH2, Action Point 4)"
<b>ISH3 A</b>	<b>3</b> Provide a Lighting Management Plan for the Offshore Reactive Compensation Platform (ORCP) and set out how this Plan would be secured within the dDCO. <b>(D4)</b>	This is provided in Document 8.23.



Hearing	Action	Applicant's comment/where has the action been provided
4	Discuss the potential for further amendments to the wording of R17 of the dDCO and the Outline Written Scheme of Investigation to address LCC [Lincolnshire County Council]'s concerns <b>(D4)</b>	This discussion with LCC and Historic England has been on-going and an update is provided in ExQ2, HE 1.2.  An updated oWSI (document 8.9) has been provided in as a result of these discussions.
10	Review BNG percentages required in recent made DCOs <b>(D4)</b>	This information is contained in Document 21.6 (Table 1.2; Reference ID 20).
11	Provide an equivalent assessment to that submitted for the Rampion 2 project in relation to consideration of the cumulative effects at a national and regional scale of the loss of best and most versatile land <b>(D4)</b>	This information has been provided in Document 21.12.
18	Provide results of the archaeological trial trenching.	The results of the trial trenching have been provided at this deadline (see Documents 21.10; 21.11)
19	Soil Management Plan to be updated to consider feedback from TH Clements <b>(D4 for Applicant)</b>	This has been provided in updates to Document 8.1.3.

Table 3 Protective Provisions Status

Noting the Action Points for Interested Parties in relation to Protective Provisions following Issue Specific Hearing 1, the Applicant has set out in Table 3 the status of the Protective Provisions that have been included in Schedule 18 of the dDCO but which remain the subject of ongoing discussions between the parties, in case of assistance to the Examining Authority.

Interested Party	Protective Provision Status
Cadent Gas	<p>The Applicant and Cadent Gas are actively engaged on the negotiation of the Protective Provisions and side agreement. Negotiations are progressing well and there remain two principal points at issue between the parties, along with some other minor points of drafting. The principal issues between the parties are as follows:</p> <p>(1) Indemnity provisions – paragraph 10, Part 9, Schedule 18 of the DCO (3.1) –</p> <ol style="list-style-type: none"> <li>a. the Applicant and Cadent Gas disagree on whether the exclusion of liability of the undertaker for any loss which is not reasonably foreseeable (subparagraph 10(3)(c)) ought to be included in the Protective Provisions. The Applicant considers that the exclusion of the indemnity for loss which is not reasonably foreseeable is an appropriate provision to include in the Protective Provisions. This aligns with the general principles for recovery of loss under tort law.</li> <li>b. the Applicant and Cadent Gas disagree on whether there should be an overall cap on the undertaker's liability under the Protective Provisions (subparagraph 10(6)). The Applicant's view is that an overall cap on liability is appropriate so that the Applicant can have relative certainty on its level of financial exposure under the Protective Provisions. The Applicant considers that the proposed £50 million cap in the aggregate is substantially in excess of any likely claim that could be made by Cadent Gas, in light of the minor nature of the interactions between the Applicant's proposed works and Cadent Gas assets. The Applicant would be content for this provision to be</li> </ol>

Interested Party	Protective Provision Status
	<p>included in the side agreement, rather than on the face of the Protective Provisions.</p> <p>(2) Insurance provisions – the Applicant and Cadent Gas disagree on the insurance requirements which should apply to the specified works. The Applicant disagrees with the insurance requirements as set out by Cadent Gas, following advice from the Applicant’s insurance advisors. In particular, the Applicant disagrees that the following should be specific requirements of the insurance policy “(a) Cadent as a Co-Insured; (b) a cross liabilities clause; (c) a waiver of subrogation in favour of Cadent” as set out in the definition of “acceptable insurance” in the draft protective provisions submitted into the Examination by Cadent Gas (REP2-084). For example, the inclusion of Cadent Gas as a co-insured is unnecessary. The insurance in question is a third party liability policy designed to insure against third party claims (made by Cadent Gas) in respect of the undertaker’s works. The Applicant’s position is that these points are more appropriately dealt with in a side agreement, rather than the Protective Provisions.</p> <p>The Applicant and Cadent Gas are arranging a meeting to discuss and agree the drafting in relation to these two principle issues, with a view to finalised text being agreed prior to the close of Examination.</p>
Internal Drainage Boards (IDBs): South Holland, Lindsey Marsh, Black Sluice, Welland and Deepings, and Witham Fourth	The Protective Provisions for the drainage authorities are set out at Part 5, Schedule 18 of the draft DCO. The negotiation of the Protective Provisions is well progressed and the developed drafts are currently at review by the IDBs’ solicitor. The Applicant awaits any detailed comments the IDBs’ solicitor may have.
National Grid Electricity Transmission Plc (NGET)	The Applicant and NGET are actively engaged on the negotiation of the Protective Provisions and side agreement. Negotiations are progressing well and there remain two principal points at issue between the parties, along with some other minor points of drafting. The principal issues between the parties are as follows:

Interested Party	Protective Provision Status
	<p>(1) Acceptable insurance – The parties are discussing what should be included in the definition of “acceptable insurance”. The Applicant has amended NGET’s preferred protective provisions based on advice from its insurers on the availability of such insurance, and awaits feedback from NGET who the Applicant understands is awaiting advice from its own insurers.</p> <p>(2) The restriction on the acquisition of land – the Applicant has proposed an amendment to NGET’s preferred protective provisions at paragraph 6 which, rather than restrict the use of compulsory acquisition powers over all land forming part of the Proposed NGET Projects Sites, proposed to restrict this only in the Connection Area. This is because:</p> <ol style="list-style-type: none"> <li>a. The definition of Proposed NGET Projects Sites is “(a) land on which any Proposed NGET Projects apparatus is situated; and (b) land on which Proposed NGET Projects apparatus is anticipated to be situated (in so far as the same has at any time been notified by National Grid Electricity Transmission Plc in writing to the undertaker);”. Given the uncertainty of the final location for both the EGL3 and 4 and G2W projects at this stage, the Applicant does not consider it to be reasonable or proportionate to restrict the use of its compulsory acquisition powers over an undefined area which NGET has broad scope to determine (and which it may not in fact need in future depending on the final layouts for each project). Based on NGET’s written representation (paras 1.29-1.31) [REP1-041] the area of most concern for NGET in relation to the use of compulsory acquisition powers appears to be the Connection Area. The Applicant’s proposal is therefore considered to provide more certainty, while still addressing NGET’s principal concern. The Applicant awaits feedback from NGET on this proposal.</li> </ol>
National Gas Transmission Plc (NGT)	<p>The Applicant and NGT are actively engaged on the negotiation of the Protective Provisions. Negotiations are progressing well and there remain one principal point at issue between the parties, along with some other minor points of drafting. The principal issue between the parties is as follows:</p>



Interested Party	Protective Provision Status
	<p>(1) Acceptable insurance – The parties are discussing what should be included in the definition of “acceptable insurance”. The Applicant has amended NGT’s preferred protective provisions based on advice from its insurers on the availability of such insurance, and awaits feedback from NGT who the Applicant understands is awaiting advice from its own insurers.</p>
The Environment Agency (EA)	<p>The Applicant and The EA are actively engaged on the negotiation of the Protective Provisions and co-operation agreement. Negotiations are progressing well and there remain two principal points at issue between the parties, along with some other minor points of drafting. The principal issues between the parties are as follows:</p> <p>(1) The definition of “specified work” – The EA has proposed an amendment to the definition of specified work to include any works that involve any interference with the ability of the EA or its contractors to carry out the beach nourishment works or access to its existing compound at Roman Bank. The Applicant disagrees that this is necessary. The Applicant and the EA have been discussing the terms of a cooperation agreement to deal with co-ordination of the EA’s beach nourishment works and the Applicant’s works, for which principles of working together to co-ordinate works have been proposed and agreed in principle. This amendment to the protective provisions would require the EA to consent to any ODOW works that could interfere with the beach nourishment works, which goes further than the principles agreed for the cooperation agreement. Other specified works for which consent is required relate to matters which could impact sea defences, remote defences, drainage works etc. for which it is clearly imperative the EA has sign off over such works due to the risk of environmental harm if those defences/works are impacted, whereas the beach nourishment works is largely a programme concern which will be adequately covered in the agreement. It should also be noted that the EA’s access to Roman Bank is already protected by paragraph 8(2) of these protective provisions.</p> <p>(2) Indemnity provisions (paragraph 11) – Discussions are ongoing between the Applicant and the EA regarding whether the indemnity set out in paragraph 11(1)(b) should</p>

Interested Party	Protective Provision Status
	apply to the specified works to which the protective provisions relate or the authorised development.
Network Rail Infrastructure Limited	The Applicant and Network Rail are actively engaged on the negotiation of the Protective Provisions and a side agreement. In the Protective Provisions there is only one unresolved point – the Applicant considers that there should be a time limit (24 months after completion of the project works is proposed) within which Network Rail would need to identify and require carrying out of additional works as a consequence.
Perenco Gas (UK) Limited, Perenco North Sea Limited, Everard Energy Limited, Ithaca MA Limited, and RockRose (UKCS2) Limited (Perenco)	<p>The Applicant and Perenco are actively engaged on the negotiation of the Protective Provisions and side agreement. Negotiations are progressing well and there remain three principal points at issue between the parties. The principal issues between the parties are as follows:</p> <ul style="list-style-type: none"> <li>(1) The radius of the communications corridors – the Applicant has proposed a 50m radius from the communications line. The Applicant awaits confirmation from Perenco that this is agreed.</li> <li>(2) The infrastructure permitted within the communications corridors – The Applicant’s position is that WTG towers only should be excluded from being erected in the communications corridors. This is on the basis that turning blades are not expected to interfere with the line of sight communications between platforms. Perenco disagrees with this and wants no part of any WTG to be erected in the communications corridors. Discussions are ongoing between the parties on this point.</li> <li>(3) Infrastructure to be permitted in marine corridors – Perenco have requested amendment to paragraph 3 to allow for marine corridors to be free from other permanent or temporary infrastructure unless with their agreement. The Applicant does not agree as this would impose unnecessary control in respect of installation of cables across the marine corridor which would not unreasonably hinder the ability of Perenco to use the marine corridor for vessel access. The protective provisions provide that if the undertaker plans to undertake works within 500m of the Galahad Assets, the Malory Assets, or the Pickerill Assets, the undertaker has to notify the relevant asset owner and the undertaker and the owner must, unless agreed</li> </ul>

Interested Party	Protective Provision Status
	<p>otherwise, acting reasonably, agree and enter into a co-existence and proximity agreement as soon as reasonably practicable, therefore a framework to deal with co-ordination is already in place. Discussions are ongoing between the parties on this point.</p>
Shell U.K. Limited	<p>A draft set of protective provisions was issued to Shell on 28th September 2024. Following progress on discussions with Perenco, a revised set of protective provisions mirroring the approach taken in the Perenco protective provisions was issued to Shell in November 2024. A further revised set of protective provisions, accounting for information on the relevant licence received from Shell and updates to reference the Shell Protective Provisions Plan, was issued to Shell in January 2025. Two meetings were held with Shell in December 2024. As at the date of this submission, no comments have been received from Shell on the draft protective provisions but a further meeting has been proposed by the Applicant for 5th February. Notwithstanding this, the Applicant considers protections should be in place for the Barque assets and has therefore included the draft protective provisions in Schedule 28 of the dDCO.</p>