

# **Outer Dowsing Offshore Wind Project**

## **The Examining Authority's (ExA) Consultation draft Development Consent Order (dDCO)**

### **Schedule of ExA's recommended amendments to the applicant's dDCO submitted at Deadline 4a [REP4a-006]**

### Note to Interested Parties:

The following table sets out the ExA's recommended amendments to the applicant's draft dDCO that was submitted at deadline (D) 4 [REP4a-006].

Regardless of the ExA's recommendation to the Secretary of State, the ExA is required to provide a recommended DCO with its recommendation report. Therefore, this document was produced on a without prejudice basis and should not be taken as an indication that the ExA has already made up its mind on the proposed development.

Interested parties (IPs) participation and written responses will be treated as being given without prejudice to any position or view they hold on the scheme. IPs are invited to identify any outstanding concerns previously raised that are not addressed below.

Please note that there are aspects of the dDCO which are still the subject of examination, active discussion or disagreement between parties. As such, the non-inclusion of any recommended changes on these matters should not be taken to indicate what the ExA's recommendation might be on those matters.

Recommended amendments are set out in the same order that they appear in the DCO as currently drafted. Column 2 of the table indicates the current drafting as suggested by the applicant. Column 3 provides the ExA's recommended amendment with drafting that has been suggested to be added being shown in **bold** and where drafting has been suggested to be deleted, this is indicated in column 4. An explanation for the change or insertion is also provided in column 4.

Responses to this document are due at **Deadline 5, Thursday 13 March 2025**.



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
<b>ARTICLES</b>			
Article 2	"offshore accommodation platform" means a structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents), containing housing accommodation, storage, workshop, auxiliary equipment, and facilities for operating, maintaining and controlling the wind turbine generators and offshore electrical installations;	"offshore accommodation platform" means a structure attached to the seabed by means of a foundation, with one or more decks and a helicopter platform (including bird deterrents), containing housing accommodation, storage, workshop, auxiliary equipment and facilities for operating, maintaining and controlling the wind turbine generators and offshore electrical installations;	Delete Oxford comma between 'auxiliary equipment' and 'and facilities'  For clarity, precision and consistency with other similarly structured definitions within this article
Article 10 (2) (h)	all provisions of that Act that apply for the purposes of the provisions referred to in subparagraphs (a) to (g).	all provisions of that Act that apply for the purposes of the provisions referred to in <b>sub-paragraphs</b> (a) to (g).	Typo- For "subparagraphs" substitute "sub-paragraphs"
Article 22 (1)	Subject to paragraph (2), the undertaker may acquire compulsorily such rights or impose restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 20 (compulsory acquisition of land), by creating	Subject to paragraph (2), the undertaker may acquire compulsorily such rights or impose restrictive covenants over the Order land as may be required for any purpose for which that land may be acquired under article 20 (compulsory acquisition of land), by creating them as well as by acquiring	To ensure that new rights and restrictive covenants that would be acquired are satisfactorily defined



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
	them as well as by acquiring rights already in existence.	rights already in existence, <b>provided that any new restrictive covenant(s) to be created shall not be more restrictive or onerous than the restrictive covenants set out in column (2) of Schedule 7.</b>	
Article 25 (5)(a)	(2) But see article 26(3) (acquisition of subsoil or airspace only) of the Outer Dowsing Offshore Wind Farm Order 202[ ], which excludes the acquisition of subsoil or airspace from this Schedule ; and	(2) But see article 26(3) (acquisition of subsoil or airspace only) of the Outer Dowsing Offshore Wind Farm Order 202[ ], which excludes the acquisition of subsoil or airspace from this Schedule; and	Typo – delete space between 'Schedule' and the semi-colon
Article 28 (1)(a)(ii)	any other Order land in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;	any other Order land <b>as is required for the authorised project or to facilitate, or is incidental to it, and</b> in respect of which no notice of entry has been served under section 11 (powers of entry) of the 1965 Act (other than in connection with the acquisition of rights only) and no declaration has been made under section 4 (execution of declaration) of the 1981 Act;	For clarity and precision
Article 44 (2)	Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any	Paragraph (1) does not apply to the exercise of any right under this Order for the compulsory acquisition of an interest in any	To fully align the Article with Section 135(1) of the Planning Act 2008



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
	Crown land (as defined in the 2008 Act(a)) which is for the time being held otherwise than by or on behalf of the Crown.	Crown land (as defined in the 2008 Act(a)) which is for the time being held otherwise than by or on behalf of the Crown <b>and for which the appropriate Crown authority has consented to the acquisition..</b>	
Article 44 (3)	A consent under paragraph (1) may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.	A consent under paragraphs (1) <b>or (2)</b> may be given unconditionally or subject to terms and conditions; and is deemed to have been given in writing where it is sent electronically.	To take account of additional drafting added to Article 44 (2)
<b>SCHEDULES</b>			
Schedule 1			
Part 3, requirement 11(2)	(2) Unless otherwise stated in the approved landscape management plan, any tree or shrub planted as part of an approved landscape management plan that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same species and size as that originally planted unless	(2) Any tree or shrub planted as part of an approved landscape management plan that, within a period of <b>ten</b> years after planting <b>(save in relation to Work No.23, for which the relevant period is the operational lifetime of the authorised development)</b> , is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased must be replaced in the first available planting season with a specimen of the same	<p>Delete 'unless otherwise stated in the approved landscape management plan' for clarity and precision.</p> <p>Delete 'alternative timing or a different specimen is' for clarity and precision.</p> <p>Include Work No.23, for works relating to the onshore substation and amend the relevant period to the operational lifetime of the proposed development as the planting associated with Work no.23 is relied</p>



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
	alternative timing or a different specimen is otherwise approved by Lincolnshire County Council in consultation with the relevant planning authority	species and size as that originally planted unless otherwise approved by Lincolnshire County Council in consultation with the relevant planning authority	<p>upon for landscape mitigation for the lifetime of the proposed development.</p> <p>For all other trees and shrubs the ExA considers a period of 10 years to be reasonable in providing greater certainty of establishment and biodiversity net gains in line with Lincolnshire County Council Local Impact Report [REP1-053] and in line with most recent DCO's for similar projects, therefore, change 'five years' to 'ten years'.</p>
Schedule 7			
	(c) prevent the carrying out of any excavations or works or agricultural practices to a depth greater than 0.75 metre from the surface of the land, without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed) provided that (for the avoidance of doubt)—	(c) prevent the carrying out of any excavations or works or agricultural practices to a depth greater than 0.75 metre from the surface of the land, without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed, <b>with consent for trench digging requests relating to waterlogging to be determined within 24 hours, if the proposed activity would not cause damage to the relevant part of the authorised development nor make it materially more</b>	To ensure that any waterlogging issues can be addressed in as timely a manner as possible.



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
		<b>difficult to access or maintain the authorised development)</b> provided that (for the avoidance of doubt)—	
Schedule 10			
	No text has been proposed by the applicant	Insert additional condition for the wind turbine generator array area:  No piling of any type shall be permitted between 1 September and 16 October each year within the area of Work No 1a, Work No. 2 and Work No. 3.	To protect spawning Banks herring and their eggs and larvae during their spawning season.
Part 1,1	"environmental statement" means the document certified as the environmental statement by the Secretary of State for the purposes of the Order under article 41;	"environmental statement" means the document certified as the environmental statement by the Secretary of State for the purposes of the order under article 41 <b>(certification of plans etc.)</b> ;	For consistency with other similarly structured definition within article 2.  Where applicable, change in Schedule 11 to Schedule 16.
Part 1,1	"in principle monitoring plan" means the document certified as the in principle monitoring plan by the Secretary of State for the purposes of the Order under article 41;	"in principle monitoring plan" means the document certified as the in principle monitoring plan by the Secretary of State for the purposes of this Order under article 41 <b>(certification of plans etc.)</b> ;	For consistency with other similarly structured definition within article 2  Where applicable, change in Schedule 11 to Schedule 16.



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
Part 1,1	"in principle Southern North Sea SAC Site Integrity Plan" means the document certified as the in principle Southern North Sea SAC Site Integrity Plan by the Secretary of State for the purposes of the Order under article 41;	"in principle Southern North Sea SAC Site Integrity Plan" means the document certified as the in principle Southern North Sea SAC Site Integrity Plan by the Secretary of State for the purposes of this Order under article 41 <b>(certification of plans etc.)</b> ;	For consistency with other similarly structured definition within article 2  Where applicable, change in Schedule 11 to Schedule 16.
Part 1,1	"maintain" includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the offshore works, to the extent assessed in the environmental statement; and "maintenance" must be construed accordingly;	"maintain" includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (including replenishment of cable protection), but does not include the removal, reconstruction or replacement of foundations associated with the offshore works, to the extent assessed in the environmental statement; and "maintenance" <b>and any derivative of "maintain"</b> must be construed accordingly;	To ensure consistency with other similarly structured definition within article 2  Where applicable, change in Schedule 11 to Schedule 16.
Part 1,1	"works plans" means the plans certified as the works plans by the Secretary of State for the purposes of the Order.	"works plans" means the plans certified as the works plans <b>onshore and works plans offshore</b> by the Secretary of State for the purposes of this Order <b>under article 41 (certification of plans etc.)</b> .	For consistency with other similarly structured definition within article 2  Where applicable, change in Schedule 11 to Schedule 16.





Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
Schedule 12			
	No text has been proposed by the applicant	Insert additional condition:  For the northern offshore artificial nesting structure 1:  No piling of any type shall be permitted between 1 September and 16 October each year for the northern artificial nesting structure.	To protect spawning Banks herring and their eggs and larvae during their spawning season.
Schedule 13			
	No text has been proposed by the applicant	Insert additional condition:  For the northern offshore artificial nesting structure 2:  No piling of any type shall be permitted between 1 September and 16 October each year for the northern artificial nesting structure.	To protect spawning Banks herring and their eggs and larvae during their spawning season.
Schedule 18			
Part 3 (9)(2)	There must be deducted from any sum payable under subparagraph (1) the value of any apparatus removed under the provisions of this Part of this Schedule that	There must be deducted from any sum payable under <b>sub-paragraph</b> (1) the value of any apparatus removed under the provisions of this Part of this	Typo- For "subparagraph" substitute "sub-paragraph"



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
	value being calculated after removal.	Schedule that value being calculated after removal.	
Part 3 (9)(3)	...to Anglian Water by virtue of subparagraph (1) must be reduced by the amount of that excess.	...to Anglian Water by virtue of <b>sub-paragraph</b> (1) must be reduced by the amount of that excess.	Typo- For "subparagraph" substitute "sub-paragraph"
Part 8 (1)(2)(a)	any agreement of the type mentioned in subparagraph (1) has effect as if it had been made between National Gas and the transferee or grantee (as the case may be) in all cases where the transfer of the benefit relates to any specified works; and	any agreement of the type mentioned in <b>sub-paragraph</b> (1) has effect as if it had been made between National Gas and the transferee or grantee (as the case may be) in all cases where the transfer of the benefit relates to any specified works; and	Typo- For "subparagraph" substitute "sub-paragraph"
Part 10 (15)(7)	...maintenance or failure of a specified work or any such act or omission as mentioned in subparagraph (1); and	...maintenance or failure of a specified work or any such act or omission as mentioned in <b>sub-paragraph</b> (1); and	Typo- For "subparagraph" substitute "sub-paragraph"
Additional Part 13?			
Schedule 22			
Part 1(3)	Following consultation with the KCSG the Kittiwake CIMP must be submitted to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant local planning authority.	Following consultation with the KCSG the Kittiwake CIMP must be submitted to the Secretary of State for approval, in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the <b>relevant planning authority</b> .	For clarity and precision



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
Part 1(5)	The undertaker must implement the measures set out in the Kittiwake CIMP approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant local planning authority.	The undertaker must implement the measures set out in the Kittiwake CIMP approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the <b>relevant planning authority</b> .	For clarity and precision
Part 2(3)	Following consultation with the GCSG, the Guillemot CIMP must be submitted to the Secretary of State for approval in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant local planning authority.	Following consultation with the GCSG, the Guillemot CIMP must be submitted to the Secretary of State for approval in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the <b>relevant planning authority</b> .	For clarity and precision
Part 2(5)	The undertaker must implement the measures set out in the Guillemot CIMP approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the relevant local planning authority.	The undertaker must implement the measures set out in the Guillemot CIMP approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the <b>relevant planning authority</b> .	For clarity and precision



Reference	Text as set out in the draft DCO [REP4a-xxx]	ExA's recommended amendment	notes
Part 3(3)	Following consultation with the RCSG, the Razorbill CIMP must be submitted to the Secretary of State for approval in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the relevant local planning authority.	Following consultation with the RCSG, the Razorbill CIMP must be submitted to the Secretary of State for approval in consultation with the relevant statutory nature conservation body and, where appropriate, the MMO and/or the <b>relevant planning authority.</b>	For clarity and precision
Part 3(5)	The undertaker must implement the measures set out in the Razorbill CIMP approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the relevant local planning authority.	The undertaker must implement the measures set out in the Razorbill CIMP approved by the Secretary of State, unless otherwise agreed in writing by the Secretary of State in consultation with the relevant statutory nature conservation body and where appropriate the MMO and/or the <b>relevant planning authority.</b>	For clarity and precision