

# Outer Dowsing Offshore Wind

## The Applicant's planning obligations and side agreements tracker

Deadline 61

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# 1 Introduction and Document Purpose

## 1.1 Purpose of the Applicant's planning obligations and commercial side agreements tracker

1. This document presents the initial updated version of the Applicant's planning obligations and commercial side agreements tracker, originally submitted into the Examination for Deadline 1 (~~REP1-023~~).
2. The Examination Timetable requests that the Applicant submits a tracking list which indexes all of the following documents that it has produced or intends to produce:
  - any planning obligations under the Town & Country Planning Act 1990 (as amended) or other legislative provisions relevant to planning, identifying the legislative head of power for the obligation, its subject matter(s) and why it is necessary, whether the obligation would be unilateral, bilateral or multi-lateral, the involved Interested Parties or other persons and whether the conclusion of such an agreement is considered likely to remove the need for any provisions in the draft DCO, to remove the need for one or more Statements of Common Ground or lead to the withdrawal of one or more Relevant and/ or Written Representations; and
  - any commercial side agreements or contracts proposed between the Applicant and Interested Parties or other persons, identifying the subject matter(s) and their purpose, the involved Interested Parties or other persons and whether the conclusion of such an agreement is considered likely to remove the need for one or more Statements of Common Ground or lead to the withdrawal of one or more Relevant and/or Written Representations.
  - ~~A subsequent version, has been requested at Deadline 6 Friday 4 April 2025, where the Applicant will update the tracking list and identify what changes (if any) have occurred since the previous version, submitted here. This version, has been requested to present updates to the tracking list and to identify the changes since the original version (REP1-023).~~

Table 1 Status of Planning Obligations and Side Agreements

Party	Type of Agreement	Summary	Status	Topic & Conclusion/Issue & plans for further action where agreement is not yet in place.
The National Trust for Jersey	Exclusivity Agreement	Exclusivity Agreement to undertake preparatory activities relating to a predator eradication programme in Jersey.	Completed on 30 <sup>th</sup> October 2023. <u>The Exclusivity Agreement was extended for a further 12 months until November 2025.</u>	<u>n/a</u>
The National Trust for Jersey	Collaboration Agreement	Collaboration Agreement to deliver a predator eradication programme in Jersey including ongoing monitoring.	Progressing: The Applicant <del>is preparing</del> <u>has shared</u> draft Heads of Terms <u>on 16<sup>th</sup> January 2025 and at this time awaits detailed comments from the National Trust for Jersey.-</u>	<u>As noted above, the Applicant has extended the Exclusivity Agreement until November 2025 and is confident that the Collaboration Agreement will be progressed to final agreed form before expiry of this Exclusivity Agreement.</u>
Perenco Gas (UK) Limited, <del>and Perenco North Sea Limited, Everard Energy Limited, Itasca MA Limited, and RockRose (UKCS2) Limited.</del>	Compensation Agreement for Non-Standard Helicopter Access	The Applicant has been in technical discussions regarding the proposed helicopter buffer areas around the Malory Platform and bespoke Protective Provisions that will be incorporated into the Development Consent Order (DCO). The Applicant is intending to enter into a commercial agreement to provide a mechanism to compensate for curtailment of helicopter operations <u>_____</u> which is likely to resolve issues included in their Relevant Representation.	Progressing: <del>The Applicant has issued updated Protective Provisions and is reviewing a draft commercial proposal from Perenco.</del> <u>The Applicant and Perenco have agreed Protected Provisions with the exception of the 50m radius distance used to define the communication corridors.</u>  <u>The Applicant and Perenco have agreed the principles of the commercial agreement and continue to progress to a final form of agreement.</u>	<u>The commercial agreement in relation to curtailment of helicopter operations will be finalised as soon as possible after close of Examination, noting that agreement of all Protected Provisions in relation to helicopter operations, including the Protected Provisions Plan, provides sufficient control to Perenco for the protection of their current and future helicopter operations.</u>  <u>In relation to the 50m radius distance used to define the communication corridors in the DCO, the Applicant and Perenco will continue with technical discussions to resolve this last remaining point as soon as possible after close of Examination. This has no interface in relation to helicopter operations summarised above.</u>

Party	Type of Agreement	Summary	Status	Topic & Conclusion/Issue & plans for further action where agreement is not yet in place.
Shell U.K. Limited <u>and Esso Exploration and Production UK Limited.</u>	Compensation Agreement for Non-Standard Helicopter Access	The Applicant has been in technical discussions regarding the proposed helicopter buffer areas around the Barque Platform and bespoke Protective Provisions that will be incorporated into the Development Consent Order (DCO). The Applicant is intending to enter into a commercial agreement to provide a mechanism to compensate for curtailment of helicopter operations which is likely to resolve issues included in their Relevant Representation.	Progressing: The Applicant has <del>issued draft</del> <u>included</u> Protective Provisions <del>for the protection of</del> <u>to</u> Shell <u>in the draft DCO.</u>  <u>Shell have not provided any update to the Applicant to state that the Protected Provisions are not agreed.</u>  <u>The Applicant and Shell have agreed the principles of the commercial agreement and continue to progress to a final form of agreement.</u>	<u>The commercial agreement in relation to curtailment of helicopter operations will be finalised as soon as possible after close of Examination, noting that agreement of all the Protected Provisions in relation to helicopter operations, including the Protected Provisions Plan, provides a restriction on erecting any wind turbine generators in the WTG exclusion zone (an area of 2,500 metre radius measured from the centre of the Barque Assets production helideck) which provides Shell with the space required to continue its regular aviation activity (as described in RR-060).</u>
National Grid Electricity System Operator Limited (now known as National Energy Systems Operator Limited)	Grid Connection Agreements comprising a Bilateral Connection Agreement, Construction Agreement, Transmission Related Agreement and CUSC Accession Agreement.	The Applicant has a signed a <u>suite of</u> Grid Connection Agreements (and associated Agreements to Vary) that sets out the connection works and rights required for the proposed connection to the transmission system.	<u>Completed: Last varied on 24<sup>th</sup> April 2024.</u> <del>Completed on 15<sup>th</sup> November 2023.</del>	<u>n/a</u>

Party		Type of Agreement		Summary	Status	Topic & Conclusion/Issue & plans for further action where agreement is not yet in place.
National Electricity Transmission ("NGET")	Grid	Asset	Protection	The Applicant is discussing has been in discussions to agree a side agreement to accompany the draft Protective Provisions to provide the necessary protection of other assets owned by National Grid Electricity Transmission plc within the Order Limits which is likely to resolve issues included in their Relevant Representation and Statement of Common Ground.	Completed: Protective Provisions are agreed, and the side agreement was signed by the Applicant on 3 <sup>rd</sup> April 2025. Progressing: The Applicant is discussing a side agreement.	No further action required.
	Plc	Asset	Protection	Agreement		
Network Infrastructure Limited	Rail	Asset	Protection	Basic Asset Protection Agreement (BAPA)	Completed on 22 <sup>nd</sup> January 2024.	n/a
Network Infrastructure Limited	Rail	Framework Agreement		The Applicant is in discussions with Network Rail to agree the form of a Framework Agreement to manage the interfaces with the Project. Matters included in the Framework Agreement include draft Protective Provisions and an option for a cable easement which is likely to resolve issues included in their Relevant Representation.	Protective Provisions are agreed and the side agreement is close to finalisation. Progressing: The Applicant is reviewing the draft Framework Agreement.	The side agreement will be finalised as soon as possible after close of Examination, noting that agreement of Protected Provisions provides sufficient control to Network Rail for the protection of their current assets.

Party	Type of Agreement	Summary	Status	Topic & Conclusion/Issue & plans for further action where agreement is not yet in place.
Cadent Gas Limited	Side Agreement	Deed relating to the Protective Provisions for the benefit of Cadent Gas Limited.	<p><u>Completed: Protective Provisions with Cadent are agreed and the side agreement was signed on 3<sup>rd</sup> April 2025.</u></p> <p><u>Cadent Gas Limited submitted Withdrawal of Objection letter to the Examining Authority on 3<sup>rd</sup> April 2025.</u></p> <p><del>Progressing: The Applicant is in discussions with Cadent Gas. The Applicant has received a draft of the side agreement and is considering its terms.</del></p>	<u>No further action required.</u>
Lincolnshire County Council (LCC)	Section 106 Agreement	The Applicant <del>is in preliminary discussions with</del> <u>has held discussions with</u> LCC to agree a bilateral Section 106 agreement which is likely to resolve issues included in the Relevant Representation and Statement of Common Ground with LCC.	<p><del>Progressing: The Applicant is reviewing a draft proposal for</del> <u>has agreed the scope of a Section 106 agreement with LCC. In terms of securing the measures, the Applicant has incorporated a Requirement in the DCO called 'Onshore Mitigation and Enhancement Scheme' which will secure the Section 106 agreement, together with a new Outline Onshore Mitigation and Enhancement Principles Document (Doc Ref 8.25) which outlines the S106 agreement scope.</u></p> <p><u>The proposed DCO requirement would prevent commencement of the onshore transmission works until an onshore mitigation and enhancement scheme, in accordance with the Principles Document, has been submitted to and approved by LCC. The Principles Document, which would be certified for the purposes of the Order, sets out the details of the agreed obligations and contributions, and that the method of delivery for these would be a Section 106 Agreement substantially in accordance with the current draft form.</u></p>	<u>The Applicant will continue to progress the completion of the relevant land agreement at the substation site in order that the Section 106 agreement could be secured in this manner. However, in the absence of this completed agreement, the Applicant has proposed the DCO Requirement and Onshore Mitigation and Enhancement Scheme Principles Document (Doc Ref 8.25) as a fallback approach in the event that the Section 106 Agreement cannot be completed prior to close of Examination. This approach has been discussed and agreed with LCC.</u>
The Environment Agency (EA)	Cooperation Agreement	The Applicant <del>is discussing</del> <u>has been in discussions regarding</u> interface arrangements with the annual beach nourishment programme at the landfall location to ensure coordination of respective operations which is likely to resolve issues included in their Relevant Representation and Statement of Common Ground.	<p><u>Completed: Protective Provisions are agreed with the EA, and, the subject to the Beach Works Framework Agreement being signed. This side agreement has been finalised and signed by the Applicant both parties on 4<sup>th</sup> April 2025, together with a signed letter of consent to disapplication from the Environment Agency 04/04/25. <b>is e to finalisation.</b></u></p> <p><del>Progressing: The Applicant is reviewing a draft Heads of Terms.</del></p>	<p><u>The side agreement will be finalised as soon as possible after close of Examination, noting that agreement of Protected Provisions provides sufficient control to the Environment Agency for the protection of their current assets and projects.</u></p> <p><u>No further action required.</u></p>



Party	Type of Agreement	Summary	Status	<del>Topic &amp; Conclusion</del> Issue & plans for further action where agreement is not yet in place.
The Crown Estate Commissioners	Transmission Agreement for Lease	In order to secure the seabed rights for the offshore transmission assets, the Applicant has entered into a signed Transmission Agreement for Lease with the Crown Estate Commissioners.	Completed on 17 <sup>th</sup> October 2024.	<a href="#">n/a</a>
The Crown Estate Commissioners	Agreement for Lease for the proposed offshore Artificial Nesting Structures (ANSs)	The Applicant is in discussions with the Crown Estate Commissioners to secure an option for seabed rights for the installation and operation of offshore ANSs.	Progressing. The Crown Estate issued a Letter of Comfort on 8 <sup>th</sup> October 2024 confirming that they have the ability to grant the seabed rights required to construct the ANSs, subject to meeting certain conditions.  <a href="#">The Crown Estate issued a draft Agreement for Lease and Lease on 20<sup>th</sup> December 2024 with comments from the Applicant issued to The Crown Estate on 17<sup>th</sup> January 2025.</a>	<a href="#">The Applicant will continue to progress discussions on the draft seabed right documents after the close of Examination, noting that The Crown Estate confirmed in their Letter of Comfort that they have the ability to grant the seabed rights required to construct the ANSs.</a>
Triton Knoll OFTO Ltd.	Proximity Agreement	<del>The Applicant is engaging on preliminary matters to determine the need and scope of a proximity agreement.</del> <a href="#">The Applicant has confirmed the need for and scope of a proximity agreement and a draft agreement is under negotiation, noting there will be no interface within 500m of the respective offshore transmission assets.</a>	<del>Progressing. Any agreements that are required will be finalised post-consent when detailed design is confirmed, but the Applicant is preparing template proximity agreement for discussion in the interim.</del> <a href="#">The Applicant has engaged with Equitix to progress an offshore proximity agreement in relation to the offshore cable route and a land rights consent letter.</a>	<a href="#">The offshore proximity agreements will be finalised as soon as possible after close of Examination.</a>  <a href="#">The Applicant expects that the land rights consent letter will be issued before close of Examination.</a>

Party	Type of Agreement	Summary	Status	Topic & Conclusion/Issue & plans for further action where agreement is not yet in place.
<a href="#">Orsted Race Bank (UK) Ltd</a>	Proximity Agreement	<del>The Applicant has confirmed the need for and scope of a proximity agreement and a draft agreement is under negotiation. The Applicant is engaging on preliminary matters to determine the need and scope of a proximity agreement, noting there will be no interface within 500m of the respective offshore transmission assets.</del>	Progressing. <u>The Applicant has issued a draft agreement with Orsted Race Bank (UK) Ltd to progress an offshore proximity agreement in relation to the offshore cable route. For consistency, progression will largely follow the proximity agreement with Orsted Lincs (UK) Ltd. Any agreements that are required will be finalised post consent when detailed design is confirmed, but the Applicant is preparing template proximity agreement for discussion in the interim.</u>  <u>Furthermore, the Applicant has incorporated a Protective Provision in the DCO which provides assurance to Orsted Race Bank (UK) Ltd that no works will take place with a distance of 250m of the Race Bank Wind Farm without approval of relevant plans from Orsted Race Bank (UK) Ltd.</u>	<del>The agreement will be finalised as soon as possible after close of Examination, noting that incorporation of Protected Provisions provides sufficient control to Orsted Race Bank (UK) Ltd for the protection of their the Race Bank operational assets.</del>
Orsted Lincs (UK) Ltd	Proximity Agreement	<del>The Applicant has confirmed the need for and scope of a proximity agreement and a draft agreement is under negotiation. The Applicant is engaging on preliminary matters to determine the need and scope of a proximity agreement, noting there will be no interface within 500m of the respective offshore transmission assets.</del>	Progressing. <u>The Applicant has engaged with Orsted Lincs (UK) Ltd to progress an offshore proximity agreement in relation to the offshore cable route. The Applicant returned comments in relation to an updated draft agreement to Orsted Lincs (UK) Ltd on 13 March 2025, and discussed further at a meeting on Thursday 20th March.</u>  <u>Furthermore, the Applicant has incorporated a Protective Provision in the DCO which provides assurance to Orsted Lincs (UK) Ltd that no works will take place with a distance of 250m of the Race Bank Lincs Wind Farm without approval of relevant plans from Orsted Lincs (UK) Ltd. Any agreements that are required will be finalised post consent when detailed design is confirmed, but the Applicant is preparing template proximity agreement for discussion in the interim.</u>	<u>The agreement will be finalised as soon as possible after close of Examination, noting that incorporation of Protected Provisions provides sufficient control to Orsted Lincs (UK) Ltd for the protection of their the Lincs operational assets.</u>

Party		Type of Agreement	Summary	Status	Topic & Conclusion/Issue & plans for further action where agreement is not yet in place.
Dudgeon Ltd.	Extension	Proximity Agreement	<del>The Applicant has confirmed the need for and scope of a proximity agreement and a draft agreement is under negotiation.</del> The Applicant is engaging on preliminary matters to determine the need and scope of a proximity agreement, noting there will be no interface within 500m of the respective offshore transmission assets.	<del>Progressing. Any agreements that are required will be finalised post consent when detailed design is confirmed, but</del> The Applicant has received a draft Cooperation and Proximity Agreement from the Equinor on 3 <sup>rd</sup> April 2025, preparing template proximity agreement for discussion in the interim.  Furthermore, the Applicant has incorporated a Protective Provision in the DCO which provides assurance to Dudgeon Extension Ltd. that no works will take place with a distance of 250m of the Dudgeon Extension Wind Farm without approval of relevant plans from Dudgeon Extension Ltd.	<del>The Cooperation and Proximity Agreement will be finalised as soon as possible after close of Examination, noting that incorporation of Protected Provisions provides sufficient control to Dudgeon Extension Ltd for the protection of their operational assets.</del>
NATS (Services) Limited and NATS (En Route) plc	Mitigation Services	Agreement	The <del>Mitigation</del> Services Agreement will provide for the <del>identification</del> implementation of a technical solutions to <del>mitigate</del> reduce the impact of the Project on the NATS (En Route) Plc ("NERL") Radars at Cromer and Claxby which <del>has is likely to</del> resolved issues included in their Relevant Representation ( <del>now withdrawn</del> ) and Statement of Common Ground.	<del>Completed: An agreement has been entered into between NERL and GT R4 Limited dated 10<sup>th</sup> March 2025 for the agreement of suitable planning requirements and the implementation of an identified and defined mitigation solution in relation to the development that will be implemented under agreement.</del>  NERL formally withdrew its Relevant Representation by way of a letter to the Planning Inspectorate (REP5-178) dated 10 <sup>th</sup> March 2025. <del>Progressing. The Applicant is engaging with NATS (Services) Limited and NATS (En Route) plc and is expecting to receive a draft mitigation services contract in October 2024 for discussion.</del>	<del>No further action required.</del>

Party	Type of Agreement	Summary	Status	Topic & Conclusion/Issue & plans for further action where agreement is not yet in place.
The Secretary of State for Defence acting through the ADEWS-Windfarm Team of the Ministry of Defence (MOD)	Air Defence Radar Mitigation Scheme Agreement (RMSA)	The RMSA will provide for the implementation of technical solutions to reduce the impact of the Project on MOD Staxton Wold and Neatishead Air Defence (AD) Primary Surveillance Radar (PSR) systems which is likely to resolve issues included in their Relevant Representation and Statement of Common Ground.	<del>Completed-</del> <u>The MOD submission (REP5-177) dated 13<sup>th</sup> March 2025 presented alternative DCO Requirement wording in Annex A of their letter that would enable their objection to be withdrawn. The Applicant has accepted and incorporated into as requirement 32 of the draft DCO (document reference 3.1 version 109 submitted at Deadline 6).</u> <del>this wording</del> <u>The Applicant –and– therefore consider that the MOD objection is withdrawn.</u> <del>Progressing. The Applicant is engaging with the MOD to progress discussions in regard the RMSA that will be finalised post-consent and any associated Protected Provisions that may be required.</del>	<del>No further action required.</del> <u>Issue resolved for the purposes of examination and determination. The Applicant will continue to engage with the MOD post consent in relation to an RMSA in order to be able to discharge requirement 32 of the draft DCO (document reference 3.1 version 109 submitted at Deadline 6)</u>
<p>Witham Fourth District Internal Drainage Board</p> <p>Lindsey Marsh Drainage Board</p> <p>Black Sluice Internal Drainage Board</p> <p>South Holland Internal Drainage Board</p> <p>Welland and Deepings Internal Drainage Board,</p> <p>(together, the IDBs)</p>	Side Agreement	The Side Agreement provides for an alternative streamlined process for the approval of certain specified works to apply in place for certain paragraphs of the Protective Provisions.	<u>Protective Provisions are agreed with the IDBs. The side agreement relates to the practical management of the large number of approvals that will be required under the PPs. As such, the Applicant will continue to develop the arrangements with the IDB after the close of the examination.</u> <del>Progressing. The Applicant is engaging with the IDBs and has prepared the draft side agreement and the IDBs are considering its terms.</del> <u>Letters of consent to the disapplication of legislation subject to the agreed Protective Provisions have been received from all five IDBs and are submitted at Deadline 6.</u>	<u>The side agreement will be finalised as soon as possible after close of Examination, noting that agreement of Protected Provisions provides sufficient control to the IDBs for the protection of their current assets.</u>