

From: [Richard Le Sueur](#)
To: [Outer Dowsing Offshore Wind](#)
Cc: consultations@naturalengland.org.uk
Subject: Re: EN010130/project-updates - ODOW, planning decision on mitigation now delayed, potentially refused, at Plémont, Jersey
Date: 14 December 2025 16:57:34
Attachments: [Grounds for Appeal.pdf](#)
[Natural England response to Le Sueur, R email dated 05.11.25, regarding Plémont, Jersey proposed ODOW compensation_Final.pdf](#)

Dear Case Team

I write to you with an update on the proposals for Predator Eradication in Jersey (Plémont Seabird Sanctuary).

I have to inform you that a third party appeal was registered by the States of Jersey Judicial Greffe on 19th November 2025. This, as previously advised, stays the planning permit for the duration of the appeal.

The Jersey gov.je website says they 'aim to make a decision around 16 weeks from the date it is accepted', which gives a potential date of March 11th 2026. However our government and the Planning Department have outsourced the process, if not the decision, to the States of Jersey Judicial Greffe.

Regarding the date for the Hearing, the registrar at the Greffe tells me:

This appeal is scheduled to be heard during the week commencing 9 February 2026. When the inspector has set the time table for the week I will be able to confirm exact dates and times for this appeal.

Then regarding the time taken for the process, the registrar informs me as follows:

The inspector's reports take on average 4-6 weeks (this will depend on the size and complexity of not just your appeal but other appeals in the batch the inspector is considering).

The inspector's report will go to the Minister to make a decision.

This can take between 1-3 weeks for a straightforward appeal but can also take longer if the Minister want to take legal advice or if deciding to refer the appeal back to the inspector for further consideration of specific issues.

By giving you an indication of average timescales does not mean that this appeal will follow these and you may be aware that there are no set time limits in the Law for the inspector's report or the Minister's decision.

Given the application garnered more public comments than any other I am aware of in recent history (276), I do not think either the inspector will rush to make a

recommendation, or that the Minister will rush to make a decision.

Using the Greffe's shortest timescale, this gives an earliest date of say March 20th 2026 for a decision. This does not take into account illness or holidays, and given the perceived importance of this decision I do not see a March date as remotely possible. The later timescale offered by the Greffe gives 17th April as a possible date, however with a rider that this may be further delayed. Legal advice may be sought and/or the minister may refer the appeal back to the Inspector for further consideration of specific issues. Knowing the speed of the process I would suggest adding another 6 weeks for this, giving a date of May 29th. However the registrar sensibly points out that appeals can take longer and there are no set time limits in the Law.

Again in our experience as agents for other appellants, we have known the process take 36 weeks from registration to decision. This would give a decision date with the permit either granted, or the application refused, of July 29th 2026.

This array of dates takes the programme for compensation way beyond the timescale given by ODOW. Furthermore I believe the appeal has a good chance of success resulting in a refusal, which would take the compensation at Plémont, Jersey, out of the equation completely.

Out of all the information submitted by ODOW, I have picked out EN010130-002197-7.7.5 Without Prejudice Predator Control Evidence Base and Roadmap.

6.3 Reserve Establishment and Management states confidently:

83.

The Planning Application is expected to be determined by Q1 or early Q2 2025, at which time, all planning consents for the establishment of the fence will be in place. As such, following a successful planning application, it is expected that all necessary consents for this measure will be secured prior to the determination of the Project's DCO.

As you have read above, the planning application in Jersey is not expected to be determined until Q2 2026, even early Q3 2026. These dates are over a year after those set out by ODOW.

Why are these dates so different? It is entirely possible that despite the efforts behind the ODOW application, those promoting it were not aware of the political, legal, and constitutional differences between Jersey and the UK. Jersey is not beholden to the UK Parliament. We have our own government which has a direct relationship to the

Crown. We have our own Planning Law, which like Ireland and the Isle of Man, but unlike the UK, has a system of third party appeals. I presume ODOW were just ignorant of this fact - I am not suggesting an ulterior motive for the misleading statements made in the application.

While writing, it is of course ironic that the birds in question know of no national borders and are blissfully unaware of any constitutional issues...

Finally the third party appeal 'Grounds for Appeal' are attached for your interest. This is a public document and marks the first part of the third party appeal process in Jersey. A full 'Statement of Case' will be submitted next week adding to the bones of these initial grounds. The planning reference is P/2024/1198.

If you have any queries please do not hesitate to contact this office.

Regards

Richard Le Sueur
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*Architects for award winning El Tico, St Ouen's Bay
Jersey Architecture Commission Design Awards 1999 - 2024, People's Choice Award 2015
Civic Trust Award, Royal Academy Summer Show Architecture Prize 2011
Stop Press! - 2024 Jersey Architecture Commission Design Award Winner for Airlie, St Brelade*

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Date: 20 November 2025
Our ref: 532456
Your ref: EN010130



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BY EMAIL ONLY

Dear Richard Le Sueur,

Re: EN010130/project-updates - ODOW, proposed mitigation now seriously delayed, maybe to be refused, at Plémont, Jersey

Thank you for providing us with sight of your correspondence with the Planning Inspectorate dated 05 November 2025. We have circulated your response to Natural England's Outer Dowsing offshore windfarm case team and relevant offshore ornithology specialists working on the project, as we recognise the information you have provided is useful for their awareness.

We note that your correspondence has been accepted into the determination phase and will be taken into consideration by the Secretary of State. We recommend you continue to direct your concerns to the Planning Inspectorate and thereby to the Secretary of State.

As the Government's statutory nature conservation adviser in England, Natural England's remit during the Outer Dowsing Examination and now throughout the determination phase of the project is to advise the Secretary of State on the Applicant's submissions to assist with their decision-making. Natural England's advice on the ecological merits of the Plémont compensation proposal for Guillemot and Razorbill throughout the Examination is available on the Planning Inspectorate website [Documents | Outer Dowsing Offshore Wind \(Generating Station\)](#).

For any queries regarding this letter, for new consultations, or to provide further information on this please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely,


Marine Higher Officer – Major Casework
Norfolk & Suffolk Area Team

Grounds of Appeal

The proposal is based on an error - the belief that non-native predators are the main cause of decline in seabird colonies in this particularly sensitive landscape location.

It uses defective 'scientific' studies and non-relevant precedents to try to make out a case for a kilometre long prison-style fence across a natural unspoilt stretch of Jersey's north coast cliffs.

The proposal overstates environmental benefits and understates environmental harms. The POA then puts a £6million cost onto the public purse which is not consistent with the Planning Committee decision 8th May 2024.

Strategic Policy SP4

Proposal fails SP4 which looks to protect and promote Island identity. The fence harms character, introducing a jarring man-made structure into this natural landscape.

Strategic Policy SP5

Proposal fails SP5 which looks to protect and improve natural environment, landscapes, coastline, seascapes, and geodiversity, all of which will be harmed. The sole proposed benefit of the proposal here is biodiversity, which is not accepted (see NE1).

Policy PL5

Proposal fails PL5 which looks to protect and improve the special landscape and seascape character of the Protected Coastal Area.

Policy NE1

Proposal purports to demonstrate biodiversity enhancement. This is not accepted. Further information and sources will follow.

Policy NE2

Proposal purports to protect green infrastructure and networks. The fence and the denuded 4m wide strip does the opposite.

Policy GD9

Proposals fails GD9 which looks to safeguard strategic views and important vistas. Any suggested significant community benefits are not accepted. If the fence does not work as will be shown, then community benefits fall away.

Policy NE3

This policy requires that all development protects or enhances landscape and seascape character.

There are four possible exceptions:

- a) *Demonstrably needed for an overriding public policy objective.*
This is not accepted.

- b) *No alternative to delivering proposal without harm to landscape*
The proposal is not accepted, therefore the harm is entirely negative.
- c) *Harm has been reduced as far as practicable*
The proposal is not accepted, therefore the harm is entirely negative.
- d) *Public benefit outweighs harm to landscape where benefit to the public is evidenced.*
The proposal will not work, therefore there can be no evidenced benefit.

Permit Conditions

Condition 2. It is not practical to apply and maintain a paint finish to a stainless steel mesh fence in this location.

Condition 5. The Department has no effective way to ensure the applicant Birds on the Edge (BOTE) abides by the Landscape and Ecological Management Plan.

Condition 6. The Department has no effective way to ensure the applicant (BOTE) abides by the Gate Management and Agreement Plan. Also there is no mention of access for members of the Public, contrary to the Supporting Document Design Statement p. 10 which states:

members of the public that wish so, can access the site via these pedestrian gates.

Planning Obligation Agreement (POA) dated 23rd October 2025

At the Planning Committee Meeting May 8th 2025 the Committee requested that a POA be entered into to ensure the ongoing maintenance of the fence and the eventual decommissioning. The intention of the Committee was that the applicant, BOTE, was to be party to this agreement which was to be a legally binding way of ensuring adherence to a Fence Maintenance and Decommissioning Strategy. However the POA as agreed, signed, and submitted to the Public Registry at the Greffe is not between the Chief Officer for the Environment and the Applicant, BOTE, but is between the Chief Officer and the Public of the Island, represented by Jersey Property Holdings on behalf of the Government of Jersey. This puts an approx. £6million cost onto the public purse, which is not what was discussed or agreed at the Planning Committee meeting.

Together with the environmental harms we now have a serious community harm with this very large bill for maintenance and removal of the fence with full environmental restoration of this 907m x 4m scar on the landscape.

My hope is that the permit will be summarily recommended for refusal by the Inspector.

K. Journeaux