

Outer Dowsing Offshore Wind

The Electricity Act 1989 (As amended)

Schedule 9 Statement – Preserving Natural Amenity

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1 Introduction

1.1 Schedule 9 (The Electricity Act 1989)

- 1.1.1 Schedule 9 of the Electricity Act 1989 (as amended) (the Act)ⁱ requires those who undertake statutory duties under the Act, and have the benefit of certain statutory powers, to carry out these duties in a way that avoids unnecessary impacts and preserves the natural environment.
- 1.1.2 *“Schedule 9 of the Electricity Act (as amended) (the Act) requires that when the holder of a generation licence under section 6 of the Act is formulating relevant proposals (which includes proposals for the construction of a generating station and for the installation of an electric line) they shall:*
- (a) have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*
- (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.”*
- 1.1.3 The licence holder is also obliged, within twelve months from the grant of his licence, to prepare and from time to time modify, a statement setting out the manner in which he proposes to perform his duties as set out above, including, in particular, the consultation procedures which he intends to follow.
- 1.1.4 GT RT Limited (trading as Outer Dowsing Offshore Wind Farm (ODOW)) holds an Electricity Generation Licence under the Act¹. ODOW is developing the Outer Dowsing Offshore Wind Project (hereafter referred to as ‘the Project’) in accordance with the relevant Schedule 9 requirements and is implementing the Project in accordance with the relevant Schedule 9 requirements.
- 1.1.5 This statement has been prepared to set out how ODOW will fulfil its obligations under the Act. Required Consultees were consulted on the preparation of this statement (including having been provided with a draft of this statement and asked for comment) before finalisation and submission to the energy regulator the Office of Gas and Electricity Markets (OFGEM).

1.2 Project Background

- 1.2.1 The Offshore Wind Leasing Round 4 was a tender process run by The Crown Estate (TCE) to make new areas of the seabed available for offshore wind development. It aimed to identify at least 7 GW of new offshore wind Projects to be developed in UK waters, with the potential to deliver electricity for more than six million homes.
- 1.2.2 The Offshore Wind Leasing Round 4 tender process concluded in February 2021, selecting six proposed new offshore wind Projects in the waters around England and Wales.

¹ [GT R4 Limited - Notice of grant of an electricity generation licence | Ofgem](#) (22nd June 2022)

- 1.2.3 Green Investment Group and TotalEnergies were successful in their bid for the Project site located in the Eastern Regions zone. GT R4 Ltd is the project company set up and jointly owned by those parties in order to develop the Project and is the entity which has entered into an Agreement for Lease with TCE.
- 1.2.4 TCE's leasing round was subject to an environmental assessment known as a Plan-Level Habitats Regulations Assessment (HRA). The Plan-Level HRA process was conducted by TCE as the competent authority. The process assessed the potential impacts of all of the Round 4 projects on the UK's national site network (formerly Natura 2000 sites) covering its most valuable species and habitats, and TCE issued their conclusions to the Secretary of State for Business, Energy and Industrial Strategy (BEIS) in April 2022. In July 2022 the Secretary of State for BEIS provided agreement that TCE could proceed with the plan and commence the process of entering into an Agreement for Lease (AfL) with the project companies.

1.3 Project Overview

- 1.3.1 The Project will include:
- An offshore wind farm,
 - A marine export cable corridor,
 - An offshore substation (OSS),
 - A landfall location,
 - An onshore export cable, and
 - An Onshore Substation (OnSS).

2 Implementation of Schedule 9

2.1 Schedule 9 Requirements

- 2.1.1 As set out above, Schedule 9 of the Electricity Act 1989 (as amended) imposes specific obligations on licence holders in respect of the preservation of amenity.
- 2.1.2 In the context of Schedule 9 of the Act, ‘relevant proposals’ for ODOW are:
- The construction of the offshore wind farm generation assets.
 - The construction of the offshore and onshore transmission assets.
 - The operation of the offshore wind farm and its decommissioning at the end of its operational life. (The Transmission Assets will be operated by the Offshore Transmission Operator (OFTO) and therefore the operational phase of these assets is not included).

2.2 Environmental Impact Assessment

- 2.2.1 Assessing and minimising impacts upon the environment is a key objective of the process of Environmental Impact Assessment (EIA) and the statutory consent system that secures environmental mitigation and enhancement, through regulatory requirements.
- 2.2.2 The Project is a Nationally Significant Infrastructure Project (NSIP) as defined under Section 15 (Generating Stations) of the Planning Act 2008, requiring the Project to be authorised by a Development Consent Order. EIA is mandatory for this type of development under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations).
- 2.2.3 The Project EIA involves baseline studies and an assessment of potential environmental impacts and effects. Measures to avoid or minimise impacts can be ‘embedded’ in the Project both through the design and further mitigation can be achieved through the management of the construction process. Additional mitigation, where required, can also be applied to the Project to reduce the levels of significance of effect.
- 2.2.4 Consultation, with the public, interested parties and statutory consultees is a key part of the Development Consent Order pre-application process.
- 2.2.5 Statutory consultees for nature and amenity conservation are involved throughout the EIA process, including commenting on the scoping of studies, consultation on the evidence plan and commenting on the Preliminary Environmental Information Report (PEIR). Once the application is submitted to the Planning Inspectorate, the statutory consultees will be required to comment upon the application and accompanying Environmental Statement summarising the EIA. Any further mitigation found by the Secretary of State to be required can be secured via the DCO.

2.2.6 The DCO authorising the Project will include 'requirements' relating to the submission for approval of provision of environmental management plans through which the implementation of agreed construction mitigation measures will be secured. For offshore works, deemed Marine Licences, granted with the DCO will likely require, via conditions attached to the deemed Marine Licences, relevant plans to be submitted detailing the management of activities offshore to mitigate significant adverse effects identified through the EIA process.

2.3 Minimising the impact upon amenity

2.3.1 ODOW is committed to minimising the impact of its relevant activities through the following stages of the Project and related works.

2.3.2 **Pre-assessment:** ODOW has carried out surveys and is gathering the necessary environmental information to properly understand the potential environmental impacts and effects of its works.

2.3.3 **Option assessment, selection & design:** ODOW has and will continue to place high importance on preserving environmental amenity when comparing alternatives, selecting the preferred options and designing the Project. It may be possible to avoid an impact all together through option selection. Where this is not possible, the objective is to minimise the impact so far as reasonably practicable partly through option selection and partly through mitigation measures.

2.3.4 **EIA and consultation:** ODOW will consult with the statutory consultees, local authorities, and other interested parties, as well as the public, during the EIA process and agree reinstatement and mitigation measures to be incorporated where appropriate. All consultation undertaken will form the basis of the consultation report submitted with the DCO application.

2.3.5 The pre-application consultation required in advance of submitting a DCO application is defined by legislation and includes the following stages:

Pre-application

- **Scoping report:** Statutory consultees consulted by the Planning Inspectorate and comments provided in a Scoping Opinion
- **Public consultation:** Public consultation events, where local communities can learn about the Project proposals and provide feedback.
- **Interested parties' consultation:** Identification of parties with an interest in the development and consultation on the Project proposals.
- **Preliminary Environmental Information Report (PEIR):** Consultation on the draft of the environmental statement, in order that views from statutory consultees, interested parties and the public can be taken and addressed before the Application is finalised.

2.3.6

Post-application

- Once the application has been submitted, it will be advertised and comments sought from statutory consultees, interested parties and the public, before a series of topic hearings are held during a public examination of the application by the Planning Inspectorate to discuss issues raised in consultation responses, if these have not already been resolved.

2.3.7 **Project implementation:** ODOW, with its contractors, will develop environmental management plans to manage the work in a way that seeks to avoid unplanned impacts, implements the agreed mitigation measures, and provides protection to the environment during the works. The contractors will be required to implement an environmental management system including staff training, monitoring of activities, and reporting to ensure that the agreed practices are fully implemented. These plans will be submitted to the relevant approval body (i.e the MMO for certain offshore plans and the Local Planning Authority for certain onshore plans), who will consult with relevant consultees prior to making the approval.

2.3.8 **Operations and Maintenance:** ODOW will develop management plans for the O&M phase which will relate to the way that it operates, carries out routine maintenance and non-routine repairs. The O&M phase plans will be submitted to the MMO (offshore) or Local Planning Authority (onshore) for approval.

2.3.9 The system outlined above will ensure that the measures identified in the EIA process to avoid, minimise or mitigate impacts are embedded into the Project and secured through the regulatory consents system.

2.4 Compliance with this statement

2.4.1 ODOW is committed to compliance with this statement. The principle of seeking to avoid significant adverse impacts where reasonably practical and aiming to preserve natural amenity is at the heart of this green energy development.

2.4.2 It will be implemented through the EIA process and the DCO requirements and deemed marine licence conditions, which will be incorporated into management plans for the Project construction and O&M phases and continue through the lifetime of the Project.

2.5 Monitoring & Review

2.5.1 It is proposed that the environmental or consents manager for the relevant Project phase makes an annual report to the relevant senior manager for that phase. The report will examine and measure the effectiveness of the implementation of the statement.

2.5.2 Review of the statement will initially be carried out to reflect the changing phase of the Project. Thereafter it will be carried out every five years unless any significant change occurs than requires the statement to be updated at an earlier date.

1 st Review	Transition to construction phase
2 nd Review	Transition to O&M phase
Further reviews	5-year intervals

2.5.3 The review will consider whether the commitments of the statement are relevant to the stage of the Project and whether any other factors should be reflected by updating the statement.

ⁱ Electricity Act Schedule 9 – Legislation.gov.uk

<https://www.legislation.gov.uk/ukpga/1989/29/schedule/9>