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Your Ref:

Mulbarton Parish Council

Our Ref:

EN010109

Date:

21 December 2022

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Dear Sir/ Madam

## **Planning Act 2008 (PA2008) – Section (s) 56, 58 and 89(3)**

### **Application by Equinor New Energy Limited for an Order Granting Development Consent for the Sheringham Shoal Offshore Wind Farm Extension Project and Dudgeon Offshore Wind Farm Extension Project**

#### **Notifying parties of the Application, invitation to the Preliminary Meeting and right to participate in the Examination**

##### **1. The Application**

On 5 September 2022 the Planning Inspectorate, on behalf of the Secretary of State, received an application from Equinor New Energy Limited for an Order Granting Development Consent for the Sheringham Shoal Offshore Wind Farm Extension Project (SEP) and Dudgeon Offshore Wind Farm Extension Project (DEP) in accordance with the PA2008.

The application was accepted for Examination on 3 October 2022. The application is for development consent to construct and operate two offshore wind farm generating stations, SEP and DEP, both located off the coast of Norfolk. SEP is the proposed extension to the operational Sheringham Shoal Offshore Wind Farm and will comprise up to 23 wind turbine generators, together with the associated onshore and offshore infrastructure. The offshore export cable corridor from SEP to landfall will be approximately 40km in length and the onshore cable corridor will be approximately 60km in length. DEP is the proposed extension to the operational Dudgeon Offshore Wind Farm and will comprise up to 30 wind turbine generators, together with the associated onshore and offshore infrastructure. The offshore export cable corridor from DEP to landfall will be approximately 62km in length and the onshore cable corridor will be approximately 60km in length.



## 2. The Examining Authority

I, Menaka Sahai, have been appointed by the Secretary of State for Housing, Communities and Local Government as the lead member of the Examining Authority (ExA), along with other members of the ExA: Rod MacArthur, Jonathan Manning, Steven Rennie and David Wallis to carry out an Examination of the above application. A copy of the appointment notice issued under Rule 4 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR), issued on 8 December 2022, can be viewed under the Documents tab on the [project webpage of the National Infrastructure Planning website \(project webpage\)](#).

## 3. The Applicant's duty under s56 and s58 of the PA2008

Following acceptance of an application for examination, an Applicant is required to notify certain persons of the application and make them aware of the opportunity to submit relevant representations, under s56 of the PA2008. An Applicant is then required to provide a certificate to the Secretary of State, confirming this notification has been completed as required under s58 of the PA2008.

A relevant representation is made on a form, which includes a person's contact details, a summary of what that person agrees and/or disagrees with about the application, what they consider the main issues and their impact to be, whether they have an interest in any affected land and whether they intend to make oral representations at hearings that may be held. Making a relevant representation entitles a person to become an interested party and be involved in the examination process.

In this case, the Applicant submitted its certificate under s58 of the PA2008 to the Secretary of State confirming that it had complied with the notification requirements on 15 November 2022. However, the Applicant has subsequently informed me that while it sent the requisite notification under s56 of PA2008 to you, the Applicant believes that **you may not have received the s56 notification due to an error in the e-mail address held for you.**

## 4. ExA's procedural decision to treat you as if you were an Interested Party

Because you did not receive the s56 notification from the Applicant, it is possible that **you may not have been aware that the application had been made or accepted.** Furthermore, **you may not have been aware of your right to make a relevant representation** to the Secretary of State and the time by which to do so.

Having not made a relevant representation, you do not have the status of an interested party in this examination. The statutory definition of an "Interested Party" is a significant one, because interested parties are given important entitlements before, during and after the examination process. These include the right to be invited to a preliminary meeting; the right to require, and be heard at, an open-floor hearing; the right to be heard at an issue-specific hearing, if one is held; the right to be notified of when the ExA has completed its Examination; and the right to be notified of the reasons for the decision. A full definition of Interested Parties is set out under s102 of the PA2008. For more information please see the [Planning Inspectorate's FAQ document 'What is my status in the Examination?'](#).



Subsequently, the ExA has issued a [letter in line with Rule 6 of the EPR](#) to all Statutory Parties, Interested Parties and Other Persons, on 13 December 2022. It is our understanding that you have been sent the Rule 6 letter and on that basis I am confirming that you are invited to the Preliminary Meeting scheduled for Tuesday 17 January 2023, in line with the information and subject to the requirements set out in the Rule 6 letter and its annexes.

However, I want to make sure that you, as a party entitled to participate in the Examination are given all the opportunity to do so. In consideration of the specific circumstances that have led to you not receiving the s56 notification, the ExA has decided that it would be appropriate to treat Mulbarton Parish Council as if it were an Interested Party and afford you all the rights of an interested party. This will ensure that they receive all correspondence regarding Examination.

I am aware that in making this decision, you will still not have the opportunity to submit a relevant representation under Rule 3 of the EPR. The ExA would like to provide you with the opportunity to send a **statement of representation** to the Planning Inspectorate, to be received by **Monday 16 January 2022**. A statement of representation is a non-statutory document. If you submit a statement of representation, the ExA will consider it and take it into account throughout the Examination, as though it had been made as a relevant representation. Unlike making a relevant representation which entitles a person to become an interested party and be involved in the examination process, making a statement of representation at this stage will not make you an Interested Party as defined by the PA2008. However, the ExA has already exercised discretion and decided to treat you as if you were an interested party and be involved in the Examination process.

The Applicant will have the opportunity to respond to your statement of representation (should you choose to submit one) by **Monday 20 February 2023**, which is Deadline 1 in the draft Examination timetable set out at **Annex D** of the Rule 6 letter.

Furthermore, should you decide not to submit a statement of representation, you still have the opportunity and adequate notice to submit a written representation under Rule 10 of the EPR, which is due by **Monday 20 February 2023**, which is Deadline 1 in the draft Examination timetable set out at **Annex D** of the Rule 6 letter.

To assist you in considering whether to make a statement of representation, **Annex G – Availability of Examination Documents**, to the Rule 6 letter advises where the deposit locations of the application documents. If you decide to make a statement of representation, **Annex A** to this letter provides advice on the information that you may wish to include, on the form it might take and on where it should be sent.

If you have no issues to raise and do not wish to participate in the Examination of this application, you need take no further action.



## 5. Management of information

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided, is published on the [project page](#) for this proposed development. All Examination documents can also be viewed the [project page](#) for this proposed development.

Please note that in the interest of facilitating an effective and fair examination, the Planning Inspectorate consider it necessary to publish some personal information. Before sending information to the Planning Inspectorate and to find out how we handle your personal information, please view our [Privacy Notice](#).

If you have any questions arising from this correspondence, please contact our helpline or the email address at the head of this letter.

Yours faithfully

*Menaka Sahai*

**Lead Member of the Examining Authority**

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.



## **Annex A**

### **Advice about making a statement of representation**

A statement of representation is a non-statutory document. The Examining Authority has agreed to consider such a statement of representation from you before making arrangements for the preliminary meeting, because a notification error by the applicant may have affected your right to make a statutory relevant representation and/ or register as an interested party.

By providing you with the opportunity to make a statement of representation and/ or make a request to become an Interested Party under Section 102A(1) of the Planning Act 2008, the Examining Authority aims to place you into a position equivalent to the one you would have been in if the applicant had given proper notice to you.

You do not have to make a statement of representation or request to become an Interested Party. You should only do so if you wish to but were not afforded to do so by virtue of the Applicant's error. You should not make a statement of representation if you have already made a Relevant Representation and/ or registered as an Interested Party with the Planning Inspectorate.

### **Information you should include in a statement of representation:**

#### **Contact details**

- The name, address, email and telephone number of the person making the statement of representation.
- Whether the person making the statement of representation is doing so on their own behalf, for an organisation that employs them or as an agent.
- If necessary:
  - (i) The name, address, email and telephone number of any contact person and the organisation that they represent.
  - (ii) The name, address, email and telephone number of any agent.
- A statement identifying which of these addresses should be used for the purpose of notifying the person of any matter.
- Where possible, agreement to use email for all communication.

#### **Land details**

- Whether or not the person making the statement of representation has an interest in any land which will be affected by the application, and, if so, the nature of that interest.

#### **Outline statement of issues**

- An outline of the principal submissions that the person proposes to make in respect of the application.
- An indication of what they agree with and disagree with about the application and any impacts they think it might have.
- Please do not include material that the Secretary of State as decision-maker may disregard, such as submissions that are vexatious or frivolous, that relate to compensation for Compulsory Acquisition or relate to the merits of policy in a designated National Policy Statement.

## **Annex A**

- If the Planning Inspectorate receives a statement of representation from you by **Monday 16 January 2023** or if you are otherwise an Interested Party under section 102 PA2008 the Examining Authority will provide an opportunity to make a Written Representation in due course – so the statement of issues only needs to be brief. 500 words is a guide.

### **Participation details**

- A statement as to whether or not the person making the statement of representation wishes to make oral representations in due course:
  - (i) at any Issue-Specific Hearing which might be held;
  - (ii) at an Open-Floor Hearing; or
  - (iii) if they are an Affected Person<sup>1</sup>, at a Compulsory Acquisition Hearing;as the case may be.

### **Format in which to submit a statement of representation**

The preferred method of submission is by email.

If you intend to submit a statement and/ or register as an Interested Party by email, please attach it as a word .doc or .pdf document. Your email should be titled 'statement of representation' and sent to:  
[sadep@planninginspectorate.gov.uk](mailto:sadep@planninginspectorate.gov.uk).

If you intend to submit a statement of representation and/ or register as an Interested Party by post, please ensure that the correspondence is titled 'statement of representation', marked for the attention of the Case Team, Sheringham and Dudgeon Extension Project and sent to The Planning Inspectorate, at the address set out above.

### **Management of information**

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided, is published on the [project page](#) of the National Infrastructure Planning website for this proposed development.

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