

Date: 04 January 2023
Our ref: Case Ref: 13015 Consultation Ref: 415972
Your ref: EN010109: Rule 6 Letter



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire
CW1 6GJ

VIA WEBSITE ONLY

T 0300 060 3900

Dear Menaka Sahai

Application by Equinor New Energy Limited for an Order Granting Development Consent for the Sheringham Shoal Offshore Windfarm Extension Project and Dudgeon Offshore Wind Farm Extension Project – Rule 6 Letter

Thank you for your consultation dated 13 December 2022. The following constitutes Natural England's formal statutory response to the Rule 6 Letter. Natural England is an Interested Party within the examination of the Sheringham Shoal Offshore Windfarm Extension Project (hereafter referred to as SEP) and Dudgeon Offshore Wind Farm Extension Project (hereafter referred to as DEP).

Please accept this letter as Natural England's comments in relation to contents of the Rule 6 letter and an explanation of how Natural England proposes to provide our statutory advice to the Examining Authority (ExA) during the examination phase of the project.

1. Attendance at Preliminary Hearing

Thank you for the invitation to the Preliminary Hearing on the 17 January 2023. Natural England can confirm we will not attend. We hope this letter will suffice in providing our input into the Hearings.

2. Onshore Site Inspections

Natural England does not plan to attend any site inspections. However, it should be noted that assent from Natural England will be needed for any site inspections within Sites of Special Scientific interest (SSSI) which involve crossing areas not a public right of way.

3. Issue Specific Hearings (ISH)

Because issues have not significantly progressed since the submission of our detailed combined Relevant Representation and Written Representation, we will have no new information to discuss and propose not to attend ISH1 on 18 January 2023 or ISH2 on 20 January 2023. Furthermore we note that time during these hearings is limited and therefore there would be minimal time for discussion or resolution of outstanding issues.

With regard to ISH3, 4, 5 and 6 Natural England suggests that matters relating to Offshore Matters (including Compensation/Measures of Equivalent Environmental Benefit), Offshore DCO, and the DML are grouped together to avoid gaps in timetabling from the w/c 20 and w/c 27 March 2023. Natural England's attendance at any ISH will be based on remaining outstanding issues, wider resource requirements and ensuring best value. However, Natural England will continue to engage with the Applicant throughout the examination to ensure issues are progressed and wherever possible resolved.

Our non-attendance at hearings should not be construed as a lack of concern on outstanding issues, or a lack of willingness to engage. We are committed to proactively engaging with parties on this project and to gaining the best possible outcome.

Natural England notes that an agenda will be provided by the Planning inspectorate at least 5 working days before the date of all ISHs. Based on our experience from other NSIPs it would be helpful to Natural England and our specialists if the ISH agendas could be focused on specific questions from the ExA. This will enable us to discuss the issues with the Applicants or other relevant attending stakeholders to ensure that they are aware of our current position and are fully able to provide the ExA with a response.

5. Statement of Common Ground (SoCG)

Natural England notes the request for the provision of a SoCG by Deadline 1, 20 February 2023, and will be actively engaging with the Applicant to achieve this, with four separate SoCG (offshore ornithology, compensation, onshore matters and all other areas). Natural England notes the request for a final SoCG at Deadline 7.

Natural England has also developed our own Risk and Issues log to sit beside the Applicant led SoCG. The updated Risk and Issues log will be provided at all Deadlines, 1-7. This will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution. This issues log is owned by Natural England and reflects our position only.

6. Examiners Questions

Unless there is a specific question posed by the ExA on other interested parties Relevant or Written Representations Natural England will not provide comment on these Representations.

7. Response to Deadlines

Throughout the examination it is expected that many documents will be submitted and published on the PINS website. Natural England will check all documents; however, we will only conduct detailed review and provide feedback on documents deemed relevant to our statutory function and the issues we have raised. We will advise the ExA in writing at each Deadline of which documents we have reviewed. If there is a document Natural England has not reviewed that the ExA wishes to have our opinion on then please inform us as soon as possible and we will endeavour to review ahead of the next Deadline or advise which Deadline comments could be expected. Any documents not listed within our Deadline responses should be assumed to have not undergone detailed review by Natural England.

8. Draft Examination Timetable

- i) Publication by the Examining Authority of: The Report on Implications for European Sites (RIES) and any associated questions (if required) on Friday 16 June 2023. Please note that Natural England will struggle to respond to the RIES if the Issue Specific Hearings (w/c 19 June 2023) go ahead and Natural England's attendance is required, due to insufficient time to respond.
- ii) Deadlines: Natural England notes that submissions are to be made on the [Make a Submission](#) tab of the National Infrastructure Planning website (project web page). Natural England's Submission Reference Number for the Sheringham and Dudgeon Extension Projects is 20033349.

9. Introduction of new Deadlines

During previous examinations ExAs have allowed documents to be submitted between Deadlines, effectively introducing additional Deadlines, for example, Thanet OWF and Vanguard OWF had several half deadlines. Half deadlines are not helpful as we are duty bound to review documents submitted at Deadlines, which could create duplication of effort reviewing out of date documents and confuses the process within short Deadlines. Should there be documents submitted between Deadlines, we suggest these are issued at the next appropriate Deadline, and we will respond at the following Deadline, or if time does not allow the subsequent Deadline.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely

Helen Mann
Marine Senior Adviser – Norfolk and Suffolk Area Team
[REDACTED]@naturalengland.org.uk