



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Cover Letter - Non-Material Change

Revision A

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Our reference: C282-RH-Z-GA-00199
Your reference: EN010109
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To whom it may concern,

Planning Inspectorate reference: EN010109

Application by Equinor New Energy Limited (“the Applicant”) for a Development Consent Order (“DCO”) for the Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects (“the Application”)

Non-Material Change Application

The Applicant refers to its letter to the Planning Inspectorate dated 13 January 2023 [AS-036], which notified the Examining Authority of the Applicant’s intention to make a request for non-material changes to the Application. The non-material changes outlined in that letter are:

1. Confirmation of the surface water drainage solution at the onshore substation; and
2. The removal of an additional area of hedgerow close to the main construction compound to aid visibility.

The letter also referred to the potential for a material change request to extend the Order Limits immediately south of the A47 where the cable corridor passes through the proposed Food Enterprise Park. The Applicant continues to engage with the Food Enterprise Park developers and still anticipates the need for such a change request, which it intends to make at or prior to Deadline 3. This request therefore only relates to the non-material changes.

The Applicant makes the following non-material change requests:

1. Confirmation of the surface water drainage solution at the onshore substation

Within the DCO Application the Applicant presented two options for the discharge of surface water from the onshore substation, comprising either a connection to the Anglian Water foul sewer to the south of the onshore substation site or the use of infiltration adjacent to the onshore substation platform and at the most shallow level possible.

The Applicant has undertaken further surveys and monitoring in this area which have confirmed that

infiltration directly into the shallow granular zone can be adopted. As such, it is proposed that a shallow infiltration solution will be taken forward as the sole surface water drainage approach at the onshore substation.

This update in position has been communicated to Norfolk County Council (NCC), in their role as the Lead Local Flood Authority, in a meeting on 6 December 2022, and discussions with the Council have been ongoing throughout the process of narrowing the drainage options.

The updated approach ensures that the surface water drainage solution at the Onshore Substation is in accordance with the SuDS Drainage Hierarchy, whereby the most sustainable SuDS solution as high up the SuDS Drainage Hierarchy as possible has been selected.

The change involves the removal of Work No 21A/B from the **draft DCO (Revision D)** [document reference 3.1] and associated changes to other documents to reflect the removal of that Work No.

The following documents have been amended to incorporate this change and are submitted at Deadline 2:

- **Works Plans (Onshore) (Revision C)** [document reference 2.6];
- **Land Plans (Revision C)** [document reference 2.3];
- **Public Rights of Way (to be temporarily stopped up) Plan (Revision C)** [document reference 2.11];
- **Draft DCO (Revision D)** [document reference 3.1];
- **Explanatory Memorandum (Revision D)** [document reference 3.2];
- **Book of Reference (Revision C)** [document reference 4.1];
- **Statement of Reasons (Revision B)** [document reference 4.3];
- **Environmental Statement Appendix 18.2 - Annex 18.2.1 - Onshore Substation Drainage Study (Revision B)** [document reference 6.3.18.2.1];
- **Outline Operational Drainage Strategy (Revision B)** [document reference 9.20];
- **Environmental Statement Chapter 19 - Land Use, Agriculture and Recreation (Revision B)** [document reference 6.1.19]; and
- **Environmental Statement Chapter 19 Figures - Land Use, Agriculture and Recreation (Revision B)** [document reference 6.2.19].

The following new documents have also been produced and are submitted at Deadline 2 to support the non-material change request:

- **Onshore Substation Hydraulic Modelling Report** [document reference 14.34].
- 2. The removal of an additional area of hedgerow close to the main construction compound to aid visibility**

Hedgerow (H0103) is located to the south west of the proposed access (ACC33) to the main construction compound for SEP and DEP at the junction of the A1067 and Old Fakenham Road (the location of access ACC33 is detailed on **Figure 24.6 of the Environmental Statement** [APP-134]). During stakeholder engagement with NCC, NCC identified that it had concerns with the existing forward visibility of oncoming traffic at this junction (noting the proposed intensification of traffic associated with SEP and/or DEP traffic travelling to the proposed main compound). It was subsequently agreed that visibility would need to be improved at this location by either coppicing or removing the relevant hedgerow.

The hedgerow is within the existing Order Limits but was previously unaffected. The change involves an amendment to the **draft DCO (Revision D)** [document reference 3.1] to add the hedgerow to the list of affected hedgerows at Schedule 16 and also an update to the **Tree Preservation Order and Hedgerow Plan (Revision B)** [document reference 2.12].

The following documents have been amended to incorporate this change and are submitted at Deadline 2:

- **Tree Preservation Order and Hedgerow Plan (Revision B)** [document reference 2.12];
- **Draft DCO (Revision D)** [document reference 3.1]; and
- **Environmental Statement Chapter 20 - Onshore Ecology and Ornithology (Revision B)** [document reference 6.1.20].

Where updated documents have been submitted, the Applicant has also submitted tracked change versions of these (not applicable to any of the plans). These are all listed in the updated **Guide to the Application (Revision D)** [document reference 1.3] submitted at Deadline 2.

The Applicant is aware that a number of other plans (which will be certified under Article 38 of the **draft DCO (Revision D)** [document reference 3.1]) will also need to be amended to reflect the removal of Work No 21A/B (related to the Anglian Water foul sewer connection). The Applicant intends to update the remainder of those plans if the non-material change request is accepted and will submit them either with the anticipated material change request or at the next available deadline (whichever is sooner).

Environmental impacts of proposed changes

In terms of determining the materiality of the changes, there is no legal definition of “material”, nor is there guidance on what constitutes a non-material or material change in the context of changes made during examination. However, PINS Advice Note 16 does provide examples of the considerations that should be taken into account when determining materiality, namely:

- whether the change would generate a new or different likely significant environmental effect(s); and
- whether (and if so the extent to which) a change request involves an extension to the Order land, particularly where this would require additional Compulsory Acquisition powers e.g. for new plots of land and/ or interests.

The proposed changes would not result in any changes to the overall assessment and conclusions of likely significant effects presented within the Environmental Statement (ES) submitted with the DCO Application.

No additional land is required to be added to the Order Limits as a result of either of the proposed changes. The first change requires the removal of some land from the Order Limits and the second change can be accommodated within the existing Order Limits.

In relation to **ES Chapter 18 Water Resources and Flood Risk** [APP-104], the removal of the Anglian Water foul sewer connection only applies to the onshore substation drainage aspects and its removal from the DCO will not result in any new or materially different effects to the conclusions set out in the chapter; the preferred solution of shallow infiltration is assessed in the ES. In addition, its removal from the DCO Application does not affect how foul water from construction welfare facilities is managed. The ES states that foul water will be either discharged into the nearest mains sewer or collected for off-site treatment and disposal. This statement will not change as a result of the Anglian Water foul sewer connection being removed and so again, the removal

of it will not result in any new or materially different effects to the conclusions set out in **ES Chapter 18 Water Resources and Flood Risk**.

With respect to **ES Chapter 20 Onshore Ecology and Ornithology** (submitted at Deadline 2 as Revision B [document reference 6.1.20]), the removal of hedgerow H0103 at Attlebridge will not result in any new or materially different effects to the conclusions set out in the chapter. Hedgerows are assessed as a collective habitat and the proposed mitigation in this location (replacement) would also not change. The length of hedgerow H0103 at Attlebridge which will be crossed using HDD has been reduced to allow for the removal of 73m of hedgerow to facilitate the improved visibility splay. There is potential for this hedgerow to be cut back/coppiced; however, as a worst-case, removal of 73m is assumed.

The non-material change removes hedgerow H0009c and 90m from the total length of hedgerows crossed by the Order Limits (as a result of the removal of Work No 21A/B); thereby there is an overall reduction to the number of hedgerows crossed by one (Paragraph 254). Both of these changes have been reflected in the updated **Tree Preservation Order and Hedgerow Plans (Revision B)** [document reference 2.12].

Schedule 16 Hedgerows of the **draft DCO (Revision D)** [document reference 3.1] has been updated where relevant, and also rectifies previous inconsistencies between the Schedule and the **Tree Preservation Order and Hedgerow Plans** [APP-017].

As a result of the changes to the Order Limits to remove the Anglian Water foul sewer connection, **ES Chapter 19 Land Use, Agriculture and Recreation (Revision B)** [document reference 6.1.19] and Figure 19.7 PRoW, Paths and Cycle Routes of **ES Chapter 19 Figures - Land Use, Agriculture and Recreation (Revision B)** [document reference 6.2.19] have been updated to reflect the Public Rights of Way (PRoW) which are located within the Order Limits. The number of PRoW which are intersected by the Order Limits and presented in Table 19-14 of the chapter has reduced. This reduction does not result in a change to the overall assessment and conclusion of likely significant effects presented in the chapter.

Materiality of changes

As set out above, no further environmental information is required in order to assess the proposed changes as there are no new or materially different environmental effects as a result of either of the changes.

In addition, because no additional land is required to accommodate either of the changes, the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not triggered, because no new compulsory acquisition powers are sought.

The changes proposed are minor in nature, in the case of the proposed additional hedgerow removal, which is contained within the redline boundary for the scheme, or involve the removal of works or land from the Order Limits (in the case of the Anglian Water foul sewer connection). The changes also have support from key stakeholders and have been discussed and agreed with those stakeholders in advance of this request.

It is therefore considered that the changes requested are non-material in nature and we would ask that the Examining Authority accepts these changes into the examination.

Yours faithfully,

Sarah Chandler
Development & Consents Manager, SEP&DEP
Equinor