

Date: 21 March 2023  
Our ref: Case 13015  
Your ref: EN010109



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**BY EMAIL ONLY**

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Dear Sir/Madam

**Consultation: Sheringham and Dudgeon Extension Project: Attendance at ISH4, ISH5 and ISH6**

Thank you for contacting Natural England via e-mail dated 17 March 2023 in relation to the above. Natural England is writing to confirm to the Planning Inspectorate (PINS) and Examining Authority (ExA) that we will not be attending the Issue Specific Hearings (ISH) 4, 5 and 6 to be held 23 March, 30 March and 31 March 2023.

A large volume of documents relating to important outstanding issues have been submitted by the Applicant at Deadlines 1 and 2. This information includes material which is intended to address some of the fundamental concerns raised by Natural England. While we were able to respond to several documents at Deadline 2, given the short timescale following Deadline 1, several documents remain under review along with the Deadline 2 submissions. Were we to attend the hearings, our ability to review and provide written comments on these documents at Deadline 3 would be severely constrained, not only through time attending the hearings, but also through hearing preparation and post-hearing actions over the school holiday period. We recognise that this will be disappointing, but we consider the priority for these cases is to review these submissions and provide authoritative Deadline 3 responses, in order give the best possible chance of the key issues being resolved within the Examination timescales.

As advised in our e-mail to the Examining Authority dated 22 February 2023, Natural England considers that, based on current communications with the Applicant, progress is being made to address our concerns where that is possible. Progression at Deadline 2 on closing out a number of outstanding issues is at an early stage however, with more work needed from the Applicant, and it is likely that detailed discussion of these issues has reduced value at this stage, given further material is required. If the Applicant is providing updates into the ISH, Natural England will not have had sight of them before this point and therefore would need to take that information away and review once submitted into Examination through the written process. This gives further weight to our decision to prioritise our Deadline 3 responses.

However, we do welcome the detailed agendas that have been provided. They are helpful in understanding where the Examining Authority (ExA) require further nature conservation advice and they will, for this set of hearings, enable us to provide additional submissions to the ExA in the form of a brief on Natural England position on each of the agenda items which will hopefully help to facilitate the ISH. The brief on the landscape/seascape issues is enclosed in Annex 1 and we will provide a brief in relation to offshore environmental matters for ISH5 and ISH6 by the end of this week.

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

Yours faithfully

Helen Mann  
Norfolk and Suffolk Area Team  
[REDACTED]@naturalengland.org.uk

## Annex 1: ISH4 on Development Scenarios, Landscape and Seascape

Please note, the RAG status provided relates specifically to the advice provided under “Natural England Comments” and are not an over-arching position applicable to other issues that may be discussed under the respective agenda headings.

### Summary

- Natural England’s advice in relation to the different development scenarios remains unchanged from our relevant/written representation [RR-063].
- For Agenda Item 7 ‘Landscape’ we defer to the Norfolk Coast AONB and the Local Planning Authorities who are best placed to address these items due to local knowledge and remit.
- Natural England’s advice on ‘Seascape’ remains unchanged from our relevant/written representation [RR-063]. Please note that this position is unlikely to change during examination in relation to the potential harm to the special qualities of the NCAONB and its statutory purpose, resulting from the proposed development.

For Agenda Item 9 ‘Design’ we defer to the Norfolk Coast AONB and the Local Planning Authorities who are best placed to address these items due to local knowledge and remit.

Agenda item	Natural England’s Position	RAG
<b>3. Development Scenarios and Alternatives</b>		
3i	<i>The need for the flexibility afforded to the Applicant in the selecting Development Scenario and communicating with parties about it; the possibility, implications, benefits and risks of introducing and securing a cut off point of selecting a development Scenario as a point of no return.</i>	
3ii	<i>Comparing the absolute worse case scenario in the current application, to the two proposals (SEP and DEP) coming forward separately for Examination, which would be worser.</i>	
3iii	<i>Further explanation of all the possible delivery timescales that could be, under all scenarios and as firmly secured through the dDCO.</i>	
As advised in our relevant representation [RR-063] Natural England continues to advise that simultaneous installation of the cable infrastructure for both the SEP and DEP projects when the first of the two proceeds will significantly lessen any ecological impacts (both offshore and onshore) where the route and/or infrastructure is shared.  If this is not possible, we advise that when the first project proceeds the cable ducts for the second project are installed at the same time to avoid unnecessary direct and indirect impacts for habitats and species. This will significantly reduce the construction time and significantly		

Agenda item		Natural England's Position	RAG
		reduce ecological and visual impacts for these projects. Natural England highlights that any landscape/nature recovery from the first project will likely be undone by the construction of the second project. Therefore, this scenario would enable the commencement of full landscape recovery much sooner than if there was a delay between the two projects.	
3iv	<i>Whether the Environmental Statement suitably assesses the potential for the Proposed Developments to be constructed at the same time but by separate construction crews.</i>	N/A	
<b>7. Landscape</b>			
7i	<i>Whether the evidence provided to date by the Applicant is sufficient to demonstrate that effects on landscape character assessed within the Landscape Visual Impact Assessment are not related to any specific substation layout(s) or the siting of integral elements required for operation</i>	Natural England offers no comment on landscape and visual effects arising from the onshore works of the scheme. Where such effects occur within the NCAONB or the immediate setting of the designated area Natural England advises that close attendance is paid to the comments of the NCAONB Partnership and relevant local authorities.	
7ii	<i>The measures proposed by the Applicant to assess the effects of the substation buildings and structures on the surrounding landscape at detailed design stage.</i>		
7iii	<i>The effectiveness of requirements proposed by the Applicant relating to detailed design of form, massing, building envelope, fencing and screening intended to minimise adverse effects on the surrounding landscape. Discussion to focus on how these requirements should be considered, how they might be secured in the absence of initial design proposals for substation layout(s) and whether the Applicant's approach satisfies the requirements of NPS EN-1 (Part 5.9).</i>		
7iv	<i>The requirement, or otherwise, for dedicated mitigation of visual effects at Attlebridge Main Compound.</i>		
7v	<i>Description of the change proposed for the removal of an additional area of hedgerow close to the main construction compound; and feedback from Local Planning Authority and Local Highway Authority.</i>		

Agenda item	Natural England's Position	RAG	
<b>8. Seascape</b>			
8i	<p><i>Further consideration and explanation of the case for a cumulative impact assessment which examines the existing baseline and its effect on the statutory purpose of the Norfolk Coast Area of Outstanding Natural Beauty.</i></p>	<p>Regulation 14 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 states that the Environmental Statement must “include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment”.</p> <p>Natural England advises that the statutory purpose of the NCAONB is already compromised by the existing Offshore Wind Farms within its seascape setting [RR-063]. Natural England advises that a cumulative impact assessment is required to ensure that the additional impact of SEP and DEP on the statutory purpose of the NCAONB, in the context of the existing Offshore Wind Farms, is known (see section 3 of Appendix H of Natural England's relevant representation [RR-063]).</p> <p>It remains Natural England's view that the additional impact of SEP and DEP on the statutory purpose of the NCAONB cannot be understood in the absence of a cumulative impact assessment.</p>	
8ii	<p><i>The extent of additional harm to the Norfolk Coast Area of Outstanding Natural Beauty which would result from the Proposed Development.</i></p>	<p>Based on the Application SLVIA and supporting documentation Natural England has submitted detailed advice in relation to the landscape, seascape, and visual effects of SEP and DEP on the statutory purpose of the NCAONB and its seascape setting [RR-063]. This advice remains unchanged.</p> <p>Appendix H of Natural England's relevant/written representation [RR-063] provides 9 points which summarise the key areas of disagreement between the</p>	

Agenda item		Natural England's Position	RAG
		<p>Applicant's assessment of "harm" to the NCAONB and Natural England's own assessment.</p> <p>Natural England advises that the statutory purpose of the NCAONB is already compromised by existing Offshore Wind Farms within its seascape setting.</p> <p>We draw the examiners attention to our experience from recent Offshore windfarm NSIP examinations, namely East Anglia ONE North and East Anglia TWO, and highlight that due to professional judgements it is unlikely that agreement between Natural England and the Applicant on the significance of the impacts will be reached during the examination process, thereby we are likely to continue to 'agree to differ' in our views.</p>	
<b>9. Design</b>			
9i	<i>The adequacy and suitability of the Applicant's design response to its Landscape Visual Impact Assessment findings of adverse visual effects arising at the proposed onshore substation site.</i>	Natural England offers no comment on landscape and visual effects arising from the onshore works of the scheme. Where such effects occur within the NCAONB or the immediate setting of the designated area Natural England advises that close attendance is paid to the comments of the NCAONB Partnership and relevant local authorities.	
9ii	<i>The extent to which the Applicant has demonstrated that it has applied the principles of good design set out in NPS EN-1 in the design proposals submitted for the onshore substation.</i>		
9iii	<i>The design information directly related to the proposed onshore substation buildings and structures which would be secured within the dDCO.</i>		
9iv	<i>The benefits, or otherwise, to both the Applicant and Local Authorities of an independent design review process to inform the design development of the onshore substation buildings and structures with reference to NPS-EN1, Paragraph 4.5.5.</i>		

**From:** SADEP  
**To:** [REDACTED]; SADEP  
**Cc:** [REDACTED]  
**Subject:** RE: EN010109 Natural England's attendance at the March Hearings for the Sheringham and Dudgeon Extension Project  
**Date:** 17 March 2023 09:32:00  
**Attachments:** [image001.png](#)

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Dear Helen

Further to our email correspondence in February below, I can confirm that the final detailed agendas for the Sheringham and Dudgeon Extension Project hearings 22-23 and 29 – 31 March 2023 have now been published on our [website](#).

As stated in the agendas, the ExA would value Natural England's input, particularly at [Issue Specific Hearing 4](#) on Thu 23 Mar (agenda item 8, first item after lunch) [Issue Specific Hearings 5](#) on Thu 30 Mar (all day) and [Issue Specific Hearing 6](#) on Fri 31 Mar (specifically Agenda Item 3 in the morning).

Please can you provide me with an update on whether Natural England will be able to attend?

Kind regards

Louise Harraway  
Case Manager  
National Infrastructure Planning

[REDACTED]  
[REDACTED]  
Helpline: 0303 444 5000

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**From:** Mann, Helen [REDACTED]@naturalengland.org.uk>

**Sent:** 22 February 2023 18:32

**To:** SADEP <sadep@planninginspectorate.gov.uk>

**Cc:** Chambers, Adam [REDACTED]@naturalengland.org.uk>; Ziauddin, Zara [REDACTED]@naturalengland.org.uk>

**Subject:** RE: EN010109 Natural England's attendance at the March Hearings for the Sheringham and Dudgeon Extension Project

Good afternoon Louise,

Once again, please accept my apologies our conversation was disconnected yesterday, unfortunately I was experiencing Wi-Fi calling technical issues. Further to our earlier conversation, the drafting of our response below has highlighted the need to allow the Applicant more time to address our concerns before the need to discuss in an ISH as we hope resolution can be made. We consider this will free up time in the hearings for other matters. Natural England's response to your e-mail regarding ISH attendance is set out below as follows:

We welcome you contacting Natural England regarding concerns raised within our D1 cover letter around attendance at the ISHs in March. We wish to be as helpful as possible to the Examining Authority (and other interested parties) in aiding the best use of your resources, while we also consider the most effective use of our own resource in attending. We recognise there is clearly a 'catch 22' in terms of the ExA basing the agenda on who is attending and NE requiring a detailed agenda to determine if and how we engage with this set of ISHs.

Natural England advises that based on current communications with the Applicant, progress is being made to address our concerns. It is our view that there is no reason why this is not achievable with their existing datasets etc. All NSIPs are different, but we are in a comparably better place than we have been at the early stage of examination for other recent OWF NSIPs. That said the progression at Deadline 1 on closing out the remaining issues are at an early stage with more work needed from the Applicant, and if there are any new submissions at D2 containing this work, then it is unlikely we will have fully considered them prior to this set of ISHs, not least given the delays occurring between Deadlines and the publication of submissions on the PINS website.

If the Applicant is providing updates into the ISH, Natural England will not have had sight of them at this point and therefore will unlikely make any unilateral decision on the day; we would need to take information away and review once submitted into Examination through the written process. In this situation we consider our attendance is not the best use of our resources. We note and recognise your wanting to prepare fully for the hearings to make best use of time and with this in mind we advise you to prepare on the basis that NE is not attending.

For your awareness we do not consider the Rule 8 letter as a detailed agenda, but rather a broad list of thematic headers. The item suggested in your e-mail "compensatory measures and effectiveness of proposed measures" is along the lines of what NE would seek to see as part of a detailed agenda, with a series of questions/key discussion points under that header. We note the intention is to publish the agenda on March 14<sup>th</sup> - if we identify something which we can provide a written brief to the ExA on before the ISHs we will do so and/or work with the Applicant to have a position.

Looking ahead to the rest of the Examination, providing a detailed agenda and preferably additional accompanying questions will allow Natural England time to prepare beforehand and enable meaningful discussion on the day, in order to ensure that we are able to add value beyond our detailed written representations and to have the relevant people engaged. If the ExA has key questions on our advice provided so far and is seeking to explore in further detail, request further clarification, understand where differences are between us and the Applicant or other interested parties e.g. concerning compensation and effectiveness of measures, then early sight and preparation of questions prior to the ISH will enable a wider discussion around the advice we have provided. Therefore as outlined above, the detailed agenda and early sight of



questions is imperative. In this situation we consider our attendance would be worthwhile to all parties.

We note that the A428 Black Cat to Caxton Gibbet is highlighted as an example where resolution could be found based on our attendance at an ISH, but we reflect that this occurs on a case by case basis, and in that specific instance, baseline survey data was lacking, which is not the case here. We acknowledge resolution can be found, however in this previous case, the application was at stalemate. In the case of SEP and DEP, we are in the early stages of the examination and acknowledge the Applicant is working through our comments and we are confident issues which can be resolved, will be, through the written process; noting the only exception is seascape with the rationale for our position set in our relevant/written rep.

Thank you for highlighting the scheduled hearings are blended events, it is likely if we attend going forwards this will be remotely.

Best wishes,

Helen

**Helen Mann**

Marine Senior Adviser - Major Casework

Southern North Sea

Norfolk and Suffolk Team

Natural England - [www.gov.uk/natural-england](http://www.gov.uk/natural-england)

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**From:** SADEP <sadep@planninginspectorate.gov.uk>

**Sent:** 21 February 2023 13:28

**To:** Mann, Helen [REDACTED]@naturalengland.org.uk>

**Cc:** Chambers, Adam [REDACTED]@naturalengland.org.uk>; Ziauddin, Zara

[REDACTED]@naturalengland.org.uk>; SADEP <sadep@planninginspectorate.gov.uk>

**Subject:** EN010109 Natural England's attendance at the March Hearings for the Sheringham and Dudgeon Extension Project

Good afternoon Helen

I am writing to you following and to continue our telephone conversation which got cut off earlier.

Following the close of Deadline 1 we have noted Natural England (NE)'s response to the Examining Authority's (ExA's) request for NE to attend the hearings scheduled for March 2023 and we want to see if there is any way that NE can provide us with a more definitive answer.

The ExA has already taken steps with NE's attendance in mind. For instance we issued the Rule 13 Notice and an outline agenda almost two months before the hearings as part of the [Rule 8 Letter](#) published 27 January 2023. Please note that the Examination Procedure Rule require only 21 days' notice. The ExA also included in the Rule 8 Letter (again with NE and MMO in mind) a request for parties to notify us as soon as possible of their intention to attend the Hearings that they have been requested at. The ExA notes that while it cannot compel any party to attend, knowing early if key parties will be present at particular Hearings (or not) can influence the detailed agenda and the length of the Hearings. The important thing here is that this will enable ExA make better use of Examination resources and of the time of the parties that are present. The underlying message here is while PINS is doing what we can to make best use of your resources we are asking the same of you in terms of the ExA's resources and resources of other parties present.

The final hearing agendas are due to be published 14 March roughly, which is two weeks before the offshore Hearings and one week before the onshore Hearings. We hope that this will meet your time requirement. In the meantime we ask you to refer to the agendas for the January Hearing published in the Rule 8 Letter; they are very detailed. However, if there is any additional information in the agendas that you would have found helpful then please let me know and I will convey this to the ExA.

The matters under discussion in the agendas here – compensatory measures and effectiveness of proposed measures – are relatively new matters. As such the ExA will find your expertise at the Hearings incredibly helpful to get better understanding of the issues and to move the discussion along at pace. The Government is keen for PINS to resolve as many issues as possible before the close of the Examination. As an example, in a previous case – A428 Black Cat to Caxton Gibbet – matters relating to adverse effects on Barbestelle bats were raised via Relevant

Representations and Written Representations by NE, which required the Applicant to start and complete surveys during the six month Examination period. The ExA was able to progress matters by focussing on key issues only because NE was present at key Hearings. The matter was resolved just days before the Examination closed, and the ExA confirms that is largely because of NE's contribution at Hearings.

We also want to assure you that the Hearings are an inquisitorial process, and there will be no cross-Examination. Please see the recordings of our Hearing in January and you will see that the tone and atmosphere was very collegiate: [Issue Specific Hearing 1 on Strategic Offshore Matters](#), [Issue Specific Hearing 2 on Strategic Onshore Matters](#), [Open Floor Hearing 1](#).

In addition to the above, please also note that the scheduled hearings are blended events, and attendance can be virtual if required.

We look forward to hearing from you. If you have any further questions concerning the above please do not hesitate to contact me.

Kind regards

Louise Harraway  
Case Manager  
National Infrastructure Planning



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