



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Cover Letter

Material Change Request Application
April 2023
Document Reference: 17.1



FAO Louise Harraway

Case Manager, National Infrastructure Planning
The Planning Inspectorate
Temple Quay House, Temple Quay
Bristol, BS1 6PN

Our reference: C282-RH-Z-GA-00199
Your reference: EN010109
11 April 2023

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”)

Material Change Application

Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (“the CA Regulations”)

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 and material changes to the Application. The non-material changes outlined in that letter were submitted to the Examining Authority at Deadline 2.

This application therefore relates to the Applicant’s wish to make 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 Phase 2 site (“the FEP Phase 2 site”).

1. Application

The Applicant hereby submits a request for a material amendment to the submitted Application under Regulation 5 of the CA Regulations. The changes sought are to:

- Amend the Order Limits for the Application to include additional land where the cable corridor passes through the FEP Phase 2 site;
- Reduce the Order Limits slightly in the northern part of the FEP Phase 2 site;
- Utilise the existing FEP access road and remove the separate new access that was proposed through to the FEP Phase 2 site; and
- Include the option to use trenchless crossing under Church Lane to the south of the FEP Phase 2 site. This would also involve a small increase to the area of land over which rights are sought, which were previously subject to temporary possession only.

The amendments to the land affected by compulsory acquisition as a result of the changes sought are:

- Plots 28-002, 28-009 and 28-010 would reduce in size as a result of a slight narrowing of the Order Limits to the northern part of the FEP Phase 2 site crossing the A47;
- Plots 28-011, 28-014, 28-015 and 28-016 would increase in size as a result of the widening of the Order Limits through the FEP Phase 2 site and crossing Church Lane;
- Plots 28-012 and 29-013 would be “no longer used” as a result of removing the new temporary access road that was proposed to the FEP Phase 2 site;
- Plot 28-018 would reduce in size, as the area subject to temporary possession only would reduce to allow for the trenchless crossing under Church Lane;
- Plot 28-019 would increase in size, as a result of the increase in the area subject to acquisition of rights to allow for the trenchless crossing under Church Lane; and
- New plots 28-023, 28-024, 28-025, 28-026 and 28-027 would be created to allow the use of the existing and proposed FEP access road. All of these plots would be subject to temporary possession only.

These amendments have been incorporated into the updated version of the **Land Plans (Revision D)** [document reference 2.3] and **Book of Reference (Revision D)** [document reference 4.1] being submitted to support this material change application.

2. Rationale and pressing need for making the material change application

The Applicant has set out the rationale and pressing need for making the material change application in the **Rationale for making the proposed changes to support the Applicant's material change request** [document reference 17.5] submitted with this material change request.

3. Assessment of the nature of the change requested

As set out in Advice Note 16: Requests to change applications after they have been accepted for examination (“Advice Note 16”), the determination of whether the change requested is material is to be made by the Examining Authority, not the Applicant. However, the Applicant has set out its reasons for considering the change to be material, but not so substantial that it constitutes a materially different project, in the **Rationale for making the proposed changes to support the Applicant's material change request** [document reference 17.5].

4. Supplementary Environmental Information

The Applicant has prepared **Supplemental Environmental Information to support the Applicant's material change request** (“SEI”) [document reference 17.2] to support this material change request and a copy of that is submitted with this request in order for the Examining Authority to consider the nature of the change requested and the adequacy of the SEI.

The Applicant notes that there is no statutory requirement to consult on or publicise this SEI under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (“EIA Regulations”) and that this is noted in Advice Note 16. Should the Examining Authority consider that consultation is required or desirable, the Applicant suggests that this could be undertaken at the same time as consultation under the CA Regulations.

Where SEI consultation is required, the Applicant will provide the Examining Authority with copies of consultation responses on the SEI and a final version of the SEI including any proposed changes made in response to consultation no later than the submission of the Certificates of compliance with the CA Regulations. That means that

the Applicant will have carried out full consultation on the SEI prior to the Examining Authority's consideration of the initial issues in accordance with the CA Regulations. It is therefore considered that no prejudice is caused to any party by undertaking the SEI consultation in this way.

5. CA Regulations

In accordance with the requirements of section 123 of the Planning Act 2008, the Applicant considers that the provisions of the CA Regulations will apply to this material change application.

Timing

In accordance with Advice Note 16, the Applicant has provided below an explanation of how this material change request can be accommodated within the examination timetable. This request has been made on [11 April 2023]. While the Examining Authority has a maximum of 28 days to consider whether to accept this request, the Applicant would hope that, given the limited scope of the changes and that these are being brought forward in response to ongoing discussion with the affected landowners and at their request, the procedural decision could be made promptly and the full period for consideration of acceptance would not be necessary.

The Applicant suggests the following example timetable to enable the application to be considered within the Examination timetable:

Procedural step	Date	Relevant Regulations
Material change request made by the Applicant	11 April 2023	Regulation 5 CA Regulations
Procedural decision by ExA to accept change request	14 April 2023	Regulation 6 CA Regulations
Notification and publication (and SEI consultation, if required) carried out by the Applicant (allowing 37 days, starting from the day after the second press notice is published)	19 April 2023 to 27 May 2023	Regulations 7 and 8 CA Regulations Regulation 22 EIA Regulations
Certificates of compliance submitted by the Applicant	30 May 2023	Regulation 9 CA Regulations Regulation 22 EIA Regulations
Notice of hearings issued by ExA	31 May 2023	Regulations 14, 15 and 16 CA Regulations
ExA make initial assessment of issues arising in connection with proposed change	By 7 June 2023	Regulation 11 CA Regulations
ExA sets timetable for examining the proposed change (suggested timetable suggested in steps below)	By 7 June 2023	Regulations 12 and 13 CA Regulations
Hearings	21 – 23 June 2023	
Written representations and written questions	By 28 June 2023 (new procedural deadline)	Regulations 12 and 13 CA Regulations
Responses to written representations and written questions	By 12 July 2023 (new procedural deadline)	Regulations 12 and 13 CA Regulations

Comments on responses to written representations and written questions	By 17 July 2023 (existing Deadline 7)	Regulations 12 and 13 CA Regulations
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6. Enclosures

Enclosed with this letter are the following documents, required under Regulation 5 of the CA Regulations:

- a) **Book of Reference (Revision D)** [document reference 4.1];
- b) **Land Plans (Revision D)** [document reference 2.3];
- c) **Statement of Reasons (Revision C)** [document reference 4.3]; and
- d) **Addendum to the Funding Statement to support the Applicant's material change request** [document reference 4.2.2].

Also enclosed, in accordance with Advice Note 16¹, are the following documents:

- a) **The rationale for making the proposed changes to support the Applicant's material change request** [document reference 17.5], including a description of the pressing need for making the change and copies of letters of support from affected parties;
- b) The **Supplemental Environmental Information including a description of the proposed change to support the Applicant's material change request** [document reference 17.2], which confirms that the change would not result in any new or different likely significant effects;
- c) A **Schedule of changes to application documents indicating whether or not changes have been made** [document reference 17.3], which lists consequential revisions to each document and plan or a "no change" annotation; and
- d) An updated **draft DCO (Revision E)** [document reference 3.1] (the Explanatory Memorandum is not being submitted as no changes are required to it for the purposes of the material change application).

The following documents are directly impacted by the material change and are also being submitted with this change application to assist in the understanding of the change:

- a) An updated **Schedule of Changes in Revision E of the draft DCO (Revision D)** [document reference 3.1.2];
- b) An updated **Guide to the Application (Revision E)** [document reference 1.3];
- c) **Location Plan (Onshore) (Revision B)** [document reference 2.1];
- d) **Crown Land Plan (Revision C)** [document reference 2.4];
- e) **Works Plans (Onshore) (Revision D)** [document reference 2.6];
- f) **Access to Works Plan (Revision D)** [document reference 2.9];
- g) **Streets (to be temporarily stopped up) Plan (Revision C)** [document reference 2.10];
- h) **Tree Preservation Order and Hedgerow Plan (Revision C)** [document reference 2.12]; and
- i) **Habitats of Protected Species Plan (Revision B)** [document reference 2.17].

¹ The Applicant notes that Advice Note 16 has been updated between the time that the change notification was submitted to the ExA and the submission of the change application. Therefore, some of the items that are now recommended to be provided with the notification are being provided with the application in order to ensure compliance with the revised Advice Note.

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 E)** [document reference 1.3].

The Applicant is aware that a number of other plans and documents (which will be certified under Article 38 of the **draft DCO (Revision E)** [document reference 3.1]) will also need to be amended to reflect the changes to the Order Limits. This would include updates to individual ES chapters to incorporate the information set out within the SEI. The Applicant intends to update the remainder of those plans and documents if the material change request is accepted and will submit them at the next practical deadline. These documents are set out in the **Schedule of Changes to Application documents** [document reference 17.3].

If the Examining Authority has any queries with regards to any of the above, please do not hesitate to contact me.

Yours faithfully,

Sarah Chandler
Development & Consents Manager, SEP&DEP
Equinor