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All Interested Parties, Affected
Persons, Category 3 Persons and
Other Persons

Your Ref:

Our Ref:

EN010109

Date:

17 April 2023

Dear Sir/ Madam

Planning Act 2008 (as amended) (PA2008) – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 9

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

Notification of Procedural Decision

I am writing to advise you of a Procedural Decision taken by the Examining Authority (ExA) following the Applicant's request of a formal change request submitted at Deadline 2, 7 March 2023 [REP2-001a]. The ExA's decision on the change request, brief background to, and the ExA's reasoning for, the Procedural Decision is set out below.

1. Background

The Applicant has proposed two changes to the application [REP2-001a], which are:

- Proposed Change 1: Confirmation of the surface water drainage solution at the onshore substation; and
- Proposed Change 2: Removal of an additional area of hedgerow close to the main construction compound to aid visibility.

The Applicant has provided updates to all necessary application documents along with a review of the Environmental Statement (ES) [REP2-001a]. The Applicant has provided its own assessment on the materiality of the proposed change. The Applicant states that the proposed changes would not result in any changes to the



overall assessment and conclusions of likely significant effects presented within the ES, and as such, in its view the proposed changes would be non-material.

Whether the changes proposed by the Applicant are material or non-material, will be determined by the ExA.

2. The ExA's Reasoning

The ExA in its considerations and in reaching its decision, has taken into account the [Guidance for the Examination of Applications for Development Consent](#) (published by the former Department for Communities and Local Government, March 2015) and the Planning Inspectorate's updated [Advice Note \(AN\) 16: Requests to Change Applications](#). These accept that Applicants may need to change elements of a proposal after an application has been accepted.

With regards to proposed change 1, the Applicant has identified its preferred option out of the two initial options for surface water disposal at the proposed substation site submitted with the application. The second option has now been eliminated from the application. Given the preferred option for, seeking infiltration directly into the shallow granular zone, was always a part of the application, the ExA is satisfied that the environmental effects of the choice have already been assessed in the ES [APP-104] [APP-210] and its accompanying reports [AS-014 to AS-021] [APP-307] and would be part of the Examination.

With regards to proposed change 2, the Applicant has proposed the removal of an additional area of hedgerow close to the main construction compound in Attlebridge, The ExA notes that the hedgerow implicated falls within the Order limits. As such, the ExA is satisfied that the effects of the removal of the additional hedgerow would be examined as any hedgerow removal proposed in the application [APP-112].

The ExA notes that both the proposed changes are in response to further engagement with Norfolk County Council in its roles as the Local Lead Flood Authority and the Highway Authority. The extent of the changes and the information underpinning them were tested by the ExA during Issue Specific Hearing 3 [EV-038] [EV-043] and Issue Specific Hearing 4 [EV-059] [EV-063].

The Applicant has confirmed that the change does not involve any 'additional land' (as defined in The Infrastructure Planning (Compulsory Acquisition) Regulations 2010).

The ExA recognises that in considering whether or not to accept both the proposed changes for Examination, it is required to act reasonably and in accordance with the principles of natural justice. Applying the advice in AN 16, the ExA is content that there will be sufficient opportunity during the remaining Examination process for all relevant Interested Parties to view the changes, for representations to be made in



relation to the changes, and for any representations to be taken into account by the ExA.

The ExA has considered the Applicant's Habitats Regulations Assessment (HRA) report and concludes that the proposed change would make no difference to the outcome of a HRA.

3. ExA's conclusion and corresponding Procedural Decision

For the reasons set out above, and having regard to the nature and scale of the proposed change, the ExA has concluded that the proposed changes would not constitute a project that would be materially different to the project for which development consent was originally sought. It follows, the ExA considers that the proposed changes are non-material in nature and as such, no formal acceptance, notice, consultation, or related processes are required before the ExA can examine the application as amended.

The ExA has decided to accept for Examination the Applicant's proposed changes. This decision by the ExA does not imply acceptance of the planning merits or evidence for the change, the effects of which will be examined with the same rigour as the original application.

If you have any queries, please contact the Case Team using the details at the head of this letter.

Yours faithfully

Menaka Sahai

Lead Member of the Examining Authority

