



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Cover Letter

Revision A

Deadline 3

May 2023

Document Reference: 16.1

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

Our reference: C282-BS-Z-GA-00013
Your reference: EN010109
02 May 2023

To whom it may concern,

Development Consent Order (DCO) application for Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects (EN010109) – Examination Deadline 3 Document Submissions

1. PROCEDURAL REQUEST – REQUEST FOR A HEARING

The Planning Inspectorate's Rule 8 letter dated 27 January 2023 (the Rule 8 Letter) includes within Annex A dates reserved for hearings, if required, in the w/c 19 June 2023. Equinor New Energy Limited (the Applicant) hereby requests that:

- (a) the Examining Authority fixes an issue specific hearing within that week to consider the topic of 'shipping and navigation'. The Applicant reserves its right to request the opportunity to cross-examine witnesses at the said hearing; and
- (b) the Examining Authority formally requests that the Maritime Coastguard Agency (MCA) attend the hearing in person.

Issue Specific Hearing 6 (ISH6) took place on 31 March 2023. The hearing considered, amongst other things, the potential impacts of the Projects on shipping and navigation. As summarised in the [Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 6](#) [document reference 16.11] (agenda item 4), the Applicant explained at ISH6 that it was surprised by a number of matters raised in the [MCA's Written Representations](#) [REP1-117]. The MCA has, amongst other things, suggested that a reduction in the red line boundary was necessary to reduce the safety risk of having the development in situ to be as low as reasonably practicable (ALARP) and therefore acceptable.

For the reasons set out at ISH6 (and summarised in the [Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 6](#) [document reference 16.11]), the Applicant fundamentally disagrees with the MCA's position. The Applicant explained at ISH6 that the assessment of navigational risk is a complex discipline and could be misrepresented by focussing on one calculation or aspect of the assessment in isolation. The assessment of navigational risk is a mix of technical evidence and expert judgement, informed by consultation with relevant parties. The Applicant explained at ISH6 that it would continue to engage with the MCA, but in the event that agreement could not be reached then the Applicant anticipated that a further hearing would be necessary to consider the matter.

Whilst that engagement continues, the Applicant has not yet been able to agree a position with the MCA. As a result, the Applicant feels obliged to formally request that a hearing be fixed to consider the matter further to inform the Examining Authority's final recommendation in the light of where that ongoing engagement has reached by that time. The Applicant considers that the scope of the hearing would be to consider whether the DCO application meets the test set out in National Policy Statement EN-3, paragraph 2.6.165:

'The [Secretary of State] should not consent applications which pose unacceptable risks to navigational safety after all possible mitigation measures have been considered'.

This will require detailed consideration of technical and expert evidence. It will require an opportunity for the evidence to be tested. The Applicant considers that the most effective and appropriate way to conduct the hearing would be for **all** parties and experts that wish to take part to attend in person. The Applicant acknowledges that the Planning Inspectorate's current practice is to hold blended meetings that allow for persons to attend in person, or virtually. However, the Applicant considers that a blended hearing in the context where complex evidence is required would be inferior to an in-person one, to the potential detriment of the Applicant. The Applicant therefore requests that the Examining Authority formally requests that all parties that wish to take part, and in particular the MCA, attend in person. The Applicant acknowledges that the Examining Authority does not have the power to compel a party to do so.

Finally, for completeness, the Applicant considers that an Issue Specific Hearing on shipping and navigation is one where it may be appropriate for the Examining Authority to allow cross-examination of witnesses. Section 94(7) of the Planning Act 2008 sets out that the Examining Authority may allow oral questioning by another person where they consider it is necessary in order to ensure (a) adequate testing of any representations, or (b) that a person has a fair chance to put the person's case. For the reasons set out above, the Applicant considers both apply in this case. However, the Applicant reserves its position on this matter for the time being, pending a hearing being fixed.

2. DEADLINE 3 SUBMISSIONS

In accordance with the deadlines at Annex A of the Rule 8 Letter, the Applicant encloses the documents listed in Annex 1 of this letter in response to Deadline 3.

3. STATEMENTS OF COMMON GROUND

In the Planning Inspectorate's Rule 6 letter dated 13 December 2022 (Rule 6 Letter), Annex F requested that the Applicant submit Statements of Common Ground (SoCG) with a number of Interested Parties and Other Parties. A number of draft SoCGs were submitted at Deadlines 1 and 2. The Applicant now encloses the draft SoCGs listed in Annex 2 of this letter.

There are a number of Statements of Common Ground requested in Annex F of the Rule 6 Letter where it has not been possible to agree a draft for submission for Deadline 3. The Applicant is continuing to discuss these with the relevant Interested Party or Other Party and endeavours to submit these to the Examining Authority at the earliest possible deadline. The **Applicant's Statement of Commonality (Revision C)** [document reference 12.45] provides an update on the status of all SoCGs requested in Annex F of the Rule 6 Letter.

4. ADDITIONAL SUBMISSIONS

The Applicant also encloses a number of additional submissions being made at Deadline 3. These are new documents, or updates to previously submitted documents, where the Applicant considers that these provide information, clarifications and updates useful to both the Examining Authority and Interested Parties. Annex 3 contains a list of additional documents that have been submitted by the Applicant.

We would be grateful if you could kindly acknowledge safe receipt of this letter and the enclosures. If we can be of any assistance, please do not hesitate to contact Sarah Chandler (SARC@equinor.com) in the first instance.

Yours faithfully,

Sarah Chandler
Development & Consents Manager, SEP&DEP
Equinor

ANNEX 1 - DOCUMENTS SUBMITTED IN RESPONSE TO DEADLINE 3

- **Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 3** [document reference 16.8]
- **Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 4** [document reference 16.9]
- **Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 5** [document reference 16.10]
- **Written Summary of the Applicant's Oral Submissions at Issue Specific Hearing 6** [document reference 16.11]
- **Written Summary of the Applicant's Oral Submissions at Compulsory Acquisition Hearing 1** [document reference 16.12]
- **The Applicant's Response to Issues Raised at the Open Floor Hearing 2** [document reference 16.13]
- **The Applicant's Responses to the Examining Authority's Second Written Questions** [document reference 16.2]
- **Appendix A - Supporting figures to the Applicant's Responses to the Examining Authority's Second Written Questions** [document reference 16.2.1]
- **Appendix B - Supporting documents to the Applicant's Responses to the Examining Authority's Second Written Questions** [document reference 16.2.2]
- **The Applicant's comments on North Norfolk District Council's Response to the Examining Authority's First Written Questions** [document reference 16.3]
- **The Applicant's comments on the Marine Management Organisation's Deadline 2 Submission** [document reference 16.4]
- **The Applicant's comments on Mr Derek Aldous' Deadline 2 Submission** [document reference 16.5]
- **The Applicant's comments on Natural England's Deadline 2 Submission** [document reference 16.6]
- **The Applicant's comments on Norfolk Parishes Movement for an Offshore Transmission Network's Deadline 2 Submission** [document reference 16.7]
- **Guide to the Application (and Glossary) (Revision F)** [document reference 1.3]
- **Draft Development Consent Order (Revision F)** [document reference 3.1]
- **Draft Development Consent Order (Revision F) (Tracked)** [document reference 3.1.1]
- **Schedule of Changes in Revision F of the draft Development Consent Order** [document reference 3.1.2]
- **Draft DCO (Revision F) (Full Tracked - Revision A/F)** [document reference 3.1.4]
 - Please note that a quirk of the software used to produce the track change version means that some paragraph numbering in the draft Development Consent Order (Revision A/F) (track change) is erroneously shown as having changed. The Applicant has been unable to resolve this issue prior to Deadline 3 but hopes to do so before later Deadlines.
- **Explanatory Memorandum (Revision E)** [document reference 3.2]
- **Explanatory Memorandum (Revision E) (Tracked)** [document reference 3.2.1]

- **The Applicant's Compulsory Acquisition Schedule** [document reference 12.5]
- **The Applicant's Compulsory Acquisition Schedule (Revision B) (Tracked)** [document reference 12.5.1]

ANNEX 2 – STATEMENTS OF COMMON GROUND SUBMITTED AT DEADLINE 3

- **Draft Statement of Common Ground: Environment Agency** [document reference 12.10]
- **Draft Statement of Common Ground: Marine Management Organisation** [document reference 12.11]
- **Draft Statement of Common Ground: Maritime and Coastguard Agency** [document reference 12.12]
- **Draft Statement of Common Ground: National Highways** [document reference 12.22]
- **Statement of Common Ground with East of England Ambulance Service NHS Trust** [document reference 16.16]
- **Draft Statement of Common Ground with Eastern Inshore Fisheries and Conservation Authority** [document reference 16.17]
- **Draft Statement of Common Ground with Norwich Airport** [document reference 16.23]
- **The Applicant's Statement of Commonality** [document reference 12.45]
- **The Applicant's Statement of Commonality (Revision C) (Tracked)** [document reference 12.45.1]

ANNEX 3 – ADDITIONAL SUBMISSIONS AT DEADLINE 3

- **Crown Land Plan (Revision D)** [document reference 2.4]
- **Special Category Land Plan (Revision C)** [document reference 2.5]
- **Public Rights of Way Plan (to be temporarily stopped up) Plan (Revision D)** [document reference 2.11]
- **Historic Environment Plan (Onshore) (Revision B)** [document reference 2.13]
- **Statutory/Non-Statutory Nature Conservation Sites (Onshore) (Revision B)** [document reference 2.15]
- **Water Bodies in a River Basin Management Plan (Revision B)** [document reference 2.18]
- **Book of Reference** [document reference 4.1]
- **Book of Reference (Revision E) (Tracked)** [document reference 4.1.1]
- **Funding Statement** [document reference 4.2]
- **Funding Statement (Revision B) (Tracked)** [document reference 4.2.1]
- **Statement of Reasons** [document reference 4.3]
- **Statement of Reasons (Revision D) (Tracked)** [document reference 4.3.1]
- **Appendix 4: Gannet, Guillemot and Razorbill Compensation Document** [document reference 5.5.4]
- **Appendix 4: Gannet, Guillemot and Razorbill Compensation Document (Revision B) (Tracked)** [document reference 5.5.4.2]
- **Annex 4B Auk Bycatch Reduction Feasibility Statement (Revision B)** [document reference 5.5.4.3]
- **Environmental Statement - Volume 1 – Ch 4 – Project Description** [document reference 6.1.4]
- **Environmental Statement - Volume 1 – Ch 4 – Project Description (Revision B) (Tracked)** [document reference 6.1.4.1]
- **Environmental Statement - Volume 1 – Ch 20 – Onshore Ecology and Ornithology** [document reference 6.1.20]
- **Environmental Statement - Volume 1 – Ch 20 – Onshore Ecology and Ornithology (Revision C) (Tracked)** [document reference 6.1.20.1]
- **Environmental Statement - Volume 2 (Figures) – Ch 4 – Project Description (Revision B)** [document reference 6.2.4]
- **Environmental Statement - Volume 3 (Appendices) – App 4.1 – Crossing Schedule** [document reference 6.3.4.1]
- **Environmental Statement - Volume 3 (Appendices) – App 4.1 – Crossing Schedule (Revision C) (Tracked)** [document reference 6.3.4.1.1]
- **Environmental Statement - Volume 3 (Appendices) – App 17.1 – Land Quality Desk Study and Preliminary Risk Assessment Report** [document reference 6.3.17.1]
- **Environmental Statement - Volume 3 (Appendices) – App 17.1 – Land Quality Desk Study and Preliminary Risk Assessment Report (Revision B) (Tracked)** [document reference 6.3.17.1.1]
- **Environmental Statement - Volume 3 (Appendices) – App 18.1 – Water Framework Directive Compliance Assessment** [document reference 6.3.18.1]

- **Environmental Statement - Volume 3 (Appendices) – App 18.1 – Water Framework Directive Compliance Assessment (Revision B) (Tracked)** [document reference 6.3.18.1.1]
- **Environmental Statement - Volume 3 (Appendices) – App 18.2 – Annex 18.2.1: Onshore Substation Drainage Study** [document reference 6.3.18.2.1]
- **Environmental Statement - Volume 3 (Appendices) – App 18.2 – Annex 18.2.1: Onshore Substation Drainage Study (Revision C) (Tracked)** [document reference 6.3.18.2.1.1]
- **Environmental Statement - Volume 3 (Appendices) – App 18.3 – Geomorphological Baseline Survey Technical Report** [document reference 6.3.18.3]
- **Environmental Statement - Volume 3 (Appendices) – App 18.3 – Geomorphological Baseline Survey Technical Report (Revision B) (Tracked)** [document reference 6.3.18.3.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.1 – Extended Phase 1 Habitat Survey Report** [document reference 6.3.20.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.1 – Extended Phase 1 Habitat Survey Report (Revision B) (Tracked)** [document reference 6.3.20.1.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.2 – Great Crested Newt Survey Report** [document reference 6.3.20.2]
- **Environmental Statement - Volume 3 (Appendices) – App 20.2 – Great Crested Newt Survey Report (Revision B) (Tracked)** [document reference 6.3.20.2.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.4 – Wintering Birds Survey Report** [document reference 6.3.20.4]
- **Environmental Statement - Volume 3 (Appendices) – App 20.4 – Wintering Birds Survey Report (Revision B) (Tracked)** [document reference 6.3.20.4.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.5 – Breeding Birds Survey Report** [document reference 6.3.20.5]
- **Environmental Statement - Volume 3 (Appendices) – App 20.5 – Breeding Birds Survey Report (Revision B) (Tracked)** [document reference 6.3.20.5.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.6 – Initial Biodiversity Net Gain Assessment** [document reference 6.3.20.6]
- **Environmental Statement - Volume 3 (Appendices) – App 20.6 – Initial Biodiversity Net Gain (Revision B) (Tracked)Assessment** [document reference 6.3.20.6.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.7 – Onshore Ecology Desk Study** [document reference 6.3.20.7]
- **Environmental Statement - Volume 3 (Appendices) – App 20.7 – Onshore Ecology Desk Study (Revision B) (Tracked)** [document reference 6.3.20.7.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.9 – White Clawed Crayfish Survey Report** [document reference 6.3.20.9]
- **Environmental Statement - Volume 3 (Appendices) – App 20.9 – White Clawed Crayfish Survey Report (Revision B) (Tracked)** [document reference 6.3.20.9.1]
- **Environmental Statement - Volume 3 (Appendices) – App 20.13 – Riparian Mammals (Water Vole and Otter) Survey Report** [document reference 6.3.20.13]
- **Environmental Statement – Volume 3 (Appendices) – App 20.13 – Riparian Mammals (Water Vole and Otter) Survey Report (Revision B) (Tracked)** [document reference 6.3.20.13.1]

- **Design and Access Statement (Onshore)** [document reference 9.3]
- **Design and Access Statement (Onshore) (Revision B) (Tracked)** [document reference 9.3.1]
- **Outline Offshore Operations and Maintenance Plan (OOMP)** [document reference 9.9]
- **Outline Offshore Operations and Maintenance Plan (OOMP) (Revision C) (Tracked)** [document reference 9.9.1]
- **Outline Project Environmental Management Plan (PEMP)** [document reference 9.10]
- **Outline Project Environmental Management Plan (PEMP) (Revision C) (Tracked)** [document reference 9.10.1]
- **Outline Construction Traffic Management Plan (CTMP)** [document reference 9.16]
- **Outline Construction Traffic Management Plan (CTMP) (Revision C) (Tracked)** [document reference 9.16.1]
- **Outline Code of Construction Practice** [document reference 9.17]
- **Outline Code of Construction Practice (Revision C) (Tracked)** [document reference 9.17.1]
- **Outline Landscape Management Plan** [document reference 9.18]
- **Outline Landscape Management Plan (Revision B) (Tracked)** [document reference 9.18.1]
- **Outline Ecological Management Plan** [document reference 9.19]
- **Outline Ecological Management Plan (Revision C) (Tracked)** [document reference 9.19.3]
- **Outline Operational Drainage Strategy** [document reference 9.20]
- **Outline Operational Drainage Strategy (Revision C) (Tracked)** [document reference 9.20.1]
- **Outline Skills and Employment Plan** [document reference 9.23]
- **Outline Skills and Employment Plan (Revision B) (Tracked)** [document reference 9.23.1]
- **Supplementary Information to the Scenarios Statement** [document reference 9.28.2]
- **The Applicant's Statutory Undertakers Position Statement** [document reference 12.46]
- **The Applicant's Statutory Undertakers Position Statement (Revision B) (Tracked)** [document reference 12.46.1]
- **Open Space Agreements Updates** [document reference 12.48]
- **Open Space Agreements Updates (Revision B) (Tracked)** [document reference 12.48.1]
- **Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note** [document reference 13.1]
- **Gateshead Kittiwake Tower Modification – Quantification of Productivity Benefits Technical Note (Revision B) (Tracked)** [document reference 13.1.1]
- **Collision Risk Modelling (CRM) Updates (EIA Context) Technical Note** [document reference 13.2]
- **Collision Risk Modelling (CRM) Updates (EIA Context) Technical Note (Revision B) (Tracked)** [document reference 13.2.1]
- **Sandwich Tern – Quantification of Productivity Benefits Technical Note** [document reference 13.4]
- **Sandwich Tern – Quantification of Productivity Benefits Technical Note (Revision B) (Tracked)** [document reference 13.4.1]
- **Marine Processes Technical Note** [document reference 13.5]
- **Marine Processes Technical Note (Revision B) (Tracked)** [document reference 13.5.1]

- **Habitats Regulations Assessment Derogation and Compensatory Measures Update** [document reference 13.7]
- **Habitats Regulations Assessment Derogation and Compensatory Measures Update (Revision B) (Tracked)** [document reference 13.7.1]
- **Addendum to the Flood Risk Assessment** [document reference 14.31]
- **Addendum to the Flood Risk Assessment (Revision B) (Tracked)** [document reference 14.31.1]
- **Onshore Substation Hydraulic Modelling Report** [document reference 14.34]
- **Onshore Substation Hydraulic Modelling Report (Revision B) (Tracked)** [document reference 14.34.1]
- **Marine Mammals Technical Note and Addendum** [document reference 16.14]
- **Geoarchaeological Method Statement** [document reference 16.29]
- **Navigation Safety Technical Note** [document reference 6.3.13.2]