



The Planning Inspectorate

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services:

0303 444 5000

email:

sadep@planninginspectorate.gov.uk

The Applicant; Natural England;
Royal Society for the Protection of
Birds; Marine Management
Organisation, Perenco, Maritime
and Coastguard Agency; UK
Chamber of Shipping; Trinity House

Your Ref:

Our Ref:

EN010109

Date:

12 July 2023

Dear Sir/ Madam

Planning Act 2008 (as amended) (PA2008) – Section (s) 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) – Rule 17

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

Request for Further Information

1. Offshore Habitats Regulation Assessment and response to the decision for the Hornsea Project Four Offshore Windfarm

The Secretary of State for Energy Security and Net Zero (SoS DESNZ) has issued the decision for the Hornsea Project Four Offshore Windfarm (Hornsea 4) Development Consent Order (DCO), published on 12 July 2023. It is available to view on the [project webpage of National Infrastructure website](#)

Respondent	Question
Applicant Natural England Royal Society for the Protection of Birds	Methodology a) Does the SoS’s decision on Hornsea 4 change any of the worst-case scenarios and/or conclusions, at an Environmental Impact Assessment (EIA) scale, for any offshore ornithology species?
Applicant Natural England	Flamborough and Filey Coast Special Protection Area (SPA)



	<p>The SoS has concluded, in paragraph 5.13 of the decision letter for Hornsea 4, that an Adverse Effect on Integrity (AEol) could be ruled out on all sites except for the Flamborough and Filey Coast SPA due to in-combination impacts on kittiwake and guillemot features.</p> <p>b) Applicant, in respect of guillemot, will you amend your 'without prejudice' position regarding compensatory measures and submit these as a finalised proposal?</p> <p>c) Applicant – does the SoS's Habitats Regulation Assessment (HRA) change your 'without prejudice' position regarding razorbill? Explain with reasons.</p> <p>d) Natural England (NE), in paragraph 5.74 of the SoS's decision, it is concluded that looming eye buoys and bycatch reduction represent a feasible additional compensatory measure. Does that change your position regarding the efficacy of these measures in the context of this current Examination?</p> <p>e) Does the SoS's decision on Hornsea 4 change any of the EIA and HRA conclusions, for any offshore ornithology species, or indeed marine mammal species?</p>
<p>Applicant</p> <p>Natural England</p>	<p>Derogation Case</p> <p>f) Does the SoS's decision on Hornsea 4, give any greater confidence on strategic/ collaborative compensatory measures, that could be relied upon, and consequently what weight can be given to the strategic/ collaborative compensatory measures in the ExA's considerations and conclusions?</p> <p>g) Applicant, would you like to propose any changes to the reliance on strategic/ collaborative compensatory measures in the Proposed Development. Indeed, does this prompt you to propose any changes to strengthen project-led compensatory measures in the Proposed Development?</p>

2. Onshore Ecology, including HRA matters

Respondent	Question
<p>Applicant</p> <p>Natural England</p>	<p>River Wensum Special Area of Conservation (SAC)</p> <p>a) Further to responses received to questions raised by the ExA from NE [REP5-094, Q3.12.2.3] and the Applicant [REP6-013, Q3.12.2.3], provide without prejudice wording for a Requirement within the dDCO which secures mitigation that removes or reduces the risk of AEol to the white-clawed crayfish, brook lamprey and bullhead features</p>



	of the River Wensum SAC, before any work on the Proposed Development could commence.
Applicant Natural England	Pink Footed Goose Feature of North Norfolk Coast SPA b) Further to responses received to questions raised by the ExA from NE [REP5-094, Q3.14.1.17] and the Applicant [REP6-013, Q3.14.1.17], provide without prejudice wording for a Requirement within the dDCO which secures mitigation that removes or reduces the risk of AEoI to the pink footed goose feature of the North Norfolk Coast SPA and Ramsar site, before any work on the Proposed Development could commence.
Applicant Natural England	Wensum Woodlands c) Further to responses received to questions raised by the ExA from NE [REP5-094] and the Applicant [REP6-013, Q3.13.2] provide without prejudice wording for a requirement within the dDCO which secures mitigation that removes or reduces the risk of potential habitat loss and which ensures that the Proposed Development would not hinder any potential notification of Sites of Special Scientific Interest (SSSI) status to the Wensum Woodlands in the future. Alternatively, provide detailed reasoning which explains why such wording would not be required.

3. Benthic ecology, Intertidal, Subtidal and Coastal effects

Respondent	Question
Applicant Natural England	Cromer Shoals MCZ a) NE, in your response to Q4.3.1.3 to The Examining Authority's Fourth Written Questions you have stated that <i>"We note a condition (Schedule 10 Part 2 Condition 13(1i)) has been included in the DCO, however, this only considers Annex 1 habitats and not features of the MCZ."</i> Provide wording for this condition to ensure it is broad enough to include reference to all sensitive habitats and species, including those within the MCZ? b) Applicant may respond.
Applicant Natural England	Secondary Scour c) As has been highlighted by NE (see Natural England's Response to The Examining Authority's Fourth Written Questions - Revision A (Document Reference 21.5) at Q4.3.3.1), there is no detailed secondary scour



Marine Management Organisation	<p>assessment. Applicant, confirm if you have assessed in the Environmental Statement (ES) a situation where it transpires that it is the secondary scour which necessitates further scour prevention, and have certain impacts to physical offshore processes for example?</p> <p>d) Could this result in an additional marine licence being required post installation?</p>
Applicant Natural England Marine Management Organisation	<p>Measures of Equivalent Environmental Benefit (MEEB)</p> <p>In Natural England’s Response to The Examining Authority’s Fourth Written Questions at Q4.3.4.2, NE states that it considers that the condition within the Without Prejudice DCO Drafting (Revision C) [REP5-008], should require that the MEEB should be in place prior to any impact.</p> <p>e) Applicant, provide wording for dDCO.</p> <p>f) NE and Marine Management Organisation (MMO), provide alternative wording for the dDCO regarding the timing of when the MEEB should be required.</p> <p>g) Applicant, if the MEEB needs to be in place prior to cable installation works, would this mean that it would be unknown at the time of initiating the MEEB whether cable protection would be necessary?</p>

4. Oil, Gas and Other offshore infrastructure and activities

Respondent	Question
Perenco	<p>Helicopter Access to Waveney</p> <p>a) In The Applicant’s Comments on Perenco’s Deadline Submission – Revision A (Document Reference 21.17) the Applicant states at Paragraph 17 that “<i>under typical North Sea conditions the loss of payload will be minimal. Additionally, the Perenco Vantage data indicates that a full load of 12 passengers is not usually flown to the Waveney NUI. Therefore, any loss of required payload is only likely when flying to an NPI located at Waveney. Even in this case, a full load of passengers may still be carried due to the proximity of Norwich Airport</i>”. Perenco, respond to the Applicant, and provide any further evidence to support your requirement for a minimum of 1.34nm to the nearest wind turbine rotor tip for a one engine inoperable (OEI) take-off (Section 4.2 of Summary of Perenco’s Oral Evidence Concerning Aviation (Helicopter) Impacts at ISH7).</p>



5. Navigation and Shipping

Respondent	Question
<p>Maritime and Coastguard Agency</p> <p>UK Chamber of Shipping</p> <p>Trinity House</p>	<p>Shipping Collision Risk and Mitigation</p> <p>In The Applicant's Responses to the Examining Authority's Fourth Written Questions - Revision A (Document Reference 21.5) at Q4.19.1.1, the Applicant has provided localised results of Navigational Risk Assessment modelling for DEP-North, plus information on a submitted 'without prejudice' Offshore Work Plans for a surface structure free area (see Works Plans (Offshore) (Without Prejudice) - Revision A (Document Reference 2.7.2)), amongst other things.</p> <p>a) Respond in full to the Applicant's submissions on the matter of navigation and shipping, including if you agree with the analysis and conclusions.</p> <p>b) Specify if the Applicant's revised 'without prejudice' proposal addresses your concerns and changes your position if the risk to navigation would be as low as reasonably possible (ALARP), and if the policy requirements in NSP EN-3 (including Paragraph 2.6.165) are met.</p> <p>c) If your concerns are not alleviated with the Applicant's revised 'without prejudice' proposal, confirm if your proposed wording for the dDCO in your letter dated 6 July 2023 and the accompanying diagram (Figure 1) is your final position, or provide alternative wording and diagram.</p>
Applicant	<p>DEP North Output</p> <p>In your response to Q4.19.1.6 to The Examining Authority's Fourth Written Questions you have stated that the Applicant is strongly of the view that the ability of DEP North to be developed on its own using the full quantum of wind turbine generators would be compromised if the Maritime Coastguard Agency (MCA) advised buoy to buoy restriction is imposed. Provide more detail as to what level the proposed development of DEP North would be compromised, in terms of power generation and wind turbines?</p>

6. Construction Effects Onshore

Respondent	Question
Applicant	Development Scenarios



Appendix A.1 of Supporting Documents for the Applicant's Responses to the Examining Authority's Fourth Written Questions (Document Reference 21.5.1) sets out tables showing Light Vehicles (LV) and Heavy Goods Vehicle (HGV) numbers of SEP or DEP in Isolation vs SEP and DEP Concurrently. It is noted from these tables that for activities where there would be no shared works (such as crossings, ducting, jointing bays and cable pulling) in a concurrent scenario the total number of LV and HGV movements per activity for the construction of SEP and DEP concurrently is around double than for the construction of SEP or DEP in isolation. Whilst this is what the ExA would expect, the tables in Appendix A.1 also show for these non-shared activities that it has been assumed that the works would take around twice as long.

The ExA is of the view that this is not representative of any of the concurrent scenarios but is more akin to the sequential scenario (1c) where either SEP or DEP would be constructed one after the other resulting in twice the construction time/working days as one of the projects in isolation. The ExA would expect by their nature all concurrent scenarios to take less working days to construct, but increase and potentially double the LV and HGV traffic, as opposed to the sequential scenario, particularly as for example Scenario 1d, would allow two separate construction crews to be undertaking such non shared activities at the same time.

The ExA considers that the Applicant's assumption that the non-shared activities would take twice as many working days significantly underestimates the likely peak daily LV and HGV vehicles movements for the concurrent scenario in Appendix A.1. Given that this is the starting point for subsequent modelling and trip distribution on to the links in the study area, the ExA remain unconvinced that the worst case (Scenario 1d) has been robustly assessed in the ES.

The ExA does however note that the Outline Construction Traffic Management Plan (OCTMP) [REP5-027] contains at Annex A, maximum daily vehicle trips per link, which has been assessed in the ES. Given the concerns set out above, the ExA considers it is imperative that such maximums are not exceeded to ensure that impacts do not occur above those that have been assessed in the ES, including for other receiving environments such as air quality and noise and vibration that rely upon estimated vehicle movements.

	<p>a) On this basis, Applicant provide without prejudice wording for a new requirement that secures the maximum daily vehicle trips set out in Annex A of the OCTMP within the dDCO.</p>
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7. Noise and Vibration

Respondent	Question
Applicant	<p>HDD Works at Night</p> <p>The Applicant's Responses to the Examining Authority's Fourth Written Questions - Revision A (Document Reference 21.5) at Q4.20.2.3 notes that the Draft Development Consent Order (Revision J) (Document Reference 3.1) has been amended to remove R20 (2)(d) and amend R20 (2)(a) to include HDD. The ExA considers that this would still allow all HDD works to be undertaken at night, contrary to the Applicant's reply to Q2.20.4.2 [REP3-101] and recent changes made to the Outline Code of Construction Practice (Revision F) (Document Reference 19.1), which states: "<i>A worst-case scenario could occur requiring night time working for the HDDs in emergencies or as stipulated by a Statutory Undertaker (e.g. Network Rail or National Highways)</i>".</p> <p>To avoid potentially significant impacts from noise, the ExA remains of the view that the dDCO should make clear that night time HDD works will only occur in an emergency or where works relate to the A11 (RDX048), Cambridge to Norwich Railway (RLX002) and North Norfolk Railway line (RLX001) crossings.</p> <p>a) Applicant, provide such wording.</p>

8. Compulsory Acquisition and Temporary Possession

Respondent	Question
Applicant	<p>Plot 27-006</p> <p>a) The ExA notes the examples in The Applicant's Responses to the Examining Authority's Fourth Written Questions - Revision A (Document Reference 21.5), at Q4.8.2.1, d. From the limited context provided, the ExA finds that the examples are for white land, where Compulsory Acquisition</p>



	<p>(CA) powers were not sought, but that land was needed for the delivery of the project and therefore legitimately included in the DCO. In the case of Plot 27-006 to enable access ACC46, there is a part of the land that is not in fact needed for the proposed Development. How does the Applicant justify including that land in the application and within the order limits?</p> <p>b) What is preventing you from applying for a change request to the SoS during the determination period after the completion of the reporting period? If you would consider doing this, what would be the process and associated timescales?</p>
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The deadline for responses is **Deadline 8, 17 July 2023**. Please note the Examination closes at 23:59 on 17 July 2023, and the ExA will not accept any submissions after the Examination closes.

All documentation associated with this project can be found on the [project webpage of the Planning Inspectorate's National Infrastructure website](#). 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

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