



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

The Applicant's Comments on National Highways' Deadline 7 Submission

Revision A

Deadline 8

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1 The Applicant's Comments on National Highways Deadline 7 Submission

1. National Highways submitted the following documents at Deadline 7:
 - Responses to the Examining Authority's Fourth Written Questions (ExQ4);
 - Response from Aecom on behalf of National Highways – Briefing Note 7; and
 - Responses to the Examining Authority's Fourth Written Questions (ExQ4) – Protective Provisions.
2. This document presents the Applicant's comments on the National Highways submissions listed in the first two bullet points above.
3. The third bullet is responded to in The Applicant's Response to National Highways' Serious Detriment and Protective Provision Submissions [document reference 22.4.1] submitted at Deadline 8.

Table 1 The Applicant's comments on National Highways responses to the Examining Authority's Fourth Written Questions

ID	Question	National Highways Response	Applicant's Comment
Q4.1 General and Cross-topic Questions			
Q4.1.4 Miscellaneous			
4.1.4.1	<p>Statements of Common Ground</p> <p>a) Applicant, submit final signed SoCG with electronic signatures at D8.</p> <p>b) Relevant parties, submit at D8 your confirmation that the final signed SoCG submitted by the Applicant is the version agreed with you. You may do so, by attaching to your submission the copy of the SoCG that is agreed with you.</p>	<p>National Highways have been working with the applicant's consultant to continue working through the Statement of Common Ground. We have not reached a final agreement on all the issues but have now reached agreement on items:</p> <ul style="list-style-type: none"> • 16 Driver delay, capacity, assessment methodology, • 17 Residual driver delay (capacity) impacts during construction, and • 28 mitigation measures within the Outline Construction Traffic Management Plan (OCTMP). <p>Discussion is on going on items:</p> <ul style="list-style-type: none"> • 31 Protective Provisions and • 32 Cooperation Agreement, documents have been exchanged and are being discussed but these have not been agreed. 	Noted, no response required.
Q4.11. Draft Development Consent Order			
Q4.11.3 Article 2 Interpretation			
4.11.3.1	<p>Pre-commencement works</p> <p>a) Confirm the Applicant's understanding that you no longer seek any further amendments to R19, if Protective</p>	<p>As the Protected Provisions are not yet agreed, we need to be consultee to the R19 Code of Construction Practice. If the Protected Provisions were agreed, we do not need to be a consultee. We understand the main issues are currently set out in the OCTMP rather than the</p>	<p>The Applicant highlights that the draft DCO (Revision K) [document 3.1] does include protective provisions for the benefit of National Highways at Part 14 of Schedule 14.</p> <p>Whilst acknowledging that the precise drafting of the protective provisions has not been agreed</p>

ID	Question	National Highways Response	Applicant's Comment
	<p>Provisions are agreed [REP5-051, DC1.2.1.1].</p>	<p>Code of Construction Practice. However, as the Protected Provisions are unlikely to be agreed in the short term, we need to take precautions to ensure we protect the network.</p> <p>National Highways needs to be a consultee until the Protected Provisions are in place, as we currently do not know all the details of how the Sheringham and Dudgeon project will be approached. We are yet to see the detailed designs of the proposed access to the National Highways network. Nor do we fully understand the impacts on the new A47 (post A4 Tuddenham to Easton construction). We are concerned that as the finer details emerge, with out Protected Provisions in place will not be able to minimise the impacts on our network.</p>	<p>between the parties, the Applicant highlights that the protective provisions included for National Highways at Part 14 of Schedule 14 include, amongst others, provisions for:</p> <ul style="list-style-type: none"> (a) approval of designs for works relating to the SRN and the A47 (as 'specified works'); (b) restrictions on the exercise of certain powers in relation to the SRN; (c) construction of specified works in accordance with the DMRB, including DMRB CD622 'Managing Geotechnical Risk' which is directly relevant to any potential for 'frack out' under the SRN; and (d) carrying out of National Highways road safety audits. <p>The drafting of the Applicant's PPs, including these elements, is based on the drafting requested by National Highways, including in the National Highways Late Submission at Deadline 7. This can be seen from the comparison of the two versions of the Protective Provisions included at Appendix B of The Applicant's Response to National Highways Serious Detriment and Protective Provision Submissions [document reference 22.4.1].</p> <p>The protective provisions included in the draft DCO (Revision K) [document 3.1] together with Requirement 15 which secures the CTMP where National Highways are a consultee provide significant protection to National Highways.</p>

ID	Question	National Highways Response	Applicant's Comment
			<p>The Applicant reiterates therefore, as set out in response to DC1.2.1.1 (see The Applicant's response to the ExA's commentary on or proposed schedule of changes to the draft DCO [REP5-051]), that the inclusion of National Highways as a consultee in Requirement 19 is not required and would place an unnecessary burden on the discharging authority.</p>
Q4.23. Traffic and Transport			
Q4.23.1 Effects from Construction Vehicles on the Highway Network and Living Conditions			
4.23.1.1	<p>Driver Delay, Capacity and Assessment Methodology</p> <p>NH has raised queries [REP5-085, Q3.23.1.1] in relation to the driver delay, capacity and assessment methodology. Subsequently, the Applicant provided at technical note titled, 'Junction Modelling Clarifications'</p> <ul style="list-style-type: none"> a) Applicant, please provide this document. b) NH, please provide your review of this document and explain in full if any highway safety concerns remain. 	<p>On the 30 June 2023 AECOM (on behalf of National Highways) prepared Briefing Note 07 which covered a review of Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects – Junction Modelling Clarifications (dated 18 May 2023) (issued by Equinor). National Highways are content that the outstanding issues have been resolved. The Statement of Common Ground (SoCG) has been updated accordingly.</p> <p>Note: A copy of these two documents, i) AECOM Briefing Note 07 and ii) SoCG Revision D, is attached.</p>	Noted, no response required.
Q4.23.5 Suitability of Access Strategy			
4.23.5.2	<p>Amendments to Access Strategy</p> <p>NH, are you content with amendments to the access strategy to remove the requirement to provide a new access (ACC48) from the north of</p>	<p>This is a question that should be directed to Norfolk County Council, as local highway authority since the Food Enterprise Park access is served off their network. This is therefore not a question for National Highways. However, to answer the question National Highways is</p>	Noted, no response required.

ID	Question	National Highways Response	Applicant's Comment
	Church Lane and instead utilise the existing Food Enterprise Park access?	content that the Food Enterprise Park access is used rather than access north of Church Lane.	
Q4.23.6 Effectiveness of Proposed Mitigation Measures			
4.23.6.2	Protective Provisions See related question in Compulsory Acquisition and Temporary Possession.	<p>We are unable to find a specific question for National Highways under the Compulsory Acquisition and Temporary Possession section.</p> <p>National Highways is discussion with the promotor with regards to Protected Provisions. The NH standard Protected Provisions are not yet agreed yet.</p>	Noted. See also response at ID 4.23.6.3 below.
4.23.6.3	Mitigation for the Strategic Road Network Further to discussion at CAH2 [EV-104] [EV-106], confirm (for both scenarios where protective provisions are agreed and not agreed by the end of the examination) whether mitigation measures in the DCO and OCTMP are sufficient (without the need for a co-operation agreement, which is not before the Examination) to ensure there would be no unacceptable highway safety or capacity impacts on the strategic road network.	<p>If the National Highways Standard Protective Provisions are agreed it is considered there is unlikely to be a need for a Co-operation agreement but as at Deadline 7 there is no agreement on the Standard Protective Provisions and in the short term and to ensure the Strategic Road Network is protected, National Highways will require a Co- operation Agreement.</p> <p>National Highways will not support the compulsory purchase of any National Highways land.</p>	<p>As set out above, in The Applicant's Comments on National Highways Deadline 5 Submissions [REP6-016] and in The Applicant's Response to National Highways Serious Detriment and Protective Provision Submissions [document reference 22.4.1], the Applicant considers that the protective provisions it has included within the draft DCO (Revision K) [document 3.1] are robust and offer significant protections to National Highways. On the basis of these protections, there is no serious detriment to the operation of the SRN such that compulsory acquisition and temporary possession powers can be included in respect of National Highways land interests.</p> <p>In addition, the Applicant notes that National Highways refers to its 'standard protective provisions'. However, National Highways has presented the Applicant with four versions of their 'standard' protective provisions since August 2022 including three sets during</p>

ID	Question	National Highways Response	Applicant's Comment
			<p>Examination after extensive efforts had already taken place to reach agreement on the first set provided. Moreover, there is no other DCO which includes the specific drafting now being requested by National Highways. The small number of previous DCOs where there are Protective Provisions for the benefit of National Highways are far less onerous and more proportionate to the development to which they relate. They do not generally seek to unnecessarily duplicate matters which would ordinarily be controlled through the s278 process pursuant to the Highways Act 1980 and which an Applicant is not seeking to disapply through the DCO. The Applicant highlights that it is not seeking to undertake permanent works to the surface of the SRN nor is it seeking disapply s278 of the Highways Act 1980 and as such, considers that there is no justification for including a number of the extensive provisions which National Highways has proposed in its version of the Protective Provisions. This is set out in more detail in The Applicant's Response to National Highways Serious Detriment Submission [document reference 22.4.1].</p>
Q4.8. Compulsory Acquisition and Temporary Possession			
Q4.8.2 Affected Persons' Site-specific Issues			
4.8.2.1	<p>Plot 27-006</p> <p>c) Explain your approach and justification to the part of Plot 27-006 that is no longer needed for the Proposed Development, including the inclusion of</p>	<p>Whilst the question was not directly posed to National Highways, we have met with Equinor on Monday the 3 July to discuss the amendment of plot 27-006. This involves including a section of 'white land' for the area to the south of the</p>	<p>Noted, no response required.</p>

ID	Question	National Highways Response	Applicant's Comment
	<p>'white land' in the Land Plans as explained at CAH2 [EV-103] [EV-105].</p>	<p>fence line up to the National Highways boundary, to protect our land and boundary line. National Highways are content with this approach and when the amended plan is made available National Highways can review and comment.</p>	
Q4.8.5 General			
4.8.5.1	<p>Protective Provisions</p> <p>a) Applicant and relevant party, for each set of Protective Provisions that is not agreed, provide jointly with the relevant party copies of Applicant's proposed drafting and the drafting required by the party, highlighting the areas of difference. Update this at D8.</p> <p>b) Applicant and relevant party, for Protective Provisions where final agreements is not likely for close of Examination, provide updates expected and corresponding timescales after close of Examination in signed final SoCG or a similar joint signed statement.</p>	<p>National Highways have our standard Protected Provisions and these that are not yet agreed with the Applicant and discussions are continuing.</p> <p>Please note that a National Highways provided comments on the 19 June 2023 draft Standard Protected Provisions on 7 July but these were not accepted by the Applicant and have not been attached.</p>	As per ID 4.23.6.3 above.

Table 2 The Applicant's Comments on National Highways responses to the Examining Authority's Fourth Written Questions – Additional Comments

ID	National Highways Comment	Applicant Response
1	<p>I refer to your Fourth Written Questions WQ4 issued on Thursday 29 June 2023 regarding the above proposal and your invitation to submit written representations to the Examining Authority's (ExA's) Written Questions as set out in the Rule 6 letter, Annex C [PD-006].</p> <p>National Highway's responses are set out below and should be read in conjunction with the Statement of Common Ground between National Highways and Equinor which has been submitted to you by the applicant.</p>	Noted, no response required.
Additional Comments from National Highways:		
Consent to transfer benefit of the DCO – Works to be carried out on our network:		
2	As part of the Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project works cabling is required under the A47. For public disruption, cost and minimising abortive works there is an opportunity for all or part of this works to be completed during the construction works of National Highways A47 Tuddenham to Easton project.	The Applicant has been discussing this with National Highways and is in agreement on this point. As such, the Applicant has amended Article 5 of the draft DCO (Revision K) [document 3.1] to provide that works to install ducts under the strategic road network can be transferred to National Highways without obtaining consent from the SoS. The amendment is to sub-paragraph (8) of Article 5 as follows:
3	The process for obtaining consent from the SoS is set out in Article 5(9) of the DCO which includes first giving notice to the SoS. Assuming consent is granted by the SoS, an agreement transferring the benefit of the Order would also need to be entered into between the undertaker and NH.	<p><i>A.5(8) The consent of the Secretary of State is required for the exercise of powers under paragraph (2) or (3) except where—</i></p> <ul style="list-style-type: none"> <i>a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act;</i> <i>b) the transferee or lessee is a company whose shares are entirely owned by the undertaker or is a subsidiary to the undertaker; or</i> <i>c) the time limits for claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—</i> <ul style="list-style-type: none"> <i>(i) no such claims have been made;</i>
4	So, whilst the current draft DCO does not prevent National Highways from carrying out specified works under the DCO, this is subject to National Highways obtaining consent from the SoS and entering into a transfer deed with the undertaker, which might cause delays to the works.	

ID	National Highways Comment	Applicant Response
5	It would be appropriate to amend the current DCO draft to include specified works that could be transferred to specific undertakers. This would negate the need for further Secretary of state approval.	<p><i>(ii) any such claim has been made and has been compromised or withdrawn;</i></p> <p><i>(iii) compensation has been paid in final settlement of any such claim;</i></p> <p><i>(iv) payment of compensation into court has taken place in lieu of settlement of any such claim; or</i></p> <p><i>(v) it has been determined by a tribunal or court of competent jurisdiction in respect of any such claim that no compensation shall be payable; or</i></p> <p>d) <i>the transferee or lessee is National Highways for the purposes of undertaking any works to install ducts under the strategic road network as set out in Work Nos. 12A, 12B or 12C.</i></p>

Table 3 The Applicant's Comments on AECOM (Briefing Note 7) Deadline 7 Submission

ID	AECOM Comment	Applicant Response
Introduction		
1.1	AECOM have prepared this Briefing Note (BN07) on behalf of National Highways to document a review of Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects – Junction Modelling Clarifications (dated 18th May 2023) issued to National Highways (NH) by Equinor, prepared for the Dudgeon and Sheringham Shoal Extension Projects DCO.	Noted no response required.
1.2	The Junction Modelling Clarifications technical note is intended to address comments within this topic area that AECOM raised earlier in the examination period. AECOM received this document on 22 nd May 2023.	
1.3	NH are responsible for the monitoring, management, and maintenance of the SRN. Within the vicinity of the DCO, the SRN consists of the A47, as well as the A11, with most relevant sections being the highways and junctions along the A47 in the vicinity of Easton and Honingham villages, to the west of Norwich.	
1.4	The review against previous recommendations is set out as follows:	
Conclusions		
2.1	AECOM have prepared this Briefing Note (BN07) on behalf of National Highways to document a review of Sheringham Shoal and Dudgeon Offshore Wind Farm Extension projects – Junction Modelling Clarifications (dated 18th May 2023), from Equinor	<p>The Applicant welcomes confirmation from AECOM that matters previously raised in relation to junction modelling have been suitably addressed.</p> <p>The Applicant also welcomes and acknowledges National Highways response to ID.4.23.1.1 (above) which confirms that <i>“National Highways are content that the outstanding issues have been resolved. The Statement of Common Ground (SoCG) has been updated accordingly”</i>.</p> <p>Agreement on these matters is recorded in the Final Statement of Common Ground with National Highways [document reference 12.22] at ID16, ID17 and ID28.</p>
2.2	Upon review of the submission, AECOM concludes that matters previously raised in relation to junction modelling have been suitably addressed	