



# Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

## The Applicant's Comments on Norwich Western Link Deadline 7 Submission

**Revision A**

Deadline 8

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## **1 The Applicant's Comments on Norwich Western Link's Deadline 7 Submission**

1. This document presents the Applicant's comments on Norfolk County Council in its capacity as the promoter of the Norwich Western Link's Deadline 7 Submission.

**Table 1 The Applicant's Comments on Norwich Western Link's Deadline 7 Submission**

ID	Norwich Western Link Comment	Applicant Response
1	This written submission is made by Norfolk County Council ("NCC") in its capacity as the promoter of the Norwich Western Link ("NWL") road scheme. It aims to provide the Examining Authority with an update of the position and remaining outstanding issues since NCC's Relevant Representation was submitted on 14 November 2022 [RR-065].	Noted.
2	This written submission is made by Norfolk County Council ("NCC") in its capacity as the promoter of the Norwich Western Link ("NWL") road scheme. It aims to provide the Examining Authority with an update of the position and remaining outstanding issues since NCC's Relevant Representation was submitted on 14 November 2022 [RR-065].	The Applicant acknowledges that the Order limits are likely to encapsulate some of the land on which the proposed NWL scheme will be built but the final position as to the details of this overlap is not set given the planning application and Highways Act compulsory purchase order (CPO) and side road order (SRO) application for the NWL scheme have not been made and as such NWL cannot say for certain what the final redline boundary plans will be. Once final plans are provided to the Applicant, the Applicant is open to engaging with NWL in considering how best to manage interactions between the developments.
3	In the Relevant Representation, NCC set out how the proposed Order limits and Order land required for the onshore export cable element of the Sheringham and Dudgeon Extension Projects DCO ("SDEP DCO") overlap with part of the proposed alignment of, and proposed red line boundary for, the NWL.	Comment as above in ID2.
4	The proposed Order limits and Order land required for the onshore export cable element of the Sheringham and Dudgeon Extension Projects DCO ("SDEP DCO") overlap with part of the proposed alignment of, and proposed red line boundary for, the NWL (see Sheets 24 – 28 of the SDEP DCO Land Plans (REP2-003)).	The Applicant clarifies that there would be no requirement to close the NWL and that as outlined within the <b>Crossing Schedule (Revision E)</b> [document reference 6.3.4.1] the NWL will be crossed using trenchless technology. The Applicant further clarifies that the <b>Streets (to be temporarily stopped up) Plan (Revision D)</b> [REP5-003] includes all roads to allow the flexibility for the Applicant to exercise powers to install apparatus under the highway or to implement temporary road works for example to install temporary ground monitoring targets for surveys (associated with installing apparatus under the highway). This process will be controlled via road space booking with Norfolk County Council and does not invalidate their powers under the Traffic Management Act 2004 (to determine Road Space applications).

ID	Norwich Western Link Comment	Applicant Response
5	<p>See also, in particular, the Key Plan and Sheets 25 and 26 of the SDEP DCO Access to Works Plans (REP5- 002) which indicate that Equinor requires access for construction and early works which will have an impact on the proposed NWL; and the entry in Schedule 5 to the draft SDEP DCO (REP6-003), which indicates that “approximately 100 metres of the Norwich Western Link Road as shown between points 25c and 25d on Sheet 25 of the Streets (to be temporarily stopped up) Plan” would be affected.</p>	<p>The Applicant has been engaging with NWL throughout the Examination process to better understand the interactions between the developments. A summary of engagement to date is provided in Table 4 of the Statement of Common Ground with Norwich Western Link [document reference 20.7]. The Applicant is keen to maintain a constructive engagement with the NWL project.</p> <p>The Applicant agrees that it would be of assistance for coordination and cooperation between the parties to have a cooperation agreement with some discussions as to which matters should form part of that cooperation agreement already having taken place (see ID7).</p> <p>However, the process of engagement on a cooperation agreement will necessarily only become meaningful following the making of the planning application and the Highways Act CPO and SRO applications when details of what the NWL scheme plans and programme are confirmed.</p> <p>The Applicant understands from Norfolk County Council that NWL are facing funding issues and have had to postpone making the relevant applications until confirmation of approval of funding has been provided by the Department for Transport. Given the absence of certainty over whether the NWL scheme will go ahead at all, and if it does go ahead on what timescales that will be, it would be unreasonable for the Applicant to commit time and funds to negotiating a cooperation agreement which may never be required. It would similarly be unreasonable for protective provisions to be imposed on the DCO undertaker for the benefit of a scheme which has this degree of uncertainty.</p> <p>The Applicant is ready to engage on negotiations on the cooperation agreement with NWL once the relevant applications have been made and will continue to meet with NWL regularly to continue cooperation on these matters. The Applicant is open to considering heads of terms for the proposed cooperation agreement and has been awaiting draft heads of terms from NWL for two months.</p>
6	<p>Equinor as promoter of SDEP DCO has engaged with NCC as promoter of the NWL to discuss how the interface between the two projects can be managed to facilitate the mutual co-existence of the two projects.</p>	<p>Comments above in ID5, the heads of terms are yet to be received by the Applicant.</p>

ID	Norwich Western Link Comment	Applicant Response
	<p>Progress toward reaching agreement on a number of matters has been made and both parties have agreed in principle that a cooperation agreement should be developed and implemented between NCC and Equinor after the DCO examination.</p>	
7	<p>However, the parties have not yet reached agreement on all of the substantive issues affecting the two projects and a formal cooperation agreement has not yet been entered into by the parties. It is also unlikely that the parties will be in a position to enter into a formal cooperation agreement before the end of the DCO examination on 17 July 2023.</p>	<p>The Applicant confirms that this aligns with what has so far been discussed with NWL. As noted at ID5, heads of terms for the cooperation agreement have not yet been received by the Applicant.</p>
8	<p>Consequently, NCC is providing this written submission to update the Examining Authority that the issues it raised in its relevant representation remain outstanding. These issues are a need to provide mechanisms for:</p> <ul style="list-style-type: none"> <li>• compatibility of scheme designs, strategy for managing overlapping work areas, and mechanisms for reciprocal design approvals and potential cost sharing;</li> <li>• construction methodology, including access and timescales;</li> <li>• strategy for communicating with landowners and occupiers affected by both projects;</li> <li>• approach to the acquisition of land and rights over land, where land and rights are required for both projects in the same area;</li> <li>• approach to the temporary stopping up of highways (including the NWL) and public rights of way; and</li> <li>• potential for transfer of benefit to NCC of certain elements of the development to be authorised by the SDEP DCO.</li> </ul>	<p>Comment as above at ID5. The Applicant agrees a cooperation agreement, to be negotiated at the appropriate time, would be of assistance.</p>
9	<p>If an appropriate agreement in relation to the above matters is not reached the SDEP DCO would risk prejudicing the timely and cost effective delivery of the NWL and the economic, social and environmental benefits that the NWL would deliver.</p>	<p>Comment as above at ID5. The timescales which are proposed are unreasonable given the current status of the NWL scheme.</p>
10	<p>NCC remain of the view that its concerns are capable of being addressed via a suitably worded co-operation agreement and is confident, based on the good working relationship established, that such an agreement can be</p>	<p>However, the Applicant had understood that the agreed position from a meeting on 17 May 2023 was that protective provisions would not be required and instead a cooperation agreement would be entered into</p>

ID	Norwich Western Link Comment	Applicant Response
	<p>satisfactorily concluded before the Secretary of State is required to determine the SDEP DCO application.</p>	<p>between the parties once the relevant applications have been made for the NWL scheme. See comments at ID5.</p> <p>Given this position, the Applicant had not anticipated receiving a set of protective provisions for the benefit of NWL and prior to receiving them the day before Deadline 7 had not been made aware of them. These provisions have therefore been received extremely late in the Examination, without notice, and the Applicant has not had time to fully consider these in detail.</p> <p>The Applicant notes some initial comments in relation to the protective provisions. First, the definition of “crossing works” which defines the area over which NWL will have control in relation to Sheringham Extension Project (SEP) and Dudgeon Extension Project (DEP) works is defined with reference to the cable corridor over 5 pages of the works plans (onshore). This represents a very extensive length of the corridor over which NWL are seeking to exert control over the SEP and DEP works. The imprecision of this definition indicates that NWL do not themselves know what their scheme will entail and what the subsequent interactions with SEP and DEP will be. For the reasons of its wide extent and the lack of clarity around interactions which it represents, this definition is clearly not acceptable.</p> <p>Further, the protective provisions do nothing to recognise the multiple scenarios that may come about with regards to the two schemes. For instance, it does not provide for the position in which the NWL scheme is not consented at all or for a position in which it is consented but not constructed. It also does not provide for a scenario in which SEP and DEP are constructed first which, on the basis of the funding issues facing the NWL scheme, is a possibility.</p> <p>For these reasons the protective provisions are unreasonable and inappropriate and should not be included in the DCO. In the event that the Examining Authority is minded to impose protective provisions for the benefit of NWL, and recommends this to the Secretary of State, the Applicant requests the opportunity to be consulted on the proposed drafting of such protective provisions.</p>



ID	Norwich Western Link Comment	Applicant Response
11	However, to protect its position in the eventuality that an agreement is not satisfactorily concluded by that time, Norfolk County Council has prepared a set of protective provisions appended to this Position Statement that, if included in the SDEP DCO, would address its concerns.	Comment as above at ID5.
12	Notwithstanding the submission of this Position Statement, Norfolk County Council remains committed to agreeing the terms of a co-operation agreement with the Applicant and intends to continue to negotiate its terms during the reporting and determination periods of the SDEP DCO application.	Noted.