

Equinor: Sheringham & Dudgeon Extension Projects

Oulton Parish Council's response to a request for further information from DESNZ on 22nd November 2023.

Noise and Vibration – Trenchless Crossing Works at Night

21. **Oulton Parish Council, Broadland District Council, East Suffolk Council, Norfolk County Council, North Norfolk District Council and South Norfolk Council** are invited to comment on the Applicant's response to the Rule 17 letter [REP8-052, ID 14, page

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31], regarding restricting night time HDD works to emergencies to three locations only, as specified by the ExA.

Response:

Oulton Parish Council (OPC) notes that the *Outline Code of Construction Practice* which formed part of the proposed DCO is only naming three locations where emergency night-time HDD working might be permitted, all of which appear to be railway lines. The implication appears to be that the ExA is recommending that **no other HDD works should be permitted to take place at night** – and OPC wishes to endorse strongly the necessity for that requirement.

OPC had commented during the examination process about a specific location in our parish, **the solar park at Oulton**, which would necessitate a very long HDD section of work. It is further noted that at one point the solar park HDD was mentioned and formed part of the OCoCP (REP5-029 version E clean). See below:

10.1.3 Measures specific to night-time working at the Solar Park

186. A worst-case scenario could occur requiring night time working for the HDDs at the Solar Park. Mitigation measures such as the following could be used to minimise the likelihood that night-time working will be required:

- Commence works on each bore and each phase of reaming etc at the start of the shift with adequate planning to ensure that each phase of work is completed in a single shift;
- Manage the programme to ensure that no bores are started with the potential to not be completed before the end of the working week;
- Maintain discussions with Docking Solar Park and exchange designs and, where possible, reduce the length of the trenchless crossings ensuring that each activity can be completed in a normal shift;

- Consider undertaking crossings in flat formation, reducing risk and number of operations required for the installation of each duct.

187. The exact methodology will be set out within a Construction Method Statement which will form part of the final Code of Construction Practice. Similarly, the Construction Noise (and Vibration) Management Plan, which also will form part of the Code of Construction Practice will set out appropriate noise mitigation specific to the site.

However, the wording changed with the final version of the OCoCP (REP8-023 version G clean). At first the Solar Park is mentioned, proposing specific mitigation at 11.1.3 (REP8-023 page 10):

*“Additional mitigation in relation to night time working for the HDDs at the Solar Park in **Section 11.1.3.....**”*

But then, when para11.1.3 is reached, **reference to the solar park was then omitted.** See below:

- **11.1.3 Measures specific to night-time working**
 1. 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) . Mitigation measures such as the following could be used to minimise the likelihood that night-time working will be required:
 - Commence works on each bore and each phase of reaming etc at the start of the shift with adequate planning to ensure that each phase of work is completed in a single shift;
 - Manage the programme to ensure that no bores are started with the potential to not be completed before the end of the working week;
 - Maintain discussions with Statutory Undertakers and/or other Developers where projects interact and exchange designs and, where possible, reduce the length of the trenchless crossings ensuring that each activity can be completed in a normal shift;
 - Consider undertaking crossings in flat formation, reducing risk and duration the bore is exposed before the duct is installed.
 2. The exact methodology will be set out within a Construction Method Statement which will form part of the final Code of Construction Practice. Similarly, the Construction Noise (and Vibration) Management Plan, which also will form part of the Code of Construction Practice will set out appropriate noise mitigation specific to the site.

OPC would wish the Solar Park at Oulton to be named specifically in 11.1.3 as excluded from night-time working, as only this would protect the very close residents from the severe impacts of the excessive noise of night-time works.

The applicant’s response to the Rule 17 letter indicates that HDD design will be secured in Regulations 19 & 20 **post consent**. OPC finds this very concerning. We already have experience with Orsted’s Hornsea Three where contractors, who are appointed post

consent, either have not read or have ignored the requirements of the DCO - and they have already caused significant environmental impacts. It is therefore very alarming to see this applicant, Equinor, appearing to be fighting very hard for the right for SEP/DEP to be able to carry out night-time HDD works, as and when they wish. What is needed is **more**, not less, rigorous requirements laid down clearly in the DCO.

In our experience, room for manoeuvre in the DCO is almost always exploited later by developers, at the expense of the environment and communities.

OPC is concerned by the following extract from **REP8-052** (Applicant's response to rule 17 letter):

"Whilst it is currently not anticipated that night time HDD will take place except in the event of an emergency or in the three locations specified in the question, it cannot be ruled out e.g. **should ground conditions dictate**. Furthermore, including additional restrictions on HDD night time working is not only considered unnecessary **when readily available controls and mitigation exist**, but could result in non-compliance with a Statutory Undertaker's request and result in the unintended consequence of extending the construction programme." (**our emphases**)

This statement is peppered with caveats – the example highlighted by us ("should ground conditions dictate") would provide the developer with a perfect catch-all for future justification for night-time working. The LPAs do not have the resources to resist these "justifications" when they are presented with them ad hoc further down the line.

Furthermore, we are not reassured by the phrase "when readily available controls and mitigation exist". So far as we are aware, *there is no way of mitigating* the excessive noise of night-time HDD and consequent sleep disturbance to the near residents, except by avoiding doing it at night.

The extract continues:

"The approach proposed by the Applicant, and the controls which already exist, are well precedented. It is noted that the Hornsea Four Offshore Wind Farm Order (2023) does not include any Requirement relating to working hours as these are secured within the Code of Construction Practice. The Norfolk Vanguard Offshore Wind Farm Order (2022), which also includes HDD, does not include any specific night time restrictions on HDD works."

The argument from precedent on this issue does not apply to the SEP/DEP project for at least 3 reasons:

1. No other project is proposing to use so much HDD as SEP/DEP;
2. The section of HDD at Oulton is exceptionally long, forced by the location of the solar park;
3. The Applicant is ignoring the severity of *the cumulative impacts* at this precise location of the fact that, were it to be consented, SEP/DEP would be the **third** offshore windfarm project to impact directly on the residents of Oulton – and especially on the residents of the Old Railway Gatehouse and Bluestone Cottage, right next to the solar farm site. If "cumulative impact" as a planning concept has **any meaning whatsoever**, then protection against it, in this instance, must be provided by the DCO.

In summary, Oulton Parish Council urges the Secretary of State not to permit the use of night-time HDD working at the solar park site in Oulton and to ensure that this is stated unequivocally in the DCO.

The Parish Council thanks you for this opportunity to comment.