



Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects

Cover Letter

Revision A

Non-material Change Application

July 2024

Document Reference: 26.1



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Head of Energy Infrastructure Development
Department for Energy Security & Net Zero
1 Victoria Street
London SW1H 0ET
United Kingdom

Our reference: C282-BS-Z-GA-00049
Your reference: EN010109
23 July 2024

Dear Mr Wagstaff,

EN010109 Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 – Non-Material Change Application

1 BACKGROUND TO THE APPLICATION

- 1.1 Please find enclosed an application (**the NMC Application**) for a non-material change to the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (**the Order**) as made on 17 April 2024.
- 1.2 The Order permits the construction and operation of the Sheringham Shoal Offshore Wind Farm Extension Project (**SEP**) and Dudgeon Offshore Wind Farm Extension Project (**DEP**).
- 1.3 The NMC Application is submitted in accordance with the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (**the 2011 Regulations**).
- 1.4 Taking the same approach as was made for the application for development consent (**the DCO Application**), this NMC Application is made by Equinor New Energy Limited (**the Applicant**) on behalf of Scira Extension Limited (**SEL**) and Dudgeon Extension Limited (**DEL**). The address and contact details are as set out in the letter footer.
- 1.5 For information, an application to vary the deemed marine licences for SEL and DEL is also being made to the Marine Management Organisation (**MMO**). The variations being requested cover substantively the same material as set out below, but also include amendments to correctable errors, which largely mirror those already requested to the Order via the Correction Order application made by the Applicant on 29 May 2024.

2 ENCLOSURES

- 2.1 Please find enclosed in support of the NMC Application:
 - (a) A draft Amendment Order, setting out the changes to the Order that the Applicant is seeking.

- (b) A Supplementary Environmental Report (**SER**) which provides additional detail about the changes together with an environmental appraisal of those changes.
 - (c) Revision B of Appendix 28.1 Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Projects EMF Assessment [document reference 6.3.28.1], to be read in conjunction with the related sections in the SER.
 - (d) A tracked change Development Consent Order, showing for context the Applicant's requested changes (as set out in the proposed Amendment Order) against the made Order.
- 2.2 The Consultation and Publicity Statement which is required to be submitted in support of the NMC Application will be provided once the Applicant is able to provide evidence of its compliance with the consultation and publicity requirements pursuant to the 2011 Regulations.
- 2.3 The application fee of £6,891 has been paid.

3 THE NMC APPLICATION

- 3.1 The NMC Application seeks the following changes:
- (a) Increases to the total rotor-swept areas for SEP and DEP (from 1.00 km² to up to 1.42km² for SEP and from 1.30 km² to up to 1.85 km² for DEP);
 - (b) Corresponding increases to the minimum air gap (being the distance between the lowest point of the rotating blade of a wind turbine generator and highest astronomical tide);
 - (c) An increase to the maximum number of interlink cables from three to four in the event two Offshore Substation Platforms (**OSPs**) are constructed (Scenarios 1(c), 1(d), 2 or 3 as defined in the Order) or in the case that only DEP is constructed (scenario 1(b) as defined in the Order) and from seven to eight in the event one OSP is constructed for SEP and DEP (in the SEP wind farm site, Scenario 4 as defined in the Order) together with related increases to interlink cable protection area and volume and to the maximum number of interlink cable crossings for Scenarios 1(b), 1(c), 1(d), 2, 3, and 4; and
 - (d) An increase to the maximum area and volume of infield cable protection and a reduction in infield cable crossings associated with Work No. 2B for all scenarios.
- 3.2 For the avoidance of doubt and as confirmed in the SER, the NMC Application does not seek to amend any onshore elements of SEP and DEP, the Order limits or any other offshore parameters.
- 3.3 The proposed changes to the above offshore parameters are necessary to facilitate an increase in the maximum generating capacity that can be achieved by both SEP and DEP. At the time the DCO application was submitted, the parameters specified in the application were determined by the maximum capacity (719MW) permitted by The Crown Estate (TCE) through its leasing process, and this also aligned with the Transmission Entry Capacity (TEC) set out in the grid connection agreement for SEP and DEP. Since then, the Applicant has secured a 2nd stage TEC, which increases the permitted grid connection capacity to 950MW, and the projects are part of TCE's capacity increase programme, which seeks to enable this additional capacity to be realised from the existing lease areas. As set out in Section 1 of the SER, facilitating an increase in the capacity of SEP and DEP provides the opportunity to strengthen the contribution of the two projects to the government's climate goals.

4 MATERIALITY

- 4.1 Guidance (Planning Act 2008: Guidance on Changes to Development Consent Orders) issued by the Department for Communities and Local Government (DCLG) sets out that there is no statutory definition of what constitutes a 'material' or 'non-material' change to a Development Consent Order

(**DCO**); however, the guidance does provide criteria for determining this. The following characteristics will indicate an amendment is more likely to be considered ‘material’:

- (a) The change would require an updated Environmental Statement (from that at the time the original Order was made) to take account of new, or materially different, likely significant effects on the environment.
- (b) The change would invoke a need for a Habitats Regulations Assessment. Similarly, the need for a new or additional licence in respect of European Protected Species (**EPS**) is also likely to be indicative of a material change.
- (c) The change would require authorisation of the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the existing Order.
- (d) The change has a potential impact on local people and businesses.

4.2 The SER demonstrates that it is appropriate for the changes being sought to be consented as non-material changes to the Order. These points are summarised in paragraphs 4.3-4.8 below.

Materiality Characteristic 1 – EIA Considerations

4.3 Section 3 of the SER reviews the potential implications of the NMC Application in relation to all relevant topics assessed within the ES and concludes in all cases that the proposed amendments included within the NMC Application will not result in any new, or materially different, likely significant effects on the environment.

Materiality Characteristic 2 – Habitats Regulation Assessments (HRA) and European Protected Species Considerations

4.4 The conclusions of the Secretary of State’s Habitats Regulations Assessment (HRA) are not affected by the proposed changes to the Order. Section 4 of the SER confirms that the proposed changes to the Order will not result in any new or materially different likely significant effects, alone or in combination, in respect of any of the European sites already assessed in the HRA as, importantly, there will be no material increase in predicted collisions apportioned to any Special Protection Area population. Therefore, the changes do not invoke the need for any additional or further HRA.

4.5 The SER also confirms that there is no need for any new or additional EPS licences as a result of the proposed changes.

Materiality Characteristic 3 – Compulsory Acquisition Considerations

4.6 The proposed amendments relate to offshore works only and will not result in any change to the Order limits. There is therefore no requirement for any compulsory acquisition of land or interests over land as a result of the NMC Application.

Materiality Characteristic 4 – Potential Impacts on Business and Residents

4.7 Section 6 of the SER confirms that there will be no new or materially different impacts on onshore local communities and businesses as a result of the proposed changes. Specifically, no onshore changes are proposed and there is no requirement for new or additional compulsory acquisition powers as a result of the proposed changes. In addition, there are no new or materially different seascape or visual impacts as a result of the proposed changes.

4.8 Section 6 also confirms that there will be no new or materially different impacts on local offshore stakeholders, which is confirmed by the review of commercial fisheries and shipping and navigation impacts set out in Section 3 of the SER.

Conclusion - Non-Material Change

- 4.9 In summary, and using the criteria in the DCLG's Guidance (Planning Act 2008: Guidance on Changes to Development Consent Orders), the NMC Application should be treated as non-material and consented as a non-material change because the changes pursuant to it:
- (a) Do not require an updated environmental statement (from that at the time the Order was made), as the NMC Application does not give rise to new, or materially different, likely significant effects on the environment;
 - (b) Do not invoke the need for a Habitats Regulation Assessment (**HRA**) or any new or additional EPS licences;
 - (c) Do not authorise the compulsory acquisition of any land, or an interest in or rights over land that is not already authorised through the Order; and
 - (d) Will have no effect on offshore or onshore local communities and stakeholders.

5 CORRECTIONS

- 5.1 As noted above, the Applicant submitted an application for a Correction Order on 29 May 2024. It has subsequently become apparent that there are some additional minor corrections which ought to be made to the Order, in particular to Schedule 18 (Certified Documents). These additional correctable errors are summarised in the table below:

DCO Article/ Schedule reference	Correction to be made
Part 1, Art 2(1)	In the definition of "outline operational drainage strategy (onshore substation)" the removal of reference to "(onshore substation)"
Schedule 2, Part 1, Requirement 17(3)	Removal of reference to "(onshore substation)" in the name of the outline operational drainage strategy
Schedule 18, Table 1, Document number 6.2.3	The Examination library reference in column 2 is amended with the replacement of "APP-106" for "APP-116".
Schedule 18, Table 1, Document number 6.3.10.2	The Examination library reference in column 2 is amended with the replacement of "REP7-026" for "REP8-019".
Schedule 18, Table 1, Document number 6.3.25.1	The Examination library reference in column 2 is amended with the replacement of "APP-275" for "APP-274".
Schedule 18, Table 1, Document number 6.3.26.1	The Examination library reference in column 2 is amended with the replacement of "APP-276" for "APP-275".
Schedule 18, Table 1, Document number 6.3.27.1	The Examination library reference in column 2 is amended with the replacement of "APP-277" for "APP-276".

Schedule 18, Table 1, Document number 6.3.27.2	The Examination library reference in column 2 is amended with the replacement of “APP-278” for “APP-277”.
Schedule 18, Table 1, Document number 6.3.27.3	The Examination library reference in column 2 is amended with the replacement of “APP-279” for “APP-278”.
Schedule 18, Table 1, Document number 9.20	The document name in column 3 is amended with the removal of reference to “(onshore substation)”
Schedule 18, Table 1, Document number 9.24	The document reference in column 1 is amended with the replacement of “9.24” for “6.5”.

5.2 The Applicant has already notified the Secretary of State of these additional correctable errors by email on 02 July 2024 and has requested that they are included in any Correction Order the Secretary of State chooses to make. However, for completeness, the Applicant has included these additional correctable errors within the draft Amendment Order enclosed with this Application and requests that, in the event the Secretary of State is unable to incorporate them into the previously requested Correction Order, that they are instead included in any Amendment Order made by the Secretary of State pursuant to this NMC Application.

6 If you have any queries, please do not hesitate to contact the undersigned.

Yours sincerely,

Mark Jones
 Development & Consents Manager, SEP&DEP
 Equinor