



Meeting note

Project name	Sheringham and Dudgeon Extension Projects (SADEP)
File reference	EN010109
Status	Final
Author	The Planning Inspectorate
Date	12 February 2021
Meeting with	Equinor
Venue	Microsoft Teams Meeting
Meeting objectives	Project Update
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project Update and Consultation

The Applicant provided an update on the project to date, it confirmed that the red line boundary has been refined to better inform the Preliminary Environmental Information Report (PEIR). The Applicant is continuing to identify the most suitable locations for construction compounds and access to onshore substations. The Applicant intends to finalise the PEIR by April 2021.

The Applicant summarised its consultation to date, and confirmed its intention to align with other developers in the areas when finalising the cable routing. The Applicant outlined its engagement plan for Phase 2 consultation. The Applicant is widening the consultation area to include Lincolnshire. Drop-in sessions will be provided when government guidelines allow. Working groups will be run for key stakeholders to discuss seascape, landform, cable routing and substation location. The Applicant stated its intention to reach out to Parish Councils to engage in working groups. The Applicant confirmed that all virtual forums are supplemented for those who are not able to access the documents digitally, and that all documentation can be provided in hard copy. The material the Applicant will provide for Phase 2 consultation will include a briefing pack, consultation leaflet and associated feedback form, and physical print outs of PEIR documentation (which will be available upon request). The Applicant, reflecting upon Phase 1 consultation, is aiming to provide a hotline service and when possible, to provide on demand meetings.

The Applicant noted the challenges of engagement with statutory parties during the Covid19 pandemic and this has potential impacts on the timeline of the project. The Inspectorate advised the Applicant to continue attempting to engage all relevant parties and to keep an evidence trail of all attempts of engagement.

The Inspectorate commented that the virtual consultation proposals appeared to be consistent with what other applicants are doing. Changes to certain publicity requirements that have been introduced by The Infrastructure Planning (Publication and Notification of Applications etc.) (Amendment) Regulations 2020 were also discussed. The Inspectorate advised the Applicant to highlight the flexibility of the consultation approach in the Statement of Community Consultation (SoCC) to allow for the introduction of physical “in person events” if the circumstances allowed.

Release Environmental Headroom

The Applicant noted its desire to release environmental “headroom” from the existing Dudgeon wind farm which was not built out to fullest extent allowed for in its consent under s36 of the Electricity Act 1989. This would allow the DCO scheme to formally account for the reduction between as built and as consented parameters in their Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) processes. The Applicant seeks to provide legal certainty to achieve this and has identified two possible routes for doing so. The first route would be to amend the Dudgeon consent via s36; the second route would be to include the change to the Dudgeon Windfarm in the SADEP DCO application. This would involve extending the DCO Order Limits around the existing Dudgeon windfarm.

BEIS (Department of Business, Energy and Industrial Strategy), has advised the Applicant to proceed with the DCO route.

The Inspectorate noted the strong steer from BEIS and agreed this appeared to be a more straightforward approach. The Inspectorate advised the Applicant to align its approach with the Change and Evidence Programme to create a strategic approach to the headroom release.

Derogation

The Applicant confirmed that HRA derogation discussions are continuing to evolve and have advanced since the last [project update meeting](#) in November 2020, particularly from reflecting upon the Hornsea Three DCO decision made by the SoS, and following the progress of the East Anglia One North and East Anglia Two applications currently in examination. Based upon the Hornsea Three decision, the Applicant intends to engage constructively with SNCBs (Statutory Nature Conservation Body) during Pre-application to ensure that any derogation case can be fully considered at Examination. The Applicant enquired as to whether derogation approaches should only be guided by SNCBs engagement, or if engagement should be made with other stakeholders. The Inspectorate confirmed that it would be valuable to engage widely on this topic, and that providing an evidence trail of any engagement will be important for examination.

The Applicant identified some challenges it is facing with regard to derogation in the interest of having a smooth Acceptance and Examination. The Applicant expressed uncertainty in assessment outcomes in Pre-Application and the role of The Inspectorate in reassuring that all relevant compensatory measures have been considered at Pre-Application and reflected in the application documents so as not to cause an acceptance risk (and that any such measures are capable of being examined within the statutory 6

month period). The Inspectorate confirmed that its role in Pre-Application is to act in an advisory capacity regarding procedures and legislation. The Inspectorate confirmed that a revised version of [Advice Note 10](#) (on HRA) is currently being drafted, and that the timeframe for completion is to be confirmed. The Inspectorate commented that it will be able to provide feedback on the proposed compensatory measures and Habitats Regulation Assessment (HRA) at the draft document review stage.

The Applicant identified sites and features for which (at this stage) a derogation under the Habitats Regulations may be required including the Flamborough and Filey Coast (FFC) (for Kittiwake), and the North Norfolk Coast (NNC) (for Sandwich Tern). Derogation may also be required in respect of the Cromer Shoal Chalk Beds Marine Conservation Zone (CSCB MCZ) under section 126 of the Marine and Coastal Access Act 2009. The Applicant noted its intention to identify a suitability ranking for potential derogation options at each site.

The Applicant reiterated its derogation approach. The general principles for this are early engagement with consultees and a transparent decision-making process achieved through an Evidence Plan Process (EPP).

AOB

The Applicant confirmed it will submit draft documents for review with the intention of submitting the draft HRA and PEIR as soon as they are completed. The Applicant will provide a timeframe for this as soon as possible. The Inspectorate advised the Applicant to submit draft documents for review very soon before the final DCO submission to make the review process meaningful. Additionally, the Inspectorate advised the Applicant to take a targeted approach to novel items when submitting the draft DCO for review.

The Inspectorate alerted the Applicant to an update of Advice Note 14 (Compiling the Consultation Report), which will be published in late February/early March. This represents an update based on emerging practice since the extant Advice Note was published in 2014. Therefore, it does not fundamentally change the advice provided in the current Advice Note 14.

Specific decisions/ follow-up required?

The following actions were agreed:

- The Applicant to provide the Inspectorate with a more detailed Engagement Plan.
- As the Applicant's Phase 2 Consultation period is due to begin Spring 2021, the Applicant and Inspectorate agreed that their next project update meeting would be held in June 2021