



## Meeting note

<b>Project name</b>	Sheringham and Dudgeon Extension Projects
<b>File reference</b>	EN010109
<b>Status</b>	<b>Final</b>
<b>Author</b>	The Planning Inspectorate
<b>Date</b>	15 June 2022
<b>Meeting with</b>	Equinor
<b>Venue</b>	Microsoft Teams
<b>Meeting objectives</b>	Project Update Meeting
<b>Circulation</b>	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.

#### ***Draft Documents Feedback***

The Applicant highlighted to the Inspectorate the need for numerous scenarios in order to scope the most effective development plan.

The Applicant re-iterated that Equinor is a partner in the separately owned Sheringham Shoal Extension Project (SEP) and Dudgeon Extension Project (DEP) and has been employed as a manager of both projects. Due to the nature of the projects being owned by different partnerships there is inherently a number of development scenarios under which the two projects could be developed out, this feeds into the need for the strategy that has been employed and accounts for the multiple scenarios presented.

The Applicant stated that the consenting strategy has been communicated from the outset and described in the Scoping Report and Preliminary Environmental Information Report (PEIR). Feedback received from stakeholders regarding the presentation of worst-case scenarios has helped to shape the final application.

An alternative consenting strategy to the one pursued would have required a separate Development Consent Order (DCO) application for each project. The Applicant stated that a single DCO application would help provide consistency in assessment, consultation and examination, while also providing greater transparency in the case of compulsory acquisition.

The Applicant acknowledges the importance, raised by the Inspectorate, of communicating the chosen approach effectively with the public.



The Applicant stated that the ongoing Offshore Transmission Network Review (OTNR) is aimed at facilitating greater co-ordination in offshore wind and that it is actively involved in the OTNR work.

The Applicant stated that developing SEP and DEP as an integrated transmission system, constructed concurrently, would reduce the impact on local communities along the onshore cable corridor.

## ***Regulatory Context – Co-ordinated Development Update***

The Applicant continues to engage with the Department for Business, Energy and Industrial Strategy (BEIS) regarding co-ordinated and/or dependant Contract for Difference (CfD) bids. While the Applicant would prefer to submit joint or contingent bids for a CfD in the same auction, the current CfD regulations do not support this. The Applicant noted that there may be a consultation for this in the Summer of 2022. However, a final decision by BEIS regarding the acceptance of a co-ordinated and/or dependent CfD bid will take time.

The Applicant is advocating for an Anticipatory Investment (AI) model, where pre-investments in a co-ordinated transmission system should be covered by the consumers. Consultation conducted on Ofgem's "minded-to" decision on AI policy changes closed in June 2022.

The key takeaway from this consultation is that the consumer will bear the AI risk until the second project starts production and will bear the risk should the second project fail to materialise. There will also be an early-stage assessment of costs to give certainty that the arrangement will be approved.

Ofgem has confirmed that AI will be available to projects that apply to CfD in the same round but will not be applicable if both projects are successful, in which case the expectation is for this to be dealt with commercially. AI is a safety net if one project fails.

At this stage it is unclear if SEP and DEP will qualify for AI, until an Early-Stage Assessment has been conducted.

The Applicant highlighted several other DCOs that provide precedent for combined or linked Nationally Significant Infrastructure Project (NSIP) applications, such as Dogger Bank Teesside A&B, and how they fed into the suggested construction scenarios in the draft documentation.

## ***Rochdale Envelope Approach***

There are several aspects of SEP and DEP which require flexibility, adopting the Rochdale Envelope approach to the scheme.

- Wind turbine capacity (maximum rotor diameter, tip height and foundation height)
- Construction and maintenance methodologies
- The Development Scenarios (which are specific to SEP and DEP but in keeping with several other DCO projects that have incorporated and assessed a range of scenarios)

The Applicant advised that the Environmental Impact Assessment (EIA) process has considered the maximum effects of SEP and/or DEP, and adopted the precautionary approach, while also allowing for further optimisation and refinement post-consent. Receptor



specific impacts draw on the options from within the Rochdale envelope that represent the realistic worst case scenario (WCS) and a clear narrative is provided throughout the assessments to provide the rationale for the WCS.

## ***Scenarios Statement***

The Applicant acknowledged that, allowing for the multiple construction/operation scenarios proposed, it would be helpful to consider the production of a specific explanatory document for Interested Parties (IPs). Any such document could include, but not be limited to:

- An explanation of the Rochdale Envelope approach
- A detailed explanation of each scenario
- A rationale behind each scenario
- Confirmation of how the WCS has been assessed.

While the above information would be available across the various documents submitted for review, the Applicant notes that for Interested Parties (IPs) such a document may provide clarity.

The Applicant emphasised that the vast majority of what it is doing with this application has been done before multiple times and provided comparisons from other projects. In this case, the Applicant is simply creating a clearer presentation of the different scenarios (and associated EIA assessments) and more structured drafting in the DCO.

## ***Development Consent Order Drafting***

The Applicant advised that scenarios one and two are not novel and are only openly set out in the ways in which the two projects with overlapping redline boundaries could be constructed.

Scenarios three and four are novel as they provide for different levels of electrical integration between the two projects, something which has not been done before.

Requirement 9 (1) provides that SEL and DEL will give notice to the relevant planning authority to confirm which chosen scenario will be implemented. Requirement 9(2) and (3) provides that neither project can commence its onshore works until a written scheme setting out the phases of the relevant works is submitted and approved by the relevant planning authority subject to any notified amendments.

## ***Submission***

The Applicant advised that they would benefit from a further meeting with the Inspectorate in July (which has been arranged for Tuesday 19 July 2022) and are aiming to submit the DCO application in late August 2022.

The Inspectorate is expecting a number of other applications to be submitted during the remainder of 2022. As such, in order to ensure that both Examining Authority and case team resources are deployed effectively, the Inspectorate requests regular updates on the submission date and early notice of any change to the submission date.



The Applicant queried whether submissions are purely digital. The Inspectorate advised that this is correct but that the Examining Authority (ExA) has the ability to request paper copies of documentation, if required.

The Applicant said that it considered that it had addressed the various concerns raised in the written feedback and that, on that basis, it was pressing forward with its intended timeline. The Applicant asked that if it had misunderstood this or if there were any additional issues it would be keen to be aware of them. The Inspectorate said that it had found the meeting very helpful in understanding the Applicant's position and had no additional issues to raise at this time.

### ***Specific decisions/ follow-up required***

The following actions were agreed:

- The Applicant will explore digital file sharing services to decide which service they will use for submission and contact the Inspectorate to conduct a trial run.
- Next meeting July 19<sup>th</sup> – The Inspectorate will be in touch regarding an agenda.



The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

By email only: [sadep@planninginspectorate.gov.uk](mailto:sadep@planninginspectorate.gov.uk)

Our reference: C282-BS-Z-GA-00001 DRAFT  
Your reference: EN010109  
31 March 2022

Dear Louise

## **Sheringham Shoal Extension Project and Dudgeon Extension Project**

### **Request for draft application document review**

As you will be aware, the two partnership companies Scira Extension Limited and Dudgeon Extension Limited intend to develop two offshore wind farms known as the Sheringham Shoal Extension Project (SEP) and the Dudgeon Extension Project (DEP), with Equinor New Energy Limited (the Applicant) as a manager for both projects.

We are currently in the pre-application stage and are preparing documents for submission to support an application for a development consent order (DCO) for SEP and DEP. As part of that process, we note that the Planning Inspectorate encourages applicants to share with it draft application documents for review.

On that basis, we are enclosing the following draft application documents:

1. Draft DCO;
2. Explanatory Memorandum;
3. Consultation Report;
4. Appendix to Consultation Report (Compliance Checklist);
5. Chapter 4 (Project Description) of the Environmental Statement;
6. Chapter 5 (Environmental Impact Assessment Methodology) of the Environmental Statement;
7. Onshore Works Plans; and
8. Offshore Works Plans.

Please note that all of these are draft documents and so are still subject to further change and are not complete in some places. We have not included full appendices to any of the documents other than the Compliance Checklist, which accompanies the Consultation Report (note that there will be additional appendices to the Consultation Report with the final version for application submission).

We would be grateful for your comments on the documents, and in particular would ask you to address the following questions please:

1. Are you satisfied that the DCO, Explanatory Memorandum, Project Description Chapter, Onshore Works Plans and Offshore Works Plans together provide a clear and consistent explanation of the development scenarios being proposed for SEP and DEP?
2. Does the development scenarios section of the Project Description chapter clearly explain how the assessment worst-case scenarios have broadly been determined and do you agree with this approach and that it is in line with Planning Inspectorate Advice Note 9?
3. The DCO contains some bespoke drafting in certain places, which it would be helpful to have your review of:
  - a. Article 5 (Transfer of Benefit): this includes additional provisions to enable the transfer of all or part of the DCO to a company within the same ownership as the undertakers. This is to allow flexibility in the future to introduce a GridCo to maximise the potential to bring forward the transmission assets in an integrated manner.
  - b. Schedule 1 (Authorised Development), together with definitions of the four scenarios (“scenarios 1 – 4”) contained in article 2: This has been drafted to allow flexibility to deliver any of the scenarios described within the Project Description chapter of the Environmental Statement.
  - c. Schedule 2 (Requirements): the requirements have been drafted to allow for each project to discharge them either separately or jointly depending on the construction scenario that is taken forward.
4. In relation to the Deemed Marine Licences (DMLs) contained within the DCO at Schedules 10 to 13, are you satisfied that all of the scenarios proposed are adequately dealt with through the four DMLs proposed and that no further DMLs are required?
5. Are you satisfied that the approach to the DCO and Explanatory Memorandum is in accordance with Planning Inspectorate Advice Notes 13 and 15?
6. Do you have any comments on the way that the Onshore Works Plans and Offshore Works Plans depict the different development scenarios?
7. Are you satisfied that the Consultation Report and Appendix (compliance checklist) demonstrate compliance with the consultation requirements of the Planning Act 2008 and Planning Inspectorate Advice Notes 7 and 14 (where relevant)?
8. In relation to the Consultation Report, given that both formal stages of consultation were digital only, are you satisfied that this demonstrates suitable robustness and accessibility in light of Covid-19 restrictions and associated guidance on this?
9. Are you satisfied that the EIA Methodology chapter demonstrates compliance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and Planning Inspectorate Advice Notes 7 and 17 (where relevant)?

Should you have any queries during your review that it would be helpful to discuss, please do not hesitate to contact Sarah Chandler at [REDACTED]

We look forward to hearing from you.

Yours sincerely



Sarah Chandler  
Development & Consents Manager, SEP and DEP  
Equinor





## **Sheringham and Dudgeon Extension Project – EN010109**

### **Section 51 advice regarding draft application documents submitted by Equinor**

On Friday 1 April 2022 Equinor submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service<sup>1</sup>:

1. Draft Development Consent Order
2. Explanatory Memorandum
3. Consultation Report
4. Consultation Report Compliance Table
5. Onshore Work Plans
6. Offshore Work Plans
7. Environmental Statement Chapter 4: Project Description
8. Environmental Statement Chapter 5: EIA Methodology

The Applicant also submitted a Cover Letter which included specific questions it wished for the Planning Inspectorate to answer as part of the review. Responses to these questions are included in the feedback table below.

---

<sup>1</sup> See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>





The advice recorded in the table comprising this document relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents, and not the merits of the proposal. The advice is limited by the time available for consideration and is raised without prejudice to the acceptance or otherwise of the eventual application.

## Abbreviations Used

<b>CR</b>	Consultation Report	<b>ES</b>	Environmental Statement	<b>PA2008</b>	Planning Act 2008
<b>DCO</b>	Development Consent Order	<b>ExA</b>	Examining Authority	<b>PEIR</b>	Preliminary Environmental Information Report
<b>dDCO</b>	Draft Development Consent Order	<b>HAT</b>	Highest Astronomical Tide	<b>RE</b>	Rochdale Envelope
<b>DEP</b>	Dudgeon Extension Project	<b>IP</b>	Interested Party	<b>SEP</b>	Sheringham Extension Project
<b>DML</b>	Deemed Marine License	<b>JNCC</b>	Joint Nature Conservation Committee	<b>UK</b>	United Kingdom
<b>DOW</b>	Dudgeon Offshore Wind Farm	<b>LAT</b>	Lowest Astronomical Tide	<b>UXO</b>	Unexploded Ordnance



<b>EIA</b>	Environmental Impact Assessment	<b>LPA</b>	Local Planning Authority	<b>WTG</b>	Wind Turbine Generator
<b>EM</b>	Explanatory Memorandum	<b>MMO</b>	Marine Management Organisation	<b>WCS</b>	Worst-Case Scenario

Draft Development Consent Order (dDCO)		
Ref No.	Paragraph/Section	Comment/Question
1.	<b>Schedule 1 p.38</b>	It is unclear if the Sheringham onshore works (7A-20A) are part of the Authorised or Associated Development; it would help if this could be made clearer.
2.	<b>p.39, Works 11A, 12A &amp; 13A</b>	Works Nos 11A, 12A & 13A are not set out and defined separately as the other works have been ('Works 13A' is not italicised); this may be a formatting issue.
3.	<b>Part 1, Article 2</b>	The Applicant should consider whether reference to the Communications Act 2003 and Conservations of Habitats and Species Regulations 2017 is necessary.
4.	<b>Part 1, Article 2</b>	The Applicant should consider whether the definition of 'buoys' should include LiDAR buoys, wave buoys and guard buoys.
5.	<b>Part 1, Article 2</b>	The Applicant should consider whether the definition of 'construction compound' should also include reference to hard standing, areas for spoil and workshop facilities.



<p><b>6.</b></p>	<p><b>Part 1, Article 2</b></p>	<p>The Applicant should consider whether definitions for the below are required:</p> <ul style="list-style-type: none"><li>• Defence Infrastructure Organisation Safeguarding</li><li>• fibre optic cable</li><li>• GIS</li><li>• grid connection works</li><li>• Historic England</li><li>• inter array cable - or is interlink cable the same?</li><li>• intertidal area</li><li>• jointing works</li><li>• licensed marine activities</li><li>• limits of deviations</li><li>• local highway authority</li><li>• local planning authority</li><li>• meteorological mast</li><li>• national grid substation</li><li>• offshore and onshore preparation works</li><li>• relevant lead local flood authority</li><li>• relevant local highway authority</li><li>• scheduled works</li><li>• stage</li><li>• statutory nature conservation body</li><li>• statutory undertaker</li></ul>
------------------	---------------------------------	---



Draft Development Consent Order (dDCO)		
Ref No.	Paragraph/Section	Comment/Question
		<ul style="list-style-type: none"><li>• transmission works</li><li>• tribunal</li></ul> works plans.
7.	<b>Part 4, Article 30</b>	Page 30 of the dDCO has Part 4 between Part 5 and Part 6. It is requested that the Applicant confirms whether this is a typographic error/text in wrong location.
8.	<b>Part 6, Article 41(1)</b>	Typographic error – open square bracket at end of sentence.
9.	<b>Part 6, Articles 46 and 47</b>	Why is this included in square brackets?
10.	<b>Schedule 2, Part 1</b>	Requirement 2 – why HAT and not LAT?
11.	<b>Schedule 2, Part 1</b>	Requirement 2 – should the Meteorological Mast and associated foundations (if required) be secured within Requirement 2?
12.	<b>Schedule 2, Part 1</b>	Why are Requirements 8,11,15, 19, 22 and 23 in square brackets?
13.	<b>Schedule 2, Part 1</b>	Requirement 20 – Should wording including reference to consultation with Historic England?



Draft Development Consent Order (dDCO)		
Ref No.	Paragraph/Section	Comment/Question
14.	Schedule 2, Part 1	Requirement 20 (2)(a) – square bracket after work ‘sites’ – typographic error?
15.	Schedule 2, Part 1	Requirement 22 – Will the construction hours for the transmission works and grid connection works be the same? If not, are two separate Requirements necessary?
16.	Schedule 2, Part 1	Is a specific aviation lighting Requirement necessary?
17.	Schedule 10, Part 1	The Applicant should consider whether the definition of ‘buoys’ should include LiDAR buoys, wave buoys and guard buoys.
18.	Schedule 10, Part 1	<p>Is definition for the following required?</p> <ul style="list-style-type: none"> <li>• Defence Infrastructure Organisation Safeguarding</li> <li>• Meteorological Mast</li> <li>• UK Hydrographic Office (Missing in Marine Licence 1)</li> </ul> <p>Also, the Applicant may need to refer to list of suggested definitions above to confirm whether any are also required in Schedule 10, Part 1.</p>
19.	Schedule 10, Part 1	Definition of JNCC not completed.
20.	Schedule 10, Part 2	Noting paragraph 74 in the Project Description document, does the Applicant consider an UXO clearance condition to be necessary?



Draft Development Consent Order (dDCO)		
Ref No.	Paragraph/Section	Comment/Question
21.	Schedule 10, Part 1	What is the title of Condition 15?
22.	Schedule 10, Part 1	Why are Conditions 21 and 22 in square brackets?

Explanatory Memorandum (EM)		
Ref No.	Article/Requirement/Schedule	Comment/Question
23.	Section 5.1.4 p.11 onwards	It would be helpful to have a more clearly defined explanation of which works are part of the Authorised Development and which are Associated Development.
24.	Paragraph 15, p.11	Typographic error: <i>'To reflect the fact tha, 5A, t'</i>
25.	Paragraph 15c, p.11	Typographic error – bracket missing from end of sentence ( <i>defined in the Order as the "integrated offshore works",.</i>
26.	Paragraph 20, p.13	Typographic error: <i>'2C to 4C6C to 8C,'</i>
27.	Paragraph 23, p.13	Typographic error – space required between words 'project' and 'either'.



Explanatory Memorandum (EM)		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
28.	Paragraph 38, p.16	Reference to Article 2(6), should this be Article 2(5)?
29.	Article 45, p.30	Text appears to be missing.
30.	Paragraph 148, p.30	Typographic error – space required between words ‘projects’ and ‘provides’.
31.	Paragraph 159, p.32	Requirement 9 to be completed – text relating to this Requirement already contained within dDCO.
32.	Paragraph 162, p.32 onwards	Requirement numbering from paragraph 162 onwards doesn’t match dDCO Requirement numbering.
33.	Paragraph 169, p.33	Typographic error – Requirement 190 should read Requirement 19.
34.	Paragraph 190, p.35	Should Schedule 7 refer to Schedule 9 to reflect dDCO Schedule numbering?
35.	Paragraph 229, p.40	Part 8 to be completed – text relating to this article already contained within dDCO.
36.	Paragraph 231, p.40	Schedule 16 to be completed – text relating to this article already contained within dDCO.



Consultation Report (CR)		
Ref No.	Plan ref	Comment/Question
37.	General	Overall, there does not appear to be any significant shortfalls within the draft CR, however there are several minor attention to detail mistakes such as errors in date ranges, mislabelling and missing information from tables which are set out below.
38.	General	The Inspectorate is unable to confirm if statutory requirements met at this stage as no appendices provided which would demonstrate compliance, e.g., a copy of the letter issued to s42 consultees to inform of the statutory consultation period which would need to include the deadline notified by the Applicant of 28 days or more starting with the day after receipt of the consultation documents
39.	General	One of the checks carried out by the Inspectorate during the Acceptance stage is to compare the list of s42 Planning Act 2008 (PA2008) consultees against the Book of Reference. The Applicant should carry out its own review of this ahead of submission and if there are any discrepancies between the two documents these should be fully explained in the CR.
40.	General	The Applicant should ensure that the final report contains full information about the targeted s42 consultation as acceptance checks will consider all consultation stages.
41.	Paragraph 24, p.17	The Applicant should fully explain why the Project Information Days held in 2022 were in different locations to those planned 30 March to 2 April 2020 and subsequently cancelled due to Covid restrictions. The Applicant should detail whether consideration was given to virtual Project Information Days between 2020 and 2022.
42.	1.4 Key Stages of Consultation, p.23	The Applicant should revisit the Key Stages of Consultation diagram on page 23 as the text is difficult to read/text is pixelated.





Consultation Report (CR)		
Ref No.	Plan ref	Comment/Question
43.	<b>Paragraphs 90 &amp; 91, p.38</b>	The Applicant should amend paragraph 90 - text at the end of the paragraph has moved into paragraph 91.
44.	<b>Paragraph 97 and Table 5-1. P.40</b>	The Applicant should provide greater explanation as to how the hard-to-reach groups were identified/rational for inclusion.
45.	<b>Table 6-3, p.52</b>	Summary of ongoing non-statutory engagement with Commercial Fisheries groups ahead of the Section 42 consultation. Table is empty but does not have “to be updated” marker that other empty tables have, so may be empty in error or due to a formatting issue.
46.	<b>Table 6-5, p.54</b>	Summary of ongoing non-statutory engagement with Shipping and Navigation and Defence and Aviation stakeholders ahead of the Section 42 consultation. As above.
47.	<b>Section 8.5, paragraph 273 p.105</b>	‘Table 74’ should be ‘Table 7-4’.
48.	<b>Paragraph 281 p.106</b>	There appears to be errors in dates. The CR states 29 April 2021 to 10 June 2020. Should read 29 April 2021 to 10 June 2021.
49.	<b>Table 7-1, p.58</b>	Table 7-1 lists Broadland District Council, North Norfolk District Council, and South Norfolk Council, as “A” authorities, however these appear to be ‘B’ authorities.
50.	<b>Paragraph 310, p.111</b>	‘Table 9.1’ should be ‘Table 10-1’.



Consultation Report (CR)		
Ref No.	Plan ref	Comment/Question
51.	11.4 Phase One Consultation Feedback Analysis, Figure 11-1 and 11.6 Phase Two Consultation Feedback, Figure 11-3, p.115 and p.127	Figures 11-1 and 11-3 detail several pie charts; it would be helpful if the Applicant could provide the percentage breakdown for each of the subsections contained within the pie charts.
52.	Table 11-3 Phase Two Section 47 consultation key comments and Applicant responses, p.125	It would be helpful for the Applicant to complete Table 11-3 as this would assist with identifying the Applicant's regard to specific responses.
53.	11.4 Phase One Consultation Feedback	Figures 11-2 and 11-4 detail several bar charts; it would be helpful if the Applicant could label the x-axis.



Consultation Report (CR)		
Ref No.	Plan ref	Comment/Question
	<b>Analysis, Figure 11-2 and 11.6 Phase Two Consultation Feedback, Figure 11-4 p.118 and 129</b>	
<b>54.</b>	<b>Table 12-1 Key comments received during Section 42 consultation, p.136</b>	It would be useful for the Applicant complete Table 12-1 as this would assist with identifying the Applicant's regard to specific responses.

Consultation Report Compliance Table		
Ref No.	Plan ref	Comment/Question
	<b>General</b>	Compliance Table is generally in the form as provided at Acceptance and the Inspectorate has no further comments to make on this table.



Onshore Work Plans		
Ref No.	Plan ref	Comment/Question
	<b>General</b>	Each sheet of the work plans should have a different “drawing number” to minimise confusion.
	<b>Sheet 1</b>	Works No.10A/B sections are hard to identify, and a different colour scheme is recommended.
	<b>Sheet 1</b>	Works No. 6A/B or 6C are the same colour as Works No. 11A/B or 11C. Is this correct? If not, we suggest a different colour scheme to avoid any confusion.
	<b>Sheet 39</b>	Works No 11A/b or 11C are the same colour as Works No. 16A/B or 16C. Is this correct? If not, we suggest a different colour scheme to avoid any confusion.

Offshore Work Plans		
Ref No.	Plan ref	Comment/Question
	<b>General</b>	Each sheet of the work plans should have a different “drawing number” to minimise confusion.
	<b>Sheet 2</b>	The data sources legend box blocks the Order limit to the bottom left corner of the drawing. This should be avoided to minimise confusion.
	<b>Sheet 4</b>	The north arrow blocks the Order limit to the top left corner of the drawing. This should be avoided to minimise confusion.
	<b>Sheet 5</b>	The data sources legend box partially blocks the Order limit to the bottom left corner of the drawing. This should be avoided to minimise confusion.



Environmental Statement Chapter 4: Project Description		
Ref No.	Plan ref	Comment/Question
	<p><b>Section 4.1.1.1</b></p> <p><b>Table 4.2</b></p>	<p>The Environmental Statement (ES) should assess ‘worst case scenarios’ in terms of durations and peak activities and clarify how much shorter the overall estimated construction duration is likely to be, were a sequential option to be selected. This should include consideration of the ‘sequential with pre-investment’ development scenario sub-option, or clarification as to how this would fit within the worst case of the other presented scenarios. This does not appear to be made clear in the draft document (in Plate 4-24 (Indicative Construction Programme) for instance). The ES should demonstrate how less adverse the effects from “lower overall peaks” with their sequential “pre-investment” development scenario sub-option would be.</p>
	<p><b>Paras 21-25</b></p>	<p>The Applicant should ensure that the project description in the ES describes in detail the different ‘worst-case’ scenarios for each of the potential development options to clearly demonstrate that all potential environmental effects have been fully assessed.</p> <p>The ES should describe and assess the impacts resulting from staggered construction and the potential for one extension project to be operational whilst the other is constructed for instance.</p>
	<p><b>Section 4.1.3.1</b></p> <p><b>Section 4.2</b></p>	<p>The offshore Order Limits include the area of the existing Dudgeon Offshore Wind Farm (DOW), as shown on Figure 4.3. DOW has been included alongside a provision in the Draft DCO (document reference 3.1) to amend the Section 36 Consent for DOW (reference 12.04.09.04/227C) to enable the release of environmental ‘headroom’... as a result of DOW not having been built out to its full consented capacity.</p> <p>The Applicant’s response to Natural England comments (NE_034) on the Preliminary Environmental Information Report (PEIR) considers that the intended approach to environmental ‘headroom’ described in</p>



Environmental Statement Chapter 4: Project Description		
Ref No.	Plan ref	Comment/Question
		Section 4.1.3 of the ES (unchanged from the PEIR) is appropriate. The Applicant states they sought legal advice on this matter and consulted BEIS on the appropriate mechanism. The ES should fully clarify the extent to which this matter has been fully resolved to the point that it has been relied upon as part of the assessments in the ES.

Environmental Statement Chapter 5: EIA Methodology		
Ref No.	Plan ref	Comment/Question
	<b>Section 5.1</b>	Where assessments relate to only SEP or DEP in isolation, or both SEP and DEP concurrently or sequentially this should be clearly set out in the ES and any conclusions over likely significant effects fully justified based on evidence submitted in support of the ES conclusions.
	<b>Section 5.3.1 Scoping</b>	The draft chapter states that topic specific matters raised in the Scoping Opinion are referenced in the consultation summary tables within each of the topic chapters.  It is not made clear how any general / overarching matters raised in the Scoping Opinion have been responded to or informed the ES. It would be useful if a summary table listing how all such matters raised in the Scoping Opinion and other consultation advice (i.e., that is not topic specific) have been considered.
	<b>Section 5.5</b>	The impact assessment is based on assessing project design parameters likely to result in the maximum adverse effect (the 'worst-case scenario'). If a combination of design parameters leads to a scenario that cannot realistically occur, then the worst-case scenario would be reconsidered.



Environmental Statement Chapter 5: EIA Methodology		
Ref No.	Plan ref	Comment/Question
		It is not made clear in the draft chapter whether this would constitute part of the initial consideration of alternatives in the EIA to ensure that a realistic set of worst-case parameters is assessed.
	<b>Section 5.6</b>	<p>Study areas defined for each receptor are to be based on the relevant characteristics of the receptor. The study areas should be clearly defined based on relevant guidance and evidence and the ES should demonstrate that the Applicant has taken account of advice from relevant consultation bodies where necessary in identifying the study areas. Any assumptions would need to be clearly set out in the ES from which any conclusions on likely significant effects have been based.</p> <p>Where study areas which have been determined by a number of factors such as the distribution of receptors, footprint of potential impacts, or administrative/management boundaries but where agreement has not been reached with regulators, advisors and relevant consultation bodies, the Applicant is encouraged to clearly frame where agreement has not been achieved and ensure robust justification of the chosen study areas with evidence in the ES.</p>
	<b>Section 5.6</b>	Likely or potential impacts that might be expected to arise from SEP and DEP in isolation need to be defined for each individual development as well as those which arise from the concurrent or sequential development of SEP and DEP.
	<b>Section 5.7.4 Paragraph 59</b>	The Applicant should ensure that the distinctions between value and sensitivity are made clear in the ES, and how they have been combined where applicable, to avoid any confusion over how conclusions on significance of effects have been reached, when comparing the magnitude of an effect with the sensitivity and/or value of a receptor.
	<b>Section 5.7.5 Table 5-4</b>	In the example definition of ‘Low’ magnitude compared to ‘Negligible’ magnitude the distinction between “minority” of a receptor and “small” part of a receptor is not made clear.



Environmental Statement Chapter 5: EIA Methodology		
Ref No.	Plan ref	Comment/Question
		<p>Also, the use of the distinction “limited but discernible alteration to key characteristics or features” for ‘Low’ magnitude to “slight alteration to key characteristics or features” for ‘Negligible’ needs clarification on the terms “limited but discernible” and “slight alteration” assuming these are both temporary effects.</p> <p>The ES should ensure it is made clear what the distinction is between Low and Negligible magnitude of effect.</p>
	<b>Section 5.7.5</b> <b>Para 63</b>	<p>If using quantitative distinctions in the assessment when determining the difference between the magnitude of effect on a receptor this should be made clear for the assessment in the relevant topic (aspect) chapter.</p> <p>Assuming that professional judgement will be made use of where a qualitative assessment is required, any assumptions made within each topic’s assessment when determining significance of effects should be made clear and Section 5.7.5.</p> <p>Para 63 be based on best practice guidance where this is available.</p>

**Responses to the Questions included in the Applicant’s Cover Letter:**





Applicant’s Question	Planning Inspectorate’s Response
<p><b>Question 1:</b>  <b>Are you satisfied that the DCO, Explanatory Memorandum, Project Description Chapter, Onshore Works Plans and Offshore Works Plans together provide a clear and consistent explanation of the development scenarios being proposed for SEP and DEP?</b></p>	<p>The dDCO, EM, Project Description Chapter and Plans detail the various scenarios. The Inspectorate has significant reservations regarding the number of scenarios being proposed for inclusion into Examination. These concerns focus on the following areas:</p> <ul style="list-style-type: none"> <li>• Additional clarity is likely to be required to confirm exactly what the ES has actually assessed, and how this can be said to be within the Rochdale Envelope (RE). The RE seems to be getting looser rather than evidenced. The Inspectorate’s overarching view in this particular instance is that the concept of the RE may have been pushed beyond what is acceptable.</li> <li>• This approach is not straightforward, and the Inspectorate cautions how fair this approach will be for Interested Parties (IPs), especially those who may not have experience in dealing with DCOs.</li> </ul> <p>As a consequence of the proposed multiple construction/operation scenarios, the Applicant should consider the production of a specific explanatory document for IPs. It is considered useful content may include, but is not limited to, the below detail:</p> <ul style="list-style-type: none"> <li>• Explanation of the Rochdale Envelope approach</li> <li>• Detailed explanation of each scenario – including likely Wind Turbine Generator (WTG) details, associated infrastructure, relevant plans etc.</li> <li>• Rationale behind each scenario - explanation of flexibility and optionality</li> <li>• Confirmation of how the WCS has been assessed for each scenario – consideration to the use of a tabular form may be useful</li> </ul> <p>It is accepted that this information is available in various places within the documentation submitted into review. However, given the multiple scenarios, it is considered such a document would be beneficial, particularly for those IPs who may not be familiar with offshore windfarm technology and the design envelope approach.</p>



**Question 2:**

**Does the development scenarios section of the Project Description chapter clearly explain how the assessment worst-case scenarios have broadly been determined and do you agree with this approach and that it is in line with Planning Inspectorate Advice Note 9?**

Until the various ES chapters are seen the Inspectorate is not able to provide a response to this question. Our concern regarding this issue is whether the dDCO and associated application documents provide enough detail for the Examining Authority (ExA) to be confident that the correct worst-case scenario for each of the scenarios has been correctly assessed. The Applicant is obviously familiar with Advice Note 9, but we would direct them again to paras 4.15 to 4.18, which state that:

*“4.15 When examining a Proposed Development the Examining Authority (ExA) must be satisfied that the likely significant effects, including any significant residual effects taking account of any proposed mitigation measures or any adverse effects of those measures, have been adequately assessed.*

*4.16 At the time the application is submitted, the parameters within the DCO should not be so wide ranging as to represent an effectively different Proposed Development from that which was consulted on and assessed in the ES. The Applicant is encouraged to make effort to limit the parameters applicable to the Proposed Development. The parameters used for the assessment need to be clearly defined in the DCO and therefore in the accompanying ES. This will simplify the assessment and give confidence that the Proposed Development within the DCO (as built) would not result in significant effects beyond those assessed in the ES.*

*4.17 Any ES submitted with an application for a DCO should demonstrate that the likely significant environmental effects have been assessed. Any limitations in the assessment should be identified and explained. The environmental information should be sufficient for an ExA to make a recommendation, and for the relevant Secretary of State to make a decision on the application.*

*4.18 During the examination of an application, if it comes to light that the ES should contain further information for example to assess variations associated with flexibility within the DCO application, consideration of the application would be suspended pending receipt of that further information (Regulation 20 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017)”*



**Question 3:**

**The DCO contains some bespoke drafting in certain places, which it would be helpful to have your review of:**

- a. Article 5 (Transfer of Benefit): this includes additional provisions to enable the transfer of all or part of the DCO to a company within the same ownership as the undertakers. This is to allow flexibility in the future to introduce a GridCo to maximise the potential to bring forward the transmission assets in an integrated manner.**
- b. Schedule 1 (Authorised Development), together with definitions of the four scenarios (“scenarios 1 – 4”) contained in article 2: This has been drafted to allow flexibility to deliver any of the scenarios described within the Project Description chapter of the Environmental Statement.**
- c. Schedule 2 (Requirements): the requirements have been drafted to allow for each project to discharge them either separately or jointly depending on the**

**Article 5 (Transfer of Benefit) (a)** – The drafting here is not obviously different to that in the Norfolk Vanguard Offshore Wind Farm Order 2022/138, Article 6. It would be helpful if the Applicant could provide explicit direction to which bit of the wording of Article 5 is bespoke drafting. Otherwise, it’s very difficult to see on the face of it how the drafting differs from that already approved in Article 6 to the Norfolk Vanguard Order.

The Inspectorate requested further clarification from the Application on which specific aspect of the wording of Article 5 is bespoke drafting. The Applicant’s response is as follows:

*‘The only bespoke drafting in Article 5 that departs from previous precedents is the wording included in [ ]. This should be numbered sub-paragraph (7)(b) but unfortunately the numbering appears to have been corrupted slightly when the document was converted to PDF. For clarity, the relevant wording is as follows:*

*“The consent of the Secretary of State is required for the exercise of powers under paragraph (2) except where—*

*(b) [the transferee or lessee is a company whose shares are entirely owned by the undertaker or is a subsidiary to the undertaker;]”*

*As indicated in the covering letter and draft Explanatory Memorandum (EM), this has been included to enable the transfer of all or part of the DCO to a company within the same ownership as the undertakers. This would allow flexibility in the future to introduce a GridCo to maximise the potential to bring forward the transmission assets in an integrated manner.’*

This appears to be novel wording. The Inspectorate cannot see in principle why wording of this kind should not be included in the draft DCO, subject to the views of the ExA. It will be important to identify as above in the draft EM what wording is novel and provide an explanation as to why the wording is necessary (as done above).



construction scenario that is taken forward.

**Schedule 1 (Authorised Development) (b)** – The drafting here does not seem obviously different to that used in paragraph 1 (8) of the Norfolk Boreas Wind Farm Order 2021, in its use of alternative scenarios, albeit here there are four alternative scenarios, whereas in Norfolk Boreas there were only two. It would be very helpful if the Applicant could be asked to set out in detail how Schedule 1 differs from established precedent, and why. This would make it easier to assess the impact of any novelty in the provisions.

Further clarification was requested and received from the Applicant during the review of the draft documents on how Schedule 1 differs from established precedent and why. The Applicant's response is as follows:

*'In common with other joint DCOs (Dogger Bank Teesside A&B, Dogger Bank Creyke Beck A&B and Hornsea Two), Schedule 1 is set out so that each projects' works are grouped together. For the SEP and DEP draft DCO, this means the SEP offshore and onshore works descriptions are listed first followed by the DEP offshore and onshore works and lastly the integrated offshore and onshore works.*

*Schedule 1 only differs from most other established precedents in that it recognises that certain Works will only be delivered in certain scenarios. However, the drafting follows the same approach as the recent Norfolk Boreas DCO in this regard, save that there are four development scenarios referred to in the SEP and DEP draft DCO not two.*

*The scenarios are defined in Article 1 of the DCO.*

*Requirement 9 in Schedule 2 has been drafted to require SEP and DEP to notify the relevant planning authority of which scenario it will implement before either SEP or DEP commence construction so that it is clear which works will be undertaken and which requirements will need to be discharged in any given case.*

*Each Works description sets out which scenario it applies to. For example:*

*o Work No. 1A (the SEP Array) and Work No. 1B (the DEP Array) are the same in all four scenarios so the relevant works descriptions include the wording 'in the event of scenario 1, scenario 2, scenario 3 or scenario 4,...';*



*o Work No. 2A (the SEP offshore platform) and Work No. 2B (the DEP offshore platform) each apply to 3 out of the 4 scenarios and so include the wording ‘in the event of scenario 1, scenario 2, or scenario 3,...’; and*

*o Work No. 2C (the integrated offshore platform which would serve both SEP and DEP) applies only to scenario 4 and therefore only includes the wording ‘in the event of scenario 4,...’*

*As set out in the draft ES Project Description Chapter and the draft EM, the DCO has been drafted this way to provide flexibility to the way in which each project can be developed. In broad terms, it allows for SEP and DEP to be constructed in the following ways:*

- In isolation – where only SEP or DEP is constructed;*
- Sequential – where SEP and DEP are both constructed in a phased approach with either SEP or DEP being constructed first; or*
- Concurrent – where SEP and DEP are both constructed at the same time.*

*In particular, this recognises the fact that the two projects are separately owned by Scira Extension Limited and Dudgeon Extension Limited and could therefore be bought forward in the future in a number of different ways.’*

Again, it will be important to include these details and explanations regarding the novel approach in the draft EM. Although it is permissible to use a requirement like Requirement 9 to enable further details to be notified to the relevant planning authority to be finalised at a later stage, it is novel for this to extend to so many scenarios with so many interlocking requirements to be in place depending on which scenario progresses. Ordinarily flexibility within a scheme is governed by the Rochdale Envelope approach, not four separate scenarios as here.



**Schedule 2 (Requirements) (c)** – Many Requirements in this draft Schedule appear to be entirely novel – for example draft Articles 9 and 10 in relation to how the alternative scenarios may be taken forward do not appear to have any precedent.

This is very different to the Norfolk Boreas Wind Farm Order, which dealt with the issue of two alternative scenarios much more simply in relation to commencement etc for example.

Section 120 (and Schedule 5 where appropriate) of the PA2008 set the framework for what can be included in a DCO. The Applicant needs to be able to demonstrate to the ExA that the DCO would be in accordance with the provisions in section 120.

The Inspectorate is concerned about how the proposed requirements would fit with section 120, which states in material part:

*“(2) The requirements may in particular include [—]1[*

*(a) requirements corresponding to conditions which could have been imposed on the grant of any permission, consent or authorisation, or the giving of any notice, which (but for section 33(1)) would have been required for the development;*

*(b) requirements to obtain the approval of the Secretary of State or any other person, so far as not within paragraph (a)…”*

AN15 confirms that:

*“15.2 The law and policy relating to planning conditions (in particular, in England, relevant paragraphs of the National Planning Policy Framework and associated Planning Practice Guidance), imposed on planning permissions under the TCPA1990, will generally apply when considering Requirements to be imposed in a DCO in relation to the terrestrial elements of a proposed NSIP. Requirements should therefore be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects.”*

Given that the requirements must be precise, enforceable, necessary, relevant to the development, relevant to planning and reasonable in all other respects, it is hard to see how a project which is currently subject to so many possible permutations and scenarios



going forward can be sufficiently precise to fulfil the required attributes of properly drafted precise and enforceable requirements.

The Applicant should consider how it will ensure the requirements meet the threshold in section 120 of the PA2008 whilst the project itself is subject to so many alternative scenarios. The hurdle is particularly high given that there does not appear to be any precedent for a project which has run so many alternative scenarios in the past, so it looks as though the Applicant will have to justify the whole approach taken in Schedule 2, as well as in relation to each individual requirement

It may be more sensible for the Applicant to firm up which projects are viable and drill down into the detail before finalising the application, rather than leaving such a lot of detail to be resolved further down the line.

Other issues which occur to the Inspectorate regarding this novel proposal of using multiple scenarios are:

- How to screen and/or assess it under the EIA Regs 2017 given the different scenarios, and how it would work in terms of assessing cumulative effects if there is such doubt about the extent of the scheme.
- Can the significant effects of the proposal be properly assessed with that amount of detail still to be finalised?
- Will the ES be able to canvass all the effects of each scenario?
- The effects are likely to be significantly different if only one project is constructed compared to two being constructed at the same time: can the ES address all the different scenarios comprehensively and satisfactorily?
- How will compensatory measures be drafted and included, if needed, given that they would potentially vary depending on which scenario was adopted?

With regard to the LPA views –

- Are they content with this approach in terms of enforcing such a range of requirements which may vary, predicated on which scenario is progressed?



Applicant's Question	Planning Inspectorate's Response
	<ul style="list-style-type: none"><li>• Would the requirements be viable for the LPA to enforce under sections 160 to 173 PA2008?</li><li>• Can Pre-Application consultation effectively take place when the public has to engage with a proposal which incorporates four different potential scenarios?</li></ul>
<p><b>Question 4:</b></p> <p><b>In relation to the Deemed Marine Licences (DMLs) contained within the DCO at Schedules 10 to 13, are you satisfied that all of the scenarios proposed are adequately dealt with through the four DMLs proposed and that no further DMLs are required?</b></p>	<p>This is a subject primarily for discussion with the Marine Management Organisation (MMO):- the Applicant needs to liaise with the MMO and it is the MMO who will confirm whether they are satisfied with the four DMLs proposed in the first instance.</p> <p>The Applicant may need to amend the application in line with the MMO's response to prove the acceptability of the approach taken in the draft DCO.</p> <p>The engagement should take place with a view to the Applicant being able to provide the ExA in due course, if the application is accepted, with the MMO's responses to the proposed DMLs and evidence of full engagement on these issues. The ExA can then take a view on whether they are satisfied with the latest position as represented in the application, informed by the MMO's views.</p>
<p><b>Question 5:</b></p> <p><b>Are you satisfied that the approach to the DCO and Explanatory Memorandum is in accordance with Planning Inspectorate Advice Notes 13 and 15?</b></p>	<p>The dDCO and EM appears to be in general accordance with AN13 and AN15. However, reference should be made to comments made in response to Question 1 in respect of complexity of application due to number of possible scenarios, identification of correct WCS and use of Rochdale Envelope.</p>





Applicant's Question	Planning Inspectorate's Response
<p><b>Question 6:</b> <b>Do you have any comments on the way that the Onshore Works Plans and Offshore Works Plans depict the different development scenarios?</b></p>	<p>The only general comment is that the overlay of colours depicting different Work Nos may lead to some confusion from Interested Parties if they do not have 'zoom' facilities and/or receive plans as paper copies. Care should be taken to ensure the various Work Nos are sufficiently visible.</p>
<p><b>Question 7:</b> <b>Are you satisfied that the Consultation Report and Appendix (compliance checklist) demonstrate compliance with the consultation requirements of the Planning Act 2008 and Planning Inspectorate Advice Notes 7 and 14 (where relevant)?</b></p>	<p>Aside from the comments noted in the feedback table above, no significant issues were found in the Planning Inspectorate's review of the draft Consultation Report and Compliance Checklist. However, the Planning Inspectorate will not be able to provide a definitive response on the demonstration of compliance with the consultation requirements of the Planning Act 2008 and Planning Inspectorate Advice Notes 7 and 14 until the application has been formally submitted for examination.</p>



Applicant’s Question	Planning Inspectorate’s Response
<p><b>Question 8:</b>  <b>In relation to the Consultation Report, given that both formal stages of consultation were digital only, are you satisfied that this demonstrates suitable robustness and accessibility in light of Covid-19 restrictions and associated guidance on this?</b></p>	<p>Overall, on the basis of the information provided, no specific issues were found with the consultation approaches taken by the Applicant in light of Covid-19 restrictions. However, the Applicant should fully explain why the Project Information Days held in 2022 were in different locations to those planned 30 March to 2 April 2020 and subsequently cancelled due to Covid restrictions. The Applicant should detail whether consideration was given to virtual Project Information Days between 2020 and 2022.</p>
<p><b>Question 9:</b>  <b>Are you satisfied that the EIA Methodology chapter demonstrates compliance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and Planning Inspectorate Advice Notes 7 and 17 (where relevant)?</b></p>	<p>Aside from the comments noted in the feedback table above, no significant issues were found in the Planning Inspectorate’s review of the draft EIA Methodology Chapter. However, the Planning Inspectorate will not be able to provide a definitive response on the demonstration of compliance with the EIA Regulations or Advice Notes 7 and 17 until the application has been formally submitted for examination.</p>

**General**

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be*



*made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.”*