

Date: 15th April 2019



Department for Business Energy and Industrial Strategy
1 Victoria Street
London
SW1H 0ET

Attn: Gareth Leigh

15th April 2019

Your Ref: EN010021

Our ref: AU-TPD-PM575-00001-017

Dear Mr Leigh,

**Flamborough and Filey Coast Special Protection Area (“FFC SPA”)
The Dogger Bank Creyke Beck Offshore Wind Farm Order 2015 (as corrected and changed at the date of this letter) (the “2015 Order” or the “Project”)**

I write further to your letter of 9 April 2019 to request a point of clarification in relation to the recently designated FFC SPA.

The designation of the FFC SPA engaged Regulation 33 (Review of existing decisions and consents) of the Conservation of Offshore Marine Habitats and Species Regulations 2017 (the “Offshore Habitats Regulations”). Regulation 65 of the Conservation of Habitats and Species Regulations 2017 (the “Habitats Regulations”) makes similar provision in relation to projects within 12nm. The wind farm itself is beyond 12nm. I appreciate that under Regulation 33(2) of the Offshore Habitats Regulations, following designation of the FFC SPA, a review was required of the 2015 Order as soon as reasonably practicable.

The HRA which accompanied your letter confirms that it contains the Secretary of State’s conclusions on the effects of the 2015 Order on protected habitats and species within the FFC SPA. The HRA was consulted on fully. Regulation 33(3) of the Offshore Habitats Regulations provides that “A competent authority must for the purpose of reviewing a decision, consent, permission or other authorisation under paragraph (1) or (2) make an appropriate assessment of the implications for the site in view of that site’s conservation objectives [...]” Regulation 65(2) of the Habitats Regulations makes similar provision. Section 6.0 of the HRA contains the appropriate assessment of the implications for the FFC SPA (alone and in-combination). This notes the 2015 HRA concluded there will not be an adverse effect on the integrity of the FFC SPA (when it was a potential SPA). This also notes that the East Anglia Three HRA considered the 2015 Creyke Beck project specifications and concluded that East Anglia Three in combination with Creyke Beck and other projects, would not adversely affect the integrity of the FFC SPA (when it was a proposed SPA). It concludes that the changes proposed in the Project are not likely to compromise the conclusions of the existing assessments for Creyke Beck or East Anglia.

The Secretary of State’s conclusions, in light of the appropriate assessment, of “the Project having no adverse effect alone or in combination with other plans or projects on the FFC SPA [...]” are stated in paragraph 27 of your 9 April letter.

Regulation 33(4) of the Offshore Habitats Regulations provides that “Where a competent authority reviews a decision, consent, permission or other authorisation under this regulation it must affirm, modify or revoke it.” (Regulation 65(1)(b) of the Habitats Regulations makes similar provision). **Therefore, I would be grateful if you would confirm for the**

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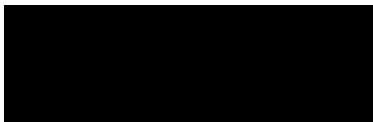


avoidance of doubt that following the Secretary of State's conclusion at paragraph 27, in respect of the FFC SPA, the 2015 Order is affirmed and is not modified or revoked.

I note the reference in paragraph 27 of your letter to the Project remaining unchanged. I acknowledge that if the Project were to be changed in the future any likely significant effects on the FFC SPA would need to be considered (as they would for all relevant European sites) in the material or non-material change application which requested the change. I also acknowledge that the Project must be included as part of the in-combination baseline (along with other relevant projects, including those in construction and operational) in any other reviews of consents in respect of the FFC SPA which may be required for other consented but not built plans or projects.

Please do not hesitate to contact me if you have any queries in relation to the above.

Yours sincerely,



Jonathan Wilson

Lead Consent Manager
Dogger Bank Offshore Wind Farm Project
Level 4, 1 Kingdom Street
Paddington
London, W2 6BD