



The Planning Inspectorate

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Mr Gwyn Williams
Head of Reserves and Protected Areas
RSPB
The Lodge
Sandy
Bedfordshire
SG19 2DL

Your Ref:

Our Ref: EN010021

Date: 4 October 2013

Dear Gwyn,

Dogger Bank Creyke Beck Round 3 Wind Farm

Thank you for your letter dated 19 September regarding the above project. As you may be aware, the proposed Dogger Bank Creyke Beck project was accepted for examination by the Planning Inspectorate on 25 September 2013.

Under the Planning Act 2008 (as amended) it is the Secretary of State for Communities and Local Government's decision whether to accept an application for examination or not. That decision is delegated to the Director of Major Applications and Plans. In reaching a decision, section 55 of the Planning Act 2008 sets out what matters the Secretary of State must have regard to when determining whether or not to accept an application for examination.

In your letter you are concerned that from conversations with the applicant you believe that they may have provided "a significantly downgraded (environmental) assessment" of the in-combination effects of the application, specifically by excluding a number of other major development applications with potential interactions with the application development. You asked that the Planning Inspectorate refuse to accept the application based on your understanding of the assessment submitted.

In accordance with the Act and DCLG guidance on the pre-application process, it is only the documents that are submitted to the Planning Inspectorate as part of the application, together with any Adequacy of Consultation responses by the relevant Local Authorities and comments on consultation received before the application was submitted that can be considered during acceptance. As your detailed letter of 19 September was submitted after the submission of the application it could not be taken into consideration at the acceptance stage.

Notwithstanding this matter, in respect of your stated concerns regarding the assessment of the applicant's proposals, the Habitats Regulations Assessment (HRA) Report submitted with the application was considered to be adequate for the purposes of acceptance. The relevant test is that the applicant has provided 'sufficient'

information to enable the Secretary of State to make an appropriate assessment. The Planning Inspectorate has developed a section 55 checklist that is completed on all applications that details the specific acceptance requirements and the reasoning on whether they have been met. In the section 55 checklist for the Dogger Bank Creyke Beck application, the Acceptance Inspector noted that "the content of the HRA Report will be subject to detailed examination. The information submitted is sufficient to enable this assessment. The report is therefore sufficient to pass the test of APFP 5(2)(g) (Applications Prescribed Forms and Procedure Regulations) and can be accepted for examination." The checklist is publicly available at the following link:

<http://infrastructure.planningportal.gov.uk/document/2031186>

The issues that you have identified as potential concerns in the HRA Report will be more appropriately tested during the examination stage of the process when the actual content of the HRA has been seen by parties. The RSPB will have the opportunity to submit a relevant representation to become an interested party in the examination and then be kept informed throughout the examination process. If you decide to submit a relevant representation, this will be made available to the Examining Authority once they are appointed

If you have any further questions regarding this matter then please do not hesitate to contact me.

Yours sincerely,



Mark Southgate
Director of Major Applications and Plans

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.