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Your ref:
Our ref: 12.04.09.04/221C

26 September 2014

Dear Stuart Livesey

**PLANNING ACT 2008
APPLICATION FOR THE BURBO BANK EXTENSION OFFSHORE WIND
FARM ORDER**

1. I am directed by the Secretary of State for Energy and Climate Change (the "Secretary of State") to advise you that consideration has been given to:
 - (a) the report dated 26 June 2014 of the Examining Authority, Rynd Smith ("the ExA"), who conducted an examination ("the Examination") into the application (the "Application") submitted on 22 March 2013 by DONG Energy Burbo Extension (UK) Ltd ("the Applicant") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("the 2008 Act") for the Burbo Bank Extension Offshore Wind Farm ("the Development"); and
 - (b) representations received by the Secretary of State and not withdrawn in respect of the Application.
2. The Examination began on 26 September 2013 and was completed on 26 March 2014. The Examination was conducted on the basis of written evidence submitted to the ExA and discussed at hearings held at Jubilee Centre, Hose Side Road, Wallasey, Wirral, Merseyside CH45 0LA on 19, 20 and 21 November 2013, 10, 11 and 12 December 2013, 28, 29 and 30 January 2014.
3. The Order, as applied for, would grant development consent for the construction and operation of an offshore wind farm with a gross electrical capacity of up to 259MW, located in Liverpool Bay, some 12km

offshore from Point of Ayr (Flintshire, Sir y Fflint, Wales), 7-11km from the north coast of the Wirral peninsula (Wirral, Merseyside) and 8.5km from Crosby beach (Sefton, Merseyside). The Development would comprise up to 69 wind turbines with a maximum height to the tip of the vertical blade of 223m, a single offshore substation, inter-array cables that collect generated electricity from the wind turbine generators and transport it to the offshore substation, and part of a grid connection alignment of marine export cables, connecting the substation to a location on the seabed boundary between the territorial waters of England and those of Wales.

4. Published alongside this letter is a copy of the ExA's report ("the Report") as amended by the Errata Sheet (Ref EN 010026) of corrections produced by the Planning Inspectorate and agreed by the ExA prior to a decision being made. The ExA's findings and conclusions are set out in chapters 4 and 5 of the Report, and the ExA's recommendation is at chapter 8.

Summary of the ExA's Recommendation

5. The ExA recommended that the Order be made, on the basis of the provisions set out in Appendix D to the Report.

Summary of the Secretary of State's Decision

6. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the proposals in the Application. This letter is a statement of reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulation 23(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ("2009 Regulations").

Secretary of State's consideration

7. The Secretary of State has carefully considered the Report and all other material considerations. The Secretary of State's consideration of the Report is set out in the following paragraphs. All numbered references, unless otherwise stated, are to paragraphs of the Examination Report ("ER").
8. Except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of his conclusions and recommendations.

Need and Relevant Policy for the Proposed Development

9. The Secretary of State notes that the ExA considered a number of representations made relating to the need for the Application.
10. After having regard to the comments of the ExA set out in Chapter 4 of the Report, and in particular the conclusions in paragraph 4.31 the Secretary of State considers that in the absence of any adverse effects which are unacceptable in planning terms, making the Order would be consistent with energy National Policy Statements (NPS) EN-1 (Overarching NPS for Energy) and EN-3 (NPS for Renewable Energy), which set out a national need for development of new nationally significant electricity network infrastructure of the type proposed by the Applicant.
11. In Chapter 5 of the Report the ExA also considered relevant and important policies in respect of the United Kingdom's international obligations as set out in the Conservation of Habitats and Species Regulations 2010 (as amended) ("the Habitats Regulations") which transpose Council Directive 92/43/EC on the conservation of habitats and species and of wild flora and fauna ("the Habitats Directive") into UK law as far as the 12 nautical mile limit of territorial waters. The Habitats Directive provides for the designation of sites, known as Special Areas of Conservation ("SACs") for the protection of habitats and species of European importance and Council Directive 2009/147/EC on the Conservation of Wild Birds ("the Birds Directive") for sites for the protection of rare and vulnerable birds and for regularly occurring migratory species, called Special Protection Areas ("SPAs") – those sites designated in the United Kingdom are collectively referred to in this letter as "European sites". The Convention on Wetlands of International Importance 1972 ("the Ramsar Convention") provides for listing of wetlands of international importance – Ramsar sites. The UK Government policy is to afford Ramsar sites in the United Kingdom the same protection as European sites and in this context, the Secretary of State has taken policies into account in assessing potential adverse impacts.
12. The Secretary of State, in accordance with the duty in section 40(1) of the Natural Environment and Rural Communities Act 2006, has also had regard to the purpose of conserving biodiversity, and in particular to the United Nations Environmental Programme Convention on Biological Diversity of 1992 when considering this Application (ER 3.57-3.58).
13. Subject to the qualifications explained in the paragraphs below about drafting modifications to the Order, the Secretary of State agrees with the ExA's conclusions on the matters discussed in Chapter 8 of the Report.

Noise Resulting from Piling Work

14. The Secretary of State notes that concern was raised regarding the impact on onshore residents from noise relating to night time piling. The ExA's assessment of this is contained at ER 4.228-4.237 of the Report.
15. The Secretary of State notes the ExA conducted site visits and reported that noise resulting from night time piling would be dependent on a number of factors such as time of day, work programme, work location and weather. The ExA also highlighted that the times when changes to piling work would be practical without affecting protocols designed to protect marine species would be limited (ER 4.235).
16. The ExA noted that the Applicant would be happy to work closely with local communities and Wirral Metropolitan Borough Council as regards this issue and suggested that a useful mitigation response might be to establish a noise reporting protocol for the construction period to enable members of the public to inform Wirral Metropolitan Borough Council, Pollution Control Team about any noise related problems and to then have an agreed process with the piling contractor for the assessment and management of complaints. The ExA concluded that in the interests of ensuring that the effects of provisions designed to safeguard the natural environment from materially adverse noise effects were not inadvertently diluted, this issue was best addressed without formal changes to the Order (ER 4.237).
17. The Secretary of State notes the conclusion reached by the ExA but the Secretary of State considers that to help mitigate the possible impact of noise resulting from piling work on local residents, the Order should be amended to include a requirement (Schedule 1, Part 3, article 13 of the Order) for the Applicant to put in place a scheme to ensure that the local community is fully informed of plans with regards piling work and have a mechanism for reporting concerns. This scheme will need to be agreed by Wirral Metropolitan Borough Council before any piling work takes place. The Secretary of State does not envisage that such a scheme will have an impact on provisions designed to safeguard the natural environment.

Visual Impact

18. The Secretary of State notes that the visual impact of the Application was considered in detail by the ExA. The ExA's assessment of seascape, townscape, landscape and visual impacts of the Development are contained at ER 2.32 – 2.55 and 4.107-4.154 of the Report.
19. The ExA's assessment has regard, among other things to:
 - local community concerns, including representative groups;

- the Wirral Society and Hoylake Village Life;
 - relevant representations from local authorities including Wirral Metropolitan Borough Council, Denbighshire County Council and Lancashire County Council;
 - representations from local residents;
 - a number of site inspections to the application setting.
20. The ExA highlighted that the Application site includes within its viewshed one nationally designated landscape, the Clwydian Range and Dee Estuary Area of Outstanding Natural Beauty, but he was satisfied that that effects of the Application on this area will be limited and acceptable.
21. The ExA concluded (ER 4.136) that whilst the Application will have harmful seascape, landscape and visual effects, and these will be clearly apparent from the North Wirral coast, these do not outweigh the renewable energy benefits that the scheme would deliver. The ExA noted (ER 4.137) that the Applicant's site design and layout had already been adapted substantially thereby reducing the developable area of the Application proposals, to deliver landscape, seascape and visual mitigation, and that the Application site is already set back as far from the North Wirral Coastline as it can be without adversely impacting shipping and port operations.
22. The ExA considered (ER 4.138) whether the visual impacts of the Application proposals on any of the Wirral coastal communities, in particular Meols and Hoylake foreshores warranted any particular local environmental enhancements to be provided in the Order. The Secretary of State notes that the ExA found no clearly articulated mitigation strategy had been proposed or requested that would offset the effects of the Development and that could be provided for in a planning obligation.
23. The Secretary of State notes that the ExA concluded that the effects of the Development on seascape, townscape and landscape and its visual effects have been adequately identified and mitigation has been provided for where necessary through the site design. The Secretary of State also notes that whilst the ExA concluded that the level of seascape, landscape and visual change and its effects on the townscapes on the North Wirral coast will be substantial, the harm done is outweighed by the material benefit offered by the Development (ER 8.4).
24. The Secretary of State also notes that the ExA's conclusions take into account the impact of lighting at night, including possible effects that could arise from emerging policy and regulatory requirements from the Civil Aviation Authority in relation to aviation safety.
25. The Secretary of State has carefully considered the ExA's assessment of all matters related to landscape, seascape and visual impact and agrees

with the ExA that whilst the Development will bring adverse visual impacts, the harm done is outweighed by the renewable energy benefits that the Application will provide.

Habitats Regulation Assessment (HRA): European Sites and Protected Species Impacts

26. The Secretary of State agrees with the ExA's conclusion (ER 5.107) that the proposed Development has the potential to affect a number of European sites as identified by the Conservation of Habitats and Species Regulations 2010 (as amended) ("the Habitat Regulations").
27. Officials have carefully considered the evidence submitted during the Examination and the ExA's recommendation. The Secretary of State agrees with the ExA's conclusion that the proposed Development is likely to have a significant effect upon six European sites and identified features when considered alone and in combination with other plans and projects (ER 5.33). On this basis, the Secretary of State has undertaken an appropriate assessment (AA) to consider whether the proposed Development will adversely affect the integrity of these sites (both alone and in combination). A copy of the Habitats Regulation Assessment, containing the Secretary of State's AA is published alongside this decision letter and has been prepared on the basis of the Report as amended by the Errata sheet referred to in paragraph 4 above. This included a report on the European Sites (see Appendix E to the Report).
28. The Secretary of State notes (ER 5.110) that by the end of the Examination there were two European sites, Liverpool Bay SPA and Ribble and Alt Estuaries SPA/Ramsar in respect of which there were outstanding disputed conclusions about effects on site integrity.
29. The AA has given particular consideration to the impacts upon red-throated divers from the Liverpool Bay SPA as concerns were raised by Natural England (NE), Natural Resources Wales (NRW) and the Royal Society for the Protection of Birds (RSPB) during the Examination. Those concerns centred on the potential for displacement effects from the Development in combination with other plans and projects. NE, NRW and the RSPB felt that these effects may result in density-dependent impacts and ultimately result in an increase in red-throated diver mortality levels. NE, NRW and RSPB's representations stated (ER 5.69) that this increase in mortality rates meant that an adverse effect upon the integrity of the Liverpool Bay SPA could not be excluded.
30. The Secretary of State has carefully considered this issue, particularly as this matter was still unresolved at the close of the Examination. The Applicant carried out a significant amount of work to estimate the number of red-throated divers likely to be affected by the Development. The Applicant, using survey data, estimated how many birds will potentially

be displaced from the Development and from within a 2 km buffer zone around the Development. NE and NRW disagreed with this approach and advised that a 3 km buffer zone should be used to calculate the displacement. During the Examination, the Applicant provided estimates based on a 3 km buffer zone.

31. The Secretary of State considers it appropriate to use a 3 km buffer zone around the proposed Development to determine the number of red-throated divers which will potentially be displaced. In this respect, the Secretary of State agrees with NE and NRW in that the evidence presented in the Percival study (2010) indicates that displacement of red-throated divers does occur out to 3 km from an offshore wind farm. The Secretary of State is satisfied with the work that has been carried out by the Applicant to estimate the potential red-throated diver mortality as a result of displacement (ER REP-233). The Secretary of State notes that NE and NRW accepted the approach the Applicant had undertaken to estimate the potential mortality rate. The additional red-throated diver mortality (84 birds) due to density-dependent effects from the displacement caused by the proposed Development, in combination with other plans and projects, would not reduce the current population (1188 birds) below the level at which the site was designated (922 birds). The Secretary of State notes that at the time of designation, the Liverpool Bay SPA was considered to be in favourable condition. On that basis, the Secretary of State is satisfied that the Liverpool Bay SPA will remain in favourable condition even with the additional mortality resulting from the Development (ER REP-233).
32. The AA also considers the impacts upon lesser black-backed gulls (LBBG) from the Ribble and Alt Estuaries SPA and Ramsar site as concerns were raised by the RSPB during the Examination. Those concerns centred on the potential increase in collision mortality as a result of the proposed Development in combination with other plans and projects, particularly the Warton Gull Cull ("the Cull").
33. The Applicant's potential biological removal (PBR) analysis indicated that the LBBG population from the Ribble and Alt Estuaries SPA and Ramsar site could support the increase in collision mortality which may occur as a result of the proposed Development both alone and in combination with other plans and projects. The Secretary of State notes that this conclusion was agreed with NE. On this basis, the Secretary of State is satisfied that the additional collision mortality due to the proposed Development, both alone and in combination with other plans and projects would not reduce the LBBG population in the long term.
34. The RSPB disagreed with the Applicant's interpretation of the LBBG impacts particularly when considered alongside the impacts of the Cull. The Secretary of State has carefully considered the implications of the Cull along with the impacts of the Development. The Cull, in place to

reduce the risk of bird strike to aircraft operating from Warton Aerodrome, will reduce the numbers of LBBG to 3348 pairs. The effects of the Cull will be monitored to ensure that the population does not go below this level. The Secretary of State is satisfied that the effects of the Development will serve to reduce the numbers of birds requiring culling, rather than adding to the number of birds culled. As such, the LBBG population will not go below 3348 pairs, a population status determined as being acceptable by NE. The Secretary of State is therefore satisfied that the proposed Development, in combination with other plans and projects, will not have an adverse effect on the integrity of the Ribble and Alt Estuaries SPA and Ramsar site.

35. In conclusion, the AA has carefully considered all of the information available and concludes that in relation to the identified species the proposed Development (when considered both alone and in combination with other plans or projects) will not have an adverse effect upon the integrity of the European sites.

Representations received after the close of the ExA's examination of the Application

36. Since the close of the Examination the Secretary of State received four representations. A summary and the Secretary of State's conclusion on each of these are set out below.

Ministry of Defence

37. As at the close of the Examination there was an outstanding objection from the Defence Infrastructure Organisation ("the DIO") (representing the Ministry of Defence (MOD) as the operator, with BAE Systems (Operations) Limited ("BAE Systems"), of Warton Aerodrome, a military aviation test facility. In its submissions the DIO had identified that the proposed Development had the capacity to interfere with the operation of the radar and air traffic systems at Warton Aerodrome, without suitable mitigation being in place. In a letter to the Secretary of State dated 22 September 2014 DIO advised that an agreement dated 18 September 2014 ("the Agreement") had been entered into between the MOD, BAE Systems, DONG Energy Burbo Extension (UK) Limited and DONG Energy Wind Power A/S to secure suitable planning requirements and the implementation of a radar mitigation solution in relation to the proposed Development and its radar and air traffic systems in the event that the Development were to be implemented. The MOD, confirmed that having consulted with BAE Systems it was content to withdraw the MOD's objection to the Application, subject to the terms of the Agreement, and the imposition in the Order of the Requirement in the form agreed with the Applicant, subject to the approval of the Secretary of State.

38. The Secretary of State agrees to the inclusion of the Requirements specified by the MOD being in the Order (with a slight modification as indicated below at paragraph 51) the Secretary of State is therefore satisfied that there are no further issues relating to this representation that need to be addressed.

Liverpool John Lennon Airport

39. As at the close of the Examination there was an outstanding objection from Liverpool Airport Limited ("the Airport") who had assessed that the proposed Development would cause some adverse impact to the radar and associated air traffic operations at the Liverpool John Lennon airport, without suitable mitigation being in place. In a letter to the Planning Inspectorate dated 14 April 2014 the Airport advised that a deed dated 8th April 2014 had been entered into between the Airport and DONG Energy Burbo Extension (UK) Limited concerning the identification of suitable planning requirements and the implementation of a suitable mitigation solution in relation to the proposed Development. The Airport confirmed that they were, therefore, content to withdraw their objection to the Application, subject to the imposition in the Order of the Requirements in the form agreed with the Applicant, subject to the approval of the Secretary of State.

40. The Secretary of State agrees to the inclusion of the Requirements specified by the Airport being in the Order (with a slight modification as indicated below at paragraph 51) the Secretary of State is therefore satisfied that there are no further issues relating to this representation that need to be addressed.

The Applicant's response to RSPB's 25 March 2014 comments on responses to Deadline VII of the Examination

41. A copy of a letter dated 4 April 2014 from the Applicant addressed to the Planning Inspectorate in response to the representation made by RSPB on 25 March 2014 in reply to the Examining Authority's second written questions.

42. The Secretary of State has noted the points that were raised. However, as that particular set of comments from the RSPB did not materially affect the outcome of the HRA, there was no requirement to consider the Applicant's representation further.

Natural England

43. Natural England (NE) sent to the Secretary of State on 22 May 2014 for his records, a copy of the 21 May 2014 Judgment of Mr Justice Mitting in the High Court dismissing the judicial review brought by RSPB in response to the consent granted by NE for the cull of LBBG on the Ribble

and Alt Estuaries SPA and Ramsar site and for operations to maintain the populations of LBBG and herring gulls at a reduced level.

44. As the request for a judicial review of the Cull was dismissed, the Secretary of State is satisfied that he has fully considered the impacts upon LBBG from the Cull alongside the impacts of the proposed Development within the HRA. The Secretary of State is therefore satisfied that this representation has been addressed.

Other Matters

Marine Management Organisation (“MMO”) Monitoring Fees and Charges

45. The Secretary of State notes that the MMO requested provisions be included in the Order to enable it to charge fees for its services related to monitoring (ER 7.110) which the Applicant resisted. The ExA’s consideration of the submissions put to him on this issue is set out in ER 7.112 and 7.113. Having carefully considered these the ExA concluded that it would not be reasonable to impose a project specific charging power in the Order whilst a statutory scheme for charging is being considered as this could lead to a situation where the Applicant for this project is charged for services that others might not be, or charged a different rate to that provided for in legislation. The Secretary of State agrees with the ExA’s conclusion that a provision to allow the MMO to charge or levy fees for any work that it might undertake in the implementation of deemed marine licences should not be included in the Order (ER 7.114).

Crown Land

46. Section 135(2) of the 2008 Act requires consent from a relevant Crown Authority for inclusion of any provision applying in relation to Crown land. The Secretary of State notes from the ExA’s report (ER 6.9) that all the sea bed within the area of the Order is Crown land. The Secretary of State also notes that the Crown Estate was content with the draft Order (ER 6.15) and that their consent was only conditional on the provisions in the draft Order relating to Crown land remaining materially unchanged. No changes were requested by the Applicant or the ExA (ER 6.15) and the ExA does not recommend any changes to any provision relevant to the interests of the Crown. The Secretary of State does not seek to amend any provisions relating to Crown land and so agrees with the ExA that there are no remaining issues relating to Crown interests in or rights over land that need to be addressed.
47. The Secretary of State notes that a Book of Reference was not provided by the Applicant as part of their Application. The ExA noted that whilst there is a formal requirement for a Book of Reference, the only substantive reference in it for this Application would have been to The

Crown Estate and that steps had been taken to check that the Application does not harm any Crown interests. The ExA therefore concluded that no practical need or benefit would be served by the submission of a Book of Reference and that the Secretary of State could consider the Application without this (ER 6.22). The Secretary of State agrees with the ExA's conclusions and is satisfied that although a Book of Reference has not been provided, the Crown interests have been addressed.

Related Developments

48. The Secretary of State notes (ER 4.255) that the Order is only one of a number of consents required to enable the Application to proceed, including a separate application made by the Applicant for a Welsh marine licence to implement the project in Welsh territorial waters and an outstanding decision on a compulsory purchase application. The Secretary of State agrees with the ExA (ER 4.264) that these separate applications raise no concerns or constraints for the Secretary of State but he has no reason to believe that any necessary consents will not be granted.

Secretary of State's conclusions and decision

49. For the reasons given in this letter, the Secretary of State considers that there is a compelling case for authorising the Application, given the added contribution that it would make to the production of renewable energy and that the potential adverse local impacts of the Development do not outweigh the benefits of the scheme.

50. The Secretary of State has therefore decided to accept the ExA's recommendation in paragraph 8.10 of the Report to make the Order granting development consent and imposing the requirements as proposed by the ExA, but subject to the modifications described in paragraphs 51-56 below. The Secretary of State confirms that, in reaching this decision, he has had regard to the Report, as amended by the Errata Sheet referred to in paragraph 4 above, the late representations and to all other matters which he considers important and relevant to his decision as required by section 105 of the 2008 Act. The Secretary of State also confirms for the purposes of regulation 3(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 that he has taken into consideration the environmental information as defined in regulation 2(1) of those Regulations.

Modifications to the Order

51. The Secretary of State has made amendments to the ExA's recommended Order in Appendix D of the Report with regards Schedule 1, Part 3, articles, 9, 10 and 12. These articles relate to the mitigation measure for the Port of Liverpool, Warton Aerodrome and Liverpool John

Lennon Airport. The amendment is the inclusion of a definition of “approved mitigation” to ensure that the requirements for the Applicant to provide appropriate mitigation measures is limited to the agreed mitigation at the time of the requirement being discharged so that if the owners of these facilities change during the lifetime of this project, after the requirement has been discharged, it will not be necessary for the Applicant to provide new mitigation measures to any new owner, over and above what has already been provided.

52. The Secretary of State notes the ExA’s recommendation for the two deemed marine licences (DMLs) to have the same numbering, title and structure and to include the use of the wording ‘Not used’ against requirements that are applicable to one DML but not the other. The Secretary of States notes that this does not conform with the established Statutory Instrument drafting practice and has therefore decided to remove the wording ‘Not used’ and has re-numbered the provisions in the two DMLs accordingly.
53. The Secretary of State has amended the requirement in article 6 of the ExA’s recommended Order in Appendix D to the Report that would require the Applicant to obtain the prior approval of the Marine Management Organisation (“MMO”) before the Applicant could transfer the benefit of either of the DMLs, which form part of the Order, to another party. The Secretary of State proposes instead that the provision should require the consent of the Secretary of State in consultation with the MMO. The Secretary of State considers that the operational interests of the MMO can be appropriately secured by such consultation and so it would be unnecessarily onerous to require the Applicant to have to secure the consent of the MMO as well as the Secretary of State in circumstances where it wished to transfer the benefit of the Order (which would include the DMLs).
54. Whilst the Secretary of State notes that the draft Order provisions only allow for the transfer of the whole of the DMLs, the Secretary of State would disagree that the transfer of part of a DML was not possible. In this instance however, he is content to agree to the provision in the Order which allows only the transfer of the whole of the DML. This is because the DMLs have been specifically included in the Order as two separate licences so as to facilitate a potential transfer of a part of the benefit of the Order without transferring part of either of the DMLs.
55. The Secretary of State has also made amendments to Requirement 1 (Time limits) in Part 3 of Schedule 1 (to remove the reference to extension of time by the Secretary of State in writing) and to insert a new paragraph 6 in both Schedule 2 and 3. These amendments are made to ensure that changes made by agreement under the provisions of the Order are limited to appropriate cases, and do not purport to confer authority to make

changes which should be made under relevant statutory change or variation processes.

56. In addition to the above, the Secretary of State has decided to make various minor changes to the form of the draft Order as set out in Appendix D to the Report which, while altering the way in which specific issues are dealt with, do not materially alter its effect, including changes to conform with the current practice for Statutory Instruments (e.g. modernisation of language), changes in the interests of clarity and consistency, and changes to ensure that the Order has the intended effect.

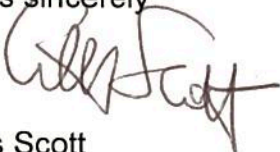
Challenge to decision

57. The circumstances in which the Secretary of State's decision may be challenged are set out in the note attached at the Annex to this letter.

Publicity for decision

58. The Secretary of State's decision on this application is being publicised as required by section 116 of the 2008 Act and regulation 23 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

Yours sincerely



Giles Scott
Head of National Infrastructure Consents

ANNEX

LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the former Infrastructure Planning Commission or the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks from the date when the Order is published. The Burbo Bank Extension Offshore Wind Farm Order as made is being published on the date of this letter on the Planning Inspectorate website at the following address: <http://infrastructure.planningportal.gov.uk/projects/north-west/burbo-bank-extension-offshore-wind-farm/>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655)