



# The Planning Inspectorate

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Your Ref:

Our Ref: EN010026

Date: 18 December 2013

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Dear Sir/Madam

## **Infrastructure Planning (Examination Procedure) Rules 2010**

### **Application by DONG Energy Burbo Extension (UK) Ltd for Burbo Bank Extension Offshore Wind Farm**

#### **Examination Timetable and Procedure: Written Confirmation of Oral Advice Provided at Issue-specific Hearing 2**

On 7 October 2013, I wrote to you to provide my procedural decision for the examination (the Rule 8 Letter) and to enclose the examination timetable. I wrote to you again on 17 December 2013 to enclose minor changes to the hearing arrangements in the timetable. The approved timetable is now the timetable as circulated on 7 October 2013 and amended on 17 December 2013.

As part of Issue-specific Hearing 2, held at the Jubilee Centre, Hose Side Road, Wallasey, between 10 and 12 December 2013, parties sought my guidance on the timetable to ensure that work requested at the hearing could be submitted at an appropriate time. Oral advice was provided in response to those requests.

**Annex A** to this letter provides written confirmation of the oral advice that was provided. It is not a further change to the approved timetable. It is in addition to and does not replace the advice provided in my letter of 26 November 2013 relating to Issue-specific Hearing 1.

I trust that these arrangements are clear. I very much look forward to your continued participation in this examination.

Yours faithfully,

*Rynd Smith*

**Rynd Smith LLB MA MRTPI FRSA**  
**Examining authority**

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.

## Annex A

### Written note of procedural advice provided at Issue-specific Hearing 2

#### Deadline IV

**7 January 2014**

The applicant will provide:

- **Paper A:** addressing the relationship between Zone of Theoretical Visibility (ZVT) modelling and the designated Liverpool World Heritage Area.
  - The issue to be addressed by the paper is the potential for hub visibility above the Wirral – Wallasey skyline extending from New Brighton to Birkenhead, as observed from the Liverpool World Heritage Area and particular the waterfront areas of the Stanley Dock, Pierhead and Albert Dock precincts.
  - The starting point for the paper should be Figure 06 (ZTV with screening provided by natural and man-made features) in ES Vol 5 Annex 20.
  - An inset map of the model output should be prepared, on which the extent of hub ZTV at 123m and blade tip ZTV at 223m should be shown for a polygon within the following coordinates:

**1:** Lat 53.431765°, Long -3.036136°;

**2:** Lat 53.431765°, Long -2.973772°;

**3:** Lat 53.391210°, Long -2.973772°; and

**4:** Lat 53.391210°, Long -3.036136°;

shown at a scale which enables individual world heritage features (dock basins, streets and the locations of buildings) to be identified.

- Following the preparation of this inset map, an expert opinion should be provided as to whether what is shown on the map suggests any seascape, landscape or visual impacts on or as perceived from within the World Heritage Area that are likely to be materially different from those described in paragraphs 3.31 and 3.32 on pg 16 of Appendix 9 to ES Vol 5 Annex 20.
  - If the opinion is such that a materially different impact is likely, a revised impact statement for the Liverpool World Heritage area should be provided.
- **Paper B:** addressing the degree to which any additional or changed assessment of the effects of aviation lighting of wind turbine generators at night is required.
    - The issue to be addressed by the paper is the emerging possibility, prompted by policy and regulatory change in the Marine and Coastguard Agency and the Civil Aviation Authority as raised orally at Issue-specific Hearing 2, for offshore wind turbine generators to be required to carry revised aviation lighting which indicatively would flash a morse code 'W' in a synchronised manner across an entire offshore wind farm.
    - The starting point for the paper will be that the development as applied for by the applicant does not include this lighting characteristic, which has therefore not been assessed in the Environmental Statement.
    - The applicant may indicate that they do not propose to implement this characteristic and that they rely on the application and Environmental Statement as submitted.

- Alternatively, they may indicate that they wish to provide for the possibility of this characteristic in the Development Consent Order / Deemed Marine License for generation assets (DCO / DML).
- If they wish to provide for the possibility of this characteristic, expert opinions should be provided as to whether doing so would be likely to involve any material change to the impact assessment and hence to the Rochdale envelope for the project as applied for. Particular regard should be had to the potential for changes to seascape, landscape and visual impact and to natural environment impact.
- If the opinion(s) is/are such that materially different impact(s) is/are likely, a revised impact statement should be provided for each relevant assessment topic.
- The applicant should also set out any revision to the DCO / DML(s) that may be necessary to accommodate this change.

English Heritage will provide:

- **Paper C:** clarifying its position in respect of the need (if any) for additional work to be done by the applicant, addressing historic seascape characterisation (HSC).
  - The issue to be addressed by the paper is the potential for additional work to be completed by the applicant in respect of HSC and the provision of a clear brief for any such work, or alternatively, an addendum to the Statement of Common Ground agreeing that further work is not required.

### **Requests to be Heard Arising from Papers A - C**

**21 January 2013**

If relevant parties wish to be heard in respect of matters of matters raised in the papers, they are asked to contact the Examining Authority via [BurboBank@infrastructure.gsi.gov.uk](mailto:BurboBank@infrastructure.gsi.gov.uk), requesting to be heard and enclosing their written representations in response to any new material not addressed in previously submitted relevant or written representations.

### **Issue-specific Hearing III**

**28 – 30 January 2014**

If an interested party requests to be heard in respect of any of these matters, they will be heard during the Issue-specific Hearing III on 29 January 2014. An agenda for this hearing will be circulated in due course.