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Your Ref:

Our Ref: EN010026

Date: 19 February 2014

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Dear Sir/Madam

**The Planning Act 2008 (as amended) and the Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended)**

**Application by DONG Energy Burbo Extension (UK) Ltd for an Order Granting  
Development Consent for the Burbo Bank Extension Offshore Wind Farm  
Project**

**Issue of the Report on the Implications for European Sites**

As indicated in the examination timetable issued on 7 October 2013, I write to issue the Report on the Implications for European Sites (RIES) via **Annex A** to this letter. In accordance with the timetable, all interested parties are invited to submit any comments they may have on the RIES and any issues arising from it no later than **Thursday 13 March 2014**.

The RIES has been published on the Burbo Bank Extension project page of the National Infrastructure section of the Planning Portal website. Paper copies of the RIES will also be made available for public inspection and copying at the deposit locations set out in my letter of 7 October 2013.

The RIES records, compiles and signposts information received during the examination of the application. It presents my understanding of the main facts that I have identified as relevant to Habitats Regulations Assessment in the examination process to date.

The applicant and interested parties are asked to confirm whether they consider my understanding of the main facts in the RIES to be complete and accurate, or if not, to explain why not. In doing so, your attention is drawn to particular issues arising from the RIES which I have included in **Annex B** to this letter. You are asked to provide responses to these issues.

Further advice in relation to how the RIES has been prepared and can be used is found in the Planning Inspectorate's Advice Note 10 (at pages 13 to 14), available at:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

If you have any further queries, please do not hesitate to contact us.

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.

**The Planning Act 2008 (as amended) and the Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended)**

**Application by DONG Energy Burbo Extension (UK) Ltd for an Order Granting  
Development Consent for the Burbo Bank Extension Offshore Wind Farm  
Project**

**The Examining Authority's Report on the Implications for European Sites  
(RIES)**

The RIES has been published on the Burbo Bank Extension project page of the National Infrastructure section of the Planning Portal website. It can be accessed by following this link:

<http://infrastructure.planningportal.gov.uk/Document/2298061> >

Paper copies of the RIES will be made available for public inspection and copying at the deposit locations from 20 February 2014.

Information about the location, opening times and copying charges of the deposit locations can be found in the Examining Authority's letter dated 7 October 2013. Please note that charges for photocopying at these locations will apply, as set out in the Examining Authority's letter dated 7 October 2013.

Paper copies of the RIES can be provided free of charge if requested from the Planning Inspectorate. Postal requests should be marked for the attention of Ms Jackie Anderson, Room 3/18, Temple Quay House, 2 The Square, Bristol, BS1 6PN. Telephone requests should be made to 0303 444 5000.

**The Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)**

**Application by DONG Energy Burbo Extension (UK) Ltd for an Order Granting Development Consent for the Burbo Bank Extension Offshore Wind Farm Project**

**Matters Arising from the Examining Authority's Report on the Implications for European Sites (RIES)**

Your attention is drawn to the particular issues arising from the Stage 1 screening matrices found in Part 3.0 of the RIES, set out in the table below. Views on these issues and the matters arising from them should be included in your response to the RIES, due to be received no later than **Thursday 13 March 2014**. When responding, please indicate that you refer to Annex B and to a particular European Site and Screening Matrix Reference shown below.

Views are particularly sought from the Statutory Nature Conservation Bodies (SNCBs) (Natural England (NE) and Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW)) and from the applicant. However, other interested parties may respond to any of these issues that they consider to be relevant to their interest.

The covering letter to this Annex includes an invitation for general comments on the RIES, unbounded by the content of the table. The identification of particular issues in this table does not preclude the applicant and interested parties from identifying and commenting on other issues arising from the RIES that they consider relevant to their interest.

<b>European Site &amp; Screening Matrix Reference</b>	<b>Feature of European Site</b>	<b>Issue for clarification and party to which it is addressed</b>
<b>Cardigan Bay SAC</b>  Screening Matrix 3, footnote (c)	Various features of this site ( ie sea and river Lamprey, reefs, sandbanks)	These features are not assessed in the applicant's Habitat Regulations Assessment (HRA) Report. The applicant defined receptor-specific study areas within their HRA Report (see paragraph 3.2.1 and Table 3.1) and these features do not appear to fall within those study areas as defined. No interested parties have raised any concerns or provided evidence about potential impacts on these features.  <b>SNCBs</b> – Clarification is sought from NRW whether they are satisfied that there is no likely significant effect for these features as recorded in Screening Matrix 3, footnote 3, of the RIES.
<b>The Dee Estuary Ramsar</b>	Various features	Footnotes (a) to (f) in the applicant's matrices refer to Table 4.2, which only refers to the Dee Estuary SAC.

<b>European Site &amp; Screening Matrix Reference</b>	<b>Feature of European Site</b>	<b>Issue for clarification and party to which it is addressed</b>
Screening Matrix 6b, footnotes (a) to (f)		<p><b>SNCBs</b> – Clarification is sought from the SNCBs as to whether they agree with the applicant’s conclusion for these features as recorded in Screening Matrix 6b, footnotes (a) to (f), of the RIES.</p>
<p><b>The Dee Estuary Ramsar</b></p> <p>Screening Matrix 6b, footnote (g)</p>	Ramsar criterion 2: breeding colonies of Natterjack toad	<p>This feature is not assessed in the applicant’s HRA Report. The applicant defined receptor-specific study areas within their HRA Report (see paragraph 3.2.1 and Table 3.1). This feature does not appear to fall within those study areas as defined. No interested parties have raised any concerns or provided evidence about potential impacts on this feature.</p> <p><b>SNCBs</b> – Clarification is sought from the SNCBs as to whether they are satisfied that there is no likely significant effect, as recorded in Screening Matrix 6b, footnote (g) of the RIES.</p>
<p><b>The Dee Estuary SAC</b></p> <p>Screening Matrix 7a, footnote (g)</p>	Annex I habitat features / non-marine species - Humid dune slacks	<p>These features are not covered in the applicant’s matrices or HRA Report, although the applicant’s HRA Report does state that Burbo Bank Extension and the export cable are too far from the SAC to directly affect habitat features. NRW in their relevant representations (see Annex 1, paragraphs 2.5) advised that the impacts on the dune features should be assessed. However, in their subsequent written representations they advised that it is possible to conclude, in relation to effects generated by scour protection, that habitat features are not likely to be significantly affected.</p> <p><b>SNCBs</b> – Clarification is sought from NRW whether they agree with the conclusion of no likely significant effect for these features, as recorded in Screening Matrix 7a, footnote (g) of the RIES.</p>
<p><b>Duddon Estuary SPA and Ramsar sites</b></p> <p>Screening Matrices 8 and 9</p>	All features of both the SPA and Ramsar sites	<p>The footnotes to the matrices provided by the applicant for these sites essentially state that as these sites are to the north of other European sites where no effects are predicted ( ie Morecambe Bay SPA) there would be no effects on these sites (see Stage 1, Matrices 8 and 9, of the revised matrices in the applicant’s Written Response to Deadline I, Appendix 7).</p> <p><b>Applicant</b> - Clarification is sought from the applicant that, notwithstanding the provision of</p>

<b>European Site &amp; Screening Matrix Reference</b>	<b>Feature of European Site</b>	<b>Issue for clarification and party to which it is addressed</b>
		<p>matrices for these sites, as there are no effects, they need not have been provided.</p> <p><b>SNCBs</b> – Clarification is sought from Natural England as to whether they agree with the conclusions stated in the applicant’s matrices, which have been recorded in Screening Matrices 8 and 9 to the RIES.</p>
<p><b>Duddon Estuary Ramsar</b></p> <p>Screening Matrix 9, footnote (g)</p>	<p>Ramsar criterion 2: Natterjack toad</p>	<p>This feature is not assessed in the applicant’s HRA Report. The applicant defined receptor-specific study areas within their HRA Report (see paragraph 3.2.1 and Table 3.1). This feature does not appear to fall within those study areas as defined. No interested parties have raised any concerns or provided evidence about potential impacts on this feature.</p> <p><b>SNCBs</b> – Clarification is sought from NE as to whether they agree with the applicant’s conclusion for this feature as recorded in Screening Matrix 9, footnote (g) of the RIES.</p>
<p><b>Liverpool Bay SPA</b></p> <p>Screening Matrix 11, footnotes (t), (u), (v) and (w)</p>	<p>Cormorant</p>	<p>The references in this matrix to the applicant’s HRA Report, to support the applicant’s conclusion of no likely significant effect for this potential feature of this SPA, are references made to Cormorant as a feature of other European sites, namely the Ribble and Alt Estuaries SPA, Dee Estuary SPA and the Mersey Narrows and North Wirral Foreshore SPA, and do not expressly refer to Cormorant as a feature of Liverpool Bay SPA.</p> <p><b>SNCBs</b> – Clarification is sought from the SNCBs whether they agree with the applicant’s conclusions for this potential feature of the SPA as recorded in Screening Matrix 11, footnotes (t), (u), (v) and (w) of the RIES.</p>
<p><b>Mersey Narrows and North Wirral Foreshore SPA</b></p> <p>Screening Matrix 16, footnotes (i), (p), (l), (q), (m), (n) and (o)</p>	<p>Little gull (passage)</p>	<p>The applicant’s HRA Report only refers to Little gull as a feature of Liverpool Bay SPA in Section 5, Tables 5.1 and 5.2 and Section 7, Table 7.9 and 7.10. However, the same text has been used in relation to Little gull in the applicant’s matrices for Mersey Narrows and North Wirral Foreshore and Tables 5.1, 5.2, 7.9 and 7.10 (see Stage 1, Matrix 16 of the revised matrices in the applicant’s Written Response to Deadline I, Appendix 7).</p> <p><b>SNCBs</b> – Clarification is sought from NE as to whether they agree with the applicant’s</p>

European Site & Screening Matrix Reference	Feature of European Site	Issue for clarification and party to which it is addressed
		conclusions for this feature of the SPA as recorded in Screening Matrix 16, footnotes (i), (p), (l), (q), (m), (n) and (o) of the RIES.
<b>Mersey Narrows and North Wirral Foreshore Ramsar</b>  Screening Matrix 17	All features of the Ramsar site	Mersey Narrows and North Wirral Foreshore Ramsar has similar features to those of the Mersey Narrows and North Wirral Foreshore SPA (see Screening Matrix 16). However, NE has only raised concerns in relation to the SPA features.  <b>SNCBs</b> - Clarification is sought from NE whether they have the same concerns for the Ramsar site as for the SPA site and whether these have been reflected in Screening Matrix 17.
<b>Mersey Narrows and North Wirral Foreshore Ramsar</b>  Screening Matrix 17, footnotes (i) and (l)	Little gull (passage)	The applicant's HRA Report refers to Little gull as a feature of Liverpool Bay SPA in Section 5, Tables 5.1 and 5.2 and Section 7, Table 7.9 and 7.10. However, the same text has been used in relation to Little gull in the applicant's matrices for Mersey Narrows and North Wirral Foreshore Ramsar and Tables 5.1, 5.2, 7.9 and 7.10 (see Stage 1, Matrix 17 of the revised matrices in the applicant's Written Response to Deadline I, Appendix 7).  <b>SNCBs</b> – Clarification is sought from NE whether they have the same concerns for the Ramsar site as for the SPA site and whether these have been reflected in Screening Matrix 17, footnotes (i) and (l) of the RIES.
<b>Morecambe Bay SPA</b>  Screening Matrix 18	Common tern and Eider duck (breeding)	Natural England's conservation objectives list breeding Common tern and Eider duck as features. However, Common tern is not listed on the SPA site account on the JNCC's website and Eider duck is only listed as part of an assemblage. The JNCC website reference is: <a href="http://jncc.defra.gov.uk/default.aspx?page=1982">http://jncc.defra.gov.uk/default.aspx?page=1982</a>  <b>SNCBs</b> – Clarification is sought from NE about why its conservation objectives show different features to JNCC's website. Which is actually correct?
<b>Morecambe Bay Ramsar</b>  Screening Matrix 19	All features	The applicant's HRA Report refers to the Ramsar site in Tables 4.4, 4.6 and 6.1 but does not refer to it in Tables 5.1, 5.2, 7.5 or 7.6. Since the SPA and Ramsar features are similar, is it reasonable to assume that the references in Tables 5.1, 5.2, 7.5 and 7.6 to the Morecambe Bay SPA, also apply to this Ramsar site? Is it also reasonable to assume that NE's comments in relation to the

European Site & Screening Matrix Reference	Feature of European Site	Issue for clarification and party to which it is addressed
		<p>Morecambe Bay SPA also apply to this Ramsar site?</p> <p><b>SNCBs</b> – Clarification is sought from NE whether they agree that the applicant’s conclusions in relation to the features of the Morecambe Bay SPA can be applied to the Ramsar site as recorded in Screening Matrix 19 of the RIES.</p>
<p><b>The Ribble and Alt Estuaries SPA</b></p> <p>Screening Matrix 22, footnote (n)</p>	<p>Breeding seabird assemblage &gt; 20,000 individuals and Waterfowl assemblage &gt; 20, 000 individuals</p>	<p>This feature is not referred to in the applicant’s HRA Report.</p> <p><b>SNCBs</b> – Clarification is sought from NE as to whether they are content that there is no likely significant effect on these features.</p>
<p><b>The Ribble and Alt Estuaries Ramsar</b></p> <p>Screening Matrix 23a</p>	<p>All bird species which are a feature of this site</p>	<p>The applicant’s HRA Report refers to the Ramsar site in Tables 4.4, 4.6 and 6.1 but does not refer to it in Tables 5.1, 5.2, 7.5 or 7.6. Where SPA and Ramsar features are similar is it reasonable to assume that the references in these tables to the SPA also apply to the Ramsar site?</p> <p><b>SNCBs</b> – Clarification is sought from NE whether they agree with the screening conclusion for these features, as recorded in Screening Matrix 23a of the RIES.</p>
<p><b>The Ribble and Alt Estuaries Ramsar</b></p> <p>Screening Matrix 23a, footnote (g)</p>	<p>Ramsar criterion 2: Natterjack toad</p>	<p>This feature has not been identified nor assessed in the applicant’s HRA Report or in the applicant’s revised screening matrices submitted on 28 October 2013 (see Stage 1, Matrix 23a of the revised matrices in the applicant’s Written Response to Deadline I, Appendix 7).</p> <p><b>SNCBs</b> – Clarification is sought from NE whether they are satisfied that there is no likely significant effect for this feature, as recorded in Screening Matrix 23a, footnote (g) of the RIES.</p>
<p><b>River Dee and Bala Lake SAC</b></p> <p>Screening Matrix 24</p>	<p>‘water courses of plain to montane levels’</p>	<p>The applicant’s revised screening matrices submitted on 28 October 2013 (see Stage 1, Matrix 24 of the revised matrices in the applicant’s Written Response to Deadline I, Appendix 7) do not refer to the feature ‘water courses of plain to montane levels’. Is it reasonable to assume that as the applicant has concluded that the other freshwater features of the site would not be affected by the proposed Burbo Bank Extension this feature would not be</p>

European Site & Screening Matrix Reference	Feature of European Site	Issue for clarification and party to which it is addressed
		<p>either, so a conclusion of no likely significant effect has been recorded in the screening matrix?</p> <p><b>SNCBs</b> – Clarification is sought from the SNCBs whether they agree with the conclusion of no likely significant effect for this feature, as recorded in Screening Matrix 24 of the RIES.</p>
<p><b>Upper Solway Flats and Marshes Ramsar</b></p> <p>Screening Matrix 33, footnote (a)</p>	<p>Ramsar criterion 5: Peak mean count of 135720 waterfowl in winter</p>	<p>This Ramsar is located 150 km from the Burbo Bank Extension site and is considered too distant by the applicant to result in an effect on these species (see the applicant's HRA Report Section 4.6, Table 4.4 (including footnote 4)). The applicant's statement at footnote 4 in Table 4.4 relates to Upper Solway Flats and Marshes SPA site. Is it reasonable to assume that the justification provided by the applicant for concluding no likely significant effect on the features of the Upper Solway Flats and Marshes SPA site (see Stage 1 Screening Matrix 32) also applies to the conclusion of no likely significant effect on the features of this Ramsar site?</p> <p><b>SNCBs</b> – Clarification is sought from NE whether they agree with the conclusion of no likely significant effect for these features, as recorded in Screening Matrix 33, footnote (a) of the RIES.</p>
<p><b>Upper Solway Flats and Marshes Ramsar</b></p> <p>Screening Matrix 33, footnote (b)</p>	<p>Ramsar criterion 2: Natterjack toad</p>	<p>This feature is not covered in the applicant's revised matrices (see Stage 1, Matrix 33 of the revised matrices in the applicant's Written Response to Deadline I, Appendix 7), or the applicant's HRA Report. Is it reasonable to assume that the applicant considers it to be too far from the offshore and onshore components of Burbo Bank Extension to be affected? No interested parties have raised any concerns or provided evidence about potential impacts on this feature.</p> <p><b>SNCBs</b> – Clarification is sought from NE whether they agree with the conclusion of no likely significant effect for this feature, as recorded in Screening Matrix 33, footnote (b) of the RIES.</p>