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John Pennington  
TravelWatch Isle of Man

Your Ref:

By email

Our Ref: EN010027

Date: 11 December 2013

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Dear Mr Pennington

## **Planning Act 2008 (as amended) - Section 51**

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

#### **Advice given in response to comments received**

Thank you for your email of 29 November 2013, which we have now carefully reviewed. I note that your email was addressed to the panel of Inspectors and the Planning Inspectorate, however as it was not submitted as part of the formal examination process it did not automatically become an examination document. The Examining Authority have considered this matter and decided to accept your email as an examination document which they will consider as part of their examination.

You raise two issues, regarding the preparation of a Statement of Common Ground and DONG's October 2013 Briefing Pack, which I shall address in turn.

The aim of a statement of common ground (SoCG) is to agree factual information and to inform the panel of examining inspectors where there is agreement and where differences between parties lie. If a particular element is not acceptable to both parties then it need not be included in the SoCG. Parties' individual representations to the panel and answers to questions should be used to express their respective opinions as to the merits of the case.

Turning to DONG's October 2013 Briefing Pack, the disputed diagram does not appear in the application documents submitted, and does not form part of the evidence considered by the panel of examining inspectors save for in the context of your letter which has been accepted by the panel as an examination document..

We have also reviewed previous consultation documents, including those which formed part of the applicant's statutory consultation in Summer 2012. The diagram is not apparent in these documents,.

The Planning Inspectorate is unable to monitor publications by the applicant that are outside of the examination process and does not have the power to require the applicant to retract or amend the publication to which you refer. The Examining Authority will consider your email and any implications of this as part of the examination and it will be at their discretion whether they consider it necessary to ask the applicant about this or request further information from yourself or others. As an examination document your e-mail will be published on the website in accordance with the Infrastructure Planning (Examination Procedure) Rules 2010 and the applicant will be able to view its content.

Thank you for your continued time and attention to this examination

Yours sincerely

*Nicholas Coombes*

**Nicholas Coombes**  
**Case Manager**  
**0303 444 5518**

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.