

For the attention of Simone Wilding
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Our ref: ED04/37294.1/DUNN

Your ref:

12 July 2012

When telephoning please ask for: Elizabeth Dunn

Dear Sirs

**Vattenfall Wind Power Ltd - proposed Kentish Flats Extension off-shore wind farm
Application reference EN010036**

We write further to your email of 10 July 2012, responding to our letter of 6 July.

Given the background to our letter, we are disappointed by the Planning Inspectorate's response, including the suggestion that Vattenfall takes its own legal advice for clarification of unclear and unexplained written statements made by the Examining Authority.

We were given to understand that the Planning Inspectorate was unable to respond to informal requests for clarification of the statements made in the ExA's technical note in relation to the Habitats Regulations Assessment hearing, and in its R17[3]-9 question. On the basis that these statements raise potentially serious issues regarding the Environmental Statement submitted for the application and the Habitats information supplied in response to questions raised by the ExA and other parties' cases in the examination, Vattenfall considered it important to clarify the basis on which the statements were made. Without such clarification, any attempt to address the ExA's points would have necessarily been guess-work.

For the reasons set out in our letter of 10 July, we do not consider that either:

- a) "substantial additional information regarding the likely effects of the proposed Kentish Flats Extension upon the Outer Thames Estuary SPA" has been provided in response to the questions and issues raised during the examination of the application; or
- b) "the latest HRA submissions alter the assessment submitted within the ES".

However, without any clarification or explanation from the Planning Inspectorate, Vattenfall is left in the unsatisfactory position of not understanding the reason for these statements and not being able to directly address any issues.

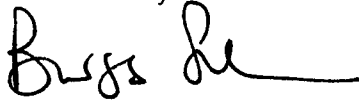
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On the basis that the Planning Inspectorate has not issued a request for any further information under regulation 17 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 we assume that, in light of our letter of 10 July, any information supplied by Vattenfall in relation to Habitats matters is not considered necessary for the Kentish Flats Extension Environmental Statement and therefore the statements quoted above no longer stand.

Yours faithfully



BURGES SALMON LLP