



Department for
Business, Energy
& Industrial Strategy

Department for Business,
Energy & Industrial Strategy

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The Applicant &
Natural England
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Our Ref: EN0100051
Your Ref:

2 November 2018

Dear Sir or Madam

PLANNING ACT 2008

APPLICATION TO MAKE NON-MATERIAL CHANGES TO THE DOGGER BANK TEESSIDE A AND B OFFSHORE WIND FARM ORDER 2015

I refer to Natural England's representations of 24 July 2018 and 25 September 2018 and the letter from Sofia Offshore Wind Farm Limited ("The Applicant") to Natural England of 1 October 2018 regarding proposed changes to the Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 ("the Application").

There are issues on which the Secretary of State would be grateful if parties identified in bold could provide further clarification:

Impact on Marine Mammals: The need for the Secretary of State to carry out a Habitats Regulations Assessment ("HRA") before the Application may be determined

The Secretary of State requests that **Natural England** provides a formal statement of its position in relation to the need for an Appropriate Assessment. In providing its advice, the Secretary of State notes for Natural England's attention the judgment of the Court of Justice of the European Union in Case C-323/17 *People over Wind*. In this context, the Secretary of State notes that the need for an Appropriate Assessment is not necessarily of itself determinative of whether a change application should be considered material.

Draft SNCB Advice; Generic Piling Effective Deterrence Radius

It is noted from the current draft SNCB '*Guidance for assessing the significance of noise disturbance against Conservation Objectives of harbour porpoise cSACs*'. that piling has a generic Effective Deterrence Radius ("EDR") of 26km. Whilst it is understood that this is currently under review, the Secretary of State should be grateful if **Natural England** would confirm the application of a 26km EDR irrespective of the hammer energy.

The **Applicant** is also invited to make a further representation on the issues above.

The deadline for a response is 19 November 2018.

The response should be submitted by email to:

DBTeessideAB@infrastructure.gsi.gov.uk>

Please also send any hard copy response to the Sofia Offshore Wind Farm Project Team, Secretary of State for Business, Energy and Industrial Strategy, c/o the Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN. If you will have difficulty in submitting a response by the consultation deadline, please inform the Project Team as soon as possible.

Responses will be published on the Dogger Bank Teesside A and B/Sofia Offshore Wind Farm project page of the Planning Inspectorate's National Infrastructure Planning Portal website as soon as possible after 19 November 2018.

This letter is without prejudice to the Secretary of State's decision whether or not to grant the changes sought to Dogger Bank Teesside A and B Offshore Wind Farm Order 2015, and nothing in this letter is to be taken to imply what that decision might be.

Yours sincerely

Gareth Leigh
Head of Energy Infrastructure Planning