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Date 28 March 2013
Your ref BERR2009/0001
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By Email & Post

Dear Hefin

Mid Wales Wind Farm Inquiry

On behalf of our client RWE Npower Renewables Limited we have been giving some thought to the way that the first week of this inquiry will run. We appreciate that the Inspector will be writing to all parties on this topic next week and we felt that it might be helpful to suggest a way that matters might proceed.

The Inspector has indicated that following opening statements, it is intended to hold a session on policy which will last for the remainder of the week. The inquiry will then adjourn until the Area C evidence in September 2013.

We do not feel that the Inspector will benefit from a formal cross examination of policy evidence in the week of 3 June, and even if such was the case we are not sure that there will be time to allow for a formal examination of all policy witnesses in an inquiry session. Instead RWE proposes as follows:

1. Proofs of evidence should be produced for the June policy session by all parties. However, RWE is prepared to release Mr Cradick's proof for the session in the second half of April.
2. Mr Cradick's proof can serve both as his evidence and as the vehicle for discussion of its contents in order to establish what common ground can be achieved between all parties who are engaging on policy.
3. All proofs of evidence for the June policy session should be submitted by a day say three weeks before the start of the inquiry. In the alternative, and this may save time for all parties, the documents submitted can be commentaries on the proof of Mr Cradick so as to isolate points of difference.

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4. The Inspector would then hold a hearing session rather than a formal inquiry in the week of 3 June. We believe that the Inspector is able under the relevant inquiry Regulations to determine the method of hearing evidence as he sees fit in the overall context of an inquiry. What we mean is that there would be a round table discussion on policy issues chaired by the Inspector rather than a formal examination of evidence. It seems to us that this may produce a much clearer body of information for the Inspector on relevant policies, the inter relationship between those policies and points of difference between the parties on the policies, than formal cross examination. We should stress that we refer in this context to international, European, UK and Welsh obligations and policies and not to more local policies which can be examined during the area specific sessions.
5. The Inspector would circulate an agenda detailing the topics that he wants discussed, so that parties can adequately and efficiently prepare, and so that the hearing session is as productive as possible.
6. We anticipate that there might be two days of hearing sessions, the first addressing energy policy and the second day addressing planning policy. Having said this it might be that two full days would not be required since we cannot imagine that energy policy would occupy a whole day if there were to be a hearing session rather than an inquiry session.

We believe that the above proposal will make the best use of the time available in the first week of the inquiry, produce the best illumination of the issues which need to be discussed, and at the same time will minimise costs for all parties.

We look forward to hearing from you.

Yours sincerely

pp. Alee Evans

Marcus Trinick QC
For Eversheds LLP