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**Also via email**

Our ref: ED04/31495.110/DUNN

Your ref:

5 April 2013

Dear Mr Jones

**Mid-Wales Wind Farm Inquiry – Opening Session**

We write further to Eversheds' letter of 28 March 2013 relating to the above.

Vattenfall notes the suggestions made in this letter regarding the administration of the opening session of the inquiry. In general the approach set out is supported by Vattenfall, although there are a number of areas where we suggest that the efficacy and smooth-running of this session could be improved.

Opening session being run as hearing

Vattenfall agrees that the evidence relating to energy and national policy at the opening session should be considered at a hearing rather than an inquiry session. Given the high degree of overlap that is to be expected between each party's evidence cross-examination will not be necessary and instead, the focus should be on establishing the policy hierarchy and inter-relationships, and any points of difference for each of the schemes.

In order that these hearing sessions are effective, and the parties can properly prepare for them, we consider it essential for a formal agenda to be issued in advance, along with a list of written questions that the Inspector will be asking the parties to address. In addition, it would be advisable to seek written confirmation in advance from those parties that will wish to participate in the hearing sessions to ensure that the hearing sessions can be scheduled and run to time.

We suggest that written confirmation from those parties that wish to participate in the opening hearing sessions should be required at least two weeks before the opening session and the agenda and the Inspector's questions provided at least one week in advance.

Submission of evidence for opening session

As set out in our letter of 26 March 2013, we agree that formal evidence should be provided by all parties that wish to participate in the opening session and consider that the deadline for submission of that evidence should be not later than 3 weeks before the opening of the inquiry.

Whilst we welcome Eversheds' offer to provide Mr Cradick's evidence in advance of this, we do not agree with the suggestion that other parties' evidence should be limited to a commentary on that evidence.

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A more appropriate means of establishing a single reference point and areas of common ground would be through the production of a formal Statement of Common Ground on energy and national policy. The Statement would provide a single neutral source of evidence that all parties could rely upon, and their own evidence would highlight any departures from or additions to it. We envisage that this Statement would be drafted by the developers to be agreed with Powys County Council and the other parties to the inquiry. Vattenfall has offered to lead on the drafting and negotiation of this Statement and suggest that a suitable date for submission would be 4 weeks before the opening of the inquiry, a week before the submission of evidence.

We believe that it will be important for each scheme to have a clearly identifiable body of written evidence submitted in support of it, upon which a final decision will be based. That end is better achieved by full written proofs in support of each scheme, focussed around a Statement of Common Ground. That evidence can still be examined by hearing in the way set out above.

We also believe that the above approach will provide certainty to all parties in the production of evidence, and will encourage the establishment of common ground, ensuring that the hearing sessions are effective and make the best use of all parties' resource and time.

Yours sincerely



Elizabeth Dunn  
Partner