



## Procedural Letter

Application Ref: APP/R2928/A/07/2039188  
Site at Green Rigg Fell

Application Ref: GDBC/001/00247C  
Site at Ray Estate

Application Ref: GDBC/001/00278C  
Site at Steadings

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**19 December 2007**

### Special Procedural Meeting – 20 December 2007

1. This letter sets out to explain the purpose of the Inspector calling a Special Procedural Meeting between Wind Prospect Developments Limited, Amec Project Investments Limited, Steadings Wind Farm Limited, Tynedale District Council and Defence Estates. It also provides a response to the email, dated 19 December 2007, on behalf of the Treasury Solicitor (Solicitor for the Ministry of Defence) questioning the omission of the National Air Traffic Service and Newcastle International Airport Ltd.
2. The scope of the meeting is as set out on the agenda:- *'The meeting has been called by the Inspector to review progress on the preparation of relevant aviation material, specific to Defence Estates, and to consider the implications for the organisation and conduct of the forthcoming Public Inquiry.'*
3. Further relevant background is contained in my report to the Secretary of State for Business, Enterprise and Regulatory Reform relating to the original request by the three applicants to postpone the opening of the Public Inquiry. In my report I advised the Secretary of State as follows:- *'Clearly there is much work to be done as a whole for the preparation of the Inquiry. It is vital that the three applicants and the Ministry of Defence, in particular, recognise the need to work to a common goal of identifying and narrowing the issues as far as practicable. Considerable urgency, commitment, openness and co-operation will be required.'* The request for postponement was subsequently declined.
4. Several weeks have passed and the scheduled opening of the Inquiry is less than four weeks away. Correspondence from the three applicants leads me to believe that there is still considerable work to be done and the 'blame' for lack of progress is attributed to the Ministry of Defence. One of the three parties is saying that they cannot realistically proceed with the Inquiry and will therefore not play a full part; and the other two continue to 'complain' about lack of openness and lack of co-operation. I have insufficient information to judge the true position and I am not seeking to apportion blame.
5. As things stand, if left without my intervention, I can anticipate that such issues will fester until the opening of the Inquiry and I can foresee that a substantial part of the opening morning will be taken up with administrative and procedural matters, and possibly one or more applications to adjourn the Inquiry. Although potentially late in the day, I am seeking to salvage a situation that, on the face of it, should not have occurred. Whether I succeed remains to be seen.

6. All the 'blame' is laid squarely at the Ministry of Defence and, as far as I am aware neither the National Air Traffic Service nor Newcastle International Airport Ltd is implicated. Given the much focused nature of the issue and the difficulties of calling a meeting at short notice, as evidenced by getting a more limited number of participants together at the same time and on the same day, I made a considered decision to restrict attendance. In so doing I am fully aware of my duties not to prejudice the position of other parties; and notes of the meeting will be circulated. If there are matters which subsequently require consultation with either of the named parties which haven't been invited, or with any other party, then I shall put measures in place.
7. So, in short, the purpose of the meeting is to seek to resolve a 'problem' which manifests itself between the three applicants and the Ministry of Defence. I will be seeking to establish what is preventing open exchange, in so far as it has not occurred, and to agree a way forward to unlock what appears to be a position approaching stalemate. In this regard I accept that there might be good reason why certain information is not available or it cannot be provided – but I need to be informed. I will also expect a specific commitment as to what is to be provided and when. I also want firm assurance regarding the preparation of Statements of Common Ground and when proofs of evidence will be available. All of this may have implications for the opening of the Inquiry and in turn for the date when such matters are to be heard.
8. Item 4 of the agenda is included to give AMEC the opportunity to update its request in the light of the preceding agenda items. Similarly, against the background of the earlier items one or more of the participants may wish to clarify their position. It is not intended to be a consultation process on whether the Inquiry should be postponed – it is information gathering so that I may inform the Secretary of State as necessary.
9. The Draft Inquiry Timetable was included as opportunistic following an indication from Counsel for Green Rigg that two of the sitting weeks clashed with his diary. I do not intend to use the meeting to negotiate the timetable but I see no reason why I should not seek clarification. Further work will be needed on the timetable and I will be seeking participants' formal time estimates in writing prior to the opening of the Inquiry in order to establish a more informed programme.
10. In summary, I see no purpose in extending the list of participants given the nub of the issue to be discussed. All of the parties to the Inquiry have my reassurance that this meeting will be conducted with impartiality and without prejudice to others and a note of the meeting will be openly available.

*David M H Rose*

Inspector