

**Proposed Ray, Steadings and Green Rigg Wind Farms
Notes of Joint Public Inquiry Special Procedural Meeting
Thursday 20 December 2007 at 10.00 hours
4 – 5 Grays Inn Square, London**

Present

Planning Inspectorate: David M H Rose

Ministry of Defence: Philip Coppel of Counsel and Julian Chafer

Steadings Wind Farm Limited: Andrew Newcombe of Counsel, Marcus Trinick, Edward Romaine, Rob Williams and Phil Dyke

Wind Prospect Developments Limited: David Walker, Tim Matthews and John Taylor

Amec Project Investments Limited: William Norris QC, Colin Ormston, John Buswell and Vic Warren King

Tynedale District Council: Anthony Crean QC and Helen Winter

Scope of Meeting

1. The scope of the meeting was 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. Further detail is contained in the Inspector's Procedural Letter dated 19 December 2007.
2. The Inspector outlined the claims made by the three applicants in various emails and letters about the lack of progress on the aviation issue with the 'blame' laid squarely at the Ministry of Defence. Emails written on the Inspector's behalf had also gone unanswered. However, the Inspector did not seek to apportion blame – but to seek early resolution of the apparent stalemate between the parties.

Exchange of Information

3. The applicants had sought, without success, to arrange a visit to the Spadeadam Electronic Warfare Tactics Range and expressed concern that written questions had, at best, produced partial responses. The Ministry of Defence confirmed that it had not refused permission, but it sought to establish the purpose of the visit and to have an understanding of any proposed measures to mitigate the inevitable impact of the wind turbines on radar systems.
4. For its part the Ministry of Defence undertook to make arrangements for a visit to the range (the first available date is 11 January 2008). It would set out the basis and extent of the visit and each of the applicants would provide any relevant information that might assist in planning the visit. Steadings agreed to review its latest draft of a working document on potential mitigation measures and to endeavour to issue it, at least in part or with necessary gaps, by the end of the following day, subject to it being treated as a document awaiting further information and assessment following a visit to Spadeadam.

Statements of Common Ground

5. The Ministry of Defence indicated that it intended to produce an aviation Statement of Common Ground jointly with National Air Traffic Services and Newcastle Airport in order to maximize as much common ground in a single statement. The Inspector indicated a strong preference for a the Ministry of Defence to submit a separate statement, given the likely differences in military and commercial aviation interests and the possibility of delay in agreeing matters for inclusion.

Proofs of Evidence

6. The Ministry of Defence confirmed that it had every intention of submitting its proof in accordance with the previously revised timetable i.e. 11 January 2008 and that it would respond in evidence to any proposed mitigation measure that might arise. Proofs from Steadings and Wind Prospect would also be available on that date; but supplementary proofs might be necessary to reflect the outcome of the visit to Spadeadam and subsequent additional information.
7. In terms of rebuttal proofs for non-aviation topics, the extended deadline of 2 January 2008 would prove unachievable taking account of the delayed exchange of proofs. The Inspector, in acknowledging the difficulties involved, reminded the parties of the importance of making these proofs available at the earliest practicable opportunity.

Request by Amec to Postpone the Commencement of the Inquiry

8. Whatever information might now emerge from the Ministry of Defence, it remained Amec's position that it would be too late for it to play a full role in the Inquiry as outlined in a letter dated 14 December 2007. This was against a background of the Ministry of Defence accepting the proposal from 2002 yet changing its stance to outright objection, without explanation, just before the Pre-Inquiry Meeting. Correspondence had failed to elicit any meaningful information and it had become necessary, on 7 December, to make a second application to postpone the Inquiry.
9. The failure of the Ministry of Defence to supply information meant, even if it were to be produced now, that there would be insufficient time for it to be considered before the opening of the Inquiry, or indeed the consideration of the aviation topic, and such information might lead to changes to the scheme (e.g. redistribution of turbines within the site). Consequently, there was no purpose in devoting resources to the other topics given the possibility that the military aviation issue might be decisive of the fate of the application.
10. The decision taken by Amec would only change if the Ministry of Defence's objection were to be withdrawn before the start of the Inquiry; or for it to accept a condition designed to counter the technical objection – but that seemed unlikely in the light of steadfast resistance shown at the Middlemoor Inquiry. Consequently, should the Inquiry proceed as planned, Queens Counsel would make a short opening statement and witnesses would thereafter be made available to the Inquiry.

11. The representatives for Steadings and Wind Prospect confirmed that their position remained unchanged and they were not seeking postponement.
12. Tynedale District Council opposed postponement as it would create unfairness to other participants; nothing had changed since the original unsuccessful application; alleged lack of co-operation by one party was not a sufficient basis for postponement; the other two applicants, faced with the same aviation issue, did not seek postponement; and the threat of a limited appearance at the Inquiry provided no justification for the request.
13. The Ministry of Defence, in taking a neutral stance to the application for postponement, regarded it to be improper for Amec to assert that the Inquiry process would be unfair. It was true that the Ministry of Defence's position had changed as a reflection of work by defence communities around the globe and the steep learning curve of the effects of wind turbines on radar installations.

Other Matters

14. In so far as Amec had not submitted a Statement of Common Ground on non-aviation topics it was confirmed that the matter would be addressed.
15. The Inquiry timetable could not follow the pattern envisaged at the Pre-Inquiry Meeting as the venue was not available during week commencing 26 February. The Programme Officer would liaise with the principal parties early in the New Year to establish more detailed time estimates and a firmer Inquiry Timetable. It was noted that it would not be possible for the Inquiry to sit in the two week period beginning 1 April.
16. In response to Steadings enquiry as to when outstanding questions would be answered by the Ministry of Defence, the latter undertook to set out, by the end of 21 December, when responses would be available. The applicants, similarly, agreed to list outstanding documents that they required.
17. Steadings also sought documentary evidence to support the decisions taken by the Ministry of Defence; and an explanation relating to any that might need to be withheld. In response, it was suggested that the objective for the Inquiry was to make the right decision rather than to scrutinize historical documents and priority would be given in this regard. The Inspector indicated that in planning Inquiries he expected the decision making process to be supported by evidence where it exists and in so far as it was capable of being released.
18. The Inspector undertook to publish the notes of the meeting by the end of 21 December and to prepare a report to the Secretary of State, as necessary, before the Christmas break.

Close of Meeting

19. The meeting closed at 12:30.
