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By email

Your Ref: MYG-APL001

Mr David Harries  
Partner  
Aaron and Partner LLP

Our Ref: EN010020

Date: 9 July 2015

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Dear Mr Harries

## **Planning Act 2008 (as amended) Section 51 advice**

### **Application by Mynydd y Gwynt Ltd for an Order Granting Development Consent for the Mynydd y Gwynt Wind Farm**

Thank you for your letter dated 17 June 2015 regarding submission of documents related to the above Nationally Significant Infrastructure Project application.

I am aware that you have exchanged correspondence with Emre Williams, the case manager on this application, on the technical issues related to the email submission of the Habitat Regulation Assessment Screening Report (HRASR) version 6. I do not wish to add further to that matter. It is a matter of fact and established practice that once an examination has closed, the Examining Authority cannot take any further material into consideration in writing his Recommendation Report to the Secretary of State (SoS).

Your concern relates to the nature and status of the material which you state the Examining Authority will not have access to in writing his Recommendation Report. The crucial issue for the examination is, therefore, whether the non-receipt by the Examining Authority of these documents would materially affect the proper examination of the application.

The SoS for Energy and Climate Change is the decision maker on the Mynydd y Gwynt Wind Farm application. The Examining Authority will write the recommendation report to the Secretary of State. We have made DECC aware of the unfortunate situation that has arisen with the HRASR document, and as a result DECC has decided to consult on both the clean and the track change version of the HRASR version 6. Consequently, we have now published on our website a link to DECC's letter to all interested parties which includes a deadline for receipt of comments by Tuesday 28 July 2015.

The Secretary of State will have regard to the HRASR, any representations received during the consultation period and the Examining Authority's recommendation report in reaching her decision on this case. I am aware that in writing the recommendation report, the Examining Authority has a table submitted by the applicant that outlines

the changes made from the HRASR version 5 to version 6.

This letter is without prejudice to the Examining Authority's recommendation to the Secretary of State on whether or not to grant development consent for the Mynydd y Gwynt Wind Farm, and nothing in this letter is to be taken to imply what that recommendation might be.

Yours faithfully

*Mark Southgate*

**Mark Southgate**  
**Director of Major Applications and Plans**

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.