

Ava Wood  
Lead Member of the Panel of Examining Inspectors  
for Navitus Bay Wind Park EN010024  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2, The Square  
BRISTOL  
BS1 6PN

**BY EMAIL**

3 December 2014

Dear Madam

**Navitus Bay Wind Park EN010024**

I wrote to you by email on Monday 10 November in connection with the Developer's Plan B proposal set out in para. 15 and Appendix 43 of its Response to Deadline III.

In that letter, I raised questions relating to disclosure and transparency. I noted that there is nothing in the s 51 advice section or in other parts of the PINS website for this project concerning the Developer's intention to seek to introduce Plan B into the examination and asked for confirmation that there were no prior discussions between the Developer and the Inspectorate on this subject; and further, that the Inspectorate and ExA only became aware of Plan B when it saw the Response to Deadline III on 5 November 2014. I have not to date received a response.

However at the issue-specific hearing on 18 November 2014 during the presentation on behalf of the Developer of Plan B, Mr. John Houghton confirmed that there had been contact with PINS on this issue (Session 1 audio at 09.55).

In the light of this confirmation, I suggest that it is appropriate, in the interests of fairness and transparency, to ensure that details of any contacts and communications between the Developer or its agents and PINS on or before 5<sup>th</sup> November, as well as any further contacts and communications since that date and during the remainder of the examination, are made public through the PINS website for this project.

I wish also to raise two further questions relating to the consideration of Appendix 43/Plan B.

The revised timetable issued on 21 November 2014 is different from that announced at the beginning of the issue-specific hearing Session 2 on 18 November 2014, which followed ExA's deliberations and the procedural decision taken by ExA on the handling of Appendix 43/Plan B.

In that announcement, it was stated that ExA would take a procedural decision on the admissibility of Appendix 43/Plan B in the examination by 14 January

2015, following two rounds of written representations. However, this date does not appear in the procedural decision and the revised timetable issued to Interested Parties by your letter dated 21 November 2014. Nor is it shown in the revised timetable on the PINS website, which only refers to 14 January 2015 as being the date for possible issue by ExA of second written questions.

I raised this matter at the beginning of Session 1 of the issue-specific hearing on 26 November. You suggested that the date for ExA's decision is, or was intended to be, included in the covering letter accompanying the revised timetable. As noted above, this is not the case. The matter had also been raised during Session 3 of the issue-specific hearing on 20 November (Session 3 audio, starting at 1.17) when you reconfirmed the date of "by 14 January 2015" for ExA's decision.

There is also an apparent inconsistency in the published communications concerning the possible issue-specific hearing on 22 January 2015. At the beginning of Session 2 on 18 November you mentioned that a further hearing could be held on Appendix 43/Plan B if it is necessary; and in the procedural decision/letter to Interested Parties it is recognised that 22 January 2015 is provisional in that it is "reserved" i.e. it is acknowledged that the hearing might not be necessary (e.g. if ExA and/or the Secretary of State decide against the admissibility of Appendix 43/Plan B in the examination by 14 January 2015). However, in the revised timetable on the PINS website, the hearing appears to be shown as a firm date (*cf.* the consistent description of the compulsory acquisition hearing in the morning of the same day in the procedural decision/letter to Interested Parties and in the original timetable published on 22 September 2014).

All Interested Parties need to be aware of the timetable and to be able to consider its implications. Can you please clarify the position concerning the procedural decision "by 14 January 2015" and the "reserved" status of issue-specific hearing on the afternoon of 22 January 2015. Further, if any changes to the timetable have been made since 18 November 2014, could you please confirm whether those changes have resulted from any contacts or communications by the Developer or its agents with PINS; and, if so, I suggest it is appropriate, in the interests of fairness and transparency, to place details of those contacts and communications on the PINS website for this project.

I look forward to hearing from you.

Yours sincerely

PHILIP COLLINS  
IP 10028738