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Date 8 December 2014
Your ref
Our ref SMITHCB/1-1
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BY E-MAIL

Dear Sirs

Progress Power Limited – Application for a Development Consent Order in respect of a Gas Fired Power Station at Eye Airfield  
Our Client: Eye Wind Power Limited

We have today been instructed by Eye Wind Power Limited ("EWPL") in relation to the above matter. EWPL wish to make a representation objecting to the Application pending agreement of satisfactory arrangements for ensuring the protection of their right of access to their assets which are within or in close proximity to the proposed order boundary.

Late Representation

We apologise for this late submission and respectfully request that the Panel accepts this late Written Representation and takes its contents into account when determining the Application.

EWPL’s Interest

Our client owns and operates two wind turbines at the Site. Our client is named in the Book of Reference as having rights of access appurtenant to wind turbine sites on Eye Airfield (for plots 6_GR and 6a_GR).

EWPL’s Concerns

EWPL’s concerns broadly relate to the following aspects of the Application and their interface with EWPL assets. Sufficient safeguards are not yet in place to enable EWPL to withdraw its objection to the Application on these issues:

- Draft Development Consent Order – the powers sought in the Order and Schedule 2 Requirements potentially impact upon EWPL’s ability to access, operate and maintain its assets;

- Compulsory Acquisition – EWLP does not agree to the unfettered powers of compulsory purchase which may affect its right of access, which is essential for access to and maintenance of its assets. In the event that agreement cannot be reached EWLP may need to seek appropriate protection from these powers in
protective provisions given that at present the Order should it be granted could result in the suspension or extinguishment of EWLP's right of access.

Further Comments

EWLP is continuing negotiations with the applicant with a view to reaching a satisfactory agreement, however at this time no agreement has been reached between the parties in respect of access to EWLP assets which are within or in close proximity to the proposed order limits. EWLP are keen to maintain their constructive engagement with the applicant and we would envisage being instructed to withdraw this objection shortly, however if we are unable to secure a satisfactory side agreement on our client's behalf we will submit draft amendments to the Order by 19 December, in accordance with Deadline 7 of the timetable.

Yours faithfully,

Eversheds LLP