

Butts, Hywel (ESNR-Planning)

From: douglas.PCML@corporate-catalyst.com
Sent: 18 April 2019 13:42
To: Butts, Hywel (ESNR-Planning); douglas@powerconsultingmidlands.com
Cc: Hemington, Neil (ESNR-Planning)
Subject: RE: Biomass UK No2 Ltd
Attachments: Letter to WAG@18.04.19 Signed.pdf

Dear Mr Butts

Please find attached a letter in response to the letter which accompanied your email below.

regards

Douglas Wardle

Douglas Wardle
Power Consulting Midlands Ltd
Email : douglas@powerconsultingmidlands.com

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From: Hywel.Butts@gov.wales <Hywel.Butts@gov.wales>
Sent: 12 April 2019 11:04
To: douglas@powerconsultingmidlands.com
Cc: Neil.Hemington@Gov.Wales
Subject: Biomass UK No2 Ltd
Importance: High

Dear Mr Wardle

Please find a letter attached, sent to you on the basis you continue to represent Biomass UK No2 Limited in respect of planning application 2017/01080/FUL currently before Vale of Glamorgan Council. I would be grateful if you would let me know immediately if this is no longer the case.

Yours sincerely

Hywel Butts

Pennaeth y Gangen Rheoli Datblygu / Head of Development Management Branch
Y Gyfarwyddiaeth Gynllunio / Planning Directorate
Llywodraeth Cymru / Welsh Government
Ffôn / Tel: 0300 025 1619 / 07825 690522

Sganiwyd y neges hon am bob feirws hysbys wrth iddi adael Llywodraeth Cymru. Mae Llywodraeth Cymru yn cymryd o ddifrif yr angen i ddiogelu eich data. Os cysylltwch â Llywodraeth Cymru, mae ein [hysbysiad preifatrwydd](#) yn esbonio sut rydym yn defnyddio eich gwybodaeth a sut rydym yn diogelu eich preifatrwydd. Rydym yn croesawu gohebiaeth yn Gymraeg. Byddwn yn anfon ateb yn Gymraeg i ohebiaeth a dderbynnir yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi. On leaving the Welsh Government this email was scanned for all known viruses. The Welsh Government takes the protection of your data seriously. If you contact the Welsh Government then our [Privacy Notice](#) explains how we use your information and the ways in which we protect your privacy. We welcome receiving

correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Power Consulting (Midlands) Ltd

14 Prime Park Way
Prime Enterprise Park
Derby DE1 3QB

18 April 2019

Welsh Government
Parc Cathays, Cathays Park,
Caerdydd, Cardiff
CF10 3NQ

FAO: Hywel Butts

Our ref: 2017/01080/FUL
Your ref: qA1317227

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990 ("the 1990 Act")

**PLANNING PERMISSION NO. 2015/00031/OUT FOR A WOOD FIRED RENEWABLE ENERGY PLANT,
DAVID DAVIES ROAD, BARRY, CF63 4JE**

We refer to your letter dated 12 April 2019 addressed to Biomass UK No.2 Limited for whom we act in our capacity as Owner's Representative in connection with the Biomass Project located at the Port of Barry (the "Plant").

Having reviewed your letter with Biomass UK No.2 Limited and without prejudice to our position in connection with the arguments set out in your letter and in previous correspondence, we take note of the 'Duty of Sincere Cooperation' arising under applicable European Law to which you refer in Paragraph 3.

We would like to emphasise in this connection that we do not consider any decision the Welsh Government may be minded to take which prevents the Plant from coming into operation, including the issuance of a Discontinuance Notice, to be either lawful or proportionate having regard to the past actions of the Welsh Government and the Vale of Glamorgan and to the damage it would potentially cause to the Project and its business. We therefore reserve all rights that are available to us at law should the Welsh Government nevertheless institute any such measures.

Notwithstanding the above, we are willing to consider resolving this matter by voluntarily submitting a Statement reviewing the Environmental Status of the Project with a view to demonstrating that the matters to be addressed in Schedule 3 of the EIA Regulations for a Development such as this can properly be considered to have been addressed during the development of the Project from its inception in September 2008 through to the present day, including the submissions made in connection with the planning consent issued on 2 July 2010 (on appeal), the planning consent issued on 31 July 2015 (Outline), the subsequent satisfaction of reserved matters and conditions in respect of the 2015 Outline Consent and the Environmental Permit issued by Natural Resources Wales.

Should you be agreeable to this course of action, we ask you to confirm your wish to take up this offer and we would ask that you do so by 30th April. We anticipate it would take approximately four to six weeks to prepare the submission.

We look forward to your response and you should note that the offer contained in this letter is made on a 'without prejudice' basis.

Yours faithfully



Richard Frearson
Managing Director
Power Consulting (Midlands) Limited