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From: Ainslie, John
Sent: 14 September 2007 11:56
To: 'julian.chafer@de.mod.uk'
Cc: 'Marcus Trinick'
Subject: Middlemoor

Dear Julian,

Thank you for talking to us after the Pre Inquiry Meeting for Middlemoor about the possibility for the imposition of a condition on the section 36 consent in order to deal with the acknowledged air defence radar issue.

I refer to your email containing the condition agreed (as I understand it) between MoD and BERR in relation to offshore wind energy projects in the Greater Wash. This condition reads:

"No development under this consent may take place without the prior written approval of the Secretary of State for Business, Enterprise and Regulatory Reform, having taken into account considerations relating to impacts on air defence radar"

A condition with this wording would be acceptable to Npower Renewables for use at Middlemoor, with only one change:

Replace "No development under this consent may take place" with "No wind turbines approved by this consent shall be erected".

The reason for suggesting this change is to ensure we can keep the development consent "alive" if for any reason it takes longer than 5 years to resolve the air defence radar issue (by doing sufficient work to "commence" the development - for instance constructing the main site access

- we can fulfill the requirement to commence construction within 5 years).

I believe this change does not change the degree of protection afforded to MOD by the condition, since it is erection (and subsequent operation) of the turbines that causes you concern.

The condition in full would then read:

"No wind turbines approved by this consent shall be erected without the prior written approval of the Secretary of State for Business, Enterprise and Regulatory Reform, having taken into account considerations relating to impacts on air defence radar"

If a condition with this wording is acceptable to Defence Estates, then what remains will be to agree the mechanism and wording that we use to communicate (and explain to the extent necessary) this wording to the Inspector and to BERR. If we can achieve this, then this would (in our view) remove the need for contested evidence at the inquiry on this issue.

By the time we meet next week Marcus will have drafted a form of words which could be used in a letter to the Inspector, and if it would assist you I could send you our draft on Monday for you to consider before the meeting.

I look forward to seeing you on 19th September at 9.30 am in London - either at your offices or at Bond Pearce's offices in the City (can you please confirm which you would find most convenient?).

Kind Regards,

John

John Ainslie
Head of Consents
Npower Renewables

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