

## Lambert, Fiona

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**From:** Richard Frearson <rf@powerconsultingmidlands.com>  
**Sent:** 17 February 2021 11:59  
**To:** Feist, Sarah J  
**Cc:** Randall Smith; Darren Atkinson; Charlotte.Goosey@ashurst.com; Charlie.Reid@ashurst.com; steve.butler@sol-environment.co.uk; Goldsworthy, Marcus J; freddy@MRYRenewables.co.uk; Docherty, James; ian.shervell@avivainvestors.com; Robinson, Victoria L; Robinson, Ian  
**Subject:** FW: Barry Biomass - Planning Permission 15/00031/OUT  
**Attachments:** Letter to VoG Feb 2021 Biomass No.2.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sarah

Please find the attached follow up letter re. our correspondence below.

Kind regards

Richard

**Richard Frearson**  
Managing Director  
Power Consulting Midlands Ltd

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Email : [rf@powerconsultingmidlands.com](mailto:rf@powerconsultingmidlands.com)

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**From:** RICHARD FREARSON <[rf@powerconsultingmidlands.com](mailto:rf@powerconsultingmidlands.com)>  
**Date:** Friday, 29 January 2021 at 17:42  
**To:** "Feist, Sarah J" <[sjfeist@valeofglamorgan.gov.uk](mailto:sjfeist@valeofglamorgan.gov.uk)>  
**Cc:** Randall Smith <[randall@powerconsultingmidlands.com](mailto:randall@powerconsultingmidlands.com)>, Darren Atkinson <[atkinson@powerconsultingmidlands.com](mailto:atkinson@powerconsultingmidlands.com)>, "[Charlotte.Goosey@ashurst.com](mailto:Charlotte.Goosey@ashurst.com)" <[Charlotte.Goosey@ashurst.com](mailto:Charlotte.Goosey@ashurst.com)>, "[Charlie.Reid@ashurst.com](mailto:Charlie.Reid@ashurst.com)" <[Charlie.Reid@ashurst.com](mailto:Charlie.Reid@ashurst.com)>, "[steve.butler@sol-environment.co.uk](mailto:steve.butler@sol-environment.co.uk)" <[steve.butler@sol-environment.co.uk](mailto:steve.butler@sol-environment.co.uk)>, "[freddy@MRYRenewables.co.uk](mailto:freddy@MRYRenewables.co.uk)" <[freddy@MRYRenewables.co.uk](mailto:freddy@MRYRenewables.co.uk)>, "[ian.shervell@avivainvestors.com](mailto:ian.shervell@avivainvestors.com)" <[ian.shervell@avivainvestors.com](mailto:ian.shervell@avivainvestors.com)>, "Goldsworthy, Marcus J" <[MJGoldsworthy@valeofglamorgan.gov.uk](mailto:MJGoldsworthy@valeofglamorgan.gov.uk)>, "Docherty, James" <[jdocherty@valeofglamorgan.gov.uk](mailto:jdocherty@valeofglamorgan.gov.uk)>, "Robinson, Victoria L" <[VLRobinson@valeofglamorgan.gov.uk](mailto:VLRobinson@valeofglamorgan.gov.uk)>, "Robinson, Ian" <[IRobinson@valeofglamorgan.gov.uk](mailto:IRobinson@valeofglamorgan.gov.uk)>, RICHARD FREARSON <[rf@powerconsultingmidlands.com](mailto:rf@powerconsultingmidlands.com)>  
**Subject:** RE: Barry Biomass - Planning Permission 15/00031/OUT

Dear Sarah

Thank you for your email.

We have noted your concerns and set out our initial response in our letter dated 15 January. As explained, we have now instructed Leading Counsel and are awaiting his advice. We will respond substantively when we are in receipt of this advice.

Leading Counsel is currently engaged in a major public inquiry concerning Stansted Airport (<https://programmeofficers.co.uk/ssairport/>) which is not due to finish until 9 March. Counsel has suggested that

he could provide advice in the week that the inquiry closes or during a programmed adjournment during the period 15-19 February.

However, we are mindful of the common desire to achieve a timely resolution to planning matters and so have pressed Counsel to advise sooner. Counsel has suggested he could advise so that we are in a position to respond fully during the week beginning 8 February and so we are proceeding on this basis.

Kind Regards  
Richard  
**Richard Frearson**  
Managing Director  
Power Consulting Midlands Ltd

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**From:** Feist, Sarah J <[sjfeist@valeofglamorgan.gov.uk](mailto:sjfeist@valeofglamorgan.gov.uk)>  
**Sent:** 19 January 2021 13:25  
**To:** Richard Frearson <[rf@powerconsultingmidlands.com](mailto:rf@powerconsultingmidlands.com)>  
**Cc:** Randall Smith <[randall@powerconsultingmidlands.com](mailto:randall@powerconsultingmidlands.com)>; Darren Atkinson <[atkinson@powerconsultingmidlands.com](mailto:atkinson@powerconsultingmidlands.com)>; [Charlotte.Goosey@ashurst.com](mailto:Charlotte.Goosey@ashurst.com); [Charlie.Reid@ashurst.com](mailto:Charlie.Reid@ashurst.com); [steve.butler@sol-environment.co.uk](mailto:steve.butler@sol-environment.co.uk); [freddy@MRYRenewables.co.uk](mailto:freddy@MRYRenewables.co.uk); [ian.shervell@avivainvestors.com](mailto:ian.shervell@avivainvestors.com); Goldsworthy, Marcus J <[MJGoldsworthy@valeofglamorgan.gov.uk](mailto:MJGoldsworthy@valeofglamorgan.gov.uk)>; Docherty, James <[jdocherty@valeofglamorgan.gov.uk](mailto:jdocherty@valeofglamorgan.gov.uk)>; Robinson, Victoria L <[VLRobinson@valeofglamorgan.gov.uk](mailto:VLRobinson@valeofglamorgan.gov.uk)>; Robinson, Ian <[IRobinson@valeofglamorgan.gov.uk](mailto:IRobinson@valeofglamorgan.gov.uk)>  
**Subject:** RE: Barry Biomass - Planning Permission 15/00031/OUT

Dear Richard,

Thank you for your email and I note that you are proceeding to obtain Counsel's advice. Although you have confirmed that it will not be possible to provide a substantive response by 22<sup>nd</sup> January 2021, I would ask that you confirm as soon as possible, a date when a response might be provided and remedial action taken to resolve the identified breaches?

Whilst noting your comments, the development that has been undertaken does not accord with the details approved under application 15/00031/OUT and is not therefore considered to benefit from planning permission. As confirmed in my letter, it is considered that the submission of a S73A application would be the most appropriate way forward to enable the current discrepancies to be regularised. In the absence of planning permission, the development remains unauthorised and in such circumstances, it would be expedient to take enforcement action, particularly if it is your intention for the facility to become operational.

Your continued co-operation in securing a timely resolution of the identified breaches would therefore be appreciated, to avoid the need for formal enforcement action to be taken.

Kind regards,

Sarah Feist  
Principal Planner - Appeals and Enforcement  
Regeneration and Planning  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: 01446 704690  
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[Find us on Facebook / Cewch ddod o hyd i ni ar Facebook](#)  
[Follow us on Twitter / Dilynwch ni ar Twitter](#)

Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

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**From:** Richard Frearson <[rf@powerconsultingmidlands.com](mailto:rf@powerconsultingmidlands.com)>  
**Sent:** 15 January 2021 18:58  
**To:** Feist, Sarah J <[sjfeist@valeofglamorgan.gov.uk](mailto:sjfeist@valeofglamorgan.gov.uk)>  
**Cc:** Randall Smith <[randall@powerconsultingmidlands.com](mailto:randall@powerconsultingmidlands.com)>; Darren Atkinson <[atkinson@powerconsultingmidlands.com](mailto:atkinson@powerconsultingmidlands.com)>; [Charlotte.Goosey@ashurst.com](mailto:Charlotte.Goosey@ashurst.com); [Charlie.Reid@ashurst.com](mailto:Charlie.Reid@ashurst.com); [steve.butler@sol-environment.co.uk](mailto:steve.butler@sol-environment.co.uk); [freddy@MRYRenewables.co.uk](mailto:freddy@MRYRenewables.co.uk); [ian.shervell@avivainvestors.com](mailto:ian.shervell@avivainvestors.com); Richard Frearson <[rf@powerconsultingmidlands.com](mailto:rf@powerconsultingmidlands.com)>  
**Subject:** Barry Biomass - Planning Permission 15/00031/OUT

Dear Sarah,

Please find the attached letter.

Kind Regards  
Richard  
**Richard Frearson**  
Managing Director  
Power Consulting Midlands Ltd

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