

APPEALS PPA-240-2032 & PPA-390-2029

FINAL REPRESENTATIONS ON NPF3, SPP

SUBMISSIONS ON BEHALF OF FALKIRK COUNCIL

1 Introduction

- 1.1 Dart Energy's Final Representations on NPF3/ SPP were submitted by e-mail on 8 August 2014.
- 1.2 These Submissions on behalf of Falkirk Council address legal issues arising from those Final Representations.

2 AMEC SEA

- 2.1 The Final Representations contain the following statement regarding the evidence presented on behalf of the Council by Dr Salmon (paragraph 5.14):

“Indeed his primary position at the inquiry that base-line monitoring needed to be obtained prior to the determination of the appeals runs contrary to advice which AMEC have given to DECC in the AMEC SEA regarding baseline monitoring”

- 2.2 The AMEC SEA is an inquiry document. However, none of Dart Energy's witnesses referred to that document in their inquiry precognitions. Falkirk Council therefore did not cross-examine any of Dart Energy's witnesses about the document.
- 2.3 It was open to Dart Energy to cross-examine Dr Salmon on that document during the inquiry. They chose not to. It is therefore unfair and unreasonable for Dart Energy to make this comment in their Final Representations. The point could, and should, have been raised with Dr Salmon at the inquiry. It is quite simply too late for Dart Energy to make the point now.
- 2.4 Dart Energy do not claim that the Council raised new issues which justify referring to Dr Salmon's evidence and the AMEC SEA. Indeed, Dart Energy state that the Council's submission “re-run the argument that their witness Dr Shaun Salmon posited at the inquiry on its behalf”. It is therefore clear that the entire paragraph (5.14) is commenting on matters previously addressed in evidence at the inquiry. This further demonstrates that it is too late for Dart Energy to make the point now.
- 2.5 As the Final Representation is Dart Energy's “last word”, the Council do not have any right to respond to paragraph 5.14.

3 Conclusion

- 3.1 For all these reasons, it is unfair for paragraph 5.14 to form part of the evidence and it should be ignored by the Reporters.