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Our ref RJG/RES.073-0001

Your ref

Dear Ms Jones-Hughes

### Mid-Wales co-joined inquiries

At the exploratory meeting held on 29 November, the Inspector asked for suggestions and ideas in relation to the inquiry timetable, as well as views on other matters raised at the meeting. This letter provides the Inspector with a response to these points, on behalf of my client RES UK & Ireland Ltd.

#### Inquiry timetable

Having considered the matter carefully, RES are of the view that the inquiry should be run on a "project by project" basis, as suggested by the Inspector at the exploratory meeting. In other words, each project would have a discrete period of time during which the relevant Applicant, Powys County Council and other interested parties would present their evidence in relation to that project.

RES agree that the projects should be programmed in the order that the applications were submitted to DECC, as suggested by the Inspector at the exploratory meeting. On this basis, the order of appearances would be as follows:

1. Vattenfall : Llanbadarn Fynydd
2. Llaithddu: Fferm Wynt Llaithddu
3. CeltPower Ltd: Llandinam
4. RWE Npower: Carnedd Wen
5. RES: Llanbrynmair
6. SPMANweb: Llandinam 132kV line

37 Offices in 18 Countries

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Not only is this fair, in terms of the "age" of the various applications, but also it is important for RES due to the fact that RES will be issuing further environmental information in February 2013. The purpose of this information will be to address issues raised in the various consultation responses received by RES in recent months. RES are keen to ensure that all consultees are given a reasonable period of time to consider the further environmental information, before the Llanbrynmair project is dealt with at the inquiry. This is in the interest of all parties to the inquiry and is likely to speed up the inquiry process.

Please note that the RES Section 36 application was submitted to DECC after the RWE Npower application for Carnedd Wen. Accordingly, the list of the applications as set out at the start of any further correspondence from DECC (eg notes of pre-inquiry meetings etc) should be re-ordered to reflect this.

In addition, since the application was originally submitted to DECC the number of turbines proposed has reduced, as described in the various editions of Supplementary Environmental Information submitted to DECC. Accordingly, the anticipated installed capacity of the project currently stands at 69MW. The description of the project, as set out at the start of DECC correspondence, therefore needs to be updated.

It is suggested that a cumulative session is held after the first three projects have been heard, so that cumulative effects within SSA C can be considered. The same could then occur after the two projects within SSA B have been heard. Following consideration of the 132kV line, a further cumulative session could be held, at which cumulative effects of all six projects could be discussed.

There are a number of benefits of organising the inquiry on a project by project basis, compared to running the inquiry on a topic by topic basis, as was suggested at the exploratory meeting. The most important benefit is that it will provide certainty, from a programming point of view, as to when each project will be considered. This will allow all parties to ensure that all their witnesses are available, when they are required. Furthermore, third parties interested in an individual project do not have to sit through evidence that they are not interested in. Timetable certainty is very important for a complex inquiry of this type.

Such certainty is not possible if a topic approach is adopted, as multiple parties will be involved with each topic, often competing for limited inquiry time. In addition, each Applicant would have to attend each topic session, rather than attending its own project session. This will increase overall cost and effort for each Applicant.

Secondly, a project by project basis ensures that there is clear distinction between the projects. This is important because each project has to be judged on its own merits (in addition to cumulative effects). When a topic based approach is adopted, there can be a tendency for the projects to blur into each other. This is particularly the case with a co-joined inquiry of this size and complexity.

Thirdly, a project based approach allows the Inspector and third parties to consider each project as a whole, taking into account all aspects of the project. Again, this is important for everyone involved with the inquiry. A topic based approach loses this cohesion and can lead to confusion between projects.

Finally, the objections raised by the Council and third parties vary from project to project. Accordingly, not all topics are relevant to all the projects. This makes the programming of a topic based inquiry difficult. For example, how much time should be set down for cultural heritage compared to landscape and visual effects? A project by project basis avoids these problems, as each project has a specific period of inquiry time to address all the issues relevant to that project.

I appreciate that other co-joined inquiries have been run on a topic basis. However, some of these inquiries have not run smoothly and have on occasions reflected the problems of a topic based approach that I describe above.

I attach a draft programme that I have prepared as a working example of how a project based inquiry could run. I have incorporated breaks between each project, as suggested by the Inspector at the explanatory meeting, as well as breaking for a period over the summer. The timetable anticipates the close of the inquiry during the week commencing 10 March 2014.

With the above in mind, RES request that the inquiry is programmed on the basis of a project by project approach.

If, however, the Inspector decides to run the inquiry on a topic basis, RES request that SSA C is considered first, as a separate and discrete series of topic sessions, followed by a series of topic session for SSA B. Given the distance between the two SSA's and the lack of a significant number of cumulative issues between the two SSA's, this is sensible. It is appropriate to deal with SSA C first as this reflects the order in which the applications were submitted to DECC. It also addresses the issues raised at the start of this letter, concerning the need for sufficient time for consultees to consider the further environmental information that RES will be issuing in February 2013.

#### Inquiry venue

At the exploratory meeting it was suggested that the inquiry could be held in Welshpool. RES have investigated the availability of hotels in Welshpool and in summary there are very few hotels that would be suitable for a long running inquiry. Furthermore, Welshpool is a long way from the projects in SSA C. Accordingly, RES believe that the best place to hold the inquiry is in Llandrindod Wells, as suggested by the Inspector.

#### Transcript

At the exploratory meeting, it was suggested that it may be appropriate for a transcript of all the proceedings to be prepared. RES does not agree. Daily transcripts are very expensive to produce and are not particularly user-friendly or easy to review. On this basis, they are of little value to anyone involved in the process.

#### Exchange of Evidence

Given the length of the inquiry, it is suggested that exchange of evidence occurs on a "rolling basis". Assuming that the Inspector adopts a project by project basis for the inquiry,

evidence on all issues relating to a specific project could be exchanged four weeks before the start of the session for that particular project.

If the Inspector adopts a topic by topic basis for the inquiry, evidence for topics relating to SSA C should be exchanged (suggest four weeks) in advance of the specific topic session. It would not be necessary or appropriate for evidence on topics relating to SSA B to be exchanged at the same time. This is particularly the case bearing in mind that lack of cumulative issues between the two SSA's and given the length of time that there will be between the sessions for the two SSA's.

I trust that this will assist you and the Inspector with the preparations for the inquiry. If you wish to discuss any matters raised in this letter, please do not hesitate to contact me.

Yours sincerely



Richard Glover  
For Squire Sanders (UK) LLP

Draft programme based on a project by project approach

(as at 12 December 2012)

2013

W/C 3 June: Inquiry opens and opening statements

W/C 10 June: Llanbadarn (Vattenfall) inquiry

W/C 17 June: Llanbadarn inquiry continues

**W/C 24 June: Overflow/break**

**W/C 1 July: Break**

W/C 8 July: Llaithddu inquiry

W/C 15 July: Llaithddu inquiry continues

**W/C 22 July to W/C 26 August: overflow/inquiry breaks for summer**

W/C 2 Sept: Llandinam (SPR) inquiry

W/C 9 Sept: Llandinam inquiry continues

**W/C 16 Sept: Overflow/break**

W/C 23 Sept: **Break**

W/C 30 Sept: Local cumulative issues for SSA C

**W/C 7 Oct: Overflow/break**

**W/C 14 Oct: Break**

W/C 21 Oct: Carnedd Wen (RWE) inquiry

W/C 28 Oct: Carnedd Wen inquiry continues

**W/C 4 Nov: Overflow/break**

**W/C 11 Nov: Break**

W/C 18 Nov: Llanbrynmair (RES) inquiry

W/C 25 Nov: Llanbrynmair inquiry continues

**W/C 2 Dec: Overflow/break**

W/C 9 Dec: **Break**

W/C 16 Dec: Local cumulative issues for SSA B

**W/C 23 Dec to W/C 30 Dec: Break**

2014

W/C 6 Jan: Llandinam (SP Manweb) S37 inquiry

W/C 13 Jan: Llandinam inquiry continues

**W/C 20 Jan: Overflow/break**

**W/C 27 Jan: Break**

W/C 3 Feb: Cumulative issues relevant to both SSA's (eg transport and LVIA)

W/C 10 Feb: Cumulative grid issues (eg SP Manweb Llandinam plus SP Manweb's mid-Wales and NG's 400kV NSIP's)

**W/C 17 Feb: Overflow/break**

**W/C 24 Feb: Break**

W/C 3 March: Closing submissions

W/C 10 March: Closing submissions continued