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Dear Claire

Mid Wales Inquiry Session 4

We write to you on behalf of RES UK & Ireland Limited, RWE, Vattenfall and FWLC, ('the Section 36 Applicants'). The purpose of this letter is to seek the Inspector's final ruling on the scope of evidence to be considered at Inquiry Session 4. The Inspector has already issued a detailed ruling on the scope of grid evidence to be considered, as it was first raised during the Pre-Inquiry Meeting, ('PIM') in February 2013. However, in light of Powys County Council's ('PCC') and the Alliance's Statements of Case for Session 4, we now understand that both parties intend to raise additional issues that go beyond the scope previously confirmed by the Inspector and the jurisdiction of this Inquiry.

The Alliance's Statement of Case also seeks to introduce need, noise cultural heritage and the planning balance into the scope of evidence for Session 4. Clearly these matters are not within the ambit of this Session. The question of 'need' was addressed in the Opening Session in June 2013; cultural heritage and noise were considered in the context of both Sessions 1 and 2; and the overall planning balance is earmarked for consideration at the Closing Session in May this year.

In light of the considerable and wasted time and money that will result should PCC and the Alliance present evidence on the basis of their current Statements of Case, the Section 36 Applicants would be grateful for the Inspector's final word on the scope of evidence to be considered at Session 4.

As a starting point, it should be noted that evidence on grid connections, save for the technical information requested by the Inspector in the Opening Session, has never been a topic for consideration at Session 4. The first draft of the Inquiry timetable was published close to a year ago and the final version circulated in May 2013. Neither the initial, nor final version of the Inquiry timetable has ever proposed grid as a topic for consideration in Session 4. The same is true in relation to need, cultural heritage, noise and the planning

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balance. It is unreasonable for PCC and the Alliance, at this stage in the proceedings, to attempt to expand the scope of the Inquiry, putting all parties to unnecessary and wasted cost.

The question of what amounts to the “project” for the purposes of the Environmental Impact Assessment Regulations (‘EIA’) and what EIA is required with respect to the necessary grid connections for the various wind farm proposals was considered at length at the PIM. The Inspector has made a ruling with respect to this issue and a recommendation to the Secretary of State. This is produced as inquiry document ID-5.

In his ruling the Inspector followed the reasoning of the Inspector and Secretaries of State in the Steadings, Ray Estate and Green Rigg Inquiry and found that although the proposed wind farms and the future grid connections would have an inextricable link they could be distinguished from each other and are properly to be considered to be separate projects; on this basis each could be the subject of a separate application and an appropriate EIA .

The Inspector has ruled that the Inquiry is limited to considering the wind farm proposals and that whilst grid is a secondary impact to be considered for the purposes of EIA, it is not a subject for this Inquiry. With respect to EIA the Inspector has ruled that the development should be judged on the basis of what is proposed by the developer; the developer can only be asked to provide an Environmental Information in respect of development he has proposed; whilst the developer must address indirect effects of the development he can only be expected and required to provide information which is reasonably required and which he can be reasonably required to compile having regard to current knowledge and methods of assessment.

The Inspector acknowledged that 4 of the 5 wind farms are dependent upon grid connections for which there are currently no applications and observed that as they are inextricably linked it would be reasonable to require the developers to provide some information about the future grid connections but the level of information expected is limited to that which can be reasonably required having regard to current knowledge i.e. the latest published information available at the time. The Inspector also went on to say *“Importantly, it would not be necessary or appropriate to carry out a full EIA of the future grid connections as part of this Inquiry process. That would be a matter for the processes associated with the future applications.”* (our emphasis added).

The proposed wind farms and each element of the necessary grid infrastructure will be subject to separate consent procedures and appropriate EIA and that this is not a case of artificial sub-division of a scheme that could lead to significant environmental effects not being assessed within the development consent process. The Inspector cross-referred to paragraph 4.9.2 of NPS EN-1 and concluded –

“I consider for the above reasons that the applications before the Inquiry can be considered individually and separately from the necessary new grid infrastructure. The direct, indirect, secondary or cumulative effects of each individual project would be assessed on the basis of the environmental information that the developer can reasonably be required to compile. There would therefore be no conflict with either the EIA Directive or the EIA Regulations. I do

not consider that a decision to approve any one of the wind farms would be inescapably flawed.

Some of the applicants have submitted, or intend to submit Supplementary Environmental Information (SEI) before or during the Inquiry. It is also expected that proposed line routes for the SP Mid Wales Connections project will be announced in the autumn of 2013. The environmental information that will be assessed is therefore likely to change and develop during the Inquiry. However, this would not be unusual."

The Section 36 Applicants believe the Inspector's position has been made clear –

- i) For EIA purposes the "project" is limited to each individual wind farm application – the grid connection is a separate project.
- ii) The EIA for each wind farm proposal will need to consider the grid connection as an indirect or secondary effect.
- iii) In addressing the grid connection the developer can only be expected and required to provide information in accordance with current knowledge and methods of assessment which in practice is likely to be limited to the latest available published information.
- iv) The potential for the proposed development to be connected to the grid network is a matter to be considered at the inquiry. It should be informed by and adopt the approach taken for the EIA.

In keeping with the Inspector's ruling the Section 36 Applicants have produced the following supplementary environmental information in relation to grid:

- **Mid Wales Conjoined Wind Farm Inquiry Connection Options Review (December 2013)** – this report provides a technical assessment of the options available for connecting Llanbrynmair, Carnedd Wen, Llanbadarn Fynydd and Llaithddu wind farms to the grid and the infrastructure that these will require. The report also considers the application made by SPEN to connect Celtpower's Llandinam Wind Farm to the grid. The report assess the likely connection options based on a range of potential decision scenarios as a result of the Conjoined inquiry;
- **Mid Wales Conjoined Wind Farm Inquiry – Grid Session 4 Evidence Supplementary Environmental Information on Grid Scenarios (December 2013)** – This document has been prepared by LUC on behalf of RES, RWE, Vattenfall and FWLC in response to questions that have been raised at the Inquiry regarding the environmental effects of the proposed Mid Wales Grid Connection. This report sets out the findings of a high level assessment of environmental effects of the possible grid connection routes.

The potential for significant landscape and visual effects of likely overhead line grid connections are judged to be contained within 1km of proposed wood pole connections and within 2.5km of proposed steel tower connections. Graphics contained within the

Supplementary Environmental Information (SEI): Conjoined Cumulative Landscape and Visual – Graphics and Visualisations document include ZTVs showing the extent of potential visibility of this infrastructure. This infrastructure will be subject to a separate application by SPEN, who will assess the landscape and visual and cumulative landscape and visual effects in full. The landscape and visual effects and cumulative landscape and visual effects have been assessed in varying degrees by the Section 36 Applicants.

The responsibility of assessing the cumulative landscape and visual effects associated with developing the grid infrastructure in both SSA-B and SSA-C is not that of the individual wind farm applicants.

PCC is intending to present evidence at Session 4 addressing the landscape and visual effects and cumulative landscape and visual effects of the grid connection options. The Alliance's Statement of Case indicates that they too believe the landscape and visual effects of the eventual grid connections are also a matter for consideration in Session 4. For the reasons clearly outlined by the Inspector in ID5, the EIA regulations do not require such an assessment and in any event, the currently available information is not definitive enough to allow such an assessment to take place.

The Section 36 Applicants have each gone to considerable effort and expense to comply with the EIA Regulations and have fully done so in producing the additional SEI submitted in December 2013 which adequately assesses the indirect/secondary effects of the proposed grid connections.

In light of the potential for waste of considerable time and costs should PCC and the Alliance deviate from the scope as previously confirmed by the Inspector, may we respectfully ask the Inspector to reiterate the full and final scope of evidence he expects to see presented at Session 4. His urgent response would be greatly appreciated.

Yours faithfully



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