

**MID WALES (POWYS) CONJOINED WIND FARMS PUBLIC INQUIRY**

**Application by Vattenfall, dated 30 November 2007 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 59.5MW wind turbine generating station in Powys, Mid Wales (“Llanbadarn Fynydd”)**

**Application by Fferm Wynt Llaithddu Cyf, dated 7 May 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 66.7 MW wind turbine generating station in Powys, Mid Wales (“Llaithddu”)**

**Application by CeltPower Limited, dated 9 May 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 126MW wind turbine generating station in Powys, Mid Wales (“Llandinam Repowering Wind Farm”)**

**Application by RES UK & Ireland Limited, dated 27 March 2009 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 100MW wind turbine generating station in Powys, Mid Wales (“Llanbrynmair”)**

**Application by RWE NPower Renewables Limited, dated 11 December 2008 for consent under Section 36 of the Electricity Act 1989 to construct and operate a 130-250MW wind turbine generating station in Powys, Mid Wales (“Carnedd Wen”)**

**Application by SP Manweb plc, dated 2 December 2009 for consent under Section 37 of the Electricity Act 1989 to install and keep installed a 132kV overhead electric line connection from the proposed Llandinam Wind Farm to Welshpool Substation (the "Application")**

**STATEMENT OF CASE ON BEHALF OF SP MANWEB PLC****1. INTRODUCTION**

1.1 This Statement of Case (“SoC”) is submitted on behalf of SP Manweb plc (“SP Manweb”) in relation to its application under section 37 of the Electricity Act 1989 to the Secretary of State for Energy and Climate Change, dated 2 December 2009, for consent to install and keep installed a new 132kV overhead line (“OHL”) over a distance of approximately 35km and within a 100m corridor from the Llandinam Repowering Wind Farm to the Welshpool substation (“the Llandinam Scheme”).

1.2 This SoC sets out the particulars of the case that SP Manweb proposes to make at Session 3 of the Conjoined Public Inquiry (“CPI”) which begins on 21 January 2014.

1.3 It should be read in conjunction with SP Manweb's Outline SoC.

**2. UPDATED ENVIRONMENTAL STATEMENT**

2.1 Parties will now be aware that on 29 October 2013 SP Manweb published an Updated Environmental Statement (“the Updated ES”). This is a standalone document which presents the refreshed environmental impact assessment of the Llandinam Scheme and additional work undertaken to address comments raised in representations and the reasons for objection submitted by Powys County Council (PCC) and others. A consultation on this document closes on 6 December 2013.

**3. SP MANWEB'S CASE**

3.1 The Secretary of State gave notice of the conjoined inquiry in accordance with Rule 4(1) of the Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and Wales) Rules 2007 and provided a statement of the matters to be considered at the inquiry in relation to SP Manweb's application. SP Manweb's evidence in relation to the Application will address each of the issues set out in the Secretary of State's Statement of Matters.

#### **4. LIST OF INDIVIDUALS TO BE CALLED AS WITNESSES AND THE SUBJECT MATTER OF THEIR EVIDENCE**

4.1 SP Manweb proposes to call the following witnesses (note: the order in which the witnesses will be called has not been finalised):

4.1.1 Dr Andy Beddoes – Network Design and Need;

4.1.2 Eric Leavy – Company evidence;

4.1.3 Eric Paalman – Engineering project design;

4.1.4 Richard Livingston – Construction and maintenance;

4.1.5 Sarah Gibson – Landscape and visual effects;

4.1.6 Dr Bob Silvester – Cultural heritage;

4.1.7 Jeremy James – Ecology;

4.1.8 Rory Brooke – Socio-economic matters (including tourism and recreation);

4.1.9 Alan Davies – Transport;

4.1.10 Dr John Swanson – Health; and

4.1.11 Kirsten Berry – Planning.

4.2 SP Manweb reserves the right to call such additional witnesses as may be needed or considered appropriate.

#### **5. THE APPLICATION AND THE LLANDINAM SCHEME**

##### **5.1 The history of SP Manweb's Application for the Llandinam Scheme**

5.1.1 In 2007, following a request from the developers (CeltPower Limited) of the Llandinam Repowering Wind Farm SP Manweb provided an offer for a 60

megavolt-ampere (MVA) connection from the wind farm site into the existing local 132 kilovolt (kV) Welshpool and Newtown electricity network area. This offer followed consideration by SP Manweb of the available capacity on the existing network and the type of generation proposed. CeltPower subsequently accepted the offer. In 2010 the agreement was amended to 90 MVA with the provision that the existing 33 kV connection at the existing Llandinam Substation would be terminated, and that future electrical output from the proposed Llandinam Repowering Wind Farm could from time to time be reduced should SP Manweb require this for operational reasons. This increase to 90 MVA did not affect the technical solution to the connection need that SP Manweb applied for in 2009.

- 5.1.2 In 2008 SP Manweb undertook a routing study which concluded that the best solution to meet the need for a connection was a new 132 kV overhead line carried on wood pole structures from the Llandinam substation to the existing Welshpool Grid Substation. Having selected a preferred route, SP Manweb sought consent under Section 37 (s37) of the Electricity Act 1989 to construct the Llandinam to Welshpool 132 kV overhead wood pole line connection, which would comprise approximately 382 wood pole structures carrying the line over a distance of approximately 35 kilometres (km). The s37 application was submitted to the Secretary of State for Energy and Climate Change on 2 December 2009. At the same time, SP Manweb also applied for a direction pursuant to s90(2) of the Town and Country Planning Act 1990 for deemed planning permission.
- 5.1.3 SP Manweb's s37 application seeks permission to install an overhead line within a 100 metre (m) wide corridor. The corridor provides a tolerance for adjusting the detailed alignment of the proposed overhead line and the position of wood pole structures after s37 has been secured. The application was amended in 2011 (including two small changes to the alignment of the 100m corridor applied for in 2009) and an addendum to the original Environmental Statement was issued and advertised.

5.1.4 In October 2012, PCC resolved to object to SP Manweb's 2009 application (as amended). As a result, the Secretary of State called an inquiry into the Application. Due to the number of other energy-related proposals in the vicinity, the Secretary of State determined to conjoin the Llandinam Scheme into the public inquiry for the Llandinam Repowering Wind Farm and four other wind farms in TAN SSA B and C.

5.1.5 Miss Berry will explain the background to the Application and the extensive consultation that SP Manweb has undertaken in relation to this project.

## 5.2 **The route of the Llandinam Scheme**

5.2.1 For the purposes of describing the proposed development, the route has been divided into eight sections that reflect the landscape areas that will be identified by Mrs Gibson in her evidence. The eight sections, running generally south to north from the Llandinam Repowering Wind Farm toward Welshpool Grid Substation, are:

- (a) Section A: Llandinam Repowering Wind Farm to A483 near Old Neuadd Bank
- (b) Section B: A483 near Old Neuadd Bank to Cae-betin Wood
- (c) Section C: Cae-betin Wood to the B4368 near Pentre
- (d) Section D: B4368 near Pentre to Upper Maenllwyd
- (e) Section E: Upper Maenllwyd to Court Calmore near the B4385
- (f) Section F: Court Calmore near the B4385 to the B4386 near Woodlands
- (g) Section G: The B4386 near Woodlands to Cilcewydd
- (h) Section H: Cilcewydd to Welshpool Grid Substation.

5.2.2 **Section A: Llandinam Repowering Wind Farm to the A483 Old Neuadd Bank:**

The line route in Section A would run from the new substation at the Llandinam Repowering Wind Farm to Old Neuadd Bank, across a broad rolling upland plateau incised by steep sided stream valleys. The land use is predominantly upland moorland and sheep grazed pastures divided by post and wire fences with coniferous/deciduous shelterbelts and some large forestry plantations and small scattered groups of deciduous trees. On lower slopes, pastures are smaller.

5.2.3 The route exits the new substation which would sit to the east of the Waun Ddubarthog ridge at around 450 m AOD (SO 048 836). The line route leaves the terminal pole heading slightly south-east to a field boundary. It would then turn to the north-east, crossing the southern tip of a short footpath (that leads towards Tomen Bryndadlau) to a sheep dip located south of Bryn-picca and close to the northern bank of the River Camnant. This section passes over gently undulating land. The line is positioned close to the narrow River Camnant, where there are established trees and hedges.

5.2.4 The line then takes a slightly more northerly route, crossing a local access road (and publicly accessible route) with a ford (at SO 071 838). The line heads east crossing a bridleway.

5.2.5 The route then heads sharply north-east, crossing the A483 at a point 100 m to the south of the junction with the minor road leading to Seven Wells, both south of the 'Devil's Elbow' road bend. From the A483, the line route heads up rising ground to the north of Old Neuadd Bank. The line passes over, and close to, a network of bridleways. The line continues north-east, to cross a bridleway at Banc Cefnperfedd, and continues to a long, rectangular conifer plantation that marks the next section.

5.2.6 **Section B: A483 Old Neuadd Bank to Cae-betin Wood:** The line route in Section B runs from Old Neuadd Bank to Cae-betin Wood. This section passes

through rolling hills, including the open north facing slope of Kerry Hill. The land use is open sheep grazed pastures divided by post and wire fences and occasional hedges. There are scattered rectilinear coniferous / deciduous tree belts within this section.

- 5.2.7 From the plantation to the east of Banc Cefnperfedd, the line route continues toward the north-east, crossing the B4355 and a footpath, both just south of Black Gate. The line continues north-eastwards running across the open hillside of Kerry Hill. It crosses tributaries of the River Mule and passes to the north of Kerry Hill. It crosses a bridleway from the Kerry Ridgeway that leads to the end of a minor road back to Kerry.
- 5.2.8 From the bridleway, the line then crosses a public footpath to Sychnant and the next section.
- 5.2.9 **Section C: Cae-betin Wood to the B4368 near Pentre:** The line route in Section C runs from Cae-betin Wood to the B4368, south of Pentre. This section runs through low rolling hills interspersed with steep sided stream valleys. The land use is small to medium scale pastures, enclosed by managed hedges with mature hedgerow trees. There are a number of woodlands in this area.
- 5.2.10 From Cae-betin Wood, the line route follows the lower slopes of the Kerry Ridgeway, heading north-east and intersecting with two public footpath routes at Blaen-cwm-y-ddalfa. The line then routes in a more easterly direction, crossing two tributaries of the Nant Mehel stream, before turning broadly due east, passing to the north of the Block Wood conifer plantation.
- 5.2.11 Here it traverses the south facing slopes of a ridge of high ground, crossing an access road between Coed Cefn-craig and Lower Rhos and then drops down towards a group of properties south of Windy Hall.

- 5.2.12 On crossing the bottom of a local access road, the line continues east and then turns sharply north-east, to a point just east of the local access road to Cwmtrefarlo (a publicly accessible route). The line routes northward again, on the western side of the B4368 oversailing a footpath running east/west from Windy Hall. At Windy Hall, the line route turns northwards, running parallel with the B4368 on its eastern side, to Cilthriew and onto the next section.
- 5.2.13 **Section D: B4368 near Pentre to Upper Maenllwyd:** The line route in Section D runs from the intersection with the B4368 at Cilthriew, south of Pentre, to the dismantled railway at Upper Maenllwyd. This area is characterised by smoothly undulating low lying land which is part of the tributary valley of the River Mule. There are small to medium scale pastures bounded by managed hedges with mature hedgerow trees. There are fewer woodlands than in Section C.
- 5.2.14 Crossing over the B4368, and routeing north-east, the line begins to cross land that is more lowland in character with overhead lines, farm buildings and roads. The line routes toward Borfa Wen, crossing a footpath and then a local road.
- 5.2.15 The line then routes north-west to meet the B4368 to the north of Saw Mill. The line has been routed in this way to avoid properties in Pentre, Saw Mill and along the local road between two small settlements, the latter of which also has a Conservation Area.
- 5.2.16 Crossing the B4368, the line takes a more northerly route, passing over a footpath (that links Glanmiheli and Sawmills) and crossing the A489. This route takes the line away from a cluster of houses at Glanmule and utilises the natural and built context provided by existing woodland planting and buildings.
- 5.2.17 On the northern side of the A489, the line turns north-east and follows rising ground to route between Twll and Gwernewydd. Crossing footpaths, it continues northward, passing to the west of Hodley, and oversailing a local road, at a point

just to the east of Maenllwyd. The minor road runs east-west from the B4368 to another minor road linking Llanmerewig (north) to the A48 (south).

- 5.2.18 At this point, the line route turns again and heads in a more easterly direction. Where the line crosses the B4368 and minor road (between Upper Maenllwyd to Goitre and beyond), it runs to the south of an isolated mill type property known as Upper Maenllwyd, which is a listed building. The route follows a north-easterly direction to the dismantled railway. The line route is almost parallel with a footpath/bridleway that runs from Maenllwyd, heading north-east to Upper Maenllwyd, and onto the next section.
- 5.2.19 **Section E: Upper Maenllwyd to Court Calmore:** Near the B4385 the line route in Section E runs from the dismantled railway at Upper Maenllwyd to the line route crossing with the B4385, between Caer-Howel and Court Calmore. The land is undulating as it descends into the Severn Valley, with steep slopes on the sides of the Llandyssil Valley. This section is characterised by small to medium pastures bounded by managed hedges and mature hedgerow trees. The line route passes through farmland which is predominantly under pasture. In this section, the line crosses the open landscape of the Llandyssil Valley.
- 5.2.20 The dismantled railway runs along the southern side of Fron-heulog Wood; here, the route leaves the wood heading east-north-east. The line then follows a north-east alignment, passing to the east of Fronheulog, at which point it takes a more northerly direction, over rising land to the west of Gwernybuarth. The line crosses a number of public rights of way.
- 5.2.21 The line routes almost due north for a short section and then heads north-east, crossing footpaths and a minor road that runs between Pentre (to the east) and Upper Bryn (to the west). It continues toward a copse at Cwmdale Dingle, at which point it heads north, reaching a minor road (at SO 185 954, almost equidistant from Llandyssil (east) and Green Lane (west)). The line route continues due north,

to cross an intersection of footpaths located between Henfron and Fron Wylt. From here, it heads in a north-north-east direction, making a steep climb towards the property known as Henfron, where there is also a Scheduled Ancient Monument.

- 5.2.22 The line continues, crossing a bridleway and a further right of way. It is following a north-east route, running roughly parallel with the B4386. The line route then turns to the north, passing to the west of Court Calmore. From here, the line follows a north-east route, crossing a local road to reach the B4385, at a point between Caer-Howel and Court Calmore, just south of the intersection of roads and railway line and onto the next section.
- 5.2.23 **Section F: Caerhowel near B4385 to the B4386 near 'Woodlands':** The line route in Section F runs from the B4385 (at SO 201 977, situated between Caer-Howel Farm and Court Calmore) to a local road running between the B4388 (to the east) and Camlad House (to the west). The route runs through an area of flat or gently undulating valley floor around the broad confluence of the Rivers Severn and Camlad. The valley sides to the south and north are initially gently rolling before rising more steeply. The area is one of managed hedges, hedgerow trees and post and wire fences.
- 5.2.24 The line route leaves the B4385 heading north-east, running parallel with the railway, towards the Hen Domen motte and bailey remains. Replacement hedgerow plantings are proposed at field boundaries as required. The line is routed away from the settlement which is on the other side of the railway. The railway itself is generally lined by well-established trees on each side of the tracks.
- 5.2.25 Here the line follows a straight north-east route, through Fflos for nearly 2 km, gradually diverging from the railway. Areas of Fflos are floodplain through which the River Camlad runs. This is an area where there are open views and the Offa's Dyke Path is to the east. This is also where the line route enters the Vale of

Montgomery Registered Historic Landscape. The line then turns to a more northerly route, to meet the minor road running between the B4388 (to the east) and Camlad House (to the west) and onto the next section.

- 5.2.26 **Section G: The B4386 near Woodlands to Cilcewydd:** The line route in Section G starts just east of Woodlands at a local road (intersecting with the B4388 to the east and leading to Camlad House to the west), from where it runs in a northerly direction to the A490 (at SJ 230 032). This section crosses gently rolling sloping land situated between the flat Severn Valley to the west and Long Mountain to the east. The route is through medium and small scale fields bounded by managed hedges. Woodland cover increases towards Cilcewydd. The route is incised by a steep wooded valley at Edderton Dingle to the north of the section.
- 5.2.27 From Woodlands, the line route heads due north. It passes over intersecting footpaths to the west of Hem Farm, then crosses a minor road between Brynwolfyn (and a caravan park) and Hem Farm, and continues to pass over a minor road (that runs east-west between the B4388) and crossroads situated east of a rail line and north of the caravan park. It continues north, passing to the west of St Michaels Crescent.
- 5.2.28 Continuing northwards, the line passes through more pasture farmland, running parallel to the railway line to a point west of Pen-y-lan. Here it turns to the north-east, to cross a footpath and pass between Edderton Farm (to the east) and Pen-y-lan Wood (to the west). Just south-east of Edderton Dingle, the line route turns to the north and runs towards the A490, to the south-east of Mount Pleasant and onto the next section.
- 5.2.29 **Section H: Cilcewydd to Welshpool Grid Substation:** The line route in Section H would run from the intersection with the A490, heading north-north-east to the B4381 Leighton Road (located approximately 350 m north west of Leighton Farm). The route is through mixed farmland overlooked by wooded hillsides.

- 5.2.30 From the A490, the line travels north, crossing a local road running between Leighton Hall (to the east) and Cilcewydd (to the west). Moor Wood is situated east of the line route; a substantial woodland that blocks views across the valley from higher ground to the east. The line routes in a slightly easterly direction Gwyn's Barn, when it turns slightly east again, to reach property called Castle View.
- 5.2.31 To the east, there is another extensive woodland, including Green Wood and Rabbit Bank, through which runs Offa's Dyke Path. The line route would also be to the west of a number of historic buildings around the Leighton Hall Estate, including the Church (340m), the Hall itself (810m) and Leighton Farm (620m), all of which are listed; Leighton is a Registered Historic Park and Garden.
- 5.2.32 From Castle View, the line route runs northwards into Welshpool Grid Substation. The terminal pole would be to the south, and the substation to the north, of the B4381 Leighton Road, adjacent to the Sustrans National Cycle Route 81. On the other side of the Valley from the line route, the Severn Valley Way runs along the Montgomery Canal towpath, beyond which is Powis Castle.

### 5.3 The Llandinam Scheme

- 5.3.1 The project would comprise the installation of approximately 35 km of 132 kV single circuit overhead line supported on 382 'flat formation' wood pole structures (known as Heavy Duty Wooden Poles). The pole structures are designed to accommodate, structurally, the physical loads imposed by a line of this type and capacity.
- 5.3.2 The pole structures carry three phase conductors in a single circuit network with a fourth underslung earth wire, which incorporates a fibre optic cable for protection signalling and communication purposes. The four conductors are made of

aluminium with the phase conductors having an overall diameter of 20 mm and the earth/fibre optic wire either being 14 mm or 20mm in diameter.

- 5.3.3 All four conductors are strung, under tension, between the wood pole supports. The three separate phase conductors are supported on insulators known as tension and post type insulators, which may be made from glass, porcelain or modern composite materials. At section and terminal poles the conductors are supported by tension insulators and at intermediate poles by post insulators. The fourth conductor is carried underneath the cross arm as an earth conductor. This provides both a path for fault current and a means of transmitting protection communication information via the fibre optic core within it. The overhead line is earthed at each pole using a copper conductor which connects to copper rods beneath the ground in a cross formation emanating from the base of the pole. The amount of earth conductor laid in the ground at any particular pole position is dependent on the resistance of the surrounding rock/soil at that point
- 5.3.4 All line conductors are exposed to the wind and weather, which can cause a vibration effect. To prevent this from causing fatigue to components and supports, vibration dampers are fitted on each line conductor at either end of the span.
- 5.3.5 The minimum ground clearance distance for a 132 kV overhead line is 6.7 m (including the lower earth wire) and the proposed overhead line is designed to ensure this distance is maintained at all times and in all conditions. In winter for example, the conductors may be subject to ice and wind loadings whereas in summer hotter weather may cause the conductors to expand and sag lower. The line is also designed to take account of varying ground levels, height and topography (slopes and gradients).
- 5.3.6 The span length or distance between supports depends on similar criteria to the line height and varies from 50 m to 130 m, with an average span of approximately 90 m between supports.

5.3.7 The line supports comprise timber poles with galvanised steelwork bracings onto which the insulators and conductors are fitted. The design comprises different types of pole supports.

## **6. COMPANY OVERVIEW**

6.1 SP Manweb's company witnesses (Mr Leavy in particular) will provide an overview of SP Manweb, its activities, network and role as a Distribution Network Operator ("DNO").

6.2 Mr Leavy will set out SP Manweb's statutory duties under the Electricity Act 1989 ("the 1989 Act") and, in particular, the obligation on SP Manweb to:

6.2.1 develop and maintain an efficient, coordinated and economical system of electricity distribution (section 9 of the 1989 Act);

6.2.2 provide a connection to its distribution system when requested to do so by a customer (section 16 of the 1989 Act); and

6.2.3 have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geographical or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest and to do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects (section 38 and schedule 9 of the 1989 Act).

6.3 Mr Leavy will explain how the Llandinam Scheme was developed within the framework of these statutory duties.

**7. NEED (SECRETARY OF STATE'S MATTER 4 (THE RELATIVE MERITS OF THE PROPOSED DEVELOPMENT AND ANY ALTERNATIVES CONSIDERED, INCLUDING CONSIDERATION OF UNDERGROUNDING, IN ADDRESSING THE REQUIREMENT TO MAINTAIN SECURITY OF SUPPLY))**

7.1 Dr Beddoes will explain the need for the Llandinam Scheme. He will set out the statutory need arising from SP Manweb's duty under section 16 of the 1989 Act and the request from Celpower Ltd for a new connection to support its Llandinam Repowering Wind Farm.

7.2 Having identified the need to provide a connection, Dr Beddoes will explain the limitations within the existing network and the justification for the proposed network design, i.e. the Llandinam Scheme.

**8. ALTERNATIVES (SECRETARY OF STATE'S MATTER 4)**

8.1 In doing so, Dr Beddoes will refer to alternative network designs (i.e. alternative means of providing the connection) and the duty to ensure an efficient, co-ordinated and economical system of electricity distribution. The analysis of alternatives is supported by other Company witnesses, including Mr Paalman and Mr Leavy, as well as the environmental team witnesses including Mrs Gibson in relation to landscape and visual matters.

8.2 Alternatives are also dealt with in detail in the Review of the Needs Case and Alternatives contained in the Updated ES (Volume 5) ("the Alternatives Paper").

8.3 The Llandinam Scheme has been compared against the other connection alternatives identified taking into account the following criteria: environmental considerations (landscape, visual amenity, ecology, historic environment and flood risk); technical considerations (for example, whether the proposed alternative can supply the required capacity, whether it can do so safely, and whether the alternative makes appropriate use of existing infrastructure); cost and future capacity.

8.4 Four principle alternative solutions were considered:

- 8.4.1 Variations to the proposed development (but still connecting in to Welshpool Substation). These variations included alternative routes C and D as well as a consideration of partially undergrounding the Llandinam Scheme. These variations have been discounted for environmental reasons (see paragraph 8.4.4 with regard to the partial undergrounding variation);
- 8.4.2 A new 132kV overhead line connection into the existing 132kV Newtown to Oswestry circuit: this option has been discounted on technical grounds both because there is insufficient capacity on this circuit and given SP Manweb's obligations under the Electricity Act 1989 to develop the optimum scheme both in economic and environmental terms;
- 8.4.3 A wholly underground connection between the Llandinam Repowering Wind Farm substation and the existing Welshpool substation: again this option has been discounted given SP Manweb's obligations under the Electricity Act 1989. This decision has been reviewed in a paper appraising the scheme in light of the guidance given on this issue in National Policy Statement EN-5 (NPS EN-5) which now forms Appendix 05a of the Updated ES. The paper confirms that the costs of undergrounding the entire OHL would be entirely disproportionate when compared with the limited benefits that would be realised.
- 8.4.4 The paper also looks at partial undergrounding where serious concerns ("serious concerns" being the test set out in NPS EN-5) arise in relation to landscape and visual impacts. The paper concludes that no such serious concerns would arise from the Llandinam Scheme alone. However, the cumulative effects of the Llandinam Scheme when considered together with other development, including the proposed Neuadd Goch Wind Farm, in a section near Kerry Hill may give rise to serious concerns. As a result, SP Manweb carried out a balancing exercise between the benefits and dis-benefits of undergrounding in this section in accordance with the policy set out in NPS EN-5. SP Manweb concluded that the

benefits do not clearly outweigh the impacts, in particular, it is noted that the serious concerns in landscape terms remain even without the Llandinam Scheme.

8.4.5 A connection in conjunction with the SP Mid Wales Connection Project: sub-alternatives 4a-g are set out and described in the Alternatives Paper. The Alternatives Paper explains (and the Company witness will explain further in Evidence) why this option (and its variants) has been discounted in the light of the evaluation criteria and SP Manweb's statutory obligations.

## 9. **THE SELECTION OF THE DESIGN FOR THE OHL**

9.1 Having identified the need to provide the connection through a 132kV OHL into the Welshpool – Oswestry Circuit, Mr Paalman will explain the selection of the Heavy Duty Wood Pole design for the OHL supports. In particular, he will explain that it is not possible to use an unearthed wood pole construction (Trident poles) in this instance due to concerns over public safety.

## 10. **CONSTRUCTION**

10.1 Mr Livingston will set out what would be involved in the construction of the OHL. This explanation forms an important part of the factual background on which the environmental impacts of the proposed development can be judged.

## 11. **REMAINING SECRETARY OF STATE'S MATTERS**

11.1 **Secretary of State's Matter 1 - the extent to which SP Manweb's proposal including any alternatives considered are consistent with Welsh Government and local policies: including Planning Policy Wales, Edition 4 (2011); Technical Advice Note 8: Planning for Renewable Energy (2005); and Energy Wales: A Low Carbon Transition (2012); and Powys Unitary Development Plan (adopted March 2010)**

11.1.1 Miss Berry will address the extent to which the proposed development accords with Welsh Government and local policies including Planning Policy Wales, Edition

4 (2011) (now edition 5 (2012)); Technical Advice Note 8: Planning for Renewable Energy (2005); and Energy Wales: A Low Carbon Transition (2012); and Powys Unitary Development Plan (adopted March 2010).

- 11.1.2 Miss Berry will conclude that whilst some likely significant environmental effects have been identified in the updated ES, none is such as to make the development unacceptable in planning terms and the Llandinam Scheme is consistent with the above policies.
- 11.2 **Secretary of State's Matter 2 – the extent to which the proposed development is consistent with the objectives of the Government's policy on the energy mix and maintaining a secure and reliable supply of electricity as the UK makes the transition to a low carbon economy, and achieving climate change goals**
- 11.2.1 Miss Berry will conclude that the Llandinam Scheme, although as an overhead line it is not itself a generator of energy, is crucial to enabling renewable energy – a key element of the Government's energy policy – to be provided. Miss Berry will explain that the Llandinam Scheme enables that supply in an economic, efficient and co-ordinated manner in accordance with SP Manweb's statutory duties, including its environmental duties.
- 11.2.2 Miss Berry concludes, as a result, that the proposed development is consistent with the objectives of the Government's policy on the energy mix and maintaining a secure and reliable supply of electricity as the UK makes the transition to a low carbon economy and seeks to achieve its climate change goals.
- 11.3 **Secretary of State's Matter 3 – the extent to which the proposed development is consistent with the policies relating to electricity networks infrastructure and also the generation of renewable energy contained within the relevant National Policy Statements for Energy Infrastructure, Overarching National Policy Statement for Energy (EN-1) July 2011, National Policy Statement for Electricity Networks**

**Infrastructure (EN-5) July 2011 and National Policy Statement for Renewable Energy****Infrastructure (EN-3) July 2011**

- 11.3.1 Miss Berry, again, addresses this issue. She concludes that the Llandinam Scheme is consistent with the policies relating to electricity networks infrastructure and the generation of renewable energy contained within the relevant National Policy Statements that have been designated pursuant to the Planning Act 2008. These are the National Policy Statement for Energy Infrastructure, Overarching National Policy Statement for Energy (EN-1) July 2011, National Policy Statement for Electricity Networks Infrastructure (EN-5) July 2011 and National Policy Statement for Renewable Energy Infrastructure (EN-3) July 2011.
- 11.3.2 Miss Berry further concludes that the NPSs should be accorded substantial weight in assessing and determining the Llandinam Scheme. She notes that, but for the date of the application, the Llandinam Scheme would have been a Nationally Significant Infrastructure Project (NSIP) which would fall to be determined under the Planning Act 2008. In similar circumstances the Secretary of State has placed substantial weight on the NPSs. The NPSs provide a clear, comprehensive and up to date policy framework for NSIPs which no other policy documents provided.
- 11.4 **Secretary of State's Matter 5 - the potential impact of the proposed development on human health**
- 11.4.1 Dr Swanson will explain that the Llandinam Scheme would produce maximum magnetic and electric fields that are considerably less than the relevant exposure limits set by Government policy. He will therefore confirm that the proposed development is compliant with the relevant exposure limits and, accordingly, would not impact adversely on human health.

11.5 **Secretary of State's Matter 6 – the social and economic impact of the proposed development, including on tourism**

11.5.1 Mr Brooke will provide evidence on socio-economic impacts. He will conclude that there will be no likely significant socio-economic impacts from the construction and decommissioning of the Llandinam Scheme.

11.5.2 As regards the operational stage of the development, Mr Brooke concludes that the Llandinam Scheme would not have any significant impacts upon the local population, economy, local community assets, tourism attractions or tourism more broadly. However, he identifies potential significant effects on two tourism accommodation resources: the Tavern Caravan Park and the Edderton Hall B&B/ Guest House. It may be possible to mitigate these effects with the co-operation of the landowners such that the residual effects on the Tavern Caravan Park would be not significant (the residual effect on the Edderton Hall B&B/ Guest House would remain significant). Even if it is not possible to mitigate, these effects in the context of the scheme as a whole are limited and Mr Brooke concludes that there would be a negligible impact on tourism as a whole across the study area.

11.5.3 Miss Berry will take account of Mr Brooke's evidence in coming to her overall professional opinion that consent ought to be granted on the balance of matters.

- 11.6 **Secretary of State’s Matter 7 – the relative merits of the proposed development, any alternatives considered and likely effectiveness of mitigation measures to address:**
- (a) the landscape and visual impact of the proposed development, both individually and cumulatively with existing energy infrastructure and any energy infrastructure which has already been granted planning permission or where planning permission has been applied for, including impact on the Vale of Montgomery Landscape of Outstanding Historic Interest in Wales, Areas of Special Landscape Character and Kerry Ridgeway Regional Path, Severn Way Regional Path and the National Cycle Route [81] near Welshpool Substation**
- 11.6.1 Evidence will be presented by Mrs Gibson that demonstrates that the proposed development overall is acceptable in terms of landscape and visual effects (both individually and cumulatively). This includes landscape and visual effects on the Vale of Montgomery Landscape of Outstanding Historic Interest in Wales, Landscape Character Areas (in the context of Powys Landscape Character Areas) and Kerry Ridgeway Regional Path, Severn Way Regional Path and the National Cycle Route 81 near Welshpool Substation.
- 11.6.2 Whilst Mrs Gibson identifies significant landscape effects in a number of places as well as effects on users of rights of way, this is an inevitable consequence of the installation of the OHL in the landscape. Mrs Gibson in her Proof will put these impacts in context. Miss Berry will take account of Mrs Gibson's evidence in coming to her overall professional opinion that consent ought to be granted on the balance of matters.
- 11.7 **Secretary of State’s Matter 7 – the relative merits of the proposed development, any alternatives considered and likely effectiveness of mitigation measures to address: ...**
- (b) the impact of the proposed development during construction and operation on biodiversity, including trees and hedgerows and the ecological functioning of protected sites (e.g. River Wye Special Area of Conservation and Leighton Bats Site**

**of Special Scientific Interest); impacts on European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations”)**

11.7.1 Mr James will explain how ecology was taken into account in the design and routing of the Llandinam Scheme with the aim of reducing impacts to wildlife through the careful routeing and siting of the Llandinam Scheme. Further, impacts to valuable features including trees, hedgerows, marshy grassland, fen and mire will be avoided where micro-siting tolerances allow. He will explain how standard mitigation measures will be deployed throughout the construction and operation of the project to ensure that impacts to wildlife are minimised. Mr James will conclude that the residual effects on ecological receptors are not significant with the exception of the loss of a single black poplar tree. In overall terms he concludes the ecological impacts of the Llandinam Scheme are small scale and thus negligible.

11.8 **Secretary of State’s Matter 7 – the relative merits of the proposed development, any alternatives considered and likely effectiveness of mitigation measures to address: ... (c) the impact of the proposed development on the use and enjoyment of land in the vicinity, including farming activities and on users of Rights of Way, including the Kerry Ridgeway Regional Path, Severn Way Regional Path and the National Cycle Path [81] near Welshpool**

11.8.1 As above, Mrs Gibson will present evidence on the visual effects on public rights of way and selected recreational attractions. Mr Brooke will take this assessment work and assess in the context of socio-economic impacts. Mrs Gibson will conclude that whilst there are some significant effects on public rights of way, including the Kerry Ridgeway Regional Trail and National Cycle Route 81, these will effect only short sections of route and as such, users will only experience these effects for a short period of time.

- 11.8.2 Mr Brooke will explain why in his professional opinion and in the light of the visual assessment there are no significant socio-economic effects of the Llandinam Scheme on these walks and trails. In terms of cumulative impacts Mr Brooke will explain that, while there will be some significant adverse impacts for example on the Kerry Ridgeway in terms of tourist attractions under Cumulative Scenarios 2 and 3 (as described in the Updated ES), the overall tourism impacts cumulative effects are not significant
- 11.8.3 Miss Berry will take account of Mrs Gibson's and Mr Brooke's evidence in coming to her overall professional opinion that consent ought to be granted on the balance of matters.
- 11.9 **Secretary of State's Matter 7 – the relative merits of the proposed development, any alternatives considered and likely effectiveness of mitigation measures to address: ...**  
**(d) the impact of the proposed development on cultural heritage**
- 11.9.1 Dr Silvester will address cultural heritage matters. Whilst he will identify a number of likely significant effects, as with landscape effects, these are to be expected in the context of the installation of an overhead line such as the Llandinam Scheme. None of these impacts are such as to suggest that the scheme ought not to be granted consent. Miss Berry will take account of Dr Silvester's evidence in coming to her overall professional opinion that consent ought to be granted on the balance of matters.
12. **OTHER MATTERS**
- 12.1 **Transport**
- 12.1.1 Mr Davies will explain that there are no highways or transportation reasons as to why the proposed overhead line should not receive consent.
- 12.2 **Land Rights**

12.2.1 SP Manweb is seeking to acquire the necessary land rights by agreement, but anticipates that if agreement has not been secured by early next year SP Manweb will use its compulsory powers under the Electricity Act 1989.

### 12.3 **Conditions**

12.3.1 SP Manweb is currently discussing draft conditions with PCC.

## 13. **LIST OF DOCUMENTS**

13.1 SP Manweb may refer to the core documents listed in Appendix 1 to this Statement of Case. SP Manweb reserves the right to amend or supplement this list as may be necessary or considered appropriate, to address issues that may emerge from PCC's, Natural Resources' Wales and the Alliance's Statements of Case as well as representations received from third parties. Where appropriate, SP Manweb may also refer to relevant case law and ministerial decisions.

## 14. **CONCLUSION**

14.1 SP Manweb is statutorily required to provide a connection under the Electricity Act 1989. The proposed development has been designed and routed taking into account SP Manweb's statutory and licence duties. The application for section 37 consent has been the subject of extensive consultation and has been modified in light of consultation responses. The proposed development accords with the development plans for the area as a whole and with national planning and energy policy. As Miss Berry's overall assessment will demonstrate, there are no significant adverse environmental effects which outweigh the need for and benefits brought by the proposed overhead line.

14.2 Accordingly, SP Manweb will invite the Secretary of State to grant section 37 consent and deemed planning permission for the proposed development.

**APPENDIX 1**
**List of Documents**
**LEGAL DOCUMENTS**

<b>REFERENCE</b>	<b>TITLE</b>
CD/002/006	Town and Country Planning Act 1990
CD/COM/021	Directive 2009/28/EC on the promotion of the use of energy from renewable sources
CD/COM/023	Electricity Act 1989
CD/COM/024	The Government of Wales Act, 2006
CD/COM/025	Planning Act 2008
CD/COM/030	R (on the application of Samuel Smith Old Brewery) v The Secretary of State [2012] EWHC 46 (Admin)
CD/COM/040	Climate Change Act, 2008;
CD-CPL-LEG-004	Wildlife and Countryside Act 1981
CD-CPL-LEG-006	Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000
CD-CPL-LEG-010	Ancient Monuments and Archaeological Areas Act 1979
CD/FWL/LEG/002	Conservation of Habitats and Species Regulations 2010
CD/CON/003/LEG/005	Natural Environment and Rural Communities Act 2006
CD/SPM/LEG/01	Electricity Safety, Quality and Continuity Regulations 2002
CD/SPM/LEG/02	Council Directive 92/43/EC
CD/SPM/LEG/03	Hedgerow Regulations 1997
CD/SPM/LEG/04	Protection of Badgers Act 1992
CD/SPM/LEG/05	Wildlife and Countryside Act 1981 (Variation of Schedule 5) (Wales) Order 2008
CD/SPM/LEG/06	Planning (Listed Buildings and Conservation Areas) Act 1990
CD/SPM/LEG/07	Planning and Compulsory Purchase Act 2004
CD/SPM/LEG/08	William Grant & Sons Distillers Ltd [2012] CSOH 98
CD/SPM/LEG/09	Planning Act 2008 (Nationally Significant Infrastructure Projects) (Electric Lines) Order 2013

CD/SPM/LEG/10	Decision No 406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020
CD/SPM/LEG/11	Inspector's conclusions of the Legacy Substation (DECC reference: 12.04.09.05/205C, PINS reference: 515606, dated 21 January 2013)
CD/SPM/LEG/12	R v Rochdale MBC ex parte Milne [2001]
CD/SPM/LEG/13	Lostock Sustainable Energy Plant, Secretary of State Decision Letter, 2 October 2012 (12.04.09.04/35C)
CD/SPM/LEG/14	Lostock Sustainable Energy Plant, Inspector's Report, 5 March 2012
CD/SPM/LIC/01	SP Manweb, Electricity Act 1989 Schedule 9 Statement

### **POLICY DOCUMENTS**

<b>REFERENCE</b>	<b>TITLE</b>
CD/COM/001	Overarching National Policy Statement for Energy (EN-1), DECC 2011
CD/COM/002	National Policy Statement for Renewable Energy Infrastructure (EN-3), DECC 2011
CD/COM/003	National Policy Statement for Electricity Networks Infrastructure (EN-5), DECC 2011
CD/COM/004	The UK Renewable Energy Strategy, 2009
CD/COM/006	Powys Unitary Development Plan
CD/COM/007	Planning Policy Wales (Edition 4, 2011)
CD/COM/014	Renewable Energy Route Map for Wales, February 2008
CD/COM/016	Welsh Assembly Government, Technical Advice Note (TAN) 8, 'Planning for Renewable Energy,' Planning Policy Wales, July 2005
CD/COM/027	The UK Low Carbon Transition Plan, 2009
CD/COM/033	Energy Wales: A Low Carbon Transition, March 2012
CD/COM/034	People, Places, Futures – the Wales Spatial Plan, 2008 update
CD/COM/036	The Carbon Plan: delivering our low carbon future, 2011
CD/COM/038	One Wales: One Planet – the sustainable development scheme of the Welsh Government, May 2009
CD/COM/039	Economic Revival: a new direction, July 2010

CD/CPL/PLA/008	Powys County Structure Plan (Replacement) Adopted, February 1996
CD-CPL-PLA-009	Annual Energy Statement of 2012
CD-CPL-LAN-009	Powys Landscape Character Assessment, 2008
CD/CON/003/PLA/007	A Low Carbon Revolution: the Welsh Assembly Government Energy Policy Statement, March 2010
CD/CON/003/PLA/010	Planning Policy Wales (Edition 5, November 2012)
CD/CON/003/PLA/011	Technical Advice Note (TAN) 5: Nature Conservation and Planning, 2009
CD/CON/003/PLA/014	Our Partnership with Nature: A Local Biodiversity Action Plan for Powys. Powys Biodiversity Partnership, 2002
ALL-011D-“ENERGY” Tab 9	Climate Change Strategy for Wales, October 2010
CD/SPM/POL/01	DECC Annual Energy Statement 2013
CD/SPM/POL/02	Biodiversity: The UK Action Plan, 1994
CD/SPM/POL/03	First Minister's Oral Statement 14 May 2013
CD/SPM/POL/04	Government Circular 06/2005, Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

### GUIDANCE

REFERENCE	TITLE
CD-CPL-CUL-001	Welsh Office Circular on Planning and the Historic Environment: Historic Buildings and Conservation Areas (61/96)
CD-CPL-CUL-002	Welsh Office Circular on Planning and the Historic Environment: Archaeology (60/96)
CD-CPL-CUL-004	Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process
CD/SPM/GUID/01	The Holford Rules Guidance for the Routeing of New High Voltage Overhead Transmission Lines. Undated.
CD/SPM/GUID/02	The Setting of Heritage Assets, English Heritage Guidance, 2011
CD/SPM/GUID/03	Managing Change in the Historic Environment, Setting, Historic Scotland Guidance, 2010
CD/SPM/GUID/04	The Hedgerows Regulations – A Guide to the Law and Good Practice, DEFRA 1997
CD/SPM/GUID/05	Amendment to "The Hedgerow Regulations – A Guide to the Law and Good

Practice" dated 23 May 2002

CD/SPM/GUID/06 DECC Guidance for Applicants and Landowners and/or Occupiers, Application to the Secretary of State for Energy and Climate Change for the grant of a Necessary (Compulsory) Electricity Wayleave in England and Wales, June 2013

#### **APPLICATION DOCUMENTS**

<b>REFERENCE</b>	<b>TITLE</b>
AD/SPM/15	Powys County Council Meeting Agenda and Minutes (including incorporated documents)
CD/SPM/ES/01	SPM Manweb Llandinam Overhead Line Updated 2013 Environmental Statement
CD/SPM/ES/02	SPM Manweb Llandinam Overhead Line 2009 Environmental Statement
CD/SPM/ES/03	SPM Manweb Llandinam Overhead Line 2010 Addendum to the Environmental Statement

#### **INQUIRY DOCUMENTS**

<b>REFERENCE</b>	<b>TITLE</b>
CD/COM/011	Secretary of State's Statement of Matters