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When telephoning please ask for: Sarah Sutherland

Dear Sirs

**Mid-Wales Conjoined Inquiries**

**Application by Vattenfall dated 30 November 2007 for consent to construct and operate a 59.5MW Wind Turbine Generating Station in Powys, Mid Wales ("Llanbadarn Fynydd")**

We write further to our letter of 18 December containing our representations on the format of the Mid-Wales conjoined inquiry. We understood from the Introductory Meeting held on 29 November (as confirmed by the note of that meeting) that there is an opportunity for comments on other parties representations to be made, and that this should be done at the same time as submissions of Outline Statements of Case.

Vattenfall has considered in detail all the representations made, and set out below are general comments on those representations and, where necessary to more fully explain its position, specific points on individual responses. In summary, it remains Vattenfall's strong view that:

- The inquiry should be structured on a project by project basis, with cumulative sessions held for each of the SSAs separately and together;
- The submission of proofs of evidence could be phased if this would, for example, allow all parties to manage their resources; and
- Where suitable venues exist the inquiry sessions should be held as close to the sites they are considering as possible.

To assist the Inspector and Programme Officer Vattenfall has also put together a draft timetable which is enclosed. This sets out achievable timings for a project approach to the hearing of evidence, based on the following principles:

- Each scheme requires 2 weeks (8 inquiry days) for hearing of its own case. This is based upon previous experience of the duration of onshore windfarm inquiries;
- There should be a break of 1 week between each scheme;
- August and the last two weeks in December would be holiday;
- 1 week will be required for the cumulative sessions for each SSA;
- Up to 4 weeks (2 weeks plus 2 weeks reserve) has been allocated for any joint or cumulative sessions for both SSAs; and

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- Following the order in which the applications were submitted, Llanbadarn Fynydd is the first project to be heard, followed by the rest of Area C, with the final scheme being the LLandinam s37 application.

On this timetable the Inquiry could be completed by the end of January 2014.

### **General comments**

#### Topic vs project approach

There does not appear to be a consensus view as to the inquiry being structured on a project or topic basis - however it should be noted that a number of parties that have requested a topic based approach seem to have done so on the misapprehension that this the only way that cumulative impacts between the projects will be considered. Clearly this is not the case and whichever structure is adopted, full and proper consideration will be given to the cumulative impacts of the proposed developments.

#### Mid-Wales Grid Connection

Almost all of the 3<sup>rd</sup> party representations refer to the proposed SP Mid Wales Connection, seeking there to be consideration of that project as part of the conjoined inquiry. Given the status of that project and the currently anticipated timing of any application for consent, as confirmed at paragraphs 13-15 of SP Energy Network's representation, it is Vattenfall's view that it is unlikely to be possible for any meaningful assessment or consideration to be given to the Mid Wales Connection as part of the conjoined inquiry. To avoid unnecessary time and expense for all parties in preparation for and at the inquiry Vattenfall asks the Inspector to provide clarification as soon as possible of the information he requires from the developers in respect of their grid connections and the consideration (if any) that will be given to the Mid Wales Connection project at the conjoined inquiry.

### **Comments on specific representations**

#### Powys County Council

Powys County Council expresses a preference for the inquiry to proceed on a topic by topic basis organised by SSA. The reasons for the Council taking this view are that "it would allow cumulative issues to be brought into the equation earlier on and would also help in terms of evidence production etc".

As set out below, Vattenfall supports the phased production of evidence for the Inquiry to assist all parties with their preparation. In respect of when cumulative issues can be addressed, whichever way the inquiry is structured, it is necessary for the individual impacts of each scheme to be understood before there can be any consideration of cumulative effects. It is Vattenfall's view that this can most efficiently and effectively be done on a project by project basis. In addition, as explained in our letter of 18 December, joint sessions can then follow on any genuine cumulative effects for each scheme supported by a real understanding of the project specific issues.

The Council also suggests that the Community Centre in Llanidloes would be a suitable venue for the Inquiry. Vattenfall disagrees and considers this to be an unsuitable location for the hearing of the Area C projects, and particularly Llanbadarn Fynydd for the following reasons:

- Llanidloes is a considerable distance from the Llanbadarn Fynydd site - Vattenfall feels very strongly that every effort should be made for the hearings to be in a location closest to the SSA or individual scheme being considered.
- There is a lack of suitable local accommodation and amenities at Llanidloes. There is no rail connection and it is not well-served by public transport.

#### Eversheds (on behalf of RWE Npower Renewables, Celt Power and Fferm Wynt Llaithddu Cyf)

## Public Involvement

As demonstrated by the representations made, it is not the case that the public generally support a topic based approach as their concerns tend to be about specific projects (and in particular the Mid Wales Connection). If objector groups have a particular project they wish to oppose their primary concern will be to hear all of the evidence on that project in the shortest period so that they can make their case about the reasons it should not be approved in the shortest period at the lowest cost.

## Benefits of topic-based approach

Vattenfall does not agree that a topic-based approach will "avoid the need to re-visit evidence already given". Even within a topic-based Inquiry each project has to give its evidence separately on each topic, resulting in that evidence being heard repeatedly. In addition, each developer would be required to attend all the other developers' evidence even if it has nothing to say on that evidence.

Vattenfall shares the Inspector's view that the inquiry should aim to be as efficient as possible, giving the Inspector the clearest understanding of each scheme's case as well as genuine cumulative issues at the lowest cost possible to all parties including third parties. As shown by the suggested timetable enclosed with this letter, the project-approach can be timetabled for a materially shorter period than envisaged in the topic-based timetable proposed by Eversheds.

Following the project-based approach it is envisaged that within each SSA the Inquiry would deal with evidence in these ways:

- The primary case for each project would be made at a project level Inquiry which would deal with any issue relating to the project's impact alone. That would enable a project not to deal with a topic at all if it was not in issue for that project.
- Within the separate SSA areas there would be cumulative sessions dealing with those matters where a primary party to the inquiry contends that there is a cumulative issue between one or more projects. Within Area C for Llanbadarn Fynydd this is believed only to be landscape and visual.
- Where there is a subject matter which applies to all projects equally (strategic transport, energy and national planning policy and tourism) this would be dealt with in joint sessions between all projects.

It is Vattenfall's view that the conjoining of inquiries like this serves one purpose above all others. By placing into a single Inspector's hands all of the evidence relating to a number of different projects it enables that Inspector to take an overarching view on the totality of the evidence when making his recommendations to the Secretary of State. Provided the Inspector is placed in a position where he can do that, there is no requirement for all parties to be present for evidence that is not relevant to their proposal or interest.

## Inquiry documents

Whichever approach is adopted, proofs of evidence could be submitted on a phased basis, either for each project or SSA, or each topic provided there is adequate inquiry preparation time. The phasing of evidence could assist the parties in managing their resources in the lead up to and during the Inquiry.

We agree with Eversheds that Statements of Common Ground can materially limit oral evidence and that they could be particularly beneficial for this Inquiry. We would also welcome strong support from the Inspector to agree Statements of Common Ground prior to the opening of the Inquiry.

Whilst Vattenfall supports any measure that will streamline and simplify the inquiry process, it does have concerns about the implications of accessing documents electronically during the inquiry. If such a system is adopted, thought will need to be given to the management of the document database during the inquiry and the control and production of documents during the giving and examination of evidence.

We hope that this is of assistance to the Inspector and look forward to receiving the draft inquiry timetable, and confirmation of the position regarding the Mid Wales Connection Project shortly.

Yours faithfully

*Burgess Salmon LLP*

BURGESS SALMON LLP

2013	Week	Notes
June	<b>Week 1</b>	<b>Llanbadarn Fynydd</b>
	<b>Week 2</b>	<b>Llanbadarn Fynydd</b>
	Week 3	Break
	Week 4	Llaithddu
July	Week 1	Llaithddu
	Week 2	Break
	Week 3	Llandinam
	Week 4	Llandinam
August	Week 1	Break
	Week 2	Break
	Week 3	Break
	Week 4	Break
September	<b>Week 1</b>	<b>Cumulative session Area C</b>
	Week 2	Break
	Week 3	Llanbrynmair
	Week 4	Llanbrynmair
October	Week 1	Break
	Week 2	Carnedd Wen
	Week 3	Carnedd Wen
	Week 4	Break
November	Week 1	Cumulative session Area B
	Week 2	Break
	Week 3	Llandinam s37
	Week 4	Llandinam s37
December	Week 1	<b>Cumulative session Areas B and C plus other joint sessions</b>
	Week 2	<b>Cumulative session Areas B and C plus other joint sessions</b>
	Week 3	Break
	Week 4	Break

2014	Week	Notes
January	Week 1	<b>Reserve cumulative session Areas B and C plus other joint sessions</b>
	Week 2	<b>Reserve cumulative session Areas B and C plus other joint sessions</b>
	Week 3	Break
	Week 4	<b>Closings</b>