

OBJ-009-S4-POE-01A

**The Mid Wales (Powys) Conjoined Public Inquiry into
5 Windfarm Proposals and a 132kV Overhead Electric
Line Connection**

Session Four

**Cumulative Impacts and
Matters in Common**

**Grid Connections
Landscape Impacts**

Written Statement

1. This statement is by David Ward, BSc (Hons) CEng MICE FCIHT. I am a professional civil and transportation engineer, and retired two years ago from professional work. Prior to that I was Field Principal Planning Inspector in England, and was employed by the Inspectorate for 25 years. Towards the end of my career I was a part of the team which held the Heathrow T5 inquiry, where I dealt with risk and air pollution. I held the inquiry into Thameslink 2000, a rail scheme; and the inquiry into London Gateway, a new container port and 1m m² industrial development. These last two were, with Crossrail, the largest infrastructure schemes undertaken in this country in the last decade. I was employed as an Inspector for the Isle of Man Government for 6 years, up to 2011.
2. On my own initiative, I was the first Inspector to conduct seminars within the Inspectorate on climate change. I have not changed my view that climate change is one of the two greatest threats to humankind, the other being overpopulation. I see no conflict between an opposition to wind farm developments in the wrong place and the need for sustainable development.
3. This statement is made as a member of Shropshire North Against Pylons (SNAP) which is part of the Alliance. It covers two issues:
 - a) whether the Secretary of State can, within his own policies, come to a decision to permit any of the generating proposals which require a new grid connection;
 - b) whether adequate weight is given to the protection of the landscape

A - Grid connection

4. At the commencement of the inquiry the Alliance made a submission the essence of which was that because the information, required by EN1 on the grid connections for 4 of the 5 windfarms, would not be available within the duration of the inquiry, there would be only one decision available to the Secretary of State, which would be to refuse permission for those schemes which required a grid connection. Against that contention, Mr Fraser put forward the Greenrigg decision made in 2009.
5. The Alliance's contention was not accepted by the Inspector, and the inquiry proceeded.
6. To refresh the memory, the Alliance's position relied upon the requirement set out in EN1 4.9.2 and 4.9.3:

In some cases applicant(s) may therefore decide to put in an application that seeks consent only for one element but contains some information on the second. Where this is the case, the applicant should explain the reasons for the separate application.

4.9.3 If this option is pursued, the applicant(s) accept the implicit risks involved in doing so, and must ensure they provide sufficient information to comply with the EIA Directive including the indirect, secondary and cumulative effects, which will encompass information on grid connections.

7. It should be noted that this is the latest expression of the UK Government's policy, and supersedes any policy inference which may be drawn from the Greenrigg case. Further, this is not a policy which admits of any balance – it is, unusually, expressed as an imperative. Whilst the reasons for the policy are not a matter for analysis or discussion, the Alliance made the point that the grid connection is an essential and indivisible part of the project for the purposes of the directive. Whether or not this is the case, the policy as to indirect, secondary and cumulative effects is not up for discussion, nor in this case, assessment of the weight to be given to that policy.

- 7A. On 3 March 2014 the Planning Minister, Nick Boles, wrote to Sir Michael Pitt on the subject of Inspectors' reports on Local Plans. At the end of that letter (a copy of which is attached as Appendix 2) he made an observation which is of general applicability:

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose their words carefully and reflect government policy very clearly in all future reports.

In this instance, the Inspector is invited to make a clear reflection of Government Policy, and in particular to address whether it is possible in the present circumstances for the grid connections relied upon by the developers to be accompanied by sufficient information to meet the EIA directive, given that no line is fixed for the proposed connections.

8. At the time of the PIM National Grid anticipated making a planning application for the grid connection "not before" 2013¹. It may have been reasonable to expect some degree of concurrency between the generating stations and their grid connection, such that the required environmental information would have become available during the inquiry.
9. It is now clear that this will not occur. National Grid now state that the line published in November 2013 is subject to variation as a result of the present consultation, and an application is not expected before April 2015². Since the preferred line is not yet fixed, it follows that the required environmental information is not available, nor will it be before the inquiry closes.
10. Whilst in this case the totality of considerations regarding the grid connection is for another process, the planning balance required in this inquiry is of the totality of environmental effects which arise from the need to bring electricity into use. Participants at this inquiry are entitled

¹ National Grid Stage 1 Feedback Report July 2012, paragraph 2.6.3 :

"Subject to further design development and the on-going process of consultation, which will inform the extent to which any ultimate proposal for the transmission connection will be above and/or below ground, National Grid anticipate that no application for development consent will be made before 2013".

² See Appendix 1

to address the proposals as a whole, and that is the burden of the policy to which I refer.

11. The Inquiry has been led into an analysis of possible alternative means of making the grid connection. Whilst this may be a productive approach to an examination of the risks warned of in EN1, it is of no assistance at all in meeting the imperative for the provision of sufficient information to meet the Directive and UK Policy. Furthermore the weight to be given to any information gained from these analyses must be so limited as to be unable to form part of the basis for a decision by the Secretary of State on the wind farm applications. For National Grid's Mid Wales Connection an extensive route selection process has been undertaken by National Grid. The matter has been in the public domain for 18 months, and no doubt in the private domain of National Grid for much longer. It has involved widespread consultation on multiple route corridor possibilities covering wide areas of Shropshire and the borders, and even now no firm route has been proposed. By comparison, the analysis of alternative connections carried out in the inquiry amounts to no more than the back of an envelope.
12. It therefore follows that unless any applicant can demonstrate that his proposal can operate without a new grid connection, to grant permission would fly in the face of the policy expressed with absolute clarity in EN1. For that reason it should be recommended to the Secretary of State that permission should be refused.

B – The weight to be given to landscape protection

13. The essential balance which the Secretary of State is required to draw in these cases is whether the need for renewable energy outweighs the harm caused by the development, principal amongst which is harm to the landscape.
14. Government Policy on how this balance might be drawn is set out in Section 5.9 of EN1, in the light of the urgent need for large scale energy infrastructure identified in 3.2.3 et seq.
15. The Policy identifies the highest status of protection given to the designated landscape areas of the country, and in these areas the conservation of natural beauty of the landscape and countryside should be given substantial weight. It goes on to state that development may however be permitted in the designated areas in exceptional circumstances, provided three broad considerations are taken into account:
 - the national and local need for the development
 - the cost and scope for developing outside the designated landscape
 - the extent of harm to the landscape.
16. By its submissions in ALL/012, the Alliance showed decisively that TAN8 was not a policy to which significant, if any weight could be applied. The result of this is that the presumption in favour of wind generation in the Strategic Search Areas which TAN8 purports to set as policy cannot be accorded weight. Furthermore, the weight given to local policies which draw on TAN8 must be equally diminished.
17. A simple balance between the “urgent need” in Government Policy and harm to the landscape will need to be drawn and be considered in a later Session. (The Alliance has sought to quantify the benefits from carbon savings through Dr Constable’s evidence.)
18. The suite of Government policies on energy development apply throughout England and Wales. Whilst they recognise differences in

planning policy between England and Wales, they do not differentiate between the need for energy infrastructure to be sited in one or other country. They can therefore be justifiably termed blanket policies across the two countries, to be applied equally across the two countries. Equality should reign.

19. What is manifestly not equal however is the approach to landscape designation between Wales and England. The designated areas in both administrations are protected primarily for their distinctive and high quality landscapes. These are qualities which may be appreciated and compared by any reasonably sensitive observer, and the reasons for their designation are readily understood. The Alliance has submitted separately evidence on Tourism and the Economy, which indicates that the value of the landscape is simply measured by the fact of their attraction to visitors. There is no need for detailed and involved professional analysis – the public know what constitutes valued landscape, and are well able to rank landscapes. In the same way, an Inspector does not have to be an expert in landscape to assess the evidence – he or she can be planner, architect, engineer, lawyer.

20. In the course of my life I have had visitors' knowledge of many designated landscapes, and since the proposals for windfarms in Mid Wales came forward I have made it my business to widen and renew that knowledge. I commend such an approach to the Inspector. What I have concluded is that the quality of the landscapes in which these windfarms are proposed is similar or superior to that of many designated landscapes in England, both AONBs and National Parks. Without in any way being an exhaustive list, it is my view that the affected landscapes of Mid Wales are:

Comparable (equal) to:

Northumberland National Park

North Pennines AONB

South Downs National Park

Dartmoor National Park

Exmoor National Park

Large parts of the North York Moors National Park

Large parts of the Peak District National Park

Nidderdale AONB
Forest of Bowland AONB

I consider them superior to
Lincolnshire Wolds AONB
Howardian Hills AONB
Chilterns AONB
North Wessex Downs AONB

21. This is by no means an exhaustive analysis; I invite the Inspector to make his own judgement, carrying out wide visits to supplement his own, undoubtedly broad knowledge.
22. Others will have brought to the Inspector's attention the proximity of the Shropshire Hills AONB, which form a continuum with Mid Wales, particularly SSA C. Whilst this is an extensive protected area, with some uniquely beautiful areas, it is my view that as one passes out of the AONB, and across the Welsh Border near Knighton, the quality of the landscape improves, yet the protection of designation is lost.
23. Policy in Wales appears to have developed in the past on the lines that it would not be reasonable to protect all landscape, since there is such a wealth of outstanding landscape in Wales. At that time, the pressures on the countryside did not include those of the renewable energy industry, and policies which protected the countryside for its own sake would no doubt have been an adequate means of protecting these landscapes. But now, the dogma of the quiet past is inadequate to this stormy present. What is afoot is an exercise in inequality, in which fine landscapes of Wales are afforded lesser protection than equally fine, and in some cases lesser landscapes in England.
24. Much use has been made of LandMap in this inquiry. This is an excellent tool, but because it analyses landscape at a relatively local level, it cannot be compared to the protection given by National Park or AONB designations, which tend to be on a far broader scale than the subdivision of LandMap.

25. The Inspector will have heard many hours, and read many pages of analysis of the effect of these proposals on the landscape. All of these are an exercise in the justification of harm, not contentions of an absence of harm. Harm will occur to a significant and demonstrable degree to these landscapes if the developments are permitted. In all cases must be added the harm arising from the transmission lines, sub stations and connections. In all cases, grid connection infrastructure which is major in national terms will be added to the harm caused by the generating equipment and its associated local infrastructure.

26. It is for the Inspector and the Secretary of State to make their judgement of where the balance lies. Whilst I do not argue that these landscapes should be protected because they ought to have been designated, I do urge that the judgement of the quality of these landscapes is made by reference to the quality of landscapes in England which would be greatly protected under the policies of EN1.

27. These landscapes in Mid Wales are, in my view, worthy of the highest degree of protection short of that given to designated landscapes. Wind farm development here should tend towards exceptional development, not the norm. Many windfarm developments have been refused permission on landscape grounds in non-designated areas. I would not wish to add to the Inspector's workload in reading past decisions, but would refer to only one very recent decision relating to Weddicar Rigg Wind Farm, at Frizington, Cumbria³. Here the landscape is not designated, and is quite ordinary countryside, against the distant backdrop of the Lake District National Park. In this the Secretary of State agreed with his Inspector as follows

24. The Secretary of State accepts the Inspector's conclusion that to develop the wind farm here would be in conflict with the landscape capacity guidance in the adopted SPD because of its close proximity to the existing Fairfield Wind Farm and permitted Watch Hill Turbine and because it would have a confused design relationship with those developments owing to the different scale, height and spacing of those developments (IR248). He agrees with the Inspector too that the

³https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264819/Weddicar_Rigg_wind_farm_Steel_Brow_Road__Arlecdon__Frizington__Cumbria__ref_2191361__4_December_2013_.pdf.

positioning on the ridge and west facing slope of Weddicar Rigg would cause substantial harm to key perceptual characteristics of the landscape character area and Landscape of County Importance in which it would be located (IR248).

25. In the terms of the Framework, the Secretary of State agrees with the Inspector's conclusion that the adverse impacts would in this case significantly and demonstrably outweigh the benefits (IR249). Having had particular regard to paragraph 98 of the Framework, the Secretary of State does not consider that the landscape impacts are or could be made acceptable.

28. This decision relies partly on the Development Plan, and partly on the NPPF. In the cases now under consideration the development plan is based on the Welsh Government view of energy policy, a matter which is not devolved. That the Secretary of State was prepared to support a decision in accordance with a development plan which protected properly undesignated landscape in England would present a stark contrast if a decision here was made on the basis of a development plan which has a suspect base, and fails to properly protect high quality landscapes. Whilst the NPPF does not apply in Wales, it sets out the Government's latest expression of the meaning of sustainable development. That is a view which cannot alter in principle as it crosses the Welsh border. The urgent need for renewables is the same, and the sustainable approach to the preservation of the landscape must be the same.

29. I would urge a similar judgment on the Inspector to that taken by the Secretary of State (and therefore by the UK Government) in this case. The proposals for new wind farms which have engaged this inquiry are ill conceived and stem from the Welsh Government's failure to properly value and protect the landscapes of Mid Wales. By comparison with the above decision, there should be no doubt that the same judgment is appropriate in these cases. The Secretary of State should refuse permission in all cases, apart from Llandinam, on which I make no comment.

David Ward
25 February 2014

Addendum 10 March 2014: Paragraph 7A and Appendix 2

Appendix 1

Correspondence with National Grid

From: David Ward
Sent: 29 January 2014 11:02
To: jeremy.lee@uk.ngrid.com
Subject: Mid Wales connection - programming

Dear Mr Lee

The following is reported to me. Rather than rely on second hand information, would you please confirm or amend the information on programming.

- * You are currently analysing the feedback to their Consultation on the current published draft route
- * You have one more stage of Consultation at the end of 2014
- * There will be a period of consideration for the additional feedback you get from that
- * The published line may change
- * You will start the formal planning process in the Spring of 2015
- * As this is classified as a Nationally Significant Infrastructure the planning application process will take 18 months
- * You will then spend another 6 months meeting planning conditions that are bound to be required
- * Meaning that Construction will not take place until 2017 at the earliest

I also note that the inquiry presently underway into the Mid Wales wind farms is being provided with numerous alternative means of grid connection apparently avoiding the Cefn Coch-Frankton 400kV connection. I wonder if you have any comments on that process, which seems to have been initiated by the Inspector.

Yours sincerely

David Ward

Reply

From: Mid Wales <info@opendebate.co.uk>
Sent: 07 February 2014 10:16
To: David Ward
Subject: Re: Mid Wales connection - programming

Dear Mr Ward,
Mid Wales Connection Project – Connecting wind farms through Mid Wales & Shropshire

Thank you for your email. I note a number of your points concern the project's timeline. Our current timeline can be found on our website at: <http://midwalesconnection.com/timeline.aspx> which is the same as you outline in your email. We've provided the most accurate timeline based on the information available. Due to the complex nature of our work we keep this under review and if there are any changes to this timeline we will make these available publically.

As you will be aware, we recently finished our latest stage of consultation, in which we invited feedback on our proposals from stakeholders and members of the public. People have suggested some changes to the route that they think could reduce effects on their area. We're looking at these suggestions carefully to see if we can improve our proposed route. We're also undertaking further surveys that will help us understand the potential effects of our work. All of this work will influence our final proposed design for the substation and route for the connection, which we hope to consult on later in the year.

Concerning the planning inquiry, we have agreements to connect around 630MW of electricity from proposed wind farms in Mid Wales. We have a duty to connect these wind farms from the date their developers believe they will start to generate electricity. That's why we work on our plans in parallel with the wind farm developments. It's also why we need to keep working on our proposals alongside the wind farm planning inquiry. We will continue to review our proposals to make sure they meet the needs of the

planned energy generation in the area. If it's established there is no longer a need for our connection, then we would not build it.

I hope this answers your enquiry. Should you require any further information, please contact the community relations team at nationalgrid@midwalesconnection.com or on 0800 0195325.

Yours sincerely,
Jeremy Lee

Lead Project Manager



Department for
Communities and
Local Government

Sir Michael Pitt
Chief Executive
Planning Inspectorate
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0 3 MAR 2016

Dear Sir Michael Pitt,

Inspectors' Reports on Local Plans

I was very troubled by the media coverage of the recent Inspector's report on the examination into the Reigate and Banstead Local Plan. On reading the report, I was disturbed by the Inspector's use of language, which invited misinterpretation of government policy and misunderstanding about the local authority's role in drawing up all of the policies in the draft plan. I am writing to restate very clearly the Government's view of Green Belt policy and Local Plan examinations.

Fundamental to the National Planning Policy Framework and to this Government's planning reforms is the idea that local authorities, and the communities who elect them, are in charge of planning for their own areas. That is why we abolished the top down regional strategies, why we have emphasised the primacy of the Local Plan and why we gave communities the powers to create neighbourhood plans.

Alongside these reforms we were always very clear that we would maintain key protections for the countryside and, in particular, for the Green Belt. The National Planning Policy Framework met this commitment in full. The Framework makes clear that a Green Belt boundary may be altered only in exceptional circumstances and reiterates the importance and permanence of the Green Belt. The special role of Green Belt is also recognised in the framing of the presumption in favour of sustainable development, which sets out that authorities should meet objectively assessed needs *unless* specific policies in the Framework indicate development should be restricted. Crucially, Green Belt is identified as one such policy.

It has always been the case that a local authority could adjust a Green Belt boundary through a review of the Local Plan. It must however always be transparently clear that it is the local authority itself which has chosen that path – and it is important that this is reflected in the drafting of Inspectors' reports. The Secretary of State will consider exercising his statutory powers of intervention in Local Plans before they are adopted where a planning inspector has recommended a Green Belt review that is not supported by the local planning authority.

I would be grateful if you could circulate a copy of this letter to all Inspectors and ensure that they understand the need to choose their words carefully and reflect government policy very

clearly in all future reports. I am also placing a copy of this letter in the public domain.

A handwritten signature in black ink, appearing to read "Nick Boles". The signature is written in a cursive, slightly slanted style.

NICK BOLES MP