

Squire Patton Boggs (UK) LLP
6 Wellington Place
Leeds
LS1 4AP
United Kingdom
DX 321801 Leeds 18

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squirepattonboggs.com

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Energy Infrastructure Planning Team
Department of Business, Energy and Industrial Strategy
Area C 4th Floor
3 Whitehall Place
London SW1A 2AW

Dear Sirs

Electricity Act 1989 & Town and Country Planning Act 1990

**The Electricity Generating Stations and Overhead Lines (Inquiries Procedure)
(England and Wales) Rules 2007**

**Re-determination of the application by RES UK & Ireland Limited dated 27 March 2009
for consent to construct and operate a 100MW wind turbine generating station in
Powys, Mid-Wales**

**Re-determination of the application by RWE NPower Renewables Limited dated 11
December 2008 for consent to construct and operate a 130-250MW wind turbine
generating station in Powys, Mid-Wales**

As you will be aware, we act on behalf of RES UK & Ireland Limited ("RES") in relation to the
above matter.

We refer to your letter dated 6 July 2016 which provides that in relation to the re-
determination of the application by RES dated 27 March 2009 for consent to construct and
operate a 100MW wind turbine generating station in Powys, Mid Wales ("Llanbrynmair") and
the re-determination of the application by RWE Npower Renewables Limited dated 11
December 2008 for consent to construct and operate a 130-250MW wind turbine generating
station in Powys, Mid Wales ("Carnedd Wen"), interested parties are being given the
opportunity to make representations for the purposes of the re-determination of those
applications. The letter also sets out a list of matters that the Secretary of State considers
relevant to the re-determination.

We will deal with each of the matters raised in this letter in turn, adopting the same
numbering as set out in your letter dated 6 July.

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1. The individual landscape and visual impact of the proposed Llanbrynmair Development.

There was a large amount of evidence submitted to the inquiry, with a substantial amount of time spent considering the landscape and visual effects of the Llanbrynmair Development, both in evidence in chief and under cross-examination. The Inspector in his report to the Secretary of State stated at paragraph 650 that he agreed with the Council's position in relation to landscape and visual impacts. In particular he stated that:

"whilst there would be some significant landscape and visual impacts, particularly upon the Nant Yr Eira Valley, they would be acceptable. I agree with the Council in this respect. I have also concluded that the proposed wind farm itself would be acceptable in all other respects."

Nothing has changed since the Inspector and the Council came to these conclusions and no further evidence has been submitted that alters the positions adopted by the Inspector and the Council. It is RES's position that these assessments are sound and RES agrees with the Inspector and the Council that the landscape and visual impact of the Llanbrynmair Development is acceptable.

2. The Individual landscape and visual impact of the proposed Carnedd Wen Development.

RES have no comment in this regard.

3. The combined landscape and visual impact of both the proposed Llanbrynmair and Carnedd Wen Developments.

The Inspector considered the impacts on the Llanbrynmair/Carnedd Wen Uplands, the Nant yr Eira Valley and the Snowdonia National Park in the context of the cumulative and in-combination impacts of Llanbrynmair and Carnedd Wen Developments. The Inspector noted at paragraph 384 of his report that:

"the Carnedd Wen/Llanbrynmair plateau is a large-scale 'simple' landscape with a broad landform. Land cover is dominated by large coniferous plantation blocks and moorland. Its substantial scale is its overwhelming dominant characteristic. Because of its substantial simplicity the Council considers that the host landscape is able to accept the proposed turbines. As it is a landscape of a type which is well suited to accommodating landscape change of the scale proposed I agree with that view."

The Inspector went further at paragraph 385 and stated that:

"the proposed developments would both include the replacement of large swaths of conifer plantation with more attractive and diverse moorland which in the long term would be of benefit in terms of natural beauty, ruggedness, remoteness and tranquillity. On balance, and in the long term, I consider that both schemes would involve the restoration of a large enough area of moorland to have an overall

benefit sufficient to offset the present of the turbines for the operational life. Together, they would be of considerable benefit in this respect, and the landscape character of the area would ultimately be substantially improved."

With regards to the visual impacts on nearby residents, the Inspector notes at paragraph 387 that:

"Although the proposed wind farms [being Carnedd Wen and Llanbrynmair] would be very extensive, as the area is very sparsely populated substantial adverse visual impacts would be experienced at very few residential properties."

In relation to the effects on the landscape, visual amenity and special qualities of the National Park the Inspector concluded at paragraph 395 that:

"there would be no significant direct or indirect effect on the landscape character of the National Park itself. Significant adverse effects on the views from the Park would be limited to the south-eastern section and would be limited in duration to the life of the wind farms. In the long term there would be beneficial effects on views out from the National Park. The effect of the proposed developments on the special qualities of the National Park would be small, whether individually or in combination with other existing or proposed wind farm developments."

Again, there are no matters that have come to light since the Inspector's Report was prepared that would warrant rejecting the Inspector's view on this issue. It is therefore RES's position that the Inspector's conclusions are sound and remain valid and that the combined landscape and visual impact of the both the proposed Llanbrynmair and Carnedd Wen Developments are acceptable.

4. The cumulative impact of the proposed Llanbrynmair Developments with other wind farms in the Powys areas which have already been granted planning permission or where planning permission has been applied for (excluding Carnedd Wen Development).

RES undertook and presented to the Inquiry a detailed and comprehensive assessment of potential cumulative effects of the Llanbrynmair Development with other wind farms in the Powys area. This assessment included the following projects:

Wind Energy Development	Status (June 1st 2013)	Hub Height (m)	Rotor Diam (m)	Tip Height (m)	No. of Turbines
Carno I	Operational	32	45	54	56
Carno II	Operational	49	62	80	12
Carno III	Application submitted	80	93	126.5	18
Cemmaes 2	Operational	40	52	66	18
Cemmaes 3	Application submitted	80	70	115	12
Mynydd Clogau	Operational	40	52	66	17
Tirpwynt	Consented	70	92	116	12
Esgair Cwmowen	Application	80	100	125	18

	submitted				
Mynydd Waun Fawr	Application	70	80	110	15
	submitted				
Carnedd Wen	Application	90	90	137	50
	submitted				
Llanbrynmair	Application	80	93	126.5	30
	submitted				
Dyfnant Forest	Pre-application	100	90	145	32

Since the cumulative assessment was undertaken there have been a number of changes to the project baseline that have reduced the cumulative impacts.

Carno III is now consented and Tirgwnt is under construction. RES understand that Dyfnant Forest is not currently being developed. It is important to note that all three of these schemes were included in the cumulative assessment considered at the Inquiry. Accordingly, no further assessment is required in relation to these projects.

In addition Esgair Cwmowen project has been withdrawn and Cemmaes 3 has been refused planning permission and the subsequent appeal withdrawn. The effect of these withdrawals and refusals is that the cumulative baseline is less than was assessed by RES. This means that the cumulative impact of the Llanbrynmair Development with other wind farms in the Powys area is considerably less than it was at the time the Inquiry was held and as considered by the Inspector.

The Inspector did not find that such cumulative impact was unacceptable. Given that the baseline is less than that considered by the Inspector there is no reason to conclude that the cumulative impact is not acceptable.

5. The cumulative impact of the proposed Carnedd Wen Developments with other wind farms in the Powys areas which have already been granted planning permission or where planning permission has been applied for (excluding Llanbrynmair Development).

RES have no comment in this regard.

6. The combined cumulative impact of the proposed Llanbrynmair and Carnedd Wen Developments with other wind farms in the Powys area which have already been granted planning permission or where planning permission has been applied for.

The Inspector's Report dealt with the cumulative and in combination matters in the same section. This is therefore already dealt with in our response to 3 above.

7. The extent to which proposed ecological mitigation, restoration or remediation measures and removal of individual turbines would offset any adverse landscape and visual impacts (whether individual, combined or cumulative) of the proposed Developments.

In relation to the access for AILs route, the Inspector noted that the hedgerow and trees that would be required to be removed would be restored. At paragraph 273 of the Inspector's Report he stated that he was:

"satisfied that the appearance of most of the route would be largely restored within 5-10 years, and fully restored within about 20 years of the development taking place"

The Inspector considered the effect on peat at paragraph 323 of his report:

"the regeneration of peat habitats land undoubtedly takes time, but the proposed Habitat Management Plan and Peat Management Plan include long-term habitat restoration and management measures designed to enhance the site. The Council does not dispute that they would be effective, and I have no convincing evidence that would lead me to disagree."

Further at paragraph 324 of his report the Inspector stated that the:

"development would be about roughly 200ha of blanket bog and mire restoration, and the removal of 149ha of forest on previous peat habitats. The area of land would be improved in terms of its conservation value and biodiversity would be improved considerably more than the area that would be affected by access tracks, turbine bases and other infrastructure. I am satisfied for these reasons that the proposed development would provide a net long-term gain in terms of habitats and biodiversity."

Further, as noted above in response to point 3, the Inspector concluded at paragraph 385 that the replacement conifer plantation would have an overall benefit and that the landscape character of the area would ultimately be substantially improved.

In his recommendation to the Secretary of State, the Inspector at paragraph 666 of his reports stated that

"harm would be limited to the operational life of the proposed development, which ultimately would bring about improvements to the landscape through forestry clearance and moorland restoration....In the long-term there would be beneficial effects on views out from the [National] Park....Subject to conditions, impacts on hydrology, hydrogeology, peat and the wider transport network would be mitigated and residual impacts would be acceptable."

Nothing has changed since the Inspector came to these conclusions and no further evidence has been submitted that alters the position adopted by the Inspector on these issues. It is RES's position that the Inspector's assessment is sound and RES agrees with the Inspector that the proposed ecological mitigation, restoration or remediation measures would offset

adverse landscape and visual impacts (whether individual, combined or cumulative) of the Llanbrynmair Development.

8. The adequacy of the environmental information produced in support of the applications for the Developments and whether further or updated environmental information is now necessary.

The Inspector, at paragraph 29 of his report stated that

"I am satisfied that all the ES and SEI documents referred to above were published and publicised in accordance with the regulations and meet the requirements of the regulations in all other respects".

Additionally, the Secretary of State in her decision letter of 7 September 2015 stated at paragraph 10.2 that issues material to the merits of the application included 'adequate environmental information has been provided for the Secretary of State to judge its impact'.

It is clear from the above that both the Inspector and the Secretary of State considered the environmental information submitted to the inquiry was adequate. There have been no changes to policy that require the environmental information presented to and considered at the Inquiry to be updated or supplemented. Accordingly, the re-determination of the Developments can and should proceed without the need for further or updated environmental information.

9. Any other matters arising since the 7 September 2015 which interested parties consider are material to the Secretary of State's re-determination of the applications.

The need for renewable energy is as pressing as it was in September 2015. Indeed, given that the Secretary of State dismissed a significant amount of renewable energy capacity when determining the Mid-Wales developments, there is an even greater a shortfall in relation to the meeting of the Wales 2020 renewable generation targets. Approval of the Llanbrynmair Development would provide a significant contribution to the meeting of these renewable energy targets. Accordingly the need case for the Llanbrynmair Development is even stronger than it was when considered by the Inspector.

Re-opening of the Inquiry

A significant amount of detailed evidence for both the Llanbrynmair and Carnedd Wen Developments was provided to the inquiry, with a substantial amount of time spent going through the evidence in great depth both in chief and in cross examination. The Inspector's Report covered all issues in great detail. It is therefore RES's position that the Secretary of State has everything he needs to re-determine the both applications. We also note that there have been no material changes to policy since the Inspector's Report was prepared that would require the inquiry process to be re-opened.

The Inspector's report considers the impacts of Llanbrynmair and Carnedd Wen fully and adequately. The re-determination of the applications can therefore be made in the usual way without further procedure.

We trust that our letter addresses all the matters that you have raised on behalf of the Secretary of State. If you require any further information, please do not hesitate to ask.

Yours faithfully


Squire Patton Boggs (UK) LLP

