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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 ("RES")
DATED 27 MARCH 2009 FOR CONSENT TO CONSTRUCT AND OPERATE A 100MW WIND
TURBINE GENERATING STATION IN POWYS, MID-WALES ("LLANBRYNMAIR")**

**RE-DETERMINATION OF THE APPLICATION BY RWE NPOWER RENEWABLES LIMITED
("RWE") DATED 11 DECEMBER 2008 FOR CONSENT TO CONSTRUCT AND OPERATE A
130-250 MW WIND TURBINE GENERATING STATION IN POWYS, MID-WALES ("CARNEDD
WEN")**

Dear Sirs,

We refer to your letter of 6 July 2016 regarding the re-determination of the above applications.

Vattenfall Wind Power Ltd's (originally Nuon UK Ltd's) (Vattenfall) Llanbadarn Fynydd application was one of the applications considered as part of the Mid-Wales conjoined public inquiry. Vattenfall is, however, also pursuing sites for other proposed wind farms within SSAs B and C. Of relevance to the re-determination of the Llanbrynmair (LR) and Carnedd Wen (CW) applications is Vattenfall's Mynydd Llest y Graig (MLyG) proposal within SSA B. This scheme is a combination of Vattenfall's earlier Mynydd Wauri Fawr (MWF) and Rhyd Ddu (RD) schemes.

At the time of the conjoined inquiry MLyG was registered on the Planning Inspectorate's website as a proposed nationally significant infrastructure project and environmental impact assessment scoping had been undertaken. Changes to the Planning Act 2008 in relation to onshore wind now mean that the project can no longer be taken forward under that regime. As a result discussions have recently taken place with the Welsh

Planning Inspectorate regarding the promotion of MLYG as a development of national significance.

The statement of matters for further representations

The list of matters set out in your letter includes (at numbered points 4, 5 and 6) other wind farms *"who have already been granted planning permission or where planning permission has been applied for"* and (at numbered point 9) *"any other matters arising since 7 September 2015 which interested parties consider are material to the Secretary of State's re-determination of the applications."*

The 2015 Inspector's report and Secretary of State's decision letter dealing with both LR and CW make no direct reference to MLYG. However, the projects that make up the MLYG scheme were part of the cumulative baseline and were therefore considered within the inquiry evidence. There is reference in the LR statement of common ground to MWF and the cumulative baseline assessment for the grid connection session included reference to MWF and RD.

There was no finding of a lack of cumulative capacity to accommodate either LR or CW together with other schemes, simply recommendations to refuse those two projects on their own merits. It is considerations such as this that support Vattenfall's legitimate interest in participation in the redetermination.

Ensuring that the same cumulative baseline is considered in the re-determination as was considered in conjoined inquiry would also:-

- (a) be an efficient use of the material that was before the Inspector;
- (b) avoid having to re-cast that material without, for example, MLYG featuring within it;
- (c) avoid the risk of MLYG entering the planning system before re-determination and then requiring a revision to the baseline material being needed at that point.

The cumulative baseline including MLYG should extend to any revised assessment that is being undertaken including landscape, visual, noise, ecology or any other matter that the Secretary of State resolves to consider as part of the re-determination.

Re-opening the inquiry

As to whether the inquiry should be re-opened, Vattenfall's concern is primarily to ensure that the redetermination evidence includes MLYG as part of the baseline and that Vattenfall is offered the opportunity to make written representations in response to any commentary made about its MLYG proposal.

At the present time it is believed that these concerns can be met in the exchange of written material without a re-opening of the inquiry.

Yours sincerely,

Vattenfall Wind Power Ltd

