



Report to the Secretary of State for Energy and Climate Change

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an Inspector appointed by the Secretary of State for Energy and Climate Change

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ELECTRICITY ACT 1989

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATIONS BY SP MANWEB PLC

LEGACY SUBSTATION, WREXHAM TO OSWESTRY SUBSTATION, OSWESTRY

Inquiry and conjoined hearing held on 13, 14, 15, 20, 21, 22, 23 & 27 November 2012

DECC Ref: 12.04.09.05/205C, Pins Ref: 515606

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List of abbreviations

Area of Outstanding Natural Beauty	AONB
Countryside Council for Wales	CCW
Clwyd Powys Archaeological Trust	CPAT
Department of Energy and Climate Change	DECC
Distribution Network Operator	DNO
Environmental Impact Assessment	EIA
Electro Magnetic Field	EMF
Overarching National Policy Statement for Energy	EN-1
National Policy Statement for Electricity Networks Infrastructure	EN-5
Engineering Recommendation P2/6 Security of Supply	ER P2/6
Environmental Statement	ES
Electricity Safety, Quality and Continuity Regulations 2002	ESQCR 2002
Electricity Safety, Quality and Continuity (Amendment) Regulations 2006	ESQCR 2006
First Circuit Outage	FCO
Heavy Duty Wood Pole	HDWP
National Planning Policy Framework	NPPF
Pre Inquiry Meeting	PIM
Planning Policy Wales	PPW
Regional Spatial Strategy	RSS
Special Area of Conservation	SAC
Scheduled Ancient Monument	SAM
Second Circuit Outage	SCO
Special Landscape Area	SLA
Statement of Common Ground	SOCG
SP Manweb plc	SPM
Site of Special Scientific Interest	SSSI
Unitary Development Plan	UDP
Wrexham County Borough Council	WCBC

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Legacy Substation, Wrexham to Oswestry Substation, Oswestry

- The applications are for consent under section 37 of the Electricity Act 1989 (the 1989 Act), deemed planning permission under section 90(2) of the Town and Country Planning Act 1990, Necessary Wayleaves relating to 10 parcels of land under paragraph 6 of Schedule 4 to the 1989 Act, and 1 Tree felling/lopping order under paragraph 9 of Schedule 4 to the 1989 Act.
- The applications are made by SP Manweb plc. The section 37 application and application for deemed planning permission dated 16 April 2009 was amended on 13 August 2012. The necessary wayleave applications were made on various dates between July and October 2012. The relevant tree notice is dated 23 October 2012 and the counter-notice is dated 3 November 2012.
- The applications relate to a proposal to install and keep installed a 132 kV electric line between Legacy Substation, Wrexham and Oswestry Substation, Oswestry.

Summary of Recommendation: That section 37 consent and deemed planning permission be granted subject to conditions, the necessary wayleaves be granted, and the Tree felling /lopping order be made.

Procedural Matters

1. I held a concurrent public Inquiry into the section 37 application and necessary wayleave Hearing, commencing on 13 November 2012 and concluding on 27 November 2012. Daily transcripts were produced¹.
2. The Secretary of State notified his decision to hold the joint Inquiry and Hearing by notice dated 15 June 2012².
3. The Inquiry and Hearing were conducted in accordance with the *Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and Wales) Rules 2007* and the *Electricity (Compulsory Wayleaves) (Hearing Procedure) Rules 1967*, respectively. For convenience I refer to the joint event simply as 'the Inquiry'.
4. I was appointed by the Secretary of State to conduct the Inquiry and report to him on the applications. Mr Mark Kilcullen BEng(Hons) CEng FIET, an Engineering Inspector in the Department of Energy and Climate Change (DECC), was appointed as an Assistant Inspector to assist me in that regard. Mrs Helen Wilson was appointed by DECC to act as Programme Officer under our direction. I record my gratitude to both of them for their assistance before and during the Inquiry and to Mr Kilcullen for his contribution to the drafting of this report.
5. The Secretary of State's view on the matters to be considered at the Inquiry in relation to the section 37 application, as outlined in the notification of 15 June 2012, are:
 - a) The extent to which SP Manweb's proposal including the alternatives considered would be in accordance with the relevant development plan(s) for the area;
 - b) 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;

¹ Documents G3-G10

² Document CD14

- c) The extent to which the proposed development is consistent with the policies relating to generation of renewable energy contained within the relevant National Policy Statements for Energy Infrastructure, Overarching National Policy Statement for Energy (EN-1) July 2011³ and National Policy Statement for Electricity Networks Infrastructure (EN-5) July 2011⁴;
 - d) The relative merits of the proposed development and the alternatives in addressing the requirement to maintain security of supply (the Need);
 - e) The relative merits of the proposed development, alternatives considered and mitigation measures to address:
 - i. Their impact on biodiversity (including ecological functioning of protected sites and European Protected Species (great crested newt and otter) under the Conservation of Habitats and Species Regulations 2010 (as amended) ("the Habitats Regulations");
 - ii. Their landscape and visual impact, including impact on Areas of Special Landscape Character and Special Areas of Conservation;
 - iii. Cultural heritage, including scheduled ancient monuments and canals;
 - iv. The risks associated with past coal mining activities in the area; and
 - v. Their impact on the use and enjoyment of land in the vicinity.
 - f) Any other matters that the Inspector considers relevant.
6. A pre-Inquiry meeting (PIM) was held on 11 September 2012. At the PIM the Secretary of State's view on the matters to be considered was discussed in the light of the outline statements of case submitted and the matters raised by objectors. I indicated my view that the main areas on which the evidence should focus in relation to the section 37 application should be:
- a) The merits of the proposal in addressing the requirements to maintain security of supply (i.e. the operational need for the development).
 - b) The impact that the proposal would have on the character and appearance of the area.
 - c) The impact that the proposal would have on biodiversity.
 - d) The impact that the proposal would have on cultural heritage.
 - e) The risks associated with past coal mining activities.
 - f) The impact that the proposal would have on the enjoyment and use of land.
 - g) Consideration of alternative schemes, including those proposed by objectors, that would meet SP Manweb's requirements, including a comparative assessment.
- The relevant alternatives proposed by objectors being:
- i. Modifying the proposed scheme to include under grounding a 620m section of the route near Tenement within the Ceiriog Valley.
 - ii. Undergrounding the entire route along the proposed line.

³ Core Document CD19

⁴ Core Document CD20

- iii. An overhead route that follows the A483/A5 road corridor.
 - iv. An underground route that follows the A483/A5 road corridor.
 - v. An overhead route in parallel with the existing 132kV line between Legacy and Oswestry.
7. In relation to the necessary wayleave applications, the issues of particular relevance were identified as:
- a) Why it is necessary or expedient for the electric line to cross the particular land in question along the application route in order to meet the specific electricity supply need?
 - b) What would the effect of the electric line along the application route be on the use and enjoyment of the land in question?
8. Following the PIM a note of the meeting⁵ was issued to all those who attended, which included a timetable for the running of the Inquiry and this was updated during the course of the event.
9. The parties who presented evidence in relation to the section 37 application were SP Manweb plc (SPM) (the applicant); Wrexham County Borough Council (WCBC) (statutory objector); Chirk Town Council, Ruabon Community Council, St. Martin's Parish Council, Mrs F Smith, Mr R Allison, Mr D Darlington and Mr J Ruggeri (Roger Parry & Partners LLP). SPM, Mr S Younger, Mr T Rimmer (Rostons), Mrs V Thomas-Cox, Mr M Evans, Mr J Ruggeri (Roger Parry & Partners LLP), and Mr G Lewis (Norman Lloyd) presented evidence in relation to the necessary wayleave and tree felling/lopping order applications. I carried out unaccompanied visits to the locations affected by the proposals and alternatives before and during the Inquiry and accompanied inspections on 15, 20, 21, 23, 27 and 28 November 2012.
10. Statements of common ground (SOCG) between SPM and WCBC⁶ as well as between SPM and Shropshire Council⁷ (the other relevant local planning authority) cover the context of the proposals (description of the site/surroundings and planning history); the development plan and other relevant planning policy; and potential conditions. SPM also submitted a procedural compliance folder⁸ showing that relevant procedural requirements had been carried out.
11. The section 37 application as originally submitted on 16 April 2009⁹ was accompanied by an Environmental Statement (the 2009 ES)¹⁰. Amendments to the application¹¹ and an amended and updated ES (the 2012 ES)¹² were submitted on 13 August 2012. I have considered the section 37 application and associated wayleave and tree felling/lopping order applications that were the subject-matter of the Inquiry on the basis of the August 2012 amendments.

⁵ Document G1

⁶ Core Document CD34

⁷ Core Document CD35

⁸ Document G2

⁹ Core Document CD1

¹⁰ Core Document CD2

¹¹ Core Document CD4

¹² Core Document CD5, consultative bodies comments thereon at Document G16

12. Under s90(2) of the *Town and Country Planning Act 1990*, on granting a consent under section 37 of the *Electricity Act 1989*, the Secretary of State may direct that planning permission for the development and any ancillary development shall be deemed to be granted subject to such conditions (if any) as may be specified in the direction.
13. The following corrections to the written evidence are highlighted. In Document SPM/5b paragraph 9.6, the reference to 12 viewpoints experiencing an effect of moderate significance should refer to 13 such viewpoints and Tab 28 in Document SPM/5c should be ignored and replaced with figure 13.29 from the 2009 ES.¹³ In Document SPM/9a/26, paragraph 3.3 should be struck out, the word 'right' in the last sentence of paragraph 5.11 should be replaced with 'left', and on page 9 'however' should be inserted after 'floor' in the 11th line from the bottom.¹⁴
14. In Document SPM/8a paragraph 8.2.2, the reference to Bramble Wood should be replaced with one to a veteran tree (Bramble Wood being in Shropshire not Wrexham). In Document SPM/8c Appendix 1, paragraph 1.6.3 should be struck out and the first bullet point of paragraph 1.6.4 moved to paragraph 1.6.9.¹⁵ Documents SPM/9a/9 (paragraph 4.3), SPM/11a/9 (paragraph 6.2) and SPM/201/9/3 all indicate that undergrounding the 11kV line would remove 6 poles, but at the site visit it was established that the actual number removed would only be 4.

The Site and Surroundings¹⁶

15. The 2012 ES¹⁷ defines a study area of approximately 19km north-south by 11km east-west that was largely determined by the location of the two existing substations which the proposed 132kV line would link. The southern edge of Wrexham forms the northernmost extent, with Oswestry 18km to the south, forming the southernmost extent. The A483/A5(T) forms a direct link between these two border towns and runs approximately down the centre of the study area. The area extends eastwards towards Erbistock and Overton and westwards beyond Trevor and Cefn Mawr.
16. The study area is in a transitional zone between the Clwydian Range and Berwyn Mountains to the west and lower land to the east associated with the River Dee floodplain, which straddles the English (Shropshire)/Welsh (Wrexham County Borough) border. Its landscape character can be approximately divided into four principal elements:
 - The Dee and Ceiriog river valleys are distinctive landscape features that cross west-east approximately through the middle of the study area and must be crossed to make a connection between Legacy and Oswestry substations.
 - There are small towns or large villages generally west of the A483 and A5, although Gobowen in the south is to the east of the A5.

¹³ Documents G7, page 2 & SPM/5d

¹⁴ Document G7, pages 6, 7 & 8

¹⁵ Document G4, pages 67 & 68

¹⁶ Documents SPM/5a-c

¹⁷ Core Document CD5(1), Section 7

- Land further to the west is higher, rising to meet land designated as an Area of Outstanding Natural Beauty (AONB)¹⁸ to the north of the River Ceiriog and land of a similar character south of the river.
 - The land to the east of the A483 and A5 is characterised by a rural landscape containing and influenced by estates of large houses, comprising a strong pattern of hedges, hedgerow trees and woodlands.
17. There is a high degree of enclosure in the area, particularly in the central parts where the land is pasture bounded by hedges and trees with woodlands frequently present. The majority of the roads and lanes are bounded by tall hedgerows and often it is only possible to appreciate the wider view through field gates. Elsewhere, visual containment is provided primarily through tree cover, particularly the layering effect of numerous field boundary trees.
18. The area includes eleven Registered Historic Parks and Gardens and the Pontcysyllte Aqueduct Canal World Heritage Site¹⁹. The *Wrexham Unitary Development Plan* (UDP) identifies Special Landscape Areas (SLAs) and a Green Barrier within the study area²⁰. The former North Shropshire District and Oswestry Borough Councils had identified designations of local or county value, but these have not been retained in the *Shropshire Local Development Framework Core Strategy*²¹.

Legal Framework, Energy and Planning Policy²²

19. Section 37 of the *Electricity Act 1989* sets out the requirement that an electric line shall not to be installed or kept installed above ground except in accordance with a consent granted by the Secretary of State. Paragraph 6 of Schedule 4 contains provisions relating to applications to the Secretary of State for consent to install and keep installed an electric line on, under or over any land and to have access to the land for the purposes of inspecting, maintaining, adjusting, repairing, altering, replacing or removing the line (necessary wayleaves) where voluntary wayleaves have not been forthcoming from the owner/occupier. Where an owner or occupier has given a counter notice objecting to the requirements of a notice requiring a tree to be felled or lopped or its roots to be cut back to prevent it obstructing or interfering with an installation, the maintenance or working of a line or plant, or from constituting an unacceptable source of danger, Paragraph 9 of Schedule 4 requires the matter to be referred to the Secretary of State.
20. Had the applications been made after the coming into force of the relevant section in the Planning Act 2008 (1 March 2010), this project would have been classified as a 'nationally significant infrastructure project'. Whilst the 2008 Act does not apply in the circumstances of the present application, EN-1²³ and EN-5²⁴ still provide important guidance on the approach to be taken in considering the application.

¹⁸ Document WCBC12

¹⁹ Documents WCBC11 & WCBC12 (Wrexham only)

²⁰ Core Document CD24 & Documents WCBC8 & 13

²¹ Core Document CD26

²² Core Documents CD34 & 35, Documents SPM/8a & c, SPM/117, & WCBC8 & 18

²³ Core Document CD19

²⁴ Core Document CD20

21. Section 9 of the 1989 Act²⁵ outlines that it shall be the duty of an electricity distributor to develop and maintain an efficient, co-ordinated and economical system of electricity distribution; and to facilitate competition in the supply and generation of electricity. Schedule 9 sets out a specific duty towards the preservation of the environment in both England and Wales. Sub-paragraphs 1 and 2 of Paragraph 1 state:
- (1) *"In formulating any relevant proposals, a licence holder ...*
 (a) *shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archeological interest; and*
 (b) *shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.*
- (2) *In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—*
 (a) *the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and*
 (b) *the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph."*
22. Although SPM seeks a direction from the Secretary of State under section 90 of the *Town and Country Planning Act 1990*, section 38(6) of the *Planning and Compulsory Purchase Act 2004* is not engaged. In January 2012 the High Court considered exactly this issue in *R (on the application of Samuel Smith Old Brewery (Tadcaster) v Secretary of State for Energy & Climate Change*²⁶. It ruled that the provisions, requiring determinations to be made in accordance with the development plan unless material considerations indicate otherwise, do not apply in respect of deemed planning permission associated with a section 37 consent. It was decided that a 'direction' that planning permission be deemed to be granted was not a 'determination' under the Planning Acts.
23. As a consequence of this decision, it was made clear that there is no duty on the Secretary of State, in determining an application for section 37 consent, to comply with the legislative provision that 'determinations' must be made in accordance with the development plan unless material considerations indicate otherwise. Having said that, it is clear that development plans may be a 'material consideration' in determining an application under section 37.
24. Insofar as Wrexham is concerned, the development plan is the *Wrexham Unitary Development Plan (UDP)*²⁷. Policy PS2 requires that new development must not detrimentally affect countryside, landscape/townscape character, open space or the quality of the natural environment. Policy GDP1a requires that development in its scale, design and layout, and its use of materials and landscaping accords with the character of the site and makes a positive contribution to the appearance of the nearby locality. Policy EC1 restricts development within Green Barriers to those listed and other uses which maintain the openness of the Green Barrier and do not conflict with the purpose of including land within it.

²⁵ Document SPM/1c, Appendix 1

²⁶ Document SPM/8a

²⁷ Core Document CD24 & Document WCBC8

25. Policy EC4 requires development proposals to provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural and water features, and include new planting. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted. Policy EC5 refers to development within SLAs and makes specific provision for essential operational development by utility service providers. Policy EC6 notes that development within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Policy EC9 relates to listed building. Policy EC11 states that development which would adversely affect the site or setting of a Scheduled Ancient Monument (SAM) or archaeological site of national significance will not be permitted.
26. For Shropshire the development plan documents that are of relevance are the *Regional Spatial Strategy for the West Midlands (RSS)* and the *Shropshire Local Development Framework Core Strategy*²⁸. RSS policy QE1 indicates that environmental improvement is a key component of the strategy. Policy QE5 requires development plans and other strategies to identify, protect, conserve and enhance the Region's diverse historic environment and manage change in such a way that respects local character and distinctiveness. Policy QE6 requires plans, policies and proposals to conserve, enhance and, where necessary, restore the quality, diversity and distinctiveness of landscape character. Policy QE7 refers to protecting, managing and enhancing the Region's biodiversity and nature conservation resources. Policy QE8 refers to encouraging increased tree cover, where appropriate to the character of the area, and protecting woodlands, especially ancient and semi-natural woodlands.
27. Turning to the Core Strategy, policy CS5 refers to national planning policies protecting the countryside and is generally supportive of infrastructure proposals which cannot be accommodated within settlements. Policy CS8 is generally supportive of additional facilities, services and infrastructure to meet identified need whether arising from new developments or existing community need in locations that are appropriate and accessible. It also positively encourages infrastructure where, amongst other matters, this has no significant adverse impact on recognised environmental assets and working closely with network providers to ensure provision of necessary energy distribution networks. Policy CS17 requires the identification, protection, enhancement, expansion and connection of Shropshire's environmental assets, to create a multifunctional network of natural and historic resources.
28. In Wales, national planning policy is found in *Planning Policy Wales*, whilst in England it is found in the *National Planning Policy Framework*²⁹.

The Proposals³⁰

29. The section 37 application is for approximately 20.6km of 132kV overhead line between a point approximately 3km south west of Wrexham and a point approximately 1.4 km to the north of Oswestry. At each end of the overhead line

²⁸ Core Documents CD25 & 26

²⁹ Core Documents CD21a & 20

³⁰ Document SPM/117

there would be a length of underground cable of approximately 1.5km linking the overhead line to the two substations at Legacy and Oswestry, respectively. The proposed route of the overhead line and the underground cable routes are shown on the plans that accompanied the application and on plans in the 2009 ES and the 2012 ES.³¹ Following the signing of various voluntary wayleaves with landowners / occupiers the current detailed alignment of the proposed overhead line is shown on the plans attached to the SOCGs³². These plans also show the 'tolerances' that are asked for around the alignment of the overhead line.

30. The 2012 amendment to the application reflects a change to the overhead line alignment at its northern end³³. In addition, SPM introduced a change to the design of the overhead line support.
31. Subsequent to the section 37 application being made, SPM was made aware that the route between the Bonc yr Hafod Country Park (former Hafod spoil tip) and the gas governor station on Corkscrew Lane would infringe safety clearances to the governor station unless it was sited further away than proposed. SPM considered a number of alternatives but decided that the most appropriate one would be for the line to leave Legacy substation by underground cables as previously proposed, follow the minor road network, cross the B5605 and remain underground for approximately 200m along Corkscrew Lane before continuing underground along a track for approximately 275m and then emerging onto a terminal pole structure. The line would then head southeast to cross the A483 obliquely and turn south-southeast to pass to the rear of Tŷ Coch Farm over the embanked crossing of the A483. This route rejoins that within the original section 37 application tolerance approximately 300m south of Tŷ Coch Farm. This alignment resolves the issue with the gas governor station and is acceptable to its operator, Wales and West Utilities.
32. In relation to the change in the design of the overhead line supports identified above, the original section 37 application contemplated the use of conductor supports known as the 'Heavy Duty Wood Pole' (HDWP) design. These supports comprise, typically, a double pole support with substantial steelwork to support the insulators, three conductors and an earth wire. Angle towers and terminal structures require two and four poles respectively.
33. Following the making of the 2009 application, however, SPM pursued further engagement with stakeholders and undertook a technical review of the design of the overhead line supports. This led to the adoption of the 'Trident' design for the overhead line supports³⁴.
34. The Trident design comprises, typically, a single pole of about 13m in height, although this could increase to 17m if local conditions and clearances required. The Trident design also requires less steelwork to support the insulators and conductors and does not include an earth wire. With the Trident design, angles of up to 30 degrees may still be accommodated with a single pole, although sharper angles and terminal structures will require two and four poles respectively. The distance between wood poles, for the Trident design, can be up

³¹ Core Documents CD2 & 5

³² Core Documents CD34 & 35

³³ Core Document CD4

³⁴ Document SPM/2a

to 150m with 8 poles per kilometre, although for this project the average span length would be about 130m. This is a greater span length than for the HDWP design. Mr Livingston's evidence³⁵ describes the design characteristics of the HDWP and Trident designs and a visual comparison can be seen in Mr Leavy's Appendix 1³⁶.

35. For the proposed route the Trident pole design would have 169 structures comprising 213 poles and 112 stays, whereas the original HDWP design would have had 212 structures comprising 423 wooden poles and 228 stays³⁷.

SECTION 37 APPLICATION

The Case for SP Manweb plc³⁸

The material points are:

Introduction

36. SPM is a Distribution Network Operator (DNO) and has some 1.5 million electricity customers served by its electrical distribution network within its geographic licence area covering Cheshire, Merseyside, Shropshire, North and Mid Wales.

Legal and policy framework

37. Section 9 of the *Electricity Act 1989*³⁹ is an important backdrop to the context within which the Secretary of State must consider the application. The duty to develop and maintain an 'economical' system of electricity distribution is an important safeguard for consumers who ultimately meet the costs of developing distribution network infrastructure. Nonetheless, this has to be balanced against SPM's environmental duties under Schedule 9 of the Act.
38. It is important to recognise that section 38(6) of the *Planning and Compulsory Purchase Act 2004* is not engaged and so the development plan is simply a material consideration. It is also important to recognise that this is a project to which EN-1 and EN-5⁴⁰ are particularly relevant; indeed these are documents that should be afforded substantial weight. EN-1 and EN-5 lend considerable support to this application and give a clear indication of the approach to the consideration of various issues, including environmental impacts and undergrounding.
39. EN-5 stresses that the decision maker is to take into account the duty on distribution network operators under section 9 of the 1989 Act (para 2.3.5). It also makes clear that, when designing the route for an overhead line, applicants should generally follow the guidelines for routeing set out within the 'Holford rules'⁴¹ (para 2.8.5/6). EN-5 gives helpful guidance on the issue of undergrounding where it states (para 2.8.8) that:

³⁵ Document SPM/4a

³⁶ Document SPM/2c

³⁷ Document SPM/5a

³⁸ Document SPM/117

³⁹ Document SPM/1c, Appendix 1

⁴⁰ Core Documents D19 & 20

⁴¹ Document SPM/104

“where there are serious concerns about the potential adverse landscape and visual effects of a proposed overhead line, the IPC will have to balance these against other relevant factors, including the need for the proposed infrastructure, the availability and cost of alternative sites, routes and methods of installation (including undergrounding)”

and that (para 2.8.9):

*“The IPC should, however only refuse consent for overhead line proposals in favour of an underground ... if it is satisfied that the benefits from the non-overhead line alternative will **clearly outweigh** any extra economic, social and environmental impacts and the technical difficulties are surmountable. In this context it should consider:*

- *the landscape in which the proposed line will be set, (in particular, the impact on residential areas, and those of natural beauty or historic importance such as National Parks, AONBs and the Broads);*
- *the additional cost of any undergrounding or sub-sea cabling (which experience shows is generally significantly more expensive than overhead lines, but varies considerably from project to project depending on a range of factors, including whether the line is buried directly in open agricultural land or whether more complex tunnelling and civil engineering through conurbations and major cities is required. Repair impacts are also significantly higher than for overhead lines as are the costs associated with any later uprating.); and*
- *the environmental and archaeological consequences (undergrounding a 400kV line may mean disturbing a swathe of ground up to 40 metres across, which can disturb sensitive habitats, have an impact on soils and geology, and damage heritage assets, in many cases more than an overhead line would).”* (emphasis added)

40. This is important guidance on the proper approach to be taken on what was one of the principal issues at the section 37 inquiry, namely, the requests from several objectors for additional undergrounding.

41. Mr Bell also sets out and comments on Welsh and English national policy statements⁴² (PPW⁴³ and NPPF⁴⁴), and regional and local planning policies for the Wrexham County Borough Council area⁴⁵ and the Shropshire Council area⁴⁶. In supplementary written notes⁴⁷, and at the request of the Inspector, he has also commented on PPW (Edition 5) (November 2012)⁴⁸ and the Annual Energy Statement 2011.

42. It is acknowledged that the proposal is not fully in accordance with UDP policy EC11 because of the effect on the settings of the scheduled Wat's Dyke and Hafod-y-Bwch tumulus and listed Bryn House, as well as policy EC4 as a result of the loss of a veteran tree. Nevertheless, it is concluded that the proposed development is in accordance with, and strongly supported by, the overall policy framework. There would be no conflict with policies PS2 and GDP1, and insofar

⁴² Document SPM/8a

⁴³ Core Document CD/21

⁴⁴ Core Document CD23

⁴⁵ Core Document CD24 & Document WCBC8

⁴⁶ Core Documents CD25 & 26

⁴⁷ Documents SPM/8d & 115

⁴⁸ Core Document CD/21a

as the Green Barrier in Wrexham is concerned, the proposal would ensure that the openness of the landscape was maintained such that there would be no conflict with policy EC1⁴⁹.

Need

43. Dr Beddoes⁵⁰ sets out the principal legal duties on DNOs, as has already been summarised. He also introduces the requirements of the Electricity Distribution Licence to which SPM is subject. Electricity Distribution Licences are granted subject to various standard conditions. These conditions are to ensure that the Licensee complies with the necessary responsibilities placed upon them as a Licence holder.
44. Condition 21⁵¹ requires compliance with the Distribution Code, which is designed so as to permit the development, maintenance and operation of an efficient, co-ordinated and economical system for the distribution of electricity. Condition 24⁵² places a responsibility on SPM to plan and develop the distribution system in accordance with a standard not less than that set out in Engineering Recommendation P2/6, 'Security of Supply' (ER P2/6)⁵³.
45. ER P2/6 is an industry standard document that is produced by the Energy Networks Association for system planning and assessment of network security of supply. It sets out the minimum levels of security required for distribution networks and is classified in ranges of Group Demand. This document has been adopted by DNOs to ensure consistency across distribution networks with regards to network security of supply.
46. As Dr Beddoes evidence makes clear, the two existing 132kV Legacy / Oswestry circuits are pivotal in providing security of supply to both locally connected customers and, due to the networks interconnectivity and large geographical area, more widespread customers in the Whitchurch, Wrexham, Newtown and Welshpool areas. Some 85,000 customers, ranging from industrial to domestic, are reliant upon the existing Legacy to Oswestry 132kV circuits to provide a secure supply.
47. As a result of an outage of one of the existing Legacy to Oswestry 132kV BK circuits, Dr Beddoes's evidence demonstrates that the distribution network will experience network overloads beyond its capability. The demand of the group cannot be provided for under these outage conditions, and so the network is non-compliant for a First Circuit Outage (FCO) under ER P2/6 and in breach of Condition 24 of the distribution licence.
48. A derogation has been obtained from Ofgem⁵⁴ for the Legacy to Oswestry group in relation to this matter, although this derogation is time limited and the issue must be resolved if security of supply is to be restored. The Legacy / Oswestry group is compliant for a Second Circuit Outage (SCO), but customers will remain 'off supply' for the necessary repair time/return to service time.

⁴⁹ Document G4 pages 81-83

⁵⁰ Document SPM/1a

⁵¹ Document SPM/1c – Appendix 2

⁵² Document SPM/1c – Appendix 3

⁵³ Document SPM/1c – Appendix 4

⁵⁴ Document SPM/1c – Appendix 9

49. It is clear that failure to reinforce the group will only serve to exacerbate the overloads and level of non-compliance as demand is expected to continue to increase for the group in accordance with the local planning authorities' development plan proposals. Failure to reinforce the group will also place an increasing risk on the security of supply to the existing 85,000 customers in the Legacy / Oswestry area, including domestic properties, large employers and health and community facilities.
50. Dr Beddoes explains that SPM has considered and evaluated various network options to meet the need in ensuring ER P2/6 compliance of the existing Legacy to Oswestry group. Of all the options, the proposed solution of the third Legacy to Oswestry 132kV circuit is the only one that satisfactorily addresses both FCO and SCO issues.
51. In order to meet the identified need, Dr Beddoes explains that what is required is a direct 132kV circuit connection between Legacy and Oswestry substations. It is important to note that no party has brought forward cogent evidence to suggest that this connection is not required and the Secretary of State is asked to conclude that the need for this connection has been established. The development the subject-matter of this section 37 application will meet that established need and, furthermore, bring about the various scheme benefits set out at section 5 of Mr Bell's evidence⁵⁵.

Process of scheme selection

52. Mrs Duffy's evidence⁵⁶ explains the 'process' that SPM undertook to identify the appropriate scheme in order to deliver the necessary 132kV connection, as identified by Dr Beddoes. Mr Grimshaw's evidence⁵⁷ explains how the 'application' of that process led to the particular scheme the subject matter of this section 37 application.
53. Mr Leavy's evidence⁵⁸ sets out SPM's legal duties, including the duty to develop and maintain an economical system of electricity distribution. He explains that it is a question of balance, taking into account SPM's statutory and licence duties, whether a line is put overhead or underground. Whilst the use of undergrounding will always be considered on its merits, in view of the relatively high costs of undergrounding, SPM's experience suggests that it should principally be reserved for situations where there are technical constraints or where land is of the highest landscape value. This very much accords with the approach set out in EN-5, as set out above. In this context, SPM looked for an appropriate overhead line route for the Legacy-Oswestry 132kV connection, but considered undergrounding on its merits. That process led to the northern and southern sections of the connection route into the two substations, but no other sections of the route, being undergrounded.
54. Mrs Duffy sets out and explains how SPM undertook a detailed and iterative environmentally led process to find an overhead line route to connect the substations at Legacy and Oswestry with the aim of avoiding, reducing or

⁵⁵ Document SPM/8a

⁵⁶ Document SPM/3a

⁵⁷ Document SPM/5a

⁵⁸ Document SPM/2a

offsetting environmental impacts. It is SPM's case that its approach to route selection, consultation and Environmental Impact Assessment (EIA) was both comprehensive and effective. It allowed consideration of all relevant issues and ensured consistency with SPM's statutory duties.

55. SPM undertook a robust and comprehensive route selection process to identify the proposed route for the overhead line. This involved a strategic and detailed route assessment that considered environmental and technical issues to identify a preferred route option.
56. SPM carried out consultation from the start of the project with statutory authorities, key stakeholders, local interest groups and the public. Following the initial public consultation the overhead line route was amended to take account of the recreational use of the Ifton Meadows Nature Reserve and its importance to the local community. Comments received from the two local authorities and landowners along the route of the line led to the review of the support type required for the line. The change to the Trident design single wooden pole has been positively received by a number of stakeholders and resulted in Shropshire Council removing its objection to the proposals⁵⁹.
57. The selection of the detailed route alignment followed consideration of four broad route corridors. Having selected a broad route corridor, a comprehensive assessment of detailed route options was undertaken which led to the selection of the route that formed the basis for the original section 37 application in 2009⁶⁰.
58. The proposed route was the subject of a detailed EIA by an independent, experienced environmental consultancy that included ecological, archaeological and arboricultural surveys. An ES was produced in 2009⁶¹ that reported on the findings of the impact assessment and this was updated in 2012⁶² to take account of the amended route of the overhead line and the proposal to use the Trident design. The update report concludes that the change to the Trident design benefits the environment through reduced impacts to land use and management and reducing the overall visual impact of the project.
59. Mrs Duffy makes clear that throughout the project SPM has looked to balance its statutory duties to deliver an efficient, co-ordinated and economical supply of electricity whilst ensuring the project minimises the impact on the environment and people. The route was selected following detailed examination of a number of route alternatives and extensive consultation with both the public and statutory authorities.
60. Mr Grimshaw explains how SPM applied this route selection process to identify the overhead line route that is the subject matter of this section 37 application. He also explains why certain other routes and additional undergrounding were considered on their merits, but rejected. These latter issues are also covered in SPM's Alternatives Document⁶³.

⁵⁹ Core Document CD13

⁶⁰ Core Document CD1

⁶¹ Core Document CD2

⁶² Core Document CD5

⁶³ Document SPM/102

Significant effects

61. The amended and updated ES supporting this section 37 application considers in detail the likely significant effects of the proposed development. Many of the topics covered by the ES are not controversial between SPM and the various objectors; indeed, the only topic that appears to be in issue in relation to the section 37 application is landscape and visual impact. Certainly, Wrexham County Borough Council (WCBC) does not pursue any other point⁶⁴.
62. SPM's evidence before the Inquiry has been directed towards addressing the issues identified in the Secretary of State's notice dated 15 June 2012⁶⁵, both in its section 37 evidence and, in particular in relation to the use and enjoyment of the land, in its wayleaves evidence.
 - a. Biodiversity is covered in SPM's Alternatives Document and in Mr Hesketh's evidence⁶⁶;
 - b. Landscape and visual impact is covered in SPM's Alternatives Document and in Mr Grimshaw's evidence⁶⁷;
 - c. Cultural heritage is covered in SPM's Alternatives Document and in Mr Wain's evidence⁶⁸;
 - d. Risks associated with past coal mining is covered in SPM's Alternatives Document⁶⁹; and
 - e. Impact on use and enjoyment of the land is covered in SPM's Alternatives Document and in Mr Grimshaw and Mr Maddocks's wayleaves evidence⁷⁰.
63. It is SPM's case that the routeing and technical solutions adopted for this reinforcement of the network have resulted in a proposal that is only subject to limited significant effects and those effects occur within localised areas. The limited number of significant effects, which cannot be avoided through routeing, indicates that, in SPM's view, it has complied with its obligations to provide an efficient, co-ordinated and economical supply of electricity, having proper regard to its schedule 9 duty towards the environment (as set out above).
64. This broad conclusion is endorsed by the very limited level of objection to this proposal. In terms of key statutory consultees, there is now no objection from:
 - a. Shropshire Council;
 - b. Welsh Government;
 - c. Cadw;
 - d. English Heritage;
 - e. Countryside Council for Wales (CCW);
 - f. Natural England;
 - g. Environment Agency Wales;
 - h. Environment Agency;
 - i. Civil Aviation Authority;
 - j. Clwyd Powys Archaeological Trust (CPAT);

⁶⁴ Core Document CD34

⁶⁵ Core Document CD14

⁶⁶ Documents SPM/102 & 6a

⁶⁷ Documents SPM/102 & 5a

⁶⁸ Documents SPM/102 & 7a

⁶⁹ Document SPM/102

⁷⁰ Documents SPM/102, 9a series & 11a series

- k. Defence Estates;
- l. National Air Traffic Control Services;
- m. Network Rail;
- n. British Waterways (now known as the Canal and River Trust).

65. The only statutory consultee that has maintained an objection is WCBC. It is worth noting that, following the original section 37 application in 2009, officers of WCBC produced a report to be considered at the Council's Planning Committee on 1st June 2009⁷¹ which recommended that the Council should not object to the project. This report was supplemented on the day of the committee meeting by an Addendum Report that was made available at the meeting. In that report the recommendation changed and a formal objection was recommended on the basis of the comments within the Council's landscape assessment. Wrexham CBC's committee resolved: "That the Council lodges a formal objection to the submitted scheme and recommends that to reduce the visual and ecological impact of the proposed development, the line be buried underground for the entire length of the route."

66. Following the amendment to the application in 2012, WCBC's officers produced a report to the Council's Planning Committee on the 3rd September 2012⁷² with the following recommendations:

"That the Council withdraws its objection to the application subject to undergrounding of a 620m section of the route near Tenement within the Ceiriog Valley."

"That the Head of Community Wellbeing and Development be authorised to present the Council's views to the Inquiry, based on the above report and the detailed assessment of the revised proposals by officers."

67. Despite the clear advice from officers, Councillors resolved to maintain their objection to the scheme on visual amenity grounds and requested that the entire line within Wrexham is placed underground. It is worthy of note, however, that whilst Mr Greenland⁷³ properly reported the Councillors' view that the entire line should be placed underground, the Council's landscape officer, Mr Sumner⁷⁴, did not seek to justify that position and expressly confined his evidence to the officers' recommendation to underground 620m of the overhead line near Tenement.

Alternatives

68. Matter 5 in the Secretary of State's notice dated 15 June 2012⁷⁵ identified, as a matter to be considered at the Inquiry, the relative merits of the proposed development, alternatives and mitigation measures in relation to a range of issues.

69. At the PIM on 11 September 2012, the Inspector identified five alternatives⁷⁶ to the proposed connection to be considered at the section 37 Inquiry.

⁷¹ Core Document CD6

⁷² Core Document CD9

⁷³ Document WCBC/18

⁷⁴ Document WCBC/19

⁷⁵ Core Document CD14

⁷⁶ Document G1

70. To these five alternatives SPM added a sixth, raised by Mr Sanders⁷⁷, being the undergrounding of about 600m in Coedleoedd Isaf in the Dee Valley. Mr Sanders has, however, since withdrawn his objection and signed a voluntary wayleave.
71. The consideration of these alternatives must be considered in the context of SPM's statutory duties, as set out above, and within the relevant policy framework. In that regard, the guidance in EN-1 and EN-5⁷⁸ is particularly important. EN-5, in particular, gives very clear advice on the approach to be taken to both line routeing and to undergrounding. SPM submits that its proposals are entirely consistent with, and supported by, that policy approach.
72. Important in this regard is the considerable additional cost involved with placing the line underground. This additional cost must be seen within the context of SPM's section 9 duty⁷⁹ to provide an 'economical' system of distribution. Undergrounding also produces additional environmental impacts, particularly in terms of nature conservation and cultural heritage. There are also technical disadvantages with underground cables when compared with overhead lines. Whilst lines of lighter construction can be prone to supply interruption during inclement weather, the Trident design is of a more substantial construction and is giving reliable service across the UK⁸⁰. All these issues are covered in Mr Leavy's evidence and SPM's Alternatives Document⁸¹.
73. Clearly, these factors must be balanced against any additional landscape and visual impact from an overhead line. In the present case, however, it is important to note that, by careful routeing, no nationally important landscape is affected by the proposed line. Although a small stretch of locally important landscape is identified as SLA within the 2005 Wrexham UDP⁸², that is not a national landscape designation and not one that is specifically identified in EN-5 as meriting undergrounding. Clearly a balance has to be drawn, but SPM submits very firmly that it has drawn that balance correctly.
74. SPM has undertaken its comparative assessment of the proposed development and the alternatives⁸³. The conclusions of that assessment are set out below.
75. The alternative options considered fall into three categories:
 - a. Alternative overhead line routes:
 - i. Along the A483/A5 road corridor
 - ii. Along the existing 132kV overhead tower route between Legacy and Oswestry
 - b. Alternatives which envisage use of underground cables instead of an overhead line:
 - i. Along the route of the proposed development
 - ii. Along the A483/A5 road corridor

⁷⁷ Document OS/1

⁷⁸ Core Documents CD19 & 20

⁷⁹ Document SPM/1c, Appendix 1

⁸⁰ Document G3, pages 72-73

⁸¹ Documents SPM2a & 102

⁸² Core Document CD24 & Document WCBC8

⁸³ Document SPM/102

- c. Alternatives which envisage use of underground cables instead of an overhead line for a short section of the route comprising the proposed development:
 - i. A route incorporating 620m of underground cables at the Ceiriog Valley
 - ii. A route incorporating underground cables at Coedleoedd Isaf.⁸⁴
76. Mr Bell set out in his evidence to the Inquiry⁸⁵ that a proposal for consent under section 37 of the *Electricity Act 1989* does not need to accord with the development plan, because section 38(6) of the *Town and Country Planning Act 1990* does not apply. Notwithstanding that, an assessment was made, both in his evidence and in the Alternatives Document, of the extent to which the proposed route and the alternatives accord with the provisions of the development plans in the individual chapters of this document. In all cases, there is likely to be conflict with some policies in the development plans. However, for the purposes of carrying out a comparative assessment of the proposed route against the alternatives, the provisions of the development plans are not considered to be a significant distinguishing factor in a comparative assessment between broad options.
77. The alternative overhead line routes were compared to the proposed development to see if they offered benefits when considered in the context of the main routing criteria SPM has adopted and the advice set out in EN-5⁸⁶. SPM's routing criteria are based on the Holford Rules⁸⁷ and seek to avoid areas designated for their landscape and other environmental value where these would be harmed by a new line; seek to avoid woodlands; and seek to avoid severe adverse effects on amenity. This last criterion is generally achieved by maximising separation from settlements, settlement edges and residential properties.
78. The alternatives involving underground cables have been compared to the proposed development to consider whether the benefits that they would bring to the scheme would clearly outweigh any extra economic, social and environmental impacts, in accordance with the policy set out in EN-5.
79. As stated above, SPM is obliged to comply with the requirements of the *Electricity Act 1989* to develop and maintain an efficient, co-ordinated and economical system of electricity distribution. An overhead line is efficient, allows co-ordination of the network and is the most economical means of installing circuits. Underground cables are considered as alternatives where there are technical constraints (such as heavily built up areas where an overhead line cannot be routed) or where it can be demonstrated that the environmental benefits achieved through its use would clearly outweigh the very considerable increased costs. These increased costs relate to the initial installation and the long term repair and maintenance of underground cables in service.
80. The primary environmental benefit arising from the use of underground cables as compared to overhead lines is the avoidance or reduction of adverse effects on

⁸⁴ The undergrounding at Coedleoedd Isaf is not being advocated in isolation by anyone else and the landowners' objection has been withdrawn with a voluntary wayleave signed. I, therefore, see no need to take up further reporting space on this alternative.

⁸⁵ Document SPM/8a

⁸⁶ Core Document CD20

⁸⁷ Document SPM/104

landscape character and on views (visual amenity). The greatest benefit is achieved in areas of the highest scenic and amenity value.

81. There may be effects on landscape character and visual amenity from underground cables due to loss of vegetation along the route. However the other environmental effects that arise from use of underground cables as compared to an overhead line generally relate to greater impact on habitats and natural heritage interests; disturbance and loss of unknown archaeology; disturbance to drainage and land use during installation, because a greater extent of land is disturbed; and wider sustainability effects due to the equipment required and the volume of materials involved.
82. As SPM's evidence makes clear, the relative cost for an underground circuit would typically be approximately 4 times that of a similarly rated overhead option. The variation would be dependent on a number of factors such as specific manufacturing costs, ground conditions and methods for installation.

Undergrounding Along the Proposed Route

83. There would be benefits to landscape and visual amenity from an underground cables connection when compared to the proposed development comprising an overhead line for the majority of the connection. However the significance of effects on landscape and on visual amenity from the proposed development are forecast to be not greater than moderate and in most cases lower. No areas of highest scenic and amenity value would be affected by the proposed development. There would be a substantial additional cost in using underground cables in the place of the proposed development (£19,100,000 as compared to £8,900,000). Whilst the proposed route might not be the optimum one for an underground option, the cost differential would still be of this order⁸⁸. SPM considers that the benefit this would bring to landscape and visual amenity does not outweigh the economic costs and there would be other environmental costs, particularly with regard to effects on known archaeology (including a SAM) and also on unknown archaeology.

Overhead Route Following the A483/A5 Road Corridor

84. An overhead line along the existing road in the northern half of the study area would be constrained by the substantial areas of land supporting existing built development. The town of Ruabon and the Johnstown Newt Sites Special Area of Conservation (SAC)⁸⁹ restrict options for routes next to the road through this area. Developed areas immediately abut the road in places, and in the case of Ruabon development abuts the road corridor on both sides.
85. In the central part of the study area the road corridor passes through areas of historic parkland associated with the Wynnstay and Brynkinalt Estates. The A483(T)/A5 runs through the Wynnstay estate for over 2km and the Brynkinalt Estate for approximately 1.5km. Historic parklands have been identified as a key strategic constraint to routeing, to be avoided where possible. Within the parklands, areas of woodland abut the road corridor in places and some woodland would be lost to an overhead line route. The proposed route avoids the Wynnstay and Brynkinalt Estates entirely and would result in less loss of woodland as compared to this alternative option.

⁸⁸ Document G3, page 68 lines 33-36 & page 74 line 28

⁸⁹ Documents WCBC14 & 13, respectively

86. The A483(T)/A5 crosses the River Dee through the Nant-y-Belan and Prynella Woods Site of Special Scientific Interest (SSSI). An overhead line next to the road at this point would be required to pass through the designated site and which also comprise two areas of ancient woodland, identified as key constraints to routeing. A large number of trees would have to be removed. The proposed scheme avoids the SSSI and would require much less tree clearance in the vicinity of the River Dee.
87. The steep river valleys of the Dee and Ceiriog, in the vicinity of the two bridges, would make construction of an overhead line very difficult. A wood pole line would need to be routed down to the valley floor through these densely wooded areas resulting in significant clearance of ancient woodland and the crossing of the SSSI at the River Dee crossing as stated above. The Ceiriog Valley crossing would also require a large amount of woodland clearance, some of which is ancient woodland. The alternative would be the construction of large lattice steel towers on either side of the valleys to support a long span of overhead line. These resulting structures would also require significant tree clearance and be visually obtrusive. The proposed scheme spans the Rivers Dee and Ceiriog at points where the lay of the land and the width of the rivers are such that they can be crossed with minimal tree clearance and by normal wood pole structures.
88. It is not possible to erect wood poles along the viaducts. Early consultation with the local authority previously responsible for the viaducts (Conwy County Borough Council) confirmed that there was no provision for utility services in the construction of the viaducts. Subsequent discussions have been held with the North Wales Trunk Road Agency, the party now responsible for the viaducts, which has reconfirmed the previously stated position. This view is supported by the Welsh Government, which has also advised that the A483 in Wrexham is a Protected Street under the *New Roads and Street Works Act 1991*.
89. There are six road junctions with the A483(T)/A5 between Wrexham and Oswestry, and nine bridges over the main road. An overhead line adjacent to the road corridor, would need to negotiate these structures and junctions and in places would be required to deviate from the road corridor, introducing further angle structures and negating the purpose of being in the corridor.
90. Built development either side of the roundabouts at Halton (including Chirk Airfield) and Gledrid form restrictions on routeing in these areas. There are no viable options for routeing an overhead line past these areas without considerable deviations from the road corridor.
91. There are fewer constraints to the south of the study area adjacent the A5, however the settlements of Gobowen and Rhoswel lie alongside the road restricting opportunities for routeing an overhead line in this area.
92. There are technical difficulties associated with crossing the two river valleys which SPM considers are sufficient to discount this option in comparison with the proposed route. However with regard to other aspects, this alternative option does not perform as well as the proposed development when compared to SPM's routeing criteria. The cost would be £8,000,000, increasing to £10,000,000 if the river valleys were to be crossed with steel lattice towers.
93. Overall this option is considered to result in significantly more non-accordance with the Development Plans than the proposed development.

Underground Route Following the A483/A5 Road Corridor

94. It would not be technically feasible to install underground cables across the road bridges over the Dee and Ceiriog. Consultation with the local authority previously responsible for the viaducts (Conwy County Borough Council) confirmed that there was no provision for utility services in the construction of the viaducts. Subsequent discussions have been held with North Wales Trunk Road Agency, the now responsible party for the viaducts, who have reconfirmed the previously stated position. This view is supported by the Welsh Government, which has also advised that the A483 in Wrexham is a Protected Street under the *New Roads and Street Works Act 1991*. An underground cables route which otherwise used the A483/A5 road corridor would need to be diverted to avoid these areas.
95. The A483/A5 crosses the River Dee through the Nant-y-Belan and Prynella Woods SSSI. An overhead line or underground cable next to the road at this point would be required to pass through these designated areas of ancient woodland, identified as key constraints to routeing. A large number of trees would have to be removed. The proposed development avoids the SSSI and would require only a small amount of tree clearance in the vicinity of the Dee.
96. It is not feasible to install underground cables between Legacy and Oswestry substations using the A483/A5 road corridor. SPM considers that the additional costs of a proposal that would include this option (£20,200,000 as compared to £8,900,000) with a diversion in the Dee and Ceiriog valleys would not be outweighed by benefits to landscape and visual amenity. The additional environmental costs with regard to effects on the designated site and woodland of the valleys, together with the landscape and visual effects further weigh against this alternative when compared to the proposed development.

Overhead Route Parallel with the Existing 132kV Legacy to Oswestry Route

97. The Holford Rules and other guidance express caution regarding running overhead lines closely together, although SPM acknowledges that this can reduce the overall geographic area affected by overhead lines when compared to a new separate route. When routes run in parallel, sufficient distance needs to be maintained between the lines to ensure that should one of the lines suffer disruption or failure, it would not also affect the adjacent line. The 'falling distance' of the taller of the support structure is generally the height of the support (lattice steel tower or pole) plus 3.4 metres which is the safety clearance requirement for 132kV line. In this situation, the taller structures are the existing 132kV support towers which have a typical height of 26.5m. This results in a need to maintain at least 30 metres between the existing 132kV overhead tower line and the new 132kV wood pole Trident line.
98. The Holford Rules observe that converging overhead line routes can lead to a concatenation of 'wirescape', although this observation is made in relation to country which is 'flat and sparsely planted' whereas this landscape is typically gently rolling with good hedgerow cover with trees. The existing 132kV lattice line already runs in close parallel with National Grid's Ironbridge No.2 400kV line between Legacy and the River Dee crossing point. A further addition to these parallel overhead lines would lead to a greater cumulative impact. This effect would be compounded by introducing a third type of support, and the different intervals between supports (the typical spans between 132kV lattice steel towers

- are greater than between the 132kV Trident wood pole supports; and the intervals between the larger 400kV lattice steel towers are greater still).
99. South of the River Dee, the 400kV line deviates from the 132kV line. However other existing lower voltage lines run parallel for sections of the line. A further wood pole line of 132kV Trident design would again add to the cumulative effect and tend to draw attention to the 'corridor'.
 100. Assessment of existing pole mounted lines in the study area indicated that generally they are able to be well assimilated into the undulating and well-wooded landscape which is characteristic of this area. The local undulations combined with mature hedgerows and hedgerow trees do not generally enable views of the wood pole supports beyond a field or two in distance. Routeing a new wood pole line in parallel with an existing lattice tower line is considered likely to increase the attention focused towards both existing and proposed overhead lines, whereas routed in isolation the proposed scheme would be less intrusive in the landscape.
 101. The existing 132kV line lattice steel tower overhead line occupies a corridor in close proximity to the large settlements of Rhosllanerchrugog and Johnstown, in places residential properties have been built in very close proximity to the line. Avoidance of proximity to residential areas is considered a key strategic constraint to routeing.
 102. The existing route crosses the Johnstown Newt Sites SAC. It also crosses the drive of the registered parkland of Wynnstay, and extends for over one kilometre within the Essential Setting of this estate. In addition to crossing the locally designated landscape of the Dee valley, the existing line follows an alignment on the eastern bank of the Ceiriog valley, resulting in over 5km being within the SLA designation. In comparison, the proposed development avoids the SAC site and the Wynnstay Estate, and would be routed through only 3.8km of the SLA.
 103. SPM considers that there would be greater adverse environmental effects arising from this alternative proposal, including on constraints regarded as important to avoid where possible in routeing. This alternative option does not perform as well as the proposed development with regard to anticipated environmental effects. The cost would be £8,700,000.

Undergrounding 620m across Land at the Ceiriog Valley

104. This alternative was advanced by the officers at WCBC and is considered further in relation to the Council's case. What follows here is a short overview of SPM's position on this alternative.
105. There would be very limited benefits to landscape and visual amenity which would be brought through the undergrounding of a short section of the overhead line because the terminal structures, which are substantially larger than the intermediate wooden pole supports used on the Trident line, would be visible. In this instance, it is likely that the two terminal structures would be visible from some viewpoints and would be seen within a short distance by persons using the paths and lanes in the area. This means that there would not be a demonstrable benefit to landscape and visual amenity which would warrant adoption of this alternative. The additional costs of £600,000 associated with the underground cable are not considered to be outweighed by environmental benefits.

Conclusions on comparison of the proposed development and alternatives

106. None of the overhead line alternatives suggested perform better than the proposed development when considered in the context of SPM's statutory duties under the *Electricity Act 1989* to develop and maintain an efficient, co-ordinated and economical system of electricity distribution and to 'have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and shall do what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on such flora, fauna, features, sites, buildings or objects.'
107. WCBC has raised objection to the proposed development and proposes undergrounding the whole route or the 620m section through the Ceiriog valley which was considered in SPM's evidence. WCBC's Statement of Case⁹⁰ makes clear that 'the Council does not suggest that there is a less damaging route for an overhead line in its area'.
108. The benefit to landscape and visual amenity of the underground cables alternatives do not outweigh the economic costs of those schemes and in most instances there are other environmental costs that weigh against those alternatives.
109. Furthermore, the delay consequent in having to develop and then achieve consent for an alternative 132kV Legacy-Oswestry connection would be considerable in the context where a solution is needed now to remedy the derogation from ER P2/6. As Dr Beddoes explained⁹¹, to physically design a new set of proposals (the line designs etc) would probably take SPM a year or two. To this, however, would be the need to add the pre-application procedures under the Planning Act 2008, which could take a further 12 months, and the application / examination / determination procedures under the 2008 Act which would themselves add a yet further 12 months. This amounts to a possible delay of some 3-4 years for an alternative consent. Even if such an alternative were then consented, it would only be at that point that construction could even start on the proposed connection. It is SPM's view that this amounts to an unacceptable delay in the context of its licence obligations and the current derogation from ER P2/6.
110. In short, it is SPM's submission that there is no alternative 132kV connection between Legacy and Oswestry which is to be preferred such that section 37 consent for the proposed development should be refused. Furthermore, in the context of paragraph 2.8.9 of EN-5, the benefits of an underground solution do not "clearly outweigh" the extra economic, social and environmental impacts.

Other parties appearing at the section 37 Inquiry

111. For an overhead line of more than 20km, very few parties made written representations objecting to the section 37 application and even fewer appeared at the Inquiry. As stated above, the only statutory objector was WCBC as a local planning authority who appeared at the Inquiry. The other relevant local

⁹⁰ Document WCBC/1

⁹¹ Document G3, page 57

planning authority- Shropshire Council, withdrew its objection. In the SOCG between SPM and Shropshire Council⁹² the parties agreed that "... there are no outstanding issues between the parties which give rise to an objection from the Council to the proposed development." Furthermore, insofar as it requested that certain 'requirements' be met in order for it to withdraw its objection, the parties agreed in the SOCG that "SP Manweb has been able to respond to each of these requirements put forward by Shropshire Council and the parties confirm that each has been met and can be addressed by conditions attached to consent if granted."⁹³

112. Three Town / Community / Parish Councils, three individuals, and Mr Ruggeri on behalf of some residents of Pen-y-Lan also appeared. The relatively few objectors at the Inquiry is a great testament to SPM's success in carefully routing the overhead line to avoid and/or minimise significant detriment to residential amenity and the environment. The following paragraphs briefly comment on the cases of the parties that did appear.

Wrexham CBC

113. WCBC appeared through its planning officer, Mr Greenland, who also acted as advocate, and its landscape officer, Mr Sumner. SPM and WCBC entered into a Statement of Common Ground⁹⁴ setting out areas of agreement (sections 2-11) and the outstanding issues (paragraph 12.2).
114. As between WCBC and SPM the issues are fairly narrow. Mr Greenland fairly accepted that⁹⁵:
- a. The Council does not challenge the need for the proposed new 132kV connection between Legacy and Oswestry.
 - b. The Council does not challenge the route selection process undertaken by SPM.
 - c. The Council acknowledges that the overhead line route selected by SPM has properly taken into account the SLA within Wrexham. The Statement of Case also accepts that, insofar as the SLA to the east of Pentre is concerned,⁹⁶ the location provides a context within which the proposal could be integrated without significant change.
 - d. The Council does not suggest that there is a less damaging route for an overhead line in its area.
 - e. No criticism is made of the EIA as reported in the 2012 ES.
 - f. No criticism is made of the consultation and engagement exercise undertaken by SPM.
 - g. The Council does not suggest that the proposed development has an unacceptable impact on nature conservation interests.
 - h. The Council does not suggest that the proposed development has an unacceptable impact on cultural heritage interests.
 - i. The Council raises no objection in relation to other issues such as 'risk from former coal mining' or 'electro-magnetic fields' (EMFs).

⁹² Core Document CD35, paragraph 13.1

⁹³ Core Document CD35, paragraph 13.2

⁹⁴ Core Document CD34

⁹⁵ Document G5, pages 12 & 13

⁹⁶ Documents WCBC1 & 15

115. As stated above, WCBC has only raised objection to the proposed development on the basis that either:

- a. the entire route of the proposed development within its administrative area should be undergrounded; or
- b. A 620 metres section of the proposed development through the Ceiriog valley should be undergrounded.

In both cases this undergrounding is advanced solely on the basis of landscape and impact on visual amenity⁹⁷.

116. Mr Greenland accepted that the section 37 application has to be determined within its own legislative context under the *Electricity Act 1989* and that this included both the section 9 duty on SPM to develop and maintain an "efficient, coordinated and economical distribution system" and its schedule 9 duty to "have regard to the desirability of preserving natural beauty, conserving nature conservation interests and protecting heritage assets". He also accepted that section 38(6) of the *Planning and Compulsory Purchase Act 2004* does not apply to a direction under section 90, such that the Secretary of State's determination does not have to be in accordance with the development plan unless 'material considerations' indicate otherwise⁹⁸. As SPM has made clear, however, the development plan is itself a material consideration.

117. Mr Greenland also accepted in cross-examination that both EN-1 and EN-5 are important statements of policy to be taken into account in determining this application. However, he acknowledged that in the Officers' Report to Committee he had failed to draw to members' attention to those passages in EN-5 where the Secretary of State specifically draws attention to the types of landscape where he considers undergrounding should be considered⁹⁹. Mr Greenland described these as 'nationally designated sites' and readily accepted that this should have been drawn to members' attention. He also accepted, in relation to the balance to be drawn between competing issues when considering undergrounding, that paragraph 2.8.9 requires that section 37 consent should only be refused for an overhead line when the benefits of an alternative underground solution "clearly outweigh" any extra economic, social and environmental impacts of the proposed overhead line¹⁰⁰.

118. Three points emerge from this:

- a. There is agreement that the approach to undergrounding set out in EN-5 paragraph 2.8.9 is an important part of the policy context within which the Secretary of State should determine the issue of whether to refuse the application because of the need for additional undergrounding;
- b. There is also agreement that section 37 consent for the proposed overhead line should not be refused unless the benefits of undergrounding 'clearly outweigh' its economic, social and environmental impacts; and

⁹⁷ Core Document CD34 & Document G5, page 13

⁹⁸ Document G5, pages 13 & 14

⁹⁹ Document G5, page 15

¹⁰⁰ Document G5, page 16

- c. Members were not informed of this policy context and so did not take into account whether determining to object to the proposed development.

119. The Officers' Report of 3 September 2012¹⁰¹ "strongly advised" members to have regard to Government policy, as set out in EN-1 and EN-5, although as stated above the report failed to draw to members' attention the most important advice in paragraph 2.8.9 on the issue of undergrounding. The report records that officers recommended that some 620m of the overhead line in the Ceiriog Valley be undergrounded. Despite this clear recommendation, members decided to object on the basis that the entire line within Wrexham district be undergrounded or, in the alternative, that the officers' 620m stretch in the Ceiriog Valley be undergrounded.

Undergrounding the entire route within Wrexham County Borough

120. The Officers' Report states that "My assessment of the revised proposal under the terms of the adopted policies and the Holford Rules as set out above is that subject to a section of undergrounding, the proposed line is now broadly acceptable."

121. Members did not accept their officers' advice that, apart from 620m, the proposed line was "broadly acceptable". SPM notes, however, that no member was put up to justify that departure from officers' clear advice. Furthermore, as Mr Greenland accepted in cross-examination, the officers' did not seek to justify the members' position at the Inquiry¹⁰². This would appear to be a clear example of unreasonable behaviour by WCBC.

122. In respect of Wrexham's decision on 3 September 2012 to seek undergrounding of the entire route within the district, it is possible to conclude that¹⁰³:

- a. In the officers' report, members' attention was not drawn to clear Government advice on undergrounding in EN-5, as it should have been.
- b. The officers' report did not draw attention to the additional costs of undergrounding (around £10,200,000), although an earlier report¹⁰⁴ did make a fairly general comment about costs. In consequence there is no 'balancing exercise' between landscape and visual benefits and additional costs in the 3 September 2012 officers' report.
- c. Indeed, Mr Greenland's answers in cross-examination appear to suggest that it is not necessary for the Council to approach the application within the context of the balancing exercise within EN-5, as that is a balance to be drawn by the Secretary of State as decision-maker. This is revealing, both in the context of the undergrounding of the entire line within Wrexham district and the undergrounding of 620m in the Ceiriog Valley, as it confirms that the Council's decision does not even purport to be a balance between the competing interests in EN-5 paragraph 2.8.9.

¹⁰¹ Core Document CD9

¹⁰² Document G5, pages 19 & 20

¹⁰³ Document G5, page 15, 17 & 18

¹⁰⁴ Core Document CD8

123. SPM relies on its own evidence, including that in the Alternatives Document¹⁰⁵, in rejecting WCBC's primary position that the entire line within the district should be undergrounded. No evidence has been advanced to justify this position by Wrexham CBC and the benefits of undergrounding do not 'clearly outweigh' the economic, social and environmental impacts of doing so.

Underground a 620 metre section of the proposed development through the Ceiriog valley

124. As made clear above, the officers' report only seeks the undergrounding of some 620m of the overhead line in the Ceiriog Valley. Mr Sumner states, in terms, that his landscape and visual impact evidence is only directed to that single issue¹⁰⁶. SPM's evidence on this issue was set out in the evidence of its witnesses and in the Alternatives Document.
125. There are a number of issues to be considered, being:
- a. The overall legislative and policy context within which the decision should be taken;
 - b. The landscape quality of this section of the Ceiriog Valley;
 - c. The net effect on landscape and visual impact of undergrounding this section of the proposed overhead line;
 - d. The additional cost of £600,000 of undergrounding this section of overhead line; and
 - e. The net effect on ecological and heritage interests of undergrounding this section of the proposed overhead line.
126. The overall legislative and policy context has been set out and examined earlier. EN-5 paragraph 2.8.9 sets out clear guidance on the broad circumstances where undergrounding should be considered. It is generally recognised both from EN-5 and from SPM's experience generally¹⁰⁷ that undergrounding is principally reserved for situations where the land is of the highest landscape value.
127. Local landscapes will often be valued highly by those that live in or close to them, or those that visit them. It is for this reason that it is important to have national guidance on the undergrounding of overhead lines. The Secretary of State, whether under the *Electricity Act 1989* procedure or the *Planning Act 2008* procedure, is best placed to see the broader context within which such decisions should be taken. Clearly the decision to underground in one circumstance has the potential to become a precedent for others. Undergrounding imposes a considerable additional cost on transmission and distribution network projects that, ultimately, is passed on to consumers¹⁰⁸. SPM has a specific duty to develop and maintain an 'economical' system of network supply and EN-5 paragraph 2.3.5 makes it clear that that duty is a matter to be taken into account in determining an application for an overhead line.
128. Whilst the landscape in the Ceiriog Valley is certainly valued locally, it is not of national importance. It is locally designated under policy EC5 of the Wrexham

¹⁰⁵ Document SPM/102

¹⁰⁶ Document WCBC/19, paragraph 2.3

¹⁰⁷ Document SPM/2a, paragraph 5.4

¹⁰⁸ Document SPM/2a, paragraph 8.5

UDP¹⁰⁹ as SLA, but this is not a designation of national importance. Indeed, it is important to note that policy EC5 specifically 'excepts' from the policy constraint "essential operational development by utility service providers"; thus, as Mr Greenland accepted, the proposed development is operational development by a utility service provider and is not, therefore, contrary to policy EC5¹¹⁰. Nor, as he made clear, is it contrary to policies PS2, GDP1a or EC1¹¹¹.

129. Mr Sumner attempted to argue that the Ceiriog Valley should be regarded as being of national scenic value by reference to the CCW LANDMAP assessment. That assessment does not, however, support a contention that this landscape is of national importance and it is clearly given an overall designation of 'high', which is equivalent to 'regional' or 'county' importance. Indeed, as Mr Grimshaw pointed out¹¹², the LANDMAP assessment provided by Mr Sumner relates to a wider area and within the overall assessment range of 'regional' to 'county', this small area falls at the lower end of that range.
130. Photomontage viewpoint 13¹¹³ is an agreed viewpoint within the Ceiriog Valley. It clearly shows an intermediate pole in the foreground, although this is seen within the context of a row of telephone wire poles that run along the side of the lane. Overall, Mr Grimshaw concludes that the proposed overhead line would have a 'minor' significant effect on the landscape of the Ceiriog Valley and a moderate effect on visual impact within the valley¹¹⁴. It is SPM's case that this is not such as would justify undergrounding.
131. It is also important to note that the undergrounding of the 620m would introduce the need to construct two four-pole terminal structures within the Ceiriog Valley; the northern one at the edge of the field within Parcel 13 and the southern one near Riverside Cottage. These are clearly more substantial structures than any of the supports they would replace, but the undergrounding would allow the removal of the intervening supports within the valley. Ultimately, this is a matter of judgement for the Inspector and the Secretary of State, but SPM's case is that there would not be any demonstrable landscape and visual impact improvement as a result of the undergrounding.
132. The undergrounding of the 620m within the Ceiriog Valley would cost approximately £600,000 more than the proposed overhead line. Furthermore, there could be some additional biodiversity and cultural heritage impacts.¹¹⁵
133. SPM concludes very firmly that:
 - a. The landscape within this section of the Ceiriog Valley is not of national importance;
 - b. The landscape and visual impact of the proposed development is not such as to justify undergrounding;
 - c. The introduction of 620m of undergrounding would require the construction of two four-pole terminal structures so that there would be no

¹⁰⁹ Core Document CD24 & Document WCBC8

¹¹⁰ Document G5, page 22

¹¹¹ Document G5, pages 23-24

¹¹² Document G4, page 36

¹¹³ Document SPM/5c/29

¹¹⁴ Document SPM/5a, paragraphs 9.4 & 9.16

¹¹⁵ Document SPM/102, paragraphs 7.11, 7.14 & 7.18

- demonstrable landscape and visual impact improvement by undergrounding;
- d. Undergrounding this short section of line would cost an additional £600,000; and
 - e. There could be additional biodiversity and cultural heritage impacts of undergrounding.
134. Whatever else may be said, it is clear that this balancing exercise was not one undertaken by WCBC or its officers. Mr Sumner's evidence contains no assessment of the proposed poles and conductors compared with the terminal structures that would be required with the undergrounding. The specific costs of undergrounding this short section of overhead line were not asked for by WCBC and so were not taken into account. Nor was the assessment undertaken within the policy context of paragraph 2.8.9 of EN-5.
135. In conclusion, it is SPM's case that there is no justification for undergrounding a short section of 620m of the proposed overhead line within the Ceiriog Valley.

Other parties

136. A few town/parish/community councils and individuals have given evidence. Such parties did not challenge the need for the proposed connection, but did propose alternative solutions, including both alternative routes and additional undergrounding. SPM entirely respects their genuinely held views and, indeed, examined a wide range of alternatives before bringing forward the proposed development. One objector, Mr Allison, produced an additional alternative route at the section 37 Inquiry¹¹⁶.
137. SPM does not consider, however, that any of the proposed alternatives are either acceptable or preferable to its proposed overhead line development. The reasons for this are explored above and set out fully in SPM's evidence and the Alternatives Document¹¹⁷. SPM also responded to Mr Allison's alternative¹¹⁸. It is SPM's case, therefore, that consent for its proposed 132kV Legacy-Oswestry overhead line should not be refused because of any alternative connection suggested by other parties.
138. EN-5 recognises that EMFs can have both indirect and direct effects on human health. To prevent such effects from occurring, the International Commission of Non-Ionising Radiation Protection developed safe permissible exposure limits with which most power lines under normal operation usually comply. Dr Renew concludes that the proposed line would inherently comply with relevant exposure limits by virtue of being at a voltage of 132kV and that there are no grounds in terms of EMFs, health or safety as to why the use or development of the land over which the line would pass should be in any way constrained as a result of its presence.¹¹⁹
139. Where possible interference with public rights of way would be avoided. Where this is unavoidable, a trackway temporary access system would be

¹¹⁶ Documents ALL/2 & SPM/111

¹¹⁷ Document SPM/102

¹¹⁸ Document SPM/114

¹¹⁹ Document SPM/8a, paragraphs 10.2.32-8 & 8c, Appendix 5

deployed and any necessary short term closures applied for. Pole erection would take no more than a couple of days with reinstatement generally within seven days of having taken access.¹²⁰ Insofar as shooting is concerned, there would be no risk of materials or people getting close to conductors. Whilst a shot might damage an insulator, the likelihood of it shattering and coming down is low.¹²¹

Conclusions

140. For the reasons set out in its evidence and submissions to the conjoined Inquiry and hearings, SPM submits that:

- a. Consent should be granted under section 37 of the *Electricity Act 1989* for its proposed 132kV overhead line connection between Legacy and Oswestry; and,
- b. A direction should be made under section 90 of the *Town and Country Planning Act 1990*.

The Case for Wrexham County Borough Council (Documents WCBC1, 18, 19 & 22)

The material points are:

141. The Council does not suggest that there is a less damaging route for an overhead line within its area and its preferred option is that the line be buried underground for the entire length of the route falling within the County Borough. This would reduce the visual impact of the proposal through approximately 10km of countryside of high amenity value and support UDP policies GDP1a, PS2 and EC5¹²². Whilst an underground route following the A483/A5 would be acceptable in principle, one to the west of the road would have a severe effect on existing properties in Ruabon. Furthermore, details of how the line would impact on mature trees adjoining the road and cross the rivers Dee and Ceriog would be required.
142. The applicant has agreed that the line would have an impact on visual amenity, and in several areas this is confirmed as being of medium magnitude and moderate significance¹²³. The Council believes that it would be a dominant feature within the wider landscape and detract from the natural and visual character of the areas affected.
143. The line would pass through three landscape character areas, as defined in the Wrexham LANDMAP Study¹²⁴. At the northern end it falls within area 7c 'Rhosllanerchrugog-Rhostyllen' where there is a visual threat to the A483 corridor from power lines. Management guidance has the aim of enhancing visual character through rationalising/reducing overhead power line clutter and the proposal would be contrary to this.
144. The majority of the proposed route south of the A483 is within area 13a 'Welsh Maelor'. The traditional Welsh Maelor landscape is very vulnerable to continuing development pressure and its quality is affected by pylons to the west. Whilst

¹²⁰ Document G3, pages 97-98

¹²¹ Document G3, page 75

¹²² Core Document CD24 & Document WCBC8

¹²³ Core Document CD5, Section 13

¹²⁴ Core Document CD15

the proposal does not involve pylons, it would add to the amount of overhead wires in the locality. The proposed line would leave the County Borough in the south through area 12a 'Dee/Ceiriog Wooded valley' which is recognised as of high landscape value and the overall management strategy is one of conservation.

145. If it is not possible to underground the entire length of the route falling within the County Borough, then at the very least a 620 metre section near Tenement in the Ceiriog Valley should be placed underground to avoid significant harm to the landscape and visual amenity of the SLA. This particular area has a scenic quality of national significance and a high sensitivity to change. Whilst the steep wooded valleys have a special character, they are relatively inaccessible with views thereof tending to be from roads above such as the one to the east of the 620 metre section which emphasises the linearity and grain of the valley. An existing overhead line follows the lane but this has a simple form and appears to be in scale with the local tree canopy.
146. In contrast the scale and location of the proposed support poles would make them a prominent built feature and the overhead crossing wirescape would appear at odds with the perceived grain of the valley. Undergrounding the 620 metre section would remove pole structures and overhead wires from the most open section of the valley. This would require the partial removal of a native species rich hedge, but translocation and replanting would help mitigate the loss. The visual impact of the terminal structures could be reduced by locating and integrating them more closely with the local woodland/tree pattern.
147. The committee report of 3rd September 2012¹²⁵ did not refer to the advice in EN-5¹²⁶ that undergrounding was justified within nationally designated landscapes only, or the provision in UDP policy EC5 for essential operational development by utility service providers within SLAs.
148. Nonetheless, EN-5 provides advice to the decision maker on Nationally Significant Infrastructure Projects under the *Planning Act 2008*, rather than to a local planning authority in respect of a section 37 application. The relevant advice in such a situation is contained in Welsh Office Circular 20/90¹²⁷. This refers to the need to have regard to the desirability of preserving natural beauty and does not preclude or advise against objecting to an overhead line outside nationally designated areas. Furthermore, it was not possible to include all of the EN-5 advice within the report. Insofar as policy EC5 is concerned, the provision for essential operational development by utility service providers within SLAs was made clear in the 1st June 2009 committee report¹²⁸. As it had been well made at the time, it did not require to be repeated in subsequent reports.

The Case for Chirk Town Council (Document CTC/1)

The material points are:

149. Pont y Blew is a very sensitive, attractive, tranquil and naturalistic riverside location which provides the community with a special area for leisure and

¹²⁵ Core Document CD9

¹²⁶ Core Document CD20

¹²⁷ This effectively replicates the Schedule 9 duty (see paragraph 21)

¹²⁸ Core Document CD6

pleasure. It has been designated as a SLA and must be preserved. The designation of the World Heritage Site, extension of the AONB, and successes in Royal Horticultural Society competitions have added significant value to the town and attracted tourists. The proposed overhead line would have very significant landscape impacts and cause problems to the health and safety and quality of life of residents. A bio-initiative report from a public inquiry in Stirling concluded that there should be a minimum avoidance distance of 200m from dwellings. The Town Council recommends that the line be placed underground as is proposed at Legacy and Oswestry. The proposed Habitat Enhancement Scheme and change to a Trident design are acknowledged, but it is not considered that these are sufficient to overcome the above objections.

The Case for Ruabon Community Council (Document RCC/1)

The material points are:

150. Cllr Davies grew up on a farm in the area and is able to associate with the problems caused by pylons and power lines, including noise and birds flying into them. Unless overhead lines are adjacent to roadsides or underground, servicing can be problematic during adverse weather conditions. It is suggested that SPM has not fully respected local farmers and exercised undue pressure in seeking to get them to sign voluntary wayleaves. She questions why the proposal is not taking a more direct route, why it does not follow the existing line (noting that Wynnstay Estate is not averse to having a business park and a supermarket), and why it does not go underground. It is suggested that everyone be given solar panels to reduce the need for large power lines.

The Case for St. Martin's Parish Council (Documents OS/2 & SMPC/1)

The material points are:

151. The Parish Council overwhelmingly supports the use of the A483/A5 road corridor or an underground option. Following the road appears to most closely conform to the Holford Rules¹²⁹, particularly rules 1 and 3 as it would avoid high value amenity land in the river valleys and at Glyn Morlais and use a more direct line with the proposal following a twisted route, particularly around St. Martin's. The most direct route would also present less of an access problem in future years for maintenance, less length of line to maintain and less intrusion. There would be a reduced impact on Ruabon, Chirk and Gobowen whilst St. Martin's, Glyn Morlais, Ifton Heath, Pont y Blew, Rhosygadfa, The Derwen College, the Orthopaedic Hospital, open fields and mature woodland would be totally unaffected. The area has become more attractive over the years following reclamation of the coal tips and the proposal would spoil countryside, valleys and woodlands for future generations.

The Case for Mrs F Smith (Document SMI/1)

The material points are:

152. Mrs Smith lives in the hamlet of Pont y Blew. The valley is of high amenity value and scientific interest. It already has two large electricity lines running through it and another would completely devastate it visually and result in her being surrounded by lines. The proposal would affect residents as well as local

¹²⁹ Document SPM 104

people and tourists who come to the area to picnic and walk. A corporate shoot regularly shoot duck and pheasant in every field around the area and Mrs Smith has experienced her telephone wire being shot on one occasion. The area carries several environmental designations including SAC, wildlife site of county importance, ancient semi-natural woodland and SSSI. It is suggested that the old lines be brought up to date, lines be put underground, other routes be used, and people be encouraged to use less electricity.

The Case for Mr R Allison (Documents ALL/1, 1a, 2 & SMP/111)

The material points are:

153. The proposal would destroy sections of the Dee and Ceiriog valleys and place a monstrous trail around much of St. Martin's and over other pleasant areas of the parish. SPM's evidence gives the impression that an underground option would be more prone to breakdowns. Having previously lived for 60 years in London, where the services are all underground, Mr Allison experienced no serious outages, other than during the war years, and has had more failures in the 14 years that he has lived in St. Martin's. The quality of photographic material and location of viewpoints is questioned.
154. Mr Allison favours a hybrid route comprising that proposed up to a point to the North of Coedleoedd Isaf and following the line of the existing 132kV supply to Oswestry thereafter. This would leave the Area of Outstanding Visual Quality at the existing Dee Crossing and mitigate the overall effect of the line for the remainder of its run, avoiding two extra river crossings, the Ceiriog stretch of the Area of Outstanding Visual Quality, the ancient woodland at Bramble Wood, Little Commons, St. Martin's village, Wiggington and the Llangollen Canal area. Trident poles are intended to merge with wooded areas and would appear to be particularly suitable for use in relative parallel with lattice tower lines. Whilst this alternative might require some deviations from the existing, the proposed route is one continuous deviation some 40% longer than following the existing.

The Case for Mr D Darlington (Document DAR/1)

The material points are:

155. The route passes through the 13a 'Welsh Maelor' and 12a 'Dee and Ceiriog Wooded valley' Landscape Character types, which are respectively described as 'very vulnerable to continuing development' and 'sensitive to inappropriate development'. The proposal is both of these and would pass close or very close to a number of dispersed farms and houses. The route should be underground following the main North/South road corridor to reduce visual intrusion in the rural areas of Wrexham. At the Dee and Ceiriog crossings, the underground line should be directly under the bridges and the rivers or alternatively the cables suspended from the underside of the bridges. The land in this area has already been heavily impacted by the construction of the bridges and it may be possible to make provision for extra lines required in the future at the same time.

The Case for the residents of Pen-y-Lan (Document PEN/1)

The material points are:

156. The proposal would affect the residents of Pen-y-Lan for the rest of their lives. Whilst SPM would be in and out in a few months it would have scarred this beautiful landscape forever. When proposals for a new line from Oswestry to

Legacy were first discussed in 2007 there was no cause for alarm as the settlement is two and a half miles from the direct line between the two sub-stations. However, SPM has deemed it appropriate to divert the line through this unspoilt peaceful area citing costs, but doubts are raised as to whether the costs cited are correct. In a time of economic hardship, the negative impact on prices of desirable attractive quality houses would hit this close knit rural community hard. Scarring the local landscape with 15 metre high, visually intrusive poles would take away their main selling point. In some cases, it seems that the worst possible corridor has been chosen following the highest ground with no attempt to integrate the route into the topography.

Written Representations

157. A number of objectors submitted outline statements of case but did not appear at the Inquiry. These include The Canal & River Trust and Mr & Mrs A Sanders¹³⁰ whose objections were subsequently withdrawn¹³¹ and will not, therefore, be reported.
158. Dr & Mrs Butler submitted an outline statement of case and a further written representation¹³². The material points raised being as follows. SPM has failed to demonstrate that it has given serious consideration to undergrounding with the presumption from the start appearing to be that there is an overriding economic argument in favour of an overhead line. Such a solution would resolve many of the objections raised, help to preserve rather than degrade the special qualities of the landscape, and avoid problems associated with power lines being brought down in inclement weather. The stance adopted fails to fairly reflect the findings of the ES, thereby undermining other evidence presented in support of the proposal.
159. Without exception each photograph of Trident poles included in the revised ES¹³³ illustrates a clear and significant impact on the location in which they are placed. Insofar as the photograph from New Marton Bridge¹³⁴ is concerned, the unspoilt archetypal borderland view would be clearly blighted. From a lower viewpoint on the towpath, the poles would appear taller and the line of 3 wires more prominent well above the backdrop. Whilst this shows a single pole, from other viewpoints a row of poles heading across the low fields would be seen.
160. In their outline statements of case¹³⁵ P & E Skillicorn advocate an underground option to preserve the natural beauty of this unique rural area and draw comparisons with a Severn Trent Water pipeline. In her outline statement of case¹³⁶ Mrs S Palmer considers that the proposal would be a blot on a very beautiful landscape and raises concerns as to health risk and impact on the value of her property. Undergrounding along the existing route, tacking onto existing pylons and following the main road are suggested as alternatives.

¹³⁰ Documents OS/3 & 4

¹³¹ Documents G14 & 15

¹³² Documents OS/5 & BUT/1

¹³³ Core Document CD5(2), figure 4.3

¹³⁴ Core Document CD5(2), figure 13.25b (Viewpoint 23)

¹³⁵ Documents OS/6 & 7

¹³⁶ Document OS/8

161. The Wrexham Local Access Forum's written representation¹³⁷ requests that any right of way affected by the proposal be reinstated as quickly as possible. Oswestry Town Council submitted a written representation¹³⁸ recognising the need to provide additional power to enable and underpin projected demand. Nonetheless, it notes that tourism is a valuable part of the local economy and is underpinned by the tranquillity and relatively unspoiled nature of the countryside with many landscapes being of special interest and beauty. It believes that the proposal could prejudice this use of resources and discourage visitors and considers undergrounding to be a better long term option.
162. Approximately 220 qualifying objections were received by the DECC¹³⁹. A further 105 or so had previously objected to an overhead route in response to earlier consultations, either directly to DECC or to WCBC or Oswestry Borough Council¹⁴⁰, including a petition with around 607 signatories. The overwhelming thrust of these objections relate to the visual impact of the proposal with suggested alternatives encompassing following the existing route, following the A483/A5, and undergrounding.

Conditions

163. SPM has agreed a set of combined planning conditions to be imposed on any deemed planning permission that the Secretary of State may direct under section 90 of the 1990 Act. Those conditions were produced in draft earlier in the conjoined Inquiry and hearings. A revised set of combined conditions with reasons, agreed with the two local planning authorities, which took on board comments that I made was subsequently produced¹⁴¹.

NECESSARY WAYLEAVES AND TREE FELLING/LOPPING

General case for SP Manweb plc¹⁴²

The material points are:

164. SPM relies on its evidence in support of the section 37 application supported by specific evidence in respect of each individual land parcel. It seeks to acquire the most appropriate land rights in the circumstances having due regard to overarching licence, regulatory and statutory obligations on a case-by-case basis. In this regard, it is SPM's preference to obtain a long term or permanent land right for all apparatus.
165. SPM acknowledges, however, the advice at paragraph 6.10 of DECC's Guidance for Applicants and Landowners and/or Occupiers (July 2010) that *"It is the department's considered view that a 15 year term represents an equitable period which provides a balance between offering the electricity company a degree of certainty for the installation of the apparatus whilst still affording the landowner the opportunity of having the position reviewed in the light of subsequent changes in circumstances and the local environment."*

¹³⁷ Document WLAf/1

¹³⁸ Document OTC/1

¹³⁹ Document G/12 (the representation at No 149 is recorded as having been received but is missing from the bundle)

¹⁴⁰ Document G/13

¹⁴¹ Documents SPM/112(d), G3 page 10, G5 pages 4 & 5, G6 pages 4 & 26-29, G7 pages 2 & 3, G9 page 32, & G10 pages 4-15

¹⁴² Document SPM/202

166. Where landowner and/or occupier consent cannot be secured by voluntary means SPM will seek necessary wayleaves from the Secretary of State. Even where it seeks necessary wayleaves, however, SPM will still try to negotiate voluntary agreements. SPM's approach to necessary wayleaves is set out in Mr Leavy's evidence and in that of Mr Maddocks¹⁴³.
167. In the present case, SPM sought to agree voluntary wayleaves for the proposed alignment of its proposed 132kV overhead line. In many cases it was successful and such agreements were concluded with the landowners and/or occupiers concerned. As is often the case, however, not all landowners and/or occupiers were willing to enter into such voluntary wayleaves.
168. As is explained in Mr Maddocks's evidence, where landowners and/or occupiers have not entered into voluntary wayleaves, a 21-day notice under the provisions of paragraph 6(1) of Schedule 4 to the *Electricity Act 1989* was served requesting them to enter into a voluntary wayleave. Where still no voluntary wayleave was signed within this 21-day period, an application was made to the Secretary of State for a necessary wayleave.
169. Applications for necessary wayleaves were made in respect of 36 parcels of land. However, SPM continued to negotiate with landowners and occupiers and by the time it produced its proofs of evidence there were only 16 parcels of land where it had not secured wayleaves by agreement.
170. Following the service of its necessary wayleaves evidence, SPM has secured further voluntary wayleaves leading to the withdrawal of 6 necessary wayleave applications and so it now seeks necessary wayleaves in respect of 10 parcels of land from the Secretary of State.
171. In respect of each outstanding necessary wayleave application SPM produced evidence for that parcel, as follows:
 - a. Mr Grimshaw¹⁴⁴ on the effects of the overhead line on the 'use and enjoyment' of the land and on any alternatives raised by the landowner / occupier;
 - b. Mr Livingston¹⁴⁵ on engineering design and construction issues and any alternatives raised by the objector;
 - c. Mr Maddocks¹⁴⁶ on negotiations with the landowner for a voluntary wayleave; the impact of the proposed line on the use and enjoyment of the land; the alternatives proposed by the landowner; and, why the line in the proposed location is necessary or expedient;
 - d. Mr Bolus¹⁴⁷ on shooting rights over Parcel 13; and SPM/201 being a bundle of other documents relevant to each parcel number.
172. Access routes would be agreed with the landowners and working areas marked out and, where required, fenced off. Whilst overhead line construction does not cause extensive damage, any damage caused would be properly reinstated and any inconvenience or disturbance compensated for. Occupiers would need to

¹⁴³ Documents SPM/2a & SPM/11/a/1, 5, 9, 10, 13, 15, 18, 22, 26 & 29

¹⁴⁴ Documents SPM/9a series

¹⁴⁵ Documents SPM/10a series

¹⁴⁶ Documents SPM/11a series

¹⁴⁷ Document SPM/11a/13 Appendix

exercise care to avoid poles and stays whilst carrying out normal agricultural operations and when operating machinery and equipment in the vicinity of overhead conductors. Where possible, poles and stays have been positioned on field boundaries, adjoining tracks or in field corners to minimise the effects on farming operations. There may be an area around the foot of poles or, more particularly, around poles and stays, which would become sterilised and cannot practicably be farmed for arable purposes or cropped for silage. The crop loss, additional time to carry out field operations and weed control would be reflected in the necessary wayleave compensation. Overhead electricity lines are commonly routed across farmland and impacts such as those described are routinely experienced by farmers across the UK.

173. Compensation is not a matter to be considered at a necessary wayleaves hearing, although several landowners / occupiers have raised the issue. In brief, the compensation provisions in the *Electricity Act 1989* are as follows.
174. Schedule 4 paragraph 7(2) provides a right to compensation where the exercise of any right conferred by a necessary wayleave caused 'damage' to land, or where in consequence of the exercise of such a right a person is 'disturbed' in his or her enjoyment of any land. Insofar as any landowner or occupier is able to establish damage to their land, or disturbance in the enjoyment of their land, causing loss, then they would have the right to claim under Schedule 4 paragraph 7. In default of agreement on the quantum of compensation, the matter could be referred to the Lands Chamber of the Upper Tribunal.
175. No right to compensation exists under the 1989 Act for any landowner or occupier where a wayleave is not taken. There is, for example, no right to compensation for loss of a view across someone else's land under the 1989 Act or, indeed, under the Town and Country Planning Act 1990 where planning permission is granted.
176. All DNOs, including SPM, are required by law to ensure that their overhead electricity networks are safe. The key regulations relating to network safety are the *Electricity Safety, Quality and Continuity Regulations 2002* (ESQCR 2002) and the subsequent amendments in the *Electricity Safety, Quality and Continuity (Amendment) Regulations 2006* (ESQCR 2006).
177. Regulation 18(5) (Position, insulation and protection of overhead lines) of ESQCR 2002 states that "No overhead line shall, so far as is reasonably practicable, come so close to any building, tree or structure as to cause danger." There is, therefore, a requirement to maintain a 'safe' distance from an overhead line. Regulation 20A of ESQCR 2006 states that "A generator or distributor shall, so far as is reasonably practicable, ensure that there is no interference with or interruption of supply caused by an insufficient clearance between any of his overhead lines and a tree or other vegetation." Regulation 20A effectively extends the earlier legal obligation to maintain minimum clearances for safety reasons to that of also ensuring continuity of supply. For a 132kV system, the minimum distances are 3.6m between any part of the tree and the overhead line where the tree would be able to support a ladder or climber.
178. SPM has served a number of tree notices under paragraph 9 of Schedule 4 to the Electricity Act 1989. Only one counter-notice has been received and that was in respect of Parcel 22 (Mr Younger), where the landowner is also objecting to the necessary wayleave.

179. For the reasons set out in its evidence and submissions to the conjoined inquiry and hearings, SPM submits that:

- a. Necessary wayleaves should be made in respect of those parcels of land where SPM has made an application and where voluntary wayleaves have not been completed by the conclusion of these conjoined proceedings; and
- b. A tree felling/lopping order be made in relation to Parcel 22.

LAND PARCEL 1 (owner occupiers- W & B A Newton-Jones)¹⁴⁸

The Case for SP Manweb plc¹⁴⁹

The material points are:

180. The proposed line is necessary and it would be expedient to install it across Land Parcel 1. Insofar as Agriculture House (also known as Oak Lodge) is concerned, the 2012 modification would result in the line moving to the north east further away from the dwelling. One pole would form part of the direct view from the rear of the bungalow, although it would be backgrounded by roadside vegetation, and two further poles might feature in views from the property. The overhead line would not appear prominent as features such as the trees and wooded appearance to the horizon and the Bersham tip would be clearly visible beyond the line and continue to close views in the background. The owners have started construction of a Welcome Centre to provide educational and recreational agricultural based training, but construction has been at the footings level since prior to 2007. If the centre is developed, views from it would be similar to those described above. The anticipated effect on views from the land would be of low magnitude at worst and minor adverse significance.

181. If access is required on a specific day, SPM would liaise with the occupier to establish whether the rotational grazing procedure needs to be altered. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. The drawings in the ES have been updated and the landscaping on the land considered in the evidence. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.

The Case for W & B A Newton-Jones¹⁵⁰

The material points are:

182. The proposal does not consider the property of Agriculture House, the dwelling of Oak Lodge, the use of the land for leisure and commercial purposes, or the trees and landscape that are being developed there and which do not appear on the plans. Furthermore, it would have an adverse impact on the operations of the property with subsequent detrimental economic effects, be obtrusive to the business and obtrusive to the surrounding environment.

LAND PARCEL 5 (occupiers- A F & D M Phillips)

The Case for SP Manweb plc¹⁵¹

The material points are:

¹⁴⁸ The owner occupiers did not appear at or submit any written evidence to the Necessary Wayleave hearing

¹⁴⁹ Documents SPM/9a & c/1, 10a & c/1, 11a & c/1, 201/1

¹⁵⁰ E-mail of 1 June 2009, 129 in Document G12

¹⁵¹ Document SPM/9a & c/5, 10a & c/5, 11a & c/5, 201/5, & G8, pages 90-91

183. The proposed line is necessary and it would be expedient to install it across Land Parcel 5. The anticipated effect on views from the land would be of low magnitude at worst and minor adverse significance. If access is required on a specific day, SPM would liaise with the occupiers to establish whether the rotational grazing pattern needs to be altered. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.

The Case for A F & D M Philips¹⁵²

The material points are:

184. The main objection relates to Land Parcel 10. Land Parcel 5 is held on a short term agreement so the occupier is bound by what the landowner wants to do. Nonetheless, Mr Philips wants to carry on farming the land and the proposal would cause disruption in that respect.

LAND PARCEL 9 (owners- K D Construction (Wrexham) Ltd.)

The Case for SP Manweb plc¹⁵³

The material points are:

185. The proposed line is necessary and it would be expedient to install it across Land Parcel 9. The proposal would require the undergrounding of a section of 11kV overhead line which would result in the removal of 4 poles (see paragraph 14 of this report) and this would avoid the cumulative effect that would otherwise take place. The anticipated effect on views from the land would be of low magnitude and minor adverse significance.

186. Following the north-western boundary of the land as an alternative would include changes of direction requiring angle pole stays which would be more prominent and detrimental to the landscape. This would also have a greater effect on the setting of the listed building at Bryn House, take the line closer to Park Eyton Lodge and the registered Wynnstay Park and Garden, and be outside the tolerances of the section 37 application.

187. If access is required on a specific day, SPM would liaise with the occupiers to establish whether there would be conflict with any farming activities being carried out on that day. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. Undergrounding through parcel 9 has not been adopted due to the additional costs and the terminal poles required at both ends. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.

The Case for K D Construction¹⁵⁴

The material points are:

188. The line would cut through the heart of some of the most productive land and no effort has been made to minimise the disruption to the business by locating

¹⁵² Document G8, pages 73, 86 & 87

¹⁵³ Document SPM/9a & c/9, 10a & c/9, 11a & c/9, 201/9, & G8, pages 71-72

¹⁵⁴ Document PEN/1

poles and their stays adjacent to field boundaries. Had the proposal been for undergrounding, a voluntary wayleave would have been signed although the most logical route would be along the A483. SPM's evidence is incorrect in that the number of poles removed by undergrounding the 11kV line would be less than six, Mr Corbett has never acted for K D Construction, and no meeting was held on 27th May 2009.

LAND PARCEL 10 (owner occupiers- A F & D M Phillips)

***The Case for SP Manweb plc*¹⁵⁵**

The material points are:

189. The proposed line is necessary and it would be expedient to install it across Land Parcel 10. From Dinhyllle Isaf, views of the poles would be largely obscured by farm buildings to the north and north-west of the house and the position of one pole has been relocated to avoid it being seen from the kitchen window. The 2012 ES has assessed the anticipated effect from Crab Row Cottages as being of low magnitude and minor adverse significance. The anticipated effect on views from the land would be of low magnitude and minor adverse significance. If access is required on a specific day, SPM would liaise with the occupiers to establish whether the rotational grazing pattern needs to be altered. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.

***The Case for A F & D M Philips*¹⁵⁶**

The material points are:

190. The chosen route would destroy the fields at Dinhyllle Farm with a pole in almost every field. There would be no screening and the line would be extremely visible on the skyline, which would affect the value of the property. The suggestion that a pole has been relocated is disputed.

LAND PARCEL 13 (owners- J R W, M M, & R G Evans, occupiers- I G Evans & Sons)

***The Case for SP Manweb plc*¹⁵⁷**

The material points are:

191. The proposed line is necessary and it would be expedient to install it across Land Parcel 13. The anticipated effect on views from the land would be of low magnitude at worst and minor adverse significance. If access is required on a specific day, SPM would liaise with the occupiers to establish whether the rotational grazing pattern or shooting activities needs to be altered. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. The proposal would have an impact on a shooting drive but this could be largely mitigated by moving the line of pegs closer to the wood and using sawing to flush the birds earlier. A local alternative to site the line nearer to the hedgerow would introduce a greater deviation from a straight

¹⁵⁵ Document SPM/9a & c/10, 10a & c/10, 11a & c/10, 201/10, & G8, pages 90-91

¹⁵⁶ Document PEN/1

¹⁵⁷ Documents SPM/9a & c/13, 10a & c/13, 11a & c/13, 201/13, 201/13/9 & 10, & G9, pages 30-31

line requiring additional poles and tree works and possibly a double pole support in a prominent location adjacent to the lane¹⁵⁸. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.

***The Case for I G Evans & Sons*¹⁵⁹**

The material points are:

192. The realignment of the proposed line from the middle of a pasture, harvesting and arable cropping field to be along the hedgerow is requested. The proposed alignment would also affect a pheasant drive. The compensation offered is not adequate.

LAND PARCEL 15 (owners- Trevor (Brynkinalt) Estates Company Ltd., occupiers of part of parcel- T O & G O Lewis)¹⁶⁰

***The Case for SP Manweb plc*¹⁶¹**

The material points are:

193. The proposed line is necessary and it would be expedient to install it across Land Parcel 15. The proposal would require the removal of two lengths of 33kV overhead line, two lengths of 11kV overhead line, and a BT line. SPM has also offered to realign an existing 33kV overhead line to accommodate expansion of the outbuildings at Pen-y-Bryn. The anticipated effect on views from the land would be of low magnitude at worst and minor adverse significance. Any adverse effect on sporting rights is a matter for statutory compensation.
194. If access is required on a specific day, SPM would liaise with the occupiers to establish whether the rotational grazing pattern needs to be altered. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. Undergrounding through parcel 15 has not been adopted due to the additional costs and the terminal poles required at both ends. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.

LAND PARCEL 18 (owner occupiers- C W & K M Martindale)

***The Case for SP Manweb plc*¹⁶²**

The material points are:

195. On the grant of a necessary wayleave in respect of Land Parcel 18, SPM will apply for planning permission in respect of a new field access and gateway onto the B5068. Subject to the grant of planning permission and the landowners' agreement, it will install such a gateway. On the grant of a necessary wayleave in respect of Land Parcel 18, SPM will also install a field gate in the hedgeline in the location shown on the plan appended to Document SPM/201/18/9, subject to the landowners' agreement.

¹⁵⁸ Document G9, pages 7-11, 13, 14 & 26

¹⁵⁹ Document LEW/1

¹⁶⁰ Neither the owners nor the occupiers of part of the parcel appeared at or submitted any written evidence to the Necessary Wayleave hearing and there are no previous representations from either

¹⁶¹ Documents SPM/9a & c/15, 10a & c/15, 11a & c/15, 201/15

¹⁶² Documents SPM/9a & c/18, 10a & c/18, 11a & c/18, 201/18 & 201/18/9

196. However, in the event that planning permission is refused, the proposed line remains necessary and it would still be expedient to install it across Land Parcel 18. The anticipated effect on views from the land would be of low magnitude at worst and minor adverse significance. If access is required on a specific day, SPM would liaise with the occupiers to establish whether the rotational grazing pattern needs to be altered. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.

The Case for C W & K M Martindale¹⁶³

The material points are:

197. No objections are raised to the scheme, but assurances are required that construction and maintenance access would not be through the cattle yards and home paddocks adjacent to the house.

LAND PARCEL 22 (owner occupier- S Younger)

The Case for SP Manweb plc¹⁶⁴

The material points are:

198. The proposed line is necessary and it would be expedient to install it across Land Parcel 22. Having regard to the distance from the farm buildings and the intervening screening, the anticipated effect on views from the land would be of low magnitude at worst and minor adverse significance. There would be no poles installed on the land and the oversail by conductors would only be for approximately 20 metres. If access is required on a specific day, SPM would liaise with the occupier to establish whether the grazing procedure needs to be altered. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. Any potential local alternative would either cross an adjoining field in the same ownership or impact on neighbouring owners, and require additional angle poles and stays. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.
199. SPM produced evidence from Mr Round justifying its case in support of the application for the tree notice to secure safety clearances from the conductors. The necessary pruning of the English Oak and two Ash trees (T628, T629 & T632) in the vicinity of pole 131 would reduce crown diameters by 3m, 2m and 2.5m respectively on the side facing away from the farm buildings and would not significantly reduce their screening ability. The group of trees near pole 128, comprising a semi mature boundary hedge to be reduced in height and a Sycamore to be felled, is on the far side of the proposed route. Pruning would retain and enhance the hedgerow function and replacement planting on a 2 for 1 basis would be offered in respect of the Sycamore.

¹⁶³ Document MAR/1

¹⁶⁴ Documents SPM/10a/21, 9a & c/22, 10a, c & d/22, 11a & c/22, 12a & c/22, 201/22 & G8, pages 27-28

***The Case for S Younger*¹⁶⁵**

The material points are:

200. The proposed power lines should be put underground to protect the countryside, in line with the wishes of the people who live and work there. An over ground route would only allow a multinational company to make more profit and stating that bills would rise is only propaganda. The independence of SPM's witnesses is questioned as they are paid by SPM. SPM has given the impression that the Secretary of State's consent is a foregone conclusion and exercised undue pressure in seeking voluntary wayleaves. The objection to tree felling and lopping relates to the resultant reduction in screening which would make the lines even more prominent.

LAND PARCEL 26 (owners- M A Evans & H V Thomas-Cox (as executors), occupier D Hughes)

***The Case for SP Manweb plc*¹⁶⁶**

The material points are:

201. The proposed line is necessary and it would be expedient to install it across Land Parcel 26. The removal of 5 wood pole supports for the existing 11kV overhead line would avoid the cumulative effects that would otherwise arise. The anticipated effect on views from the land would be of medium magnitude at worst and varying from minor to moderate adverse in significance. The effect on the setting of the listed building has been assessed as of minor/neutral significance.
202. Pole 161 would be in excess of 300 metres from the farmhouse and barn conversions in a group of trees alongside a road where there are other poles which provide vertical visual context. Insofar as views to the northwest are concerned, the closest pole would be 170 metres away and the principal outlook from units 1 & 2 of the conversion would be largely in towards the courtyard. The 2012 ES reports the presence of a cropmark of a rectangular enclosure and trackway upon which there would be an effect of moderate adverse significance. No effect on the SSSI at Fernhill pastures is envisaged. Insofar as the shoot, which only happens on a few days a year and only lasts 10 minutes or so on each occasion, is concerned any adverse effect on sporting rights is a matter for statutory compensation.
203. If access is required on a specific day, SPM would liaise with the occupiers to establish whether there would be conflict with any farming activities being carried out on the same day. The conductors would be at a height which would be unlikely to have any adverse effect on farming practices. Moving the line further to the west would reduce the effects on views from Great Fernhill and avoid the need for one angle pole. However, it would move the line substantially closer to other properties, resulting in a greater adverse effect on views from those properties, and cross the road in a more open location than proposed. It is not anticipated that there would be any significant impact on the use and enjoyment of the land.

¹⁶⁵ Document G8, pages 22-26

¹⁶⁶ Documents SPM/9a & c/26, 10a & c/26, 11a & c/26, 201/26, 201/26/10 & 11, & G7, pages 61-63

The Case for M A Evans & H V Thomas-Cox¹⁶⁷

The material points are:

204. There has been a lack of information from SPM that would have enabled consideration to be given to signing a voluntary wayleave. The area is a landscape of high overall sensitivity and the proposal would impact on the Grade II listed Elizabethan manor house. Pole 158 would be at a National Heritage Site and the owners have a Higher Level Stewardship Scheme with Natural England to maintain the site for its historic and archaeological features. There would also be an impact on the SSSI at Fernhill pastures.
205. The impact on the conversion of the farm buildings, which was granted planning permission in June 2011, is of great concern. The barns are in a poor state and need to be sold quickly before they deteriorate further. Several windows would face the proposed line and prospective buyers have made substantially reduced offers. There would also be an impact on a local syndicate shoot that drives ducks off the pond towards the route of the proposed line. There are already 24 poles crossing the land and a 50% increase would sterilise further areas for years to come. Having regard to all the negative impacts, the wayleave payments offered are too low. The line should be undergrounded along the A483/A5 corridor or moved further to the west.

LAND PARCEL 29 (owner occupiers- R B, C M, D B & K S L Kempster)¹⁶⁸

The Case for SP Manweb plc¹⁶⁹

The material points are:

206. The proposed line is necessary and it would be expedient to install it across Land Parcel 29. As the land parcel is located where the cable would be underground at the Oswestry end of the scheme, there would be no effect on views from the land other than a temporary effect during the installation phase. It would appear that the owners intend to apply for planning permission for residential and business use development on the land parcel, but the ability to develop it is constrained by existing 33kV and 11kV overhead lines. It would be uneconomic to underground the existing 33kV line and SPM cannot commit to future diversion works of the 11kV line whilst the potential development of the site remains speculative.
207. Underground construction generally causes more damage and disturbance than overhead construction, but once installed there would be far less impact on the use and enjoyment of the land. The impact on future use for development purposes would be mitigated by undergrounding around the boundary.

¹⁶⁷ Documents ETC/1 & ROS/1

¹⁶⁸ The owner occupiers did not appear at or submit any written evidence to the Necessary Wayleave hearing and there are no previous representations from them

¹⁶⁹ Documents SPM/9a & c/29, 10a & c/29, 11a & c/29, 201/29

CONCLUSIONS

208. In these conclusions I identify and conclude on the main considerations and other pertinent matters including conditions, before setting out overall conclusions leading to my recommendations. The numbers in square brackets [] are the relevant paragraph numbers in the earlier sections of the report from which my conclusions are drawn.
209. In reaching my conclusions and recommendations, I have had regard to the 2012 Environmental Statement, the comments from statutory consultative bodies and representations duly made thereon, all other environmental information submitted, and the likely environmental effect of the proposal. I am also satisfied that SP Manweb plc has complied with its obligations under *The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000* and the procedures laid down by these regulations have been followed insofar as they are applicable. [10, 11, 54, 58, 61 & 114]

SECTION 37 APPLICATION

210. Having regard to the matters listed by the Secretary of State, the discussions at the PIM, and the evidence submitted it seems to me that the main considerations in this case are [5 & 6]:
- a) The merits of the proposal in addressing the requirements to maintain security of supply (i.e. the operational need for the development).
 - b) The impact that the proposal would have on the character and appearance of the area.
 - c) The impact that the proposal would have on biodiversity.
 - d) The impact that the proposal would have on cultural heritage.
 - e) The impact that the proposal would have on the enjoyment and use of land.
 - f) Consideration of alternative schemes (including in relation to the above matters).
211. I will address the first five in turn, followed by a consideration of the first matter listed by the Secretary of State (compliance with development plans) drawing upon the conclusions reached in respect of the first five main considerations where relevant. I will then go on to look at the sixth main consideration (alternatives), and briefly consider the second and third matter listed by the Secretary of State, risks associated with past coal mining activities, and other matters.

The merits of the proposal in addressing the requirements to maintain security of supply (i.e. the operational need for the development)

212. The existing network does not comply with ER P2/6 and as such does not provide the required security of supply. At times of high demand the loss of one of the two existing Legacy to Oswestry circuits will overload the remaining circuit. This is a breach of the FCO condition of ER P2/6 Class D. Ofgem have granted SPM a time limited derogation from the licence condition requiring compliance with ER P2/6. [43 - 51]
213. The proposal would provide another source of supply into the Oswestry, Whitchurch, Wrexham, Newtown and Welshpool interconnected group and restore ER P2/6 compliance. Other network reinforcement options would either

have greater impacts or not provide the required level of security of supply. The steel lattice towers carrying the existing 132kV line between Legacy and Oswestry cannot carry an additional circuit as they are already carrying the maximum number of conductors possible and the towers and their foundations are not adequate to carry larger conductors. [50, 152 & 160]

214. No evidence was presented to demonstrate that this noncompliance has actually caused supply interruptions. In my view as demand is predicted to rise, the longer it persists for the more likely it is that interruptions would occur.
215. The existing network complies with the SCO condition of ER P2/6 Class D, however around 40,000 consumers would be without electricity until one of the two circuits could be restored. Whilst accepting that the proposal would prevent this, the majority of the weight of the need case comes from the FCO non-compliance.
216. The need to reinforce the network was not contested. Based on the evidence, I am satisfied that there is a need for the development and the proposal would restore the required level of security of supply. [47-51, 114 & 161]

The impact that the proposal would have on the character and appearance of the area

217. Although the Secretary of State referred to SACs under landscape and visual impact, they are designated for their conservation importance [5]. I will, therefore, refer to the impact on such sites under the biodiversity heading.
218. All overhead lines impact to some degree on the character and appearance of the area through which they cross [142]. Nonetheless, in my opinion, the Trident supports would have considerably less effect in that regard than the HDWP design originally proposed, not only as a result of their lighter appearance, but also the greater spans that can be achieved, and their prominence would diminish rapidly with distance [32-35, 62 & 149]. In general, the undulating and well wooded landscape, characteristic of much of the route, would enable pole mounted lines to be assimilated into it, with the conductors and supports not being seen beyond two to three field widths [17, 62 & 100].
219. As to the actual extent of the impact, the 2012ES assesses likely significant effects on landscape by considering the sensitivity of the landscape and the magnitude of the impact. Localised effects of moderate significance were identified in 6 areas: around Park Eyton, the upper slope on the eastern side of the Ceiriog valley, between St. Martin's and Pentre Morgan, around the Shropshire Union Canal, within the River Perry Valley, and the relatively open landscape between the River Perry and the A5. [11, 62, 153, 155, 158, 156 & 160]
220. The ES also assesses the effect on views, following established guidelines, by considering the sensitivity of the receptor and the magnitude of the effect from 36 public viewpoints agreed with the local planning authorities and intended to be representative of the most sensitive visual receptors. The above concludes that 13 of these viewpoints (Nos. 1, 7, 11, 12, 13, 18, 21, 22, 23, 24, 29, 35 and 36) would experience an effect of moderate significance with the remainder being minor. Photomontages have been produced for 10 viewpoints, with 5 of these (Nos. 7, 11, 13, 23 and 29) being from locations where the effect was assessed

as moderate. Whilst acknowledging their limitations, they give me confidence in the assessment. My viewing of an existing Trident overhead line to the east and south east of Oswestry also assisted in that respect. [62, 142, 153 & 159]

221. No nationally important landscape would be affected, but two areas of locally important landscapes, designated as SLAs in the Wrexham UDP, would be affected. In respect of one of these to the east of Pentre, WCBC, at officer level at least, accepts that the location provides a context within which the proposal could be integrated without significant change and I have no reason to disagree. Furthermore, the relevant UDP policy (policy EC5) provides for essential operational development by utility service providers and the proposal falls into that category. [25, 62, 114 & 128]
222. The other section of SLA lies in the Ceiriog Valley near Tenement and the 12a 'Dee/Ceiriog Wooded valley' landscape character area. The CCW's LANDMAP Visual and Sensory evaluation ascribes the scenic quality as being outstanding, with high integrity and character, but rarity is only rated as moderate, and the overall evaluation is judged to be high which is equivalent to being of regional or county importance. WCBC highlights the steep wooded valleys contribution to the special character of the landscape character area, but the particular area to be crossed is not typical in that respect being largely pastoral and not particularly steep. [62, 129, 144-145, & 149]
223. I acknowledge that the proposed line would be taller than the existing overhead line in the valley floor and it would not follow the line of the valley. However, in my view, Photomontage 13 shows that the impact would not be as severe as WCBC suggest and, within the valley, there would be a minor significant effect on landscape and a moderate visual effect. [62, 130, 145-146, 149, 152 & 153]
224. The localised effects of moderate significance on landscape in some areas and the effects of moderate significance on certain viewpoints will weigh against the proposal in the overall balance.

The impact that the proposal would have on biodiversity

225. The evidence demonstrates that, where possible, the alignment would avoid designated sites, including the Johnstown Newts Sites SAC as well as the Nant-y-Belan and Prynela Woods, and Fernhill Pastures SSSIs. It is inevitable that the River Dee and Bala Lake SAC and some woodland would need to be crossed, but there would be no poles within this SAC and the negative impact would be limited to localized tree pruning. Although the Moor Wood County Wildlife Site would be crossed in two locations, this would be at narrow protrusions on the edge of the site and there would be no effect on ancient semi-natural woodland habitats or interruption of wildlife corridors within it. [62]
226. Seasonal restrictions, micro-siting and raising contractor awareness would assist in avoiding impacts on some habitats and species. Further mitigation would be provided through a construction stage plan. All tree-felling would be subject to replacement native planting at a ratio of 2 replacements for every loss, either on land in the same ownership or by providing funding to the relevant Wildlife Trust. SPM would also make private-sector contributions towards habitat enhancement and restoration schemes elsewhere in Wrexham and Shropshire to compensate for reduced ecosystem functioning that would be associated with the impacts on Bramble Wood and other woodlands and hedges. [62]

227. Insofar as protected and priority species are concerned, pre-construction surveys would establish baselines. There is one great crested newt pond within 50m of the works and a further 5 within 250m. There would be temporary disturbance of foraging, and possibly shelter, habitats. Licences would be required to enable exclusion fencing and humane capture in the pole installation areas and where access tracks require earthworks, although in many cases this could be avoided by careful timing. No current otter holts or resting places would be affected. However, otters are highly mobile and working areas near rivers and floodplains would be re-inspected and advice given to contractors on how to avoid any impacts. [62]
228. If bat roosts were identified in trees to be felled, CCW or Natural England licences would be required. New bat boxes would compensate for the loss of roosts or potential roost sites and bat commuting corridors would be maintained. Barn owl nest boxes would replace any lost potential roosting/nesting sites. Subject to CCW or Natural England licences if necessary, any works within 30m of an active badger sett would be subject to best practice method statements and consideration given to the creation of artificial setts where closure/partial closure of a sett is required. No significant impacts are anticipated with respect to bird strikes, but post construction monitoring would be carried out with the potential of retro-fitting bird deflectors if necessary. [62 & 150]
229. An area of early mature woodland at Bramble Wood would be affected. Whilst mitigation in respect of continuity of habitat for ground flora, small mammals and birds would be achieved through a 2m high scrub layer instead of canopy trees, there would still be a significant residual effect. A further significant residual effect would result from the loss of two veteran trees which are valuable biodiversity features and difficult to compensate for. [62]
230. However, I am of the view that the additional planting and habitat enhancement measures proposed would result in an overall net benefit to biodiversity. Restoring the required level of security of supply amounts to an over-riding public interest, on the evidence before me any alternatives would be unlikely to have a lesser impact on protected species, and they would be maintained at a favourable conservation status. Furthermore, it is of some significance that the CCW, Natural England and the two local planning authorities do not object to the proposal on this basis. Given the overall net benefit identified above, I am satisfied that the proposal would not have an unacceptable impact on biodiversity. [62, 64, 111, 114 & 149]

The impact that the proposal would have on cultural heritage

231. The evidence shows that the route selected would largely avoid all large scale designated features, including Registered Parks and Gardens and their essential settings, most of the SAMs in the area, as well as the Pontcysyllte Aqueduct and Canal World Heritage Site and its buffer zone. Direct effects on the scheduled section of the early medieval Wat's Dyke would be avoided by siting poles sufficiently far from the monument. Generally, a watching brief during intrusive activities would reduce any adverse effects on known and possible archaeological sites to not significant. [62]
232. Nonetheless, there would be some specific significant residual effects which could not be mitigated. The proximity of the line to the Hafod-y-Bwch tumulus would have an adverse indirect effect of moderate significance on its setting. The

fact that the line would cross the scheduled part of Wat's dyke would have a moderate adverse effect on its setting. There would also be a similar impact in respect of an undesignated but nationally significant section of the Dyke, further to the south, and the historically important Shropshire Union Canal (Llangollen branch). In addition, the setting of the Grade II listed building at Bryn House would experience an adverse indirect effect of moderate significance. [62]

233. The significant residual effects identified above will weigh against the proposal in the overall balance, but it is important to note that Cadw, English Heritage, WCBC, Shropshire Council and the CPAT raise no objections in this respect. [62, 64, 111 & 114]

The impact that the proposal would have on the enjoyment and use of land

234. The majority of the land affected by the proposal is in agricultural use. In general, overhead line construction does not cause extensive damage, crop loss or disturbance, but any damage caused would be properly reinstated and compensation paid for any inconvenience or disturbance. Occupiers would need to exercise care whilst carrying out normal agricultural operations and when operating machinery and equipment in the vicinity of overhead conductors. Nonetheless, I have no reason to believe that this would have a disproportionate effect on farming businesses. Whilst some areas around poles and stays could not be used for arable purposes or silage cuts, the loss, and additional time to carry out field operations and weed control would be compensated for. Furthermore, I note that overhead electricity lines are commonly routed across farmland and such impacts are routinely experienced by farmers across the UK. [62 & 172]

235. The proposal would affect views from some residential properties and there is no right to compensation where a wayleave is not taken. Nevertheless, this is no different from the situation where planning permission is granted under the *Town and Country Planning Act 1990* and I am satisfied that the impact would not be sufficient to cause significant harm to residential living conditions. [155, 156, 160 & 175]

236. In the above circumstances, I consider that there would not be an excessive or unacceptable impact on the enjoyment and use of land.

Compliance with Development Plans

237. SPM acknowledges that the proposal does not fully accord with Wrexham UDP policies EC11 (Archaeology), because of the adverse effect on the setting of SAMs, and EC4 (Hedgerows, Trees and Woodland), as a result of the loss of a valuable veteran tree. Whilst I agree that there would be conflict with these policies, Bryn House is a listed building, rather than a SAM, and is not covered by policy EC11. Policy EC9 relates to such buildings, although it does not specifically address the impact of development beyond a listed building and its curtilage, it is clear from the supporting text that protecting the setting of such buildings is an underlying objective. The proposal conflicts with that objective. [25 & 42]

238. SPM suggests that there would be no conflict with policies PS2, GDP1a and EC1. Nevertheless, there would be some detriment to the countryside, landscape character and the quality of the natural environment, and the proposal would not contribute positively to the appearance of the nearby locality. As a result, the

proposal conflicts with policies PS2 and GDP1a, although the former is a strategic broad location of development policy. However, given that policy EC5 allows operational development by a utility service provider within SLAs, it cannot reasonably be inferred that the UDP seeks to prevent such development in areas of countryside not so designated. [24, 25, 41, 42, 128, 141 & 147]

239. I am of the view that locating a four pole terminal structure in the Green Barrier would not maintain openness and this would conflict with policy EC1. Introducing another overhead line in the Area 7c Rhosllanerchrugog-Rhostyllen landscape character area would also be contrary to management guidance for that area, but that does not form part of the development plan. [42 & 143]
240. Turning to Shropshire, SPM is of the view that the proposal is in accordance with the relevant provisions of the development plan. Nonetheless, I am of the view that the effect of moderate significance on several landscape character types would conflict with RSS policy QE6 and the significant residual effect on Bramble Wood would conflict with the objectives of RSS policies QE7 and QE8. The impact on the unscheduled section of Wat's Dyke and the Canal would conflict with the underlying objective of policy QE5. These adverse effect also conflict with Core Strategy policy CS17. [26, 27 & 41]

Consideration of alternative schemes

An overhead route that follows the A483/A5 road corridor

241. This alternative would restore the required level of security of supply and the cost would be broadly comparable to that of the proposal [74 & 92]. However, it would pass through two areas of historic parkland, which have been identified as key strategic constraints to routeing, and impact on the settings of a number of Grade II* and II listed buildings. Within these parklands, areas of woodland would also have to be lost. Built development at Ruabon, Halton, Gledrid, Gobowen and Rhoswiell, as well as the Johnstown Newt Sites SAC and road junctions, would restrict routeing options. Many of these would necessitate considerable deviations and greater variation in height, thereby negating the perceived benefit of following the road corridor. [62, 84, 85, 89, 90, 91, 92, 141, 150 & 151]
242. There would be particular difficulties at the two river crossings where there is no provision for utility services in the viaducts. A wood pole line would need to go down the steep valley side and back up the other side at both locations. This would require significant clearance of woodland, much of which is designated as ancient woodland and identified as key constraints to routeing. The alternative of using large lattice steel towers would also require substantial tree clearance and, in my view, be particularly obtrusive. Both options would also have the potential to adversely affect the setting of the World Heritage site. [62, 86-88 & 141]
243. The overall effects on the use and enjoyment of land in the vicinity would be likely to be similar to those of the proposal [62].
244. The effect on the openness of the Green Barrier and the setting of the tumulus would be the same as for the proposed scheme, thereby conflicting with UDP policy EC1 and EC11. I can find no UDP policies relating to Registered Parks and Gardens or the World Heritage Site, but the effect on the settings of listed buildings, including some of grade II*, would result in greater conflict with UDP

policy EC9. The tree clearance and possible lattice towers at the river crossings would conflict with the objectives of the UDP's countryside policies and RSS policy QE6. Potential impacts on the River Dee and Bala Lake SAC as well as the Nant-y-Belan and Prynela Woods SSSI would conflict with UDP policies EC4 and EC6, RSS policy QE7 objectives, as well as Core Strategy policy CS17. [22-27 & 62]

An overhead route in parallel with the existing route (including the hybrid route suggested by Mr Allison)

245. This alternative would restore the required level of security of supply and be slightly cheaper than the proposal. Nevertheless, it would be very close to a number of dwellings, cross the Johnstown Newt Sites SAC, the registered parkland of Wynnstay and its essential setting, and have a longer length within the SLA. It would also cross Sodylt Wood and/or Bramble Wood, and further areas of woodland at Coedleoedd Isaf, Glyn Morlais and Rhyn. It would also cross the Ifton Meadows Nature Reserve – with the proposed route having been amended to avoid this following initial public consultation. [26, 56, 74, 101-103, 137, 141 & 150]
246. Furthermore, the Holford Rules caution against running overhead routes too close together, because of the resulting concatenation of 'wirescape'. To the north of the Dee, the existing 132kV line runs close to a National Grid 400kV line. In my view, introducing a third line, with each being of different designs, heights and spans, would exacerbate the existing confusing appearance and draw attention to the corridor. The hybrid option would overcome the above. Nonetheless, south of the Dee, low voltage lines run parallel to the existing 132kV line in places and a cumulative impact from two, and in places three, lines running together and lacking the coherent appearance sought by the Holford Rules would again result. [97-99, 100, 136, 137 & 154]
247. Overall, a similar level of impact on use and enjoyment of land in the vicinity would occur as for the proposal [62].
248. The longer length within the SLA would conflict with the underlying objective of policy EC5. The hybrid route would conflict with the UDP in the same way as the proposed scheme would. The effect on Sodylt Wood or Bramble Wood would conflict with the objectives of RSS policies QE7 and QE8. The 'wirescape' resulting from being close to existing lines could result in more conflict with the objectives of the UDP's countryside policies and RSS policy QE6. These adverse effect also conflict with Core Strategy policy CS17. [14, 24, 25, 26, 27 & 62]

An underground route that follows the A483/A5 road corridor

249. This would be the most expensive of the alternatives considered, costing more than double that of the proposal, and the A483 in Wrexham is a 'protected street' under the New Roads and Street Works Act 1991 which severely restricts undertakers abilities to place apparatus in it. This alternative would restore the required level of security of supply, but it generally takes longer to restore faults on underground cables as compared to overhead lines. [72, 96 & 158]
250. Furthermore, as already noted there is no provision for utility services in the two viaducts and I have no evidence that they could support cables suspended underneath. Localised overhead lines at these locations would have the disadvantages already outlined and taking the underground cable down to the

valley bottom and up the other side would require even more tree clearance than a wood pole line and affect unknown archaeological features. [62, 94, 95, 141, 151 & 155]

251. There would be little disturbance to farmed land from this option and construction effects would be limited largely to temporary inconvenience to road users. There would be less of an impact on views from residential properties. [62]
252. The anticipated significant environmental effects at the river crossings would conflict with UDP policies EC4 and EC6, the objectives of the UDP's countryside policies and RSS policies QE6 and QE7, as well as Core Strategy policy CS17. [24-27 & 62]

Undergrounding the entire route along the proposed line

253. Although the proposed route might not be the optimal one for an underground alternative, any underground route would be likely to cost more than double that of the proposal. This alternative would restore the required level of security of supply, but I have already noted that it generally takes longer to restore faults on underground cables as compared to overhead lines. An underground option away from the A483/A5 corridor would be advantageous from a landscape and visual amenity perspective, but there would be a greater impact on habitats in general during the construction phase. [65, 67, 72, 83, 141, 149, 150, 151, 152, 158 & 160]
254. Disturbance to soils associated with Bramble Wood and within the fen/marshy grassland near to Fernhill Pastures SSSI would have a lasting negative effect on these habitats. There would be no impact on the setting of any heritage assets, but a cable trench would affect all known and unknown surface and sub-surface archaeological features along its path, including Wat's Dyke, as well as a large number of historic hedgerows. [62, 83 & 141]
255. Insofar as the use and enjoyment of land is concerned, there would be greater disturbance during the construction period as compared to the proposal, but this would need to be balanced against the problems previously described due to the presence of above ground equipment. Tree planting, excavations and the erection of buildings or structures over the underground cables would be precluded. Again, there would be less of an impact on views from residential properties. [62]
256. The habitat disturbance and the impact on hedgerows would conflict with UDP policies EC6 and EC4 respectively. The additional effect on Bramble Wood and fen/marshy grassland habitat would conflict with the objectives of RSS policies QE7 and QE8. The additional potential for effects on archaeological remains in an area of high to moderate sensitivity could result in conflict with UDP policy EC11 and the underlying objective of RSS policy QE5. These adverse effect also conflict with Core Strategy policy CS17. [14, 24-27 & 62]

Modifying the proposed scheme to include under grounding a 620m section of the route near Tenement within the Ceiriog Valley

257. This alternative would restore the required level of security of supply and only be slightly more expensive than the proposal. As there would only be a relatively

short length of additional underground cable, the additional time taken to restore faults is less of a concern. Insofar as the landscape and visual amenity are concerned, the impact of the two terminal structures would need to be balanced against the loss of a number of poles and stays. [72, 105 & 131]

258. There may be some scope to integrate the southernmost terminal structure with nearby trees but, even allowing for some micro-siting, the northernmost one would be prominent and obtrusive and there could be some additional biodiversity and cultural heritage impacts. On balance, bearing in mind that poles and stays would be removed from the most open part of the valley, I consider that this alternative would have slightly less impact on the landscape and visual amenity. [66, 132 & 146]

259. The differences in the impact on the use and enjoyment of land as compared to the proposal would be negligible and accordance with Development Plans would be similar [24-27 & 62].

Consistency with the objectives of the Government's policy on the energy mix and maintaining a secure and reliable supply of electricity

260. For the reasons set out when I considered the merits of the proposal in addressing the requirements to maintain security of supply, I am satisfied that this application is consistent with maintaining a secure and reliable supply of electricity. The purpose of this proposal is not to facilitate the connection of electricity generation and so has little bearing on the energy mix. [43 & 211-215]

Consistency with policies relating to generation of renewable energy

261. As the need for the proposal is based on restoring the required level of security of supply, it would not directly enable the generation of renewable energy. I am satisfied that the proposal is not contrary to the policy. [43 & 211-215]

The risks associated with past coal mining activities

262. Past coal mining activities in Wrexham and Shropshire may have resulted in unstable ground conditions which might not be suitable to route some types of larger, lattice steel tower overhead lines across. However, the proposed wood pole design is not anticipated to be impacted by, or a risk to, areas affected by past coal mining activities. The shallow depth of the excavations required to install the overhead line is unlikely to be deep enough to be affected by underground coal mining. The proposed route avoids any known open cast coal sites and areas that contain deposits and waste from coal mining. [62]

263. The risks associated with the other overhead options would not be materially different to those described above for the proposed route. Insofar as the undergrounding options are concerned, the excavation would be relatively shallow and the methods and risks would again be similar to those for the proposed scheme. [62 & 114]

Other matters

264. The evidence shows that the Trident design is reliable and substantial enough to withstand adverse weather conditions. The proposed line would inherently comply with relevant exposure limits by virtue of being at a voltage of 132kV and I conclude that there is no cause for concern insofar as risk to human health is

concerned. Electricity lines seem to be less vulnerable than telephone lines and the risks from shooting activities in the area appear to be limited to possible damage to insulators. I have no reason to believe that any rights of way affected by the proposal would not be reinstated within a reasonable period & 161]. I do not consider that the identified impact on the character and appearance of the area would materially affect tourism. [72, 114, 138, 139, 149, 150, 152, 153, 158, 160 & 161]

Conclusions

265. There is a need for an additional 132kV connection between Legacy and Oswestry. The proposed overhead line would address that need and contribute to fulfilling SPM's duty to 'develop and maintain an efficient, co-ordinated and economical system of electricity distribution'. Nonetheless, there is also a duty to have regard to the desirability of preserving, conserving and protecting the environment and to provide reasonable mitigation. [19, 21, 37, 53, 63, 79 & 116]
266. I have identified that the proposal would have a limited impact on landscape character and views, and have significant residual effects on Bramble Wood, through the loss of two veteran trees, and on the settings of four heritage assets, and it would not maintain the openness of the Green Barrier. There would also be some conflict with Development Plan policies, but that is only one material consideration to be put in the overall balance as section 38(6) of the *Planning and Compulsory Purchase Act 2004* is not engaged. [22-23, 38, 76 & 116]
267. Undergrounding would also have adverse environmental impacts, which would be significant in some instances, and conflict with Development Plan policies. There is no evidence that the additional cost of undergrounding would not ultimately be passed on to consumers. Furthermore, EN-5, which provides important guidance, sets a high threshold for refusing overhead lines in favour of undergrounding. [20, 37-40, 76, 117-118 & 200]
268. In these circumstances, I do not consider that the very substantial additional costs (more than double), and further delay in satisfying the identified need, of pursuing a wholly underground alternative outside of any national landscape designations can be justified and the benefits would not clearly outweigh the extra economic, social and environmental impacts. Insofar as more localised undergrounding in the Ceiriog Valley is concerned, I have concluded that there would be slightly less impact on the landscape and visual amenity. However, this benefit would not be sufficient to clearly outweighing the extra economic and social impacts including the additional cost and delay. [39, 53, 71-73, 78-82, 103, 108-110, 118, 123, 126-135, 137, 150, 151, 152, 155, 156, 158, 160, 161 & 162]
269. Turning to overhead alternatives, pursuing these would also result in further delay in satisfying the identified need. Following the road corridor would adversely impact on Registered Parks and Gardens as well as the setting of listed buildings, and potentially the World Heritage Site. This would also have significant environmental impacts at the river crossings and other areas of woodland. Following the existing 132 kV line would affect a Registered Park and Garden (not for Mr Allison's hybrid alternative), impact on the leisure use made of the Ifton Meadows Nature Reserve, affect more areas of woodland, and produce a 'wirescape' which lacks the coherent appearance sought by the Holford Rules. [109, 151, 160 & 162]

270. In broad terms, I consider that the location of Ruabon, the AONB and the World Heritage Site dictate a route mainly to the east of the road corridor and, because of the key strategic constraint of the Grade I Registered Wynnstay Park and its essential setting, that route should be to the east of Park Eyton Lodge. South of the A539, the proposed route minimises the length within the SLA and seeks to avoid areas of woodland where possible. The proposed deviation to the east of St. Martin's is a direct response to public concerns about crossing Ifton Meadows. [16, 18, 56, 84, 150, 151 & 156]
271. Whilst no route is without its drawbacks, I am of the opinion that none of the alternative overhead options are preferable to the proposed scheme. I am satisfied that SPM undertook a robust and comprehensive selection process, having regard to the duties to the environment, and that reasonable mitigation would be provided. [54-60, 62, 71, 77, 106 & 107]
272. On the basis of the evidence before me, I conclude that there is no alternative 132kV connection between Legacy and Oswestry which is to be preferred to the one subject of the application before the Inquiry [110 & 137].

Conditions

273. I have considered the suggested conditions in the light of the discussion at the Inquiry and the advice in Department of the Environment Circular 11/95 / Welsh Office Circular 35/95. I note that these have been agreed with both local planning authorities and recommend that they should be imposed for the reasons given in the event of the Secretary of State granting section 37 consent and deemed planning permission. [12, 111 & 163]

NECESSARY WAYLEAVES

274. Necessary wayleaves in respect of 10 parcels of land are being sought [19 & 170]. The main considerations for necessary wayleave applications are the necessity or expediency of the route in order to meet the specific electricity need and the effects of the proposal on the use and enjoyment of the land in question [7]. In the determination of the wayleave applications it is necessary for:
- SPM to have demonstrated why the line is needed and why the proposed route across the land is reasonable in all the circumstances;
 - And the objectors to the wayleaves to have demonstrated that the line would have such a serious detriment on the use and enjoyment of the land that it is not acceptable for the line to be constructed.
275. Matters raised by owners/occupiers which are more relevant to the section 37 application, including alternatives beyond the locality of the land in question, and the impact on the character and appearance, biodiversity and cultural heritage, have already been addressed [182, 188, 200, 204 & 205]. Compensation is beyond the remit of Necessary Wayleave hearings and I make no comment in that regard or on the allegations of undue pressure [150, 173, 174, 192, 200 & 205].
276. The determination of these applications needs to be considered against the section 37 determination, because the outcome of the latter has a bearing on the former. Should the Secretary of State disagree with my conclusions on the section 37 application and decide to refuse consent, I consider that the rights

sought by the necessary wayleave applications would not be necessary because the proposed line would not be installed. Equally if section 37 consent is refused it would not be expedient to grant rights for development that would not be carried out. Furthermore, there would be no need to consider the impact on the use and enjoyment of land if the line is not to be installed as proposed. In such circumstances, all of the applications should be refused.

277. In the event of the Secretary of State accepting my conclusions and deciding to grant section 37 consent and deemed planning permission, the necessary wayleave applications would need to be assessed against the necessity or expediency and the impact on use and enjoyment tests. The following paragraphs are based on section 37 consent and deemed planning permission being granted.

Land parcel 1 (owner occupiers- W & B A Newton-Jones)

278. The implications on the ability to farm the land would be comparable to those routinely experienced by farmers across the UK. Although the proposed overhead line would be seen from Agriculture House/Oak Lodge and the Welcome Centre (if completed), it would not be unduly prominent because of the back-grounding effect of trees and the Bersham tip. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, on the basis of the available evidence, it is expedient for it to take the route sought by the application. [30, 31, 171, 172, 174 & 180-182]

Land parcel 5 (occupiers- A F & D M Phillips)

279. The implications on the ability to farm the land would be comparable to those routinely experienced by farmers across the UK. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, on the basis of the available evidence, it is expedient for it to take the route sought by the application. [171, 172, 174 & 183]

Land parcel 9 (owners- K D Construction (Wrexham) Ltd.)

280. The implications on the ability to farm the land would be comparable to those routinely experienced by farmers across the UK. Undergrounding an 11kV overhead line would also mitigate the impact on farming activities and at the accompanied site visit it was established that 4 poles would be removed. [14, 109, 172, 185 & 188]
281. Following the north-western boundary would further reduce such impacts and follow a local dip in the land. I do not agree that there would be a greater effect on the setting of Bryn House as the deviation would be on the opposite side of the road and other supports on the proposed line would be a similar distance away in any event. However, such an alternative would require a new section 37 application, because it would be outside the tolerances of the current application. The limited benefits involved are not sufficient to justify the resultant delay in satisfying the identified need. The benefits of undergrounding through the parcel would not outweigh the additional cost and the visual impact of two terminal poles. [109, 171, 186 & 188]

282. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, for the above reasons, it is expedient for it to take the route sought by the application. [174 & 187]

Land parcel 10 (owner occupiers- A F & D M Phillips)

283. The implications on the ability to farm the land would be comparable to those routinely experienced by farmers across the UK. At the accompanied site visit, I noted that views of the poles from Dinhyllle Isaf would be largely screened by farm buildings and no pole would be seen from the kitchen window. Whilst the overhead line would feature in views from Crab Row, the separation involved would ensure that the impact would not be significant. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, on the basis of the available evidence, it is expedient for it to take the route sought by the application. [171, 172, 174, 189 & 190]

Land parcel 13 (owners- J R W, M M, & R G Evans, occupiers- I G Evans & Sons)

284. Although the proposed line would run through the middle of the field, the implications on the ability to farm the land would be comparable to those routinely experienced by farmers across the UK. There would be some impact on a pheasant drive, but this could be largely mitigated by having the pegs closer to the wood than the overhead line and the use of sewelling. Furthermore, at the accompanied site visit, I noted that the pegs set out for the current shooting season were closer to the wood than the proposed overhead line in any event. [171, 172, 191 & 192]

285. Relocating the line nearer to the hedgerow could reduce the impact on farming and sporting activities, but that would need to be balanced against other considerations. In the particular circumstances of this case, I do not consider that the advantages to these interests would be sufficient to outweigh the landscape and visual impact resulting from additional poles and tree works and possibly a double pole support in a prominent location adjacent to the lane. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, for the above reasons, it is expedient for it to take the route sought by the application. [174, 191 & 192]

Land parcel 15 (owners- Trevor (Brynkinalt) Estates Company Ltd., occupiers of part of parcel- T O & G O Lewis)

286. The implications on the ability to farm the land would be comparable to those routinely experienced by farmers across the UK. Undergrounding other lines would also mitigate the impact on farming activities and realigning an existing line would facilitate the expansion of farm outbuildings. The benefits of undergrounding through the parcel, which includes Bramble Wood, would not outweigh the additional cost, environmental damage caused, restrictions on the use of the land, and the visual impact of terminal poles. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, on the basis of the available evidence, it is expedient for it to take the route sought by the application. [171, 172, 174, 193, 194, & 250-252]

Land parcel 18 (owner occupiers- C W & K M Martindale)

287. The implications on the ability to farm the land would be comparable to those routinely experienced by farmers across the UK. Whilst construction and maintenance access through the cattle yards and home paddocks would be an inconvenience, I do not consider that it would amount to a serious detriment. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, on the basis of the available evidence, it is expedient for it to take the route sought by the application. [171, 172, 174 & 196]

288. Facilitating direct access from the B5068 would further mitigate the effect on the use and enjoyment of the land. Although this cannot be guaranteed, because of the need to secure planning permission, SPM have given an undertaking to provide such access in the event of planning permission being secured. [195 & 197]

Land parcel 22 (owner occupier- S Younger)

289. As no supports would be located on the land and the oversail would be extremely short, the implications on the ability to farm the land would be less than those routinely experienced by farmers across the UK. The distance from the farm buildings and screening would limit the effect on views. Any local alternatives would impact on other land and require additional angle poles and stays. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, on the basis of the available evidence, it is expedient for it to take the route sought by the application. [171, 172, 174 & 198]

Land parcel 26 (owners- M A Evans & H V Thomas-Cox (as executors), occupier D Hughes)

290. The implications on the ability to farm the land would be comparable to those routinely experienced by farmers across the UK. Undergrounding an 11kV overhead line would also mitigate the impact on farming activities. Although the proposed overhead line would be seen from the farmhouse and barn conversions, the distances involved would ensure that the impact would not amount to a serious detriment. Locating the line further to the west would reduce this impact, but at the expense of a greater impact on views from other properties. In my opinion, the proposed alignment being approximately mid-way between Great Fernhill and these other properties represents an equitable balance. [171, 172 & 201-205]

291. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, for the above reasons, it is expedient for it to take the route sought by the application. [174 & 202-203]

Land parcel 29 (owner occupiers- R B, C M, D B & K S L Kempster)

292. Undergrounding existing lines to facilitate possible future development is a separate matter between SPM and the landowners. The proposed line would be undergrounded around the boundary and this would ensure that there would be

far less impact on the use and enjoyment of the land, as compared to an overhead line, and the impact on future use for development purposes would be effectively mitigated. Given that compensation would be payable, I am satisfied that there would be no significant effect on the use and enjoyment of the land. I have already concluded that the proposed line is necessary and, on the basis of the available evidence, it is expedient for it to take the route sought by the application. [29, 171, 172, 174, 206 & 207]

TREE FELLING/LOPPING ORDER

293. The determination of the section 37 application has a bearing on whether a tree felling/lopping order should be made [19 & 178]. Should the Secretary of State disagree with my conclusions on the section 37 application and decide to refuse consent, I consider that an order should not be made. This is because there would be no need to fell or lop any trees to secure clearances to a line that would not be installed.
294. In the event of the Secretary of State accepting my conclusions and deciding to grant section 37 consent, the need for tree felling/lopping should be assessed on its merits and the following paragraph is based on section 37 consent being granted.
295. The evidence clearly demonstrates that the tree felling/lopping subject of the notice is necessary to provide the required safety clearances for the proposed overhead line, including provision for re-growth during the two-year cycle cutting cycle. Furthermore, I consider that such works would not significantly reduce the screening ability of the trees in question as pruning of the three trees in the vicinity of pole 131 would be on the side facing away from the farm buildings at Wiggington Farm. The group of trees near pole 128 is on the far side of the proposed route and pruning would enhance their hedgerow function with the offer of two replacement trees for the lost Sycamore. A tree felling/lopping order empowering SPM to carry out the works specified in the notice dated 23 October 2012 should, therefore, be made. Sub-paragraph 9 (6) (a) to Schedule 4 of the 1989 Act refers to notification of commencement and 21 days would be a reasonable period in that respect. [176-177, & 199-200]

OVERALL CONCLUSIONS AND RECOMMENDATIONS

296. I have considered all other matters raised but find nothing sufficient to disturb my overall conclusions. I find that the balance of considerations indicate that section 37 consent should be granted [140].
297. On the necessary wayleave applications I conclude, in the light of my conclusions on the section 37 application, that the rights sought are expedient and the grant of the applications would not have significant adverse consequences on the use and enjoyment of the land. Turning to tree felling/lopping I conclude, in the light of my conclusions on the section 37 and necessary wayleave applications, that the trees in question should be felled/lopped to secure safety clearances and the grant of the application would not have significant adverse consequences on the use and enjoyment of the trees. I find that the balance of considerations indicates that the necessary wayleaves should be granted and the tree felling/lopping order made [179].

298. If the Secretary of State disagrees with my conclusions on the section 37 application and decides to refuse consent, then I consider that in that event the necessary wayleave applications should also be refused and no tree felling/lopping order made.
299. I recommend that consent under section 37 of the *Electricity Act 1989* and deemed planning permission be granted subject to the conditions set out in the attached Annex, the necessary wayleaves in respect of land parcels 1, 5, 9, 10, 13, 15, 18, 22, 26 and 29 be granted, and the tree felling/lopping order in respect of trees at Wiggington Farm be made.

E Jones
Inspector

ANNEX: RECOMMENDED CONDITIONS

Section 37 consent

1. The installation for the overhead line to which this consent relates shall be begun not later than the expiration of three years beginning with the date hereof.
2. The line shall be installed in accordance with the following drawings: G700.03.131, 132, 133, 134A, 135 and 136.

Deemed planning permission

1. The development to which this permission relates shall be begun no later than the expiration of three years beginning with the date hereof.
2. No uprooting, felling, lopping, topping or cutting back of trees, large shrubs or hedges shall be carried out otherwise than in accordance with an Arboricultural Management Plan, which has been submitted to and approved in writing by each local planning authority in respect of its administrative area.
3. No development shall take place until a Construction Method and Restoration Plan has been submitted to and approved in writing by each local planning authority in respect of its administrative area. The Construction Method and Restoration Plan shall cover the following matters:
 - i. Working areas around poles and site compounds, with demarcation of ecologically sensitive habitats to ensure construction workers operate within the defined working areas and to prevent damage occurring to Wat's Dyke in the vicinity of pole 95;
 - ii. Proposals for conservation of topsoil resources;
 - iii. Avoidance of deep excavations being left open overnight;
 - iv. The location of works compounds or lay-down areas;
 - v. Waste and pesticide storage and management;
 - vi. The steps and the procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development, including details of working hours. It shall include the details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. It shall also include details of any temporary site compound, soil storage mounds, required during the construction of the development;
 - vii. Avoidance of artificial lighting directed onto ecologically sensitive habitats;
 - viii. Contractor awareness talks;
 - ix. Reinstatement of soils and habitats on conclusion of works.

The development shall be carried out in accordance with the approved Construction Method and Restoration Plan.

4. No development shall take place until an Environmental Management Plan (EMP) developed in accordance with the amended Application and Environmental Statement submitted to the Department of Energy and Climate Change on 13 August 2012 for the construction phase of the development has been submitted to and approved in writing by each local planning authority in respect of its administrative area. The EMP shall include:

- i. Updated surveys to identify the presence of any European or UK protected species to include otters, bats, great crested newt, barn owl and water vole and appropriate avoidance measures and mitigation to ensure compliance with the Habitats Regulations and other wildlife legislation.
- ii. Nesting birds protection;
- iii. Protection of badgers;
- iv. Identification of biodiversity protection zones, including adjacent to sensitive habitats;
- v. Use of exclusion fences, protective barriers and warning signs;
- vi. Measures to protect existing retained trees during the development, to comply with BS5837 (2012) standards for tree protection;
- vii. The commitment to review and amend the EMP as necessary throughout the construction phase;
- viii. Preparation of construction method statements for specific aspects of the proposals, including species, habitats and designated sites;
- ix. Details of responsible persons and lines of communication;
- x. The appointment of an environmental clerk of works for the construction phase and a description of their role and responsibilities.

The development shall be carried out in accordance with the approved EMP.

5. No development shall take place until a Landscape and Ecological Protection and Mitigation Plan has been submitted to and approved in writing by each local planning authority in respect of its administrative area. The Landscape and Ecological Protection and Mitigation Plan shall include the following details:

- i. Schedule of replacement trees, hedgerows and other mitigation planting, including numbers, species, provenance and specification of specimens and methods of planting, protection, establishment and maintenance schedule;
- ii. Details of future management, including tree condition and risk assessment procedures for all trees retained within falling distance of the 'tree management works zone' (as specified in section 18 of the Environmental Statement). This should include inspection and risk assessment methodology and standards to be used.
- iii. Habitat Enhancement Strategy including
 - a. Measures to support Living Landscape Scheme in and around Wrexham Industrial Estate. To include information on engagement with local businesses and residents and habitat improvements over a 5 year period on appropriate sites.
 - b. Measures to support the Meres & Mosses of the Marches Nature Improvement Area. To include information on habitat/species management and engagement with local communities.

The development shall be carried out in accordance with the approved details. The approved replacement trees and hedgerows and other mitigation planting shall be carried out during the first planting season following the substantial completion of the development. Any specimens which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Plant failures will be identified annually for a five year period and a restocking schedule and plan submitted to each local planning authority in respect of its administrative area for its approval in the September prior to restocking in the following planting season.

6. All temporary apparatus shall be dismantled and removed within six months from the date of commissioning of the development.

7. No development shall take place until there has been submitted to and approved in writing by each local planning authority in respect of its administrative area a scheme of archaeological investigation and an associated implementation programme. All works shall be carried out in accordance with the approved scheme and programme.

8. The development shall be implemented fully in accordance with the amended Application and Environmental Statement submitted to the Department of Energy and Climate Change on 13 August 2012 (except in so far as amended by the terms of this consent or any approval required thereunder).

9. All land disturbed by the installation of the wood poles shall be reinstated within 6 months of completion of the said works.

10. The development hereby permitted shall be carried out within the tolerances shown on drawing 2 (Sheets 1 to 4) of Appendix 1 of the Statements of Common Ground entitled Tolerances (drawing numbers G700.03.132, G700.03.133, G700.03.134A and G700.03.135). However, no supports shall be sited on the land identified by hatching on the aforementioned drawings.

11. Development shall not take place until a bird strike monitoring strategy for crossings of significant watercourses as set out in the Environmental Statement, has been submitted to, and approved in writing by the local planning authority. The monitoring strategy will also set out how contingencies and or remedial action will be identified, agreed with the local planning authority and then implemented.

APPEARANCES

FOR SP MANWEB PLC:

Mr M Humphries QC	Instructed by Squire Sanders plc
He called	
Dr A Beddoes	Lead Design Engineer, Scottish Power Energy Networks
BEng(Hons) PhD CEng	
MIET	
Mr E Leavy BSc CEng	Head of Design, Scottish Power Energy Networks
MIET	
Mrs C Duffy BSc MSc	Environmental Planner, Scottish Power Energy Networks
AIEMA	
Mr R Livingston HND	Divisional Manager, Enterprise plc
Mr I Grimshaw	Director, The Environment Partnership (TEP)
BA(Hons) MA(LM) MSc	
CMLI MRTPI	
Mr F Hesketh BSc(Hons)	Director, The Environment Partnership (TEP)
CEnv MIEEM CMLI	
MICFor	
Mr I Wain BA(Hons)	Joint Head of Heritage Management, Oxford Archaeology
Diploma in British Archaeology, MIfA	
Mr D C Bell BSc(Hons)	Director, Jones Lang LaSalle
DipUD MRTPI MIHT	
Mr J Maddocks MRICS	External Consultant, Savills
Mr R Round MICFor,	Consultant, The Environment Partnership (TEP)
MArborA	
Mr H Bolus MRICS	Director, Savills

FOR WREXHAM COUNTY BOROUGH COUNCIL:

Mr S J Greenland BA	Senior Planning Officer, Wrexham CBC
MRTPI	
Mr R Sumner BA(Hons)	Landscape Officer, Wrexham CBC
DipLA CMLI	

FOR CHIRK TOWN COUNCIL:

Cllr J Allen

FOR ST. MARTIN'S PARISH COUNCIL:

Cllr H Williams

FOR RUABON COMMUNITY COUNCIL:

Cllr A Davies

FOR THE RESIDENTS OF PEN-Y-LAN:

Mr J Ruggeri BSc(Hons)	Roger Parry & Partners LLP
MRICS	

INDIVIDUAL OBJECTORS:

Mrs F Smith	Local resident
Mr R Allison	Local resident
Mr D Darlington	Local resident

FOR A F & D M PHILLIPS (Land parcels 5 & 10):

Mr J Ruggeri BSc(Hons) MRICS	Roger Parry & Partners LLP
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FOR K D CONSTRUCTION (WREXHAM) LTD. (Land parcel 9):

Mr J Ruggeri BSc(Hons) MRICS	Roger Parry & Partners LLP
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FOR I G EVANS & SONS (Land parcel 13):

Mr G Lewis MRICS	Norman Lloyd
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FOR S YOUNGER (Land parcel 22):

Mr S Younger

FOR M A EVANS & H V THOMAS-COX (Land parcel 26):

Mr T Rimmer	Rostons Ltd.
Mr M A Evans	
Mrs H V Thomas-Cox	

DOCUMENTS

[Italics denote documents submitted during the Inquiry/Hearings]

CORE DOCUMENTS

CD1	Application for Section 37 Consent dated 16 April 2009
CD2	Environmental Statement (April 2009)
CD3	Reports to Wrexham and Shropshire Councils dated July 2012 prepared by SPM regarding modifications to design and habitat enhancement strategy
CD4	Revised application for Section 37 Consent dated 13 August 2012
CD5	Revised and updated Environmental Statement (August 2012)
CD6	Wrexham County Borough Council's Report to Committee, Addendum Report, Minutes of Committee Meeting (1 June 2009) (WCBC 2 & WCBC 3)
CD7	Wrexham County Borough Council's completed Form B and annexes (1 June 2009)
CD8	Wrexham County Borough Council Report to Committee and Minutes of Committee Meeting (30 July 2012) (WCBC 4 & WCBC 5)
CD9	Wrexham County Borough Council Report to Committee (3 September 2012) (WCBC 6)
CD10	Shropshire Council Report to Committee and Minutes of Committee Meeting held on 7 July 2009
CD11	Shropshire Council's completed Form B
CD12	Shropshire Council's Report to Council Cabinet of 25 July 2012
CD13	Shropshire Council's letter to DECC of 13 August 2012
CD14	Secretary of State's notice dated 15 June 2012 under Rule 4(1) of the Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and Wales) Rules 2007
CD15	Wrexham LANDMAP Supplementary Planning Guidance March 2007 (WCBC 9)
CD16	The Shropshire Landscape Typology September 2006
CD17	Guidelines for Landscape and Visual Impact Assessment (2nd Edition) 2002
CD18	Extracts from HM Treasury and Infrastructure UK, 'National Infrastructure Plan' (NIP) 2011 (Cover page, foreword, executive summary, page 9 and pages 52-56)
CD19	Overarching National Policy Statement for Energy EN-1
CD20	National Policy Statement for Electricity Networks EN-5
CD21	Extracts from Planning Policy Wales (PPW) Edition 4 (February 2011) (Chapters 1, 4, 5, 6 and 12)
CD21a	<i>Planning Policy Wales (PPW) Edition 5 (November 2012)</i>
CD22	Extracts from the Wales Spatial Plan (Cover page, page 1 and Chapter 9 and paragraph 16.45)
CD23	National Planning Policy Framework (NPPF), March 2012
CD24	Wrexham Unitary Development Plan (UDP) (February, 2005) (Whole document, otherwise policies and related text: GDP1, EC2, EC4, EC5, EC6, EC7, CLF6, EC11, EC12, PS2, PS3 AND PS11).
CD25	Extracts from The Regional Spatial Strategy (RSS) for the West Midlands (2008) (Policies QE1, QE5, QE6, QE7, QE8. QE9 and also the Housing Chapter)

CD26	Extracts from The Shropshire Core Strategy (2011) (Policies and related supporting text in respect of CS5, CS6, CS8, CS17 and CS20) and SAMdev Preferred Option – Shrewsbury, March 2012 and SAMdev Preferred Option – Oswestry March 2012.
CD27	Consultation response letter from Cadw to SPM dated 28 September 2012 and a consultation response email from Cadw to SPM dated 22 August 2012
CD28	Consultation response letter from CCW to DECC (ref: ME/MMJ/SJ44.1/SJ24.7/1727289) (no date, received September 2012)
CD29	Consultation response email from Clwyd-Powys Archaeological Trust to DECC dated 2 October 2012
CD30	Consultation response email from English Heritage to DECC dated 3 September 2012
CD31	Consultation response email from the Environment Agency to SPM dated 19 September 2012
CD32	Consultation response letter from the Environment Agency (Wales) to DECC dated 23 August 2012, enclosing earlier consultation response letter from the Environment Agency Wales to Wrexham County Borough Council dated 18 May 2009
CD33	Consultation response letter from Natural England to SPM dated 10 September 2012
CD34	<i>Statement of Common Ground between SP Manweb and Wrexham County Borough Council</i>
CD35	<i>Statement of Common Ground between SP Manweb and Shropshire County Council</i>
CD36	<i>Drawing no. G7000.03.134A – Drawing 2 (sheet 3 of 4) Tolerances (Sheet 3 of 4) of CD34 and CD35</i>

GENERAL INQUIRY DOCUMENTS

G/1	Notes of the Pre Inquiry Meeting held on Tuesday 11 September
G/2	<i>Procedural Compliance File</i>
G/3	<i>Transcript of Day 1 – 13 November 2012</i>
G/4	<i>Transcript of Day 2 – 14 November 2012</i>
G/5	<i>Transcript of Day 3 – 15 November 2012</i>
G/6	<i>Transcript of Day 4 – 20 November 2012</i>
G/7	<i>Transcript of Day 5 – 21 November 2012</i>
G/8	<i>Transcript of Day 6 – 22 November 2012</i>
G/9	<i>Transcript of Day 7 – 23 November 2012</i>
G/10	<i>Transcript of Day 8 – 27 November 2012</i>
G/11	<i>Lists of persons attending (including PIM)</i>
G/12	Representations to the application (qualifying objections)
G/13	Representations from pre-application consultation
G/14	E-mail of 26 October 2012 withdrawing Mr A Sanders objection
G/15	Letter of 30 October 2012 confirming lack of objection from Canal & River Trust
G/16	Comments on 2012 Environmental Statement

OUTLINE STATEMENTS

OS/1	Outline Statement of Wrexham County Borough Council
OS/2	Outline Statement of St Martins Parish Council
OS/3	Outline Statement of The Canal & River Trust
OS/4	Outline Statement of Mr & Mrs Sanders
OS/5	Outline Statement of Dr & Mrs Butler
OS/6	Outline Statement of Eileen Skillicorn
OS/7	Outline Statement of Peter Skillicorn
OS/8	Outline Statement of Mrs Susan Palmer
OS/9	Outline Statement of Mrs Ferelith Smith

S P MANWEB

SPM 101	Statement of Case on behalf of the Applicant
SPM 102	The Alternatives Document
SPM 103	The Proposed Reinforcement to the Electrical Distribution System 132kV Overhead Line between Legacy and Oswestry Consultation Document, February 2007
SPM 104	The Holford Rules
SPM/105	<i>Opening statement on behalf of SP Manweb plc</i>
SPM/106	<i>Ian Grimshaw, SPM/5c - Appendices to proof of evidence – Appendix 29 – photomontages with manuscript amendment to show pole positions</i>
SPM/107	<i>LANDMAP methodology statement, June 2003 – pages 1-27</i>
SPM/108	<i>Directions to “EJ” Trident 132 KV Line</i>
SPM/109	<i>Letter dated 30 April 2009 from Claire Watson SP Energy Networks to Mr Pierce, Lay Farm</i>
SPM/110	<i>Plan showing the existing electricity infrastructure in the area to the north of River Dee</i>
SPM/111	<i>Mr Allison’s alternative route</i>
SPM/112	<i>Conditions dated 13 November 2012</i>
SPM/112a	<i>Conditions dated 16 November 2012</i>
SPM/112b	<i>Conditions dated 21 November 2012 (and tracked change version)</i>
SPM/112c	<i>Conditions dated 22 November 2012 (and tracked change version)</i>
SPM/112d	<i>Conditions dated 27 November 2012 (and tracked change version)</i>
SPM/113	<i>Site visit plan (15 November 2012)</i>
SPM/114	<i>Note on Mr Allison’s Alternative Route Note</i>
SPM/115	<i>Note on the Annual Energy Statement 2011</i>
SPM/116	<i>Itinerary and accompanying plan for site visits (27 November 2012)</i>
SPM/117	<i>Closing submissions of SP Manweb plc</i>

SPM/1a	Proof of evidence of Andy Beddoes on Technical Need
SPM/1b	Summary proof of evidence of Andy Beddoes on Technical Need
SPM/1c	Appendices to proof of evidence of Andy Beddoes on Technical Need
SPM/2a	Proof of evidence of Eric Leavy on the Company
SPM/2b	Summary proof of evidence of Eric Leavy on the Company
SPM/2c	Appendices to proof of evidence of Eric Leavy on the Company

SPM/3a	Proof of evidence of Claire Duffy on Project Background & Route Selection
SPM/3b	Summary proof of evidence of Claire Duffy on Project Background & Route Selection
SPM/4a	Proof of evidence of Richard Livingston on Construction & Engineering
SPM/4b	Summary proof of evidence of Richard Livingston on Construction & Engineering
SPM/4c	Appendices to proof of evidence of Richard Livingston on Construction & Engineering
SPM/5a	Proof of evidence of Ian Grimshaw on Line Routeing & Visual Impact
SPM/5b	Summary proof of evidence of Ian Grimshaw on Line Routeing & Visual Impact
SPM/5c	Appendices to proof of evidence of Ian Grimshaw on Line Routeing & Visual Impact
SPM/5d	<i>Evidence of Mr Grimshaw: Viewpoints with significant effects</i>
SPM/6a	Proof of evidence of Francis Hesketh on Nature Conservation
SPM/6b	Summary proof of evidence of Francis Hesketh on Nature Conservation
SPM/6c	Appendices to proof of evidence of Francis Hesketh on Nature Conservation
SPM/7a	Proof of evidence of Ianto Wain on Cultural Heritage
SPM/7b	Summary proof of evidence of Ianto Wain on Cultural Heritage
SPM/7c	Appendices to proof of evidence of Ianto Wain on Cultural Heritage
SPM/8a	Proof of evidence of David Bell on Planning
SPM/8b	Summary proof of evidence of David Bell on Planning
SPM/8c	Appendices to proof of evidence of David Bell on Planning
SPM/8d	<i>Supplementary written note of David Bell on Planning</i>

WREXHAM COUNTY BOROUGH COUNCIL

WCBC 1	Statement of Case of Wrexham County Borough Council
WCBC2	Report to Planning Committee 1/6/2009 and addendum (also in Core Document 6)
WCBC3	Minutes of Planning Committee 1/6/2009 (also in Core Document 6)
WCBC4	Report to Planning Committee 30/7/2012 (also in Core Document 8)
WCBC5	Minutes of Planning Committee 30/7/2012(also in Core Document 8)
WCBC6	Report to Planning Committee 3/9/2012 (Core Document 9)
WCBC7	Minutes of Planning Committee 3/9/2012
WCBC 8	Full version of the Wrexham County Borough UDP
WCBC9	Wrexham LANDMAP March 2007 (Core Document 15)
WCBC10	Local Planning Guidance note 7 Landscape and Development 2003
WCBC11	Cadw Parks and gardens records for Wynnstay Hall, Pen-y-Lan and Brynkinallt
WCBC12	Plan showing boundaries of Froncysyllte World Heritage Site and buffer zone and Clwydian Range AONB
WCBC13	Plan showing Johnstown Newt Sites and buffer zones
WCBC14	Plan showing Ruabon Conservation Area boundary

WCBC15	Plan showing route and Special Landscape Area
WCBC16	Section of route near Tenement recommended for undergrounding
WCBC17	Notification documents
WCBC/18	Proof of evidence of Simon Greenland on Planning
WCBC/19	Proof of evidence of Richard Sumner on Landscape
WCBC/20	<i>LandMap - Dee & Ceiriog character map</i>
WCBC/21	<i>Community Council areas in the relevant area of Wrexham County Borough</i>
WCBC/22	<i>Closing Submissions of Wrexham County Borough Council</i>

CHIRK TOWN COUNCIL

CTC/1	Proof of evidence
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RUABON COMMUNITY COUNCIL

RCC/1	Proof of evidence of Councillor Anne Davies
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ST MARTINS PARISH COUNCIL

SMPC/1	Proof of evidence of Councilor Helen Williams
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INDIVIDUAL OBJECTORS

SMI/1	Proof of evidence of Mrs Ferelith Smith
ALL/1	Proof of evidence of Mr Allison
ALL/1a	Further information relating to proof of evidence of Mr Allison
ALL/2	<i>Supplementary proof of evidence of Mr Allison</i>
DAR/1	<i>Proof of evidence of Mr Darlington</i>

WRITTEN REPRESENTATIONS

OTC/1	Written representation by Oswestry Town Council
BUT/1	Written representation by Dr & Mrs Butler
WLAF/1	Written representation by Wrexham Local Access Forum

WAYLEAVE DOCUMENTATION

S P Manweb

SPM 202	Statement of Reasons on behalf of SP Manweb plc
SPM 202/1	Plan showing location of Land Parcels

SPM/201/1	Wayleave Pack: Land Parcel 1
SPM /9a/1	Proof of evidence of Ian Grimshaw – Parcel 1
SPM /9c/1	Summary proof of evidence of Ian Grimshaw – Parcel 1
SPM /10a/1	Proof of evidence of Richard Livingston – Parcel 1
SPM /10c/1	Summary proof of evidence of Richard Livingston – Parcel 1
SPM/11a/1	Proof of evidence of James Maddocks – Parcel 1
SPM/11c/1	Summary proof of evidence of James Maddocks – Parcel 1

SPM/201/5	Wayleave Pack: Land Parcel 5
SPM /9a/5	Proof of evidence of Ian Grimshaw – Parcel 5
SPM /9c/5	Summary proof of evidence of Ian Grimshaw – Parcel 5
SPM /10a/5	Proof of evidence of Richard Livingston – Parcel 5
SPM /10c/5	Summary proof of evidence of Richard Livingston – Parcel 5
SPM/11a/5	Proof of evidence of James Maddocks – Parcel 5
SPM/11c/5	Summary proof of evidence of James Maddocks – Parcel 5
SPM/201/9	Wayleave Pack: Land Parcel 9
SPM /9a/9	Proof of evidence of Ian Grimshaw – Parcel 9
SPM /9c/9	Summary proof of evidence of Ian Grimshaw – Parcel 9
SPM /10a/9	Proof of evidence of Richard Livingston – Parcel 9
SPM /10c/9	Summary proof of evidence of Richard Livingston – Parcel 9
SPM/11a/9	Proof of evidence of James Maddocks – Parcel 9
SPM/11c/9	Summary proof of evidence of James Maddocks – Parcel 9
SPM/201/10	Wayleave Pack: Land Parcel 10
SPM /9a/10	Proof of evidence of Ian Grimshaw – Parcel 10
SPM /9c/10	Summary proof of evidence of Ian Grimshaw – Parcel 10
SPM /10a/10	Proof of evidence of Richard Livingston – Parcel 10
SPM /10c/10	Summary proof of evidence of Richard Livingston – Parcel 10
SPM/11a/10	Proof of evidence of James Maddocks – Parcel 10
SPM/11c/10	Summary proof of evidence of James Maddocks – Parcel 10
SPM/201/13	Wayleave Pack: Land Parcel 13
SPM/201/13/9	<i>Photographs of shoots in Dorset</i>
SPM/201/13/10	<i>Photographs of shoots in Suffolk</i>
SPM /9a/13	Proof of evidence of Ian Grimshaw – Parcel 13
SPM /9c/13	Summary proof of evidence of Ian Grimshaw – Parcel 13
SPM /10a/13	Proof of evidence of Richard Livingston – Parcel 13
SPM /10c/13	Summary proof of evidence of Richard Livingston – Parcel 13
SPM/11a/13	Proof of evidence of James Maddocks – Parcel 13
SPM/11c/13	Summary proof of evidence of James Maddocks – Parcel 13
SPM/201/15	Wayleave Pack: Land Parcel 15
SPM /9a/15	Proof of evidence of Ian Grimshaw – Parcel 15
SPM /9c/15	Summary proof of evidence of Ian Grimshaw – Parcel 15
SPM /10a/15	Proof of evidence of Richard Livingston – Parcel 15
SPM /10c/15	Summary proof of evidence of Richard Livingston – Parcel 15
SPM/11a/15	Proof of evidence of James Maddocks – Parcel 15
SPM/11c/15	Summary proof of evidence of James Maddocks – Parcel 15
SPM/201/18	Wayleave Pack: Land Parcel 18
SPM/201/18/9	<i>Note on the proposal for the provision of a gate</i>
SPM /9a/18	Proof of evidence of Ian Grimshaw – Parcel 18
SPM /9c/18	Summary proof of evidence of Ian Grimshaw – Parcel 18
SPM /10a/18	Proof of evidence of Richard Livingston – Parcel 18
SPM /10c/18	Summary proof of evidence of Richard Livingston – Parcel 18
SPM/11a/18	Proof of evidence of James Maddocks – Parcel 18
SPM/11c/18	Summary proof of evidence of James Maddocks – Parcel 18

SPM /10a/21	Proof of evidence of Richard Livingston – Parcel 21 ¹⁷⁰
SPM/201/22	Wayleave Pack: Land Parcel 22
SPM /9a/22	Proof of evidence of Ian Grimshaw – Parcel 22
SPM /9c/22	Summary proof of evidence of Ian Grimshaw – Parcel 22
SPM /10a/22	Proof of evidence of Richard Livingston – Parcel 22
SPM /10c/22	Summary proof of evidence of Richard Livingston – Parcel 22
SPM /10d/22	<i>Proof of evidence of Richard Livingston (trees)– Parcel 22</i>
SPM/11a/22	Proof of evidence of James Maddocks – Parcel 22
SPM/11c/22	Summary proof of evidence of James Maddocks – Parcel 22
SPM /12a/22	<i>Proof of evidence of Richard Round (trees)– Parcel 22</i>
SPM /12c/22	<i>Appendices to R Round's proof of evidence (trees)– Parcel 22</i>
SPM/201/26	Wayleave Pack: Land Parcel 26
SPM/201/26/10	<i>Aerial photographs showing the proposed route of the line</i>
SPM/201/26/11	<i>Plan and drawings in respect of the proposed barn conversions at Great Fernhill</i>
SPM /9a/26	Proof of evidence of Ian Grimshaw – Parcel 26
SPM /9c/26	Summary proof of evidence of Ian Grimshaw – Parcel 26
SPM /10a/26	Proof of evidence of Richard Livingston – Parcel 26
SPM /10c/26	Summary proof of evidence of Richard Livingston – Parcel 26
SPM/11a/26	Proof of evidence of James Maddocks – Parcel 26
SPM/11c/26	Summary proof of evidence of James Maddocks – Parcel 26
SPM/201/29	Wayleave Pack: Land Parcel 29
SPM /9a/29	Proof of evidence of Ian Grimshaw – Parcel 29
SPM /9c/29	Summary proof of evidence of Ian Grimshaw – Parcel 29
SPM /10a/29	Proof of evidence of Richard Livingston – Parcel 29
SPM /10c/29	Summary proof of evidence of Richard Livingston – Parcel 29
SPM/11a/29	Proof of evidence of James Maddocks – Parcel 29
SPM/11c/29	Summary proof of evidence of James Maddocks – Parcel 29

Mr & Mrs Martindale

MAR/1	<i>Copies of correspondence submitted on behalf of Mr & Mrs Martindale – Land Parcel 18</i>
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Mr Evans & Mrs Thomas-Cox

ROS/1	<i>Statement on behalf of Messrs Thomas-Cox – Land Parcel 26</i>
ETC/1	<i>Statement on behalf of Mr Evans and Mrs Thomas-Cox – Land Parcel 26</i>

¹⁷⁰ Whilst no necessary wayleave is sought in respect of land parcel 21, this document is included because of the cross-reference at paragraph 5.2 of SPM/10a/22

Residents of Pen-y-Lan, Mr Davies and Mr Phillips

<i>PEN/1</i>	<i>Statement on behalf of residents of Pen-y-Lan¹⁷¹, Mr Davies – Land Parcel 9 and Mr Phillips – Land Parcels 5 and 10</i>
<i>PEN/2</i>	<i>List of residents of Pen-y-Lan represented by Mr Ruggeri</i>

I G Evans & Sons

<i>LEW/1</i>	<i>Statement on behalf of I G Evans & Sons – Land Parcel 13</i>
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¹⁷¹ The part made on behalf of residents of Pen-y-Lan relates to objections to the section 37 application rather than necessary wayleaves