

PRESS RELEASE

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Subject	Advising TenneT TSO GmbH

CMS wins case for TenneT before Federal Administrative Court: Green light for major grid expansion project

Hamburg – On 6 April 2017, the Federal Administrative Court dismissed the lawsuits brought against the planning approval for construction and operation of the extra-high voltage link between the Ganderkesee and St. Hülfe distribution substations, as proposed by transmission system operator TenneT. Five property owners, Oldenburg administrative district and the Lower Saxony regional association of the German Union for Nature Conservation (NABU) had brought legal action against the combined 380 kilovolt extra-high voltage overhead and underground power lines. Oldenburg administrative district withdrew its lawsuit prior to the verbal proceedings.

A CMS team headed by lead partner Dr Fritz von Hammerstein represented TenneT in the case before the Federal Administrative Court, both initially and on appeal.

TenneT is one of the largest European transmission system operators. With almost 3,000 employees, sales of EUR 3.2 billion and total assets of EUR 19 billion, TenneT ensures the supply of electricity to around 41 million end-users in the Netherlands and Germany.

The grid expansion project is a key element in Germany's energy policy turnaround. Its purpose is to stabilise the energy supply in the region. Electricity from Lower Saxony, produced primarily through wind power, has to be transported to the main centres of consumption. The 60-kilometre power line is part of the extra-high voltage line listed as Project No. 2 ("New construction of extra-high voltage line Ganderkesee – Wehrendorf") in the requirement plan under the Energy Transmission Line Extension Act (EnLAG). It is a

pilot project to test underground cabling at extra-high voltage level within the transmission grid.

The Federal Administrative Court dismissed the objections brought by the claimants against the planning approval granted by Lower Saxony's Regional Authority for Roads and Transport. The court held that the planning was in compliance with current conservation law. A significant detriment to the "Diepholzer Moorniederung" bird sanctuary was not expected, according to the court, nor was an infringement of bans aimed at wildlife protection or of the impact regulation under nature protection law. The project is also compatible with EnLAG requirements and with current regional planning law in the court's view. There were no deficiencies in balancing the parties' interests, the court added. It concluded that the claimants were not entitled to demand more extensive implementation of the power line as underground cabling. The case references at the Federal Administrative Court (BVerwG) are: 4 A 2 – 6.16, 4 A 16.16.

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