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By Email

Dear Chris

Mid Wales Conjoined Inquiry

Thank you for forwarding the letter dated 4 February 2013 sent by the Alliance to the Inspector. In this letter the Alliance ask the Inspector to reach a number of conclusions as to whether the inquiry can lawfully proceed and whether it should be delayed to accommodate the submission of further information.

On behalf of RWE Npower Renewables Limited we have considered the points made by the Alliance. However at this stage we feel it is premature to reach any conclusion on the issue raised. To the extent (which is not acknowledged) that there is any merit in the Alliance representations it relates only to the fact that, as is fully recognised, no positive decision may be made on any EIA application without the decision maker having had the opportunity to take into account adequate "environmental information" as that term is defined in the EIA Regulations which apply to this inquiry. When the Inspector has made his report this must then be considered by the Secretary of State who will then, if minded to issue a consent and permission, consider if he has adequate information.

The environmental information to which the Alliance is referring relates to development which is not within the scope of the Carnedd Wen application. Therefore this information does not need to be examined in order to form a view on the planning merits of the Carnedd Wen scheme. If (which we stress is not now agreed) the environmental information discussed in the Alliance letter is needed to satisfy the Regulations, it is nevertheless not required to enable an examination of the Carnedd Wen project.

Noting what we have said so far, further environmental information on the grid connections will be forthcoming as follows:

- environmental information will be supplied in relation to the SPEN line before the end of the inquiry; and
- whilst the timing of the provision of information on the National Grid works is currently less certain, further environmental information may well become available before the end of the inquiry or by the time the Secretary of State decides whether or not to grant consent and planning permission for the wind

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farm proposals that are the subject of the current inquiry. Taking into account what we have said about the merits of the Alliance letter the Secretary of State must then make an overall judgement on the environmental information before him, based on the Inspector's report of the inquiry and on any other environmental information otherwise provided;

- the National Grid works themselves will constitute EIA development and will require consent, presumably through the procedure provided for in the Planning Act 2008 (with planning applications for associated development). Those consents and permissions will not and cannot be forthcoming without the provision of adequate environmental information regarding those works. There is therefore no risk whatsoever that the Carnedd Wen project (taken as a whole) could proceed without every element of it having been assessed individually and, where necessary, cumulatively.

We emphasize that we entirely reserve our position regarding the Alliance representations, although we note paragraphs 4.9.2 and 4.9.3 of EN-1 of the National Policy Statement for Energy in this context which makes it clear that the Secretary of State recognises that the situation before the Inspector will arise in these sorts of circumstances. We note that the Secretary of State has not advised that in such circumstances that the course of action advocated by the Alliance should be taken.

We look forward to discussing this further at the pre-inquiry meeting.

Yours sincerely



Marcus Trinick QC
Eversheds LLP

CC Mr Charles Green – The Alliance