



EVERSHEDS

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Date 4 February 2014
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By email and post

Dear Claire

Mid-Wales Inquiry Session 4

Thank you for your email of 3 February at 13:54 issuing a holding reply on behalf of the Inspector who intends to provide a formal response on Wednesday 5 February. I hope that this letter reaches the Inspector before he issues a response. I apologise for writing again, but consider that a couple of points need to be emphasised.

RWE is fully supportive of the position set out in the letter from Squire Sanders of 31 January 2014. It is of particular importance to draw a distinction between environmental information and evidence. In document ID-5 the Inspector has made a clear ruling on the question of environmental information to be supplied on necessary new grid infrastructure. In pursuance of that ruling the relevant developers have now supplied SEI comprising reports from Mott Macdonald and Land Use Consultants. In the view of RWE the information supplied fulfils the developers' obligations under the Inspector's ruling.

So far as evidence, as opposed to environmental information, is concerned grid is not listed as an issue for consideration during Session 4 of the inquiry within the current timetable. Nor are the issues of grid connections a matter on which the Inspector is obliged to report to the Secretary of State.

In the view of RWE a very rigorous approach is required to determine the approach here. The holding response indicates that the Inspector is of the view that "some consideration does need to be given to the environmental implications of other grid infrastructure". Again, the holding response indicates that the level of evidence should be at "a much higher level - for example, consideration of the installed capacity at which the need for such infrastructure could be avoided altogether". I think that a confusion is arising between environmental information and evidence. The former has been provided. The latter is emphatically not required in order to enable the Inspector to report to the Secretary of State on the specified matters. Other than for the Llandinam grid connection applications relating to grid are not before the current inquiry.

We do hope that the Inspector will approach matters on the above basis and issue a very clear position on this point that respects the ruling he has already made which acknowledges that it is beyond his jurisdiction to report the merits of such grid connection proposals as may ultimately come forward from the DNO and from National

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Grid. The environmental information which the Inspector has ruled should be provided is now before him, and that is as far as the matter should go.

I apologise for this further letter and for writing in somewhat clear terms, but we are concerned that a confused situation may arise unless the position is put beyond doubt now.

With best wishes.

Yours sincerely



PP

Marcus Trinick QC
Partner
For Eversheds LLP