

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

CARBON BALANCE

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS_{LLP}

SOLICITORS

Grosvenor Court

Foregate Street

Chester

CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on the carbon balance assessment that MYG has undertaken in relation to the Wind Farm.

2. Carbon Balance Assessment

- 2.1 NRW made a number of comments on the carbon balance assessment that MYG has undertaken in relation to the Wind Farm as part of its Relevant Representations dated 17 October 2014.
- 2.2 Following NRW’s representation, MYG is in the process of compiling further information to provide to NRW.
- 2.3 Agreement on the carbon balance assessment has not yet been reached however NRW and MYG are hopeful that it will be in the near future.

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

ECOLOGY AND ORNITHOLOGY

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS^{LLP}

SOLICITORS

Grosvenor Court
Foregate Street
Chester
CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.DAH.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on ecology and ornithology matters relating to the Wind Farm.

2. Policy and Legislative Context

- 2.1 The parties to this statement agree that the relevant national, regional and local policies that relate to the ecology and ornithology impacts of the Wind Farm are:
 - 2.1.1 National Policy Statements for energy infrastructure: Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3);
 - 2.1.2 Planning Policy Wales: Chapter 5 Conserving and Improving Natural Heritage and the Coast (Welsh Government, 2014);
 - 2.1.3 Technical Advice Note 5: Nature Conservation and Planning (Welsh Government, 2009);
 - 2.1.4 Powys County Council policies:
 - i. SP3: Natural, Historic and Built Heritage;
 - ii. ENV 3: Safeguarding Biodiversity and Natural Habitats;
 - iii. ENV 4: Internationally Important Sites;

- iv. ENV 5: Nationally Important Sites;
- v. ENV 6: Sites of Regional and Local Importance;
- vi. ENV 7: Protected Species;
- vii. E3: Wind Power.

2.1.5 Details of the legislative context for ecology and ornithology are as set out in Appendix 11.1 of the Environmental Statement.

3. Ecological Surveys

3.1 MYG has undertaken a number of ecological surveys of the Site, all of which are detailed in chapter 11 of the Environmental Statement (and its accompanying appendices and figures).

3.2 NRW commented on the ecological surveys as part of its Relevant Representation dated 17 October 2014. The ecological and ornithological issues raised in NRW's Relevant Representation were divided into four sections: European and Nationally Protected Species, Bird Surveys, Habitats and Peat and Grid Connection. Subsequently, a meeting was held with NRW on 10th November 2014 to discuss these issues.

4. European and Nationally Protected Species

Matters of agreement

4.1 The parties to this statement agree that:

4.1.1 Survey information in relation to the European and nationally protected species Otter, Water Vole, Badger and Reptiles has been undertaken using appropriate methodologies and the results of these surveys are agreed. It is agreed that this is subject to appropriate avoidance and mitigation measures for these species being secured through Requirements attached to the DCO.

4.1.2 MYG has undertaken bat surveys in 2005 and 2010.

- 4.1.3 The Site is a low risk site in terms of the Bat Conservation Trust (BCT) guidance.
- 4.1.4 The Site is also rated as low risk in terms of the Natural England Bats and onshore wind turbines TIN051 (2014) Interim guidance.
- 4.1.4 The bat surveys that MYG carried out followed appropriate methodologies for the time they were carried out. The frequency of bat transects in 2010 exceed the BCT 2012 guidelines for a low risk site. The level of automated detection at potential roost sites is in keeping with that recommended as a minimum by the BCT 2012 guidelines.

Matters where the parties are working towards agreement

- 4.2 At the request of NRW, MYG is making amendments to the draft Species Protection Plan (SPP) and the draft Habitat Management Plan (HMP). The parties are hopeful that agreement can be reached on these matters.

5. Bird Surveys

Matters of agreement

- 5.1 The parties to this statement agree that:
 - 5.1.1 MYG has undertaken five types of bird surveys between autumn 2004 and February 2011, including Vantage Point surveys, Brown and Shepherd breeding wader surveys and non-breeding bird (winter walkover) surveys. In addition, a Red Kite nest survey was conducted in 2014;
 - 5.1.2 The site no longer hosts any breeding pairs of Curlew. The site does not support any other breeding waders apart from Snipe.
 - 5.1.3 The site and surrounding 2km buffer does not support any breeding Red Kite.
 - 5.1.4 The site and surrounding 2km buffer does not support any

breeding Hen Harrier.

6. Habitats and Peat

Matters of agreement

6.1 The parties to this statement agree that:

6.1.1 At NRW's request, MYG has re-surveyed small areas of vegetation within the Site. Subject to NRW verifying these changes through a site visit, these surveys are agreed and all vegetation mapping of the Site is complete and accurate.

6.1.2 Subject to clarification of specific management proposals in the HMP, that the HMP itself is fit for purpose with regard to mitigation of impacts on habitats and peat.

Matters where the parties are working towards agreement

6.2 Following NRW's Relevant Representation MYG has:

6.2.1 Provided shape files for the peat depth survey, Phase 2 vegetation (NVC) and 'worksplan' to NRW.

6.2.2 Is working on updated proposals for the re-use of the peat.

6.3 The parties to this statement are hopeful that agreement can be reached on the issues relating to habitats and peat, bats and birds that were raised in NRW's Relevant Representation.

7. Grid Connection

7.1 NRW has raised the following issues in relation to grid connection:

7.1.1 NRW considers that under the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) MYG is required to assess the environmental effects of any associated development and to ensure that the Environmental Statement considers the direct, indirect, secondary and cumulative effects of the development under Part 1 of Schedule 4. NRW consider that such an assessment is missing from the ES.

7.1.2 NRW accepts that the grid connection for the Wind Farm is a matter for Scottish Power Manweb (as the distribution network operator for the area) and is not being considered as part of the Application and that at this stage, it is not possible to provide further information as to the impacts of the potential grid connections.

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

HABITATS REGULATION ASSESSMENT

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS_{LLP}

SOLICITORS

Grosvenor Court

Foregate Street

Chester

CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.DAH.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on matters relating to the Habitats Regulation Assessment of the Wind Farm.

2. Policy and Legislative Context

- 2.1 The parties to this statement agree that the relevant national, regional and local policies that relate to the Habitats Regulation Assessment of the Wind Farm are:
 - 2.1.1 Council Directive 92/43/EEC (“the EU Habitats Directive”)
 - 2.1.2 Birds Directive (79/409/EEC)
 - 2.1.3 The Conservation of Habitats and Species Regulations 2010

3. Habitat Regulations Assessment Screening Report

- 3.1 MYG has prepared a Habitat Regulations Assessment Screening Report (HRASR) for the project which has been submitted as part of the application (Reference: MYG-AD-9 and MYG-ES-APP11.19).
- 3.2 NRW has commented on the HRASR in its Relevant Representation of 17 October 2014.
- 3.3 Following NRW’s representation on 17 October 2014, meetings have been held between MYG and NRW in order to try to reach agreement on many of the issues that were raised.

4. Matters where the parties are working towards agreement

- 4.1 Following a site meeting on the 25th November 2014 the parties hope to reach agreement about the efficacy of the mitigation measures for the Afon Gwy (River Wye) and are in the process of agreeing:
 - 4.1.1 Methods of crossing watercourses with new roads.
 - 4.1.2 The need for new and upgraded settlement ponds.
 - 4.1.3 A protocol for water quality monitoring.
- 4.2 The HRASR has been redrafted to accommodate NRW comments about:
 - 4.2.1 The in-combination effects of the rallying with development.
 - 4.2.2 Inclusion of all designated features.
 - 4.2.3 Ensuring that the potential effects are related to the conservation objectives of the Natura 2000 sites.
 - 4.2.4 Explaining how the mitigation for the Elenydd - Mallaen SPA can be secured.
 - 4.2.5 Providing further information on in-combination effects on the SPA.
- 4.4 As a result of continuing dialogue, it is hoped that agreement will be reached about the efficacy of the mitigation for the Afon Gwy (River Wye) and the effect of the scheme on the Afon Gwy (River Wye) SAC and the ability to secure the mitigation described for the Elenydd - Mallaen SPA.

5. Matters of disagreement

- 5.1 The following matter remains of concern to NRW:
 - 5.1.1 Without detailed information about the grid connection route, there is an insufficient level of certainty at present to demonstrate that there will not be potentially significant effects in relation to Coedydd Llawr-y-glyn SAC and the Elenydd - Mallaen SPA.

6. Matters of agreement

6.1 The parties to this statement agree that:

6.1.1 There is no connectivity between the population of birds using the Site and the Elenydd - Mallaen SPA.

6.1.2 In the absence of the grid connection passing through the Coedydd Llawr-y-glyn SAC, there would be no significant effect on the SAC.

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

HISTORIC LANDSCAPE

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS_{LLP}

SOLICITORS

Grosvenor Court

Foregate Street

Chester

CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on Registered Historic Landscape Areas matters relating to the Application.

2. Policy and Legislative Context

- 2.1 The parties to this statement agree that the relevant national, regional and local policies that relate to the historic landscape impacts of the Wind Farm are:
 - 2.1.1 National Policy Statements for energy infrastructure: Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Renewable Energy Infrastructure (EN-3)
 - 2.1.2 Planning Policy Wales: Chapter 6 Conserving the Historic Environment (Welsh Government, 2014);
 - 2.1.3 Welsh Office Circular 60/96: Planning and the Historic Environment: Archaeology (Welsh Office, 1996a);
 - 2.1.4 Welsh Office Circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas (Welsh Office, 1996b); and
 - 2.1.5 Powys County Council policies:
 - i. ENV 16 Landscapes, parks and gardens of special historic interest;
 - ii. ENV 17 Ancient Monuments and Archaeological Sites; and

iii. ENV 18 Development proposals affecting archaeological sites.

2.2 The Environmental Statement for the Wind Farm was issued in July 2014 and cites Version 6 of Planning Policy Wales. Version of 7 Planning Policy Wales was adopted subsequent to the issuing of the Environmental Statement, also in July 2014. Changes from Version 6 to Version 7 affect only *Chapter 4: Planning for Sustainability; Paragraph 4.12 - Planning for sustainable building* so have no bearing on the scope or conclusions of the historic landscape assessment presented in the Environmental Statement.

3. Baseline and Assessment Methodology

3.1 Details of the baseline and assessment methodologies for the assessment of the historic landscape impacts of the Wind Farm are set out in chapter 12 (including its appendices and figures) of the Environmental Statement. The parties to this statement are in agreement that the Environmental Statement and supporting baseline studies have used relevant guidance and policy on historic landscape.

3.2 The parties to this statement are in agreement that the prescribed ASIDOHL2 methodology has been adequately applied and reported on within the Environmental Statement. However, NRW has concerns with MYG's assessment of historic landscape effects as NRW considers that it 'fails to take into account cumulative effects with other wind farms, including that proposed for SSA D (Nant y Moch) and the associated proposed grid connection'.

4. Historic Landscape Effects

4.1 An assessment of the historic landscape effects of the Wind Farm is set out in paragraphs 12.65 – 12.67 of chapter 12 of the Environmental Statement and appendix 12.3 (ASIDOHL 2 assessment report) of the Environmental Statement. The parties to this statement are in agreement that the effects noted in these paragraphs and the appendix reflect the historic landscape effects of the Wind Farm save for the concerns raised in paragraphs 4.2 and 4.3 of this statement.

4.2 NRW are concerned that the assessment has underestimated the significance of the impacts on the Upland Ceredigion, Clywedog Valley and Elan Valley registered Historic Landscape Areas (HLAs) and their constituent historical landscape character areas from which the proposal would be visible. It is NRW's view that the overall impact on all three HLAs should have been scored as 'moderate' rather than 'slight' according to the ASIDOHL2 assessment.

4.3. NRW also considers that there would be a 'fairly severe' level of impact according to the ASIDOHL2 scoring on the Pumlumon historic landscape character area within the Upland Ceredigion HLA, an area which NRW considers to have important historic associations and panoramic views from its summit cairns.

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

GEOLOGY, HYDROLOGY AND HYDROGEOLOGY

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS_{LLP}

SOLICITORS

Grosvenor Court
Foregate Street
Chester
CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on geology, hydrology and hydrogeology matters relating to the Wind Farm.

2. Policy and Legislative Context

- 2.1 The parties to this statement agree that the relevant national, regional and local policies that relate to the geology, hydrology and hydrogeology are:
 - 2.1.1 The Powys County Structure Plan (Replacement) (February 1996);
 - 2.1.2 The Powys Unitary Development Plan 2011-2016 (Adopted March 2010);
 - 2.1.3 The Powys Local Development Plan (“LDP”) Delivery Agreement was approved by the Welsh assembly Government on 2 November 2010;
 - 2.1.4 Technical Advice Note (TAN) 15 ‘Development and Flood Risk’, Planning Policy Wales, July 2004;
 - 2.1.5 Water Framework Directive (or WFD) 2000/60/EC;
 - 2.1.6 Groundwater Daughter Directive to WFD 2006/118/EC;
 - 2.1.7 Groundwater Directive dangerous substances 80/68/EEC;
 - 2.1.8 Freshwater for Fish Directive 78/659/EEC;
 - 2.1.9 Environmental Protection Act 1990;

- 2.1.10 The Water Resources Act 1991;
- 2.1.11 Environment Act 1995;
- 2.1.12 Groundwater Regulations 1998;
- 2.1.13 The Groundwater (England and Wales) Regulations 2009;
- 2.1.14 The Anti-Pollution Works Regulations 1999;
- 2.1.15 The Water Act 2003;
- 2.1.16 The Water Supply (Water Quality) Regulations 2010;
- 2.1.17 Private Water Supplies (Wales) Regulations 2010; and
- 2.1.18 Land Drainage Act 1991.

3. Geology, Hydrology and Hydrogeology Assessment Process

- 3.1 Chapter 14 of the ES details geology, hydrology and hydrogeology issues associated with the proposed development. The survey and assessment methodologies used are detailed within Chapter 14. Within the related appendices of Chapter 14 of the ES are a draft Surface Water Management Plan (SWMP) and a flood risk assessment (FRA).
- 3.2 Chapter 6 of the ES details the construction method for the Project. A draft Construction Environmental Management Plan (CEMP) is provided in Appendix 6.1 of the ES.
- 3.3 NRW made a number of comments on the potential hydrology impacts of the Wind Farm as part of its Relevant Representations dated 17 October 2014.
- 3.4 Following NRW's representation, meetings have been held between MYG and NRW in order to try to reach agreement on the issues of concern.

4. Matters where the parties are working towards agreement

- 4.1 Following a site meeting on the 25th November 2014 MYG and NRW hope to reach agreement about the efficacy of the

mitigation measures for the Afon Gwy (River Wye) and are in the process of agreeing:

- 4.1.1 methods of crossing watercourses with new roads;
- 4.1.2 the need for new and upgraded settlement ponds; and
- 4.1.3 a protocol for water quality monitoring.

4.2 A Schedule of Specific Hydrological Items has been prepared to conciliate NRW's concerns regarding:

- 4.2.1 the preferred method of providing watercourse conveyance at each watercourse track crossing.
- 4.2.2 Water quality monitoring and response to change;
- 4.2.3 Additional improvements requested by NRW at:
 - 4.2.3.1 The large car park (grid ref 283053,284913);
 - 4.2.3.2 The eroding bank alongside the track west of the Nant Cwm-y-Foel (grid ref 283059,284685); and
 - 4.2.3.3 The two existing large online settlement ponds on the Nant Cwm-y-Foel (grid refs 283076,284299 and 282968,283957).

4.3 It is hoped by both parties to this statement that agreement will be reached on these points.

5. Matters of Concern

5.1 There are no matters of concern aside from those where agreement is being worked towards as discussed in paragraph 4.

6. Matters of General Agreement

6.1 It is common ground between MYG and NRW that:

- 6.1.1 Construction sites involving earthworks are particularly vulnerable to erosion and careful working practices will need to be employed on site to manage the risk of soil

erosion.

- 6.1.2 Hazards of this nature are common and widespread in development projects, such as wind farms and cross country pipelines, and various standard methods exist to manage to an acceptable degree the respective inherent risks.
- 6.1.3 Chapters 14 and 6 of the Environmental Statement, and their relevant appendices and figures, provide hydrology mitigation methods in accordance with standard practice and implementation of these methods will provide an acceptable mitigation.
- 6.1.4 It will be possible to satisfactorily address all the hydrological issues of concern raised by NRW (as discussed in paragraph 4 of this statement) using standard available methods.
- 6.1.5 No online settlement ponds are to be used for water treatment.
- 6.1.6 The final CEMP and SWMP will be finalised and agreed with NRW before construction takes place.
- 6.1.7 A water quality monitoring process can be installed that will allow MYG to identify any change in water quality and respond as necessary.
- 6.1.8 NRW will be allowed access to the water quality data recorded upon request.

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

LAND CONTAMINATION

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS_{LLP}

SOLICITORS

Grosvenor Court
Foregate Street
Chester
CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on land contamination matters relating to the Wind Farm.

2. Land Contamination

- 2.1 NRW made a number of comments on the potential land contamination issues relating to the Wind Farm as part of its Relevant Representations dated 17 October 2014.
- 2.2 Following NRW’s representation, MYG provided further information.
- 2.3 NRW and MYG agree that there are no issues relating to Land Contamination.

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

DATED

DECEMBER 2014

IN THE MATTER OF

AN APPLICATION BY MYNYDD Y GWYNT LIMITED FOR DEVELOPMENT
CONSENT TO CONSTRUCT AND OPERATE A WIND TURBINE
GENERATING STATION IN POWYS, MID-WALES

STATEMENT OF COMMON GROUND

On

LANDSCAPE AND VISUAL IMPACT

Between Mynydd y Gwynt Ltd (1) and Natural Resources Wales (2)



AARON & PARTNERS_{LLP}

SOLICITORS

Grosvenor Court

Foregate Street

Chester

CH11HG

Tel: 01244 405555

Fax: 01244 405566

Ref:KM.CPR.MYN1.1

1. Introduction

- 1.1 Mynydd y Gwynt Limited (“MYG”) has made an application (“the Application”) to the Secretary of State for development consent to construct and operate a 81-89.1MW wind turbine generating station (“the Wind Farm”) at the Sweet Lamb Rally Complex, near Llangurig, Powys, Mid Wales (“the Site”).
- 1.2 The Secretary of State has appointed the Examining Authority to carry out an examination of the Application by MYG.
- 1.3 This is a statement of common ground between (1) MYG and (2) Natural Resources Wales (“NRW”) on landscape and visual (including cumulative) matters relating to the Application.

2. Policy and Legislative Context

- 2.1 The parties to this statement agree that the relevant national, regional and local policies that relate to the landscape and visual impacts of the Wind Farm are:
 - 2.1.1 Planning Policy Wales, Edition 6, February 2014
 - 2.1.2 The National Policy Statements (“NPS”) relevant to this application are:
 - The Overarching National Policy Statement for Energy (EN-1) and
 - National Policy Statement for Renewable Energy Infrastructure (EN-3).
 - 2.1.3 Technical Advice Note (TAN) 8: Planning for Renewable Energy
 - 2.1.4 Powys Unitary Development Plan Policy ENV2 - Safeguarding the Landscape

3. Baseline and Assessment Methodology

- 3.1 Details of the baseline and assessment methodologies for the assessment of the landscape and visual impact of the Wind Farm

are set out in chapter 8 (and its accompanying appendices and figures) of the Environmental Statement (“ES”). The parties to this statement are in agreement that the baseline and assessment methodologies used were appropriate.

- 3.2 NRW requested that further clarification be provided regarding the methodology for the cumulative assessment however this request has not been particularized by NRW.

4. Landscape Effects

- 4.1 An assessment of the landscape effects of the Wind Farm is set out at paragraphs 8.133-211 and at paragraphs 8.138-146 of chapter 8 the ES. The parties to this statement are in agreement that the effects noted in these paragraphs reflect the landscape effect of the Wind Farm save for the concerns raised in paragraph 4.2 of this statement.
- 4.2 NRW has concerns with the impact of the proposal on landscapes that are classified as outstanding and high value in LANDMAP including the Site, the Pumlumon Mountains and associated moorlands and the upper stretches of Wye Valley. NRW consider that the development of the Wind Farm would result in significant landscape change and harm to an area outside an SSA. NRW also has concerns about the location and layout of turbines on the series of steep sided ridges, some close to the ridge edge.

5. Visual Effects

- 5.1 An assessment of the visual effects of the Wind Farm is set out at paragraphs 8.299-350 of the ES. The parties to this statement are in agreement that the effects noted in these paragraphs reflect the visual effect of the Wind Farm save for the concerns raised by NRW in paragraph 5.2 of this statement.
- 5.2 NRW has concerns about the effect of the Wind Farm on the visual amenity of recreational users and visitors to the Pumlumon Mountains including the sources of the Rivers Severn and Wye with their associated Severn Way and Wye Valley regional paths. NRW also has concerns about the effect on the amenity of users of the

Glyndŵr's Way national trail, the Cambrian Way, the A44 road across the Cambrian Mountains, and users of the paths and recreational facilities around Clywedog Reservoir.

6. Cumulative Effects

6.1 An assessment of the cumulative effects of the Wind Farm is set out at paragraphs 8.351-569 and 8.407-569 of the ES. The parties to this statement are in agreement that the effects noted in these paragraphs reflect the cumulative effect of the Wind Farm save for the concerns raised by NRW in paragraph 6.2 of this statement.

6.2 NRW contends that 'there is a Welsh Government policy acceptance in TAN 8 that there will be significant landscape change in SSA D (Nant y Moch), to the north [sic] of the proposal, when the SSA is developed'. NRW considers that the cumulative effects of the proposal with development in SSA D would be significant and unacceptable.

7. Residential Amenity

7.1 An assessment of the effects of the Wind Farm on residential properties is set out at 8.244-254 and 8.597-606 of the ES. The parties to this statement are in agreement that the effects noted in these paragraphs reflect the residential amenity effect of the Wind Farm.

This statement has been agreed by:

Signed.....

On behalf of Mynydd y Gwynt Limited

Date.....

This statement has been agreed by:

Signed.....

On behalf of Natural Resources Wales

Date.....

