

Application by Abergelli Power Limited ("APL"), dated 25 May 2018 for development consent under s.37 of the Planning Act 2008 for a gas fired power generation plant of up to 299 Megawatts.

Statement of Common Ground

Statement of Common Ground between **Abergelli Power Limited** and **Dwr Cymru
Cyfyngedig**

09 November 2018

Revision	Date	Details
Draft 1	18 September 2018	
Draft 2	09 November 2018	

1. INTRODUCTION

Purpose of this Statement of Common Ground

- 1.1 This Statement of Common Ground ("SOCG") has been prepared by Abergelli Power Limited ("APL") and Dwr Cymru Cyfyngedig ("DCC"). For the purpose of this SOCG, APL and DCC will jointly be referred to as 'the Parties'.
- 1.2 APL has applied to the Secretary of State under the Planning Act 2008 for powers to construct, operate and maintain a Power Generation Plant. The Proposed Development consists of:
- 1.2.1 A new Open Cycle Gas Turbine peaking power generating station, fuelled by natural gas and capable of providing a rated electrical output of up to 299 Megawatts ("MW"). The Power Generation Plant comprises:
- (a) Generating Equipment including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (together referred to as the 'Generating Equipment') which are located within the 'Generating Equipment Site';
 - (b) An Access Road to the Project Site from the B4489 which lies to the west, formed by upgrading an existing access road between the B4489 junction and the Swansea North Substation (the "Substation") and constructing a new section of access road from the Substation to the Generating Equipment Site;
 - (c) A temporary construction compound for the storage of materials, plant and equipment as well as containing site accommodation and welfare facilities, temporary car parking and temporary fencing (the 'Laydown Area'). A small area within the Laydown Area will be retained permanently (the "Maintenance Compound");
 - (d) Ecological Mitigation Area - area for ecological enhancement within the Project Boundary; and
 - (e) Permanent parking and drainage to include a site foul, oily water and surface water drainage system.
- 1.2.2 A Gas Connection in the form of a new Above Ground Installation ("AGI") and underground Gas Pipeline to bring natural gas to the Generating Equipment from the National Gas Transmission System; and
- 1.2.3 An Electrical Connection which will be an underground electrical cable to export power from the Generating Equipment to the National Grid Electricity Transmission System.
- 1.3 The Planning Act 2008 restricts associated development for which consent can be sought under a Development Consent Order in Wales to development that is associated with a generating station with a capacity in excess of 350 MW. As the Power Generation Plant would have a rated electrical output of up to 299 MW, the Gas Connection and Electrical Connection are not part of the Development Consent Order Application. However, APL is seeking powers of compulsory acquisition over the land required for the Gas Connection and Electrical Connection, and is applying for planning permissions in respect of the Gas Connection and Electrical Connection works.
- 1.4 This SOCG relates to:

- 1.4.1 the Water Quality and Resources topic assessed in the Environmental Impact Assessment (EIA) presented in the Environmental Statement (ES) submitted with the DCO application (Document Reference 6.1); and
- 1.4.2 the land in which APL is seeking to carry out the Power Generation Plant and the Electrical Connection in which DCC has an interest, as well as matters relating to the Protective Provisions.
- 1.5 This SOCG is intended to give a clear position of the state and extent of agreement between the Parties as at the date on which this SOCG is signed and submitted to the Secretary of State.
- 1.6 Preparation of this SOCG has been informed by discussions between the Parties. The purpose of this SOCG is to set out agreed factual information about the Application.
- 1.7 It is intended that this SOCG will provide information to facilitate a smooth and efficient examination process.

2. **THE APPLICATION**

- 2.1 The Application for the Proposed Development was submitted on 25 May 2018 and accepted by the Secretary of State on 21 June 2018 (PINS reference number EN010069) and was accompanied by an Environmental Statement ("ES").
- 2.2 The scope of the Water Quality and Resource assessment is defined within Section 9.1 in Chapter 9 of the ES (Document Reference 6.1).
- 2.3 DCC's 66" strategic water main asset, supplying to the region of 700,000 customers from Lower Lliw Reservoir, is crossed by the Access Road and the Electrical Connection.
- 2.4 DCC owns and operates:
 - 2.4.1 the Lower Lliw Reservoir which is 2.1 km to the north of the nearest point of the Project site boundary; and
 - 2.4.2 Felindre Water Treatment Works which is 1.4 km to the north of the nearest point of the Project site boundary

3. **MATTERS AGREED BETWEEN THE PARTIES**

- 3.1 The Parties agree:-
 - 3.1.1 with the outcome provided in the Flood Consequences Assessment and the Water Framework Directive Screening Assessment;
 - 3.1.2 that the implementation of the Drainage Strategy and Surface Water Management Plan is an appropriate way of securing the necessary mitigation; and
 - 3.1.3 there would be no surface water or groundwater linkages between the Project Site and the Felindre Water Treatment Works and therefore no effects on the facility from the Project are anticipated.

4. **MATTERS AGREED IN PRINCIPLE SUBJECT TO FURTHER DISCUSSION BETWEEN THE PARTIES**

- 4.1 The Parties agree in principle subject to further discussion:-

- 4.1.1 that the assessment methodology for the water resources assessment is appropriate;
- 4.1.2 that an adequate assessment of water quality and resources has been undertaken;
- 4.1.3 that no significant water quality impacts on the Lower Lliw Reservoir are likely; and
- 4.1.4 that all reasonable foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have been included in the assessment of cumulative impacts in relation to water quality and resources, and that the cumulative effects of these have been adequately considered.

5. MATTERS NOT YET AGREED BETWEEN THE PARTIES

- 5.1 DCC has been provided with APL's proposed draft Protective Provisions prior to submission of the Application. The Parties are continuing to discuss the terms of the Protective Provisions with a view to reaching agreement as soon as possible.
- 5.2 The Parties are continuing to discuss the protection of the 66" strategic water main asset which crosses the application site and will need to be adequately protected for the lifetime of the development including within construction, operation and decommissioning phases. Both parties understand that a scheme for the protection of the asset, which shall be informed by site investigation works, shall be agreed and implemented in accordance with the technical details.

This SOCG is prepared jointly and agreed by the Parties:

Signed by)
 For and on behalf of **Abergelli Power Limited**)
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 Date:.....

Signed by)
 For and on behalf of **Dwr Cymru Cyfyngedig**)
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 Date:.....