

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.

DRAFT Statement of Common Ground

Statement of Common Ground between **Abergelli Power Limited** and **National Grid Electricity Transmission plc**

[DATE]

Revision	Date	Details
Draft 1	9 November 2018	For Deadline 1

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 National Grid Electricity Transmission plc ("**NGET**"). For the purpose of this SOCG, APL and NGET will jointly be referred to as 'the Parties'.
- 1.2 APL has applied to the Secretary of State under 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 ("**NETS**").
- 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 related 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. It is proposed by APL that works within the NGET sub-station will be carried out by NGET pursuant to its permitted development rights.
- 1.4 NGET have the Apparatus listed in their relevant representation dated 27th September 2018 and related property rights in respect of their existing apparatus and wish to

secure adequate protection of their property rights and apparatus by way of reaching agreement on the terms of protective provisions and agreement over the shared access with APL.

- 1.5 This SOCG relates to the Electrical Connection, as well as matters relating to the Protective Provisions, and 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.
- 2.1 The Application was also accompanied by a Grid Connection Statement prepared to comply with Regulation 6(1)(a)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, which requires the Applicant to provide "a statement of who will be responsible for designing and building the connection to the electricity grid".
- 2.2 The Electrical Connection comprises all the necessary elements to enable power to be exported from the Generating Equipment to the NETS. The connection will be approximately 900 m in length. It will consist of a 400kV underground cable to the Substation and associated works inside the Substation to connect to a gas-insulated switchgear bay.
- 2.3 Section 3 of the Grid Connection Statement describes the contractual agreement between NGET and APL. APL received an offer of a Bilateral Connection Agreement and Construction Agreement from NGET on 23 February 2018 (the Connection Agreement) to connect the Generating Equipment to the NETS. The Connection Agreement offer provides the Generating Equipment with an export capacity of 299 MW and a connection date to the NETS of 30 September 2022.
- 2.4 APL entered into the Connection Agreement on 23 May 2018 thereby securing an agreement to export the output of the Generating Equipment to the NETS.

3. MATTERS NOT IN DISPUTE BETWEEN THE PARTIES

- 3.1.1 APL is satisfied that the powers set out in the draft Development Consent Order and the land and rights shown on the Land Plans and set out in Book of Reference in respect of plots 13, 13A, 13B, 14, 15, 16, 16A, 17, 17A, 17B, 18, 18A, 18B, 19, 19A, 20, 21, 22, 23 and 24 and the planning permission are sufficient for APL to construct, use and maintain the Electrical Connection up to the boundary of the sub-station,
- 3.1.2 NGET has permitted development rights to carry out works within their sub-station boundary.
- 3.1.3 APL agree that NGET's property rights and physical access along the relevant part of the Access Road (between the B4489 and NGET's sub-station) will be maintained at all times for all vehicles types throughout the construction period, and priority will be given to all National Grid employees and vehicles including in respect of access and use of car parking spaces.

3.1.4 The parties are discussing the approach to rights over any new areas of land being incorporated into the access road and the need for access rights over these areas for NGET's benefit, and correspondingly NGET will grant APL any necessary easements or property rights in respect of the relevant existing part of the Access Road subject to reaching agreement on reasonable terms between the parties in due course

3.1.5 The Outline Construction Traffic Management Plan (Document Reference 6.2, Appendix 3.3a) records this position. APL will make good any damage to the Access Road caused by construction vehicles or AILs to NGET's satisfaction.

4. MATTERS NOT YET AGREED BETWEEN THE PARTIES

4.1 APL has provided copies of the planning application for the Electrical Connection to NGET on 30th October 2018. NGET are currently reviewing this.

4.2 NGET had been provided with copies of APL's proposed draft Protective Provisions prior to submission of the Application. APL has copies of NGET's standard protective provisions. The Parties are continuing to discuss the terms of the Protective Provisions with a view to reaching agreement as soon as possible. NGET will require protective provisions for the protection of their retained apparatus and property rights, these will also require APL to enter into Deeds of Consent or Crossing Agreements in respect of the crossing of NGET's apparatus prior to the commencement of the Project. 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 **National Grid Electricity**)
Transmission plc)
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Date:.....