

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 Gas 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 Gas plc ("**NGG**"). For the purpose of this SOCG, APL and NGG 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.
- 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.
- 1.4 NGG have the Apparatus listed in their relevant representation dated 27th September 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 confirmation that a Deed of Consent/Crossing Agreement will be entered into in due course in respect of crossings of Gas Apparatus.

- 1.5 This SOCG relates to matters relating to the Gas 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 Gas Connection Statement prepared to comply with Regulation 6(1)(a)(ii) 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 gas pipeline connection to the generating station".
- 2.2 The Gas Connection comprises all the necessary elements to enable gas to be imported to the Generating Equipment at a suitable rate and pressure to produce up to 299 MW, including an underground Gas Pipeline and AGI.
- 2.3 As set out in the Gas Connection Statement, APL will submit a connection application to NGG in 2019 for the MOC (which facilitates the APL pipeline connection to the National Gas Transmission System) to connect the Generating Equipment to the National Gas Transmission System.
- 2.4 Upon submission of the connection application, NGG will have 6 months to provide APL with a connection offer at which point APL will have a further 3 months to decide whether to accept the terms of the offer. Upon acceptance, APL will enter into a Design and Build Agreement with NGG for the construction of the new MOC.
- 2.5 The MOC will be designed, constructed, owned and operated by NGG.

3. MATTERS NOT IN DISPUTE BETWEEN THE PARTIES

- 3.1.1 Preliminary discussions with NGG have indicated the likelihood of available gas capacity in Feeder 28 for the Power Generation Plant. Capacity is reserved at the point at which the Gas Connection Agreement is entered into.
- 3.1.2 APL agrees that NGG's property rights and physical access along the relevant part of the Access Road (between the B4489 and NGG's premises) will be maintained at all times for all vehicle 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 parking spaces
- 3.1.3 It is agreed that APL will secure the necessary access rights by way of an easement with NGG in respect of the Access Road.

3.1.4 The Parties agree that 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 NGG's satisfaction.

4. MATTERS NOT AGREED BETWEEN THE PARTIES

4.1 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 1, 2, 3, 3A, 3B, 4, 4A, 5, 5A, 5B, 6, 6A, 6B, 7, 7A, 7B and 7C, and the planning permission in respect of the Gas Connection are sufficient for NGG to construct, use and maintain the MOC based on the corresponding parameters on the Hirwaun Power and Progress Power Projects. However NGG has not approved the application for planning permission for the Gas Connection/MOC (which facilitates the APL pipeline connection to the National Transmission System), in this instance. Approval to the design of the MOC and access thereto and the necessary extent of land rights required by NGG will be approved through and in accordance with the Gas Connection Agreement referred to in 2.4, unless works to secure approvals in advance of the Gas Connection Agreement are otherwise commissioned from NGG by APL.

4.2 Subject to the approvals referred to in 4.1 above, NGG acknowledge that APL has included land for the MOC in the compulsory acquisition powers within the DCO with the ability to transfer these powers to NGG in order to enable NGG to acquire the necessary land and access rights by compulsion under the DCO, if APL has not previously acquired such rights for NGG's benefit by agreement or through DCO powers itself.

4.3 NGG had been provided with copies of APL's proposed draft Protective Provisions prior to submission of the Application. APL has copies of NGG'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. NGG 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 NGG's apparatus before 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 Gas plc**)
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Date:.....