

Abergelli Power Project

Areas of Agreement between Abergelli Power
Limited with City and County of Swansea Council

Statement of Common Ground

Abergelli Power Limited

21st December 2018

Quality information

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1. Introduction

1.1 Purpose of this Statement of Common Ground

1.1.1 This Statement of Common Ground (SoCG) has been prepared by Abergelli Power Limited (APL) and the City and County of Swansea Council (CCS).

1.1.2 For the purpose of this SoCG, APL and CCS are jointly referred to as "the Parties."

1.1.3 APL has applied to the Secretary of State under the Planning Act 2008 for a Development Consent Order (DCO) to construct, operate and maintain an Open Cycle Gas Turbine (OCGT) peaking power generating station, fuelled by natural gas of up to 299 Megawatts (MW).

1.1.4 The Power Generation Plant comprises the following elements:

- Generating Equipment including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (BOP) (together referred to as the "Generating Equipment") which are located within the "Generating Equipment Site";
- 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;
- 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");
- Ecological Mitigation Area – area for ecological enhancement within the Project Site Boundary; and
- Permanent parking and drainage to include: a site foul, oily water and surface water drainage system.

1.1.5 Preparation of this SoCG has been informed by discussions between the Parties. The purpose of the SoCG is to set out the areas of agreement and disagreement between the two Parties about the DCO Application (the Application).

1.1.6 It is intended that this SoCG will provide information to facilitate a smooth and efficient examination process.

1.2 The Application

- 1.2.1 The Application was submitted on 25th May 2018 and accepted by the Secretary of State on 21st June 2018. The Application was accompanied by an Environmental Statement (ES).
- 1.2.2 It is agreed that the ES forms the full a complete Environmental Statement for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations) and it is further agreed that the ES contains sufficient environmental information to enable the Secretary of State to make his determination.
- 1.2.3 It is understood that the Project falls under the EIA Regulations 2009 regime and not the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017) regime. In accordance with the transitional arrangements at section 37 of the EIA Regulations 2017.

1.3 The Examination

- 1.3.1 The examination (the Examination) of the Application is to be held pursuant to Chapter 4 of the Planning Act 2008 (the Act) and the Infrastructure Planning (Examination Procedure) Rules 2010 (the EP Rules).
- 1.3.2 Pursuant to s61 of the Act, the Secretary of State determined that the Applicant was to be handled by a [single appointed person] (the Examining Authority). The Secretary of State has appointed Martin Broderick to lead the Examination on his behalf. The procedure to be followed during the Examination into the Application is governed by the Act and the EP Rules.
- 1.3.3 A Preliminary Meeting, pursuant to Rule 7 of the EP Rules, was held on 10th October 2018 at The Village Hotel, Swansea. Following the Preliminary Meeting, the Examining Authority set the timetable and procedure for the Examination.
- 1.3.4 This SoCG is prepared for submission on Deadline 3, Friday 21st December 2018.

1.4 Structure of this SoCG

- 1.4.1 Overall, this SoCG is intended to give a clear position of the state and extent of agreement between the Parties at the date on which this SoCG is signed and submitted to the Secretary of State.
- 1.4.2 This SoCG provides the following, and takes account of the procedural decision in relation to this SoCG made at Annex E to the Rule 6 letter dated 12 September 2018:
- Section 2: A brief background of the Project and Policy;
 - Section 3: Matters of Specific Agreement; and
 - Section 4: Any Unresolved Matters.

2. Project Background

2.1 Project Description

- 2.1.1 APL proposes to construct and operate an Open Cycle Gas Turbine (“OCGT”) peaking power generating station (the “Power Generation Plant”) of up to 299 Megawatts (“MW”) and new connections to the gas and electricity networks on land at Abergelli Farm, Swansea, Wales (the “Project”). The Application seeks consent for the construction, operation and maintenance of the Power Generation Plant (the “authorised development”). In addition, the Application seeks to authorise the acquisition of land and rights over land, and the extinguishment or suspension of, or interference with, interests in or rights over land in order to facilitate the construction and operation of the Project.
- 2.1.2 The authorised development comprises an onshore electricity generating station in Wales with a capacity of over 50MW and therefore it constitutes a nationally significant infrastructure project (“NSIP”) under section 15(2) of the Planning Act 2008. Accordingly, it requires development consent under section 31 of the Planning Act 2008.
- 2.1.3 The Gas Connection and Electrical Connection comprise development associated with the NSIP (“associated development”) which cannot be granted development consent pursuant to section 115 of the Planning Act 2008. Accordingly, APL has applied for planning permission for consent to develop the Gas Connection and Electrical Connection.
- 2.1.4 The Power Generation Plant, Gas Connection, and Electrical Connection, together with all access requirements are referred to as the “Project”. The Generating Equipment, Laydown Area, Access Road, Ecological Mitigation Area and permanent parking and drainage are together known as the “Power Generation Plant”.
- 2.1.5 The land upon which the Project would be developed, or which would be required in order to facilitate the development of the Project, is referred to as the “Project Site”. The Project Site is approximately 35 ha in area.

2.2 Planning Policy

- 2.2.1 The DCO Application seeks consent for all works required for construction, operation and maintenance of the Power Generation Plant (including the Access Road and the Laydown Area, which are integral to the NSIP).
- 2.2.2 Under Section 31 of the PA 2008, a DCO is required for development that is or forms part of a NSIP and therefore it is necessary that an application for a DCO is submitted to the Secretary of State (SoS).
- 2.2.3 A DCO for a NSIP may be granted only if an application is made under Section 37 of the PA 2008 to the SoS. Section 37 of the PA 2008 (and associated legislation) also governs the content of an application for a DCO, including requirements for certain accompanying documents.

- 2.2.4 These requirements are specified, in particular, in the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2014 (as amended) (the “APFP Regulations”). The APFP Regulations require that an application for a DCO, where applicable, must be accompanied by an ES and any associated scoping or screening opinions or directions.
- 2.2.5 A screening opinion was not sought for the Project, however a Scoping Opinion, dated 1st August 2014, (Document Reference 6.2, ES Appendix 4.2) was sought from the SoS. A notice of the intention to submit an application for Development Consent (Regulation 6 Notification), including an Environmental Statement, was submitted to PINS on 8th October 2014.

3. Matters of Specific Agreement

3.1.1 CCS has no objection to the principle of the Abergelli Power Project. APL and CCS have worked together to ensure the inclusion in the DCO application of a number of suitable environmental measures.

3.1.2 Specific agreements are outlined in Table 3-1 below.

Table 3-1: Matters of Specific Agreement

ID	Statement on which APL seeks agreement	APL	CCS
Environmental Statement			
A. General			
3.A.1	The ES compromises Document Reference 6.1, 6.2 and 6.3 of the Application. The Parties are AGREED on all matters in relation to the adequacy and conclusions of the ES and in particular are AGREED on those matters set out below.		Agree subject to comments below.
B. Regulation and Policy Background			
3.B.1	The Policy Framework information is set out in Chapter 2 of the ES. The Planning Act 2008 (the "Act") provides that an application must be decided in accordance with any relevant national policy statement (NPS) unless certain exceptions set out in section 104 of the Act apply. NPSs EN-1, EN-2, EN-4 and EN-5 are relevant for the purposes of the Development. The parties AGREE that the range of UK, Wales and local policy designations and evidence as set out in Chapter 2 of the ES (Document Reference 6.2) has been appropriately stated.	Agree	Agree
C. Approach to Environmental Impact Assessment			

ID	Statement on which APL seeks agreement	APL	CCS
3.C.1	<p>The methodology for the environmental impact assessment is set out in Chapter 4 of the ES, which describes the approach taken for all topics (except to the extent described in the methodology section in each topic chapter).</p> <p>Both Parties AGREE that the approach of identifying and assessing a realistic worst case scenario from within the Project parameters outlined in Chapter 3 is reasonable and appropriate and that the scenario assessed for each topic chapter cited below is appropriate.</p>	Agree	Agree
D. Air Quality			
3.D.1	<p>The Air Quality assessment is contained in Chapter 6 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Both Parties AGREE on the methodology used to undertake the Air Quality assessment as detailed in Chapter 6 of the ES, including the suitability and availability of weather data for the locality and approach/assumptions to modelling.</p>	Agree	Agree
3.D.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of Air Quality effects have been undertaken.</p>	Agree	Agree
3.D.3	<p><i>Mitigation</i></p> <p>CCS agree that any residual effects can be appropriately mitigated with the implementation of the CEMP.</p>	Agree	Agree
3.D.4	<p><i>Cumulative</i></p>	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have been included in the assessment of cumulative impacts within the ES, and that the cumulative effects of these have been adequately considered.		
E. Noise and Vibration			
3.E.1	<p>The Noise and Vibration assessment is contained in Chapter 7 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Both Parties AGREE on the methodology used to undertake the Noise and Vibration assessment as detailed in Chapter 7 of the ES, including the use of background monitoring data and approach/assumptions to modelling.</p>	Agree	Agree
3.E.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of Noise and Vibration effects have been undertaken.</p>	Agree	Agree
3.E.3	<p><i>Mitigation</i></p> <p>CCS agree that any residual effects can be appropriately mitigated with the implementation of the CEMP.</p>	Agree	Agree
3.E.4	<p><i>Cumulative</i></p> <p>Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have been included in the assessment of cumulative impacts within the ES, and that the cumulative effects of these have been adequately considered.</p>	Agree	Agree
F. Ecology			
3.F.1	Ecology information is contained within Chapter 8 of the ES.	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	<p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the ecological impact assessment is contained in Section 8.4 of the ES and information on the baseline is contained in Section 8.5 of the ES (Document Reference 6.1) and Appendices 8.1 to 8.19 (Document Reference 6.2).</p> <p>Both Parties AGREE that the ecological receptors identified and discussed in Section 8.4 of the ES have been selected appropriately.</p>		
3.F.2	<p><i>Methodology / Data Collection / Baseline</i></p> <p>Both Parties AGREE that the appropriate scope of desk study research and field surveys discussed in Section 8.4 have been undertaken in respect of statutory designated species and habitats with the potential to be affected by the Project.</p>	Agree	Agree
3.F.3	<p><i>Methodology / Data Collection / Baseline</i></p> <p>Both Parties AGREE that the Ecological Impact Assessment within the ES has been produced in accordance with the Institute for Ecology and Environmental Management ("IEEM") "Guidelines for Ecological Impact Assessment" (2016).</p>	Agree	Agree
3.F.4	<p><i>Assessment (Habitats)</i></p> <p>Information regarding the effects of the Project on habitats is contained in Sections 8.7.24 to 8.7.61 of the ES for construction and Sections 8.7.127 to 8.7.141 for operation.</p> <p>Both Parties AGREE that the effects have been assessed appropriately.</p>	Agree	Agree
3.F.5	<p><i>Assessment (Protected Species)</i></p>	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	<p>Information regarding the effects of the Project on protected species is contained in Sections 8.7.62 to 8.7.126 of the ES for construction and 8.7.142 to 8.7.183 for operation.</p> <p>Both Parties AGREE that the effects have been assessed appropriately.</p>		
3.F.6	<p><i>Mitigation</i></p> <p>Information regarding embedded ecological mitigation measures is discussed within Section 3.11.35 of the ES, and additional mitigation as outlined in Section 8.8.4.</p> <p>Both Parties AGREE that significant effects on the species, habitats and supporting features outlined in Table 8.14 and 8.15 in Chapter 8: Ecology are unlikely to occur due to the implementation of:</p> <ul style="list-style-type: none"> • Landscape and Ecology Mitigation Strategy (ES Appendix 3.4); and • Lighting Strategy (ES Appendix 3.5). <p>Specific mitigation for species/habitats are outlined below:</p>	Agree	<p>Agreed, subject to updates to the LEMS as submitted on Friday 9 November, at Examination Deadline 1.</p>
3.F.7	<p><i>Mitigation – Reptiles</i></p> <p>Both parties AGREE to the mitigation methods provided in Appendix A of the LEMS.</p>	Agree	<p>Agreed, subject to updates to Appendix A of the LEMS as submitted on Friday 9 November, at Examination Deadline 1.</p>
3.F.8	<p><i>Mitigation - Breeding Birds</i></p> <p>Both parties AGREE to the mitigation methods provided in Appendix B of the LEMS.</p>	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
3.F.9	<p><i>Mitigation – Bats</i> Both parties AGREE to the mitigation methods provided in Appendix C of the LEMS.</p>	Agree	Agree
3.F.10	<p><i>Mitigation - Water Vole and Otter</i> Both parties AGREE to the mitigation methods provided in Appendix D of the LEMS.</p>	Agree	Agree
3.F.11	<p><i>Mitigation – Badger</i> Both parties AGREE to the mitigation methods provided in Appendix E of the LEMS.</p>	Agree	Agree, subject to updates to Appendix E of the LEMS as submitted on Friday 9 November, at Examination Deadline 1.
3.F.12	<p><i>Mitigation - Invasive Species</i> Both parties AGREE to the mitigation methods provided in Appendix F of the LEMS.</p>	Agree	Agree, subject to updates to Appendix F of the LEMS as submitted on Friday 9 November, at Examination Deadline 1.
3.F.13	<p><i>Mitigation - Hedgerows</i> Both parties AGREE to the mitigation methods provided in Appendix G of the LEMS.</p>	Agree	Agreed, subject to updates to Appendix G of the LEMS as submitted on

ID	Statement on which APL seeks agreement	APL	CCS
			Friday 9 November, at Examination Deadline 1.
3.F.14	<p><i>Mitigation - Habitats</i></p> <p>Both Parties AGREE that the mitigation measures are appropriate and should ensure the protection of habitats during and post-construction as set out in Table 8.14 and 8.15 of ES Chapter 8: Ecology and the Mitigation Register (Contained within the CEMP, Document Reference 6.2 ES Appendix 3.1).</p>	Agree	Agreed, subject to the submission of the updated LEMS (Revision 3) on Friday 21 December, at Deadline 3.
3.F.15	<p><i>Cumulative Effects</i></p> <p>Information regarding the ecological cumulative impact assessment is contained in Chapter 8: Ecology Section 8.11 of the ES, and the No Significant Effects Report (Document Reference 5.5).</p> <p>Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have been included in the assessment of cumulative impacts within these documents, and that the cumulative effects of these have been adequately considered.</p>	Agree	Agree
G. Water Quality and Resources			
3.G.1	<p>The Water Quality and Resources assessment is contained in Chapter 9 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the baseline is contained in Section 9.5 and the assessment methodology for the water quality, water resources and flood</p>	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	<p>risk impact assessment is contained in Section 9.4 of the ES. This is supported by a Flood Consequence Assessment (FCA) and Water Framework Directive Screening Assessment (WFD) provided within ES Appendices 9.1 to 9.2 (Document Reference 6.2).</p> <p>Both Parties AGREE that the assessment methodology for the Water Quality and Resources assessment is appropriate.</p>		
3.G.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of Water Quality and Resources has been undertaken.</p> <p>Both Parties AGREE with the outcome provided in the FCA and WFD (ES Appendices 9.1 and 9.2).</p>	Agree	Agree
3.G.3	<p><i>Mitigation</i></p> <p>Both Parties AGREE that the implementation of the Drainage Strategy and Surface Water Management Plan as secured by Requirement 7 of the Draft DCO (Document Reference 3.1) is an appropriate way of securing the necessary mitigation.</p>		<p>Agreed subject to Revision 1 of the Drainage Strategy, and revised drafting of Requirement 7 of the draft DCO submitted on Friday 9 November, at Examination Deadline 1.</p>
3.G.4	<p><i>Cumulative Effects</i></p> <p>Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have</p>	Agree	Agreed.

ID	Statement on which APL seeks agreement	APL	CCS
	been included in the assessment of cumulative impacts within the ES, and that the cumulative effects of these have been adequately considered.		
H. Geology, Ground Conditions, and Hydrogeology			
3.H.1	<p>The Geology, Ground Conditions, and Hydrogeology assessment is contained in Chapter 10 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>The assessment methodology for the Geology, Ground Conditions, and Hydrogeology assessment is contained in Section 10.4 and information on the baseline is contained in Section 10.5 of the ES.</p> <p>Both Parties AGREE that the assessment methodology for the Geology, Ground Conditions, and Hydrogeology assessment is appropriate.</p>	Agree	Agree
3.H.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of Geology, Ground Conditions, and Hydrogeology has been undertaken.</p>	Agree	Agree
3.H.3	<p><i>Mitigation</i></p> <p>Both Parties AGREE that the implementation of the Site Investigation to ascertain the presence of historical contamination and geotechnical conditions, as secured by Requirement 14 of the Draft DCO (Document Reference 3.1), is an appropriate way of securing the necessary mitigation.</p>	Agree	Agree
3.H.4	<p><i>Cumulative Effects</i></p> <p>Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have been included in the assessment of cumulative impacts within these</p>	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	documents, and that the cumulative effects of these have been adequately considered.		
I. Landscape and Visual Effects			
3.1.1	<p>The Landscape and Visual Assessment is contained in Chapter 11 of the ES supported by ES Appendix 11 (Document Reference 6.2).</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the Landscape and Visual impact assessment is contained in Section 11.4 of the ES and information on the baseline is contained in Section 11.5 of the ES.</p> <p>Both Parties AGREE that the assessment methodology for the landscape and visual assessment is appropriate.</p>	Agree	Agree
3.1.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of Landscape and Visual effects has been undertaken.</p>	Agree	Agree
3.1.3	<p><i>Mitigation</i></p> <p>Both Parties AGREE that the outline Landscape and Ecology Mitigation Strategy (Document Reference 6.2, ES Appendix 3.4) is an appropriate way of agreeing the site landscape proposals including new planting to help screen the Project and reinstatement of existing vegetation. This outline Strategy has been submitted as part of the DCO Application, and the final Strategy will need to be approved by CCS before implementation.</p>	Agree	Agree
3.1.4	<p><i>Cumulative Effects</i></p> <p>Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have</p>	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	been included in the assessment of cumulative impacts within the ES, and that the cumulative effects of these have been adequately considered.		
J. Traffic, Transport, and Access			
3.J.1	<p>The Traffic Assessment is contained in Chapter 12 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the traffic is contained in Section 12.4 and information on the baseline is contained in Section 12.5 of the ES.</p> <p>Both Parties AGREE that the assessment methodology for the traffic assessment is appropriate.</p>	Agree	Agree
3.J.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of Traffic, Transport and Assess effects have been undertaken.</p>	Agree	Agree
3.J.3	<p><i>Mitigation</i></p> <p>Both Parties AGREE that a Construction Traffic Management Plan (CTMP) and Construction Staff Travel Plan (CSTP) (Document Reference 6.2, ES Appendices 3.3a and 3.3b) are an appropriate way of managing traffic effects during construction. These plans have been submitted as part of the DCO Application and will need to be approved in writing by the relevant planning authority in consultation with Welsh Government Transport and the Highways Authority.</p>	Agree	Agree
3.J.4	<p><i>Cumulative Effects</i></p> <p>Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have</p>	Agree	Agreed, following submission of the Note on cumulative traffic

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	<p>been included in the assessment of cumulative impacts within these documents, and that the cumulative effects of these have been adequately considered.</p>		<p>impacts of the Abergelli Power and Felindre Strategic Site as Annex B to the Statement of Common Ground, submitted for Examination Deadline 1 on Friday 9th November, 2018.</p>
K. Historic Environment			
3.K.1	<p>The Historic Assessment is contained in Chapter 13 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the Historic Environment is contained in Section 13.4 of the ES and information on the baseline is contained in Section 13.5 of the ES.</p> <p>Both Parties AGREE that the assessment methodology for the Historic Assessment is appropriate.</p>	Agree	Agree
3.K.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of Historic Environment effects have been undertaken.</p>	Agree	Agree
3.K.3	<p><i>Mitigation</i></p> <p>Both Parties AGREE that a Written Scheme of Investigation (WSI) is an appropriate way of managing potential effects on historic assets during</p>	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	<p>construction. Works may not commence until a written scheme for the investigation of areas of archaeological interest covering that numbered work, as identified in ES Chapter 13, has been submitted to and approved in writing by the relevant planning authority.</p>		
3.K.4	<p><i>Cumulative Effects</i></p> <p>Both Parties AGREE that all reasonably foreseeable relevant schemes (inter-cumulative effects) and also potential intra-cumulative effects have been included in the assessment of cumulative impacts within the ES, and that the cumulative effects of these have been adequately considered.</p>	Agree	Agree
L. Socio-Economics			
3.L.1	<p>The Socio-Economic Assessment is contained in Chapter 14 of the ES.</p> <p><i>Methodology / Data Collection / Baseline</i></p> <p>Information regarding the assessment methodology for the Socio-Economic is contained in Section 14.4 of the ES and information on the baseline is contained in 14.5 of the ES.</p> <p>Both Parties AGREE that the assessment methodology for the Socio-Economic assessment is appropriate.</p>	Agreed.	<p>With the exception of the scope of the assessment of effects on tourism, this is agreed following submission of the Socioeconomic Chapter Clarificatory Note as Annex B of the Statement of Common Ground (Friday 9 November, Examination Deadline 1). The outcome of the</p>

ID	Statement on which APL seeks agreement	APL	CCS
			socio-economic impact assessment, in terms of the identification of any likely significant effects, is agreed between APL and CCS.
3.L.2	<p><i>Assessment</i></p> <p>Both Parties AGREE that an adequate assessment of Socio-Economic effects has been undertaken.</p>	Agreed.	<p>Following submission of the Socioeconomic Chapter Clarificatory Note as Annex B of the Statement of Common Ground on Friday 9 November, at Examination Deadline 1, The outcome of the socio-economic impact assessment, in terms of the identification of any likely</p>

ID	Statement on which APL seeks agreement	APL	CCS
			significant effects, is agreed.
3.L.3	<p><i>Mitigation</i></p> <p>Both Parties AGREE that the mitigation in relation to the Local Services Scheme and Education Scheme that are described in the s106 is an appropriate way of managing potential effects on historic assets during construction.</p>	Agree subject to further discussion on content of S106	Agree subject to further discussion on content of S106
M. Other Effects Considered			
3.M.1	<p>The Other Effects Considered are contained in Chapter 15 of the ES, which covers:</p> <ul style="list-style-type: none"> • Waste; • Public health; • Aviation; and • Health and safety. <p>Both Parties AGREE that the assessment methodology for the Other Effects Considered is appropriate.</p>	Agree	Agree
3.M.2	<p><i>Mitigation</i></p> <p>Both Parties AGREE that the CEMP (ES Appendix 3.1), which includes a section on Site Waste Management, is an appropriate way of managing potential effects of those topics listed above during construction.</p>	Agree	Agree
N. Construction Environmental Management Plan			
3.N.1	<p>As outlined in Document Reference 6.2, ES Appendix 3.1 Construction Environmental Management Plan (CEMP), both parties AGREE that APL has sufficiently outlined the mitigation measures to be undertaken during the construction phase to minimise and manage any potential impact on the surrounding environment from construction activities. These include dust, waste, water, emergency response, pollution and noise</p>	Agree	Agree

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	management. Both Parties AGREE that this approach is appropriate for addressing environmental management during construction. The final CEMP will be agreed in consultation with CCS and substantially in accordance with the outline CEMP, as secured via DCO Requirement 17.		
O. Conclusions			
3.O.1	Both Parties AGREE that the Requirements detailed in Schedule 2 of the Draft DCO (Document Reference 3.1) are necessary to deliver the agreed mitigation in respect of landscape, ecology, land potentially affected by contamination, water resources, flood risk, noise, air quality and environmental management.	Agree	Agree in general subject to further revisions to the requirements as set out in LIR.
Gas Connection Planning Application			
4.2	Both Parties AGREE that the Planning Act 2008 does not permit APL to include the Gas Connection works as 'authorised development' within the DCO application, and that therefore consent for the works must be obtained through the Town and Country Planning Act 1990 regime. APL submitted an application for planning permission for the Gas Connection on 17 September 2018. This was validated by CCS on 25 September 2018 and granted planning permission on 6 December 2018.	Agree	Agree
Electrical Connection Planning Application			
4.3	Both Parties AGREE that the Planning Act 2008 does not permit APL to include the Electrical Connection works as 'authorised development' within the DCO application, and that therefore consent for the works must be obtained through the Town and Country Planning Act 1990 regime.	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	APL submitted an application for planning permission for the Electrical Connection on 17 September 2018. This was validated by CCS on 25 September 2018 and granted planning permission on 6 December 2018.		
DCO – Fees for Discharge of Requirements			
4.4	Both Parties AGREE that [the Draft DCO (Document Reference 3.1) should include provision for the payment of a fee in relation to applications to CCS for the discharge of requirements (in Schedule 2 to the Draft DCO), and that those should reflect the fees payable under the legislation relating to fees payable for the discharge of conditions attached to a planning permission].	Agree	Agree
Section 106 Agreement			
4.5	<p>Both Parties AGREE that they have been negotiating the terms of a deed of development consent obligations pursuant to section 106 of the Town and Country Planning Act 1990 ("the S106 Agreement").</p> <p>The S106 Agreement will secure development consent obligations relating to an Education Scheme, a Local Employment Scheme and Footpath Improvements.</p> <p>The Parties AGREE that these obligations comply with the tests set out in paragraph 4.1.8 of the Overarching National Policy Statement for Energy (EN-1) and that the obligations are therefore relevant to planning; necessary to make the Project acceptable in planning terms; directly related to the Project; fairly and reasonably related in scale and kind to the Project; and reasonable in all other respects.</p>	Agree	Agree

ID	Statement on which APL seeks agreement	APL	CCS
	The Parties AGREE that obligations relating to the provision of swift towers (as raised in CCS' relevant representation) are not necessary nor required to mitigate impacts of the Project.		

4. Matters Unresolved

4.1.1 The following are matters on which the Parties are not yet agreed:

ID	Matters yet to be agreed	APL	CCS
A. Decommissioning Bond			
4.A.1	<p>CCS considers that a bond should be provided to cover the full cost of decommissioning of the Project to ensure that there is funding available to dismantle / decommission the Project in the future.</p> <p>The bond should build up over the lifetime of the project to cover the considerable cost of decommissioning and would be fully refundable.</p> <p>The Council have raised concerns about enforcing the decommissioning requirement as it is subject to other consents and concerns are still raised over the applicant entering administration.</p> <p>Decommissioning is an essential part of the project and any risk should fall on the applicant, not the public purse.</p> <p>Within this context, the proposed bond is both important and relevant to the determination.</p>	Not agreed	Agreed
4.A.2	<p>APL considers that the decommissioning of the Project is adequately secured by requirement 27 in Schedule 2 to the Draft DCO (Document Reference 3.1) when considered in the context of the enforcement powers in the Planning Act 2008. Those provide, amongst other provisions, for criminal liability for a failure to comply with the terms of a DCO (section 161(1)(b)).</p>	Agreed	Not agreed

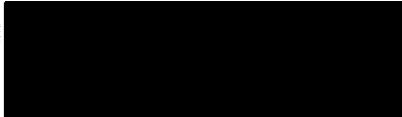
ID	Matters yet to be agreed	APL	CCS
	<p>Similar requirements have been included in recent DCOs for similar projects (both OCGTs and CCGTs), and without any requirement for a decommissioning bond or other security.</p> <p>APL considers that where the Government thinks that decommissioning costs should be secured it has put in place a regime for this (such as for new nuclear generating stations or offshore renewables).</p> <p>APL considers that there is no legislative or policy basis for requiring a decommissioning bond.</p>		
B. Operational time limit for Generating Station			
4.B.1	The Parties AGREE that the Project has a design life of 25 years and that this is the basis of the assessments within the Environmental Statement (Document Reference 6.1).	Agree	Agree
4.B.2	<p>CCS considers that the Project has been designed for the above design life and is therefore of the opinion that there should be a requirement limiting the lifetime of the Order.</p> <p>Without a time limit, the consent is essentially permanent (CCS has raised concerns about the wide-ranging definition of maintain within the DCO) and the ES has been prepared on the basis that the effects are reversible in the medium term. In addition, the LEMP has a lifetime of 25 years. The drainage attenuation has also been designed for a period of 25 years.</p> <p>Ensuring the effects considered are accurate can only be secured with a time limit.</p>	Not agreed	Agreed

ID	Matters yet to be agreed	APL	CCS
4.B.3	<p>APL does not agree that the points in 4.B.1 above lead to the conclusion that the DCO should limit the operation of the Generating Station to 25 years. All infrastructure projects have a design life, and for generating stations (including the Project) this is often 25 years. In practice, generating stations may operate for longer than 25 years, a decision which is made on a commercial basis by the operator at the relevant time and in compliance with relevant consents (such as the environmental permit). Notwithstanding that, 25 years is a reasonable period to use as the basis of the environmental assessments, and any other period would be arbitrary. The use of that period in the assessments does not dictate the need for a requirement limiting the operational period of the generating station.</p>	Agreed	Not agreed
C. Ecology			
D. Socio-economics			
4.D.1	<p>The scope and parameters of the assessment of effects on tourism is not agreed, as CCS considers these were too restrictive. The Socioeconomic Chapter Clarificatory Note (Annex B of the Statement of Common Ground (Friday 9 November, Examination Deadline 1)) explains the rationale adopted by APL in determining the scope and parameters of the tourism business survey and the assessment of tourism effects, both presented in Chapter 14 of the ES.</p> <p>It should be noted that CCS were consulted by APL on the proposed assessment methodology in Autumn 2014, prior to the tourism business survey being undertaken, and did not raise any concerns in their response.</p>	Agreed	Not agreed.

5. Confirmation of Agreement

Signed for and on behalf of Abergelli Power Limited

Signed



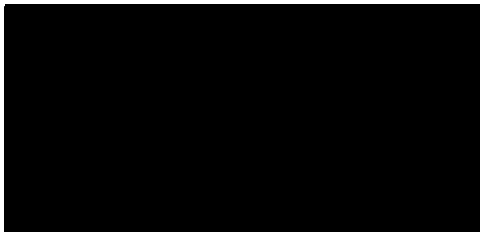
Name: Kirstin Gardner

Position: Project Manager

Date: 19th December 2018

Signed for and on Behalf of City and County of Swansea

Signed:



Name:

Position: DEVELOPMENT CONSERVATION & DESIGN
MANAGER

Date: 20th December 2018

Annex A

Note on cumulative traffic impacts of the Abergelli Power and Felindre Strategic Site

Project:	Abergelli Power Project		
Subject:	Paper on cumulative traffic impacts of the Abergelli Power and Felindre Strategic Site		
Prepared by:	Spiro Panagi	Date:	09/11/2018
Approved by:	Catherine Anderson	Date:	09/11/2018

The City and County of Swansea Council (CCS) has requested that the Applicant considers the cumulative traffic impacts of the Strategic Site at Felindre. The following has been prepared in response to CCS's request.

Background

In May 2018, when the DCO Application for the Abergelli Power Project was submitted, no planning application for the Felindre Strategic Site had been submitted. Following the submission and acceptance of the Abergelli Power DCO Application, a planning application was subsequently submitted for the Felindre site (Reference: 2018/1618/OUT).

The traffic analysis and capacity assessments carried out as part of the work for the Abergelli Power DCO application included the use of forecast traffic growth assumptions. These assumptions were made using industry standard National Trip End Model (NTEM). The NTEM growth estimates are based on employment and household growth forecasts and are based on the same data as that used in the development of the full Local Development Plan. The use of this methodology therefore ensures that the Felindre application is implicit within the Abergelli Power Project assessments and to undertake further analysis would be to double count strategic growth impact.

Consideration of potential cumulative traffic impacts

Notwithstanding the above, in line with CCS's request, the Applicant has examined the potential for the Abergelli and Felindre schemes to overlap during their respective construction and operational phases, and therefore give rise to cumulative traffic impacts. There is no need for the Abergelli Power operational phase to be considered cumulatively with Felindre, since the Abergelli Power operational traffic levels are very low.

A decision on the Abergelli Power DCO Application is expected in October 2019, after which time there will be a further 12 months or more before development progresses, i.e. construction is expected to commence in October 2020. The duration of the construction period is anticipated to be 22 months; on this basis, construction is expected to be complete and the plant operational in August 2022. **The peak construction traffic for the Abergelli Power scheme will occur around 11 months from commencement, in August 2021.**

The planning application for the Felindre scheme was submitted in July 2018 and validated in August 2018. It is envisaged that there will be a further six months (i.e. February 2019) or longer before a formal decision is made on this application. The planning application for the Felindre site which is currently under consideration is an outline application with all matters reserved; therefore, detailed design of the accompanying new highways and/or road improvements are unlikely to be submitted until consent for the outline application has been granted. Detailed designs for the on-site and off-site highway infrastructure (such as the new roads within the site, site access junctions and off-site improvements) will need to be submitted for technical approval by the Local Highway Authority. This process of design and approval is likely to take around 6 -12 months. In addition, there will also be reserved matters applications setting out the detailed design aspects for non-highways design matters; this will need to go through an approvals process with the Local Planning Authority. Assuming consent is granted for the

Felindre site outline planning application in February 2019, it is therefore likely that detailed design matters will not be agreed until July 2019 at the earliest, with housing construction commencing shortly after.

The Transport Assessment for the Felindre scheme anticipates that it will be fully built-out and operational by the end of 2028. On the basis of housing construction commencing by Q1/2 2020, this equates to a construction period of 9 years, and a construction rate of 90 dwellings per year. This is a higher than typical construction rate; whilst achievable, this type of construction rate tends to be seen only on sites where there are multiple housebuilders undertaking simultaneous development. It is not clear from the outline details of the Felindre scheme whether it will be constructed by a single or multiple housebuilders.

On the basis of the details and timescales identified above, there is the potential for the duration of the construction of the Abergelli Power development to overlap with construction activities and initial occupation of the Felindre scheme (up to circa 270 dwellings by August 2022). The overlap would occur between October 2020 and August 2022

The Transport Assessment for the Felindre scheme does not include any details on assumed peaks in traffic generation during combined construction/operational phases of the Felindre site (i.e. construction activities at the same time as occupation). Assuming construction rates are constant across the construction period, it can be calculated that the Felindre site traffic peak will occur in the final year or two of construction when most dwellings are occupied, but there are still traffic movements associated with construction activities. On this basis, **the peak year in traffic movements from the Felindre scheme is not likely to occur until 2027/28**. This is well beyond the peak in construction traffic movement for the Abergelli Power development, which is forecast for 2021. There will be operational traffic associated with the Abergelli Power development that will coincide with the peak traffic movements from the Felindre scheme; however, as identified in the Abergelli Power Environment Statement, operational traffic from the Abergelli scheme will be minimal and well below the thresholds that require assessment as identified in best practice guidance, recognising that any impacts will be negligible.

Annex B

Abergelli Power Project Environmental Statement: Socioeconomic Chapter Clarificatory Note

Abergelli Power Project Environmental Statement: Socioeconomic Chapter Clarificatory Note

Economic Impact – Construction

GVA per worker figures used in the socio-economic ES chapter were generated from bespoke forecasts supplied by Experian (2017) for the Study Areas adopted in the assessment. Experian forecasts were obtained to allow Study Areas to be based on labour market drive-time areas and therefore to allow a full assessment of likely employment effects to be carried out, which would not have been possible if the Study Areas had instead been based on local authority boundaries for which population and employment statistics are publicly available.

The Experian forecasts identify GVA generation and employment per sector over the expected construction and operational phases of the Proposed Development. It should be clarified that the figure of £76,225 GVA is per worker (not per head of population) and applies to West Wales (the 60-minute drive time Study Area) rather than to Wales as a whole. By comparison, an analysis of existing GVA per worker using publicly available data (ONS data, 2017 based¹) indicates that average GVA per construction worker across the whole of Wales is approximately £65,953.00. This differs substantially from the £44k figure quoted by CCS² and it should be noted that comparable ONS data for the West Wales 60-minute drive time Study Area adopted in this assessment is not publicly available. Allowing for temporal differences, construction inflation and differences between the characteristics of the construction sectors in the areas considered (West Wales compared with Wales as a whole), the construction sector GVA per worker figure used in the ES chapter is considered to be appropriate.

In terms of the other minor observations raised by the CCS Economic Development team, it can be confirmed that page 14-6 of the ES should have stated that Swansea Council for Voluntary Services (SCVS) were consulted regarding potential on community infrastructure provision and usage. It can also be confirmed that the tables on page 14-22 of the ES should have referred to unemployment as inactivity.

Tourism Business Survey

A business survey was completed to provide understanding of the local tourism economy and its current performance. This was used to contextualise and inform an assessment of likely significant socio-economic effects of the construction and operation of the Proposed Development, as detailed in Chapter 14 Socio-economics of the Abergelli Power Project Environmental Statement (Document Reference 6.1).

The business survey findings were summarised in Section 14.5 (c) of the ES chapter and detailed more fully within Appendix 14.2: Tourism Business Survey. The timeline surrounding the undertaking of the tourism business survey and preparation of the ES chapter is as follows:

- **October 2014:** The methodology adopted for the socio-economic impact assessment was first outlined in a Consultation Method Statement (CMS) issued by PBA to relevant stakeholders including CCS. The CMS identified the proposed study areas (including a 10-15 km tourism Study Area) and noted the intention to undertake a tourism business survey in late October / early November 2014 as one of the tools which would inform the impact assessment. The purpose of the CMS was to allow stakeholders to inform the final assessment methodology; therefore, any issues or suggestions raised by consultees at the time were taken into account.
- **November 2014:** CCS (Economic Development) responded to the CMS. This response was generally supportive of the proposed approach but did not provide specific comments regarding the proposed tourism business survey.

¹ This ONS data has been provided to CCS for comparison purposes.

² This figure is taken from Experian data and relates to 2016 construction sector GVA per employee in Swansea rather than a wider area.

- **November 2014:** Separately, the Abergelli Power PEIR (2014) identified the intention to undertake a tourism business survey across the identified tourism Study Area. The response from CCS (Economic Development) to the PEIR did not provide specific comments regarding this.
- **December 2014:** Tourism business survey undertaken (58 businesses contacted, including businesses within Felindre such as the Shepherd's Country Inn). 17 businesses responded to the survey, resulting in a response rate of 29.3%. This included businesses within Felindre such as the Shepherd's Country Inn. The sectoral breakdown of the 58 contacted businesses was as follows: B&B's (10%), self-catering accommodation (12%), caravan park (2%), golf courses (3%), Pubs/Bars (52%) and Restaurants (21%).
- **May 2018:** Submission of Abergelli Power DCO application including ES Chapter 14 – Socio-economics.
 - The rationale for the geographical extent of the tourism business survey area is set out in paragraphs 14.4.18 – 14.4.19 of the ES. 10 km was adopted as a distance threshold in order to focus upon businesses located close to the Application Site which could experience the greatest impacts. Similarly, tourism businesses located south of the M4 were excluded as they are not likely to experience significant socio-economic effects (from the Proposed Development), owing to these businesses being separated from the Application Site by motorway infrastructure. The presence of the M4 and associated existing amenity impacts (e.g. traffic noise) is likely to significantly diminish or mask any potential visual, noise, traffic/accessibility or air quality effects arising from the Proposed Development on businesses south of the M4, meaning that significant socio-economic effects are considered improbable. Businesses in this area were therefore not identified as receptors for the purposes of the impact assessment and were therefore excluded from the survey;
 - As detailed within section 14.7 of the ES, three tourism and recreational receptors were carried forward to the impact assessment: Cwm Clydach Nature Reserve, National Cycle Route 43 and the Celtic Trail, and Teamforce Paintball and Laser Tag Activity Centre (Llangyfelach). Other potential receptors were identified in the socio-economic baseline but subsequently excluded from the assessment on the grounds of not being likely to experience significant socio-economic effects from the Proposed Development; and,
 - The criteria used to assess the likely magnitude of socio-economic changes (and thus the level of likely effect) from the Proposed Development on the three assessed tourism and recreational receptors are set out in Table 14.7.

In response to the matters raised by the CCS Economic Development and Cultural Services teams, it can be confirmed that:

- The initial list of consultees relevant to the Proposed Development was prescribed by the Planning Inspectorate (PINS) in Appendix 1 of the Abergelli Power DCO EIA Scoping Opinion. Additional consultees were added to the list upon request, referral from existing consultees or if it otherwise became apparent that they should be included;
- The accommodation capacity assessment included in Chapter 14 of the ES was carried out separately to and not reliant upon the tourism business survey. This assessment considered known visitor accommodation provision, as identified from publicly available data and websites, within a 10 km Study Area. The assessment therefore took account of accommodation within locations including Central Swansea.
- The tourism business survey was completed using the Study Area parameters agreed in the Abergelli Power DCO EIA Scoping Report and EIA Scoping Opinion. All relevant feedback received from consultees in respect of the Socio-economic Assessment CMS and the Abergelli Power PEIR was taken into account in undertaking the tourism business survey;
- The sectoral breakdown of the 58 contacted businesses is considered to represent a reasonable cross-section of the tourism and associated businesses (as opposed to heritage assets, assessed elsewhere in the ES) within the Study Area;
- Whilst the tourism business survey provided valuable evidence to inform the assessment, the survey results do not themselves present an assessment of likely significant impacts upon any individual identified tourism and recreational receptors. Therefore, it would not have been

possible to attach weighting to individual business survey responses, and re-doing the survey using an expanded survey area for tourism business would not alter the impact assessment conclusions presented within Chapter 14 of the ES.

The reasoned conclusion of the impact assessment presented in Chapter 14 of the ES is that none of the assessed tourism and recreational receptors are likely to experience significant socio-economic effects as a result of the construction or operation of the Proposed Development. This conclusion is considered to remain valid and robust.