

**Loxley**

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 **Mr Wynne Watkins and Redisplay Limited**

We certify that this is a true and complete copy of the original Loxley. [REDACTED] .....  
Date..... 23.1.19 .....

## 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 Mr Wynne Watkins and Redisplay Limited (the "**Landowners**"). For the purpose of this SOCG, APL and the Landowners 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.
- 1.3 The Project consists of:
- 1.3.1 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.
  - 1.3.2 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
  - 1.3.3 An Electrical Connection which will be an underground electrical cable to export power from the Generating Equipment to the National Grid Electricity Transmission System.
- 1.4 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 included in the authorised development in 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 under the Town and Country Planning Act 1990 from City and County of Swansea in respect of the Gas Connection and Electrical Connection works.

1.5 This SOCG relates to matters relating to the Application for a Development Consent Order submitted by the Applicant on 25 May 2018 with reference EN010069 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 Power Generation Plant 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.

**3. MATTERS AGREED BETWEEN THE PARTIES**

3.1 The Parties agree that:

3.2 The Landowners' interests in land are comprised in the following plots:

Proposed permanent acquisition of rights	Plots 18, 21, 22, 23 and 24
Proposed temporary possession	Plots 18A and 18B

3.3 The Book of Reference accurately identifies the Landowners' interests in the Order Land.

3.4 Mr Wynne Watkins attended the consultation event hosted by the Applicant on 7 February 2018 accompanied by his agent, Ms Perkins. The differences between Options A and B were discussed, and the Landowner expressed the view that the woodland identified as ancient woodland was not ancient because it had been dug out and replanted previously by the Landowner's family. The Applicant requested that the Landowners followed up the attendance at the consultation event with a written consultation response.

3.5 The Landowners did not respond in writing to the Applicant's statutory consultation.

3.6 No licence to access the property of the Landowners was agreed between the parties for ecological survey work.

3.7 The following table lists the relevant correspondence and meetings between the Parties in relation to the Application and the proposed acquisition of land:

Date	Meeting/Correspondence	Details
27 April 2018	Meeting	Meeting with the Applicant, the Landowner and the Landowner's land agent to commence discussions.
18 May 2018	Correspondence	Fully termed written offer made to the Landowner

Date	Meeting/Correspondence	Details
		by the Applicant. This was sent by email to the Landowner's appointed agents on 18 May 2018. A copy was sent to the landowners by post. The documents addressed to Redisplay were never received and the copy of the offer to Wynne Watkins was received in June 2018 due to incorrect postage. APL subsequently apologised on 24th September 2018 to the landowners for the delay in the receipt of the paper copies.
7 August 2018	Correspondence	The Landowners responded to Carter Jonas (the Applicant's land agent) to confirm that the heads of terms proposed in the offer were not acceptable. A counter offer was submitted by the Landowners.
3 September 2018	Correspondence	Carter Jonas wrote to the Landowner's agent to confirm the rights being sought under the draft DCO. Carter Jonas also requested evidence of comparable transactions to support the counter offer made.
24 September	Meeting	Meeting between Chris McKerrow and Susannah Crawford of the Applicant, Steve Drennan (the Applicant's land agent) and the Landowners' agent Katherine Perkins.

**4. MATTERS NOT AGREED BETWEEN THE PARTIES**

- 4.1 It is not agreed by the Landowners that the compulsory acquisition powers sought by the Applicant are necessary to secure the objectives of the Project;
- 4.2 It is not agreed by the Landowners that the Project can be implemented within the areas shown on the Works Plan and Land Plans;

- 4.3 It is not agreed by the Landowners that the interference with the Landowner's land and rights is justified;
- 4.4 It is not agreed by the Landowners that the consideration of alternatives which is set out in the Statement of Reasons and in the Environmental Statement is adequate;
- 4.5 The alternative proposed by the Landowners (Access Option 1, as consulted upon by the Applicant in 2014) is not agreed by the Applicant.
- 4.6 It is not agreed by the Landowners that the Applicant has presented a compelling case in the public interest for the acquisition of the Landowners' land;
- 4.7 It is not agreed by the Landowners that the Electrical Connection and the Gas Connection are not integral to the Project. The Landowners consider that the draft DCO is therefore invalid. The Applicant considers that the Electrical Connection and the Gas Connection are properly regarded as associated development and that they therefore cannot be included in the DCO in accordance with the terms of section 115 of the Planning Act 2008.

This SOCG is prepared jointly and agreed by the Parties:

Signed by  
For and on behalf of **Abergelli Power Limited**

Date: 25.01.2019

Signed by  
For and on behalf of **Wynne Watkins**

Date: 22/1/2019

Signed by  
For and on behalf of **Redisplay Limited**

Date: 22/1/2019

