

DATED 6th August 2013

IN THE MATTER OF
THE ELECTRICITY ACT 1989 ("ACT")
THE ELECTRICITY GENERATING STATIONS AND OVERHEAD LINES
(INQUIRIES PROCEDURE) (ENGLAND AND WALES) REGULATIONS 2007
THE APPLICATION OF FFERM WYNT LLAITHDDU CYF DATED 7 MAY 2008
FOR CONSENT UNDER SECTION 36 OF THE ACT TO CONSTRUCT AND
OPERATE A 66.7 MW WIND TURBINE GENERATING STATION

STATEMENT OF COMMON GROUND

On

HYDROLOGY

**Between Fferm Wynt Llaithddu Cyf (1) and The Natural Resources Body for
Wales (2)**



AARON & PARTNERS LLP

SOLICITORS

Grosvenor Court
Foregate Street
Chester CH1 1HG

Tel: 01244 405555
Fax: 01244 405566
Ref: RDF.TRI17.2

1. Introduction

- 1.1 Fferm Wynt Llaithddu Cyf ("**FWL**") has made an application dated 7 May 2008 ("**Application**") for consent to construct and operate a 66.7 MW wind turbine generating station in Powys, Mid-Wales ("**Llaithddu**").
- 1.2 The Secretary of State for Energy and Climate Change has given notice that a combined public inquiry will be held under Section 62(3) and Schedule 8 of the Electricity Act 1989 into (inter alia) the above application.
- 1.3 This is a statement of common ground between FWL (1) and the Natural Resources Body for Wales ("**NRW**") on hydrology matters relating to the Application.

2. The Application

- 2.1 FWL has submitted supplementary environmental information ("**SEI**") to the Department of Energy and Climate Change in connection with the proposed hydrology and water quality related implications associated with the development of the proposed Llaithddu Wind Farm.
- 2.2 Section 6 of the SEI considers Geology, Hydrology and Hydrogeology related implications. The SEI was also supported by the submission of a Draft Water Quality Management Plan (SEI Appendix 6.4) as requested by the Countryside Council for Wales (CCW) now the Natural Resources Body for Wales (NRW). In addition supplementary information regarding the watercourses has been presented to NRW as summarised in SEI Table 6.1 and provided in SEI Appendix 6.1.

3. Extent of the River Wye Site of Special Scientific Interest/Special Area of Conservation

3.1 The River Wye catchment as a whole is in excess of 4000 km², of which the sub-catchments, in which the application site is located, constitute less than 1% of the River Wye catchment. The total area of the Wye SAC is 2,234.89 hectares, of the total Wye catchment comprising the River Wye, its main tributaries and limited adjacent land. The precise extent of which tributaries are included with the SAC is presented in SEI Appendix 6.3 and Figure 6.1. The SAC designation does not extend along the watercourses in close proximity to the proposed development, with approximately 4 km of channel between the site and the SAC in the Blue Lins Catchment and in excess of 2.5 km in the Llaethdy Brook catchment.

4. Methodology and Results

4.1 To address the specific issues raised by CCW (now NRW) a more detailed hydrological and water quality assessment has been undertaken to inform the SEI. This included providing additional details of the site's setting with regard to proximity of construction features to watercourses and also more detailed assessment of impacts with regard to water quality and hence proposed mitigation measures.

4.2 The SEI concluded that whilst the sensitivity of Wye catchment is considered to be high due to its designation as a SAC, the magnitude of impacts associated with both construction and operational phases is considered to be negligible and short term.

4.3 The SEI concludes that the effect of the application on the SAC is therefore determined to be of negligible significance when considered alone.

5. Matters of Concern

5.1 The following matters of concern have been raised by NRW in their Opening Statement of Case (section 7.2):-

5.1.1 Insufficient information has been provided by the applicants of Llanbadarn Fynydd, Llaithddu, Llandinum Wind Farms and the Llandinum 132kV grid line to rule out a likely significant effect from the proposals, in combination with each other and with other plans and projects in the planning system on the River Wye SAC.

5.1.2 Unless the applicants provide additional information to demonstrate that there will not be a significant effect from their projects, alone or in combination with other plans and projects, to comply with Regulation 61 of the Habitat Regulations an appropriate assessment is required to ensure that the proposals alone and cumulatively would not have an adverse impact on the integrity of these sites.

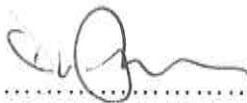
5.2 NRW provided an Outline Habitat Regulations Assessment Scoping Brief for Conjoined Mid Wales (Powys) Windfarm Public Inquiry (Scoping Brief) during the Inquiry Opening Session. This Scoping Brief set out the information NRW advises is required to inform an in-combination assessment as part of the Habitat Regulations Assessment of the projects being considered by the Public Inquiry on the River Wye SAC.

6. Matters of general agreement

It is common ground between FWL and NRW that:

- 6.1 As set out in CCWs letter dated 7 September 2012 that it should be possible to conclude the project will have no adverse effect on the integrity of the site and SAC if suitable conditions are attached to the project to ensure that the necessary measures are in place to avoid adverse effects on the integrity of the SAC.
- 6.2 If the scheme is approved, NRW have suggested various planning conditions are attached to the consent. The titles of the planning conditions relevant to hydrology are Water Quality Management and Monitoring, a Construction Method Statement and Construction Environmental Management Plan Both parties agree these should be attached to any consent the Minister is minded to grant.
- 6.3 It is agreed that, when the Llaithddu Wind Farm application is considered 'alone', the imposition of these conditions will ensure that sufficient measures are in place to ensure that there is no likely significant effect on the interest features of the River Wye SAC, and to monitor the water quality in the River Wye catchment during construction. The combined effects on the River Wye SAC with other projects in the area will be considered through the habitats regulations assessment which will be prepared by DECC based on information provided by FWL and other applicants.

Dated 6th August 2013



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For Fferm Wynt Llaithddu Cyf

A handwritten signature in black ink, appearing to read 'Tim Jones', with a long horizontal flourish extending to the right.

Tim Jones

Executive Director Operations North and Mid Wales

For The Natural Resources Body for Wales