

DATED 15 July 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

HIGHWAYS AND ACCESS

Between Fferm Wynt Llaithddu Cyf (1) and Powys County Council
(in its capacity as the County Highway Authority) (



AARON & PARTNERS LLP

SOLICITORS

Grosvenor Court
Foregate Street
Chester CH1 1HG

Tel: 01244 405555
Fax: 01244 405566
Ref: RDF.TR117.2

1. Introduction

- 1.1 Fferm Wynt Llaithddy 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 Powys County Council ("**the Council**") on highways and access matters relating to the Application.

2. The Application

- 2.1 FWL has submitted supplemental environmental information ("**SEI**") to the Department of Energy and Climate Change in connection with the potential transport, access and associated transport related implications incidental to the development of the proposed Llaithddu Windfarm.
- 2.2 Section 9 of the SEI considers the potential transport, access and associated transport related implications associated with the development of the proposed Llaithddu Windfarm.
- 2.3 Section 9 deals (inter alia) with:-
 - (a) Proposed Site and Access (para. 9.2.3);
 - (b) Anticipated construction works (para. 9.2.4); and
 - (c) Abnormal Load Traffic and Routeing (para. 9.2.5).

- 2.4 Further drawings have been provided to the Council in respect of the access from the A483 road to the Llaithddu Windfarm site which have not been submitted as supplementary environmental information.

3. Matters of concern

The Council set out its concerns in its Updated Statement of Case. The matters of concern to the Council that remain following the provision of SEI and further information referred to above are as follows:

- (1) The reasonable likelihood of FWL being able to deliver improvements to the access road from the A483 road to the Llaithddu Windfarm site due to ownership of land surrounding the highway.
- (2) The willingness of the applicants to enter into a section 106 agreement to manage AIL deliveries or rectify damage to the highway consistent with their duty to mitigate the effects of their development.

4. Matters of general agreement

It is common ground between FWL, the Council and WG that the proposed route as set out in Section 9 of the SEI is acceptable for AIL deliveries subject to improvement of the trunk and local road network and traffic control and management where appropriate.

5. The Crossgates Railway Bridge

It is understood that the Welsh Government are not satisfied in relation to the use of the route passing under the Crossgates Railway Bridge but the issue is one for FWL to address with the Welsh Government as the Trunk Road Authority and that any objection by the Council in that regard will be withdrawn if the Welsh Government is satisfied as to the route.

6. AIL deliveries and damage to the highway

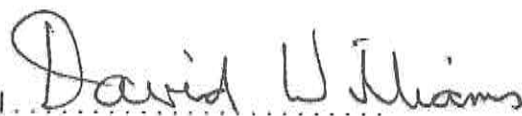
It is agreed by FWL, the Council and WG that the damage to the highway network from movement of AIL's can be managed and controlled by the imposition of either a section 106 agreement or conditions, and that further discussions will take place in that regard.

7. Disruption to the Highways Network

7.1 It is agreed by FWL, the Council and WG that any disruption to the highway network can be managed by imposition of either a section 106 agreement or conditions, and that further discussions will take place in that regard.

7.2 It is further agreed by FWL and the Council that any local improvements required to the access road from the A483 to the Llaithddu Site can otherwise be managed and controlled by the imposition of conditions, but PCC is awaiting further information on land ownership to show that any condition is reasonably likely to be fulfilled.

Signed on behalf of Powys County Council



Signed on behalf of Fferm Wynt Llaithddy Cyf

A handwritten signature in black ink, appearing to be 'D. Jones', written over a dotted line.

Dated .15/7/13