

ELECTRICITY ACT 1989 (Sections 36, 37, 62(3) & Schedule 8)
TOWN AND COUNTRY PLANNING ACT 1990 (Section 90)
The Electricity Generating Stations and Overhead Lines (Inquiries Procedure) (England and
Wales) Rules 2007

**THE MID-WALES (POWYS) CONJOINED WIND FARMS PUBLIC INQUIRY
SESSION 2 - STRATEGIC SEARCH AREA B**

(Application by RES UK & Ireland Limited dated 27 March 2009 for consent to construct and
operate a 100 MW Wind Turbine Generating Station in Powys, Mid- Wales ("Llanbrynmair"))

(Application by RWE Npower Renewables Limited dated 11 December 2008 for consent to
construct and operate a 130-250MW Wind Turbine Generating Station in Powys, Mid-Wales
("Carnedd Wen"))

EXPANDED STATEMENT OF COMMON GROUND

on

LANDSCAPE AND ECOLOGY

between

CYNGOR SIR POWYS COUNTY COUNCIL

&

NATURAL RESOURCES WALES

This Statement of Common Ground has been agreed between Cyngor Sir Powys County Council ("The Council") and Natural Resources Wales ("NRW") to assist the running of Session 2 of the Mid-Wales Conjoined Wind Farms Public Inquiry.

Session 2 deals with the proposals for two adjoining sites in Strategic Search Area B known as Carnedd Wen and Llanbrynmair. The respective applicants are RWE Npower/Npower Renewables Limited (NRL) and Renewable Energy Systems Limited (RES).

In session 2 the Council is providing evidence as to the unacceptability of the access proposed by RES along the Llanerfyl to Talerddig Road, and arguing that impact could be avoided by sharing access with Carnedd Wen. The Council's and NRW's case on this aspect of the proposals is largely complementary, and to this end both parties are seeking to avoid unnecessary replication of evidence and/or use of time resources by setting out matters of common ground, in the hope that this will assist the running of the inquiry.

Both parties have considered the statements below and have confirmed agreement that they represent a common position. The statements are as follows:

Shared access as a means to avoid or reduce impacts

1. The Council and NRW are of the shared opinion that insufficient effort has been expended by RES to
 - seek to avoid or reduce the landscape and ecological impacts arising from the current separate access proposals,
 - determine the impact on European Protected Species (EPS) so that they are unable to be assessed, and
 - that they have therefore failed to comply with related and applicable statutory and policy obligations.
2. Independently of the applicants, the Council has carried out a feasibility study into options for an alternative, shared access arrangement, and the results have been the subject of discussions and joint site visits with Council and NRW representatives during September 2013.
3. The Council and NRW agree that the Council's feasibility study demonstrates an in-principle means to interlink the two schemes via two new sections of additional track, totalling some 700 metres of wholly new track construction and some 600 metres that can be constructed by upgrading existing forestry tracks.
4. The Council and NRW are of the shared opinion there is no landscape or ecological basis for discounting a shared access solution.

Adequacy of EIA material

5. The Council and NRW are of the shared opinion that the environmental information submitted by RES in support of the proposed highways works to the Llanerfyl to Talerddig Road does not form a robust basis for decision making.

6. In particular, the Council and NRW agree that there are significant concerns over the scope, effort and presentation of the protected species survey information, particularly with respect to the European Protected Species dormouse.
7. The Council and NRW also share concerns that the submitted environmental information does not address uncertainties concerning the landtake required for construction, and the type, level and significance of the ecological and landscape impacts arising from that unquantified additional landtake.
8. The Council and NRW share the opinion that the environmental impacts of the proposed highways improvements have been inadequately assessed, and may be higher than indicated in the submitted environmental information.

Evidence to the inquiry

9. Natural Resources Wales supports the broad substance of the main and supplementary proofs of evidence presented to the inquiry by the Council's ecology witness Dominic Woodfield.
10. Natural Resources Wales shares the broad substance of the ongoing concerns about the EIA information for the access road that have been raised by the Council in correspondence from their solicitors to the inspector dated 3rd October 2013, and which remain following the receipt of further information from the applicant.

Supplementary statements of agreement

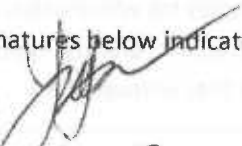
11. The Council and NRW agree that, subject to detailed design and micro-siting to minimise impacts on peat resources, the two interlinking sections of track identified in the Council's feasibility study provide a satisfactory alternative means of access to avoid likely significant effects including landscape and visual impacts and impacts on ecological resources arising from the proposed highways works along the road between Llanerfyl and Llanbrynmair site entrance 4 .
12. The Council and NRW agree that, on the basis of the information submitted, a licence for EPS may be required to implement the proposed highways works along the Llanerfyl to Talerddig Road.
13. The Council and NRW agree that in assessing an application for a derogation license for European Protected Species in relation to the proposed highway works, NRW must in addition to considering the effect on favourable conservation status, and whether the proposal is of imperative reasons of over-riding public interest, also assess whether there are satisfactory alternatives to the proposed highway works available. On the basis of the evidence that is currently before the Inquiry there appears to be a satisfactory alternative to the highway works proposed by RES, and it is therefore unlikely that a licence would be granted. This is without prejudice to any future derogation application that may be submitted to NRW, which would be dealt with on its merits and on the basis of information submitted at that time.
14. The Council and NRW agree that the proposed Neinthirion bypass affects an area of Annex I blanket bog habitat, in part M17 mire, with associated deep peat deposits.

15. The Council and NRW are not satisfied that the applicant has demonstrated that the impacts on Annex I blanket bog habitat and deep peat at Neinthirion cannot be avoided.

The signatures below indicate formal agreement to the statements above:


Signed:

Name:


Tim JONES

Signed:

Name:


DOMINIC WOODFIELD

For and on behalf of NRW

For and on behalf of Powys County Council