

FAO:
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Date: 24 February 2022
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Dear Sir,

Application under s16 Commons Act 2006 (the "2006 Act") to de-register and exchange common land as a secondary consent on the DNS application for Garn Fach wind farm

Introduction

1. We act for EDF Energy Renewables Limited ("EDF").
2. EDF have submitted an application for a development of national significance ("DNS") to allow the construction and operation of a wind farm at Garn Fach in the Parish of Llandinam and Mochdre, Powys.
3. The DNS application is located close to the common MCL114, and works are required over a small section of it. This application for a secondary consent is necessary to facilitate the DNS application.
4. EDF are managing the DNS application and whilst they are not the landowners for the purpose of the s16 application we would request that all communication regarding this application is conducted through them in the first instance.
5. EDF are a leaseholder of the common land area and provide their consent for the land to be de-registered/exchanged for the purposes of the Declaration in Section L of the enclosed application.

Background to the Application

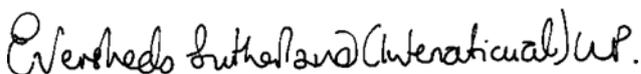
6. The application for the development of the Garn Fach Wind Farm (the "Proposed Development") is being made as a DNS. There is strong policy support at a national, UK, European and international level for development of this kind which exploits renewable resources.
7. The s16 application enclosed clearly sets out the extent of land to be removed from the common and provides details of the location and nature of the replacement land to be given in exchange. The provision of replacement land will result in an increase in the overall volume of common land.
8. The commons application for the Proposed Development has been informed and guided by extensive consultation and responses from consultees. The Proposed Development and the work to be undertaken on part of MCL114, to achieve a

suitable site access track to enable the construction and maintenance of the wind farm, has been designed to have minimal impact on the common.

9. It is recognised that the provision of an access track is not directly in furtherance of the enjoyment of the common, notwithstanding the fact that the Proposed Development ameliorates the impact of climate change which will, unless addressed, impact on the common. Consequently, an application has been made pursuant to section 16 of the 2006 Act which provides for the provision of replacement land to compensate for the areas which will be removed from the common due to the construction and operation of the Proposed Development
10. The rights over the common are expressed to relate to specific areas of the common denoted by letter and shown on the Commons Register Map (at Appendix 1). The land which is required for the operation and maintenance of the development will be removed from the common (de-registered) in area 'U'. To compensate for land being taken out of the common the section 16 application proposes an area of replacement land which runs alongside the north western side of area 'T' of the common. There are no registered commoners and the common in area 'U' is not used by the public.
11. The commons register does not record any rights over area 'U' which would be affected by the construction and operation of an access track.
12. It is proposed that an area of 3165 m² will be de-registered and released from the common. To compensate for that loss the section 16 application proposes an area of replacement land extending to 5,134 m².
13. There will be some temporary disruption during the construction of the track. The construction period for the wind farm is estimated to last 18 months. Any restrictions over the access track will be kept to a minimum in relation to both extent and duration and suitable crossing points will be introduced to ensure that access from one part of the common to the other is maintained throughout.
14. It is considered that the interests of the public and the neighbourhood over the common will not be adversely affected by the exchange and there will be only very minor disruption in the area of the works whilst the track is constructed.
15. In relation to other matters which are required to be considered pursuant to section 16 of the 2006 Act there has been consultation with relevant statutory consultees in relation to such matters as landscape impact, cultural heritage, ecology and archaeology. Only minor concerns were raised and these have been addressed. The consultations overlap with the planning process and a full copy of the environmental statement is provided with the application for the DNS.
16. The benefits of the Proposed Development, which are recognised throughout the DNS application, cannot be realised without the grant of this consent pursuant to the 2006 Act.

Should you have any questions about the application please do not hesitate to contact Kee Evans on the details provided.

Yours faithfully,



EVERSHEDS SUTHERLAND (INTERNATIONAL) LLP

Enclosures

- (i) Application form to deregister and exchange common land
- (ii) Appendix 1 : Copy of the Commons Register for MCL114 and extract from the register map
- (iii) Appendix 2: Order Plans
- (iv) Appendix 3:Email exchange with Powys County Council from the Assistant Commons Registration and Definitive Map Officer
- (v) Appendix 4: Maps
- (vi) Appendix 5: Consultation Report
- (vii) Appendix 6: Title and plan WA934449 (Release Land)
- (viii) Appendix 7: Title and plan CYM 171593 (Replacement Land)