



Fferm Wynt
Garn Fach
Wind Farm

Pre Application Consultation under section
16 of the Commons Act 2006



Pre Application Consultation relating to Garn Fach Wind Farm Application under section 16 of the Commons Act 2006

Part of the application site for the Garn Fach Wind Farm is situated on an area of common land registered under the Commons Registration Act 1965 as register unit (Montgomery) CL 114. Common Land (CL) 114 is shown edged dark green on the following maps which accompany this statement:

- Common Land Exchange Overview (Map 1)
- Draft Section 16 Application (Map 2)
- Phase One Ecology (Map 3).

Construction of the above wind farm will involve the deregistration of a small area of land falling within CL 114 in order to allow the development of a 17 turbine wind farm and energy storage project on land at Garn Fach south of Newtown, Powys, to proceed.

The northern edge of the site abuts registered common CL 101 (edged black), but this common land unit is not affected by the proposed development.

The Common Land Exchange Overview (Map 1) shows the proposed development site shaded blue. It also highlights the release land, edged in red (i.e. land to be de-registered so that it is no longer common land) and the replacement land, edged in light green (i.e. land which is to be registered as common land). Map 2 shows the land to be exchanged in greater detail. You will see from these plans that the land edged red will need to be released from the common to allow the development to proceed. This land constitutes a strip 10m wide which will be used for the construction of a track allowing access to the northern part of the development across the common.

As set out in legislation, the de-registration of common land usually requires the provision of replacement land to compensate for this loss to ensure that the overall amount of common land does not diminish as a result of this project. In this case, the release land measures 3,165 m² and the replacement land measures 4,748 m² (i.e. the replacement land is x1.5 the size of the release land). This provides a convenient and appropriate exchange contiguous to the common which will increase the overall stock of common land.

The replacement land has been chosen to provide suitable 'like for like' land. Map 3 shows the ecological habitat of the release and replacement land. The release land is almost exclusively improved grassland with a small section of marshy grassland at the western extent. The replacement land is in the main semi-improved grassland with some improved grassland. Improved grassland can be defined as meadows and pastures which have been affected by heavy grazing, drainage, or the application of herbicides, inorganic fertilizers, slurry or high doses of manure that they have lost many of the species which would likely be present in an unimproved sward. They have only a very limited range of grasses and a few common forbs, mainly those demanding of nutrients and resistant to grazing such as *Lolium perenne* and *Trifolium repens*. Where there is more than 50% of these two species and other agricultural species, this is classed as Improved.

Semi-improved grassland on the other hand will have a good diversity of herbaceous species, at least in parts of the sward, and is clearly recognisable as acid, calcareous or neutral in origin.

Grazing animals do not actively choose improved grassland over semi-improved, or another habitat which has higher floristic diversity. Semi-improved grassland does however have a higher proportion of forbs and herbs in the mix with grasses, which gives more variety to the diet of ruminants.

On this basis the replacement land is deemed suitable exchange land.

We will seek consent for this exchange under s16 Commons Act 2006. Section 16 applications are required for works that are not consistent with the traditional use of the common, or for its management, improvement or protection for which deregistration and exchange land is required. More information with regard to submitting applications can be found at: <https://gov.wales/common-land>.

It is our intention to submit an application under Section 16 of the Commons Act 2006 in relation to the development of a wind farm and energy storage project at Garn Fach as part of the application for a development of national significance to the Planning Inspectorate Wales later this year. A formal consultation on the application will take place following submission of the application.

Application decisions will be based on the merits of the proposal, and will balance all the interests in the common, taking account of all views expressed. Regard must be given to the criteria set out in section 39 of the Commons Act 2006. These are:

- (a) the interests of persons having rights in relation to, or occupying, the land (and in particular persons exercising rights of common over it);
- (b) the interests of the neighbourhood;
- (c) the public interest, which includes the public interest in:
 - nature conservation
 - the conservation of the landscape
 - the protection of public rights of access to any area of land, and
 - the protection of archaeological remains and features of historic interest;
- (d) any other matter considered relevant.

These criteria will be viewed in the light of the overriding objective of protecting, maintaining or improving the common, and of ensuring that the overall stock of common land is not diminished. This will enable the diversity, variety, and overall extent, of common land to be safeguarded.

Prior to submitting applications to the planning Inspectorate EDF Renewables is required to undertake this **pre application consultation**.

The purpose of the consultation, with you, other consultees and the local community at this stage, is:

- To inform people living, working or otherwise using the land in the vicinity of the proposed site about our proposals;
- To provide access to information about the proposed deregistration and subsequent registration in an inclusive way, to all people within the community;

- To provide an opportunity for people living, working or otherwise using the land in the vicinity of the common to put forward their ideas and have a role in developing proposals where they can have an influence; and
- To create and deliver a process through which people living, working or otherwise using the land in the vicinity of the proposed site can comment on the formal proposals

We hope that you will take this opportunity to engage with us regarding our proposals at Garn Fach. The responses that we receive from you will allow us to understand the interests of anyone who may hold commons rights over the proposed site, the interests of the neighbourhood and public in general and also identify any other matters relevant to the de-registration of common land, following the outcome of these discussions.

In the first instance, we would be grateful if you will respond to this statement to let us have your comments on the proposed de-registration of the release land and the registration of the replacement land and to provide us with details of any use you make, or you are aware that others make of the relevant area of the common.

If you are aware of anyone with common rights in this area or anyone actively grazing the land we would be grateful if you could let us know.

We would be grateful if you will kindly respond to this statement by 8th September 2021. Representations can be made to garn.fach@edf-re.uk or sent for the attention of Kee Evans to Eversheds LLP. 1 Callaghan Square, Cardiff, CF10 5BT.

Should you require any additional information in relation to this application or correspondence, please do not hesitate to contact me.

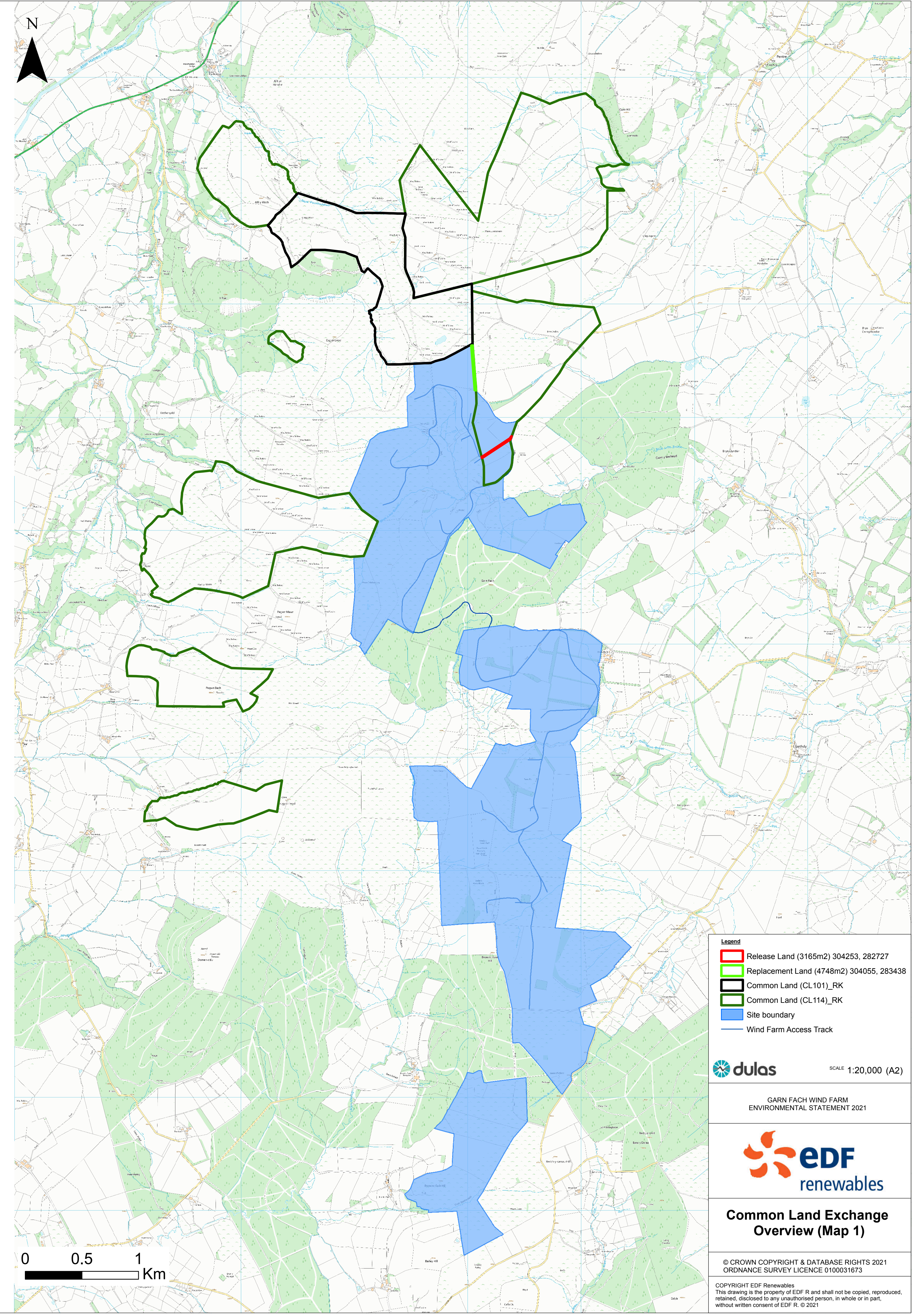
Yours sincerely

A handwritten signature in purple ink, appearing to read 'Simon Morgan'.

Simon Morgan
EDF Renewables

Enc:

Common Land Exchange Overview (Map 1)
Draft Section 16 Application (Map 2)
Phase One Ecology (Map 3).



- Legend**
- Release Land (3165m2) 304253, 282727
 - Replacement Land (4748m2) 304055, 283438
 - Common Land (CL101)_RK
 - Common Land (CL114)_RK
 - Site boundary
 - Wind Farm Access Track



SCALE 1:20,000 (A2)

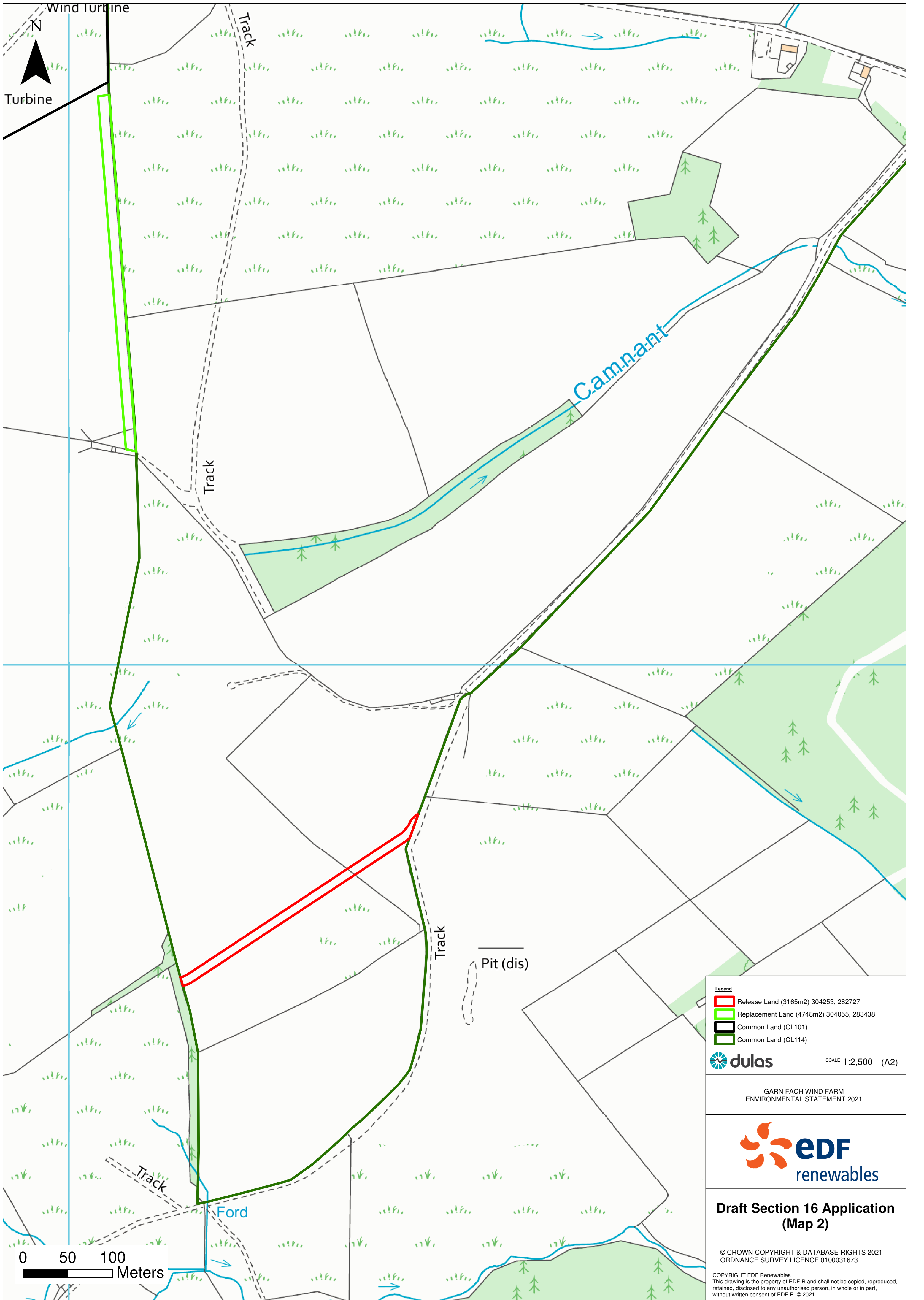
GARN FACH WIND FARM
ENVIRONMENTAL STATEMENT 2021



Common Land Exchange Overview (Map 1)

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Turbine

Track

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Track

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Track

Ford

0 50 100 Meters


Legend

- Release Land (3165m2) 304253, 282727
- Replacement Land (4748m2) 304055, 283438
- Common Land (CL101)
- Common Land (CL114)



SCALE 1:2,500 (A2)

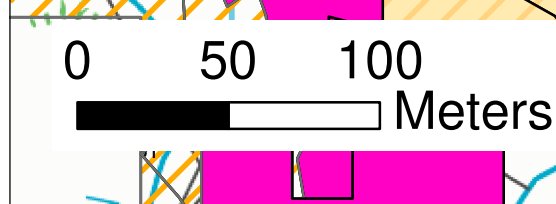
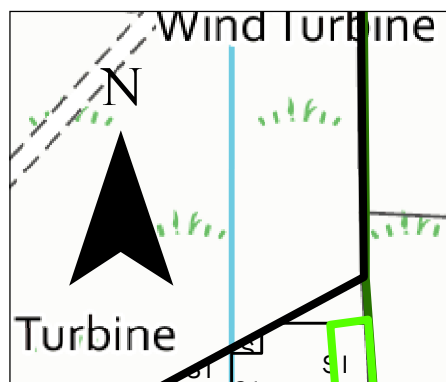
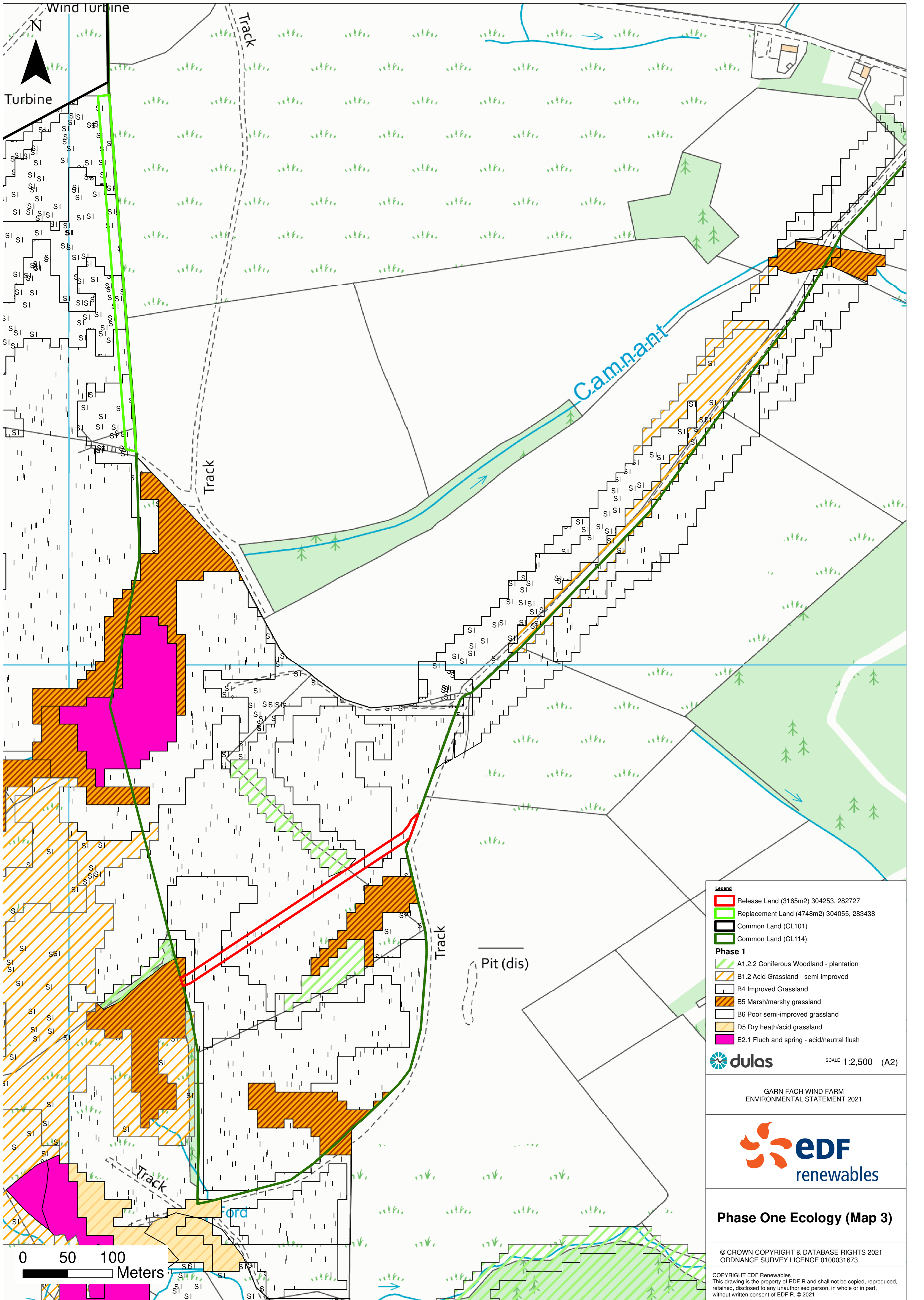
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**Draft Section 16 Application
(Map 2)**

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Legend


- Release Land (3165m2) 304253, 282727
- Replacement Land (4748m2) 304055, 283438
- Common Land (CL101)
- Common Land (CL114)

Phase 1

- A1.2.2 Coniferous Woodland - plantation
- B1.2 Acid Grassland - semi-improved
- B4 Improved Grassland
- B5 Marsh/marshy grassland
- B6 Poor semi-improved grassland
- D5 Dry heath/acid grassland
- E2.1 Fluch and spring - acid/neutral flush

 SCALE 1:2,500 (A2)

GARN FACH WIND FARM
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Phase One Ecology (Map 3)

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