

Unilateral Section 106 Heads of Terms



1 INTRODUCTION

- 1.1 This document sets out the proposed Heads of Terms for a unilateral section 106 agreement given by RWE Renewables UK Swindon Limited (the “**Developer**”) to Caerphilly County Borough Council and Merthyr Tydfil County Borough Council (together the “**Local Planning Authorities**”) and a bi-lateral section 106 agreement in relation to the Pen March Wind Farm (the “**Proposed Scheme**”).
- 1.2 A unilateral section 106 agreement(s) is required to be entered into to secure the Heads of Terms set out below for the benefit of the commoners as part of the common land consent applications (the “Undertaking”) and the bilateral s106 (the “Agreement”) to secure planning obligations related to the Proposed Scheme.

2 THE AGREEMENT HEADS OF TERMS

- 2.1 To secure the off-site Habitat Management Plan.

3 THE UNDERTAKING HEADS OF TERMS

- 3.1 To establish the framework for setting up a Management Group to include the Landowner, Merthyr and Gelligaer Commoners Association, Registered Commoners, a Surveyor and any others with rights over the common which may be affected by the construction of the Proposed Scheme. This will include the terms on which it shall operate including any cost recovery for representatives as a result of being part of the Management Group.
- 3.2 A shepherding sum for use by those with qualifying rights over the common to offset costs incurred as the result of any additional management of livestock upon CL38, required during and as a consequence of the construction and decommissioning of the Proposed Scheme.
- 3.3 The Developer and the Landowner shall ensure that:
- (a) a means of pedestrian access to the Release and Replacement Land is provided for the public for the purposes of exercising their rights under section 193 of the Law of Property Act 1925 or section 2 of the Countryside and Rights of Way Act 2000;
 - (b) grant the Commoners the right to use and pass over the Proposed Scheme's access tracks and crane hardstandings with or without vehicles; and
 - (c) grant the Commoners the right to graze animals to the extent of their registered rights over the Release Land.
- 3.4 That a sum shall be available to compensate qualifying commoners for any reductions in payments received under the Basic Payment Scheme as a result of construction or decommissioning of the Proposed Scheme.