

THIS AGREEMENT is entered into on 01st April 2009

between

(1) Neath and Port Talbot County Borough Council of Civic Centre, Port Talbot SA13 1PJ ("NPTCBC"); and

(2) BP Chemicals Limited, a private limited company registered in England and Wales with number 194971 of Chertsey Road, Sunbury-on-Thames, Middlesex, TW16 7BP ("BPCL");

Whereas:

- (A) Abernedd Power Company Ltd ("APCL") has made an application for permission under Section 36 of the Electricity Act 1989 to construct an 870MW gas fired power plant at Baglan Bay (ref. P2008/1227), Seaway Parade, Port Talbot (the "Section 36 Consent").
- (B) Within the Environmental Statement (Section 9.8) which forms part of the application documentation (the "Environmental Statement") it is stated that "an extended area for Lapwing mitigation will be provided and accordingly discussions are underway with the land owner of the greater Baglan site (the "Site") to secure an area adjacent to the existing lapwing mitigation area for this purpose"
- (C) BPCL, as landowner of the greater Baglan site, has agreed with NPTCBC that it will provide the relevant land for this purpose on a temporary basis and in consideration NPTCBC has agreed that it will use its best endeavours ultimately to secure alternative land on a permanent basis on the terms set out in this Agreement.

It is hereby agreed as follows:

1. Landlord's Undertakings

BPCL, in its capacity as the landowner of the Site, hereby agrees that:

- (a) it will provide the areas of land edged green (the "Land") on the plan of the site attached to this Agreement as Annex A (the "Site Plan") as additional Lapwing mitigation land as contemplated in the Environmental Statement;
- (b) it will provide the area of land edged red on the Site Plan (the "Buffer Zone") as a development buffer zone;
- (c) the Land and the Buffer Zone will be made available from the date of grant of the Section 36 Consent to APCL; and
- (d) the Land and the Buffer Zone will be made available on a temporary basis until such time as NPTCBC has secured a permanent site for Lapwing mitigation at an alternative location.

2. Conditions regarding the Land

BPCL agrees that within the Land:

- (a) the ground will be prepared as necessary to create a mosaic of open pools with short vegetation and bare ground/crushed hard standing materials. As appropriate to the local ground conditions, the nature of the pools will include both permanent features with marginal and aquatic planting and ephemeral scrapes which seasonally flood;
- (b) invertebrate populations will be encouraged through a limitation to the flooded areas and planting of flowering perennials and provision of dead wood piles where possible;
- (c) all planting will be locally sourced as far as possible and include species of value for the local area;
- (d) the ground preparation and habitat creation will be undertaken over the winter, avoiding the recognised bird breeding season (March to August inclusive). This will also aim to ensure that new habitats are established prior to the arrival of Lapwing in the spring; and
- (e) in order to control predation, the area will be enclosed by secure fox-proof fencing. The specification will be agreed with NPTCBC.

3. Undertaking of NPTCBC

NPTCBC hereby agrees that it will use its best endeavours to secure a permanent area for Lapwing mitigation at an alternative location.

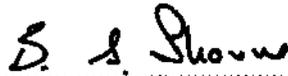
4. Miscellaneous

- (a) BPCL shall be entitled to assign or transfer the benefit and burden of this Agreement to any person who becomes the landowner of the Site.
- (b) Nothing in this Agreement shall be deemed to constitute a partnership between the parties.

5. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of England and Wales and the parties submit to the exclusive jurisdiction of the Courts of England.

IN WITNESS WHEREOF the parties have entered into this Agreement on the date written at the top of the first page



.....
signed on behalf of Neath and Port Talbot County Borough Council

in the presence of



.....
authorised signatory for BP Chemicals Limited