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2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: SouthHook@infrastructure.gsi.gov.uk

Your Ref:

Our Ref: EN010054

Date: 30 October 2013

Dear Sir/Madam

Planning Act 2008 ("PA 2008") (as amended by the Localism Act 2011) and Rule 8 of the Infrastructure Planning (Examination Procedure) Rules 2010

Application by QPI Global Ventures Ltd for an Order Granting Development Consent for the South Hook Combined Heat & Power Station

Notice of procedural decisions made following the Preliminary Meeting

I am writing to inform you about the procedural decisions made following the Preliminary Meeting held on Wednesday 23 October 2013 at the Cedar Court, Havens Head Business Park, Milford Haven, Pembrokeshire, SA73 3LS and to provide the timetable and the initial questions that I am posing for the examination.

The note from the meeting will be published on our website and made available for inspection at the venues listed in Annex A. An audio recording of the Preliminary Meeting has already been published on the South Hook Combined Heat & Power section on the National Infrastructure pages of the Planning Portal's website <http://infrastructure.planningportal.gov.uk/projects/wales/south-hook-combined-heat-power-station/?ipcsection=folder>

1. Procedural decision and timetable

I am extremely grateful to those who attended and for the constructive way in which views were expressed at the Preliminary Meeting. Having carefully considered the matters raised and the submissions made, I have made some changes to the list of principal issues and have revised items 5, 6 and 8 in the draft timetable as discussed at the meeting.

I have accordingly now made procedural decisions about the way in which the application is to be examined. The principal issues are enclosed with this letter at Annex B and the timetable now set is at Annex C.

2. Written representations and further questions

As discussed at the Preliminary Meeting, all Interested Parties are now invited to submit written representations and evidence on any matters concerning the application, and relevant representations already submitted, These should be submitted on or before Thursday 21 November 2013, the deadline set in the timetable.

Following my consideration of the application, the representations received and comments made at the Preliminary Meeting, I have a number of questions and requests for further information. These are set out in Annex D and responses must also be received **on or before Thursday 21 November 2013**. It may be necessary to write to Interested Parties with further questions or with a request for more information as the examination progresses at the timetabled dates and at any other time during the examination.

Please send your written representations and responses to my questions to the email or postal address at the top of this letter quoting reference **EN010054** and your unique reference number, if one is quoted at the top of this letter. Representations can deal with any relevant matter. They are not restricted to the matters set out in the principal issues at Annex B, nor restricted to the questions set out in Annex D. Please note if you are submitting a written representation, you should identify those parts of the application or specific matters with which you agree and those parts with which you do not agree. You must state the reasons for your disagreement.

3. Guidance for the submission of written representations

There is no prescribed form for written representations under primary or secondary legislation. In accordance with Department for Communities and Local Government guidance 'Planning Act 2008: examination of applications for development consent (April 2013)', participants should normally include with their written representations, "*any data, methodology and assumptions used to support their submissions*".

Any written representation that exceeds 1500 words should also be accompanied by a summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the written representation and must be representative of the submission made.

To assist in the timely processing of written representations to be submitted by the deadline of **Thursday 21 November 2013** I request that Interested Parties send, where practicable, electronic copies of their submissions as email attachments, to Southhook@infrastructure.gsi.gov.uk by or before the deadline. Electronic attachments should be clearly labelled with subject title and not exceed 12MB for each email. It is helpful if written requests to attend hearings and requests for an open floor hearing are forwarded separately.

I request the applicant to supply five paper copies of their responses to the requests in this letter and any other submissions in addition to their electronic submissions for the Examining authority to use and make available for public inspection. Should other electronic submissions include supporting material such as technical surveys of 300 pages or more, Interested Parties are requested to send to me, by post, an additional five paper copies of their submission.

Timely submissions in advance of the deadlines set in the timetable are encouraged and welcomed.

4. Availability and inspection of representations and documents

Written representations, responses to relevant representations and to questions, local impact reports, comments or any other documents or information about the application, must be made available to all Interested Parties and to anyone who requests an opportunity to inspect and take copies of them.

In order to meet this obligation, I am notifying all Interested Parties that at each stage of the examination set out in the timetable at Annex C and as soon as practicable, I will make these available by publishing them on the National Infrastructure, South Hook Combined Heat & Power Station project pages on the Planning Portal website. I am also providing the opportunity for inspection and copying at a number of locations in the vicinity of the application site. The notification of the deposit locations is at Annex A.

5. Changes to the timetable

If there is a need to vary the timetable set out in Annex C for any reason, then I shall write to you and inform you of the changes. I shall also do this if the date, time or place of any hearing is changed, other than in the event of an adjournment.

6. Deadlines for receipt of documents and requests for hearings

It is important to note that if written representations, responses to relevant representations and to written questions, local impact reports, further information or requests for hearings are not received by the dates specified in the timetable, I may disregard them. If no written requests are received by the identified deadline for Open Floor Hearings then there is no need to hold any such hearing. The time, date and place of any confirmed hearing will be notified in writing to all registered Interested Parties, providing at least 21 days' notice.

7. Awards of costs

Your attention is drawn to the possibility of the award of costs against any party who behaves unreasonably. You should be aware of the relevant Costs Policy that applies to National Infrastructure Projects, which is available on the legislation and advice section of the National Infrastructure pages of the Planning Portal's website. Please give this very careful consideration.

8. Future notifications

If you are an Interested Party you will continue to receive notifications from the Planning Inspectorate about the examination throughout the process. If you have received this letter because you attended the Preliminary Meeting but you are not an Interested Party you will **not** receive any further communication from us relating to this application. You can, however, visit the dedicated project page on the National Infrastructure pages on the Planning Portal's website to stay informed of the progress of the examination of this application.

If you are a Statutory Consultee or a local authority who has not made a Relevant Representation but wishes to become an Interested Party, you should inform me by **Wednesday 13 November 2013. Statutory Consultees who have not made a Relevant Representation and do not notify me of their wish to become an Interested Party will not receive any further correspondence.**

Yours faithfully

Jonathan Green

Jonathan Green
Examining authority for this application

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

Annex A

Availability of relevant representations and application documents

Annex A

The relevant representations made by interested parties and application documents submitted by the Applicant are available to view on the National Infrastructure pages of the Planning Portal's website at:

<http://infrastructure.planningportal.gov.uk/projects/wales/south-hook-combined-heat-power-station/>

And available for inspection and copying at:

Pembrokeshire County Council

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Pembrokeshire
SA61 1TP

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Annex B

PLANNING ACT 2008 [“PA 2008”] AND THE INFRASTRUCTURE PLANNING (EXAMINING AUTHORITY’S EXAMINATION PROCEDURE) RULES 2010 (EPR) Procedural Decision regarding an application for the proposed South Hook Combined Heat & Power Station Project.

List of principal issues

This is the initial assessment of the principal issues arising from the application for a development consent order in respect of the South Hook Combined Heat and Power Plant (the CHP Plant). The application is for the construction and operation of a combined heat and power plant with a nominal gross electrical output capacity of up to 500 MW electrical (MWe). The plant will be integrated with the adjacent Liquid Natural Gas (LNG) Terminal with heat from the CHP Plant being used to vaporise LNG which is then fed into the National Transmission system for gas. Electricity from the plant will either be exported to the electricity grid or other industrial sites or will replace power currently imported by the LNG terminal.

The CHP Plant site is located near Herbrandston in Pembrokeshire and the main footprint of the proposed site falls within the Pembrokeshire Coast National Park Authority (PCNPA). A small part of the application site falls within the administrative area of Pembrokeshire County Council (PCC). The site is adjacent to the Milford Haven Waterway (the Waterway).

This initial assessment is based on consideration by the Examining Authority of the application documents and relevant representations received. It is an initial assessment and is not a comprehensive or exclusive list of all relevant matters; regard will be had to all important and relevant matters in making a recommendation to the Secretary of State after the examination is concluded. The identified principal issues are set out under headings organised in alphabetical order.

1 Biodiversity and habitats

1.1 Impact on European sites and on specific varieties of plants, bats, marine life and other species.

1.2 Adequacy of matrices required to complete an Appropriate Assessment.

2 Consideration of alternatives

2.1 Comparison between the east and west options for the proposed CHP plant.

2.2 Suggested inclusion of solar panels and provision of community benefit.

2.3 Uncertainty about grid connection.

2.4 Proposed provision for carbon capture and storage.

3 Draft DCO

3.1 Adequacy of proposed requirements to provide mitigation for possible adverse

effects.

4 Emissions

- 4.1 Air quality, NO_x and other gaseous emissions from the proposed CHP plant.
- 4.2 Water discharge to the Waterway.
- 4.3 Noise, vibration and light pollution from the proposed CHP Plant.
- 4.4 Combined impact of the existing LNG plant and the proposed CHP plant.
- 4.5 Proposed controls on emissions from the site.

5 Health and Safety

- 5.1 Health impact in local community.
- 5.2 Site safety and interaction with LNG terminal.

6 Transport

- 6.1 Potential for traffic congestion and implications for road safety during construction and provision for heavy loads.

7 Socio-economic

- 7.1 Negative and positive impacts on the community including impacts on employment, tourism, housing, and historic sites.

8 Visual impact

- 8.1 Location in Pembrokeshire Coast National Park and consistency with PCNPA planning requirements.
- 8.2 Impact on local communities and on landscape and seascape.
- 8.3 Quality of design and use of design to mitigate visual impact.

Annex C

PLANNING ACT 2008 ["PA 2008"] AND THE INFRASTRUCTURE PLANNING (EXAMINING AUTHORITY'S EXAMINATION PROCEDURE) RULES 2010 (EPR) Procedural Decision regarding an application for the proposed South Hook Combined Heat & Power Station Project.

Timetable for Examination of the Application

The Examining authority is under a duty to **complete** the examination of the application by the end of the period of 6 months beginning with the day after the start day (s98 PA 2008).

Item	Matters	Due Dates
1	Preliminary Meeting	Wednesday 23 October 2013
2	Issue of: <input type="checkbox"/> Procedural timetable <input type="checkbox"/> First written questions and requests for Statement of Common Ground	Wednesday 30 October 2013
3	Deadline for statutory parties to inform the Examining Authority (ExA) of a wish to be considered as an interested party	Wednesday 13 November 2013
4	Deadline for receipt by the ExA of: <input type="checkbox"/> Comments on relevant representations already received <input type="checkbox"/> Summaries of all relevant representations exceeding 1500 words <input type="checkbox"/> Written representations by all interested parties <input type="checkbox"/> Summaries of written representations exceeding 1500 words <input type="checkbox"/> Responses to ExA's first written questions <input type="checkbox"/> Statements of Common Ground <input type="checkbox"/> Local Impact Reports from local authorities <input type="checkbox"/> Notification by interested parties of wish to make oral representations at the first issue specific hearing on local environmental impacts <input type="checkbox"/> Notification by interested parties of wish to be heard at an open floor hearing <input type="checkbox"/> Notification by interested parties of wish to attend any accompanied site visit and any representations relating to locations to view at or near the site and in the surrounding area	Thursday 21 November 2013

<p>5</p>	<p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Comments on written representations and responses to comments on relevant representations <input type="checkbox"/> Comments on Statements of Common Ground <input type="checkbox"/> Comments on Local Impact Reports <input type="checkbox"/> Comments on responses to ExA's first written questions 	<p>Friday 13 December 2013</p>
<p>6</p>	<p>Notification by ExA of date, time, and place for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> First issue specific hearing to be held on local environmental impacts <input type="checkbox"/> Any accompanied site visit(s) 	<p>Thursday 19 December 2013</p>
<p>7</p>	<p>Date reserved for accompanied site visit(s) to application site and the surrounding area</p>	<p>Tuesday 14 January 2014</p>
<p>8</p>	<p>Dates reserved for the first issue specific hearing on local environmental impacts</p>	<p>Wednesday 15 January and Thursday 16 January 2014</p>
<p>9</p>	<p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Optional written summary of the oral case put at the issue specific hearing on local environmental impacts <input type="checkbox"/> Notification by interested parties of wish to make oral representations at the second issue specific hearing on the draft Development Consent Order (DCO) and any related local impact report matters 	<p>Friday 24 January 2014</p>
<p>10</p>	<p>Issue of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> ExA's second round of written questions and any further request for Statements of Common Ground <p>Notification by ExA of date time and place for:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Any open floor hearing <input type="checkbox"/> The second issue specific hearing on the draft DCO and any related local impact report matters <input type="checkbox"/> Any other hearings (in the event that the ExA decides during the progress of the examination that they are needed) 	<p>Monday 27 January 2014</p>

11	<p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Responses to ExA's second written questions and any further Statements of Common Ground <input type="checkbox"/> Comments on written summaries of cases put at the issue specific hearing 	Monday 17 February 2014
12	<p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Comments on responses to ExA's second round of written questions and any further Statements of Common Ground 	Monday 3 March 2014
13	Date reserved for any open floor hearing and any other hearings (in the event the ExA decides during the progress of the examination that they are needed)	Wednesday 5 March 2014
14	Date reserved for the second issue specific hearing relating to the draft DCO and any related local impact report matters	Thursday 6 March 2014
15	<p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Optional written summary of the case put orally at the issue specific hearing on draft DCO and any related local impact report matters <input type="checkbox"/> Optional written summary of the case put orally at any open floor hearings held <input type="checkbox"/> Optional written summary of the case put orally at any other hearings held <input type="checkbox"/> Any proposed amendments to the draft DCO 	Thursday 13 March 2014
16	Issue of The Report on the Implication for European Sites (RIES)	Monday 17 March 2014
17	<p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Comments on written summaries of cases put at the open floor hearing, the second issue specific hearing and any other hearings <input type="checkbox"/> Comments on any proposed amendments to the draft DCO <input type="checkbox"/> Comments on the RIES 	Tuesday 8 April 2014
18	Final date by which the examination must be completed	On or before Wednesday 23 April 2014

Annex D

Examining authority's first written questions and requests for information – responses to be received by the Examining authority on or before Thursday 21 November 2013.

The examination of an application for an order granting development consent under the Planning Act 2008 is primarily a written procedure.

This Annex sets out questions to be addressed, requests for additional information and for Statements of Common Ground (SoCG). Questions are addressed to the applicant unless another organisation is specified. However it is open to other parties to contribute responses to these questions by the due date if they wish to do so. Responses should be submitted to the Planning Inspectorate by email to (Southhook@infrastructure.gsi.gov.uk) or in hard copy to the address at the head of this letter quoting reference EN010054 and the relevant IP reference on or before **Thursday 21 November 2013. The applicant is requested to provide five hard copies of its responses.**

I would welcome SoCGs between the applicant and the Natural Resources body for Wales (NRW), the Pembrokeshire Coast National Park Authority (PCNPA) and Pembrokeshire County Council (PCC). A number of the issues that might be covered in SoCGs are mentioned in subsequent questions and requests for information but SoCGs should cover all aspects of the application on which agreement has and has not been reached between the applicant and the parties. If the applicant is able to agree SoCGs with other Interested Parties in addition to those identified above that would be welcome.

Where questions set out below can be fully addressed within a SoCG then there is no need to repeat the information provided. However, reference should clearly be made to identify where and how questions or information requests have been responded to in this way.

Where responses to questions are required from a number of parties or in relation to preparation of SoCG, submission of the information to meet required dates should not be held back because of lack of response from one or more parties. The information available at the time to meet the dates set in the Rule 8 timetable should be submitted, and work should continue to seek confirmation of agreed information and areas of dispute.

Questions and requests for further information

1 General clarification

1.1 The Environmental Statement (ES) states at 4.13.3 that some activities may be undertaken under permitted development rights in advance of the issue of the DCO. Please will the applicant identify the activities which might be carried out under permitted development rights, the timetable for this work (including any work that is already in hand) and specify how these have been taken into account in the ES.

1.2 The ES states at 4.1.11 that the final detailed design is due to be completed by the end of 2013. Does the applicant propose to submit further details on design during the course of the examination? If so when will these be made available?

1.3 It is assumed in the ES that construction of the proposed grid connection for the plant would take place in late 2014 or early 2015. Please provide a timetable for the application for consent for the grid connection and indicate whether any delay in this process could affect the cumulative impact assessment. Please confirm that all infrastructure associated with the grid connection that would be located on the application site – e.g. sub-stations - has been taken into account in the ES. Please also confirm that, as currently planned, all of the grid connection outside of the application site would be underground and that no overhead lines would be required.

1.4 A number of interested parties have suggested the inclusion of solar panels as part of the development and the provision of some community benefit from the development. What is the applicant's view of these suggestions?

1.5 An assessment under the Conservation of Habitats and Species Regulations 2010 will need to be carried out by the Secretary of State, and I will provide a Report on the Implications for European Sites (RIES) as part of my report. The applicant submitted matrices relevant to the assessment of designated features at European Protected sites and Ramsar sites as appendices to their Habitats Regulations Assessment (HRA) report. The objective of the matrices is to support the ExA in preparing the RIES that will ultimately be submitted to the SoS with the purpose of providing the competent authority with a complete factual account of the information and evidence available to them for the purposes of undertaking his HRA. The matrices submitted by the applicant do not include sufficient information and mostly refer the reader to large sections of text within the ES which are not sufficiently specific to the issue/feature being considered. Please would the applicant update and resubmit the matrices taking into account the points raised below.

- As a minimum, a summary account supporting the conclusion in the matrices should be included in the footnotes relevant to each feature and impact considered, with suitable cross reference to the more detailed information contained within the ES or HRA report as appropriate. A number of footnotes in the submitted matrices are incorrect, see for example:
 - Stage 1 Matrix B - footnote h. States that there is no potential for direct habitat loss, although this footnote has been inserted into the noise, vibration and lighting impacts columns of the matrix
 - Stage 2 Matrix B - footnote a. Refers to ES paragraphs 12.6.44-51; these paragraphs of the ES refer to disturbance, although this footnote has been inserted into the habitat fragmentation column of the matrix
 - Stage 2 Matrix B - footnote c. Refers to HRA Report Section 5; this section provides an overview of Cleddau Rivers SAC, although this footnote has been inserted into the noise, vibration and lighting columns of the matrix.

This list is not exhaustive. The applicant should ensure that all footnotes within the matrices are accurate.

- The screening matrices should contain footnotes for impacts screened in, as well as those screened out. A footnote should be provided for all in-combination impacts.
- Table 3.1 of the HRA Report shows that all of the identified impacts (which are used as headings within the matrices) could have more than one effect. The footnotes in the matrices should clearly address all of these potential effects, as assessed within the HRA report. The applicant may therefore wish to consider restructuring the matrices headings.

Relevant RIES examples are available via the PINS website and in particular those projects with HRA issues that have progressed to recommendation/decision stages e.g. Triton Knoll and Galloper offshore windfarms.

1.6 NRW has stated that 'although in principle it should be possible for mitigation measures to avoid adverse effects or damage to Natura 2000 or SSSI sites from these proposals, there is insufficient level of certainty at present to demonstrate that this is the case. Any mitigation provided in support of an appropriate assessment must be clear, have a reasonable expectation of success and be legally enforceable.' Can NRW set out the aspects on which greater certainty is sought and what further mitigation it deems to be required? If agreement has been reached with the applicant this should be included in a SoCG.

1.7 The HRA Report states that 'there will be no permitted access into the Nature Conservation Area (NRA) for any site personnel in relation to the construction, operation or decommissioning ... This is contained in the Construction Environmental Management Plan (CEMP).' However the draft CEMP is relevant to the construction phase and only refers to restricting access during construction. Please will the applicant indicate how restricted access will be ensured during the operation and decommissioning phases.

1.8 The HRA Report states at 4.2.15 'that the CIRIA (Construction Industry Research and Information Association) guidance notes recommendations will be incorporated into the Code of Construction Practice (CCP)'. There are at present no references to this guidance in the draft CCP or in requirement 12 in the draft DCO. Please will the applicant set out how the CIRIA recommendations will be incorporated into the CCP.

1.9 Assessment of cumulative impacts of the proposed development with other developments in the vicinity is included in the ES. Can NRW, PCNPA and PCC state whether they are satisfied that cumulative impacts have been adequately covered and the full range of relevant developments has been taken into account? If the cumulative impact assessment has been agreed with the applicant this should be included in any SoCG. If not satisfied, please can NRW, PCNPA and PCC provide specific details as to why not.

1.10 The applicant has provided a Carbon Capture Readiness Assessment (Document 1.21 in Folder 13). Please will NRW advise on whether this assessment meets the requirements set out in section 4.7.10 to 4.7.17 of the Overarching National Policy Statement for Energy (EN-1); whether the applicant has sufficiently demonstrated that there are no currently known technical barriers to subsequent retrofit of the declared capture technology; and comment on the economic feasibility study.

1.11 The applicant has not carried out a full impact assessment of the Carbon Capture and Storage (CCS) plant. Please will the applicant provide further information on the likely cumulative impact of the CCS plant in combination with the CHP plant in respect of emissions to air and water, visual impact and additional traffic movements.

2. *Ground conditions and hydrogeology*

2.1 NRW recommended an assessment of the skimming pond outside the

application site but in the ES it is concluded that the development proposals are not located within hydraulic continuity of the former skimming pond and no further impact assessment was carried out. Please will NRW indicate whether they accept this assessment and are content that no further assessment is required.

2.2 The ES notes at 6.6.11 that the existing LNG storage tanks are currently subject to dewatering below the water table which imparts a significant influence on the physical hydrogeology of the area. What assurance is there that this dewatering and associated monitoring will continue? How will this be assured?

2.3 NRW has noted that the application proposes locating the process water treatment plant underground. NRW's relevant representation (point 11) has drawn attention to relevant groundwater protection policies on underground storage and has indicated that the applicant must adequately demonstrate why such a structure should be underground. Please will the applicant set its reasons for proposing underground storage and respond to the NRW concerns.

3 Seascape, Landscape and Visual Resources

3.1 NRW has stated that the Rochdale Parameters model presented would be unacceptable but that concerns might be dealt with by design mitigation. Please will NRW provide an updated view on this aspect of the proposal and indicate whether mitigation measures are adequately reflected in the draft DCO. If agreement has been reached with the applicant on a design approach this should be included in any SoCG.

3.2 The possibility of a visual plume from the power station stack is recognised in the ES but this is not shown in the photomontages. Please will the applicant provide an indication of the likely scale of any plume giving examples related to different weather conditions and times of year.

3.3 Users of the National Trail in the Pembrokeshire National Park (PCNP) are identified as 'receptors of high sensitivity' in the viewpoint analysis. However in the definitions of visual sensitivity set out in Table 3.4b of Appendix 8.1, Users of National Parks are listed in the group with Very High rather than High sensitivity. Please can the applicant indicate how its assessment of visual impacts at each of the viewpoints would change if the Very High sensitivity classification is applied to Users of the PCNP Trail. I would also welcome PCNPA's comments on the level of receptor sensitivity to be applied in this case.

3.4 The evolution of the design of the scheme is put forward as the main mitigation measure for visual impacts. The proposal has been assessed as having a major visual impact on Herbrandston Village and South Hook Point but no separate mitigation measures have been proposed to offset these major impacts. Please can the applicant explain what consideration was given to mitigation measures for major visual impacts and why no separate measures have been put forward.

3.5 Please will NRW, PCNPA and the Local Authorities set out their views on the mitigation measures proposed for the visual impacts of the proposed development.

3.6 Please will the applicant set out proposals for providing temporary height markers which would be visible from a distance for the proposed plant and stack that will help me in assessing the visual impact of the plant on surrounding areas when I

make my accompanied site visit.

4 Emissions from the site

4.1 NRW has expressed concern over the 'lack of a clear definition for the nature of water discharge into the Milford Haven Waterway'. Please will the applicant respond to NRW's concern and, where necessary provide additional information. If agreement has been reached with NRW on this issue this should be included in any SoCG.

4.2 It is proposed that process waste water from the CHP plant will be discharged into the existing LNG terminal's process waste water pipeline into the Milford Haven waterway. NRW has suggested that the arrangements for this shared discharge should be secured by way of a legally binding agreement between South Hook CHP and South Hook LNG. Please will the applicant indicate whether it intends to make such an agreement, if so when this will be put in place and whether such an agreement should be specified in the DCO. Does NRW wish to comment further on this point?

4.3 Is NRW satisfied that limits on discharges from the CHP plant can be adequately set and monitored through an Environmental Permit? Does NRW see any reason why an Environmental Permit could not be granted for the project?

4.4 Four operating modes have been identified for the CHP plant but it has been assumed that the plant will operate in standard mode providing heat to the LNG terminal for over 90 per cent of the time. How would the environmental impact of the CHP plant change if there was no heat demand from the LNG plant for an extended period?

4.5 The ES has evaluated the discharges to water and air primarily based on the standard operating regime. Does NRW consider that any limits should be imposed on the time allowed for non-standard operation of the CHP plant in order to control emissions from the plant?

4.6 Gaseous emissions have been evaluated assuming a stack height of 75m. The maximum stack height assumed in the Rochdale Envelope is 85m and this would result in a slightly lower impact of emissions. For a stack height of less than 75m gaseous emissions would have a greater impact. Please will the applicant explain why no minimum stack height has been proposed. Does NRW consider that a minimum height for the stack should be set in the DCO in order to limit gaseous emissions to the levels assumed in the ES?

4.7 An air quality sensitivity analysis has been carried out on moving the CHP stack and main buildings 10m to the north or to the east of the proposed location. These alternative locations do not affect the conclusions of the main assessment. There appears to be no reference to limits on deviation for the location of these buildings in the DCO. Please will the applicant say whether it is seeking flexibility on the location of the stack and main buildings and if so set out how limits on deviation will be included in the DCO.

4.8 NRW has stated that 'there is some uncertainty over the lighting plans which are being proposed ... There needs to be a specific requirement in the DCO that includes provision of adequate mitigation from light pollution.' Does NRW consider that Requirement 16 in the draft DCO is adequate in this respect? If not what further requirements would it suggest?

4.9 NRW has expressed concern as to the validity of the background noise levels reported and their use in the ES. Please will NRW set out the background noise levels that it considers should be used by the applicant, and comment on what impact this could have on the results of the assessment undertaken. Does the applicant wish to comment on NRW's concern? If background noise levels have now been agreed with the applicant this should be included in any SoCG.

5 Draft Development Consent Order

5.1 The draft DCO contains reference to a number of documents included in the ES. These are:

- i) The design principles statement;
- ii) The landscaping scheme;
- iii) Drainage proposals and Drainage Strategy;
- iv) Draft Code of Construction Practice (CCP)
- v) Draft Construction Environmental Management Plan (CEMP);
- vi) Draft Construction Traffic Management Plan (CTMP);
- vii) Draft travel plan.

Please will NRW, PCNPA and PCC indicate whether they are satisfied that these documents meet their requirements at this stage in the planning process and are suitable for inclusion in the DCO. If any or all of these documents have now been agreed with the applicant this should be included in any SoCG.

5.2 DCO Requirement 8 includes reference to 'the drainage proposals set out in sections 4.3.6 to 4.3.16 of volume 1 of the environmental statement'. Please will the applicant confirm that this reference should be to paragraphs 4.3.21 to 4.3.30 of the ES. Requirement 8 does not specifically refer to the Drainage Strategy. Is there a reason why this Strategy is not referenced in Requirement 8?

5.3 Monitoring of emissions from the proposed CHP plant is not specified in the draft DCO. Can NRW confirm that monitoring requirements can be adequately specified in any environmental permits and do not need to be included as a Requirement in the DCO?

5.4 Table 11.1 of the HRA report refers to the controls on construction hours set out in Requirement 18 of the DCO. Please will the applicant confirm that this should refer to Requirement 17 of the draft DCO. This requirement specifies limited hours for construction with exceptions for specific categories of non-intrusive work. It does not mention deliveries to the site. Please will the applicant state whether deliveries to the site will also be limited to the specified hours and if so whether this will be included in the DCO.

5.5 The proposed grid connection would (subject to the confirmation requested in Q1.3 above) be made by underground cable and not involve overhead lines. This has been welcomed by a number of interested parties. At present no application has been made for consent for this connection and it is possible that plans could change. If later plans for the grid connection were to include overhead lines this could

significantly alter the visual impact of the proposed development. It would be possible to ensure that such a change did not take place by making it a requirement in the DCO that operation of the CHP plant did not commence until consent had been received for an underground grid connection. I would welcome comment from the applicant and interested parties on this suggestion and any other suggestions for ways in which the undergrounding of the grid connection for South Hook CHP plant can be assured.

5.6 A number of more detailed comments and questions on the draft DCO are set out in the table below. Please label responses as 5.6.1, 5.6.2 etc

**Question 5.6 Detailed questions relating to the drafting of the DCO
(principally addressed to the applicant but comments from other interested parties are welcomed)**

Abbreviations used			
<i>2008 Act</i>	<i>The Planning Act 2008</i>	<i>R</i>	<i>Requirement</i>
<i>A</i>	<i>Article</i>	<i>SI</i>	<i>Statutory Instrument</i>
<i>DCO</i>	<i>Proposed DCO (Document 1.4)</i>	<i>SoS</i>	<i>Secretary of State</i>
<i>EM</i>	<i>Explanatory Memorandum (Document 1.5)</i>		

Q No.5.6.	Article (A)/ Requirement (R)	Question
1.	General	Can a list be maintained of all plans and other documents that will require SoS certification (including plan/document references), updated throughout the examination process, and supplied to the Examining authority before the close of the examination?
2.	General	The DCO is proposed to be a SI and so should follow the statutory drafting conventions. Could the applicant please supply the draft DCO (and any subsequent revisions) in the form required by the statutory instrument template (see Planning Inspectorate Advice Note 13) including footnotes to statutory references as necessary, in both Word and .pdf formats?

Q No.5.6.	Article (A)/ Requirement (R)	Question
3.	Preamble	<p>Can the following amendments be made:</p> <p>Paragraph 1 – <i><u>"An application has been made to the Secretary of State, in accordance with....2009 for an Order under sections 37, 114, 115 and 120 of the Planning Act 2008 ("the 2008 Act)."</u></i></p> <p>Paragraph 2 – <i><u>"The application was examined by a single appointed person (appointed by the Secretary of State) in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010."</u></i></p> <p>Paragraph 3 – <i><u>"The single appointed person, having considered the representations made and not withdrawn and the application together with the accompanying documents, in accordance with section 83 of the 2008 Act, has submitted a report to the Secretary of State."</u></i></p> <p>Paragraph 4 – <i><u>"[The Secretary of State, having considered the representations made and not withdrawn, and the report of the single appointed person, has decided to make an Order granting development consent for the development described in the application with modifications which in the opinion of the Secretary of State do not make any substantial changes to the proposals comprised in the application."</u></i></p> <p>Paragraph 5 – <i><u>"[The Secretary of State, in exercise of the powers conferred by sections 114, 115 and 120 of the 2008 Act, makes the following Order -]</u></i></p>
4.	A2(1) and 3(4)	<p>Both paragraphs refer to the <i>"Electrical substation (HV Switchgear Indoor Gas Insulated Building and Compound)"</i>. The description in Schedule A refers to <i>"(d) Electrical substation (HV switchgear indoor gas insulated building and compound) and electricity transformer"</i>.</p> <p>(i) Is the discrepancy intentional, and, if so, why?</p> <p>(ii) Can consistent capitalisation be used in these terms please?</p>

Q No.5.6.	Article (A)/ Requirement (R)	Question
5.	A2(1)	<p><i>"undertaker" means the person who has the benefit of this Order in accordance with section 156 of the 2008 Act". Section 156 provides that the Order has effect for the benefit of the land and all persons interested in the land, subject to any contrary provision in the Order.</i></p> <p>(i) it is usual for an Order to be approved with an initial named undertaker. Who is this to be in this case?</p> <p>(ii) Article 7 provides a procedure for the transfer or lease of the benefit of the provisions of the Order subject to SoS consent. On the face of it, that procedure seems contrary to section 156. Can the applicant clarify the intended relationship between these two apparently contradictory arrangements – is the intention that the benefit of the Order can devolve automatically with a transfer of the land or only with SoS consent under Article 7?</p>
6.	A3(2)	<p>This paragraph requires the authorised development to be constructed in the lines or situations identified on the works plan (part A). However, not all of the authorised development is shown on that plan, the situations of the key buildings and structures being shown on the works plan (part B). Should Article 3(2) read : <i>"...lines or situations shown and identified on the <u>works plans</u> and, subject to...."</i>?</p>
7.	A3(2)	<p>The paragraph refers to <i>"...the drawings specified in requirement 5."</i> Requirement 5 does not currently specify any drawings, but makes provision for details to be approved by the relevant planning authorities. The ExA anticipates that the proposal, if approved, should be constructed in accordance with at least some of the application drawings. Can the applicant add an appropriate paragraph to requirement 5 identifying the relevant application drawings?</p>
8.	A3(4)	<p>Rather than refer back to the Design Principles Statement, would it not be more straightforward state the maximum dimensions of the compound in the DCO?</p>
9.	A4	<p>This Article appears to follow the format of the similar provision in the Rookery South (Resource Recovery Facility) Order 2011. The Secretary of State has recently approved a more straightforward version of this provision in Article 4 of the Brechfa Forest West Wind Farm Order 2013. Do you wish to substitute that more recent version?</p>
10.	A9	<p>Should this Article require the <u>prior</u> approval of the relevant planning authorities to the creation or improvement of means of access?</p>

Q No.5.6.	Article (A)/ Requirement (R)	Question
11.	A10(8)(b)	Should the reference to the 2010 regulations revert to the Model Provision reference to the Water Resources Act 1991 (for example the 2010 Regulations do not contain definition of 'main river' which is referred to in A10(5))?
12.	A11(1)(a), (c) and (d)	<p>Paragraph 11(1)(c) requires remedial works to be carried out subject to the provisions of R9, which requires approval of a written scheme for dealing with contaminated land before the authorised development commences. However, this is expressed as "<i>without prejudice to the generality of sub-paragraph (a)</i>", which provides a general power of entry to remediate the land without any such provisos.</p> <p>(i) Is sub-paragraph (a) intended to authorise entry for any other remedial purposes than dealing with contaminated land, to which R9 is not intended to apply?</p> <p>(ii) Sub-paragraph (d) is expressed similarly to (c). Should the general power of entry in (a) instead be expressly subject to R9, 10 and 11, rather than – as drafted – those requirements being without prejudice to the general power?</p>
13.	A11(3)(b)	As drafted, this sub-paragraph does not enable vehicles and equipment to be taken on site for remediation purposes. Is that intended?
14.	A14(1)(d)	Presumably the reference in this sub-paragraph to " <i>the Company</i> " should be to "the undertaker"?
15.	A16	What is the basis for the choice of the International Chamber of Commerce as the designated arbitration body?
16.	Sch A	Having regard to the definition of "associated development" in section 115 of the 2008 Act, can the applicant confirm that all of the development referred to in Schedule A is considered to be integral to the project?
17.	Sch A	Can the applicant confirm that all of the items referred to in (a) to (g) at the end of Schedule A are considered to be ancillary matters for the purposes of section 120(3) of the 2008 Act?

Q No.5.6.	Article (A)/ Requirement (R)	Question
18.	Requirements (general)	Can the word "shall" be replaced by the word "must" where appropriate, in any subsequent revisions of the DCO, to reflect current statutory drafting practice?
19.	Requirements (general)	<p>A number of the requirements make provision for potentially informal changes approved details, by the use of a phrase such as <i>"...unless otherwise approved by the relevant planning authority"</i>. In <i>Warley v Wealden DC</i> [2011] EWHC 2083 (Admin), Rabinder Singh QC considered an equivalent phrase in the context of a planning condition and at paragraph 89 said <i>"...Paraphrasing what Ouseley J said¹ in my own words, it seems to me that tailpieces of the kind in question in both cases offend against the rule of law. This is because the public, and not only the parties to the particular planning permission concerned, are entitled to know in public documents what planning permission relates to a given development, and what therefore is permitted and what is not."</i> And at paragraph 90 <i>"The tailpiece in question leaves wholly uncertain for example who is to grant the variation, according to what criteria which may be non-existent or at least unpublished and secret."</i> In addition, there are specific regulations governing material and non-material changes to development consent orders².</p> <p>Should the ability of the relevant planning authority to approve variations be removed or further constrained?</p>
20.	R1	<i>"permitted preliminary works"...</i> (k) <i>...wheel cleaning facilities required pursuant to requirement 13</i> " – should the reference be to <i>"...requirement 14 (Construction Traffic Management Plan)"</i> ?
21.	R7(1)	<i>"...or other means of enclosure shall be constructed as identified in the written details referred to in requirement 5..."</i> Requirement 5 does not contain any express reference to permanent fencing etc, merely to <i>"layout, scale and external appearance"</i> . Should it do so?

¹ In *Midcounties Co-Operative Ltd, R (on the application of) v Wyre Forest District Council* [2009] EWHC 964 (Admin)

² The Infrastructure Planning (Changes to and revocation of Development Consent Orders) Regulations 2011 (SI 2011/20550)

Q No.5.6.	Article (A)/ Requirement (R)	Question
22.	R23	<p>The requirement is for the submission of a decommissioning scheme within 12 months of permanent cessation of use.</p> <p>(i) How are the relevant planning authorities to ascertain whether cessation is permanent? Are they to rely on the absence of a notice of temporary cessation under this requirement?</p> <p>(ii) Why will it take up to 12 months to prepare and submit a scheme?</p> <p>(iii) What is the sanction if the undertaker supplies an unsatisfactory scheme that the relevant planning authorities are unable to approve - as drafted the requirement is only to submit a single scheme?</p>
23.	R23	Should this requirement not include a requirement for restoration of the site rather than just demolition and removal and reinstatement to its condition after completion of the permitted preliminary works but before commencement of construction?
24.	R25	As there are two relevant planning authorities, and some details are to be approved by both authorities, should this requirement refer to amendments approved by both authorities in such circumstances?