

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

The Port Talbot Steelworks (Power Generation Enhancement) Order

1.01 Introduction to the Applicant and the Application

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1 Introduction

1.1 This document provides information on the application by Tata Steel UK Limited ("Tata"), the for the Port Talbot Steelworks (Power Generation Enhancement) Order (the "Order"). Tata is applying to the Secretary of State under the Planning Act 2008 (the "Act") for powers to construct, operate and maintain:

- a process gas-fired generating station, consisting of up to two boilers and a set of steam turbo-alternators with a combined electrical output of up to 150 MWe (the "generating station");
- a new 66kV electricity substation within the steelworks site which will be solely owned and operated by Tata;
- extensions to the existing onsite pipe work to connect the Generating Station to water, gas, and compressed air supplies; and
- a new 66kV electrical connection ("the electrical connection") approximately 2.8km in length from a new 66kV GIS substation to export electricity from the Generation Station to the existing substations (Grange and Cefn Gwrgan) to the south east of the Port Talbot site (Which will be modified to accept the electrical connection).

1.2 The proposed development is more fully described in chapter 3 of the Environmental Statement accompanying the application (Document number 6.02). The works described above referred to in this Statement as the "Project".

1.3 As the Project comprises an electricity generating plant with a gross electrical output in excess of 50 MWe, it falls within the definition of a "nationally significant infrastructure project" under section 15(2)(c) of the Planning Act 2008 ("the Act"). It is, therefore, necessary for Tata to apply to the Secretary of State for development consent to construct, operate and maintain the Project under Section 31 of the Act.

- 1.4 Background information on the process of applying for development consent is provided below together with information on the suite of documents that comprise the application.

2 Project Details

- 2.1 Tata is seeking to develop the generating station, together with the integral electrical connection as well as other works at the site of the Port Talbot steelworks in the County Borough of Neath Port Talbot. The site is located approximately 1.5km to the south east of Port Talbot. The A48 lies just to the east of the site running parallel to the M4.
- 2.2 Power at the Port Talbot site is currently generated through existing equipment which does not have sufficient capacity to process all of the gases generated by the steel making operations. Much of the equipment dates back to the 1950s and suffers from low (and steadily decreasing) levels of efficiency.
- 2.3 The Project will improve the efficiency of the steelworks and increase the onsite electricity generation capacity. It involves the installation of up to two new boilers (nominally up to 164 MWth each) and associated steam turbines sets with a gross capacity of up to 150MWe. The generating station will be predominantly fuelled by gases which are generated by the steel making processes, with imported natural gas being used as a standby fuel to maintain minimum load on the boiler if and when process gases are not available.
- 2.4 Up to two new stacks will be installed as part of the proposed development. These will be approximately 80m in height. The optimum height for the stacks has been established using results of air dispersion modelling which has been undertaken by Tata.
- 2.5 The generating station will be housed in new buildings and will be connected to the existing blast furnace gas distribution network in order to receive fuel gases through new pipe work. An indicative layout for the buildings is shown on the plans comprising document 2.05. Access to the Project for construction and operation will be via the existing roads which provide access to the steelworks site.

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- 2.6 Schedule 1 to the draft Development Consent Order ("the Order") (Document Reference 3.01) sets out the formal description of the Project. This limits within which the Project elements may be constructed are shown on the Works Plans (Document Reference 2.04). All these Project elements form, or are integral to, the "nationally significant infrastructure project" for which the Applicant is seeking development consent under the Act. Accordingly, the Application does not seek authorisation for any associated development.
- 2.7 Although the majority of the land on which the Project is proposed to be constructed is owned by Tata, Tata is seeking powers in the Order to compulsory acquire rights over the railway line that runs through the steelworks site. These rights are required to cross the railway line with the electrical connection and the utilities pipes that connect the generating station to the existing onsite infrastructure. Tata is also seeking a power to extinguish or suspend any private rights over the land within the Order limits which would interfere with the activities authorised by the Order.
- 2.8 The Land Plans (Document Reference 2.03) shows the land over which rights may be acquired and the land in relation to which it is proposed to suspend and/or extinguish private rights. The Book of Reference (Document Reference 4.03) describes this land in more detail and the Statement of Reasons (Document Reference 4.01) explains why powers of compulsory acquisition are being sought in the Order.
- 2.9 Consultation on the Project has been carried out by Tata since March 2013, taking the form of multiple stages of non-statutory consultation and a stage of statutory consultation. Throughout, Tata has liaised regularly with Neath Port Talbot County Borough Council as well as key stakeholders such as Natural Resources Wales. The Consultation Report (Document Reference 5.01) provides full details of the consultation, the responses received and how Tata has had regard to the consultation in finalising its proposals for the Project.

3 Introduction to the Applicant

- 3.1 Tata is a company registered in England and is the largest steel producer in the UK. Tata has three steel making sites in the UK, with a combined capacity of over 10 metric tonnes per annum. The total production in the 2014 financial year was approximately 8.5 metric tonnes of steel, of which 4.5 metric tonnes was produced in Port Talbot.
- 3.2 Tata is part of Tata Steel, which is one of the world's most geographically diversified steel producers, with operations in 26 countries and commercial offices in over 35 countries. It is the second largest steel producer in Europe. Tata is the UK operational subsidiary of Tata Steel Europe Limited, a company registered in England (Co. No. 05957565), which in turn is a subsidiary of Tata Steel Limited, a company registered in India.
- 3.3 Tata has appointed the following as its external consultants in respect of the Project:
- AECOM – environmental;
 - GVA – planning and property services;
 - PPS – public relations; and
 - Pinsent Masons LLP – legal services.

4 The DCO Pre-application & Consenting Process

- 4.1 The Project, comprising an electricity generating plant with a gross electrical output in excess of 50 MWe, is a "nationally significant infrastructure project" and therefore requires development consent under the Act. Accordingly, Tata has carried out pre-application consultation on the Project in accordance with Part 5, Chapter 2 of the Act including the consultation required under Sections 42, 47 and 48 and the notification and other duties under the Act and applicable Regulations.
- 4.2 In addition, Tata has had regard to and complied with relevant guidance issued by the Secretary of State and the Planning Inspectorate in carrying out its pre-application consultation. The Application is accompanied by a Consultation Report (Document Reference 5.01) which explains the pre-application consultation carried out as well as the regard that Tata has had to consultation responses in formulating the Application.
- 4.3 The Application seeks powers to construct, operate and maintain the Project as well as powers to compulsorily acquire rights over land. The draft Order (Document Reference 3.01) contains these powers, which are explained in the Explanatory Memorandum (Document Reference 3.02).
- 4.4 Applications for development consent are made to the Planning Inspectorate, which examines and then reports on the proposals to the relevant Secretary of State. In the case of the Project, the Planning Inspectorate will examine the Project and report (together with a recommendation) to the Secretary of State for Energy and Climate Change, who will then decide whether or not to make the a development consent Order ("DCO").
- 4.5 Further information on the processes that the Planning Inspectorate follows after submission of the Application by Tata is provided in section 6 below. Reference should also be made to the information on the Planning Inspectorate's website: <http://infrastructure.planningportal.gov.uk/>.

5 The Application Documents & their Compliance with Legislative Requirements

- 5.1 Table 1 below provides a guide to the documents that Tata is submitting as part of this application. As well as providing a list of the main application documents, it also identifies where documents are submitted in order to comply with a relevant legislative or policy requirement.
- 5.2 The legislative requirements for applications for a DCO are principally contained in the Act, the following Regulations:
- Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("APFP Regulations")
 - Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ("EIA Regulations")
- 5.3 Regulation 5 of the APFP Regulations sets out the documents that all development consent applications must include and Regulation 6 sets out the documents that particular types of development consent applications must include – those relating to generating stations are relevant to the Project. References in Table 1 below such as "Reg. 5(2)(b)" are to the APFP Regulations and those such as "S.37(3)(c)" are to the Planning Act 2008.
- 5.4 Regulation 5 of the APFP Regulations includes a category described as "any other documents considered necessary to support the application" (Reg. 5(2)(q)). Similarly Regulation 5 also allows Tata to submit other plans, drawings and sections which are necessary to describe the Project (Reg. 5(2)(o)). The documents provided by Tata and marked as relating to those two paragraphs of the APFP Regulations are therefore not statutorily required but are those which Tata considers necessary to support the Application.
- 5.5 The Application submitted for the Project complies with the requirements of the Act, the APFP Regulations, the EIA Regulations and applicable Secretary of

State and Planning Inspectorate guidance, including in particular Planning Inspectorate Advice Note 6 (Preparation and submission of application documents, June 2012).

5.6 With respect to the submitted plans and drawings, these comply with the requirements set out in 'The Infrastructure Planning (Applications: Prescribed Forms And Procedures) Regulations 2009' with the exception of those that are required to show the site in its wider context and therefore need to use a smaller scale than 1:2500 in order to be comprehensible. The plans that are submitted at a smaller scale (but on A1 sheets) include the following:

- Location plan (1:25,000 @ A1)
- Existing layout (1:5,000 @ A1)
- Conservation and heritage features (1:5,000 @ A1)

Table 1 Guide to the DCO Application Documents			
Category	Ref	Document	Statutory Requirement (APFP Regs unless otherwise stated)
1. Application form	1.01	Introduction to the Applicant and the Application	Reg. 5(2)(q)
	1.02	Application Form	s.37(3)(b) and Reg. 5(1)
2. Plans / Drawings / Sections	2.01	Location Plan	Reg. 5(2)(o)
	2.02	Existing Site Layout Plan	Reg. 5(2)(o)
	2.03	Land Plans (Key Plan and Sheets 1 - 4)	Reg. 5(2)(i)
	2.04	Works Plans (Key Plan and Sheets 1 - 5)	Reg. 5(2)(j)

Category	Ref	Document	Statutory Requirement (APFP Regs unless otherwise stated)
	2.05	Indicative Site Layout Plan (Key Plan and Sheets 1 - 5)	Reg. 5(2)(o)
	2.06	Indicative Elevations, Sections and Floorplans	Reg. 5(2)(o)
	2.07	Plans of Nature Conservation Sites	Reg.5(2)(l)
	2.08	Plan of Historic Environment Features	Reg.5(2)(m)
3. Draft DCO	3.01	Draft Development Consent Order	Reg. 5(2)(b)
	3.02	Explanatory Memorandum	Reg. 5(2)(c)
4. Compulsory Acquisition Information	4.01	Statement of Reasons	Reg. 5(2)(h)
	4.02	Funding Statement	Reg. 5(2)(h)
	4.03	Book of Reference	Reg. 5(2)(d) and Reg. 7
5. Reports / Statements	5.01	Consultation Report & Summary	s.37(3)(c) and (7)
	5.02	Statement in respect of Statutory Nuisance	Reg. 5(2)(f)
	5.03	No Significant Effects Report	Reg. 5(2)(g)
	5.04	Details of Other Consents and Licences	Reg. 5(2)(q)

Category	Ref	Document	Statutory Requirement (APFP Regs unless otherwise stated)
6. Environmental Impact Assessment	6.01	Environmental Statement Vol.1: Non-Technical Summary	Reg. 5(2)(a) and EIA Regs
	6.02	<p>Environmental Statement Vol.2</p> <p>Document organised as follows:</p> <ul style="list-style-type: none"> ▪ Vol.2a : Main Text ▪ Vol.2b : Figures ▪ Vol.2c : Figures ▪ Vol.2d : Figures ▪ Vol.2e : Figures 	<p>Reg. 5(2)(a) and EIA Regs</p> <p>Document 6.0.2 includes within it the following:</p> <p>(i) Assessment of any effects on sites or features of nature conservation (etc), at ES Chapter 6 Ecology, subsection 6.10 (Reg.5(2)(l)); and</p> <p>(ii) Assessment of any effects on sites or features of the historic environment, at ES Chapter 11 Archaeology and Cultural Heritage, subsection 11.9 (Reg.(5)(2)(m)).</p>
	6.03	<p>Environmental Statement Vol.3: Appendices</p> <p>Document organised as follows:</p> <ul style="list-style-type: none"> ▪ Vol.3a: Appendix ▪ Vol.3b: Appendix 	<p>Reg. 5(2)(a) and EIA Regs</p> <p>Document 6.03 includes within it the following:</p> <p>(i) Environmental impact scoping report and scoping opinion at ES Appendix 1.1 and Appendix 1.2 (Reg.5(2)(a)); and</p> <p>(ii) Flood Consequences Assessment at Appendix</p>

Category	Ref	Document	Statutory Requirement (APFP Regs unless otherwise stated)
			13.1 (Reg. 5(2)(m)).
	6.04	Environmental Statement Vol.4: LVIA Figures & Photomontages Document organised into Vols. 4a – 4g	Reg.5(2)(q)
7. Photographs		Not used	
8. Other media		Not used	
9. Additional Information for Specific Types of Infrastructure	9.01	Grid Connection Statement	Reg.5(2)(p) and Reg.6(1)(a)(i)
	9.02	Gas Connection Statement	Reg.5(2)(p) and Reg.6(1)(a)(ii)
10. Other documents	10.01	Planning Statement	Reg. 5(2)(q)
	10.02	Planning Statement Summary	Reg. 5(2)(q)
	10.03	Design & Access Statement	Reg. 5(2)(q)
	10.04	Glossary	Reg. 5(2)(q)
	10.05	Health and Safety Statement	Reg. 5(2)(q)

6 The DCO Application and Examination Process

- 6.1 The outline process for considering the Application is as follows:
- 6.2 The Planning Inspectorate has 28 days from the date that the Application is made to decide whether to accept it for examination.
- 6.3 Following acceptance by the Planning Inspectorate, Tata will carry out its post-acceptance consultation and notification duties. This includes site notice and advertisements in a local newspaper, a national newspaper and the London Gazette, all confirming certain details including that the Application has been accepted and how representations can be made about it, as well as notices to various statutory consultees.
- 6.4 The Planning Inspectorate will then appoint one or more 'examining inspectors' (known as the examining authority) to examine the Application. The examining authority will consider the Application documents and the representations and invite all parties to attend a 'preliminary meeting', setting out what the examining authority considers to be the principal issues relating to the Project, and a draft timetable for examining it. At or before the preliminary meeting, participants may make submissions about how the Application should be examined. The preliminary meeting does not consider issues of substance relating to the Application.
- 6.5 Following the preliminary meeting, the examining authority will issue an examination timetable and it is also likely to issue an initial set of written questions. The timetable will give details of deadlines for submitting written representations, commenting on others' representations, answering the examining authorities' questions and commenting on others' answers. Hearings may be scheduled at this point, or these may be programmed at a later time, and further questions and requests for information may be issued by the examining authority. Further information on participating in the examination of the

Application can be found on the Planning Inspectorate's website including in the Advice Notes it has issued.

- 6.6 The examination period (which includes the submission of all written material as well as holding hearings and site visits) starts from the date of the preliminary meeting and must take no more than six months. This can only be extended with the authorisation of the Secretary of State.
- 6.7 Following the end of the six month examination period, the examining authority must submit a report to the Secretary of State within three months, who then has a further three months to determine the Application.
- 6.8 Neath Port Talbot Country Borough Council will have a very important role to play in the DCO process. They will be invited by the Planning Inspectorate to comment on the quality of Tata's consultation process, to produce a Local Impact Report on the Project and to make their own representations to the Planning Inspectorate on the Application.
- 6.9 Tata welcomes correspondence from interested parties in relation to the Project - questions relating to the examination process should be directed to the Planning Inspectorate.

7 Glossary

"Act"	means the Planning Act 2008.
"APFP Regulations"	means the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
"Application"	means the application for a DCO made to the Secretary of State under section 37 of the Act in respect of the proposed Port Talbot Steelworks (Power Generation Enhancement) Order.
"DCO"	means a development consent order made by the Secretary of State pursuant to the Act to authorise a nationally significant infrastructure project.
"EIA Regulations"	means the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.
"MWe"	means megawatts electrical.
"MWth"	means megawatts thermal.
"Order Limits"	means the limits shown on the Works Plans within which the proposed development may be carried out.
"PINS"	Means the Planning Inspectorate National Infrastructure Directorate.