

# **INTERNAL POWER GENERATION ENHANCEMENT FOR PORT TALBOT STEELWORKS**

## **ISSUE SPECIFIC HEARING ON THE DRAFT DEVELOPMENT CONSENT ORDER (DCO)**

**Date of Meeting:** Thursday 12 February 2015

**Time:** 9:30am arrival, 10:00am start

**Venue:** Blancos Hotel, Green Park, Port Talbot, SA12 6NT

### **Agenda**

#### **1. Introductory Remarks**

#### **2. Introduction of participating parties**

#### **3. Requests to question a person making an oral representations directly under s94 of the 2008 Act**

#### **4. DCO Articles**

##### **4.1 Part 1 – Preliminary**

Q4.01 – Article 2: Reprise of response with regard to the interpretation of “maintain”

##### **4.2 Part 2 – Principal Powers**

Q4.04 – Article 3: Reprise of response with regard to the amendment to insert “and in accordance with the works plans”

Q4.02 – Article 9: Reprise of response with regard to nuisance (noise)

Q4.15 – Article 8: Applicant to confirm relocation of Compulsory Acquisition (CA) legislative provisions to Part 5

Local Impact Report (LIR) – Neath Port Talbot County Borough Council (NPTCBC) – Can NPTCBC comment as to why they consider there is no justification for this Article to be included in the DCO

##### **4.3 Part 3 – Streets**

##### **4.4 Part 4 – Supplemental Powers**

#### **4.5 Part 5 – Powers of Acquisition**

Q4.17 – Article 17: Applicant to provide update with regard to review of Book of Reference

Q4.18 – Article 17: Private Rights – Update (see previous)

Written Representation (WR) from Network Rail - can the applicant provide an update on the status of the agreement over potential CA matters.

Please note that in relation to compulsory acquisition these matters will principally be dealt with in the Compulsory Acquisition hearing programmed for Wednesday 25 February 2015. However if interested parties have particular drafting matters that they wish to draw attention to in the DCO in relation to the acquisition and possession of land, we will hear such matters under this agenda item.

#### **4.6 Part 6 – Miscellaneous & general**

Q4.19 – Article 26: Applicant to reprise response with regard to 26(2) and Schedule 5

### **5. Development Consent Order Schedules**

#### **5.1 Schedule 1 Authorised Development**

Q4.03 - Schedule 1: Reprise of the applicant's response with regard to reasoning for these elements of the development being considered integral under ss14 & 31

Q4.05 – Schedule 1: Reprise of applicant's response with regard to inclusion of additional parameters for Work Nos 1A & 1C

Q4.07 – Schedule 1: Reprise of applicant's response with regard to the Environmental Statement covering full impacts of Work No.2

#### **5.2 Schedule 2 Requirements**

##### **R1 Interpretation**

Can the applicant comment on the Health and Safety Executive (HSE) email dated 14 January 2015.

##### **R2 Time Limits**

Written Representation from Natural Resources Wales (NRW) para 1.0: Can NRW confirm whether they are seeking any changes to the current wording of the DCO with regard to timings and operations of Options 1 and 2.

**R3** ***Stages of Authorised Development***

**R4** ***Detailed Design***

Q3.01: Applicant to confirm action taken within latest draft of DCO with regard to the inclusion of maximum parameters for Option 2 Phase 1.

Q4.06: Applicants inclusion of additional parameters with regard to the cable-bridge.

Q4.08: Applicant's inclusion of "a maximum width of 4 metres for the cables..."

Q4.09 & Q4.10: Changes to maximum dimensions - Applicant to confirm action taken within latest draft of DCO.

Q4.11: Applicant to confirm amendment to limit maximum height of switchgear station to 20 metres within latest draft of DCO.

Q4.26: Applicant to confirm action taken within latest draft of DCO to ensure stack is no lower than 80m.

Q4.27: Applicant's inclusion of additional wording with regard to building finishes at 4(3)

LIR (NPTCBC) - Building Design Standards – Applicant to comment on NPTCBC requirements.

**R5** ***Decommissioning of existing generating station***

**R6** ***Provision of landscaping***

Q4.05: Applicant's inclusion of additional wording with regard to details to be approved by the local planning authority (LPA) (Landscaping)

**R7** ***Fencing and other means of enclosure***

Q4.05: Applicant's inclusion of additional wording with regard to details to be approved by LPA (Fencing)

**R8** ***Archaeology***

Q4.31: Reprise of Applicant's response with regard measures being carried out in agreement with Glamorgan Gwent Archaeological Trust (GGAT) & NPTCBC see also wording of 8(4).

NB drafting error: 8(2)b carried 'out' prior.

**R9** ***Habitat management plan***

LIR-NPTCBC: Applicant to confirm whether 9-(2) should include the words "by the relevant planning authority".

**R10** ***Code of Construction Practice (CoCP)***

Q4.23: Applicant to provide an update on status of drafting CoCP / CMP (Construction Management Plan)

- Draft contents listing
- Commissioning – Noise related to steam purging
- Construction Environmental Management Plan (CEMP) – How is this covered in the DCO?

Q4.25: Applicant to provide an update of status of CoCP drafting with regard to providing Materials Management Plan (MMP) as may be necessary following results of SI

Q4.35: Reprise of applicant's response with regard to the scope of Dust Management Plan (DMP) with regard to monitoring of dust flux

LIR-NPTCBC: Can the applicant comment on the need for the DMP to include a requirement for the investigation of failures of noise and / or dust failures as well as the effective implementation of mitigation measures should such failure occur.

**R11** ***Approval of implementation of construction mitigation plans***

Q5.25: Can NPTCBC confirm their satisfaction with regard to provisions within 11(1) (a) regarding effects of noise and vibration from piling activities.

Can the applicant respond with regard to LIR-NPTCBC requirement with regard to a Piling Method Statement.

LIR-NPTCBC: Can NPTCBC confirm that their reference to 11(b) being extended to cover both Options 1 and 2 should have referred to 11 (2).

Can the applicant confirm that the Draft DCO will be amended to ensure that he requirements of 11-(2)

CMP – LIR-NPTCBC: Can NPTCBC confirm that their reference to CMP is covered by the applicants CoCP.

**R12**                    **External Lighting**

Q4.05: Applicant’s inclusion of additional wording with regard to details to be approved by LPA (Lighting)

**R13**                    **Construction hours**

LIR-NPTCBC requirement for R13 to be amended to reflect the hours put forward by the applicant in ES with an explicit restriction to working on Sundays and Public Holidays unless prior approval by NPTCBC;

LIR-NPTCBC requirement for R13 to be amended to prevent any 24 hour working unless prior approval by NPTCBC;

NPTCBC - Is there a case to limit piling hours?

NPTCBC - Is there a case for inclusion of limits on hours of delivery?

**R14**                    **Control of noise during operational phase**

Q4.21: Reprise of applicant’s response with regard to ensuring that noise levels during commissioning and operation do not exceed those assessed in ES.

Can the applicant comment on the potential for prolonged commissioning noise effects caused by steam purging of the new turbines during commissioning

Q4.22: Reprise of applicant's response with regard to efficacy of airborne sound insulation performance of proposed building envelope.

Q4.34: Applicant to reprise response with regard to sourcing & securing of noise mitigation measures.

**R15**                    **Surface and foul water drainage**

**R16**                    **Aviation safety**

**R17**                    **Air quality monitoring**

Q4.33: Applicant to reprise response with regard to sourcing & securing of air quality mitigation measures.

**R18**                    **Water abstraction**

Q5.48: NRW to reprise their response with regard to the removal of this requirement.

WR-Associated British Ports (ABP): Can the applicant comment on the ABP requirement to be consulted on and advised of any changes to abstraction rates that might affect dock operations at Port Talbot.

**R19**                    **Contaminated land and groundwater**

Can the applicant provide an update with respect to site investigation works and associated reports due mid-January 2015 including;

- Applicant's list
- petroleum hydrocarbon analysis
- Coal reserves assessment

Q4.32: Applicant to confirm that latest draft DCO provides for approval by NRW only.

LIR-NPTCBC: Can the applicant comment with regard to NPTCBC suggested additional requirements on Ground Contamination as per LIR-Appendix 3.

**R20**                    **Amendments to approved details**

Q4.09 & Q4.10: Applicant to confirm action taken within latest draft of DCO.

**R21 Safety**

Can the applicant comment on the benefits of including the following additional requirement regarding safety of the proposed development as per South Hook DCO.

*"No authorised development shall commence until the undertaker has submitted to the Secretary of State an assessment of the extent and severity of known hazards at the generating station with the potential to impact on local populations or major hazard installations, including fire or explosion following loss of containment of natural gas, accompanied by evidence of independent validation of the suitability and sufficiency of the assessment, and the Secretary of State has notified approval of the assessment."*

**5.3 Schedule 3 Modification of Compensation and compulsory purchase enactments for creation of new rights**

**5.4 Schedule 4 – Protective Provisions**

Can the applicant provide an update on the status of Agreements on protective provisions with those parties seeking them.

***Part 1 – For railway interests***

WR-NETWORK RAIL: Can the applicant confirm that the DCO has been amended such that para 5(1) appears as para 4(5).

WR-NETWORK RAIL: Can the applicant confirm the status regarding the agreement of an asset protection agreement.

***Part 2 – For protection of electricity, gas, water and sewerage undertakers***

WR from ABP: Can the applicant comment on ABP WR para 9.7 regarding the inclusion of a protective provision regarding abstraction.

WR from ABP: Can the applicant comment on ABP WR para 9.8 regarding the inclusion of a protective provision regarding abstraction records.

WR from National Grid Electricity Transmission (NGET) Can the applicant confirm the status of agreement with NGET regarding protective provisions

## **5.5 Schedule 5 – Procedure for discharge of requirements**

Can the applicant explain why there is a need to include a bespoke approvals process for this development as the time periods are on his own admission (see response to ExA 1Q:4.19 – 4.84) the same as LPA – save for the ‘deemed to approve’ proviso...’

## **6. DEVELOPMENT CONSENT ORDER – ANY OTHER MATTERS**

LIR-CCS: Beyond Bricks and Mortar para 6.16 – Can CCS expand on their proposed requirement.

Statement of Common Ground (SoCG): Can the applicant provide an update on the progress of;

- (a) agreeing SoCGs (see applicant document 1.02 dated January 2015) with particular reference to further amendments to the draft DCO; and
- (b) obtaining written confirmation from those other parties identified in the ExA’s Rule 8 letter that they do not consider that a SoCG will be necessary, namely; Carmarthen County Council, Powys County Council, RCTCBC, Bridgend County Borough Council, Brecon Beacons National Park Authority, National Grid Electricity Transmission, National Grid, Network Rail, Welsh Government and Western Power Distribution.

## **7. CLOSING REMARKS**

ExA to summarise Action Points from the hearing

**Please note:** The agenda is subject to change at the discretion of the ExA. The ExA may allow comfort breaks at a convenient point in the hearing if necessary.

The purpose of the hearing is primarily technical concerned with the drafting of the DCO. The ExA invites participants to contribute to the hearing without prejudice to their position. Suggestions for alterations to the draft DCO shall not be taken to negate objections previously made by parties nor prejudice their rights for the future. Similarly, the ExA’s detailed examination of the draft DCO should not be considered indicative of its views of the merits of the proposal nor of its views on individual issues.