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Ein cyf / Our ref: SH/2014/117386/4

Planning Inspectorate ref. EN 010062

Dyddiad/Date: 16 February 2015

Annwyl Syr/Madam / Dear Sir/Madam

PROPOSED PORT TALBOT STEELWORKS (POWER GENERATION ENHANCEMENT) ORDER.

PROJECT REFERENCE: EN 010062

DEADLINE 3 RESPONSE TO THE EXAMINING AUTHORITY

1. Natural Resources Wales (“NRW”) provides the following written summary of the oral case which it advanced at the issue specific hearing on the draft development consent order on 12th February 2015 concerning the application by TATA Steel UK for an order granting development consent for internal power generation enhancement for Port Talbot Steelworks.

2. Requirements 2, 3 and 5: timings and operation of Options 1 and 2

2.1.1 NRW confirm that they do not seek any changes to the current wording of the draft DCO with regard to the timings and operations of Options 1 and 2. This concerns requirements 2, 3 and 5. NRW had previously raised the potential for older combustion plant to remain online following completion of the commissioning of Phase 1 of Option 2 (see Written Representations by NRW dated 15th January 2015 paragraphs 3.2 and 3.3), but NRW are satisfied that this scenario has been adequately assessed.

3. Requirement: 14 Control of noise during operational phase

3.1 NRW explained that Noise would be regulated during the commissioning and operational phase of the development, through the Environmental Permit Regulations.

4. Requirement 18: water abstraction

4.1 NRW's position on requirement 18 (water abstraction) of the draft DCO is as follows. NRW have agreed to the principle of a water abstraction hierarchy, which NRW would manage. The use of a hierarchy would not conflict with the operation of the existing regulatory regime whereby the Applicant is the licence holder of water abstraction licences. This regime is regulated by NRW. Given the existence of the regulatory regime, NRW do not consider that for any of their own purposes requirement 18 is necessary and for that reason are neutral on its inclusion in the draft DCO. NRW understand, however, that the Associated British Ports do consider it necessary and NRW have no objections to its inclusion on that basis.

5. Requirement 19: contaminated land and groundwater.

5.1 NRW consider that requirement 19 needs to be amended. An amended version is set out below. This provides greater protection for the natural environment, as opposed to simply human health. It also deletes the word 'significant' which twice appears in sub-paragraph (1) of the current draft. NRW consider that the reference to 'significant harm' and 'significant pollution' cannot be justified and that lower levels of harm and pollution should also be brought within the scope of the requirement.

5.2 Our proposed changes are marked in red.

19.—(1) No stage of the authorised development may commence until for that stage a written scheme to deal with the contamination of any land, including groundwater, which is likely to cause significant harm to persons, the environment or pollution of controlled waters has been submitted to and approved by the relevant planning authority in consultation with Natural Resources Wales.

(2) The scheme must include:

(a) Preliminary risk assessment, which has identified all previous uses, potential contaminants associated with those uses. A conceptual model indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

(b) an investigation of the extent, scale and nature of contamination based on (a) at the site which includes potential impacts off site;

(c) an assessment of the potential risks to human health, the environment and controlled waters; and

(d) a remediation scheme, to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, the environment and controlled waters which must contain—

(i) details of remediation works to be undertaken **including a remediation strategy and options appraisal**;

(ii) proposed remediation objectives and remediation criteria; and

(iii) site management procedures.

(3) The undertaker must carry out the remediation in accordance with the approved scheme.

(4) Construction of the authorised development must not commence until a verification report which demonstrates the effectiveness of the agreed remediation works (if required) carried out in accordance with sub-paragraph (2) has been submitted to and agreed in writing with the relevant planning authority.

(5) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring program a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the relevant Planning Authority.

(6) If contaminated land not previously identified is found during the construction of the authorised development no further works for the authorised development are to be carried out until an investigation and remediation scheme has been submitted to and approved by the relevant planning authority; and the scheme must include details of—

(a) how the contaminated land is to be identified and assessed;

(b) where remediation is required by the scheme, the remediation measures;

(c) timescales for carrying out the remediation measures; and

(d) any ongoing monitoring or mitigation requirements.

(7) Any remediation measures identified in the investigation and remediation scheme mentioned in sub-paragraph (5) must be carried out in accordance with the approved scheme.

(8) In this requirement, “the guidance document” means **Model Procedures for the Management of Land Contamination (CLR11)** (Land Contamination: A Guide for Developers (Welsh Local Government Association and the Environment Agency Wales, 2006).

Please contact Louise Edwards, louise.edwards@cyfoethnaturiolcymru.gov.uk or telephone 03000 65 3573 for further advice regarding this submission.

Yn gywir / Yours faithfully



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Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

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