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Your Ref:

Our Ref: EN010062

Date: 13 November 2014

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Dear Sir/Madam

**Planning Act 2008 (as amended) and the Infrastructure Planning  
(Examination Procedure) Rules 2010 (as amended)- Rule 6**

**Application by Tata Steel UK limited for an Order Granting Development  
Consent for the Internal Power Generation Enhancement for Port Talbot  
Steelworks**

**Notice of Preliminary Meeting and availability of relevant representations**

I write to you following my appointment by the Secretary of State as the Examining Authority for this application for a Development Consent Order (DCO).

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure and contains a number of supporting annexes. I would like to thank those of you who submitted relevant representations. These representations have assisted me when preparing my proposals for how to examine this application.

**Date of meeting:** Tuesday 9 December 2014

**Seating available from:** 9.30am

**Meeting begins:** 10.00am

**Venue:** Blanco's Hotel, Green Park,  
Port Talbot  
SA12 6NT

**Access and parking:** Port Talbot Parkway Railway Station is approximately 10 minutes away on foot. The hotel has a car park.

**Os hoffech gwneud cyfraniadau drwy gyfrwng y Gymraeg yn ystod y Cyfarfod  
Rhagarweiniol dylech nodi hyn ynghyd a'ch cadarnhad i fod yn bresennol neu**

## **i siarad yn y cyfarfod.**

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. It is important to appreciate that this meeting deals only with procedure, and not the merits of the application. The merits of the application will only be considered once the examination starts after the Preliminary Meeting has closed. Further information is given in Advice Note 8.4, which is available on the National Infrastructure pages of the Planning Portal website at:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in Annex B. This has been set following my initial assessment of the principal issues arising on the application. That assessment is set out in Annex C. As a result of this assessment I wish to hear at the meeting from the applicant, interested parties, statutory parties and local authorities where they consider changes may be needed from the proposals set out in Annex D.

All parties are requested to pay particular attention to Deadline 1 of the examination timetable on **Thursday 15 January 2015** (see Annex D to this letter) and are encouraged to begin preparing for this deadline immediately.

Please note that an agenda for each hearing during the examination will be published on the Planning Inspectorate's website as soon as is practicable before commencement of the hearing.

### **Attending the Preliminary Meeting**

If you wish to attend the Preliminary Meeting please write, email or telephone the Planning Inspectorate, using the address and contact details set out at the front of this letter marking correspondence for the attention of Tracey Williams, Case Manager. We need to receive your confirmation **by Tuesday 2 December 2014**. Please also refer to Annex A for administrative arrangements for this meeting.

It will help the management of the meeting and benefit everyone if you also:

- Tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- Notify us of any special needs you may have (e.g. disabled access, hearing loop etc.); and
- Bring this letter with you as proof of your identity and unique reference number.

Please note that you are **not** required to attend the Preliminary Meeting in order to participate in the examination. If you are an interested party you will still be able to make written representations and participate in any hearings that are arranged. Should you no longer wish to be an interested party and do not wish to be involved in the examination process, you can notify us of this in writing.

## After the Preliminary Meeting

Shortly after the end of the Preliminary Meeting you will be sent a letter setting out the timetable for the examination. The audio recording of the meeting will also be published on our website.

The examination of the application will primarily be a consideration of written representations about the application, along with any oral representations made at the hearings. All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Energy and Climate Change, who will take the final decision in this case.

## Procedural decisions

The Examining Authority has made procedural decisions about how the application is to be examined under s89 (3) and requests an update from the applicant and other interested parties on progress on procedures associated with the application and on resolving issues raised within relevant representations. Please see Annex B and Annex G of this letter for further information regarding this matter.

## Award of costs

I also draw your attention to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the relevant cost guidance that applies to National Infrastructure projects. The "Awards of costs; examinations of applications for development consent orders" is available on the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/guidance/>

I look forward to working with all parties in the examination of this application.

Yours faithfully

*Roger Eyre*

**Roger Eyre**  
**Examining Authority**

## Annexes

- A** Administrative arrangements for the Preliminary Meeting
- B** Agenda for the Preliminary Meeting
- C** Initial assessment of principal issues
- D** Draft timetable for examination of the application
- E** Availability of relevant representations and application documents
- F** Notice of appointment of Examining Authority
- G** Procedural decisions made by the Examining Authority

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.

**Administrative arrangements for the Preliminary Meeting**

On arrival at the venue you may be asked to register your name and unique reference number with staff of the Planning Inspectorate. Priority will be given to the applicant and those registered as interested parties, statutory parties, local authorities and invited persons before seating is allocated to other members of the public. The Examining Authority may exercise its discretion to permit any person, in addition to those who are entitled to take part, to participate in the meeting.

**If you wish to make any submissions on matters not set out in the agenda**, please write to Tracey Williams, Case Manager, setting out the submissions that you wish to make **by Tuesday 2 December 2014**. I will attempt to accommodate reasonable requests and will alter the agenda on opening the Preliminary Meeting if I consider this will assist the discussion of the procedure for the examination.

A note will be taken of the Preliminary Meeting. This will be published on our website and available to view online at the locations listed in Annex E as soon as practicable after the meeting. Please note that an audio recording of the meeting will also be taken and made available on the website as soon as practicable after the meeting.

The Planning Inspectorate will send you a copy of the procedural decision as to how the application is to be examined as soon as practicable after the meeting.

**Agenda for the Preliminary Meeting**

**Date:** Tuesday 9 December 2014

**Meeting Start Time:** 10.00am (Doors open at 9.30am)

**(If required, there will be a lunch break approximately 1.00pm until 1.30pm)**

**Venue:** Blanco's Hotel, Green Park, Port Talbot, SA12 6NT

9.30am	Doors open for Registration
10.00am	1. Welcome and Introductions
	2. The Examining Authority's (ExA's) introduction to the principles of the examination and how the ExA proposes to conduct the examination
	3. Any submissions on matters not set out in the agenda, that have been submitted to the Planning Inspectorate by 2 December 2014 as specified in Annex A.
	4. Initial Assessment of Principal Issues – Please see Annex C
	5. The Examining Authority has made procedural decisions about how the application is to be examined under s89(3) of the Planning Act 2008 and requests an update from the applicant and other interested parties on progress on procedures associated with the application and on resolving issues raised within relevant representations. These include:  (a) The preparation and submission of an application for a permit under the Environmental Permitting (England and Wales) Regulations 2010. The attention of the applicant and interested parties is drawn to the advice within NPS EN-1 and PINS Advice Note 11 on applying for an environmental permit in parallel with the DCO application;  (b) Habitat Regulations Assessment Matrices;

	<p>(c) The drawing up of protective provisions with the relevant statutory undertakers and other relevant parties;</p> <p>(d) The preparation of statements of common ground with;  Neath Port Talbot County Borough Council (NPTCBC),  City and County of Swansea (CCS),  Carmarthen County Council (CCC),  Powys County Council (PCC),  Rhondda Cynon Taff County Borough Council (RCTCBC),  Bridgend County Borough Council (BCBC),  Brecon Beacons National Park Authority (BBNPA),  Natural Resources Wales (NRW),  Dwr Cymru Cyfyngedig (DCC),  National Grid Electricity Transmission Plc  National Grid Gas Plc,  Coal Authority,  Network Rail,</p> <p>and other relevant parties;</p> <p>Royal Mail  Welsh Government Highways  Associated British Ports (ABP)  Western Power Distribution (WPD)</p> <p>(e) The preparation of local impact reports.</p>
	<p>6. Draft Timetable for the examination – see Annex D</p> <p>(a) Deadlines for submissions of:</p> <p>All written summaries;  Local impact reports;  Responses to Examining Authority's written questions;  Statements of common ground;  Comments on written representations and relevant representations;  Notifications relating to hearings;  Comments on the Report on the Implications for European Sites (RIES);  Written summaries of the cases put orally at hearings.</p>

	<p>(b) Hearings</p> <p>Date of issue specific hearing on draft Development Consent Order (DCO);  Date of issue specific hearing(s) on environmental matters;  Date of compulsory acquisition hearing;  Date of open floor hearing;  Time period reserved for any other site visits and hearings.</p> <p>(c) Accompanied site visit</p> <p>Date of accompanied site visit to application site and surrounding area.</p>
	7. Any other matters
	8. Close of the Preliminary Meeting

**Please note:** The timings above are only indicative; please be available from the start and throughout the meeting. If the discussion takes less time than anticipated, the ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the meeting may run for longer and the order of items may change.

### **Initial assessment of principal issues**

The principal issues arising from consideration by the Examining Authority of the application documents and relevant representations received concerning the Port Talbot Power Station project are listed below.

It is not a comprehensive or exclusive list of all relevant matters. The Examining Authority will have regard to all important and relevant matters when it writes its recommendation to the Secretary of State after the examination has concluded.

The issues are in alphabetic order and should not be taken to imply an order of importance.

**Air quality**, including issues relating to:

- The impact on air quality from both the construction and the operational phases

**Biodiversity and Habitats**, including issues relating to:

- Impacts on habitats and biodiversity
- Mitigation measures

**Compulsory Acquisition**, including issues related to:

- The requirement for the powers sought
- Financial arrangements

**The draft Development Consent Order (DCO)**, including issues related to:

- Adequacy of proposed requirements to provide mitigation for possible adverse effects
- Protective provisions
- Maintenance of the scheme
- Time limits and phasing
- Code of Construction Practice

**Environmental Impact Assessment**, including issues related to:

- The adequacy of the Environmental Statement
- Cumulative effects
- Climate change

**Other Environmental Issues**, including issues related to:

- Airborne emissions and air quality
- Land stability risk
- Ground Contamination
- Flooding
- Noise, lighting, dust and vibration
- Water quality, supply and abstraction
- Health effects
- Coal reserves sterilisation

**Flood risk**, including issues related to:

- Impact of the proposed development on flood risk;
- The flood resilience of the proposed buildings and infrastructure

**Habitats, Ecology and Nature Conservation**, including issues related to:

- The information provided and whether this enables the competent authority to reach a view as to whether or not the project will adversely affect the integrity of any European site
- Nutrient nitrogen deposition
- The impact on European sites
- Impacts on habitats and on biodiversity
- Mitigation and compensatory measures

**Health and safety**, including issues related to:

- Health impact on local communities
- Construction, operation and maintenance

**Historic and Archaeological Environment**, including issues related to:

- The effects of the project on heritage assets and archaeological remains

**Noise, dust and vibration**, including issues related to:

- Impacts during construction and operation

**Operational matters**, including issues related to:

- Environmental Permitting
- Implications of different operating scenarios

**Socio-economic**, including issues related to:

- Negative and positive impacts on the communities including impacts on local services and facilities, employment, tourism, housing and historic sites

**Soils and geology**, including issues related to:

- Contaminated land
- Coal deposits

**Transport and Traffic**, including issues related to:

- Rail
- Construction traffic movement and routing
- The local and national road network

**Visual impact, design and layout**, including issues related to:

- The design concept and process
- Landscape and visual impact
- Landscaping and screening

**Water quality and resources**, including issues related to:

- Impact of operation on water resources and water quality

### Draft timetable for examination of the application

The Examining Authority's (ExA) examination of the application takes the form of consideration of written representations about the application. The ExA will also consider any oral representations made at the hearings. The ExA 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 close of the Preliminary Meeting.

Item	Matters	Due Dates
1	Preliminary Meeting	<b>Tuesday 9 December 2014</b>
2	Issue by the ExA of: <ul style="list-style-type: none"> <li>• Examination timetable</li> <li>• ExA's first written questions</li> </ul>	<b>As soon as practicable following the Preliminary Meeting</b>
3	Notification by the ExA of date, time and place for; <ul style="list-style-type: none"> <li>• Compulsory Acquisition hearing</li> </ul>	<b>Monday 12 January 2015</b>
4	<p><b>Deadline 1</b></p> <p>Deadline for the receipt by the ExA of:</p> <p><b><u>Submissions</u></b></p> <ul style="list-style-type: none"> <li>• Statements of Common Ground (SoCG) requested by the ExA – see Annex G</li> <li>• Habitat Regulations Assessment (HRA) matrices from the applicant</li> <li>• Local impact reports (LIR) from any local authorities (see s60 of the Planning Act 2008)</li> <li>• Responses to ExA's first written questions</li> <li>• Comments on relevant representations (RRs)</li> <li>• Summaries of all RR's exceeding 1500 words</li> </ul>	<b>Thursday 15 January 2015</b>

	<ul style="list-style-type: none"> <li>• Written representations (WRs) by all interested parties</li> <li>• Summaries of all WRs exceeding 1500 words</li> <li>• Comments on any additional representations and submissions received prior to the examination</li> <li>• Submissions from interested parties recommending itinerary items for the accompanied site visit</li> <li>• Any further information requested by the ExA for this deadline</li> </ul> <p><b><u>Notifications</u></b></p> <ul style="list-style-type: none"> <li>• Notification by interested parties of wish to be heard at an open floor hearing</li> <li>• Notification of wish to be heard at a compulsory acquisition hearing</li> <li>• Notification by interested parties of wish to make oral representations at any issue specific hearing, including those on the draft Development Consent Order (DCO), environmental matters (including Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA))</li> <li>• Notification by interested parties of their intention to attend the accompanied site visit</li> <li>• Notification by statutory parties of wish to be considered as an interested party</li> </ul>	
5	<p>Notification by the ExA of date, time and place for;</p> <ul style="list-style-type: none"> <li>• Any Accompanied site visit</li> <li>• Open Floor Hearing</li> </ul>	<p><b>Tuesday 27 January 2015</b></p>

	<ul style="list-style-type: none"> <li>• Compulsory Acquisition Hearing</li> <li>• Any other issue specific hearing</li> </ul>	
6	<p><b>Deadline 2</b></p> <p>Deadline for the receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to comments on RRs</li> <li>• Comments on LIRs</li> <li>• Responses to comments on any additional representations and submissions received prior to the examination</li> <li>• Comments on responses to ExA's first written questions</li> <li>• Comments on WRs</li> <li>• Any revised draft DCO from applicant</li> <li>• Any further information requested by the ExA for this deadline</li> </ul>	<p><b>Thursday 5 February 2015</b></p>
7	<p>Date for the Issue specific hearing on the draft DCO</p>	<p><b>Thursday 12 February 2015</b></p>
8	<p><b>Deadline 3</b></p> <p>Deadline for the receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to comments on WRs</li> <li>• Responses to comments on the ExA's first written questions</li> <li>• Written summary of the oral case put at the draft DCO hearing</li> <li>• Any documents/ information/amendments requested by the ExA</li> </ul>	<p><b>Tuesday 17 February 2015</b></p>

9	<p>Date reserved for the</p> <ul style="list-style-type: none"> <li>Accompanied Site Visit</li> <li>Open Floor Hearing (evening)</li> </ul>	<b>Tuesday 24 February 2015</b>
10	<p>Date reserved for the;</p> <ul style="list-style-type: none"> <li>Compulsory Acquisition hearing</li> <li>Issue specific hearing on environmental matters (including EIA and HRA)</li> </ul>	<b>Wednesday 25 February 2015</b>
11	<p>Date reserved <b>if required</b>, for the ;</p> <ul style="list-style-type: none"> <li>continuation of issue specific hearing on environmental matters (including EIA and HRA)</li> </ul>	<b>Thursday 26 February 2015</b>
12	<p><b>Deadline 4</b></p> <p>Deadline for the receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Written summaries of oral cases put at any issue specific hearings</li> <li>Any updated SoCGs</li> <li>Any documents/information/amendments requested by the ExA for this deadline</li> <li>Applicant's final preferred draft DCO</li> </ul>	<b>Thursday 5 March 2015</b>
13	<p><b>Deadline 5</b></p> <p>Deadline for the receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>Comments on applicant's final preferred draft DCO</li> <li>Any further information requested by the ExA for this deadline</li> </ul>	<b>Thursday 19 March 2015</b>

14	<p>Issue by the ExA of;</p> <ul style="list-style-type: none"> <li>• the Report on Implications for European Sites (RIES)</li> <li>• ExA's second written questions, if required</li> </ul>	<b>Thursday 26 March 2015</b>
15	Dates reserved for any additional hearings	<b>Tuesday 14 to Thursday 16 April 2015</b>
16	<p><b>Deadline 6</b></p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> <li>• Comments on REIS</li> <li>• Responses to ExA's second written questions</li> <li>• Written summaries of oral cases put at the hearings of 14-16 April (if held)</li> <li>• Responses to comments on Applicant's final preferred draft DCO</li> <li>• Any documents/information/amendments requested by the ExA for this deadline</li> </ul>	<b>Thursday 23 April 2015</b>
16	<p><b>Deadline for close of examination</b></p> <p>The ExA 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 close of the Preliminary Meeting</p>	<b>Tuesday 9 June 2015</b>

## Availability of relevant representations and application documents

On the National Infrastructure pages of the Planning Portal website:  
<http://infrastructure.planningportal.gov.uk/projects/wales/internal-power-generation-enhancement-for-port-talbot-steelworks/>

For inspection and Printing:

### **Port Talbot Library**

Aberafan Shopping Centre  
Port Talbot  
SA13 1PB

Opening times: Monday - Friday: 9.00am - 5.30pm  
Saturday: 9.30am - 5.00pm

Printing charges: A4 B/W – 10p per sheet  
A4 Colour – 60p per sheet

Must be members of the library to use the computers, proof of address is required to join the library.

### **Taibach Library**

Commercial Road  
Taibach  
Port Talbot  
SA13 1LN

Opening times: Monday, Tuesday, Thursday and Friday:  
10.00am - 12.00pm and 2.30pm – 4.30pm  
Wednesday: Closed

Printing charges: A4 B/W – 10p per sheet  
A4 Colour – 60p per sheet

### **Sandfields Library**

Morrison Road  
Sandfields  
Port Talbot  
SA12 6TG

Opening times: Monday: 9.30am - 12.30pm and 2.00pm – 5.00pm  
Tuesday - Friday: 9.30am - 12.30pm & 2.00pm –  
5.30pm  
Saturday: 9.30am - 12.30pm

Printing charges: A4 B/W – 10p per sheet  
A4 Colour – 50p per sheet

**Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 4**

**Application by Tata Steel Limited for an Order Granting Development Consent for the Internal Power Generation Enhancement for Port Talbot Steelworks**

**Notice of appointment of Examining Authority**

On 6 November 2014 a single examining inspector was appointed to hold the examination of the above application under Section 79 of the Planning Act 2008 (as amended).

The single examining inspector is:

- Roger Eyre

*Pauleen Lane*

**Dr Pauleen Lane CBE FICE MBA  
Group Manager, National Infrastructure  
On behalf of the Secretary of State**

## **Procedural decisions made by the Examining Authority (ExA)**

The ExA has made the following procedural decisions under Section 89(3) of the Planning Act 2008:

### **1. Statements of common ground (SoCGs)**

In relation to some of the principal issues identified in Annex C, the ExA would be assisted by the preparation of SoCGs between the applicant and certain interested parties. The draft timetable for the examination therefore provides a deadline for submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. The reasons for the differences and interpretation of the implications of a difference can then be expanded in the evidence. Unless otherwise stated or agreed, the SoCG should be agreed between the applicant and the other relevant interested party or parties, and submitted by the applicant.

SoCGs are requested to be prepared by:

- **Neath Port Talbot County Borough Council (NPTCBC)**
- **City and County of Swansea (CCS)**
- **Carmathen County Council (CCC)**
- **Powys County Council (PCC)**
- **Rhondda Cynon Taff County Borough Council (RCTCBC)**
- **Bridgend County Borough Council (BCBC)**
- **Brecon Beacons National Park Authority (BBNPA)**
- **Natural Resources Wales (NRW)**
- **Dwr Cymru Cyfyngedig (DCC)**
- **National Grid Electricity Transmission Plc**
- **National Grid Gas Plc**
- **Coal Authority**
- **Network Rail**

and other relevant parties;

- Royal Mail
- Welsh Government Highways
- Associated British Ports (ABP)

The ExA's advice is that the SoCGs should cover the following topics where relevant:

- Methodology for environmental impact assessment including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/statistical analysis, approach to modelling and presentation of results (including forecast methodologies)
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose
- Feasible and deliverable mitigation and method for securing such mitigation within the DCO

## **2. Habitats Regulations 2010 (as amended)**

The examination must include a process that provides sufficient information to enable the Secretary of State for Energy and Climate Change to meet his statutory duties as the competent authority under the Habitats Regulations 2010 (as amended) relating to European protected sites. In order to inform the ExA's report and recommendation to the Secretary of State on this application and to provide stand-alone information for the Secretary of State, the applicant is requested to complete matrices to:

- Summarise the screening for each European protected site assessed, and
- Summarise the implications for the integrity of each European protected site assessed, where a likely significant effect either alone or in combination with other plans and projects has been identified

The matrices are available to download from the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/09/Advice-note-10-HRA.pdf>

The date by which the completed matrices must be received from the applicant will be discussed at the Preliminary Meeting.

## **3. Additional representation**

I write to give notice that I have made a procedural decision to accept a late representation from Rhondda Cynon Taff County Borough Council.

This late representation has now been made available to view on the project pages of the Port Talbot Power Station section of the National

Infrastructure pages of the Planning Portal website. It is also available to view electronically at the deposit locations listed in Annex E.

All parties are reminded that the ExA is required to complete this examination within a statutory period and the achievement of this in an effective and efficient way depends on all parties providing representations and other material on or before the deadlines set out in the examination timetable as provided.