

Port Talbot Power – ExA’s First Round of Questions

18th December 2014

1.0 GENERAL

1.01 - CAA Lighting - Can the **applicant** confirm the conclusion of their consultation with the Civil Aviation Authority.

1.02 - City and County of Swansea Council - Can the **applicant** provide an update of their position regarding agreement with City and County of Swansea Council on the following issues:

- a) Socio economic impacts;
- b) Landscape and visual impacts;
- c) Ecological impacts;
- d) Air quality impacts; and
- e) Surface water environment impacts.

1.03 - Network Rail - Can the **applicant** provide an update of their position regarding agreement with Network Rail on the following issues:

- a) Compulsory acquisition of Network Rail land;
- b) Protective Provisions; and
- c) Asset Protection Agreement.

1.04 - Security – Can the **applicant** confirm whether a) they propose to include the security provisions as recommended by the Crime Prevention Design Advisor and b) whether the development forms part of the critical national infrastructure.

1.05 - Coal Authority - Can the **applicant** provide an update of their position regarding agreement with the Coal Authority on the following issues:

- a) Potential ground instability from historic mining activity that may impact on the proposed line of the electrical connection; and
- b) Quantification of and potential for prior abstraction of surface coal resources.

1.06 - National Resources Wales - Can the **applicant** provide an update of their position regarding agreement with National Resources Wales on the following issues:

- a) An application for an Environmental Permit;
- b) The preferred development option i.e. Option 1 being full construction in a single phase or Option 2 with construction over two phases (Phase 1 and Phase 2) with only one boiler, one stack and associated turbine sets being constructed at each phase;

- c) The potential for mitigation of the residual effects on nearby Natura 2000 sites from aerial emissions of acid/nutrient nitrogen deposition (and Nitrogen dioxide/Sulphur dioxide emissions) should Option 2 be selected if the DCO is granted;
- d) The need to take into consideration the climate change effects raised in the Welsh Government's letter dated 9 January 2014 with respect to a flooding event of a 1 in 1000 probability of occurrence during the life of the project in relation to either fluvial or tidal flooding at the project site;
- e) Application of Best Available Techniques in the design of the installation to ensure operational noise levels are reduced to a minimum of 10dB below the measured background levels;
- f) Application of appropriate piling techniques to ensure that the public and environment are protected from noise and vibration during the construction phase(s);
- g) Provision of appropriate remediation measures for any contaminated land identified by the site investigations.

1.07 - National Grid Electricity Transmission Plc - Can the **applicant** provide an update of their position regarding agreement with National Grid Electricity Transmission Plc (NGET) on the following issue:

- a) Protective Provisions.

1.08 - Royal Mail Group Ltd - Can the **applicant** provide an update of their position regarding agreement with Royal Mail Group Ltd on the following issue:

- a) Mitigation measures for any impacts of construction traffic on Royal Mail operations in the Port Talbot area and in particular the Port Talbot Delivery Office in Eagle Street (SA13 1AA).

1.09 - Associated British Ports (ABP) - Can the **applicant** provide an update of their position regarding agreement with ABP on the following issues:

- a) Impacts on ABP's operations at Port Talbot dock; and
- b) Additional water abstraction from ABP's dock system at Port Talbot.

1.10 - Western Power - Can the **applicant** provide an update of their position regarding agreement with Western Power on the following issues:

- a) Access;
- b) Re-alignment /diversion impacts on operations and operational costs; and
- c) Protective Measures.

1.11 - Abertawe Bro Morgannwg University / Public Health Wales (PHW) - Can the **applicant** provide an update of their position regarding agreement with PHW on the following issues:

- a) Air quality mitigation measures during the construction phase to address construction traffic pollution and exhaust stack emissions;

- b) Construction-phase dust effects mitigation measures;
- c) Mitigation of potential impacts on geology, soils and hydrogeology resulting from the proposed development during the construction, operation and decommissioning phases;
- d) Mitigation of any adverse effects on controlled waters from intermittent miscellaneous discharges of water associated with ancillary equipment and rainwater run-off from associated construction activities; and
- e) Mitigation of any adverse surface water runoff effects on the drainage channel (Middle Mother Ditch) outside the Order Limits, and other downstream water bodies / courses.

1.12 - Neath Port Talbot County Borough Council (NPTCBC) - Can the **applicant** provide an update of their position regarding agreement with NPTCBC on the following issues:

- a) Dispersion modelling of air quality in relation to nitrogen dioxide, sulphur dioxide, carbon monoxide and fine particulates (PM₁₀ and PM_{2.5});
- b) Confirmation that there will be no increase in overall air emissions should existing power generation and Phase 1 of Option 2 be operational concurrently;
- c) Mitigation measures for construction dust through implementation of an approved Dust Management Plan (DMP);
- d) Mitigation measures to limit construction noise and vibration to acceptable levels;
- e) Restrictions on working hours;
- f) Maximum final dimensions and finishes of project buildings to minimise visual impact;
- g) Translocation of protected species (kidney vetch);
- h) Further surveys for Shrill and Brown Banded Carder Bees;
- i) Construction traffic management plan; and
- j) Petroleum carbon analysis within site investigations to determine human health risk.

1.13 - Rhondda Cynon Taff County Borough Council (RCTCBC) – Can the **applicant** state whether there any outstanding highways issues that need to be agreed with RCTCBC.

1.14 – Coal reserves - Can the **applicant** provide a quantitative assessment of the extent of potential sterilisation of coal reserves associated with the development.

1.15 – Electric and/or magnetic fields – Can the **applicant** provide evidence that the location, design, construction and operation of the power station and associated distribution infrastructure will ensure compliance with the current ICNIRP guidelines.

2.0 COMPULSORY ACQUISITION

2.01- Does the **applicant** expect the representations from statutory undertakers to be withdrawn and if so by what date or alternatively whether it intends to present evidence that the tests set out in s127 and s138 are met. The applicant is notified that unless such evidence is presented sufficiently early in the examination (for example at the application stage) for it to be examined it may not be possible to conclude that any statutory undertakers land or rights may be acquired.

2.02 – Order land limits - Can the **applicant** provide justification for the dimensions of the order land identified on the land plans as 01/07 and 02/04.

2.03 – Jointly agreed statements – Can the **applicant** provide a jointly agreed statement between the applicant and each affected party as to the progress made in, and current position of, negotiations on reaching agreement on the acquisition of land, rights or easements as applicable. In each case, state whether or not all reasonable alternatives to compulsory acquisition have been explored – including the use of way leaves, temporary access, private treaty, option agreement and other agreements – and, if so, why have those alternatives been rejected.

3.0 DESIGN, ACCESS, LAYOUT AND VISUAL

3.01 – Applicant's Letter dated 8th December

- a) Can the **applicant** provide evidence to support their assertion that the changes to the Turbine Hall and Cooling Tower Units width dimensions are due to "design optimisation".
- b) Can the **applicant** provide evidence to support their statement that the changes to the Turbine Hall and Cooling Tower Units width dimensions are as a result of Statutory Undertaker comments.
- c) Can the **applicant** provide a revised indicative site layout plan showing the revised orientation and dimensions of the turbine hall and cooling tower units together with the alignment of the Dwr Cymru Cyfyngedig Afan valley trunk sewer.
- d) Can the **applicant** provide a table of dimensions for Option 2 Phase 1
- e) Can the applicant propose revised drafting for DCO Schedule 2 Requirement 4 (2) (b) which ensures the maximum dimensions are not exceeded.
- f) Can the **applicant** propose revised drafting for DCO Schedule 2 Requirement 20 which ensures the maximum dimensions contained with DCO Schedule 2 Requirement 4 are not exceeded.
- g) Can the **applicant** propose revised drafting for DCO Schedule 5 which ensures the maximum dimensions contained with DCO Schedule 2 Requirement 4 are not exceeded.

3.02 – Plumes – Can the **applicant** confirm that there will be no plumes resulting from either the burning or cooling operations of the proposed development.

3.03 – Durability – Can the **applicant** provide evidence as to the durability of the proposed 0.7mm thick metal cladding for the buildings in relation to the marine coastal environment in which the building will be located.

3.04 – Health & safety – Can the **applicant** provide evidence of their consultations with the H&SE regarding the identification and mitigation of risks to site operatives and the local community during the construction, operation and decommissioning phases.

3.05 – Electrical connection - Can **Western Power Distribution** confirm their agreement to the proposed content and methodology to be applied by the applicant to implement the electricity grid connection.

3.06 – Working corridor – Can the **applicant** clarify their statement “much less in reality than shown” and confirm whether such would reduce the extent of the compulsory acquisition powers sought.

3.07 – Decommissioning – Can the **applicant** provide an indicative programme for the subsequent decommissioning of the newly redundant plant in relation to the cessation of emissions, noise etc.

3.08 – Commencement of Option 1 Phase 2 – Can the **applicant** confirm and define the milestone that will become the start date for the “within 10 years” period.

3.09 – Cooling water – Can the **applicant** quantify the extent of make-up water that is anticipated to sustain the open circuit cooling.

3.10 – Cooling water – Can the **applicant** quantify the statement “significantly less water volumes will be required for the operation of the proposed development than the present system”.

3.11 – Plumes – Can the **applicant** provide evidence of the design methods and standards that will be applied to “address any potential visibility issues from the release of plumes”.

3.12 – Natural gas usage – Can the **applicant** quantify the likely extent, duration and frequency of natural gas usage.

3.13 – Operational noise – Can the **applicant** confirm what standards will be built into the buildings’ design to limit operational noise.

3.14 – Building finishes – Can the **applicant** provide evidence to demonstrate NPTCBC agreement with the colour 'Goosewing Grey' and provide a BS colour reference for this finish.

3.15 – Construction & Commissioning Periods – Can the **applicant** provide evidence to support their estimates for durations of the construction and commissioning periods.

3.16 – Site Investigation – Can the **applicant** provide evidence to confirm NRW agreement to the undertaking of site investigations after the granting of a DCO.

3.17 – Emissions and Air Quality – Can the **applicant** provide evidence of the application of Best Available Techniques (BAT) in relation to the selection of BTA in favour of CCGT units in relation to their respective emissions and air quality effects.

3.18 – Landscape & Visual – Can the **applicant** provide evidence to demonstrate the acceptance by NPTCBC, CCS and NRW that Fig. 7.17 for Option 2 is the worst case scenario.

3.19 – Noise & Vibration – Can the **applicant** provide evidence to demonstrate the acceptance of NPTCBC & NRW with respect to the baseline noise monitoring undertaken during January and March 2014.

3.20 - Traffic & Transportation – Can the **applicant** provide evidence to support acceptance by NPTCBC (LHA) of scope of Traffic & Transportation assessment.

3.21- Traffic & Transportation – Can the **applicant** confirm whether the traffic and transportation assessment allows for the potential for increased steel making at the site from 4.1 million tonnes per year to 4.7million tonnes per year.

3.22 - Traffic & Transportation – Can the **applicant** provide evidence to demonstrate that NPTCBC / NRW are satisfied with the conclusion that “the predicted environmental effects during construction, operation and decommissioning are negligible and therefore effects on the environment from traffic and transportation will not be significant”.

3.23 - Cultural Heritage and Archaeology –Can the **applicant** provide evidence that demonstrates that Gwent and Glamorgan Archaeological Trust (GGAT) and NPTCBC agree that the sites within order limits are deemed negligible or low value.

3.24 - Cultural Heritage and Archaeology – Can the **applicant** provide evidence that GGAT and NPTCBC agree that there is no setting impact on the Church of St Theodore.

3.25 - Flood Risk Hydraulic Model – Can the **applicant** provide evidence to support the NRW validation of the model together with confirmation of NRW agreement with the findings of the FCA.

3.26 - Flood Risk from reservoirs –Can the **applicant** provide evidence to confirm that this potential is insignificant.

3.27 - Flood Risk Warning & Evacuation Plan – Can the **applicant** confirm the procedure during the operational phase.

3.28 - Flood Risk - Climate Change – Can the **applicant** provide evidence to confirm that he has considered the effects of climate change and sea level rise in their FCA.

3.29 - Surface Water – Can the **applicant** provide evidence to support the assertion that the PDR Harbour Way attenuation ponds will effectively mitigate surface water run-off effects on the Middle Mother Ditch and other downstream water bodies.

3.30 - Surface Water – Can the **applicant** provide evidence to demonstrate the capacity/capability of the onsite treatment facilities to treat future discharges to Swansea Bay.

3.31 - Surface Water – Can the **applicant** provide evidence to support the assertion that there will be no significant residual adverse effects on the surface water environment.

3.32 – Can the **applicant** provide evidence to demonstrate that they have consulted with the Commission for Architecture and the Built Environment (CABE).

3.33 – Can the **applicant** provide evidence of the intended extent of CHP resulting from the development.

3.34 – Can the **applicant** confirm whether the impacts of the projected increase in steel-making capacity at the site have been included in the worst case scenario for the emissions and air quality modelling.

3.35 – Can the **applicant** provide a definition for the phrase “continuous and reliable operation”.

4.0 DEVELOPMENT CONSENT ORDER

4.01 - ARTICLE 2: Can the **applicant** provide comments on the potential amendment that the terms “remove”, “demolish” and “replace” in the interpretation of “maintain” in draft article 2 be qualified by the words “any constituent part (but not the whole) of any scheduled work”.

4.02 - ARTICLE 9: The policy in NPS EN-1 (paragraph 4.14.1) is that this defence should be available “only to the extent that the nuisance is the

inevitable consequence of" the proposed development. Can the **applicant** provide evidence that these nuisances are inevitable and would not be mitigated as set out in the ES to the extent that in each case this defence is required; where such evidence is not clear why should the defence not be disapplied by the Secretary of State in making an Order as set out in NPS EN-1 paragraph 4.14.3.

4.03 - SCHEDULE 1: A number of works proposed as part of the principal development (eg. cycle tracks, landscaping and roadways) in England might be considered as being associated development and in Wales would therefore not be possible to include in a DCO application (associated development is not extensive in Wales). What is the **applicant's** reasoning for these elements of the development being considered as integral to the generating station under ss14 and 31?

4.04 - SCHEDULE 1: Can the **applicant** comment upon a potential amendment to the second paragraph to insert the words "as set out on the works plans" after "nationally significant infrastructure project", or other amendment to ensure the development would be constructed according to the works plans (see Hinkley C Order).

4.05 - SCHEDULE 1 - WORK NO.1: Some of the works listed under Work No.1A, 1B and 1C are not subject to parameters in Requirement 2 and therefore it appears that the DCO as currently drafted would consent the construction, for example, of a control building up to any height extending across the full extent of and up to the limits of the limits of deviation for the work as shown on the works plan. The **applicant** is requested to specify in relation to each element of these works either by additions to the table in requirement 4 or in the description of the works or by reference in the schedule to a relevant works plan or section, maximum parameters.

4.06 - SCHEDULE 1 – WORK NO. 2: The description that this work "will either be installed underground or supported on lattice towers would appear to permit the construction of lattice towers up to 50 metre wide or supported along part of the route by existing above ground structures or if necessary by a steel lattice bridge..." does not include clear parameters for the development proposed. In particular no maximum dimensions for the steel lattice bridge are provided here or in the requirements. The **applicant** is requested to set out the parameters in relation to this work in the schedule (see Advice Note 9 page 3, the "application should acknowledge the need for details of a project to evolve over a number of years, within clearly defined parameters.").

4.07 - SCHEDULE 1 – WORK NO. 2: The **applicant** is requested to identify where in the Environmental Statement the full impacts of all the alternative development scenarios set out in work no. 2 have all been assessed.

4.08 - SCHEDULE 1 – WORK NO. 2: The description of Work No. 2 appears unconstrained by any parameters in Requirement 4 and thus under the current draft DCO consent would be granted for “cables” up to approximately 50m wide since the limit of deviation for this work extends right up to the outer order limits. The **applicant** is requested to provide a reasonable maximum width, depth and height for work No. 2 at an appropriate place in the DCO.

4.09 - SCHEDULE 1 & REQUIREMENT 4 & 20: In the context of providing for changes to the detailed design the current draft DCO would permit applications to the relevant planning authority to alter the maximum parameters of the scheme provided that the revised scheme would be within the limits assessed in the ES. The DCO should contain within it (without reliance upon a study of the various environmental information) the maximum parameters of the scheme as assessed, these need to be consistent with the project descriptions as assessed in the ES. As stated in Advice Note 9 clear parameters are necessary to allow the relevant planning authority to understand the limits within which changes may be permitted, this is fundamental to the Rochdale envelope approach used in this application. It is also important that the requirements do not allow for the consenting of a substantially different scheme from the one applied for. The **applicant** is requested to set out in the DCO what the maximum parameters are for the works (i.e. for each work maximum height, width and length or height and area by reference to fixed points on a plan must be specified). Only changes within and up to these maximum parameters would then be permissible as they would be within the limits assessed in the ES. The **applicant** is requested to set out the maximum parameters for the works (as above) either in the description of the work or in the tables in requirement 4.

4.10 - REQUIREMENT 4 & 20: The **applicant** is requested to amend requirements 4 and 20 to remove references to changes in the maximum parameters as these need to be set out clearly in the DCO as maxima (as above).

4.11 - REQUIREMENT 4: Can the **applicant** clarify why no maximum height is stated for the switchgear station?

4.12 – Documents for Secretary of State (SoS) Certification - Can the **applicant** maintain a list of all plans and other documents that will require SoS certification (including plan/document references), to be updated throughout the examination process, and supplied to the Examining Authority before the close of the examination.

4.13 – DCO Statutory Instrument (SI) - Can the **applicant** confirm that the DCO (and any subsequent revisions) are (and will be) in the form required by the statutory instrument template (see Planning Inspectorate Advice Note 13) and validated as such using the current SI template, including footnotes to statutory references as necessary.

4.14 – Model Provisions – Can the **applicant** provide a tracked changes version of the Model Provisions to identify all the changes that have been made.

4.15 – Article 8: Application and modification of legislative provisions - As this article relates only to compensation for compulsory acquisition, should this be moved to Part 5 to be with the other compulsory acquisition articles. **Applicant** to confirm.

4.16 – Article 13: Compulsory acquisition of rights - There does not appear to be an article which brings Schedule 3 into effect. Should A13 include wording similar to A22(4) of the Network Rail (Norton Bridge Area Improvements) Order 2014 in order to achieve this. **Applicant** to confirm.

4.17 – Article 17: Statutory authority to override easements and other rights – This article, along with A19, provides for the extinguishment of, suspension or interference with easements or private rights. Part 3 of the BoR appears to list all known easements/private rights, as (from a sample comparison) it appears to match those listed in Part 2 where “Tata Steel has taken the cautious approach of including within this part any person who has a right over the land within the Order limits”.

The requirement under Reg 7(1)(c) is to list all those rights/easements “which it is proposed shall be extinguished, suspended or interfered with”. Is the intention therefore to extinguish, suspend or interfere with all such rights listed? If not, should the list in Part 3 be refined to only include those which match the requirement in Reg 7(1)(c)? Also, should the proposed level of interference with each right/easement be specified. **Applicant** to confirm

4.18 – Article 19: Private rights – See question relating to A17. **Applicant** to confirm.

4.19 – Article 26: Procedure in relation to certain approvals - Would the wording used in A4 of the Brechfa Forest West Wind Farm Order 2013 be a clearer way of achieving the same effect as A26(2) and Schedule 5. Is it appropriate to replace an existing and well-understood statutory scheme with a bespoke one? **Applicant** to confirm.

4.20 – Requirement 10 – Code of Construction Practice (CoCP) – Can **NPTCBC** confirm what additional drafting they require within the CoCP to ensure that any failures of the Dust Management Plan (DMP) standards are investigated effectively.

4.21 – Requirement 14 – Can the **applicant** include a requirement to ensure that the noise levels experienced at the noise sensitive receptors (NSRs) during the commissioning and operating phases do not exceed those assessed in the ES.

4.22 – Requirement 14 – Can the applicant provide evidence to support the efficacy of the assumed airborne sound insulation performance of the proposed building envelope of 10dB.

4.23 – Requirement 10 – Code of Construction Practice (CoCP) – Can the **applicant** provide an updated copy of the latest development of an outline CoCP detailing all the components, together with their scope, application, monitoring, reporting and failures recovery procedures.

4.24 – Requirement 10 – Code of Construction Practice (CoCP) – Can the **applicant** provide details of their mitigation measures for Public Rights of Way (PROWs).

4.25 – Requirement 10 – Code of Construction Practice (CoCP) – Can the **applicant** provide details of the geo-environmental investigation and materials management plan (MMP) that will be included within the CoCP to mitigate the ground conditions effects.

4.26 – Requirement 4 – Detailed Design – Stack height - Can the **applicant** include a requirement to ensure that the stack height is no lower than 80m unless supplementary air quality modelling is agreed within the Environmental Permit.

4.27 – Requirement 4 – Detailed Design - Can the **applicant** include a requirement to ensure that the quality of the building finishes is sustained through proven durability of cladding materials or an approved asset management plan for cladding replacement.

4.28 – Requirement 4 – Detailed Design - Can the **applicant** include a requirement to ensure that the ancillary building design and finishes are also subject to approval.

4.31– Requirement 8 – Archaeology - Can the **applicant** include a requirement to ensure that 8(4) is carried out in agreement with NPTCBC and GGAT.

4.32 – Requirement 19 – Contaminated land and ground water - Can the **applicant** revise the wording to reflect that approval would only be by NRW.

4.33 – Requirement 17 – Air Quality Monitoring - Can the **applicant** include a requirement to ensure that the mitigation measures have been adequately sourced and secured ready for immediate implementation as may be necessary.

4.34 – Requirement 14 – Operational Noise - Can the **applicant** include a requirement to ensure that the mitigation measures have been adequately sourced and secured ready for immediate implementation as may be necessary.

4.35 – Requirement 10 – Dust management plan - Can the **applicant** include a requirement to ensure that the DMP required under the CoCP includes the monitoring of dust deposition, dust flux, real-time PM₁₀ continuous monitoring and/or visual inspections.

5.0 ENVIRONMENTAL

5.01 – Air Quality - Can **NPTCBC** confirm that the delineation of the Taibac Margam Air Quality Management Area (AQMA) as shown on Figure 3.1 is accurate and that this AQMA is appropriate for the assessment.

5.02– Air Quality – Can the **applicant** provide evidence to support the selection of the two stations used for the assessment of construction traffic (11 College Green Margam and Dyffryn School).

5.03 – Air Quality - Can the **applicant** provide evidence to support the selection of the sensitive human health receptors for operational emissions.

5.04 – Construction Traffic Effects - Can the **applicant** and **NPTCBC** confirm their agreement with the choice of receptors for the assessment of construction traffic and operational emissions.

5.05 – Construction Traffic Effects – Can the **applicant** confirm the source of data used for the assessment of construction traffic effects.

5.06 – Construction Traffic Effects - Can **NPTCBC** state whether they are satisfied with the Applicant selecting Option 1 as the worst case scenario for the assessment of construction traffic effects.

5.07 – Operational Emissions - Can the **applicant** provide evidence to support the breakdown of blast furnace gas composition (Environmental Statement paragraphs 5.4.51 – 5.4.54) and confirm whether the values applied represent a worst case scenario.

5.08 – Operational Emissions – It is noted that the new boilers will be designed to run on natural gas if necessary. Can the **applicant** provide evidence on the effects of running the new boilers entirely on natural gas.

5.09 – Operational Emissions - Can the **applicant** provide evidence on how the emissions from other sources, referred to in Environment Statement paragraph 5.4.54, have been accounted for within the assessment.

5.10 – Operational Emissions - Can the **applicant** produce evidence to confirm that the application of measured emissions will accurately represent future emissions from the new boilers in terms of their design, construction and operational efficiency.

5.11 - Operational Emissions - Can the **applicant** provide a copy of the United States Environmental Protection Agency database used to estimate emissions from the flaring of blast furnace gas (Environmental Statement paragraph 5.4.65).

5.12 – Operational Air Quality Effects – Can the **applicant** confirm the derivation of the criteria used in Environmental Statement Tables 5.17 and 5.18.

5.13 – Operational Air Quality Effects – The Environmental Statement states that for effects from emissions that are not covered by EPUK guidance the criteria used in the Environment Agency (EA) H1 guidance, Annex F have been used to define significance. These are summarised in Environmental Statement Table 5.30. The criteria in Table 5.30 however do not entirely reflect guidance used in EA guidance. In Table 5.30 one of the criteria used is 'Process Contribution > 70% Environmental Assessment Level / Environmental Quality Standard. In EA guidance this is Process Contribution + **background concentration** >70% Environmental Assessment Level/Environmental Quality Standard. Can the **applicant** confirm the extent to which the application of Environment Agency Guidance to add background concentration to the process contribution would influence the conclusions of the Environmental Statement.

5.14 – Operational Air Quality Effects – Can **NRW** and **NPTCBC** state whether they are satisfied with the applicant's assignment of significance for ecological receptors described in Environmental Statement paragraphs 5.4.105 – 5.4.106.

5.15 – Construction Dust – Can the **applicant** provide evidence that the selection of receptors for the assessment of construction dust effects represents the worst case for local residents and site workers.

5.16 – Commissioning – Can the **applicant** clarify the commissioning procedure for the new boilers under Option 1 and Option 2 to support the assertion that the respective effects will be the same.

5.17 – Air Quality – Can the **applicant** provide evidence of the derivation of the Air Quality Standard (AQS) applied in Environmental Statement Tables 16.3 & 16.4 and Environmental Statement Volume 3a Appendix 5.4.

5.18 - Cumulative Impacts – Can the **applicant** confirm whether the double counting argument put forward in Environmental Statement paragraph 16.8.35 with respect to the gases already burned and flared would also apply to the consideration of the project alone.

5.19 - Cumulative Impacts – Environmental Statement Table 16.8 provides figures on the combined deposition of acid and nutrient nitrogen, expressed as a percentage of critical load. For Option 2, Phase 1, when Emission Limit Values are considered, deposition on Crymlyn Bog potentially qualifies as significant. Can the **applicant** comment on this.

5.20 – Air Quality – Can **NRW** state whether they are satisfied with the Applicants methodology and conclusions with respect to effects on air quality in relation to the future granting of an Environmental Permit.

5.21 – Noise and Vibration – Can the **applicant** confirm the description and ascribed sensitivities of the five Noise Sensitive Receptors used in the assessment.

5.22 – Noise and Vibration – Can the **applicant** confirm the assumptions made in undertaking the assessment on distances between Noise Sensitive Receptors (NSRs) and the noise source/s.

5.23 – Noise and Vibration – Can the **applicant** clarify how the number of Passenger Car Units (PCUs) shown on Figure 10.8 relates to the numbers of HGVs and other vehicles shown, and whether the PCUs would be generated in addition to the other vehicles and HGVs.

5.24 – Noise and Vibration – Can the **applicant** provide evidence to support the assumptions made in Environmental Statement paragraph 8.6.18 used to form the basis for the construction traffic noise assessment.

5.25 – Noise and Vibration – Can **NPTCBC** state whether they are satisfied that the provisions within DCO Schedule 2 Requirement 11(1) (a) are sufficient to allay their concerns with respect to effects of noise and vibration from piling activities.

5.26 – Noise and Vibration – Can the **applicant** and relevant consultees state whether the assumption made of maximum sound pressure level of 85db(A) for the proposed plant is realistic and whether the overall findings are acceptable given the lack of certainty over the proposed location of the development within the red line boundary.

5.27 – Noise and Vibration – Can **NPTCBC** state whether they are satisfied with the choice of projects made by the Applicant for the determination of the combined effects of noise and vibration are sufficient.

5.28 – Noise and Vibration – Can **NPTCBC** state whether they are satisfied that the exclusion of significant effects from other developments is justified on the basis of their respective undertakings with regard to noise mitigation measures and whether this provides sufficient assurance that cumulative effects will not be significant.

5.29 – Noise and Vibration – Based on their knowledge of the existing site conditions and geology can the **applicant** provide details of piling options that are likely to be applied together with their respective noise and vibration generating characteristics.

5.30 – Noise and Vibration – Can the **applicant** clarify the meaning of 'where practicable' in their statement relating to the implementation of mitigation measures from BS5228.

5.31 – Noise and Vibration – Can the **applicant** provide evidence of the respective noise and vibration characteristics of Boiler Turbo Alternators and Combined Cycle Gas Turbines.

5.32 – Traffic and Transportation – Can **NPTCBC** state whether they have agreed the scope and conclusions of the traffic and transportation assessment.

5.33 – Cultural & Heritage – Can **NPTCBC** and **GGAT** state whether they are satisfied with the scope, methodologies applied and conclusions of the applicants Cultural Heritage Assessment.

5.34 – Surface Water Environment – Discharges – Can the **applicant** provide information on the discharge limits for W2 and W4 (Environmental Statement 14.5.43) and confirm whether this information should have been included within the Environmental Statement.

5.35 – Surface Water Environment – Study Area – Can the **applicant** provide evidence to confirm that the study area of 3km was agreed with NRW and NPTCBC.

5.36 – Surface Water Environment – Abstraction volumes – Can **NRW** state whether they have any concerns regarding the estimated abstraction volumes during construction and confirm whether these would fit comfortably within the existing permit.

5.37 – Surface Water Environment – Discharges during construction – Can the **applicant** quantify the anticipated volumes and rates of discharges during construction.

5.38 – Surface Water Environment – Abstraction Volumes – Can **NRW** state whether they are satisfied with the assessment of abstraction volumes for construction and operation, and whether they are satisfied that these would be acceptable under the existing permit.

5.39 – Surface Water Environment – River Afan flow objectives – Can the **applicant** provide a definition of WFD83 RFO.

5.40 – Surface Water Environment – Abstraction Modelling – Can **NRW** state whether they have any residual concerns regarding the abstraction modelling.

5.41 – Surface Water Environment – Abstraction Volumes – Can **ABP** state whether they have any concerns regarding the abstraction requirements for the development.

5.42 – Surface Water Environment – Applicable Environmental Permit – Can the **applicant** confirm which permits are intended to be applied to the development – new, amended or existing.

5.43 – Surface Water Environment – Dissipation of discharges – Can the **applicant** provide evidence to support their conclusion that discharges from the development will be dissipated more easily from the long-sea outfall than if water was discharged nearer to shore.

5.44 – Surface Water Environment - Dissipation of discharges – Can **NRW** state whether they agree with the applicant's conclusion that discharges from the development will be dissipated more easily from the long-sea outfall.

5.45 – Surface Water Environment – Cumulative Assessment – Can **NRW** state whether they are in agreement with the approach and findings of the cumulative assessment relating to the surface water environment contained in Environmental Statement Tables 14.15 and 14.16.

5.46 – Surface Water Environment – Water abstraction hierarchy – Can the **applicant** and **NRW** confirm whether a water abstraction hierarchy has been agreed and if so provide a copy.

5.47 – Surface Water Environment – Monitoring of River Afan flows – Can **NRW** confirm their agreement to monitor River Afan flows at Marcroft gauging station and to issue an operating advisory notice to the applicant when low flows are not expected to meet the additional abstraction requirements. Can NRW also state whether such agreement will extend throughout the life of the development.

5.48 – Surface Water Environment - Water abstraction hierarchy – Can **NRW** state whether they are satisfied with the current wording of DCO Requirement 18 with respect to monitoring and/or trigger points and how these will be delivered and by whom.

5.49 – Surface Water Environment – Applicable Environmental Permit – Can **NRW** state whether, in principle, they think that an applicable Environmental Permit could be agreed to enable the discharges from the proposed development.

5.50 – Surface Water Environment – Ecological assessment – Can **NRW** state whether they have any concerns regarding the assessment of ecological impacts on Port Talbot Dock.

5.51 – Highways Matters – Can the **applicant** confirm whether they have engaged with the Welsh Government on highways matters and if so provide a summary of the conclusions.

5.52 - Decommissioning of the Development – Can the **applicant** clarify why decommissioning of the development at the end of its working life has not been fully assessed with the Environmental Statement.

5.53 – Phasing of the Development – Can the **applicant** provide details of how, when and on what basis the decision to phase the development will be made.

5.54 – Dimensions of ancillary structures – Can the **applicant** provide maximum indicative dimensions for the ancillary structures.

5.55 – Alternatives – Can the **applicant** state what environmental effects were considered as part of the consideration of the alternative scenarios (Environmental Statement paragraphs 2.8.9–2.8.27).

5.56 – Study Areas – Can the **applicant** provide a summary table of all of the various environmental impact study areas showing how their extents were determined and agreed with relevant bodies.

5.57 – Disposal of waste material – Can the **applicant** provide indicative volumes of waste for disposal in relation to a) the capacity of their on-site facility and b) the need for any surplus to be sent to licensed off-site disposal facilities (Environmental Statement 2a paragraph 16.10.5). In regard to the latter can the applicant confirm whether these additional journeys have been accounted for in the transport assessment (Environmental Statement Chapter 10)

5.58 – Ground Investigations – Can the **applicant** provide evidence to support the decision to exclude a site investigation programme from the environmental impact assessment.

5.59 – Scoping Out – Can **NRW**, **NPTCBC** and **GGAT** state whether they are in agreement with the applicant's Scoping In / Scoping Out comments (Environmental Statement Table 2.1).

6.0 HABITATS, ECOLOGY AND NATURE CONSERVATION

6.01 – Can **NRW** and the **local authorities** state whether they are satisfied that all the relevant European sites and features have been considered in the applicant's Habitat Regulations assessment.

6.02 - Can **NRW** confirm which features of the Crymlyn Bog Ramsar site are the designated features which need to be considered for the purposes of Habitat Regulations assessment.

6.03 – Can the **applicant** and **NRW** confirm whether they have reached agreement on the likelihood of significant effects on European sites resulting from acid deposition from the project in combination with other power station proposals in the vicinity and/or from nutrient nitrogen deposition.

6.04 – Can **NRW** confirm whether the existing levels of atmospheric pollution are affecting the favourable conservation status of the transition mire and calcareous fen features of the Crymlyn Bog Ramsar Special Area of Conservation.

6.05 – Can **NRW** and the **local authorities** state whether they agree with the conclusions of the 'No Significant Effects' Report (NSER) with respect to the effects of water pollution from surface run-off, noise and vibration, dust blanketing, direct habitat loss or fragmentation, direct disturbance to species, alteration of management, increase in lighting and the spread of invasive species.

6.06 – Can **NRW** and the **local authorities** state whether they are satisfied that all the relevant developments have been included in the applicant's in-combination assessment in the 'No Significant Effects' Report Rev.2.

6.07- Overall Emissions – Can the **applicant** confirm that overall aerial emissions from the steel works will not increase if all the current (older) power generating equipment remains online following the completion of Phase 1 of Option 2.

6.08 – Generation of sulphur dioxide – Can the **applicant** provide evidence of the levels of sulphur in the gas to be burnt in the new boilers to support their statement that sulphur dioxide levels should not be based on Emission Limit Values.

6.09 – Vibration – Can the **applicant** provide evidence to support their assertion that vibration from the construction and decommissioning of the proposed development will only be detected 20 metres from the source.

6.10 – In combination Effects – Can **NRW** state whether they consider the reference documents quoted by the applicant in the NSER Section 5 to be the most up to date for the purpose of determining in-combination effects (ERM 2008b, RPS 2008, CERC 2008, SKM 2006).

6.11 – Can all **interested parties** confirm whether they have any issue relating to Revision 2 of the No Significant Effects Report presented as the Habitats Screening Report (Doc.Ref. 5.03 Rev.2)

7.0 FUNDING

7.01 – Funding statement - The Funding Statement provides a brief outline of the corporate structure and assets behind Tata, and states the applicant's confidence in the commercial viability of the project and hence its ability to be funded, subject to final board authority. The land acquisition costs and estimated costs of compensation are not separately identified, but stated to be part of the overall project cost of £200m.

Can the **applicant** provide the following supporting evidence:

- a) What are the estimated costs of acquisition and compensation;
- b) What is the evidence to support these estimates; and
- c) What security is being proposed by the applicant to ensure that these costs can be met in the event that the DCO application is approved.

7.02 – Funding availability – Can the **applicant** provide evidence to support their assertion that if the DCO is granted then funding will be made available (by whom, when and on what conditions) and state which board will approve the funding should a DCO be granted.

7.03 – Blight Costs – Can the **applicant** provide evidence to support their consideration of the likelihood of claims for blight

7.04 – Tata Steel Group - Can the **applicant** provide a detailed organogram for the global Tata Steel group.