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2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: PTPower@infrastructure.gsi.gov.uk

Your Ref:

Our Ref: EN010062

Date: 18 December 2014

Dear Sir/Madam,

Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8

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

Examination timetable and procedure

I write to tell you about the procedural decisions I have made as the Examining Authority (ExA) following the Preliminary Meeting held on **Tuesday 9 December 2014 at Blanco's Hotel, Port Talbot**. This letter provides you with the examination timetable; details of the publication of my first written questions to parties; and other matters.

A note of the Preliminary Meeting will be made available on the Internal Power Generation Enhancement for Port Talbot Steelworks project page of the National Infrastructure pages of the Planning Portal website and will also be available for online inspection free of charge at the venues listed in **Annex A**. An audio recording of the Preliminary Meeting has been published on the website.

Procedural decisions and timetable

I thank those parties who attended and for the points which they made.

All matters raised at the Preliminary Meeting have been carefully considered and I have now made procedural decisions about the way in which the application is to be examined contained in **Annex C**. The timetable setting this out is attached at **Annex B**. If I consider it necessary to vary the timetable at any time during the examination, full notification will be sent to all registered interested parties.

Any items that have changed since we sent out a draft copy of the timetable as part of the Rule 6 letter dated 13 November 2014 are set out in **Annex C**, Procedural

decisions. Please also refer to the examination timetable itself at **Annex B**.

The timetable requires that a number of submissions are received by **Deadline 1, 15 January 2015**. As advised in the Rule 6 letter dated 13 November 2014, all parties are requested to pay particular attention to this deadline of the examination timetable and are encouraged to begin preparing for this deadline immediately.

Please note that any changes to the timetable will be updated on the Internal Power Generation Enhancement for Port Talbot Steelworks project page of the National Infrastructure pages of the Planning Portal website and can be accessed by following this link:

<http://infrastructure.planningportal.gov.uk/projects/Wales/Internal-Power-Generation-Enhancement-for-Port-Talbot-Steelworks/>

Additional Information

I draw your attention to my request for comments on submissions received prior to the Preliminary Meeting or prior to the issue of this Rule 8 letter.

These include the applicant's additional and or revised documents, which appear to either correct minor errors to these documents or to provide future details relating to the development.

1. Errata Document

This document, received on 12 August 2014, was accepted by me in the Rule 6 letter dated 13 November 2014. This information can be viewed at the following link:

<http://infrastructure.planningportal.gov.uk/document/2890114>

2. The No Significant Effects Report (NSER) Revision 0 and 1 comparison document

The applicant submitted Revision 0 of their NSER dated July 2014 to the Planning Inspectorate on 7 August 2014. During August the applicant continued to liaise with Natural Resources Wales (NRW) and Revision 1 dated September 2014 was issued to NRW on the 29 August 2014. Following the acceptance of the application on 2 September 2014 the applicant inadvertently circulated Revision 1 with the application documents and supporting information instead of Revision 0. On the 8 October 2014 the applicant advised all parties of this administrative error providing both versions and a comparison document. This was two weeks prior to the closing date for the submission of a relevant representation. This information can be viewed at the following link:

<http://infrastructure.planningportal.gov.uk/document/2890418>

3. Changes to application

The applicant submitted a letter dated 8 December 2014, prior to the Preliminary Meeting. This was discussed and acknowledged by me at the Preliminary Meeting and following the receipt of the supporting documentation on 15 December 2014 the following information is now provided for comment:

- a) GVA letter dated 8 December 2014;
- b) GVA letter dated 15 December 2014;
- c) Statement of Information on revised parameters for turbine hall and cooling tower unit (Doc.Ref.10.6);
- d) Revised Works Plan (Doc.Ref.2.04 rev02); and
- e) Revised photomontages for viewpoints 4, 13 & 14

These documents detail the changes to the layout and dimensions of the turbine hall and cooling tower unit resulting from design optimisation to minimise impact on the Dwr Cymru Cyfyngedig Afan Valley sewer. The information can be viewed at the following links:

<http://infrastructure.planningportal.gov.uk/document/2890347>

<http://infrastructure.planningportal.gov.uk/document/2895285>

I have included questions in my first round of ExA questions that are intended to produce further information from the applicant regarding these changes. If I consider that any further information is needed then I shall do this through the issuing of a letter under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

4. Habitats Screening Report, Report to inform an Appropriate Assessment and Comparison document

Since the submission of their application the applicant has continued discussions with NRW with respect to environmental impacts and submitted a revised version of the No Significant Effects Report (NSER) (renamed as the Habitats Screening Report) to the Planning Inspectorate on 16 December 2014.

The following information is now made available for comment:

- a) GVA letter dated 16 December 2014; and
- b) Habitats Screening Report (December 2014) – this is an updated version (V2) of the No Significant Effects Report (Doc Ref: 5.03) that was submitted with the original application. Appendix D of this report contains completed Screening Matrices which were not provided within the originally submitted NESR. The Habitats Screening Report now identifies a need for an Appropriate Assessment.

- c) Report to Inform an Appropriate Assessment (Doc Ref: 5.5)
- d) Comparison document which shows the changes between revision 0 (July 2014) and revision 2 (December 2014)

The above documents are available to view at the following link:

<http://infrastructure.planningportal.gov.uk/document/2895184>

Submissions received from parties other than the applicant prior to the Preliminary Meeting

Rhondda Cynon Taff County Borough Council submitted a late representation (dated 23 October 2014) during the pre-examination stage which was accepted by the Examining Authority in the Rule 6 letter dated 13 November 2014. This submission was published on the 14 November 2014. It can be viewed at the following link:

<http://infrastructure.planningportal.gov.uk/projects/wales/internal-power-generation-enhancement-for-port-talbot-steelworks/?ipcsection=docs>

Please note that comments on the above submissions are requested by **Deadline 1, 15 January 2015**.

Written representations

I now invite all interested parties to submit written representations and evidence on any matters concerning the application. Comments on the relevant representations already submitted are also invited. All written representations and comments on relevant representations should be received on or before **Deadline 1, 15 January 2015**.

Please send your representations to the Planning Inspectorate using the email or postal address at the top of this letter quoting reference EN010062 and your unique reference number, if one is quoted on this letter. Representations can deal with any relevant matter. They are not restricted to the matters set out in my initial assessment of principal issues which was discussed at the Preliminary Meeting, nor restricted to my written questions.

Please note if you are submitting a written representation, you should identify those parts of the application or specific matters with which you agree and those parts with which you do not agree. You must state the reasons for or provide evidence to support your agreement or disagreement.

There is no prescribed form for written representations. In accordance with DCLG 'Planning Act 2008: guidance for the examination of applications for development consent for nationally significant infrastructure projects' (April 2013), participants should normally provide with their written statements "the data, methodology and assumptions used to support their submissions".

Any written representation that exceeds 1500 words should also be accompanied by a

summary. This summary should not exceed 10% of the original text. The summary should set out the key facts of the written representation and must be representative of the submission made.

To assist in the timely processing of written representations submitted by the deadline specified, I request that interested parties send, where practicable, electronic copies of their submissions as email attachments to the email address at the top of this letter.

Site visit and notification of wish to speak at hearings

You will note that the date of hearings and the accompanied site visit are now confirmed, as set out in the timetable at Annex B. As such, I now request notifications from interested parties regarding;

- any wish to be heard at the open floor hearing
- any wish to be heard at the compulsory acquisition hearing
- any wish to make oral representations at any issue specific hearing, including those on the draft Development Consent Order (DCO) and environmental matters (including Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA))
- any wish to attend my inspection of the site in the company of the applicant and interested parties to be held on **Tuesday, 24 February 2015**.

These notifications should be sent separately from written representations, and all other submissions, to be received by **Deadline 1, 15 January 2015** quoting your unique reference number, if one is quoted on this letter.

Os hoffech gwneud cyfraniadau drwy gyfrwng y Gymraeg yn ystod y cyfarfodydd dylech nodi hyn ynghyd a'ch cadarnhad i fod yn bresennol neu i siarad yn y cyfarfod.

If no written requests are received by the identified deadline for open floor hearings or compulsory acquisition hearings, I am not required to hold any such hearings; although I may choose to do so. The time, date and place of any hearings will be notified in writing to all registered interested parties.

Interested parties will be notified of any cancellations if I consider that a hearing is no longer necessary; as soon as practicable in advance of the timetabled event. Agendas, if necessary, will be published on our website as early as practicable prior to any hearing.

I also invite submissions from interested parties recommending locations or items for the site visit itinerary. To allow for the event to be effectively programmed, these recommendations must also be received on or before **Deadline 1, 15 January 2015** and should also be sent separately from any written representations, and other submissions and notifications.

I will consider any timely recommendations provided and the locations to be visited will be published on the Internal Power Generation Enhancement for Port Talbot Steelworks project page of the National Infrastructure pages of the Planning Portal website, in advance of the date of the site visit.

Statutory parties – notification of wish to be interested parties

Statutory parties and other consultees are no longer automatically Interested Parties in the examination. If they wish to participate further in the examination and receive correspondence about it, they will need to notify me accordingly. Notifications should be received in writing by the Case Manager by **Deadline 1, 15 January 2015**. If anyone is in any doubt about their status, please contact the Case Manager, Tracey Williams.

Guidance for all submissions and notifications

Electronic attachments should be clearly labelled with their subject and title and should not exceed 12MB for each email. Should electronic submissions include documents of 300 pages or more, interested parties are advised to send to us, by post, one additional full paper copy of their submission.

Timely submissions in advance of the deadlines set in the timetable are encouraged and welcomed.

ExA's first round of written questions

I now ask written questions and request information about important matters considered relevant to the application; as provided for and at the times set out in the timetable at **Annex B**.

My first round of questions has been issued simultaneously with this letter but is not annexed to it. The questions can be found on the Internal Power Generation Enhancement for Port Talbot Steelworks project page of the National Infrastructure pages of the Planning Portal website and can be accessed by following this link:

<http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN010062/2.%20Post-Submission/Procedural%20Decisions/Examining%20Authority's%20First%20Round%20of%20Written%20Questions.pdf>

Please contact the Planning Inspectorate should you require hard copies.

I have directed questions at particular parties. If a question is directed to you or your organisation, please answer it. If a question is not directed to you or your organisation, you may nevertheless choose to answer it if an answer would be relevant to the issues that concern you. Parties are asked to provide full and clear answers to all questions relevant to their circumstances and I will be most grateful for your commitment in this regard.

Where questions can be fully addressed within a Statement of Common Ground (SoCG) then a reference to the relevant SoCG, with specific reference to the relevant part of that SoCG where appropriate, will be sufficient.

The answers to the first round of written questions must be provided by **Deadline 1, 15 January 2015** following which the timetable provides opportunities and deadlines for comments on answers to be submitted.

Should it become necessary for me to write to interested parties again as the examination progresses with further questions or requests for more information that are not set out in the approved timetable, I am able to do so.

The second round of questions will be issued, if required, on **Thursday 26 March 2015**. I may decide not to issue these questions and would provide notice of such a decision on the Internal Power Generation Enhancement for Port Talbot Steelworks project page of the National Infrastructure pages of the Planning Portal website without making a further change to the approved timetable.

Statements of Common Ground and Local Impact Reports (LIR)

All LIRs and SoCGs should be submitted to the examination by **Deadline 1, 15 January 2015**.

Availability and inspection of representations and documents

Written representations and documents sent to the Planning Inspectorate in the examination period will be made available on the Internal Power Generation Enhancement for Port Talbot Steelworks project page of the National Infrastructure pages of the Planning Portal website as soon as practicable. There will also be an opportunity for online inspection and copying at the locations in the vicinity of the application site as indicated at **Annex A**.

Importance of deadlines for receipt of documents

It is important to note that if any submissions or notifications throughout the examination, including written representations; comments on relevant representations; responses to written questions; LIRs; SoCGs; further information; or wish to be heard at hearings, are not received by the dates specified in the timetable, I am entitled to disregard them in accordance with the Infrastructure Planning (Examination Procedure) Rules 2010, Rule 10(8).

Award of costs

Your attention is drawn 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:

<https://www.gov.uk/government/publications/awards-of-costs-examinations-of-applications-for-development-consent-orders>

Future notifications

If you are a registered interested party you will continue to receive notifications from the Planning Inspectorate about the examination throughout the process.

As mentioned above, if you are a statutory party (with a reference number starting with PTPW-SP and not PTPW-AFP) or a local authority who has not made a relevant representation but wishes to become an interested party, you should email or write to the address at the top of the letter by **Deadline 1,15 January 2015**.

Statutory parties (with a reference number starting with PTPW-SP) who have not made a relevant representation and do not notify me of their wish to become an interested party will not receive any further correspondence.

I look forward to working with all those who will be involved in the examination.

Yours faithfully

Roger Eyre

Examining Authority

Annexes:

- A.** Availability of representations and application documents
- B.** Timetable for the examination of the application
- C.** Other procedural decisions made by the Examining Authority (ExA)

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.

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

Annex B

Timetable for examination of the application

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

2008)

- Responses to ExA's first written questions
- Comments on relevant representations (RRs)
- Summaries of all RRs exceeding 1500 words
- Written representations (WRs) by all interested parties
- Summaries of all WRs exceeding 1500 words
- Comments on any additional representations and submissions received prior to the examination
- Submissions from interested parties recommending itinerary items for the accompanied site visit
- Any further information requested by the ExA for this deadline

Notifications

- Notification by interested parties of wish to be heard at an open floor hearing
- Notification of wish to be heard at a compulsory acquisition hearing
- 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)
- Notification by interested parties of their intention to attend the accompanied site visit
- Notification by statutory parties of wish

	to be considered as an interested party	
5	<p>Notification by the ExA of date, time and place for;</p> <ul style="list-style-type: none"> • Any Accompanied site visit • Open Floor Hearing • Compulsory Acquisition Hearing • Any other issue specific hearing 	Tuesday 27 January 2015
6	<p>Deadline 2</p> <p>Deadline for the receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to comments on RRs • Comments on LIRs • Responses to comments on any additional representations and submissions received prior to the examination • Comments on responses to ExA's first written questions • Comments on WRs • Any revised draft DCO from applicant • Any further information requested by the ExA for this deadline 	Thursday 5 February 2015
7	Date for the Issue specific hearing on the draft DCO	Thursday 12 February 2015
8	<p>Deadline 3</p> <p>Deadline for the receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to comments on WRs • Responses to comments on the ExA's first written questions • Written summary of the oral case put at the draft DCO hearing 	Tuesday 17 February 2015

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

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

Other Procedural decisions made by the ExA

The ExA has also made the following procedural decisions under Section 89(1) of the Planning Act 2008.

Additional documents

Submissions received prior to the Preliminary Meeting and before the issue of this Rule 8 letter.

I confirm that the following documents submitted by the applicant (Tata Steel UK Ltd) have been accepted into the examination:

- No Significant Effects Report (NSER) Revisions 0 and 1 and the Comparison document
- Consultation Report Errata Document received 12 August 2014
- Letters dated 8 and 15 December 2014 with supporting information relating to the revised orientation and maximum width dimensions for the Turbine Hall and Cooling Tower Unit.
- NSER Revision 2 which comprises of Habitats Screening Report, Report to inform an Appropriate Assessment and a comparison document.

I also confirm that I have made a procedural decision to accept submissions received prior to the Preliminary Meeting by the following parties:

- Late representation from Rhondda Cynon Taff County Borough Council

All the above documents have been published on the Port Talbot Power project page of the National Infrastructure pages of the Planning Portal website and are available to view electronically at the deposit locations listed in **Annex A**.

Any comments on these documents should be submitted by **deadline 1, 15 January 2015**.

Statements of Common Ground (SoCGs)

I would be assisted by the preparation of SoCGs between the applicant and certain interested parties. The timetable for the examination therefore provides deadlines for submissions 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 in accordance with the examination timetable. SoCGs are requested to be prepared by the applicant and the following unless all outstanding issues can be resolved through agreed Protective Provisions within Schedule 4 of the draft Development Consent Order;

- Neath Port Talbot County Borough Council
- City and County of Swansea
- Carmarthen County Council
- Powys County Council
- Rhondda Cynon Taff County and Borough Council
- Bridgend County Borough Council
- Brecon Beacons National Park Authority
- National Resources Wales
- Dwr Cymru Cyfyngedig (Welsh Water)
- National Grid Electricity Transmission
- National Grid Gas
- Coal Authority
- Network Rail
- Royal Mail
- Welsh Government Highways
- Associated British Ports
- Western Power Distribution

The timetable for the examination therefore provides deadlines for submissions of SoCGs by Deadline 1, **15 January 2015**.

Local Impact Reports (LIRs)

I invite the submission of LIRs from the following local planning authorities, within whose boundary the application sits, and/or adjoins:

- Neath Port Talbot County and Borough Council; and
- City and County of Swansea.

The timetable for the examination therefore provides deadlines for submissions of LIRs by Deadline 1, **15 January 2015**.

First round of ExA's written questions

The first round of written questions has been published simultaneously with this letter but is not annexed to it. The questions can be found on the Port Talbot Power project page of the National Infrastructure pages of the Planning Portal website and can be accessed by following this link:

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/projects/EN010062/2.%20Post-Submission/Procedural%20Decisions/Examining%20Authority's%20First%20Round%20of%20Written%20Questions.pdf>

They are also available to view electronically at the deposit locations listed in **Annex A**.

Please contact the Planning Inspectorate should a hard copy of the ExA's first written questions be required.