

Port Talbot Power – ExA’s Second Round of Questions

26 March 2015

2.1 GENERAL

2.1.1 Statements of Common Ground (SoCG)

Can the **applicant** provide evidence, either in the form of signed and agreed SoCG or through confirmation by the authority that SoCG is not considered necessary, with each of the following;

- 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;
- Coal Authority;
- Royal Mail Group; and
- Associated British Ports

2.2 COMPULSORY ACQUISITION

2.2.1 Agreements for acquisition of rights and protection of interests

Can the **applicant** and **Network Rail** provide evidence to confirm the conclusion of agreements between the two parties covering the acquisition of rights and protection of interests.

2.3 DESIGN, ACCESS, LAYOUT AND VISUAL

2.3.1 Design Principles Statement

Can the **applicant** confirm the status of the design principles statement to be drawn up in agreement with Neath Port Talbot County Borough Council and whether this will be submitted to ExA as evidence and if so when.

2.4 DEVELOPMENT CONSENT ORDER

2.4.1 Article 26: Procedure in relation to certain approvals

Can the **applicant** consider and comment on the following revisions to Article 26 which includes the principles put forward by Neath Port Talbot County Borough Council in their response to Deadline 5 comments on the final preferred DCO:

26(1) – To be removed and replaced by the following;

26(1) Where an application is made to the relevant planning authority or authorities for any consent, agreement or approval required by a requirement, the following provisions apply, so far as they relate to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission as if the requirement was a condition imposed on the grant of planning permission -

(a) sections 78 and 79 of the 1990 Act (right of appeal in relation to planning decisions);

(b) any orders, rules or regulations that make provision in relation to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission, insofar as the orders, rules or regulations are not inconsistent with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 and any orders, rules or other regulations made under the 2008 Act.

26(2) – To be removed and replaced by the following;

26(2) For the purposes of paragraph (2), a provision relates to a consent, agreement or approval of a local planning authority required by a condition imposed on a grant of planning permission in so far as it makes provision in relation to an application for such a consent, agreement or approval, or the grant or refusal of such an application, or a failure to give notice of a decision on such an application.

2.4.2 Schedule 2: Requirement 4 - Maximum dimensions

In the applicant's document relating to the need for changes in the maximum dimensions of the Cooling Tower Units, Turbine Hall and Boiler House (Ref Doc: 10.6, Dec 2014: paras 10 & 11) the applicant stated that only the maximum width as stated in as-submitted DCO needed to be changed and that the maximum height and lengths would remain the same. Further that the buildings' overall sizes would not change from the areas and volumes stated in the as-submitted DCO (Ref Doc: 10.6 Dec 2014: paras 12-16).

Can the **applicant** provide revised drafting to 4(3) to ensure that none of the maximum values for height, width and length can be exceeded should a development order be granted.

Can the **applicant** confirm their acceptance of the revised drafting for Requirement 4(5); using the wording “non-material” amendments instead of “minor or immaterial” amendments to reflect current practice in Wales as put forward by Neath Port Talbot County Borough Council in their response to Deadline 5 comments on the final preferred DCO.

2.4.3 Schedule 2: Requirement 21 – Safety

Can the **applicant** confirm that their safety assessment report, as discussed at the DCO Hearing on 12 February 2015, will be submitted to ExA by Deadline 6; 23 April 2015.

2.4.4 Schedule 4 Protective Provisions Part 1 – Network Rail

Can the **applicant** provide evidence that confirms the agreement of Network Rail to the Protective Provisions as included in Part 1 of Schedule 4.

2.4.5 Schedule 4 Protective Provisions Part 2 – Western Power Distribution

Can the **applicant** provide agreed Protective Provisions for Western Power Distribution.

Can **Western Power Distribution** provide a copy of their preferred Protective Provisions as appropriate for the development area.

2.4.6 Schedule 4 Protective Provisions Part 3 – National Grid Electricity

Can the **applicant** provide agreed Protective Provisions for National Grid Electricity.

Can **National Grid Electricity** provide a copy of their preferred Protective Provisions as appropriate for the development area.

2.4.7 Schedule 4 Protective Provisions Part 4 – Dwr Cymru Cyfyngedig

Can the **applicant** provide evidence that confirms the agreement of Dwr Cymru Cyfyngedig to the Protective Provisions as included in Part 4 of Schedule 4.

2.4.8 Schedule 4 Protective Provisions Part 5 – Associated British Ports

Can the **applicant** provide agreed Protective Provisions for Associated British Ports.

Can **Associated British Ports** provide a copy of their preferred Protective Provisions as appropriate for their interests adjacent to the development area in relation to water abstraction.

2.4.9 Schedule 5: Procedure for discharge of requirements

Can the **applicant** respond to the request by Neath Port Talbot County Borough Council for the deletion of Schedule 5 as put forward by them in their response to Deadline 5 comments on the final preferred DCO.

2.5 ENVIRONMENTAL

2.5.1 Environmental Permit

Can the **applicant** provide a progress update on the status of an Environmental Permit application and provide latest details of when this may be concluded in agreement with NRW.

2.5.2 Site Investigation Report

Can the **applicant** provide an update on the outcomes of the final site investigation report that was due to be available late March / early June with reference to the following;

- Contaminated Land;
 - Extents
 - Treatment / Disposal
 - Transport Impacts;
- Coal Reserves;
 - Extents
- Piling Method Statement;
- Noise and Vibration;
- Ground Water; and
- Afan Valley Trunk Sewer

2.5.3 Water Abstraction Hierarchy

Can **Associated British Ports** provide graphical evidence to support their water level and abstraction rate requirements contained within their written representations for Deadline 4. Such should include, where relevant, the influence of the Port Talbot Dock characteristic tidal cycle and its ability to replenish water levels within the docks.

Can the **applicant** provide evidence to confirm an agreement with Associated British Ports regarding the potential impacts on port operations resulting from water abstraction during periods of low flow.

2.5.4 Water Framework Directive

Can **Natural Resources Wales** confirm whether they are satisfied that the development proposal will not lead to any adverse effects on the achievement of environmental objectives established under the Water Framework Directive (Ref NPS EN-1 para 5.15.5)

2.6 HABITATS, ECOLOGY AND NATURE CONSERVATION

No further questions at this stage

2.7 FUNDING

No further questions at this stage