

**Application by Tata Steel UK Limited for the
Port Talbot Steelworks (Power Generation Enhancement) Order
Associated British Ports: Reference: 10030077
Response to the ExA's First Round Written Questions**

1. The ExA has addressed one question specifically to Associated British Ports, in its capacity as owner and operator of the Port of Port Talbot, namely –
2. **Q. 5.41 – Surface Water Environment – Abstraction Volumes – *Can ABP state whether they have any concerns regarding the abstraction requirements for the development?***
3. As indicated in its initial representations, ABP does indeed have concerns regarding the Applicant's proposals for water abstraction required in connection with the power station development. ABP fully recognises the need for the Applicant to extract water to service the steel works and in due course the proposed power station but ABP as port operator also has to maintain water levels within Port Talbot Dock in order to retain operational integrity for port activities and thereby meet its statutory obligations. These obligations must take precedence.
4. The current position is that long-standing arrangements exist between the Applicant and ABP whereby the Applicant is permitted to abstract water up to a specified maximum from two abstraction points, namely the River Afan feeder channel and from within the Dock itself.
5. Both arrangements are embodied in legal agreements and indeed, as noted in ABP's Written Representations submitted for Deadline 1, the Applicant's pumping station located adjacent to the River Afan feeder for the abstraction of water is constructed on land in the ownership of ABP and leased to the Applicant.
6. Whilst not objecting to the Applicant's power station proposal *per se*, ABP must have sufficient comfort that the water abstraction requirements of the Applicant will not detrimentally impact upon the operational requirements of the Port of Port Talbot in terms of maintaining water levels within the Dock.
7. The ExA should be aware that this is an issue that is currently the subject of discussions with the Applicant and although those discussions are still on-going, it is hoped that a definitive position can be agreed before the Issue Specific hearing scheduled for Wednesday 25 February, which ABP proposes to attend.
8. In this context, the ExA should also note that in light of these on-going discussions, it has not as yet been possible to finalise a Statement of Common Ground with the Applicant. Nevertheless, it is the intention of ABP to seek to agree such a Statement with the Applicant – again ideally before the Issue Specific hearing.

Osborne Clarke, on behalf of -

Associated British Ports

15 January 2015