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By email

Your Ref:

Our Ref: EN010062

Date: 29 October 2015

Dear Sir/Madam

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

**Application by Tata Steel UK Limited ("the Applicant") for an Order granting
Development Consent for the Internal Power Generation Enhancement for
Port Talbot Steelworks**

**REQUEST FOR COMMENTS FROM THE APPLICANT, ASSOCIATED BRITISH
PORTS AND NATURAL RESOURCES WALES ON THE APPLICATION FOR THE
PROPOSED INTERNAL POWER GENERATION ENHANCEMENT FOR PORT
TALBOT STEELWORKS – EN010062**

This letter is addressed specifically to the Applicant, Associated British Ports (ABP) and Natural Resources Wales (NRW). It is also published on Internal Power Generation Enhancement for Port Talbot Steelworks the project page on the Planning Inspectorate website and interested parties are welcome to respond.

Following completion of its examination on 9 June 2015, the Examining Authority submitted to the Secretary of State for Energy and Climate Change on 9 September 2015, a Report and Recommendation in respect of its findings and conclusions on the above application. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.

There are a small number of issues on which the Secretary of State would be grateful if the parties identified in bold and any other parties that wish to comment could provide an update or further clarification. The issues are grouped by topic heading.

1. Protective Provisions

The Secretary of State notes that the Protective Provisions to be included in the DCO for the above project in respect of the interests of Associated British Ports Limited

were not in an agreed version by the close of the examination. The Secretary of State, therefore, requests that the **Applicant** and **Associated British Ports** should provide an update on this matter and confirm whether an agreement has been reached and, if so, provide a copy of the agreed provisions. If an agreement has not been reached, then an indication of when it might be would be welcomed.

2. Water Framework Directive

The Secretary of State notes the ExA`s question in the second round of questions issued on 26 March 2015, "Can Natural Resources Wales confirm whether they are satisfied that the development proposal will not lead to any adverse effects on the achievement of the environmental objectives established under the Water Framework Directive?" and the statement in Natural Resources Wales` ("NRW") response that the Water Framework Directive ("WFD") "has been considered".

The Secretary of State further notes that the information provided in the response about abstraction from the Docks Feeder Channel and flow in the River Afan includes information about the replacement of the Dock lock gates and the planned installation of a control system to the intake to the Docks Feeder Channel. The Secretary of State requests the following supplementary information from **NRW** and any other interested parties.

- Will the project, including any mitigation, result in deterioration in the current WFD status of the River Afan (or any other affected body of water)?
- Will the project, including any mitigation, prevent the River Afan (or any other affected body of water) from achieving the status or potential required by the WFD within the timescales required by the WFD, subject to the application of extensions determined in accordance with Article 4(4) of the WFD and set out in the Western Wales River Basin Management Plan?
- If the answer to either of the above questions is "yes", please provide full details of the affected water body or bodies, the extent to which WFD objectives will be unable to be met in relation to the body or bodies in question and whether the project needs a derogation under Article 4(7) of the WFD in order to proceed.
- If the project needs a derogation under Article 4(7) of the WFD in order to proceed, what evidence is there (i) that conditions (a) to (d) of paragraph 7 are met and (ii) that the project will not permanently exclude or compromise the achievement of the objectives of the WFD in other bodies of water within the Western Wales River Basin District for the purposes of Article 4(8)?

The deadline for any responses is 10 November 2015.

Responses to the points outlined in this letter should be submitted by email to: - PTPower@infrastructure.gsi.gov.uk . Please send any hard copy responses to the Internal Power Generation Enhancement Port Talbot Steelworks project team, Secretary of State for Energy and Climate Change, c/o the Planning Inspectorate, Eagle Wing 3/18, Temple Quay House, Temple Quay, Bristol, BS1 6PN.

Your response will be published on the Internal Power Generation Enhancement Port Talbot Steelworks project page of the Planning Portal website as soon as possible after **10 November 2015**.

This letter is without prejudice to the Secretary of State's decision on whether or not to grant development consent for the Internal Power Generation Enhancement Port

Talbot Steelworks and nothing in this letter is to be taken to imply what that decision might be.

Yours faithfully

Giles Scott

Giles Scott
Head of National Infrastructure Consents and Coal Liabilities