

For the attention of G. Scott Esq  
The Secretary of State for Energy and Climate Change  
C/o Planning Inspectorate  
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Your Ref: EN010062  
Our Ref: BG/10995/46

11 November 2015

Dear Mr Scott,

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010  
(as both amended)  
Application by Tata Steel UK Limited for an Order granting Development Consent for  
an Internal Power Generation Enhancement at the Port Talbot Steel Works**

We write on behalf of our client, Associated British Ports, the owner and operator of the Port of Port Talbot, in relation to the above and specifically the Secretary of State's request for further information regarding the project as detailed in your letter of 29<sup>th</sup> October 2015.

The enquiry addressed to our client and the Applicant, Tata Steel, concerns a request for further information with regard to the Protective Provision proposed to be incorporated within the DCO, should the Secretary of State be so minded, relating to the protection and management of our client's Port.

You will have seen the letter dated 10 November from Pinsent Masons, the solicitors to Tata. In that letter, they explain that, following negotiations between ABP and Tata, it has been agreed that in the circumstances, the management and regulation of water levels within the Dock so as to enable ABP to continue to meet its statutory obligations as statutory port undertaker whilst as the same time affording Tata the security of sufficient water supply for their adjacent Steel Works as well as the proposed power station project, can be satisfactorily dealt with by way of agreement between the parties without the need for the inclusion of a Protective Provision within the DCO.

I am instructed by my client to confirm that this is indeed the agreed position i.e., the issue of water abstraction rights in so far as they affect ABP and its undertaking will be dealt with outside the DCO by agreement between ABP and Tata. On that understanding and on the basis of the withdrawal by Tata of their proposed Protective Provision currently before the Secretary of State, my client ABP is similarly prepared now to withdraw its proposed and preferred Protective Provision.

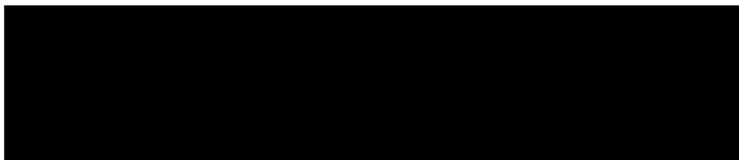
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In thanking you for the additional time granted to my client to respond to the Secretary of State's request for further information, I should also add, for your assistance, that I have sent a copy of this letter to Mr Duncan O'Connor of Pinsent Masons for his information.

Yours sincerely



**Brian Greenwood**  
**Partner,**  
**Winckworth Sherwood LLP**

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cc: Duncan O'Connor, Pinsent Mason  
Tracey Williams, Planning Inspectorate