



The Abergelli Power Gas Fired Generating Station Order

5.4 Details of Other Consents and Licences

Planning Act 2008
The Infrastructure Planning
(Applications: Prescribed Forms and Procedure) Regulations 2009

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INTRODUCTION

- 1.1 APL is promoting an Open Cycle Gas Turbine (OCGT) gas fired power station located on open agricultural land approximately 2 km north of Junction 46 on the M4, approximately 3 km to the north of the city of Swansea, approximately 1 km southeast of Felindre and 1.4 km north of Llangyfelach.
- 1.2 The Project constitutes a Nationally Significant Infrastructure Project (NSIP) by virtue of section 14(1)(a) and section 15 of the Planning Act 2008 (PA 2008) which includes within the definition of an NSIP any onshore generating station in England or Wales of 50 MWe capacity or more. Under section 31 PA 2008 a Development Consent Order (DCO) is required to develop an NSIP. Under section 37 PA 2008 this can only be granted if an application is made for it to the Secretary of State (SoS) (the "**DCO Application**").
- 1.3 The Project would comprise an Open Cycle Gas Turbine (OCGT) peaking power generating station, fuelled by natural gas and capable of providing a rated electrical output of up to 299 Megawatts (MW) (the "**Power Generation Plant**").
- 1.4 The Power Generation Plant comprises:
 - 1.4.1 Generating Equipment including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (BOP) (together referred to as the "**Generating Equipment**") which are located within the "**Generating Equipment Site**";
 - 1.4.2 An *Access Road* to the Project Site from the B4489 which lies to the west, formed by upgrading an existing access road between the B4489 junction and the Swansea North Substation (the "**Substation**") and constructing a new section of access road from the Substation to the Generating Equipment Site; and
 - 1.4.3 A temporary construction compound for the storage of materials, plant and equipment as well as containing site accommodation and welfare facilities, temporary car parking and temporary fencing (the "**Laydown Area**"). A small area within the Laydown Area will be retained permanently (the "**Maintenance Compound**").
 - 1.4.4 Ecological Mitigation Area – area for ecological enhancement within the Project Site Boundary.
 - 1.4.5 Permanent parking and drainage to include: a site foul, oily water and surface water drainage system.
- 1.5 A full description of the Project is provided in Chapter 3 of the Environmental Statement accompanying the DCO Application (document reference 6.1).

- 1.6 In order to operate, the Project also requires a gas connection and an electrical connection. For development in Wales under 350MW, the PA 2008 does not allow the inclusion of 'associated development' within the meaning of section 115 of the PA 2008. In the context of the Project therefore, development consent for the gas connection and the electrical connection is not sought by APL in the DCO Application. Separate permission for the gas connection and electrical connection will be sought under the Town and Country Planning Act 1990 or utilising permitted development rights. APL is seeking powers of compulsory acquisition over the land required to deliver the entire Project as part of the DCO Application.
- 1.7 Section 37 of the PA 2008 governs the content of an application for a DCO, including the requirements for the necessary accompanying documents specified in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("APFP Regulations").
- 1.8 Regulations 5 and 6 of the APFP Regulations provide the statutory requirements for what must accompany a development consent application. Guidance issued by the Department for Communities and Local Government¹, requires that:
- 'Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and / or operational, and for which the [SoS] is not the authorising body, then the applicant must list and briefly describe these in ... the application. Reference should be given to any that have already been applied for, and a copy enclosed of any that the applicant may already be in the possession of.'*
- 1.9 This document comprises part of the application documents and provides details of consents required in addition to those being requested as part of the DCO.

¹ Planning Act 2008 Application Form Guidance, Department for Communities and Local Government, June 2013

TABLE 1:

SUMMARY OF ADDITIONAL CONSENTS LIKELY TO BE REQUIRED

NATURE OF CONSENT		KEY LEGISLATION	CONSENTING AUTHORITY	STATUS/COMMENT
1	Electricity generation licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	Required at the operational stage of the Project in relation to generating activities. An application for a generation licence has been submitted.
2	Planning permission for Gas Connection (gas pipeline and AGI)	Town and Country Planning Act 1990	City and County of Swansea Council (CCS)	Planning application is expected to be submitted in summer 2018, following EIA screening and is anticipated to be determined in advance of the determination of the DCO Application.
3	Planning permission for Electrical Connection	Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) Order 1995	CCS	Following EIA screening, either permitted development rights or a planning application will be required for the electrical connection. If an application is required, it is expected to be submitted in summer 2018 and is anticipated to be determined in advance of the determination of the DCO Application.
4	Planning and Advanced Reservation Capacity Agreement (PARCA) For the supply of natural gas to the	N/A -	National Grid	To be progressed after the DCO has been made.

	power plant National Grid			
5	<p>Bilateral Connection Agreement</p> <p>To connect the Project to the National Electricity Transmission System</p>	N/A - Commercial Agreement	National Grid	<p>A Transmission Entry Capacity (TEC) offer was made by National Grid to APL on 23 February 2018. APL has until 23 May 2018 to accept the offer and enter in to the agreement. It is anticipated that this will be entered in to post-submission of the DCO Application but prior to the commencement of the Examination.</p> <p>The Bilateral Connection Agreement and Construction Agreement with National Grid Electricity Transmission PLC (the Connection Agreement) sets out the agreement regarding the connection of the Power Generation Plant to the National Electricity Transmission System.</p> <p>This agreement is discussed in more detail in the Grid Connection Statement (Document Reference: 9.1)</p>
6	Building Regulation approval	Buildings Regulations 2010	CCS	Applications will be made following grant of the DCO if the regulated activities are confirmed to be required within the Order Land.
7	Environmental Permit (EP) Operation of the Power Generation Plant,	Environmental Permitting (England and Wales) Regulations 2016	Natural Resources Wales	<p>An EP will be required to operate the Power Generation Plant.</p> <p>APL has been in discussions with NRW</p>

	e.g. to regulate emissions to air and water			<p>regarding the EP and has supplied NRW with detailed information relating to the same.</p> <p>APL is seeking to produce a Statement of Common Ground with NRW before any Examination of the DCO Application, to address anticipated requirements.</p>
8	European Protected Species Licence	Conservation of Habitats and Species Regulations 2010	Natural Resources Wales	If required following the pre-construction ecological constraints survey (secured under the requirements in Schedule 2 to the draft Order) following grant of the DCO, discussions with NRW would be commenced and any licence application progressed at that point. No protected species licences are currently anticipated to be required.
9	Health and Safety related consents	Health and Safety at Work Act 1974 and subsidiary legislation (including the Pressure Systems Safety Regulations 2000)	Health and Safety Executive (HSE)	Applications to be made by the contractor before construction commences as appropriate.
10	Network Exit Agreement Technical and operational conditions for the connection point	N/A - Commercial Agreement	National Grid	To be progressed in the second half of 2019, after the DCO Application has been submitted, but before the DCO is due to be granted (should the

	to the National Transmission System			Secretary of State be minded to do so).
11	Authorisation for drainage works in connection with a ditch May be required for the realignment of the drainage ditches at the Power Generation Plant Site.	Land Drainage Act 1991	First-tier Property Tribunal	Applications to be made by the contractor before construction commences as appropriate.
12	Permit for transport of abnormal loads For delivery by road of loads that fall outside standard practice (if required)	Road Vehicles (Authorisation of Special Types) (General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988	Department for Transport, Highways Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate	Appropriate applications, in accordance with the Construction Transport Management Plan, will be made by the contractor in advance of the delivery of abnormal loads.
13	Permit to emit CO2	Greenhouse Gas Emissions Trading Scheme Regulations 2012	Natural Resources Wales	Applications will be made to ensure compliance with the 2012 Regulations (which require any operator that carries out a 'regulated activity', including combustion of fuels, to have a permit). The application will be progressed in parallel with the Environmental Permit application.
14	Safety Regulations Compliance -	Pipelines Safety Regulations	HSE	Application will be made by the contractor before construction of the Gas

	General	1996 Gas Safety (Management) Regulations 1996		Connection commences.
15	Section 61 consent Control of noise on construction sites	Control of Pollution Act 1974	CCS	Applications may be made, if required, by the contractor a minimum of 28 days before construction commences.
16	Temporary Road Traffic Orders and other Street Works Consents	Road Traffic Regulations Act 1984, New Roads and Street Works Act 1991, Traffic Management Act 2004	Highways Agency, Local Highway Authority (CCS)	Where necessary in respect of the regulation of traffic in order to progress any street works (to the extent not provided for in the Order). To be taken forward in consultation with the Local Highway and Street Works Authorities after the Order has been made.