



CITY & COUNTY OF SWANSEA

**Examining Authority's
First Written Questions**
Abergelli Power Project

PINS REFERENCE: EN010069
CCS EXAMINATION REFERENCE: 20011204
CCS APPLICATION REFERENCE: 2018/1289/DCO

Application by Abergelli Power Limited for the Abergelli Power Project

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 17 October 2018

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the Examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe B to the Rule 6 letter of 12 September 2018. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on air quality and emissions issues is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact Abergelli.Power@pins.gsi.gov.uk and include Abergelli Power in the subject line of your email.

Responses are due by Deadline 1: Friday 9 November 2018

ExQ1	Question	CCS Response
1.0	General and Cross-topic Questions	
1.0.1.	<p>Gas and electrical connections planning applications: The Planning Statement [APP-007] at paragraph 1.1.5 states:</p> <p>“Separately, APL will seek planning permission for the Gas Connection under the Town and Country Planning Act 1990 (TCPA 1990) and the Electrical Connection under either the TCPA 1990 or as permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (GPDO).”</p> <p>What is the current status of these applications?</p>	<p>Two separate planning applications are currently being considered by the Local Planning Authority, one for the gas connection (2018/2020/FUL) and one for the electrical connection (2018/2021/FUL). The applications were registered on 25th September 2018.</p> <p>The statutory consultation period has ended but some consultations still remain outstanding. Notwithstanding this, no unexpected comments have arisen and dialogue is being maintained around the submission of details and requests for further information.</p> <p>Under the Council Scheme of Delegation, the applications have to be reported to Planning Committee for determination.</p> <p>It is envisaged that these applications will be reported to Planning Committee on the 4th December 2018.</p>
1.0.4.	<p>Decommissioning strategy Requirement 27 of draft DCO [APP014]:</p> <p>The Project has a design life of 25 years and this is stated throughout the ES [APP-042] and several management plans [APP-036] are written to last for the duration of the Project. In addition, the project has been designed for this design life, for example in terms of the attenuation requirements for surface water discharge.</p> <p>Does the Applicant consider that there should be a requirement limiting the lifetime of this Order, and if not provide reasons?</p>	<p>The Project has a design life of 25 years and this is stated throughout the Environmental Statement and the Landscape and Environmental Management Plan specifically states that is subject to a 25 year management period (Para 1.1.6 of ES Appendices – Volume A). In addition, the project has been designed for this design life, for example in terms of the attenuation requirements for surface water discharge which may not be adequately sized to cope with longer durations if there is no end period for the development. The Council are therefore of the opinion that there should be a requirement limiting the lifetime of this Order for 25 years.</p> <p>NPS-EN1, Para 5.9.16 states that the IPC should consider whether any adverse impact is temporary (in regard to landscape impact but this is used as an example), such as during construction, and/or whether any adverse impact on</p>

		<p>the landscape will be capable of being reversed in a timescale that the IPC considers reasonable. The Environmental Statement has been set out on the basis that the alterations are reversible, but no time limit has been set for this despite an assertion that there would have a design life of 25 years. A degree of certainty should be provided in the DCO.</p> <p>The Environmental Statement is misleading if no mechanism is put in place to limit the duration of the Project in that it refers throughout to the 25 year lifetime. If a limit is not included in the DCO, then it could still be operational permanently, even more likely given the current definition of the term “maintain” set out in Article 2 of the Order. The impacts have been assessed in the main as non-permanent and any reasonable reader would consider this to be the lifetime of the plant. Without this time limit, it is considered that the environmental considerations have been misrepresented and the assessment reached inaccurate.</p>
1.0.5.	<p>Bond for Decommissioning of Plant:</p> <p>CCS [RR-022] believe that a bond should be provided to cover the full cost of decommissioning, repayable upon completion of this element, to ensure that there is funding available to dismantle/ decommission the project in the future.</p> <p>Does the Applicant propose to put such a bond in place, and if not provide reasons?</p>	<p>The Council are firmly of the belief that a bond should be provided to cover the full cost of decommissioning, repayable upon completion of this element, to ensure that there is funding available to dismantle/ decommission the project in the future.</p> <p>There have been various instances (for example in mining) whereby restoration works have not been undertaken as a company has entered liquidation and the Council do not consider that the public purse should have to pick up the cost of any decommissioning works.</p> <p>The full cost of restoration does not need to be put on deposit at the outset, but it should build up commensurate with the programme of activity.</p> <p>Whilst there is no specific planning policy requirement, this is not unsurprising given that decommissioning issues are unlikely to have arisen yet given that the consent regime is relatively new.</p>

		<p>To be truly sustainable, it is imperative that the Project is decommissioned at the end of its lifespan to avoid blight on the landscape and ensure the land can be used again productively in the future (as well as reducing long term reliance on the use of fossil fuels).</p> <p>This matter is both important and relevant to the determination of this Development Consent Order. The provision of a bond would meet the relevant tests of a condition or a Planning Obligation.</p> <p>Whilst APL consider that the decommissioning strategy itself is enforceable, as noted above, this is subject to them obtaining the relevant permissions (at the current time)., which they may not be able to obtain. It may not be possible to take enforcement action given the current wording of requirement 27.</p> <p>APL have previously indicated that the cost of the demolition would be circa £2,000,000 (this cost assumes that the pipeline is capped and left in situ, the cable left in situ, and the Generating Equipment Site taken back to ground level and land re-seeded)</p> <p>It is clear at the current time that public bodies are facing ongoing cuts and have been for a considerable period of time. These cuts are likely to continue at least in the short term putting even more pressure on Council budgets. Any future risk should rest with the applicant and not the public purse. The Council considers this to be reasonable and provision could be included in the S106 agreement.</p> <p>Within this context, it is considered appropriate to require a fully refundable bond that would build up over its lifetime that would only be used in the event of the applicant not decommissioning the Project itself at the end of its lifespan.</p>
1.0.6.	<p>Discharge, monitoring and enforcement costs:</p> <p>CCS [RR-022] the Local Planning Authority will be responsible for discharging, monitoring and enforcing any</p>	<p>The applicant has indicated that there is scope to include charging for the discharge of requirements within the DCO itself which is welcomed as this approach would provide more certainty for the Council than a PPA per se. Given the amount of requirements and individual Work Nos. there is the potential for a</p>

	<p>requirements imposed on the development as well as any planning obligations. Currently there is no provision for charging in the draft DCO [APP-014].</p> <p>What is the Applicants view on this proposal?</p>	<p>significant amount of work to be undertaken depending on how these are submitted.</p> <p>The Council would therefore require that each request for partial or full discharge should be submitted along with a covering letter explaining exactly what is being sought at any time and a payment should be received for each request for partial or full discharge of a Requirement (even if there is a maximum fee for each requirement).</p> <p>Some requirements may be discharged in full whereas some may be partially discharged up to 5 times for each work item and it will be for the applicant to consider how best they submit these requests. Obviously, each request will result in work which is why each should be funded individually. If the applicant wants to submit information for all work items to save cost, that is at their discretion.</p> <p>However, there is no funding provided for ongoing monitoring and enforcement operations and provision could be built in for an annual fee for this to cover some of the cost of ongoing monitoring and enforcement. This could be covered in a S106 agreement.</p> <p>This is likely to be more important in the earlier part of the development during construction and the first 5 years to ensure landscaping works become established and are maintained but there could be some on-going monitoring/enforcement costs in respect of noise for example.</p>
1.0.7.	<p>Refusal of planning permission on land adjacent to the west of the site:</p> <p>Paragraph 3.7.5 of the Planning Statement [APP-007] states: "In October 2015, planning permission was refused for an "Emergency standby electricity generation facility comprising: modern modular diesel generator units (up to</p>	<p>The application was refused with one reason for refusal which was as follows:</p> <p>"The proposed development would constitute an unjustified form of development within the countryside that would not accord with the criteria of Policy EV21 and would result in significant visual harm to the character and appearance of the countryside in the area, contrary to Policies EV1, EV2, EV21 and EV22 of the City and County of Swansea Unitary Development Plan (2008)."</p>

	<p>14 in total), transformers, diesel storage tanks, boundary treatment including acoustic screening, access improvements and associated works” at land adjacent to the west of the Project Site (see application boundary in Figure 3-5) (CCS Ref: 2015/1716). The application was refused on the basis that, in the Council’s view, the positive benefits of the development would not outweigh the visual harm to the countryside caused by it.”</p> <p>Can CCS provide the detailed reasons behind their refusal of this planning application?</p>	<p>In respect of Policy EV21, it was considered the development would not meet any overriding social or economic need of the local community. The community is already served by adequate electricity infrastructure. It would not provide appropriate farm diversification, it would not be sited on previously developed land and would not constitute essential utility service provision. There was no evidence that such provision was essential in order to provide electricity to local residents in this area. Moreover, under this policy it must be demonstrated that the development needs to be located within the countryside rather than a nearby settlement and that it accords with the Council’s conservation and design policies. No information was provided regarding alternative sites within the area, which the applicant asserts would need to be in the countryside given the location of the sub-station. However, the Council approved similar applications on industrial estates further indicating the site did not have to be located in the countryside.</p> <p>Taking all the above into consideration, it was not considered that the positive merits of the development would be so overriding as to justify this development within the countryside which, it considered, would result in significant visual harm.</p> <p>The Officer’s Report providing the full appraisal of the scheme and the reasoning contained therein can be provided on request.</p>
1.0.8.	<p>CCS LDP up to 2025:</p> <p>CCS submitted the Deposit LDP to the Ministers of the Welsh Government for independent Examination on the 28 July 2017. Following formal acceptance on 4 August 2017, the Welsh Ministers appointed Inspectors to conduct the Examination and to assess the soundness of the LDP. Examination hearings commenced on 6 February 2018 and ran until late March 2018 [APP-007].</p>	<p>Following the completion of all programmed hearing sessions, a public consultation exercise is scheduled to be carried out by the Council on the 'Matters Arising Changes' (MACs) to the Deposit LDP. The public consultation was approved by Elected members on the 25th October at a Council Meeting.</p> <p>The public consultation on the proposed MACs and related documents will be carried out during November and December 2018. Further details including specific dates and details of the consultation are available on the Council webpages at https://www.swansea.gov.uk/ldp</p>

	<p>What is the current status of the LPD Examination and when do CCS anticipate the LDP being adopted?</p>	<p>Any representations made during the consultation will be forwarded to the Inspectors for their consideration prior to the release of the Inspectors' Final Report on the LDP. The Inspectors have written to the Council stating their intention to submit the Report in January 2019.</p> <p>The Council is required to adopt the Plan within 8 weeks of receipt of the Report and therefore it is proposed that the Plan will be adopted by the end of the current financial year.</p>
<p>1.0.13.</p>	<p>Green Infrastructure:</p> <p>At paragraph 2.11.58 of the ES [APP-042] it states: "Draft Policy ER 2 requires that development seeks to maintain or enhance the County's multi-functional green infrastructure network."</p> <p>How does the Applicant believe it conforms with draft policy ER 2?</p> <p>What is the CCS view?</p>	<p>The Deposit LDP Policy ER 2 Strategic Green Infrastructure Network, has been amended with matters arising changes (MACs). The Macs have been proposed following completion of the LDP examination Hearing Sessions.</p> <p>This emerging LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The emerging LDP policy now requires that compensatory measures should maintain <u>and</u> enhance the green infrastructure network. The emerging policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.</p> <p>As shown in the reasoned justification for policy ER 2, ecosystem services are wide ranging and green spaces are multi-functional in the ecosystem services that they provide.</p> <p>In order to effectively implement emerging LDP Policy ER 2, a green infrastructure assessment is required for the proposed development. This should assess:</p> <ul style="list-style-type: none"> • the existing green infrastructure resources of the application site; • the impact of the proposed scheme on the existing green infrastructure resources;

		<ul style="list-style-type: none"> • mitigation and/or compensation that will need to be provided for the loss of green infrastructure, that will ultimately result in an enhancement of the existing resources and • management arrangements to maintain the quality of the green infrastructure. <p>No comprehensive survey of the site's green infrastructure provision has been provided. Whilst the scheme involves an ecological mitigation area, in the southern part of the site, this is focussed on mitigating for impacts on biodiversity and gives little consideration of other ecosystem services such as those relating to air quality, landscape, noise abatement etc. In addition, it is not considered that the measures proposed would result in an overall enhancement in biodiversity, and appropriate management measures need to be agreed. In order to be effective management measures regarding existing and proposed habitats/landscaping should be in place prior to the commencement of development.</p>
1.2	EIA Methodology	
1.2.3.	<p>Table 4-6 Projects [APP-042] considered within the cumulative assessment:</p> <p>Are CCS and NRW satisfied with the long list of projects in Table 4-6 of the ES?</p> <p>Projects 26 and 27 refer to 750644 and 675490 homes respectively?</p>	<p>The Council are satisfied with the long list of projects identified.</p> <p>APL contacted the Council in 2014 and 2017 to discuss the search criteria for the long list which was accepted and updated where relevant.</p> <p>LDP Policy SD C has been amended to 800 dwellings in total and 644 dwellings during the plan period.</p> <p>LDP Policy SD E has been amended to 600 dwellings in total and 490 dwellings during the plan period.</p> <p>The previous numbers were the range envisaged during the plan period – 750 – 644 and 675 – 490 respectively.</p>
1.3.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations	
1.3.6.	Funding:	CCS has no objection to the wording of the article but it is queried why the

	<p>The draft DCO [APP-014] includes Article 34 requiring security for CA costs (in an amount to be approved by the Secretary of State) to be put in place before any powers of CA may be exercised by APL.</p> <p>Are CCS content with the wording of this Article 34?</p>	<p>guarantee is only for the first 15 years of the development when landowner rights may be affected for the duration of the development.</p>
1.4	Air Quality and Emissions	
1.4.5.	<p>Human Health:</p> <p>The effects on human health of power station aerial emissions are presented in Tables 6-33 and 6-34 of the ES [APP-042]. Public Health England in their relevant representations [RR-009] state that they are satisfied that the project will not pose any significant risk to human health.</p> <p>Are NRW and CCS satisfied with the conclusions of the ES with regard to human health?</p>	<p>Given the modelled information that has been presented CCS are satisfied that the project will not pose any significant risk to human health.</p>
1.4.7.	<p>Cumulative Effects Construction:</p> <p>Paragraph 6.10.1 of the ES [APP-042] states: "There are no other permitted or proposed developments within the study area which may result in any air quality impacts during construction. As such, no cumulative construction effects with other project are anticipated."</p> <p>Given the 34 projects listed in Table 4-6 of the ES does CCS concur with the Applicants view?</p>	<p>The requirement of the construction management plan will ensure that mitigation measures are utilised to minimise potential effects from construction activities.</p>
1.5.	Noise and Vibration	

<p>1.5.1.</p>	<p>Use of the National Planning Policy Framework (NPPF) Guidance in Wales:</p> <p>The ES [APP-042] at paragraph 7.3.41 states (and re-iterated at paragraph 7.3.45 for the supporting PPGs):</p> <p><i>“.....the NPPF is not directly applicable in Wales but does offer guidance with a relevance to the Project particularly with reference to the evaluation of Significant Observable Adverse Effect Level (SOAEL) and Lowest Observable Adverse Effect Level (LOAEL) levels”.</i></p> <p>Why does the Applicant believe it to be appropriate to apply NPPF guidance to a noise assessment in Wales?</p> <p>What is the CCS view?</p> <p>The ExA notes that the NPPF guidance is not applied in any other assessment chapters.</p>	<p>Whilst the NPPF is not directly applicable in Wales, the premise surrounding exposure is relevant. The noise assessment methodologies were discussed with the consultants and agreed in order to ensure that the appropriate British Standards were considered when assessing the construction/operation phases of the proposal given the context of the area.</p>
<p>1.5.4.</p>	<p>February 2018 Noise Survey:</p> <p>The February 2018 survey failed to access NSR2 and NSR3.</p> <p>What is the view of CCS on this?</p>	<p>Whilst additional monitoring data is always welcomed, in this instance the four NSR's will provide a fair representation of the noise environment.</p> <p>NSR 2 & 3 are sited at greater distances than NSR's 1, 4 & 6 and so limits set at these locations will ensure that appropriate sound pressure levels are also met at the two other NSR's.</p>
<p>1.5.6.</p>	<p>Table 7-25 of ES [APP-042]:</p> <p>Table 7-25 describes the Noise and Vibration Summary of Effects Arising during Operational Phase for NSR1-5. Table 3 of Requirement 25 of the draft DCO [APP-014] only refers</p>	<p>Table 7-25 describes the Noise and Vibration Summary of Effects during the Operational Phase for NSR1 – 6. As 2018 measurements were only able to be recorded at 4 of the original 6 locations it would be difficult to enforce a sound pressure level/rating level at the two locations with no actual data to use as reference.</p>

	<p>to NSR 1,4 ,5 and 6.</p> <p>Can the Applicant explain the reason for this? What is the CCS view?</p>	<p>As referred to in response to 1.5.4. the controls set at NSR's 1, 4, 5 & 6 would ensure that appropriate levels are met at the other two locations.</p>
1.6.	Biodiversity, Ecology and Natural Environment (including HRA)	
1.6.5.	<p>Trees and hedgerows:</p> <p>At paragraph 2.11.63 of the ES [APP-042] it states:</p> <p><i>“Draft Policy ER 11 states that “development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.”</i></p> <p>How does the Applicant believe it conforms with draft policy ER 11?</p> <p>What is the view of CCS?</p>	<p>The development area will require the removal of some trees, these are outside of the areas of identified ancient woodland shown on the Lle web pages.</p> <p>The embedded mitigation stated is for all retained trees to be protected from any damage. There will be permanent loss of broad-leaved semi-natural woodland, broadleaved plantation woodland and species poor hedgerow habitat. Some of this loss will reduce connectivity across the site and wider landscape. This is significant so requires additional mitigation.</p> <p>The loss of trees from the hedgerows and from the apparatus site can be adequately mitigated on site by planting trees.</p> <p>The landscape ecosystem services provided by the sparse, unconnected woodland planting and native tree planting outlined in Fig 3.6c is much less beneficial than planting in a large block of woodland or linking the two proposed woodland areas to provide foraging and other habitat connectivity. Much greater detail of the species mix and full planting specification (to include sizes and density) is required to be submitted. A species diverse mixture would be required but this would also ensure a problem affecting one genera/species does not have a large impact on the overall integrity of the landscaping.</p>
1.6.6.	<p>Table 8-6 [APP-042] Use of 2014 Survey Data:</p> <p>Are CCS and NRW content with the arguments put forward for the use of 2014 survey data in the ecological assessment?</p>	<p>The use of 2014 survey data is sufficient for e.g. invertebrates. The lack of suitable habitat, particularly devil's bit scabious <i>Succisa pratensis</i> for marsh fritillary (fully protected under the 1981 Wildlife and Countryside Act and a Section 7 species of principal importance under the NERC Act in Wales), indicates that the probability of finding marsh fritillary is low.</p>

		<p>However, enhancement of the marshy grassland via planting with devil's bity scabious could enable the local sub populations to improve integration.</p> <p>The 2014 INNS data definitely requires updating and an INNS management plan/biosecurity plan with fresh mapping provided before any development works begin.</p>
1.6.8.	<p>Table 8.13 Sensitivity of Ecological Features [APP-042]:</p> <p>Do NRW and CCS agree with the evaluation of sensitivity by the Applicant?</p>	<p>Agree in principle but unsure how the sensitivity was assessed and how the values were assigned.</p>
1.6.18.	<p>NSER [APP-066]:</p> <p>Are NRW and CCS satisfied that:</p> <p>a) the study area of 10km is acceptable;</p> <p>b) that the correct sites and features have been identified;</p> <p>c) that the appropriate potential LSE have been identified;</p> <p>d) they are in agreement regarding the scope and methodology of the in-combination assessment and</p> <p>e) they agree with the conclusions of the NSER?</p>	<p>CCS responds as follows:</p> <p>a) Yes</p> <p>b) Yes (however European eel was not included, but there have been subsequent discussions with Aecom regarding this)</p> <p>c) Yes</p> <p>d) Yes</p> <p>e) Yes</p>
1.7.	<p>Draft Development Consent Order (DCO)</p> <p>Annexe G to the Rule 6 Letter [12/09/18] provided notice of an Issue Specific Hearing (ISH) on the draft DCO which was held on Wednesday 10/10/18 (ISH1). Annexe H to that letter set out a schedule of issues and questions for Examination at ISH1. The Examination timetable provides that matters raised orally in response to that schedule are to be submitted in writing by Deadline 1: Friday 9 November 2018. Comments on any matters set out in those submissions are to be provided by Deadline 2: Friday 30 November 2018. IPs who participated in ISH1 and consider that their issues have already been drawn to the ExA's attention do not need to reiterate their issues in responses to the question below. Matters set out in Deadline [1] written submissions arising from ISH1 are best responded to in Deadline [2] comments rather than in responses to the following questions, which aim to capture matters that were not raised at ISH1.</p>	
1.7.3.	<p>Commencement Article 2:</p> <p>Article 2 defines 'commencement' to exclude investigations</p>	<p>The Council does not have any significant concerns with regards to the exclusion of suggested site investigation works from the definition of the commencement of development.</p>

	<p>for the purpose of assessing ground conditions (including investigations necessary for the discharge of requirements 14 (site investigation), 15 (mineral resources survey) and 16 (peat management plan)) receipt and erection of construction plant and equipment, erection of any temporary means of enclosure, the temporary display of site notices or advertisements.</p> <p>Do CCS consider it appropriate to allow for the early completion of this work (without triggering the requirements set out in Schedule 2 of the Order)?</p>	<p>As required by UDP policy, the minerals assessment is required prior to the determination of a planning application, and the other site works are also requested prior to an application on occasion. In light of this, it is considered reasonable to exclude these aspects from the commencement of development.</p> <p>It is unclear precisely what construction plant and equipment would be installed on site in terms of any impact this could have on the surrounding area. Clarity around this would be welcomed from the applicant to enable further comment.</p> <p>The Council however would suggest that the erection of temporary fencing is <i>expressly excluded</i> from this definition.</p> <p>The inclusion of this is at odds with Requirement 5 which requires permanent and temporary fencing to be agreed with the Council prior to the commencement of development. Fencing of the site would need to consider access for animals and there are no parameters identified for the temporary fencing so the Council should retain control over this element.</p>
1.7.9.	<p>Requirement 3:</p> <p>Requirement 3 secures the landscaping mitigation proposals set out in the ES [APP-042] through the submission of a written landscaping plan (containing certain specified details in relation to hard and soft landscaping works) in respect of numbered works 1 and 2 for the approval of the relevant planning authority. The landscape plan that is submitted for approval must be substantially in accordance with the outline landscape and ecological mitigation strategy appended to the ES Appendix 3.4 [APP-036].</p> <p>Are CCS content that the wording of Requirement 3</p>	<p>CCS have concerns about securing this ongoing monitoring as there is insufficient reference in the Outline LEMS to monitoring and maintenance to this and there is no reference in the Requirement itself at the current time.</p> <p>In addition, this only refers to landscaping for Work Nos. 1 and 2 and omits Work No. 4 (the Landscaping and Ecological Mitigation Area). Ongoing management, monitoring and maintenance of this area will also be required.</p> <p>CCS are aware that the applicant intends to amend the DCO to require a review every 5 years which is encouraging and welcomed as it clearly sets out that ongoing monitoring will be required for the lifetime of the project.</p> <p>However, CCS would suggest that this on-going review also include a mechanism (either within the Requirement of the Outline LEMS) to provide for</p>

	adequately secures monitoring that will cover 25 years based on the commitment at paragraph 4.7.1 of Appendix 3.4 [APP-036]?	amendments to the management of the scheme to ensure that deficiencies are rectified in an appropriate manner, if required. Suggested amendments should therefore also be included within the Review envisaged.
1.7.10.	<p>Requirement 15:</p> <p>Requirement 15 secures the provision of a minerals resources survey should the site investigation report demonstrate the presence of minerals. The minerals resources survey must be submitted to and approved in writing by the relevant planning authority.</p> <p>Are CCS content this requirement complies with adopted local planning policy i.e. UDP Policy R2?</p>	<p>No. The Council are of the opinion that Policies R2 and R4 of the UDP have not been complied with.</p> <p>UDP Policy R2 (and R4) states:</p> <p><i>'Development proposals that would affect the working of known potential mineral resources, as identified on the Proposals Map, will have to be accompanied by a full assessment of the potential mineral resource and the impact of the proposal in terms of sterilising the resource. Permission will be refused if the assessment indicates that the resources would be sterilised'</i>. This Assessment encompasses the mineral resources survey.</p> <p>A mineral resource survey is required <i>prior to determination</i> if the site falls within a mineral safeguarded area as shown on the Proposals Map, as set out in PPW [Section 14]. The Deposit LDP Proposals Map (as amended by modifications) should be referenced in this regard, rather than the UDP, as the LDP provides much more accurate information in relation to safeguarded areas. This has been included as an appendix to this response.</p> <p>The investigation report must also consider the feasibility of the extraction of any mineral resource found, prior to development (in accordance with Planning Policy Wales, 2016, paragraph 14.2.1) and Deposit LDP Policy RP12.</p> <p>Therefore, mineral resource surveys should be submitted with the application so that the full impacts on the mineral resources can be assessed, considered and weighed up in the planning balance as has been stated in the Local Impact Report.</p>

		The submission of a survey after Consent has been granted may help inform a decommissioning strategy, but as CCS have stated, it is not known when this will happen and the surrounding landscape may have changed significantly so the need for this requirement is of limited value.
1.7.11.	<p>Requirement 25:</p> <p>Requirement 25 requires that, following the final commissioning, site attributable noise arising from the operation of numbered work 1 must be limited to the noise levels set out in Table 3. Noise measurements at or in close proximity to the four identified locations must be submitted to the relevant planning authority before the end of three months beginning with the date of final commissioning (see Requirement 24). Any remedial works must be carried out in accordance with the programme for implementation and the noise measurements repeated and submitted to the relevant planning authority for approval.</p> <p>Are CCS content with the wording of this Requirement?</p>	<p>The wording is acceptable.</p> <p>However, CCS does not agree with rating levels set out in column A of Table 3 of Requirement 25.</p> <p>The dBL_{AR}'s stated are higher than those set out in table 7-21 which had already included a +3dB correction; the dBL_{AR}'s put forward would place the NSR's in a Classification of effects 'minor' (Table 7-14) The increase in difference stated could allow for an increase in noise to be permitted and given the context of the area lead to the creation of significant disturbance to the neighbouring land uses.</p>
1.8.	The Historic Environment	
1.8.1.	<p>Conservation Areas:</p> <p>At paragraph 13.7.15 of the ES [APP-042] it states:</p> <p><i>“Of the two conservation areas within the 5 km Study Area, only one lies within the ZTV for the Project: Llansamlet Conservation Area (CA027). The ZTV suggests that the stack of the Power Generation Plant will be visible from some of the northerly parts of the</i></p>	<p>The Council would agree with this assessment in respect of Llansamlet Conservation Area and would add that this area was designated due to the historic interest rather than architectural interest. This CA has undergone significant recent change with the redevelopment of Lon Las school and there are no designed views or townscape aspects that relate to the Abergelli proposals.</p> <p>With regards to Penllergaer Historic Park and Garden, this is a designed landscape that has/had deliberate picturesque views such as from the carriage drive that do not appear to have been assessed specifically in terms of the visual</p>

	<p><i>conservation area. However, the landscape between the Project Site and the conservation area has been extensively developed, including the Swansea Enterprise Park and the M4 motorway. Thus, despite bringing about a minor change to north-eastward views from the conservation area, neither its setting, nor those of the listed buildings within it, will be adversely affected by the Power Generation Plant. There is no effect on the conservation area.”</i></p> <p>The Applicant at paragraph 13.7.16 reaches the same conclusion for Penllergaer Park and Garden (GM054).</p> <p>What is the CCS opinion on these conclusions?</p>	<p>impact. Notwithstanding this, it is considered that Penllergaer HPG is unlikely to be affected due to the intervening landscape and landform which will limit/ block intervisibility.</p> <p>The conclusions are therefore accepted.</p>
<p>1.8.2.</p>	<p>Requirement 13 of draft DCO [APP-014]:</p> <p>Are CCS content with the wording of this commencement requirement?</p>	<p>The Council have sought input from Glamorgan Gwent Archaeological Trust in regards to this requirement (as archaeological advisors to the Council).</p> <p>GGAT are satisfied with the requirement in general but have suggested that dependent on findings, any alterations will require an amended WSI. This is not clearly set out in the requirement. In addition, they have requested that a suitably qualified person or body is an RO or MCIfA accredited within the Chartered Institute for Archaeologists – requirement 13(3). The Council would agree that the current wording is imprecise and it should be qualified who a suitable person is.</p> <p>The Council would also suggest that subsection (5) does not provide for any timescales or amendments for the agreement and submission of an interpretive report specifically, unless it is implied in 13(1). It is suggested that provision for this and the timescales associated with it (and procedures to be followed) is specifically covered in subsection (1) for clarity.</p>

1.9	Landscape and Visual	
1.9.1.	<p>5 Year Monitoring:</p> <p>Paragraph 3.11.59 of the ES [APP-042] states:</p> <p><i>“The landscape proposals will cover a minimum period of five years of monitoring, management and maintenance to ensure the landscape objectives are successfully achieved.”</i></p> <p>Does CCS believe the above commitment is adequately secured in the draft DCO [APP-014] through Requirement 3 Provision and Maintenance of landscaping?</p>	<p>As noted by the Examining Authority in questions 1.9.1 and 1.9.2, there is contradictory information on the monitoring period for the proposal.</p> <p>It is also unclear why the ongoing landscaping proposals do not cover those included within Work No. 4 (Schedule 1) as this forms part of the landscaping and ecological mitigation area and ongoing maintenance of this area would also be required. This should be included within this Requirement as well</p> <p>CCS are satisfied that ongoing monitoring, management and maintenance is reviewed every 5 years for the lifetime of the development rather than 25 years (in case it is shortened or extended), but this should also include Work No. 4.</p> <p>It is not considered that this is adequately secured at the current time given the current wording of Requirement 3 and there are no details in the Outline LEMS to cover this for either a period of 5 years or 25 years.</p> <p>CCS are aware that the applicant intends to amend the DCO to require a review every 5 years which is encouraging and welcomed as it clearly sets out that ongoing monitoring will be required for the lifetime of the project, but this does not cover Work No. 4.</p> <p>However, CCS would suggest that this on-going review also include a mechanism (either within the Requirement of the Outline LEMS) to provide for amendments to the management of the scheme to ensure that deficiencies are rectified in an appropriate manner, if required. Suggested amendments should therefore also be included within the Review envisaged.</p>
1.9.2.	<p>25 Year Monitoring:</p> <p>Paragraph 11.6.9 of the ES [APP-042] states:</p>	<p>As noted by the Examining Authority in questions 1.9.1 and 1.9.2, there is contradictory information on the monitoring period for the proposal.</p> <p>It is also unclear why the ongoing landscaping proposals do not cover those</p>

	<p><i>“The landscape proposals will cover a minimum period of 25 years of monitoring, management and maintenance to ensure the landscape objectives are successfully achieved, with a review every five years.”</i></p> <p>Does CCS believe the above commitment is adequately secured in the draft DCO [APP-014] through Requirement 3 Provision and Maintenance of Landscaping?</p>	<p>included within Work No. 4 (Schedule 1) as this forms part of the landscaping and ecological mitigation area and ongoing maintenance of this area would also be required. This should be included within this Requirement as well</p> <p>CCS are satisfied that ongoing monitoring, management and maintenance is reviewed every 5 years for the lifetime of the development (rather than 25 years in case it is shortened or extended), but this should also include Work No. 4.</p> <p>It is not considered that this is adequately secured at the current time given the current wording of Requirement 3 and there are no details in the Outline LEMS to cover this for either a period of 5 years or 25 years.</p> <p>CCS are aware that the applicant intends to amend the DCO to require a review every 5 years which is encouraging and welcomed as it clearly sets out that ongoing monitoring will be required for the lifetime of the project, but this does not cover Work No. 4.</p> <p>However, CCS would suggest that this on-going review also include a mechanism (either within the Requirement of the Outline LEMS) to provide for amendments to the management of the scheme to ensure that deficiencies are rectified in an appropriate manner, if required. Suggested amendments should therefore also be included within the Review envisaged.</p>
1.9.7.	<p>Table 11-13 ES [APP-042]:</p> <p>Are CCS content that the 19 viewpoints are representative of receptors?</p>	<p>Yes, these viewpoints were previously agreed with CCS.</p>
1.9.10.	<p>Significant adverse effect Policy ER 5 of draft LDP:</p> <p>Paragraph 2.11.40 of the ES [APP-042] states:</p>	<p>CCS considers that this policy is a relevant consideration, although it should be noted that the proposal is not within an identified Special Landscape Area as defined by this policy. The LDP is now at an advanced stage and is likely to be adopted before the end of the Examination period.</p>

	<p><i>“Draft Policy ER 5 states that “development will not be permitted that would have a significant adverse effect on the character and quality of the landscape and setting of the County”.”</i></p> <p>What are the Applicant and CCS’s view on this draft policy ER5 in relation to the project?</p>	<p>The assessments meet with the Landscape Institute’s guidelines of assessing the impact on various aspects/ criteria affecting the near and far reaching landscape.</p> <p>CCS considers that the scheme would not have a significant adverse effect on the character and quality of the wider landscape.</p> <p>However, there would be a moderate adverse effect on the local landscape character of the project site itself and views from surrounding footpaths/ properties.</p>
1.9.12.	<p>Public Rights of Way (PROW):</p> <p>At paragraph 2.11.67 of the ES [APP-042] it states:</p> <p><i>“Draft Policy T 7 requires that acceptable alternative routes are identified and provided where development “significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW).”</i></p> <p>How does the Applicant believe it conforms with draft policy T 7?</p>	<p>The ES states that the proposed management of the PROW is set out in the CTMP, which states that where possible, connectivity will be maintained by the use of temporary diversions and working methods to allow the PROWs to remain open for the majority of the construction period. It goes on to state the potential measures envisaged and states that this will be subject to further discussion with CCS.</p> <p>CCS is unclear at the present time about the full measures proposed to PROW and how these are secured.</p> <p>Requirement 21 makes no reference to PROW in its current construction and how CCS will have the opportunity to consider the PROW proposals at a later stage.</p> <p>CCS consider that Requirement 21 should be amended to specifically include reference to the management of PROWs.</p>
1.11.	Transportation and Traffic	
1.11.2.	<p>No Significant Effects:</p> <p>Do CCS agree with the conclusions of the Traffic and</p>	<p>Agreed that there is no significant adverse effect on local area traffic during the construction, operation and decommissioning periods.</p>

	<p>Transport assessment (Table 12-35 of the ES [APP-042]) that there would be no significant effects in the local area resulting from traffic movements during the construction (some temporarily significant), operation and decommissioning phases of the Proposed Development?</p>	<p>Peak traffic generation during the AM and PM peak hours for the construction phase amounts to 75 two way vehicle movements which equates to around 1.2 additional vehicles per minute.</p> <p>A comprehensive assessment has been undertaken of the existing infrastructure which details that the existing M4 junction 46 has sufficient capacity in the future year scenarios to cater for the peak additional traffic.</p> <p>Abergelli Power have also submitted a Construction Phase traffic management plan, which details measures to schedule deliveries throughout the day to minimise the impact of HGV movements through the peak hours.</p> <p>Any abnormal loads will be subject to a separate notification process with the Highway Authority and Police and will be scheduled as a minimum outside of the peak hours and will be aimed to be undertaken at night or weekends.</p>
1.12.	Water Environment	
1.12.2.	<p>Table 9-3 of the ES [APP-042] Water Receptor Sensitivity and Value:</p> <p>Do NRW and CCS agree with the receptor sensitivity and value conclusions used in the water resources assessment?</p>	<p>CCS do not consider that it is within our expertise to comment and NRW's advice should be sought.</p>
1.13.	Ground Conditions	
1.13.7.	<p>Tables 10-3 and 10-4 of ES [APP-042]:</p> <p>Do NRW and CCS agree with the descriptors of sensitivity and magnitude described in these Tables respectively?</p>	<p>With reference to potable water/private supplies then CCS is in agreement.</p>
1.13.8.	<p>Table 10-8 Geological Hazards ES [APP-042]:</p> <p>Are you aware of any other geological hazard or potential geological hazard in the area?</p>	<p>CCS is unaware of any other geological hazard within the area.</p>

