



Applicant's comments on Deadline 4 Submissions

PINS Reference Number: EN010069

Deadline 5 – 15 February 2019

Contents

- 1 Summary 2**
- 2 REP4-017 County and City of Swansea 3**
 - 2.1 Applicant's Response to Appendix B of CCS' Deadline 4 Comments 3
 - 2.2 Response to Appendix C of CCS' Deadline 4 Comments 3
 - 2.3 Response to Appendix D of CCS' Deadline 4 Comments 3

1 Summary

- 1.1.1 The Applicant, Abergelli Power Limited, is applying to the Secretary of State (SoS) under the Planning Act 2008 (PA 2008) for development consent to construct, operate and maintain an Open Cycle Gas Turbine (OCGT) gas fired peaking power generating station, fuelled by natural gas with a rated electrical output of up to 299 Megawatts (MW) (the Abergelli Power Project).
- 1.1.2 The Development Consent Order (DCO) Application for the Abergelli Power Project (the Project) was submitted by the Applicant to the SoS in May 2018. It was formally accepted to progress to examination in June 2018.
- 1.1.3 This document contains the Applicant's comments on other parties' submissions to the Examining Authority for Deadline 4 on 1 February 2019.
- 1.1.4 The Applicant has reviewed submissions made by other parties at Deadline 4, and has provided below responses to those where necessary. The Applicant has not provided responses where it has already made submissions at previous deadlines on the points made.

2 REP4-017 County and City of Swansea

2.1 Applicant's Response to Appendix B of CCS' Deadline 4 Comments

[Reference 16 Requirement 28 \(Decommissioning\) / Reference 17 \(Status of Environmental Permit application to Natural Resources Wales\) / Annex 1 \(copy of Environmental Permit\)](#)

- 2.1.1 The environmental permit has been sought in the name of Drax Power Limited, and this was also the case in relation to the Millbrook Power Project. In both cases this is due to the fact that an environmental permit must be granted to the person who is or will be the legal operator of the facility (here the generating station), and who must be considered by Natural Resources Wales (or the Environment Agency in respect of Millbrook) to be a competent operator.
- 2.1.2 The operator of the facility is, broadly, the person who has sufficient day-to-day control over it – in this case that will be Drax Power Limited, who will be responsible for operating the generating station. Abergelli Power Limited is and will remain the Project company, with the benefit of and bound by the DCO, and who will enter into the contracts with the EPC contractors (and others) for the construction and operation of the Project. This will not impact the future regulation of the Project.
- 2.1.3 As regards other matters raised by CCS in relation to decommissioning, please see further below.

[Reference 24 - Fees](#)

- 2.1.4 APL has deleted paragraph 3 (fees) from Schedule 12 (procedure for discharge of requirements) in the draft DCO. Monies payable to CCS in relation to the discharge of requirements and other matters are now to be set out in a Planning Performance Agreement – this is currently being negotiated between APL and CCS. CCS has confirmed that it is satisfied with this approach.
- 2.1.5 The draft Planning Performance Agreement has been discussed between the parties an agreed draft is currently being finalised.

2.2 Response to Appendix C of CCS' Deadline 4 Comments

[Reference – Appendix A 23.1.40 - Decommissioning](#)

- 2.2.1 The Applicant refers to its previous submissions in relation to decommissioning, and does not consider that the response from CCS raises any new issues not previously addressed in hearings and written submissions by the Applicant.
- 2.2.2 The research cited by CCS into "The Restoration and Aftercare of Coal and Aggregates Workings" in 2009 is not relevant to the decommissioning of a nationally significant energy generating station. It is specific to coal and aggregate workings from 1999 - 2009. There is no comparable evidence base to suggest that there is any trend or issue with decommissioning of power generation plants across Wales or the wider UK. The Applicant considers that no weight should be given to this research as it is not applicable to the type of development proposed.

2.3 Response to Appendix D of CCS' Deadline 4 Comments

[Requirement 28 – Decommissioning](#)

- 2.3.1 The Applicant does not agree with CCS' suggestion that it would be appropriate or necessary to include decommissioning of the Access Road. Work Number 2 encompasses the existing access road serving the National Grid Gas Compressor Station and National Grid 400 kV Substation. Clearly it would not be appropriate for the access to existing major infrastructure to

be removed, as its lifespan is in no way connected to the Power Generation Plant. The Applicant would not have the support of National Grid in removing the Access Road.

- 2.3.2 The Access Road also provides the access to the environmental mitigation land which will be owned by APL and which, without the Access Road, APL would not be able to access.
- 2.3.3 Removal of the Access Road has not been assessed in the Environmental Statement. The scope of decommissioning proposed by the Applicant has been consistent through EIA scoping, the pre-application statutory consultation and PEIR. No concerns were raised by CCS prior to the submission of the application, in their relevant representations, written representations or oral representations to date on this point.
- 2.3.4 As such the Applicant does not consider that it would be appropriate to include any extent of Work No. 2 in the scope of decommissioning in Requirement 28.