



CITY & COUNTY OF SWANSEA

Sixth Deadline Comments

Abergelli Power Project

PINS REFERENCE: EN010069

CCS EXAMINATION REFERENCE: 20011204

CCS APPLICATION REFERENCE: 2018/1289/DCO

EN010069

Abergelli Power Limited: Proposed gas fired power station at land adjacent to Felindre Gas Compressor Station, Felindre, Swansea

Deadline 6 Submission

The following document constitutes CCS Deadline 6 Submission. These responses have been prepared to respond to the Deadline 5 submission submitted by the applicant.

Issues raised previously that have not been addressed have not been reiterated below.

The response comprises the following appendices:

Appendix A) CCS Response to Applicant's Comments on Deadline 4 submission (Deadline 5)

Appendix B) CCS Response Draft DCO (Revision 5) (Deadline 5) and comments on submitted Draft DCO (Version 6) (Deadline 6 submission).

Appendix A

CCS Response to: Applicant's Comments on Deadline 4 Submission

Ref 2.2 - Decommissioning

The applicant suggests that 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 as it relates to coal and aggregates and there is no comparable evidence with regards to decommissioning of power generating plants.

CCS is fully aware that the research relates to coal and aggregates and not energy development but the principles and lessons learned from this approach are clearly applicable to this proposal as there are several similarities which are listed below. This research is therefore both a relevant consideration and important.

Firstly, the proposed generating station is expected to be in operation for a finite time period of 25-35 years which is known from the outset and will require decommissioning. Similarly, coal and aggregates are mined for a finite period of time and remediation is required once the resource is extracted or no longer viable for extraction.

Secondly, both coal and aggregates and energy infrastructure have significant cost implications associated with their reclamation/ decommissioning that can run into millions of pounds. Decommissioning/ site remediation is not a straightforward process for either. If decommissioning/ site remediation is not undertaken, it can have significant lasting visual impacts on the environment as the site is left to deteriorate.

Thirdly, the large majority of existing power stations are still operating and were constructed as permanent power generating stations. CCS considers that there are lessons that can be learnt from the past and issues around decommissioning coal and aggregates is one such lesson. National Policy Statements are relatively new as they seek to bridge the transition from a fossil fuel based economy to a low carbon and renewable economy. The Development Consent process was only introduced in the 2008 Planning Act and issues revolving around decommissioning on other projects will not have arisen to date but could potentially become an increasing burden on future generations.

Fourthly, CCS wishes to highlight the point that there remains a possibility that the applicant could enter into administration in the future. The applicant cannot deny this possibility and has only sought to explain the processes in place to reduce the chance of insolvency. Where coal and aggregate operators have gone into administration previously, site reclamation has been left for the public purse to resolve. This is a real possibility for all businesses. Energy companies have previously gone into administration such as Tuscan Energy (Scotland) Ltd which went into receivership in

2005. This highlights that there are always unforeseen issues that can result in any company becoming insolvent and it is prudent to consider the possibility and seek to reduce future impacts in line with the “polluter pays” principle.

Fifthly, the success of the business is reliant on global market factors for both coal / aggregates and energy developments. The increased cost of coal / aggregates in the UK has resulted in some operations ceasing to operate as a result of global prices. Whilst the gas fired power station may have a set price for output (or it may not), the proposal is also reliant on the price of gas in the first instance and a significant increase in the price of gas could impact on the performance/ solvency of the business. There are clear uncertainties in the current economic climate and future issues cannot be anticipated with any degree of certainty.

Finally, in terms of similarities, the site is located in the open countryside and after the lifetime of the project, the land is considered to have little value over and above agricultural value as it should be decommissioned and cleared back to its previous status. This is similar to former coal and aggregate quarries. Therefore, there is little incentive to remediate given this situation and the costs associated with this and the cost of decommissioning would not be recovered by a local land charge in the event that the Local Authority had to step in.

CCS maintains that considerable weight should be afforded to this research which is used to highlight concerns in relation to securing the cost of decommissioning.

2.3.1 – 2.33 – Requirement 28 - Decommissioning

CCS does not consider that the existing element of the access road (to the substations) should be included within the decommissioning.

CCS concern relates to the new length of access road to be created to serve the development. Once the Power Generating Station has been decommissioned, the new length of access road will lead to open fields and serve no purpose as the generating site would be restored to its current condition – greenfield land. An access road could encourage further development in what is currently open countryside. It is appreciated that circumstances in the intervening years could change on / around the site and the access could be required for an unforeseen reason, however the applicant and CCS would have the opportunity at that time to consider what decommissioning of the new length of access road (if any) is required.

CCS would suggest that APL could still access the environmental mitigation area if they so desired in the future on the basis that it can be currently accessed now. CCS considers that the land should be soiled and seeded. It would still be possible to drive on the ground above this, and in any event, the land is located in the local countryside where appropriate access vehicles would be expected. The land would not be maintained for ecological purposes post decommissioning and access is likely to be sporadic at best.

As with other elements of the development that are intended to be left in situ, CCS is not suggesting that the access road itself is broken up, but would suggest that the surface is soiled and seeded so that it would leave less of a visual scar on the environment and have an improved environmental impact overall. It is however suggested that the bridge structures over the water and gas mains are removed at the end of the process to prevent deterioration of the environment.

It is not considered that the proposed retention would have a significant impact in terms of the assessment in the environmental statement, and the positive impacts would outweigh the negative impacts of undertaking the additional work.

Finally, it is appreciated that no concerns were raised prior to the submission of the application, in the relevant representation written representations or oral representations, but this has been an oversight. The Examination is an iterative process and CCS has pointed out several drafting errors/ omissions throughout this process to aid the delivery of the project and ensure the Requirements function as intended with no question from the applicant.

CCS considers that it is important to ensure the decision reached by the Examining Authority and subsequently the Secretary of State addresses the key issues and ensures that post development the land is appropriately restored.

Appendix B

CCS Response to: Draft DCO (Revision 5) (Deadline 5)

Schedule 12

The Council acknowledge the removal of the fees section from section 3 given that a Planning Performance Agreement has been agreed between parties in respect to application submission fees.

Draft DCO (Revision 6) (Deadline 6 submission)

The applicant provided Draft DCO Revision 6 to CCS for consideration prior to Deadline 6 and the comments below are provided to aid the Examining Authority in their consideration.

Schedule 1

Work No. 2

CCS welcomes the additional wording to cover the crossing over the watermain and pipeline.

Schedule 2

Table 3

Grid lines have been added to the table to clarify that the safety barrier and crossing structure are two separate items. The applicant has indicated that the safety structure is not included within the maximum height of the crossing structure which is accepted.

Requirement 9 – Ecological Management Plan

The inclusion of Requirement 9(3) is welcomed by CCS to ensure that the management of the ecological mitigation is reviewed accordingly and updated if required.

Requirement 15 – Mineral Resource Survey

The amendment to the correct decommissioning requirement reference is noted.

Requirement 17 – Construction Environment Management Plan

The inclusion of Requirement 17(1)(k) is welcomed by CCS as it clarifies that out of hours working procedures will be included within the final CEMP(s).