



## Meeting note

<b>File reference</b>	EN010069 Abergelli Power Project
<b>Status</b>	<b>Final</b>
<b>Author</b>	Ewa Sherman
<b>Date</b>	9 December 2014
<b>Meeting with</b>	Roundtable meeting with the applicant, City and County of Swansea Council, Natural Resources Wales and Community Councillors
<b>Venue</b>	Civic Centre, Swansea
<b>Attendees</b>	<b>Abergelli Power Limited (applicant)</b> Adam Heffill Reece Emmitt - Warwick Emanuel PR Dermot Scanlon - Peter Brett Associates LLP <b>City and County of Swansea Council</b> Andrew Ferguson Ryan Thomas Rachel Davies Cllr Gareth Sullivan <b>Natural Resources Wales</b> Hannah Thomas Jonathan Scott Dave Watkins <b>City &amp; County Councillors</b> Cllr Ioan Richard <b>Llangyfelach Community Council</b> <b>Representatives</b> David Jenkins, Clerk to the Council Cllr P. Baker Cllr A. J. Mages Dr David Doherty <b>The Planning Inspectorate</b> Tom Carpen – Infrastructure Planning Lead Jenny Colfer – Senior EIA and Land Rights Advisor Ewa Sherman – Case Officer
<b>Meeting objectives</b>	Planning Inspectorate outreach meeting Project update
<b>Circulation</b>	All attendees

### Introduction

The Planning Inspectorate outlined its openness policy and advised that a meeting note and a copy of the presentation would be circulated amongst the attendees and

published on the project website according with s51 of the Planning Act 2008 (PA 2008) (as amended). Additionally, it was made clear that any advice given did not constitute legal advice upon which the applicant (or others) can rely.

## **Summary of key points discussed and advice given**

### **Development Consent Order (DCO) process**

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/12/141209-EN010069-Outreach-PINS-presentation.pdf>

Following the introductions from all attendees the Planning Inspectorate (PINS) gave a presentation outlining the PA 2008 process for Development Consent Order (DCO) applications, and explained its own impartial role within the PA 2008 regime. PINS can advise all parties, and strongly encourages communication during the pre-application stage to request information and raise issues with the applicant. PINS also informed of the specific roles of the applicant, local authorities and statutory parties within the DCO process, emphasising that the pre-application is the time for all parties to deal with issues arising before the application is formally submitted to the Planning Inspectorate and the strict statutory deadlines are in place. Once the application is submitted during the acceptance stage of the process, the key area explored would be consideration by local authorities of the adequacy of the application's consultation, and whether the applicant had regard to the comments received from both statutory and non-statutory consultees.

The early work on Statements of Common Ground (SoCG) is encouraged as it provides an opportunity to narrow down the issues that the applicant and the stakeholders agree or disagree, and provides a clearer picture for the Examining Authority. In response to the Natural Resources Wales' (NRW) query about an example of a good SoCG, PINS said that they are currently working on choice of sample documents to be published on the Planning Portal website.

PINS also explained the importance of the Local Impact Report (LIR) prepared by the Local Authorities during the examination of the DCO application. LIR is a report on the 'likely impact of the proposed development' in the area, across all the Council's functions, and the Secretary of State (SoS) must have regard to it when coming to a decision.

City and County of Swansea Council (CCSC) advised that dealing with Nationally Significant Infrastructure Projects (NSIPs) in the area has a significant impact on the Council's resources, stating for example their experience with Tidal Lagoon Swansea. PINS emphasised how joint working and helping Examining Inspectors to focus on which issues to examine can help manage resources for all stakeholders.

### **Project update**

<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2014/12/141202-APL-slides-PINS-outreach.pdf>

Abergelli Power Limited (APL) provided an update on the project, since the close of the statutory consultation period. The red line boundary is drawn to allow for the degree of flexibility of the design and the worst case scenario assessed in the Environmental Statement for the purpose of the Rochdale Envelope.

The applicant advised that they are still considering two access options. The preferred Access Option 2 depends on the use of the road owned by National Grid (NG). The applicant confirmed that since August 2014 they had been engaging with NG regarding the use of the road. However, until the formal agreement is in place, APL will continue to consider both access options in their red line boundary for the proposal.

The statutory consultation was held between 13 October and 16 November 2014, during which the applicant had sent over 13000 letters to inform local community, and held four events in different locations, attended by over 100 people. A range of issues were raised in the feedback received, in particular relating (but not limited) to:

- Two access options, particularly potential impacts of construction traffic arising in case of Option 1
- Noise and air quality during construction and operation phases, and
- Visual impacts.

The applicant also advised of the updated project timeline, confirming the main dates, including the publication of the Statement of Community Consultation (SoCC) in October 2014, before commencement of the statutory consultation under s42 of the PA 2008. Currently APL are analysing and considering consultation responses which will be reviewed and included in the final Consultation Report and the Environmental Statement, and will influence the final project design. Development Consent Order is being drafted as well. The anticipated application submission date is Q1 of 2015.

## **Specific issues raised by the stakeholders**

### **Top level design**

The attendees discussed top level design of the Generating Equipment and any alternative possibilities.

One of the issues was the choice of location and the strategic need for the proposed development of that type in the region, in relation to the current Policy aspects in Wales (Cllr Richard). PINS advised that National Policy Statements (NPSs) are in place therefore the proposed development will be considered in accordance with relevant NPSs that apply here. Additionally, the Technical Advice Notes (TANs) and the adopted Welsh Policy can be important and relevant considerations – similar to 'material considerations' for planning purposes.

CCSC stated that the emerging Local Development Plan is currently being progressed and its status might change during the examination of the DCO application. The applicant confirmed that they are aware of it and will include Policy considerations in the Environmental Statement when assessing cumulative impacts, taking into account other proposed developments in the vicinity.

PINS advised that if new legislation comes into place, the Examining Authority (ExA) will have an opportunity to ask written questions during the examination. It might assist parties to look at the questions posed by the ExA for the other schemes, currently at the examination stage, such as Hirwaun Power Station and Progress Power Station. Please see the links to the relevant pages:

[Progress Power Station: ExA's first questions:](#)

[Hirwaun Power Station: ExA's first questions:](#)

[Hirwaun Power Station: ExA's second questions:](#)

In response to query why Swansea area had been chosen for the proposed development, APL explained the process of identifying and selecting a suitable location for any proposed project. The process includes taking a number of steps such as geographical search, capacity to connect to available gas and electricity system; engaging with the local authority regarding the Development Plans and availability of electricity networks. Furthermore, the applicant must communicate with people who have interest in land, and in this case APL approached owners of Abergelli Farm.

Cllr Jenkins advised that the PEIR had no photomontages of photographs taken from higher ground points. The applicant confirmed that they were aware of this issue; therefore additional photographs will be included in the final Environmental Statement. Regarding issues such as external appearance of the plant and use of trees and hedges for screening the applicant advised that they were meeting with the Design Commission for Wales for the review of the design. PINS also advised that such matters can be put forward by the interested parties during the examination to be considered by the Examining Authority in the Recommendation Report and the Secretary of State when making a final decision.

NRW stated that they try to encourage developers to consider the Environmental Permit under Environmental Permitting (England and Wales) Regulations 2010 early in the process. The applicant considers that the choice of simple cycle gas turbine technology for a peaking power plant operating up to 1500 hours per year represents the most suitable technology choice in respect of relevant planning considerations and represents "best available techniques" in terms of the Environmental Permitting (England and Wales) Regulations 2010. The applicant advised that they intend to reach agreement in principle with NRW regarding the application for Environmental Permit. The applicant also advised that it would be following the approaches taken on its other current DCO applications. PINS advised that where the proposal required an Environmental Permit that affected development consent considerations, it advised 'twin tracking' DCO and Permit applications. It advised that it would like to follow this issue up jointly with NRW and the applicant

NRW had a query about the maximum height of the stacks between 35 and 40 metres, which is also one of the local authority's considerations. The applicant confirmed that they are considering the worst case scenario and assessing both configurations (thicker and higher stacks, and five shorter thinner stacks) in relation to each topic such as noise, air quality etc. PINS advised that flexibility and considering options are important during the pre-application stage as once the application has been submitted it's not easy to make changes to the proposal. However, the final design is agreed following the grant of consent.

Dr Doherty raised queries regarding the choice of technology, advising that he believed Combined Cycle Gas Turbine (CCGT) to be more efficient, especially with use of the waste heat for Combined Heat and Power. APL advised that the choice of technology for the proposal is in response to government policy and in particular the Capacity Mechanism requirement for highly flexible power plants to provide electricity at short notice during periods of high demand. The applicant considers that the Simple Cycle Gas Turbine (SCGT) plant is the best approach to provide capacity at short notice during periods of high demand as, among other factors, the Combined Cycle Gas Turbine (CCGT) would potentially involve a range of other environmental impacts.

### **Combined Heat and Power**

In response to the query about re-use of waste heat and the provision for Combined Heat and Power (CHP) technology, the applicant advised that since simple cycle gas

turbine (SCGT) plants do not have a heat recovery steam generator to generate steam, the provision of heat from an SCGT plant for CHP is not possible. This will be explained in the application documents. Stakeholders advised the applicant of the possibility of waste heat to supply potential future developments nearby including for up to one thousand homes to be built on the old Felindre steelworks site nearby.

PINS advised that whether the proposed power station would be capable of providing heat might be an issue for the examination. It advised that the applicant should prepare information to address the requirements of the National Policy Statements in respect of CHP.

## **Noise**

One of the stakeholders' questions referred to the working hours at the proposed power station, including night working which would entail illuminating of the site at night. The applicant said that 24 hour working will be only during the operation, and that they are planning to present indicative night time visualisations as part of the application. Additionally, they are proposing the implementation of noise abatement measures, particularly during the turbine spin-up to mitigate the noise level; however, this will also depend on the number of turbines.

As the average noise level has been discussed, APL advised that they are taking into account the cumulative impact of the DVLA's park & ride site nearby and the proposal for new houses and new business park at Felindre to make assumptions based on all these projects. These will be reviewed by the CCSC to ensure that they are reasonable.

## **Access**

Two assessed access options to the proposed site have been discussed earlier during the meeting, and the applicant confirmed their intention to include a single access option in the application if possible.

## **Natural Resources Wales**

In addition to the discussion on Environmental Permitting, NRW advised that it had set out issues in response to the applicant's formal consultation and previously in response to consultation for the applicant's EIA scoping. NRW agreed to circulate its response to attendees.

NRW advised that it encourages submission of draft ES chapters which refer to issues such as considering ancient woodland, proximity of a Dwr Cymru Welsh Water water main and the Habitats Regulations.

Potential habitat implications of the proposed access routes include:

- Option 1: Potential impacts on a Site of Importance for Nature Conservation (SINC); and
- Option 2: Potential impacts on Ancient Woodland.

PINS advised that during the pre-application stage it is beneficial for the particular stakeholders to see draft DCO requirements proposed by the applicant, and to continue discussions.

### **Specific decisions / follow up required?**

NRW will circulate their comments on the applicant's Preliminary Environmental Information Report (PEIR) to all attendees.

APL will provide examples of the US peaking plants, widely used in California, to CCSC.

#### Information added after the meeting:

APL cited examples of similar peaking plants in operation in California and Australia. The applicant advised that, for instance, Mortlake Power Station in south Western Victoria, Australia is a peaking power plant with a similar purpose to the Abergelli Power Project (although this example has a larger rated electrical output of 550 MW compared with a rated electrical output of up to 299 MW for Abergelli Power). APL advised that further information could be found at the following website:

<http://www.originenergy.com.au/1376/Mortlake-Power-Station>.