



# SCOPING OPINION

## Proposed Abergelli Power Project



August 2014





# CONTENTS

## EXECUTIVE SUMMARY

<b>1.0</b>	<b>INTRODUCTION.....</b>	<b>1</b>
<b>2.0</b>	<b>THE PROPOSED DEVELOPMENT .....</b>	<b>4</b>
<b>3.0</b>	<b>EIA APPROACH AND TOPIC AREAS .....</b>	<b>14</b>
<b>4.0</b>	<b>OTHER INFORMATION .....</b>	<b>28</b>

## APPENDIX 1 – LIST OF CONSULTEES

## APPENDIX 2 – RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

## APPENDIX 3 – PRESENTATION OF THE ENVIRONMENTAL STATEMENT





## EXECUTIVE SUMMARY

This is the Scoping Opinion (the Opinion) provided by the Secretary of State in respect of the content of the Environmental Statement for Abergelli Power Project.

This report sets out the Secretary of State's opinion on the basis of the information provided in the report prepared by Abergelli Power Limited ('the applicant') entitled Abergelli Power Project, Environmental Impact Assessment Scoping Report June 2014 ('the Scoping Report'). The Opinion can only reflect the proposals as currently described by the applicant.

The Secretary of State has consulted on the Scoping Report and the responses received have been taken into account in adopting this Opinion. The Secretary of State is satisfied that the topic areas identified in the Scoping Report encompass those matters identified in Schedule 4, Part 1, paragraph 19 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended).

The Secretary of State draws attention both to the general points and those made in respect of each of the specialist topic areas in this Opinion. The main potential issues identified are:

- Air Quality
- Landscape and Visual
- Water Quality and Resources

Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the Secretary of State.

The Secretary of State notes the potential need to carry out an assessment under the Habitats Regulations<sup>1</sup>.

---

<sup>1</sup> The Conservation of Habitats and Species Regulations 2010 (as amended)



# 1.0 INTRODUCTION

## Background

- 1.1 On 26 June 2014, the Secretary of State (SoS) received the Scoping Report submitted by Abergelli Power Limited under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) in order to request a scoping opinion for the proposed Abergelli Power Project ('the Project'). This Opinion is made in response to this request and should be read in conjunction with the applicant's Scoping Report.
- 1.2 The applicant has formally provided notification under Regulation 6(1)(b) of the EIA Regulations that it proposes to provide an ES in respect of the proposed development. Therefore, in accordance with Regulation 4(2)(a) of the EIA Regulations, the proposed development is determined to be EIA development.
- 1.3 The EIA Regulations enable an applicant, before making an application for an order granting development consent, to ask the SoS to state in writing their formal opinion (a 'scoping opinion') on the information to be provided in the environmental statement (ES).
- 1.4 Before adopting a scoping opinion the SoS must take into account:
  - (a) the specific characteristics of the particular development;
  - (b) the specific characteristics of the development of the type concerned; and
  - (c) environmental features likely to be affected by the development'.

*(EIA Regulation 8 (9))*
- 1.5 This Opinion sets out what information the SoS considers should be included in the ES for the proposed development. The Opinion has taken account of:
  - i the EIA Regulations
  - ii the nature and scale of the proposed development
  - iii the nature of the receiving environment, and
  - iv current best practice in the preparation of environmental statements.

- 1.6 The SoS has also taken account of the responses received from the statutory consultees (see Appendix 2 of this Opinion). The matters addressed by the applicant have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the SoS will take account of relevant legislation and guidelines (as appropriate). The SoS will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with that application when considering the application for a development consent order (DCO).
- 1.7 This Opinion should not be construed as implying that the SoS agrees with the information or comments provided by the applicant in their request for an opinion from the SoS. In particular, comments from the SoS in this Opinion are without prejudice to any decision taken by the SoS (on submission of the application) that any development identified by the applicant is necessarily to be treated as part of a nationally significant infrastructure project (NSIP), or associated development, or development that does not require development consent.
- 1.8 Regulation 8(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) 'a plan sufficient to identify the land;
  - (b) a brief description of the nature and purpose of the development and of its possible effects on the environment; and
  - (c) such other information or representations as the person making the request may wish to provide or make'.
- (EIA Regulation 8 (3))*
- 1.9 The SoS considers that this has been provided in the applicant's Scoping Report.

## The Secretary of State's Consultation

- 1.10 The SoS has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full list of the consultation bodies is provided at Appendix 1. The list has been compiled by the SoS under their duty to notify the consultees in accordance with Regulation 9(1)(a). The applicant should note that whilst the SoS's list can inform their consultation, it should not be relied upon for that purpose.



- 1.11 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is provided at Appendix 2 along with copies of their comments, to which the applicant should refer in undertaking the EIA.
- 1.12 The ES submitted by the applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.13 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the applicant and will be made available on the Planning Inspectorate's website. The applicant should also give due consideration to those comments in carrying out the EIA.

## Structure of the Document

- 1.14 This Opinion is structured as follows:

- Section 1 Introduction
- Section 2 The proposed development
- Section 3 EIA approach and topic areas
- Section 4 Other information.

This Opinion is accompanied by the following Appendices:

- Appendix 1 List of consultees
- Appendix 2 Respondents to consultation and copies of replies
- Appendix 3 Presentation of the environmental statement.

## 2.0 THE PROPOSED DEVELOPMENT

### Introduction

- 2.1 The following is a summary of the information on the proposed development and its site and surroundings prepared by the applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the proposed development and the potential receptors/resources.

### The Applicant's Information

#### Overview of the proposed development

- 2.2 The proposed development would comprise a new Power Generation Plant, capable of providing an electrical capacity of up to 299MW. It would be fuelled by natural gas and connected to the National Grid. The proposal would be located on pastoral fields at Abergelli Farm, to the north of Swansea, in the City and County of Swansea, South West Wales.
- 2.3 The proposed development would comprise the following principal components (Section 1.1.2 of the Scoping Report):
- Generating equipment, including gas turbine generators and balance of plant (Simple Cycle Gas Turbine (SCGT));
  - New purpose built access road;
  - A temporary construction compound (laydown area);
  - New gas connection;
  - New electrical connection.

#### Description of the site and surrounding area

##### *The Application Site*

- 2.4 The application site is located within an area of lowland farmland known locally as the 'Welsh Gower'; approximately 1km south of Felindre, 760m west of Llwyncelyn and 1.4km north of Llangyfelach. Swansea lies approximately 5km to the south of the site. The site is roughly an 'L' shape and approximately 150ha in total, including the power generation plant site, and the electrical and gas connection opportunity areas. Three residential dwellings, Abergelli Farm, Abergelli fawr, and Lletty Morfil Farm are located within the site boundaries, as shown on Figure 2.

- 2.5 The Scoping Report identifies that the land is currently used for sheep and horse grazing, along with horse training and breeding. Most of the farmland is agriculturally improved grassland and classified as Grade 4 agricultural land; but also contains significant areas of marshy grassland and scattered woodland and scrub. The fields are largely bound by fences, with one section of species-poor hedgerow running north of Abergelli Farm.
- 2.6 A gas Nation Transmission System (NTS) Pipeline and water pipelines cross the site, while the western part of the site encompasses two National Grid 400KV electrical substations and Felindre gas compressor substation. Areas of the site have been previously subject to various permissions for mineral extraction, inert landfill and other commercial activities.
- 2.7 The Afon Llan flows in a south-westerly direction to the west and south of the site. The site is primarily within EA Flood Zone 1, although a small area to the south east of the site appears to lie within Zones 2 and 3. A number of springs issue on the site, with their associated drainage ditches and streams running along the field boundaries and discharging into the Afon Llan. Four water bodies have been identified within the survey site (see Appendix A: Preliminary Ecological Appraisal, paragraphs 4.24, 4.25 and 4.26). Numerous public footpaths, bridleways and tracks run through the site.
- 2.8 The geology of the site is characterised by boulder clay and the underlying Grovesend Beds, Upper Carboniferous sandstones and thin coals; overlain by glacial sand and gravel, alluvium and peat. The geology is overlain by raw gley and brown soils.
- 2.9 The Scoping Report states that the land within the power generation plant site (See figure 1: Project Site Plan) is approximately 90m Above Ordnance Datum (AOD), gently sloping downwards in a southerly direction. The wider application site also appears to be gently sloping.
- 2.10 Three Sites of Importance for Nature Conservation (SINCs) lie partially within the site (Rhyd-Y-Pandy Valley Grasslands, Wern Garn Wen and Llety Morphil). A further two SINCs are adjacent to the site, with Rhos Fawr SINC to the north, and Felindre Grasslands SINC to the south. The majority of woodland within the site is designated as Ancient Woodland.
- 2.11 There is potential habitat on the site to support European Protected Species, including bats, great crested newts, dormice and otters. The site could also support Barn Owls (Schedule 1 species) and nationally protected species, including reptiles, badgers and water voles. Breeding birds may also use the site. Figures 2a and 2b of the Preliminary Ecological Appraisal illustrate the areas on and around the site which have the potential to support protected species.

- 2.12 Following the results of the Phase 1 Habitat Survey, further Phase 2 protected species surveys are currently being carried out.
- 2.13 The invasive species Japanese knotweed and Himalayan balsam are present on the site.

*The Surrounding Area*

- 2.14 The area surrounding the application site is rural, but with a substantial amount of utilities infrastructure. A water treatment works is located immediately to the northwest, with the Cefn Betingau Solar Park to the east. A network of electricity pylons, to the south west of Abergelli Farm, link to the National Grid electrical substations. The surrounding habitats are similar to those on site, with areas of improved and marshy grassland interspersed with areas of woodland.
- 2.15 The closest Noise Sensitive Receptors (NSRs) are the settlements of Morriston, Pant-lasau, Llwynceilyn and Felindre, all within 1km of the site. The Scoping Report also identifies 19 isolated dwellings and farmsteads outside of these settlements but within 1km of the site.
- 2.16 The following nature conservation sites have been identified within 10km of the site:
- Nant Y Crimp Site of Special Scientific Interest (SSSI) – approximately 2.5km from the site.
  - Penllergaer Railway Cutting SSSI – approximately 2.8km from the site.
  - Penplas Grasslands SSSI – approximately 3.2km from the site.
  - Glais Moraine SSSI – approximately 4km from the site.
  - Cadle Heath Local Nature Reserve (LNR) – approximately 4.5km from the site.
  - Camarthen Bay and Estuaries Special Area of Conservation (SAC) – approximately 7.2km from the site.
  - Crymlyn Bog SAC and Ramsar – approximately 7.3km from the site.
  - Burry Inlet Special Protection Area (SPA) and Ramsar (within the boundary of the Camarthen Bay and Estuaries SAC) – approximately 9.7km from the site.

- 2.17 The Burry Inlet SPA and Ramsar have been designated for their avian assemblage, including wintering oystercatcher, northern pintail, common redshank and red knot. The Camarthan Bay and Estuaries SAC is designated for a number of Annex I habitats, including sandbanks, estuaries, mudflats, sandflats; while the Crymlyn Bog SAC is designated for Annex I habitats including transition mires and quaking bogs, calcareous fens and alluvial forests.
- 2.18 There are 23 SINCs within 2km of the site. The locations and details of these features are identified in paragraph 4.7 of the Preliminary Ecological Appraisal.
- 2.19 The Scoping Report identifies 17 Scheduled Ancient Monuments (SAMs), a Grade I listed building, 7 Grade II\* listed buildings, three Grade II Registered Parks and Gardens and 2 Conservation Areas within 5km of the site. The locations of these features are identified on Figure 3 of the Scoping Report. In addition, 47 Grade II listed buildings are located within 5km of the site.
- 2.20 The nearest Air Quality Management Area (AQMA) is Swansea Air Quality Management Area 2010, located in the Lower Swansea Valley, approximately 4.5km from the site. It has been declared primarily on the basis of traffic related nitrogen dioxide (NO<sub>2</sub>).

### **Description of the proposed development**

- 2.21 The proposed development would operate as a SCGT peaking plant, fuelled by natural gas and capable of producing electricity up to 299MW. To achieve 299MW, between one and five gas turbine generators would be built, with up to five exhaust gas flue stacks.
- 2.22 The gas turbine generators would comprise the following components:
- Inlet air filter;
  - Air compressor;
  - Combustion chamber;
  - Power turbine(s);
  - Exhaust silencer.
- 2.23 On entering the gas turbine(s), air would be compressed and natural gas injected into the air. The natural gas would then burn in the combustion chamber, before expanding across the blades of the gas turbine, driving the electrical generators to produce energy.

- 2.24 The waste gases and heat would then be released into the atmosphere via between one and five stacks. The stack(s) would contain equipment to reduce the emissions released into the atmosphere.
- 2.25 In order to adequately disperse emissions and to meet legislative air quality targets, a study would be undertaken to determine the minimum height of the stack(s).
- 2.26 The maximum area for the generating equipment site would be approximately 6ha. Depending on its final design, the generating equipment may be sited in a number of locations within this area (see Scoping Report, Figure 1: Project Site Plan). The detailed dimensions of the main plant items, which would be present in the generating equipment site, are stated in paragraph 3.3.15 of the Scoping Report. These figures indicate that the tallest element of the proposal (the stack(s)) would be a maximum of 60m in height.
- 2.27 The new gas connection would connect the generating equipment to a suitable fuel source, and would comprise a new underground gas pipeline connection and two above ground installations. The gas connection would be situated within the Gas Connection Opportunity Area as identified on Figure 1: Project Site Plan; with the exact location not yet decided. Termination of the gas connection would be at a Pipeline Inspection Gauge (PIG) Trap Facility (PTF) on the generating equipment site; incorporating a PIG receiving facility, emergency control valve (possible) and isolation valves.
- 2.28 The new electrical connection would comprise new electrical circuits (either in the form of an underground cable or overhead line) to allow power to be exported from the generating equipment to the National Grid. The electrical connection would be situated within the Electrical Connection Opportunity Area as identified on Figure 1: Project Site Plan; with the exact location not yet decided.
- 2.29 The final choice of the gas and electrical connection routes would be decided following further consultation and more thorough assessments of constraints and environmental impacts.
- 2.30 To accommodate the storage of plant and equipment during the construction phase, a temporary laydown area would be provided adjacent to the generating equipment site store. It is not proposed to allocate any land for this purpose beyond the construction phase. The exact location of the laydown area is not identified within the Scoping Report.

## **Alternatives**

- 2.31 The following technology options were also considered for the generator plant: Combined Cycle Gas Turbine (CCGT) plant and Reciprocating Gas Engines (RGE) plant. SCGT was considered the most suitable technology choice for environmental, technical and financial reasons, as detailed in paragraph 3.6.4 of the Scoping Report.

## **Proposed access**

- 2.32 The proposal site would be accessed from Junction 46 of the M4, via one of two routes currently being considered. Access Road Option 1 would be from the north via the Rhyd-y-pandy Road, following the access road west of Brynheulog past Abergelli Farm. Access Road Option 2 would be from the west via the B4489, along the access road to the National Grid electrical substations and then via a new access road to be constructed as part of the proposal. Both access options are illustrated on Figure 1 of the Scoping Report: Project Site Plan.

## **Construction**

- 2.33 Construction and commissioning of the project would take approximately 22 months.
- 2.34 The main works would be the removal of hard standing, excavation and site levelling for new foundations, piling (if required) and the laying of the gas and electricity connections.
- 2.35 Construction is expected to employ between 140 and 250 workers.
- 2.36 A construction programme has not been included in the Scoping Report. The Scoping Report states that the ES will provide details of the construction programme, including construction activities, methods and working hours. An outline Construction Environmental Management Plan (CEMP) would be drafted and appended to the ES, providing details of specific mitigation measures required to reduce the construction related impacts.

## **Operation and maintenance**

- 2.37 Once operational, the proposed development would generate up to 15 full time jobs, with staff working in shifts.
- 2.38 The generating equipment would operate for up to 1,500 hours per year.
- 2.39 The power generation plant would have an operational life of 25 years, after which time it would be decommissioned or re-powered.

## **Decommissioning**

- 2.40 Decommissioning of the project would involve the removal of all power generation items, and the restoration of the site to a similar condition as before the development took place. This process would take approximately 22 months.
- 2.41 Some underground structures, such as the gas and electrical connections, may be left in situ for the purpose of avoiding any adverse environmental impacts arising from their removal. Where possible, items would be reused or recycled.
- 2.42 The decommissioning phase is expected to employ between 140 and 250 workers.

## **The Secretary of State's Comments**

### **Description of the application site and surrounding area**

- 2.43 In addition to detailed baseline information to be provided within topic specific chapters of the ES, the SoS would expect the ES to include a section that summarises the site and surroundings. This would identify the context of the proposed development, any relevant designations and sensitive receptors. This section should identify land that could be directly or indirectly affected by the proposed development and any auxiliary facilities, landscaping areas and potential off site mitigation or compensation schemes.
- 2.44 The ES should include a clear description of the application site which is to be the subject of the DCO, including detailed land levels, existing vegetation species, hard surfaces and the location of existing buildings. The ES should confirm if the application site has been previously developed, and if so, whether it has been subject to any remediation works.
- 2.45 The Scoping Report did not detail whether any areas of the site are at risk from flooding. EA data indicates that an area to the south west of the application site is within EA Flood Zones 2/3. The SoS notes that the ES is to contain a Flood Consequences document. This document should include a description of which areas of the site are at risk from flooding and the exact locations of all water courses on site, including springs, streams and drainage ditches.

### **Description of the proposed development**

- 2.46 The applicant should ensure that the description of the proposed development that is being applied for is as accurate and firm as possible as this will form the basis of the environmental impact assessment. It is understood that at this stage in the evolution of the scheme the description of the proposals and even the location of the site may not be confirmed.



The applicant should be aware however, that the description of the development in the ES must be sufficiently certain to meet the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations and there should therefore be more certainty by the time the ES is submitted with the DCO.

- 2.47 If a draft DCO is to be submitted, the applicant should clearly define what elements of the proposed development are integral to the NSIP and which is 'associated development' under the Planning Act 2008 (PA 2008) or is an ancillary matter.
- 2.48 Any proposed works and/or infrastructure required as associated development, or as an ancillary matter, (whether on or off-site) should be considered as part of an integrated approach to environmental assessment.
- 2.49 The SoS recommends that the ES should include a clear description of all aspects of the proposed development, at the construction, operation and decommissioning stages, and include:
- Land use requirements;
  - Site preparation;
  - Construction processes and methods;
  - Transport routes;
  - Operational requirements including the main characteristics of the production process and the nature and quantity of materials used;
  - Maintenance activities including any potential environmental impacts;
  - Emissions - water, air and soil pollution, noise, vibration, light, heat, radiation.
- 2.50 The environmental effects of all wastes to be processed and removed from the site should be addressed. The ES will need to identify and describe the control processes and mitigation procedures for storing and transporting waste off site. All waste types should be quantified and classified.
- 2.51 The area identified on Figure 1 of the Scoping Report as 'Power Generation Plant Site' appears to be referred to as 'Generating Equipment Site' in other parts of the Scoping Report, for example in paragraph 3.3.11. To ensure clarity, it is requested that this area is consistently referred to by the same description.

- 2.52 When considering Figure 3 of the Scoping Report: Indicative Environmentally Sensitive Receptors, the SoS notes that due to the chosen colours, it is difficult to distinguish the Scheduled Monuments from some other features (e.g. SINC's, water bodies and LNRs). The ES should ensure to provide clearly distinguishable colours/symbols on all maps and figures, in order to ensure that specific features can be easily identified.

## **Alternatives**

- 2.53 Schedule 4 Part 1 of the EIA Regulations requires that the applicant provides *'An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects'* (See Appendix 3). The SoS welcomes the consideration of alternative technology choices included in the Scoping Report (paragraph 3.6.4) and recommends these details are included in the ES. In addition, the ES should also provide details of other locations considered for the Power Generation Plant.

## **Flexibility**

- 2.54 The applicant's attention is drawn to Advice Note 9 'Using the 'Rochdale Envelope' which is available on the Planning Inspectorate's website and to the 'Flexibility' section in Appendix 3 of this Opinion which provides additional details on the recommended approach.
- 2.55 The SoS notes, from the comments in paragraph 3.3.14 of the Scoping Report, that the detailed design and location of the power station is still being developed. The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. At the time of application, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes. The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES. It is a matter for the applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with the requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.
- 2.56 It should be noted that if the proposed development changes substantially during the EIA process, prior to application submission, the applicant may wish to consider the need to request a new scoping opinion.

## **Proposed access**

- 2.57 The ES should detail the proposed access routes for both construction and operational traffic.

## **Construction**

- 2.58 The Secretary of State notes that no information has been provided in the Scoping Request regarding the size and exact location of the temporary laydown area. Whilst it is appreciated that this information may not be available at this stage in the evolution of the project, applicants are reminded that this information will be required in the ES.
- 2.59 The SoS considers that information on construction including: phasing of programme; construction methods and activities associated with each phase; siting of construction compounds (including on and off site); lighting equipment/requirements; and number, movements and parking of construction vehicles (both HGVs and staff) should be clearly indicated in the ES.

## **Operation and maintenance**

- 2.60 Information on the operation and maintenance of the proposed development should be included in the ES and should cover but not be limited to such matters as: the number of full/part-time jobs; the operational hours and if appropriate, shift patterns; the number and types of vehicle movements generated during the operational stage.

## **Decommissioning**

- 2.61 In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment is to enable the decommissioning of the works to be taken into account in the design and use of materials such that structures can be taken down with the minimum of disruption. The process and methods of decommissioning should be considered and options presented in the ES. The SoS encourages consideration of such matters in the ES.
- 2.62 The Scoping Report (paragraph 3.3.17) indicates that the design life of the power generation plant is 25 years. The SoS recommends that the EIA covers the life span of the proposed development, including construction, operation and decommissioning.

## 3.0 EIA APPROACH AND TOPIC AREAS

### Introduction

- 3.1 This section contains the SoS's specific comments on the approach to the ES and topic areas as set out in the Scoping Report. General advice on the presentation of an ES is provided at Appendix 3 of this Opinion and should be read in conjunction with this Section.
- 3.2 Applicants are advised that the scope of the DCO application should be clearly addressed and assessed consistently within the ES.

### Environmental Statement (ES) - approach

- 3.3 The information provided in the Scoping Report sets out the proposed approach to the preparation of the ES. Whilst early engagement on the scope of the ES is to be welcomed, the SoS notes that the level of information provided at this stage is not always sufficient to allow for detailed comments from either the SoS or the consultees.
- 3.4 The SoS would suggest that the applicant ensures that appropriate consultation is undertaken with the relevant consultees in order to agree wherever possible the timing and relevance of survey work as well as the methodologies to be used. The SoS notes and welcomes the intention to finalise the scope of investigations in conjunction with on-going stakeholder liaison and consultation with the relevant regulatory authorities and their advisors.
- 3.5 The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

### Matters to be scoped out

- 3.6 The applicant has identified in the relevant sections of the Scoping Report the matters proposed to be 'scoped out'. These include:
  - Operational Air Quality Emissions of the Gas and Electrical Connections
  - Operational Noise and Vibration Impacts of the Gas Connection

- Operational Noise Impacts of the Electricity Connection
  - Water Framework Directive (WFD) Report (pending NRW agreement)
  - Drainage / water quality impacts of the gas and electricity connections during the operational and decommissioning phases.
  - Visual impacts upon the Gower AONB
- 3.7 Matters are not scoped out unless specifically addressed and justified by the applicant, and confirmed as being scoped out by the SoS.
- 3.8 It is stated within the Scoping Report that it is not intended to include the operational air quality emissions of the gas and electrical connections as these sections of the proposed development would not produce any significant emissions during the operational phase of the development; the SoS agrees that these impacts can be scoped out of the assessment.
- 3.9 Within the Scoping Report it is stated that it is not intended to include the operational noise or vibration impacts of the gas connection as this aspect of the proposed development would not produce any significant noise or vibration emissions during the operational phase; the SoS agrees that these impacts can be scoped out of the assessment.
- 3.10 It is stated within the Scoping Report that it is not intended to include the operational noise impacts of the electrical connection as this aspect of the proposed development would not produce any significant noise emissions during the operational phase. The SoS recommends that further justification be provided by the applicant for scoping out these potential effects, the SoS draws the attention of the applicant to the comments made by NRW in this respect.
- 3.11 Within the Scoping Report it is stated that the need for a Water Framework Directive Report has been scoped out of the assessment, pending agreement from NRW, as the development is not predicted to have any significant effects on any key water bodies. The SoS agrees that providing NRW indicates that no Water Framework Directive Report will be required for this development the provision of this report can be scoped out of the assessment.
- 3.12 It is stated within the applicants scoping report that any impact on drainage or water quality caused by the gas or electrical connections during the operational and decommissioning phases of the development will be scoped out of the assessment, as no significant drainage or water quality impacts are predicted to occur as a result of the presence of the connections during these phases of the proposed development.

The SoS recommends that the applicant provides further information regarding the potential for any below ground connections to form pathways for the transport of pollutants which may result from previous use of the land. NRW noted that at least part of the site was previously used as landfill.

- 3.13 Within the Scoping Report it is stated that visual impacts of the proposed development on the Gower Area of Outstanding Natural Beauty (AONB) will be scoped out of the assessment as the site is visually separated from the AONB by topography. The SoS expects that the ES should contain confirmation that the stacks required as part of the development, which will be up to 60m in height, will not be visible from the AONB. On the basis of providing such confirmation, the SoS agrees that these impacts may be scoped out of the assessment.
- 3.14 Whilst the SoS has not agreed to scope out certain topics or matters within the Opinion on the basis of the information available at the time, this does not prevent the applicant from subsequently agreeing with the relevant consultees to scope matters out of the ES, where further evidence has been provided to justify this approach. This approach should be explained fully in the ES.
- 3.15 In order to demonstrate that topics have not simply been overlooked, where topics are scoped out prior to submission of the DCO application, the ES should still explain the reasoning and justify the approach taken.

## National Policy Statements (NPSs)

- 3.16 Sector specific NPSs are produced by the relevant Government Departments and set out national policy for nationally significant infrastructure projects (NSIPs). They provide the framework within which the Examining Authority will make their recommendations to the Secretary of State and include the Government's objectives for the development of NSIPs.
- 3.17 The relevant NPSs [EN-1, EN-2, EN-4 and EN-5] for the proposed development set out both the generic and technology-specific impacts that should be considered in the EIA for the proposed development. When undertaking the EIA, the applicant must have regard to both the generic and technology-specific impacts and identify how these impacts have been assessed in the ES.
- 3.18 The Secretary of State must have regard to any matter that the Secretary of State thinks is important and relevant to the Secretary of State's decision. This could include the draft NPS if the relevant NPS has not been formally designated.

## Environmental Statement - Structure

- 3.19 Section 4.2 of the Scoping Report sets out the proposed structure of the ES on which the applicant seeks the opinion of the SoS.
- 3.20 The SoS notes that from the ES structure table (Scoping Report Table 4.1) that the EIA would cover a number of assessments under the broad headings of:
- Air Quality
  - Noise and Vibration
  - Ecology
  - Water Quality and Resources
  - Geology, Ground Conditions and Agriculture
  - Landscape and Visual
  - Traffic, Transport and Access
  - Cultural Heritage and Archaeology; and
  - Socio-Economics
- 3.21 The SoS recommends that the ES should include a description of how waste generated by the proposed development will be dealt with. The SoS also recommends that the potential impacts of electric and magnetic fields are addressed within the ES. The SoS draws the applicant's attention to the comments of Public Health England on this subject.

## Topic Areas

### **Air Quality** (see Scoping Report Section 5.3)

- 3.22 The nearest Air Quality Management Area (AQMA) is Swansea AQMA; it lies approximately 4.5 km from the Project Site and has been declared primarily on the basis of traffic related nitrogen dioxide (NO<sub>2</sub>). The SoS considers that adverse change to air quality should be assessed in relation to compliance with European air quality limit values and any impact upon AQMAs.
- 3.23 The SoS considers that the site lies within a sensitive area that includes nationally and European-designated wildlife sites. Within 10 km of the site there are twenty SSSI's, 1 SPA, 2 SAC's, 1 National Nature Reserve and 23 SINCS, the potential impacts on which should be carefully assessed. There is the need to consider potential related effects due to an increase in airborne pollution including fugitive dust especially during site preparation, demolition and construction.

- 3.24 The ES should also include an assessment of potential air quality impacts on the Lower Lliw Reservoir as a result of both deposition and affected rainfall. The SoS notes the comments of Dwr Cymru (Welsh Water) in this respect.
- 3.25 The air quality assessment should use the APIS critical load function tool in order to calculate acid deposition process contributions/exceedances. The SoS draws attention to the comments of NRW in this respect.
- 3.26 The assessment should take account of the air emissions from the proposed development and emissions related to vehicular movements associated with the proposal. The SoS recommends that the implications of stack height and dispersion of the discharge be clearly explained within the ES.
- 3.27 The SoS recommends that the applicant agrees all modelling receptor locations with the City and County of Swansea and also that the applicant consults the City and County of Swansea regarding the proposed data inputs for the air quality model.
- 3.28 The SoS recommends that the applicant agrees which pollutants are to be modelled and the meteorological data to be used with the City and County of Swansea.
- 3.29 The SoS recommends that dispersion modelling considers a range of possibilities and seeks to ensure that the 'worst case' scenario is assessed, for example the 'worst case' may occur as a short term impact. There are a number of residential receptors within 1 km of the project site and suitable receptor locations for modelling purposes should be agreed with the relevant local authority and NRW. This may need to extend to densely populated areas just outside of the proposed study area. The SoS notes the comments of NRW in relation to the village of Llangyfelach in this respect. The SoS recommends that the applicant consider extending the proposed air quality study area to incorporate this village.
- 3.30 The SoS recommends that air quality and dust levels are considered not only on site but also off site, including along access roads, local footpaths and other public rights of way. Consideration should also be given to appropriate mitigation measures and to monitoring dust complaints.
- 3.31 The SoS recommends that the applicant works toward submitting their Environmental Permit application at least six months prior to the submission of their DCO application.

#### **Noise and Vibration (see Scoping Report Section 5.4)**

- 3.32 The SoS welcomes that the noise and vibration assessment methodology will accord with NPS EN-1 and will be agreed with the appropriate EHO at the City and County of Swansea.



The SoS notes the intention for noise monitoring locations for the baseline assessment to be agreed with the local EHO but draws attention to the comment from NRW that the discussion on noise monitoring also needs to be communicated to NRW with particular reference to an A1 EPR permit which will include noise conditions.

- 3.33 The SoS draws attention to the comments of NRW regarding the requirements of the Environmental Noise Directive, and the Environmental Noise (Wales) (Amendment) Regulations 2009, which have introduced a 'Noise Action Plan for Wales.' This covers industrial noise sources, impacts on designated Quiet Areas and the impact of creeping background, and should be taken into consideration by the applicant.
- 3.34 The SoS recommends that information be provided on the types of vehicles and plant to be used during the construction phase. Noise impacts on people should specifically be addressed and in particular any potential noise disturbance at night and other unsocial hours such as weekends and public holidays.
- 3.35 The SoS welcomes that the CEMP will set out best practice methods of limiting noise and vibration on site during construction and decommissioning.
- 3.36 The SoS recommends that the noise and vibration assessment takes account of traffic movements along access routes during the construction phase.
- 3.37 The noise assessment should accurately identify the proximity of the identified noise sensitive receptors to the proposed development. With regards to the operational noise assessment, this should cover all modes of operation of the proposed development. The applicant's attention is drawn to NRW's comments in these respects.

### **Ecology** (see Scoping Report Section 5.5)

- 3.38 The SoS recommends that surveys are thorough, up to date and take account of other development proposed in the vicinity. The SoS notes the comments from NRW in support of the proposed further species surveys as proposed in the Phase 1 Habitat Survey; these surveys should follow best practice, current guidelines and be carried out by suitably qualified ecologists at appropriate times of the year. These should include surveys for otter in accordance with the recommendations of NRW. The SoS notes that the proposed development is within 10km of three European sites: Burry Inlet Ramsar Site and SPA, Carmarthen Bay and Estuaries SAC and Crymlyn Bog Ramsar Site and SAC.
- 3.39 The SoS directs the applicant to the comments of the City and County of Wales regarding the Afon Llan and its links to the Loughor Estuary / Burry Inlet.

The SoS recommends that the assessment considers any potential impacts on the nature conservation sites in this area. The SoS welcomes that the assessment will be carried out in accordance with NPS EN-1 and that the results of the Phase 1 Habitat Survey have informed which Phase 2 protected species surveys will be carried out.

- 3.40 The SoS notes the comments from NRW welcoming the re-surveying of the locally significant habitats in Spring/Summer, and expects there to be discussions with the Planning Ecologist for the local planning authority with regards to sensitive siting of the development to mitigate impacts to nature conservation interests. The SoS recommends that the proposals should fully address the need to protect and enhance biodiversity. The assessment should cover habitats species and processes.
- 3.41 The assessment should take into account air quality (including dust) and noise and vibration impacts, and cross reference should be made to these specialist reports.
- 3.42 The SoS welcomes that the CEMP will set out best practice methods of limiting effects on ecology and biodiversity during construction and decommissioning and that further specific mitigation measures will include the consideration of the provision of new habitat to suitably replace any habitat areas that would be permanently lost through the development of the project.
- 3.43 The SoS notes the comments of NRW regarding the presence of peat on site, and expects the ES to contain further clarification about the location of the peat and the impact of the proposed development upon it.
- 3.44 The SoS notes the comments of NRW regarding the potential impact to local watercourses and recommends the maintenance of open watercourses with wide buffer strips in the design of the development.

### **Water Quality and Resources** (see Scoping Report Section 5.6)

- 3.45 The SoS welcomes that the applicant intends to consult both NRW and the Lead Local Flood Authority (LLFA) on the Flood Consequences Assessment. The SoS notes the comments of NRW that the assessment should include consideration of surface water drainage impacts and options for improving site surface water drainage to prevent localised flooding during extreme rainfall events.
- 3.46 The SoS recommends that the applicant considers temporary attenuation ponds to allow adequate settlement of site generated run-off during the construction and decommissioning phases of the development.

The SoS draws the attention of the applicant to NRW's comments that silt fencing, scour protection and Sedimats alone have been proven ineffective in this catchment due to its flashy nature.

- 3.47 The SoS recommends that the applicant ensures that it can be demonstrated that the surface water disposal scheme would cause no harm to local watercourses upon discharge.
- 3.48 The SoS welcomes that the CEMP will set out best practice methods of limiting impacts and on water quality and resources during construction and decommissioning.
- 3.49 The SoS notes the concerns of NRW regarding how sewage and waste waters would be managed at the site, the SoS recommends that details of proposed discharges are provided within the ES.
- 3.50 The SoS welcomes that during construction, operation and decommissioning silt raps and oil interceptors would be placed in drains on the site.
- 3.51 The SoS notes the applicant's intention to use SuDS if required and to minimise the amount of biocides used.
- 3.52 The SoS welcomes that oil and chemical storage tanks and drum storage areas are to be surrounded by an impermeable bund sized to contain 110% of capacity.
- 3.53 The SoS notes that NRW would set limits on the quantity of water that is discharged from the Power Generation Plant under an Environmental Permit.
- 3.54 The SoS notes the concerns of NRW regarding cooling water, it should be stated within the ES whether any cooling water would be required and if so where it would be derived from and discharged to.
- 3.55 The SoS notes the concerns of Dwr Cymru (Welsh Water) regarding the potential impact of the development on water quality within the Lower Lliw Reservoir. It is recommended that the applicant assesses potential impacts on this reservoir including potential impacts from deposition and affected rainfall.
- 3.56 The SoS recommends that the applicant consults Dwr Cymru regarding the 48" strategic water main that crosses the application site.

**Geology, Ground Conditions and Agriculture** (see Scoping Report Section 5.7)

- 3.57 The SoS welcomes that the assessment will follow the DEFRA / EA publication Contaminated Land Report 11, 2004 'Model Procedures for the Management of Land Contamination'.

- 3.58 The SoS welcomes that the CEMP will include best practice methods of limiting impacts on the land during both construction and decommissioning.
- 3.59 The SoS welcomes that any soils, sub-soils or aggregate suitable for reuse will be stockpiled on impermeable liners.
- 3.60 The SoS welcomes that the foundations of the development will be designed so as not to present a preferential pathway for contaminant migration if present at the project site. The SoS notes that this consideration should be extended to other works forming part of the development, including underground gas and electricity connections.
- 3.61 The SoS draws the attention of the applicant to the comments of the Coal Authority indicating that the site is in a Development High Risk Area, as the site has been subject to past coal mining activity and is located within an area of surface coal resource.
- 3.62 The SoS recommends that the applicant takes into consideration the location and stability of abandoned mine entries, the extent and stability of shallow mine workings, outcropping coal seams, unrecorded mine workings, hydrogeology, minewater and minegas.
- 3.63 The SoS recommends that the applicant consider, if surface coal resources are present, whether prior extraction of the mineral resource is practical and viable. The applicant should also consider whether Coal Authority permission is required to intersect, enter, or disturb any coal or coal workings during site investigation or development work.

### **Landscape and Visual** (see Scoping Report Section 5.8)

- 3.64 The SoS welcomes that the assessment will be carried out in accordance with NPS EN-1, using the methodology set out in the Guidelines for Landscape and Visual Impact Assessment (3<sup>rd</sup> Edition, 2013).
- 3.65 The SoS notes that there are a number of residential receptors within 1 km of the project site including those in the nearby settlements of Morriston, Pant-Iasau and Llwynceilyn, Felindre, there are also 19 isolated dwellings or farmsteads. National Grid's two 400kV electrical substations and Felindre Gas Compressor Station lie in the western extent of the project site. Team Force Swansea Paintball Centre and a skip hire business as well as the M4 motorway lie approximately 1.5 km to the south.
- 3.66 The SoS welcomes the use of photomontages for key sensitive viewpoints. The SoS notes NRW's offer to provide advice on selected viewpoints and recommends consultation with both NRW and the City and County of Swansea on selected viewpoints.

Consideration should also be given to potential views from Brecon Beacons National Park and the National Park Authority should be consulted about viewpoints, given that the proposed development includes stacks up to 60m in height.

- 3.67 The SoS recommends that the applicant provides a description of existing landscape interests within and in the vicinity of the proposed development site.
- 3.68 The SoS recommends that lighting impacts be considered in the ES.
- 3.69 The SoS recommends that the applicant consider the inclusion of the following developments identified by the City and County of Swansea within the cumulative assessment:
- Planning Application 2012/1221 Mynydd y Gwair Wind Farm - Installation of 16 wind turbines (maximum height to blade tip of 127 metres with a hub height of 80 metres), with a maximum generating capacity of 48MW, associated tracks and ancillary infrastructure (including permanent and temporary anemometer masts, electrical substation compound, hardstandings, transformers and underground cabling) and construction of new access track from A48 (Bolgoed Road at Pontarddulais) (approximately 14.54km in length) incorporating improvements to 3.9km of existing road across Mynydd Pysgodlyn – Planning Permission March, 2013
  - Planning Application 2006/0773 Felindre Business Park - Outline Planning Permission has been granted for a strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads; and
  - Planning Application 2014/1022 Solar park consisting of 47,000 solar panels with the installed capacity of 12.69 MW on land at Brynwhilach Farm.
- 3.70 The SoS also recommends that the proposed sustainable urban village at Felindre is considered within the assessment.
- 3.71 The SoS notes the comments of the Civil Aviation Authority (CAA) with regard to the proposed development. It is recommended that the applicant takes into account any concerns raised by the relevant aerodrome license holders / operators.
- 3.72 It is recommended that the applicant gives consideration to whether there would be any need for aviation warning lighting. The applicant should also seek the opinion of the local emergency services air support units.

- 3.73 The SoS draws the attention of the applicant to the comments of National Grid Electricity Transmission Plc in regard to the four high voltage electricity overhead transmission line which lie within the proposed order limits. The applicant should note National Grids right of access to maintain, repair and inspect their asset, the need to maintain the statutory electrical safety clearances at all times and the requirement that no permanent structures are built directly beneath overhead lines.
- 3.74 The SoS recommends that site staff should have an awareness of the Health and Safety Executive's guidance in relation to working safely near existing overhead lines Guidance Note GS 6 'Avoidance of Danger from Overhead Electric Lines'. Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any high voltage conductors when those conductors are in their worst conditions of maximum 'sag' and 'swing'.
- 3.75 The SoS recommends that where any landscaping is proposed, only slow and low growing species of trees and scrubs should be planted beneath and adjacent to the existing transmission line. The applicant should note that drilling and excavation work should not be undertaken if it has the potential to disturb or adversely affect the foundations of an existing tower.
- 3.76 The SoS notes the comments of National Grid Gas Plc in regard to the three existing gas pipelines and associated equipment which lie in close proximity to the proposed order limits. The applicant should remain aware that National Grid has a Deed of Grant of Easement for each pipeline, preventing the erection of permanent or temporary buildings or structures, changes to existing ground levels, storage of materials etc.
- 3.77 The SoS recommends that where construction traffic can not use existing roads it is agreed with National Grid at which locations construction traffic would cross any pipelines. The applicant should also note that written permission is required from National Grid before any works can commence in the National Grid easement strip.
- 3.78 The SoS recommends that the applicant takes note of National Grids requirements regarding the laying of cables across any pipeline as appropriate.
- 3.79 The SoS recommends that the applicant has an awareness of the Health and Safety Executive's guidance document HS(G) 47 'Avoiding Danger from Underground Services' and National Grid's specification for Safe Working in the vicinity of National Grid High Pressure gas pipelines and associated installations – requirements for third parties T/SP/SSW22.

- 3.80 The SoS notes that any excavations within 3m of a National Grid High Pressure Pipeline or within 10m of an above ground installation the exact depth and position of the pipeline will need to be confirmed on site under the supervision of a National Grid representative.
- 3.81 The SoS notes the comments made by the Health and Safety Executive in relation to electrical safety, it is recommended that it is ensured that the proposed design and future operations are compliant with the Electricity at Work Regulations 1989 and the Electricity, Safety, Continuity and Quality Regulations 2002 as amended.
- 3.82 The SoS notes the comments of Network Rail in regard to the installation of any cables under or over the railway, any methods of electricity transmissions across Network Rail's land or any access rights temporary or otherwise. Where applicable the applicant will be required to gain property agreements with Network Rail's Easements and Wayleaves Team.

**Traffic, Transport and Access** (see Scoping Report Section 5.9)

- 3.83 The SoS welcomes that the assessment will be undertaken in accordance with the 'Welsh Transport Planning and Appraisal Guidance (Wel TAG) and the Institute of Environmental Assessment's (IEA) 'Guidelines for the Environmental Assessment of Road Traffic' (1993).
- 3.84 The SoS welcomes that the CEMP will set out best practice methods of limiting impacts during construction and decommissioning.
- 3.85 The SoS welcomes that opportunities for reducing traffic movements will be explored such as car share schemes or shift working.
- 3.86 The SoS welcomes that proposed measures to improve access by public transport, walking and cycling will be provided for the operational phase.
- 3.87 The SoS recommends that the applicant consults Network Rail's Asset Protection Engineers if the development could result in abnormal loads using routes that include Network Rail assets such as level crossings / bridges etc.

**Cultural Heritage and Archaeology** (see Scoping Report Section 5.10)

- 3.88 The SoS notes that there are 17 Scheduled Monuments within 5 km of the project site there are also two conservation areas one Grade I and seven Grade II listed buildings and three Grade II Historic Parks and Gardens.

- 3.89 The SoS welcomes that the assessment will be carried out in accordance with NPS EN-1.
- 3.90 The SoS notes that the applicant may provide screen planting should the project give rise to any adverse impact on above ground heritage assets.
- 3.91 The SoS recommends the inclusion of aerial photographs within search information and draws the applicant's attention to the comments of Cadw in this regard.
- 3.92 The SoS directs the applicant to Cadw's comment regarding the referenced Standard and Guidance for Archaeological Assessment (2011) being superseded by the Standard and Guidance for historic environment desk-based assessment (2012).
- 3.93 The SoS notes the comments of Cadw in regard to the assessment on the setting of designated assets, it is recommended that photographs from each asset towards the development be produced and where an adverse impact is thought likely to occur a photomontage should be produced.
- 3.94 The SoS directs the applicant to Cadw's comment regarding the reference to Registered Battlefields; as not applicable in Wales this reference should be removed, but the ES should include consideration of potential impacts to Registered Historic Landscapes.
- 3.95 The SoS recommends that tranquillity be added to the list of factors considered relevant when assessing impacts on setting.

**Socio Economics** (see Scoping Report Section 5.11)

- 3.96 The SoS notes that the applicant intends to employ between 150 and 250 personnel and that subject to procurement rules it is anticipated that as many as possible of these staff will be recruited locally.
- 3.97 The SoS notes that the operation of the generating equipment will require up to 15 full time staff over the lifetime of the project working in shifts and that in addition there will be indirect jobs for contracted engineering staff during regular maintenance shutdowns and maintenance of the Gas and Electrical connections.
- 3.98 The SoS welcomes that the assessment will be carried out in accordance with NPS EN-1 and will consider all relevant socio-economic impacts such as tourism, influxes of workers and cumulative impacts.
- 3.99 The SoS welcomes that during construction, operation and decommissioning an effort will be made to use local goods and services, wherever possible.



3.100 The SoS recommends that the applicant provides justification for this choice of simple cycle gas turbine within the ES and directs the applicant to the comments of NRW indicating that this turbine choice is not considered to represent Best Available Technique (BAT).

## 4.0 OTHER INFORMATION

- 4.1 This section does not form part of the SoS's Opinion as to the information to be provided in the environmental statement. However, it does respond to other issues that the SoS has identified which may help to inform the preparation of the application for the DCO.

### Habitats Regulations Assessment (HRA)

- 4.2 The applicant's attention is drawn to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (The APFP Regulations) and the need to include information identifying European sites to which the Habitats Regulations applies or any Ramsar site or potential SPA which may be affected by a proposal. The SoS notes that Burry Inlet Ramsar Site and SPA, Carmarthen Bay and Estuaries SAC and Crymlyn Bog Ramsar Site and SAC are all located within 10km of the proposed development site. The submitted information should be sufficient for the Competent Authority (CA) to make an appropriate assessment (AA) of the implications for the site if required by Regulation 61(1) of the Habitats Regulations. The applicant should note that the CA is the SoS.
- 4.3 The report to be submitted under Regulation 5(2)(g) of the APFP Regulations with the application must deal with two issues: the first is to enable a formal assessment by the CA of whether there is a likely significant effect; and the second, should it be required, is to enable the carrying out of an AA by the CA.
- 4.4 When considering aspects of the environment likely to be affected by the proposed development; including flora, fauna, soil, water, air and the inter-relationship between these, consideration should be given to the designated sites in the vicinity of the proposed development.

### Sites of Special Scientific Interest (SSSIs)

- 4.5 The Secretary of State notes that two SSSIs are located within 5km of the proposed development; Nant y Crimp SSSI and Penplas grasslands SSSI. Where there may be potential impacts on the SSSIs, the SoS has duties under sections 28(G) and 28(I) of the Wildlife and Countryside Act 1981 (as amended) (the W&C Act). These are set out below for information.
- 4.6 Under s28(G), the SoS has a general duty '... to take reasonable steps, consistent with the proper exercise of the authority's functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest'.

- 4.7 Under s28(I), the SoS must notify the relevant nature conservation body (NCB), NRW in this case, before authorising the carrying out of operations likely to damage the special interest features of a SSSI. Under these circumstances 28 days must elapse before deciding whether to grant consent, and the SoS must take account of any advice received from the NCB, including advice on attaching conditions to the consent. The NCB will be notified during the examination period.
- 4.8 If applicants consider it likely that notification may be necessary under s28(I), they are advised to resolve any issues with the NCB before the DCO application is submitted to the SoS. If, following assessment by applicants, it is considered that operations affecting the SSSI will not lead to damage of the special interest features, applicants should make this clear in the ES. The application documents submitted in accordance with Regulation 5(2)(I) could also provide this information. Applicants should seek to agree with the NCB the DCO requirements which will provide protection for the SSSI before the DCO application is submitted.

### European Protected Species (EPS)

- 4.9 Applicants should be aware that the decision maker under the Planning Act 2008 (PA 2008) has, as the CA, a duty to engage with the Habitats Directive. Where a potential risk to an EPS is identified, and before making a decision to grant development consent, the CA must, amongst other things, address the derogation tests<sup>2</sup> in Regulation 53 of the Habitats Regulations. Therefore the applicant may wish to provide information which will assist the decision maker to meet this duty.
- 4.10 If an applicant has concluded that an EPS licence is required the ExA will need to understand whether there is any impediment to the licence being granted. The decision to apply for a licence or not will rest with the applicant as the person responsible for commissioning the proposed activity by taking into account the advice of their consultant ecologist.
- 4.11 Applicants are encouraged to consult with NRW and, where required, to agree appropriate requirements to secure necessary mitigation. It would assist the examination if applicants could provide, with the application documents, confirmation from NRW whether any issues have been identified which would prevent the EPS licence being granted.
- 4.12 Generally, NRW are unable to grant an EPS licence in respect of any development until all the necessary consents required have been secured in order to proceed.

---

<sup>2</sup> Key case law re need to consider Article 16 of the Habitats Directive: Woolley vs East Cheshire County Council 2009 and Morge v Hampshire County Council 2010.

For NSIPs, NRW will assess a draft licence application in order to ensure that all the relevant issues have been addressed. Within 30 working days of receipt, NRW will either issue 'a letter of no impediment' stating that it is satisfied, insofar as it can make a judgement, that the proposals presented comply with the regulations or will issue a letter outlining why NRW consider the proposals do not meet licensing requirements and what further information is required before a 'letter of no impediment' can be issued. The applicant is responsible for ensure draft licence applications are satisfactory for the purposes of informing formal pre-application assessment by NRW.

4.13 Ecological conditions on the site may change over time. It will be the applicant's responsibility to ensure information is satisfactory for the purposes of informing the assessment of no detriment to the maintenance of favourable conservation status (FCS) of the population of EPS affected by the proposals<sup>3</sup>. Applicants are advised that current conservation status of populations may or may not be favourable. Demonstration of no detriment to favourable populations may require further survey and/or submission of revised short or long term mitigation or compensation proposals. In Wales, the focus is on evidencing the demonstration of no detriment to the maintenance of favourable conservation status (FCS) of the population or colony of EPS potentially affected by the proposals. This approach will help to ensure no delay in issuing the licence should the DCO application be successful.

4.14 In Wales, assistance may be obtained from NRW's Regional Species Teams. These Teams provide advice on a range of issues concerning EPS including advice on compensation site design, measures to mitigate incidental capture/killing, evidencing compliance and post project surveillance. The service is free of charge and entirely voluntary. Regional Species Teams can be contacted via NRW's Enquiry Service. Further information is available from the following link:

<http://naturalresourceswales.gov.uk/apply-buy-report/apply-buy-grid/protected-species-licensing/european-protected-species-licensing/?lang=en>

## Health Impact Assessment

4.15 The SoS considers that it is a matter for the applicant to decide whether or not to submit a stand-alone Health Impact Assessment (HIA).

---

<sup>3</sup> Key case law in respect of the application of the FCS test at a site level: Hafod Quarry Land Tribunal (Mersey Waste (Holdings) Limited v Wrexham County Borough Council) 2012, and Court of Appeal 2012.

However, the applicant should have regard to the responses received from the relevant consultees regarding health, and in particular to the comments from Public Health England in relation to emissions to air and the Health and Safety Executive in relation to electrical safety issues (see Appendix 2).

- 4.16 The methodology for the HIA, if prepared, should be agreed with the relevant statutory consultees and take into account mitigation measures for acute risks.

## Other regulatory regimes

- 4.17 The SoS recommends that the applicant should state clearly what regulatory areas are addressed in the ES and that the applicant should ensure that all relevant authorisations, licences, permits and consents that are necessary to enable operations to proceed are described in the ES. Also it should be clear that any likely significant effects of the proposed development which may be regulated by other statutory regimes have been properly taken into account in the ES.
- 4.18 It will not necessarily follow that the granting of consent under one regime will ensure consent under another regime. For those consents not capable of being included in an application for consent under the PA 2008, the SoS will require a level of assurance or comfort from the relevant regulatory authorities that the proposal is acceptable and likely to be approved, before they make a recommendation or decision on an application. The applicant is encouraged to make early contact with other regulators. Information from the applicant about progress in obtaining other permits, licences or consents, including any confirmation that there is no obvious reason why these will not subsequently be granted, will be helpful in supporting an application for development consent to the SoS.

## Transboundary Impacts

- 4.19 The SoS has noted that the applicant has not indicated whether the proposed development is likely to have significant impacts on another European Economic Area (EEA) State.
- 4.20 Regulation 24 of the EIA Regulations, which *inter alia* require the SoS to publicise a DCO application if the SoS is of the view that the proposal is likely to have significant effects on the environment of another EEA state and where relevant to consult with the EEA state affected. The SoS considers that where Regulation 24 applies, this is likely to have implications for the examination of a DCO application.

- 4.21 The SoS recommends that the ES should identify whether the proposed development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

# **APPENDIX 1**

## **List of Consultees**





## APPENDIX 1

### LIST OF BODIES FORMALLY CONSULTED DURING THE SCOPING EXERCISE

CONSULTEE	ORGANISATION
<b>SCHEDULE 1</b>	
The Welsh Ministers	Welsh Government
The Health and Safety Executive	Health and Safety Executive
The Relevant Fire and Rescue Authority	Mid and West Wales Fire and Rescue
The Relevant Police and Crime Commissioner	Dyfed-Powys Police
The Relevant Parish Council(s) or Relevant Community Council	Llanedi Community Council
	Pontarddulais Community Council
	Betws Community Council
	Pontardawe Town Council
	Cwmamman Town Council
	Mawr Community Council
	Pontlliw and Tircoed
	Penllergaer
	Llangyfelach
The Equality and Human Rights Commission	Clydach Community Council
	Equality and Human Rights Commission
Royal Commission On Ancient and Historical Monuments Of Wales	Royal Commission On Ancient and Historical Monuments Of Wales
The Natural Resources Body for Wales	Natural Resources Wales
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	City and County of Swansea - Highways
The Passengers Council	Passenger Focus
The Disabled Persons Transport Advisory Committee	Disabled Persons Transport Advisory Committee
The Coal Authority	The Coal Authority
The Office Of Rail Regulation	Office of Rail Regulation (Customer Correspondence Team Manager)
Approved Operator	Network Rail Infrastructure Ltd
Approved Operator	Network Rail (CTRL) Ltd
The Gas and Electricity Markets Authority	OFGEM
The Water Services Regulation Authority	OFWAT
The Canal and River Trust	The Canal and River Trust
Public Health England, an executive agency to the Department of Health	Public Health England

The Relevant Local Resilience forum	Dyfed Powys LRF Partnership Team
The Crown Estate Commissioners	The Crown Estate
The Natural Resources Body for Wales	Natural Resources Wales
The relevant local health board	Abertawe Bro Morgannwg University LHB
The National Health Service Trusts	Health Protection Team Public Health Wales
The National Health Service Trusts	Welsh Ambulance Services Trust
The National Health Service Trusts	Velindre NHS Trust
<b>RELEVANT STATUTORY UNDERTAKERS</b>	
<b>Relevant Statutory Undertakers (s.8 ALA 1981)</b>	
Railway	Network Rail Infrastructure Ltd
Railways	Highways Agency Historical Railways Estate
Water Transport	The Canal and River Trust
Dock	Swansea Port
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route (NERL) Safeguarding
Universal Service Provider	Royal Mail Group
Water and Sewage Undertakers	Dwr Cymru (Welsh Water)
Public Gas Transporter	Energetics Gas Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	LNG Portable Pipeline Services Limited
	National Grid Gas Plc
	National Grid Plc
	Quadrant Pipelines Limited
	SSE Pipelines Ltd
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
Electricity Distributors With CPO Powers	Wales and West Utilities Ltd
	Energetics Electricity Limited
	ESP Electricity Limited
	Independent Power Networks Limited
	The Electricity Network Company Limited

Electricity Transmitters With CPO Powers	National Grid Electricity Transmission Plc
	National Grid Plc
<b>LOCAL AUTHORITIES (SECTION 43)</b>	
A county council, or county borough council , in Wales	Swansea Council
	Neath Port Talbot County Borough Council
	Camarthenshire Council
<b>NON-PRESCRIBED CONSULTATION BODIES</b>	
Welsh Language Commissioner	Welsh Language Commissioner
CADW	Cadw



## **APPENDIX 2**

# **Respondents to Consultation and Copies of Replies**



## APPENDIX 2

### LIST OF BODIES WHO REPLIED BY THE STATUTORY DEADLINE

Betwys Community Council
Cadw
City and County of Swansea
Civil Aviation Authority
Dwr Cymru (Welsh Water)
Energetics Gas Limited
E S Pipelines Ltd, ESP Electricity Ltd, ESP Pipelines Ltd, ESP Connections Ltd and ESP Networks Ltd
Fulcrum Pipelines Limited
GTC Pipelines Limited
Health and Safety Executive
NATs Safeguarding
National Grid Electricity Plc
National Grid Gas Plc
Natural Resources Wales
Neath Port Talbot County Borough Council
Network Rail
Public Health England
The Coal Authority





# Cyngor Cymuned **BETWS** Community Council

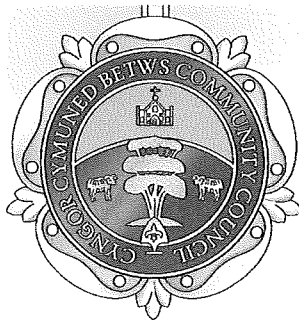
---

**Cerith W Griffiths**  
Clerc i'r Cyngor

77, Heol Cwmfferws  
Tycroes  
Rhydaman  
Sir Gaerfyrddin  
SA18 3TU

Ffôn: 01269 268541

Cyfeiriad e-bost:  
Betwscommunitycouncil@hotmail.co.uk



**Cerith W Griffiths**  
Clerk to the Council

77, Cwmfferws Road  
Tycroes  
Ammanford  
Carmarthenshire  
SA18 3TU

Tel: 01269 268541

Email Address:  
Betwscommunitycouncil@hotmail.co.uk

---

Eich cyf / Your ref: **EN100069**

Fy nghyf / My ref:

Dyddiad / Date: **10<sup>th</sup> July 2014**

The Planning Inspectorate  
3/18, Eagle Wing  
Temple Quay House  
2, The Square  
Bristol  
BS1 6PN

Dear Sir/Madam,

**RE: APPLICATION BY ABERGELLI POWER LTD. FOR AN ORDER GRANTING  
DEVELOPMENT CONSENT FOR THE ABERGELLI POWER PROJECT**

I refer to your letter dated 26<sup>th</sup> June 2014 regarding the above application, and confirm that Betws Community Council have no comments to make.

Yours sincerely

C W Griffiths (Clerk )



**From:** Smailes Baggy <Baggy.Smailes@caa.co.uk>  
**Sent:** 30 June 2014 08:47  
**To:** Environmental Services  
**Subject:** Abergelli Power Project Scoping Comment - EN010069

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sirs,

### **Proposed Abergelli Power Project – Scoping Comment**

Thank you for The Planning Inspectorate's recent correspondence relating to the subject development. The Inspectorate sought related Civil Aviation Authority (CAA) scoping comment; I trust the following is useful.

I note from the Scoping Report (SR) that the tallest associated structures are expected to be between 1 and 5 chimney stacks that would each have a height of up to 60metres (m). On that basis I believe the following (potential) issues are worthy of consideration:

- **Aerodromes.** In respect of any potential aerodrome related issue, I should highlight the need to check any safeguarding maps lodged with relevant planning authorities to identify any aerodrome specific safeguarding issues. To that effect, I note the relatively close proximity of Swansea Airport to the development site. Noting that aerodrome safeguarding responsibility rests in all cases with the relevant aerodrome operator / licensee, not the CAA, it is important that the related viewpoints of any relevant aerodrome license holders / operators is established and any concerns expressed appropriately mitigated.
- **Aviation Warning Lighting:**
  - In the UK, the need for aviation obstruction lighting on 'tall' structures depends in the first instance upon any particular structure's location in relationship to an aerodrome. If the structure constitutes an 'aerodrome obstruction' it is the aerodrome operator that with review the lighting requirement. For civil aerodromes, they will, in general terms, follow the requirements of CAP 168 - Licensing of Aerodromes. This document can be downloaded from the Civil Aviation CAA website at [www.caa.co.uk/docs/33/CAP168.PDF](http://www.caa.co.uk/docs/33/CAP168.PDF) - Chapter 4 (12.8) refers to obstacle lighting.
  - Away from aerodromes Article 219 of the UK Air Navigation Order applies. This Article requires that for en-route obstructions (ie away from aerodromes) lighting only becomes legally mandated for structures of a height of 150m or more. However, structures of lesser height might need aviation obstruction lighting if, by virtue of their location and nature, they are considered a significant navigational hazard.
  - Cranes, whether in situ temporarily or long term are captured by the points heighted above. Note that if a crane is located on top of another structure, it is the overall height (structure + crane) that is relevant.
  - In this case, given the assumed maximum height of 60m, Article 219 would not apply. In the event that there is no aerodrome issue I can advise that the CAA would not in isolation make any case for lighting.
- **Gas Venting and/or Flaring.** It is assumed that the new facility is not intended to vent or flare gas either routinely or as an emergency procedure such as to cause a danger to overlying aircraft. If

that is not the case parties are invited to use myself as an appropriate point of contact for any further related discussion.

- Aviation Promulgation. There is a civil aviation requirement in the UK for all structures over 300 feet high to be charted on aviation maps. It follows that, at 60m (197ft) high, there is no en-route (ie non-aerodrome specific) civil aviation charting requirement. However, if crane usage in the construction phase involves heights of 300ft or more, the temporary structure will need to be appropriately notified. For temporary structures this notification can be achieved through the publication of a **Notice to Airmen** (NOTAM). If needed by virtue of temporary use of cranes such that the 300ft threshold is breached a NOTAM can be arranged through the developer providing related details to the CAA's Airspace Utilisation Section ([ausops@caa.co.uk](mailto:ausops@caa.co.uk) / 0207 453 6599).
- Military Aviation. For completeness, the Ministry of Defence position in regards to the proposed development and military aviation activity should be established.
- I should also add that that due to the unique nature of associated operations in respect of operating altitudes and potentially unusual landing sites, it would also be sensible to establish the related viewpoint of local emergency services air support units.

I believe that any associated Environmental Statement / Development Consent Order (or equivalent / similar) would be expected to acknowledge and where applicable address the issues highlighted above and accordingly the scoping opinion should make related comment.

Whilst none of the above negates any aforementioned need to consult in line with Government requirements associated with the safeguarding of aerodromes and other technical sites (Government Circular 1/2003 refers), I hope this information matches your requirements. Please do not hesitate to get in touch if you require any further comment or needs clarification of any point.

**Mark Smailes**

Airspace Regulator  
Safety and Airspace Regulation Group  
Civil Aviation Authority  
CAA House  
45-59 Kingsway  
London WC2B 6TE  
Tel: 0207 453 6545

\*\*\*\*\*

**Before Printing consider the environment.**

This e-mail and any attachment(s) are for authorised use by the intended recipient(s) only. It may contain proprietary material, confidential information and/or be subject to legal privilege. If you are not an intended recipient then please promptly delete this e-mail, as well as any associated attachment(s) and inform the sender. It should not be copied, disclosed to, retained or used by, any other party.  
Thank you.

Please note that all e-mail messages sent to the Civil Aviation Authority are subject to monitoring / interception for lawful business



Plas Carew, Uned 5/7 Cefn Coed  
Parc Nantgarw, Caerdydd CF15 7QQ  
Ffôn 01443 336000 Ffacs 01443 336001  
Ebost cadw@wales.gsi.gov.uk  
Gwefan www.cadw.wales.gov.uk

Plas Carew, Unit 5/7 Cefn Coed  
Parc Nantgarw, Cardiff CF15 7QQ  
Tel 01443 336000 Fax 01443 336001  
Email cadw@wales.gsi.gov.uk  
Web www.cadw.wales.gov.uk

Jenny Colfer  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Eich cyfeirnod Your reference	EN010069
Ein cyfeirnod Our reference	AD
Dyddiad Date	24 July 2014
Llinell uniongyrchol Direct line	01443 336097
Ebost Email:	Adele.davies42@wales.gsi.gov.uk

Dear Ms Colfer

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS AMENDED) –  
REGULATION 8**

**APPLICATION BY ABERGELLI POWER LIMITED FOR AN ORDER GRANTING  
DEVELOPMENT CONSENT FOR THE ABERGELLI POWER PROJECT**

**SCOPING CONSULTATION WITH NON PRESCRIBED CONSULTATION BODIES**

Thank you for your letter of 26 June 2014 inviting Cadw's comments on the above.

This consultation is in regard to the scoping of the Cultural Heritage and Archaeology section of an Environmental Impact Assessment for a proposed Power Station.

The designated historic assets listed in the document as being inside 5km of the application area concurs with the information on Cadw's database.

In section 10.5.7 searches should include aerial photographs as held by Central Register of Air Photography for Wales and also LiDAR information held by National Resources Wales.

Section 5.10.8 Standard and Guidance for archaeological assessment (Institute for Archaeologists 2011) has been superseded by Standard and Guidance for historic environment desk-based assessment (Institute for Archaeologists 2012) and the work should be undertaken in accordance with that document.

Section 5.10.11 In order to assist the assessment on the setting of designated assets, photographs from each asset towards the development site should be produced. Where it is clear that an adverse impact will occur than a photomontage should be produced.

Section 5.10.12 Registered Battlefields should be removed from this list as no such register exists in Wales, although Registered Historic Landscapes should be added.



Section 5.10.14 Tranquillity should be added to this list.

Finally, as the work required to determine the magnitude of impact will need to be assessed using professional judgement by a competent expert, it is strongly recommended that this work should be undertaken by a Member of the Institute for Archaeologists (IfA) and ideally an IfA registered organisation.

Yours sincerely

A solid black rectangular box used to redact the signature of Adele Davies.

Adele Davies  
Diogelu a Pholisi/ Protection and Policy

## Hannah Nelson

---

**From:** Alan Slee <alans@espipelines.com>  
**Sent:** 28 July 2014 15:59  
**To:** Environmental Services  
**Subject:** RE: Reference: PE126442. Plant Not Affected Notice from ES Pipelines

Dear Jenny,

Thanks for your call and this often raises some confusion. ESP Gas Group has been renamed ESP Utilities Group Limited and this standard response template is embedded in our database and is subject to revision at some stage soon on the next update tranche. The company status has not changed in as much that ESP Utilities Group Ltd consists of the 5 licensed companies (referred to as 'subsidiary brands' on our website) consisting E S Pipelines Ltd, ESP Electricity Ltd, ESP Pipelines Ltd, ESP Connections Ltd and ESP Networks Ltd. They are all operated from our offices in Leatherhead and to avoid confusion and multiple and voluminous copies prefer to respond in 'bulk'. All our asset data is held at one location and the response is based upon a companywide search incorporating all gas and electricity assets that we own and manage and that fall under our statutory undertakers obligations.

Regards,

**Alan Slee**  
Operations Manager

DD 01372 227567  
Mobile 07766 802070  
Fax 01372 386203  
[www.esputilities.com](http://www.esputilities.com)

---

**From:** Environmental Services [mailto:EnvironmentalServices@infrastructure.gsi.gov.uk]  
**Sent:** 28 July 2014 15:54  
**To:** Alan Slee  
**Subject:** RE: Reference: PE126442. Plant Not Affected Notice from ES Pipelines

Dear Mr Slee

Thank you for your response to the scoping consultation in relation to the Abergelli Power Project. Please can you confirm by reply to this email that you are responding on behalf of E S Pipelines Ltd, ESP Electricity Ltd, ESP Pipelines Ltd, ESP Connections Ltd and ESP Networks Ltd.

Kind Regards

Jenny

Jenny Colfer  
Senior EIA and Land Rights Advisor  
Major Applications and Plans

The Planning Inspectorate, 3/18 Eagle Wing, Temple Quay House, Temple Quay,  
Bristol BS1 6PN

Direct Line: 0303 444 5532  
Helpline: 0303 444 5000  
Email: [jenny.colfer@pins.gsi.gov.uk](mailto:jenny.colfer@pins.gsi.gov.uk)

Web: [www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate) (Planning Inspectorate casework and appeals)

Web: [www.planningportal.gov.uk/infrastructure](http://www.planningportal.gov.uk/infrastructure) (Planning Inspectorate's National Infrastructure Planning portal)

Twitter: [@PINSgov](https://twitter.com/PINSgov)

This communication does not constitute legal advice.

Please view our [Information Charter](#) before sending information to the Planning Inspectorate.

---

**From:** ES Pipelines [<mailto:email@espipelines.com>]

**Sent:** 01 July 2014 11:41

**To:** Environmental Services

**Subject:** Reference: PE126442. Plant Not Affected Notice from ES Pipelines

Environmental Services  
The Planning Inspectorate

1 July 2014

Reference: EN010069 Abergelli Power Project Scoping Consultat

Dear Sir/Madam,

Thank you for your recent plant enquiry at: Abergelli Power Project

I can confirm that ESP Gas Group Ltd has no gas or electricity apparatus in the vicinity of this site address and will not be affected by your proposed works.

ESP are continually laying new gas and electricity networks and this notification is valid for 90 days from the date of this letter. If your proposed works start after this period of time, please re-submit your enquiry.

**Important Notice**

Please be advised that any enquiries for ESP Connections Ltd, formerly known as British Gas Connections Ltd, should be sent directly to us at the address shown above or alternatively you can email us at: [PlantResponses@espipelines.com](mailto:PlantResponses@espipelines.com)

Yours faithfully,



Alan Slee  
**Operations Manager**

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.  
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

\*\*\*\*\*

\*\*\*\*\*

This email and any files transmitted with it are private and intended solely for the use of the individual or entity to which they are addressed. If you are not the intended recipient the E-mail and any files have been transmitted to you in error and any copying, distribution or other use of the information contained in them is strictly prohibited.

Nothing in this E-mail message amounts to a contractual or other legal commitment on the part of the Government unless confirmed by a communication signed on behalf of the Secretary of State.

The Department's computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system and for other lawful purposes.

Correspondents should note that all communications from Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

\*\*\*\*\*

The original of this email was scanned for viruses by the Government Secure Intranet virus scanning service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) This email has been certified virus free.  
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.  
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.



## Hannah Nelson

---

**From:** Claire Ferguson <claire.ferguson@energetics-uk.com>  
**Sent:** 27 June 2014 11:48  
**To:** Environmental Services  
**Subject:** EN010069

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam,

Thank you for submitting your recent plant enquiry.

Based on the information provided, I can confirm that Energetics **does not** have any plant within the area(s) specified in your request.

Please be advised that it may take around 10 working days to process enquiries. In the unlikely event that you have been waiting longer than 10 working days, or require further assistance with outstanding enquiries, please call 01698 404945.

Please ensure all plant enquiries are sent to [plantenquiries@energetics-uk.com](mailto:plantenquiries@energetics-uk.com)

Regards

**Claire Ferguson**

Technical Clerical Team

Energetics Design & Build  
International House  
Stanley Boulevard  
Hamilton International Technology Park  
Glasgow  
G72 0BN

t: 01698 404979

f: 01698 404940

e: [claire.ferguson@energetics-uk.com](mailto:claire.ferguson@energetics-uk.com)

w: [www.energetics-uk.com](http://www.energetics-uk.com)

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.  
Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.



## Hannah Nelson

---

**From:** Penlington, Graham <Graham.Penlington@fulcrum.co.uk> on behalf of &box\_FPLplantprotection\_conx, <FPLplantprotection@fulcrum.co.uk>  
**Sent:** 02 July 2014 16:27  
**To:** Environmental Services  
**Subject:** RE: EN010069 Abergelli Power Project Scoping Consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for asking Fulcrum Pipelines Limited to examine your consultation document for the above project.

We can confirm that Fulcrum Pipelines Limited have no comments to make on this scoping report. Please note that we are constantly adding to our underground assets and would strongly advise that we are consulted prior to undertaking any excavations.

Please note that other gas transporters may have plant in this locality which could be affected.

We will always make every effort to help you where we can, but Fulcrum Pipelines Limited will not be held responsible for any incident or accident arising from the use of the information associated with this search. The details provided are given in good faith, but no liability whatsoever can be accepted in respect thereof.

If you need any help or information simply contact Fulcrum on 0845 641 3060

To save you time, any future requests for information about our plant, can be emailed to [FPLplantprotection@fulcrum.co.uk](mailto:FPLplantprotection@fulcrum.co.uk)

GRAHAM PENLINGTON  
Process Assistant



Tel: 0845 641 3060  
Direct Dial: 01142 804 175  
Email: [Graham.Penlington@fulcrum.co.uk](mailto:Graham.Penlington@fulcrum.co.uk)  
Web: [www.fulcrum.co.uk](http://www.fulcrum.co.uk)



## FULCRUM NEWS

### FULCRUM ENGINEER SCOOPS TOP GAS INDUSTRY AWARD

Fulcrum's Paul Leighton named as the UK gas industry's 2014 Engineer of The Year. [Learn more.](#)

### FULCRUM TOASTS SUCCESSFUL COMPLETION OF HISTORIC £7.6MILLION, 16 MILE GAS PIPELINE

16-mile link to Scotland's main gas network completed six-months ahead of schedule despite winter temperatures of -12°C. [Learn more.](#)



## Hannah Nelson

---

**From:** Tom.Anderson@gtc-uk.co.uk  
**Sent:** 27 June 2014 10:56  
**To:** Environmental Services  
**Subject:** EN010069

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi

With regard to the above ref we have no comment to make

Kind Regards

Tom Anderson  
Engineering Support Officer

GTC  
Engineering  
Energy House  
Woolpit Business Park  
Woolpit  
Bury St. Edmunds  
Suffolk  
IP30 9UP  
Tel: 01359 243376 (ext. 3376)  
Fax: 01359 244046  
Email: [tom.anderson@gtc-uk.co.uk](mailto:tom.anderson@gtc-uk.co.uk)  
Web: [www.gtc-uk.co.uk](http://www.gtc-uk.co.uk)

### NOTE:

This E-Mail originates from GTC, Energy House, Woolpit Business Park, Woolpit, Bury St Edmunds, Suffolk, IP30 9UP

VAT Number: GB688 8971 40. Registered No: 029431.

### DISCLAIMER

The information in this E-Mail and in any attachments is confidential and may be privileged. If you are not the intended recipient, please destroy this message, delete any copies held on your system and notify the sender immediately. You should not retain, copy or use this E-Mail for any purpose, nor disclose all or any part of its content to any other person. Whilst we run antivirus software on Internet E-Mails, we are not liable for any loss or damage. The recipient is advised to run their own up to date antivirus software.

Thank you

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

\*\*\*\*\*





HID Policy - Land Use Planning  
NSIP Consultations  
Building 5.S.2, Redgrave Court  
Merton Road, Bootle  
Merseyside, L20 7HS

Your ref: EN010069  
Our ref: 4.2.1.4172

HSE email: [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk)

FAO Jenny Colfer  
The Planning Inspectorate  
3/18 Eagle Wing,  
Temple Quay House  
2 The Square, Bristol  
BS1 6PN

Dear Ms Colfer

21st July 2014

**PROPOSED ABERGELLI POWER PROJECT (the project)  
PROPOSAL BY ABERGELLI POWER LTD (the applicant)  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (as amended) – Regulations 8 and 9**

Thank you for your letter of 26<sup>th</sup> June 2014 regarding the information to be provided in an environmental statement relating to the above project.

HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's land use planning advice**

Will the proposed development fall within any of HSE's consultation distances?

By necessity, the proposal will be in close proximity to a number of Major Accident Hazard pipelines located mainly to the north of the proposed site.

If the site has occupied buildings, the positioning should take into account HSE land-use planning guidance (<http://www.hse.gsi.gov.uk/landuseplanning/index.htm>). If these are buildings necessarily considered to be part of the establishment, HSE is unlikely to advise against the proposed development in its current form.

Hazardous Substance Consent

The developer is advised to consider whether storage of hazardous substances is involved and, if so, whether Hazardous Substances Consent would be required. Further information on Hazardous Substances Consent should be sought from the Hazardous Substances Authority.

The presence on, under or above land of certain hazardous substances, at above se threshold quantities (Controlled Quantities), may require Hazardous Substances Consent under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others, for which Consent is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 1992 as amended by the Planning (Control of Major Accident Hazards) Regulations 1999 and The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009 & 2010.

Hazardous Substances Consent would be required if the proposal includes storage or use any of the named or generic categories of substances/preparations at or above the controlled quantities set out in Schedule 1 of these Regulations.

#### Explosives sites

The proposed Abergelli Power Project development does not impinge on the separation distances of any explosives licensed site in the vicinity of the application.

#### **Electrical Safety**

The project involves connections to electrical power distribution systems and has an impact on the existing generation, transmission and distribution assets on the UK mainland. In the light of that, HSE offers the following comments:

As well as satisfying general health and safety legislation (ie the Health and Safety at Work etc Act 1974 and supporting regulations), the proposed design and future operations must comply with the Electricity at Work Regulations 1989 and the Electricity, Safety, Continuity and Quality Regulations 2002 as amended. Generators, distributors, their contractors and others have defined duties in order to protect members of the public from the dangers posed by the electrical equipment used. HSE enforces the safety aspects of these regulations. If you have any doubts about the particular application of these regulations in terms of either the operation or construction of generators, substations, overhead lines or underground cables please contact Mr J C Steed, Principle Specialist Electrical Inspector, either at [john.steed@hse.gsi.gov.uk](mailto:john.steed@hse.gsi.gov.uk) or Rose Court GSW, 2 Southwark Bridge Road, London, SE1 9HS.

Please send any further electronic communication on this project directly to the HSE's designated e-mail account for NSIP applications. Alternatively any hard copy correspondence should be sent to:

Miss Laura Evans  
NSIP Consultations  
5.S.2 Redgrave Court  
Merton Road  
Bootle, Merseyside  
L20 7HS

Yours sincerely,



Laura Evans  
HID Policy - Land Use Planning

3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

SUBMITTED VIA EMAIL TO:  
enviromentalservices@infrastructure.gsi.gov.uk

**Land and Development**

Laura Kelly  
Town Planner  
Laura.kelly@nationalgrid.com  
Direct tel: +44 (0)1926 654686

[www.nationalgrid.com](http://www.nationalgrid.com)

08 July 2014

Your Ref: EN010069

Dear Sir/Madam,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (As Amended)- Regulations 8 and 9**

**Application by Abergelli Power Limited for an order granting development consent for the Abergelli Power Project**

**Scoping consultation and notification of the applicants contact details and duty to make available information to the applicant if requested**

This is a joint response by National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG)

I refer to your letter dated 26<sup>th</sup> June 2014 regarding the above proposed application. Having reviewed the Scoping report documents, I would like to make the following comments:

**National Grid Infrastructure within or in close proximity to the Proposed Order Limits**

**National Grid Electricity Transmission**

National Grid Electricity Transmission has four high voltage electricity overhead transmission lines which lie within the proposed order limits. These lines form an essential part of the electricity transmission network in England and Wales and details are as follows:

- 4YV-400kV Overhead Transmission Line – Pembroke- Walham  
Pembroke- Swansea
- 4YW- 400kV Overhead Transmission Line- Pembroke-Swansea
- 4YW- 400kV Overhead Transmission Line- Clifynydd- Swansea
- 4YU – 400kV Overhead Transmission Line- Pembroke- Walham  
Clifynydd- Swansea



The following two substations are also located within the proposed order limits:

- Swansea North 400kV Substation
- Swansea North 275kV Substation

I enclose plans showing the routes of our overhead line and the location of our substation within the area shown on the 'DCO Site & Development Land Parcels' plan.

The following points should be taken into consideration:

- National Grid's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset
- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. National Grid recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004) available at:  
[http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl\\_final/appendixIII/applIII-part2](http://www.nationalgrid.com/uk/LandandDevelopment/DDC/devnearohl_final/appendixIII/applIII-part2)
- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.
- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's ([www.hse.gov.uk](http://www.hse.gov.uk)) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.
- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.
- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.
- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above

To view the Development Near Lines Documents. Please use the link below:

<http://www2.nationalgrid.com/uk/services/land-and-development/planning-authority/development-near-ohl/>

## **National Grid Gas Transmission**

National Grid has three high pressure gas transmission pipelines and associated equipment located within and in close proximity to the proposed order limits. Details are as follows:

- FM28- Herbrandston- Felinfre
- FM28- Felindre- Three Cocks
- FM28- Felindre- Clifrew

## **National Grid Gas Distribution**

National Grid has no gas distribution apparatus within the proposed order limits

## **Specific Comments – Gas Infrastructure**

The following points should be taken into consideration:

- National Grid has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings, or structures, change to existing ground levels, storage of materials etc.

Pipeline Crossings:

- Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at previously agreed locations.
- The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required.
- The type of raft shall be agreed with National Grid prior to installation.
- No protective measures including the installation of concrete slab protection shall be installed over or near to the National Grid pipeline without the prior permission of National Grid.
- National Grid will need to agree the material, the dimensions and method of installation of the proposed protective measure.
- The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to National Grid.
- Please be aware that written permission is required before any works commence within the National Grid easement strip.

- A National Grid representative shall monitor any works within close proximity to the pipeline to comply with National Grid specification T/SP/SSW22.
- A Deed of Consent is required for any crossing of the easement

#### Cables Crossing:

- Cables may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees.
- A National Grid representative shall supervise any cable crossing of a pipeline.
- Clearance must be at least 600mm above or below the pipeline.
- Impact protection slab should be laid between the cable and pipeline if cable crossing is above the pipeline.
- A Deed of Consent is required for any cable crossing the easement.
- Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres.

#### General Notes on Pipeline Safety:

- You should be aware of the Health and Safety Executives guidance document HS(G) 47 "Avoiding Danger from Underground Services", and National Grid's specification for Safe Working in the Vicinity of National Grid High Pressure gas pipelines and associated installations - requirements for third parties T/SP/SSW22.
- National Grid will also need to ensure that our pipelines access is maintained during and after construction.
- Our pipelines are normally buried to a depth cover of 1.1 metres however; actual depth and position must be confirmed on site by trial hole investigation under the supervision of a National Grid representative. Ground cover above our pipelines should not be reduced or increased.
- If any excavations are planned within 3 metres of National Grid High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a National Grid representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.
- Excavation works may take place unsupervised no closer than 3 metres from the pipeline once the actual depth and position has been confirmed on site under the supervision of a National Grid representative. Similarly, excavation with hand held power tools is not permitted within 1.5 metres from our apparatus and the work is undertaken with NG supervision and guidance.

To view the SSW22 Document, please use the link below:

National Grid is a trading name for:  
National Grid Electricity Transmission plc  
Registered Office: 1-3 Strand, London WC2N 5EH  
Registered in England and Wales, No 2366977

National Grid is a trading name for:  
National Grid Gas plc  
Registered Office: 1-3 Strand, London WC2N 5EH  
Registered in England and Wales, No 2006000

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/GasElectricNW/safeworking.htm>

To download a copy of the HSE Guidance HS(G)47, please use the following link:

<http://www.hse.gov.uk/pubns/books/hsg47.htm>

Further information in relation to National Grid's gas transmission pipelines can be accessed via the following internet link:

<http://www.nationalgrid.com/uk/LandandDevelopment/DDC/gastransmission/gaspipes/>

## **Further Advice**

**We would request that the potential impact of the proposed scheme on National Grid's existing assets as set out above is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.**

**Where the promoter intends to acquire land, extinguish rights, or interfere with any of National Grid apparatus protective provisions will be required in a form acceptable to it to be included within the DCO.**

**Where any diversion of apparatus may be required to facilitate a scheme, National Grid is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by National Grid. Further information relating to this can be obtained by contacting the email address below.**

**National Grid requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following: [DCOConsultations@nationalgrid.com](mailto:DCOConsultations@nationalgrid.com) as well as by post to the following address:**

**The Company Secretary**  
**1-3 The Strand**  
**London**  
**WC2N 5EH**

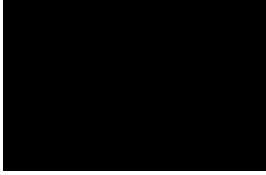
In order to respond at the earliest opportunity National Grid will require the following:

- Draft DCO including the Book of Reference and relevant Land Plans
- Shape Files or CAD Files for the order limits

I hope the above information is useful. If you require any further information please do not hesitate to contact me.

The information in this letter is provided notwithstanding any discussions taking place in relation to connections with electricity or gas customer services.

Yours sincerely



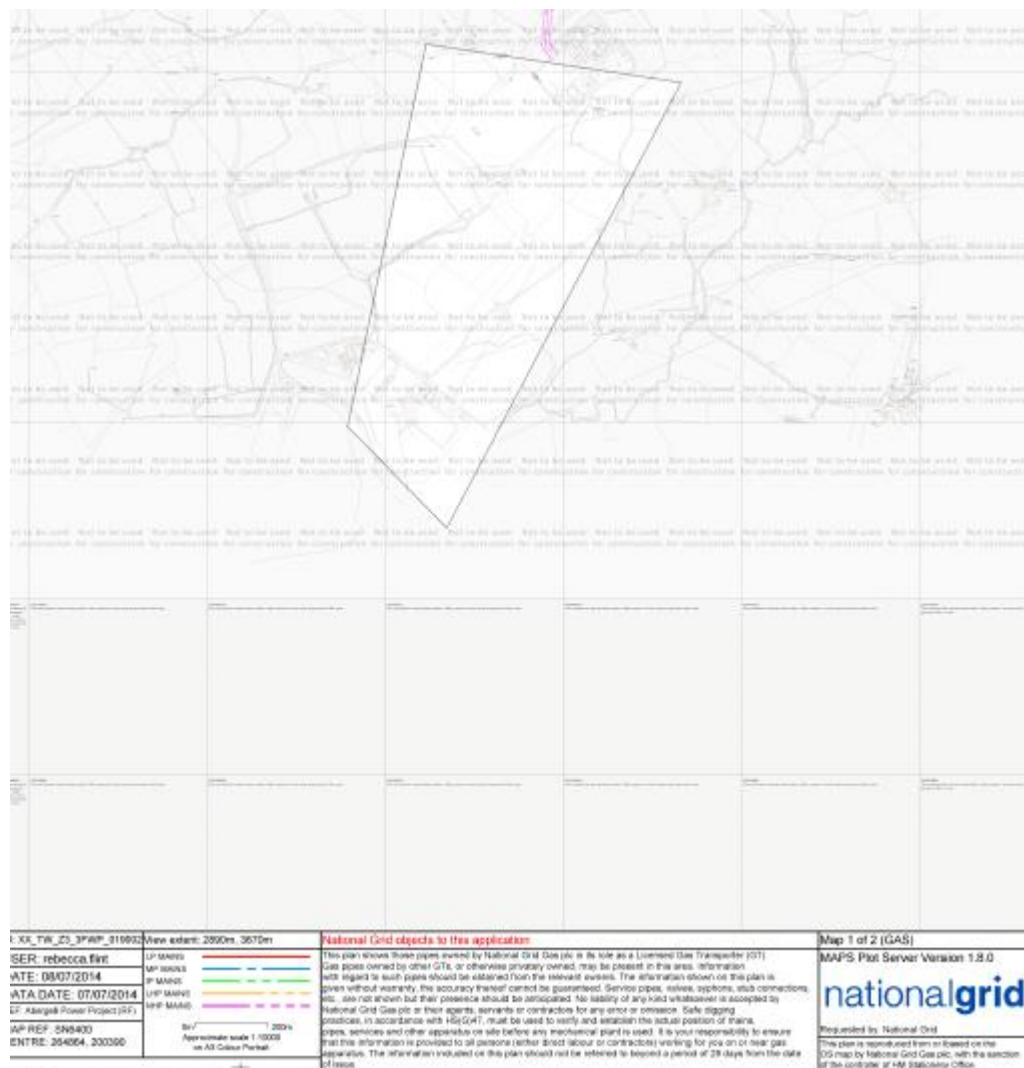
**Laura Kelly**

(Submitted Electronically)



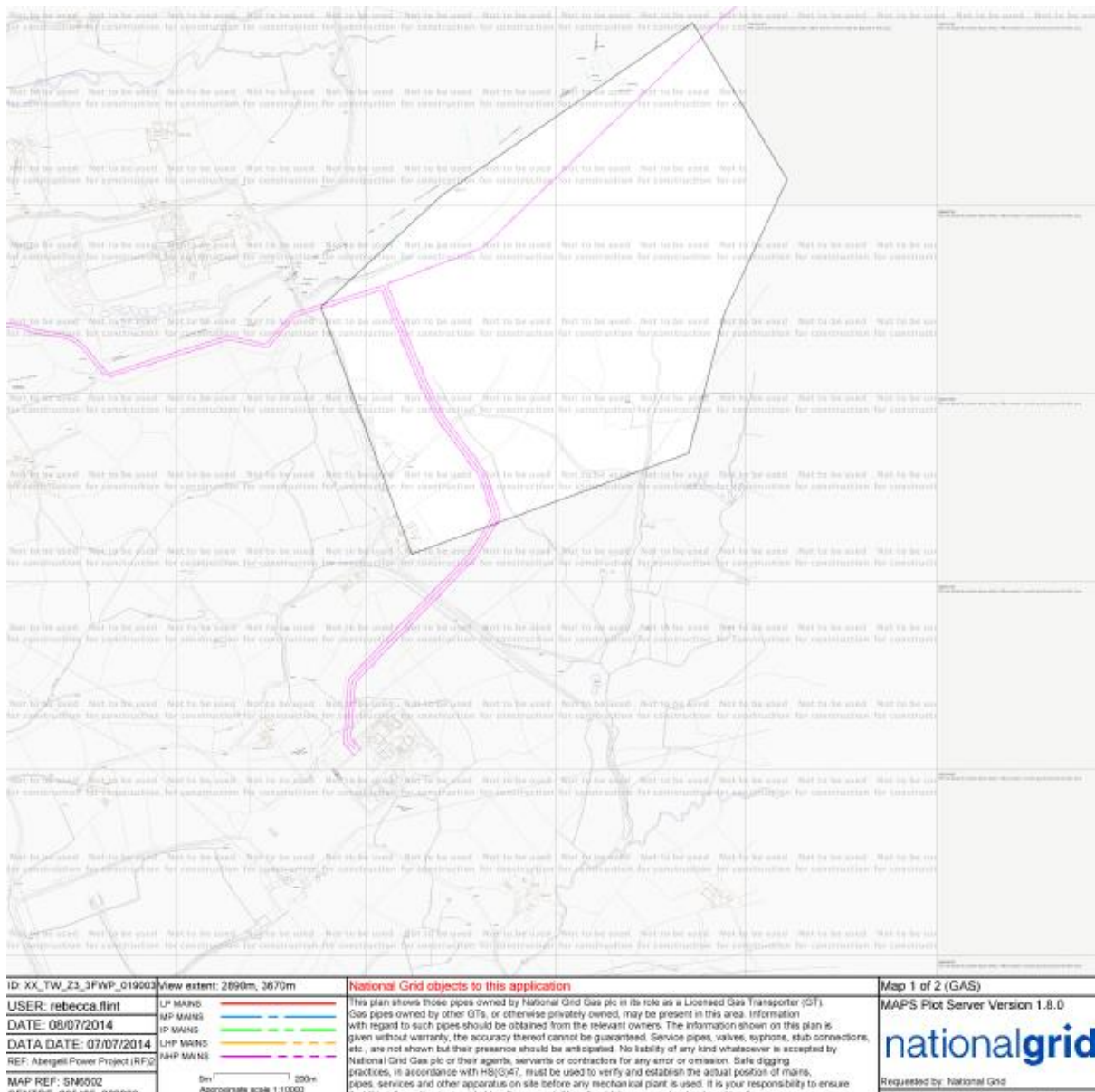








> XX_TW_Z3_3FWP_019002 ISER: rebecca.flint DATE: 08/07/2014 DATA DATE: 22/11/2013 EF: Abernethy Power Project (RF)	View extent: 2890m, 3670m Underground cables Overhead lines	<b>National Grid objects to this application</b> This plan shows those cables owned by National Grid Electricity Transmission plc in its role as a Licensed Electricity Transporter (ET). Electricity cables owned by other ETs, or otherwise privately owned, may be present in this area. Information with regard to such cables should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Ancillary equipment such as cooling systems and communication cables are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by National Grid Electricity Transmission plc or their agents, servants or contractors for any error or omission. Route diversion notices, in accordance with H&M (L27) must be used to verify and establish the actual location of cables.	Map 2 of 2 (ELECTRIC) MAPS Plot Server Version 1.8.0 <b>nationalgrid</b>
--	---	--	--









## Hannah Nelson

---

**From:** ROSSI, Sacha <Sacha.Rossi@nats.co.uk>  
**Sent:** 26 June 2014 17:17  
**To:** Environmental Services  
**Cc:** NATS Safeguarding  
**Subject:** RE: EN010069 Abergelli Power Project Scoping Consultation

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Sir/Madam,

NATS does not anticipate an impact from this development and has no comments to make.

Regards  
S. Rossi  
NATS Safeguarding Office

**Mr Sacha Rossi**  
ATC Systems Safeguarding Engineer

☎: 01489 444 205  
✉: [sacha.rossi@nats.co.uk](mailto:sacha.rossi@nats.co.uk)

NATS Safeguarding  
4000 Parkway,  
Whiteley, PO15 7FL

<http://www.nats.co.uk/windfarms>

---

**From:** Environmental Services [<mailto:EnvironmentalServices@infrastructure.gsi.gov.uk>]  
**Sent:** 26 June 2014 14:17  
**To:** [NSIP.applications@hse.gsi.gov.uk](mailto:NSIP.applications@hse.gsi.gov.uk); [owenj@cyngorllanedicouncil.org](mailto:owenj@cyngorllanedicouncil.org); [phil.owen@mawrcommunity.org.uk](mailto:phil.owen@mawrcommunity.org.uk); [officers@pontlliw-tircoed.org.uk](mailto:officers@pontlliw-tircoed.org.uk); [david.jenkins80@virgin.net](mailto:david.jenkins80@virgin.net); [correspondence@equalityhumanrights.com](mailto:correspondence@equalityhumanrights.com); [Hilary.Malaws@rcahmw.gov.uk](mailto:Hilary.Malaws@rcahmw.gov.uk); [Baggy.Smailes@caa.co.uk](mailto:Baggy.Smailes@caa.co.uk); [highways@swansea.co.uk](mailto:highways@swansea.co.uk); [dptac.enquiries@dft.gsi.gov.uk](mailto:dptac.enquiries@dft.gsi.gov.uk); [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk); [gail.harris@ofwat.gsi.gov.uk](mailto:gail.harris@ofwat.gsi.gov.uk); [NSIPconsultations@PHE.gov.uk](mailto:NSIPconsultations@PHE.gov.uk); NATS Safeguarding; [alans@espipelines.com](mailto:alans@espipelines.com); [FPLplantprotection@fulcrum.co.uk](mailto:FPLplantprotection@fulcrum.co.uk); [planning@npt.gov.uk](mailto:planning@npt.gov.uk); [direct@cararthenshire.gov.uk](mailto:direct@cararthenshire.gov.uk)  
**Subject:** EN010069 Abergelli Power Project Scoping Consultation

Dear Sir or Madam

Please see attached correspondence in relation to the request for a Scoping Request for the proposed Abergelli Power Project.

Kind Regards

Jenny

Jenny Colfer  
Senior EIA and Land Rights Advisor  
Major Applications and Plans







**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ms Jenny Colfer  
Senior EIA and Land Rights Advisor on  
behalf of the Secretary of State  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Ein cyf/Our ref: SH/2014/116929/01  
Eich cyf/Your ref: EN010069

Dyddiad/Date: 22 July 2014

Annwyl/Dear Ms Colfer

**PLANNING ACT 2008 (AS AMENDED) AND THE INFRASTRUCTURE PLANNING  
(ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 (AS  
AMENDED) – REGULATIONS 8 AND 9**

**APPLICATION BY ABERGELLI POWER LIMITED FOR AN ORDER GRANTING  
DEVELOPMENT CONSENT FOR THE ABERGELLI POWER PROJECT**

Thank you for referring the above scoping opinion to Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) which we received on 26 June 2014.

Our advice and comments in relation to the above Nationally Significant Infrastructure Project (NSIP) are provided in the context of the full remit of NRW. As you are aware we are a statutory consultee under the Planning Act 2008, advising the decision maker on the land use planning implications of the development. For those developments which involve a regulated activity requiring an Environmental Permit under the Environmental Permitting Regulations 2010, NRW is the permitting authority. We wish to make you aware that we have different roles under different legislation which are independent of one another.

Primarily we would question the need and benefit of such a development at the proposed location in relation to the current and predicted demand for electricity supply in South West Wales, given existing power stations, along with other proposed schemes (Abernedd, Swansea Bay Tidal Lagoon) and generation through renewables (wind and solar farms both existing and due to be developed imminently).

[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk)

[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

Maes Newydd, Britannic Way West, Llandarcy, Neath Port Talbot, SA10 6JQ

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg  
Correspondence welcomed in Welsh and English

The proposals place the Simple Cycle Gas Turbine among what is beginning to develop into an area of renewable energy generation, which would not appear to be in fitting with solar and wind power already being generated and further proposed in the vicinity. The proposals suggest enough power being generated to power 400,000 homes, yet the population of Swansea is less than 250,000. In addition to this, a Tidal Lagoon if developed will power 150,000 homes. There would not appear to be this level of demand in South West Wales and with regard to the proximity principle, such a development would be better suited to a more heavily industrialised area where demand is much greater.

In view of the above, we would request to see justification as to why the development is proposed at this location.

### **Environmental Permitting Regulations.**

The proposal will require an environmental permit to operate and a successful application will need to be made under the Environmental Permitting (England & Wales) Regulations 2010 (as amended) to determine whether the plant can be permitted.

Pre-application discussions with Natural Resources Wales should commence immediately and applicants are encouraged to “twin track” environmental permit (EPR) applications with their Development Consent Order (DCO) applications in order to facilitate timely decision-making.

NRW would also like to draw the applicant’s attention to **Annex D of the Planning Inspectorate’s Advice Note 11: Working with Public Bodies** which recommends that applicants should work towards submitting the EPR permit application at least 6 months prior to the submission of an application for a DCO.

### *Technology Selection*

Open (simple) cycle gas turbine (GT) operation is not usually considered to represent Best Available Technique (BAT) for normal power plant GT operation and rigorous justification of efficiency penalties would be required if this type of operation were to be proposed.

The technology selection process should also consider the best achievable efficiency, in particular the potential for CHP (see below). It is noted that air cooled condensers or coolers are proposed as the cooling system for the project. Alternative cooling options need to be considered and technique selection justified based upon efficiency, water resources and waste water discharge as well as economic considerations.

### *Combined Heat and Power (CHP)*

A combustion power plant with a thermal input of 50MW or more must include combined heat and power (CHP) or alternatively be CHP-ready (*The term CHP-Ready in this context represents a plant which is initially configured to generate electrical power only but which is designed to be ready, with minimum modification, to supply heat in the future*).

Guidance on determining BAT for CHP readiness can be found in the Environment Agency guidance document: ***CHP Ready Guidance for Combustion and Energy from Waste Power Plants***

#### *Accident Management*

Flood risk assessment – should include consideration of surface water drainage impacts and options for improving site surface water drainage to prevent localised flooding during extreme rainfall events.

#### *Air Quality (AQ) Assessment*

The proposals are noted and the applicant is advised that particular attention should be given to acid and nutrient deposition at sensitive habitat receptors.

NRW agrees with the use of AQTAG06 to reference methodologies in relation to aerial emission process contributions on protected sites (as in section 5.3.18). However, the applicant should be aware that AQTAG06 methodologies are no longer used for calculating acid deposition figures as a function of relevant critical loads. The applicant should instead use the APIS critical load function tool found at <http://www.apis.ac.uk/critical-load-function-tool>, in order to calculate acid deposition process contributions/exceedences. Please note, the methodology relating to Nitrogen deposition is unchanged from that described in AQTAG06.

The village of Llangyfelach is just outside of the proposed consultation distance of 1km, though is in direct line of site to the proposed development and is a densely populated residential receptor. The scope of the Environmental Impact Assessment should widen to include any impact upon this village in addition to any cumulative impact in relation to air quality arising from other sources of pollution e.g. the M4 motorway, the A48, B4489 and Morriston Crematorium

#### *Noise Impact Assessment*

The noise assessment baseline assessment (5.4.3) states that the “*The closest NSRs within 1 km of the Project Site include those within the nearby settlements of Morriston, Pant-lasau, Llwynceilyn and Felindre. In addition there are also isolated dwellings and farmsteads outside of the settlements including but not exclusive to: Aber gelli fawr; Abergelli Farm; Cefn-betingau; Maes-eglwys; Lletty Morfil Farm; Felin-wen; Pont Felinwen; Pontbren Llwyd; Gors-wen; Llety’r Bugall; Brynheulog; Taironen; Penfeddi Uchaf; Penidy Isaf; Gellyfedden; Rhos fawr; Brynawel; Brynwhilhach; and Lletty’r-scil.*”

However, the assessment needs to clearly identify the NSR, as some of the above receptors are much closer than the 1km outlined. It is important to note that NRW would carry out the assessments at the nearest receptor to the installation as outlined in the **BS4142:1997 Method of Rating Industrial Noise Affecting Mixed Residential and Industrial Areas**.

The report also states that the location of the baseline assessment/s will be agreed with the local EHO. This being the case this discussion on monitoring locations needs to also be communicated with NRW as the installation will require an A1 EPR Permit from NRW which will also include noise conditions.

The report does reference the BS4142 standard in assessing noise, which should also consider noise characteristics. This being the case it is recommended that the company also capture the existing noise characteristics. I.e. tonal assessment/third octave baseline data.

We would recommend that this is carried out as part of the baseline to identify, firstly any existing tonal issues and subsequently would be beneficial in identifying the impact of the operation on the noise environment once in operation. Due to the type of operation we (NRW) have experienced noise issues as a result of the tonal aspects rather than the actual increase in noise level. There is another procedure which we and the Local Authority use to identify low frequency noise (20Hz – 160Hz). The “**DEFRA NANR45 Procedure for the assessment of low frequency noise complaints**” is used but it is important that the company also reference other standards: “**BS 7445:1991 Part 2 – Description and measurement of environmental noise**”, suggests that if the level in one 1/3rd octave band is 5dB or more higher than the level in the two adjacent bands, then an audible tone is likely to be perceived. The “**ISO 1996-2:2007 Description, measurement and assessment of environmental noise Part 2**” can be used to measure with any frequency weighting or in any frequency band. The standard also outlines how to evaluate the uncertainty of the result of a noise assessment. Section 5.4.17 of the scoping report also states: “*Operational noise from the Electrical Connection has been scoped out as there would be no significant effects associated with the potential for a low level electrical hum emanating from an overhead line option, if one is required. In addition if a SEC is required, any low level electrical hum associated with the infrastructure will not be perceptible at the NSRs and therefore this has also been scoped out of the assessment.*”

This states that low frequency noise aspects has been scoped out for the overhead lines, however it is important to understand why this has been scoped out and how was this conclusion made, this justification needs to be provided for assessment. Based on the inclusion of frequency analysis of the background data, this statement could be verified after commissioning to ensure that the operation has not introduced an additional noise aspect.

Section 5.4.1 of the scoping report states: “*During operation, mitigation measures could include the use of silencers on the loudest plant items within the Generating Equipment.*” Noise mitigation measures on an EPR Installation should be in accordance with our (EA/NRW) **Horizontal Guidance Note (H3) Part 2 – Noise Assessment and Control**.

In relation to the noise assessment there is another piece of legislation that has not been outlined, the requirements of the Environmental Noise Directive which were given legal force in Wales through the **Environmental Noise (Wales) (Amendment) Regulations 2009**. These regulations have introduced a “**Noise Action Plan for Wales**” which does cover industrial noise sources and impacts on designated Quiet Areas. The plan also considers the impact of creeping background especially with the introduction of new sources of noise into the environment. It is suggested that as part of the noise impact assessment the above standards and regulations are given due consideration by the applicant.

In relation to the impact of operational noise from the installation, this is quite limited, and should consider all modes of operation from the installation. The application does state that the applicant will consider worst case scenarios for the modelling however has not explicitly stated what would be the worst case. Construction Noise will be covered by the Local Authority.

The majority of the environmental noise from the operation will be assessed using the BS4142:1997 Standard, however an important factor to consider is that this standard is being reviewed and the new draft consultation has been passed, therefore the new updated version could be available in the next 6 months. The new draft standard introduces number of changes, e.g. duration of monitoring times.

In relation to the design aspects of the plant, we would suggest that the applicant designs the operation with no additional noise load on to background in line with the “*Noise Action Plan for Wales*”. Noise mitigation measures should also include reference to use of acoustic enclosures and cladding for plant and pipe work or ducting likely to produce noise under all operating conditions including abnormal operation.

#### *Site Condition*

Site survey work undertaken should take into account current environmental permitting and likely future requirements under the Industrial Emissions Directive (IED) to undertake intrusive works to gather baseline contamination data as part of the environmental permitting process.

### **Water Quality**

#### *Water Quality (WQ) Impact Assessment*

Assessment of WQ impacts should also include consideration of periodic or intermittent waste water effluent arising from commissioning procedures, HRSG make up water treatment, plant maintenance and cleaning procedures and cooling system blow down in the event that wet or hybrid cooling technology is considered to be appropriate.

Water treatment and recovery options should be considered in addition to treatment and discharge.

#### *Surface Waters*

Section 5.6.3 of the report refers to the Afon Llan being the main watercourse that traverses the project site through Swansea and into Swansea Bay. The Llan in fact discharges to the Loughor Estuary on North Gower via Penllergaer, Fforestfach and Gowerton. Shellfish are harvested in the vicinity and so any impact assessment should also consider any potential for impact upon Designated Shellfisheries.

Section 5.6.9 states that “There are not anticipated to be any significant impacts on key waterbodies resulting from the project through physical works to them. It is also not anticipated that water will be abstracted or discharged to or from any of these sources during construction, operation or decommissioning”. In which case, where will cooling water be derived from and where will waste water be discharged to?

Section 5.6.18 then states that “during operation, NRW would set limits on the quality of water that is discharged from the Power Generation Plant under an Environmental Permit”. The EIA should therefore consider the impacts of any discharge to a watercourse, with particular regard to the effects of temperature and the addition of biocides or chlorination etc. of cooling waters. The temperature of a discharge can be critical to fish migration and so any discharge must not be above 21°C beyond the mixing zone in order to prevent a temperature barrier from being created. Temperature also has a bearing on the fate and behaviour of ammonia, amongst other physical and chemical characteristics, in the water environment and the Afon Llan is not without other water quality impacts from, for example, sewage pollution. An increase in temperature could therefore have a downstream impact upon ammonia. This will need to be assessed.

The Afon Llan is a very flashy rapid response catchment in terms of the way in which it reacts to rainfall and so this would need to be considered in relation to any construction and mitigation proposals. In recent years the river has been significantly impacted by silt pollution arising from several development schemes. We would need to be satisfied that any proposals would adequately mitigate against the possibility of further pollution e.g. from stripping and exposure of materials, increasing run-off rates and/or the location and protection of stockpile locations. The drainage of any constructed access roads should be designed to prevent silt/mud contaminated run-off from entering any watercourses.

Any proposals should also consider the installation of temporary attenuation ponds to allow adequate settlement of site generated run-off during the construction and decommissioning phases. The design of these ponds should demonstrate that adequate retention and settlement time has been calculated. Silt fencing, scour protection and Sedimats alone have been proven to be ineffective in mitigation in this catchment due to its flashy nature.

Any surface water disposal scheme would need to demonstrate that it will not cause any impact upon the local watercourses upon discharge e.g. silt run-off from any retention ponds, storage tanks, soakaways, swales, wetlands etc. We would advise that all disposal techniques be explored and are demonstrated as fit for purpose for all parts of the site.

#### *Flood Consequence Assessment*

A small part of the site is located within flood zone C2, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms this part of the site to be at risk of flooding in the 1% flood event.

A number of ordinary watercourses cross the site and a small section runs adjacent to the Main River Llan. Section 5.6.2 of the scoping report indicates that a Flood Consequences Assessment (FCA) will be submitted as a separate document. This should assess the flood risk at the site and as a result of the development in line with TAN15 guidelines. We would be in favour of this approach and strongly advise that the developer consults with both ourselves and the Lead Local Flood Authority (LLFA) concerning the site as mentioned in the report.

The impact of the development upon surface water will also need to be considered as part of the FCA as mentioned in section 5.6.8.

The developer should also be aware that any works which affect the flow in the ordinary watercourses across the site may require prior consent from the Lead Local Flood Authority (LLFA) and any works in, under, over or within 7m from the Afon Llan will require prior consent from NRW.

#### *Groundwater (in addition to surface waters)*

Our mapping system indicates various groundwater vulnerability zones and minor aquifers at the proposed location. A thorough assessment of the historic mine workings would need to be conducted to ensure that development would not potentially disturb or contaminate groundwater and surface waters in the vicinity. Likewise, a geophysical survey should determine the local geological setting to ensure that new pathways are not created that could cause contamination.

This should also be a consideration when dealing with the landfill at the location. Although this landfill was operated as an inert landfill, this is not to say that it is exclusively filled with inert wastes. Any disturbance, or excavation, reuse, temporary storage and disposal of this material should not preclude the possibility of it containing non-inert and potentially hazardous substances. An assessment of this element of the scheme may be necessary in the form of trial pits or boreholes in order to determine materials present. NRW should be made aware of any adverse findings.

The scoping report does not appear to mention foul water drainage arrangements. There is no mains sewer in the vicinity of this proposed development. Details of how sewage and other waste waters will be managed at the site need to be included and again, assessment of whether there is likely to be any impact arising from this upon receiving waters.

#### *Waste Arisings*

Section 5.7.12 states that “using the information obtained, suitable remediation strategies will be developed to render the Project Site ready for development. These will include estimates of the types and volumes of waste material that will need to be removed from the Project Site prior to development”. The development is likely to generate significant quantities of waste. The reuse/recovery of as much of this should be considered as part of the scheme within the spirit of the Waste Hierarchy i.e. 1. Reduction, 2. Reuse, 3. Recovery (Recycling, Composting, Incineration or landfill with energy recovery), 4. Rubbish (Incinerate, Landfill – contained, Landfill – dilute and disperse). A cost benefit analysis of using suitable waste versus virgin materials should be considered. The Site Waste Management Strategy should encompass the above principles.

### **Ecology**

We welcome the submission of the report entitled ‘*Abergelli Power Project – Preliminary Ecological Appraisal*’, produced by BSG Ecology, dated March 2014.

### *Species*

We note that a Phase 1 Habitat Survey of the site has been conducted, which highlighted the habitats on site and its potential to support protected or notable species. We support the recommendation that further species surveys will be carried out (as detailed in sections 5.12-5.38 of the above report). We advise that all surveys are carried out following best practice, up to date guidelines and conducted by qualified, experienced and (where necessary) licensed ecologists at appropriate times of the year.

We note that in sections 4.46 and 5.22 of the report that it has been identified that some of the watercourses may offer resting/lying up sites for otter, along with some commuting use. We note that no further survey work of the watercourses for otter potential is proposed to be carried out. As you are aware, Otter are fully protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2010 which includes protection of their breeding or resting sites. We advise that further survey work is considered at the site in the areas identified with suitability to support otters.

Please note that we cannot provide any comment on issues relating to Badgers at the site as we have not received the confidential version of the report as stated in section 4.5.1.

### *Habitats*

We note from the report that the site is a very significant locally important site, with marshy grassland/wet heath and ancient woodland habitats present as outlined in the report.

We welcome the re-surveying of these habitats during Spring/Summer, given the proximity to known sites surrounding the area. Given the quality of the habitat present as surveyed in the Phase 1 habitat survey, we recommend early discussions with your local authority's Planning Ecologist with a view to avoiding destruction of the most significant habitats and mitigation and/or compensation for loss of any significant habitats. We would also welcome justification on the choice of habitat to be destroyed/removed as part of the planning application and justification on why the development cannot be constructed on the improved land only.

We hold a record of a Phase 2 grassland survey of the fields which lie adjacent to the proposed access track. We will be able to provide this information to the developer should it be required. Please get in touch if you would like a copy of this survey.

We note in section 5.7.2 of the main scoping report that there is a brief mention of peat present on site. We seek clarification and further detail on the location of the peat on site and how it will be affected by the development.

The proposals have the potential to affect riverine and wetland habitats as there are a number of watercourses on the site including the Afon Llan. We would like the EIA to consider these as a separate habitat and look at options for maintaining open watercourses with wide buffer strips.



Diversion of small watercourses would be preferable to culverting them as long as the new watercourses are well designed to offer the best habitat for wildlife. Connectivity between small watercourses, areas of retained wetland habitat and the Afon Llan should also be a consideration for the final site layout and any mitigation proposed. NRW Biodiversity staff are happy to offer further advice on these matters, should it be required.

## **Landscape and Visual Impact Assessment**

We welcome that a Landscape and Visual Assessment (LVIA) will be conducted, following the most up to date guidelines as outlined in section 5.8.7 of the main scoping report.

The EIA must include a description of all the existing landscape interests within and in the vicinity of the proposed development. This should be done using former Countryside Council for Wales' LANDMAP methodology ([www.landmap.ccw.gov.uk](http://www.landmap.ccw.gov.uk)). LANDMAP is an all-Wales GIS based landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent data set. LANDMAP comprises five spatially related datasets known as Evaluated Aspects; the five layers are the Geological Landscape, Landscape Habitats, Visual & Sensory, Historic Landscape and Cultural Landscape. All information is managed through a Geographical Information System and associated Collector database.

Where all five layers of LANDMAP data for the local authority are available, they should all be referred to. If the developer experiences difficulty in getting this data from the LANDMAP website it should be possible for the data to be obtained by contacting Jill Bullen, our LANDMAP Wales Coordinator at our Bangor offices. NRW would expect any Environmental Statement (ES) to demonstrate use of all five data sets in the LVIA for the application. We recommend that the impacts of any development proposals on the landscape character of the area and its visual effects are assessed against the findings of this study.

Such issues should all be addressed in the ES and visual appraisal of the scheme in addition to specific site issues such as:

- Development infrastructure – including cabling, ancillary buildings, working compounds should all be considered in the assessment, even if 'temporary' (i.e. only for the duration of construction works).
- The removal and disposal of any excavated materials such as soil or rock;
- Creation of new access tracks and re-profiling of existing ones;
- Transmission route connections to the main power grid; it is important that a landscape assessment of the connection route from the development to the power grid is included for consideration

The ES should also consider the presence of any historic landscapes in the area and the potential impact that the proposed development may have on these, which is noted in section 5.8.7 of the report.

The ES should consider protected landscapes in the vicinity of the proposals. It is vital that the LVIA utilises appropriate viewpoints to consider the impacts of the proposals on these protected landscapes as there is potential for it to be visible from a wide area surrounding it. We note that section 5.8.11 refers to a follow up consultation with the relevant stakeholders on a selection of photomontages from key sensitive viewpoints. NRW would be happy to provide advice on these viewpoints. It is noted that some viewpoints have been suggested; however these do not include detailed grid references therefore we cannot comment on their suitability at this stage. We advise that consideration is made for an additional viewpoint from the Brecon Beacons National Park. We note that the Gower Area of Outstanding Natural Beauty (AONB) has been scoped out of the assessment as it is visually separated from the project site by intervening topography.

We advise that views in photographs and photomontages taken to assist with this process should be representative of that observed from each viewpoint and not partially obscured by structures such as buildings, pylons, telegraph poles, trees etc.

The ES should also consider the potential impact of any proposed lighting impacts upon receptors in the vicinity of the project. The development has the potential to significantly increase the level of light pollution in the area. We advise that a night time visual effects is carried out to assess the level of night time illumination (should there be any).

### **Habitats Regulation Assessment**

We welcome that a Habitats Regulation Assessment (HRA) will be conducted as outlined in sections 5.5.28 – 5.5.30 of the report. The HRA must follow the consultation process as set out in the **Planning Inspectorate's Advice Note 10: Habitat Regulations Assessment relevant to nationally significant infrastructure projects** (Link below).

(<http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/09/Advice-note-10-HRA.pdf>).

We hope the above comments are helpful, however, if you have any further queries please do not hesitate to contact me at the address below.

Yn gywir / Yours sincerely



**Hannah Thomas**

**Ymgynghorydd Cynllunio Datblygu / Development Planning Advisor**  
**Abertawe, Castell Nedd Port Talbot / Swansea, Neath Port Talbot**

Ebost/Email [Hannah.Thomas@cyfoethnaturiolcymru.gov.uk](mailto:Hannah.Thomas@cyfoethnaturiolcymru.gov.uk)  
Ffôn/Tel 03000 65 3358

23rd June 2014  
01639 686726  
c.j.davies@neath-porttalbot.gov.uk

Mr.C J Davies

The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your Ref: EN010069

**Scoping consultation for a SCGT gas fired 'peaking' power generating plant capable of providing up to 299 MW comprising: the Generating Equipment, Access Road and temporary Laydown Area submitted under the Planning Act 2008 (as amended) and the Infrastructure Planning (EIA) Regulations 2009 (as amended)**

Thank you for your consultation of the 26th June 2014 in relation to the above.

Neath Port Talbot County Borough Council offer **no comments** on the acceptability of the Scoping Report submitted for the above project. I enclose a copy of the report, that sets out the responses provided to our own internal consultation.

As the development is located approximately 5.6km from the administrative boundary it is unlikely that this development would result in any cross boundary impacts. As such we would advise you that we would not wish to be consulted on any future applications/consultations on this project, unless the proposals alter significantly.

Yours Faithfully

C. Davies  
Team Leader  
Development Management.

## Report Template

**Application Reference: P2014/0631**

### **Planning History:**

N/A.

### **Publicity and Responses if applicable:**

Biodiversity Section- No Objection.

Air Quality- No Objection.

Head of Engineering and Transport, Highway Section- No reply, therefore no observations to make.

### **Description of Site and its Surroundings:**

The proposed development is located close to Felindre in the City and County of Swansea, approximately 5.6km from this Authority's administrative boundary.

### **Brief description of proposal:**

The current consultation is from the Planning Inspectorate in relation to The Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9.

The Project comprises;

A new **Power Generation Plant** in the form of a Simple Cycle Gas Turbine (SCGT) gas fired peaking power generating station fuelled by natural gas and capable of providing an electrical capacity of up to 299 Megawatts (MW) comprising:

The **Generating Equipment** including the Gas Turbine Generators and Balance of Plant which are located on the **Generating Equipment Site**;

A new purpose built **Access Road** either from the Rhyd-y-pandy Road to the north (**Access Road – Option 1**) or the B4489 to the

west (**Access Road – Option 2**) to the Generating Equipment Site; and

During construction a temporary construction compound (the **Laydown Area**).

A new **Gas Connection** to bring natural gas to the Generating Equipment from either the National Transmission System (NTS) or the Local Transmission System (LTS), which is located within the **Gas Opportunity Area**; and

A new **Electrical Connection** to export power from the Generating Equipment to the National Grid Electricity Transmission System (NETS) for distribution to homes and businesses

In terms of the process, The Planning Act 2008 (as amended by the Localism Act 2011) made significant changes to the planning system for major infrastructure projects such as this. An application must therefore be made for the development as a National Strategic Infrastructure Project (NSIP) to the Planning Inspectorate (PINS) for permission under a development consent order (DCO) from the Secretary of State for Energy and Climate Change.

This consultation seeks the Authority's view of the scope of the EIA to support this application at a pre-application stage.

#### **Material Considerations:**

Any potential impacts that will require to be assessed as part of the scope of the supporting ES submitted with any future planning application for the above development.

#### **Policy Context:**

n/a

#### **Content of Scoping Report.**

The site is located such a distance from this Authority's boundary that it unlikely to result in any cross boundary impacts, and therefore we have no significant comment to provide on the adequacy of the scoping report.

The Air Quality Section have been consulted, as have the Highway Section, and Biodiversity Section, as these are the main potential areas of the ES that could have cross-boundary impacts.

## Officer Report

The consultees offer no objection, and confirm that there is a low potential for any impacts from the development affected Neath Port Talbot.

**Others (including objections):**

Not applicable.

**Conclusion:**

The Authority has no comment to offer on the Scoping Report carried out by the Applicant.

**Recommendation:**

No Comments.

## Hannah Nelson

---

**From:** Hodgson Helen <Helen.Hodgson@networkrail.co.uk>  
**Sent:** 21 July 2014 13:42  
**To:** Environmental Services  
**Subject:** Abergelli Power Limited Development Consent Order - Scoping Consultation (Your Ref. EN010069)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms Colfer,

I refer to your letter dated 26<sup>th</sup> June 2014 in respect of the Scoping Consultation being undertaken on Abergelli Power Limited's application for a Development Consent Order in relation to the proposed power generation plant and associated underground gas pipeline infrastructure and access road. The following outlines Network Rail's comments:

Network Rail is the statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure and therefore any proposed development which is in close vicinity to the railway line, or could potentially affect Network Rail's specific land interests, will be carefully considered.

The physical railway infrastructure must be protected and the development must ensure that it does not have an adverse affect upon the safety of the railway line. This may be through increased usage of a level crossing or rail bridge by construction traffic associated with the proposed development or disruption to rail services during installation or maintenance of the overhead lines across the railway line. If there is any impact upon rail infrastructure this must be examined and addressed within Abergelli Power Limited's Environmental Statement.

Any proposals that include the installation of cables under or over the railway, any methods of electricity transmissions across Network Rail's land, or any access rights, temporary or otherwise will require the necessary property agreements to be entered into with our Easements and Wayleaves Team who can be contacted on [easements&wayleaves@networkrail.co.uk](mailto:easements&wayleaves@networkrail.co.uk). Please note that Network Rail will seek protection from the exercise of compulsory purchase powers over operational land whether for permanent or temporary purposes.

Network Rail would have strong concerns if, during the construction or operation of the power generation plant, abnormal loads would use routes that include Network Rail assets (e.g. level crossings, bridges etc) and would advise that contact is made with our Asset Protection Engineers to confirm if any proposed route is viable. A strategy must also be agreed to protect our assets from potential damage caused by abnormal loads in association with the implementation of the Abergelli Power Project. I would also advise that where damage, injury or delay to the rail network is caused by abnormal load (related to the development), Abergelli Power Limited or relevant contractors would incur full liability.

Notwithstanding the above, to mitigate the risks outlined above, Abergelli Power Limited must contact Network Rail's Asset Protection Team ([assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk)) well in advance of commencing any works.

Although this consultation considers the scope of the Environmental Statement, we would also take this opportunity to highlight that Network Rail will expect to see its standard Protective Provisions in a schedule to the Development Consent Order, which is well preceded in both TWAOs and DCOs.

Please don't hesitate to contact me if you require any further information in relation to the above.

I would be grateful if you could confirm receipt of this email.

Kind regards

**Helen Hodgson**

21/7/2014



Property

**Helen Hodgson MRTPI**

Town Planner (Wales), Property  
5<sup>th</sup> Floor, 5 Callaghan Square  
Cardiff, CF10 5BT

**M** +44 (0) 7850 406959

**E** [helen.hodgson@networkrail.co.uk](mailto:helen.hodgson@networkrail.co.uk)

[www.networkrail.co.uk/property](http://www.networkrail.co.uk/property)

\*\*\*\*\*  
\*\*\*\*\*

The content of this email (and any attachment) is confidential. It may also be legally privileged or otherwise protected from disclosure.

This email should not be used by anyone who is not an original intended recipient, nor may it be copied or disclosed to anyone who is not an original intended recipient.

If you have received this email by mistake please notify us by emailing the sender, and then delete the email and any copies from your system.

Liability cannot be accepted for statements made which are clearly the sender's own and not made on behalf of Network Rail.

Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office Kings Place, 90 York Way London N1 9AG

\*\*\*\*\*  
\*\*\*\*\*

This email was scanned by the Government Secure Intranet anti-virus service supplied by Vodafone in partnership with Symantec. (CCTM Certificate Number 2009/09/0052.) In case of problems, please call your organisations IT Helpdesk.

Communications via the GSi may be automatically logged, monitored and/or recorded for legal purposes.

\*\*\*\*\*

Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

\*\*\*\*\*





Public Health  
England

NSIP Consultations  
CRCE  
Chilton, Didcot  
Oxon OX11 0RQ

T +44 (0)1235 831600  
  
[www.gov.uk/phe](http://www.gov.uk/phe)

FAO: Jenny Colfer  
The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your Ref: EN010069  
Our Ref: 140626 331

23<sup>rd</sup> July 2014

Dear Jenny,

## **Re: Abergelli Power Project – Scoping Consultation**

Thank you for including Public Health England (PHE) in the scoping consultation phase of the above application. Our response focuses on health protection issues relating to chemicals and radiation. Advice offered by PHE is impartial and independent.

In order to ensure that health is fully and comprehensively considered, the Environmental Statement (ES) should provide sufficient information to allow the potential impact of the development on public health to be fully assessed.

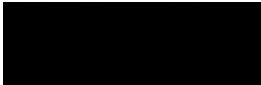
PHE, which includes PHE's Centre for Radiation, Chemical and Environmental Hazards (Wales), has evaluated the submitted Environmental Impact Assessment Scoping Report (June 2014) alongside the request for a scoping opinion and can confirm that the proposed methodology for assessing possible impacts affecting human health and the mitigation measures suggested so far appear acceptable. However, the Environmental Impact Assessment report should also include possible risks on human health due to electric and magnetic fields (EMFs) produced by the electrical connection system and other electrical equipment.

In order to assist the promoter in the production of the Environmental Impact Assessment report (i.e. subsequent ES) we have included an appendix which outlines the generic considerations that PHE advises should be addressed by all promoters when they are preparing ESs for NSIPs. The ES report should include

any cumulative impacts upon the local vicinity that may occur during the lifetime of the proposed project.

PHE will provide further comments when the ES becomes available. Should the promoter or their agents wish to discuss our recommendations or to seek any specific advice prior to the submission of the ES, PHE would of course be pleased to assist.

Yours sincerely

A black rectangular box used to redact the signature of Antonio Peña-Fernández.

Antonio Peña-Fernández  
Health Protection Scientist

[nsipconsultations@phe.gov.uk](mailto:nsipconsultations@phe.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*

## Appendix: PHE recommendations regarding the scoping document

### General approach

The EIA should give consideration to best practice guidance such as the Government's Good Practice Guide for EIA<sup>1</sup>. It is important that the EIA identifies and assesses the potential public health impacts of the activities at, and emissions from, the installation. Assessment should consider the development, operational, and decommissioning phases.

The EIA Directive<sup>2</sup> requires that ESs include a description of the aspects of the environment likely to be significantly affected by the development, including "population". The EIA should provide sufficient information for PHE to fully assess the potential impact of the development on public health. **PHE will only consider information contained or referenced in a separate section of the ES summarising the impact of the proposed development on public health:** summarising risk assessments, proposed mitigation measures, and residual impacts. This section should summarise key information and conclusions relating to human health impacts contained in other sections of the application (e.g. in the separate sections dealing with: air quality, emissions to water, waste, contaminated land etc.) without undue duplication. Compliance with the requirements of National Policy Statements and relevant guidance and standards should be highlighted.

It is not PHE's role to undertake these assessments on behalf of promoters as this would conflict with PHE's role as an impartial and independent body.

Consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered should be outlined in the ES<sup>3</sup>.

The following text covers a range of issues that PHE would expect to be addressed by the promoter. However this list is not exhaustive and the onus is on the promoter to ensure that the relevant public health issues are identified and addressed. PHE's advice and recommendations carry no statutory weight and constitute non-binding guidance.

### Receptors

The ES should clearly identify the development's location and the location and distance from the development of off-site human receptors that may be affected by emissions from, or activities at, the development. Off-site human receptors may include people living in residential premises; people working in commercial, and

---

<sup>1</sup> Environmental Impact Assessment: A guide to good practice and procedures - A consultation paper; 2006; Department for Communities and Local Government. Available from:

<http://www.communities.gov.uk/archived/publications/planningandbuilding/environmentalimpactassessment>

<sup>2</sup> Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1985L0337:20090625:EN:PDF>

<sup>3</sup> DCLG guidance, 1999 <http://www.communities.gov.uk/documents/planningandbuilding/pdf/155958.pdf>

industrial premises and people using transport infrastructure (such as roads and railways), recreational areas, and publicly-accessible land. Consideration should also be given to environmental receptors such as the surrounding land, watercourses, surface and groundwater, and drinking water supplies such as wells, boreholes and water abstraction points.

### **Impacts arising from construction and decommissioning**

Any assessment of impacts arising from emissions due to construction and decommissioning should consider potential impacts on all receptors and describe monitoring and mitigation during these phases. Construction and decommissioning will be associated with vehicle movements and cumulative impacts should be accounted for.

We would expect the promoter to follow best practice guidance during all phases from construction to decommissioning to ensure appropriate measures are in place to mitigate any potential impact on health from emissions (point source, fugitive and traffic-related). An effective Construction Environmental Management Plan (CEMP) (and Decommissioning Environmental Management Plan (DEMP)) will help provide reassurance that activities are well managed. The promoter should ensure that there are robust mechanisms in place to respond to any complaints of traffic-related pollution, during construction, operation, and decommissioning of the facility.

### **Emissions to air and water**

Significant impacts are unlikely to arise from installations which employ Best Available Techniques (BAT) and which meet regulatory requirements concerning emission limits and design parameters. However, PHE has a number of comments regarding emissions in order that the EIA provides a comprehensive assessment of potential impacts.

When considering a baseline (of existing environmental quality) and in the assessment and future monitoring of impacts these:

- should include appropriate screening assessments and detailed dispersion modelling where this is screened as necessary
- should encompass all pollutants which may be emitted by the installation in combination with all pollutants arising from associated development and transport, ideally these should be considered in a single holistic assessment
- should consider the construction, operational, and decommissioning phases
- should consider the typical operational emissions and emissions from start-up, shut-down, abnormal operation and accidents when assessing potential impacts and include an assessment of worst-case impacts
- should fully account for fugitive emissions

- should include appropriate estimates of background levels
- should identify cumulative and incremental impacts (i.e. assess cumulative impacts from multiple sources), including those arising from associated development, other existing and proposed development in the local area, and new vehicle movements associated with the proposed development; associated transport emissions should include consideration of non-road impacts (i.e. rail, sea, and air)
- should include consideration of local authority, Environment Agency, Defra national network, and any other local site-specific sources of monitoring data
- should compare predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as UK Air Quality Standards and Objectives and Environmental Assessment Levels)
  - If no standard or guideline value exists, the predicted exposure to humans should be estimated and compared to an appropriate health-based value (a Tolerable Daily Intake or equivalent). Further guidance is provided in Annex 1
  - This should consider all applicable routes of exposure e.g. include consideration of aspects such as the deposition of chemicals emitted to air and their uptake via ingestion
- should identify and consider impacts on residential areas and sensitive receptors (such as schools, nursing homes and healthcare facilities) in the area(s) which may be affected by emissions, this should include consideration of any new receptors arising from future development

Whilst screening of impacts using qualitative methodologies is common practice (e.g. for impacts arising from fugitive emissions such as dust), where it is possible to undertake a quantitative assessment of impacts then this should be undertaken.

PHE's view is that the EIA should appraise and describe the measures that will be used to control both point source and fugitive emissions and demonstrate that standards, guideline values or health-based values will not be exceeded due to emissions from the installation, as described above. This should include consideration of any emitted pollutants for which there are no set emission limits. When assessing the potential impact of a proposed installation on environmental quality, predicted environmental concentrations should be compared to the permitted concentrations in the affected media; this should include both standards for short and long-term exposure.

#### *Additional points specific to emissions to air*

When considering a baseline (of existing air quality) and in the assessment and future monitoring of impacts these:

- should include consideration of impacts on existing areas of poor air quality e.g. existing or proposed local authority Air Quality Management Areas (AQMAs)
- should include modelling using appropriate meteorological data (i.e. come from the nearest suitable meteorological station and include a range of years and worst case conditions)
- should include modelling taking into account local topography

#### *Additional points specific to emissions to water*

When considering a baseline (of existing water quality) and in the assessment and future monitoring of impacts these:

- should include assessment of potential impacts on human health and not focus solely on ecological impacts
- should identify and consider all routes by which emissions may lead to population exposure (e.g. surface watercourses; recreational waters; sewers; geological routes etc.)
- should assess the potential off-site effects of emissions to groundwater (e.g. on aquifers used for drinking water) and surface water (used for drinking water abstraction) in terms of the potential for population exposure
- should include consideration of potential impacts on recreational users (e.g. from fishing, canoeing etc) alongside assessment of potential exposure via drinking water

### **Land quality**

We would expect the promoter to provide details of any hazardous contamination present on site (including ground gas) as part of the site condition report.

Emissions to and from the ground should be considered in terms of the previous history of the site and the potential of the site, once operational, to give rise to issues. Public health impacts associated with ground contamination and/or the migration of material off-site should be assessed<sup>4</sup> and the potential impact on nearby receptors and control and mitigation measures should be outlined.

Relevant areas outlined in the Government's Good Practice Guide for EIA include:

- effects associated with ground contamination that may already exist

---

<sup>4</sup> Following the approach outlined in the section above dealing with emissions to air and water i.e. comparing predicted environmental concentrations to the applicable standard or guideline value for the affected medium (such as Soil Guideline Values)

- effects associated with the potential for polluting substances that are used (during construction / operation) to cause new ground contamination issues on a site, for example introducing / changing the source of contamination
- impacts associated with re-use of soils and waste soils, for example, re-use of site-sourced materials on-site or offsite, disposal of site-sourced materials offsite, importation of materials to the site, etc.

## **Waste**

The EIA should demonstrate compliance with the waste hierarchy (e.g. with respect to re-use, recycling or recovery and disposal).

For wastes arising from the installation the EIA should consider:

- the implications and wider environmental and public health impacts of different waste disposal options
- disposal route(s) and transport method(s) and how potential impacts on public health will be mitigated

## **Other aspects**

Within the EIA PHE would expect to see information about how the promoter would respond to accidents with potential off-site emissions e.g. flooding or fires, spills, leaks or releases off-site. Assessment of accidents should: identify all potential hazards in relation to construction, operation and decommissioning; include an assessment of the risks posed; and identify risk management measures and contingency actions that will be employed in the event of an accident in order to mitigate off-site effects.

The EIA should include consideration of the COMAH Regulations (Control of Major Accident Hazards) and the Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009: both in terms of their applicability to the installation itself, and the installation's potential to impact on, or be impacted by, any nearby installations themselves subject to the these Regulations.

There is evidence that, in some cases, perception of risk may have a greater impact on health than the hazard itself. A 2009 report<sup>5</sup>, jointly published by Liverpool John Moores University and PHE, examined health risk perception and environmental problems using a number of case studies. As a point to consider, the report suggested: "Estimation of community anxiety and stress should be included as part of every risk or impact assessment of proposed plans that involve a potential environmental hazard. This is true even when the physical health risks may be negligible." PHE supports the inclusion of this information within EIAs as good practice.

---

<sup>5</sup> Available from: <http://www.cph.org.uk/showPublication.aspx?pubid=538>

## Electric and magnetic fields (EMF)

There is a potential health impact associated with the electric and magnetic fields around substations and the connecting cables or lines. The following information provides a framework for considering the potential health impact.

In March 2004, the National Radiological Protection Board, NRPB (now part of PHE), published advice on limiting public exposure to electromagnetic fields. The advice was based on an extensive review of the science and a public consultation on its website, and recommended the adoption in the UK of the EMF exposure guidelines published by the International Commission on Non-ionizing Radiation Protection (ICNIRP):-

<http://www.hpa.org.uk/Publications/Radiation/NPRBArchive/DocumentsOfTheNRPB/Absd1502/>

The ICNIRP guidelines are based on the avoidance of known adverse effects of exposure to electromagnetic fields (EMF) at frequencies up to 300 GHz (gigahertz), which includes static magnetic fields and 50 Hz electric and magnetic fields associated with electricity transmission.

PHE notes the current Government policy is that the ICNIRP guidelines are implemented in line with the terms of the EU Council Recommendation on limiting exposure of the general public (1999/519/EC):

[http://www.dh.gov.uk/en/Publichealth/Healthprotection/DH\\_4089500](http://www.dh.gov.uk/en/Publichealth/Healthprotection/DH_4089500)

For static magnetic fields, the latest ICNIRP guidelines (2009) recommend that acute exposure of the general public should not exceed 400 mT (millitesla), for any part of the body, although the previously recommended value of 40 mT is the value used in the Council Recommendation. However, because of potential indirect adverse effects, ICNIRP recognises that practical policies need to be implemented to prevent inadvertent harmful exposure of people with implanted electronic medical devices and implants containing ferromagnetic materials, and injuries due to flying ferromagnetic objects, and these considerations can lead to much lower restrictions, such as 0.5 mT as advised by the International Electrotechnical Commission.

At 50 Hz, the known direct effects include those of induced currents in the body on the central nervous system (CNS) and indirect effects include the risk of painful spark discharge on contact with metal objects exposed to the field. The ICNIRP guidelines give reference levels for public exposure to 50 Hz electric and magnetic fields, and these are respectively  $5 \text{ kV m}^{-1}$  (kilovolts per metre) and  $100 \text{ } \mu\text{T}$  (microtesla). If people are not exposed to field strengths above these levels, direct effects on the CNS should be avoided and indirect effects such as the risk of painful spark discharge will be small. The reference levels are not in themselves limits but provide guidance for assessing compliance with the basic restrictions and reducing the risk of indirect effects. Further clarification on advice on exposure guidelines for 50 Hz electric and magnetic fields is provided in the following note on PHE website:



[http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb\\_C/1195733805036](http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1195733805036)

The Department of Energy and Climate Change has also published voluntary code of practices which set out key principles for complying with the ICNIRP guidelines for the industry.

[http://www.decc.gov.uk/en/content/cms/what\\_we\\_do/uk\\_supply/consents\\_planning/codes/codes.aspx](http://www.decc.gov.uk/en/content/cms/what_we_do/uk_supply/consents_planning/codes/codes.aspx)

There is concern about the possible effects of long-term exposure to electromagnetic fields, including possible carcinogenic effects at levels much lower than those given in the ICNIRP guidelines. In the NRPB advice issued in 2004, it was concluded that the studies that suggest health effects, including those concerning childhood leukaemia, could not be used to derive quantitative guidance on restricting exposure. However, the results of these studies represented uncertainty in the underlying evidence base, and taken together with people's concerns, provided a basis for providing an additional recommendation for Government to consider the need for further precautionary measures, particularly with respect to the exposure of children to power frequency magnetic fields.

The Stakeholder Advisory Group on ELF EMFs (SAGE) was then set up to take this recommendation forward, explore the implications for a precautionary approach to extremely low frequency electric and magnetic fields (ELF EMFs), and to make practical recommendations to Government. In the First Interim Assessment of the Group, consideration was given to mitigation options such as the 'corridor option' near power lines, and optimal phasing to reduce electric and magnetic fields. A Second Interim Assessment addresses electricity distribution systems up to 66 kV. The SAGE reports can be found at the following link:

<http://sagedialogue.org.uk/> (go to "Document Index" and Scroll to SAGE/Formal reports with recommendations)

The Agency has given advice to Health Ministers on the First Interim Assessment of SAGE regarding precautionary approaches to ELF EMFs and specifically regarding power lines and property, wiring and electrical equipment in homes:

[http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb\\_C/1204276682532?p=1207897920036](http://www.hpa.org.uk/webw/HPAweb&HPAwebStandard/HPAweb_C/1204276682532?p=1207897920036)

The evidence to date suggests that in general there are no adverse effects on the health of the population of the UK caused by exposure to ELF EMFs below the guideline levels. The scientific evidence, as reviewed by PHE, supports the view that precautionary measures should address solely the possible association with childhood leukaemia and not other more speculative health effects. The measures should be proportionate in that overall benefits outweigh the fiscal and social costs, have a convincing evidence base to show that they will be successful in reducing exposure, and be effective in providing reassurance to the public.

The Government response to the SAGE report is given in the written Ministerial Statement by Gillian Merron, then Minister of State, Department of Health, published on 16<sup>th</sup> October 2009:

<http://www.publications.parliament.uk/pa/cm200809/cmhansrd/cm091016/wmstext/91016m0001.htm>

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_107124](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_107124)

PHE and Government responses to the Second Interim Assessment of SAGE are available at the following links:

[http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice\\_sage2](http://www.hpa.org.uk/Publications/Radiation/HPAResponseStatementsOnRadiationTopics/rpdadvice_sage2)

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_130703](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_130703)

The above information provides a framework for considering the health impact associated with the proposed development, including the direct and indirect effects of the electric and magnetic fields as indicated above.

**Liaison with other stakeholders, comments should be sought from:**

- the local authority for matters relating to noise, odour, vermin and dust nuisance
- the local authority regarding any site investigation and subsequent construction (and remediation) proposals to ensure that the site could not be determined as 'contaminated land' under Part 2A of the Environmental Protection Act
- the local authority regarding any impacts on existing or proposed Air Quality Management Areas
- the Food Standards Agency Wales for matters relating to the impact on human health of pollutants deposited on land used for growing food/ crops
- the Natural Resources Wales for matters relating to flood risk and releases with the potential to impact on surface and groundwaters
- the Natural Resources Wales for matters relating to waste characterisation and acceptance
- The Local Authority Directors of Public Health for matters relating to wider public health.

## **Environmental Permitting**

Amongst other permits and consents, the development will require an environmental permit from the Environment Agency to operate (under the Environmental Permitting (England and Wales) Regulations 2010). Therefore the installation will need to comply with the requirements of best available techniques (BAT). PHE is a consultee for bespoke environmental permit applications and will respond separately to any such consultation.

## Annex 1

### Human health risk assessment (chemical pollutants)

The points below are cross-cutting and should be considered when undertaking a human health risk assessment:

- The promoter should consider including Chemical Abstract Service (CAS) numbers alongside chemical names, where referenced in the ES
- Where available, the most recent United Kingdom standards for the appropriate media (e.g. air, water, and/or soil) and health-based guideline values should be used when quantifying the risk to human health from chemical pollutants. Where UK standards or guideline values are not available, those recommended by the European Union or World Health Organisation can be used
- When assessing the human health risk of a chemical emitted from a facility or operation, the background exposure to the chemical from other sources should be taken into account
- When quantitatively assessing the health risk of genotoxic and carcinogenic chemical pollutants PHE does not favour the use of mathematical models to extrapolate from high dose levels used in animal carcinogenicity studies to well below the observed region of a dose-response relationship. When only animal data are available, we recommend that the 'Margin of Exposure' (MOE) approach<sup>6</sup> is used

---

<sup>6</sup> Benford D et al. 2010. Application of the margin of exposure approach to substances in food that are genotoxic and carcinogenic. Food Chem Toxicol 48 Suppl 1: S2-24



**CITY & COUNTY OF SWANSEA / DINAS A SIR ABERTAWE**  
**DIRECTORATE OF PLACE / CYFARWYDDIAETH LLEOEDD**  
**ECONOMIC REGENERATION & PLANNING / ADFYWIO ECONOMAIDD A CHYNLLUNIO**

CIVIC CENTRE, OYSTERMOUTH ROAD, SWANSEA, SA1 3SN  
Y GANOLFAN DDINESIG, HEOL YSTUMLLWYNARTH, ABERTAWE, SA1 3SN  
☎ (01792) 635701 📠 (01792) 635719 📠 (01792) 635708  
✉ [planning@swansea.gov.uk](mailto:planning@swansea.gov.uk) / <http://www.swansea.gov.uk>



The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

*Please ask for:*

David Owen

*Direct Line:*

01792 635701

*E-Mail:*

[planning@swansea.gov.uk](mailto:planning@swansea.gov.uk)

*Date:*

23<sup>rd</sup> July 2014

For the attention of Jenny Colfer

Dear Jenny

**APP NUMBER: ENQ2014/0800**

**SITE LOCATION: Abergelli Power Project, Felindre, Swansea**

**PROPOSAL: Power Generation Plant – 299 MW (EIA Scoping Report)**

I refer to your letter dated 26 June 2014 (Ref:ENO10069) regarding the EIA Scoping Consultation. The Local Planning Authority would wish to highlight the following issues:

#### **4.3 Cumulative Assessment**

In addition to the listed developments, the EIA should also have regard to the following:

Planning Application 2012/1221 Mynydd y Gwair Wind Farm - Installation of 16 wind turbines (maximum height to blade tip of 127 metres with a hub height of 80 metres), with a maximum generating capacity of 48MW, associated tracks and ancillary infrastructure (including permanent and temporary anemometer masts, electrical substation compound, hardstandings, transformers and underground cabling) and construction of new access track from A48 (Bolgoed Road at Pontarddulais) (approximately 14.54km in length) incorporating improvements to 3.9km of existing road across Mynydd Pysgodlyn – Planning Permission March, 2013

Planning Application 2006/0773 – Felindre Business Park - Outline Planning Permission has been granted for a strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads.

The application site area extends to 195 hectares, however, the application master plan indicates the development area to be 60.9 hectares of the south eastern area of the site and is focussed on the main brownfield area of the site formerly occupied by the Felindre tinplate works. It is envisaged that this developable area on the master

To receive this information in alternative format, please contact the above.  
*I dderbyn yr wybodaeth hon mewn fformatt arall, cysylltwch a'r person uchod.*  
We welcome communications in English and Welsh.  
*Rydym yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.*

plan will become the first phase of the overall concept and act as the catalyst for further potential phases of development. However, this is outside the scope of this particular application.

The development of the Strategic employment site would represent the first stage in the implementation of a high level employment site at Felindre which envisages the following types of uses as appropriate within each of the high value added economic groups:

- emerging industries (media/multi-media, biotechnology and nanotechnology).
- High tech manufacturing (semiconductors, telecoms equipment, pharmaceuticals & fine chemicals, advanced materials, aerospace).
- High level services (IT services & software, HQ functions, R & D, financial and business services, publishing).

The site is not considered suitable for general manufacturing, processing and office services. The main elements of the scheme are as follows:

- 80,065 sq. m/861,900 sq. ft of employment floor space for specific B1 and B2 use classes.
- Ancillary uses associated with a Strategic Business Park.
- Associated parking, landscaping and highway works.

Additionally, the **Felindre LDP / Candidate Site should be considered**. The assessment fails to have regard to the Local Development Plan: Preferred Strategy, July 2013. Within its Sustainable Growth Strategy, at Felindre, it is proposed to establish a new sustainable urban village to complement the proposed strategic employment development site at this location of 1000 new houses, together with supporting community facilities, leisure opportunities and integrated green infrastructure.

## **5 ES Impact Sections**

### **5.3 Air Quality**

The Council's Pollution Control team have assessed the scoping report and in respect of air quality are of the view that the main issues have been covered / identified.

The proposed use of ADMS for the dispersion modelling is welcomed but Pollution Control would want to agree all selected receptor locations for the modelling studies and also some of the data inputs. The modelling studies would need to consider human receptor points and also any SAC/SSSI etc etc. It is noted that they also plan to include an assessment of all non designated ecological receptor sites i.e. the Lliw

and Llan reservoirs. The pollutants of interest would be NO<sub>x</sub>, NO and NO<sub>2</sub>, PM<sub>10</sub> and CO. In addition, and as increasing research is pointing to significant health effects from PM<sub>2.5</sub> this pollutant should be included in any impact assessment. Pollution Control would also be interested in seeing predicted ground level ozone concentrations as a result of photochemistry from any increased NO<sub>x</sub> made available. (Ozone is known to be higher in rural areas due to ongoing photochemistry resulting from the wind mass laden with NO<sub>x</sub> passing overhead from the urban areas with ongoing photochemistry taking place – high ozone concentrations can have human health implications as well as effects on vegetation etc)

Local meteorological data should be used for any modelling studies and not be sourced from Cardiff Airport / Tutu Head Mumbles for example as these locations would in all probability not reflect conditions at the proposed site. Pollution Control can make available both boundary scaling data and the climatological dataset from their 30m mast at Cwm Level Park for their use. However, if they are planning to source meteorological data from any other source i.e. the Mynydd y Gwair wind farm development then this may prove an even better local source. Pollution Control would also consider making their SODAR wind profiler available (AQ500) should a suitable remote site be found and made available to site the equipment trailer. This AQ500 produces detailed wind speed/wind direction measurements every 15m up to its maximum height range of 300m which would be useful in any modelling undertaken.

#### **5.4 Noise and Vibration**

The Council's Pollution Control team would require an assessment of the effects from all tonal noise from the development at existing receptor locations. Additionally, regard should be made to the committed development of the Felindre Strategic Business Park and the proposed residential development of the Felindre LDP urban village.

#### **5.5 Ecology**

The Council's Ecologist has assessed the ecological sections scoping report and confirms that it would appear that all of the relevant areas for ecological survey have been identified in the preliminary ecological appraisal (appendix 1). The surveyors have identified some areas requiring further work some of which is being carried out now. This additional work is summarised in sections 5.5.9 to 5.5.25 of the report. Once the full report has been completed it will be possible to fully assess any potential impact.

#### **5.6 Water Quality and Resources**

Immediately to the north of the site Dwr Cymru Welsh Water operate their Felindre Water Treatment Works (WTW) and further to the north the Upper and Lower Lliw reservoirs form an important water storage asset for the provision of treated water to over 400,000 customers extending as far west as Carmarthen and as far east as the



**CITY & COUNTY OF SWANSEA / DINAS A SIR ABERTAWE**  
**DIRECTORATE OF PLACE / CYFARWYDDIAETH LLEOEDD**  
**ECONOMIC REGENERATION & PLANNING / ADFYWIO ECONOMAIDD A CHYNLLUNIO**  
CIVIC CENTRE, OYSTERMOUTH ROAD, SWANSEA, SA1 3SN  
Y GANOLFAN DDINESIG, HEOL YSTUMLLWYNARTH, ABERTAWE, SA1 3SN  
☎ (01792) 635701 📠 (01792) 635719 📠 (01792) 635708  
✉ [planning@swansea.gov.uk](mailto:planning@swansea.gov.uk) / <http://www.swansea.gov.uk>

Vale of Glamorgan and additionally there is a strategic watermain in the vicinity. The 66" diameter strategic water pipeline, along with the Lliw Reservoirs and Felindre WTW form integral parts of the largest water supply scheme ever constructed in Wales and were built in 1968 under an Act of Parliament known as the River Towy Water Supply Scheme. The 66" watermain is 17 miles long running from Nantgaredig Pumping Station to Felindre Water Treatment Works, and has no isolation valves along its entire length. It carries 240 Megalitres of water per day. This asset is the sole supply from the Llyn Brianne reservoir, via Nantgaredig Pumping Station to Felindre Water Treatment Works (WTW). Critical dependencies on this water supply include heavy and light industry, commercial centres and major health care facilities, such as the Morriston Hospital. Felindre WTW is one of only five DCWW assets in Wales which is classified by UK Government as of Critical National Importance. The strategic and importance of this asset therefore cannot be overstated.

No doubt consultation has been undertaken with DCWW, but impacts about the water quality in the reservoir and the structural integrity of the strategic water mains will need to be fully considered. It has previously been indicated by DCWW in association with other projects, that any works that would impact the integrity of the watermain would be of significant concern. It should also be noted that a fracture to this important watermain is likely to result in a major flooding incident as the water from the pipe drains out. Should the supply of water from this watermain to Felindre WTW be interrupted, water would be sourced from the Lower Lliw reservoir. Although the Lower Lliw would provide storage for a time, once half of the reservoir's stored water has been used the remaining water will be of very poor quality. The amount of treatment required for the water extracted at lower water is likely to exceed the treatment which can be provided at Felindre WTW in the quantities required for 400,000 customers.

#### Burry Inlet Habitat Regulations Assessment

The Scoping Opinion indicates that the Afan Llan flows in Swansea Bay. This is incorrect as the Afan Llan flows into the Loughor Estuary / Burry Inlet. This forms part of a European protected site which potentially affects the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. The conservation status of the sites has for some time been a matter of concern, with the issues centre around deficiencies in the sewerage infrastructure and the resulting storm spills and nutrients that may discharge into the protected sites.

The local authorities, Carmarthenshire County Council and City and County of Swansea Council, are required to meet their obligations under the EU Habitats Directive to ensure that no new developments adversely affect a protected site. This has led to a precautionary approach to new applications for development that may add additional loading on the public sewerage infrastructure in the area. To this end



**CITY & COUNTY OF SWANSEA / DINAS A SIR ABERTAWE**  
**DIRECTORATE OF PLACE / CYFARWYDDIAETH LLEOEDD**  
**ECONOMIC REGENERATION & PLANNING / ADFYWIO ECONOMAIDD A CHYNLLUNIO**  
CIVIC CENTRE, OYSTERMOUTH ROAD, SWANSEA, SA1 3SN  
Y GANOLFAN DDINESIG, HEOL YSTUMLLWYNARTH, ABERTAWE, SA1 3SN  
☎ (01792) 635701 📠 (01792) 635719 📠 (01792) 635708  
✉ [planning@swansea.gov.uk](mailto:planning@swansea.gov.uk) / <http://www.swansea.gov.uk>

a Memorandum of Understanding has been agreed between the relevant Councils, Dwr Cymru Welsh Water, Environment Agency and Countryside Council for Wales (Sept. 2011). The Memorandum of Understanding ("MoU") relating to the Safeguarding the Environment of the Carmarthen Bay and Estuaries European Marine Site (CBEEMS) whilst enabling Social and Economic Development for Communities around Burry Inlet indicates that to allow developments to proceed within the Gowerton Catchment *foul flows generated by a development will only be allowed to connect to the sewerage system once existing flows of surface water or foul have been removed from the system as a compensatory measure.*

### **5.7 Geology, Ground Conditions and Agriculture**

No comments

### **5.8 Landscape and Visual Impact**

It is noted that a landscape and visual assessment will be undertaken and it is noted that a Zone of Theoretical Visibility (ZTV) will be generated for the Power Generation Plant and that a selection of photomontages will be taken from key sensitive viewpoints, and a suggested list is included in the Scoping Report for consultation. Whilst the suggested viewpoint locations appear to be indicative of the surrounding area, following a meeting with the developer the ZTV has been requested to assist in assessing the adequacy of the proposed viewpoints.

### **5.9 Traffic, Transport and Access**

The Council's Head of Transportation has a meeting arranged for the 7<sup>th</sup> August to scope out the transport/traffic/access elements.

### **5.10 Cultural Heritage and Archaeology**

No comments

### **5.11 Socio-Economics**

No comments

I hope this is of assistance to you.

Yours sincerely

**DAVID OWEN**  
**PRINCIPAL PLANNING OFFICER**

## Hannah Nelson

---

**From:** Owen, David <David.Owen@swansea.gov.uk>  
**Sent:** 24 July 2014 14:05  
**To:** Environmental Services  
**Subject:** FW: Abergelli Power Project  
**Attachments:** mvmt1259.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jenny

Further to yesterday's email in terms of the cumulative assessment I would also wish to highlight a new planning application I have just become aware of.

Planning Application no. 2014/1022 for the installation of a solar park consisting of 47,000 solar panels with the installed capacity of 12.69 MW on land at Brynwhilach Farm. This site is almost immediately to the west of the proposed Abergelli Power Plant.

Regards

David

---

**From:** Owen, David  
**Sent:** 23 July 2014 11:30  
**To:** 'environmentalservices@infrastructure.gsi.gov.uk'  
**Subject:** Abergelli Power Project

For the attention of Jenny Colfer

Please find attached the LPA's consultation response to the EIA Scoping Report for the above project.

Regards

David Owen  
Principal Planning Officer

\*\*\*\*\*

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this e-mail in error, please notify the administrator on the following address:

[administrator@swansea.gov.uk](mailto:administrator@swansea.gov.uk)

All communications sent to or from the Council may be subject to recording and/or monitoring in accordance with relevant legislation

Mae'r e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r corff y cyfeiriwyd hwy atynt yn unig. Os ydych wedi derbyn yr e-bost hwn drwy gamgymeriad, dylech hysbysu'r gweinyddydd yn y cyfeiriad canlynol:

[administrator@swansea.gov.uk](mailto:administrator@swansea.gov.uk)



**The Coal  
Authority**



INVESTOR IN PEOPLE

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.coal.gov.uk/services/planning](http://www.coal.gov.uk/services/planning)

For the Attention of: Ms J. Colfer – Senior EIA and Land Rights Advisor  
The Planning Inspectorate

**[By Email: [environmentalservices@infrastructure.gsi.gov.uk](mailto:environmentalservices@infrastructure.gsi.gov.uk)]**

Your Ref: EN010069

24 July 2014

Dear Ms Colfer

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulations 8 and 9**

**Application by Abergelli Power Limited for an Order Granting Development Consent for the Abergelli Power Project – Scoping Consultation**

Thank you for your consultation letter of 26 June 2014 seeking the views of The Coal Authority on the EIA Scoping Opinion for the above proposal.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

#### The Coal Authority Response

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; the site therefore has been subject to past coal mining activity and is located within an area of surface coal resource.

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the past coal mining activities and the presence of surface coal resources within the site should be fully considered as part of the Environmental Statement (ES) accompanying the Development Consent Order; this should take the form of a risk assessment, together with any necessary mitigation measures.

The Coal Authority is therefore pleased to note that the Environmental Impact Assessment Scoping Report (June 2014) submitted at section 5.7 proposes the inclusion of a chapter

in the Environmental Statement on geology, ground conditions and agriculture and also demonstrates awareness in paragraph 5.7.3 that part of the proposed development site has been subject to past coal mining activity.

### Consideration of Coal Mining Issues in the ES

There are a number of coal mining legacy issues that can potentially pose a risk to new development and therefore should be considered as part of an Environmental Statement for development proposals within coalfield areas:

- The location and stability of abandoned mine entries
- The extent and stability of shallow mine workings
- Outcropping coal seams and unrecorded mine workings
- Hydrogeology, minewater and minegas

In addition, consideration should be afforded as part of development proposals and the ES to the following:

- If surface coal resources are present, whether prior extraction of the mineral resource is practicable and viable
- Whether Coal Authority permission is required to intersect, enter, or disturb any coal or coal workings during site investigation or development work

### Coal Mining Information

Information on these issues can be obtained from The Coal Authority's Property Search Services Team (via The Coal Authority's [website](#)) or book an appointment to visit The Coal Authority's Mining Records Centre in Mansfield to view our mining information (Tel: 01623 637 000).

An assessment of the risks associated with the presence of coal mining legacy issues on a proposed development should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at; <http://coal.decc.gov.uk/en/coal/cms/services/planning/strategy/strategy.aspx>

In accordance with our consultation requirements, we look forward to being consulted on the Development Consent Order and accompanying Environmental Statement in due course.

I trust this is acceptable, please do not hesitate to contact me if you require any additional information or would like to discuss this matter further.

Yours sincerely

*Mark Harrison*

**Mark E. N. Harrison** *B.A.(Hons), DipTP, LL.M, MInstLM, MRTPI*  
**Planning Liaison Manager**

The Planning Inspectorate  
3/18 Eagle Wing  
Temple Quay House  
2 The Square  
Bristol,  
BS1 6PN

***Issued via email only***

**Date:** 24/07/2014  
**Our Ref:** OG/NSIP/Abergelli

Dear Sir / Madam,

**Planning Act 2008 (as amended) and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) – Regulation 8**

**Application by Abergelli Power Limited for an Order Granting Development Consent for the Abergelli Power Project**

**Scoping Consultation**

I refer to your consultation letter received in accordance with the above regulations. We have reviewed the documents available at this stage in the process and specifically the Scoping Request received. We therefore have the following comments to make.

The application site lies in close proximity to the Lower Lliw Reservoir which supplies Felindre Water Treatment Works. The Scoping Request is silent on the potential impact of the development upon the water quality within the reservoir, which is approximately 1km from the site. It is therefore recommended that the developer explores these issues and undertakes an appropriate air quality assessment to consider possible effects to the water in the reservoir from both deposition and affected rainfall.

Further to the above, and where relevant, we recommend that the developer considers the impact upon any DCWW assets and apparatus and our ability to fulfil statutory obligations. In particular we draw the Planning Inspectorate and the developer's attention to the 48" strategic water main that crosses the application site. We would encourage and welcome early dialogue with ourselves to discuss these matters.

Notwithstanding the above, we respectfully reserve the right to comment further on any matters and issues arising from ongoing and future consultation. However, we trust the above information is helpful at this stage and we look forward to continuing our engagement on the project prior and during the submission of an application to the Planning Inspectorate.

Finally, I would be grateful if all future correspondence relating to the project is directed to me at the above address. For any further information, please do not hesitate to contact me.

Yours faithfully,



**Owain George**  
**Lead Development Control Officer**  
**Developer Services**



Welsh Water is owned by Glas Cymru – a ‘not-for-profit’ company.  
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni ‘nid-er-elw’.

We welcome correspondence in  
Welsh and English

Dŵr Cymru Cyf, a limited company registered in  
Wales no 2366777. Registered office: Pentwyn Road,  
Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y  
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng  
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn  
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

## **APPENDIX 3**

# **Presentation of the Environmental Statement**





## APPENDIX 3

### PRESENTATION OF THE ENVIRONMENTAL STATEMENT

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2264) (as amended) sets out the information which must be provided for an application for a development consent order (DCO) for nationally significant infrastructure under the Planning Act 2008. Where required, this includes an environmental statement. Applicants may also provide any other documents considered necessary to support the application. Information which is not environmental information need not be replicated or included in the ES.

An environmental statement (ES) is described under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2263) (as amended) (the EIA Regulations) as a statement:

- a) 'that includes such of the information referred to in Part 1 of Schedule 4 as is reasonably required to assess the environmental effects of the development and of any associated development and which the applicant can, having regard in particular to current knowledge and methods of assessment, reasonably be required to compile; but
- b) that includes at least the information required in Part 2 of Schedule 4'.

*(EIA Regulations Regulation 2)*

The purpose of an ES is to ensure that the environmental effects of a proposed development are fully considered, together with the economic or social benefits of the development, before the development consent application under the Planning Act 2008 is determined. The ES should be an aid to decision making.

The SoS advises that the ES should be laid out clearly with a minimum amount of technical terms and should provide a clear objective and realistic description of the likely significant impacts of the proposed development. The information should be presented so as to be comprehensible to the specialist and non-specialist alike. The SoS recommends that the ES be concise with technical information placed in appendices.

### ES Indicative Contents

The SoS emphasises that the ES should be a 'stand alone' document in line with best practice and case law. The EIA Regulations Schedule 4, Parts 1 and 2, set out the information for inclusion in environmental statements.

Schedule 4 Part 1 of the EIA Regulations states this information includes:

- ‘17. Description of the development, including in particular—
  - (a) a description of the physical characteristics of the whole development and the land-use requirements during the construction and operational phases;*
  - (b) a description of the main characteristics of the production processes, for instance, nature and quantity of the materials used;*
  - (c) an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc) resulting from the operation of the proposed development.**
- 18. An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects.*
- 19. A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.*
- 20. A description of the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from:
  - (a) the existence of the development;*
  - (b) the use of natural resources;*
  - (c) the emission of pollutants, the creation of nuisances and the elimination of waste,*and the description by the applicant of the forecasting methods used to assess the effects on the environment.*
- 21. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.*
- 22. A non-technical summary of the information provided under paragraphs 1 to 5 of this Part.*
- 23. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information’.*

*EIA Regulations Schedule 4 Part 1*

The content of the ES must include as a minimum those matters set out in Schedule 4 Part 2 of the EIA Regulations. This includes the consideration of 'the main alternatives studied by the applicant' which the SoS recommends could be addressed as a separate chapter in the ES. Part 2 is included below for reference:

#### Schedule 4 Part 2

- A description of the development comprising information on the site, design and size of the development
- A description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects
- The data required to identify and assess the main effects which the development is likely to have on the environment
- An outline of the main alternatives studied by the applicant and an indication of the main reasons for the applicant's choice, taking into account the environmental effects, and
- A non-technical summary of the information provided [*under the four paragraphs above*].

Traffic and transport is not specified as a topic for assessment under Schedule 4; although in line with good practice the SoS considers it is an important consideration *per se*, as well as being the source of further impacts in terms of air quality and noise and vibration.

## Balance

The SoS recommends that the ES should be balanced, with matters which give rise to a greater number or more significant impacts being given greater prominence. Where few or no impacts are identified, the technical section may be much shorter, with greater use of information in appendices as appropriate.

The SoS considers that the ES should not be a series of disparate reports and stresses the importance of considering inter-relationships between factors and cumulative impacts.

## Scheme Proposals

The scheme parameters will need to be clearly defined in the draft DCO and therefore in the accompanying ES which should support the application as described. The SoS is not able to entertain material changes to a project once an application is submitted. The SoS draws the attention of the applicant to the DCLG and the Planning Inspectorate's published advice on the preparation of a draft DCO and accompanying application documents.

## Flexibility

The SoS acknowledges that the EIA process is iterative, and therefore the proposals may change and evolve. For example, there may be changes to the scheme design in response to consultation. Such changes should be addressed in the ES. However, at the time of the application for a DCO, any proposed scheme parameters should not be so wide ranging as to represent effectively different schemes.

It is a matter for the applicant, in preparing an ES, to consider whether it is possible to assess robustly a range of impacts resulting from a large number of undecided parameters. The description of the proposed development in the ES must not be so wide that it is insufficiently certain to comply with requirements of paragraph 17 of Schedule 4 Part 1 of the EIA Regulations.

The Rochdale Envelope principle (see *R v Rochdale MBC ex parte Tew (1999)* and *R v Rochdale MBC ex parte Milne (2000)*) is an accepted way of dealing with uncertainty in preparing development applications. The applicant's attention is drawn to the Planning Inspectorate's Advice Note 9 'Rochdale Envelope' which is available on the Advice Note's page of the National Infrastructure Planning website.

The applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the scheme have yet to be finalised and provide the reasons. Where some flexibility is sought and the precise details are not known, the applicant should assess the maximum potential adverse impacts the project could have to ensure that the project as it may be constructed has been properly assessed.

The ES should be able to confirm that any changes to the development within any proposed parameters would not result in significant impacts not previously identified and assessed. The maximum and other dimensions of the proposed development should be clearly described in the ES, with appropriate justification. It will also be important to consider choice of materials, colour and the form of the structures and of any buildings. Lighting proposals should also be described.

## Scope

The SoS recommends that the physical scope of the study areas should be identified under all the environmental topics and should be sufficiently robust in order to undertake the assessment. The extent of the study areas should be on the basis of recognised professional guidance, whenever such guidance is available. The study areas should also be agreed with the relevant consultees and local authorities and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given. The scope should also cover the breadth of the topic area and the temporal scope, and these aspects should be described and justified.

### *Physical Scope*

In general the SoS recommends that the physical scope for the EIA should be determined in the light of:

- the nature of the proposal being considered
- the relevance in terms of the specialist topic
- the breadth of the topic
- the physical extent of any surveys or the study area, and
- the potential significant impacts.

The SoS recommends that the physical scope of the study areas should be identified for each of the environmental topics and should be sufficiently robust in order to undertake the assessment. This should include at least the whole of the application site, and include all offsite works. For certain topics, such as landscape and transport, the study area will need to be wider. The extent of the study areas should be on the basis of recognised professional guidance and best practice, whenever this is available, and determined by establishing the physical extent of the likely impacts. The study areas should also be agreed with the relevant consultees and, where this is not possible, this should be stated clearly in the ES and a reasoned justification given.

### *Breadth of the Topic Area*

The ES should explain the range of matters to be considered under each topic and this may respond partly to the type of project being considered. If the range considered is drawn narrowly then a justification for the approach should be provided.

### *Temporal Scope*

The assessment should consider:

- environmental impacts during construction works
- environmental impacts on completion/operation of the proposed development
- where appropriate, environmental impacts a suitable number of years after completion of the proposed development (for example, in order to allow for traffic growth or maturing of any landscape proposals), and
- environmental impacts during decommissioning.

In terms of decommissioning, the SoS acknowledges that the further into the future any assessment is made, the less reliance may be placed on the outcome. However, the purpose of such a long term assessment, as well as to enable the decommissioning of the works to be taken into account, is to encourage early consideration as to how structures can be taken down. The purpose of this is to seek to minimise disruption, to re-use materials and to restore the site or put it to a suitable new use. The SoS encourages consideration of such matters in the ES.

The SoS recommends that these matters should be set out clearly in the ES and that the suitable time period for the assessment should be agreed with the relevant statutory consultees.

The SoS recommends that throughout the ES a standard terminology for time periods should be defined, such that for example, 'short term' always refers to the same period of time.

## Baseline

The SoS recommends that the baseline should describe the position from which the impacts of the proposed development are measured. The baseline should be chosen carefully and, whenever possible, be consistent between topics. The identification of a single baseline is to be welcomed in terms of the approach to the assessment, although it is recognised that this may not always be possible.

The SoS recommends that the baseline environment should be clearly explained in the ES, including any dates of surveys, and care should be taken to ensure that all the baseline data remains relevant and up to date.

For each of the environmental topics, the data source(s) for the baseline should be set out together with any survey work undertaken with the dates. The timing and scope of all surveys should be agreed with the relevant statutory bodies and appropriate consultees, wherever possible.

The baseline situation and the proposed development should be described within the context of the site and any other proposals in the vicinity.

## Identification of Impacts and Method Statement

### *Legislation and Guidelines*

In terms of the EIA methodology, the SoS recommends that reference should be made to best practice and any standards, guidelines and legislation that have been used to inform the assessment. This should include guidelines prepared by relevant professional bodies.

In terms of other regulatory regimes, the SoS recommends that relevant legislation and all permit and licences required should be listed in the ES where relevant to each topic. This information should also be submitted with the application in accordance with the APFP Regulations.

In terms of assessing the impacts, the ES should approach all relevant planning and environmental policy – local, regional and national (and where appropriate international) – in a consistent manner.

### *Assessment of Effects and Impact Significance*

The EIA Regulations require the identification of the 'likely significant effects of the development on the environment' (Schedule 4 Part 1 paragraph 20).

As a matter of principle, the SoS applies the precautionary approach to follow the Court's<sup>4</sup> reasoning in judging 'significant effects'. In other words 'likely to affect' will be taken as meaning that there is a probability or risk that the proposed development will have an effect, and not that a development will definitely have an effect.

The SoS considers it is imperative for the ES to define the meaning of 'significant' in the context of each of the specialist topics and for significant impacts to be clearly identified. The SoS recommends that the criteria should be set out fully and that the ES should set out clearly the interpretation of 'significant' in terms of each of the EIA topics. Quantitative criteria should be used where available. The SoS considers that this should also apply to the consideration of cumulative impacts and impact inter-relationships.

The SoS recognises that the way in which each element of the environment may be affected by the proposed development can be approached in a number of ways. However it considers that it would be helpful, in terms of ease of understanding and in terms of clarity of presentation, to consider the impact assessment in a similar manner for each of the specialist topic areas. The SoS recommends that a common format should be applied where possible.

#### *Inter-relationships between environmental factors*

The inter-relationship between aspects of the environments likely to be significantly affected is a requirement of the EIA Regulations (see Schedule 4 Part 1 of the EIA Regulations). These occur where a number of separate impacts, e.g. noise and air quality, affect a single receptor such as fauna.

The SoS considers that the inter-relationships between factors must be assessed in order to address the environmental impacts of the proposal as a whole. This will help to ensure that the ES is not a series of separate reports collated into one document, but rather a comprehensive assessment drawing together the environmental impacts of the proposed development. This is particularly important when considering impacts in terms of any permutations or parameters to the proposed development.

#### *Cumulative Impacts*

The potential cumulative impacts with other major developments will need to be identified, as required by the Directive. The significance of such impacts should be shown to have been assessed against the baseline position (which would include built and operational development).

---

<sup>4</sup> See Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw (Waddenzee Case No C 127/02/2004)

In assessing cumulative impacts, other major development should be identified through consultation with the local planning authorities and other relevant authorities on the basis of those that are:

- projects that are under construction
- permitted application(s) not yet implemented
- submitted application(s) not yet determined
- all refusals subject to appeal procedures not yet determined
- projects on the National Infrastructure's programme of projects, and
- projects identified in the relevant development plan (and emerging development plans - with appropriate weight being given as they move closer to adoption) recognising that much information on any relevant proposals will be limited.

Details should be provided in the ES, including the types of development, location and key aspects that may affect the EIA and how these have been taken into account as part of the assessment.

The SoS recommends that offshore wind farms should also take account of any offshore licensed and consented activities in the area, for the purposes of assessing cumulative effects, through consultation with the relevant licensing/consenting bodies.

For the purposes of identifying any cumulative effects with other developments in the area, applicants should also consult consenting bodies in other EU states to assist in identifying those developments (see commentary on Transboundary Effects below).

#### *Related Development*

The ES should give equal prominence to any development which is related with the proposed development to ensure that all the impacts of the proposal are assessed.

The SoS recommends that the applicant should distinguish between the proposed development for which development consent will be sought and any other development. This distinction should be clear in the ES.

#### *Alternatives*

The ES must set out an outline of the main alternatives studied by the applicant and provide an indication of the main reasons for the applicant's choice, taking account of the environmental effect (Schedule 4 Part 1 paragraph 18).

Matters should be included, such as *inter alia* alternative design options and alternative mitigation measures. The justification for the final choice and evolution of the scheme development should be made clear. Where other sites have been considered, the reasons for the final choice should be addressed.



The SoS advises that the ES should give sufficient attention to the alternative forms and locations for the off-site proposals, where appropriate, and justify the needs and choices made in terms of the form of the development proposed and the sites chosen.

### *Mitigation Measures*

Mitigation measures may fall into certain categories namely: avoid; reduce; compensate or enhance (see Schedule 4 Part 1 paragraph 21); and should be identified as such in the specialist topics. Mitigation measures should not be developed in isolation as they may relate to more than one topic area. For each topic, the ES should set out any mitigation measures required to prevent, reduce and where possible offset any significant adverse effects, and to identify any residual effects with mitigation in place. Any proposed mitigation should be discussed and agreed with the relevant consultees.

The effectiveness of mitigation should be apparent. Only mitigation measures which are a firm commitment and can be shown to be deliverable should be taken into account as part of the assessment.

It would be helpful if the mitigation measures proposed could be cross referred to specific provisions and/or requirements proposed within the draft development consent order. This could be achieved by means of describing the mitigation measures proposed either in each of the specialist reports or collating these within a summary section on mitigation.

The SoS advises that it is considered best practice to outline in the ES, the structure of the environmental management and monitoring plan and safety procedures which will be adopted during construction and operation and may be adopted during decommissioning.

### *Cross References and Interactions*

The SoS recommends that all the specialist topics in the ES should cross reference their text to other relevant disciplines. Interactions between the specialist topics is essential to the production of a robust assessment, as the ES should not be a collection of separate specialist topics, but a comprehensive assessment of the environmental impacts of the proposal and how these impacts can be mitigated.

As set out in EIA Regulations Schedule 4 Part 1 paragraph 23, the ES should include an indication of any technical difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

### *Consultation*

The SoS recommends that any changes to the scheme design in response to consultation should be addressed in the ES.

It is recommended that the applicant provides preliminary environmental information (PEI) (this term is defined in the EIA Regulations under regulation 2 'Interpretation') to the local authorities.

Consultation with the local community should be carried out in accordance with the SoCC which will state how the applicant intends to consult on the preliminary environmental information (PEI). This PEI could include results of detailed surveys and recommended mitigation actions. Where effective consultation is carried out in accordance with Section 47 of the Planning Act, this could usefully assist the applicant in the EIA process – for example the local community may be able to identify possible mitigation measures to address the impacts identified in the PEI. Attention is drawn to the duty upon applicants under Section 50 of the Planning Act to have regard to the guidance on pre-application consultation.

## Transboundary Effects

The SoS recommends that consideration should be given in the ES to any likely significant effects on the environment of another Member State of the European Economic Area. In particular, the SoS recommends consideration should be given to discharges to the air and water and to potential impacts on migratory species and to impacts on shipping and fishing areas.

The Applicant's attention is also drawn to the Planning Inspectorate's Advice Note 12 'Development with significant transboundary impacts consultation' which is available on the Advice Notes Page of the National Infrastructure Planning website

## Summary Tables

The SoS recommends that in order to assist the decision making process, the applicant may wish to consider the use of tables:

**Table X** to identify and collate the residual impacts after mitigation on the basis of specialist topics, inter-relationships and cumulative impacts.

**Table XX** to demonstrate how the assessment has taken account of this Opinion and other responses to consultation.

**Table XXX** to set out the mitigation measures proposed, as well as assisting the reader, the SoS considers that this would also enable the applicant to cross refer mitigation to specific provisions proposed to be included within the draft Development Consent Order.

**Table XXXX** to cross reference where details in the HRA (where one is provided) such as descriptions of sites and their locations, together with any mitigation or compensation measures, are to be found in the ES.

## Terminology and Glossary of Technical Terms

The SoS recommends that a common terminology should be adopted. This will help to ensure consistency and ease of understanding for the decision making process. For example, 'the site' should be defined and used only in terms of this definition so as to avoid confusion with, for example, the wider site area or the surrounding site.

A glossary of technical terms should be included in the ES.

## Presentation

The ES should have all of its paragraphs numbered, as this makes referencing easier as well as accurate.

Appendices must be clearly referenced, again with all paragraphs numbered.

All figures and drawings, photographs and photomontages should be clearly referenced. Figures should clearly show the proposed site application boundary.

## Bibliography

A bibliography should be included in the ES. The author, date and publication title should be included for all references. All publications referred to within the technical reports should be included.

## Non Technical Summary

The EIA Regulations require a Non Technical Summary (EIA Regulations Schedule 4 Part 1 paragraph 22). This should be a summary of the assessment in simple language. It should be supported by appropriate figures, photographs and photomontages.