

Abergelli Power Limited (APL) – Gas Fired Power Station Item Report

Purpose:	This report provides an overview of the APL submission for Development Consent Order for a gas fired power station at Felindre and seeks delegated powers to respond to the 'Adequacy of Consultation' representation.
Legislative Framework:	The Planning Act 2008 (as amended). The DCO application will be examined by the Planning Inspectorate who will make a recommendation to the Secretary of State for Business, Energy & Industrial Strategy. The Secretary of State will take a decision on the application on receipt of a recommendation from the Planning Inspectorate.
Policy Framework:	National Policy Statements EN-1 and EN-2 provide the overarching national level policy framework for consideration of DCO applications for gas fired power stations and set out the Government's policies for the assessment of DCO applications. City and County of Swansea Unitary Development Plan (Adopted November 2008). The Emerging Local Development Plan (LDP) expected to be the approved plan by late 2018.
Reason for Decision:	To enable the Local Planning Authority to respond to the tight deadlines set by the Examining Authority (PINS).
Recommendation:	1) That Committee grant delegated powers to the Head of Planning and City Regeneration to provide a response to the 'Adequacy of Consultation' Representation.
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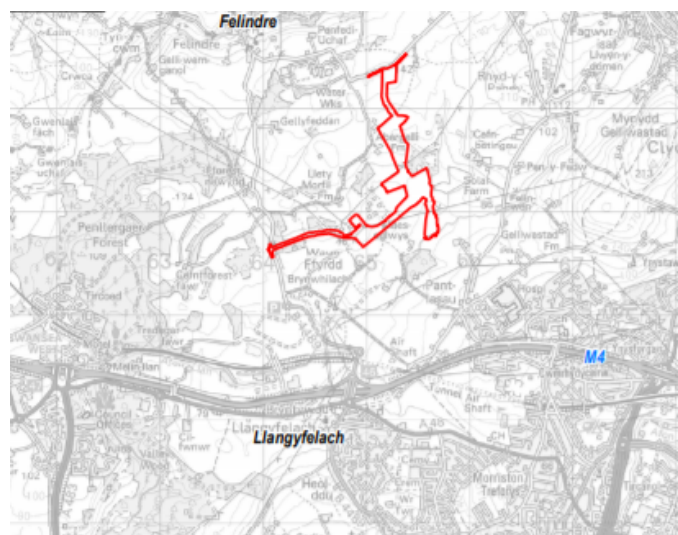
1.0 Introduction:

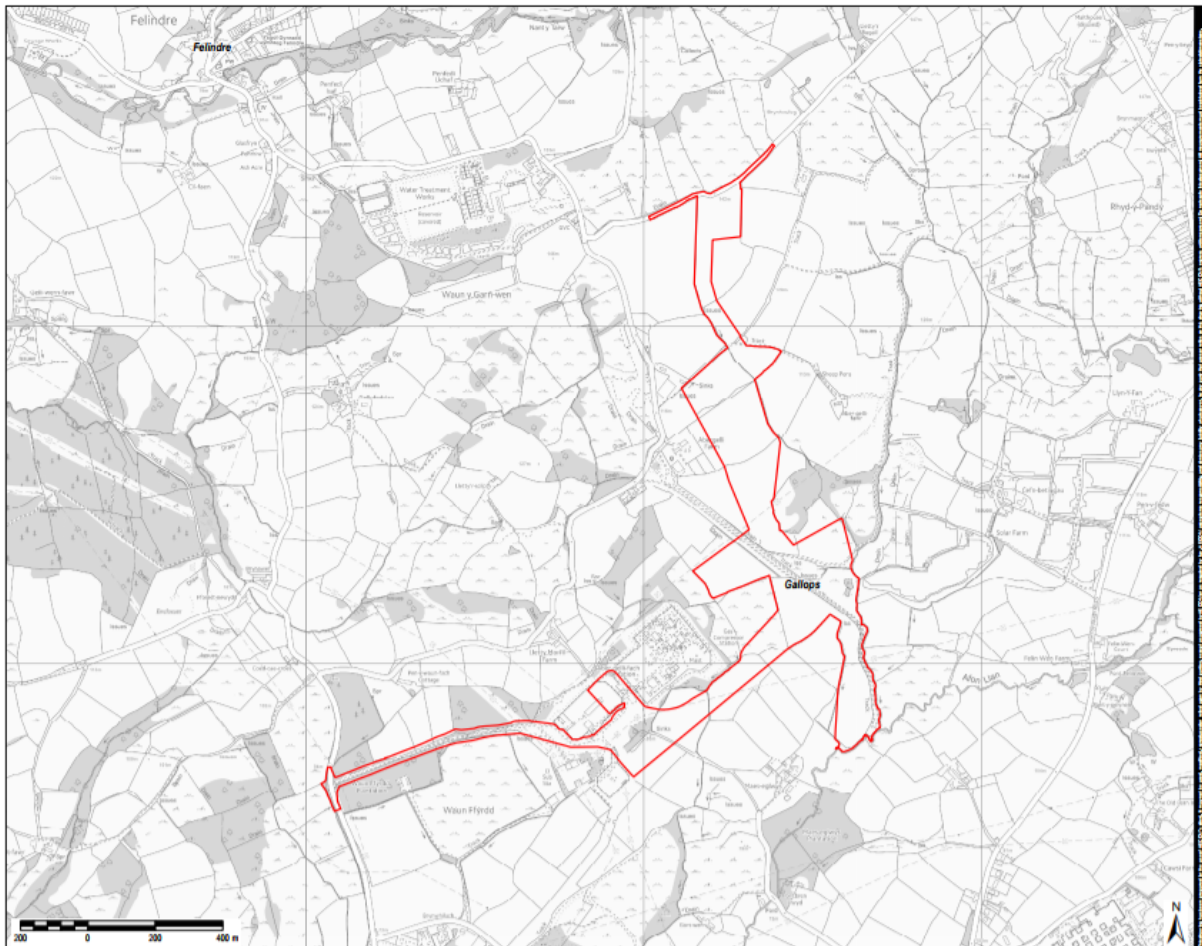
- 1.1 Abergelli Power Limited (APL), a subsidiary business of Drax Group, wishes to build a gas-fired power station on land located at Abergelli Farm, south of Felindre, adjacent to the National Grid Gas Compressor Station and to the north of the M4 motorway.

- 1.2 The Project includes a power generation plant and its electrical and gas connections. The Project would have a rated electrical output of up to 299MW. The power generation plant is designed to provide back-up generation capacity which can operate flexibly to respond quickly and efficiently to both short-term variation in customer demand and intermittent output from renewable power generation. It is anticipated that it will operate for up to 2,250 hours p.a. and 1,500 running hours rolling average over 5 yrs.
- 1.3 Given that the proposal is for a thermal generating station with an electrical output in excess of 50 MW the output, the Project is classified as a Nationally Significant Infrastructure Project, which means that a Development Consent Order (DCO) is required to build, operate and maintain it.
- 1.4 The DCO Application will be examined by the Planning Inspectorate (PINS) who will make a recommendation to the Secretary of State for Business, Energy & Industrial Strategy. The Secretary of State will take a decision on the application on receipt of a recommendation from PINS. PINS take around six months to examine an application once submitted. The process will be similar to that of the Tidal Lagoon DCO, albeit that the proposed technology is more common place than the tidal lagoon and various other 'peaking' plants have been already been granted a DCO (such as Hirwaun, RCT) so the process should be more straightforward in this regard.
- 1.5 PINS have informed the Local Planning Authority that APL intend to submit their application for an order granting development consent to them on **Friday 25 May 2018**.

2.0 The Site and its Surroundings:

- 2.1 The red line boundary of the project, encompassing all the elements proposed and the maximum extent of land over which powers are sought, is shown below.





- 2.2 The land at Abergelli Farm consists of grazing fields for sheep, is divided by hedgerows and is generally flat in a slightly undulating landscape. The site is located within the open countryside and lies approximately 1.5km north west of Morryston Hospital. The western extent of the project site encompasses National Grid's Swansea North electrical substation and Felindre Gas Compressor Station.
- 2.3 The whole of the site is located within the administrative area of the City & County of Swansea. Abergelli Farm is located 2km south east of Felindre, 2.4km north of Llangyfelach and to the north of Junction 46 of the M4 and would be accessed via this junction. The overall farm is approximately 97Ha and is currently used for sheep grazing and horse training/ breeding and there is a planning history associated with these uses. The application site is currently accessed via a network of farm tracks that lead to the B4489 to the south and an unnamed road to the north which leads to Felindre and Rhyd y Pandy.
- 2.4 There are no residential dwellings located within the boundary of the project site. Most of the site is improved grassland but there are areas of marshy grassland in the south eastern part of the Generating Equipment Site. There are parts of a Site of Importance for Nature Conservation (SINC) within the Project Site (Llety Morfil SINC). A block of broadleaved woodland, classed as Ancient Woodland is located in the western portion of the site, surrounding the substation.

- 2.5 The Generating Equipment Site is located primarily within fields used for grazing, bounded by a mixture of drainage ditches, fencing and poor quality hedgerows with gaps in them. The Generating Equipment Site and the Laydown Area are both crossed by a soft surface horse training track known as 'the gallops' which runs diagonally north-west to south-east. Other features of the area include public footpaths, bridleways and tracks located in and around the Project Site, linking it to the wider area.
- 2.6 The wider surrounding area is generally rural in character although there is a large amount of utilities' infrastructure in the vicinity e.g. gas and water pipelines, electricity pylons and substations, a gas compressor station and a water treatment plant. A large water main also crosses the site. Further afield lies the former Felindre Tin Plate works which is identified as a Strategic Business Park. Several solar farms have been proposed in the surrounding area with several completed and operational.

3.0 The Project:

- 3.1 The Project is a gas-fired 'peaking' plant which is designed to operate when there is a surge in demand for electricity (e.g. where there is a sudden demand in power required by consumers or a sudden drop in power being generated by plants that suffer a breakdown). Peaking plants also help to 'balance out' the grid at times of peak electricity demand and at times when other technologies, such as wind and solar farms, cannot generate electricity due to their reliance on weather conditions and intermittent operation.
- 3.2 The Project Site is approximately 30 ha in area, and is situated on open agricultural land located approximately 2 km north of Junction 46 of the M4 within the administrative boundary of the City and County of Swansea Council.
- 3.3 The Project will involve the combustion of gas to generate electricity. There are three key components to the Project:
- 1) A new Power Generation Plant, in the form of an Open Cycle Gas Turbine. It will have an electrical output of up to 299 MW.

The Power Generation Plant will include:

- Generating Equipment including one Gas Turbine Generator with one exhaust gas flue stack (between 35m and 45m in height); and
- Balance of Plant (BOP), which is all infrastructure required to support the Gas Turbine Generator (together referred to as the 'Generating Equipment') which are located within the 'Generating Equipment Site';
- An Access Road to the Project Site from the B4489 which lies to the west, formed by upgrading an existing access road between the B4489 junction and the Swansea North Substation (the Substation) and constructing a new section of access road from the Substation to the Generating Equipment Site; and
- A temporary construction compound for the storage of materials, plant and equipment as well as containing site accommodation and welfare facilities, temporary car parking and temporary fencing (the Laydown Area). A small area within the Laydown Area will be retained permanently (the Maintenance Compound).
- Ecological Mitigation Area - area for potential reptile translocation and ecological enhancement. Location and area to be confirmed in discussion with

NRW and CCS and likely to be commensurate with the extent of mitigation required and within the Project Site Boundary.

- Permanent parking and drainage to include: a site foul, oily water and surface water drainage system.

- 2) The Gas Connection will be in the form of a new above ground installation (AGI) and underground gas connection (the Gas Pipeline). This is to bring natural gas to the Generating Equipment from the National Gas Transmission System.
- 3) The Electrical Connection will be an underground electrical cable to export power from the Generating Equipment to the National Grid Electricity Transmission System (NETS).



3.4 The proposed application for a Development Consent Order (DCO) will seek consent for all works required for construction, use, operation and maintenance of the Power Generation Plant (including the Access Road and the Laydown Area/Maintenance Compound, which are integral to the NSIP). The Gas Connection and Electrical Connection are considered to be Associated Development within the meaning of the Planning Act 2008.

3.5 As the Project is a generating station in Wales below 350 MW, development consent cannot be granted for Associated Development (gas and electricity connections) in the DCO. However, the Gas Connection and the Electrical Connection will be considered and assessed in the Environmental Statement to provide full information on the effects of the Project as a whole.

4.0 Need for the Project:

4.1 There is a considerable national need for this type of project, acknowledged at all levels of Government policy. National planning policy supports the need for new power stations to replace the current ageing coal fired power plants, many of which are scheduled to close, and also meet expected increasing demand for electricity over the coming decades. The supply of electricity in

the UK relies on the generation of electricity from several sources, more traditionally through baseload thermal generation plants such as coal, gas and nuclear. These generators all provide power to keep the national grid at a steady frequency of 50 Hertz (Hz), essential to the smooth operation of electrical equipment throughout the UK. At present, the total capacity of peaking power plants in the UK is relatively small due to the nature of the historic approach to power production in the UK.

- 4.2 There is a clear and significant requirement for further capacity to meet the projected need for reactive/flexible generation in the future, as the methods of power generation diversify. Gas is acknowledged by the Government as having an important role to play in our transition to a low carbon economy, whilst at the same time supporting the country's energy security. In addition, gas peaking plants such as the Project would provide back-up to power generation from renewable sources, particularly wind power, which supply an increasingly important share of the country's electricity demand. Modern gas fired power plants are among the most efficient forms of electricity power generation.
- 4.3 An Environmental Impact Assessment (EIA) of the proposed development will be submitted as part of the suite of documents that accompany the application for development consent. The EIA will examine likely significant environmental effects of the Abergelli Power project. Issues such as noise, air emissions, ecology, visual impact, archaeology and traffic and transport will be considered.
- 4.4 The Abergelli Power project can bring a range of benefits to the area during both construction and operation. Construction will take around two years and will provide job opportunities for approximately 150 skilled and semi-skilled people.
- 4.5 The power plant is expected to have an operational life of at least 25 years during which up to 15 full time employees will be required to support the management and maintenance of the plant.
- 4.6 This investment will also support indirect jobs in the local community in areas such as facility maintenance and other support services. A detailed socio-economic impact study will be submitted as part of the application.

5.0 Adequacy of Consultation:

- 5.1 On receipt of an application, the Planning Inspectorate has 28 days to decide whether or not to accept the application. In accordance with section 37 of Planning Act 2008, the developer must submit a consultation report with the application. This consultation report should set out the developer's pre-application consultation processes, a summary of the relevant responses to its consultation and how it has taken account of responses received in developing the application. Developers must have regard to relevant guidance on the pre-application process issued by the Secretary of State.
- 5.2 As soon as PINS receive the application, they will invite the Council as host local authority, to submit an 'adequacy of consultation representation' which the Planning Inspectorate must have regard to in deciding whether or not to accept an application. This adequacy of consultation representation means a representation about whether the developer has complied, in relation to the

proposed application, with its duties under sections 42, 47 and 48 of Planning Act 2008 relating to consultation and publicity.

- 5.3 Given the short statutory time limit for the acceptance stage, PINS will be **seeking a representation from the authority within 14 calendar days of the date of the invitation**. In light of this, authorisation is sought from Committee for the Head of Planning and City Regeneration to formally respond on behalf of the Council.
- 5.4 In this regard, APL first discussed this proposal with the Council in 2014 in anticipation of an application in 2015. The Project was taken through the first stages of the DCO consultation process in 2014 and several public consultation events were undertaken in 2014/ 2015 before the project was put on hold due to market uncertainty. Under the new ownership of the British energy company Drax Group plc, the Project is now once again being taken forward. A second round of community consultation has been undertaken with local residents, businesses and Members in anticipation of the submission.
- 5.5 Section 42 of the 2008 Act states that the applicant has a duty to consult prescribed people on an application for DCO. Section 47 provides a duty to consult with the local community on an application, and the applicant has to prepare a statement outlining how they are going to consult the community in consultation with the Local Planning Authority. The applicant must then carry out the consultation in accordance with the Statement. Section 48 provides for the applicant to publicise the application in the proposed manner.
- 5.6 The Local Planning Authority previously advised on the 2014 statement and had significant input into the application documents as there was on-going dialogue between the parties. Once again, the applicant has sought advice / input from the Local Planning Authority on updating their proposals.
- 5.7 The Council were consulted on the Statement of Community Consultation (SOCC) in November 2017. Local Ward Members, the Leader, several Cabinet Members and the Chair of Planning Committee were made aware of the proposed consultation statement. As well as being made available online throughout the consultation period (which ran for 35 days from 16th January until 19th February 2018 inclusive), information was available to view at Swansea Library, Clydach Library, Pontarddulais Library, Gorseinon Library and Morriston Library. Residents and businesses located within a 3.5km group also received a leaflet about the project on/ around January 16th 2018. Four public exhibitions were also held at Llangyfelach Church Hall, Felindre Welfare Hall, Forge Fach Resource Centre and Tircoed Village Hall in February. The Authority also advised on the translation requirements and “hard to reach” community groups were also consulted.
- 5.8 On the basis that the consultation was undertaken in accordance with the SOCC and upon receipt of the Consultation Report, it is requested that authorisation is sought for the Head of Planning and City Regeneration to be able to respond to the adequacy of consultation response.
- 5.9 At this stage, it is envisaged that this response will be positive in that the applicant has entered into an open dialogue with the LPA throughout the process and consultation appears to have been carried out in accordance with the applicant’s duties set out in Sections 42, 47 and 48 of the Planning Act 2008.

5.10 ***The adequacy of consultation representation is not a representation on the impacts of the scheme or the merits of the case, and the submission of any such representations prior to an acceptance would be premature.***

6.0 Local Impact Report (LIR):

6.1 PINS will not consider the merits of an application unless it is accepted for examination. Should the application be accepted, host authorities will automatically be registered to participate in the examination.

6.2 If the application has been accepted for examination, the relevant Secretary of State will appoint an 'Examining Authority' to examine the application. The Examining Authority will be from the Planning Inspectorate, and will be either a single Inspector or a panel of three or more Inspectors.

6.3 If accepted for examination, the Examining Authority will invite local authorities to submit a LIR in which the Authority should give details of the likely impact of the proposed development upon the Authority's area. **The deadline for the submission of the LIR will be set by the Examining Authority following the Preliminary Meeting**, which is likely to take place a few months after the acceptance of an application. The Authority are therefore encouraged to begin preparation of the LIR now, and put in place internal approval procedures.

6.4 At this stage, it is envisaged that the Local Impact Report will be reported back to Committee for consideration. Officers will start preparing this in due course.

6.5 In addition, authorisation may be sought to agree a Statement of Common Ground with the applicant as well as preparing written statements on individual topics depending on the timeframes for comment. The timeframes for the process will become clearer following the Preliminary Meeting (assuming the application is accepted by PINS).

6.6 The Planning Inspectorate have prepared an Advice Note on preparing Local Impact Reports which can be viewed via the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-1v2.pdf>

6.7 As part of the examination process, the Examining Authority will invite relevant local authorities to submit LIRs by a given deadline. After the examination has been concluded, the Examining Authority will make a recommendation to the Secretary of State, who will make the decision on whether or not to make a development consent order (DCO) authorising the project.

6.8 In coming to a decision, the Secretary of State must have regard to any LIRs that are submitted by the deadline. Local authorities are therefore strongly encouraged to produce LIRs when invited to do so. Relevant local authorities should prioritise preparation of their LIR irrespective of whether the local authority considers the development would have a positive or negative impact on their area. The local authority will be able to submit a separate written representation if it wishes to express a particular view on whether the application should be granted.

- 6.9 The sole definition of an LIR is given in S60(3) of the Act as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The content of the LIR is a matter for the local authority concerned as long as it falls within this statutory definition.
- 6.10 Topics which may be of assistance in the report include:
- Site description and surroundings/ location
 - Details of the proposal
 - Relevant planning history and any issues arising
 - Relevant development plan policies, supplementary planning guidance or documents, development briefs or approved master-plans and an appraisal of their relationship and relevance to the proposals
 - Relevant development proposals under consideration or granted permission but not commenced or completed
 - Local area characteristics such as urban and landscape qualities and nature conservation sites
 - Local transport patterns and issues
 - Site and area constraints
 - Designated sites
 - Socio-economic and community matters
 - Consideration of the impact of the proposed articles and requirements within the draft Order (such as the scheme) in respect of all of the above
 - DCO obligations and their impact on the local authority's area.
- 6.11 This list is neither exhaustive nor prescriptive. Local authorities should cover any topics they consider relevant to the impact of the proposed development on their area. In producing a LIR, the local authority is not required to carry out its own consultation with the community.
- 6.12 The report should consist of a statement of positive, neutral and negative local impacts, but it does not need to contain a balancing exercise between positives and negatives; nor does it need to take the form of a formal committee report. The Examining Authority will carry out a balancing exercise of relevant impacts, and these will include those local impacts specifically reported in the LIR.
- 6.13 By setting out clearly evaluated impacts in a structured document, local authorities will assist the Examining Authority by identifying local issues which might not otherwise come to its attention in the examination process. It will also be very helpful to have the local authority's appraisal of the proposed development's compliance with local policy and guidance. In this instance, the proposal will be considered against both the current UDP and the Emerging LDP.
- 6.14 It will be important for the Examining Authority to have the local authority's views on DCO articles, requirements and DCO obligations. Where specific mitigation or compensatory measures are proposed by the applicant, by way of suggested DCO articles and requirements; or DCO obligations, these should be identified and commented upon. Local authorities should mention them explicitly. The same applies to DCO articles; requirements; and obligations that the local authority considers ought to be included.

6.15 National Policy Statements (NPSs) may be helpful to local authorities in preparing their LIRs as a guide to matters of local impact that are likely to be relevant to the determination of an application. There is, however, no need for the local authority to undertake an assessment of compliance with an NPS; this would duplicate the Examining Authority's role.

6.16 It is open to the local authority to make representations to the Examining Authority about an NSIP application separately from the LIR if it so chooses.

7.0 Recommendation

7.1 It is recommended that Committee grant delegated powers to the Head of Planning and City Regeneration to provide a response to the 'Adequacy of Consultation' Representation from PINS given the 14 day consultation period.

8.0 The Process:

Figure 1 The 2008 Act Process

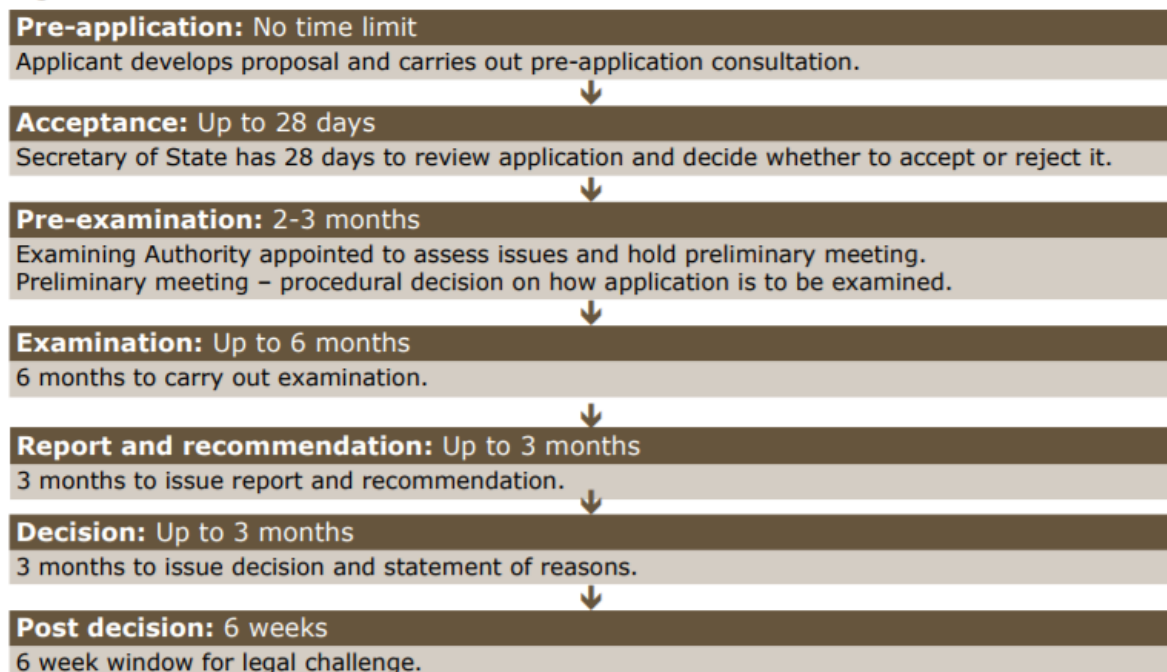


Figure 2 How the local authority fits in

