

Urgent Report



Planning Committee – 2 October 2018

Abergelli Power Limited (APL) – Gas Fired Power Station (ref: 2018/1289/DCO)

The Chairman of the Committee has stated that pursuant to paragraph 100B (4)(b) of the Local Government Act 1972, he considered that the report of the Head of Planning and City Regeneration should be considered at this meeting as a matter of urgency.

Reason for Urgency

The Council Constitution states that Planning Committee have the delegated authority to submit a Local Impact Report, agree a Statement of Common Ground and submit Written Representations on an application for a Development Consent Order. The Council has recently been advised of the DCO timetable for the submission of the aforementioned documents which have provisionally been requested by 31st October 2018, before November Planning Committee. As these submissions have not been completed, Officers would not have the relevant delegated authority to meet these timescales. An urgent decision is required to enable the Council to formally respond within the relevant timeframes if the Examining Authority do not extend the deadline for the submission of these documents.

Purpose:	This report provides an update on the APL submission for Development Consent Order for a gas fired power station at Felindre.
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:	<ol style="list-style-type: none"> 1) In the event that the Examining Authority do not agree to extend the draft deadline for submission to agree to: <ol style="list-style-type: none"> (a) either provide Officers with Delegated Powers to submit a Local Impact Report and a Statement of Common Ground or (b) to hold a Special Planning Committee before the end of October 2018 to agree these items 2) To agree not to provide a further Written Representation on this proposal.
Report Author:	Andrew Ferguson
Legal Officer:	Jonathan Wills

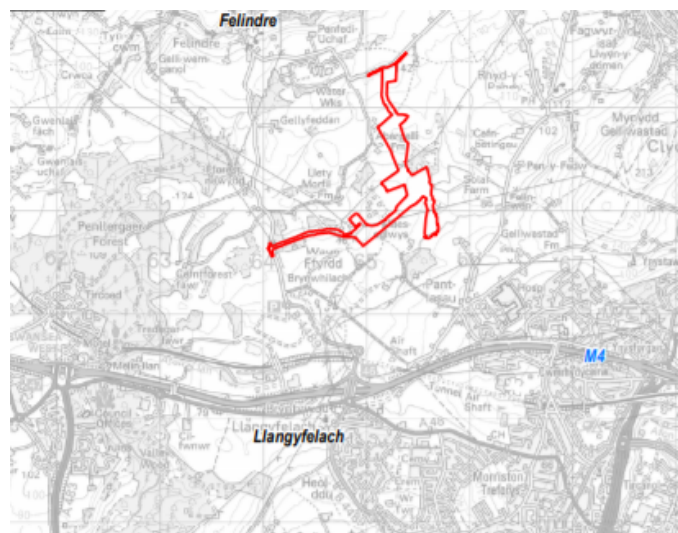
1.0 Introduction:

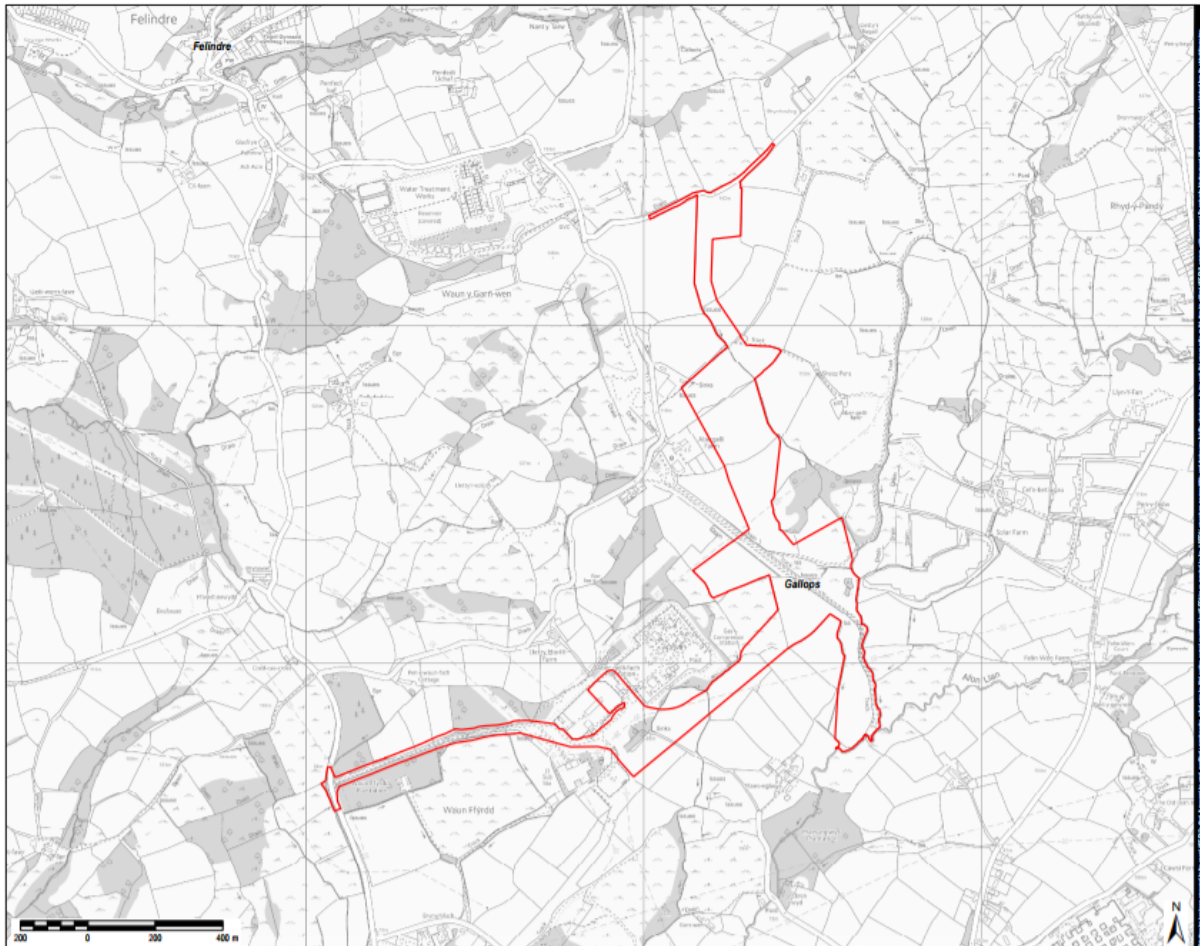
- 1.1 Abergelli Power Limited (APL), a subsidiary business of Drax Group, wishes to build a gas-fired power station on land located at Abergelli Farm, south of Felindre, adjacent to the National Grid Gas Compressor Station and to the north of the M4 motorway.
- 1.2 The Project includes a power generation 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 An item report was brought to Council in June 2018 seeking delegated powers to provide an adequacy of consultation response. The report was moved with recommendation and the response was subsequently submitted.
- 1.6 The DCO application was accepted by PINS on 21st June 2018.
- 1.7 A further item report was brought to Council in August 2018 to note the Council's Relevant Representation. Due to the tight timeframe involved with the DCO process, there was insufficient time to report this Relevant Representation to Committee prior to its submission.
- 1.8 The Council have subsequently received a Rule 6 Letter from the Planning Inspectorate which provides a date for the Preliminary Meeting. This will take place on Wednesday 10th October at 10.00am in The Village Hotel, Langdon Road, Swansea. The Principal Planning Officer will attend this meeting with relevant colleagues. The purpose of the Preliminary Meeting is to enable views to be put to the Examining Authority about the way in which the application is to be examined. At this stage, the question is of procedure, and not the merits of the application.
- 1.9 This Preliminary Meeting will be followed in the afternoon by an Issue Specific Hearing into the draft Development Consent Order at 14.00hrs. Again, the Principal Planning Officer will attend this meeting with relevant colleagues, including the Council's Senior Lawyer.
- 1.10 The letter also provides an outline in Annex C of the preliminary timeframe for the examination of the application. The Examining Authority (ExA) is under a duty to complete the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.
- 1.11 Sections 2, 3 and 4 have not changed since the previous item report but have been included for information purposes and ease of reference.

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 Murryston 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 Section 56 Consultation

- 5.1 APL commenced their S56 Consultation on the 3rd July 2018 giving interested parties 28 days to register as an interested party and to provide a 'relevant representation'.
- 5.2 The Council (as Unitary Authority in which the project is located) is already registered as an Interested Party. Given the short timeframe for determination, the Council will also provide a "Relevant Representation" at this stage which will include a summary of issues and comments the Council has on the application submission.

- 5.3 The Council submitted a Relevant Representation under Delegated Powers (attached as an appendix to this report) following internal consultation with the following internal departments:
- Highways
 - Drainage
 - Ecology
 - Landscape Officer
 - Tree Officer
 - PROW Officer
 - Sustainability Officer
 - Urban Design and Conservation
 - Pollution Control
 - Tourism
 - Beyond Bricks and Mortar
 - Economic Development
 - Education
 - Glamorgan Gwent Archaeological Trust (as archaeological advisers to the Council)

6.0 Local Impact Report (LIR):

- 6.1 The relevant Secretary of State has appointed a single Inspector as the 'Examining Authority' to examine the application – Martin Broderick.
- 6.2 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 Rule 6 letter (attached as an appendix) provides a Draft Timetable for the examination of the application. In coming to a decision, the Secretary of State must have regard to any LIRs that are submitted by the deadline.
- 6.3 The draft timetable requires the LIR and the Statement of Common Ground to be submitted by the **31st October 2018**. The LIR is in the process of being prepared but is still awaiting final comments from some consultees. In addition, meetings are proposed with internal consultees on Thursday 4th October to progress the Statement of Common Ground prior to the Preliminary Meeting.
- 6.4 The Council Constitution (A.45) requires that Planning Committee have the delegated authority to submit a LIR and to agree to a Statement of Common Ground. However, the proposed deadline is before the next available Planning Committee.
- 6.5 The Council has therefore written to the Planning Inspectorate in advance of the Preliminary Meeting to advise of this issue and request that the timetable is amended so that the Local Planning Authority has time to report the Local Impact Report and draft Statement of Common Ground to Planning Committee in November before submission. If the Examining Authority agree to this then the these will be reported to the November Planning Committee for authorisation.
- 6.6 If the Examining Authority are unwilling / unable to amend the draft timetable, then the Council are left with 3 options:

- a) Provide Officers with delegated powers to submit a LIR and agree a Statement of Common Ground by the deadline of 31st October 2018
 - b) Convene a Special Planning Committee before the end of October 2018 to consider the LIR and Statement of Common Ground and enable submission by the 31st October 2018.
 - c) Submit a LIR and Statement of Common Ground after the deadline following a resolution at Planning Committee in November.
- 6.8 The Examining Authority has to consider any LIR *submitted by the deadline* but do not necessarily have to consider any late submissions so option C should be discounted as it is important to have the comments of the Authority taken into consideration in the decision making process.
- 6.7 The LIR will be based on the Relevant Representation, but will consider in more detail the impacts (negative and positive) of the proposal on the local environment. It is therefore considered that option A or B should be considered further if the Examining Authority do not amend the draft timetable.
- 6.8 If option B is preferred, it is recommended that a Special Planning Committee is convened between 23rd and 30th October to allow time to amend post Committee and provide sufficient time to prepare the information prior to Committee.
- 6.9 The Council can also provide a written representation by the 31st October deadline if it wishes to express a particular view on whether the application should be granted. Again, this written representation would need to be agreed by Members but it is not the intention of Officers to provide a recommendation other than to outline the impacts (positive and negative) within in the LIR and the Relevant Representation that has already been submitted.

7.0 Recommendation

- 7.1 It is recommended that should the Examining Authority extend the deadline for submission until after the November Planning Committee, the Local Impact Report and Statement of Common Ground will be reported to Planning Committee for authorisation. If the deadline is extended as requested, then the recommendation in 7.2 will become obsolete.
- 7.2 If the Examining Authority do not accede to extend the deadline for the LIR and Statement of Common Ground, Members are requested to either provide Officers with Delegated Powers to agree to these items or the convene a Special Planning Committee prior to the 31st October deadline (between 23rd and 30th October).
- 7.3 It is recommended that the Council does not provide an additional Written Representation on the scheme advising whether the Council considers the scheme to be acceptable or otherwise as the Local Impact Report will enable the Examining Authority to clearly view the impacts of the proposal (both positive and negative).

8.0 The Process:

Figure 1 The 2008 Act Process

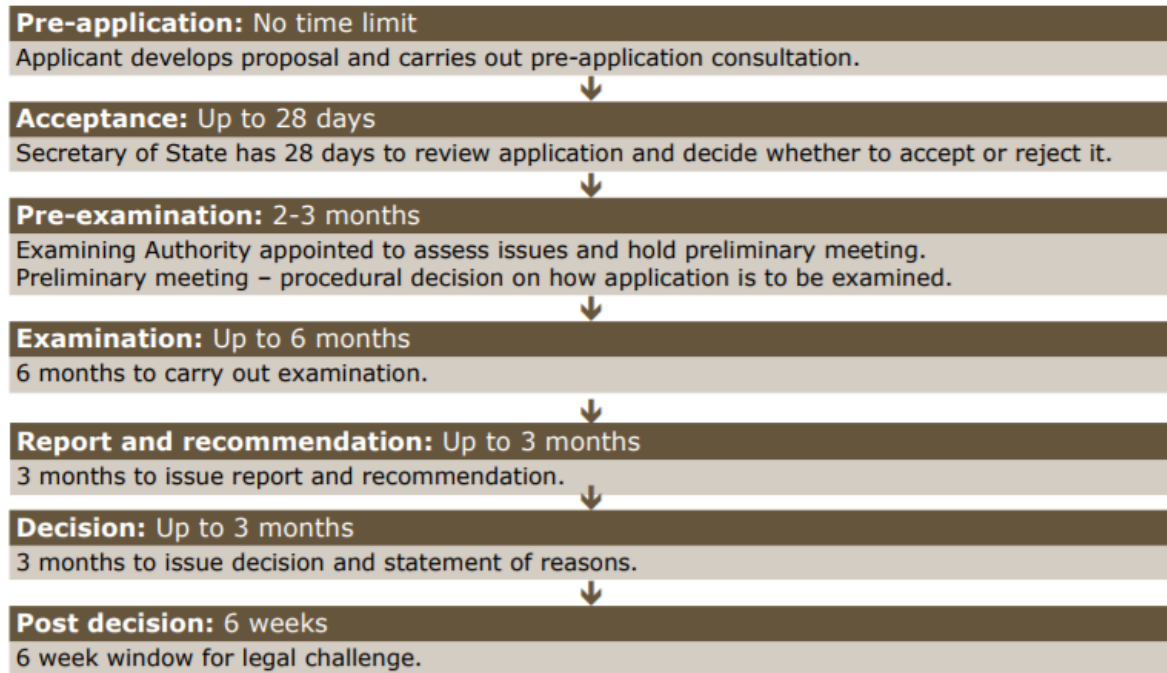


Figure 2 How the local authority fits in

