

Relevant Representation of the City and County of Swansea

1. Introduction

- 1.1 This relevant representation is submitted in accordance with Regulation 4 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015
- 1.2 Under the provisions of the 2008 Act (as amended), the City & County of Swansea (CCS) is a “relevant local authority” for the purposes of the examination of the application for a Development Consent Order by Abergelli Power Limited.
- 1.3 As a Unitary Authority, the Council is responding both as Local Planning Authority and Highways Authority for this project which is located within the boundary of CCS.

2. Air Quality

- 2.1 The Council’s main areas of interest have been the effect on local air quality, dust control during construction phase and any potential risks to the water treatment works and are satisfied with the documentation supplied to date.
- 2.2. In principle a point source from this type of operation should not cause any additional issue as long as the chimney height is correctly designed. The modelling reports so far seem adequate. We do have a nitrogen dioxide compliance problem in the county, but it is primarily generated by ground-level vehicle sources, not industrial point sources.
- 2.3 The nearby water treatment works operated by Dwr Cymru is a strategically vital supply source for the whole region – reassurance should be sought that DCWW are satisfied with the measures outlined to protect their operation and distribution network.

3. Noise and Vibration

- 3.1 We have been satisfied by all the documentation supplied so far that issues of routine noise from the operation and noise/ vibration from the construction phase have been addressed. We would normally reserve the right to use our powers under the Control of Pollution act 1974 to deal with any noise enforcement issue if it was urgently required.

4. Ecology

- 4.1 There is no reference to European Eels (EPS) within the documentation. Eels are listed in IUCN UK as a critically endangered species and have been found in nearby areas/ water bodies and it is unclear whether they have been considered in the phase 1 habitat survey as there is no reference to them.

4.2 Concerns are raised about the size of the mitigation ponds within the mitigation area (not the attenuation ponds). Two ponds (2m x 2m) are proposed which are considered too small to mitigate for the loss of the ponds. In addition, they would need to be a minimum of 1.5m deep (to attract amphibians) and consideration should be given to letting them re-vegetate naturally.

4.3 Additional comments include:

- Consideration should be given to boring the pipeline underneath the existing hedgerow rather than removing it to provide for an open trench.
- Pre-construction badger survey recommended - no more than 8 weeks before start of any works
- Swifts were recorded in 2017 surveys hunting over marshy grassland - at least two Stoneyford Swift Towers should be provided by the developer. This could result in a significant biodiversity gain for Swansea, as sightings are very low
- The inclusion of habitat piles where possible for reptiles
- Removing the Pennywort pond by infilling and fencing after new ponds are dug
- Consideration of mitigation for brown hares (a priority species under UK BAP and Section 7)
- Concerns with regards to the proximity of the power plant to the woodland as ground works could change the hydrology within the adjacent woodland leading to possible waterlogging and the loss of important trees.
- Query whether an easement will be required around the power plant for a fire break / security clearance and whether this would result in the removal of trees
- An Arboricultural Impact Assessment should be provide

5. Water Quality and Resources

5.1 Concerns have been raised by the Drainage Officer that their comments on the PEIR remain and haven't been fully addressed. The outline CA and Drainage Strategy were considered broadly acceptable.

5.2 Several on site streams will be altered to enable the development and its access, detailed plans will be needed showing the diversionary routes, gradients, cross sections, any retaining structures and crossings supported by appropriate levels of assessment to demonstrate that the changes will not affect third party land or the development itself.

5.3 In regards to run-off rates, we would be looking for FEH2013 rainfall parameters to be used in preference to FSR or earlier versions of FEH in line with the latest NRW guidance (2016).

6. Landscape and Visual Effects

6.1 The Council considers that the LVIA that has been undertaken is to an acceptable standard and the mitigation strategy is detailed and will inform colour and lighting as well as the planting proposals.

6.2 The landscape mitigation measures proposed, including the species mixes and proposed sites of planting, are considered acceptable and concerns previously raised have been addressed.

7. Traffic, Transport and Access

7.1 The site is proposed to be accessed from the B4489, along the existing access road for the Swansea North sub-station and this is considered suitable for use. An alternate access is to be constructed on Rhyd-y-pandy Road which should be constructed to Highway Authority Standards and Specification.

7.2 The factors used in the Transport Statement have been verified and are correct.

7.3 Estimates of construction traffic are thought to provide a very robust estimate.

7.5 Highways agrees with the assessment on pedestrian routes.

7.7 The model inputs have been checked and there are some issues with the model itself, it must be noted however that the discrepancies within the model will have the effect of over estimation of existing traffic queues. Notwithstanding the above the impact on all legs is minor and temporary in nature, construction traffic can be accommodated within existing infrastructure.

7.8 It is noted that powers are sought in the DCO to enable the temporary stopping up of footpaths. The PROW Officer has suggested some improvements could be undertaken to the network of PROWs within the vicinity of the site to offset some of the adverse impacts in the long term.

8. Historic Environment

8.1 Glamorgan Gwent Archaeological Trust (as advisors to the Council) state that the original conclusions regarding the impact of the proposal on the historic environment. The assessment concludes that the construction and operation of the power plant and the construction of the gas connection, and the electricity connection will not have a direct impact on any known historic assets.

8.2 The assessment also notes that previous archaeological fieldwork undertaken within the study area suggest there is some potential for archaeological features to be present. Mitigatory measures identified are in line with other archaeological projects in the area, and with current professional standards. A detailed Watching Brief would be required as noted in paras 13.8.8 to 13.8.10 of the ES.

9. Socio-Economics

9.1 The Local Authority has no comment to make concerning the socio-economic impact of the proposals at the current time.

10. Other Issues

- 10.1 The Council has no comment to make on waste, public health, health and safety, climate change, major accidents or aviation at the current time.
- 10.2 The Council wish to update the Inspector that the application for Strategic Site G (Northwest of M4 J46, Llangyfelach) has now been submitted and is awaiting validation. This assumes a construction period commencing in 2020.

11. Draft Development Consent Order and the Requirements

Development Consent Order

- 11.1 The Council considers that there will be a need for negotiation/ further discussion on the matters set out in the draft DCO including specific articles which are not listed below.
- 11.2 Article 42(4) states that if there is no response within an 8 week period, the submission is automatically allowed without condition. It is considered more appropriate for a default position to be that the applicant has a right of appeal for non-determination if the Council has not determined the application within the required timeframes. It is considered that a degree of scrutiny would still be required should an application/ application go beyond the prescribed limit without agreeing an extension of time. See also Schedule 12, Reg 1(2).

Schedule 1: Authorised Development

- 11.3 Whilst it appears that the temporary Bailey's Bridge (or similar) to cross over the utility apparatus is included within Work No. 3, it does not appear that a permanent bridge has been included (and the relevant parameters included within Table 2 of Schedule 2).

Schedule 2: Requirements

- 11.4 Requirement 17 – CEMP should also include “out of hours working” procedures. It should be clear in the CEMP what procedures need to be followed to enable this in terms of timeframes and procedure for notifying affected neighbours and/ or the local community. This should be cross-referenced in Requirement 23.
- 11.5 Requirements 18, 19 and 20 – The Council would query whether these requirements are strictly necessary given that they appear to be controlled within Requirement 17 and would result in duplication of work and possible discrepancies.
- 11.6 Requirement 27(2) of the DCO refers to decommissioning but states that this is subject to obtaining the relevant permissions. The current wording of this

requirement could result in the applicant not seeking to obtain the relevant consents and therefore they wouldn't have to comply with this requirement.

- 11.7 The Project has a design life of 25 years and this is stated throughout the Environmental Statement and several management plans are written to last for the duration of the Project. In addition, the project has been designed for this design life, for example in terms of the attenuation requirements for surface water discharge. The Council are therefore of the opinion that there should be a requirement limiting the lifetime of this Order.
- 11.8 The Council are firmly of the belief that a bond should be provided to cover the full cost of decommissioning, repayable upon completion of this element, to ensure that there is funding available to dismantle/ decommission the project in the future. The public purse should not have to pick up the cost in the event of liquidation or otherwise.
- 11.9 The Local Planning Authority will be responsible for discharging, monitoring and enforcing any requirements imposed on the development as well as any planning obligations. There is no provision for charging in this Order which is considered to be a significant oversight in terms of ensuring resources are in place to effectively manage and monitor the development.

Schedule 12: Procedure for Discharge of Requirements

- 11.10 This part mentions a limit on the period for asking for further information and restricts to 14 days where the requirement does not specify that consultation is required, and 21 days in any event. This should be amended to 28 days in all situations to give time to consult.

S106 Heads of Terms

- 11.11 The proposed S106 Heads is open-ended at the current time and greater clarity prior to a decision would be beneficial. The Council considers that there are other matters that should be included in the obligations to maximise the benefits of the proposal. For example:
- Full details of Education offering
 - Full details of incorporation of Beyond Bricks and Mortar scheme
 - Potential for PROW improvements within the vicinity of the site
 - Provision of Swallow Towers to improve nesting opportunities for Swallows
- 11.12 The Education department would welcome discussions on how we can work together to bring learning opportunities to Swansea pupils.

12. Conclusion

- 12.1 The issues highlighted above will be further considered as part of the Council's Local Impact Report and Written Representation in accordance with the timetable set by the Examining Authority's Rule 8 letter.
- 12.2 Please note that further issues may also be raised depending on future consultation responses received. Notwithstanding the status of CCS in the examination process, the Council respectfully reserves the right to appear at any associated issue-specific or open-floor hearing.