



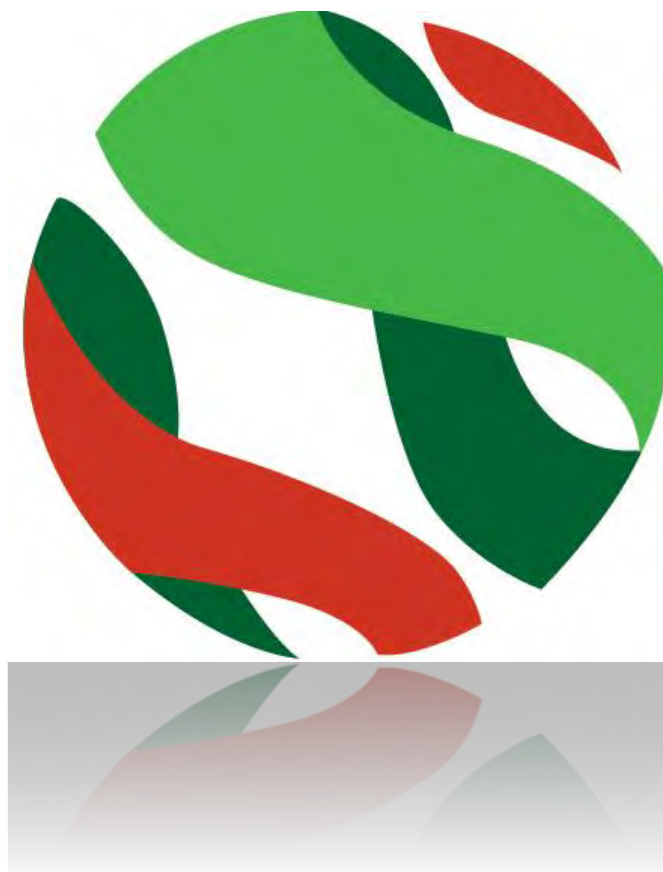
# The Abergelli Power Gas Fired Generating Station Order

## 5.1.0 Consultation Report

Planning Act 2008  
The Infrastructure Planning  
(Applications: Prescribed Forms and Procedure) Regulations 2009

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# 1 Executive Summary

## 1.1 Introduction

- 1.1.1 Abergelli Power Limited (APL) is seeking to construct, operate and maintain a gas fired power station on open land located approximately 2 km north of junction 46 of the M4 within the administrative area of the City and County of Swansea Council (CCS).
- 1.1.2 The Project includes a Power Generation Plant (comprising Generating Equipment, an Access Road, temporary construction compound (a small area of which will be retained permanently), Ecological Mitigation Area and permanent parking and drainage), underground Gas Connection and underground Electrical Connection. A full description of the Project is provided in section 2.4.
- 1.1.3 The Power Generation Plant is classified as a Nationally Significant Infrastructure Project (NSIP) under section 15 of the Planning Act 2008 (PA 2008) and as such APL is applying to the Secretary of State (SoS) for a DCO for powers to construct, operate and maintain it. APL will seek planning permission for the Gas Connection under the Town and Country Planning Act 1990 (TCPA 1990) and the Electrical Connection under either the TCPA 1990 or as permitted development under the Town and Country Planning (General Permitted Development) (England) Order 1995 (GPDO).

## 1.2 Purpose of the Report

- 1.2.1 This Consultation Report has been prepared in respect of the Project to satisfy S37(3) and S37(7) of the PA 2008. The Consultation Report sets out the approach to consultation, the consultation activities undertaken, the feedback received and its influence on the Project.
- 1.2.2 This Consultation Report is submitted as part of the Application for Development Consent to the SoS for Business, Energy and Industrial Strategy (BEIS). A separate translation of the Executive Summary of this Consultation Report has been prepared in Welsh (Document Reference 5.1.1).

## 1.3 The Applicant

- 1.3.1 APL is the applicant for the Project. APL is registered in England and Wales (Company number 8190497) and is a wholly owned subsidiary of Drax (Company Number 05562053).
- 1.3.2 APL's registered office is at Drax Power Station, Drax, Selby, North Yorkshire, United Kingdom, YO8 8PH.



## 1.4 The Project

### 1.4.1 The Project includes:

- A new **Power Generation Plant** in the form of an OCGT peaking power generating station, fuelled by natural gas and capable of providing a rated electrical output of up to 299 Megawatts (MW). The Power Generation Plant comprises:
  - The **Generating Equipment** including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (BOP) (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;
  - 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 ecological enhancement within the Project Site Boundary.
  - Permanent parking and drainage to include: a site foul, oily water and surface water drainage system.
- A new **Gas Connection**, in the form of a new above ground installation (AGI) and underground gas pipeline connection (the Pipeline), to bring natural gas to the Generating Equipment from the National Transmission System; and
- A new **Electrical Connection** to export power from the Generating Equipment to the National Grid Electricity Transmission System (NETS).

1.4.2 The Project is situated on open land located approximately 2 km north of junction 46 of the M4 within the administrative area of CCS, approximately 1 km southeast of Felindre and 1.4 km north of Llangyfelach.

1.4.3 The Power Generation Plant would have rated electrical output of up to 299 MW of electricity and is therefore classified as a NSIP under the PA 2008. As such, APL is applying to the SoS under the PA 2008 for a DCO for powers to construct, operate and maintain the Power Generation Plant.

- 1.4.4 The Gas Connection and Electrical Connection comprise development associated with the NSIP (“associated development”). The PA 2008 restricts the ability to include associated development in a DCO for a generating station project under 350MW in Wales. Development Consent is therefore not sought for the Gas Connection and Electrical Connection, although APL is seeking authorisation for powers of compulsory acquisition over the land required for the Gas Connection and Electrical Connection as part of the DCO.

## **1.5 Legislation and Guidance**

- 1.5.1 This Consultation Report and the pre-application consultation process have been prepared and undertaken in accordance with the following requirements and guidance:

### Primary and Secondary Legislation

- The PA 2008 (as amended);
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended) (the EIA Regulations); and
- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the APFP Regulations).

### Statutory Guidance and Non-Statutory Advice notes

- The Planning Act 2008, Guidance on the pre-application process (Department for Communities and Local Government, March 2015) (“the PA 2008 DCLG pre-application guidance”); and
- Advice note fourteen: Compiling the consultation report (PINS, Version 2: April 2012).

- 1.5.2 Appendix 1.A contains a compliance checklist which details the relevant components of legislation, guidance and advice applicable to the consultation process and this report and how these have been addressed by APL.

## **1.6 Overview of Consultation**

- 1.6.1 APL has invested considerable time and resources during two phases of pre-application consultation in respect of the Project in order to encourage meaningful involvement by the local community, those interested in the Project and the Project Site, Local Authorities and other prescribed consultees. Consequently, the Project has developed in a consultative and iterative manner, during successive stages of development and consultation.
- 1.6.2 The Project was initiated by APL in January 2014, following which non-statutory and statutory consultation was undertaken. In March 2015, it was decided by the previous owners of the Project to put it “on hold”, primarily

because of the then market conditions for new power generation in the UK. However, after acquisition of APL by Drax Group plc (Drax) in December 2016 (further described in section 2.3) the Project was publicly “re-launched” in April 2017. Consultation on the Project (statutory and non-statutory) has been undertaken over two phases: Phase 1 (January 2014 – March 2015) and Phase 2 (April 2017 – May 2018).

- 1.6.3 The two phases of pre-application consultation on the Project have involved several different strands (both non-statutory and statutory) which can be summarised as follows:

Phase 1 Consultation (January 2014 – March 2015):

- Non-Statutory (before, during and after statutory consultation));
- EIA Scoping (under the EIA Regulations);
- Regulation 6 Notification (under the EIA Regulations);
- S47 – Local Community;
- S48 – Statutory Publicity;
- Regulation 11 Notification (under the EIA Regulations);
- S46 – Notification; and
- S42 – Prescribed Consultees (S42(1)(a) prescribed persons; S42(1)(b) local authorities; and S42(1)(d) land interests).

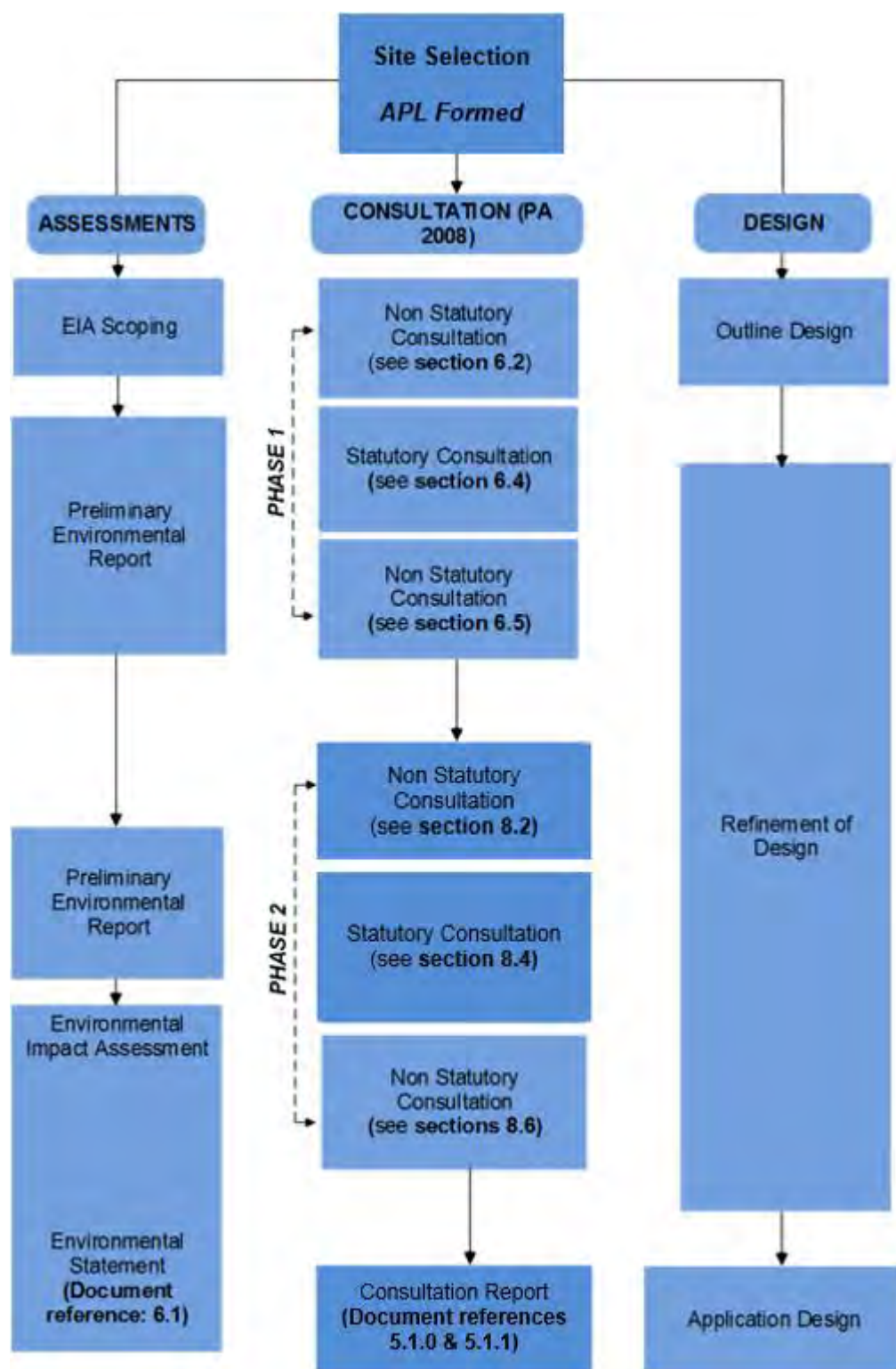
Phase 2 Consultation (April 2017 – May 2018):

- Non-Statutory (before, during and after statutory consultation);
- S47 – Local Community;
- S48 – Statutory Publicity;
- Regulation 11 Notification (under the EIA Regulations);
- S46 – Notification; and
- S42 – Prescribed Consultees (S42(1)(a) prescribed persons; S42(1)(b) local authorities; and S42(1)(d) land interests).

- 1.6.4 Consultation on the Project has generated significant levels of interest and participation from a broad spectrum of consultees. This Consultation Report recognises that certain members of the local community expressed concerns about the Project and its potential impacts. Equally, this Consultation Report acknowledges that the Project has received expressions of support.

- 1.6.5 Both supporters and objectors of the Project have been able to contribute to its development since 2014. Significant design and Project decisions were either directly or indirectly influenced by the consultation undertaken. This is reflected, in particular, by the significant changes to the design of the Project which were undertaken during and following the Phase 1 consultation.
- 1.6.6 Figure 1-1 below summarises the key stages of the development of the Project, and highlights the interaction between the consultation, assessment and design stages.

Figure 1-1 Stages of development of the Project



- 1.6.7 A summary of consultation activities is provided in Table 1-1 below. A more detailed summary is contained in Table 5-1.

Table 1-1 Summary of Statutory and Non-Statutory Consultation

Strand	Dates
<b>Phase 1 Consultation (January 2014 – March 2015)</b>	
Phase 1 Non-Statutory Consultation (pre-statutory consultation)	January 2014 – October 2014
EIA Scoping	June 2014 – August 2014
Phase 1 Statutory Notification (Reg 6)	June 2014
Phase 1 Statutory Consultation (s47)	July 2014 – September 2014
Phase 1 Statutory Publicity (s48)	October 2014
Phase 1 Statutory Notification (Reg 11)	October 2014
Phase 1 Statutory Notification (s46)	October 2014
Phase 1 Statutory Consultation (s42)	October 2014 – November 2014
Phase 1 Statutory Consultation (s47)	October 2014 – November 2014
Phase 1 Non-Statutory Consultation (post-statutory consultation)	November 2014 – March 2015
Phase 1 Statutory Consultation with additional s42 persons identified following updated land registry data (s42)	December 2014 – March 2015
<b>Phase 2 Consultation (April 2017 – May 2018)</b>	
Phase 2 Non-Statutory Consultation (pre-statutory consultation)	April 2017 – January 2018
Phase 2 Statutory Consultation (s47)	November 2017 – January 2018
Phase 2 Statutory Publicity (s48)	January 2018
Phase 2 Statutory Notification (Reg 11)	January 2018
Phase 2 Statutory Notification (s46)	January 2018
Phase 2 Statutory Consultation (s42)	January 2018 – February 2018
Phase 2 Statutory Consultation (s47)	January 2018 – February 2018
Phase 2 Statutory Consultation with additional s42 persons identified following updated land registry data (s42)	January 2018 – February 2018
Phase 2 Non-Statutory Consultation (post-statutory consultation)	February 2018 – May 2018



## **1.7 Phase 1 Consultation (January 2014 – March 2015)**

### **Phase 1 Non-Statutory Consultation (prior to Phase 1 statutory consultation)**

- 1.7.1 APL undertook non-statutory consultation from early 2014, prior to Phase 1 statutory consultation, at an early stage of the Project's development. This allowed APL to introduce the Project to the public and gain early feedback from other consultees. This period of consultation comprised consultation with CCS, Planning Inspectorate (PINS), Natural Resources Wales (NRW), interested parties, locally elected representatives and the local community.
- 1.7.2 At the commencement of Phase 1 non-statutory consultation, several options were under consideration relating to the design of the Project:
- Two possible access routes;
  - Two possible options for connecting the Generating Equipment to a suitable source of fuel gas;
  - Four possible options for the Gas Connection route corridor (within an identified Gas Connection Opportunity Area);
  - Two possible Electrical Connection options to export power from the Generating Equipment to the NETS:
    - Underground Cable; or
    - Overhead line
  - Options for the Electrical Connection route corridor within an identified Electrical Connection Opportunity Area to the south-west of the Generating Equipment Site;
  - Up to 5 Gas Turbine Generators with up to 5 Stacks;
  - Stacks up to 60 m (height) and up to 10 m (diameter); and
  - Indicative Layout of the Power Generation Plant Site.
- 1.7.3 As outlined within the EIA Scoping Report (Appendix 3.A.II) and chapter 5 of the ES (Document Reference 6.1), the following technology options were originally considered for the Power Generation Plant: OCGT plant; Combined Cycle Gas Turbine (CCGT) plant; and Reciprocating Gas Engines (RGE) plant. OCGT is considered to be the most suitable technology choice for generating up to 299 MW as a peaking plant at the Project Site based on environmental, technical and feasibility considerations, relating to: visual impact, water resources, noise and available space, financial considerations, and start-up times. OCGT was therefore presented as the preferred technology choice for the Project during Phase 1 non-statutory consultation.

- 1.7.4 The potential for using CHP opportunities with these technologies was also considered (as explained within the EIA Scoping Opinion (Appendix 3.A.II) and the CHP Technical Note contained within Appendix 5.1 of the ES (Document Reference 6.2)); however, it is not technically or economically feasible with the selection of a OCGT peaking power station. As such, CHP was not included as part of the Project during Phase 1 non-statutory consultation.
- 1.7.5 APL consulted CCS, PINS, locally elected representatives and interested parties about the Project through a number of briefing meetings (Appendix 2.D) and discussions during non-statutory consultation throughout 2014, prior to Phase 1 statutory consultation. APL consulted the local community in June 2014 at three exhibitions at local venues within the administrative area of CCS and in proximity to the Project Site.
- 1.7.6 The exhibitions were advertised by a number of means including a leaflet delivered to the local community (in English and Welsh) (Appendices 2.A.IV and 2.A.V), a letter sent to locally elected representatives (in English and Welsh) (Appendices 2.A.I and 2.A.II), posters displayed at community venues (in English and Welsh) (Appendices 2.A.VII, 2.A.VIII and 2.A.IX), a press release (Appendix 2.A.X) and newspaper advert (in English and Welsh) (Appendix 2.A.XI). Consultation materials available at the exhibitions included exhibition boards (Appendices 2.B.I and 2.B.II), leaflets outlining details of the Project (Appendices 2.B.III and 2.B.IV) and feedback forms (Appendices 2.B.V and 2.B.VI), all available in both English and Welsh.
- 1.7.7 Approximately 38.3% of those who attended an exhibition in June 2014 returned a feedback form ('the respondents'). Approximately 25% of respondents who returned a feedback form during initial non-statutory consultation were supportive of the Project, and approximately 30.6% of respondents who returned a feedback form (Appendices 2.B.V and 2.B.VI) were not supportive of the Project. Approximately 44.4% of respondents were undecided, neutral or did not answer. A number of respondents requested further information about the Project and raised concerns regarding the visual, socio-economic and traffic impacts (as summarised in Appendix 6.A). Some respondents queried the need for the Project and questioned why the Project Site had been selected (as summarised in Appendix 6.A).

### **EIA Scoping (June 2014 – August 2014)**

- 1.7.8 The DCO Application must be supported by an Environmental Statement (ES) (Document Reference 6.1), reporting on the outputs of an Environmental Impact Assessment (EIA).
- 1.7.9 In accordance with the EIA Regulations, an EIA Scoping Report (Appendix 3.A.II) was submitted to the Secretary of State on 25<sup>th</sup> June 2014 with a request for an EIA Scoping Opinion in order to determine the required scope of the EIA. A Scoping Opinion (Appendix 3.B.II) was received from the Secretary of State on 1<sup>st</sup> August 2014, following consultation with statutory consultees. As set out within the Scoping Opinion (Appendix 3.B.II), the



Secretary of State was satisfied that the details of the EIA Scoping Report encompassed the matters identified in the EIA Regulations.

- 1.7.10 The Scoping Opinion (Appendix 3.B.II) included the Secretary of State's comments on the Project, EIA approach and topic areas, as well as a list of all organisations consulted (Appendix 3.B.III). The Scoping Opinion (Appendix 3.B.II) response was considered in undertaking the EIA and in the production of the 2014 Preliminary Environmental Information Report (2014 PEIR).

### **Phase 1 Statutory Consultation (October 2014 – November 2014)**

- 1.7.11 APL engaged in a series of consultation activities in accordance with the statutory requirements of the PA 2008; the EIA Regulations; and the APFP Regulations. The Phase 1 statutory consultation consisted of:

- S47 consultation on the draft 2014 SoCC;
- S47 consultation with the local community;
- S48 publicity (including notification under Regulation 11 of the EIA Regulations);
- S46 notification;
- S42 consultation; and
- Additional S42 consultation with parties identified from Land Registry searches after s42 consultation had begun.

- 1.7.12 During Phase 1 statutory consultation, several options were still under consideration relating to the design of the Project:

- Two possible access routes to the Power Generation Plant Site;
- Up to 5 Gas Turbine Generators with 5 associated stacks;
- Stacks at a height of between 35 m (minimum) and 40 m (maximum) and up to 10m in diameter;
- Route alignments of the Gas Connection and Electrical Connection; and
- Indicative layout of the Power Generation Plant.

### **S47 consultation on the draft 2014 SoCC**

- 1.7.13 APL produced a draft 2014 SoCC (Appendix 4.A.II) to explain how APL intended to consult with the local community regarding the Project, and thus how APL would satisfy the consultation requirements for an Application under

the PA 2008. In accordance with S47 of the PA 2008, APL undertook formal statutory consultation with CCS on the draft 2014 SoCC for a period of 28 days from 31<sup>st</sup> July 2014 to 27<sup>th</sup> August 2014. APL took into account comments received from CCS (Appendix 4.A.IV) relating to the display of consultation materials prior to publication of the SoCC and SoCC Notice.

- 1.7.14 The 2014 SoCC Notice was published in both English and Welsh in the South Wales Evening Post on 30<sup>th</sup> September 2014 (Appendix 4.A.VII) and 7<sup>th</sup> October 2014 (Appendix 4.A.VIII) and the 2014 SoCC was made available on the Project website, in local libraries and CCS's council offices from 30<sup>th</sup> September 2014.

#### Phase 1 S47 Consultation with the Local Community

- 1.7.15 Statutory S47 consultation was undertaken with the local community in October and November 2014 for a period of 35 days in accordance with the published 2014 SoCC (Appendices 4.A.V and 4.A.VI). Four exhibitions were held at separate venues in the vicinity of the Project Site. The Project and exhibitions were publicised via a number of different methods, including letters to locally elected representatives (in English and Welsh) (Appendices 4.D.IV and 4.D.V), letters to 'hard to reach' groups (in English and Welsh) (Appendices 4.D.II and 4.D.III), distribution of leaflets (in English and Welsh) (Appendix 4.D.VII), local newspaper adverts (in English and Welsh) (Appendix 4.G), posters (in English and Welsh) (Appendices 4.D.X, 4.D.XI and 4.D.XIII) and media coverage (Appendix 4.K). The consultation materials available at statutory exhibitions included the 2014 SoCC (available in English and Welsh) (Appendices 4.A.V and 4.A.VI); the 2014 PEIR NTS (available in English and Welsh) (Appendix 4.C), the 2014 PEIR, including Figures and Appendices; exhibition boards (available in English and Welsh) (Appendices 4.E.I and 4.E.II), leaflets (available in English and Welsh) (Appendix 4.E.III), plans and photomontages (Appendix 4.E.VI) and a feedback form (available in English and Welsh) (Appendices 4.E.IV and 4.E.V).
- 1.7.16 A total of 106 people from the local community attended the four exhibitions, of whom approximately 49% returned a feedback form (Appendices 4.E.IV and 4.E.V). Approximately 33% of all respondents were supportive of the Project. Approximately 17% of all respondents were not supportive of the Project, and approximately 50% of all respondents were neutral, undecided or did not respond. Respondents' comments most commonly related to the following topic themes: site selection, landscape, transport, community benefit, need for the Project, and socio-economics.

#### Phase 1 S48 Publicity

- 1.7.17 In accordance with S48 of the PA 2008 and Regulation 4 of the APFP Regulations, a notice publicising the Project was published in The Independent (Appendix 4.G.I) and London Gazette (Appendix 4.G.II) on 6<sup>th</sup> October 2014 and in the South Wales Evening Post on 6<sup>th</sup> October (Appendix 4.G.III) and 13<sup>th</sup> October 2014 (Appendix 4.G.IV).

- 1.7.18 APL did not receive any consultation responses that identified themselves as responding to S48 publicity although it is likely that S48 publicity will have had an influence on some consultees in accessing S42 / S47 consultation materials.

#### Phase 1 Regulation 11 Notification

- 1.7.19 In accordance with Regulation 11 of the EIA Regulations, on 2<sup>nd</sup> October 2014 APL sent a copy of the S48 notice (in English and Welsh) (Appendices 4.G.V and 4.G.VI) and a covering letter (Appendix 4.H.I) to consultation bodies and persons notified to APL by the Secretary of State under Regulation 9 of the EIA Regulations (Appendix 4.H.II). The covering letter (Appendix 4.H.I) stated APL's intention to apply to the SoS for a DCO and explained that, under S48 of the PA 2008, APL would be publishing a notice of the proposed Application in the London Gazette (Appendix 4.G.II), The Independent (Appendix 4.G.I) and the South Wales Evening Post (Appendices 4.G.III and 4.G.IV).

#### Phase 1 S46 Notification

- 1.7.20 In accordance with S46 of the PA 2008, APL notified the SoS of the proposed application (Appendices 4.J.I and 4.J.II) and issued a copy of the S42 consultation information to PINS on 8<sup>th</sup> October 2014, prior to the commencement of statutory S42 consultation.

#### Phase 1 S42 Consultation

- 1.7.21 APL undertook statutory consultation with prescribed consultees (Appendix 4.I.I) between 13<sup>th</sup> October and 16<sup>th</sup> November 2014 for a period of 35 days. The consultation materials comprised a covering letter (in English and Welsh) (Appendices 4.I.II and 4.I.III), a copy of the 2014 PEIR NTS (in English and Welsh) (Appendix 4.C), a CD or hard copy of the 2014 PEIR and the leaflet distributed to the local community (Appendix 4.D.VII).
- 1.7.22 Following amendments to the application boundary and ongoing diligent enquiry, six additional land interests were identified. APL subsequently undertook additional S42 consultation with additional land interests between December 2014 and March 2015, with a request for comments within 28 days (Appendices 4.I.IV and 4.I.V).
- 1.7.23 A total of 20 S42(1)(a) (Prescribed Persons), one S42(1)(b) and nine S42(1)(d) responses were received (Appendices 6.C and 6.D). Respondents' comments most commonly related to the following topic themes: consultation process, air quality, EIA, safety, water, and noise (Appendices 6.C and 6.D).

#### Non-Statutory Consultation during Phase 1 Statutory Consultation

- 1.7.24 APL continued to engage with CCS, PINS, locally elected representatives and interested parties about the Project during the Phase 1 statutory consultation. On 20<sup>th</sup> October, APL issued a draft contact plan (Appendix 4.L.I) to PINS

setting out the proposed APL project milestones and anticipated contact with PINS up to submission of DCO application. On 23<sup>rd</sup> October 2014, APL held an update meeting with CCS (Appendix 4.L.II) to discuss the statutory consultation and public exhibitions, the Application programme to submission, PINS outreach meeting and site visit and to identify any outstanding issues and information requirements.

#### Non-Statutory Consultation Post-Phase 1 Statutory Consultation

- 1.7.25 A number of additional non-statutory consultation activities were undertaken by APL following the Phase 1 statutory consultation.
- 1.7.26 The Design Commission for Wales (DCfW) Design Review Panel provided an independent assessment of the Project in December 2014 and published a Design Review Report in January 2015 (Appendix 5.A.III). The Design Review Report (Appendix 5.A.III) included DCfW's comments regarding the Project's proposed approach to design.
- 1.7.27 APL held an outreach meeting with PINS on 9<sup>th</sup> December 2014 (Appendix 5.B) in order to discuss the Application for Development Consent, the latest update on the Project and stakeholder specific issues (relating to top level design, CHP, noise, access, and NRW). The meeting was also attended by representatives of CCS, representatives of NRW, and Councillors for Mawr and Llangyfelach Community Council.
- 1.7.28 Following the selection of the proposed Access Route and amendments to the application boundary for the Project, APL wrote to all S42 prescribed consultees and locally elected representatives (Appendix 5.D) on 26<sup>th</sup> January 2015 inviting any further comments to be made on the Project by 16<sup>th</sup> February 2015.
- 1.7.29 On 6<sup>th</sup> March 2015, APL wrote to S42(1)(b) local authorities to request an informal response as to the perceived adequacy of consultation (Appendix 5.E.II). CCS responded on 12<sup>th</sup> March 2015 stating that consultation has been carried out in accordance with 2014 SoCC and noting that APL has engaged adequately with CCS, the local community and other interested parties as the Project has developed (Appendix 5.E.III).
- 1.7.30 Following further amendments to the application boundary for the Project, in order to accommodate all necessary ecological mitigation, APL wrote to all S42 prescribed consultees and locally elected representatives on 10<sup>th</sup> March 2015 inviting any further comments to be made (Appendix 5.D). No significant concerns were raised in response to the information update in January 2015 (Appendix 6.E).
- 1.7.31 In March 2015, it was decided by the previous owners of the Project to put it "on hold" primarily because of the then market conditions for new power generation in the UK.

## **1.8 Phase 2 Consultation (April 2017 – May 2018)**

### **Phase 2 Non-Statutory Consultation (prior to Phase 2 Statutory Consultation)**

- 1.8.1 After acquisition of APL by Drax in December 2016 the Project was publicly “re-launched” in April 2017.
- 1.8.2 In April 2017, APL undertook non-statutory consultation, prior to Phase 2 statutory consultation, with CCS, PINS, NRW, interested parties, locally elected representatives, previous consultees and the local community.
- 1.8.3 The Phase 2 non-statutory consultation activities primarily comprised a series of phone calls, meetings, site visits and email correspondence, focused towards:
- informing those who were not involved with Phase 1 consultation about the Project;
  - updating those who were previously consulted during the Phase 1 consultation on the changes to the Project;
  - explaining why the Project was progressing once again towards submission of a DCO application;
  - clarifying the consenting framework for the Project; and
  - asking for informal feedback from consultees on the Project.
- 1.8.4 Phase 2 non-statutory consultation helped to inform decisions on several aspects of the Project by January 2018.
- 1.8.5 At the commencement of Phase 2 statutory consultation, there were still several design options under consideration as set out below at paragraph 1.8.10.

### **EIA Scoping**

- 1.8.6 APL discussed the validity of the 2014 EIA Scoping Opinion (Appendix 3.B.II) with PINS in March 2017. New regulations governing EIA came into force on 16 May 2017. However, Regulation 37 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 contain transitional provisions which provide that where an applicant had sought an EIA screening or scoping opinion prior to the date the regulations came into force, the EIA regulations would continue to apply. PINS confirmed the 2014 EIA Scoping Opinion (Appendix 3.B.II) remained valid and therefore the Project has continued to be assessed under the EIA Regulations. The Scoping Opinion (Appendix 3.B.II) response was considered in undertaking the EIA and in the production of the 2018 PEIR.

## Phase 2 Statutory Consultation

- 1.8.7 APL engaged in a further series of consultation activities in accordance with the statutory requirements of the PA 2008; the EIA Regulations; and the APFP Regulations.
- 1.8.8 As per the earlier Phase 1 statutory consultation, the Phase 2 statutory consultation consisted of:
- S47 consultation on the draft 2018 SoCC;
  - S47 consultation with the local community;
  - S48 publicity (including notification under Regulations 11 of the EIA Regulations);
  - S46 notification;
  - S42 consultation; and
  - Additional S42 consultation with parties identified from Land Registry searches after s42 consultation had begun.
- 1.8.9 Further to feedback received during Phase 1 consultation and Phase 2 non-statutory consultation, as well as further design and operational considerations, several changes were made to the Project which were explained and were the subject of Phase 2 statutory consultation:
- Power Generation Plant:
    - The Power Generation Plant was made up of only one Gas Turbine Generator with one exhaust gas flue stack, rather than up to five;
    - The stack height was a maximum of 45 m, instead of 40 m;
    - The Generating Equipment Site was moved north of the Welsh Water Water Main (Water Main);
    - An access route was selected from the B4489 to the west of the Generating Equipment instead of the alternative construction access route from the north; and
    - Two onsite options for the new section of the Access Road were presented.
  - Electrical Connection:
    - The Electrical Connection runs alongside the road rather than under for ease of maintenance.



1.8.10 Accordingly, several options were under consideration during Phase 2 consultation, including:

- The final layout and location of the Generating Equipment; and
- The proposed route option(s) for the new section of Access Road.

#### S47 2018 SoCC Consultation

1.8.11 APL produced a draft 2018 SoCC (Appendix 9.A) to explain how APL intended to consult with the local community regarding the Project during Phase 2 consultation, and thus how APL would satisfy the consultation requirements for an Application under the PA 2008. The draft 2018 SoCC (Appendix 9.A) proposed a similar methodology for consultation to that set out in the 2014 SoCC (Appendix 4.A).

1.8.12 In accordance with S47 of the PA 2008, APL undertook formal statutory consultation with CCS by issuing the draft 2018 SoCC (Appendix 9.A) on 8<sup>th</sup> November 2017 and requesting a response within 28 days. A response was received from CCS on 1<sup>st</sup> December 2018 (Appendix 9.A.VII). APL took into account comments received from CCS relating to the format the consultation documents would be provided in (as hard or electronic copies), which consultation documents would be provided in Welsh, and the clarity of the project description, prior to publication of the 2018 SoCC and 2018 SoCC Notice (Appendix 9.B).

1.8.13 The 2018 SoCC Notice (Appendix 9.B) was published in both English and Welsh in the South Wales Evening Post on 2<sup>nd</sup> January 2018 (Appendix 9.B.III) and 9<sup>th</sup> January 2018 (Appendix 9.B.IV). The 2018 SoCC (Appendix 9.B) was published on the Project website on 2<sup>nd</sup> January 2018 and made available in local libraries from 2<sup>nd</sup> January 2018, where it remained available during the Phase 2 statutory consultation.

#### S47 Consultation with the Local Community

1.8.14 Statutory Phase 2 S47 consultation was undertaken with the local community in January and February 2018 for a period of 35 days in accordance with the published 2018 SoCC (Appendix 9.B).

1.8.15 Four exhibitions were held at separate venues in the vicinity of the Project Site. The Project and exhibitions were publicised via a number of different methods, including letters to locally elected representatives (Appendices 9.D.II – 9.D.IV), leaflets to ‘hard to reach’ groups (in English and Welsh) (Appendices 9.D.V – 9.D.VII), leaflet distribution (in English and Welsh) (Appendix 9.D.I), local newspaper adverts (in English and Welsh) (Appendix 9.D.XII), posters (Appendices 9.D.VIII – 9.D.XI) and external media coverage (Appendix 9.J). The consultation materials available at statutory exhibitions included the 2018 PEIR NTS (Appendices 9.H.I and 9.H.II), exhibition boards (Appendices 9.E.I and 9.E.II), leaflets (Appendix 9.H.III) and a feedback form (Appendices 9.H.IV and 9.H.V), all available in both English and Welsh.

- 1.8.16 A total of approximately 110 people from the local community attended the four exhibitions, of whom approximately 26% returned a feedback form (Appendices 9.E.IV and 9.E.V). Approximately 34.5% of all respondents were supportive of the Project. Approximately 24% of all respondents were not supportive of the Project, and approximately 41% of all respondents were neutral, undecided or did not respond. Respondents' comments most commonly related to the following topic themes: need for the Project, landscape, transport, air quality, noise and socio-economics.

#### S48 Publicity

- 1.8.17 In accordance with S48 of the PA 2008 and Regulation 4 of the APFP Regulations, a notice publicising the Project was published in the South Wales Evening Post on 2<sup>nd</sup> January 2018 (Appendix 9.F.V) and 9<sup>th</sup> January 2018 (Appendix 9.F.VI) and in The Times (Appendix 9.V.III) and London Gazette (Appendix 9.F.IV) on 9<sup>th</sup> January 2018.
- 1.8.18 APL did not receive any consultation responses that identified themselves as responding to S48 publicity although it is likely that S48 publicity will have had an influence on some consultees in accessing S42 / S47 consultation materials.

#### Regulation 11 Notification

- 1.8.19 In accordance with Regulation 11 of the EIA Regulations, APL sent a copy of the Phase 2 S48 notice (in English and Welsh) (Appendices 9.F.I and 9.F.II) and a covering letter (Appendix 9.F.VII) to consultation bodies and persons notified to APL on 2<sup>nd</sup> January 2018. The covering letter (Appendix 9.F.VII) stated APL's intention to apply to the SoS for a DCO and explained that, under S48 of the PA 2008, APL would be publishing a notice of the proposed Application in the London Gazette (Appendix 9.F.IV), The Times (Appendix 9.F.III) and the South Wales Evening Post (Appendices 9.F.V and 9.F.VI).

#### S42 – Prescribed Consultees

- 1.8.20 APL undertook statutory consultation with prescribed consultees (Appendix 9.G.I) between 16<sup>th</sup> January and 19<sup>th</sup> February 2018 for a period of 35 days. The consultation materials comprised a covering letter (Appendices 9.G.I, 9.G.II, 9.G.III and 9.G.IV), a copy of the 2018 PEIR NTS (in English) (Appendices 9.H.I and 9.H.II), a copy of the S47 consultation leaflet (in English and Welsh) (Appendix 9.D.I), a CD of the 2018 PEIR (a hard copy version was also issued to CCS and NRW), and a CD of the No Significant Effects Report (Appendix 9.H.III) and Welsh language version of the 2018 PEIR NTS (Appendix 9.H.II). A replacement Figure from the 2018 PEIR was issued following the commencement of statutory consultation to all s42 consultees.
- 1.8.21 Following ongoing diligent enquiry, four additional land interests were identified. APL subsequently undertook additional S42 consultation with additional land interests between 22<sup>nd</sup> January 2018 and 27<sup>th</sup> February 2018



for a period in excess of the statutory minimum requirement of 28 days (Appendices 9.G.VI and 9.G.VII).

- 1.8.22 A total of 21 S42(1)(a) (Prescribed Persons), 2 S42(1)(b) and 8 S42(1)(d) responses were received (Appendix 11.B). Respondents' comments most commonly related to the following topic themes: ecology, safety, air quality, water and transport.

#### S46 Notification

- 1.8.23 In accordance with S46 of the PA 2008, APL notified the SoS of the proposed application (Appendix 9.I.I) by issuing a copy of the S42 consultation information to PINS on 9<sup>th</sup> January 2018 prior to the commencement of Phase 2 statutory S42 consultation.
- 1.8.24 A further notification was issued to PINS on 29<sup>th</sup> January 2018 (Appendix 9.I.III) regarding a replacement Figure of the 2018 PEIR and enclosing a copy of the covering letter sent to all s42 consultees regarding the replacement figure.

#### Non-Statutory Consultation during Phase 2 Statutory Consultation

- 1.8.25 APL continued to engage with CCS, PINS, locally elected representatives and interested parties about the Project during the Phase 2 statutory consultation. This included correspondence regarding a stakeholder briefing event held prior to the public exhibitions and Project update meetings with local Community Councils.

#### **Phase 2 Non-Statutory Consultation (Post-Phase 2 Statutory Consultation)**

- 1.8.26 A number of additional non-statutory consultation activities were undertaken by APL following the Phase 2 statutory consultation, prior to the DCO Application submission. This included follow-up correspondence to queries raised during statutory consultation and liaison with CCS and PINS regarding the DCO Application.

### **1.9 Evolution of the Project in Response to Consultation Feedback**

- 1.9.1 APL has had regard to consultation feedback received between 2014 and 2018 and has amended its proposals in response to feedback received from consultees during the phased consultation as follows:
- Locations for display of consultation materials amended;
  - Selection of a Gas Connection route corridor, approximately 1.4 km in length, running in a southerly direction to the Generating Equipment Site;

- Selection of an underground cable option as opposed to overhead line option to export power from the Generating Equipment to the NETS (Swansea North Substation);
- Selection of an Electrical Connection route corridor, approximately 900 m in length, to the southwest of the Generating Equipment Site;
- Selection of the Access Road to the Project Site from the B4489 to the west of the Generating Equipment Site, including an upgraded access road from the B4489 as well as a new section of access road from the Swansea North Substation to the Generating Equipment Site;
- The Power Generation Plant is made up of only one Gas Turbine Generator with one exhaust gas flue stack, rather than up to five;
- Reduction in the stack height from a maximum of 60 m to a maximum of 45 m;
- Selection of an Access Road from the Substation to the Generating Equipment Site, beginning before the original spur at the car park adjacent to the Felindre Gas Compressor Station and extending southwards towards open fields; and
- Realignment of Access Road from the Substation to the Generating Equipment Site to curve further south and avoid ancient woodland.

## **1.10 Conclusion**

- 1.10.1 APL has taken seriously its obligations under the PA 2008 regarding consultation and has delivered both Phase 1 and Phase 2 consultation in accordance with the requirements of the PA 2008.
- 1.10.2 This Report demonstrates that the Project generated significant levels of interest and participation from a broad spectrum of consultees. Furthermore, and importantly, many of the most significant design and Project decisions were either directly or indirectly influenced by consultation.
- 1.10.3 APL is grateful to all who have provided input during both phases of the pre-application consultation process.
- 1.10.4 APL is committed to continued engagement with the local community and stakeholders following submission of the Application, as well as throughout the construction, operation and decommissioning phases, should a DCO be granted.

## 2 Introduction and Context

### 2.1 Introduction

- 2.1.1 Abergelli Power Limited (APL) proposes to construct, operate and maintain an Open Cycle Gas Turbine (OCGT) peaking power generating station (the Power Generation Plant) and new connections to the gas and electricity networks on land adjacent to the Felindre Gas Compressor Station at Abergelli Farm, Felindre, Swansea SA5 7NN (the Project).
- 2.1.2 The Power Generation Plant would have rated electrical output of up to 299 MW of electricity and is therefore classified as a Nationally Significant Infrastructure Project (NSIP) under section 15 of the Planning Act 2008 (as amended) (PA 2008). As such, APL is applying to the Secretary of State (SoS) for Business, Energy and Industrial Strategy under section 31 of the PA 2008 for a Development Consent Order (DCO) for powers to construct, operate and maintain the Power Generation Plant (the “authorised development”).
- 2.1.3 The Project was initiated by APL in January 2014 and extensive consultation was undertaken throughout 2014. In March 2015, it was decided by the previous owners of the Project to put it “on hold” primarily because of the then market conditions for new power generation in the UK. However, after acquisition of APL by Drax Group plc (Drax) in December 2016 (further described in section 2.3 below) the Project was publicly “re-launched” in April 2017. Subsequently, a second phase of consultation was undertaken by APL in early 2018 after the Project was relaunched. This Consultation Report refers to the two phases of consultation as follows:
- Phase 1 consultation (including non-statutory and statutory consultation from January 2014 until March 2015) (chapters 6 and 8); and
  - Phase 2 consultation (including non-statutory and statutory consultation from April 2017 until submission of the DCO Application in May 2018) (chapters 7 and 9).

### 2.2 Purpose of the Report

- 2.2.1 This Consultation Report has been produced to satisfy S37(3) and S37(7) of the PA 2008 and accompanies APL’s Application for a DCO to the SoS for Business, Energy and Industrial Strategy. The Application will be submitted via PINS to the SoS who will review the application for acceptance for examination by an appointed Examining authority who will make a recommendation to the SoS. The final decision on whether and in what form to make the DCO is taken by the SoS.
- 2.2.2 The Consultation Report sets out the non-statutory and statutory consultation activities that have been undertaken in support of the Project during Phase 1

and Phase 2 consultation. In accordance with s37(7) of the PA 2008, the report provides:

- An account of the statutory consultation, publicity, deadlines set and community consultation activities undertaken at the pre-application stage under S42, S47 and S48 of the PA 2008 (provided in chapter 6 (Phase 1) and chapter 8 (Phase 2) of this report);
- An account of the non-statutory consultation activities undertaken (provided in chapters 6 (Phase 1) and 8 (Phase 2) of this report);
- A summary of the responses to the separate strands of consultation (provided in chapter 7 (Phase 1) and chapter 9 (Phase 2) of this report); and
- An explanation of how APL has taken into account consultation responses in the development of the Project, as required by S49(2) of the PA 2008 (provided in chapter 10 of this report).

2.2.3 The Appendices to this Consultation Report are contained in Document Reference 5.2. A separate Welsh translation of the Consultation Report Executive Summary is contained in Document Reference 5.1.1 (Welsh).

## **2.3 The Applicant**

2.3.1 APL is the applicant for the Project. APL is registered in England and Wales (Company number 8190497) and is a wholly owned subsidiary of Drax, Company Number 05562053.

2.3.2 APL's registered office is at Drax Power Station, Drax, Selby, North Yorkshire, United Kingdom, YO8 8PH.

2.3.3 Drax is responsible for generating 6% of the UK's electricity, predominantly via Drax power station in Selby. Drax is one of the UK's largest energy producers and is committed to helping to reduce carbon emissions, displacing more coal off the system and providing additional system support to plug the gaps created by intermittent renewables and boost security of supply.

2.3.4 Drax acquired APL from Watt Power Limited (Watt Power) in 2016. Stag Energy Development Company Ltd (Stag Energy) previously provided management services to Watt Power in relation to APL. Stag Energy continues to provide resources to APL through a management services agreement. Stag Energy was founded in 2002 and the company draws on a depth of experience within a team that has created and delivered over 10,000 MW of power generation and related infrastructure projects across the globe, of which 2,500 MW has been delivered in the UK.

2.3.5 Drax currently has three other power generation projects which have either already been granted consent under or are being brought forward through the PA 2008 process. They are: Progress Power Ltd at Eye Airfield in Suffolk

([www.progresspower.co.uk](http://www.progresspower.co.uk)): Hirwaun Power Ltd at Hirwaun in South Wales ([www.hirwaunpower.co.uk](http://www.hirwaunpower.co.uk)): and Millbrook Power Ltd at Rookery South, near Stewartby, Bedfordshire ([www.millbrookpower.co.uk](http://www.millbrookpower.co.uk)). The first two listed projects were granted Development Consent in July 2015.

2.3.6 APL is committed to the development of assets to support the UK Government's drive to a low carbon economy. APL recognises the need to balance commercial issues with the environmental benefits and concerns relating to energy projects and believes this balance can be responsibly delivered. As part of this policy, APL has sought the views and concerns of the local community outside of the statutory consultation process under the PA 2008 and has considered this feedback alongside the consultation feedback from statutory consultation in preparing the DCO Application.

2.3.7 Further information on the companies referred to above is provided at [www.abergellipower.co.uk](http://www.abergellipower.co.uk) or [www.drax.com](http://www.drax.com) and within the Introduction to the Applicant and Guide to the Application (Document Reference 1.1).

## 2.4 The Project

### Project Description

2.4.1 The Project includes:

- A new **Power Generation Plant** in the form of an OCGT peaking power generating station, fuelled by natural gas and capable of providing a rated electrical output of up to 299 Megawatts (MW). The Power Generation Plant comprises:
  - The **Generating Equipment** including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (BOP) (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;
  - 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 ecological enhancement within the Project Site Boundary; and

- Permanent parking and drainage to include: a site foul, oily water and surface water drainage system.
- A new **Gas Connection**, in the form of a new above ground installation (AGI) and underground gas pipeline connection (the Pipeline), to bring natural gas to the Generating Equipment from the National Transmission System; and
- A new **Electrical Connection** to export power from the Generating Equipment to the National Grid Electricity Transmission System (NETS).

2.4.2 The Power Generation Plant, Gas Connection, and Electrical Connection, together with all access requirements are referred to as the “Project”. The Generating Equipment, Laydown Area, Access Road, Ecological Mitigation Area and permanent parking and drainage are together known as the “Power Generation Plant”.

#### Location

- 2.4.3 APL proposes to construct, operate and maintain the Project on land at Abergelli Farm, Felindre, Swansea SA5 7NN.
- 2.4.4 The Project is situated on open land located approximately 2 km north of junction 46 of the M4 within the administrative area of CCS, approximately 1 km southeast of Felindre and 1.4 km north of Llangyfelach.
- 2.4.5 The land upon which the Project would be developed, or which would be required in order to facilitate the development of the Project, is referred to as the “Order Land”. and is shown on the Land Plans (Document Reference 2.2). The Order Land covers an area of up to approximately 35 ha.
- 2.4.6 The extent of the works for which development consent is sought in the DCO (together with relevant limits of deviation) is referred to as the “Order Limits” and is shown on the Works Plans (Document Reference 2.3).
- 2.4.7 Drawing No. J0008302-18-200A, contained within the Annexe to this Consultation Report, shows the extent of the Order Land and the Order Limits.

#### Consenting Framework and Consultation Scope

- 2.4.8 The Power Generation Plant would have rated electrical output of up to 299 MW of electricity and is therefore classified as a NSIP under the PA 2008. As such, APL is applying to the SoS under the PA 2008 for a DCO for powers to construct, operate and maintain the Power Generation Plant. The construction, operation and maintenance of the Power Generation Plant comprises the “authorised development” to which the DCO application applies.



- 2.4.9 Under the PA 2008, APL is required to consult on the application for the DCO with a wide range of consultees, including statutory consultees, local authorities, owners, lessees, tenants, those with an interest in the land and the local community. The scope of consultation carried out by APL covers both the authorised development being applied for under the PA 2008 and in relation to the Order Land over which powers of compulsory acquisition are sought. Therefore, consultation has been undertaken by APL in respect of the authorised development and the full extent of the Order Land.
- 2.4.10 The Gas Connection and Electrical Connection comprise development associated with the NSIP ("associated development"). The PA 2008 restricts the ability to include associated development in a DCO for a generating station project in Wales to development that is associated with a generating station with a capacity in excess of 350MW. As the Power Generation Plant would have rated electrical output of up to 299 MW, associated development to the Power Generation Plant cannot be included in APL's application for a DCO under the PA 2008. Development Consent is therefore not sought for the Gas Connection and Electrical Connection.
- 2.4.11 In addition to seeking development consent in the Order for the Power Generation Plant, APL is also seeking powers of compulsory purchase powers in respect of acquisition over the Order Land, in order to acquire authorise the acquisition of land, the temporary use of land, the creation of permanent new rights and to suspend, override and/or extinguish any, for example, unknown rights, restrictions, easements or servitudes in order to facilitate the construction and operation of the Project.
- 2.4.12 Separately, APL will seek planning permission for the Gas Connection under the Town and Country Planning Act 1990 ("TCPA 1990"). The Electrical Connection could either be consented through the TCPA 1990 or as permitted development under the Town and Country Planning (General Permitted Development) Order 1995 ("GPDO").

## **2.5 Structure of the Report**

- 2.5.1 The remainder of this Consultation Report is structured as follows:
- Chapter 3: identifies relevant legislation and guidance which together set out the statutory requirement for pre-application consultation on the Project;
  - Chapter 4: provides a summary of historical consultation undertaken on the Project Site;
  - Chapter 5: provides an overview of the phased consultation process undertaken by APL;
  - Chapter 6: provides a description of the Phase 1 consultation;
  - Chapter 7: summarises feedback from the Phase 1 consultation;

- Chapter 8: provides a description of the Phase 2 consultation;
- Chapter 9: summarises feedback from the Phase 2 consultation;
- Chapter 10: summarises how APL has had regard to consultation responses and how these have informed the Project; and
- Chapter 11: provides an overall conclusion to the Consultation Report.



## 3 Legislation and Guidance

### 3.1 Introduction

- 3.1.1 This chapter summarises the legislation and guidance which provide the statutory requirements for pre-application consultation.

### 3.2 Legislation & Guidance

- 3.2.1 The pre-application consultation and the production of this report have been carried out in accordance with the requirements of primary and secondary legislation; in particular:

- the PA 2008;
- the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (the EIA Regulations); and
- the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended) (the APFP Regulations).

- 3.2.2 The following statutory guidance and non-statutory advice notes have also been followed in the design and delivery of the consultation process and preparation of this Consultation Report:

- The Planning Act 2008: Guidance on the pre-application process (Department of Communities and Local Government (DCLG)), March 2015 ("the PA 2008 DCLG pre-application guidance") (S42, S47 and S48); and
- Advice Note 14: Compiling the consultation report (PINS, Version 2: April 2012) ("PINS Advice Note 14").

- 3.2.3 Appendix 1.A contains a compliance checklist which details the relevant components of legislation and guidance applicable to the consultation process and this report and how these have been addressed by APL.

### 3.3 The PA 2008

- 3.3.1 The following provisions of the PA 2008 are relevant to statutory consultation undertaken on the Project:

- S37: Applications for orders granting development consent;
- S42: Duty to consult certain categories of person;
- S43: Local authorities for purposes of S42(1)(b);
- S44: Categories for purposes of S42(1)(d);

- S45: Timetable for consultation under S42;
- S46: Duty to notify SoS of proposed application (and to provide S42 consultation materials to the SoS);
- S47: Duty to consult relevant authority on SoCC and local community in accordance with SoCC;
- S48: Duty to publicise the proposed Application; and
- S49: Duty to take account of responses to consultation and publicity.

### **Section 37 (PA 2008)**

- 3.3.2 This Consultation Report has been prepared in accordance with s37(7) of the PA 2008. It seeks to demonstrate how APL has complied with its duties under S42, S46, S47, S48 and S49 of the PA 2008 (see chapters 6 (Phase 1) and 8 (Phase 2), and Appendix 3 and 4 (Phase 1) and 8 and 9 (Phase 2)), gives details of relevant responses received (see chapters 7 (Phase 1) and 9 (Phase 2) and Appendix 6 (Phase 1) and 11 (Phase 2)) and describes how APL has account taken of relevant responses (see chapter 10 and Appendix 6 (Phase 1) and 11 (Phase 2)).

### **Sections 42, 43, 44 & 45 (PA 2008)**

- 3.3.3 Under S42 of the PA 2008, bodies prescribed by Schedule 1 of the APFP Regulations must be consulted about the proposed application (the 'prescribed bodies'). S43 of the PA 2008 sets out the local authorities that must be consulted for the purposes of S42(b) of the PA 2008, and S44 of the PA 2008 explains the persons that must be consulted for the purposes of S42(d) of the PA 2008. S45 of the PA 2008 states that consultees must be notified of the deadline for consultation responses, which must be for no less than 28 days beginning with the day after receipt of the consultation documents. Statutory consultation undertaken in accordance with S42 of the PA 2008 is described at sections 6.4 (Phase 1) and 8.4 (Phase 2) of this Consultation Report.

### **Section 46 (PA 2008)**

- 3.3.4 Under S46 of the PA 2008, the applicant must supply PINS with the same information as that supplied to consultees under S42 and S43 of the PA 2008. The applicant must do this before commencing consultation under S42. Statutory notification undertaken in accordance with S46 of the PA 2008 is described at sections 6.4 (Phase 1) and 8.4 (Phase 2) of this Consultation Report.

### **Section 47 (PA 2008)**

- 3.3.5 Under S47 of the PA 2008, a statement must be developed for the project setting out how the applicant proposes to consult people living in the vicinity

about the proposed application. In preparing the statement, an applicant must consult the relevant local authorities about its content. Those local authorities have 28 days from receiving the draft statement to comment and the applicant must have regard to comments from the relevant local authorities on what should be included in the statement. Once the statement has been finalised, the applicant must make it available for inspection by the local community and must publish a notice in a local newspaper that says where and when the statement can be inspected. Statutory consultation undertaken in accordance with S47 of the PA 2008 is described at sections 6.4 (Phase 1) and 8.4 (Phase 2) of this Consultation Report.

### **Section 48 (PA 2008)**

- 3.3.6 Under S48 of the PA 2008, a proposed application is required to be publicised once in the London Gazette and a national newspaper and twice in local newspapers. The notice must, inter alia, explain where and when the consultation documents can be viewed and what the deadline is for consultation responses (being no earlier than 28 days from the date when the last notice was published). Statutory consultation undertaken in accordance with S48 of the PA 2008 is described at sections 6.4 (Phase 1) and 8.4 (Phase 2) of this Consultation Report.

### **Section 49 (PA 2008)**

- 3.3.7 S49(2) of the PA 2008 applies where the applicant has complied with s42, s47 and s48, and intends to proceed with an application for an order granting development consent. Under S49(2), the applicant must have regard to consultation responses received under S42, S47 or S48 of the PA 2008 when making an application. Chapter 7, with Appendix 6 (Phase 1), and chapter 9, with Appendix 11 (Phase 2) of this Consultation Report set out the consultation responses received under S42, S47 and S48 in regard to the Project. Chapter 10 explains how the Phase 1 and Phase 2 consultation responses have been taken into account by APL.

## **3.4 The EIA Regulations**

- 3.4.1 The Project is being assessed under the EIA Regulations and not the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017). This is because a scoping opinion was requested from the SoS under the EIA Regulations before the EIA Regulations 2017 came into effect. This means that, in accordance with the transitional arrangements at Regulation 37 of the EIA Regulations 2017, the EIA Regulations will continue to apply to the Project.
- 3.4.2 The following provisions of the EIA Regulations are relevant to statutory consultation undertaken on the Project:
- Regulation 6: Procedure for establishing whether environmental impact assessment is required;

- Regulation 8: Application for a scoping opinion;
- Regulation 9: Procedure to facilitate preparation of environmental statements;
- Regulation 10: Consultation Statement requirements; and
- Regulation 11: Pre-application publicity under S48 (duty to publicise)

### **Regulation 6 (EIA Regulations)**

- 3.4.3 Under Regulation 6 of the EIA Regulations, an applicant is required to, inter alia, notify the SoS of its intention to submit an ES. Details of APL's notification to the SoS in this respect is provided at section 6.3 and Appendix 3.A.II of this Consultation Report.

### **Regulation 8 (EIA Regulations)**

- 3.4.4 Under Regulation 8 of the EIA Regulations, an applicant may request a scoping opinion from the SoS as to the information to be provided in the ES. Details of the EIA scoping request submitted by APL are provided at section 6.3 and Appendix 3 of this Consultation Report.

### **Regulation 9 (EIA Regulations)**

- 3.4.5 Under Regulation 9 of the EIA Regulations, the SoS must inform the applicant of consultation bodies notified, and notify the applicant of any particular person whom it considered is likely to be affected by or to have an interest in the land of the proposed development. Details of the notification in accordance with Regulation 9 of the EIA Regulations are provided at section 6.3 and Appendix 3 of this Consultation Report.

### **Regulation 10 (EIA Regulations)**

- 3.4.6 Regulation 10 of the EIA Regulations requires that the consultation statement prepared under S47 of the PA 2008 sets out whether the application is EIA development and, if so, how the applicant intends to publicise and consult on the preliminary environmental information. Section 6.4 with Appendix 4 (Phase 1) and section 8.4 with Appendix 9 (Phase 2) of this Consultation Report provide details regarding the 2014 SoCC (Appendices 4.A.V and 4.A.VI) and 2018 SoCC (Appendices 9.B.I and 9.B.II) prepared by APL under S47 of the PA 2008.

### **Regulation 11 (EIA Regulations)**

- 3.4.7 Under Regulation 11 of the EIA Regulations, the applicant must send a copy of the notification under S48 of the PA 2008 to the consultation bodies and persons notified to the applicant in accordance with Regulation 9 of the EIA Regulations. Details of the S48 notification carried out by APL are provided

at section 6.4 with Appendix 4.G and 4.H (Phase 1) and section 8.4 with Appendix 9.F (Phase 2) of this Consultation Report.

### **3.5 The APFP Regulations**

3.5.1 The following provisions of the APFP Regulations are relevant to statutory consultation undertaken on the Project:

- Regulation 3: Prescribed consultees;
- Regulation 4: Publicising a proposed application; and
- Schedule 1: Circumstances when consultees must be consulted and notified about an application

3.5.2 Regulation 3 of the APFP Regulations explains that the persons prescribed for the purposes of S42(a) of the PA 2008 are those listed in Schedule 1 of the APFP Regulations. Details of the prescribed consultees consulted by APL are provided at section 6.4 and Appendix 4.G (Phase 1) and 8.4 and Appendix 9.G (Phase 2) of this Consultation Report.

3.5.3 Regulation 4 of the APFP Regulations explains the manner in which an applicant must publicise a proposed application for the purposes of S48 of the PA 2008. Details of the S48 notification carried out by APL are provided at section 6.4 and Appendix 4.G (Phase 1) and section 8.4 and Appendix 9.F (Phase 2).

### **3.6 Statutory Guidance and Non-Statutory Advice notes**

3.6.1 Statutory guidance and non-statutory Advice notes have also been followed in the design and delivery of consultation and preparation of this report:

- The Planning Act 2008: Guidance on the pre-application process (Department of Communities and Local Government (DCLG), March 2015) (“the PA 2008 DCLG pre-application guidance”); and
- Advice note three: EIA consultation and notification (PINS, August 2017)
- Advice note fourteen: Compiling the consultation report (PINS, Version 2: April 2012).

3.6.2 The PA 2008 DCLG pre-application guidance explains that the PA 2008 sets out statutory requirements for applicants to engage in pre-application consultation with local communities, local authorities, and those who would be directly affected by the project. The front-loaded emphasis of consultation in the major infrastructure planning regime is designed to ensure a more transparent and efficient examination process. Table 3-1 below outlines where in this Consultation Report the advice set out in the Guidance has been addressed.

- 3.6.3 Advice note fourteen provides guidance on the content of the Consultation Report. Table 3-1 below outlines where in this Consultation Report the guidance set out in Advice note fourteen has been addressed.

Table 3-1: Contents of the Consultation Report

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
<b>Advice note 14: Compiling the consultation report (PINS, Version 2: April 2012)</b>	Explanatory text	<p>“Explanatory text should set the scene and provide an overview and narrative of the whole pre-application stage as it relates to the particular project. It would assist if a quick reference guide in bullet point form, summarising all the consultation activity in chronological order, is included near the start of the report.</p> <p>This section should define the whole pre-application consultation and explain the relationship between any initial strategic options stage, any subsequent informal consultation that may have taken place, and the statutory consultation carried out under the 2008 Act...”</p>	<p>Chapter 1 provides a summary of the whole pre-application stage. Sections 5.2-5.4, including Tables 5-1 and 5-2 provide an overview of pre-application consultation undertaken on the Project in chronological order, including reference to informal non-statutory consultation and statutory consultation carried out under the PA 2008. Relevant historical consultation is described in sections 4.2-4.4.</p>
	Consultation with the prescribed consultees (S42)	<p>“This includes prescribed statutory bodies, local authorities consulted under S43 of the Act and those with an interest in the land consulted under S44 of the Act. These separate strands of prescribed consultees should be clearly identified.</p> <p>The applicant should include a full list of the prescribed consultees as part of the Consultation</p>	<p>Sections 6.4 (Phase 1) and 8.4 (Phase 2) contain details of consultation undertaken with prescribed consultees under S42 of the PA 2008, including those as defined by S43 and S44 of the PA 2008.</p>



Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>Report. If the prescribed consultees have been consulted on multiple occasions, perhaps at different phases of the consultation, then this should be explained. If the applicant's list of prescribed consultees varies in any way from the list of organisations set out in schedule 1 of the Applications: Prescribed Forms and Procedures Regulations 2009 (APFP) then this should be robustly justified. The list of organisations set out in schedule 1 of the APFP should be followed in terms of the order in which the consultees are presented.</p> <p>A short description of how S43 of the Act has been applied in order to identify the relevant local authorities that should be included. This could be supported by a map showing the site and identifying the boundaries of the relevant local authorities.</p> <p>It is important that those with an interest in the land consulted under S44 of the Act are identified as a distinct element of the wider S42 consultation. S44</p>	<p>A list of the prescribed consultees consulted on the Project is contained in Appendix 4.I.I (Phase 1) and 9.G.I (Phase 2).</p> <p>Sections 6.4 (Phase 1) and 8.4 (Phase 2) describe how consultation has been undertaken in accordance with S43 of the PA 2008. Figure 6-4 contains a map of the relevant local authorities consulted during Phase 1 and Phase 2 consultation.</p>



Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>consultees include those whose land would be subject to compulsory acquisition as part of the development consent order, those who may have a relevant claim and those whose land may be affected by the development.</p> <p>Where compulsory acquisition forms part of the draft DCO, the consultees who are also included in the book of reference for compulsory acquisition purposes should be highlighted in the consolidated list of prescribed consultees.”</p>	<p>S42(1)(d) consultees are identified distinctly as part of the list of all S42 prescribed consultees in Appendix 4.I.I (Phase 1) and 9.G.I (Phase 2). Details of statutory consultation with S42(1)(d) consultees is contained within sections 6.4 (Phase 1) and 8.4 (Phase 2) of this Report and subsequent feedback received is contained within section 7.4 (Phase 1) and 9.4 (Phase 2).</p>
	Statement of Community Consultation process (S47)	<p>“It would be helpful to provide a summary of the rationale behind the SoCC methodology to assist the Secretary of State’s understanding of the</p>	<p>The rationale behind the 2014 SoCC (Appendix 4.A.V and 4.A.VI) methodology for Phase 1 consultation is explained at section 6.4. The</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>community consultation and provide a context for considering how the consultation was undertaken.</p> <p>The Secretary of State needs to be satisfied that the applicant has complied with the SoCC preparation process. Evidence should be submitted as part of the consultation report which shows which local authorities were consulted about the content of the draft SoCC; what the local authorities' comments were; confirmation that they were given 28 days to provide their comments and a description about how the applicant had regard to the local authorities' comments. Copies of the published SoCC as it appeared in the local press should be provided along with confirmation of which local newspapers it was published in and when.</p> <p>Where there were any inconsistencies with the SoCC, for example where additional activities took place that were not included in the SoCC(s), then this should be clearly explained and justified. It would be useful to set out the relevant local authorities' views about any changes made to the</p>	<p>rationale behind the 2018 SoCC (Appendix 9.B.I and 9.B.II) methodology for Phase 2 consultation is explained at section 8.4.</p> <p>Appendix 4.B contains the 2014 SoCC Compliance Checklist, which explains how APL has complied with the SoCC during Phase 1 S47 consultation. Appendix 9.C contains the 2018 SoCC Compliance Checklist, which explains how APL has complied with the SoCC during Phase 2 S47 consultation.</p> <p>Details of the local authorities consulted on the draft 2014 SoCC (Appendix 4.A.II) and 2018 SoCC (Appendix 9.A.II) and how their response has been taken into account is contained at section 6.4 and Appendix 4.A (Phase 1) and section 8.4 and Appendix 9.A (Phase 2).</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		consultation methodology that were not dealt with by way of a review of the SoCC. The SoCC process is usually best dealt with as a discrete section within the consultation report.”	<p>The published 2014 SoCC together with copies of the 2014 SoCC Notice as displayed in the local press are contained in Appendix 4.A, and are referred to at section 6.4. The published 2018 SoCC together with copies of the 2018 SoCC Notice as displayed in the local press are contained in Appendix 9.B and are referred to at section 8.4.</p> <p>Consultation on the draft 2014 SoCC (is explained at section 6.4 and in Appendix 4.A. Consultation on the draft 2018 SoCC is explained at section 8.4 and in Appendix 9.A.</p>
	Statutory publicity (S48)	“A copy of the S48 notice as it appeared in the local and national newspapers, together with a description of where the notice was published and confirmation of the time period given for responses should be included in the report. Applicants should also provide confirmation that the S48 notice was	<p>A description of the S48 notice publication is provided in section 6.4 (Phase 1) and 8.4 (Phase 2). Appendices 4.G (Phase 1) and 9.F (Phase 2) contain the S48 notices as published.</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>sent to the prescribed consultees at the same time as the notice was published. A description of the consultation material used and how the prescribed consultees were able to access it would also be useful.</p> <p>The S48 publicity is best dealt with as a separate section within the report.”</p>	
	Non- statutory ‘informal’ consultation	<p>“Applicants may have been engaged in non-statutory consultation, for example, high level consultation with statutory bodies may have been undertaken when identifying options and in advance of formal consultation under the provisions of the Act. Any consultation not carried out under the provisions of the Act should be clearly indicated and identified separately in the report from the statutory consultation.</p> <p>This does not necessarily mean that informal consultation has less weight than consultation carried out under the Act, but identifying statutory and non-statutory consultation separately will assist when it comes to determining compliance with statutory requirements.”</p>	<p>Sections 6.2, 7.2, and 10.2 detail the process and outcomes of Phase 1 non-statutory consultation undertaken by APL prior to the commencement of Phase 1 statutory consultation.</p> <p>Sections 8.2, 9.2, and 10.2 detail the process and outcomes of Phase 2 non-statutory consultation undertaken by APL prior to the commencement of Phase 2 statutory consultation.</p> <p>APL continued to undertake non-statutory consultation following the conclusion of Phase 2 statutory</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
			consultation; the process and outcomes of which are detailed in sections 8.6 and 9.6.
	EIA Regulations consultation	“Consultation undertaken as part of the EIA regime is separate to that required under the Planning Act 2008. Applicants may wish to draw attention to consultation responses received under the EIA process, but any reference to this consultation should be kept separate from the statutory consultation carried out under the provisions of the Planning Act 2008.”	Sections 6.3 and 7.3 summarise the EIA scoping undertaken during Phase 1 consultation. Sections 8.3 and 9.3 summarise the EIA scoping undertaken during Phase 2 consultation.  The Environmental Statement (Document Reference 6.1) also summarise consultation undertaken in relation to the EIA.
<b>DCLG, The Planning Act 2008, Guidance on the pre-application process (March 2015)</b> <b>The consultation report and responding to consultees</b>	Para. 19	The pre-application consultation process is crucial to the effectiveness of the major infrastructure consenting regime. A thorough process can give the Secretary of State confidence that issues that will arise during the six months examination period have been identified, considered, and – as far as possible – that applicants have sought to reach agreement on those issues. Without adequate consultation, the subsequent application will not be accepted when it is submitted. If the Secretary of	This report details the pre-application consultation undertaken by APL during both Phase 1 consultation and Phase 2 consultation.

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		State determines that the consultation is inadequate, he or she can recommend that the applicant carries out further consultation activity before the application can be accepted.	
	Para. 21	Compliance with this guidance alone will not guarantee that the Secretary of State will conclude that the applicant has complied with the pre-application consultation requirements introduced by the Planning Act. Applicants should satisfy themselves that they have complied with all statutory requirements and applicable guidance (including this guidance) so they can reasonably expect that their application will not be rejected on the grounds of inadequate consultation. Where an applicant has not been able to follow this guidance, they should provide comments setting out why this is the case, in the consultation report.	This report seeks to demonstrate that APL has complied with the consultation requirements of the PA 2008 during both Phase 1 and Phase 2 consultation.
	Para. 23	In brief, during the pre-application stage applicants are required to: <ul style="list-style-type: none"> <li>- notify the Secretary of State of the proposed application;</li> <li>- identify whether the project requires an environmental impact assessment; where it does,</li> </ul>	Notification under Regulation 6 is described in section 6.3 and Appendix 3.A.  A summary of the development and consultation on the 2014 SoCC and

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>confirm that they will be submitting an environmental statement along with the application, or that they will be seeking a screening opinion ahead of submitting the application;</p> <ul style="list-style-type: none"> <li>- produce a Statement of Community Consultation, in consultation with the relevant local authority or authorities, which describes how the applicant proposes to consult the local community about their project and then carry out consultation in accordance with that Statement;</li> <li>- make the Statement of Community Consultation available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land where the development is proposed, as required by section 47 of the Planning Act and Regulations;</li> <li>- identify and consult statutory consultees as required by section 42 of the Planning Act and Regulations;</li> <li>- publicise the proposed application in accordance with Regulations;</li> </ul>	<p>details of where it was made available for inspection is provided in section 6.4 and Appendix 4.A. A summary of the development and consultation on the 2018 SoCC and details of where it was made available for inspection is provided in section 8.4 and Appendix 9.A.</p> <p>A summary of how S42 prescribed consultees were identified and consulted, including the deadline for consultation (meeting the minimum requirement of 28 days) is provided in section 6.4 (Phase 1) and 8.4 (Phase 2).</p> <p>Chapters 7, 9 and 10, with Appendix 6 and 11, provide an overview and outcomes of the consultation responses during Phase 1 and Phase 2 consultation.</p>



Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<ul style="list-style-type: none"> <li>- set a deadline for consultation responses of not less than 28 days from the day after receipt/last publication;</li> <li>- have regard to relevant responses to publicity and consultation; and</li> <li>- prepare a consultation report and submit it to the Secretary of State.</li> </ul>	<p>Section 6.4 (Phase 1) and 8.4 (Phase 2) set out the approach to S48 publicity.</p> <p>This document is the Consultation Report and accompanies the DCO Application.</p>
	Para. 24	<p>The requirements of the Planning Act and associated Regulations form the framework for the pre-application consultation process. The Government recognises that major infrastructure projects and the communities and environment in which they are located will vary considerably. A 'one-size-fits-all' approach is not, therefore, appropriate. Instead, applicants, who are best placed to understand the detail of their specific project, and the relevant local authorities, who have a unique knowledge of their local communities, should as far as possible work together to develop plans for consultation. The aim should be to ensure that consultation is appropriate to the scale and nature of the project and where its impacts will be experienced.</p>	<p>Section 5.3 describes APL's approach to consultation on the Project.</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
	Para. 25 - 26	<p>Consultation should be thorough, effective and proportionate. Some applicants may have their own distinct approaches to consultation, perhaps drawing on their own or relevant sector experience, for example if there are industry protocols that can be adapted. Larger, more complex applications are likely to need to go beyond the statutory minimum timescales laid down in the Planning Act to ensure enough time for consultees to understand project proposals and formulate a response. Many proposals will require detailed technical input, especially regarding impacts, so sufficient time will need to be allowed for this. Consultation should also be sufficiently flexible to respond to the needs and requirements of consultees, for example where a consultee has indicated that they would prefer to be consulted via email only, this should be accommodated as far as possible.</p> <p>The Planning Act requires certain bodies and groups of people to be consulted at the pre-application stage, but allows for flexibility in the precise form that consultation may take depending</p>	<p>Section 5.3 describes APL's approach to consultation on the Project.</p> <p>The Project has had regard for S42 to S44, and S47 of the PA 2008. A description of the process is provided in section 6.4 (Phase 1) and 8.4 (Phase 2).</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>on local circumstances and the needs of the project itself. Sections 42 – 44 of the Planning Act and Regulations<sup>11</sup> set out details of who should be consulted, including local authorities, the Marine Management Organisation (where appropriate), other statutory bodies, and persons having an interest in the land to be developed.</p> <p>Section 47 in the Planning Act sets out the applicant's statutory duty to consult local communities. In addition, applicants may also wish to strengthen their case by seeking the views of other people who are not statutory consultees, but who may be significantly affected by the project.</p>	
	Para. 28	<p>From time to time a body may cease to exist but, for legislative timetabling reasons, may still be listed as a statutory consultee. In such situations the Secretary of State will not expect strict compliance with the statutory requirements. Applicants should identify any successor body and consult with them in the same manner as they would have with the original body. Where there is no obvious successor, applicants should seek the advice of the Inspectorate, who may be able to identify an</p>	<p>The identification of consultation parties under S42 of the PA 2008 are described in section 6.4 (Phase 1) and 8.4 (Phase 2).</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		appropriate alternative consultee. Whether or not an alternative is identified, the consultation report should briefly note any cases where compliance with statutory requirements was impossible and the reasons why.	
	Para. 29	<p>Applicants will often need detailed technical input from expert bodies to assist with identifying and mitigating the social, environmental, design and economic impacts of projects, and other important matters.</p> <p>Technical expert input will often be needed in advance of formal compliance with the pre-application requirements. Early engagement with these bodies can help avoid unnecessary delays and the costs of having to make changes at later stages of the process. It is equally important that statutory consultees respond to a request for technical input in a timely manner. Applicants are therefore advised to discuss and agree a timetable with consultees for the provision of such inputs</p>	Pre-application non-statutory consultation is described in sections 6.2 and 6.5 (Phase 1) and sections 8.2, 8.5 and 8.6 (Phase 2), and Appendices 2, 5, 7 and 10.
	Para. 34	Local authorities have considerable expertise in consulting local people. They will be able to draw on this expertise to provide advice to applicants on	Consultation with local authorities on 2014 SoCC is described in section 6.4 and Appendix 4.A (Phase 1).

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		the makeup of the community and on how consultation might best be undertaken. In addition, many authorities will already have a register of local interest groups, and should be able to readily provide applicants with an appropriate list of such groups for the purposes of consultation.	Consultation with local authorities on 2018 SoCC is described in section 8.4 and Appendix 9.A.
	Para. 35	The applicant has a duty under section 47 of the Planning Act to prepare a Statement of Community Consultation, and then to conduct its consultation in line with that statement. Before doing so, the applicant must consult on their Statement of Community Consultation with each local authority in whose area the proposed development is situated. This may require consultation with a number of different local authorities, particularly for long, linear projects. In this situation, the local authorities in question should, as far as practicable, co-ordinate their responses to the applicant. This will ensure that the consultation proposals set out in the Statement are coherent, effective, and work across local authority boundaries.	The preparation of the 2014 SoCC is described in section 6.4 and Appendix 4.A (Phase 1). The preparation of the 2018 SoCC is described in section 8.4 and Appendix 9.A (Phase 2).

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
	Para. 36	Even where it is intended that a development would take place within a single local authority area, it is possible that its impacts could be significantly wider than just that local authority's area - for example if the development was located close to a neighbouring authority. Where an applicant decides to consult people living in a wider area who could be affected by the project (e.g. through visual or environmental impacts, or through increased traffic flow), that intention should be reflected in the Statement of Community Consultation.	The rationale for the CCZ and OCZ is contained within the 2014 SoCC and 2018 SoCC and described at sections 6.4 and 8.4. The published 2014 SoCC is provided in Appendix 4.A and published 2018 SoCC at Appendix 9.A.
	Para. .37	In its role as a consultee on the Statement of Community Consultation, the local authority should focus on how the applicant should consult people in its area. The comments that a local authority provides on the Statement of Community Consultation are separate from any views that authority may have on the merits of the proposals. They are also distinct from 'adequacy of consultation' responses. The Planning Act requires local authorities to respond to the applicant's consultation on their proposed Statement of	The response from local authorities on the 2014 SoCC is described in section 6.4 and contained within Appendix 4.A. The response from local authorities on the 2018 SoCC is described in section 8.4 and contained within Appendix 9.A.

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		Community Consultation within 28 days of receipt of the request. However, prior to submitting their draft Statement of Community Consultation applicants may wish to seek to resolve any disagreements or clarifications about the public consultation design. An applicant is therefore likely to need to engage in discussions with local authorities over a longer period than the minimum requirements set out in the Act.	
	Para. 38	The role of the local authority in such discussions should be to provide expertise about the make-up of its area, including whether people in the area might have particular needs or requirements, whether the authority has identified any groups as difficult to reach and what techniques might be appropriate to overcome barriers to communication. The local authority should also provide advice on the appropriateness of the applicant's suggested consultation techniques and methods. The local authority's aim in such discussions should be to ensure that the people affected by the development can take part in a	Information on hard to reach groups was received from CCS and is described in section 6.4 and Appendix 4.D (Phase 1) and section 8.4 and Appendix 9.D (Phase 2).



Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		thorough, accessible and effective consultation exercise about the proposed project.	
	Para. 39	<p>Topics for consideration at such pre-consultation discussions might include:</p> <ul style="list-style-type: none"> <li>- the size and coverage of the proposed consultation exercise (including, where appropriate, consultation which goes wider than one local authority area);</li> <li>- the appropriateness of various consultation techniques, including electronic-based ones;</li> <li>- the design and format of consultation materials;</li> <li>- issues which could be covered in consultation materials;</li> <li>- suggestions for places/timings of public events as part of the consultation;</li> <li>- local bodies and representative groups who should be consulted; and</li> <li>- timescales for consultation.</li> </ul>	<p>A summary of discussions at consultation meetings with CCS is contained in sections 7.2 and 7.5 (Phase 1) and 8.2, 8.5 and 8.6 (Phase 2), and minutes are provided in Appendix 2.D, 7.A and 10.A. A summary of responses on the 2014 SoCC and 2018 SoCC is contained in section 6.4 and Appendix 4.A (Phase 1) and section 8.4 and Appendix 9.A (Phase 2).</p>
	Paras. 40-42	It is expected that in most cases applicants and local authorities will be able to work closely together and agree on the local consultation process. Where significant differences of opinion	Details of APL's consultation with local authorities is described during Phase 1 consultation in sections: 6.2, 6.4, 6.5, 7.2, 7.4 and 7.5; and during Phase 2

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>persist between the applicant and local authority (or authorities) on how the consultation should take place, the Inspectorate may be able to offer further advice or guidance to either party. However, such advice will be without prejudice to any later decision on whether to accept or reject an application for examination.</p> <p>Where a local authority raises an issue or concern on the Statement of Community Consultation which the applicant feels unable to address, the applicant is advised to explain in their consultation report their course of action to the Secretary of State when they submit their application.</p> <p>Where a local authority decides that it does not wish to respond to a consultation request on the Statement of Community Consultation, the applicant should make reasonable efforts to ensure that all affected communities are consulted. If the applicant is unsure how to proceed, they are encouraged to seek advice from the Inspectorate. However, it is for the applicant to satisfy</p>	consultation in sections: 8.2, 8.4-8.6 and 9.2-9.4.

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		themselves that their consultation plan allows for as full public involvement as is appropriate for their project and, once satisfied, to proceed with the consultation. Provided that applicants can satisfy themselves that they have made reasonable endeavours to consult with all those who might have a legitimate interest or might be affected by a proposed development, it would be unlikely that their application would be rejected on grounds of inadequate public consultation.	
	Paras. 43-45	<p>Local authorities are also themselves statutory consultees for any proposed major infrastructure project which is in or adjacent to their area. Applicants should engage with them as early as possible to ensure that the impacts of the development on the local area are understood and considered prior to the application being submitted to the Secretary of State.</p> <p>Local authorities will be able to provide an informed opinion on a wide number of matters, including how the project relates to Local Plans. Local authorities may also make suggestions for</p>	Details of APL's consultation with local authorities during Phase 1 consultation is described in sections 6.2, 6.4, 6.5, 7.2, 7.4 and 7.5; and during Phase 2 consultation in sections: 8.2, 8.4-8.6 and 9.2-9.4.

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>requirements to be included in the draft Development Consent Order. These may include the later approval by the local authority (after the granting of a Development Consent Order) of detailed project designs or schemes to mitigate adverse impacts. It will be important that any concerns local authorities have on the practicality of enforcing a proposed Development Consent Order are raised at the earliest opportunity.</p> <p>The local authority in whose area a proposed project is located (or an authority adjoining the host authority) will be invited by the Secretary of State to submit a local impact report once the application has been accepted for examination. The local impact report will allow local authorities to set out details of their views on the likely effect of the development on the local area and community. Local authorities are likely to have developed a range of sources of useful information as part of their Local Plan preparation and more generally across their functions and responsibilities. Where these sources are up-to-</p>	

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		date and relevant to the proposals, local authorities should tap into this resource to inform the preparation of the local impact report. If the application is accepted for examination, the Examining Authority must have regard to the local impact report. As such, early consideration of its content and its preparation, including any formal approval processes, is recommended. More information about local impact reports can be found in the Planning Inspectorate's Advice Note 1.	
	Para. 49	Applicants will also need to identify and consult people who own, occupy or have another interest in the land in question, or who could be affected by a project in such a way that they may be able to make a claim for compensation. This will give such parties early notice of projects, and an opportunity to express their views regarding them.	Consultation with S42(1)(d) consultees is described in section 6.4 (Phase 1) and 8.4 (Phase 2) and a list of S42(1)(d) is provided in Appendix 4.I.I (Phase 1) and Appendix 9.G.I (Phase 2).
	Para. 53-54	Local people have a vital role to play at the pre-application stage. People should have as much influence as is realistic and possible over decisions which shape their lives and communities. It is	Early non-statutory consultation with the local community is described at section 6.2 during Phase 1 consultation.

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>therefore critical that they are engaged with project proposals at an early stage. Because they live, work and socialise in the affected area, local people are particularly well placed to comment on what the impact of proposals on their local community might be; or what mitigating measures might be appropriate; or what other opportunities might exist for meeting the project's objectives.</p> <p>In consulting on project proposals, an inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process. Applicants should use a range of methods and techniques to ensure that they access all sections of the community in question. Local authorities will be able to provide advice on what works best in terms of consulting their local communities given their experience of carrying out consultations in their area.</p>	
	Para. 55	Applicants must set out clearly what is being consulted on. They must be careful to make it clear to local communities what is settled and why, and what remains to be decided, so that	A description of non-statutory consultation and statutory consultation with the local community, including details of the consultation materials



Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		expectations of local communities are properly managed. Applicants could prepare a short document specifically for local communities, summarising the project proposals and outlining the matters on which the view of the local community is sought. This can describe core elements of the project and explain what the potential benefits and impacts may be. Such documents should be written in clear, accessible, and non-technical language. Applicants should consider making it available in formats appropriate to the needs of people with disabilities if requested. There may be cases where documents may need to be bilingual (for example, Welsh and English in some areas), but it is not the policy of the Government to encourage documents to be translated into non-native languages.	provided, is set out at sections 6.2 (Phase 1), 6.4 (Phase 1) and 8.4 (Phase 2).
	Paras. 56-57	Applicants are required to set out in their Statement of Community Consultation how they propose to consult those living in the vicinity of the land. They are encouraged to consider consulting beyond this where they think doing so may provide more information on the impacts of their	Preparation of the 2014 SoCC is described in section 6.4, and preparation of the 2018 SoCC is described in section 8.4.

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>proposals (e.g. through visual impacts or increased traffic flow).</p> <p>The Statement of Community Consultation should act as a framework for the community consultation generally, for example, setting out where details and dates of any events will be published. The Statement of Community Consultation should be made available online, at any exhibitions or other events held by applicants. It should be placed at appropriate local deposit points (e.g. libraries, council offices) and sent to local community groups as appropriate.</p>	
	Para. 58	<p>Applicants are required to publicise their proposed application under section 48 of the Planning Act and the Regulations and set out the detail of what this publicity must entail. This publicity is an integral part of the public consultation process. Where possible, the first of the two required local newspaper advertisements should coincide approximately with the beginning of the consultation with communities. However, given the detailed information required for the publicity in the</p>	<p>Details of how the Project was publicised is provided in section 6.4 (Phase 1 S48 consultation) and 8.4 (Phase 2 S48 consultation). The S48 notices are provided in Appendix 4.G (Phase 1) and Appendix 9.F (Phase 2).</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		Regulations, aligning publicity with consultation may not always be possible, especially where a multi-stage consultation is intended.	
	Para. 68	To realise the benefits of consultation on a project, it must take place at a sufficiently early stage to allow consultees a real opportunity to influence the proposals. At the same time, consultees will need sufficient information on a project to be able to recognise and understand the impacts.	Section 5.2 recognises the balance between commencing consultation and information available. Early non-statutory consultation was undertaken during Phase 1 consultation and is described in sections <b>Error! Reference source not found.</b> 6.2, 7.2 and 10.2.
	Para. 69	Applicants will often also require detailed technical advice from consultees and it is likely that their input will be of the greatest value if they are consulted when project proposals are fluid, followed up by confirmation of the approach as proposals become firmer. In principle, therefore, applicants should undertake initial consultation as soon as there is sufficient detail to allow consultees to understand the nature of the project properly.	Early non-statutory consultation was undertaken during Phase 1 consultation and is described in sections 6.2, 7.2 and 10.2.
	Para. 70	To manage the tension between consulting early, but also having project proposals that are firm	Phase 1 non-statutory consultation was undertaken and is described in sections

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>enough to enable consultees to comment, applicants are encouraged to consider an iterative, phased consultation consisting of two (or more) stages, especially for large projects with long development periods. For example, applicants might wish to consider undertaking non-statutory early consultation at a stage where options are still being considered. This will be helpful in informing proposals and assisting the applicant in establishing a preferred option on which to undertake statutory consultation.</p>	<p>6.2, 7.2 and 10.2 prior to Phase 1 statutory consultation as described in section 6.4, 7.4 and 10.3. Subsequently Phase 2 non-statutory consultation was undertaken and is described in sections 8.2 and 9.2, followed by Phase 2 statutory consultation as described in sections 8.4 and 9.4.</p>
	Para. 71	<p>Where an iterative consultation is intended, it may be advisable for applicants to carry out the final stage of consultation with persons who have an interest in the land once they have worked up their project proposals in sufficient detail to identify affected land interests.</p>	<p>Not relevant for this Project – landowners have been consulted at both Phase 1 and Phase 2.</p>
	Para. 72	<p>The timing and duration of consultation will be likely to vary from project to project, depending on size and complexity, and the range and scale of the impacts. The Planning Act requires a consultation period of a minimum of 28 days from the day after receipt of the consultation</p>	<p>The statutory consultation timescales are summarised in section 6.4 (Phase 1) and 8.4 (Phase 2).</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>documents. It is expected that this may be sufficient for projects which are straightforward and uncontroversial in nature. But many projects, particularly larger or more controversial ones, may require longer consultation periods than this.</p> <p>Applicants should therefore set consultation deadlines that are realistic and proportionate to the proposed project. It is also important that consultees do not withhold information that might affect a project, and that they respond in good time to applicants. Where responses are not received by the deadline, the applicant is not obliged to take those responses into account.</p>	
	Paras. 73-75	<p>Applicants are not expected to repeat consultation rounds set out in their Statement of Community Consultation unless the project proposals have changed very substantially. However, where proposals change to such a large degree that what is being taken forward is fundamentally different from what was consulted on, further consultation may well be needed. This may be necessary if, for example, new information arises which renders all previous options unworkable or invalid for some</p>	<p>During Phase 1 consultation, section 6.5 provides a commentary on how amendments to the Project were addressed in the consultation process through information updates. APL decided to undertake a second phase of consultation after the Project resumed in early 2017, which included a number of changes to the Project</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>reason. When considering the need for additional consultation, applicants should use the degree of change, the effect on the local community and the level of public interest as guiding factors.</p> <p>Where a proposed application changes to such a large degree that the proposals could be considered a new application, the legitimacy of the consultation already carried out could be questioned. In such cases, applicants should undertake further re-consultation on the new proposals, and should supply consultees with sufficient information to enable them to understand the nature of the change and any likely significant impacts (but not necessarily the full suite of consultation documents), and allow at least 28 days for consultees to respond.</p> <p>If the application only changes to a small degree, or if the change only affects part of the development, then it is not necessary for an applicant to undertake a full re-consultation. Where a proposed application is amended in light of</p>	<p>informed by Phase 1 consultation feedback (as described in chapter 8).</p>



Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		consultation responses then, unless those amendments materially change the application or materially changes its impacts, the amendments themselves should not trigger a need for further consultation. Instead, the applicant should ensure that all affected statutory consultees and local communities are informed of the changes.	
	Para. 77	Consultation should also be fair and reasonable for applicants as well as communities. To ensure that consultation is fair to all parties, applicants should be able to demonstrate that the consultation process is proportionate to the impacts of the project in the area that it affects, takes account of the anticipated level of local interest, and takes account of the views of the relevant local authorities.	The approach to consultation and the rationale for this approach is set out in section 5.2. An overview of how consultation responses have been taken into account is included in chapter 10.
	Para. 78	Applicants are required under section 37 of the Planning Act to produce a consultation report alongside their application, which details how they have complied with the consultation requirements set out in the Act.	This report is the Consultation Report which provides details as to how the requirements in the PA 2008 are met, and which is submitted as part of the DCO Application.

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
	Para. 79	The Secretary of State will consider this report when deciding whether or not the applicant has complied with the pre-application consultation requirements, and ultimately, whether or not an application can be accepted.	This document is considered to adhere to the requirements in the s55 checklist.
	Para. 80	<p>Therefore, the consultation report should:</p> <ul style="list-style-type: none"> <li>- provide a general description of the consultation process undertaken, which can helpfully include a timeline;</li> <li>- set out specifically what the applicant has done in compliance with the requirements of the Planning Act, relevant secondary legislation, this guidance, and any relevant policies, guidance or advice published by Government or the Inspectorate;</li> <li>- set out how the applicant has taken account of any response to consultation with local authorities on what should be in the applicant's statement of community consultation;</li> <li>- set out a summary of relevant responses to consultation (but not a complete list of responses);</li> <li>- provide a description of how the application was informed and influenced by those responses,</li> </ul>	<p>Description of consultation process: Chapters 6 (Phase 1) and 8 (Phase 2);</p> <p>Statutory requirements: Chapter 3;</p> <p>2014 &amp; 2018 SoCC: sections 6.4 &amp; 8.4;</p> <p>Summary of consultation responses: Appendices 6.A, 6.B and 6.D (Phase 1) and Appendices 11.A and 11.C (Phase 2)</p> <p>Consultation responses: Chapters 7 (Phase 1) and 9 (Phase 2), Appendices 6.A-6.D and 11.A-11.C.</p> <p>Key outputs: Chapter 10</p>

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		<p>outlining any changes made as a result and showing how significant relevant responses will be addressed;</p> <ul style="list-style-type: none"> <li>- provide an explanation as to why responses advising on major changes to a project were not followed, including advice from statutory consultees on impacts;</li> <li>- where the applicant has not followed the advice of the local authority or not complied with this guidance or any relevant Advice Note published by the Inspectorate, provide an explanation for the action taken or not taken; and</li> <li>- be expressed in terms sufficient to enable the Secretary of State to understand fully how the consultation process has been undertaken and significant effects addressed. However, it need not include full technical explanations of these matters.</li> </ul>	
	Para. 81	It is good practice that those who have contributed to the consultation are informed of the results of the consultation exercise; how the information received by applicants has been used to shape	Responses have been grouped and responded to in Appendices 6.A-6.E (Phase 1) and 11.A-11.C (Phase 2). Chapter 10 describes how the design

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
		and influence the project; and how any outstanding issues will be addressed before an application is submitted to the Inspectorate.	has evolved through consultation, and summarises next steps.
	Para. 82	As with the consultation itself, it is likely that different audiences will require different levels of information. The local community may be particularly interested in what the collective view of the community is and how this has been taken into account. Consultees with highly technical interests may seek more detailed information on what impacts and risks have been identified, and how they are proposed to be mitigated or managed.	Responses have been provided on a point by point basis in Appendices 6.A, 6.B, 6.D and 6.E (Phase 1) and Appendices 11.A and 11.C (Phase 2). Themed responses and outcomes have been reviewed in sections 7.2 and 7.4 (Phase 1) and 9.2 and 9.4 (Phase 2).
	Para. 83	The consultation report may not be the most appropriate format in which to respond to the points raised by various consultee groups and bodies. Applicants should therefore consider producing a summary note in plain English for the local community setting out headline findings and how they have been addressed, together with a link to the full consultation report for those interested. If helpful, this could be supplemented by events in the local area.	An Executive Summary (English) has been produced as part of the Consultation Report. A Welsh translation of the Executive Summary is contained in Document Reference 5.1.1

Document	Reference	Detailed Recommendations on Content	Relevant Chapter/Section in Consultation Report
	Para. 84	A response to points raised by consultees with technical information is likely to need to focus on the specific impacts for which the body has expertise. The applicant should make a judgement as to whether the consultation report provides sufficient detail on the relevant impacts, or whether a targeted response would be more appropriate. Applicants are also likely to have identified a number of key additional bodies for consultation and may need to continue engagement with these bodies on an individual basis.	Summary of consultation with key additional bodies: Chapters 7, 9 and 10. Full responses are provided in Appendices 6.A, 6.B and 6.D (Phase 1) and Appendices 11.A - 11.C (Phase 2).  On-going engagement is explained in chapters 10 and 11.

## 4 Historical Consultation

### 4.1 Introduction

- 4.1.1 This chapter sets out historical consultation undertaken in relation to the Order Land and surrounding area by others, in accordance with PINS Advice Note fourteen.
- 4.1.2 The Order Land and the surrounding area have been subject to a number of recent proposals for energy-related and other development, as well as consideration through emerging local planning policy. APL recognises the importance of these proposals in assessing the context of the Order Land and understanding the concerns and aspirations of the local community.

### 4.2 Order Land – Planning Application Consultation

- 4.2.1 Abergelli Farm has previously been subject to a series of planning applications for mineral extraction, inert landfill and other commercial activities. Each of the previous planning applications has been subject to consultation.
- 4.2.2 In February 2003, Swansea City Waste Disposal Company Ltd obtained planning permission for ‘excavation and removal of inert material from landfill site and restoration’ at Abergelli Farm (CCS Ref: 2002/0312). This consent was subsequently extended to allow the excavation and removal of inert material until 31<sup>st</sup> December 2010 (2007/0907). Neither of the planning applications were subject to pre-application consultation, however the applications were published for statutory consultation by CCS.
- 4.2.3 In May 2003, planning permission was granted for the change of use of land at Abergelli Farm from agricultural use to a horse racing training/facility ground (CCS Ref: 2003/0561). Subsequently, CCS granted planning permission for the construction of a stable block in August 2004 (CCS Ref: 2004/0415) and for the construction of two detached dwelling houses to provide Horse Trainers and Stable Hands accommodation (CCS Ref: 2004/0329). Similarly, none of the above planning applications were subject to pre-application consultation, however the applications were published for statutory consultation by CCS.

### 4.3 Surrounding Area – Planning Application Consultation

- 4.3.1 The area surrounding the Order Land is predominantly rural but is characterised by a substantial amount of utilities infrastructure.
- 4.3.2 In August 2008, National Grid Electricity Transmission PLC gained planning permission for the construction of a new 400 kV electricity substation at a site approximately 1 km to the south-west of the Project Site, at Heol Llangyfelach in Felindre, (CCS Ref: 2007/2733). Subsequently, the proposals were modified and planning permission was granted for the amended scheme in

November 2008 (CCS Ref: 2008/1685). In association with the 400 kV electricity substation, planning permission was granted for an overhead electricity line diversion in April 2008 (CCS Ref: 2007/2827) and the construction of an amenity building in July 2010 (CCS Ref: 2010/0539).

- 4.3.3 The Access Statement, submitted with the planning application (CCS Ref: 2008/1685) set out details of pre-application consultation undertaken in regards to the proposed 400 kV electricity substation, as provided in Figure 4-1.



Figure 4-1: Extract from Access Statement, submitted as part of NGET planning application for proposed 400 kV electricity substation (CCS Ref: 2008/1685)

## **2.2 Involvement**

*NGET has worked closely with statutory consultees and the local community regarding this scheme (including revisions), providing a comprehensive consultation process for those potentially affected.*

*From a local residents' perspective, the foreseen difficulties identified from an environmental point of view are:*

- *Increase in traffic movements;*
- *Proximity; and*
- *Noise*

*The project team arranged a series of meetings with political members before and during June 2007. Subsequent meetings and consultation then took place with the local landowners and residents.*

*A public exhibition was held at Felindre Welfare Hall on Wednesday 11 July 2007, inviting the local residents and elected representatives to view plans, gain background information and meet members of the project team. The exhibition was advertised locally and letters were sent to local residents in Pant lasua, Felindre and those on the periphery of Llangelyfach. Approximately 25 – 30 people attended.*

*Additionally, in September 2007, immediate residents to the site were invited on a site visit to a similar substation to experience this type of development first hand and have any concerns addressed.*

*As an ongoing commitment, NGET has continued to keep local residents informed of the revisions, consents and planning process. The residents have been provided with a project Freephone telephone number to contact the community relations team, should they have any questions during the process.*

*The outcome from this consultation with the local community has been positive and no objections from the local residents are anticipated.*

- 4.3.4 Abergelli Glas Ltd obtained planning permission for a 10 MW solar farm at land at Abergelli Farm, adjacent to the north-east of the Project Site, in May 2013 (CCS Ref: 2013/0135). The Planning and Design & Access Statement,

submitted with the planning application (CCS Ref: 2013/0135), set out details of consultation undertaken prior to the submission of the application, as provided in Figure 4-2.

Figure 4-2: Extract from Planning and Design & Access Statement , submitted as part of Abergelli Glas Ltd planning application for proposed 10 MW solar farm (CCS Ref: 2013/0135)

## **5.2 Involvement**

*5.2.1 In seeking a Screening Opinion from Swansea Council, PB also received some advice on what the planning application should include and what the most important issues are to be considered.*

*5.2.2 RD Wales has discussed the proposal extensively with the landowner in identifying the area of land most suitable for development within the farm boundary and where it would least affect the existing business.*

*5.2.3 Public consultation has not been undertaken, as the effect of the proposed development on local residents will be minimal.*

*5.2.4 PB has consulted the Environment Agency Wales (EA) to confirm that an FCA was needed and also the most appropriate form of SuDS for the site.*

4.3.5 This consent has since been the subject of a Non-Material Amendment (NMA) application to reduce the number of buildings, solar panels, height of fence, height of framework and to omit the met mast (SCC Ref: 2014/1313/NMA).

4.3.6 A 9 MW solar park, consisting of 135,000 PV panels, 9 inverter/transformer cabins and a single control building at land at Cefn Betingau Farm, approximately 1.5km to the south-east of the Project Site, was granted planning permission in August 2013 (CCS Ref: 2013/0865). The Environmental Report, submitted with the planning application (CCS Ref: 2013/0865), set out details of consultation undertaken prior to the submission of the application, as provided in Figure 4-3.

Figure 4-3: Extract from ES, submitted as part of planning application for proposed 9 MW solar park (CCS Ref: 2013/0865)

### **1.5 Consultations**

*As discussed in Section 1.4 a screening exercise was undertaken for the project with City and County of Swansea Council to determine the need or otherwise for a full Environmental Impact Assessment for the project. The Council advised that a full EIA was not required. Nevertheless, to ensure that an appropriate level of environmental assessment work was undertaken Wessex Solar Energy and their project team have maintained a dialogue throughout the preparation of their planning application with various parties to ensure a robust planning application has been prepared.*

#### **1.5.1 Public Consultation**

*Communication with the local community and other stakeholders is seen by Wessex Solar Energy as an important part of the development process.*

*The nature of the development is such that it will have relatively localised impacts when compared to a project such as a wind farm which can be seen over many miles. Wessex Solar Energy therefore informed the relevant community council (Mawr Community Council) in early March 2013 with follow up correspondence towards the end of March 2013. At the time of writing this application Wessex Solar Energy has not received any correspondence from Mawr Community Council.*

*Wessex Solar Energy's consultations will be on-going throughout the development stages of the project.*

## **4.4 Planning Policy Consultation**

- 4.4.1 CCS is currently in the process of preparing a new Local Development Plan (LDP) and proposals map, which upon adoption will replace the Unitary Development Plan (UDP) as the key planning policy document for CCS up to 2025.
- 4.4.2 The preparation of the LDP has been subject to numerous phases of consultation and engagement since 2009:
- Delivery Agreement (DA) – The DA set out the timetable for preparation of the LDP and the Council's Community Involvement Scheme. The DA was subject to consultation in April and May 2009 and was updated in 2013.
  - Pre-Deposit Plan Preparation and Involvement – This stage included the preparation and collection of background evidence, and an invitation for the submission of candidate sites for assessment from 2010. A Draft LDP Vision and Objectives document and a Draft LDP Strategic Options document were subsequently subject to consultation

in 2012. Following this, the Draft LDP Preferred Strategy was subject to public consultation (via exhibitions, community information sessions, presentations and workshops) in 2013, prior to the publication of the final LDP Preferred Strategy in July 2014.

- **Proposals Maps Consultation** – The proposals maps define the precise boundaries of proposed development, including key strategic sites identified in the LDP Preferred Strategy. The LDP draft proposals maps were subject to consultation from 4<sup>th</sup> December 2014 to 16<sup>th</sup> January 2015. The draft proposals maps illustrate the proposed boundaries of strategic development sites at: 'land northwest of M4 Junction 46, Llangyfelach' for mixed commercial / employment / residential uses; and 'land south of A4240, Penllergaer' for residential-led development.
- **Deposit LDP Consultation** – The full Deposit LDP was published for consultation between July and August 2016. The consultation provided opportunity to comment on a full schedule of policies and guidance relating to future development in CCS, including in relation to the provision of new homes, jobs, infrastructure and community facilities.

4.4.3 Notably, the Deposit LDP set out proposals for a new sustainable settlement at land north of Junction 46 of the M4 (located in close proximity to the south-west of the Project Site), to include over 1000 new homes, community facilities, leisure opportunities and integrated green infrastructure. The document also set out plans for a major extension to Penllergaer (approximately 4km to the south-west of the site) to deliver an additional 1000 dwellings, a new primary school, local community facilities and extensive recreational space.

4.4.4 CCS submitted the Deposit LDP, updated following 2016 consultation, for independent examination in July 2017. Examination hearings subsequently commenced in February 2018. It is anticipated that the LDP will be adopted later in 2018.

## 5 Overview of Consultation

### 5.1 Introduction

- 5.1.1 This chapter explains APL's approach to its consultation activities, and describes the non-statutory and statutory consultation that APL has undertaken.

### 5.2 APL's Consultation Process

- 5.2.1 At the outset of the Project, APL recognised that the planning regime established by the PA 2008 places significant importance on pre-application consultation. Accordingly, APL has invested considerable time and resources during the pre-application phase of the Project in order to encourage meaningful involvement in the process by the local community, those interested in the Project Site, local authorities and other prescribed consultees.
- 5.2.2 APL has undertaken pre-application consultation on the Project in two phases, which reflects the Project development timeline.
- 5.2.3 The Project was initially developed and taken through the first phase of consultation by APL under the ownership of Watt Power in 2014/2015. APL undertook Phase 1 consultation on the Project between January 2014 and March 2015 (Stages 1-40, Table 5-2).
- 5.2.4 In March 2015, it was decided by Watt Power (the previous owners of the Project) to put it "on hold" primarily because of the then market conditions for new power generation in the UK. However, after acquisition of APL by Drax in December 2016, the Project was publicly "re-launched" in April 2017.
- 5.2.5 Following this, and in accordance with the PA 2008 DCLG pre-application guidance (paragraph 73), APL decided to undertake a second phase of consultation in 2017/2018 (Stages 41-73, Table 5-2). The feedback received from the Phase 1 consultation informed a number of changes to the Project. The Phase 2 consultation provided the opportunity for APL to inform those who were not involved with Phase 1 consultation about the Project and to update consultees on the changes to the Project and for all consultees to comment on the revised proposals.
- 5.2.6 Consequently, the Project has developed in a consultative and iterative manner, during successive stages of development as shown in Table 5-2 and described in Chapter 11.

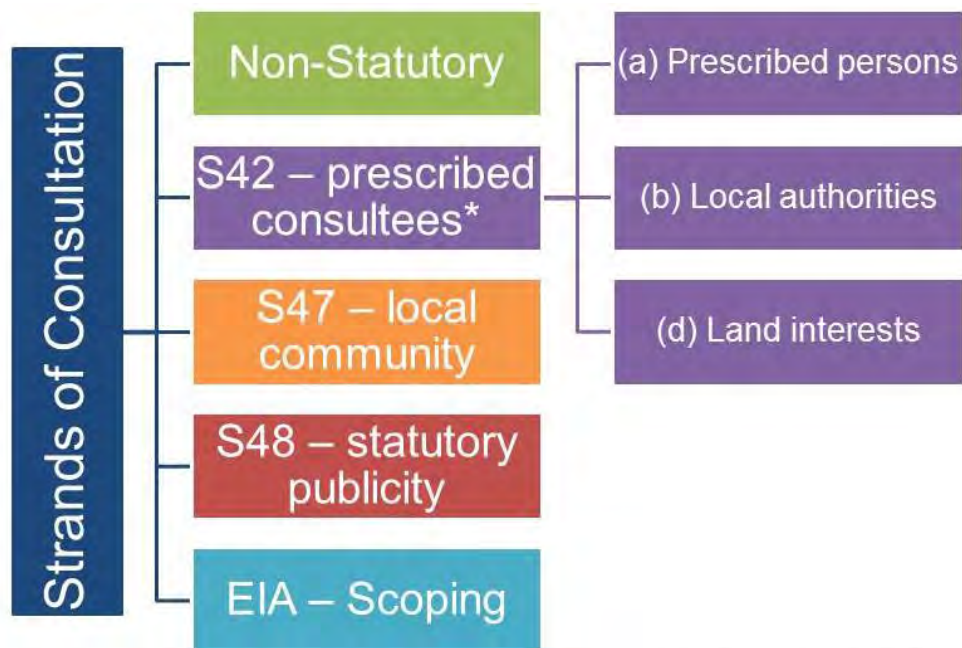
#### Consultation Strands

- 5.2.7 Figure 5-1 illustrates the strands of consultation that have been undertaken during both Phase 1 consultation and Phase 2 consultation, as required under the terms of the PA 2008 and EIA Regulations.



- 5.2.8 These definitions are used throughout this Consultation Report to identify how the consultation activities relate to the statutory requirements under the PA 2008 and EIA Regulations.
- 5.2.9 For clarity, APL took the approach of conducting two streamlined statutory consultation periods, incorporating the requirements of s42, s47 and s48 of the PA 2008 during both the Phase 1 consultation and Phase 2 consultation.
- 5.2.10 APL undertook non-statutory consultation both leading up to and following on from the Phase 1 and Phase 2 statutory consultation periods. In accordance with PINS Advice Note 14 (page 4), APL has clearly indicated and identified separately within this Consultation Report non-statutory from statutory consultation undertaken. In practice, APL has afforded equal weight to feedback received from statutory and non-statutory consultation activities. This approach is reflected throughout this Consultation Report.

Figure 5-1 The strands of consultation



\* s42(c) is not applicable as the project is not within the remit of the Greater London Authority

- 5.2.11 This Consultation Report references the key stages that have occurred during the development of the Project and explains how these relate to the various strands of consultation, and importantly, the outputs of consultation.

### Consultation Timetable

- 5.2.12 Table 5-1 sets out a summary of consultation activities undertaken in chronological order, the corresponding consultation strands and relevant sections within the Consultation Report.

Table 5-1 Schedule of Project Consultation

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
<b>PHASE 1 CONSULTATION (JANUARY 2014 – MARCH 2015)</b>				
<b>Non-Statutory Consultation (pre- statutory consultation phase)</b>	Consultation with CCS, PINS, locally elected representatives and interested parties via meetings and correspondence (Stages 1 – 4, 9 and 12, Table 5-1) (Appendix 2.D).	To introduce the outline proposals and DCO process, to gain understanding of local and technical issues of the Project, and to informally consult on the 2014 SoCC and consultation plan.	January 2014 – October 2014	Section 6.2
<b>Non-Statutory Consultation with the Local Community (pre- statutory consultation phase)</b>	Exhibitions in Clydach, Felindre and Tircoed over three days on 19 <sup>th</sup> June – 21 <sup>st</sup> June 2014 (Stage 6, Table 5-2), advertised in the local press and via leaflets to approximately 5,500 households and businesses in the immediate vicinity of the Project Site (Stage 5, Table 5-2) (Appendix 2.A).	To introduce the Project, share APL's initial plans with people living in the vicinity of the site and gather initial feedback on the Project and its impact on the environment, local communities and the local economy. The DCO process and Project timeline were also explained. Following the exhibitions, APL continued to	19 <sup>th</sup> June 2014 – 21 <sup>st</sup> June 2014	Section 6.2



Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
		engage with the community, responding to queries and requests for information.		
<b>Statutory Consultation</b>  <b>EIA Scoping</b>	<u>EIA Scoping Report (Stage 7, Table 5-2)</u> Submission of an EIA Scoping Report (Appendix 3.A.II) (Stage 7, Table 5-2) to PINS setting out the intended scope, methodologies and likely potential effects of the Project that will be assessed as part of the EIA and presented in the ES (Document Reference 6.1). EIA scoping is an optional stage in the consultation process.	Obtain a Scoping Opinion under Regulation 8 of the EIA Regulations from PINS	25 <sup>th</sup> June 2014	Section 6.3
	<u>Regulation 6 Notification</u> (Stage 8, Table 5-2) (Appendix 3.A.I)	To notify the SoS under Regulation 6(1)(b) of the EIA Regulations that APL intends to submit an ES as part of the	25 <sup>th</sup> June 2014	Section 6.3

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
		Application for Development Consent.		
	<u>EIA Scoping Opinion (Stage 11, Table 5-2)</u> Receipt of EIA Scoping Opinion from PINS (including Regulation 9 consultee list) (Appendices 3.A.II and 3.A.III) providing response to submitted EIA Scoping Report (Stage 11, Table 5-2).	Sets out the SoS and statutory consultee opinions on the scope, methodologies and likely potential effects of the Project that will be assessed as part of the EIA.	1 <sup>st</sup> August 2014	Section 6.3
	<u>EIA Scoping – Regulation 11 Notification (Stage 18 of Table 5-2)</u> Issue of the S48 Notice (Appendices 4.G.V and 4.G.VI) to the consultation bodies and to those persons notified to APL in accordance with Regulation 9(1)(c) of the EIA Regulations (no 9(1)(c) bodies were identified in the	In compliance with Regulation 11 of the EIA Regulations.	6 <sup>th</sup> October 2014	Section 6.3

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
	Regulation 9 list provided by PINS in July 2013) (Stage 18, Table 5-2).			
<b>Statutory Consultation</b>  <b>S47 – 2014 SoCC</b>	Statutory consultation with CCS and PINS on the content of the draft 2014 SoCC (Appendix 4.A.II) in accordance with S47 of the PA 2008 (Stage 10, Table 5-2)	To agree how APL will consult on the Project with people living in the vicinity of the land (local community).	31 <sup>st</sup> July 2014 – 27 <sup>th</sup> August 2014	Section 6.4
	Publication of the 2014 SoCC Notice (Appendices 4.A.VII and 4.A.VIII) (Stage 16 of Table 5-2) and the 2014 SoCC (Appendices 4.A.V and 4.A.VI) (Stage 15, Table 5-2) in accordance with S47 of the PA 2008	To inform the local community about how APL will consult with them on the Project and how they can comment on the proposals.	30 <sup>th</sup> September 2014	Section 6.4
<b>Statutory Consultation</b>	Statutory public consultation carried out via exhibitions in accordance with the published 2014 SoCC (Appendices 4.A.V and 4.A.VI), including	To consult the local community on the proposals and gather their feedback.	13 <sup>th</sup> October 2014 – 16 <sup>th</sup> November 2014	Section 6.4

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
<b>S47 – Local Community</b>	exhibitions in Llangyfelach, Felindre, Clydach and Tircoed over four days on 22 <sup>nd</sup> October 2014 – 25 <sup>th</sup> October 2014 (Stage 24, Table 5-2)			
<b>Statutory Consultation</b> <b>S48 –Statutory Publicity</b>	Publicity of the proposed Application (Stage 17, Table 5-2)	To nationally publicise the intention to submit an Application for Development Consent.	6 <sup>th</sup> / 13 <sup>th</sup> October 2014	Section 6.4
<b>Statutory Consultation</b> <b>S46 Notification</b>	Provision of S42 consultation information to PINS on behalf of SoS prior to the commencement of S42 consultation (Stage 19, Table 5-2)	To notify the SoS under section 46 of the PA 2008 of the proposed application and supply the S42 consultation information.	8 <sup>th</sup> October 2014	Section 6.4
<b>Statutory Consultation</b>	S42(1)(a) – Prescribed Persons (Stage 22, Table 5-2)	To consult prescribed persons on the proposals and gather their feedback.	13 <sup>th</sup> October 2014 – 16 <sup>th</sup>	Section 6.4

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
<b>S42 – Prescribed Consultees</b>			November 2014	
	S42(1)(b) – Local Authorities (Stage 22, Table 5-2)	To consult local authorities on the proposals and gather their feedback.	13 <sup>th</sup> October 2014 – 16 <sup>th</sup> November 2014	Section 6.4
	S42(1)(d) – Land Interests (Stage 22, Table 5-2)	To consult those with land interests on the proposals and gather their feedback.	13 <sup>th</sup> October 2014 – 16 <sup>th</sup> November 2014	Section 6.4
<b>Non-Statutory Consultation (post-statutory consultation phase)</b>	Additional non-statutory consultation activities, including DCfW Design Review Panel (9 <sup>th</sup> December 2014) (Stage 28, Table 5-2), PINS outreach meeting (9 <sup>th</sup> December 2014) (Stage 29, Table 5-2) and ongoing consultation with PINS and CCS	To gain an independent assessment of the Project in order to enhance the development proposals; to discuss the overall Project and progress with the consultation process	November 2014 – March 2015	Section 6.5

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
<b>Statutory Consultation</b>  <b>S42 – Prescribed Consultees (Additional Consultation)</b>	S42 consultation with additional identified prescribed persons, who were identified following alterations to the application boundary and a refresh of land registry data (Stage 32, Table 5-2)	To consult additional identified prescribed persons on the proposals and gather their feedback	December 2014 – March 2015	Section 6.4
<b>Non-Statutory Consultation</b>  <b>Information Update</b>	Advisory letter with information update (Appendix 5.C.II) to S42 prescribed consultees and locally elected representatives regarding the choice of Option 2 for the Access Road and the updated application boundary (Stage 33, Table 5-2)	To receive any further comments from statutory consultees on updates to the Project	26 January 2015 – 16 <sup>th</sup> February 2015	Section 6.5
<b>Non-Statutory Consultation</b>  <b>Information Update</b>	Advisory letter with information update (Appendix 5.D.II) to S42 prescribed consultees and locally elected representatives regarding the updated application boundary (Stage 39, Table 5-2)	To receive any further comments from statutory consultees on updates to the Project	10 <sup>th</sup> March 2015	Section 6.5

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
<b>PHASE 2 CONSULTATION (APRIL 2017 – MAY 2018)</b>				
<b>Non-Statutory Consultation (pre- statutory consultation phase)</b>	Consultation with CCS, PINS, locally elected representatives and interested parties via meetings and correspondence (Stages 41-50, Table 5-2)	To relaunch the Project and discuss relevant updates prior to statutory consultation	April 2017 – January 2018	Section 8.2
<b>Statutory Consultation</b>  <b>S47 – 2018 SoCC</b>	Statutory consultation with CCS on the content of the draft 2018 SoCC (Appendix 9.A) in accordance with S47 of the PA 2008 (Stages 47 and 48, Table 5-2)	To agree how APL will consult on the Project with people living in the vicinity of the land (local community).	8 <sup>th</sup> November 2017 – 1 <sup>st</sup> December 2017	Section 8.4
	Publication of the 2018 SoCC Notice (Appendix 9.B) (Stage 52, Table 5-2) and the 2018 SoCC (Appendix 9.B) (Stage 51, Table 5-2) in accordance with S47 of the PA 2008	To inform the local community about how APL will consult with them on the Project and how they can comment on the proposals.	2 <sup>nd</sup> / 9 <sup>th</sup> January 2018	Section 8.4
<b>Statutory Consultation</b>	Statutory public consultation carried out via exhibitions in accordance with the published	To consult the local community on the proposals and gather their feedback.	16 <sup>th</sup> January 2018 – 19 <sup>th</sup> February 2018	Section 8.4



Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
<b>S47 – Local Community</b>	2018 SoCC (Appendix 9.B), including exhibitions in Llangyfelach, Felindre, Clydach and Tircoed over four days on 7 <sup>th</sup> – 10 <sup>th</sup> February 2018 (Stage 66, Table 5-2)			
<b>Statutory Consultation</b> <b>S48 –Statutory Publicity</b>	Publicity of the proposed Application (Stage 53, Table 5-2)	To nationally publicise the intention to submit an Application for Development Consent.	2 <sup>nd</sup> / 9 <sup>th</sup> January 2018	Section 8.4
<b>Statutory Consultation</b> <b>S46 Notification</b>	Provision of S42 consultation information to PINS on behalf of SoS prior to the commencement of Phase 2 S42 consultation (Stage 58, Table 5-2)	To notify the SoS under section 46 of the PA 2008 of the proposed application and supply the Phase 2 S42 consultation information	9 <sup>th</sup> January 2018	Section 8.4

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
<b>Statutory Consultation</b>  <b>S42 – Prescribed Consultees</b>	S42(1)(a) – Prescribed Persons (Stages 60 and 68, Table 5-2)	To consult prescribed persons on the proposals and gather their feedback.	16 <sup>th</sup> January 2018 – 19 <sup>th</sup> February 2018	Section 8.4
	S42(1)(b) – Local Authorities (Stages 60 and 68, Table 5-2)	To consult local authorities on the proposals and gather their feedback.	16 <sup>th</sup> January 2018 – 19 <sup>th</sup> February 2018	Section 8.4
	S42(1)(d) – Land Interests (Stages 60 and 68, Table 5-2)	To consult those with land interests on the proposals and gather their feedback.	16 <sup>th</sup> January 2018 – 19 <sup>th</sup> February 2018	Section 8.4
<b>Non-Statutory Consultation (during statutory consultation phase)</b>	Additional non-statutory consultation activities, including update meetings with Community Councils, and stakeholder briefing event and ongoing correspondence with CCS, local MPs and AMs (Stages 60 and 65, Table 5-2)	To discuss Project updates prior to and during public exhibitions	16 <sup>th</sup> January 2018 – 19 <sup>th</sup> February 2018	Section 8.5
<b>Statutory Consultation</b>	S42 consultation with additional identified prescribed persons, who were identified following updated land registry	To consult additional identified prescribed persons on the proposals and gather their feedback	22 <sup>nd</sup> January 2018 – 27 <sup>th</sup> February 2018	Section 8.4

Strand of Consultation	Description	Purpose	Dates	Relevant Section in Consultation Report
<b>S42 – Prescribed Consultees (Additional Consultation)</b>	data (Stages 63 and 70, Table 5-2)			
<b>Non-Statutory Consultation (post-statutory consultation phase)</b>	Additional non-statutory consultation activities with stakeholders and landowners further to statutory consultation (Stages 71-73, Table 5-2)	To address queries and information requests following statutory consultation	20 <sup>th</sup> February 2018 – May 2018	Section 8.6
<b>Statutory Consultation</b>  <b>S42 – Prescribed Consultees (Additional Consultation)</b>	S42 consultation with additional identified party with land interest (Stage 75, Table 5-2)	To consult additional identified party with land interest on the proposals and gather their feedback	21 <sup>st</sup> May 2018	Section 8.4

### **5.3 APL's Approach to Consultation**

- 5.3.1 Consultation is an integral part of the Project. The views of local residents, businesses and other local interest groups have helped to inform the development of the Project and to shape the final Application.
- 5.3.2 In developing its approach to consultation and delivering the associated activities, APL has taken account of the legislative requirements and accompanying guidance (as demonstrated in the Compliance Checklist (Appendix 1.A of the Consultation Report)). In doing so, APL has sought to ensure that its approach to consultation is 'thorough, effective and proportionate,' such that it is 'proportionate to the impacts of the project in the area that it affects' (DCLG, The Planning Act 2008: Guidance on the pre-application process, 2015, paragraphs 25 and 77).
- 5.3.3 The pre-application consultation phase of the Project encouraged a range of people to express their views on the emerging proposals through non-statutory consultation or one of the strands of statutory consultation, as set out in Figure 5-1. APL considered and had regard to the feedback of consultees throughout the pre-application phase in considering the evolving design of the Project and in decision-making at key project milestones (Table 5-2).

#### **Phase 1 Consultation (January 2014 – March 2015)**

- 5.3.4 During the Phase 1 consultation, APL chose to engage with the local community and stakeholders during an early phase of non-statutory consultation (Stages 1-6, 9 and 12, Table 5-2), several months in advance of the commencement of the statutory consultation phase (Stage 22, Table 5-2) and at a point where the Project was significantly less developed. Representatives at the national, regional and local levels – including community council councillors, CCS officers and councillors, Assembly Members and civil servants – were contacted by APL and exhibitions were held for the benefit of the local community in June 2014 (Stage 6, Table 5-2). During this non-statutory phase of consultation, APL explained the rationale and key objectives of the Project, gave reasons why the Power Generation Plant Site had been chosen and presented opportunities for feedback on the initial, emerging project concepts.
- 5.3.5 As acknowledged by the PA 2008 DCLG pre-application guidance, there is an inherent tension between consulting early and providing sufficient information to enable consultees to comment. APL sought to balance this by providing clear descriptions of options under consideration and explaining the on-going nature of the design development and consultation processes.
- 5.3.6 Drawing on the early feedback on the proposals, APL was able to consider the consultation responses alongside the design development and EIA processes. APL's decision to engage early was subsequently validated as this phase of non-statutory consultation would shape the development of the Project, as demonstrated in chapters 7 and 10 of this report.

5.3.7 APL proposed in the draft 2014 SoCC (Appendix 4.A.II) to conduct a single phase of statutory consultation, with the same time period and deadlines for S42 consultation and S48 publicity. This approach was compatible with the advice set out within PINS Advice note sixteen<sup>1</sup>, which highlights that it is helpful for S48 deadlines for receipt of views on the application to be as close as possible to deadlines given under S42 consultation. APL also sought to maximise the opportunities for consultees to comment on the Project by exceeding the minimum statutory timescales of 28 days. This approach was considered straightforward, accessible and appropriate to the scale of the Project. The draft 2014 SoCC (Appendix 4.A.II) was developed in consultation with CCS (Stage 10, Table 5-2) and the final version published on 30<sup>th</sup> September 2014 (Stage 15, Table 5-2).

5.3.8 During Phase 1 statutory consultation, APL was able to demonstrate the iterative process of project evolution and design development.

### **Phase 2 Consultation (April 2017 – May 2018)**

5.3.9 APL decided to undertake a second phase of consultation after the project resumed in early 2017 in accordance with the PA 2008 DCLG pre-application guidance (paragraph 73). This second phase of consultation included a number of changes to the Project informed by feedback received from the Phase 1 consultation. The Phase 2 consultation provided the opportunity for APL to inform those who were not involved with Phase 1 consultation about the Project, to update consultees on the changes to the Project and for all consultees to comment on the revised proposals for the Project.

5.3.10 During the Phase 2 consultation, APL chose again to undertake early informal non-statutory consultation to inform the local community, political representatives and other key stakeholders about the DCO application process for the Project resuming (under the new ownership of APL by Drax) and changes made to the Project since the end of the Phase 1 statutory consultation (Stages 41-50, Table 5-2).

5.3.11 APL produced a draft 2018 SoCC (Appendix 9.A) for the Phase 2 consultation which set out how the 2018 PEIR produced for the Project would be publicised and consulted upon. APL proposed to conduct a further Phase 2 statutory consultation period with aligned deadlines for s42 and s48 publicity reflecting the guidance set out in PINS Advice Note 14. Again, APL sought to maximise the opportunities for consultees to comment on the Project by exceeding the minimum statutory timescales of 28 days. In this respect, APL's approach to the consultation is considered to be straightforward and accessible.

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<sup>1</sup> PINS Advice note sixteen was applicable at the time of preparing the draft 2014 SoCC (July 2014) but was subsequently retired in July 2015, following publication of Planning Act 2008: guidance on the pre application process (DCLG, March 2015)

- 5.3.12 The draft 2018 SoCC (Appendix 9.A) was developed in consultation with CCS (Stages 47 and 48, Table 5-2). The final version of the 2018 SoCC (Appendix 9.B) was published on 2<sup>nd</sup> January 2018 (Stage 51, Table 5-2).

### **Project Consultation Milestones**

- 5.3.13 Table 5-2 presents a summary of consultation milestones detailing how the Project has evolved from the site selection process to the preparation of the Application, and the key project design decisions taken at each stage.
- 5.3.14 Chapters 7 and 9 of this Consultation Report, report feedback received during Phase 1 and Phase 2 consultation, respectively. Chapter 10 explains how feedback generated during both Phase 1 consultation and Phase 2 consultation influenced the development of the Project.

## **5.4 Summary**

- 5.4.1 The phased approach to consultation undertaken by APL is considered to be appropriate to the scale and timeline of the Project. APL maintained an internal communications logging system to record incoming and outgoing consultation for both statutory and non-statutory consultation.
- 5.4.2 Chapters 6 and 8 describe the consultation activities undertaken by APL for the various strands of consultation during Phase 1 and Phase 2 of the pre-application consultation.

Table 5-2 Project Consultation Milestones

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
<b>PHASE 1 CONSULTATION (JANUARY 2014 – MARCH 2015)</b>				
<b>1</b>	Initial meetings with CCS planning officers to discuss the Project	<ul style="list-style-type: none"> <li>20<sup>th</sup> January 2014 – initial meeting to discuss the Project (Appendix 2.D.I)</li> <li>29<sup>th</sup> April 2014 – follow-up meeting to discuss the Project (Appendix 2.D.II)</li> </ul>	<b>Non-statutory</b>	Introduction of the project
<b>2</b>	Communications with local Community Councils and other interested parties to discuss the Project, consultation process, design, and environmental impacts	<ul style="list-style-type: none"> <li>29<sup>th</sup> April 2014 – meeting with Welsh Water (Appendix 2.D.III)</li> <li>17<sup>th</sup> June 2014 onwards – communication with Llangyfelach Community Council</li> <li>17<sup>th</sup> July 2014 – briefing meeting with Llangyfelach Community Council (Appendix 2.D.V)</li> <li>5<sup>th</sup> August 2014 – update meeting on project, consultation and next steps with Pontlliw and Tircoed Community Council (Appendix 2.D.VII)</li> <li>7<sup>th</sup> August 2014 – meeting with SWTRA and CCS to discuss the scope of the traffic assessment</li> <li>9<sup>th</sup> September 2014 onwards – email correspondence with CAA</li> </ul>	<b>Non-statutory</b>	<p>Introduction of the project</p> <p>Key design and assessment considerations identified</p>



Stage	Description	Period	Active Strand of Consultation	Key Project Decision
		<ul style="list-style-type: none"> <li>11<sup>th</sup> September 2014 onwards – email correspondence with NHS Wales</li> <li>8<sup>th</sup> October 2014 – meeting with Welsh Water (Appendix 2.D.VIII)</li> </ul>		
3	Communications with local MPs, local AMs and local councillors to introduce the Project	May 2014 – June 2014	Non-statutory	Introduction of the project
4	Communications with CCS to discuss approach to non-statutory consultation with the local community	June 2014	Non-statutory	
5	Publicity of non-statutory public exhibitions	<ul style="list-style-type: none"> <li>9<sup>th</sup> June 2014 – written notification to locally elected representatives (Appendices 2.A.I and 2.A.II)</li> <li>10<sup>th</sup> June 2014 – written notification to households and businesses (Appendices 2.A.IV and 2.A.V)</li> <li>10<sup>th</sup> June 2014 – launch of Project website</li> <li>11<sup>th</sup> June – issue of press release (Appendix 2.A.X)</li> <li>12<sup>th</sup> June 2014 – publication of newspaper advert in South Wales Evening Post (Appendix 2.A.XI)</li> </ul>	Non-statutory	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
		<ul style="list-style-type: none"> <li>13<sup>th</sup> June 2014 – issue of posters to community venues (Appendices 2.A.VIII and 2.A.IX)</li> </ul>		
6	Non-statutory consultation with the local community at three public exhibitions in Clydach, Felindre and Tircoed	19 <sup>th</sup> – 21 <sup>st</sup> June 2014	Non-statutory	
7	Submission of Scoping Report to SoS with request for EIA Scoping Opinion	25 <sup>th</sup> June 2014	EIA – Scoping	
8	Regulation 6 notification	25 <sup>th</sup> June 2014	EIA – Scoping	
9	Update meeting with CCS to discuss non-statutory consultation feedback and next steps following ongoing review of consultation feedback	18 <sup>th</sup> July 2014	Non-statutory	<p>Selection of a Gas Connection route corridor</p> <p>Selection of underground cable option</p> <p>Selection of an Electrical Connection route corridor</p> <p>Reduction in stack height to 35 m – 40 m</p>

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
10	Issue of draft 2014 SoCC to CCS, with request for comment within 28 days	31 <sup>st</sup> July 2014	S47 – local community	
11	Issue of EIA Scoping Opinion by SoS	1 <sup>st</sup> August 2014	EIA – Scoping	Informed scope of EIA  Identified main potential Project issues as air quality, landscape and visual and water quality and resources
12	Communications with CCS to discuss approach to environmental assessments	August 2014 – September 2014	Non-statutory	
13	Response from CCS on draft 2014 SoCC	27 <sup>th</sup> August 2014	S47 – local community	Informed approach to Phase 1 statutory consultation, including: extent of CCZ and OCZ, display location of consultation materials and ‘hard to reach’ groups
15	Publication of the 2014 SoCC on the Project website, in local	30 <sup>th</sup> September 2014	S47 – local community	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
	libraries and CCS's council offices			
16	Publication of the 2014 SoCC Notice in local newspapers	<ul style="list-style-type: none"> <li>30<sup>th</sup> September 2014 – publication of 2014 SoCC Notice in South Wales Evening Post</li> <li>7<sup>th</sup> October 2014 – publication of 2014 SoCC Notice in South Wales Evening Post</li> </ul>	S47 – local community	
17	Publication of S48 notice	<ul style="list-style-type: none"> <li>6<sup>th</sup> October 2014 – publication of S48 notice in The Independent</li> <li>6<sup>th</sup> October 2014 – publication of S48 notice in London Gazette</li> <li>6<sup>th</sup> October 2014 – publication of S48 notice in South Wales Evening Post</li> <li>13<sup>th</sup> October 2014 – publication of S48 notice in South Wales Evening Post</li> </ul>	S48 – statutory publicity	
18	Regulation 11 notice	2 <sup>nd</sup> October 2014	S48 – statutory publicity	
19	S46 notification	8 <sup>th</sup> October 2014	S42 – prescribed consultees	
20	Issue of consultation materials to S42 prescribed consultees	8 <sup>th</sup> October 2014	S42 – prescribed consultees	
21	Publicity of statutory public exhibitions	<ul style="list-style-type: none"> <li>10<sup>th</sup> October 2014 – leaflet delivered to households and businesses</li> </ul>	S47 – local community	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
		<ul style="list-style-type: none"> <li>10<sup>th</sup> October 2014 – letters sent to locally elected representatives and ‘hard to reach’ groups</li> <li>14<sup>th</sup> October 2014 – publication of advert in South Wales Evening Post</li> <li>21<sup>st</sup> October 2014 – publication of advert in South Wales Evening Post</li> </ul>		
22	Commencement of statutory S47 (local community), S48 and S42 (prescribed consultees) consultation	13 <sup>th</sup> October 2014	S47 – local community	
			S48 – statutory publicity	
			S42 – prescribed consultees	
23	Communications with PINS regarding outreach meeting and programme up to submission of DCO Application	20 <sup>th</sup> October 2014 onwards	Non-statutory	
24	Statutory consultation at four public exhibitions in Llangyfelach, Felindre, Clydach and Tircoed	22 <sup>nd</sup> – 25 <sup>th</sup> October 2014	S47 – local community	
25	Update meeting with CCS to discuss the statutory	23 <sup>rd</sup> October 2014	Non-statutory	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
	consultation phase, the Application programme and outstanding issues and information requirements			
26	Registration for DCfW Design Review Panel	30 <sup>th</sup> October 2014	Non-statutory	
27	Conclusion of statutory S47, S48 and S42 consultation	16 <sup>th</sup> November 2014	<div>S47 – local community</div> <div>S48 – statutory publicity</div> <div>S42 – prescribed consultees</div>	<p>Selection of the Access Road from the B4489 to the west of the Generating Equipment Site</p> <p>Selection of the route alignment of the Gas Connection and Electrical Connection</p> <p>Reduction of stack heights</p>
28	Presentation to DCfW Design Review Panel	9 <sup>th</sup> December 2014	Non-statutory	
29	Outreach meeting with PINS	9 <sup>th</sup> December 2014	Non-statutory	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
30	Meeting with PINS to review draft documents for Application	18 <sup>th</sup> December 2014	Non-statutory	
31	Additional statutory S42 consultation with identified land interests	22 <sup>nd</sup> December 2014 – 23 <sup>rd</sup> February 2015 14 <sup>th</sup> January 2015 - 13 <sup>th</sup> February 2015 26 <sup>th</sup> January 2015 - 23 <sup>rd</sup> February 2015 11 <sup>th</sup> February 2015 - 10 <sup>th</sup> March 2015 12 <sup>th</sup> February 2015 - 11 <sup>th</sup> March 2015	S42 – prescribed consultees	
32	Publication of DCfW Design Review Report	12 <sup>th</sup> January 2015	Non-statutory	
33	Issue of information update to S42 prescribed consultees and locally elected representatives	26 <sup>th</sup> January 2015	Non-statutory	
34	Deadline for consultation responses on targeted information update	16 <sup>th</sup> February 2015	Non-statutory	
35	Meeting with CCS to discuss draft documents for DCO Application and DCO requirements	24 <sup>th</sup> February 2015	Non-statutory	
36	Meeting with PINS to review draft documents for DCO Application	25 <sup>th</sup> February 2015	Non-statutory	



Stage	Description	Period	Active Strand of Consultation	Key Project Decision
37	Communications with CCS, Neath Port Talbot County Borough Council, and Carmarthenshire County Council regarding adequacy of consultation	6 <sup>th</sup> March 2015 – 13 <sup>th</sup> March 2015	Non-statutory	
38	Information update to S42 prescribed consultees and locally elected representatives	10 <sup>th</sup> March 2015	Non-statutory	
39	Meeting (conference call) with CCS to discuss DCO requirements and SoCG process	18 <sup>th</sup> March 2015	Non-statutory	
40	Meeting (conference call) with NRW to discuss outstanding issues and SoCG process	March 2015	Non-statutory	
<b>PHASE 2 CONSULTATION (APRIL 2017 – MAY 2018)</b>				
41	Update meeting with PINS regarding Project relaunch and confirm validity of 2014 EIA Scoping Opinion	30 <sup>th</sup> March 2017	Non-statutory	Reduction in the number of turbines used to generate electricity from a maximum of five units to only one unit

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
				resulting in only one stack
42	Call with CCS to inform of Project relaunch	19 <sup>th</sup> April 2017	Non-statutory	
43	Correspondence with local AM regarding Project updates and consultation process	20 <sup>th</sup> August 2017	Non-statutory	
44	Teleconference call with PINS to discuss Project updates	28 <sup>th</sup> September 2017	Non-statutory	
45	Correspondence with CCS and NRW regarding EIA-specific requirements	<ul style="list-style-type: none"> <li>• 3<sup>rd</sup> October – Issue EIA briefing note</li> <li>• 9<sup>th</sup> October – Correspondence regarding flood risk and drainage;</li> <li>• 10<sup>th</sup> October 2017 – Correspondence regarding ecology considerations;</li> <li>• 17<sup>th</sup> October 2017 – Call to discuss Project updates and ES topic-specific matters;</li> <li>• 20<sup>th</sup> October 2017 – Confirming EIA committed developments</li> <li>• 7<sup>th</sup> November 2017 – Correspondence regarding flood risk and drainage</li> <li>• 8<sup>th</sup> November 2017 – Site visit to discuss EIA requirements</li> <li>• 16<sup>th</sup> November 2017 – Call to discuss Project and EIA updates</li> </ul>	Non-statutory	<p>Change in the maximum stack height from 40 m to 45 m</p> <p>Consolidation of the Generating Equipment to the north of the Water Main</p>

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
46	Project update meetings/calls with CCS planning officer	3 <sup>rd</sup> October 2017; 20 <sup>th</sup> November 2017; 11 <sup>th</sup> December 2017	Non-statutory	
47	Issue of draft 2018 SoCC to CCS, with request for comment within 28 days	8 <sup>th</sup> November 2017	S47 – local community	
48	Response from CCS on draft 2018 SoCC	1 <sup>st</sup> December 2017	S47 – local community	Informed approach to Phase 2 statutory consultation, including: clarification of consultation documents to be provided in Welsh and recommendations regarding the description of Project changes in consultation materials
49	Meetings and correspondence with local AMs and ward members regarding Project information	<ul style="list-style-type: none"> <li>11<sup>th</sup> December 2017 – Update meeting with local ward members</li> <li>2<sup>nd</sup> January 2018 – Correspondence regarding Project information</li> </ul>	Non-statutory	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
50	Teleconference with PINS to discuss Project updates, consultation, environmental permitting, draft documents and Welsh language translation	15 <sup>th</sup> December 2017	Non-statutory	
51	Publication of the 2018 SoCC on the Project website, in local libraries and CCS's council offices	2 <sup>nd</sup> January 2018	S47 – local community	
52	Publication of the 2018 SoCC Notice in local newspapers	<ul style="list-style-type: none"> <li>2<sup>nd</sup> January 2018 – publication of 2018 SoCC Notice in South Wales Evening Post</li> <li>9<sup>th</sup> January 2018 – publication of 2018 SoCC Notice in South Wales Evening Post</li> </ul>	S47 – local community	
53	Publication of S48 notice	<ul style="list-style-type: none"> <li>2<sup>nd</sup> January 2018 – publication of S48 notice in The Times</li> <li>2<sup>nd</sup> January 2018 – publication of S48 notice in London Gazette</li> <li>2<sup>nd</sup> January 2018 – publication of S48 notice in South Wales Evening Post</li> <li>9<sup>th</sup> January 2018 – publication of S48 notice in South Wales Evening Post</li> </ul>	S48 – statutory publicity	
54	Regulation 11 notice	2 <sup>nd</sup> January 2018	S48 – statutory publicity	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
55	Issue of consultation materials to S42 prescribed consultees and to libraries	8 <sup>th</sup> – 9 <sup>th</sup> January 2018	S47 – local community	
56	Publicity of stakeholder preview event prior to public exhibitions	9 <sup>th</sup> January 2018	Non-statutory	
57	Publicity of statutory public exhibitions	<ul style="list-style-type: none"> <li>9<sup>th</sup> January 2018 – leaflet delivered to households and businesses</li> <li>9<sup>th</sup> January 2018 – letters sent to locally elected representatives and ‘hard to reach’ groups</li> <li>9<sup>th</sup> January 2018 – letters sent to community venues</li> <li>17<sup>th</sup> January 2018 – publication of advert in South Wales Evening Post</li> </ul>	S47 – local community	
58	S46 notification	<ul style="list-style-type: none"> <li>9<sup>th</sup> January 2018 – issue full hard copy of S42 information (electronic copy issued on 10<sup>th</sup> January 2018)</li> <li>29<sup>th</sup> January 2018 – issue copy of replacement Figure 8.3 of 2018 PEIR</li> </ul>	S42 – prescribed consultees	
59	Project briefing meeting with local AM for Gower	15 <sup>th</sup> January 2018	Non-statutory	
60	Commencement of statutory S47 (local community), S48	16 <sup>th</sup> January 2018	S47 – local community	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
	and S42 (prescribed consultees) consultation		<b>S48 – statutory publicity</b>	
			<b>S42 – prescribed consultees</b>	
<b>61</b>	Meeting with local Cabinet Member	16 <sup>th</sup> January 2018	<b>Non-statutory</b>	
<b>62</b>	Correspondence with CCS, local MPs, local AMs regarding Project queries and stakeholder briefing event	<ul style="list-style-type: none"> <li>19<sup>th</sup> January 2018 – Correspondence with MP regarding Project queries</li> <li>24<sup>th</sup> January 2018 – Correspondence with CCS, MP / AM regarding stakeholder briefing event</li> <li>2<sup>nd</sup> February 2018 – Correspondence with local MP and stakeholder groups regarding Project queries</li> </ul>	<b>Non-statutory</b>	
<b>63</b>	Commencement of statutory S42 consultation with additional identified landowners	22 <sup>nd</sup> January 2018	<b>S42 – prescribed consultees</b>	
<b>64</b>	Issue copy of replacement Figure 8.3 of 2018 PEIR to S42 prescribed consultees and to libraries	30 <sup>th</sup> January 2018	<b>S42 – prescribed consultees</b>	
<b>65</b>	Meetings with Community Councils to discuss Project updates	<ul style="list-style-type: none"> <li>30<sup>th</sup> January 2018 – Meeting with Mawr CC</li> </ul>	<b>Non-statutory</b>	

Stage	Description	Period	Active Strand of Consultation	Key Project Decision
		<ul style="list-style-type: none"> <li>8<sup>th</sup> February 2018 – Meeting with Llangyfelach CC</li> </ul>		
66	Statutory consultation at four public exhibitions in Llangyfelach, Clydach, Tircoed and Felindre	7 <sup>th</sup> – 10 <sup>th</sup> February 2018	S47 – local community	
67	Site meeting with local AM	9 <sup>th</sup> February 2018	Non-statutory	
68	Conclusion of statutory S47, S48 and S42 consultation	19 <sup>th</sup> February 2018	S47 – local community	Selection of Option B for the new section of the Access Road to the Generating Equipment Site
			S48 – statutory publicity	
			S42 – prescribed consultees	Realignment of the new section of Access Road in order to avoid Ancient Woodland
69	Briefing meeting with local MP to provide Project overview and summarise consultation feedback	20 <sup>th</sup> February 2018	Non-statutory	
70	Conclusion of statutory S42 consultation with additional identified landowners	27 <sup>th</sup> February 2018	S42 – prescribed consultees	



Stage	Description	Period	Active Strand of Consultation	Key Project Decision
71	Follow-up correspondence with S42 consultees and Category 3 persons further to feedback and queries raised in statutory consultation	<ul style="list-style-type: none"> <li>5<sup>th</sup> March 2018 – Follow-up email correspondence with S42 consultees further to queries raised in statutory consultation response</li> <li>6<sup>th</sup> March 2018 – Correspondence with Category 3 persons further to statutory consultation response</li> </ul>	Non-statutory	
72	Issue of draft Application documents for PINS review	21 <sup>st</sup> March 2018	Non-statutory	
73	Meeting with CCS to discuss Project updates and consenting framework	28 <sup>th</sup> March 2018	Non-statutory	Consenting approach to Electrical Connection and Gas Connection agreed
74	Teleconference with CCS to discuss draft DCO requirements	10 <sup>th</sup> May 2018	Non-statutory	
75	Issue of statutory S42 consultation materials to additional party with identified land interest	21 <sup>st</sup> May 2018	S42 – prescribed consultees	

## **6 Description of Phase 1 Consultation Activities**

### **6.1 Introduction**

- 6.1.1 This chapter describes the non-statutory and statutory consultation activities that APL undertook as part of the Phase 1 consultation.

### **6.2 Phase 1 Non-Statutory Consultation (January 2014 – October 2014) (prior to Phase 1 Statutory Consultation)**

- 6.2.1 At the outset of the pre-application consultation phase of the Project, APL engaged in a series of non-statutory consultation activities with CCS, PINS, locally elected representatives, interested parties and the local community.
- 6.2.2 Initial Phase 1 non-statutory consultation prior to the statutory consultation phase comprised a number of briefing meetings and discussions with PINS, officers and councillors at CCS, local Community Councils and other interested parties (Stages 1-4, 9 and 12, Table 5-2); and initial consultation with the local community on 19<sup>th</sup> – 21<sup>st</sup> June 2014 at a series of three public exhibitions (Stage 6, Table 5-2).
- 6.2.3 This period of consultation occurred several months in advance of the commencement of the Phase 1 statutory consultation (Stage 22, Table 5-2) and at a point when the Project was significantly less developed. The approach towards undertaking Phase 1 consultation was time-sensitive dependent upon the conditions at that time. Accordingly, this phase of consultation enabled APL to explain the rationale and key objectives of the Project and to present opportunities for feedback on the initial emerging concepts of the Project.

#### **Initial Phase 1 Non-Statutory Consultation with CCS, PINS, Locally Elected Representatives and Interested Parties**

- 6.2.4 APL sought to inform and consult about the Project from an early stage. Initial non-statutory consultation with CCS, PINS, locally elected representatives and interested parties commenced in early 2014 and comprised a series of briefing meetings and discussions (Stage 1-4, 9 and 12, Table 5-2) up to the commencement of Phase 1 statutory consultation in October 2014.
- 6.2.5 Table 6-1 provides a list of the stakeholders consulted and the dates and details of meetings held and other correspondence. A summary of feedback received from non-statutory consultation with stakeholders is provided in section 7.2. The minutes of the meetings held are contained within Appendix 2.D.

Table 6-1: Details of correspondence with stakeholders during Phase 1 non-statutory consultation

Date	Activity and Consultee(s)
20/01/2014	Initial meeting with CCS planning officers to discuss the Project (Minutes contained in Appendix 2.D.I) (Stage 1, Table 5-2)
29/04/2014	Follow-up meeting with CCS planning officers to discuss the Project (Minutes contained in Appendix 2.D.II) (Stage 1, Table 5-2)
29/04/2014	Meeting with Welsh Water to discuss Water Main across Project Site (Minutes contained in Appendix 2.D.III) (Stage 2, Table 5-2)
29/05/2014	Phone calls with local MPs and local AMs to arrange Project briefings (Stage 3, Table 5-2)
02/06/2014	Phone call to CCS to discuss APL's proposed approach to non-statutory consultation with the local community (Stage 4, Table 5-2)
05/06/2014	Email correspondence with CCS regarding proposed approach to non-statutory consultation with the local community (Stage 4, Table 5-2)
06/06/2014	Issue of briefing note to CCS to circulate to local councillors (Minutes contained in Appendix 2.D.IV) (Stage 4, Table 5-2)
10/06/2014	Briefing meeting with local AM for South Wales West to introduce the project and consultation requirements (Stage 3, Table 5-2)
17/06/2014	Phone call with the Councillor for Mawr regarding national renewable energy policy, the possible transport route to the Project Site and the installation of CHP (Stage 3, Table 5-2)
17/06/2014	Phone call with the clerk of Llangyfelach Community Council regarding the lack of an exhibition in Llangyfelach (Stage 3, Table 5-2)
17/07/2014	Briefing meeting with Llangyfelach Community Council (Minutes contained in Appendix 2.D.V) (Stage 2, Table 5-2)
18/07/2014	Update meeting with CCS (Ryan Thomas, Ian Davies and David Owen) to discuss feedback from the informal consultation, the Application programme, the content of the draft 2014 SoCC (Appendix 4.A.II) and the EIA Scoping Opinion (Appendix 3.B.II). (Minutes contained in Appendix 2.D.VI) (Stage 9, Table 5-2)
05/08/2014	Update meeting on project, consultation and next steps with Pontlliw and Tircoed Community Council. (Minutes contained in Appendix 2.D.VII) (Stage 2, Table 5-2)

Date	Activity and Consultee(s)
07/08/2014	Meeting with SWTRA and CCS to discuss the scope of the traffic assessment (Stage 2, Table 5-2)
08/08/2014	Email correspondence with CCS regarding noise monitoring locations
08/08/2014	Email correspondence with CCS regarding modelling inputs for air dispersion
02/09/2014	Email correspondence with CCS regarding agreement of viewpoints to be used for photomontages
09/09/2014	Email correspondence with CAA regarding the Scoping Opinion and matters relating to stack height, aerodrome safeguarding and military aviation (Stage 2, Table 5-2)
11/09/2014	Email correspondence with NHS Wales regarding the Scoping Opinion and matters relating to stack height, and effects on public health and local emergency services (Stage 2, Table 5-2)
08/10/2014	Meeting with Welsh Water to discuss potable/service water pipeline protection. (Minutes contained in Appendix 2.D.VIII) (Stage 2, Table 5-2)

### Project Description for Phase 1 Non-Statutory Consultation with the Local Community

6.2.6 The Project description at the commencement of Phase 1 non-statutory consultation with the local community (Stage 6, Table 5-2) was the same as that set out within APL's EIA Scoping Report (Appendix 3.A.II), which was submitted to the SoS in June 2014 (Stage 7, Table 5-2).

6.2.7 A number of options were under consideration at this time, including:

- Two possible access routes:
  - Option 1: from the north via Rhyd-y-pandy Road and the existing access road west of Brynheulog past Abergelli Farm, which would need to be extended to the Generating Equipment Site; or
  - Option 2: from the west via the B4489, along the access road to National Grid's two 400kV electrical substations and Felindre Gas Compressor Station and then along a purpose-built access road to be constructed across undeveloped land to the Generating Equipment Site.
- Two possible options for connecting the Generating Equipment to a suitable source of fuel gas:

- Feeder 28 of the National Transmission System; or
- Nearby LTS HP Pipeline.
- Four possible options for the Gas Connection Route Corridor (within an identified Gas Connection Opportunity Area):
  - Option 1: approximately 1.7 km in length including no major road crossings, four minor road crossings, no major water crossings and two minor water crossings; or
  - Option 2: approximately 1.2 km in length including no major road crossings, one minor road crossings, no major water crossings and one minor water crossing; or
  - Option 3: approximately 1.4 km in length including no major road crossings, one minor road crossing, no major water crossings and three minor water crossings; or
  - Option 4: approximately 0.4 km in length including no major road crossings, no minor road crossings, no major water crossings and one minor water crossing.
- Two possible Electrical Connection options to export power from the Generating Equipment to the NETS:
  - Underground cable; or
  - Overhead line
- Options for the Electrical Connection route corridor within an identified Electrical Connection Opportunity Area to the south-west of the Generating Equipment Site;
- Up to 5 Gas Turbine Generator with up to 5 stacks;
- Stacks up to 60 m (height) and up to 10 m (diameter) and
- Indicative layout of the Power Generation Plant Site.

6.2.8 As outlined within the EIA Scoping Report (Appendix 3.A.II) and chapter 5 of the ES (Document Reference 6.1), the following technology options were originally considered for the Power Generation Plant: OCGT plant; CCGT plant; and RGE plant. Based on environmental, technical and feasibility considerations, including visual impact, water resources, noise and available space, financial, and start-up times, OCGT is considered to be the most suitable technology choice for generating up to 299 MWe as a peaking plant at the Project Site. OCGT was therefore presented as the preferred technology choice for the Project during Phase 1 non-statutory consultation.

- 6.2.9 The potential for using CHP opportunities with these technologies was also originally considered, as explained within the EIA Scoping Report (Appendix 3.A.II) and CHP Technical Note (Document Reference 6.2, Appendix 5.1). However, it is not considered technically or economically feasible with SCGT peaking power station because the profile for the generation of electrical energy from the station cannot be guaranteed to coincide with the required heat demand profile of any potential customer. As such, CHP was not included as part of the Project during Phase 1 non-statutory consultation.

### Phase 1 Non-Statutory Consultation with the Local Community

- 6.2.10 APL undertook initial Phase 1 non-statutory consultation with the local community in June 2014 (Stage 6, Table 5-2).
- 6.2.11 This period of consultation occurred several months in advance of the commencement of the Phase 1 statutory consultation and at a point when the Project was significantly less developed. Accordingly, this phase of consultation enabled APL to explain the rationale and key objectives of the Project and to present opportunities for feedback on the initial emerging concepts of the Project.

#### Public Exhibitions

- 6.2.12 Phase 1 non-statutory consultation with the local community comprised three public exhibitions in Clydach, Felindre and Tircoed on 19<sup>th</sup> – 21<sup>st</sup> June 2014 (Stage 2, Table 5-2).
- 6.2.13 APL chose three separate exhibition venues at convenient locations within close proximity of the Project Site in order to give local people the maximum opportunity to attend. Each exhibition venue met Disability Discrimination Act 1995 requirements and, upon a reasonable and timely request, had provisions in place for those with special requirements seeking to attend the exhibition.
- 6.2.14 Table 6-2 sets out the dates, locations and times of the public exhibitions held in June 2014 (Stage 2, Table 5-2):

Table 6-2: Details of Phase 1 Non-Statutory Public Exhibitions

Date	Location	Time
Thursday 19 <sup>th</sup> June 2014	Forge Fach Community Resource Centre, Clydach	1.00pm – 7.00pm
Friday 20 <sup>th</sup> June 2014	Felindre Welfare Hall, Felindre	1.00pm – 7.00pm
Saturday 21 <sup>st</sup> June 2014	Tircoed Village Hall, Tircoed	10.00am – 3.00pm



- 6.2.15 The public exhibitions presented relevant information about the Project in a variety of formats, including display panels (Appendices 2.B.I and 2.B.II) and leaflets (Appendices 2.B.III and 2.B.IV) in both English and Welsh. APL considered the provision of written materials in different formats (for example, large print or braille) upon request.
- 6.2.16 APL provided a leaflet (in English and Welsh) (Appendices 2.B.III and 2B.IV) which was available to take away, outlining:
- *The proposal for an up to 299MW gas fired power station on land at Abergelli Farm;*
  - *Who the applicant is;*
  - *The need for gas power generation to deliver national energy security and flexibility, providing a back-up for renewable energy technologies;*
  - *Why the land had been identified as a suitable Project Site;*
  - *The possible community benefits of the scheme, such as construction and operation job creation;*
  - *The preparation of an Environmental Scoping Report and the intention for the application to be accompanied by an Environmental Impact Assessment (EIA), as well as the possible range of issues it will consider;*
  - *Indicative timeline of activities from pre-application, examination and decision, and finance, construction and operation;*
  - *The planning and consultation process for the Project; and*
  - *Website details ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)).*
- 6.2.17 Members of the APL project team attended the exhibitions and were available to receive feedback from attendees and to discuss and answer questions regarding the Project.
- 6.2.18 A feedback form (in English and Welsh) (Appendices 2.B.V and 2.B.VI) was also available for attendees to complete at the exhibition or to return via Freepost to APL. The feedback form (Appendices 2.B.V and 2.B.VI) requested responses in respect of the following:
- *Age bracket;*
  - *Gender;*
  - *How did you travel here today?*
  - *Which exhibition did you attend?*



- *How did you hear about this exhibition?*
- *Which local papers and magazines do you read?*
- *Bearing in mind the project is at a very early stage, did our staff answer your questions and listen to your points of view?*
- *Is there anything you would like to see done differently at the next round of exhibitions?*
- *How do you feel about this outline proposal to build a gas-fired power station at Abergelli Farm?*
- *Based on the information at today's event, what comments would you like to make about our proposal?*
- *What further information would you like to be made available about this project?*
- *Abergelli Power is committed to ensuring that the project will create jobs and broader benefits to the community. How would you like to see us supporting the local community?*
- *At an appropriate time, we plan to set up a Community Liaison Group which will be kept informed by Abergelli Power of developments with this project – would you like to be a part of it?*
- *Are you a business interested in future business opportunities with the power station?*
- *Would you be interested in future employment opportunities at the plant?*

#### Advertising and Publicity

- 6.2.19 The public exhibitions were advertised to the local community and local representatives via a number of different means (Stage 5, Table 5-2) prior to the first exhibition at Clydach on Thursday 19<sup>th</sup> June.
- 6.2.20 On 9<sup>th</sup> June 2014, a letter (in English and Welsh) was sent by APL to local representatives (comprising the leader of CCS, local MPs, local AMs, local councillors, Cabinet Members and Community Council clerks) (Appendices 2.A.I and 2.A.II) to provide information about the Project and to include an invitation to the non-statutory public exhibitions at Clydach, Felindre and Tircoed (Stage 5, Table 5-2). Local representatives were invited to attend the exhibitions prior to their opening to the general public or as would be convenient. A total of 25 letters (Appendices 2.A.I and 2.A.II) were sent to: the Leader of CCS; the Cabinet Member for Regeneration; Mawr Development Trust; local councillors for Mawr, Llangyfelach, Morriston, Clydach, Penllergaer; Community Council Clerks for Mawr, Llangyfelach,

Clydach, Potiliw & Tircoed; the local MP and constituency AM for Gower; the local MP and constituency AM for Swansea AM; and the constituency AMs for South Wales Central. A list of the local representatives to whom a letter was sent is contained within Appendix 2.A.III.

- 6.2.21 On 10<sup>th</sup> June 2014, a leaflet (in English and Welsh) of introduction about the Project and invitation to attend the public exhibitions (Appendices 2.A.IV and 2.A.V) was sent to approximately 5,500 households and businesses in the immediate vicinity of the Project Site (Stage 5, Table 5-2). A map of the area in the vicinity of the Project Site in which letters were sent is contained within Appendix 2.A.VI. The leaflet was distributed by Royal Mail.
- 6.2.22 At the same time, APL launched a Project website to coincide with the introduction of the Project to the local community. The website ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)) provides the latest technical and environmental information on the Project, in both English and Welsh. The website also provides contact details to enable people to ask questions and provide feedback to APL about the Project.
- 6.2.23 APL issued a press release (Appendix 2.A.X) on 11<sup>th</sup> June 2014 (Stage 5, Table 5-2) to Media Wales, the BBC, South Wales Evening Post, Swansea Sound, ITV, and Wales Business Insider in order to announce and introduce the Project and publicise the public exhibitions. APL also placed a separate advert (in English and Welsh) in the South Wales Evening Post newspaper (Appendix 2.A.XI), published on 12<sup>th</sup> June 2014 (Stage 5, Table 5-2), giving prior notice of the exhibitions. In addition, APL issued news releases on its website ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)) in advance of the exhibition.
- 6.2.24 On 13<sup>th</sup> June 2014, letters enclosing posters (in English and Welsh) advertising the consultation events (Appendix 2.A.VII and Appendix 2.A.IX) were also sent out by APL prior to the exhibitions to community venues within the administrative area of CCS and in close proximity of the Project Site, for example local shops, post offices and doctors' surgeries (Stage 5, Table 5-2). The letter (Appendix 2.A.VII) requested that the poster (Appendix 2.A.IX) was displayed at the community venues in order to publicise the public exhibitions. A list of the locations that were sent a letter and poster by APL is contained within Appendix 2.A.VIII.
- 6.2.25 Table 6-3 summarises APL's correspondence with the local community and their representatives regarding the public exhibitions in June 2014.

Table 6-3: APL Correspondence with the Local Community and Local Representatives regarding June 2014 Exhibitions

Date	Correspondence Activity
9 <sup>th</sup> June 2014	Written notification of Project and public exhibitions to: the Leader of CCS; the Cabinet Member for Regeneration; Mawr Development Trust; local councillors for Mawr, Llangyfelach, Morriston, Clydach, Penllergaer; Community Council Clerks for Mawr, Llangyfelach, Clydach, Potiliw & Tircoed; the local MP and constituency AM for Gower; the local MP and constituency AM for Swansea AM; and the constituency AMs for South Wales Central. (Appendices 2.A.I – 2.A.III) (Stage 5, Table 5-2)
10 <sup>th</sup> June 2014	Written notification of Project and exhibitions to approximately 5,500 households and businesses in the immediate vicinity of the Project Site. (Appendices 2.A.IV – 2.A.VI) (Stage 5, Table 5-2)
10 <sup>th</sup> June 2014	Launch of Project website ( <a href="http://www.abergellipower.co.uk">www.abergellipower.co.uk</a> ) providing information on the Project and relevant APL contact details. (Stage 5, Table 5-2)
11 <sup>th</sup> June 2014	Issue of press release to Media Wales, the BBC, South Wales Evening Post, Swansea Sound, ITV and Wales Business Insider to announce the Project and publicise the public exhibitions. (Appendices 2.A.X) (Stage 5, Table 5-2)
12 <sup>th</sup> June 2014	Publication of advert in South Wales Evening Post newspaper giving prior notice of the exhibitions (Appendix 2.A.XI) (Stage 5, Table 5-2)
13 <sup>th</sup> June 2014	Issue of posters by APL to community venues in close proximity of the Project Site to publicise the exhibitions. (Appendices 2.A.VII – 2.A.IX) (Stage 5, Table 5-2)

## Media Coverage during Phase 1 Non-Statutory Consultation

- 6.2.26 The Project received media coverage during the Phase 1 non-statutory phase of consultation following advertising of the Project by APL as explained above. Tables 6-4 and 6-5 provide a summary of the media coverage received from national and local print and online media articles, which are contained in Appendix 2.C. Articles reproduced online as well as in print have been counted as two separate articles. Equally where the same article has appeared on more than one news website these have been counted separately.

Table 6-4: Media Coverage during Phase 1 Non-Statutory Consultation - Number of National and Local Media Articles

Publication	No. of Articles
All-Wales Newspapers	1
Local Newspapers	4
Other (Industry Websites, Journals)	0
<b>Total</b>	<b>5</b>

Table 6-5: Media Coverage during Phase 1 Non-Statutory Consultation - Number of Print and Online Media Articles

Article Source	No. of Articles
Print Media	1
Online Media	4
<b>Total</b>	<b>5</b>

- 6.2.27 In June 2014 articles were published in the all-Wales press and local press announcing the Project. An article was published on the BBC News website on 11<sup>th</sup> June 2014 (Appendix 2.C.II). This article outlined what the Project involved, and reported on the estimated job creation that the Project would deliver. APL's Project Director was quoted as saying that the Project 'will be an ultra modern and clean facility and a very significant investment in the local economy'.
- 6.2.28 Local media announced the Project on the 11<sup>th</sup> June 2014. Wales Online reported the Project proposals in an article titled, "Revealed: Plans for new gas-fired power station in Swansea area" (Appendix 2.C.V). The article quoted APL's Project Director explaining that the power station is a significant investment, which will cause minimum disturbance in the local area and the extensive consultation process to be undertaken. Insider News Wales also published an online article on 12<sup>th</sup> June 2014 providing a neutral overview of what the Project would comprise (Appendix 2.C.IV). Similarly on 11<sup>th</sup> June 2014 an article was published in the South West Evening Post online (Appendix 2.C.III). This article reported on the projected cost of the Project (at £200 million), the estimated job creation during both construction phases and operational phases and the upcoming consultation activity that was planned. On Thursday 12<sup>th</sup> June 2014 an article was published in the Western Mail (Appendix 2.C.I), providing details of the Project and detailing other similar projects currently being undertaken by Watt Power at Hirwaun in Rhondda Cynon Taf and at Eye Airfield in Suffolk.

### 6.3 EIA Scoping Consultation

- 6.3.1 In parallel to the Phase 1 non-statutory consultation, EIA Scoping consultation was undertaken with statutory consultees during Phase 1 consultation. EIA

Scoping consultation formed part of the statutory consultation required under the EIA Regulations.

- 6.3.2 During this consultation, a series of option appraisals and environmental and engineering studies were undertaken in order to inform the design of the proposals and the technical and environmental issues requiring consideration. The option appraisals and environmental and engineering studies informed APL's EIA Scoping Report (Appendix 3.A.II) which was submitted to the SoS on 25<sup>th</sup> June 2014 (Stage 7, Table 5-2). The SoS subsequently responded with an EIA Scoping Opinion (Appendix 3.B.II) on 1<sup>st</sup> August 2014 (Stage 11, Table 5-2). This is an optional stage of consultation under the EIA Regulations.

### Project Description for EIA Scoping Report

- 6.3.3 The Project description included within the EIA Scoping Report (Appendix 3.A.II) is set out below.

- 6.3.4 A number of options were under consideration at this time, including:

- Two possible access routes:
  - Option 1: from the north via Rhyd-y-pandy Road and the existing access road west of Brynheulog past Abergelli Farm, which would need to be extended to the Generating Equipment Site; or
  - Option 2: from the west via the B4489, along the access road to National Grid's two 400kV electrical substations and Felindre Gas Compressor Station and then along a purpose built access road to be constructed across undeveloped land to the Generating Equipment Site.
- Two possible options for connecting the Generating Equipment to a suitable source of fuel gas:
  - Feeder 28 of the National Transmission System; or
  - Nearby LTS HP Pipeline.
- Four possible options for the Gas Connection Route Corridor (within an identified Gas Connection Opportunity Area):
  - Option 1: approximately 1.7 km in length including no major road crossings, four minor road crossings, no major water crossings and two minor water crossings; or
  - Option 2: approximately 1.2 km in length including no major road crossings, one minor road crossings, no major water crossings and one minor water crossing; or

- Option 3: approximately 1.4 km in length including no major road crossings, one minor road crossing, no major water crossings and three minor water crossings; or
- Option 4: approximately 0.4 km in length including no major road crossings, no minor road crossings, no major water crossings and one minor water crossing.
- Two possible Electrical Connection options to export power from the Generating Equipment to the NETS:
  - Underground cable; or
  - Overhead line;
- Options for the Electrical Connection route corridor within an identified Electrical Connection Opportunity Area to the south-west of the Generating Equipment Site;
- Up to 5 Gas Generator Turbines with up to 5 stacks; and
- Stacks up to 60 m (height) and up to 10 m (diameter).

6.3.5 As outlined within the EIA Scoping Report (Appendix 3.A.II) and chapter 5 of the ES (Document Reference 6.1), the following technology options were originally considered for the up to 299MW Power Generation Plant: SCGT plant; CCGT plant; and RGE plant. SCGT is considered to be the most suitable technology choice for generating up to 299 MWe as a peaking plant at the Project Site based on the following environmental, technical and feasibility considerations – visual impact, water resources, noise and available space, financial, and start-up times.

6.3.6 The potential for using CHP opportunities with these technologies was also considered, as explained within the EIA Scoping Report (Appendix 3.A.II) and CHP Technical Note (Document Reference 6.2, Appendix 5.1). However, it is not considered technically or economically feasible with SCGT peaking power station because the profile for the generation of electrical energy from the station cannot be guaranteed to coincide with the required heat demand profile of any potential customer.

#### **APL EIA Scoping Report**

6.3.7 APL prepared an EIA Scoping Report (Appendix 3.A.II) in order to request an EIA Scoping Opinion from the SoS on the required content of the EIA.

6.3.8 The EIA Scoping Report (Appendix 3.A.II) provided an introduction to the Project, including a description of the Project at the time, the needs and benefits of the Project, an introduction to APL, the consenting regime and the EIA process.



- 6.3.9 The main focus of the report (Appendix 3.A.II) set out the intended scope and content of the EIA to support the Application for Development Consent, in respect of the following assessment topics:
- 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
- 6.3.10 The report (Appendix 3.A.II) also established the intention to assess the construction, operational and decommissioning phases of the Project.
- 6.3.11 The EIA Scoping Report (Appendix 3.A.II), with an accompanying covering letter (Appendix 3.A.I), was submitted to the SoS on 25<sup>th</sup> June 2014 (Stage 7, Table 5-2) with a request for an EIA Scoping Opinion, under Regulation 8 of the EIA Regulations, on the possible significant environmental effects of all elements of the Project, the proposed methodologies to assess the impacts, and the proposed structure of the ES (Document Reference 6.1). The SoS confirmed receipt of APL's request for an EIA Scoping Opinion on 26<sup>th</sup> June 2014 (Appendix 3.A.III).

### **Regulation 6 Notification**

- 6.3.12 Under Regulation 6(1)(b) of the EIA Regulations, an applicant is required to, inter alia, notify the SoS of its intention to submit an ES.
- 6.3.13 In accordance with Regulation 6(1)(b) of the EIA Regulations, at the same time as the submission of the EIA Scoping Report (Appendix 3.A.II) to the SoS (Stage 7, Table 5-2), the accompanying covering letter (Appendix 3.A.I) included formal notification to the SoS that APL proposes to provide an ES (Document Reference 6.1) as part of its DCO Application (Stage 8, Table 5-2).



## EIA Scoping Opinion

- 6.3.14 An EIA Scoping Opinion (Appendix 3.B.II), with an accompanying cover email (Appendix 3.B.I) was issued by the SoS on 1<sup>st</sup> August 2014 (Stage 11, Table 5-2).
- 6.3.15 The Scoping Opinion (Appendix 3.B.II) included a list of all prescribed consultation bodies notified by the SoS (Appendix 3.B.III), as required by Regulation 9 of the EIA Regulations, and PINS's comments on the proposed development and the EIA approach and topic areas, including its confirmation of topics unlikely to have significant environmental effects which could be excluded from the Project EIA. The list of prescribed consultation bodies formally consulted by PINS (Appendix 3.B.III), as required by Regulation 9 of the EIA Regulations, included Schedule 1 consultees, relevant statutory undertakers, local authorities and non-prescribed consultation bodies.
- 6.3.16 The Scoping Opinion (Appendix 3.B.II), summarised in section 6.3, has been considered in undertaking the EIA and in the production of the 2014 and 2018 PEIR (during both Phase 1 and Phase 2 consultation).

## 6.4 Phase 1 Statutory Consultation (October 2014 – November 2014)

- 6.4.1 Following the period of Phase 1 non-statutory consultation (Stages 1-6, 9 and 12, Table 5-2), APL engaged in a series of subsequent consultation activities to satisfy the statutory requirements of the PA 2008 and to further progress the development of the Project. A compliance checklist (Appendix 1.A) sets out how the Phase 1 statutory consultation activities undertaken meet the requirements of PA 2008.
- 6.4.2 The Phase 1 statutory consultation consisted of:
- S47 consultation on the draft 2014 SoCC (Appendix 4.A.II) (Stage 10, Table 5-2);
  - S47 consultation with the local community (Stage 22, Table 5-2);
  - S48 publicity (including notification under Regulations 11 of the EIA Regulations) (Stages 18 and 22, Table 5-2);
  - S46 notification (Stage 19, Table 5-2);
  - S42 consultation (Stage 22, Table 5-2);
  - Additional S42 Consultation (Stage 32, Table 5-2).

## Project Description for Phase 1 Statutory Consultation

- 6.4.3 In accordance with PINS Advice note seven<sup>2</sup>, the Project description during Phase 1 statutory consultation was the same as that set out in the 2014 PEIR.
- 6.4.4 Several options were under consideration at this time, including:
- Two possible access routes:
    - Option 1: from the north via Rhyd-y-pandy Road and the existing access road west of Brynheulog past Abergelli Farm, which would need to be extended to the Generating Equipment Site; or
    - Option 2: from the west via the B4489, along the access road to National Grid's two 400kV electrical substations and Felindre Gas Compressor Station and then along a purpose built access road to be constructed across undeveloped land to the Generating Equipment Site.
  - Up to 5 Gas Turbine Generators with up to 5 stacks;
  - Stacks at a height of between 35m (minimum) and 40m (maximum) and up to 10m (diameter);
  - Route alignments of the Gas Connection and Electrical Connection; and
  - Indicative layout of the Power Generation Plant Site

## APL's Approach to Phase 1 Statutory Consultation with the Local Community: 2014 SoCC and Consultation Plan

- 6.4.5 S47 of the PA 2008 requires the preparation of a statement for the project setting out how the applicant proposes to consult people living in the vicinity about the proposed application.
- 6.4.6 In accordance with S47 of the PA 2008, APL produced a draft 2014 SoCC (Appendix 4.A.II), which was appended to the Consultation Plan (Appendix 4.A.II), in July 2014 setting out the proposed methodology for how APL intended to consult people living and working in the vicinity of the Project during statutory consultation. The draft 2014 SoCC (Appendix 4.A.II) did not set out how APL intended to undertake the other strands of Phase 1 statutory consultation and publicity relating to S42 and S48 of the PA 2008.
- 6.4.7 The draft 2014 SoCC (Appendix 4.A.II) and Consultation Plan (Appendix 4.A.II) set out APL's intention during Phase 1 consultation to consult with

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<sup>2</sup> PINS Advice Note Seven as applicable at the commencement of Phase 1 statutory consultation (October 2014). This Advice Note has subsequently been subject to minor revisions in March 2015 and December 2017.

CCS, community councils, local MPs and AMs, and to hold four public exhibitions where relevant information about the Project would be presented.

- 6.4.8 The draft 2014 SoCC (Appendix 4.A.II) sought to explain how APL intended to consult with the local community and local interest groups regarding the Project, and thus how APL would satisfy the consultation requirements for an Application under the PA 2008. The draft 2014 SoCC (Appendix 4.A.II) explained the planning process associated with Applications for NSIPs, which requires thorough and effective pre-application to have been undertaken in accordance with the PA 2008 prior to consideration of acceptance for examination.
- 6.4.9 The draft 2014 SoCC (Appendix 4.A.II) also explained that, because of the nature and size of the Project, APL is undertaking an EIA to consider the potential environmental impacts of the Project. Accordingly, the draft 2014 SoCC (Appendix 4.A.II) outlined APL's intentions to publish its preliminary findings in a 2014 PEIR and associated NTS (Appendix 4.C) as part of the pre-application consultation materials on the Project.
- 6.4.10 APL's proposed approach to Phase 1 statutory consultation with the local community was set out within the draft 2014 SoCC (Appendix 4.A.II), and is summarised below:
- APL would seek views on the preliminary environmental information presented about the Project as well as on other key elements of the Project:
    - The preliminary findings of the assessment as to the likely significant environmental effects of the Project;
    - The proposed route option(s) for accessing the Project; and,
    - The indicative layout of the power generation plant within the Project site.
  - Statutory consultation with the local community would run for 35 days ending on 16<sup>th</sup> November 2014;
  - APL would carry out consultation activities in two areas: a Core Consultation Zone (CCZ), equating to an approximate radius of 3.5 km from the Project Site, and an Outer Consultation Zone (OCZ), equating to a radius of approximately 8 km. Those outside the two zones would also be reached through local/regional newspaper advertising and media coverage.
  - APL would seek and receive people's views through a number of activities:

- Public exhibitions held at Clydach (24<sup>th</sup> October), Felindre (23<sup>rd</sup> October), Llangyfelach (22<sup>nd</sup> October) and Tircoed (25<sup>th</sup> October);
  - A leaflet / letter delivered to households, businesses and institutions in the CCZ and to 'hard to reach' groups, and made available at libraries and council offices in the CCZ;
  - The leaflet, 2014 SoCC, 2014 PEIR and 2014 PEIR NTS made available for inspection at libraries and Council offices;
  - Information about the Project made available in other formats (e.g. large print or braille) and languages upon request;
  - A website providing information on the Project, access to documents, and opportunity to comment or ask questions;
  - An email address;
  - A Freepost mailbox;
  - Notification via posters, newspaper advertisements and media coverage;
  - Contact with a broad spectrum of local stakeholders
- 6.4.11 The draft 2014 SoCC (Appendix 4.A.II) set out APL's intention to carry out Phase 1 consultation in two defined areas: a Core Consultation Zone (CCZ), equating to a radius of approximately 3.5 km from the Project Site; and an Outer Consultation Zone (OCZ), equating to a radius of approximately 8 km from the Project Site. The radius of the CCZ and OCZ were based on the distance from the application boundary of the Project Site as at the time of the issue of the draft 2014 SoCC (Appendix 4.A.II) in July 2014 (Stage 10, Table 5-2).
- 6.4.12 The CCZ (Figure 6-1) was established in order to capture the main population areas in the vicinity of the Project Site that have the potential to be affected by the Project and are expected to have the greatest interest in the Project. The CCZ includes the villages of Clydach, Felindre, Llangyfelach and Tircoed, and all or part of the following community council areas: Clydach, Llangyfelach, Mawr, Morriston, Mynyddbach, Penllergaer and Pontllliw & Tircoed. The extent of the CCZ was agreed with CCS.
- 6.4.13 The OCZ (Figure 6-2) was established in order to capture the main population areas close to the Project Site that may be interested in the Project, but that are not anticipated to be significantly affected by the construction, operation and maintenance of the Project. The OCZ includes the main population area of the city of Swansea. The extent of the OCZ was also agreed with CCS.



Figure 6-1: Core Consultation Zone (CCZ) (Phase 1 Consultation) – approx. 3.5km radius around Project Site

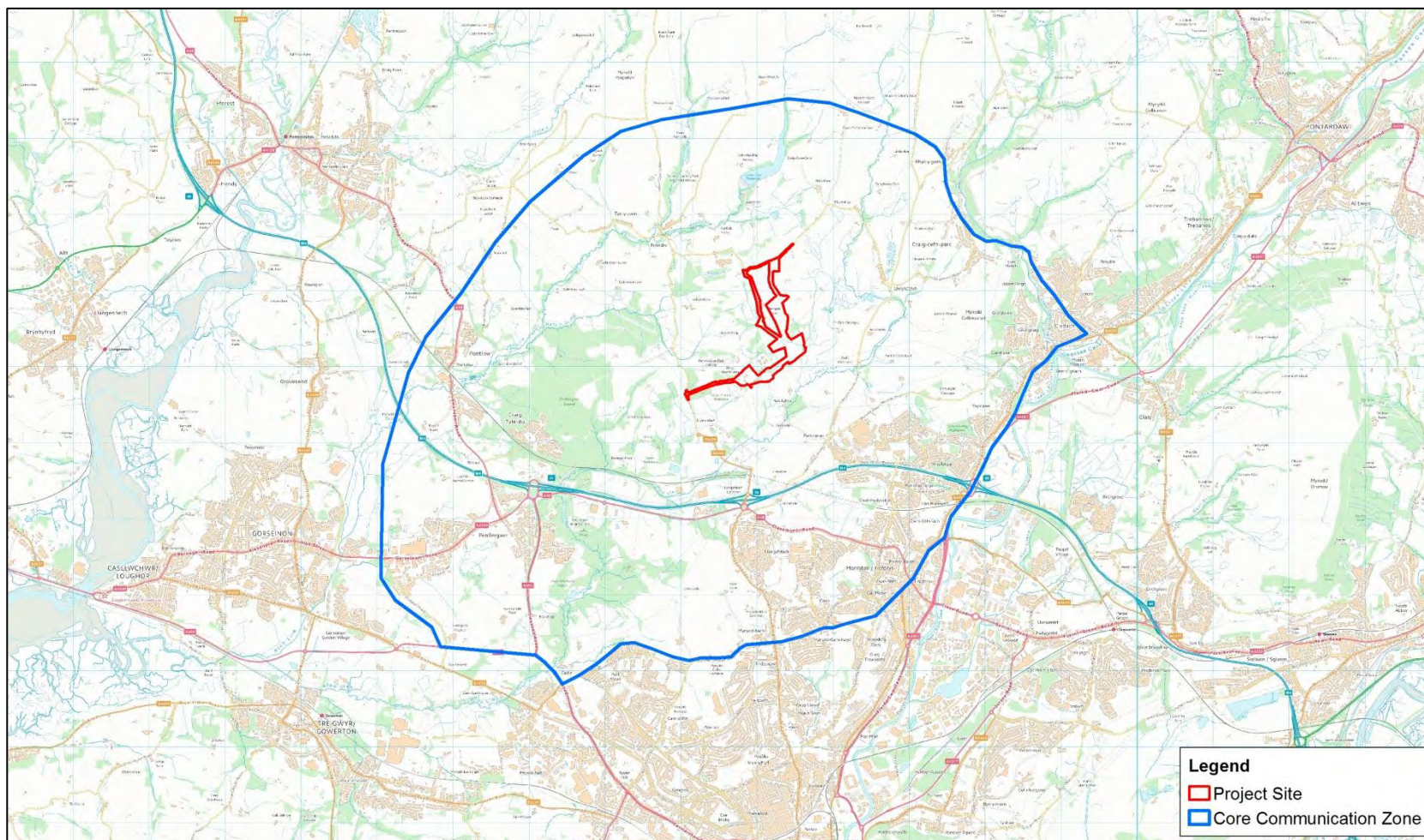
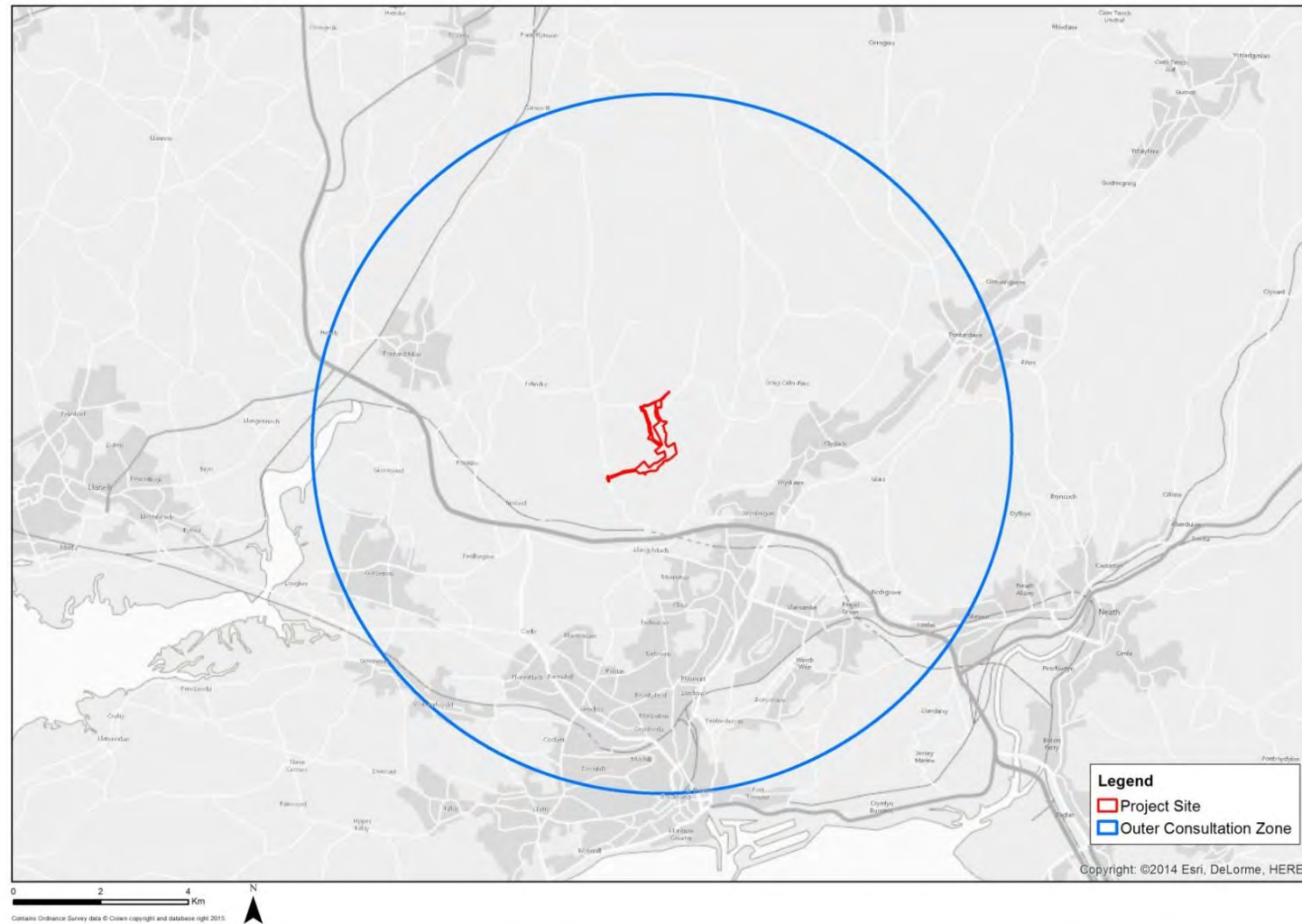


Figure 6-2: Outer Consultation Zone (OCZ) (Phase 1 Consultation) – approx. 8km radius around the Project Site





## Phase 1 Statutory Consultation on the 2014 SoCC

- 6.4.14 S47 of the PA 2008 requires an applicant to consult the relevant local authority about the content of the draft statement and to have regard to any comments made by the relevant local authority.
- 6.4.15 In accordance with S47 of the PA 2008, APL formally issued the draft 2014 SoCC (Appendix 4.A.II) to CCS for statutory consultation on 31<sup>st</sup> July 2014 (Appendices 4.A.I) (Stage 10, Table 5-2), with a request for comment within 28 days in order to inform the approach taken towards statutory S47 consultation with the local community prior to commencement of this phase.
- 6.4.16 On 19<sup>th</sup> August 2014, APL contacted CCS via email (Appendix 4.A.III) to provide an update on the Project and to highlight several amendments to the draft 2014 SoCC (Appendix 4.A.II):
- Following further design work in relation to the proposed Gas Connection and Electrical Connection, the need for route options was removed, and therefore statutory consultation will only include the preferred route alignments for both the Gas Connection and Electrical Connection. Two route options remain for the proposed Access Road and these will be presented as part of statutory consultation. (This alters the wording in bullet 2, p.22 of the draft 2014 SoCC);
  - It was noted that there is a lack of suitable, secure locations within the CCZ to deposit and display material for inspection; therefore advice is sought on whether the proposed deposit locations outside of the CCZ (as listed on pp.24-25 of the draft 2014 SoCC) are acceptable;
  - The provisional dates for public exhibitions are 22<sup>nd</sup> – 25<sup>th</sup> October 2014 which avoid the half-term school holiday and include one exhibition on a Saturday. (This alters the wording on p.26 of the draft 2014 SoCC).
- 6.4.17 A formal response from CCS was received on 27<sup>th</sup> August 2014 following consultation with internal departments and ward members (Appendix 4.A.IV) (Stage 13, Table 5-2).
- 6.4.18 CCS advised that the CCS Council Offices (at Penllergaer, Swansea, SA4 9GJ) should be included as a location suitable for the display of appropriate consultation materials during statutory consultation (Appendix 4.A.IV). CCS also advised that it would seek to provide details on 'hard to reach' groups for the purposes of statutory consultation (Appendix 4.A.IV). No other major land use related consultation exercises were identified by CCS as occurring during the intended statutory consultation phase (Appendix 4.A.IV).
- 6.4.19 In response to the comments made by CCS, APL revised and updated the draft 2014 SoCC (Appendix 4.A.II) to include CCS offices as a location at which consultation materials would be made available for inspection during the statutory consultation phase.



## Publication of the 2014 SoCC Notice and the 2014 SoCC for Phase 1 Consultation

- 6.4.20 S47 of the PA 2008 states that, once the statement has been finalised, the applicant must make it available for inspection by the local community and must publish a notice in a local newspaper that says where and when the statement can be inspected.
- 6.4.21 The published 2014 SoCC Notice (Appendices 4.A.VII and 4.A.VIII) provided details of where the 2014 SoCC (Appendices 4.A.V and 4.A.VI) itself could be inspected, as well as the dates of consultation, exhibition details, availability of consultation materials and contact details for APL.
- 6.4.22 The 2014 SoCC Notice was published in both English and Welsh in a local newspaper on 30<sup>th</sup> September 2014 (Appendix 4.A.VII) and 7<sup>th</sup> October 2014 (Appendix 4.A.VIII) (Stage 15, Table 5-2). Table 6-6 shows the newspaper in which the SoCC Notice (Appendices 4.A.V and 4.A.VI) was published.

Table 6-6: Local Newspapers in which SoCC Notice was published

Newspaper	Date of Publication
South Wales Evening Post	30/09/2014
South Wales Evening Post	07/10/2014

- 6.4.23 The 2014 SoCC (Appendices 4.A.V and 4.A.VI) itself was made available during Phase 1 consultation from 30<sup>th</sup> September 2014 on the Project website ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)), in local libraries and CCS's council offices (Stage 15, Table 5-2). Table 6-7 below sets out the locations at which the 2014 SoCC (Appendices 4.A.V and 4.A.VI) was available.

Table 6-7: Locations where the 2014 SoCC was available during Phase 1 consultation

Location	Address	Opening Times	Consultation Zone
CCS Council Offices	Penllergaer, Swansea, SA4 9GJ	Monday: 8.30 – 17.00 Tuesday: 8.30 – 17.00 Wednesday: 8.30 – 17.00 Thursday: 8.30 – 17.00 Friday: 8.30 – 16.00 Saturday: CLOSED Sunday: CLOSED	CCZ
Swansea Central Library	Civic Centre, Oystermouth Road, Swansea, SA1 3SN	Monday: CLOSED Tuesday: 8.30 – 20.00 Wednesday: 8.30 – 20.00 Thursday: 8.30 – 20.00 Friday: 8.30 – 20.00 Saturday: 10.00 – 16.00 Sunday: 10.00 – 16.00	OCZ
Clydach Library	High Street, Clydach, Swansea, SA6 5LN	Monday: 9.30 – 17.30 Tuesday: 9.30 – 17.30 Wednesday: 9.30 – 17.30 Thursday: 9.30 – 17.30 Friday: 9.30 – 17.30 Saturday: 9.30 – 17.30 Sunday: CLOSED	CCZ

Location	Address	Opening Times	Consultation Zone
Gorseinon Library	15 West Street, Gorseinon, Swansea, SA4 4AA	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 19.00 Saturday: 9.00 – 17.00 Sunday: CLOSED	CCZ
Morrison Library	Treharne Road, Morrison, Swansea, SA6 7AA	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday: CLOSED	CCZ
Pontarddulais Library	St Michael's Avenue, Pontarddulais, Swansea, SA4 8TE	Monday: 9.00 – 13.00 and 14.00 – 17.00 Tuesday: 9.00 – 13.00 and 14.00 – 17.00 Wednesday: 9.00 – 13.00 and 14.00 – 17.00 Thursday: 9.00 – 13.00 and 14.00 – 17.00 Friday: 9.00 – 13.00 and 14.00 – 18.00 Saturday: 10.00 – 13.00 Sunday: CLOSED	OCZ

### Phase 1 S47 Consultation

- 6.4.24 APL undertook Phase 1 statutory S47 consultation with the local community (Stage 24, Table 5-2) in accordance with the published 2014 SoCC (Appendices 4.A.V and 4.A.VI).
- 6.4.25 The statutory Phase 1 S47 consultation commenced on 13<sup>th</sup> October 2014 and closed on 16<sup>th</sup> November 2014 (Stages 22 and 27, Table 5-2), representing a total duration of 35 days, in excess of the statutory minimum requirement of 28 days.
- 6.4.26 The aim of this period of consultation was to seek the views of the local community on the preliminary environmental information presented about the Project as well as on other key elements of the Project. Responses were invited, in particular, on:
- The findings of the preliminary assessment on the likely significant environmental effects of the Project during construction and operation, as set out in the 2014 PEIR;
  - The proposed route option(s) for accessing the Project; and
  - The indicative layout of the Power Generation Plant within the Project Site.
- 6.4.27 APL undertook statutory Phase 1 S47 consultation activities in two areas: the CCZ (Figure 6-1), equating to an area of an approximate radius of 3.5 km from the Project Site; and the OCZ (Figure 6-2), equating to an area of an approximate radius of 8 km from the Project Site, in accordance with the published 2014 SoCC (Appendices 4.A.V and 4.A.VI).

### Public Exhibitions

- 6.4.28 As set out in the 2014 SoCC (Appendices 4.A.V and 4.A.VI), statutory Phase 1 S47 consultation with the local community included four public exhibitions in Llangyfelach, Felindre, Clydach and Tircoed on 22<sup>nd</sup> October – 25<sup>th</sup> October 2014 (Stage 24, Table 5-2).
- 6.4.29 APL chose four separate exhibition venues at convenient locations within close proximity of the Project Site in order to give local people the maximum opportunity to attend. Each exhibition venue met Disability Discrimination Act 1995 requirements and, upon a reasonable and timely request, had provisions in place for those with special requirements seeking to attend the exhibition.
- 6.4.30 Table 6-8 sets out the dates, locations and times of the statutory Phase 1 S47 public exhibitions held within the CCZ (Figure 6-1) and OCZ (Figure 6-2) in October 2014 (Stage 24, Table 5-2):

Table 6-8: Details of Phase 1 Statutory Public Exhibitions held within the CCZ and OCZ

Date	Location	Time	Consultation Zone
Wednesday 22 <sup>nd</sup> October 2014	Llangyfelach Church Hall, Swansea Road, Llangyfelach, Swansea, SA5 7JA	3.00pm – 8.00pm	CCZ
Thursday 23 <sup>rd</sup> October 2014	Felindre Welfare Hall, Felindre, Swansea, SA5 7NA	2.00pm – 7.00pm	CCZ
Friday 24 <sup>th</sup> October 2014	Forge Fach Resource Centre, Hebron Road, Clydach, Swansea, SA6 5EJ	10.00am – 1.00pm	CCZ
Saturday 25 <sup>th</sup> October 2014	Tircoed Village Hall, Y Cyswllt, Tircoed, SA4 9QZ	9.00am – 1.00pm	CCZ

### Consultation Materials

- 6.4.31 At the exhibitions (Stage 24 of Table 5-2), display boards (Appendices 4.E.I and 4.E.II) and a range of consultation materials were used to present information on the Project.
- 6.4.32 The exhibition display boards (Appendices 4.E.I and 4.E.II) contained the following information:
- A general overview of the project, including:
    - Information about APL,
    - Why the Project Site has been chosen,
    - The potential community benefits of the project,
    - The planning and consultation process, and
    - Key project milestones.
  - The need for new gas-fired electricity generation in the UK and how this is supported by Government policy;
  - The potential impacts arising from the construction, operation and decommissioning phases of the Project, in respect of: air quality, geology, ground conditions, hydrogeology, noise and vibration, water quality and resources, archaeology and cultural heritage, ecology, landscape and visual impacts;

- The potential socio-economic impacts arising from the construction, operation and decommissioning phases of the Project, relating to the labour market, community facilities and tourism;
- The potential impacts of the Project upon the local transport network in terms of traffic generation and access during the construction, operation and decommissioning phases.
- Details of the two proposed access route options currently being considered:
  - Option one: using the existing road to Abergelli Farm via Rhyd-Y-Pandy Road, giving access to the site from the north; and,
  - Option two: extending the existing road to National Grid's Swansea North substation, which is accessed via the B4489 to the west of the site

6.4.33 The additional consultation materials available to exhibition attendees comprised: leaflets (available in English and Welsh) (Appendix 4.E.III); the 2014 SoCC (Appendices 4.A.V and 4.A.VI) (available in English and Welsh); 2014 PEIR, including Figures and Appendices; and 2014 PEIR NTS (Appendix 4.C) (available in English and Welsh). APL considered the provision of written materials in different formats (for example, large print or braille) upon request.

6.4.34 The leaflets (Appendix 4.E.III) provided information to exhibition attendees structured under the following headings:

- The Project;
- Who is Abergelli Power?
- Planning and public consultation;
- Key Milestones;
- Key details of the Project;
- Why Abergelli Farm?
- The need for gas generation;
- Development of the Project;
- Environment;
- Community benefits;
- Exhibitions in the local area; and

- Get in touch

6.4.35 A feedback form (available in English and Welsh) (Appendix 4.E.IV and 4.E.V), available individually and within the exhibition leaflet was available for attendees to complete at the exhibition or to return via Freepost to APL. The feedback form requested responses to the following questions:

- Which exhibition did you attend?
- How did you find out about the exhibition today?
- Did you comment during the previous non-statutory phase of public consultation in June 2014?
- We have since taken into account further information and prepared a Preliminary Environmental Information Report (PEIR) which identifies potential effects associated with the Project. Do you have any comments on the findings of the PEIR? If so, please provide further detail in the space below.
- If you have any comments about the Project (in particular the proposed route option(s) for accessing the Project and the indicative layout of the power generation plant), or any other information we should be aware of, please share in the space below.
- We are in the process of developing our proposals as we prepare our application for a development consent order. Did the exhibition provide you with enough information about the project? If not, please comment in the space below on what further information you would like to see.
- Overall, how do you feel about the proposed project at Abergelli Farm?
- If you would like to be kept informed of developments on the project, please give your contact details below.

6.4.36 The exhibitions were attended by members of the APL project team who were available to discuss the Project with attendees and answer questions.

6.4.37 APL's contact details, listed below, were also included within the exhibition leaflet (Appendix 4.E.III), feedback form (Appendices 4.E.IV and 4.E.V) and Phase 1 2014 SoCC (Appendix 4.A.V and 4.A.VI) in order to allow members of the local community to contact the Project team via different methods to provide additional feedback or queries during the statutory consultation phase.

- Website: [www.abergellipower.co.uk](http://www.abergellipower.co.uk)
- Email: [info@abergellipower.co.uk](mailto:info@abergellipower.co.uk)



- Post: Freepost RTEY-JYYB-ERSR, Abergelli Power Ltd, 49 York Place, Edinburgh, EH1 3JD
- Phone: 0131 550 3395

#### Advertising and Publicity

- 6.4.38 The public exhibitions held during the Phase 1 statutory consultation (Stage 24, Table 5-2) were advertised to the local community and stakeholders via a number of different means (Stage 21, Table 5-2).
- 6.4.39 Prior to the first exhibition (Stage 21, Table 5-2), a leaflet (Appendix 4.D.VII) containing an invitation to attend the public exhibitions was delivered to 13,000 households, businesses and institutions in the CCZ.
- 6.4.40 On 10<sup>th</sup> October 2014 (Stage 21, Table 5-2), letters (in English and Welsh) (Appendices 4.D.IV and 4.D.V) were sent to a total of 58 MEPs, AMs, MPs, local councillors and Community Councils with an invite to attend the first exhibition prior to the event being opened to the general public, and enclosing a CD including: the Phase 1 2014 SoCC (Appendices 4.A.V and 4.A.VI), 2014 PEIR NTS (English and Welsh) (Appendix 4.C), and a leaflet outlining the content of the exhibition boards (Appendices 4.E.I and Appendix 4.E.II). A list of the MEPs, AMs, MPs, local councillors and Community Councils to whom a letter was sent is included within Appendix 4.D.VI.
- 6.4.41 On 10<sup>th</sup> October 2014 (Stage 21, Table 5-2), letters (in English and Welsh) (Appendices 4.D.II and 4.D.III) were also sent to those groups that are defined as “hard to reach” (e.g. the elderly, young and minority groups) with an invite to attend the public exhibitions. In order to identify “hard to reach” groups, APL contacted CCS via email in August 2014 (Appendix 4.A.III), during the statutory phase of consultation on the draft 2014 SoCC (Appendix 4.A.II), to request appropriate additional information and contact details. CCS responded via email on 29<sup>th</sup> August 2014 to provide a list of various organisations on the Council’s consultation database and the appropriate contact details and communication method.
- 6.4.42 The list was inclusive of:
- ethnic, racial and religious groups (local, regional or national as appropriate);
  - energy suppliers;
  - various community charities/groups operating in Swansea;
  - disability forums;
  - community halls;
  - professional bodies; and

- ecological bodies/charities/groups.

- 6.4.43 Members of the APL project team reviewed the list supplied by CCS for appropriateness ahead of contacting them. A list of the 'hard to reach' groups is contained with Appendix 4.D.I. Letters (in English and Welsh) (Appendices 4.D.II and 4.D.III) with information on the Project and the consultation process were sent to those on the list ahead of Phase 1 consultation beginning (Stage 21, Table 5-2). The letters (Appendices 4.D.II and 4.D.III) advised that the Phase 1 2014 SoCC (Appendices 4.A.V and 4.A.VI) and 2014 PEIR had been produced and were available at the Project website, [www.abergellipower.co.uk](http://www.abergellipower.co.uk) (Appendix 4.D.II).
- 6.4.44 Letters (in English and Welsh) (Appendix 4.D.VIII and Appendix 4.D.IX) enclosing posters (Appendix 4.D.X) advertising the consultation events were also sent out by APL to be displayed at community venues within the CCZ prior to the exhibitions, for example local shops, post offices and doctors' surgeries (Stage 21, Table 5-2). A list of the locations that were sent a poster by APL is contained within Appendix 4.D.XI.
- 6.4.45 The leaflet (available in English and Welsh) (Appendix 4.E.III), 2014 SoCC (available in English and Welsh) (Appendix 4.A.V and 4.A.VI), 2014 PEIR, and 2014 PEIR NTS (available in English and Welsh) (Appendix 4.C) were available for inspection at CCS offices and libraries within the CCZ and OCZ (listed in Table 6-9) throughout the Phase 1 statutory consultation. The leaflet (Appendix 4.E.III) provided background details of the Project and details of the consultation process, including how individuals could get involved.

Table 6-9: Locations where S47 consultation material was available during the Phase 1 statutory consultation

Location	Address	Opening Times	Consultation Zone
CCS Council Offices	Penllergaer, Swansea, SA4 9GJ	Monday: 8.30 – 17.00 Tuesday: 8.30 – 17.00 Wednesday: 8.30 – 17.00 Thursday: 8.30 – 17.00 Friday: 8.30 – 16.00 Saturday: CLOSED Sunday: CLOSED	CCZ
Swansea Central Library	Civic Centre, Oystermouth Road, Swansea, SA1 3SN	Monday: CLOSED Tuesday: 8.30 – 20.00 Wednesday: 8.30 – 20.00 Thursday: 8.30 – 20.00 Friday: 8.30 – 20.00 Saturday: 10.00 – 16.00 Sunday: 10.00 – 16.00	OCZ
Clydach Library	High Street, Clydach, Swansea, SA6 5LN	Monday: 9.30 – 17.30 Tuesday: 9.30 – 17.30 Wednesday: 9.30 – 17.30 Thursday: 9.30 – 17.30 Friday: 9.30 – 17.30 Saturday: 9.30 – 17.30 Sunday: CLOSED	OCZ

Location	Address	Opening Times	Consultation Zone
Gorseinon Library	15 West Street, Gorseinon, Swansea, SA4 4AA	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 19.00 Saturday: 9.00 – 17.00 Sunday: CLOSED	OCZ
Morrison Library	Treharne Road, Morrison, Swansea, SA6 7AA	Monday: 9.00 – 18.00 Tuesday: 9.00 – 18.00 Wednesday: 9.00 – 18.00 Thursday: 9.00 – 18.00 Friday: 9.00 – 18.00 Saturday: 9.00 – 17.00 Sunday: CLOSED	OCZ
Pontarddulais Library	St Michael's Avenue, Pontarddulais, Swansea, SA4 8TE	Monday: 9.00 – 13.00 and 14.00 – 17.00 Tuesday: 9.00 – 13.00 and 14.00 – 17.00 Wednesday: 9.00 – 13.00 and 14.00 – 17.00 Thursday: 9.00 – 13.00 and 14.00 – 17.00 Friday: 9.00 – 13.00 and 14.00 – 18.00 Saturday: 10.00 – 13.00 Sunday: CLOSED	OCZ

- 6.4.46 APL placed adverts in the South Wales Evening Post local newspaper, published on 14<sup>th</sup> October 2014 and 21<sup>st</sup> October 2014, giving prior notice of the exhibitions (Stage 21, Table 5-2).
- 6.4.47 In addition, the project website ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)) was updated by APL to provide links to the 2014 PEIR, including figures and Appendices, 2014 PEIR NTS (Appendix 4.C) and 2014 SoCC (Appendix 4.A.V and 4.A.VI), as well as to provide background information on the Project and the planning and consultation process.
- 6.4.48 APL's contact details (website address, email address, postal address and phone number) were also included within the exhibition leaflet (Appendix 4.E.III), feedback form (Appendix 4.E.IV and Appendix 4.E.V) and 2014 SoCC (Appendix 4.A.V and 4.A.VI) in order to allow members of the local community to contact the project team via different methods to provide additional feedback or queries during the Phase 1 statutory consultation.

### Phase 1 S48 Publicity

- 6.4.49 In accordance with S48 of the PA 2008 and Regulation 4 of the APFP Regulations a notice publicising the Project was published in The Independent (Appendix 4.G.I), London Gazette (Appendix 4.G.II) and South Wales Evening Post (Appendix 4.G.III and 4.G.IV) (Stage 17, Table 5-2). Table 6-10 lists the publications in which the S48 notice was published and the dates on which it was published.

Table 6-10: Publications in which the S48 notice was published during Phase 1 Consultation

Publication	Date of 1 <sup>st</sup> Notice	Date of 2 <sup>nd</sup> Notice
The Independent	6 <sup>th</sup> October 2014	N/A
London Gazette	6 <sup>th</sup> October 2014	N/A
South Wales Evening Post	6 <sup>th</sup> October 2014	13 <sup>th</sup> October 2014

- 6.4.50 As required by regulation 4(3) of the APFP Regulations the content of the notice included:
- The name and address of the applicant;
  - A statement that the applicant intends to make an application for development consent to the SoS;
  - A statement that the application is EIA development;
  - A summary of the main proposals, specifying the locations and route options of the Project;

- A statement that the documents, plans and maps showing the nature and location of the Project are available for inspection free of charge at the places (including at least one address in the vicinity of the Project) and times set out in the notice.
- The latest date (16<sup>th</sup> November 2014) on which those documents, plans and maps will be available for inspection;
- Whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;
- Details of how to respond to the publicity; and
- The deadline of 16<sup>th</sup> November 2014 for receipt of those responses by APL, being not less than 28 days following the date when the notice is last published.

### Phase 1 Regulation 11 Notification

- 6.4.51 Under Regulation 11 of the EIA Regulations, APL was required to send a copy of the notification under S48 of the PA 2008 to the consultation bodies and persons notified to the applicant in accordance with Regulation 9 of the EIA Regulations.
- 6.4.52 APL sent a copy of the S48 notice (in English and Welsh) to the parties listed in Appendix 4.H.II on 2<sup>nd</sup> October 2014 during Phase 1 consultation (Stage 18, Table 5-2).
- 6.4.53 The copy of the S48 notice was accompanied by a covering letter (Appendix 4.H.I) which stated APL's intention to apply to the SoS for a DCO under S37 of the PA 2008. The covering letter (Appendix 4.H.I) also explained that, under S48 of the PA 2008, APL would be publishing a notice of the proposed Application in the London Gazette, The Independent and the South Wales Evening Post. The covering letter (Appendix 4.H.I) was issued in English with a copy in Welsh available on request.

### Phase 1 S46 Notification

- 6.4.54 Under S46 of the PA 2008, APL was required to notify the SoS of the proposed application by providing S42 consultation information prior to the commencement of S42 consultation.
- 6.4.55 In accordance with S46 of the PA 2008, APL issued a copy of the S42 consultation information to PINS on 8<sup>th</sup> October 2014 (Appendix 4.J) (Stage 19, Table 5-2) prior to the commencement of Phase 1 statutory S42 consultation (Stage 22, Table 5-2) on 13<sup>th</sup> October 2014. The S42 consultation information issued to PINS consisted of the same information subsequently issued to S42 prescribed consultees, comprising a covering letter, a copy of the 2014 PEIR NTS (Appendix 4.C) and an electronic copy of the 2014 PEIR (Appendices 4.F and 4.J).

## Phase 1 S42 Consultation

- 6.4.56 Under S42 of the PA 2008, bodies prescribed by Schedule 1 of the APFP Regulations must be consulted about the proposed application (the 'prescribed bodies'). Schedule 1 of the APFP Regulations sets out the circumstances when consultees must be consulted and notified about an application.
- 6.4.57 APL undertook statutory S42 consultation with prescribed consultees as part of the Phase 1 statutory consultation on the Project. Pursuant to S45 of the PA 2008 – which requires that the deadline for S42 consultation responses is no less than 28 days after receipt of the consultation documents – the Phase 1 statutory S42 consultation commenced on 13<sup>th</sup> October 2014 (Stage 22, Table 5-2) and closed on 16<sup>th</sup> November 2014 (Stage 27, Table 5-2), representing a total duration of 35 days, in excess of the statutory minimum requirement of 28 days.
- 6.4.58 As set out in Figure 5-1, and in accordance with S42 of the PA 2008 and Schedule 1 of the APFP Regulations, Phase 1 statutory S42 consultation comprised consultation with the following:
- S42(1)(a) – Prescribed Persons
  - S42(1)(b) – Local Authorities
  - S42(1)(d) – Land Interests
- 6.4.59 There are no S42(1)(c) parties as this category applies to the Greater London Authority.

### S42(1)(a) – Prescribed Persons

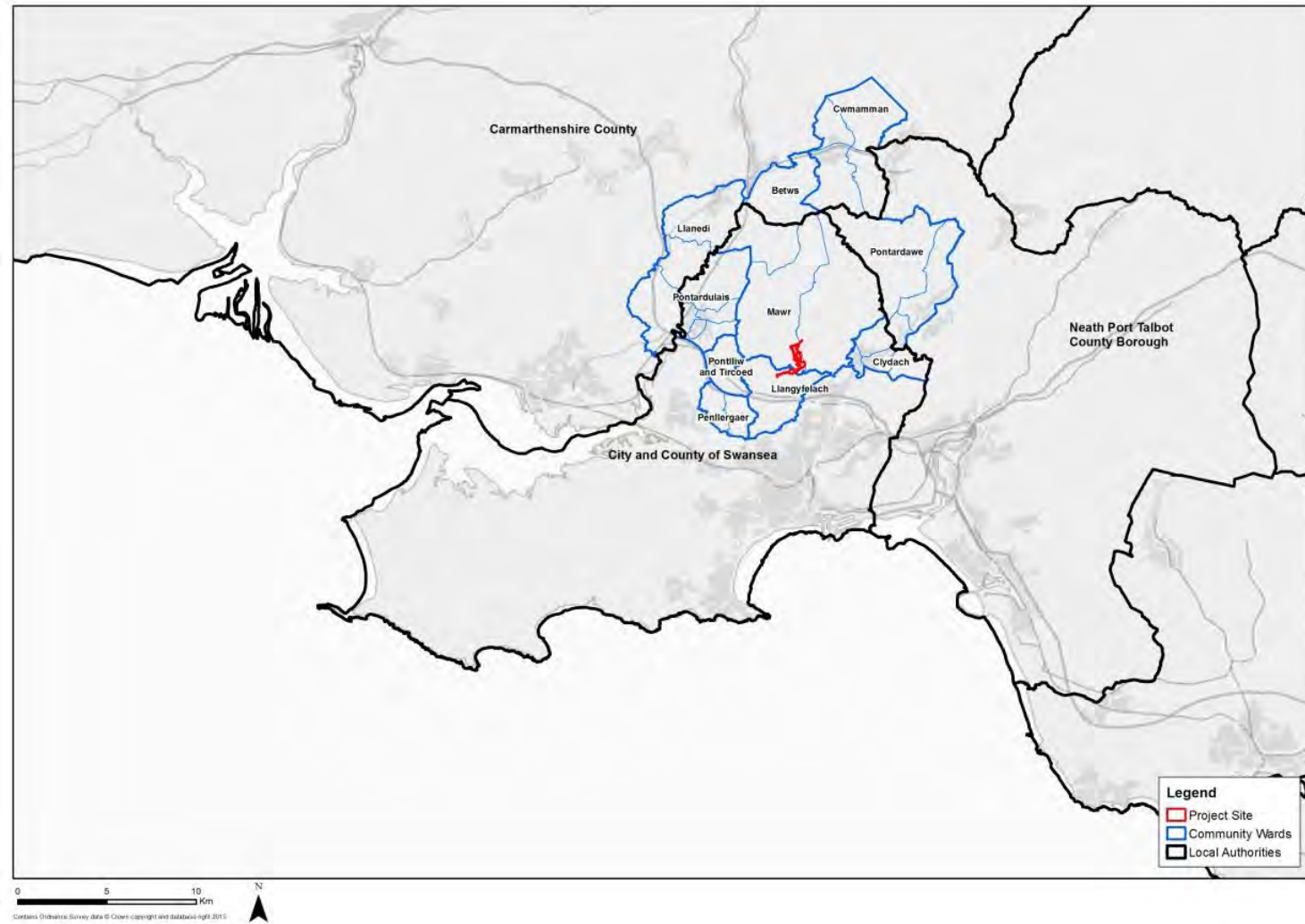
- 6.4.60 'Prescribed persons', for the purposes of S42(1)(a), are defined in Schedule 1 of the APFP Regulations, which provides the circumstances when that person must be consulted or notified about an application.
- 6.4.61 In order to identify the prescribed persons required to be consulted on the Project, APL reviewed the guidance contained within Schedule 1 of the APFP Regulations, as well as the list of consultees notified of the proposed application by PINS (Appendix 3.B.III) under Regulation 9(1)(a) of the EIA Regulations.
- 6.4.62 The list of prescribed consultation bodies notified by PINS (Appendix 3.B.III) under Regulation 9(1)(a), which was issued to APL on 1<sup>st</sup> August 2014 with the EIA Scoping Opinion (Appendix 3.B.II) (Stage 11, Table 5-2), identified the following Community Councils and Town Councils as prescribed consultees:
- Llanedi Community Council;



- Pontarddulais Community Council;
- Betws Community Council;
- Pontardawe Town Council;
- Cwmamman Town Council;
- Mawr Community Council;
- Pontlliw and Tircoed Community Council;
- Penllergaer Community Council;
- Llangyfelach Community Council;
- Clydach Community Council.

6.4.63 The administrative boundaries of the above Community Councils and Town Councils, who were consulted on and notified of the Project under S42(1)(a) of the PA 2008, is shown in Figure 6-3 below.

Figure 6-3: Location of Community and Town Councils consulted under S42(1)(a) (Phase 1 Consultation)

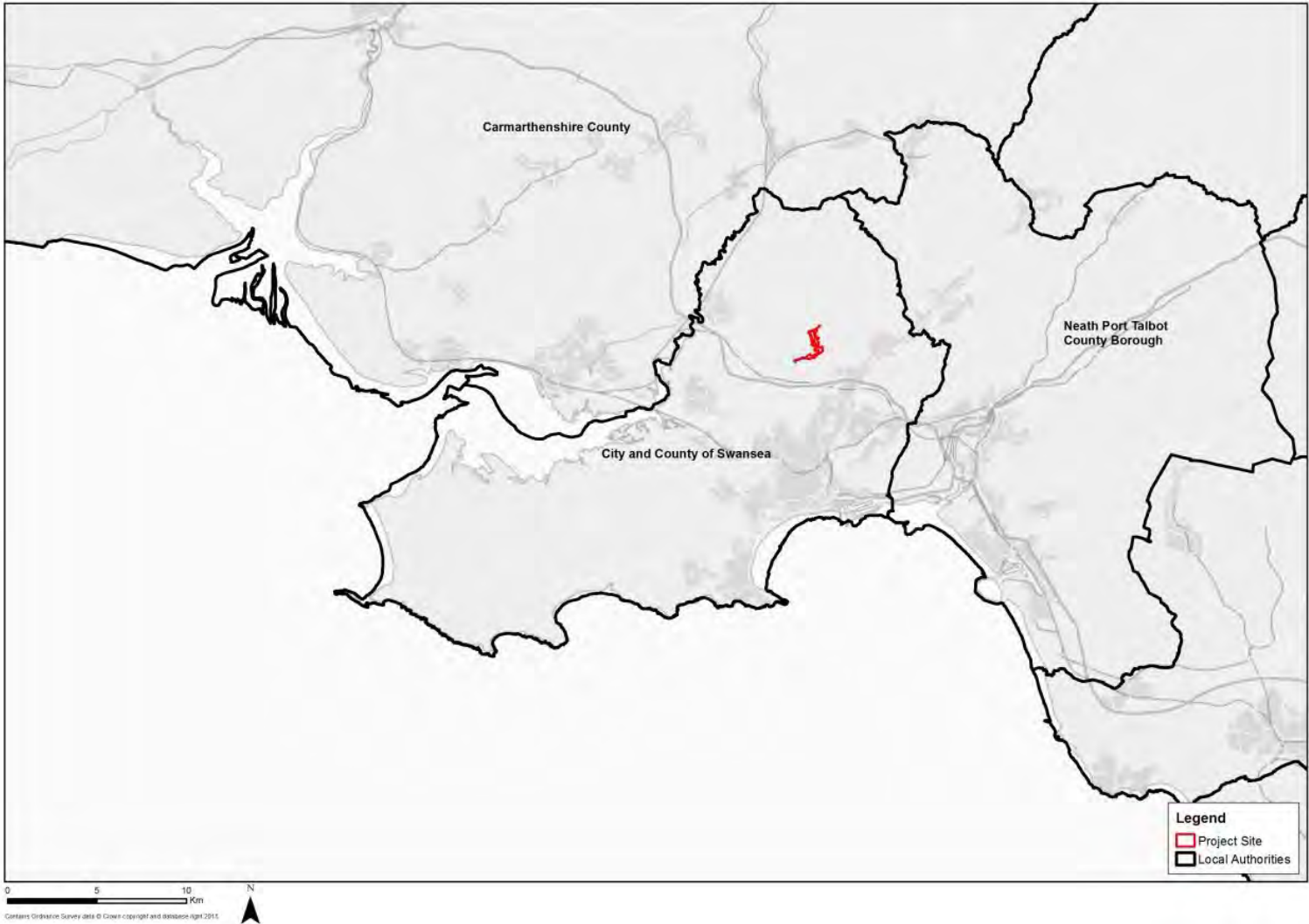


- 6.4.64 The list of prescribed persons consulted on and notified of the Project under S42(1)(a) of the PA 2008 is provided in Appendix 4.I.I.

S42(1)(b) – Local Authorities

- 6.4.65 'Local authorities', for the purposes of S42(1)(b), are defined under S43 of the PA 2008. In accordance with S43 of the PA 2008, CCS is a Category B local authority for the purposes of statutory S42(1)(b) consultation, as the Project Site is wholly located within the jurisdiction of CCS. Carmarthenshire County Council and Neath Port Talbot County Borough Council are Category A local authorities for the purposes of statutory S42(1)(b) consultation, as these local authorities are adjacent to CCS (Figure 3.6). Due to the administrative structure of local authorities in Wales, there are no Category C and D authorities for the purposes of S42 consultation.
- 6.4.66 The administrative boundaries of the local authorities identified above are shown in Figure 6-4. CCS, Carmarthenshire County Council and Neath Port Talbot County Borough Council were consulted on and notified of the Project under S42(1)(b) of the PA 2008.

Figure 6-4: S42(1)(b) Category A and B Local Authorities



#### S42(1)(d) – Land Interests

6.4.67 'Land interests', for the purposes of S42(1)(d), are defined under S44 of the PA 2008.

6.4.68 Pursuant to S44 of the PA 2008, S42(1)(d) parties consist of persons either with a range of land interests or who may make a claim under certain land compensation legislation as follows:

- A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.
- A person is within Category 2 if the applicant, after making diligent inquiry, knows that the person –
  - a) is interested in the land, or
  - b) has power –
    - i. to sell and convey the land, or
    - ii. to release the land.
- A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled –
  - a) as a result of the implementing of the order,
  - b) as a result of the order having been implemented, or
  - c) as a result of use of the land once the order has been implemented, to make a relevant claim. A "relevant claim" is then defined in S44 by reference to particular land compensation legislation.

6.4.69 Consultees with land interests were identified by APL through a series of checks. Initially plans were submitted to the Land Registry to identify all registered titles. These were then examined to further identify all interests noted against the title in each case. Site/area visits were then carried out to check that the desktop information being processed tallied with the boundaries and occupants in practice.

6.4.70 Further information from each landowner was sought directly by requesting that they complete a full enquiry form for each parcel of land stipulating the freehold / leasehold interests, the occupiers if any, and other rights on / over the land whether registered or not. All persons identified through this process were included within the land interest category for Phase 1 S42 consultation. Following the receipt of these enquiry forms, a further site and area visit was

conducted to cross check the data received again against any inconsistency or further interest which may have been unidentified earlier in the process.

- 6.4.71 Other potential land interests were identified through diligent enquiry by holding meetings and reviews to discuss the total areas affected by the physical impacts from the Project and noting persons who may potentially have their use of their property affected by those impacts. Consideration was given to neighbouring landowners and their use of premises.
- 6.4.72 The list of land interests consulted on and notified of the Project under S42(1)(d) of the PA 2008 is provided in Appendix 4.I.I.

#### S42 Consultation

- 6.4.73 APL issued consultation materials to prescribed consultees under S42 of the PA 2008 on 8<sup>th</sup> October 2014, during Phase 1 consultation (Stage 20, Table 5-2). The consultation materials comprised:
- A covering letter (Appendix 4.I.II and 4.I.III), setting out an overview of: the Project, APL, the need for gas fired power generation, the planning regime under the PA 2008, and how to respond to the consultation;
  - A copy of the 2014 PEIR NTS (available in English and Welsh) (Appendix 4.C) – the principal consultation document, providing the environmental information collected to date on the Project and a preliminary assessment of the likely significant environmental effects of the Project; and
  - A CD or hard copy of the 2014 PEIR, comprising the main report and a volume of figures.
- 6.4.74 Phase 1 S42 consultation materials were delivered to consultees by courier (Stage 20, Table 5-2). S42 consultation materials could not be delivered to 29 consultees at 15 addresses for one of two reasons:
- 17 consultees at 11 addresses had no answer when the courier attempted to deliver them, and as the couriers had been instructed that signature was necessary, the notices for these addresses returned to their depot and reattempted the next day. Following a series of redelivery attempts by the couriers, 5 packages of S42 consultation materials to 4 addresses remained outstanding. These were then hand delivered on 16<sup>th</sup> October 2014 by a member of the project team. 4 were signed for, and one notice was left in a dry location outside the relevant property, and a photograph was taken as proof of delivery.
  - 12 consultees at 4 addresses had named contacts that no longer lived at the addresses. One S42 package of consultation materials per address was therefore issued to 'The Occupier(s)' at each address.



6.4.75 Prescribed consultees were notified within the covering letter (Appendix 4.I.I and 4.I.III) that the 2014 PEIR and 2014 PEIR NTS (Appendix 4.C) would also be available from 13<sup>th</sup> October 2014 until 16<sup>th</sup> November on the Project website ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)) and at the following locations: CCS Council Offices, Swansea Central Library, Clydach Library, Gorseinon Library, Morriston Library, and Pontarddulais Library). Prescribed consultees were also notified that additional copies of the consultation documents, or of other individual documents, would be available if requested. Responses were requested by the close of the Phase 1 statutory S42 consultation at 5pm on 16<sup>th</sup> November 2014 (Stage 27, Table 5-2), via the following communication methods:

- Email: [info@abergellipower.co.uk](mailto:info@abergellipower.co.uk)
- Telephone: 0131 550 3395
- Post: Freepost RTE-Y-JYYB-ERST, Abergelli Power Limited, 49 York Place, Edinburgh, EH1 3JD

#### **Additional Phase 1 S42 Consultation**

6.4.76 Following statutory Phase 1 S42 consultation with prescribed persons in October and November 2014 (Stages 22 and 27, Table 5-2) and following continuing diligent inquiry, including re-checking of titles, rights and restrictions, as well as Royal Mail address checks and Companies House checks on all companies, additional land interests were identified.

6.4.77 APL issued six additional S42 prescribed consultees (Stage 31, Table 5-2) with the consultation materials previously provided to all other prescribed consultees at the commencement of Phase 1 statutory S42 consultation in October 2014 (Stage 22, Table 5-2), comprising a covering letter (Appendix 4.I.IV and 4.I.V), a hard copy of the 2014 PEIR NTS (Appendix 4.C) and a CD of the 2014 PEIR.

6.4.78 For consultation materials that were issued on or after 26<sup>th</sup> January 2015 (Stage 31, Table 5-2), the covering letter (Appendix 4.I.V) included an additional paragraph providing an update regarding the choice of the proposed Access Route and proposed amendments to the application boundary. This information reflected that contained within the information update (Appendix 5.C.II) that was sent to all S42 prescribed consultees on 26<sup>th</sup> January 2015 (Stage 33, Table 5-2) (see section 3.6 below).

6.4.79 Consultation materials were issued on the following dates with a request for comments within 28 days in accordance with the statutory minimum requirement:

- 22<sup>nd</sup> December 2014 (with a request for comments by 23<sup>rd</sup> January 2015) (Appendix 4.I.IV) (Stage 31, Table 5-2);



- 14<sup>th</sup> January 2015 (with a request for comments by 13<sup>th</sup> February 2015) (Appendix 4.I.IV) (Stage 31, Table 5-2);
- 26<sup>th</sup> January 2015 (with a request for comments by 23<sup>rd</sup> February 2015) (two parties) (Appendix 4.I.V) (Stage 31, Table 5-2);
- 11<sup>th</sup> February 2015 (with a request for comments by 10<sup>th</sup> March 2015) (Appendix 4.I.V) (Stage 31, Table 5-2);
- 12<sup>th</sup> February 2015 (with a request for comments by 11<sup>th</sup> March 2015) (Appendix 4.I.V) (Stage 31, Table 5-2)

### Non-Statutory Consultation during Phase 1 Statutory Consultation Phase

- 6.4.80 APL continued to engage with CCS, PINS, locally elected representatives and interested parties during the Phase 1 statutory consultation. In addition to ongoing written and telephone communication, the following key consultation activities occurred during the Phase 1 statutory consultation.
- 6.4.81 On 20<sup>th</sup> October (Stage 23, Table 5-2), APL issued a draft contact plan (Appendix 4.L.I) to PINS setting out the proposed APL project milestones and anticipated contact with PINS up to submission of the DCO Application.
- 6.4.82 On 23<sup>rd</sup> October 2014 (Stage 25, Table 5-2), APL held an update meeting with CCS to discuss the Phase 1 statutory consultation and public exhibitions, the Application programme to submission, PINS outreach meeting and site visit and to identify any outstanding issues and information requirements.

### Media Coverage during Phase 1 Statutory Consultation

- 6.4.83 The Project was subject to media coverage during the Phase 1 statutory consultation. Tables 6-11 and 6-12 provide a summary of the media coverage received from national and local print and online media articles. Articles reproduced online as well as in print have been counted as two separate articles. Equally where the same article has appeared on more than one news website these have been counted separately.

Table 6-11: Media Coverage during Phase 1 Statutory Consultation - Number of National and Local Media Articles

Publication	No. of Articles
All-Wales Newspapers	1
Local Newspapers	1
Other (Industry Websites, Journals)	0
<b>Total</b>	<b>2</b>

Table 6-12: Media Coverage during Phase 1 Statutory Consultation - Number of Print and Online Media Articles

Article Source	No. of Articles
Print Media	2
Online Media	3
Televised Media	1
<b>Total</b>	<b>6</b>

- 6.4.84 In September and October 2014, articles were published in the all-Wales press and local press relating to the Project.
- 6.4.85 An article was published on the BBC News website (Appendix 4.K.II) on 13<sup>th</sup> October 2014. This article outlined the public consultation dates for the project and reported that the plant could open by 2019/2020 and create 15 full-time jobs when operational. It also states the energy generation capability of the power plant 'up to 299 megawatts of electricity, enough to power 400,000 homes'.
- 6.4.86 Following an enquiry to the Project press team, local media covered the Project on the 26<sup>th</sup> September 2014. The South Wales Evening Post (Appendix 4.K.IV) reported that the plans to build a power station north of Swansea were to go out to consultation shortly in an article titled, 'Swansea gas-fired power station plan to go out to consultation'. The article quoted APL regarding the early feedback received from the community, provided detail regarding design of the power station and other energy related developments in the area. Insider News Wales online published a news article on 13<sup>th</sup> October 2014 (Appendix 4.K.III) providing an overview of what the Project would comprise. On Wednesday 15<sup>th</sup> October 2014, an article was published in the Western Mail (Appendix 4.K.I), providing details of operation of the proposed power station and the initial public consultation.
- 6.4.87 A televised media report was aired on S4C (Appendix 4.K.V) on 13<sup>th</sup> October 2014, reporting that the public consultation process had commenced for a proposed gas power station in Felindre, near Swansea. The report featured comments from a representative of Friends of the Earth, who expressed the view that the development was 'a wholly unnecessary investment', and a representative of APL, who commented that the industry is highly regulated and would require an Environmental Permit to be agreed with Natural Resource Wales (NRW).

## 6.5 Non-Statutory Consultation Activities Post-Phase 1 Statutory Consultation Phase (November 2014 – March 2015)

- 6.5.1 APL continued to engage with CCS, PINS, locally elected representatives and interested parties following the close of Phase 1 statutory consultation. A number of additional non-statutory consultation activities were undertaken by APL following the Phase 1 statutory consultation as set out in Table 6-13.

Table 6-13: Details of non-statutory consultation activities undertaken following Phase 1 statutory consultation

Date	Activity and Consultee(s)
30 <sup>th</sup> October 2014	Registration for DCfW Design Review Panel (Stage 26, Table 5-2)
9 <sup>th</sup> December 2014	Presentation to DCfW Design Review Panel (Appendix 5.A.II) (Stage 28, Table 5-2)
9 <sup>th</sup> December 2014	Outreach meeting and site visit with PINS (also attended by CCS, NRW and community council representatives) (Appendix 5.B) (Stage 29, Table 5-2)
18 <sup>th</sup> December 2014	Meeting with PINS to review draft documents for DCO Application (Stage 30, Table 5-2)
12 <sup>th</sup> January 2015	Publication of DCfW Design Review Report (Appendix 5.A.III) (Stage 32, Table 5-2)
26 <sup>th</sup> January 2015	Information update issued to S42 prescribed consultees and locally elected representatives (Appendix 5.C) (Stage 33, Table 5-2)
24 <sup>th</sup> February 2015	Meeting with CCS to discuss draft documents for DCO Application and DCO requirements (Stage 35, Table 5-2)
25 <sup>th</sup> February 2015	Meeting with PINS to review draft documents for DCO Application (Stage 36, Table 5-2)
6 <sup>th</sup> March 2015	Communications with CCS, Neath Port Talbot County Borough Council, and Carmarthenshire County Council regarding adequacy of consultation (Appendix 5.E.II and 5.E.III) (Stage 37, Table 5-2)
10 <sup>th</sup> March 2015	Information update to S42 prescribed consultees and locally elected representatives (Appendix 5.D) (Stage 38, Table 5-2)
18 <sup>th</sup> March 2015	Meeting (conference call) with CCS to discuss DCO requirements and SoCG process (Stage 39, Table 5-2)
March 2015	Meeting (conference call) with NRW to discuss outstanding issues and SoCG process (Stage 40, Table 5-2)

### Design Review Panel (DCfW)

- 6.5.2 The DCfW is an expert public body which seeks to promote good design in the built environment. The DCfW Design Review Panel provides an independent assessment of proposed schemes in order to enhance development proposals.

- 6.5.3 A Design Review registration was completed on 30<sup>th</sup> October 2014 (Stage 26, Table 5-2) and a place provided to APL at the next Design Review meeting on 9<sup>th</sup> December 2014 (Stage 28, Table 5-2) following email confirmation on 13<sup>th</sup> November 2014 (Appendix 5.A.I). The Design Review Panel did not form part of statutory Phase 1 S42 consultation but CCS were in attendance at the presentation.
- 6.5.4 DCfW provided a Design Review Report (Appendix 5.A.III) on 12<sup>th</sup> January 2015 (Stage 32, Table 5-2) in which a number of comments were made with regards to the Project's proposed approach to design, as summarised in section 7.5.

### Outreach Meeting with PINS

- 6.5.5 APL held an outreach meeting with PINS on 9<sup>th</sup> December 2014 (Stage 29, Table 5-2) in order to discuss the Application, the latest updates on the Project and stakeholder specific issues (relating to top level design, CHP, noise, access, and NRW). The meeting was also attended by representatives of CCS, representatives of NRW, and councillors for Llangyfelach Community Council. A summary of the meeting is set out at section 7.5 below and the minutes are contained in Appendix 5.B.

### Information Update: January 2015

- 6.5.6 During the period of Phase 1 statutory consultation undertaken between 13<sup>th</sup> October (Stage 22, Table 5-2) and 16<sup>th</sup> November 2014 (Stage 27, Table 5-2), APL proposed two alternative options for the Access Route to the Project Site:
- Option 1: Access from Rhyd-y-pandy Road following the route of an existing farm road to the north of Abergelli Farm; or
  - Option 2: Access from the B4489 using National Grid's existing road to the Swansea North electrical substation and Felindre gas compressor station. This option would require the extension of the existing road.
- 6.5.7 APL indicated during Phase 1 statutory consultation in October and November 2014 that Option 2 was the preferred access option. In response to statutory consultation feedback (Appendices 6.B, 6.C and 6.D) which highlighted a preference for Option 2, following the close of the Phase 1 statutory consultation period in November 2014 (Stage 27, Table 5-2), APL continued to engage in discussions with National Grid in order to reach an agreement about the use of its road. APL were subsequently able to reach a point in negotiations with National Grid where Option 1 could be removed and Option 2 proposed as the Access Route in the Application. Consequently, the application boundary for the Project was updated.
- 6.5.8 In order to allow statutory consultees to take this change into account, APL wrote to all S42 prescribed consultees and locally elected representatives

(Appendix 5.C.I and 5.C.II) on 26<sup>th</sup> January 2015 (Stage 33, Table 5-2), inviting any further comments on the Project to be submitted within 21 days, by 16<sup>th</sup> February 2015 (Stage 24, Table 5-2). The information update letter sent to all S42 prescribed consultees and locally elected representatives is contained within Appendix 5.C.II. A list of the S42 prescribed consultees and locally elected representatives whom APL wrote to is contained within Appendix 5.C.I.

### Information Update: March 2015

- 6.5.9 Following further detailed design work with related EIA and ongoing dialogue with a known landowner, the application boundary was refined to include approximately 4ha of additional land in order to accommodate all necessary ecological mitigation within the Project Site.
- 6.5.10 In order to inform statutory consultees of this change, APL wrote to all S42 prescribed consultees and locally elected representatives (Appendix 5.D.I and 5.D.II) on 10<sup>th</sup> March 2015 (Stage 38, Table 5-2). The purpose of this information update was to provide consultees with feedback on the outcomes of the consultation process prior to submission of the DCO Application. The information update did not form part of formal pre-application consultation. The information update letter and enclosed application boundary plan that was sent to all S42 prescribed consultees and locally elected representatives is contained within Appendix 5.D.II. A list of the S42 prescribed consultees and locally elected representatives whom APL wrote to is contained within Appendix 5.D.I.

### Other Correspondence

- 6.5.11 In addition to ongoing written and telephone communications, the following key consultation activities occurred during the post-statutory consultation phase.
- 6.5.12 Following the outreach meeting with PINS on 9<sup>th</sup> December 2014 (Stage 29, Table 5-2) and a meeting on 18<sup>th</sup> December 2014 with PINS to review draft documents for DCO Application (Stage 30, Table 5-2), APL prepared a revised contact plan (Appendix 5.E.I) setting out forthcoming milestones for engagement on the Project prior to the submission of the DCO Application. The contact plan (Appendix 5.E.I) was issued to PINS on 21<sup>st</sup> January 2015.
- 6.5.13 NRW, Air Ambulance, NHS Wales and Morriston Hospital were all contacted after the Phase 1 statutory consultation in order to gain further advice in respect of the design of the Project and the assessments undertaken.
- 6.5.14 APL held subsequent meetings with CCS and PINS on 24<sup>th</sup> and 25<sup>th</sup> February 2015 (Stages 35 and 36, Table 5-2) in order to discuss the draft documents for the Application, draft requirements and draft DCO prior to submission.
- 6.5.15 On 6<sup>th</sup> March 2015 (Stage 37, Table 5-2), further to the conclusion of the Phase 1 statutory consultation, APL wrote to S42(1)(d) local authorities

(Appendix 5.E.II) – comprising CCS, Neath Port Talbot County Borough Council and Carmarthenshire County Council (as outlined at section 6.4 above) – in order to request an informal indication as to whether or not the local authority considered the consultation to be adequate. A response was received from CCS (Appendix 5.E.III) on 12<sup>th</sup> March 2015 (Stage 37, Table 5-2), which is summarised in section 7.5 below.

- 6.5.16 APL maintained ongoing written and telephone communications with CCS, PINS and NRW throughout the Phase 1 consultation.



## 7 Summary of Phase 1 Consultation Feedback

### 7.1 Introduction

- 7.1.1 This chapter explains the non-statutory and statutory consultation responses received during Phase 1 consultation.
- 7.1.2 Throughout the Phase 1 non-statutory and statutory consultation, APL gathered feedback on the Project from consultees via correspondence, meetings and feedback forms. This information can be classified as primary data. APL has sought to maximise consultee involvement in the consultation processes, such that the comments received are representative.
- 7.1.3 The feedback received has been analysed according to the themes that are represented by the comments received (as set out in Appendices 6.A, 6.B and 6.D). Where a comment covers more than one theme, this has been accounted for. Where relevant, the detailed content of the comments received is also discussed. How APL has responded to the comments and whether there has been a resultant change to the Project is also discussed on a thematic basis.
- 7.1.4 APL acknowledges that Advice Note fourteen advocates adopting differing approaches to reporting the consultation responses received, depending on the nature of consultation and the volume of responses. APL has had regard to Annex A of PINS Advice note fourteen in preparing this chapter.

### 7.2 Phase 1 Non-Statutory Consultation

- 7.2.1 At the outset of the pre-application consultation phase of the Project, APL engaged in a series of non-statutory consultation activities with CCS, PINS, locally elected representatives, interested parties (Stages 1-4, 9 and 12, Table 5-2) and the local community (Stage 6, Table 5-2) during Phase 1 consultation.
- 7.2.2 Initial non-statutory consultation prior to the Phase 1 statutory consultation comprised a number of briefing meetings and discussions with PINS, officers and councillors at CCS, local Community Councils and other interested parties (Stages 1-4, 9 and 12, Table 5-2); and initial consultation with the local community on 19<sup>th</sup> – 21<sup>st</sup> June 2014 (Stage 6, Table 5-2) at a series of three public exhibitions. This phase of consultation occurred alongside a period of ongoing option appraisal and identification informed by environmental and engineering studies.

#### **Initial Phase 1 Non-Statutory Consultation with CCS, PINS, Locally Elected Representatives and Interested Parties**

- 7.2.3 APL undertook non-statutory consultation with PINS, CCS, locally elected representatives and other interested parties via a number of briefing meetings and discussions (Stages 1-4, 9 and 12, Table 5-2) during Phase 1



consultation. A summary of the feedback received during non-statutory discussions, prior to the commencement of Phase 1 statutory consultation, is set out below (also see Appendix 2.D).

- 7.2.4 On 20<sup>th</sup> January 2014 (Stage 1, Table 5-2), an initial meeting was held with CCS to introduce APL and to discuss the Project. CCS promoted the importance of sustainable development and advised APL to consider the visual impact and cumulative impact of the proposals (Appendix 2.D.I).
- 7.2.5 On 29<sup>th</sup> April 2014 (Stage 1, Table 5-2), a subsequent follow-up meeting was held with CCS planning officers. CCS advised that the community may feel unsettled by additional infrastructure developments, and that APL should consider the visual impact of the Project and the impact on proposed housing sites allocated within the LDP (Appendix 2.D.II). CCS also advised APL to undertake an initial briefing with councillors in advance of the Project being made public (Appendix 2.D.II).
- 7.2.6 On 29<sup>th</sup> April 2014 (Stage 2, Table 5-2), APL held a meeting with Welsh Water to discuss the Water Main running across the Project Site. Welsh Water advised that it would not normally agree to the enclosure of the facility within a locked compound; however given the unusual nature of the development and that the compound would be manned for 24hrs, this arrangement was considered to be acceptable (Appendix 2.D.III).
- 7.2.7 On 17<sup>th</sup> July 2014 (Stage 2, Table 5-2), APL held a meeting with members of Llangyfelach Community Council in order to introduce the Project. Councillors asked questions about access and the choice of site and concerns were raised in respect of the height and visual impact of the stacks.
- 7.2.8 On 18<sup>th</sup> July 2014 (Stage 9, Table 5-2), APL held an update meeting with CCS planning officers following Phase 1 non-statutory consultation with the local community in order to discuss: feedback received from the informal consultation, the Application programme, the content of the draft 2014 SoCC and the EIA Scoping Opinion. The key issues raised regarding the draft 2014 SoCC related to the extension of the CCZ, identification of 'hard to reach' groups and the deposit locations for the 2014 SoCC. A meeting note is contained in Appendix 2.D.VI.
- 7.2.9 On 5<sup>th</sup> August 2014 (Stage 2, Table 5-2), APL held a meeting with members of Pontlliw and Tircoed Community Council in order to introduce the Project. Councillors raised queries regarding the electricity connection, site selection process, emissions, noise, job numbers and the length of the construction period (Appendix 2.D.VII).
- 7.2.10 On 8<sup>th</sup> October 2014 (Stage 2, Table 5-2), APL held a meeting with Welsh Water to discuss potable/service water pipeline protection. The purpose of the meeting was to: discuss and agree the requirements for any protection methods/working in the close vicinity of the potable/service Water Main; obtain original/archive Welsh Water "as-built" drawing records and design reports; and to open discussions to adapt the APL protective provisions

relating to Welsh Water assets which could be impacted by the project (Appendix 2.D.VIII). Welsh Water stated that in their view the southwest access road caused the least disruption (Appendix 2.D.VIII). Welsh Water agreed to provide further details of the pipeline to APL.

### Phase 1 Non-Statutory Consultation with the Local Community

- 7.2.11 APL undertook initial Phase 1 non-statutory consultation with the local community at three public exhibitions in Clydach, Felindre and Tircoed on 19<sup>th</sup> – 21<sup>st</sup> June 2014 (Stage 6, Table 5-2).
- 7.2.12 The Project description at the commencement of Phase 1 non-statutory consultation with the local community was as set out at section 6.2 above.

#### Overview

- 7.2.13 A total of 94 people attended the three public exhibitions held in Clydach, Felindre and Tircoed in June 2014 (Stage 6, Table 5-2), of whom 38.3% (36 people) returned a feedback form. Table 7-1 sets out the number of attendees and the feedback form response rate at each of the three public exhibitions.

Table 7-1: Number of attendees at the June 2014 Phase 1 non-statutory public exhibitions

Date	Exhibition Location and Time	Attendees	Feedback form response rate
Thursday 19 <sup>th</sup> June 2014	Forge Fach Community Resource Centre, Clydach 1.00pm – 7.00pm	31	54.8%
Friday 20 <sup>th</sup> June 2014	Felindre Welfare Hall, Felindre 1.00pm – 7.00pm	42	26.2%
Saturday 21 <sup>st</sup> June 2014	Tircoed Village Hall, Tircoed 10.00am – 3.00pm	21	38.1%

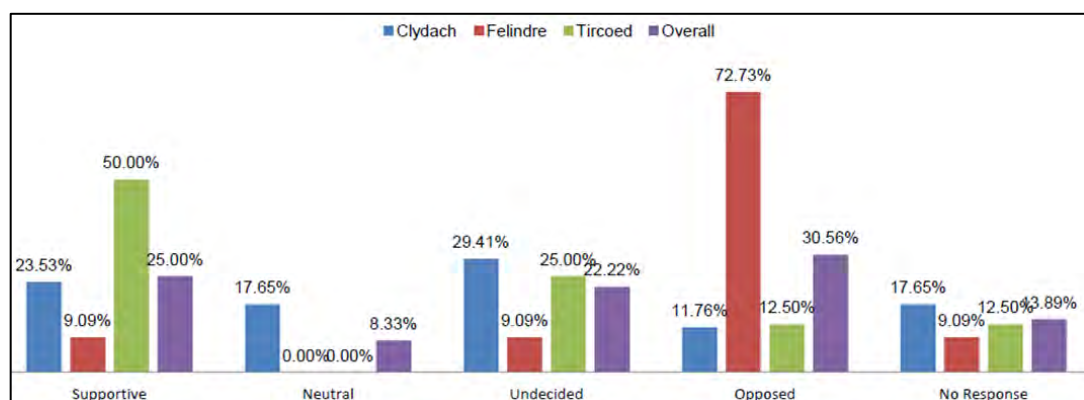
- 7.2.14 A summary of the responses of attendees at the public exhibitions is provided below, where responses are grouped in respect of feedback on:
- The Project;
  - Community Benefit;
  - Consultation; and,
  - Community Liaison Group

- 7.2.15 A complete record of all feedback received during the Phase 1 non-statutory exhibitions held in June 2014 (Stage 6, Table 5-2) and APL's response is presented in Appendix 6.A.

### The Project

- 7.2.16 25% of all respondents were supportive of the proposal, 22.2% were undecided and 8.3% were neutral. 30.6% were not supportive, and 13.9% returned the form but did not answer this question.
- 7.2.17 Of respondents in Clydach, 23.5% were supportive of the project, 29.4% were undecided and 17.6% were neutral. 11.8% were not supportive, and 17.6% returned the form but did not answer this question.
- 7.2.18 9.1% of respondents in Felindre were supportive of the proposal, 9.1% were undecided and no respondents were neutral. 72.7% were not supportive, and 9.1% returned the form but did not answer this question.
- 7.2.19 50% of respondents in Tircoed were supportive of the proposal, 25% were undecided and no respondents were neutral. 12.5% of respondents were not supportive, and 12.5% returned the form but did not answer this question.
- 7.2.20 Comments on the Project included concerns relating to visual impact and its location in a perceived rural area (Appendix 6.A). Other comments included an appreciation of the need to 'back up' renewable energy generation (Appendix 6.A).
- 7.2.21 Figure 7-1 provides a summary of attendees' feedback in respect of the overall Project.

Figure 7-1: Local Community response to, 'How do you feel about this outline proposal to build a gas fired power station at Abergelli Farm?'



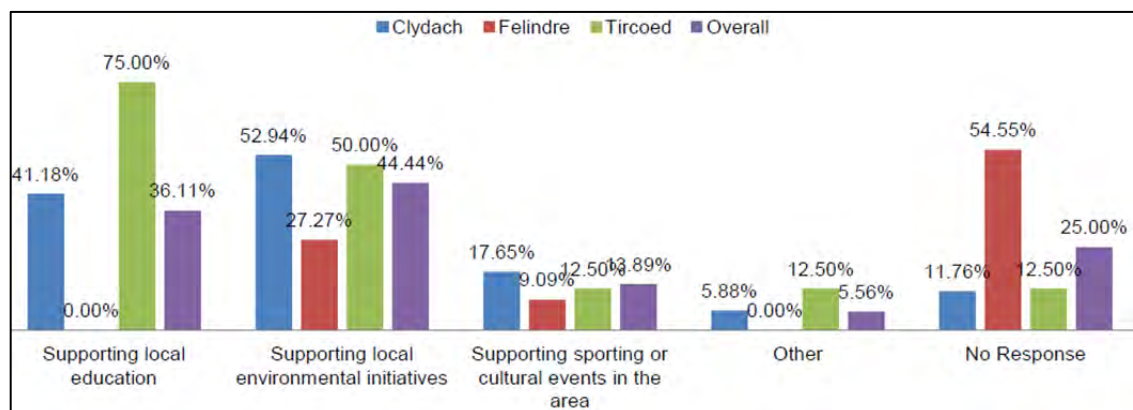
### Community Benefit

- 7.2.22 Overall, respondents were in favour of APL's commitment to provide support to local causes and the local community. 36.1% indicated that local education should receive support, 44.4% indicated that APL should provide support for local environmental initiatives, and 13.9% that sporting or cultural events in

the area were deserving of support. 5.6% of respondents indicated APL should support the local community in other ways, and 25% of respondents did not answer this question.

- 7.2.23 41.2% of respondents in Clydach were in favour of local education with local environment initiatives and sporting or cultural events receiving 52.9% and 17.6% respectively. 5.9% felt that APL should support the community in other ways, and 25% of respondents did not answer this question.
- 7.2.24 In Felindre, 27.3% of respondents were in favour of local environmental initiatives and 9.1% felt that APL should support the community in other ways.
- 7.2.25 75% of respondents in Tircoed were in favour of local education, with local environmental initiatives and sporting or cultural events receiving 50% and 12.5% support respectively. 12.5% felt that APL should support the community in other ways, and 12.5% of respondents did not answer this question.
- 7.2.26 Figure 7-2 provides a summary of attendees' feedback in respect of the benefits to be provided to the local community.

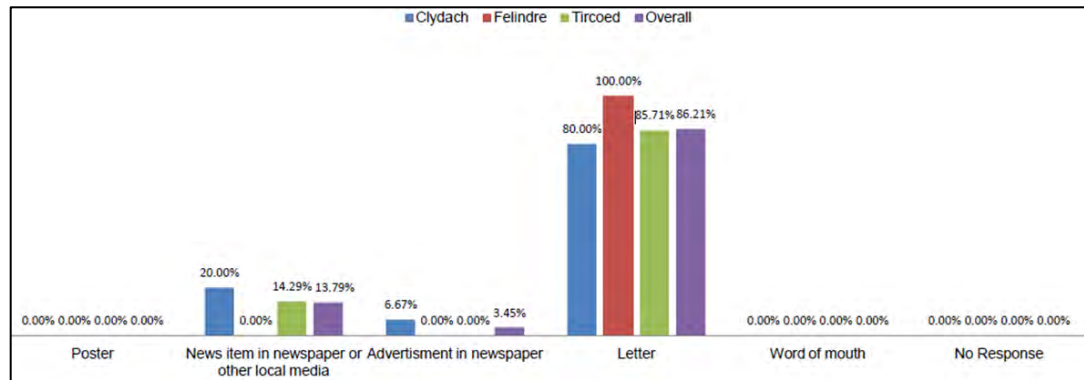
Figure 7-2: Local Community Response to, 'Abergelli Power is committed to ensuring that the project will create jobs and broader benefits to the community. How would you like to see us supporting the local community?'



### Consultation

- 7.2.27 Overall, 86.1% of respondents indicated that they learned about the exhibitions by receiving the APL leaflet circulated to households in the area (Appendices 2.A.IV and 2.A.V). 16.7% of respondents became aware of the exhibitions through a news item in the newspaper or other local media (Appendix 2.A) (Figure 7-3).

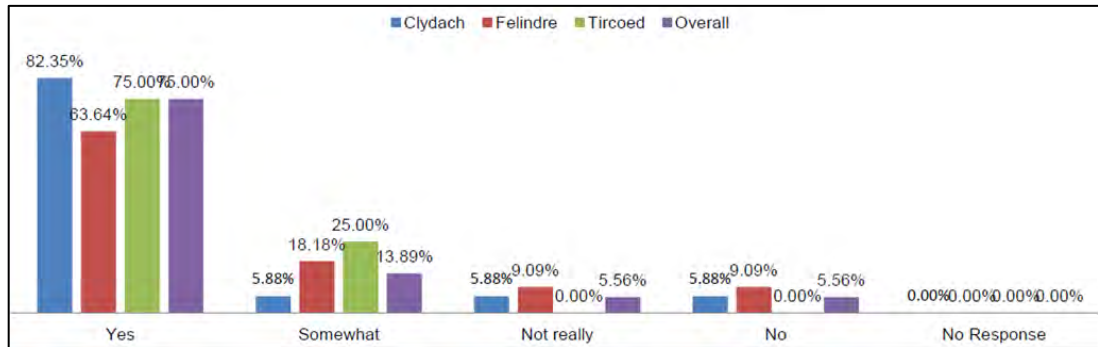
Figure 7-3: Local Community Response to, 'How did you hear about this exhibition?'



- 7.2.28 76.5% of respondents in Clydach primarily heard about the exhibitions through receiving the leaflet circulated to households in the area (Appendices 2.A.IV and 2.A.V), with 23.5% becoming aware of them via a news item in newspaper or other local media (Appendix 2.A). 5.9% indicated that they had found out via the newspaper advert (Appendix 2.A.XI).
- 7.2.29 In Felindre, 100% of respondents had heard by leaflet (Appendices 2.A.IV and 2.A.V), with 9.1% also indicating they heard via a news item in newspaper or other local media (Appendix 2.A).
- 7.2.30 In Tircoed, 87.5% of respondents heard about the exhibitions through the leaflet (Appendices 2.A.IV and 2.A.V), with 12.5% becoming aware of them via a news item in a newspaper or other local media (Appendix 2.A).
- 7.2.31 As shown in Figure 7-4, the vast majority of all respondents (75%) said that APL had provided sufficient information about the Project and that staff answered questions and listened to their points of view. 13.9% indicated that staff had 'somewhat' answered and listened to their points of view, and 11.1% were of the view that this had not happened.
- 7.2.32 This was reflected in Clydach, with 82.4% of respondents indicating that Project information was sufficient and that staff answered questions and listened to their points of view.
- 7.2.33 In Felindre, 63.6% of respondents indicated that they felt staff answered questions and listened to their points of view, with 36.4% indicating that staff had 'Somewhat', 'Not really' and 'No[t]' listened and answered their questions.
- 7.2.34 In Tircoed, 75% of respondents indicated that staff answered questions and listened to their points of view, with 25% saying that this had 'somewhat' happened.



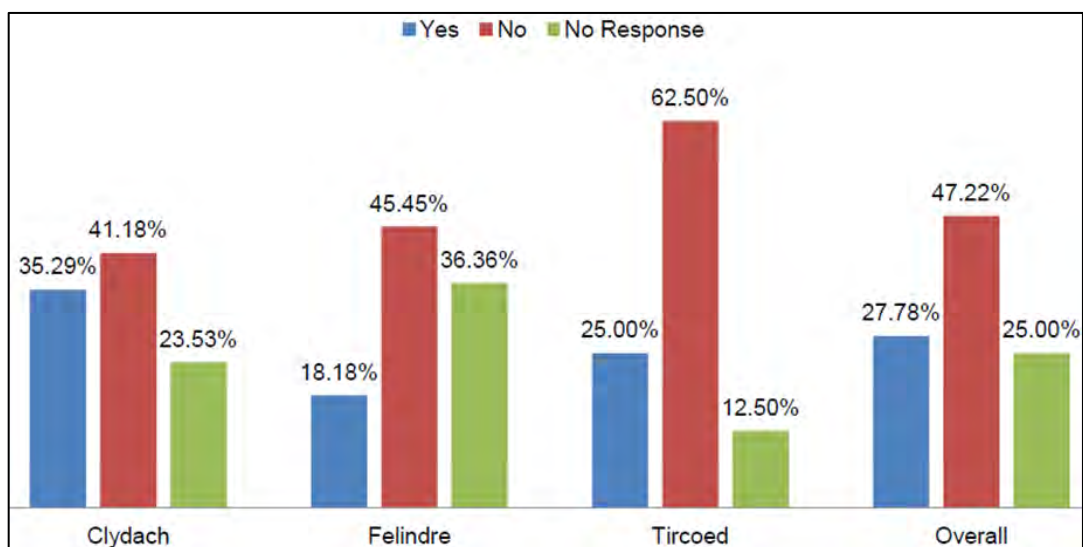
Figure 7-4: **Local Community Response to, 'Bearing in mind the project is at a very early stage, did we provide enough information?'**



### Community Liaison Group

- 7.2.35 The majority of respondents (47.2%) indicated that they would not like to be considered for membership of any future Community Liaison Group. 27.8% indicated that they would like to be considered for future membership.
- 7.2.36 In Clydach, 35.3% indicated that they would want to be considered and 41.2% that they would not. 23.5% of respondents did not answer this question.
- 7.2.37 In Felindre, 18.2% indicate that they would want to be considered and 45.5% that they would not. 36.4% of respondents did not answer this question.
- 7.2.38 In Tircoed, 25% indicated that they would want to be considered and 62.5% that they would not. 12.5% of respondents did not answer this question.
- 7.2.39 Figure 7-5 summarises the response of attendees in respect of interest in joining a Community Liaison Group.

Figure 7-5: **Local Community response to, 'At an appropriate time, we plan to set up a Community Liaison Group which will be kept informed of Abergelli Power developments with this Project – would you like to be a part of it?'**



### **7.3 EIA Scoping Opinion**

- 7.3.1 An EIA Scoping Opinion (Appendix 3.B.II) was received from the SoS on 1<sup>st</sup> August 2014 (Stage 11, Table 5-2) during Phase 1 consultation.
- 7.3.2 The Scoping Opinion (Appendix 3.B.II) included a list of all consultees consulted (Appendix 3.B.III), as required by Regulation 9 of the EIA Regulations, and the SoS' comments on the proposed development and the EIA approach and topic areas.
- 7.3.3 The Scoping Opinion (Appendix 3.B.II) identified the main potential Project issues as: air quality, landscape and visual and water quality and resources. The SoS also noted the potential need to carry out an assessment under the Habitats Regulations.
- 7.3.4 The SoS confirmed the following topics would be unlikely to have significant environmental effects and so could be excluded from the EIA:
- Operational Air Quality Emissions of the Gas and Electrical Connections;
  - The Operational Noise and Vibration Impacts of the Gas Connections;
  - Water Framework Directive Report; and,
  - Visual impacts on the Gower AONB.
- 7.3.5 The SoS recommended that further justification be provided for the scoping out of the following elements:
- Operational Noise/Impacts of the Electricity Connection; and
  - Drainage/Water quality impacts of the gas and electricity connections during the operational and decommissioning phases
- 7.3.6 The Scoping Opinion (Appendix 3.B.II) has been considered in undertaking the EIA and in the production of the 2014 & 2018 PEIR (during both Phase 1 and Phase 2 consultation). Further details on how APL has taken on board the Scoping Opinion (Appendix 3.B.II) are provided in Appendix 4.1 of the ES (Document Reference 6.2).

### **7.4 Phase 1 Statutory Consultation**

- 7.4.1 The Phase 1 statutory consultation consisted of:
- S47 consultation on the draft 2014 SoCC (Stage 10, Table 5-2);
  - S47 consultation with the local community (Stage 22, Table 5-2);
  - S48 publicity (including notification under Regulations 11 of the EIA Regulations) (Stage 17, Table 5-2);



- S46 notification (Stage 19, Table 5-2);
- S42 consultation (Stage 22, Table 5-2);
- Additional S42 Consultation (Stage 31, Table 5-2).

7.4.2 The Project description at the commencement of the statutory phase of consultation was as set out at section 3.5 above.

### Phase 1 S47 Consultation

#### Overview

7.4.3 A total of 106 people attended the four public exhibitions held in Llangyfelach, Felindre, Clydach and Tircoed in October 2014 (Stage 24, Table 5-2) during Phase 1 consultation, of whom 49% returned a feedback form (Appendix 4.E.IV and 4.E.V). Table 7-2 sets out the number of attendees and the feedback form response rate at each of the four public exhibitions.

Table 7-2: Number of attendees at the statutory Phase 1 S47 public exhibitions in October 2014

Date	Exhibition Location and Time	Attendees	Feedback form response rate
Wednesday 22 <sup>nd</sup> October 2014	Llangyfelach Church Hall, Llangyfelach 3.00pm – 8.00pm	38	63%
Thursday 23 <sup>rd</sup> October 2014	Felindre Welfare Hall, Felindre 2.00pm – 7.00pm	41	41%
Friday 24 <sup>th</sup> October 2014	Forge Fach Resource Centre, Clydach 2.00pm – 7.00pm	17	47%
Saturday 25 <sup>th</sup> October 2014	Tircoed Village Hall, Tircoed 9.00am – 1.00pm	10	30%

7.4.4 As illustrated in Table 7-2, the majority of attendees were at the exhibitions held at Felindre (39%) and Llangyfelach (36%). 16% of attendees attended the exhibition at Clydach and 9% attended the exhibition at Tircoed. It is notable that Clydach and Tircoed are more distant from the Project Site than Felindre and Llangyfelach.

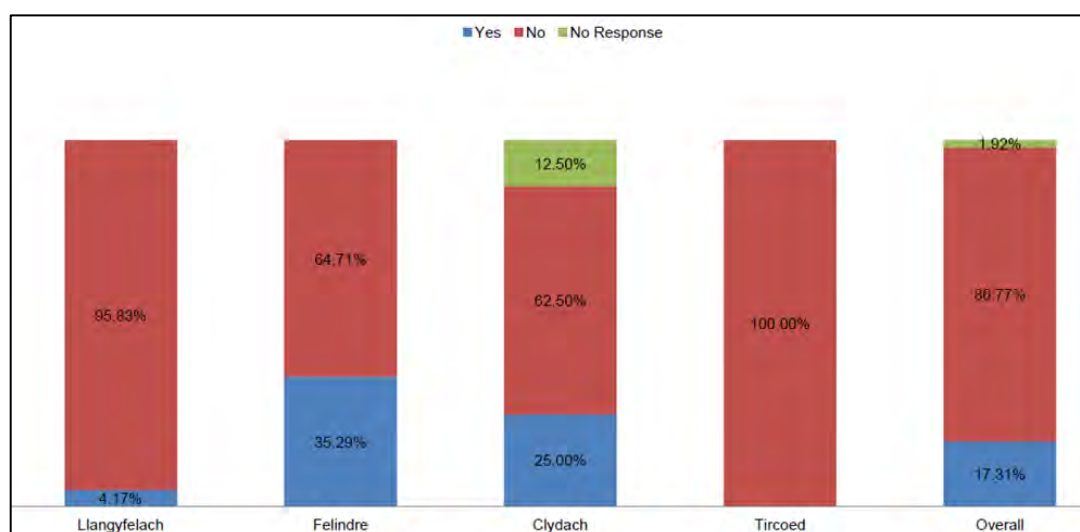
7.4.5 The majority of feedback forms returned were from the exhibition held at Llangyfelach (63%), with an overall feedback form response rate from the four exhibitions of 49%.

- 7.4.6 A complete record of all feedback received during the statutory Phase 1 S47 public exhibitions held in October 2014 with APL's response is presented in Appendix 6.B.

### Summary of Feedback

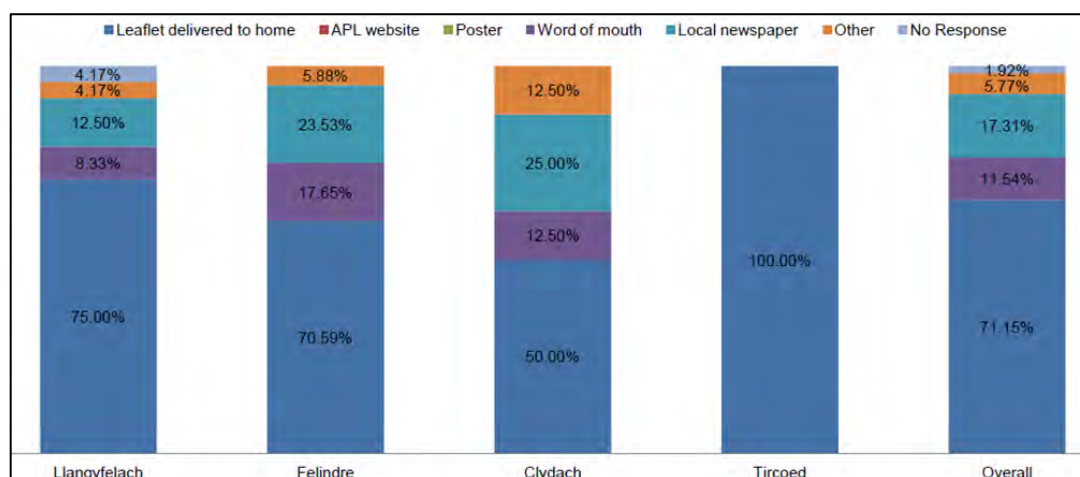
- 7.4.7 As illustrated in Figure 7-6, the majority of respondents indicated that they had not commented during the previous non-statutory phase of public consultation in June 2014 (Stage 6, Table 5-2). Only 17% had commented previously.

Figure 7-6: Statutory Phase 1 S47 Consultation – Local Community – Proportion of respondents who commented during previous non-statutory consultation phase



- 7.4.8 Figure 7-7 illustrates that the majority of respondents (71%) found out about the exhibitions from a leaflet delivered to their home (Appendix 4.D.VII). Overall 17% of respondents found out about the exhibitions from a local newspaper (Appendices 4.D.XIV, 4.D.XV, 4.G, 4.K) and 11.5% from word of mouth.

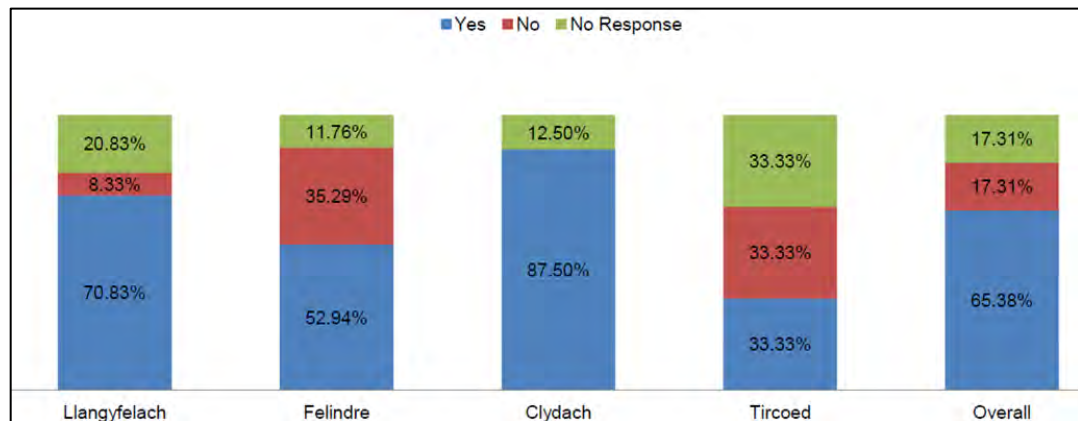
Figure 7-7: S 47 Statutory Consultation – Local Community – How did you find out about the exhibition today?\*



\*Includes multiple responses

- 7.4.9 65% of respondents felt that the public exhibition had provided them with enough information about the Project, as illustrated in Figure 7-8. 17% of respondents said that the exhibitions had not provided them with enough information about the Project, and 17% of respondents did not answer this question.

Figure 7-8: Statutory Phase 1 S47 Consultation - Local Community - Did the exhibition provide you with enough information about the Project?



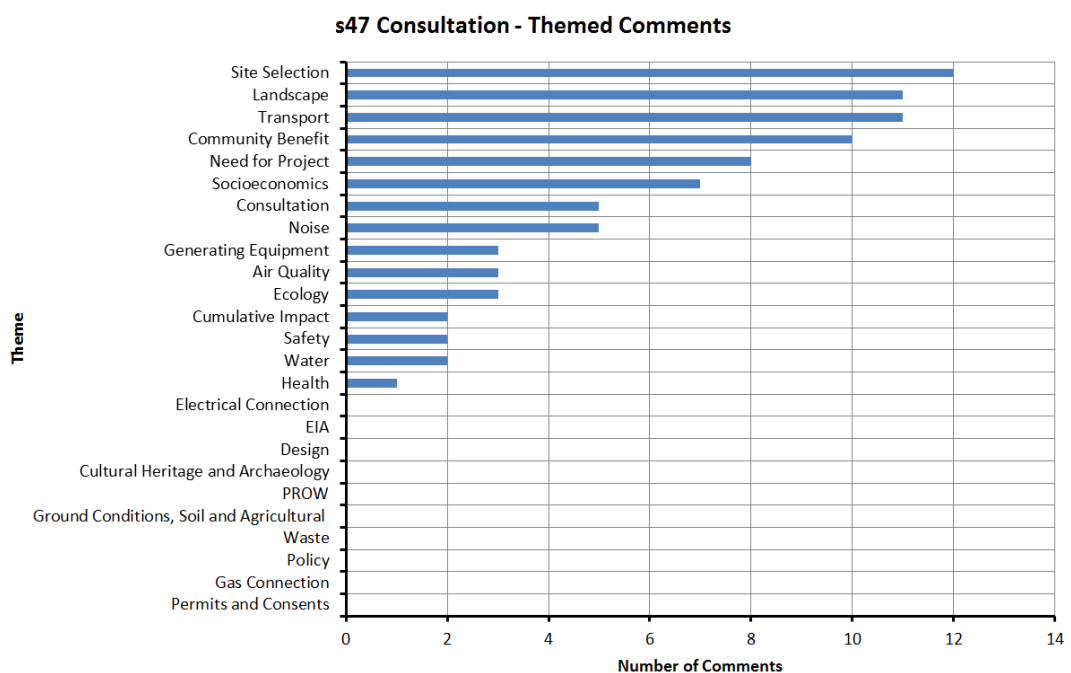
- 7.4.10 APL has reviewed the remaining qualitative feedback received during Phase 1 S47 consultation and categorised the comments into topic themes (Appendix 6.B):

- Site Selection;
- Consultation;
- Community Benefit;
- EIA;
- Electrical Connection;
- Socio-economics;
- Noise;
- Air Quality;
- Landscape;
- Need for Project;
- Ecology;
- Design;

- Transport;
- PROW;
- Cumulative Impact;
- Safety;
- Ground Conditions, Soil and Agricultural;
- Cultural Heritage and Archaeology;
- Permits and Consents;
- Gas Connections;
- Policy;
- Health;
- Water;
- Waste;
- Generating Equipment

7.4.11 Figure 7-9 illustrates the number of Phase 1 S47 consultation responses received in respect of each topic theme (Appendix 6.B).

Figure 7-9: Statutory Phase 1 S47 Consultation: Number of comments categorised by topic theme



- 7.4.12 A complete list of the consultation responses received during Phase 1 statutory S47 consultation, together with APL's response, is provided in Appendix 6.B.
- 7.4.13 It should be noted that each response is considered on its own merit and thus the number of comments in respect of one individual topic area may not correlate directly to the importance of that individual area.
- 7.4.14 The most common topics for comment related to (Appendix 6.B):
- Site selection;
  - Landscape;
  - Transport;
  - Community Benefit;
  - Need for the Project; and
  - Socio-economics

#### Site Selection

- 7.4.15 A number of respondents opposed the selection of the Project Site, primarily due to the rural character of the area, and queried whether alternative sites had been considered (Appendix 6.B).

#### Landscape

- 7.4.16 A number of respondents highlighted the visual impact of the Project as a particular concern, as the stacks would create an eyesore which would change the character of the area. However it was noted that the Project is located close to the former steel works, thereby reducing the additional visual impact (Appendix 6.B). The use of tree barriers was also suggested (Appendix 6.B).

#### Transport

- 7.4.17 A number of respondents raised concerns regarding the proposed access routes due to the capacity of the roads and inability to accommodate construction traffic (Appendix 6.B). Concerns were also raised in respect of the impact of traffic on Morriston Hospital (Appendix 6.B).

#### Community Benefit

- 7.4.18 Respondents suggested that short-term employment benefits during construction would not be experienced directly by the local community (Appendix 6.B). Respondents also queried whether there would be any long-term benefits to the local community (Appendix 6.B). Several respondents

stated an interest in future work opportunities and recommended the inclusion of training opportunities for young people (Appendix 6.B).

#### Need for the Project

- 7.4.19 Several respondents acknowledged the need for new energy infrastructure (Appendix 6.B). Other respondents queried the need for a gas-fired power station given that there is a greater need for renewable energy which is already being met in the local area (Appendix 6.B).

#### Socio-economics

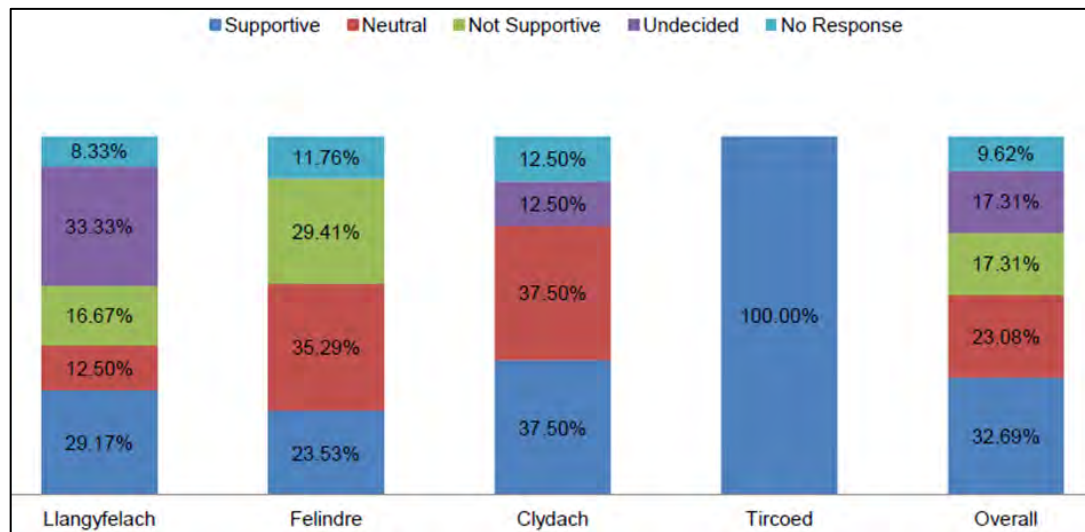
- 7.4.20 Respondents queried the impact of the Project on the value of local homes (Appendix 6.B). Respondents suggested that short-term employment benefits during construction would not be experienced directly by the local community (Appendix 6.B). Respondents also queried whether there would be any long-term benefits to the local community (Appendix 6.B). Several respondents stated an interest in future work opportunities and recommended the inclusion of training opportunities for young people (Appendix 6.B).

#### Overall View of the Project

- 7.4.21 As illustrated in Figure 7-10, 33% of all respondents were supportive of the proposal to build the Project, with 17% not supportive.
- 7.4.22 All respondents in Tircoed were supportive of the Project.
- 7.4.23 29% of respondents in Llangyfelach were supportive of the Project. 33% of respondents were undecided and 13% were neutral. 17% were not supportive and 8% returned the form but did not answer this question.
- 7.4.24 24% of respondents in Felindre were supportive of the Project. No respondents were undecided and 35% were neutral. 29% were not supportive and 12% of respondents returned the form but did not answer this question.
- 7.4.25 38% of respondents in Clydach were supportive of the Project. 13% of respondents were undecided and 38% were neutral. 13% of respondents returned the form but did not answer this question.
- 7.4.26 Figure 7-10 presents all respondents responses to the question, 'Overall, how do you feel about the proposed Project at Abergelli Farm?'



Figure 7-10: Statutory Phase 1 S47 Consultation – Local Community - Respondents feelings towards the overall Project



### Phase 1 S48 Publicity

- 7.4.27 APL did not receive any consultation responses that identified themselves as responding to S48 publicity (Appendix 4.G) although it is likely that S48 publicity (Appendix 4.G) will have had an influence on some consultees in accessing S42 / S47 consultation materials.

### Phase 1 S42 Consultation

- 7.4.28 APL undertook statutory Phase 1 S42 consultation with prescribed consultees as part of the statutory consultation on the Project, commencing on 13<sup>th</sup> October 2014 (Stage 22, Table 5-2) and closing on 16<sup>th</sup> November 2014 (Stage 27, Table 5-2). Following amendments to the application boundary and ongoing diligent enquiry (as explained at section 3.5 above), six additional land interests were identified. APL subsequently undertook additional Phase 1 S42 consultation with additional land interests between December 2014 and March 2015 (Stage 31, Table 5-2).

- 7.4.29 As set out in Figure 5-1, and in accordance with S42 of the PA 2008, statutory Phase 1 S42 consultation comprised consultation with the following:

- S42(1)(a) – Prescribed Persons;
- S42(1)(b) – Local Authorities;
- S42(1)(d) – Land Interests

- 7.4.30 A total of 28 prescribed consultees responded to the Phase 1 S42 consultation (Appendix 6.C). Table 7-3 illustrates the number of responses in respect of S42(1)(a), S42(1)(b) and S42(1)(d) (Appendix 6.C). Respondents classified as S42(1)(a) and S42(1)(d) consultees have been counted separately.



Table 7-3: Total number of respondents to Phase 1 S42 consultation

<b>S42 Prescribed Consultee Category</b>	<b>No. of Respondents</b>
S42(a) Prescribed Persons	20*
S42(b) Local Authority	1
S42(d) Land Interests	9*
Non-Prescribed Consultees	1
<b>Total</b>	<b>31*</b>

\*Includes several respondents classified as S42 a & d consultees

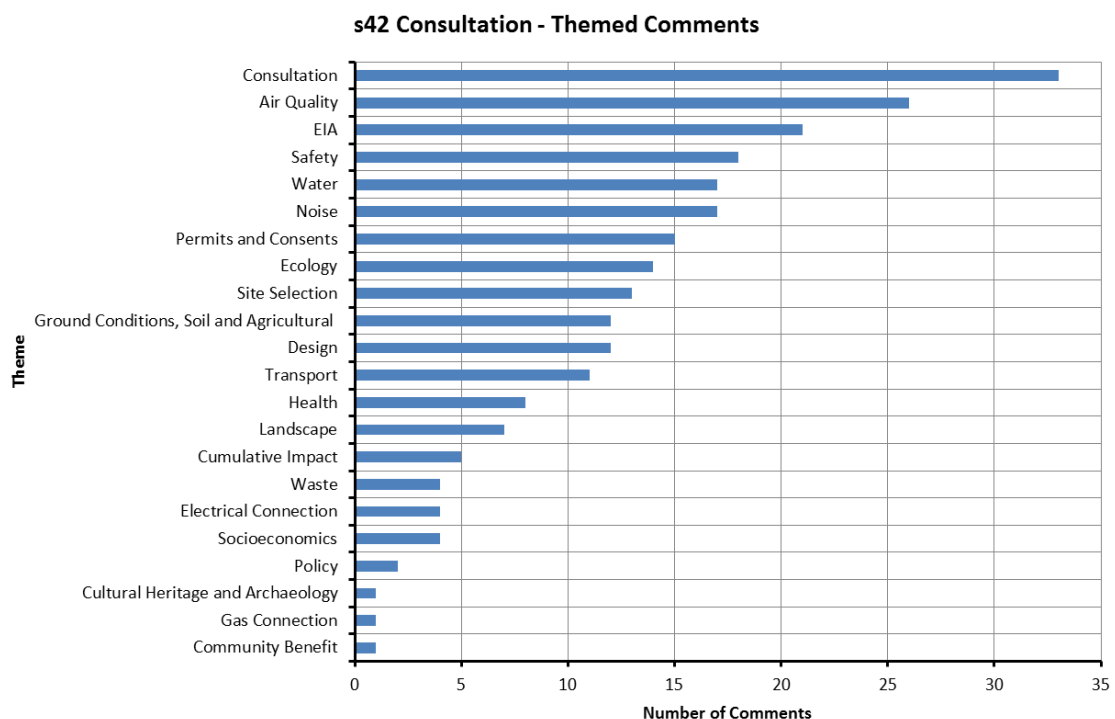
7.4.31 APL has reviewed each of the Phase 1 S42 consultation responses and categorised the comments into the following topic themes (Appendices 6.C and 6.D):

- Site Selection;
- Consultation;
- Community Benefit;
- EIA;
- Electrical Connection;
- Socio-economics;
- Noise;
- Air Quality;
- Landscape;
- Need for Project;
- Ecology;
- Design;
- Transport;
- PROW;
- Cumulative Impact;

- Safety;
- Ground Conditions, Soil and Agricultural;
- Cultural Heritage and Archaeology;
- Permits and Consents;
- Gas Connections;
- Policy;
- Health;
- Water;
- Waste;
- Generating Equipment

7.4.32 Figure 7-11 illustrates the number of Phase 1 S42 consultation responses received in respect of each topic theme (Appendices 6.C and 6.D).

Figure 7-11: Statutory S42 Consultation – Number of comments categorised by topic theme



7.4.33 Consultation responses received by S42(1)(a), S42(1)(b) and S42(1)(d) consultees during Phase 1 consultation are provided in Appendix 6.C. A summary of the responses received from S42 prescribed consultees during Phase 1 consultation together with APL's response, is provided in Appendix 6.D.

7.4.34 It should be noted that each response is considered on its own merit and thus the number of comments in respect of one individual topic area may not correlate directly to the importance of that individual area.

7.4.35 The most common topics for comment related to (Appendix 6.D):

- Consultation;
- Air Quality;
- EIA;
- Safety;
- Water; and,
- Noise.

#### Consultation

7.4.36 A number of respondents acknowledged that the Project may be subject to updates and revisions and therefore request ongoing consultation on following further detailed design and assessment work (Appendices 6.C and 6.D). Additional consultation was recommended in particular with CCS and NRW regarding the likely environmental impacts of the Project and associated mitigation (Appendices 6.C and 6.D).

#### Air Quality

7.4.37 A number of respondents provided advice in respect of the baseline and future monitoring for the air quality assessment (Appendices 6.C and 6.D). Several respondents raised concerns in respect of the impact of the Project on air quality and the resultant effects on health and wellbeing and the water quality of the Lower Lliw Reservoir (Appendices 6.C and 6.D). It was recommended that the impacts arising from emissions should be considered in respect of all applicable routes of exposure and the impact on all receptors during construction, operation and decommissioning (Appendices 6.C and 6.D).

#### EIA

7.4.38 Respondents provided advice in respect of the issues to be considered when undertaking the EIA (Appendices 6.C and 6.D). It was recommended, in particular, that the EIA identifies off-site human receptors and includes consideration of the impact of the Project on: National Grid's existing assets; water quality and resources (including the Lower Lliw Reservoir); contaminated land; noise levels during construction and start-up; and habitat loss (Appendices 6.C and 6.D). Further information was requested in the ES (Document Reference 6.1) in respect of the opportunities for mitigation and the consideration of alternative sites (Appendices 6.C and 6.D).

### Safety

- 7.4.39 Respondents provided general advice regarding the safety requirements to consider as a result of the stack heights and the location of the Project Site, in respect of aviation, rail infrastructure, Major Accident Hazard pipelines, hazardous substances, health and safety and electrical safety clearances (Appendices 6.C and 6.D).

### Water

- 7.4.40 Respondents advised that the EIA should include an assessment of the impact of the Project in respect of water quality on human health as well as ecology (Appendices 6.C and 6.D). The EIA should also include consideration of the impact of the Project on the water quality of Lower Lliw Reservoir, and the ES (Document Reference 6.1) should include a WFD screening assessment (Appendices 6.C and 6.D). It was recommended that SUDS is implemented wherever possible and that APL continues to engage in discussions regarding the impact of the Project on the Water Main crossing the site (Appendices 6.C and 6.D). Advice was also provided in respect of Flood Defence Consent and a Water Discharge Activity Permit (Appendices 6.C and 6.D).

### Noise

- 7.4.41 Several respondents raised concerns in respect of the potential noise impact of the Project on health and wellbeing, due to the proximity of the Project Site to human receptors (Appendices 6.C and 6.D). The sampling and noise monitoring locations used for preliminary assessments were queried, and further information was requested in respect of noise mitigation (Appendices 6.C and 6.D).

### **Non-Statutory Consultation during Phase 1 Statutory Consultation Phase**

- 7.4.42 APL continued to engage with CCS, PINS, locally elected representatives and interested parties via non-statutory consultation activities during the Phase 1 statutory consultation (Stage 23 – 27, Table 5-2).
- 7.4.43 On 23<sup>rd</sup> October 2014 (Stage 25, Table 5-2), APL held an update meeting with CCS (Appendix 4.L.II) to discuss the Phase 1 statutory consultation and public exhibitions, the Application programme to submission, PINS outreach meeting and site visit and to identify any outstanding issues and information requirements. CCS requested further information regarding the Statement of Common Ground (SoCG) and draft DCO (Document Reference 3.1.0). CCS advised that it does not have a Code of Construction Practice to be complied with; however noted that some technical matters are currently being discussed separately with various internal consultees (Appendix 4.L.II).

## 7.5 Non-Statutory Consultation Activities Post-Phase 1 Statutory Consultation Phase

- 7.5.1 A number of additional non-statutory consultation activities were undertaken by APL (Stages 28-30 and 32-40, Table 5-2) following the Phase 1 statutory consultation, as summarised above in Table 6-13.

### Design Review Panel (DCfW)

- 7.5.2 DCfW provided a Design Review Report (Appendix 5.A.III) on 12<sup>th</sup> January 2015 (Stage 32, Table 5-2) in which a number of comments were made in regards to the Project's proposed approach to design. Table 7-4 summarises DCfW's comments in the Design Review Report (Appendix 5.A.III).

Table 7-4: DCfW comments in Design Review Report

DCfW Comment
"The Design Commission supports this well considered and well justified scheme, and believes that the design processes that the team are undertaking are guiding the project in the right direction"
The site selection rationale is commended and economic development at this location is supported.
Visual impact in long views is accepted as being dependent on the detailed design, and whilst accepting it is a matter for the promoter they "would prefer to see five smaller units rather than two or three much larger ones."
DCfW do not seek a camouflaging of the scheme although understand it is widely accepted to use colouring and materials to this end. DCfW encourage "a simple colour scheme with a darker colour for the base and a lighter colour for the flues."
Edge landscaping and minimising hardstanding, and reinforcing the eastern edge of the power plant site with woodland planting, would help to reflect its location.
DCfW consider that retaining the 'gallops' through the centre of the site may be beneficial for public use.
DCfW would encourage the development of a farm wide management plan to include landscape patterns, boundaries, planting, recreation, maintenance and decommissioning.

## Outreach Meeting with PINS

7.5.3 APL held an outreach meeting with PINS on 9<sup>th</sup> December 2014 (Stage 29, Table 5-2) in order to discuss the Application, the latest updates on the Project and stakeholder specific issues (relating to top level design, CHP, noise, access, and NRW) (Appendix 5.B). The meeting was also attended by representatives of CCS, representatives of NRW, and councillors for Llangyfelach Community Council. The following feedback was received:

- **DCO process:** PINS gave a presentation on the DCO process and emphasised communication during the pre-application stage between the applicant, local authorities and statutory parties. Early work on the SoCG was encouraged in order to narrow down issues. PINS emphasised the importance of the Local Impact Report prepared by the local authority during examination.
- **Top level design:**
  - Attendees discussed the design of the Generating Equipment and any alternative possibilities;
  - Concerns were raised by local councillors regarding the location and strategic need for the proposed development. PINS advised that the proposed development will be considered in accordance with relevant NPSs and important and relevant considerations in Technical Advice Notes. CCS advised that the emerging LDP is currently being progressed.
  - NRW advised considering the Environmental Permit early in the process.
  - PINS advised 'twin-tracking' DCO and Environmental Permit applications.
- **CHP:** PINS advised APL to prepare information to address the requirements of NPSs in respect of CHP.
- **Noise:** Concerns were raised regarding the working hours at the proposed power station.
- **NRW:** NRW advised that it has previously responded to consultation. NRW encouraged submission of draft ES chapters. Potential habitat implications of the proposed access routes were noted.

7.5.4 Minutes of the outreach meeting with PINS on 9<sup>th</sup> December 2014 (Stage 29, Table 5-2) are contained in Appendix 5.B.

### Information Update: January 2015

- 7.5.5 Following the selection of the proposed Access Route for the Application, APL wrote to all S42 prescribed consultees and locally elected representatives (Appendices 5.C.I and 5.C.II) on 26<sup>th</sup> January 2015 (Stage 33, Table 5-2), inviting any further comments on the Project to be submitted within 21 days, by 16<sup>th</sup> February 2015.
- 7.5.6 A total of six consultation responses were received in respect of the information update issued in January 2015 (Stage 33, Table 5-2), which are summarised in Appendix 6.E.
- 7.5.7 Comments received advised of the need to consider the impact of vehicles accessing the power plant on the Llangyfelach Tunnel, and to consider the potential for prior extraction of minerals (Appendix 6.E). Four of the consultation responses make no further comment or acknowledge that there are no plants or apparatus in the application boundary or within the immediate proximity (Appendix 6.E).

### Information Update: March 2015

- 7.5.8 Following further amendments to the application boundary in order to accommodate all necessary ecological mitigation within the Project Site, APL wrote to all S42 prescribed consultees and locally elected representatives (Appendices 5.D.I and 5.D.II) on 10<sup>th</sup> March 2015 (Stage 38, Table 5-2) during Phase 1 statutory consultation in order to inform of this change.
- 7.5.9 APL received no feedback in respect of this information update prior to the decision to put the Project “on hold” in late March 2015.

### Other Correspondence

- 7.5.10 Morrison Hospital were contacted in relation to their air ambulance services and confirmed via email on 23<sup>rd</sup> February 2015 that the power station stacks “will not conflict with our [Bond Air Services] operations in and out of Swansea Morriston Hospital” and that it would be “beneficial” to add lighting to the tops of the stacks.
- 7.5.11 On 6<sup>th</sup> March 2015 (Stage 37, Table 5-2), APL wrote to S42(1)(b) local authorities in order to request an informal indication as to whether or not the local authority considered the consultation to be adequate (Appendix 5.E.II). A response was received from CCS on 12<sup>th</sup> March 2015 (Stage 37, Table 5-2), which stated (Appendix 5.E.III):
- 7.5.12 *“In my informal opinion, the consultation exercise carried out by APL was in accordance with the proposals set out in the statement of community consultation and was therefore adequate in this respect. APL have engaged in consultation with both the Local Planning Authority, the local community and other interested parties and provided adequate supporting information to explain the proposals as they have developed.”*



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*Further consultation with the Local Planning Authority has provided an opportunity for further comment on the proposals.”*

## 8 Description of Phase 2 Consultation

### 8.1 Introduction

8.1.1 This chapter describes the non-statutory and statutory consultation activities that APL undertook between April 2017 and May 2018 as part of the Phase 2 consultation.

8.1.2 In March 2015, it was decided by the previous owners of the Project to put it “on hold” primarily because of the then market conditions for new power generation in the UK. However, after acquisition of APL by Drax in December 2016 (further described in section 2.3 above) the Project was publicly “re-launched” in April 2017. In accordance with the PA 2008 DCLG pre-application guidance (paragraph 73) APL decided to undertake a second phase of consultation after the Project was relaunched in 2017.

### 8.2 Phase 2 Non-Statutory Consultation (April 2017 – January 2018) prior to Phase 2 Statutory Consultation

8.2.1 As was the case for Phase 1 non-statutory consultation prior to statutory consultation, initial Phase 2 non-statutory consultation comprised engagement by APL, following the relaunch of the Project, with CCS, PINS, NRW, interested parties, locally elected representatives, previous consultees and the local community. This period of consultation commenced in April 2017 up to the commencement of Phase 2 statutory consultation in January 2018 (Stages 41-50, Table 5-2). Subsequent non-statutory consultation occurred on an ongoing basis during Phase 2 statutory consultation (Stages 62 & 65, Table 5-2) (described at section 8.5 below) and following Phase 2 statutory consultation (Stage 71-73, Table 5-2) (described at section 8.6 below).

8.2.2 The focus of the initial Phase 2 non-statutory consultation was to inform those who were not involved with Phase 1 consultation about the Project, to update those who were previously consulted during the Phase 1 consultation on the changes to the Project, to explain why the Project was progressing once again towards submission of a DCO application and to ask for feedback from consultees on the Project.

#### Phase 2 Non-Statutory Consultation with CCS, PINS, NRW, Locally Elected Representatives and Interested Parties

8.2.3 APL undertook informal non-statutory consultation with a range of stakeholders prior to the commencement of the Phase 2 statutory consultation period. Table 8-1 provides a summary list of the stakeholders consulted and the details of correspondence. A summary of feedback received from non-statutory consultation with stakeholders is provided in section 9.2. The minutes of the meetings held are contained within Appendix 7.A.

Table 8-1 Details of correspondence with stakeholders during Phase 2 non-statutory consultation

Date	Activity and Consultee(s)
30/03/17	Update meeting with PINS regarding Project relaunch, consultation process, compulsory acquisition and application documents (Minutes contained in Appendix 7.A.I) (Stage 41, Table 5-2)
19/04/17	Initial update call with CCS planning officer to inform of Project relaunch and expected programme (Stage 42, Table 5-2)
20/08/17	Correspondence with local MP regarding site plans, consultation process and Project timescales (Stage 43, Table 5-2)
28/09/17	Follow-up teleconference call with PINS to discuss Project updates, consultation, consenting framework, draft application documents and Welsh translation (Minutes contained in Appendix 7.A.II) (Stage 44, Table 5-2)
03/10/17	Update meeting with CCS planning officer to discuss Project timescales, LDP and PPA (Minutes contained in Appendix 9.A.III) (Stage 46, Table 5-2)
03/10/17	Issue of EIA Project briefing note to NRW relating to ecology, flood risk, ground conditions and water quality & resources (Appendix 9.A.IV) (Stage 45, Table 5-2)
09/10/17	Correspondence with NRW and CCS to request feedback on flood risk and drainage issues (Stage 45, Table 5-2)
10/10/17	Comments from CCS regarding flood risk and drainage (Stage 45, Table 5-2)
16/10/17	Correspondence with CCS to discuss ecology considerations (Stage 45, Table 5-2)
17/10/17	Call with NRW to discuss Project updates and ES topic-specific matters (Stage 45, Table 5-2)
20/10/17	Correspondence with CCS to request comments on draft EIA committed developments list (Stage 45, Table 5-2)
07/11/17	Comments from NRW regarding flood risk and drainage (Stage 45, Table 5-2)
08/11/17	Site visit with NRW to discuss EIA requirements (Stage 45, Table 5-2)
16/11/17	Call with NRW to discuss Project and EIA updates (Stage 45, Table 5-2)
20/11/17	Call with CCS planning officer to discuss consenting framework and consultation requirements (Stage 46, Table 5-2)

Date	Activity and Consultee(s)
11/12/17	Update meeting with CCS planning officer to discuss application submission programme (Minutes contained in Appendix 9.A.V) (Stage 46, Table 5-2)
11/12/17	Update meeting with local ward members at Mawr Community Council and Llangyfelach Community Council (Minutes contained in Appendix 9.A.VI) (Stage 49, Table 5-2)
15/12/17	Follow-up teleconference with PINS to discuss Project updates, consultation, environmental permitting, draft documents and Welsh language (Minutes contained in Appendix 9.A.VII) (Stage 50, Table 5-2)
02/01/18	Correspondence with local AM regarding Project information (Stage 49, Table 5-2)
09/01/18	Invitation to CCS and stakeholders to attend stakeholder preview event prior to public exhibitions (Appendix 9.A.II and 9.A.III) (Stage 56, Table 5-2)
15/01/18	Project briefing meeting with local AM for Gower (Stage 59, Table 5-2)

- 8.2.4 On 30<sup>th</sup> March 2017, following previous correspondence during Phase 1 consultation, a meeting was held with PINS to discuss the relaunch of the Project (Stage 41, Table 5-2). Subsequent follow-up teleconference calls were held with PINS on 28<sup>th</sup> September (Stage 44, Table 5-2) and 15<sup>th</sup> December 2017 (Stage 50, Table 5-2) to discuss general Project updates, statutory consultation, environmental permitting, review of draft documents and Welsh language standards.
- 8.2.5 On 19<sup>th</sup> April 2017, following the initial meeting with PINS on 30<sup>th</sup> March 2017 (Stage 41, Table 5-2), an update call was held with CCS to inform of the Project relaunch (Stage 42, Table 5-2). Subsequent meetings were held with CCS on 3<sup>rd</sup> October 2017 and 11<sup>th</sup> December 2017 (Stage 46, Table 5-2) to discuss Project updates and the programme up to submission of the DCO Application. APL engaged with CCS on an ongoing basis between meetings to discuss the EIA requirements and consenting framework.
- 8.2.6 APL also discussed the EIA requirements on an ongoing basis with NRW, following issue of an EIA Project briefing note (Appendix 9.A.IV) on 3<sup>rd</sup> October 2017 (Stage 45, Table 5-2). A site visit was held on 8<sup>th</sup> November 2017 (Stage 45, Table 5-2) and a number of calls and email correspondence with APL from October 2017 onwards (Stage 45, Table 5-2) regarding specific issues relating to ecology, flood risk, ground conditions and water quality and resources.
- 8.2.7 In addition, APL engaged with local MPs, AMs and Community Councils via meetings, calls and email communication (Stages 43 and 49, Table 5-2) prior

to Phase 2 statutory consultation. An invitation to a stakeholder preview event prior to the first public exhibition was issued on 9<sup>th</sup> January (Stage 56, Table 5-2) to CCS (Appendix 9.A.III) and 32 invitees comprising local AMs, local MPs, Community Councils, ward members and Cabinet members (Appendix 9.A.II).

### **Refresh of Regulation 9 list**

- 8.2.8 As noted at section 7.3 above, as part of its Scoping Opinion issued in August 2014 during Phase 1 consultation, the SoS provided a list of all consultees consulted on the EIA Scoping request (Appendix 3.B), as required by Regulation 9 of the EIA Regulations. The Regulation list included Schedule 1 consultees, relevant statutory undertakers, local authorities and non-prescribed consultation bodies, who were consulted during Phase 1 statutory consultation.
- 8.2.9 The 2014 Regulation 9 list was refreshed and updated during Phase 2 non-statutory consultation in order to inform the subsequent Phase 2 statutory consultation. This comprised written enquiries (issued on 24<sup>th</sup> November 2017) and follow-up correspondence as required with these consultees, to confirm or update relevant contact details from the 2014 Regulation 9 list. The updated Regulation 9 list (Appendix 8.B) was finalised on 17<sup>th</sup> December 2017. This ensured that accurate contact details were collated for all consultees prior to the commencement of Phase 2 statutory consultation.

## **8.3 EIA Scoping Consultation (March 2017)**

- 8.3.1 APL held an update meeting with PINS on 30<sup>th</sup> March 2017 (Stage 41, Table 5-2) to discuss various matters relating to the Project, including the validity of the 2014 EIA Scoping Opinion (Appendix 3.B), as well as general Project updates, the consenting framework, consultation and draft application documents. This meeting informed the status of the 2014 Scoping Opinion (Appendix 3.B) for the purposes of the EIA for the Project.
- 8.3.2 New regulations governing EIA came into force on 16<sup>th</sup> May 2017. However, Regulation 37 of the EIA Regulations 2017 contain transitional provisions which provide that where an applicant had sought an EIA screening or scoping opinion prior to the date the regulations came into force, the EIA Regulations would continue to apply. PINS confirmed that the 2014 Scoping Opinion (Appendix 3.B) remained valid, thereby informing future consultation on the Project.

## **8.4 Phase 2 Statutory Consultation (January 2018 – February 2018)**

- 8.4.1 Following the period of Phase 2 non-statutory consultation described above, and the earlier Phase 1 statutory consultation, APL undertook a series of further activities during Phase 2 consultation in accordance with the statutory consultation requirements of the PA 2008.

8.4.2 As per the earlier Phase 1 statutory consultation, the Phase 2 statutory consultation similarly consisted of:

- S47 consultation on the draft 2018 SoCC (Appendix 9.A) (Stages 47 & 48, Table 5-2);
- S47 consultation with the local community (Stages 60, 66 & 68, Table 5-2);
- S48 publicity (including notification under Regulations 11 of the EIA Regulations) (Stages 53, 60 & 68, Table 5-2);
- S46 notification (Stage 58, Table 5-2); and
- S42 consultation (Stages 60, 63, 68, 70 & 75, Table 5-2).

### Project Description for Phase 2 Statutory Consultation

8.4.3 As a result of feedback received during Phase 1 consultation (discussed at chapter 7 above) (Stages 1-40, Table 5-2) and Phase 2 non-statutory consultation (Stages 41-51, Table 5-2) as well as further design and operational considerations, several changes were made to the Project which were explained and were the subject of Phase 2 statutory consultation, as listed in Table 8-2.

Table 8-2 Summary of Project changes since Phase 1 consultation

Project Component	Changes in design since the 2014 PEIR (Phase 1 Consultation)
Power Generation Plant	The Power Generation Plant was made up of only one Gas Turbine Generator with one exhaust gas flue stack, rather than up to five.
	The stack height was a maximum of 45 m, instead of 40 m.
	The Generating Equipment Site was moved north of the Water Main.
	An access route was selected from the B4489 to the west of the Generating Equipment instead of the alternative construction access route from the north.
	Two onsite options for the new section of the Access Road were presented.
Electrical Connection	The Electrical Connection runs alongside the road rather than under for ease of maintenance.



8.4.4 The full Project description during Phase 2 statutory consultation was the same as that set out in the 2018 PEIR, in accordance with PINS Advice Note seven, as follows:

- Power Generation Plant: An Open Cycle Gas Turbine (OCGT) peaking power generating station, fuelled by natural gas and capable of providing a rated electrical output of up to 299 Megawatts (MW). The Power Generation Plant comprises:
  - Generating Equipment including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (BOP) (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 (see section 3.4) 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 post-consultation once discussions with NRW and CCS have been undertaken. Area likely to be commensurate with the extent of mitigation required and within the Order Limits of the Project.
  - Permanent parking and drainage to include: a site foul, oily water and surface water drainage system.
- Gas Connection: 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. The Gas Pipeline will follow an approximate north-south route corridor, between the National Gas Transmission System south of Rhydy-pandy Road and the Generating Equipment Site.
- Electrical Connection: This is an underground electrical cable to export power from the Generating Equipment to the National Grid Electricity Transmission System (NETS).

8.4.5 Several options were therefore under consideration at this time, including:



- The final layout and location of the Generating Equipment; and
- The proposed route option(s) for the new section of Access Road, comprising:
  - Option A: This option was originally shown within the 2014 PEIR, and extends south from the car park adjacent to the Felindre Gas Compressor Station down a grassed embankment towards open fields and then north-eastwards towards the Generating Equipment Site.
  - Option B: This option has identified an alternative which begins before the original spur at the car park adjacent to the Felindre Gas Compressor Station and again extends southward towards open fields but with a more gentle angle of approach, visibility and descent towards the open fields. This would also avoid an element of cut and fill, although some excavation is still likely.

8.4.6 It was also important to clarify the consenting framework for the Project prior to the commencement of Phase 2 consultation.

8.4.7 The capacity of the Power Generation Plant will be up to 299 MW of electricity. As such, it is classified as a NSIP under the PA 2008 and requires a DCO to build and operate. However, in the context of generating stations in Wales, the Planning Act 2008 restricts what can be applied for through the DCO process to development that is integral to and forms part of the NSIP. For the Project, the integral elements are the Power Generation Plant, the Laydown Area/Maintenance Compound and the Access Road.

8.4.8 It was therefore clarified that, the APL DCO application will not seek consent to construct and operate the gas or electrical connections; instead a planning application will be made under the Town and Country Planning Act 1990 or permitted development rights will be utilised (as applicable). However, compulsory acquisition powers for the land and rights required to construct, operate and maintain the gas and electrical connections will be included within the DCO application.

#### **APL's Approach to Phase 2 Statutory Consultation with the Local Community: 2018 SoCC**

8.4.9 As noted at section 6.4, S47 of the PA 2008 requires the preparation of a statement setting out how the applicant proposes to consult people living in the vicinity about the proposed application.

8.4.10 In accordance with S47 of the PA 2008, and further to the 2014 SoCC (Appendix 4.A) published for Phase 1 consultation, APL produced a draft 2018 SoCC (Appendix 9.A) in November 2017 (Stage 47, Table 5-2), setting out the proposed methodology for how APL intended to consult people living and working in the vicinity of the Project during Phase 2 statutory consultation.

- 8.4.11 The draft 2018 SoCC (Appendix 9.A) proposed a similar methodology for consultation to that set out in the Phase 1 2014 SoCC (Appendix 4.A), having regard to the previous consultation feedback received from CCS on the Phase 1 2014 SoCC (Appendix 4.A).
- 8.4.12 For clarity, the draft 2018 SoCC (Appendix 9.A) did not set out how APL intends to undertake the other strands of Phase 2 statutory consultation and publicity relating to S42 and S48 of the PA 2008.
- 8.4.13 The draft 2018 SoCC (Appendix 9.A) explained the planning and consenting process associated with generating stations in Wales, noting that for generating stations up to 350MW the PA 2008 restricts what can be applied for through the DCO regime to development that is integral to and forms part of the NSIP. The 2018 SoCC (Appendix 9.A) therefore clarified that the APL DCO application would not seek consent to construct and operate the gas or electrical connections, and instead a planning application would be made under the Town and Country Planning Act 1990 or permitted development rights would be utilised (as applicable). However, compulsory acquisition powers for the land and rights required to construct, operate and maintain the gas and electrical connections would be included within the DCO application.
- 8.4.14 The planning process for NSIPs, explained in the 2018 SoCC, requires thorough and effective pre-application to have been undertaken in accordance with the PA 2008 prior to consideration of acceptance for examination. As such, the draft 2018 SoCC (Appendix 9.A) set out APL's intention during Phase 2 consultation to consult with CCS, community councils, local MPs and AMs, and to hold four public exhibitions where relevant information about the Project would be presented. The draft 2018 SoCC (Appendix 9.A) also sought to explain how APL intended to consult with the local community and local interest groups regarding the Project during Phase 2 consultation, and thus how APL would satisfy the consultation requirements for an Application under the PA 2008.
- 8.4.15 The draft 2018 SoCC (Appendix 9.A) also explained that APL is undertaking an EIA to consider the potential environmental impacts of the Project, and intended to publish its preliminary findings in a 2018 PEIR (updated from the 2014 PEIR) and associated NTS (Appendix 9.H) as part of the pre-application consultation materials on the Project.
- 8.4.16 APL's proposed approach to Phase 2 statutory consultation with the local community was set out within the draft 2018 SoCC (Appendix 9.A), and is summarised below:
- APL would seek views on the preliminary environmental information presented about the Project as well as on other key elements of the Project:
    - The Power Generation Plant, as currently proposed, including changes since the 2014 consultation;

- The proposed route option(s) for the new section of Access Road;
- The indicative layout of the Power Generation Plant within the Project Site; and
- The preliminary findings of the assessment as to the likely significant environmental effects of the Project;
- Statutory consultation with the local community would run for 35 days from 16<sup>th</sup> January 2018 until 19<sup>th</sup> February 2018;
- As per Phase 1 consultation, APL would carry out consultation activities in two areas: a Core Consultation Zone (CCZ), equating to an approximate radius of 3.5 km from the Project Site, and an Outer Consultation Zone (OCZ), equating to a radius of approximately 8 km. These consultation zones were the same as those used by APL during 2014 consultation.
- APL would seek and receive people's views through a number of activities:
  - Public exhibitions held at Llangyfelach, Felindre, Clydach and Tircoed;
  - A leaflet / letter delivered to households, businesses and institutions in the CCZ and to 'hard to reach' groups, and made available at libraries and council offices in the CCZ;
  - The leaflet, 2018 SoCC, 2018 PEIR and 2018 PEIR NTS made available for inspection at libraries and Council offices;
  - Information about the Project made available in other formats (e.g. large print or braille) and languages upon request;
  - A website providing information on the Project, access to documents, and opportunity to comment or ask questions;
  - An email address;
  - A Freepost mailbox;
  - Notification via posters, newspaper advertisements and media coverage;
  - Contact with a broad spectrum of local stakeholders

### **Statutory Consultation on the Phase 2 2018 SoCC**

- 8.4.17 Pursuant to S47 of the PA 2008, the draft 2018 SoCC and 2018 SoCC Notice (Appendix 9.A) were issued to CCS for statutory consultation on 8<sup>th</sup>

November 2017 (Stage 47, Table 5-2) via email, together with a summary note of 2014 consultation activities, a draft list of community organisations representing “hard to reach” groups to be contacted, and a draft list of consultation documents to be provided in Welsh language. APL requested comments within the deadline of 28 days beginning with the day after the day on which the documents were received.

- 8.4.18 A formal response was received from CCS (Appendix 9.A.VII) on 1<sup>st</sup> December 2017 (Stage 48, Table 5-2). In its response, CCS welcomed the proposed approach to public consultation, but requested clarity regarding the format of documents being placed at prescribed locations and which documents would also be published in Welsh. It was recommended that additional clarity was provided regarding the reduction in stack height and the operation as a ‘peaking plant’. It was also noted that in addition to those already listed in the draft 2018 SoCC (Appendix 9.A), the CCZ also includes the communities of Pendery, Llchwyr and Grovesend and Waungron.
- 8.4.19 CCS also advised that the draft 2018 SoCC Notice (Appendix 9.A) was concise and covered the pertinent information.
- 8.4.20 APL revised and updated the 2018 SoCC and 2018 SoCC Notice in response to the comments made by CCS, to provide further clarity regarding the Project, document formats (as hard or electronic copies), which consultation documents would be provided in Welsh and the CCZ as requested. APL responded to CCS with a table indicating how comments had been addressed (see Appendix 9.A.VIII).

### Publication of the Phase 2 2018 SoCC Notice and 2018 SoCC

- 8.4.21 The final 2018 SoCC Notice was published in both English (Appendix 9.B.I) and Welsh (Appendix 9.B.II) in the South Wales Evening Post for two consecutive weeks on 2<sup>nd</sup> January 2018 (Appendix 9.B.III) and 9<sup>th</sup> January 2018 (Appendix 9.B.IV) (Stage 52, Table 5-2), as listed in Table 8-3, in accordance with S47 of the PA 2008. The published 2018 SoCC Notice (Appendices 9.B.III and 9.B.IV) provided details of where the 2018 SoCC (Appendix 9.B.I and 9.B.II) itself could be inspected, as well as the dates of consultation, exhibition details, availability of consultation materials and contact details for APL.

Table 8-3 Local Newspapers in which the Phase 2 2018 SoCC Notice was published

Newspaper	Date of Publication
South Wales Evening Post	02/01/2018
South Wales Evening Post	09/01/2018

- 8.4.22 The final 2018 SoCC for the Phase 2 consultation (Appendix 9.B.I and Appendix 9.B.II) was published on the APL website ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)) on 2<sup>nd</sup> January 2018 (Stage 51, Table 5-2) and paper copies were made available for public viewing at the following locations in Table 8-4 from 2<sup>nd</sup> January 2018 where it remained available throughout the statutory consultation period (16<sup>th</sup> January 2018 to 19<sup>th</sup> February 2018):

Table 8-4 Locations where the Phase 2 2018 SoCC was available during Phase 2 consultation

	<b>Swansea Central Library</b> Civic Centre Oystermouth Road Swansea SA1 3SN (01792) 636464	<b>Clydach Library High Street</b> Clydach, Swansea SA6 5LN (01792) 843300	<b>Gorseinon Library 15</b> West Street Gorseinon Swansea SA4 4AA (01792) 516780	<b>Morrison Library</b> Treharne Road Morrison Swansea SA6 7AA (01792) 516770	<b>Pontarddulais Library</b> St Michael's Avenue Pontarddulais Swansea SA4 8TE (01792) 882822
Monday	CLOSED	9.30-17.30	9.00-18.00	9.00-18.00	9.00- 13.00 and 14.00 - 17.00
Tuesday	8.30-20.00	9.30-17.30	9.00-18.00	9.00-18.00	9.00- 13.00 and 14.00 - 17.00
Wednesday	8.30-20.00	9.30-17.30	9.00-18.00	9.00-18.00	9.00- 13.00 and 14.00 - 17.00
Thursday	8.30-20.00	9.30-17.30	9.00-18.00	9.00-18.00	9.00- 13.00 and 14.00 - 17.00
Friday	8.30-20.00	9.30-18.30	9.00-19.00	9.00-18.00	9.00- 13.00 and 14.00 - 18.00
Saturday	10.00-16.00	9.30-16.30	9.00-17.00	9.00-17.00	9.00- 13.00
Sunday	10.00-16.00	CLOSED	CLOSED	CLOSED	CLOSED

## Phase 2 S47 Consultation

- 8.4.23 APL undertook Phase 2 statutory S47 consultation with the local community (Stage 60, 66 & 68, Table 5-2) in accordance with the published 2018 SoCC (Appendix 9.B), as demonstrated in the 2018 SoCC Compliance Checklist (Appendix 9.C).
- 8.4.24 The statutory Phase 2 S47 consultation commenced on 16<sup>th</sup> January 2018 (Stage 60, Table 5-2) and closed on 19<sup>th</sup> February 2018 (Stage 68, Table 5-2), representing a total duration of 35 days, in excess of the statutory minimum requirement of 28 days.
- 8.4.25 The aim of this period of consultation was to seek the views of the local community on the preliminary environmental information presented about the Project as well as on other key elements of the Project:
- The Power Generation Plant, as currently proposed, including changes since the 2014 consultation;
  - The proposed route option(s) for the new section of Access Road;
  - The indicative layout of the Power Generation Plant within the Project Site; and
  - The preliminary findings of the assessment as to the likely significant environmental effects of the Project;

### Public Exhibitions

- 8.4.26 As set out in the 2018 SoCC (Appendix 9.B), statutory Phase 2 S47 consultation with the local community included four public exhibitions in Llangyfelach, Felindre, Clydach and Tircoed between 7<sup>th</sup> February and 10<sup>th</sup> February 2018 (Stage 66, Table 5-2).
- 8.4.27 APL chose the same four exhibition venues as per the Phase 1 consultation due to their proximity to the Project Site and to give local people the maximum opportunity to attend. Each exhibition venue met Disability Discrimination Act 1995 requirements and, upon a reasonable and timely request, had provisions in place for those with special requirements seeking to attend the exhibition.
- 8.4.28 Table 8-5 sets out the dates, locations and times of the statutory Phase 2 S47 public exhibitions held within the CCZ:



Table 8-5 Details of Phase 2 Statutory Public Exhibitions held within the CCZ

Date	Location	Time	Consultation Zone
Wednesday 7 <sup>th</sup> February 2018	<b>Llangyfelach Church Hall</b> , Swansea Road, Llangyfelach, Swansea, SA5 7JA	4.00pm – 7.00pm	CCZ
Thursday 8 <sup>th</sup> February 2018	<b>Forge Fach Resource Centre</b> , Hebron Road, Clydach, Swansea, SA6 5EJ	3.30pm – 6.30pm	CCZ
Friday 9 <sup>th</sup> February 2018	<b>Tircoed Village Hall</b> , Y Cyswllt, Tircoed, SA4 9QZ	5.00pm – 8.00pm	CCZ
Saturday 10 <sup>th</sup> February 2018	<b>Felindre Welfare Hall</b> , Felindre, Swansea, SA5 7NA	10.00am – 1.00pm	CCZ

### Consultation Materials

8.4.29 At the exhibitions (Stage 66 of Table 5-2), display boards (Appendix 9.E.I and 9.E.II) and a range of consultation materials were used to present information on the Project.

8.4.30 The exhibition display boards (Appendix 9.E.I and 9.E.II) contained information relating to the following:

- Overview of Project;
- Air Quality;
- Noise and Vibration
- Ecology
- Water Quality and Resources
- Geology, Ground Conditions and Hydrogeology
- Landscape and Visual Impacts
- Traffic, Transport and Access
- Historic Environment
- Socio-Economics
- Need for Flexible Gas Generation
- About Drax Group

8.4.31 A separate exhibition feedback form (available in English and Welsh) (Appendix 9.E.IV and 9.E.V) was available for attendees to complete at the exhibition. The feedback form requested responses to the following questions:

- How did you hear about this exhibition?
- Did you comment during either of the two previous phases of consultation in 2014?
- Abergelli Power is committed to ensuring that the Project will bring broader benefits to the community, for example through the development of skills and training. APL will work with City and County of Swansea to establish the most effective means to deliver such benefits and we'd like to know what you see as priorities in supporting the local community?
- We have since taken into account further information and prepared an updated Preliminary Environmental Information Report that identifies potential benefits and impacts. Do you have any comments on our preliminary findings?
- If you have comments about the Project (in particular the proposed route option(s) for accessing the Project and the indicative layout of the power generation plant), or any other information we should be aware of, please share below.
- How do you feel about this proposal to build the Project?

8.4.32 Additional consultation materials available to attendees at the exhibitions comprised: the 2018 SoCC (Appendix 9.B) (available in English and Welsh); 2018 PEIR, including Figures and Appendices; 2018 PEIR NTS (Appendix 9.H) (available in English and Welsh) and copies of leaflets (available in English and Welsh) which were previously distribute to households, businesses and institutions in the CCZ to advertise the exhibitions (see below) (Appendix 9.E.III). APL considered the provision of written materials in different formats (for example, large print or braille) upon request.

8.4.33 The exhibitions were attended by members of the APL project team who were available to discuss the Project with attendees and answer questions.

8.4.34 APL's contact details, listed below, were also included within the exhibition leaflet (Appendix 9.E.III), feedback form (Appendix 9.E.IV and 9.E.V) and 2018 SoCC (Appendix 9.B) in order to allow members of the local community to contact the Project team via different methods to provide additional feedback or queries during the statutory consultation phase.

- Email: [info@abergellipower.co.uk](mailto:info@abergellipower.co.uk)
- Website: [www.abergellipower.co.uk](http://www.abergellipower.co.uk)

- Post: Freepost Abergelli Power

#### Advertising and Publicity

- 8.4.35 The public exhibitions held during the Phase 2 statutory consultation (Stage 66, Table 5-2) were advertised to the local community and stakeholders via a number of different means (Stage 57, Table 5-2).
- 8.4.36 Prior to the first exhibition (Stage 66, Table 5-2), a leaflet (in English and Welsh) (Appendix 9.D.I) inviting attendance at the public exhibitions was delivered to households, businesses and institutions in the CCZ.
- 8.4.37 The leaflets (in English and Welsh) (Appendix 9.D.I) provided information to exhibition attendees structured under the following headings:
- The Project;
  - Why Abergelli Farm?
  - Principal Elements of the Project;
  - Planning and Public Consultation;
  - Project Elements Plan;
  - The Need for Gas Generation;
  - Community Benefits;
  - Environment;
  - Your Views
  - More Information Available
  - Exhibitions in the Local Area; and
  - How to Get in Touch
  - Next Steps
- 8.4.38 The leaflets (in English and Welsh) (Appendix 9.D.I) advised that the 2018 PEIR and 2018 PEIR NTS (Appendices 9.H.I and 9.H.II) had been produced and were available at the Project website, [www.abergellipower.co.uk](http://www.abergellipower.co.uk), and at local libraries. A section of the leaflet (Appendix 9.D.I) included a response form available for attendees to complete return via Freepost to APL. Copies of the leaflet were also available at the exhibitions for attendees to complete the leaflet response form. The leaflet response form requested responses to the following comments:

- Name, address and email;
- I plan to attend the following exhibition events: Llangyfelach Village Hall, Felindre Welfare Hall, Forge Fach Resource Centre, Clydach; or Tircoed Village Hall;
- Did you comment during the previous phase of consultation?
- APL initially consulted with the local community and stakeholders on the Project in 2014. We have since taken into account further information and prepared a PEIR that identifies potential benefits and impact. Do you have any comments on our findings?
- If you have any comments about the Project (in particular the proposed route option(s) for accessing the Project and the indicative layout of the power generation plant), or any other information we should be aware of, please share below.
- How do you feel about this proposal to build the Project?: Support, Neutral, Opposed or Undecided.

- 8.4.39 The leaflets (in English and Welsh) (Appendix 9.D.I) were also sent to those groups that are defined as “*hard to reach*” (e.g. the elderly, young and minority groups). A list of the ‘hard to reach’ groups is contained with Appendix 9.D.VII. In order to identify “hard to reach” groups, APL contacted CCS as part of the statutory consultation on the draft 2018 SoCC (Appendix 9.A), to confirm the information and contact details from the list of ‘hard to reach’ groups at Phase 1 consultation. CCS responded on 1st December 2017 to recommend two further ‘hard to reach’ groups to consult (Stage 48, Table 5-2). Members of the APL project team reviewed the list supplied by CCS for appropriateness ahead of contacting them.
- 8.4.40 On 9<sup>th</sup> January 2018, letters (in English and Welsh) (Appendix 9.D.II and 9.D.III) were sent to MEPs, AMs, MPs, local councillors and Community Councils providing an update on the Project and inviting attendance at the first exhibition prior to the event being opened to the general public (Stage 56, Table 5-2). A list of the MEPs, AMs, MPs, local councillors and Community Councils to whom a letter was sent is included within Appendix 9.D.IV.
- 8.4.41 Letters (in English and Welsh) (Appendix 9.D.VIII) enclosing posters in English and Welsh (Appendix 9.D.X) advertising the consultation events were also sent out by APL to be displayed at community venues within the CCZ prior to the exhibitions, for example local shops, post offices and doctors’ surgeries (Stage 57, Table 5-2). A list of the locations that were sent a poster by APL is contained within Appendix 9.D.XI.
- 8.4.42 The leaflet (available in English and Welsh) (Appendix 9.D.I), 2018 SoCC (available in English and Welsh) (Appendix 9.B), 2018 PEIR, and 2018 PEIR NTS (available in English and Welsh) (Appendix 9.B.I and 9.B.II) were

available for inspection at CCS offices and libraries within the CCZ and OCZ throughout the Phase 2 statutory consultation. The leaflet (Appendix 9.D.I) provided background details of the Project and details of the consultation process, including how individuals could get involved.

- 8.4.43 APL placed adverts (in English and Welsh) in the South Wales Evening Post local newspaper, published on 17<sup>th</sup> January 2018, giving prior notice of the exhibitions (Stage 57, Table 5-2) (Appendix 9.D.XII).
- 8.4.44 In addition, the project website ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)) was updated by APL to provide links to the 2018 PEIR, including figures and Appendices, 2018 PEIR NTS (Appendices 9.H.I and 9.H.II) and 2018 SoCC (Appendices 9.B.I and 9.B.II), as well as to provide background information on the Project and the planning and consultation process.
- 8.4.45 APL's contact details (website address, email address, postal address and phone number) were also included within the exhibition leaflet (Appendix 9.D.I), feedback form (Appendix 9.H) and 2018 SoCC (Appendix 9.B) in order to allow members of the local community to contact the project team via different methods to provide additional feedback or queries during the Phase 2 statutory consultation.

#### Stakeholder Preview Event

- 8.4.46 In advance of the public exhibitions, APL held a stakeholder preview event to provide CCS officers, members and local politicians with the opportunity to preview the consultation materials displayed at the public exhibition and discuss the Project with APL.
- 8.4.47 The stakeholder preview event was held on Wednesday 7<sup>th</sup> February 2018, 2.30pm – 3.30pm, at Llangyfelach Church Hall, Swansea Road, Llangyfelach, Swansea SA5 7JA, prior to the opening of the first public exhibition (Stage 66, Table 5-2).
- 8.4.48 As explained above, invitations to attend the stakeholder preview event were issued on 9<sup>th</sup> January 2018 (Stage 56, Table 5-2), at the commencement of Phase 2 statutory consultation, to local AMs, local MPs, Community Councils, local ward members, Cabinet members and politicians. A full list of the invitees to the stakeholder preview event is contained at Appendix 9.D.IV.

#### **Phase 2 S48 Publicity**

- 8.4.49 As required by S48 of the PA 2008 and Regulation 4 of the APFP Regulations, a notice publicising the Project was published once in the London Gazette (Appendix 9.F.IV), once in a national newspaper (The Times) (Appendix 9.F.III) and twice in a local newspaper: South Wales Evening Post (Appendix 9.F.VI and 9.F.VII).
- 8.4.50 Table 8-6 sets out the publications and dates that the Phase 2 S48 notice was published.

Table 8-6 Publications in which the S48 notice was published during Phase 2 Consultation

Publication	Date of 1 <sup>st</sup> Notice	Date of 2 <sup>nd</sup> Notice
The Times	9 <sup>th</sup> January 2018	N/A
London Gazette	9 <sup>th</sup> January 2018	N/A
South Wales Evening Post	2 <sup>nd</sup> January 2018	9 <sup>th</sup> January 2018

8.4.51 As required by regulation 4(3) of the APFP Regulations the content of the notice included:

- The name and address of the applicant;
- A statement that the applicant intends to make an application for development consent to the SoS;
- A statement that the application is EIA development;
- A summary of the main proposals, specifying the locations and route options of the Project;
- A statement that the documents, plans and maps showing the nature and location of the Project are available for inspection free of charge at the places (including at least one address in the vicinity of the Project) and times set out in the notice.
- The latest date (19<sup>th</sup> February 2018) on which those documents, plans and maps will be available for inspection;
- Whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;
- Details of how to respond to the publicity; and
- The deadline of 19<sup>th</sup> February 2018 for receipt of those responses by APL, being not less than 28 days following the date when the notice is last published.

### Phase 2 Regulation 11 Notification

8.4.52 As noted in chapter 6 above, under Regulation 11 of the EIA Regulations, APL was required to send a copy of its Phase 2 S48 notice to the consultation bodies (as defined in the EIA Regulations) and to any person notified to the applicant in accordance with regulation 9(1)(c) of the EIA Regulations, at the same time as publishing its Phase 2 S48 notice.



- 8.4.53 Accordingly, APL sent a copy of the Phase 2 S48 notice (in English and Welsh) (Appendix 9.F) on 2<sup>nd</sup> January 2018 (Stage 54, Table 5-2). The copy of the S48 notice was accompanied by a covering letter (Appendix 9.F.VII) which stated APL's intention to apply to the SoS for a DCO under S37 of the PA 2008. The covering letter (Appendix 9.F.VII) also explained that, under S48 of the PA 2008, APL would be publishing a notice of the proposed Application in the London Gazette, The Times and the South Wales Evening Post. The covering letter (Appendix 9.F.VII) was issued in English with a copy in Welsh available on request.

### **Phase 2 S42 Consultation**

- 8.4.54 As noted in chapter 6 above, under S42 of the PA 2008, bodies prescribed by Schedule 1 of the APFP Regulations must be consulted about the proposed application (the 'prescribed bodies'). In addition, Schedule 1 of the APFP Regulations sets out the circumstances when consultees must be consulted and notified about an application. Accordingly, Phase 2 statutory S42 consultation comprised consultation with the following:

- S42(1)(a) – Prescribed Persons;
- S42(1)(b) – Local Authorities; and
- S42(1)(d) – Land Interests

- 8.4.55 As per Phase 1 consultation, there are no S42(1)(c) parties as this category applies to the Greater London Authority.

- 8.4.56 APL undertook statutory S42 consultation with prescribed consultees as part of the Phase 2 statutory consultation on the Project. Pursuant to S45 of the PA 2008 – which requires that the deadline for S42 consultation responses is no less than 28 days after receipt of the consultation documents – the Phase 2 statutory S42 consultation commenced on 16<sup>th</sup> January 2018 (Stage 60, Table 5-2) and closed on 19<sup>th</sup> February 2018 (Stage 68, Table 5-2), representing a total duration of 35 days, in excess of the statutory minimum requirement of 28 days.

#### S42(1)(a) – Prescribed Persons

- 8.4.57 'Prescribed persons', for the purposes of S42(1)(a), are defined in Schedule 1 of the APFP Regulations, which provides the circumstances when that person must be consulted or notified about an application.
- 8.4.58 In order to identify the prescribed persons required to be consulted on the Project, APL reviewed the guidance contained within Schedule 1 of the APFP Regulations, as well as the list of consultees notified of the proposed application by PINS in 2014 under Regulation 9(1)(a) of the EIA Regulations. The 2014 Regulation 9 list was refreshed and updated (Appendix 8.B) during Phase 2 non-statutory consultation in November 2017, in order to ensure that



accurate contact details were collated for all consultees prior to the commencement of Phase 2 statutory consultation.

- 8.4.59 As outlined in section 6.4, the prescribed consultees included a number of Community Councils and Town Councils, based on PINS' 2014 notification. In addition to those consulted during Phase 1 consultation (illustrated in Figure 6-3), further to CCS's response to the 2018 SoCC (Stage 48, Table 5-2) (Appendix 9.A.VII), Llŵchwr Town Council and Grovesend and Waungron Community Council were also identified as prescribed consultees for the purposes of Phase 2 statutory consultation.
- 8.4.60 The full list of prescribed persons consulted and notified during Phase 2 consultation under S42(1)(a) of the PA 2008 is provided in Appendix 9.G.I.

#### S42(1)(b) – Local Authorities

- 8.4.61 As outlined in section 6.4 above, in accordance with S43 of the PA 2008, CCS is a Category B local authority for the purposes of statutory S42(1)(b) consultation, as the Project Site is wholly located within the jurisdiction of CCS. Carmarthenshire County Council and Neath Port Talbot County Borough Council are Category A local authorities for the purposes of statutory S42(1)(b) consultation, as these local authorities are adjacent to CCS (Figure 6-4). Accordingly, CCS, Carmarthenshire County Council and Neath Port Talbot County Borough Council were consulted and notified during Phase 2 consultation under S42(1)(b) of the PA 2008.

#### S42(1)(d) – Land Interests

- 8.4.62 'Land interests', for the purposes of S42(1)(d), are defined under S44 of the PA 2008, as explained in section 6.4.
- 8.4.63 As per Phase 1 consultation, consultees with land interests were identified by APL through a series of checks. This included examination of Land Registry plans, site visits and diligent enquiry through meetings and engagement.
- 8.4.64 The list of land interests consulted and notified during Phase 2 consultation under S42(1)(d) of the PA 2008 is provided in Appendix 9.G.I.

#### S42 Consultation

##### *S42 Consultation Materials*

- 8.4.65 APL issued consultation materials to prescribed consultees under S42 of the PA 2008 on 8<sup>th</sup> and 9<sup>th</sup> January 2018 (Stage 55, Table 5-2), prior to the commencement of Phase 2 statutory consultation.
- 8.4.66 The consultation materials issued to all prescribed consultees (except CCS and NRW) comprised:

- A paper copy of a S42 covering letter (English and Welsh) (Appendix 9.G.II and 9.G.III);
- A paper copy of the 2018 PEIR NTS (English) (Appendix 9.H.I);
- A CD containing an electronic copy of:
  - 2018 PEIR (including Figures and Appendices);
  - No Significant Effects Report (Appendix 9.H.III);
  - Welsh language version of the 2018 PEIR NTS (Appendix 9.H.II); and
- A paper copy of the S47 consultation leaflet (Appendix 9.D.I).

8.4.67 In addition to the above, CCS and NRW were issued with a paper copy of the 2018 PEIR in response to a prior request. A separate covering letter (in English and Welsh) was issued to CCS and NRW addressing this (Appendix 9.G.IV and 9.G.V).

8.4.68 Prescribed consultees were notified within the S42 covering letter (Appendix 9.G.II and 9.G.III) that the 2018 PEIR and 2018 PEIR NTS (Appendix 9.H.I and 9.H.II) would also be available from 16<sup>th</sup> January 2018 until 19<sup>th</sup> February 2018 on the Project website ([www.abergellipower.co.uk](http://www.abergellipower.co.uk)) and at the following locations: Swansea Central Library, Clydach Library, Gorseinon Library, Morriston Library, and Pontarddulais Library). Prescribed consultees were also notified that additional copies of the consultation documents, or of other individual documents, would be available if requested.

8.4.69 The S42 covering letter provided an introduction to the project, details of the project elements, an overview of the need for gas generation, environmental information, details of the options for the project and details of the consultation process and how to respond. Responses were requested by the close of the Phase 2 statutory S42 consultation at 5pm on 19<sup>th</sup> February 2018 (Stage 68, Table 5-2), via the following communication methods:

- Website: [www.abergellipower.co.uk](http://www.abergellipower.co.uk);
- Email: [info@abergellipower.co.uk](mailto:info@abergellipower.co.uk);
- Tel: 01792957026;
- Freepost: Freepost ABERGELLI POWER

#### *Delivery of Phase 2 S42 Consultation Materials*

8.4.70 All S42 consultation packs were sent by Royal Mail First Class Recorded Delivery on 8<sup>th</sup> and 9<sup>th</sup> January 2018 (Stage 55, Table 5-2) to allow for proof of delivery to be monitored and recorded.

- 8.4.71 The majority of S42 consultation packs (with the exception of 7 consultation packs) were signed for between 9<sup>th</sup> and 12<sup>th</sup> January 2018 prior to the commencement of Phase 2 statutory consultation.
- 8.4.72 Following the original failed delivery, the address of 1 of the 7 outstanding consultation packs was clarified and successfully re-delivered on 16<sup>th</sup> January 2018. 4 of the 7 outstanding consultation packs could not be delivered by Royal Mail initially, however these were successfully redelivered and signed for on 17<sup>th</sup> January 2018. The remaining 2 of the 7 outstanding consultation packs were hand-delivered to a neighbour of the relevant prescribed consultee on 19<sup>th</sup> January, with subsequent receipt of the pack confirmed by the prescribed consultee.
- 8.4.73 As such, all consultees received the consultation packs with an excess of 28-days of the statutory consultation period remaining to respond.

*Identification of additional interests following commencement of Phase 2 statutory consultation*

- 8.4.74 Following further diligent enquiry, four additional landowners were identified as prescribed consultees after the commencement of Phase 2 statutory consultation. Accordingly, additional packs of S42 consultation materials (as listed above) were sent by Royal Mail First Class Recorded Delivery on 22<sup>nd</sup> January 2018 (Stage 63, Table 5-2). The S42 cover letter issued to the four additional prescribed consultees extended the timeframe for responding to 5pm on 27<sup>th</sup> February 2018 (Stage 70, Table 5-2), to ensure these consultees were allowed sufficient response time beyond the statutory requirements. All 4 additional consultation packs were signed for on 24<sup>th</sup> January 2018.

*Issue of Replacement Figure 8.3 of 2018 PEIR*

- 8.4.75 Following the commencement of statutory consultation, APL identified an error in Figure 8.3 “Designated Sites 2” from the 2018 PEIR (Volume II: Figures and Photomontages). This comprised an incorrect numbering of ancient woodlands which did not therefore correlate with chapter 8 of the 2018 PEIR.
- 8.4.76 Accordingly, a replacement Figure 8.3 was issued to all prescribed consultees, together with an explanatory covering letter, on 30<sup>th</sup> January 2018 (Stage 64, Table 5-2), following the commencement of statutory consultation. The covering letter explained that the text in chapter 8 of the 2018 PEIR, as well as all other information previously issued, was unchanged and not affected by this amendment.
- 8.4.77 The covering letter also explained that the amendment did not affect the statutory consultation period running from 16<sup>th</sup> January 2018 (Stage 60, Table 5-2) until 19<sup>th</sup> February 2018 (Stage 68, Table 5-2).

- 8.4.78 APL consulted CCS regarding its proposed approach to addressing the issue, prior to publication and distribution of the replacement Figure 8.3. CCS advised on 29<sup>th</sup> January 2018 that the proposed approach was acceptable.
- 8.4.79 The covering letter and replacement Figure were sent by Royal Mail Special Delivery on 30<sup>th</sup> January 2018 to allow for proof of delivery to be monitored and recorded. The majority of letters and replacement Figures were signed for 31<sup>st</sup> January 2018 or 1<sup>st</sup> February 2018, with all letters and replacement Figures signed for by 8<sup>th</sup> February 2018. A separate covering letter and replacement Figure were hand-delivered to libraries on 30<sup>th</sup> January to insert within the 2018 PEIR.

*Identification of additional interests following Phase 2 statutory consultation*

- 8.4.80 Following the end of Phase 2 statutory consultation an additional party with a land interest was identified who was not consulted during Phase 2. HSBC Bank Plc was identified as having an interest as a mortgagee in plots 13, 13A, 13B, 14 and 15 on 18 May 2018. HSBC was consulted during the Phase 1 statutory consultation and no response was received by APL, but in error was omitted from the Phase 2 consultation. APL has written to HSBC Bank plc to make them aware of the latest consultation on the Project and the intended submission of the Application, and has sent a copy of the section 42 materials that other consultees received in January 2018, inviting any comments (Stage 75, Table 5-2). The letter (a copy of which is enclosed at Appendix 9.G.XII) explained to HSBC that, should the Application be accepted, they will be sent notice under s56 and will have the opportunity to make representations and take part in the examination should they so wish.
- 8.4.81 APL does not consider that the omission of HSBC Bank Plc from the Phase 2 statutory consultation will cause prejudice to the interests of HSBC Bank Plc. APL made HSBC Bank Plc aware of the proposed Application in 2014, and sent the Phase 2 information at the earliest opportunity once the omission was discovered. APL also undertook consultation / notification pursuant to section 48, and notices were published in the Gazette and in the Times. In addition, APL consulted the freeholder and mortgagor, Mr Michael Edwards, and is in ongoing discussions with Mr Edwards in relation to an agreement in relation to the land rights sought, to which HSBC Bank Plc will need to be party or otherwise consent to its terms.

**Phase 2 S46 Notification**

- 8.4.82 As noted in chapter 6 above, under S46 of the PA 2008, APL was required to notify the SoS of the proposed application by providing S42 consultation information prior to the commencement of S42 consultation.
- 8.4.83 In accordance with S46 of the PA 2008, APL issued a hard copy of the S42 consultation information to PINS on 9<sup>th</sup> January 2018, across the same time as the issue of S42 consultation packs (and with an electronic copy issued via email on 10<sup>th</sup> January 2018 (Appendix 9.I.I)) (Stage 58, Table 5-2) prior to the commencement of Phase 2 statutory S42 consultation on 16<sup>th</sup> January

2018 (Stage 60, Table 5-2). The S42 consultation information issued to PINS consisted of the same information issued to S42 prescribed consultees, comprising the S42 covering letter (Appendix 9.G.II and 9.G.III), consultation leaflet (Appendix 9.D.I), No Significant Effects report (Appendix 9.H.III), 2018 PEIR, 2018 PEIR NTS (in English and Welsh) (Appendix 9.H.I and 9.H.II).

- 8.4.84 A formal acknowledgement of the S46 notification was issued by PINS on 15<sup>th</sup> January 2018 (Appendix 9.I.II) confirming receipt of the S42 consultation information.
- 8.4.85 Following identification of an error in Figure 8.3 “Designated Sites 2” from the 2018 PEIR, as noted above, a further S46 notification was issued to PINS on 29<sup>th</sup> January 2018 (in electronic and hard copy formats) (Stage 58, Table 5-2), comprising a S46 notification letter, a copy of the replacement Figure 8.3 and an accompanying covering letter sent to section 42 consultees (Appendix 9.I.III).
- 8.4.86 PINS acknowledged the issue of additional information via email on 29<sup>th</sup> January 2018 (Appendix 9.I.IV).

#### **Media Coverage regarding Phase 2 statutory consultation**

- 8.4.87 The Project was subject to media coverage regarding the Phase 2 statutory consultation.
- 8.4.88 On 2<sup>nd</sup> January 2018 (Appendix 9.J.I), Wales Online published an article titled ‘New £100m gas-fired power station in Swansea could generate power for 150,000 homes’, reporting the Project and previous consultation and publicising the Phase 2 consultation. The article quoted comments from Drax: “As a result of what was learned during the consultation undertaken in 2014 and other studies, we have made a number of changes to the original proposals. For example, the cable for the electrical connection has been put underground instead of having an overhead line; we have selected an access route from the B4489 to the west of the site, and reduced the number of stacks from five to one. We are looking forward to sharing our latest plans at the public exhibitions next month and hearing what local people think about them before we finalise the scheme and submit a Development Consent Order application.”
- 8.4.89 On 2<sup>nd</sup> January 2018 (Appendix 9.J.II), BBC News also published a similar article to Wales Online, reporting the Project, the previous consultation undertaken and the Phase 2 statutory consultation.
- 8.4.90 On 22<sup>nd</sup> January 2018, APL held an interview with The Wave radio station to discuss the Project, consultation process, programme and addressing potential impacts. On 23<sup>rd</sup> January 2018, Swansea Sound radio station subsequently broadcasted the interview with APL.
- 8.4.91 On 24<sup>th</sup> January 2018 (Appendix 9.J.III), a local MP published an article on their website titled, ‘The Community must be heard over the proposed



Abergelli Power Plant'. The article sought to encourage residents to contact the local MP or county councillors to share views on the Project. The article also publicised the Phase 2 statutory public exhibitions.

## 8.5 Phase 2 Non-Statutory Consultation (January 2018 – February 2018) during Phase 2 Statutory Consultation

8.5.1 APL continued to engage with CCS, PINS, locally elected representatives and interested parties during the Phase 2 statutory consultation. In addition to ongoing written and telephone communication, the following key consultation activities occurred during the Phase 2 statutory consultation, as listed in Table 8-7.

Table 8-7 Details of non-statutory consultation activities undertaken during Phase 2 statutory consultation

Date	Activity and Consultee(s)
16/01/18	Meeting with local Cabinet Member (Stage 61, Table 5-2)
19/01/18	Correspondence with MP regarding Project queries (Stage 62, Table 5-2)
24/01/18	Correspondence with CCS, local MPs, local AMs, ward members and Community Councils regarding stakeholder briefing event (Stage 62, Table 5-2)
26/01/18	Correspondence with local MP regarding stakeholder briefing event (Stage 62, Table 5-2)
30/01/18	Meeting with Mawr CC to discuss Project updates (Minutes in Appendix 9.K.I) (Stage 65, Table 5-2)
02/02/18	Correspondence with local MP and stakeholder groups regarding Project queries (Stage 62, Table 5-2)
08/02/18	Meeting with Llangyfelach CC to discuss Project updates (Minutes in Appendix 9.K.II) (Stage 65, Table 5-2)
09/02/18	Site meeting with local AM (Stage 67, Table 5-2)

8.5.2 On 24<sup>th</sup> January 2018 (Stage 62, Table 5-2), APL sent a reminder to all invitees regarding the stakeholder preview event prior to the first public exhibition on 7<sup>th</sup> February 2018 (Stage 66, Table 5-2). APL received feedback on the Project from a local MP when declining the invite on 26<sup>th</sup> January 2018 (Stage 62, Table 5-2).

8.5.3 On 30<sup>th</sup> January 2018 and 8<sup>th</sup> February 2018 (Stage 65, Table 5-2), APL met with Mawr Community Council and Llangyfelach Community Council to provide further information on the Project and allow opportunity for discussion with APL.

## 8.6 Phase 2 Non-Statutory Consultation (February 2018 – May 2018) following Phase 2 Statutory Consultation

- 8.6.1 A number of additional non-statutory consultation activities were undertaken by APL following the statutory phase of Phase 2 consultation (February 2018 – May 2018).
- 8.6.2 Following the receipt of Phase 2 statutory consultation responses, APL held meetings, and corresponded via telephone and email, with statutory consultees and landowners that had raised queries and requested further clarification on the Project. APL also continued to engage with PINS and CCS up to submission of the Application, including issue of draft documents to PINS and an update meeting with CCS.
- 8.6.3 Key meetings and correspondence are detailed in Table 8-8.

Table 8-8 Details of non-statutory consultation activities undertaken following Phase 2 statutory consultation

Date	Activity and Consultee(s)
20/02/18	Briefing meeting with local MP to provide overview of project and feedback from statutory consultation
05/03/18	Follow-up email correspondence with S42 consultees further to queries raised in statutory consultation response (Stage 67, Table 5-2)
06/03/18	Correspondence with landowners further to statutory consultation response (Stage 71, Table 5-2)
21/03/18	Issue of draft Application documents for PINS review (Stage 72, Table 5-2)
28/03/18	Meeting with CCS to discuss Project updates and consenting framework (Minutes in Appendix 10.A) (Stage 73, Table 5-2)
10/05/18	Teleconference with CCS to discuss draft DCO requirements (Stage 74, Table 5-2)



## 9 Summary of Phase 2 Consultation Feedback

### 9.1 Introduction

- 9.1.1 This chapter explains the non-statutory and statutory consultation responses received during the Phase 2 Consultation.
- 9.1.2 Throughout the non-statutory and statutory Phase 2 Consultation, APL has gathered feedback on the Project from consultees via correspondence, meetings and feedback forms. As explained at chapter 5, APL has sought to maximise consultee involvement in the consultation processes, such that the comments received are representative.
- 9.1.3 For consistency, feedback received from the Phase 2 consultation has been analysed according to the themes used in the analysis of the Phase 1 consultation responses since the Phase 2 consultation did not raise any new themes. Again, where a comment covers more than one theme, this has been accounted for. The detailed content of the comments received is discussed in this chapter where relevant.
- 9.1.4 Chapter 10 of this Consultation Report summarises how comments received during Phase 1 and Phase 2 of the consultation have resulted in changes to the Project.
- 9.1.5 The approach taken in reporting on consultation feedback is considered to be consistent with PINS Advice note 14 which advocates adopting differing approaches to reporting the consultation responses, depending on the nature of consultation and the volume of responses. APL has adopted an issue-led approach to analysing responses. Appendices 11.A, 11.B and 11.C respectively group the S42 and S47 responses received during the Phase 2 statutory consultation and set out APL's response.

### 9.2 Feedback from Phase 2 Non-Statutory Consultation (April 2017 – January 2018) prior to Phase 2 Statutory Consultation

- 9.2.1 APL undertook non-statutory consultation with PINS, CCS, locally elected representatives and other interested parties via a number of briefing meetings and discussions during Phase 2 consultation. A summary of the feedback received during non-statutory discussions, prior to the commencement of Phase 2 statutory consultation, is set out below (also see Appendix 7, 9.K and 10.A).
- 9.2.2 On 30<sup>th</sup> March 2017 (Stage 41, Table 5-2), following previous correspondence during Phase 1 consultation, a meeting was held with PINS to discuss Project updates, the potential for outreach events, the Project Site, compulsory acquisition, the proposed consultation programme and future review of draft documents. Table 9-1 provides a summary of the feedback received (minutes contained in Appendix 7.A.I).

Table 9-1 Summary of PINS feedback at 30/03/17 meeting

Discussion Topic	PINS' comments
General Project update following previous meeting in April 2015	A further Regulation 9 consultee list would not be produced unless PINS was notified under Regulation 6 prior to S42 consultation
	The Regulation 9 list was prepared for the purposes of scoping and consultation may require a wider remit
	PINS advised APL to include details of the planning and consenting framework within consultation materials for different Project elements
	PINS advised APL to include a section within the Planning Statement regarding the interaction between the Wales Act 2017 and the PA 2008
Need for an outreach event	PINS would consider a request if APL produced a robust case to justify how an outreach event would benefit the process
	PINS advised APL to contact CCS and NRW to agree whether an outreach meeting would be appropriate
Compulsory acquisition powers within the DCO	PINS advised APL to prepare a schedule showing progress of negotiations
Consultation programme	PINS advised APL to re-consult with all relevant parties given the time period since the previous statutory consultation
Draft documents review	PINS advised it could review: ES chapters setting out the approach to EIA; draft HRA report; updated draft Consultation Report; and draft DCO and Explanatory Memorandum

- 9.2.3 On 19<sup>th</sup> April 2017 (Stage 42, Table 5-2), following the meeting with PINS on 30<sup>th</sup> March 2017, an initial update call was held with CCS to inform the Council of the Project relaunch.
- 9.2.4 On 20<sup>th</sup> August 2017 (Stage 43, Table 5-2), APL received queries from a local MP requesting detailed plans of the Project location.
- 9.2.5 On 28<sup>th</sup> September 2017 (Stage 44, Table 5-2), APL held a follow-up meeting with PINS, further to the earlier meeting on 30<sup>th</sup> March 2017 (Stage 41, Table 5-2), to discuss general Project updates, consultation, review of draft documents and publication of Welsh documents. Table 9-2 provides a summary of the feedback received (minutes contained in Appendix 7.A.II).

Table 9-2 Summary of PINS feedback at 28/09/17 meeting

Discussion Topic	PINS' comments
Consultation	PINS emphasised that the pre-application stage of the Project is essential and advised APL to undertake effective and fit-for-purpose consultation
	PINS recommended that APL maintain a log of correspondence with statutory consultees and focus on reaching agreement on key issues through draft Statements of Common Ground
	PINS requested to be kept informed of consultation events and feedback received
Review of draft documents	PINS recommended that the programme allow for PINS' review of the draft documents
Welsh language	PINS advised that it has a duty to publish documents in Welsh under the Welsh Language Scheme
	PINS suggested providing Welsh translation copies of the Non-Technical Summary, Explanatory Memorandum, Statement of Reasons and Funding Statement
	PINS advised that the provision of translated documentation should be addressed in the Consultation Report

- 9.2.6 On 3<sup>rd</sup> October 2017 (Stage 45, Table 5-2), APL held a meeting with CCS further to the initial update call of 19<sup>th</sup> April 2017 (Stage 42, Table 5-2). CCS advised that the LDP had been accepted for examination in August 2017 and suggested that APL has regard in the EIA to the strategic transport assessment accompanying the LDP as well as the Wellbeing of Future Generations (Wales) Act 2015. CCS also recommended consulting ward councillors in Llangyfelach (minutes contained in Appendix 7.A.III).
- 9.2.7 On 3<sup>rd</sup> October 2017 (Stage 45, Table 5-2), APL issued a Project briefing note to NRW (Appendix 7.A.IV) seeking to agree forthcoming engagement on ecology, flood risk, ground conditions and water quality & resources. On 9<sup>th</sup> October 2017 (Stage 45, Table 5-2), APL contacted CCS and NRW to request comments on the flood consequences assessment, water resources and drainage assessment. A follow-up call was held with NRW on 17<sup>th</sup> October 2017 (Stage 45, Table 5-2) to provide updates to the Project and discuss issues regarding flood risk, drainage and ecology. In response to the request of 9<sup>th</sup> October 2017 (Stage 45, Table 5-2), CCS and NRW provided comments regarding flood risk and drainage on 10<sup>th</sup> October 2017 and 7<sup>th</sup> November 2017 (Stage 45, Table 5-2) respectively and a site visit was held on 8<sup>th</sup> November 2017. Table 9-4 provides a summary of the feedback received.

Table 9-3 Summary of CCS and NRW comments on flood risk and drainage

Topic	CCS comments (10/10/17)	NRW comments (07/11/17)
Methodology for assessing flood risk on site	Surface water drainage should be assessed by determining run-off rates and comparing with changes in the impermeable area	Agreement to proposed methodology, provided all development or land raising is outside flood zone C2
Climate change allowances	Climate change allowances should be based on the anticipated lifespan of the development and the 1 in 100 year critical storm	Agreement to proposed assessment approach. Note that the upper estimate (40%) can be used for sensitivity testing
Blockage scenarios	Blockage scenarios would only occur if there are culverts on site, which we are not aware of there being any. Culverting of any existing watercourse within the site boundary would not be supported however diversion may be an option	Any works such as culverting on the main river will require a Flood Risk Activity Permit from NRW. CCS will deal with any requirements for culverting or alterations to an ordinary watercourse
Availability of existing data	There is no flood risk data available for the watercourses crossing the site	All relevant information will be supplied as part of the Information Request. No additional knowledge of any flood history.

- 9.2.8 On 16<sup>th</sup> October (Stage 45, Table 5-2), APL contacted CCS to discuss ecology considerations associated with the Project. CCS queried the amount of survey information on breeding birds and bat activity but welcomed a full analysis and consideration of potential impacts within the ES.
- 9.2.9 On 20<sup>th</sup> October (Stage 45, Table 5-2), APL contacted CCS to confirm the draft list of committed developments for consideration within the EIA cumulative assessment. CCS responded on 23<sup>rd</sup> October agreeing to the draft list and providing additional information on several committed developments.
- 9.2.10 On 20<sup>th</sup> November 2017 (Stage 46, Table 5-2), APL contacted CCS to discuss the consenting framework for the gas connection and electrical connection and arrangements for the Phase 2 statutory consultation further to prior consultation with CCS on the draft 2018 SoCC (Appendix 9.A).
- 9.2.11 On 11<sup>th</sup> December 2017 (Stage 55, Table 5-2), APL met with councillors from Mawr ward and Llangyfelach ward in order to provide a briefing on the Project

and statutory consultation (minutes contained in Appendix 7.A.VI). Councillors raised a number of queries and made comments relating to:

- Concern regarding potential impacts on neighbouring land;
- Queries regarding the gas connection and grid connection;
- Comments regarding the potential impacts of using the access route during construction;
- Queries about local supplier opportunities;
- Concerns about the potential impacts in regard to noise and emissions;
- Queries regarding the number of local jobs during construction;
- Queries regarding a community benefit fund associated with the Project;
- Comments regarding business rates associated with the Project; and
- Concerns regarding potential health and safety impacts.

9.2.12 On 11<sup>th</sup> December 2017 (Stage 46, Table 5-2), APL also met with CCS to provide an update regarding the Project and advised on the programme up to submission of the Application (minutes contained in Appendix 7.A.V). It was agreed that CCS would provide details of the Bricks and Mortar community scheme for APL's consideration (which was subsequently provided via email) and that a follow-up ecology workshop would be held between APL, CCS and NRW.

9.2.13 On 15<sup>th</sup> December 2017 (Stage 50, Table 5-2), a further follow-up teleconference was held with PINS to discuss Project updates, statutory consultation, environmental permitting, draft documents and Welsh language standards. Table 9-3 provides a summary of the feedback received (minutes contained in Appendix 7.A.VII).

Table 9-4 Summary of PINS feedback at 15/12/17 meeting

Discussion Topic	PINS' comments
Consultation	PINS advised APL to ensure that the consultation information provided on the Applicant's website and sent to the consultees is consistent throughout
Environmental Permit	PINS advised APL that if the DCO Application is accepted for Examination, the ExA will be seeking assurance that the necessary environmental permit is capable of being granted

Discussion Topic	PINS' comments
Review of draft documents	PINS advised APL to consider issuing only draft documents that raise new or novel issues
Welsh Language Scheme	PINS noted that it is APL's responsibility to provide the necessary translation facilities

9.2.14 On 2<sup>nd</sup> January 2018 (Stage 49, Table 5-2), APL were contacted by a local councillor requesting further information about the Project and the statutory consultation materials.

9.2.15 On 15<sup>th</sup> January 2018 (Stage 59, Table 5-2), APL met with the local AM for Gower in order to provide a briefing on the Project. The local AM made a number of comments as summarised below:

- Requested further information regarding public exhibitions;
- Asked how long the scheme will take to build out;
- Asked what public health assessments will be required for the Project;
- Asked whether a Transport Plan will be required;
- Asked about local employment opportunities during construction and the types of permanent jobs;
- Asked about the impact of the Project on surrounding developments and allocated sites
- Asked about the lifespan of the Project
- Requested updates regarding the Project programme, particularly during construction; and
- Requested a site visit.

### **9.3 Feedback from EIA Scoping Consultation (March 2017)**

9.3.1 APL held an update meeting with PINS on 30<sup>th</sup> March 2017 (Stage 41, Table 5-2) to discuss the validity of the 2014 EIA Scoping Opinion (Appendix 3.B) (minutes contained in Appendix 7.A.II).

9.3.2 PINS confirmed that it was not necessary to revisit the 2014 EIA Scoping Report/Opinion (Appendix 3.B) and that the Scoping Opinion remained valid for the purposes of the EIA for the Project. In accordance with the transitional arrangements at Regulation 37 of the EIA Regulations 2017, the Project has continued to be assessed under the EIA Regulations.



## 9.4 Feedback from Phase 2 Statutory Consultation (January 2018 – February 2018)

9.4.1 The Phase 2 statutory consultation consisted of:

- S47 consultation on the draft 2018 SoCC (Appendix 9.A) (Stage 47 & 48, Table 5-2);
- S47 consultation with the local community (Stage 60, 66 & 68, Table 5-2);
- S48 publicity (including notification under Regulations 11 of the EIA Regulations) (Stage 53, 60 & 68, Table 5-2);
- S46 notification (Stage 58, Table 5-2);
- S42 consultation (Stage 60, 63, 68, 70 & 75, Table 5-2).

9.4.2 The Project description at the commencement of the Phase 2 statutory consultation was as set out at section 8.4 above.

### Phase 2 S47 Consultation

9.4.3 As part of the S47 consultation, feedback was received via completed feedback forms at the four public exhibitions as well as via completed and returned leaflet tear-out forms which were previously issued to the local community to advertise the public exhibitions.

### S47 Public Exhibition Responses

9.4.4 A total of approximately 110 people attended the four public exhibitions held in Llangyfelach, Felindre, Clydach and Tircoed in February 2018 (Stage 64, Table 5-2) during Phase 2 consultation, of whom 30% returned a feedback form (Appendix 9.E.IV and 9.E.V). Table 9-5 sets out the number of exhibition feedback forms returned at each of the four public exhibitions.

Table 9-5 Number of attendees at the statutory Phase 2 S47 public exhibitions in February 2018

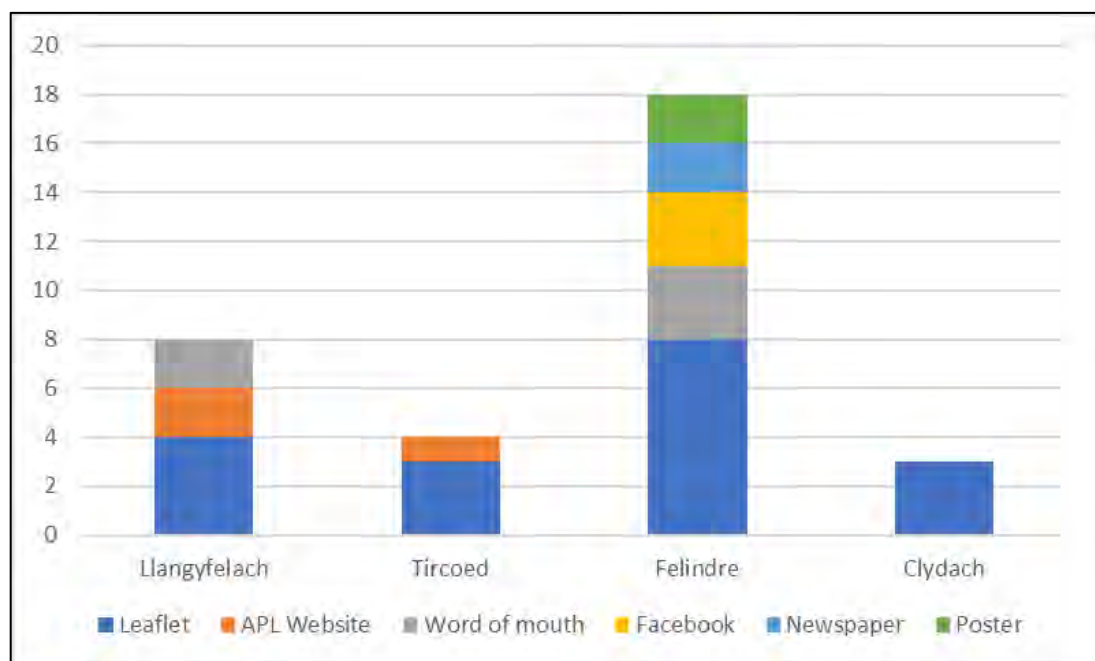
Date	Exhibition Location and Time	No. of feedback forms returned
Wednesday 7 <sup>th</sup> February 2018	<b>Llangyfelach Church Hall</b> , Swansea Road, Llangyfelach, Swansea, 4.00pm – 7.00pm	8
Thursday 8 <sup>th</sup> February 2018	<b>Forge Fach Resource Centre</b> , Hebron Road, Clydach, Swansea, 3.30pm – 6.30pm	3



Date	Exhibition Location and Time	No. of feedback forms returned
Friday 9 <sup>th</sup> February 2018	<b>Tircoed Village Hall</b> , Y Cyswllt, Tircoed, 5.00pm – 8.00pm	4
Saturday 10 <sup>th</sup> February 2018	<b>Felindre Welfare Hall</b> , Felindre, Swansea, 10.00am – 1.00pm	18

9.4.5 Figure 9-1 illustrates that the majority of the respondents at the public exhibitions found out about the consultation by leaflet.

Figure 9-1 **S47 Phase 2 responses to 'How did you find out about the exhibition today?'**



9.4.6 At Llangyfelach, 50% of respondents were supportive of the Project, 25% were opposed and 25% were undecided.

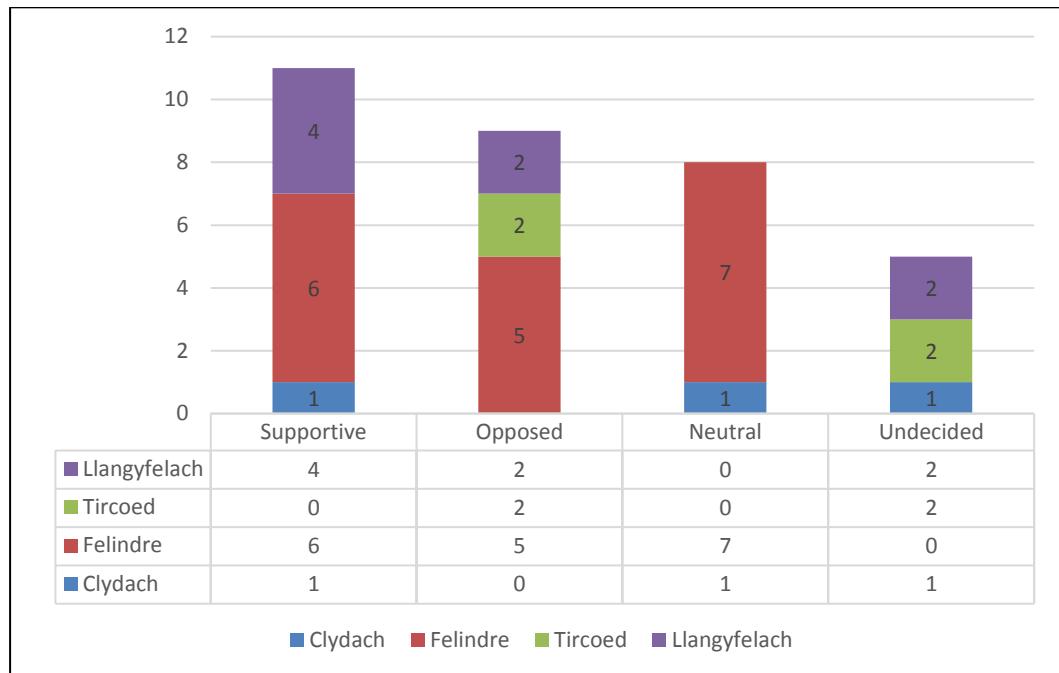
9.4.7 At Clydach, 33% of respondents supported the Project, with 67% of respondents either neutral or undecided on the Project.

9.4.8 At Tircoed, 50% of respondents were opposed to the Project, 25% were undecided and 25% did not state a response.

9.4.9 At Felindre, 33% of respondents were supportive of the Project, with 28% opposed and 39% neutral.

9.4.10 Overall, as illustrated in Figure 9-2, 33% of respondents were supportive, 27% were opposed, 24% were neutral and 15% were undecided.

Figure 9-2 Statutory Phase 2 S47 Consultation – Public Exhibition Feedback towards the Project

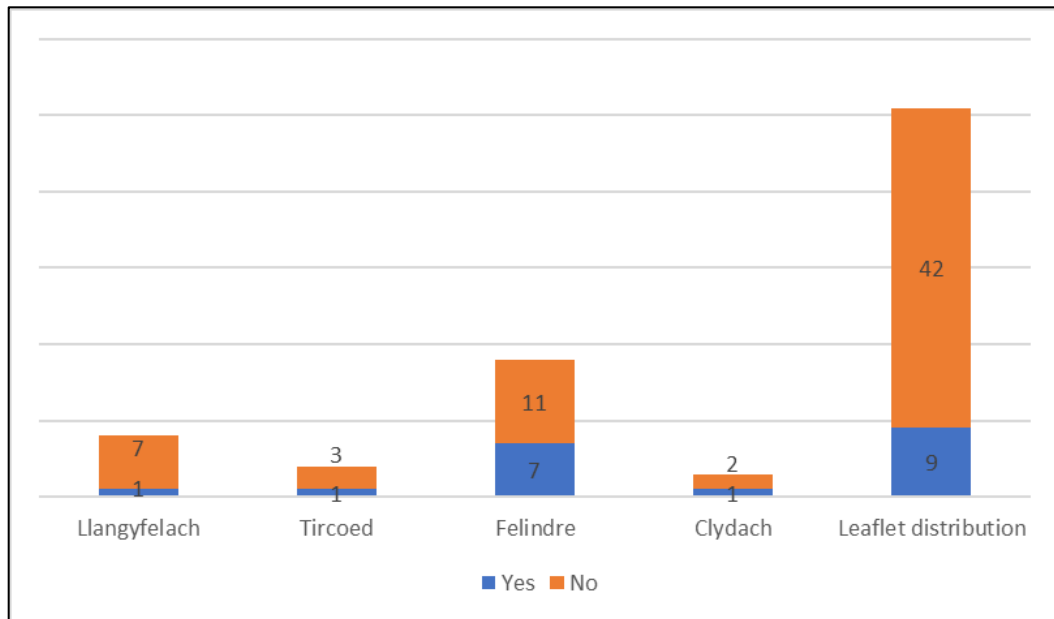


- 9.4.11 A complete record of all public exhibition feedback comments can be found in Appendix 11.A alongside APL's response.

#### S47 Leaflet Responses

- 9.4.12 In addition to feedback received at public exhibitions, a number of responses were received via completed leaflet forms which were distributed to the local community at the commencement of Phase 2 S47 statutory consultation (Stage 57, Table 5-2).
- 9.4.13 A total of 51 completed leaflet forms were received during Phase 2 statutory consultation.
- 9.4.14 As shown in Figure 9-3 below, of the 51 respondents, the majority (68%) indicated that they were not aware of the Project during the Phase 1 consultation and 13% had not formally responded during the previous Phase 1 consultation for another reason. 18% of respondents had commented previously during Phase 1 consultation.

Figure 9-3 Phase 2 S47 leaflet responses to whether respondents had commented during S47 Phase 1 consultation



9.4.15 Respondents comments about the 2018 PEIR related to:

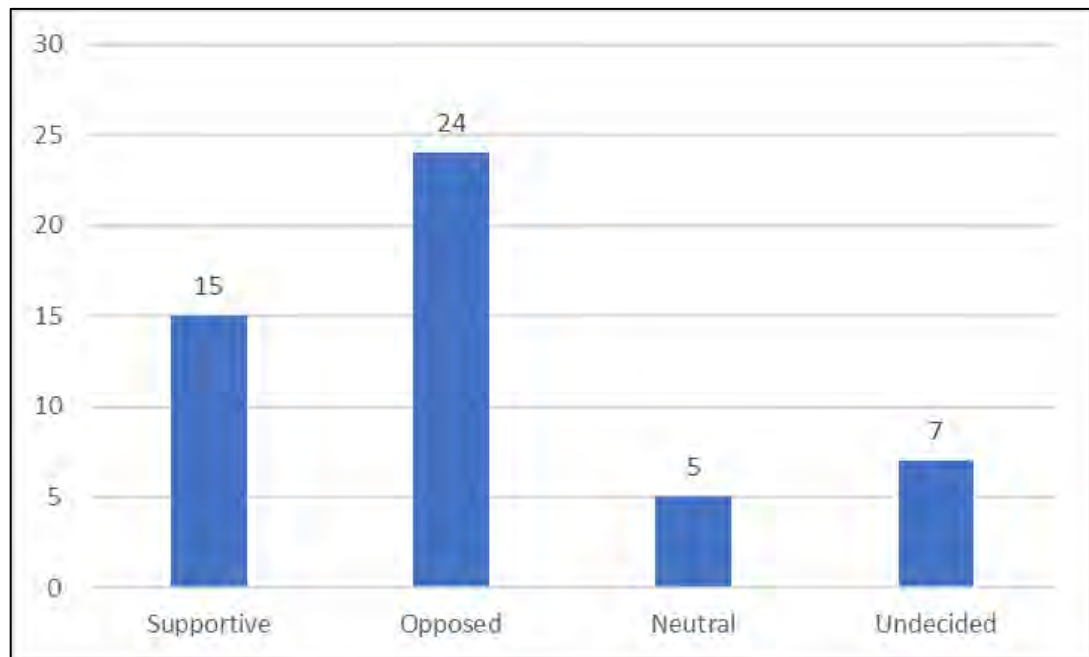
- Environmental impacts on the countryside;
- Number and height of the stack;
- Construction jobs;
- Traffic impacts;
- Air quality impacts; and
- Amount of information.

9.4.16 Similarly, respondents' comments about the Project related to:

- Project need;
- Traffic impacts;
- Impacts on countryside;
- Air quality impacts;
- Noise impacts; and
- Amount of information.

9.4.17 Overall, as illustrated in Figure 9-4, 15 respondents (29%) were supportive, 24 (47%) were opposed, 5 (10%) were neutral and 7 (14%) were undecided.

Figure 9-4 Statutory Phase 2 S47 Consultation – Leaflet Feedback towards the Project



- 9.4.18 A complete record of the leaflet feedback comments received can be found in Appendix 11.A alongside APL's response.

#### Summary of S47 Feedback from Public Exhibition and Leaflets

- 9.4.19 This section provides an overall summary of the Phase 2 S47 feedback received at the public exhibitions and from returned leaflets.
- 9.4.20 Overall, the majority of S47 respondents had not commented previously during the Phase 1 S47 consultation. Of the total 84 respondents, only 19 had commented in the Phase 1 S47 consultation.
- 9.4.21 A number of respondents expressed a concern for increases in traffic and the potential impacts on local road safety and infrastructure. Several comments noted the Project provides the opportunity to develop a link road to Morriston Hospital to alleviate congestion (see Appendix 11.A).
- 9.4.22 Some respondents highlighted the landscape and visual impact of the Project as a concern, as the 45m stack would 'create an eyesore' and impact negatively upon the landscape. Several respondents considered the Project would blend in with the environment and provide less of a visual impact than other energy infrastructure (see Appendix 11.A).
- 9.4.23 Some respondents expressed concerns regarding air quality and the potential for prevailing winds to carry emissions towards Morriston Hospital. In addition, several respondents were concerned with the impact of air pollution on local residents and requested further information on the monitoring of emissions (see Appendix 11.A).

9.4.24 Some respondents suggested that the Project should provide further community benefits by supporting education, skills development and local job opportunities. Several respondents raised concerns that the long-term benefits would be insufficient (see Appendix 11.A).

9.4.25 Overall, 31% of all Phase 2 S47 respondents were supportive of the Project. 40% of respondents were opposed to the Project, 15% neutral and 14% undecided.

#### **Phase 2 S48 Publicity**

9.4.26 APL did not receive any consultation responses that identified themselves as responding to S48 publicity (Appendix 9.F) although it is likely that S48 publicity (Appendix 9.F) will have had an influence on some consultees in accessing S42 / S47 consultation materials.

#### **Phase 2 S42 Consultation**

9.4.27 APL undertook statutory Phase 2 S42 consultation with prescribed consultees, commencing on 16<sup>th</sup> January 2018 (Stage 60, Table 5-2) and closing on 19<sup>th</sup> February 2018 (Stage 68, Table 5-2). Following ongoing diligent enquiry (as explained at section 8.4 above), four additional land interests were identified. APL subsequently undertook additional Phase 2 S42 consultation with additional land interests between 22<sup>nd</sup> January 2018 (Stage 63, Table 5-2) and 27<sup>th</sup> February 2018 (Stage 70, Table 5-2).

9.4.28 In accordance with S42 of the PA 2008, statutory Phase 2 S42 consultation comprised consultation with the following:

- S42(1)(a) – Prescribed Persons;
- S42(1)(b) – Local Authorities;
- S42(1)(d) – Land Interests

9.4.29 A total of 32 prescribed consultees responded to the Phase 2 S42 consultation. Table 9-6 illustrates the number of responses in respect of S42(1)(a), S42(1)(b) and S42(1)(d) (Appendix 11.B). Respondents classified as S42(1)(a) and S42(1)(d) consultees have been counted separately.

Table 9-6 Total number of respondents to Phase 2 S42 consultation

<b>S42 Prescribed Consultee Category</b>	<b>No. of Respondents</b>
S42(a) Prescribed Persons	21*
S42(b) Local Authority	2
S42(d) Land Interests	8*
Non-Prescribed Consultees	1
<b>Total</b>	<b>32*</b>

\*Includes several respondents classified as S42(a) & (d) consultees

9.4.30 APL has reviewed each of the Phase 2 S42 consultation responses and categorised the comments into topic themes used in the analysis of the Phase 1 consultation responses.

9.4.31 Table 9-7 illustrates the number of Phase 2 S42 consultation responses received in respect of each topic theme.

Table 9-7 Phase 2 S42 Consultation – No. of comments by consultation theme

<b>Consultation Theme</b>	<b>No. of Comments</b>
Ecology	28
Safety	24
Air quality	19
Water	17
Transport	13
Design	10
Electrical connection	9
Ground conditions and agriculture	8
Permits and consents	8
Cumulative impact	7

Consultation Theme	No. of Comments
Noise	7
Socio-economics	7
Policy	6
Gas connection	3
Historic Environment	3
Landscape	3
Waste	3
Environmental impact assessment	2
Health	2
Site selection	2
PROW	0

9.4.32 Consultation responses received by S42(1)(a), S42(1)(b) and S42(1)(d) consultees during Phase 2 consultation are provided in Appendix 11.B. A summary of the responses received from S42 prescribed consultees during Phase 2 consultation together with APL's response, is provided in Appendix 11.C.

9.4.33 It should be noted that each response is considered on its own merit and thus the number of comments in respect of one individual topic area may not correlate directly to the importance of that individual area.

## **9.5 Feedback from Phase 2 Non-Statutory Consultation (January 2018 – February 2018) during Phase 2 Statutory Consultation**

9.5.1 APL continued to engage with CCS, PINS, locally elected representatives and interested parties via non-statutory consultation activities during the Phase 2 statutory consultation, as summarised above in Table 8-7.

9.5.2 On 16<sup>th</sup> January 2018 (Stage 61, Table 5-2), APL met with a local Cabinet Member to provide a briefing on the Project. The local Cabinet Member made a number of comments as summarised below:



- Asked about previous consultation and feedback received;
- Highlighted that transport and construction impacts and the height of the stack are likely to be key issues;
- Noted the importance of ensuring no negative impacts on access to the hospital;
- Noted it is positive that the project is now 'more compact' than in 2014;
- Queried the level of emissions and the potential impacts;
- Highlighted the importance of the Wellbeing and Future Generations Act;
- Satisfied that the impact of the Project in relation to allocated residential sites would not be an issue;
- Requested that the Applicant works with CCS to promote local supply chain opportunities; and
- Requested to be kept updated on the Project, particularly regarding the construction programme.

9.5.3 On 24<sup>th</sup> January 2018 (Stage 62, Table 5-2), APL received feedback from a local MP declining attendance at the stakeholder information event, and stressing the importance of investing in renewable energy resources rather than reliance on fossil fuels.

9.5.4 On 30<sup>th</sup> January 2018 (Stage 65, Table 5-2), APL met with Mawr Community Council to provide information on the Project during Phase 2 statutory consultation (minutes contained in Appendix 9.K.I). The Community Council raised a number of queries and made comments regarding:

- Stack and emissions – queried how the number of stacks could be reduced to one;
- Socio-economics – queried whether there is evidence to suggest that similar projects affect house prices;
- Decommissioning – queried whether the land would be reinstated or used for alternative uses upon decommissioning;
- Power Generation Plant – the viability of a 'part-time' plant was queried;
- Project Site – the size and ownership of the site was queried;
- Local impacts – it was queried whether the Project would affect allocated housing land in Llangyfelach;

- Access – it was queried whether the access road would need to be upgraded;
- Community Benefit Fund – councillors emphasised that the Project should provide community benefits, for example improvements to roads, village hall, play facilities and the school.

9.5.5 On 8<sup>th</sup> February 2018 (Stage 63, Table 5-2), APL met with Llangyfelach Community Council to provide information on the Project during Phase 2 statutory consultation (minutes contained in Appendix 9.K.II). The Community Council raised a number of queries and made comments regarding:

- Consultation – the status of the current application and consultation was queried;
- Stack and emissions – concerns were raised about the height of the stack, as well as air quality, topography and emissions
- Power station – the hours of operation were queried;
- Other environmental effects – concerns were raised regarding the potential construction impacts relating to noise and traffic;
- Flight path – it was queried whether the air ambulance or flight path would be affected;
- Piling – councillors emphasised that local farms and railways should be considered if piling is to be undertaken;
- Community benefit fund – councillors suggested that employment opportunities are part of the Project and not an additional community benefit. Other direct benefits should be provided such as support to the school.

## **9.6 Feedback from Phase 2 Non-Statutory Consultation (February 2018 – May 2018) following Phase 2 Statutory Consultation**

9.6.1 A number of additional non-statutory consultation activities were undertaken by APL following the Phase 2 statutory consultation, as summarised above in Table 8-8.

9.6.2 On 5<sup>th</sup> March 2018 and 6<sup>th</sup> March 2018 (Stage 71, Table 5-2), APL made follow-up contact with respondents to the Phase 2 S42 consultation to further clarify queries raised during Phase 2 S42 consultation. This correspondence related to queries including statutory undertaker's assets and an archaeological watching brief.

9.6.3 On 28<sup>th</sup> March 2018 (Stage 73, Table 5-2), APL met with CCS to discuss Project updates and consenting framework. CCS provided advice in respect

of the planning strategy for the associated planning application, submitted under the TCPA 1990, for the Gas Connection and Electrical Connection (minutes contained in Appendix 10.A).

## 10 Evolution of the Project in Response to Consultation Feedback

### 10.1 Introduction

- 10.1.1 Since the start of consultation in January 2014, the Project has undergone a number of significant changes. The pre-application consultation for the Project informed several important aspects of the Project, resulting in a revised consultation approach, design interventions and mitigation commitments.
- 10.1.2 APL has reviewed consultation feedback received during non-statutory and statutory consultation, as set out in Appendices 6.A, 6.B and 6.D (Phase 1) and Appendices 11.A and 11.C (Phase 2), in accordance with s49 of the PA 2008, had regard to the comments made. Where possible, APL has sought to refine its proposals in response to the feedback from the consultation process. APL has, in other cases, taken account of the responses in the preparation of the ES (Document Reference 6.1), the draft Order (Document Reference 3.1) and other DCO Application documents.
- 10.1.3 In summary, feedback received during the Phase 1 and Phase 2 consultation informed the development of the Project in the following ways:
- Locations for display of consultation materials amended;
  - Selection of a Gas Connection route corridor, approximately 1.4 km in length, running in a southerly direction to the Generating Equipment Site;
  - Selection of an underground cable option as opposed to overhead line option to export power from the Generating Equipment to the NETS (Swansea North Substation);
  - Selection of an Electrical Connection route corridor, approximately 900 m in length, to the southwest of the Generating Equipment Site;
  - Selection of the Access Route to the Project Site from the B4489 to the west of the Generating Equipment Site, including an upgraded access road from the B4489 as well as a new section of access road from the Swansea North Substation to the Generating Equipment Site; and
  - The Power Generation Plant is made up of only one Gas Turbine Generator with one exhaust gas flue stack, rather than up to five.
  - Reduction of stack height from a maximum of 60 m to a maximum of 45 m;

- Generating Equipment Site moved north of the Welsh Water Water Main;
- Selection of an Access Road from the Substation to the Generating Equipment Site, beginning before the original spur at the car park adjacent to the Felindre Gas Compressor Station and extending southwards towards open fields; and
- Realignment of Access Road from the Substation to the Generating Equipment Site to curve further south and avoid ancient woodland.

10.1.4 The remainder of this chapter provides information relating to how the feedback and responses received during non-statutory and statutory consultation has been considered and influenced the Project, design and mitigation. This chapter also addresses feedback that did not lead to Project changes.

## **10.2 Consultation Approach**

### **SoCC**

10.2.1 The approach to undertaking consultation with the local community was influenced by early discussions with CCS as part of the Phase 1 non-statutory consultation. Following discussions with CCS before the Phase 1 statutory consultation began, CCS Council Offices were included as a location for the display of appropriate consultation materials and community organisations identified as 'hard to reach' groups were identified for consultation. These changes were reflected in the final 2014 SoCC (Appendix 4.A) as well as being carried through into the final 2018 SoCC (Appendix 9.B).

10.2.2 Upon relaunch of the Project in April 2017, subsequent non-statutory consultation with CCS informed how APL would consult with the local community under S47 of the PA 2008 during Phase 2 consultation. CCS' feedback informed the explanation of changes in the Project since Phase 1 consultation and which consultation materials should be provided in both English and Welsh. As a result, APL sought to revise the wording in the 2018 SoCC (Appendix 9.B) to ensure that it was clear which consultation materials would be displayed in various deposit locations, the format that each document would be available in (i.e. hard copy or CD) and which languages they would be available in.

### **Public Exhibitions**

10.2.3 A number of the comments received during the Phase 1 non-statutory public exhibitions focussed on the availability of information, landscape and visual impacts; size and location of the Project; pollution and waste impacts; impact on house prices; and likely timescales of the Project.

- 10.2.4 APL recognises that the June 2014 exhibitions were early in the design and development process. As acknowledged by DCLG's guidance on pre-application consultation, there is an inherent tension between consulting early and providing sufficient information to enable consultees to comment. APL sought to balance the availability of information with its desire to raise early awareness and knowledge, and gain local feedback on its outline proposals.
- 10.2.5 Some respondents indicated during the Phase 1 consultation that more information was needed on the Project at the non-statutory consultation stage. APL explained that the non-statutory exhibitions and material were intended to introduce the Project to the local community and that more detailed proposals (and consultation on these) would follow. APL further explained that early engagement would enable discussions of aspects of the Project at an early stage in the design development process when a number of options were still under consideration. Early consultation therefore provided opportunities for consultees to influence subsequent design and environmental assessment work. Nevertheless, APL recognises that this early engagement inevitably meant that there was not as much detailed information available as at the statutory consultation phase when more refined proposals were put forward for consideration.
- 10.2.6 APL sought to respond to requests for more information during the Phase 1 statutory consultation by providing more detailed information on the Project and environmental impacts as requested, including:
- Additional exhibition boards;
  - Leaflets, which provided information about the Project, APL, the consultation process and the likely timescales of the Project; and
  - Printed copies of the 2014 PEIR and 2014 PEIR NTS (Appendix 4.C), which provided an initial assessment of the likely environmental impacts of the Project.
- 10.2.7 All written consultation materials were available in different formats upon request.
- 10.2.8 The equivalent information was subsequently also provided for the purpose of the Phase 2 S47 consultation and exhibitions (Appendix 9.E).

### **10.3 Project Design and Mitigation**

#### **Gas Turbine Generator and Stack**

- 10.3.1 For the purposes of the Phase 1 non-statutory consultation the worst case maximum stack height was assumed to be 60 m. Between 1 and 5 Gas Turbine Generators were proposed due to uncertain market conditions and a number of technologies being considered. As a result of concerns raised regarding the visual impact of the stacks, subsequent Phase 1 statutory consultation was based on a reduced stack height of up to 40 m.

- 10.3.2 During Phase 1 statutory consultation, a number of respondents remained concerned about the potential visual impact of the Project on the landscape, with particular regards to the proposed stack heights.
- 10.3.3 Following consideration of and regard to Phase 1 consultation responses, together with greater clarity on the capacity market rules and further engagement with equipment manufacturers, it was decided that a single Gas Turbine Generator with a single stack of up to 45 m is the most appropriate technology solution and design for the Project.
- 10.3.4 These changes were consulted on during Phase 2 consultation and are proposed in the Application.

### **Landscape and Visual Impact**

- 10.3.5 The Landscape and Visual Impact Assessment of the Project was updated from the 2014 PEIR (available during Phase 1 statutory consultation) as a result of subsequent changes to the Gas Turbine Generator and stack following Phase 1 consultation (see above) and feedback received during Phase 2 consultation.
- 10.3.6 Furthermore, in response to feedback received from NRW during Phase 2 non-statutory consultation, an additional two viewpoints (Viewpoint 10 and Viewpoint 19) were included within the Landscape and Visual Impact Assessment contained within the ES (Document Reference 6.1, chapter 11).
- 10.3.7 Finally, during Phase 2 statutory consultation, following review of the photomontages, NRW requested that further information be presented in the photomontages, regarding the distance to the Project, horizontal field of view and wirelines of viewpoints. The photomontages were subsequently updated to provide the requested information in the Application (see Document Reference 7.1).

### **Access**

- 10.3.8 Two possible access routes to the Project Site were proposed as options for consideration during Phase 1 statutory consultation. Access Road Option 1 involved taking access from the north via the Rhyd-y-pandy Road and Access Road Option 2 involved access from the west via the B4489.
- 10.3.9 Both S47 and S42(1)(d) respondents raised a number of concerns in regard to the route options for the Project during Phase 1 consultation, and in particular the proposed use of Rhyd-y-pandy Road (Access Road Option 1) (Appendices 6.B – 6.D). Respondents considered that there would be potentially adverse impacts in respect of congestion, particularly during construction, and in respect of the impact on emergency vehicles to/from Morriston Hospital (Appendices 6.B – 6.D). S42(1)(a) and S42(1)(d) respondents also advised that both access options would result in some habitat losses to SINCs (Appendices 6.B – 6.D).



- 10.3.10 As a result of feedback received during Phase 1 consultation from S47 and S42 prescribed consultees, and further detailed assessment work, the two access route options were refined and Access Road Option 2 was chosen as the proposed access to be included within the DCO. Access Road Option 2 proposes an Access Road from the B4489 to the west of the Generating Equipment Site, including an existing road from the B4489 as well as a new purpose built extension to the Generating Equipment Site.
- 10.3.11 Further investigation and review resulted in the optimisation of the new section of access road proposed by Option 2. As a result, during Phase 2 statutory consultation, two options were proposed for the purpose built new section of the Access Road from the Substation to the Generating Equipment Site (Option A and Option B). Further to Phase 2 consultation, Option B (beginning before the original spur at the car park adjacent to the Felindre Gas Compressor Station and extending southwards towards open fields) was chosen for the new section of the Access Road to take forward for the DCO Application. In response to feedback received from CCS and NRW during Phase 2 statutory consultation, this route was subsequently updated from the route presented in the 2018 PEIR to curve further south and avoid the area of ancient woodland (Revised Option B).

### Project Site Layout

- 10.3.12 The siting of the Generating Equipment Site has been influenced by the land-take of the Gas Turbine Generator and stack and the accessibility of the Generating Equipment.
- 10.3.13 Following Phase 1 consultation and subsequent further investigation, a water main was identified crossing the Generating Equipment Site and Laydown Area that was presented during Phase 1 consultation.
- 10.3.14 Welsh Water advised during Phase 2 non-statutory consultation that typically a 30 m buffer (15 m either side of the water main) is required to be kept clear of construction activities. Accordingly, to allow for uncertainty regarding the specific location of the water main, a 60 m allowance has been incorporated in the configuration of the Generating Equipment.
- 10.3.15 It has been determined from an engineering review of the Project that the Generating Equipment Site could be contained in one location to the north of the gallops instead of being separated by the water main, particularly following the reduction in gas turbine units to a single gas turbine unit following Phase 1 consultation. This ensures retention of much of the length of the Gallops as a feature, which was recommended by DCfW during Phase 1 consultation.

### Gas Connection

- 10.3.16 At the commencement of Phase 1 non-statutory consultation, two possible options (Feeder 28 of the National Gas Transmission System or a nearby Local Transmission System pipeline) were presented for connecting the

Generating Equipment to a suitable source of fuel gas. This followed a gas connection feasibility study which was undertaken in March 2014 to consider the available options.

- 10.3.17 Investigations to identify specific route corridor options to the National Gas Transmission System or Local Transmission System pipelines were carried out and four possible options were presented (within an identified Gas Connection Opportunity Area) during Phase 1 non-statutory consultation (Options 1-4). Variations to Option 2 were considered and identified as Options 2a and 2b to address constraints of Option 2.
- 10.3.18 Following ongoing consultation with National Grid and further due consideration, Option 2b was chosen as the preferred route for the Gas Connection as it has the lowest risks and avoids ecologically significant habitats. This option was presented during subsequent Phase 2 consultation and is proposed in the Application.

### Underground Cable

- 10.3.19 At the commencement of Phase 1 non-statutory consultation, two possible Electrical Connection options were being considered to export power from the Generating Equipment to the NETS: an underground cable or overhead lines. However, overhead lines were presented as a 'worst case' scenario.
- 10.3.20 Feedback received during initial non-statutory consultation with CCS and Community Councils queried the Electrical Connection and raised concerns regarding the potential visual impacts of the Project (Appendix 2.D).
- 10.3.21 Underground cables were subsequently chosen as the preferred option for Phase 1 statutory consultation in order to minimise visual impact. In the 2014 PEIR (available during Phase 1 statutory consultation), it was noted that the cable would be installed beneath the road; however, it has now been decided that the cable will be laid alongside the road for ease of maintenance.

### Electrical Connection Route

- 10.3.22 The Electrical Connection Opportunity Area, to the south west of the Generating Equipment Site, was the area within which the route for the Electrical Connection was identified and was presented during initial Phase 1 non-statutory consultation.
- 10.3.23 Following consideration of a limited number of route corridor options for the Electrical Connection and further to initial consultation, APL selected a route for the Electrical Connection which resulted in the shortest and most direct route from the Generating Equipment Site to the Substation and which requires the least amount of land take and avoids any statutory designated sites or valued habitats.

## Air Quality

- 10.3.24 A number of S42(1)(a) and S42(1)(d) respondents during Phase 1 and Phase 2 statutory consultation made comments in respect of the air quality impacts of the Project, particularly in respect of the environmental assessment and future monitoring, and the impact on individual wellbeing (Appendices 6.C, 6.D, 11.B and 11.C). Several S47 respondents also raised concerns regarding the impact of the Project on air quality (Appendix 6.B and 11.A).
- 10.3.25 The EIA assessment methodology, presented in the ES (Document Reference 6.1) provides more detailed information in respect of the potential air quality impacts to that of the 2014 PEIR (available during Phase 1 statutory consultation) and 2018 PEIR (available during Phase 2 statutory consultation), and was agreed with NRW and Environmental Health Officers at CCS. This includes updates to the dust assessment following S42 comments received during Phase 2 statutory consultation.
- 10.3.26 The air quality assessment (contained within chapter 6 of the ES (Document Reference 6.1)) concludes that, overall, the Project will have no significant impacts on air quality during construction, operation and decommissioning. Furthermore, the emissions from the stack will be strictly limited by NRW as part of an operational environmental permit.

## Noise

- 10.3.27 Several S42(1)(d) respondents during Phase 1 consultation raised concerns regarding the impact of noise on individual wellbeing due to their own proximity to the Project Site, and several S42(a) respondents queried the methodology of the noise assessment presented in the 2014 PEIR (available during Phase 1 statutory consultation) (Appendices 6.C and 6.D).
- 10.3.28 The noise assessment in the 2014 PEIR (available during Phase 1 statutory consultation) (Appendices 6.C and 6.D) was undertaken based on a worst-case scenario and considered potentially significant effects which may be caused by the construction, operation and decommissioning of the Project on noise sensitive receptors in and around the vicinity of the Project Site. The assessment took account of relevant planning policy and guidance contained within: The Environmental Noise (Wales) (Amendment) Regulations 2009; The Noise Action Plan for Wales: British Standard (BS) 7445 'Description and Measurement of Environmental Noise'; BS 4142 'Method for rating industrial noise affecting mixed residential and industrial areas'; EA Horizontal Guidance H3 Part 2: Noise assessment and control; and World Health Organisation (WHO) Guidelines for Community Noise.
- 10.3.29 In response to concerns raised at the outreach meeting with PINS (Appendix 5.B), an outline CEMP (Appendix 3.1 to the ES (Document Reference 6.2)) has been prepared and is submitted as part of the Application. APL has committed to avoiding 24-hour working hours during construction and implementing noise abatement measures.

- 10.3.30 During Phase 2 statutory consultation, NRW queried the assessment criteria used for the noise assessment, particularly omission of the use of BS4142 at night and use of WHO night noise guidelines for Europe. As discussed with NRW following the s42 consultation, detailed baseline sound monitoring was undertaken between 15<sup>th</sup> and 22<sup>nd</sup> February 2018. The results included a full range of relevant weather conditions, which have been used to update the noise assessment in the ES. Robust representative baseline ambient and background sound levels have been derived from the results by filtering for appropriate weather conditions and statistical analysis of filtered data. The most notable changes were that the detailed survey resulted in higher representative background sound levels at NSRs 1 and 6 and lower ambient levels at NSR 4. As a result the assessments are now clearer in terms of their low impacts. The BS 4142 night time assessment based on the results of the detailed survey demonstrate an impact better than low adverse at all receptors. A night time BS 4142 assessment is therefore in the ES (Document Reference 6.1) alongside the WHO assessment.
- 10.3.31 The noise assessment (contained within chapter 7 of the ES (Document Reference 6.1)) states that, following implementation of embedded mitigation measures, as described in the outline CEMP (Appendix 3.1 of the ES (Document Reference 6.2)), construction noise impacts are anticipated to be minor adverse and therefore not significant. During operation of the Power Generation Plant, the noise assessment (contained within chapter 7 of the ES (Document Reference 6.1)) states that the effects will be negligible or minor adverse, which are not significant.

### Socio-Economics

- 10.3.32 During Phase 1 non-statutory consultation, several respondents commented that the number of jobs created was not very significant.
- 10.3.33 During both Phase 1 statutory consultation and Phase 2 statutory consultation, some S47 respondents further queried the benefit of the Project to the local community and considered that there would not be any long-term jobs for local people. A number of S47 respondents also stated an interest in work opportunities arising from the Project.
- 10.3.34 The 2018 PEIR (available during Phase 2 statutory consultation) explained that the construction period is estimated to last 22 months from 2020-2022 and the number of construction workers on site per month will range from 25 to 122 during the peak construction period. The operational phase of the Project will provide an estimated 10 FTE direct jobs. Each of the Project's 10 FTE jobs will be highly skilled positions that offer permanent employment opportunities for 25 years and will be relatively high paid.
- 10.3.35 APL has noted the interest of S47 consultees in local employment opportunities and will maintain ongoing engagement with the local community in this regard following the submission of the Application.

- 10.3.36 APL intends to realise suitable opportunities for the local area over the longer-term and is discussing with CCS as to how local employment opportunities can be secured through an appropriate mechanism.

#### **10.4 Other Feedback**

- 10.4.1 During both the Phase 1 and Phase 2 consultation APL received a number of comments which did not lead to any Project changes for the reasons set out below.

##### **Project Need**

- 10.4.2 A number of responses felt that the need for the Project was unjustified, particularly given that there are several wind farms and solar parks within close proximity of the site. APL acknowledged these concerns however explained that the need for flexible gas fired power station infrastructure is well established in Welsh and UK-wide government policy, each of which state that there is an urgent requirement for the electricity generation mix to incorporate a balance of technologies that reliably produce stable and controllable power during the transition to a low carbon economy. APL considers that the Project responds to this identified need.

##### **Site Selection**

- 10.4.3 Some respondents, particularly in the early stages of consultation, queried why alternative sites had not been considered which were not within a predominantly rural area. APL sought to explain the detailed site assessment which had been undertaken from 2010-2013 and explained the key factors which were considered in the site selection process.

##### **Cumulative Impacts**

- 10.4.4 Some respondents raised concerns regarding the impact of the Project combined with other nearby developments. APL explained that a cumulative impact assessment has been undertaken as part of the EIA in order to consider the combined impacts of the Project with other known nearby developments, as identified and agreed with CCS.

##### **CHP**

- 10.4.5 During Phase 1 consultation, PINS advised APL to prepare information to address the requirements of NPSs in respect of CHP. Accordingly, a CHP Technical Note (Appendix 5.1 of the ES (Document Reference 6.2)) has been prepared and is submitted as part of the Application. The Planning Statement (Document Reference 10.1) summarises the CHP Technical Note (Appendix 5.1 of the ES (Document Reference 6.2)) with reference to NPS policy and also introduces the regulatory environment deriving from the Energy Efficiency Directive in respect of cogeneration for generating plants.

## **10.5 Post DCO Submission**

- 10.5.1 APL is committed to continued engagement with the local community and key stakeholders following submission of the DCO Application, as well as throughout the construction, operational and decommissioning phases should a DCO be granted.
- 10.5.2 Following submission of the DCO Application, providing it is accepted for examination by PINS, APL will undertake statutory notification under S56 of the PA 2008. The S56 notification will include publication and advertisement of the accepted application, and information on how to register as an interested party for the purpose of involvement in the Examination process. Interested parties will have the opportunity to review the application, and to provide Relevant Representations (consultation responses) to PINS in relation to the application. Engagement with statutory bodies and other interested parties will continue through the Pre-Examination and Examination periods to ensure all matters are addressed during that time.
- 10.5.3 In the early stages of non-statutory consultation, APL raised the possibility of a Community Liaison Group in which a number of respondents expressed an interest. Should a DCO be granted, APL is committed to establishing this group to maintain a dialogue with the local community.
- 10.5.4 APL will maintain on-going engagement with the local community, CCS and interested parties and respond to queries in relation to the Project as they arise.



## 11 Conclusion

- 11.1.1 The PA 2008 sets out statutory requirements for applicants to engage in pre-application consultation with local communities, local authorities and those who would be directly affected by the project.
- 11.1.2 This Consultation Report has been prepared in accordance with s37(7) of the PA 2008 and seeks to demonstrate how APL has complied with its various duties under the relevant sections of the PA 2008.
- 11.1.3 The following provisions of the PA 2008 are relevant to statutory consultation:
- S42: Duty to consult certain categories of person;
  - S43: Local authorities for purposes of S42(1)(b);
  - S44: Categories for purposes of S42(1)(d);
  - S45: Timetable for consultation under S42;
  - S46: Duty to notify SoS of proposed application (and to provide S42 consultation materials to the SoS);
  - S47: Duty to consult relevant authority on SoCC and local community in accordance with SoCC;
  - S48: Duty to publicise the proposed Application; and
  - S49: Duty to take account of responses to consultation and publicity.
- 11.1.4 APL undertook two phases of statutory pre-application consultation, between 13<sup>th</sup> October 2014 and 16<sup>th</sup> November 2014 (Phase 1 consultation) and between 16<sup>th</sup> January 2018 and 19<sup>th</sup> February 2018 (Phase 2 consultation). Both phases aligned S42, S47 and S48 requirements to run in parallel across an extended, 35-day consultation period.
- 11.1.5 Under S42, the bodies prescribed by Schedule 1 of the APFP Regulations, local authorities under S43 of the PA 2008, and those who fall under S44 of the PA 2008, were consulted about the proposed application. The full list of S42 parties is included as Appendix 4.I.I for the Phase 1 consultation and Appendix 9.G.I for the Phase 2 consultation. The S42 information sent out to each consultee is set out in sections 6 and 8 of this Consultation Report and included the preliminary findings of the EIA (in the form of the 2014 PEIR (Phase 1 consultation) and the 2018 PEIR (Phase 2 consultation)).
- 11.1.6 APL undertook non-statutory consultation with CCS throughout the phased consultation. Initial consultation was undertaken on the draft 2014 SoCC (Appendix 4.A.II) with CCS, who were given 28 days to comment, to inform the development of the published 2014 SoCC (Appendices 4.A.V and 4.A.VI).



- 11.1.7 The published 2014 SoCC (in English and Welsh) (Appendices 4.A.V and 4.A.VI) set out how APL would consult with the local community under S47 of the PA 2008 during Phase 1 consultation. The published 2014 SoCC (in English and Welsh) (Appendices 4.A.V and 4.A.VI) and Consultation Plan (Appendix 4.A.IX) were made available from 30<sup>th</sup> September 2014 on the APL website (<http://www.abergellipower.co.uk>), at local libraries and CCS's offices. Notices (in English and Welsh) were published in the South Wales Evening Post on 30<sup>th</sup> September 2014 (Appendix 4.A.VII) and 7<sup>th</sup> October 2014 (Appendix 4.A.VIII) stating when and where the 2014 SoCC (Appendices 4.A.V and 4.A.VI) could be inspected.
- 11.1.8 Due to the Project being 'on hold' for a period following the 2014/2015 consultation APL produced a second SoCC (2018 SoCC) ahead of the 2018 statutory consultation (Phase 2 consultation). CCS was consulted on the draft 2018 SoCC (Appendix 9.A) (together with a summary note of 2014 consultation activities, a draft list of "hard to reach" groups to be contacted, and a draft list of consultation documents to be provided in Welsh language) and given 28 days in which to provide comment on APL's proposed approach to the Phase 2 consultation.
- 11.1.9 The published 2018 SoCC (in English and Welsh) (Appendices 9.B.I and 9.B.II) provided an update regarding the Project following the Phase 1 consultation, including an explanation of the planning and consenting process associated with generating stations in Wales, and set out how APL would consult with the local community under S47 of the PA 2008 during Phase 2 consultation. The 2018 SoCC (Appendices 9.B.I and 9.B.II) was made available from 2<sup>nd</sup> January 2018 on the APL website and at local libraries. Notices (in English and Welsh) were published in the South Wales Evening Post on 2<sup>nd</sup> January 2018 (Appendix 9.B.III) and 9<sup>th</sup> January 2018 (Appendix 9.B.IV) stating when and where the 2018 SoCC (Appendices 9.B.I and 9.B.II) could be inspected.
- 11.1.10 In accordance with S48 of the PA 2008, notices publicising the Project were published once in the London Gazette, once in a national newspaper (The Independent (Phase 1) and The Times (Phase 2)) and twice in a local newspaper (South Wales Evening Post) during Phase 1 and Phase 2 consultation. The notice explained when and where the consultation documents could be viewed, and the deadline for responses.
- 11.1.11 On behalf of the SoS, PINS received a copy of the information and documentation that APL were consulting on, ahead of the Phase 1 and Phase 2 statutory consultation periods. These submissions were in accordance with s46 of the PA 2008.
- 11.1.12 The requirements of the PA 2008 have been more than met by the programme of non-statutory and statutory consultation undertaken by the Applicant.
- 11.1.13 The feedback received throughout both the Phase 1 and Phase 2 non-statutory and statutory consultation has been analysed according to the

themes that are represented by the comments received. Where a comment covers more than one theme, this has been accounted for. Where relevant, the detailed content of the comments received is also discussed.

- 11.1.14 Chapters 6, 7, 8 and 9 of this Report explain how APL's engagement and consultation influenced the development of the Project. Table 11-1 highlights the key outputs generated by the various consultation responses received, and how these correspond to the various development stages of the Project.

Table 11-1 Key Project Outputs Generated by Consultation Feedback

Response Received	Key Output	Pre-development	Construction	Operation and Maintenance	De-commissioning	Consultation Report paragraph reference
Consultation materials	Confirmation of which consultation materials would be provided in Welsh	•				8.4.18
Gas Turbine Generator	Power Generation Plant made up of only one Gas Turbine Generator with one exhaust gas flue stack, rather than up to five		•	•	•	7.2.7, 7.4.16, 9.4.15, 9.4.22, 9.5.4
Stack height	Reduction in stack height from a maximum of 60 m to a maximum of 45 m		•	•	•	7.2.7, 7.4.16, 9.4.15, 9.4.22, 9.5.4
Water Main	Generating Equipment moved north of the Welsh Water Water Main		•	•	•	7.2.6, 7.2.10, 7.4.40

Access Road to Project Site	Choice of Access Road from B4489 to the west of the Generating Equipment Site		•	•	•	6.2.7, 6.4.4, 7.2.10
Access Road from Substation to Generating Equipment Site	Choice of Access Road beginning at the car park adjacent to the Felindre Gas Compressor Station and extending southwards towards open fields		•	•	•	8.4.3, 8.4.5, 8.4.16, 8.4.25
Access Road from Substation to Generating Equipment Site	Realignment of Access Road to avoid ancient woodland		•	•	•	8.4.3, 8.4.5, 8.4.16, 8.4.25
Gas Connection	Choice of Gas Connection route corridor, running in a southerly direction to the Generating Equipment Site		•	•		7.4.10

Electrical Connection	Choice of Electrical Connection route corridor, to the southwest of the Generating Equipment Site		•	•	•	7.2.5, 7.4.10, 7.4.31
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- 11.1.15 This Report demonstrates that the Project generated significant levels of interest and participation from a broad spectrum of consultees. Furthermore, and importantly, many of the most significant design and Project decisions, summarised in Table 11-1, were either directly or indirectly influenced by consultation.
- 11.1.16 APL has taken seriously its obligations under the PA 2008 regarding consultation and has delivered both Phase 1 and Phase 2 consultation in accordance with the requirements of that Act. This Consultation Report provides details of:
- what has been done in compliance with sections 42, 46, 47 and 48 of the PA 2008 in relation to the DCO Application;
  - the relevant responses received; and
  - the account taken of the relevant responses received (APL has also set out how it has had regard to non-statutory consultation responses, as well as those received as part of its statutory consultation).
- 11.1.17 APL looks forward to continuing to engage with the local community, relevant local authorities, statutory consultees and those with an interest in the land as its DCO Application for the Project moves forward.

## Annexe

**Drawing No. J0008302-18-200A: Order Land and Order Limits**



