



Department  
of Energy &  
Climate Change

Mr Jason Rundle  
Project Director, RPS Group  
South Hook CHP Project Office  
QPI Global Ventures Limited  
Mermaid Business Centre - 5<sup>th</sup> Floor  
Puddle Dock, Blackfriars  
London EC4V 3DB

**Department of Energy & Climate  
Change**

3 Whitehall Place,  
London SW1A 2AW  
T: +44 (0)300 068 5770  
E: giles.scott@decc.gsi.gov.uk  
[www.decc.gov.uk](http://www.decc.gov.uk)

Your ref:  
Our ref: E010054

23 October 2014

Dear Mr Rundle

**PLANNING ACT 2008 ("the 2008 Act")**

**APPLICATION FOR THE PROPOSED SOUTH HOOK COMBINED HEAT AND POWER  
PLANT ORDER**

**1. Introduction**

- 1.1 I am directed by the Secretary of State for Energy and Climate Change ("the Secretary of State") to advise you that consideration has been given to:
  - a) the report of the Examining Authority ("the ExA"), Mr Jonathan Green, who conducted an examination ("the Examination") into the application dated 31 May 2013 by QPI Global Ventures Limited ("the Applicant") for a Development Consent Order ("the Order") under section 37 of the 2008 Act ("the Application"); and
  - b) representations received by the Secretary of State after the close of the Examination and not withdrawn in respect of the Application.
- 1.2 The Examination of the Application began on 23 October 2013 and was completed on 23 April 2014. The Examination was conducted on the basis of written evidence submitted to the ExA and was discussed at issue specific hearings held on 15 and 16 January 2014, an open floor hearing held on 5 March 2014 and a further issue specific hearing on the draft Order and Local Impact Reports on 6 March 2014.
- 1.3 The Order, as applied for, would grant development consent for the construction and operation of a combined heat and power plant ("the CHP Plant") near the village of

Herbrandston and outside the town of Milford Haven, Pembrokeshire, Wales. The CHP plant is a Combined Cycle Gas Turbine (CCGT) burning natural gas with a nominal gross electrical output capacity of up to 500 MW electrical (MWe). A small percentage of power generated would be used on site for the LNG Terminal and CHP plant, but the majority of power would be exported to the national grid via a grid connection point at Pembroke Power Station. The grid connection does not form part of the Order and will be subject to a separate consenting regime (see paragraphs 4.12 to 4.13 below). The heat generated in the plant would be used in the neighbouring South Hook Liquid Natural Gas (LNG) Terminal to vaporise LNG. The plant's cooling system comprises a closed loop circuit which does not require the use of seawater and has no abstraction or discharge points and fin fan cooling structures which, again, involve no discharge to the marine environment. The only aqueous discharge to the marine environment will be water treatment plant discharges and surface flow; flows from both will not exceed the levels set out in the existing LNG terminal environmental permit. Therefore, there will be no effects on flow rates in the Milford Haven Waterway.

- 1.4 Enclosed at Annex A to this letter is a copy of the ExA's Report and Finding and Conclusions ("the ExA's Report" or "ER") and annexed Errata Sheet, the Order at Annex B and a note on the circumstance in which the Secretary of State can be challenged in Annex C. References in this letter to "the Report" are to the ExA's Report subject to these corrections in the Errata Sheet. The ExA's findings and conclusions are set out in sections 4 and 5 of the Report and the ExA's recommendation is at section 7.

## **2. Summary of the ExA's Report and Recommendations**

- 2.1 The ExA's report included findings and conclusions on the following principal issues:

- a. Biodiversity and Habitats;
- b. Consideration of Alternatives;
- c. Draft Order;
- d. Emissions;
- e. Health and Safety;
- f. Transport;
- g. Socio-Economic;
- h. Visual Impact.

- 2.2 The ExA recommended that the order be made in the form set out in Appendix 4 of the Report.

## **3. Secretary of State's decision on the Application**

- 3.1 The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting development consent for the proposals in the Application. Except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendation of the ExA as set out in the Report. This letter should, therefore, be read with Annexes A and B. This letter with the enclosed Annexes constitutes both the statement of reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and



statement required by regulation 23(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ("the 2009 Regulations").

- 3.2 In reaching this decision, the Secretary of State is satisfied that in the absence of any adverse effects which are unacceptable in planning terms, making the Order would be consistent with Energy National Policy Statements (NPS) EN-1 (the Overarching NPS for Energy) and EN-2 (the NPS for Fossil Fuel Electricity Generating Infrastructure) which set out a national need for development of new nationally significant electricity generating infrastructure of the type proposed by the Applicant.
- 3.3 The ExA considered relevant and important policies in respect of the United Kingdom's international obligations as set out in the Conservation of Habitats and Species Regulations 2010 (as amended) ("the Habitats Regulations") which transpose Council Directive 92/43/EC on the Conservation of Habitats and Species and of Wild Flora and Fauna ("the Habitats Directive") into UK law. The Habitats Directive provides for the designation of sites for the protection of habitats and species of European importance called Special Areas of Conservation ("SACs") and the Council Directive 2009/147/EC on the Conservation of Wild Birds ("the Birds Directive") for the classification of sites for the protection of rare and vulnerable birds and for regularly occurring migratory species, called Special Protection Areas ("SPAs") – collectively known as "European sites". The Secretary of State has taken these issues into account in assessing potential adverse impacts.
- 3.4 The ExA's Report also considered the impacts of the development in relation to The Climate Change Strategy for Wales (October 2010), Wales' Energy Policy Statement 'A Low Carbon Revolution' (March 2010), The Wales Spatial Plan (2008), Planning Policy Wales (Fifth edition, November 2012), the National Parks and Access to the Countryside Act 1949 and Technical Advice Notes: 8 – Renewable Energy (2005); 12 – Design (2009); and 22: Sustainable buildings (2010).
- 3.5 The Secretary of State has also had regard to the Local Impact Reports submitted by Pembrokeshire Coast National Park Authority (PCNPA) and Pembrokeshire County Council (PCC) and to relevant local plans as well as to the environmental information as defined in regulation 2(1) of the 2009 Regulations and to all other matters which he considers to be important and relevant to his decision as required by section 104 of the 2008 Act. In making his decision under the 2008 Act, the Secretary of State has complied with all applicable legal duties on him and has not taken account of any matters which are not relevant to his decision.

#### **4. The Secretary of State's Consideration of the Application**

- 4.1 The Secretary of State has carefully considered the Report, the representations made known to him in respect of the Application and all other material considerations. The Secretary of State's consideration of the Report is set out in the following paragraphs.



## **Need and Relevant Policy for the Proposed Development**

- 4.2 In making a decision, the Secretary of State has had regard to energy National Policy Statements EN-1 and EN-2. After considering the ExA's comments in section 7 of the report, including the conclusions set out in paragraphs 4.206 and 7.8, the Secretary of State is satisfied that the decision to make the Order would be consistent with EN-1 and EN-2. Accordingly, the Secretary of State agrees with the ExA that the need for the development has been established.

## **Major Development in a National Park**

- 4.3 EN-1 recognises the special status of National Parks and states that development consent can only be granted if the development can be demonstrated to be in the public interest and consideration is given to: 1) the need for the proposed development and impact on the local economy; 2) cost and scope of alternative locations; and 3) effects on the environment, landscape and recreational opportunities and the extent to which any detrimental effect could be moderated.
- 4.4 The Secretary of State notes that a large part of the proposed development is situated in the Pembrokeshire Coast National Park. He has, therefore, considered the ExA's assessment of the proposed development against the considerations set out in EN-1 and Planning Policy Wales [ER 4.152 – 4.177]. He is content with the ExA's conclusion that the national need has been established for the proposed development which, together with the mitigation measures proposed and incorporated into the draft Order, are such as to outweigh the localised adverse effect on the National Park, and that the tests for granting development consent for development in a National Park in exceptional circumstances as set out in EN-1 are met.

## **Carbon Capture Readiness (CCR)**

- 4.5 As set out in EN-1 and EN-2, all commercial scale fossil fuel generating stations with a generating capacity of 300MW or more have to be 'Carbon Capture Ready'. Applicants are required to demonstrate that their proposed development complies with guidance issued by the Secretary of State in November 2009<sup>1</sup> or any successor to it.
- 4.6 The Secretary of State notes the ExA's consideration of CCR issues [ER 4.191 – 4.207]. He is content that they have been assessed properly in line with the requirements of EN-1 and EN-2 and considers it would be appropriate to include in the Order a requirement to ensure that the necessary space is available at the site to allow for the future installation of any carbon capture plant.

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<sup>1</sup> Carbon Capture Readiness A guidance note for Section 36 Applications URN09D/810  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/43609/Carbon\\_capture\\_readiness\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/43609/Carbon_capture_readiness_guidance.pdf)



## **Combined Heat and Power**

4.7 The Secretary of State notes that CHP is a proven technology for reducing primary energy usage and reducing carbon emissions. He also notes that EN-1 states that "utilisation of useful heat that displaces conventional heat generation from fossil fuels is to be encouraged where.....it is more efficient than the alternative electricity/heat generation mix" and that it further goes on to say "to encourage proper consideration of CHP, substantial additional positive weight should, therefore, be given.....to applications incorporating CHP". The Secretary of State notes the ExA's comments (ER 2.5) that, in certain modes of operation, the South Hook CHP plant is expected to have a thermal efficiency of up to 88 % compared with 48.5 % efficiency for a typical CCGT. He, therefore, gives substantial weight to the need for this development noting its CHP purpose.

## **Health and Safety**

4.8 The Secretary of State notes that the Health and Safety Executive (HSE) submitted a written representation late in the Examination [REP-044 and REP-066] stating that it had outstanding concerns about the proposed development because there was no evidence of a high level risk assessment having been conducted in relation to the extent and severity of known hazards at the generating station with the potential to impact on local populations and/or major hazard installations, including the loss of containment of natural gas.

4.9 The ExA notes that this matter was unresolved at the end of the Examination period (ER 4.74). The Secretary of State considers that this is an important issue and so he proposed that a suitable form of wording should be included in the DCO to require the Applicant to submit to him for approval, an assessment of the extent and severity of known hazards at the generating station with the potential to impact on local populations and/or major hazard installations before development of the project could commence, and consulted on this proposal.

4.10 The Secretary of State notes that a number of responses to his proposed wording specifically agreed with its inclusion in the Order and others re-stated the importance of ensuring that the safety aspects of the proposed development were as robust as possible. In its response, the Applicant argued that the risks which were of concern to the HSE would only be a factor at the end of the project timeline and, therefore, proposed different wording which would allow a risk assessment, validated by an independent expert, to be submitted for approval by the Secretary of State before the project could be commissioned (but after the local Council had approved the design of the plant). In its responses, the HSE re-stated its position that the impact of known hazards should be considered in establishing the suitability of the location.

4.11 The Secretary of State has considered all the responses to his consultation and has concluded that his proposed Requirement 22 (to replace the ExA's proposed Requirement 22 in relation to Grid Connection issues – see paragraphs 4.12 and 4.13 below), with a number of minor variations to the original text, is the most appropriate in providing suitable comfort for safety concerns. In respect of the Applicant's concern



about the timing of the necessary work to address the HSE's concerns, he considers that the preparation and approval of high level assessment before construction need not have a significant impact on project timescales, since he does not need the detailed design or detailed risk assessment to be considered in order to comply with Requirement 22. In any case, the Secretary of State considers that this assessment needs to be completed before any work to construct the development begins. Accordingly, the Secretary of State has decided to include a requirement largely the same as that originally proposed in the Order which will compel the submission of a high level assessment of potential hazards. (The Secretary of State notes that a full risk assessment should be undertaken later as part of the detailed design process, in accordance with HSE's advice.)

### **Grid Connection**

- 4.12 The Secretary of State notes that a number of Interested Parties raised concerns regarding matters associated with the grid connection method, and that a high level of consideration of grid connection options was included in the Applicant's Environmental Statement (ES). However, the application for the proposed development does not include grid connection infrastructure as this does not fall within the scope of "associated development" contained in section 115(4) of the 2008 Act in respect of Wales. The grid connection is therefore subject to a separate consenting regime. Matters associated with the grid connection, such as cumulative visual impact, cumulative environmental impact or other impacts which were raised as a concern by a number of Interested Parties, will be properly addressed through the relevant consenting regime when permissions are sought for its construction. The representation raised by RWE Npower, the operator of the nearby Pembroke Power Station, in respect of its ability to comply with the requirements of its consent issued under section 36 of the Electricity Act 1989 is also a matter for the application in respect of the grid connection under the appropriate separate consenting regime.
- 4.13 In accordance with paragraph 4.9.3 of EN-1, the Secretary of State is satisfied that there are no issues which would make any future connection to the grid unfeasible, and that there are, therefore, no obvious reasons why the necessary approvals for the grid connection would be likely to be refused. It will be for the decision-making authority under the appropriate consenting regime to decide whether the form of connection applied for is acceptable or not, including cumulative environmental impacts of that development, which would include those in relation to the CHP Plant. It is not appropriate for the Secretary of State to pre-empt that decision, not least because the Application does not contain a full environmental assessment of different grid connection proposals. It might be the case that the impacts associated with, for instance, a grid connection by overhead lines would not be acceptable in planning terms but that is not a decision which can be made on the evidence in front of the Secretary of State at the current time. The Secretary of State does not agree with the ExA's statement (ER 4.187) that the Environmental Statement for this application, or the basis on which the Interested Parties have responded, would be invalidated by a decision to consent overhead lines. The Secretary of State therefore does not agree with the ExA that the ExA's proposed Requirement 22, which would impose limitations on the type of grid connection that could be used, should be included in the Order.



## **Traffic**

- 4.14 The Secretary of State notes that both Pembrokeshire Coast National Park Authority ("PCNPA") and Pembrokeshire County Council ("PCC") accepted that the operational phase of the proposed project should not result in a negative impact on accessibility contrary to local planning policies [ER 4.83]. However, both PCNPA and PCC raised concerns about the impact of traffic during the construction phase [ER 4.84 – 4.87]. PCC, as the Highways Authority, considered that there was a need for a section 106 agreement or similar arrangement for specific road improvements and mitigation measures for off-site transport impacts resulting from the proposed development during the construction phase. Milford Haven Town Council raised concerns regarding traffic through Milford Haven and possible impacts on the health and safety of its residents.
- 4.15 Given the scale of the construction activities that are related to the proposed development, the Secretary of State agrees with the ExA that it is inevitable that there will be additional traffic on the transport infrastructure that is being utilised for those activities [ER 4.90]. However, the Order includes a provision (Requirement 14) for a Construction Traffic Management Plan ("the CTMP") which specifies on- and off-site details for traffic management to be approved by the relevant planning authorities before commencement of the development. In this matter, the Secretary of State accepts the ExA's conclusion [ER 4.92 and 7.9] that funding of the mitigation measures proposed by PCNPA and PCC for the possible impact of traffic during the construction period is not justified on planning grounds. The Secretary of State also accepts the ExA's conclusion that Milford Haven Town Council's concerns could be addressed through the CTMP by routing of construction traffic along the improved Bulford Road route rather than the road through Milford Haven [ER 4.89].
- 4.16 The Secretary of State has decided to ensure that the hours of construction of the Development are strictly limited to those that have been assessed in the Environmental Statement and are set out in the Order. The Order, therefore, includes wording (at Requirement 17) which removes the scope for any variation to the specified times.

## **Noise**

- 4.17 The Secretary of State notes that there were a number of concerns raised by local Interested Parties during the Examination [ER 4.37] about the potential impacts of noise that would add to the existing level of disturbance, which represents a long-running source of complaint.
- 4.18 The Secretary of State notes that the effect of noise and vibration resulting from the construction and operation of the plant were considered by the Applicant in the Environmental Statement [ER 4.38]. In respect of noise from the operational phase, the Secretary of State notes that both PCNPA [REP-018] and PCC [REP-019] commented that the noise assessment prepared by the Applicant demonstrated that noise would not represent a source of noise nuisance above and beyond the existing noise climate [ER 4.42]. The Secretary of State agrees with the ExA's conclusion that noise from the plant during commissioning and operation would be regulated through an environmental permit, and that the mitigation measures identified for noise during



construction address adverse effects from noise [ER 4.46 – 4.49].

### **Biodiversity: European Sites and the Habitats Regulations**

- 4.19 The Secretary of State notes that the ExA considered a number of issues under the above heading (ER 5.1 – 5.46).
- 4.20 The Secretary of State agrees with the ExA's conclusion in relation to identified habitats and species that a likely significant effect arising from the proposed Development when considered alone cannot be excluded in relation to all European Sites. The Secretary of State therefore agrees with the ExA that an appropriate assessment (AA) is required under the Habitats Regulations to consider the effects of this Development alone and in combination alongside other operational, consented and reasonably foreseeable projects (subject to a current planning application) as regards the likely impact upon the integrity of the Cleddau Rivers Special Area of Conservation ("SAC"); the Limestone Coast of South and West Wales SAC; the Pembrokeshire Bat Sites and Bosherton Lakes SAC; the Pembrokeshire Marine SAC; and the Castlemartin Coast Special Protection Area.
- 4.21 A copy of the Environmental Report, containing the Secretary of State's Habitats Regulation Assessment is issued alongside this decision letter and has been prepared on the basis of the ExA's report and Report on the Implications for European Sites. As regards the assessment, the Secretary of State agrees with the ExA that there is sufficient evidence to conclude that adverse effects on integrity can be excluded for all European Sites. In particular, the Secretary of State notes that the cooling system proposed for the development, does not require water abstraction or discharge. The integration of the development's CHP plant operating together with the LNG terminal would mean an overall decrease in Nitrogen deposition into the Pembrokeshire Marine SAC catchment. The development will discharge waste water under the current consented levels for the LNG terminal environmental permit. This limit provides important protection for the Pembrokeshire Marine SAC. The assessment concludes that the construction and operation of the Development, when considered in combination with other plans or projects, will not have an adverse effect upon the integrity of any European sites listed in paragraph 4.20 above.
- 5. The Secretary of State's Consideration of Representations Received After the Close of the Examination**
- 5.1 The Secretary of State is aware there were a number of responses from Interested Parties to his request for views on wording for inclusion in the Order in respect of safety risk assessments for the CHP plant. He notes that the responses covered a broader range of issues than just the safety risk assessment: -
- the message given to outside bodies if the project is allowed to be sited within the Pembrokeshire Coast National Park;
  - the high voltage electrical connector;
  - air pollution;
  - district heating and lack of gas supply to Herbrandston village;



- safety;
- Safe Haven's legal challenge;
- the need to take into account relevant European legislation;
- the future costs of electricity generated by fossil fuels;
- the future of energy generation and the further take-up of renewable energy;
- the South Hook LNG COMAH Off-Site "Emergency Plan";
- Low Frequency Noise;
- the possibility of using shale gas in the event that it proved impossible to import LNG and potential radioactivity associated with doing so ;
- the Stirling Engine alternative;
- noise and vibration; and,
- adverse impacts on the tourist industry.

5.2 The Secretary of State is of the view that many of these matters have already been considered as part of the Examination of the development consent application or consultation carried out in respect of the new Requirement 22 (in respect of safety matters). However, where matters have not been considered under those headings, then he comments as follows:

(a) District Heating and Lack of Gas Supply to Herbrandston Village

The point was made that the proposed Development contains no provision for district heating nor for a gas supply to Herbrandston village. The Secretary of State is aware that these matters were raised during the Examination of the development consent application.

On the provision of district heating, the Secretary of State notes that the Applicant indicated in a paper submitted to PINS (under cover of a letter dated 13 December 2013) that the potential for district heating from the CHP Plant was assessed and rejected on the basis that it would not prove to be a reliable source of heat for domestic users given flexibility in the demand for heat at the LNG plant. The Applicant also indicates that the temperature of the heat source (water) is too low (35°C) to be effective for district heating. While acknowledging that Government policy is to encourage district heating, in this case the Secretary of State accepts the Applicant's arguments as reasons for not pursuing a district heating option for the CHP Plant.

Similarly, on the question of gas supply to Herbrandston, the Secretary of State notes that the Applicant's view is that the provision of a gas grid is a matter for National Grid. The Secretary of State accepts this argument and does not consider this it would be appropriate for this to be a requirement of the development consent.

(b) Safe Haven's Legal Challenge and Impacts Arising From It

The Secretary of State notes that this matter was raised during the examination of the development consent application for the CHP Plant and that it relates to a petition that was submitted to the European Parliament in 2006 in respect of the safety of



transporting liquid natural gas to appropriate terminals located on the banks of the Milford Haven waterway. While noting the matters raised in the petition, the Secretary of State does not consider that they have a bearing on his decision in relation to the Application.

(c) Future costs of electricity generated by Fossil Fuels

The point was made that there should be a comparison of the future costs of electricity generated by renewable energy sources and fossil fuels. Government policy is that the United Kingdom needs electricity generated from a variety of energy sources. As set out in NPS EN-2, fossil fuel generating stations play a vital role in providing reliable energy supplies and a secure and diverse energy mix as the UK makes the transition to a low carbon economy.

(d) The Future of Energy Generation and the Further Take Up of Renewable Energy

As indicated at (c) above, Government policy is that the United Kingdom needs electricity generated from a variety of energy sources. The Secretary of State notes that decisions on applications for individual electricity generating projects are considered on their planning merits in the light of prevailing Government guidance.

(e) The Possibility of Using Shale Gas in the Event that it Proved Impossible to Import Liquid Natural Gas (and radiation risks resulting from that)

The Secretary of State considers that, any risks associated with shale gas will be addressed by the separate environmental permitting and licensing regimes for shale gas extraction and, therefore, he does not consider that the issue needs to be considered as part of the current Application. In any event, the Secretary of State is not aware of any proposals to use shale gas as an alternative fuel source to re-vapourised liquid natural gas.

(f) The Stirling Engine Alternative

The potential for use of a Stirling Engine at the South Hook CHP Plant was raised. The Secretary of State considers that the technology to be used in the Plant is a matter for the Applicant. The Secretary of State can only consider the planning application that is before him.

Conclusion

- 5.3 The Secretary of State has considered the matters raised following the close of the examination period but does not consider that they should be given any weight in his decision-making in this case.

**6. Secretary of State's Conclusion and Decision**

- 6.1 For the reasons given in this letter, the Secretary of State agrees with the ExA that there



is a compelling case for granting consent for the development given the national need for the proposed development and the local economic benefits it would bring, and that this case is not outweighed by the potential adverse local impacts of the development as mitigated by the proposed terms of the Order.

- 6.2 The Secretary of State notes that in addition to the Order, the development would need an environmental permit from Natural Resources Wales ("NRW") to ensure further protection for the environment by regulating emissions from the plant during its operation. He also notes that NRW is considering an application for such a permit from the Applicant and will be consulting on a draft decision within a few weeks. The Secretary of State notes that the Applicant will not be able to operate the plant until NRW are satisfied that stringent environmental conditions are met, and that appropriate monitoring of environmental impacts will be required in the event that operation of the plant takes place.
- 6.3. The Secretary of State has therefore decided to accept the ExA's recommendation at ER 7.16 to make the Order granting development consent on the basis of the Recommendations set out in the draft Order submitted to him by the ExA (in Appendix 4 to the ER), but subject to the modifications outlined in paragraphs 7.1 to 7.5 below. He confirms that, in reaching this decision, he has had regard to the local impact report submitted by PCPNA and PCC and to all other matters which he considers important and relevant to his decision as required by section 105 of the 2008 Act. The Secretary of State confirms for the purposes of regulation 3(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 that he has taken into consideration the environmental information as defined in regulation 2(1) of those Regulations. In accordance with the duty in section 40(1) of the Natural Environment and Rural Communities Act 2006, he has also had regard to the purpose of conserving biodiversity, and in particular to the United Nations Environmental Programme Convention on Biological Diversity of 1992 when considering this application.

## **7. Modifications to the Order**

- 7.1 For the reasons set out above, the Secretary of State has decided to make changes to the Order recommended to him by the ExA.
- 7.2 The Secretary of State has decided to make various changes to the form of the draft Order as set out in Appendix A of the Report which, while altering the way in which specific issues are dealt with, do not materially alter its effect, including changes to conform with the current practice for Statutory Instruments (e.g. modernisation of language), changes in the interests of clarity and consistency, and changes to ensure that the Order has the intended effect.
- 7.3 The Secretary of State has made an amendment to Requirement 23 (carbon capture and storage) to clarify that this requirement is not limited to circumstances where the undertaker is 'required' to install carbon capture equipment, but will also apply where such installation is carried out by the undertaker on a voluntary basis.
- 7.4 For the reasons stated in paragraph 4.13 above, the Secretary of State has decided not



to include in the Order the ExA's proposed Requirement 22 which would have restricted the grid connection infrastructure to sub-surface cables and associated infrastructure on land, and a crossing beneath the Milford Haven Waterway.

- 7.5 However, for the reasons stated in paragraphs 4.8 to 4.11 above, the Secretary of State has decided to add a new Requirement 22 in Schedule 2 of the Order to specify that the authorised development must not commence until a high level risk assessment of the extent and severity of known hazards at the generating station with the potential to impact on local populations and/or major hazard installations, including loss of containment of natural gas, has been submitted to and approved by the Secretary of State.

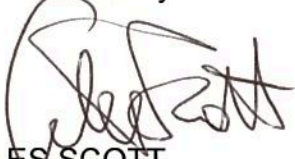
#### **8. Challenge to decision**

- 8.1 The circumstances in which the Secretary of State's decision may be challenged are set out in the note attached in the Annex to this letter (below).

#### **9. Publicity for decision**

- 9.1 The Secretary of State's decision on this application is being publicised as required by section 116 of the 2008 Act and regulation 23 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Giles Scott', written over a circular stamp or seal.

GILES SCOTT

Head, National Infrastructure Consents



## **Annex**

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the former Infrastructure Planning Commission or the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks from the date when the Order is published. The South Hook Combined Heat and Power Plant Order as made is being published on the date of this letter on the Planning Inspectorate website at the following address:  
<http://infrastructure.planningportal.gov.uk/projects/wales/south-hook-combined-heat-power-station/>

**These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge, you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).**



