



NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

RESPONSES TO EXAMINING AUTHORITY'S FIRST ROUND OF WRITTEN QUESTIONS

Power Generation Enhancement scheme at
Port Talbot Steel Works, Margam.

PINS REFERENCE: ENO10062

NPT REFERENCE: P2014/0898

Planning Department
The Quays,
Brunel Way,
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SA11 2GG

January 2015

1. The following sets out the responses of Neath Port Talbot County Borough Council to the Examining Authority's first round of written questions dated 18th December 2014.

SECTION 4.0 DEVELOPMENT CONSENT ORDER

2. **4.20 – Requirement 10 – Code of Construction Practice (CoCP) – Can NPTCBC confirm what additional drafting they require within the CoCP to ensure that any failures of the Dust Management Plan (DMP) standards are investigated effectively.**
3. Para 7.4.6 of the Council's LIR advises, with respect to the impacts of dust during the construction phase, that the Council is satisfied with the objectives of requirement 10 of Schedule 2 to the Draft Development Control Order which makes reference to Dust Management Plan. However, we agree that the Management Plans do not mention requirements to investigate failures of dust or noise controls and to implement mitigation or remedial works if necessary.
4. Planning Requirement 10 relating to the CoCP essentially requires the applicant to agree a CoCP with NPT, and for the Plan to 'define itself'. No detail is included at this stage, rather matters relating to the DMP (and failures thereof) will be addressed via the CoCP. The LPA is generally satisfied that the controls to cover compliance with and monitoring of the CoCP and any necessary mitigation action can be dealt with within the CoCP, however would suggest that the wording of the requirements could be amended to incorporate an additional sub-section (3) to address such matters
5. In addition it is considered that the 'tailpiece' "unless otherwise agreed with the relevant planning authority" (subsection (3) of Requirement 10) should be omitted and replaced with alternative wording. The revised requirement 10 could therefore read as follows

Code of construction practice

10.—(1) No stage of the authorised development may commence until a code of construction practice for that stage has been submitted to and approved by the relevant planning authority.

(2) The code of construction practice, which specifies measures to mitigate the impacts of constructions works, must be substantially in accordance with the outline code of construction practice set out in appendix 15.1 of Volume 3 of the environmental statement and must incorporate the following plans —

- (a) water management plan;
- (b) pollution prevention plan; and
- (c) dust management plan.

(3) The Dust Management Plan required by (2)(c) shall incorporate details of the mechanisms by which failures of dust controls will be investigated and appropriate mitigation or remedial works will be implemented;

(4) All construction works for the authorised development must be carried out in accordance with the approved code of construction practice for that stage, including any plans approved as part of it, unless the LPA have given its approval in writing to any variation to the approved scheme.

SECTION 5.0 ENVIRONMENTAL

6. **5.01** – Air Quality - Can **NPTCBC** confirm that the delineation of the Taibach Margam Air Quality Management Area (AQMA) as shown on Figure 3.1 is accurate and that this AQMA is appropriate for the assessment.
7. Although it is difficult to be certain given the scale of the map, the Council is generally satisfied that the delineation of the Taibach AQMA is accurate and is appropriate for the assessment.
8. **5.04** – Construction Traffic Effects - Can the **applicant** and **NPTCBC** confirm their agreement with the choice of receptors for the assessment of construction traffic and operational emissions.
9. The receptors are considered sufficient and will not be impacted by construction traffic as their route will be via Junction 38 or 39 depending on whether they are travelling east or west from the site and only junction 38 to the site. They will then be travelling along Harbour Way which is not fronted by any of the receptors.
10. **5.06** – Construction Traffic Effects - Can **NPTCBC** state whether they are satisfied with the Applicant selecting Option 1 as the worst case scenario for the assessment of construction traffic effects.
11. It is agreed that Option 1 would be the worst case scenario.
12. **5.14** – Operational Air Quality Effects – Can **NRW** and **NPTCBC** state whether they are satisfied with the applicant's assignment of significance for ecological receptors described in Environmental Statement paragraphs 5.4.105 – 5.4.106.
13. The Authority is satisfied with the applicants assignment of significance for the ecological receptors described within the Environmental Statement.
14. **5.25** – Noise and Vibration – Can **NPTCBC** state whether they are satisfied that the provisions within DCO Schedule 2 Requirement 11(1) (a) are sufficient to allay their concerns with respect to effects of noise and vibration from piling activities.
15. The Authority is satisfied that the provisions within DCO Schedule 2 Requirement 11(1) (a) are sufficient to control noise and vibration, subject to the full implementation of DCO Schedule 2 Requirement 11(2).
16. **5.27** – Noise and Vibration – Can **NPTCBC** state whether they are satisfied with the choice of projects made by the Applicant for the determination of the combined effects of noise and vibration are sufficient.

17. The Authority is satisfied with the decisions and methodology used for the assessment of noise and vibration effects during the construction phase of the development.
18. **5.28 – Noise and Vibration – Can NPTCBC state whether they are satisfied that the exclusion of significant effects from other developments is justified on the basis of their respective undertakings with regard to noise mitigation measures and whether this provides sufficient assurance that cumulative effects will not be significant.**
19. The Authority is satisfied with the decisions and methodology used for the assessment of noise and vibration effects during the construction phase of the development.
20. As identified in the Council's LIR, with regard to operational noise and vibration, such matters will be subject to control by an EPR permit and, in this respect, it is assumed that the comments of Natural Resources Wales (NRW) will be afforded significant weight, and will ensure that the operational phase requirements in the DCO, namely condition 14, will appropriately reflect the controls which will be imposed under any EPR.
21. While NRW will be a statutory consultee for the Council on such matters, it is considered at this stage that appropriate controls can be imposed under the DCO to ensure that there would be no unacceptable adverse impacts arising from the operation of the development.
22. **5.32 – Traffic and Transportation – Can NPTCBC state whether they have agreed the scope and conclusions of the traffic and transportation assessment.**
23. Yes we agree with the scope and conclusions of the traffic and transport assessment.
24. **5.33 – Cultural & Heritage – Can NPTCBC and GGAT state whether they are satisfied with the scope, methodologies applied and conclusions of the applicants Cultural Heritage Assessment.**
25. The report was received and passed through the GGAT internal Quality Assurance checks to ensure that it met current professional standards. The mitigation includes the submission of a written scheme of investigation for a programme of archaeological work; the details of this will also be dependent on the full results of the archaeological watching brief on geotechnical works and the submission of detailed development plans.
26. **5.59 – Scoping Out – Can NRW, NPTCBC and GGAT state whether they are in agreement with the applicant's Scoping In / Scoping Out comments (Environmental Statement Table 2.1).**

27. Yes, Cadw have been consulted and the need for an ASIDOHL was scoped out. There is a slight change regarding professional archaeologists, in that the Institute for Archaeologists (IfA) has now become Chartered and is therefore the Chartered Institute for Archaeologists (CIfA) and archaeological work should be undertaken to follow their Standards and Guidance and it is GGAT's policy to recommend that archaeological work should be undertaken by a Registered Organisation (RO) or a MCIfA level member.

SECTION 6.0 HABITATS, ECOLOGY AND NATURE CONSERVATION

28. **6.01** – *Can **NRW** and the **local authorities** state whether they are satisfied that all the relevant European sites and features have been considered in the applicant's Habitat Regulations Assessment.*
29. The Authority is satisfied that all the relevant European sites and features have been considered in the applicant's Habitat Regulations assessment.
30. **6.05** – *Can **NRW** and the **local authorities** state whether they agree with the conclusions of the 'No Significant Effects' Report (NSER) with respect to the effects of water pollution from surface run-off, noise and vibration, dust blanketing, direct habitat loss or fragmentation, direct disturbance to species, alteration of management, increase in lighting and the spread of invasive species.*
31. The Authority agrees with the conclusions of the No significant Effect Report.
32. **6.06** – *Can **NRW** and the **local authorities** state whether they are satisfied that all the relevant developments have been included in the applicant's in-combination assessment in the 'No Significant Effects' Report Rev.2.*
33. The Authority can confirm that to the best of our knowledge all relevant developments have been considered in the Habitats Screening Report.