



EIA Scoping Opinion- Appendices

Ref: P2021/0625

Site: Land off J38 of the M4

Appendix 1. – Consultation Responses.

INTERNAL MEMORANDUM

24/06/2021

Planning Application Ref: P2021/0625

Land off J38 M4 Margam BIODIVERSITY COMMENTS

In reference to the above application an Officer of the Countryside and Wildlife Team has reviewed the application submitted with the following comments and recommendations.

The Countryside and Wildlife Team, in responding to the above application, provides the following substantive response:

No comment	☐
No objection (subject to any specified conditions below)	☐
Concerns have been identified (see below for how those concerns can be addressed by the applicant)	☒
Objection – on the grounds set out below	☐

Comments and recommendations:

We disagree with the scoping out of Ecology from the EIA for the following reasons:

- The bat surveys have not been completed and we are aware, though a previous application on the adjacent site, that Lesser horseshoe, Myotis species, Common pipistrelle and Soprano pipistrelle bats use the site. The potential impact on the species requires assessment following the completion of the additional surveys.
- A hydrological connection to the adjacent SINC and nearby SSSI has not been ruled out. This requires assessment.
- An assessment of potential air quality affects on the nearby SSSI and SAC is required (we appreciate that they are currently covered in the Air Quality chapter).

In addition the following are required which could all be covered by a chapter in the EIA:

- A balance of S7/LBAP/SINC habitat/species loss/gain to the scheme.

Biodiversity Consultation Response

- An assessment of ecosystem resilience (Section 2 Environment (Wales) Act 2016); this shall particularly consider:
 - (a) diversity between and within ecosystems;*
 - (b) the connections between and within ecosystems;*
 - (c) the scale of ecosystems;*
 - (d) the condition of ecosystems (including their structure and functioning);*
 - (e) the adaptability of ecosystems.*
- An assessment of impacts upon bird habitat (Section 9a Conservation of Habitats and Species Regulations 2017 as amended).
- Details of biodiversity enhancement measures in line with Planning Policy Wales 11 and section 6 of the Environment (Wales) Act 2016.

The Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016. It is therefore essential that the above recommendations for the conservation of biodiversity be followed to ensure that the Planning Authority complies with this statutory requirement along with the adopted guidance in the Biodiversity supplementary planning guidance and TAN 5 (2009).

If you require further clarification of any of the above points please contact Rebecca Sharp.

A handwritten signature in blue ink, appearing to read 'Laura Palmer'.

Laura Palmer MCIEEM
Biodiversity Implementation Officer



Llywodraeth Cymru
Welsh Government

Welsh Government
Ty'r Afon,
Heol Bedwas/ Bedwas Road
Caerffili/ Caerphilly
CF83 8WT
0300 025 6000
cadw@gov.wales/cadw@llyw.cymru
www.cadw.gov.wales

Neath Port Talbot Council

Eich cyfeirnod
Your reference

P2021/0625

By email

Ein cyfeirnod
Our reference

DH

Dyddiad
Date

29 June 2021

Llinell uniongyrchol
Direct line

0300 0256004

Ebost
Email:

Cadwplanning@gov.wales

Dear Sir/Madam

**PROPOSED DEVELOPMENT: Development of a Metal Processing Facility
and associated Development.**

LOCATION: Land off J38 of the M4, Margam, Port Talbot

Thank you for your letter of 11 June 2021 asking Cadw to provide a scoping opinion as to the contents of the Environmental Impact Assessment (EIA) in respect of the above proposed development.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

These views are provided without prejudice to the Welsh Government's consideration of the matter, should it come before it formally for determination.

Assessment

This advice is given in response to scoping opinion as to the contents of an Environmental Impact Assessment (EIA) that will be submitted in support of an application for a metal processing facility on and off Junction 38 of the M4 Margam Port Talbot

The scoping request is accompanied by a scoping report produced by Boyer, which confirms that Archaeology and Cultural Heritage will be included in the EIA: However,

Mae'r Gwasanaeth Amgylchedd Hanesyddol Llywodraeth Cymru (Cadw) yn hyrwyddo gwaith cadwraeth ar gyfer amgylchedd hanesyddol Cymru a gwerthfawrogiad ohono.

The Welsh Government Historic Environment Service (Cadw) promotes the conservation and appreciation of Wales's historic environment.

Rydym yn croesawu gohebiaeth yn Gymraeg ac yn Saesneg.
We welcome correspondence in both English and Welsh.



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE



it suggests a study zone of 2km for designated historic assets around the proposed development whilst it is Cadw's opinion that a 3km study zone would be more appropriate.

The above designated historic assets are located inside 3km of the application area and the impact of the proposed development on their settings should be assessed in accordance with the Welsh Government guidance given in the document "The Setting of Historic Assets in Wales". We would expect a stage 1 assessment to be carried out for all of the above designated heritage assets, which will determine the need, if necessary, for stages 2 to 4 to be carried out for specific heritage assets.

We note that the application area is outside the boundaries of the registered Margam Mountain Landscape of Special Historic Interest and therefore there will be no direct impact on it. Consequently the impact on this registered landscape will be on its setting rather than directly. As such the assessment of the impact of the proposed development on it should be made following the guidance given in "The Setting of Historic Assets in Wales" rather than following the Assessment of Development on Historic Landscapes (ASIDOHL) methodology

Our records show that the following historic assets are potentially affected by the proposal.

Listed Buildings:

14148	St Mary's Abbey Church	I
	Ruins of Chapter House and Vestibule of St Mary's	
14149	Abbey	I
14150	Ruined Undercroft at St Mary's Abbey	I
14151	Almshouses	II
14152	Margam Orangery	I
	Ivy Cottage including Facade of Former Banqueting	
14153	House	I
14155	Hen Eglwys	II*
14157	Barn at Eglwys Nunydd	II
14158	Old Park	II*
	Churchyard Walls and Gate Piers to St Mary's Abbey	
14161	Church	II
14162	Kitchen Garden Walls including Vinery Glasshouse	II
14163	Terrace Walls and Screen at Margam Castle	II*
14164	Middle Lodge	II
14165	Cwm Cottage	II
14166	Margam Cottage	II
14167	2 Grove Cottages	II
14168	Piers and Gates at East Lodge and Flanking Walls	II
14169	Gateway and Quadrant Walls Leading to Twyn yr Hydd	II
14170	Margam Castle	I
14172	Beulah Calvinistic Methodist Chapel	II*
22806	Gibeon Chapel	II
22808	Milepost	II
23263	Twyn yr Hydd	II
23264	Citrus House	II
23265	Retaining Wall adjoining Citrus House	II
23266	Stone Steps in Terraced Garden	II
	Terrace with Pools and Flower Beds Fronting Margam	
23267	Orangery	II*
23268	Turbine House	II
23269	Stones Museum	II
23270	War Memorial	II

23271	Pair of Gate Piers to the Former Margam House	II
23272	Ornamental Pool	II
23273	Former Changing Room	II
23274	Monastic Baths	II*
23275	Broadwalk Steps	II
23276	Arch over Culvert	II
23277	Farm Building at Twyn yr Hydd	II
	Service Buildings including Courtyard Walls at Margam	
23278	Castle	II*
23279	Kitchen Garden Wall and Glass House at Twyn yr Hydd	II
23280	Garden Wall at Twyn yr Hydd	II
23281	Entrance to Twyn yr Hydd and Flanking Walls	II
23282	Vestry at Beulah Chapel	II
23283	Gates, Piers and Railings at Beulah Chapel	II
23284	Milepost at Tollgate Park	II
23285	Milepost near Margam Park Entrance	II
23286	Milepost near Old Park	II
23289	Granary at Ty'n y Cellar	II
23290	Former Cow-house at Ty'n y Cellar	II
23291	Ty'n y Cellar and adjoining Barn	II
23292	Cart Shed, Stable and Cow-House at Ty'n y Cellar	II
23293	3 Grove Cottages	II
87732	Margam Crematorium	II*

Scheduled Ancient Monuments:

GM005 Margam Abbey
GM011 Margam Inscribed & Sculptured Stones
GM056 Danish Camp
GM159 Ergyd Uchaf Round Barrow
GM160 Ergyd Isaf Round Barrows
GM162 Mynydd y Castell Camp
GM163 Hen Eglwys
GM179 Ty'n-y-Cellar Standing Stone
GM477 Half Moon Camp
GM488 Chain Home Low Radar Station, Margam
GM545 Margam Medieval Bath House

Registered Historic Parks and Gardens:

PGW (Gm) 52(NEP) Margam Park (grade I)

Registered Historic Landscapes:

HLW (WGI/MGI) 2 Margam Mountain

Yours sincerely

Denise Harris
Diogelu a Pholisi/ Protection and Policy



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Ms N Lake – Case Officer
Neath Port Talbot County Borough Council

[By Email: planning@npt.gov.uk]

25 June 2021

Dear Ms Lake

PLANNING APPLICATION: P2021/0625

Request for a Scoping Opinion in Accordance With Regulation 14(1) of the Environmental Impact Assessment (Wales) Regulations 2017 for the Development of a Metal Processing Facility Comprising Operational Building (18,250sqm) Plus Administration and Amenity Buildings (1,848sqm), 300 Parking Spaces and Associated Development; Land off J38 of the M4, Margam, Port Talbot

Thank you for your notification of 11 June 2021 seeking the views of the Coal Authority on the above EIA Scoping request.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Having reviewed the red line boundary plan, I can confirm that the site falls within the Development High Risk Area as identified by the Coal Authority. Therefore as part of any future planning application for this site the applicant will need to demonstrate to the LPA how they have considered the risk from former coal mining activity.

It is noted that the EIA Scoping Report, June 2021 prepared by Boyer (Section 9.11: Geotechnical) informs that a Geotechnical Desk Study has been undertaken by Terra Firma (May 2021) and considers that the overall risk to the surface stability of the site from possible unrecorded workings is considered negligible. The Report will need to be submitted as part of any formal planning application for this site in order that sufficient

evidence is provided to the LPA that confirms that risk to the future development of this site from former coal mining activity can be discounted.

Surface Coal Resource

The Coal Authority's records indicate that surface coal resource is present on the site (identified within Section 5.1.5 of the EIA Scoping Report); although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware, those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

I hope this is helpful but please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*

Planning & Development Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

The Town and Country Planning (Development Management Procedure)
(Wales) Order 2015 (as amended)

HEAD OF ENGINEERING & TRANSPORT

DRAINAGE OBSERVATIONS

PLANNING APPLICATION NO: 2/3/21/0625/00
APPLICANT: BOYER - SIMON BARRY
LOCATION: LAND OFF J38 OF THE M4, MARGAM
PROPOSAL: REQUEST FOR A SCOPING OPINION IN
ACCORDANCE WITH REGULATION 14(1) OF THE
ENVIRONMENTAL IMPACT ASSESSMENT (WALES)
REGULATIONS 2017 FOR THE DEVELOPMENT OF A
METAL PROCESSING FACILITY COMPRISING
OPERATIONAL BUILDING (18,250 SQ.M), PLUS
ADMINISTRATION & AMENITY BUILDINGS (1,848
SQ.M), 300 PARKING SPACES & ASSOCIATED
DEVELOPMENT.

The Highway Authority, in responding to the above application, provides the following substantive response:

No comment	☐
No objection (subject to any specified conditions below)	☐
Concerns have been identified (see below for how those concerns can be addressed by the applicant)	☐
Objection – on the grounds set out below	☐
SAB (SAB approval is required)	☒

MY DRAINAGE OBSERVATIONS ON THIS PROPOSAL ARE AS FOLLOWS:-

SAB approval will be required prior to any work commencing. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on <https://www.npt.gov.uk/sab>

The balancing pond was designed to receive the highway water run-off from Harbour Way only. Therefore, a totally separate assessment is to be provided as part of the SAB Application which will be required for this development.

DRAINAGE NOTE TO APPLICANT

Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in [Schedule 3 of the Flood & Water Management Act 2010](#).

These systems must be approved by the Council's Highway Development Control service acting in its SuDS Approving Body (SAB) role before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved.

If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDS design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab .

SIGNED: DATE: 28th June 2021
pp HEAD OF ENGINEERING & TRANSPORT
DRAINAGE REF: DOBS2100625JW

Neath and Port Talbot County Borough Council
The Quays
Brunel Way
Baglan Energy Park
Neath
SA11 2GG

Date: 02/07/2021
Our Ref: PLA0057749
Your Ref: P2021/0625

Dear Sir/Madam

Grid Ref: SS791861 279277 186263

Site: Land off J38 of the M4 Margam, Port Talbot

Development: Request for a Scoping Opinion in Accordance With Regulation 14(1) of the Environmental Impact

With respect to this request for comments on a scoping opinion, in accordance with Regulation 14(1) of the Environmental Impact Assessment, we acknowledge receipt of an accompanying report in relation to development for a *“metal processing facility, offices, amenity building (Use Classes B1, B2 and B8) and other associated infrastructure”*.

Firstly, for the purposes of any forthcoming planning application and supporting environmental statement, we would advise that the proposed development site is crossed by various assets including a 450mm combined public sewer and 300mm trunk public watermain, which have protection zones measured 3 metres and 4.5 metres either side of the centreline respectively, along with foul water and combined rising mains along the northernmost point and southern boundary of the site as highlighted on the attached plans. Please note, no operational works or any part of proposed buildings shall be permitted within these protection zones and accordingly our strong recommendation is that your site layout takes into account the location of the assets crossing the site. In the first instance, it is recommended that the developer carry out survey work to ascertain the location of these assets and establish their relationship to the proposed development.

The scoping opinion report refers to ‘Hydrology, Flood Risk and Drainage’ (9.10) and for the purposes of any forthcoming environmental statement and/or drainage strategy, we would request further information in relation to the proposed foul water drainage strategy and anticipated foul water discharge rates and potable water consumption rates. If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

In addition, we remind that the proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Neath Port Talbot County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Yours faithfully,

Sion Jones
Development Control Officer
Developer Services



Welsh Water is owned by Glas Cymru – a 'not-for-profit' company.
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-elw'.

We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

25/06/21

Your Ref: P2021/0625

Our Ref: A1YC2647

SENT BY EMAIL

Nicola Lake – n.lake@npt.gov.uk

Dear Nicola

**Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017
Scoping opinion request by Sandvik Osprey for the construction and operation of a metal processing
facility at land off J38, M4, Margam**

Thank you for the opportunity to comment on the above scoping opinion.

We understand that the proposed metal processing facility falls within the threshold of Schedule 2 of the Environmental Impact Assessment Regs (2017) and the consultant (Boyer) has provided a detailed report of what information is to be scoped within the Environmental Statement (ES). We are content with the rationale outlined in the report of identifying the potential environmental effects due to the proposed development, in particular specific sections on air quality and noise. We disagree with the applicant's rationale that health as a topic has been initially screened out due to no direct emissions. It is accepted that there will be mitigation measures in place for direct emissions to atmosphere (Part B listing under Environmental Permitting Regulations) however, health incorporates a wider set of parameters for consideration within the EIA Regulations and therefore needs to be considered.

We would suggest that coverage of population and human health are reflected as a discrete section within the ES. It would be also useful to consider the following five key principles that should underpin the coverage of population and human health within EIA

- Comprehensive approach to health
- Proportionate
- Consistency
- Equity
- Reasonableness

The end point of EIA population and human health analysis should, where possible, describe the predicted health and well-being outcomes as outlined in Planning Policy for Wales Edition 11. There should be appropriate cross referencing to population and human health in all chapters.

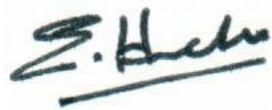
Regarding environmental considerations, PPW11 highlights the need to consider aspects of climate change, including;

- Will the causes and impacts of climate change be fully taken into account through the location, design, build, operation, decommissioning and restoration; and
- Does it support decarbonisation and transition to a low carbon economy?

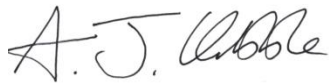
Finally, another potential health concern is the risk of fire. Where fires do occur, they can present a potentially serious risk to public health and the environment. It is important that this is properly assessed as part of the EIA.

We look forward to receiving the ES in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'E. Huckle', with a horizontal line drawn underneath.

Ed Huckle
Principal Environmental Public Health Scientist, CRCE Wales

A handwritten signature in black ink, appearing to read 'A. J. Kibble', written in a cursive style.

Andrew Kibble, Senior Manager, CRCE Wales

On Behalf of Environmental Public Health Service Wales

Planning Department
The Quays
Brunel Way
Baglan Energy Park
Briton Ferry
SA11 2GG

17th June 2021

Dear Sir,

EIA Scoping Opinion – Development of a Metal Processing Facility comprising Operational Building (18,250 sq.m), plus Administration and Amenity buildings (1,848 sq.m), 300 parking spaces and associated development

Land off J38 of the M4, Margam, Port Talbot

App no. P2021/0625

Thank you for your consulting us on this scoping opinion. We have read the accompanying document produced by Boyer (dated June 2021) with interest.

We note that the Archaeology and Cultural Heritage section (Section 8.4) indicates the potential for early peat deposits to contain settlement evidence and paleoenvironmental information. As well as medieval remains associated with reclamation works by Margam Abbey, it also lies close to the line of the Roman road (RR60c-05a) running from Cardiff to Neath.

As a result it is intended to carry out an archaeological desk-based assessment to the Standards and Guidance of the Chartered Institute for Archaeologists (CIfA). Such an approach is entirely appropriate, and we look forward to reading the assessment. As stated by the CIfA Standards and Guidance, the assessment will need to be carried out to a submitted and approved Written Scheme of Investigation (WSI).

The proposal is also located adjacent to the Margam Mountain Registered Historic Landscape (HLW (WGI/MGI) 2), as defined in the *Register of Landscapes of Special Interest in Wales*, specifically the Cwm Brombil and Graig Fawr Character Area (HLCA003), which was associated with granges of Margam Abbey and the Margam Estate. The Scoping Report indicates that an ASIDHOL2 is not within the proposed scope of the assessment (8.4.15). However, due to the close proximity it is possible that there could be an impact on the Landscape and an ASIDHOL2 might be appropriate. However, as the proposal requires an Environmental Statement, **Cadw** would be the curators of any potential ASIDHOL2 and so should be consulted over the matter.

It should also be noted that, depending on the results of the desk-based assessment, further archaeological works may be required. Depending on the nature of such works it may be appropriate to conduct them pre or post-determination. Furthermore it is our policy to recommend that all archaeological work is carried out by a Registered Organisation (RO) with the Chartered Institute for Archaeologists, or by a full Member (MCIfA) of the Chartered Institute for Archaeologists.

Thank you for consulting us on this scoping opinion. If you or the applicants have any questions or require further advice please do not hesitate to contact us.



**Archaeological
Planning**

**The Glamorgan-Gwent
Archaeological Trust
Limited**

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No. 1276976

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without share capital

Registered charity
No. 505609



Yours faithfully,

R. Dunning

Rob Dunning BSc MCIfA
Archaeological Planning Officer

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

The Town and Country Planning (Development Management Procedure)
(Wales) Order 2015 (as amended)

HEAD OF ENGINEERING & TRANSPORT

HIGHWAYS OBSERVATIONS

PLANNING APPLICATION NO: 2/3/21/0625/00
APPLICANT: BOYER - SIMON BARRY
LOCATION: LAND OFF J38 OF THE M4, MARGAM
PROPOSAL: REQUEST FOR A SCOPING OPINION IN ACCORDANCE WITH REGULATION 14(1) OF THE ENVIRONMENTAL IMPACT ASSESSMENT (WALES) REGULATIONS 2017 FOR THE DEVELOPMENT OF A METAL PROCESSING FACILITY COMPRISING OPERATIONAL BUILDING (18,250 SQ.M), PLUS ADMINISTRATION & AMENITY BUILDINGS (1,848 SQ.M), 300 PARKING SPACES & ASSOCIATED DEVELOPMENT.

The Highway Authority, in responding to the above application, provides the following substantive response:

No comment	☐
No objection (subject to any specified conditions below)	☒
Concerns have been identified (see below for how those concerns can be addressed by the applicant)	☐
Objection – on the grounds set out below	☐

MY HIGHWAYS OBSERVATIONS ON THIS PROPOSAL ARE AS FOLLOWS:-

I have no objection to the proposals submitted, however there will be a requirement for a Transport Assessment/Statement to be submitted in accordance with TAN 18 Guidance.

It is noted that the site layout plan although indicative, does not appear to have direct access for public transport or cycling within the proposed road network.

Note to Applicant

Development proposals must seek to maximise walking and cycling accessibility by prioritising the provision of appropriate on-site infrastructure and where necessary off-site infrastructure. Walking and cycling infrastructure and services should be prioritised and put in place from the outset, as per Planning Policy Wales, Edition 11 and Future Wales – The National Plan 2040. All new walking and cycling infrastructure should be built to standards set out in Welsh Government's Active Travel Guidance and off-site infrastructure should link to (where possible) routes on Neath Port Talbot Council's Active Travel Network Map. This shows where walking and cycling routes already exist (Existing

Routes) and where upgrades or brand new routes are anticipated for the next 15 years (Future Routes) in built up areas. Further information on the Active Travel Guidance and Neath Port Talbot's Active Travel Network Map can be found here www.npt.gov.uk/activetravel

SIGNED: DATE: 28th June 2021
pp HEAD OF ENGINEERING & TRANSPORT
HIGHWAYS REF: OBS210625JW

(by email only)
Neath Port Talbot
CBC Civic Centre
Port Talbot
SA13 1PJ

Your Ref: P2021/0625

Date: 13 July 2021

For the attention of Nicola Lake

Dear Nicola

Planning application: P2021/0625

Proposal: Land off junction 38 of the M4. Scoping Opinion, Development of a Metal Processing Facility Comprising Operational Building (18,250 sq.m), Plus Administration and Amenity Buildings (1,848 sq.m), 300 Parking Spaces and Associated Development.

Thank you for your EIA scoping request for any comments reference P2021/0625 dated 11/06/21 for Development of a metal processing facility proposed at Land off Junction 38 of the M4.

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, Regulation 4(3)(b) –
the vulnerability of the proposed development to major accidents relevant to the development.

- HSE's response is limited to our role in the land use planning system on the control of major industrial hazards involving dangerous substances.
- HSE is not responding in our regulatory role in the health and safety system

At this stage it is not clear whether the development will store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to Directive 2012/18/EU The Planning (Hazardous Substances) (Wales) Regulations 2015 and The Control of Major Accident Hazard (COMAH) regulations 2015. Such major accidents are of low likelihood but could have significant effects on the population at the proposed development and on local populations.

If planning consent for hazardous substances will be required, HSE is a statutory consultee for such planning consent applications. Due to the resource that could be required to assess a

Science Directorate

Kate Wagner

Statutory and Commercial Land
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Stuart Reston

hazardous substances planning consent consultation HSE advises that applicants allow several months for such applications. For help with putting the required information into a form format, applicants can be directed to <https://www.hse.gov.uk/landuseplanning/application-forms-hazardous-consent.htm>

Planning Authorities can consult HSE at this email address HazSubCon.cemhd5@hse.gov.uk, HSE's web app has no facility to consider consent for hazardous substances.

Early engagement with HSE under the COMAH regulations will also most likely be required.

The proposed development is located within HSE's land-use-planning consultation zones for a major accident hazard pipeline, the Brynna/Margam pipeline operated by Wales and West Utilities.

There is potential to initiate a major accident at the major accident hazard pipeline, for example during the development construction phase and potentially the operational phase, because the development area intersects the route of the major accident hazard pipeline.

HSE suggests that the EIA should show that the operator of the pipeline has been consulted regarding the following issues or that these issues have been considered in the assessment:

- the development restricted area due to the pipeline
- ensuring the integrity of the pipeline and protecting the pipeline from development and operational works.

The proposed development is located within HSE's land-use-planning consultation zones for H0217 BOC Gases.

This indicates the proposed development could be vulnerable to harmful effects from an industrial major accident at the nearby major accident hazard establishment.

HSE's advice on the granting of planning permission for relevant development in zones set by HSE considers the issue of such accidents in the vicinity affecting people at the proposed development. That HSE advice can be obtained by the planning authority by using HSE's Land Use Planning Advice web app <https://pa.hsl.gov.uk/> .

HSE offers pre-application advice to developers for a fee. That is via developer use of the web app or use of our pre-application advice service.

HSE's Land-use-planning Advice team is available to help with queries
lupenquiries@hse.gov.uk

HSE realises that Environmental Risk Assessments are not expected to include general health and safety at work however we take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

Yours sincerely

Kate Wagner
Statutory and Commercial Land Use Planning Advice



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-154469-Y6J5
Eich cyf/Your ref: P2021/0625

Maes Newydd
Llandarcy
Neath Port Talbot
SA10 6JQ

Ebost/Email:
swplanning@cyfoethnaturiolcymru.gov.uk

Nicola Lake,
Neath Port Talbot County Borough Council
The Quays
Brunel Way
Baglan Energy Park
Neath

Dyddiad/Date: 5 July 2021

Annwyl / Dear Ms Lake,

BWRIAD / PROPOSAL: Request for a scoping Opinion in Accordance with Regulation 14(1) of the Environmental Impact Assessment (Wales) Regulations 2017 for the development of a Metal Processing Facility comprising operational building (18,250 sq.m), plus administration and amenity buildings (1,848sq.m), 300 parking spaces and associated works.

LLEOLIAD / LOCATION: Land off J38 of the M4, Margam, Neath Port Talbot.

Thank you for referring the above proposal for a scoping opinion, which we received on 11 June 2021. We have reviewed the information provided in the Environmental Impact Assessment (EIA) Scoping Report (prepared by Boyer, dated June 2021).

Please note that our comments are without prejudice to any comments we may wish to make when consulted on any subsequent planning applications or on the submission of a more detailed scoping report or the full Environmental Statement. At the time of any planning application there may be new information available which we will need to take into account in making a formal response. These comments include those matters NRW consider will need to be taken into consideration and applied to the Environment Impact Assessment (EIA) and the resulting Environmental Statement (ES).

Air quality

Our comments are in relation to Sites of Special Scientific Interest (SSSI) and National Site Network Sites (formerly the N2K sites). We make no comments that could be used for human health assessment.

8.2.3 - the report has identified Eglwys Nunydd Reservoir SSSI and Kenfig Special Area of Conservation (SAC) but have omitted Margam Moors SSSI.

Kenfig SAC has habitats sensitive to aerial pollution and nitrogen deposition and we agree this required further assessment. Margam Moors SSSI is mainly a mesotrophic marshy fen meadow and sensitive to aerial pollution, therefore we would also expect this to be assessed fully as part of the ES.

The applicant will need to provide information so the Local Authority to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application. The HRA should determine whether there will be an adverse effect on the integrity of the European sites.

Eglwys Nunydd Reservoir SSSI is designated for winter fowl and probably not sensitive to air pollution impacts therefore this may not need to be included as part of the assessment.

Construction Dust Assessment

8.2.14- We are satisfied with the proposed construction dust assessment will follow the methodology set out in IAQM 2016 Guidance identified.

Road Traffic Emissions Assessment

8.2.16 -We are satisfied with the proposed road traffic emissions assessment will be screened against IAQM 2017 Guidance identified.

8.2.17- We agree that designated ecological sites will be identified for assessment in relation to Natural England 2018 advice note.

Industrial Emissions Assessment

8.2.21- The activity is likely to require a permit under Environmental Permitting (England and Wales) Regulations 2016 (as amended). Schedule 1 Part 2 is likely to be 2.2 (non-ferrous metals).

We recommend that the Environmental Permit is applied for at the same time as planning permission This will help the developer and local planning authority to resolve permitting issues at the same time as decision making for the planning process.

An in-combination assessment of emissions may be necessary as there are already permitted Part A(1) activities located in close proximity to the proposed development, including two biomass combustion plants and an integrated steelworks.

Likely Significant Effects

8.2.23 -Indicates that dusts is not likely to be significant provided that mitigation will be the main focus to ensure appropriate controls. The mitigation will need to form part of the ES.

8.2.24- Predicted concentrations of the operational effects from both traffic and industrial process emissions will be assessed against the air quality objectives (critical levels and loads for designated sites) will be completed.

The IAQM guidance does make reference to the Gov.UK Air emissions risk assessment for environmental permit as a relevant guidance to help the assessment procedure.

<https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>

In terms of impacts on designated sites, we also suggest IAQM Holman et al (2020) guidance, IAQM Guidance landing page here <http://iaqm.co.uk/guidance/>

Air quality - scoped out

9.4.2- traffic volumes generated by construction and operation will not trigger a detailed traffic emission assessment and are scoped out, however we suggest further evidence is provided to demonstrate this.

Agricultural Land and Soils

We note a detailed soil and agricultural land classification survey will be carried out, however we have no comments relating to this matter

Landscape and visual

We understand a Landscape and Visual Impact Assessment (LVIA) will be developed and included as part of the ES.

Scoped-out:

There are a number of topics that have been scoped out and omitted from the ES, however we disagree that ecology and hydrology, flood risk and drainage should be scoped out for reasons below:

Ecology

9.2.1 -An Ecology scoping Note was undertaken by Soltys Brewster Ecology, June 2021, and concluded the habitats on site were considered suitable to support foraging/commuting and roosting bats, nesting birds, priority listed terrestrial invertebrates and common reptiles. The occasional use by badger could not be ruled out. We therefore recommend ecology be included within the ES.

9.2.3 -Trees with bat potential have been identified and further surveys have been recommended which we agree with. The EIA scoping report advised that any trees categorised as having moderate to high potential for supporting bats are subject to further surveys (climbing inspections and/or activity surveys) in accordance with best practice. Should bat roosts be confirmed, we advise that an assessment of the impacts of the scheme on these roost sites and proposals to mitigate or compensate for them is also addressed in the ES.

9.2.5- Appropriate mitigation measures for nesting birds has been proposed, but no detail has been provided. Further details are required in the ES

9.2.9- A pollution prevention plan is proposed to avoid impacts to protected sites (Eglwys Nunydd Reservoir SSSI and Junction 38 Wetland Complex SINCC). There is a ditch present on site which may have hydrological links to these sites. An assessment of direct and indirect impacts on protected sites will need to be considered as part of the ES.

Advice to applicant :The ES for this proposal should include sufficient information to enable the relevant decision makers to determine the extent of any environmental impacts arising from the proposed scheme on legally protected species, including those which may also comprise notified features of designated sites affected by the proposals. Evaluation of the impacts of the scheme should include: direct and indirect; secondary; cumulative; short, medium and long term; permanent and temporary; positive and negative, and construction, operation and decommissioning phase and long-term site security impacts on the nature conservation resource, landscape and public access.

Hydrology, Flood risk and drainage

The proposal is for a low vulnerable development on the edge of zone C2. A Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level. The FCA will need to demonstrate compliance with Tables A1.14 & A1.15 of TAN 15 and ensure there is no increased flood risk elsewhere.

The section in the EIA scoping report states:

9.10.1 'Most of the site is located within flood Zone B with a small patch in Zone C2. The development use class is not classified as vulnerable development as per Technical advice note (TAN) 15: development and flood risk. In addition to this a SuDS scheme will be incorporated into the scheme to ensure its protection against fluvial flooding.'

Fluvial flooding cannot be assessed and mitigated as part of a SUDS scheme, and a separate assessment is required.

Geotechnical

We are satisfied that the previous use to the site is undeveloped farm land, and the risk to controlled waters is minimal.

Additional information

Construction Phase

It is good practice to develop a Construction Environment Management Plan (CEMP) to be included in the ES. CEMPs should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.->

Description of the Project

Within the ES, the proposed scheme should be described in detail in its entirety. This description should cover construction, operation and decommissioning phases as appropriate and include detailed, scaled maps and drawings as appropriate.

Illustrations within the Environmental Statement

Any maps, drawings and illustrations that are produced to describe the project should be designed in such a way that they can be overlaid with drawings and illustrations produced for other sections of the ES, such as biodiversity

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details

If you have any queries on the above, please do not hesitate to contact us.

Yn ddifffuant / Yours sincerely

Rhian Isaac

**Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor
Cyfoeth Naturiol Cymru / Natural Resources Wales**

Pencadlys Heddlu

Heol y Bont-faen
Penybont
CF31 3SU

Mewn argyfwng ffoniwch **999**
fel arall, ffoniwch **101**
Gwefan: www.heddlu-de-cymru.police.uk

Police Headquarters

Cowbridge Road
Bridgend
CF31 3SU

In an emergency always dial **999**
for non-emergencies dial **101**
Website: www.south-wales.police.uk

Neath Police Station
Gnoll Park Road
Neath
SA11 3BW

Tel 07815 953 028

Michael.Harvey2@south-wales.pnn.police.uk

25th June 2021

Neath Port Talbot Planning

Dear Mrs Lake

Re: Planning Application Number P2021/0625.

In relation to the above planning application I would have the following observations to make :-

(i). Perimeter security.

The whole site should be protected by security fencing. The fencing should meet the security standard LPS 1175 SR1 or equivalent, be at least 2.4 metres high, manufactured of weld mesh, expanded metal or similar and be of a design that is difficult to climb over. It should be sited on a hard surface or embedded in the ground.

Barriers should control vehicle access onto site as there has been a problem with travellers occupying open spaces in this area e.g. vehicle parking areas.

If the site is unoccupied, gates of the same standard as specified above should secure it. If padlocks and chains are used to secure the gates they must meet appropriate security standards e.g. Sold Secure Gold.

(ii). Vehicle access.

Vehicle access onto site should be controlled by the installation of

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South Wales Police welcomes receiving correspondence in Welsh and English.
Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



barriers at the vehicle entrances with access control fitted. Vehicle access onto the sites must be prevented when the site is unoccupied.

(iii). CCTV.

I would ask for the outside and the main entrances into the buildings, vehicle entrances onto the site, the vehicle parking areas and bike and bin stores to be protected by CCTV.

The CCTV cameras should be located in elevated positions. Ideally the CCTV would be monitored.

The images produced must be admissible in a court of law and the General Data Protection Regulations (GDPR) must be complied with.

(iv). Signage.

Signs should be sited advertising the fact that CCTV cameras are operating in the area if CCTV is installed.

(v). Lighting.

The whole of this development, especially the vehicle parking areas, should benefit from lighting that meets the British Standard 5489.

The lighting must be effective and enhance CCTV coverage if installed.

The lighting must be situated in elevated positions to prevent vandalism and be protected in vandal proof housings.

(vi). Landscaping.

Maximum surveillance must be maintained across the whole development site. Ideally plants and bushes would only grow to a maximum height of 1 metre. The view of the car parking areas from the units must not be obscured by trees or planting.

Trees should be located in areas where they do not obstruct CCTV coverage or lighting or provide an assist to climbing. They should have no branches below 2 metres from the ground. This is to allow clear lines of sight across the whole of the development.

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(vii). Vehicle parking areas.

Vehicle access into the parking areas should be controlled by barriers.

Vehicle parking areas must be well lit, ideally the lighting meeting the British Standard 5489. All vehicle parking bays should be protected by monitored CCTV.

The perimeter of the car parking areas must be clearly defined and access confined to the main vehicle entrance/exit points.

There must be clear lines of sight across the vehicle parking areas with any planting being low level. Ideally these area would be overlooked by the buildings.

(viii). Bicycle stores.

Bike stores must be secure, lit and overlooked (please visit www.securedbydesign.com for more information).

(ix). Bin stores.

Bin storage areas should be secure areas protected by solid doors/gates. Access into these areas should be controlled by access control and they should be located away from the buildings.

(x). Building shell security.

The units must be constructed of materials that are resistant to attack. The first two metres of the external walls must be brickwork or materials of a similar strength.

The design of the units must take into account the need to prevent features that aid scaling or climbing and hidden areas must be designed out.

(xi). Drainpipes.

Rainwater down pipes can provide a convenient scaling aid onto roofs, or to reach windows above ground floor level. Rain water pipes should be either flush fitting (i.e. square profile) or concealed within the cavities.

(xii). Intruder alarm systems.

The buildings especially the offices and amenity buildings should be alarmed on all floors when unoccupied, with the alarm system linked to a central monitoring station. All rooms where there is valuable equipment or information stored should be alarmed and any alarm wires should be protected.

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(xiii). Access control.

Access into the buildings and from public areas into semi private and private areas must be controlled via access control e.g. fob, swipe card etc.

Entry into all rooms where valuable equipment is sited should also be controlled and these rooms must be kept locked when not in use.

Access control should meet Secured by Design (SBD) standards and specifications.

(xiv). Door security.

The external doors of the buildings, those separating public and private areas and those protecting rooms where valuable property or information is stored should meet where possible the standards PAS 24 2016, LPS 1175 SR2 or equivalent and be third party tested and certificated.

Glass in door panels or adjacent to door panels should be laminated.

Doors in recesses of more than 600mm should be avoided.

All vertical lift doors/ roller shutter doors fitted must be locked in place, internally and externally, when the building is unoccupied.

In respect of operating mechanisms external fittings must be avoided. Internal mechanisms must be secure and sited away from the door openings.

Fire doors must not have external door furniture fitted, and meet SBD standards and specifications. They must also be alarmed. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance.

Doors should be protected against ram raiding.

(xv). Window security.

All vulnerable external windows should meet SBD standards i.e. PAS 24 2016 or equivalent and be third party tested and certificated.

All glass in vulnerable windows i.e. ground floor windows within this development should be laminated.

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(xvi). Computers.

Careful siting of power trunking is required to ensure that computers and valuable equipment are kept away from windows wherever possible.

High risk and mainframe computers should be secured in a purpose built room in individual cabinets.

Further more detailed information can be found on the Secured by Design website at www.securedbydesign.com.

If you or the developer require any further information or to discuss any of the points raised in this report please do not hesitate to contact me.

Yours Sincerely

Mike Harvey

Designing out Crime Officer

Please Note.

For the Secured by Design award to be made PAS 24 2016 doors and windows must be permanently and preferably visibly marked PAS 24 2016. They must also be third party tested and certificated.

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Llywodraeth Cymru
Welsh Government

Planning Department
The Quays
Brunel Way
Baglan Energy Park
Briton Ferry
SA11 2GG

Eich cyf / Your ref P2021/0625

Ein cyf / Our ref 21/SW-3926

15 June 2021

Dear Sir/Madam,

Land Off J38 Of The M4, Margam, Port Talbot

Request for a Scoping Opinion in Accordance With Regulation 14(1) of the Environmental Impact Assessment (Wales) Regulations 2017 for the Development of a Metal Processing Facility Comprising Operational Building (18,250 sq.m), Plus Administration and Amenity Buildings (1,848 sq.m), 300 Parking Spaces and Associated Development.

I refer to your consultation of 11/06/2021 and acknowledge receipt of the scoping report. Given the numbers referenced for HGV use and the likely employee traffic generation we do not foresee impacts to our M4 slip roads at Margam. The associated forthcoming transport details should however confirm this and may be best as a simple line on percentage impact to the on and off-slips at Junction 38.

If you have any further queries, please forward to the following Welsh Government Mailbox
Lgc_development_control-south@gov.wales

Yours faithfully

Richard Jones



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

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Appendix 2: HSE Consultation Zones with Scoping Report Site Layout.

