

Date: 5 June 2023  
Our Ref: 21.8012

Planning Team East,  
Neath Port Talbot County Borough Council,  
The Quays,  
Brunel Way,  
Baglan Energy Park,  
Neath, SA11 2GG.

Third Floor, Park House  
Greyfriars Road  
Cardiff  
CF10 3AF

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Dear Sir/Madam,

**Re: TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
APPROVAL OF DETAILS RESERVED BY A CONDITION FOR CONSENT P2021/1255  
LAND WEST OF JUNCTION 38 OF THE M4, PORT TALBOT, MARGAM, SA13 2NU.**

On behalf of our clients, Sandvik Osprey Ltd, Boyer is pleased to submit this Application for Approval of Conditions attached to a Planning Permission.

The application relates to planning Consent No. P2021/1255, for the development of a metal processing facility totalling 28,500sq.m of floorspace comprising a powder processing plant, warehouse and store, office building, amenity building, laboratory, services building, phase 2, CCTV, storage tanks, parking and associated works. The application was granted on 13<sup>th</sup> January 2023.

This submission seeks to provide the necessary information to discharge Conditions 4, 5, 6, 7, 9, 10, 11 and 12 of the permission.

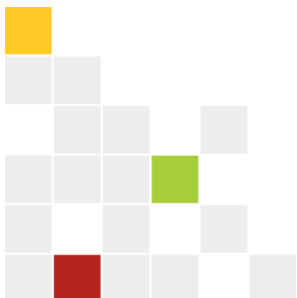
Condition 4: Habitats

**Condition 4** requests a mitigation strategy for the loss of nesting/foraging habitats, worded as below:

*'Prior to the start of development on site, full details of a mitigation strategy for the loss of nesting/foraging habitats (in accordance with the Habitat Regulations 2017) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details can include manufactured bird bricks etc that can be incorporated into the fabric of the building or artificial nest boxes placed on the outside of the building and shall include a schedule of works. The approved details shall be fully implemented on site in accordance with the approved details.'*

*Reason: To ensure that the development would have no adverse impact upon the site's biodiversity and accords with policy EN6 of the Neath Port Talbot Local Development Plan.'*

In order to address the requirements of Condition 4 above, an Ecological Management Plan has been prepared by SoltysBrewster Ecology which provides full details for mitigation against the loss of nesting/foraging habitats. Given the above, the information provided is considered to be sufficient to enable the discharge of Condition 4.



### Condition 5: Vehicle Access

**Condition 5** requests the following:

*'Prior to any work commencing on site a scheme shall be submitted to and approved in writing by the local planning authority detailing junction road markings for both proposed vehicular access points, tactile crossing points, 'No Left Turn' signage on egress from the new junction created for operational vehicles and any carriageway marking amendments and street furniture that may need to be relocated to facilitate the development.*

*The submitted details shall include a schedule of works. All carriageway markings and signage shall be in compliance with the Traffic Signs Regulations and General Directions 2016-2020. The approved details shall be fully implemented on site in accordance with the approved details and the schedule of works and shall be retained as such thereafter.*

*Reason: In the interests of highway and pedestrian safety and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.'*

In order to address the requirements of Condition 5, relevant drawings (2220 C03 Existing Road Junction Details, 2220 C04 Proposed Road Junction Details) have been prepared by James and Nicholas Architects showing further highways details in relation to the access points. On this basis, it is reasonable to consider the information supplied is sufficient to enable the discharge of Condition 5.

### Condition 6: Historic Environment Mitigation

**Condition 6** requests details of a written scheme of historic environment mitigation, worded as below:

*'No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.*

*Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.'*

In order to address the requirements of Condition 6 above, a Written Scheme of Investigation has been prepared by Cotswold Archaeology. The requirements of this report were agreed with GGAT, prior to the investigation being undertaken. Given the above, the information provided is considered to be sufficient to enable the discharge of Condition 6.

### Condition 7: Construction Environmental Management Plan (CEMP)

**Condition 7** requests an updated Construction Environmental Management Plan, worded as below:

*'Prior to the start of construction on site and notwithstanding the submitted Draft Construction Environmental Management Plan, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.*

*The CEMP shall include the following:*

- a) Risk assessment of potentially damaging construction activities;

- b) Identification of "biodiversity protection zones" (including retained habitat areas, areas of peat, wildlife receptor sites);*
- c) Details of pre-commencement checks for protected species;*
- d) Survey information (where necessary) to establish any material change in the presence and/or abundance of S7/SINC habitats and species, protected species, reptiles, birds, terrestrial invertebrates and bats; and identify any likely new ecological impacts that might arise from any changes;*
- e) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). Measures shall include, but are not limited to: a method statement for the conservation of reptiles (including details of receptor sites and their suitability); measures to prevent wildlife becoming trapped in excavations; measures to prevent pollution of watercourses on and off-site; measures to eradicate invasive non-native species; measures to deter species where necessary;*
- f) The location and timing of sensitive works to avoid harm to biodiversity features;*
- g) The times during construction when specialist ecologists need to be present on site to oversee works;*
- h) details in accordance with ES Volume 1 - Chapter 10.115 detailing the protective measures to safeguard retained habitats;*
- i) Use of protective fences, exclusion barriers and warning signs; for all trees that are to be retained, watercourses, gas mains, and habitat areas;*
- j) A programme of ecological checks to address any changes in ecological constraints which may occur as a result of the construction timetable / phasing.*
- k) the parking of vehicles of site operatives and visitors;*
- l) details of the loading and unloading of plant and materials;*
- m) storage of plant and materials used in constructing the development;*
- n) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- o) wheel washing facilities;*
- p) measures to control the emission of dust and dirt during construction;*
- q) a scheme for recycling/disposing of waste resulting from construction works;*
- r) full details of a Construction Traffic Management Plan.*
- s) Details of the hours of construction works and deliveries to the construction site.*

*The approved CEMP shall be adhered to and implemented throughout the construction strictly in accordance with the approved details.*

*Reason: In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policy EN7, EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan.'*

In order to address the requirements of Condition 7, an updated Construction Environmental Management Plan (CEMP) has been prepared by Tera Tech Ltd, with input from SoltysBrewster, which covers the above criteria. On this basis, the information provided is considered to be sufficient to enable the discharge of Condition 7.

#### Condition 9: Employment

**Condition 9** requests the submission of a Local Labour Recruitment Strategy, worded as below:

*'Prior to the start of development on site, full details of a Local Labour Recruitment Strategy, to include the provision of measures aimed at facilitating best available access for people to the opportunities for employment arising from the construction and operation of the hereby approved development, shall have been submitted to and approved in writing by the Local Planning Authority. The Strategy, which shall include a timetable for its implementation, shall thereafter be implemented as approved.'*

*Reason: To ensure that the developer undertakes best endeavours to facilitate best available access for local people to the opportunities for employment arising from the construction and operation of the development and to accord with Policy SP11 of the Neath Port Talbot Local Development Plan.'*

To address the requirements of Condition 9, Sandvik Osprey have prepared a Local Labour Recruitment Strategy document which covers the above criteria. The aim of the document is to outline the company's strategy on how it will facilitate the best available access for local people to the opportunities for employment arising from the construction and operation of the development. On this basis, the information provided is considered to be sufficient to enable the discharge of Condition 9.

#### Condition 10: Ecology

**Condition 10** requests the following:

*'No development shall commence on site until the role, responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist) have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities identified in both the Construction Environmental Management Plan and the Environmental Statement in addition to measures to address ecological legislation and works in accordance with the approved details.'*

*Reason: To ensure that the ecological mitigation is overseen by an appropriately competent ecologist, and to ensure the development complies with Policy EN7 of the Neath Port Talbot Local Development Plan.'*

To address the requirements of Condition 10, SoltysBrewster have prepared a Requirements for Ecological Site Supervision document setting out all activities associated with the construction phase of the development which shall require ecological site supervision. On this basis, the information provided is considered to be sufficient to enable the discharge of Condition 10.

### Condition 11: Soil Resource Mitigation Strategy

**Condition 11** requests a Soil Resource Mitigation Strategy, worded as below:

*'Prior to the start of development on site, full details of a Soil Resource Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority.'*

*The submitted scheme shall include details of recording, handling, storage and re-use both on-site and off-site and shall detail where any grassland and scrub is to be removed, measures to ensure that vegetation is cut to c.100mm in height one week prior to soil stripping. The vegetation shall be cut with hand-held machinery (e.g. strimmers and chainsaws) to reduce the risk of crushing. A further cut to approximately 50mm shall take place after a period of not less than 48 hours. After a further 48 hours an ecologist shall hand search remaining habitat for the presence of reptiles or amphibians prior to topsoil stripping and root removal. The hereby approved development shall be carried out in accordance with the approved details.'*

*Reason: To ensure appropriate soil management measures are implemented on site and that the development would have no adverse impact upon the site's biodiversity and accords with policy EN6 of the Neath Port Talbot Local Development Plan.'*

To address the requirements of Condition 11, a Soil Resource Mitigation Strategy (SRMS) has been prepared by Reading Agricultural Consultants which covers the above criteria. The planning condition and relevant policy are primarily concerned with ecology and biodiversity, therefore the SRMS addresses the supporting soil aspects only that provide the platform for the site's biodiversity. On this basis, the information provided is considered to be sufficient to enable the discharge of Condition 11.

### Condition 12: Gas Pipeline

**Condition 12** requests the following:

*'No development shall take place on site until details of the protective fencing for the gas pipeline that crosses the application site have been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented on site for the duration of the construction operations on site.'*

*Reason: In order to protect the pipeline from the effects of development, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.'*

To address the requirements of Condition 12, protective fencing details have been supplied which detail that the protective fencing for the gas pipeline will be made of high-density polyethylene (HDPE) in the colour orange. The fencing will comprise a set of 5 steel stakes and end caps with a flexible mesh barrier. On this basis, the information provided is considered to be sufficient to enable the discharge of Condition 12.

## **Summary**

We trust that this letter, together with the enclosed information and application form provides sufficient detail to allow Conditions 4, 5, 6, 7, 9, 10, 11, 12 of the permission to be approved by the Local Authority.

The correct planning application fee has been paid electronically via the Planning Portal.

We look forward to receiving notification that the application has been registered and we would be happy to assist the Local Authority in any way during the determination process.

Yours sincerely

**Simon Barry**

**Director**

**Tel:**

**Email:**

**Boyer**