



NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

LOCAL IMPACT REPORT

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

PINS REFERENCE: ENO10062

NPT REFERENCE: P2014/0898

Planning Department
The Quays,
Brunel Way,
Port Talbot
SA11 2GG

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1.0 PURPOSE AND STRUCTURE OF THE LIR.

- 1.1 The Local Impact Report is a requirement where a Nationally Significant Infrastructure Project (NSIP) has been submitted to the Planning Inspectorate for determination and has been accepted for consideration. In this particular case, the submission of a project for a proposed Tata Steel power enhancement scheme which involves the construction, operation and maintenance of a new gas fired electricity generating station of up to 150MW together with integral electrical and gas connections.
- 1.2 The process for determination of such applications is set out within The Planning Act 2008 (as amended). In accordance with the Regulations, as a relevant Local Authority, Neath Port Talbot County Borough Council (NPT) has been invited to submit a Local Impact Report (LIR). S60(3) of the Act specifically relates to the requirements in regard to a LIR and defines the document as '*A Report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)*'. In the production of this document the Authority has had regard to the Planning Inspectorate's Advice Note One: Local Impact Reports (April 2012).
- 1.3 Note One states that '*It is intended that the LIR should be used by the Local Authorities as the means by which their existing body of local knowledge and evidence on local issues can be fully and robustly reported to the examining Authority... The document should not replicate the information within the EIA.*' Nor should it replicate any of the supporting information submitted with the application. It continues on to state that '*Rather it should draw on existing local knowledge and experience. Examples might be local evidence of flooding, local social or economic issues or local knowledge of travel patterns to community facilities*'.
- 1.4 The note states that the report should consist of positive, neutral and negative local impacts, stating a clear evaluation of the importance of these impacts in a structured document, together with an assessment of the development's compliance with local policy and guidance. The report should also detail the Authority's views on the Development Consent Order (DCO).

2 SITE DESCRIPTION AND SURROUNDINGS.

- 2.1 The Tata steel works complex covers approximately 1005.5 hectares (2500 acres) of intensively developed industrial land located between the towns of Port Talbot, Margam, the coast and the hills beyond, known as Mynydd Brombill. The larger steel works site is bounded by Margam Moors SSSI to the south, Port Talbot docks and town to the north and east, the London mainline railway and M4 transport corridor to the east and the coast to the west.
- 2.2 The application site is approximately 22.9 hectares in area and located within the north east section of the steel works and consists of a level area of land which was previously used as an on-site coke works.
- 2.3 The areas surrounding the site consist of long established industrial and infrastructure developments including a large number of buildings and engineering structures associated with the production of steel. Significant developments have recently been completed immediately to the east of the application sites including the peripheral distributor road (PDR), which has exposed the steel works to an increased visibility to vehicular traffic both entering and leaving Port Talbot together with the Tata main stores warehouse, visitor and training centres, which is an award winning building which is also visually prominent in both scale and siting adjacent to the PDR.
- 2.4 The nearest residential properties are located approximately 200 metres to the east of the boundary of the site on the opposite side of the recently constructed PDR and the existing mainline railway line.
- 2.5 It is noted that the proposal forms part of a larger overall redevelopment of the site involving the rebuilding of No 4 Blast Furnace, replacement stacks and casting house, improvements to the off gas and cooling systems and replacement gas holder and re-cladding of a number of large industrial units adjacent to the PDR.

3 DETAILS OF THE PROPOSAL.

- 3.1 The proposal has been described in detail within the Environmental Statement, however a brief description is given below.
- 3.2 The proposed development comprises a new power station and associated infrastructure including a new 66Kv electrical connection to the existing substation located close to Margam to the south west of the larger steel works site.

- 3.3 The Applicant proposes to enhance the existing onsite capacity presently 117 MW by installing up to two new boilers (nominally 164 Mega Watt thermal (MWth) each) and up to two new steam turbines with a gross capacity of up to 150 Mega Watt electrical (150 MWe). The turbines will be housed in a new building adjacent to existing power generation facilities and will be connected to the existing Blast Furnace Gas distribution network in order to receive gases through a new pipe network. It is intended that the power generation will be powered by waste gases produced during the blast furnace process which is presently flared to the atmosphere.
- 3.4 Three turbo alternators (nominally 8MWe each, total of 24Mwe), four boilers and up to three stacks from the existing power generation facilities will be decommissioned. The Applicant is not seeking to demolish these under this application but should the Development Consent Order (DCO) be granted the applicant will apply to the local planning authority for the necessary consents once the proposed development is fully commissioned and in reliable and continuous operation.
- 3.5 The proposed development would result in the total onsite power generation capacity at the Port Talbot site increasing to a maximum of 245MWe. The development comprises of several major components as well as ancillary buildings as follows (indicative dimensions):
- Turbine hall and a boiler house turbine hall up to 25m high x 55m long x 85m wide, boiler house up to 35m high (at apex) x 60m long x 65m wide
 - Cooling Towers up to 22m high x 160m long x 25m wide
 - Up to two stacks (80m in height).
 - Electrical connection 66kv, approximately 2.8km in length to be run underground, off existing above ground infrastructure or a combination of both an electricity transformer compound including a building for housing electrical switchgear;
 - Switchgear station building up to 35 m long and 55 m wide.
 - A condensate storage tank and additional condensate polishing units for an existing water treatment plant;
 - An extension to existing utility connections (water, nitrogen, natural gas and compressed air) from the existing on site utilities pipe work infrastructure to the generating station;

- Security infrastructure, including perimeter fencing and site lighting infrastructure, including perimeter lighting columns;
- Modifications to the existing internal road layout for the provision of site vehicular access, roads, pedestrian network, parking and cycle storage;

3.6 It is noted that the proposal may take the form of either a single stage or a two stage development referred to as option 1 and option 2 respectively. Option 1 would involve the full and complete construction of the proposed development whereas option 2 would break the development down into two distinct phases. Phase one would result in the construction of one stack, one boiler and associated turbine sets being installed. While phase 2 would be optional and would be completed up to 10 years later. Under phase 1 only the building envelope for the single boiler and turbine will be constructed although the groundworks for the second phase building would be undertaken. Half the cooling towers would be constructed along with the 66Kv connection and switch gear building. The phase 1 contract would be approximately 36 months in duration with phase 2 being 24 months. During the period between phase 1 and phase 2 the existing power generation equipment would continue to operate. Once phase 2 comes on line the old plant would be decommissioned.

3.7 Access to the site for construction purposes would be via the recently constructed Peripheral Distributor Road (PDR), Harbour Way. There is an existing access point off the roundabout adjacent to the application site which would give direct access to the PDR.

4 RELEVANT PLANNING HISTORY

4.1 There have been a number of major developments both within the Tata steel works complex and within the immediate surrounding area which are considered relevant to the examination of the project. These include:

- Application (P2006/1455) a Section 36 application for the construction of a 350 MW biomass fired power station deemed planning consent granted 20/11/2007. This development is located approximately 1.7 km to the west of the application site fronting the coast and the Afan estuary. Following the discharge of all pre-commencement conditions, the development was commenced in October 2012, which involved the construction of an access road. Whilst no further work has been carried out to date, in planning terms the site benefits from an extant consent which can continue to be implemented at any time.

- Application P2010/100 (Approved 17/2/2011) for the Peripheral Distributor Road (Harbour Way) a new four lane highway located between Port Talbot and the A48 Margam. The road was opened in October 2013 and will provide access to the application site via roundabout number 2 and 2c.
- Application P2010/878 – two 120m high furnace stacks - Approved 25/5/2011 completed
- Application P2011/0688 storage facilities with associated offices, detached training centre, detached visitors centre and detached medical facility. This is a major development fronting the PDR replacing existing buildings within the Tata steel complex and providing a new access to the site directly off the PDR.
- Application P2011/707 – Blast furnace No 4 rebuild – Approved 31/5/2012 completed.
- Application P2012/750 – Replacement cooling system and demineralisation plant – Approved 23/3/2013 completed
- Application P2012/1070 – Replacement gas holder - Approved 15/7/2013 completed
- Application P2013/708 - Recladding industrial units – Approved 1/10/2013 completed

5 STATUTORY DEVELOPMENT PLAN / LOCAL POLICY DOCUMENTS

- 5.1 The current Development Plan for this area is the Neath Port Talbot Unitary Development Plan which was adopted in March 2008.
- 5.2 On 30th September the Council submitted its Local Development Plan (LDP) to the Welsh Government for Examination. However, due to the stage of the process that the LDP is currently at, it is not considered to be a material planning consideration in the determination of the current project.
- 5.3 The Neath Port Talbot Unitary Development Plan is supported by a number of Supplementary Planning Guidance (SPG) documents. The relevant documents pertinent to this project are:

- Port Talbot Harbourside & Town Centre Development Framework (April 2011) – Emphasises the importance of Harbour Way (PDR) as a catalyst for economic and physical regeneration in the former industrial area of Harbourside, with the area becoming a key gateway to Port Talbot, opening up major development opportunities that have potential to provide long term benefits to the town. Also includes requirements for developments to demonstrate that there would be no adverse affects upon air quality objectives.
- Developer Contributions
- Biodiversity
- Landscaping

5.4 However, these documents will be undergoing review and update as part of the LDP process.

5.5 In addition to the Development Plan, the Authority has a Single Integrated Plan 2013-2023, which sets out the Council's vision for Neath Port Talbot and the steps it will take to protect and improve local services and to support communities. This includes the reduction in the carbon footprint and seeking to ensure effective management systems to provide health and clean air.

6 LOCAL AREA CHARACTERISTICS AND DESIGNATIONS

Designated Sites

6.1 Kenfig – is a nationally important site, designated as both a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI). It is also a National Nature Reserve (NNR). The protected site is located approximately 4 kilometres to the south of the application site.

6.2 Crymlyn Burrows – is a 55 hectare site located approximately 6.5 kilometres to the north west which is designated as a Special Site of Scientific Interest (SSSI) of national significance. The site has both Sand Dune and Salt Marsh Habitats.

6.3 Crymlyn Bog – This is a wetland of international importance as reflected by its designation as a Ramsar site, but its national importance is also recognised by its designation as a Special Area of Conservation (SAC) and also as a SSSI. The authority is unaware of any direct potential impacts that the proposed project would have upon this protected site.

6.4 Eglwys Nunydd, SSSI, Margam Moors SSSI also lie approximately 3.5 kilometres to the south of the application site.

7 CONSIDERATION OF IMPACTS AND ADEQUACY OF RESPONSE

7.1 The following section identifies the relevant issues to be included in the Local Impact Report. There are a number of interrelated issues not just within the immediate area but within South Wales and further afield which would be impacted upon by the proposal these are listed below:

- Principle of Development
- Landscape and Visual impact
- Air Quality Emissions, Noise and Vibration
- Ecology and Biodiversity
- Traffic and Transport
- Socio Economic Impact (including future of employment in Neath Port Talbot and in the wider region)
- Ground Contamination
- Archaeology and Cultural Heritage

7.2 Principle of Development

Local Policy

7.2.1 Within the Neath Port Talbot Unitary Development Plan (UDP), Policy 10 states that 'the expansion or redevelopment of existing enterprises will wherever appropriate be encouraged' while Policy EC2 states that proposals for the re development, intensification and expansion of existing industrial and business premises will be permitted unless unacceptable impacts on local amenities, existing industrial and commercial activities townscape, landscape, biodiversity or highway safety are created. Policies GC1: New Buildings/Structures and Changes of Use and GC2: Engineering Works and Operations (Including Minerals and Waste) set out the Council's General considerations framework to guide the consideration and assessment of all development proposals.

7.2.2 Within this wider Policy context, the Council recognises the overarching importance for the continuation of steel production at Port Talbot, and the role of this proposed development in terms of onsite energy generation, increasing efficiency significantly and reducing the costs of production of the plant. Accordingly, there is general support for the development subject to a detailed examination of the impacts to ensure the development complies with the

criteria and requirements of the other Development Plan policies, notably in respect of landscape and visual impact and air quality. The development's compliance with these more issue-specific policies and criteria is considered within the remainder of the report below.

7.3 Landscape and Visual Impact

Local Policy

- 7.3.1 Policy ENV3: Impacts on the Landscape - resists development which would unacceptably impact upon the skyline, views, panoramas, contributing factors within the character of the local landscape and special historic interests.

Key Local Issues : The Coastal Plain

- 7.3.2 The Neath Port Talbot Landscape Assessment (White Consultants: December 2004) provides a detailed overview of the coastal plain, , a summary of which is as follows:

“The landscape to the south west of the county borough is the landscape of the coastal plain, stretching from Margam Burrows in the south to the border with Swansea along Swansea Bay. The dominance of the sea, large, open and exposed, has a strong impact on the area’s character. The sweep of the bay with large sandy beaches and views to Mumbles Head and England in the distance is a superb edge to the county borough. The dune complexes bordering the beach are impressive and important natural features which would have dominated the coastline in the past but have been replaced with development over much of their length and are now under pressure for recreation. These include those at Crymlyn, Baglan and Kenfig.

The area is the most heavily developed and settled part of the County Borough containing the settlements of Port Talbot, Baglan and Margam. The predominantly two storey residential built form is dominated by adjacent heavy industry related to the coast, particularly the impressive and visually distinct form of the Port Talbot steelworks to the south. To the north, the Baglan Chemical works are being transformed into a major commercial site with key note architecture. In addition, there are numerous other commercial and industrial developments. The busy M4 is a strong linear element sitting just below the adjacent scarp slope and running the length of the plain. This is important to the perception of the area and is a major source of noise and movement”.

- 7.3.3 The immediate local area has undergone a number of significant developments within the past five years including the Peripheral Distributor Road (Harbour Way) the Tata stores and associated facilities, and the rebuilding of the blast furnace 4 together with a number of additional developments within the steelworks complex. Margam Burrows and Kenfig,

however, remain largely unchanged whilst to the north the area encompassing Port Talbot docks has seen the commencement of a number of major developments associated with the comprehensive redevelopment plan for the area, including the nearby Harbourside Strategic Regeneration Area (See SPG plan at *Appendix 1*) However the steelworks complex remains the most predominant feature within the landscape, with its large horizontal and vertical structures dominating this section of the coastal plain for a significant length of the M4 to the north and south and from significant sections of Swansea Bay.

- 7.3.4 The proposed development is located between the PDR and the existing steel works. The infrastructure serving the steel plant provides a significant industrial backdrop when viewed from the PDR. The proposed structures are located on the edge of an area which is already dominated by horizontal and vertical structures and have a similar function being predominantly buildings associated with the existing power plants. It is acknowledged that the proposed development will result in this part of industrial complex being brought closer to both the PDR and the residential communities to the west, however it is considered that the distances, physical barriers and the previous use of the land as a coke works particularly in relation to the residential areas will ensure the development is able to assimilate into its industrial context, and, subject to detailed design matters as discussed below, assist in reducing the visual impact of the development.
- 7.3.5 Although the development is considerable in scale, it will be largely viewed within this significant industrial context and, accordingly, providing the proposed building is of high quality design, has the potential to provide a substantial screen for a considerable section of the older infrastructure.
- 7.3.6 With regard to the potential impact upon residential amenity (visual impacts), the topography of the immediate surrounding area is flat and level with no significant changes in elevation. The nearest residential areas of Taibach and Margam lie to the east and south east respectively with a separation distance between the proposed development and the nearest dwellings of between 180 to 200metres. However, the main line railway embankment lies between the proposed development and a significant number of the nearest residential dwellings and is likely to provide an effective visual barrier, with only parts of the development, notably the stacks, being visible.
- 7.3.7 Further to the east within approximately 500m of the site the land rises steeply forming the escarpments of Mynydd Emroch to the north east and Mynydd Brombil to the east. From these areas more of the development will be visible but at increasingly greater distances until at the top of the escarpment there will be clear views of the proposed development.

The design of the buildings

- 7.3.8 Recent developments including the Tata Stores and associated buildings, the re-cladding of the main strip mills together with the substantial landscaping associated with the PDR has provided a significant improvement to this important gateway to Port Talbot and the Port Talbot Docks development area.
- 7.3.9 Within this context the Council has the highest aspirations in respect of the quality of new development, especially for a scheme of this substance which is sited adjacent to the new PDR, and close to the Harbourside Strategic Regeneration Area and Port Talbot Town Centre. This reflects the importance of Harbour Way as a key gateway to Port Talbot, and as a catalyst for economic and physical regeneration.
- 7.3.10 In this regard, the Council is concerned that the illustrative drawings and photomontages submitted with this application to date do not demonstrate the clarity of design thought expected for a scheme of such magnitude, with such potential for significant landscape and visual impact, or reflect the acknowledged recognition in the ES that good design of the buildings associated with the development is an essential requirement.
- 7.3.11 In this regard, and while acknowledging that detailed design of any such power-generating plant will be an iterative process, it is nevertheless considered that the applicants should be required to further develop the design in order to adequately demonstrate their commitment to the development of a high quality, bespoke design which far exceeds the current relatively standard design submitted with the application.
- 7.3.12 The importance of this being submitted at this stage is considered to be two-fold: firstly, to provide the Council and the wider public, a greater degree of certainty that the development will be of the highest design quality; and secondly, to ensure that the parameters within the draft DCO are adequate to allow for any variation (in particular in height) which may be necessary for any additional design 'elements' (over and above, for example, the height of the turbine hall, boiler house etc.) to appropriately enhance the elevational treatment of the building(s). This will thus also provide the Council with the certainty it requires that any application for discharge of requirements at a later date will meet the Council's aspirations and would not be adversely prejudiced by the established parameters.
- 7.3.13 Accordingly, providing extensive and detailed consideration is given to a scheme of the highest quality in terms of design, use of materials and landscaping, (whether as two distinct phases or a single proposal) , and that

the applicant is able to demonstrate that commitment through additional submissions, it is considered that the proposed development would be unlikely to result in any significant detrimental impact in terms of visual amenity and has the potential to become a key landmark building which could enhance the appearance of this area of the steelworks.

Impacts and Adequacy of Application/DCO

7.3.14 The nature of the development restricts the details of the design to basic parameters of the buildings together with photomontages of the proposed buildings. Although the applicant has liaised with the Authority in advance, for the reasons given above it is considered that an additional level of detail is required in order to demonstrate the commitment to design quality. Nevertheless, subject to such matters being further developed, it is considered that the provisions relating to design detailed in requirement 4 of schedule 2 of the DCO will ensure that a high quality design could be achieved for this development, albeit it is likely that amendments would be required to cover all other aspects of infrastructure such as roads, pathways etc. associated with the development.

7.4 Air Quality Emissions, Noise and Vibration

Local Policy

7.4.1 Policy ENV15 – Air Quality, seeks to prevent development that would have an unacceptably adverse effect on air quality or which would expose people to an unacceptable level of air pollution. Policy ENV29 – Environmental Quality and Amenity states that development which would adversely affect the environmental quality or amenity of the surrounding area through causing unacceptable levels of pollution, disturbance, noise or nuisance will not be permitted.

Air Quality Impacts

7.4.2 The effects upon air quality are a key concern of the Authority in this area. The Taibach Margam Air Quality Management Area (AQMA) was declared by the Council on 11th May 2000 and became effective from 1st July 2000. Air quality monitoring in and around this area has continued since this date, with the most recent being the Council's Air Quality Progress Report (August 2014), a copy of which is provided at *Appendix 2*.

7.4.3 The National Air Quality Strategy establishes the air quality objective in relation to PM10s of no more than 35 days of exceedances above 50 ug/m³ per annum. The Council's measurements (see Fig 2.12 within *Appendix 2*)

detail PM10 exceedance days at the official monitoring station, which was at Groeswen Hospital up until 2007 and is currently at Port Talbot Fire Station. This graph shows a decline in the number of days on which exceedances took place (between 1999 and 2012). The latest figures show that the trend in exceedances is down.

Effects of stack emissions

- 7.4.4 The Environmental Statement shows that dispersion modelling has been carried out to assess the impact of nitrogen dioxide (NO₂), sulphur dioxide (SO₂), carbon monoxide (CO) and fine particulates (PM₁₀ and PM_{2.5}). The assessment was made at thirty three nearby residential receptors. The modelling also accounted for the effect of terrain and locally derived meteorological data. It is concluded that stack emissions from the new development were predicted to be not significantly different from the existing scenario and as such it is considered that the development would not be likely to have a detrimental affect upon air quality in the area.

Effects of construction

- 7.4.5 An assessment was made of the effect of dust from construction. This was carried out in accordance with the guidance published by the Institute of Air Quality Management (IAQM). This showed that in the absence of mitigation the potential exists for moderate adverse dust and PM₁₀ impacts to occur due to earthworks and was also potential for slight adverse dust and PM₁₀ impacts to occur during construction activities. However, these adverse effects may be reduced to negligible significance if effective mitigation measures are implemented and enforced within a Dust Management Plan (DMP). It is considered that such a plan can be controlled under the DCO via the imposition of an additional requirement.
- 7.4.6 With respect to the impacts of dust during the construction phase, the Head of Business Strategy and Public Protection (noise) is satisfied with the objectives of requirements 10 and 11 of Schedule 2 to the Draft Development Control Order which make reference to Dust Management and Noise Management Plans. However, it is noted 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. This information will need to be provided in the final Dust and Noise Management Plans and as such the wording of the requirements will need to be amended accordingly.
- 7.4.7 Pollution from vehicles associated with construction has been assessed using the DMRB screening tool and the impact from NO₂ and PM₁₀ was negligible, even at the worst affected properties.

Noise and Vibration Impacts

- 7.4.8 It is considered that the following comments in regard to the impact of noise and dust emissions apply to both options 1 and 2.
- 7.4.9 With regard to the impact of the construction phase of the development, it is considered that the standards and methodologies used to assess noise and vibration impacts are adequate, and the Council agree with the conclusions of the assessment that although construction noise may be discernable above existing background noise levels at nearby noise sensitive premises, there will not be significant adverse impacts from general construction activities. Therefore, subject to the imposition of suitable controls under requirements in the DCO, there are no objections on such grounds.
- 7.4.10 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.
- 7.4.11 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.
- 7.4.12 For these reasons, the development would be in general accordance with Policy ENV29 – Environmental Quality and Amenity.

Adequacy of application/DCO

- 7.4.13 With regard to working times during the construction phase, the Code of Construction Practice refers to proposed times of working, 07:00 – 19:00 Monday to Friday and 07:00 – 13:00 Saturday. However, requirement 13 of the Draft Development Consent Order suggests Saturday working hours also be applied on Public Holidays and also 30 minute start up and shut down periods outside of the agreed working hours. The Environmental Health section sees no justification for these extended hours, and would suggest Condition 13 be amended to reflect the hours put forward by the Applicant in the Environmental Statement, with an explicit restriction to working on Sundays and Public Holidays unless by prior approval by NPTCBC. In addition, it is noted that during construction of certain structures including the emission stacks 24 hour working may be required, in this case application should be made in writing to the Local Planning Authority in advance of the work taking place.

- 7.4.14 Parts of the development will require piled foundations, piling operations are most likely to give rise to noise disturbance as was the case during the construction of the PDR (Harbour Way). The ES recognises that ground contamination concerns may limit the use of low noise piling techniques, and that detailed foundation and piling design will have to wait until a comprehensive geotechnical assessment of the site has been carried out. Almost certainly as a result of this uncertainty, Chapter 17 – *Schedule of Mitigation* currently has no information on piling noise mitigation. In order to provide sufficient guarantee that this phase of development is fully considered by the Applicant prior to commencement of works, it is requested that the need for a Piling Method Statement be added to Condition 11(1) of Schedule 2 to the Draft DCO.
- 7.4.15 With respect to the impacts of dust during the construction phase the Council is satisfied with the requirements of Conditions 10 and 11 of Schedule 2 to the Draft DCO which make reference to Dust Management and Noise Management Plans. However, it is noted that the Management Plans do not mention requirements to investigate failures of dust or noise controls and to implement mitigation or remedial works this information will need to be provided in the final Dust and Noise Management Plans.
- 7.4.16 With regard to control of nuisance Section 9 of the Draft Development Consent Order proposes a defence against Statutory Nuisance proceedings under section 82 of the Environmental Protection Act 1990. This does not affect the Authority's Statutory Nuisance powers under section 80 of the Act, however the proposed defence condition relies on the nuisance occurring under the control of s.60, s.61 or s.65 of the Control of Pollution Act 1974.
- 7.4.17 The Authority does not use these powers for the control of nuisance from major developments as in practice they are overly onerous for Developers and the Authority, and do not always provide sufficient protection to residents. Instead it is the preference of the Environmental Health department to condition robust noise limits and controls together with agreed comprehensive Construction Management Plans (as required by Conditions 10 and 11 of Schedule 2), backed up where necessary by the Authority's Statutory Nuisance powers under the Environmental Protection Act 1990. Based on the Applicant's own submissions in the Environmental Statement, Environmental Health therefore see no justification for inclusion of Section 9 in the DCO.
- 7.4.18 Providing the above points are taken into account it is considered that the proposed development would not likely to have a detrimental impact in terms of noise or vibration within the area.

7.5 Ecology and Biodiversity

Local Policy

7.5.1 Policy ENV4 – Proposals Affecting International and National Sites for Nature Conservation and Species Protected by European or UK Legislation, states that developments which adversely impact upon the integrity or the nature conservation value of the sites would not be permitted except under specific circumstances, as set down within the policy. Policy ENV5: Nature Conservation - seeks to protect against unacceptable damage to significant local habitat and species and outlines a set of criteria that new development should achieve.

Designated sites

7.5.2 Potential effects during the operational phase upon Ramsar sites including Kenfig SAC, Crymlyn Bog, Ramsar, SSSI and NNR, Margam Moors SSSI and Kenfig Dunes and Pool SSSI will be assessed under an Appropriate assessment compiled by the applicant and submitted to NRW for approval.

7.5.3 Given that the area of the proposed development is a recently cleared brown field site the potential impact on nature conservation or ecological issues is likely to be low. It is considered that the surveys submitted in support of the application are sufficiently comprehensive and the main species affected have been accurately identified including Kidney Vetch, reptiles and invertebrates.

7.5.4 The Authority's biodiversity section have been working closely with the applicants agents on site and a habitat management plan was agreed in June of this year.

7.5.5 Work has continued on site in order to identify translocation areas for Kidney Vetch. With regard to reptiles work has continued on both the main development site and the cable route. This has included a capture programme and translocation to the retained habitat. Tata were starting site investigation works in November involving digging trial pits for the entire length of the cable route and next spring the reptile translocation will be re started.

7.5.6 The Authority's ecologist concurs with the overall conclusion contained in the ES that the proposal is unlikely to cause any significant impact on protected species or habitats provided appropriate mitigation measures are submitted approved and implemented.

Adequacy of application/DCO

7.5.7 In view of the Council's Ecologist there are no further requirements and have concluded that there are no problems or issues with any of the ecology components of this application. It is considered that condition 9 of Schedule 2 of the Draft DCO will adequately address any potential issues.

7.6 Traffic and Transport

Local Policy

7.6.1 Policies T1 – Location, Layout and Accessibility of New Proposals, T11 - Traffic Management, and T12 – Footpaths, Cycleways and Bridleways all seek to ensure that new developments do not adversely impact upon highway safety, increase dependency upon private vehicles and where possible provide appropriate internal routes and links to existing highways, routes and networks.

7.6.2 The application site is located adjacent to the recently constructed Peripheral Distributor Road (Harbour Way) which was opened in October 2013. This dual carriageway provides good access with junction 38 of the M4 via a short stretch of the A48. Entry and egress for the development site is via a dedicated access off roundabout 2 on Harbour Way. The route of Harbour Way from junction 4 of the M4 by passes the residential areas of Margam and Tai bach thereby ensuring that the traffic impact during both the construction and operational phases upon residential amenity in terms of traffic noise, air emissions and vibrations will not have any unacceptable impacts.

Adequacy of application/DCO

7.6.3 The Environmental Statement assesses the impact of the two construction options which involves the installation one boiler and one turbine in each phase. The ES states that the second phase could be built up to ten years after the first installation. As such it is considered that it is made clear that the under Schedule 2 condition 11 part (b) of the Draft DCO is extended to cover both options 1 and 2.

7.7 Socio Economic Impact

Local Policy

- 7.7.1 Policy 10 - The expansion or redevelopment of existing enterprises will wherever appropriate be encouraged. Policy EC2 - Proposals for the re development, intensification and expansion of existing industrial and business premises will be permitted unless unacceptable impacts on local amenities, existing industrial and commercial activities townscape, landscape, biodiversity or highway safety are created.
- 7.7.2 The council recognises the overarching importance for the continuation of steel production at Port Talbot, the plant is an employer of local, regional and national importance providing approximately 3500 jobs with up to 17,000 indirect jobs dependent on its continued operation. The proposed development will increase efficiency significantly reducing the costs of production of the plant. This together with other recent investments in plant will help protect the long term future of steel making in South Wales.
- 7.7.3 It is estimated that the construction phase of 36 months will require a workforce of 500 over the whole period and 300 at the peak. In the case of the two phase approach there would be an additional two year construction period It is recognised that there will potentially be direct and indirect beneficial effects to the local economy during these construction phases. Opportunities exist for local businesses to become part of the supply chain and the inclusion of round table discussions with regard to this during the consultation process is welcomed by the Authority.
- 7.7.4 In respect to the impacts upon tourism, due to the location of the proposal within an already industrialised location within the County Borough it is considered that there would not be any adverse impacts upon tourism, notwithstanding the size and prominence of the proposed development.

Adequacy of application and DCO.

- 7.7.5 In conclusion whilst it is acknowledged that whilst there will be few jobs created during the operational phase, significant numbers of jobs will be created during its construction. Furthermore, the longer term socio economic benefits must be considered whereby the more efficient operation of the steel works is likely to sustain the jobs of existing employees to the benefit of the socio economics of both the immediate and wider area.

7.8 Ground Contamination

Local Policy

- 7.8.1 Policy ENV16 – Contaminated Land, states that proposals that would affect land which is or is likely to be contaminated will not be permitted unless it can be demonstrated that the development would meet the policy's required criteria.
- 7.8.2 The application site has a long industrial history having previously been utilised for a coking plant resulting in both known and potentially unknown land contamination.
- 7.8.3 The desk study has highlighted the need for further intrusive works to fully understand the level of contamination including the route of the new cable conduit. It is understood these works are currently underway. As noted in the Consultation Report, Section 7.45; the Site Investigation (SI) should include a specific petroleum hydrocarbon analysis in order to provide an accurate indication of human health risk. NPTCBC look forward to reviewing the findings of the site investigation in due course.

Adequacy of Application/DCO

- 7.8.4 Requirement 19 of Schedule 2 of the DCO details the broad intentions for dealing with land contamination and ground water. However, the applicant has stated that land contamination issues including any required remediation can be further addressed by means of appropriate requirements within the DCO.
- 7.8.5 The Authority's land contamination section concurs with this view and has recommended that additional requirements are added to provide a more comprehensive framework to address the land contamination and mitigation issues. The additional suggested Requirements are shown in Appendix 3

7.9 Archaeological and Cultural Heritage

Local Policy

- 7.9.1 Policies ENV22 – Archaeological Remains, ENV23 – Archaeological Evaluation and ENV24 – Archaeological Recording, seek to ensure that where it is demonstrated that any archaeological remains are to be affected the development must demonstrate that the need for the development outweighs the value of the archaeological remains. In such situations, appropriate evaluation of the remains and the potential impact should be carried out and where necessary recorded.

Impacts and Adequacy of Application/DCO

- 7.9.2 It is considered that the archaeological impacts of the development can be adequately addressed under draft requirement 8 which requires a Written Scheme of Investigation.

8 DEVELOPMENT CONSENT ORDER

- 8.1 While the Council's LIR has detailed matters relating to the adequacy of the draft DCO, the Council reserves the right to add to, or suggest amendments to, proposed requirements following further examination of these and associated documentation.

9 CONCLUSION

- 9.1 The Authority asks that the examining body gives full consideration to the issues raised within this Local Impact Report and the representations made by other statutory bodies and members of the public. It also requests that the examination process ensures that there is certainty in the resultant impact associated with the proposed project and if the DCO is granted that there is a robust and comprehensive provision of requirements to ensure that any impacts are adequately monitored and where necessary appropriately mitigated.