



**Cyfoeth  
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**Ein cyf/Our ref: SE/2014/117935/02  
Eich cyf/Your ref: 2009/00946/OUT**

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**FAO: Ian Robinson**

9 January 2014

Annwyl Syr/Madam / Dear Sir/Madam

**DISCHARGE OF CONDITIONS 40 (LAND CONTAMINATION) AND 41 (VERIFICATION REPORT) OF PLANNING PERMISSION 2009/00946/OUT (DEVELOPMENT OF VACANT LAND) – LAND AT BARRY WATERFRONT ADJACENT TO DOCK NO. 1, BARRY.**

Thank you for your query dated 8 December 2014 on our previous response dated 3 October 2014. Our response to your queries is below.

It is our understanding that you are seeking advice on whether parts 3 and 4 of condition 40 and condition 41 of planning permission 2009/00946/OUT can be discharged. We have reviewed the following documents in assessing the application:

- Verification Report for Remedial Works at West Pond, Barry Waterfront Development, prepared by WSP, dated September 2014.
- QDS Remedial Action Plan, West Pond, Barry Waterfront, Ref: 5040/5/3758/JH rev 1, dated November 2012.

**Condition 40 – Part 3**

*'The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken'*

We are satisfied that the Remedial Action Plan prepared by QDS dated November 2012, which we referred to in our previous letter (from our legacy organisation Environment Agency Wales) dated 25 February 2013 is satisfactory to discharge part 3 of condition 40 of planning permission 2009/00946/OUT. The letter referred to part 4 of the condition, however this should have stated part 3. Therefore we advise that this part of the condition can be discharged for the West Pond site, which includes the proposed Asda site.

#### **Condition 40 – part 4**

*‘A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.’*

It is our understanding that your Authority has now received the verification report, remedial works at West Pond, Barry Waterfront, prepared by WSP (ref. 39784. REV 01; dated September 2014). We had previously reviewed this document and responded to WSP Remediation directly on 4<sup>th</sup> September 2014 (Our reference: SE/2013/117154/03 – L02). This confirmed that the report demonstrated the risk to controlled waters had been reduced and showed a declining trend from the post works monitoring from October 2013 to April 2014.

We are therefore satisfied that the report is acceptable to advise the discharge of part 4 of condition 40 of planning permission 2009/00946/OUT for the West Pond site which includes the Asda phase which lies within the site boundary of West Pond.

#### **Condition 41**

*‘Prior to the first occupation of each phase of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.’*

The verification report, remedial works at West Pond, Barry Waterfront prepared by WSP dated September 2014 demonstrated that controlled waters have been reduced and shows a declining trend from the post works monitoring from October 2013 to April 2014. We are satisfied that the report is acceptable and advise that condition 41 can also be discharged for the West Pond site, including the Asda phase.

We trust this advice is clear, if you have any queries, please do not hesitate to contact us

Yn gywir / Yours faithfully

*R. H. Evans*

#### **Miss Ruth Evans**

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**Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.**

**Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.**