



**Cyfoeth  
Naturiol  
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Natural  
Resources  
Wales**

**Ein cyf/Our ref: SE/2014/118156/01  
Eich cyf/Your ref:**

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**FAO: Simon Edwards**

20<sup>th</sup> October 2014

Annwyl Syr/Madam / Dear Sir/Madam

## **BARRY QUAYS (WATERFRONT) - SOUTH QUAY PARKSIDE**

Thank you for consulting us on the updated risk assessment and outline remedial strategy, which we received via email on 6<sup>th</sup> October 2014.

We have reviewed the following information submitted:

- Supplementary Site Investigation, South Quay Parkside Barry. The Barry Waterfront Consortium. Idom Merebrook Limited, Ref. GEA-17633-14-250, Dated. October 2014.

**In summary and on the basis of the information provided to date, we accept the methodology and results of the site investigation.**

We have reviewed the report and we provide our detailed advice below;

### **Remediation in relation to Controlled Waters**

We note that Idom Merebrook Limited (Merebrook) has been commissioned by The Barry Waterfront Consortium to update the findings of previous investigations in order to present the current contaminative status of the site compared to current guidelines, and to inform a particular specification for remediation of the site. The investigation and assessment undertaken is also intended to provide a better of the contaminant distribution and hydrogeological regime. This information has been used to provide an updated assessment of risk associated with contamination at the site.

The report concludes that;

- 600mm of clean cap will be used in in all soft/landscaping areas;
- No significant dissolved phase groundwater contamination at South Quay Parkside, however, hydrocarbon contamination, including free phase has been identified in made ground soils within the tank farm. Potential risks to groundwater have been identified due to free product providing a potential ongoing contaminant source, however current perched and groundwater data would suggest that such a risk has not been realised.
- The adoption of a precautionary and long-term approach for the protection of controlled waters, which will include the remediation of grossly contaminated unsaturated soils in order to remove free product; and careful dewatering of any buried structures.

The report therefore has identified contamination of the soil and groundwater from previous land use at the site. The report has assessed the risk to controlled waters and outlined the proposed remediation strategy of betterment given the receptors at the site. We accept this approach as a way forward.

It is not clear whether this information will be used in discharge of planning conditions or is intended to support a future planning application. In the latter case we would provide advice to the Council and request a suite of conditions to be imposed should planning permission be granted.

We would also refer you to;

- The risk management framework provided in CLR11, Model procedures for the management of land contamination, when dealing with land affected by contamination. The document is available at: <https://www.gov.uk/government/publications/managing-land-contamination>

- the Environment Agency Guiding principles for land contamination for the type of information required in order to assess risks to controlled waters from the site (please note that these principles have been adopted by Natural Resources Wales). The document is available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/297450/geh\\_o1109brgy-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297450/geh_o1109brgy-e-e.pdf)

There are matters that we are not able to advise you on and you should consider consulting other appropriate bodies. The relevant department at the Council will should be able to advise you on risk to other receptors, for example, human health.

## **Waste Management**

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an Environmental Permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site

under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

The Natural Resources Wales recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice; and
- website at [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

We attach our Planning Advice Note for further advice on drainage and pollution prevention measures.

### **Future Communications**

Please note that our advice to this enquiry is only in relation to the report submitted to us. Should we be formally consulted on a planning application for this site there would be other matters that we would be likely to comment on. The view expressed in this correspondence by Natural Resources Wales is a response to a pre-application enquiry only, and does not represent our final view in relation to any future planning application made in relation to this site. We reserve the right to change our position in relation to any such application. You should seek your own expert advice in relation to technical matters relevant to any planning application before submission.

We look forward to having continued dialogue with you on this proposal and in regard to environmental matters. Our advice and comments may alter as more details become available and we reserve the right to change our position.

Should the developer require any consents/permits from Natural Resources Wales then application forms should be submitted to us as soon as possible and in advance of development because this may take several months to determine.

We trust these comments are clear and helpful in your consideration of the application. However, if it would be helpful to meet with you to discuss any of the above issues further, please contact us

Yn gywir / Yours faithfully

*R. H. Evans*

**Miss Ruth Evans**

Ymgynghorydd Cynllunio Datblygu - Caerdydd a Bro Morgannwg / Development Planning Advisor – Cardiff and the Vale of Glamorgan

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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.**