

Ein cyf/Our ref: CAS-246924-F4J0
Eich cyf/Your ref: 2023/01076/FUL

Ceiri Rowlands
The Vale of Glamorgan Council
Docks Office
Barry Docks
Barry
CF63 4RT

Dyddiad/Date: 31 January 2024

Annwyl Ceiri/Dear Ceiri,

BWRIAD/PROPOSAL: PROPOSED PROVISION OF ABOVE AND BELOW GROUND UTILITIES, ASSOCIATED INFRASTRUCTURE AND REPROFILING OF LAND.

LLEOLIAD/LOCATION: LAND AT BRO TATHAN, ST ATHAN, VALE OF GLAMORGAN.

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 17 January 2024.

We continue to have concerns with the application as submitted. However, we are satisfied these concerns can be overcome by attaching the following conditions to any planning permission granted and including the documents identified in the approved plans and documents condition on the decision notice:

Summary list of conditions and documents:

Conditions 1-4: Land Contamination;

Condition 5: Pollution of Controlled Waters;

Documents: European Protected Species.

Please note, without the inclusion of these conditions and documents we would object to this planning application. Further details are provided below.

Land Contamination

The current and historical land use of the site as a military airfield may have caused contamination of the soil and groundwater. However, the amount and extent of potential contamination is unknown. A desk study has been completed and a Reactive Remediation Strategy submitted as part of this statutory pre-application. This is based on generic remediation methods as no site investigation and risk assessment have been completed. Given the environmental setting on site, the level of potential contamination could be high. We therefore recommend the following conditions be imposed on any planning permission granted.

In addition to the planning conditions, Environmental Permits from us may be required (during construction and operation) and we recommend early consultation with the relevant permitting teams to ensure all permits are in place prior to commencement of development.

Please note, these conditions have been recommended as we are satisfied there are generic remedial options available to deal with the risks to controlled waters posed by contamination at this site. However, further details will be required in order to ensure the risks are appropriately addressed prior to development commencing. In line with the advice given in Planning Policy Wales we understand your Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should you decide to obtain the necessary information under condition we recommend these conditions are applied.

Condition 1: No development of land known to be or suspected of contamination shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (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.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

Condition 2: Prior to the occupation of the development, a verification report demonstrating completion of 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 carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include 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. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Justification: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Condition 3: Prior to the occupation of the development, a long-term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken;
- Timescales for the long-term monitoring and curtailment mechanisms;
- Timescales for submission of monitoring reports to the LPA;
- Details of any necessary contingency and remedial actions and timescales for actions;
- Details confirming that the contingency and remedial actions have been carried out. The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters.

Condition 4: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Pollution of Controlled Waters

We note the proposed works will be affecting the six zones of the Bro Tathan site, and as a result, a number of Main Rivers (Nant Y Stepsau, Boverton Brook and Castleton Brook) will run adjacent to the application site. We therefore recommend the following condition be imposed on any planning permission granted:

Condition 5: No development shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Specific locations of the proposed works, location of the headwall outfall and how it will connect to the surface water network and any other areas that will drain via the outfall;
- 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;

- 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 to ensure sources of pollution, and run off will be prevented from entering watercourse and surface drainage;
- 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. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed and implemented for the protection of the environment during construction.

European Protected Species

We welcome the additional information provided in relation to the bat surveys undertaken and the proposed great crested newt mitigation measures, set out in the Wildlife Protection Plan dated 15 January 2024, and the Ecological Assessment dated January 2024, both by David Clements Ecology Ltd. We consider this information addresses the issues we previously raised. Therefore, we recommend the documents identified below are included in the approved plans and documents condition on the decision notice:

- Bro Tathan Utilities. Wildlife Protection Plan by David Clements Ecology Ltd, Version v2.3 dated 15 January 2024;
- Bro Tathan Utilities, St Athan, Glamorgan. Ecological Assessment by David Clements Ecology Ltd, dated January 2024;
- Drawing number 50192-BUR-GEN-XX-DR-C-0116 Series 100 Ecological Constraints General Arrangement, Revision P1.0, dated 19 October 2023.

We advise the applicant seek a European Protected Species licence from us under Regulation 55(2)e of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon great crested newts. Please note, the granting of planning permission will not negate the need to obtain a licence. Any changes to plans or the site between planning consent and the licence application may affect the outcome of a licence application.

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.

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 gywir / Yours faithfully

Sarah Lund

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
Cyfoeth Naturiol Cymru/Natural Resources Wales

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Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi./Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.