

Ein cyf/Our ref: CAS-249574-M9F4
Eich cyf/Your ref: 2023/01076/FUL

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

Dyddiad/Date: 12 March 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 19 February 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 1-3: Land Contamination;
Condition 4: Pollution of Controlled Waters;**

Approved 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

Further to our previous response (ref: CAS-246924-F4J0, dated 31st January 2024) we have reviewed the revised Ground Investigation Report (ref: V1 dated November 2023) and submitted Preliminary Risk Assessment, Remediation and the Reactive Remediation Strategy (Ref: V3 dated January 2024). We have also reviewed the email from the Agent dated 16th February 2024 containing further information.

We confirm that the information provided satisfies some of the conditions previously requested with regards to land contamination and include a revised list of conditions below:

Condition 1: 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 2: 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 3: 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 4: 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;
- 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

Eleanor Sullivan

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.