

Ein cyf/Our ref: CAS-254014-K0V6
Eich cyf/Your ref: 2024/00306/FUL

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

Dyddiad/Date: 07 May 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: REDEVELOPMENT OF VACANT BROWNFIELD SITE AT BARRY WATERFRONT FOR A NEW EDUCATIONAL CAMPUS FOR CARDIFF AND VALE COLLEGE INCLUDING LANDSCAPING, RELATED INFRASTRUCTURE AND ENGINEERING WORKS

LLEOLIAD/LOCATION: LAND TO THE SOUTH OF HOOD ROAD, BARRY, VALE OF GLAMORGAN

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

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

**Condition 1: Construction Environmental Management Plan
Condition 2: Land Contamination**

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

We received a statutory pre application consultation notice for this proposal under Article 2D of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2012. We provided a substantive response to that consultation on 13 February 2024. A copy of our response to the statutory pre-application consultation is attached for your convenience.

Protected Sites and Habitats Regulations Assessment (HRA)

The application site is situated within approximately 7.7km of the Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. Section 4.9 of the Ecological Appraisal states that there is the potential for some level of surface / ground hydrological connection between the application site and the Severn Estuary and discusses the potential impact pathways of contaminated surface water run-off during construction and operation, and the potential for pollution incidents during construction.

The proposal is therefore considered relevant to the Severn Estuary SAC, SPA and Ramsar site and we advise that the proposal will need to be considered under Regulations 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) for the aforementioned impact pathways.

Section 5.3 of the Ecological Appraisal states that appropriate pollution prevention measures will be employed during the construction phase of the proposal and lists the relevant Pollution Prevention Guidelines, which we concur with. We would therefore recommend that pollution prevention measures are secured within a Construction Environmental Management Plan (CEMP) in this instance. Further details are below.

Pollution Prevention

Due to the close proximity of the proposal site to Barry Dock, the close surface water network pathway to the docks, pathways to Protected Sites and site contamination we would recommend the following condition be attached to any planning permission granted.

Condition 1

No development or phase of development, including site clearance, 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:

- Construction methods: details of materials, how waste generated will be managed.
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- 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.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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 prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

Land Contamination and Controlled Waters

We have reviewed:

- Cardiff and Vale College – Barry Waterfront Campus (BWC) – Land Contamination Assessment Report. Ove Arup & Partners, Reference: VG0201-ARP-ZZ-ZZ-RP-G-00002 Rev A, March 2024.
- Barry Waterfront Campus (BWC) – Geotechnical and Geo-Environmental Desk Study Addendum. Ove Arup & Partners, Reference: VG0201-ARP-ZZ-ZZ-RP-G-00001, June 2023.
- Phase II Geo-Environmental Assessment Report – Barry Waterfront, Ffordd Y Mileniwm. HSP Consulting Engineers Ltd, Document Reference: C3297/PII, November 2020.

Previously (during the statutory pre-application consultation) no groundwater or leachability testing of the soil samples had been undertaken even though soil samples indicated low levels of contamination widespread across the site. During the second phase of site investigation work this has now been done along with additional assessment of the results. It concludes a low risk to controlled waters and based on the evidence presented we accept this conclusion. However, we still request the following condition and informative be imposed on any planning permission granted and would not object to the proposed development provided it is attached to the planning permission.

With regards to the piling for foundations, we note the preferred use of Continuous Flight Auger for these works. Along with the low risk conclusion, we advise we no longer require a Piling Risk Assessment.

Condition 2

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.

Drainage

We note the use of SuDS methods to collect surface water runoff prior to discharge to the Barry Docks. We understand that no infiltration will occur as all SuDS structures will be include impermeable lining thereby preventing any infiltration to the perched and deeper groundwaters.

Informative/ advice to applicant

Permits

Environmental Permits from NRW may be required (during construction and operation) and we recommend early consultation with the relevant NRW permitting teams to ensure all permits are in place prior to commencement of development. Further information may be found here: [Natural Resources Wales / Environmental permits](#)

Waste

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, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

Flood Risk

We reiterate our advice at statutory pre-application planning stage: 'The planning application proposes highly vulnerable development (new educational campus). The application site is within Zones A and B of the Development Advice Map (DAM) contained in TAN15 (2004). However, our [Flood Map for Planning](#) (FMfP) identifies part of the application site to be at risk of flooding and within Flood Zone 2 Sea.

We have reviewed the Flood Consequences Assessment produced by JBA (Doc Ref. LPT-JBA-XX-XX-RP-Z-0001-S3-P03- Ffordd_y_Mileniwm_Flood_Consequences_Assessment – Final Revision November 2023). We concur with the findings that the development is shown to comply with the requirements of TAN15.'

European and fully Protected Species and Schedule 1 Protected Birds

Our statutory pre-application advice to the applicant was:

'We note an Ecological Appraisal has been undertaken. In the first instance we advise that advice from the Local Authority's ecologist should be sought with regard to protected species. At planning application stage we would expect to be consulted by the Local Planning Authority with regard to European and fully protected Species under the Wildlife and Countryside Act, including Schedule1 protected birds, should their ecologist need our advice on these matters.'

It does not appear from the pre-application consultation report submitted that the applicant sought advice from your Authority's ecologist. We therefore advise you liaise with your Authority's ecologist with regard to European and fully protected Species under the Wildlife and Countryside Act, including Schedule1 protected birds. Should your ecologist need our advice on these matters please reconsult us specifying what they seek our advice on.

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

Annabelle Evans

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning
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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.