

# COFNOD / MEMORANDUM

I / To:	<b>Miss Jessica King</b>	Oddi Wrth / From:	<b>D Margetson</b>
Adran / Dept:	<b>Planning Department</b>	Ein cyf / Our ref:	<b>SRS/E/DMM/2020/00874/RG3</b>
Dyddiad / Date:	<b>21 August 2020</b>	Ffôn / Tel:	<b>03001236696</b>
Eich Cyf / Your Ref:	<b>P/DC/LC/JK/2020/00874/RG3</b>	Ebost / Email:	<b>EnvPlan-SRSWales@valeofglamorgan.gov.uk</b>

**SUBJECT: PLANNING APPLICATION NO: 202000874RG3: ST. NICHOLAS CHURCH IN WALES PRIMARY SCHOOL, ST. NICHOLAS; PROPOSED REPLACEMENT PRIMARY SCHOOL INCLUDING ADDITIONAL NURSERY PROVISION AND ASSOCIATED WORKS.**

Further to receipt of the above accepted planning applications, I would like to provide comments in relation to potential contamination issues on behalf of SRS: Environment Team:-

In reviewing available records and the application for the proposed development, the site has been identified as the current primary school site. The new school is to be developed within the current amenity/recreational areas; the existing school building is to be demolished following completion of proposed replacement school to accommodate on-site parking provision and parent drop-off.

Contamination is not known at this site, however the potential for this cannot be ruled out. I therefore request the use of the 'unforeseen contamination' condition.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Consequently, the inclusion of conditions to ensure the use of suitable materials is requested.

Shared Regulatory Services requests the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan:

## CONDITIONS

### **PC14D. CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and

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verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## **PC15A IMPORTED SOIL**

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

## **PC15B IMPORTED AGGREGATES**

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

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## PC15C USE OF SITE WON MATERIALS

Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason: To ensure that the safety of future occupiers is not prejudiced.

## ADVISORY/INFORMATIVE

### R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;
  - Unprocessed / unsorted demolition wastes.
  - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
  - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

**Environment Team**  
**Shared Regulatory Services**  
**Bridgend, Cardiff & the Vale of Glamorgan**