

Ein cyf/Our ref: CAS-237048-C8Y5
Eich cyf/Your ref: 2023/00859/FUL

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

Dyddiad/Date: 02 October 2023

Annwyl Sarah/Dear Sarah,

BWRIAD/PROPOSAL: PROPOSED CARAVAN AND MOTORHOME STORAGE (CLASS B8).

LLEOLIAD/LOCATION: LAND ON HAYES ROAD, SULLY, PENARTH, CF64 5ZE.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 13 September 2023.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk and foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding land contamination should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

Flood Risk

The planning application proposes less vulnerable development (storage). Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 and 3 for Rivers.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate, through the submission of an Flood Consequences Assessment (FCA), that the potential consequences of flooding can be managed to an acceptable level.

We are unable to give you technical advice on the acceptability of flooding consequences, as no FCA has been submitted. Therefore, if the development can be justified, the above requirement should be met prior to the determination of the application. We can then advise you whether the FCA is in accordance with the technical criteria in Appendix 1 of TAN15.

If an FCA is not submitted or any subsequent FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we **object** to the application. The criteria for the FCA, which should normally be undertaken by a suitably qualified person carrying an appropriate professional indemnity, are given in Section 7 and Appendix 1 of TAN15. The FCA should be proportionate to the development proposed. You may also refer to our [website](#), which contains technical advice and recommendations.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

Land Contamination

It is noted that the proposed site lies over a principal aquifer and a ministry of defence historic landfill. We note that no information has been submitted in support of the application with regards to what groundworks are proposed for the development. We would request to be re-consulted if additional information regarding proposed groundworks is submitted so that we can provide updated advice regarding land potentially affected by contamination.

Due to this potential source of contamination and the risk to controlled waters, we recommend the following conditions are attached to any grant of planning consent:

Condition

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification: To prevent pollution to the water environment.

Condition

No development, of land known to be / 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

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

Prior to the occupation or operation 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 e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- 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

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.

Foul Drainage

Further information should be submitted to demonstrate that either the foul drainage will be discharged to the main sewerage system or that it is not reasonable to connect to the mains.

No information has been submitted regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new development, specifically paragraphs 2.3-2.5 which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

We note the proposed development is in a publicly sewered area and as such, we would expect the site to connect to the mains sewerage system.

We therefore advise that if they haven't already done so, the Applicant should thoroughly investigate the possibility of connecting to the foul sewer by taking the following steps:

- Approach the sewerage undertaker to reach an agreement for a connection to the foul sewer.
- If the sewerage undertaker refuses connection to the public sewer, request that they adopt the proposed treatment system.
- If the sewerage undertaker refuses both of the above, you must appeal the refusal with Ofwat.

For further details please see [Natural Resources Wales / Private sewage treatment in an area with a public sewer](#)

The Applicant should be aware that should a connection to the mains sewer not be feasible, they will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

As stated above, we expect developers discharging domestic sewage to connect to the public foul sewer where it is reasonable to do so. We will not normally grant a discharge permit for a private sewage treatment system where it is reasonable to connect to the public foul sewer. We also expect discharges of trade effluent to connect to the public foul sewer where it is reasonable to do so and subject to the sewerage undertaker granting a trade effluent consent or entering into a trade effluent agreement.

Applicants wishing to operate a private sewerage system will need either to apply to us for an environmental permit or register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our [website](#).

If the septic tank or private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found [here](#). Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found [here](#).

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible. Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Please note, lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and we may refuse to issue an environmental permit for private treatment facilities in such circumstances.

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs [website](#), which provides further information.

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.

Advice for the Developer

Land Contamination

These conditions have been recommended as Natural Resources Wales is satisfied that 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 that risks are appropriately addressed prior to development commencing.

In line with the advice given in Planning Policy Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied.

Natural Resources Wales recommends that developers should:

1. Follow the risk management framework provided in [Land contamination risk management \(LCRM\)](#)
2. Refer to '[Land Contamination: a guide for developers](#) (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to our [groundwater protection](#) advice on www.gov.uk

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.

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to Guidance for Pollution Prevention 5: Works and maintenance in or near water, and Pollution Prevention Guidelines 6: Working at construction and demolition sites, which are available on the [NetRegs website](#).

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

E-bost/E-mail: southeastplanning@cyfoethnaturiolcymru.gov.uk

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.