



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-184537-D6F2
Eich cyf/Your ref: P/22/0064

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29/04/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: Proposed plastics recycling and processing facility, including two warehouse units with internal office and welfare facilities, external storage area, combined heat and power unit, car parking, weighbridge, surface water lagoon, associated infrastructure, lighting, and landscaping

LLEOLIAD / LOCATION: LAND TO THE EAST OF GOAT MILL ROAD

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 17/03/2022.

We previously provided comments in relation to this proposed development at Statutory Pre-Application (our ref: CAS-169182-C3D4). In that response, we advised that further information be submitted regarding Air Quality, and also advised conditions regarding Pollution Prevention, European Protected Species (EPS) (Lighting Plan) and Land Contamination. We have updated our comments based on the updated information received in this submission. Further information can be found below.

We continue to 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 Air Quality. 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, we would ask the planning authority to include conditions regarding Pollution Prevention, Land Contamination and documents relating to EPS on any planning permission granted. Without the inclusion of these conditions by the planning authority we would be likely to object to the planning permission.

Condition 1: Pollution Prevention – Construction Environment Management Plan

Condition 2: Pollution Prevention – Water Quality

Condition 3-7: Land Contamination

Documents to be conditioned:

1. Drawing JAY1001/04/21 (Rev 0) 'Goat Mill Road, Merthyr. Landscape and Ecological Masterplan Sheet 1 of 2' by Sirius Planning dated 28/2/22;
2. Drawing JAY1001/04/21 (Rev 0) 'Goat Mill Road, Merthyr. Landscape and Ecological Masterplan Sheet 2 of 2' by Sirius Planning dated 28/2/22;
3. 'Land off Goat Mill Road, Merthyr Tydfil. Ecological Appraisal' by FPCR dated September 2021;
4. 'Land off Goat Mill Road, Merthyr Tydfil. Lighting Assessment' by WLC dated 2/3/22.

Air Quality

We note that the air quality assessment report (ref: J0620/1/F1, 28th February 2022) indicates that emissions due to the operation of a proposed Combined Heat and Power plant would have an insignificant effect on health and sensitive habitat receptors, including Cwm Cadlan Special Area of Conservation (SAC) and we would agree with this.

However, the report has failed to identify the Cwm Glo a Glyndyrys Site of Special Scientific Interest (SSSI) (1.9km from the site) within the list of sensitive sites within 2km and 10km of the proposed plant in section 3.35 (*Table 2: Description of Sensitive Habitat Receptors* and *Figure 1: Location of Sensitive Habitat Receptors*). Thus, no analysis of the impacts of the proposed CHP have been provided to allow us to assess. We would be happy to review such information and provide comments once submitted.

Pollution Prevention

We would strongly advise the site is not stripped for construction which would expose soil to the elements, potentially resulting in a high risk of silt pollution to watercourses. Instead, you should consider a method where work is carried out in manageable sections where exposed areas can be controlled effectively to reduce pollution risk. Mitigation against pollution to watercourses and surface water drains should be put in place before construction begins. On this basis, we would request the following pre-commencement condition is secured to any permission you are minded to grant.

Condition 1: Pollution Prevention – Construction Environmental Management Plan

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

- 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.

- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance, and mitigation measures.
- 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.
- 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 or specified activity and implemented for the protection of the environment during construction.

Water Quality

We also note that the applicant states that runoff from hard standing areas will drain into a surface water lagoon at the south of the site, where appropriate treatment will take place prior to discharge to the watercourse. We previously advised that appropriate methods to remove oil and fuel from runoff, any other potential pollution as a result of site activities and methods to remove silt prior to discharge would be required. We note the proposed methods set out in section 5 of the SuDS Design Report (prepared by KRS Environmental dated September 2021) to remove oil, fuel and silt, and recommend that you include a suitably worded condition to ensure compliance with these measures.

Condition 2: Pollution Prevention - Water Quality

The development shall be undertaken in accordance with the Water Quality protection measures set out in section 5 of the SuDS Design Report (prepared by KRS Environmental dated September 2021).

Justification: To ensure the development is undertaken in strict accordance with the water quality management measures proposed, in order to prevent environmental pollution.

Further advice to the applicant

When preparing the CEMP, we recommend referring to the Guidance for Pollution Prevention (GPPs) documents: [Guidance for Pollution Prevention \(GPPs\)](#) paying particular attention to GPP1: [A general guide to preventing pollution](#) and GPP 5 [Guidance for Pollution Prevention; works in or near water](#)

Any stockpiles of earth, fuel or oil, and cement mixing area should be stored at least 10 metres from the watercourse, as detailed in GPP5: works and maintenance in or near water,

and for fuels/oils and cement, areas should be on hardstanding and bunded. [Guidance for Pollution Prevention \(GPPs\) - Full list | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#)

Could we formally request that any ordinary watercourse consents submitted to the LPA, are also forwarded onto our team inbox for continuity. cwmtaf&bridgendconsultations@cyfoethnaturiolcymru.gov.uk

Land Contamination

We have reviewed the following information:

- Preliminary Appraisal (Desk Study) of Land off Goat Mill Road, Merthyr Tydfil. Sirius Geotechnical Ltd, Report C8341 Rev AB, February 2022.
- Land off Goat Mill Road, Merthyr Tydfil – SuDS Design Report. KRS Environmental Ltd, KRS.0297.021.R.001.B, September 2021.

We note that the desk study has been updated, but the conclusions and recommendation for land contamination remain the same – to undertake further Phase 2 site investigation. We still agree with this as a way forward and request the following suite of conditions.

In addition to the planning conditions, Environmental Permits from NRW 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.

Condition 3: Land affected by contamination

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:
 - I. all previous uses
 - II. potential contaminants associated with those uses
 - III. a conceptual model of the site indicating sources, pathways, and receptors
 - IV. 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.

Reason: 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 4: Verification Report

Prior to the operation 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.

Reason: 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 5: Long term monitoring plan

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.

Reason: 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 6: Unsuspected Contamination

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.

Reason: 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.

Condition 7: Piling

Piling or any other foundation designs using penetrative methods shall not be 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 groundwater.

Reasons: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Informative/ advice to LPA

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.

Further advice to applicant

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.

European Protected Species

We welcome the submission of the following documents in support of the above application:

- Drawing JAY1001/04/21 (Rev 0) '*Goat Mill Road, Merthyr. Landscape and Ecological Masterplan Sheet 1 of 2*' by Sirius Planning dated 28/2/22;
- Drawing JAY1001/04/21 (Rev 0) '*Goat Mill Road, Merthyr. Landscape and Ecological Masterplan Sheet 2 of 2*' by Sirius Planning dated 28/2/22;
- 'Land off Goat Mill Road, Merthyr Tydfil. Ecological Appraisal' by FPCR dated September 2021;
- 'Land off Goat Mill Road, Merthyr Tydfil. Lighting Assessment' by WLC dated 2/3/22.

In consideration of the submitted information we have concerns regarding the application. However, we are satisfied that these concerns can be overcome if the documents listed above are included in the approved plans and documents condition on any permission you are minded to grant.

Drainage

We note that no changes have been made to the report that was submitted as part of the Statutory Pre-Application. We note that foul water will be disposed of to the existing local mains sewer network. For surface water drainage it will be collected from the impermeable surfaces and discharge to the local water courses. If this changes please, reconsult us.

We also note the comment that infiltration methods are not suitable at this site and would advise that we agree with this statement.

Further Advice – Environmental Permitting

We would like to take this opportunity to remind you that an Environmental Permit will be needed for this site. The applicant needs to check the Environmental Permitting Regulations and verify whether their waste recycling activity is listed under Schedule 1 EPR as a waste installation (Chapter 5.3 or 5.4) or if not reaching the tonnages listed under Schedule 1, they will be classified as a Waste Operation. All guidance can be found at [Natural Resources Wales](http://www.naturalresourceswales.gov.uk)

The Waste Treatment BREF and associated BAT conclusions would apply to the site and these will need to be assessed against when applying for an Environmental Permit.

Water sampling may be required as part of the permit requirements, and indeed part of the development of the site.

We would advise that the noise assessment will need to take into account the process and not just traffic movement to and from the site. Also, due to the proximity of residences to the West of the proposed site an odour assessment and management plan will need to be carried out.

We also note that the application states material will be stored on site such as plastics, therefore a Fire Prevention and Mitigation Plan will need to be produced as part of the pre application stage of permit application.

Before any premises receives and processes controlled waste an appropriate permit must be in place under the Environmental Permitting Regulations.

There are other directly applicable pieces of legislation, such as the Duty of Care (waste) regulations and regulations to account for the classification and transfer of hazardous waste. Handling hazardous waste will also have a bearing on which EPR regulated facility applies: waste operation or waste installation. The application process will require information on the condition of the site, the processes, the techniques, a Best Available Techniques demonstration (if a waste installation) in accordance with the Best Available Techniques Reference document for waste treatment, emissions assessment, environmental management system, waste types etc.

All waste derived from earth works and site preparation should all be covered with waste transfer documents.

If the applicant needs pre-application advice, this is cost recoverable.

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

Charlotte Morgan

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

