

From: Marley, Lucy
Sent: 05 February 2024 11:17
To: Foote, Adam
Subject: P/23/0293 [NOT PROTECTIVELY MARKED]

Classification: NOT PROTECTIVELY MARKED
Classification: NOT PROTECTIVELY MARKED

Hi Adam,

Apologies for the delay.

I have reviewed the application and recommend the following conditions:

1. Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of local amenity and to avoid statutory nuisance.

2. All reasonable precautions shall be taken to reduce the impact of dust. Effective dust control measures, such as 'damping down' following cutting or other dusty operations shall be employed at all times.

Reason: In the interests of local amenity and to avoid statutory nuisance.

The site is comprised of potentially contaminated land due to the historic nature of land use.

Regard must be had to 'Development of Land Affected by Contamination: A Guide for Developers' prepared by Welsh Local Government Association (WLGA)/Natural Resources Wales (NRW) Land Contamination Working Group, 2017.

3. **Phase 1 investigation**

No development shall take place until a Phase 1 Land Contamination investigation has been carried out. The Phase 1 report shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any necessary Phase 2 investigation. The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11"

The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011+A2:2017 Code of Practice for the Investigation of Potentially Contaminated Sites.

Reason: To ensure the risks from land contamination to the 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.

4. **Phase 2 investigation**

Should the Phase 1 Contamination investigation carried out under condition 3 Identify the presence of potentially unacceptable risks, no development shall take place until a Phase 2 site investigation has been carried out.

A protocol for the investigation shall be submitted to and approved by the Local Planning Authority before the commencement of the Phase 2 investigation.

The completed Phase 2 investigation report together with any necessary outline remediation options shall be submitted to and approved by the Local Planning Authority prior to any redevelopment or remediation works being carried out.

The report shall assess potential risks to present and proposed receptors, i.e. humans, property including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments. The investigation must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management' (LCRM) - <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>

The report shall be prepared by a "competent person" and shall be in accordance with BS10175:2011+A2:2017 Code of Practice for the Investigation of Potentially Contaminated Sites.

Reason: To ensure the risks from land contamination to future users of 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.

5. Remediation scheme

Should Land Contamination Remediation Works be identified as necessary under condition **4**, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historic environment, has been submitted to and approved by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures and details of any necessary long term maintenance and monitoring programme. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 or any subsequent version, in relation to the intended use of the land after remediation.

Reason: To ensure the risks from land contamination to 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.

6. Remediation works

The development shall be carried out in accordance with the approved remediation scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the risks from land contamination to 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.

7. Verification of the remediation scheme

Following completion of measures identified in the approved remediation scheme and prior to the first use or occupation of the development, a verification report (or validation report) that demonstrates the effectiveness of the remediation carried out must be produced together with any necessary monitoring and maintenance programme and copies of any waste transfer notes relating to exported and imported soils shall be submitted to the Local Planning Authority for approval.

The approved monitoring and maintenance programme shall be implemented.

The verification report shall be prepared by a third party and a "competent person".

Reason: To ensure the risks from land contamination to the 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.

8. Imported soils

All imported materials (soils, aggregates, etc.) shall be tested in accordance with Requirements for the chemical testing of imported materials for various end uses and validation of cover systems (Welsh Land Contamination Working Group, 2013).

Materials requiring testing shall be sampled in accordance with the specified frequency and chemical parameters. A report on the suitability of the sampled material for its intended purpose is to be submitted to the environmental health department.

Reason: To prevent the import of potentially contaminated materials.

9. 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

Information

1. **Competent person:** A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.
2. The sampling regime as specified by Requirements for the chemical testing of imported materials for various end uses and validation of cover systems (Welsh Land Contamination Working Group, 2013).

and use and validation of sewer systems (Water and Contamination Working Group, 2019).

	Development Type*				
	Residential	Allotments	Parks, play areas and public open spaces	Commercial and industrial	
				With landscaping	Hardstanding only
Quantity to be imported	Number of samples required				
Less than 20m ³	Please contact the environmental health department to agree sampling requirements				
Between 20m ³ and 250m ³	4	4	3	2	2
More than 250m ³	4 per 250m ³	4 per 250m ³	4 per 250m ³	4 per 250m ³	4 per 250m ³
More than 1000m ³	Where significant volumes of subsoil/topsoil are required, it is appreciated that the laboratory costs for suitable frequency of analysis could be prohibitive. As such an appropriate sampling scheme should be agreed with the environmental health department				

Chemical parameter	Laboratory analysis required				
Arsenic, Cadmium, Chromium (total), Lead, Mercury and Selenium	✓	✓	✓	✓	Optional
Boron, Copper, Nickel and Zinc	✓	✓	✓	Optional	Optional
Speciated PAHs	✓	✓	✓	✓	Optional
TPH, Phenol and Asbestos	✓	✓	✓	✓	✓

The following materials do not require testing:

- Bagged or bulk bag quantities of soil/compost and sand available from retail outlets such as garden centres, DIY superstores, builders merchants
- Bagged or bulk bag quantities of aggregate, gravel and stone available from retail outlets such as garden centres, DIY superstores, builders merchants
- Naturally sourced materials including quarry products and peat which have accompanying British Standard Certification

The following materials require testing:

- Recycled, sieved, blended or screened soils, stones or aggregates
- By products from industrial processes. Mechanically screened and sorted demolition wastes
- Unprocessed/unsorted demolition wastes**
- Any materials originating from a site confirmed as being contaminated or potentially contaminated

**Prior to any importation the developer must provide details of an exemption reference number/Environmental Permit number/or waste protocol being used. Under no circumstances should such materials be imported without the above documents being provided, and formal written agreement received from the Environmental Health Department. Additional testing may be required. This is likely to include leachate testing.

The following materials must not be imported:

- Materials containing Japanese knotweed stems, leaves and rhizome infested soils

Sampling of site won materials should be in line with that for imported materials.

3. A precautionary approach could be taken, where following a phase 1 investigation, the site is assumed to be contaminated and remediated with a hardstanding cover on that basis.

Please do not hesitate to contact me if you have any questions or wish to discuss my recommendation further. If you decide planning permission should be granted please contact me as it may then be necessary to impose certain conditions.

Regards

Lucy Marley

Swyddog Iechyd yr Amgylchedd / Environmental Health Officer

Diogelu'r Amgylchedd a Thai, Adran Amgylchedd Iechyd / Environmental Protection and Housing, Environmental Health Department

Cyngor Bwrdeistref Sirol Merthyr Tudful / Merthyr Tydfil County Borough Council

Canolfan Ddinesig / Civic Centre

Stryd Y Castell / Castle Street

Merthyr Tudful / Merthyr Tydfil

CF47 8AN

Ffon / Tel: 01685 725000 / 07395 832162

