

Ein cyf/Our ref: CAS-297003-Z0F2
Eich cyf/Your ref: P/25/0265

Merthyr Tydfil County Borough Council
Unit 5 Triangle Business Park
Pentrebach
CF48 4TQ

Dyddiad/Date: 22 January 2026

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF A RESTAURANT WITH DRIVE-THRU FACILITY (USE CLASS A3) INCLUDING ACCESS AND CYCLE PATH, SERVICING, CAR PARKING, HARD AND SOFT LANDSCAPING, ADVERTISEMENTS AND OTHER ASSOCIATED WORKS

LLEOLIAD/LOCATION: LAND TO THE NORTH OF THE HEADS OF THE VALLEYS ROAD OFF RHYMNEY COMMON ROAD DOWLAIS MERTHYR TYDFIL CF48 2YG

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 12 January 2026.

We continue to 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:

Conditions 1 - 3: Land Affected by Contamination

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

Land Affected by Contamination

We have reviewed the Site Investigation and Risk Assessment Report, prepared by Southern Testing Laboratories Limited, dated August 2025 (Reference. J15809) submitted in support of the planning application. The additional information provided by the applicant does not change our previous advice as set out in our letter dated 12.01.2026 (Ref. CAS-295371-B6G7).

We note that some intrusive investigation has been undertaken at this site. However, it does not appear that the potential sources of contamination, identified in the Phase I Desk Study and Coal Mining Risk Assessment Report (Southern Testing Laboratories Limited, dated December 2024, Ref. J15809), were fully targeted. In addition, the Site Investigation

and Risk Assessment Report appears to focus on the potential impacts and risks to human health. It has provided limited commentary on the potential risks to controlled waters. For example, the report does not provide a justification of the statements, in the Revised Conceptual Model, of “pollutant linkage not likely” and “pathway not applicable to contaminant”, regarding the water environment.

Based on the information provided, we recommend that the following conditions should be attached to any planning permission that may be granted for the proposed development:

Condition 1

No development 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 2

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.

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 3

Prior to the 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.
- 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 land contamination 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 water quality.

Protected Sites

We have considered the information in the amended Ecological Appraisal, prepared by The Environmental Dimension Design Partnership, December 2025 (Reference edp9069_r002b), submitted in support of the planning application. We note that the Mynyddoedd Llangynidr a Llangatwg, Cefn yr Ystrad a Chomin Merthyr Site of Special Scientific Interest (SSSI) has now been included in the Ecological Appraisal. Based on the information submitted, we consider that the proposed development is not likely to damage the notified features of the SSSI.

Other Matters

The advice in this letter relates to matters which are included on our [consultation topics list](#). We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

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 about the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully,

Jessica Jones

Jessica Jones

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

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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.