

CONDITIONS 14 AND 16

N.P.T. FULL PLANNING REF. P2021/0956

DETACHED INDUSTRIAL BUILDING

LAND AT MARDON PARK

BAGLAN

PORT TALBOT

SA12 7AX

19/07/2022

1.0 Background

1.1 On the 16th March 2022 planning permission was granted for a detached Industrial Building (Use Class B8 - Storage and Distribution) with associated parking, drainage and landscaping subject to conditions

2.0 Introduction

2.1 Condition 14 and 16 of the planning permission required to text to be submitted in respect of piling methodology and groundwater monitoring. The conditions are set up below.

14 No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

16 Prior to the operation of the development, a long term monitoring plan for, water quality, land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- a) Details of the methods and triggers for action to be undertaken
- b) 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.
- c) Timescales for submission of monitoring reports to the LPA e.g. annually
- d) Details of any necessary contingency and remedial actions

and timescales for actions e) 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.

2.2 GBV Properties Limited (the applicant) has given instruction to provide evidence to support the proposed piling methodology, as required by condition 14 and evidence to support the withdrawal of condition 16 groundwater monitoring.

3.0 Assessment

3.1 Background Documents

Roger Bullivant Doc PP22/2018 Risk and Work Environmental Assessment. (RWEA)

Roger Bullivant Doc PP22/2018 Piling Method Risk Assessment. (PMRA)

Rhondda Geotechnical Services

Phase 2 Contaminated Land Assessment 29/3/2022(CLA)

3.2 Condition 14 Piling Methodology

3.3 The CLA showed low levels of contamination within the site. Levels of contamination were so low that they did not trigger exceedances for values associated with residential use. The CLA sets out in page 16

“To summarise, levels of all contaminants present in the soils at the site are very low. None remotely approach the S4UL/C4SL values appropriate for the Commercial Land use scenario. In fact, contaminant levels are so low there are no exceedances of the S4UL/C4SL values for residential use with homegrown

produce. This is the most conservative of all and is set at approximately 10% of the commercial threshold values.”

3.4 Given the above levels of contamination it is highly unlikely that piling will introduce contamination to lower soils or ground water.

3.5 The piling contractor proposes to use driven precast piles to be driven to a depth of approximately 20m. The PMRA has assessed the various piling methodologies and has taken into account potential land contamination.

3.6 The piling contractor has assessed the creations of pathways to lower depth and assessed possibility of contaminated materials being held at the end of the pile. They conclude that

“Creation of pathways to strata at depth are likely to be temporary and reformation of the soils around the pile shaft through cohesive material will aid in the prevention of water penetrating or constituents migrating to depth. Considering the Environment Agency report SC020074/SR (ref 8) which states that a minimum thickness of 2 pile diameters of ductile or plastic clay above any aquifer will provide an effective seal.

With regard to contamination being trapped under the pile toe we confirm the precast piles will be close ended therefore no plugging of material will be possible and that the slenderness ratio is in excess of 1 in 50 therefore any material on the tip of the pile will be minimal”

3.7 It is considered that having regard to the baseline levels of contamination and the piling method proposed the proposed development will not have a detrimental effect on water quality or result in the spread of contamination to lower depths.

3.8 Water Monitoring

3.9 Condition 16 requires a comprehensive methodology for the long-term assessment of water quality. The condition also requires the submission and action of the remediation measures. This is a potentially onerous responsibility on the applicant and future landowners and its need must therefore be

assessed having regard to the prevailing site conditions together with the construction and operational phases of the development.

3.10 The CLA (page 21) assess groundwater quality within the site and concludes that there are slightly elevated levels of Arsenic, which was a naturally occurring phenomenon for the area and traces of P.A.H which were not found within the site and therefore could have occurred from contamination outside of the site.

“Testing of the groundwater showed Arsenic levels were slightly elevated, but not above recommended levels (E.Q.S.) for freshwater. As explained in Section 6 this is a natural phenomenon in the South Wales Coalfield. Traces of P.A.H. were also present in the groundwater but not in the soils. This means the soil cannot be the source of the contamination in the groundwater. It could be speculated that the source of these contaminants would be the former B.P. Plant.”

3.11 The need for a water monitoring condition is accepted where there are high levels of contamination within a site which could track to groundwater or where the operation of the site could lead to the contamination of groundwater. However, in this case the CLA has demonstrated that there are no high levels of contamination within the existing ground. Moreover, the proposed piling methodology further eliminates any risk of groundwater contamination. In relation to the operation of the site, as it is to be used for storage there is no risk of ground water contamination from the proposed use.

3.12 Given that the CLA demonstrates that there are no contaminants within the site that are likely to affect groundwater quality and that the proposed piling methodology prevents the creation of pathways to ground water, it is considered that condition 16 is unreasonable.

3.13 Whilst it is speculated that the trace levels of P.A.H within the groundwater have occurred from off-site contaminants this is not wholly implausible.

3.14 It would therefore be unreasonable for the applicant or any future landowner to remediate contaminants within the groundwater (as required by the condition) if they had arisen from contamination off site.

4.0 Summary

4.1 It is considered that having regard to the baseline levels of contamination and the piling method proposed the proposed development will not have a detrimental effect on water quality or result in the spread of contamination to lower depths.

4.2 The CLA demonstrates that there are no contaminants within the site that are likely to affect groundwater quality and that the proposed piling methodology prevents the creation of pathways to ground water. It is therefore considered that the condition 16 is unreasonable.

4.3 It is unreasonable for the applicant or future landowners to remediate contamination to groundwater beneath the site if the contaminants had infiltrated the water from outside of the site. It is therefore considered that the condition 16 is unreasonable.

Richard Davies BSc. (Hons.), MSc., F.G.S.

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