

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** DIS/2018/0067

**Grid Ref:** E: 312840  
N: 238466

**Community Council:** Bronllys Community

**Valid Date:** 09.04.2018

**Applicant:** Powys County Council

**Location:** Llyswen, Powys, LD3 0YB.

**Proposal:** Discharge of conditions 8, 9, 10 and 11 of planning approval P/2016/0801

**Application Type:** Discharge of condition

### The reason for Committee determination

The applicant is Powys County Council

### Consultee Responses

#### Consultee

#### Received

PCC-Contaminated Land Officer

17<sup>th</sup> June 2018 & 13<sup>th</sup> April 2019

Conditions 8, 9 and 11 have not been satisfied for the reasons specified below.

1. The Implementation Plan has been changed since the original document. This appears to be to reflect changes the contractor has decided to implement at the time rather than what they had originally intended to? No discussion of changes has taken place with this officer until the works have been completed. The report is not signed or dated.

2. Letter report Ian Farmers Associates, 8th March 2018. This letter outlines an investigation undertaken in the demolished school area of the site. A number of issues arise:

- No comparison tables have been presented to demonstrate contaminants against assessment criteria;
- The specific assessment criteria has not been stated?
- A 'residential without plant' uptake has been adopted despite a 'with plant uptake'

being adopted in previous (phase 2) investigations?

- It highlights exceedances at several locations for total TPH including 2850 mg/kg at TP12. However, there is no recognised assessment criteria for total TPH? Speciated TPH tests should have been undertaken, and certainly once total tests had shown elevated values;
- BaP has also been identified at possible elevated levels;
- Asbestos was recorded in TP15 – no explanation for its presence has been suggested?;
- No explanation of why the contamination is present has been explained? Where have the materials in this area come from – has it been imported or from elsewhere on site (site won)? Has the same material been used elsewhere?
- Despite numerous requests for validation proposals in the tank area none were forthcoming other than a method statement. The requirement for speciated TPH tests would have been raised at that point.
- The method of excavation of the TPs has not been stated?

3. Condition 10 of the decision notice states that if unexpected contamination is encountered development works will cease immediately? In this case it appears that development continued and the area of concern has been covered by the sports pitch. Clarification is required why works did not stop and re-consultation take place? As unexpected contamination has been encountered I would expect further testing to be undertaken in the area to fully characterise the site.

PCC-Contaminated Land Officer

4th Jul 2019

I can confirm, on the basis of the information provided by the applicant, that conditions 8, 9 and 11 can be discharged. Condition 10 can only be discharged at the conclusion of the development.

### **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/2016/0801	Demolition of existing primary school and construction of new primary school and all associated works	Approved	13 Oct 16

## Principal Planning Constraints

Flood zone  
Historic Landscapes Register

## Principal Planning Policies

Policy	Policy Description	Year	Local Plan
DM10 PPW	Contaminated and Unstable Land Planning Policy Wales (Edition 8, 2018)		LDP

## Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

## Officer Appraisal

### Site Location and Description

The application site is located within the Community Council area for Bronllys. Consent was granted under planning application P/2016/0801 for the demolition and erection of a new primary school at Archdeacon Griffiths Primary School, Llyswen.

Consent was granted subject to the following conditions which were required for discharge. The Conditions are identified as follows:

*8. Prior to the commencement of development, an investigation and risk assessment, shall be undertaken to assess the nature and extent of any contamination within the application site. The contents of the contamination report shall be submitted to and approved in writing by the Local Planning Authority. The contamination report must include: (i) A survey of the extent, scale and nature of contamination; (ii) An assessment of the potential risks to (a) Human health (b) Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes (c) Adjoining land (d) Groundwaters and surface waters (e) Ecological systems (f) Archaeological sites and ancient monuments (iii) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment.*

*9. The approved remediation scheme shall be fully implemented as approved prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority. Upon the completion of the remediation scheme a verification report (validation report) that demonstrates the effectiveness of the remediation undertaken shall be submitted to and approved in writing by the Local Planning Authority.*

*10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, development works shall cease immediately. An investigation and risk assessment, remediate implementation shall be undertaken in accordance with the requirements detailed within the contamination conditions attached to this grant of consent.*

## **Officer Appraisal**

### *Contaminated Land*

Concerns were initially received from the Contaminated Land Officer who considered that there was insufficient information provided to enable Condition 8 and 9 to be formerly discharged. Additional information was provided which included an updated *Implementation Plan for Management of Land Contamination* document.

The Contaminated Land Officer has been consulted and has confirmed that the information as now provided is considered to be acceptable and Conditions 8 and 9 can be formerly discharged.

In relation to Condition 10, it is noted that this condition is for compliance purposes only and therefore no official discharge is required in connection with this Condition.

## **RECOMMENDATION**

In light of the above the recommendation is therefore for Conditions 8 and 9 of planning consent P/2016/0801 to be discharged.