

Ein cyf/Our ref: CAS-253530-C8Y1
Eich cyf/Your ref: 24/0278

Newport City Council
Civic Centre
Newport
NP20 4UR

Dyddiad/Date: 30 April 2024

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/PROPOSAL: DEMOLITION OF EXISTING PETROL FILLING STATION AND CAR WASH, AND CONSTRUCTION OF A REPLACEMENT PETROL FILLING STATION, INCLUDING A NEW KIOSK BUILDING, 4 PUMP ISLANDS, FORECOURT CANOPY, 2 NO. JET WASH BAYS, LANDSCAPING AND CAR PARKING ARRANGEMENTS

LLEOLIAD/LOCATION: 71 CARDIFF ROAD, NEWPORT, NP20 2EN.

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 10 April 2024.

We 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 contaminated land. 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, conditions regarding contaminated land should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.

Land Contamination

We have concerns with the above application regarding the installation of the new underground storage tanks, pipelines and the potential for the soil and groundwater to be contaminated from the existing fuel tanks. These issues will need to be addressed prior to determination.

Underground storage tanks

For the new fuel tanks, we require the following information be submitted prior to determination:

- a. Location of the storage tanks - We would prefer above ground tanks but note that the area for the petrol filling station is limited and that underground tanks is likely to be your preferred option.
- b. Determine the depth to the water table - The seasonal variation of the water table should be considered, and any seasonal highs should be compared with the tank invert level. If the water table is shown to be above the invert level of the storage tanks, we will require a risk assessment with respect to the groundwater and mitigation measures to reduce any risks.
- c. Design of the tanks- Please include details of the tank design and cross sections of the geology and tanks with depths below the ground.

Our approach to groundwater protection is set out in “Approach to Groundwater Protection” (EA, 2018 and adopted by NRW). In implementing the position statements in this guidance, we will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value. We seek to enable development by ensuring that applicants provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed. In this instance the applicant has failed to provide this information.

We consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because the depth to the water table (and its seasonal variation) is unknown and so is the depth of the tanks and how this compares to the water table.

Within the guidance “Approach to Groundwater Protection” (link below), we have a number of position statements relating to storage of hazardous substances, in particular the storage within underground tanks; for example, D2 and D3.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/692989/Environment-Agency-approach-to-groundwater-protection.pdf

Conditions: Potential for land contamination

The historical land use of the site as a petrol filling station may have caused contamination of the soil and groundwater. The amount and extent of potential contamination is unknown and no technical information has been submitted to support the application. We therefore request the following conditions and informative to be imposed on any planning permission granted.

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.

Further details on Environmental Permits and how to apply can be found on our website.

[Natural Resources Wales / Permits and permissions](#)

Condition 1

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 2

Prior to the occupation or 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 3

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 4

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.

These conditions have been recommended as Natural Resources Wales are 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.

In line with the advice given in Planning Policy Wales we understand that the Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should the LPA decide to obtain the necessary information under condition we would request that this condition is applied.

Protected Species

We note the Preliminary Ecological Appraisal Report submitted in support of the above application (CW20-1483, February 2024) has identified bats were not using the application site. We therefore have no adverse comments to make on the application as submitted.

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.

Advice for the Developer

Land Contamination

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.

Drainage

We note that all the surface water and foul waters from the site will be disposed of to the local mains sewer network. If this changes, please re consulted us so that we can provide comment as we may request conditions.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Kirsty Murphy

Cynghorydd - Cynllunio Datblygu/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.