

# Response to NRW

Project name	SWITCH		
Technical note title	Response to NRW		
Document reference	26CB02-HYD-XX-T-G-O-1003-P1.1		
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Revision	P1		
Date	6 December 2024	Approved Simon Cole	✓

## 1. Introduction

In November 2024, Hydrock Consultants Ltd (Hydrock) were appointed by Morgan Sindall Construction Limited (the Client) to produce a response to NRW's statutory pre-application consultation response dated 1st November (Ref: CAS-265549-Y7H9). The proposed development is located on land north of Harbour Way, Harbour side regeneration area, Port Talbot.

NRW's pre application response provided commentary on flood risk, contaminated land, pollution prevention, and ecology. This technical note is directed at responding to the contaminated land queries raised only.

This technical note sets out NRW's latest response, evidence of previous consultation with NRW relating to risk assessment and remediation for the protection of controlled waters, relevant details from previous WSP reports, Hydrock's latest groundwater monitoring results, and our position on the acceptability of current groundwater conditions in light of the above.

### 1.1 NRW Response

*We have reviewed the reports entitled 'Combined Phase 1 and Phase 2 Ground Investigation Report' (GI Report) dated 1st December 2023 and the 'Remediation Strategy and Verification Plan' dated 30th September 2024, both prepared by Hydrock.*

*We note within the GI Report that the results of an additional round of groundwater sampling were outstanding due to delays at the laboratory. These results should therefore be included in an updated report to be provided in support of any future planning application.*

*We are aware that remedial works have previously been undertaken at the site under the LPA's planning reference P2021/0569, with the primary objective to remove identified non-aqueous phase liquids (NAPLs). We note that the planning condition (Condition 6 under the LPA's reference P2022/0823) pertaining to the verification of these works was discharged in November 2022 however we have no record of NRW being consulted on this. We note, based on the information in the associated report entitled 'Remediation Verification Report' by WSP, dated April 2022, that a number of exceedances of the site-specific assessment criteria (SSAC) for controlled waters (remediation validation criteria) were recorded in soil validation samples. This comprised analytes benzene, toluene, naphthalene and total xylenes. We would therefore welcome further justification regarding this, and the risks posed to controlled waters and this should be provided upfront in support of any future planning application.*

### 1.2 NRW Proposed Conditions

#### 1.2.1 Condition 1

*No development or phase of 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. 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.*

### 1.2.2 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.*

*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.*

### 1.2.3 Condition 3

*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.*

*Justification: 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 neighboring land, and to ensure that the development can be carried out safely without unacceptable risks.*

### 1.2.4 Condition 4

*No development or phase of 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.*

Justification: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

## 2. Planning History

The site has a number of planning applications that relate to the historical site investigation and remediation of the site. These are as follows: P2020/0294, P2020/1014, P2021/0072 and P2021/0569. The table below outlines evidence of consultation with NRW that has been acquired following requests to NPTCBC's planning department and WSP.

Application Reference	Description	Evidence of consultation with NRW	NRW Response
<b>P2020/0294</b>	Construction of an access road, flood mitigation works, land contamination remediation works, improving the load capacity of the ground and associated works to facilitate the regeneration of a former brownfield land for future commercial development.	Yes	<p><b><u>Two responses</u></b></p> <p>Provided a response during pre-application advice.</p> <p>Provided detailed response regarding CONSIM model, and requested additional ground investigation and risk assessment, along with standard land contamination planning conditions.</p> <p>Were happy to discuss the sustainability aspects of the remediation.</p>
<b>P2020/1014</b>	Details pursuant to the discharge of conditions 5 (site investigation and remediation) and 6 (verification) of planning permission P2020/0294 granted on 05/10/2020	Yes	This application was withdrawn.
<b>P2021/0072</b>	Non-material amendment to application P2020/0294 to vary the wording of conditions 5 (Site investigation/Remediation), 6 (verification), to allow the submission of the details prior to the construction of the road;	Yes	Discussions about the wording of the condition to agree 'we would change the trigger from 'prior' to 'development' to allow them to get on site and undertake the work required'
<b>P2021/0569</b>	Details pursuant to the discharge of conditions 5 (site investigation and remediation) of planning permission P2020/0294 granted on 05/10/2020.	Yes	A chain of emails was exchanged regarding the discharge of this condition and NRW had no objection to the discharge of this condition. This no objection in turn approved the Site investigation and the Remediation Strategy. NRW welcomed the verification report

<p><b>P2022/0823</b></p>	<p>Details to be agreed in association with conditions 6 (verification) and 12 (road safety audit - stages 1, 2 and 3) of application P2020/0294 granted 15/04/20.</p>	<p>No records are held for consultation of this discharge</p>	<p>and that the verification report would be issued in due course.</p> <p>NRW were provided with an interim validation report by WSP, dated, 14th October 2021, and invited them to subsequent meetings during the remediation. However WSP had no response.</p>
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This summary of planning conditions shows that NRW has consistently been consulted since the initial planning application P2020/0294, with the exception of the discharge of condition 6 P2022/0823. However, whilst NRW were not directly consulted for P2022/0823, correspondence from WSP shows an attempt to contact NRW for comment whilst the remediation was on going and no response was given from NRW.

NRW was also contacted by WSP during the compilation of the MMP in order to obtain a no objection to the use of an MMP during the remediation of the site. NRW responded stating '**Based on the information provided within the DQRA and Appendix C criteria, I am content that there should be no risk to controlled waters when moving materials on the site**'. It should be noted that the material identified to be retained on site did not historically present a risk to controlled waters, with asbestos the only real contaminant of concern (relating to human health).

### 3. Summary of WSP DQRA

WSP produced a DQRA for controlled waters in support of 'discharge of conditions 5 (site investigation and remediation) of planning permission P2020/0294 granted on 05/10/2020'. The DQRA only assessed the risks from dissolved phase contaminants and assumed that the observed LNAPL at the site would be removed/treated. In this regard, WSP assumed that TPH dissolved phase concentrations on-site would be the maximum concentrations reported in groundwater sampled directly beneath

The DQRA modelling undertaken using ConSim and initial modelling results suggested a potentially unacceptable risk if it was assumed that the Port Talbot Dock was the critical receptor. Yet in 2019, WSP monitoring of groundwaters suggested a more westward groundwater flow towards the River Afan and Dock Feeder. If consequently assuming this groundwater flow and selecting the Dock Feeder as the closest receptor in that direction (approximately 570 m west) then risk projections were acceptable. Furthermore, should a component of groundwater flow pass south then dilution ratios in the Port Talbot Dock would likely be very high reducing the potential for the projected dissolved phase risk. This was supported by a lack of hydrocarbon impact in the surface water samples taken from the Port Talbot Dock and the Dock Feeder by WSP.

### 4. Summary of WSP Approved Remediation Strategy

WSP produced a remediation strategy in support of discharge of conditions 5 (site investigation and remediation) of planning permission P2020/0294 granted on 05/10/2020' and this was submitted alongside the DQRA in relation to planning application P2021/0569

WSP concluded in the DQRA that as the Part 2A regime, as reflected within planning, seeks to avoid disproportionate regulation being applied to contaminated land causing only trivial amounts of pollution to the water environment, a consideration of certainty and reasonableness is expected, and that following the removal of the LNAPL, then, on the balance of probabilities, dissolved phase contributions to risk based on the data available were considered to be low, and did not warrant direct remediation.

WSP reviewed the best available technologies available at the time of writing the Remediation Strategy and with the additional requirement to remove an area of hydrocarbon impacted soil, the below was recommended in order to allow for the most effective removal of LNAPL observed at the site:

- » Excavation of hydrocarbon impacted soils to below the water table;

- » Installation of a LNAPL recovery system within open excavations;
- » Maintaining open excavations in the areas identified and ongoing product recovery until the observed LNAPL has all been removed or for as long as is reasonably practicable; and
- » If required, ongoing LNAPL removing from dedicated recovery boreholes installed following soil removal works and backfill of excavation.

All LNAPL and impacted groundwater generated as part of the product recovery works would either be treated or disposed of in accordance with waste regulations.

The standard for remediation would be one that comes as close as practicable to breaking the significant contaminant linkages whilst fully mitigating the harm or pollution caused. Failing that then any measures that mitigate as far as practicable the harm or pollution caused might be acceptable, subject to regulatory review.

WSP proposed to undertake product recovery/clean-up operations to the below criteria:

*The point where asymptotic recovery is achieved should an in-situ application be deployed. Such conditions indicate that all readily recoverable product has been recovered based upon the limitations of the technology and the remainder is trapped in pore spaces which are not easily accessible/presenting a risk. At this point the volume of effort expended also often presents a law of diminishing returns i.e. with more hydrocarbons used in the technology process than actually recovered from the soils beyond this point its delivery is no longer sustainable. It is important to recognise that the rate of free product recovery typically exhibits a logarithmic decrease with time. The rate of decrease can be quite variable even on the same site due to heterogeneities in the soil which influence residual saturation and relative permeability.*

In seeking to understand the environmental footprint of the remediation then monitoring would also include consideration of:

- » Energy efficiency;
- » Water intensity;
- » Material intensity; and
- » Stewardship including greenhouse gas emissions

It should be noted that WSP only set SSAC for soils only on site and no SSAC have been derived for waters.

## 5. Summary of WSP Remediation Validation Report.

The below is a direct extract from WSP's April 2020 Remediation Validation Report, and are the opinions/assessments of WSP based on the remediation undertaken by Andrew Scott and WSP.

*WSP UK Ltd. (WSP) was commissioned by Andrew Scott Ltd. (ASL) to provide remediation stewardship, advice, part time supervision and validation works during the construction project at Port Talbot Harbourside. The project, commissioned by Neath Port Talbot County Borough Council (NPTCBC), comprised enabling works comprising remediation, ground improvement works, flood mitigation and construction of an access road to facilitate future commercial development. The works were covered under planning application P2020/0294 which was granted by NPTCBC with conditions, several of which related to the management of potential land contamination.*

*WSP's scope comprised providing stewardship with regards to the remediation works and adherence to the approved remediation strategy (WSP, June 2020), combined with gathering verification and validation data of remedial works completed. In addition, where data gaps were identified by the regulators, WSP collected additional data to ensure a robust conceptual site model and risk assessment could be completed to discharge Condition 6.*

*Additional data was collected in relation to the gasholder to the east of the Site to satisfy NRW and allow the discharge of Condition 5, which was discharged in July 2021.*

*The Contaminated land officer from NPTCBC requested additional investigation to the west of the Site, to assess sub-surface conditions beneath the former raised bund. A series of trial pits were completed and soil samples collected, with laboratory results screened against applicable assessment criteria. No exceedances of controlled waters assessment criteria were identified, with one location recording concentrations of lead above the human*

health assessment criteria as well as identification of asbestos. The findings are consistent with the wider site, with localised concentrations of metals encountered; however, the mitigation measures implemented through the remediation (capping layer) ensuring risks are mitigated.

LNAPL source removal works were completed through the excavation and disposal of hydrocarbon impacted soils and skimming of LNAPL from open excavations. Areas of known LNAPL were targeted and excavations extended until no LNAPL was released from excavation walls. Skimming was completed until no LNAPL was present, and the excavations left open for approximately 10 days to confirm an absence of LNAPL. A total of 618 m<sup>3</sup> hydrocarbon impacted soils and 21,160L LNAPL was removed during the works. Following backfill of the excavations, trial pits were completed around the perimeter to validate the absence of additional gross hydrocarbon impact and groundwater monitoring wells installed to validate LNAPL removal works. Weekly groundwater monitoring was completed for a period of three months, with no LNAPL identified in any exploratory location. Groundwater samples collected during the monitoring period identified elevated concentrations of hydrocarbons within the remediated areas, consistent with the LNAPL removal works which lowered concentrations below the saturation concentration. Groundwater samples collected from the downgradient site boundaries recorded concentrations of TPH and BTEX below limit of detection, indicating that hydrocarbon contamination within groundwater is spatially limited.

A theoretical risk remains to potential site users within proximity of BH303, where concentrations of hydrocarbon determinands in groundwater have been recorded above the GAC for a commercial end use.

**Table 4-12 – Summary of Post Remediation Groundwater Sampling Results**

Determinand	Laboratory Result (µg/l)	Comments
Phenol	<2 - 50	Phenol was recorded >LOD in five samples during the first sampling round (BH302, BH303, BH305, BH307 and BH310) and one sample during the second round (BH303).
TPH CWG	<10 – 46,800	TPH was recorded below LOD in three samples collected during the first sampling round (BH301, BH304 and BH306) and four samples during the second round (BH301, BH304 – BH306). The highest concentrations were recorded in BH303 during the two sampling rounds (46,800 µg/l and 25,400 µg/l), comprising predominantly light range GRO (C5-C12). Concentrations above 5,000 µg/l were recorded only in the samples from BH303, and the sample collected from BH307 during round 1 (12,400 µg/l). Concentrations were typically lower during the second round of sampling.
PAH (Total)	<0.082 – 2,330	Total PAH concentrations were recorded <LOD in two samples – BH301 (round 2 only) and BH304 (both rounds). Concentrations above 500 µg/l were recorded in B303 (both rounds) and BH307 (Round 1 only). Total PAH concentrations almost entirely comprised naphthalene.
MTBE	<1	MTBE was recorded <LOD in all samples.
Benzene	<1 – 21,200	Benzene was recorded <LOD in four samples during both rounds (BH301, BH304 – BH306). Elevated concentrations were recorded in BH303 during Round 1 (21,200 µg/l), with the second highest concentration recorded in BH303 (round 2) at 5,170 µg/l. Concentrations above 1,000 µg/l were recorded in BH307 (3,580 µg/l – round 1; 1,410 – round 2) and BH310 (1,420 µg/l – round 1). Concentrations were typically lower during the second round of sampling.
Toluene	<1 – 9,980	As with benzene, concentrations of toluene, ethylbenzene and xylenes were recorded at elevated concentrations in BH303 during round 1 compared to round 2 and compared to the wider dataset. Concentrations in BH307 (both rounds) and BH310 (round 1 only) also recorded total BTEX concentrations >1,000 µg/l.
Ethylbenzene	<1 – 1,570	
Total Xylenes	<2 – 6,070	

*Benzene, toluene and ethylbenzene exceedances were recorded from samples collected from the smear zone in location VAL-TP07 to VAL-TP09 and VAL-TP11, located to the north and east of the LNAPL removal excavation area.*

*Exceedances of the naphthalene screening criteria were widespread, with the majority of samples collected during the works recording exceedances. With the exception of the sample collected from VAL-TP09 (1.5 m bgl, 10.3 mg/kg), all other samples recorded concentrations below 2.5 mg/kg.*

*Toluene recorded limited exceedances in BH301 (smear zone) and BH302 (capping layer), with xylenes recording an exceedance in BH301 (smear zone). The presence of these compounds within BH301 is unclear, with the area a distance away from the LNAPL removal works; however, it is noted that potential localised elevated concentrations of BTEX compounds have historically been identified across the Site. As such, these localised limited exceedances are not considered to present an unacceptable risk.*

*Exceedances of the naphthalene screening criteria were widespread, with the majority of samples collected during the works recording exceedances, including areas not within the remediation area (BH301, BH302, BH307).*

*Despite the above exceedances, the risk is considered limited, with the primary goal of the remedial works being to remove the identified LNAPL. No gross contamination was identified within any of the trial pits completed, with PID readings low and a typical absence of visual and olfactory evidence of hydrocarbon contamination recorded. The validation criteria are also considered conservative; with them deemed to be protective of soil concentrations on the identified downgradient boundary (northwestern edge of site, nearest the River Afan); and the recorded exceedances recorded towards the centre of the Site.*

*Following completion of the remediation works, no unacceptable risks remain to controlled waters receptors; and no unacceptable risks remain to human health users based on the current site status. Significant betterment has been achieved through the source removal works and natural attenuation will allow for the improvement in groundwater conditions. During future construction works, potential risks may arise, associated with disturbance of soils underlying the current capping layer and/or the construction of structures.*

- » *Any future construction works should consider risks associated with the disturbance and exposure of underlying soils which may contain elevated concentrations of hydrocarbons, metals and asbestos. Appropriate work control measures should be implemented to protect construction workers. Future site development plans should also include a barrier to prevent a pathway between underlying soils and site users, whether that be through hardstanding (building footprint or car parking etc.) or engineered capping layers in areas of soft landscaping.*
- » *Consideration should be given to the use of appropriate future construction materials with regards to the elevated concentrations of hydrocarbons observed at the site including buried structures and utility infrastructure, including the sealing of ductwork to prevent pathways of vapours into future buildings.*

## 6. Hydrock Controlled Waters assessment

NRW has reviewed the first issue of the Hydrock Phase 1 and Phase 2 Ground Investigation Report. This report was re-issued twice further.

- » Revision 2 issued 12/12/2023 revised to include third round of water samples.
- » Revision 3 issued 03/04/2024 with an update to the recommendations.

The most recent issue of the Combined Phase 1 and Phase 2 Ground Investigation Report (26CB02-HYD-XX-T-10-O-1000 issued 3rd April 2024) sets out the results of the groundwater monitoring that has been carried out at the site and the results are summarised in Table 7.6 below.

*Table 7.6 CoPC which require further assessment (controlled waters) EQS other.*

CoPC	WQT (µg/l)	Basis for WQT	No. samples	No. samples above LoD	Min. (µg/l)	Max. (µg/l)	No. samples exceeding WQT and above LoD
<b>Soil Leachate Data – Made Ground</b>							
Arsenic	25	EQS other	6	5	6	28	1
Copper	3.76	EQS other	6	4	<5	29	4
Mercury	0.07	EQS other	6	5	0.18	0.61	5
Vanadium	100	EQS other	6	5	<5	594	5
Zinc	7.9	EQS other	6	6	4	23	5
Anthracene	0.1	EQS other	6	2	<0.01	0.2	1
Benzo(a)pyrene	0.00017	EQS other	6	3	<0.01	0.04	3
Fluoranthene	0.0063	EQS other	6	3	<0.05	0.39	3
Naphthalene	2	EQS other	6	4	<0.1	2.49	1
Benzene	8	EQS other	6	1	<1	17	1
<b>Shallow groundwater – Alluvial Fan Deposits</b>							
Copper	3.76	EQS other	6	5	0.6	34.2	1
Mercury	0.07	EQS other	6	4	<0.04	3.99	4
Fluoranthene	0.0063	EQS other	6	1	<0.01	0.04	1
Naphthalene	2	EQS other	6	3	<0.01	82.45	1
Aro EC5-EC7	10	EQS other (benzene)	6	2	<10	133	2
Aro >EC7-EC8	10	EQS other (Toluene)	6	1	<10	134	1
Aro >EC8-EC10	10	EQS other (mostly ethylbenzene/xylene fraction)	6	2	<10	187	2
Aro >EC10-EC12	10	EQS other (mostly naphthalene fraction)	6	2	<10	168	2
Aro >EC35-EC44	10	EQS other	6	2	<10	331	2

CoPC	WQT (µg/l)	Basis for WQT	No. samples	No. samples above LoD	Min. (µg/l)	Max. (µg/l)	No. samples exceeding WQT and above LoD
Benzene	8	EQS other	6	2	<1	133	2
Toluene	74	EQS other	6	1	<5	134	1
Ethylbenzene	20	EQS other	6	1	<5	55	1
O-Xylene	30	EQS other for total xylene	6	2	<5	154	1
M,p-Xylene	30	EQS other for total xylene	6	2	<10	395	2

Note: the maximum recorded value is compared with the water quality target.  
 \*\* Hydrock calculated DWS for petroleum hydrocarbon fractions based on WHO methodology.

The inland EQS for silver, copper, mercury, vanadium and zinc have been exceeded, and in addition PAHs have been identified in groundwater which exceed EQS. All of these exceedances, except for vanadium are minor, and likely reflect the natural background concentrations for the site as it lies within a heavily industrial area. Although vanadium is harmful to human health in high concentrations, there are no potable abstraction wells within 500m of the site, which means the likelihood of contaminated water being ingested by humans very low. As there are no abstraction wells in proximity to the site, contaminants have also been screened against the EQS 'other' scenario, which has outlined marginally more exceedances of the EQS. However, although silver and nickel can be disregarded from the risk evaluation when using the EQS other criteria, arsenic now exceeds this EQS criteria.

In general, it can be concluded that the shallow groundwater within the Made Ground is contaminated with metals, PAH and petroleum hydrocarbons. This water is in hydraulic connection with the underlying groundwater bodies and as the water moves to the underlying strata and then laterally away from the site (westerly), dilution and degradation of the leachate is occurring. In addition, no free phase product was recorded during the 3-groundwater monitoring and sampling visits.

Hydrock's ground investigation has identified that there are concentrations of chemicals of potential concern within the groundwater, the concentrations recorded are significantly lower than the highest recorded groundwater levels post remediation within WSP Validation report. No evidence of LNAPL or NAPL was recorded during Hydrock's groundwater sampling and monitoring visits which show WSP have removed the point source from site.

Whilst there are concentrations of Chemicals of Potential Concern elevated above the water quality criteria, any further remediation of minor dissolved phased contamination could be considered above and beyond what is reasonably practicable given the scale of the remediation that has already occurred. Natural attenuation of the remaining contamination appears to be working as the levels recorded by Hydrock are significantly lower than the validation levels recorded by WSP. Therefore, based on the remediation and investigation works undertaken to date Hydrock does not believe the site poses a significant risk to Controlled Waters, and no further remediation is required.

## 7. Summary and Conclusions

This site was previously submitted for planning P2020/O294 in 2020, to allow for the *Construction of an access road, flood mitigation works, land contamination remediation works, improving the load capacity of the ground and associated works to facilitate the regeneration of a former brownfield land for future commercial development*'.

Ground investigation, detailed risk assessments and remediation strategies were compiled by WSP and submitted to discharge conditions 5 of P2020/O294, and following submission of these documents NRW approved these documents by having no objection to the discharge of this condition.

Andrew Scott supported by part time visits from WSP undertook extensive remediation in accordance with the approved remediation strategy, with a total of 618 m<sup>3</sup> hydrocarbon impacted soils and 21,160 litres of LNAPL was removed during the works. WSP concluded that the works detailed within the approved remediation strategy have been completed and the remedial end goals achieved to ensure risk to future development are limited. Whilst NRW were not consulted for the for the discharge of the P2022/O823 the remediation validation report has been approved by the Local Authority.

Hydrock undertook a ground investigation to provide information for use in both geotechnical design and to assess the residual geo-environmental risks that remain on site. Following this investigation, it was concluded that

- » Clean cover system for soft landscaped areas would be required to protect the end user against asbestos detected within the Made Ground soils would be required.
- » Remediation of controlled waters (groundwater) was not deemed to be required. As no gross contamination was recorded, no free phase product was recorded and extensive remediation had been undertaken removing the main source from the site, and natural attenuation of the groundwater appeared to be working the risk to controlled waters was considered low.
- » Installation of ground gas protection measures to comply with CS2 conditions and a hydrocarbon vapour resistant membrane.

In relation to NRW's comments, and in light of the information summarised in this technical note:

*We note within the GI Report that the results of an additional round of groundwater sampling were outstanding due to delays at the laboratory. These results should therefore be included in an updated report to be provided in support of any future planning application.*

The latest version of Hydrock's Phase 1 and Phase 2 Ground Investigation Report can be provided/ to the local authority in support of the current planning application.

*We are aware that remedial works have previously been undertaken at the site under the LPA's planning reference P2021/O569, with the primary objective to remove identified non-aqueous phase liquids (NAPLs). We note that the planning condition (Condition 6 under the LPA's reference P2022/O823) pertaining to the verification of these works was discharged in November 2022 however we have no record of NRW being consulted on this. We note, based on the information in the associated report entitled 'Remediation Verification Report' by WSP, dated April 2022, that a number of exceedances of the site-specific assessment criteria (SSAC) for controlled waters (remediation validation criteria) were recorded in soil validation samples. This comprised analytes benzene, toluene, naphthalene and total xylenes. We would therefore welcome further justification regarding this, and the risks posed to controlled waters and this should be provided upfront in support of any future planning application.*

WSP dismissed the above exceedances discussed above on the basis of

*Despite the above exceedances, the risk is considered limited, with the primary goal of the remedial works being to remove the identified LNAPL. No gross contamination was identified within any of the trial pits completed, with PID readings low and a typical absence of visual and olfactory evidence of hydrocarbon contamination recorded. The soil validation criteria are also considered conservative; with them deemed to be protective of soil concentrations on the identified downgradient boundary (northwestern edge of site, nearest the River Afan); and the recorded exceedances recorded towards the centre of the Site.*

No exceedances have been recorded of benzene, toluene, naphthalene and total xylenes when compared to the commercial GAC during Hydrock's 2023 and 2024 ground investigations. When comparing Hydrock's groundwater results against WSP groundwater validation results, Hydrock have recorded lower concentrations of benzene, toluene, naphthalene and total xylenes within the groundwater, and it is therefore considered that natural attenuation is occurring.

# NRW PAC response

Ein cyf/Our ref: CAS-265549-Y7H9  
Eich cyf/Your ref: LG/DB/23.151

Asbri Planning  
Unit 9  
Oak Tree Court  
Mulberry Drive  
Cardiff Gate Business Park  
Cardiff  
CF23 8RS

Dyddiad/Date: 01 November 2024

Annwyl Syr/Madam/Dear Sir/Madam,

**STATUTORY PRE-APPLICATION CONSULTATION – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED**

**BWRIAD/PROPOSAL: CONSTRUCTION OF A NEW BUILDING COMPRISING OFFICES, RESEARCH AND DEVELOPMENT AND LIGHT INDUSTRY (B1 USE) ALONGSIDE RECONFIGURATION OF THE HIGHWAY, PARKING, ACCESS, LANDSCAPING, DRAINAGE, PLANT, SUBSTATION, SPRINKLER STORE, GAS STORE AND ASSOCIATED WORKS**

**LLEOLIAD/LOCATION: LAND NORTH OF HARBOUR WAY, HARBOUR SIDE REGENERATION AREA, PORT TALBOT**

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 01 October 2024.

**We have concerns with the application as proposed because inadequate information has been provided. To overcome these concerns, you should provide further information in your planning application regarding flood risk. If this information is not provided, we may object to the planning application when formally consulted by the planning authority. Further details are provided below.**

**We also advise that based on the information submitted to date, we would ask the planning authority to include conditions regarding contaminated land and pollution prevention on any planning permission granted. Without the inclusion of these conditions by the planning authority we would be likely to object to the planning application.**

## Flood Risk

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 2 and 3 Rivers and partially within Zone 2 Sea.

Section 6 of TAN15 requires the Local Planning Authority (LPA) to determine whether the development at this location is justified. Therefore, we would refer them to the tests set out in section 6.2 of TAN15. If they consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by JBA Consulting, dated March 2024 (reference KVR-JBAU-XX-XX-RP-Z-0001-S1-P01- SWITCH FCA Port Talbot). We advise that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

As the site currently floods within the 1% plus climate change (cc) annual exceedance probability (AEP) scenario and in the 0.1% AEP scenario, we note the proposals to alter the finished floor levels (FFLs) of the site as detailed in section 5.3.2. of the FCA. This includes raising the FFLs of the proposed building to 7.9m above ordnance datum (AOD) and raising the ground levels around the building including ancillary car parking areas to 7.7m AOD. It is also noted that lowering of land is proposed to the southeastern and southern boundaries to a minimum of 6.8m AOD to facilitate flood flows around the site and towards the flood relief culverts (which we note are proposed to be increased under this scheme). Under the 1% plus cc scenario, the FCA advises that the maximum flood levels around the proposed building will be 7.81m AOD and therefore based on the proposed FFLs, this is in compliance with section A1.14 of TAN15. Additionally, the ancillary areas are predicted to experience flooding less than 300mm, which is acceptable in this case.

Under the 0.1% AEP scenario, post-development flood depths are predicted as being 8.11m AOD, resulting in a maximum internal flood depth of the building of 210mm. The ancillary areas are predicted to experience flooding no greater than 550mm. We agree that these are within the tolerable conditions of section A1.15 of TAN15.

In terms of third-party impacts, we note figures 5-6 and 5-7 illustrate detriment above 5mm however this has not been addressed within the FCA section 5.3.5 (third party impacts) or wider FCA. The application is therefore not in compliance with section A1.12 of TAN15 which advises that there should be no flood risk elsewhere. This will need to be addressed, and detailed information provided within a revised FCA submitted in support of any future planning application.

In addition to the comments above we can also confirm that the proposed additional flood flow route culverts will not require a Flood Risk Activity Permit (FRAP) as their installation would be covered by any planning permission granted.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to this application.

## Contaminated Land

We have reviewed the reports entitled 'Combined Phase 1 and Phase 2 Ground Investigation Report' (GI Report) dated 1<sup>st</sup> December 2023 and the 'Remediation Strategy and Verification Plan' dated 30<sup>th</sup> September 2024, both prepared by Hydrock.

We note within the GI Report that the results of an additional round of groundwater sampling were outstanding due to delays at the laboratory. These results should therefore be included in an updated report to be provided in support of any future planning application.

We are aware that remedial works have previously been undertaken at the site under the LPA's planning reference P2021/0569, with the primary objective to remove identified non-aqueous phase liquids (NAPLs). We note that the planning condition (Condition 6 under the LPA's reference P2022/0823) pertaining to the verification of these works was discharged in November 2022 however we have no record of NRW being consulted on this. We note, based on the information in the associated report entitled 'Remediation Verification Report' by WSP, dated April 2022, that a number of exceedances of the site-specific assessment criteria (SSAC) for controlled waters (remediation validation criteria) were recorded in soil validation samples. This comprised analytes benzene, toluene, naphthalene and total xylenes. We would therefore welcome further justification regarding this, and the risks posed to controlled waters and this should be provided upfront in support of any future planning application.

It is unclear whether the proposed swales/wet meadow features are to be lined and what the water quality of receiving water will be. It is also uncertain whether there is a risk of mobilisation of any existing contamination.

Therefore, based on the above, should a future planning application be made for this scheme, we would recommend to the LPA that the following conditions are attached to any planning permission if granted:

Condition 1: No development or phase of 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 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.

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: 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.

Justification: 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.

Condition 4: No development or phase of 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.

Justification: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development.

## Surface Water

We would advise the LPA that an informative is included on any decision notice informing you to obtain the approval of the SuDS Approving Body (SAB) for the management of surface water.

We advise that infiltration of surface water drainage into the ground should only be permitted for parts of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. This should be informed by your existing ground investigations and/or remediation strategy. If this is not properly controlled, the development may create pathways for pollution to controlled waters.

## **Pollution Prevention**

Due to the scale of the development and its location near watercourses and an open area of water, we advise that a Construction Environment Management Plan (CEMP) will be required prior to works commencing on site. We are satisfied this could be dealt with via a condition included by the LPA on any planning permission they may grant and should be as follows:

Condition 5: No development including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures (including minimising disturbance to otters who are known to frequent the area). All plant, machinery, tools and excavations must be kept in such a manner as to prevent mammals from becoming trapped, particularly during periods where the site is unsupervised;
- Soil Management: details of topsoil strip, storage and amelioration for re-use;
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies;
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities;

- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Please note that certain elements of the aforementioned CEMP have already been met however the above has been requested for completeness and for the information to be provided in one place. As with all construction projects, it should be ensured that all appropriate guidance on pollution prevention is sought through GPP mandates which can be found at: [Guidance for Pollution Prevention \(GPP\) documents | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#) . This includes, but not limited to GPP 6, GPP 21 and GPP 22. The relevant pollution prevention measures should be employed during the development and all efforts must be made in order to safeguard that pollutants do not enter the environment.

In addition, all construction works in or near watercourses should adhere to the relevant pollution prevention measures during the development of the site. All efforts must be made in order to safeguard that pollutants do not enter the river network and that the integrity and quality of the watercourse is maintained. Therefore, the contractors should have strict adherence to the guidance in GPP5: pollution prevention methods when working in or near water: [gpp-5-works-and-maintenance-in-or-near-water.pdf \(netregs.org.uk\)](#). This would include the connecting of the site to the established foul sewer.

## **Ecology**

We note the site was subject to ecological assessment in 2019 (as detailed in 'Harbourside Strategic Employment Site (Platform Preparation) Ecological Assessment November 2019') and in 2021 ('Harbourside Strategic Employment Site (Platform Preparation) Ecological Update February 2021'), along with an updated walkover entitled 'Ecological Update and Proposed Switch Building' (all by Megan Price). The latter report is undated however reference is made to 2023 results therefore we assume this is the latest ecological information available on the site.

The previous surveys concluded no protected species under our remit were using the site and it is noted that the site was then cleared in 2020. It has already been subject to a number of mitigation measures including habitat replacement, seeding and planting schemes, and the updated proposed scheme will affect these habitat areas. We therefore advise consultation should be undertaken with the LPA's Ecologist on any impacts of the scheme on local biodiversity.

As it is unclear when exactly the latest ecological assessment on site was carried out, this may be required to be updated prior to any works being undertaken, if a length of time has passed. We welcome that an updated Biodiversity Mitigation Strategy will be developed for this site to ensure long term success of the habitats that will be created. We advise these should be discussed and agreed with the LPA's Ecologist.

## **Other Matters**

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

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.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

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

Yn gywir / Yours faithfully,

## **Hannah Roberts**

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

E-bost/E-mail: [swplanning@cyfoethnaturiolcymru.gov.uk](mailto:swplanning@cyfoethnaturiolcymru.gov.uk)

Ffôn/Phone: 03000 65 3358

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.

# Planning Application P2020-0294

Maes Newydd  
Llandarcy  
Neath Port Talbot  
SA10 6JQ

**Ebost/Email:**  
swplanning@cyfoethnaturiolcymru.gov.uk  
**Ffôn/Phone:** 0300 065 3264

Mr Steven Jenkins  
Neath Port Talbot County Borough Council  
The Quays  
Baglan Energy Park  
Briton Ferry  
SA11 2GG

**Dyddiad/Date:** 30 June 2020

Annwyl / Dear Mr Jenkins,

**BWRIAD / PROPOSAL: CONSTRUCTION OF AN ACCESS ROAD, FLOOD MITIGATION WORKS, LAND CONTAMINATION REMEDIATION WORKS, IMPROVING THE LOAD CAPACITY OF THE GROUND AND ASSOCIATED WORKS TO FACILITATE THE REGENERATION OF A FORMER BROWNFIELD LAND FOR FUTURE COMMERCIAL DEVELOPMENT.**

**LLEOLIAD / LOCATION: HARBOURSIDE STRATEGIC EMPLOYMENT SITE HARBOURSIDE ROAD, PORT TALBOT**

Thank you for re-consulting Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) on the above application, which we received on 9 June 2020.

**We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission having taken into consideration our comments on flood risk. Our other concerns would be addressed if you attach the following conditions to the permission. Otherwise, we would object to this planning application.**

**Conditions - Contaminated land:** Inclusion of the four contaminated land conditions noted below.

**Condition – Pollution prevention:** No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

### **Flood Risk**

We have reviewed the Flood Consequence Assessment (FCA) undertaken by JBA Consulting, Harbourside Flood Consequence Assessment dated May 2018, based on the current hydraulic modelling, in support of the application.

The application site is predominately located in Zone C1 of the development advice maps as defined in Technical Advice Note (TAN) 15. Apart from an element of the western extent it is considered to be at risk of flooding beyond the limits prescribed within TAN15. As such mitigation has been proposed in the form of land raising to an elevation of 7.5m AOD (above ordnance datum) where the proposed buildings and access road will be sited, along with a new flood drainage path that will take flood waters in southerly direction underneath the A4241 via culverts and drain into the docks.

It is acknowledged that the FCA has demonstrated the proposed mitigation will reduce the wider flood risk to much of the surrounding area as well as the development locations of the application site itself. It is also noted that within the areas identified as 'danger to some' and 'danger to all' as per the flood hazard matrix there will be no intention for future development.

Whilst the areas of the site allocated for development are shown to comply with TAN15 guidance the proposals do not fully mitigate against the impact to third parties. The FCA highlights there will be areas subject to increased flood risk of up to 15mm, which is beyond the accepted hydraulic modelling tolerances and would be regarded as increased flooding elsewhere according to TAN15.

The FCA has accepted that this remaining increased flood risk cannot be removed by physical mitigation measures and therefore we would advise that all affected landowners should be made aware of the effect on their property and agreement sought in order to demonstrate all potential measures have been taken to mitigate against the inability to achieve full compliance with TAN15 requirements. This will allow you, as local planning authority, to make a fully informed and balanced decision on the impacts of the development in terms of the stated reductions and increases in flood risk elsewhere.

In addition to the comments above we can also confirm that the proposed flood flow route culverts will not require a Flood Risk Activity Permit if they already benefit from a valid planning permission.

## **Land contamination**

### **Condition 1- Site investigation**

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be 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 site investigation results and the detailed risk assessment (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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

### **Reasons**

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to proximity to surface water and being situated on a Secondary A aquifer. Contamination is known/strongly suspected at site due to historical contaminative uses.

### **Condition 2- Verification report**

Prior to commencement of development, a verification report demonstrating completion of the 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 any plan (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, and for the reporting of this to the Local Planning Authority.

### **Reasons**

To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

### **Condition 3- Unsuspected contamination**

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 the developer has submitted and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

#### **Reasons**

Given the complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.'

### **Condition 4- Sustainable drainage systems (SUDS)**

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

#### **Reason**

There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

Having reviewed all the supporting documents relating to groundwater and contaminated land we have the following comments.

Reviewing the samples, it is difficult to replicate results for areas where there may be a source. From recent bail down sampling the thickness of the hydrocarbons was not consistent. We would recommend a further sampling round to see if the thickness of hydrocarbons can be replicated. It is difficult to determine whether this is a plume or an artefact of a relic structure on the site. We would not recommend remediation based on results that cannot be replicated. We would recommend monitoring during and after construction with a watching brief at the breaking ground stages to ensure that, if necessary, source removal can be undertaken at this stage. It may be more pragmatic to have a watching brief of the site as ground is broken and if necessary, then agree a remedial target and remediation objectives as an iterative approach for this site.

We note that the CONSIM model is conservative and this why we have made the comments in point 1 above. However, for the modelling to use the prevent and limit principle of the Groundwater Regulations, (in line with Remedial Targets Methodology Level 3 assessments) there should be a default of 50m or the boundary of the site for

hazardous substances. Deviation of this needs careful justification. As this related to the potential expansion of a plume from a recent spill, we would await further input from site data before determining whether any deviation from the prevent and limit entry is advisable.

Based on the current model with no degradation the contaminants benzene and naphthalene are above the Environmental Quality Standards values (Water Framework Directive) for surface waters. We would welcome revision of the risk assessment model, once ground has been broken to ensure that controlled waters are protected but that also any remediation is considered with an emphasis on a sound evidence base and sustainability looking to the SURF Framework.

Previously we had suggested further monitoring especially of the areas impacted by hydrocarbons to ensure that these specific areas were not acting as sumps. We require an explanation of the poor coverage of the East of the site covering the gas holder. We note that only one sample was taken from a trial pit in 2017. As this area is within the red line planning boundary, we cannot agree that this area of the site has been adequately characterised. Bearing its former use and the potential for the groundwater in this area to contain hazardous substances, we ask that further investigation to be undertaken in this area to give more data, in order to understand this risk.

We have reviewed the Remediation Strategy for the site and have the following comments to make, for the west of the site, not including the area of the former gas holder.

There appear to be discrete areas of hydrocarbon contamination on the west of the site. Some of these areas contain light non-aqueous phase liquid (LNAPL) and we understand that these are to be removed from excavation areas only, and the lateral extent is to be determined on breaking ground. LNAPL should be removed from the area surrounding every borehole that it has been discovered in and we note that the hydrocarbon removal requires verification and naphthalene should be added in as a hazardous substance.

We also note that Bore hole (BH) C5 is on the boundary so currently LNAPL and or dissolved phase hydrocarbons are leaving the site. Although the CONSIM model recommends that there is limited or no impact on the receptor at 500m, for the remediation to meet the “prevent and limit” aspect of the groundwater regulations, and in line with Remedial Targets Methodology, 50m, especially for the hazardous substances within the hydrocarbon is the maximum that is permissible. It is nominally 50m from the source, which arguably is within the site and compliance should be met at the boundary e.g. at BHC5.

To that end, we ask that a risk assessment that fits within the prevent and limit requirements is undertaken. At this point we would be happy to discuss the sustainability aspects of the remediation.

### **Pollution Prevention**

No development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods, including details of materials, waste and contaminated land.
- General Site Management: construction programme and site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors, buffer zones and relevant protection measures (e.g. fencing, etc).
- Biodiversity Management: tree and hedgerow protection, invasive species management (to include Himalayan balsam and Japanese knotweed), species/habitats protection and mitigation measures.
- Water Framework Directive (WFD) Assessment: details of the proposal to be assessed against the Water Framework Directive's objectives.
- Soil management: topsoil stripping, storage and amelioration for re-use.
- CEMP masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.
- Control of Nuisances: restrictions on timing/duration/frequency of works, e.g. noise/vibration from piling activities, acoustic barriers, dust control measures, control of light spill and conservation of dark skies.
- Resource Management: fuel and chemical storage, waste management, water consumption and energy consumption.
- Traffic Management: deliveries, plant on site and wheel wash facilities.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan and site drainage plan.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

### **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, including environmental interests of local importance.

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.

Yn ddiffuant / Yours sincerely

**Lisa Jones**

**Gynghorydd - Cynllunio Datblygu / Advisor - Development Planning**

**E-bost/E-mail:** [swplanning@cyfoethnaturiolcymru.gov.uk](mailto:swplanning@cyfoethnaturiolcymru.gov.uk)

# Planning Application Response P2020-1014

Hi,

The original case officer for that development no longer works for NPT. However, I have reviewed each of the applications listed in your email and reviewed all the correspondence that we currently hold on file. The responses are as follows:

P2020/00294 – We received two consultation responses from NRW, the first was asking for an extension of time to respond, and the second was their response, which are attached to this email.

P2020/1014 – The application was withdrawn.

P2021/0072 – An NMA application to amend the trigger for the submission of details in relation to conditions. – There was an exchange of email with NRW the last saved response was from the case officer to NRW. This chain of emails is attached. We don't have any other response after this.

P2021/0569 – Details to be agreed in association with condition – I can see from our records that NRW were consulted on this application. The case officer noted in his report that they raised no objection, but I have not been able to find a saved copy of their response.

In relation to the missing response on application P2021/0569 – you may wish to contact NRW directly to see if they still hold a copy of their response.

I hope this information is of assistance to you.

Regards,

**Nicola Lake.**

Team Leader - East / Arweinydd Tim Y Dwyrain

Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot Tel/ Ffôn: 01639 686737.

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales. Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni

If you would like to use Welsh when dealing with the Council please click [here](#)

Os hoffech ddefnyddio'r Gymraeg wrth ddelio â'r Cyngor os gwelwch yn dda cliciwch [yma](#)



**DARPARU GWELL GWASANAETHAU AR-LEIN | DELIVERING BETTER SERVICES ONLINE**

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Mae'r e-bost hwn ac unrhyw ffeiliau a drosglwyddir gydag ef yn gyfrinachol ac at ddefnydd yr unigolyn neu'r corff y cyfeiriwyd hwy atynt yn unig. Os ydych wedi derbyn yr e-bost hwn mewn camgymeriad, dylech hysbysu'r person a anfonodd yr e-bost ar unwaith. Hefyd, sylwer nad oes unrhyw sicrwydd nad yw'r e-bost hwn neu unrhyw ymgysylltiad yn rhydd o firws ac nad yw chwaith wedi'i ryng-gipio na'i newid.

Good morning, Nicola,

We haven't met as yet, but have recently started in Paul's Team just last week and will be working on Switch project proposed at the Harbourside site going forward.

We received the query below from our Principal Contractor yesterday and ask whether this is something you would be able to assist with please?

Any assistance on this matter will be greatly appreciated.

Kind Regards

**Martin Caddell**

**Principal Project Manager / Prif Reolwr Prosiectau**

Neath Port Talbot County Borough Council / Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot  
The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales. Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni



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Hi NPT team,

Further to NRW's recent comments on the SWITCH PAC submission, please see below and attached from Hydrock. WSP's report references agreement with NRW over the previous remediation project but as yet we haven't found evidence of this dialogue.

Would you be able to raise this with your planning team and see if we can locate this? This evidence should be sufficient to rebuff many of the contamination concerns raised.

Thanks,  
Phil

[Phil Davies](#)  
Senior Bid Manager

Phil.Davies@morgansindall.com  
5 Cae Gwyrdd, Greenmeadow Springs, Cardiff, CF15 7AB



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---

**From:** Matthew Holbourn  
**Sent:** 05 November 2024 15:24  
**To:** [planning@npt.gov.uk](mailto:planning@npt.gov.uk)  
**Subject:** P2020/0294 Planning Applications NRW's comments

Afternoon,

I am working with Morgan Sindall and the council on a new development for the below site and we are reviewing information from previous planning applications for this site.

Looking at the previous planning application there is a PAC report which summarises NRW comments into a table but does not append or attached the actual comments from NRW.

If you can find them, please can you forward us the original comments from NRW in relation to this planning application P2020/0294. I have attached the PAC report for assistance.

There are multiple other planning discharges for this site as well, P2021/0569 , P2021/0072 and P2020/1014. Any NRW letters/ correspondence that you hold for these projects would be greatly appreciated.

Happy to chat through over the phone if needed.



Thanks

**Matthew Holbourn BSc (Hons), MSc, FGS**  
Principal Environmental Geologist

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## Planning Application Response P2021-072

## Matthew Holbourn

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

Hi Lisa

I haven't drafted condition but it was agreed we would change the trigger from prior to development to allow them to get on site and undertake the work required, Do you have any suggestions of wording or are you happy for me to suggest a wording?

Steven Jenkins

Senior Planning Officer – Development Management / Uwch Swyddog Cynllunio - Rheoli Datblygu Neath Port Talbot County Borough Council/ Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot Tel/ Ffôn: 01639 686744

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Good afternoon Steve,

I am still unable to view any documents for the above consultation on the Neath P/T Council website. Have you written the conditions or do you have draft conditions for the above consultation? If you are able to send these to me then we will be able to take a look and provide our response.

Thanks

Lisa

Lisa Jones

Ymgynghorydd Cynllunio Datblygu/ Development Planning Advisor Cyfoeth Naturiol Cymru / Natural Resources Wales

In light of recent events, I am currently working from home and as such not contactable on the phone. If you need to get in touch, please email me and I will respond as quickly as possible.

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Good afternoon Steve,

I sent the following message to your central inbox yesterday lunchtime. I haven't heard anything back today, just wondering if you are able to answer my questions.

Thanks

Lisa

Lisa Jones

Ymgynghorydd Cynllunio Datblygu/ Development Planning Advisor Cyfoeth Naturiol Cymru / Natural Resources Wales

In light of recent events, I am currently working from home and as such not contactable on the phone. If you need to get in touch, please email me and I will respond as quickly as possible.

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Good morning,

I have been onto your website to try to access the document for this consultation and there is only one document available. Please could you let me know if there are any other documents for the consultation and if so can these be uploaded to the website.

Thanks very much.  
Lisa

Lisa Jones  
Ymgynghorydd Cynllunio Datblygu/ Development Planning Advisor Cyfoeth Naturiol Cymru / Natural Resources Wales

In light of recent events, I am currently working from home and as such not contactable on the phone. If you need to get in touch, please email me and I will respond as quickly as possible.

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Please find attached consultation letter

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

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# Planning Application Response P2021-0569

Ken,

See below response from NRW, they have no objection with the discharge of Condition 5.

Still waiting on confirmation regarding the import material.

Kind regards,



**Rhys Evans**

Principal Environmental Consultant  
Ground & Water

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Good morning Rhys,

Thank you for your e-mail.

With regard to the questions in your e-mail, we are due to respond to the local authority next week on the discharge of Condition 5 (site investigation and remediation) of planning permission P2020/0294 granted on 05/10/2020. **We have no objection to the discharge of this condition.**

We look forward to the verification plan and validation report for the work on the central and western areas of the site impacted by LNAPL, as outlined in the Remediation Strategy June 2020. We note from the WSP Technical Note of April 2021, this work was ongoing at the time of writing and that a verification report would be supplied in due course.

With respect to your question relating to Import of material for site levelling this might be something that NPTBC Council may have made comment on in relation to human health criteria as we have no record of comments regarding this issue.

Kind regards,

Lisa

Lisa Jones  
Ymgynghorydd Cynllunio Datblygu/ Development Planning Advisor  
Cyfoeth Naturiol Cymru / Natural Resources Wales

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Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.**

---

Good afternoon,

I wondered if it would be possible to discuss a few topics with regards to the ongoing development at Port Talbot Harbourside.

Further to previous correspondence, additional ground investigation works associated with the gasholder have been submitted through planning with the aim to discharge Planning Condition 5. I just wondered if you had been passed this data and whether you had any further queries.

In addition, I wondered if it would be possible to get your thoughts on the import of material to achieve the required site levelling. There are minor exceedances of the conservative import criteria specified in the Earthworks Specification (DWS / EQS) for some determinands (pH, arsenic and chromium); however given the stringency of these GAC and the conservatism associated with leachate analysis; I wanted to quickly talk through and ensure there are no objections. The concentrations are significantly lower than the DQRA derived re-use criteria (where CoC identified as potential risk); and we are confident the limited concentrations do not present an ongoing risk. Nevertheless, it would be appreciated if someone was available just to talk through.

If you could let me know who would be best to talk through with, I can compile the data for discussion.

Kind regards,



**Rhys Evans**  
Principal Environmental Consultant  
Ground & Water

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# WSP Emails to NRW

## Matthew Holbourn

---

**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**

Rhys,

From the documents supplied, they are the same that I have already reviewed, except the Memo on the type of gas holder on the site. This provides evidence that the gas holder is much less likely to cause land contamination issues. Thank you for confirming that there will be a watching brief on the breaking out activity, on the west of the site. Based on the information provided within the DQRA and Appendix C criteria, I am content that there should be no risk to controlled waters when moving materials on the site

Thanks  
Joanne

Joanne Fitton BSc (Hons) MSc FGS  
Cynghorydd Arbenigol Tir Halogedig / Specialist Advisor Contaminated Land  
Cyfoeth Naturiol Cymru / Natural Resources Wales  
Ffôn / Tel: 03000653240  
Maes Newydd, Llandarsi, Castell Nedd / Maes Newydd, Llandarcy Neath  
E-bost / Email : [joanne.fitton@cyfoethnaturiolcymru.gov.uk](mailto:joanne.fitton@cyfoethnaturiolcymru.gov.uk) [joanne.fitton@naturalresourceswales.gov.uk](mailto:joanne.fitton@naturalresourceswales.gov.uk)

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---

Hi Joanne,

Thanks for getting back to me. This relates to a Materials Management Plan (MMP) we are looking to submit shortly for the site, which refers to the completed DQRA and Remediation Strategy at the Site.

The Remediation Strategy includes re-use criteria as Appendix C and D which will be used both as validation criteria following source removal (LNAPL impacted material); and also as the screening criteria for material re-use at the site as part of the MMP to protect controlled waters (in conjunction with human health criteria). As such, we would appreciate your feedback on the re-use criteria to use in the MMP.

I have included a link to the relevant documents / reports (if any issues with the link let me know), these are:

[https://wsonline-my.sharepoint.com/:f:/g/personal/rhys\\_evans\\_wsp\\_com/ElyI7YI8\\_NhBpJDt8mgUwosBhneU4EdLZ4NoMvvi3x1G4A?e=hBSENG](https://wsonline-my.sharepoint.com/:f:/g/personal/rhys_evans_wsp_com/ElyI7YI8_NhBpJDt8mgUwosBhneU4EdLZ4NoMvvi3x1G4A?e=hBSENG)

- DQRA;
- Remediation Strategy;
- Response to NRW comments on DQRA / Remediation Strategy (these were sent to NPT but not sure if they ever made it to you, superseded slightly by the gasholder GI);
- Gasholder Supplementary Ground Investigation (discussed briefly on previous call); and
- Gasholder Historical memorandum (for information, relating to the gasholder being an 'above ground' tank rather than the usual below ground chambers).

We (WSP) will be providing a watching brief during the remediation works at the site, and will be completing the sampling / validation and verification reporting.

I am appreciative that we can work through the remediation as an iterative process, however we require some acceptance from NRW for the purpose of the materials Management Plan. As briefly mentioned previously, the MMP primarily relates to the movement of soil from the raised embankment to be used for site levelling / infilling. This material has not been identified historically to present a risk to controlled waters, with asbestos the only real CoC identified (relating to human health).

Hopefully the above makes sense, but if you have any queries then please let me know.

Kind regards,

**Rhys Evans**

Principal Consultant | Ground & Water



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M +44 (0)7581 536 491

---

Hi Rhys,

This has come to me as a consultation.

I was hoping that you might be able to answer some questions.

1. Where are the references for the DQRA and RS that you want me to review? Are these the ones supplied in P2020/1014 ( v3 DQRA & RS 2020)?
2. We note that there has been further investigation in the former gas holder area and presented in the above reference in November 2020. We understand that no extra areas of concern were uncovered on the site.
3. Please see the comments on the DQRA, that were provided in June 2020.

“We have now reviewed the Remediation Strategy for the site and have the following comments to make.

1. We note that there appear to be discrete areas of hydrocarbon contamination on the west of the site. Some of these areas contain LNAPL product and we understand that these are to be removed from excavation areas only, and the lateral extent is to be determined on breaking ground. LNAPL should be removed from the area surrounding every borehole that it has been discovered in and we note that the hydrocarbon removal requires verification and naphthalene should be added in as a Hazardous Substance. *From Appendix C of the DQRA ,we understand that this is included*
2. We also note that BHC5 is on the boundary so currently LNAPL and or dissolved phase hydrocarbons are leaving the site. Although the CONSIM model recommends that there is limited or no impact on the receptor at 500m, for the remediation to meet the “prevent and limit” aspect of the groundwater regulations, and in line with Remedial Targets Methodology, 50m , especially for the hazardous substances within the hydrocarbon is the maximum that is permissible. It is nominally 50m from the Source, which arguably is within the site and compliance should be met at the boundary e.g at BHC5.

We recommend that there is a watching brief in the areas where contamination has been discovered and there is a need to determine the extent of the contamination and this ties in with the iterative approach we have previously advocated.

Joanne

---

Hi Joanne,

I saw you were away from the office last week, and didn't want this to get missed. I'd appreciate your thoughts on the below if possible so that we can finalise the MMP.

Kind regards,

**Rhys Evans**

Principal Consultant | Ground & Water



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---

Hi Joanne,

I hope you are keeping well.

With regards to the Harbourside Remediation Project, I wondered if you'd be able to help me.

As part of the overall works, the contractor is required to complete some earthworks and material movements, which we are covering under a Materials Management Plan. Obviously, one aspect of this is to ensure that the materials used are not adversely impacting the controlled waters receptors. And one of the requirements of the MMP is for correspondence that the DQRA / Remediation Strategy findings from which the MMP is based on is accepted by the regulator.

The earthworks on site are for the removal of the 'upper plateau' to the west of the site to be used to backfill voids caused by the removal of the LNAPL impacted material and any structures, and for site raising in accordance with the flood defence requirements. This upper plateau was not deemed to be a risk to controlled waters; and concentrations of CoCs are low with the exception of periodic asbestos presence.

Within Appendix C & D of our Remediation strategy we included criteria which were protective of the controlled waters at the site extents, and these will be used to inform the MMP.

I'd be grateful if you could acknowledge that the DQRA and Remediation Strategy that have been submitted are accepted in principal for the purposes of allowing the MMP to be submitted.

We'll obviously liaise closely with you during the physical remediation works which are scheduled to commence in July to agree acceptable end points etc. as discussed previously on the Teams call with Neath Port Talbot Council.

Should you have any queries or concerns then please let me know.

Kind regards,

**Rhys Evans**

Principal Consultant | Ground & Water



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M +44 (0)7581 536 491

---

Hi Joanne,

We will try to get in touch via NPT and the planning team.

I was just trying to avoid any misinterpretations that might occur with having to pass the message through numerous people; and potential delays associated.

If you are able to let me know your concerns, which I understand you raised with NPT, then that would be much appreciated.

Kind regards,

**Rhys Evans**

Principal Consultant | Ground & Water



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M +44 (0)7581 536 491

---

Hi Rhys,

If this is in relation to the discharge of planning conditions, this need to come to NRW via NPTBC via the Planning Department.

Thanks  
Joanne

Joanne Fitton BSc (Hons) MSc FGS

Cynghorydd Arbenigol Tir Halogedig / Specialist Advisor Contaminated Land

Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn / Tel: 03000653240

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---

**Subject:** Port Talbot Harbourside Remediation Works

Good morning Joanne,

I hope you are well.

I understand from Neath Port Talbot CBC that you are reviewing the works completed at Port Talbot Harbourside, and that you have raised concerns around the gasholder at the site despite the additional investigation works that have been completed recently; as detailed on the attached report.

We queried with NRW a scope for trial pitting around the gasholder, and it was agreed by Lisa Jones in liaison with the geosciences team that trial pits would be sufficient. I understand now from speaking with NPT CBC that there is an additional requirement for deeper sampling / monitoring well installation.

As the gasholder is hydraulically upgradient with regards to the site, groundwater flow and the monitoring well network, any gross contamination that is affecting groundwater quality would be picked up within the monitoring network. And based on the findings of the DQRA, groundwater quality in the dissolved phase does not present an unacceptable risk.

Given the absence of significant levels of contamination picked up during the trial pitting works (including the absence of LNAPL which is the key risk driver), which went below the resting water table; we do not feel that additional investigation is warranted to allow the remediation works to be completed.

Could you please let me know your concerns, I am happy to discuss and we can agree a way forward.

Kind regards,

**Rhys Evans**

Principal Consultant | Ground & Water



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## Matthew Holbourn

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**From:**  
**Sent:**  
**To:**  
**Cc:**  
**Subject:**  
**Attachments:**

Dear Joanne,

I hope you are keeping well.

I am writing to you in relation to the ongoing remediation works at Port Talbot Harbourside (permitted under planning application 2020-0294) to provide yourself an update with regards to the works.

We (WSP) have been working closely with the contractor (Andrew Scott) and Neath Port Talbot County Borough Council to progress the remediation works which were outlined in the approved remediation strategy.

We are several months into the remediation works; and have made significant headway in relation to the removal of LNAPL from the identified areas requiring remediation. To date, a total of approximately 300m<sup>3</sup> of hydrocarbon impacted soil and 12,000L of LNAPL has been removed from excavations and taken for offsite disposal. As you can appreciate, this is a considerable amount of source removal works completed; from what was initially identified as localised hotspots.

We are working over the coming weeks to close out any areas where LNAPL is still present, and we will then move onto verification / validation phases over the coming months.

I attach a memorandum which summarises the above in more detail; including photos which hopefully show the scale of the works and the ongoing betterment we have achieved.

Should you have any queries or comments then please let me know.

Kind regards,



### **Rhys Evans**

Principal Environmental Consultant  
Ground & Water

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