

Notice of request for more information

Environmental Permitting (England and
Wales) Regulations 2016

Notice requiring further information

To: Company Secretary
Eaden Homes Limited
Ecoparc Mon
Mona Industrial Park
Gwalchmai
LL65 4RJ

Application number: PAN-001409

Natural Resources Wales, in exercise of its powers under paragraph 4 of Part 1 of Schedule 5 of the above Regulations, requires you to provide the information detailed in the attached schedule. The information is required in order to determine your application for a permit, dated **07/04/17**.

The information requested should be sent to the following address by **26 July 2017**.

Information should be sent to:

Permitting Service (Cardiff)
Natural Resources Wales
Cambria House
29 Newport Road
Cardiff
CF24 0TP

Name	Date
Kate Thomas	27 June 2017

Authorised on behalf of Natural Resources Wales

Schedule

1. Function of the work

Section 3.1.1 of the waste recovery plan (WRP) states that *“the importation of suitable materials to raise the development platform to a formation level of 3.4mAOD is required in order to fulfil the requirements of the extant planning consent for the site in preparation for the construction of the dwellings”*. We have reviewed the planning permission submitted as part of the WRP. The planning permission is for “the layout and detailed plans for the erection of 45 dwellings and layout for a further 38 plots on the land”.

The planning permission (dated 1983) does not include any conditions requiring the applicant to raise the land in order to carry out the work. Furthermore, it does not mention the risk of flooding or include any conditions relating to mitigating this risk. Therefore, you have not provided evidence of why the work is needed and how the work will meet that need.

The planning permission includes (Drawing Ref: 801G/13) which shows the proposed contours that the land will be raised to. However, the WRP does not include evidence of why these contours have been used and how raising the land to this level will prevent flooding.

ACTION: Please provide written evidence from Anglesey Council Development Control which confirms that the proposed contours in Drawing Ref: 801G/13 have been specifically designed to raise the land out of flooding levels. We require this information to support the proposed function/need for your work: ‘as part of the consented residential development it will be necessary to raise the land levels above 3.4AOD in order to mitigate the risk posed by flooding to the consented development’.

If you cannot provide this confirmation, we cannot accept the function/benefit section of your waste recovery plan as recovery.

2. Appropriate standards

Our guidance includes a section on meeting quality standards that you must include in your WRP. These standards include providing evidence to show how the work will be designed and constructed and fit for purpose. The finished scheme must not result in any environmental problems such as the increased risk of flooding in the surrounding area.

Section 4.1.4 states that *“Suitable materials, placement and compaction suitable materials, should meet the requirements of the following fill materials classified in the Specification for Highway Works (2005)”*. However, you have not detailed the specific standards that the work will be carried out to.

Ffôn/Tel 0300 065 4487

Ffacs/Fax 0300 065 3001

Ebost/Email kate.thomas03@cyfoethnaturiolcymru.gov.uk

kate.thomas03@naturalresourceswales.gov.uk

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Gwefan/Website www.cyfoethnaturiolcymru.gov.uk

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Correspondence welcomed in Welsh and English

ACTION: Please provide the specific standards that the work will be carried out to. Please confirm the following:

- what measures will be used to prevent sediment run off
- what waste types will be used for what purpose.
- **The WRP includes the layers of the land but the plan does not specify which waste will be used for which each layer. Please confirm this.**

Section 1.2.2 states that “As part of the consented residential development it will be necessary to raise the land levels to above 3.4m AOD in order to mitigate the risk posed by flooding to the consented development”. The site is completely within flood zones 3 and 2 and also within Development Advice map zone C2 (as per TAN15: Development and Flood Risk). This is related to tidal flood risk. **The risk of flooding to the surrounding areas from carrying out the work has not been considered or addressed in the WRP.**

ACTION: Please provide an assessment which investigates the impact of the works on flood and drainage risks to the site and possible impacts on third party interests.

This should include:

- **All sources of flooding should be investigated and addressed including tidal and pluvial risks for a range of events.**
- **Extreme sea levels with appropriate climate change allowances (suggest [CL-03-16](#)) should be considered along with wave overtopping volumes. The open channel through the site conveys flood waters from overtopping/tidal events along Lon Isallt during current day events as will for future events.**
- **Due consideration should also be given to tidal flood risk from the east/Inland Sea should a failure/breach of the B545 Four Mile Bridge structure (assuming a breach of 20m) occur.**
- **Agreement should be sought from our Flood Risk and Development team on overtopping rates/volumes to be used in any linked 1D-2D hydraulic modelling for the site/area prior to constructing the model. The base model should use ground levels prior to any infilling occurring and the suitability and dates of any LiDAR (Light Detection and Ranging) flows should be justified in any assessment.**

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We would expect that the results of the hydraulic modelling work/flood assessment to show no detriment elsewhere due to the land raising.

3. Physical characteristics of waste

The WRP does not include confirmation or evidence from an appropriately qualified person that the waste materials being used are suitable for their intended use and are comparable to the non-waste material they are replacing i.e. confirmation of what non-waste materials would be used and whether the proposed wastes are physically comparable to those non-wastes. We expect this confirmation to be provided by a qualified civil engineer.

ACTION: Please provide evidence of this.

4. Chemical characteristics of waste

Section 4.2.4 includes details that waste analyses (if available) including leachability tests will be provided, however the WRP should include more information on what testing will be carried out to ensure that only chemically comparable waste is accepted.

ACTION: Please provide detailed information of the testing that will be carried out (including but should not be limited to the following):

- **off-site testing to categorise the waste**
- **what the waste will be tested for i.e. determinants**
- **what levels of those determinants will be deemed suitable**
- **how frequently testing will be carried out**

5. Substitution test

Your WRP must show that if you couldn't use a waste material you would do work to get the same outcome using non-waste materials. You must include evidence of this in your plan, on the assumption that you feel there is a planning permission requirement for you to complete the work: No evidence has been submitted which demonstrates this.

ACTION: Please provide this information and direct us to the relevant conditions within your planning permission; provide confirmation from the local planning authority that they will enforce against the requirement should it not be completed, and, whether the local planning authority would be likely to agree anything significantly different to the requirements of the permission.

6. Financial gain by using non-waste materials

Your WRP includes some information on the revenue from completion of the works as evidence that the proposal would go ahead using non-waste.

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ACTION: In order to demonstrate this fully, please provide the following information:

- **Confirmation if the groundworks are being carried out by Eaden Homes Ltd, or if a subcontractor will be employed to do this.**
- **If a subcontractor will carry out this work, you must provide the value of land after the groundworks have been completed, non-waste costs and the cost of carrying out this work. The resulting value will show if a profit will be made from the activity and would demonstrate that the proposal would go ahead using non-waste.**

Please note that we are asking for clarification on whether the subcontractor is undertaking the ground works (i.e. the deposit of waste) as the subcontractor cannot include the revenue generated from the sale of the homes to show a net financial gain. The ground works subcontractor can only include the value of the land after ground works have been completed.

ACTION: Please provide a revised WRP that includes all the information as detailed above.

PLEASE NOTE:

In accordance with the guidance, there are 3 main ways you can show evidence that you're using waste in place of non-waste. These are:

- *Financial gain by using non-waste materials,*
- *Funding to use non waste and;*
- *Obligations to do the work*

To demonstrate that the activity is recovery, you only need to pursue one line of evidence:

- 1. obligations to do the work*
- Or;*

- 2. Financial gain by using non-waste materials*

Please note that if you decide pursue the line of financial gain by using non-waste materials, you will still need to provide planning permission to demonstrate the function of the work and why the work needs to be done.

CC: Jan Edwards, Oaktree Environmental Limited

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