



County Hall  
Cardiff  
CF10 4UW  
Tel: (029) 2087 2000

Neuadd y Sir  
Caerdydd  
CF10 4UW  
Ffôn: (029) 2087 2000

## LATE REPRESENTATIONS

<b>Committee</b>	PLANNING COMMITTEE
<b>Date and Time of Meeting</b>	THURSDAY, 6 JULY 2023, 10.30 AM

Please see attached Late Representation Schedule received in respect of applications to be determined at this Planning Committee

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**PLANNING COMMITTEE**

**6<sup>th</sup> JULY 2023**

AMENDMENT SHEET / LATE REPRESENTATIONS

Agenda Item 5b

<b>APPLICATION NO.</b>	<b>23/00386/FUL</b>
<b>LOCATION:</b>	St Mellons Church in Wales, Primary School, Dunster Road, Llanrumney, Cardiff
<b>PROPOSAL:</b>	Construction of an Additional Learning Needs School, incorporating works associated with the construction of the new ALN school, including the provision of new outdoor amenity areas, play-space and sports provision, landscaping, boundary treatments, access, car-parking, drainage, and all associated works.

ADDITIONAL REPRESENTATION:

**FROM:** Catherine Blyth (Planning Agent)

**SUMMARY:**

The contractor has identified that the demolition of the existing building is required in the first instance in order to fulfil the contamination condition, and therefore requests that conditions 6 and 7 allow demolition prior to approval of such details, with the conditions be changed to the following: -

**6. *Prior to the commencement of development (excluding demolition) until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person\* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:***

*(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;*

*(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;*

*(iii) an assessment of the potential risks to: - human health, - groundwaters and surface waters - adjoining land, - property (existing or proposed) including buildings, crops,*

*livestock, pets, woodland and service lines and pipes, - ecological systems, - archaeological sites and ancient monuments; and - any other receptors identified at (i)*

*(iv) an appraisal of remedial options, and justification for the preferred remedial option(s). All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation. \* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.*

*Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.*

**7. No development shall commence (excluding demolition), until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.**

*Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EN13 of the Cardiff Local Development Plan.*

**RESPONSE:** The Land Contamination Officer in SRS advises that they have no objection to the amendment to the wording of the above conditions, and accordingly the changes to conditions 6 and 7 are considered acceptable.

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