

**Môr Hafren Energy Recovery Facility**  
**HEARING SESSION 4 DRAFT PLANNING CONDITIONS**

**Note: These conditons are derived from Cardiff Council's Local Impact Report and Natural Resource Wales correspondence and collated by the Applicant.**

**They are collated on a 'Without Prejudice Basis' and available in the LIR and NRW Correspondence.**

**1. Statutory Time Limit - AGREED**

The development permitted shall be begun before the expiration of five years from the date of this planning permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

**2. Plans and Documents - AGREED**

The development shall be carried out in accordance with the following approved plans and documents:

**INSERT REFS**

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

**3. Annual Tonnage Limit - AGREED**

The Energy Recovery Facility hereby approved shall not treat in excess of 200,000 tonnes of residual waste per annum.

Reason: The environmental impacts of the development hereby approved have been assessed against this tonnage limit.

**4. Non-Hazardous Waste - AGREED**

The waste processed within the approved Energy Recovery Facility shall at all times be non-hazardous.

Reason: To safeguard health in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

## **5. Construction Environmental Management Plan (CEMP) – AGREED subject to amalgamating NRW wording**

Prior to the commencement of any site clearance, construction works or development a Construction Environmental and Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in order to manage the impacts of construction. The CEMP shall include:

- (i) an implementation programme for the construction of the roads, footpaths and other publicly accessible areas;
- (ii) details of Construction Traffic Management, which shall include: identification of the routes that construction vehicles would take and measures to regulate the routing of construction traffic; times within which traffic can enter and leave the site; times of deliveries, site access, loading and unloading of plant and materials; access within the site including measures to ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction or where construction is complete; wheel washing facilities; and details of parking for contractors vehicles, site operatives and visitors;
- (iii) details of the storage of plant and materials, construction compounds, any temporary facilities for construction / sales staff;
- (iv) details of site hoardings (including the erection, maintenance, security and any decorative displays);
- (v) measures to control the emission of dust, dirt, vibration and noise during construction;
- (vi) details of site waste management for the recycling and/or disposal of all waste resulting from demolition and construction works;
- (vii) a Construction Drainage Scheme indicating how surface water and land drainage flows will be controlled to prevent contamination, nuisance, subsidence or flooding to land, buildings, watercourses or adjacent highways during the construction period;
- (viii) an external lighting scheme;
- (ix) List of on-site contacts and their responsibilities.

The approved details shall be complied with in full throughout the construction period.

Reason: In the interests of highway safety, and protection of the environment and public amenity in accordance with Local Development Plan Policies T5 (Managing Transport Impacts), T6 (Impact on Transport Networks and Services), EN5 (Designated Sites), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination

## **6. Highway Reinstatement Works - AGREED**

No development shall take place until a scheme of public realm/highway reinstatement works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to the reinstatement/resurfacing as required of the carriageway and footway abutting the site including surfacing, kerbs, edging, drainage, lighting, lining, signing and street furniture as required as a consequence of the scheme. The approved scheme shall be carried out in accordance with the approved details prior to beneficial occupation of any part of the approved development.

Reason: To reinstate the footway/highway and provide an improved pedestrian environment to facilitate safe commodious access to the proposed development in accordance with Local Development Plan Policies T1 (Walking and Cycling), T5 (Managing Transport Impacts) and T6 (Impact on Transport Networks and Services).

## **7. Car Parking - AGREED**

The 14 no. car parking spaces (including 2 no. disabled spaces) hereby approved shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway in accordance with Local Development Plan Policy T5 (Managing Transport Impacts).

## **8. Cycle Parking - AGREED**

Prior to the beneficial use details of the 20 no. cycle parking spaces hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall be carried out in accordance with the approved details prior to beneficial use.

Reason: In the interests of promoting sustainable modes of transport in accordance with Local Development Plan Policies KP8 (Sustainable Transport), T1 (Walking and Cycling) and T5 (Managing Transport Impacts).

## **9. Travel Management Plan - AGREED**

No part of the development hereby approved shall be occupied until a Travel Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). The Travel Management Plan shall set out proposals and targets, together with a timetable to limit or reduce the number of single occupancy car journeys to the site, and to promote travel by sustainable modes. The Travel Management Plan shall be implemented in accordance with the timetable set out in the plan. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Management Plan shall be submitted annually to the LPA, commencing from the first anniversary of beneficial occupation of the development and continuing for five consecutive years thereafter.

Reason: To effect modal shift to non-car modes in order to maximise travel to/from the site by sustainable modes of transport, in accordance with Local Development Plan Policies KP8 (Sustainable Transport).

## **10. Traffic Management Plan – WORDING TO BE AGREED**

No development shall take place until a Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). The Traffic Management shall include, but not be limited to:

- (i) the maximum quantity of deliveries per annum (not exceeding the 200,000 tonne limit hereby approved);
- (ii) the maximum number of deliveries per day;
- (iii) the hours of operation to avoid peak travel times;
- (iv) the times for deliveries;
- (v) the routes for delivery vehicles to travel and from the site; and
- (vi) detail for recording the number, arrival time and departure time of vehicles.

The Traffic Management Plan shall be implemented in accordance with the approved details.

Reason: To manage the traffic impacts of the proposed development in accordance with Local Development Plan Policy T6 (Impact on Transport Networks and Services).

## **11. Junction Design - AGREED**

Prior to the commencement of development details of the new junctions to access and egress the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway abutting the site, in accordance with Local Development Plan Policy T5 (Managing Transport Impacts).

## **12. Deliveries - AGREED**

No arrival, departure, loading or unloading of delivery or feedstock vehicles shall take place outside the hours of 0700 – 1800 Monday to Friday 0700 – 1300 Saturday and at no time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of neighbouring occupiers, in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

### **13. Noise Management Plan – WORDING TO BE AGREED**

Prior to beneficial use a noise assessment shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that the cumulative noise from plant and vehicles achieves a rating noise level of 5db below background (LA90) at the nearest noise sensitive receptors outlined in the Environmental Noise Assessment P1844-REP01-REVC-BDH, when measured and corrected in accordance with BS4142:2014 +A1 2019 (or any British Standard amending or superseding that standard).

Reason: To safeguard the amenities of neighbouring occupiers, in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

### **14. Odour Management Plan - AGREED**

Prior to beneficial use a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions and management of odour from onsite activities. The scheme shall be implemented and maintained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring occupiers, in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

### **15. External Lighting (Operational Phase) – AGREED subject to amalgamating NRW condition wording**

Prior to the commencement of development full details of external lighting (including measures to limit light pollution) for the operational phase of development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter. Reason: In the interests of the safe operation of the adjacent railway, biodiversity and neighbour amenity, in accordance with Local Development Plan Policies, (T6 (Impact on Transport Networks and Services).), EN5 (Designated Sites), EN6 (Ecological Networks and Features of Importance for Biodiversity), and EN13 (Air, Noise, Light Pollution and Land Contamination).

### **16. External Finishes - AGREED**

Prior to their installation on site, samples of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance of the development in keeping accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

### **17. Site Enclosures & Gates - AGREED**

Prior to beneficial occupation, details of the means of site enclosure and vehicle access gates shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

Reason: To ensure a satisfactory finished appearance of the development in keeping accordance with Local Development Plan Policy KP5 (Good Quality and Sustainable Design).

### **18. Refuse Storage - AGREED**

Prior to their construction on site, details of facilities for the storage of refuse containers shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the development is brought into beneficial use.

Reason: To secure an orderly form of development and to protect the amenities of the area accordance with Local Development Plan Policies KP5 (Good Quality and Sustainable Design) and W2 (Provision for Waste Management Facilities in Development).

### **19. Ground Gas Protection - AGREED**

Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority (LPA) for its written approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the approved development and the approved protection measures shall be retained and maintained until such time as the LPA agrees in writing that the measures are no longer required.

\*'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

## **20. Contaminated Land Measures – Assessment – AGREED subject to amalgamating NRW conditions**

Prior to the commencement of development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority (LPA). 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) 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., in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

## **21. Contamination Land Measures – Remediation and Verification Plan – AGREED subject to amalgamating NRW conditions**

Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use

removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) 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 Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

## **22. Contaminated Land Measures – Remediation and Verification – AGREED subject to amalgamating NRW conditions**

The remediation scheme approved by Condition 19 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) 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 Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).



### **23. Contamination Land Measures – Unforeseen Contamination – AGREED subject to amalgamating NRW conditions**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

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 Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

### **24. Imported Soil – AGREED subject to amalgamating NRW conditions**

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

## **25. Imported Aggregates – AGREED subject to amalgamating NRW conditions**

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in **the approved** [NOTE: CONDITION NOT COMPLETED IN LIR]

The development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape, the measures for their protection, to monitor compliance and to make good losses, in accordance with Local Development Plan Policy EN8 (Trees, Woodlands, and Hedgerows).

### **NOTE NO CONDITIONS 26&27 IN LIR**

## **28. Landscaping Scheme – AGREED**

No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority (LPA). These details shall include:

- (i) A soft landscaping implementation programme;
- (ii) Scaled planting plans prepared by a qualified landscape architect;
- (iii) Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting;
- (iv) Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect;
- (v) Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree;
- (vi) Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement;
- (vii) Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.

~~(i) A soft landscaping implementation programme;~~

~~(ii) Scaled planting plans prepared by a qualified landscape architect;~~

~~(iii) — Evidence to demonstrate that existing and proposed services, lighting, CCTV, drainage and visibility splays will not conflict with proposed planting;~~

~~(iv) — Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect;~~

~~(v) — Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect that show the Root Available Soil Volume (RASV) for each tree;~~

~~(vi) — Topsoil and subsoil specification for all planting types, including full details of soil assessment in accordance with the Cardiff Council Soils and Development Technical Guidance Note, soil protection, soil stripping, soil storage, soil handling, soil amelioration, soil remediation and soil placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be provided including the parameters for all imported planting soils, a soil scientists interpretive report demonstrating that the planting soil not only meets British Standards, but is suitable for the specific landscape type(s) proposed. The specification shall be supported by a methodology for storage, handling, amelioration and placement;~~

~~(vii) — Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, including full details of how the landscape architect will oversee landscaping implementation and report to the LPA to confirm compliance with the approved plans and specifications.~~

**NOTE: DUPLICATED IN LIR**

Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of Condition 27.

Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Local Development Plan Policy KP16 (Green Infrastructure).

### **30. Landscape and Ecological Management Plan (LEMP) – AGREED subject to amalgamating NRW conditions**

Prior to any works commencing on site a Landscape and Ecological Management Plan (LEMP) for the delivery and ongoing management, maintenance, and monitoring of green infrastructure comprising the ecological, arboricultural, landscape, soil, SUDS and water resource shall be submitted to and approved in writing by the Local Planning Authority (LPA). The LEMP shall include but not be limited to:

- (i) Details of dormouse surveys, together with measures of avoidance, mitigation, compensation and enhancement for dormice if they are detected;
- (ii) Details of bat surveys, together with measures of avoidance, mitigation, compensation and enhancement for bats if they are detected;
- (iii) Details of measures of avoidance of harm, mitigation and enhancement for reptile populations;
- (iv) Details of measures of avoidance of harm and enhancement for nesting birds;
- (v) Details of a sensitive lighting scheme to demonstrate avoidance of disturbance to nocturnal species such as dormice and bats.

The development shall be carried out in accordance with the approved details. Reason: To maintain and enhance the green infrastructure resource in accordance with Local Development Plan Policies EN3 (Landscape Protection), EN5 (Designated Sites), EN7 (Priority Habitats and Species), EN10 (Water Sensitive Design), and EN13 (Air, Noise, Light Pollution and Land Contamination).

### **31. Ground and Floor Levels – AGREED**

Prior to any works commencing on site details of finished ground and internal floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To avoid any doubt and ambiguity as to finished levels and to avoid displacement and redirection of floodwater in accordance with Local Development Plan Policy EN14 (Flood Risk).

## **NRW PROPOSED CONDITIONSE LETTER OF 26/11/2020**

### **Condition 1: Site Drainage [AGREED AND NOT DUPLICATING CCC]**

No development shall commence until full details of the site drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be carried out in accordance with the approved details.

Justification: Full details of the drainage scheme should be submitted and approved prior to commencement of development.

For information, we note the GP Planning letter states 'No groundwater or surface water abstraction is envisaged for the process'. The applicant should be aware that the site is below sea level and therefore, if there is a need for dewatering, an abstraction licence may be required.

### **Condition 2: Water Quality Monitoring Plan [AGREED AND NOT DUPLICATING CCC]**

No development shall commence until a water quality monitoring plan for the protection of water quality in the watercourses relating to both the construction and operational phases of development has been submitted to and approved in writing by the Local Planning Authority. The water quality monitoring plan should include:

- Details of the monitoring methods
- Timescales for construction
- Timescales for submission of monitoring and interpretative reports to the LPA during construction and operation
- Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves

The water quality monitoring plan shall be carried out in accordance with the approved details during the site preparation, construction and operational phases of the development.

Justification: To ensure that only clean water is discharged to protect the integrity of the SSSI, a water quality monitoring plan should be submitted to ensure necessary monitoring measures are approved prior to commencement of development and implemented to manage any potential adverse impacts of construction and operational phases of development on water quality in watercourses.

### **Condition 3 Ecological Monitoring and Contingency [NOT AGREED AS SEPARATE CONDITION – PRINCIPLES TO BE INCORPORATED INTO LEMP (SEE PAGE 9 NRW LETTER)] – ADD TO CCC CONDITION 30**

No development shall commence until an Ecological Monitoring and Contingency Plan for the management, maintenance and monitoring of the reen throughout the lifetime of the development has been submitted to and approved by the Local Planning Authority.

Justification: To ensure necessary measures are approved to manage any potential adverse impacts as a result of development on protected sites.

**Condition 4 LEMP - AGREED BUT DUPLICATES CCC CONDITION 30 – ADD TO THAT CONDITION.**

No development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved by the Local Planning Authority.

The LEMP shall be carried out in accordance with the approved details.

Justification: A LEMP should be submitted to ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term.

**Condition 5 CEMP - AGREED BUT DUPLICATES CCC CONDITION 5 ADD TO THAT**

No development 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: 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.
- Provision for safe storage of the proposed fuel storage and urea offloading areas in accordance with Control of Pollution (Oil Storage) (Wales) Regulations 2016.
- Biodiversity Management: invasive species management; species and habitats protection, avoidance and mitigation measures (including a detailed lighting plan, use of standard protection fencing, warning signs and site toolbox talks to ensure all key habitat retention and sensitive areas are protected and remain unaffected by construction works).
- Surface water drainage management, to reflect the details provided in the approved drainage plan (construction phase)
- 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.
- 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.
- 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. For further guidance on pollution prevention, the developer should refer to GPP 5 and PPG 6 at the following link:

<http://www.netregs.org.uk/environmental-topics/pollutionprevention-guidelines-ppgs-andreplacement-series/guidance-for-pollutionprevention-gpps-full-list/>

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.

#### **Condition 6: Biosecurity AGREED**

No development shall commence until a Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Biosecurity Risk Assessment shall be implemented as approved.

Justification: To ensure that an approved Biosecurity Risk Assessment is implemented to secure measures to control the spread and effective management of any invasive non-native species at the site.

#### **Condition 7 AGREED**

A 2m high acoustic fence to be provided during construction (location to be agreed as per the advice above regarding a buffer zone).

Justification: To ensure necessary measures are implemented to manage any potential adverse impacts as a result of development on protected sites.

#### **Condition 8 SITE LIGHTING - AGREED BUT DUPLICATES CCC CONDITION 15 – ADD TO THAT**

Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

The lighting shall be installed and retained as approved during construction and operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, protected sites and commuting corridors.

#### **Condition 9 CONTAMINATION AGREED BUT DUPLICATES 21-23 CCC – ADD TO THOSE**

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 10 CONTAMINATION AGREED BUT DUPLICATES 21-23 CCC – ADD TO THOSE**

Prior to the occupation of the development or phase of 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. This is to ensure that risks to future users of the land and 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.



### **Condition 11 CONTAMINATION AGREED BUT DUPLICATES 21-23 CCC – ADD TO THOSE**

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. A site investigation may not uncover all instances of contamination and this condition ensures that contamination encountered during the development phase is dealt with appropriately.

### **Condition 12 SURFACE DRAINAGE WATER - AGREED**

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.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

### **Condition 13 AGREED -**

No 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.