

MEMORANDUM



From: Stacey Inglis
Contaminated Land Officer

To: Gwyn Humphreys
Development Management Lead

Our Ref: P/2023/0276

Your Ref: P2023/0246

Date: 12 January 2024

**No. of
Pages:** 3

TOWN AND COUNTRY PLANNING ACT 1990

RE: P/2023/0276 – ERECTION OF LIGHT INDUSTRIAL / STORAGE BUILDING

LAND ADJACENT TO MERITOR FITNESS CLUB RACKERY LANE LLAY

The following report was submitted to the Planning Department in relation to an adjacent site (P/2020/0474 (ENF/2023/0260)), which the report also covers. It is understood that the applicant will also submit the report in support of the above planning application:

- Enviro-solution Ltd – Phase 1 Environmental Assessment Report, Meritor Gym, Rackery Lane, Llay, Wrexham, LL12 0PB. Dated 06 November 2023.

Having reviewed the report I have the following comments to make and trust that they will be forward to the appropriate person(s).

1. It is noted in figure 1 that the site assessed within this report extends beyond the planning boundary for P/2023/0276 and that the above report has previously been submitted in relation to planning permission P/2020/0474.

All comments below are only in relation to this current application, please refer to my memorandum dated 09 November 2023 for my comments on the area out with this planning boundary (P/2020/0474 (ENF/2023/0260)).

2. Section 1.4 – Please note that the site is within Wales therefore the Welsh Contaminated Land Regulations apply.
3. Section 2.2 – It is stated that the site is covered by 100% concrete hardstanding, however the photos in appendix B show significant areas of made ground that do not appear to be concrete and in fact there are photos labelled as inert spoil. There also is made ground evident around the concrete slab.

4. Section 2.4 – Sections of Llay Industrial Estate historically formed part of Llay Main Colliery, this has not been identified within the description of the site history, even though it is marked on the historical maps in appendix C. It is likely that the site is located on the section of the industrial estate where buildings associated with the former colliery were located. In addition, it appears that the site was also in the yard area of a former textiles factory.

These former historic land uses should have been identified within the site history in section 2.4 and included within the conceptual site model in section 4.

5. Section 3.2 – Please note that I have not provided comments on Radon as it is not within the remit of the Contaminated Land Team.
6. Section 3.3 – Due consideration should be given to the fact that the site is in the vicinity of the former Llay Main Colliery and may in fact be located on land where buildings associated with the former colliery were located. This has not been identified or discussed.
7. Section 4.2 – It is stated that the site has been developed and occupied by a commercial development since the 1930s. I do not think that is an accurate description of the historic land use given its history as a former colliery and textiles factory as discussed in Items 4 and 5 above. The conceptual site model should be updated to consider these former potential contaminative land uses.
8. Section 4.2 – A number of potential contaminants have been identified within the report (heavy metals, hydrocarbons, asbestos, polyaromatic hydrocarbons) and it is stated that the cover of hardstanding will act to sever any exposure pathways. I am not in agreement with this statement as there is the potential that if contamination was present within the made ground that it could pose a risk to construction workers, future site users, controlled waters, building foundations and buried services.
9. Section 4.5.1 & Section 5.0 – I am not in agreement that no intrusive site investigation is required and that the potential pollutant linkages have been fully eliminated. This is due to the conceptual site model not taking due consideration of:
- The former Llay Main Colliery and former textiles factory;
 - The site is not covered by 100% concrete hardstanding;
 - There is the potential that any contamination present within the made ground could pose a risk to construction workers, future site users, controlled waters, building foundations and buried services.
 - The contamination status of the site has not been established as there has been no sampling and chemical analysis of the made ground.

The Contaminated Land Team requires a contamination assessment to be undertaken on all brownfield redevelopments undertaken via the planning process. This is to ensure the safe development of the site and to prevent the site having to be considered under Part 2a of the Environmental Protection Act 1990.

Should a development consist of 100% hardstanding we will still require an intrusive investigation to establish if contamination is present and at what concentrations. This is to refine the conceptual site model for the site for all the potential pollutant linkages and undertake an appropriate risk assessment. There is the potential that contamination

present within the made ground could pose a risk to construction workers, future site users, controlled waters, building foundations and buried services.

Due to the requirement for further assessment I recommend that any future planning consent is conditioned so as to ensure that any potential contamination issues are adequately dealt with. I would recommend the following Condition is applied to the above application.

Condition

ZP01B CONTAMINATED LAND – PHASED INVESTIGATION

No development shall take place until a phased site investigation of the nature and extent of contamination has been carried out and submitted to and approved in writing by the Local Planning Authority. If any contamination is found during the site investigation, no part of the development shall commence until a scheme specifying the measures that will be taken to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority. The site shall thereafter be remediated in accordance with the approved scheme. If during the course of development any contamination is found that has not been identified in the site investigation, no further development shall take place on those parts of the site where that contamination has been found until an additional scheme of remediation has been submitted to and approved in writing by the local planning authority for those parts of the site. The relevant parts of the site shall thereafter be remediated in accordance with the additional scheme of remediation.

WCBC02 :: ZP02A - Verification Report - Contaminated Land

Each part of the site subject to the remediation under the scheme(s) approved as part of condition @@ shall not be occupied/used until a Validation Report has been completed in respect of that part of the site and submitted to and approved in writing by the Local Planning Authority.

WCBC21 :: A11NA - SITE CONTAMINATION

Further advice on compliance with condition no. @@ may be obtained by contacting the Council's Contaminated Land Team on 01978 298870 or contaminatedland@wrexham.gov.uk. Should the investigation identify contamination issues that may affect receptors other than the site users e.g. groundwater, then it is recommended that these works are also addressed in consultation with the Council's Environmental Protection Team prior to commencement of works on site.

Should you have any queries regarding the above then please contact me on Ext. 8773.



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Stacey Inglis
Contaminated Land Officer