

Dai Richards

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Sent: 19 April 2020 08:16 PM
Subject: Are Neath-Port Talbot Council contravening the Environmental Protection Act 1990?

Our ref: 20200419a-EM-RICD-NPTC-CLEA-contam2008

Dear Councillor Jones,

We would like to formally raise our concerns regarding the historical handling of contamination at Heol Y Glyn, Glynneath; in which we believe that the council has not upheld its responsibilities with relation to the Environmental Protection Act 1990:

"Every local authority shall cause its area to be inspected from time to time for the purpose-

(a) of identifying contaminated land; and

(b) of enabling the authority to decide whether any such land is land which is required to be designated as a special site."

EVIDENCE OF CONTAMINATED LAND (2008) PROVIDED TO NPTC - 5/4/2020

In an email dated 5/4/2020, to which you were copied, we provided you with evidence from the Geo-Technical and Geo-Environmental Report (prepared for Moore Knight Limited) and submitted to your planning department for planning application P2008/1462; that the ground on the proposed Enzo development (P2020/0195); was in 2008 found to be contaminated. The potential receptors for this contamination included neighbouring site users (local residents) and passers-by (local residents out walking, cycling, tourists to the area etc). Two of those contaminants, Benzo[a]pyrene and Arsenic are classified as grade 1 carcinogens; which means they can cause cancer.

REQUEST FOR INFORMATION - 5/4/2020

The email of this date was directed to Councillor Del Morgan and your planning department and we asked the following question:

"...please can you both provide evidence of how you worked together to ensure the removal of the land identified as contaminated in 2008 from the same area?"

INFORMATION PROVIDED BY NPTC

We have yet to hear from Councillor Del Morgan of Glynneath but Steve Ball of your planning department has replied with the following statement on behalf of the NPTC:

"You also refer to the 2008 ground investigation which concluded that there was evidence of contamination. In response, I would wish to emphasise that the presence of contamination on sites is incredibly common on land within Neath Port Talbot, and this matter is routinely addressed in consultation with our specialists on land contamination matters, as well as in responses from Natural Resources Wales (NRW). In this respect it is important to understand that the presence of contamination does not make land "a danger to residents".

The planning officer neglects to reference or provide any information with regard to a 2008 ground investigation; and launches directly into his personal opinions ("I would wish to emphasise") and present day generic processes ("in consultation with") about contaminated land; therefore, until evidence is provided otherwise, we have assumed that your council did nothing about the contaminated land that was identified in the previously mentioned 2008 survey. His personal opinion that the land is not "a danger to residents" conflicts with the evidence submitted in the 2008 report on the land which states the potential receptors are neighbouring site users and passers-by. This being the case, the following carcinogens (Benzo[a]pyrene and Arsenic) are still present at the site.

FURTHER INFORMATION REFUSED (TWICE)

As you will see from the above response to the question asked, the planning officer Steve Ball avoided the relevant question. The question was about the actions of the planning department and County Councillor Del Morgan in 2008, whereas the answers were his personal opinions and the current 2020 processes of the planning department. Later in this email he refused to provide further information on the subject should we request it:

"I also trust that the above detailed response covers matters raised to date, and that you will be able to restrict further communications to representations raising your main issues of your concerns relating to the application in question." (Steve Ball, NPTC Planning Officer email dated 9/4/2020)

This follows on from his previous refusal to provide information on 2/4/2020

"I must advise that we will no longer be able to respond to your requests for information or respond to your questions." (Steve Ball, NPTC Planning Officer email dated 2/4/2020)

This is the reason why, as the council leader we copied you to the directed question on 5/4/2020; so that you could either provide an answer yourself or delegate the responsibility down the council chain of command because the

appropriate department had refused to answer it.

NPTC CODE OF CONDUCT

I would refer you at this point to the reply of that email by the Planning Officer, Steve Ball and also to the NPT Council "*Policy Statement and General Principles of Code of Conduct*" which states:

"The public is entitled to expect the highest standards of conduct from all employees..... The role of such employees is to serve the Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity. Public confidence in the Authority and in an employee's integrity would be shaken if the least suspicion were to arise that an employee could in any way be influenced by improper motives."

Openly ignoring and refusing to address our legitimate concerns regarding planning at Heol Y Glyn brings into question the planning departments integrity, impartiality and objectivity. This behavior constitutes a breach of your code of conduct and erodes our confidence in the council. We should expect that in future communications that our concerns are not ignored in the same way the concerns regarding contamination have other issues been systematically ignored in the past.

NPTC LEGAL REQUIREMENT & PUBLIC PROTECTION STATEMENT

To refer back to the Environment Protection Act 1990 and also your Environment Strategy publication also dated 2008 which states that the NPTC have had a legal responsibility towards contaminated land since 2001. It is recorded that you also had a Contaminated Land Team in situ in 2008.

In the "What we will do" section relating to contaminated land, your council said in 2008 that your aim was:

"To identify, remove and prevent significant harm occurring from contaminated land to people, property, animals and the environment"

This publication also states that:

"Council owned and privately owned land are always treated in the same manner."

This being the case, it would seem from the planning department's response to the question is that they have provided evidence of negligence within that department. That is; in 2008, the NPTC Planning Department failed to report identified contaminated land to the Contaminated Land Team.

We would welcome a response from the Neath-Port Talbot Council leader and also the Glynneath Town Council leader (copied to this email) on:

- What (if any) procedures were in place for the planning department to report contaminated land to the appropriate department or relevant authorities in 2008?
- We would also request any evidence to suggest that these guidelines were followed or any evidence that the contamination was dealt with and/or investigated if at all?
- If no evidence can be provided we would like the council's response as to what can be done to remediate this?
- What steps will now be taken to properly investigate and record the contamination?
- Finally what steps the council will now take to remediate the contamination at this land?

We would also welcome an answer to the previously unanswered question directed to Councillor Del Morgan and the Planning Department:

- "*... please can you both provide evidence of how you worked together to ensure the removal of the land identified as contaminated in 2008 from the same area?*"

regards - Dai Richards

(on behalf of the Glynneath residents "say enz-NO" group)

cc - Cllr Haulwen Jones (Glynneath Town Council) to this email for the purpose of printing this information and placing it on record with the Glynneath Town Council.

In the interest of public awareness we have placed this email on-line at the following web address, the links on this page provide evidence of the information we have provided you in this email:

<http://www.walk-around-wales.com/county/npt/glynneath/enzo-development/correspondence/nptc-leader.htm>