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Representor number 3842

21/03/2010

Planning Inspector  
Mr Alwyn Nixon bsc <HONs> MRTPI  
via  
LDP Programme Officer  
Barbara Prosser

Sir

With reference to the Bedwas colliery/British Benzol site-----  
At the series of public meetings run and organised by CCBC although many questions asked no detailed answers were received—it was pointed out to Mr D Whetter council engineer that the council had a statutory duty to remediate contaminated land back to Greenfield status and that the polluter pays—thus minimal cost to the council but vast improvement to peoples health

Mr Whetter appeared unsure of this legislation but promised to reply by letter---see attached---states cost of remediation more than land is worth---but did disclose between 88 and 94000 tons of contaminated soil

Anecdotal rumours stated that the council were in receipt of a report into contamination of the site but were refusing to disclose it—even to councillors  
With this in mind I applied under the freedom of information act for a copy of said report---this was refused by reason that it would cause unnecessary public concern---see attached—I appealed against this decision---refused—appealed—refused  
I then contacted ICO---ICO agreed to deal and give judgement as to the legality of the refusal by the council to issue me with a copy of the report

ICO stated that they were extremely busy and it would take time to action my request  
Requesting update from ICO informed no reply from council but would chase up---july 2009 council informed ICO that they had reconsidered their position and the public interest would now be served by releasing the report-----report finally received 10/09/2009---this after much chasing by ICO—reasons given—officer dealing on leave/training course/sick etc—

Although not academically qualified to judge properly the report---the list of toxic chemicals on site—the fact that the report states ground and controlled waters contaminated—I made enquiries of the council to see the public register of contaminated land---the above sites are not on the register—confirmed by council officer Nikki Cunningham/team leader Claire Davies—all documentation regarding the sites under the jurisdiction of Mr D Whetter—I did however obtain CCBC CONTAMINATED LAND STRATEGY---this strategy would appear to have been ignored with reference to the above sites---it should have been classed as “A” rating Appendix “H” update confirms this---with contamination of this kind on site should be designated as special site

See also

ENVIRONMENT PROTECTION WALES 2001 REGULATIONS  
WELSH STATUTORY INSTRUMENT NO 2197 <W.157 >

I also contacted under the freedom of information act THE ENVIRONMENT AGENCY WALES---with regard to any correspondence with CCBC re the above sites---see attached letter

Environment management team

Pollution prevention and control team

Environment crime team

Groundwater and contaminated land team

Legal team

All state no dealings with CCBC since 1996 when licence for tip expired

I then contacted my local councillor re Parsons Brinckerhoff report ---stated never heard/discussed was not aware of it's existence---with this in mind contacted other councillors to see if they had heard of the report---I did not approach all councillors -- but 15 of them signed a letter stating they were in ignorance of the report when the vote to include the site into the LDP was taken

I then contacted the council after taking legal advice---environmental law---friends of the earth---who both informed me vote was illegal but only course was --appeal to council/judicial review/ombudsman---council denied vote was illegal by stating discussed by council in 2002---also residents liaison committee in 2003---unable to check council information but did check with liaison committee members---Parsons Brinckerhoff representative did attend---no mention of report or scale of toxic chemicals---meetings appeared to be brainwashing into accepting best use for site was housing---meetings abandoned by council when residents refused to be moved from their stance that a country park was required

Caerphilly county borough local development plan booklet

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9.17---delivery agreement February 2006----states professional officers will provide impartial professional advice on key areas of policy to the council and will be responsible for drafting policy on behalf of the council---this they have signaaly failed to do---it raises the question DO WE NEED COUNCILLORS IF THEY ARE UNAWARE OF WHAT THEY ARE VOTING FOR

I appealed to the ombudsman---they refused to to action any of the above points as I had not personally been affected and that the LDP was a major strategic document and I still had three further stages to make representation---sadly they do not appear to understand the LDP process---rather worrying---appealed this decision---informed as you are now aware that the report was in your domain for consideration---on checking with programme officer this obviously not the case---raises the question why did ombudsman office NOT check with programme officer BUT RELIED ON COUNCIL INFORMATION---misunderstanding of information given??????????

To sum up

Council ignored local opinion---report suppressed for 7 years---residents and councillors unaware of report---no risk assessment---LDP consideration of representations---part 2 volume 4 of 6 page 62---council state pollution/contamination of site not suppressed

Council document

POLICY FOR RECOVERY OF REMEDIATION COSTS FOR CONTAMINATED LAND

This appears to be another document the council appear to be unaware of---all LDP documentation say unless taken into council ownership --NO REMEDIATION

It would appear that no proper procedure regarding the above sites has been adhered to therefore I contend that the plan regarding this site is unsound

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Yours faithfully  
M j harry



**From:** MALCOLM HARRY  
**Sent:** 31 March 2010 21:40  
**To:** WWW: LDP Programme Officer  
**Subject:** further representations re ldp

Barbara

please find further representation re my first objection via council planning--24/11/2008

1---council in all literature state tips to be reclaimed---my dictionary says taken back--contaminated land remediate back to green field---does not say remodelling

2---with tips remodelled and site of school under tip--safety issues--especially with regard to tip maintenance by council--non existent--see photo's

3---say traffic through trethomas/bedwas will be allievated---most people with a choice will take one or the other--unlike council statement--all traffic to use new road

4---udp traffic assessment states a468 at peak periods already at or beyond saturation point---will new bridge and traffic lights make much difference???????doubtful

what about bassaleg and a470--any consideration?

5--caerphilly basin most densely populated area of ccbc--yet no country park---riverside walk although renamed riverside country park is not any larger for change of name

6--community involement scheme--non existent--planning were against public meetings 2008--see council minutes---yet when they were held-- misrepresented at council meeting--machen not informed of meetings

7---appropriation of part of le2.2 from leisure to planning--means alteration to ldp as it stands--is this legal?--also removes only site for children to play on apart from riverside walk---involves crossing busy road and right alongside the river--everymothers nightmare--also involves removal sinc site and ancient woodlands

8----air quality already failing standards set--with further traffic into caerphilly re buses etc air quality must surely deteriorate

if you could possibly add these to my list i would be most grateful

regards

malcolm

ps

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thanks