BRAUNSTONE TOWN COUNCIL

www.braunstonetowncouncil.org.uk

Darren Tilley – Executive Officer & Town Clerk
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PLANNING APPLICATIONS

PUBLIC INSPECTION OF PLANS AND PARTICIPATION

1. The Planning Applications can be inspected at the offices of Blaby District Council to whom representations should be made and they are also available Blaby District Council's website at www.blaby.gov.uk under Planning Application Search
2. A list of the applications to be considered by the Town Council's Plans & Environment Committee are listed on the Town Council's website www.braunstonetowncouncil.org.uk under Planning & Environment Services, Inspection of Local Planning Applications.
3. The applications will be considered by the Braunstone Town Council's Plans and Environment Committee, which may make its own observations and forward them to the relevant Planning Authority.
4. Braunstone Town Council and Blaby District Council have introduced procedures to enable applicants, objectors and supporters to speak on applications brought before their relevant Committees.

27th January 2016

To: *Councillor Gary Sanders (Chair), Councillor Bill Wright (Vice-Chair) and Councillors Muhammad Aslam, Roger Berrington, Dinesh Joshi, Berneta Layne, Stuart Maxwell, Phil Moitt, Chetan Parmar and Robert Waterton and Mr John Dodd (Ex-Officio).*

Dear Councillor

You are summonsed to attend a meeting of the **PLANS & ENVIRONMENT COMMITTEE** to be held in the Fosse Room at Braunstone Civic Centre on **Thursday, 4th February 2016** commencing at **7.00pm**, for the transaction of the business as set out below.

Yours sincerely,

Executive Officer & Town Clerk

AGENDA

1. Apologies
To receive apologies for absence.

2. Disclosures of Interest
To receive disclosures of Interest in respect of items on this agenda:
a) Disclosable Pecuniary Interests,
b) Other Interests (Non-Pecuniary).

3. Public Participation

Members of the public may make representations, give evidence or answer questions in respect of any item of business included on the agenda. At the discretion of the Chairperson the meeting may be adjourned to give members of the public present an opportunity to raise other matters of public interest.

4. Minutes of the Meeting held 17th December 2015

To confirm the accuracy of the Minutes of the Meeting held on 17th December 2015 to be signed by the Chairperson (**Enclosed**).

5. Planning Applications dealt with under Delegated Authority

To receive and note responses to planning applications taken under Delegated Authority (**Enclosed**).

6. Planning Applications

To agree observations on planning applications received (**Enclosed**).

7. Additional Planning Applications

To agree observations on planning applications received since the publication of the agenda (if any).

8. Consultation - Public Space Protection Order – Dogs

To consider and respond as appropriate to a Blaby District Council consultation on a proposed Public Space Protection Order relating to the control of dogs (**Enclosed**).

9. Contaminated Land Inspection Strategy - Consultation

To consider and respond as appropriate to a Blaby District Council consultation on revisions to the Contaminated Land Inspection Strategy (**Enclosed**).

10. Termination of the Meeting

LOCAL COUNCIL AWARD SCHEME FOUNDATION

NOTE:
CRIME & DISORDER ACT 1998 (SECTION 17) – The Council has an obligation to consider Crime and Disorder implications of all its activities and to do all that it can to prevent Crime and Disorder in its area.
EQUALITIES ACT 2010
Braunstone Town Council has a duty in carrying out its functions to have due regard to:-

- *eliminate unlawful discrimination, harassment and victimisation;*
- *advance equality of opportunity between different groups; and;*
- *foster good relations between different groups*

To ensure that no person receives less favourable treatment on the basis of race, disability, sex, gender re-assignment, sexual orientation, age, religion or belief, marriage or civil partnership, pregnancy or maternity.

Item 4

BRAUNSTONE TOWN COUNCIL

MINUTES OF PLANS & ENVIRONMENT COMMITTEE

THURSDAY 17TH DECEMBER 2015

PRESENT: Councillor Gary Sanders (Chair), Councillor Bill Wright (Vice-Chair) and Councillors Roger Berrington, Stuart Maxwell, Phil Moitt, Chetan Parmar and Robert Waterton.

Officers in attendance: Darren Tilley, Executive Officer & Town Clerk.

There were no members of the public present at the meeting.

70. Apologies

Apologies for absence were received from Councillor Berneta Layne and Mr John Dodd (Ex-Officio).

71. Disclosures of Interest

There were no disclosures of any Disclosable Pecuniary or Non-Pecuniary Interests by Members.

72. Public Participation

In accordance with Standing Order 3.6, members of the public may attend the meeting for the purpose of making representations, giving evidence or answer questions in respect of any item of business included on the agenda.

There were no members of the public present.

73. Minutes of the Meeting held 19th November 2015

The Minutes of the Meeting held on 19th November 2015 were circulated (item 4 on the agenda).

RESOLVED that the Minutes of the meeting held on 19th November 2015 be approved and signed by the Chairperson as a correct record.

74. Planning Applications dealt with under Delegated Authority

The Committee received and noted responses to planning applications taken under Delegated Authority (item 5 on the agenda).

RESOLVED that the action taken by the Executive Officer & Town Clerk under delegated authority in forwarding the following observations to Blaby District Council be noted:

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1. Application No: 15/1406/LBC
Description: Change of use to include ancillary A5 Use (Hot Food Takeaway) (Retrospective). Listed Building Consent.
Location: Shakespeare Inn Braunstone Lane Braunstone Town Leicestershire

Response: *Braunstone Town Council wishes to make the following comment: that a condition of consent should be that any changes/additions to signage on the exterior of the building and premises must receive the prior consent of the Local Planning Authority.*

Reason: *The change of use was contained entirely within the interior of the building, however, providing a take away may result in changes to exterior signage and any such changes would have an impact upon the Listed Building.*

2. Application No: 15/1405/FUL
Description: Change of use to include ancillary A5 Use (Hot Food Takeaway) (Retrospective). Retrospective Planning Consent.
Location: Shakespeare Inn Braunstone Lane Braunstone Town Leicestershire

Response: *Braunstone Town Council wishes to make the following comments:*

a) there was an inconsistency between the closing times on Friday and Saturday listed on the application form and that of paragraph 12 of the design and access statement, no decision should be made until the precise opening hours have been clarified; and
b) a condition of consent should be that a litter bin must be provided on the car park forecourt and should be retained.

Reasons:

a) To ensure no ambiguity around the opening hours upon which consent had been granted.
b) To ensure that the impact of rubbish upon Shakespeare Park and Highway would be mitigated.

3. Application No: 15/1421/HH
Description: Single storey side and rear extensions
Location: 7 Hilcot Green Braunstone Town Leicestershire LE3 3SY

Response: *Braunstone Town Council wishes to make the following comment: that the occupiers of neighbouring properties should be fully consulted in connection with the proposals.*

Reason: *The side extension would be close to the boundary of the neighbouring property and may impact upon the amenity*

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of this property.

4. Application No: 15/0832/RM
Description: Revised layout with revised house types.
Location: North & South Of The M69 Motorway, West Of The M1 Motorway And East Of Beggars Lane Lubbesthorpe Leicester

Response: *Braunstone Town Council wishes to make the following comments:*

a) Applications for the site now exceed 565 houses, the Planning Authority should ensure that the developer has advanced plans and a timetable for ensuring the first Primary School is built;
b) the land around the deserted medieval village of Lubbesthorpe should not be used as land for community purposes, but should be retained as farmland;
c) the design of Main Street should either take into account traffic calming measures and a weight limit in order to reduce the amount of through traffic or the District Centre and the School should be located off Main Street on a separate side street and an appropriate traffic junction and crossing facilities installed at Main Street;
d) small areas of green space within Housing Developments, which are not recreational nor play space should not be designated open space but included as shared space, along with the access and parking, within the title deeds of the residential properties;
e) boundaries between residential properties and public open space should be the responsibility of the individual residential units; and
f) the Landscape Plans should only include indigenous species recommended by the Royal Horticultural Society for use in sustainable urban developments.

Reasons:

a) To ensure compliance with the Section 106 agreement of January 2014 requiring the school to be available for the first day of the September term prior to the occupation of the 300th dwelling.
b) To prevent a loss of open space to the development should the land be required for a direct link road from the M1 south onto the M69;
c) Main Street had the potential to become a rat-run, therefore either mitigation measures should be taken to prevent this or if the route forms part of a wider access from the west into the principal urban area, then the location of the school and community facilities along it should be relocated in order to ensure the safety of users;

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d) *the Thorpe Astley development included a number of small parcels of open space which due to the small size had no recreation/play purpose or value but had not been included as part of the shared responsibilities of the surrounding properties, this land has become the responsibility of the Parish Council but has limited wider community value;*

e) *the Thorpe Astley development boundaries between residential properties and public open space were all designated as shared, however, the fences are to protect the privacy and security of the residential dwellings and should be the responsibility of the individual residential units; and*

f) *Some of the species listed was foreign and would be inappropriate for use since they were invasive species which could spread unsustainably if not regularly maintained at a significant cost.*

5. Application No: 15/0799/RM
Description: Revised layout with revised house types.
Location: Land To The North And South Of The M69 Motorway, West Of The M1 Motorway And East Of Beggars Lane, Lubbesthorpe

Response: *Braunstone Town Council wishes to make the following comments:*

a) *the land around the deserted medieval village of Lubbesthorpe should not be used as land for community purposes, but should be retained as farmland;*

b) *the design of Main Street should either take into account traffic calming measures and a weight limit in order to reduce the amount of through traffic or the District Centre and the School should be located off Main Street on a separate side street and an appropriate traffic junction and crossing facilities installed at Main Street;*

c) *small areas of green space within Housing Developments, which are not recreational nor play space should not be designated open space but included as shared space, along with the access and parking, within the title deeds of the residential properties;*

d) *boundaries between residential properties and public open space should be the responsibility of the individual residential units; and*

e) *the Landscape Plans should only include indigenous species recommended by the Royal Horticultural Society for use in sustainable urban developments.*

Reasons: a) *To prevent a loss of open space to the development should the land be required for a direct link road from*

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the M1 south onto the M69;

b) Main Street had the potential to become a rat-run, therefore either mitigation measures should be taken to prevent this or if the route forms part of a wider access from the west into the principal urban area, then the location of the school and community facilities along it should be relocated in order to ensure the safety of users;

c) the Thorpe Astley development included a number of small parcels of open space which due to the small size had no recreation/play purpose or value but had not been included as part of the shared responsibilities of the surrounding properties, this land has become the responsibility of the Parish Council but has limited wider community value;

d) the Thorpe Astley development boundaries between residential properties and public open space were all designated as shared, however, the fences are to protect the privacy and security of the residential dwellings and should be the responsibility of the individual residential units; and

e) Some of the species listed was foreign and would be inappropriate for use since they were invasive species which could spread unsustainably if not regularly maintained at a significant cost.

6. Application No: 15/0873/RM

Description: Revisions to Landscaping layout including relocation of footpaths and redesign of drainage ponds.

Location: North And South Of The M69 Motorway, West Of The M1 Motorway And East Of Beggars Lane, Lubbesthorpe Leicester

Response: *Braunstone Town Council wishes to make the following comments:*

1. the Landscape Plans should only include indigenous species recommended by the Royal Horticultural Society for use in sustainable urban developments, Bryony was not suitable for use in public open spaces; and

2. the details, timescales and works for the Landscaping taking place east of the M1 adjacent to Meridian Way should be undertaken in consultation and liaison with Braunstone Town Council and arrangements for the future management and legal transfer (along with associated commuted sums) should be undertaken in consultation and liaison with Braunstone Town Council.

Reasons: *1. Some of the species listed was foreign and would be inappropriate for use since they were invasive species which could spread unsustainably if not*

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regularly maintained at a significant cost. Bryony grows rapidly and would swamp other plants, it is poisonous and the sap it produces reacts with human skin.

2. *While it was understood that a Community Trust may manage the Lubbesthorpe Open Spaces; the landscaping on land to the East of the M1 was adjacent to Thorpe Astley and within the Parish of Braunstone, which currently had operational arrangements in place for managing Thorpe Astley Open Spaces. The involvement of Braunstone Town Council in the landscaping arrangements and future of the land adjacent to Meridian Way would ensure that the interests of the residents adjacent to the site were represented.*

75. Planning Applications

The Committee received details of planning applications to be considered by Blaby District Council (item 6 on the agenda).

The Executive Officer & Town Clerk advised that the Town Council had received notification of the 2nd planning application on the list for consideration, 15/1466/DOC, Request for confirmation that conditions be discharged from 02/0795/1/PX in respect of Development At Watergate Lane Braunstone Town Leicestershire; however, the plans were still unavailable for viewing. Once the plans became available, the item would be rescheduled for the forthcoming Committee or taken under delegated powers as appropriate.

RESOLVED that the following responses be forwarded to Blaby District Council:

1. Application No: 15/1415/DOC
Description: Discharge of conditions 3, 4, and 5 attached to planning permission 15/0821/FUL.
Location: 16 Bidford Road Braunstone Town Leicestershire LE3 3AE

Response: *Braunstone Town Council wishes to make the following comments:*

i. *that condition 3, Internal Floor Layout should only be discharged subject to a fire safety audit and the full implication of the recommendations;*
ii. *that Condition 4, Noise/Insulation Proposals, should not be discharged; and*
iii. *that Condition 5, extraction equipment, be discharged.*

Reasons:

i. While suitable internal layouts showing signage, doors and exit routes had been submitted, it was unclear whether there were alternative fire exits from the upper floors, e.g. via the back of the building; the use of the premises would require heat producing electrical equipment, which posed a fire risk and

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should be mitigated;

ii. the documentation submitted was a company brochure, not as required by the condition a scheme of works for the party wall at these premises; and

iii. the applicant had confirmed no extraction equipment would be required.

76. Additional Planning Applications

The Committee received details of planning applications received since the publication of the agenda (item 7 on the agenda).

RESOLVED that the following responses be forwarded to Blaby District Council:

1. Application No: 15/1510/HH

Description: Single storey side and rear extension, additions to the roof space and extension of existing dropped kerb

Location: 20 Percy Street Braunstone Town Leicestershire LE3 2FL

Response:

1. *Braunstone Town Council wishes to object to this application because the proposed development would have an unsatisfactory relationship with other nearby uses that would be significantly detrimental to the amenities enjoyed by the occupiers of those properties due to considerations of Privacy; and*
2. *Braunstone Town Council wishes to make the following comments:*
   i. *in accordance with Local Plan Policy T7 replacement of on-site parking facilities should be provided – dwellings with 3 bedrooms – 2 spaces; and*
   ii. *the occupiers of neighbouring properties should be fully consulted in connection with the proposals.*

Reasons:

1. *The proposed rear elevation contained doors onto an outside upper level patio, which would overlook neighbouring properties and the side elevation upper window overlooked number 22 and would be intrusive to the amenity enjoyed by that property.*
2. *There would be 3 bedrooms at the property and the location of windows and a balcony in the proposals could impact the amenity of the neighbouring properties.*

2. Application No: 15/1523/FUL

Description: External access ramp.

Location: 532 Braunstone Lane Braunstone Town Leicestershire LE3 3DH

DRAFT

Response: *Braunstone Town Council wishes to support the application, subject to the following observation: that should the installation of the ramp affect the number of car parking spaces, then the car park should be reorganised in order to retain the existing number of parking spaces.*

Reason: *The Town Council fully supports and encourages the provision of access to shops and services for those with disabilities. The shop was located at a busy junction where parking was potentially difficult and steps should be taken to ensure existing parking provision was retained.*

3. Application No: 15/1380/HH
Description: Two storey side extension and demolition of existing conservatory.

Location: 68 Tuffleys Way Thorpe Astley Leicester LE3 3UT

Response: *Braunstone Town Council objects to this application since the proposed development would result in over-development of the site due to scale and mass and provided insufficient parking provision.*

Reason: *The proposed development would be detrimental to the amenities enjoyed by the occupants of neighbouring properties due to over-bearing effect and the plans contain four bedrooms, while there was no provision for three off road parking spaces.*

4. Application No: 15/1522/ADV

Description: Display of internally illuminated fascia sign and digital display screen within store window. Repositioning of existing pharmacy sign.

Location: 532 Braunstone Lane Braunstone Town Leicestershire LE3 3DH

Response: *Braunstone Town Council supports this application.*

Reason: *The proposed signage was in keeping with the shops and services provided at this Neighbourhood Services and Shopping location.*

77. Planning Decisions

The Committee received and noted planning decisions made By Blaby District Council (item 8 on the agenda)

RESOLVED that the decisions be noted.

DRAFT

Reason for Decision

To keep a watching brief on the decisions and to review the impact of Town Council comments upon the decision making process.

78. Transport Scheme Improvements - Narborough Road South - West Service Road

The Committee considered issues raised concerning safety and traffic calming on Narborough Road South West Service Road, since the Fosse Park Roundabout Improvement Scheme and to request a stage 4 safety audit be undertaken to assess the effectiveness of the scheme and amended calming measures in relation to the Service Road. (Item 9 on the agenda).

RESOLVED

1. that the Town Council formally write to Leicestershire County Council expressing its concern and requesting that options 1 to 6 above be considered and actioned; and
2. **that it be recommended to Community Development Committee** that the Town Council's Speed Sign be allocated on the Narborough Road South West Service Road south of Lubbesthorpe Road to assess the level of traffic flow and speed.

Reasons for Decision

1. *It appeared that the traffic calming scheme had become unbalanced following the improvements to Fosse Park Island and this had resulted in adverse speed and problems with traffic flows; these issues needed to be assessed and mitigated since there would be a risk of fatalities.*
2. *To enable the Town Council to assess the level of traffic flow and speed and where issues were identified to address these in partnership with the Police and County Council*

79. Lubbesthorpe and M1 Bridge Construction

The Committee received issues highlighted by residents, concerning the Lubbesthorpe Development Construction and M1 Bridge Construction and considered arrangements for seeking to resolve the issues raised (item 10 on the agenda).

RESOLVED

1. that the issues highlighted from the engagement session and online form be pursued by the Town Council as follows:
    a) Future Highways Improvements – issues to be raised and options explored with Leicestershire County Council Transport Policy & Strategy Officers;
    b) Watergate Lane – reassurance and full details of the scheme be sought from Blaby District Council Planning Officers; and

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c) Construction of the M1 Bridge (traffic, noise, privacy, timings) – a meeting be held between the Executive Officer & Town Clerk and the Public Liaison Officer for the M1 Bridge construction work to seek to resolve the issues raised; and

2. that progress reports be given to future meetings of Plans & Environment Committee, setting out where appropriate, further action and decisions to be made by the Town Council.

Reasons for Decision

1. *To ensure that relevant bodies were aware of the issues raised and to enable the Town Council to constructively work with each relevant organisation as appropriate to resolve these issues.*
2. *To keep a watching brief on progress and to enable further decisions to be made where necessary to facilitate a resolution.*

80. Blaby District Council Consultation - Draft Gambling Act Statement of Licensing Principles 2016 – 2019

The Committee considered the Draft Blaby District Gambling Act Statement of Licensing Principles 2016-2019 and whether to respond to the consultation (item 11 on the agenda).

RESOLVED that the Draft Blaby District Gambling Act Statement of Licensing Principles 2016-2019 be noted.

Reason for Decision

The Statement of Licensing Principles proposed seemed reasonable, proportionate and comprehensive.

81. Feedback from Planning Nuts and Bolts Training

The Committee received feedback from Councillor Waterton on the Planning Nuts and Bolts Training held on 26th November 2015.

A copy of the slides from the training undertaken by Lance Wiggins of Landmark Planning, were circulated.

Councillor Waterton made the following points:

a) the National Planning Policy Framework had been introduced and guided planning strategies and decisions, previously covered by a number of statements and guidance notes;
b) Regional Strategies and Plans had been abolished, however, there remained a requirement to have full regard to the need for housing;
c) Neighbourhood Planning was encouraged as a way in which Parishes could direct development and identify sites for each type of development and service within the Parish;
d) undertaking site visits was a way in which members of the Committee could appreciate impact of a development on the surrounding community in terms of size and character; and

e) additional ways Parishes could get involved in Planning included participation in appeal hearings.

82. Feedback on Planning Application Comments

The Committee received an update on whether feedback could be provided by the District Planning Authority on comments made by the Town Council on Planning Applications.

The Chair advised the Committee that an offer had been made by the Director of Place and the Director of People at Blaby District Council to attend a future meeting of the Committee to understand and discuss the Committee's needs.

RESOLVED that an invitation be sent to the Director of Place and the Director of People at Blaby District Council to attend a future meeting of the Committee.

Reason for Decision

To enable the Town Council to seek a response from the District Planning Authority on planning applications where the Town Council's comments had not been accommodated into the decision, so that the Town Council was aware of why this was the case and could inform residents an engage effectively with the consultation for future planning applications.

83. Lubbesthorpe Strategic Consultative Board

The Committee considered any items for the next meeting of the Lubbesthorpe Strategic Consultative Board, which was scheduled for Thursday 14th January 2016.

RESOLVED that issues highlighted by residents, concerning the Lubbesthorpe Development Construction and M1 Bridge Construction be bought to the attention of the Group alongside how the Town Council was seeking to resolve these.

Reason for Decision

To ensure that all relevant stakeholders were aware of the issues raised and how the Town Council was seeking to work with each relevant organisation as appropriate to resolve the issues.

84. Financial Comparisons

The Committee received Financial Comparisons for the period 1st April 2015 to 30th November 2015 (item 15 on the agenda).

RESOLVED that the report be noted.

Reason for Decision

The Council's actual income was higher than predicted for the period and expenditure was lower than predicted for the period.

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85. Capital Plan and Budget Estimates 2016/17

The Committee considered a statement of Expenditure for 1st April 2014 to 31st March 2015, a list of capital projects for 2016/2017 and beyond, and a proposed budget for 2016/2017 for recommendation to Policy & Resources Committee (item 16 on the agenda).

RESOLVED that it be recommended to Policy and Resources Committee that the draft Estimates for the Plans and Environment Committee, as attached at Appendix 2, be included in the Budget Estimates for 2016/2017.

Reason for Decision

To ensure appropriate resources for Planning and Environment Services.

86. Termination of the Meeting

The meeting closed at 9.05pm.

NOTE:
CRIME & DISORDER ACT 1998 (SECTION 17) – The Council has an obligation to consider Crime & Disorder implications of all its activities and to do all that it can to prevent Crime and Disorder in its area.
EQUALITIES ACT 2010
Braunstone Town Council has a duty in carrying out its functions to have due regard to:-

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and;
- foster good relations between different groups

To ensure that no person receives less favourable treatment on the basis of race, disability, sex, gender re-assignment, sexual orientation, age, religion or belief, marriage or civil partnership, pregnancy or maternity.

These issues were considered in connection with each of the above decisions. Unless otherwise stated under each item of this report, there were no implications.

These minutes are a draft and are subject to consideration for approval at the next meeting, scheduled for 4th February 2016.

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BRAUNSTONE TOWN COUNCIL

PLANS & ENVIRONMENT COMMITTEE – 4th FEBRUARY 2016

Item 5 – Planning Applications dealt with under Delegated Authority

To receive and note responses to planning applications taken under Delegated Authority:

1. Application No: 15/1551/HH

Description: Retention of a single storey side extension

Location: 34 Valley Drive Braunstone Town Leicestershire LE3 3EE

Response: *Braunstone Town Council wishes to make the following comments:*

a) in accordance with Local Plan Policy T7 on-site parking facilities should be retained – dwellings 4 or more bedrooms – 3 spaces or with 3 or less bedrooms – 2 spaces; and

b) the occupiers of neighbouring properties should be fully consulted in connection with the proposals.

Reasons:

a) It was not possible to ascertain from the plans the current parking provision, nor the number of bedrooms at the property; should the construction of the single storey side extension result in off road parking provision falling below the minimum number, then the applicant should provide plans for their replacement prior to approval of the scheme; and

b) the extension was close the neighbouring property and there may be a loss of amenity.

2. Application No: 15/1563/HH

Description: Single storey side and rear extension and detached store to the rear

Location: 35 Kingsway Braunstone Town Leicestershire LE3 2JN

Response: *Braunstone Town Council wishes to make the following comments:*

a) in accordance with Local Plan Policy T7 on-site parking facilities should be retained – dwellings 4 or more bedrooms – 3 spaces or with 3 or less bedrooms – 2 spaces; and

b) the occupiers of neighbouring properties should be fully consulted in connection with the proposals.

Reasons:

a) *It was not possible to ascertain from the plans the current parking provision, nor the number of bedrooms at the property; should the construction of the single storey side extension result in off road parking provision falling below the minimum number, then the applicant should provide plans for their replacement prior to approval of the scheme; and*

b) *the proposed extension would be built to the boundary of the neighbouring property and may result in the loss of amenity to this property due to considerations of privacy, disturbance and overbearing effect.*

BRAUNSTONE TOWN COUNCIL

PLANS & ENVIRONMENT COMMITTEE – 4th FEBRUARY 2016

Item 6 – Planning Applications

To agree observations on Planning Applications received:

1. Application No: 15/1607/FUL

Description: Replacement of existing swimming pool block flat roof and gable wall with a new composite wall cladding and barrel vault built up standing seam roof

Location: Winstanley Community College Kingsway North Braunstone Town Leicestershire

2. Application No: 15/1605/FUL

Description: Change of use from residential dwelling (Class C3) to care facility (maximum 3 residents) (Class C2), single storey side and rear extensions and increase in roof height

Location: 37 Pits Avenue Braunstone Town Leicestershire LE3 2XL

3. Application No: 15/1581/ADV

Description: Display of 2 no. Pizza Hut roof signs, 1 no. 'Come-On-In' entrance fascia sign, 1 no. 'Takeaway' hanging sign, 1 no. car park directional sign, 1 no. fixed awning, 2 no. menu text vinyls, LED border tubing and downlighting.

Location: Pizza Hut Unit H Meridian Leisure Park Braunstone Town

4. Application No: 15/1524/RM

Description: Reserved Matters application (relating to applications 12/0865/1/OX and 15/0888/VAR) for construction of brewery, visitor centre and ancillary uses, brewery tap, restaurants and cycle hire facility, erection of footbridge over River Soar, provision for erection of temporary marquee (approx 5 times per year), construction of food & drink preparation units (withancillary retail trade counters) associated parking & landscaping, pedestrian access and vehicular access from Soar Valley Way (A563) & Narborough Road South (B4114)

Location: Land At Junction Of Soar Valley Way & Narborough Road South Enderby Leicester

5. Application No: 16/0042/ADV

Description: Display of renewed illuminated and non-illuminated canopy signage and illuminated totem signage and instillation of new kiosk, banner frames and disc signage.

Location: Asda Petrol Filling Station Fosse Park Avenue Enderby Leicestershire.

6. **Application No:** 16/0036/HH

Description: First floor side extension and replacement detached garage to rear

Location: 26 Stonehurst Road Braunstone Town Leicestershire LE3 2QA

BRAUNSTONE TOWN COUNCIL

PLANS & ENVIRONMENT COMMITTEE – 4th FEBRUARY 2016

Item 8 – Consultation – Public Space Protection Order – Dogs

Purpose

To consider and respond as appropriate to a Blaby District Council consultation on a proposed Public Space Protection Order relating to the control of dogs.

Background

A Public Space Protection Order (PSPO) is a new power introduced under the Anti Social Behaviour, Crime and Policing Act 2014 that allows controls to be placed on the use of public spaces. PSPO's will become the principal control relating to dogs in public places and will supersede existing controls such as Dog Control Orders.

The District Council have taken the option of reviewing its existing controls and produced a draft PSPO relating to the control of dogs, which is attached as Appendix 1. The draft PSPO contains controls relating to fouling (similar to existing controls), introduces a new control to require dog owners to be equipped to pick dog foul e.g. carry of bag or similar, prohibits dogs from fenced play areas and requires dogs to be on leads while in cemeteries and graveyards.

Blaby District Council are consulting on the draft PSPO prior to final adoption in March 2016. It is intended that the new PSPO will come into force in April 2016.

All comments received will be considered as part of the finalisation of the document prior to final adoption.

The closing date for consultation responses is Friday 12th February 2016.

APPENDIX 1

The Anti-social Behaviour, Crime and Policing Act 2014
The Public Spaces Protection Order - (Blaby District Council) 2016

Blaby District Council (in this order called "the Authority") hereby makes the following Public Space Protection Order under section 59 of the Anti Social Behaviour, Crime and Policing Act 2014 ("the Act").

This Order comes into force on the ?? of ???? 2016 for a period of 3 years.

Offences

1. Dog Fouling

1.1 If within the administrative area of the Authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -

(a) he has reasonable excuse for failing to do so; or
(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

1.2 If a person who is in charge of a dog does not have or produce when requested by an authorised officer of the Authority, a receptacle for picking up dog faeces, that person shall be guilty of an offence.

1.3 A receptacle is defined as any object capable of holding faeces for disposal.

1.4 Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land.

1.5 Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

2. Leads by order

2.1 A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he does not comply with a direction given to him by an authorised officer of the authority to put and keep the dog on a lead unless -

(a) he has reasonable excuse for failing to do so; or
(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2.2 An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to a bird or another animal.

3. Dogs on Leads

3.1 A person in charge of a dog shall be guilty of an offence if, at any time, on land detailed in Schedule 1 below he does not keep the dog on a lead unless –

(a) he has reasonable excuse for failing to do so; or
(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Dog Exclusion

3.1 A person in charge of a dog shall be guilty of an offence if, at any time, he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in Schedule 2 below unless –

(a) he has reasonable excuse for failing to do so; or
(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4. General

5.1 A lead should be of such construction and strength to restrain the dog and be no longer than two (2) metres in length. A retractable lead that is longer than 2 metres can be used where its maximum length is limited to 2 metres where the direction applies.

5.2 For the purpose of this Order, a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.

5.3 “an authorised officer of the Authority” means an employee, partnership agency or contractor of Blaby District Council who is authorised in writing by Blaby District Council for the purposes of giving directions under the Order.

5. Exemptions

6.1 Nothing in this order shall apply to a person who –

(a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
(b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
(c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

6.2 For the purpose of this order –
Each of the following is a "prescribed charity" -
- Dogs for the Disabled (registered charily number 700454)
- Support Dogs Limited (registered charity number 1088281)
- Canine Partners for Independence (registered charity number 803680)

7. Penalty

7.1 A person who is guilty of an offence under this order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

7.2 A Fixed Penalty Notice of £100.00 will be issued to offenders to be paid within 20 days (reduced to £60.00 if paid within 14 days) which would discharge any liability to conviction for an offence under Section 67(1) of the Act.

Schedule 1 – Land where dogs must be on a lead

The land referred to in Article 3 above (land where dogs must be kept on a lead) is –

All land within the Council's administrative area comprising any fenced (and/or hedged and/or walled) cemetery, graveyard, churchyard or burial ground, signed at its entrance(s) as a "dog on lead" area (whether the sign uses those particular words or words and/or symbols having like effect).

Schedule 2 – Land where dogs are excluded

The land referred to in Article 4 above (land where dogs are excluded) is –

All land within the Council's administrative area comprising any fenced (and/or hedged and/or walled) children's play area, signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols having like effect).

BRAUNSTONE TOWN COUNCIL

PLANS & ENVIRONMENT COMMITTEE – 4th FEBRUARY 2016

Item 9 – Contaminated Land Inspection Strategy - Consultation

Purpose

To consider and respond as appropriate to a Blaby District Council consultation on revisions to the Contaminated Land Inspection Strategy.

Background

Blaby District Council has reviewed its Contaminated Land Inspection Strategy. A draft copy of this document is attached as an Annex.

The deadline for consultation responses is Friday 12th February 2016, all comments received will be considered as part of the finalisation of the document prior to final adoption.

ANNEX

Statutory
Contaminated Land Inspection
Strategy Document

Draft November 2015

Required under the provisions of the
Environmental Protection Act 1990 Section 78B

CONTENTS

1 CHAPTER 1: INTRODUCTION & OVERVIEW 1
1.1 Introduction 1
1.2 General Policy Of The Council 1
1.2.1 Corporate Policy 1
1.2.2 Environmental Strategies 2
1.2.3 Planning Policy 3
1.2.4 Public Access to Information 4
1.3 Regulatory Context 5
1.3.1 The Contaminated Land Regime 5
1.3.2 Definition of Contaminated Land 5
1.3.3 The Regulatory Role of the Council 6
1.3.4 The Role of the Environment Agency 7
1.3.5 Contaminated Land and the Development of Control Regime 7
1.3.6 Contaminated Land and Other Regulatory Regimes 8
1.4 Development of The Strategy 8
1.4.1 Roles and Responsibilities 8
1.4.2 Consultation 8
1.4.3 Strategic Approach Requirements 9
1.4.4 Strategy Document Objectives 9
2 CHAPTER 2: CHARACTERISTICS OF BLABY DISTRICT, AND THEIR IMPACT ON THE INSPECTION STRATEGY 11
2.1 Introduction 11
2.2 Geological/Hydrological Characteristics 12
2.3 Current And Historical Industry And Land Use 14
2.4 Potential Sources of Contamination 15
2.5 Potential Specified Receptors 17
2.6 How The District Characteristics Impact Upon The Inspection Strategy 19
2.7 Considering Local Authority Interests In Land 19
3 CHAPTER 3: OVERALL APPROACH OF THE STRATEGY 20
3.1 Aims and Priorities 20
3.2 Effective Delivery 20
4 CHAPTER 4: IDENTIFYING POTENTIALLY CONTAMINATED LAND 22
4.1 Screening and Prioritisation 22
5 CHAPTER 5: THE DETAILED INSPECTION PROCESS 24

5.1 Detailed Inspection 24
5.2 Site Inspection 25
5.3 Intrusive Investigation 26
5.4 Assessing Contamination 26
5.5 Special Sites 27
6 CHAPTER 6: REMEDIATION 29
6.1 The Enforcing Authority 29
6.2 Liability 29
6.3 Definition 29
7 CHAPTER 7: PROCEDURES 32
7.1 Internal Management Arrangements 32
7.1.1 Making information available 32
7.1.2 Regulatory and Enforcement duties 32
7.1.3 Legal & Democratic Services – Local Land Charges 32
7.2 Consideration of Council Owned Land 32
8 CHAPTER 8 INFORMATION MANAGEMENT AND ACCESS TO INFORMATION 34
8.1 Principles 34
8.2 Data Handling 34
8.2.1 Administration 34
8.2.2 Confidentiality 34
8.3 The Public Register 35
8.4 Provision of Information To The Environment Agency 35
9 CHAPTER 9: REVIEW MECHANISMS 37
9.1 The Statutory Requirement 37
9.2 Triggers for Reviewing Inspection 37
9.3 Triggers for Reviewing Inspection Decisions 37
9.4 Review of The Inspection Strategy 38
10 CHAPTER 10: IMPLEMENTATION 39
10.1 Objectives and Timescales 39
10.2 Key Contacts 39

Executive Summary

The statutory regime for the identification and remediation of contaminated land came into force on 1 April 2000. Under this regime, all Local Authorities are obliged to develop a Contaminated Land Strategy. The Strategy outlines how each authority will inspect its area to identify historic sources of contamination. The authority can then work with land owners to prevent, remedy or mitigate any harm or pollution that may have resulted.

This document is the Contaminated Land Strategy for Blaby District Council. Its aims are:

- To implement a means of assessing land within the District from a contaminated land perspective;

- To identify those sites where land contamination is presenting unacceptable environmental risks and ensure that remediation takes place, using a process of prioritisation to concentrate resources on the most serious sites;

- To provide information to the Environment Agency for its report on contaminated land;

- To reduce the Council's impact on the environment by identifying and remediating contamination on Council-owned land;

- To embed the regulation of contaminated land within the Council's wider regeneration objectives as set out in our Blaby Plan;

- To integrate contaminated land regulation with development control, identifying sites where regeneration and redevelopment could facilitate remediation; and

- To improve understanding within our community of contaminated land issues.

The Strategy sets priorities for inspecting land within the District, taking the protection of human health as the highest priority overall. All land will be considered on an equal basis, whether it be private or public (such as the Council's own land). Where there is already strong evidence that a problem exists in relation to any site, the Council will take action without waiting for it to emerge from a prioritisation process.

The Strategy also outlines the way in which the Council will communicate information about contaminated land, including the establishment of a Public Register to include all action taken in respect of the remediation of contaminated sites, within the District.

1 CHAPTER 1: INTRODUCTION & OVERVIEW

1.1 Introduction

The regime for the identification, prioritisation and remediation of contaminated land was introduced by Part IIA of the Environmental Protection Act 1990, as amended by Section 57 of the Environment Act 1995. This requires that all Local Authorities produce and implement a contaminated land strategy.

The purpose of this Strategy is to ensure that Contaminated Land within the Blaby District Council area is investigated and remediated in a manner which:-

- Is rational, ordered and efficient
- Is proportionate to the seriousness of any actual or potential risk
- Seeks to ensure that the most pressing and serious problems are located first
- Ensures that resources are concentrated on investigating in areas where the authority is most likely to identify contaminated land; and
- Ensures that the local authority efficiently identifies requirements for the for the detailed inspection of particular areas of land.

1.2 General Policy Of The Council

1.2.1 Corporate Policy

The underlying objective of the Sustainable Community Strategy (SCS) is to reconcile priorities for economic, social and environmental issues so that Blaby is a good place to live, work and visit for future generations. Sustainable development is key in this objective therefore that it is essential that new developments seek to preserve and where possible enhance the environment in order to achieve our aim of sustainability. Promotion of development of brownfield rather than greenfield sites and in doing so brings into sharp focus the need for clear risk management principles to avoid creating contamination problems. The Contaminated Land

Strategy will be key, because it will provide the framework for identifying potentially contaminated land for remediation and sustainable and productive redevelopment.

The proposed corporate aims for Blaby District Council include working in partnership with the wider community and all relevant organisations, playing its part in attempting to influence Government and appropriate agencies in the interests of its inhabitants and applying corporate assets and resources to the benefit of the community.

The Council formally committed itself in 1994 to undertaking a Local Agenda 21 Process. The initial emphasis was placed on formally incorporating the aim of protecting the environment whilst assisting in providing for the community's economic and social needs in all Council activities, monitoring the Council's performance in achieving this aim and raising awareness both within the Council and in the community on environmental, economic and social issues.

The Council subsequently established and co-ordinated the multi-agency Blaby District Quality of Life Forum which has produced the "Towards a Better Blaby District" document (District Local Agenda 21 Plan). This contained a number of aims and targets to be achieved by the Council and partners:

- To identify and improve areas of derelict and underused land.
- Instigate a gradual clean up of contaminated land, with all land vacated by industry from now onwards being left in a reusable state - remediation programmes where current or likely uses of land would cause a health problem.
- Waste reduction and recycling initiatives by industry, commerce and public sector organisations, in addition to members of the public. This final point is relevant to this strategy document, in the long term reductions in waste, particularly such that may be directed to landfill.

1.2.2 **Environmental Strategies**

The overall aim of Environmental Protection is to protect the health of individuals by addressing those factors which affect their physical and mental well being. The Council's activities in the sphere of Environmental Protection are particularly wide ranging but include the management of Contaminated Land. The identification of areas of Contaminated Land within the District must be in accordance with the Environmental Protection Act 1990, Part IIA. This may require the remediation of contamination in sites as appropriate, the carrying out of works in default where appropriate, and recovery of the costs incurred wherever possible.

1.2.3 **Planning Policy**

The relevant documents are:

- Blaby District Councils Local Plan (Core Strategy) Development Plan (adopted Feb 2013)
- Regional Spatial Strategy for the East Midlands (RSS8)
- Leicestershire, Leicester and Rutland Structure Plan; and
- Minerals and Waste Local Plans.

Blaby District Councils Local Plan (Core Strategy) Development Plan was adopted in 2013, one element of the vision is stated as:

The residents of Blaby District will enjoy a clean, attractive and safe environment, where new developments will be of a high quality and where the special character of the District's natural and built environment will be protected and enhanced

The Core Strategy recognises the need for protection of Green Wedges throughout the District from future inappropriate developments, and directs new industrial and residential developments towards the regeneration of brownfield sites. It further highlights the importance of open areas within the built environment, and the need to protect such sites from future inappropriate development. This is recognised by the government in PPG17, and also in the Structure Plan, which comments that they play a significant part in the quality of life and states in Environment Policy 2 "Important areas of open space and green linkages within built up areas will be identified, protected and enhanced.

One of the Core Strategy objectives of the Regional Spatial Strategy (March 2005) is "To promote and ensure high standards of sustainable design and construction, optimising the use of previously developed land and buildings." This is reiterated in the Leicestershire, Leicester and Rutland Structure Plan (1996 – 2016) which states that "One of the underlying themes of national and regional policy in the pursuit of sustainability is to make the best and most efficient use of land. It is therefore vital to pursue locational priorities that secure patterns of development that maximise the use of previously developed land, and make the best use of existing infrastructure"

Leicestershire contains extensive mineral resources which are both of national importance and essential for meeting the community needs of the District and regions. There are many former mineral working sites throughout the district, where both small scale and extensive mineral operations have been undertaken. The use of these resources are considered in **Leicestershire Minerals Local Plan** (November 2013). Policy MCS17 sets out the strategy for the reclamation and future

use of mineral sites, while Policy WDC16 deals with waste management proposals where the development is not for a permanent use. These policies seek in appropriate cases the creation of new wildlife habitats together with public access and improvements to the public rights of way network, including links to surrounding green infrastructure.

In Blaby District many older sites have been used for landfill, with the longer term intention to restore such sites to recreation, nature conservation and/or the possibility of employment or housing developments.

The Leicestershire, Leicester and Rutland Waste Local Plan (September 2002) states, in Policy 1: Waste minimisation, that – "waste minimisation initiatives will be encouraged to achieve an overall reduction in the amount of all types of waste taken to final disposal".

In addition to the Development Plans, there is a **Leicestershire County Council Derelict Land Strategy & Action Programme** (1995), no review of this document is currently planned. This policy document extends the Council's approach to redeveloping brownfield and other underused sites, although it is important to highlight that "Derelict Land" differs in definition considerably from "Contaminated Land" as per the Environmental Protection Act 1990.

The identification and safe re-use of contaminated land therefore plays a key part in the sustainable development of the area. From these key themes it is possible to identify the specific aims of the Contaminated Land Strategy document:

- To ensure compliance with, and enforcement of statute.
- To ensure that where redevelopment of sites takes place in the District that the process deals effectively with any land contamination.
- To encourage market confidence in the redevelopment of brownfield sites in the District and thus promotes the recycling of brownfield sites rather than greenfield sites.
- To address the liability associated with the Council's existing land holdings and avoid any new liability associated with land acquisitions.

1.2.4 Public Access to Information

The Council acts in accordance with the requirements of the following statutes and regulations in making environmental information accessible to the public.

- Local Government (Access to Information) Act 1985
- Data Protection Act 1998
- Human Rights Act 1998

- Freedom of Information Act 2000
- Environmental Information Regulations 2004

1.3 Regulatory Context

1.3.1 The Contaminated Land Regime

The statutory regime for the identification and remediation of contaminated land came into force on 1 April 2000. The primary legislation is contained in Part IIA of the Environmental Protection Act 1990. It is complemented by the Contaminated Land (England) Regulations 2006, and the Statutory Guidance provided by the Department for the Environment, Food and Rural Affairs (DEFRA) Circular 01/2006*: Contaminated Land*. This legislation is further consolidated by the Environmental Damage (Prevention and Remediation) Regulations 2009. The regime sets out a framework for the identification and remediation of 'contaminated land', in circumstances where there has not been any identifiable breach of a pollution prevention regime. The regulations reinforce the 'suitable for use' approach to the assessment and remediation of contaminated land, which recognises that the risks presented by contamination vary according to the current use and environmental setting. Risks posed by contaminated land therefore have to be assessed on a site by site basis. This approach ensures that any remedial requirements are reasonable, and tailored to the needs of individual sites. The regime was designed and intended to encourage and support voluntary remediation, with the service of notices and entry onto the Contaminated Land Register taking place only when other measures have failed. Indeed, where the Local Authority is satisfied that remediation will take place through another regulatory system, such as Development Control, a remediation notice under Part IIA cannot be served.

1.3.2 Definition of Contaminated Land

Contaminated land is defined as:

> ***Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in on or under the land, that:***
>
> ***Significant harm is being caused or there is a significant possibility of such harm being caused; or***
>
> ***Pollution of controlled waters is being, or is likely to be caused*.**

What may and may not constitute the various categories of harm is described in the statutory guidance. (This has been reproduced in Appendix 3 for information). Controlled waters include inland freshwater, groundwater and coastal waters (see Appendix 4).

1.3.3 The Regulatory Role of the Council

As the local authority, the Council is the primary regulator for its District under Part IIA.

Its main duties are to:

- Prepare and publish a strategy for inspecting the District for contaminated land;

- Implement the strategy in a rational and efficient manner, identifying the most pressing and serious problems first, and concentrating resources on areas where contaminated land is most likely to occur;

- Determine which sites meet the definition of ‘contaminated land’ and whether such sites should be designated ‘special sites’;

- Identify appropriate persons, attribute liability under the ‘polluter pays’ principle, and ensure that the appropriate remediation of contaminated land takes place (through encouraging voluntary remediation or serving remediation notices); and

- Maintain a public register of Part IIA regulatory action.

The Council is also responsible for enforcement activities relating to a variety of issues including environmental health, land management and planning policy.

The enforcing authority must undertake cost benefit analysis in respect of all remedial actions. Where remedial actions are undertaken in default of a notice the enforcing authority has the power to recover costs in certain circumstances. At all times the enforcing authority must consider the potential for hardship. or pollution is to be regarded as significant are shown in Appendix A.

1.3.4 The Role of the Environment Agency

Under Part IIA, the Environment Agency generally has a secondary role, assisting local authorities and providing site-specific guidance. However, in certain circumstances, particularly when water pollution is involved, contaminated land may be designated a 'special site' in accordance with the Contaminated Land (England) Regulations 2006.

The responsibility for regulation of such sites then passes from the Local Authority to the Environment Agency.

The main duties of the Environment Agency are:

- To provide information to local authorities on land contamination;
- To ensure remediation of special sites;
- To maintain a register of special sites remediation;
- To provide advice to local authorities on identifying and dealing with pollution of controlled waters;
- To provide advice to local authorities on the remediation of contaminated land; and
- To prepare a national report on the state of contaminated land

The Council will seek to develop and maintain a strong partnership with the Environment Agency, noting that they have a key supporting role and are a source of professional advice on site-specific issues. The Council recognises the Environment Agency's statutory role in regulating contaminated land 'special sites' as defined in the legislation.

1.3.5 Contaminated Land and the Development of Control Regime

Part IIA was developed specifically to deal with the legacy of historical contamination. It does not consider the future use of a site, only the suitability of the land for its current use. The Planning Regime considers the suitability of sites for an intended future use. The Council recognises that these two regimes are closely related and interconnected.

The Town and Country Planning regime recognises that land contamination, or the possibility of it, is a material planning consideration. In respect of any proposed development, a planning authority should satisfy itself that the potential for

contamination is properly assessed, and the development incorporates any appropriate remediation measures necessary to satisfy the 'suitable for use' criteria.

Department of Communities and Local Government Planning Policy Statement 23 (PPS23) *Planning & Pollution Control* provides local planning authorities with advice on the relationship between controls over development under planning law, and those controls managed by pollution control legislation. It places a substantial emphasis on consultation with pollution control authorities and to securing sufficient information on which to base development control decisions. Where a contaminated site can be properly dealt with through the Development Control regime, there should be no need to apply Part IIA to the same site.

However, if undiscovered contamination issues emerge at a later date, then the use of Part IIA may need to be reconsidered. For this reason, it is important to ensure that all sites being dealt with under the development process are thoroughly investigated and remediated to a standard suitable for both current and future permitted use.

1.3.6 Contaminated Land and Other Regulatory Regimes

Part IIA deals with any harm or pollution that may arise from historic contamination of land as it affects current use. Some active sites, processes and land uses are regulated under other legislation, such as the Waste Management or Environmental Permitting regimes.

Where a site is already regulated, there will generally be no need to apply Part IIA. Should Part IIA inspections provide evidence that a breach of another pollution prevention regime is occurring, action will normally be taken under this regime.

1.4 Development of The Strategy

1.4.1 Roles and Responsibilities

The responsibility for development of the Contaminated Land Strategy rests with the Council's Environment Services Department.

1.4.2 Consultation

Partnership between the Council and other interested parties is essential to the successful implementation of the Contaminated Land Strategy. A critical aspect of this partnership will be to provide the opportunity for all key consultees to comment during the development of the Strategy. This has been achieved by an in-depth consultation following the drafting of the first version of the Strategy. The publication

of the first version is well received and number of important comments and suggestions are made by some of the key consultees.

1.4.3 Strategic Approach Requirements

The Council recognises that change in the manner in which it deals with environmental protection and contaminated land throughout the District requires a long-term strategic approach. The Contaminated Land Strategy is intended to enable step change, introducing a number of key elements in a controlled manner over the next few years.

1.4.4 Strategy Document Objectives

Key objectives relating to this strategy are:

- To implement a means of assessing land within the District from a contaminated land perspective;
- To identify those sites where land contamination is presenting unacceptable environmental risks and ensure that remediation takes place, using a process of prioritisation to concentrate resources on the most serious sites;
- To provide information to the Environment Agency for its report on contaminated land;
- To reduce the Council's impact on the environment by identifying and remediating contamination on Council-owned land;
- To embed the regulation of contaminated land within the Council's wider regeneration objectives as set out in our Blaby Plan;
- To integrate contaminated land regulation with development control, identifying sites where regeneration and redevelopment could facilitate remediation; and
- To improve understanding within our community of contaminated land issues.

The Council's performance against these key objectives will form the basis of future reviews of this strategy and will be monitored in the National and Local Indicators.

THE CONTAMINATED LAND INSPECTION STRATEGY

2 CHAPTER 2: CHARACTERISTICS OF BLABY DISTRICT, AND THEIR IMPACT ON THE INSPECTION STRATEGY

2.1 Introduction

The District of Blaby is situated in the District of Leicestershire, lying immediately south-west of the City of Leicester. The District covers an area of approximately 130 square kilometres (50 square miles), with a population of about 95,000 (2015 mid year estimate). The 24 parishes, which can be seen in Figure 2.1 below, are diverse in character. The northern and central parts of the District are chiefly urban in nature, containing approximately 80% of the population. The south-western part of the District has a rural character, with smaller settlements and villages surrounded by countryside which is predominantly farmland.

The landscape within the district is broadly similar, consisting of gently undulating farmland intersected by transport routes and by the floodplains of the Rivers Sence, Soar and Rothley Brook. There are large settlements around the south westerly boundary of Leicester and a scattering of smaller settlements throughout the rest of the district. There are also some large industrial and employment areas, mostly located in close proximity to the motorway. Quarrying activity is evident across the district. Localised changes in landscape character tend to occur around river valleys and towards the edges of the district. Croft Hill forms an important landscape feature within the district rising 60m above the surrounding land.

In undertaking its duties to inspect the District under section 78B (1) of the Act, the Council will take into consideration the particular characteristics of the area, including:

- Relevant geology, and hydrology
- The location of:
  - sensitive water receptors
  - sensitive property receptors
  - relevant ecological receptors
  - all existing human receptors, and;
  - potential sources of contamination

Consideration will also be given to the existence of sites which if found to be contaminated land would be designated special sites (see Appendix 1). A geographic representation of the district is found in Figure 1.

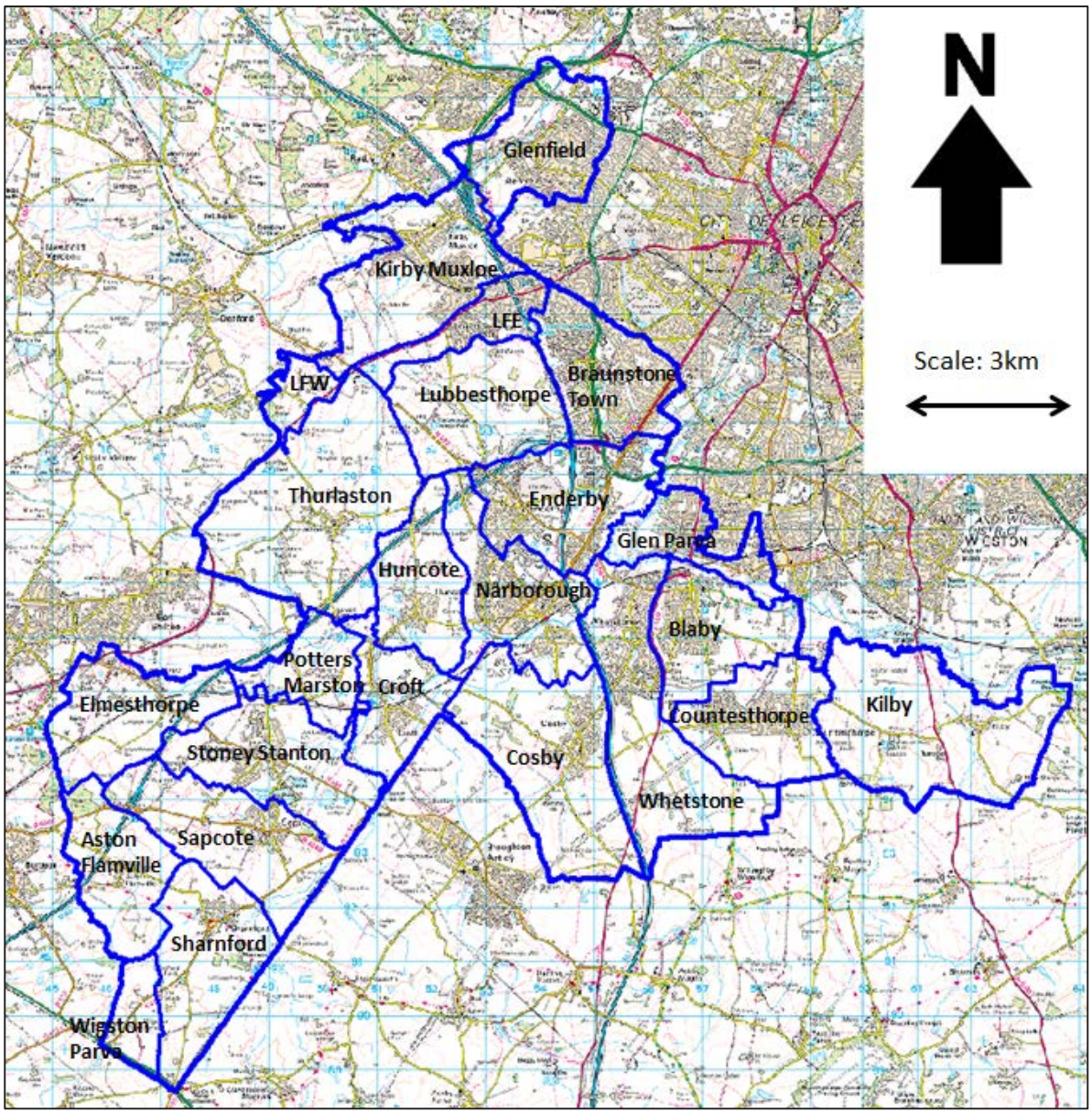

Figure 1 Map of the District with parish boundaries

2.2 Geological/Hydrological Characteristics

The District Of Blaby is predominantly underlain by impermeable clays and marls consisting of Triassic Mercia Mudstones and Jurassic Lower Lias Clays (Environment Agency, 1997). In addition to these strata there are a number of

localised intrusive igneous bodies in the south-west of the area, which have been historically a source of high quality granite.

The drift geology is largely made up of superficial sand and gravel deposits and alluvial deposits throughout the District. These are mainly associated with floodplains and surface watercourses, although some lesser quality deposits are of glacial origin.

The Environment Agency describes the main rock and drift types, along with a brief description in their "Policy and Practice for the Protection of Groundwater; Severn-Trent Region Appendix" as follows in Table 1:

Table 1 The Geological nature of the District

Rock Type	Description	Flow Mechanism*	Geological Classification
Triassic Mercia Mudstones	Low permeability. Consisting of a thick sequence of red clays and marls interbedded with subordinate sandstone horizons known as skerries	Fracture in permeable bands and skerries.	Non-Aquifer
Jurassic Lower Lias Clays	Generally low permeability. Consisting of interbedded clays, siltstones and occasional limestone horizons.	Fracture in limestone's	Non-Aquifer
Intrusive igneous rocks	Generally low permeability, but fractures may exist.	Fracture	Non-Aquifer
Fluvio-glacial sands and gravels	Superficial drift deposits. Found throughout the area, principally deposited in the floodplains of surface watercourses although some sand and gravels are of glacial origin	Intergranular	Minor Aquifer
* Flow mechanisms indicate the route along which water travels through the specified rock type			

In general terms non-aquifers are defined by the Environment Agency as "formations with negligible permeability. Only support[ing] very minor abstractions, if any". Minor aquifers such as fluvio-glacial sands and gravels are defined as being "variably porous/permeable but without significant fracturing. Generally only supporting locally important abstractions".

The River Soar and one of its main tributaries, the River Sence, are the most significant watercourses within the District. There are no large scale water abstractions within the District due to the lack of a major geological aquifer in this area, and public water supplies are largely imported. There are currently only eight private water supplies in the area, which are monitored by the Council; over time this number is expected to decline as mains connections are facilitated

It is important to recognise that this large scale assessment of the District geology and hydrology is very generalised, and the local small-scale characteristics of each potentially contaminated land site will need to be reviewed in detail on a site by site basis.

2.3 Current and Historical Industry and Land Use

In Roman times the Fosse Way and the Watling Street met on the southern boundary of the District at High Cross, and the significance of Blaby as a centre of road communications is still clear today, with the M1 and M69 motorways converging within the District. Rail transport is served by Central Railways between Birmingham and Peterborough, in addition to the Ivanhoe Line which runs a freight service between Leicester and Burton Line. Now disused sections of the Great Central Railway and the North Eastern Railway lines can be found throughout the District, many of which are used for leisure purposes. The Grand Union Canal also traverses the District.

The Blaby District is one of the prime locations for manufacturing distribution and office growth in the country, centred mainly on the M1/M69 junction. This area also contains over 68,500 square metres of high-quality shops, with Fosse Park and the Grove Farm Triangle home to many national companies such as Marks and Spencers, Sainsbury's, and PC World. The Meridian Leisure Park, in Braunstone Town also provides a variety of services such as a bowling alley, multiplex cinema and a number of restaurants. Throughout the District, light engineering and service industries are important and consequently significant employers.

The geology of the land lends itself to mineral working, with important resources of igneous rock, sand and gravel and clays derived from Keuper Marls. Currently there is one working mineral extraction site within the District. The extensive quarry workings at Croft, operated by Bardon Aggregate Industries provide a nationally valuable supply of high-quality granite, used in road construction, along with an associated coating process plant. Sand and gravel resources have until recently been extracted at Huncote, by Acresford Sand and Gravel, remediation is underway. At present there are no existing clay extractions within the District, although reserves have been previously used for brick making, particularly for high quality facing bricks.

The legacy of mineral extraction throughout the District is a number of disused quarries and workings, several of which have been reclaimed via landfill. A number of these sites were filled prior to the 1974 Control of Pollution Act, and few records exist as to the nature of infill materials.

The historically rural nature of this District and the absence of heavy industry in the area laid the foundations for cottage industries such as hosiery, framework knitting and boot and shoe manufacture. Numerous houses were adapted or small Workhouses constructed throughout the area as a consequence. The transport network within the District became of vital importance both in the distribution of raw materials and finished products.

During the first half of the 20th century there was large scale growth in the District, particularly for parishes adjacent to the city. Throughout this period there had been significant changes in the industrial pattern of the District, including agriculture, boot/shoe manufacture, brick and tile works, hosiery, stone quarries, artificial stone works and toe cap manufacture.

By 1951 over 50% of employment was in manufacturing with no one trade being dominant. Further changes in the industrial/employment base over the following two decades saw the growth of service industries and light engineering as significant employers, a pattern which is still dominant today along with significant public sector employment in the District.

2.4 Potential Sources of Contamination

Any site within Blaby District with the potential to cause pollution will be identified at this preliminary stage from historical maps and other data sources. A more

comprehensive list of previous uses considered potentially contaminative is listed in Appendix 6 for information.

a) INDUSTRIAL HISTORY - A comprehensive list of potentially contaminative uses can be seen in Appendix 6. The first step in the process of identifying potentially contaminated sites has been to closely examine historical data in the form of old Ordnance Survey plans and photographs from the early part of the century to the present day. These were obtained from this Council's archives and the District records office. A previous investigation indicated an excess of 1200 maps to be surveyed, to present 239 possible sites have been identified. Local knowledge will be an important source of information in recalling the memory of previous industrial sites. To aid this process all the Town and Parish Councils will be consulted.

b) CURRENT INDUSTRY - The present industrial areas of the District are potential sources of contamination and these will be inspected in accordance with the statutory guidance to establish whether there is a potential of contamination to exist, and, if there is, whether it is controlled by another agency.

c) COMAH sites - The Control of Major Accident Hazards Regulations 1999 (SI 743) are enforced by the Environment Agency and Health & Safety Executive (joint competent authority) to control both on and off site risks from industries with a high potential for disaster from dangerous substances (flammable, toxic or explosive). There is currently only one site within the District.

d) CLOSED LANDFILL SITES - are a potentially significant source of risk, especially those which operated before the licensing requirements of the Control of Pollution Act 1974. Thirty eight closed landfill sites have been identified in the District, but other smaller scale or historical workings may remain unidentified at this stage. Information on these may be held by the Environment Agency who will be contacted when cross referencing information. Their association with any specified receptors will be considered in detail.

e) PREVIOUSLY DEVELOPED CONTAMINATED SITES - the inspection of the District will identify a number of potentially contaminated sites which have been developed over the years. In some cases the methods and extent of remediation may be unknown, in others it may be known, but the remediation suspected of being inadequate, or to not comply with current requirements of remediation.

2.5 Potential Specified Receptors

A receptor is required for a site to be classified as contaminated. These have been identified in the Statutory Guidance, and are reproduced in full in Appendix 3. These specified receptors can be found within the Blaby District as follows:

a) HUMAN - The present population of the District is 95,851 (2014 mid year estimate, Office of National Statistics), around half of which is resident within the urban fringe of Leicester City, in the north-east of the District. The remainder is distributed throughout the many villages and smaller settlements of the rural area. Human receptors may therefore be present to some degree at almost any location within the District. The potential for persons either living on or frequenting a potentially contaminated site will be considered in every case, but priority will be given to sites where children are in close proximity.

b) PROPERTY: BUILDINGS - All buildings and underground services (within the footprint of the building) are potential receptors and will be considered in every case where contamination and buildings exist together.

c) PROPERTY: SCHEDULED ANCIENT MONUMENTS - as listed by English Heritage will be specifically identified as part of the strategy and the potential impact of contaminants considered. There are some 200 listed buildings and 16 Scheduled Ancient Monuments in the District.

d) PROPERTY. AGRICULTURAL AND HORTICULTURAL CROPS - Being a largely rural area crop growing regions will be identified on a site by site basis and considered as necessary. Where contamination is known or suspected, associations with poor yield and crop failure will be investigated.

e) PROPERTY. HOME GROWN PRODUCE - There are many acres of allotments within the District and these will all be identified and their potential for contamination considered as a result of previous uses or activities. Similarly any domestic gardens likely to be contaminated will be identified and assessed.

f) PROPERTY. AGRICULTURAL LIVESTOCK, GAME AND OTHER OWNED ANIMALS - Significant areas of rural character mean that the presence of livestock in an area will be taken into consideration as necessary.

g) ECOLOGICAL RECEPTORS - There are six specified sites including four Sites of Special Scientific Interest (Aston Firs, Croft Hill, Croft Pasture, Enderby Warren Quarry, Huncote Quarry and Narborough Bog) and two Local Nature Reserves (Aylestone Meadows and Burbage Common and Woods) of ecological importance. There are no SINCs (Sites of Importance for Nature Conservation) currently in the District. Significant impact of contamination is unlikely but all areas will be identified, examined and any risks quantified with Natural England and the Environment Agency.

h) WATER. AQUIFERS - As mentioned in 2.2 above the District has no significantly vulnerable major aquifers, or large scale sources of drinking water abstractions. All aquifers will be specifically identified with their location, depth and vulnerability according to the overlying drift geology and any past or current land use. Potential risks from identified sources of contamination will be considered with the Environment Agency.

i) WATER. PUBLIC WATER SUPPLIES - There are no water abstraction or treatment plants within the District as all public water is supplied from outside the area.

j) WATER. PRIVATE WATER SUPPLIES - There are eight private drinking water supplies in the District which are often drawn from shallow sources. The protection of these is particularly important due to the heavy reliance made on them by local residents. This Council already monitors these as part of its duties under the Private Water Supplies Regulations 1991.

k) WATER, OTHER AUTHORISED ABSTRACTION POINTS - All authorised abstraction points will be identified such as those used for agricultural or recreational use.

l) WATER; GROUNDWATER PROTECTION ZONES (GPZ) - There are no GPZ's currently identified by the Environment Agency within the Blaby District.

m) WATER, OTHER SPECIFIED RECEPTORS - All other water receptors such as rivers, streams, tributaries, reservoirs, lakes etc will be identified as part of the inspection strategy on a site by site basis.

2.6 How The District Characteristics Impact Upon The Inspection Strategy

This Council believes that human health is of fundamental importance. In view of this, the Council segmented the District into parish areas to allow a rational, ordered and efficient review of the District, which will lead to the identification of land which merits detailed individual inspection, identifying the most pressing and serious problems first.

The order in which Parishes will be reviewed has been determined by population density, with the most densely populated parishes first.

Alongside this initial District wide desk top study, the Council will also investigate any additional sites which are brought to its attention as causing imminent significant harm to any specified receptor, or the pollution of controlled waters, as per the statutory guidance.

2.7 Considering Local Authority Interests In Land

During the process, described in section 2.6 above, the investigation of any land where this Council may have responsibilities itself by virtue of its current or former ownership or occupation will be considered. Throughout the role of enforcer will be held by the Environmental Protection Section and will be kept separate and transparent from the role of the land owner.

3 CHAPTER 3: OVERALL APPROACH OF THE STRATEGY.

3.1 Aims and Priorities

The principal aim of the strategy is to identify land within the District that is deemed to be contaminated, in accordance with the Contaminated Land Regime. Once a site is identified as contaminated land, the Council will ensure that it is remediated such that it is suitable for its current use.

The corporate strategy identifies the following aim in regards to the contaminated land strategy:

Implement a new contaminated land strategy for the district, including making information more available to the public. Work closely with planning to ensure the service provided allows them to make appropriate decisions on development

In essence, this strategy is expected to achieve:

- Efficient use of resources;
- A focus on the most serious risks;
- Effective prioritisation; and
- Prompt inspection of those sites where solutions are most urgently needed, whilst
- Improving accessibility of information held in regards to potentially contaminated sites

When considering the setting of priorities, the Council will:

- Consider all land within the District on an equal basis, without dealing with any particular landowners (such as the Council's own land) separately;
- Consider the protection of human health as the highest priority overall;
- Take action in relation to any site where there is already strong evidence that a problem exists, without waiting for the site to emerge from a prioritisation process.

3.2 Effective Delivery

Recognising that the work to achieve these aims must occur in parallel with other Council activities such as development control and urban regeneration, the Council will work to optimise the use of its resources to achieve efficient delivery. Management of the Council's functions within the Contaminated Land Regime will sit within the Environment, Health & Consumer Protection Service.

4 CHAPTER 4: IDENTIFYING POTENTIALLY CONTAMINATED LAND

The majority of the District has been assessed for potentially contaminated sites, however it is recognised that there are potentially some gaps in this data or the need for updating the assessment for certain sites.

Therefore the existing database for potentially contaminated site will be reassessed during preliminary screening to identify sites where potential pollutant linkages exist.

These data sets include:

- Geological maps
- Land use data
- Historical maps
- Environment Agency data including landfill licensing
- Information from Natural England on environmentally sensitive sites
- Internal held records of site investigations, remediation carried out by others
- Records of historical petrol tanks
- Local knowledge

The existing records of historical maps are held in paper format. It is proposed to acquire an electronic set of maps to aid the reassessment process Furthermore, the maps will enable the establishment of a Land History Search which will supersede the existing Contaminated Land enquiry. This is considered a useful tool in providing information to the public. The procurement of the historical mapping has been approved by capital funds, which are expected to be released in March 2016.

It is proposed to use the councils existing GIS system, to collate this information and produce a set of identified previous industrial uses. This will have the additional benefit of allowing all members of the council to access the data, for use in planning development control decisions and, other environmental health functions such as flooding/land drainage investigation. The use of the interactive GIS system is that it can be updated on an ad hoc basis and integrated with other data sets currently held at the council.

4.1 Screening and Prioritisation

Sites will be screened and prioritised using an applicable tool, similar to that presented in the Department of the Environment's Contaminated Land Research Report 6 – *Prioritisation and categorisation procedure for sites which may be contaminated* (CLR6).

CLR6 provides a basic prioritisation, in the form of analysis of proximity to sensitive receptors, such as residential housing, allotments and schools, groundwaters and surface waters. This can easily be adapted to create a scoring system, which will begin the prioritisation process. Factors such as the type of industry or potential pollutants and the duration of works on-site will also be included to ensure that the sites most likely to cause harm are investigated first.

Initial Screening

All sites which were recorded as having a previously potentially contaminative land use were identified by a trawl through all available historical maps. To alleviate some of the difficulties arising from the seven different scoring systems currently in use, it was decided that the 'Top 20' of each authority would be scored using a common system, and that the system would be expended as time allows.

Prioritisation

All the sites identified have the potential to be considered as contaminated land under the legislation. However, the risk posed by these sites will vary considerably. Therefore, the screening tool has ranked all the sites, so that the sites that initially appear to pose the greatest risk are the first to undergo detailed inspection.

To make this initial estimation of risk, the screening tool will consider a number of elementary factors. These elementary factors include:

- The historical use of the site;
- The extent of the historical use;
- How close the site is to the critical receptor
- Data from previous investigations if available.

5 CHAPTER 5: THE DETAILED INSPECTION PROCESS

5.1 Detailed Inspection

If the Council considers that there is a reasonable possibility that a significant pollutant linkage exists in respect of any land, it will carry out a detailed inspection (see Figure 2) to obtain sufficient information to determine that the land appears to be contaminated land, and whether it is a **special site**.

The process of detailed inspection will follow the requirements of the Statutory Guidance and may include the following activities:

- An additional desk study to gather and assess further information;
- A site visit for visual inspection and possibly limited sampling to determine the likelihood of contamination/pathways being present; and / or
- An intrusive site investigation, involving the sampling and analysis of soils and groundwater, to characterise actual or potential pollutant linkages.

At this stage work will also begin the process of identifying those parties responsible for any contamination at the site, and attribution of liability.

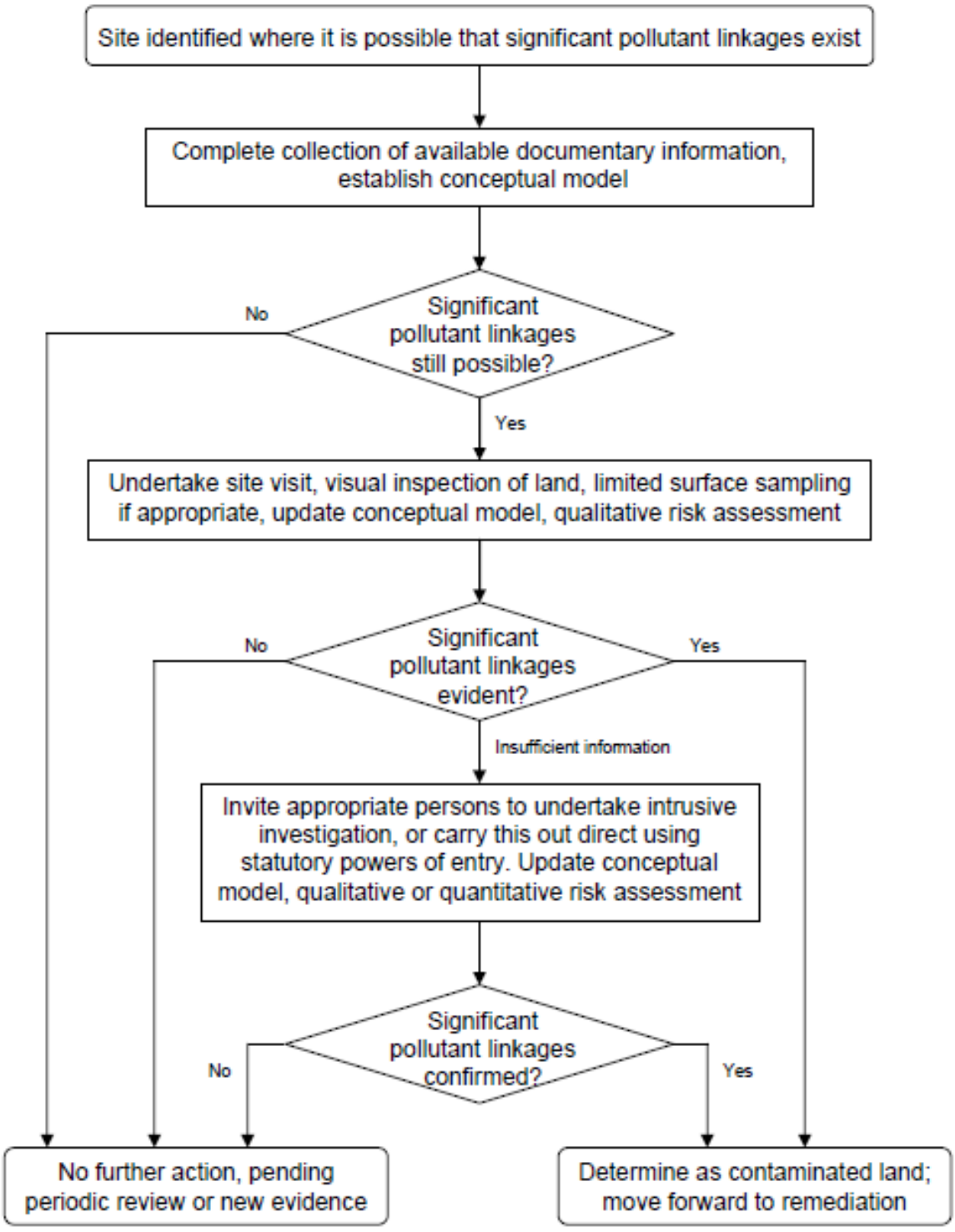

Figure 2 Site Inspection Procedure

5.2 Site Inspection

In all circumstances the Council will aim to gain the approval of the landowner / tenant prior to undertaking a site inspection. The Council recognises that investigations can be disconcerting to local residents, and will endeavour to

communicate in a responsible and open fashion, taking account of advice given in *Communicating Understanding of Contaminated Land Risks,* by the Scotland & Northern Ireland Forum for Environmental Research (SNIFFER) 1999. Nonetheless, the Council has the power, under section 108 of the Environment Act 1995, to carry out an inspection using statutory powers of entry, so long as it is satisfied that there is a reasonable possibility that a pollutant linkage exists on the land. The Council will not exercise these powers if detailed information on which it could make a determination can be provided.

Requests for Environment Agency Site Inspections

If land has been determined to be contaminated land and falls within the **special site** criteria then the Environment Agency becomes the enforcing authority. In such cases, the Council will request in writing that the Agency inspect the site on their behalf. Where the Council asks the Agency to carry out an inspection they will, where necessary, authorise a person nominated by the Agency to exercise the powers of entry conferred by Section 108 of the Environment Act 1995. All relevant documentation for each site will be copied to the Agency for the purposes of their inspection.

5.3 Intrusive Investigation

The site investigation procedures to be followed will comply with current best practice, including:

- Environment Agency, *Technical Aspects of Site Investigation*; R&D technical report P5-065/TR
- BS 10175: 2001 – *The Investigation of Potentially Contaminated Sites – Code of Practice*.
- BS 5930: 1999 – *Codes of Practice for Site Investigations* H&S Executive HS(G)66 – *Protection of Workers and the General Public during the Development of Contaminated Land*

If a site is to be investigated due to a possible significant pollutant linkage where a controlled water body is the receptor then the Environment Agency should be consulted in regards to the site investigation plan and quantitative risk assessment.

5.4 Assessing Contamination

Evaluation of chemical data will be undertaken in accordance with current UK best practice. Analytical results will initially be subjected to a risk-based assessment, taking into account current UK best practise and guidance including:

- Soil Guideline Values generated by the Contaminated Land Exposure Assessment (CLEA) Model developed by the Environment Agency and DEFRA;
- Thresholds of the DEFRA Soil Code;
- The SNIFFER Framework

- The Water Supply (Water Quality) Regulations 2000;
- The Water Framework Directive 2000/60/EC
-

Where no national guidance is available for a particular contaminant, the Council may consider comparison with European guidelines or other relevant guidance in line with the hierarchy presented in the DETR document Guidelines for Environmental Risk Assessment and Management (2000) where these can be shown to be relevant, in accord with the UK policy approach, and appropriate for the site conditions encountered. All sites will be subject to a site-specific risk assessment when making judgements about whether land meets the definition of contaminated land.

Determination as Contaminated Land

Consistency with other statutory bodies is highly desirable. To this end, in making a determination that relates to an ecosystem effect, the Council will consult Natural England before making its decision. In making a determination that relates to controlled waters, the Council will consult the Environment Agency before making its decision. The Council will also liaise with the Health Protection Agency, Food Standards Agency, or any other appropriate agency, as appropriate. If the Council finds that a **significant pollutant linkage** is likely to be present and that it is likely to cause **significant harm or pollution**, or obtains evidence that **significant harm or pollution** has been caused, it will formally determine the site to be contaminated land, and give written notice to:

- The Land Owner if applicable
- Any person who appears to be the occupier of the land
- Each person who appears to be an **appropriate person**
- The Environment Agency

Sharing Site Investigation Findings

If the results of the site investigation and risk assessment do not indicate that the site should be determined as contaminated land, it is likely that some remedial measures will still be necessary during redevelopment. Therefore the results of the site investigation should be shared with the planning department along with any commentary from the Environmental health team so that potential developers can be made aware of the results are therefore reduce uncertainty in redevelopment costs.

5.5 Special Sites

Whenever the Local Authority has identified any potential contaminated land, it will be assessed to see if it meets one or more of the prescribed descriptions in the regulations that would cause it to be designated as a **special site**.

There are four broad categories of site that may be considered ‘special sites under the legislation, these are as follows:

1. Water Pollution cases where the wholesomeness of drinking water, the surface-water classification criteria, or a major aquifer is affected.
2. Industrial cases involving waste acid tar lagoons, oil refining, explosives, Integrated Pollution Control sites, Pollution Prevention and Control sites, and Nuclear sites.
3. Defence cases where the contaminated land involves the Ministry of Defence estate.
4. Radioactivity cases.

The Council will liaise with the Environment Agency in advance of any formal action to agree on the basis of any possible designation, bearing in mind that the Agency will become enforcing authority in due course. The status of any such site will be kept under review as further information becomes available.

The Council will act in accordance with the Statutory Guidance in the determination of land that may be a special site (See DEFRA Circular 01/2006 B.26-B.30) If the land is required to be designated (under Section 78C (2)) then the authority will give written notice to: -

- The Environment Agency
- The Land Owner if applicable
- Any person who appears to be the occupier of the land
- Each person who appears to be an appropriate person

At formal designation stage, the Environment Agency will consider whether it agrees with the Council that the land should be so designated. If it does not agree, then it must notify the Council in writing within 21 days of the Council notification, giving a statement and reasons for its decision. If the Environment Agency agrees with the Council then the contaminated land in question will be designated as a special site. If the Environment Agency does not agree with the Local Authority decision to designate a site then the decision is referred to the Secretary of State. Copies of all documentation relating to the site will be copied and forwarded to the Environment Agency for their records. The Council will request that any additional work carried out after the site has been formally transferred, is documented and copies are sent back to the Council for their records.

6 CHAPTER 6: REMEDIATION

6.1 The Enforcing Authority

Where a site is determined as contaminated land, the enforcing authority will generally be the Council, except for those sites designated as Special Sites, for which the Environment Agency will be the enforcing authority. The enforcing authority is under a duty to require appropriate remediation.

6.2 Liability

The liability for the costs of remediation falls on the **Appropriate Person**, who is defined by the application of the **polluter pays principle** – anyone "who caused or knowingly permitted the contaminating substance to be on, in or under the land". This is also referred to in the legislation as a **Class A** person. It is intended that, wherever practicable, remediation should proceed by agreement with the appropriate person, rather than by formal action of the enforcing authority. If a Class A person cannot be found, then the liability may transfer to a **Class B** person, which is the current owner or occupier. There is a complex system of exclusions and apportionment which takes into account the possibility of the existence of several persons being held responsible to differing degrees. Should no Appropriate Person be identified, the Enforcing Authority (either the Council or the Environment Agency) will bear the cost of any remediation; however funding is available from DEFRA to assist with this. The funding available from DEFRA is in the form of the Capital Grants Programme. This consists of a set amount of funding per year and Local Authorities are required to bid for the funds required.

The process is competitive, however in recent years the fund has been significantly under-subscribed. There are a number of factors taken into account when assessing a bid, including the amount of funding contributed by the Local Authority, the quality

6.3 Definition

Following the **suitable for use** philosophy, the requirement of remediation is to restore the land to a condition necessary to prevent unacceptable risks to human health and the environment, assessed on the basis of the present use of the site and the circumstances of the land. The land does not have to be returned to its original condition, or made suitable for some future use, although the **appropriate**

person is always open to voluntarily carry out a remediation that achieves these wider objectives.

A remediation package should specifically aim to:

- prevent, or reduce the likelihood of, the occurrence of any significant harm, or pollution of controlled waters; and
- remedy or mitigate the effect of any significant harm, or any significant water pollution, that has been caused, or might be caused.

The remediation must deal with every significant pollutant linkage at the site.

Harm or pollution can be prevented by doing one or more of the following:

- removing or treating the source;
- breaking or removing the pathway; or
- protecting or removing the receptor.
-

The Council will encourage the **appropriate persons** to take voluntary action to deal with the contaminated land. If such action is not forthcoming, then the Council will serve a Remediation Notice requiring action to be taken, or undertake the work itself and seek to reclaim the costs from the **appropriate persons**. Regardless of who proposes a remediation package, the enforcing authority has to be satisfied that a remediation package represents the best practicable option for remediation in terms of:

- The extent to which the package would achieve the above objectives;
- Whether the package would be reasonable having regard to the cost which is likely to be involved and the seriousness of the harm or of the pollution of controlled water involved;
- Whether the package represents the best combination of practicality, effectiveness and durability.

Timescale

The programme for remedial action will be site-specific, but the Council will seek to bring about action at each site in a timely manner.

Urgent Remediation

If it appears to the Enforcing Authority that there is imminent danger of serious harm, serious pollution of controlled water or serious harm attributable to radioactivity, the authority does have the power to waive the usual consultation and notification period and serve a remediation notice immediately following service of a determination notice. Furthermore, should the authority consider that this would not lead to remediation soon enough, it may carry out the remediation itself and prepare and publish a suitable remediation strategy, the cost of this can be recouped following the remediation.

7 CHAPTER 7: PROCEDURES

7.1 Internal Management Arrangements

7.1.1 Making information available

Information on how to access details of the contaminated land regime and the Council Inspection process is given in Section 8.

7.1.2 Regulatory and Enforcement duties

As a Contaminated Land Enforcing Authority under Part IIA, the Council will ensure that the regime established in the Act is undertaken in a consistent, equitable and efficient manner. However, the Council will seek, where possible, to facilitate voluntary remediation of sites and will only issue remediation notices when it is clear that negotiations with those liable have failed. The Council will also be responsible for follow up action to ensure that the approved remediation action has been carried out adequately and satisfactorily. The Council will ensure that all actions taken conform to the Council's Corporate Enforcement Policy.

7.1.3 Legal & Democratic Services – Local Land Charges

Following the implementation of Part IIA and the requirement for each local authority to keep a Public Register of its regulatory activity, a question referring to Contaminated Land has been added to the Form CON29; Enquiries of Local Authorities. The Environmental Health Team answers the questions on this form as part of the search carried out every time a property transaction takes place. The information obtained through Part IIA inspection will assist in answering this question.

7.2 Consideration of Council Owned Land

The Council is of the opinion that it is important to differentiate between its role as landowner and its statutory regulatory duty under Part IIA.

In undertaking the role as contaminated land authority, the Council will develop and implement a prioritisation model for inspections based on an objective risk assessment of all land within the District irrespective of ownership. Where land within our ownership is determined as contaminated, the Council, as a responsible landowner, will lead by example in the remediation of the site.

Again, it may be possible to obtain DEFRA Capital Grants for the funding of such remediation. The mechanism for this is detailed in Section 6.2.

8 CHAPTER 8 INFORMATION MANAGEMENT AND ACCESS TO INFORMATION

8.1 Principles

The Council will strive to work in co-operation with all owners, occupiers and other interested parties in the development and implementation of the strategy.

The Council recognises that public perception of the risks associated with contaminated land is critical to the success of the Contaminated Land Strategy. A site cannot be considered **suitable for use** unless the public can have confidence in the methods employed to assess it, and in any remedial activity carried out. Accordingly, the Council will aim to communicate information in a clear, consistent and concise manner at all times.

Requests for Service and Complaints

Information and complaints received by the Council by will be dealt with in accordance with current Requests for Service Procedure.

Once information regarding a site is received, the site will be investigated on a risk assessment basis, consisting of, in the first instance, a desk-top study and walkover survey of the site. Should this study indicate low to minimal risk, it is unlikely that a sampling regime will be implemented; however each site will be assessed on an individual basis.

Anyone can provide the Council with information via any of the Key Contacts listed in Section 10.

8.2 Data Handling

As far as is reasonably possible the Council will aim to store information in an electronic format, within the GIS system. It will be accessible to other departments such as the Planning and Development Services Division

8.2.1 Administration

Management of information within the Inspection Strategy will be administered by the Environment, Health & Consumer Protection Service and will be made available for use by other the Council teams, as and when appropriate.

8.2.2 Confidentiality

Information produced or provided and used within the Inspection Strategy will be treated as confidential. The Council will act in accordance with the Data Protection

Act 1998 and Environmental Information Regulations 2004. Accuracy of information will be reviewed prior to use within the Inspection Strategy.

8.3 The Public Register

The only information required to be stored on a formal register is that relating to regulatory action and remediation. This formal Contaminated Land register will be maintained at the Council Offices, Desford Road, Narborough. Members of the public will be able to view the register free of charge during normal office hours. Copies of the register can be requested after the payment of a suitable fee.

The contents are specified at length in schedule 3 of the Contaminated Land (England) Regulations 2000. The following is only a summary of what the Register will include:

- Site information – location, area, land use,
- Reason for determination as contaminated;
- Determination of sites as 'special sites';
- Remediation notices issued;
- Environment Agency site specific guidance;
- Details of site reports obtained by the Council in relation to remediation notices;
- Remediation declarations and statements;
- Appeals lodged against remediation and charging notices;
- Convictions under Section 78M (failure to comply with a remediation notice);
- Guidance issued under section 78V(1);
- Details of other environmental controls.

The public record will **not** include details of historic land use and other records used in the investigation of potentially contaminated land.

8.4 Provision of Information To The Environment Agency

The Environment Agency is obliged to prepare and publish a report on the state of Contaminated Land in England. To do this the Agency will collate information it holds and any information held by Local Authorities. Much of this information is needed in a summarised format for ease of handling. Part IIA of the Environmental Protection Act 1990 requires each Local Authority to provide any information necessary to produce this report. This information is limited to the information that local authorities may have. The Council will provide information on any

determination of contaminated land as it arises and any other information requested on an annual basis. A standard format for the provision of information has been agreed nationally for this purpose.

The implementation of this Inspection Strategy requires that there are strong liaison links with the Agency on water protection issues and dealing with Special Sites. Some of the information gathered as part of the Inspection Strategy will relate to this aspect and such information will be made available to the Agency as required or requested. It is envisaged that this will normally be needed whenever it is necessary to determine whether land is to be.

9 CHAPTER 9: REVIEW MECHANISMS

9.1 The Statutory Requirement

The Council has a statutory duty to inspect the District, 'from time to time', to identify contaminated land; however, the frequency of inspection is not prescribed. In practice inspection may be a continuum, balancing a systematic approach with the availability of resources. The Council has a duty to review its inspection strategy on a regular basis and to meet its statutory responsibilities three main aspects of review need to be built into this strategy:

- Triggers for reviewing inspection
- Triggers for reviewing inspection decisions, and
- Review of the inspection strategy

9.2 Triggers for Reviewing Inspection

Throughout this strategy there may be occasions where inspections may have to be carried out outside of the general inspection framework. Such triggers may include:

- The introduction of new receptors (by the change of use of land or surrounding land)
- Unplanned events such as flooding, subsidence, spillage incidents
- The identification of a localised health effect which could be associated with a particular area of land
- Responding to new information
- Voluntary remediation (where a potentially liable party wishes to remediate land prior to the site being inspected by the Local authority

If this inspection strategy is to prove effective, it is important that any trigger causing a non-routine inspection must not be permitted to significantly interfere with the timetable laid down in the general inspection framework.

9.3 Triggers for Reviewing Inspection Decisions

There may be occasions where the findings of previous inspection decisions should be re-assessed. These may include:

- Significant changes in legislation
- New and relevant guidance
- New or revised guideline values for exposure assessment of contaminants
- Establishment of important case law or other precedent

It was these factors which triggered the re-assessment of the Contaminated Land Strategy.

9.4 Review of The Inspection Strategy

It is intended that the strategy will be reviewed as a whole every two years, and any proposed changes will be reported to the Cabinet Member for the Neighbourhood and Environmental Services and incorporated as necessary. Particular matters to keep under review include:

- The content of the strategy generally
- Priorities for further investigation of potentially contaminated sites
- The potential for the introduction of new receptors
- The potential for new contamination
- Progress on voluntary remediation
- The enforcement process generally and the identification of appropriate persons particularly
- Identification of special sites
- Availability of resources

10 CHAPTER 10: IMPLEMENTATION

10.1 Objectives and Timescales

The major objectives of the strategy are outlined in the below table:

Objective	Proposed timescale
Adoption of the strategy	January 2016
Maintain the Public Register to record information required under the legislation in relation to each site found to be contaminated land	Ongoing
Acquisition of Historical Mapping	April 2016
Transfer of identified potentially contaminated sites and information to GIS system	April 2016
Review priority sites of potential concern.	Ongoing
For each contaminated site, identify appropriate persons, select a remediation package and enforce its implementation	Ongoing
Review of Strategy	January 2021

10.2 Key Contacts

In writing	Group Manager, Regulatory and Leisure Services Blaby District Council Offices Desford Road Narborough Leicestershire LE19 2EP
By telephone	0116 275 0555
Email	Environmental.health@blaby.gov.uk
Online	www.blaby.gov.uk
In Person	Blaby District Council Offices Desford Road Narborough Leicestershire LE19 2EP

APPENDICES

Appendix 1

SPECIAL SITES

Once a Local authority has identified land as contaminated land by definition, it must also consider whether it falls into the category of a special site. Special sites are sites where, more often than not, the Environment Agency have had, or still have, an enforcement role.

What exactly constitutes a special site is specified in the Contaminated Land (England) Regulations 2000. For a legal definition the Regulations must always be consulted. In simple terms, however, they include land:-

- Polluting controlled waters (in certain circumstances - see Appendix 4);
- On sites subject to the Pollution Prevention and Control Act 1999
- With waste acid tar lagoons (on sites used for refining benzole, used lubricants or petroleum);
- Used as an oil refinery;
- Used to manufacture or process explosives;
- Used to manufacture or dispose of atomic, chemical or biological weapons (non biological contamination only);
- Used for other nuclear purposes;
- Owned or occupied by a defence organisation for naval, military or air force purposes (not off base housing / NAFFI);
- Held for the benefit of Greenwich Hospital.

Contaminated land beyond the boundary of these premises (but contaminated by them) also forms part of the special site (refer to page 138, paragraph 13 of the statutory guidance).

Procedure in relation to the investigation and declaration of special sites is covered in 3.7, 5.1, and 5.5 above.

Appendix 2

LIST OF CONSULTEES

1. External - Statutory consultees

ENVIRONMENT AGENCY

The Council will consult and liaise with the Environment Agency on matters relevant to the Agency's various functions. It will also seek site specific advice where necessary in accordance with the Environment Agency's formal role.

Area contaminated land officer:

Environment Agency
Trentside Offices
Scarrington Road
West Bridgford
Nottingham
NG2 5FA

Tel: 0115 8463730

NATURAL ENGLAND

Helen Powell
English Nature
The Maltings
Wharf Road
Grantham
NG31 6BH

Tel: 01476 568 431

ENGLISH HERITAGE

Information on ancient sites and monuments records, areas of archaeological interest and potentially valuable ancient or archaeological sites will be obtained from a number of internal (eg planning), local and national sources in addition to English Heritage

Local contact:
John Humble
Ancient Monuments Inspector
English Heritage
East Midlands Region
44 Derngate
Northampton
NN1 1UH
Tel Enquires: 0207 973 3000
Tel: 01604 735 400

PUBLIC HEALTH ENGLAND

Centre for Radiation, Chemical and Environmental Hazards (CRCE)
PHE East Midlands
Seaton House
City Link
Nottingham
NG2 4LA

2. External - non-statutory consultees

LEICESTERSHIRE COUNTY COUNCIL

PARISH TOWN COUNCILS

HINCKLEY AND BOSWORTH BOROUGH COUCIL
OADBY AND WIGSTON BOROUGH COUNCIL
HARBOROUGH DISTRICT COUNCIL
LEICESTER CITY COUNCIL
CHARNWOOD BOROUGH COUNCIL

3. Internal

Development Control
Planning Policy

Appendix 3

DESCRIPTION OF HARM (OR POSSIBILITY OF) TO A SPECIFIED RECEPTOR

Reproductions of Table A & B from the DETR CIRCULAR 2/2000

Table A: CATEGORIES OF SIGNIFICANT HARM

Type of receptor	**Description of harm to that type of receptor that is to be regarded as significant harm**
1 Human beings	Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions. For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned. In this category, this description of significant harm is referred to as a "human health effect"
2 Any ecological system, or living organism forming part of such a system, within a location which is: • an area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981; • any land declared a national nature reserve under section 35 of that Act; • any area designated as a marine nature reserve under section 36 of that Act; • an area of special protection for birds; established under section 3 of that Act; • any European Site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994 (i.e. Special Areas of Conservation and Special Protection Areas); • any candidate Special Areas of Conservation or potential Special Protection Areas given equivalent protection; • any habitat or site afforded policy protection under paragraph 13 of Planning Policy Statement 9 (PPS9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or • any nature reserve established under section 21 of the National Parks and Access	For <u>any</u> protected location: • harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. In addition, in the case of a protected location which is a European Site (or a candidate Special Area of Conservation or a potential Special Protection Area), harm which is incompatible with the favourable conservation status of natural habitats at that location or species typically found there. In determining what constitutes such harm, the Local authority should have regard to the advice of English Nature and to the requirements of the Conservation (Natural Habitats etc) Regulations 1994.

to the Countryside Act 1949.	In this category, this description of significant harm is referred to as an “ecological system effect”.
3 Property in the form of: • crops, including timber; • produce grown domestically, or on allotments, for consumption; • livestock; • other owned or domesticated animals; • wild animals which are the subject of shooting or fishing rights.	For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage. The Local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a pollutant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss. In this category this description of significant harm is referred to as an “animal or crop effect”.
4 Property in the form of buildings. For this purpose, “building” means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building.	Structural failure, substantial damage or substantial interference with any right or occupation. For this purpose, the Local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended. Additionally, in the case of a scheduled Ancient Monument, substantial damage should be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled. In this category, this description of significant harm is referred to as a “building effect”

Table B: SIGNIFICANT POSSIBILITY OF SIGNIFICANT HARM

Descriptions of Significant Harm (As Defined in Table A)	**Conditions For There Being A Significant Possibility Of Significant Harm**
1 Human health effects arising from • the intake of a contaminant, or • other direct bodily contact with a contaminant	If the amount of the pollutant linkage in question: • which a human receptor in that linkage might take in, or • to which such a human might otherwise be exposed, as a result of the pathway in this linkage, would represent an unacceptable intake or direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant. Such an assessment should take into account: • the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources, including that from the pollutant linkage in question; • the relative contribution of the pollutant linkage in question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and • the duration of intake or exposure resulting from the pollutant linkage in question. The question of whether an intake or exposure is unacceptable is independent of the number of people who might be experience or be affected by that intake or exposure. Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine-disrupting and other similar properties.
2 All other human health effects (particularly by way of explosion or fire).	If the probability, or frequency, of occurrence of significant harm of this description is unacceptable, assessed on the basis of relevant information concerning: • that type of pollutant linkage, or • that type of significant harm arising from other causes. In making such an assessment, the Local authority should take into account the levels of risk which have been judged unacceptable in other similar contexts and should give particular weight to cases where the pollutant linkage might cause significant harm which; • would be irreversible or incapable of being treated; • would affect a substantial number of people; • would result from a single incident such as fire or an explosion; or • would be likely to result from a short-term

	(that is, less than 24-hour) exposure to the pollutant.
3 All ecological system effects.	If either: • significant harm of that description is more likely than not to result from the pollutant linkage in question; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. Any assessment made for these purposes should take into account relevant information for this type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.
4 All animal and crop effects.	If significant harm of this description is more likely than not to result from the pollutant linkage in question, taking into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.
5 All building effects	If significant harm of this description is more likely than not to result from the pollutant linkage in question during the expected economic life of the building (or, in the case of a scheduled Ancient Monument, the foreseeable future), taking into account relevant information for this type of pollutant linkage.

Appendix 4

POLLUTION OF CONTROLLED WATERS

Controlled waters are defined for the purposes of Part IIA as:

*Coastal waters including docks

*Relevant territorial waters (usually to three miles)

*Inland fresh waters (relevant rivers, watercourses, lakes, ponds, reservoirs - including bottom / channel / bed, even if dry)

*Ground water

(Section 104 of the Water Resources Act 1991)

The pollution of controlled waters is simply defined as:

The entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter

There is no power in the Act to enable the Secretary of State to issue guidance on what degree of pollution may constitute pollution of controlled waters. When, however, considering cases where it is thought very small quantities of a contaminant are causing pollution, enforcing authorities must consider the remediation it may be reasonable to require.

Pollution of controlled waters will rarely be dealt with by the local authorities.

<u>Summary of the issues relating to controlled waters.</u>

Where pollution of groundwater has occurred and the source can not be identified, or the polluting substances are contained entirely within the body of water (and not in or on the land), then Part IIA does not apply and the matter would be dealt with by the Environment Agency under section Part III of the Water Resources Act 1991.

Where pollution has occurred from land which subsequently affects the wholesomeness of drinking water within the meaning of section 67 of the Water Industry Act 1991 (Water Supply [Water Quality] Regulations 1989 / Private Water Supplies Regulations 1991), then the land becomes a **special site**.

Where pollution has occurred from land which results in surface water failing to meet the criteria in the following Regulations;

- The Surface Water (Dangerous Substances) (Classification) Regulations 1989
- The Bathing Waters (Classification) Regulations 1991
- The Surface Water (Dangerous Substances) (Classification) Regulations 1992
- The Surface Water (River Eco System) (Classification) Regulations 1994
- The Surface Water (Abstraction for Drinking Water) (Classification) Regulations 1996
- The Surface Water (Fish life) (Classification) Regulations 1997
- The Surface Water (Shellfish) (Classification) Regulations 1997
- The Surface Water (Dangerous Substances) (Classification) Regulations 1997
- The Surface Water (Dangerous Substances) (Classification) Regulations 1998

Which are made under section 82 of the Water Resources Act 1991, then the land becomes a **special site**:

Where the pollution of a specified aquifer* is caused by any of the following contaminants the land becomes a **special site**:

- Organohalogen compounds and substances which may form such compounds in the aquatic
- environment;
- Organophophorus compounds;
- Organotin compounds;
- Substances which possess carcinogenic, mutagenic or teratogenic properties in or via the aquatic environment;
- Mercury and its compounds;
- Cadmium and its compounds;
- Mineral oil and other hydrocarbons;
- Cyanides.
  *Specified aquifers are those contained in the following rocks:
- Pleistocene Norwich Crag;
- Upper Cretaceous Chalk;

- Lower Cretaceous Sandstones;
- Upper Jurassic Corallian;
- Middle Jurassic Limestones;
- Lower Jurassic Cotteswold Sands;
- Permo-Triassic Sherwood Sandstone Group;
- Upper Permian Magnesian Limestone;
- Lower Permian Penrith Sandstone;
- Lower Permian Collyhurst Sandstone;
- Lower Permian Basal Breccias, Conglomerates and Sandstones;
- Lower Carboniferous Limestones.

This, in effect, leaves local authorities with the potential responsibility for the pollution of controlled waters where:

a) Surface or coastal waters are affected but not breaching the Regulations stated above.

b) Groundwater (other than a principal aquifer specified above) is contaminated and the water is not used for drinking.

Appendix 5

POWERS OF ENTRY AND THE APPOINTMENT OF "SUITABLE PERSONS"

Section 108 of the Environment Act 1995 gives the local authority power to authorise, in writing, "suitable persons", to investigate potentially Contaminated Land. These powers are extensive and will be considered in detail with the Council's Legal Services Section prior to any resisted entry being attempted. The powers which a person may be authorised to exercise include:

- To enter at any reasonable time (or in urgent cases, at any time, if need be by force) any premises/ land to make such examination and investigations necessary.

- To take samples, photographs, carry out tests, install monitoring equipment etc.

At least seven days notice must be given to residential occupiers and to occupiers of land where heavy plant is to be used. Consent must be obtained to enter from the occupier, or failing that, a warrant obtained under Schedule 18 of the Act.

It should be noted that there are no circumstances in which the Council will use these powers to obtain information about the condition of land, where:

- It can obtain the information from third parties without the need for entering the site; or

- A person offers to provide the information within a reasonable and specified time, and does so.

URGENT ACTION

Urgent action must be authorised where the Council is satisfied that there is imminent danger of serious harm or serious pollution of controlled waters being caused as a result of contaminated land. In such circumstances the procedures identified in the statutory guidance will be followed which may involve the forced entry into the premises.

The terms "imminent" and "serious" are unfortunately not defined, local authorities are advised to use the normal meaning of the words. There is, however, guidance on what may constitute "seriousness" when assessing the reasonableness of remediation.

The Council will undertake the remediation in urgent cases where it is the enforcing authority, and if it is of the opinion that the risk would not be mitigated by enforcement action. In the case of a Special Site the Council will declare the land Contaminated Land in accordance with the statutory procedure, and then notify the Environment Agency who will then be responsible for the remediation.

In appropriate cases the Council will seek to recover costs of remediation works it has completed.

All intrusive investigations will be carried out in accordance with appropriate technical procedures to ensure:

a) They are effective
b) They do not cause any unnecessary damage or harm
c) They do not cause pollution of controlled waters

COMPENSATION

Schedule 18 of the Environment Act 1995 makes clear the circumstances when a local authority must pay compensation for loss or damage as a result of the use of these powers. The Environmental Protection Manager, or officer duly authorised by the Environmental Protection Manager, will therefore ensure that only appropriate technical procedures are deployed, the utmost care is taken at all times, and the prevailing conditions are carefully recorded before, during and after completion of the necessary works.

"SUITABLE PERSONS"

The science and associated technical procedures relating to the investigation and assessment of contaminated land are extremely complex. Knowledge of several specialised disciplines is required together with an ability to interpret significant volumes of data and make a reasoned judgement, often in difficult circumstances.

Neither the Act nor the guidance considers what may constitute a, "suitable person", for the purposes of the investigation and assessment of contaminated land. There is no list of approved consultants or any professional organisation which oversees the training of contaminated land specialists. There is no minimum qualification and no recognised qualification. Consultants come from a range of backgrounds including:

Environmental Health
Other Environmental Science disciplines (several)
Surveyors
Engineers
Geologists

Hydrologists
Soil scientists
Chemists
etc

Ultimately, the responsibility for determining what land may and may not be declared Contaminated, by definition, lies with the Environmental Protection Manager, or officers duly authorised by the Environmental Protection Manager. S/he will, however, often need to rely on the advice of appointed, external bodies.

PROCEDURE FOR THE APPOINTMENT OF OFFICERS FOR THE PURPOSES OF PART IIA

There are two prerequisites to commencing the process of appointing suitable external consultant/ contractors, firstly:

- Adequate funding to support the process; and secondly
- A well qualified person, 'in house', to act in the Client role

Such a person, as well as having sufficient knowledge and experience to specify the contract, must also have sufficient time to monitor it.

Additional external training will be required to provide an adequate foundation of knowledge upon which to carry out the role, as and when it becomes available.

The Client officer will prepare a contract document which will then be subjected to the Council's financial regulations.

Once appointed the Client officer will be responsible for monitoring the contract to ensure that;

- The contractors are kept fully aware of their responsibilities at all times
- Quality control requirements are met
- Amendments are quickly agreed and documented
- The time table is strictly adhered to
- The aim of the contract is achieved

Appendix 6

LIST OF POTENTIALLY CONTAMINATIVE LAND USES

This list has been drawn up to provide a broad indication of the type of sites that are know to use, or to have used in the past, materials that could pollute the soil. It must be understood that the list is not exhaustive, also that inclusion on this list does not necessary infer the existence of a pollutant linkage.

Abattoirs
Adhesives manufacture
Agriculture
Aircraft manufacture
Airports
Animal burial
Animal by-product processing
Anodisers
Anti-corrosion treatment
Asbestos products
Asphalt works
Automotive engineering
Battery manufacture
Bearings manufacture
Blacksmiths
Boiler makers
Bookbinding
Brass and copper tube manufacture
Brass founders
Brewing
Car manufacture
Carbon products manufacture
Cement works
Chemical manufacture and storage
Chrome plating
Ceramics manufacture
Coal carbonisation
Coal merchant
Concrete batching
Coppersmiths
Descaling contractors (chemical)
Detergent manufacture
Distilleries
Dockyards
Drum cleaning
Dry cleaners
Dye works
Dyers and finishers
Electricity generation
Electrical engineers
Electro platers
Engineering works
Explosives manufacture (including fireworks)
Farms
Fertiliser manufacture
Fellmongers
Fibre glass works
Food processing
Foundries
Fuel manufacture
Fuel storage
Galvanising works
Garages and depots
Gas mantle manufacture
Gas works
Glass works
Glue manufacture
Gum and resin manufacture
Hatters
Hide and skin processors
Ink manufacture

Iron founder
Iron works
Knackers yards
Laquer manufacture
Laundries
Lead works
Leather manufacture
Metal coating
Metal manufacture
Metal sprayers and finishers
Mining
Mirror manufacture
Motor vehicle manufacture
Oil fuel distributors and suppliers
Oil merchants
Oil refineries
Oil storage
Paint and varnish manufacture
Paper works
Pesticides manufacture
Petrol stations
Photographic film works
Photographic processing
Paper manufacture
Plastics works
Plating works
Power stations
Print works
Printed circuit board manufacture
Radioactive materials processing
Railway land
Railway locomotive manufacture
Riding schools/horse studs
Refiners of nickel and antimony
Resin manufacture
Rubber manufacture
Scrap metal dealers
Sealing compound manufacture
Sewage works
Sewage sludge disposal areas
Sheet metal merchants and works
Ship breakers
Ship builders
Shooting ranges
Silver and gold smiths
Skein silk dyers
Small arms manufacture
Smokeless fuel manufacture
Soap manufacture
Solvent manufacture
Solvent recovery
Steel manufacture
Stove enamellers
Synthetic fibre manufacture
Tank cleaning
Tanneries
Tar and pitch distillers
Textile manufacture
Thermometer makers
Timber treatment
Timber preservatives manufacture
Tin plate works
Transport depots
Tyre manufacture and retreading
Vehicle manufacture
Vulcanite manufacture
Vulcanisers
Waste disposal
Waste recycling
Waste treatment
Zinc works
Zoos

REFERENCES

The Environmental Protection Act 1990: Part IIA

The Environment Act 1995 (Section 57 Part IIA of the Environmental Protection Act 1990).

Circular 2/2000 Environmental Protection Act 1990: Part IIA - Contaminated Land. (March 2000) Department of Environment Transport and the Regions (DETR).

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British Standard BS10175 (2001) Investigation of potentially contaminated sites - Code of Practice. British Standards Institute.

Contaminated Land Inspection Strategies; Technical advice for local authorities. (May 2001) DETR.

Local Environment Agency Plan - Soar Consultation report (May 2005). Environmental Agency.

Policy and Practice for the Protection of Groundwater; Severn-Trent Region Appendix. Environment Agency.

Leicestershire County Council Publications:

Leicestershire, Leicester and Rutland Structure Plan (1991 - 2006)

Leicestershire Minerals Local Plan review (May 1995)

Waste Local Plan (Deposit draft June 1998)

County Council Draft Derelict Land Local Plan for Leicestershire (March 1989)

Derelict Land Strategy & Action Programme (1995)

Blaby District Council publications:

Blaby District Council Core Strategy Development Plan Document (Adopted February 2013)

Blaby District Council Sustainable Community Strategy 2008-2028

Blaby Plan 2015 – 2018

Blaby Quality of Life Forum publications:

Towards a Better Blaby District (June 1999) - District Local Agenda 21 Plan