

# Public Document Pack

## South Northamptonshire Council

### Council

Minutes of a meeting of the Council held as a remote meeting on Wednesday 13 May 2020 at 6.00 pm.

Present      Councillor Rosie Herring (Chairman)  
                  Councillor Anthony S. Bagot-Webb (Vice-Chairman)

Councillor Ann Addison  
Councillor Mark Allen  
Councillor Robert G. Atkinson  
Councillor Fiona Baker  
Councillor Dermot Bambridge  
Councillor Sandra Barnes MBE  
Councillor Phil Bignell  
Councillor Caryl Billingham MBE  
Councillor Rebecca Breese  
Councillor John Budden  
Councillor Carole Clarke  
Councillor Roger Clarke  
Councillor Stephen Clarke  
Councillor Karen Cooper  
Councillor Richard Dallyn  
Councillor Hywel Davies  
Councillor Peter Davies  
Councillor Valerie Furniss  
Councillor Andrew Grant  
Councillor David Harries BEM  
Councillor Steven Hollowell  
Councillor Gregor Hopkins  
Councillor Martin Johns  
Councillor Chris Lofts  
Councillor Dennis Loveland  
Councillor Charles Manners  
Councillor Ian McCord  
Councillor Abigail Medina  
Councillor Ken Pritchard  
Councillor Peter Rawlinson  
Councillor Lisa Samiotis  
Councillor Mary-Anne Sergison-Brooke  
Councillor Catharine Tarbun  
Councillor John Townsend  
Councillor Allen Walker  
Councillor Elaine Wiltshire  
Councillor Paul Wiltshire

Apologies for  
Absence: Councillor Alice Kim Ord  
Councillor Adil Sadygov  
Councillor Sandi Smallman (NB. Councillor Smallman had endeavoured to join the virtual meeting but had been unable due to issues with the platform)

Officers: Richard Ellis, Chief Executive  
Peter Holt, Assistant Chief Executive (Deputy Monitoring Officer)  
Jane Carr, Executive Director: Operations  
Martin Henry, Executive Director: Finance (Section 151 Officer)  
Andrew Hunkin, Executive Director: Resources (Monitoring Officer)  
Natasha Clark, Governance and Elections Manager

## **Welcome**

The Chairman welcomed councillors, officers and members of the public and press to this extraordinary and historic meeting of Full Council explaining that, a remote Planning Committee meeting had successfully taken place the previous week, this was the first time that a remote meeting involving all Members had been held. In these difficult times it was very good that Members could still meet to ensure the important work of local democratic decision-making continued.

On behalf of Council, the Chairman thanked officers in ICT and Democratic Services and Councillor Bignell, who had worked hard to facilitate the meeting and other remote Council meetings that were taking place.

The Chairman introduced the Vice-Chairman, Councillor Bagot-Webb, and explained that if she had any technical issues and had to drop out of the meeting, Councillor Bagot-Webb would take the Chair until she was reconnected.

The Chairman reminded Members of the protocol and etiquette for remote meetings.

### **1 Declarations of Interest**

There were no declarations of interest.

### **2 Minutes of Council**

The minutes of the meeting of Council held on 26 February 2020 were agreed as a correct record and signed by the Chairman, subject to the following amendment:

Add Declarations of Interest by Councillors Billingham and Elaine Wiltshire in relation to the Minute 94, Service Provision.

### 3 **Chairman's Announcements**

#### **Covid-19**

The Chairman made the following statement:

“Twelve months ago, when I took on the role of Chairman of South Northamptonshire Council, I could not have imagined my year ending in the unprecedented times the world now finds itself in, in light of the Covid-19 pandemic.

Since May 2019 I have been lucky enough to spend time with different services and have seen the excellent work our council officers provide and are continuing to provide at this difficult time.

If there is one positive thing that has come out of this pandemic it is the way that the community has come together that reflects very well on our district and the wider area. People have found ways – often with excellent help from the council – to do valuable work in their communities while still complying with national guidelines to keep them and others safe from the virus.

Across the district, people have come together, and I would like to recognise the significant contribution made by volunteers and commend them for their ongoing and tireless efforts.

I'm sure Members will join me in also paying tribute to our dedicated staff, who have responded magnificently to the challenges presented. The flexibility and responsiveness with which teams across the council have adapted over the past weeks has been exemplary and has enabled crucial services to continue to be delivered as close to normal.

We as councillors have benefitted from the efforts of the IT team, who have enabled us to do our jobs from home representing the interests of our local residents.

We are here this evening at our first Full Council meeting since Covid-19 changed our everyday lives. It is good to see the world of democracy overcoming the challenges and restrictions we are living with. Social distancing is likely to be with us for some time to come so I imagine our roles as councillors and the democratic process will need to continue to adapt throughout 2020.

My thanks once again to our staff, to you as councillors and the residents of South Northamptonshire for your hard work and dedication and support to others during these difficult times. Please do look after yourselves and stay safe.”

#### **Annual Meeting**

The Chairman explained that Members should today have been attending the Annual Meeting and she would have been passing on the Chairman's chains to Councillor Bagot-Webb. In light of the current situation, an ordinary Council meeting to deal with some essential items of business rather than the Annual Meeting was being held.

It was hoped that it would be possible to hold the Annual Meeting in September but this would be confirmed in due course.

The Chairman confirmed that as the Annual Meeting was not being held, there would be no changes to committee membership, committee Chairmen and Vice-Chairmen or Council appointed outside body representatives.

### **VE Day Celebrations**

The Chairman referred to the 75<sup>th</sup> anniversary of VE Day and the celebrations that had been due to take place on Friday 8 May, which sadly, but understandably had to be cancelled.

The Chairman commented that she and many Members would have been involved a number of celebrations around the County and hoped Members had still managed to mark the occasion. As a symbol of the council's gratitude to those who fought at home and abroad during the second world war, the council's offices in Towcester were aglow in an array of red, white and blue lights for a short time during the very early hours of VE Day.

#### **4 Public Participation**

There was no public participation.

#### **5 Written Questions**

There were no written questions.

#### **6 Motions**

There were no motions.

#### **7 Announcements by the Leader of the Council and the Chief Executive**

The Leader, Councillor McCord, made the following announcements:

##### **Covid-19**

The Leader paid tribute to all South Northamptonshire Council officers for their response to the Covid-19 pandemic in ensuring that services continued to be delivered and support provided to residents.

The Leader thanked the Chairman for personally contacting all Members.

##### **Local Government Reform**

The Leader referred to the amended Structural Change Order which had been necessary due to the postponement of the May 2020 elections. All elected Members on South Northamptonshire, Daventry District, Northampton Borough and Northamptonshire County Councils would automatically be Members of the Shadow

West Northamptonshire Unitary Council. It was anticipated the first Shadow Council meeting would be on 2 June 2020.

The Leader reported that the amended Structural Change Order had established a Shadow Executive with 2 Members from each of the 4 councils. He had been appointed Leader and Councillor Jonathan Nunn had been appointed Deputy Leader. Councillor Rebecca Breese was SNC's second representative on the Shadow Executive.

The Leader explained that there was still a lot of work to be done by the Local Government Reform Project team ahead of the 1 April 2021 creation date.

The Chief Executive made the following announcements:

### **Covid-19**

The Chief Executive referred to the recent document that had been circulated to all Members detailing what SNC was doing in response to Covid-19 and explained that further updates would be provided as work moved on to the recovery phase.

The Chief Executive the council had followed the national lead and worked extremely well with partners across the county focussing on supporting residents and the local community and this joined up working would continue.

### **Local Government Reform**

The Chief Executive advised Members that updates would be provided on an ongoing basis.

### **Achievements**

The Chief Executive paid tribute to Stuart Wheeldon, Health and Environmental Protection Manager, who had recently achieved Charter Status.

## **8 Questions to the Leader of the Council and the Chief Executive**

In response to the announcements by the Leader and Chief Executive, the Leader of the Liberal Democrat Group, Councillor Lofts, added his thanks and paid tribute to the council's staff for their response to Covid-19. Councillor Lofts also thanked the Senior Management Team for the communications that had been sent to members which had ensured Members remained up-to-date on matters.

## **9 Climate Change Action Plan**

The Executive Director: Operations submitted a report which followed two previous reports to Council in 2019 that set out the Climate Change challenge in South Northamptonshire and the key potential action areas for reducing carbon emissions.

The report recommended several short-term actions that could be carried out in 2020/21, before the West Northamptonshire Unitary authority was formed and that would progress carbon reduction. Targets were also recommended that were based

on a calculation of what was needed for South Northamptonshire to make its contribution to the Government’s goal of making the UK carbon neutral by 2050. They were presented as aspirational targets, many parts of them were outside of the direct control of local authorities, and they could be reviewed by West Northamptonshire Unitary Council considering the learning from implementing the Action Plan. It was highlighted that the Coronavirus pandemic would influence the Action Plan and that learning could also be fed into a future review of the targets and actions.

**Resolved**

- (1) That the following aspirational targets for carbon emission reduction be agreed.

<b>Sector</b>	<b>Target</b>
Housing	<ul style="list-style-type: none"> <li>• Upgrade insulation in 2063 homes per year up to 2030</li> <li>• Fit 1314 eco-heating systems each year</li> </ul>
Transport	<ul style="list-style-type: none"> <li>• 40% commuting by public transport, cycling or walking by 2030</li> <li>• Increase car sharing for remaining car users</li> <li>• Minimum 59 EV chargers by 2030</li> </ul>
Energy	<ul style="list-style-type: none"> <li>• Minimum 176MW renewable power as soon as possible</li> </ul>
Trees	<ul style="list-style-type: none"> <li>• Minimum 20% tree cover as soon as practicable</li> </ul>
Waste	<ul style="list-style-type: none"> <li>• 70% of municipal waste reused, recycled or composted by 2025 with zero waste as soon as possible</li> </ul>

- (2) That the 2020/21 Climate Change Action Plan (Annex to the Minutes as set out in the Minute Book) be agreed.

10 **Contaminated Land Strategy**

The Executive Director: Operations submitted a report to obtain approval for South Northamptonshire Council’s Contaminated Land Strategy following a review of the previous version.

**Resolved**

- (1) That the updated version of the Contaminated Land Strategy (Annex to the Minutes as set out in the Minute Book) be approved.

11 **Scrutiny Annual Report 2019/2020**

The Executive Director: Resources (Monitoring Officer) submitted a report which presented the Scrutiny Committee Annual Report for 2019/20.

In introducing the report, the Chairman of the Scrutiny Committee for 2019/20, Councillor Sandra Barnes, thanked all members of the Committee for their hard work and diligence in reviewing and scrutinising many varied issues over the year.

On behalf of the Council, the Leader, Councillor Ian McCord, thanked Councillor Barnes and the Scrutiny Committee for all the work they had undertaken to support the council and Cabinet.

**Resolved**

- (1) That the Scrutiny Committee Annual Report 2019/20 (Annex to the Minutes as set out in the Minute Book) be noted.

**12 Notification of Decisions Taken by the Chief Executive Under Urgency Powers**

The Chief Executive submitted a report to inform the Council of two decisions taken under urgency powers by the Chief Executive in relation to Covid-19 financial support to businesses and residents and planning procedures and delegated authority.

**Resolved**

- (1) That the decision taken under urgency powers by the Chief Executive in relation to Covid-19 financial support to businesses and residents (Annex to the Minutes as set out in the Minute Book) be noted.
- (2) That the decision taken under urgency powers by the Chief Executive in relation to planning procedures and delegated authority (Annex to the Minutes as set out in the Minute Book) be noted.

**13 Urgent Business (previously agreed with the Chairman)**

There were no items of urgent business.

The meeting closed at 7.00 pm

Chairman:

Date:

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### Own operation

#### Summary

##### Actions:

- Engage an external consultant to conduct energy audits at The Forum, Tove Depot, Towcester Centre for Leisure and Brackley Leisure Centre and analyse data from energy software in fleet vehicles
- Use findings from the above to carry out a series of works to reduce building energy demand and increase energy efficiency
- Reduce fleet fuel usage by 8% in 2020/21 against a 2018/19 baseline
  - Use findings from the above to develop a programme of training for drivers to increase driver efficiency
  - Use waste collection round optimisation software to minimise mileage
- Promote alternatives to council travel methods via internal communications
- Climate Change Officer to work with Procurement team to review purchasing policies to include climate change considerations

##### Financial implications:

- Consultant charges: £6,200
  - Funding sourced from existing budget
- Programme of works costs currently unknown
  - £25k has been allocated in the 2020/21 budget for the survey and improvement of energy efficiency in corporate buildings
  - Additional funding can be sourced via a SALIX loan to be repaid from energy bill savings
- Route optimisation software use, already budgeted for within refuse and street cleansing budget

## Communications

### Summary

#### Actions:

- Deliver a year-long communications campaign; the 'Climate Change Challenge'
- Engage with external parties to empower individual and group actions
- Develop partnerships to extend the reach of climate change actions
- Identify the most effective ways to support Parish and Town Councils with climate change actions

#### Financial implications:

- The above actions will be undertaken by in-house teams using existing channels and resources

## Housing

### Summary

#### Actions:

- Devise a method of communicating with those living in fuel poverty to advise on the benefits and funding available for improving insulation
- Directly contact 8,000 of the properties not connected to the gas grid to advise them of the benefits of alternative low emissions heating systems and funding available
- Create a collection of information for all householders on measures which can be taken to improve the efficiency of their homes
- Create information packs to be provided to private and social landlords on measures which can be taken to improve the efficiency of the properties they manage/own
- Seek feedback from householders as to the barriers they face in making adaptations to their homes

#### Financial implications:

- The above actions will be carried out by in-house staff
- Costs for direct mailing and printing of materials are estimated to be no more than £8000

## Waste and recycling

### Summary

#### Actions:

- Deliver a communications campaign with a focus on waste reduction, increased reuse and recycling
- Identify local community partners to establish repair cafes
- Trial a number of reuse events
  - Seek feedback from residents in regard to barriers to re-use

#### Financial implications:

- Communications campaigns and events are budgeted for within waste and recycling service

## Tree planting

### Summary

#### Actions:

- Plant one tree for every resident in the district: 92,515
- Develop a strategic plan for future tree planting, identifying sites and species which will provide the greatest benefits across the district without damaging existing beneficial habitats/food production

#### Financial implications:

- Funding of £30,000 has been allocated in the climate change budget to tree planting activities. External funding is also available from a variety of sources.

## Planning

## **Summary**

### Actions:

- Continue to prioritise climate change in the development of the Local Plan Part One review
- Review the balance of priorities in planning decisions to consider stronger support for climate change mitigation and adaptation as outlined in existing policies
- Climate Change Officer to develop resources with Planning team to assist in decision making.

### Financial implications:

- The above actions will be completed by the Climate Change Officer in collaboration with the Planning team using existing procedures and policies

## Transport

### Summary

#### Actions:

- Review walking and cycling infrastructure and propose a program of improvement works.
- Promote active travel in collaboration with the Leisure team
- Promote lift share platforms and car clubs.
- Assess the feasibility for the installation of EV charge points at suitable sites
- Liaise with Parish and Town Councils to ensure they aware of funding available for EV charge points and support any applications

#### Financial implications:

- Review work will be carried out by in-house staff wherever possible, external expertise may be required
- Funding will need to be sourced for improvements works
- Promotional activities will be delivered through existing channels
- Funding for up to 75% of capital costs for charge points is available from the Office of Low Emissions Vehicles (OLEV), match funding will need to be sourced

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## South Northamptonshire Council

# Contaminated Land Strategy

### Document History:

July 2001	Contaminated Land Strategy Published
October 2003	Revised Strategy
August 2006	Revised Strategy
August 2009	Revised Strategy
December 2011	Revised Strategy
May 2020	Draft strategy for consultation

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## Executive Summary

Since April 2000, local authorities have had a duty to manage contaminated land issues within their areas. The duty was conferred by Part 2A of the Environmental Protection Act 1990 (“the Act”) and associated Statutory Guidance. The Act gives local authorities the lead role in dealing with contaminated land and requires each authority to publish a written strategy setting out how it will carry out its duties. South Northamptonshire District Council published its strategic approach to managing contaminated land in July 2001: South Northamptonshire District Council – Statutory Contaminated Land Strategy Framework Document.

The 2001 strategy has been reviewed and revised following the publication in April 2012 of new Statutory Guidance from DEFRA. This revised strategy explains how the Council will implement the contaminated land regime from 2020 onwards, taking account of the latest guidance, experience over the past decade and the resources available to the Council. The revised strategy is available both in hard copy and on the Council’s web site.

South Northamptonshire District Council recognises that decisions about contaminated land are not made on a purely technical basis. There will be a variety of regulatory, commercial, financial, legal and societal factors, which also affect how particular contaminated land issues should be addressed. The Council also recognises that decisions about contaminated land need to be scientifically robust, proportionate and transparent.

The Strategy takes a risk-based ‘suitable for use’ approach. This means assessing risks associated with land contamination in the context of the actual or intended use of a site.

The principal objectives of the revised strategy are to:

- meet the statutory requirements to produce a strategy and review it;
- set out a strategic approach to the identification and remediation of contaminated and potentially contaminated land;
- adopt a systematic and robust approach for dealing with sites that appear to be contaminated;
- inform stakeholders of the Council’s intentions and actions;
- set out how the Council will liaise with the Environment Agency and other stakeholders;
- ensure appropriate records are kept in a Public Register;
- minimise burdens on individuals, businesses and the wider community;
- encourage the re-use of brownfield land

Wherever possible, these objectives will be achieved through voluntary remediation and / or the redevelopment or regeneration of sites. This approach aims to minimise burdens on individuals, business and the wider community while ensuring that unacceptable risks are dealt with effectively.

# 1 Introduction

In April 2000, the UK Government introduced a new duty on each local authority to inspect the land within its area and identify any areas that could be defined as "contaminated land". Where a local authority finds such land, it must ensure it is remediated to reduce or remove risks to people and the environment. The government set out its requirements for dealing with contaminated land within Part 2A of the Environmental Protection Act 1990 ("the Act") and associated 'Statutory Guidance' documents.

## 1.1 What is Contaminated Land?

Contaminated land is defined in Part 2A of the Environmental Protection Act 1990 as any land, which appears to the local authority in whose area it is situated to be in such 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 water is being or is likely to be caused."

"Harm" is defined as:

"Harm to the health of living organisms or other interference with the ecological systems of which they form a part, and in the case of man includes harm to his property."

The fact that a harmful substance is in, on or under a piece of land does not in itself mean that land is "contaminated land". The source of harm may be present but unless a possible route exists through which it is likely to cause harm to health, ecosystems or property or to cause pollution of controlled waters, the land is not contaminated within the meaning of the Act.

In order for there to be a 'significant possibility of significant harm' the above source-pathway-receptor linkage must be identified. Only once this 'pollutant linkage' has been established for a harmful substance can the land in question be designated as "contaminated land" under the Act.

## 1.2 The Statutory Regime

The statutory basis of the Government's contaminated land regime is to be found in Part 2A of the Environmental Protection Act 1990 (which was inserted by the Environment Act 1995). The Act gives local authorities the lead role in dealing with contaminated land issues within their area and requires each authority to publish a written strategy setting out its approach. Strategies can reflect the particular circumstances of an authority's area but must be written in accordance with statutory guidance issued by the Secretary of State for Environment, Food and Rural Affairs. Revised statutory guidance was published in April 2012 (*Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance*).

The 2012 guidance replaces the previous statutory guidance. It sets out the overarching objectives of Government policy on contaminated land and the Part 2A regime as follows:

- (a) To identify and remove unacceptable risks to human health and the environment.
- (b) To seek to ensure that contaminated land is made suitable for its current use.
- (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

The Guidance explains how local authorities should implement the contaminated land regime, including how they should go about deciding whether land is contaminated land in the legal sense of the term. The Guidance does not apply to radioactive contamination of land, which is covered by separate statutory guidance.

Enforcing authorities are required to use Part 2A only where no appropriate alternative solution exists. Alternatives include development of land under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for waste, water, and environmental permitting; and the Environmental Damage (Prevention and Remediation) Regulations 2009.

### **1.3 A Strategic Approach**

The Guidance requires local authorities to take a strategic approach to carrying out its duties which should be rational, ordered and efficient, and reflect its local circumstances. Strategic approaches may vary between local authorities but all authorities should set out their approach as a written strategy.

Strategies should include:

- Aims, objectives and priorities, taking into account the characteristics of the area
- A description of relevant aspects of the area
- The approach to strategic inspection of the area
- The approach to prioritising detailed inspection and remediation activity
- How the approach under Part 2A fits with broader approaches to land contamination, such as using the planning system to ensure land is made suitable for use when it is redeveloped
- How the authority will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals

### **1.4 The Council's Revised Strategy**

South Northamptonshire District Council published its strategic approach to managing contaminated land in July 2001: South Northamptonshire District Council – Statutory Contaminated Land Strategy Framework Document. This document has been reviewed four times since then.

The 2011 strategy was reviewed with particular reference to the 2012 Statutory Guidance. This current (revised) strategy explains how the Council will implement the contaminated land regime from 2019 onwards and takes account of the latest guidance, experience over the past decade and the resources available to the Council at the current time. The revised strategy is available on the Council's web site.

### **1.5 Management of the Strategy**

Environmental Protection will act as lead service within the Council for the purpose of managing the Strategy.

A designated Officer will have responsibility for dealing with enquiries and incidents relating to land contamination and generally implementing the strategy. This Officer will also be the main contact for liaison with the Environment Agency, Natural England, DEFRA, land owners, agents, members of the public and other stakeholders concerning potentially contaminated land.

The designated Officer will review the strategy at regular intervals of no less than 5 years or when statutory changes or new guidance require it.

### **1.6 The Public Register**

The Council must maintain a public register containing certain information about the sites it has dealt with under the Part IIA regime. Sites are only included on the register once a declaration has been made i.e. land has been declared "Contaminated Land" as defined in Part 2 of the Environmental Protection Act 1990

## 2 Objectives and Priorities

South Northamptonshire District Council recognises that decisions about contaminated land are not made on a purely technical basis. There will be a variety of regulatory, commercial, financial, legal and societal factors, which also affect how particular contaminated land issues should be addressed. The Council also recognises that decisions about contaminated land need to be scientifically robust, proportionate and transparent.

The District Council is the lead regulator on contaminated land and will work in partnership with other organisations, particularly the Environment Agency and Natural England to resolve issues effectively.

### 2.1 General Approach of the Council

South Northamptonshire District Council will take a risk-based approach to assessing whether land is contaminated. Risks will be assessed according to the suitable for use principle in accordance with Statutory Guidance. This means assessing risks associated with land contamination in the context of actual or intended use of a site. The Council's approach to assessing the risks posed by particular sites is explained in section 6.

In developing its strategic approach, the Council has paid due regard to its local circumstances and information currently available. This has enabled consideration of the following aspects:

- available evidence that significant harm or pollution of controlled waters is actually being caused;
- the extent to which human and ecological receptors and controlled waters are likely to be distributed within different parts of the authority's area;
- the extent to which those receptors are likely to be exposed to a contaminant as a result of the use of the land or the geological and hydrogeological features of the area;
- the extent to which information on land contamination is already available;
- the history, scale and nature of industrial and military activities which may have contaminated the land in different parts of the District;
- the nature and timing of past redevelopment in different parts of the District;
- the extent to which remedial action has already been taken by the authority to deal with land-contamination problems, or is likely to be taken as part of the District's Local Plan and Development Plan for its area.

The Council is also mindful that other regulatory provisions can be relevant to problems with land contamination. Overlaps with planning, water pollution and Environmental Permitting legislation are important examples. The Council will seek to resolve problems using alternative provisions wherever this appears appropriate, with a view to minimising burdens on individuals, business and the wider community.

## **2.2 Objectives of the Strategy**

The principal objectives of this strategy are to:

- meet the statutory requirements to produce a strategy and review it;
- set out a strategic approach to the identification and remediation of contaminated and potentially contaminated land;
- adopt a systematic and robust approach for dealing with sites that appear to be contaminated;
- inform stakeholders of the Council's intentions and actions;
- set out how the Council will liaise with the Environment Agency and other stakeholders;
- ensure appropriate records are kept in a Public Register;
- minimise burdens on individuals, businesses and the wider community;
- encourage the re-use of brownfield land

## **2.3 Aims and Priorities**

In accordance with the requirement to take a strategic approach, a prioritised list of the Council's aims has been devised to aid decision-making in a cost effective manner. The Council's prioritised aims in dealing with contaminated land will be to:

- protect human health;
- protect controlled waters;
- prevent damage to property; livestock and crops etc;
- protect designated ecosystems;
- prevent further contamination of land;
- encourage voluntary remediation; and
- encourage re-use of brownfield land.

Wherever possible, these aims will be achieved through voluntary remediation and/or the redevelopment or regeneration of sites. The approach aims to minimise the burden on individuals, business and the wider community while ensuring that unacceptable risks are dealt with effectively.

## **3 Characteristics of the South Northamptonshire Area**

The district of South Northamptonshire was established in 1974 from the former local authorities of Brackley Borough Council, Brackley Rural District Council, Towcester Rural District Council and part of Northampton Rural District Council. It lies to the south-west of Northampton and extends to the outskirts of Banbury, Oxfordshire covering an area of 63,156 hectares.

### **3.1 Geographic and Demographic Setting**

The population is estimated to be in the region of 86,000 people living in two main towns and 74 parishes comprising of 101 villages and hamlets. Brackley, the larger of the two towns, has an estimated population of 13,600 whilst the other, Towcester, is the administrative centre of the district and has an approximate population of 9,200. Overall the district has low population density spread over a wide area and is the fastest growing of the district.

Both Towcester and Brackley are old market towns with coaching connections and both the Romans and the Normans occupied Towcester. Over the past twenty years they have both rapidly expanded with housing, industry and public facilities.

### **3.2 Geological Characteristics**

Solid and Drift Geology sheets indicate that the Lias Group of Clays, predominantly the Lower Lias, underlies the area. There are areas of boulder clays, Northampton Sand, Blisworth Limestone, limestone, pockets of terrace river gravel and Marlstone Rock Bed. The town of Towcester is built on alluvium. The district includes parts of the Natural Areas of West Anglian Plain, Yardley-Whittlewood Ridge and Midland Clay Pastures. Site investigations indicate that there are elevated levels of naturally occurring arsenic in the soil as a result of the sandstone and ironstone in the area and parts of Northamptonshire are classified by the NRPB as “Radon Affected Areas” due to the ironstone and Marlstone in the area.

### **3.3 Water Resources**

Four rivers and their tributaries pass through the district, they are the River Tove, the River Great Ouse, the River Nene, and the River Cherwell. The Grand Union and the Oxford canals cross the area and Boddington Reservoir lies on the boundary to the north of the district. There are localised marshlands and watercourses of wildlife interest. A major aquifer is located at Blisworth and in the surrounding area where Blisworth Limestone is found. Approximately sixty properties are served by private water supplies via wells, springs and boreholes.

### **3.4 Protected Buildings and Land**

Fifty of the villages and hamlets in the district are conservation areas and some 1,800 buildings are included on the Secretary of State’s List of Buildings of Special Architectural or Historic Interest. Thirty-four ancient monuments are scheduled comprising predominantly Roman remains, moats, mottes and fishponds although some of the buildings still remain in use. In addition there are a number of “places of

interest” which permit public access including Forestry Enterprise woodland some of which includes important concentrations of ancient semi-natural woodland such as Yardley Chase and Whittlewood Forest, historic houses, a racecourse and two motor sport racing circuits. There are twelve Sites of Special Scientific Interest totalling 1009.6 hectares designated for protection because of the ecological, geological or physiographical features they contain. In addition there are approximately 160 locations that have been classified as County Wildlife Sites by the Northamptonshire Wildlife Trust. The Grafton Way/Knightley Way long distance footpath spans the district from north to south attracting ramblers to the area and there are some extensive areas of pasture including examples of unimproved neutral grassland.

### **3.5 Current and previous Land uses (including known information on contamination)**

Farming is a major activity in this mainly rural district, but there are also approximately 1,500 other businesses based in the district, ranging from one-person enterprises to large industrial units and factories. <sup>(1)</sup> Businesses in the area include motor sports related engineering, electronic component manufacturers, soap works and food processing plants. Of these businesses there are currently nineteen installations operating under permit under Part B of the Pollution Prevention and Control Act 1999. These include eleven petrol stations, a cement works, an animal feed producer, three mobile crushers, and three dry cleaners. There are three installations regulated by the Environment Agency under Pollution Prevention and Control Act 1999 Part A1.

There are eighty-one known former waste management facilities six of which were opened pre-1976 before licensing of such sites was introduced. Nine facilities are currently operational. The Environment Agency offices in Bedford and Kettering license these sites.

The district is edged by the M40 and the M1, the A5 and A45 run across it. Two railways cross the district, the London to Glasgow route and the Birmingham and Coventry to Oxford and Banbury route. There are also a number of disused railway tracks within the boundary.

Since South Northamptonshire is a predominantly rural area there are different contaminated land issues to those areas of the country that are mainly industrial. Agricultural land may have contamination problems due to the use of fertilizers and other chemicals for many years. On land that has never been built upon it is possible to identify from old maps areas that have at one time been pits and have since disappeared from more recent maps. These locations may have been filled with a variety of unknown substances.

Historically many buildings that are now private homes were used as workplaces, in particular tanneries, abattoirs and breweries. Land previously used for what are now considered to be industrial processes may potentially be contaminated. Sites that have been identified as historically having had significant industrial processes take place on them are now often found to have houses built upon them prior to the contaminated land regulations being in existence and questions may arise as to the condition of that land. Sites that have recently been developed have often been

subject to clean-up works before redevelopment as part of the planning process in order to satisfy “suitable for use” criteria.

### **3.6 Normal (Natural) Presence of Contamination**

Normal levels of contamination in soil should not cause land to qualify as contaminated land. Normal levels may result from the natural underlying geological formation, for example the Northampton Sand and Ironstone and arsenic, or from low level diffuse pollution and common human activity such as lead from car exhausts.

A number of potential sources of natural contamination are described within existing information published, for example, by the British Geological Survey (BGS). Such information will be taken into account when assessing any potentially contaminated sites.

## **4 Strategic Inspection**

All local authorities are required to adopt a strategic approach to the identification of contaminated land in their area. The Statutory Guidance requires that the approach adopted should:

- be rational, ordered and efficient;
- take account of local circumstances.

The latest statutory guidance acknowledges that approaches will vary between local authorities.

### **4.1 The 2001 Strategic Approach**

In its 2001 Strategy, the Council detailed its strategic approach, which generally related to the gathering of information about potentially contaminated land and the subsequent assessment and prioritisation of these sites. The approach involved a number of stages including the following:

1. A framework for inspection of sites requiring urgent attention
2. Collection of information on potentially contaminated sites
3. Initial assessment of potentially contaminated sites
4. Compilation of a list of potentially contaminated sites
5. Risk-based assessment and prioritisation of sites
6. Detailed inspection of high risk sites from the priority list

At stage 2, information was gathered from a variety of data sources, including historical mapping and business directories. This information was then used to compile a list of some 277 locations where contaminated land could theoretically be present. Sites were added to the list where an information source indicated that a possibly contaminative use or activity had, at some time, taken place at the location. In practice, it is very likely that the vast majority (and possibly all) of these sites are not contaminated land as defined by the Act. Stages 6 has not been completed (See 4.2).

### **4.2 The Revised Strategic Approach**

Having regard to the latest Statutory Guidance, experience of dealing with contaminated land issues over the past decade and the resources available to the Council, a different strategic approach is now considered appropriate.

In reaching this decision, account has been taken of the following factors:

- Many potentially polluting sites have already been remediated, redeveloped, or are still in active industrial use.
- Some brownfield sites have been, or are due to be developed under planning controls which will ensure they are remediated where necessary.
- When the Council has received reports or complaints related to land contamination these have been and will continue to be resolved as they arise.

- To date, no land has been identified where the Authority considers that there is a reasonable possibility that a significant contamination linkage exists for the purposes of designating the land as contaminated under the Part 2A regime.

The Council must also consider the resources it has available and the need to target limited resources where they can be of most benefit. Undertaking a proactive assessment and prioritisation of the list of 277 “potentially contaminated” sites would require specialist Officer and Geographical Information System resources that are currently in place. However, resources are frequently diverted to other areas of Environmental Protection work. Therefore such a task will take a considerable time to complete and would need to be followed by detailed investigation of the highest risk sites before any firm decisions could be reached on contamination.

The detailed inspection of individual sites can be an expensive, time consuming and potentially controversial task. Affected properties may suffer significant property blight during the process. While this would, of course, be justified for sites where significant risks to sensitive receptors have been identified, such information is unlikely to be available prior to detailed inspection unless the site is currently giving cause for concern.

The Council considers that it can better prioritise its response to the risks of land contamination within its area by acting on information concerning the current status of sites. This approach would combine use of Development Control provisions for sites undergoing development, with a robust response to reports and complaints about potentially contaminated land. This approach would replace the previous prioritisation and proactive site inspection approach set out in the 2001 Strategy. The revised strategic approach is set out below and in the next section.

### **4.3 Planning Controls**

The Council will make use of the planning system to address sites that may be affected by land contamination.

Since the production of the Contaminated Land Strategy in 2001, it has been recognised that, generally, the most appropriate and efficient way to address the issues associated with contamination is through the planning process. The onus is placed on the developer to address potential contamination issues as part of the wider planning process, including providing detailed assessments produced by competent consultants where necessary.

Issues of land contamination are a material consideration within the planning system and, as such, receive attention as part of all relevant applications. The Environmental Protection Team is consulted on relevant applications, which provides an opportunity for technical queries to be raised and additional information to be requested from applicants when necessary.

#### **4.4 Reactive Investigations**

Although the Council's approach to identifying potentially contaminated land will principally be via the development control process, there may still be a need to investigate some sites, in particular where information is received that suggests a problem of land contamination is of current concern to one or more sensitive receptors.

If information comes to the attention of the Council that indicates a site is causing concerns relating to contaminated land, the Council will undertake any necessary investigation in accordance with the statutory and other relevant guidance. The detailed inspection of relevant sites is described in the next section.

#### **4.5 Responding to Complaints**

A complaint regarding contaminated land will be dealt with following the same procedure as currently used to deal with statutory nuisance complaints.

All complainants may expect:

- their complaint to be logged and recorded;
- to be contacted by an officer regarding their complaint within a reasonable amount of time; and
- to be kept informed of progress towards resolution.

Every effort will be made to resolve complaints quickly and efficiently and most complaints are likely to be resolved by the provision of information, or by agreeing voluntary action with the landowner.

Where complaints relate to land that appears to constitute contaminated land as defined under the Act the investigation is likely to take longer to resolve. Complainants will be advised of the key stages in the process as the investigation continues including the requirement to identify the following:

1. evidence of a viable pollutant linkage, possibly requiring a detailed site investigation, before a formal determination of contaminated land is permissible;
2. prior consultation with interested parties and other stakeholders;
3. a minimum of a three month period between determination and serving of a remediation notice; and
4. the requirement for the enforcing authority to make every effort to identify the original polluter of the land (or "Class A" person).

The regulations allow conditions 2 and 3 to be waived in extreme cases, but not conditions 1 and 4. The decision making process can therefore take many months to complete.

#### **4.6 Budgetary Provision**

The inspection and assessment of potentially contaminated land can be a complex and time-consuming activity. The cost of such activities varies enormously, making it difficult to anticipate budgetary pressures from one year to the next. Where the Council becomes aware of the need to inspect a site under Part 2A of the Act it will be important that appropriate budgetary provision is made to cover any necessary investigations.

The Environmental Protection Team Leader will assess the likely costs of Part 2A inspections as and when they arise, with a view to ensuring appropriate financial provisions are put in place.

In addition to its inspection responsibilities, the Council also has responsibilities as a land owner. Should any of its land be found to be contaminated land the Council may need to carry out remediation work or take other actions. Remediation can be very expensive and the Council is aware of the risks it potentially carries in this regard.

## 5 Detailed Inspection

If information comes to the attention of the Council indicating a site is causing concerns relating to contaminated land, the Council will investigate in accordance with the statutory and other relevant guidance.

The Statutory Guidance requires that:

“If the local authority identifies land where it considers there is a reasonable possibility that a significant contaminant linkage (as defined in paragraphs 3.8 and 3.9) exists, it should inspect the land to obtain sufficient information to decide whether it is contaminated land, having regard to section 3 of this Guidance.”

The guidance also makes clear that, under Part 2A, the starting point should be that land is not contaminated land unless there is reason to consider otherwise. All decisions about contaminated land will be made on the basis of a robust risk assessment, undertaken in accordance with the Guidance.

### 5.1 Risk Assessment of Sites

Part 2A takes a risk-based approach to defining contaminated land. The Statutory Guidance defines “risk” as the combination of:

- (a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and
- (b) the scale and seriousness of such harm or pollution if it did occur.

For a significant risk to exist there needs to be one or more contaminant-pathway-receptor linkages – “**contaminant linkage**” – by which a relevant receptor might be affected by the contaminants in question. In other words, there must be contaminants present in, on or under the land in a form and quantity that poses a hazard, and one or more pathways by which they might significantly harm a sensitive receptor.

The receptors recognised as being potentially sensitive in Part 2A are:

- **Human Beings**
- **Ecological Systems or Living Organisms forming part of a System within certain Protected Locations**, including: Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Nature Reserves, Special Areas of Conservation (SAC), Special Protection Areas (SPA), Candidate SACs, RAMSAR sites, Areas of special protection for birds, Source protection zones, Groundwater-private abstractions, Groundwater-major aquifers.
- **Property in the Form of Buildings**, including Ancient Monuments:
- **Property in other Forms**: Crops, Livestock, Home-grown produce, owned or domesticated animals, wild animals subject to shooting or fishing rights; and
- **Controlled Waters**: Surface waters (e.g. rivers, lakes, streams). Groundwater as defined in Section 4.36 of the Statutory Guidance. Drinking water abstractions as defined in the Water Resources Act 1991 Section 104.

Risks will be considered in relation to the current or likely future use of the land, in accordance with statutory guidance.

## **5.2 The Inspection Process**

The inspection process will typically involve a number of incremental steps starting with a desk-based study. This may then be followed by a site visit and walkover; a generic quantitative risk assessment; and various stages of more detailed quantitative risk assessment as required. The process will normally continue until it is possible to decide:

- (a) that there is insufficient evidence that the land might be contaminated land to justify further inspection and assessment; and/or
- (b) that the land is or is not contaminated land.

For the inspection of land to proceed to the next stage of risk assessment there must be evidence that an unacceptable risk is reasonably likely to exist. If the Council considers there is little reason to consider that the land might pose an unacceptable risk, inspection activities will normally stop at that point.

## **5.3 Receptor-Source-Pathway Model**

Inspections will normally make use of a receptor–source–pathway model as a means for identifying any potentially significant pollutant linkages at the site. This approach aims to establish the presence and condition of the most sensitive receptors at an early stage in order to target resources at the highest risks.

In order to undertake the receptor-source-pathway analysis certain information must be established. The requirements are:

- current land use plans;
- locations of current and former landfills and other areas of filled ground;
- locations of groundwater abstraction wells, both public and private;
- identification of aquifer designation and vulnerability;
- current surface water classification under the Environment Agency’s General Quality Assessment Chemical Grading for Rivers and Canals Scheme and the river ecosystem classification under the Surface Waters (River Ecosystem Classification) Regulations 1994;
- current processes authorised by the Environment Agency or Local Authority under the Environmental Permitting regulations.
- location of statutory and non-statutory sites of ecological importance;
- potential sources of contamination based on the industries listed in the DOE Industry Profiles; and
- the current and historical locations of these industries.

The further detailed inspection of relevant sites will be carried out in accordance with the Defra Guidance and other relevant guidance and standards.

#### **5.4 Consultation with Interested Parties**

The Council will consult the landowner before inspecting the land unless there is a particular reason why this is not possible, for example because it has not been possible to identify or locate the landowner. Where the owner refuses access, or the landowner cannot be found, the authority may consider using statutory powers of entry, subject to statutory guidance and the particular circumstances of the case.

The Council will also consider informing other interested parties (for example occupiers of the land and owners and occupiers of neighbouring land) and whether to publish a written statement.

#### **5.5 Special Sites**

If the local authority inspects land which it considers (if the land were to be determined as contaminated land) would be likely to meet one or more of the descriptions of a special site set out in the Contaminated Land (England) Regulations 2006, it will consult the Environment Agency and, subject to the Agency's advice and agreement, arrange for a joint approach to inspection of the land.

#### **5.6 Deciding that land is not Contaminated Land**

Where the Council inspects land under Part 2A and then decides it is not contaminated land it will issue a written statement to that effect to the land owner (rather than coming to no formal conclusion). The statement will make clear that on the basis of its assessment, the authority has concluded that the land does not meet the definition of contaminated land under Part 2A. The Council will also keep a record of its reasons for deciding that land is not contaminated.

## **6 Determination and Remediation**

The Council has the sole responsibility for determining whether any land appears to be contaminated land although it can rely on information or advice provided by another body such as the Environment Agency, or a suitably qualified and experienced practitioner appointed for the purpose.

There are four possible grounds for the determination of land as contaminated land (non-radioactive contamination):

- (a) Significant harm is being caused to a human, or relevant non-human, receptor.
- (b) There is a significant possibility of significant harm being caused to a human, or relevant non-human, receptor.
- (c) Significant pollution of controlled waters is being caused.
- (d) There is a significant possibility of significant pollution of controlled waters being caused.

Where, following detailed inspection of a site, the Council reaches a decision that land is “Contaminated Land” under the Act, it will proceed as follows and in accordance with the statutory guidance.

### **6.1 Determination Steps**

Once an area of statutory contaminated land has been identified, there are three main stages that need to be completed prior to formal determination of land as contaminated land under the Act:

- a) The Council must have identified one or more significant contaminant linkage(s), and carried out a robust, appropriate, scientific and technical assessment of all the relevant and available evidence.
- b) In the case of any land which, following determination as contaminated land, would be likely to meet one or more of the descriptions of a “Special Site” set out in the Contaminated Land Regulations 2006, the Council will consult the Environment Agency before deciding whether or not to determine the land.
- c) The Council must have informed the owners and occupiers of the land and any other person who appears to the authority to be liable to pay for remediation, of its intention to determine the land (to the extent that the authority is aware of these parties at the time) unless the authority considers there is an overriding reason for not doing so. Where appropriate, time will also be allowed to reach informal arrangements to deal with the problems.

Where possible, the following steps will also be completed prior to formal determination:

- decide what remediation is required and attempt to achieve remediation through a voluntary agreement if possible and appropriate;
- record appropriate information on the public register

### **6.2 Formal Determination of Contaminated Land**

The Council will prepare a written record of any determination that land is contaminated land. The record will include:

- a description of the particular significant pollutant linkage, identifying all three components of the pollutant, pathway and receptor;
- a summary of the evidence upon which the determination is based;
- an analysis of significant harm or significant pollution;
- a summary of the relevant assessment of this evidence; and
- a summary of the way in which the authority considers that the requirements of statutory guidance have been satisfied.

### **6.3 Issuing Determination Notices**

Once the Council has determined land as contaminated land, it will give notice of its decision to:

- (a) the Environment Agency;
- (b) the owner of the land;
- (c) any person who appears to the authority to be in occupation of the whole or any part of the land; and where identified:
- (d) each person who appears to the authority to be an appropriate person; in accordance with section 78B(3) of Part 2A.

### **6.4 Remediation of Contaminated Land**

Once land has been determined as contaminated land, the Council will consider how it should be remediated and, where appropriate, issue a remediation notice. If land is deemed to be a “special site” the Environment Agency takes on responsibility for remediation following determination.

The process of deciding who is responsible for remediation of contaminated land can be quite complicated and the Council will have regard to the detailed Statutory Guidance in reaching its decisions.

The Council will seek to recover its costs wherever possible, in accordance with the Act and Statutory Guidance.

## 7 Management of Communication

### 7.1 Management of the Strategy

Environmental Protection is the lead service within the Council for the purpose of managing the Strategy. A designated Officer has responsibility for dealing with enquiries and incidents relating to land contamination and generally implementing the strategy. This Officer is also the main contact for liaison with the Environment Agency, Natural England, DEFRA, land owners, agents, members of the public and other stakeholders concerning potentially contaminated land.

Elected members will be informed at the earliest opportunity of any plans to determine an area of Council-owned land, or where the Council is the “appropriate person” and may be liable for remediation costs. Ward Councillors will be informed of any plans to determine land within their area.

The designated Officer will review the strategy every 5 years and when statutory changes or new guidance require it.

### 7.2 Liaison and Communication

Effective liaison with other bodies is central to the implementation of this strategy. Statutory consultees for the 2019 Contaminated Land Strategy will be:

- Environment Agency
- Natural England
- English Heritage
- DEFRA
- Northamptonshire County Council
- Neighbouring Local Authorities
- Internal consultees

There is considerable scope for members of the public, businesses and voluntary organisations to make important contributions in dealing with contaminated land. The revised strategy will be published on the Council’s website and the involvement of non-statutory consultees in the process of dealing with contamination land will be encouraged wherever appropriate.

The statutory definition of contaminated land requires that there must be a **significant possibility of significant harm to human health or non-human receptors** or **significant possibility of pollution of controlled waters**. The Council recognises that the expectations of some members of the public will not be met by the powers the local authority may exercise under the Part 2A regime.

Wherever possible, Council Officers will seek to explain matters in terms that can readily be understood by non-specialists.

### 7.3 Owners, Occupiers and other Interested Parties

The Council's approach to its regulatory duties is to seek voluntary action before taking enforcement action. This approach has been adopted and used to good effect for issues of land contamination previously and recognises that in many cases, remediation can be achieved more effectively by agreement rather than by enforcement. This approach requires effective communication with owners, occupiers and other interested parties at all stages. The designated Officer will keep owners, occupiers and other interested parties informed as necessary.

#### **7.4 Powers of Entry**

Under Section 108 (6) of the Environment Act 1995, the Council has been granted powers of entry to carry out its investigations and inspections.

Before the Council carries out an inspection using statutory powers of entry it will first attempt to liaise with owners and other interested parties with a view to avoiding the need to using such powers.

The Council will not carry intrusive investigations at a site if:

- it has already been provided with detailed information on the condition of the land upon which the Council can determine whether the land is contaminated; or
- a person offers to provide such information within a reasonable and specified time, and then provides such information within that time.

Where the Council decides to carry out intrusive investigation it will be in accordance with appropriate technical procedures for such investigations (for example BS10175:2011 and BS5930: 2015)

#### **7.5 The Public Register**

Under the regulations, the Council is required to maintain a public contaminated land register. The Environmental Protection Team will hold the register at the Council's Moat Lane office in Towcester. It will be accessible on request by members of the public during office hours.

The regulations specify the information that can be recorded on this register, which will include:

- remediation notices;
- details of the site reports obtained by the authority relating to remediation notices;
- remediation declarations, remediation statements and notification of claimed remediation;
- designation of sites as "special sites";
- any appeals lodged against remediation and charging notices; and
- convictions.

The public register will not hold details of historic land use and other records used in the assessment and investigation of potentially contaminated land.

## **7.6 Provision of Information to the Environment Agency**

The Environment Agency is required to prepare an Annual Report for the Secretary of State on the state of contaminated land in England and Wales. This report includes:

- a summary of local authority inspection strategies, including progress against the strategy and their effectiveness;
- the amount of contaminated land and the nature of the contamination; and
- measures taken to remediate land.

•  
As local authorities are the lead regulators on contaminated land, the national survey is heavily reliant on information provided by local authorities. A memorandum of understanding has been drawn up between the Environment Agency and the Local Government Association that describes how information will be exchanged between the local authority and the Environment Agency. The Council will seek to provide information to the Environment Agency in accordance with this guidance.

The local authority will also provide information to the Environment Agency whenever a site is determined as contaminated land, and whenever a remediation notice, statement or declaration is issued or agreed. The Environment Agency has provided standard forms allowing this information to be provided in a consistent format and the Council will use these to fulfil its reporting requirements where appropriate.

## 8 Review Mechanisms

The Council will review its written strategy periodically to ensure it remains up to date. This will occur at least every 5 years and when statutory changes or new guidance require it.

All decisions made with regard to contamination need to be made objectively, consistently, transparently, and with proper regard to uncertainty. One important aspect of managing contaminated land is the need to review decisions made about particular sites, to establish whether any material changes have occurred. Examples of factors which influence the decisions and which have the potential to change include:

- site use
- use of adjoining land
- climatic or meteorological change
- change in physical characteristics e.g. the water environment
- legislative or internal or external policy changes
- technical standards or procedures
- actions taken by humans or other agents to reduce the effectiveness of remedial measures.

All decisions made under part 2A will therefore be made and recorded in a consistent manner that will allow for effective review as and when circumstances require it.

## **9 References**

Environmental Protection Act 1990. HMSO (1990)

The Environment Act 1995 HMSO (1995)

The Contaminated Land (England) Regulations 2000. SI 2000/227 HMSO (2000)

DEFRA Contaminated Land Statutory Guidance, April 2012

CLG National Planning Policy Framework, March 2012

British Standards Institute. Code of Practice for Site Investigations. BS5930: 2015

British Standards Institute. Investigation of Potentially Contaminated Sites – Code of Practice. BS10175:2011

CLR11 – Model Procedures for the Management of Land Contamination

English Heritage 2005. Assessing the Risk Posed by Land Contamination and its Remediation on Archaeological Resource Management

## **10 Acknowledgements**

South Northamptonshire District Council acknowledges and thanks Environmental Protection at Torridge District Council for granting permission to base this strategy on their document titled 'Contaminated Land Inspection Strategy' dated April 2013

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## Scrutiny Committee Annual Report 2019-2020

The Scrutiny Committee was formed in December 2012, following the decision by full Council to replace the Review and Development Committees with two strategic Committees alongside a Scrutiny Committee.

The purpose of the Committee is to:

- Innovate and challenge the way the Council operates
- Exercise the call in powers contained in the Constitution
- Add value to the Council through in-depth studies
- Add value to the Council through selective studies of external crosscutting issues
- Promote more informal smaller group working.
- Open up the local democratic process to greater public involvement.
- Add value to the Council through pre-decision scrutiny of Key Decisions through using the Forward Plan
- Be involved in performance management on a selective and strategic basis.
- Develop effective and positive channels of communication between itself and the Cabinet.
- Adopt a Select Committee style and approach wherever possible.
- Require effective and reliable officer support
- Be involved in the development of Policy
- Scrutinise areas of interest or concern and make recommendations to Cabinet and where appropriate full Council following the completion of such scrutiny

### *Membership of the Committee, substitutes, guests and attendance*

Eight meetings were held during the Municipal year, figures indicate how many of the meetings each Member attended.

Councillor Sandra Barnes (Chairman)	8	Councillor Dennis Loveland	6
Councillor Elaine Wiltshire (Vice-Chairman)	8	Councillor Charles Manners	8
Councillor Fiona Baker	5	Councillor Abigail Medina	6
Councillor John Budden	6	Councillor Ken Pritchard	8
Councillor Richard Dallyn	7	Councillor Adil Sadygov	3
Councillor Val Furniss	5	Councillor Lisa Samiotis	6
Councillor David Harries BEM	7	Councillor Allen Walker	6
Councillor Gregor Hopkins	5		

### *Substitutes*

Councillor Ann Addison	1	Councillor Mary-Anne Sergison-Brooke	1
Councillor Hywel Davies	1		

### *Guests*

Councillor Dermot Bambridge	1	Councillor Phil Bignell	1
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### *External Guests*

Harinder Birring, Shelter	Attended as part of the Homelessness Service Showcase in May 2019
Dr Rachel Duncan, Northamptonshire Domestic Abuse Service	Attended as part of the Community Safety Showcase in July 2019
Natrice Westwood, Northamptonshire Domestic Abuse Service	Attended as part of the Community Safety Showcase in July 2019

### *Items considered by the Committee*

The Committee has considered a number of subjects over the course of the year, by way of formal reports, service showcases, briefing notes and presentations.

### *Reports*

Performance, Risk and Finance Reports  
Draft Budget Investment Growth 2020/21  
NIC Strategic Rail  
Silverstone Experience  
Work Programme Planning

### *Service Showcases*

Homelessness Service  
Community Safety  
Environmental Services  
Environmental Health  
Sports and Leisure, including Leisure Contracts  
Council Tax and Business Rates Showcase

### *Briefing notes*

Universal Credit Update  
Update on Corporate Health and Safety  
Air Quality in Towcester  
Gypsy and Travellers Policy and Procedures  
Customer Service Improvement Project Progress Report  
Towcester Relief Road  
Affordable Housing  
Information Rights

### *Presentations*

Encouraging Environmentally Friendly Businesses to South Northamptonshire  
Local Planning Action and Housing Land Supply  
Climate Change Working Group

## *Scrutiny during 2019-2020: Some highlights*

### *Silverstone Experience*

Following the work carried out during the 2018-2019 Municipal Year, the Committee continued to receive updates regarding the Silverstone Heritage Experience.

The opening of the experience was delayed due to issues with contractors, however it opened in October 2019. A number of Councillors were hosted on a tour of the facility shortly before the official opening.

Representatives of Silverstone Heritage have been invited to attend the May 2020 meeting of the Committee, to give an update 6 months on from opening.

### *Climate Change*

At the full Council meeting held in July 2019, a motion was adopted which saw a Climate Change working group established, to assess the existing carbon footprint of the district area and to review potential actions and associated costs to limit the effects of climate change in South Northamptonshire.

10 Councillors were appointed to the working group, chaired by the Scrutiny Chairman Councillor Sandra Barnes, with two further scrutiny committee members, Vice-Chairman Elaine Wiltshire and Abigail Medina, also appointed to the group. A budget of £25,000 was made available to assist with research.

The working group initially reported to Scrutiny Committee in December 2019. Existing data had been gathered to try and calculate the current carbon footprint through both direct and indirect emissions. Collaboration was also taking place with colleagues from West Northamptonshire councils.

The work of the group is continuing, with a further update scheduled for full Council in May 2020, which will detail recommended actions following further evaluations and costing.

### *Encouraging Environmentally Friendly Businesses to South Northamptonshire*

In response to a query from the Committee in July 2019, the Economic Development Team gave a short presentation that explained the work undertaken by the team to encourage businesses into the district.

The officers explained that a number of approaches were used to attract investment into the district, and whilst environmentally friendly businesses were included in the work they were not targeted specifically. However, information provided by the team could easily be tailored to help existing businesses become more environmentally friendly.

During the course of the discussion the Executive Director – Operations advised that the Council's Business Strategy was due to be reviewed, and could be submitted to Scrutiny Committee for discussion at the relevant time.

### *Work Programme Planning*

Following the change in the approach to work planning during the previous Municipal year, the Committee continued to use the topic sheet to track subjects that were raised for further discussion, investigation or referral to other committees.

Annexe 1 to this report gives details of the subjects raised this year, with a summary of how they were addressed by the Committee.

As well as the topic sheet, the Committee continued with the programme of service showcases, with at least one showcase taking place at each meeting.

Six showcases have been received during the course of the year, and on each occasion members have asked numerous questions of officers and their guests, to gain a better understanding of the work being carried out in departments across the council.

### *Briefing Notes*

Following the success of the briefing note format introduced during the 2018-19 municipal year, it has continued to be used during this year.

The Committee has received short updates on eight subjects via briefing notes, with officers attending meetings to answer any questions the Committee may have had on the content.

### *Working Groups*

In January 2020 the Committee decided to set up two informal working groups, to carry out research in response to queries raised in relation to Section 106 Planning Agreements.

The first group would concentrate on the health aspects of agreements, and arrangements are being made for an officer from the Clinical Commissioning Group to speak to the group and provide some background on the process that is undertaken.

The second group is focussing on transport, and arrangements are being made for an appropriate officer from the transport authority to speak to the group.

These initial discussions will help both groups with the scoping process for potential reviews.

TOPIC	ACTION / OUTCOME/STATUS
<p><u>Recycling Contract</u></p> <p>Suggested by: Cllrs Wiltshire, Pritchard, Riley and Manners</p>	<p>The Committee queried what would happen with the recycling contract for South Northamptonshire Council when it came up for renewal in March 2020, due to Local Government Reform (LGR).</p> <p>As part of the Environmental Services Showcase in September 2019, the Waste and Cleansing Manager advised the Committee that the contract was likely to be extended, as following benchmarking against costs paid by other Councils it was felt the current contract offered good value for money. Discussions were taking place with Northampton Borough and Daventry District Councils regarding contract arrangements for the longer term following LGR.</p>
<p><u>Air Quality</u></p> <p>Suggested by: Cllrs Barnes, Furniss, Johns and Harries</p>	<p>During the 2018-19 Municipal year, the Committee received information on the Air Quality in Towcester for the period of time that the A5 was closed to traffic due to roadworks. The Committee requested a further update be provided to them during 2019-20.</p> <p>A briefing note was submitted to the October 2019 meeting, which detailed figures for the previous four full years, and the first half of 2019. The overall trend was a reduction in Nitrogen Dioxide levels.</p>
<p><u>Universal Credit</u></p> <p>Suggested by: Cllrs Dallyn, Sadygov and Manners</p>	<p>Following the introduction of Universal Credit in South Northamptonshire at the end of 2018, the Committee requested an update on the roll-out. The Operations Director of CSN Resources provided a briefing note to the Committee in September 2019, which detailed the challenges that had been encountered since South Northamptonshire residents changed to Universal Credit at the end of 2018.</p>
<p><u>Silverstone Experience</u></p> <p>Suggested by: Initially Cllrs Wiltshire, Pritchard, Riley and Manners, followed up by Cllrs Dallyn, Sadygov and Manners</p>	<p>As detailed in the main report, the Committee have continued to monitor the progress at the Silverstone Experience, and will be inviting the Chief Executive to attend a meeting during 2020.</p>

<p><u>Towcester Bypass</u></p> <p>Suggested by: Cllrs Dallyn, Sadygov and Manners</p>	<p>Linked to the query regarding Air Quality in Towcester, the Committee requested an update on progress of the new road included in the new development to the south of Towcester.</p> <p>The briefing note submitted in October 2019 advised the Committee that a planning application for the road was due to be submitted. The application was considered at Planning Committee on 30 January 2020, and the road was approved.</p>
<p><u>Salcey Forest Treetop Walkway</u></p> <p>Suggested by: Cllrs Walker, Loveland and Budden</p>	<p>The Committee queried why the walkway had been closed, as it was a popular attraction for users of the forest.</p> <p>Democratic and Elections officers were able to advise that the walkway had been closed due to having 'major structural failings' that had been discovered during a detailed survey. Forestry England were giving consideration as to the best way to proceed.</p>
<p><u>Rental Garages in Deanshanger</u></p> <p>Suggested by: Cllrs Walker, Loveland and Budden</p>	<p>Residents of Deanshanger with rented garages received notification that the garages were to be decommissioned, and the Committee requested information as to why this was and what was planned for the site.</p> <p>Enquiries were made of Grand Union Housing but no response was received.</p>
<p><u>Travellers Policy and Unauthorised encampments</u></p> <p>Suggested by: Cllrs Walker, Loveland and Budden</p>	<p>The Committee requested information about the current policy for unauthorised encampments.</p> <p>A briefing note was submitted to the October 2019 meeting of the Committee, which gave an overview of the work of the County Travellers Unit, who dealt with queries and concerns relating to travellers across Northamptonshire, including incidents of unauthorised encampments.</p>
<p><u>Street Lighting Strategy</u></p> <p>Suggested by: Cllrs Walker, Loveland and Budden</p>	<p>Following an increase in the number of applications to the SNC Grants Scheme for street lighting, the Committee requested clarity on who incurs ongoing costs and day-to-day responsibility for lighting funded through an SNC grant award.</p>
<p><u>Superfast Northants Broadband</u></p> <p>Suggested by: Cllrs Harries and Hopkins</p>	<p>The Committee initially investigated the rollout of Broadband across the district in 2013, and requested an update.</p>

	<p>Significant progress had been made since 2013, and the project was now a partnership between BT and Gigaclear. However, delays had occurred with the rollout and some communities hadn't been served as quickly as anticipated.</p> <p>The Committee requested that a feasibility study be undertaken to find out how much it would cost to provide Superfast broadband to the 2% of properties that had been identified as unable to be reached.</p>
<p><u>Mobile Phone Connectivity</u></p> <p>Suggested by: Cllrs Harries and Hopkins</p>	<p>Another returning subject was mobile phone signal, which was initially investigated in 2017.</p> <p>At the time, a group of MPs had formed the British Infrastructure Group who were looking to champion better infrastructure across the UK.</p> <p>Officers undertook research and advised the Committee that the Digital Economy Bill had become law in April 2019, which gave Ofcom additional powers regarding Mobile phone connectivity.</p>
<p><u>Local Government Reform</u></p> <p>Suggested by: Whole Committee</p>	<p>During the 2018-19 Municipal Year the Committee received a number of updates relating to Local Government Reform, its impact on services on South Northamptonshire and the process of separating from Cherwell District Council. The Committee requested that updates continue during 2019-20.</p>
<p><u>S106 Monitoring</u></p> <p>Suggested by: Initially by Cllrs Harries and Hopkins, followed by up Cllr Barnes.</p>	<p>A query was initially raised in May 2019 regarding the monitoring of Section 106 planning agreements. The Committee were advised that monitoring was carried out by the Budget and Financial Strategy Committee.</p> <p>The query was raised again towards the end of 2019, with particular emphasis on the health and transport aspects of the agreements. As detailed in the main report, two informal working groups have been set-up to further research the subject.</p>
<p><u>Housing Supply</u></p> <p>Suggested by Cllrs: Pritchard, Wiltshire and Baker</p>	<p>The Committee requested clarity on the total number of years housing supply for the district, as different figures had been quoted during the Local Plan Part 2 examination. The query was referred to the Planning Policy and Regeneration Strategy Committee, as the Committee with general responsibility for housing supply.</p>

<p><u>Local Grants</u></p> <p>Suggested by Cllrs: Pritchard, Wiltshire and Baker</p>	<p>The Committee requested information on how grants for local groups and communities were distributed and monitored. Details of the Community Grants Policy and Procedure were emailed to Committee members.</p>
<p><u>Local Plan Part II</u></p> <p><u>Suggested by: Cllrs Harries and Hopkins</u></p>	<p>A query was raised regarding the Local Plan for South Northamptonshire, in light of Local Government Reform, and how the plans for South Northamptonshire, Daventry District and Northampton Borough would come together.</p> <p>The Assistant Director – Planning and Economy agreed to provide a written update to the Committee as and when more information was known.</p>



## **Urgent Decision by Chief Executive**

### Purpose of the report

The Officer Scheme of Delegation states that the Chief Executive may take an urgent decision in relation to a Council function (in consultation with the relevant member) if it is in the best interests of the Council and/or residents.

This report is to outline the reasons for a number of urgent decisions by the Chief Executive of South Northamptonshire Council as part of the Council's response to the Covid-19 pandemic.

### Decisions Required:

- 1.1 To authorise the Executive Director of Finance (S151 Officer) in consultation with the Portfolio Holder for Finance, Performance and Governance to approve the changes required to the Business Rates Retail Relief Policy for 2020-2021.
- 1.2 To authorise the Executive Director of Finance (S151 Officer) in consultation with the Portfolio Holder for Finance, Performance and Governance to approve the Nursery Discount Policy for 2020-2021.
- 1.3 To authorise the Executive Director of Finance (S151 Officer) in consultation with the Portfolio Holder for Finance, Performance and Governance to approve a process for the award of the Small Business Grant and the Grant for retail, hospitality and leisure businesses in line with Government guidelines.
- 1.4 To authorise the Executive Director of Finance (S151 Officer) in consultation with the Portfolio Holder for Finance, Performance and Governance to agree the allocation of the hardship fund in line with Government guidelines
- 1.5 To authorise the Executive Director of Finance (S151 Officer) in consultation with the Portfolio Holder for Finance, Performance and Governance to take whatever financial decisions he feels are required in order to respond effectively to the Covid-19 pandemic.

### Summary

The Council is expecting to face extremely challenging conditions as Covid-19 takes effect. South Northants Council wants to be in the best possible position to take all necessary actions to support our residents, businesses and service users during this time.

In response to Covid-19 the Government has set out a package of temporary and targeted measures to provide additional support to businesses and to Council Tax payers.

In summary the following measures are being introduced:

- A 12-month business rates relief for all retail, hospitality and leisure businesses in England
- A 12-month business rates discount for childcare providers on Ofsted's Early Years Register
- Small business grant funding of £10,000 for all businesses in receipt of small business rate relief or rural rate relief
- Grant funding of up to £10,000 for retail, hospitality and leisure businesses with property with a rateable value of up to £15,000
- Grant funding of up to £25,000 for retail, hospitality and leisure businesses with a rateable value of between £15,000 and £51,000.
- Hardship Fund which will be used to provide help to Council Tax payers in the South Northants area. The funding allocation for South Northants is £283,831 The government's expectation is that billing authorities will provide all recipients of working age Council Tax Reduction for 2020-2021 with a further reduction in their bill of £150. Where a taxpayer's liability for 2020-2021 is, following the application of Council Tax Reduction, less than £150 then their liability will be reduced to nil. Local authorities should then establish their own approach to using any remaining grant to assist those in need.
- The establishment of £100,000 SNC Hardship Fund (use yet to be determined) to be funded from the earmarked risk reserve
- Delegated authority to the Executive Director of Finance (S151 officer) to take whatever financial decisions he feels are required in order to respond effectively to the Covid-19 pandemic.

Summary of decisions required and reason for urgency

<b>Subject</b>	<b>Decision required</b>	<b>Reason for urgency</b>
Extended Business Rates Retail Relief for 2020-2021	To grant authorisation to S151 officer in consultation with the Portfolio Holder to agree changes to the Retail Relief policy for 2020-2021	The Government has introduced a package of support for local businesses. The Authority must react to these changes before 1 <sup>st</sup> April 20 direct debits are taken and it was not possible to prepare a report for Cabinet in timescales

Nursery Discount Policy for 2020-2021	To grant authorisation to the S151 officer in consultation with the Portfolio Holder to agree the Nursery Discount policy for 2020-2021	New discount introduced from 1 <sup>st</sup> April 20 by Government in response to Covid-19 and it has not been possible to prepare a Cabinet report in timescales
Small Business Rates grant and retail, leisure and hospitality grant	To grant authorisation to the S151 officer in consultation with the portfolio holder to agree a process for award and payment of grants	New grant to support businesses in response to Covid-19. Council would like to respond as soon as possible
Hardship Fund to support CT payers	For the S151 officer in consultation with the portfolio holder to approve the process to make payments to Council tax accounts of up to £150 from hardship fund in line with Government guidelines and to decide on allocation of the remaining funding	New funding to support Council Tax payers in response to Covid-19 crisis.  Council would like to respond as soon as possible to the funding to support Council tax payers impacted by Covid-19
SNC Hardship Fund	For the S151 officer in consultation with the portfolio holder to transfer £100,000 from the Risk earmarked reserve to an SNC hardship fund earmarked reserve and determine the uses of this fund.	To allocate specific internal funds to complement government funding available and allow the Council to respond effectively to the issue
General delegation to the Executive Director of Finance to take whatever financial decision are required to respond to the Covid-19 issue	For the S151 officer in consultation with the portfolio holder to be given the widest delegation to allow him the flexibility to take whatever decisions are required to deal most effectively with the pandemic.	To be able to respond swiftly and effectively when required

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## **Urgent Decision by Chief Executive**

### Purpose of the report

The Officer Scheme of Delegation states that the Chief Executive may take an urgent decision in relation to a Council function (in consultation with the relevant members) if it is in the best interests of the Council and/or residents.

This report sets out the reasons for a number of urgent decisions by the Chief Executive of South Northamptonshire Council as part of the Council's response to the Covid-19 pandemic.

### Decisions Required:

- 1.1 If it was not possible to hold a quorate planning committee or there was a lack of officer capacity to support, then whilst the inability to hold a Planning Committee Meeting was the position, arrangements are put in place to delegate decisions to the Assistant Director of Planning and Economy.
- 1.2 Member site visits are suspended until further notice, and that the planning committee rules and procedures are amended to reflect this.
- 1.3 If the planning committee is not content that it has sufficient information to determine a planning application in front of it, then that application should be delegated to the Assistant Director of Planning and Economy for his determination.

### Explanation

It is important that South Northamptonshire Council, in its capacity as a planning authority, continues to provide the best service possible in these challenging times, and prioritise decision-making to ensure the planning system continues to function - especially where this will support the local economy. It is also important that we prioritise our capacity to process planning applications within statutory timescales.

We recognise that face-to-face events and meetings are now not feasible, and we have explored opportunities to use technology to ensure that discussions and consultation can continue. We have taken a pragmatic approach and will continue, as far as possible to work proactively with applicants and others.

We have also explored other measures to ensure that officers and Members are able to work safely. These include a review of the need for site visits.

## **Principles**

The Planning Processes have been reviewed using the following principles:

- They should mirror existing committee processes where that is sensible.
- They should be as efficient as possible given the strain that may be placed on staffing levels over the coming months.
- They should be as precise as possible to minimise the risk of challenge – legal or otherwise.
- They should maintain a separation between the planning officer administrating the process and the officer taking any decision.

With respect to the applicant, generally there should continue to be good dialogue between a case officer and an applicant / agent, so no additional provision should be necessary under these revised processes.

## **Virtual Planning Committees**

The Coronavirus Act 2020 and accompanying regulations enable ‘virtual’ committee meetings, including planning committee meetings. SNC is implementing and testing the processes and technology required to hold a virtual meeting in preparation for the first virtual planning committee meeting, scheduled for 23 April 2020.

We have looked at practicalities from three different aspects:

- The meeting itself
- Public speaking
- Public attendance.

### *The meeting itself*

With any conference-call or video-link meeting, the main challenge is managing a large group of people. A protocol is being finalised based on the Meeting Regulations, that will allow meetings to be conducted and chaired in our usual professional and transparent manner.

It will be important to have a clear protocol so that people don’t speak over each other and that they introduce themselves, so listeners know what is happening. The role of the chair will be even more important than usual.

Arrangements are being put in place to handle visual material. They can be distributed in advance as PowerPoint or PDF packs and referred to in the meeting. Our video conferencing facilities enable such material to be displayed during the virtual meeting, but we must be sure all participants are able to access this, so a simpler solution may be more resilient.

Finally, it will be very important to remind members of the rules that apply to the normal operation of a committee, in particular that they are incommunicado including through electronic means.

### *Public speaking*

Allowing public speakers to join a virtual meeting is possible but could be challenging on occasions. A simpler solution is to ask speakers to record their Speech and email it to officers in advance of the meeting. This is likely to be better for most people as they can have several attempts at it until they are happy it is right – and within the prescribed time limit.

### *Public attendance*

It is important to remember that planning committee is a meeting in public, and not a public meeting. The public are there to listen and are in effect witnesses to the process. We are setting up arrangements for a live webcast supplemented by a recording of the meeting being made available as soon as possible afterwards on the Council's website.

### **Delegated Authority**

It is already the case that the assumption is that any planning application or similar is determined using the delegated procedure. Most applications are therefore delegated to the Assistant Director of Planning and Economy. The principal exception to this is major development, which is defined nationally as 10 homes or more, or 1,000 square metres of other floorspace or more, where applications are automatically considered by the Planning Committee. Whilst the Planning Committee is able to conduct business, it is not proposed to change the Scheme of Delegation.

If it was not possible to hold a quorate planning committee or there was a lack of officer capacity to support, then whilst the inability to hold a Planning Committee Meeting was the position, it is proposed that arrangements are put in place to delegate decisions to the Assistant Director of Planning and Economy.

Planning Committee members will be involved in the new arrangements, but it will be made clear that their involvement is then as consultees and not decision makers. This is because of the general public administration principle; that a decision maker to whom the decision has been delegated to cannot be fettered in making their decision. The officer making the decision will take into account the views of the committee members on the report and recommendation but must be free to use their own professional judgement on the merits and planning balance.

Further guidance will be produced on the process to be adopted.

It should be noted that these provisions will only be used if it is not possible to hold a Planning Committee meeting.

## **Site Visits**

One risk to the timely and fair determination of planning applications is site visits. In recognition of the risks to staff and the public of site visits, these have already been suspended for all planning staff. Instead, we are relying on information such as Google Streetview, aerial photography, and other information that is available to us. For instance, we are asking applicants to post the site notice which is required by regulations, and to email photographs to show site notices have been put up.

It should be remembered that a Member site visit cannot be a part of the decision making process for a planning application: these site visits are for information only. There is no reason why we cannot obtain photographs taken by applicants and others to help to inform our understanding of a planning application.

It is also unreasonable for a planning application to be held in abeyance until such time as it is declared safe for Member site visits to be made.

For the reasons set out above, it is proposed that Member site visits are suspended until further notice, and that the planning committee rules and procedures are amended to reflect this.

It is further proposed that, if the planning committee is not content that it has sufficient information to determine a planning application in front of it, then that application should be delegated to the Assistant Director of Planning and Economy for his determination.

## **Conclusions**

These arrangements will allow the Planning Committee to fulfil its role as near as possible to the current constitutional arrangements.

It is essential to design new procedures that are as simple as possible and do not rely solely on complex technology arrangements. Broadband capacity is already under strain, and it is also important to remember that the staff resources we have to service new arrangements may diminish.

It is important that we do not expose staff, Members and applicants to any risks such as site visits.

The additional delegation of decisions to the Assistant Director of Planning and Economy will only be used if it is not possible to hold a Planning Committee meeting.

The new procedures will be kept under review in the light of the continuing COVID - 19 emergency.

## Member consultation

The Chairman of the Planning Committee and the Portfolio Holder for Planning have been consulted on this report and are in agreement with its content and decisions.

### Summary of decisions required and reason for urgency

<b>Subject</b>	<b>Decision required</b>	<b>Reason for urgency</b>
Inquorate planning committee or lack of officer capacity to support.	If it was not possible to hold a quorate planning committee or there was a lack of officer capacity to support, then whilst the inability to hold a Planning Committee Meeting was the position, arrangements are put in place to delegate decisions to the Assistant Director of Planning and Economy.	No Full Council meeting is scheduled for amendments to planning procedures or delegations to be determined.  The Planning Committee next meets on 23 April 2020 and arrangements need to be put in place to allow it to meet. This will be a virtual meeting.
Member site visits.	Member site visits are suspended until further notice, and that the planning committee rules and procedures are amended to reflect this.	Currently quoracy or officer support for the planning committee is not an issue, but it is felt prudent to put measures in place now so that we are in a position to determine planning application if such a need arises.
Delegation to the Assistant Director of Planning and Economy to determine planning applications if the planning committee is not content that it has sufficient information to determine a planning application in front of it.	If the planning committee is not content that it has sufficient information to determine a planning application in front of it, then that application should be delegated to the Assistant Director of Planning and Economy for his determination.	It is important that we put all necessary measures in place to protect members, officers and the public from risks arising from the Coronavirus pandemic – hence the need for virtual meetings and the suspension of site visits.

**Date** 16 April 2020

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Assistant Director of Planning and Economy

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