



Tuesday, 20 March 2018

Dear Sir/Madam

A meeting of the Leisure and Environment Committee will be held on Wednesday, 28 March 2018 in the New Council Chamber, Town Hall, Foster Avenue, Beeston NG9 1AB, commencing at 7.00 pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To Councillors: J S Briggs

S J Carr

E Cubley

R H Darby

S Easom (Chair)

H G Khaled MBE

L A Lally

P J Owen

M E Plackett (Vice-Chair)

R S Robinson

## AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

PAGES 1 - 4

To approve the minutes of the previous meeting held on 24 January 2018.

4. CONTAMINATED LAND INSPECTION STRATEGY PAGES 5 - 72
- To advise members of the latest Contaminated Land Inspection Strategy.
5. MANSFIELD ROAD RECREATION GROUND, EASTWOOD – PLAY AREA PAGES 73 - 74
- To seek approval for a Section 106 parks and open spaces contribution from a developer to be used to fund improvements to the play area at Mansfield Road Recreation Ground, Eastwood.
6. PLAY AREA AND PARKS/OPEN SPACE IMPROVEMENTS PAGES 75 - 84
- To consider schemes to improve the play areas and parks/open spaces in the borough as part of the 2018/19 capital programme.
7. PERFORMANCE MANAGEMENT – REVIEW OF BUSINESS PLAN PROGRESS – LIBERTY LEISURE LIMITED PAGES 85 - 92
- To report progress against outcome targets identified in the Liberty Leisure Limited Business Plan that provides continuity of projects and performance from the existing Council run Leisure and Cultural Services through to the formation of the Liberty Leisure Limited.
8. PERFORMANCE MANAGEMENT – REVIEW OF BUSINESS PLAN PROGRESS – ENVIRONMENT PAGES 93 - 98
- To report progress against outcome targets identified in the Environment Business Plan, linked to Corporate Plan priorities and objectives, and to provide an update as to the latest key performance indicators for the Environment.
9. WORK PROGRAMME PAGES 99 - 100
- To consider items for inclusion in the Work Programme for future meetings.

## LEISURE AND ENVIRONMENT COMMITTEE

24 JANUARY 2018

Present: Councillor S Easom, Chair

Councillors: J S Briggs  
M Brown (substitute)  
S J Carr  
E Cubley  
D A Elliott  
L A Lally  
J C Patrick (substitute)  
C H Rice

Apologies for absence were received from Councillors R H Darby, P J Owen and M Radulovic MBE.

34. MINUTES

The minutes of the meeting held on 7 December 2017 were confirmed and signed.

35. DECLARATIONS OF INTEREST

There were no declarations of interest.

36. AIR QUALITY STATUS REPORT 2017

Members were advised of the Air Quality Status Report which had been submitted to the Department of Food Environment and Rural Affairs. The production of an annual status report was intended to aid local transparency and increase accessibility of air quality to the wider public. It was noted that the Nuthall Air Quality Management Area had now been revoked.

37. BROXTOWE PARKS STANDARD

The Committee was informed of the outcome of the consultation and site assessments relating to the Broxtowe Parks Standard. It had been identified that three sites had not achieved the standard. These were Millfield Road Open Space, Kimberley, Redbridge Drive Open Space, Nuthall and Hickings Lane Recreation Ground, Stapleford. These play areas were identified in the Play Strategy as a high priority for improvement.

38. LEYTON CRESCENT RECREATION GROUND – FUNDING AWARD

The Committee was advised of the Council's success in securing additional funding for work at the Leyton Crescent Recreation Ground play area in Beeston Rylands. In partnership with the Beeston Rylands Community Action Team, an application was submitted to the Nottinghamshire County Council Supporting Local Communities fund for a contribution towards work at this site and £16,000 was awarded. Using the £16,000 as match funding, a £50,000 bid was made in August 2017 to Waste Recycling Environmental (WREN). A condition of the £50,000 award from WREN was that the Council would be required to provide £5,312.87 as a contributing third party payment to WREN. United Living, the Council's housing modernisation partner, have agreed to provide the funding for this.

**RECOMMENDED to the Finance and Resources Committee that a supplementary capital estimate of £50,000 for the provision of new play equipment in the play area at Leyton Crescent Recreation Ground, Beeston Rylands be approved with funding provided by WREN.**

39. BUSINESS PLANS AND FINANCIAL ESTIMATES 2018/19 – 2020/21

The Committee considered the proposals for business plans, detailed revenue budget estimates for 2018/19, capital programme for 2018/19 to 2020/21 and proposed fees and charges for 2018/19.

Members raised concerns over the large variance in budgetary figures from the previous year. It was noted that the accounts recording system had been updated resulting in the movement of budgets to different areas. However, a member of the Council's Finance department was not available at the meeting to further explain the varying figures.

1. **RESOLVED that the attached Bereavement Services and Environment Business Plans be approved.**
2. **RECOMMENDED that the Finance and Resources Committee further consider the following and recommend to Council accordingly:**
  - a) **The detailed revenue budget estimates for 2018/19 (base) including any revenue development submissions.**
  - b) **The capital programme for 2018/19 to 2020/21.**
  - c) **The fees and charges for 2018/19.**

40. 2018 – 2021 LIBERTY LEISURE LIMITED BUSINESS PLAN

The Committee noted the Liberty Leisure Limited Business Plan, Performance Indicators, Targets and Priority Actions for 2018-2021. It was

noted that Liberty Leisure Limited approves its business plan through the Liberty Leisure Limited Board. As part of the management agreement, Liberty Leisure Limited submits an annual business plan to the Council at the start of each calendar year for the following financial year with projections for the subsequent two years.

41. WORK PROGRAMME

The Committee considered the work programme. The Committee requested that reports on Christmas Lights, Fly Tipping and Events Programme be added to the work programme.

**RESOLVED that the Work Programme, as amended, be approved.**

Chair \_\_\_\_\_

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## Report of the Chief Executive

**CONTAMINATED LAND INSPECTION STRATEGY**1. Purpose of report

To advise members of the latest Contaminated Land Inspection Strategy.

2. Detail

The UK has a legacy of historic land contamination derived from past industrial activities and waste disposal practices. Land contamination can be hazardous to people, property and the environment. Common contaminants include heavy metals, petroleum hydrocarbons (oils and fuels), polycyclic aromatic hydrocarbons, asbestos and landfill gas.

The contaminated land regime was introduced in 2000 by the Environmental Protection Act 1990 to protect people, ecological systems, crops and livestock, property, buildings and controlled waters from harm caused by exposure to historic land contamination. It established a new, statutory regime for the identification, investigation and remediation of contaminated land. The regime requires each local authority to prepare, adopt and publish a strategy which explains how it will carry out this duty.

Broxtowe Borough Council is responsible for implementing and enforcing the contaminated land regime in the borough.

This strategy, included at appendix 1, outlines the regime for dealing with contaminated land in the borough. Broxtowe Borough Council's first contaminated land strategy was published in 2001 with subsequent updates in 2004 and 2010. The 2018 version, attached at appendix 1, incorporates recent changes in contaminated land guidance as well as aligning more closely with other Broxtowe Borough Council policies. An Equalities Impact Assessment is included at appendix 2.

**Recommendation**

**The Committee is asked to RESOLVE that the Contaminated Land Inspection Strategy 2018 be approved.**

Background papers

Nil

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**Broxtowe  
Borough  
COUNCIL**

## **Contaminated Land Inspection Strategy**

In fulfilment of Part 2A of the  
Environment Protection Act 1990

January 2018

Local Authority Officer	Rebecca Salmon
Department	Environmental Health
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Telephone	0115 9177777
E-mail	health@broxtowe.gov.uk
Reviewed by	Suzanne Hickey
Report Reference number	BBC/CL/IS/2017
Date	January 2018

## **Executive Summary**

This strategy replaces Broxtowe Borough Council's original Contaminated Land Inspection Strategy (as amended). It details how Broxtowe Borough Council, in accordance with its duty under the Environmental Protection Act 1990, will inspect the land in its borough for contamination.

This update has been produced following the major revision of statutory guidance and also refers to changes to other legislation, guidance and national and Council policy since the original strategy was produced in 2001. Any reference throughout this document to the Statutory Guidance is the guidance issued in April 2012 under Section 78 of the Environmental Protection Act 1990.

The Council will use all available information and a risk based approach both in the initial screening process and again in the detailed inspection of sites to identify Contaminated Land.

The inspection programme will continue, with the Council producing a public register of any land designated as Contaminated Land. The process of investigating and remediating such land is intended to ensure that all land in the borough is suitable for use and does not pose an unacceptable risk to people, the environment, water and property.

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## **1.0 INTRODUCTION**

### **1.1 The Problem of Land Contamination**

The United Kingdom has a legacy of land contamination arising from past industrial development. Various industrial practices have led to substances being in, on or under land such as tars, heavy metals, organic compounds and mining materials. In addition, land filling of waste sometimes took place without adequate precautions against the escape of landfill gases and leaching of materials. The previous regulatory system for dealing with land which was contaminated led, in some instances, to over prescriptive remediation being demanded to ensure public safety and, as a result, emphasised the need for a new system of regulation.

In response to this, the UK Government, through the establishment of various policies and the introduction of legislation, has provided a framework which will endeavour to: -

- prevent future contamination of land from occurring; and
- ensure that appropriate action is taken to deal with existing land contamination where it poses unacceptable risks to human health or to the environment.

The purpose of Part 2A of the Environmental Protection Act 1990, hereafter referred to as Part 2A, is to deal with the legacy of land throughout the UK which has been contaminated by past industrial, mining and waste disposal activities. It is not known in detail how much land is contaminated and this can only be found out through wide-ranging and detailed site investigation and risk assessment.

## 1.2 The Part 2A Regime

Part 2A of the Environmental Protection Act 1990 came into force on 1 April 2000. It places a responsibility on local authorities to inspect land in its district to identify Contaminated Land.

**Contaminated Land is defined under the Act as any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land**

**that:**

**(a) significant harm is being caused or there is a significant possibility of such harm being caused; or**

**(b) significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.**

**(c) For Radioactive Contaminated Land that:**

**(i) harm is being caused; or**

**(ii) there is a significant possibility of harm being caused.**

All references to Contaminated Land within this document refer to this statutory definition.

Part 2A provides the regulatory framework for the identification and remediation of Contaminated Land. The regime is based on the following basic principles: -

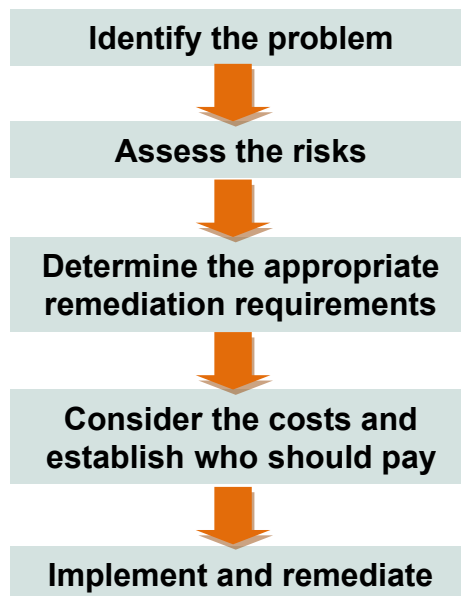


Figure 1.1 Principles of the Part 2A regime



The Government regards the implementation of the Part 2A regime as an essential tool in providing an effective framework to deal with the regulation of Contaminated Land.

### **1.3 Legislative Context & National Policy**

#### **1.3.1 Other regimes**

The first priority for the Government's policy on land contamination is to prevent the creation of new contamination and as a result a range of regimes have been developed to prevent new contamination of land. These continue to deal with land affected by contamination alongside the provisions of Part 2A.

#### Environmental Damage (Prevention and Remediation) Regulations 2015

The Environmental Damage (Prevention and Remediation) Regulations 2015 are a result of the implementation of the European Directive on Environmental Liability (2004/35). They are based on the principle of 'the polluter pays', where those responsible for a pollution incident are required to prevent and, where necessary, remedy any environmental damage caused. The emphasis is on the operator identifying where or when there is imminent threat or actual damage to the environment, and taking immediate action.

Environmental damage is considered to be:

- Serious damage to surface or ground water.
- Serious damage to EU-protected natural habitats or species.
- Contamination of land with a significant risk of harm to human health.

The regulations are not retrospective and will only be applied to damage caused after their implementation.

#### Pollution Prevention and Control Act (1999)

This regime includes the specific requirement that permits (Environmental Permit Regulations, 2016) for industrial plants and installations must include conditions

to prevent the pollution of soil. There are also requirements in relation to the land filling of waste.

### Planning and Building Control

The National Planning Policy Framework (2012) states that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

For all new developments, it will be the responsibility of the developer to carry out any necessary site assessment and remediation. In most cases, the enforcement of any remediation requirements will be through planning conditions.

The Building Regulations (made under the Building Act 1984) require measures to be taken to protect new buildings, and their future occupants, from the effects of contamination. Approved Document Part C (Site Preparation and Resistance to Moisture) published in 2004 gives guidance on these requirements.

#### **1.3.2 Regulatory role of local authorities under Part 2A**

The principal regulators for Part 2A are the local authorities, and their main responsibilities are:

- to prepare and publish a strategy for inspecting their area for Contaminated Land and to implement the strategy,
- to cause their areas to be inspected in order to identify Contaminated Land
- to establish who may be the appropriate person(s) to bear responsibility for remediation of the land
- to decide, after consultation, what remediation might be required in any individual case and ensure that such remediation takes place, by serving a remediation notice where necessary
- to record information on a public register about their regulatory actions
- to decide whether any such land should be designated a Special Site

The Statutory Guidance (2012) specifies the Council's duty with regard to inspection of its area, and also lays down fundamental principles to be followed throughout the inspection and strategy process.

In carrying out its inspection duty under section 78B(1) of the Environmental Protection Act 1990, the Council will take a strategic approach to the identification of land which merits detailed individual inspection.

This approach will:

- a) be rational, ordered and efficient
- b) be proportionate to the seriousness of any actual or potential risk
- c) seek to ensure that the most pressing and serious problems are located first
- d) ensure that resources are concentrated on investigation in areas where the Council is most likely to identify Contaminated Land
- e) ensure that the Council efficiently identifies requirements for the detailed inspection of particular areas of land.

In developing this strategic approach, the Council is required to reflect local circumstances. In particular it is required to consider:

- any available evidence that significant harm or pollution of controlled waters is actually being caused

- the extent to which any receptor is likely to be found in any of the different parts of the authority's area
- the extent to which any of these receptors is likely to be exposed to a contaminant
- the extent to which information on land contamination is already available
- the history, scale and nature of industrial or other activities which may have contaminated the land in different parts of its area
- the nature and timing of past redevelopment in different parts of its area
- the extent to which remedial action has already been taken by the authority or others to deal with land contamination problems or is likely to be taken as part of an impending redevelopment
- the extent to which other regulatory authorities are likely to be considering the possibility of harm being caused to particular receptors or the likelihood of any pollution of controlled waters being caused in particular parts of the local authority's area.

The legal requirement to produce an inspection strategy allows the Council to consider:

- how best to prepare and implement the strategy through the joint working of individual departments
- the practical working arrangements with external agencies that will have to be in place to effectively implement the new regime.

### **1.3.2 Regulatory role of the Environment Agency**

The Environment Agency has an important complementary regulatory role under the Part 2A regime. This includes:

- the provision of information and advice, including site specific guidance, to local authorities
- the regulation of Special Sites
- the preparation of a national report on the state of Contaminated Land.

The Contaminated Land (England) Regulations 2000 define Special Sites, which includes land associated with the following situations:

- (a) Pollution of controlled waters as defined in the Regulations
- (b) Contamination by certain chemicals used as pesticides
- (c) Contamination by waste acid tars
- (d) Refining of petroleum
- (e) Manufacture of explosives
- (f) Nuclear sites
- (g) Land owned by the Ministry of Defence
- (h) Land on which prescribed processes designated for central control have been carried out.

### **1.3.3 Objectives of the Part 2A regime**

The Part 2A regime is based upon a set of principles which include 'suitable for use' standards of remediation, the 'polluter pays' principle for allocating liability, a risk based approach to the assessment of contamination and sustainable development.

Part 2A provides a means of dealing with unacceptable risks to human health and the environment posed by land contamination, and enforcing authorities should seek to find and deal with such land. Under Part 2A the starting point should be that land is not contaminated land unless there is reason to consider otherwise. Only land where unacceptable risks are clearly identified, after a risk assessment has been undertaken in accordance with the Statutory Guidance, should be considered as meeting the Part 2A definition of Contaminated Land.

#### **The objectives with respect to Contaminated Land are:**

- **to identify and remove unacceptable risks to human health and the environment;**
- **to seek to bring damaged land back into beneficial use; and**
- **to seek to ensure that the cost burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.**

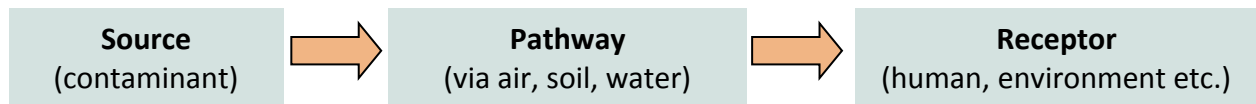
These three objectives underlie the 'suitable for use' approach to the remediation of Contaminated Land, which the Government considers is the most appropriate approach to achieving sustainable development in this area.

## 1.4 Principles and definitions

### 1.4.1 Principals of pollutant linkages

The Department for Environment, Transport and Regions (DETR) Circular 02/2000 follows established approaches to risk assessments, including the concept of pollutant linkages.

A pollutant linkage is the relationship between a contaminant, a pathway and a receptor.



**Figure 1.2: Pollutant linkage**

A contaminant is a substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters.

A pathway is a route by which a receptor could be affected by a contaminant.

A receptor is something that could be adversely affected by a contaminant. Humans, organisms, property and controlled waters are all examples of receptors.

Unless all three elements of a pollutant linkage are present in respect of a piece of land, the land will not be identified as Contaminated Land.

The Council must first satisfy itself that:

- (a) such a pollutant linkage exists in respect of a piece of land; and
- (b) the pollutant linkage
  - (i) is resulting in significant harm being caused to the '*receptor*' in the pollutant linkage; or
  - (ii) presents a significant possibility of significant harm being caused to that receptor;
  - (iii) is resulting in the pollution of controlled waters which constitute the receptor; or
  - (iv) is likely to result in such pollution.

#### **1.4.2 Principals of risk assessment**

DETR Circular 02/2000 promotes a risk-based approach to dealing with Contaminated Land.

Risk is defined as the combination of:

- the probability, or frequency, of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and
- the magnitude (including the seriousness) of the consequences.

The aim of this type of approach is to protect human health and the environment without unnecessarily wasting finances on cleaning up sites that do not pose a significant risk. The need for and extent of any remediation will be based on a site-specific risk assessment of the facts.

So, although land may be contaminated, unless it presents a significant risk to a receptor such as a human being or an aquifer used to supply water, the mere presence of a former contaminative use does not require action by the local authority.

## **2.0 CHARACTERISTICS OF THE BOROUGH**

This section gives background information about the borough of Broxtowe and highlights some of the factors, in relation to potential contaminants, pathways and receptors, which will influence the Council's approach to the inspection of Contaminated Land.

### **2.1 Geographical Characteristics**

Broxtowe Borough lies on the west side of the Nottingham conurbation. It is bounded to the east by the City of Nottingham, to the north and south by the districts of Ashfield and Rushcliffe respectively, and to the west by the towns of the Erewash Valley in Derbyshire.

The population of Broxtowe at the 2011 Census was estimated to be 109, 487. The bulk of the population is concentrated in the urban areas which centre in Beeston, Stapleford, Eastwood and Kimberley. Beeston and Stapleford form part of the more built-up southern part of the borough, where approximately two thirds of its population live. Eastwood and Kimberley are separate towns surrounded by an area which is more rural in character, containing several villages.

The northern settlements developed in association with coal mining, although there are now no active collieries in the area. As a consequence of this decline considerable physical, economic and social change has occurred in tandem with extensive recent housing and industrial development. The towns in the south of the borough, whilst historically related to the textile industry of the Nottingham area and the Erewash Valley, have developed as part of the wider built up area around Nottingham and include extensive post-war residential development.

#### **2.1.1 Mineral extraction**

Mining for coal was well established in the northern half of the borough, particularly along the Erewash valley, by the 15<sup>th</sup> century using small bell pits. In



the 18<sup>th</sup> and 19<sup>th</sup> centuries these shallow workings became exhausted and larger deeper mines were sunk. The last deep mined coal was raised at Moorgreen in 1985 and there are now no active collieries in the borough.

Opencast mining has also taken place extensively as much of the northern part of the borough is on the exposed coalfield, where the coal seams can be found just below the subsoil. In connection with the opencast operations a number of dedicated blending, stocking and loading facilities were provided. Currently no opencasting is being carried out in the borough.

Whilst much of the dereliction associated with the mining operations has been dealt with, in some cases reclamation has been combined with an opencast scheme (e.g. Moorgreen colliery). However, potential gas migration and ground stability still need to be taken into account when any building work takes place.

Sharp sand and gravel have been worked at Attenborough but the site has now become a nature reserve.

Bricks were manufactured at a number of sites in the borough and the associated clay pits have been used as landfills.

### **2.1.2 Railways**

Rail development within the borough was largely influenced by the coal mining industry after the initial connection of Nottingham and Derby in 1839 by a line running through Beeston and Attenborough. This route now forms part of the current main line from Nottingham to London. Further development of the Midland Railway company resulted in the Erewash Valley line running along the Western boundary of the borough with a large marshalling yard and associated facilities at Toton, and a cut off route from Trowell to Nottingham principally for passenger trains. These routes are still in use, however, there are now areas of derelict land around the Toton site and some abandoned associated branch lines such as Bennerley – Kimberley – Watnall.

Vested coal and iron interests brought a second railway network to the borough in the 1870's. This was the Great Northern Railway in association with the Stanton Ironworks Company and various coal owners. This system included a second route for Nottingham to Derby via Kimberley as well as a second route up the Erewash Valley from Awsworth through Eastwood, plus some associated branch lines. These railways were abandoned completely by 1970 and while some sections remain derelict, others have been used as landfill sites, footpaths or redevelopment. Additionally, an extensive private rail system was operated by Barber Walker and Company of Eastwood (Later the National Coal Board). This connected Langley Mill, Underwood, Eastwood and Watnall, and was closed in stages between 1956 and 1985.

### **2.1.3 Light industry**

Light industry in the form of textiles, electrical and pharmaceutical manufacturers historically dominated the southern part of the borough and, whilst some decline has taken place, many of these sites are still in operation. Currently, working practices and pollution controls ensure that any new contamination is minimal and historic contamination is being dealt with as and when sites are redeveloped.

### **2.1.4 Ministry of Defence land**

A large area of land in Chilwell came under the control of the Ministry of Defence (MOD) during World War One, and since 1990 parcels have been released for redevelopment. Remediation has been undertaken on each piece of land by the developer in agreement with the Council. Redevelopment is still on going and a considerable area remains in MOD ownership.

### **2.1.6 Protected locations**

There are a wide range of protected habitats across the borough, including:

- 7 Sites of Special Scientific Interest (SSSI's) protected under the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000

- 15 geological and 156 biological Local Wildlife Sites (previously known as Sites of Importance for Nature Conservation) as designated by the Nottinghamshire Biological and Geological Records Centre
- 15 local nature reserves.

As well as its rich natural habitat and diversity, the borough has a significant historic built environment with

- 296 listed buildings
- 6 ancient monuments
- 17 designated Conservation Areas.

### **2.1.7 Key surface water bodies and river network**

The southern boundary of the borough is formed by the River Trent and the western boundary closely follows the River Erewash for much of its length. Additionally, a large reservoir is present at Moorgreen and large man-made lakes created at Attenborough by mineral extraction, now form the Attenborough Nature Reserve.

## **2.2 The Geology of the Borough**

### **2.2.1 Drift geology (unconsolidated deposits)**

Alluvial deposits form the surface geology of the southern extremity of the borough taking in Beeston and Attenborough down to the southern boundary of the River Trent as well on a thin strip immediately alongside the River Erewash on the western boundary.

These types of deposits are associated with rivers and often comprise sandy material which allows ready passage of water, or water borne contaminants. Additionally, marshland often found adjacent to watercourses, is likely to be a source of methane and other gases associated with vegetation.

### **2.2.2 Solid geology (Solid rocks)**

The solid rocks underlying the Alluvial deposits in the south of the borough are Permo-Triassic Sandstones which extend to form the surface geology of the rest of Beeston, Chilwell, Toton and much of Stapleford as well as the north eastern edge of the borough. These rocks form part of the principal aquifer, which extends eastwards across the rest of Nottinghamshire, and is used as a source of potable water.

From a line passing through the north of Stapleford, and above Bramcote, Coal Measures are to be found at the surface and have been the subject of both opencast and underground coal workings, although currently no extraction is taking place.

The general dip of the strata is from west to east with the Coal Measures continuing under the Permo-Triassic rocks on the eastern boundary of the borough.

### **2.2.3 Hydro geology (water pathways)**

The drift deposits in the south of the borough connect with the Permo-Triassic rocks below to form a pathway for water and possible contaminants into the ground water, used on a supply of potable water further east.

The Coal Measures which allow the passage of water as well as contaminant containing water, extend beneath the Permo-triassic. However, these are not generally used as supply of water because of their acidic nature caused by both the rocks and past mining activity.

### **2.2.4 Possible sources of contamination**

Within the Coal Measures acid water is present both in the form of surface water entering via old mine workings and the associated disturbed strata as well as water trapped present since the formation of the rocks. Springs are also common in this formation and therefore may give rise to contaminated surface

water flows. Additionally, various gasses are usually present in both the Coal Measures and Drift deposits close to rivers.

### **2.2.5 Pathways for contamination**

The borough is covered by soils of high permeability meaning that they readily allow water or contamination to pass to the rock below. All of the solid and drift geology below the surface soils can act as pathways for contamination but the most important pathway is via the drift deposits and the Permo-Triassic rocks as this will affect the potable water supply further east.

### **2.2.6 Geological receptors for contamination**

The principal receptor for contamination is the Permo-Triassic strata as already mentioned because of implications for the water supply. Both the River Trent and River Erewash are also receptors as are any other watercourses.

## **3.0 CORPORATE POLICY**

The Contaminated Land Inspection Strategy will operate within the context of the Corporate Plan 2016-2020 as well as complement the aims and objectives of various other Broxtowe Borough Council policies. It will play an important part in allowing the Council to move closer to meet its aims and objectives for environmental improvement, regeneration and sustainable development while working to ensure the health and wellbeing of its residents. The key documents are discussed below.

### **3.1 Corporate Plan 2016-2020**

Broxtowe Borough Council Corporate Plan identifies 5 priorities; housing, business growth, environment, health and community safety. One of the aims is to increase the rate of house building on brownfield sites. Another is to complete the regeneration of Beeston town centre and seek opportunities to regenerate other town centres throughout the borough.

The supply of land, like many other natural resources, is limited and the demand for new development whether for housing, business, transport or leisure activities, places severe pressure on our environment. Redeveloping areas where the previous development has come to an end not only contributes to the social and economic regeneration of the local communities but is also an important force in achieving environmental improvement and healthier lives.

### **3.2 Part 2 Local Plan 2017-2028**

The Council considers the potential implications of contamination both when they are developing local plans and when they consider individual applications for planning permission. They will satisfy themselves that the potential for contamination is properly assessed, and the development incorporates any necessary remediation. Where necessary, any planning permission will include appropriate site investigation and remediation conditions. The Part 2 Local Plan discusses this further and identifies the protection of groundwater as an

important issue. It aims to encourage brownfield redevelopment and to protect future occupants and broader environmental concerns from the effects of contamination. It sets out how appropriate action will be taken to identify and deal with contamination throughout the planning process.

### **3.3 Economic Regeneration Strategy 2017-2021**

The Economic Regeneration Strategy develops further the principles and aims of the Corporate Plan with emphasis on economic development and brownfield regeneration. It focuses on adopting a proactive approach to bringing forward brownfield sites for development. Developers can be reluctant to take on brownfield sites due to concerns about potential contamination, the associated cost of remediation and timescales involved. The Economic Regeneration Strategy aims to promote these sites as opportunities to regenerate an area. In order to do this the Council proactively contacts landowners and provides all necessary advice in order to bring forward any potential planning application swiftly. It also considers the use of Compulsory Purchase Orders to legally acquire land in order to ensure it is suitably redeveloped in the future. Throughout this process the Environmental Health team will continue to provide any necessary advice on matters relating to land contamination in order to assist the process and meet the objectives of both strategies.

### **3.4 Enforcement Policy 2017**

The main purpose of local government enforcement work is to protect the public, the environment, consumers and legitimate businesses by making sure that legal requirements are met and that everyone acts/operates within the law. It does not just mean taking formal action, such as prosecution, but includes a wide range of actions and measures, including giving help or advice to make sure that things are as they should be. The Council will generally endeavour to support businesses and individuals to meet their legal obligations before considering any kind of enforcement action. The main objective of the Enforcement Policy is to ensure the Council endeavours to carry out its enforcement functions in an equitable, effective, efficient, practical and consistent manner.

Under Part 2A, the Council may need to decide whether and how to act in situations where such decisions are not straightforward and where there may be unavoidable uncertainty underlying some of the facts of each case.

In so doing, the Council will use its judgement to strike a reasonable balance between:

- a) dealing with risks raised by contaminants in land and the benefits of remediating land to remove or reduce those risks; and
- b) the potential impacts of regulatory intervention including financial costs to whoever will pay for remediation (including the taxpayer where relevant), health and environmental impacts of taking action, property blight, and burdens on affected people.

The aim is to consider the various benefits and costs of taking action, with a view to ensuring that the regime produces net benefits, taking account of local circumstances.

Much of the borough's land contamination has been present for long periods of time. The Part 2A regime deals with the legacy of land contamination issues and how it impacts current land uses. However, not all contamination poses problems and may only be of concern when, or if, the land is used for a different or new purpose. Therefore, it may only be necessary to deal with contamination when land is redeveloped.

However, in some circumstances, regulatory action may be needed to make sure that necessary remediation on a site is carried out to ensure land is suitable for its current use. This approach ensures that remediation requirements are reasonable and tailored to the needs of individual sites.



## 4.0 AIMS AND OBJECTIVES

The Statutory Guidance requires each Council to set out its aims, objectives and priorities with respect to a Contaminated Land Inspection Strategy. The previous sections have outlined Broxtowe Borough Council's duties under Part 2A, how the Strategy aligns with other existing Council policy and described the unique characteristics of the borough.

All of these factors feed into the Council's approach to its inspection duties and what it hopes to achieve. Below is a list of key aims that the Council wishes to achieve through management of land contamination issues. These are overall aims which complement the existing policies previous discussed. They also reflect the Council's statutory duties. It is important to note that these aims are not solely achievable through implementation of Part 2A alone. Delivery of other Council strategies and statutory functions will be necessary.

The principal aims of the strategy are:

**To PROTECT human health, controlled waters and ecosystems**

**To PREVENT damage to property and unnecessary blight**

**To ENCOURAGE voluntary remediation, regeneration and redevelopment**

The objectives are:

- To encourage a proactive approach amongst landowners towards investigation of potential contamination and to encourage voluntary remediation where necessary
- To ensure appropriate remediation is undertaken on sites where land contamination is identified as presenting unacceptable risk
- To assist other Council departments and external parties to enable informed decisions regarding future land use plans

- To ensure that where redevelopment of land takes place within the borough that the planning process deals effectively with any land contamination such that the land is suitable for its intended use
- To ensure the Council meets the statutory requirements of the Environmental Protection Act 1990 without causing unnecessary alarm to our communities
- To keep remediation costs falling upon the Council and taxpayers to a minimum.

## **5.0 THE APPROACH AND PROGRESS TO DATE**

This section sets out the phased approach by which the Council will meet the regulatory requirements once the Contaminated Land Inspection Strategy has been adopted.

### **5.1 Redevelopment of Land Affected by Contamination**

The primary method of successfully dealing with land contamination within the borough has been and will continue to be via the redevelopment of land under the planning regime. This is deemed to be the most efficient and cost effective way of bringing potentially contaminated land back into beneficial and economic use. The Council's Environmental Health and Planning departments work closely together to ensure that all sites are suitable for their intended use. In most cases this is achieved through the use of suitable planning conditions and their enforcement. Land effectively remediated under the planning regime for its new end use should no longer be subject to Part 2A action. If the land use changes again in the future, this will again be assessed under the planning regime to establish whether further remediation is necessary.

### **5.2 Urgent Sites**

Throughout the entire process of site prioritisation and inspection, if any sites are strongly suspected of causing significant harm, or if any sites are referred by the Environment Agency for determination as a Special Site, then these will need to take priority. To date no urgent sites have been brought to our attention that have required priority inspection.

### **5.3 Identifying and Inspecting sites**

#### **5.3.1 Use of data**

In order to assist in the identification and prioritisation of sites the Council purchased some historical land use data. The majority of this data was in digital form, entered into a Geographical Information System (GIS). The Council also

has access to an extensive set of data which are invaluable in assisting the assessment of sites under Part 2A. Since the Council acquired the land use data, an on going programme of data cleansing and review has been taking place. This process manually verifies each site identified and has led to additional sites being identified as well as current sites being split into smaller areas in order to allow for a more specific assessment and reduction in potential property blight. This has led to there being a larger number of sites identified for further assessment but it has not significantly changed the total area of land identified. To date 1482 sites have been identified for further inspection.

### **5.3.2 Prioritisation of sites**

To ensure that the most pressing and serious problems are located first, it is intended, initially, to assess those sites which have been subject to the most heavily contaminative industries and which therefore present the greatest risk.

The Council's order of receptor priority for assessing risk is:

- 1. To protect human health.**
- 2. To protect controlled waters.**
- 3. To protect designated ecosystems.**
- 4. To prevent damage to property.**

The Council has purchased a computerised screening package that uses a numeric risk assessment based approach to prioritise sites. This has allowed automatic and continual re-prioritisation of sites where new information is added to the system. Site visits are required to fill in gaps in the data where necessary.

### **5.3.2 Detailed inspection of sites**

Once the prioritisation process has been completed, the detailed inspection of sites will commence. Sites will be inspected in order of priority, based on the outcome of the previous screening exercise. Where Contaminated Land is identified, the site will be determined in accordance with statutory requirements. For sites in a contaminative state, but which do not constitute Contaminated Land, further inspection will only be undertaken if the status of the land changes (e.g. if a new receptor is introduced through the planning process). To date we

have undertaken detailed initial investigation on 3 sites, non of which required further assessment. To date, no Contaminated Land has been identified within the borough.

#### **5.4 Resources and Timescales**

The timescales involved in completing the above stages are dependent upon the resources provided. Like all other local authorities across the UK, Broxtowe Borough Council has had to find significant savings over recent years. This has led to fewer resources and an ever increasing workload. The Council now has the equivalent of approximately 0.2 officers dedicated solely to the proactive work of Contaminated Land inspection. Whilst steady progress is being made, the Council has focussed its efforts and officer resources into dealing with land contamination issues via the planning regime and this remains to be where resources are directed. This has led to a large number of sites being investigated at the cost of the landowner/developer rather than the Council.

Historically funding for the investigation and remediation of sites under Part 2A was made available via the Department for Environment, Food and Rural Affairs (DEFRA) Contaminated Land Capital Grants Scheme. This funding ceased in 2013 and therefore the cost of investigating and remediating sites where necessary under Part 2A is likely to fall on the Borough Council.

## **6.0 PROCEDURES**

Procedures have been drawn up to describe how Contaminated Land issues will be handled within the Council. This section also details the levels of service the community can expect from the Council in dealing with these issues.

### **6.1 Information and Complaints**

The Council may receive complaints or information regarding Contaminated Land. Upon investigation, information may be found which impacts on the approach to the inspection and classification of land, as laid down in this document.

#### **6.1.1 Complaints**

A complaint regarding land suspected to be contaminated will be dealt with following the same procedure as currently used by the Environmental Health team to deal with service requests.

All complainants can expect: -

- their complaint to be logged and recorded
- to be contacted by an officer regarding their complaint within 5 working days
- to be kept informed of progress towards resolution of the problem.

Every effort will be made to resolve complaints quickly and efficiently. The legislative framework does, however, present a number of obstacles to speedy resolution of problems: -

- a. proof of a viable pollutant linkage before any formal designation as Contaminated Land is permissible, this might only be possible following detailed investigation
- b. prior consultation with interested parties before designation as Contaminated Land

- c. a statutory minimum three month period between designation of Contaminated Land and serving of a remediation notice; and
- d. the requirement for the enforcing authority to make every effort to identify the original polluter of the land (“Class A Person”).

The regulations allow conditions (b) and (c) to be waived in extreme cases, but not conditions (a) and (d).

### **6.1.2 Confidentiality**

All complainants will be asked to supply their names and addresses and, if appropriate, the address giving rise to the complaint. The identity of the complainant will remain confidential.

The only circumstances in which this information might be made public would be in the case of a remediation notice being appealed in a court of law and, an adverse effect on the complainant’s health was an important reason for the original Contaminated Land designation.

## **6.2 Information Evaluation**

A risk-based approach will be taken throughout the evaluation process, from initial screening, to detailed inspection of sites.

### **6.2.1 Prioritisation process**

Potentially Contaminated Land shall, prior to detailed investigation, be listed and categorised using a risk screening methodology. This will utilise all available data regarding potential sources, pathways and receptors.

The risk screening methodology will determine individual scores for the potential source and for the various pathway/receptor linkages. Five receptor types will be assessed:

- (i) human beings
- (ii) ecological systems
- (iii) property in the form of buildings
- (iv) property in a form other than buildings

- (v) controlled waters

The methodology for calculating the individual scores will be by assignment of numerical values.

After the individual scores are determined for the potential source and each of the various pathway/receptor linkages, scores will be calculated for each source/pathway/receptor group. In addition, an overall score will be calculated using weighting factors selected to reflect the relative importance of each of the receptor types. For example, the human receptor category is assigned a higher weighting than the property receptor categories. The scoring methodology will reflect the concept that a low (or zero) score value will result from a situation where one or more of the three elements of the pollutant linkage does not exist.

These scores can then be used to determine the relative ranking of sites. A lower relative score will signify a lower potential for a pollutant linkage. Conversely, a higher relative score will signify greater potential. This ranking will be used to assist in identifying those sites of higher priority for further detailed investigation. Site walkovers will then be utilised in order to further prioritise sites for further inspection.

### **6.2.2 Site specific assessment**

Following detailed scientific review and consultation, the Environment Agency has revised the Contaminated Land Exposure Assessment (CLEA) framework reports and software. New software was released in 2009 and the previous versions of Contaminated Land Report (CLR) numbers seven through to ten and previously published Soil Guideline Values (SGV's) have been withdrawn as they no longer reflect the updated approach to human health risk assessment. The publication of new SGV's or Generic Assessment Criteria (GAC) is on going.

The new CLEA model or an approved alternative method must be used in site specific risk assessments where appropriate.



Risk assessment may also be required for substances not covered by the CLEA risk assessment model. In these cases, it will be necessary to use alternative standards derived from an approved quantitative risk assessment method.

### **6.2.3 Risk assessment for controlled waters**

Advice will be sought from the Environment Agency on the risk assessment if controlled waters are the receptor in a particular pollutant linkage. It is anticipated that risk assessments and remediation will be carried out in accordance with relevant Environment Agency guidance.

## **7.0 GENERAL LIAISON AND COMMUNICATION**

This section details the contact points, consultation and liaison arrangements between the Council, other Statutory bodies, owner-occupiers, other interested parties and the wider community.

This consultation allows people to give their views and to direct the Council to areas they are concerned about. It also allows the Council to notify interested parties of the need to exchange information and invite involvement in the review and assessment process.

### **7.1 Liaison with Statutory and Non-statutory Bodies**

In June 2000 the Nottinghamshire Contaminated Land Sub Group was instigated. This is a grouping of officers from the District and Borough Councils in Nottinghamshire and the Environment Agency who are responsible for enforcement of the contaminated land regime.

The group has since merged with the Nottinghamshire Pollution Working Group and meets regularly to discuss consistency of approach and encourage close liaison between neighbouring authorities. The group will continue to provide the means by which informal liaison between neighbouring authorities over issues such as cross border sites, and strategy implementation and review can take place.

### **7.2 Risk Communication**

The Council will be using a risk based approach to the identification of Contaminated Land. It will additionally be obtaining and recording large amounts of risk based data on land throughout the borough. This information will be available on request subject to the exclusions detailed in Section 10.

In communicating this information the Council will ensure that:

- it is relevant to the group requesting the information
- it is clear, consistent and concise

- it is not too technical
- it allows equal access to all information
- officers are available for discussions, meetings, etc.
- all relevant partners are included
- feedback will be invited
- risk based information will be communicated objectively and the sources of those assessments are identified
- the information and decision linking process is timely, transparent, objective and consistent.

## **8.0 PROGRAMME FOR INSPECTION**

This section details the priorities and programme for the detailed inspection of potentially Contaminated Land. However, if at any stage the Council become aware of any sites requiring urgent review this will be carried out as a matter of course.

### **8.1 Arrangements for Carrying Out Detailed Inspection**

Detailed investigation is to confirm that the pollutant linkage identified is:

- resulting in significant harm (or the significant possibility of such harm) being caused to the receptor; or
- resulting in (or likely to result in) the pollution of controlled waters

If either of these are confirmed then the land becomes Contaminated Land and the pollutant linkage becomes significant.

The detailed investigation of potentially contaminated land is invariably a very time consuming and expensive process. It must be emphasised that all investigations will be carried out on an incremental basis and terminated immediately if it is clear that no significant pollutant linkage exists.

In cases where imminent risk of serious harm or serious pollution of controlled waters has been confirmed, the Council will authorise urgent action.

#### **8.1.1 Obtaining desk top information**

The suggestion that land may be contaminated can have a significant impact on the way others view it, and in particular, its market value. The Council will therefore seek to obtain as much information as possible about a suspected site without causing unnecessary alarm. This may involve detailed inspection of historical data in its possession such as Planning and Building Control files.

It will also involve consultation with others who may possess information such as:

- The Environment Agency

- Department for Environment, Food and Rural Affairs
- The Health & Safety Executive
- Developers
- Previous occupiers.

Once sufficient information has been obtained which confirms a pollutant linkage does not exist, or, if one does exist, it is not significant, then the investigation will cease and no further action will be taken. It may be, however, that circumstances will be identified whereby a significant pollutant linkage could occur at some time in the future. In this case arrangements will be made to keep the situation under review.

### **8.1.2 Inspection of land**

Where evaluation of all available data suggests a significant pollutant linkage may exist, it may be necessary to visit the site and carry out some form of on site testing, or take away samples for analysis. The utmost discretion will be used at all times to minimise the effect on occupiers of the land and that no unnecessary damage or harm is caused to any aspect of the environment, including the historic environment.

In every case this will be carried out by a suitable person, adequately qualified to undertake the work. The Council may, from time to time, employ external consultants to carry out site investigation works. The appointment of external consultants will be carried out in accordance with the Council's procedures and technical guidance.

Intrusive investigations will be carried out in accordance with appropriate health and safety and technical procedures to ensure:

- (i) they are effective
- (ii) do not cause any unnecessary damage or harm; and
- (iii) do not cause pollution of controlled waters.

To ensure the most appropriate technical procedures are employed the Council will have regard to the most up to date Government guidance available.

### **8.1.3 Powers of entry**

Section 108 of the Environment Act 1995 gives the local authority power to authorise, in writing, suitable persons to investigate potentially Contaminated Land. These powers are extensive and will be considered in detail with the Council's Legal department prior to any resisted entry being attempted. It should be noted that these powers are not available to the Environmental Agency. The powers with which a person may be authorised to exercise include:

- To enter at any reasonable time (or in urgent cases, at any time, if need be by force) any premises/land to make such examination and investigations as necessary
- To take samples, photographs, carry out tests, install monitoring equipment etc.

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

The Council will not use these powers to obtain information about the condition of land, where:

- it can obtain the information from third parties without the need for entering the site; or
- a person offers to provide the information within a reasonable and specified time, and does so.

### **8.1.4 Land which may be a Special Site**

Where the Council is aware that land it intends to investigate would, if declared Contaminated Land, be a Special Site, it will notify the Environment Agency in writing requesting any information it may have on the land and the likelihood of pollutant linkage(s). According to the wishes of the Environment Agency, it may be that a joint investigation will be undertaken.

Where the Environment Agency (or their agents) wish to carry out formal investigation on behalf of the Council their officers will need to be appointed as suitable persons. The Environment Agency do not have the power under Part 2A to investigate land which may be Contaminated Land without the authorisation of the Council.

#### **8.1.5 Determining if land is Contaminated**

There are four possible grounds for determining if land is contaminated:

1. Significant harm is being caused
2. There is a significant possibility of significant harm being caused
3. Pollution of controlled waters is being caused
4. Pollution of controlled waters is likely to be caused.

In making any determination the Council will take all relevant information into account, carry out appropriate scientific assessments, and act in accordance with the Statutory Guidance. The determination will identify all three elements of the pollutant linkage and explain their significance.

#### **8.1.6 Where the significance of a pollutant linkage cannot be adequately determined**

Situations may arise where, based on the information available, it is not possible to determine whether a pollutant linkage is significant in accordance with the Statutory Guidance. In such a case the Council will determine that, on the balance of probabilities, it would seem the land does not fall within the statutory definition of Contaminated Land, but the situation will be kept under review and reopened at any time if new information becomes available.

Similarly, inspection may identify contamination that would only form a significant pollutant linkage should new receptors be introduced. In such circumstances this information will be carefully recorded and the site monitored where the introduction of relevant new receptors seems likely. Should such a site be identified for future development the information obtained during the investigation will be made available to the planning officer and the developer.

## **8.2 Written Record of Determination and Formal Notification**

Once a site land has been determined to be Contaminated Land, the Council will prepare a written record to include:

- a description of the pollutant linkage(s) confirmed
- a summary of the evidence which confirms the existence of the pollutant linkage(s)
- a summary of the risk assessment(s) upon which the pollutant linkage(s) were considered to be significant
- a summary of the way the requirements of the Statutory Guidance were satisfied.

The Council will then formally notify in writing the following relevant parties that the site has been determined, to include:

- the owner(s)
- the occupier(s)
- those liable for remediation (appropriate persons in the guidance)
- the Environment Agency.

At the notification stage it may not be possible to identify all the relevant parties, particularly the appropriate persons. The Council will, however, act on the best information available to it and review the situation as more information comes to light.

If the Council is of the opinion that the Contaminated Land is a Special Site it will inform the Environment Agency of that decision. The Environment Agency will then consider whether it agrees that the land should constitute a Special Site. If it does not agree it will notify the Council and the Secretary of State within 21 days with a comprehensive statement explaining its reasons. The Council will then refer the decision to the Secretary of State.

If the Environment Agency agrees with the Council, or it fails to notify the Council within 21 days that it disagrees, the land will be designated a Special Site. The



responsibility for securing remediation then passes to the Environment Agency, though the Council must complete the formal notification process.

The legislation and Statutory Guidance has been designed to try to encourage voluntary remediation (without the need for enforcement action). The formal notification procedure commences the process of consultation on what remediation might be most appropriate. To aid this process the Council will provide as much information to the relevant parties as possible.

This will include:

- a copy of the written record of determination
- copies of site investigation reports (or details of their availability)
- an explanation of why the appropriate persons have been chosen
- details of all other parties notified.

The appropriate persons will also be provided with written explanations of the test for exclusion and apportionment.

It may be at this stage that the Council will need further information on the condition of the site to identify whether any additional significant pollutant linkage(s) exist. If that is the case an informal attempt will be made to obtain this information from the appropriate persons already identified.

All relevant information will be held on the Public Register of sites determined as Contaminated Land (see Section 10.2.1).

### **8.3 Liability and Enforcement**

Land may be declared Contaminated Land upon the identification of only one significant pollutant linkage. Full liability cannot be determined until all significant pollutant linkage(s) on the site have been identified. When all significant pollutant linkage(s) have been identified the procedure relating to the apportionment of liability must commence. This has five distinct stages as follows:

- identifying potential appropriate persons and liability groups

- characterising remediation actions
- attributing responsibility to liability groups
- excluding members of liability groups
- apportioning liability between members of a liability group.

These procedures are complex and cumbersome. The process commences with the establishment of liability groups. All appropriate persons for any one linkage are a 'liability group'. These may be class 'A' or class 'B' persons.

**APPROPRIATE PERSONS - Class 'A'** - These are, generally speaking the polluters, but also included are persons who, "knowingly permitted a pollutant to be in, on or under the land". This includes developers who leave contamination on a site which subsequently results in the land being declared Contaminated Land.

**APPROPRIATE PERSONS - Class 'B'** - Where no class 'A' persons can be found liability reverts to the owner or the occupier. These are known as class 'B' persons.

The Council will make all reasonable enquiries to identify class 'A' persons before liability reverts to Class 'B' owners or occupiers.

The appropriate persons must be considered for each significant pollutant linkage. Therefore, where a site has had a series of contaminative uses over the years, each significant pollutant linkage will be identified separately and liability considered for each.

Sites where reasonable enquiries have failed to find a Class 'A' or Class 'B' person, or where the persons that are found are exempt from liability for specified reasons, will become 'orphan' sites. In such cases Broxtowe Borough Council, as the enforcing authority, will have to bear the cost of any necessary remediation in accordance with the Statutory Guidance.

### **8.3.1 Apportionment of costs**

Generally speaking the members of a liability group will have the total costs falling on the group as a whole apportioned between them. It may also be necessary to apportion costs between liability groups. There are three basic principles, which apply to exclusion and apportionment tests:

- the financial circumstances of those concerned have no relevance
- the Council must consult persons affected to obtain information (on a reasonable basis having regard to the cost). If someone is seeking to establish an exclusion or influence an apportionment to their benefit then the burden of providing the Council with supporting information lies with them
- where there are agreements between appropriate persons the local authority has to give effect to these agreements.

### **8.3.2 Limitation on costs to appropriate person(s)**

There are six tests specified to identify Class 'A' groups who should be excluded from liability. These will be applied in sequence and separately for each pollutant linkage.

The exclusion of Class 'B' persons is much less complex, the single test merely excludes those who do not have an interest in the capital value of the land. Tenants therefore are excluded.

When the Council has apportioned the costs of each remediation action, and before serving remediation notices, it will consider whether any of those liable may not be able to afford it. If, after taking into consideration the Statutory Guidance, it decides that one or more of the parties could not afford the costs, it will not serve a remediation notice on any of the parties. The Council will instead, consider carrying out the work itself and produce and publish a remediation statement.

### **8.3.3 The enforcement process**

Before remediation notices are served the extensive consultation process will be completed and ample encouragement given to arrive at an informal solution. The Council will do all in its power to consult the appropriate person, owners, occupiers etc. about their views on the state of the land. This could be a difficult and most protracted process and cause delay. Where a housing estate is affected for example, it may be that house owners, land owners, developers, lenders, insurers, surveyors, geotechnical engineers, residents groups, etc will have differing views according to their position.

Remediation notices are served only as a last resort (notwithstanding urgent cases), and then only after this lengthy consultation process has been exhausted. Notices will be authorised after two tests are satisfied:

- that the remediation actions will not be carried out otherwise
- that the Council has no power to carry out the work itself.

If these are met the Council will serve a Remediation Notice on each appropriate person. Notices cannot be served less than three months after formal notification that the land is contaminated unless the urgent action is deemed necessary (where there is imminent risk of serious harm).

### **8.3.4 Specifying remediation**

The Council will specify in the Remediation Notice the measures to be carried out. These will be both appropriate and cost effective employing what the Statutory Guidance terms best practicable techniques. The aim of the remediation will be to ensure that the land is no longer contaminated, taking the shortest and lowest cost route. This means in most cases attention will be focussed on breaking the pathway, rather than removing contaminant or receptor. Every endeavour will be made to ensure that remediation works do not cause unnecessary damage or harm to any aspect of the environment, including the historic environment.

The reasonableness of the requirements are, however, a concept which is considered at some length in the guidance. It is determined in relation to the cost of carrying out the remediation against the cost of failing to (i.e. the costs, or potential costs, resulting from the continuing pollution).

### **8.3.5 Remediation by the Council**

Before the Council can serve a Remediation Notice it will first determine whether it has the power to carry out any of the remediation actions itself. There are five specified circumstances where this may be the case:

- where urgent action is required (see below)
- where no appropriate person can be found
- where one or more appropriate persons are excluded (on grounds of hardship)
- where the Council has made an agreement with the appropriate person that it should carry out the remediation
- in default of a remediation notice.

### **8.3.6 Urgent Action**

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

The Council will undertake the remediation in urgent cases where it is the enforcing authority if it is of the opinion that the risk would not be mitigated by enforcement action. In the case of a Special Site the Council will determine the land to be Contaminated Land in accordance with the statutory procedure, and then notify the Environment Agency as they will then be responsible for the remediation. In appropriate cases the Council will seek to recover costs of remediation works it has completed.

## **9.0 REVIEW MECHANISMS**

This section describes instances when inspections will occur outside the general strategic framework, circumstances under which previous inspection decisions should be reviewed and measures to be taken to ensure the strategy remains effective and current.

### **9.1 Triggers for Undertaking Non-routine Inspections**

The Strategy recognises that there may be occasions where inspections have to be undertaken outside of the general strategic framework. Triggers for undertaking non-routine inspection will include:

- introduction of new receptors – (e.g. where a new protected ecosystem is designated, or there is persistent trespass on a site which otherwise does not have a sensitive receptor)
- identification of localised health effects – which appear to relate to a particular area of land
- responding to information from other statutory bodies, stakeholders, or other interested parties, which reveal that the site requires urgent action.

While these occurrences may trigger non-routine inspections, they will not be allowed to significantly interfere with the milestones laid down in the general strategic framework.

### **9.2 Triggers for Reviewing Inspection Decisions**

There may also be occasions when the findings of previous inspection decisions should be reviewed. This might occur, for example, if there were:

- significant changes occur in legislation
- establishment of significant case law or other precedent
- revision of guideline values for exposure assessment.

It is important that all decisions are made and recorded in a consistent manner that will allow efficient review.

### **9.3 Reviewing the Strategy**

The Council has a duty to keep the Strategy under periodic review and feels that it will be appropriate to review it periodically. Should there be significant changes to guidance and policy then an unscheduled review may be necessary.

The next full review date will January 2023.

## **10.0 INFORMATION MANAGEMENT**

### **10.1 General Principles**

A large amount of information, in the form of reports, maps, letters and documents will be required to enable the Council to undertake its inspection duties. This data will come from a variety of sources and many different formats. The management of data concerning the environment is covered under The Environmental Information Regulations 2004, whilst Part 2A of the Environmental Protection Act 1990 covers the information required for the register of contaminated land.

### **10.2 Information Content**

#### **10.2.1 The Public Register**

The public register is located in: -

Public Protection  
Broxtowe Borough Council  
Council Offices  
Foster Avenue  
Beeston  
Nottingham NG9 1AB

It is available for inspection by prior appointment during normal office hours Monday to Friday.

The public register is intended to act as a full and permanent record, open for public inspection, of all regulatory action taken by the Council in respect of the remediation of Contaminated Land, and will include information about the condition of that land.

The register, maintained by the Council, will contain full particulars of the following matters, in a readily accessible format. All information will be added to the register as soon as it is reasonably practical to do so:



- Remediation notices served
- Appeals against remediation notices
- Remediation declarations
- Remediation statements
- Appeals against charging notices
- Designation of Special Sites
- Notification of claimed remediation
- Convictions for failure to comply with a remediation notice.
- Guidance issued by Environment Agency concerning Contaminated Land
- Other environmental controls
- Information on Contaminated Land for which the Council has responsibility.

### **10.2.2 Copying Entries between Local Authorities**

For most areas of Contaminated Land, the Council will be the enforcing authority. However, for particular areas of Contaminated Land this may not be the case. This applies if:

- (a) the Contaminated Land has been designated a Special Site, in which case the Environment Agency is the enforcing authority; or
- (b) the land has been identified as Contaminated Land by the Council for an adjoining or adjacent area, as a result of significant harm or the pollution of controlled waters which might be caused in that Council's own area.

Where this is the case, the enforcing authority will copy all entries it makes into its own register for the land in question, to the Council in whose area the land is actually situated.

## **10.3 Confidentiality of Register Information**

### **10.3.1 Exclusion on the grounds of national security**

The Council will not include any information on its register if, in the opinion of the Secretary of State, its inclusion would be against the interests of national security. The Secretary of State can give directions to the Council specifying information, or descriptions of information, which are to be excluded from any register or referred to the Secretary of State for his determination.

### **10.3.2 Exclusion on the grounds of commercial confidentiality**

The Council will not, without the relevant person's permission, include any information on its register which:

- (a) relates to the affairs of any individual or business; and
- (b) is commercially confidential to that individual or the person carrying on that business.

However, information cannot be excluded from the register solely on the basis that its inclusion might provide information to a prospective buyer of the land, thereby affecting the sale or the sale price.

Further guidance can be found in Part 2A with reference to:

- inclusion of information that is in the public interest
- communication procedures with relevant parties and appeals processes
- register content for excluded material
- timescales for inclusion of previously excluded information.

## **10.4 Information and Liaison with other Council Departments**

### **10.4.1 Development control and planning policy/local plans**

Land contamination, or the possibility of it, is a material consideration for the purposes of town and country planning. This means that the Council has to consider the potential implications of contamination both when it is developing its

local plan and when it is considering individual applications for planning permission.

The local planning authority will satisfy itself that the potential for contamination is properly assessed, and that any development incorporates any necessary remediation. Where necessary, any planning permission will include appropriate site investigation and remediation conditions. Under the “suitable for use” approach, risks should be assessed, and remediation requirements set, on the basis of both the current use and circumstances of the land and its proposed new use.

There may be many sites within the borough that, owing to their current uses, are not considered to be Contaminated Land as defined by the Act. Should the use of the site or its surrounding area change, the status of the pollutant linkage may alter for that site. These conditions will also be taken into account in the planning stage with a clear procedure to assist Planning Officers and Environmental Health Officers.

Procedures will be introduced to ensure that: -

- when a planning application is received, that has the potential to alter a sites status as regards Contaminated Land, the Environmental Health section will be consulted
- a consultation will automatically be generated if the proposed development lies within or bounds a site identified on the Contaminated Land Register
- if it is known, or strongly suspected, that a site is contaminated to an extent that would adversely affect the proposed development or infringe statutory requirements, an investigation of the hazards by the developer and proposals for remedial action will normally be required before the application can be determined by the planning authority. Any subsequent planning permission may need to include conditions requiring certain remedial measures to be carried out

- in cases where there is only a suspicion that the site might be contaminated, or where the evidence suggests that there may be only slight contamination, planning permission may be granted subject to conditions that development will not be permitted to start until a site investigation and assessment have been carried out and that the development itself will incorporate any remedial measures shown to be necessary. (See Department of the Environment Circular 11/95 'The Use of Conditions in Planning Permission' – Development of Contaminated Sites; Sections 74 and 75).

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

### **10.5.1 Council inspection strategies**

The Council is required to provide the Environment Agency with a copy of its inspection strategy to identify Contaminated Land in its area. The Environment Agency will not publish the detail of the strategy, but will summarise overall findings and highlight the proportion of authorities that have delivered strategies.

### **10.5.2 Determination, remediation and regulatory activity**

The Council is also required to notify the Environment Agency when a site is determined to be Contaminated Land. This information is required to enable the Environment Agency to compile reports and, also to assist in deciding whether or not it should provide site-specific advice on the site.

Where the Environment Agency is not the regulator of the site and a remediation notice is not issued, they would require information for each site from the Council. Information on the types of remediation would normally be obtained from remediation notices, statements and declarations issued. These will be copied to the Environment Agency as and when they are issued.

Information on the regulatory activity of the Council is not required by the Environment Agency for operational reasons. However, the Environment Agency will be supplied with summary information for the report, to assess the regulatory effort being directed at Part 2A nationally.

## **10.6 Information Storage Systems**

### **10.6.1 Geographical Information System (GIS)**

A GIS is a digital system for the storage, manipulation, analysis and visualisation of spatial data. At the heart of a GIS is a database that allows the spatial data (information for which a grid reference can be given e.g. maps) to be linked to attribute data (information about what is at a particular point or area).

Datasets containing both spatial and attribute data can be brought together into a common system, simplifying their analysis. This integration between databases and maps means that a GIS is a powerful tool for the analysis of environmental data.

The Council will be entering information about land as it is investigated on to a GIS.

## **10.7 Dealing with Requests for Environmental Information**

As a consequence of the investigation of many areas of land the Council will hold environmental information that is not released through the public register. Requests for this information may arise from landowners, developers, consultants and members of the public. The information will be made available unless there are “compelling and substantive reasons to withhold it”. The Environmental Information Regulations, 1992 list these conditions (see paragraph. 9.8.1).

Requests for information will be responded to within one month.

There is provision within the Contaminated Land (England) Regulations 2000 for the Council to charge for the supply of information other than that which is on the register. This charge will reflect the resource costs, staff time spent searching, retrieving, reviewing, processing and preparing the information, plus fixed costs such as royalty charges and postage.

### **10.7.1 Confidentiality of Environmental Information**

The Environmental Information Regulations 2004 outline those circumstances where information *may* be classed as confidential as being:

- International Relations, National defence, Public security
- Legal Proceedings
- Confidential deliberations, internal communications
- Unfinished documents
- Commercial confidentiality.

Those circumstances where requested information *must* be treated as confidential are given as:

- Statutory restrictions
- Personal information where disclosure has not been consented to
- Volunteered information where disclosure has not been consented to
- Potentially damaging to the environment.

In April 2000 a new four-part question (Question 16A) was added to the standard land search enquiries in part 1 of form CON29 (Enquiries of Local Authorities regarding Contaminated Land). In response to this question, information will only be recorded in any of its parts when a site has been identified as Contaminated Land according to the current guidance.

### **10.7.2 Data Protection Act 1998**

The Data Protection Act 1998 applies to all personal data that is processed manually and automatically. It seeks to give some protection to persons (known as data subjects) in respect of three potential dangers:

- the use of personal information that is inaccurate, incomplete or irrelevant
- the possibility of access to personal information by unauthorised persons
- the use of personal information in a context or for a purpose other than that for which the information was collected.

Personal data is defined as data consisting of information which, relates to a data subject who can be identified from the information, or from that and other

information in the possession of the data user (the Council). Every individual member of the public can be considered a data subject.

The implications of holding information relating to the condition of potentially polluted property, and the persons associated with that property and pollution, could be significant. The matter will therefore be considered in detail with the Council's Solicitor and Data Protection Administrator before records begin to be compiled.

## 10.0 GLOSSARY OF TERMS

**Class A person:** a person who is an '*appropriate person*' by virtue of section 78F(2) (that is, because he has caused or knowingly permitted a pollutant to be in, on or under the land).

**Class B person:** a person who is an '*appropriate person*' by virtue of section 78F(4) or (5) (that is, because he is the owner or occupier of the land in circumstances where no Class A person can be found with respect to a particular remediation action).

**Contaminant (Source):** a substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of '*controlled waters*'.

**Contaminated land:** any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that -

- (a) significant harm is being caused or there is a significant possibility of such harm being caused; or
- (b) pollution of '*controlled waters*' is being, or is likely to be, caused.

**Controlled waters:** defined in section 78A(9) by reference to Part III (section 104) of the Water Resources Act 1991; this embraces territorial and coastal waters, inland fresh waters, and ground waters.

**Current use:** any use which is currently being made, or is likely to be made, of the land and which is consistent with any existing planning permission (or is otherwise lawful under town and country planning legislation). This definition is subject to the following qualifications:

- (a) the current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time;



(b) the current use includes future uses or developments which do not require a new, or amended, grant of planning permission;

(c) the current use should, nevertheless, be taken to include any likely informal recreational use of the land, whether authorised by the owners or occupiers or not, (for example, children playing on the land); however, in assessing the likelihood of any such informal use, the local authority should give due attention to measures taken to prevent or restrict access to the land; and

(d) in the case of agricultural land, however, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land.

**DETR:** Department of Environment, Transport and the Regions

**EA:** The Environment Agency

**GIS:** Geographical Information System

**Groundwater:** any water contained in underground strata, wells & boreholes.

**HSE:** Health and Safety Executive

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

**IPPC:** Integrated Pollution Prevention and Control

**MOD:** Ministry of Defence

**Pathway:** one or more routes or means by, or through, which a '*receptor*':

(a) is being exposed to, or affected by, a '*contaminant*', or

(b) could be so exposed or affected.

**Pollutant:** a contaminant which forms part of a '*pollutant linkage*'.

**Pollutant linkage:** the relationship between a '*contaminant*', a '*pathway*' and a '*receptor*'.

**Pollution of controlled waters:** the entry into '*controlled waters*' of any poisonous, noxious or polluting matter or any solid waste matter.

**Receptor:** either:

(a) a living organism, a group of living organisms, an ecological system or a piece of property which:

(i) is in a category listed in Table A in Chapter A as a type of '*receptor*', and

(ii) is being, or could be, harmed, by a '*contaminant*'; or

(b) '*controlled waters*' which are being, or could be, polluted by a '*contaminant*'.

**Remediation:** generally accepted as being the carrying out of works to prevent or minimise effects of contamination. In the case of this legislation the term also encompasses assessment of the condition of land, and subsequent monitoring of the land.

**Risk Assessment:** the study of:

(a) the probability, or frequency, of occurrence of a defined hazard (for example, exposure to a property of a substance with the potential to cause harm); and

(b) the magnitude (including the seriousness) of the consequences.

**Significant harm:** defined in section 78A(5). It means any harm which is determined to be significant in accordance with the Statutory Guidance in Chapter A (that is, it meets one of the descriptions of types of harm in the second column of Table A of that Chapter).

**Special site:** any '*contaminated land*' -

(a) which has been designated as such a site by virtue of section 78C(7) or 78D(6)...;and

(b) whose designation as such has not been terminated by the appropriate Agency under section 78Q(4)...".

The effect of the designation of any Contaminated Land as a Special Site is that the Environment Agency, rather than the local authority, becomes the enforcing authority for the land.

**Statutory Guidance:** Contaminated Land Statutory Guidance, DEFRA 2012

## **11.0 REFERENCES**

- Contaminated Land Statutory Guidance, DEFRA 2012
- The Environmental Protection Act 1990: Part 2A
- DETR Circular 02/2000
- The Environment Act 1995
- The Environmental Information Regulations, 2004
- The Contaminated Land (England) Regulations 2000
- The Use of Conditions in Planning Permissions; Circular 11/95; DoE 1995
- The Data Protection Act, 1988
- Broxtowe Borough Council Corporate Plan 2016-2020
- Broxtowe Borough Council Part 2 Local Plan 2017-2028
- Broxtowe Borough Enforcement Policy 2017
- Broxtowe Borough Economic Regeneration Strategy 2017-2021

## APPENDIX 2

**Equality Impact Assessment**

Public bodies are required in to have **due regard** to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited under the Act
- **advance equality of opportunity** between people who share a protected characteristic and people who do not share it, and
- **foster good relations** between people who share a protected characteristic and people who do not share it.

The Equality Act 2010 replaces the previous anti-discrimination laws with a single Act. It simplifies the law, removing inconsistencies and making it easier for people to understand and comply with it. It also strengthens the law in important ways, to help tackle discrimination and equality. The majority of the Act came into force on 1 October 2010.

The **public sector Equality Duty** came into force on 5 April 2011. The duty ensures that all public bodies play their part in making society fairer by tackling discrimination and providing equality of opportunity for all. It ensures that public bodies consider the needs of all individuals in their day to day work – in shaping policy, delivering services and in relation to their own employees.

The Equality Duty encourages public bodies to understand how different people will be affected by their activities so that policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies are better placed to deliver policies and services that are efficient and effective.

The new equality duty replaces the three previous public sector equality duties, for race, disability and gender. The new equality duty covers the following **protected characteristics**:

- age
- disability
- gender reassignment
- pregnancy and maternity
- race – this includes ethnic or national origins, colour or nationality
- religion or belief – including lack of belief
- sex
- sexual orientation

It also applies to marriage and civil partnership, but only in respect of the requirement to have due regard to the need to eliminate discrimination.

Having **due regard** means consciously thinking about the three aims of the equality duty as part of the process of decision-making. This means that consideration of equality issues must influence the decisions reached by public bodies, including how

they act as employers, how they develop, evaluate and review policies, how they design, deliver and evaluate services, and how they commission and procure from others.

Having due regard to the need to **advance equality of opportunity** involves considering the need to:

- remove or minimise disadvantages suffered by people due to their protected characteristics
- meet the needs of people with protected characteristics, and
- encourage people with protected characteristics to participate in public life or in other activities where their participation is low

**Fostering good relations** involves tackling prejudice and promoting understanding between people who share a protected characteristic and others.

Complying with the equality duty may involve treating some people better than others, as far as this is allowed by discrimination law. For example, it may involve making use of an exception or the positive action provisions in order to provide a service in a way which is appropriate for people who share a protected characteristic.

The Equality Duty also explicitly recognises that disabled people's needs may be different from those of non-disabled people. Public bodies should therefore **take account of disabled people's impairments** when making decisions about policies or services. This might mean making reasonable adjustments or treating disabled people better than non-disabled people in order to meet their needs.

There is no explicit requirement to refer to the Equality Duty in recording the process of consideration but it is good practice to do so. Keeping a record of how decisions were reached will help public bodies demonstrate that they **considered the aims of the Equality Duty**. Keeping a record of how decisions were reached will help public bodies show how they considered the Equality Duty. Producing an Equality Impact Assessment after a decision has been reached will not achieve compliance with the Equality Duty.

It is recommended that assessments are carried out in respect of new or revised policies and that a copy of the assessment is included as an appendix to the report provided to the decision makers at the relevant Cabinet, Committee or Scrutiny meeting.

Where it is clear from initial consideration that a policy will not have any effect on equality for any of the protected characteristics, no further analysis or action is necessary.

Public bodies should take a proportionate approach when complying with the Equality Duty. In practice, this means giving greater consideration to the Equality Duty where a policy or function has the potential to have a discriminatory effect or impact on equality of opportunity, and less consideration where the potential effect on equality is slight. The Equality Duty requires public bodies to think about people's different needs and how these can be met.

### EQUALITY IMPACT ASSESSMENT (EIA)

Directorate:	Chief Executive's	Lead officer responsible for EIA	Head of Public Protection
Name of the policy or function to be assessed:		Contaminated Land Inspection Strategy	
Names of the officers undertaking the assessment:		David Gell	
Is this a new or an existing policy or function?		Existing	
<p><b>1. What are the aims and objectives of the policy or function?</b> To clearly set out how Broxtowe Borough Council will approach the issue of identification and control of contaminated land.</p>			
<p><b>2. What outcomes do you want to achieve from the policy or function?</b> To identify and remove unacceptable risks to human health and the environment from contaminated land. To seek to bring contaminated land back into beneficial use. To seek to ensure that the cost burdens faced by individuals, companies and society as a whole are proportionate, manageable, and economically sustainable.</p>			
<p><b>3. Who is intended to benefit from the policy or function?</b> The public, businesses and other interested parties as the policy will demonstrate the measures the Council will take in the protection of human health and the environment through the identification and control of contaminated land.</p>			
<p><b>4. Who are the main stakeholders in relation to the policy or function?</b> Local residents, developers, local businesses, Environment Agency, Nottinghamshire County Council, Natural England, Dept of Environment, Food and Rural Affairs (DEFRA).</p>			
<p><b>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</b> As far as can be ascertained, there is no quantitative data relating to contaminated land relating to the different equality strands.</p>			

**6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?**

As far as can be ascertained, there is no quantitative data relating to contaminated land relating to the different equality strands.

**7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?**

None undertaken

**8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways? In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:**

- **Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified?**

No

- **Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified?**

Yes

- **Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function?**

The only access difficulty would be a need to read the strategy in a different language. This, as with all Council policies and strategies, can be overcome by the provision of a translated copy.

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

No

- **What further evidence is needed to understand the impact on equality?**

Nothing further required



<b>9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?</b>
<b>Age:</b> No further action
<b>Disability:</b> No further action
<b>Gender:</b> No further action
<b>Gender Reassignment:</b> No further action
<b>Marriage and Civil Partnership:</b> No further action
<b>Pregnancy and Maternity:</b> No further action
<b>Race:</b> No further action
<b>Religion and Belief:</b> No further action
<b>Sexual Orientation:</b> No further action

**Head of Service:**

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

**Signature of Head of Service:**

A handwritten signature in black ink, appearing to be 'D. V. G.', written over a horizontal line.

## Report of the Interim Strategic Director

**MANSFIELD ROAD RECREATION GROUND, EASTWOOD – PLAY AREA**1. Purpose of report

To seek approval for a Section 106 parks and open spaces contribution from a developer to be used to fund improvements to the play area at Mansfield Road Recreation Ground, Eastwood.

2. Background

The 2017/18 Capital Programme includes an allocation of £26,000 plus £1,800 in capital salaries for parks and open spaces improvements to be funded from Section 106 developer contributions from the Rippon Homes scheme at Peacock Drive, Eastwood.

The play area at Mansfield Road Recreation Ground was identified in the Council's Play Strategy as a high priority for minor renovation works. However, since the strategy was finalised a review of the site has identified a need for new/replacement equipment as a result of the failure of an existing item that had to be removed and deterioration of the existing equipment. Whilst there are no restrictions on where the Section 106 money must be spent, given the close proximity of the Peacock Drive site to Mansfield Road Recreation Ground, it is considered appropriate to utilise the funding here. When complete the works will address one of the high priorities in the Play Strategy.

3. Financial implications

There are no additional revenue implications from this proposed capital expenditure. Provision for the maintenance of the site is included within the Eastwood Parks revenue budget.

**Recommendation**

**The Committee is asked to RESOLVE that the 2017/18 capital programme allocation for Parks and Open Spaces improvements from developer contributions be used for play area improvements at Mansfield Road Recreation Ground, Eastwood.**

Background papers

Nil

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## Report of the Interim Strategic Director

**PLAY AREA AND PARKS/OPEN SPACE IMPROVEMENTS**1. Purpose of report

To consider schemes to improve the play areas and parks/open spaces in the borough as part of the 2018/19 capital programme.

2. Background

The 2018/19 Capital Programme includes £250,000 for Play Area and Parks/Open Space Improvements. This funding has been allocated to undertake improvements to the Borough owned play areas that have been identified as high priority sites in the new Play Strategy. It is also proposed that funding is allocated to the Town and Parish Councils that maintain their own parks and outdoor recreational facilities to enable improvement and renovation works to be undertaken at these sites. This will help achieve "Fairness for All" with all residents across the borough having the potential to access improved outdoor leisure/recreational facilities, see appendix 1.

3. Financial implications

It is proposed that the £250,000 is split with £125,000 allocated to the Borough Council and £125,000 allocated to the Town and Parish Councils based on the methodology shown in appendix 2.

The 2019/20 Capital Programme includes the same level of funding and it is proposed that a similar 50:50 split of funding between the Borough Council and the Town/Parish Councils is adopted to allow more effective forward planning to be achieved.

**Recommendation**

**The Committee is asked to RESOLVE that:**

- 1. The 2018/19 Capital Programme of £125,000 including capital salaries for Broxtowe Borough Council play areas be allocated to the seven high priority year 1 schemes identified.**
- 2. The 2018/19 capital programme of £125,000 for Town and Parish Council improvements to parks/open spaces be allocated to the six Town/Parish Councils at the funding levels identified in appendix 2.**
- 3. Delegated authority be given to the Head of Environment in discussion with the Chair and Vice Chair of the Leisure and Environment Committee to consider and approve where appropriate schemes submitted by Town/Parish Councils.**
- 4. The financial and administration process for Town and Parish Councils is as detailed in appendix 1 section 2.**
- 5. The 2019/20 capital programme allocates £100,000 to support bids for schemes at Hickings Lane Recreation Ground and King George's Park play areas.**

Background papers

Nil

## 1. Proposed allocation of funding for Broxtowe Borough Council Sites

There are 13 Borough Council play areas listed as high priority sites in the Play Strategy 2017-2025. These are detailed below:

- Broadgate Park, Beeston
- Leyton Crescent Recreation Ground, Beeston
- King George's Park, Bramcote
- Sherman Drive Open Space, Chilwell
- Jubilee Park, Eastwood
- Mansfield Road Recreation Ground, Eastwood
- Hall om Wong Open Space, Kimberley
- Millfield Road Open Space, Kimberley
- Redbridge Drive Open Space, Nuthall
- Central Avenue Recreation Ground, Stapleford
- Hickings Lane Recreation Ground, Stapleford
- Judson Avenue Open Space, Stapleford
- Salcey Drive, Trowell

Since the strategy was written there have been various funding successes and the amounts required for some schemes have changed. The tables below summarise the current requirements split over two financial years together with a reference to Section 106 funding for Mansfield Road Recreation Ground.

### Year 1 2018/19 Schemes

Budget allocation £112,500 plus £12,500 Capital Salaries **Total £125,000.**

SITE	UPDATE	FUNDING REQUIRED
Broadgate Park, Beeston	Successful bids for funding with work now in progress. Slight shortfall needed to complete the scheme.	£5,000
Leyton Crescent Recreation Ground, Beeston	Successful bids for funding totalling £66,000. This is a very large play area that requires additional funding to complete scheme. Original proposed funding in Play Strategy £100,000. The slight increase in costs reflects additional surfacing works required.	£37,000
Jubilee Park, Eastwood	General clean of equipment.	£1,000
Millfield Road Open Space, Kimberley	The original proposed funding in the Play Strategy was £1,000 for a general clean of the equipment and surfacing. However, consultation for the Broxtowe Parks Standard has identified a need for additional work. Additional play equipment is required for a wider age	£20,000

SITE	UPDATE	FUNDING REQUIRED
	range to help this site achieve the Broxtowe Parks Standard.	
Redbridge Drive Open Space, Nuthall	Extend range of equipment with a focus on the younger age range. Original proposed funding in the Play Strategy £40,000. Additional works to replace some of the equipment which is beyond economical repair and additional play surfacing works have resulted in increased costs.	£47,500
Central Avenue Recreation Ground, Stapleford	General clean of equipment and surfacing.	£1,000
Judson Avenue Open Space, Stapleford	External funding obtained and work complete.	£0
Salcey Drive Open Space, Trowell	General clean of equipment and surfacing.	£1,000
<b>Total of Year 1 Schemes</b>		<b>£112,500</b>

**Year 2 2019/20 Schemes**

Budget allocation £112,500 plus £12,500 Capital Schemes **Total £125,000.**

SITE	UPDATE	ESTIMATED FUNDING REQUIRED
King George's Park, Bramcote	Needs full refurbishment and is a suitable site for a bid for external funding. Bid prepared in year 1 2018/19 with a view to works in year 2 (2019/20).	£90,000
Sherman Drive Open Space, Chilwell	New equipment and surfacing.	£30,000
Hall om Wong, Kimberley	Extend provision for younger age range.	£20,000
Hickings Lane Recreation Ground, Stapleford	Needs a full refurbishment and is a suitable site for a bid for external funding. Bid prepared in year 1 2018/19 with a view to works in year 2 (2019/20).	£100,000
<b>Total Year 2 Schemes</b>		<b>£240,000</b>

The total of the year 1 schemes is £112,500

The total of the year 2 schemes is £240,000

In terms of the year 2 schemes, if the two submissions for external funding to WREN (Waste Recycling Environmental) in total £100,000 are successful, then this would potentially reduce the year 2 requirement to £140,000. In addition there is a Section 106 payment of £31,000 from the St John's College development at Bramcote which has to be used for the King George's Park Play Area and an allocation of £18,500 from the Whitely Mill site at Stapleford that has to be used at Hickings Lane Recreation Ground. The figure for the site at Stapleford has been received from the developer and the sum from the St John's College development is payable at the practical completion of 30 dwellings. Taking into account these additional sums it would bring the amount required for year 2 schemes within the budget allocation of £112,500. In addition other funding schemes will be explored to see if these can further supplement the amount of external funding obtained. At this stage the funding required amounts for year 2 are only estimates and will need developing further. It does however suggest that with successful funding bids the schemes as proposed are achievable. A further report detailing the year 2 schemes will be brought back to this committee later in the 2018/19 financial year. Support from Committee is however required to commit £100,000 pump priming funding to be used as support for the bids at Hickings Lane Recreation Ground and King George's Park. This is essential to demonstrate to the funding providers the Council's commitment to the schemes.

### Section 106 Funded Scheme

Mansfield Road Recreation Ground, Eastwood	A review of the site has identified a need for new/replacement equipment as a result of the failure of an existing item that had to be removed and deterioration of existing equipment. There is potential to fund this from a £26,000 Section 106 allocation from the Rippon Homes Development at Peacock Drive, Eastwood. Please see report elsewhere on the Agenda.	£26,000
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## 2. Proposed allocation of funding for Town/Parish Council Sites

There are 6 Town/Parish Councils that manage their own Parks/Recreation Grounds. These are detailed below:

### Awsorth Parish Council

- The Lane Recreation Ground
- Shilo Recreation Ground

### Brinsley Parish Council

- Brinsley Recreation Ground

### Greasley Parish Council



- Beauvale Park
- Greenhills Road Recreation Ground

#### Kimberley Town Council

- Knowle Park
- The Stag Recreation Ground

#### Nuthall Parish Council

- Basil Russell Playing Fields
- Temple Centre Recreation Ground

#### Trowell Parish Council

- Trowell Parish Hall

In preparing this report all 6 Town/Parish Councils were asked to consider their priorities for work over the next two financial years. They were also invited to a workshop session held at the Town Hall, Beeston in February. This meeting covered the following points:

- The proposed level of funding available for Town/Parish Councils in 2018/19 and 2019/20.
- The financial and administrative processes, with Town and Parish Councils acting as their own agents to manage and procure the works with financial and technical guidance provided by the Borough Council as necessary. The Town and Parish Councils need to obtain three quotations for the works before they can be ordered. On completion of the works the Town and Parish Councils pay for the work and then submit an application to the Borough Council for grant funding from their allocation.
- The type of schemes that the money could be used for. It was explained that this could be a wider remit than just play equipment and play areas. It was also pointed out that the funding was a 'one off' and any revenue implications associated with maintaining any new or improved facilities would be the responsibility of the Town/Parish Council.
- There were discussions on an equitable method of allocating the funding. Further details are provided in appendix 2.
- It was acknowledged that it was important that all the works undertaken, including that on Town/Parish Council sites made specific reference to the Borough Council as funding providers and that all schemes were promoted with press releases and on site events to celebrate the works as appropriate.

## APPENDIX 2

**Proposed allocation of funding between the Town/Parish Council Sites**

As part of the consultation process with the Town/Parish Councils all 6 Councils identified in appendix 1 were made aware of the proposed funding and how it could potentially be used.

Detailed below is a description of each park/recreation area. Each site has been weighted based on the facilities available.

<b>Weighing Score</b>	<b>Description</b>
5	Major park/recreation Ground with multiple facilities
3	Park/recreation ground with a range of facilities
1	Site with more limited range of facilities

**Awsworth**The Lane Recreation Ground – 1.7 hectares

An area with a full range of facilities including cricket, bowls, play area, skate park, multi-use games area, car park, sports facilities and environmental area. Weighting score 5.

Shilo Recreation Ground – 2.8 hectares

A site with a range of facilities. These include football, play area, car park, extensive footpath network and major habitat areas. Weighting score 3.

**Brinsley**Brinsley Recreation Ground – 3.8 hectares

Another site with an extensive range of facilities including bowls, football, play area, multi-use games area, outdoor exercise equipment, activity trail, extensive footpath network, car park and an environmental area. Weighting score 5.

**Greasley**Beauvale Park – 2 hectares

A park with a middle range of facilities when compared to others. These include a large play area, footpath network, area for football and car park. Weighting score 3.

Greenhills Road Recreation Ground – 1.4 hectares

There are only limited facilities at this site with a linear path and wildflower meadow together with a small activity trail. Weighting score 1.

**Kimberley**

Stag Recreation Ground – 2.1 hectares

A site with a large range of facilities. These include football bowls, play area, multi-use games area and car park. Weighting score 5.

Knowle Park – 0.9 hectares

A relatively small site with a play area and football goal. Weighting score 1.

**Nuthall**

Basil Russell – 2.7 hectares

An area with a full range of facilities including football, bowls, cricket, tennis, play area, skate park, outdoor exercise equipment, footpaths, car park, sports pavilion and public toilets. Weighting score 5.

Temple Centre – 1.1 hectares

This site has limited facilities and is mainly used for junior football. Weighting score 1.

**Trowell**

Parish Hall Site – 0.4 hectares

A very small site with play facilities and a small area for basketball/football. Weighting score 1.

The calculation to assess the overall score for each site also factors in the number of households in each of the Parish/Town Council areas. Households were used rather than the number of people on the electoral register as this figure only includes those aged 18 and over.

In order to ensure that all Councils receive a minimum level of funding to undertake schemes that will make a difference in their area, the calculation allocates each Town/Parish Council 5% of the £125,000 equating to £6,250 with the remaining sum split using the calculation based on the size of recreation area, number of households and facilities available weighting. The minimum level of funding in one year would be £6,886.26 to Trowell Parish Council. As an example this would allow for a new item of play equipment to be installed at the Parish Hall site.

The table below shows the calculations with the overall score and allocation for each Town/Parish Council

Parish / Town	Site	Size of Site (hectares) A	Facilities available weighting B	Households C	Score AxBxC	5% Allowance D	Total Scores	Percentage of Total Score	Percentage of £87,500 E	Maximum Total Allocation D+E
Awsworth	The Lane Recreation Ground	1.7	5	1001	8508.5	£6,250	16917	11.66%	£10,202.46	£16,452.46
	Shilo Recreation Ground	2.8	3	1001	8408					
Brinsley	Brinsley Recreation Ground	3.8	5	1024	19456	£6,250	19456	13.41%	£11,733.77	£17,983.77
Greasley	Beauvale Park	2	3	4996	29976	£6,250	36970.4	25.48%	£22,296.58	£28,546.58
	Greenhills Road	1.4	1	4996	6994.4					
Kimberley	Stag Recreation Ground	2.1	5	2785	29243	£6,250	31749	21.88%	£19,147.59	£25,397.59
	Knowle Park	0.9	1	2785	2507					
Nuthall	Basil Russell	2.7	5	2667	36004.5	£6,250	38938	26.84%	£23,483.34	£29,733.34
	Temple Centre	1.1	1	2667	2934					
Trowell	Parish Hall Site	0.4	1	1055	422	£6,250	1055	0.73%	£636.26	£6,886.26
<b>Total:</b>						<b>£37,500</b>	<b>145086</b>	<b>100.00%</b>	<b>£87,500</b>	<b>£125,000.00</b>

Facility Weighting is scored:

- Major park/recreation area with multiple facilities 5 marks
- Park/Recreation Area with a range of facilities 3 marks
- Site with more limited range of facilities 1 mark

It is now proposed that the relevant Town/Parish Councils be advised of these amounts for the 2018/19 financial year together with guidance on the sort of schemes that the Council would consider as favourable. These would include:

- Play area/skate park improvements
- Improvements to outdoor sports/exercise facilities
- Footpath creation/surfacing
- Improvements to sports pavilions (but not Parish Halls)
- Habitat improvements
- Improvement for disabled access parking (but not full car park surfacing schemes)

The Councils are then able to progress their relevant schemes up to maximum value as shown with final approval given by the Head of Environment in discussions with the Chair/Vice Chair of the Leisure and Environment Committee to ensure that the proposed schemes are relevant and appropriate.

Should the Parish/Town Council wish to utilise their allocation to help finance match funding bids or as a contribution alongside existing resources they already have, this is acceptable. It is also possible that Town/Parish Councils may wish to utilise the funds from 2018/19 with their allocation in 2019/20 to allow a more significant project to be delivered. It is however intended that all funding allocated be used within the 2 year capital programme.

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## Report of the Managing Director Liberty Leisure Limited

**PERFORMANCE MANAGEMENT – REVIEW OF BUSINESS PLAN  
PROGRESS – LIBERTY LEISURE LIMITED**1. Purpose of report

To report progress against outcome targets identified in the Liberty Leisure Limited Business Plan.

2. Background

The Broxtowe Borough Council Corporate Plan 2016-2020 was approved by Cabinet on 9 February 2016. The current Business Plans linked to the five corporate priority areas of Housing, Business Growth, Environment, Health and Community Safety were approved by the respective Committees in January/February 2017.

The Council established a Local Authority Trading Company, Liberty Leisure Limited on 1 October 2016 to deliver an efficient leisure and culture service. The company contributes to the Council's Corporate Plan priorities and objectives relating to 'Health'.

3. Performance management

As part of the Council's performance management framework, each Committee receives regular reports during the year which review progress against their respective Business Plans. This will include a detailed annual report where performance management and financial outturns are considered together following the year-end.

This quarterly report is intended to provide this Committee with an overview of progress towards Corporate Plan priorities from the perspective of the Liberty Leisure Limited Business Plan. It provides a summary of the progress made to date on key tasks and priorities for improvement in 2017/18 and the latest data relating to Key Performance Indicators (KPI). This summary is detailed in the appendix.

**Recommendation**

**The Committee is asked to NOTE the progress made in achieving the Business Plan for Liberty Leisure Limited and the current Key Performance Indicators for 2017/18.**

Background papers

Nil

## APPENDIX

## PERFORMANCE MANAGEMENT

1. Background - Corporate Plan

The Broxtowe Borough Council Corporate Plan for 2016-2020 was approved by Cabinet on 9 February 2016. It has been developed setting out the Council's priorities to achieve its vision to make "Broxtowe a great place where people enjoy living, working and spending leisure time." Over the next few years, the Council will focus on the priorities of Housing, Business Growth, Community Safety, Health and Environment.

The Council's Local Authority Trading Company, Liberty Leisure Limited is guided by the Service Agreement and its company strategies. These documents align the work of Liberty Leisure Limited with other local, regional and national plans to ensure the company's work contributes to wider objectives. These include the Council's Corporate Plan that prioritises local community needs and resources are directed toward the things they think are most important. These needs are aligned to ensure the ambitions set out in the Council's Corporate Plan are realistic and achievable.

2. Business Plans

The Liberty Leisure Limited Business Plan is reviewed and refreshed annually. This Committee approved the Liberty Leisure Business Plan 2017-2020 on 31 January 2017. The Business Plan links to the Council's corporate priority of Health that was approved by the Overview and Scrutiny Committee in February 2016. The Council's priority for Health is 'People in Broxtowe enjoy longer, active and healthy lives'. Its objectives are to:

- Increase the number of people who have active lifestyles (He1)
- Work with partners to improve the health of the local population (He2)
- Reduce alcohol related harm in Broxtowe (He3)

The Liberty Leisure Limited Business Plan details the projects and activities undertaken in support of the Corporate Plan 2016-2020 for the Health priority area. The Business Plan covers a three-year period but will be revised and updated annually. A suite of milestones and Key Performance Indicators (KPIs) will be used to monitor progress against key tasks and targets. During the first full trading year of the company a thorough review of the performance monitoring will be undertaken to identify more relevant KPIs, to refine targets and to ensure reporting to the Council is relevant, consistent and manageable.

3. Performance Management






As part of the Council's performance management framework, the Leisure and Environment Committee receives regular reports of progress against respective Business Plans.











This report provides a summary of the progress made to date on key tasks and priorities for improvement in 2017/18 (as extracted from the Pentana Performance management system). It also provides the latest data relating to Key Performance Indicators (KPIs).











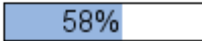

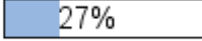
The Council and Liberty Leisure Limited monitor performance using the Pentana performance management system. Members have been provided with access to the system via a generic user name and password, enabling them to interrogate the system on a 'view only' basis. Members will be aware of the red, amber and green traffic light symbols that are utilised to provide an indication of performance at a particular point in time.


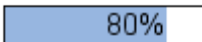

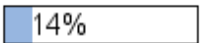

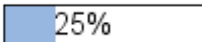

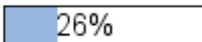
The key to the symbols used in the Pentana Performance reports is as follows:

Action Status Key		
	Completed	The action/task has been completed
	In Progress	The action/task is in progress and is currently expected to meet the due date
	Warning	The action/task is approaching its due date (and/or one or more milestones is approaching or has passed its due date)
	Overdue	The action/task has passed its due date
	Cancelled	This action/task has been cancelled or postponed


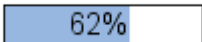

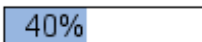
Key Performance Indicator and Trends Key			
	Alert		Improving
	Warning		No Change
	Satisfactory		Getting Worse
	Unknown		Data Only



**Liberty Leisure Limited Key Tasks and Priorities for Improvement 2017/18**

Status Icon	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
	BPT1518_A01	Review current annual events programme	Implement a new borough wide programme of events		30-Sep-2018	Consultation on event programme is underway. Potential programme changes for 2018 have been identified.
	LL1720_B01	Liberty Leisure Swim School	Improve the quality of the Liberty Leisure Swim School		31-Mar-2020	Due date revised from 31 March 2019 due to changes within Swim England's Guidelines.
	LL1720_C01	Squash Court Conversion	Create additional space to expand fitness classes and birthday party offering		31-Dec-2017	The Final Phase of project completed with Spinning Classes being delivered from 2 January 2018.
	LL1720_K01	Fast Track Kiosk at Kimberley Leisure Centre	Reduce queuing times to improve the experience of members accessing the fitness facilities		31-Mar-2019	Funding for kiosk requires identifying to move project forwards. Alternative technology to be reviewed before deciding to move project forwards.
	LL1720_S01	10k Run Event	Add 10k run to the existing fun run and 5k run on Bramcote Hills Park		31-Dec-2018	Completed.
	LL1720_G01	Review Gymnastics & Trampoline Programme	Increase attendances, surplus and income		31-Mar-2019	Existing programme and course stage criteria reviewed across all sites. 'Clarity Live' introduced to manage Gymnastics and Trampoline course at Chilwell Olympia and Kimberley Leisure Centre. Part Time Coach Development Officer Appointed.
	LL1720_G02	Personal Training	Introduce a personal training service at Bramcote, Chilwell and Kimberley Leisure Centre		31-Mar-2019	Additional milestones for this action added resulting in an appearance of reduction in progress. Discussions with HR regarding employment status extended timescales. Awaiting external consultant's advice.

Status Icon	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
	LL1720_G03	Improve Gym Membership Retention	Implement a digital customer journey and management tool		31-Mar-2018	Integrations of Prescribe and Tanita applications completed and launched 2 January 2018. Due date brought forward from 31 July 2018.
	LL1720_G04	Liberty Leisure Operational Strategy	Develop an overarching strategy for Liberty Leisure to plan the development and deployment of staff, future use of technology, marketing and activity delivery		30-Sep-2018	Due Date Revised from March 2018 to align with Board meeting cycle.
	LL1720_G05	Review Central Support Function	Streamline back office functions and improve financial efficiencies		31-Mar-2020	Detail of estimated charges by service area and function agreed with service heads. First report presented to GMT. Savings achieved.
	LL1720_G06	Potential to grow business opportunities	Investigate potential to grow business opportunities beyond the existing scope of the service		31-Mar-2019	Mobile App and customer booking integrations are underway. New online event options are being reviewed.













**Key Tasks and Priorities for Improvement in Liberty Leisure Limited Business Plan 2017/18 for which Broxtowe Borough Council has responsibility for undertaking**


































Status Icon	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
	BPT1417_K01	Maintain quality of child and youth fitness provision	Procure replacement equipment for Vibe Youth Gym at 5 year replacement point		31-Jul-2018	The replacement of equipment is not included in the capital programme for 2018/19. Due date revised from 31 March 2018.
	BPT1518_G01	Review Financial Consequences of the Leisure Facilities Strategy	Review finances of moving from three leisure centres to two		18-Mar-2018	The project is on hold pending strategy and funding from the Council.

Status Icon	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
	HE1620_B01	Refurbish Health Suite at Bramcote Leisure Centre	Refurbish Health Suite at Bramcote Leisure Centre	<div style="width: 100%; background-color: #4F81BD; height: 15px;"></div> 100%	17-Sep-2017	The Health Suite was fully opened on 2 January 2018.
	HE1620_B02	Continue to operate efficiently at Bramcote Leisure Centre	Continue to operate efficiently at Bramcote Leisure Centre	<div style="width: 0%; background-color: #4F81BD; height: 15px;"></div> 0%	31-Mar-2020	The existing Combined Heat and Power Unit will remain operational until 2020. Planning for the replacement of the Combined Heat and Power Unit will begin in 2018.

The above actions are included in this report for transparency as they are present in the Liberty Leisure Limited Business Plan 2017/20 approved by the Leisure and Environment Committee on 23 January 2017.

**Liberty Leisure Limited Key Performance Indicators 2017/18**

Status Icon	PI Code & Short Name	2016/17	Q2 2017/18	Q3 2017/18	Current Target	Short Term Trend	Long Term Trend	Notes
	LLLocal_G02 TOTAL Attendance - Liberty Leisure (ALL)	-	420,722	409,081	834,850			New method of data collation shows overall attendances for Liberty Leisure.
	LLLocal_B01 Bramcote Leisure Centre - TOTAL Attendance	700,740	182,236	161,601	161,949			Overall attendance is up after some lower totals at the start of the year.
	LLLocal_C01 Chilwell Olympia - TOTAL Attendance	401,640	88,718	102,836	104,811			Figures slightly down mainly due to a reduced attendance in September. Attendance expected to follow targets for the rest of the year.
	LLLocal_E08 LL Events: Participants in Events Activities	-	39,297	8,600	19,148			Poor weather has impacted on event attendance this year. A new event 'Beeston-on-Sands' was well attended over the summer period.

Status Icon	PI Code & Short Name	2016/17	Q2 2017/18	Q3 2017/18	Current Target	Short Term Trend	Long Term Trend	Notes
	LLLocal_H01 Total Heritage Attendance	1,774	1,140	734	450			Attendances have increased from previous year due to membership of the Historic Houses Association.
	LLLocal_K01 Kimberley Leisure Centre - TOTAL Attendance	568,677	131,100	134,818	135,901			Reduction in primary schools swimming programme (day time) has resulted in fewer attendances.
	LLLocal_S01 Get Active : TOTAL Attendance	11,811	49	492	2,886			Data formula changed to calculate figures now done automatically.
	LLLocal_B02 Bramcote Leisure Centre : Subsidy per head per visit	-£ 0.35	-	-	-£0.13			<p>Note:</p> <p>The Liberty Leisure Limited Board has agreed a series of new Measures of Performance. As such, these existing indicators are no longer applicable and will not be collected.</p> <p>Baseline data is currently collected being for the new Performance Indicators, which will be reported from April 2018 on the following:</p> <ul style="list-style-type: none"> <li>• Total Attendance</li> <li>• No. of Direct Debits collected</li> <li>• Inactive Adults in the Borough %</li> <li>• Total Expenditure</li> <li>• Total Income</li> <li>• APSE Customer Satisfaction</li> </ul>
	LLLocal_B03 Bramcote Leisure Centre : Operational Recovery Ratio	117.66%	-	-	118%			
	LLLocal_C02 Chilwell Olympia: Subsidy per head per visit	£ 0.26	-	-	£0.18			
	LLLocal_C03 Chilwell Olympia: Operational Recovery Ratio	83.15%	-	-	85%			
	LLLocal_K02 Kimberley Leisure Centre : Subsidy per head per visit	£ 0.23	-	-	£0.26			
	LLLocal_K03 Kimberley Leisure Centre : Operational Recovery Ratio	90.36%	-	-	89%			
	LLLocal_E01 LL Events : Subsidy per head per visit	£ 4.78	-	-	£6.25			
	LLLocal_H02 Subsidy per head per visit	£100.46	-	-	£68.00			

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## Report of the Interim Strategic Director

**PERFORMANCE MANAGEMENT – REVIEW OF BUSINESS PLAN  
PROGRESS – ENVIRONMENT**1. Purpose of report

To report progress against outcome targets identified in the Environment Business Plan, linked to Corporate Plan priorities and objectives, and to provide an update as to the latest key performance indicators for the Environment.

2. Background

The Corporate Plan 2016-2020 was approved by Cabinet on 9 February 2016. Business Plans linked to the five corporate priority areas of Housing, Business Growth, Environment, Health and Community Safety were approved by the Overview and Scrutiny Committee on 1 and 3 February 2016.

The Business Plans are reviewed and refreshed annually. The 2017-2020 Business Plans are submitted to the respective Committees for approval. The Leisure and Environment Committee approved the Environment Business Plan 2017-2020 at a meeting on 31 January 2017.

3. Performance management

As part of the Council's performance management framework, each Committee receives regular reports during the year which review progress against their respective Business Plans. This will include a detailed annual report where performance management and financial outturns are considered together following the year-end.

This quarterly report is intended to provide this Committee with an overview of progress towards Corporate Plan priorities from the perspective of the Environment Business Plan. It provides a summary of the progress made to date on key tasks and priorities for improvement in 2017/18 and the latest data relating to Key Performance Indicators (KPI). This summary is detailed in appendix 1.

**Recommendation**

**The Committee is asked to NOTE the progress made in achieving the Business Plan for Environment and the current Key Performance Indicators for 2017/18.**

Background papers

Nil

## APPENDIX 1

**PERFORMANCE MANAGEMENT**1. Background - Corporate Plan

The Corporate Plan for 2016-2020 was approved by Cabinet on 9 February 2016. It has been developed setting out the Council's priorities to achieve its vision to make "Broxtowe a great place where people enjoy living, working and spending leisure time." Over the next few years, the Council will focus on the priorities of Housing, Business Growth, Community Safety, Health and Environment.

The Corporate Plan prioritises local community needs and resources are directed toward the things they think are most important. These needs are aligned with other local, regional and national plans to ensure the ambitions set out in our Corporate Plan are realistic and achievable.

2. Business Plans

The Business Plans are linked to the five corporate priority areas, including Environment, and were approved by the respective Committees at meetings held in January and February 2017.

The Council's priority for Environment is that 'The environment in Broxtowe will be protected and enhanced for future generations'. Its objectives are to:

- Reduce litter and fly tipping to make Broxtowe cleaner (En1)
- Maintain and improve the green infrastructure of Broxtowe (En2)
- Increase recycling, composting, renewables and energy efficiency projects as resources allow and reduce residual waste (En3)

The Business Plans detail the projects and activities undertaken in support of the Corporate Plan 2016-2020 for each priority area. These cover a three-year period but will be revised and updated annually. Detailed monitoring of progress against key tasks and outcome measures in the Business Plans is undertaken regularly by the relevant Committee. This will include a detailed annual report where performance management and financial outturns are considered together following the year-end as part of the Council's commitment to closely align financial and performance management.






3. Performance Management









As part of the Council's performance management framework, the Leisure and Environment Committee receives regular reports of progress against the respective Business Plan. This report provides a summary of the progress made to date on key tasks and priorities for improvement in 2016/17 (as extracted from the Pentana Performance management system). It also provides the latest data relating to Key Performance Indicators (KPI).













The Council monitors its performance using the Pentana Performance management system. Members have been provided with access to the system via a generic user name and password, enabling them to interrogate the system on a 'view only' basis. Members will be aware of the red, amber and green traffic light symbols that are utilised to provide an indication of performance at a particular point in time.

The key to the symbols used in the Pentana Performance reports is as follows:

Action Status Key		
	Completed	The action/task has been completed
	In Progress	The action/task is in progress and is currently expected to meet the due date
	Warning	The action/task is approaching its due date (and/or one or more milestones is approaching or has passed its due date)
	Overdue	The action/task has passed its due date
	Cancelled	This action/task has been cancelled or postponed










Key Performance Indicator and Trends Key			
	Alert		Improving
	Warning		No Change
	Satisfactory		Getting Worse
	Unknown		Data Only

**Environment Key Tasks and Priorities for Improvement 2017/18**

Status Icon	Action Code	Action Title	Action Description	Progress Bar	Due Date	Comments
	ENV1316_06	Local measurable quality standard for parks and open spaces	Develop a new measurable quality standard for parks and open spaces in the Borough		31-Mar-2018	Work complete in 2016/17. Further consultation work with park users is being undertaken.
	GREEN0912_14	Further Develop sites with Local Nature Reserve status	Management Plans updated		31-Mar-2018	Four Local Nature Reserve Management Plans have been completed for 2017/18.
	ENV1620_02	Refuse Rescheduling	Refuse Rescheduling		04-Dec-2017	The revised collection rounds were implemented on 4 December 2017. The transition went smoothly. Improvements in efficiencies will be realised after a settling in period for crews to become familiar with the new rounds for minor adjustments to be made.
	ENV1720_01	Strategic Tree Planting	Continue to apply a strategic approach to tree management and planting. Work with partners, land owners and other agencies.		31-Dec-2017	Planting took place during National Tree Week in early December 2017.
	ENV1720_02	Review of Trade Waste Service	Establish the cost of providing a trade waste service		31-Mar-2018	The revised collection rounds were implemented on 4 December 2017. The transition took place smoothly. The new rounds will need to be in operation for at least three months in order to give an accurate representation of the costs involved in providing the service. Analysis of the costs will be undertaken in the new financial year.

**Environment Key Performance Indicators 2017/18**

Icon	PI Code & Short Name	2016/17	Q2 2017/18	Q3 2017/18	Current Annual Target	Short Term Trend	Long Term Trend	Notes
	BV82a(ii) Tonnes of Household Waste Recycled	8992.54	3972.00	6,258.98	8755.63			The tonnages collected are plateauing and are in line with the current national trend.
	BV82b(ii) Tonnes of household waste composted	7904.32	3944.00	6,019.17	6738.36			It is expected that the target will be achieved. The tonnages collected are affected by seasonal variations.
	BV84a Household waste collected per head, in kilos	366.62	174.27	266.23	346.78			Estimated Data as not all figures are available.
	NI 191 Residual household waste per household (Kgs)	486.62	235.84	324.32	465.37			Estimated Data as not all figures are available.
	NI 195b Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Detritus	4%	4%	5%	4%			The current survey result = 5% Previous survey result = 4% Surveys in the winter months are higher due to an increase in the levels of detritus.
	PSLocal_02 Number of Green Flags / Community Green Flags	5	-	-	5			Data collected annually.
	WMDData_03b Number of garden waste subscriptions	18,716	19,134	19,216	18,525			Target for 2018/19 Season = 18,995. Data represents total subscriptions for the season date.
	WMDData_03c Income generated by Garden Waste Subscriptions	£ 581,640	£ 619,981	£ 622,091	£ 600,000			Income generation has exceeded the target figure.
	WMDData_06a Income generated through Trade Waste (0,00s)	£ 517,143	£ 529,663	£ 552,421	£ 522,000			Current income based on the current customers remaining with us for the year.

Icon	PI Code & Short Name	2016/17	Q2 2017/18	Q3 2017/18	Current Annual Target	Short Term Trend	Long Term Trend	Notes
	WMDData_08 Income generated through Street Scene	£ 4,053	£ 1,588	£ 11,708	£ 4,000			Exceeding target.
	WMDData_10 Savings through re-use of bins	£4,267	£ 2,380	£ 2,380	£ 5,000			2017/18 Target – 350 bins to be reused. To date 288 bins have been reused as no further bins were reused in quarter 3.
	NI 185 % Estimated CO2 reduction from local authority operations	5.0%	-	-	2.0%			Data reported annually is not yet available for 2016/17. In 2017 report of CO2 emissions will be based on DECC GHG criteria.

**Report of the Interim Strategic Director**

<b>WORK PROGRAMME</b>
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1. Purpose of report

To consider items for inclusion in the Work Programme for future meetings.

2. Background

Items which have already been suggested for inclusion in the Work Programme of future meetings are given below. Members are asked to consider any additional items that they may wish to see in the Programme.

13 June 2018	<ul style="list-style-type: none"> <li>• The Review of the Missed Bin Policy</li> <li>• Arrangements for Provision of Replacement Bins</li> <li>• Environment Business Plan Final Out-turn 17/18</li> <li>• Events</li> <li>• Fly Tipping</li> <li>• Christmas Decorations</li> </ul>
26 September 2018	<ul style="list-style-type: none"> <li>• Integrated Management System for Refuse Collection – Options Appraisal Report</li> <li>• Environment Business Plan Quarter 1/KPIs 2018/19</li> </ul>
14 November 2018	<ul style="list-style-type: none"> <li>• Fees and Charges for Garden Waste Re-subscription 2019/20</li> </ul>
23 January 2019	<ul style="list-style-type: none"> <li>• Fees and Charges for Trade Waste, Cemeteries and Sports Facilities</li> <li>• Broxtowe Parks Standard Annual Assessment</li> </ul>

(All meetings to start at 7.00 pm)

<b><u>Recommendation</u></b>
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<b>The Committee is asked to consider the Work Programme and RESOLVE accordingly.</b>
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Background papers

Nil

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