

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990 (as amended) Discharge of Conditions

DoC Decision Notice NOT DISCHARGED

Kel Properties LTD
C/o Mr Alan Crossley
ATC Design and Build LTD
Drayton Lodge
Lower Drayton
Brimfield
Ludlow
Shropshire
SY8 4NX

Details of Application:

Application Ref: 24/00953/DISCON
Proposal: Application to discharge C25 (landfill gas) C26 (land contamination) C27 (contamination found later) C28 (risk receptors) attached to planning permission 20/01284/FUL
Location: Unit 2 Midland Distribution Centre Markfield Road Groby

The details submitted with the following conditions are unacceptable and the conditions applied for are NOT DISCHARGED.

Condition 25

No development approved by this permission shall be commenced until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Received 11 October 2024

**C25,C26,C27,C28, Phase I Land Contamination Assessment
C25,C26,C27,C28, GIP Phase II Report**

Reason:

The LPA are not in receipt of sufficient information that demonstrates that relevant investigations have not taken place to ensure a satisfactory remediation programme which will ensure that the risks from land contamination to future users of the site are minimised; that public safety and relevant monitoring has been undertaken to confirm that the land is fit for purpose and does not contribute to or is not put at unacceptable risk from adversely affected, by unacceptable levels of water pollution which accord with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Condition 26

a) No development approved by this permission shall be commenced until a scheme for investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with.

b) The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Received 11 October 2024

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Condition 27

a) If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with.

b) Any remediation works so approved shall be carried out prior to the site first being occupied.

Received 11 October 2024

C25, C26,C27,C28, Phase I Land Contamination Assessment

C25, C26,C27,C28, GIP Phase II Report

Reason:

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Condition 28

Prior to commencement of development a site investigation scheme, based on the preliminary risk assessment report to provide information for an additional detailed assessment of the risk to all receptors that may be affected, including those off site shall be submitted to and approved in writing by the local planning authority. Based on the results of the site investigation and the detailed risk assessment referred to, an options appraisal and remediation strategy giving full details of the remediation measures is also required at the pre commencement stage setting out how they are to be undertaken. As part of these remediation measures, the risk posed by ground structural changes should also be addressed. This shall include a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete, fit for purpose and identify any requirements for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The scheme shall be implemented as approved.

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C25, C26,C27,C28, Phase I Land Contamination Assessment

C25, C26, C27, C28, GIP Phase II Report

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Date: 12 May 2025

Christopher Brown MRTPI
Head of Planning

If you are aggrieved by the decision of the Local Planning Authority to refuse permission, you may appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of this notice. If your appeal is against a Minor Commercial Development, we would advise you to view the

guidance on the Planning Portal website under Procedure Guidance, to confirm the time frame for appealing. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0303 444 5000 or online at <https://www.gov.uk/appeal-planning-decision>). You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require. The Secretary of State has power to allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, (or could not have been so granted otherwise than subject to the conditions imposed by them,) having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by him. Appeals- new time rules. Appeals relating to applications made to the Local Planning Authority on, or after, 14 October 2004 must be made within six months of the date of this notice. If you intend to submit an appeal that you would like examined by inquiry then you must notify your Local Planning Authority (planning@hinckleybosworth.gov.uk) and the Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details can be found on GOV.UK.

Alternatively, an application can be submitted once the details requested are ready in full to be submitted. A new application and fee will apply. Once received the application will be re-considered with the new supporting documentation provided.