

**Delegated Report  
Discharge of Conditions**

**Planning Ref:** 24/00953/DISCON  
**Applicant:** Kelproperties LTD  
**Ward:** Groby



Hinckley & Bosworth  
Borough Council

**Site:** Unit 2 Midland Distribution Centre Markfield Road

**Application to discharge C25 (landfill gas) C26 (land contamination) C27 (contamination found later) C28 (risk receptors) attached to planning permission 20/01284/FUL**

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**Conditions and supporting details submitted to apply for the conditions to be 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**

**Condition 26**

**Land Contamination**

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**

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

**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**

#### 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.

**Received 11 October 2024**

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

#### **Consultees / Assessed by:**

Environmental Services  
Environment Agency

#### **Conclusion / Summary:**

**Conditions 25 (Landfill Gas), 26 (Land Contamination), 27 (Land Contamination found later) & 28 (Risk Receptors)**

A Phase I and II Land Contamination Assessments have been submitted to the LPA to support the discharge of Conditions 25, 26,27 & 28. The details have been assessed by the LPA's Environmental Services Officer and the Environment Agency. The Environment Agency and the LPA's Environmental Services Officer were in support of the recommendations within the report Section 7.7.2 and 7.8.3 of the report which states that **additional exploratory assessments are required to adequately delineate all high-risk areas**, especially around the former 50,000 fuel tank to identify the extent of petroleum hydrocarbon contamination to aid the formation of a detailed remedial strategy.

The LPA requested the details required on several occasions following the consultation responses, no further information was provided by the applicant/agent.

The LPA were notified that works had commenced on the site where Planning Enforcement investigated and wrote to the applicant/agent outlining a breach of the planning permission on 17 April 2025. No further correspondence relating to the works or the discharge of condition application has been received to date.

The LPA have no alternative but to determine the application as **NOT** discharged due to no further investigation results being provided and the current details submitted do not satisfy the Environment Agency or the LPA's Environmental Services Officer.

#### **Reason for Decision:**

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.

**Officer Recommendations:**

Condition 25 Landfill Gas – Not Discharged

Condition 26 Land Contamination – Not Discharged

Condition 27 Further Land Contamination – Not Discharged

Condition 28 Risk Receptors – Not Discharge