

Public Document Pack



Meeting: EAP Sustainable Communities

Date: Wednesday 26th April 2023

Time: 9.30 am

Venue: Virtual meeting via Zoom

The meeting will be available for the public to view live at the Democratic Services North Northants YouTube channel.

To members of the EAP Sustainable Communities

Councillor Harriet Pentland (Chair), Councillor Tim Allebone, Councillor Jennie Bone, Councillor Alison Dalziel, Councillor Dez Dell, Councillor Jan O'Hara and Councillor Kevin Watt

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Adele Wylie, Monitoring Officer North Northamptonshire Council			



Proper Officer
18th April 2023

This agenda has been published by Democratic Services.

Committee Administrator: Raj Sohal

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Minutes of a meeting of the EAP Sustainable Communities

Held at 9.30 am on Wednesday 1st March 2023 as a Remote Meeting via Zoom

Present:-

Members

Councillor Harriet Pentland (Chair)
Councillor Tim Allebone
Councillor Dez Dell
Councillor Jan O'Hara
Councillor Kevin Watt

Officers

George Candler	Executive Director – Place and Economy
Graeme Kane	Assistant Director – Highways and Waste
Carol Mundy	Senior Democratic Services Officers
Elaine O'Leary	Chief Executive – Northamptonshire ACRE
Sean Silver	Groundwork Northamptonshire
Raj Sohal	Democratic Services Officer
Jonathan Waterworth	Assistant Director – Assets and Environment

Also in attendance – Councillor Anne Lee

1 Apologies for Absence

Apologies for absence were received from Councillor Alison Dalziel. Councillor Anne Lee was in attendance, as a substitute.

2 Members' Declarations of Interest

No declarations were made.

3 Terms of Reference and Scope of the EAP

The Executive Director of Place and Economy presented the proposed terms of reference for the Sustainable Communities EAP.

RESOLVED that: The terms of reference be approved.

4 North Northamptonshire Sustainable Food Network

The EAP considered a presentation by The Chief Executive of Northamptonshire Action with Communities in Rural England (ACRE), relating to the North Northamptonshire Sustainable Food Network.

During discussion, principal points were noted:

- One member emphasised the importance of encouraging North Northamptonshire residents to home-grow food. He suggested that this would also reduce the need for intensive farming.
- One member expressed concern regarding the decrease in local food self-sufficiency and attributed this to demand for out-of-season food.
- Members queried whether the provision of allotments would fall under the remit of ACRE.
- Members queried how the Council could support ACRE in its management of the North Northamptonshire Sustainable Food Network.

In response, The Chief Executive of Northamptonshire ACRE clarified that:

- The 'Leaf' organisation worked extensively with schools to educate young people around food production.
- Allotment provision did fall under the remit of ACRE and the Groundwork maintained interest in promoting local growing spaces but had not yet been resourced to explore this.
- It would be helpful if North Northamptonshire sustainability officers worked with ACRE as part of the steering group, to assist with linking in with the Council's wider sustainability strategy. ACRE also sought funding to employ a full-time project officer for the Sustainable Food Network.

RESOLVED that: The presentation be noted.

5 Carbon Management Plan

The EAP considered a report by The Assistant Director of Assets and Environment, relating to North Northamptonshire Council's Carbon Management Plan.

During discussion, the principal points were noted:

- Members queried whether new key performance indicators (KPIs) had been implemented against the Carbon Management Plan, since the 4th February.
- Members queried when procurement work would commence surrounding the plan.
- Members queried whether 'unnecessary assets' which were due to be removed from the plan would no longer be used by the local authority or simply no longer reported on.
- Members queried whether the 940 new trees proposed in the plan would be wits or standards, since whips would require significant aftercare.
- One member acknowledged the carbon sequestration of hedges and posited that they should also be referenced within the plan, despite the sometimes high cost of their maintenance.

- One member expressed concern that Methane produced by landfills had not been reported within the plan and queried why this had not been included.

In response, The Assistant Director of Assets and Environment clarified that:

- Additional KPIs had been implemented to manage and monitor the progress of the plan.
- Procurement work, around appointing contractors, would begin in April 2023.
- The removal of assets from the plan related to highway assets which were no longer be deemed to be necessary, such as excess lighting.
- The 940 new trees would be standards however, the authority would also plant thousands of wits, which would also feed into the reporting. The Council would also seek to secure funding for an additional 1,000 trees, through 'Treescape' funding.
- Carbon Dioxide 'equivalents' had been referenced within the reporting section of the plan. This included Methane. The Council sought to explore how Methane could be captured and sequestered/offset.

RESOLVED that: The report be noted.

6 Future provision of Household Waste and Recycling Centres (HWRCs) and Waste Disposal (verbal update)

The EAP considered a verbal update by The Assistant Director of Highways and Waste, regarding the future provision of Household Waste and Recycling Centres (HWRCs) and Waste Disposal.

During discussion, the principal points were noted:

- One member suggested that the local authority could involve local community groups to assist in repurposing/recycling waste.
- Members queried whether the Council had considered energy production from waste.

In response, The Assistant Director of Highways and Waste clarified that:

- The disposal contact already in place utilised energy from waste facilities to treat general household waste.

RESOLVED that: The verbal update be noted.

7 Sustainable Communities EAP Forward Plan

The Democratic Services Officer presented the Sustainable Communities EAP Forward Plan.

RESOLVED that: The forward plan be noted.

8 Close of Meeting

It was noted that the next meeting of the Sustainable Communities EAP would be held virtually, via Zoom, on Wednesday 26th April at 9:30am.



Sustainable Communities Executive Advisory Panel 26th April 2023

Report Title	Adoption of Contaminated Land Strategy and Cost Recovery and Hardship Policy
Report Author	George Candler, Executive Director for Place & Economy and Deputy Chief Executive
Executive Member	Cllr David Brackenbury – Executive Member for Growth and Regeneration

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

Appendix A Contaminated Land Strategy
Appendix B Cost Recovery and Hardship Policy
Appendix C – Equalities Screening Assessment

1. Purpose of Report

- 1.1 It is a statutory requirement that each Local Authority publish a strategy for carrying out inspection of its area to identify land that may be contaminated. Statutory guidance states that the local authority should keep its strategy under periodic review. The purpose of this report is to present a North Northamptonshire Contaminated Land Strategy. The Strategy deals principally with the inspection function, showing how the local authority will inspect its area

for contaminated land, identify contaminated land and manage the information that it collects in the process.

- 1.2 The North Northamptonshire Council strategy replaces the contaminated land strategies produced by the former district/borough councils. This strategy explains how the council will implement the contaminated land regime from 2023 onwards and takes account of the latest statutory guidance, experience from the former borough/district councils and the resources available to the council at this time. The revised strategy is available both in hard copy and on the council's web site.
- 1.3 A Hardship Policy, is required by statutory guidance to be adopted in support of a contaminated land strategy. The proposed policy reflects this guidance.
- 1.4 The purpose of this report is to present a policy, intended to both guide the decision-making process relating to the recovery of incurred costs and to ensure that the Council meets the criteria for being eligible for any financial assistance available from central government. The policy is necessary to demonstrate transparency of the decision-making process when determining how to recover costs associated with the clean-up of contaminated land.

2. Executive Summary

- 2.1 This report outlines the Council's statutory duties in relation to dealing with contaminated land that presents a risk to human health or the environment.
- 2.2 This report proposes a new North Northamptonshire Contaminated Land Strategy.
- 2.2 This report also proposes a policy to guide officer and Member decision making in the event of the Council having to exercise its statutory powers and needing to recover its costs, having carried out works in default following non-compliance with a statutory notice requiring contaminated land to be cleaned up, or remediated.

3. Recommendations

- 3.1 It is recommended that the Executive Advisory panel provides feedback on the proposed Contaminated Land Strategy and Cost Recovery and Hardship Policy. The document has been the subject of both an internal and external consultation process with comments invited on the document. The comments and changes, where appropriate to the aims and objectives of the document, have been incorporated into the strategy.
- 3.2 The North Northamptonshire Contaminated Land Strategy and Hardship Policy are based on the strategy and policy documents previously adopted by the former borough and district councils across Northamptonshire. The new documents have been produced in collaboration with West Northamptonshire

Council. The responsibility for the inspection of contaminated land has traditionally sat within Environmental Protection.

4. Report Background

4.1 Under Part IIA of the Environmental Protection Act 1990, which came into force in April 2000, Local Authorities in England are given responsibilities for regulating contaminated land. There are two main parts to the local authority's duties under Part IIA – an inspection function and an enforcement function.

4.2 The Contaminated Land Strategy is principally concerned with the inspection of the district to determine whether any land may be contaminated land as defined by the regulations. The definition of contaminated land from the Environmental Protection Act 1990, Part IIA, Section 78A (2) is:

“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.”

Note: It should be noted that substances may include natural and artificial substances

4.3 The identification of contaminated land should be carried out in an ordered fashion to ensure that the most pressing and serious problems are addressed first. This strategy gives an overview of the methodology to be used to prioritise sites for further inspection. It does not cover the inspection of land and the apportionment of liability with respect to investigation and remediation. This area of the contaminated land function is laid out in regulations and statutory guidance.

4.4 The strategy, if adopted, will be made available to the general public from the Council's web site and by electronic means on request. Hard copies of the strategy will also be readily available if required.

4.5 The principle regulators of contaminated land legislation are local authorities however under certain circumstances the Environment Agency may take on this role and have a statutory duty.

4.6 Where a site is declared as being contaminated land the Council has four main tasks:

- (a) To establish who should bear responsibility for the remediation of the land (the “**appropriate person**” or persons). Normally this will be the person(s) responsible for the pollution or, if they cannot be found, the site owners;

- (b) To decide, after consultation, what remediation is required in any individual case and to ensure that such remediation takes place, either through agreement with the appropriate person, or by serving a remediation notice on the appropriate person if agreement is not possible or, in certain circumstances, through carrying out the work themselves;
 - (c) Where a remediation notice is served, or the authority itself carries out the work, to determine who should bear what proportion of the liability for meeting the costs of the work; and
 - (d) To record certain prescribed information about their regulatory actions on a public register.
- 4.7 Where the Council is required to undertake the remediation itself then it may recover all its reasonable costs but must have regard to any hardship that this action may cause. The Secretary of State has issued statutory guidance on this matter. This has been used as a basis for the recovery policy attached as an appendix to this report.
- 4.8 Should the Council incur such costs but not be able to recover them from either the original polluter or landowner, then it might be eligible for financial assistance from Defra. However, a pre-requisite of this is that the Council has in place a transparent policy for determining how it will recover these costs that has due regard to financial hardship.

5. Issues and Choices

- 5.1 The Contaminated Land Strategy and Hardship Policy are necessary requirements in terms of the contaminated land regime. Without a Strategy Policy the Council would have difficulty undertaking inspection, enforcement and in making decisions on appropriate persons and recovering the costs of remediation.
- 5.2 Statutory guidance states that the local authority should keep their contaminated strategy under periodic review.
- 5.3 The North Northamptonshire Council strategy replaces the contaminated land strategies produced by the former district/borough councils which are currently still in use.
- 5.4 This strategy explains how the council will implement the contaminated land regime from 2023 onwards and takes account of the latest guidance, experience from the former borough/district councils and the resources available to the council at this time. The revised strategy is available both in hard copy and on the council's web site.

6. Next Steps

- 6.1 A report will be presented to the Executive on 8th June, requesting that they adopt the Contaminated Land Strategy and Hardship Policy associated with the remediation of contaminated land under Part IIA of the Environmental Protection Act 1990 (as Amended)” as set out in the attached appendices.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1 It is not proposed that the Council will engage on a proactive investigation of sites whilst central government funding for remediation is restricted. Unless an emergency situation arises. The Cost Recovery and Hardship Policy identifies relevant duties and powers in the Environmental Protection Act 1990, and provides a framework for cost recovery decisions, applicable persons, costs incurred, and a decision-making process.
- 7.1.2 The cost of remediation will be met by the relevant responsible person(s), and the Cost Recovery and Hardship Policy provides a repayment mechanism, where extenuating circumstances exist.

7.2. Legal and Governance

- 7.2.1 The Council has a legal duty to ensure that it has a strategy in place to respond to contaminated land issues within its district. As set out elsewhere, statutory guidance also requires the Council to adopt a Hardship Policy in respect of the costs of remediation before a remediation notice is served. The proposed policy satisfies the requirements of the statutory guidance.

7.3. Relevant Policies and Plans

- 7.3.1 Economy/Housing - The Contaminated Land Strategy and Hardship Policy drive forward the priority of *‘enabling a thriving and successful economy that shapes great places to live, learn, work and visit’* by facilitating regeneration of brownfield sites for housing and ensuring they are suitable for use.
- 7.3.2 Environment – The Contaminated Land Strategy and Hardship Policy play an important part in *‘Green sustainable environment’* by protecting our environment from pollution and harm to living organisms.
- 7.3.3 Health and Well Being - The Contaminated Land Strategy and Hardship Policy assist with the priority of *‘active, fulfilled lives’*; in particular from determining the possibility of significant harm to human health.

7.4. Risk

- 7.4.1 Not adopting the Contaminated Land Strategy and Hardship Policy will prevent the council fulfilling its duties under the Environmental Protection Act 1990 or complying with statutory guidance. By adopting the strategy, the council will be able to demonstrate that we deal with contaminated land in an open and transparent way.
- 7.4.2 There are risks to the public and wildlife from contaminated land and these are detailed in the strategy. By having a clear strategy in place this will ensure that appropriate action is taken in response to issues identified.

7.5. Consultation

7.5.1 The statutory guidance under Part 2A of the Environmental Protection Act 1990 requires a Local Authority to consult appropriate public authorities who may be able to provide information and advice. A consultation process was undertaken between: 14.02.23 and 28.03.23 and responses were received from West Northamptonshire Council, Historic England and Natural England. Comments included;

- West Northamptonshire Council considered that the strategy covered all areas it is required to and approved the approach to dealing with contaminated land issues as they arise.
- Natural England did not perceive that the strategy related to their interests to any significant extent and did not wish to comment.
- Historic England had no specific comments, but general comments;
 - Historic England wished to ensure that the councils conservation officers and archaeological advisors had been consulted.
 - They advised that paragraph 3.5 was welcomed, but that reference to 'ancient monuments' should be updated to 'scheduled monuments' to reflect NPPF terminology and that reference to archaeology should also be included together with reference to designated assets such as scheduled monuments.
 - Reference to 'Property in the Format of Buildings including heritage assets', was welcomed, but that it would be helpful to include 'and their settings' after assets.

7.5.2 The comments from Historic England have been incorporated into the strategy. No issues were raised from other stakeholders and partner agencies.

7.6. Consideration by Executive Advisory Panel

7.6.1 Feedback from the Executive Advisory Panel Sustainable Communities on the 26th April 2023 will be incorporated within the Executive report.

7.7. Consideration by Scrutiny

7.7.1. This report is eligible for call in by the Scrutiny Commission, as part of their work programme.

7.8. Equality Implications

7.8.1 An Equality Screening Assessment has not identified any adverse impact on individuals with protected characteristics and is attached within Appendix C.

7.8.2 The Strategy and Policy seeks to promote fairness, transparency and the need to prevent hardship when making a decision with regards to determining financial responsibility for the remediation of contaminated land. Appropriate persons are defined by the legislation and the Policy does not create any differential impacts between equality groups.

7.9. Climate Impact

7.9.1 The Strategy and Policy has positive impacts in respect of air quality, water quality and pollution, built environment, natural environment and diversity, energy consumption / efficiency, food production, employment, housing, access to leisure, and access to green space.

7.10. Community Impact

7.10.1 It is not considered that there will be a distinct community impact as a result of the Policy or Strategy.

7.11. Crime and Disorder Impact

7.11.1 Crime reduction - The clean-up of contaminated land is not expected to have a significant direct effect on crime reduction.

8. Background Papers

8.1 Contaminated land Strategies of former districts and boroughs with NNC.

8.2 Environmental Protection Act 1990. HMSO (1990)
<https://www.legislation.gov.uk/ukpga/1990/43/contents>

- 8.3 The Environment Act 1995 HMSO (1995)
<https://www.legislation.gov.uk/ukpga/1995/25/contents>
- 8.4 The Contaminated Land (England) Regulations 2006
<https://www.legislation.gov.uk/uksi/2006/1380/contents/made>
- 8.5 DEFRA Contaminated Land Statutory Guidance, April 2012
<https://www.gov.uk/government/publications/contaminated-land-statutory-guidance>
- 8.6 Ministry of Housing, Communities & Local Government - National Planning Policy Framework, July 2021
<https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- 8.7 British Standards Institute. Code of Practice for ground Investigations. BS5930:2015+A1:2020
- 8.8 British Standards Institute. Investigation of Potentially Contaminated Sites – Code of Practice. BS10175:2011+A2:2017
- 8.9 Environment Agency - Land contamination risk management (LCRM) 2021
<https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
- 8.10 Historic England – Land Contamination and Archaeology, February 2017
<https://historicengland.org.uk/images-books/publications/land-contamination-and-archaeology/>
- 8.11 The Water Framework Directive (Standards and Classification) Directions (England and Wales) 2015
https://www.legislation.gov.uk/uksi/2015/1623/pdfs/uksiod_20151623_en_auto.pdf



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North Northamptonshire Council

Contaminated Land Strategy

Draft for consultation February 2022

Document History:

Issue	Date	Comments
Draft	14.02.23	Draft for consultation

**Contact: Mandy Dennis
Regulatory Services
North Northamptonshire Council**

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Appendix - Radioactively contaminated land

Executive Summary

Since April 2000, local authorities have had a duty to manage contaminated land issues within their areas. The duty was conferred by Part IIA of the Environmental Protection Act 1990 (“the Act”) and associated statutory guidance. The Act gives local authorities the lead role in dealing with contaminated land and requires each authority to publish a written strategy setting out how it will carry out its duties. This is the first inspection strategy published by North Northamptonshire Council (the council). The council came into being in April 2021 further to the merging of the former Northamptonshire County Council and the predecessor local authorities of Borough Council of Wellingborough, Corby Borough Council, East Northamptonshire Council and Kettering Borough Council.

This strategy reflects current guidance and local characteristics of the former district/borough councils. This strategy explains how the council will implement the contaminated land regime, taking account of the latest guidance and the resources available to the council. This strategy is available both in hard copy and on the council’s web site.

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

The strategy takes a risk-based ‘suitable for use’ approach. This means assessing risks associated with land contamination in the context of the actual or intended use of a site. The principal objectives of the revised strategy are to:

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

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

1 Introduction

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

1.1 What is Contaminated Land?

Contaminated land is defined in Part IIA of the Environmental Protection Act 1990 as any land, which appears to the local authority in whose area it is situated to be in such condition, by reason of substances in, on or under the land that:

- (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;]

“Significant harm is being caused or there is a significant possibility of such harm being caused, or pollution of controlled water is being or is likely to be caused.”

“Harm” is defined as:

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

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

For there to be a ‘significant possibility of significant harm’ the above source–pathway–receptor linkage must be identified. Only once this ‘pollutant linkage’ has been established for a harmful substance can the land in question be designated as “contaminated land” under the Act.

1.2 The Statutory Regime

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

The 2012 sets out the overarching objectives of Government policy on contaminated land and the Part IIA regime as follows:

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

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

Enforcing authorities are required to use Part IIA only where no appropriate alternative solution exists. Alternatives include development of land under the planning system, during the building control process, or where action is taken independently by landowners. Other legislative regimes may also provide a means of dealing with land contamination issues, such as building regulations; the regimes for waste, water, and environmental permitting; and the Environmental Damage (Prevention and Remediation) (England) Regulations 2015.

1.3 A Strategic Approach

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

Strategies should include:

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

1.4 The Council's Strategy

The North Northamptonshire Council strategy replaces the contaminated land strategies produced by the former district/borough councils

- Borough Council Wellingborough
- Corby Borough Council
- East Northamptonshire Council
- Kettering Borough Council

This strategy references the 2012 statutory guidance. This strategy explains how the council will implement the contaminated land regime from 2022 onwards and takes account of the latest guidance, experience from the former borough/district councils and the resources available to the council at this time. The revised strategy is available both in hard copy and on the council's web site.

1.5 Management of the Strategy

Environmental Protection will act as lead service within the council for the purpose of managing the strategy.

Designated officers will have responsibility for dealing with enquiries and incidents relating to land contamination and generally implementing the strategy. The officer will also be the main contact for liaison with the Environment Agency, Natural England, English Heritage, DEFRA, landowners, agents, members of the public and other stakeholders concerning potentially contaminated land.

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

2 Objectives and Priorities

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

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

2.1 General Approach of the Council

The council will take a risk-based approach to assessing whether land is contaminated. Risks will be assessed according to the suitable for use principle in accordance with statutory guidance. This means assessing risks associated with land contamination in the context of actual or intended use of a site.

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

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

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

2.2 Objectives of the Strategy

The principal objectives of this strategy are to:

- meet the statutory requirements to produce a strategy and review it;
- set out a strategic approach to the identification and remediation of contaminated and potentially contaminated land;
- adopt a systematic and robust approach for dealing with sites that appear to be contaminated;
- inform stakeholders of the council's intentions and actions;

- set out how the council will liaise with the Environment Agency and other stakeholders;
- ensure appropriate records are kept in a Public Register;
- minimise burdens on individuals, businesses and the wider community;
- encourage the re-use of brownfield land

2.3 Aims and Priorities

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

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

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

3 Characteristics of the North Northamptonshire Area

This section provides background information about North Northamptonshire Council's geographic area, with reference to issues relevant to land contamination.

3.1 Geographic and Demographic Setting

This section provides background information about North Northamptonshire Council's geographic area, with reference to issues relevant to land contamination and historic industrial use. A brief section has been prepared from the predecessor local authorities of Borough Council of Wellingborough, Corby Borough Council, East Northamptonshire Council and Kettering Borough Council.

3.2 Characteristics of the former Borough Council of Wellingborough area

The Wellingborough area (the former Borough Council of Wellingborough) is situated in the eastern half of Northamptonshire and covers an area of 163km². The area is predominantly rural with some villages developing in association with the Boot and Shoe industry including Griggs of Wollaston (Dr Martins) and Barkers of Earls Barton. Natural resources have been exploited in the area with Iron ore, clay, limestone and sands and gravels being quarried.

Historic iron ore quarrying led to the development of largescale iron works in the town and left several open quarry gullets in the rural area, some of which have subsequently been landfilled. Elevated naturally occurring arsenic and vanadium are associated with the Northampton Sand Formation from which the iron ore was extracted.

The River Nene runs from the south west to the north east and lies to the south of Wellingborough Town. Sand and gravels have been extensively extracted along the

length of the Nene floodplain, leaving behind large expanses of water, which are currently used for country parks and leisure facilities.

Wellingborough is currently enjoying an urban expansion and is well served by the A45 providing an east-west link with junctions 15/15A and 16 of the M1 and the A509 provides a north-south link between Kettering and junction 14 of the M1.

The Stanton Cross development to the East of Wellingborough is building 3100 residential dwellings on 370 hectares of land expanding the town of Wellingborough by 30% over the next 10 – 15 years. Approximately 35% of this land is potentially contaminated land and has been predominantly quarried and backfilled. To the North of the town, the Glenvale Park development is providing a further 3,000 residential dwellings. This development is largely on greenfield land.

Determined Contaminated Sites

One site has currently been determined as Contaminated Land in accordance with Environmental Protection Act 1990 part IIA. Irchester Landfill site was determined as Contaminated Land under Part 2A of the Environmental Protection Act 1990 because of the risks of landfill gas from the site and controlled water pollutant linkages. The site is currently under voluntary remediation and has an active landfill gas extraction system installed.

3.3 Characteristics of the former Corby Borough Council area

Corby District lies in the northeast of Northamptonshire and covers an area of 80km². It is bounded by the Welland Valley to the north. The most prominent natural features include Thoroughsale and Hazel Woods, and remnants of Rockingham Forest, retained for game preservation rather than timber.

The village of Corby dates to the 8th Century when a group of Danish invaders, with their leader, Kori, settled there. It became known as Kori's settlement, or Kori's. Located in the centre of the Northamptonshire iron fields, the Corby area has been worked for iron-ore since pre-Roman times. In the 1870's, the building of the Kettering-Manton Railway prompted the development of the brick-making industry, as the local clay was ideal for brick making, initially for the railway, then as a continuing industry. Brick working became the major source of employment for Corby in the 1880's. However, the railway excavations revealed the extent of the ironstone deposits and Corby was transformed from a small rural parish into a thriving industrial town with Europe's largest integrated steel-making plant and tube works during the 1930's. In 1934, unemployed steelworkers in Scotland flooded into Corby eager for work leading to the colloquial name of 'Little Scotland'.

The construction proposals of Stewart and Lloyd (the owners of the steel works) to significantly expand their steel making at Corby called for massive re-development of approximately 26,000 acres of land in the Borough. Rockingham Road was established as the main street of the growing town. Water for the works, as well as, for domestic supplies came from the construction of a dam on the Eye Brook, a tributary of the River Welland. Six million gallons of water per day were supplied, 4.3 million for the steelworks and 1 million for domestic use.

The Corby Works was heavily involved in World War II, demonstrating the importance of steel to the war effort, including Corby's best known contribution, construction of PLUTO

(Pipeline Under The Ocean) allowing fuel from a tanker on the Mersey to be pumped directly to Allied Armies as they advanced through Europe after D-Day.

The investment in steel making at Corby continued for two decades following the end of World War II and by 1952, the Corby steelworks occupied approximately 300 acres of land. In 1979, British Steel Corporation announced their intention to cease iron and steelmaking at its Corby Works by March 1980.

After steel production stopped Corby District Council took over the former steelworks sites along with the responsibility of clearing them. In 1981 the steelworks were razed to the ground and Corby District Council, one of the smallest in the country, became involved in one of the largest land reclamation and development projects in England. Since then a well-serviced industrial base has been developed on hundreds of acres of ex-British Steel property.

3.4 Characteristics of the former East Northamptonshire Council area

East Northamptonshire Council was in the central/eastern half of England and is one of the larger, based on area, former local authorities in Northamptonshire. The River Nene runs from the south west to the north east. Sand and gravels have been and still are being quarried along the length of the River Nene. This has created large expanses of open water. This attracts tourism and adds to the ecological diversity of the area. There are also several hard rock quarries in East Northamptonshire exploiting the local limestone.

The district is predominantly rural, with the main towns comprising Rushden, Higham Ferrers, Raunds, Irthlingborough, Oundle and Thrapston. The district comprises 510km², and has a natural and built environment of high quality. This district is well serviced by the major roads of the A14 (M1-A1 link), A45, A46, A426, A6116 and A6.

Much of the district is used for arable farming and to a lesser degree dairy and livestock production. Farming is diversifying for example with the development of the renewable energy park near Chelveston being used for solar, wind and biomass electricity generation.

Woodland and forestry occupy large areas in the north of the district at Wakerley and Fineshade Woods. These areas, whilst of ecological importance also support tourism and have been further enhanced since the reintroduction of Red Kites to the area.

Due to the excellent road links the district has attracted major national and international companies to set up storage and distribution centres close to major road links. The district also benefits from the establishment of a large number and variety of companies, from multinationals to small businesses and self-employed individuals. Providing employment in the manufacturing, retail and service industries.

In comparison to many areas of England, East Northamptonshire has little in the way of heavy contaminative industry. However, a few potential sources of contamination may exist as a result of the industrial heritage. In particular Northamptonshire was the base for a large boot and shoe industry, including tanneries. The industry has declined significantly with few companies remaining. These old sites, usually located in towns, have mostly been developed for housing.

Other former land uses that have the potential to cause contamination in the district include gasworks, slaughterhouses, landfills, mines, quarries, rail industry, bus depots,

former Ministry of Defence land, sewage treatment plants, petrol filling stations and timber treatment yards.

3.5 Characteristics of the Former Kettering Borough Council Area

The former Borough of Kettering is at the heart of England, situated some 80 miles north of London, 45 miles west of Cambridge and 45 miles east of Birmingham. The Kettering Area was one of seven boroughs in the County of Northamptonshire. Situated in the north of the County, it is mainly rural, consisting of undulating farmland and scattered woodland. It covers approximately 234km² hectares. and has a population of around 93,475. (These figures are all based on the Census of 2011)

The Kettering Area has four towns - Kettering Desborough Rothwell and Burton Latimer and the remainder made up from parishes of Ashley, Brampton Ash, Braybrooke, Broughton, Cranford, Cransley, Dingley, Geddington, Grafton Underwood, Harrington, Loddington, Mawsley, Newton and Little Oakley, Pytchley, Rushton, Stoke Albany, Sutton Bassett, Thorpe Malsor, Warkton, Weekly, Weston-by-Welland and Wilbarston. Almost 87% of the Kettering Area is in some form of agricultural use. Approximately 13% is dedicated to urban usage and only 1% to industrial, concentrated mainly in 4 major industrial estates.

The extraction of ironstone in the area commenced in the late 19th century and continued until approximately 1980. For a short time thereafter, there was limited limestone extraction at one site. There are no longer any active ironstone or limestone extraction sites in the Kettering Area, although there are a number of dormant ones.

The Kettering Area owes its earliest prosperity to the lush pastureland around the Nene and Welland valleys, and the ancient fairs at Kettering and Rothwell. Later it was nationally known for its plush and silk weaving crafts but, by the nineteenth century, leather processing and boot and shoe manufacture were the main industries. Today, those industries have largely disappeared to be replaced with a more diverse trading, manufacturing and commerce base ranging from breakfast cereal manufacture to computer software generation located in and around business sites at Kettering Venture Park, Latimer Park, Telford Way Industrial Estate and Stoke Road, Desborough.

3.6 Geological Characteristics

The solid geology that underlies Northamptonshire forms part of a broad band of sedimentary Jurassic rocks that run from Dorset to Yorkshire. These rocks originated as sediments, which were deposited on land or in water 150 to 200 million years ago. Many of the beds are rich in fossils. Northamptonshire lies astride the Jurassic outcrop where the general dip of the rocks is to the southeast with the older rock, therefore appearing in the north and west of the county.

Many of the sedimentary rocks have been of economic importance, notably the limestones, which have provided crushed rock as well as building material. There are still a number of large quarries in the district exploiting the limestone at Ringstead, Wakerley and Collyweston. Also, the distinctive Collyweston Slate is mined from underground deposits in the village.

The Northampton Sand Formation comprises a layer of relatively coarse sandstone rich in iron compounds and is commonly referred to as ironstone. Of the four types of Jurassic ironstone found in the Midlands, the Northamptonshire Sand Formation is the richest in terms of iron content. It extends in a broad band from Lincoln to Towcester and has been worked for iron ore at points along its length through the district. It was upon this that iron

and steel works throughout the district were based. Of particular note the steelworks at Corby and the underground mining of ironstone by adits at:

- Willow Close mine to the east of Weston Underwood
- Church Mine near Islip
- Northampton Sands Ironstone Mine extending from Irthlingborough to north of Finedon

This has on occasion led to collapses in the old adits resulting in surface depressions in the land.

Most of the sedimentary rocks lie beneath drift deposits: boulder clay and sands and gravel deposited when ice sheets covered Northamptonshire 130,000 to 300,000 years ago. Post-glacial river terraces of sand and gravel are found in the Nene valley. These deposits have and still do attract great economic interest.

3.7 Water Resources

The district is bisected across the central area by the River Nene catchment. The River Nene runs from the south west to the north east through the district. Sand and gravel have been extensively extracted along the length of the floodplain, leaving behind large expanses of water. These are important locally and nationally for recreational use and ecology. The River Ise flows from the north to the south and joins the main River Nene north of Irchester.

The River Welland generally flows easterly, forming a significant length of the district's northern boundary. It leaves the district at The A1 before flowing onto Stamford and Peterborough.

General abstractions for agricultural use, irrigation, mineral washing, and process water are licensed by The Environment Agency. There are no major potable water abstraction boreholes in the district. An area around Easton on the Hill extending to the north of Collyweston, in the north of the district, falls within a Zone III source protection zone, total catchment, for a public water supply from groundwater. There are a number of private water supplies in the area. These are risk assessed and monitored by a dedicated team.

3.8 Protected Buildings and Land

The area has numerous historical structures or monuments worthy of preservation and archaeological and ecologically sensitive areas. Should enquiries indicate that contamination is present at a site containing a scheduled monument, including their setting archaeological assets special care will be taken in order to preserve the site's historical value. It is possible for circumstances to arise in which contaminants present at a site actually form part of the archaeological interest of that site. If the council becomes aware of a need to remediate a site containing heritage assets, the council's archaeologist and Historic England will be consulted at an early stage.

Should enquiries indicate that contamination is present or there is a need to remediate a site in an ecologically sensitive area the council will consult with the Environment Agency and Natural England from the outset.

3.9 Redevelopment History and Controls

Under planning controls, development of land is subject to site investigation and remediation requirements where land contamination is likely to be an issue or requires treatment. Land that has been the subject of development since these controls were

introduced is therefore unlikely to constitute contaminated land in the future and should be suitable for its intended use.

3.10 Known Information on Contamination

The council holds information on potentially contaminated sites and on sites which have been remediated. This has been accumulated from various sources including submissions as part of the development control process; complaints from the public; premises subject to Environmental Permitting (e.g. the unloading of petrol into storage at a service station); landfill site records; and records of historical and current industrial uses.

3.11 Normal (Natural) Presence of Contamination

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

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

4 Strategic Inspection

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

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

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

4.1 The Strategic Approach

In the strategies of the former local authorities making up the council they detailed their strategic approach, which generally relates to the gathering of information about potentially contaminated land and the subsequent assessment and prioritisation of these sites. The approach involved a number of stages including the following:

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

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

Having regard to the latest statutory guidance, experience of dealing with contaminated land issues and the resources available to the council, a different strategic approach is now considered appropriate.

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

- Many potentially polluting sites have already been remediated, redeveloped, or are still in active industrial use.
- Some brownfield sites have been or are due to be developed under planning controls which will ensure they are remediated where necessary.
- When the council has received reports or complaints related to land contamination these have been and will continue to be resolved as they arise.
- Determined Contaminated Sites
- One site has currently been determined as Contaminated Land in accordance with Environmental Protection Act 1990 part IIA.
- To date only one site has been determined as Contaminated Land under Part IIA of the Environmental Protection Act 1990. Irchester Landfill site was determined on the basis of the risks of landfill gas from the site and controlled water pollutant linkages.

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

The detailed inspection of individual sites can be an expensive, time consuming and potentially controversial task. Affected properties may suffer significant property blight during the process. While this would, of course, be justified for sites where significant risks to sensitive receptors have been identified, such information is unlikely to be available prior to detailed inspection unless the site is currently giving cause for concern. The council considers that it can better prioritise its response to the risks of land contamination within its area by acting on information concerning the current status of sites. This approach would combine use of development control provisions for sites undergoing development, with a robust response to reports and complaints about potentially contaminated land. The revised strategic approach is set out below and in the next section.

4.2 Planning Controls

The council will make use of the planning system to address sites that may be affected by land contamination. It has been recognised that, generally, the most appropriate and efficient way to address the issues associated with contamination is through the planning process. The onus is placed on the developer to address potential contamination issues as part of the wider planning process, including providing detailed assessments produced by competent consultants where necessary.

Issues of land contamination are a material consideration as stated in the National Planning Policy Framework. Environmental Protection is consulted on relevant applications, which provides an opportunity for technical queries to be raised and additional information to be requested from applicants when necessary.

4.3 Reactive Investigations

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

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

4.4 Responding to Complaints

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

All complainants may expect:

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

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

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

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

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

4.5 Budgetary Provision

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

The appropriate senior manager will assess the likely costs of Part IIA inspections as and when they arise, with a view to ensuring appropriate financial provisions are put in place. In addition to its inspection responsibilities, the council also has responsibilities as a landowner. Should any of its land be found to be contaminated land the council may need

to carry out remediation work or take other actions. Remediation can be very expensive, and the council is aware of the risks it potentially carries in this regard.

5 Detailed Inspection

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

The statutory guidance requires that:

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

The guidance also makes clear that, under Part IIA, the starting point should be that land is not contaminated land unless there is reason to consider otherwise.

All decisions about contaminated land will be made on the basis of a robust risk assessment, undertaken in accordance with the guidance.

5.1 Risk Assessment of Sites

Part IIA takes a risk-based approach to defining contaminated land. The statutory guidance defines “risk” as the combination of:

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

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

The receptors recognised as being potentially sensitive in Part IIA are:

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

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

5.2 The Inspection Process

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

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

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

5.3 Receptor-Source-Pathway Model

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

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

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

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

5.4 Consultation with Interested Parties

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

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

5.5 Special Sites

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

5.6 Deciding that Land is not Contaminated Land

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

6 Determination and Remediation

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

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

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

Where, following detailed inspection of a site, the council reaches a decision that land is "contaminated land" under the Act, it will proceed as follows and in accordance with the statutory guidance.

6.1 Determination Steps

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

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

there is an overriding reason for not doing so. Where appropriate, time will also be allowed to reach informal arrangements to deal with the problems.

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

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

6.2 Formal Determination of Contaminated Land

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

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

6.3 Issuing Determination Notices

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

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

6.4 Remediation of Contaminated Land

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

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

The council will seek to recover its costs wherever possible, in accordance with the Act and statutory guidance.

7 Management of Communication

7.1 Management of the Strategy

Environmental Protection is the lead service within the council for the purpose of managing the strategy. A designated officer has responsibility for dealing with enquiries and incidents relating to land contamination and generally implementing the strategy. This officer is also the main contact for liaison with the Environment Agency, Natural England, DEFRA,

landowners, agents, members of the public and other stakeholders concerning potentially contaminated land.

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

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

7.2 Liaison and Communication

Effective liaison with other bodies is central to the implementation of this strategy.

Statutory consultees for the 2015 Contaminated Land Strategy will be:

- Environment Agency
- Natural England
- Historic England
- DEFRA
- North Northamptonshire Joint Planning Unit
- Neighbouring local authorities
- Internal consultees

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

The statutory definition of contaminated land requires that there must be a **significant possibility of significant harm to human health or non-human receptors** or **significant possibility of pollution of controlled waters**. The council recognises that the expectations of some members of the public will not be met by the powers the local authority may exercise under the Part IIA regime. Wherever possible, council officers will seek to explain matters in terms that can readily be understood by non-specialists.

7.3 Owners, Occupiers and Other Interested Parties

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

7.4 Powers of Entry

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

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

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

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

Where the council decides to carry out intrusive investigation it will be in accordance with appropriate technical procedures for such investigations (for example BS10175:2011+A2:2017 and BS5930: 1999).

7.5 The Public Register

Under the regulations, the council is required to maintain a contaminated land public register. The public register is available for viewing on the council's web site at:

[Link to be provided when strategy adopted.](#)

OR on enquiry to the Information Officer at the following:

<https://www.northnorthants.gov.uk/your-council/make-freedom-information-foi-request>

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

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

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

7.6 Provision of Information to the Environment Agency

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

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

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

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

8 Review Mechanisms

The Council will review its written strategy periodically to ensure it remains up to date. This will occur at least every 5 years and when statutory changes or new guidance require it. All decisions made with regard to contamination need to be made objectively, consistently, transparently, and with proper regard to uncertainty. One important aspect of managing contaminated land is the need to review decisions made about particular sites, to establish whether any material changes have occurred. Examples of factors which influence the decisions, and which have the potential to change include:

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

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

9 References

Environmental Protection Act 1990. HMSO (1990)

The Environment Act 1995 HMSO (1995)

The Contaminated Land (England) Regulations 2006

DEFRA Contaminated Land Statutory Guidance, April 2012

Ministry of Housing, Communities & Local Government - National Planning Policy Framework, July 2021

British Standards Institute. Code of Practice for ground Investigations.

BS5930:2015+A1:2020

British Standards Institute. Investigation of Potentially Contaminated Sites – Code of Practice. BS10175:2011+A2:2017

Environment Agency - Land contamination risk management (LCRM) 2021

Historic England – Land Contamination and Archaeology, February 2017

The Water Framework Directive (Standards and Classification)

Directions (England and Wales) 2015

10 Acknowledgments

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

Appendix - Radioactively Contaminated Land

The radioactive contaminated land regime covers land where radioactivity is present as a result of a past activity or as a result of the after-effects of an emergency. It does not apply to current practices and natural background radiation. Land containing radionuclides present only as a result of natural processes are therefore excluded from the provisions of the regulations (e.g. Radon). The radioactive contaminated land regime only considers unacceptable risks to human health.

The objectives of the radioactive contaminated land regime under Part IIA are broadly the same as those of the non-radioactive contaminated land regime. Namely to provide a system for the identification and remediation of land where contamination is causing unacceptable risks.

There are two possible grounds for the determination of land as radioactive contaminated land:

- (a) Harm is being caused to a human being.
- (b) There is a significant possibility of harm being caused to a human being.

If land is radioactive contaminated land it will fall within the definition of a special site prescribed in regulation 2 of the Contaminated Land (England) Regulations and the Environment Agency will be the enforcing authority in respect of that land.

Historical contamination of land by radionuclides from anthropogenic activity has in many cases occurred due to a lack of understanding of the hazards posed by radioactive materials at the time. Radioactive substances have been used for a wide variety of purposes since the start of the twentieth century, but most have only been subject to regulation since 1963, the year in which the 1960 Radioactive Substances Act came into force. Industrial activities have involved the use of materials containing radioactivity in a variety of different contexts: (a) where radioactive materials have been employed for their radioactive properties (for example, luminising works); (b) where radioactive properties are incidental in materials that are used for their non-radioactive properties (for example, gas mantle production); and (c) where radioactive materials have been inadvertently handled, or escaped accidentally (for example, lead mining).

References

Department for Business, Energy & industrial Strategy – Radioactive Contaminated Land Statutory Guidance, June 2018

Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005

Contaminated Land (England) Regulations 2006

Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006



Regulatory Services
North Northamptonshire Council
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North Northamptonshire Council

Contaminated Land Cost Recovery and Hardship Policy

Draft for consultation February 2022

Document History:

Issue	Date	Comments
Draft	14.02.23	Draft for consultation

Contact: Mandy Dennis
Regulatory Services
North Northamptonshire Council

Contents

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2. Information for making decisions
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9. Where other potentially appropriate persons have not been found
10. Specific considerations applying to Class B Persons
11. Precautions taken before acquiring a freehold or a leasehold Interest
12. Environmental insurance
13. Payment of the Council's costs
14. Review mechanism
15. Data protection

1. Introduction

The costs of cleaning up contaminated land are not automatically covered by the public purse. The Government's policy is that the polluter (all persons who put the contamination there in the first place) should pay for any contamination they have caused by bearing the financial costs of cleaning it up.

This policy statement sets out North Northamptonshire Council's (the Council's) position on the possibility of waiving or reducing the recovery costs of remediation of land which has been determined as Contaminated Land under Part IIA of the Environmental Protection Act 1990 (Part IIA of the EPA 1990).

Part IIA of the EPA 1990 places a duty on the Council to inspect and identify contaminated land within its district. Land determined as being contaminated land requires remediation, if voluntary remediation cannot be secured within a reasonable time, the Council has a duty to serve a 'remediation notice' on any 'appropriate person' involved in the process. Dependent on individual circumstances and the nature of the contamination costs of remediation works can be very expensive and, in some cases, the appropriate person may turn to the Council for support in meeting those costs. In which case, before such notices can be served, the Government's Contaminated Land Statutory Guidance, 2012, requires the Council to adopt a Cost Recovery and Hardship Policy.

Under Part IIA, the appropriate person to pay for remediation is determined with reference to the primary legislation and statutory guidance. It is based on the polluter pays principle. In that those persons who caused or knowingly permitted a pollutant to be in, on or under the land will be the appropriate person to receive a remediation notice to ensure the work is carried out. Therefore, responsibility for the cost of the remediation rests with the person who caused or knowingly permitted the contamination. The Class A appropriate person.

If the above appropriate person cannot be found, the owner or occupiers of the land may be the appropriate person to receive a remediation notice. The Class B appropriate person.

Wherever possible, voluntary remediation of contaminated land should be undertaken, however where this cannot be achieved the local authority can serve a remediation notice specifying the time period and method of remediation. Alternatively, the local authority is entitled to complete the remediation work itself and recover the reasonable cost incurred in doing it from the appropriate person via a written agreement.

A remediation notice is a statement of the requirements needed to manage the contamination or remediate land, setting out details of the contaminant(s) and those responsible for remediation. It requires the person(s) responsible (appropriate person(s)) for the pollution or the activity leading to the determination of contaminated land, to be held liable for the cost of remediation.

When no liable parties can be found the site is deemed to be an orphan site and the responsibility then rests with the Council or the Environment Agency, if a special site, to fund remediation.

The purpose of this policy is to ensure a consistent and transparent approach when seeking to recover costs for remediation of Contaminated Land determined under Part IIA.

2. Information for making decisions

In general, the Council will expect anyone who is seeking a waiver or reduction in the recovery of remediation costs to present any information needed to support such a request. A reasonable period of time will be given by the Council to allow for this information to be collected.

In making any cost recovery decision, the Council will consider any relevant information provided by the appropriate person(s).

The Council will seek to obtain such information as is reasonable, having regard to:

- (i) The accessibility of the information and the time it may take to provide it;
- (ii) The cost, for any of the parties involved, of obtaining the information;
- (iii) The likely significance of the information for any decision.

The Council will, in all cases, inform the appropriate person of any cost recovery decisions taken, explaining the reasons for those decisions.

3. Criteria against which hardship will be assessed

The Statutory Guidance does not give a definition of hardship, therefore within this policy “hardship” is defined using ordinary terms, namely ‘hardness of fate or circumstance, severe suffering or privation’. In deciding if a person would suffer hardship, the Council will consider this on a case by case basis

4. Threat of business closure or Insolvency

In the case of a small or medium-sized enterprise which is the appropriate person, the Council will consider:

- Whether recovery of the full cost attributable to that person would mean that the enterprise is likely to become insolvent and thus cease to exist; and if so, the cost to the local community of such a closure
- Where the cost of remediation would force an enterprise to become bankrupt, the Council will consider waiving or reducing its costs recovery to the extent needed to avoid making the enterprise insolvent.

The Council will not normally waive or reduce its costs recovery where:

- It is clear that an enterprise has deliberately arranged matters so as to avoid responsibility for the costs of remediation
- It appears that the enterprise would be likely to become insolvent whether or not recovery of the full cost takes place; or
- It appears that the enterprise could be kept in, or returned to, business even if it does become insolvent under its current ownership.

5. Trusts

Where the appropriate persons include persons acting as trustees, the Council will assume that such trustees will exercise all powers which they have, or may reasonably obtain, to make funds available from the trust, or from borrowing that can be made on behalf of the trust, for the purpose of paying for the remediation. The Council will, nevertheless, consider waiving or reducing its costs recovery to the extent that the costs of remediation to be recovered from the trustees would otherwise exceed the amount that can be made available from the trust to cover these costs.

The Council will not waive or reduce its costs recovery:

- Where it is clear that the trust was formed for the purpose of avoiding paying the costs of remediation; or
- To the extent that trustees have personally benefited or will personally benefit from the trust.

6. Charities

The Council will consider the extent to which any recovery of costs from a charity would jeopardise that charity's ability to continue to provide a benefit or amenity, which is in the public interest. Where this is the case, the Council will consider waiving or reducing its costs recovery to the extent needed to avoid such a consequence. This approach applies equally to charitable trusts and to charitable companies.

7. Registered social landlords

The Council will consider waiving or reducing its costs for recovery if:

- The appropriate person is body eligible for registration as a social housing landlord under section 80 of the Housing and Regeneration Act 2008
- Its liability relates to land used for social housing, and full recovery would lead to financial difficulties for the appropriate person, such that the provision or upkeep of the social housing would be jeopardised.

The extent of the waiver or reduction will normally be sufficient to avoid any financial difficulties.

8. Specific considerations applying to Class A Persons

The Council will consider if the Class A person caused or knowingly permitted the contamination in the course of carrying on a business, and whether or not that person is likely to have financially benefited from the activity in question. If that person did financially benefit, the Council would not waive or reduce cost recovery unless in the circumstances described below.

9. Where other potentially appropriate persons have not been found

In some cases where a Class A appropriate person has been found, it may be the case that the Class A appropriate person already found would then identify another person who caused or knowingly permitted the presence of the significant contaminant in question, but who cannot now be found for the purposes of treating them as an appropriate person. For example, this might apply where a company has been dissolved.

The Council will consider waiving or reducing its costs recovery from an existing Class A appropriate person if that person demonstrates to the satisfaction of the Council that:

- Another identified person, who cannot now be found, also caused or knowingly permitted the significant contaminant to be in, on, or under the land; and
- If that other person could be found, the Class A appropriate person seeking the waiver or reduction of the Authority's costs recovery would either:
 - Be excluded from liability by virtue of one or more of the exclusion tests set out in Section 7 of the Statutory Guidance, or
 - The proportion of the cost of remediation which the appropriate person has to bear would have been significantly less, by virtue of the guidance on apportionment set out in Section 7 of the Statutory Guidance.

Where an appropriate person makes a request that the Council's cost recovery be waived or reduced by virtue of this section, the Council will require that person to provide evidence that a particular person, who cannot now be found, caused or knowingly permitted the significant contaminant to be in, on, or under the land. The Council will not normally regard it as sufficient for the appropriate person concerned merely to state that such a person must have existed.

The Council will seek expert help in liability apportionment, to assess requests for waivers or reductions in cost recovery.

10. Specific considerations applying to Class B Persons

In some cases, the costs of remediation may exceed the value of the land in its current use (as defined in Section 8 of the Statutory Guidance) after the required remediation has been carried out.

In such circumstances, the Council will consider waiving or reducing its costs recovery from a Class B person if that person demonstrates to the satisfaction of the Council that the costs of remediation are likely to exceed the value of the land. In this context, the "value" will be taken to be the value that the remediated land would have on the open market, at the time the cost recovery decision is made, disregarding any

possible blight arising from the contamination. A minimum of three valuations will be required, and to be independently verified by an expert appointed by the Council, with costs of verification to be recovered by the Council.

In general, the extent of the waiver or reduction in cost recovery will be sufficient to ensure that the costs of remediation borne by the Class B person do not exceed the value of the land after remediation has taken place. However, if the remediation would result in an increase in the value of any other land from which the Class B person would benefit, this will be considered when deciding the extent to which it should seek to recover its costs.

11. Precautions taken before acquiring a freehold or a leasehold interest

In some cases, the appropriate Class B appropriate person may have been unaware that the land in question was, or might be, contaminated when they acquired it. Precautions may have been taken to ensure that the Class B appropriate person did not acquire land which is contaminated. In these cases, the Council will consider reducing its costs recovery where a Class B appropriate person who is the owner of the land demonstrates to the satisfaction of the Authority that:

- The person took such steps prior to acquiring the freehold or the leasehold interest in the land, as would have been reasonable at that time to establish the presence of any contaminants;
- When the person acquired the land, or accepted the grant of assignment of the leasehold, the person was nonetheless unaware of the presence of the significant contaminant now identified, and could not reasonably have been expected to have been aware of its presence; and
- It would be fair and reasonable, considering the interests of national and local taxpayers, that the person will not bear the whole cost of remediation.

In some cases, the Class B appropriate person may have decided, with information in hand of the possibility of the land being contaminated, to take a risk that the land would not be found to be determined as contaminated.

The Council will bear in mind that the safeguards which might reasonably be expected to be taken will be different in different types of transaction. For example, acquisition of recreational land as compared with commercial land transactions, and as between buyers of different types e.g. private individuals as compared with major commercial undertakings. The precautions taken will have also changed over time.

13. Environmental Insurance

A range of commercial and homeowner environmental insurance policies have been available in the UK for several years. A valid environmental insurance policy if held by a Class A or B appropriate person often provides protection against risk of liability under the contaminated land legislation. Such policies, especially for domestic properties, normally only cover pre-existing contamination unknown at the time the property/land was purchased. In this context this may include Part IIA sites where there was no evidence of significant contamination at the time of the property transfer. Some commercial policies do cover pre-existing contamination known to the insurer and insured when the policy is taken out.

In the event of any liability residing with an appropriate person the Council will enquire if a valid environmental insurance policy is held and the scope of cover it provides. If cover provided by the policy protects the insured against all or part of any liability under Part IIA the Council will take this into account when making any cost-recovery decisions.

13. Payment of the Council's costs

In each case where the Council has used public funds to remediate land in its area, a decision will be taken by the Council - taking account of all circumstances pertaining to the matter - whether to recover any or all of the funds expended on a property in order to make it suitable for use.

The Council will also consider how payment to the Council should be made. This could, for example, take the form of payment of the full amount within a fixed period, by instalments or by attaching a charge to the property so that it is recovered when the property is sold. In the latter case, the Council will consider whether it could recover reasonable costs by deferring recovery and securing them by a charge on the land in question.

14. Review mechanism

This policy will continue to be reviewed at intervals of no later than 5 years and as required by any significant change in legislation or on the issue of updated Statutory Guidance by the Government.

15. Data protection

Information regarding individual financial status will need to be gathered should any applications be made for hardship. All information gathered as part of applications for hardship will be treated in accordance with GDPR and will only be used for the sole purpose of assessing ability to pay in each individual case.

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Equality Screening Assessment

The Equality Screening Assessment form must be completed to evidence what impact the proposal may have on equality groups within our community or workforce. Any proposal that identifies a negative impact must have a full Equality Impact Assessment completed before the proposal progresses further.

1: Proposal

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Requirement	Detail
Title of proposal	Adoption of the North Northamptonshire Council Contaminated Land Strategy and the Contaminated Land Cost Recovery and Hardship Policy
Type of proposal: new policy / change to policy / new service / change to service / removal of service / project / event/ budget	Replacement strategy/policy further to unification. Documents are based on those formally adopted by the former district councils. The documents have been developed as a county wide initiative.
What is the objective of this proposal?	To set out how NNC carries out its statutory duties under Part IIa of the Environmental Protection Act 1990.
Has there been/when will there be consultation on this proposal? (List all the groups / communities, including dates)	Yes the following groups. Consultations will be sent out on 14.02.23. <ul style="list-style-type: none"> • West Northamptonshire Council • Environment Agency

Requirement	Detail
	<ul style="list-style-type: none"> Natural England Historic England Internal consultees (Planning, building control, financial services)
Did the consultation on this proposal highlight any positive or negative impact on protected groups? (If yes, give details)	It is a statutory requirement that the strategy/policy is sent out for consultation. For information and advice only. As such would have a neutral impact on protected groups.
What processes are in place to monitor and review the impact of this proposal?	None required as neutral impact on protected groups.
Who will approve this proposal? (Committee, CLT)	Executive

2: Equality Consideration

In turn, consider each protected group to ensure we meet our legal obligations of the Equality Act (2010).

Protected Groups	General Equality Duty Considerations	Changes	Impact
	<ul style="list-style-type: none"> Include factual evidence of how people in this group may be affected. Consider the outcomes and processes. Does this seek to eliminate discrimination? Does this promote fostering good relations? 	<ul style="list-style-type: none"> What changes can be made to mitigate any negative impact? Are there opportunities to remove possible barriers or disadvantages that a group may face? 	Delete as appropriate. There can be more than one answer per protected group.
Age Different age groups that may be affected by the proposal in different ways.	There is no evidence that the strategy will impact on any specific person based on their age	N/A	Neutral
Sex	There is no evidence that the strategy will impact on any specific person based on their sex	N/A	Neutral

Protected Groups	General Equality Duty Considerations	Changes	Impact
Is one sex affected more than another or are they affected the same?	<ul style="list-style-type: none"> • Include factual evidence of how people in this group may be affected. • Consider the outcomes and processes. • Does this seek to eliminate discrimination? • Does this promote fostering good relations? 	<ul style="list-style-type: none"> • What changes can be made to mitigate any negative impact? • Are there opportunities to remove possible barriers or disadvantages that a group may face? 	Delete as appropriate. There can be more than one answer per protected group.
Disability It is likely to have an effect on a particular type of disability? Why?	There is no evidence that the strategy will impact on any specific person based on any disability	N/A	Neutral
Gender Reassignment Will there be an impact on trans males and/or trans females?	There is no evidence that the strategy will impact on any specific person based on their gender.	N/A	Neutral
Race Are people from one ethnic group affected more than people from another ethnic group?	There is no evidence that the strategy will impact on any specific person based on their race.	N/A	Neutral
Sexual Orientation Are people of one sexual orientation affected differently to people of another sexual orientation?	There is no evidence that the strategy will impact on any specific person based on their sexual orientation.	N/A	Neutral
Marriage & Civil Partnership Are people in a Marriage or Civil Partnership treated less favourably?	There is no evidence that the strategy will impact on any specific person based on their marital status.	N/A	Neutral

Protected Groups	General Equality Duty Considerations	Changes	Impact
	<ul style="list-style-type: none"> • Include factual evidence of how people in this group may be affected. • Consider the outcomes and processes. • Does this seek to eliminate discrimination? • Does this promote fostering good relations? 	<ul style="list-style-type: none"> • What changes can be made to mitigate any negative impact? • Are there opportunities to remove possible barriers or disadvantages that a group may face? 	Delete as appropriate. There can be more than one answer per protected group.
Pregnancy & Maternity Are people who are pregnant, or have a baby of 6 months old or younger, effected by this proposal?	There is no evidence that the strategy will impact on any specific person based on pregnancy or maternity.	N/A	Neutral
Religion or Belief Does the proposal effect people differently depending on whether they have or do not have a religion or a belief?	There is no evidence that the strategy will impact on any specific person based on their beliefs or religion.	N/A	Neutral
Health & Wellbeing 1. Health behaviours (E.g. diet, exercise, alcohol, smoking) 2. Support (E.g. community cohesion, rural isolation) 3. Socio economic (E.g. income, education). 4. Environment (E.g. green spaces, fuel poverty, housing standards).	The Contaminated Land Cost Recovery and Hardship Policy is based on statutory guidance and embraces the 'polluter pays principle'. As such it seeks to minimise any socio economic impact on protected groups.	N/A	Neutral

3: Equality Impact

Question	Response
What overall impact does the proposal have on the protected groups? If a negative impact is identified anywhere in section 2, the response will be Negative Impact.	No Impact
Does an Equality Impact Assessment need to be completed? (Yes, if any negative impact is found.)	No

Question	Response
	If yes, this Equality Screening Assessment must be adjoined to the Equality Impact Assessment.
Copy attached to relevant report?	N/A
Is this document going to be published with the relevant report?	Yes

4: Ownership

Question	Response
Directorate	Regulatory Services
Service area	Environmental Protection
Lead officer's name	Mandy Dennis
Lead officer's job title	Senior Environmental Protection Officer
Lead officer's contact details	mandy.dennis@northnorthants.gov.uk 01832 742037
Lead officer's signature	
Date completed	08.02.23

Completed forms must be sent to Equalities@northnorthants.gov.uk

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Sustainable Communities Executive Advisory Panel 26th April 2023

Report Title	Public Spaces Protection Order – Dog Control
Report Author	George Candler, Executive Director for Place & Economy and Deputy Chief Executive
Executive Member	Cllr David Brackenbury – Executive Member for Growth and Regeneration

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

- Appendix A – Draft Public Spaces Protection Order 2023 – Dog Control**
- Appendix B – Table of proposed areas for Corby**
- Appendix C – Equalities Screening Assessment**
- Appendix D – Proposed Consultation Questions**

1. Purpose of Report

- 1.1. This report outlines the proposed North Northamptonshire Public Spaces Protection Order 2023 – Dog Control.

2. Executive Summary

- 2.1. There are currently Public Spaces Protection Orders (PSPOs) relating to Dog Control in three of the four legacy authority areas. Corby is the only area that is not currently covered by any PSPO relating to dog control.
- 2.2. The existing three orders will end in November 2023. The Kettering order was due to end in August 2023, following legal advice, this order is being extended to end in line with the remaining orders and was subject to a short 2-week consultation. There were no concerns raised during the consultation in relation to extending the order until November 2023.

- 2.3.** In order to ensure consistency across North Northamptonshire, a new PSPO for dog control is proposed for the authority. The draft proposed order can be found in Appendix A. This order includes all areas previously covered by dog control PSPOs. Additional areas within Corby will need to be added once these have been agreed.
- 2.4.** Appendix B shows a table of proposed areas for inclusion within the legacy area of Corby. This table has been compiled in conjunction with internal colleagues with local knowledge and with functions surrounding parks, open spaces, public amenities, cemeteries etc and in line with the proposed measures within the draft order. The table provides information on enclosed play/amenity areas, access points and existing dog control signage.
- 2.5.** In producing the proposed PSPO we have also sought initial views from town and parish councils in relation to key locations with a deadline for response of 20th April 2023, paying particular attention to feedback relating to Corby as an area unfamiliar to these orders. As this deadline for response is after the final submission deadline for the EAP report, a verbal update will be provided at the EAP on 26th April 2023 to fully capture all of the responses received.
- 2.6.** The creation of a PSPO is a lengthy process and requires suitable public and wider statutory consultees to be involved in the consultations. This order will have a two-stage consultation period to ensure ample time to consider the views of the public on the areas to be included. To commence consultation and to implement the order, approval from the Executive will be required.

3. Recommendations

- 3.1** It is recommended that the Executive Advisory Panel provides feedback on the draft Public Spaces Protection Order and the proposed two stage consultation process for Dog Control for North Northants Council.

4. Report Background

- 4.1** The Anti-social Behaviour, Crime and Policing Act 2014 provides local authorities with powers to create a PSPO where they are satisfied that activities carried on in a public place:
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
 - is, or is likely to be, persistent or continuing in nature;
 - is, or is likely to be, unreasonable; and
 - justifies the restrictions imposed.
- 4.2** There are currently three PSPOs in place from the legacy authorities in Wellingborough, Kettering and East Northants in relation to dog control. There

are no PSPOs for dog control covering Corby. The three orders will run out in November 2023 and therefore it is necessary to start preparing to replace these orders with a new PSPO for dog control covering North Northamptonshire.

- 4.3 This is a significant piece of work that requires a great deal of consultation and publicity. All existing areas that have controls in place are proposed to keep the majority of the outlined controls, unless as part of the consultation process suggestions to amend are made and accepted. Where new areas are identified for inclusion in the PSPO, these will be considered against the stated criteria.
- 4.4 It is proposed to remove the requirement from the Kettering PSPO that dogs must be kept on a lead no more than 1.5 m in length in prescribed areas as it is not deemed necessary or practical to enforce.
- 4.5 It is proposed to remove the wording from the Kettering PSPO that a person in charge of a dog must not take more than 6 dogs onto any land at any time. It is understood that DEFRA is currently reviewing issues around dog walkers and the numbers of dogs that they can safely walk, therefore it would not be appropriate to implement new requirements that may be contradictory to any new proposals. The only national guidance available by the dog walker's association recommends 4 at any one time: https://www.rspca.org.uk/Dog_walking_guide
- 4.6 Since Corby Borough Council (CBC) did not have a PSPO in place, they previously undertook dog fouling enforcement under the provisions of the Dogs (Fouling of Land) Act 1996 by way of using Fixed Penalty Notices and/or prosecutions against dog owners that failed to pick up their dog faeces on designated areas of land. This applied to all public land within the Borough.
- 4.7 When the Dogs (Fouling of Land) Act 1996 was repealed by the Clean Neighbourhoods and Environment Act 2005 and Dog Control Orders were introduced, CBC adopted a Dogs Fouling of Land Act Order 2003 which allowed the local authority to continue using sections 3 and 4 of the Act until such time as a Dog Control Order was adopted. A report was taken to CBC Committee on 12th July 2011 and it was agreed that there was insufficient evidence at that time to implement such an order. Dog Control Orders have since been replaced with PSPO's.
- 4.8 There has never been an enforcement ability to request that dogs are kept on a lead or excluded from certain areas within the Corby area. Currently the only measure to address dog fouling and other forms of dog control is utilising Community Protection Warning Notices and Community Protection Notices under the Anti-social Behaviour, Crime and Policing Act 2014.
- 4.9 Since there is currently no order in place within Corby, it is proposed that elements of the existing orders are replicated to include dog exclusion from all enclosed or fenced off children's play areas and an area wide dog fouling control within Corby. Further to this, suggestions have been made relating to areas that should have dogs on leads requirements such as churches and cemeteries.

- 4.10 The key part of the process is to seek views from as many people and groups as possible to try and ensure that we have included the right areas with the right controls. It is also important to consider the associated enforcement requirements when making such an order.
- 4.11 As part of the consultation process we are required to consult with specific statutory consultees such as the Police, the public, town and parish councils etc and to also consult with relevant bodies such as the Kennel Club, RSPCA, National Dog Walkers Association, Dogs Trust etc.
- 4.12 A pre-consultation exercise has taken place with the Town and Parish Councils with a deadline for response of 20th April 2023. At the time of producing this report responses have been received from the following Town and Parish Councils:
- Broughton Parish Council
 - Denford Parish Council
 - Grendon Parish Council
 - Higham Ferrers Town Council
 - Irchester Parish Council
 - Loddington Parish Council
- 4.13 All agreed with the councils draft proposed PSPO and wish to retain all areas previously outlined with the schedules. Other comments included;
- Additional areas were highlighted for potential inclusion for dogs on leads areas;:
Broughton Playing Fields
High Street Park, Broughton
Grendon Pocket Park, NN17 1JW
Saffron Road, Recreation Ground, Higham Ferrers
Saint Lawrence Church Yard, Stanwick
Stanwick Cemetery
 - Areas highlighted to be of particular concern for dog fouling included public footpaths, areas in front of schools and school playing fields. It was raised that the exclusion of dogs from school playing fields would be useful if in agreement with education.

5. Issues and Choices

- 5.1.1 There are several options in terms of the PSPO's for Dog Control within North Northamptonshire.

- 5.1.2 The existing PSPO's within the previous sovereign areas of Wellingborough, Kettering and East Northants can be extended, amended or revoked or left to expire in November 2023.
- 5.1.3 A separate PSPO can be introduced for the previous sovereign area of Corby, or this area can remain without standards and enforcement of dog control.
- 5.1.3 An NNC harmonised PSPO for Dog Control can be introduced following a period of consultation in line with guidance to include the previous sovereign area of Corby.
- 5.1.4 A proposed NNC wide PSPO for Dog Control is included within this report and this will be amended in line with responses from a 2-stage public consultation exercise if this process is approved.

6. Next Steps

- 6.1 A report will be presented to the Executive on 8th June, requesting that they commence stage one of the consultation process. The public consultation will then commence for a period of 6 weeks. This will be open to the public and direct consultation will be undertaken with statutory consultees.
- 6.2 Once the first round of consultation closes, the Consultation and Engagement Team will assist in reviewing the responses. A stand-alone recommendations report from the team will be made based on the information provided. This may request areas to be added or removed or controls to be added or removed.
- 6.3 A revised draft PSPO will be made following the outcome of public consultations and will be fully reviewed and considered by officers. The second stage consultation process will then take place on the proposed final order for a period of 4 weeks.
- 6.4 The final proposed order and any amendments following the second public consultation will then be taken to Executive for formal sign off on 16th November 2023.
- 6.5 It is possible that due to the very tight timescales, ensuring sufficient public consultation and the authorities reporting cycles that the existing orders may lapse for a short period before the new order comes into force. Consideration is being given to extending these if felt to be required.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1 Enforcement of the existing PSPO's is met within different service areas: Environmental Protection, Waste Enforcement and Environmental Wardens/Street Scene. Enforcement will continue to be met by existing resource provisions.
- 7.1.2 A verbal update will be provided at the EAP on the number of fines recently issued and the number of complaints pertaining to dog control received by the council.
- 7.1.3 Signage for additional areas will be required to be erected and existing signs will need to be replaced. These costs will be covered within the Environmental Health Budget. The presence of signage acts as a deterrent from behaviour occurring.
- 7.1.4 Self-adhesive dog fouling signs are posted in areas where dog fouling is deemed to be a problem. This is an ongoing cost currently met by Environmental Health.
- 7.1.5 The council retains any revenue from the payment of fines of £100 each.
- 7.1.6 Unknown costs would include the legal costs for unpaid fines and possible legal challenges about the validity of such an order being introduced.
- 7.1.7 It is not considered that the new measures will add significantly to the work undertaken by current officers, there are however no resources currently available to extend this enforcement.

7.2. Legal and Governance

- 7.2.1 Chapter 2 of The Anti-Social Behaviour, Crime and Policing Act 2014 sets out the legislative framework around the creation of PSPOs and the offences for breaching a PSPO.
- 7.2.2 The authority to use these enforcement powers are delegated to officers to act under the scheme of delegation.

7.3. Relevant Policies and Plans

- 7.3.1 Environment – An NNC PSPO for Dog Control will play an important part in promoting a '*Green sustainable environment*'.
- 7.3.2 It is anticipated that a reduction in dog fouling incidents and incidents associated with out of control dogs, will improve public amenity and have positive environmental benefits.
- 7.3.3 If as a result of the introduction of the new PSPO dog fouling and other forms of irresponsible dog ownership are reduced, this will have a beneficial impact on the protection and enhancement of the environment.

7.4. Risk

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Dog Control PSPOs are not renewed, amended or implemented.	Unable to enforce dog control measures Certain areas requested by the public are not covered by the Order.	High	Introduce new PSPO prior to expiry of existing orders.
Additional Dog Control signage is not erected.	Unable to enforce dog fouling and other dog control measures	High	Introduce new PSPO prior to expiry of existing orders.
The council is challenged on the introduction of a new PSPO.	The order would not be valid. The council would incur court costs and reputational damage.	Low	Wide consultation with public and stakeholders

7.5. Consultation

- 7.5.1 Arrangements are in place to ensure that a full and meaningful consultation can take place and that we are ensuring that all relevant groups are consulted with. The consultation will be available in a number of different formats to enable as many people as possible to take part. This will include an online survey, paper versions available in libraries and council offices, access to the survey via social media and direct consultation mailings to key groups.
- 7.5.2 Due to the high levels of public interest this consultation is expected to generate, the Communications and Engagement Team will assist in reviewing, analysing and reporting on the consultation responses and will act as a semi-independent group who will report back on the findings of the consultation.
- 7.5.3 There will be a two-stage consultation process, the first stage being 6 weeks to gather all initial views and considerations on the draft proposals. The second consultation round will be for 4 weeks and will be to fine tune the final proposed order based on the consultation responses received.

7.6. Consideration by Executive Advisory Panel

7.6.1 Feedback from the Executive Advisory Panel Sustainable Communities on the 26th April 2023 will be incorporated within the Executive report.

7.7. Consideration by Scrutiny

7.7.1. This report is eligible for call in by the Scrutiny Commission, as part of their work programme.

7.8. Equality Implications

7.8.1 An Equalities Screening Assessment has been completed and is provided in Appendix C. The screening assessment shows in general a neutral impact, which is typical of an enforcement-based decision. There is also a positive impact noted on the potential improvement to our green spaces by increasing responsible dog ownership.

7.8.2 The PSPO will have no significant implications for Convention rights. All of the proposed new measures are accompanied with the appropriate rights of appeal. The most controversial measure is requiring dogs to be kept on a lead in a specific place and this is a requirement which balances the freedom for dog owners to walk their dogs off leads with the rights of consumers to enjoy freedom from unreasonable exposure to dogs not under proper control.

7.8.3 The PSPO will not apply to the owners of assistance dogs used by the blind or by those who are unable as a result of a disability to comply with the legislation.

7.9. Climate Impact

7.9.1 The enforcement of the new powers will lead to a safer and cleaner environment.

7.10. Community Impact

7.10.1 The PSPO places controls and restrictions across North Northamptonshire. For Kettering, Wellingborough and East Northants these restrictions and controls have been in place for a number of years and have been welcomed. The restrictions were revised by the previous sovereign authorities to ensure new areas were included where evidence showed issues requiring control, and the controls were amended to ensure better enforcement and clarity.

7.10.2 Key restrictions include dog exclusion in all fenced children's play areas, county wide controls on dog fouling, dogs on leads orders in places such as cemeteries and the ability to request dogs to be placed on leads when required. The PSPO

process requires a high level of community engagement to ensure that the community impact is considered.

7.10.3 The overall aim of the PSPO is to make a positive impact on the community and the areas the public use. It must also take into account the controls proposed and the impact these will have on the community. We are seeking as widely as possible comments, suggestion and views on the areas suggested.

7.11. Crime and Disorder Impact

7.11.1 Dog fouling is recognised as a rural crime indicator and repeatedly features as a major issue of concern for our residents. The use of these powers will have a positive impact on the council's ability to challenge anti-social behaviour associated with irresponsible dog ownership.

8. Background Papers

- 8.1. The Public Spaces Protection Order (Kettering Borough Council) (Dog Control) Order 2020. <https://kettering.gov.uk/downloads/download/13502/pspo-orders>
- 8.2. Borough Council of Wellingborough (Dog Control) Public Spaces Protection Order 2020.
https://wellingborough.gov.uk/info/98/anti_social_behaviour_and_nuisance/1458/public_spaces_protection_orders_-_2020
- 8.3. East Northamptonshire Council Public Spaces Protection Order 2020.
https://www.east-northamptonshire.gov.uk/info/100006/environmentalhealth/1924/public_spaces_protection_orders_east_northamptonshire_area

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The Anti-Social Behaviour Crime and Policing Act 2014 The Public Spaces Protection Order (North Northamptonshire Council) (Dog Control) Order 2023

Notice is hereby given that North Northamptonshire Council (in this order called “the Authority”) hereby makes a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) and all of the enabling powers:

General Provisions

1. The Order will be cited as the Public Spaces Protection Order (North Northamptonshire Council) (Dog Control) Order 2023 (“the Order”)
2. Unless otherwise provided this order applies to all land in the administrative area of the Authority to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of any express or implied permission
3. The Order will come into effect on ** and shall remain in place for a period of 3 years unless extended by further order under the Council’s statutory powers.
4. A person who fails to comply with any obligation imposed by this order is guilty of an offence by virtue of section 67(1) of the Anti-Social Behaviour Crime and Policing Act 2014 and liable to a fine on summary conviction not exceeding level 3 on the standard scale.
5. If any interested person desires to question the validity of this Order on the grounds that the Council had no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he or she may apply to the High Court within six weeks from the date on which this Order is made.

6. Obligations on persons with dogs:

If a dog defecates at any time on land to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless

(a) he or she has reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his or her failing to do so (all areas of borough).

7. Lead by order

A person in charge of a dog on land to which this order applies must comply with a direction given to him or her by an authorised officer of the Authority to put and keep the dog on a lead unless

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

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

8. Leads

A person in charge of a dog on land detailed in Schedule 1 must keep the dog on a lead unless

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

9. Exclusion

A person in charge of a dog must not take it into or keep it within land detailed in Schedule 2 below unless:

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

10. Exemptions

Nothing in this order shall apply to a person who:

- (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- (b) a person with a disability affecting their mobility, manual dexterity or ability to lift, carry or move everyday objects and who relies upon a dog trained by a prescribed charity for assistance.

For the purpose of this order:

- A person who habitually has a dog in his or her possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land, which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not constitute a reasonable excuse for failing to remove the faeces.
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of North Northamptonshire Council who is authorised in writing by North Northamptonshire Council for the purposes of giving directions under the Order

Schedule 1

1. This order applies to all land which is within the administrative area of North Northamptonshire Council and which is:

(i) A highway, footway, cycleway or footpath maintainable at the public expense, any grass verge maintained by the local authority and which is adjacent to any carriageway or footway of any highway, any road subject to a 30 mph limit or less to that part of the carriageway of a highway which forms part of the gutter.

(ii) The following pedestrian and parking areas:

The pedestrian areas and car parks at the:

Tithe Barn and Croyland Hall, Tithe Barn Road, Wellingborough

Swanspool House, London Road, Wellingborough

The Castle Theatre, Castle Way, Wellingborough

Redwell Leisure Centre, Barnwell Road, Wellingborough

Waendel Swimming Pool, Cannon Street, Wellingborough

Swansgate Multi-storey carpark, Commercial Way, Wellingborough

High Street Car Park, Wellingborough

Embankment Car Park, Wellingborough

Car park on Palk Road/Knox Road, Wellingborough

(iii) The following parks, church yards and cemeteries, gardens, recreation land, playing fields etc

- Swanspool Gardens, Wellingborough
- London Road Cemetery, Wellingborough
- Doddington Road Cemetery, Wellingborough
- Wollaston Cemetery, Cobbs Lane, Wollaston
- Earls Barton Cemetery, Wellingborough Road, Earls Barton
- Summer Leys Local Nature Reserve
- Village Green, London Road, Bozeat
- Finedon Bowling Green, Recreation Ground, Wellingborough Road, Finedon
- Finedon Banks, Wellingborough Road, Finedon
- Grendon St Mary's Church Cemetery, Grendon
- All Hallows Churchyard, Wellingborough
- Croyland Gardens, Wellingborough

- Ashton Village Green
- Barnwell St Andrews Churchyard
- Barnwell Chancel Churchyard
- Brigstock Church Walk
- Collyweston Playing field/pocket park, The Drift
- Higham Ferrers Saffron Road Rec Ground
- Irthlingborough Cemetery Church Street

- Irthlingborough Cemetery, Wellingborough Road
 - Islip Sports Field Toll Bar Road
 - Lowick Pocket park/play area
 - Nassington Village green and adjoining field
 - Oundle Cemetery and church yard
 - Oundle Market Place
 - Oundle Occupation Road and surrounding sports areas
 - Rushden Hall Park
 - Stanwick Stanwick Lakes
 - Thrapston St James Churchyard, Church Walk
 - Thrapston The Peace Park, Huntingdon Road
 - Thrapston The Spinney, Warwick Gardens
 - Warmington Playing field
 - Warmington Warmington open space
 - Woodnewton Churchyard
 - Yarwell Allotments
 - Yarwell Playing field/football field
 - Yarwell Cemetery, Nassington Road, Yarwell
 - Yarwell Locks Green, Main Street
 - Yarwell St Mary Magdelene Church
-
- Burton Latimer cemeteries
 - Broughton cemetery
 - Kettering London Road cemetery
 - Pytchley cemetery
 - Rothwell cemetery
 - Kettering Rothwell Road cemetery
 - Cransley cemetery
 - Desborough cemetery
-
- Manor Gardens, Kettering
 - Garden of Rest, Kettering
 - Parish Church Yard, gardens, Kettering
 - Market Place, gardens, Kettering
 - Municipal Gardens, Kettering

Schedule 2

1. This order applies to all land which is within the administrative area of North Northamptonshire Council and which is:

- (i) A fenced/enclosed children's play area and multi court signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words and/or symbols having like effect) which is designated and marked for children's play

- (ii) Following playing fields, recreation grounds and cemeteries:
 - Bozeat Cemetery, Easton Lane Bozeat
 - Playing field adjacent to Grendon CE School
 - Playing field Grendon Sapphires Youth Football Club, Yardley Road, Grendon
 - Playing field, Webb's Lane, Sywell

 - The Embankment Splash Pool

 - Great Addington The Addington's Playing field
 - Higham Ferrers Cemetery, Vine Hill Drive
 - Islip Rec Ground, High Street
 - Raunds Skate Park Amos Lawrence
 - Rushden Newton Road Cemetery
 - Stanwick Bowling green Stanwick Rec Ground

Appendix

Corby Locations

Cemetery Churches (Dogs on lead)	Playing Fields	Play areas (Dog Exclusion) auto included Schedule 2	Parks	Sports Pitches etc	Unsure
<p>St James the Great, Station Road, Gretton</p> <p>1 x entrance no signage</p>	<p>Weldon Woodland Park</p> <p>2x entrances Hillside Crescent Entrance= 2 dog fouling sings</p> <p>No signage at Kettering Road Entrance</p>	<p>2x Levatts Way, Priors Hall</p> <p>2 x enclosed play areas. 4x entrance from Levatts Wy. Dog exclusion sign at main entrance (not NNC signage)</p>	<p>Weldon Woodland Park</p> <p>2x entrances Hillside Crescent Entrance= 2 dog fouling sings</p> <p>No signage at Kettering Road Entrance</p>	<p>Rockingham Triangle Sports Ground 3x tennis courts</p> <p>Athletics Grounds, Rockingham Road Entrance Jimmy Kane Wy no signage</p>	<p>Large green space off Derwent Walk and Tay Close</p> <p>1x Old Urban District of Corby sign</p> <p>2x Entrances of Derwent Walk & Windrush Drive</p>
<p>St Mary the Virgin, Church street, Weldon</p> <p>1x Dogs on lead sign</p> <p>1 x Entrance of Church Street.</p>		<p>3x Park View, Priors Hall</p> <p>Town Gardens Play area NN17 5ER</p> <p>Priors Hall Park, Park View, NN17 5EB</p> <p>3x entrance. Open play area. Dog exclusion sign at main entrance (not NNC signage)</p>	<p>Boating Lake, Cottingham Road</p> <p>3x entrances Pat Fawcett Wy Cottingham Rd Westcott Wy</p> <p>No signage</p> <p>This should include the wider woodland – Hazel and Thoroughsale Woods</p>	<p>Bowling Green x 2 Occupation Road Entrance Occupation Rd</p> <p>No signage</p> <p>Please note that the top bowling green is now a sensory garden open to the public. The bottom next to the pavilion is managed by my team and is closed off for a growing project.</p>	<p>Green space next to Day Centre Mull Drive</p> <p>1x CBC dog fouling sign.</p> <p>2 x Entrances off Mull Drive & Scapa Road</p>
<p>St James' Church, Station Road Gretton</p> <p>1x entrance no signage</p>	<p>Recreation Ground, Hunts Field Drive, Gretton</p> <p>Open sports field, Large multi public protection</p>	<p>Play area, Hunts Field Drive, Gretton</p> <p>2x open play areas. Large multi public</p>	<p>Oakley Park, Church Drive, Great Oakley</p> <p>Dog on lead sign</p>	<p>Other sports facility next to playing fields off Studfall Avenue</p> <p>Open area opposite Studfall shops, no signage</p>	<p>Allotments?</p>

	sign at entrance	protection sign at entrance	1 x Entrance via cricket club		
St Leonard's Church, Rockingham Village No Signage 1 x Entrance off Main Street	Cricket Ground, near Rockingham Castle Not found	Main Street, Rockingham Village Hall. 1x entrance. 1x enclosed play area. Dog exclusion sign	Coronation Park, Elizabeth Street Open space	Sports Court off Shetland Way/Lindisfarne Road Enclosed basketball court. Large multi public protection sign at entrance	Green space off Alberta Close x2 Open wooded area. No signage
Shire Lodge Lawn Cemetery, Rockingham Road 1x Dog fouling sign 1 x Entrance off Rockingham Road	Rockingham Triangle, Rockingham Road 1x Enclosed football pitch. Large open football pitches area. Entrance from Rannoch Wy, Clwyd Wk, Cam Cl, Cresswell Wk, Colne Cl, Clun Wk, Carron Cl, Cherwell Wk, Calder Cl, Conway Wk, Deben Rd. No signage at any entrance	Play area off Sarrington Road/ Studfall Avenue, NN17 1LD Open play area Multi prohibited sign at Studfall Av entrance. No sign at Sarrington entrance	West Glebe Park, NN17 1SX Enclosed play area, skate park, tennis courts, football pitches and basketball courts Open air gym, bmx track, football field and large open space. Signage=dog foul, no drinking, cctv met police disclaimer 3 x entrances Elizabeth Road, Driffield Close, Quarry Close Entrances	Sports Court, Hazelwood Neighbourhood Centre, Jubilee Avenue No signage	Green space off Lyveden Way, Oakley Vale No signage 1 x Entrance off Lyveden Way
St Andrews Church,	Playing Field off Occupation Road No signage	Play area off Rowlett Road	East Carlton Park LE16 8YF	Chestnut Play Park	Green space off Dunnock Road

Occupation Road 1x entrance. No signage		and Wharfdale Road, NN17 2AH Multi prohibited sign at Wharfdale entrance. No sign at Rowlett entrance	Large open wooded area. 4x entrances. Parks own dog behaviour correct etiquette sign at main entrance car park and at The Hill in Middleton entrance. No signage at residents entrance from The Hill. No signage at Church Lane entrance to Jurassic Wy	1x enclosed play area 1x open air play area 1x enclosed basketball court No signage 4x Entrances Larch Road Willow Brook Road Ennerdale Road Chestnut Avenue	Open green space. No signage
St Michaels Church, Great Oakley No signage 1x Entrance off Church Drive	Recreation Ground, off Rowlett Road and Wharfdale Road Multi prohibited sign at Wharfdale entrance. No sign at Rowlett entrance No signage	Play area off Chestnut Avenue Open play area. Large info board with multiple Public protection sign	Play Park Stavanger No signage 5x Entrances Stavanger Close Moss Walk Brunswick Gradens Brandenberg Road. Oldenberg Road	Lodge Park Community Centre, Kingsthorpe Avenue Large open area of football pitches with no signage. Open play area with multi prohibited sign	Green space Bunting Road Open green space. No signage
St Patricks Church, Morland Road 1x entrance. No signage	Recreation ground off of Chestnut Avenue Open green area. Large info board with multiple Public protection signs.	Play area off Yardley close, NN17 2YE Enclosed Play Area No signage Entrance Off Yardley Close	King's Wood LNR, Gainsborough Rd – a nature reserve very popular with dog walkers – main entrance is on the corner of Gainsborough	Sports Facility, Kingswood Neighbourhood Centre off Harlech Large open playing fields Enclosed play area.	Green space off Aintree Road No Signage 2x Entrances Aintree Road Cartmel Drive

			and Danesholme	Enclosed open air gym. Basketball court No signage 2x entrances, off Harlech and Olympic square	
Church of the Epiphany, Elizabeth Street 1x entrance. No signage	Recreation Ground off Shetland Way/Lindisfarne Road 1x enclosed play area 1x open play area 1x sports court No signage Entrances off Shetland Way Kirkwall Lindisfarne Road	Play area off Kingsley drive, NN17 2NJ No signage Entrances off Kingsley Drive & Rowlett Road		Sports Facility, Kingswood Neighbourhood Centre off Harlech Large open playing fields Enclosed play area. Enclosed open air gym. Basketball court No signage 2x entrances, off Harlech and Olympic square	Greenspace, Fontwell Crescent Open green space, no signage
Cemetery, Rockingham Road 1 x entrance. No signage	Playing field, Lodge Park Sports Centre, Kingsthorpe Avenue Large open sports pitches area. No signage	Play area off Shetland Way/Lindisfarne Road 1x open play area, no signage. 1x closed basketball court with multi prohibited sign		Bowling Green, Oakley Road Not found	2x greenspace flatford close 2x open green areas. No signage
St Johns Baptist Church 3 x Dogs on leads signs	Playing Field off Gainsborough Road Entrance from colliers Ave & Gainsborough Rd. Open play area, no signage	Play area Cransley Gardens Open play area. Large info board with multiple Public protection sign		Games Court, Butland Road, Oakley Vale, NN18 8QT Closed basketball court. No signage	Green space surrounding Great Oakley cricket ground 2xDog control signs

					on entrance gate off Lewin Road
St Peters Church, Stanion 3 x Dogs on leads signs		Play area, Lodge Park Community Centre, Kingsthorpe Avenue Open play area. Large info board with multiple Public protection sign		Cricket ground, Great Oakley 1x Dog exclusion sign 1xclear up after dog sign	Green space off harpers close Great Oakley Dogs must be on lead and no dog foul sign (not NNC signage)
Church Little Oakley No signage	Recreation Ground off Warwick Way, NN17 2TF Open green area. No signage	Play area off Warwick Way, NN17 2TF 5x Entrances. Norfolk Cl, Kent Cl, Rutland Cl, Cambridge Ave, Warwick Wy. 1x closed play area. 1x open play area. No signage		Bowling Green Coronation park, Cottingham Road	Great Oakley Meadow, behind Harden Close and Hoppet Close 1xEntrance off Lewin Road No signage
St Peters Church, East Carlton, Church Lane 1 x entrance. No signage	Recreation Ground, Hazelwood Neighbourhood Centre, Jubilee Avenue Open sports pitches area. No signage	Play area, Boating Lake, Cottingham Road Enclosed play area. Large info board with multiple Public protection sign		Bike Track, West Glebe, NN17 1SX Open play area. Large info board with multiple Public protection sign	Green Space off Uppingham Road, Oakley Road Open green area. No signage
St Mary Magdalene, Church Street, Cottingham, LE16 8XU 1x entrance. 2x No dog foul signs	Recreation Ground off Harlech Large open playing fields Enclosed play area. Enclosed open air gym.	Play area, Hazelwood Neighbourhood Centre, Jubilee Avenue Enclosed play area. Large info board with		Skate park, West Glebe, NN17 1SX Enclosed play area. Large info board with multiple Public protection sign	Green space, Diamond Drive No signage 1x Entrance off Diamond Drive

	Basketball court No signage 2x entrances, off Harlech and Olympic square	multiple Public protection sign			
All Saints Church, Church Street Wilbarston 1 x entrance. No signage	Recreation Ground, Butland Road, Oakley Vale, NN18 8QT Open sports pitches area. No signage	Play area off Gainsborough Road and Collyers Ave. Open play area. No signage		Sports Facilities, West Glebe, NN17 1SX Open sports pitches area. No signage	Enclosed Green Space Thwaite Close/Pingle Close No signage
St Botolphs Church, Stoke Albany 1 x entrance. No signage	Recreation Ground, Burghley Drive Exeter Open sports pitches area. No signage	Kingswood Neighbourhood Centre off Harlech Large open playing fields Enclosed play area. Enclosed open air gym. Basketball court No signage		Skate Park, Brigstock Road, Stanion 4x Clean up after dog signs.	Enclosed green space off Woodlands Lane, Great Oakley No Signage
Gretton Baptist Church, High Street, Gretton 1 x entrance. No signage	Playing Field off Rockingham Road Open sports pitches area. No signage	Playground, Butland Road, Oakley Vale, NN18 8QT Enclosed play area. Large info board with multiple Public protection sign		Cricket Ground, East Carlton Open sports pitches area. No signage	Green Space at the bottom/end Woodlands Lane, Great Oakley. 1x Dog control sing (clear up after dog)
	Playing Field off Brigstock road, Stanion	Play area Lyveden Way, Oakley Vale		Skate Park, Recreation Ground, Wilbarston	2x Green Spaces either side

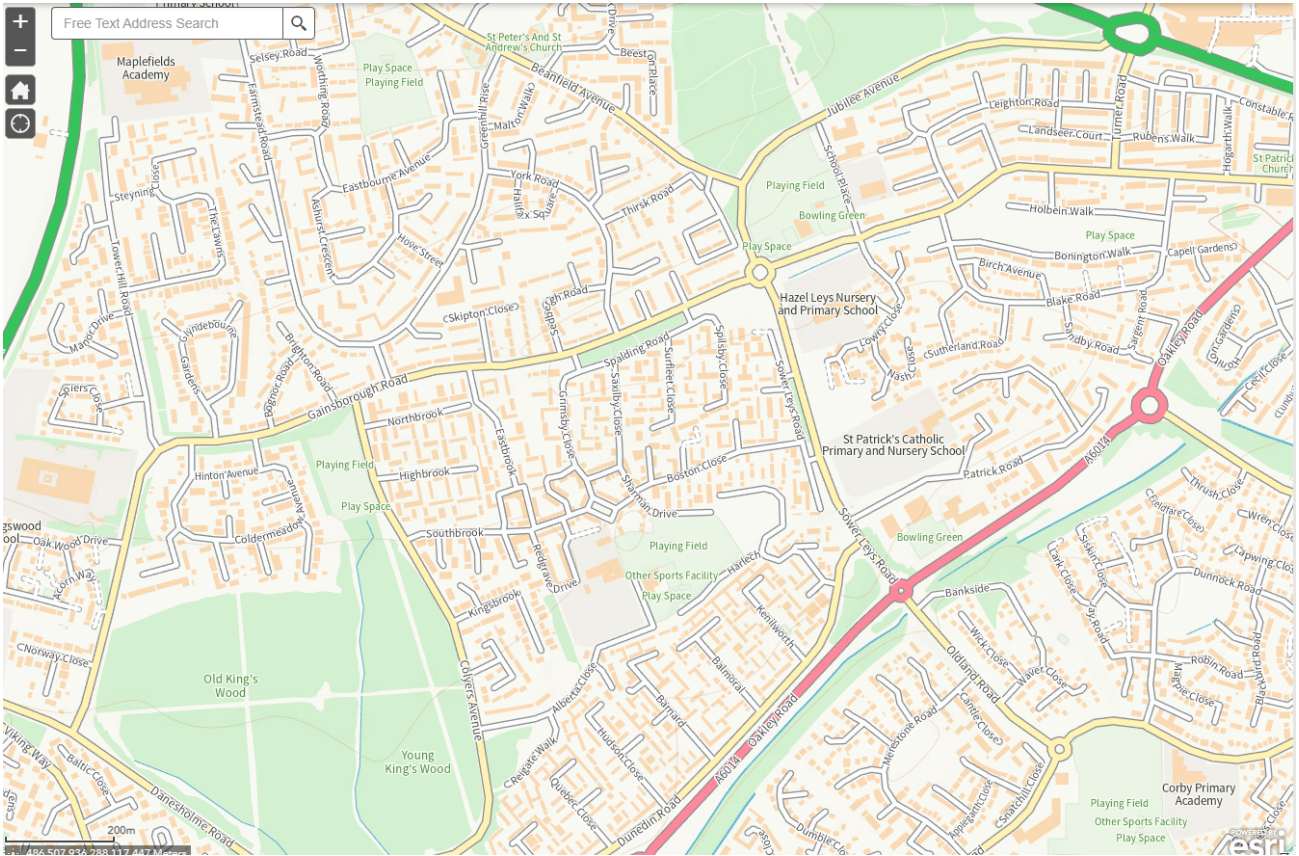
	Open sports pitch area. No signage	Large sign board with multiple signage. Entrance is off Rochester Road		Open play area. 2x entrances. Kettering council dog PSPO signage and no dog fouling signage	of Chepstow Road No signage
	Playing field, Carlton Road, Wilbarston Open playing field area. 2x entrances. Kettering council dog PSPO signage and no dog fouling signage	Play area off Rochester Road, NN18 8PY Enclosed Green Space + Enclosed play area. No signage Entrances via Parry Drive/Rochester Road		Tennis Courts, Carlton Road, Wilbarston Enclosed play area. 2x entrances. Kettering council dog PSPO signage and no dog fouling signage	
	Recreation Ground of Pen Green Lane 1x open play area. Large info board with multiple Public protection sign	Play area off Lewin Road/Breck Close Enclosed play area. No signage		Sports Facility, Recreation Ground, Off Middle Lane, Stoke Albany 1x open sports pitch. No signage	
	Recreation Ground, Off Middle Lane, Stoke Albany 1x open sports pitch. No signage	Play area off Outfield Close Enclosed Play area No signage		Skate Park, Danesholme off Stavanger Close, NN18 9HT No signage 1x entrance via Findlay Way	
	Abington Road Playing Fields	Play area off Conyger Close No signage		Weldon Cricket Club, Deene End, Weldon	

				Deene End Entrance= Dogs on lead signs School Lane Entrance = No signage	
	Kingswood Playing Fields	2x play area off Tavistock Square, Exeter estate 1x Enclosed play area. 1x open play area. Large info board with multiple Public protection sign		Corby golf course Large open golf course. No signage	
	Oakley Vale Playing Field (next to Harpers Brook Pub)	Play area, Burghley Drive, Exeter Open play area. No signage			
	Danesholme Playing Field	Play area, West Glebe, NN17 1SX Enclosed play area. Large info board with multiple Public protection sign			
	West Glebe Playing Field	Playground, West Glebe, NN17 1SX Enclosed play area. Large info board with multiple Public protection sign			
	Woodsend Playing Field	Playground off Cottingham Road/High Street Old Village			

		Enclosed play area. No signage			
	Long Meadow off Roman Road, Little Stanion	Playground off Stephenson Way, NN17 1DE Open play area. Large info board with multiple Public protection sign			
	Top Meadow off Roman Road, Little Stanion	Play space off Roman Road, Little Stanion Enclosed play area Dog exclusion sign			
	Short Meadow off Mendip Way Little Stanion	Play area off Mendip Way, Little Stanion Enclosed play area Dog exclusion sign			
	Badger Alley off Longacre Drive, Little Stanion.	Play Area, Brigstock Road, Stanion Enclosed play area Dog exclusion sign			
		Play area, East Carlton Park Enclosed play area. Large info board with multiple Public protection sign			

		<p>Play area, Carlton Road, Wilbarston</p> <p>Open play area. 2x entrances. Kettering council dog PSPO signage and no dog fouling signage</p>			
		<p>Play area off Middle Lane, Stoke Albany</p> <p>Enclosed play area with Kettering council dog PSPO sign</p>			
		<p>Play area next to Weldon Village Hall Off Orchard Close NN17 3HA</p> <p>4x entrances Open play area. Large info board with multiple Public protection sign</p>			
		<p>Play area, Pascal Close, NN17 4AF</p> <p>Enclosed play area. No signage</p>			
		<p>Play area, Stavanger Close, Danesholme, NN18 9HT</p> <p>No Signage 1x entrance on Findlay Way. Can also be accessed via park</p>			

		<p>Play area, off Woodlands Road, Weldon</p> <p>Not found</p>			
		<p>Play area off Silvester Road, Weldon Park</p> <p>Not found</p>			
		<p>Play area x2, Flaxland Way, Priors Hall Park</p> <p>2 x open play areas. Dog exclusion sign at main entrance (not NNC signage)</p>			





Equality Screening Assessment

The Equality Screening Assessment form must be completed to evidence what impact the proposal may have on equality groups within our community or workforce. Any proposal that identifies a negative impact must have a full Equality Impact Assessment completed before the proposal progresses further.

1: Proposal

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Requirement	Detail
Title of proposal	North Northants Public Space Protection Order for Dog Control
Type of proposal: new policy / change to policy / new service / change to service / removal of service / project / event/ budget	New North Northants Order to replace three existing orders
What is the objective of this proposal?	Harmonisation of 3 existing PSPO's into one NNC wide order with the introduction of the former sovereign area of Corby. <ul style="list-style-type: none">• Public Space Protection Orders (PSPO's) are already in place for Dog Control in the former sovereign areas of East Northants, Wellingborough and Kettering.• PSPO's require reviewing every 3 years, the current PSPO's in place will expire in 2023.

Requirement	Detail
<p>Has there been/when will there be consultation on this proposal? (List all the groups / communities, including dates)</p>	<p>To renew a PSPO a public consultation is required and there will be a 2-stage consultation process.</p> <p>First stage consultation commences on 22.06.23</p> <p>Second stage consultation commences on 01.08.23</p> <p>If the executive authorises a consultation, the following would be consulted:</p> <ul style="list-style-type: none"> • Public consultation via open access online survey and council social media accounts. • Councillors • Council Officers • Town and Parish Councils • Internal Equalities Team • Northamptonshire Office of Police and Crime Commissioner • Northamptonshire Police • Members of the Public • Local press and media channels • Specified stakeholders in relation to Dog Control e.g. Kennel Club, RSPCA and Dogs Trust. <p>An analysis of equality impact will be undertaken as part of the consultation exercise to be included in the feedback response</p>
<p>Did the consultation on this proposal highlight any positive or negative impact on protected groups? (If yes, give details)</p>	<p>Consultation not yet undertaken.</p> <p>It is not felt that a Full Equality Impact Assessment is required as all sections of the community are treated the same. The proposed restrictions will impact positively on people whose protective characteristics are impacted on by the anti-social behaviour the order designed to address.</p>

Requirement	Detail
	<p>Some people may feel the consultation process will provide the opportunity to capture their views. The 'Orders' are currently in place to address's issues that are occurring that are having a significant impact on people's quality of life .The introduction of a new PSPO is intended to have a similar purpose. The 'Orders' intend to have a positive impact on residents, businesses, and visitors to the Borough.</p> <p>This will be reviewed following the consultation</p>
<p>What processes are in place to monitor and review the impact of this proposal?</p>	<p>Section 72 of the Anti-Social Behaviour and Policing Act 2014 requires the Committee as decision maker, to pay particular regard to rights of freedom of expression and freedom of assembly set out in articles 10 (the right to freedom of expression) and 11 (freedom of assembly and association) of the European Convention on Human Rights in considering the making of any such order. The making of the said order is considered to be proportionate and will fulfil a legitimate aim of curbing anti-social behaviour in public spaces for the benefit of the law-abiding majority and hence will not infringe article 11 ECHR.</p> <p>The implementation of the PSPO can be challenged by any interested person within 6 weeks of the making of the Order, the challenge is made at the High Court. Anyone who is directly affected by the making of the PSPO can challenge the order.</p> <p>All cases will be treated on an individual basis, and any decisions reached will be within existing legislative guidelines, taking into account any equality considerations. Use of the PSPO powers and advice given will be recorded in pocket notebooks and on ECIN's database (shared case management system). The information will be analysed to determine whether the implementation of the powers has a disproportionate effect upon the equality factors.</p>

Requirement	Detail
	Enforcement will always be seen as a last resort. Through the multi-agency groups and individual case management, support and intervention will continue to be offered.
Who will approve this proposal? (Committee, CLT)	Executive

2: Equality Consideration

In turn, consider each protected group to ensure we meet our legal obligations of the Equality Act (2010).

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Protected Groups	General Equality Duty Considerations	Changes	Impact
	<ul style="list-style-type: none"> • Include factual evidence of how people in this group may be affected. • Consider the outcomes and processes. • Does this seek to eliminate discrimination? • Does this promote fostering good relations? 	<ul style="list-style-type: none"> • What changes can be made to mitigate any negative impact? • Are there opportunities to remove possible barriers or disadvantages that a group may face? 	Delete as appropriate. There can be more than one answer per protected group.
Age Different age groups that may be affected by the proposal in different ways.	Children may not understand the requirements within the order.	Where applicable, parent/guardians of under 16's will be spoken to in line with the councils enforcement policy and procedures before any action is taken.	Neutral
Sex Is one sex affected more than another or are they affected the same?	There is no evidence that the Order will impact on any specific person based on their gender.	N/A	Neutral
Disability It is likely to have an effect on a particular type of disability? Why?	Some groups may find it harder to comply with requirements due to Mental Health issues or physical disability.	The PSPO for dog control is not applicable to registered guide/assistance dogs.	Neutral

Protected Groups	General Equality Duty Considerations	Changes	Impact
	<ul style="list-style-type: none"> • Include factual evidence of how people in this group may be affected. • Consider the outcomes and processes. • Does this seek to eliminate discrimination? • Does this promote fostering good relations? 	<ul style="list-style-type: none"> • What changes can be made to mitigate any negative impact? • Are there opportunities to remove possible barriers or disadvantages that a group may face? 	Delete as appropriate. There can be more than one answer per protected group.
		Any disabilities will be taken into consideration by the enforcement officer in accordance with the councils enforcement policies and procedures, before a decision is taken on appropriate enforcement action.	
Gender Reassignment Will there be an impact on trans males and/or trans females?	There is no evidence that the Order will impact on any specific person based on their gender.	N/A	Neutral
Race Are people from one ethnic group affected more than people from another ethnic group?	There is no evidence that the Order will impact on any specific person based on their race.	N/A	Neutral
Sexual Orientation Are people of one sexual orientation affected differently to people of another sexual orientation?	There is no evidence that the Order will impact on any specific person based on their sexual orientation.	N/A	Neutral
Marriage & Civil Partnership Are people in a Marriage or Civil Partnership treated less favourably?	There is no evidence that the Order will impact on any specific person based on their marital status.	N/A	Neutral


Protected Groups	General Equality Duty Considerations	Changes	Impact
	<ul style="list-style-type: none"> • Include factual evidence of how people in this group may be affected. • Consider the outcomes and processes. • Does this seek to eliminate discrimination? • Does this promote fostering good relations? 	<ul style="list-style-type: none"> • What changes can be made to mitigate any negative impact? • Are there opportunities to remove possible barriers or disadvantages that a group may face? 	Delete as appropriate. There can be more than one answer per protected group.
Pregnancy & Maternity Are people who are pregnant, or have a baby of 6 months old or younger, effected by this proposal?	There is no evidence that the Order will impact on any specific person based on pregnancy or maternity.	N/A	Neutral
Religion or Belief Does the proposal effect people differently depending on whether they have or do not have a religion or a belief?	There is no evidence that the Order will impact on any specific person based on their beliefs or religion.	N/A	Neutral
Health & Wellbeing 1. Health behaviours (E.g. diet, exercise, alcohol, smoking) 2. Support (E.g. community cohesion, rural isolation) 3. Socio economic (E.g. income, education). 4. Environment (E.g. green spaces, fuel poverty, housing standards).	There is no evidence that the Order will impact on any specific person and their health and wellbeing.	N/A	Neutral

3: Equality Impact

Question	Response
What overall impact does the proposal have on the protected groups? If a negative impact is identified anywhere in section 2, the response will be Negative Impact.	Neutral
Does an Equality Impact Assessment need to be completed? (Yes, if any negative impact is found.)	No – although this will be reconsidered following the consultation

Question	Response
	If yes, this Equality Screening Assessment must be adjoined to the Equality Impact Assessment.
Copy attached to relevant report?	No
Is this document going to be published with the relevant report?	No

4: Ownership

Question	Response
Directorate	Regulatory Services
Service area	Environmental Health
Lead officer's name	Catherine Clooney
Lead officer's job title	Environmental Protection Manager
Lead officer's contact details	01933 231960 Catherine.clooney@northnorthants.gov.uk
Lead officer's signature	
Date completed	17.04.23

Completed forms must be sent to Equalities@northnorthants.gov.uk

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Questionnaire for the consultation

General questions –

- 1) Are you a dog owner?
- 2) Do you live in North Northamptonshire, if so what is your town or village?
- 3) Are you a business owner providing dog walking services?

Specific questions –

Part 1 dog fouling

- 1) Do you agree with NNC's proposal concerning dog fouling (anywhere that the public have access to and is open to the air, it is an offence to not remove dog waste)?
Yes
No
Reasoning...
- 2) Are there any specific areas within North Northamptonshire that have had an issue with dog fouling?

Part 2 dog exclusion zones

- 1) Do you agree with NNC's proposal of restricting the access of dogs to certain areas, such as fenced children's play areas and certain cemetery's?
Yes
No
Reasoning...
- 2) Are there any areas within North Northamptonshire that you feel would benefit from having a dog exclusion zone enforced?
Yes
No
Reasoning...
- 3) Are there any current exclusion zones in place that need reassessing due to a change in circumstance?
Location...
Reasoning...

Part 3 dogs on leads

- 1) Do you agree with NNC's proposal of restricting certain areas of land so that a dog must be walked on a lead at all times?
Yes

No
Reasoning...

- 2) Are there any areas within North Northamptonshire that you feel would benefit from having dogs on lead requirements in place?

Location...
Reasoning...

- 3) Are there any current dogs on lead orders in place that you believe need reassessing due to a change of circumstance?

Location...
Reasons...

Part 4 restricting the number of dogs being walked

- 1) Do you feel NNC should enforce an order that restricts the number of dogs permitted to be walked by a single person?

Yes
No
Reasons...

Part 5 dogs on lead by direction

- 1) Do you agree with NNC's suggesting that the majority of the authority should be covered by a dog on lead by direction requirement. This would mean that any authorised officer of the council, can require a dog owner to put the dog on lead. This may be following complaints of issues in the locality, during patrols where a dog/s is identified as not being under control

Yes
No
Reasons...

SUSTAINABLE COMMUNITIES EAP FORWARD PLAN

Chairs Briefing	Deadline	Agenda Issued	Meeting Date
	17 th February 2023	21 st February 2023	1 st March 2023 9:30 am

Agenda Item Title	Brief summary of agenda item content	Lead Officer
EAP Terms of Reference		
North Northants Sustainable Food Network		
Carbon Management Plan		

SUSTAINABLE COMMUNITIES EAP FORWARD PLAN

Chairs Briefing	Deadline	Agenda Issued	Meeting Date
	13 th April 2023	18 th April 2023	26 th April 2023 9:30 am

Agenda Item Title	Brief summary of agenda item content	Lead Officer
Contaminated Land Strategy and Hardship Policy		
Public Space Protection Order for Dog Control		
Electric Vehicle Infrastructure and Eemerging Draft EVI Strategy		
Update – Kettering LCWIP		

SUSTAINABLE COMMUNITIES EAP FORWARD PLAN

Chairs Briefing	Deadline	Agenda Issued	Meeting Date
	2 nd June	6 th June 2023	14 th June 2023 9:30 am

Agenda Item Title	Brief summary of agenda item content	Lead Officer
Woodland Management Update		
Local Nature Recovery Strategy – Engagement		

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