

IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

BREACH OF CONDITION NOTICE

To: Owner/Occupier, 12a Mayfield Road, Winshill, Burton upon Trent, Staffordshire DE15 0JT

Served by: East Staffordshire Borough Council, The Maltsters, Wetmore Road, Burton upon Trent, Staffordshire, DE14 1LS

1. This is a formal notice which is served by the Council, under Section 187A of the above Act, because it considers that conditions imposed on a grant of planning permission, relating to the land described in paragraph 2 below, have not been complied with. The Council considers that you should be required to secure compliance with the conditions specified in this notice. The Annex at the end of this notice contains important additional information.

2. The land to which this notice relates

The land known as 12a Mayfield Road, Winshill, Burton upon Trent, Staffordshire shown edged in red on the attached plan ("the Land").

3. The relevant planning permission

The relevant planning permission to which this Notice relates is the permission granted by the Council on 3rd July 2008 for the erection of one detached bungalow under Planning Permission Number PA/15235/003/MB.

4. The breach of condition

The following conditions have not been complied with:

- (2) Prior to the commencement of development samples or details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and development shall only be carried out using the agreed materials.
- (3) Prior to the commencement of development a scheme of landscaping, fencing and walling shall be submitted to and approved in writing by the Local Planning Authority.
- (5) Prior to commencement of the development hereby permitted a contaminated land assessment and associated remedial strategy, together with a timetable of works, shall be submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.

b)The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c)A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d)Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

in that details necessary to satisfy the above conditions have not been submitted to or approved by the Local Planning Authority and the conditions have therefore not been formally discharged.

5. What you are required to do

As the person responsible for the breaches of conditions specified in paragraph 4 of this Notice, you are required to secure compliance with the stated conditions by taking the following steps:

- (1) Submit details of all materials to be used externally through the formal process to the Local Planning Authority for approval.
- (2) Submit a scheme of landscaping, fencing and walling through the formal process to the Local Planning Authority for approval.
- (3) Submit a contaminated land assessment and associated remedial strategy, including the following information:
 - a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study.
 - b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
 - d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.

- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

through the formal process to the Local Planning Authority for approval.

6. Time for compliance

40 days beginning with the day on which this notice is served on you.

7. When this notice takes effect

This notice takes effect immediately it is served on you or you receive it by postal delivery.

Dated: Thursday, 22 December 2011

Signed: _____
~~Solicitor and Legal Team Leader~~ *Legal Services Manager (Solicitor)*
(the Council's authorised officer)

on behalf of: East Staffordshire Borough Council, The Maltsters, Wetmore Road, Burton upon Trent, Staffordshire, DE14 1LS

Annex

This notice takes effect IMMEDIATELY it is served on you in person

or on the day you received it by post.

There is no right of appeal to the First Secretary of State against this notice.

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with:

Planning Delivery
East Staffordshire Borough Council
The Maltsters
Wetmore Road
Burton upon Trent
Staffordshire
DE14 ILS

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review. Your professional adviser will advise you on what this procedure involves.

Do not leave your response until the last minute.

