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DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: General Licensing Committee

Date: Tuesday 29 September 2026

Time: 6.30 pm

Venue: 39 Castle Quay, Banbury, OX16 5FD

Membership

**Councillor Dr Henry Elugwu
(Chair)**

Councillor Fiaz Ahmed
Councillor Gordon Blakeway
Councillor Julius Parker
Councillor Dr Lisa Smith
Councillor John Willett

Councillor Chris Pruden (Vice-Chair)

Councillor Rebecca Biegel
Councillor Ian Middleton
Councillor G.A. Popescu
Councillor Douglas Webb
Councillor Michael Wilson

Substitutes Any member of the relevant political group

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interests and the nature of that interest which they may have in any of the items under consideration at this meeting.

3. Minutes (Pages 5 - 10)

To confirm as correct records the Minutes of the meetings of the Committee held on the 18 February 2026 and 20 May 2026.

4. Chair's Announcements

To receive communications from the Chair.

5. Urgent Business

6. New Mobile Homes Licensing Policy (Pages 11 - 56)

Report of Health Protection, Compliance and Licensing Manager

Purpose of report

To present to General Licensing Committee a draft Mobile Homes Policy to be agreed for approval, the policy includes legislative updates and is a more comprehensive policy than the current policy from 2015. The new draft policy is included in Appendix 1.

Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the new draft Mobile Homes Policy to become Cherwell District Council's policy effective from the 1 November 2026.

7. Contaminated Land Strategy 2026 (Pages 57 - 100)

Report of Head of Regulatory Services and Community Safety

Purpose of report

The Contaminated Land Strategy has been reviewed and updated. As per the Council's Constitution the General Licensing Committee is responsible for approving and adopting policies on contaminated land.

Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the reviewed and updated Contaminated Land Strategy at Appendix 1.

Councillors are requested to collect any post from their pigeon hole in the Members' Lounge before or at the end of the meeting.

Information about this Meeting

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the

start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

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Queries Regarding this Agenda

Please contact Aaron Hetherington / Patrick Davis, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Monday 21 September 2026

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Cherwell District Council

General Licensing Committee

Minutes of a meeting of the General Licensing Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 18 February 2026 at 6.30 pm

Present:

Councillor Rebecca Biegel (Chair)
Councillor Fiaz Ahmed (Vice-Chair)
Councillor Nick Cotter
Councillor Dr Henry Elugwu
Councillor Lesley McLean
Councillor Robert Parkinson
Councillor Douglas Webb
Councillor John Willett
Councillor Barry Wood

Apologies for absence:

Councillor Phil Chapman
Councillor Ian Middleton
Councillor Chris Pruden

Officers:

Jan Southgate, Health Protection, Compliance & Licensing Manager
Aaron Hetherington, Principal Officer - Electoral Services Lead
Rebecca Wise, Trainee Solicitor

Officers Attending Virtually:

Denzil Turbervill, Head of Legal Services
Amanda Ward, Licensing Enforcement Officer

10 **Declarations of Interest**

There were no declarations of interest

11 **Urgent Business**

There were no items of urgent business

12 **Minutes**

The Minutes of the meeting of the Committee held on 22 October 2025 were agreed as a correct record and signed by the Chair.

13 **Chair's Announcements**

There were no Chair's Announcements.

14 **New Cherwell District Council Street Trading Policy**

The Health Protection, Compliance and Licensing Manager submitted a report to seek approval from the General Licensing Committee for the New Street Trading License Policy.

In introducing the report, the Health Protection, Compliance and Licensing Manager outlined the new Cherwell District Council Street Trading Policy for adoption from the 1 April 2026.

In response to the question, the Health Protection, Compliance and Licensing Manager confirmed that the DBS basic check would be introduced in this new policy as a requirement and that this was required for public safety and to allow applicants to be evaluated for suitability to hold a licence.

Resolved

- (1) That the new Cherwell District Council Street Trading Policy be approved for adoption from the 1 April 2026 be approved.

15 **New Cherwell District Council Pavement Licence Policy**

The Health Protection, Compliance and Licensing Manager submitted a report to seek approval the new Pavement Licensing Policy for adoption from the 1 April 2026 to ensure that the Council's policy reflected the current Government guidance be approved.

In introducing the report, The Health Protection, Compliance and Licensing Manager explained that the policy had been developed in response to legislative provisions enabling businesses, particularly hospitality venues to place furniture such as tables and chairs on the highway. The policy aimed to balance support for local economic activity with the need to ensure public safety, accessibility, and amenity.

In the course of the discussion, Committee Members considered the need to strike an appropriate balance between supporting local businesses and safeguarding the public realm. Concerns were raised regarding the potential impact on pedestrians and the practicalities of enforcing licence conditions.

Members also highlighted concerns about ensuring sufficient space for wheelchair users and visually impaired pedestrians, as well as avoiding cluttered pavements, and sought assurance that the policy included robust protections for vulnerable users.

In response to a question, the Health Protection, Compliance and Licensing

Manager confirmed that appropriate accessibility standards were incorporated within the policy and advised that enforcement mechanisms were in place to address non-compliance.

The Health Protection, Compliance and Licensing Manager explained that the policy included provision for consultation and flexibility in its application. The Committee was further reassured that the policy was consistent with current legislation and reflects local requirements.

Resolved

- (1) That the new Pavement Licensing Policy be approved for adoption from 1 April 2026

The meeting ended at 6.52 pm

Chair:

Date:

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Cherwell District Council

General Licensing Committee

Minutes of a meeting of the General Licensing Committee held at 39 Castle Quay, Banbury, OX16 5FD, on 20 May 2026 at 7.35 pm

Present:

Councillor Dr Henry Elugwu (Chair)
Councillor Chris Pruden (Vice-Chair)
Councillor Fiaz Ahmed
Councillor Rebecca Biegel
Councillor Gordon Blakeway
Councillor Ian Middleton
Councillor Julius Parker
Councillor G.A. Popescu
Councillor Lisa Smith
Councillor Douglas Webb
Councillor John Willett
Councillor Michael Wilson

1 Appointment of Chair for the municipal year 2026/2027

It was proposed by Councillor Biegel and seconded by Councillor Pruden that Councillor Dr Elugwu be appointed Chair of the General Licensing Committee for the municipal year 2026/2027.

There were no further nominations.

There being no further nominations, Councillor Dr Henry Elugwu was duly elected Chair of the General Licensing Committee for the municipal year 2026/2027.

2 Appointment of Vice-Chair for the municipal year 2026/2027

It was proposed by Councillor Parker and seconded by Councillor Smith that Councillor Pruden be appointed Vice-Chair of the General Licensing Committee for the municipal year 2026/2027.

There were no further nominations.

There being no further nominations, Councillor Chris Pruden was duly elected Vice-Chair of the General Licensing Committee for the municipal year 2026/2027.

The meeting ended at 7.36 pm

Chair:

Date:

This report is public	
New Mobile Homes Licensing Policy	
Committee	General Licensing Committee
Date of Committee	29 September 2026
Portfolio Holder presenting the report	Portfolio Holder for Customers and Community Services, Councillor Nicola Borkmann
Date Portfolio Holder agreed report	7 September 2026
Report of	Health Protection, Compliance and Licensing Manager, Jan Southgate

Purpose of report

To present to General Licensing Committee a draft Mobile Homes Policy to be agreed for approval, the policy includes legislative updates and is a more comprehensive policy than the current policy from 2015. The new draft policy is included in Appendix 1, and the current policy included as Appendix 2.

1. Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the new draft Mobile Homes Policy to become Cherwell District Council's policy effective from the 1 November 2026.

2. Executive Summary

- 2.1 The proposed policy represents a significant update to the Council's current Mobile Homes Policy adopted in 2015, which is limited in scope and primarily focused on fees. The new draft reflects important legislative changes introduced since then, including the Mobile Homes Act 2013 and the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
- 2.2 The updated policy provides a more comprehensive framework for the regulation of mobile home sites, incorporating clearer processes for licensing enforcement. It introduces new requirements for assessing site owners and managers as "fit and proper persons," establishes a public register for these.
- 2.3 The development of this policy is necessary to ensure the Council meets its statutory duties, provides greater protection for residents, and improves transparency and consistency in regulatory activities. It also ensures that mobile home sites are managed safely and effectively, supporting the Council's priority of providing quality housing.

- 2.4 The Council has 19 licenced mobile home sites currently, the cost to the Council of this licensing function comes from the license application costs and annual fees for those licensed. The new policy represents what officers already do with regard to this license function and no new resources in licensing will be required as a result of the new policy. Therefore, the new policy should not result in a requirement to increase the license fees for licensed sites.

Implications & Impact Assessments

Implications		Commentary		
Finance		There are no financial implications arising from this report. The purpose of the report is for recommendation to approve a new draft policy. Kelly Wheeler, Finance Business Partner, 9 June 2026		
Legal		Licencing committee is the authorised body for approving the relevant policy. However it is for the Council's Executive to approve any fees and charges associated with the policy. As such Licencing committee is only being asked to authorise the policy at this stage and not the associated fees. The policy clearly sets out the relevant legislation which the policy is designed to comply with and will help the Council ensure that it is complying with its relevant obligations as set out therein. Denzil-John Turberville, Head of Legal Services 21 September 2026		
Risk Management		The proposed policy introduces some risks, including increased workload and resource pressures, and the potential for challenge from site owners where new requirements are introduced. There is also a risk of inconsistency or issues during the transition from the 2015 policy. These will be monitored and managed through the Service Operational Risk, aiming to be effectively mitigated through robust planning, clear procedures, effective engagement with stakeholders, regular reviews and appropriate resourcing. Celia Prado-Teeling, Performance & Insight Team Leader, 09 June 2026		
Impact Assessments		Positive	Neutral	Negative
Equality Impact			X	
		The policy is expected to have a neutral to positive equality impact by supporting fair and consistent regulation of mobile home sites. No adverse impacts have been identified, and ongoing consultation, monitoring, and clear communication will help ensure it remains inclusive and proportionate, in line with our Equalities, Diversity and Inclusion Framework. Celia Prado-Teeling, Performance & Insight Team Leader, 09 June 2026		

A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Climate & Environmental Impact		X		N/A
ICT & Digital Impact		X		N/A
Data Impact		X		N/A
Procurement & subsidy		X		N/A
Council Priorities	Quality Housing and Place Making – Mobile Homes sites provide homes for people in the district. Compliant and well-run sites provide good quality housing.			
Human Resources	N/A			
Property	N/A			
Consultation & Engagement	New draft policy consulted on with license holders, partner agencies and the public from 15 July to 12 August 2026. One response received, see appendix 3 for response and comment. Only change following response was to split the appendix to make the model conditions for touring and residential sites clearer.			

Supporting Information

3. Background

- 3.1 The Caravan Sites and Control of Development Act 1960 (CSCDA 1960) was amended by the Mobile Homes Act 2013 (MHA 2013) in order to provide greater protection to occupiers of residential park homes and caravans. This legislation places an expectation on local authorities to inspect caravan sites / mobile home parks and take the appropriate action to ensure that the site owners comply with the conditions of the site licence. These conditions relate to the safety and amenity provisions that must be adhered to.

- 3.2 Legislation, The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 place a requirement for local authorities to determine whether a Site owner or Site manager is 'Fit & Proper' to manage a site.
- 3.3 The new policy provides the Council with a comprehensive end to end policy, covering areas such as applications, licensing processes, enforcement, registers and appeals. The 2015 policy is only a fees policy and had limited detail on processes, governance, or enforcement.
- 3.4 This draft policy includes the legislative requirement for site manager to be assessed for and confirmed as "Fit and Proper". The 'Fit and Proper' requirement is to ensure that those responsible for operating the site licence and managing the site are of sufficient integrity and good character to be involved in the management of a regulated site for mobile homes and that as such they do not pose a risk to the welfare or safety of persons occupying mobile homes on the site. It also updates the Council's existing policy, which was adopted in 2015, and provides a up to date and more comprehensive policy for the licensing of Mobile Homes sites. It also removes the now outdated joint nature of the existing 2015 policy.

4. Details

- 4.1 The Draft Mobile Homes Policy 2026 represents a comprehensive update to the Council's existing 2015 Fees Policy. The revised document reflects legislative developments, particularly following the implementation of the Mobile Homes Act 2013 and subsequent regulations, and significantly expands the scope and operational detail of the Council's approach to site licensing and enforcement.
- 4.2 The 2015 policy focused primarily on establishing a framework for the recovery of costs associated with site licensing functions. The 2026 draft policy extends beyond a fees framework and provides a full operational policy covering:
- Licensing processes
 - Enforcement powers
 - Site rules
 - Registers and governance arrangements
- 4.3 Introduction of Fit and Proper Person Requirements. This represents a significant new regulatory duty for the Council. The draft policy incorporates the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, which were not in place at the time of the original policy.
- The updated policy:
- Requires site owners or managers to be assessed as "fit and proper"
 - Introduces a formal application and assessment process
 - Establishes a public register of approved persons
 - Requires reassessment at least every five years

- 4.4 The 2015 policy provided only limited reference to enforcement powers, mainly Compliance Notices. The 2026 draft policy introduces a detailed enforcement regime, to ensure alignment with updated statutory powers and guidance, including:
- Powers to undertake works in default
 - Emergency action provisions
 - Recovery of enforcement costs
 - Risk-based decision-making processes
- 4.5 The new draft policy establishes new requirements for maintaining and publishing on-line registers. It also includes requirements for depositing and revising site rules by site owners and provides a distinction between site rules and licence conditions
- 4.6 The new draft policy also makes clear an annual review of fees as part of the Council's fees and charges process takes place.

5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.
- 5.2 Option 1. Leave the current policy in place. The council policy would remain out of date and limited; it would remain a shared CDC and SNC policy, not reviewed since 2015 and not include new legislation for owners of sites to be "fit and Proper".

6 Conclusion and Reasons for Recommendations

The Draft Mobile Homes Policy 2026 represents a substantial update to the Council's existing policy. It:

- Reflects significant legislative developments since 2015
- Provides enhanced clarity, transparency, and consistency
- Establishes a comprehensive framework for licensing, fees, and enforcement

Overall, the revised policy strengthens the Council's ability to effectively regulate mobile home sites while ensuring full cost recovery and compliance with statutory duties.

- 6.1 It is requested that the General Licensing Committee approve this policy, to become the Council's policy from the 1 November 2026. To ensure the Council's Mobile Home Licensing policy remains fit for purpose, taking into account legislative changes since the last policy was adopted in 2015.

Decision Information

Key Decision	No
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Subject to Call in	No
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Appendix 1 New draft 2026 Mobile Homes Policy
Appendix 2	Appendix 2 Current 2015 Mobile Homes Policy
Appendix 3	Appendix 3 Consultation responses
Background Papers	None
Reference Papers	Mobile Homes Act 2013 The Mobile Homes (Requirement of Manager of site to be a fit and proper person) (England) Regulations 2020
Report Author	Jan Southgate
Report Author contact details	Jan.southgate@cherwell-dc.gov.uk 01295 227906
Executive Director Approval (unless Executive Director or Statutory Officer report)	Executive Director for Neighbourhood Services, Kristian Aspinall 9 September 2026



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

APPENDIX 1

2026 Cherwell District Council Mobile Homes Act 2013 Policy

This Statement of Principles was adopted by **Cherwell District Council** at its Council meeting on
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Revisions

Version	Date
V1.0	May 2015
V2.0	May 2026
V2.1	August 2026

2026 Cherwell District Council Mobile Homes Act 2013 Policy

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1. Related documents

The following documents have been consulted when drafting this policy:

- The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)
- Mobile Homes Act 2013 (MHA 2013)
- Regulators Compliance Code
- CDC Corporate Enforcement Policy
- DCLG Guidance on Site Licensing Fee Setting – February 2014
- Manager of Site to be Fit and Proper Person) (England) Regulations 2020
- Guide for local authorities on setting fees for fit and proper person test issued by the Department for Levelling Up, Housing and Communities (2021)
- Health and Safety Act 1974
- Model Standard Conditions Holiday Parks 1989
- Regulatory Reform (Fire Safety) Order 2005
- Model Standard Conditions Residential Parks 2008

2. Introduction

Councils have granted caravan site licenses under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The CSCDA60 was amended by the Mobile Homes Act 2013. The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans, as the existing legislation had not been updated for more than 50 years and was considered inadequate to deal with problems associated with such sites.

This Act introduced some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site license conditions. Local Authorities have the ability to charge a fee for different licensing functions and serve enforcement notices and publish any site rules relating to a site.

The changes relating to site licensing came into force on 1 April 2014. Licenses issued under the 1960 Act still remain in force, and enforcement powers still apply and local authorities are able to charge fees for functions relating to 'relevant protected sites'. Cherwell District Council charges for the caravan site licensing

function to ensure that costs for administering the licensing regime are covered and to ensure that the council has the resources available to monitor compliance with license conditions. The fees are for the recovery of costs only and are not for profit. It is important to note that the local authority can refuse to issue a license. In such circumstances the fee is still payable where the license is not granted.

A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a license is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential

parks, mobile home parks and Gypsy Roma and Traveler sites and so on. Sites which do not fall within the definition of 'relevant protected sites' are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

Under the MHA 2013 Act & The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 a fee can be charged for:

- Applications to grant a new license
- Applications to transfer or amend an existing license
- Replacement Licenses
- Lodging Site Rules
- Fit and Proper Persons Assessment
- Annual license fees for administering and monitoring existing site licenses.

In accordance with section 10(A) of the Mobile Home Act 2013, this policy sets out the licensing fees structure for Cherwell District Council and details all the licensing functions and requirements involved. Fee levels are calculated by the Council based on the estimated average time and costs involved in undertaking the activities involved.

3. Application for a new site license

All sites require a site license to operate (subject to exemptions in the CSCDA60 and Public Health Act 1936); failure to apply for license is an offence under Section 1(2) of CSCDA60. The council may only issue a license for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning

decision. Sites which already have the correct planning permission in place must be processed within 2 months of the license application.

Exemptions

Tented Camping Sites

- A moveable dwelling which is kept by its owner on land occupied by them in connection with their dwelling-house, and is used for habitation only by the owner or by members of their household
- A moveable dwelling which is kept by its owner on agricultural land occupied by them and is used for habitation only at certain seasons, and only by persons employed in farming operations on that land
- A moveable dwelling while it is not in use for human habitation
- This applies solely to tents, and any caravans or campervans onsite will require a separate caravan site license

Caravan Sites Licensing Exemptions

- Incidental use within the curtilage of a dwelling-house
- The stationing of a single caravan for no more than two consecutive nights for a maximum of 28 days in any 12 months
- Up to three caravans on a site of not less than five acres, for a maximum of 28 days in any 12 months
- Sites occupied and supervised by exempted organisations
- Sites approved by exempted organisations
- Sites used for social get-togethers or meetings organised by exempted organisations (eg. a rally)
- Sites used to occupy seasonal agricultural or forestry workers, certified travelling showmen, or building and engineering sites
- Sites owned by a Local Authority
- Further details regarding the above information can be found under Schedule 1 of the Caravan Sites and Control of Development Act 1960.

4. Transfer/amendment of existing site license

Where a license holder wishes to transfer the license, an application must be made to the council, for which a fee is payable. The fee must accompany the application to transfer the license. Similarly, where a site owner requests an amendment to site license conditions the council can charge a fee for this function.

Applications can be made by license holders to vary or cancel conditions, the fee is payable at the application stage.

5. Variation

A local authority may alter conditions in a site license and does not require the site owner to make an application before it proposes to do so. It does not require the site owner's "agreement" to vary the site license, although consultation is required, and the owner has a right of appeal against the decision.

In deciding whether to apply a new standard the local authority must have regard to the benefit that the standard will achieve and the interests of both residents and site owners (including the cost of complying with the new or altered condition)

6. Conditions

The specific purposes for which conditions can be applied are set out in Section 5 of the 1960 Act. The conditions on the existing site license remain the same until the Council deem, they are outdated or incorrect and then a review will take place or unless an application is made to amend conditions on the license by the site owner. If the council deems it necessary to alter conditions, there will be no fee payable. Site license conditions may be determined with reference to national Model Standards. The aim of such standards is to promote the safety and welfare of the residents. The applicable Model Standards were issued in 1983 for touring sites, 1989 for holiday sites and 2008 for residential sites. These conditions can be found in appendix 1.

7. Annual fees

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy). The fee is due annually. The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site license conditions. Further charges may be payable to cover the cost of any enforcement action which may be taken to achieve compliance. (See Enforcement costs – section 7.)

The DCLG guidance for fee setting offers a variety of suggested options for local authorities in calculating the annual fee:

Option 1 – fee per pitch (a fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit);

Option 2 – fee based on site size bandings;

Option 3 – fee based on a risk rating that takes into account the size of a site; the level of compliance on a site and confidence in management.

Option 1 has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Sites exempted from annual licensing fees:

- Sites that are not relevant protected sites
- Sites with 5 units or less
- Sites for the site owner and their family (unless they are run for profit or as a business)

These categories of site are exempt from the annual licensing fee as the council do not intend to carry out annual inspections. Any complaints, however, would be dealt with appropriately.

8. Charging arrangements

Section 10A (5) of the 1960 Act (as amended by the 2013 Act) states that a fees policy must include provision about the time at which the annual fee is payable. For the purpose of this policy, the period covered by the annual fee will be 1 April to 31 March and will be invoiced on the 1 April each year or as soon as practicable after. fee).

Where a new site license is issued part way through the year, the annual fee will also be due in the same year, and an invoice will be sent after the license has been granted for the pro-rata amount.

Where an amended license is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following year's annual fee.

In the event an annual fee is not paid within the terms of the invoice the council may apply to the First-Tier Tribunal (FTT) for an order requiring the license holder to pay the amount due by a specific date. If payment is not received within 3 months from that date, the local authority may apply to the Residential Property Tribunal for an order to revoke a site license.

9. Enforcement

Local authorities should allow a reasonable period of time after any site license alteration for compliance with the revised conditions, unless the reason for making the alteration was to address a matter requiring immediate attention.

When considering taking enforcement action local authorities should undertake a risk assessment to take into account all possible factors in relation to the prosecution.

Section 9A of MHA 2013 allows local authorities to issue compliance notices. A compliance notice may be revoked or varied by the authority. The authority may demand payment of the expenses incurred in consideration and service of the notice (itemised breakdown to be served with the notice).

There is a right to appeal to the tribunal within 21 days of serving the notice

- Section 9D of MHA 2013 allows for works in default in the event of breach: reasonable notice.
- Section 9E of MHA 2013 allows for the taking of emergency action in cases of imminent risk of serious harm to the health or safety of any person who is

or may be on the land. The action taken is only such as to remove the imminent risk.

Notices may be served by posting on the land and only such as required to give reasonable notice to the occupier in the circumstances, with a warning that application may be made for a warrant. Notice of the costs and a demand for the same may be served within 7 days of taking action.

A person guilty of a breach of a compliance notice is liable on summary conviction to a fine not exceeding level 5 on the standard scale (or such higher amount as the court determines)

Power of entry

Admission to any land shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier. (This DOES NOT apply to emergency action).

- Level 4 fine for obstruction.
- There are warrant provisions in section 26 to allow for entry onto land (urgent or notice defeating object of entry)

10. Enforcement costs

Where there has been a breach in a site license condition which comes to the attention of the council we may serve a compliance notice. The CSCDA60 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred, for example legal costs.

Charges for enforcement costs cannot be passed onto the residents' pitch fee. If any works in the compliance notice are not carried out the license holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court. If a prosecution was successfully taken, the council would have the power to carry out the works in default of the license holder.

11. Site rules

Site rules are different to site license conditions in that they are neither created nor enforced by local authorities. They are a set of rules created by the site owner for residents to comply with. They may reflect the site license conditions but will also cover matters unrelated to licensing. The 2013 Act makes amendments to the Mobile Homes Act 1983 in relation to site rules. Regulations made under the 2013 Act require existing site rules to be replaced with new site rules which must be deposited with the local authority within a specified timescale.

A Local Authority would need to satisfy itself that replacement or new site rules deposited with them have been made in accordance with the procedures prescribed by statute. The council will be required to establish, keep up to date, and publish a register of site rules or the variation or deletion of site rules.

Any site rules deposited with the Council for the first time, or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

12. Fit and Proper Person

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 (SI No.1034) (the 2020 Regs), require that a local authority must be satisfied that the owner of a mobile home site is a fit and proper person to manage the site, or that a person appointed by the owner to manage the site is a fit and proper person to do so. Fit and proper person must be appointed to all protected site licenses and are subject to new applications at least every 5 years. Regulation 10 allows the Council to charge a fee for fit and proper person assessments. All fit and proper applications will be subject to an administration fee.

The local authority also has the power to appoint a fit and proper person to manage the site, with the owner's consent.

This requirement is to ensure that those responsible for operating the site license and managing the site are of sufficient integrity and good character to be involved in the management of a regulated site for mobile homes to which an application relates, and as such they do not pose a risk to the welfare or safety of persons occupying mobile homes on the site.

These Regulations do not apply to non-commercial family-occupied sites which are not operated on a commercial basis in accordance with Regulation 3.

13. Suitability

When considering whether a person is 'fit and proper' the local authority must have regard to the suitability of the person concerned ('the relevant person'). Schedule 3 Paragraphs 2 to 4 of the Regulations make reference to those matters that must be considered by the local authority as part of any application. These include:

Whether the relevant person is able to secure the proper management of the site. This includes, but is not limited to:

- Compliance with the site license
- The long-term maintenance of the site
- Whether the relevant person has sufficient level of competence to manage the site
- The management structure and funding arrangements for the site or proposed management structure and funding arrangements

Other matters to be considered are whether the relevant person has:

- Committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements)
- Has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law
- Has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business
- Has harassed any person in, or in connection with, the carrying on of any business
- Is, or has been within the past ten years, personally insolvent
- Is, or has been within the last ten years, disqualified from acting as a company director
- Whether the relevant person has the right to work within the United Kingdom
- Whether any other local authority has rejected an application for the responsible person to be included in a register.

The local authority may also have regard to the conduct of any person associated or formerly associated with the relevant person (whether on a personal, work or other basis) if it appears to the authority that that person's conduct is relevant to the question of whether the relevant person is a fit and proper person to manage the relevant protected site or proposed relevant protected site (as the case may be).

The authority can also consider any evidence as to any other relevant matters.

14. Fit and Proper Person Register

The authority must also publish the register online and the contents of the register will be in accordance with the Regulations.

A person's inclusion in the register has effect for a maximum period of five years.

Where a person has met the fit and proper person test, the register will give details of that person and of the site, including decisions made on how long a person's inclusion is for, up to a maximum of five years.

In order to comply with the fit and proper person requirement a site owner must at least two months before the period (for example five years) comes to an end submit a new application for the person (or alternative) to be included in the register.

15. Local Authority Register

The Local Authority will keep a public register of all licensed site which will contain the following details:

- Name and address of site (if available the Geographic Information Service mapping code should also be logged)
- License number
- Name of the license holder, the site owner (if different) and any person managing the site on behalf of either of those persons
- Type of site
- Address of site
- The number of pitches
- The license site rules (if any)
- Planning references

- ### Offences

An owner (occupier) of land commits an offence if they cause or permit any part of the land to be used as a relevant protected site (which falls within the scope of the Regulations) without the manager of the site being registered with the local authority as a fit and proper person.

An applicant also commits an offence if they:

- withhold information from a registration application
- include false or misleading information in a registration application
- fail to comply with a condition imposed under Regulation 6(2)(b) or Regulation 8(1)

An owner (occupier) of land who is guilty of an offence is liable on summary conviction to a level 5 fine (unlimited). Where an owner (occupier) of land who holds a site license in respect of that land contravenes the relevant Regulations, the First-tier Tribunal (FTT) may, on application by the authority, make an order revoking the site license in question on the day specified in the order.

Where:

- an owner (occupier) of land who holds a site license in respect of that land is convicted of an offence under Regulation 11 for a contravention of the fit and proper person requirement, and
- has been convicted on two or more previous occasions of the offence in relation to that land

The court before which the occupier is convicted may, on application by the local authority, make an order revoking the site license in question.

16. Applications

The Regulations use various terms in the application process, and these are outlined below:

'Relevant person' is defined in Paragraph 2 of the Regulations and is "the subject of the fit and proper person assessment under Regulation 7". Please note that this could be the site owner or person appointed to manage the site by the site owner.

'Relevant officer' is defined in Paragraph 1 of Schedule 2 of the Regulations, where the applicant is a company, a relevant officer will be a director or other officer of the company; or, where the applicant is a partnership, a partner; or, where the applicant is a body corporate, a member of the management committee of that body.

'Required Information' is defined in Paragraph 14 of Schedule 2 of the Regulations as: the person's name and business contact details; details of the person's role or proposed role in relation to the management of the site; where the person has not yet been appointed, the address, telephone number and email address (if any) at which the person may be contacted in respect of the application; details of each relevant protected site (other than that to which the registration application relates) - for which the person holds a license issued under Section 3 of the Caravan Sites and Control of Development Act 1960, or in which the person has a legal estate or equitable interest, or which the person manages.

17. Criminal Record Certificates

Criminal Records Certificates must be issued under Section 113A (1) of the Police Act 1997 and will be required where:

- (a) The Relevant person is an individual, and
- (b) For each individual in relation to whom the applicant is required to provide information, for example, a site manager

A criminal record certificate in the form of a basic Disclosure and Barring Service (DBS) must be provided. The local authority has the discretion to request the applicant supply an enhanced DBS certificate should it be deemed necessary.

The DBS certificate must have been issued no more than six months before the date the application is received by the local authority. It is incumbent upon the site owner to ensure that any certificates provided meet this requirement.

18. Decisions, Notifications and Right of Appeal

Once an application has been received the local authority may:

- Grant the application unconditionally
- Grant the application subject to conditions
- Reject the application

After a full and complete application is received (including the relevant fee), the local authority will process the application in accordance with the timescales in section 3 above.

Where an application is to be rejected a preliminary decision notice will be issued to the applicant. The Head of Regulatory Services, or equivalent, will be consulted in advance of issuing the preliminary decision notice.

Any preliminary decision notice will be in accordance with the Regulations and will provide the applicant with 28 days, beginning with the day after the day on which the notice was served, to make written representations to the authority. Once written representations have been received the authority may then make a final decision which may include approving an application subject to specific conditions.

Where the authority may seek to remove a relevant person from the register or to impose further conditions, a notice of proposed action will be issued in accordance with the Regulations. Again, any relevant person may make written representations within 28 days of such a notice being issued.

The local authority may withdraw or amend:

- A preliminary decision notice before service of the final decision notice
- A final decision notice before the decision to which it relates takes effect
- A notice of proposed action before the proposed action is taken

A person on whom a final decision notice is served may appeal to a First-tier Tribunal (FTT) against:

- Any decision to include the relevant person on the register for an effective period of less than 5 years
- Any decision to include the relevant person on the register subject to conditions, and
- Any decision to reject the application

A person on whom a notice of action is served may appeal to the FTT against:

- Any decision to remove the relevant person from the register
- Any decision to impose a condition on the inclusion of the relevant person in the register
- Any decision to vary a condition

No compensation may be claimed for loss suffered, pending the outcome of the appeal, in consequence of the local authority making a final decision or taking action relevant to Regulation 8(1) (a), (b) or (c).

19. Publishing and revising the fee policy

This fees policy will be published on the Council's websites at <http://www.cherwell.gov.uk> .

The fees are determined based on experience of dealing with site licensing historically and consideration of the Council's requirements under the Act.

This policy will be implemented and managed by the Licensing Team. It will be reviewed, and Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

20. Appendix 1 Model LICENCE CONDITIONS FOR HOLIDAY CARAVAN SITES (TOURING)



CONDITIONS FOR HOLIDAY CARAVAN SITES
(TOURING)

Cherwell District Council

CARAVAN SITES & CONTROL OF DEVELOPMENT ACT 1960

LICENCE CONDITIONS

HOLIDAY CARAVAN SITES (TOURING)

Topic	Chapter
Site Occupation	1.0
Density and Space Between Caravans	2.0
Roads and Footpaths	3.0
Fire Fighting Appliances	4.0
Storage of Liquefied Petroleum Gas (LPG)	5.0
Electrical Installations	6.0
Water Supply	7.0
Drainage, Sanitation and Washing Facilities	8.0
Refuse Disposal	9.0
Parking	10.0
Recreation Space	11.0
Notices	12.0
Management	13.0

1.0 SITE OCCUPATION

- 1.1 Only genuine touring caravan(s) and self-propelled caravan(s) in full mechanical order specially designed for the purpose shall be allowed on the site.

2.0 DENSITY AND SPACE BETWEEN CARAVANS

- 2.1 No caravan shall be nearer than 6 metres to any other caravan in separate family occupation and not less than 3 metres clear space shall be permitted between units in any circumstances. Where awnings are used, the distance between any part of the awning and an adjoining caravan shall not be less than 3 metres. Awnings shall not face each other or touch.
- 2.2 Without prejudice to separation distances and other prescribed distances, the gross density shall not exceed 75 caravans to a hectare (30 per acre).

3.0 ROADS AND FOOTPATHS

- 3.1 Roads of suitable material not less than 3.7 metres wide or, if they form part of a clearly marked one ways traffic system, 3 metres wide, shall be provided.
- 3.2 Footpaths of suitable material not less than 0.75 metres wide shall be provided.
- 3.3 A speed limit of 10 m.p.h. shall be enforced by the Site Operator on all carriageways.
- 3.4 Emergency vehicles shall be able to secure access at all times to within 90 metres of any unit on the site.

4.0 FIRE PRECAUTIONS

Requirement to comply with the Regulatory Reform (Fire Safety) Order 2005.

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection and, when demanded, a copy of the risk assessment shall be made available to the local authority. Fire precautions necessary to safeguard persons identified by the assessment shall be provided and maintained.

Fire safety measures required where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- 4.1 Fire points shall be established so that no caravan or site building is more than 90 metres from a fire point. They shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

- 4.2 Where water standpipes are provided within 30m of caravan or site buildings and there is a water supply of sufficient pressure and flow to project a jet of water approximately 5 meters from the nozzle, such water standpipes shall be situated at each fire point. There shall also be a reel that complies with British Standard 5306 Part 1, with a hose not less than 30 metres long, permanently connected to a water standpipe with a water supply of sufficient pressure and terminating in a small hand control nozzle. Hoses shall be housed in a box painted red and marked "HOSE REEL".
- 4.3 Where standpipes are not provided but there is a water supply of sufficient pressure and flow, fire hydrants shall be installed within 100 metres of every caravan standing. Hydrants shall conform to British Standard 750. Access to hydrants and other water supplies shall not be obstructed or obscured.
- 4.4 Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with either water extinguishers (2 x 9 Litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.

FIRE WARNING

- 4.5 A means of raising the alarm in the event of a fire shall be provided at each fire point. This could be by means of a manually operated sounder, e.g. metal triangle with a striker, gong or hand operated siren. The advice of the fire authority should be sought on an appropriate system.

MAINTENANCE

- 4.6 All alarms and firefighting equipment shall be installed, tested and maintained in working order by a competent person. A log book shall be kept to record all tests and any remedial action and be available for inspection by, or on behalf of, the licensing authority.
- 4.7 All equipment susceptible to damage by frost shall be suitably protected.
- 4.8 Wherever there is a likelihood of fire spreading due to vegetation catching fire, suitable beaters, of the type used by the Forestry Commission, shall also be provided at each fire point.

FIRE NOTICES

- 4.9 A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire and the location of the nearest telephone. This notice shall include the following:-

"On discovering a fire

- i. Ensure the caravan or site building involved is evacuated.

- ii. Raise the alarm
- iii. Call the fire brigade (the nearest telephone is sited

.....

- iv. Attack the fire using the fire fighting equipment provided, if safe to do so.

It is in the interest of all occupiers of this site to be familiar with the above routine and the method of operating the fire alarm and fire fighting equipment”.

FIRE HAZARDS

- 4.10 Long grass and vegetation shall be cut at frequent and regular intervals where necessary to prevent it becoming a fire hazard to caravans, buildings or other installations on the site. Any such cuttings shall be removed from the vicinity of caravans. The space beneath and between caravans shall not be used for the storage of combustible materials.

TELEPHONES

- 4.11 An immediately accessible telephone shall be available on the site for calling the emergency services. A clearly written and legible notice shall be displayed by the telephone stating the name and address of the site.

5.0 STORAGE OF LIQUIFIED PETROLEUM GAS (LPG)

- 5.1 LPG storage supplied from tanks shall comply with the LPGA Code of Practice No. 1 ‘Bulk Storage at Fixed Installations’.
- 5.2 LPG supplied from cylinders, shall comply with the LPGA Code of Practice No. 7 ‘Storage of full and empty LPG Cylinders and Cartridges’ applies.
- 5.3 Metered supplies from a common LPG storage tank, shall comply with the LPGA Code of Practice No 1 described in Condition 5.1 above. In this case and where a mains supply is available, the Gas Safety (Installation and Use) Regulations 1998 may apply.
- 5.4 Exposed gas bottles, bulk storage tanks or cylinders shall not be within the separation boundary of an adjoining unit.
- 5.5 LPG installations shall conform to BSEN 1949: 2011 – ‘Specification for the installation of liquefied petroleum gas systems for habitation purposes in leisure accommodation vehicles and accommodation in other vehicles’.

6.0 ELECTRICAL INSTALLATIONS

- 6.1 Where sites are provided with an electricity supply, the supply shall be sufficient in all respects to meet all reasonable demands of the caravans situated on them.

6.2 All electrical installations, other than the Electricity Supplier works and circuits subject to regulations made by the Secretary of State under any Electricity Act, shall be installed, tested and maintained in accordance with the provisions of the current Institution of Electrical Engineers (IEE) Regulations for electrical installations.

6.3 Work on electrical installations and appliances shall be carried out only by competent persons such as the manufacturer's appointed agent, the

electricity supplier, a professionally qualified electrical engineer, a member of the Electrical Contractors' Association, a contractor approved by the National Inspection Council for Electrical Installation Contracting, or a qualified person acting on behalf of one of the above. The installations shall be inspected periodically: under IEE Wiring Regulations, every year or such longer period (not exceeding 3 years), as is considered appropriate in each case. When an installation is inspected, it shall be judged against the current regulations.

6.4 The inspector shall, within 1 month of such an inspection, issue an inspection certificate in the form prescribed in the IEE Wiring Regulations which shall be retained by the site operator and displayed, supplemented or replaced by subsequent certificates, with the site licence. The cost of the inspection and report shall be met by the site operator or licence holder.

6.5 If an inspection reveals that an installation no longer complies with the regulations extant at the time it was first installed, any deficiencies shall be rectified. Any major alterations and extension to an installation and all parts of the existing installation affected by them shall comply with the latest version of the IEE wiring Regulations.

6.6 If there are overhead electric lines on the site, suitable warning notices shall be displayed at the entrance to the site and on supports for the line. Where appropriate, particular attention shall be drawn to the danger of masts of yachts or dinghies contacting the line.

7.0 WATER SUPPLY

7.1 The sites shall be provided with a water supply in accordance with appropriate Water Byelaws and statutory quality standards.

7.2 Readily accessible water standpipes with an adequate supply of water shall be provided and sited so that that no caravan standing is more than 50 metres from a water standpipe. Alternatively each caravan standing shall be provided with an individual piped water supply.

7.3 The water standpipe(s) shall be provided over concrete base of sufficient size and to a design approved by the Licensing Authority together with a trapped gully drained to a proper outfall.

8.0 DRAINAGE, SANITATION AND WASHING FACILITIES

8.1 Adequate provision shall be made for drainage from the site generally, including roads, footpaths and paved areas, to the satisfaction of the Licensing Authority.

- 8.2 Satisfactory provision shall be made for foul drainage, either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by and maintained to the satisfaction of the local authority.
- 8.3 Properly designed disposal points for the contents of the chemical closets shall be provided, with an adequate supply of water for cleaning the containers. This supply shall be clearly marked 'Not Suitable for Drinking'.
- 8.4 Waste water disposal points shall be provided so that each pitch is no further than 50 metres from a waste water disposal point. The appropriate Water Authority shall be consulted about the arrangements for disposal of water likely to be contaminated.
- 8.5 Waste water shall not be discharged or thrown into any ditch, stream or watercourse or be allowed to spill on to any land.

LAUNDRY

- 8.6 Laundry facilities shall be provided in a separate room in accordance with the following standard:-

Deep sinks with running hot and cold water, or mechanical washing machines shall be provided. These are to be based on a standard of 1 deep sink, or mechanical washing machine, per 25 caravans or part thereof;

TOILETS

- 8.7 Toilet blocks with adequate supplies of water shall be provided in accordance with the following standards: -

Men: 1 WC and 1 Urinal per 25 caravans or part thereof; Women: 2 WC's per 25 caravans or part thereof;

2 wash basin (with hot and cold water) for each sex per 25 caravans or part thereof;

1 shower or bath (with hot and cold water) for each sex per 25 caravans or part thereof;

- 8.7 Toilet blocks shall be provided with artificial lighting to the satisfaction of the Licensing Authority.
- 8.8 Toilet blocks shall be sited so that they are not nearer than 10 metres and not more than 90 metres from any standing.

- 8.9 On sites licensed for more than 70 caravans, a suitably sited and designed toilet, wash basin, shower or bath and water point shall be provided for the use of disabled persons.

9.0 REFUSE DISPOSAL

- 9.1 Every caravan standing shall have an adequate number of suitable non combustible refuse bins with close-fitting lids, or plastic refuse sacks. Arrangements shall be made for the bins to be emptied regularly. Where communal refuse bins are also provided these shall be of similar construction and housed within a properly constructed bin store.

10.0 PARKING

- 10.1 Subject to a minimum 3 metre clear space as described in 2.1 above, one car only may be parked between adjoining caravans provided that the door to the caravan is not obstructed. Suitably surfaced parking spaces shall be provided to meet the additional requirements of the occupants and their visitors. Plastic or wooden boats shall not be parked between units.

11.0 RECREATION SPACE

- 11.1 Where children occupy the site, space equivalent to about one-tenth of the total area shall be allocated for children's games and/or other recreational purposes. This provision is necessary because of the limited space available round the caravans. Where there are suitable alternative publicly provided recreational facilities which are readily accessible, the Licensing Authority will consider omitting this condition.

12.0 NOTICES

- 12.1 A suitable sign shall be prominently displayed at the site entrance indicating the name of the site. All such advertisements shall be within the size limits allowed by Class 2 of the Town and Country Planning (Control of Advertisements) Regulations 1989. (Sl. 1989/670).
- 12.2 A copy of the site licence with its conditions shall be displayed prominently on the site.
- 12.3 A clearly defined plan of action shall be displayed on the site setting out the measures to be taken in the event of an emergency. The plan shall show where the police, fire brigade, ambulance, and local doctors can be contacted, and the location of the nearest public telephone. The plan shall also give the name and location/telephone number of the site licence holder or his/her accredited representative. At sites subject to flood risk, warning notices shall be displayed giving advice about the operation of the flood warning system.

- 12.4 All notices shall be suitably protected from the weather and displayed where possible out of the direct rays of the sun, preferably in areas lit by artificial lighting. See also 4.9, 4.11, 5.6, 6.4 and 6.6.

13.0 MANAGEMENT

- 13.1 All buildings, roads and carriageways shall be maintained in good order and repair and in a clean and wholesome condition to the satisfaction of the Licensing Authority.
- 13.2 The Site Operator shall be responsible for maintaining the site in a tidy and orderly condition, free from litter, rubbish and rank growth. He shall also use his best endeavours to ensure that no rubbish or litter is thrown or deposited on the site or onto or into land or natural watercourses adjoining the land.
- 13.3 The site operator shall be responsible for ensuring that the grass is kept reasonably short during the whole of the period that any of the caravans on the site are occupied.
- 13.4 The Site Operator shall ensure that farm animals are not allowed on the site during the whole of the period that any of the caravans are occupied.
- 13.5 The Licensing Authority may require a caretaker/manager to be resident on site.
- 13.6 The conditions attached to the site licence may be subject to alteration by the Council from time to time in accordance with Section 8 of the Act.

NOTE *Any person aggrieved by any condition subject to which a site license has been issued to him in respect of any land may, within 28 days of the date of which the license was so issued, appeal to a magistrates' court acting for the petty sessions area in which the land is situated. (Section 7)*

21. Appendix 2 MODEL LICENCE CONDITIONS FOR PERMANENT, RESIDENTIAL CARAVAN SITES



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 MODEL LICENCE CONDITIONS FOR PERMANENT, RESIDENTIAL CARAVAN SITES

1. The Boundaries and Plan of the Site

- (i) The boundaries of the site from any adjoining land shall be clearly marked by a man made or natural feature.
- (ii) No caravan or combustible structure shall be positioned within 3 metres of the boundary of the site.
- (iii) (a) A plan of the site shall be supplied to the local authority upon the application for a licence and, thereafter whenever there is a material change to the boundaries or layout of the site, or at any other time on the demand of the local authority.
- (b) The plan supplied must clearly illustrate the layout of the site including all relevant structures, features and facilities on it and shall be of suitable quality.

2. Density, Spacing and Parking Between Caravans

- (i) Except in the case mentioned in sub paragraph (iii) and subject to sub paragraph (iv), every caravan must where practicable be spaced at a distance of no less than 6 metres (the separation distance) from any other caravan which is occupied as a separate residence.
- (ii) No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.
- (iii) Where a caravan has retrospectively been fitted with cladding from Class 1 fire rated materials to its facing walls, then the separation distance between it and an adjacent caravan may be reduced to a minimum of 5.25 metres.
- (iv) In any case mentioned in subparagraph (i) or (iii):
 - (a) A porch attached to the caravan may protrude one metre into the separation distance and must not exceed 2 metres in length and 1 metre in depth. The porch must not exceed the height of the caravan. Where a porch is installed only one door may be permitted at that entrance to the home, either on the porch or on the home.

- (b) Eaves, drainpipes and bay windows may extend into the separation distance provided the total distance between the extremities of two facing caravans is not less than 5 metres, except where sub paragraph (iii) applies in which case the extension into the separation distance shall not exceed 4.25 metres.
- (c) Any structure including steps, ramps, etc (except a garage or car port), which extends more than 1 metre into the separation distance shall be of non-combustible construction. There should be a 4.5 metre clear distance between any such structure and any adjacent caravan.
- (d) A garage or car port may only be permitted within the separation distance if it is of non-combustible construction.
- (e) Windows in structures within the separation distance shall not face towards the caravan on either side.
- (f) Fences and hedges, where allowed and forming the boundary between adjacent caravans, should be a maximum of 1 metre high.
- (g) Private cars may be parked within the separation distance provided that they do not obstruct entrances to caravans or access around them and they are a minimum of 3 metres from an adjacent caravan.
- (v) The density of caravans on a site shall be determined in accordance with relevant health and safety standards and fire risk assessments.

3. Roads, Gateways and Overhead Cables

- (i) Roads shall be designed to provide adequate access for emergency vehicles and routes within the site for such vehicles must be kept clear of obstruction at all times.
- (ii) New roads shall be constructed and laid of suitable bitumen macadem or concrete with a suitable compacted base.
- (iii) All roads shall have adequate surface water/storm drainage.
- (iv) New two way roads shall not be less than 3.7 metres wide, or if they are designed for and used by one way traffic, not less than 3 metres wide.
- (v) One-way systems shall be clearly signposted.
- (vi) Where existing two way roads are not 3.7 metres wide, passing places shall be provided where practical.
- (vii) Vehicular access and all gateways to the site must be a minimum of 3.1 metres wide and have a minimum height clearance of 3.7 metres.

(viii) Roads shall be maintained in a good condition.

(ix) Cable overhangs must meet the statutory requirements.

4. Footpaths and Pavements

(i) Every caravan shall be connected to a road by a footpath with a hard surface which shall be maintained in good condition.

(ii) Where practicable, communal footpaths and pavements shall not be less than 0.9 metres wide.

5. Lighting

Roads, communal footpaths and pavements shall be adequately lit between dusk and dawn to allow the safe movement of pedestrians and vehicles around the site during the hours of darkness.

6. Bases

(i) Every unit must stand on a concrete base or hard-standing.

(ii) The base must extend over the whole area occupied by the unit, and must project a sufficient distance outwards from its entrance or entrances to enable occupants to enter and leave safely. The hard standings must be constructed to the industry guidance, current at the time of siting, taking into account local conditions.

7. Maintenance of Common Areas, including Grass, Vegetation and Trees

(i) Every part of the site to which the public have access shall be kept in a clean and tidy condition.

(ii) Every road, communal footpath and pavement on the site shall be maintained in a good condition, good repair and clear of rubbish.

(iii) Grass and vegetation shall be cut and removed at frequent and regular intervals.

(iv) Trees within the site shall (subject to the necessary consents) be maintained.

(v) Any cuttings, litter or waste shall be removed from the immediate surrounds of a pitch.

8. Supply & Storage of Gas etc

- (i) Gas (including natural gas) and oil installations, and the storage of supplies shall meet current statutory requirements, relevant Standards and Codes of Practice.
- (ii) Liquefied Petroleum Gas cylinders must not be positioned or secured in such a way as to impede access or removal in the event of an emergency.

9. Electrical Installations

- (i) On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans and other facilities and services within it.
- (ii) The electrical network installations shall be subject to regulation under current relevant legislation and must be designed, installed, tested, inspected and maintained in accordance with the provisions of the current relevant statutory requirements.
- (iii) Any work on electrical installations and appliances shall be carried out only by persons who are competent to do the particular type of work being undertaken, in accordance with current relevant statutory requirements.
- (iv) Any work on the electrical network within the site shall be done by a competent person fully conversant with the appropriate statutory requirements.

10. Water Supply

- (i) All pitches on the site shall be provided with a water supply sufficient in all respects to meet all reasonable demands of the caravans situated on them.
- (ii) All new water supplies shall be in accordance with all current legislation, regulations and relevant British or European Standards.
- (iii) All repairs and improvements to water supplies and installations shall be carried out to conform with current legislation and British or European Standards.
- (iv) Work on water supplies and installations shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current relevant legislation and British or European Standards.

11. Drainage and Sanitation

- (i) Surface water drainage shall be provided where appropriate to avoid standing pools of water.
- (ii) There shall be satisfactory provision for foul and waste water drainage either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local authority.
- (iii) All drainage and sanitation provision shall be in accordance with all current legislation and British or European Standards.
- (iv) Work on drains and sewers shall be carried out only by persons who are qualified in the particular type of work being undertaken and in accordance with current legislation and British or European standards.

12. Domestic Refuse Storage & Disposal

- (i) Where communal refuse bins are provided these shall be non-combustible and housed within a properly constructed bin store.
- (ii) All refuse disposal shall be in accordance with all current legislation and regulations.

13. Communal Vehicular Parking

Suitably surfaced parking spaces shall be provided to meet the requirements of residents and their visitors.

14. Communal Recreation Space

On sites where it is practical to do so, suitable space equivalent to about one tenth of the total area of the site shall be allocated for recreational purposes, unless in the local authority's opinion there are adequate recreational facilities within a close proximity to the site.

15. Notices and Information

- (i) The name of the site shall be displayed on a sign in a prominent position at the entrances to the site together with the current name, address and telephone number of the licence holder and manager and emergency contact details, a copy of the site licence or the front page of the said licence and details of where the full licence and other information required to be available under this standard can be viewed and between which times (if not displayed on the notice board).

- (ii) A current plan of the site with roads and pitches marked on it shall be prominently displayed at the entrances to it.
- (iii) A copy of the current site licence shall be available for inspection in a prominent place on the site.
- (iv) In addition at the prominent place the following information shall also be available for inspection at the prominent place:
 - (a) A copy of the most recent periodic electrical inspection report.
 - (b) A copy of the site owner's certificate of public liability insurance.
 - (c) A copy of the local flood warning system and evacuation procedures, if appropriate.
 - (d) A copy of the fire risk assessment made for the site.
- (v) All notices shall be suitably protected from the weather and from direct sunlight.

16. Flooding

- (i) The site owner shall establish whether the site is at risk from flooding by referring to the Environment Agency's Flood Map.
- (ii) Where there is risk from flooding the site owner shall consult the Environment Agency for advice on the likelihood of flooding, the depths and velocities that might be expected, the availability of a warning service and on what appropriate measures to take.

17. Requirement to Comply with the Regulatory Reform (Fire Safety) Order 2005

The site owner shall make available the latest version of the fire risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 for inspection by residents and when demanded, a copy of the risk assessment shall be made available to the local authority.

18. Fire safety measures where the Regulatory Reform (Fire Safety) Order 2005 does not apply (such as single unit sites and those sites solely occupied by family groups)

- (i) The standards in this paragraph only apply if the site is **not** subject to the Regulatory Reform (Fire Safety) Order 2005.

Fire Points

- (ii) These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked "FIRE POINT".

Fire Fighting Equipment

- (iii) Where water standpipes are provided:
 - (a) The water supply shall be of sufficient pressure to project a jet of water not less than 5 metres from the nozzle.
 - (b) There shall be a reel that complies with the current British or European Standard, with a hose not less than 35 metres long, having a means of connection to a water standpipe (preferably a screw thread connection) with a water supply of sufficient pressure and terminating in a small hand nozzle.
 - (c) Hoses shall be housed in a red box and marked "HOSE REEL". Access to the fire point shall not be obstructed or obscured.
- (iv) Where hydrants are provided, hydrants shall conform to the current British or European Standard.
- (v) Access to hydrants and other water supplies shall not be obstructed or obscured.
- (vi) Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with water extinguishers
(2 x 9 litres) which comply with the current British or European Standard.

Fire Warning

- (vii) A suitable means of raising the alarm in the event of a fire shall be provided at each fire point.

Maintenance and Testing of Fire Fighting Equipment

- (viii) All alarm and fire fighting equipment shall be installed, tested and maintained in working order by persons who are qualified in the particular type of work being undertaken and be available for inspection by, or on behalf of, the licensing authority or the Fire and Rescue Service.

(ix) A record shall be kept of all testing and remedial action taken.

(x) All equipment susceptible to damage by frost shall be suitably protected.

Fire Notices

(xi) A clearly written and conspicuous notice shall be provided and maintained at each fire point to indicate the action to be taken in case of fire. This notice should include the following:

“On discovering a fire:

I. Ensure the caravan or site building involved is evacuated.

II. Raise the alarm.

III. Call the fire brigade “(the nearest phone is sited at)”

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Cherwell District Council & South Northamptonshire

Council Mobile Homes Fees Policy 2015

Contents

1. Introduction
2. Fees charged for licensing
3. Application for a new site licence
4. Transfer/Amendment of an existing site licence
5. Annual fees for site licences
6. Enforcement costs
7. Fees for depositing site rules
8. Publishing and revising the fees policy

Appendix 1 – Elements which can be included in fee setting

Appendix 2 – Cherwell District Council and South Northamptonshire Council fees

Related documents

The following documents have been consulted when drafting this policy:

- The Caravan Sites and Control of Development Act 1960 as amended (CSCDA60)
- Mobile Homes Act 2013 (MHA 2013)
- Regulators Compliance Code
- RBC Corporate Enforcement Policy
- DCLG Guidance on Site Licensing Fee Setting – (link on website)

1. Introduction

Both Councils have granted caravan site licences under The Caravan Sites and Control of Development Act 1960 (as amended) for sites that have planning permission for a caravan site. The CSCDA60 has now been amended by the Mobile Homes Act 2013.

The MHA 2013 was introduced in order to provide greater protection to occupiers of residential park homes and caravans as the existing legislation had not been updated for more than 50 years and was considered inadequate to deal with problems associated with such sites.

This Act introduces some important changes to the buying, selling or gifting of a park home and the pitch fee review process. There is an expectation that councils will inspect sites annually and use the additional powers to ensure compliance with site licence conditions.

Local Authorities have the ability to charge a fee for different licensing functions, serve enforcement notices and publish any site rules relating to a site. The fee generated by the MHA 2013 is not designed to include investigation of harassment or matters not related to the site licence – these should be dealt with through Residents Associations or other appropriate channels.

Charging of fees is optional for local authorities and therefore South Northamptonshire District Council and Cherwell District Council have decided to charge for their caravan site licensing function to ensure that costs for administering the licensing regime are covered and to ensure that the council has the resources available to monitor compliance with licence conditions. The fees are for the recovery of costs only and are not for profit. It is important to note that the local authority can refuse to issue a licence. In such circumstances the fee is still payable where the licence is not granted.

2. Fees charged for site licences

The changes introduced by the MHA 2013 for Site Licensing come into force on 1st April 2014. These include powers for local authorities to charge fees for their licensing functions in respect of “relevant protected sites”. A relevant protected site is defined in the Act as any land to be used as a caravan site with planning consent, other than one where a licence is:

- Granted for holiday use only
- In any other way subject to conditions which restrict the usage of the site for the stationing of caravans for human habitation at certain times of the year (such as planning conditions).

Relevant protected sites to which the legislation applies are typically known as residential parks, mobile home parks and Gypsy Roma and Traveller sites and so on.

Sites which do not fall within the definition of ‘relevant protected sites’ are still subject to the licensing requirements contained within the CSCDA60, but the provisions relating to payment of fees do not apply.

Under the new Act a fee can be charged for:

- applications to grant a new licence
- applications to transfer or amend an existing licence

Mobile homes fee policy 2015 DM(SNC) & CT(CDC)

- annual licence fees for administering and monitoring existing site licences.

In accordance with section 10(A) of the Mobile Home Act 2013, this policy therefore sets out the licensing fees structure for both South Northamptonshire Council and Cherwell District Council and details the fees to be charged for all of these licensing functions. Fee levels have been calculated based on the estimated average time and costs involved in undertaking the activities involved. (Appendix 1 details what the council can consider in calculating the fee levels).

The fees for both councils are set out in appendix 2.

The fee rates set out in this policy cover the period 1st April 2015 to 31st March 2016.

3. Application for a new site licence

All sites require a site licence to operate (subject to exemptions in the CSCDA60); failure to apply for licence is an offence under Section 1(2) of CSCDA60. The council may only issue a licence for a site with a valid and correct planning permission for the use. Any application made before the planning status has been awarded must be processed within 6 weeks of the planning decision. Sites which already have the correct planning permission in place must be processed within 2 months of the licence application.

4. Transfer/amendment of existing site licence

Where a licence holder wishes to transfer the licence an application must be made to the council, for which a fee is payable. The fee must accompany the application to transfer the licence.

Similarly where a site owner requests an amendment to site licence conditions the council can charge a fee for this function.

Applications can be made by licence holders to vary or cancel conditions, the fee is payable at the application stage.

Conditions

The conditions on the existing site license will remain the same until the Council deem they are out-dated or incorrect and then a review will take place or unless an application is made to amend conditions on the license by the site owner. If the council deem it necessary to alter conditions there will be no fee payable.

5. Annual fees for existing site licences

All relevant protected sites must pay an annual fee to the council (subject to any exemptions stated in this policy). The fee is due on 1st April 2015 and annually thereafter.

The annual fee covers the costs associated with administration, an annual site inspection to ensure compliance with the site licence conditions and a revisit to ensure compliance with any outstanding works required. If there is still a breach in site licence condition at the point of the revisit further charges may be payable to cover the cost of any enforcement action which may be taken. (See Enforcement costs – section 6.)

The DCLG guidance for fee setting offers a variety of suggested options for local authorities in calculating the annual fee:

Option 1 – fee per pitch (a fee based on the total cost to the local authority carrying out its annual licensing function for all sites, divided by the total number of units over all the sites which will give a price per unit);

Option 2 – fee based on site size bandings;

Option 3 – fee based on a risk rating that takes into account the size of a site; the level of compliance on a site and confidence in management.

Option 1 has been adopted as it is considered to offer the most transparency and fairness to both residents and site owners.

Charges for the first year (2014/15) have been based on average estimates. Fees will be assessed each year to determine accuracy as part of the Council's annual fees and charges setting process.

Sites exempted from annual licensing fees:

- sites that are not relevant protected sites
- sites with 5 units or less
- sites for the site owner and their family (unless they are run for profit or as a business)

These categories of site are exempt from the annual licensing fee as the council do not intend to carry out annual inspections. Any complaints however, would be dealt with appropriately.

Charging arrangements

For the purpose of this policy the period covered by the annual fee will be 1st April to 31st March each financial year. The fee will be charged to the site owner/license holder and invoices will be sent at the start of the financial year with payment due within 30 days. (Legislation allows the license holder to pass on the annual fee cost for 2014/15 to the resident's pitch fee).

Where a new site licence is issued part way through the year, the annual fee will also be due in the same year and an invoice will be sent after the licence has been granted for the pro-rata amount.

Where an amended licence is issued part way through the year (which included either additional units or a reduction in units), the change in annual fee would be calculated on a pro-rata basis for the remainder of the year and difference in fee would be adjusted against the following years annual fee.

In the event an annual fee is not paid within the terms of the invoice the council may apply to the First Tier Tribunal (Property Chamber) for an order requiring the licence holder to pay the amount due by a specific date. If payment is not received within 3 months from that date, the local authority may apply to the Residential Property Tribunal for an order to revoke a site licence.

6. Enforcement costs

Where there has been a breach in a site licence condition which comes to the attention of the council we may serve a compliance notice. The CSCDA60 details the elements which a local authority may include when imposing a charge for enforcement action. These include the time involved in deciding to serve and prepare the notice. A detailed breakdown of the relevant expenses would be provided with the compliance notice. Charges would be based on an hourly rate in addition to any other costs incurred for example legal costs. Charges for enforcement costs cannot be passed onto the residents pitch fee.

If any works in the compliance notice are not carried out the licence holder commits an offence and the local authority may consider taking legal proceedings. Any costs associated with this process would be at the discretion of the court.

If a prosecution was successfully taken, the council would have the power to carry out the works in default of the licence holder.

7. Fees for depositing site rules

Site Rules are different to the site licence conditions and are put in place by the owner of a site to ensure acceptable standards are maintained which will be of benefit to occupiers or will promote and maintain community cohesion on the site. The MHA13 changes the way site rules must be agreed between both parties. The council must keep an up to date register of site rules on relevant protected sites and publish the register on-line.

Before publishing the site rules the council will ensure the rules deposited have been made in accordance with the statutory procedure – a fee can be charged for this function.

Any site rules deposited with the local authority for the first time or applications to vary or delete existing site rules must be accompanied by the appropriate fee. The fee is the same for either a first deposit or for a subsequent variation or deletion. This is because the process will be very similar for all three types of deposits.

8. Publishing and revising the fee policy

This fees policy will be published on the Council's websites at <http://www.cherwell.gov.uk/> and <http://www.southnorthants.gov.uk/> (pages to be determined).

The fees detailed in this policy have been determined based on experience of dealing with site licensing historically with consideration of the changes the new Act has introduced. Some of the processes are new (for example the depositing of site rules) and therefore estimates have been made as to the cost of providing these services. This policy will be revised no later than March 2016.

Appendix 1 – Elements included in fee setting

The DCLG guidance sets out the activities that the council can include when calculating its annual fee, these include:

- letter writing/telephone calls, etc, to make appointments and requesting any documents or other information from the site owner or from any third party in connection with the licensing process;
- handling enquiries and complaints;
- updating hard files/ computer systems;
- updating the EU Directive website if appropriate;
- processing the licensing fee;
- time for reviewing necessary documents and certificates;
- downloading photographs;
- preparing reports on contraventions;
- review by manager or lawyers;
- review any consultation responses from third parties;
- carrying out any risk assessment process considered necessary;
- a full site inspection (by appointment);
- a follow up inspection to check compliance following programmed inspection.

Appendix 2 - Fees

Mobile Homes Stes (Licences Valid One Year 2015 – 2016 rates	Fee
NEW APPLICATION	
1 to 10 pitches	£290.00
11 to 30 pitches	£420.00
31 to 99 pitches	£550.00
100 or more pitches	£680.00
Annual Fee	
1 to 10 pitches	£225
11 to 30 pitches	£290
31 to 99 pitches	£350
100 or more pitches	£420
Transfer/Amendment	£160
Replacement Paper Licence	£10.50
Lodging Rules	£55.00
Enforcement	Case by case based on hourly rate

Consultation Response	Response
Consultation feedback on draft caravan site policy I have reviewed the relevant sections of the draft policy against the Model Standards 2008 for Caravan Sites in England. My comments are set out below by section. Section 3.4 – Emergency vehicle access The draft policy states: “Emergency vehicles shall be able to secure access at all times to within 90 metres of any unit on the site.” There does not appear to be any reference to a 90 metre distance in the Model Standards 2008 for Caravan Sites in England. The Model Standards 2008 for Caravan Sites in England states in Section 2(ii): “No caravan shall be stationed within 2 metres of any road or communal car park within the site or more than 50 metres from such a road within the site.” The draft policy provides dimensions for the road, which is the access route for emergency vehicles. On that basis, the maximum distance from the fire appliance access road to any unit on the site should be 50 metres, not 90 metres. This is also consistent with operational firefighting considerations, as the fire service hose reel is 60 metres, which is why the 50 metre figure is used. I therefore recommend that Section 3.4 is amended so that emergency vehicles can secure access to within 50 metres of any unit on the site. Section 4.1 – Fire points The draft policy states: “Fire points shall be established so that no caravan or site building is more than 90 metres from a fire point. They shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked “FIRE POINT”.” This should be amended to 30 metres, not 90 metres. The Model Standards 2008 for Caravan Sites in England states in Section 18(ii): “These shall be located so that no caravan or site building is more than 30 metres from a fire point. Equipment provided at a fire point shall be housed in a weather-proof structure, easily accessible and clearly and conspicuously marked “FIRE POINT”.” I therefore recommend that Section 4.1 is amended so that no caravan or site building is more than 30 metres from a fire point. Section 4.4 – Firefighting equipment at fire points	The Fire points raised are those for Holiday Caravan Sites, and these are compared in the response to the model conditions for Permanent residential sites. The model conditions for permanent residential sites were also contained in Appendix 1, after the Holiday Caravan site model conditions. To make this clearer the model conditions have been split into 2 separate appendices and given headings.

The draft policy states:

“Where standpipes are not provided or the water pressure or flow is not sufficient, each fire point shall be provided with either water extinguishers (2 x 9 Litre) or a water tank of at least 500 litres capacity fitted with a hinged cover, 2 buckets and 1 hand pump or bucket pump.”

However, the Model Standards 2008 states the following in Section 99:

“A water tank with buckets and a pump should not be the main means of fighting fire for the following reasons: • Pumps and buckets are likely to be vandalised or stolen. • Pumps and buckets are inadequate for fighting a fire. • A water storage tank should be securely covered to prevent it becoming a health or safety hazard.”

The draft policy should not allow either 2 x 9 litre water extinguishers or a water tank with buckets and a pump as alternative options, because the Model Standards make clear that a water tank with buckets and a pump should not be the main means of firefighting.

I therefore recommend that the wording is amended by either:

changing “or” to “and”, so that a water tank and buckets are not treated as an alternative to extinguishers; or

removing the allowance for a water tank, buckets and pump as a standalone firefighting provision.

This would ensure the draft policy is consistent with the Model Standards 2008 and does not present a water tank and buckets as the main means of firefighting.

This report is public	
Contaminated Land Strategy 2026	
Committee	General Licensing Committee
Date of Committee	29 September 2026
Portfolio Holder presenting the report	Portfolio Holder for Customer and Community Services – Cllr Nicola Borkman (Signed off by Cllr McLean on Cllr Borkman's behalf)
Date Portfolio Holder agreed report	17 September 2026
Report of	Tim Hughes – Head of Regulatory Services and Community Safety

Purpose of report

The Contaminated Land Strategy has been reviewed and updated. As per the council's constitution the General Licensing Committee is responsible for approving and adopting policies on contaminated land.

1. Recommendations

The General Licensing Committee resolves:

- 1.1 To approve the reviewed and updated Contaminated Land Strategy at Appendix 1.

2. Executive Summary

- 2.1 This report is to seek approval for a reviewed and updated Contaminated Land Strategy that was first published in 2001 and last updated in 2007. It has been updated to include the most up-to-date guidance and legislation that was issued in April 2012.

Implications & Impact Assessments

Implications	Commentary
Finance	There are no financial implications arising from this report. Kelly Wheeler, Finance Business Partner, 18 August 2026
Legal	The report sets out the legislative requirements which the Council must comply with. Having an effective and up-to date policy in place will help us to comply with those requirements. Denzil – John Turbervill, Head of Legal Services 24 August 2026

Risk Management	The current published strategy is out of date, agreeing the proposal mitigates the risk of the council not meeting its statutory duty to periodically review this document. Celia Prado-Teeling, Performance & Insight Team Leader 18 August 2026			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact		X		N/A
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?		X		
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?		X		
Climate & Environmental Impact	X			Land contamination will continue being addressed through development control with the developers being responsible for any required risk mitigation works and associated costs. This will improve the environment in Cherwell.
ICT & Digital Impact		X		N/A
Data Impact		X		N/A
Procurement & subsidy		X		N/A
Council Priorities	N/A			
Human Resources	N/A Claire Cox - Assistant Director of Human Resources 24 August 2026			
Property	N/A Mona Walsh - Assistant Director Property 24 August 2026			
Consultation & Engagement	The original report was consulted on with the list of consultees below – as there are no substantial changes to the strategy we have not returned to consult with them again, however we have consulted with West Oxfordshire District Council and tried to mirror their own strategy as much as possible in preparation for LGR. They had no comments to make on the strategy.			

	Original Consultees: Oxfordshire County Council English Heritage Natural England Environment Agency Food Standards Agency Health & Safety Executive
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Supporting Information

3. Background

- 3.1 There is a substantial legacy of contaminated land in the United Kingdom, due to its long industrial heritage and historically poorly managed waste disposal practices. In Cherwell there is a wide range of potential sources such as quarrying, industrial factories, disused railways and former military sites.
- 3.2 Although there are now various regimes in place to prevent new contamination occurring, the historic contamination which remains in the environment retains the potential to adversely affect people's health, damage quality of our waters, ecological systems and property. Where land is identified as unsuitable for its current use based on actual harm or significant risk from contamination, the local authority has a responsibility to intervene and ensure that those risks are properly reduced to an acceptable level.
- 3.3 A new contaminated land regime was introduced in April 2000 under Part 2A of the Environmental Protection Act 1990 which gave district councils an additional regulatory role.

The new regime required authorities to: -

- inspect their areas to identify contaminated land;
 - determine whether any particular site was contaminated land;
 - act as enforcing authority for all contaminated land which was not designated as a "special site" which would be the responsibility of the Environment Agency.
- 3.4 Therefore in 2001 a contaminated land strategy was prepared for submission to the Department of the Environment, Transport and the Regions. This was done when significant external funding was available from DEFRA.
 - 3.5 Cherwell's last published its contaminated land strategy in 2007. The Council has a duty to refresh this strategy "from time to time" as necessary, and this report outlines the updated approach.

3.6 Summary of Roles and Responsibilities

Pollution Type	Agency Responsible	More Information
Contaminated Land and Soils	Cherwell District Council*	Contaminated Land Strategy 2026 (this document)
Water Pollution	Environment Agency	https://engageenvironmentagency.uk/engagementhq.com/enforcement
Drinking Water	Drinking Water Inspectorate (DWI)	https://www.dwi.gov.uk/
Tap Water	Water Companies (Thames and Anglian)	Following DWI Guidance
Private Water Supplies	Cherwell District Council	Following DWI Guidance – more info here: https://www.cherwell.gov.uk/info/7/environment/426/water-quality

*CDC oversees the reports provided by developers and contractors rather than carrying out testing themselves.

4. Details

- 4.1 This strategy sets out how Cherwell District Council (the Council) intends to discharge its legal obligations to identify and enforce contaminated land. It replaces the Council's previous Contaminated Land Inspection Strategy published in 2007 and sets out how set out in writing how the Council implements its obligations under Part 2A of the Environmental Protection Act 1990 alongside the Statutory Guidance issued in April 2012 which is The Government's main policy statement on contaminated land.
- 4.2 Part 2A should only be used to secure remediation of contaminated land where no appropriate alternative solution exists. There are several regulatory functions that provide local authorities with powers to deal with land contamination including planning, building control and The Environmental Damage (Prevention and Remediation) Regulations 2009 (as amended in 2015 and 2017). In Cherwell remediation is primarily achieved through the planning process where development takes place.

5. Alternative Options and Reasons for Rejection

- 5.1 The following alternative options have been identified and rejected for the reasons as set out below.
- 5.2 Option 1: Not reviewing the strategy – Legislation requires the council to update its strategy and processes as necessary to fulfil its legal duty. Given the length of time since the last refresh, and changes in guidance since 2012, not doing this would risk the council being in breach of the act.
- 5.3 Option 2: To employ and external consultant to draft and entirely new Contaminated Land Strategy – this cost isn't required as the legislation hasn't changed and the updated Contaminated Land Strategy as attached at Appendix 1 meets the

requirements laid down in Part 2A of the Environmental Protection Act 1990, and the council has the internal expertise to safely manage these issues.

6 Conclusion and Reasons for Recommendations

- 6.1 The Contaminated Land Strategy has been reviewed and updated in line with Part 2A of the Environmental Protection Act 1990 and associated guidance. It is recommended that the strategy is approved to be published on the council's website.

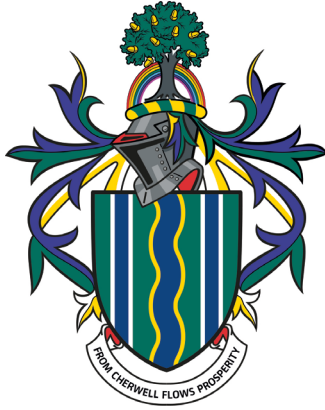
Decision Information

Key Decision	N/A
Subject to Call in	N/A
If not, why not subject to call in	N/A
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Reviewed and Updated Contaminated Land Strategy 2026.
Background Papers	None
Reference Papers	CDC Contaminated Land Webpage including Link to 2007 Strategy - https://www.cherwell.gov.uk/info/7/environment/464/contaminated-land National Contaminated Land Statutory Guidance - https://www.gov.uk/government/publications/contaminated-land-statutory-guidance
Report Author	Neil Whitton Environmental Protection and Enforcement Manager
Report Author contact details	neil.whitton@cherwell-dc.gov.uk 01295 221623
Executive Director Approval (unless Executive Director or Statutory Officer report)	Executive Director for Neighbourhood Services 24 August 2026

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Contaminated Land Strategy 2026

Required under the provisions of the
Environmental Protection Act 1990 Section 78B

Document Control and Overview

Organisation(s)	
Policy Title	Contaminated Land Strategy
Author	Neil Whitton
Owner	Environmental Protection and Enforcement Manager
Version	3
Document Reference	V3 July 2026
Approval Date	
Policy Review Cycle	5 Years
Latest Review Date	2007

Document Revision History

Revision Date	Reviser	Previous Version	Description of Revision
Oct 2007	Unknown	Version 1 – June 2001	5 year review

Document Approvals

This document has been approved by:

Approval	Date

Document Distribution

Name	Job Title

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1.0 Introduction

1.1 Background

There is a substantial legacy of contaminated land in the United Kingdom, due to its long industrial heritage and historically poorly managed waste disposal practices. Although there are now various regimes in place to prevent new contamination occurring, the historic contamination which remains in the environment retains the potential to adversely affect people's health, damage quality of our waters, ecological systems and property. Where land is identified as unsuitable for its current use on the basis of actual harm or significant risk from contamination, the local authority has a responsibility to intervene and ensure that those risks are properly reduced to an acceptable level. This strategy sets out how Cherwell District Council (the Council) intends to go about this process. It replaces the Council's previous Contaminated Land Inspection Strategy published in 2007.

1.2 Aims and Objectives

The Council originally published its Contaminated Land Strategy in 2001. The aim of the strategy is to set out in writing how the Council intends to implement its obligations under Part 2A of the Environmental Protection Act 1990. In accordance with statutory guidance issued in April 2012 local authorities should adopt a strategic approach when inspecting their areas and this should:

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

The principal objectives of the inspection strategy are:

- a) to meet the statutory obligation placed on the Council to produce a written strategy under Part IIA
- b) to provide a strategic framework which the Council will use to identify, inspect and determine contaminated land, and describe the measures that may be taken to remediate such land;
- c) to describe how the Council will prioritise which sites it will consider first;
- d) to inform the public, and improve communication with stakeholders, of the Council's intentions in relation to contaminated land;
- e) to ensure that the Council's corporate priorities and ambitions will be achieved by adopting this strategy.

This document updates the original strategy, itself updated in 2007, to align it with changes in legislation and planning practice since that time.

The contaminated land regime complements the planning system. This Strategy is aimed at those sites where there is no imminent prospect of the site being addressed via the planning system. The regime aims to render land suitable for its existing or any proposed use.

1.3 Strategic Planning

The Council formally adopted the Cherwell Local Plan 2011 - 2031 on 20 July 2015. The Councils Executive approved the 2022 Regulation 10A Review of the Local Plan 2011-2031 Part 1 on 6 February 2023. The Plan provides the strategic planning policy framework for the District including housing needs. Although some of this housing need will be made by development on “greenfield land” there will be development opportunities utilising previously developed (brownfield) land. Some, but not all, brownfield and greenfield sites may be contaminated. Development will see this contamination dealt with under the planning control regime. In fact, it is envisaged that most contaminated land remediation will continue to be dealt with using ‘land quality’ planning conditions and informatives.

The contaminated land regime complements the planning system. This Strategy is aimed at those sites where there is no imminent prospect of the site being addressed via the planning system. The regime aims to render land suitable for its existing or any proposed use

1.4 Enforcement

In accordance with the Council’s Enforcement Policy, securing voluntary remediation is always a preferred option to taking formal enforcement action. The Council will assist in this process wherever possible by providing guidance, support and advice as necessary. Where a successful outcome is not reached voluntarily, or the timescale of a successful outcome is unacceptable, the Council will resort to enforcement action in accordance with those powers conferred to it by primary legislation, such as in relation to powers of entry, as described below.

For the purposes of identifying contaminated land, the Council are granted powers of entry to allow inspection of land, by section 108 of the Environment Act 1995. Any person authorised in writing by the Council may enter any premises at any reasonable time to make any examination or investigation as may be necessary and take samples or in the vicinity of the premises.

Where entry to premises is refused or, where the Council have reasonable grounds to believe that entry is likely to be refused or that force may be necessary to effect entry, then the Council may gain entry under the authority of a warrant issued by a magistrate. In all cases the Council will normally consult with the occupier prior to entry on to the premises.

In an emergency, the Council may exercise its powers of entry forthwith. For this purpose, a case may be considered an emergency if it appears to the Council that:

- there is an immediate risk of serious pollution of the environment or of serious harm to human health; or
- circumstances exist which are likely to endanger life or health.

If individuals or companies obstruct officers or are not forthcoming with requested information, an application for a warrant may be made to allow officers to act effectively. The warrant will be used to facilitate Council Officers entry onto a site or residential premises for inspection purposes.

Remediation – the Council has a duty to serve a remediation notice on the appropriate person(s) where the clean-up of a site has not been secured on a voluntary basis or where no agreement is reached in relation to remediation action.

Where enforcement action is taken, the Council follows the following four key principles:

- Transparency – we will aim to ensure that the nature of, and reasons for, enforcement action taken by the Council are explained in a clear manner.
- Fairness & objectivity – we will treat everyone equally and fairly and will ensure that decisions are not influenced by the colour, race, nationality, ethnic or national origin, gender, religion, marital status, age, sexual orientation or disability of the offender, complainant or witness.
- Proportionality – we will aim to ensure that any action taken relates directly to the actual or potential risk to health, safety, welfare or the environment.
- Consistency – we will take consistent action to ensure that similar issues are dealt with in a similar way.

1.5 Summary of roles and responsibilities

Pollution Type	Agency Responsible	More Information
Contaminated Land and Soils	Cherwell District Council*	Contaminated Land Strategy 2026 (this document)
Water Pollution	Environment Agency	https://engageenvironmentagency.uk.engagementhq.com/enforcement
Drinking Water	Drinking Water Inspectorate (DWI)	https://www.dwi.gov.uk/
Tap Water	Water Companies (Thames and Anglian)	Following DWI Guidance
Private Water Supplies	Cherwell District Council	Following DWI Guidance – more info here: https://www.cherwell.gov.uk/info/7/environment/426/water-quality

*CDC oversees the reports provided by developers and contractors rather than carrying out testing themselves.

2.0 About this Strategy

2.0 Legislative Background and Government Policy

The Government's main policy statement on contaminated land is now contained within a DEFRA guidance document: Environmental Protection Act 1990, Part 2A: Contaminated Land Statutory Guidance, April 2012 ('the Statutory Guidance'). The

principles of this have also been incorporated into the Communities and Local Government document “National Planning Policy Framework” as revised and published in February 2019.

UK policy on land contamination as set out in the Framework, as well as emphasising the Government’s commitment to the environmental principles of “sustainable development” and “the polluter pays”, requires that existing contamination which poses a threat to health or to the environment is controlled and treated within the “suitable for use” approach. The statutory basis of the regime is to be found in Part 2A of the Environmental Protection Act 1990 (which was inserted by the Environment Act 1995).

2.1 Part 2A Objectives

The overarching objectives of the Government’s revised policy on contaminated land are:

- (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, companies and society are proportionate, manageable and compatible with the principals of sustainable development.

2.2 The Requirement for a Strategic Approach

All local authorities are required to take a strategic approach to the identification of land in their area that merits detailed individual inspection. The Statutory Guidance requires that the approach adopted should be rational, ordered and efficient and it should reflect local circumstances. The local authority should set out its approach as a written strategy, which it should formally adopt and publish, and which should be reviewed periodically.

The Statutory Guidance details the elements which should be included in the strategy.

2.3 Definition of Contaminated Land

Section 78A(2) of the Environmental Protection Act defines contaminated land as follows:

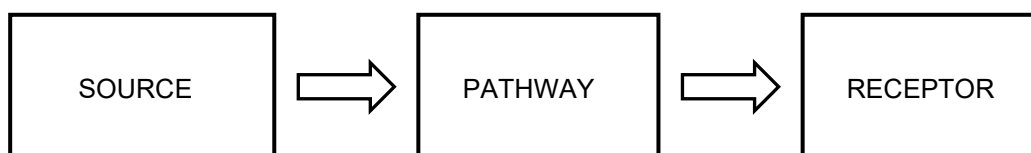
“any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that -

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

With respect to controlled waters, the Water Act 2003 amended the second limb of the definition so that it applies only where “significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused”. This change in the legislation became effective as of 6th April 2012.

The presence of a contaminant in land does not of itself mean that it is contaminated land within the meaning of Part 2A. The Statutory Guidance refers to Contaminant Linkages where one or more contaminant pathway receptor linkages exist.



Receptors are defined as:

“ ... something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters.”

Detailed definitions of the types of receptors are set out in Section 4 of the Statutory Guidance. The Statutory Guidance also refers to “significant contaminant linkages”, referring to those that give rise to a level of risk sufficient to justify a piece of land being determined as contaminated land.

The local authority has the sole responsibility for determining whether any land appears to be statutory contaminated land within its area.

Since the enactment of the contaminated land legislation, significant progress has been made in many technical areas of assessment and remediation of contaminated land.

2.4 The concept of a pollutant linkage

As indicated above, the definition of contaminated land includes the notion of ‘significant harm’ and the ‘significant possibility’ of such harm being caused. In determining what is significant, the Council will have regard to statutory guidance issued by the Secretary of State. The statutory guidance uses the concept of a ‘pollutant linkage’, i.e. a linkage between a source of contamination and a receptor by means of a pathway. Prior to determining that any land appears to be contaminated land on the basis that significant harm is being caused, or that there is a significant possibility of such harm being caused, the Council will identify a significant pollutant linkage comprising each of the following:

- a contaminant
- a relevant receptor
- a pathway by means of which either the contaminant is causing significant harm to the receptor or there is a significant possibility of such harm being caused

Pollutant linkages should be represented by a conceptual model for the site, which can either be in a diagrammatic form or tabulated, and shows the possible relationships between contaminants, pathways and receptors. The conceptual model (a diagram showing the relationship between sources, pathways and receptors for a site) is important throughout the whole process of risk assessment and should be refined as more information is gathered about a site. The Council will also act in accordance with statutory guidance issued by the Secretary of State in determining whether pollution of controlled water is being, or is likely to be, caused. Prior to determining that any land appears to be contaminated on the basis that pollution of controlled waters is being, or is likely to be, caused, the Council will have identified a significant pollutant linkage where controlled waters constitute the receptor.

2.5 Risk assessment

In order to determine whether there is the possibility of significant harm being caused, local authorities must consider the nature, extent and duration of contamination and assess the susceptibility of nearby receptors.

The Council will carry out an appropriate scientific and technical assessment, following the Model Procedures for the Management of Land Contamination (CLR11), produced by the Environment Agency and Department for Environment, Food and Rural Affairs (DEFRA). This is a technical framework for structured decision-making and reflects the Government's policy on how risks from land contamination should be managed. Other peer-reviewed scientific and technical guidance will be applied as appropriate.

The basic approach to risk assessment involves identifying the hazards (i.e. contaminant sources), assessing these in terms of pollutant linkages and the likely consequences, and then estimating the risk (i.e. predicting the magnitude and probability of those possible consequences). There are three tiers in the risk assessment process:

- a) Preliminary Risk Assessment (desk study, site history, conceptual site model, qualitative risk assessment)
- b) Generic Quantitative Risk Assessment (intrusive investigation, compare site data to generic assessment criteria, refine risk assessment)
- c) Detailed Quantitative Risk Assessment (derive site specific assessment criteria for key pollutant linkages, refine risk assessment further to determine remedial measures).

2.6 Categorisation of Contaminated Land

In deciding whether land is contaminated land on grounds of significant possibility of significant harm to human health, the Council will follow the system of categorisation in the Statutory Guidance. For each receptor, the guidance details four categories.

Categories 1 and 2 would encompass land that is capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health. Categories 3 and 4 would encompass land which is not capable of being determined on such grounds. A further description of the categories will be found in Table 2.1.

Uncertainties arise in allocating land to Categories 2 and 3. The government recognised that regulatory authorities may have difficulties in assigning land to Categories 2 and 3 and has appointed, through DEFRA, a panel of experts from industry and local authorities to assist local authorities in making decisions with regard to these uncertainties. That panel is now disbanded but detailed decisions made by the panel in cases submitted to it have been made available.

Category 4 Screening Levels (C4SLs) were published in 2014 which have been developed to help decide when land is suitable for use and not statutory contaminated land. Soil Guideline Values (SGVs) and other Generic Assessment Criteria (GACs) are well within Category 4 and present minimal risk. The C4SLs are set at the top of Category 4 and although still precautionary, their purpose is to speed up the decision-making process for regulators. They are also very likely to act as a suitable remediation target for the development of brownfield land.

When considering whether significant harm is being caused, or there is a significant possibility of such harm being caused, to non-human receptors, Local Authorities should pay regard to Tables 1 and 2 of the Statutory Guidance.

2.7 Roles and Responsibilities

This Strategy has been reviewed with particular reference to the 2012 DEFRA guidance, and the Council has adopted the following approach:

Regulatory Services and Community Safety has been identified as the lead service within the Council for the purpose of the Strategy, in consultation with other services including Planning & Development, Planning Policy, Building Control, and Legal Services, as appropriate, and external agencies including the Environment Agency, Natural England, DEFRA, landowners, and agents.

The Environment Agency also has four main roles:

- To assist local authorities in identifying contaminated land (particularly where water pollution is involved);
- To provide site specific guidance to local authorities on contaminated land where requested;
- To act as enforcing authority for contaminated land designated a 'special site';
- To publish periodic reports on contaminated land.

Where the presence of contaminated land has been confirmed the enforcing authority must:

- Establish who should bear responsibility for remediation;
- Decide after consultation what must be done in the form of remediation and ensure it is effectively carried out;
- Determine liability for the costs of the remedial works;
- Maintain a public register of regulatory action in relation to contaminated land.

Regulatory Services and Community Safety will ensure that, as far as possible, land contamination is dealt with through the planning system or by voluntary remediation on the part of the current landowner. To date all sites have been dealt with in this way.

Requests for service and enquiries from members of the public regarding potentially contaminated land will normally be responded to within 3 working days, except where pollution incidents are occurring, in which case it will be responded to on the same day

3.0 Description of Cherwell District

3.0 Overview

Cherwell District occupies the northern part of Oxfordshire District covering an area of 58,983 hectares (228 square miles), and borders Warwickshire, Northamptonshire and Buckinghamshire. The district is mainly rural comprising 65,000 households spread over seventy-five Parishes, with two market towns, Banbury and Bicester and the town of Kidlington in the south of the district. The total number of businesses exceeds 3,500, employing over 56,000 people. The main waterway draining the area is the River Cherwell, which runs from north to south of the district. Other waterways include the Great Ouse bordering the east, the River Ray to the southeast, the Thames tributaries joining from the south, and the River Swere to the west. Padbury Brook and Sor Brook also serve the district. The Chiltern line and the North-South Banbury to Oxford line are the main railways serving the area along with East West Rail passing through the south of the district. The M40 motorway runs the length of the district.

The landscape includes part of the Cotswolds Area of Outstanding Natural Beauty at Epwell. It also includes three areas of Ecologically Important Landscape, seventeen Sites of Special Scientific Interest (eight of which are geologically important), eighty-nine County Wildlife Sites, fifty conservation areas, two potential County Wildlife Sites and four thousand listed buildings. There are also twelve other Wildlife Sites of importance within the district, two Regionally Important Geological Sites, twenty-nine Scheduled Ancient Monuments, and several important Historic Parks and Gardens, including areas of ancient semi-natural woodland.

3.1 Geology and Topography

Cherwell District forms part of the stone belt which stretches across England from Dorset to the Humber. The rocks date from the Jurassic period and are 150 million years old. The underlying strata consists of Lower, Middle and Upper Lias. The district is divided into three distinct types. Ironstone predominates in the north and northwest, consisting of heavy clays and marlstone overlaid with limestone and sandstone. In such areas elevated concentrations of naturally occurring arsenic occur, see section. Across the centre of the district lies a band of oolitic limestone which is part of the Cotswolds. This can be seen as a band of undulating and rising ground. Below this lies an area of lower lying land on Oxford clays, overlain by alluvial deposits associated with the River Thames and River Ray floodplains. This underlying geology gives rise to the landscape today.

In the north of the district lie gentle ironstone hills and small ironstone villages. This contrasts to the flat floodplains and wet meadows in the south. Across the centre of the district lies a band of rolling limestone hills which are an extension of the Cotswolds. Woodland is found throughout the district as are several areas of Parkland. The River Cherwell valley runs down the centre of the district, with the Oxford Canal following its line.

3.2 History of Cherwell District

The historical use of the Cherwell District relates directly to its geology and has resulted in exploitation of minerals for building materials and other purposes. In order to extract the minerals, quarries have been excavated across the landscape to extract ironstone and limestone. One of the main quarries was located at the village of Hornton, to excavate Hornton Stone. This closed in 1942, as have most of the others. Several have been returned to arable land, and some have, and are being used for landfill. Quarries will therefore be an important area of investigation concerning potential land contamination sites.

Building materials from the quarries are evident in the ironstone villages in the north of the district around the Banbury area, and in the limestone villages around Bicester and to the south of the district. In the past, the iron rich fertile soils provided good ground for crop growing. Cattle, sheep and horses were also grazed on the land, and Banbury and Bicester became the market towns for trading agricultural produce. Industries grew up around the towns, including stonemasons and brickyards such as Gilletts Brickyard on the outskirts of Banbury.

Sheep farming led to a big wool trade in the district, with loom industries appearing; also industries such as the knitting factory in Alkerton and weaving and lace making sprang up. Other industries benefiting from the agriculture of the region included Wrench's Mill

in Shutford which produced hand-woven livery, and breweries such as Hook Norton Ales. The Oxford Canal built in 1778, enabled transportation of goods in and out of the area.

The importing of meat and grain in the 1850's, accompanied by bad harvests, helped lead farming into a period of depression, and many farmers left agriculture or emigrated to countries such as Canada. The building of the railways in the 1850's had a marked effect on industry, as it allowed goods to be transported easier and further. The coming of the Northern Aluminium Company to Banbury in the 1900's marked the beginning of industry not related to agriculture, and was followed by General Foods Ltd, (now Kraft Foods) and the Banbury Road Industrial Estate. These industries also led to the town's population and industrial growth.

Disused railways are often used for the dumping of waste; similarly, used and disused industrial sites may contain contaminated waste. The Cherwell District also contains many allotments which may be a source of contaminants. Because of these reasons, and other opportunities for future development within the district, it is important to identify and remediate any potential land contamination.

There are several current and former military sites in the district such as Graven Hill in Biester and the former RAF/USAF base at Upper Heyford.

3.3 Land owned by the District Council

Land owned by the Council is often linked with sensitive uses and includes allotments, schools, recreational grounds and public open spaces. Additional land use types include offices, depots, sport centres, community buildings, car parks and properties held as investments such as shops or industrial units.

Where land owned by the Council is found to be contaminated, unless a special site, there will be no enforcing authority. The Council will, however, carry out its duties as though they were the enforcing authority. Site prioritisation will be conducted in the same manner as all other sites within the district, ensuring that only the most urgent sites are dealt with first. Site investigation will undergo the same consultations, assessments and appropriate remedial works as necessary.

4.0 Overlapping Regulatory Functions

4.0 Overview

Part 2A should only be used to secure remediation of contaminated land where no appropriate alternative solution exists. There are several regulatory functions that provide local authorities with powers to deal with land contamination including planning, building control and The Environmental Damage (Prevention and Remediation) Regulations 2009. Action under Part 2A may be precluded where action under these regimes results in a desirable outcome, however, these should be assessed on a case-by-case basis. In the commercial site example given in the previous section, the planning process took over dealing with land contamination excluding action under Part 2a

4.1 Planning Process

In February 2019 the Government published its revised National Planning Policy Framework (NPPF) which refers to brownfield and contaminated land as follows:

“Planning policies and decisions should:

.... give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land...”

Paragraph 118 of the NPPF:

“.... contribute to and enhance the natural and local environment by..... remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Paragraph 170 of the NPPF

“...ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

Paragraph 178 of the NPPF

“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

Paragraph 179 of the NPPF

“It is important therefore that the Contaminated Land Officer maintains close liaison with the planning department to ensure that, where land affected by contamination is to be developed, site investigation and, where necessary, remediation is carried out to the appropriate standard. The Contaminated Land Officer would provide technical assistance to the planning department in assessing planning applications and site investigation reports presented by developers.”

4.2 Building Control

Part C1 of Schedule 1 of the Building Regulations (2010, updated 2013) introduced the requirement for reasonable precautions to be taken to avoid danger to health and safety caused by contaminants on or in the ground covered, or to be covered by the building and any land associated with the building.

Technical guidance issued by the HM Government in the form of The Building Regulations 2010 Approved Document C – Site preparation and resistance to contaminants and moisture (2010, updated 2013), provides advice on site preparation and resistance to contaminants in order to mitigate the effects of contaminants, whilst recognising the connection between building control, planning and environmental protection.

The responsibility for securing a safe development rests with the developer and/or landowner, who should be made aware that actions or omissions on their part could lead to liability being incurred under Part 2A.

The building control function has an increasingly important role in securing a safe development with the rising number of developments being constructed using permitted development rights that do not require planning permission. Where contamination potential exists, restrictions on building approvals should be used to ensure developers undertake appropriate site assessments and address any unacceptable risk to human health and safety as part of the development.

4.3 Environmental Damage Regulations

The Environmental Damage (Prevention and Remediation) Regulations 2009 ('EDR Regulations') (S.I. 2009/153) as amended in 2015 and 2017 provide a mechanism to deal with environmental damage to land, water or ecosystems where this occurs to businesses after March 2009. They rely on the polluter pays principle requiring operators of commercial activity to have in place measures to prevent environmental damage and take remedial action if it does occur.

The term 'environmental damage' has a specific meaning in the regulations and is damage that adversely affects land, surface or groundwater, marine waters, protected species or natural habitats or a site of special scientific interest. The Local Authority has enforcement responsibilities in relation to damage to land where this results in a significant risk of adverse effects on human health. Enforcement responsibility for damage to water is held by the Environment Agency, whilst damage to natural habitats or protected species or sites of special scientific interest is enforced by Natural England.

4.4 Environmental Permitting

The Environmental Permitting Regulations (England and Wales) 2016 (as amended) were introduced on 11th December 2016 replacing the 2010 regulations. These Regulations cover industrial processes, waste operations, water discharges, groundwater activities and radioactive substances and give the enforcing authority the ability to apply conditions to permits to control activities and discharges to land, air and water.

Operators holding an environmental permit are liable for the prevention and remediation of environmental damage under the EDR Regulations.

4.5 Radioactive Contamination

The Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 (SI 2005/3467) (as amended in 2010 and 2018) and the Radioactive Contaminated Land (modification of Enactments) (England) Regulations 2006 (S.I. 2006/1379) (as amended 2007-2018) make provision for Part 2A to be extended for the purpose of identification and remediation of radioactively contaminated land where this is causing harm to human health only.

4.6 Waste Management Licensing

The Environmental Protection Act 1990 Part II requires all waste disposal and processing sites (including scrap yards) to be licensed. Contamination causing harm, or

pollution of controlled waters, should be dealt with as a breach of the conditions of the licence. In exceptional circumstances, where the problem arises from an unlicensed activity, it is possible that Part IIA could apply. An example of this would be a leak from an oil tank outside the tipping area. Where there has been an illegal tipping of controlled waste (fly tipping) this should also be dealt with under the Environmental Protection Act 1990 Part II (Section 59).

4.7 Pollution of Controlled Waters

Where a pollution incident has occurred and the pollutant is discharged directly into the body of water and not arising from land, or it has left land and it is entirely in the body of water (i.e. the land is no longer causing pollution), the Water Resources Act 1991 section 161 will apply.

4.8 Risk of Harm to Employees

Where there is a risk of harm to persons at work from land contamination, this should be dealt with under the Health and Safety at Work Act 1974. The enforcing authority will be either the Health & Safety Executive or this Council depending on the work activity.

4.9 Risk of Harm Following an Incident

Where there has been a release, explosion or other major incident, which has caused land contamination, the restoration should be carried out under the Control of Major Accident Hazard Regulations 1999 as part of the COMAH on site / off site emergency restoration plan.

5.0 Inspection Process

5.0 Introduction

The Council's priorities in dealing with contaminated land will be to:

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

Wherever possible, the Strategy will look to achieve these priorities through voluntary remediation and the redevelopment or regeneration of sites.

Before land can be determined as contaminated by definition a significant pollutant linkage, must be identified. Unless all three elements of a pollutant linkage are identified land can not be considered contaminated (section 2.4).

No assessment should be undertaken unless both contaminants and receptors are suspected or confirmed. Where there is doubt the situation will be kept under review.

5.1 Inspection Stages

The Council has adopted a strategic approach to inspection as required by Government. This is broken down into five process steps:

Stage 1a – District Survey

The purpose of this stage of the Strategy is to gather information on potentially contaminative land uses, receptors and pathways from a variety of sources, including historical maps and records, data sets published from authoritative sources including the Environment Agency, British Geological Survey and information held on public record. Collated information has been incorporated into the Council's GIS. Whilst there is an ongoing need to maintain and update information for the district, this stage of the inspection process is complete.

Stage 1b – Prioritisation of sites for detailed inspection

There is a statutory requirement for a risk-based approach in prioritising sites with the greatest potential to cause significant harm, although a methodology to achieve this has not been defined by Government. As a result, the Council used the software Contaminated Site Evaluation and Prioritisation Tool (ConSEPT), developed by the British Geological Survey specifically designed to help Local Authorities meet the requirements of Part 2A. It allows scoring of sources, pathways and receptors for each potentially contaminated site to establish a site prioritisation graded from 'A' to 'E', with grade 'A' sites having the highest priority in need of immediate investigation.

Stage 2 – Site Walkover and Inspection of the site

During the initial site prioritisation some site visits may have taken place. However, it is only following the collation of a desk study that a targeted site walkover can be conducted, considering all previously identified sources, pathways and receptors. It may be necessary at this stage to inform the site owner, if known, that the site has been prioritised for inspection.

Stage 3 - Intrusive Investigations

The requirement for intrusive investigation will be determined based upon the Site Characterisation and risk assessment carried out in the previous stages. The Council may engage consultants to undertake the analysis of this data and preparation of the scope of investigation and a site investigation protocol.

A desk-based study may be sufficient to quantify the level of risk, or it may be necessary to undertake an intrusive investigation to assess ground conditions and associated contaminant concentrations. The output from this inspection stage should provide sufficient information to categorise the site as required by statutory guidance.

Stage 4 – Determination

The local authority is responsible for determining whether land is contaminated land and has a duty to do so where:

- Significant harm is being caused to a human or relevant non-human receptor;
- There is a significant possibility of significant harm being caused to a human or relevant non-human receptor;
- Significant pollution of controlled waters is being caused; or

- There is a significant possibility of significant pollution of controlled waters being caused.

In fulfilling this role, the Council will act in accordance with relevant statutory guidance, seeking expert advice, if required.

For sites that are determined as contaminated land, following a thorough risk assessment, the Council will produce a risk summary, in a simple and easy to understand format, and this will form part of the record.

Stage 5 Remediation

When land is determined as contaminated land, the local authority must secure the remediation of that land. The Statutory Guidance will be followed to ensure the significant pollutant linkages identified by the inspection process are removed or disrupted to such a level that they no longer present a significant risk.

Further information including a detailed outline of the processes to be completed in each stage is provided in the following sections.

5.2 Inspection Programme

The legislation and statutory guidance are not prescriptive in terms of how quickly the work on contaminated land needs to be completed, however, each local authority is required to set out in its Strategy the timescales for the inspection process. Table 1 sets out the anticipated timetable for completion of each stage of the inspection process.

Table 1 Timetable for inspection process

Stage		Progress
1a	District Survey	Completed
1b	Prioritisation	Completed
2	Detailed Inspection	As required
3	Determination	As required following detailed inspection
4	Remediation	Within 12 months of determination

Prioritisation is reviewed and updated from time to time as new information arises.

5.3 Reactive investigation

If the Council is made aware of any site not already listed on the database of potentially contaminated land that has the potential to be contaminated land under the Part 2A definition, then a process of investigation will be carried out in the same way as those sites already on the Council's database of potentially contaminated land. The site would be subjected to the same process of prioritisation as sites already listed. If the risk-based assessment of the site, based on available information, indicates urgent action should be taken, a detailed inspection would follow.

If the status of a known site should change, as in the case of the introduction of a new receptor for whatever reasons, then the site would be reassessed in terms of risk to those receptors. If it seems to the Council that the risks now posed by the site are such

that a detailed inspection should be carried out by the Council, then this will be done with due regard to current best practice and published guidance.

5.4 Information Requests and the Public Register.

The Council receives a steady flow of requests for information on contaminated land from consultants undertaking environmental assessments to property vendors and purchasers and their solicitors. It is important, therefore, to maintain the database of sites so that responses can be made to these queries based on up to date information.

The Council is required under Section 78R of Part 2A to maintain a register containing prescribed particulars of actions taken by the Council in relation to the determination of contaminated land. The register can be viewed on the Council's website at [Contaminated land | Contaminated land | Cherwell District Council](#). There are currently no entries on the Council's public register.

5.5 Strategy Review.

This Strategy will be reviewed in 5 years unless changes in legislation, statutory guidance or other factors dictate that the Strategy should be reviewed at an earlier date.

6.0 Liability

6.0 Principles of Assigning Liability

It is the intention of Part 2A that the appropriate person, ideally the 'polluter', pays for the cost of remediation, as a result of voluntary or formal action.

The Council will carry out inspections and assessments as set out in Chapter 5. It will then decide whether the land is statutory contaminated land and decide whose responsibility it is for managing the contamination.

As part of the process of determining that land is contaminated land the Council will have identified at least one significant pollutant linkage resulting from the presence of at least one significant pollutant: land may be declared contaminated upon the identification of one significant contaminant linkage. Full liability, therefore, cannot be decided until all significant contaminant linkages have been identified. Only then can the procedure relating to the apportionment of liability commence.

The apportionment of liability has five distinct stages as follows:

- Identifying potential appropriate persons and liability groups
- Characterising remediation actions
- Attributing responsibility to liability groups
- Excluding members of liability groups
- Apportioning liability between members of liability group

These procedures are complex and will be undertaken in accordance with the statutory guidance.

6.1 Identifying Liable Parties

The Council is responsible for identifying relevant parties who are obligated to undertake remedial works.

The legal liability for remediating contaminated land follows a hierarchy: in the first instance the person caused the contamination would be liable, for example the original operator of the site or a subsequent developer who built houses on the land. If these parties cannot be found or no longer exist then liability passes to the current landowner. In some cases this might be the owner-resident of the site.

All appropriate persons with responsibility for any one linkage are a 'liability group'. These may be Class A or Class B persons.

Appropriate persons – Class A

These are generally the polluters who caused the contamination in the first place but also include persons who 'knowingly permitted' the contamination. This includes developers who leave contamination on a site which subsequently results in the land being determined as contaminated.

Appropriate persons – Class B

Where no Class A person has been identified, liability reverts to the owner or occupier of the land. These are Class B persons, who were not responsible for causing the original pollution. Class B parties are only liable for remediation of contamination within the boundaries of their property and cannot be held liable for any pollution of controlled waters.

The Council will make all reasonable enquiries to identify the Class A persons before liability reverts to the current owner or occupier.

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

6.2 Orphan Sites and Orphan Linkages

A situation may arise where there is at least one significant contaminant linkage at a site and there is no Class A or Class B person found. Then the site would be termed an "orphan site" and the enforcing authority would bear responsibility for carrying out remediation of the land and bearing the cost of that remediation.

6.3 Apportionment of Costs

Usually, the members of a liability group will have the total costs falling on the group as a whole apportioned between them. It may also be necessary to apportion the costs between liability groups. The Council will have regard to the Statutory Guidance in the application of the exclusion and apportionment tests.

6.4 Special Sites

The Council and the Environment Agency can both identify potential 'Special Sites' but a site cannot be designated a Special Site until the Council determines it as 'Contaminated Land'.

If the Council requests an inspection of a potential Special Site, the Environment Agency will prioritise this site alongside its other potential Special Site inspection requests.

Once the Council is satisfied that a site has been determined as Contaminated Land and designated a Special Site, the Council will notify the Environment Agency of this fact in writing. If the Agency disagrees on the designation, it must notify the Council of that fact in writing within 21 days.

In cases where the Environment Agency and the Council disagree the matter will be referred to the Secretary of State who may confirm or reverse the Council's decision with respect to all or part of the land. The Council will, in all cases, consult with the Environment Agency prior to giving formal notice.

If the Agency agrees or fails to inform the Council within 21 days, then the land will be designated a Special Site. The responsibility of securing remediation then passes to the Environment Agency although the Council must complete the formal notification process. This will involve the Council also notifying the owner, occupier and appropriate person with respect to that site or land.

7.0 Remediation

7.0 Purpose

Once the land has been identified as contaminated land and the relevant persons have been notified, a process of consultation begins to determine what remediation is required on that land.

The aim of remediation is to remove or take measures to remedy the identified significant contaminant linkages, or permanently to disrupt them to ensure they are no longer significant and that risks are reduced to an acceptable level, where the land would no longer qualify as contaminated land. Where this is not achievable, consideration should be given to remediation to a lesser standard to minimise risks as far as possible.

7.1 Definition of Remediation

Remediation is defined in s78A of the Environmental Protection Act 1990 as:

- a) The doing of anything for the purpose of assessing the condition of –
 - (i) The contaminated land in question;
 - (ii) Any controlled waters affected by that land; or
 - (iii) Any land adjoining or adjacent to that land;
- b) The doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land or waters for the purpose-
 - (i) Of preventing, or minimising, or remedying or mitigating the effects of, any significant harm, or any significant pollution of controlled waters, by reason of which the contaminated land is such land; or
 - (ii) Of restoring the land or waters to their former state; or
- c) The making of subsequent inspections from time to time for the purpose of keeping under review the condition of the land or waters.

7.2 Remediation Notices

Following determination of contaminated land in its area, the Council has a duty to serve a remediation notice on the appropriate person(s) following a three month consultation period unless there are no viable remedial options, voluntary remediation is being or will be undertaken without the need for a notice, or there is a need for urgent action where there is imminent risk of serious harm. In considering whether the requirement to undertake the remediation is reasonable, the Council will consider:

- a) The practicability, effectiveness and durability of remediation including whether it is feasible for the appropriate person to complete the remediation specified within the timescale given, and whether this will remain a robust and effective solution for a sufficient length of time;
- b) The health and environmental impacts of the chosen remedial options including whether there are any direct or indirect health effects to workers or people affected by the works, or potential for damage to the countryside, protected building and other sites of importance caused by the work;
- c) The financial cost which is likely to be involved at all stages of the process including preparation, remediation, monitoring, maintenance and value of the land; and
- d) The benefits of remediation with regard to the seriousness of the harm or pollution of controlled waters in question including increased land value following remediation and the likelihood of an occurrence or recurrence of pollution.

A remediation notice must specify what remediation is required and the timescales in which this must be done. When considering what remedial action is required, the Council will consult other regulatory bodies and have due regard for relevant technical guidance provided by regulatory, professional or technical organisations or act on the advice of a suitably qualified practitioner employed for that purpose.

A remediation declaration must be prepared in situations where the Council itself has caused or knowingly permitted the land to become contaminated land and is responsible for its remediation.

In accordance with the requirements of s78R of the Environmental Protection Act 1990, a copy of any remediation notices or remediation declarations prepared will be placed on the public register.

If new information comes to light that alters the extent of remediation required or an alternative remediation scheme is proposed by the responsible person, it is possible to revise or revoke all or part of the notice.

7.3 Voluntary Remediation

The Council actively encourages voluntary remediation and will work with the appropriate person(s) during the consultation period to secure the informal remediation of contaminated land without the need for a formal notice.

Where voluntary remediation is considered appropriate, a remediation statement will be used in place of a notice to record the nature and extent of remediation required, the person responsible for the remediation and the delivery timescales. In accordance with the requirements of s78R of the Environmental Protection Act 1990, a copy of the remediation statement will be placed on a public register.

7.4 Financial Considerations

The cost of remediation of contaminated land can be considerable. The cost of remediation must be reasonable and proportionate to the seriousness of the harm or pollution to controlled waters. When considering the reasonableness of costs, the Council will take into consideration:

- a) Preparation costs including feasibility studies, remedial design and management
- b) Remediation costs including making good afterwards
- c) Land management costs including on-going monitoring and maintenance
- d) Relevant disruption costs
- e) Financial value and utility of the land as a result of remediation and who this affects.

The identity or financial standing of the appropriate person is not relevant when considering the remediation actions, although they may be relevant in deciding whether the cost of remediation can be imposed on such persons.

In making any cost recovery decision, the Council will have regard to the following principles:

- The authority should aim for an overall result which is fair and equitable as possible to all who may have to meet the costs of remediation, including national and local taxpayers; and
- The 'polluter pays' principle, by virtue of which the costs of remediating pollution are to be borne by the polluter. The local authority should therefore consider the degree and nature of responsibility of the Appropriate Person for creation, or continued existence, of the circumstances, which lead to the land in question being identified as contaminated land.

In general, this will mean that the Council will seek to recover, in full, its reasonable costs unless it waives or reduces the recovery of costs to:

- Avoid any hardship which the recovery may cause to the appropriate person; or
- To reflect one or more of the specific considerations set out in the Statutory Guidance.

7.5 Appeal Procedure

Remediation notices served by the Council will contain information on the right to appeal. The appeal period is twenty one days from service of the notice and any appeals must be made to the Secretary of State who could quash the notice or confirm it with or without modification.

7.6 Offences

Any person failing to comply with the requirements of a remediation notice is guilty of an offence and may be fined following successful prosecution.

7.7 Remediation by the Local Authority

If the Council considers that serving a remediation notice would not result in the remediation happening soon enough, it may decide to carry out the remediation itself. This may happen where:

- urgent action is required
- no appropriate person can be found (“orphan sites”)
- where persons are excluded on the grounds of hardship
- where persons responsible are in default of a remediation notice
- where an arrangement has been made whereby the council carries out the remediation on behalf of appropriate persons.

Urgent remediation will occur where the Council is satisfied that there is imminent danger of serious harm or serious pollution of controlled waters or serious harm attributable to radioactivity being caused as a result a significant pollutant linkage that has been identified. In all appropriate cases the Council will seek to recover costs of remediation works it has completed.

8.0 Liaison and Communication

8.0 Internal communication

Before any site is determined as contaminated land, relevant departments within the Council will be consulted for their views and a brief will be produced to inform senior management and Legal Services. Elected members, in whose area the site is located, will also be informed of the proposed statutory determination.

Members of the Cabinet will also be informed at the earliest opportunity of any plans to determine Council owned land where the Council might be considered the Appropriate Person and liable for remediation costs.

8.1 Communication with other statutory bodies

As a local authority, the Council is the primary regulator for dealing with land which is affected by contamination. The Environment Agency, as the national environmental regulatory body, complements this role and thus it is important for both organisations to exchange and rely on information from each other. The Council will provide information to the Environment Agency as necessary to fulfil its duties under the contaminated land regime.

The Council will contact the Environment Agency on designation of a site as contaminated land and whenever a remediation notice, statement or declaration is issued or agreed.

The Environment Agency is also required to report annually to the Secretary of State on the state of contaminated land in England and Wales. This includes:

- A summary of local authority inspection strategies, including progress and effectiveness;
- The amount of identified contaminated land and the nature of contamination; and

- Measures taken to remediate contaminated land.

The Council will provide information, upon request, to the Environment Agency to allow it to fulfil its reporting obligations to the Secretary of State.

When considering determination of a potentially contaminated site, the Council will engage in consultation with any other organisations that might have an interest in the site or that might be able to provide help and assistance. Such organisations include other affected Local Authorities, Public Health England, the Foods Standards Agency (FSA), the HSE and DEFRA.

8.2 Communication with Stakeholders

The Council aims to proceed with the process of investigating sites in a transparent and open manner. It will act to keep interested parties informed and updated regarding progress with the site inspection, as required by the statutory guidance.

The Council is required to follow the procedures detailed in the statutory guidance when considering determination of a site as contaminated land. When requiring remediation of a contaminated site, the regulations provide an incentive for voluntary action. Also, voluntary remediation is often more likely to achieve a higher level of improvement in comparison to the minimum that can be statutorily required.

The Council will, therefore, seek voluntary action wherever possible, only considering subsequent enforcement action if voluntary action is refused or considered unlikely to satisfactorily remediate the site.

8.3 Risk communication

Reference should be made to the publication *Communicating Understanding of Contaminated Land Risks - SNIFFER (May 2010)*. The Council will be involved in the assessment of risks associated with contaminated land and ensuring that unacceptable risks from contamination are appropriately managed.

Hence, there is a need to carefully assess how to anticipate and respond to the concerns, anxieties and expectations that may arise in response to land contamination. It is not possible or practical to eliminate each and every risk, i.e. it is not practical or financially viable to remove all risks from contamination, and in some cases, it is not technically possible to do so. However, public perception and concerns are very real and should be addressed seriously and with sensitivity as part of the risk management programme.

Managing the potential conflict around the risk issues requires attention to the content of risk information, and to the appropriate procedures at relevant stages in the decision making process. The procedures should address the following:

- The need for two-way communication;
- Transparency to create trust in the regulatory role; and
- Openness to enhance the legitimacy of the overall process to the stakeholder.

Risk communication should include the overall rationale and methods behind the assessment and management process. Risk communication for a site should be flexible in terms of procedures and reflect the content and history around a particular contaminated site.

8.4 Consultation on the Inspection Strategy

Consultation on the original 'Contaminated Land Inspection Strategy (2001)' occurred with Council members, the Parish Councils, other Council departments, relevant organisations and the public. This included the Oxfordshire County Council, DEFRA, Environment Agency, English Heritage, English Nature, Food Standards Agency, HSE (Appendix A).

9.0 Information Management

9.0 Maintaining a Public Register of Contaminated Land

The Council maintains a Public Register of Contaminated Land. This is a written record of any determination that particular land is contaminated. The public register will include information on the land after determination of the land as Contaminated Land, including all data and information used to support the designation of the land as contaminated land – this can be found online at

<https://www.cherwell.gov.uk/info/7/environment/464/contaminated-land>

9.1 Data Storage and Requests for Access to Information

Information obtained and collated under this strategy is stored in both spreadsheet and GIS-based software. Records are also logged on the Council's information database (Idox). The Council regularly receives requests for information on contaminated land. Most of these requests are in relation to land/property purchase and transfer.

The Council is subject to the requirements of the Environmental Information Regulations 2004, the Freedom of Information Act 2000, the Data Protection Act 2018 and General Data Protection Regulations. The Council will make most of the information held by it relating to potentially contaminated land available in the public domain unless there is a good and legally valid reason not to do this.

Note that while records will be made freely available for inspection, it may not always be possible to provide or allow copies of this information because of copyright restrictions, or further copyright restrictions might apply to documents made available. There are occasional circumstances where information pertaining to land condition may be deemed commercially confidential (such as under the regulations governing environmental permitting (Environmental Permitting Regulations (England and Wales) Regulations 2016 (as amended)) and thus not made generally available. Information that if available would be prejudicial to national security or where disclosure might prejudice future legal proceedings will also be restricted.

The Council is aware that information on land contamination is a sensitive issue, as it can often contain terms and descriptions that are emotive, which if incorrectly handled would give rise to concern and blight. The Council can be contacted to provide advice and assistance with information of contamination.

The Council may make a reasonable charge for the supply of information, and for significant efforts to retrieve data.

9.2 Access to the Public Register

The public register will be made available free of charge at the Regulatory Services offices of the Council during office hours. Whilst it is not a requirement that an

appointment is made, the availability of staff competent to answer any matters that may arise from inspection of the register cannot be guaranteed without prior notification.

9.3 Information to be withheld from the Public Register

As outlined in section 9.2, under certain circumstances the Council may not or cannot place information on the public register (or release in response to other requests). Circumstances where information is withheld include:

- a) where it is in the interests of national security; and
- b) where this is commercially confidential, or
- c) where data is subject to the Data Protection Act 2018 and the General Data Protection Regulations.

Where information has been excluded from the public register for reasons of commercial confidentiality, a statement will be included on the register to indicate this.

9.4 Response to enquiries

All enquiries relating to contaminated land will be logged in Idox within the Environmental Protection Team. An initial response to the enquiry will normally be conveyed within 20 working days, except where pollution incidents are occurring during normal working hours, in which case it will be responded to on the same day.

9.5 Environmental Information Regulations

Requests for information are routinely received which will be responded to within 10 working days of receipt. An hourly charge will be made for the supply of the information in accordance with the Council's fees and charges. Where the Council must refuse a request for any of the reasons stated in the Regulations it will provide details of the reasons in writing.

The Council responds to specific written requests for information held by the authority on contamination, historic land uses and site investigation data. A disclaimer is added to the written response, making it clear that the information provided is to the best of the Council's knowledge, information and belief at that time.

This is consistent with the Environmental Information Regulations 2004. However, circumstances do exist where information is deemed confidential and will not be disclosed.

9.6 Complaints

From time to time the Council may receive a complaint relating to land contamination from a member of the public, business or community group. Interested residents may also voluntarily supply information relating to the condition of land that is not directly affecting them, their families or their properties. These complaints or acts of information provision have the potential to impact on the approach to inspection and so the procedures to be adopted are set out below.

A complaint regarding the quality of land will be dealt with as follows:

All complainants may expect:

- their complaint to be logged and recorded in the Council's database
- to be contacted by an officer regarding their complaint
- to be kept informed of progress towards resolution of the problem

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

- i. proof of a viable pollutant linkage before any formal designation as contaminated land is permissible, which might only be possible with detailed investigation.
- ii. prior consultation with interested parties before designation as contaminated land.
- iii. a minimum of a three-month period between designation and serving of a remediation notice.
- iv. 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 ii) and iii) to be waived in extreme cases, but not conditions i) and iv).

All complainants will be asked to supply their names and addresses and, if appropriate, the address giving rise to the complaint. The identity of the complainant will remain confidential. The only circumstance in which this information might be made public would be in the case of a remediation notice being appealed in a court of law and an adverse effect on the complainant's health was an important reason for the original contaminated land determination. If a person or organisation provides information relating to land quality, which is not directly affecting their own health, the health of their families or their property, this will not be treated as a complaint. The information supplied will be recorded in the Council's database, allowing officers to exercise professional judgement as to which legislative regime or regulatory actions are best placed to facilitate resolution of the issue. Complaints and enquiries relating to Contaminated Land or land affected by contamination will be considered by the Environmental Protection Team. There is no statutory obligation for the Council to keep the person or organisation informed of progress towards resolution, although it may choose to do so as a matter of good practice.

References

1. Environmental Protection Act 1990 Part 2A
2. Department for Environment, Food and Rural Affairs: Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance April 2012
3. Environment Agency, Model Procedures for the Management of Land Contamination, Contaminated Land Report 11
4. Cherwell Local Plan 2011 – 2031 Part 1
5. Cherwell District Council Enforcement Policy September 2014

Glossary

Appropriate Person	Defined in Section 78A(9) as 'Any person who is an appropriate person, determined in accordance with Section 78F, to bear responsibility for anything which is to be done by way of remediation in any particular case'.
Brownfield Site/Land	A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environmental contamination. Only a small proportion of brownfield sites will meet the definition of 'Contaminated Land'.
Contaminated Land	Any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reasons of substances in, on or under the land that: (a) significant harm is being caused or there is a significant possibility of significant harm being caused; or (b) pollution of controlled waters is being or is likely to be caused.
Controlled Waters	These include: (a) inland waters (rivers, streams, underground streams, canals, lakes, reservoirs); (b) groundwaters (any water contained in underground strata, wells or boreholes); (c) territorial waters (the sea within three miles of a baseline); and (d) coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the fresh water limit).
ConSEPT	Contaminated Site Evaluation and prioritisation Tool – Software which provides initial screening of potentially contaminated sites within a GIS environment.
Controlled Waters	These include inland waters (river, streams, underground streams, canals, lakes and reservoirs) groundwaters (any water contained in underground strata, wells or boreholes) territorial waters (the sea within three miles of a baseline) coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the fresh water limit)
DEFRA	Department of Environment, Food and Rural affairs
Environment Agency	a non-departmental public body, sponsored by the UK government's Department for Environment, Food and Rural Affairs (DEFRA), with responsibilities relating to the protection and enhancement of the environment in England.

GIS	Geographical Information System
Hardship	Where an appropriate person can demonstrate that carrying out a remediation action would cause him/her 'hardship', the Council will assess whether it is appropriate to require that person to carry out the remediation.
Pathway	One or more routes by which a receptor can be exposed to a contaminant
Pollutant linkage	The relationship between a contaminant, a pathway and a receptor
Ramsar site	A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed
Receptor	Sometimes referred to as 'the target' - the health of a person, waters, ecosystem or property type that could be affected by contamination
Remediation	Generally accepted as being the carrying out of works to prevent or minimise effects of contamination. In the case of this legislation the term also encompasses assessment of the condition of land, and subsequent monitoring of the land
Remediation Action	Any individual thing which is being, or is to be done by way of remediation
Risk	The combined effect of the probability and consequence of a defined hazard, or the probability of exposure to harm
Risk Assessment	The study of the probability, or frequency, of a hazard occurring; and the magnitude of the consequences
Special Site	Any contaminated land designated due to the presence of: Waste acid tar lagoons, Oil refining, Explosives, Integrated pollution control sites, Nuclear sites
Site investigation	The process of undertaking investigation on land to determine the condition of that land. The staged approach usually includes a desk study including a review of historical data and a site reconnaissance, and an intrusive investigation which includes trial pitting or drilling works, soil sampling, risk assessment and remediation works.

Appendix A

List of Consultees

1. Oxfordshire County Council
2. English Heritage
3. Natural England
4. Environment Agency
5. Food Standards Agency
6. Health & Safety Executive
7. West Oxfordshire District Council (2026)

Appendix B

TABLE A – CATEGORIES OF SIGNIFICANT HARM	
Type of receptor	Description of harm to that type of receptor that is to be regarded as significant harm.
Human beings	Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions. For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned. In this chapter, this description of significant harm is referred to as a "human health effect".
Any ecological system, or living organism forming part of such a system, within a location which is part - an area notified as an area of special scientific interest under Section 28 of the Wildlife and Countryside Act 1981; - any land declared a national nature reserve under Section 35 of that Act; - any area designated as a marine nature reserve under Section 36 of that Act; - an area of special protection for birds, established under Section 3 of that Act; - any European Site within the meaning of Regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994 (i.e. Special Areas of Conservation and Special Protection Areas); - any candidate Special Areas of Conservation or potential Special Protection Areas given equivalent protection; - any habitat or site afforded policy protection under paragraph 13 of the Planning Policy Guidance Note 9 (PPG9) on nature conservation (i.e. candidate Special Areas of Conservation potential Special Protection Areas and listed Ramsar	For any protected location: - harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or - harm which affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. In addition, in the case of a protected location which is a European Site (or a candidate Special Area of Conservation or a potential Special Protection Area), harm which is incompatible with the favourable conservation status of natural habitats at that location or species typically found there. In determining what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the Conservation (Natural Habitats etc) Regulations 1994. In this Chapter, this description of significant harm is referred to as an "ecological system effect".

TABLE A – CATEGORIES OF SIGNIFICANT HARM	
Type of receptor	Description of harm to that type of receptor that is to be regarded as significant harm.
sites); or - any nature reserve established under Section 21 of the National Parks and Access to the Countryside Act 1949.; or - any National Park designated under the National Parks (Scotland) Act 2000.	
Property in the form of: - crops, including timber. - produce grown domestically, or on allotments, for consumption; - livestock; - other owned or domesticated animals; - wild animals which are the subject of shooting or fishing rights.	For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage. The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a pollutant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss. In this chapter, this description of significant harm is referred to as an "animal or crop effect".
Property in the form of buildings For this purpose, "building" means "any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building".	Structural failure, substantial damaged or substantial interference with any right of occupation. For this purpose, the local authority should regard substantial damage or substantial interference as occurring when any party of the building ceases to be capable of being used for the purpose for which it is or was intended. Additionally, in the case of a scheduled Ancient Monument, substantial damage should be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by

TABLE A – CATEGORIES OF SIGNIFICANT HARM	
Type of receptor	Description of harm to that type of receptor that is to be regarded as significant harm.
	reason of which the monument was scheduled. In this chapter, this description of significant harm is referred to as a "building effect".

TABLE B SIGNIFICANT POSSIBILITY OF SIGNIFICANT HARM	
Descriptions of Significant Harm	Conditions for There Being a Significant Possibility of Significant Harm
Human health effects arising from - the intake of contaminant, or - other direct bodily contact with a contaminant	If the amount of the pollutant in the pollutant linkage in question: - which a human receptor in that linkage might take in, or - as a result of the pathway in that linkage, would represent an unacceptable intake or direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant. Such an assessment should take into account: - the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources including that from the pollutant linkage in question; - the relative contribution of the pollutant linkage in question to the likely aggregate intake of, or exposure to, the relevant substance or substances; and - the duration of intake or exposure resulting from the pollutant linkage in question. - The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience or be affected by that intake or exposure. Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathogenic, endocrine-disrupting and other similar properties.
All other human health effects (particularly by way of explosion or fire)	If the probability, or frequency, of occurrence of significant harm of that description is unacceptable, assessed on the basis of relevant information concerning: - that type of pollutant linkage, or - that type of significant harm arising from other causes. Such an assessment should take into account the levels of risk which have been judged unacceptable in other similar contexts.

TABLE B SIGNIFICANT POSSIBILITY OF SIGNIFICANT HARM	
Descriptions of Significant Harm	Conditions for There Being a Significant Possibility of Significant Harm
All ecological system effects	If significant harm of that description is more likely than not to result from the pollutant linkage in question, taking into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.
All animal and crop effects.	If significant harm of that description is more likely than not to result from the pollutant linkage in question, taking into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.
All building effects	If significant harm of that description is more likely than not to result from the pollutant linkage in question during the expected economic life of the building (or, in the case of a scheduled relevant information for that type of pollutant linkage.

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