

## SECTION 4.2

### UTILITIES/COMMUNITY DEVELOPMENT

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## SECTION 4.2 UTILITIES/COMMUNITY DEVELOPMENT

### 1. Introduction

It is essential that adequate services are available to service new development. The Local Plan seeks to co-ordinate the provision of services required for housing and employment. Such services include sewers and sewage treatment works, land drainage, water supply, gas, electricity, roads, health care facilities, schools and community facilities. The operator of each service has been consulted in order to ascertain the existing level of provision, existing problems and constraints, and the necessary works required to accommodate further growth in the locations identified in policies HOU 2 and EMP 1 as having potential for further housing and employment growth. Anglian Water considers that water supplies are adequate to meet the provisions of the Plan regarding normal domestic usage, but would need to consider in detail the needs of any proposed large water user before making any commitment.

In parishes where infrastructure constraints exist, the District Council will need to be satisfied that these can be overcome, or development can be phased in accordance with the provision of a specific service before planning consent for development is granted. The cost of providing services before development takes place will fall on the developer. Any contribution has to follow the test of reasonableness. A developer may reasonably be expected to contribute to the cost of providing new community facilities which would not be necessary but for their development. Any contribution should be directly related in scale to the benefit which the proposed development will derive from the facilities provided. The District Council will also expect within the meaning of the above that the installation of fire hydrants will be the responsibility of developers. (See also policy TRA 19 regarding turning area access for fire appliances).

#### **Policy UTL 1: Servicing of new development**

**~~Proposals for new development will only be permitted if they can be properly serviced or agreement can be reached to ensure development does not proceed in advance of services being provided.~~**

**Attention:** Please note that Local Plan policy **UTL 1** has been **discontinued** since 28<sup>th</sup> September 2007 as part of the 'saved policy' process. Applicants should now instead refer to Local Plan policies SP4 (Impact on infrastructure) and IMP 7 (Provision of infrastructure).

### 2. Sewerage

Developers provide foul sewers in connection with new development. The adoption of foul sewers and provision of sewage treatment works is the responsibility of Anglian Water Services Ltd. All major development will be required to connect to a foul sewer. Mains sewers currently serve over half of the 118 parishes in the Plan Area.

Even where parishes are sewered there may be problems with capacity or quality of effluent at the sewage treatment works and with the pipe capacity of the sewers themselves. This can pose a constraint on further development. The cost of overcoming any particular problem will be generally met through the charging provisions of the 1993 Water Act.

New development will not be permitted (as outlined in Circular 3/99) unless foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. The Environment Agency looks to the Local Planning Authority to discourage the proliferation of small private package sewage treatment plants and other types of discharge direct to watercourses within sewered areas. In unsewered parts of the District, small private package treatment plants will be encouraged in preference to septic tank drainage. Parts of the District, due to underlying sub-soil conditions or topography are not suitable for septic tank drainage. Additionally, for septic tanks, plots need to be of sufficient size to provide an adequate sub-soil drainage system. This is necessary in order to ensure that inadequate dilution of effluents and pollution of ground and surface waters will not result from the proposed development.

**Policy UTL 2: Sewerage**

~~Where mains sewerage is not available, planning permission for new development will only be granted where the Local Planning Authority is satisfied that in consultation with the Environment Agency, adequate foul drainage arrangements can be made.~~

**Attention:** Please note that Local Plan policy **UTL 2** has been **discontinued** since 28<sup>th</sup> September 2007 as part of the 'saved policy' process. Applicants should now instead refer to Local Plan policies SP 4 (Impact on infrastructure) and IMP 7 (Provision of infrastructure).

### 3. Water resources

The District Council and the Environment Agency (EA) are concerned that new developments and changes of use should not have direct or indirect detrimental effects on the quantity and quality of ground water and surface water. In addition to the requirement that new developments be properly serviced or agreements reached to ensure their provision as set in policy UTL 1, and those dealing specifically with land drainage, flood protection and surface water discharges from development in the following section, the District Council will protect water resources where it is considered that demonstrable harm would result from the effects of abstraction. In terms of quantity, unless water abstraction sites are carefully situated they can have a significant effect on the nature conservation value of wetlands, rivers and river flows. As such it is important that new housing and industrial sites are identified without the need for additional abstraction which would harm wetland sites of conservation importance. Groundwater reserves are an invaluable source for public water supply, industry and agriculture, and also sustain the base flows in rivers. It is better to prevent or reduce the risk of groundwater contamination than to deal with the difficult, expensive and sometimes impossible task of its eradication. Surface water supplies are also put to a variety of uses, and statutory water quality objectives are being introduced which the EA will have a duty to meet. The EA has published an Aquifer Protection Policy to minimise the risks of contamination of underground water resources from the effects of development. The EA will not grant discharge consents where a proposed discharge is likely to cause a breach of the relevant standards.

Water abstraction can have a significant effect on wetland sites of wildlife value. It is important that where new development requires large amounts of extra water, this is done in an environmentally sustainable manner. A number of SSSIs (Sites of Special Scientific Interest) and County Wildlife Sites have particular wetland interest, in the District. These will require adequate protection from abstraction.

**Policy UTL 3: Water resources**

~~Proposals for new development and changes of use will not be permitted if they would cause demonstrable harm to the quantity and quality of ground or surface water.~~

**Attention:** Please note that Local Plan policy **UTL 3** has been **discontinued** since 28<sup>th</sup> September 2007 as part of the ‘saved policy’ process. Applicants should now instead refer to Local Plan policies SP 4 (Impact on infrastructure) and IMP 7 (Provision of infrastructure).

#### 4. Land drainage and flood protection

The removal of surface water is an important consideration in any development. Development proposals that involve new buildings and areas of hard surfaces may give rise to problems of surface water disposal. The District Council expects that all development proposals will make adequate provision for surface water disposal. Soakaways, sustainable drainage systems (SuDS), suitable outfalls and the use of ditches can provide measures, depending on the size, type and location of development, for the satisfactory disposal of surface water.

**Policy UTL 4: Surface water drainage**

~~Planning permission for development will not be granted unless measures are included for the disposal of surface water so as not to increase flood risk, cause water pollution or prejudice recreational and nature conservation interests.~~

**Attention:** Please note that Local Plan policy **UTL 4** has been **discontinued** since 28<sup>th</sup> September 2007 as part of the ‘saved policy’ process. Applicants should now instead refer to Local Plan policies SP 4 (Impact on infrastructure) and IMP 7 (Provision of infrastructure).

The Environment Agency will be consulted on planning applications, especially those for development in areas of flood risk (as shown indicatively on the Proposals Map, flood risk information taken from the Environment Agencies own flood risk maps), matters of flood protection, compensatory works and regulatory matters. The District Council will also consult Anglian Water and the Internal Drainage Boards on proposals affecting their interests.

River valleys and flood plains need to be protected from development to maintain their water management function to preserve their landscape quality (policies in the “Protection of Environmental Assets” section seek to maintain the second aspect), and to ensure that development and its occupiers are not affected by flooding. Proposals within flood risk areas will be expected to show a clear need for the development to take place in the floodplain, either by virtue of their use (e.g. boathouse) or because other material planning considerations indicate that it is the most appropriate location. As required by Circular 30/92 “Development and Flood Risk” the Proposals Map shows areas which are potentially at risk from flooding, where policy UTL 5 will apply.

**Policy UTL 5: Development and flood risk**

~~Within those areas defined on the Proposals Map as being at risk from flooding, development, including proposals involving raising of land, will not be permitted unless flood protection and mitigation measures are proposed and carried out as part of the development.~~

**Attention:** Please note that Local Plan policy **UTL 5** has been **discontinued** since 28<sup>th</sup> September 2007 as part of the ‘saved policy’ process. Applicants should now instead refer to national planning policy statement PPS25 (Development and flood risk).

Mitigation measures will be required to balance any adverse impacts. Developers will need to convince the Council, in consultation with the EA, that measures proposed are sufficient to mitigate the flood risk to an acceptable level. The granting of planning consent does not remove the need to obtain relevant statutory consents/licences from the EA (such as applications for consent to culvert existing water courses) for which implications for the aquatic environment will need to be assessed.

There is concern that new development should not have an adverse effect on the nature conservation and recreational aspects of rivers and other water areas. It is intended that such interests should be provided for by policies UTL 3, ENV 14, LEI 11, 12 and BAW 1.

## 5. Electricity/gas/telecommunications

Electricity supply is well established in all the locations considered for further growth. Eastern Electricity is able to supply all new developments subject to the provision of substations and necessary diversions. When responding to a consultation relating to a Statutory Undertaking for electricity development the District Council’s response will remain fully committed to the environmental objectives of the Plan, as well as its statutory requirements.

There are only a limited number of parishes within the Plan Area which are supplied by gas. The feasibility of supplying new areas with gas is regularly reassessed by British Gas, although it only becomes economically viable when associated with large scale development.

British Telecom does not envisage problems in supplying the areas allocated for new residential and employment development in the Local Plan.

In terms of telecommunications, no problems are envisaged in supplying the Local Plan’s allocations for new residential and employment development. The Council recognises that they are becoming an increasing and integral part of the national and local economies. New technology is being rapidly developed, and the Council acknowledges that the planning system should seek to encourage rather than restrain this development. The District Council’s overall approach will be to facilitate the growth of new and existing telecommunications systems while remaining fully committed to its environmental objectives. This will include statutory requirements and relevant policies for preserving or enhancing the character or appearance of Conservation Areas and Listed Buildings as covered in policies IMP 11 - 18 and for sites of nature conservation interest and archaeological sites as covered by policies ENV 11, 12, 13 and 14 for the former and ENV 9 for the latter.

**Policy UTL 6: Major telecommunications facilities and electricity pylon lines**

**Permission for development for telecommunications facilities, including masts and antennas, will be granted provided that:**

- i) The proposal would not cause demonstrable visual harm; or, if such harm is unavoidable:**
- ii) There are no practicable alternative sites which would be less visually harmful; and**
- iii) It can be demonstrated that the shared use of existing buildings, masts or other structures for the siting of antennas is not practicable.**

**Conditions may be imposed to ensure that, as soon as reasonably practicable after the development is no longer required for the telecommunications purposes, the site is restored to its condition before the development took place.**

**These considerations will also guide the Council's response to consultation on proposals for new electricity pylon lines.**

Applicants submitting proposals for major telecommunications facilities (includes all proposals which do not amount to permitted development, or which are subject to "prior approval" procedures) must submit evidence that they have explored the possibility of erecting antennae on an existing building (such as a water tower), in accordance with Planning Policy Guidance Note (PPG) 8 "Telecommunications" (August 2001). The test of "no demonstrable visual harm" referred to in the policy applies throughout the District and includes those areas that are the subject of local landscape designations and those in the Norwich Area where "inappropriate development" (see glossary for definition) would not otherwise be permitted.

The District Council may ensure that development proposals are permitted subject to a condition that any apparatus or structure provided in accordance with that permission shall be removed from the land, building or structure on which it is situated as soon as reasonably practicable after it is no longer required for telecommunication purposes and that the site be restored to its condition before the development took place.

**Policy UTL 7: Development by code system operators**

**Where a code system operator proposes minor telecommunications development, prior approval procedures will be invoked wherever necessary to ensure that, subject to practicability, the siting, colour and design of the development minimises its visual impact.**

**In the interests of preserving or enhancing the character or appearance of conservation areas, proposed telephone and other telecommunications cables should, where practicable, be placed underground or be routed so as to minimise their visual impact.**

The District Council will welcome pre-application discussions with code system operators with regard to minor telecommunications facilities (which includes all proposals which amount to permitted development, or which are subject to "prior approval") in order to avoid the need to invoke prior approval procedures. Where the Council is concerned

about the visual and / or the amenity impact of a proposal it may, as described in paragraphs 17 - 21 of PPG 8, use its powers to remove permitted development rights, serve an article 4 direction or to require details of the siting, appearance and the proposals relationship with the network prior to approval. Redundant facilities will be expected to be removed from the site by the operator within a specified time period arrived at in consultation with the District Council by virtue of a planning condition or legal agreement as appropriate.

Some smaller telecommunications equipment (for example, satellite dishes) enjoy permitted development rights under the General Development Order, except with regard to Listed Buildings when Listed Building Consent will be required and, dependent on size and location, in Conservation Areas.

## 6. Education

The existence and capacity of school facilities is an important factor when assessing the potential of settlements for future residential development. The County Education Officer's comments have been sought on the existing level of provision in the schools in the Plan Area, and their capacity to accommodate additional numbers of children.

The District Council will continue its present policy to liaise with the County Council to establish the need for new school facilities to accommodate the children from new residential development. The Council will seek contributions towards the cost of improvements to schools or provision of new schools where these are required as a result of new development. Any contribution has to follow the test of reasonableness as defined by Circular 1/97 - 'Planning Obligations'.

### **Policy UTL 8: Contributions to schools**

**Where proposals for development would create a direct need for additional educational facilities, planning conditions will be imposed or developer contributions sought (in accordance with Circular 1/97) to secure provision of the necessary additional facilities on or off site.**

The above policy is intended to address deficiencies in service provision arising from development proposals. The District Council has identified its preferred development locations (see ENV 7, HOU 2) and will continue to consult the County Council, as Education Authority, as to whether proposed developments would result in a service deficiency and thus require a developer contribution as outlined in the above policy. The most appropriate time to finalise potential contributions is during the negotiations associated with a submitted planning application. The following table only gives a broad indication of the works required in settlements with defined Development Limits (being the District Council's preferred locations for development). Development proposals in other locations that are adjudged to create a service deficiency will require an appropriate developer contribution

Where a new school is required as a result of the new development, developers may be required to accommodate a site within the new housing areas.

SETTLEMENTS	POTENTIAL EDUCATIONAL IMPROVEMENTS
Chedgrave	Contributions towards alterations or extensions of existing facilities
Costessey	New facilities provision and contributions towards alterations or extensions of existing facilities
Cringleford	New facilities provision and contributions towards alterations or extensions of existing facilities
Diss	Contributions towards alterations or extensions of existing facilities
Easton	Contributions towards alterations or extensions of existing facilities
Harleston (Maps 80A + B)	Contributions towards alterations or extensions of existing facilities
Hethersett	Contributions towards alterations or extensions of existing facilities
Long Stratton	Contributions towards alterations or extensions of existing facilities
Poringland	New facilities provision and contributions towards alterations or extensions of existing facilities
Trowse w Newton	Contributions towards alterations or extensions of existing facilities
Wymondham (inc. Spooner Row)	Contributions towards alterations or extensions of existing facilities

## 7. Community facilities

Village halls, libraries, community centres and other similar buildings are important facilities for local communities offering opportunities for social and recreational activities. It is important that they are available to serve the expanded communities that will be created by the new residential areas proposed in this Plan. Villages considered suitable for development will be expected to possess a range of shops, schools, workplaces and places of entertainment to a level considered appropriate for its size and scale, or be sufficiently close to the City of Norwich, or larger towns, for such facilities to be readily accessible on foot, bicycle or by public transport. The facilities in some settlements are inadequate to serve the existing population and new facilities or an extension to existing facilities will be required in connection with new development. The District Council will liaise closely with Parish Councils and other local organisations to establish what new or extended facilities are required and will seek to achieve an appropriate provision of facilities in order to address the nature and extent of the shortfall that the development is likely to bring about, in accordance with the guidance contained in Annex B of Circular 1/97 (separate policy provisions apply to recreational open space see Leisure chapter). Where childcare facilities are provided it will be important to ensure that such facilities are in safe locations for children, and do not result in loss of neighbour amenity or in traffic problems.

### **Policy UTL 9: Childcare facilities**

**Planning permission will be granted for crèche, nursery and similar childcare facilities provided:**

- i) There is no material detrimental affect on the amenities of neighbouring property,**
- ii) Adequate parking and access is provided,**
- iii) The site is accessible to residential areas.**

Developers will be required to make a contribution towards the cost of extending existing community facilities or providing new ones. Where new premises are required, developers may be required to accommodate a site for such uses within the new housing areas. Further details are given in Part Two of the Plan.

**Policy UTL 10: Contributions to recreation and community facilities**

**Where proposals for development would create a direct need for additional recreational and/or community facilities, planning conditions will be imposed or developer contributions sought (in accordance with Circular 1/97) to secure provision of the necessary additional facilities on or off site.**

Areas of significant new housing development will also increase pressures for the development of new health care facilities, the provision of which will involve liaison between the District Council and the relevant health authority. The Council will give favourable consideration to the provision of such facilities.

**Policy UTL 11: Healthcare facilities**

~~The District Council will give favourable consideration to the development of new and improved non-residential health care facilities in development boundaries where it is demonstrated that a need exists subject to the following:~~

- ~~i) There is no material detrimental effect on the amenities of neighbouring property,~~
- ~~ii) Adequate servicing, access and parking requirements are provided on site for staff, visitors and people with mobility problems,~~
- ~~iii) The scale, massing, design, materials and colour of materials used are acceptable to the District Council,~~
- ~~iv) There is no material detrimental impact on the locality.~~

In relation to criteria on ii) 'adequate' means sufficient to meet the relevant highway standards.

**Attention:** Please note that Local Plan policy **UTL 11** has been **discontinued** since 28<sup>th</sup> September 2007 as part of the 'saved policy' process. Applicants should now instead refer to Local Plan policies IMP 1 (Design), IMP 8 (Safe and free flow of traffic), IMP 9 (Residential amenity), and national planning policy statement PPS 1 (Delivering sustainable developments).

## 8. Hazardous installations

The area covered by the Local Plan contains a number of installations handling hazardous substances, including high pressure natural gas transmission pipelines. Whilst they are subject to stringent controls under existing health and safety legislation, it is considered prudent to control the kinds of development permitted in the vicinity of these installations. In determining whether or not to grant consent for a proposed development on land which is in the vicinity of one of these installations, the District Council will assess, in consultation with the Environment Agency and the Health and Safety Executive, the level of additional risk public risk created by the development.

Under the present system of controls over hazardous development within the vicinity of hazardous installations, the activities and substances (and quantities) to which the above statements apply are outlined in Circular 11/92.

Where applications are made for a proposed hazardous development, the District Council will expect the submission of an Environmental Impact Statement under the provisions of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988, dependent on the scale of development proposed.

**Policy UTL 12: Hazardous installations and underground pipelines**

**Planning permission will not be granted for development on, or in the vicinity of, hazardous installations including high pressure gas and oil pipelines and similar pipeline installations, as shown on the Proposals Map, unless the development would not give rise to additional public risk.**

Please note that hazardous installation consultation zones are shown on the Proposals Map but high pressure gas and oil pipelines are not.

Policy UTL 15 relates directly to the implications of contaminated land.

## 9. Renewable energy

It is both the European Community's and the British Government's policy to encourage the development of renewable energy. The use of renewable energy will contribute to limiting emissions of 'greenhouse gases', the gases which cause global warming. Sources can be varied and will require differing areas of consideration. For example wind turbines will require noise emission, visual dominance, shadow flicker, reflected light and electromagnetic disturbance factors to be taken into account. Farmers are again growing fuelwood as a commercial crop, for use in power stations or to meet local heat and electricity needs. Energy crop production involves growing willow or poplar, harvesting the wood regularly (by coppicing), clipping it and burning it. The District Council will consider the potential benefits of renewable energy proposals against their impact on areas designated for their archaeological, historic and/or landscape importance as described in policies ENV 1 to 7, ENV 11 - 14, IMP 11 -18 and whether they constitute "inappropriate development" (see glossary for definition) within the Norwich Policy Area. The advice in Planning Policy Guidance Note (PPG) 7 "Countryside – Environmental Quality and Economic and Social Development" (February 1997) paragraphs 4.2 to 4.6 are of particular relevance to proposals within or that affect the Broads Area. The District Council has prepared Supplementary Planning Guidance outlining developer requirements for the consideration of the landscape and visual impact of wind turbine development proposals. Copies are available on request from the Planning Policy Section. For all renewable energy proposals, the environmental effects of transmission lines between the development and its connection point with the National Grid will require consideration.

Planning Policy Guidance Note (PPG) 12 "Development Plans" (December 1999) has specifically guided local authorities to consider energy conservation and climate change in development plans. Planning policy can contribute to this by adopting the following aims:

1. To reduce energy demand where it is influenced by land use and development
2. To maximise the opportunities for the supply of renewable energy and combined heat and power (CHP) generation
3. To develop 'robust' low energy patterns and forms of development, for example, those which can use renewable energy and ambient solar power.

**Policy UTL 13: Renewable energy**

**Planning permission will be granted for renewable energy projects, provided that the benefits of exploiting the renewable resource in the national interest are not outweighed by demonstrable harm to the locality in terms of:**

- i) Visual intrusion,**
- ii) Pollution from noise, vibration, smell, fumes, smoke, ash, or the treatment and disposal of waste,**
- iii) The safe and free flow of traffic.**

**In areas designated for their archaeological, historic or landscape quality, special consideration will be given to the compatibility of the proposals with the features that such designations are intended to protect.**

**In areas adjacent to the Broads Area, conservation of the natural beauty of the countryside and of its wildlife and cultural heritage will be given particular weight, and regard will also be had to the economic and social well being of local communities. Major development will not be permitted save in exceptional circumstances.**

## 10. Waste management

The District Council is a waste collection authority and under the Environmental Protection Act (1990) has a duty to produce a recycling plan, which sets out the Council's aims and targets for recycling. The District Council will actively promote waste reduction, reuse, recycling and composting, in line with the Government's Waste Strategy (2000) for England and Wales, with the aim of meeting the following targets/standards:

1. To reduce the amount of waste produced in the District
2. To recycle or compost at least 30% of household waste by the year 2005/6
3. To meet the targets set out in the Council's Best Value Performance Plan (BVPP) e.g. kg of waste collected per head of population, tonnes of waste collected per household that was recycled, percentage of population served by a kerbside collection of recyclables and total tonnage of household waste arisings -percentage recycled. Further indicators can be found in the Council's BVPP.

The general need to reduce and recycle waste is becoming an increasingly important one, if the UK is to meet the targets for waste reduction set by Government in its move towards a more sustainable society. The District Council, given its recycling plan and the environmental objectives of the Plan, will encourage developers to ensure effective measures for the storage, collection and re-cycling of waste likely to be generated by development. Developers and Planners need to consider the possible re-cycling and re-use of existing building materials in order to minimise the unnecessary disposal of potentially reusable material. Where development would create additional waste (e.g. large employment or manufacturing premises, estate scale housing estates) the District Council, in considering whether to grant permission, may seek to impose through conditions that developer contributions will be sought (in accordance with the advice in Circular 1/97) towards the provision of the necessary facilities on or off site. This may involve provision of waste collection points and / or mini recycling centres. Further advice on the requirements for storage and collection of waste and Recycling Centres via section 106 agreements can be found in Supplementary Planning Guidance available from the District.

**Policy UTL 14: Waste collection and recycling**

**Development will not be permitted unless due provision is made to facilitate the storage, collection and recycling of waste likely to be generated by the development concerned. Planning conditions will be imposed or developer contributions sought (in accordance with Circular 1/97) towards the provision of the necessary facilities on or off site.**

**11. Contaminated land**

The Environment Act (1995) introduces new provisions dealing with the remediation of contaminated land. The Act also created an Environment Agency for England and Wales which became operational from 1 April 1996. The Act transfers to the Agency the functions of the National Rivers Authority (NRA), the Waste Regulation Authority (WRA) and Her Majesty's Inspectorate of Pollution (HMIP).

Where it is known or strongly suspected that a site is contaminated to a level that would adversely affect the proposed development or infringe on statutory requirements, the developer will be expected to investigate the hazards and produce proposals indicating the necessary remedial measures required to deal with the hazards. This will normally be required before the application can be determined by the District Council. Remediation as defined in the Act, includes not only works to restore the land to its former state, but also steps to assess the condition of the land and other land or water affected by it and the making of periodic inspections after works have been completed.

In other cases, particularly where there is only a suspicion that the site might be contaminated, or where evidence suggests that there may only be slight contamination, planning permissions may be granted but conditions will be attached to make it clear that development will not be permitted to start until a site investigation and assessment has been carried out. In addition planning conditions will need to ensure that the development itself will incorporate all the measures shown in the assessment to be necessary. Conditions may also be imposed that require the developer to draw to the attention of the District Council the presence of significant unsuspected contamination encountered during development.

**Policy UTL 15: Contaminated land**

**Planning permission will not be granted for the development of land which is known to be, or suspected of being, contaminated unless the developer has first investigated the matter and ensured that proposals take into account such contamination as may be identified, and incorporate necessary remediation measures.**

