



Letting waste sites: an insight into Network Rail policy

UK

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RICS practice information, UK

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RICS standards framework

RICS' standards setting is governed and overseen by the Standards and Regulation Board (SRB). The SRB's aims are to operate in the public interest, and to develop the technical and ethical competence of the profession and its ability to deliver ethical practice to high standards globally.

The RICS [Rules of Conduct](#) set high-level professional requirements for the global chartered surveying profession. These are supported by more detailed standards and information relating to professional conduct and technical competency.

The SRB focuses on the conduct and competence of RICS members, to set standards that are proportionate, in the public interest and based on risk. Its approach is to foster a supportive atmosphere that encourages a strong, diverse, inclusive, effective and sustainable surveying profession.

As well as developing its own standards, RICS works collaboratively with other bodies at a national and international level to develop documents relevant to professional practice, such as cross-sector guidance, codes and standards. The application of these collaborative documents by RICS members will be defined either within the document itself or in associated RICS-published documents.

Document definitions

Document type	Definition
RICS professional standards	Set requirements or expectations for RICS members and regulated firms about how they provide services or the outcomes of their actions. RICS professional standards are principles-based and focused on outcomes and good practice. Any requirements included set a baseline expectation for competent delivery or ethical behaviour. They include practices and behaviours intended to protect clients and other stakeholders, as well as ensuring their reasonable expectations of ethics, integrity, technical competence and diligence are met. Members must comply with an RICS professional standard. They may include: • mandatory requirements, which use the word 'must' and must be complied with, and/or • recommended best practice, which uses the word 'should'. It is recognised that there may be acceptable alternatives to best practice that achieve the same or a better outcome. In regulatory or disciplinary proceedings, RICS will take into account relevant professional standards when deciding whether an RICS member or regulated firm acted appropriately and with reasonable competence. It is also likely that during any legal proceedings a judge, adjudicator or equivalent will take RICS professional standards into account.
RICS practice information	Information to support the practice, knowledge and performance of RICS members and regulated firms, and the demand for professional services. Practice information includes definitions, processes, toolkits, checklists, insights, research and technical information or advice. It also includes documents that aim to provide common benchmarks or approaches across a sector to help build efficient and consistent practice. This information is not mandatory and does not set requirements for RICS members or make explicit recommendations.

Glossary

Term	Definition
Absolute covenant	A bar on alterations, assigning or subleasing, preventing a tenant from making any changes to the asset.
Alienation	Transferring the ownership of property rights; that is, assigning the lease to another tenant or subleasing to another tenant.
Assignment	The transfer of a lease from one tenant to another.
Competent environmental professional	A person or entity who is suitably qualified with specialist knowledge and experience in the waste sector to undertake the baseline audit and all follow-up audits, alongside inspections. The Institute of Environmental Management and Assessment (IEMA) and Chartered Institution of Wastes Management (CIWM) are useful sources of suitable auditors.
Compliance assessment report	To assess compliance with an environmental permit. It records the findings of site inspections, audits, monitoring activities and data reporting. It is used to notify any permit breaches and highlight any issues pertaining to the site and the permit.
Contracted-out lease	A lease for business premises contracted out of Part 2 of the Landlord and Tenant Act 1954 . Under this, a tenant loses the automatic right to renew and entitlement to statutory compensation at the end of the lease term. Note: this does not apply in Scotland or Northern Ireland.
Demised premises	Premises that have been granted by a lease.

Term	Definition
Dilapidations	Works that a lease requires the tenant to perform during and at the end of the term, to restore the premises to the condition in which they were let.
Environmental management plan (EMP)	Plan identifying the key environmental issues across a project that details the strategies for managing them effectively.
Environmental permit (waste), or equivalent in the devolved nations	Permit required by the environmental regulator in the respective nation if a business is carrying out a waste operation, whether using, recycling, treating, storing or disposing of waste materials. A permit is required for each site. Permits were previously referred to as waste management licences. Note that, for the purpose of this paper, the definition of permit also includes exemptions, which apply if a business use does not need a permit for a waste operation. An exemption has to be registered with the regulator, which can also advise whether or not a permit is required.
Landfill tax or equivalent	An environment tax paid on top of normal landfill rates by any company, local authority or other organisation that wishes to dispose of waste this way. It may vary slightly for each of the UK nations, given different legislation and rates.
Qualified covenant	This permits a tenant to make changes to an asset, with the landlord's prior written consent.
Regulator	The environmental regulator in each UK nation. They all aim to protect and enhance the environment by setting rules and requirements.
Schedule of condition	A document that records the condition and state of repair of land and property at the time of leasing to a tenant.
Subletting	A tenant sublets land and property to a subtenant, but the subtenant does not have a direct rental agreement with the landlord.

1 Introduction

Given the growing demand for sites suitable for waste-related activity, landlords and tenants already leasing property for this purpose or considering doing so should be aware of the associated risks. Although the sector is heavily regulated, abandoned materials on site represent a particular risk for both landlords and tenants.

1.1 Regulatory context

There are different regulators in each of the UK nations, but they all issue environmental permits for any site where waste-related activity takes place. The term environmental permit not only includes all equivalents in the different nations, but also exemptions registered with the respective regulator. The regulator can advise whether or not a permit is required.

The regulation that applies to waste sites also depends where in the UK they are. The relevant legislation in England and Wales for instance is the [Waste Enforcement \(England and Wales\) Regulations](#) 2018, which add sections 59ZB and 59ZC to the [Environmental Protection Act](#) 1990.

The 2018 Regulations authorise regulators the Environment Agency (EA) and Natural Resources Wales (NRW) as well as local authorities to serve a notice on the occupier of land to remove any unlawfully deposited waste, or waste that was initially lawfully deposited in accordance with a permit or an exemption under the [Environmental Permitting \(England and Wales\) Regulations](#) 2016. An exemption applies to small-scale waste operations deemed to pose a lower environmental risk.

Scotland has a separate regulator, the [Scottish Environment Protection Agency](#) (SEPA). As in England and Wales, section 33 of the 1990 Act prohibits the unauthorised deposit, treatment or disposal of waste. It is also a criminal offence to deposit waste or knowingly cause or permit it to be deposited in or on any land unless there is a valid waste management licence.

The position in Northern Ireland is slightly different to that in Great Britain. Part III of the [Waste and Contaminated Land \(Northern Ireland\) Order](#) 1997, which sets out the principle that the polluter pays, has not yet come into force. Therefore, the potential for a landlord to face liability for waste or other contamination is much greater in Northern Ireland.

Landlords should be fully aware of the risks they take when leasing sites for waste-related activities. They could be liable for knowingly permitting a waste operation as well as any clean-up and restoration if the tenant has absconded or cannot pay the costs.

They may also be liable for breaching the duty of care under section 34 of the 1990 Act or equivalent legislation for Scotland and Northern Ireland. Section 34 of the 1990 Act provides, among other things, that persons who keep almost any type of waste have a duty to take all reasonable measures to prevent its escape from their control.

While it would be unusual for EA or NRW to bring a prosecution based solely on section 34, they occasionally add a breach of that section to prosecutions for waste under other legislation. It is also possible for a landlord to face a civil claim for the escape of waste on to or contamination of third-party lands.

When acting as an agent for a landlord or tenant, therefore, surveyors are expected to gain sufficient understanding of the relevant legislation and regulation, as well as the particular environmental permits and exemption registrations. Operators should note that the regulator does not fully protect landowners; neither should they expect the regulator to clear the site of any waste abandoned by a tenant.

The regulators offer plenty of information on permitted activity, for instance in the [EA registers](#), and there is a [register of exempt activity](#) for professionals in the sector. Note that these sources are not always current, and professionals should seek to verify information. Regulators also provide pertinent information both for the public and landlords. For example, an [EA video](#) shows how to protect your land from fly-tippers.

Where regulators request documentation, this should not be an issue for a compliant operator, and this insight paper can be used to inform tenants of the rationale for such requests. Taking England as an example, the waste sector is issued proportionally more permits than others by the EA. Waste management activities requiring permits include waste treatment, landfill, biowaste handling and energy from waste. Advice on when permits are required in England [is offered by the EA](#), and there are equivalents among the devolved nations.

Most of the regulated sites are well run; however, permit compliance in this sector still needs significant improvement, as the EA report [Regulating for people, the environment and growth, 2018](#) shows.

- There were 140 persistently poorly managed sites. Any poorly managed site can harm the environment, affect local communities and threaten legitimate businesses by disposing of waste cheaply and recklessly.
- There were 533 serious pollution incidents, such as illegal sites and fly-tipping. To reduce the number of these, all businesses must be vigilant and take action.
- EA prosecutions resulted in courts fining businesses and individuals a total of £2.8m for environmental offences. It also issued 236 enforcement notices and administered 38 formal cautions. Waste crime and those perpetrating it can also be subject to action from the agency and partners such as local authorities, HMRC, the police and the Joint Unit for Waste Crime. This action can include vehicle seizures and asset confiscation.

In the financial year 2018/19, the EA:

- stopped illegal waste activity at 912 sites and
- found 896 new illegal waste sites.

Illegal waste activities were the single biggest source of pollution incidents in 2018. This included illegal waste sites and fly-tipping, which can cause pollution, attract vermin and be

costly for landowners to clear up. Waste criminals and rogue operators that illegally dump or export waste also harm the environment and local communities, while taxpayers can end up footing the bill for cleaning up sites.

The [Independent review into serious and organised crime in the waste sector](#), published in 2018, outlined how the sector is vulnerable to infiltration by serious or organised criminal networks. It is therefore imperative that landowners and land agents carry out due diligence on any prospective tenant intending to undertake waste-related activity on their land, and to ensure that there is an appropriate auditing and inspection regime in place for the whole duration of the tenant's occupation.

The EA dealt with 204 incidents of illegal large-scale dumping in 2018/19. These incidents can do considerable harm to legitimate businesses and the welfare of the community, as well as deterring redevelopment and economic growth.

Businesses involved in waste shipment must ensure that this is managed in an environmentally responsible way. For instance, waste is often deliberately misdescribed as recyclable materials. The EA inspected 926 containers in 2018/19 that were categorised this way, with 236 being returned to their site of loading. In doing so it prevented the illegal export of 12,690 tonnes of unsuitable waste. If it had been shipped and the UK had been required to repatriate it, the cost of transport as well as fines imposed by the regulator would have been an estimated £1.1m.

1.2 Network Rail framework

Network Rail took a strategic decision in 2016 to proactively manage the risk of disruption to operations and protect itself from potential exposure to cost liabilities. It developed a strategy that focuses on sites near railway lines being used for activities such as waste management, storage, processing, recycling and car breaking, as scrapyards, or for moving or storing materials such as scrap metal or chemicals.

Network Rail uses this framework to improve management of its waste-related sites and help minimise risks for itself and tenants alike, as well as supporting continued enhancement of infrastructure for recycling and reusing waste. The company defines waste sites as land that is leased for any waste-related use, or any use that involves bringing waste on or off site.

The framework was communicated in a letter to tenants of such sites across the UK. They responded positively, with most agreeing to Network Rail's terms for a new, dedicated waste lease. As standard commercial leases can be impractical when it comes to governing and managing waste-related operations, a more tailored waste lease can enable landlords and investors to have greater control over their sites. It also enables a closer working relationship between the landlord and the tenant.

Where necessary, tenants have also accepted recommendations to improve the way they operate. They cooperate with surveyors and consultants to implement regular site inspections and audits, which are now commonplace. Open communication between the parties has been key to creating a positive working relationship.

1.3 Aims of this paper

This paper relates to all waste management property with the exception of landfill sites, and can benefit RICS members operating and advising in the waste-related sector. It outlines Network Rail Property's framework to help other landlords and tenants across the UK that have or are considering letting property for waste-related activities. It also covers suitable ways to deal with waste and similar materials on site.

Parts of Network Rail's approach may not be appropriate in other circumstances, depending on whether the surveyor's client is a landlord or tenant. Applicability will need to be assessed on a case-by-case basis by surveyors using reasonable judgement. The scale of waste-related activities will also determine what is appropriate.

RICS members should note that they have a general duty of care in the waste sector, so they should always seek legal advice at an early stage where appropriate. They will also need to assess risk, consider use of contractual terms and have appropriate professional indemnity insurance (PII) in place in line with relevant RICS information.

The best-practice approach taken by Network Rail outlined in this paper should enable landlords and tenants to enter into informed lease agreements for waste-related activity sites. This paper promotes an active, risk-based approach to the management of such sites and underlines the need for strong and supportive landlord-tenant relationships. This means that each party understands their responsibilities at the outset of lease discussions. A general appreciation of landlord and tenant expectations should also help minimise exposure to legal liability.

The following three sections outline Network Rail's best-practice approach. Surveyors should note that waste-related sites must also adhere to the wider regulatory regime for the industry.

- **Corporate policy on managing waste-related sites** (section 2): this provides a clear and consistent approach to waste-related sites for Network Rail and tenants, setting a structured auditing and inspection regime.
- **Waste lease terms and legal liabilities** (section 3): this sets out Network Rail's guidance for agreeing commercial leases with tenants for waste-related sites, offering a consistent approach to waste lease terms, as well as illustrating some of the legal liabilities that remain.
- **Management guidelines** (section 4): these are included in the commercial lease and act as a service-level agreement (SLA) to ensure Network Rail and its tenants alike demonstrate industry best practice and behaviours throughout the term of occupation.

2 Corporate policy on managing waste-related sites

Network Rail's corporate policy for waste-related sites is communicated to all tenants through public channels. Smaller landlords could take a similar approach to promoting their policy, but may prefer a corporate statement or letter to all tenants.

The policy confirms that new tenants will agree to the inclusion of Network Rail's site management guidelines (see section 4) in their leases, by which they will be bound. Tenants carrying out waste-related activities on leased sites are also obliged to comply with all relevant regulatory documents. The term 'compliance obligations', referred to in the UKAS-accredited [ISO 14001: 2015 Environmental management systems – Requirements with guidance for use](#), is used in the guidelines to cover all statutory, contractual and voluntary obligations.

The policy covers:

- the definition of waste tenants and activities
- applications for new lettings
- managing existing tenants
- managing vacant sites and
- the auditing and inspection regime.

2.1 Definition of waste tenants and activities

Any tenant that requires an environmental permit from the regulator to operate its business from the premises can be defined as a waste tenant. At Network Rail, the policy clarifies any restrictions on particular uses for waste-related sites, including those set by statutory waste exemptions or permits, and any uses that pose a threat to the railways or the general public.

Network Rail advises tenants on the aims of the policy, as well as highlighting the protection it affords the landlord and any potential financial implications of imposing it. In the event that the tenant does not comply with the policy it is given a reasonable opportunity to do so, unless there are signs of obvious damage to the environment. In such instances, the relevant regulator is notified, and it will usually order the tenant to cease operation by revoking or suspending its permit, although more stringent action can also be taken. If tenant activity does not stop, Network Rail may consider taking legal advice on whether to terminate the lease.

Responsibility for any reasonable costs to employ environmental consultants, lawyers, security firms and other professionals is negotiated and agreed between parties at the

outset of the lease, by way of contingency should a tenant demonstrably breach its conditions. Tenants that consistently breach the policy may decide to cease trading, dissolve the company or simply vacate the site. This does occur in the wider waste sector, albeit rarely; where it does, the landlord's costs may not always be reimbursed.

2.2 Applications for new lettings

Network Rail's policy details the process tenants must follow to apply for new lettings. The process is tailored to the size and nature of a prospective tenant.

A full due diligence and risk assessment is carried out to assess and verify the following.

- The trading and reputational history of the applicant company and any affiliates, including the directors, are reviewed. Any previous company names and formerly affiliated companies that may have been dissolved or left dormant are also reviewed. Directors are individually checked for any previous convictions or banning orders, or any regulatory, HMRC or similar tests.
- The applicant details its business, including certified financial accounts from any previous trading history under the same or former identity.
- The applicant supplies evidence of its compliance with permits and any other relevant consents or exemption documentation. It also provides information on its current permit and permit limits, or offers evidence where a permit exemption applies. The applicant confirms vehicle movements and limits to types and tonnage of material along with any planning conditions, including business hours. Network Rail confirms that the applicant is on the regulator's public register, for example, the [EA's public register](#).
- The applicant's historic permits and performance measures, including available compliance assessment reports (CARs), are reviewed and deemed appropriate.
- The applicant provides details of any measures it is taking to fulfil any local authority or governing body contract and associated SLAs. All such information is verified.
- The applicant's references and testimonials, including those from previous landlords, are checked.
- The applicant provides evidence of suitable financial standing and provision of guarantors or bonds at an appropriate level. Network Rail confirms that bank accounts are traceable and that assets are listed, verifying if possible that the tenant is owned directly rather than by a third party. Applicants confirm that relevant insurances are in place and at the correct level.
- Network Rail also confirms the applicant's accreditations, competence and qualifications to recommended industrial standards. The tenant should also have appointed a senior employee as an appropriately trained person who is responsible for compliance. Training records are provided and need to be shown to be fully up to date with industry standards and guidelines.
- Where appropriate and subject to availability, the environmental management plan (EMP) is provided for review and verification. An EMP specifies which environmental obligations

apply to the operations and how they will be fulfilled, managed and reported. In some cases, an environmental consultant advises on this because EMPs are usually site-specific documents.

Responsibility for any reasonable costs incurred during the above process is also agreed with an incoming tenant at the outset.

Network Rail then uses a scoring matrix to determine the risk rating of a prospective tenant. The criteria for each risk rating is agreed as part of the policy; these will vary depending on the advice from environmental consultants.

2.2.1 Baseline audit

As part of the application process, Network Rail also commissions a baseline audit from a competent environmental consultant. This is provided to a prospective tenant so it can assess the property's suitability for the proposed use. The audit includes an environmental assessment, which the tenant requires so as to limit its liability under contamination and dilapidations clauses in the lease.

The findings of the baseline audit are acknowledged in writing by Network Rail and the tenant before the site is occupied. The audit is primarily an environmental assessment, and depending on the site is intrusive, non-intrusive or both. The resultant report:

- formally verifies a tenant's application, recording, for example, details of the permit, previous trading history and director performance
- specifies a tonnage limit and the length of time materials should be stored on site, where appropriate
- specifies what kind of materials are not permitted on site
- outlines the current condition of the site itself
- states what, if any, contaminants are in evidence and
- refers to any government environmental exemptions or permits required to operate the site.

The baseline audit acts as a schedule of condition that informs all parties about the state of the site when the lease commences. Any land contamination then caused by a tenant's operations, including the risk of contaminating neighbouring lands or nearby watercourses, is recorded and measured against the baseline audit. This supports risk management and helps protect both Network Rail and its tenants from liability.

The audit also sets a risk rating for the tenant that informs the subsequent auditing and inspection regime during occupation.

Commercial negotiations determine which party will bear the cost for the baseline audit, and this helps minimise risk. Any additional work and costs relating to a tenant's proposed occupation, including any further due diligence and consultancy work necessary, is made clear at the outset where feasible, and the party responsible for paying is also subject to commercial negotiation.

2.3 Managing existing tenants

2.3.1 Compliance

The policy outlines a process for managing existing tenants at lease renewal or termination. Network Rail confirms whether existing tenants comply with the policy, and where they do not they must take measures to do so before they are offered a new lease.

2.3.2 Assignment or subletting

There may be circumstances where, for legal reasons, a landlord cannot object to an application to assign or sublet a site. The onus is then on the landlord to prove that the application is risky.

Network Rail therefore seeks legal assistance to consider all issues thoroughly where a tenant applies to assign or sublet a site to an assignee:

- of a lesser financial standing
- with a history of non-compliance, or regulatory or statutory breaches, or
- with a poor trading history, or none at all.

2.3.3 Site use

Where a tenant proposes to intensify or change the use of a site – for example, by increasing the tonnage limit for waste – this may require a modification to their environmental permit to reflect the associated risks. The landlord is advised to consult the regulator or a qualified environmental consultant with suitable expertise in this field to ensure any changes are appropriate.

In considering whether a proposed modification would affect site risk, Network Rail reviews lease provisions relating to its consent as landlord. It will also consider whether an environmental consultant is needed to carry out due diligence on the proposal, to ascertain its suitability for the site. If it is deemed that a proposal requires material changes to the lease terms, then legal advice is taken and insurance policies checked.

2.3.4 Lease renewal

If Network Rail wishes to offer a new lease to a tenant that was in occupation before the framework was in place, it is assessed for compliance using a baseline audit. The waste lease is then set up, including the management guidelines. Where existing leases are protected by legislation, for example under Part 2 of the [Landlord and Tenant Act 1954](#) in England and Wales, the possibility of changing it to a waste lease may be restricted, and legal advice is sought at an early stage. When offering such a new lease, landlords should keep case law such as *O'May v City of London* [1983] 2 AC 726 in mind, and take necessary legal advice.

In the wider UK waste sector, there are different legal considerations. For example, in England and Wales the parties may contract out of the 1954 Act to implement a waste lease. Doing so ensures that poorly performing waste operators do not rely on sections 24–28 of

the act to force a renewal via court order against the landlord's wishes; in other words, it is easier to terminate a contracted-out lease and evict a poorly performing waste operator. It is not possible for waste-related sites to do so in Scotland, however, while in Northern Ireland leases are protected by the [Business Tenancies \(Northern Ireland\) Order 1996](#).

2.3.5 Lease termination

The policy outlines the process to follow if the lease is being terminated, whether that is the decision of Network Rail or the tenant. The process should aim to take as little time as practically possible, and it is vital that a tenant's departure from the site is managed to minimise potential risks and liabilities.

Network Rail considers it good practice for an environmental consultant to inspect and monitor the operation when it is closing down. This is to ensure a tenant vacates the site in a clean and tidy manner and leaves it in a condition fit for reletting, with no remaining stockpiles of material in situ. The site is also decontaminated as fully as possible. All environmental permits held by a tenant are surrendered to the relevant regulator, or transferred to a new tenant where feasible.

Agreement is reached with a tenant before the lease expires regarding what happens if the process of vacating the site continues beyond the end of the lease term. Any necessary remediation work can be monitored by an environmental consultant. Both landlord and tenant should seek legal and technical advice on the dilapidations schedule issued by the landlord to ensure this work is carried out appropriately.

Where a vacant site is still held under lease, there are tenant requirements until that lease expires, as well as environmental permit requirements; these will vary from case to case. Network Rail inspects the site on a periodic basis to check that these requirements are met.

If necessary, a security firm is consulted for help conducting regular site inspection and monitoring while it is vacant. In some instances, inspections need to take place out of business hours to prevent waste dumping before a tenant's departure. To ensure the site is secure, the boundary fencing must be robust and CCTV or similar systems must be in place for safety purposes. A full safety risk assessment is also completed.

2.4 Managing vacant sites

The policy sets out the way vacant sites are managed and monitored.

Waste-related sites are typically located in industrial areas, meaning vacant sites could become a target for fly-tipping. Trespass by third parties that strip vacant or even occupied property of fixtures and fittings is another potential concern. This can result in a landlord or tenant having to obtain possession of the premises if the third party refuses to leave the property.

Therefore, Network Rail aims to manage vacant sites actively, as it does occupied sites. This entails, for example, CCTV, security guards, and robust boundary fencing.

Network Rail also arranges for a safety risk assessment to inform a regular inspection regime for the vacant site. Any third parties commercially contracted, such as security firms, are provided with copies of this assessment.

2.5 Auditing and inspection regime

The baseline audit (see subsection 2.2.1) rates risk as low, medium or high to help determine the frequency of, and level of detail for, subsequent site audits. This informs development of an inspection checklist (see subsection 2.5.2.1 and Appendix A). The higher the risk, the more frequent and detailed the audit and inspections are.

The auditing regime is reviewed and updated in line with ISO 14001: 2015. This review will identify and reflect, among other things, changes to the permit, to operations, materials or tonnage limits, to the company itself, or to its neighbours, depending on the main risks that were identified at the start.

There are also compliance and audit tools specifically for waste management sites that landlords and tenants could consider. For example, [PAS 402](#), certified by the Green Compass compliance scheme, specifically audits waste management companies. It covers many of the issues discussed in this paper, such as scope of operations, impacts and risks, corrective, preventative and improvement measures, and performance reviews.

Surveyors are advised to seek guidance from environmental consultants to ensure the correct compliance and auditing tools are being used. The aim of the ongoing inspection regime is to ensure regular checks that minimise risks to both Network Rail and its tenants.

Active and frequent reviews of the site are not to be confused with monitoring the tenant's compliance with the environmental permit and planning conditions; these are overseen separately by the regulator and local planning authority. For the purposes of this paper, the aim of the audit and inspection regime is that Network Rail takes reasonable measures to protect the property and ensure the terms of the lease are followed.

2.5.1 Audit regime

Once a tenant occupies a site on a commercial basis, periodic follow-up audits will be conducted by a qualified, competent environmental consultant with the necessary PII. They will review the tenant's activity and the condition of the site, using the baseline audit as a point of comparison.

The consultant identifies any differences from the baseline audit and makes recommendations to the tenant. The tenant should take the recommended action within a reasonable timeframe to ensure continued compliance.

The surveyor should record the following, for example, and compare them with the baseline audit:

- the types of material on site
- the volume and height of materials stored and processed on site

- the levels of contamination
- compliance with permit and planning conditions
- compliance of structures such as oil tanks with relevant regulations and
- the permitted waste capacity at the site.

An estimated cost for removing all waste and remediating any residual contamination may sometimes be required. This helps to quantify the landlord's monetary liability for any identified risk, including any insurance requirements. Any changes to the baseline audit are communicated to the relevant insurer to minimise the risk of invalidating any existing policies, such as cover for environmental damage. The risk rating is then reviewed in line with the audit's findings.

2.5.2 Inspection regime

Inspections are likewise performed by a qualified and competent professional at a frequency that depends on the baseline audit risk rating. A checklist prepared in advance is used to help identify any signs of a poorly performing or non-compliant operation on site (see subsection 2.5.2.1, and Appendix A). It is vital that any audit and inspection ensures a tenant is performing in accordance with its permit, and also that any activity on site that is exempt from a permit is authorised.

If a tenant is found not to be complying with the terms of its environmental permit, Network Rail starts working closely with the regulator, and local authority if necessary, on any investigations as soon as possible. Network Rail also reviews the lease terms to assess whether a tenant is in breach of any obligations, and takes legal advice where appropriate. The regulator, where appropriate, supports Network Rail with recommendations and takes any required enforcement action to improve compliance or ensure the tenant carries out remediation.

If a tenant is not fully complying with its permit or is failing to adhere to any exemptions, planning conditions, lease terms or management guidelines, it is obliged to rectify the situation under close supervision as soon as possible.

2.5.2.1 Inspection checklist for surveyors and site managers

Network Rail's typical checklist calls for an extensive list of observations (see [Appendix A](#)). It guides the surveyor or site manager to observe the following in particular.

- Materials are clearly labelled and separated.
- The length of time materials have been kept on site is monitored with photographic evidence, with the appropriate time based on advice from an environmental consultant.
- Any obvious signs of vermin and pests are recorded.
- An appropriate fire procedure is in place, including but not limited to a prevention plan.
- The relevant assessment for wastes stored has been carried out under the [Control of Substances Hazardous to Health \(COSHH\) Regulations 2002](#).

- An emergency response plan is in place.
- Any materials stored above the height set in the permit or planning permission are identified.
- Any obvious signs of spilled chemicals or oil are noted.
- Chemicals are kept in separate containers.
- Any risks from neighbouring properties and the way they are used are identified.
- The site is secure and visible to the general public.
- CCTV surveillance is in operation.
- Plant, machinery and buildings are maintained to a good standard.
- There are no bad odours.
- There is a drainage system to keep the site clean and to separate foul water.
- A copy of the permits, consents and licences have been received for review, including the most recent compliance assessment reports.
- Copies of complaint, incident, accident and pollution records and waste transfer notes have been received. These records should all be stored in one place.
- Robust checks show that the tenant is performing in line with its permit.

Following this audit, landlords should seek appropriate advice to ensure that tenants take any necessary and proportionate remedial action. Landlords should protect the long-term condition of their site as far as reasonably possible from contamination, whether intentional or unintentional, caused by tenant activities.

The auditing and inspection regime continues after the site has been vacated, when it remains crucial to have a robust monitoring system in place.

2.5.2.2 Record-keeping and reporting

A clear record is kept of all information about a tenant and the site in a continuously updated file. This includes due diligence, audits, lease, inspections, copies of all versions of relevant permits and any planning conditions. A good working relationship is fostered with the respective regulators, local authorities, security companies and any other relevant parties, so they may be called on at any time to verify that records are up to date.

When waste activities result in pollution or environmental incidents such as fires, then emergency plans can be implemented to protect the land and the local community. Network Rail's emergency response plans, for example, ensure the following as far as is feasible:

- all parties are aware of the location of surface and foul drains
- an appropriate response is in place for oil and chemical spills
- there is good access to water supply for firefighting and
- all parties are familiar with restrictions such as overhead cables that could affect access for emergency vehicles, and emergency services are apprised of these.

If an illegal waste operation is discovered or suspected on site, Network Rail notifies the regulator and police immediately to restrict and control access until it is deemed safe to enter and investigate. No one acting on behalf of Network Rail approaches the site; neither do they attempt to take any action there.

It should be noted that an illegal waste site could be structurally unsafe; for instance, dumped spoil could apply pressure to buildings' walls and foundations, while spoil dumped in the open air is unsafe to walk on as it can collapse on to neighbouring property or public paths and roads. There may also be asbestos fibres or harmful chemicals present, or deposited materials that could increase fire risk.

Network Rail continues to work with the relevant authorities such as the police, environmental regulator, local authorities and the Health and Safety Executive (HSE) where necessary to remediate unsafe sites and protect the general public and neighbours, for however long is required.

3 Waste lease terms and legal liabilities

Once a suitable tenant has been identified or an existing tenant has been offered a new lease, and appropriate due diligence checks have been made, a tailored waste lease is used; a standard commercial lease does not address all issues pertaining to an industrial tenant.

Landlords should note, however, that the lease does not completely absolve them of liability under the general duty of care and common law, and the cases in subsection 3.2 give some indication of the associated risks.

3.1 Key waste lease terms for tenants

Network Rail includes the following key terms in all its leases. It does not depart from these unless there is a legal or commercial reason to do so.

3.1.1 Length of lease

The lease length aims to reflect the permitted use and the financial strength of a tenant. Shorter leases are considered for a small or subsidiary waste operator that is likely to be financially weaker. This allows Network Rail to manage risk and maintain a degree of control, and terminate the lease if the operator fails to comply. A balance needs to be struck so the lease length is favourable to both Network Rail and tenants.

3.1.2 Security of tenure

In most instances, Network Rail and a tenant agree to contract the lease out of the 1954 Act or any similar legislation so it is not automatically renewed. This enables Network Rail to consider the performance and compliance of a tenant at lease expiry.

However, a tenant may want the option to renew, and will therefore seek a lease under the act. For many waste-related operators, the permitted site is crucial to continued business.

It is not possible to contract out of the act in Scotland and Northern Ireland, so legal advice is required on security of tenure for waste-related activities.

3.1.3 Alienation

Network Rail's policy states in what cases an alienation application can be permitted or rejected. For example, an application could be refused consent if it demonstrably breaches the policy and increases the risk of liability. Network Rail will also seek legal advice where necessary.

The alienation clause clearly defines when a tenant can assign the lease or sublet the site. There may be some situations where Network Rail must make a judgement on the specific circumstances and merits. The clause also restricts major changes in the tenant's organisation, such as replacing directors, sale to another party, or the creation or reorganisation of subsidiary companies or entities as well.

Network Rail sometimes considers including an absolute prohibition covenant against alienation, so it can prevent such changes. However, this may in practice dissuade tenants from occupying the site. Therefore, a qualifying covenant is usually acceptable if the policy makes clear what requests can be reasonably refused.

In terms of assignments and subletting, the necessary due diligence described in subsection 2.3.2 is carried out to ensure all potential assignees or subtenants present no significantly increased risk to Network Rail. The same applies to any guarantors put forward by the parties (see subsection 3.1.9). Network Rail also considers whether to restrict control over, for example, potential subletting of part of the site and the number of subtenants.

3.1.4 Alterations and additions

A qualifying covenant is likely to be the most practical way to allow a tenant to alter or add to the demised premises and benefit their business operations. If any alterations are required, it is common to seek prior written consent. A tenant should also include all information and plans detailing the proposed changes, so as to protect both parties and ensure ongoing compliance with the lease terms.

Any alterations or additions should be in line with the original permitted use, policy and management guidelines, and should comply with the environmental permit and all other consents, including any planning conditions. Network Rail ensures that all paperwork, including planning permissions and building control certificates, is reviewed as part of the audit.

3.1.5 Change of use and planning

The lease makes clear what the site's permitted use is, and obliges a tenant to keep Network Rail informed of any changes. Any intensification or change of use is checked to ensure it accords with the policy and the permitted user clause in the lease. Where any new planning permissions or changes to the existing planning conditions are required, the tenant must seek Network Rail's prior consent.

The lease ensures a tenant does not damage buildings or parts of the site that are protected by law, such as listed buildings, conservation areas or areas of high ecological importance.

3.1.6 Environmental permits and exemptions

The lease includes clauses that require a tenant to detail clearly any variations or amendments to all valid and current environmental permits pertaining to the site. This includes changes to reference numbers and any environmental exemptions registered with the regulator or other relevant statutory bodies. It also covers confirmation from such

authorities, along with records of any exempt activities. All of this helps Network Rail keep its records up to date.

As with alienation, there are also clauses in the lease requiring that a tenant formally seek landlord consent before varying the permit in any way. This clause also requires that a tenant provide Network Rail with each CAR or any other compliance review documents from the relevant statutory body, or CAR-E for exempt activities. This helps ensure the tenant complies with the permit or exemption, and raises any issues or breaches for active monitoring and management.

3.1.7 Operational performance

Network Rail can require a tenant to provide a copy of its annual monitoring report. This helps confirm ongoing compliance by monitoring performance indicators. A tenant should share as much information as possible with Network Rail to demonstrate its ongoing compliance.

3.1.8 Indemnities and insurance

An appropriate level of insurance and indemnity, including full reinstatement cost assessment where necessary, is agreed at the outset and written into the lease to cover any risks resulting from waste-related activities on site. The tenant should share documentation of its valid policy with Network Rail on request at any point during the lease term. This enables both parties to consult with a specialist broker and take out appropriate insurance against any relevant additional liabilities, such as criminality or any operational impact on neighbouring properties.

Specialist insurance policies to cover criminality are not widely available, but insurers are developing products to safeguard against waste crime and ensure cleaner, greener energy and waste processes. Advice from specialist brokers is important, particularly given that the insurance market in this area is developing rapidly.

Care should be taken to cover any impact on neighbouring properties, such as increased ventilation, fire risk or insurance costs, all of which may result in legal action. Cover is likewise required for any liabilities arising from activities where permitted waste is left on site, for instance where it exceeds authorised limits and there is ancillary contamination of neighbouring land or nearby watercourses.

3.1.9 Guarantors

In addition to the indemnities and insurance policies discussed above, Network Rail seeks suitable guarantors where possible, and these are then written into the lease. Such guarantors can include parent or subsidiary companies, as well as any directors providing a personal guarantee to cover potential liability. This section of the lease also refers to any rent deposits, bonds and relevant insurances in place. Network Rail ensures any secured assets are verified and valued as well.

3.1.10 Access and other ancillary rights

Network Rail ensures it retains the unfettered right to obtain access so it can perform inspections or spot checks, giving at least 48 hours' prior written notice other than in the event of an emergency. The aim is that all paperwork be available to review on site, and any changes to access or other rights relating to the site should be consented by Network Rail in advance.

The perimeter fence and site boundary should meanwhile be kept fully secure so materials do not breach them; any breaches should be rectified as soon as possible. If materials are kept close to the boundary then appropriate storage should be installed, and this may require planning permission.

Typically, the site plan held by the regulator or other statutory bodies will show its layout, and operations should be carried out in accordance with this. Public highways and entrances should not be obstructed by materials and equipment.

3.1.11 Costs and fees

If a lease is breached, its terms permit Network Rail to recover from the tenant the costs and fees for specialist advice from environmental consultants with waste sector expertise. The lease also sets out how these costs are incurred for auditing and monitoring purposes.

Network Rail and tenants agree at the outset what each party is liable for in terms of costs. The level of costs is to be reasonable, and a breakdown will be shared between the parties.

3.1.12 Management guidelines and SLA

An agreed set of site management guidelines is annexed to the lease (see section 4). This will take the form of an SLA or performance checklist to ensure operations are within the relevant guidelines; for instance, those pertaining to the chemical, oil, petroleum or metal industries and so on.

3.1.13 Dispute resolution

In the event of a dispute, the lease instructs that the appropriate RICS guidelines on [dispute resolution](#) are followed. Those in the wider waste sector are advised to discuss all dispute resolution options as an alternative to formal legal proceedings.

3.1.14 Termination

The lease allows forfeiture and termination as quickly as possible where necessary. This ensures risk is controlled and minimised once Network Rail has reasonable evidence that a waste site is non-compliant. In these instances, both the regulator and police are informed as soon as possible.

The use of reputable security firms to monitor activities and ensure the site is vacated in the correct manner is important. The site is then cleared of any waste along with a tenant's fixtures and fittings.

3.1.15 Break clause

In addition to standard commercial break clauses, the lease includes one specifically linked to its own terms and those of the site management guidelines.

Typically, the break clause will cover:

- any material breach of the environmental permit without satisfactory remedial action
- any material breach of the waste lease without satisfactory remedial action
- the site being subject to local authority planning and environment enforcement action with reasonable evidence
- unauthorised alienation leaving the landlord at a materially higher risk of poor performance, and
- consistent poor performance, as per site management guidelines.

3.1.16 Yielding up

The baseline audit is used as reference to ensure a tenant yields up appropriately and returns the site to Network Rail in the condition recorded. Any alterations and additions the tenant has made should be formally recorded as per the alienation and alteration clauses (see subsections 3.1.3 and [3.1.4](#)) and the audit regime updated accordingly.

The baseline audit should also be updated when the lease is renewed, assigned or subleased to ensure responsibilities are clear. Network Rail can then record and address any residual land contamination once a tenant vacates the site, and ensures any clean-up costs are passed on to the vacating party.

3.1.17 Dilapidations

The lease allows for any necessary work following vacation of the site to be paid by the tenant through a dilapidations claim made by Network Rail as the landlord.

3.2 Outstanding legal liabilities

Even once the lease is agreed, however, Network Rail remains liable for the site under the general duty of care and common law. Recent cases demonstrate that landlords may be liable for a criminal offence even if they are simply aware that a waste operation is being carried out at their site and do nothing to prevent it. Tenants should be advised of these to ensure they are up to date with case law and the impact it has on waste-related sites.

For instance, [Stone and Salhouse Norwich Ltd v Environment Agency](#) [2018] EWHC 994 Admin involved a site leased to a tenant as a waste operator, trading as Salhouse Recyclers, to recycle mattresses. The tenant, which had carried out the business at the site since 2013, had registered exemptions under the then [Environmental Permitting \(England and Wales\) Regulations](#) 2010, but was operating in breach of them.

The case went to Norwich Magistrates' Court, which found site owner Salhouse Norwich Ltd guilty. On appeal, the Administrative Court agreed that landlord and tenant had both

knowingly permitted an unlawful waste operation because they had known it was taking place and had not done anything to prevent it.

[Stone](#) was discussed in [Dewan v Fife Council](#) [2019] CSOH 5. In February 2010, Mr Dewan, the landlord, leased a site he owned in Dunfermline to two directors of a company, the tenant. In March 2011, the tenant, which stored and processed waste by shredding, registered an exemption for the storage of waste at the site. The tenant subsequently accepted waste from 38 entities, but none of this left the site. This resulted in the company exceeding its exemption. The tenant's directors were subsequently convicted of unlawfully storing waste at the site in breach of the [Environmental Protection Act](#) 1990.

Facing an estimated cost of £1m to remove and dispose of the waste, the landlord brought an action against the same local authority in March 2017 for clean-up costs on the basis that it knowingly permitted waste to be deposited at the site. The Outer House of the Court of Session rejected his argument and, in doing so, clarified the test for knowingly permitting the storage or disposal of waste under the 1990 Act.

4 Management guidelines

Network Rail's site management guidelines form part of its policy and standardised waste lease, and oblige the tenant to meet industry-wide standards and best practice.

Network Rail reviews its guidelines periodically when environmental consultants recommend, to ensure they are in line with latest regulations and respond to any relevant legislative changes. Any updates required are agreed between Network Rail and a tenant before insertion into the lease.

If any of the guidelines are breached, a tenant should be given reasonable time to rectify them under the environmental consultant's supervision. Otherwise its lease is terminated on the earliest date possible under the terms, and it has to vacate the site.

Landlords and tenants could adopt the following stipulations made by Network Rail to form a set of agreed management guidelines.

- A tenant should comply fully with all consents, permits and licences, and fulfil any conditions attached to them, in relation to its operations and the site.
- A tenant should inform the landlord immediately of any proposals to remove, revise or challenge any consents, permits and licences, including any attached conditions, and the outcome of any challenges.
- A tenant should inform the landlord of any notices served by the regulator to revoke its permit and any similar documentation.
- A tenant should appoint a senior representative in its organisation to take responsibility for environmental matters at the site, who should have the relevant qualifications and experience for the sector. Training records should be provided and shown to meet industry standards and guidelines.
- A tenant should adhere to an inspection and audit regime as set out in the waste policy and its lease.
- The landlord may request that a tenant submit returns at an agreed time, setting out the kind and volume of material it transfers to and from the site, together with estimates of stockpiled volumes.
- A tenant should ensure that drainage systems for conducting fresh and foul water are kept clear of material and remain unimpeded, and maintain a record of drainage systems for inspection. It should be noted that Network Rail commonly requests sight of tenants' specific drainage requirements and designs to ensure watercourses and the ground conditions beneath are risk-assessed.
- A tenant should have a system in place to record and act on all complaints received from third parties about its activities at the site. It will also notify the landlord of these. As a minimum, the following should be recorded:

- date and time of complaint
 - how the complaint was received
 - name and contact details of the party making the complaint
 - the nature of the complaint, including whether it is a repeat complaint
 - who recorded the complaint and
 - details of action undertaken and completed.
- A tenant should ensure appropriate storage of all waste, materials and substances in line with its permit and recommended industry standards and regulations, so as to prevent pollution of the site and surroundings. Design and specification will be required for storage.
 - A tenant should ensure operations are only carried out on site during permitted hours and any noise is within the limits set by the local authority.
 - A tenant should observe best practice in its general housekeeping.
 - A tenant should ensure any inspection reports, or any notices or orders served by regulators, the local authority or the HSE are forwarded to the landlord as soon as practically possible. It will also notify the landlord of any remedial actions required, including a response plan.
 - A tenant should notify the landlord of any incidents reportable to the HSE, including any fire and emergency incident reports.
 - A tenant should ensure materials are properly contained and stored in line with relevant regulations for [England](#), [Scotland](#), [Wales](#) and [Northern Ireland](#) on storage of chemicals, oil, petroleum and liquids.
 - A tenant should set aside an area for isolating waste that may contaminate other materials or the rest of the site. Asbestos waste, battery acid and pressurised gas bottles should be kept separate and locked away. Skips and containers should be used for the storage of any other kind of waste remaining.
 - A tenant should notify the landlord of any litigation or injury, nuisance or common law claims relating to activities on site.
 - A tenant should share with the landlord any reports prepared for insurance purposes.
 - There should also be an agreement to share and monitor certified financial information to track risk and ensure landlords are notified when a tenant is struggling, as this increases the chance of a site being abandoned. The landlord should consider the use of credit checking agencies and accountants to review and audit the tenant periodically.
 - A tenant should notify the landlord of any insolvency proceedings.

As well as promoting industry best practice, the guidelines should encourage compliance with the terms of the lease, and outline the issues landlords need to be aware of if they are to manage their assets proactively. These guidelines can be tailored to suit specific sites. They also support healthy landlord-tenant relationships.

Appendix A: Network Rail checklist for environmental issues

Site name				Site ref. no.	
Site address					
Lessee/tenant					
Description of site use					
Refer to Network Rail policy on the management of sites let for processing, recycling, storage or transfer of waste materials					
Section A: To be completed prior to the site visit					
Consents and permits					
		Yes	No	Required actions/comment	
1	Does the activity have planning consent?			If 'no', Network Rail to contact the relevant planning authority for advice	
2	Does Network Rail have copy of planning consent?			If 'no', Network Rail to be provided with this on request	
3	Does the activity have environmental permit/waste management licence (WML)?			If 'no', Network Rail to contact the relevant environmental agency for advice	
4	Does Network Rail have copy of environmental permit/WML?			If 'no', Network Rail to be provided with this on request	
5	Have any enforcement notices been issued in relation to a breach of permit/licence conditions?			If 'yes', Network Rail to contact the relevant environmental agency for advice	

6	Have any enforcement notices been issued in relation to suspension and is there a requirement to address actions detailed on the notice?			If 'yes', Network Rail to contact the relevant environmental agency for advice

Section B: To be completed during site visit

		Yes	No	Required actions/comment
On-site infrastructure/amenities				
7	Is the site fencing secure and in good repair? Are there security staff on site for 24 hours, or other 24-hour security support?			It is important for fencing to be secure to avoid litter/particulates escaping from the site and unauthorised entry. Sites having on-site security will lower risks of trespass and site damage
8	Is the site gate(s) lockable and in good repair?			It is important for gates to be secure, particularly outside operating hours to stop unauthorised entry
9	Are there signs of vandalism on site?			Note if evidence of fly-tipping, abandoned vehicles or graffiti on the site. Note if there are materials that could be used to throw at passing trains or placed on lines. Note if there is a history of theft or trespass or vandalism in the area
10	Are there material storage buildings on site?			The site may be located in a clean air zone and planning conditions may dictate that all waste materials are stored in a building
11	Are the buildings in a good state of repair?			Example: no ingress of rainwater, and the integrity of the building is secure and intact
12	Is there an oil storage tank on site?			Any oil storage tanks shall have spill protection, either located in a bunded area to contain spills, or double-skinned

13	Is there processing plant on site?			Type of processing plant shall be noted and operation shall be checked with environmental permit, i.e. permissible activity, noise levels
14	Does the site have a copy of the tenant's specific site rules?			
15	Is there suitable vehicle and delivery access?			
16	Are there safe pedestrian routes on the site?			
17	Is there parking provision for site personnel?			
18	Are there on-site height or weight restrictions?			
Waste operations				
19	Is the environmental permit/licence available on site?			The tenant shall retain a copy of the relevant permit/licence on site at all times
20	Do site staff have the relevant certificates for site operations, WAMITAB (Waste Management Industry Training and Advisory Board) or equivalent?			The operator's staff shall have the relevant certificates for site operations and be accredited through WAMITAB or equivalent
21	Are site management systems/operating procedures available on site?			A copy of the procedures shall be provided to Network Rail
22	Is there an incident/accident management plan and record on site?			A copy of the record shall be provided to Network Rail
23	Are emissions/discharges recorded and available on site?			A copy of the record shall be provided to Network Rail
24	Are waste returns/tickets available on site?			A copy of the returns/tickets shall be provided to Network Rail

25	Are there records of activities maintained on site (diary, journal)?			A copy of the records shall be provided to Network Rail
26	Are plant/equipment maintenance records kept on site?			A copy of the records shall be provided to Network Rail
27	Are materials brought to site stored in a building?			
28	Are materials brought to site stored on hardstanding (concrete/impermeable surface)?			The condition of the hardstanding shall be noted, i.e. no significant cracks or fragmentation of the surface
29	Are materials brought to site separated by category and waste types?			
30	Are the materials brought to site stored at a height greater than 5m?			Check whether this in line with the environmental permit/WML
31	Is there any evidence of fires on site?			Example: burning of material on open ground
32	Is surface water discharged to on-site drain/sump?			Note if surface drains/grilles are clear and free from debris
33	Is surface water discharged directly to watercourse or river?			If surface water is discharged to watercourse or river, does the tenant have a discharge consent? If not, contact the regulator
34	Is foul water discharged to sewer/septic tank?			
35	Are there any spillages of oil or other liquids on site?			It shall be noted if there is a river or watercourse adjacent to the site, and if the spillage is likely to cause pollution outside the site. The site shall be checked for any areas significantly stained by oil or other liquids

36	Is there litter pollution on site?			If 'yes', Network Rail shall refer to the tenant's relevant site management plan. It shall also be noted if litter is escaping the site
37	Is there mud pollution arising from activities, especially on the entrance to the site or on nearby public highways?			If 'yes', Network Rail shall refer to the tenant's relevant site management plan. Not only might mud/earth pollute waters, it can also cause accidents on highways
38	Is there odour/smell pollution either on site and especially at the perimeter of the site, or in the neighbourhood?			If 'yes', Network Rail shall refer to the tenant's relevant site management plan
39	Are site operations causing noise pollution?			If 'yes', Network Rail shall refer to the tenant's relevant site management plan
40	Are any operations causing dust pollution?			If 'yes', Network Rail shall refer to the tenant's relevant site management plan
41	Is there any evidence of pests/birds/scavengers?			If 'yes', Network Rail shall refer to the tenant's relevant site management plan
42	Are there waste deposits outside the site/on the road?			If 'yes', Network Rail shall refer to the tenant's relevant site management plan

Actions required by Network Rail

This section contains the required actions based on the findings above, and will be in line with Network Rail policy on the management of sites let for processing, recycling, storage or transfer of waste materials.

Actions required by tenant

This section contains the required actions based on the findings above. The tenant shall also refer to its planning consent and environmental permit/WML conditions.

Prepared by:

Date visited/date prepared:

Signed by tenant:

Date of next inspection:

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

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