

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

8 July 2016

To: MEMBERS OF THE STREET SCENE AND ENVIRONMENT SERVICES
ADVISORY BOARD
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Street Scene and Environment Services Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 18th July, 2016 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr M O Davis (Chairman)
Cllr D Keeley (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr Ms J A Atkinson
Cllr M A C Balfour
Cllr V M C Branson
Cllr D J Cure
Cllr Mrs T Dean
Cllr Mrs S M Hall

Cllr S M Hammond
Cllr D Markham
Cllr L J O'Toole
Cllr S C Perry
Cllr M R Rhodes
Cllr T B Shaw
Cllr Ms S V Spence

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Apologies for absence

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Declarations of interest

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

18 July 2016

Report of the Director of Planning Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 ENVIRONMENTAL HEALTH PERFORMANCE 2015-2016.

Summary

This report summarises the operational activities of the Council in relation to its statutory Environmental Health functions undertaken by the Environmental Protection Team and Food and Safety Team for 2015/16.

1.1 Background

1.1.1 The Environmental Health function is primarily concerned with protecting the public from the harm they may encounter in the wider environment, food, workplaces and with improving health. Environmental Health Officers act as advisers, educators and regulators and carry out site visits and give assistance to individual householders and businesses and to managers and workers. In certain circumstances, they take enforcement action to ensure compliance with legislation designed to protect the health of the public.

1.1.2 Two Teams work in this area:

- Food and Safety Team (FST) – responsible for the food premises inspection and food sampling programmes, health and safety in our local workplaces providing advice and guidance to employers and responding to requests for service relating to these areas; and
- Environmental Protection Team (EPT) – responsible for requests for service relating to alleged nuisances, responding to planning and licensing applications, contaminated land enquiries, proactive landfill gas and water quality monitoring and meeting the statutory requirements of the environmental permitting, local air quality management and private water supply regimes.

1.2 Food and Safety Team

1.2.1 A significant part of the work of the team is the food premises inspection programme, which includes full or partial inspections of high and medium risk food businesses and questionnaires to low-risk business. A total of 500 full or partial

inspections and 164 information gathering interventions were carried out which includes questionnaires sent to low risk premises. In addition 122 re-visits to food premises were undertaken to ensure legal contraventions had been remedied. All but four programmed interventions to high-risk food premises, that were due in 2015/16, were completed. The reasons that the businesses could not be inspected were outside the team's control and included seasonal and temporary business closures and refurbishment. Specific details of food safety interventions are shown in **[Annex 1]**.

- 1.2.2 The Council's results show that at the end of 2015/16, 96 per cent of our food businesses are broadly compliant and have achieved a rating of 3 or better in the National Food Hygiene Ratings Scheme. Full details are presented in **[Annex 2]**.
- 1.2.3 Food sampling is important to help ensure the safety of food. The Food and Safety team participated in national sampling surveys which examined the safety of salads from takeaways and self-service counters, jacket potato and sandwich fillings from catering premises and cured fish from catering establishments. In addition, samples were taken as a result of food poisoning allegations or complaints of poor hygiene and routine surveillance of a variety of food businesses. In 2015/16, officers took 178 samples and sent them for microbiological examination. Twenty six borderline and fourteen unsatisfactory results were investigated and advice given to businesses to resolve problems. Re-samples were taken where required. Further details can be found in **[Annex 3]**.
- 1.2.4 During 2015/16, a total of 241 reports of food poisoning were made and investigated when food businesses were implicated. This is a decrease of 24 reported cases on last year. Campylobacter cases continue to be the largest number of reported cases of food poisoning in the borough, with 179 cases. The incidence of salmonella was just 11 in comparison. The team provides advice to people suffering from food poisoning or food related disease and, where necessary, further investigations and sampling are undertaken with businesses that may be implicated.
- 1.2.5 Officers continue to deliver food safety and hygiene training as part of the West Kent Local Authority Training Partnership, operated in conjunction with other West Kent local authorities. This year, officers delivered 4 level 2 food hygiene courses at Tonbridge and Malling as part of the partnership arrangement, training 40 food handlers. In addition, 1 level 3 course was offered for those supervising and managing food safety with 8 delegates attending.
- 1.2.6 Thirty two visits were made as a result of accidents at work or complaints about workplaces, mostly relating to workplace transport and slips and trips.
- 1.2.7 The Food and Safety team received 124 service requests in 2015/16. These included complaints about food, food premises and the hygiene of food handlers, as well as workplace health and safety complaints. All these complaints were fully

investigated and relevant action taken. All but five service requests were responded to within the five day target.

1.2.8 **Formal Enforcement Action** – Although our aim is to provide advice and guidance to business operators in the majority of cases, in order to protect public health, it is sometimes necessary to take formal action against businesses. In 2015/16, 10 food hygiene improvement notices were served to secure compliance for offences such as lack of food hygiene training and inadequate food safety management systems. Eleven health and safety notices were also served on other businesses.

1.2.9 One business voluntarily closed for a week due to a pest infestation.

1.3 Environmental Protection Team

1.3.1 During the twelve months from 1 April 2015 to 31 March 2016, 544 requests for service were received to which the team responded to 98 per cent within 5 working days. Of that total, 140 concerned the odour from Drytec, which demonstrates a significant decrease from the previous year (739). Other issues that generated significant requests for service included noise both from domestic and licensed premises, barking dogs, bonfires, various types of accumulations and fly tipping on private land. Specific details of the types of requests received are shown in **[Annex 4]**.

1.3.2 On receipt of a complaint, letters are sent to the complainant (with diary sheets enclosed) and to the person alleged to be causing the nuisance, advising them that a complaint had been received and requesting them that if the allegation is correct to resolve the situation. In the many cases, no further communication is received by officers from either party, indicating that the initial letter to the person alleged to be source of the problem resolves the issue with no further involvement from officers.

1.3.3 On some occasions is necessary for the team to instigate formal action to protect public health. This is usually because the enforcement options, as set out in the Enforcement Policy, have been exhausted. A summary of Notices served in this year is provided in **[Annex 5]**.

1.3.4 The EPT are formally consulted by their colleagues in the Planning Service on applications received and on which the EPT make recommendation for the inclusion of conditions or “informatives” if planning permission is granted. These recommendations are intended to pre-empt and address areas of environmental concern prior to development starting and ensure that appropriate mitigation measures and/or remediation measures are addressed and implemented within the proposal to protect the quality of life for the future occupants of the development and neighbouring properties. During the year the team responded to 544 planning applications.

- 1.3.5 Under the provisions of the Licensing Act 2003, Environmental Health is a statutory consultee in respect of applications for Premises Licences and Temporary Events Notices (TENS). The team are additionally consulted on applications for Events on Open Spaces, where an event is to be held on Council owned land. During the year the team responded to 18 Premises Licence applications, 309 TENS applications and 33 applications for Events on Open Spaces.
- 1.3.6 Certain specified processes are required to obtain a 'permit to operate', under the provisions of the Environmental Permitting Regulations, which control emissions to land, air and water. Responsibility for enforcement of the regime is divided between the Environment Agency and Local Authorities. There are 45 permitted processes within the Borough covering processes which include road stone coating, dry cleaners, paint spraying and concrete batching. The standard of compliance with the permits and any conditions attached remains high.
- 1.3.7 **In December 2015**, DEFRA issued revised guidance in relation to the legislation concerning the Permitting of Small Waste Oil Burners (SWOBs). With effect from 6 April 2016, SWOBs will be regarded as Small Waste Incineration Plants under the Industrial Emissions Directive (IED). The impact of this change is that SWOBs will be regulated under the Environmental Permitting Regulations will be permitted as an A2 process and not a Part B process. This means that the control of their emissions will be subject to stricter conditions for operating, monitoring and reporting. Officers have contacted the relevant premises in the Borough and, as anticipated, the new requirements and charges have resulted in operators switching to burning non-waste fuels in their burners or to an alternative method of heating. Officers also took the opportunity to contact other premises that may have had or be considering obtaining a SWOB to update them on these changes.
- 1.3.8 The Council has an important role in protecting the public from hazards associated with contaminated land. There are three principal aspects to this role:
- identification and prioritisation of known areas of contaminated land within the Borough;
 - ensuring that, through the planning process, areas of potentially contaminated land are identified, investigated and remediated during the development process; and
 - responding to specific enquiries from potential property purchasers who have had concerns raised about potential contaminated land on their prospective property.
- 1.3.9 In 2015/16, the contaminated land inspection strategy has been reviewed and is presented in a separate item to this Board. The EPT provided 34 reports in relation to specific contaminated land enquiries, the majority from prospective property purchasers.

- 1.3.10 There are a number of private water supplies in the Borough and to safeguard the health of people consuming water from these supplies the team is required to risk assess and sample these supplies. Most occur in residential properties, although there are commercial premises that maintain a private water supply. Formal action is instigated should supplies not meet the required health standards. The most common reason for this tends to be as a result of maintenance regimes not being followed. This led to a number of notices being served, which are outlined in **[Annex 5]**.
- 1.3.11 The Local Air Quality Management (LAQM) regime requires the Council to periodically review and assess the air quality within its area. To fulfil these duties officers in the EPT monitor the air quality across the Borough using diffusion tubes and a continuous analyser located in Tonbridge High Street. The results of this monitoring are reported annually to the Department for the Environment, Food and Rural Affairs (DEFRA). They identify areas of poor air quality and may result in the declaration of Air Quality Management Areas.
- 1.3.12 DEFRA published the outcome of their final round of consultation on the review of the LAQM regime in April 2016. The Policy [PG (16)] and Technical Guidance [TG (16)] have been revised and updated. As anticipated the reporting regime has been streamlined to require that Authorities need to produce an Annual Status Report (ASR) only; all other previous reports are no longer statutorily required..
- 1.3.13 As part of the recent Internal Audit of the EPT's investigation of statutory nuisance and in line with the service improvements identified for 2015/16, the EPTs' procedures were revised to reflect current practices.
- 1.3.14 Members will note that the number of complaints received about odours in Tonbridge has significantly reduced in the last year. At the recent Liaison Group meeting the new management of Drytec provided details of their proposed comprehensive improvements for the premises. The works have commenced and are due to be completed by the end of June. Officers feel that the new management regime at Drytec is offering a positive approach to achieving their aim of being a good neighbour.
- 1.3.15 Officers recently received a petition from over 50 residents of the Blossom Bank development in Tonbridge, headed 'Silence Southern Salads.'

The signatures on the petition were complaining about noise from the Southern Salads sites at Cannon Lane and Vale Road, including noise from:

- the on-site generators 24/7;
- refrigerated lorries parked up on site;
- fork lift trucks on site.

Southern Salads have occupied the site at Cannon Lane for over 20 years, with only three noise complaints on record, one received in 2008 with regards to vehicle noise, and two in 2013, one again with regards to vehicle noise, and the other to a misfiring alarm. As no evidence of nuisance was forthcoming these complaints were not pursued. Southern Salads acquired the Vale road site in mid-2014, and it became operational around September that year.

Officers first received complaints about noise from the Vale Road site in October 2014. Officers opened and continue to have constructive dialogue with the management at Southern Salad. The outcome of these discussions is that Southern Salads have:

- provided electrical hook ups on bays at both depots to prevent the need to run the diesel engines whilst loading;
- Fitted soft compound tyres to forklifts to minimise noise as they move around;
- Erected 4m acoustic fence, along the river boundary at the Vale Road service yard.

These measures have resulted in a reduction of the audible noise at properties in Blossom Bank in relation to vehicles and vehicle movements. However it has 'exposed' the noise from the generator at the Cannon Lane site to be audible, particularly later in the evening.

Officers are proposing to carry out further monitoring to assess whether the now dominant noise from the generator amounts to a Statutory Nuisance. Dialogue with Southern Salads continues to endeavour to resolve the ongoing noise issues. Officers have replied to the organiser of the petition outlining the Council's position and action to date.

A further update will be provided to this Board

1.4 Proposed Service Improvements

1.4.1 The Food and Safety Team intend to make the following service improvements in 2016/17:

- Deliver the Estates Excellence health and safety project to approximately 260 small and medium sized business in Larkfield/Aylesford industrial estates. Working with partner agencies to offer support, advice and free health and safety training.
- Providing support and advice to new and existing businesses to help them improve their food hygiene rating.

1.4.2 The Environmental Protection Team proposes the following service improvements in 2016/17:

- Review and implement changes to our approach to air quality management in line with the recently published outcomes of the DEFRA review;
- Update further team procedures to reflect new guidance and best practice.

1.4.3 Both teams will be reviewing their approach to regulation through the Better Business for All agenda, which is demonstrated through training initiatives, the Estates Excellence project and the EPT's approach to the inspection of permitted premises.

1.5 Legal Implications

1.5.1 The Council has a statutory duty to undertake the full range of functions described in this report, with the exception of promotional and business support activity.

1.6 Financial and Value for Money Considerations

1.6.1 All service improvements will be undertaken within existing budgets.

1.7 Risk Assessment

1.7.1 Failure to properly manage and deliver the food safety functions could result in censure by the Food Standards Agency and breach of Section 18 of the Health and Safety at Work etc. Act 1974.

1.7.2 The failure of the EPT to meet its statutory obligations could result in formal complaints and potential criticism from DEFRA. It could also lead to a potential legal challenge.

1.8 Equality Impact Assessment

1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Recommendations

1.9.1 It is **RECOMMENDED** that the Cabinet **NOTE** the performance information relating to activities associated with the food and safety and environmental protection functions in 2015/16 and **ENDORSE** the service improvements for 2016/17 as detailed in paragraph 1.4.1 and 1.4.2 of the report.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers: Nil

contact: Jacqui Rands
Melanie Henbest
Jane Heeley

Steve Humphrey
Director of Planning, Housing and Environmental Health

FOOD HYGIENE INTERVENTIONS

Premises risk rating and frequency	No. interventions carried out 2013/14	No. interventions carried out 2014/15	No. interventions carried out 2015/16*
A – 6 months	6	1	1
B – 12 months	46	42	101
C – 18 months	232	173	337
D – 2 years	89	166	160
E – 3 years **	185	99	207
Total	558	481	806

* All interventions carried out , includes inspections, re-visits, sampling visits, advice and education, information and intelligence gathering. These figures were not reported previously.

** Includes low risk premises questionnaires

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SUMMARY OF NATIONAL FOOD HYGIENE SCHEME RATINGS

Rating	Number of businesses	%
Five (Very Good)	511	61
Four (Good)	215	26
Three (Generally Satisfactory)	76	9
Two (Improvement Required)	29	3
One (Major Improvement Required)	7	1
Zero (Urgent Improvement Required)	1	Negligible
Total	839	100

Data correct as of 25 April 2016.

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FOOD SAMPLING PROGRAMME

DATE	SAMPLING PROGRAMME	RESULTS
1 April-31 October 2015	UK Co-ordinated Food Study- Study 56 Salads from takeaways and self-service counters	19 samples taken 14 satisfactory 3 borderline (acceptable) 2 unsatisfactory
1 October 2015-31 March 2016	UK Co-ordinated Food Study- Study 57 Sandwich and jacket potato fillings	15 samples taken 14 satisfactory 1 borderline (acceptable)
1 June -31 December 2015	Cross Regional Sampling Study for Kent, Hampshire, Surrey and Sussex Study of the microbiological quality of smoked and cured fish from manufacturing and retail premises	8 samples taken 3 satisfactory 3 borderline (acceptable) 2 unsatisfactory
April 2015-March 2016	TMBC Food complaints and food poisoning allegations	26 samples taken 18 satisfactory 3 borderline (acceptable) 5 unsatisfactory
April 2015 - March 2016	TMBC Routine sampling programme including manufacturers and producers	110 samples taken 89 satisfactory 16 borderline (acceptable) 5 unsatisfactory
<p>Total number of samples: 178</p> <p>Of which 138 were classified as satisfactory</p> <p>26 were classified as borderline (acceptable)</p> <p>14 were classified as unsatisfactory</p>		

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REQUESTS FOR SERVICE 2015/16

ANNEX 4

Service Request Category	Number of complaints 2014/15	Number of complaints 2015/6	Comments
Accumulations	50	49	Complaints regarding accumulations NOT associated with food premises and animals
Drainage	12	5	Blocked, leaking or overflowing private drains, private sewers and septic tanks
Noise	220	177	Sources include amplified music from domestic and licensed premises
Dogs	112	112	Barking dogs
Pollution	79	61	e.g. bonfires, odour, smoke, grit and dust and light
*Tonbridge Odour complaints	739	140	
TOTAL	1216	544	

*Refers to individual complaints received, rather than specific cases

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FORMAL ACTION 2014/15 - SERVICE OF STATUTORY NOTICES

Notice	Number served 2014/15	Number served 2015/16	Example
Environmental Protection Act 1990 section 80	10 (including 5 in respect of odours from Drytec in respect of 5 locations)	11	Statutory nuisance e.g. noise, accumulations
Prevention of Damage by Pests Act 1949 section 4	0	0	Control of rats and mice
Public Health Act 1936 section 83 (As amended)	0	0	Filthy and Verminous Premises
Local Government (Miscellaneous Provisions) Act 1976 section 16	2	0	Requisition for Information
Local Government (Miscellaneous Provisions) Act 1982 section 29	0	0	Securing premises against unauthorised access
Control of Pollution Act 1974 sec 60	1	0	Control of Noise on construction sites
Control of Pollution Act 1974 section 61	1	0	Prior consent for construction works.
The Private Water Supply Regulations 2009 section 18	6 (in relation to 8 domestic premises)	3 (in relation to 1 supply)	Notification of failure to comply with the required standards for PWS and actions required to remedy the failures.
TOTAL	20	14	

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

18 July 2016

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 WASTE AND STREET SCENE SERVICES – CONTRACT PERFORMANCE 2015/16

Summary

This report provides performance information across a range of Waste and Street Scene Service functions and contracts during 2015/16.

1.1 Background

1.1.1 This report provides performance information across the functions managed by the Waste & Street Scene Services, namely refuse collection, recycling, amenity and street cleansing, public convenience cleaning, abandoned vehicles, pest control and the dog warden service. The 2015/16 information is provided together with a comparison with the previous three years' performance.

1.2 Refuse & Recycling Collection Services

1.2.1 This is the largest element of the contracted services, with a total annual cost of over £2.6 million in 2015/16. The present contract commenced in 2005 and was awarded to Veolia Environmental Services for a 14 year period. The main features of the contract are:

- a wheeled bin, boundary of property collection service for household waste based on an alternating weekly collection service:
 - Black bin – residual waste
 - Green lidded bin – green waste, food waste and cardboard;
 - a borough-wide green box recycling service for paper and cans;
 - a separate weekly household clinical waste collection for those householders who need this service;

- an assisted “pull-out” collection service for residents who find it difficult to move wheeled bins;
- a Saturday household bulky waste service at a number of locations around the borough; and
- a network of recycling ‘bring’ sites for glass & cans throughout the borough.

1.2.2 Additionally, The Council has a number of smaller contracts & service arrangements for the collection of other materials at our bring sites: Countrystyle Recycling (plastics); Green Recycling (paper) and LM Barry (textiles).

1.3 Street Cleansing Service

1.3.1 This service had an annual contract cost of over £1.2 million in 2015/16. The service is provided by Veolia and is run as a joint contract with the refuse and recycling services. The main features include:

- provision of regular cleaning of public highways, streets, and footpaths;
- provision of a ‘hit squad’ to allow rapid response to reactive work;
- servicing of litter and dog waste bins;
- cleansing, at a rechargeable cost, of Circle Housing Russet land;
- provision of cleaning services for Council-owned land such as car parks and parks/open spaces;
- removal of fly tipped waste from public highway land; and
- a graffiti removal service.

1.3.2 Detailed below is Key Performance Indicator (KPI) data relating to the refuse & recycling and street cleansing services:

KPIs	2012/13	2013/14	2014/15	2015/16
Kgs of residual household waste per household	563	584	583	584
Percentage of household waste sent to reuse, recycling and composting	43	42	42	41
Paper tonnage (box & bank)	3,551	3,255	3,024	2893
Plastics tonnage (banks)	342	335	321	356
Glass tonnage (banks)	2494	2431	2333	2227
Total waste arisings (tonnes)	49,506	51,336	51,073	50,957
Average number of missed bins per week not rectified within contract timescales	3.0	2.8	2.8	1.1
Total number of fly-tips	395	468	494	505
The Borough's Cleanliness Score	6.8	7.0	7.1	7.0
Health & Safety KPIs				
Lost time incidents	3	1	0	0
RIDDOR incidents	3	0	0	0
Personal injuries/accidents	n/a	n/a	n/a	10

1.4 Comments on Contract Performance

- 1.4.1 As was the case last year the Council is once again in line with the national position of experiencing a decrease in tonnages of recycling materials collected. For 2015/16 we achieved a performance of 41 per cent of waste being either recycled or composted. Paper tonnages continue to decrease as reported last year. The level of residual waste generated per household has remained fairly constant when considering the slight drop in total arisings with the growth in number of households during the year. The Allington "Energy from Waste" plant transforms our black bin residual waste into electricity.
- 1.4.2 In the last quarter of 2015/16 Kent County Council entered into an arrangement with a commercial waste management company to use the arisings from mechanical street sweeping operations in the production of aggregates. This will ultimately lead to an increase in the quantity of waste directed away from final disposal, positively contributing to our recycling performance. Further details on this new initiative are included in the Waste and Street Scene Services Update report to this Advisory Board.
- 1.4.3 Despite one of our best performing plastics recycling sites at Sainsbury's, Aylesford, being removed last year (at the request of the supermarket chain) the remaining plastic bank sites within the borough have delivered an overall increase in the amount of plastics collected by circa ten percent in 2015/16.
- 1.4.4 During the past year Green Recycling continued to carry out the bank collections of Newspaper and Magazines from our bring sites for which we have a service agreement in place. Paper from the box scheme is still being collected by Veolia,

and is delivered to their Chatham facility for onward reprocessing. This material is currently being recycled at the two remaining recycled newsprint plants in the UK.

- 1.4.5 Our Green Waste material (garden waste, food waste and cardboard in the green-lidded bin) continues to be supplied to New Earth Solutions, under contract to KCC, at Blaise Farm, West Malling. The material is subsequently used to produce a soil conditioner for agricultural and commercial landscaping purposes within the County. The quality of the delivered material remains reasonably good and work is underway, via a focussed communications campaign, to improve performance and reduce contamination further during this year.
- 1.4.6 Utilising the aforementioned facilities, Tonbridge & Malling has reprocessed over 80% of the waste collected for recycling or compostable locally within Kent. Although this has changed slightly following closure of Aylesford Newsprint last year, the overwhelming majority of our waste continues to be processed within the UK. We are also able to ensure that around 90 per cent of our total waste arisings are used as a resource because they are either recycled, composted or used for energy recovery, with just 10% being sent to landfill. This makes our collection service one of the most environmentally sustainable schemes in the country.
- 1.4.7 The number of fly tip reports has seen a small increase (2%) compared with last year and our general aim is to clear them within 24 to 72 hours. Fly-tips of a more difficult nature e.g. hazardous waste that may require special arrangements may take longer. We continue to work closely with the Police, Licensing and other local authority colleagues to share intelligence on waste offences and to carry out proactive initiatives such as waste carriers' checks. Work throughout the year has seen the number of enforcement actions against fly-tipping and littering offenders continue to increase.
- 1.4.8 The Borough's Cleanliness Score provides a measure of the average cleanliness of highways in the borough. As an indication, a score of 6.7 is considered a good result, where roads are of a satisfactory standard and are predominantly free of litter. Random inspections are carried out monthly throughout the year and scores take account of both litter and detritus (a build-up of dirt/materials in channels).
- 1.4.9 Members will note that in this year's report we have included KPI results from the monitoring of Health & Safety issues with Veolia. Although these have been recorded and monitored on a monthly basis since the start of the contract in 2005, we thought it would be useful for Members to receive these results in the annual Contract Performance report and that you can see the improvement made over the past few years.
- 1.4.10 Lost Time Incidents are those where an accident/incident has resulted in the employee concerned not being able to carry out their normal duties for any period of time. It is pleasing to note that although the number of incidents in 2012/13 was already extremely low - given the high risk of incidents involved in the waste collection & street cleansing industry - levels have reduced still further. Veolia has a strong culture of Health & Safety across their organisation and the low level of

incidents on our contract is a result of that culture being implemented on the ground.

- 1.4.11 The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (RIDDOR) puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses) to the Health & safety Executive. Details of the types of incident reportable can be found at <http://www.hse.gov.uk/riddor/reportable-incidents.htm> . Depending on the type or severity of the incident, or any identified trends from reports, the HSE or local authority may instigate an investigation which could result in enforcement action being taken against the employer and/or the person responsible for causing the incident. None of the three RIDDOR incidents in 2012/13 resulted in an investigation, and again it is pleasing to note that none have occurred since then, an extremely positive result for our Veolia contract.
- 1.4.12 In 2015/16 we asked Veolia to start providing us with monthly statistics for the number of personal injuries/accidents involving their staff. This enables both us and Veolia to identify any trends in causes of accidents, and to put measures in place to reduce the risk of further incidents. Generally, the causes of most of the accidents reported are associated with manual handling or slips/trips/falls. None of the ten incidents resulted in lost working time.

1.5 Public Toilets Cleaning Service

- 1.5.1 This relatively small service continues to perform well. The cleaning contract is currently carried out by SHS Cleaning Ltd. There has been a marked reduction in problems associated with anti-social behaviour during the year compared with 2014/15 although, unfortunately, there have been incidents at some sites and we continue to work with Police and colleagues to deal with any issues promptly.
- 1.5.2 Detailed below is key performance information relating to this service:

KPI	2012/13	2013/14	2014/15	2015/16
Percentage of cleansing inspections with satisfactory standard or above	100	94	95	97

1.6 Pest Control

- 1.6.1 The Waste & Street Scene Team has responsibility for the management of the Council's Pest Control contract, currently provided by Monitor Pest Control. The contract currently provides for free of charge treatments of rats, mice, bedbugs & cockroaches to households in receipt of Council Tax Relief. This changed at the

start of Monitor's contract in November 2013 when the Council ceased to provide treatments of wasps & fleas. This has meant a significant reduction in jobs being carried out under the Council's contract, as residents can now go direct to Monitor, or any other pest control company of their choice.

- 1.6.2 We have received no formal complaints about the service being provided, and in fact residents have reported that the service is being provided by Monitor to a high standard.

KPI	2012/13	2013/14	2014/15	2015/16
Number of jobs	549	509	167	145
Percentage of job requests responded to within 2 days	100	100	100	100

1.7 **D** **og Warden Service**

- 1.7.1 The Dog Warden Service is responsible for dealing with lost and stray dogs, promoting responsible dog ownership, dealing with micro-chipping, investigating and enforcing dog fouling offences and noisy and nuisance dog complaints. The service is currently provided by Ward Security Ltd. Key performance information is detailed below.

Stray Dogs Dealt With	2012/13	2013/14	2014/15	2015/16
Returned to owner direct	34	13	14	18
Claimed by owners	63	75	167	147
Donated	73	78	72	63
Put to sleep	14	21	8	9
Other	5	3	4	8
Total of Stray Dogs dealt with	189	190	265	245
Other Service Requests				
Dangerous dogs	72	81	90	106
Noisy dogs	98	115	112	117
Dog fouling	37	85	68	65
KPIs				
Percentage of stray dog complaints responded to on day reported	100	100	100	100
Percentage of other complaints responded to within 5 days of report	100	100	100	100

- 1.7.2 There has been a small decrease of 7.5% in the number of stray dogs being dealt with compared with last year. Analysis shows that the majority of stray dogs being picked up are by the Out Of Hours (OOH) service at evenings & weekends. As the OOH service does not try to return dogs to owners but takes them straight back to kennels, there is only a small proportion of dogs that are returned to the owner direct, although 29% more than last year.

- 1.7.3 Over the last year the Dog Warden has run a number of initiatives to help increase awareness of responsible dog ownership, including free or reduced price micro-chipping sessions. This enables the Dog Warden and kennels to trace and contact the owner to either return directly or arrange collection. This also assists in reducing the cost to the Council, which would otherwise have to cover the cost of kennelling unclaimed dogs before they can be rehomed. It is also hoped that the recent change in regulations regarding micro-chipping, previously reported to this Advisory Board, will also help to reduce strays and allow easier return to owners.

1.8 Abandoned Vehicles

- 1.8.1 The Waste & Street Scene Team has responsibility for the investigation & arrangement for removal of abandoned vehicles, where appropriate. However, the contract for removal is let and managed by Kent County Council.

Details of the number of abandoned vehicle reports and those that required removal are provided below.

	2012/13	2013/14	2014/15	2015/16
Number of reports of potentially abandoned vehicles requiring investigation	88	90	159	211
Number of vehicles removed	6	3	17	39

- 1.8.2 There has been a significant increase in the number of reports received about alleged abandoned vehicles (33% increase on last year, and 140% since 2012/13). It is felt that some additional reporting is due to changes in legislation where tax discs are no longer required to be displayed in the vehicle. This has prompted additional reports as abandoned vehicles. However, on investigation many of these reports are spurious. There has also been an almost 130% increase in those needing to be removed, up from 10% to almost 20% of the total reported. This follows a national trend which has mainly been due to the continued drop in scrap metal prices and increased costs of running and maintaining a vehicle.
- 1.8.3 Analysis shows that many of the reports received where no action was required were of untaxed vehicles, SORN'd vehicles on the highway and of vehicles belonging to local residents where cars might be parked inconveniently for their neighbours. However, their provision of an online service for checking a vehicle's tax status, and our ability to carry out DVLA checks on registered keepers has assisted the team in closing down a large number of these reports without having to send officers on repeat inspections.

1.9 Legal Implications

- 1.9.1 The contracted services outlined above assist the Council in delivering its statutory obligations. In order to comply with our legal duties relating to safety at

work we also undertake risk based audits and inspections of our contractor's work systems and practices.

1.10 Financial and Value for Money Considerations

- 1.10.1 Annual performance reports provide Members with an opportunity to review ongoing efficiency and effectiveness of high profile contracts which are client managed by the Waste & Street Scene Team.

1.11 Risk Assessment

- 1.11.1 The failure to provide effective and efficient front line and high profile services could result in criticism from residents and impinges directly on their view of the Council and their satisfaction with services delivered.

1.12 Equality Impact Assessment

- 1.12.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.13 Recommendations

CABINET IS RECOMMENDED TO NOTE the performance of the Waste & Street Scene service contracts for 2015/16 and **ENDORSE** the approach and range of performance indicators detailed in this report.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contacts:

Dennis Gardner

Lesley Letts

David Campbell-Lenaghan

Robert Styles

Director of Street Scene, Leisure & Technical Services

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

18 July 2016

Report of the Director of Planning Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 CONTAMINATED LAND STRATEGY 2016

Summary

The Council's First Contaminated Land Strategy was produced in 2001. This has been updated to reflect changes introduced following the updating and reviewing of pertinent technical guidance.

1.1 Background

1.1.1 In April 2000, Part 2A of the Environmental Protection Act 1990 introduced the regime for the regulation of contaminated land in England. The main objective of Part 2A is to provide a system for the identification and remediation of land where contamination is causing an unacceptable risk to human health or the wider environment because of the historic or current use and circumstances of the land. Tonbridge & Malling Borough Council (TMBC) (the Council) produced the first edition of their Contaminated Land Strategy in July 2001 detailing how it intended to inspect its area for the purpose of identifying contaminated land. The strategy has updated to take into account changes introduced by the updating and reviewing of different technical guidance documents.

1.1.2 This latest Strategy outlines how the Council will continue to adopt a rational, ordered and efficient approach to fulfil its statutory obligations through the identification and inspection of contaminated land throughout the borough.

1.1.3 Contaminated land has the potential to impact on public health, the built and natural environment and the local economy.

1.1.4 The draft Contaminated Land Strategy has been circulated to the following statutory consultees:

- DEFRA (Department for Environment, Food and Rural Affairs);
- English Heritage;
- Environment Agency;

- Kent County Council;
- Gravesham BC, Maidstone BC, Medway Council, Sevenoaks DC and Tunbridge Wells BC;
- Natural England;
- TMBC – Planning – Policy and Development Control, Building Control and Legal Services;

1.1.5 The comments received have been incorporated into the strategy which is attached to this report at **[Annex A]**.

1.2 Legal Implications

1.2.1 Part 2A of the Environmental Protection Act 1990 requires Local Authorities to publish a Contaminated Land Strategy; the revised Statutory Guidance issued by Defra in 2012 required that existing be updated in light of the Guidance.

1.3 Financial and Value for Money Considerations

1.3.1 The implementation of the Strategy falls within the remit of the work of the Scientific Officer (Contaminated Land).

1.3.2 Members should be aware that in extreme cases, such as those detailed within the contaminated land strategy (section 4.11), funding will need to be made available to minimise the risk from identified contamination.

1.4 Risk Assessment

1.4.1 The Council will not be able to fulfil its duties under Part 2A, without a formally adopted Inspection Strategy.

1.5 Equality Impact Assessment

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.6 Recommendations

1.6.1 It is **RECOMMENDED** that Cabinet **ENDORSE** and **FORMALLY ADOPT** as Council Policy the revised Contaminated Land Inspection Strategy.

The Director of Planning Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Jacqui Rands
Kirstie Parr

Nil

Steve Humphrey
Director of Planning, Housing and Environmental Health.

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INVESTOR IN PEOPLE



**TONBRIDGE & MALLING
BOROUGH COUNCIL**

**Contaminated Land
Inspection Strategy**



**Revised 2004, 2007 and
2010**

Latest revision 2016



DRAFT

Adopted July 2001



DRAFT

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1.0 Introduction

In April 2000, Part 2A of the Environmental Protection Act 1990 came into force introducing a new regime for the regulation of contaminated land in England. The main objective of Part 2A is to provide a system for the identification and remediation of land where contamination is causing an unacceptable risk to human health or the wider environment because of the historic or current use and circumstances of the land. To comply with this legislation Tonbridge & Malling Borough Council (TMBC) (the Council) produced the first edition of this Strategy in July 2001 detailing how it intended to inspect its area for the purpose of identifying contaminated land. The strategy has updated as different technical guidance documents have been published to take into account these changes.

This latest Strategy outlines how the Council will continue to adopt a rational, ordered and efficient approach to fulfil its statutory obligations through the identification and inspection of contaminated land throughout the borough.

Contaminated land has the potential to impact on public health, the built and natural environment and the local economy. The Council will ensure that all corporate priorities and statutory requirements are met in a balanced and proportionate manner.

1.1 Regulatory Context

The Environmental Protection Act 1990 states in section 78B (1) that:

Every local authority shall cause its area to be inspected from time to time for the purpose –

- a) Of identifying contaminated land; and
- b) Of enabling the authority to decide whether any such land is land which is required to be a special site.

Section 78B (2) states that authorities must act in accordance with guidance issued by the Secretary of State, including the production of a formal contaminated land strategy document. This current revision has been produced following various policy and guidance updates.

1.1.1 Updates since last revision

National Planning Policy Framework

As of **March 2012**, the National Planning Policy Framework (NPPF) replaced the former Planning Policy Guidance (PPG) and Planning Policy Statements (PPS). This included the withdrawal of PPS23: Planning and Pollution Control, which gave guidance in relation to development on contaminated land.

The NPPF states that as a minimum land should not be capable of being designated as contaminated land under Part 2A after remediation via the planning process.

The NPPG provides general guidance on the addressing the issue of contamination within the planning process. This strategy should be read in conjunction with the NPPG and NPPF.

Comment [JR]: IB March 2014

Both documents clearly state that responsibility for securing a safe development/remediating any contamination present on a site rests with the developer and/or landowner.

Part 2A New Statutory Guidance

In April 2012, the Department for Environment, Food and Rural Affairs (Defra), published revised Statutory Guidance, which replaced Annex 3 of Defra Circular 01/2006, with the aim of simplifying the contaminated land regime and making it easier for regulators to decide whether a site is 'contaminated land' or not. This was done by the introduction of a four category scoring system which designates sites according to whether they pose a 'significant possibility of significant harm to human health.' (SPOSHH)

Category 1: Sites where the Local Authority, supported by robust science-based evidence, decide there is an unacceptably high probability of significant harm occurring if no action is taken to prevent it.

Category 2: Sites where the Local Authority considers there is a strong case that the risks are of sufficient concern in respect to significant possibility of significant harm. This may include land where there is little to no evidence that similar sites have caused harm, but on the basis of available information there is a strong case for taking action under Part 2A on a precautionary basis.

Category 3: Sites where the strong case required for Category 2 does not exist, therefore the legal test for significant possibility of significant harm is not met. This includes land where the risk is not low but the Local Authority considers regulatory intervention is unnecessary due to other parties, such as the owner or occupier of the land, not being prevented from taking action to reduce the risks outside of the Part 2A regime.

Category 4: Sites where there is little or no risk that the land poses significant possibility of significant harm. This may include land where no relevant contaminant linkage has been established, only normal levels of contaminants exist in the soil, or contaminant concentrations do not exceed relevant Generic Assessment Criteria (GAC).

The revised guidance does not apply to sites affected by radioactive contamination. This is now covered by a separate guidance published by the Department of Energy and Climate Change (DECC) in April 2012.

Category 4 Screening Levels (C4SLs)

Defra Research Project SP1010 was designed to produce generic screening criteria which would allow 'low risk' sites (those falling within Category 4) to be dismissed from further risk assessment. To date these screening levels are only available for six substances, but with values produced for a wider range of site uses:

- Residential with home-grown produce
- Residential without home-grown produce

- Allotments
- Commercial
- Public open space near residential
- Public parks

Funding

Previously, Councils could apply for funding against the cost of site investigations and remediation from the Local Authority Contaminated Land Capital Programme. In December 2013 it was announced that this funding will be phased out. Up to £500k will still be available annually for emergency cases and on-going remediation projects, with full cease of funding from 2017.

1.1.2 Regulatory role of the local authority

The primary regulatory role of the regime under Part 2A of the Environmental Protection Act 1990 rests with the local authority. Therefore, the role of TMBC is to:

- prepare a strategy to identify contaminated land;
- implement the strategy by inspecting its area in order to identify potentially contaminated land;
- determine whether a particular site is contaminated land;
- act as an enforcing authority for all contaminated land which is not designated as a 'special site' ;
- compile and maintain a public register containing details of regulatory action taken in respect of the remediation of contaminated land.

1.1.3 Regulatory role of the Environment Agency

TMBC has a close relationship with the Environment Agency in identifying and remediating contaminated sites.

The Environment Agency has a key role to play in terms of:

- assisting local authorities in identifying contaminated land, particularly in cases involving the pollution of controlled waters;
- providing site-specific guidance to local authorities on contaminated land;
- acting as the enforcing authority for any land designated as a special site;
- acting as the enforcing authority for any land designated as contaminated land by virtue of radioactivity;
- acting as the enforcing authority for any land where there is a mixture of radioactive and non-radioactive contamination;
- publishing periodic reports on contaminated land at a national level.

1.1.4 Definition of contaminated land under Part 2A

Contaminated land is defined in section 78A(2) of the Environmental Protection Act 1990 as –

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

- (a) significant harm is being caused, or there is a significant possibility of such harm being caused; or
- (b) pollution of controlled water is being or is likely to be caused.’

Where harm is attributable to radioactivity, the definition of contaminated land, as modified by the Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (England) (Amendment) Regulations 2010 is:

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

- (a) harm is being caused; or
- (b) there is a significant possibility of such harm being caused’.

1.1.5 Principles of pollutant linkages and risk assessment

In order for a contamination risk to be present at a particular site, three components must exist; contaminant sources, pathways and receptors.

Defra's Contaminated Land Statutory Guidance 2012 states that:

A **Contaminant** is a substance which is in, on or under the land and which has the potential to cause significant harm to a relevant receptor, or to cause significant pollution of controlled waters.

A **Receptor** is something that could be adversely affected by a contaminant, for example a person, an organism, an ecosystem, property, or controlled waters.

A **Pathway** is a route by which a receptor is or might be affected by a contaminant.

If all three components are present, or are thought to be present at a site, then a pollutant linkage exists. Where a pollutant linkage is established, a formal risk assessment will be undertaken to determine whether the linkage is a "significant pollutant linkage". This forms the basis for the determination of contaminated land and will trigger further investigations and remedial works to break this linkage.

Defra's Statutory Guidance states that a **significant pollutant linkage** is a contaminant linkage which gives rise to a level of risk sufficient to justify a piece of land being determined as contaminated land.



In the case of radioactive contaminated land, that pollutant linkage is resulting in harm so far as attributable to radioactivity being caused to any person or significant possibility of harm so far as attributable to radioactivity being caused to any person in the pollutant linkage.

2.0 Development of the Strategy

TMBC has developed this contaminated land inspection strategy after consultation with all relevant internal and external parties. The responsibility for securing its implementation lies with the Environmental Protection Team within the Planning, Housing and Environmental Health Service and in particular with the designated Scientific Officer (Contaminated Land.)

2.1 Overall Aims and Objectives of the Strategy.

2.2 Overall aims

The specific aims of TMBC's inspection strategy are designed to reflect local circumstances and to meet the requirements of the statutory guidance. The overall aims are:

- to carry out a risk prioritisation of sites already identified as being potentially contaminated, specifically highlighting those sites which pose an unacceptable risk to receptors, in particular human health;
- to identify and prioritise special sites;
- to work with landowners/developers to remediate land that poses a significant risk to human health or the local environment; and
- to further inform decisions about future land uses through the Local Plan process.

2.3 Objectives

The specific objectives of TMBC's inspection strategy are designed to reflect local circumstances and to meet the requirements of the statutory guidance. They are:

- to update and publish a contaminated land inspection strategy that takes a rational, ordered and efficient approach to identifying, assessing and remediating any contaminated land within the borough
- to review the contaminated land inspection strategy periodically and prepare an implementation plan
- to continue the development of in-house information storage systems, for the collection and collation of information such as historic and current uses, any past development, geological and hydro-geological data
- to identify new sites on the basis of newly available data and information

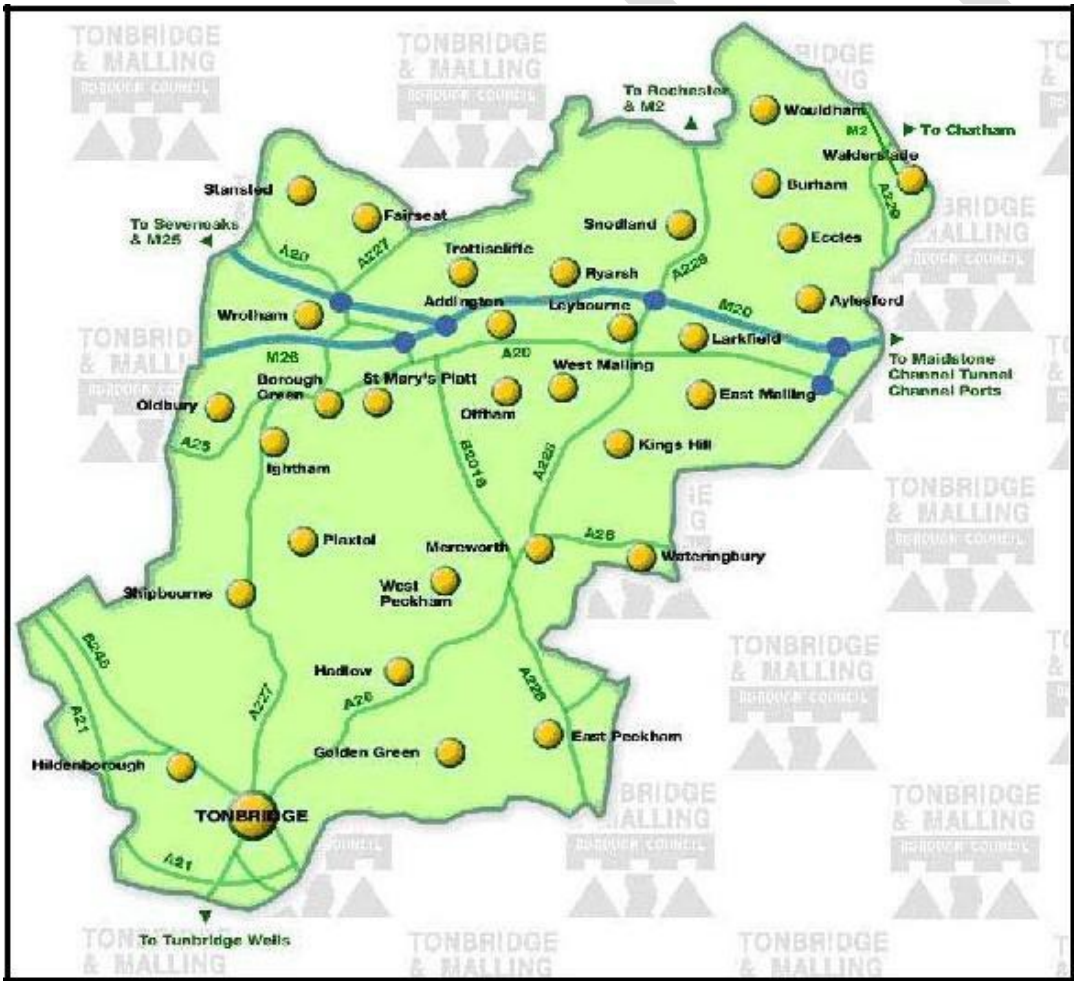
- to refine the risk index of sites through further risk prioritisation using newly available data and information from historic records, historic map data and walkover survey
- to assess sites of proposed development and secure remediation by developers and landowners if necessary, through the planning and development control process
- to update the database in relation to site investigation and remediation through the planning process.
- to carry out appropriate risk assessment to assess the presence of contaminants at sites, where there will be no development proposal in the foreseeable future.
- to liaise with other organisations such as the Environment Agency, Natural England, English Heritage, Kent Wildlife Trust, neighbouring local authorities, businesses, statutory undertakers, local groups and societies and internal TMBC Services to gain access to relevant information thus allowing effective identification of contaminated land within the Borough; and
- to maintain a Public Register of regulatory action that is easily accessible and updated on a regular basis.

3.0 Characteristics of the borough of Tonbridge and Malling

This section describes the main characteristics within the borough of Tonbridge and Malling. It aims to highlight various distinguishing features around the borough that will be used in the identification and assessment of potentially contaminated sites.

3.1 Geographical location

The borough of Tonbridge and Malling stretches from Snodland and Wouldham in the north to Tonbridge in the south; from Aylesford in the east to Borough Green and Ightham in the west (see Map below). The borough is strategically located within the regional communications network. It has an extensive road network crossing it – the A20, M20, M2 and M26 – which provides easy access to the M25 and London.



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3.2 Current land use characteristics

Tonbridge and Malling is a semi-rural borough which is scattered with villages and small towns.

The main land uses within the borough of Tonbridge and Malling, other than for residential purposes, is for agriculture, commercial use and quarrying. Historically, the land in the borough has been exploited for its minerals and there are several active quarries around the Borough, such as Aylesford, Borough Green and Wrotham sandpits.

The traditional industrial and employment areas are focused in the 'Medway Gap' around Aylesford, Snodland, Ditton and at Tonbridge. Over the past few years, the borough has become an attractive area for office location. An example is at Kings Hill, West Malling, which combines both residential and commercial properties as well as accommodating a variety of high-tech businesses such as pharmaceutical and information technology companies.

3.3 Protected locations

There are sites/areas of land within the Borough which are afforded a specific designation for the protection of their unique features e.g. Sites of Specific Scientific Interest (SSSI) Areas of Outstanding Natural Beauty (ANOB.)

TMBC will take all appropriate measures to conserve wildlife and geology during the implementation of Part 2A, in line with its statutory responsibilities for nature conservation.

These areas are protected by the emerging Tonbridge & Malling Borough Local Plan and the adopted Local Development Framework (LDF).

'The Tonbridge and Malling LDF was one of the first in the country to be fully adopted following the publication of the Planning and Compulsory Purchase Act 2004, beginning with the Core Strategy in 2007. The Core Strategy sets out the Council's vision, aims and objectives to determine the future pattern of development in the Borough up to 2021. Following the publication of the NPPF in 2012 work has begun on a new Local Plan, which will eventually replace the LDF. This Plan will look to 2031.

3.3.2 Historic England, formerly English Heritage, recommend that one of the aims of the strategy should be to protect historic assets and the historic environment. Further guidance from Historic England in respect of addressing issues of contamination for these assets and sites is detailed in

3.4 Key water resource / protection issues

Various surface water features cross the borough, the most important of these being the River Bourne and River Medway. The River Medway flows in a north-easterly direction through the borough and is fed by a number of smaller rivers and streams. The borough is covered by a number of major aquifers especially to the north around Aylesford and

Snodland. These aquifers are highly productive and hence are used as important abstractions for public water supply.

The borough has over one hundred licensed abstraction points. Mid Kent Water and South East Water are the water companies who supply the majority of the Borough's drinking water. Some of this drinking water is abstracted from the ground and hence the Environment Agency has defined source protection zones around these areas to protect them. Source protection zones have been developed to support the Environment Agency's Groundwater Protection Policy which provides a risk-based approach to groundwater protection. The policy has been updated with the 2013 release of "Groundwater Protection: Policy and Practice (GP3)". Source protection zones are one of two tools which support the GP3. The other is the Groundwater Vulnerability Maps (GVM) which identifies the vulnerability of groundwater to contamination.

All these features will have to be carefully considered when identifying potential pollutant linkages. Where a potential pollution linkage includes a public water supply source as a receptor the responsible water company will be immediately notified.

3.5 Broad geological and hydrogeological characteristics

In assessing the hydro-geological characteristics of a given area, and the potential for groundwater contamination, attention should be paid to the local detail of the geological structure as well as the composition of the geological formations.

The geology around the Borough of Tonbridge and Malling varies dramatically. The Borough is entirely underlain by sedimentary rocks. Those forming the bedrock geology were formed during the Cretaceous Period (mainly chalk, clays and sands). The bedrock formations are each partly **overlain** by a variety of Superficial Deposits (drift deposits).

To the south of the Borough the bedrock formations (solid geology) consist mainly of the Ashdown Formation, the Tunbridge Wells Sand Formation and the Weald Clay Formation. The Ashdown Formation and Tunbridge Wells Sand Formation mainly consist of sandstone and siltstone and are both aquifers where springs occur locally at the junction with the Wadhurst Clay. The Weald Clay Formation is essentially impermeable, but the sandstones and limestones which occur within it have been developed for local water supplies.

Across the middle of the Borough, the bedrock consists of formations belonging to the Lower Greensand Group which comprises, in ascending order, the Atherfield Clay Formation, Hythe Beds Formation, Sandgate Beds Formation and Folkestone Beds Formation. The Atherfield Clay Formation is essentially impermeable. It occurs in a narrow outcrop across the centre of the Borough. The Formation consists of mudstones, some slightly sandy or silty. The Hythe Formation consists of calcareous sandstone, sandy limestone and sand. This Hythe Formation is an important aquifer where springs are common at its base (at the contact with the Atherfield Clay) and at the base of the overlying Sandgate Formation, where the water table is sufficiently high. The Sandgate Formation occurs mostly in a narrow outcrop extending east to west through the centre of the Borough. The Formation consists of clays and silts, some of which are sandy or clayey sand. The Sandgate Formation tends to restrict groundwater movement. However it could in places contain a sufficient concentration of sand to allow significant passage

of groundwater between the two adjacent sand-rich units. The Folkestone Formation, which is overlying the Sandgate Formation, consists of poorly consolidated white-yellow sands and sandstones with occasional sandy clays.

The north of the Borough, around Snodland, consists mainly of the Gault Formation and the Chalk Group. The Gault Formation consists of soft mudstones, all of which weather readily to clay. The Gault clay is generally impermeable, although in the past some of the more sandy or silty beds were used for domestic water supply. Overlying the Gault Formation is the Chalk Group, which is divided into three major units, the Lower Chalk, the Middle Chalk, and the Upper Chalk. The Chalk is a very important aquifer with springs occurring at the basal junction with the Gault, and possibly also at the thin limestone beds in the Lower Chalk.

Superficial deposits occur across the Borough and will have to be carefully considered along with the solid geology when identifying potential pathways for contaminants.

3.6 Current and Past Industrial History

The industrial history of Tonbridge & Malling centres on paper making, agricultural activities and mineral extraction which have been carried out in the area for many years and are still present today. Many of the excavations left behind from mineral extractions have been, or are currently being, used for landfill purposes.

Over time the industrial scene has diversified with an increase in middle-sized companies such as printing, paper and packaging, distribution, and e-commerce. In recent years the leisure and tourism industry has developed to become an important source of employment and income within the Borough. Places such as the Larkfield and Tonbridge Leisure Centres, Tonbridge Castle Gate House, The Friars at Aylesford and the Hop Farm Country Park at Beltring have become popular with a wide range of residents and visitors.

3.7 Known Information on Contamination

Previous desk-based inspections have identified over 600 sites of current or former industrial, commercial or other use which have the potential to be contaminated. The majority of these sites were based around the main industrial areas of Tonbridge, Snodland and Aylesford. Over the years new sites have been identified either through the planning process or through the continuing evaluation of historic map data.

This prior knowledge about historical and current land use type within the Borough will form the basis for further investigations at a particular site.

Further information on known contamination may be obtained through the Environment Agency which holds details of known or suspected water pollution, including pollution incidents and also by interrogating Landmark Historical Map Data.

4.0 Procedures

This section outlines TMBC's procedures for dealing with contaminated land issues. It describes how TMBC will collate and evaluate information on contaminated land as well as acting on information received from members of the public and other relevant bodies.

4.1 Internal management arrangements for inspection and identification

The Planning Housing and Environmental Health Service are responsible for the implementation of Part 2 A of the Environmental Protection Act 1990. The Environmental Protection Team, in particular the designated Scientific Officer (Contaminated Land) will be responsible for the day-to-day implementation of the Strategy.

4.2 Considering local authority interests in land

As discussed earlier in section 3.4, TMBC has in recent years sold its housing stock and now only holds a limited number of properties and areas of land. The limited amount of land owned by TMBC will be dealt with alongside all other sites within the borough.

4.3 Information collection

The collection of relevant information will be vital in the process of identifying potentially contaminated sites. A major source of information will be from the extensive desk-based inspection of the borough, undertaken in 1999, to identify areas of current or former industrial, commercial or other use which have the potential to be contaminated. This inspection was undertaken using information obtained from a variety of sources such as historical maps, business directories and various other local publications. Each identified site is not, at present, classified as contaminated but has the potential to be contaminated due to previous use. The results of this inspection have been used as a basis for identifying and prioritising contaminated land within the borough.

For assessing and prioritising potentially contaminated sites TMBC refers to a number of data sets, including:

- Historical maps
- Environmentally sensitive areas e.g. SSSI's
- Sites of Nature Conservation Interest
- Areas of Outstanding Natural Beauty
- Specific Conservation Areas
- Historic parks and gardens
- Radioactive substance permissions
- Location of consented discharges into controlled waters
- Local water abstraction points
- Current/former landfill sites in Kent

- Waste Management Licences
- Wastewater treatment works
- Industrial processes authorised under Environmental Permitting Regulations
- Ancient monuments
- Geological data
- Groundwater vulnerability maps
- Environment Agency Indicative Floodplain Maps
- Source Protection Zones
- Aerial photography
- Tonbridge & Malling Business Directories
- Kelly's Directories

TMBC will continually update these data sets when new information becomes available and add any data sets in order to assess potentially contaminated sites.

4.4 Information management

Given the large quantity of essential spatial data needed to identify potential pollutant linkages, TMBC has recently invested in new site prioritisation software for use as the primary tool to help collate, view, explore, query, analyse and evaluate the various data sets.

4.4.1 Information

With the identification and remediation of contaminated land being an ongoing process it is foreseeable that information and representations will be received from other statutory bodies, members of the public, businesses and voluntary organisations. The procedure that TMBC will adopt is outlined below:

- All information or representations received by TMBC are logged and recorded in the GeoEnviron database;
- The person or organization making submissions will be contacted by an officer within five working days of receipt and will be kept informed of the progress to resolve issues raised.

The handling of representations will be conducted in accordance with the provisions of the Environment Information Regulations and the Data Protection Act.

4.5 Detailed land inspections

TMBC will carry out detailed inspections at sites where pollutant linkages are present, or thought to be present, to identify land that has a significant pollutant linkage present. The confirmation of a significant pollutant linkage will form the basis for the determination that the land is contaminated. If at any stage a significant pollutant linkage is identified then the site can be determined as contaminated land. It may not be necessary to complete all phases or stages of the inspections.

So, a tiered approach as delineated in the “Model Procedure for the Management of Land Contamination” will be followed, such as:

Stage 1: preliminary risk assessment

The purpose of which is to develop a conceptual site model to determine whether or not a potential risk exists. This is normally completed by means of a desk based review and site reconnaissance.

Stage 2: generic quantitative risk assessment

Where a risk has been identified, an intrusive investigation would be undertaken during which sampling of soils and/or groundwater would take place. The laboratory results would be compared to generic assessment criteria, if appropriate, to determine whether a risk exists. It would also determine whether a more detailed assessment is required.

Stage 3: detailed quantitative risk assessment

If generic assessment criteria are either not appropriate or too conservative for a site, detailed site-specific criteria would need to be developed.

The quantitative risk assessment will flow from the preliminary risk assessment and preliminary risk assessment will flow from the prioritisation exercise.

In general terms, each tier of risk assessment follows the basic steps; hazard identification, hazard assessment, risk estimation and risk evaluation.

4.5.1 Funding.

As previously stated there is limited and diminishing central Government funding available to the Council for site investigation and remediation work. Consequently where officers identify a site through the site prioritisation exercise which potentially poses an urgent health risk and an initial site investigation is required, officers will need to request funding from the Council to undertake the necessary work. It is anticipated that this need will arise infrequently.

4.6 Implementation of risk assessment

TMBC will assess the risks at a site from each pollutant linkage based on the most relevant and appropriate guidance. Under section 108 of the Environment Act 1995 local authorities have the power to carry out detailed inspection using statutory powers of entry.

Before carrying out an inspection using statutory powers of entry, TMBC will be satisfied that there is a reasonable possibility that a pollutant linkages exists on the land and all interested parties are identified and contacted to establish whether any party has any pertinent information they could provide and whether they would carry out the inspection themselves. In the case of intrusive investigation, TMBC will also

be satisfied that it is likely that the contaminant is actually present and the receptor is actually present or is likely to be present.

Once the need for detailed inspection has been realised, TMBC will seek to determine the “suitable person” for carrying out such investigation.

For every site TMBC will produce a SHE (safety, health and environment) plan before carrying out any detailed inspection and will also follow relevant analytical standards such as MCERTS.

4.6.1 Risk assessment of soil contamination

TMBC accepts the use of appropriate generic soil guideline values or site specific soil guideline values to assess soil quality and any proposed remediation measures required at a site. The appropriateness of any screening value must be explained.

In assessing the risks to ecological systems and to buildings, building materials and services TMBC will take appropriate guidance into consideration for these particular receptors.

In assessing land contaminated by radioactivity, TMBC’s duty to inspect only arises if there are “reasonable grounds” for believing particular land to be contaminated by virtue of radioactivity (see DECC Radioactive Contaminated Land Statutory Guidance 2012). After identification of any such land TMBC will seek advice from the Environment Agency as any such site, if determined, would be a ‘special site’. However, in its identification process, TMBC will follow the relevant guidance documents such as “Detailed inspection of radioactive contaminated land under Part 2A EPA 1990”: Guidance for local authorities.”

4.6.2 Risk assessment of controlled waters

The regulatory control of water is achieved through numerous EC Directives and legislation, a selection of these include:

Environmental Protection Act 1990

Water Resources Act 1991

Water Industry Act 1999

Town and Country Planning Act 1990/The Planning and Compensation Act 1991

Environment Act 1995

Water Act 2014

The Surface Water (Abstraction for Drinking Water)(Classifications) Regulations 1996

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003.

Groundwater protection: Policy and practice (GP3) 2013

EC Water Framework Directive (2000/60/EC)

“Controlled water” embraces territorial and coastal waters, inland fresh waters and ground waters. Section 78A(9) has been amended by section 86 of the Water Act

2003 so that for Part 2 A purposes “ground waters” does not include waters contained in underground strata but above the saturation zone (see para 2.9, Annex 2, Defra Circular 01/2006).

TMBC will take necessary steps by following the advice as set out in the 2012 Statutory Guidance for determining the fact that “pollution of controlled waters is being caused” or “likely to be caused”. In the case of radioactive contamination “Controlled Water” has been excluded from the extended regime at this point in time.

In 2006, Environment Agency published a document entitled “Remedial Targets Methodology 2006”. This document is based on a tiered assessment to determine whether the contaminant source would result in the target concentration being exceeded. TMBC encourages the use of this document in assessing risk to groundwater resources as it is, at present, the best practice methodology for deriving remedial targets for groundwater.

TMBC will encourage the appropriate use of Consim model, which is designed to provide those concerned with the management of contaminated land with a means of assessing the risk which is posed to groundwater by leaching contaminants.

4.7 Special Sites

The contaminated land regulations create a particular category of contaminated land called ‘special sites’. This category also includes radioactive contaminated land. If during the implementation of this strategy TMBC determine, using strict criteria as defined by Part 2A of the Environmental Protection Act 1990, that a piece of land has the potential for designation as a special site they will consult with the Environment Agency. After consulting with the Environment Agency, TMBC must decide whether or not the land is required to be designated. As the Environment Agency is the enforcing authority for such land, TMBC will encourage the Agency to have a formal role at the inspection stage.

If TMBC decide that the land is required to be designated as a special site, it will notify the Environment Agency, owners and occupiers of the land and any persons who appear to be appropriate persons. If the Environment Agency does not agree with the decision it must provide a statement to TMBC of its reasons for disagreeing within twenty one days. It also needs to copy the notification and statement to the Secretary of State for determination. TMBC must then refer its decision to the Secretary of State. If the Environment Agency agrees with the decision, or it fails to notify its disagreement within twenty-one days, the contaminated land is designated as a special site. For these sites the enforcement becomes the responsibility of the Environment Agency.

If TMBC has information to suggest that land would require designation of a special site, should a significant pollutant linkage be found, it will contact the Environment Agency to arrange for the Agency to carry out an inspection of the land. Where the Environment Agency is to carry out an inspection on behalf of

TMBC, TMBC will where necessary, authorise a suitable person nominated by the Agency to carry out the work.

4.8 Contaminated land determination

If TMBC has carried out appropriate scientific and technical assessment of the circumstances of land and is satisfied that any of the following six possible grounds exist, then the land will be formally determined as contaminated:

- (a) significant harm is being caused;
- (b) there is a significant possibility of significant harm being caused;
- (c) pollution of controlled waters is being caused;
- (d) pollution of controlled waters is likely to be caused;
- (e) harm so far as attributable to radioactivity is being caused; and
- (f) there is a significant possibility of harm so far as attributable to radioactivity being caused.

Once a determination has been made all appropriate persons will be notified of the situation. The notification will state that the site has been identified as being contaminated, supply details of all other potential appropriate persons and provide the recipient with an opportunity to respond. The identification of appropriate person(s) will be vital in the event that remedial action needs to be taken. There are two types of appropriate person –

Class A – Any person, or persons, that have caused or knowingly permitted a pollutant to be in, or under the contaminated land.

Class B – The owner(s) or occupier(s) of the land.

Primary responsibility for the remediation of contaminated land rests with the Class A appropriate persons. If after reasonable enquiries have been made it is not possible to find a Class A person then responsibility will rest with the owner or occupier of the land (i.e. the Class B person). Where there is more than one appropriate person identified it may be necessary to apportion liability between all appropriate persons.

4.9 Orphan sites

Where TMBC is unable to identify an appropriate person(s) (i.e. Class A or Class B persons) at a site which has been determined as contaminated, it may declare the site an orphan site or an orphan linkage. At contaminated sites where it is considered that to require the appropriate persons to carry out any remedial action would cause hardship, then TMBC may declare the site an orphan site or an orphan linkage.

Once a site is declared an orphan site or an orphan linkage TMBC is required to decide the most appropriate course of action for the site. TMBC will then be responsible for any remediation and associated costs. In this case, TMBC may place a charge on the land to enable it to recoup the cost of carrying out its inspection,

assessment and remediation. In all instances, TMBC will take all available measures, as set out in the Statutory Guidance, to recover any costs it incurs.

4.10 Remediation

Remediation is defined in the Statutory Guidance as:

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

In cases of radioactive contamination, controlled water is excluded. But for the purpose of (b) above “the doing of any works, the carrying out of any operations or the taking of any steps in relation to any such land” shall include ensuring that-

- (i) any such area is demarcated;
- (ii) arrangements are made for monitoring of harm;
- (iii) any appropriate intervention is implemented; and
- (iv) access to or use of land or buildings situated in the demarcated area is regulated.

After all appropriate persons have been notified a three-month consultation period will commence when they will be able to put forward a remediation statement. It is the aim of TMBC to support and encourage voluntary remediation at sites determined as ‘contaminated’. Wherever possible it is TMBC’s intention for remediation to occur without issuing a remediation notice. This may be the case if:

- the appropriate person, or some other person, already plans, or undertakes during the consultation process, to carry out particular remedial actions.
- remediation with an equivalent effect is taking, or will take place, as a result of enforcement action under other powers.

The remediation works at each site will need to be agreed by TMBC who will encourage

'best practice' throughout the site remediation process. To ensure remediation is satisfactory the works must have broken one or more of the significant pollutant linkages. This could be achieved by removing/treating one or more of the pollutants, breaking/removing the pathways or protecting/removing the receptor. If after the three month consultation period TMBC is satisfied that it has made reasonable endeavours to consult with the appropriate persons and considers that remediation actions are not being, or will not be, carried out then it will issue a remediation notice on the appropriate person(s). The remediation notice will specify, amongst other things, what remedial actions they are required to carry out and the allotted period within which they are required to do them. Any person who receives a remediation notice has twenty-one days within which they can appeal against the notice to the Secretary of State. Any appeals against a remediation notice must be made on one or more of the grounds which are set out in the remediation notice. If an appeal is made, the remediation notice will be suspended until final determination or abandonment of the appeal.

4.11 Urgent remedial action

Where it appears that there is an imminent danger of serious harm or serious pollution of controlled waters is being caused as a result of the identification of ground(s) as mentioned in para 5.8, TMBC may need to carry out urgent remedial action. TMBC will continually assess whether this is necessary as new information on the condition of the contaminated land becomes available.

If TMBC decides that urgent remedial action is required it will serve a remediation notice on the appropriate person(s) on an urgent basis i.e. without necessarily consulting or waiting for the end of the three month consultation period (see section 5.10). If TMBC cannot readily identify any appropriate person(s) TMBC can carry out any urgent remediation itself. In this case, TMBC may place a charge on the land to enable it to recoup the cost of carrying out its inspection, assessment and remediation of the land. In all instances, TMBC will take all available measures, as set out in the Statutory Guidance, to recover any costs it incurs.

4.11.1 Appointment of External Consultants

External consultants and contractors may be employed to carry out any risk assessment and site investigations where it becomes necessary for the Council to undertake this work. Where it is necessary to employ contractors, arrangements will be put in place to ensure investigations are carried out in accordance with relevant British Standards.

The Scientific Officer (Contaminated Land) will be responsible for overseeing site investigations and risk assessment or any remedial measure to ensure the contractors fulfil the requirements of their brief, and to ensure the investigations themselves do not cause harm to the surrounding environment.

Where it becomes necessary to make external appointments of consultants, the Borough Council's procedures relating to procurement will be followed.

4.12 Interaction with other regulatory regimes

There are a number of other regimes which may deal with land contamination, or which overlap with Part 2A. The Planning, building regulation, water pollution, waste management and [environmental permitting regulation] are considered as the most important and are addressed below.

Any land contamination issues that may have previously been dealt with under the statutory nuisance regime will now be dealt with through the Part 2A regime.

4.12.1 Planning

At TMBC the majority of contaminated land concerns are addressed through the land-use planning regime, hence the Environmental Protection Team (EPT) work closely with Planning Services. .

Planning Services and the EPT will work with developers to find acceptable ways forward if there are concerns about land contamination, on a site

These stages provide the framework for assessing the extent of contamination on a site and the steps needed to remediate the contamination, to ensure that the land is suitable for its permitted end use:

- site characterisation
- submission of the remediation scheme;
- implementation of the approved remediation scheme – notification to the local planning authority of when the works will start, validation that the works have been carried out and reporting of unexpected contamination; and
- monitoring and maintenance – what is required and for how long.

Responsibility for securing a safe development rests with the developer and/or landowner.

This strategy should be read in conjunction with the NPPF and associated guidance within the PPG

Any remediation required under a planning condition for a development will continue to be dealt with through the present planning controls and not through Part 2A.

it will be necessary to ensure that any remediation measure required are sufficient to prevent the land being determined as contaminated land in the future under Part 2A.

4.12.2 Building Control

All applications for new buildings and those subject to material change of use are assessed in terms of contaminated land risk. Where this is identified Building Control will follow national technical guidance (Approved Document C: Site Preparation and resilience to contaminants) to ensure that appropriate remedial measures for biological, chemical and physical treatment processes are incorporated within the design.

4.12.3 Water pollution

The Water Resources Act 1991 gives the Environment Agency powers to take action to prevent or remedy the pollution of controlled waters caused by contaminated land. The Part 2A legislation does not revoke these powers and, prior to any determination being made, TMBC will consult with the Environment Agency to determine the best route of control.

4.12.4 Waste management and industrial processes

The Environmental Permitting Regulations came into force on 6 April 2008. They combined the pollution, prevention, control permits (PPC) and waste management licensing (WML) regimes. Any existing PPC permit or WML has automatically become an environmental permit.

Powers are available for dealing with contamination that result from a breach of a site operating licence. The regulation requires site operators to undertake a site condition report prior to receiving a permit to operate. If the site condition report indicates that areas meet the definition of contaminated land then action may be taken under Part 2 A.

5.0 General Liaison and Communication Strategies

During the implementation of this strategy, consultation with other statutory bodies, land owners and occupiers will be paramount to ensure all parties are informed on any relevant contamination issues. This section identifies how TMBC will liaise with all other relevant parties.

5.1 Consultation with other statutory bodies and internal liaison

Throughout the development of this inspection strategy TMBC has consulted with the following statutory authorities:

- Natural England;
- Environment Agency;
- English Heritage;
- Kent Wildlife Trust;
- Kent County Council;
- South East England Development Agency;
- Department for Environment, Food and Rural Affairs (DEFRA); and
- Other neighbouring local authorities.

Internal consultation has been undertaken with Planning Services, Legal Services and Property Services.

TMBC will continue to consult with these organisations throughout the implementation of this strategy. Contact between these organisations and TMBC will be through the Scientific Officer (Contaminated Land.)

Under Section 78V of Part 2A (Environmental Protection Act 1990), TMBC will have regard to any site-specific guidance, issued by the appropriate agency, with respect to land identified as contaminated land.

5.2 Consultation with land owners, occupiers and other interested parties

To ensure successful implementation of this strategy TMBC recognises that there needs to be effective communication with land owners, occupiers and other interested parties. As with the statutory organisations, the central point of contact for all parties will be the Scientific Officer (Contaminated Land.)

5.3 Public register

Under the regulations, TMBC is required to maintain a public register. The register will include details of:

- Remediation notices served by the enforcing authority;
- Remediation statements and declarations;
- Appeals against remediation and charging notices served by the enforcing authority;
- Notices for designation of land as special sites;
- Notices terminating the designation of land as special sites;
- Details of notifications stating what has been done on land by way of remediation by a person served with a remediation notice or who is required to publish a remediation statement;
- Details of notifications given to the local authority by owners or occupiers of land stating what has been done on land by way of remediation; and
- Convictions for prescribed offences.

The enforcing authority can exclude any information from the register on grounds of national security or commercial confidentiality. If such information is excluded, the authority will place a statement on the register indicating the existence of such information.

The register will be updated as relevant information becomes available. The status of the register is available on the council website.

5.4 Provision of information to the Environment Agency

As part of the new contaminated land regime the Environment Agency is required to publish a report on the state of contaminated land in England and Wales. The aim of the report is to compile information on the nature, extent and distribution of contaminated land, the level of remediation undertaken and regulatory activity. With local authorities being the primary regulatory body for Part 2A the Environment Agency will rely on information provided by these authorities. Therefore, TMBC will notify the Environment Agency of any sites within the Borough that are determined as contaminated and will keep them informed of any remediation carried out at each site. This information will be provided using the standard forms supplied by the Environment Agency.

5.5 Trans-boundary Pollutant Linkages

It is possible that a pollutant linkage may occur across TMBC's administrative boundaries. Where this situation arises, TMBC will notify the appropriate Authority within ten working days and will subsequently work with the neighbouring Authority to agree a mutually acceptable method of assessing and, if necessary, remediating the site. The Authorities will agree an action plan identifying each of their roles in determining the status of the site and associated issues. Should TMBC consider that urgent action may be required then this notification will take place without undue delay. The enforcing Authority will be the Authority in whose area the contamination source is situated.

All parties accept that the above agreement is without prejudice to the statutory guidance and legislation and any legal advice received. The Secretary of State will be asked to determine any disputes.

6.0 Review Mechanisms

This strategy details the strategic approach that TMBC will take in inspecting its area for contaminated land. This section outlines circumstances that will cause TMBC to review its inspection strategy outside of this general strategic framework. Regular reviews are essential to ensure that the key priorities outlined in the strategy are on schedule and to ascertain how effective the implemented measures are at identifying and remediating contaminated land.

6.1 Triggers for undertaking non-routine inspection

TMBC recognises that the identification and remediation of contaminated land is an ongoing process. This may mean that inspections have to be undertaken outside of the general strategic framework.

Factors that may cause TMBC to undertake non-routine inspection include:

- an unplanned event where new information arises regarding the contamination of a site which is threatening the local environment;

- TMBC having to respond to the provision of information from statutory bodies, owners or occupiers of land or other interested parties;
- planned or unplanned changes in the use of land, therefore changing the original identified contaminants, pathways or receptors; and
- the discovery of localised health effects that appear to relate to a specific area of land.

6.2 Triggers for reviewing inspection decisions

A variety of factors may cause TMBC to review the findings of previous inspection decisions. This may be due to:

- new legislation being introduced with amended priorities;
- changes in case law or other precedent; and
- revision of guideline values for exposure assessment.

6.3 Review of strategy document

Once TMBC have begun implementing the strategy it may be necessary to change certain priorities to reflect changing conditions, such as the implementation of new legislation. Therefore, upon publication of new guidance or legislation, TMBC will review the current strategy and make alterations where required. Any amendments to the strategy will be documented with all appropriate parties being notified of such changes.

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Appendix A: Sources of further information

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Contact addresses:

British Geological Society

National Geoscience Data Centre

Keyworth
Nottingham
NG12 5GG
www.bgs.ac.uk

Tel: 0115 9363100

Natural England

Government Team-Eastern Area
International House
Dover Place
Ashford
Kent TN23 1HU
Tel: 0845 6003078
e.mail:
enquiries@naturalengland.org.uk
<http://www.naturalengland.org.uk>

Environment Agency

Groundwater & Contaminated Land Team
Orchard House
Endeavour Park
London Road
Addington
Kent ME19 5SH
www.environment-agency.gov.uk
Tel: 08708506506

Kent County Council

Waste Management Department
Block H, Forstal
Beddow Way
Aylesford
ME20 7BT
Tel: 01622 671411
<http://www.kent.gov.uk>

Historic England

Eastgate Court
South East Region
195-205 High Street
Guildford
Surrey GU1 3EH
www.historicengland.org.uk
Tel: 01483 252000

Department for Environment, Food and Rural Affairs (DEFRA)

Contaminated Land Branch
ELEQ Division
Zone 4/D11, Ashdown House
123 Victoria Street
London SW1E 6DE
www.defra.gov.uk
Tel: 08459 33 55 77

Food Standards Agency

Contaminants Division
7th Floor Aviation House
125 Kingsway
London, GU1 1YA
www.foodstandards.gov.uk
Tel: 020 7238 5751

South East England Partnership Board

Berkeley House
Cross Lanes
Guildford
Surrey, GU1 1UN
Tel: 01483 555234
Fax: 01483 555250
www.se-partnershipboard.org.uk

Health and Safety Executive

International House
Dover Place
Ashford
Kent TN23 1HU
www.hse.gov.uk

01233 624658

Kent Wildlife Trust

Conservation and Policy Section
Tyland Barn
Sandling
Maidstone
ME14 3BD
e.mail: info@kentwildlife.org.uk
www.kentwildlifetrust.org.uk
01622 662012

NEIGHBOURING LOCAL AUTHORITIES**Gravesham Borough Council**

Regulatory Services

Civic Centre
Windmill Street
Gravesend
Kent DA12 1AU
www.gravesham.gov.uk
Tel: 01474 337426

Maidstone Borough Council

Maidstone House
King Street
Maidstone
Kent ME15 6JQ
www.maidstone.gov.uk
Tel: 01622 602202

Medway Council

Environmental Protection Section
Gun Wharf
Dock Road
Chatham
Kent
ME4 4TR
www.medway.gov.uk
Tel: 01634 333333

Sevenoaks District Council

Environmental Health Section
Argyle Road
Sevenoaks
Kent
TN13 1HG
www.sevenoaks.gov.uk
Tel: 01732 227000

Tunbridge Wells Borough Council.

Environmental Protection Team
Town Hall, Civic Way
Royal Tunbridge Wells
Kent
TN1 1RS
www.tunbridgewells.gov.uk
Tel: 01892 526121

Appendix B: Historic England Considerations

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Historic England considerations

One of the aims of the document should be to protect historic assets and the historic environment.

At the very least it should protect 'designated historic assets' which will include scheduled monuments, listed buildings, registered parks and gardens, historic battlefields and conservation areas. Historic England considers that there will be other sites, not designated at the present, time that should also be afforded protection. Early identification of such constraints will minimise the danger of conflict later in the process. A discussion with the Council's Planning Department or Conservation Officer should help to identify such sites.

Scheduled Ancient Monuments

Within the categories of significant harm the CLG Circular 2/2000 identifies Scheduled Monuments as one of receptors that could be subject to harm. In the case of Scheduled Monuments, substantial damage (i.e. harm) is regarded as any damage that significantly impairs the historic, architectural, traditional, artistic, or archaeological interest by reason of which the monument was scheduled. Scheduled Monuments should be noted within the Strategy even it is not anticipated that contamination affects the sites.

Archaeologically sensitive sites

You should be aware that the sites of some former industrial activities are of archaeological significance, and at these locations any contaminants present may constitute an important element of the archaeological interest. This aspect would need to be considered when drawing up a remedial strategy for such a site.

Scheduled Monuments constitute a relatively small proportion of the total archaeological resource. We would expect that when significant contamination is identified on or in an unscheduled archaeological site, and remediation is necessary, full discussion with the Kent County Council Archaeology Service would take place at an early stage to agree an appropriate mitigation strategy. In the preparation of your inspection strategy we recommend that you consult the County Historic Environment Record (HER). This held by the Kent County Council. The HER is a record of all known archaeological sites, including Scheduled Monuments.

Other potentially sensitive receptors

Although not included in the CLG guidance, it is important to remember that listed buildings, world heritage sites, historic parks and gardens, historic battlefields and conservation areas will on occasions also be sensitive receptors. All these are designations, some of them statutory, that local authorities are required to take into account when considering planning applications and related matters. For example a significant number of industrial buildings are listed and some conservation areas may include, or may even have been designated principally because of, industrial sites.

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Appendix C Glossary.

Defra Circular 01/2006 Environmental Protection Act 1990: Part 2A, Annex 6 contains a detailed glossary of terms that provides legal definitions of terms that may be used in this strategy. This glossary provides some of those definitions and also an interpretation of terms used in the strategy.

AONB	Area of Outstanding Natural Beauty.
Appropriate person	Any person who is an appropriate person, determined in accordance with section 78F of Environmental Protection Act 1990 Part 2A, to bear responsibility for anything which is to be done by way of remediation in any particular case.
CLEA	Contaminated Land Exposure Assessment, a risk assessment model for assessing the risk to human health.
Contaminant	A substance which is in, on or under the land and which has the potential to cause harm or to cause pollution of controlled waters.
Contaminated land	<p>Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, or under the land, that</p> <p>(a) significant harm is being caused, or there is a significant possibility of such harm being caused;</p> <p>or</p> <p>(b) pollution of controlled water is being caused or is likely to be caused.</p> <p>Or with respect to active contamination as</p> <p>Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, or under the land, that:</p> <p>(a) harm is being caused, or</p> <p>(b) there is a significant possibility of such harm being caused.</p>
Controlled Waters	<p>These include:</p> <ul style="list-style-type: none">• Inland waters (rivers, streams, underground streams, canals, lakes and reservoirs)• Groundwater (exclude waters contained in underground strata but above the saturation zone)• Territorial and Coastal Waters

Enforcing Authority	In relation to a special site, the Environment Agency. In relation to contaminated land other than a special site, the local authority in whose area the land is situated.
GIS	Geographical Information System.
Harm	Harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property. With respect to radioactive contamination harm is defined as lasting exposure to any person being resulting from the after effects of a radiological emergency, past practice or past work activity.
MCERTS	MCERTS is a performance standard for laboratories undertaking chemical testing of soils.
Orphan sites	Land which is determined as contaminated through the identification of a significant pollutant linkage, but where no appropriate person can be found or where those responsible are not liable for the remediation.
Pathway	One or more routes or means by, or through, which a receptor: (a) is being exposed to, or affected by, a contaminant, or (b) could be so exposed or affected.
Pollutant	A contaminant which forms part of a pollutant linkage.
Pollutant Linkage	The relationship between a contaminant, a pathway and a receptor.
Receptor	The entity (e.g. humans, animals, water, buildings, vegetation etc) which is vulnerable to the adverse effects of a contaminant such as a hazardous substance or agent.
Register	The public register maintained by the enforcing authority relating to contaminated land.
Remediation	The process of assessing the condition of land or waters to determine the extent of any contamination. With regard to this specific legislation it encompasses the

process of carrying out works to minimise, remediate or mitigate the effects of contamination to land or waters and the subsequent monitoring to review the condition of the land or waters.

Remediation Notice	A notice specifying what an appropriate person is to do by way of remediation and the periods within which he is required to do each of the things so specified.
Remediation Statement	A statement prepared and published by the responsible person detailing the remediation actions which are being, have been, or are expected to be, done as well as the periods within which these things are being done.
Risk Assessment	The process of assessing the hazards and risks associated with a site.
Saturated zone	The zone in which the voids of the rock or soil are filled with water at a pressure equal to or greater than atmospheric. The water table is the top of the saturated zone in an in confined aquifer.
Significant Harm	Any harm that is determined to be significant in line with the statutory guidance.
Significant Pollutant Linkage	A pollutant linkage which forms the basis for a determination that a piece of land is contaminated land.
SNCI	Site of Nature Conservation Interest.
Source Protection Zone	An area designated around a groundwater source, the maximum extent of which is the catchment area for the source and within which certain activities and processes are strictly regulated.
Special Site	Contaminated land is designated as a special site where one or more of the following conditions are met: <ul style="list-style-type: none">• Any of the following activities have been carried out at any time:<ul style="list-style-type: none">- disposal of waste acid tars in a retention basin;- purification of crude petroleum or oil;- manufacture or processing of explosives;- the manufacture, production or disposal of:<ul style="list-style-type: none">- chemical weapons;

- biological agents or weapons; - an authorized prescribed process.

- The land is any of the following:
 - used for naval, military or air forces purposes
 - an atomic weapons establishment
 - within a nuclear licensed site
 - subject to Section 30 of the Armed Forces Act 1996
- The land appears to be contaminated as a result of the escape of substances from land meeting any of the above description
- Land which is wholly or partly contaminated land by virtue of radioactivity.
- Land which is affecting any controlled waters that:
 - are used for drinking water supply, and are likely to require treatment in order to be fit for human consumption, or
 - are not likely to meet the requirements for water quality specified in regulations made under the Water Resources Act 1991, or
 - are contaminated within one or more defined aquifers and where pollution relates to one or more defined substances.

The effect of the designation of any contaminated land as a special site is that the Environment Agency, rather than the local authority, becomes the enforcing authority for the land.

Suitable Person

A person suitably qualified and experienced to carry out a specific task, as assessed by the relevant authority.

SSSI

Site of Special Scientific Interest.

TOX

TOX reports are the collation of toxicological data to support the derivation of soil contaminant intakes that are protective of human health.

If you are having difficulty reading this report and would like the information in another format, please contact

Tonbridge & Malling Borough Council Environmental Health & Housing
Services Gibson Building

Gibson Drive

Kings Hill

West Malling

Kent

ME19 4LZ

Tel: 01732 876074

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

18 July 2016

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Information

1. WASTE & STREET SCENE SERVICES UPDATE

Summary

This report provides an update on a number of projects and initiatives within Waste & Street Scene services.

1.1 Christmas & New Year Collection Arrangements 2016/17

- 1.1.1 As 2016 is a leap year, Christmas Day and Boxing Day holidays have moved two days on from last year's pattern falling on a Sunday and a Monday respectively. In keeping with previous years, no collections will be made on Boxing Day or Monday 2nd of January. Both week commencing Monday 26th December and Monday 2nd of January will see collection services operating one day late.
- 1.1.2 Members will be pleased to note that as a result of the above, there will be no suspension of the Green Waste Service and collections will continue all properties throughout this period.
- 1.1.3 Subject to final confirmation from Kent County Council (Waste Disposal Authority) regarding the availability of disposal sites, the proposed collection arrangements are as follows:

Normal Collection due	We will collect
Friday 23 rd December	Friday 23 rd December
Monday 26 th December	Tuesday 27 th December
Tuesday 27 th December	Wednesday 28 th December
Wednesday 28 th December	Thursday 29 th December
Friday 30 th December	Saturday 31 st December
Monday 2 nd January	Tuesday 3 rd January

Tuesday 3 rd January	Wednesday 4 th January
Wednesday 4 th January	Thursday 5 th January
Thursday 5 th January	Friday 6 th January
Friday 6 th January	Saturday 7 th January

- 1.1.4 As a result of operating kerbside collections on the two Saturdays identified above, we will be unable to run the normal Saturday Bulky Household Waste Freighter Service on Saturday 31st December and Saturday 7th January. In order that no locations miss a visit within the month, we have amended the schedule for December & January accordingly.

Saturday Bulky Household Waste Freighter Service	
DECEMBER 2016	
Saturday 3 December	Week 1 locations
Saturday 10 December	Week 2 locations
Saturday 17 December	Week 3 locations
Saturday 24 December	Week 4 locations
Saturday 31 December	No Service
JANUARY 2017	
Saturday 7 January	No Service
Saturday 14 January	Weeks 1 & 2 locations
Saturday 21 January	Week 3 locations
Saturday 28 January	Week 4 locations

1.2 Street Sweeping Arisings

- 1.2.1 In February of this year, Kent County Council (KCC) introduced a new initiative to divert street cleansing waste arising from mechanical sweeping operations away from final disposal and into a recycling operation. This arrangement was set up with Biffa Waste Services at its Street Sweepings and Aggregate Recycling Facility at Brookhurst Wood in West Sussex.

The arisings collected via Veolia's mechanical sweeping activities are delivered to the KCC North Farm Transfer Station in Tunbridge Wells from where it is transported in bulk to the Biffa facility. This operation was previously trialled in Ashford and Swale and is now being introduced across all Kent districts. The initiative has the potential to increase recycling and reduce waste sent for final disposal.

Outputs from the recycling process are: Sand; Construction Aggregates; Soil Restoration Medium; Landfill cover; and Recycled Plastic Polymers.

Although it is still early days, early indications show that this initiative is likely to mean that in this Borough alone c. 600 tonnes of street cleansing waste will be recycled during 2016.

1.3 Saturday Bulky Goods & Waste Electrical & Electronic Equipment (WEEE) Service

- 1.3.1 Members will be aware that the Council provides a separate collection of WEEE items via the Saturday Bulky Goods Service. In addition to the static freighter at each site, a smaller vehicle is also provided to collect WEEE items for recycling. This is currently provided at 63 sites per month over a 4 week cycle. While this WEEE element had initially been partially funded by a one-off contribution from KCC, this only supported the service until the end of June 2015. The WEEE Service currently diverts iro. 200 tonnes per annum to recycling.
- 1.3.2 It is also worth noting that as there are currently no Household Waste Recycling Centres provided in our area, KCC continues to contribute £20,000 per annum to the ongoing provision of our Saturday Bulky Goods Service.
- 1.3.3 In February 2015, the Department for Innovation and Skills, in partnership with Valpak (an organisation which helps producers meet their recycling obligations), launched the WEEE Local Project Fund. The fund, which was provided by retailers to help them meet their obligations under the UK WEEE Regulations, invited funding bids from local authorities for projects that increase the amount of WEEE being recycled. This Council submitted a bid for the funding of the WEEE Saturday Service, and despite the fund being oversubscribed in a highly competitive selection process, we succeeded in obtaining the full grant of £25,700. This, together with a reduced contract sum charged by Veolia for this element of the service, has enabled us to maintain the current WEEE service until the end of December 2016.
- 1.3.4 Unfortunately, no further external funding opportunities are currently available and existing budgets do not allow for a further extension of the service in its present form beyond December 2016. Officers have commenced a review of whether any options might be available in the future. Veolia has been asked to look at the WEEE service together with the Saturday Bulky Goods Service, with the aim of identifying any operational efficiencies within the current schedule that could free

up resources to cover the cost of continuing the WEEE service. There are a number of options being explored:

- Reducing time spent at underused sites. Currently all locations are visited for an hour each time. Some sites receive a small number of users of either service, so the time at a number of sites could be reduced.
- Rescheduling the routes to reduce travel time between sites. Currently 30 minutes is allowed for driving between each site.
- Streamlining the services provided, with fewer locations visited. Many users of the service travel by car, often from outside of the area being visited.

1.3.5 It is unlikely that any one of the three options alone would be sufficient to fully cover the costs of continuing the WEEE service, but a combination of them may result in the required savings. The outcome of the review will be reported back to this Board in November for Members to agree the way forward.

1.4 “Love Kent – Hate Litter” Roadside Litter Campaign

1.4.1 The Kent Resource Partnership (KRP), consisting of Kent County Council and all twelve Kent district councils, ran the Love Kent, Hate Litter Campaign in both 2014 and 2015. The campaign included a radio campaign on Heart FM with a call to action for local volunteer activity. It was a huge success with Social Media engagement across the county of over 1.5 million people. This Council ensured a high level of local involvement with more than 100 Love Where You Live events in the borough over the four campaign periods.

1.4.2 The most recent phase of the campaign ran between February & March 2016. This Council again used mobile roadside litter signage to promote the campaign. The “Take Your Litter Home” signs were refreshed with a new message, to tie in with the national “Clean for the Queen” campaign. These have been replaced with a message promoting the LitterGram App and “Have a Great Summer, Not a Rubbish One”.

1.4.3 The next phase of the campaign is due to run between 11 and 31 July, supported by a comprehensive media campaign sponsored by LitterGram. We are pleased to report that this Council are again leading the way with the number and range of events and initiatives.

1.5 Clean For The Queen

1.5.1 Clean for The Queen was a national campaign launched by Country Life magazine in partnership with Keep Britain Tidy to “clear up Britain in time for The Queen’s 90th birthday...” on 21 April 2016.

1.5.2 Throughout March and April, events took place in virtually every area of the Borough, supporting the national campaign. The campaign urged communities to

help Council's clear up litter grot spots, especially those areas which are not regularly cleaned, in time for the Queen's 90th birthday in April. Over 40 groups took part in clean up events across the Borough. A total of nearly 400 volunteers collected over 300 sacks of rubbish from litter grot spots, and 15 new Street Monitors were also signed up.

1.6 Littergram

- 1.6.1 Littergram is a free app solution that allows users to take a picture of litter, flytipping, dirty street signs or overflowing litter bins. GPS then pinpoints the location of the problem and the photo is sent automatically to the relevant local council authority.
- 1.6.2 This Council are continuing to work with Littergram to further develop the app and to ensure that it is user friendly. Since it was launched in February 2016 we have received over 300 reports via the LitterGram App. These included a number which were passed to third parties for action, such as potholes and dirty/damaged road signs to KCC.
- 1.6.3 The LitterGram App has been funded and developed by a local businessman, Danny Lucas. He has worked closely with the Council in developing the app so that it not only benefits residents but also assists the Waste & Street Scene team in being able to respond promptly to reports and take appropriate action. In recognition of the work and LitterGram support, Mr Lucas received an Environmental Champions Award in February this year. We are currently preparing a joint case study regarding the our experience and use of the App. Mr Lucas is also in discussions with members of the Kent Resource Partnership about expanding the App to other Councils and the potential for another Kent-wide clean-up campaign over the summer.

1.7 Voluntary Litter Code

- 1.7.1 The Voluntary Litter Code in Larkfield has had ongoing success at keeping Larkfield clean and recognising the 25 businesses, including Tesco Lunsford Lane, that ask their customers to use litter bins and have staff clean up around their premises. The scheme was initiated by committed Street Monitor, Mr Stuart Olsson of Larkfield Neighbourhood Watch in partnership with the Borough Council, East Malling & Larkfield Parish Council and Kent Police. There is a clear link between littering and anti-social behaviour. Businesses are awarded a certificate after one year of attained and maintained standards. This litter code model has also been adopted in East Malling, Ditton and Snodland.
- 1.7.2 The Snodland Goes Cleaner group has also adopted this Code and have so far signed up nearly 50 businesses in the town to commit to doing their bit to keep Snodland clean. Snodland Town Council reported that perception of both businesses and residents of the cleanliness in the town is much higher than it has been in the past.

1.7.3 The Council's Economic Regeneration Officer is discussing the scheme with businesses in other locations across the Borough.

1.8 Responsible Dog Ownership

1.8.1 On 6 April 2016, micro-chipping of all dogs over the age of 8 weeks became compulsory. During March, our Dog Warden ran 6 free micro-chipping events across the Borough. These targeted areas where un-chipped dogs were causing an issue of stray dogs not being able to be returned direct to their owners, and their owners then struggling to pay the subsequent kennelling fees. A further session was held at Larkfield Recreation Ground in June due to local demand.

1.8.2 The events were made possible by the donation of a supply of micro-chips and micro-chipping equipment by the Dogs Trust, and the use of social media to promote the sessions. In all, over 330 dogs were chipped and registered, including 97 at the session run at Tonbridge Racecourse Sportsground.

1.8.3 Working closely with the Dog's Trust the Council is arranging further awareness-raising of the new legislation which will take place at a series of fun dog shows over the summer. These will also be used to raise awareness of other responsible dog ownership issues such as fouling, dangerous dog incidents and behavioural problems:

- Sunday 24 July Tonbridge Racecourse
- Sunday 7 August Kings Hill Sports Park
- Saturday 27 August Wouldham Recreation Ground

1.9 Kent Resource Partnership (KRP) Communications Group – Waste Resources Action Programme (WRAP) Funding

1.9.1 Members may recall that last year the KRP was successful in bidding for £70,694 of the £350,000 made available by the national Waste Resource Action Programme (WRAP). The aim of the funding was to assist local authorities to increase recycling through communication activities. KRP officers also managed to secure additional funding from external partners, Marks & Spencer and Alupro.

1.9.2 The KRP implemented a Kent wide recycling campaign between October 2015 and April 2016. The aim was to increase both the capture and quality of dry recycling in the whole county. A range of communications activities were delivered by KRP officers with support from district council representatives. These included leaflet deliveries to every household in Kent; the use of social media with specific campaign messages; supermarket promotions; and collection vehicle liveries.

1.9.3 Research is currently being undertaken to assess the impact that the campaign has had on residents' awareness of recycling in general. Research is also

focusing on specific council services, as well as on amounts and quality of recyclable materials collected during the course of the campaign.

1.10 TMBC Communications Plan

1.10.1 Last year each district was allocated some funding by the KRP so they could run tailor-made communications activities that were specific to local needs. Officers have been working with a local marketing agency to produce a communications project plan for TMBC residents which commenced last month. The campaign's main messages are:

- “Get Back To Basics” – what material goes into which bin; when & where to put your bin; no side waste with black bin; clinical waste & pull outs;
- “Your Waste Need Never Go To Waste” – what happens to your rubbish after you put it out; how black bin waste becomes electricity; how green bin waste is composted (delivered to households in April); where do your paper, metals, plastics & glass go?

1.10.2 Communications throughout the next year will also carry seasonal messages, such as how to manage extra garden waste during the peak seasons; how to manage food waste during Summer; recycling at Christmas; etc

1.10.3 Future communications will focus on specific materials. The KRP recently commissioned compositional waste analysis in West Kent authorities. The results of the audits will indicate how much recyclable material is still being disposed of via the black bin service, and how much potential there is for diverting this material into recycling & composting. Early indications show, for example, that around 5% of TMBC residents' black bin waste consists of paper that could be recycled through the green box scheme. If the samples audited are representative of TMBC as a whole, this would mean that around 1,000 tonnes of recyclable paper is not being diverted to recycling, which would also generate income to help offset the Council's collection costs. Once the final report has been received this will be used to inform future communication messages.

1.10.4 As well as this communications plan, each year the Waste & Street Scene Team work to a programme of activities, which forms the Cleaner Borough Campaign Action Plan. As well as Love Where You Live initiatives, the action plan includes other aspects such as targeted enforcement, educational talks, responsible dog ownership and the Street Monitor scheme.

1.10.5 The proposed action plan for 2016/17 is attached at **Annex 1** for Members' information.

1.11 Kent Resource Partnership (KRP) Group Updates

1.11.1 Street Scene Group

The February meeting included officer feedback on the joint fly-tipping protocol with a decision being made to recommend continuation of the protocol to the KRP Members Board. The Street Scene Project Group last met on the 10th May. The Group's main focus at this meeting was to discuss and propose priorities for progression during 2016/17. All agreed that work for the remainder of the year should focus on Litter and Fly-Tipping particularly in the areas of education and enforcement, exploring the potential for joint working and sharing of best practice. The outcome of these discussions has been used to inform the new KRP Business Plan. Other items included presentations on the LitterGram App, the potential for further joint working with KCC Highways High Speed Road grass cutting and cleansing, and the role of the KCC Intel Unit linked to efforts to prevent and prosecute fly-tipping.

1.11.2 Health & Safety Group

The group last met on 28 April to discuss and agree priority projects for the coming year. A key priority identified was the provision of consistent training to Waste Managers and Supervisors across Kent. The Group also discussed the recently released Health & Safety Executive guidance on Safe Cleansing on the Highway. The KRP has been seeking consistent guidance on such operations for a number of years, so the recently published document is most welcome. The Group will take forward discussions on how a Kent-wide approach can be agreed to demonstrate compliance with the guidance.

1.11.3 Recycling Communications Group

The Group meets every three months or so, and has most recently worked to deliver the KRP WRAP-funded Kent-wide communications project. Details of the project are included in the Waste & Street Scene Promotion Initiatives report, reported separately on this agenda. At the Group's meeting on 26 April, it received a presentation from Acumen Marketing on the communications plan. It is hoped that the generic infographics and images produced by Acumen can be used by other Kent Districts on future communications materials and for social media campaigns. The group is currently engaged in delivering the latest phase of the "Love Kent, Hate Litter" campaign, detailed above.

1.12 Legal Implications

1.12.1 The Council has a statutory duty to provide a refuse collection service. The proposed arrangements ensure that the Council complies with that duty.

1.13 Financial and Value for Money Considerations

1.13.1 The costs associated with the collection and contracted services arrangements for Christmas and the various promotional initiatives are contained within existing budgets. Any costs associated with the review of the Saturday Bulky Goods and WEEE service will be reported to the next meeting of this Board.

1.14 Risk Assessment

1.14.1 Careful planning, good communication with residents and coordinated arrangements for collections, help to ensure minimal disruption and effective delivery of these high profile services.

Background papers:

Nil

contacts:

David Campbell-Lenaghan

Lesley Letts

Robert Styles

Director of Street Scene, Leisure and Technical Services

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WASTE & STREET SCENE PROMOTION – PROJECT PLAN 2016/17

	PROJECT	ACTION(S)	KEY EVENTS
1	Recycling Communications	<ul style="list-style-type: none"> • Develop & deliver a communications plan aiming to: • maximise use of recycling services • maximise quality of recyclate collected • remind residents of TMBC's policies & procedures re side waste, boundary collection, containers for green waste, managing food waste, etc • Include use of social media to promote messages and address issues raised by residents throughout the year 	<ul style="list-style-type: none"> • Composting leaflet – April 2016 - completed • Energy-from-waste leaflet – July 2016 - completed • Material-specific leaflet – October 2016 – Food Waste • Material-specific leaflet – January 2017 - Paper • “Thank You For Recycling” leaflet – April 2017 • Social Media campaign from July 2016 onwards
2	Working with communities	<ul style="list-style-type: none"> • Continue to promote the Love Where You Live campaign in communities throughout the Borough • “Snodland Goes Cleaner” Campaign. - assist the community group develop and implement a range of street scene initiatives • Continue to support community initiatives such as the Larkfield Angels, Ditton Community Action Group, Tonbridge Angels Community Group and East Malling Wombles • Promote and facilitate activities during Love Parks Week (15-24 July), working with Leisure Services colleagues and local community groups 	<ul style="list-style-type: none"> • Sunday 24 July – Fun Dog Show, Tonbridge Racecourse • Community Clean up – Leybourne Lakes CP

			<ul style="list-style-type: none"> • Bag & Flag – Haysden Country Park
3	Street Monitors Scheme	<ul style="list-style-type: none"> • Continue to promote the Street Monitors Scheme • Arrange for ongoing “training” of new and existing street monitors • Promote the “Eyes and Ears” scheme to TMBC employees. 	
4	Tackling litter & fly tipping	<ul style="list-style-type: none"> • Maintain litter & fly tipping enforcement activities in targeted “hot spot” areas in order to achieve reductions in levels of litter • Work with PCSOs, Community Wardens, Social Housing providers and Parish Councils to increase public awareness of the legal and social implications of littering & fly tipping 	<ul style="list-style-type: none"> • Joint “stop & search” events with Police and neighbouring authorities targeting scrap metal and waste carriers – minimum of 4 per year (dates tbc) • Joint litter/Anti-Social Behaviour patrols with Police targeting high street locations at key times during the year (such as Euro 2016 tournament and Christmas)
5	Reducing dog fouling	<ul style="list-style-type: none"> • Develop a targeted programme of “Bag & Flag” promotion and enforcement activities in identified “hot-spot” areas • Work with PCSOs, Community Wardens, Social Housing providers and Parish Councils to increase public awareness of the legal and social implications of dog fouling. 	<ul style="list-style-type: none"> • Programme of dog show events – Summer 2016: • Sunday 24 July – Tonbridge Racecourse • Sunday 7 August – Kings Hill Sports Park • Saturday 27 August – Wouldham Recreation Ground
6	Work with schools to promote responsible behaviour relating to litter	<ul style="list-style-type: none"> • Carry out visits to schools, at all levels, by the Environmental Projects Officer, Litter Enforcement Officer and Dog Warden 	<ul style="list-style-type: none"> • Programme of school & community group visits September 2016 to July 2017

	and other environmental offences	<ul style="list-style-type: none"> • Work with the Youth Forum to develop youth engagement in Cleaner Borough activities • Promote & support the “Eco-Schools” project 	
7	Community clean-up events	<ul style="list-style-type: none"> • Promote and provide assistance to community groups, schools, parish councils and businesses for “Bash-the-Trash” events • Promote and participate in the LGA’s “Keep Britain Tidy” national clean-up initiatives, as well as other national and regional initiatives 	<ul style="list-style-type: none"> • Keep Britain Tidy’s national campaign for 2016 was “Clean For The Queen” – next national initiative due Spring 2017 (tbc)
8	Business waste	<ul style="list-style-type: none"> • Assist in the promotion of the Voluntary Code of Practice on Litter from businesses through various community groups – existing initiatives in Larkfield, East Malling, Ditton & Snodland 	

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

18 July 2016

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Information

1 REFUSE AND RECYCLING COLLECTIONS RESCHEDULING

Summary

This report provides information relating to the rescheduling of refuse and recycling collection services in the Borough in order to efficiently operate the service in line with recent and ongoing domestic property growth.

1.1 Background

1.1.1 The Council provides services for the collection of domestic refuse and recycling via an alternate week, wheeled bin and box system for the majority of properties within the Borough. Properties without suitable storage or access for wheeled bins have refuse collected via a weekly black sack service with the box provided for paper and cans.

1.2 The need to Reschedule

1.2.1 The current collection service contract commenced in 2005, at which time there were approximately 45,000 domestic dwellings within the Borough. The original configuration of nine collection rounds, with the associated vehicles and crews, was designed to provide collections from this number of properties and allowing capacity for some growth.

1.2.2 In March 2009, the growth in property numbers led to a minor reschedule, with the introduction of a tenth front-line resource on Thursdays and Fridays only in Leybourne Lakes and Kings Hill.

1.2.3 Since 2009 another c. 3000 additional properties have been built and occupied with an anticipated 1,500 to 2,000 more to come during the next three years. The property growth in recent years and anticipated growth until the end of the current contract in 2019, means that the workload in some areas can no longer be completed efficiently within the existing round structure.

To an extent, additional properties can be absorbed and included within existing rounds without the need to deploy extra resources. However, over a period this

begins to impact on the individual crews and round efficiency and it becomes necessary to carry out a more fundamental review and provide additional resources. Any associated cost in providing these resources has already been taken into account within annual budget provision.

1.3 The Rescheduling

- 1.3.1 The initial exercise of reviewing rounds and balancing workloads to take account of property growth is being carried out by a central team from Veolia's regional office. Once completed, it will then be assessed by their own local contract staff, before submitting to the council for further consideration and approval. Although there may inevitably be some day of collection or recycling week changes, Veolia recognise the importance of keeping these to an absolute minimum.
- 1.3.2 Where possible, we will also take the opportunity to address some of the access problems encountered during collections in some parts of the borough. Access can be particularly difficult in some of the newer developments where there are traffic calming features and on-street parking. As part of this review, Veolia will assess the feasibility of using a smaller vehicle in some areas to assist with this problem.

1.4 Implementation/Liaison with residents

- 1.4.1 Once the rescheduled round(s) are agreed there will be a period of time to allow for communications with residents where any day or recycling week changes are to be introduced. We would anticipate a period of approximately six weeks to enable us to properly prepare and deliver the information to residents.
- 1.4.2 It is anticipated that the proposed round rescheduling will be submitted for Client Officer consideration and approval this autumn, so that any revisions to the collection schedule can be introduced in the New Year (once the Christmas period is over and allowing sufficient time for communication with householders).
- 1.4.3 Veolia as indicated that vehicle and staff resources are already available within the contract, so they would be in a position to implement changes once approved and resident notifications have been carried out.

1.5 Legal Implications

- 1.5.1 As a Waste Collection Authority, the Council has a legal duty to provide refuse collection services. The contracted services outlined above assist the Council in delivering its statutory obligations. The Council is also obliged to take account of reasonable requests from its contractor to review and where appropriate reschedule collections.
- 1.5.2 In order to comply with our legal duties relating to safety at work we undertake risk based audits and inspections of our contractor's work systems and practices.

1.6 Financial and Value for Money Considerations

1.6.1 The costs associated with this rescheduling exercise, including notifications to residents are borne by Veolia as part of our contract arrangements. The collection of refuse and recycling, including allowance for property growth is contained within existing budgets.

1.7 Risk Assessment

1.5.1 The failure to provide an effective and efficient service could result in criticism from residents and impinges directly on their view of the Council and their satisfaction with services delivered.

1.5.2 Careful planning, good communication and co-ordinated arrangements for any changes to the collection schedules help to ensure minimal disruption and effective delivery.

1.8 Equality Impact Assessment

1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Background papers:

Nil

contacts:

Dennis Gardner
Lesley Letts

Robert Styles

Director of Street Scene, Leisure & Technical Services

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

18 July 2016

Report of the Director of Planning Housing and Environmental Health

Part 1- Public

Matters for Information

1 REPORT ON THE ESTATES EXCELLENCE PROJECT IN LARKFIELD AND AYLESFORD.

1.1 Summary

This report summarises the outcomes of the Estates Excellence project delivered by the Food & Safety Team together with other internal and external partners to assist small businesses with health and safety in Larkfield and Aylesford.

1.2 Background

1.2.1 Estates Excellence (EE) is a project devised by the Health and Safety Executive and was rolled out nationally in 2012. It is a non-enforcement led project involving working with local authorities and other partners to help business owners and landlords to improve health and safety on their sites.

1.2.2 During April and May 2016, Tonbridge & Malling Borough Council working with the Health and Safety Executive (HSE), Kent Fire & Rescue Service, and the Red Cross, assisted businesses on Quarry Wood and Mill Hall Industrial Estates in Aylesford, Larkfield Trading Estate and Larkfield businesses in Sheldon Way and Bellingham Way.

1.3 The Project

1.3.1 Businesses were initially visited to promote the project and identify where they may need health and safety support and guidance. Support visits were offered by appointment which enabled officers to visit and carry out an assessment of the workplace hazards and risks and give advice and support to the business in a non-enforcement environment. Free bite-sized training sessions and occupational health checks were offered. Businesses were also offered workplace wellbeing/health checks and advice and support on healthy weight, physical activity and nutrition by Tonbridge & Malling Borough Council's Healthy Living Team.

- 1.3.2 The training sessions were scheduled in the week following the support visits and were held at the Royal British Legion, Capel Morris Centre, Hall Road, Aylesford between 19-25 May.
- 1.3.3 As training bookings were made the training sessions were reviewed and many had to be cancelled due to lack of take-up. The most popular courses were Fire Safety and First Aid. The training was very well received by those attending.
- 1.3.4 Table 1, shows the numbers of business that were targeted and those that engaged with the project.

TABLE 1

Activity	Figure
No of businesses in target estates	279
No of National/do not visits	84
No of emails to businesses prior to promotional visits	111
No of businesses visited during promotional phase but were not interested in support or training after follow up email/phone call	67
No of businesses participated in project	20
No of support visits booked	11
No of support visits carried out	11
No of businesses booked on training sessions originally	20
No of business that attended training (NB A number of businesses sent employees to multiple training sessions)	12
No of workers who attended training sessions	43
No of workers tested in occupational health	12
No of businesses that took up occupational health sessions	2

1.4 Legal Implications

- 1.4.1 The Council has a statutory duty to enforce health and safety, restricting proactive inspection to specific activities/risks specified by the HSE. Other interventions such as Estates Excellence meet with current requirements.

1.5 Financial and Value for Money Considerations

- 1.5.1 The costs of the project were met within existing budgets and some elements were financed directly by the HSE.

1.6 Risk Assessment

The work of the Food and Safety Team is conducted in accordance with the Section 18 of the Health and Safety at Work etc Act 1974 and the National Local Authority Enforcement Code.

Background papers:

Nil

contact: Jane Heeley and
Melanie Henbest

Steve Humphries
Director of Planning, Housing and Environmental Health

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Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 10

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 11

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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