

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:

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Nil

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