



**REPORTS FOR DECISION BY THE
CABINET MEMBER FOR ENVIRONMENT**

Date Issued: **3 June 2010**

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Agenda Item 1

MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR ENVIRONMENT

REPORT OF ASSISTANT DIRECTOR OF ENVIRONMENTAL SERVICES

Report prepared by: John Newington

Date Issued: 3 June 2010

1. REVIEW OF THE CONTAMINATED LAND STRATEGY 2001

1.1 Issue for Decision

1.1.1 To approve the Maidstone Borough Council (MBC) Contaminated Land Strategy 2010.

1.2 Recommendation of Assistant Director of Environmental Services

1.2.1 That the Cabinet Member approve the Contaminated Land Strategy 2010 as attached at **Appendix A**.

1.2.2 That the Cabinet Member agrees that the attached Strategy is fit for this purpose; and

1.2.3 That the Cabinet Member notes the work on reviewing the contaminated land database.

1.3 Reasons for Recommendation

1.3.1 The MBC Contaminated Land Strategy was originally published in 2001. Although the inspection strategy remains the 'core' document that will enable the Council to deliver its statutory duty, there have been a number of significant developments since it was prepared. These are discussed within this report and where necessary the approach has been updated, modified or additional information has been added.

1.4 Background

1.4.1 Environmental Health provides several key services to internal departments and external stakeholders through:

- Its statutory function under Part IIA of the Environmental Protection Act 1990;

- A Statutory function under the Environmental Information Regulations 2004; and
- Contaminated Land consultation services to other council departments, in particular Planning (Development Control).

1.4.2 This work is guided by the MBC Contaminated Land Strategy. The strategy underpins the Council's approach to land contamination within the Borough.

1.4.3 In developing this Strategy, the subject of contaminated land was informally discussed with the Regeneration and Sustainable Communities Overview and Scrutiny Committee on the 24 November 2009 (minute number 78 refers). Ideas generated at this meeting were incorporated within the draft Strategy along with some further information that was added. A further meeting of this Overview and Scrutiny Committee, held on the 26 January 2010, considered the draft Strategy as presented for approval by this report. Feedback from this meeting is provided within section 1.7 below.

1.5 Current situation

1.5.1 To support the services listed above, the Council keeps records relating to sites of concern. Although the information held by the Pollution Team is good and largely adequate, the gaps in information and weaknesses in certain parts of the system are increasing the risk of this becoming an issue in the future. Action is now essential to improve the quality and reliability of the data and ensure a robust policy is in place for the future.

1.5.2 It is now apparent that there are inaccuracies and flaws in both the data and previous Strategy which puts the service and potentially the Council in a vulnerable position. To address this issue a sum of £6,000 to £8,000 was identified from within existing Environmental Health budgets to fund a short-term contract for a consultant to enable an initial screening, amendment and updating of the potentially contaminated site list to be expedited as a matter of priority. This work is set out in the updated Strategy and will enable the Council to direct resources to the highest priority sites as set out in order of hierarchy in the Contaminated Land Strategy.

1.5.3 Over 600 sites are identified through the current Strategy as being potentially contaminated. By undertaking the work described above, it is believed the number of sites that will require assessment will be reduced to approximately 200. These sites will require further assessment and possible remediation. How this is achieved will be dependant on the type of site involved and in particular the history and land ownership situation. See section 1.10.2 for further information on the financial aspects of land remediation.

1.6 Key changes within the 2010 strategy

1.6.1 The following table indicates the key changes within the 2010 strategy. The first column briefly describes the change and the second column indicates the relevant section within the new strategy. Where necessary a cross reference is given to the original 2001 strategy which can be accessed through the Maidstone Borough Council website (<http://www.maidstone.gov.uk/pdf/2001%20Contaminated%20Land%20Strategy%20.PDF>).

Key change	Section within 2010 strategy (Appendix A)	Section within original strategy (MBC website)
Update to legislative provision to new DEFRA circular 01/2006 and other recent policy and guidance documents.	Referenced throughout the document	
Updated information regarding the Borough in line with developments in spatial planning and conservation	Section 4	Section 4
Inclusion of more details regarding review and assessment process in line with DEFRA circular 01/2006	Section 9 & "Urgent Remedial Action".	Section 9
Change to the prioritisation process	Section 9 (Stage 2)	Section 9 (9.6)
Updated relevant internal and external stakeholders in line with changes in personal and organisations	Referenced throughout documents	
Inclusion of Scrutiny recommendations	Section 7.6, Section 10 and specifically 12.3	N/A
Re-establishment of the working group	Appendix B	Appendix B

1.7 Overview and Scrutiny Feedback

1.7.1 A meeting of the Regeneration and Sustainable Communities Overview and Scrutiny Committee, held on the 26 January 2010, considered the draft Strategy (minute number 89 refers). The main amendments to the original strategy were presented. These included the legislative changes, developments in spatial planning and conservation, details with regard to review and assessment, amendments to prioritisation process, stakeholder amendments and

the re-establishment of an internal working group. It was also highlighted that the earlier recommendations of the committee were incorporated.

1.7.2 Members were advised that following a period of consultation, a decision would be made by the Cabinet Member for the Environment on implementing the strategy as based on consultation responses.

1.7.3 The Committee agreed that the work undertaken by officers was extensive and agreed that a further review of contaminated land by Overview and Scrutiny was not required.

1.7.4 The Committee removed the contaminated land review from its work programme.

1.8 Consultation

1.8.1 In addition to the consultation provided by the Regeneration and Sustainable Communities Overview and Scrutiny Committee, the draft Strategy has been issued to statutory consultees; namely the Environment Agency, Natural England and Food Standards Agency. It has also been issued to all Kent Local Authorities.

1.8.2 Only one substantive response has been received from Tunbridge Wells Borough Council. Support was given for the Strategy with particular mention being made to the collaborative nature of the working group. A query was raised in relation to the Urgent Remedial Action Section which it was felt was unclear as to how any monies will be claimed back without the services of notices allowing works in default. As a result of this comment further clarification has been provided within this section of the Strategy.

1.9 Impact on Corporate Plan

1.9.1 Promoting a healthy environment is a key priority within the Council's Strategic Plan. Identifying and remediating contaminated land is an important way in which the Council can contribute to promoting a healthy environment. This area of work also has significance in terms of supporting land regeneration. The strategy is also of relevance to the Council meeting its statutory obligations.

1.9.2 As of the 1 April 2010 contaminated land was specifically included within the Council's Strategic Plan. The Action Plan that accompanies the Contaminated Land Strategy (see **Appendix B**) forms the mechanism against which performance can be monitored. It should be noted that there are no relevant national performance indicators, hence the importance of monitoring outcomes against the Action Plan.

1.10 Alternative Action and why not Recommended

1.10.1 The alternative would be to leave the Contaminated Land Strategy as it currently stands. This is an untenable position as the strategy refers to some legislation and statutory guidance that is now outdated. The Strategy also refers to a number of people, organisations and processes that no longer exist.

1.10.2 By not updating the Strategy, our system of risk assessment and data management would be open to challenge.

1.10.3 By not updating the strategy, undertaking the risk assessments, or undertaking the necessary work to complete the review and documenting of sites of potential concern, there is a risk that land remains contaminated.

1.10.4 The majority of the other Kent local authorities have undertaken or are in the process of updating their strategies. Several have been involved in successful remediation schemes including Shepway, Ashford, Dover and Medway. These have been facilitated by Department for Environment, Food and Rural Affairs (DEFRA) grant applications. A key requirement of making an application for a grant is for the Council's Contaminated Land Strategy to be up-to-date and fit for purpose.

1.11 Risk Management

1.11.1 Attached at **Appendix B** is the Action Plan that identifies the key measures and risks associated with land contamination. The Action Plan identifies the following key steps:

- Reviewing the Contaminated Land Strategy;
- Reviewing and agreeing future prioritisation for investigating potentially contaminated sites;
- Implementing software to assist in the prioritisation of sites;
- Screening, amending and updating the list of potentially contaminated sites;
- Confirming which sites on the revised list are Council-owned;
- Developing a communications strategy;
- Establishing future procedures for effective management of contaminated land issues; and
- Identifying and implementing measures necessary to safeguard potential future access to grants for land remediation.

1.11.2 It is considered that these actions represent the steps that the Council must do in order to minimise risks and comply with statutory requirements.

1.12 Other Implications

1.12.1

1.	Financial	X
2.	Staffing	
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	X
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	
9.	Asset Management	X

1.12.2 Financial

1.12.3 There is the possibility of unbudgeted costs occurring during the remediation of any of site, whether on a prioritised list or not. This could potentially represent a significant sum. As indicated within the Action Plan there is a system of grants that are available to local authorities where there is a need to remediate contaminated land. It must be noted however that grant applications are not supported when the requirement to remediate could have been placed on an owner/developer through the planning system. This fact highlights the importance of the Council operating a robust contaminated land strategy.

1.12.4 The greatest financial risk to the Council is in regard to sites that cannot be linked to an 'appropriate person' or such person is unable to support the cost of the remediation. In this situation responsibility may fall on the Council. An application would however be made to DEFRA to cover the investigation and remediation costs. The Council is also in a position to place a charge on the land to recover costs.

- 1.12.5 Sites where resources are required over and beyond existing provisions will be subject to individual reports requesting the necessary resources as identified on a case-by-case basis.
- 1.12.6 No additional budget requests have been made in relation to the development and implementation of the revised Contaminated Land Strategy. Based on the information currently available, the proposed work programmes can be accommodated within existing budgets.
- 1.12.7 Legal
- 1.12.8 As previously indicated the Council has a statutory duty to inspect its area to identify contaminated land. In performing its duties it is required to act in accordance with guidance issued by the Secretary of State.
- 1.12.9 Failure to adopt and progress a contaminated land strategy could leave the authority in breach of its statutory duty. There is also the possibility of a legal challenge to the Council from a landowner if they felt that the Council had not protected their health sufficiently.
- 1.12.10 Environmental/Sustainable Development
- 1.12.11 A central principle of the Contaminated Land Strategy is that the condition of land, its use and its development is protected from potential hazards. Without appropriate action land will remain contaminated and public health, property and the wider environment may be harmed. Land contamination can preclude development and the potentially beneficial use of land. Having a considered and informed approach to contaminated land will reduce these risks.
- 1.12.12 Asset Management
- 1.12.13 Obviously the Council as an owner of property and land is affected by the Strategy in the same way as any other landowner. The Strategy specifically addresses this issue.
- 1.12.14 In the event of land being identified as contaminated it would be remediated as appropriate and in accordance with a publicly available remediation strategy.
- 1.13 Conclusions
- 1.13.1 The Contaminated Land Strategy was timetabled for review by the Regeneration and Sustainable Communities Overview and Scrutiny Committee in 2009; this provided an ideal opportunity to assess the Council's position regarding land contamination within the Borough. The development of the Strategy, the critical appraisal from the scrutiny committee and Management Team will ensure that the risks

posed to public health and to the Council (reputation and financial) associated with this area of work are appropriately resourced and managed in the future.

1.13.2 This reviewed document brings the Strategy up to date and will form the framework for the other important tasks concerning contaminated land in the Borough for the foreseeable future.

1.14 Relevant Documents

1.14.1 Appendices

Appendix A - MBC draft Contaminated Land Strategy 2010
Appendix B - Land Contamination Action Plan

1.14.2 Background Documents

None

NO REPORT WILL BE ACCEPTED WITHOUT THIS BOX BEING COMPLETED

Is this a Key Decision? Yes No

If yes, when did it appear in the Forward Plan? 1 January 2010

Is this an Urgent Key Decision? Yes No

Reason for Urgency

How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

Cllr Ben Sherreard
Telephone: 01622 602000
E-mail: bensherreard@maidstone.gov.uk

Cabinet Member for Environment

John Newington
Telephone: 01622 602389
E-mail: johnnewington@maidstone.gov.uk

Senior Pollution Officer - Environmental Health

Appendix B

Land Contamination Action Plan 2010/11

Measure	Detail	Risk
Review and update the Contaminated Land Strategy 2001	<p>The Contaminated Land Strategy (CLS) 2001 was revised in 2006, but as it was not formally ratified by members is still annotated as 'Draft'. The existing draft contains a commitment for a further review, and this has now taken place. The revision has removed out-of-date and incorrect statutes and references and updates key tasks and timescales.</p>	<p>MEDIUM. <i>Dealing with contaminated land is potentially controversial. The Council needs to work from a strong, clear and up-to-date base and would be vulnerable were it to be seen to working outside its own strategy. The updating of this strategy is important to maintain credibility.</i></p>
Review and agree future prioritisation for investigating potentially Contaminated sites.	<p>The 2006 draft strategy indicates in its key tasks and timescales that 'the initial prioritisation of sites for investigation was completed in September 2004. It is the intention to work through the prioritised list of sites with those identified as high risk being investigated first.' Significant progress has not been made on this issue, and as identified above, had it have progressed, it would have been based on an excessive and potentially inaccurate list.</p> <p>The initial strategy and unratified revision were steered via a working group within the Council involving legal, property management and EH. The group is currently being re-formed.</p>	<p>MEDIUM. <i>Whilst the list remains inaccurate, its prioritisation is key. This will become a more significant issue once the list has been amended. The Council is open to criticism for not having a clear strategy for prioritisation in place.</i></p>
Implement the new BGS software system	<p>The research undertaken 2001-03 provided a sound basis on which to build the CLR. To enable prioritisation MBC, like a number of other Local Authorities, purchased a system called CLARE. This system has been shown now to be insufficient for the enormity of the data it was expected to process. Further, it is no longer supported and has become obsolete. MBC purchased a new system from the British Geological Survey (BGS) in 2007. The data held in the previous system has been transferred across, but additional information, particularly regarding work on post 1945 maps needs to be completed by IT. A lot of work has already been done plotting the polygons from the previous point sources and has further given a commitment to do the necessary work on the post 1945 maps however, this does not now have a high priority within their workload and the completion of this project is awaited. This software will allow more meaningful prioritisation to be undertaken giving the Council a clearer picture of how many sites may need determination and in which order they should be tackled.</p>	<p>HIGH. <i>The existing system has provided unsupportable risk assessments which the officers have little or no confidence in. In order to manage the CLR it is essential the highest risk sites are identified and plans put in place for how they will be dealt with. Until this is done the Authority is at risk of being shown not to be managing this controversial issue competently.</i></p>
Screen, amend and update the list of	<p>The current list of approximately 600 potentially contaminated sites (PCS) is derived from a comprehensive piece of work undertaken in 2001-3. Developments since then will have reduced this number and therefore will no longer be contaminated. In some cases better information has become available which will</p>	<p>HIGH. <i>The current inaccurate and overly extensive list places the Council in a potentially vulnerable position. The current list is used as a basis for responses to</i></p>

<p>potentially contaminated sites</p>	<p>enable the risks associated with the site to be reduced. The list however has not been updated since 2005. It is likely the list could potentially be reduced to some 200 sites – maybe less. The planning records held on APAS unfortunately are not mapped in a way which enables this data to be readily extracted. IT are endeavouring to write a programme to improve access to data held, but are wary of reliance being placed on this as it is likely some key data prior to 2008 may not have been recorded. The services of an external consultant have now been secured, and he will start the screening exercise once the BGS software is fully operational; this is dependent on IT completing the mapping of post-1945 source data described above. It is anticipated that the screening of records will take approximately 4 weeks.</p>	<p><i>Environmental Searches and Land Registry Searches. Its inaccuracies mean the quality of the information we provide the public may be unreliable. The current strategy commits the Council to disclosing FACTUAL information. It may be regarded as unacceptable that the Council does not have factual information 8 years on from the initial strategy. Should the current list be placed in the public domain the potential for media interest and unnecessary blight is high. A number of FOI requests have been made pertaining to this list. To date the list remains an internal document.</i></p>
<p>Confirm which sites on the revised list are Council-owned</p>	<p>It has been suggested in the past that Council owned sites should be considered first (not to the detriment of higher priority non-council sites), however there is doubt over whether or not some sites listed are Council owned. Reassurance is needed that the Council has accurate details of sites in its ownership.</p>	<p>MEDIUM. <i>As the prioritisation criteria is not yet in place this may not be a key issue now, but will be in the future.</i></p>
<p>Develop and implement a communications strategy.</p>	<p>The way in which Land Searches, Environmental Searches, FOI's and routine enquiries are responded to must be clear and consistent. A communication strategy is currently being developed.</p>	<p>LOW <i>Work is currently ongoing on this and it is anticipated a clear strategy will be in place within 3 months.</i></p>
<p>Establish future procedures for effective management of contaminated land issues.</p>	<ul style="list-style-type: none"> i) This relates to updating and management of the data which will need to be agreed with IT. ii) Further, clarity is needed over which department has responsibility for checking and discharging planning conditions relating to contaminated land. There does not appear to be a reliable or consistent system in place for ensuring that planning conditions relating to contaminated land are complied with and so many premises have conditions which have not been discharged and cannot now be checked. It may not be possible to resolve many of the old cases, but effective measures need to be put in place regarding conditions on current and future planning applications. iii) Who is responsible for monitoring landfill gas levels at sites where MBC has a historic liability? iv) Who is responsible for maintaining council-owned sites where remediation measures have been implemented previously? 	<p>MEDIUM. <i>If records cannot show when a condition has been determined a premises may unnecessarily remain on the CLR. This may create inaccuracies in responding to any future Environmental or Land Registry Searches.</i></p>
<p>Identify and implement measures necessary to safeguard potential future</p>	<p>Currently grants are available to the LA from DEFRA where a need has been identified to remediate existing contaminated land. However criteria have now been put in place that precludes any grant being available if the site has been through the LA planning system since 1994. Since that time it has been possible to deal with Contaminated Land and any necessary remediation through planning</p>	<p>HIGH <i>Until the CLR is accurate, there is a risk that the LA could place itself in a position which would preclude it from future grant assistance from DEFRA.</i></p>

access to Government Grants.	<p>conditions. The view of DEFRA in effect is that they will not support LA to undertake work which could have been placed on an owner/developer through the planning system.</p> <p>This point links with item 3 above. It is crucial that the CLR is accurate as it provides the trigger for responses to planning consultations as well as the Environmental searches and Land Registry Searches referred to earlier.</p>	
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LAND CONTAMINATION STRATEGY

Environmental Protection Act 1990 Part IIA

**Adopted 2001
Revised 2010**

Change and Environmental Services
Maidstone Borough Council
Maidstone House
King Street
Maidstone, Kent
ME15 6JQ

**Maidstone Borough Council
Land Contamination Strategy
Environmental Protection Act 1990 Part IIA**

Foreword to revised strategy

Legislation for dealing with contaminated land issues, set out in the Environmental Protection Act 1990, came into force on 1st April 2000. These laws placed a statutory obligation on local authorities to address land contamination issues in their area and set-up and maintain a register of details of any land classed as 'contaminated land'.

One of the first tasks required from the new legislation was the requirement of a strategic framework of how the local authorities intended to implement the new statutory obligations. This strategy was therefore produced in response to statutory requirements and sets out how Maidstone Borough Council plans to address and remedy land contamination issues within its borough.

The original strategy was adopted in July 2001, following consultation. This revised strategy takes into account the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006, which have modified the definition of contaminated land, and both the progress and experience in the eight years since the strategy was first adopted.

Signed

David Edwards
Director of Change and Environmental Services

Land Contamination Strategy
May 2010

This document was circulated to statutory consultees as required by the Act.

If you wish to discuss any aspect of this strategy, please direct any questions or comments to:

Steve Wilcock
Pollution control Team Leader
Change and Environmental Services
Maidstone House
King Street
Maidstone
Kent ME15 6JQ

Telephone: 01622-602202
FAX: 01622-602972
E-mail: stevewilcock@maidstone.gov.uk

**Maidstone Borough Council
Land Contamination Strategy
Environmental Protection Act 1990 Part IIA**

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Appendices

Appendix A Membership of the Officer Working Group

Appendix B Table of Special Circumstances requiring Communication with Consultees

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1.0 Introduction

1.1 A new regime for addressing the issues of contaminated land, set out in the Environmental Protection Act (EPA) 1990 (Pt IIA, ss. 78A-78YC) came into force on 1st April 2000. The duties laid on the Local Authority may be summarised as follows:

- *To cause its area to be inspected from time to time to identify contaminated land.*
- *To decide whether such sites are "Special Sites", for which the enforcement responsibility passes to the Environment Agency.*
- *To secure the appropriate remediation of contaminated land.*
- *To maintain a register of contaminated land.*
- *To act in accordance with guidance issued by the Secretary of State, whereby the strategy should be:*
 1. *transparent and consistent*
 2. *rational, ordered and efficient*
 3. *proportionate to the seriousness of risk*
 4. *seeking to ensure that the most serious and pressing problems are located first*
 5. *ensuring resources are concentrated on areas most likely to contain contaminated land and,*
 6. *ensuring requirements for detailed inspection are efficiently identified.*

1.2 Part 2A of the Environmental Protection Act 1990, which came into force in 2000, requires Local Authorities to identify contaminated land in their areas, ensure it is remediated, and make the "polluter" pay wherever possible. Part 2A is primarily intended to be used only where the "market" does not provide a solution. Part 2A also plays an important indirect role by encouraging market solutions (i.e. the presence of legislation which could force action often provides a strong incentive for polluters and landowners to take action voluntarily) (DEFRA: Soil Strategy, 2009)

The Secretary of State's guidance requires the Local Authority to take a strategic approach to its duties and for that purpose, to adopt and publish a written inspection strategy. Maidstone Borough Council's original strategy was published in July 2001.

1.3 In addition, this document also sets out the relationship between the Council's responsibilities under this regime for contaminated land and its interests in land contamination issues under other powers, in particular, as Local Planning Authority, Building Control and as a landowner.

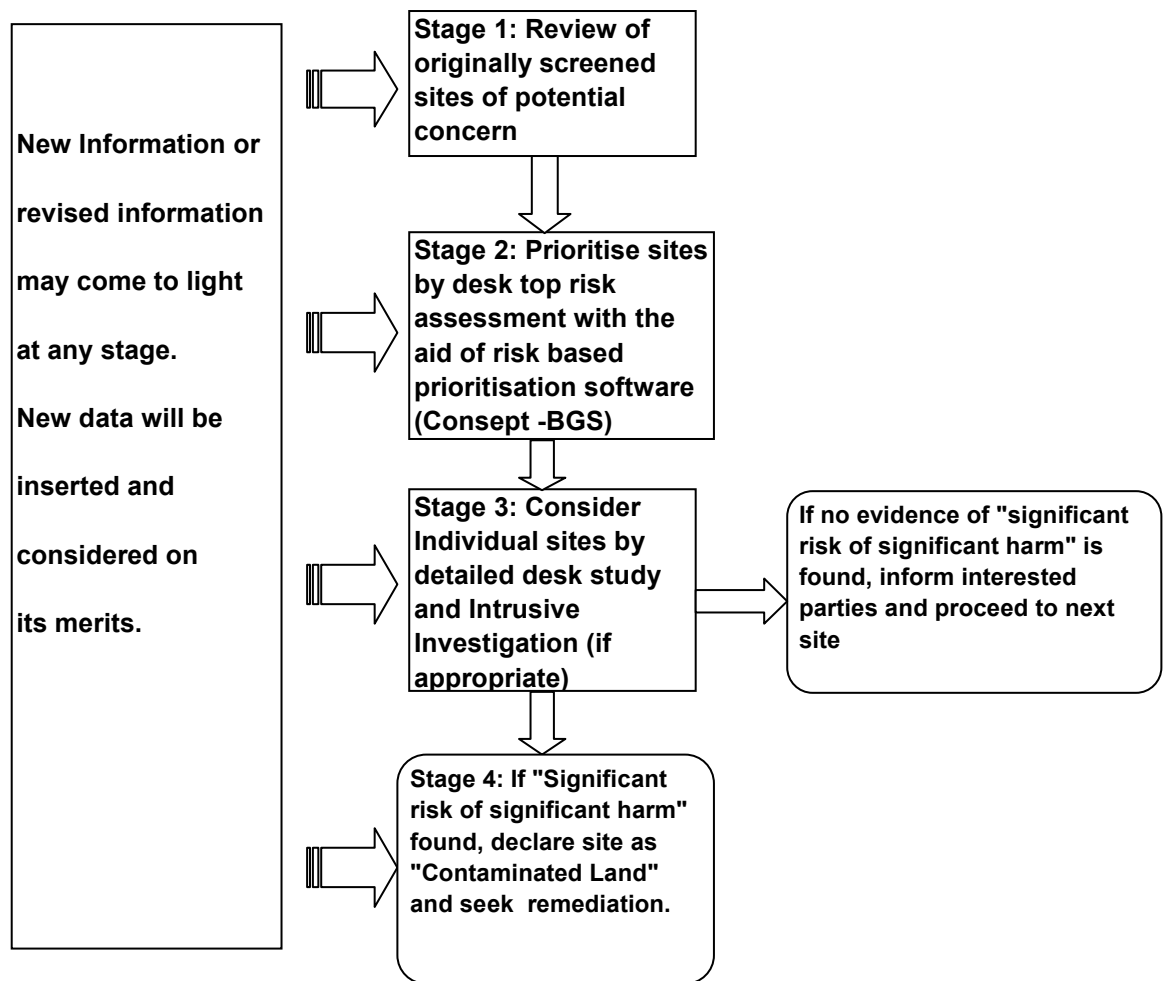
- 1.4 Throughout this document the term "Contaminated Land" is used in its strict legal sense. There are other circumstances where the contamination of land is also an important issue, for example, in considering the change of use of land. In such circumstances, the term "land contamination" is used.
- 1.5 Other controls available to enforcement authorities may include:
- A) Environmental Permitting Regulations (England and Wales) 2007 (EPR), which provide an integrated approach to the control of environmental impacts associated with industrial activities.
 - B) Environmental Damage Regulations 2009 (EDR), which provide powers to protect and remediate sites that are currently being polluted or are under threat of being polluted.
 - C) Town and Country Planning Act 1990, which provide processes to ensure development is fit for it's purpose.
 - D) Building Regulations Approved Documents.

These may be more appropriate in controlling current industrial practices and/or any economic activity in the prevention of land contamination. Where other legislation may be more appropriate these shall be used.

2.0 Overall aims and objectives of the Strategy

- 2.1 The aim of this strategy is to outline measures for identifying, classifying and remediating contaminated land, commencing with the prioritisation of sites for detailed consideration and continuing through that detailed consideration.
- 2.2 A Risk Assessment approach will be adopted throughout the process. The main objective of the Risk Assessment approach will be to identify risk to human health, protected ecosystems, controlled waters and the wider environment.
- 2.3 The Council aims to implement this regime in an open manner and consult with relevant stakeholders and consultees on matters of intrusive inspection, contamination or remediation.
- 2.4 Appropriate measures will be taken, as detailed in section 8, where the Local Authority is found to be a Class A or B person following the identification of contaminated land, or where the site is an 'orphan site'.
- 2.5 The inspection or remediation of any potentially contaminated land should not result in harm to ecosystems and/or other nature conservation sites.
- 2.6 Information held by the Local Authority will be periodically reviewed and updated.
- 2.7 The Approach adopted by this Authority from the date this strategy is adopted is shown in outline in the following flowchart:

Flow Chart of Review and Assessment Process



3.0 Definition of Terms

A selected group of terms is described below in order to enhance the readability of this document. In case of doubt, however, the definitions in the primary legislation should be used.

◆ **Contaminated Land**

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:

- *Significant harm is being caused or there is a significant possibility of such harm being caused, or;*
- *Pollution of controlled waters is being, or is likely to be, caused.*

Notes on the definition of Contaminated Land

For a site to meet the statutory definition of "contaminated land" a significant pollutant linkage (SPL) must first be identified. A SPL consists of three elements:

- A source of contamination in, on or under the ground.
- A receptor of a type specified in the regulations.
- A pathway by, or through, which the receptor is being exposed to or affected by a contaminant or could be so exposed or affected, or whereby the pollution of controlled waters is being, or likely to be, caused.

Secondly, once a SPL has been established, the Local Authority must be satisfied that the linkage is resulting, or presents a significant possibility, of significant harm being caused to the receptor, or is resulting in or is likely to result in the pollution of controlled waters.

Where the existence of both steps is established, the Local Authority is required to designate the site as "contaminated land".

◆ **Special Site**

Contaminated land which falls within certain particular descriptions must be designated a "special site" by the Local Authority. The effect of designation is to make the Environment Agency, rather than the Local Authority, the enforcing authority for the land.

◆ **Class A Person**

A person who has caused or knowingly permitted a pollutant to be in, on or under the land.

◆ **Class B Person**

A person who is the owner or occupier of the land in question in circumstances where no Class A person can be found.

◆ **Orphan Site**

A site for which no Class A or Class B person can be found.

◆ **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.

◆ **Receptor**

Either:

A living organism, a group of living organisms, an ecological system or a piece of property which is in a category listed in Table A, Chapter A of the statutory guidance and is being, or could be, harmed, by a contaminant; or

Controlled waters which are being, or could be polluted by a contaminant.

◆ **Controlled Waters**

Has the same meaning as in the Water Resources Act 1991, Section 104.

These include:

- Territorial Waters
- Coastal Waters; the sea within the baseline up to the line of highest tide and tidal waters up to the fresh water limit.
- Inland waters; any lake or pond or rivers or watercourses above the freshwater limit.
- Groundwater; as defined in Section 86 of the Water Act 2003 and does not include waters above the saturation zone of underground strata.

◆ **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, include harm to his property.

◆ **Pathway**

One or more routes or means by or through, which a receptor is or could be exposed to, or affected by, a contaminant.

4.0 The Maidstone Borough Council area - All maps referred to can be found in Appendix D.

- 4.1 The Borough of Maidstone covers an area of approximately 152 square miles. Maidstone itself, the County town of Kent, is the major settlement in the Borough. It has a population of approximately 142,800 people and comprises one main urban area, located to the north west of the Borough. together with a large number of large and small villages located in its extensive rural hinterland (see maps 1 & 2).
- 4.2 There are 40 villages within the extensive rural hinterland to the North, south and east (see maps 1 & 2). The character of the built and natural environments vary considerably across the Borough.
- 4.3 Ecologically, the Borough has a number of sensitive sites. There are 9 areas designated as Sites of Special Scientific Interest (SSSIs) which includes the River Beult in the Low Weald and areas of the North Downs. A further statutory designation is the North Downs Woodlands candidate Special Area for Conservation (SAC), which hosts wildlife or habitat deemed to be of international importance. There are also two designated nature reserves, Vinters Valley Park and Boxley Warren.

The landscape itself is of a high quality. This is recognized in the designation of the North Downs as an Area of Outstanding Natural Beauty (AONB), and the definition of additional Special Landscape Areas within the Weald by Kent County Council. All these designations along with Local Wildlife Sites (LWS – formerly Sites of Nature Conservation Importance (SNCI)) can be found in Appendix D, Map 3.

- 4.4 The Borough contains substantial areas of high-grade agricultural land, and areas of Grade 1 (highest quality) extend along the Medway Valley to the west of the town. There is an extensive network of rivers, consisting principally of the Beult and Teise which then feed into the Medway at Yalding. The River Len runs from Lenham into Maidstone from the east, passing through Mote Park and entering the Medway near to the Archbishop's palace. In former times it was used as a transport route to industries situated on its banks. Today, the river network, as shown in map 4, is used for drinking and commercial abstractions.
- 4.5 Domestic water supply in the district is also abstracted from underground, and Source Protection Zones are in place to protect vulnerable groundwater areas, as indicated in map 4. Information on aquifer protection is held by the Environment Agency and will be considered as part of the process in identifying Part IIA sites.
- 4.6 The quality and protection of the built environment is also an important consideration for the Council. The urban wards contain 329 listed buildings. Six conservation areas are within or adjoining the town centre. There are 35 village conservation areas and the rural parishes contain 1,687 listed buildings and 28 Scheduled Ancient

Monuments (Map 5). It is vital that new development maintains and enhances the amenity of the built up areas to protect the quality of life for existing residents.

- 4.7 The geology of the area is varied. To the north is the chalk escarpment of the North Downs which runs across the Borough from west to east. To the south, running through the centre of the district, is a smaller escarpment formed by the Hythe beds of the Lower Greensand. There is a broad band of Weald clay across the southern portion of the Borough interspersed with the Hastings Beds. The Folkestone beds, which form the third major aquifer in the Maidstone area, are situated to the north-east of the Borough and run parallel with the Hythe beds. This information is illustrated in map 6.
- 4.8 Maidstone was awarded its first Royal Charter in 1549, recognition it lost five years later for its part in the Wyatt rebellion. By the mid 18th century, however, Maidstone was the official and legal centre of Kent, and a successful industrial town with major brewing and paper-making industries. The area has also been exploited for its minerals, principally chalk for the cement industry, ragstone and river gravels. Many of the holes formed as a result have been used for waste disposal since then.
- 4.7 In October 2006 the government announced that Maidstone Borough was one of 29 areas named as a New Growth Point. The Panel Report into the examination of the South East Plan confirmed this status in July 2007.
- 4.8 Maidstone Borough has direct rail links to London and the proximity of the capital is a factor in shaping the local economy, house prices and travel. Two designated growth areas, Thames Gateway to the north and Ashford to the east, will also have an increasing effect on the economy, environment and growth of Maidstone Borough.
- 4.9 Maidstone also has good transport links to London and the coast via two railway lines and the M20 motorway.
- 4.10 National policies require local authorities to make the best use of previously developed land in urban areas before releasing greenfield sites for development.
- 4.11 Maidstone Borough is therefore attractive both as a place to locate business and as a place in which to live. Development pressure therefore creates conflict with the acknowledged importance of defending the character of the area and avoiding unacceptable damage to the countryside. Accordingly, the task for the planning system is to reconcile the economic and development contribution with the need to protect the public health, the countryside and ecologically sensitive areas.

5.0 Internal Management of the Regime

- 5.1 This review and development of the strategy has been undertaken through consultation with the regeneration and sustainable communities overview and scrutiny committee, MBC management team and review by the contaminated land Working Group (Appendix A).
- 5.2 The Assistant Director of Change and Environmental Services will be responsible for the enforcement aspect of the regime.
- 5.3 There are a number of situations where the Local Authority could be responsible for the remediation of contaminated land, either where the Authority is a Class A person, a Class B person or where the site is an orphan site. In such circumstances, the Director of Change and Environmental Services will act for the Local Authority.
- 5.4 This regime takes into consideration current use of land. Where a change of use and/or development is proposed, land contamination issues will properly be considered through the planning process.

The Government has a "suitable for use" policy on redevelopment of land as given in the Statutory Guidance; Planning Policy Statement 23: Development Control and Pollution Prevention states that as a minimum, after carrying out the development and commencement of its use, the land should not be capable of being determined as contaminated land under Part IIA of the EPA 1990. The developer will need to consider contamination issues and not introduce pathways or receptors that could cause the land to be determined as contaminated land. The developer should consider users of the site and the wider environment.

The Building Regulations also require consideration of land contamination issues not only directly under the footprint of the building but also the land surrounding the building.

6.0 The Roles of the Borough Council and the Environment Agency

- 6.1 Local Authorities have been given the primary regulatory role under the Part IIA regime. The Local Authority has the following specific duties:
 - to cause their area to be inspected for contaminated land;
 - to determine whether any particular site meets the statutory definition of contaminated land and to set up and maintain a register containing certain information relating to such land and
 - to act as enforcing authority for all contaminated land, unless the authority determines that the site is a "special site", in which case enforcement is passed to the Environment Agency.

- 6.2 The Environment Agency has particular duties and powers under Part IIA, including:
- providing information to the local authority on contaminated land;
 - ensuring the remediation of Special Sites;
 - maintaining a register of Special Sites remediation;
 - preparing from time to time a national report of the state of contaminated land in England and Wales;
 - providing site specific advice to local authorities on pollution of controlled waters and
 - providing site specific guidance to local authorities on Contaminated Land.
- 6.3 Maidstone Borough Council will continue to build on the existing good working relationship with the Environment Agency. As advisors to local authorities in matters relating to contaminated land, and regulators of Special Sites and controlled waters, the Agency play a key role in the statutory obligations of local authorities under the Part IIA regime.
- 6.4 The Agency will be notified as soon as is practicable should the local authority become aware of any site which may be classed as a Special Site. In such circumstances, the Agency will be invited to attend a joint site inspection and carry out sampling of the site on behalf of the local authority. Close liaison will continue throughout the process of verification until it becomes clear as to who should become the regulatory body in such a case.
- 6.5 The Agency will be notified as soon as is practicable should the local authority become aware of any known or suspected water pollution incidents or ongoing situations. In such circumstances, the Agency will again be invited to attend a joint site inspection and carry out sampling of the site on behalf of the local authority. Close liaison will continue until the cause and effect of the pollution incident or situation is remediated.

7.0 Land Contamination and Planning

- 7.1 The Borough Council recognises the value of development as a means to achieving remediation of land contamination. The Borough is committed to the appropriate redevelopment of previously used land (brownfield development) in accordance with policy guidance.
- 7.2 The Environmental Health Manager will continue to act as an internal consultee to the Development Control Manager on land contamination issues. Arrangements will be made to ensure that the existence of information held by either Manager will be brought to the attention of the other.
- 7.3 If a site is considered for development, either through the Local Plan process or through an application for planning permission, which has

a land contamination issue, the proposed developer shall be informed of the issue.

- 7.4 In line with Planning Policy Statement 23: Planning and Pollution Control (Annex 2: Development on Land Affected by Contamination), the developer is responsible for ensuring that development is safe and suitable for use for the purpose for which it is intended. The developer is therefore responsible for assessing whether land is suitable for a particular development or can be made so by remedial action. Supplementary Guidance has been produced which will assist potential developers to address the issue effectively. The Borough Council will facilitate developers by providing such information as is available to it, unless the information has been supplied subject to commercial confidentiality.
- 7.5 Where appropriate Section 106 agreements will be sought for remediation of land in addition to the use of conditions.
- 7.6 The Authority will continue to monitor the effectiveness of remediation proposals and where expedient will ensure that agreed schemes are fully implemented by planning enforcement in accordance with Planning Policy Guidance 18 (PPG 18).

8.0 The Local Authority as landowner

- 8.1 The Local Authority itself owns, or has responsibility for various areas of land. Primarily these comprise:
- Properties, including flats and houses. Currently there are about 65 properties, 20 public conveniences and 143 industrial units owned by the Council.
 - Amenity land including allotments.
 - Recreation land (play areas and public parks)
 - Other land holdings
- 8.2 Council records are predominantly paper based and supported by GIS.
- 8.3 This strategy will inform the asset management plans of the Council through communication via the contaminated land working group (Section 8.5 Maidstone Borough Council Asset Management Report 2008-2011)
- 8.4 The Borough Council will address land contamination issues, principally through the consideration of redevelopment proposals.
- 8.5 The Borough Council has reviewed a number of landfill sites which adjoin housing developments and monitored landfill gas generation at these sites. Remedial works to closed landfill sites in the Council's ownership has also been undertaken.

- 8.6 As previously stated, the overall aim of the strategy is to prioritise inspections based on a simple risk assessment. Nevertheless, Maidstone Borough Council recognises the need to set a good example in its own land holdings. The following specific steps will be taken:
- The authority will consider land contamination issues for any land it is considering acquiring.
 - Sites in the Authorities ownership that are on or within 250 metres of a potential source of contamination will be identified and highlighted to Property Procurement and review of landfill gas requirements will be carried out.
 - Sites in the Authorities ownership that fall within Radon risk areas will be identified and a review of radon requirements will be undertaken in due course.
- 8.7 The Assistant Director of Change and Environmental Services will co-ordinate the investigation of suspect sites in the same way as a responsible private sector landowner might consider its land portfolio and will oversee the responsible management, by the appropriate Head of Service, of those sites found to have contamination issues.

9.0 Four Stages of Review, Assessment & Remediation

Urgent Remedial Action

Where the council receives information which suggests that there may be imminent danger of serious harm or serious pollution of controlled waters is being caused as a result of ground(s) as mentioned in Stage 4 (9.22) urgent remedial action will be undertaken.

Under Section 108(4) of the Environment Act 1995, Authorities have been granted powers of entry to investigate. In normal circumstances at least seven working days' notice will be given of an intention to enter premises, however, in emergency situations where there is likely be an immediate risk to human health or the environment this will not be the case.

Urgent remedial action may include the serving of a remediation notice on appropriate persons. If MBC cannot identify any appropriate person(s) MBC may carry out any urgent remediation itself through carrying out works in default. If this is the case MBC can recoup the cost of carrying out its inspection, assessment and remediation of the land by placing a charge on the land. MBC will take all available measures to recover costs it has incurred as set out in DEFRA circular 01/2006.

Stage 1 - Screening

- 9.1 A review of site prioritisation based on the initial screening in 2001 and progress since will be undertaken:
- 9.2 The screening exercise aims to update the prioritisation working list to ensure that all works carried out on these sites has been recognised and therefore produce an up to date and representative working list. This will be carried out by a recommended external consultant that has experience of this type of review and successfully supported other LA's in this process.
- 9.3 The screening update will produce a methodology that can be used to screen new sites as they become apparent, enabling the Authority to determine whether a new site may potentially be classed as a "Contaminated Land" site under the EPA Part IIA regime in the future and therefore be taken forward into Stage 2.
- 9.4 In the event that a new site is identified and goes through phase I and is not deemed to trigger Phase II, it will be recorded for planning purposes.
- 9.5 Stage 1 will be reviewed on an annual basis to determine whether a re-run of Stage 2 (9.10 CONSEPT) is required.

Stage 2: Prioritisation

- 9.6 The Stage I working list will be run through the Consept (BGS) prioritisation software in order to determine the order in which sites should be taken to more detailed investigation.
- 9.7 The Consept software uses a set of complex algorithms which consider the weighted risk from the sites previous land use, the epoch that the contamination may have taken place, with the underlying geology, the proximity to human receptors, controlled waters, sensitive ecological receptors and sensitive buildings.
- 9.8 The output from the software will then be used to identify sites requiring more detailed inspection in the priority laid out in this strategy.

The Prioritisation hierarchy will be as follows:

- 1) To Protect Human Health
 - 2) To protect controlled waters used for drinking water
 - 3) To protect designated ecological systems
 - 4) To prevent damage to property (in the form of crops, produce, livestock, domesticated animals, wild animals)
 - 5) To prevent damage to property in the form of buildings (including ancient monuments)
 - 6) To protect controlled waters not used for drinking water
- 9.9 Sites are not considered in any depth at this stage of the work unless information is obtained which indicates that harm is being caused and that the site warrants urgent consideration.
- 9.10 At regular intervals the information used to prioritise investigations will be reviewed and the prioritisation of sites updated.
- 9.11 A review of Stage I will be carried out from time to time. If the review identifies sites requiring application of Stage II the CONCEPT model will be re-run to ensure prioritisation has not been altered.
- 9.12 It is recognised that this approach will lead to a "pepperpot" review of the Borough's area. Nevertheless, it does mean that the more important sites are addressed first. If sites are grouped it may be more efficient, or more equitable, if adjacent sites are considered at the same time, nothing in this strategy is intended to prevent such an approach.

Stage 3 - Detailed consideration of sites to allow decision on determination.

- 9.13 When a site is prioritised for investigation the following steps will be taken:

9.14 A Preliminary Risk Assessment (PRA) will be undertaken. Initially, the planning history and any other relevant data readily available will be reviewed before proceeding to next steps. The purpose of the PRA is to develop an initial conceptual model to identify whether or not there are potentially unacceptable risks. At this stage liaison with the Environment Agency will enable a decision to be made as to whether the site is deemed to be a special site. If this is the case the Environment Agency will organise and potentially fund the GQRA and DQRA investigations.

9.15 A communication strategy will be written for the site investigation and will ensure that all interested parties are kept informed of developments.

9.16 The existing owners and occupiers (Class B persons and potential Class A persons) of the land will be identified.

The existing owners and occupiers (Class B persons and potential Class A persons) of the land will be informed and asked to contribute such information as is in their possession to the consideration of the site.

9.17 Any known previous owners or occupiers (potential Class A persons) will also be informed and asked to contribute such information as is in their possession to the consideration of the site.

9.18 Where it is believed that migration of a pollutant may have occurred, owners and occupiers of adjoining sites and relevant parties such as the Environment Agency will also be informed and asked to contribute such information as is in their possession to the consideration of the site.

9.19 In the event unacceptable risks are identified in the PRA, funding for a Generic Quantitative Risk Assessment (GQRA) will be sought.

9.20 The GQRA assessment will establish whether generic assessment criteria and assumptions are appropriate for the site and if so, then to apply them to establish whether there are actual or potential unacceptable risks.

After the GQRA MBC will review the position and decide if further action is required.

9.21 If there is insufficient evidence from the GQRA to allow a decision on whether the site should be determined as 'contaminated land', then a Detailed Quantitative Risk Assessment (DQRA) will be undertaken.

Stage 4: Determination and Remediation

9.22 If the site is considered to be "Contaminated Land" by satisfying any of the following criteria then the legal procedures to make the determination, inform liable parties and to secure the remediation of

the site, including maintaining a statutory register of contaminated land will be undertaken in accordance with the legislation:

- 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;
- f) there is a significant possibility of harm so far as attributable to radioactivity being caused;

9.23 Where MBC has been unable to identify appropriate persons at a site which has been determined as contaminated, it may declare the site an orphan site or an orphan linkage. At a site where it is considered that to require the appropriate persons to carry out any remedial action would cause hardship, then MBC may declare the site an orphan site or an orphan linkage site.

9.24 Once a site is declared an orphan or orphan linkage MBC is required to decide the most appropriate course of action for the site. MBC will be responsible for any remediation and associated costs. In this situation MBC may place a charge on the land to enable it to recoup the costs of carrying out its inspection, assessment and remediation. MBC will take all available measures to recover any costs it incurs as set out in DEFRA circular 01/2006.

9.25 The inspection or remediation of any potentially contaminated land should not result in harm to ecosystems and/or other nature conservation interests. Relevant parties such as English Heritage and/or Natural England shall be consulted with regards inspection or remediation proposals on or adjacent to land with such interests.

10.0 Arrangements for liaising with, and responding to, information from the owners or occupiers of land, and other interested parties.

10.1 This section applies generally to both the collection of information from external bodies and the general public and the provision of information relating to land contamination issues.

10.2 Since the original strategy was adopted the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 have come into force. The principle behind the legislation that individuals have a "right to know" is acknowledged and was already recognised in the original strategy. The Council will ensure that it abides by the new legislative framework.

10.3 The authority can be both giver and receiver of information. In both cases where information is provided or requested the authority will

act in accordance with the Environmental Health enforcement protocol and service standards which set down what customers may expect from the service and how decisions on enforcement are reached.

- 10.4 In principle, the authority will share any relevant factual information on specific sites with any party having a legitimate interest in the land, subject to any legal duty imposed on it. Appendix B outlines particular situations in which communication should be made with relevant consultees.
- 10.5 Where information has been obtained under conditions of commercial confidentiality, the fact that information exists will be shared as above.
- 10.6 The authority may make reasonable charges for collating and copying such information, which will be reviewed from time to time.
- 10.7 Information may be supplied to the Authority by persons or organisations having an interest in a particular site, or by other persons volunteering information. However the information is provided, it will be considered on its merits. Statutory consultees will be advised of the outcome of any action taken as result of information received by them.
- 10.8 The provision of information on an anonymous or confidential basis will be discouraged. Where such information is supplied however and the provider does not wish to be identified, that wish will be respected unless there is an over-riding reason, such as an instruction of a court of law, to divulge that information.
- 10.9 The Authority receives requests for information, particularly relating to the purchase of land and dwellings. The Authority will provide whatever factual information it has in its possession, subject to 10.4 – 10.8 above, but will not provide interpretation of that data. The Authority cannot be responsible for the use of factual information it has provided to another party.

11.0 Management of Information

- 11.1 The Assistant Director of Change and Environmental Services will be responsible for the safe keeping of information relating to the regime set up by the Environmental Protection Act 1990 Part IIA (LG to check with SG).
- 11.2 The Contaminated Land Working group will be the forum for raising awareness of those sections within the Authority having a legitimate interest in land.
- 11.3 A statutory register containing prescribed particulars relating to contaminated land, as detailed in paras. 78R, 78S and 78T of Part IIA of the Environmental Protection Act 1990 has been established and

will be available for inspection during office hours at the MBC Gateway, King Street, Maidstone, Kent, ME15 6JQ.

- 11.4 Contact information and literature relevant to this strategy and its implementation are contained in Appendices D and E respectively, and will be updated as and when necessary.

12.0 Review of information.

- 12.1 Consideration of individual sites will not take place only once. As knowledge of the subject and potential health effects emerges it may be necessary to review decisions from time to time. It is anticipated that Stage I will involve an annual a rolling review programme, which may trigger a re-run of Stage II. of review.
- 12.2 As new information becomes available it may inform any stage of this process from Stage I through to Stage IV.
- 12.3 The public can contact the council and provide information on sites. This information will be incorporated into the database and may influence the progress of an individual site. Sites will be assessed as new information becomes available on a case by case basis.

13.0 Responding to Complaints

- 13.1 Enquiries made about contaminated land will be dealt with expeditiously in accordance with the Council's published procedures for responding to requests for information and in accordance with Environmental Information regulations (2004).
- 13.2 Complaints made about the conduct of the authority, or of an officer, will be dealt with according to the Council's published criteria for responding to complaints.

14.0 Key Tasks and Timescales

- 14.1 The next draft revised strategy will be considered by the Authority, and where appropriate will be put out to consultation by July 2015.
- 14.2 The need for Supplementary Planning Guidance and advice for developers will be considered and where necessary made available by July 2010.
- 14.3 Where necessary, the advice of external consultants may be sought on a case by case basis.
- 14.4 It is this Authorities intention to carry out the Stage I screening assessment by July 2010 with a view to run the CONCEPT model (BGS Prioritisation software).
- 14.5 The maintenance of relevant and updated GIS layers will be reviewed on an annual basis.

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- 14.6 The Head of Property and Procurement will be given information via the reformed working group to assist in the management of Council owned land which will meet no less than twice per year.
- 14.7 An annual report of progress will be prepared and published.
- 14.8 It is anticipated that all known sites will have been screened by July 2010 and all sites passed through stage II review at least once by 2011.

15.0 Bibliography and Additional Reading

- DEFRA Circular 01/2006 EPA 1990: Part IIA, Contaminated Land
- DEFRA: safeguarding Our Soils, A Strategy for England, 2009
- DEFRA Groundwaters and section 86 of the Water Act 2003 (CLAN/5/04), 2004
- DoE Contaminated Land Research Report Nos 1-6. (1994-1995)
- DoE Industry Profile. Gas works, coke works and other carbonisation plants (1995)
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- Environment Agency, An Ecological Risk Assessment Framework for Contamination in Soil, 2008.
- Environmental Protection, England (2000 No.227) Contaminated Land (England) Regulations 2000
- The Groundwater (England and Wales) Regulations 2009
- Environmental Protection Act 1990, Part IIA (as inserted by s.57, Environment Act 1995)
- Hooker P.J. *et al*, (2000) Some guidance on the use of digital environmental data. BGS Technical Report No. WE/99/14.
- Maidstone Local Development framework – Annual Monitoring report 2007/2008: http://digitalmaidstone.co.uk/pdf/090508_AMR%202007-2008%20with%20erratum.pdf
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- Maidstone Borough Council Asset Management Plan 2008-2011: <http://www.digitalmaidstone.co.uk/pdf/Assetmanagementplan%2008-11%20rev12.pdf>
- Martin, I. and Bardos, P. (1995) A review of full-scale treatment technologies for the remediation of contaminated soil. Report for the Royal Commission on Environmental Pollution. EPP Publication.
- SEPA, Sniffer, Environment Agency and Environment and Heritage Service. Communicating understanding of Contaminated Land Risks. Sniffer Project No SR97(11)F
- Water Act, 2003

The Water Resources Act 1991 Regulations 2009 (Amendment)

Appendix A – Contaminated Land Working Group reformed November 2009

Name	Representing
Elaine Bell	Legal Services
Steve Wilcock, Chair	Environmental Health
John Newington	Environmental Health
Rob Jarman	Development Control
David Tibbitt	Property & Procurement
Chris Finch	Property and Procurement
Brendon Neal	Spatial Planning
Deane Cunningham	Heritage Landscape and Design

The revision of the strategy carried out in 2010 was also undertaken by a cross-authority group.

APPENDIX B

Consultation Requirements in Particular Occurrences

The following table contains a summary of particular occurrences in which statutory consultees, and other interested parties, should be informed or consulted. Contact details are contained within the internal staff composite manual.

Occurrence	Consultee
Land/water contamination by hydrocarbons or organic solvents Contamination of controlled waters	Mid Kent Water Southern Water Thames Water Environment Agency Environment Agency
Intrusive investigation within a protected terrestrial ecological site. As above that includes controlled waters.	Natural England Environment Agency
Rivers and ditches Spillage from tipping Discharge from vessels Chemical discharge Trade effluent Sewage pollution Animal carcasses Oil and petrol	Environment Agency Environment Agency Environment Agency Environment Agency Environment Agency DEFRA Petroleum Officer
Proposed remediation of contaminated land	SMR Officer, Kent County Council English Heritage Archaeological Curator, Kent County Council KCC GIS database of heritage designations list Natural England

Appendix C - Contact information

Maidstone Borough Council

Sheila Davison
Environmental Health Manager
Maidstone Borough Council
Maidstone House
Kent ME15 6JQ
Tel: 01622-602308
Fax: 01622-602972
Email: sheiladavison@maidstone.gov.uk

Steve Wilcock
Pollution Team Leader
Maidstone Borough Council
Maidstone House
Kent ME15 6JQ
Tel: 01622-602184
Fax: 01622-602972
Email: stevewilcock@maidstone.gov.uk

John Newington
Senior Pollution Officer
Maidstone Borough Council
Maidstone House,
Kent
Tel: 01622-602389
Fax: 01622-602972
Email: johnnewington@maidstone.gov.uk

Environment Agency

Groundwater & Contaminated Land team
Environment Agency
Orchard House
Endeavour Park
Addington, West Malling
Kent ME19 5SH
Tel: 08708 506506

Natural England

Government team –Kent, Sussex and Surrey
Coldharbour farm,
Wye
Ashford,
Kent TN25 5DB
Tel: 01233 811227

English Heritage

South East Region
Eastgate Court
195-205 High Street
Guildford

Surrey GU1 3EH
Tel: 01483 252000

South East England Development Agency

SEEDA Headquarters
Cross Lanes
Guildford
Surrey GU1 1YA
Tel: 01483 484200

Kent County Council

Waste Management Department
Block H, Forstal
Beddow Way
Aylesford
ME20 7BT
Tel: 01622 671411

Department of Environment, Food and Rural Affairs (DEFRA)

Contaminated Land Branch
DEFRA
4/D11 Ashdown House
123 Victoria Street
London SW1E 6DE
Tel: 020 7082 8568

Health and Safety Executive

International House
Dover Place
Ashford
Kent TN23 1HU
Tel: 01233 653900

Food Standards Agency

Food Standards Agency
Contamination Division
Aviation House
125 Kingsway
London WC2B 6NH
Tel: 020 7276 8000

Adjoining Local Authorities

Tonbridge and Malling Borough Council

Jane Heely
Chief Environmental Health Officer
Environmental Health and Housing Services
Tonbridge and Malling Borough Council

Gibson Drive
West Malling, Kent ME19 6LZ
Tel: 01732 844522

Medway Council

Lucy Kirk
Environmental Protection Officer
Civic Centre
Strood
Rochester, Kent ME2 4AU
Tel: 01634 333059

Swale Borough Council

David Ledger
Environmental Services Manager
Swale House
East Street
Sittingbourne, Kent ME10 3HT
Tel: 01795 424341

Ashford Borough Council

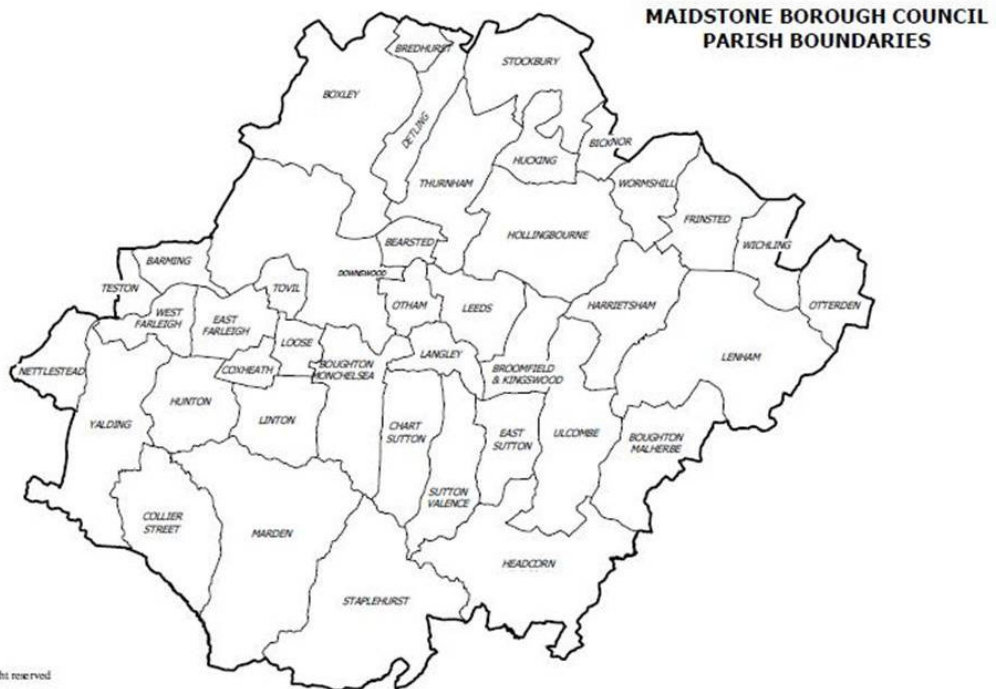
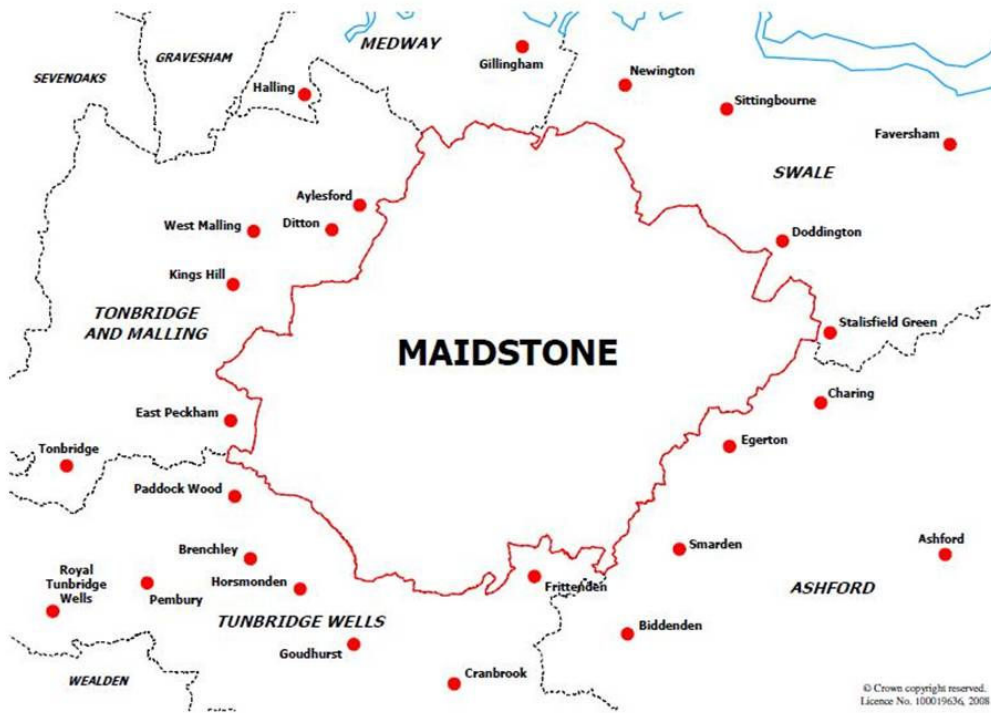
Richard Woodcock
Health and Leisure Services Department
Civic Centre
Tannery Lane
Ashford, Kent TN23 1PL
Tel: 01233 637311

Tunbridge Wells Borough Council

Duncan Haynes
Environmental Health Manager
Environmental Health and Housing
Town Hall
Royal Tunbridge Wells
Kent TN1 1RS
Tel: 01892 526121

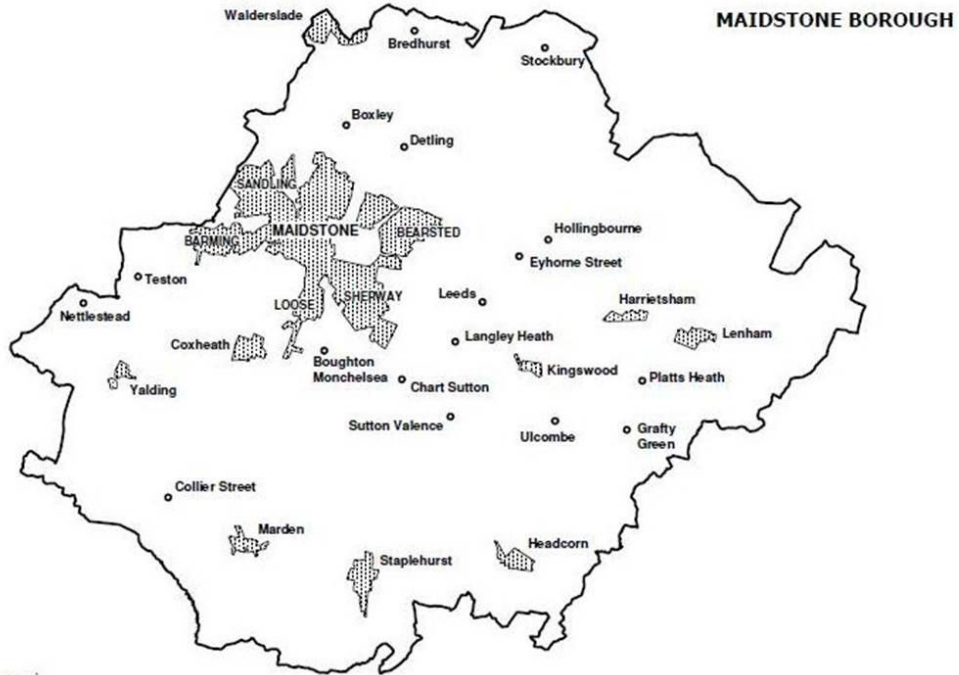
APPENDIX D - Maps

Map 1: Maidstone Borough, Parishes and Surrounding Areas



Land Contamination Strategy
May 2010

Map 2: Maidstone Borough Wards, Towns and Villages

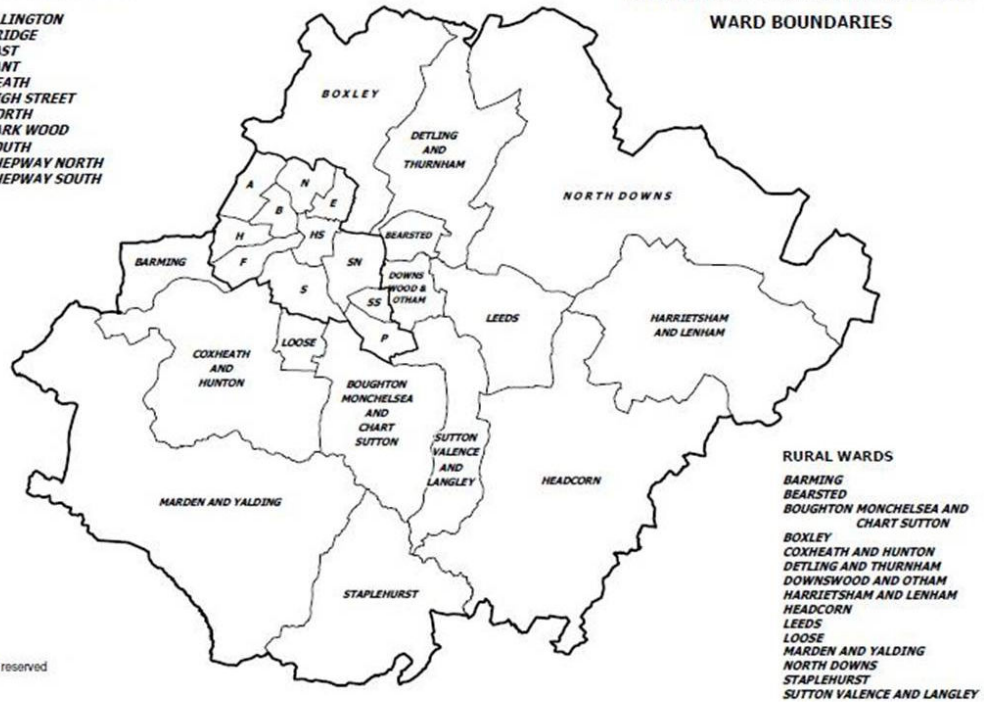


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KEY TO TOWN CENTRE WARDS

- A ALLINGTON
- B BRIDGE
- E EAST
- F FANT
- H HEATH
- HS HIGH STREET
- N NORTH
- P PARK WOOD
- S SOUTH
- SN SHEPWAY NORTH
- SS SHEPWAY SOUTH

MAIDSTONE BOROUGH COUNCIL
WARD BOUNDARIES

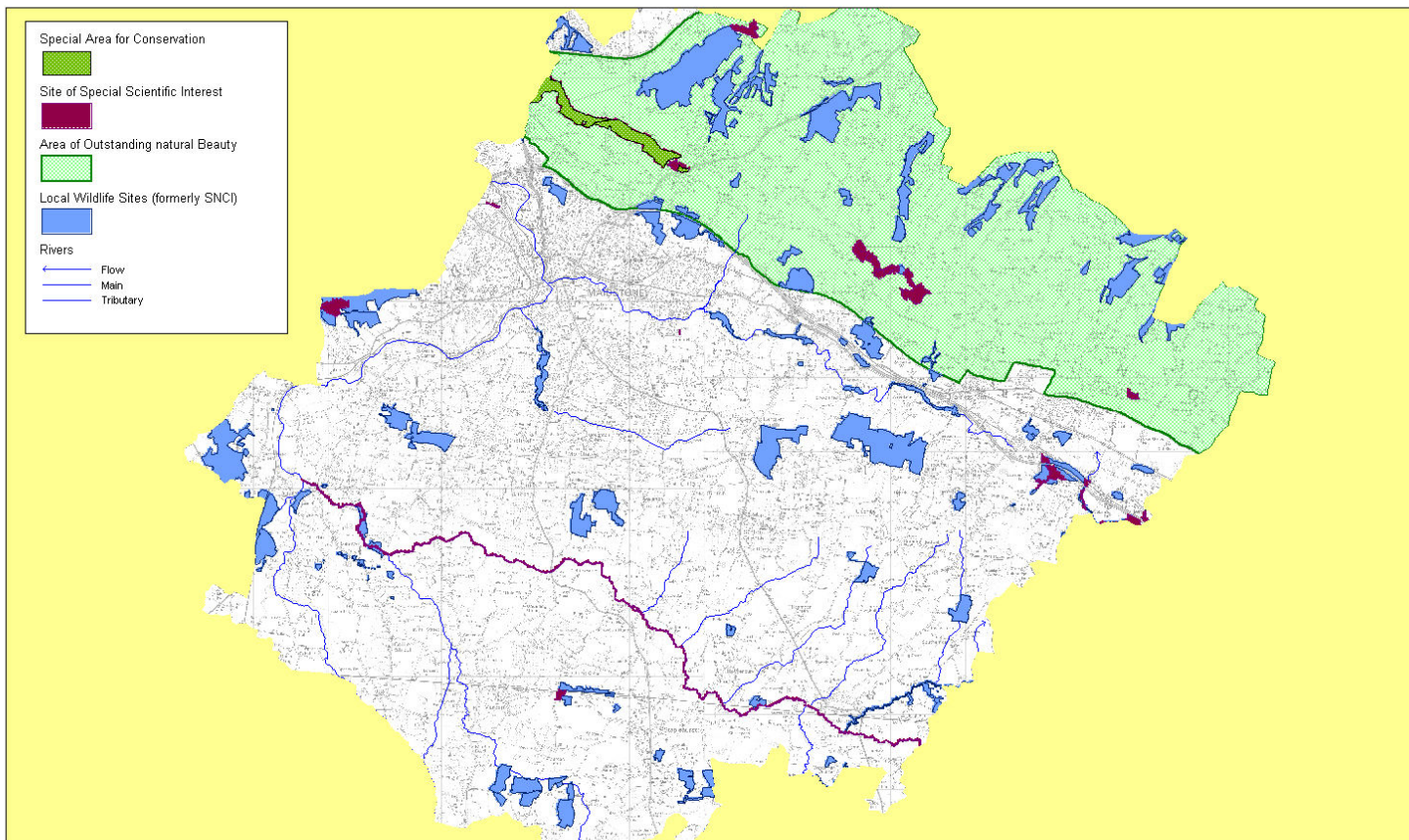


- RURAL WARDS
- BARMING
 - BEARSTED
 - BOUGHTON MONCHELSEA AND CHART SUTTON
 - BOXLEY
 - COXHEATH AND HUNTON
 - DETLING AND THURNHAM
 - DOWNSWOOD AND OTHAM
 - HARRIETSHAM AND LENHAM
 - HEADCORN
 - LEEDS
 - LOOSE
 - MARDEN AND YALDING
 - NORTH DOWNS
 - STAPLEHURST
 - SUTTON VALENTINE AND LANGLEY

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Map 3:

Ecological Designations in the Borough of Maidstone



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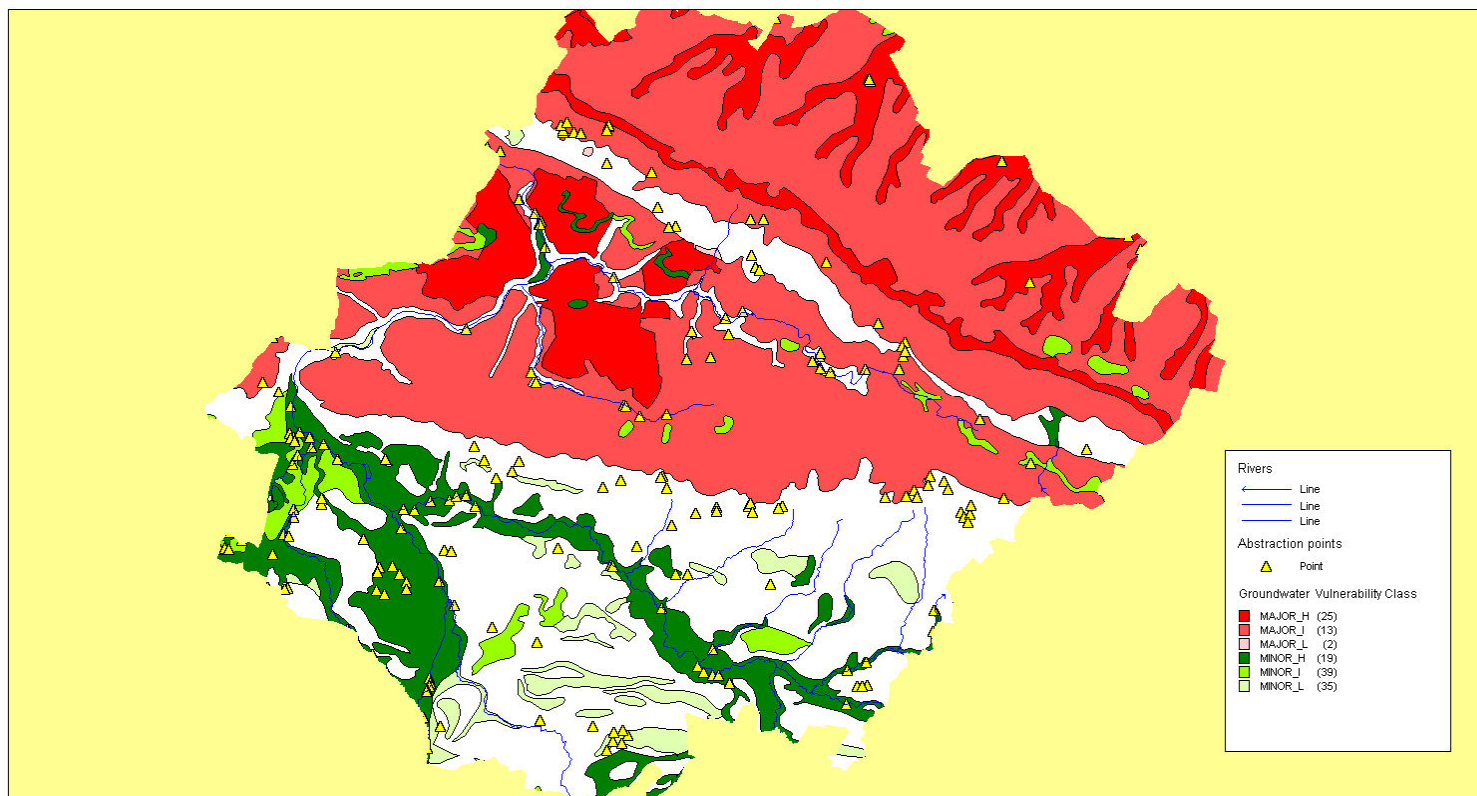
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Map 4:

Groundwater Vulnerability & Abstractions in
the Borough of Maidstone



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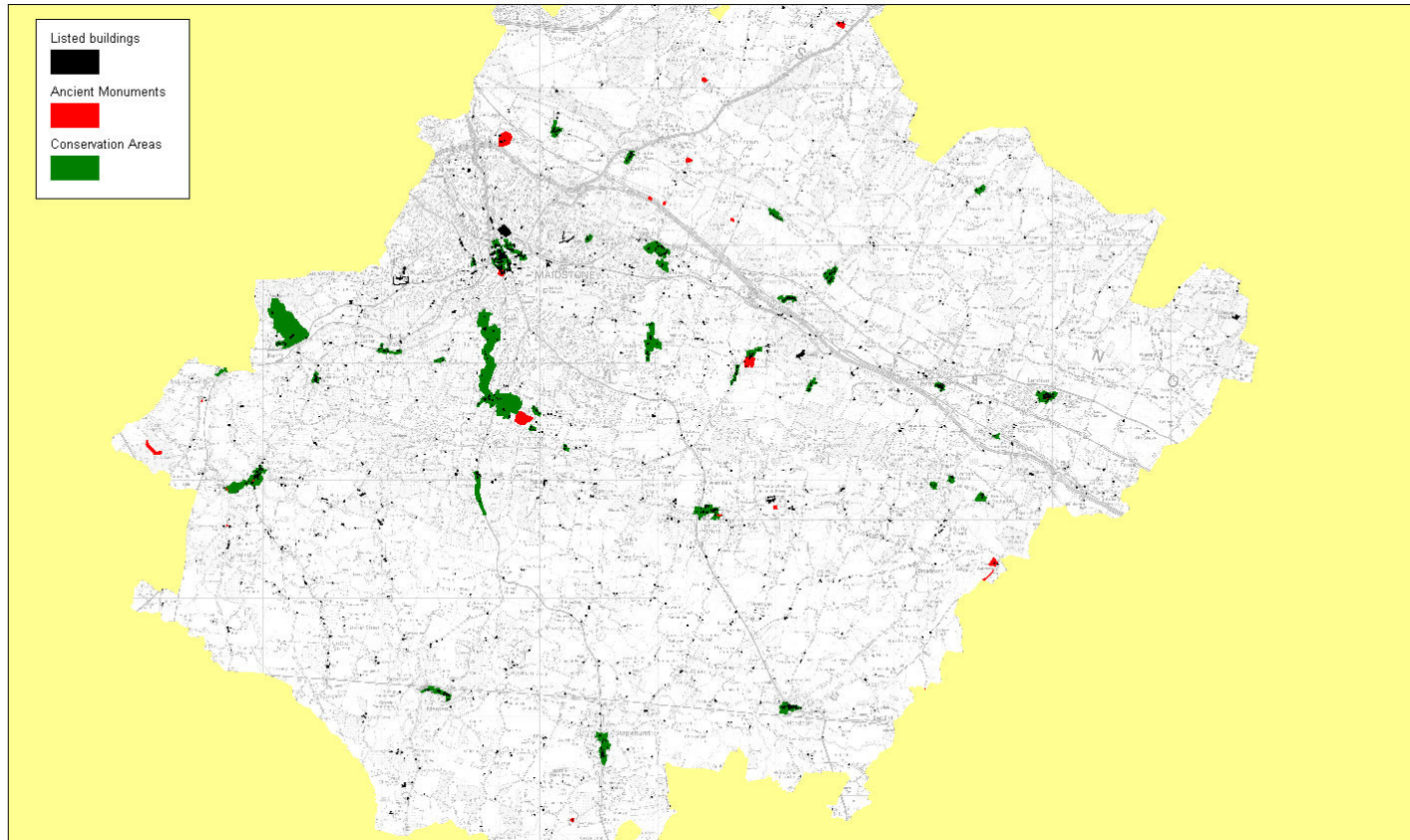
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Map 5:

Built Environment Designations in the Borough of Maidstone



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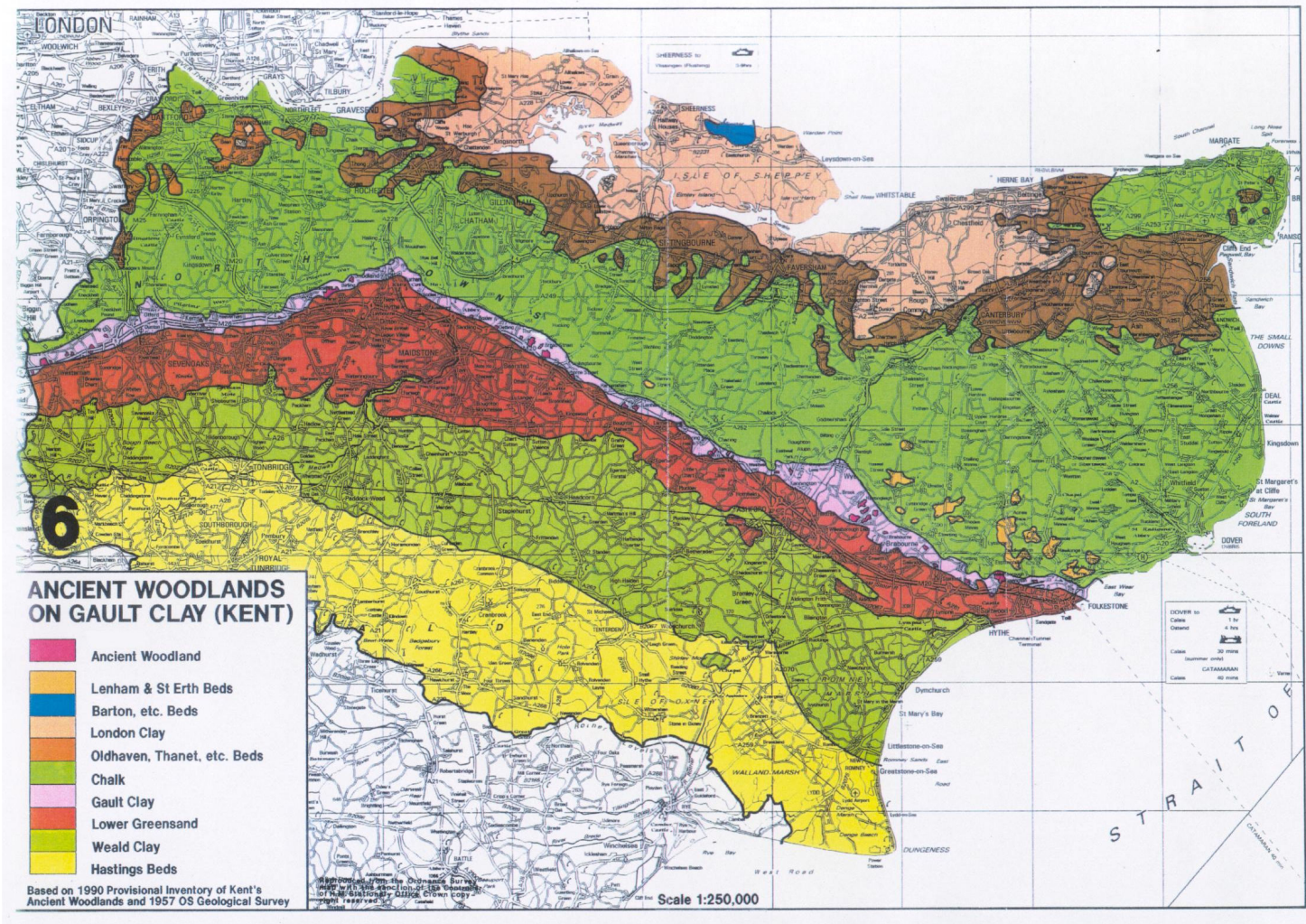


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Land Contamination Strategy
May 2010

Map 6: Geology of Kent

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End of Appendices