

Public Document Pack



Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

22 June 2018

Dear Councillor

NOTICE IS HEREBY GIVEN THAT a meeting of the **CABINET** will be held at these offices (Council Chamber) on Monday 2 July 2018 at 11.00 am when the following business will be transacted.

Members of the public who require further information are asked to contact Kate Batty-Smith on (01304) 872303 or by e-mail at kate.batty-smith@dover.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kate Batty-Smith', written over a white background.

Chief Executive

Cabinet Membership:

K E Morris	Leader of the Council
M D Conolly	Deputy Leader of the Council
J S Back	Portfolio Holder for Built Environment
T J Bartlett	Portfolio Holder for Property Management and Environmental Health
P M Beresford	Portfolio Holder for Housing and Homelessness
N J Collor	Portfolio Holder for Access and Licensing
M J Holloway	Portfolio Holder for Community Services
N S Kenton	Portfolio Holder for Environment, Waste and Health

AGENDA

1 **APOLOGIES**

To receive any apologies for absence.

2 **DECLARATIONS OF INTEREST** (Page 5)

To receive any declarations of interest from Members in respect of business to be transacted on the agenda.

3 **RECORD OF DECISIONS** (Pages 6-13)

The Decisions of the meeting of the Cabinet held on 4 June 2018, numbered CAB 1 to CAB 10 (inclusive), are attached.

4 **NOTICE OF FORTHCOMING KEY DECISIONS** (Pages 14-16)

The Notice of Forthcoming Key Decisions is included in the agenda to enable the Cabinet to identify future agenda items of public interest that should be subject to pre-Cabinet scrutiny.

ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES

To consider any issues arising from Overview and Scrutiny or other Committees not specifically detailed elsewhere on the agenda.

EXECUTIVE - KEY DECISIONS

5 **EXTENSION AND VARIATION OF PUBLIC SPACES PROTECTION ORDER**
(Pages 17-30)

To consider the attached report of the Director of Governance.

Responsibility: Portfolio Holder for Environment, Waste and Health

6 **REVISED CONTAMINATED LAND INSPECTION STRATEGY 2018** (Pages 31-88)

To consider the attached report of the Director of Governance.

Responsibility: Portfolio Holder for Property Management and Environmental Health

7 **TIDES LEISURE CENTRE** (Pages 89-101)

To consider the attached report of the Director of Environment and Corporate Assets.

Responsibility: Portfolio Holder for Property Management and Environmental Health

8 **DISPOSAL OF THE GUILDHALL AND MARKET SQUARE, SANDWICH** (Pages 102-110)

To consider the attached report of the Director of Environment and Corporate Assets.

Responsibility: Portfolio Holder for Property Management and Environmental Health

EXECUTIVE - NON-KEY DECISIONS

9 **FINANCIAL OUT-TURN 2017/18** (Pages 111-126)

To consider the attached report of the Director of Finance, Housing and Community.

Responsibility: Portfolio Holder for Corporate Resources and Performance

10 **SHORT-TERM PROPOSAL FOR THE FORMER CO-OP BUILDING, CASTLE STREET, DOVER** (Pages 127-133)

To consider the attached report of the Directors of Finance, Housing & Community and Environment & Corporate Assets.

Responsibility: Portfolio Holders for Corporate Resources & Performance and Property Management & Environmental Health

11 **RELEASE OF SKY LANTERNS AND HELIUM BALLOONS ON COUNCIL LAND** (Pages 134-138)

To consider the attached report of the Director of Environment and Corporate Assets.

Responsibility: Portfolio Holder for Property Management and Environmental Health

12 **NOMINATION OF TRUSTEE TO MUNICIPAL CHARITIES OF DOVER**

Mr Alan Shirley was appointed by the Council as a trustee of the Municipal Charities of Dover in June 2016. The Council has been advised that Mr Shirley resigned as a trustee on 7 June 2018.

Dover District Council nominates five trustees to the charity which is responsible for managing and letting almshouse accommodation. The existing DDC trustees are Councillors Pauline Beresford (appointment expires May 2019) and John Heron (July 2021), Mrs Sue Nicholas (May 2019) and Mr Roger Walkden (May 2020).

Cabinet is requested to nominate a replacement trustee for Mr Shirley for a term of 4 years. The nominated trustee does not have to be a Member, but he/she should ideally reside or work in Dover or the parishes of Langdon, Alkham, Hougham Without, Temple Ewell, River, Shepherdswell with Coldred, Capel-le-Ferne or Whitfield.

Access to Meetings and Information

- Members of the public are welcome to attend meetings of the Council, its Committees and Sub-Committees. You may remain present throughout them except during the consideration of exempt or confidential information.
- All meetings are held at the Council Offices, Whitfield unless otherwise indicated on the front page of the agenda. There is disabled access via the Council Chamber entrance and a disabled toilet is available in the foyer. In addition, there is a PA system and hearing loop within the Council Chamber.
- Agenda papers are published five clear working days before the meeting. Alternatively, a limited supply of agendas will be available at the meeting, free of charge, and all agendas, reports and minutes can be viewed and downloaded from

our website www.dover.gov.uk. Minutes will be published on our website as soon as practicably possible after each meeting. All agenda papers and minutes are available for public inspection for a period of six years from the date of the meeting.

- If you require any further information about the contents of this agenda or your right to gain access to information held by the Council please contact Kate Batty-Smith, Democratic Services Officer, telephone: (01304) 872303 or email: kate.batty-smith@dover.gov.uk for details.

Large print copies of this agenda can be supplied on request.

Declarations of Interest

Disclosable Pecuniary Interest (DPI)

Where a Member has a new or registered DPI in a matter under consideration they must disclose that they have an interest and, unless the Monitoring Officer has agreed in advance that the DPI is a 'Sensitive Interest', explain the nature of that interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a DPI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation permitting them to do so. If during the consideration of any item a Member becomes aware that they have a DPI in the matter they should declare the interest immediately and, subject to any dispensations, withdraw from the meeting.

Other Significant Interest (OSI)

Where a Member is declaring an OSI they must also disclose the interest and explain the nature of the interest at the meeting. The Member must withdraw from the meeting at the commencement of the consideration of any matter in which they have declared a OSI and must not participate in any discussion of, or vote taken on, the matter unless they have been granted a dispensation to do so or the meeting is one at which members of the public are permitted to speak for the purpose of making representations, answering questions or giving evidence relating to the matter. In the latter case, the Member may only participate on the same basis as a member of the public and cannot participate in any discussion of, or vote taken on, the matter and must withdraw from the meeting in accordance with the Council's procedure rules.

Voluntary Announcement of Other Interests (VAOI)

Where a Member does not have either a DPI or OSI but is of the opinion that for transparency reasons alone s/he should make an announcement in respect of a matter under consideration, they can make a VAOI. A Member declaring a VAOI may still remain at the meeting and vote on the matter under consideration.

Note to the Code:

Situations in which a Member may wish to make a VAOI include membership of outside bodies that have made representations on agenda items; where a Member knows a person involved, but does not have a close association with that person; or where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position. It should be emphasised that an effect on the financial position of a Member, relative, close associate, employer, etc OR an application made by a Member, relative, close associate, employer, etc would both probably constitute either an OSI or in some cases a DPI.

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 4 June 2018 at 11.00 am

Present:

Chairman: Councillor K E Morris

Councillors: J S Back
T J Bartlett
P M Beresford
N J Collor
M D Conolly
M J Holloway

Also Present: Councillor S F Bannister
Councillor S S Chandler
Councillor M I Cosin
Councillor M R Eddy
Councillor B Gardner

Officers: Chief Executive
Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Governance
Head of Inward Investment
Principal Infrastructure and Delivery Officer
PR and Marketing Officer
Democratic Services Officer

The formal decisions of the executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 1 4.6.18 Open Key Decisions No Call-in to apply Yes Implementation Date 12 June 2018	<u>APOLOGIES</u> It was noted that an apology for absence had been received from Councillor N S Kenton.	None.	To note any apologies for absence.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 2 4.6.18 Open Key Decisions No Call-in to apply Yes Implementation	<u>DECLARATIONS OF INTEREST</u> It was noted that there were no declarations of interest.	None.	To note any declarations of interest.	

Date 12 June 2018				
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 3 4.6.18 Open Key Decisions No Call-in to apply Yes Implementation Date 12 June 2018	<u>RECORD OF DECISIONS</u> It was agreed: (a) That the decisions of the meeting of the Cabinet held on 14 May 2018, as detailed in decision numbers CAB 167 to CAB 182, be approved as a correct record and signed by the Chairman. (b) That, in respect of CAB 179 (a), and following recent changes to Cabinet portfolios, Councillor M Rose be replaced by Councillor P M Beresford (Portfolio Holder for Housing and Homelessness) on the East Kent Housing Dover Area Tenants' Board. (c) That, in respect of CAB 180, and following recent changes to Cabinet portfolios, the Leader of the Council be replaced by the Portfolio Holder for Housing and Homelessness on the Homelessness Project Advisory Group.	None.	Cabinet is required to approve the Record of Decisions of the Cabinet meeting held on 14 May 2018.	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 4 4.6.18 Open	<u>NOTICE OF FORTHCOMING KEY DECISIONS</u> It was agreed that there were no forthcoming Key Decisions identified for pre-Cabinet scrutiny at this stage.	None.	Cabinet is requested to identify any Key Decisions that it	

Key Decisions No Call-in to apply Yes Implementation Date 12 June 2018			considers would be beneficial to refer to one of the Scrutiny Committees before the matter comes before Cabinet for formal consideration.	
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 5 4.6.18 Open Key Decisions No Call-in to apply Yes Implementation Date 12 June 2018	<p><u>CABINET DECISION ON THE RECOMMENDATIONS OF THE SCRUTINY (COMMUNITY AND REGENERATION) COMMITTEE</u></p> <p>It was agreed that the following responses be made to the Scrutiny (Committee and Regeneration) Committee's recommendations, made at its meetings held on 25 April (Minute No 114) and 25 May 2018 (Minute No 120):</p> <p>(a) A post-implementation close-out report will be presented to Cabinet when the St James's development scheme is completed and all processes have been reconciled and agreed.</p> <p>(b) The East Kent District Councils and Kent County Council meet regularly at the East Kent Growth Board and feed in to the wide discussions around growth at a county and district level. This issue will also need to be addressed in the context of the review of the Local Plan. It is the intention that utility providers will be invited to attend full Council meetings so that they can be fully apprised of the Council's concerns surrounding infrastructure. In the first instance, an invitation will be extended to Southern Water.</p> <p>(c) The scenarios around the movement of goods and customs controls</p>	None.	At its meeting held on 25 May 2018 (Minute No 120), the Scrutiny (Community and Regeneration) Committee queried Cabinet's response to its earlier recommendation (Minute No 114) which was considered by Cabinet on 14 May 2018 (CAB 172).	

	<p>are the subject of national decision-making which the Council is engaging on as appropriate in relation to its areas of responsibility. It is understood that Highways England will be confirming in the next few days the details for consultation on managing freight traffic which is intended to remove the need for Operation Stack.</p> <p>(d) Highways England has directed a planning condition requiring the improvement of the Whitfield roundabout linked to the build-out of the Whitfield Urban Expansion development, and will continue to respond to planning applications for development in the locality. Recognising the decision to proceed with the Lower Thames Crossing, the Council, along with support from Kent County Council and other local authorities in east Kent, has continued to press the need for the upgrade of the M2/A2 route including the dualling of the A2 from Lydden to Dover.</p>			
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 6 4.6.18 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 June 2018</p>	<p><u>ANNUAL GOVERNANCE ASSURANCE STATEMENT 2017/18</u></p> <p>It was agreed that the Annual Governance Assurance Statement be approved, and that the Leader of the Council and the Head of Paid Service be requested to sign the statement on behalf of the Council.</p>	<p>To not agree the Annual Governance Assurance Statement.</p>	<p>The Accounts and Audit Regulations 2015 require that the Council conducts at least annually a review of the effectiveness of its system of internal control and reports on the extent to which it complies with its Local Code of Corporate Governance.</p>	

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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 7 4.6.18 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 June 2018</p>	<p><u>GENERAL REPAIRS TO PARKS, GARDENS AND CHURCHYARDS</u></p> <p>It was agreed:</p> <p>(a) That the allocation of £24,392 of the £60,000 from the Special Project Reserve provision included in the Medium-Term Financial Plan, to contribute towards the cost of preparing updated open space strategies for the District, be approved.</p> <p>(b) That the allocation of £35,608 of the £60,000 from the Special Project Reserve provision included in the Medium-Term Financial Plan, to carry out urgent repairs to structural features within parks, cemeteries and closed churchyards, be approved.</p> <p>(c) That the Head of Parks and Open Spaces be authorised, in consultation with the Portfolio Holder for Property Management and Environmental Health, to procure necessary repair works.</p>	<p>None.</p>	<p>A sum of £60,000 has been allocated in the Medium-Term Financial Plan for the purpose of reviewing the Council's open space strategies and prioritising the most urgent repairs to structural features within the Council's parks, cemeteries and churchyards.</p>	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 8 4.6.18 Open</p> <p>Key Decisions</p>	<p><u>APPOINTMENT OF DEVELOPER CONTRIBUTIONS EXECUTIVE COMMITTEE</u></p> <p>It was agreed that the membership of the Developer Contributions Executive Committee for the Council year 2018/19 be as follows: Leader</p>	<p>None.</p>	<p>Cabinet is requested to determine the membership of the Developer</p>	

<p>No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 June 2018</p>	<p>of the Council (Chairman) and Portfolio Holders for Built Environment, Community Services and Housing & Homelessness.</p>		<p>Contributions Executive Committee for 2018/19.</p>	
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Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 9 4.6.18 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 June 2018</p>	<p><u>APPOINTMENT OF DOVER JOINT TRANSPORTATION BOARD CHAIRMAN</u></p> <p>It was agreed that Councillor J S Back be appointed Chairman of the Dover Joint Transportation Board for the Council year 2018/19.</p>	<p>None.</p>	<p>To comply with the terms of reference of the Dover Joint Transportation Board, which require that the chairmanship and vice-chairmanship of the Board alternates annually between Kent County Council and Dover District Council, Cabinet is required to appoint a chairman for 2018/19.</p>	

Decision Status	Record of Decision	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
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<p>CAB 10 4.6.18 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 12 June 2018</p>	<p><u>LOCAL PLAN PROJECT ADVISORY GROUP - APPOINTMENT OF SCRUTINY REPRESENTATIVE</u></p> <p>It was agreed that the nomination of Councillor K Mills as the representative of the Scrutiny (Policy and Performance) Committee on the Local Plan Project Advisory Group be noted.</p>	<p>None.</p>	<p>The Cabinet, at its meeting held on 14 May 2018 (CAB 180), appointed the membership of the Local Plan Project Advisory Group, including a representative from the Scrutiny (Policy and Performance) Committee. The Committee nominated its representative at its meeting held on 24 April 2018.</p>	
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The meeting ended at 11.21 am.



Notice of Forthcoming Key Decisions

[This updated version of the Notice supersedes all other versions issued in previous months]

Publication Date: 1 June 2018

Notice of Forthcoming Key Decisions which will be made on behalf of the Council

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
1	Neighbourhood Plans	June 2013 and ongoing (see entry)
2	Review of Tenancy Strategy and Tenancy Policy	To be confirmed
3	Review of Local Plan	(i) 1 March 2017; (ii) 1 October 2018; and (iii) October 2019
4	Property Acquisitions	Ongoing (decisions to be taken by Portfolio Holder for Corporate Resources and Performance)
5	To consider an options appraisal and feasibility study for Tides Leisure & Indoor Tennis Centre and seek approval to progress to the detailed design phase	2 July 2018
6	Dover Waterfront Masterplan Area Action Plan	To be confirmed
7	Planning Enforcement Plan	2 July 2018 (to be confirmed)
8	Representations on the Thanet District Council Local Plan	To be confirmed
9	To seek approval for public consultation on the draft Sandwich Walled Town Conservation Area Appraisal	1 October 2018 and date to be confirmed
10	Hackney Carriage and Private Hire vehicles - access for wheelchair users	1 October 2018
11	Development of a social lettings agency	2 July 2018 (to be confirmed)
12	Approval of project to develop housing to be occupied on an interim basis by homeless households	14 May 2018
13	To seek Cabinet approval for public consultation on draft Upper Deal Conservation Area Character Appraisal	10 September 2018 and date to be confirmed
14	Letting of the café/restaurant on Deal Pier	2 July 2018
15	Aylesham Village Expansion – Acquisition of Third-Party Land	10 September/1 October 2018 (to be confirmed)
16	Statement of Community Involvement	14 May and 10 September 2018
17	Dover District Council Local Development Scheme	14 May 2018
18	Kent Environment Strategy	14 May 2018
19	Transfer of Freehold of Sandwich Guildhall	2 July 2018

Key Decisions 2018/19	Item	Date of meeting at which decision will be taken by Cabinet (unless specified otherwise)
20	Sandwich Historical Boatyard	To be confirmed (decision to be taken by the Leader of the Council)
21	To decide on requirements for a new Public Spaces Protection Order following public consultation	2 July 2018
22	To consider the cessation of cash and cheque transactions at Council Offices	2 July 2018
23	Creation of a local property company	2 July 2018
24	Contaminated land strategy	2 July 2018
25	Consideration of pest control provision	2 July 2018
26	Award of contract for Kearsney Abbey café building extension	2 July 2018
27	Catering provision at Kearsney Abbey and Russell Gardens	2 July 2018
28	Award of contract for landscape and listed structure repairs at Kearsney Abbey	2 July 2018
29	To consider the delimitation of Hackney Carriage vehicles	1 October 2018

Note: (1) Key Decisions which are shaded have already been taken and do not appear in this updated version of the Notice of Forthcoming Key Decisions.

(2) The Council's Corporate Management Team reserves the right to vary the dates set for consultation deadline(s) and for the submission of reports to Cabinet and Council in respect of Key Decisions included within this version of the notice. Members of the public can find out whether any alterations have been made by looking at the Council's website (www.dover.gov.uk)

08Subject:	PUBLIC SPACES PROTECTION ORDER
Meeting and Date:	Cabinet – 2 July 2018
Report of:	David Randall, Director of Governance
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Health
Decision Type:	Key
Classification:	Unrestricted

Purpose of the report: To seek Cabinet authorisation to extend and vary the Public Spaces Protection Order made in July 2015, relating to dogs, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 and to seek authority to undertake a further period of consultation relating to suggestions made during the initial consultation period.

Recommendation: That Cabinet:

1. Authorise the extension of the existing Public Spaces Protection Order (the Order) for a period of 3 years, in accordance with s.60(2) of the Anti-Social Behaviour Crime and Policing Act 2014 (the Act).
2. Having regard to the conditions within s.59 of the Act, agree to vary the Order in accordance with s.61(1)(a) of the Act.
3. Delegate authority to the Head of Regulatory Services to carry out all necessary publicity required by virtue of the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations.
4. Authorise the setting of the amount of any fixed penalty notice issued under s.68 of the Act at £75.
5. Authorise a further period of statutory and public consultation in relation to the inclusion of areas identified in Appendix 3.

1. Summary

1.1 On 5 March 2018 Cabinet authorised the commencement of necessary consultation on a Public Spaces Protection Order (PSPO) relating to dog control within the District. This was carried out in accordance with Section 72 of the Anti-social Behaviour Crime and Policing Act 2014 (the Act). The consultation ran from 12th March 2018 until 09th April 2018. Comments received have been taken into consideration and approval is now sought to extend and vary the PSPO.

2. Introduction and Background

- 2.1 Prior to 27 July 2015 the exclusion and restriction of dogs from certain areas was dealt with under a number of byelaws. Fouling addressed through use of the Dogs (Fouling of Land) Act 1996. The Anti-social Behaviour Crime and Policing Act 2014 enabled local authorities to create Public Spaces Protection Order in their areas.
- 2.2 The current PSPO came into force on 27th July 2015 and created 4 offences. This covered
- Failing to remove dog faeces (covering the whole district).
 - Failing to put a dog on a lead after a request by an authorised officer (covering the whole district)
 - Failing to keep a dog on a lead in specified places.
 - Allowing a dog into specified areas where a dog exclusion applies

2.3 Unless specified the PSPO covers

“any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission”.

This definition is detailed under section 74(1) of the Act.

- 2.4 In accordance with s.60 of the Act, a PSPO cannot have effect for more than 3 years, unless extended under s.60(2). This section permits a local authority to extend a PSPO where it is satisfied on reasonable grounds that doing so is necessary to prevent an occurrence or recurrence of the activities identified in the Order. Any extension must be agreed before the expiry of the previous Order.
- 2.5 The introduction of the order has led to the issue of 111 fixed penalty notices, 82 warnings and 11 prosecutions. This illustrates the need for the extension along with the continued protection of children’s play areas. The maximum extension permitted is 3 years. Given that fouling and dog control is an ongoing issue it is felt this is warranted. The order may also be varied within this 3 year period.
- 2.6 Cabinet are therefore requested to extend the PSPO for a further 3 years, meaning it would have effect until 27 July 2021.
- 2.7 Cabinet will further note that there were a few suggested variations to the Order made as part of the consultation process. A summary of these can be found at Appendix 2. A PSPO can be varied under s.61(1) of the Act, by increasing or reducing the restricted areas to which it applies. In order to apply the provisions of the PSPO to areas which had not previously been covered, Cabinet must be satisfied that the conditions in ss.59(2) & (3) of the Act apply. These read as follows:

(2) The first condition is that—

- (a) activities carried on in a public place within the authority’s area have had a detrimental effect on the quality of life of those in the locality, or*
- (b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.*

(3) The second condition is that the effect, or likely effect, of the activities—

- (a) is, or is likely to be, of a persistent or continuing nature,*
- (b) is, or is likely to be, such as to make the activities unreasonable, and*

(c) justifies the restrictions imposed by the notice.

- 2.8 The consultation resulted in 179 responses. Many of these were supportive, especially of the continued exclusion of dogs from children's play areas. The following paragraphs summarise the main areas where comment was made.
- 2.9 The main area of objection was the proposal to exclude dogs from the sports pitches behind Tides Leisure Centre in Deal. The area was included because it was believed regular football matches were played there. However many consultees have pointed out the area is rarely used for football and was only booked 24 times in the last year. People feel this is a safe enclosed area to walk dogs in middle Deal and is very popular with dog walkers. It has also been noted the Deal Sunday League football has moved to Dover. There were 67 objections to this. This proposal to exclude dogs from this area is therefore withdrawn.
- 2.10 Several requests were also made to relax the times dogs are permitted on beaches in the months between 1 May to 30 September. Dogs are currently banned between the hours of 9am and 8pm. It is felt these hours take into account both dog users and those who wish to avoid them whilst on the beach. The Council have also been working with Southern Water on their Bathing Water Enhancement Programme to ensure the 'excellent' quality is maintained at Deal. Any increase on the hours dogs are allowed would impinge on this. This has therefore not been changed.
- 2.11 Dover Promenade. 1 person was in favour of the proposed changes but 3 others felt the current exclusions and on leads requirements should be maintained. There is therefore no change from the 2015 controls.
- 2.12 St Margaret's Bay. 5 comments. Four in agreement with the proposals.
- 2.13 Aylesham & Snowdon Welfare Sports Pitches. There were 11 comments on this with 6 agreeing with the proposed exclusion, 1 partly agreeing and 4 objecting. Given that there are other areas to walk dogs nearby it was felt this exclusion was warranted.
- 2.14 When deciding whether to make requirements or restrictions on dogs and their owners, the Council needs to consider whether there are suitable alternatives for dogs to be exercised without restrictions. It is felt there are numerous areas throughout the district where owners can take their dogs for exercise. The proposals therefore offer a balanced approach recognising the needs of the dog owning community as well as the general public.
- 2.15 The proposed PSPO, including detailed maps, is attached as Appendix 1.
- 2.16 If Cabinet are minded to authorise the extension and variation of the PSPO, there is a further requirement for publicity within the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations. These require that where a local authority has made a PSPO, they must publish it on their website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order.
- 2.17 Appendix 2 details the changes made to the proposals consulted on between 12th March 2018 and 09th April 2018.

- 2.18 Requests were also made to add areas to the PSPO, e.g. dogs banned from beaches at all times, include the whole of William Pitt Recreation ground rather than just children's area. Whilst all of these were considered it was felt only the areas below should be added
- Parish Council request for St. Augustine's Church in East Langdon to be dogs on leads only
 - Staff at Gazen Salts Nature Reserve in Sandwich requested that the current requirement for dogs on leads be changed to exclusion. This is because the site is important for nesting birds, water voles and other nationally threatened species.
 - Churchwarden of St Clements in Sandwich has requested dogs on leads only.
 - Kent Wildlife Trust has requested a dogs on lead and dogs exclusion area is added in the area around Sandwich/Pegwell Bay & Princes Golf Course dunes.
 - Extend the area of dog exclusion to include the now enclosed children's play area by Whitfield Recreation Ground.
 - Extend the dogs on lead area in Hamilton Road Cemetery to cover additional area used for burials.
 - Extend the dogs on lead area in Kearsney Abbey to cover the area known as Mill Ruins. This is requested as a result of a dog off lead attack leading to the death of a swan and 5 cygnets.

Maps of these sites are attached as Appendix 3.

Cabinet is requested to authorise further consultation on the inclusion of the above sites. If permission is granted further consultation will take place before submission of a Cabinet Report detailing any proposed variations to the PSPO 2018.

- 2.19 The measures do not apply to assistance dogs.

3. Identification of Options

- 3.1 Option 1 - Authorise the extension and variation of the PSPO as detailed in Appendix 1.
Option 2 - Refuse to extend and vary the PSPO and return to the dog controls in place prior to 27th July 2015.

4. Evaluation of Options

- 4.1 Option 1 – The recommended option. The overall aim of continuing with a PSPO is to
- maintain a comprehensive and consistent approach to the control of dogs in the district,
 - balance the needs of dog owners and other members of the community,

- 4.2 Option 2 – Returning to the controls in place prior to 27 July 2015.

Large areas of the District would not be covered and there are inconsistencies in the level of FPN issued, i.e. someone throwing litter may be issued with an FPN of £75 whilst failing to pick up dog faeces may result in the issue of an FPN of £50. Many enclosed children's parks would no longer be covered. Breach of byelaws can only be dealt with through prosecution. This is a timely and costly process.

5. Resource Implications

- 5.1 Signs shall be erected/alterd advising of the new restrictions. This will cost in the region of £400 and can be met from existing budgets.

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB)
- 6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to add.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

7. Appendices

[Appendix 1 – Proposed Public Spaces Protection Order \(Dover District Council\) 2018](#)

Please note the document at the above link is almost 40Mb in size so may take time to download.

Appendix 2 – Summary of changes made as a result of consultation carried out between 12 March 2018 and 9 April 2018.

Appendix 3 – Proposed additional dog exclusion and dogs off lead areas requiring further consultation.

8. Background Papers

Public Spaces Protection Orders - Extract from Anti-Social Behaviour, Crime and Policing Act 2014 statutory guidance

Contact Officers: Paul Neagle
Environmental Protection Manager
envhealth@dover.gov.uk
01304 872291

Andrzej Kluczynski
Environmental Crime Team Leader
envcrime@dover.gov.uk
01304 872096



Appendix 2.

Changes made to Schedule 1 – Keeping of Dogs on lead of the proposed PSPO, presented to Cabinet on 05th March 2018, further to consultation carried out between 12th March 2018 and 09th April 2018.

Map on 05/03/18 proposal.	Map on 02/07/18 proposal.	Change from 05/03/18 proposal.	Site and grounds for proposals.
Map 13	Map 13	Proposed changes from current PSPO withdrawn	The beach at Dover Seafront, Waterloo Crescent & Marine Parade. To retain the current dogs on lead proposals. Only 4 comments but 3 were in favour of keeping the current restrictions

Changes made Schedule 2 – Dog exclusion areas of the proposed PSPO, presented to Cabinet on 05th March 2018, further to consultation carried out between 12th March 2018 and 09th April 2018.

Map on 05/03/18 proposal.	Map on 02/07/18 proposal.	Change from 05/03/18 proposal.	Site and grounds for proposals.
Map 11	Removed	Withdrawn form proposal	Sports pitch to the rear of Tides Leisure Centre, Deal. Tide is rarely used for football. Commonly used for safe dog walking by locals.
Map 20	Map 19	Proposed changes from current PSPO withdrawn	The beach at Dover Seafront, Waterloo Crescent & Marine Parade. To retain the exclusion area by the last groynes at corner of Premier Inn. Only 4 comments but 3 were in favour of keeping the current restrictions
The only other changes to the Schedule 2 from the document of 05 th March 2018 are numerical, i.e. some maps have been renumbered due to the removal of Map 11.			



Appendix 3

Summary of proposed variations to July 2018 PSPO.

1. Hamilton Road Cemetery, Deal
2. St Augustine's Churchyard East Langdon
3. Walkway that runs adjacent to River Dour leading to Kearsney Abbey (Café side) accessed from Minnis Lane
4. Sandwich Nature Reserve,
5. St Clements Churchyard, Sandwich
6. Sandwich Bay
 - a. Prince Golf Course Dunes (Dogs on Leads)
 - b. Sandwich Mudflats and Salt Marshes (Dog Exclusion)
7. Enclosed Children's Play Area, Whitfield Recreation Ground.






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**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

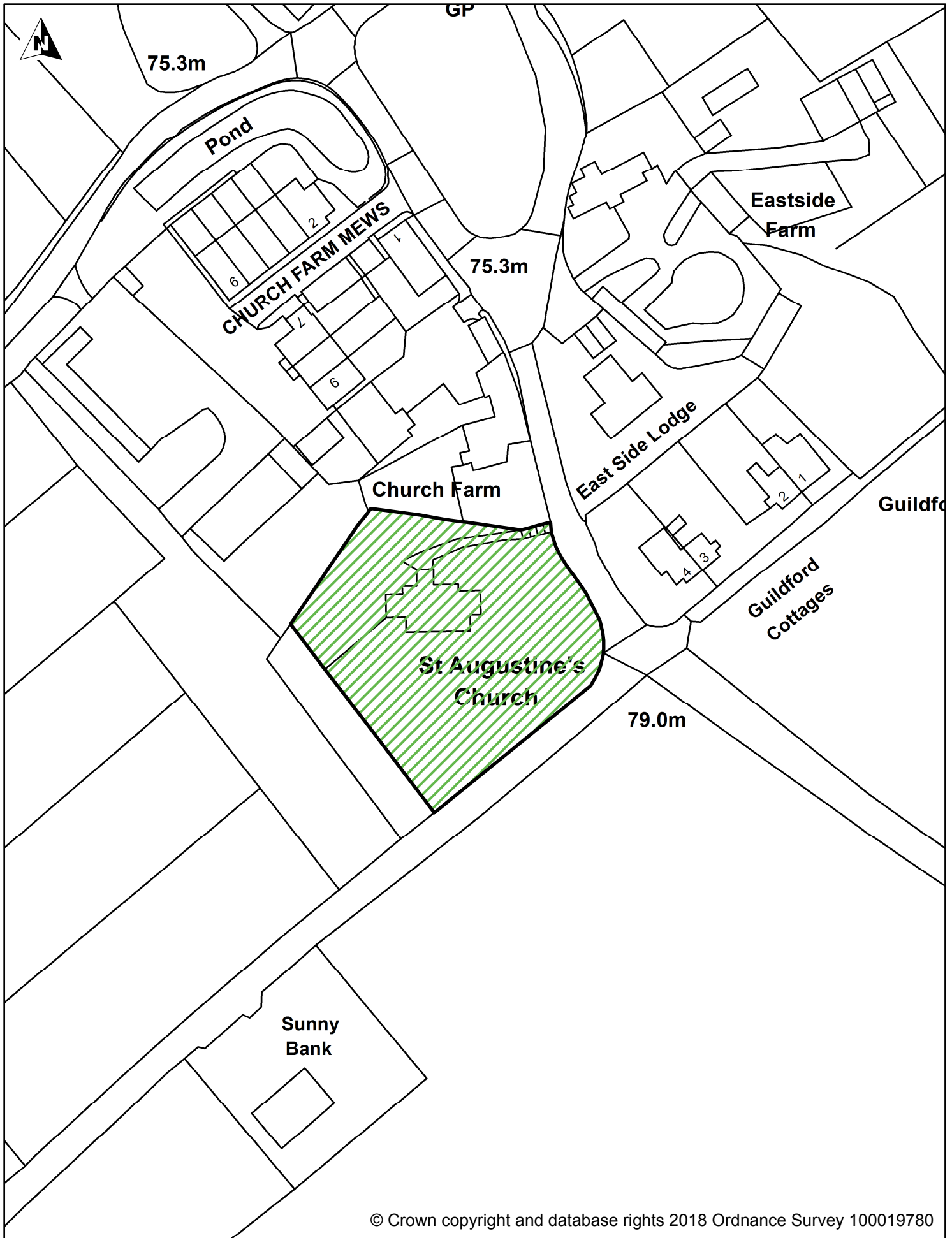
Map 1
Hamilton Road Cemetery, Deal

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ






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**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Map 2

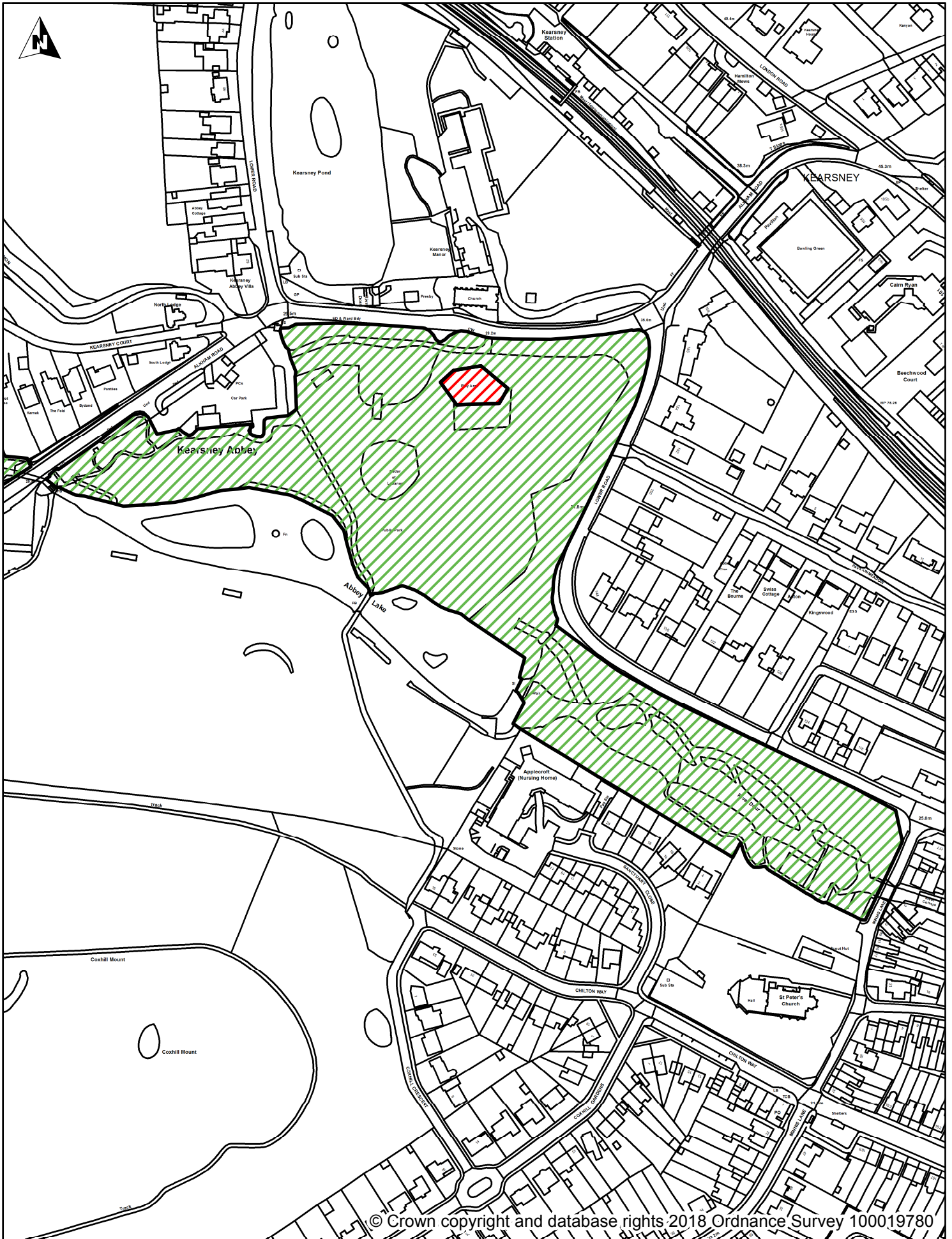
St Augustine's Churchyard, The Street, East Langdon

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ






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**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Map 3

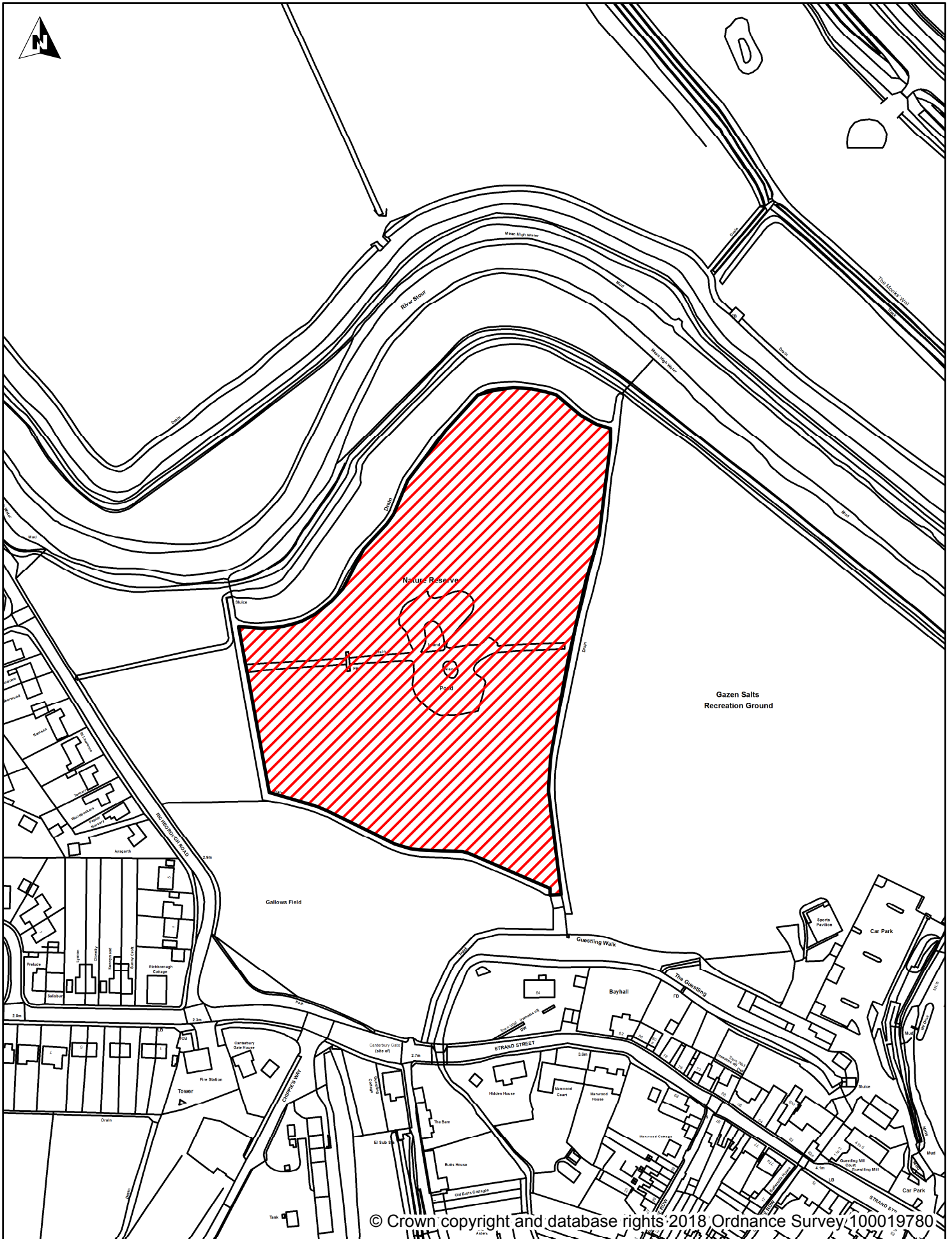
**Kearsney Abbey (Cafe Side) and Walkway Adjacent
Abbey Lake Accessed from Minnis Lane**

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ






**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Map 4

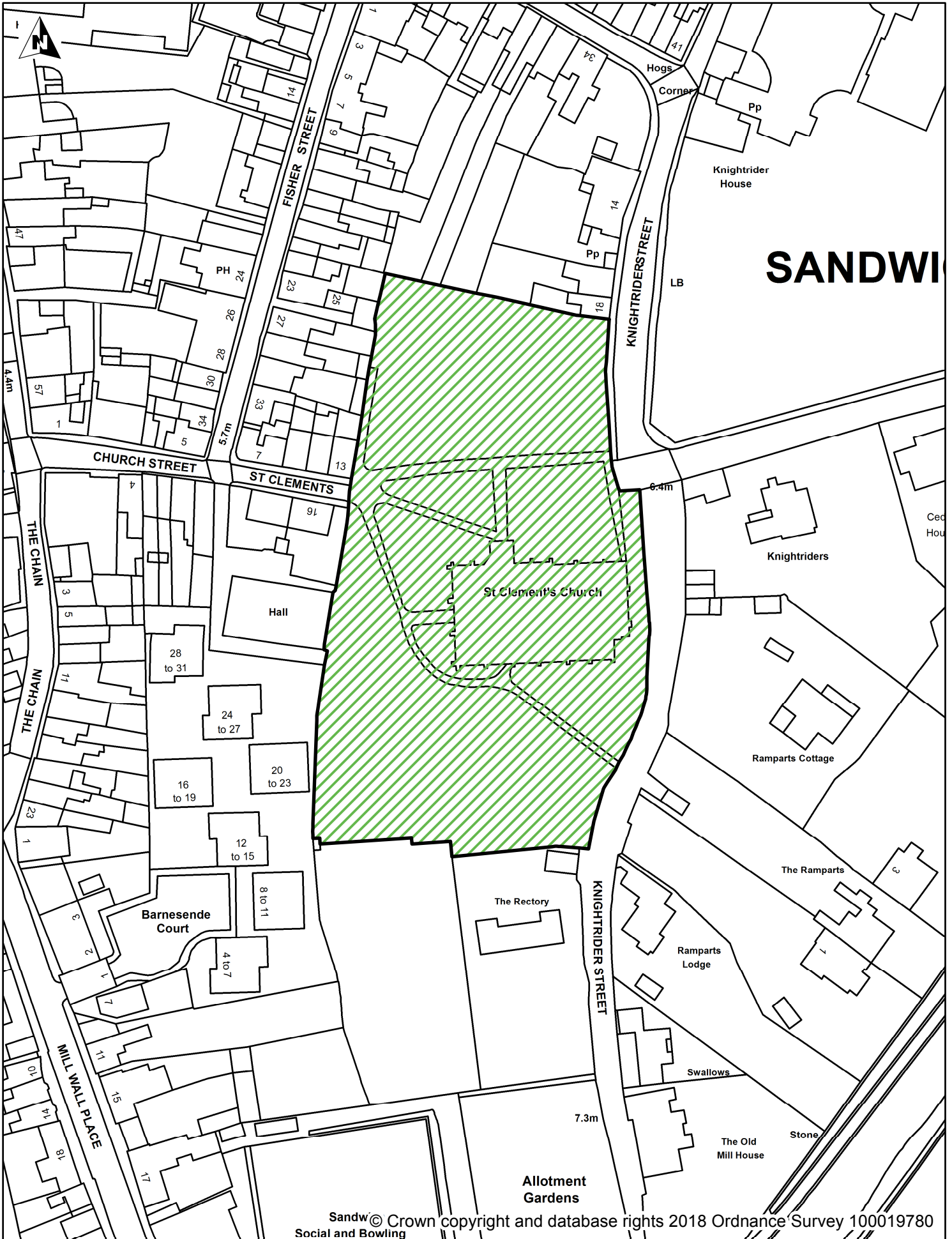
Sandwich Nature Reserve Off Gazen Salts, Sandwich

Legend

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ






SANDWICH

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Social and Bowling

**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Legend

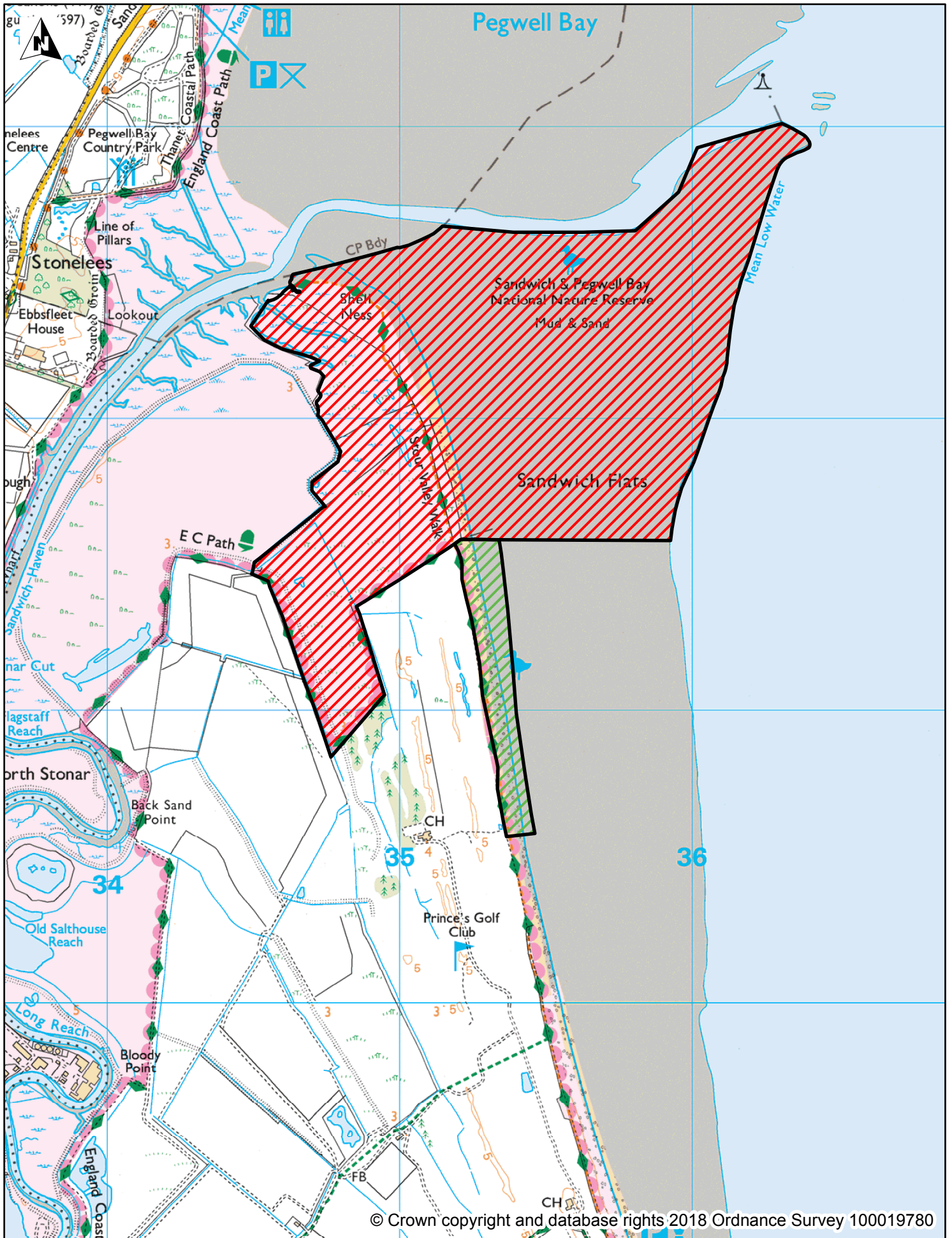
-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ

Map 5




St Clement's Churchyard, Knight Rider Street, Sandwich



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**Dover District Council Public Spaces Protection Order
Proposed Variation:-**

Legend

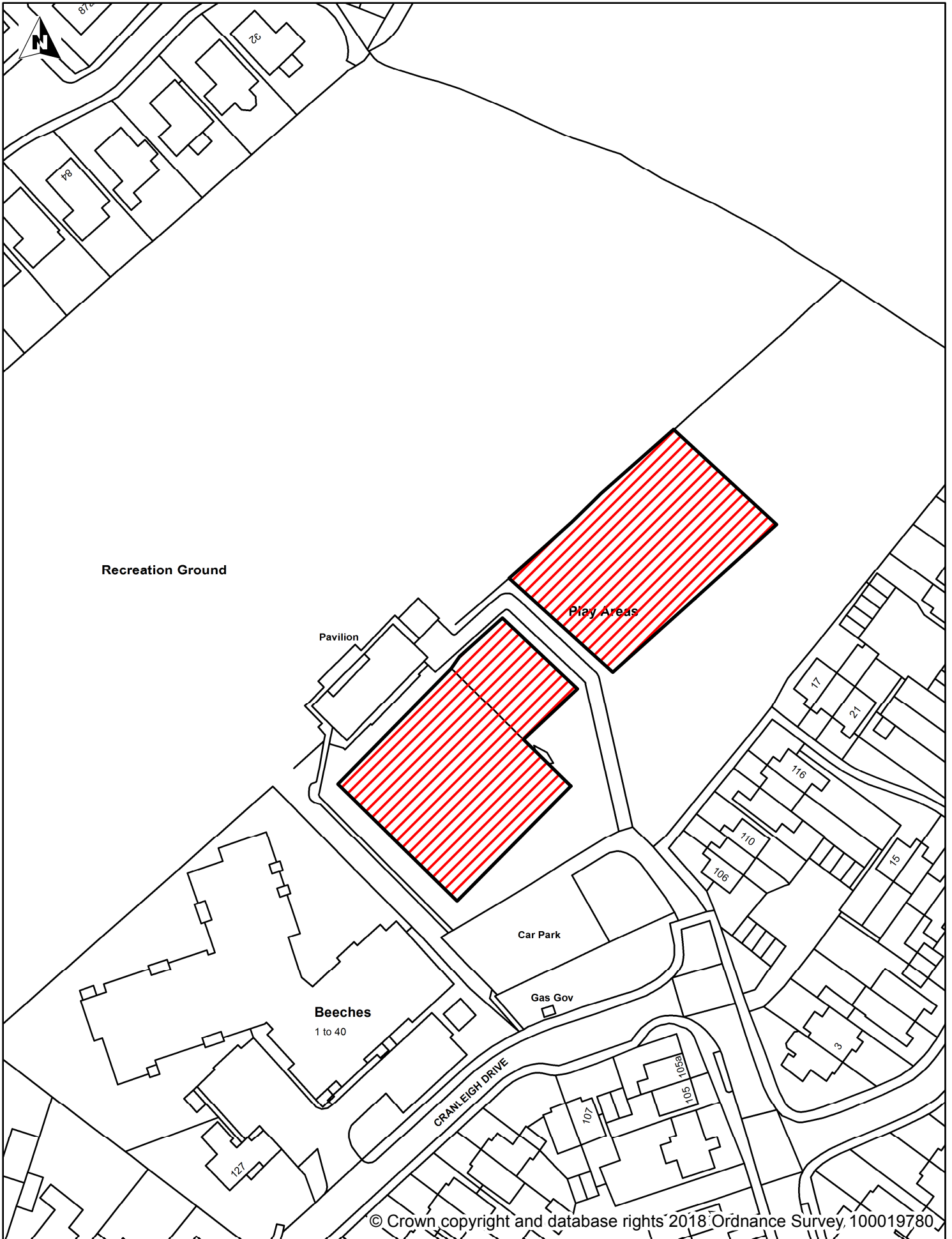
-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ

Map 6

**Princes Golf Course Dunes and Sandwich Bay Mudflats
and Salt Marshes**



**Dover District Council Public Spaces Protection Order
Proposed Variation:-**




Legend



Dover District Council
Honeywood Close
White Cliffs Business Park
Whitfield
DOVER
CT16 3PJ

Map 7

**Enclosed Children's Play Areas and MUGA, Whitfield
Recreation Ground off Cranleigh Drive, Whitfield**

-  Dog Exclusion
-  Dogs On Leads
-  Seasonal Dog Bans

Subject:	REVISED CONTAMINATED LAND INSPECTION STRATEGY 2018
Meeting and Date:	Cabinet – 2 July 2018
Report of:	David Randall, Director of Governance
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: The Council is required to prepare a Contaminated Land Inspection Strategy under the terms of Part II A of the Environmental Protection Act 1990. The strategy must be reviewed from time to time.

Recommendation: That the revised Contaminated Land Inspection Strategy be approved by Cabinet.

1. Summary

- 1.1 Since April 2000 Part IIA of the Environmental Protection Act 1990 has required local authorities to produce a written inspection strategy to identify areas of contaminated land in their districts. The Council's original contaminated land inspection strategy was agreed by Cabinet in 2001 and was reviewed and amended in 2007 and 2014.
- 1.2 The 2018 revised strategy details how the Council intends to implement the contaminated land regime from 2018 onwards, taking into account DEFRA's Contaminated Land Statutory Guidance 2012, which requires councils to review their strategies from time to time and, the resources available to the Council.

2. Introduction and Background

- 2.1 Since the adoption of the original Contaminated Land Inspection strategy there have been a number of revisions to the statutory guidance and government policy relating to contaminated land. In addition, constraints have emerged such as the removal of government funding for investigation and remediation work together with the reduced support for local authorities from the Environment Agency. These constraints will impact on how the Council fulfils its statutory duties. The statutory guidance on contaminated land requires that the strategy be reviewed from time to time.
- 2.2 The strategy outlines the steps the Council are taking and have taken to meet the statutory requirements of Part IIA of the Environmental Protection Act 1990 and as laid down in DEFRA's Contaminated Land Statutory Guidance of April 2012. The aims of the strategy tie in with the Councils Corporate Plan for 2016-2020 which include:

- **A Clean, Green and Safe Environment and;**
- **Healthier People and Communities**

2.3 The revised strategy details the general background to the contaminated land legislation and the particular characteristics of Dover District. The strategy outlines the Council's priorities and how the contaminated land regime is to be implemented

2.4 The Regulatory Services Department is responsible for implementing the Council's Contaminated Land Inspection Strategy and for undertaking its enforcement duties. The Council is the lead regulator on contaminated land but, whenever necessary, the Council will work in partnership with the Environment Agency, other external agencies and stakeholders in dealing with the issues of identification and remediation of contaminated land.

3. Identification of Options

3.1 Do nothing and retain the current published Contaminated Land Inspection Strategy 2014, contrary to statutory guidance.

3.2 Approve and publish a revised Contaminated Land Inspection Strategy having regard to current statutory guidance.

4. Evaluation of Options

4.1 Current statutory guidance requires both the provision and revision of a Contaminated Land Inspection Strategy. By retaining the 2014 strategy the Council will fail to fulfil its statutory obligation in this respect.

4.2 There are no new risks associated with the revised Contaminated Land Inspection Strategy or with the recommended decision, which is essentially fulfilling the requirements of environmental legislation and guidance.

5. Resource Implications

5.1 The revised strategy has not identified any further sites that require proactive investigation and confirms that the planning system will continue to play the dominant role in dealing with sites that are affected by contamination within the District.

5.2 However there remains a financial risk of dealing with urgent sites where no liable persons can be identified as the Government's Contaminated Land Capital Grants programme was withdrawn in March 2017.

6. Corporate Implications

6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add. (SB)

6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to make.

6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

7. Appendices

Appendix 1 – Draft Contaminated Land Inspection Strategy 2018

8. Background Papers

[Contaminated Land Statutory Guidance, DEFRA, April 2012](#)

Contact Officer: Stephen Courts
Environmental Health Officer
envhealth@dover.gov.uk
01304 872215

Paul Neagle
Environmental Protection Manager
envhealth@dover.gov.uk
01304 872291

Dover District Council

Contaminated Land Inspection Strategy

Revised 2001, 2007, 2014 & 2018

Environmental Health
Dover District Council
White Cliffs Business Park
Dover, Kent, CT16 3PQ
Tel: 01304 872282
www.dover.gov.uk
envhealth@dover.gov.uk

Executive Summary

Part IIA of the Environmental Protection Act (EPA) 1990 came into force in England in April 2000. The main objective is to provide an improved system for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment given the current circumstances and use of the land.

Under this legislation Dover District Council (the Council) is required to prepare an inspection strategy setting out how the Authority intends to inspect its area for the purpose of identifying contaminated land. This also links in with the Council's Corporate Priorities.

The strategy was initially produced in 2001, reviewed in 2007 and 2014 and has been revised following the DEFRA's Contaminated Land Statutory Guidance produced in April 2012. This revised strategy details how the Council intends to implement the contaminated land regime from 2018 onwards. This takes account of the latest guidance and the resources available to the Council.

The Council recognise a number of factors potentially impact on how contaminated sites are assessed, i.e. decisions are not made on a purely technical basis. There are also a range of regulatory, commercial, financial, legal and societal factors, affecting how particular contaminated land issues should be addressed. The Council also recognises any judgement made needs to be scientifically robust, proportionate and transparent.

This strategy therefore outlines the Council's priorities in relation to contaminated land. It also provides a description of the proposed methods and procedures intended to fulfil this requirement in a rational, ordered and efficient manner.

Initial desktop studies enabled the Council to identify areas of land within its boundaries where potential contaminants and potential receptor exist in the same geographical area. Further investigations / inspections then took place to determine if the criteria specified by the regulations were met, and hence if land is required to be formally designated as 'contaminated land'.

Sites are investigated in a descending order of priority. The Council chose the Geographical Information System (GIS) package 'Groundview' to assist in the prioritisation of sites. A prioritised list of sites according to the risk posed to receptors has been produced. This enables the Council to address sites of greater concern first. However, it is recognised some sites identified outside this general approach will require urgent attention. These sites will be dealt with as they arise.

The Council operates an open approach to dealing with contaminated land. Whilst it is recognised local authorities are the lead regulators on contaminated land, the Council will work in partnership with other organisations, particularly the Environment Agency, wherever necessary.

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1.0 Introduction

1.1 Dover District Council Corporate Aims

This strategy outlines the steps the Council are taking and have taken to meet the statutory requirements of Part IIA of the Environmental Protection Act 1990 (EPA) and as laid down in DEFRA's Contaminated Land Statutory Guidance of April 2012. The guidance provides the legal and scientific detail behind this strategy so the two documents should be read in conjunction with one another. The aim of the strategy ties in with the Councils Corporate Plan for 2016-2020 which include

- **A Clean, Green and Safe Environment and**
- **Healthier People and Communities**

1.2 Regulatory context

Part IIA of the Environmental Protection Act (EPA) 1990 came into force in England in April 2000 (inserted by section 57 of the Environment Act 1995). The main objective of Part IIA is to provide an improved system for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment given the current circumstances and use of the land.

The Government's intention is that Part IIA will;

- Improve transparency and focus of regulatory controls
- Ensure regulators take a strategic approach to land contamination problems
- Allow all contamination problems to be dealt with as part of the same process
- Increase consistency in regulatory approaches
- Provide a more tailored regulatory mechanism, including liability rules, that is better able to reflect the complexity and range of circumstances found on individual sites

The Act is supported by statutory guidance, which contains much of the detailed advice to regulators and others on how Part IIA is to be implemented.

1.2.1 Regulatory role of Local Authorities

The primary regulatory role under Part IIA rests with local authorities. This reflects their existing functions under the statutory nuisance regime, and will also complement their roles as planning authorities.

The key Local Authority Responsibilities are;

1. **Prepare an inspection strategy** – setting out how the Authority intends to inspect its area for the purpose of identifying contaminated land.
2. **Determine whether any particular areas of land are “contaminated land”**

3. **Decide whether “contaminated land” is also required to be designated as a special site**
4. **Act as enforcing authority for all contaminated land which is not designated as a “special site” This will involve ;**
 - Determining who may be liable / responsible for remediation.
 - Consulting with relevant parties on what remediation action is required.
 - Ensuring works are undertaken voluntarily or by serving Remediation Notices.
 - Monitoring the effectiveness of any remediation carried out.
5. **Maintain a public register** – containing details of regulatory action taken under Part IIA and through other means.
6. **Report progress under Part IIA to the Environment Agency (EA)** – to allow preparation of a National Report on Contaminated Land.

1.2.2 Regulatory role of the Environment Agency

The Environment Agency has four principal roles under Part IIA. These are;

1. Assisting LA with the identification of contaminated land, particularly in cases where water pollution is involved
2. Providing site-specific guidance to LA on contaminated land
3. Acting as enforcing authority for any land designated as a “Special Site”
4. Publishing periodic National Reports on Contaminated Land.

1.2.3 Legal definition of contaminated land for the purposes of Part IIA of the Environmental Protection Act 1990

“Contaminated Land” is defined under Part IIA as:

Any land that 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 waters is being, or is likely to be, caused.*

This definition introduces a number of specific terms, some of which may differ from those commonly used outside of Part IIA. A glossary of terms used, as defined by the EPA, statutory guidance, the Regulations and other texts relevant to Part IIA are included in Appendix E.

1.2.4 Radioactively Contaminated Land

The 2012 guidance does not apply to radioactive contamination of land. There is separate guidance (Radioactive Contaminated Land Statutory Guidance – April 2012) produced by the Department of Energy & Climate Change. If land is determined as radioactive contaminated land it becomes a special site and the Environment Agency takes over as the regulator.

1.3 Principles of Pollutant Linkages and Risk Assessment.

In order for 'Significant Harm' to be established, the concept of a 'Pollutant Linkage' must be introduced. A pollutant linkage consists of three parts;

1. a **SOURCE** of contamination in, on or under the ground.
2. a **PATHWAY** by which the contaminant is causing significant harm (or which presents a significant possibility of such harm being caused).
3. a **RECEPTOR** (target) of a type specified in the regulations.

Land cannot be identified as "Contaminated Land", under Part IIA, unless all three elements of a pollution linkage have been established. It should be noted that there may be more than one pollutant linkage on any given piece of land.

In addition to pollutant linkages, the definition of contaminated land is also based upon the principles of risk assessment.

The LA must satisfy itself that;

- a) Significant harm is being caused to the receptor, or
- b) There is a significant possibility of harm being caused to that receptor.
- c) Pollution of controlled waters is being caused, or
- d) Pollution of controlled waters is likely to be caused.

In order to determine whether a particular possibility is "significant", the RISK needs to be assessed and this is defined as the product of;

- a) The probability or frequency of an occurrence (i.e. the likelihood of harm being caused), and,
- b) The magnitude including the seriousness of the consequence (i.e. the likely nature and extent of the harm caused if the event occurred).

2.0 Development of the Strategy

2.1 Overall approach - Statutory Guidance

Part IIA of the Environmental Protection Act 1990 required all local authorities to set out their approach in a written Inspection Strategy by July 2001. The original strategy was duly produced in July 2001 and outlined the practical steps the District Council intended to take to implement its inspection duties. It also demonstrated the approach taken in developing the strategy was aimed to ensure that all those affected by, and involved in, inspection had the same clear understanding of the rationale for inspection, how this would be carried out and over what time scale

This approach followed guidelines which stated the strategy should;

- a) Be rational, ordered and efficient
- b) Be proportionate to the seriousness of any actual or potential risk
- c) Seek to ensure that the most pressing and serious problems are located first
- d) Ensure that resources are concentrated on investigating in areas where the authority is most likely to identify contaminated land and
- e) Ensure that the local authority efficiently identifies requirements for the detailed inspection of particular areas of land.

The Policy and Services Committee agreed that the final version of the initial strategy be placed before three Cabinet Portfolio Holders for adoption. Once adopted this was submitted to the Environment Agency who then forward it to the appropriate Government Department as part of their State of Contaminated Land report. The strategy was also made more widely available, for example to Parish Councils, major landowners and professionals working in land management, local business and members of the public.

3.0 Characteristics of the Dover District

A map of the Dover District Council Area is shown in Appendix A

3.1 Introduction

Dover is “the Gateway to England” and its location at the narrowest crossing point in the Channel has always given it great significance for both trade and military activities. The district is of national landscape, wildlife and historical importance, with a world-renowned port complex. It is part of a chalk coastline, where the North Downs meet the sea in spectacular vertical cliffs, their characteristic whiteness a result of constant erosion of the soft chalk. It takes about 100,000 years and many billions of microscopic marine animals to form 3 metres of rock. The deposits in the Dover district are between 200 and 350 metres thick.

The chalk aquifers of the North Downs have been highly developed for public water supply and abstraction. As the coastline proceeds north to Deal and Sandwich the low lying ground of the Stour Estuary is encountered based on younger rocks of brickearth and Thanet Beds. This includes the last valley fen in South England, with 280 kilometres of dykes and ditches. Coal deposits have been exploited here as part of the East Kent Coalfield (see below, geological characteristics for further detail).

The Dover District was formed in 1974 and covers 319 square kilometres, bounded by Folkestone & Hythe in the south, Canterbury to the west, Thanet to the north and France 34 kilometres to the east, with London being about 120 kilometres distant.

Two-thirds of the district’s estimated 114,200 (2016 estimate) residents live in the coastal towns of Dover and Deal, with the remainder living in Sandwich and other smaller settlements.

3.2 Current and Past Industrial and Military History

The beautifully preserved 3500 year old Bronze Age boat in Dover’s Museum and many local Roman, Saxon and Norman remains serve to remind us that the area has always been important for trade, military strategy and associated industries. Numerous ancient monuments and areas of archaeological importance have been recorded and significant new finds are still discovered during construction activities. Evidence of Napoleonic period fortifications may be seen along the coastline today. During the Second World War this whole corner of Kent earned the tag “Frontline Britain” in recognition of its unique defensive role. Less evident, but of greater significance in contaminated land terms, are the more recent military supply sites at Port Richborough (which operated during World War 1 as a major supply depot), the Royal Marine Barracks and ranges at Deal, together with exercise grounds over wide areas of the district.

Historically, clay, sand/gravel deposits and chalk have been quarried on a large scale within the district. Upon examination of historical maps, it becomes evident how widespread this activity was, with a veritable pepper-pot of small quarries throughout the district. Quarrying itself, generally isn’t an

industry with contamination issues, however – following closure of activities at a site, the ‘pit’ would often be in-filled. Only very sparse records would be kept of the materials used to infill the pits (particularly those associated with activities prior to the 1974 Control of Pollution Act); it is these materials that have the potential for land contamination.

The London Clay has been used for bricks, pottery and was a major constituent of Roman cement. Lime was obtained from the Chalk (in addition to its use as ship ballast) and Greensand formations and had many uses. Ironstone, found in the Wadhurst Clay, a subdivision of the Hastings beds (see geology, section 3.9), and calcareous ironstone in the Ashdown sand was mined as a source of iron.

Exploitation of the Kent Coalfield took place within the district from 1912 to 1989; this is discussed in greater detail in section 3.8.

Dover is a centre for port related activities and has historically had great military importance. Many of the former barracks in both Dover and Deal have now been redeveloped, or have plans for redevelopment. Dover Port, old town and harbour surrounds have been redeveloped many times by reason of changing industrial need and military action. Tailings from the construction of the Channel Tunnel were utilised for the creation of “new land” at Samphire Hoe.

Before the discovery of North Sea gas in the mid 1970’s, towns and cities relied on ‘town gas’ as their primary source of gas. Town gas was produced by the gasification of coal; whereby coal was heated in an oxygen free retort, the liberated gasses were quenched in water before being passed through iron oxide purifiers and ultimately stored in a gasometer. This process produced a whole host of substances with the potential to contaminate the subsurface (most notably Polycyclic Aromatic Hydrocarbons (PAHs), Heavy Metals, Phenols, Ammoniacal Liquor, Cyanides and Coal Tar Residues). Several former gasworks are present within the district, the largest being found in Dover and Deal. However, examples of smaller works are located in Ash, Sandwich and outside Eythorne.

3.3 Protected Landscapes

The Council recognises that the countryside is a valuable natural resource of outstanding quality, international importance and protected by many designations. These areas can be seen on the Councils website at <https://www.dover.gov.uk/Planning/Planning-Policy-and-Regeneration/PDF/Dover-District-Landscape-Character-Assessment.pdf> .

A Countryside Strategy has been adopted in the Local Plan (which is available on the Dover District Council website – <http://dover.devplan.org.uk/document.aspx?document=26&display=chapter&iid=228>

the main points of which are:

- Protect and enhance the character of the local landscape;
- Protect all ecosystems and maintain biodiversity;
- Create new sites for nature conservation;

- Maintain regenerative and productive capacity of the land;
- Restore areas which are degraded or polluted.

The Local Plan shows all protected locations, the most notable features are:

Landscape designations of local importance

- Ash Levels Area of Local Landscape Significance (ALLS)

Landscape Designation of Countywide / National Importance

- Special Landscape Areas (SLA's) North Downs and Sandwich Bay/Pegwell Bay and the Kent Downs Area of Outstanding Natural Beauty (AONB) which are of Countrywide importance.

Heritage Coasts

- South Foreland, Dover to Folkestone

3.4 Nature Conservation

Sites of Nature Conservation Interest (SNCI)

- There are several SNCI sites in the district. These may be added to at any time and the Council will consult the Kent Wildlife Trust when drawing up lists of land for investigation as to possible contaminants.

Nature Reserves

- Local - 1 site : Western Heights
- National - 2 sites ; Sandwich and Pegwell Bay,
Lydden and Temple Ewell

Sites of Special Scientific Interest (SSSI) -

- Alkham, Lydden and Swingfield Woods, Dover to Kingsdown Cliffs, Folkestone Warren (Part), Lydden and Temple Ewell Downs, Preston Marshes (Part), Sandwich Bay and Hacklinge marshes

Special Areas of Conservation (SAC) - 3

- Lydden and Temple Ewell, Sandwich Bay, Thanet Coast SAC

Thanet Coast SAC comprises the intertidal parts of the Sandwich Bay and Pegwell Bay Special Protection Area which are contiguous with the similarly protected area within Thanet.

Special Protection Area (SPA) -

- Sandwich Bay and Pegwell Bay

Ramsar Site -

- Thanet Coast and Sandwich Bay

3.5 Water Environment

The district has an extensive and varied water environment consisting of:

1. Major chalk aquifers, which provide most of the district's water supply;
2. Lakes and ponds;

3. The River Dour and lower reaches of the River Stour, together with their tributaries;
4. A network of dykes and drainage ditches in the North of the district;
5. The English Channel, for a distance of 20 miles.

A groundwater vulnerability map is produced by the British Geographical Society (BGS) - see section 3.9 for further details.

The River Dour is one, of the highest water quality (Class 1A) and supports an abundance of wildlife, including trout.

The quality of local bathing water is good to excellent due to the introduction of domestic sewage treatment works at Dover and Weatherlea, together with an industrial waste works at Richborough. Extensive re-sewering of the town areas and first time sewerage in the countryside has reduced pollution. In the rural areas, particularly the Ash Levels, private treatment and cesspools of varying quality are the norm.

3.6 Key Property Types

The quality of the District's historic environment is extremely high. The District has three major towns, Dover, Deal and Sandwich with the remainder of the population living in smaller settlements. Dover is dominated by Dover Castle, numerous historic buildings, archaeological sites and an extensive network of fortifications dating from the Napoleonic era onwards. Deal is a town of historic importance with some 466 listed buildings and is noted for its Tudor castles, Georgian and early Victorian buildings and the former Royal Marines School of Music. The Cinque Port of Sandwich is one of the most complete medieval towns in England and has the highest ratio of listed buildings to householders in the country. In total there are almost 3000 listed buildings and over 50 conservation areas in the District. The District also has protected shipwreck sites along its coastline and offshore at Goodwin Sands.

3.7 Archaeology and Ancient Monuments

The district contains a wealth of archaeological remains and new discoveries continue. The commissioning of archaeological assessments prior to the development of sites is now common practice and the National Planning Policy Framework has a section on conserving and enhancing the historic environment. Where possible, finds will be preserved in situ and where this is not possible proper record taking and procedures must be followed.

3.8 Coal Mining

Both iron ore and coal were found at Shakespeare Cliff, Dover in 1890, but it took 16 years before commercial coal was raised to the surface. The delay was due to the depth of the coal seam and the water holding chalk and greensand, which was encountered in sinking the shaft and necessitated the introduction and operation of pumps and specialised shaft linings. Nine collieries worked an area of coal stretching two miles out to sea. Kent's biggest market became the steel industry when the local coal was blended with other coals for coking. The high cost of mining Kent coal and the decline

of the steel industry destroyed established markets and the Kent Coalfield was closed down.

All of the former shafts have now been filled and capped and several of the former collieries have either been redeveloped (e.g. Tilmanstone) or are awaiting development (e.g. Snowdown). Many of the buildings of the unsuccessful collieries still remain and have often been utilised by farms.

Details of the former collieries are given in the table below.

Colliery	Shaft Commenced	Coal Raised	Closed	Depth of Shaft/s ¹
Shakespeare	1896	1912	1914	-
Tilmanstone	1906	1913	1987	No.1 - 1,590ft No.2 - 3,168ft No.3 - 3,139ft
Snowdown	1907	1912	1987	No.1 - 262ft No.2 - 3,083ft No.3 - 2,994ft
Guildford	1906	-	1912	No.1 - 306ft No.2 - 1,272ft No.3 - 1,272ft
Wingham	1912	-	1912	East – 50ft West – 150ft
Stonehall (French owned)	1914	-	1914	East – 273ft West – 273ft North – 75ft
Chislet (Anglo Saxon)	1914	1918	1969	North – 1,470ft South – 1467ft
Betteshanger	1924	1928	1989	No.1 – 2,162ft No.2 – 2,426ft
Woodnesborough	1910	-	1911	-

¹ Source <http://www.kurg.org.uk/coal-mines/>

Only five collieries ever produced coal – Shakespeare, Tilmanstone, Snowdown, Chislet and Betteshanger. The exploitation of the coalfield lasted less than a century, with Betteshanger the last of the collieries closing in 1989.

3.8.1 The Origin of Coal

Following the prediction by Godwin Austen (1856) that coal would be found beneath the Mesozoic rocks of the Weald, the existence of coal was finally proved in 1890 in a borehole near Shakespeare Cliff (Wood et al – 2000).

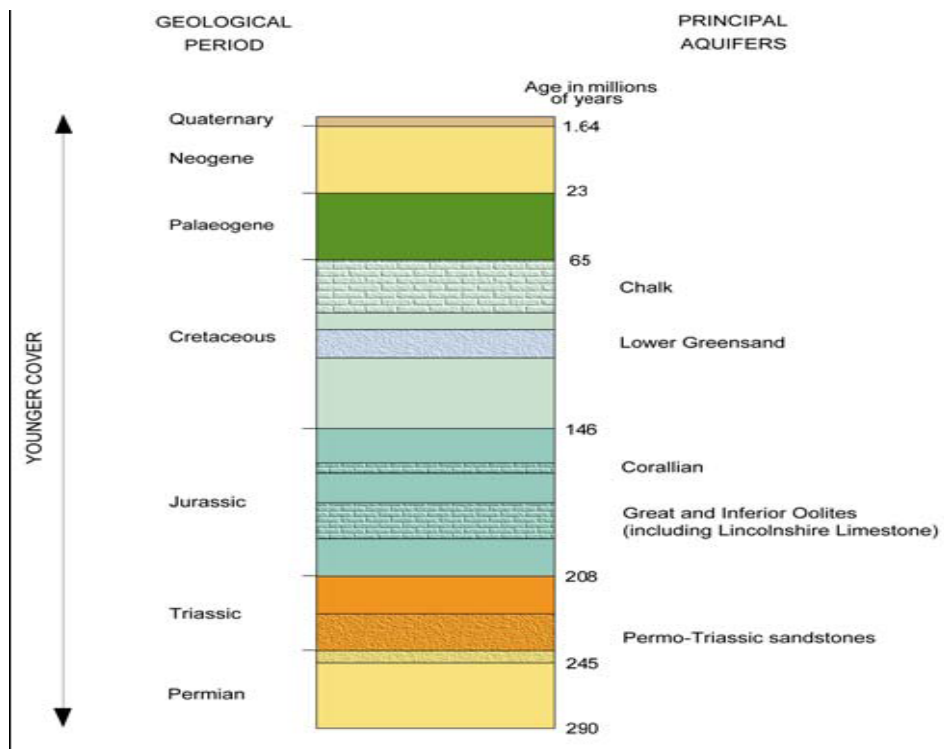
Coal is deposited in predictable units called cyclothem, where coal is observed within cyclically bedded sandstone, siltstone and shale units. The coal seams are thought to have been formed by the accumulation of vegetation, grown more or less in-situ, in forest swamps (Smart et al - 1966) during the Carboniferous period, between 300 and 360 million years ago.

3.9 Geological Characteristics

Steep dry chalk valleys of the Dover area descend to alluvium beds at Deal to meet the Thanet Beds. Brickearth is found in the middle of the district. Diagrams prepared by H G Dines from colliery shafts show Mesozoic and tertiary strata to 1,000 feet, upper or sandstone (with intermittent thin coal seams) to 750 feet, and coal seams, shale and Palaeozoic rocks which are older than the carboniferous.

The most dominant rock formation of Kent (and Southern England) is that of the Cretaceous Chalk. 70 million years ago, much of the UK was located at the bottom of a shallow sub-tropical sea; the sea floor was made up of a soft calcareous mud made of the shells of millions of tiny creatures called coccolithophores. Over time, the mud was compacted and eventually hardened to become the chalk we know today.

The chalk is inherently porous, but also highly fractured; these properties have lead to the viability of the rock as a major groundwater aquifer. It is from the chalk and underlying associated greensand deposits which Kent draws most of its potable water (The UK groundwater forum show Southern England to obtain 72% of its potable water from groundwater sources, with a total annual abstraction of 326 million cubic metres).

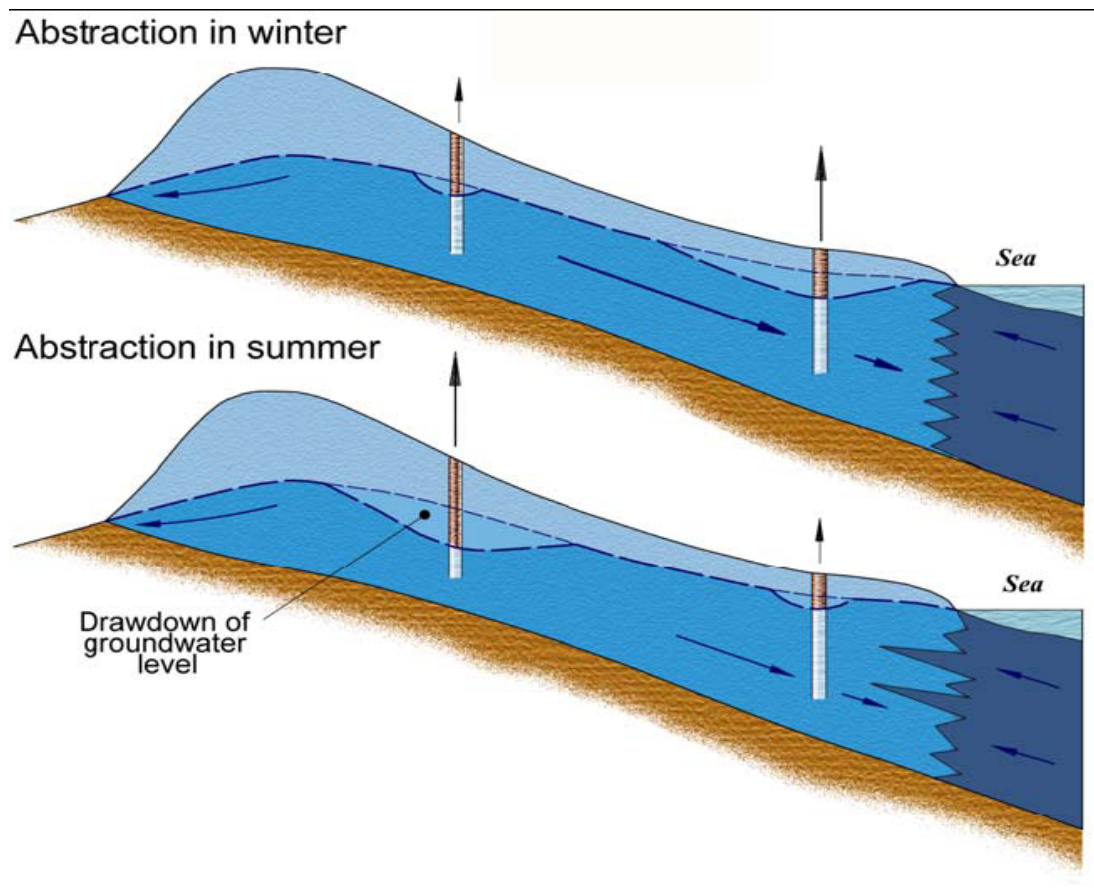


The diagram above shows the major water bearing rock units of the UK, from BGS (2004a).

3.9.1 Saline Intrusion

Saline intrusion is a problem associated with coastal aquifers, it is caused by the over abstraction of fresh water. This leads to saline water being drawn inland, with the ultimate effect of contaminating an aquifer rendering the water within it non-potable.

The figure below from BGS (2004b) illustrates the process of saline intrusion, in the top diagram, it can be seen how winter rainfall replenishes the aquifer and a steady flow of water to the sea prevents the ingress of saline water. The bottom diagram shows how a reduced rate of precipitation in the summer leads to greater draw down in the vicinity of abstraction wells and the reduced flow towards the sea leads to saline water being drawn inwards.



The existence of the aquifers presented a major problem during the construction and operation of the East Kent Coalfield. The hydrogeological nature of the chalk and greensand are such that there is a particularly high water pressure at the depths of the coal mines. If water yielding strata were breached, water could enter the shaft at rates of a million gallons per day (quite capable of filling a mine shaft within a few minutes) – reports indicate that many miners were tragically killed when this occurred.

3.9.2 Hydrogeological characteristics of the principal formations within the district (from Day et al [1970])

The below details have been included because water yielding rock units are permeable/semi-permeable and as such have both the potential to transmit

contaminants (potential pathway) and act as receptors (as all groundwater is regarded as controlled water). For further details regarding the geological and hydrogeological nature of the district, see BGS maps relevant to the district.

Alluvium

Much is commonly saturated, but groundwaters may be saline near the coast and polluted in developed areas.

Gravels

May yield limited amounts of water to shallow wells, but supplies are liable to pollution (or may have been polluted in developed areas) and may diminish during prolonged droughts.

Bagshot Beds (up to 40ft)

Comprise fine sands with a pebble bed; the beds may yield small quantities of groundwater to shallow wells.

Claygate beds

They consist of fine sands, silts and clays unlikely to yield much groundwater.

London Clay

Comprises stiff, dark impermeable clays with layers of limestone concretions. Sandy layers may occur in the lower half, the clay may confine groundwater under pressure in lower strata.

Blackheath Beds

Loosely cemented sands and pebble beds locally may yield appreciable supplies of soft or slightly hard groundwater to screened wells.

Woolwich Beds

Where saturated, small yields may be obtainable

Thanet Beds

Comprise permeable yellowish or greenish-grey poorly cemented sands which become silty downward, with a band of flint rubble at the base resting unconformably upon the chalk. Local clay bands give rise to the existence of perched groundwater. The Thanet beds are in hydraulic continuity with the chalk and where saturated, may yield moderate supplies of potable but hard or very hard groundwater.

Chalk

Chalk is the principle aquifer of the district: Upper Chalk, a soft whitish microporous fissured limestone with nodular and tabular flint is by far the greater part of the chalk outcrop and catchment giving rise to high ground (locally above 700ft above ordnance datum) particularly near its southern margin where much of it lies in the Vadose zone. The higher parts of the chalk

outcrop are capped extensively by thin, semi permeable clay with flints and are dissected by predominantly northerly trending dry valleys forming part of a relict late-glacial drainage system bottomed by narrow gravelly Head deposits. Middle chalk resembles upper chalk but contains more marl and less flint; it crops out mainly along the southern scarp and in many of the deeper valleys. The hard nodular Melbourne Rock at the base has, together with the immediately overlying beds, a high transmissivity and appears to be commonly well fissured. Lower chalk includes much marl which near the base may be semi permeable locally.

Chalk groundwaters are normally potable and of good chemical quality, but are hard or very hard.

Upper Greensand

The formation is commonly in hydraulic continuity with the overlying chalk, but is too thin to yield much groundwater.

Gault

Clay, thick and impermeable throughout the district, forms an important aquiclude between groundwaters of the chalk and the underlying aquifers of the lower greensand.

Folkestone Beds

Comprise coarse to very fine sands and sandstones with occasional clayey sands and sandy clays form a porous, non fissured aquifer. Groundwater is of good chemical quality, commonly with moderate hardness.

Sandgate beds

Comprise silty clays with subordinate fine sands and sandstones. The formation as a whole acts as an aquiclude and separates groundwaters in the Folkestone Beds above from those in the Hythe Beds below.

Hythe Beds

Comprise limestones and sandy limestone's, in which fissure flow predominates, interbedded with softer calcareous sands. Springs are common at the base of the formation and have been used for public supply; they also occur at the junction with the overlying Sandgate beds. The beds yield water of good chemical quality throughout the district, except towards Folkestone where saline intrusion has occurred.

Atherfield Clay

Forms an impermeable base to the Hythe Beds and consists of clays, locally silty and sandy.

3.9.3 Groundwater Vulnerability (from National Rivers Authority - 1994)

The majority of the soils within the District are classed as either Major Aquifer (Highly Permeable) H1 or Major Aquifer (Highly Permeable) I1 on the groundwater vulnerability map of East Kent (Sheet 47).

H1 soils are those which readily transmit liquid discharges because they are either shallow, or susceptible to rapid by-pass flow directly to rock, gravel or groundwater.

I2 soils are those which can possibly transmit non or weakly adsorbed pollutants and liquid discharges but are unlikely to transmit adsorbed pollutants.

The soils towards the North of the district (particularly within the vicinity of Sandwich and Ash) are classed as either Minor Aquifer (Variably Permeable) H2 or Minor Aquifer (Variably Permeable) I1.

H2 soils are deep, permeable and coarse textured; and readily transmit a wide range of pollutants because of their rapid drainage and low attenuation potential.

I1 soils are described as those soils which can possibly transmit a wide range of pollutants.

3.9.4 Water Quality & Resources

Where the abstraction of water from an aquifer or spring takes place, the Environment Agency defines areas called source protection zones (SPZs). SPZs surround water abstraction boreholes, wells, and springs used for public drinking water supply. The maps show three main zones (inner, outer and total catchment) and a fourth zone of special interest, which may occasionally apply to a groundwater source.

- The inner zone is defined by a 50 day travel time for groundwater to reach the source, or a minimum of 50m distance.
- The outer zone is defined by a 400 day travel time or 25% of the catchment zone.
- The total catchment is defined as the area required to support the abstraction or discharge from the aquifer.

Within the zones, activities with the potential to cause contamination are controlled.

Other defined areas include Nitrate Vulnerable Zones (NVZ). The Nitrates Directive (91/676/EC) requires all known areas of land which drain into polluted waters to be designated as NVZs. Polluted waters are defined as:

- (a) Surface freshwaters which contain or could contain, if preventative action is not taken, nitrate concentrations greater than 50 milligram's per litre (mg/l).
- (b) Groundwaters which contain or could contain, if preventative action is not taken, nitrate concentrations greater than 50mg/l.
- (c) Natural freshwater lakes, or other freshwater bodies, estuaries, coastal waters and marine waters which are eutrophic or may become so in the near future if preventative action is not taken.

More detail of NVZ's in the UK can be seen at <http://magic.defra.gov.uk/>

Water quality within the district is generally of an excellent standard, with bathing waters often exceeding the most stringent guideline values.

3.9.5 Stratigraphic Sequence

The complete Stratigraphic Sequence of the District (from the BGS Solid and Drift Geological Map – Sheet 290, 1977) is given below:

Drift Deposits

Pleistocene and Recent	Blown Sand, Present day
	Marine Beach Deposits and Tidal Flats
	Marine and Estuarine Alluvium
	Sand and Gravel Clay
	Gravel Beach Deposits
	Alluvium
	Dry Valley and Nailbourne Deposits
	Head
	Head Brickearth
	Head Gravel
	Clay-with-flints

Solid

Palaeocene and Eocene	Oldhaven beds (up to 1.5m)	
	Woolwich beds (up to 9m)	
	Thanet beds (31m)	
	Bullhead Bed	
<i>Unconformity</i>		
Cretaceous	Upper Chalk (up to c. 116m)	
	Middle Chalk (c. 70m)	
	Lower Chalk (c. 64m)	
	Gault (30-48m)	
	Lower Greensand (10-26m)	
	Wealden (0.5 to 18m)	
<i>Unconformity</i>		
Jurassic	Corallian (0-34m)	
	Oxford Clay (0-41m)	
	Kellaways Beds (0-16m)	
	Cornbrash (0-8m)	
	Forest Marble (0-6m)	
	Great Oolite (0-31m)	
	Lias (0-6m)	
<i>Unconformity</i>		
Carboniferous	Upper Coal Measures (up to 732m)	Sandstone
		<i>Kent No. 1 Seam (Beresford)</i>
		Sandstone
		Kent No. 2 Seam
		Sandstone
		<i>Kent No.3 Seam (Snowdown Hard)</i>
		Sandstone

		<i>Kent No. 4 Seam</i>
		Sandstone
		<i>Kent No. 5 Seam</i>
		Sandstone
		<i>Kent No. 6 Seam (Millyard)</i>
		Sandstone
	Middle Coal Measures (110-152m)	<i>Upper Tilmanstone Marine Band</i>
		<i>Lower Tilmanstone Marine Band</i>
		<i>Snowdown Marine Band</i>
		Sandstone
		<i>Kent No. 7 Seam (Betteshanger 'H')</i>
		<i>Kent No. 8 Seam</i>
		<i>Kent No. 9 Seam (Chislet No. 5)</i>
		<i>Kent No. 10 Seam</i>
Carboniferous Lower Coal Measures (110-152m)	<i>Kent No. 11 Seam</i>	
	Sandstone	
	<i>Ripple Marine Band</i>	
	<i>Kent No. 12 Seam</i>	
	<i>Kent No. 13 Seam</i>	
	Sandstone	
Carboniferous		<i>Kent No. 14 Seam</i>
		Sandstone
		<i>Unconformity</i>
Carboniferous		Limestone (up to 48m)

For further details on the geology of the district, see the BGS geological memoir for sheets 289, 305, 306 – Geology of the Country around Canterbury and Folkestone (1966)

4.0 The Local Authority Strategy – Aims, objectives and priorities

4.1 Aims

The aim of this strategy is to outline how the Council intends to meet its statutory duty to investigate potentially contaminated land within its area as specified in the [2012 DEFRA guidance – the statutory guidance](#).

4.2 Objectives

The key objectives of this strategy are to; demonstrate how the Council intends to satisfy criteria contained in the statutory guidance, i.e.

- To take a proportionate approach to any risk from contamination whilst ensuring steps are taken to remove any unacceptable risk to human health or the wider environment
- Site specific, scientifically robust investigations and risk assessments to ensure only land posing a genuinely unacceptable risk is determined as contaminated.
- Consideration of the benefit and cost of taking action, with a view to ensuring corporate priorities and statutory requirements are met in a balanced and proportionate manner.
- To maximise the net benefits to residents taking full account of local circumstances.
- To assist and enable residents living on potentially contaminated sites to gather further information when that site is not scheduled for investigation by the council in the short term

4.3 Priorities

The Council has adopted a systematic approach to inspection that is proportionate to the risk and focussed on those parts where contaminated land (and the most pressing problems) is most likely to be found.

Only a small proportion of the total area is potentially contaminated land as defined by the legislation.

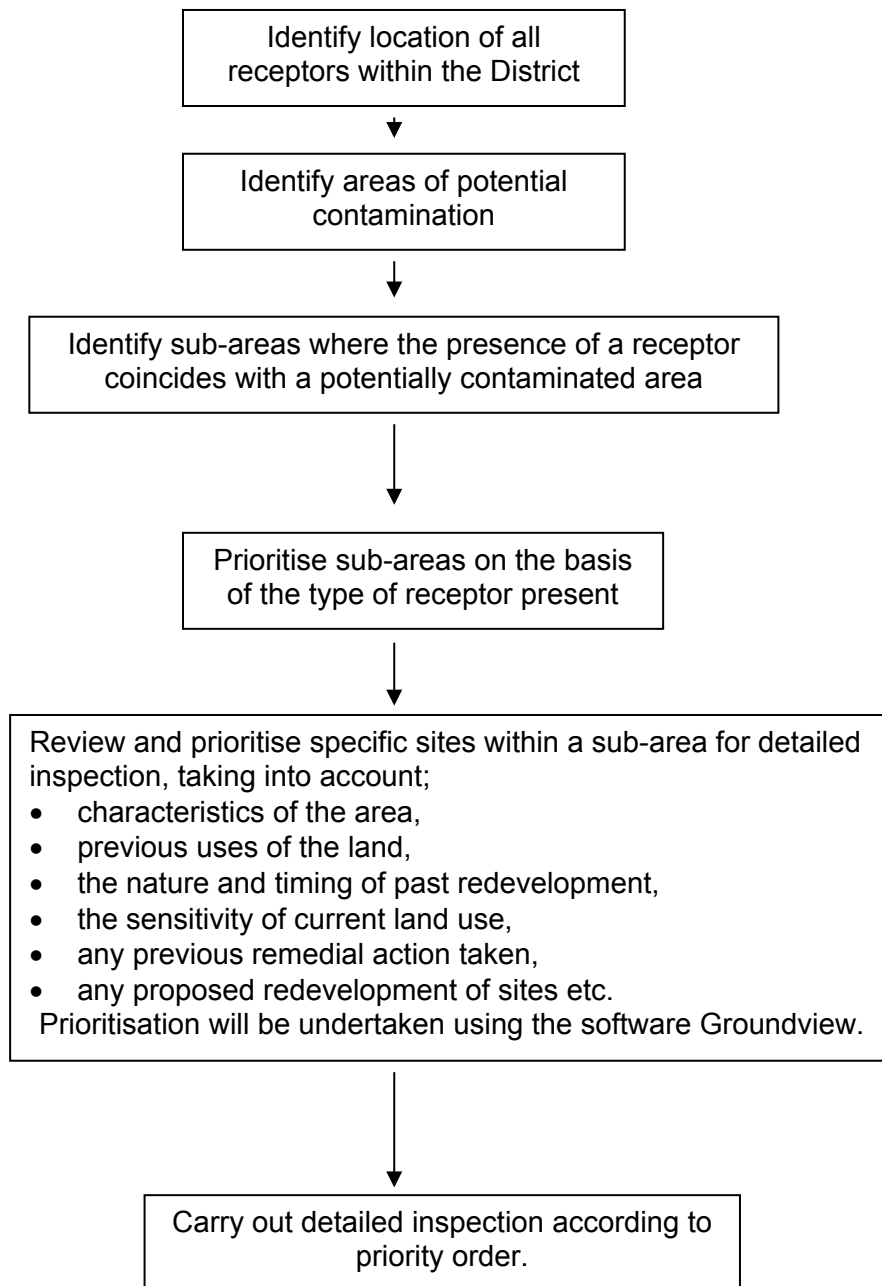
As one of the Council's key aims is to protect human health, areas where there is the potential for significant harm to human health are assigned a high priority. This will include cases where contaminated land affects controlled waters used for public water supply, or likely to be used for the same, as this is also potentially a human health issue. After this the order of priority in relation to receptors will be as follows;

1. Where there is the potential for the pollution of controlled waters in general
2. Where there is the potential for significant harm to other Part IIA receptors including protected ecological systems, crops and produce, livestock and domestic animals, wild animals and buildings.

It is recognised that some sites may need to be given a high priority for urgent investigation. For example this may include land occupied by or relevant to any Part IIA receptor where there is already evidence of significant harm or pollution of controlled waters.

The strategy allows for a flexible approach to dealing with contaminated land. If necessary, urgent cases will be investigated immediately.

Identifying Priority Areas for Detailed Inspection



5.0 What has been done to date?

5.1 Production of the initial inspection strategy

Produced in July 2001.

5.2 Reviewed land in the district

Commenced in July 2001

Completed January 2010

5.2.1 Identify nature and location of all Part IIA Receptors

A desk study was carried out, using the information sources outlined in Chapter 6, to identify the location and vulnerability of all Part IIA receptors.

Completed July 2007

5.2.2 Identify potentially contaminated sites

The desk study also involved the identification of sites where industrial or other activities have taken place in the past or are currently taking place.

Landmark digital map data was acquired showing historic land uses within the district in July 2003, identification of all sites of potential concern was completed in December 2006.

There is currently a list of 398 sites. This was reduced from an initial list of over 900. Most sites removed from the list were done so following in-house desk studies and risk assessments. The majority of the remainder are likely to be low risk sites where small areas of ground have been filled with inert material over time. These sites will not be investigated further unless new information is found or if development takes place on or near the site. The list is reviewed as new information becomes available or if the sites are remediated via planning conditions. The statutory guidance encourages private land owners to have their own assessment carried out. If the Council receives reports on such assessments and are satisfied with the work undertaken we will remove the site from the potentially contaminated list.

5.2.3 Initial categorisation / prioritisation of land

As one of the Council's key aims is to protect human health, areas where there is the potential for significant harm to human health are assigned a high priority. This includes cases where contaminated land affects controlled waters used for public water supply, or likely to be used for the same, as this is also potentially a human health issue. After this the order of priority in relation to receptors will be as follows;

1. Where there is the potential for the pollution of controlled waters
2. Where there is the potential for significant harm to other Part IIA receptors including protected ecological systems, crops and produce, livestock and domestic animals, wild animals and buildings.

Prioritisation was completed in 2008.

5.2.4 Consideration of the existence of significant pollutant linkages

Following identification of sites based on existence of a source, pathway and receptor. The next step was the undertaking of a detailed investigation to further evaluate the potential risk associated with the site.

Where it was clear that no risk was posed by the site (i.e. a significant pollutant linkage is absent), no further investigation was necessary.

5.2.5 Urgent cases

- Action on urgent cases will commence within 3 working days of notification.
- Detailed investigations will begin within 3 months,

Urgent cases may include pollution incidents such as heating oil spills. Where groundwater is the primary receptor the Environment Agency will be the main consulting body.

It is recognised that some sites may need to be given a high priority for urgent investigation. For example, this may include land occupied by or relevant to any Part IIA receptor where there is already evidence of significant harm or pollution of controlled waters.

The strategy allows for a flexible approach to dealing with contaminated land. Land considered at any stage to be an urgent case will be investigated immediately to confirm whether or not there is a pathway between a potential contaminant and a receptor. In addition it may be necessary to proceed with detailed investigative work at these particular sites, irrespective of progress made on the development of a general prioritised programme of inspection work.

5.2.6 Council owned land

Whilst identifying other sites, the Council has also identified potentially contaminated land where the local authority itself is the appropriate person. These sites were evaluated and prioritised in the same way as any other site.

5.2.7 How will work continue?

Work undertaken to date means the council has a database of potentially contaminated land across the district. The Council therefore have a list of sites ranked according to highest potential risk (priority). The list undergoes changes when new information on sites comes to light e.g. through remediation work carried out as a result of planning conditions. This priority list is therefore not a public document. Any land formally determined as contaminated will go on the Contaminated Land Register, which is a public document. There are currently no sites within the district on the register.

The council will use existing resources to identify former potentially contaminated land sites that have already been developed. This will be largely confined to "desktop" based work adding to and refining the information that we currently have. Where it is established that a site is of

particular concern, the responsible officer will present the information to the council/senior management on site specific basis to decide what further action shall be taken.

5.2.8 Enabling residents

If a householder living on or near a site identified as potentially contaminated, but considered to be low risk on the priority list, they may wish to engage a contaminated land consultant to investigate further. Such situations may arise if mortgage lenders insist on having any uncertainty removed. In such instances the council will assist through liaison with consultants on the scope of investigations and reviewing the results of reports and surveys. If it is found the site does not meet the definition of contaminated land, as detailed in Part IIA of the Environmental Protection Act 1990, the address will be removed from the list. The council will provide written confirmation of this for use in any mortgage dealings. If the site is found to have high levels of contamination the priority rating shall be revised.

5.3 Reports Submitted to the Council

5.3.1 Contaminated Land Exposure Assessment

The CLEA (Contaminated Land Exposure Assessment) package and the Soil Guideline Values for individual substances (SGV) were considered by the Government and Environment Agency to represent the key instruments for generic assessment of the human health risks from land contamination. The CLEA 'package' deals with the direct assessment of risks to human health from soil contamination. It is based on:

- Toxicological criteria that establish a level of unacceptable human intake of a contaminant derived from soil.
- Estimates of human exposure to soil contamination based on generic land-use, which take into account the characteristics of adults and children, their activity patterns and the fate and transport of the contaminant in soil.

Soil Guideline Values for individual substances have been published covering a range of contaminants. They represent a cross-Government consensus on the technical approach to undertaking such assessments and are based on the latest scientific knowledge and thinking.

The following reports were used for determining site-specific guideline criteria for risks to human health, as a part of the process of deciding whether land is contaminated: Some of these reports, marked (W), have been withdrawn since this strategy was first written.

CLR 7 – Assessment of risks to human health from land contamination. (W)

CLR 8 – Priority Contaminants for the Assessment of Land.

CLR 9 – Contaminants in soils. Collation of Toxicological data and intake value for humans. (W)

CLR 10 – Contaminated Land Exposure Assessment Model (CLEA). (W)

CLR11 – Model Procedures for the management of land contamination

TOX Series – detailing the derivation of tolerable daily soil intakes and index doses for each contaminant.

SGV Series – sets out the derivation of Soil Guideline Values for which toxicological data has been determined.

5.3.2 What about when there was no Soil Guideline Value available?

A risk assessment at the site using site-specific criteria is considered. This means an approach based on a conceptual site model. In this way, an appropriate level of site-specific risk assessment can be used to inform the decision-making process.

Consultants reports submitted to the Council must be undertaken in accordance with CLEA guidelines and risk assessment carried out using CLEA UK or other appropriate risk assessment methods (full justification for the use of which must be provided) for them to be accepted.

5.4 **Periodic reviews**

The assumptions and inspection priorities will be reviewed at appropriate intervals, to include any new information received. In addition, reviews will also be carried out of;

- the Strategy document
- inspection procedures

6.0 Procedures and arrangements for dealing with contaminated land issues.

6.1 Internal Management and arrangements for identification and inspection

The Council's Environmental Protection Team, within the Regulatory Services Department, has responsibility for the implementation of Part IIA EPA 1990.

The Environmental Protection Team will deal with the day-to-day implementation of the strategy and be responsible for serving remediation notices, subject to consultation with the Councils' solicitor.

Elected members will be informed at the earliest opportunity of any plans to designate an area of Council-owned land, or land where the Council is the "appropriate" person and may be liable for remediation costs.

Under Section 108 (6) of the Environment Act 1995, the council has been granted powers of entry to carry out investigation. Where possible, entry onto land will be by arrangement with the occupiers and/or owners of the land, unless, for example, there is the possibility of immediate risk. Officers will be authorised by virtue of section 108 and will carry a certificate of authorisation with photograph. Action under the Act will be in accordance with the Regulator's Code to ensure consistent, fair and transparent practice.

6.2 Considering local authority interests in land

Dover District Council itself currently owns, or has responsibility for, various areas of land. This land is often linked with potentially sensitive uses such as allotments, recreational grounds and public open spaces. The council has also inherited potentially problematic sites linked with past waste management or industrial activities. In addition, the authority recognises that it may have been the party responsible for an historical activity which has caused potential contamination, but are no longer the landowner. Investigation of all Council linked land will be carried out alongside the identification and inspection of all other sites within the district. The duties of the Council as regulator will be kept clearly separate from the responsibilities which arise as a landowner or polluter.

6.3 Cross boundary Contamination

Any Local Authority can take action on contaminated land outside its area where the receptors are within its own area. In these circumstances Dover District Council will liaise with the relevant neighbouring authority and/or the Environment Agency (in the case of pollution of controlled waters) to agree an appropriate course of action. This will also be the case where the contaminated land lies across the local authority boundaries.

6.4 Information collection

Many sources of information will be required to identify potential and/or actual sources of contamination and receptors. The information required may be available within the local authority itself, or from external sources. The statutory guidance directs local authorities to make specific arrangements for

obtaining information relevant to the identification of contaminated land from other regulatory bodies. It is imperative that the advice and information held by other statutory bodies and other relevant parties, on the condition of land is taken into account when deciding priority areas of land.

Some of the resources that the Council uses are outlined below;

6.4.1 Information on receptors

Human receptors;

- Residential properties with gardens
- Residential properties without gardens
- Allotments
- Schools and nurseries
- Recreational land
- Commercial/industrial premises

Source – Dover District Council - Planning and building control, economic development records

Ecologically sensitive areas

- European sites (SACs & SPAs)
- Ramsar sites
- National nature reserves
- SSSI's
- AONB's
- SLA's
- Ancient Woodlands
- ALLS
- Other designated Nature Reserves
- Local wildlife Sites (formerly Sites of Nature Conservation Interest (SNCIs))

Source – Natural England, Dover District Council planning and land use records

Property in the form of buildings

- Ancient monuments
- Listed Buildings
- Sites of archaeological importance
- Other buildings (E.g. affected by landfill gas migration)

Source – English Heritage, Dover District Council records and knowledge

Other forms of property

- Crops including timber
- Produce grown domestically
- Livestock
- Other owned animals
- Wild animals subject to shooting and fishing rights

Source – Department of Environment, Food and Rural Affairs

Controlled waters

- Surface waters
- Groundwaters
- Water abstractions
- Source protection zones
- Nitrate vulnerable zones
- Surface and groundwater quality data

Sources for this type of information include maps produced by the BGS and EA in addition to DDC records on private water supplies.

6.4.2 Information on actual or possible sources of contamination

Historical maps

Source – Dover District Council records, County/borough archives, Local studies centres, OS, British map library.

EPA 1990 Part A industrial processes

Source – EA

EPA 1990 Part B industrial processes

Source – Dover District Council

Location of consents to discharge

Source – EA

Closed and current landfill & other waste management license sites

Source – Dover District Council planning and archive records, EA, Kent landfill atlas, Landmark digital data.

Records of incidents, spills, fires

Source – Dover District Council records, Local knowledge, HSE, EA

Location of ‘industrial cases’ and ‘defence cases’ for special sites

Source – Land use and planning records, trade directories

Mining activities

Source – The Coal Authority, BGS

6.4.3 Additional relevant information

Records relating to past remediation / reclamation activities

Sources – Planning, building control, EA

Other legislative regimes that apply to sites / areas

Sources – Kent County Council, Dover District Council Environmental Health, HSE, EA

Areas of proposed development

Sources – Strategic plans and planning records

Geology

Sources – BGS, local museums

Hydrogeology

Sources – BGS, EA

Topography

Sources – OS maps, local knowledge, digital elevation models

Soil Geochemistry

Sources – EA, BGS

Flooding Information

Sources – EA

Location of greenbelts

Sources – Local authority plans

6.4.4 Requests for service and voluntary information provision

Information relating to potentially contaminated land may also be received in the form of service requests and enquiries from members of the public, businesses or community groups. In addition, interested residents may voluntarily supply information relating to land contamination. Details of the procedures for dealing with these sources of information are described below:

a) Requests for service

A service request regarding possible contaminated land will be dealt with in the following manner;

- A record of the information or request will be entered onto the Environmental Health complaints system
- The information or complaint will be referred to the appropriate officer(s). This officer may contact the complainant / informant to obtain further details if necessary.
- The officer will be responsible for undertaking any research necessary to respond to the information or complaint. The complainant will be kept informed of any progress made and a record of the content of any response will be maintained.
- Depending on the nature of the information or complaint it may be necessary to maintain a site-specific case file.

It is not possible to determine a time scale for completion although every effort will be made to resolve complaints quickly and efficiently. In some cases the information or complaint received may result in a requirement to undertake a further investigation of land in accordance with the investigation procedures described in paragraph 6.6.

b) Voluntary provision of information

If a person or organisation provides information relating to contaminated land that is not directly affecting them, their family or their property, this will not be treated as a complaint. The information will be recorded and may be acted upon. There will, however, be no obligation for the Council to keep the person or organisation informed of the progress towards resolution.

All callers will be asked to supply their name and address. Every case is looked at individually but, in general, anonymous complaints will be given lower priority. The identity of any complainant will remain confidential. The only circumstance in which this information might be made public is where a remediation notice is appealed in a court of law and an adverse effect on the complainants' health was an important reason for the original contaminated land designation.

6.5 Information evaluation

In the first instance, evaluation of information obtained will enable the Council to categorise land within the district to determine where contaminated land could exist. This information will then be used to prioritise areas for more detailed investigation. Ultimately, however, the aim of the Council is to verify and evaluate any information that may be used in support of a contaminated land designation. Where further information is required to enable a satisfactory evaluation the Council will take any action available under its statutory powers.

Although the main purpose of investigation and inspection is to identify land which may be contaminated, the information obtained will also be relevant to other local authority functions, such as land use planning and development control. Therefore, all information obtained and evaluated will be carefully maintained and documented.

6.5.1 Evaluation of information on "actual harm"

The Council will evaluate information on "actual harm" using the criteria outlined below. In each case the Council will need to evaluate whether or not;

- there is evidence that all 3 elements of the pollutant linkage are present
- the evidence was collected using reliable and scientifically defensible techniques and methods
- observed effects fall within one or more of the definitions of "significant harm" listed in the Statutory guidance and in Appendix C1
- existing scientific knowledge indicates that the observed effect is one that can be expected given the harmful properties of the contaminant, the characteristics of the pathway, and the nature and behaviour of the receptor
- the assessment has taken into account the requirements set out in the statutory guidance and in Appendix C1

6.5.2 Evaluation of information on "pollution of controlled waters"

The Council will evaluate information on "pollution of controlled waters" using the criteria outlined below. In each case the Council will need to evaluate if;

- there is evidence that all 3 elements of the pollutant linkage are present
- the evidence was collected using reliable and scientifically defensible techniques and methods
- the characteristics of the contaminant are such that it constitutes poisonous, noxious or polluting matter or solid waste matter
- there is evidence that the contaminant is entering controlled waters
- the assessment has taken into account the requirements set out in the statutory guidance and in Appendix C2

6.5.3 Evaluation of the effectiveness of previous actions or other regimes in preventing or dealing with contamination

The Council will need to consider what remedial action has already taken place to address land contamination. The remedial action may have been taken by an existing / former landowner or pro actively by the Council or other third party

The nature and timing of past redevelopment will be relevant, as it will influence the extent to which contamination was understood and addressed. This in turn will enable a view to be taken on the effectiveness of the remedial works that were undertaken.

Enquiries will also be made to determine whether any of the following regimes have applied to sites

- EPA 1990 Part A industrial processes
- Waste management licensing
- EPA 1990 Part B industrial processes
- Water Resources Act 1991 in relation to the prevention of pollution and the remediation of controlled waters
- Health and safety legislation.

The nature and timing of actions taken will again be relevant, as it will influence the extent to which contamination was understood and addressed.

6.6 Identification of potentially contaminated land

6.6.1 Identification of any key geographical areas

The Council will identify key geographical areas (sub-areas) during an initial review of the information obtained relating to nature and location of all Part IIA receptors and of sites/areas that are potentially contaminated (source). The geographical coincidence of these two elements of a potential pollutant linkage will enable the Council to focus upon establishing whether there is also a pathway present. Prior to this, areas will be prioritised based on the receptors at risk. In this case priority will be given to locations where human receptors coincide with areas of potential contamination.

6.6.2 Identification of significant pollutant linkages

Based on the information collated relating to SOURCE and RECEPTORS, it may be possible to identify any PATHWAYS. This will assist in determining the extent to which the receptors may be exposed to contamination. Areas within the district will be broadly assessed for pathways, and hence pollutant linkages in accordance with the priority order determined in the previous stage.

In order to determine whether there is a pathway the nature of the contaminant and the characteristics of the land will be considered. To assist this process the following characteristics will be considered;

- Geology - to determine the potential for sub-surface migration of liquids, gases and vapours. Sites located on clays for example will be of a lower priority than those located directly on chalk.
- Hydrogeology - to determine the potential for sub-surface migration of liquids, gases, vapours, and the distribution of contaminated material by other transport mechanisms such as flooding (from the sea, rivers or drainage network) or rising groundwater.
- Topography - to determine the direction of surface water runoff and possible direction of sub-surface flow.
- Current land uses including children's play areas, gardens, hard surfacing and allotments.

It is recognised that, in the majority of cases, insufficient information will be available at this stage to determine the presence of a pathway. This will be clarified during the detailed inspection stage of the process. However, should it be clear that a pathway does not exist, no further investigation will be necessary. Where a pathway is uncertain, an assumption will be made that one exists.

6.6.3 Identification of individual sites

Individual sites will normally be identified after the key geographical areas (sub areas) have been established and when all three elements of the pollutant linkage are known or assumed to be present.

A more detailed review of sites within a sub-area will be carried out before individual sites can be prioritised. Additional information to be considered will include for example;

- The characteristics of the area
- The previous uses of the land
- The sensitivity of the current land use
- The nature and timing of past redevelopment to determine whether and to what extent contamination may have been addressed already through past redevelopment activity.
- The extent to which remedial action has already taken place (or is planned to be taken) to address contamination, in order to determine whether Part IIA is likely to be the most appropriate legislation to achieve the necessary results.
- Any proposed redevelopment of sites

Sites will then be prioritised for detailed inspection using Groundview, as outlined previously.

The boundaries of individual sites may be determined after considering the following factors;

- The spatial distribution of the contaminants that form part of the pollutant linkage relevant to a particular area of a site
- The nature and extent of the remedial works that may be required
- The likely identity of the individuals who may be responsible for the remedial works.

6.6.4 Identification of Special Sites

At any point during the process of identifying contaminated land the Council becomes aware of a potential special site; advice will be obtained from the EA as to the best way to proceed. For further details relating to Special Sites see paragraph 6.7.4.

6.7 Detailed inspections

The local authority should carry out a detailed inspection of any area where a possible pollutant linkage exists. The purpose of the detailed inspection is to ensure that the LA has the information it needs to decide whether or not a particular area of land is contaminated and, if so, whether the land is likely to be a special site.

The criteria for identifying key geographical areas and individual sites areas and the method for prioritising site inspections has been discussed in paragraph 6.6

Detailed inspections may involve a range of activities including;

- a more detailed analysis of documentary records on the land and its setting;
- a review of any existing information on ground conditions;
- visual inspection of the land;
- intrusive investigation of the land.

6.7.1 Methods of inspection

The arrangements for carrying out a detailed inspection are outlined below and encompass the requirements of the Statutory Guidance.

a) Desk based study

During this stage Dover District Council will review all available documentary information from in house sources, agency sources and landowner / occupiers (see paragraph 6.3). A more detailed desk based review of the characteristics of the area of land will help in:

- understanding whether and what pollutant linkages exist
- defining boundaries of land
- designing any necessary visual inspection and intrusive investigation so that all relevant information is obtained
- ensuring that appropriate health and safety and environmental protection measures are taken
- evaluating any information on the condition of the land that is provided by others such as the landowner or occupier.

This assessment may be sufficient for the Council to make a determination without having to carry out any more detailed work. However, if the information continues to indicate that one or more pollutant linkages exist but the information is not sufficient the Council may decide to carry out more detailed work.

b) Visual inspection / Site reconnaissance (possibly to include limited sampling)

The aim of this action is to help refine the picture of the pollutant linkages that may be relevant to the site. Visual inspection may help to either corroborate or disprove any suspected pollutant linkages identified during the desktop study. In addition the visual inspection may indicate whether an emergency situation exists.

c) Intrusive investigation

Intrusive investigation will only proceed where the information from desk top study and visual inspection indicate that one or more potential pollutant linkages are present. In addition, this will only be carried out if the Council is unable to determine if the land is contaminated or obtain the necessary information in any other way.

In some cases it will be sufficient to collect only a small number of samples, whereas in other cases it may be necessary to take a greater quantity of samples to show that contaminated soil poses an unacceptable risk to human health.

6.7.2 Internal procedures

The Council intends to develop / adapt internal procedures and technical specifications to be used by external contractors in accordance with technical guidance relating to investigations of this nature (e.g. British Standard Code of Practice for investigation of potentially contaminated sites BS 10175:2011+A1:2013). In all investigations the Council will ensure that good technical practice will be followed in carrying out and recording detailed inspection work. The Council will also ensure that such work does not harm people (site workers, local residents and general public) or damage the wider environment.

Before carrying out any detailed inspections the following will be considered;

- The type of additional information required at each stage of the inspection
- The practical arrangements needed for visual inspection or intrusive investigations
- How the information will be recorded and interpreted
- Arrangements for public access to the information

As in the case of the visual inspection, intrusive sampling will only be carried out by a "suitable person". This person will be appropriately qualified and experienced to carry out the necessary inspection and analysis. Suitable persons would include, for example, suitably experienced consultants or professionals (for example, those holding a relevant charter or SiLC status or a Suitably Qualified and Experienced Person as detailed in the National Quality Mark Scheme for Land Contamination Management). Reports prepared by a suitable person should provide the Council with the information required to determine whether the site should be designated as contaminated land, and if so, what remediation is required to make the site suitable for its current or intended use.

A contractor will not be instructed to proceed with a visual site inspection or intrusive investigation until the following criteria have been satisfied:

- Written confirmation has been received from the owner and occupier of the site allowing the contractor to enter the land for the purposes of the site investigation (or alternatively when section 108 power of entry requirements have been met (see below))
- All necessary planning consents and environmental licences have been obtained
- Full details of existing site services have been received and considered in the design stage of the sampling strategy
- All potential locations for exploratory boreholes and other intrusive works have been identified
- The health and safety procedures will be implemented by the contractor
- Suitable arrangements have been made for environmental protection.

If at any stage it is considered, on the basis of the information obtained from a detailed inspection, that there is no longer a reasonable possibility that particular pollutant linkage exists on the land, the authority will not carry out or instruct any further detailed inspection for that linkage.

The Council recognises that in some cases insufficient information will be available for determination purposes but additional data collection would not be possible or likely to help in deciding whether or not land is contaminated land. In this case the Council will determine the status of the land on the basis of the available information but will keep the decision under review in the event that additional information comes to light.

6.7.3 Powers of entry

The LA has powers under Section 108 Environment Act 1995 to enter, or authorise others to enter premises to carry out investigations. However, Dover District Council will only carry out detailed inspections using these powers where there is a reasonable possibility that a pollution linkage exists, and (for intrusive work) it is likely that the contaminant is present and a receptor exists or is likely to exist given the current use. These powers will not be used for carrying out intrusive investigations if the information needed to make a determination is already available or someone (such as the landowner) has offered to make the information available. Seven days notice will be given for residential premises or where heavy equipment will be involved. If necessary the Council will obtain a magistrates warrant (under s108 Of Environment Act 1995) to gain access. The powers of entry may be used forthwith in an emergency. The legal department will be consulted in these situations.

In some circumstances, as outlined in schedule 18 of the Environment Act 1995, the LA may be liable to pay compensation for any disturbance caused by inspection carried out under s108 powers. Therefore, it is imperative that good technical practice is followed.

6.7.4 Special Sites

A desk study is likely to be the earliest stage at which the Council will become aware of a potential special site. At this stage advice will be obtained from the EA on the best way to proceed.

There are two potential scenarios;

- a) The Council notifies the EA of a potential special site
- b) The EA becomes aware of a potential special site and notifies the Council.

In both cases the EA may undertake a further investigation on behalf of the Council. When the EA has completed the investigation it will then be in a position to confirm whether or not the site is a special site in accordance with the Contaminated Land (England) Regulations 2006. If the site is a special site the Council will no longer have a role in its remediation (other than as the Local Planning Authority). The Environment Agency will be the enforcing Authority for Special Sites. If the site is not a special site and is contaminated land then the Council will be responsible for dealing with it under Part IIA.

6.7.5 Site specific liaison

For each site the Council will contact the following (where appropriate):

- The owner of the land for information about its condition and to obtain permission to enter the site.
- Any person who appears to be the occupier of all or part of the land for information about its condition and to obtain permission to enter the site.
- Each person who appears to be an “appropriate person” for information about its condition of the land.
- The EA for advice about the effect upon controlled waters and potential special site status.
- English Nature for effects upon ecological systems and when intrusive investigation is to be undertaken within a Site of Special Scientific Interest (SSI).
- English Heritage, when sensitive archaeological remains or buildings are likely to be present.

The Council will also contact the owner / occupier of adjacent land.

6.7.6 Health and Safety Procedures

The Council will ensure that the contractor undertaking the site investigation is aware of the health and safety procedures contained within the British Standard Code of Practice on the Investigation of Potentially Contaminated Sites (BS 10175:2011+A1:2013). The contractor will also have regard to the HSE document on protecting workers and the general public during the redevelopment of contaminated land. Certain site activities, for instance particular remediation methods may require particular risk assessment with regards to public safety.

6.7.7 Format of Information Resulting from Inspection

The information gathered during an inspection of the land will generally be in the following format:

- A summary of the desk study, visual inspection and intrusive investigation (where appropriate)
- Analytical results of soil, gas, ground and surface water samples (if appropriate)
- A risk assessment (qualitative / semi-quantitative or quantitative)
- Identification of the significant pollutant linkage(s)
- An indication of how the significant pollutant linkage(s) may be addressed.

6.7.8 Periodic review

A periodic review of all sites identified as contaminated land and land found to be in a contaminated state will be undertaken. This is to ensure that any changes that may occur either in, on or around any particular site may be noted. Changes in either pathways or receptors could lead to a change in classification. This is discussed further in paragraph 6.9. Periodic changes in legislation may also warrant the re-inspection of a particular site.

6.7.9 Potential outcomes of a detailed inspection.

The statutory guidance details possible outcomes. Sites will go into one of 4 categories.

Category 1 – in general these sites will require immediate action through being designated as contaminated land.

Category 2 – may require immediate action.

Category 3 – may not meet the statutory definition of contaminated land. But further monitoring and observation may be necessary.

Category 4 – Unlikely to meet the statutory definition of contaminated land.

The following table outlines the action the Council may take with regard to the above categories

Category	Action
1	Intrusive investigation required. Full review of existing site data necessary to develop detailed inspection strategy and conceptual model. The Council will seek funding to carry out an investigation from the original developer or polluter if possible.
2	Medium risk – intrusive investigation required to resolve potential risks. Clean up considered likely under Part IIA and priority action recommended. The Council will seek funding to do the investigation, from the original polluter or developer if possible.
3	Low to Medium Risk- Intrusive investigation recommended to resolve potential risks. Clean up can not be excluded under part IIA. Residents will be assisted to undertake their own investigations and risk assessments. Should these assessments indicate that the site should be reassessed as category 1 or 2 the council will re-evaluate its position
4	Low risk. Likelihood of contamination is considered low and if present the impacts is such that clean up could not be reasonably justified. It is highly unlikely that further work will be required on these sites. Should residents wish to do so the same approach to category 3 sites will be followed.

6.7.10 Funding of works

Part IIA of the Environmental Protection Act 1990 makes clear that wherever possible, the original polluter and/or a developer that knowingly developed a contaminated site without ensuring suitable levels of remediation are completed should pay for any remediation needed in later years. The council will make every effort to ensure this is the case. However the legal process is time consuming and difficult particularly when pollution and/or development were many years ago, or the people and companies involved no longer exist. Where it is not possible to make the original polluter or developer pay for remediation the legislation makes the current person in ownership (residents) of the land a responsible person for funding remediation.

6.8 Liaison and communication

Effective liaison and communication is an essential part of the Contaminated Land Regime. Much of the work proposed in this strategy will be collaborative and require effective liaison with other bodies. As part of its strategy the Council established communication links with a variety of statutory and non-statutory consultees as well as other interested parties to ensure the efficient and effective transfer of information. It is important that all stakeholders are aware of the implications of potentially contaminated land as early as possible.

It is recognised that the complex nature of contaminated land issues does not lend itself to easy explanation. In particular it may appear somewhat complicated as the process under Part IIA relies upon a risk based approach to identifying contaminated land. The need for involvement of a complete spectrum of representatives from the community means that good risk communication skills and a sound communication plan is needed. This is briefly outlined below but it should be noted that resource and financial constraints may limit the actual form and extent of communication.

6.8.1 Statutory consultees

When the strategy was initially drafted formal contact was made with the Environment Agency and other statutory organisations that have a particular regulatory interest or expertise in relation to contaminated land. These organisations hold relevant information and can provide advice that will assist the Council to operate efficiently under Part IIA. These organisations are as follows;

- Natural England
- English Heritage
- Department of Environment, Food and Rural Affairs
- Food Standards Agency
- Kent County Council

Each organisation was invited to comment on the initial consultation draft of this strategy.

6.8.2 Non Statutory Consultees

There is great scope for members of the public, businesses, external organisations and voluntary organisations to play an important role in identifying and dealing with contaminated land in the district. All stakeholders will be considered in the broadest possible extent and may include those with professional expertise and financial interests, alongside those with local knowledge or community status.

The strategy was therefore made more widely available, for example to

- Parish Councils,
- Major Landowners,
- Housing Associations,
- Chamber of Commerce,
- Professionals working in land management,
- Local Agenda 21 groups,
- Neighbouring LA's,
- Developers,
- National Farmers Union
- Members of the public via main libraries and the Councils website.

The need to keep up to date with current regulation and guidance is recognised by the council and regular conferences and training sessions are attended. In addition to this, the Council is a member of the Kent and Medway Contaminated Land forum whose members include representatives of the EA, Local Authorities and other relevant bodies. The council also subscribes to RIAMS whereby many local authorities throughout the country may be consulted for advice on specific issues.

6.8.3 Communication with owners, occupiers and other interested parties in relation to specific sites.

The Councils approach to its regulatory duty under the contaminated land regime is to seek voluntary action before taking enforcement action. This should, in many cases, provide a more effective remediation process. It is recognised that this approach will require effective communication with owners, occupiers and other interested parties.

Once potential contamination and a Part IIA receptor has been identified for a site the Council will contact the appropriate stakeholders to seek their co-operation and assistance as early as possible. Stakeholders will be able to raise their concerns and their views will be carefully considered as part of an open two way communication process. Overall it is important to try and ensure that all stakeholders understand and support the risk assessment process, the results obtained and how they will affect decisions about any remedial works required.

The Council will keep all relevant parties informed at each stage of an investigation. Where a formal designation of contaminated land is required the council will continue to try to work with all stakeholders to ensure all necessary remediation is carried out either voluntarily or following service of a remediation notice.

6.8.4 Communication with the general public

The Council will treat any concerns raised by members of the public seriously and with respect, recognising the importance of the issue to the individual. In all instances the Council will recognise and try to overcome the critical barriers to effective communication;

- **Familiarity** – increased concern about familiar issues
- **Control** – increased concern if the individual is unable to exert any control over events
- **Proximity in space** – increased concern about nearby events
- **Proximity in time** – increased concern about immediate consequences rather than long term effects
- **Scale** – particularly in terms of media coverage, where one large incident appears much worse than several small incidents
- **“Dread Factor”** – lack of understanding can lead to stress and make further explanation more difficult.

The Contaminated Land Regulations grant only limited powers to local authorities to deal with materials present in, on or under the ground. Many members of the public believe that any material that is not naturally present in the ground should be removed, especially if it is in the vicinity of their own home. It will be crucial to explain that this can only be done where there is a risk of significant harm, and it is to be expected that some members of the public will have difficulty accepting this.

6.9 Information management

6.9.1 Information storage

Under the requirements of Part IIA the Council is likely to obtain a great deal of information from a wide range of different sources. This information, which may be in the form of bound documents, reports, letters, maps or electronic records, will need to be collated and managed efficiently.

The Councils Geographical Information System (GIS) will be the primary tool used to store and manage contaminated land information. The system will manage the information arising from the initial review of "sources" and "receptors" which will assist with the subsequent identification of key sub areas within the district.

6.9.2 Access to information

Within the Council

The GIS system will allow certain designated users within the Council access to view the information stored within it. Any additional information related to the contaminated land regime will be available on request to the Environmental Protection section.

To the Environment Agency

The Environment Agency is required to prepare and publish a report on the state of contaminated land in England. The information required by EA from LA's to fulfil this function include:

- A summary of local authority inspection strategies, including progress against the strategy and its effectiveness
- The amount of contaminated land and the nature of the contamination
- Measures taken to remediate the land

A memorandum of understanding has been drawn up between the Environment Agency and the Local Government Association that describes how the information will be exchanged. The Council will provide information to the EA following the guidelines agreed through this national forum.

The Council must also provide information to the EA whenever a site is designated as contaminated land, and whenever a remediation notice, statement or declaration is issued or agreed. The EA has provided standard forms allowing this information to be provided in a consistent format and Dover District Council will adopt these to fulfil its reporting requirements.

External requests for information

From time to time the Council will receive requests to view the information held on a particular site that may not be included in the public register, or which relates to a non designated site. This may include documents provided by a third party and / or produced by the Council during the course of internal and external consultation. Each request will be considered on its merits and any information given would be done so as to be in line with the Environmental Information Regulations 1992 (as amended). All requests for information should preferably be made in writing to the Council, and, where possible the relevant information will be provided within 14 days.

The council will undertake a search within a radius of a property to establish the former use of the site and that of the adjacent land. The search includes examination of the Council's historic map archive (as provided by Landmark digital data), IPPC authorisations and the Kent Landfill Atlas; in addition to a search of the council's corporate data management database.

There is a charge for this service; further details can be obtained from the council's online question and answers service or by contacting the Environmental Health Department.

Public register

The Council is required under Part IIA of the Environment Act 1995 to keep a register detailing information regarding contaminated land. The Environmental Health Department located at the Council Offices on the White Cliffs Business Park in Dover will hold the register. This will be accessible on request by members of the public during office hours, Monday to Friday (please enquire for further details).

The particular details to be included in the register are prescribed in Schedule 3 of the Contaminated Land (England) Regulations 2006. In compliance with the Regulations, the register for Dover District will include:

- Remediation Notices
- Details of site reports obtained by the authority relating to remediation notices
- Remediation declarations, remediation statements and notifications of claimed remediation
- Designation of sites as "Special Sites"
- Any appeals lodged against remediation and charging notices
- Convictions

The public register will not include details of historic land use or other records used during investigations of potentially contaminated land. These are classed as research documents and as such will not be available to the public.

Confidentiality

Section 78 of the Environment Act 1995 (Part IIA) specifies certain exclusions from registers of information. Therefore, before anything is entered on the register or disclosed to third parties, the Council will consider whether the information should be excluded on the basis that its inclusion or disclosure would be against the interests of national security or the information is commercially confidential. Certain grounds of commercial confidentiality are excluded from anonymity by the legislation. If the Council excludes any information then a note must be entered on the register stating that additional information is available but has been removed for specific reasons.

6.10 Review mechanisms

The Council is recommended to build two aspects of review into this strategy to ensure the strategy itself and any assumptions and/or decisions resulting from it relating to individual sites are kept up to date.

6.10.1 Reviewing inspection decisions

A review of the assumptions made and information held about the condition of individual sites will be undertaken periodically. It is difficult at this stage to determine the frequency of these reviews. In practice, it is likely that inspection will be a continuum, balancing a systematic approach to the inspection with available resources.

It is also recognised that, in addition to the routine review of inspection findings, there are likely to be situations (triggers) when changes in the condition or circumstances of the land or its surrounding environment prompt a review of the inspection findings. Examples of such circumstances or events include;

- Proposed changes in the use of surrounding land
- Unplanned changes in the use of the land
- Unplanned events such as flooding, spillage's, fire etc
- Reports of localised health effects which appear to relate to a particular area of land
- Verifiable reports of unusual or abnormal site conditions being received
- Change in legislation

Any of these circumstances, or similar, will trigger an immediate review of the inspection findings outside the routine review cycle.

An earlier review will also take place in response to information received from;

- Statutory bodies such as Environment Agency, Health and Safety Executive, Department of Environment, Food and Rural Affairs
- Owners or occupiers of land and other relevant stakeholders.

6.10.2 Review of the inspection strategy

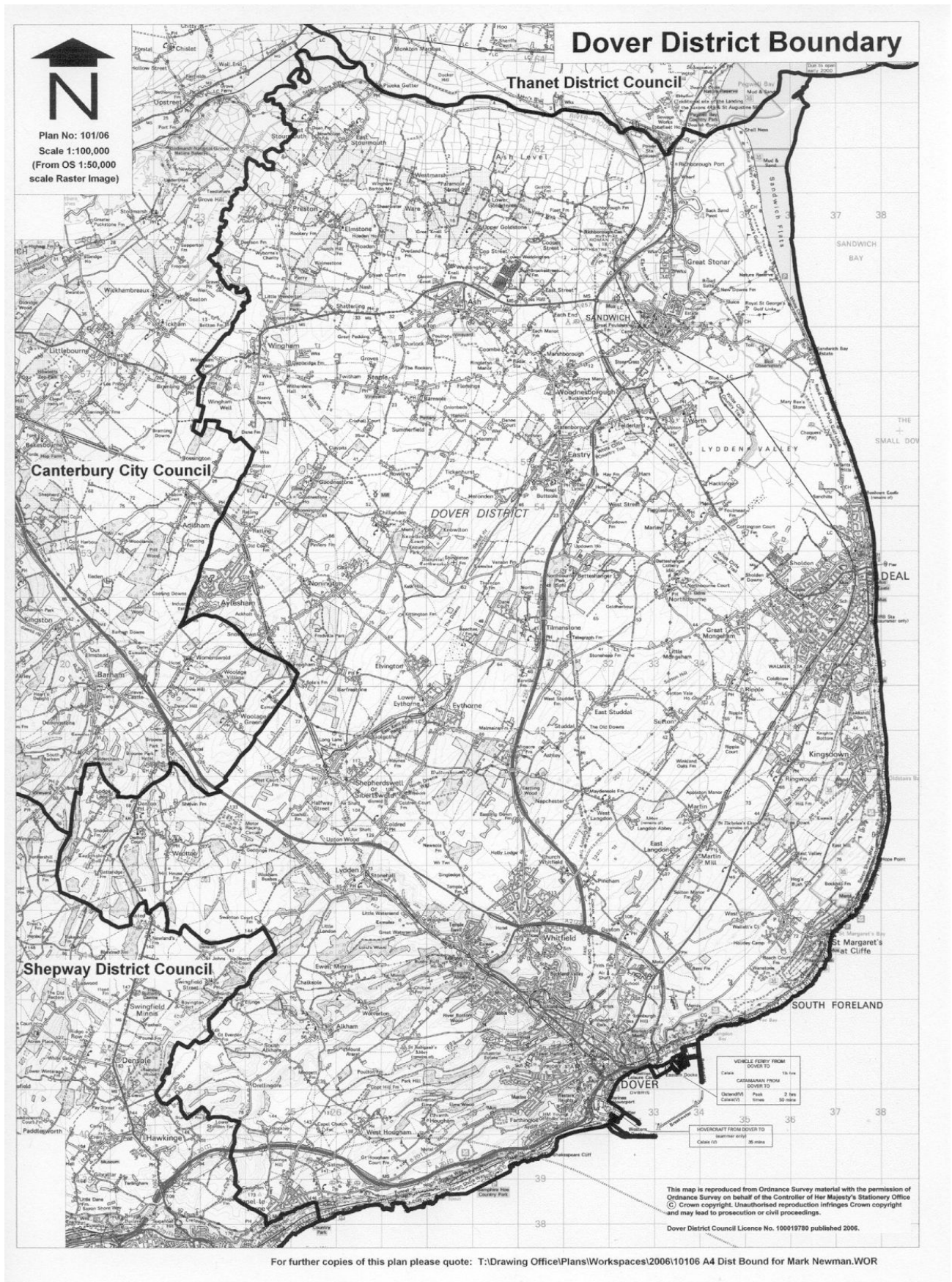
As part of the overall quality management of this work, it is important to consider the need to review the strategy from time to time. This will be undertaken at least once every 5 years. If there are significant changes to the strategy it is accepted that it may be appropriate to carry out further annual reviews in the following years.

6.10.3 How this strategy interacts with the planning system.

The statutory guidance and the National Planning Policy framework (NPPF) operate on the concept that potentially contaminated land must be shown to be suitable for its intended use. As an absolute minimum this means sites must be incapable of being designated as contaminated land as defined under Part IIA of the Environmental Protection Act 1990..

The council will expect any planning application for potentially contaminated to be accompanied by the report of a desktop study and site walkover as defined in British Standard 10175:2011+A1:2013 - Investigation of potentially contaminated sites - Code of practice. Such reports should identify that the site has been assessed as suitable for use or in the event that further works are needed, to detail them and discuss how the site can reasonably be made suitable for the proposed use. All reports should be completed by a suitably qualified "competent" person as defined in the NPPF.

APPENDIX A



APPENDIX B

Glossary and Useful Abbreviations

ALLS - Area of Local landscape Significance

Alluvium – Defined as soil or sediment deposited by running water

AONB – Area of Outstanding Natural Beauty

Aquiclude – A layer of rock impermeable to water

Aquitard – A layer of rock with low hydraulic conductivity

Aquifer – Groundwater bearing rock formations sufficiently permeable to transmit and yield water in usable quantities. (See definition of groundwater below)

Brownfield Site - A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environmental contamination. Only a small proportion of Brownfield sites will meet the definition of contaminated land.

BGS – British Geological Survey

BTEX – Benzene, Toluene, Ethylbenzene and Xylene

CCA – Chromated Copper Arsenate

CIEH – Chartered Institute of Environmental Health

CLEA – Contaminated Land Exposure Assessment, a tool for the assessment of risks to human health

COCs – Contaminants of concern

Contaminated Land [Legal Definition]: 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 waters is being, or is likely to be caused.

Controlled Waters: These include:

- a) Inland waters (river, streams, underground streams, canals, lakes and reservoirs),
- b) Groundwaters (any water contained in underground strata, wells or boreholes),
- c) Territorial waters (the sea within three miles of a baseline).
- d) Coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the fresh water limit).

DCLG – Department for Communities and Local Government

DDC – Dover District Council

DEFRA – Department for the Environment, Farming and Rural Affairs

DETR – Department for the Environment, Transport and Regions

DNAPL – Dense Non-Aqueous Phase Liquid

Drinking water abstraction – The taking of water from a source (primarily an underground source within the Dover District) for drinking water

DRO – Diesel Range Organics

DWS – Drinking Water Standard

EA – Environment Agency

Eco-system – A biological system of interacting organisms and their physical environment

EN – English Nature

EPA – Environmental Protection Act (1990)

EPH – Extractible Petroleum Hydrocarbons

EQS – Environmental Quality Standard

FID – Flame-Ionising Detector (used to detect hydrocarbon vapours)

FSA – Food Standards Agency

GIS – Geographical Information System

GQA – General Quality Assessment

GRO – Gasoline Range Organics

Groundwater: Is that portion of the water beneath the surface of the earth that:

- Can be collected with wells, tunnels or drainage galleries,
- or that flows naturally to the surface via seeps and springs.

The legal definition from EC Groundwater Directive [80/68/EEC] is: -'All water which is below the surface of the ground in the saturated zone and in direct contact with the ground or subsoil'

Head – Defined as reworked deposits deposited during tundra conditions as a result of soil creep

HMSO – Her Majesties Stationary Office

HPA – Health Protection Agency

HSE – Health and Safety Executive

Hydraulic Conductivity – Describes the ease at which water is able to flow through a rock (i.e. its permeability)

ICP – Inductively Coupled Plasma (method of soil analysis)

ICRCL - Interdepartmental Committee for the Redevelopment of Contaminated Land

IPC – Integrated Pollution Control

IPPC – Integrated Pollution Prevention Control

LGA – Local Government Association

LNAPL – Light Non-Aqueous Phase Liquid

LNR – Local Nature Reserve

MoD – Ministry of Defence

NMR - National Maritime Reserve

NOx – Oxides of Nitrogen

NRA – National Rivers Authority

NRPB – National Radiological Protection Board

NSA – Nitrate Sensitive Area

NVZ – Nitrate Vulnerable Zone

OS – Ordnance Survey

PAH – Polycyclic Aromatic Hydrocarbons

Pathway: One or more routes by which a receptor can be exposed to a contaminant.

PCB – Polychlorinated Biphenyls

PCE – Tetrachloroethylene (Other names include - Perchloroethylene / Perc)

PCP – Pentachlorophenol

PID – Photo-Ionisation Detector (instrument used to detect hydrocarbon vapours)

Pollutant Linkage: The relationship between a contaminant, a pathway and a receptor.

RAMSAR – A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed in 1971.

Receptor: Sometimes referred to as a 'target' – the health of a person, waters, ecosystem or property type that could be affected by contamination.

Remediation: Generally accepted as being the carrying out of works to prevent or minimise effects of contamination. In the case of this legislation, the term also encompasses assessment of the condition of land and subsequent monitoring of the land.

Risk Assessment: The study of the following: -

- a) The probability, or frequency, of a hazard occurring; and
- b) The magnitude of the consequences.

SAC – Special Area of Conservation

SEPA – Scottish Environmental Protection Agency

SiLC – Specialist in Land Contamination

SINC – Site of Importance for Nature Conservation

SIS – Spatial Information System

SLA – Special Landscape Area

SNCI – Site of Nature Conservation Interest

SNIFFER – The Scotland and Northern Ireland Forum for Environmental Research

SoS – Secretary of State

SOx – Oxides of Sulphur

Source: A substance in, on or under the ground with the ability to cause harm.

SPA – Special Protection Area for birds

Special Sites: Defined in regulation 2 and 3 and Schedule 1 of the Contaminated Land [England] Regulations 2000, a summary is given below: -

- Any of the following activities have been carried out at any time: 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 chemical weapons or biological agents or weapons

- The land is currently used for naval, military or air force 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 descriptions;

- Land which is affecting controlled waters that; are used as 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 contained within one or more defined aquifers and where pollution relates to one or more defined substances.

SPT – Source Pathway Target

SPZ – Source protection zone: Protection zones around certain sources of groundwater used for public water supply. Within these zones, certain activities and processes are prohibited or restricted.

SSSI – Site of Special Scientific Interest

TCE – Trichloroethylene (aka Trike) used as a dry-cleaning fluid

TNT – Trinitrotoluene (an explosive)

TPH – Total Petroleum Hydrocarbons

Urban Task Force, The - The Urban Task Force was set up in October 1998, with a remit:

- to develop a framework for the future of the urban areas of England which is capable of being translated into locally defined solutions, in co-ordination with the development of Government policy;
- to identify ways of overcoming existing barriers drawing on available best practice, and to propose practical and realistic new measures for achieving quality urban development, with specific reference to housing, considering both new development and the potential for re-use of existing buildings;
- to act as a sounding board for the work on the assessment of previously developed land and to advise ministers accordingly; to work alongside, advise and help develop initiatives through English Partnerships, local authorities and others in identifying, targeting and promoting development on key demonstration sites throughout the country.

Vadose Zone - The portion of land between the land surface and the water table (i.e. the unsaturated zone)

VC – Vinyl Chloride

APPENDIX C

C1 Categories of significant harm

SEE TABLE OVERLEAF

The local authority should not regard harm to receptors of any type other than those mentioned in the table below as being significant harm for the purposes of Part IIA. For example, harm to ecological systems outside the descriptions in the second entry in the table should be disregarded. Similarly, the authority should not regard any other description of harm to receptors of the types mentioned in the table as being significant harm.

The authority should disregard any receptors which are not likely to be present, given the "current use" of the land which might be affected.

The "current use" means any use which is currently being made, or is likely to be made, of the land and which is consistent with any existing planning permission (or is otherwise lawful under the town and country planning legislation). This definition is subject to the following qualifications:

- (a) the current use should be taken to include any temporary use, permitted under town and country planning legislation, to which the land is, or is likely to be, put from time to time;
- (b) the current use includes future uses or developments which do not require a new, or amended, grant of planning permission;
- (c) the current use should, nevertheless, be taken to include any likely informal recreational use of the land, whether authorised by the owners or occupiers or not, (for example, children playing on the land); however in assessing the likelihood of any such informal use, the local authority should give due attention to measures taken to prevent or restrict access to the land; and
- (d) in the case of agricultural land, however, the current agricultural use should not be taken to extend beyond the growing of the crops or rearing of animals which are habitually grown or reared on the land.

	Type of Receptor	Description of harm to that type of receptor that is to be regarded as significant harm
1.	Human beings	<p>Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions.</p> <p>For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned.</p> <p>In this chapter, this description of significant harm is referred to as a “human health effect”.</p>
2.	<p>Any ecological system, or living organism forming part of such a system, within a location which is:</p> <ul style="list-style-type: none"> • an area notified as an area of special scientific interest under section 28 of the Wildlife and Countryside Act 1981; • any land declared a national nature reserve under section 35 of that Act; • any area designated as a marine nature reserve under section 36 of that Act; • an area of special protection for birds, established under section 3 of that Act; • any European Site within the meaning of regulation 10 of the Conservation (Natural Habitats etc) Regulations 1994 (i.e. Special Areas of Conservation and Special Protection Areas); • any candidate Special Areas of Conservation or potential Special Protection Areas given equivalent protection; • any habitat or site afforded policy protection under paragraph 13 of Planning Policy Guidance Note 9 (PPS9: Biodiversity and Geological Conservation) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or • any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949. 	<p>For <u>any</u> protected location:</p> <ul style="list-style-type: none"> • harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. <p>In addition, in the case of a protected location which is a European Site (or a candidate Special Area of Conservation or a potential Special Protection Area), harm which is compatible with the favourable conservation status of natural habitats at that location or species typically found there.</p> <p>In determining what constitutes such harm, the local authority should have regard to the advice of English Nature and to the requirements of the Conservation (Natural Habitats etc) Regulations 1994.</p> <p>In this Chapter, this description of significant harm is referred to as an “ecological system effect”.</p>

	Type of Receptor	Description of harm to that type of receptor that is to be regarded as significant harm
3.	<p>Property in the form of:</p> <p>crops, including timber; produce grown domestically, or on allotments for consumption; livestock; other owned or domesticated animals; wild animals which are the subject of shooting or fishing rights.</p>	<p>For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage.</p> <p>The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a pollutant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.</p> <p>In this Chapter, this description of significant harm is referred to as an "animal or crop effect".</p>
4.	<p>Property in the form of buildings.</p> <p>For this purpose, "building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building.</p>	<p>Structural failure, substantial damage or substantial interference with any right of occupation.</p> <p>For this purpose, the local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended.</p> <p>Additionally, in the case of a scheduled Ancient Monument, substantial damage should be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.</p> <p>In this Chapter, this description of significant harm is referred to as a "building effect".</p>

C2 The Pollution of Controlled Waters.

Land should not be designated as contaminated land where:

- (a) a substance is already present in controlled waters;
- (b) entry into controlled waters of that substance from land has ceased; and
- (c) it is not likely that further entry will take place

Substances should be regarded as having entered controlled waters where:

- (a) they are dissolved or suspended in those waters; or
- (b) if they are immiscible with water, they have direct contact with those waters on or beneath the surface of the water.

APPENDIX D

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Subject:	TIDES LEISURE CENTRE
Meeting and Date:	Cabinet – 2 July 2018
Report of:	Roger Walton, Director of Environment and Corporate Assets
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To update Cabinet on the findings of an Options Appraisal regarding Refurbishment and Extension of Tides Leisure Centre, and to seek Cabinet agreement on whether, and how best, to proceed, in particular agreeing appropriate next steps to develop the project.

To seek approval for expenditure of £610,000 on plant refurbishment works to address essential maintenance issues at Tides, and for further development of the preferred options.

To seek approval for allocation of £100,000 to address any emergency works that may arise while the preferred options are investigated.

Recommendation: Cabinet is asked to:

1. Consider the options set out in the report attached at Appendix 1 for the future provision of wet and dry indoor leisure facilities at Tides, and agree to continue investigating two preferred options.
2. Approve £710,000 from the Tides Leisure Centre Refurbishment Project included in the Medium-Term Financial Plan as follows:
 - £600,000 for urgent plant refurbishment works to address essential maintenance issues at Tides;
 - £10,000 to support the next stage of project development through further investigation of preferred options;
 - £100,000 provision to meet the cost of any emergency works that arise while the preferred options are being investigated.
3. Delegate authority to the Director of Environment and Corporate Assets, in consultation with the Portfolio Holder for Property Management and Environmental Health, to accept the best value for money tender for urgent plant refurbishment works.

-
4. Authorise the Director of Environment and Corporate Assets, in consultation with the Portfolio Holder for Property Management and Environmental Health, to engage with prospective partners and funders on the opportunities for financing the preferred options.
-

1. Summary

- 1.1. Tides Leisure Pool, Deal was opened in 1987 and given that much of the mechanical and electrical plant is now more than 30 years old, is likely to require significant capital investment over the coming years. Without such investment there is an increasing risk of frequent or permanent pool closure because a number of essential plant items are reaching end of life.
- 1.2. In addition, the fitness gym is small by current standards and is located in the basement in a non-purpose built environment that partly consists of a converted former health suite. A sum of £2.2M has been allocated within the Council's Capital Programme for refurbishment works, which could be used to address a number of the plant requirements, but that would not resolve the shortcomings of the fitness suite. A project to expand and improvement of the fitness suite would increase income to the centre, and therefore could be partly or even fully self-financing. Rather than attempt to address the plant and fitness suite issues piecemeal it was considered prudent to undertake a holistic investigation of the best way to proceed, by means of an initial feasibility appraisal of options.
- 1.3. The appraisal undertaken identified two preferred options of either (i) creating enhanced leisure water and dry side expansion (option 2B) or (ii) demolition and construction of new wet and dry facilities (excluding the sports hall and tennis centre). The refurbishment option has a lower capital cost, but is likely to result in a less efficient and lower quality facility than a new build solution offers, and the risk of unforeseen complications is high. The second option of demolition and re-build has a significantly higher capital cost but would create a more efficient and higher quality facility that is likely to last much longer than the refurbishment option and therefore can support a higher level of borrowing. Unfortunately, even taking the Medium Term Financial Plan (MTFP) allocation into account the appraisal identified an estimated funding gap of £2.3M and £2.4M for these options respectively.
- 1.4. Whilst no clearly superior, affordable option has emerged a solution needs to be found to secure the long term future of wet and dry facilities at Tides given the importance of these facilities to the local community, which was recognised within the Council's Indoor Sports Facility Strategy.
- 1.5. Based on the work undertaken so far it is clear that the two preferred options are worthy of further consideration, incorporating investigation of possible funding sources to bridge the affordability gap. For example, the current review of the Local Plan may present an opportunity to secure future development contributions. Cabinet are therefore requested to authorise further investigation of the preferred options.
- 1.6. In addition, whilst this work continues, Cabinet are asked to authorise the funding of urgent plant refurbishment works, so that Tides can continue to function while the longer term options are explored.

2. Introduction

- 2.1. The construction of Dover District Leisure Centre is currently progressing on programme and on budget, with the new facility scheduled to open early February 2019. Members will recall that the Council's Indoor Sports Facility Strategy (adopted July 2016) provided evidence to support the facility mix of the centre and underpinned the successful application to Sport England for a grant award of £1.5m. The ISFS identifies progression of proposals for improvements of wet side and health & fitness facilities at Tides Leisure Centre as Strategic Priority 4.
- 2.2. Tides Leisure Pool in Deal was constructed in 1987; the original building comprises several water features, a terrace reception, café, changing area, a fitness gym and former bar area that is currently mainly used for group exercise classes. Subsequently two major expansions have been added; a four-court sports hall in 2002 and a four-court indoor tennis centre in 2011. The facility is likely to require significant capital investment over the coming years in particular to help reduce the risk of frequent or permanent pool closure given that a number of essential plant items are reaching end of life. In addition, the fitness gym is small by current standards and is located in the basement in a non-purpose built environment that partly consists of a converted former health suite.
- 2.3. Over the last year, Tides Leisure Centre has experienced some exceptionally challenging and recurring plant issues which forced temporary pool closures, one prolonged closure and one pool evacuation. It is clear from a recent specialist mechanical electrical assessment that essential plant items are failing and need to be replaced before winter 2018/19 to avoid repeating circumstances. The Council has set aside £2.2m in the Capital Programme to address essential plant maintenance and ensure the building can operationally function across the next five to ten years.
- 2.4. Tides Leisure Centre is operated by Your Leisure (YL) under a lease agreement that runs until 2025. In 2014 YL began investigating the business case for the extension of health and fitness facilities, using externally sourced investment on the assumption that the improvement in net revenue will be equal to or greater than the cost of the loan. Repayment of the loan would have been underwritten by the Council. Proposals drawn up by Alliance Leisure included a 70 station gym, one fitness studio, one toning studio and dry changing room alterations. Such proposals offer some benefits in terms of increased capacity for fitness users and increased income at the centre, but would fail to address the underlying plant issues, the building's inefficient circulation layouts and its deteriorating fabric.
- 2.5. Rather than attempt to address the wet and dry side improvements in isolation, it was considered sensible to commission an initial feasibility appraisal of options that holistically investigates the best way to proceed. In September 2017 the Council appointed The Sports Consultancy in partnership with GT3 Architects, Faithful+Gould and Hadron Consulting to undertake an initial feasibility appraisal of options for delivering improvements at Tides Leisure Centre. The appraisal takes into account the need for improvement of both wet side and health & fitness facilities by examining a range of options from refurbishment through to new build. In commissioning this study, the Council recognised that as the Dover District Leisure Centre project progresses focus is increasingly drawn to the condition of Tides Leisure Centre.

3. Options Appraisal

- 3.1. The Sports Consultancy liaised with officers and the operator, Your Leisure, to define options that include various levels of refurbishment and improvement. In total eleven options were examined, ranging from a minimum, refurbishment of the dry side only

through to a maximum, new build of the wet side and health & fitness suite. The capital cost was estimated for each option, and the affordability of each option was analysed by setting the build cost against projected income, running costs and applicable borrowing period.

- 3.2. An executive summary of the options appraisal report is attached at Appendix 1. Unfortunately, apart from the minimum option of Dry Side Only, the business appraisal of each of the options considered has not identified an affordable option in terms of revenue turnaround together with the capital resources currently allocated. The Dry Side Only option is not recommended because it does not address the underlying plant issues, and therefore would not be sustainable as a standalone project.
- 3.3. Setting aside the current funding gap, two preferred options have been identified; 'Enhanced Leisure Water + Option 2B Dry Side' and New Build. The capital cost of the New Build option is estimated to be in excess of £3m greater than the other preferred option, but the funding deficit for both is similar at £2.4m for New Build and £2.3m for Enhanced Leisure Water + Option 2B Dry Side. This is because a refurbished building could last for 20 years, while the New Build would be likely to last for at least 40 years and could therefore support a larger loan.
- 3.4. The study sought to establish a clear business case to inform the Council's decision making processes. This has been achieved in that the two most affordable options have been identified for securing the long term future of Tides Leisure Centre. One of these options is to rebuild the wet and dry side facilities (excluding the sports hall and tennis centre), which was not originally anticipated as preferred option. However, New Build would offer a number of benefits including the opportunity for the Council to provide a higher quality, more efficient, leisure centre for the community of Deal and the wider district, with a lifespan of at least 40 years. Another advantage is that all programme and cost risks can be more easily managed on a New Build project; there is an inherently higher risk involved in refurbishment of leisure buildings such as this, with construction costs for such projects often being above expectations due to limited competition from building contractors when the project is tendered.

4. Urgent Plant Works

- 4.1 As the findings of the Options Appraisal emerged, it became clear that the Council required an objective assessment of the immediate need for, and cost of, addressing the essential works required for the mechanical and electrical plant at Tides. In March 2018 ME Engineers were appointed to undertake this specialist work, having previously acted as mechanical and electrical engineering consultants for the Dover District Leisure Centre project. The brief specified that ME Engineers should consider whether any plant parts currently located at Dover Leisure Centre could be re-used at Tides; whether any new plant purchased now could be reused in a possible longer term future development and to estimate the extent of any benefits that could be achieved through reduced energy consumption.
- 4.1. The assessment identified the extent of the works required which includes: replacement of boilers to avoid complete failure; works to electronic control panels to prevent localised burn outs (which caused a centre closure on one occasion); redesign of chemical dosing facilities & store area to meet essential safety standards and further detailed investigational work to continue examining pool water leakages. It is estimated that £600k is required from the allocated budget in the capital programme to procure and deliver these specialist works. Furthermore, to reduce

the risk of any closures during winter 2018/19 immediate action was taken to commence the preparation of the detailed design specification and tender documentation in April to allow sufficient time for procurement of specialist contractors, lead in time for ordering equipment and to undertake the works.

- 4.2. On 20th April a decision was taken between meetings (DPH04) to allocate £50,000 of the Tides Refurbishment Provision included within the Medium Term Financial Plan for the appointment of specialist consultants to develop an informed brief for potential contractors. ME Engineers were appointed undertake the project, which is underway and will be complete around the time the report is presented to Cabinet.
- 4.3. Initial results indicate that although no plant parts are re-usable from Dover Leisure Centre, there are some savings achievable on capital expenditure against a possible future longer term project of circa £75,000. It is also estimated that consumption savings of 25% on gas, 10% on water & 5% on electricity can be achieved at Tides Leisure Centre compared to the existing operational hours & use.
- 4.4. The completion of these urgent works should ensure that the building can continue to function, reducing the risk of temporary or permanent closures, while further research is undertaken into long term options for the centre. Members are therefore asked to approve the procurement of urgent plant works with continued assistance from ME Engineers to evaluate tenders and monitor delivery. Cabinet is also requested to grant the Director of Environment & Corporate Assets delegated authority to appoint the preferred specialist contractor(s) as part of tender procurement process.
- 4.5. It should be noted that other defective plant and building risks such as the deteriorating flume & wave machine; continual uplifting pool floor tiles and leaking roof have not been included within the assessment of the mechanical and electrical plant. In addition, Your Leisure have drawn attention to increased water usage which may indicate that there is a water leak in the pool zone, possibly from circulation or feature pipework. Officers have investigated this concern by monitoring pool levels, but the results were inconclusive. Therefore a company specialising in pool diagnostics has now been appointed to carry out an initial test and inspection. The results of this work should be available at the time the report is presented to Cabinet.
- 4.6. These defective plant and building risks will be monitored by officers and the operator. Approval of a contingency of £100k is recommended, because this would allow the Director of Environment & Corporate Assets, in consultation with the Portfolio Holder for Property Management and Public Protection, to address unforeseen urgent works in a timely manner while the preferred options are being investigated. If any major issues arise these will be reported to Cabinet. Routine repairs will continue to be funded by the Corporate Maintenance Revenue Budget.

5. Next Steps

- 5.1. Neither of the preferred options identified within the options appraisal is currently affordable, but both are worthy of further investigation to determine whether the funding gap can be reduced or closed. For example as New Build was not anticipated as a favourable option at the start, the options appraisal did not consider location. In addition, the demand for facilities and business modelling was based on demographic predictions arising from the adopted Local Plan. The Council is preparing a new Local Plan, which is likely to include new housing allocations and it would be worthwhile revisiting the business case once the associated demographic predictions are known.

- 5.2. It is proposed that the Options Appraisal is refreshed taking into account development proposals put forward through the Local Plan once they emerge. Noting also that New Build presents an opportunity for examining whether Victoria Park is the best location for indoor leisure provision, and this could be explored through the current revision to the Local Plan. The refreshed Options Appraisal would also provide an opportunity to review whether the facility mix should be re-examined. The results will be reported back to Cabinet in early 2019.

6. Identification of Options

Project Development

- 6.1. Option 1 Agree to continue investigating two preferred options, approve £10k from the Medium Term Financial Plan to support the next stage of project development and engage with prospective partners and funders on the options for financing the project.
- 6.2. Option 2 Not to agree to continue investigating the two preferred options

Plant Refurbishment

- 6.3. Option 1 Allocate £600k from the Medium Term Financial Plan on urgent plant refurbishment works to address essential plant issues at Tides and delegate authority to the Director of Environment and Corporate Assets in consultation with the Portfolio Holder for Property Management and Environmental Health to accept the best value for money tender.
- 6.4. Option 2 Not to allocate £600k from the Medium Term Financial Plan on urgent plant refurbishment works to address essential maintenance issues at Tides.

Other Defective Plant and Building Risks

- 6.5. Option 1 Allocate £100k from the Medium Term Financial Plan to use as required to address emergency works that arise while the preferred options are being investigated
- 6.6. Option 2 Not to allocate £100k from the Mid Term Financial Plan to be used as required to address emergency works that arise while the preferred options are being investigated

7. Evaluation of Options

Project Development

- 7.1. Option 1 This is the preferred option because although neither of the preferred options within the options appraisal are currently affordable, they are worthy of further examination, including investigation into possible sources of additional funding.
- 7.2. Option 2 This is not recommended because the fabric of Tides Leisure Pool is likely to require significant capital investment over the coming years and if the Council does not develop a coherent approach to address this need it is likely to result in an unnecessarily high level of spending on emergency works and possibly eventual closure of the facility.

Plant Refurbishment

- 7.3. Option 1 This is the preferred option because it will reduce the risk of unplanned pool closures during winter 2018/19 and allow Tides to continue to function while the long term options are explored.
- 7.4. Option 2 This is not recommended because it would result in a high, and increasing, risk of unplanned pool closures.

Other Defective Plant and Building Risks

- 7.5. Option 1 This is the preferred option because it would allow the Council to address emergency works in a timely fashion while the long term options are explored.
- 7.6. Option 2 This is not recommended because it may well give rise to unplanned closures while a report is prepared for members regarding relatively minor works, which would cause breaks in provision of service to residents and compensation payments to the operator.

8. Resource Implications

- 8.1. £2.2m has been allocated within the Council's capital programme for refurbishment works at Tides Leisure Centre. Expenditure of £50,000 has already been approved to fund preparation of a detailed project specification for the urgent refurbishment works. At this stage it is anticipated that these urgent works will cost up to £600k, but the exact price will only be known once tenders have been received.
- 8.2. In addition, approval of £10,000 is requested to continue investigating the preferred options and a further £100,000 is requested to meet the cost of any unforeseen urgent works while the long term options are investigated. Routine repairs will continue to be funded by the Corporate Maintenance Revenue Budget.
- 8.3. If the proposals in this report are approved a total of £760,000 will have been spent, leaving £1.44m of the original £2.2m allocation.
- 8.4. The options appraisal assumed that £2.2m capital would be available to fund any refurbishment or New Build project. The remaining capital cost would be largely funded by external borrowing, to the extent this could be supported by improved revenue at the centre. The appraisal identified that based on capital funding of £2.2m being available there would be a funding gap of £2.4m for the New Build and £2.3m for Enhanced Leisure Water + Option 2B Dry Side options. Therefore it should be noted that the expenditure currently proposed will increase the funding gap for these options due to the reduction in available capital funding.
- 8.5. On the other hand the proposed investment in plant refurbishment is likely to deliver savings against future capital expenditure of circa £75,000 and will significantly reduce energy consumption, resulting in savings to the operator. This would allow the Council to review the level of funding it provides to the operator, and any savings achieved could be used to replenish the capital allocation; this will be included as part of future budget proposals.

9. Corporate Implications

- 9.1. Comment from the Section 151 Officer: Finance have been consulted on this report and have no further comments to add. (DL)

9.2. Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comments to make.

9.3. Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

10. Appendices

Appendix 1: Options Appraisal for the Refurbishment and Extension of Tides Leisure Centre May 2018 Executive Summary.

11. Background Papers

Dover District Council Indoor Sports Facility Strategy, Adopted July 2016.

MEP Plant Replacement Report by ME Engineers, 5 April 2018

Contact Officer: Laura Corby extn 42448 Emma-Jane Allen extn 42120



Options Appraisal for the Refurbishment and Extension of Tides Leisure Centre

May 2018



Executive summary

The Sports Consultancy, GT3 Architects, Faithful+Gould and Hadron Consulting, were appointed by Dover District Council (the Council) in September 2017, to complete an initial feasibility and options appraisal study for the refurbishment and extension of Tides Leisure Centre in Deal which is a strategic priority of the Indoor Sport Facility Strategy ' or 'supporting the actions identified in the Indoor Sports Facility Strategy.

Following consultation with the Council's project team including the current operator Your Leisure, a number of options that include varying degrees of refurbishment and improvement to the wet and dryside of the building were defined. This work considered district demographics and strategic indoor leisure need'. The aim was to identify a small number of distinct options to test the financial implications and the affordability of them. The options that were developed are listed below. It should be noted that the 4 court sports hall and the indoor tennis centre remain unchanged in all options.

Concept floor plans, schedules of areas, capital costs and revenue projections were completed for the options to inform an appraisal of the funding and affordability of the options.

The table on the following page contains a summary of the affordability calculation for each facility option. The projected revenue performance of the options is compared with the existing (year ending March 2017) performance. This enables the potential revenue improvement to be calculated. The affordability calculation has been completed based on the initial capital costs for each option, to show the range of likely affordability.

The funding deficit is calculated by subtracting the sum of the prudential borrowing potential and the anticipated £2.2m from the medium term capital plan from the estimated capital cost.

Option	Wet Option	Dry Option
Minimum Option - Dry Only	None	Option 1
Minimum Option - Dry Only & MEP Replacement	MEP Replacement Only	Option 1
Minimum Option - Wet Only	Option 1	None
Minimum Option - Wet and Dry	Option 1	Option 1
Enhanced Leisure Water + Option 1 Dry Side	Option 2	Option 1
Enhanced Leisure Water + Option 2A Dry Side	Option 2	Option 2A
Enhanced Leisure Water + Option 2B Dry Side	Option 2	Option 2B
Create Learner Pool Option + Option 1 Dry Side	Option 3	Option 1
Create Learner Pool Option + Option 2A Dry Side	Option 3	Option 2A
Create Learner Pool Option + Option 2B Dry Side	Option 3	Option 2B
New Build	New Build	New Build

Option	Total capital cost	Funding Deficit/Surplus
Minimum Option - Dry Only	£4,776,311	£1,334,742
Minimum Option - Dry Only & MEP Replacement	£7,467,812	(£1,052,996)
Minimum Option - Wet Only	£4,465,178	(£2,711,415)
Minimum Option - Wet and Dry	£9,241,488	(£2,674,792)
Enhanced Leisure Water + Option 1 Dry Side	£10,468,175	(£958,101)
Enhanced Leisure Water + Option 2A Dry Side	£11,576,372	(£2,066,299)
Enhanced Leisure Water + Option 2B Dry Side	£11,810,398	(£2,300,324)
Create Learner Pool Option + Option 1 Dry Side	£10,873,912	(£4,390,026)
Create Learner Pool Option + Option 2A Dry Side	£11,982,110	(£5,498,224)
Create Learner Pool Option + Option 2B Dry Side	£12,216,135	(£5,732,249)
New Build	£15,078,745	(£2,432,007)

The options appraisal work has included a review of the financial implications and a review of the advantages and disadvantages of the options. The findings of the affordability analysis are summarised in the following tables with the recommendations and conclusions provided below.

Overall, the results show that all options result in a funding deficit. The options that include enhancing the Leisure Water areas have funding shortfalls of circa £960,000 to £2.3m, with the new build option having a funding shortfall of circa £2.4m. The options that involve creating a learner pool are the least affordable options, with funding shortfalls of circa £4.4m to £5.7m. The minimum options also have a significant shortfall and will not deliver the same level of improvement to the wet side areas as the other options. From a financial perspective, the enhanced leisure water options and the New Build are the most affordable, due mainly to the improvement in net revenue linked to the enhanced leisure water offer, when compared to the learner pool options and the existing pool configuration. Income is projected to increase, coupled with a reduction in staffing/lifeguarding costs. Options 2B and New Build are recommended as the preferred options for the following reasons:

- They include a range of works to create a rejuvenated leisure water attraction for Deal, the district and the east Kent area.
- The works will provide a longer term improvement of facilities at the site.
- Customers will notice a significant change and improvement in the facilities on offer.

Executive summary

- They will distinguish the Deal swimming pool offer from the new Dover Leisure Centre offer which has a greater focus on fitness, competition and swimming lessons.
- They will increase participation and generate additional revenue compared to the current layout.
- The installation of a splash pad with aqua play equipment and new slides will reduce staffing costs for lifeguarding, leading to more commercially viable operation.
- The aqua play equipment will be capable of being periodically updated.
- The improvement to M&E plant will reduce utility consumption.
- They are likely to provide a more efficient layout for the wet areas, as the design is not constrained by the form of the existing pool hall. Option 2A and 2B provide the opportunity to create and transform the building frontage with gym and studio areas in a visible location at the front of the building.
- The Café and spectator seating areas are maximised in these options, aiding revenue generation.
- The circulation through the building and visibility and connections between the different spaces are much improved.

Recommendation

Options 2B and the New Build option provide an opportunity to transform the centre and avoid extending the building onto land leased by KCC, reducing the risk and complexity of the project. Affordability is similar for both options.

A detailed estimated programme has been developed for the refurbishment / extension or replacement options of Tides Leisure Centre. This shows that a new build centre could be open by the end of August 2022.

Contact Details

For further information please contact:

Tom Pinnington

Tel: 020 7323 0007

Mobile: 07747 007053

tom@thesportsconsultancy.com

One de Walden Court, 85 New Cavendish Street, London, W1W 6XD

Subject:	DISPOSAL OF THE GUILDHALL AND MARKET SQUARE, SANDWICH
Meeting and Date:	Cabinet – 2 July 2018
Report of:	Roger Walton, Director of Environment and Corporate Assets
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Key Decision
Classification:	Unrestricted

Purpose of the report: To transfer the ownership of The Guildhall and Market Square, Sandwich to Sandwich Town Council and to terminate the ‘Sandwich Agreement’.

- Recommendation:**
- (1) To approve the freehold transfer of ownership of The Guildhall and Market Square, Sandwich to Sandwich Town Council.
 - (2) To agree to the termination of the ‘Sandwich Agreement’.
 - (3) To agree to confirm that the ownership of 2 Market Place rests with Dover District Council.
 - (4) To delegate to the Director of Environment and Corporate Assets, in consultation with the Portfolio Holder for Property Management and Environmental Health, the negotiation of both the terms and conditions associated with the proposed transfer.
 - (5) To delegate to the Director of Environment and Corporate Assets, in consultation with the Head of Museums and Tourism and the Portfolio Holder for Community Services, the agreement of arrangements regarding the future ownership and custody of the contents of The Guildhall.
-

1. Summary

- 1.1 Both The Guildhall and Market Square in Sandwich are owned by Dover District Council with The Guildhall being leased to Sandwich Town Council (‘Town Council’) under terms set out within what is known as the ‘Sandwich Agreement’.
- 1.2 The Town Council has over recent years been actively working with partners to develop plans for the Guildhall and its surrounds as part of the New Vision for Sandwich project which seeks to reinvigorate the 16th century Guildhall as a heritage asset to the town.
- 1.3 These plans have already seen improvements to Sandwich Museum (located within the Guildhall) to house the Magna Carta and include proposals to create a more

suitable storage space, an accessible research room and a learning and engagement space. An application for funding was submitted to the Heritage Lottery Fund for round one consideration on 19th February 2018 and is due to be determined in early June.

- 1.4 Plans have also been developed to refresh the Market Square outside the Guildhall through improvement in the public realm to create a more attractive townscape to act as a draw for residents and tourists alike and thus bring more jobs and prosperity to the town. Following on from a public consultation event in February, funding for these works is being sought from the Coastal Community Fund.
- 1.5 As their plans start to take shape, the Town Council has now indicated that they would like to acquire the freehold of the Guildhall premises and Market Square, to enable them to take full control of the project and the long term management of these historic assets.
- 1.6 This report seeks the Cabinet's agreement to the proposed transfer of ownership.

2. Introduction and Background

- 2.1 The Guildhall, Sandwich is a Grade 2* listed building, dating back to 1579 and modified at various intervals during the succeeding years. In 1812 it was encased in yellow brick. In 1912 it was restored and the south-west wing added. Still further enlarged in 1933 and an addition built in 1973 at right angles across the square. Nothing before the 1812 encasement is now visible from the exterior, of brick and imitation timbering, but the interior contains much of the original work, particularly the panelling of the court room which dates from 1607 and paintings forming part of the council chamber walls depicting the battle of the "Glorious 1st of June".
- 2.2 The building was transferred into the ownership of Dover District Council, when local government was reorganised in 1974 and is currently leased to Sandwich Town Council under terms set out in the rather complex 'Sandwich Agreement' (Agreement).
- 2.3 These terms see the property being leased for 99 years with effect from 1 April 1974 to 31 March 2073, with Sandwich Town Council being responsible for all outgoings & repairs & maintenance. The Agreement includes provisions for Dover District Council to have right to exclusive use of an area (now the former cloakroom) for which it pays a sum equivalent to 9.75% of the costs of repairs, maintenance, lighting heating & other expenses.
- 2.4 The rent currently payable by the Town Council to DDC is the annual net income from a number of properties as scheduled in the agreement or in the event that Sandwich Town Council disposes of any of these properties, then the interest on the sum equivalent to the sale proceeds is paid.
- 2.5 The properties listed within the schedule to the Agreement and their current status is as follows:

Property	Description	Status
Land at St.George's Lees (Plots 1-4)		Sold
23 Wantsume Lees		Sold
33 Moat Sole		Sold
Site of 11A & 13 Peter Street	Small areas of open space	Land Unregistered
Clinic Moat Sole		Sold

2 Market Street	Retail Unit	Title held by DDC
Causeway Tip, Ash Road	Former municipal tip	Land unregistered other than NW section acquired in 1992 by KCC for drainage to A257.

- 2.6 The Agreement, as drafted, assumes that these properties are each owned by Sandwich Town Council and leased to Dover District Council. However, the Land Registry records state that 2 Market Street is owned by Dover District Council.
- 2.7 This property is currently leased by Dover District Council to GW Finn, for an annual rent of £4,200, which is retained by DDC. Whilst it is quite likely that the Land Registry entry is an error, it is proposed that should Cabinet agree to the proposed transfer that this property would remain in the Council's ownership.
- 2.8 The annual rent payable under the terms of the Agreement varies from year to year but currently sees the District Council typically paying c £9k per annum (the 9.75% proportion due) less c£1.1k as the calculated interest on the sold properties. The £4,200 rent from 2 Market Place does not feature in this calculation but is retained by DDC outside this arrangement.
- 2.9 The Market Square, Sandwich is also within the ownership of Dover District Council other than a small strip of land to the east designated as highway land. The area is used by the Sandwich market on a weekly basis although the Council derives no income from this.
- 2.10 Given that Sandwich Town Council is bringing forward major plans to regenerate this area, it is proposed that this area of land also be transferred to the Town Council.
- 2.11 The principle of assets being managed by local communities where appropriate was highlighted by the Quirk Review in 2008, "Making Assets Work", which identified clear benefits from local community groups owning or managing assets, as a means of empowering communities.
- 2.12 As noted above Sandwich Town Council as a statutory local government body, is well placed to manage the building and its' immediate surrounds given that it has had responsibility for all outgoing & repairs & maintenance under the terms of the lease for more than 30 years.
- 2.13 Following the recent closure of the Sandwich Area Office, Dover District Council now has no operational requirements for space within the Guildhall and, as the Town Council is now seeking to make more intensive use of the whole building to support the New Vision for Sandwich Project; the proposed transfer of ownership has much to commend it.
- 2.14 Should Cabinet agree to the proposals in principle then officers will engage with the Town Council on more detailed discussions regarding the terms of the transfer and the arrangements regarding the future ownership of the contents of the Guildhall.

3. Financial Implications

- 3.1 The Council's Estate Valuation Manager (who holds an RICS Membership) has prepared a valuation of the properties which comprise the constituent parts of the Sandwich Agreement, which is included at Appendix B.
- 3.2 The Valuation sets out the following points:

1. Guildhall: Capital Value including forecourt £332,500
2. Income from sold properties: Capital Value of £10,000
3. 2 Market Street, Capital Value of £72,000
4. Remaining unsold sites: Nominal value only.

- 3.3 As regards revenue costs, as noted above, the amounts payable in accordance with the Agreement vary from year to year but currently see the District Council paying c£9k per annum (the 9.75% proportion due) less c£1.1k as the calculated interest on the sold properties. All payments due under this arrangement would cease should Cabinet agree to the transfer and termination of the Sandwich Agreement.
- 3.4 In addition there are potential liabilities associated with the ongoing maintenance obligation in relation to the Market Square
- 3.5 In summary therefore the proposal sees the Council transferring an asset, which has an assessed open market value of £332,500 in return for which the Council will cease paying the sum of £9k per annum currently being paid payable to the Town Council under the terms of the 'Sandwich Agreement'.
- 3.6 The proposal for consideration is that the Sandwich Agreement is simply terminated and the freehold of the Guildhall and Market Square be transferred to Sandwich Town Council without payment by either party.
- 3.7 In so far as these proposals involve the disposal of the freehold of the Guildhall and the Market Square there is a requirement under section 123 Local Government Act 1972 that the disposal must be at the best consideration reasonably obtainable unless the Secretary of State consents to a disposal at a lesser value. This is a disposal at less than the best consideration.
- 3.8 Consent of the Secretary of State may be given specifically or generally. By the Local Government Act 1972 general disposal consent (England) 2003 (annexed to DCLG Circular 06/03) the Secretary of State has granted consent for any disposal of land where the difference between the unrestricted value of the interest to be disposed of and the consideration accepted ("the undervalue") is £2,000,000 or less provided that:- *"the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;"*
- (i) *the promotion or improvement of economic well-being;*
 - (ii) *the promotion or improvement of social-well being*
 - (iii) *the promotion or improvement of environmental well being*
- 3.9 It is considered that the criteria mentioned in (i) and (iii) are met by virtue of the factors mentioned in paragraph 1.4 of this report.

4. Identification and Evaluation of Options

- 4.1 There are two Options available to Cabinet:

Option 1; To agree to transfer the freehold of The Guildhall, and Market Square, Sandwich to Sandwich Town Council and terminate the Sandwich Agreement.

Option 2; To take no action.

- 4.2 Option 1 is the preferred option because this recognises that the Council no longer has any operational use for the building and that the transferring the freehold will allow the Town Council to make more intensive use of the whole building as the New Vision for Sandwich Project is taken forward. The proposal also offers Dover DC a small financial saving.

5. Resource Implications

- 5.1 As noted above, the proposed transfer will result in a small annual saving of £9k to the Council.
- 5.2 The table below summarises the current position and the position after transfer:

	Current Position	After Transfer
Annual Rent paid by DDC to STC	£9.0k	Nil
Interest paid by STC to DDC on past property sales	(£1.1k)	Nil
Rent on 2 Market Street	(£4.2k)	(£4.2k)
Annual Saving to DDC	-	£9.0k
Assets		
The Guildhall & Market Square- ownership	DDC	STC
- value	£332.5k	£332.5k

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: “Accountancy has been consulted and has no further comment to add.” (DL)
- 6.2 Comment from the Solicitor to the Council: “The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.” (HR)
- 6.3 Comment from the Equalities Officer: “This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>. (KM)

7. Appendices

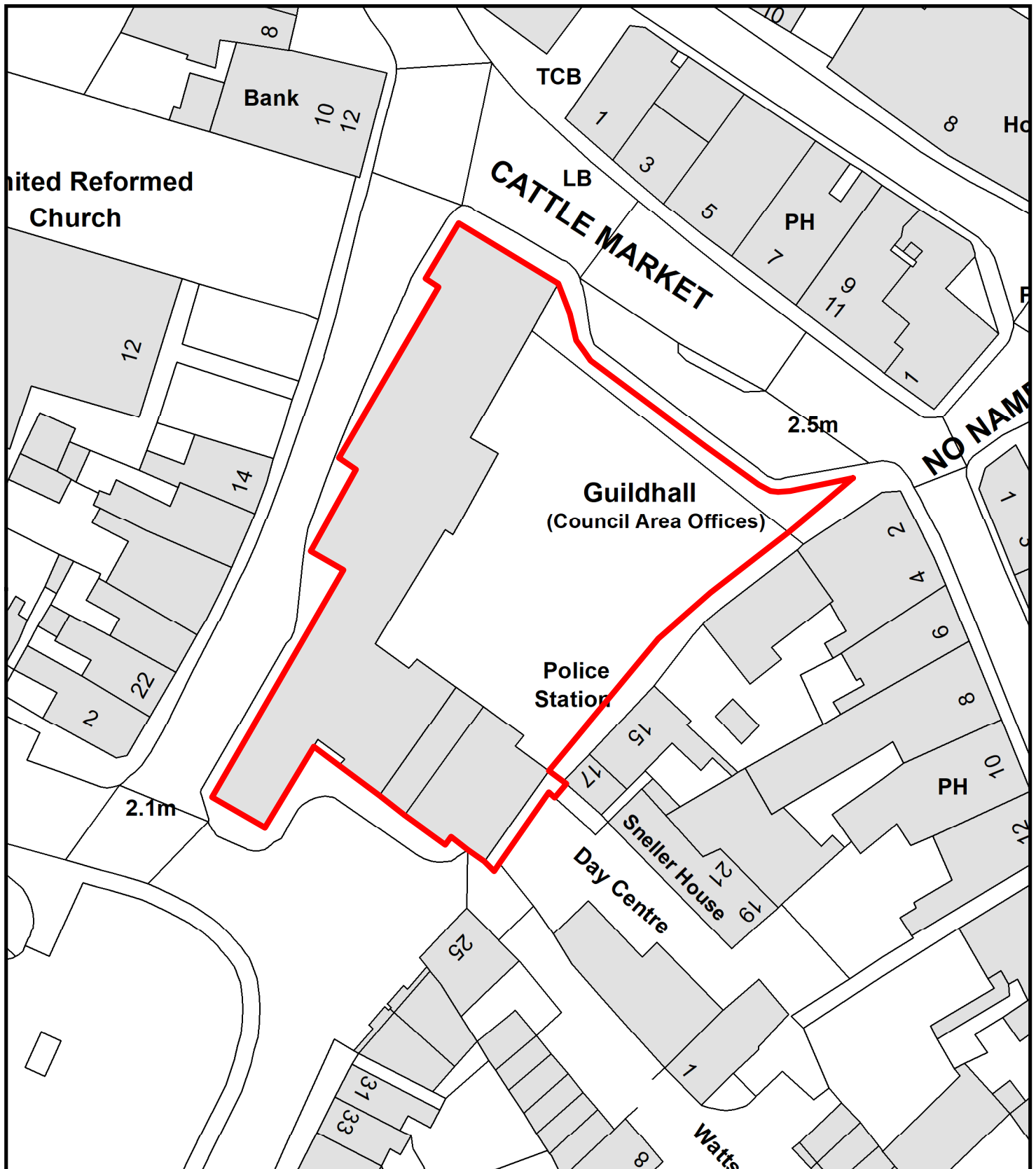
- 7.1 Appendix A: Site Plan of Guildhall indicating area which it is proposed is to be transferred.
- 7.2 Appendix B: Sandwich Agreement Valuation Report: January 2018

8. Background Papers

- 8.1 None.

Contact Officer: Roger Walton Ext: 42420

Appendix A - Plan of Guildhall, Sandwich



Prepared By

Environment & Corporate Assets Division
Eurling Roger Walton, C. Eng M. I. C. E
Director of Environment & Corporate Assets
District Council Offices
White Cliffs Business Park
Dover
Kent
CT16 3PJ

Tel: (01304) 821199
Fax: (01304) 872240

Scale: 1:500 @ A4

Date: JUNE 2018

Drawn by: KB



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Sandwich Agreement Valuation Report: January 2018

Introduction

Instructions were received from the Director of Environment & Corporate Assets in December 2017 to carry out a valuation of the constituent parts of the Sandwich Agreement, which completed on 30 July 1988, although the lease was back dated to 1 April 1974. The purpose of the valuation is to form the basis of a permanent settlement of the Sandwich Agreement.

Basis of Valuation

The basis of valuation except where otherwise indicated is Fair Value as there is sufficient evidence of market transactions for that use and have been made in accordance with the RICS Appraisal and Valuation Manual and Guidance Notes published by the Royal Institution of Chartered Surveyors.

Sandwich Agreement

Dover District Council (DDC) and Sandwich Town Council (STC) signed the Sandwich Agreement (the "Agreement") in 1987. This involved the assets held by the former Council which was dissolved following reorganisation in 1974. The principal asset was the Guildhall which under the Agreement is leased for 99 years from 1 April 1974, with STC responsible for all outgoings & repairs & maintenance. DDC had right to exclusive use of an area (now the former cloakroom) for which it paid a sum equivalent to 9.75% of the costs of repairs, maintenance, lighting heating & other expenses. With effect from December 2017, DDC has surrendered this area.

The rent currently payable by STC also includes the annual net income from a number of properties which were as follows:

1. Land at St George's Lees
2. 23 Wantsum Lees
3. 33 Moat Sole
4. Site of 11 a and 13 Peter Street
5. The Clinic at Moat Sole
6. 2 Market Street
7. Causeway Tip

Most of these properties ("Remaining Properties") were plots of land sold long ago are either plots of land or properties which Sandwich TC sold long ago & DDC are credited with the notional annual interest on the sale proceeds.

An annual rent is payable which is **either** based on either the actual rents payable on items 1 to 5 above, less outgoings, **or** is based on the imputed rent last payable. If the properties are sold, STC pay annual interest on the capital sum based on Bank Base Rate. To date, most of these properties have sold, for a total of £203,700. In 2016/ 17 STC were liable for a payment of £1,018.50 in respect of the sold properties.

The Sandwich Agreement worked to DDC's advantage in the early years of the agreement, with it being paid a net sum by STC, however since 2003 inflationary pressures on repair and staffing costs have meant that DDC has been a net contributor in every year since 2003. Only one of the Agreement properties generates an income, 2 Market Place, which DDC leases to GW Finn for £4,200 and under the Agreement DDC keeps the income. The site of 11a and 13 St Peter Street is maintained by DDC as formal gardens.

Assumptions

Please note that this is a desk top valuation. I have inspected the 3 major properties in the past, but I have not done so recently, so I have assumed that the properties are in a satisfactory condition and there are no major structural issues which would affect my valuation.

Valuation

The Guildhall

This property is effectively let on the remainder of a 99 year lease from 1974 at a peppercorn rent, with STC responsible for all outgoings, which it then recharges DDC a sum equivalent to 9.75% of the costs of repairs, maintenance, lighting heating & other expenses.

I have therefore valued these premises for the initial term at a peppercorn rent, with a reversion to market rent after 2086. I have also reflected the fact that any agreement with STC will be as tenants and that they will benefit from marriage value of the freehold and leasehold interests which I have split evenly between DDC and STC.

On this basis, I value the Guildhall at **£332,500**

Remaining Properties

For the Remaining Properties, all but 2 Market Street, Site of 11a and 13 Peter Street and Causeway Tip have been sold. STC pay an annual sum based on the imputed rent which would have been paid. Last year this sum totalled £1,018.50.

If this income stream is valued in the same way as property rents, this would be worth **£10,000**.

2 Market Street

Whilst the property is let and managed by DDC, the rents are received by DDC. Finns are holding over on their lease which ended in 2016 at a rent of £4,200 per annum. I have therefore assumed a reversion to full rental value of £5,900 after 1 year.

On this basis, I have valued 2 Market Street at **£72,000**.

Site of 11 a and 13 Peter Street

This area of land is 89 sq metres and is used as amenity land for planting.

I value this at **£200**.

Causeway Tip

This land is 2.71 Ha in extent and is the former residential waste tip for Sandwich. As such it will be contaminated. It is outside of any confines, so will not be redeveloped. Restrictive covenants could be imposed to ensure this remains so. I have therefore assumed that this land is effectively valueless.

Valuation **£1**

Rob Reid-Easton
8 January 2018

Subject:	FINANCIAL OUT-TURN 2017/18
Meeting and Date:	Cabinet – 2 July 2018 Governance Committee – 30 July 2018
Report of:	Mike Davis, Director of Finance, Housing and Community
Portfolio Holder:	Councillor Mike Conolly, Portfolio Holder for Corporate Resources and Performance
Decision Type:	Non-Key
Classification:	Unrestricted

Purpose of the report: To provide details of the financial outturn for 2017/18.

Recommendation: That Members receive and note the report.

1. Summary

1.1 This report has been produced in order to provide Members with:

- An explanation of the outturn and the financial standing of the Council;
- Details of changes to the accounts; and
- A condensed version of the information included in the accounts.

1.2 The report should be considered in conjunction with both the Statement of Accounts and the Audit Findings Report (to be included in full on the Governance agenda)¹.

1.3 The accounts are a long and complex document that Members may not find easily accessible. The key points in the financial outturn for the year are:

- The General Fund was broadly balanced for the year, showing a small deficit of £6k. This leaves the year-end General Fund balance at £2.5m;
- HRA balances (including earmarked HRA reserves) have been increased by £2.2m;
- The capital and major revenues projects have stayed within budget, although resources for further projects remain limited;
- The total interest received for the year was approximately £525k, split between General Fund (£507k) and HRA (£18k). This was higher than the original budget of £305k, a favourable variance of £220k in total.
- No new borrowing was undertaken.
- The Council has complied with the Prudential Code and its own Treasury Management guidelines during the year;
- When considering this report and the Statement of Accounts, Members are reminded that the final accounts, budget and Medium Term Financial Plan (MTFP) should not be considered in isolation. Together they form a continuous process of financial management, and so the outturn will feed into budget monitoring and the next MTFP.

2. Purpose of the Accounts

2.1 The accounts are a statutory requirement and have a role in providing information to stakeholders and interested parties on the stewardship and management of public monies.

¹ Please note due to revised timings for the approval of the Statement of Accounts this report is being presented to Cabinet based on the draft, unaudited Statement of Accounts. Some changes may be required to the Governance version of the report following the completion of the audit process.

2.2 However, the accounts are a long and complex document which may not be easily accessible to Members, the public and other stakeholders. Therefore, in order to further promote accountability, this outturn report is also produced.

3. Changes to the Accounts

3.1 The Accounts have been prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2017/18. The Code is based on a hierarchy of approved accounting standards. There have been no changes to the presentation of the accounts for 2017/18.

4. General Fund Revenue Outturn

4.1 The starting point for considering the financial outturn is the 2017/18 Original budget which is shown, together with the 2017/18 Projected Outturn and the 2017/18 Outturn, at Appendix 1.

4.2 In March 2017 the Council approved the 2017/18 budget, forecasting a deficit of £61k. The latest projection of the budget, following various changes in the year, was a deficit of £97k. The outturn, after transfers to earmarked reserves, was a deficit of £6k, which is £91k better than the forecast position.

4.3 The main variances during the year are as follows:

	£000
Original Budget Deficit	61
Homelessness - increased costs of emergency accommodation	745
Staff - recognition of costs to implement 18/19 restructure savings	85
Business Rates Income - reduced S31 grant due to lower Small Business Rates Relief than budgeted	51
Bank Charges - increase in volume of card transactions and charge rates	43
Printing & postage savings	(15)
Universal Credit - additional grant from DWP towards pilot scheme	(19)
Business Rates Income - Enterprise Zone relief income re prior year	(25)
Regulatory services - increased income from licensing, food safety, port health, etc	(46)
Waste Income - increases in sales of bins, special collections & highway income	(49)
Parking Income - increased parking fees and PCNs, less reduced season tickets	(54)
Net excess of vacancy savings achieved after reserve transfer for GDPR regulations	(58)
Investment Income - increase due to use of pooled funds and GF/HRA split	(284)
Internal Recharges - net increase in recharges recovered	(301)
Miscellaneous other variances (net)	(37)
Revised Budget Deficit	97
Transfer to Regeneration Reserve	200
Transfer to ICT Equipment & Server Reserve	200
Refuse collection - additional net contract costs relating to 16/17	89
Transfer to Periodic Operations Reserve	50
Reduced rental income due to reduction in East Kent Housing use of office space	34
Deal Pier - reduced fishing and rental income	32
NNDR - Bus Shelters - reduction as new contractor's liability	(11)
Further printing & postage savings	(13)
Parks - inspection of play areas now provided in-house	(15)
Public Conveniences - lower cleaning and sewerage/waste utility costs	(16)
Electoral Registration - additional grant for Individual Electoral Registration	(21)
Regulatory services - increased income from licensing, port health, etc	(25)
Additional management fees saving from East Kent Services re 2016/17 released	(30)

	£000
Internal Recharge variances - additional net favourable variance	(41)
Street Cleansing - reduced need for traffic management and litter bin provision	(41)
Staff - further excess of vacancy savings achieved	(54)
Grounds maintenance - increased external income	(92)
Council Tax - excess costs recovery after allowing for bad debts	(103)
Homelessness - reduction in net emergency accommodation overspend	(176)
Miscellaneous other variances (net)	(58)
Actual Budget Deficit	6

4.4 The key points to note from the variances are:

- Increased costs:
 - (i) Overall increased cost of homelessness of £569k (initially forecast at £745k in the revised budget but reduced by £176k in the final outturn);
 - (ii) Transfer of £200k to the Regeneration Reserve;
 - (iii) Transfer of £200k to the ICT Equipment and Server Reserve.
- Offset by:
 - (i) Increased investment income £284k;
 - (ii) Increased “income” from internal recharges £301k;
 - (iii) Increased Council tax costs recovery £103k;
 - (iv) Grounds maintenance external income £92k.

5. General Fund Reserves and Balances

5.1 General Fund reserves are “cash backed” reserves and are available for the Council to use. For management and planning purposes they are split into “General Balances” and “Earmarked General Reserves”.

5.2 General Balances are held at a prudent level in order that the Council can cope with unanticipated variations in spend. Earmarked General Reserves are funds set aside for planned purposes. The protocols for the application of these reserves is set out in the MTFP, and their anticipated use is generally included in the revenue or capital budgets.

5.3 As reported above, the 2017/18 Outturn was a deficit of £6k. This was after transfers made to earmarked reserves and the use of those reserves for agreed purposes.

Movement in General Fund Balances	
	£000
Balance at start of the year	(2,533)
Deficit for 2016/17	6
Balance at the end of the year	(2,527)

5.4 The Opening Balance of £2,533k and the year-end balance of £2,527k can be found in Appendix 1 to this report and also within the Statement of Accounts (in the “Movement in Reserves Statement”).

5.5 Note 26 to the Core Financial Statements in the draft Statement of Accounts provides a complete breakdown of the Earmarked Reserves, also shown at Appendix 2 to this report. Contributions to and from the Earmarked Reserves have been managed in order to ensure there are sufficient reserves to meet anticipated commitments. The reserves held are:

- Special Projects & Events Reserve – This reserve is set aside to continue to fund one-off General Fund projects as they arise and to support major events in the district. It is used for both revenue and capital projects.

- Periodic Operations Reserve - This reserve is to cover costs of cyclical / periodic events such as elections, “carry forward requests” and to hold grants or other income streams for specific purposes, such as the Homelessness grant and On-Street parking surpluses.
- Urgent Works Reserve - This reserve is set aside to fund urgent works on corporate assets and for other urgent business requirements, for example for future restructures to meet likely on-going grant reductions. The need for this reserve is greater than ever due to the ageing nature of our assets and the reduced levels of investment in them as reflected in the reduced revenue budget.
- Dover Regeneration Reserve - In order to support the Local Development Framework process and associated regeneration projects a Dover Regeneration Reserve has been established.
- ICT Equipment & Servers Reserve – The current ICT Equipment & Servers reserve is held in order to support the requirements of the current and future ICT Strategies.
- Business Rates & Council Tax Support Reserve – This reserve has been established to allow for the risk of unforeseen pressures from the Redistribution of Business Rates and the new Council Tax Support scheme and future changes for Universal Credit. As there are still many uncertainties around these areas, such as the unknown collection rates achievable and the level of business rates appeals, etc., this reserve has been retained and will be reviewed on an annual basis.
- District Regeneration & Economic Development Reserve - This reserve is to be applied to support the Council’s regeneration plans. An element of the reserve has been allocated to fund new Leisure Centre provision and improvements to Dover Town Hall.

5.6 In considering the earmarked reserves and general balances, Members are reminded that there is an “opportunity cost” of maintaining these reserves and balances when the resources could be applied to meet service or capital investment requirements. At the same time, maintaining cash backed reserves generates additional income from interest on cash balances, which is used as an additional income stream. However, the key judgement is to ensure that the reserves are set at levels that facilitate the prudent financial management of the authority, provide sufficient resources to meet anticipated future demands, and to provide for a margin for unanticipated variation.

5.7 It is the view of the Director of Finance, Housing and Community (Section 151 officer) that the estimated General Fund balances and reserves are adequate for the Council's current spending plans. However, these remain under regular review due to the ongoing changes to Local Government finance and the uncertain economic climate.

6. **Housing Revenue Account Outturn**

6.1 In 2017/18 the HRA outturn was a deficit of £35k compared to the original budget forecast of a surplus of £38k, an adverse variance of £73k. The main reasons for the variance are as follows:

- Increased transfer to the Housing Initiatives Reserve – £1.1m
- Reduced spend on the capital works programme due to re-phasing of works - (£1.03m)
- Reduction expenditure in revenue maintenance budgets (£688k)
- Loss of income following the approved appropriation of HRA garages to the General Fund - £495k
- Higher rent income than forecast due to reduced void levels and periods than forecast – (£372k)

- 6.2 The HRA working balance was maintained at £1m.
- 6.3 In 2017/18 £1.4m was spent from the Housing Initiatives reserve to fund approved projects including the refurbishment of Folkestone Rd properties, the buy-back of ex-stock properties to be used for interim housing and design and associated works for the refurbishment of Norman Tailyour House and further interim housing schemes. £3.6m was transferred to the reserve in the year. The balance at the end of 2017/18 on the reserve was £14.5m to be used to continue to provide funding for investment in future housing initiatives in the district.

7. Collection Fund Outturn

- 7.1 This account reflects the statutory requirement for billing authorities to maintain a separate Collection Fund, which shows the transactions of the billing authority in relation to Non-Domestic Rates (NDR) and Council Tax, and illustrates the way in which these have been distributed to precepting authorities and the General Fund. These are explained in more detail in the Collection Fund section of the Statement of Accounts. The surpluses and deficits on the collection account are shared between the major preceptors (KCC, Police, Fire and DDC) pro rata and so are not borne totally by DDC and do not have a direct or immediate impact on DDC's finances.
- 7.2 The Collection Fund shows a total surplus of £65k at 31 March 2018. This is split between Council Tax (a surplus of £1,998k) and NDR (a deficit of £1,933k). Any surplus balance on the fund is distributed to the precepting authorities (Dover District Council, Kent County Council, Kent and Medway Fire Authority and Kent Police Authority (Council Tax only)) in proportion to their respective precept amounts. However surpluses are on an accruals basis and are not fully cash backed and calculations for distribution of the surplus form part of the following year's budget process. Separately, deficits have to be contributed back to the fund by preceptors.
- 7.3 The Council Tax surplus of £2.0m will be distributed to preceptors during future years, of which £0.97m will be distributed in 2018/19 based on the amount estimated in January 2018, as required under legislation (DDC's share £141k or 14.5%). The remaining undistributed amount of £1.03m, which was not represented fully by available cash at that time, will form part of the surplus estimate to be calculated in January 2019 for distribution in 2019/20 and subsequent years.
- 7.4 The calculation and forecasting of NDR income, and the accounting treatment for it, have to reflect the legislative and other government requirements, and these have made it unduly complex. Additionally there was a revaluation of the rateable values of business premises at 1st April 2017 (The '2017 revaluation'). The following notes and Table provide a simplified summary.

<u>Business Rates Collection Fund</u>	Budget per NNDR1 2017/18	Major Rate Payer 2017 RV Change	Other Changes	Actual Outturn 2017/18
	£000	£000	£000	£000
Estimated / Final Rateable Value	111,362	(7,000)	629	104,991
Gross Rates Yield	(51,895)	3,262	(9)	(48,642)
Enterprise Zone Relief given	2,654	0	243	2,897
Transitional Protection Relief given	4,615	(3,262)	(51)	1,302
Small Business Rates Relief given	4,237	0	(544)	3,693
Small Business Rates Supplement	(1,076)	91	1	(984)
Other Reliefs	3,995	0	119	4,114
Net Rates billed to NDR Payers	(37,470)	91	(241)	(37,620)
Enterprise Zone Relief from Govt.	(1,327)	0	(121)	(1,448)
Transitional Protection from Govt.	(4,615)	3,262	51	(1,302)

Total Income	(43,412)	3,353	(311)	(40,370)
Precepts Payable	38,272	0	0	38,272
Prior year est. deficit contributed	(1,820)	0	0	(1,820)
Total Precepts & Shares	36,452	0	0	36,452
Enterprise Zone Relief Payable	1,327	0	121	1,448
Other Payments & Provisions	3,813	(882)	174	3,105
Total Other Payments & Provisions	5,140	(882)	295	4,553
Total Expenditure	41,592	(882)	295	41,005
(Surplus)/Deficit for the year	(1,820)	2,471	(16)	635
Balance Brought Forward at 1st April	1,820	0	(522)	1,298
Balance Carried Forward 31st March	0	2,471	(538)	1,933

- 7.5 The NDR deficit has mainly arisen due to the change in the rateable value (RV) of the Council's largest NDR payer between the date of setting the budget for 2017/18, based on the draft '2017 valuation list' supplied by the Valuation Office Agency (VOA) on 29th September 2016, and the date that the 2017 revaluation took effect (1st April 2017). The change was notified by VOA on 22nd March 2017 when the RV for this NDR payer was reduced from £35m to £28m, a decrease of £7m, which resulted in a reduction in income to the Collection Fund of £3.35m after taking into account transitional relief arrangements. We had allowed for some reduction within our projection of appeals for 2017/18 when setting the budget, but were only able to release £0.88m to offset this, due to the ongoing risk of further reductions from future appeals, leaving a net impact of £2.47m (adverse) as shown in the table above.
- 7.6 Separately, the preceptors contributed £1.82m to the Collection Fund in 2017/18 to cover the projected deficit at 31st March 2017. However, the actual (opening) deficit was only £1.3m (rounded), which meant an over-contribution of £0.52m was made in 2017/18 (favourable).
- 7.7 There are numerous other variations during the year as shown in the 'Other Changes' column on the above table, but these net down to £0.02m (rounded) or just £16k (favourable).
- 7.8 The impact of the reduced RV for the largest NDR Payer (£2.47m adverse), less the over-contribution towards the prior year's deficit (£0.52m favourable), less the other ups and downs (£0.02m favourable) gives the NDR Collection Fund closing balance of £1.93m (net deficit).
- 7.9 The NDR Deficit of £1.93m at 31/03/2018 will need to be contributed back to the Collection Fund by the preceptors. However, a lower figure of £1.51m will be contributed in 2018/19 based on the amount estimated in January 2018, as required under legislation (DDC's share £605k). The remaining underlying deficit arising from the 'contribution shortfall' of £0.42m will form part of the surplus estimate to be calculated in January 2019 for distribution in 2019/20 and subsequent years (or a deficit, if applicable on re-calculation, for contribution in 2019/20).
- 7.10 The Council has also had to consider the appeals provision required relating to the 2017/18 NDR liability following the '2017 revaluation' of properties (£2.2m provided at 31st March 2018), although a further small increase has also been made for prior years' appeals under the 2010 valuation (£0.6m), reflecting the expected greater complexity of those appeals remaining unresolved by the VOA at 31st March 2018. The total appeals provision stands at £4.98m at 31st March 2018, but the Council brings only its 40% share into its own balance sheet.
- 7.11 Few appeals have actually been lodged so far against the 2017 valuation, but this does not mean that they will not be lodged later if activity from ratings agents (who pursue appeals on behalf of businesses for a fee) increases. The provision for appeals against the 2017 valuation is based on an estimate of 2.1p per £1 of Rateable Value (approximately 4.5% of gross rates liability for Dover's businesses), which is in accordance with the calculations proposed by other Kent Authorities. This

is a national rate that Central Government used when re-calculating tariffs payable by local authorities under the 2017 revaluation. It represents the average annual decrease in RV expected across the period of the 2017 valuation.

- 7.12 While major growth projects are ongoing, the exact timing of fresh NDR income streams cannot be exactly determined, and project timing and related business rates increases are reviewed and updated during the year. However, it should be noted that there is a considerable further impact on 'in-year' NDR income when significant appeals are won that continue to erode overall income, so that growth is needed to offset the attrition, before any additional surplus (i.e. "net growth") can be achieved. The Council has set aside monies in an earmarked Business Rates & Council Tax Reserve to deal with the impact of such pressures as well as the timing differences arising from statutory arrangements for the recognition of income and deficits, and the impact of the 2017 Revaluation. There is £1.8m in this reserve at 31/03/2018 (Appendix 2).
- 7.13 From 2018/19 Dover has joined the Kent pilot scheme with all other Kent Authorities, under which all NDR growth is retained locally without payment of a levy. This will increase the retained NDR. The additional sum retained is subject to complex sharing arrangements, but all authorities are expected to gain.
- 7.14 Dover's own accounts include only its share of the NDR appeals provision, NDR Collection Fund deficit, Council Tax Collection Fund surplus and related balances.

8. Capital Programme Outturn

- 8.1 The Council invested £35m in major projects in 2017/18, the most significant of which were:

- £5.24m on Housing Revenue Account projects including
 - £3.17m on Housing Stock projects;
 - £1.18m on the purchase of property for social housing;
 - £534k on the refurbishment of Folkestone Rd properties for social housing;
 - £158k on the Norman Tailyour sheltered upgrade; and
 - £114k on the refurbishment of St Radigunds play area;
- £21.75m on the acquisition of properties as part of the Property Investment Strategy including
 - £17.25m on the purchase of B&Q, Whitfield, inclusive of Stamp Duty, etc.
 - £4.5m on the purchase of Whitfield Court, inclusive of Stamp Duty, etc.
- £6.6m on the construction of the new Dover District Leisure Centre;
- £665k on disabled facility grants;
- £112k on grants and loans for private sector housing;
- £113k on coast protection works in Deal;
- The remainder has been spent on a number of smaller projects.

- 8.2 The main sources of capital financing applied in the year were:

- £27.645m internal borrowing²;
- £1.575m in grants from external bodies including KCC Better Care Fund, Sport England, and the Environment Agency;
- £2.5m from the Major Repairs Reserve;
- £1.5m from earmarked reserves;
- £776k from the Housing Revenue Account (revenue financing);
- £878k from capital receipts, including Private Sector Housing loan receipts and excess right to buy receipts.

- 8.3 Right-to-buy sales also continued at high levels, in 2017/18 36 sales were completed.

² Internal borrowing is the use of cash balances to avoid the immediate requirement to borrow, thus postponing borrowing costs.

8.4 Overall, the capital programme is within budget.

9. **Special Projects Outturn**

9.1 The Special Projects reserve is mainly used to finance major one-off revenue projects, because, as revenue projects, they cannot be financed from the various capital financing sources listed in the section above. It is also used to provide a source of additional financing for a small number of capital projects.

9.2 The expenditure on Special Projects in the year was £1,134k. The major projects were:

- £466k on the Commonwealth War Memorial project;
- £204k on ICT equipment, systems and server projects;
- £90k on street lighting repairs & replacements; and
- £87k on the North Deal land study.

9.3 The Special Projects programme is dynamic, and is adjusted as new projects are approved. These changes are reported to Members during the year, however, “in year” variations in spend against approved budget for individual projects are mainly due to timing changes. There are no material variations to individual projects’ total budget, and the whole programme is fully financed.

9.4 The main sources of financing for the programme in the year were as follows:

- £215k – Special Project Reserve;
- £203k – ICT Reserve;
- £98k – other reserves;
- £466k – HM Treasury grant;
- £81k – external contributions;
- £71k – Housing Revenue Account.

10. **Treasury Management**

10.1 The Council retains the services of treasury management advisers who provide market intelligence, economic forecasts, advice and opportunities for debt re-scheduling and borrowing, details of fund managers’ performance, and an ad-hoc enquiries service. During the year, this function was provided by Arlingclose Ltd.

10.2 At 31st March 2018 the Council had investment balances and day-to-day cash balances managed in-house of approximately £45m. In addition, the Council held £1.9m of UK Gilts.

10.3 The Council’s in-house investments outperformed their benchmark (LIBID) and achieved an average return of 0.84% for the year.

10.4 The total interest received for the year was approximately £525k. This was higher than the original budget of £305k, which is a favourable variance of £220k. This is due to a change in treasury management strategy whereby the Council invested £26m into pooled investment funds which generate a higher rate of interest than call accounts and fixed term deposits. These investments are classed as long term as it is anticipated they will be held for a minimum of five years. In addition, the General Fund also gained from a re-calculation of the split in investment income between the GF and the HRA, leading to a net gain of £284k for the GF.

10.5 The Council had just over £82.5m of borrowing from the Public Works Loan Board (PWLB) at 31st March 2018, the bulk of which the Council was required to borrow by Government and pay over to them as part of the HRA “self-financing” initiative. The Council also had a £3m LOBO (Lender’s Option, Borrower’s Option) with KA Finanz AG.

10.6 The Council has remained within its Treasury Management guidelines, and has complied with the Prudential Code during the year.

11. Assets and Liabilities

11.1 At the year end the balance sheet is drawn up. This shows the value of Dover District Council's land and buildings and assets and liabilities. The full balance sheet is provided in the Statement of Accounts together with comprehensive explanatory notes. A summary balance sheet has been produced (see below).

As at 31 March	2017	2018
	£000	£000
Value of land, property and other assets	291,762	328,207
Investments held and cash at bank	66,347	46,452
Money owed to DDC for goods and services	6,626	10,954
Loans owed to DDC (short and long term)	2,074	2,101
Money owed by DDC for goods and services	(11,493)	(22,155)
Loans owed by DDC (short and long term)	(91,913)	(85,738)
Grants for assets received but not yet used	(378)	(727)
Share of pension scheme liabilities owed by DDC	(85,823)	(81,053)
Total Assets less Total Liabilities	177,202	198,041
Financed by:		
Usable reserves ¹	60,833	66,899
Unusable reserves ²	116,369	131,145
Net Worth of Council	177,202	198,041

¹ Usable reserves are made up of:

General Fund Balance	2,533	2,527
Housing Revenue Account Balance	1,047	1,012
General Fund Earmarked Reserves (Appendix 2)	24,274	25,903
Housing Initiatives Reserve (HRA)	12,499	14,695
Usable Capital Receipts Reserve (Appendix 3)	17,312	19,258
Capital Grants	3,168	3,504
	60,833	66,899

The main reasons for the increase in usable reserves are:

- £1.7m increase in GF earmarked reserves, from £24.2m to £25.9m, as detailed in appendix 2;
- £2.2m increase in the Housing Initiatives Reserve as detailed in paragraph 6.3;
- £1.9m increase in usable capital receipts as detailed at appendix 3.

² Unusable reserves mainly comprise revaluations of assets from their original purchase value and the Pensions Reserve.

11.2 The main points to note against the prior year comparative are:

- Value of land, property and other assets
The main changes in the values are due to:
 - Disposals – council house and other sales.
 - Revaluations - council dwellings are revalued each year and other land and property are revalued on a five-year rolling programme, except that assets valued at £1m or more are now re-valued on an annual basis to ensure that assets are carried at fair value and that there are no material differences to the balance sheet.
 - Impairments – these are caused by either a general fall in property prices or specific revaluations due to clear consumption of economic benefits (e.g. through physical damage or deterioration). There were no significant impairments in the year.

- Investments held and cash at bank
 - The decrease in investments and cash at bank reflects a net decrease in cash, mainly due property purchases made as part of the property investment strategy and increased capital expenditure.

- Money Owed to DDC for Goods and Services
 - The net increase in debtors incorporates:
 - An increase in payments in advance due to early precept payments to the parish councils (£2,300k);
 - An increase in rent arrears due to Universal Credit (£340k);
 - An increase in other sundry General Fund debtors (£1,000k);
 - An increase in the Central Government debts (General Fund) which includes:
 - An increase in the Business Rates Tariff Adjustment (£1,137k);
 - Offset by a reduction in monies owed by DWP relating to the Housing Benefit subsidy (£375k);
 - Numerous other smaller variations.
 - See Note 27 of the Statement of Accounts for an analysis of this total.

- Money owed by DDC for Goods and Services
 - The net increase in creditors is due to changes in both DDC and Collection Fund creditors including:
 - £2.2m increase in the amount owed to DWP for Housing Benefit subsidy;
 - £528k increase in Local Authority creditors (including £225k increase in amounts owed to East Kent Services, and £161k for Council Tax Support);
 - £1,140k increase in sundry General Fund creditors (mainly goods and services received but not invoiced at year end)
 - £199k increase in HRA sundry creditors,
 - £900k increase in sundry capital creditors,
 - £176k increase in amounts owed to Sainsbury's for car parking income collected on their behalf;
 - £149k increase in retentions on building projects.
 - Additionally, there are Collection Fund increases due to:
 - An NDR transitional payment protection reduction following a significant decrease in rateable value of a major site after the submission of the NNDR1 form (£3.3m); and
 - An increase in the Collection Fund cash owed to Government (£1.1m).
 - See Note 29 of the Statement of Accounts for an analysis of this total.

- Loans owed by DDC (short and long term)
 - The net decrease relates to the principal repaid on the PWLB loan for "HRA self-financing" (£2,154k) and the repayment of a temporary loan (£4m) that was taken out in 16/17.

- Pension Scheme Liabilities
 - The Pension Scheme has been assessed by Barnett Waddingham, an independent firm of actuaries, on behalf of Kent County Council based upon the full valuation of the scheme as at 31 March 2016. The Council's annual contribution to the scheme is in line with the levels recommended by the actuaries.
 - The net liability at 31 March 2018 was £81.1m (£85.8m at 31 March 2017).
 - The liability is a snapshot of the position if the scheme had been closed at 31st March 2018 with no further contributions. In practice this is not a realistic scenario.

- The liability is also volatile and reflects the net effect of a range of factors, including valuation of the scheme's assets and yields on gilts as they occur on the day of valuation. An increase in interest rates will reduce the liability.
- The scheme remains solvent and viable.
- **Usable Reserves**
 - The main reason for the increase in usable reserves in 2017/18 relates to the increase in HRA and General Fund Earmarked Reserves (£3.8m), and an increase in Capital Receipts & Grants held in reserve (£2.3m).
 - The main increases are due to the net transfer from the HRA to the Housing Initiatives Reserve (£2.2m) and a net contribution to the Periodic Operations Reserve (£1.8m). The latter includes the transfer of monies received for Community Housing, and a contribution made for future borrowing in relation to Property Investment Strategy purchases during 2017/18. Additionally, capital receipts have increased, mainly due to the sale of 36 council houses and flats under the "Right to Buy" scheme.
 - See Appendix 2 for further details of General Fund Earmarked Reserves.

12. **Production of the Accounts**

- 12.1 Governance Committee requires assurance that the accounts are robust and that they can place reliance upon them. The accounts will be subject to audit by Grant Thornton and their findings will be set out in the Audit Findings Report to be included on the Governance agenda. In addition, a summary of the controls operated by the Director of Finance, Housing and Community is provided at Appendix 4.

13. **The Future**

- 13.1 The Council, in common with others, will need to continue to make progress on, or give consideration to, the on-going impacts of :
- The economic climate and the impact of the EU Referendum outcome;
 - Development and regeneration of the local economy;
 - The ongoing impact of the Government's budget deficit reduction programme on the Council's finances;
 - Welfare Reform and cessation of the administration of housing benefits for working age claimants over a transitional period in the lead up to the introduction of Universal Credit;
 - The sustainability of the New Homes Bonus scheme and what will follow;
 - The Fair Funding Review and the result of any changes implemented from 2020/21;
 - The ongoing impact of the localisation of council tax support;
 - The ongoing impact of the Business Rates Retention scheme and the possible continuation of the 2018/19 pilot scheme into 2019/20, followed by the likely implementation of a 75% retention scheme from 2020/21;
 - Further explore and develop partnership arrangements with others in order to achieve cost efficiencies.
 - The "reset" of business rates baselines for 2020/21 and any resulting gains or losses, with the likely exclusion of some element of growth from retention.

14. **Corporate Implications**

- 14.1 Comment from the Section 151 Officer: Finance have no further comments to make. (SG)
- 14.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.

14.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

15. **Appendices**

Appendix 1 – General Fund Budget Summary

Appendix 2 – General Fund Earmarked Reserves Summary

Appendix 3 – Useable Capital Receipts Summary

Appendix 4 - Summary of the Main Controls Applied in Production of the Accounts

16. **Background Papers**

Statement of Accounts 2017/18 – Governance agenda 30th July 2018

Contact Officer: Helen Lamb, extension 2063

General Fund Summary – 2017/18 Outturn

<u>2016/17</u> <u>Actual</u> £000		<u>2017/18</u> <u>Original</u> <u>Budget</u> £000	<u>2017/18</u> <u>Revised</u> <u>Budget</u> £000	<u>2017/18</u> <u>Actual</u> £000
	<u>Directorate</u>			
1,000	Chief Executive	1,785	1,850	1,411
2,236	Governance	2,714	2,583	2,479
7,361	Finance, Housing & Community	7,501	8,250	7,495
4,832	Environment & Corporate Assets	4,834	4,079	3,434
186	Non-distributed costs	(48)	186	172
630	Special Revenue Projects	1,011	1,516	516
16,245	Directorate Service Costs	17,797	18,464	15,507
68	River Stour Drainage Board	70	70	70
67	Council Tax Support Funding to Towns & Parishes	39	39	39
(1,227)	Recharge Income from HRA & Capital Projects	(1,543)	(1,731)	(1,424)
113	Accrued Annual Leave Adjustment	0	0	0
	Contribution to/(from) Reserves:			
48	- Special Projects & Events Reserve	(991)	(1,496)	(195)
162	- Periodic Operations Reserve	117	175	1,054
(539)	- Urgent Works Reserve	0	0	24
466	- Dover Regeneration Reserve	(115)	(231)	(51)
(142)	- IT Equipment Reserve	58	58	54
614	- Revenue Grants in Advance Reserve	0	(60)	413
(924)	- Business Rates & Council Tax Reserve	(728)	398	466
14,951	Net Service Expenditure	14,704	15,686	15,957
	Financing Adjustments			
(263)	Interest Receivable	(229)	(516)	(507)
237	Interest Payable	238	238	236
9	Loan Principal Repayments	9	457	9
(1,099)	Revenue Expenditure Funded by Capital Under Statute	(859)	(859)	(665)
654	Direct Revenue Financing of Capital (excluding direct expenditure)	0	0	0
14,489	Total Budget Requirement	13,863	15,006	15,030
	Financed by:			
2,794	Non-Domestic Rates	2,852	3,911	4,013
1,081	Business Rates - Enterprise Zone Relief Retained	1,129	1,170	1,153
12	Business Rates - Renewable Energy Retained	84	84	84
1,758	Revenue Support Grant	1,027	1,027	1,027
6,251	Council Tax	6,600	6,600	6,600
145	Council Tax - Collection Fund Surplus	236	236	236
1,907	New Homes Bonus	1,874	1,874	1,874
529	New Burdens & Other Grants	0	7	37
14,477	Total Financing	13,802	14,909	15,024
12	General Fund Deficit/(Surplus) for the Year	61	97	6
(2,995)	General Fund Balance at Start of Year	(2,689)	(2,533)	(2,533)
450	Transfer to Earmarked Reserves	0	0	0
(2,533)	Leaving Year End Balances of	(2,628)	(2,436)	(2,527)

Earmarked General Reserves (2017/18 Year End Position)

	Balance	Contrib- ution	Application	Balance	Contrib- ution	Application	Balance
	2016/17	2017/18	2017/18	2017/18	2018/19	2018/19	2018/19
	£000	£000	£000	£000	£000	£000	£000
General Fund Balance	(2,533)	0	6	(2,527)	(99)	0	(2,609)
Special Projects & Events Reserve	(2,966)	(20)	724	(2,262)	(670)	1,657	(1,275)
Periodic Operations Reserve	(3,530)	(2,416)	572	(5,373)	(415)	3,210	(2,579)
Urgent Works Reserve	(1,126)	(24)	70	(1,080)	0	0	(1,080)
Dover Regeneration Reserve	(2,041)	(538)	458	(2,121)	(125)	551	(1,695)
ICT Equipment & Servers	(724)	(258)	226	(756)	(115)	671	(200)
Business Rates & Council Tax Support	(1,338)	(1,381)	915	(1,804)	0	605	(1,198)
District Regen & Economic Dev Reserve	(12,548)	0	42	(12,507)	0	7,558	(4,948)
Earmarked Reserves Total	(24,274)	(4,636)	3,007	(25,903)	(1,325)	14,253	(12,976)
Total Revenue Reserves	(26,807)	(4,636)	3,013	(28,430)	(1,424)	14,253	(15,585)

Useable Capital Receipts (2017/18 Year End Position)

	2017/18 Opening Balance £000	Receipts in year £000	Allocated to Projects £000	2017/18 Closing Balance £000	Anticipated future income £000	MTCP Project Funding £000	Available funding £000
Ring-fenced for 1:4:1 Affordable Housing	(3,475)	(1,665)	533	(4,606)	(2,000)	5,960	(646)
Ring-fenced for Private Sector Housing	(559)	(241)	112	(688)	0	576	(112)
Ring-fenced for Dover Regeneration	(250)	0	0	(250)	0	250	0
Ring-fenced for Aylesham contractual commitments	(839)	0	63	(777)	0	0	(777)
Ring-fenced for DFGs	0	(39)	0	(39)	0	39	0
Unring-fenced capital receipts	(12,189)	(879)	170	(12,898)	(1,557)	11,552	(2,903)
Total	(17,312)	(2,824)	878	(19,258)	(3,557)	18,377	(4,438)

Summary of the Main Controls Applied in Production of the Accounts

Production of the accounts in accordance with the Code of Practice on Local Authority Accounting requires a large number of tasks to be undertaken, and controls to be applied.

These include:

- Preparation of a closedown plan, communication with budget managers as appropriate and monitoring progress.
- Staff preparing the accounts have attended seminars / briefings with CIPFA and with the auditors.
- Staff preparing the accounts have access to the Code Practitioners Guidance Notes.
- The Council's financial feeder systems have been reconciled to the General Ledger.
- The General Ledger has been balanced.
- The value of fixed assets in the accounts has been reconciled to the asset register.
- The cash balance in the General Ledger has been reconciled to the Council's bank accounts.
- All significant variances have been explained in the Outturn Report.
- Service expenditure in the Outturn report has been reconciled to the Income and Expenditure Account.
- The entries on the Collection Fund have been reconciled to the Council Tax set by the Council and the other precepting authorities.
- The cash movement on the balance sheet is reconciled.
- The balances on reserves reported in the Movement in Reserves Statement has been reconciled to the balance sheet.
- An analytical review has been undertaken and major variances have been explained.



Mike Davis
Director of Finance

Subject:	SHORT-TERM PROPOSAL FOR THE FORMER CO-OP BUILDING, CASTLE STREET, DOVER
Meeting and Date:	Cabinet - 2 July 2018
Report of:	Mike Davis, Director of Finance, Housing and Community Roger Walton, Director of Environment and Corporate Assets
Portfolio Holder:	Councillor Michael Conolly - Portfolio Holder for Corporate Resources and Performance Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Executive Non-Key Decision
Classification:	Unrestricted

Purpose of the report: To bring into temporary use the former Co-op building as a Mean-While space to provide an area to enable entrepreneurs and new businesses to market test their products/services.

Recommendation: That Cabinet:

1. Approves the short term use of the former Co-op building to enable the premises to be used as a Mean-While space for the benefit of the community and business start-ups, while options for the long term future of the site are developed.
2. Delegates authority to the Director of Environment & Corporate Assets, in consultation with the Leader of the Council, to take all necessary steps to progress and implement the project
3. Approves use of the Periodic Operations Reserve to meet DDC's costs to support delivery of this project.

1. Summary

1.1 Following the purchase of the former Co-op building in Castle Street, Dover options for its interim use have been reviewed and explored.

1.2 It is proposed that the building is leased to Red Zebra who are a registered charity. They will partner with Dover Big Local to provide a 'Mean-While space'. The 'Mean-While space' will:

- Provide an innovative service that will support community activities run by a public/voluntary sector partnership
- Provide a safe trading area to enable entrepreneurs and new businesses to market test their products and services.
- Enhance our strategic support for the High Street and Regeneration of the area.

2. Introduction and Background

- 2.1 In November 2016 the Council approved the Property Investment Strategy, providing authority to borrow to support a capital budget of up to £200m for the acquisition of commercial and residential assets for the economic regeneration and well-being of the district and for investment purposes. As part of this strategy an opportunity arose to purchase the Co-op site in Castle Street, Dover to add to the Council's property investment portfolio.
- 2.2 DDC purchased the freehold of the site on 27 April 2018 for £625k. The site comprises two single storey buildings totalling 2,495 square metres.
- The larger unit (former Co-op store) is vacant
 - The smaller unit is leased to Action Carpets Ltd.
- 2.3 The site was purchased for a number of reasons, including:
- (a) **Regeneration** – Regeneration is one of the Council's primary objectives. The site is located close to the existing town centre and the Council want to ensure the long term stability of the area. Additionally, the purchase of this site will send an important message of the Council's confidence in this area of the town and will provide control over the use of this important site as the regeneration of the area progresses
 - (b) **Development potential** – The site is in a prime location and has the potential to be redeveloped for either residential or a mix of retail/commercial and residential in the future once the impact of the St James development is better understood. It is a significant asset for the Council's long term regeneration portfolio
 - (c) **Protection from neglect** – Since the closure of the Co-op store the property has been empty and boarded up but is situated at a key route through to the High Street and to the St James development. It is on the main walking route from the bus stops in Pencester Road and situated next door to Stembrook, our busiest town centre car park. It is therefore important that the site is well maintained and protected from neglect or misuse and this is more easily done now the property is under the Council's ownership.
- 2.4 Since the purchase of the site options for its interim use have been considered and assessed. These included the option for the conversion of the site into a car park, as per the original business case approval. Any proposal to redevelop the site will take a significant period of time, due to the need for options appraisals, architect design, planning applications etc. It is therefore recommended that the site is used as detailed in this report as an interim option to support the growth and sustainability of the town centre.

3. Identification of Options

- 3.1 Option 1 – To use the premises as a Mean-While space by leasing the empty unit to Red Zebra, who will partner with Dover Big Local, to provide support for the local community and increase the potential for enterprise opportunities in Dover Town Centre. This would be for an initial period of 12 months. It is proposed to continue to lease the occupied unit to Action Carpets.
- (a) Red Zebra is a registered charity set up to improve opportunities and services for the community.
 - (b) Dover Big Local work in partnership with Red Zebra and are the dedicated community delivery arm for Dover. They are committed to delivering

community based local projects which include employment workshops, pop-up business schools and social enterprises. They have been awarded £1m Lottery funding to spend on central Dover and run a community hub providing support, training and networking opportunities

- 3.2 Option 2 - Leave the vacant unit empty while the future plans for the site are being developed. Given the number of surveys and the work that needs to go into preparing a comprehensive planning application for the important site and planning permission being granted, this could take approximately 12 -14 months.

4. **Evaluation of Options**

- 4.1 Option 1 is recommended for the following reasons:

A 'Mean-While space' would be unique to this area. It would provide an innovative growth project for the local economy by supporting entrepreneurs and new businesses to safely market test their products/services. This would then support the growth and sustainability of the town centre by business growth through-put in to Dover.

The services provided could include:

- (i) A community space;
- (ii) A flexible, co-working space;
- (iii) A space for workshops and enterprise units (exploration of start-up businesses for the growth of Dover town centre);
- (iv) An exhibition area;
- (v) Supporting Enterprise Saturday in October.

Proposed arrangements (to be negotiated):

- (i) DDC would lease the unit to Red Zebra for a peppercorn rent;
- (ii) The lease agreement will cover internal areas of the Co-op building;
- (iii) DDC to continue to be responsible for all structural maintenance and repairs;
- (iv) Red Zebra to be responsible for all internal repairs, site branding & non-structural external decoration, repairs & maintenance;
- (v) Red Zebra to be responsible for all utility bills & public liability insurances;
- (vi) Options regarding business rates and charitable relief will be explored to support the project going forward;
- (vii) As the project is at a formative stage and still requires negotiation with Red Zebra, with heads of terms for the lease arrangement to be agreed, it is proposed that authority be delegated to the Director of Environment & Corporate Assets, in consultation with the Leader of the Council to take all necessary steps to progress and implement the project.
- (viii) It is also necessary to consider the existing and proposed planning use. A change of use application needs to be submitted and permission for advert consent.

- 4.2 Option 2 is not recommended as leaving the vacant unit empty, will be missing an opportunity to provide a valuable community resource/service at minimal cost to the Council.

5. **Resource Implications**

- 5.1 If the vacant unit is left empty the Council will be liable for the business rates at £79k per annum. It will also remain liable for essential care and repair of the building and management of any potential issues associated with an empty building such as graffiti / vandalism.
- 5.2 Under the proposal Red Zebra, will be able to apply for 80% business rates reduction and the Council may be able to award a further 20% discretionary relief. Alternatively the property may be able to be split into individual hereditaments and the individual organisations can apply for small business rates relief. These options will be explored as part of the detailed arrangements to minimise the costs to Red Zebra and DDC.
- 5.3 DDC need to carry out essential repairs and due diligence testing estimated at £12k to prepare the building for use. The results of the surveys will also be assessed and further essential works carried out if necessary.
- 5.4 The rental income from Action Carpets will continue to be received.
- 5.5 DDC will also be required to arrange appropriate insurance to cover the building and the proposed use.
- 5.6 It is recommended that the costs incurred to implement this proposal are funded from the Periodic Operations Reserve.

6. **Corporate Implications**

- 6.1 Comment from the Section 151 Officer: The S151 Officer has been consulted during the preparation of this report and has no further comment to make (MD).
- 6.2 Comment from the Solicitor to the Council: The Head of Legal Services has been consulted during the preparation of this report and has no further comment to make.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>

7. **Appendices**

- 7.1 Appendix 1 – Internal photos of the empty unit

8. **Background Papers**

- 8.1 Property Investment Strategy – Council 30 November 2016

Contact Officer: Helen Lamb. Head of Finance ext. 42063

I:\Property Investment Strategy\Commercial Acquisitions\Co-op Castle Street\Mean-While Space\Cabinet Report short term future Co-op Dover - Final v2.docx







Subject:	RELEASE OF SKY LANTERNS AND HELIUM BALLOONS ON COUNCIL LAND
Meeting and Date:	Cabinet – 2 July 2018
Report of:	Roger Walton, Director of Environment and Corporate Assets
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Non-Key Decision
Classification:	Unrestricted

Purpose of the report:	To amend the conditions of hire and event guidance for the use of Council land to prohibit the release of helium balloons and sky lanterns from Council-owned land and buildings with immediate effect.
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Recommendation:	To agree to amend the conditions of hire and event guidance for the use of Council land to prohibit the release of helium balloons and sky lanterns from Council-owned land and buildings.
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1. Summary

- 1.1 In recent years outdoor balloon and sky lantern releases have become a more common event at summer fairs, fundraising events, opening of new stores, or part of commemorative and celebratory occasions. However what the potentially harmful consequences for wildlife and property that can occur as a result of this form of celebration have not always been recognised.
- 1.2 A number of national representative groups, including the Chief Fire Officers Association, National Farmers Union, Marine Conservation Society and the RSPCA, are now urging groups and individuals wishing to raise funds or commemorate, to use alternatives to sky lanterns and are asking event planners and retailers to use alternatives as well. In addition to sky lanterns, the Marine Conservation Society, RSPCA, RSPB, Keep Britain Tidy and the National Farmers Union have for many years called for bans on mass balloon releases for similar reasons.
- 1.3 There is no current UK legislation available to control this issue and it is therefore up to each individual local authority to consider the issue for itself.
- 1.4 This report seeks Cabinet agreement to amend the conditions of hire and event guidance for the use of Council land to prohibit the release of helium balloons and sky lanterns from Council owned land and buildings.

2. Introduction and Background

- 2.1 The mass intentional release of helium filled latex balloons or similar and sky lanterns have increased nationally in recent years. However, research has shown that they present a risk of harm to wildlife and create an avoidable risk of fire and damage.

See: https://www.mcsuk.org/downloads/pollution/beachwatch/MCS_balloons_and_chinese_lanterns_policy.pdf.

- 2.2 Sky lanterns (also referred to as Chinese lanterns) are floating paper lanterns and are like miniature hot air balloons. They are often used at celebratory events where many are released into the sky at the same time. They consist of a candle or fuel cell filled with paraffin wax suspended inside a frame of wire or bamboo with a paper balloon above. When lit, they float upwards and drift away, landing when the fuel source runs out. They can reach heights of up to 1000 metres and can drift for several miles in the breeze. Once released, there is of course no control over where the lantern or balloon will land.
- 2.3 The Marine Conservation Society (MCS) has been running a campaign encouraging local authorities and businesses to ban releases on their land. The MCS publicity notes that sky lanterns and balloons may look pretty but they can harm wildlife at sea and on land (not to mention the fire risk they also pose). See: Appendix A and <https://www.mcsuk.org/campaigns/dont-let-go>
- 2.4 Whilst the Council does not often receive requests from event organisers to release sky lanterns and balloons, as a direct consequence of the MCS campaign, the Council has received a number of emails over recent months drawing attention to the concerns being raised at the impact that the uncontrolled release of helium filled latex balloons or similar and sky lanterns can have on the environment.
- 2.5 The National Farmer's Union (NFU) has also been encouraging Councils to ban the lanterns noting that; "It's important to point out that it's not just farm animals which can be affected. Sky lanterns can cause fires to crops, grassland on moors and bales of hay and straw that have been stacked, which could lead to a loss of buildings." See Appendix B.
- 2.6 Similarly, the RSPCA has been actively campaigning on this issue. See: <https://www.rspca.org.uk/getinvolved/campaign/skylanterns>
- 2.7 Given the growing awareness of this issue and the concerns being raised from a wide range of groups, it is understood that more than 50 Local Authorities in the UK now have introduced balloon/lantern release policies.
- 2.8 It is therefore proposed that the Council amend the conditions of hire and event guidance for the use of Council land to prohibit the release of helium balloons and sky lanterns from Council owned land and buildings. This applies to both Council run events and events run by third parties.
- 2.9 The proposed changes to the conditions of hire and event guidance will not of course ban the use of sky lanterns etc. on Council owned land. They will only do so in the limited circumstance of when there is an event taking place which is either promoted by the Council or for which someone has had to hire a park or a building. Thus, they will do nothing at all to address the situation of individuals or groups of individuals going to the park or to the foreshore for a gathering and setting these things off. That could only be done by byelaw and would raise significant questions as to the ability to enforce.
- 2.10 For the avoidance of doubt, piloted hot air balloons are not covered by this policy. Helium balloons may also be permitted when used for research purposes, for example weather balloons, as long as supporting evidence is provided, identifying any risk and/ or any hazards to the environment and with any appropriate mitigation.

3. Identification and Evaluation of Options

3.1 There are two Options available to Cabinet:

Option 1: To agree to amend the conditions of hire and event guidance for the use of Council land to prohibit the release of helium balloons and sky lanterns from Council owned land and buildings. This applies to both Council run events and events run by third parties.

Option 2; To take no action.

3.2 Whilst, the Council could decide not to take action, evidence exists that the release of indiscriminate release of sky lanterns and helium balloons does have a detrimental impact on the local environment and provides an avoidable safety hazard and so Option 1 is the recommended option.

4. Resource Implications

4.1 None.

5. Corporate Implications

5.1 Comment from the Section 151 Officer: Accountancy has been consulted and has no further comments. (DL)

5.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make. (HR)

5.3 Comment from the Equalities Officer: "This report does not specifically highlight any equality implications however in discharging their duties members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010. <http://www.legislation.gov.uk/ukpga/2010/15> "

6. Appendices

6.1 Appendix A: Extract from MCS literature

6.2 Appendix B: NFU Publicity

7. Background Papers

7.1 None.

Contact Officer: Roger Walton Ext: 42420



FACTSHEET

What happens to balloons after they are released?

Balloons can kill wildlife

Don't Let Go!

Protecting our seas, shores and wildlife - now and for future generations.



Marine Conservation Society

Balloons and the law

It is illegal to litter under the Environmental Protection Act (EPA) 1990, with fines of up to £2,500 for each offence. Under this act it is an offence to drop "or otherwise deposit" litter in a public place and therefore releasing balloons should be viewed as an offence under this Act. However, released balloons are not currently defined as litter.

In recognition of the threat posed to wildlife by balloons, mass balloon releases have been banned by several UK local authorities including **South Hams District Council, Oxfordshire County Council and Shetland Islands Council.**

Mass balloon releases are also already banned in Florida, Virginia, Connecticut and Tennessee in the USA and New South Wales in Australia.



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take action

Use the information in this leaflet to campaign for a local ban on balloon releases in your area. Write to your local authority and tell them about the threats posed to wildlife by mass balloon releases.

SKY LANTERNS – THE DANGERS

Sky lanterns may look pretty, but the frames can kill or harm farm animals, and the candles are a major fire risk to crop fields and buildings.



The NFU continues to call for an outright ban on the sale of sky lanterns and will lobby government until action is taken. The NFU welcomed the introduction of a sky lanterns code of practice in 2014, but insists they should be banned.

Here are details of how you can get involved, support our call for a ban and help protect the great British countryside.

WHAT CAN YOU DO?

SEND A LETTER

Find our sample letters at www.nfuonline.com/BackBritishFarming

Our letter writing guidance notes will help you write to:

- Local council/authority
- Local venues that regularly hold events/weddings
- Your local MP

Drop us an email campaigns@nfu.org.uk to let us know who you've written to.

SPREAD THE WORD

Tell your friends, family and work colleagues how dangerous sky lanterns are.



RISK FREE ALTERNATIVES

We don't want to stop anyone having fun so why don't you suggest they try one of these alternatives?

- Bubbles – there's a lot of choice when it comes to bubble kits from small bubbles to giant bubble makers.
- Plant a tree to create a long lasting memory of your occasion.
- Pop a balloon – put raffle tickets in a few balloons before blowing them up. Get people to pop them rather than release them.

THE RISKS



LITTER NUISANCE – farmers and other land owners have to clear up the remnants of sky lanterns from their fields.



RISK TO ANIMALS AND LIVESTOCK – frames can contaminate forage crops which are later fed to the animals. The frames of sky lanterns can cause suffering or even kill farm animals if they are eaten. Animals can get tangled or injured from the sharp wire frames, and bamboo framed lanterns can splinter causing serious injuries if ingested.



MAJOR FIRE RISK – once lit and set off into the sky you don't know where an ignited lantern will land. Fields of standing crops, hay and straw stacks, farm buildings and thatched roofs are all at significant risk of being set alight.



FALSE ALARM – the Coastguard has reported incidents of sky lanterns being mistaken for distress signals, and the Civil Aviation Authority are concerned with airborne lanterns being drawn into aircraft engines. They can also delay take-off and landing.

[/nfuonline](https://www.facebook.com/nfuonline) [/nfutweets](https://twitter.com/nfutweets) [/nfucountryside](https://www.instagram.com/nfucountryside)

www.nfuonline.com/BackBritishFarming

