



Place and Resources Overview Committee

Date: Thursday, 12 September 2024
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum: 3)

Andy Canning (Chair), Andrew Starr (Vice-Chair), Piers Brown, Richard Crabb, Simon Gibson, Sherry Jespersen, David Northam, Mike Parkes, Roland Tarr and David Taylor

Chief Executive: Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services Meeting Contact 01305 252209 / lindsey.watson@dorsetcouncil.gov.uk

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence.	
2. MINUTES	5 - 10
To confirm the minutes of the meeting held on 11 July 2024.	
3. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registrable or non-registrable interests as set out in the adopted Code of Conduct. In making their disclosure councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	

If required, further advice should be sought from the Monitoring Officer in advance of the meeting.

4. CHAIR'S UPDATE

To receive any updates from the Chair of the Place and Resources Overview Committee.

5. PUBLIC PARTICIPATION

Representatives of town or parish councils and members of the public who live, work, or represent an organisation within the Dorset Council area are welcome to submit either 1 question or 1 statement for each meeting. You are welcome to attend the meeting in person or via MS Teams to read out your question and to receive the response. If you submit a statement for the committee this will be circulated to all members of the committee in advance of the meeting as a supplement to the agenda and appended to the minutes for the formal record but will not be read out at the meeting. **The first 8 questions and the first 8 statements received from members of the public or organisations for each meeting will be accepted on a first come first served basis in accordance with the deadline set out below.** Further information read [Public Participation - Dorset Council](#)

All submissions must be emailed in full to lindsey.watson@dorsetcouncil.gov.uk by 8.30am on 9 September 2024.

When submitting your question or statement please note that:

- You can submit 1 question or 1 statement.
- a question may include a short pre-amble to set the context.
- It must be a single question and any sub-divided questions will not be permitted.
- Each question will consist of no more than 450 words, and you will be given up to 3 minutes to present your question.
- when submitting a question please indicate who the question is for (e.g., the name of the committee or Portfolio Holder)
- Include your name, address, and contact details. Only your name will be published but we may need your other details to contact you about your question or statement in advance of the meeting.
- questions and statements received in line with the council's rules for public participation will be published as a supplement to the agenda.
- all questions, statements and responses will be published in full within the minutes of the meeting.

6. QUESTIONS FROM COUNCILLORS

To receive questions submitted by councillors.

Councillors can submit up to two valid questions at each meeting and sub divided questions count towards this total. Questions and statements received will be published as a supplement to the agenda and all questions, statements and responses will be published in full within the minutes of the meeting.

The submissions must be emailed in full to lindsey.watson@dorsetcouncil.gov.uk by 8.30am on 9 September 2024.

[Dorset Council Constitution](#) – Procedure Rule 13

7. DORSET COUNCIL - STRATEGIC ASSET MANAGEMENT PLAN 2024 - 2030 11 - 36

To consider a report of the Strategic Place Adviser.

8. DEVELOPMENT MANAGEMENT: LOCAL ENFORCEMENT PLAN 2024 37 - 76

To consider a report of the Planning Enforcement Manager.

9. REVIEW OF THE DORSET COUNCIL WASTE STRATEGY 77 - 96

To consider a report of the Head of Service for Commercial Waste and Strategy.

10. DORSET COUNCIL CONTAMINATED LAND STRATEGY 2024 97 - 136

To consider a report of the Environmental Health Officer.

11. PLACE AND RESOURCES OVERVIEW COMMITTEE WORK PROGRAMME 137 - 152

To review the draft Place and Resources Overview Committee Work Programme.

To review the Cabinet Forward Plan.

12. URGENT ITEMS

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972. The reason for the urgency shall be recorded in the minutes.

13. EXEMPT BUSINESS

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph x of schedule 12 A to the Local Government Act

1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.

To follow formal meeting - Discussion on timing of future meetings

At the close of the formal part of the meeting, councillors to discuss the timing of future meetings of the committee.



PLACE AND RESOURCES OVERVIEW COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 11 JULY 2024

Present: Cllrs Andy Canning (Chair), Andrew Starr (Vice-Chair), Simon Gibson, Sherry Jespersen, David Northam, Mike Parkes, Roland Tarr and David Taylor

Also present: Cllr Jon Andrews, Cllr Carole Jones, Cllr Cathy Lugg and Cllr Steve Murcer

Also present remotely: Cllr Ray Bryan, Cllr Ryan Hope, Cllr Nocturin Lacey-Clarke, Cllr Clare Sutton and Cllr Gill Taylor

Officers present (for all or part of the meeting):

Jan Britton (Executive Lead for the Place Directorate), Aidan Dunn (Executive Director - Corporate Development S151), Anna Eastgate (Corporate Director - Place Services), Tim Hulme (Corporate Director of Assets and Regeneration), Matthew Piles (Corporate Director - Economic Growth and Infrastructure), Laura Cornette (Business Partner - Communities and Partnerships), Jennifer Lewis (Head of Strategic Communications and Engagement), Lindsey Watson (Senior Democratic Services Officer) and Kate Critchel (Senior Democratic Services Officer)

1. **Minutes**

The minutes of the meeting held on 23 January 2024 were confirmed as a correct record and signed by the Chair.

2. **Declarations of interest**

Councillor C Jones declared a non-pecuniary interest in relation to agenda item 7 - Cost of Living Support 2024-25 – and in particular relating to potential funding to Local Alliance Groups, as Chair of the Northern Locality Local Alliance Group and also as she ran a charity that dealt with food poverty. She indicated that she would participate in the meeting.

Councillor C Lugg declared a non-pecuniary interest in relation to agenda item 7 – Cost of Living Support 2024-25 - as Chair of the East Dorset Local Alliance Group.

3. **Chair's Update**

There were no updates from the Chair on this occasion.

4. **Public Participation**

There were no questions or statements from members of the public or local organisations.

5. **Questions from Councillors**

There were no questions from councillors.

6. **Cost of Living Support 2024-25**

The committee received and considered a report of the Business Partner – Communities and Partnerships, which set out a proposed programme of funded activity to support those residents hit hardest by the ongoing cost of living challenge. This followed on from the agreement by Cabinet for a further £2m of spending from reserves and the request by Cabinet that the committee consider and make comments and recommendations on the proposed programme. This would enable the Cabinet Member for Customer, Culture and Community Engagement and the Executive Director for Corporate Development (S151) to undertake their authority as delegated by Cabinet.

The Business Partner – Communities and Partnerships, provided an overview of each proposed project and councillors provided comments as follows:

1. Adult Services – Housing – Homelessness prevention

- Comments regarding contact arrangements were raised, including contact for councillors and would be passed to the appropriate manager in the area
- There would be regular reporting back to scrutiny
- Councillors were content with the proposal

2. Place – Economic Regeneration – Healthy Homes Dorset

- A point was noted that the allocated funding should sit within the service budget to ensure a sustainable footing moving forward. The Cabinet Member noted that elements of the proposals would be considered as part of the forthcoming budget setting process
- Councillors were supportive of the proposal

3. Citizens Advice

- Councillors supported the proposal and recognised the support available through Citizens Advice
- It was noted that monitoring of the outcome of investment generally was undertaken as part of each grant agreement
- The need for investment in the provision of debt support was noted.

4. Corporate Services – Revenues and Benefits – Discretionary Housing Payment Allowance

- Councillors supported the proposal.

5. Adults Services – Housing – Disabled Facilities Grant

- Clarification would be sought as to whether this applied to private rented housing
- It was noted that this would support those people already working with the referral team
- Any changes in Government approach in this area would need to be considered
- Quarterly monitoring by scrutiny would be undertaken
- Additional funding could be provided later in the year if required.

6. Adults Services – Housing Standards – Investment in Lendology

- Assurance was given that Lendology worked closely with individuals and that there was a full financial background process undertaken
- A question was raised as to the scrutiny of the scheme to date and the need for scrutiny moving forwards, including through the budget process. The committee requested that this item be looked at by the scrutiny committee
- The Cabinet Member noted that the funding could be ring-fenced in the budget following a satisfactory scrutiny of the scheme
- Full information could be provided to the scrutiny committee for their review.

7. Corporate Development – Communities and Partnerships & VCS – Emergency and Affordable food security

- A discussion was held regarding the use of a referral-based model in the proposal and there was a recognition of the different types of food support available
- The ambition was to move people from emergency food into sustainable and affordable food provision through social supermarkets
- Contact with local ward councillors was important to identify areas of greatest need
- Support was expressed for the changes proposed and it was noted that this could be reviewed after a period of time.

8. Corporate Development – Communities and Partnerships & VCS – Food security – wider sustainable and affordable projects

- A list of projects to be funded was to be worked up alongside communities.

9. Children’s Services & VCSO

- A request was made that other referral agencies be considered in addition to Citizens Advice. This could include family hubs.

10. People First Dorset

- It was noted that this proposal and the next two proposals targeted different cohorts and therefore needed to be considered separately.

11. Age UK NSW

- A discussion was held regarding the areas in Dorset covered by Age UK NSW
- There was support for the principle of making funding available to support older people in this area but that this should form a pot of funding for bids to be invited by a range of appropriate organisations working in the area and to take out specific reference to Age UK NSW. This would ensure distribution of funds and support across the whole Dorset Council area. This was proposed by S Jespersen seconded by D Taylor and supported by the committee.

12. Island Community Action – Helping Hands Support programme

- There was general support for the proposal, but a comment made as to whether other groups were aware that a request could be made to the council for funding
- It was noted that there was a core grants programme separate to this support, where funds were available to constituted local voluntary groups.

13. Dorset Community Action – Support for village/community halls sustainability

- A point of support was noted that village and community halls could provide accessible activities to those who could not travel into nearby towns
- A concern was noted that some of the proposals were more at the front end of tackling cost of living issues than others
- A request was made that church/faith halls were included in the offer.

14. Place – Community Transport & VCSO – Community Transport

- Councillors supported the proposal.

15. Customer Services – Libraries

- A point was made that the proposal was a core activity of the council and therefore should be covered by the service budget allocation
- The Executive Director of Corporate Development confirmed that the additional funding would allow the council to do more in the area and was therefore a legitimate use of reserves.

16. Children’s Services & VCSO

- Support was expressed for the proposals and discussion held as to whether the amount of funding to be allocated should be increased
- It was noted that the Holiday activities and Food (HAF) Programme would continue to run until the end of the year. If HAF funding continued to be provided by the Government, then the amount of funding available for the projects could be reviewed
- Further officer discussions would be held following the meeting and monitoring undertaken through the scrutiny committee

- Links with the local alliance group were noted.

In accordance with the Constitution, at this point in the meeting it was proposed by D Northam seconded by D Taylor that the meeting continue beyond 3 hours.

17. Economic Regeneration – Digital Place – Digital Doorway Project

- It was felt that the use of reserves for the proposal was not appropriate as this was considered a business as usual activity
- Councillors expressed the view that the allocation should be put back into the overall pot of funding and used for other cost of living priorities. This was proposed by S Jespersen seconded by S Gibson and supported by the committee.

7. Draft Place and Resources Overview Committee Work Programme

Councillors noted the committee's draft work programme for the forthcoming year and in particular, items to be considered at the next meeting in September. A point was made that the committee needed to be involved in the policy making process at an earlier stage in order to be an effective part of the decision making process.

8. Urgent items

There were no urgent items.

9. Exempt Business

There was no exempt business.

Duration of meeting: 10.00 am - 1.20 pm

Chairman

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Place and Resources Overview Committee 12 September 2024

Dorset Council - Strategic Asset Management Plan 2024-2030

For Review and Consultation

Cabinet Member and Portfolio:

Cllr R Biggs, Property & Assets and Economic Growth

Local Councillor(s):

All

Executive Director:

Jan Britton, Executive Lead for Place

Report Author: Julian Wain

Job Title: Strategic Place Adviser

Tel: 07881 349175

Email: julian.wain@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary: This report offers Place and Resources Overview Committee the opportunity to scrutinise the Dorset Council Strategic Asset Management Plan before it goes to Cabinet.

This draft Strategic Asset Management Plan (SAMP) covers the period from 2024-2030 and replaces the Property Strategy and Asset Management Plan 2020-2024.

The plan sets out a proposed new approach to assets and property, whereby the Council's assets are used to support the priorities and services of the Council in a more cohesive way than previously, with the intention of providing better services, better local economies and better places.

Recommendation: Place and Resources Overview Committee is invited to consider the draft strategy and comment as appropriate.

Reason for Recommendation: Accompanied by the comments of this Committee, the draft strategy will progress to Cabinet for consideration and decision.

1. **Strategic Asset Management Plan 2024-2030**

1.1 This draft SAMP for 2024-2030 replaces the, now out of date, Property Strategy and Asset Management Plan which ran to 2024.

1.2 The new SAMP proposes a new way of working whereby the Council commits to the provision of a Council property estate that works for everyone, delivering:

- better services
- the key interests of the public
- value for money
- fairer, sustainable local economies
- enhanced placemaking.

1.3 It also very clearly positions property, and the Assets and Regeneration Team as a support to the organisation to enable the above outcomes, rather than as a front-line discipline in its own right.

1.4 Within the SAMP are set out the principles, criteria and processes through which asset related decisions will be made and enacted, together with the suite of linked policies that will provide the detail of how the priorities of the Council will be delivered.

1.5 The priorities for the SAMP are set out, derived from the Council's priorities and committing the Council to:

- managing strategically
- corporate certainty and governance
- alignment with financial planning
- supporting services

- 1.6 This document has had extensive internal consultation and received significant support and 'buy-in'. However, it is important to remember that any asset strategy can only work if it is corporately supported and recognised by all parties as the governing process for decision making and implementation.
- 1.7 In terms of the process to be gone through, the SAMP describes regular reviews of assets and opportunities arising, detailed consideration of options and comprehensive appraisal.
- 1.8 Organisationally, the Council commits to the delivery of effective property services tailored to Council and service needs, with all relevant parties working in collaboration.
- 1.9 Robust asset management is required, with an increasing awareness and consideration of commercial disciplines and requirements.
- 1.10 The environmental and sustainability considerations will be high profile throughout the policies and the processes.
- 1.11 One of the key organisational benefits of this approach is that by diligent adherence to the process a planned pipeline of key projects and a phased financial commitment and return can be achieved.

2. **Financial Implications**

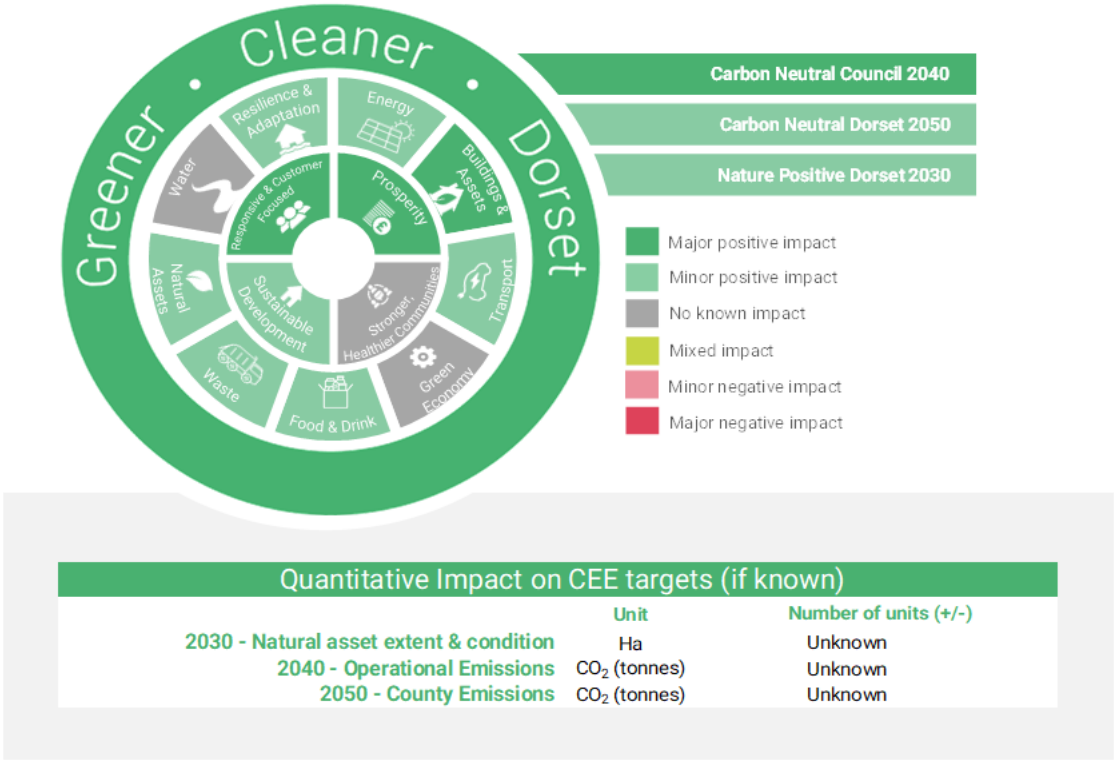
This a policy document which sets out key principles and as such it is premature to assess detailed financial implications. However, the aim of the SAMP is to reduce cost and increase income, building in principals that improve commerciality and contribute to economic growth. Across both public and private sectors there is no doubt that the adoption of such principles can achieve this.

The implementation of the SAMP does not of itself require additional resources, but a reinforcement of the use of effective resources and collaboration which all Councils would seek.

3. **Natural Environment, Climate & Ecology Implications**

The SAMP plays a critical role in the delivery of the council's [Natural Environment, Climate and Ecology Strategy](#) (as noted in action E3 of its action plan) – and linked strategies like our emerging Local Nature Recovery Strategy and refreshed Waste Strategy. Our operational buildings constitute ~27% of our operational carbon footprint, whilst our

infrastructure and the siting of assets has implications for the footprint of staff and customer travel. Our commercial assets – especially our farmed estate – and our land also have a central role in our scope 3 footprint, and for our broader facilitation role on climate and nature. As such, the SAMP will be key to ensuring that our estate is supporting the provision of low carbon energy; optimizing energy efficiency and waste minimization; facilitating low carbon travel; supporting sustainable land management and nature-based solutions; and ensuring the climate resilience of our assets. The SAMP accordingly (a) identifies climate and nature as one of its core priorities and in Principle 7; (b) includes climate and nature as one of its core KPIs; (c) embeds it within our asset review process; and (d) notes in the action plan the intent to produce supporting strategies. Moreover, the broader ambitions of the SAMP (such as enabling multi-functional spaces or embedding our Effective Property Services approach) will further support our climate and nature ambitions.



4. Well-being and Health Implications

By improving places, and contributing to improved local economies, as well as the improvement of buildings and the support of the environment and nature, there will be additional health benefits. At this stage

quantification is not possible, but if required evaluation could be carried out in due course.

5. **Other Implications**

None at this stage

6. **Risk Assessment**

6.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7. **Equalities Impact Assessment**

At this stage the potential equalities impacts are assessed as positive due to the principals proposed, particularly to support front line services, to improve buildings, economies and neighbourhoods and to create better places. However, the high-level principles of this approach preclude detailed and meaningful assessment.

Each detailed strategy and key decisions on asset use will require a specific equalities impact assessment considering in detail the impact on groups with protected characteristics.

8. **Appendices**

Dorset Council SAMP 2024-2030

9. **Background Papers**

N/a

10. **Report Sign Off**

10.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)

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Strategic Asset Management Plan 2024 to 2030

Foreword, CEO and Leader

This strategy marks a new chapter in how we manage the Council estate and asset portfolio. Just as we see our own home as something more than just a roof over our heads, the Dorset Council estate is one of the cornerstones of everything we do - from the public services we provide, to the policies which inform and guide our work, to the future Dorset we wish to create.

In this strategy, the leadership team and members are making a commitment between now and 2030 to provide a Council estate that works for everyone; not only to deliver value for money, but also to contribute to a fairer, more sustainable local economy, with the interests of the public at the heart of the decisions we make about our assets.

What does this all mean?

This new strategic asset management plan will transform how we use our land and property - moving the Council away from being traditional property owners in seeking opportunistic savings and one-off sales, to a more proactive approach as 'place-makers' that considers property as a platform for the delivery of the Council's wider corporate priorities.

We are working against a backdrop of unprecedented change - digital technologies are revolutionising how we work and are increasing people's expectations of speed and convenience of public services. Critically, the need to create a safety-net around the most vulnerable in our communities is vital to ensure that people aren't left behind and are able to respond to new opportunities. This strategy will ensure our Assets service acts as an enabler for more effective and efficient delivery of council services, and our policies deliver an estate that adapts and responds to this change - one that is leaner and more agile and innovative in the way it supports the delivery of services. Collaboration is key to achieving the best use of our estate.

Our aspiration is to wherever possible use our assets to build sustainable and creative communities which support local people with a range of good quality employment opportunities and to live in the accommodation they deserve. Building on both our international reputation as an outstanding visitor destination and on our distinctive market towns, we will strive to create original places that capitalise on our local individuality and provide unique leisure and entertainment destinations for visitor and resident alike.

The creation of the Assets & Regeneration team as part of the Place Directorate means that we are equipped to build on these ambitions with a more professional and commercial approach than ever before, providing much-needed base data and financial tools and importantly a more proactive approach to development, risk and opportunity. In turn, commercially it will mean reducing our operating costs, increasing disposals and through repurposing and redeveloping our assets, driving greater value across Council departments. In this way, we can look beyond the bricks and mortar of our buildings and deliver an estate that helps us achieve our wider social and economic goals.

If the Council get this right, the strategic asset management plan can and will facilitate genuine transformational change for our organisation and Dorset communities and help deliver a sustainable Council estate that truly works for everyone.

Section 1 - Executive Summary

1.1 Our Vision

Dorset Council is committed to the strategic and innovative use of its assets to *support a journey of change and improvement, setting the council on a sustainable path into the future*. Through effective, strategic management of our estate, our property portfolio will support further improvement in service delivery, renewal of places and be the starting point for commercial ventures. Public sector hubs will provide environments for strengthening of relationships, for creative and collaborative working on joint initiatives to strengthen communities, build resilience and drive prosperity and inclusivity.

Our property assets are a key enabler, supporting the council to deliver its ambitions and aspirations, including those within the Our Future Council transformation programme which is improving the customer experience by making our services more accessible, simplifying our systems, joining up common processes as well as aligning the right technology, digital platforms and customer channels.

This Strategic Asset Management Plan sets out how Dorset will use its asset base to support service delivery, and drive change and innovation. It defines the principles, criteria and process through which decisions are made regarding the future uses of the council's assets to support the ongoing Dorset story. It describes how we will take a holistic approach to asset management in localities, thereby supporting place-making and lead to improvements in the quality of public spaces and communities

The plan is supported by a suite of policies and strategies which contribute to its delivery and is aligned with key council strategies and policies. This plan supports our work to help shape communities via asset management, regeneration and place-making, aligning our work with the local plan. It is an essential enabler for other council plans, as well as directorate plans and strategies. It is a key pillar of our Place Prospectus for Change, which sets out how the Place directorate, and its component parts will move forward collectively towards 2030.



With local elections in May 2024, and the subsequent development of the next Dorset Council Plan (the current one being for 2020-2024), this Strategic Asset Management Plan focuses supporting

directorates and the council to deliver its priorities and contribute to making Dorset a great place to live, work and visit.

1.2 Dorset's Priorities

To effectively and strategically manage the estate, a prioritisation framework is required, to ensure the best use of assets. Without prioritisation, there is a risk council resources are spread too thinly, the capital programme becomes oversubscribed and asset decision making is stymied.

Dorset Council's priorities for its assets and property include:

- Driving economic growth and opportunity
- Providing land to enable delivery of affordable, suitable housing
- Responding to the council's climate & ecology targets by maximising decarbonisation and ecological performance of the estate
- Supporting delivery of Special Educational Needs, early intervention provision and care and support services, through provision of suitable assets
- Creating great places to work and enhancing the unique qualities of Dorset
- Providing land, buildings and facilities to enable delivery of the council's care responsibilities
- A commercial approach to driving greater income and yields to support service delivery



Schemes or projects that do not align with the council's priorities will not be progressed in the short term, so as to ensure resources are assigned to projects associated with delivery of council priorities.

Section 2 – A new strategy

2.1 Driving Growth and Opportunity

The aim of this strategy is to provide a framework for asset decision-making with regards what we will use our asset for in the future, enabling delivery to the organisation's way of working.

The strategy commits the council to managing its asset strategically, thereby avoiding costly and embarrassing mistakes, and providing:

- clarity and prioritisation to guide asset decision making
- corporate certainty and governance
- alignment of asset management and capital delivery with financial planning
- clarity on timing and phasing, including aligning to strategic service delivery requirements
- support the Local Plan and the council's development strategy



2.2 Supporting and enabling council services

To deliver on the council's corporate outcomes, it is essential we take a **joined-up** approach to asset management. Collaborating with internal service delivery departments across the different directorates, as well as other support services is key to successfully and strategically managing our estate. Alongside this, we will also collaborate with key external partners recognising their strategies and including exploring the possibility of devolution of assets. This will also require us to consider assets within their localities, and consider strategic place-making impact of how we manage individual assets.

As an enabler service, **customers** will be at the heart of how we manage the estate going forward. Through a 'one-front-door' approach we will seek to resolve enquiries at the first point of contact.

We'll look to the future and embrace **digital and new technologies** to manage our buildings and the wider estate as efficiently as possible.

2.3 Place Making

When considering the future use of our assets it is important not to view assets in isolation, but to consider the possibilities of repurposing, developing, disposing or acquiring alongside the opportunities presented by other Dorset Council assets in the vicinity.

There will be many co-dependencies between our asset class strategies and locality-based strategies, meaning it is essential there are aligned.

Taking a holistic approach to asset management in a locale can support place-making and lead to improvements in the quality of public spaces and communities. Whilst also maintaining a focus on increasing yields.

As such, this strategic asset management plan provides an asset management framework which supports and enables regeneration in market towns, working with local partners to develop bespoke regeneration solutions embedded in local need and opportunity, and building on key themes associated with each market town (for example local food markets etc.).

This collaborative approach will link with neighbourhood plans and the local plan, including the opportunities and potential of local devolution deals. We will work with town and parish councils and local partners to consider devolution and locally managed assets through asset transfers where appropriate.

In the case of market centres, the local plans set out town centre boundaries, (subject to review as part of the creation of the Dorset Council Local Plan), and these will be used as the boundaries for area-based asset reviews with regards future use of assets (included at appendix 6). These area-based reviews will seek to include other public sector partners and private sector landowners and partners where appropriate.

2.4 Delivering Value

Assets and Regeneration purpose is to support and enable effective service provision across the council. It serves three purposes:

- To deliver the corporate Council's objectives by management and stewardship of the Council's property.
- To deliver effective property services to support the work of front-line service departments
- Through economic development and regeneration to enhance Dorset as a place in line with the Council's priorities.

As an enabling service, Assets & Regeneration will be customer focused, with a single front door for all property and asset management enquiries. A business partner approach will ensure a detailed understanding of forthcoming service requirements in relation to property; and a 'thin client' model will allow us to buy in specialist and expert support when required.

Our Effective Property Services approach is grounded in a collaborative approach, in which Assets teams provide property and technical support to service delivery functions. The approach sets common standards for property management and a customer expectation for property services. Robust, transparent data will be key to managing the estate effectively and measuring the outcomes of our work, as well as informing decision making.

Assets & Property services are focused on establishing an optimum asset base which will enable us to:

- deliver best-in-class services, contributing to the delivery of the council's key priorities
- deliver greater financial efficiency
- deliver at pace (and respond to urgent requirements)
- see continuous improvement of our assets and investment in our assets
- contribute to the Council's transformation programme
- create a firm foundation for innovation

Section 3 – Principles of delivery / Our guiding principles / Our key tasks

3.1 Our principles

Our Assets & Property services are enabler services, which exist to meet corporate needs based on the council's priorities and service delivery requirements.

The following principles set out the council's approach to asset management, and guide future asset decision making. They reflect the role of Assets & Property as an enabler and demonstrate our ambitions to collaborate, rationalise, commercialise, decarbonise and innovate to contribute to the council's priorities and support delivery of council services.

Principle 1 - Embed the Effective Property Services model (and set common standards of property management) to support service delivery that meets customer and end user needs in line the council's corporate priorities.

Principle 2 - Regularly review the asset base, optimising the use and opportunities of the estate to maximise asset productivity, financial and social return, assessing potential to retain, repurpose, develop or dispose.

Principle 3 - Robust asset management of the estate, with a strong focus on transparent data and use of digital/technology, to ensure assets are in good condition, fit for purpose, accessible, affordable, efficient, compliant and future proofed

Principle 4 – Work collaboratively with services and partners to create multifunctional and accessible spaces and mixed-use developments, making the best use of the retained estate, and support better ways of working.

Principle 5 – Support place making across Dorset, ensuring asset decisions contribute to driving economic prosperity and improving the quality of places and opportunities.

Principle 6 – Harness commercial opportunities to increase revenue income, strengthen asset productivity, provide investment opportunities or deliver capital receipts.

Principle 7 - Maximise contributions to carbon net zero by enhancing the environmental and ecological performance of the estate, whilst also making adaptations for the impacts of climate change.

3.2 Directorate Priorities

The council's directorates have varied property requirements to support service delivery, many of which are viewed by those services/directorates as priority.

In order to strategically manage the council's estate and meet these requirements, there is an expectation that directorates through their forward planning, will know and share their strategic property requirements with Assets & Regeneration.

Below the main strategic asset requirements in each directorate are listed:

3.2.1 Place

Infrastructure

The Infrastructure function covers Planning, Highways and Dorset Travel. The function is keen to collaborate and has a requirement for strategic and technical property guidance and advice. Aligning this strategic asset management plan with the Local Plan to achieve the council's ambitions and key priorities is seen as essential.

The function's key strategic property requirement for the coming years is the depot review, with a focus on consolidation, co-location and best use of depot assets. Modern, flexible and sustainable spaces for front line teams are essential for service delivery.

Additional strategic property requirements are as follows:

- Collaborative working with Assets & Regeneration with regards EV charging roll out
- Embracing new technology
- Cross council approach to grid capacity

Place Services

The Place Services function covers a number of service delivery areas including Waste, Community & Public Protection, and Environment & Wellbeing. The function relies on Assets & Property to support its service delivery through an effective client model, and a value for money and timely repairs and maintenance service.

Place Services has forthcoming strategic property requirements in relation to

- the developing Waste Strategy, including a likely requirement for new Household Recycling Centres in Weymouth, Dorchester and the east of the county.
- the developing Leisure Strategy
- opportunities for income regeneration to support service delivery (particularly in relation to waste and registration services).

Regeneration

The Regeneration function includes economic development and digital place teams, as well as a focus on regeneration. Asset development/repurposing has a key role to play in supporting place-making and regeneration in a town centre setting, building sustainable and creative communities which support local people with a range of good quality employment opportunities.

The Regeneration function has strategic property requirements as follows:

- Dorset Innovation Park as a strategic asset
- repurposing of town centre assets to support economic development, resulting in economically viable, vibrant town centres
- mixed-use town centre sites to support both service delivery and economic development
- sufficient industrial allocations to support economic growth in Dorset
- use of county farms estate to support rural business diversification

- Improving the local tourism offer by striving to create original places that capitalise on our local individuality and provide unique leisure and entertainment destinations for visitor and resident alike
- Making suitable assets available for digital infrastructure in line with the Digital Infrastructure and Inclusion Strategy 2023-2030.

3.2.2 People – Children's

Education & Learning, Care & Protection and Commissioning

Services making up the People-Children's directorate need a modern, client focused, responsive, value for money service from Assets & Property teams, delivered at pace and to agreed deadlines. The ability to flex and adapt to meet changing needs is also important.

Buildings provided for delivery of Children's Services must be compliant, fit for purpose and maintained appropriately. Open and honest dialogue between Assets & Property and Children's Services teams is vital, including early warnings when something goes wrong. Alongside a recognition that properties used for delivery of Children's Services are often high-profile sites.

The functions' key strategic property requirements are as follows:

- Delivery of the SEND capital strategy, reducing the current risk levels associated with high needs block spend.
- A comprehensive mapping of the school estate, including consideration of falling birth rates and school rolls, and identification of
- Delivery of property elements of the Sufficiency strategy, including care leaver accommodation, and adaptations for foster carer's homes.
- Delivery of Family Hub spaces, including co-location opportunities with Libraries and Day Opportunities provision

3.2.3 People – Adults & Housing

Adults Social Care and Adults Commissioning

The Adult Social Care and Adult Commissioning functions' key strategic property requirements are very much aligned with their place-based locality approach to delivering adult services where they are needed, with a significant emphasis on prevention and early intervention. Flexibility and adaptability of space is essential. The functions require a collaborative approach with Assets & Regeneration to support investment.

The functions' key strategic property requirements are as follows:

- Co-located place-based office accommodation, sharing space with public sector and community and voluntary sector partners
- Multi- purpose spaces for residents to access help and support (with the potential to align with other services such as Family Hubs and Libraries)

Housing

Services with the Housing have a requirement for collaborative working with Assets & Property teams to deliver Effective Property Services, including timeliness, value for money service, and strategic and technical asset management advice.

The Housing Strategy (2024 to 2029) includes 4 key objectives:

1. Housing Need - Enabling residents to live safe, healthy, independent lives in homes that meet their needs.
2. Housing Supply - Driving the delivery of homes people need and can afford to live in.
3. Housing Standards - Improving the quality, standard, and safety of homes.
4. Prevention of Homelessness - Support, at the right time, to people in crisis to prevent homelessness.

To support delivery of the above objectives, Housing services have strategic property requirements of sufficient provision of:

- Sustainable and suitable housing
- Affordable homes
- Temporary accommodation to reduce B&B costs
- Extra care / supported living

3.2.4 Corporate and Chief Executive's

Corporate Development and the Chief Executive directorates are mainly comprised of support services, with no strategic property requirements other than office space.

The exception being the Libraries, Customer Services & Archives function. This function, like Children's Services (Family Hubs) and Adult Social Care (day opportunities) has a strategic property requirement for multi-purpose spaces for residents to access help and support in line with the Library Strategy 2023-2030.

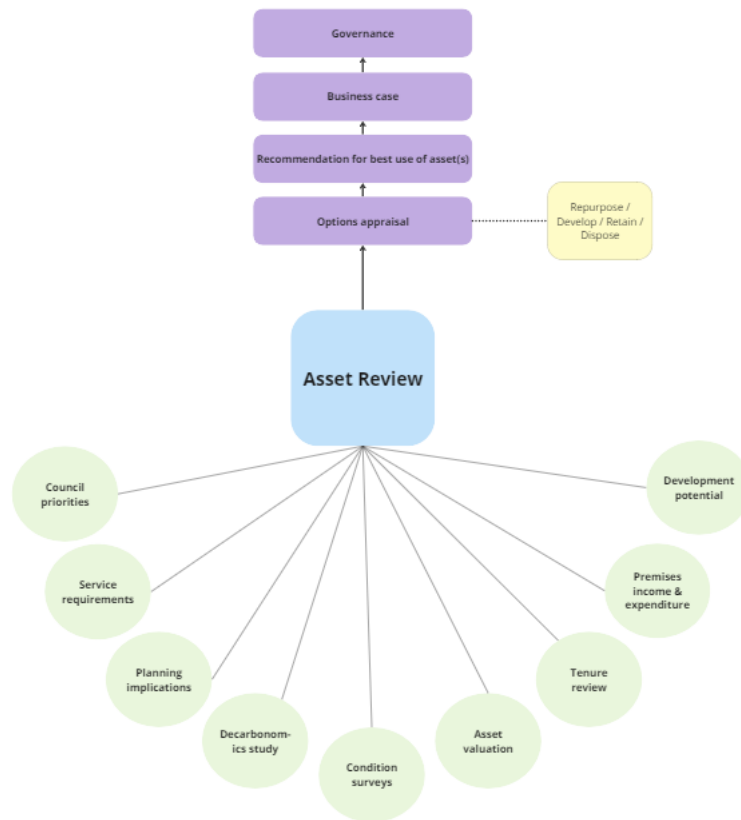
Section 4 - Making it happen

We regularly review our asset base, via a rolling programme. This enables us to consider current and alternative uses for all assets, ensuring we are making best use of our estate and seizing opportunities to maximise financial and social return.

Our rolling programme ensure all assets are reviewed every 3 years. We review asset classes, but also run a 'rapid asset review' process alongside, so as not to miss opportunities created via changing circumstances leading to assets becoming available for review (e.g. changes in service delivery operating models/requirements, lease breaks, Community Asset Transfers, and so on).

The process identifies options for future use of assets assessing the potential to retain, repurpose, develop or dispose (including asset transfers where appropriate), in line with the council's priorities and the SAMP guiding principles.

The outputs of the asset class reviews will be aligned with the project pipeline (detailed below) and capital programme bidding.



4.1 Asset assessment

The initial part of the asset review process examines the cost and condition of the asset, with a key focus on carbon neutrality, energy efficiency and ecological impact.

A wide range of property data is collated and analysed, including premises costs, tenure review, valuation, condition, energy efficiency and carbon data, and development potential. For example, is this asset in poor condition and requires significant investment to ensure it is fit for purpose? If so, it may not be sensible to retain.

This collated property data also forms a baseline for performance monitoring of each asset going forward.

This property data is assessed alongside service delivery requirements. For example:

- is there an identified need for temporary accommodation the provision of which would result in cost avoidance related to bed and breakfast expenditure?
- are there multiple service delivery requirements which could be met via a co-located multi-functional hub, therefore enabling asset consolidation and reductions in property running costs?

This assessment of property data and service requirements identifies options for future use along the lines of ‘repurpose, develop, retain, dispose’. The assessment is collaborative, with input from service delivery teams as well as support services (such as Assets, Finance, Planning and Sustainability), and includes an emphasis on multiuse sites, and flexible building design wherever possible. Data transparency is key, with sharing of both property and service data strengthening the quality and depth of each asset class review.

4.2 Options appraisal

The options identified in the initial asset assessment are appraised against financial criteria, the council's priorities, and risks associated with each option.

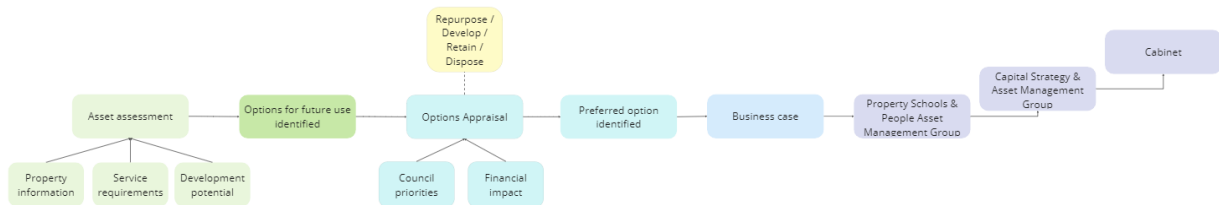
Financial impact is considered over a 40year asset life, including assessment of the capital investment required, borrowing costs, ongoing revenue cost, savings/cost avoidance, and income. Non-financial impact is assessed against the council's corporate priorities.

The options appraisal process produces a preferred option.

4.3 Business case and decision making

A treasury 5 case business case is then developed for the preferred option with a clear plan for investment and management of the asset (including building compliance and other legislative requirements, as well as being fit for purpose for proposed future use).

This is submitted for consideration via the corporate property governance – Property, Schools and People Asset Management Group; Capital Strategy and Asset Management Group and ultimately Dorset Council cabinet.



4.4 Bringing it all together – A Project Pipeline

The regular review of assets results in a pipeline of projects contributing to the forward planning of the council's capital programme.

The future pipeline of deliverable schemes will have clear benefits both in terms of capital/revenue income generation/ savings, and in terms of council priorities.

With many competing priorities for the future use of assets, further prioritisation would assist in building a coherent pipeline, aligned with the capital programme.

To reduce the capital requirements, and thus the burden on revenue to service the borrowing the Council will aim to achieve an iterative funding strategy by which returns or capital receipts from one scheme will be employed to deliver another. This will be subject to corporate prioritisation of the use of returns and receipts, but this approach can have significant financial benefits.

The review process will also determine the best delivery method for the project dependent on the nature of the proposal:

For example, a scheme to produce market housing might be done by:

- direct delivery
- joint venture arrangement

A disposal may be done:

- by auction
- by advertisement as a property transaction
- By procurement as a public contract
- By community asset transfer

Council developments and projects managed on behalf of the community will be managed in the most cost effective and appropriate way depending on the available skills. Skills and resources carried by the Council will be those that it is right for the Council to employ taking into account its objectives, priorities and needs.

Section 5 – Measuring Our Progress

This strategic asset management plan will be cornerstone of all our Assets & Property work, and will form basis of our internal performance management for the life of the strategy.

In addition to our internal performance management we will report annually with regards to progress against a number of key performance indicators related specifically to the priorities identified in this strategy. These indicators will be developed alongside the emerging performance measures within the Council Plan 2024 to 2029, to ensure alignment with the council’s priorities and corporate performance management approach.

Dorset Priority	Key Performance Indicator
Driving economic growth and opportunity	TBC
Providing land to enable delivery of affordable, suitable housing	TBC
Supporting delivery of Special Educational Needs, early intervention provision and care and support services, through provision of suitable assets	TBC
Creating great places to work and enhancing the unique qualities of Dorset	TBC
Responding to the council’s climate & nature targets by maximising decarbonisation and ecological performance of the estate	TBC
Providing land, buildings and facilities to enable delivery of the council’s care responsibilities	TBC
A commercial approach to driving greater income and yields to support service delivery	TBC

Appendices

Appendix 1 – Dorset Council Asset Base

Dorset Council's property estate includes a broad range of assets across 1539 sites.

As we rationalise and consolidate our estate, many of our assets are becoming multiuse sites. For example, a Library building may also be a Registration Office, a Family Hub location and provide drop in office facilities.

As we transition to a new property database system, we are changing the way we categorise buildings and sites to reflect the move to more multiuse sites, and to ensure consistency and therefore improved accuracy of our property data.

The estate is made up of:

- **operational assets** - numbering circa 682 sites
- **infrastructure assets** - numbering circa 105 sites
- **commercial assets** - numbering circa 333 sites
- **non-operational assets** - numbering circa 369 sites

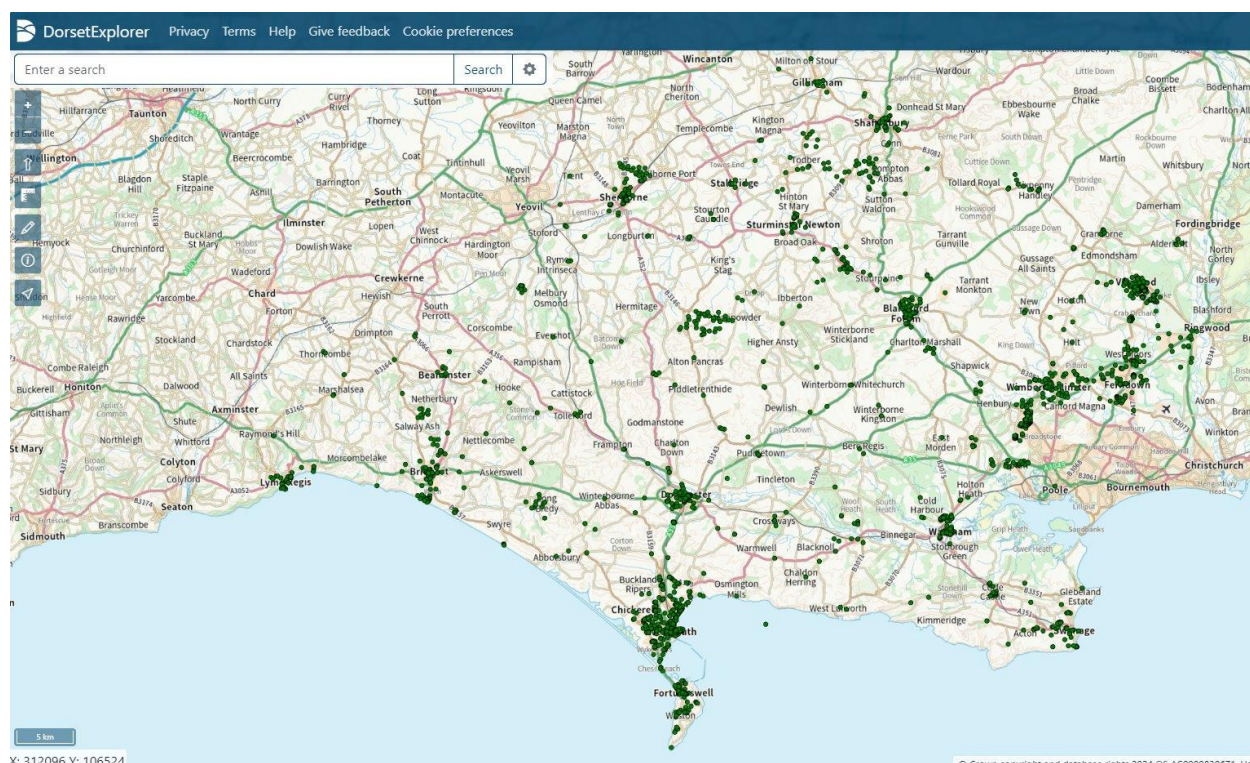
	Site Type	No. of sites
Operational	Academy Schools	115
Operational	Council Depots, Waste & Storage	65
Operational	Gypsy & Traveller sites	4
Operational	Housing	175
Operational	Multiuse Hubs (including customer delivery locations such as Libraries, Day Centres, Family Hubs & Dorset Council office locations)	83
Operational	Parking & Public Conveniences	154
Operational	Residential Care	18
Operational	Schools & Educational Establishments	65
Infrastructure	Drainage Easements & Flood Alleviation	32
Infrastructure	Harbour assets & Coastal Defences	14
Infrastructure	Infrastructure assets	59
Infrastructure	Access Roads & Footpaths	46
Commercial	Commercial Economic Development	47*
Commercial	Commercial Retail & Leisure	71
Commercial	Community & Town/Parish Council	82
Commercial	Farms & Grazing Land	68
Commercial	Hotels & Guest Houses	65
Non-operational	Cemeteries & Crematoria	28
Non-operational	Land	241
Non-operational	Recreational Sites	101

Dorset Council's accounts indicate the value of the estate is £440,559,339.

The estate costs circa £13.5m to run and maintain each year and generates an annual income of £4.1m.

Currently, a major compliance project is underway assessing the condition of the council's property estate and quantifying the cost of addressing all identified compliance and repairs and maintenance issues. This scope and discovery phase of the ongoing compliance project derived from concerns about the absence of condition data and life cycle costs following local government reorganisation.

The project has made significant progress to date, placing priority on assessing high risk asset sectors (eg residential care, depots, etc). Work to date has indicated ten-year collective planned preventative maintenance costs in the region of £16.5m, with more asset categories being assessed currently. To further clarify, this metric shouldn't be used as an indicative forecast, as sector requirements vary greatly.



Appendix 2 – Policy Context

National Policy Context

[Government Property Strategy 2022-2030 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/property-strategy)

[Strategic Public Sector Property Asset Management, 3rd edition \(rics.org\)](https://www.rics.org/insights/publications/strategic-public-sector-property-asset-management-3rd-edition)

[RICS Public Sector Asset Management Guidelines.pdf](#)

Local Policy Context

Key policies

[Dorset Council Local Plan](#)

[Dorset Council Climate & Ecology Strategy 2023-2025 Natural Environment, Climate and Ecology Strategy 2023 to 25 Refresh - Dorset Council](#)

[Dorset Council Digital Infrastructure & Inclusion Strategy 2023-2030](#)

[Dorset Council Economic Growth Strategy](#)

[Children & Young People’s Plan 2023-2033](#)

[Housing Strategy 2024 - 2029](#)

[Our Future Council](#) (*in development)

[Commercial Strategy](#)

[Harbours Strategy 2022-2032](#)

[Joint Municipal Waste Strategy 2008-2033](#)

[Library Strategy 2023-2033](#)

[Bournemouth and Poole and Dorset Local Transport Plan 2011 to 2026](#)

[Homelessness and rough sleeper strategy 2022 to 2026](#)

[A Better Life - Dorset Council Adults commissioning plan and strategy 2023 to 2028](#)

[Accessibility Strategy 2022 - 2025](#)

[Social Value Toolkit](#)

[Integrated Care Strategy – Thriving Communities](#)

Other directorate policies

[Adults & Housing Directorate policies](#)

[Children’s Directorate policies](#)

[Place Directorate policies](#)

Appendix 3 – Strategy Action Plan

We will monitor the below annually by percentage completion rates.

	Actions
Effective Property Services	Work collaboratively with services across the council to implement Effective Property Services approach with each service / directorate
	Work with directorates to develop property requirements for future service operation for next 5 years
	Planned Preventative Maintenance schedule in place for all assets
	Rolling programme of lease & licence reviews
	Compliance project
Asset Reviews	Deliver 3 year rolling programme of asset reviews, reviewing all 1400 DC assets (as per programme included at appendix 5)
	Via asset review process encourage multiuse assets and identify assets
	Via asset review process, identify assets for disposal
	Condition surveys in place for all assets
Sub strategy production	Vacant properties strategy Farm and rural estate strategy Hotels and Guest Houses Strategy Industrial Units Strategy Investment & Development Strategy Asset Decarbonisation Strategy Facilities Management Strategy Town Centres Strategy

Appendix 4 - Underpinning Asset Strategies and Policies to include:

Vacant properties strategy

Farm and rural estate strategy

Hotels and Guest Houses Strategy

Industrial Units Strategy

Investment & Development Strategy

Asset Decarbonisation Strategy

Facilities Management Strategy

Community Asset Transfer Policy

Town Centres Strategy

Appendix 5 – asset class review rolling programme

The rolling asset category review programme ensures all Dorset Council assets are reviewed at least once every 3 years.

These reviews are undertaken in categories as per the table below, to ensure opportunities for consolidation, co-location and rationalisation are fully considered. For example, the depot review includes all Highways, Waste, Dorset Travel and Coast & Countryside depots and storage sites. Each asset category review process is undertaken by a project team, including colleagues from the impacted services, alongside colleagues from Assets & Regeneration, Finance, Procurement, Planning, Sustainability, HR, Communications and any other relevant teams.

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Place & Resources Overview Committee

12th September 2024

Development Management: Local Enforcement Plan 2024

For Recommendation to Cabinet

Cabinet Member and Portfolio: Cllr. S Bartlett, Planning and Emergency Planning

Local Councillor(s): All Cllrs

Executive Director: Jan Britton, Executive Lead for Place

Report Author: Darren Hobson
Job Title: Planning Enforcement Manager
Tel: 01202 228812
Email: darren.hobson@dorsetcouncil.gov.uk

Report Status: Public

Summary

Enforcement is defined as any action by an officer which encourages compliance with legislation enforced by the council. A range of actions are available, including informal interventions (e.g., offering advice/negotiation) through to more formal measures such as prosecution in the courts. As outlined in [Dorset Council General Statement of Enforcement Policy - Dorset Council \(Appendix 1\)](#)

The currently adopted Planning Enforcement Plan (**Appendix 2**) was adopted during the reorganising of the local government across Dorset in 2019 and because of new relevant law, guidance and legislation being introduced it now requires updating.

The key changes proposed in the Development Management Local Enforcement Plan 2024 “LEP”, as compared to the existing are as follows:

- The proposed LEP will provide users with clear plain English guide on the processes involved in an Enforcement investigation.

- Provides clear guidance on how to raise a complaint and the necessary information required.
- Provides the timescales to be expected when registering initial complaints.
- Highlights how Dorset Council prioritises the complaints it receives and the timescales to be expected for an initial site visit by an enforcement officer.
- Provides a step-by-step guide showing the process of an enforcement investigation, including a flow chart mapping that process for additional clarity.
- Provides advice on all other aspects of the planning service including, works to trees, Listed Buildings, Section 106, Community Infrastructure Levy (CIL), Biodiversity net gain (BNG) and Minerals and Waste.
- Provides a list of useful links to both internal and external services.

Recommendation

That the Development Management Local Enforcement Plan 2024 “LEP” document be supported and referred to Cabinet with a view to it being Adopted thereby superseding the currently publicised Development Management Planning Enforcement Plan.

Reason for Recommendation

The Development Management Local Enforcement Plan 2024 “LEP” document sets out Dorset Council’s approach to enforcement matters in line with the National Planning Policy Framework (NPPF).

The NPPF explains that effective enforcement is important to maintain public confidence in the planning system, but that enforcement action is discretionary, and LPAs should act proportionately in responding to suspected breaches of planning control.

The NPPF explains that LPAs should consider publishing a **local enforcement plan** to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will investigate alleged cases of unauthorised development and take action where considered appropriate.

In November 2023 a review of the Local Enforcement Plan was a requirement that arose from an LGSCO action following a complaint raised through them by a resident.

In January 2024 the Council undertook an audit of the planning enforcement service using SWAP internal audit services. The audit reviewed the following:

- **How the Planning Enforcement policy is followed and applied.**
- The decision-making process for review of complaints/cases, including the amount of formal action taken as a result and efficiency of service response.
- How performance of the service is monitored and reported, including the review of working practices.
- The effectiveness of governance arrangements, such as oversight by senior managers, in ensuring consistency across the Enforcement service sub-teams.

The final report was presented to the Council in March 2024, the assurance opinion was that: ***“there is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited.”***

There were several findings as listed below, one of which identified the need to review the Local Enforcement Plan to align with LGSCO recommendation.

(Finding 4)

- Finding 1: The current KPI's do not measure performance metrics aligned with manager requirement.
- Finding 2: There is an inconsistent approach between area teams for daily tasks and when subsequently updating MasterGov.
- Finding 3: Underutilisation of available data due to limited case recording in MasterGov.
- **Finding 4: The Development Management Planning Enforcement Plan requires updating to align with LGSCO recommendations and audit findings.**

- Finding 5: Outstanding legacy cases have had minimal or no progress for over a year.
- Finding 6: The Enforcement Register is not readily accessible to all.
- Finding 7: Officers do not routinely update the Road Map function with their completed training.
- Finding 8: Current MasterGov templates are from legacy Councils and require updating.

The attached Development Management Local Enforcement Plan 2024 “**LEP**” document (**Appendix 3**) – explains in plain English, Dorset Council’s approach to enforcement matters in line with the National Planning Policy Framework. It also explains the Council’s priorities for investigation, explains what will be investigated and it outlines the Council’s general discretionary powers regarding planning enforcement. The LEP document sets out the policy and procedures that the Council will adopt when investigating and, where applicable, remedying breaches of planning control.

It provides a common reference point and guidance on a range of options available to achieve compliance.

It is intended for all users and providers of the service, including:

- Town and Parish Councils and Elected Members
- members of the public,
- other interested parties,

1. Report

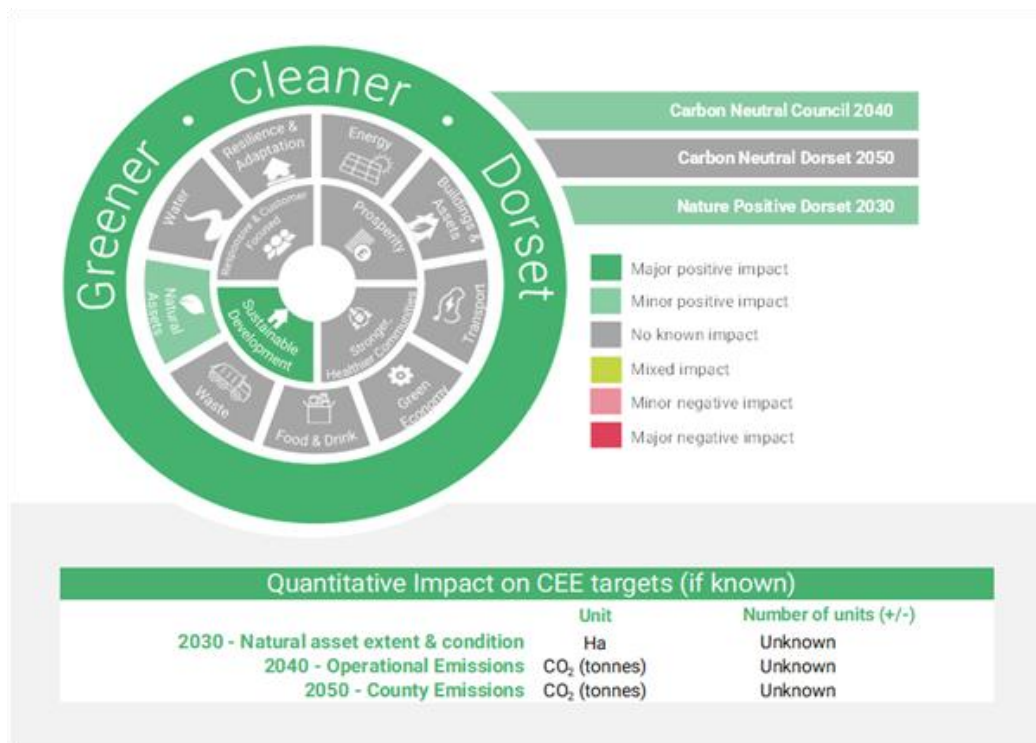
- 1.1 **Appendix 3** attached to this report sets out the Councils Draft Local Enforcement Plan “LEP” document which Members are asked to support and refer to Cabinet with a view to it being Adopted as a formal Plan document.
- 1.2 The LEP should be read in conjunction with, the Council’s [Dorset Council General Statement of Enforcement Policy - Dorset Council](#) (**Appendix 1**) which sets out the general principles the Council will follow in relation to investigations, enforcements and prosecutions as part of its regulatory functions. Further advice and guidance are also available within the [National Planning Practice Guidance](#) published by Central Government.

2. Financial Implications

2.1 The Council has a range of **discretionary** enforcement powers available to it. These include requiring compliance with conditions, issuing an enforcement notice and, usually as a last resort, issuing Court proceedings. Each case is considered on a case-by-case basis where all options are considered including whether to take informal or formal action. Once issued, an enforcement notice can be appealed to the Planning Inspectorate (Secretary of State) and so appeals, along with Court proceedings will have cost implications for the Council.

3. Natural Environment, Climate & Ecology Implications

3.1 The LEP sets out when it is appropriate to take formal enforcement action. Inappropriate and unauthorised development both in terms of its location and impact can be counter to the council's climate and nature objectives. As such, appropriate enforcement action – and means to strengthen or clarify our enforcement regime – will assist in supporting the objectives of [mission 5 of the council's Natural Environment, Climate and Ecology Strategy](#).



4. **Well-being and Health Implications**

- 4.1 The LEP sets out when it is appropriate to take formal enforcement action as inappropriate and unauthorised development can have a harmful impact on the well-being and health aspects of people and businesses.

5. **Other Implications**

- 5.1 Crime & Disorder implications
- 5.2 Following the processes set out in the LEP will help to restrict the potential for breaches of planning control to develop into criminal activity.
- 5.3 Formal planning enforcement action must only be conducted following liaison with Legal Services and in accordance with the Scheme of Delegation.

6. **Risk Assessment**

- 6.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Low

7. **Equalities Impact Assessment**

- 7.1 EQIA assessments were initially completed as part of the preparation of the Dorset Council Local Plan and for this Enforcement Plan. There was an overall neutral impact, i.e. no change or no assessed significant impact of protected characteristic groups.
- 7.2 The LEP will ensure that matters are dealt with on their planning merits and that matters that might discriminate against people or groups would not carry any weight.

8. **Appendices**

- 8.1 Appendix 1 - Dorset Council General Statement of Enforcement Policy - Dorset Council

Appendix 2 - The current adopted Planning Enforcement Plan.

Appendix 3 - Proposed: Development Management Local Enforcement Plan 2024

9. **Background Papers**

- 9.1 The National Planning Policy Framework (NPPF) [national-planning-policy-framework](#)

[How to report a Planning Enforcement issue](#)

[Current Development Management Planning Enforcement Plan](#)

[Dorset Council Policy: General In Constitution Statement of Enforcement Policy](#)

10. **Report Sign Off**

This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)

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Ref. No.	PL/RE/16
Category:	
People	
Place	
Corporate	Yes
In Constitution	

Dorset Council Policy: General Statement of Enforcement Policy

Policy Details

What is this policy for?	It sets out common principles that the Council will follow when taking enforcement action so that the Council's approach is consistent, transparent, accountable, proportionate and targeted.
Who does this policy affect?	This policy applies to all enforcement action undertaken by or on behalf the Council by Planning; Building Control; Environmental Health; Anti-social Behaviour; Trading Standards; Licensing, and Children and Young People's services.
Keywords	Enforcement
Author	David Fairbairn, Purbeck District Council
Dorset Council policy adopted from	This is a new policy for Dorset Council.
Does this policy relate to any laws?	The Legislative and Regulatory Reform Act 2006 and the Regulator's Code.
Is this policy linked to any other Dorset Council policies?	Enforcement policies employed by different service teams.
Equality Impact Assessment (EqIA)	The Dorset Council policy was subject to EqIA Screening and no negative impacts were identified.
Other Impact Assessments	None identified.

Status and Approvals

Status	Live	Version	1
Last review date	This is a new policy	Next review date	To be arranged
Approved by (Director)	Dorset Council Corporate Director, Legal and Democratic Services	Date approved	
Member/ Partnership Board Approval	Dorset Council Shadow Executive Committee	Date approved	25 March 2019

General Statement of Enforcement Policy

1.0 Introduction

This General Statement of Enforcement Policy is at the core of Dorset Council's commitment to the provision of excellent services and the adoption of best practice. It sets out common principles that the Council will follow when taking enforcement action so that the Council's approach is consistent, transparent, accountable, proportionate and targeted.

In formulating this policy regard has been had to relevant legislation and codes, including the Legislative and Regulatory Reform Act 2006 and the Regulator's Code.

This policy applies to all enforcement action undertaken by or on behalf the Council. Where considered appropriate, this overarching policy may be supplemented by additional enforcement policies and procedures produced by individual service areas.

2.0 What is Enforcement?

The Council has a wide range of powers and responsibilities for ensuring that legal requirements are met. These include Planning; Building Control; Environmental Health; Anti-social Behaviour; Trading Standards; Waste; Community Care; Licensing; and Children and Young People's services.

The Council recognises that most people want to abide by the law. It will assist and advise where this is considered possible and appropriate, but will consider taking enforcement action against those who disregard legal requirements or act irresponsibly. However, enforcement action does not always have to mean taking formal action, such as prosecution, but includes the following outcomes:

- Deciding to take no further action;
- Compliance advice;
- Formal Warning;
- Statutory Notice;
- Simple Caution;
- Prosecution;
- Works in default;
- Injunction;
- Order e.g. Anti-Social Behaviour or Management Orders; and/or
- Other formal action e.g. seizure, recovery action, suspension or revocation of licences or permissions.

3.0 The Council's Approach

3.1 Standards

Where the Council has published service standards for individual service areas, enforcement action will normally be taken in accordance with that relevant service standard unless specific circumstances have been identified that justify a departure from that standard.

3.2 Openness

So far as it is appropriate to do so, the Council will be open about how it will undertake its responsibilities and explain in a timely manner when it is necessary to take enforcement action.

3.3 Helpfulness

The Council believes that prevention is better than cure and will often work to advise and assist on compliance with the law. Council officers will be courteous and efficient and where appropriate will identify themselves by name and show identification.

In a number of cases the law provides a right of appeal against various types of enforcement action. In cases where legislation requires it, the Council will seek to ensure that relevant details of the appeal mechanism are clearly set out in writing.

3.4 A Balanced Approach

In assessing enforcement action, the Council will aim to adopt a proportionate approach to the problem.

3.5 Consistency

The Council will carry out its duties in a fair and consistent way.

3.6 Liaison with other agencies

Where the Council and another enforcement agency each have powers of enforcement (e.g. with the Environment Agency, Fire and Rescue Service), the Council will liaise with the other agency to ensure effective co-ordination to avoid inconsistencies and to ensure that the most appropriate action is taken to resolve any breach.

3.7 Compliance with the law

The Council will ensure that enforcement action takes place in accordance with the Police and Criminal Evidence Act 1984; the Criminal Procedure and Investigations Act 1996; the Human Rights Act 1998; the Regulation of Investigatory Powers Act 2000 and other relevant legislation, statutory guidance or code of practice.

3.8 Trained and competent officers

The Council will ensure that its officers who take enforcement action are appropriately authorised to do so, competent, suitably qualified and trained.

3.9 Own merits

Every case is unique however and will be considered on its own merits. However, when making decisions whether to prosecute or not the Council take into account the advice set out in the Director of Public Prosecution's Code for Crown Prosecutors on the need for the evidential and public interest tests to be met.

4.0 Assistance from the Public or other Organisations

Assistance of others is often crucial to the success of enforcement action by the Council. Where information is given to assist the Council's enforcement, the Council will treat such information with confidence. However, if formal action is taken, information that has been provided may be required to be disclosed and made public by law.

5.0 Equality and Diversity

When making enforcement decisions, the Council will ensure that there is no discrimination against any individual on the grounds of age, race, ethnic or national origin, nationality, religion and belief, sex, gender identity, marital status, employment status, disability, sexual orientation, social class, responsibility for children or dependents, trade union membership, unrelated criminal convictions or any ground that cannot be justified.

6.0 Complaints

All complaints will be dealt with in accordance with the Council's Complaints procedure, but having regard to any on-going legal processes.

7.0 Review

This policy will be reviewed as necessary to ensure that it is fit for purpose.

8.0 Further Information

Further information regarding service specific enforcement policies and procedures can be obtained from individual service areas or from the Council's website.



Search...



[Home](#) > [Planning, buildings and land](#) > [Planning](#) > [Development Management Planning Enforcement Plan](#)

Development Management Planning Enforcement Plan

This supplemental Enforcement Plan relates to the service area for Development Management and should be read in conjunction with the [General Statement of Enforcement Policy](#) adopted by Dorset Council which sets out the overarching principles of enforcement for all Council functions and which has been formulated with regard to relevant legislation and codes, including the Legislative and Regulatory Reform Act 2006 and the Regulator's Code.

1. [Introduction](#)
2. [Dealing with notifications of alleged breaches](#)
3. [Steps relating to enforcement investigations and action](#)
4. [Entry onto the land](#)
5. [Expectations of Dorset Council](#)

1. Introduction

Local Planning Authorities have a duty to consider investigating all breaches of planning control received. However, the actions to be taken for such investigation and, in particular, the power to take formal enforcement action is discretionary and must be reasonable and proportionate. Formal action should only be taken where the breach causes serious harm or is against adopted Planning Policies. Even then, if action is taken, it must be reasonable in the circumstances, and proportionate to the harm being caused.

1.1 Development Management is a service concerned with the development and use of land; it seeks to ensure that changes to our physical surroundings – buildings and land – are appropriate for their purposes and location and in line with policies and principles set out at national and local level.

1.2 The purpose of this enforcement plan is to provide a framework to ensure that the council works in an equitable, practical and consistent manner. We recognise that prevention is preferable and therefore we will work to encourage people to comply with legal obligations but formal action including prosecution will be taken if it is in the public interest to do so. It must be remembered that formal enforcement action can take many months to conclude in more complex cases or where there is a request to rectify breaches.

1.3 We will seek to prioritise and direct effort using all available information on a particular case, assessing the risks involved in taking or not taking action and give due consideration to the likelihood of compliance and non-compliance and ensure that enforcement action is necessary and proportionate to the matter concerned.

1.4 We will adopt a similar approach to how we investigate matters in respect of similar case circumstances but recognising that in planning matters each case must be considered on its own merits and under appropriate national and local policies.

1.5 We are committed to the open provision of information where this is possible under the GDPR and will provide advice in a format that is accessible and easily understood. Where requested information will be made available in other languages and formats.

1.6 We will be clear in making a distinction between what is required in law and those actions which we recommend as best practice but which are not compulsory. We will also ensure that we work in cooperation with other agencies to provide the best advice possible, though mindful of the sharing of data under the GDPR.

2.0 Dealing with notifications of alleged breaches

2.1 In normal circumstances notifications to the Council of alleged breaches relating to planning matters will be received from the public [via the online reporting process](#). Customers will be encouraged and assisted to use the online submission as much as possible, however, for those unable to get access to the web site notifications can be made in the following way;

- notifications submitted in writing; i.e. letter or email
- notifications made by telephone

2.2 Using the online reporting procedure enables complaints/concerns to be assessed, registered correctly and prioritised, according to the severity of the issue being reported. This might include concerns relating to unauthorised works to listed buildings, works in conservation areas and works affecting trees subject to a tree preservation order. Priorities will be based on the degree of risk from the situation, the seriousness of the contravention, the different means of remedying the situation and the particular circumstances of the case. We will also have regard to any legal guidance for example that given in Government circulars and case law.

2.3 It therefore cannot be assumed that every alleged breach notified to the Council will result in a formal enforcement investigation/action being undertaken. For example, it may be that the issues raised in the breach report do not constitute development or is a minor breach of planning law resulting in no material harm or where there is no public benefit in enforcement action being taken.

2.4 The matter reported may also benefit from being permitted development pursuant to the Town and Country Planning (General Permitted Development) Order (England) 2015 as amended, which grants consent to the development without the requirement to apply to the Local Planning Authority.

2.5 If a person(s) notifying the Council of an alleged breach identifies themselves by name and address and requests to be informed of the outcome, the Council will usually seek to advise that person(s) of the result of any investigation and any actions taken by the Council. Anonymous complaints will be given a low priority or may not be investigated at all, depending on the circumstances of each individual report.

2.6 The Council will treat the details of a person notifying the Council of an alleged breach as confidential. However, there will be circumstances under which it may be necessary to divulge those details, for example if the Council relies on information you have provided to take action through the Courts, at planning appeals or where the Council is required by law or statute to make such disclosure etc. Before this occurred the relevant parties would be informed.

3.0 Steps relating to enforcement investigations and action

3.1 Where appropriate, the Council will normally aim to provide a response to a written notification of alleged breach within 28 working days of being registered by the Council.

3.2 The Council will have regard to the provision of any specific statutory provisions, and requirements, relating to the service of planning enforcement notices.

3.3 Where a breach has been identified that is considered to be compliant with Planning Policy and therefore may have received permission or consent had it been applied for before the development was undertaken, a retrospective planning application may be requested and submitted in an attempt to remedy the situation. Under those circumstances the taking of formal enforcement action may be deferred pending determination of the application. Whether or not such deferment occurs will also depend upon the specific circumstances of the case.

3.4 The Council recognises that most people want to comply with the law. Where a breach of planning control has been identified as having occurred, seeking an informal negotiated solution will be preferred to the taking of immediate formal enforcement action. Again, the appropriate manner of dealing with the matter will vary according to the specific facts relating to the matter.

4.0 Entry onto the land

4.1 The Council has various statutory powers which enable it to enter land for the purposes of investigating planning related breaches. Consideration will be given to the use of such powers where necessary.

4.2 Where entry onto land is refused or obstructed by the land or property owner, consideration will be given to seeking a warrant of entry from the Magistrates Court.

In the event of a person wilfully obstructing an authorised officer from effecting entry, prosecution proceedings may also be considered.

4.3 It should be particularly noted that the power to take formal action is discretionary. Where a breach of planning control has been identified further action may not be taken for a number of reasons. In Planning law certain breaches can become immune through the passage of time and in those circumstances action cannot be taken.

Central Government guidelines also advise Local Planning Authorities that where planning permission would be granted, without conditions being imposed, then it must consider the expediency of formal action as this may be unreasonable and disproportionate in the circumstances.

5.0 Expectations of Dorset Council

5.1 Staff handling cases will be polite and helpful at all times and seek to give clear and simple advice to both those reporting a breach and those who are subject to further investigation. Where needed advice will be provided in writing with clear guidance on actions and timescales involved.

5.2 Staff will be provided with appropriate training and have access to experts in planning enforcement to enable them to pursue actions that are appropriate and proportionate.

5.3 All enforcement investigations must have due regard to the Human Rights particularly in respect of the right to a fair trial and right to respect for private and family life, home and correspondence.

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Dorset Council

Development Management

Local Enforcement Plan

2024

Contact details

Planning Enforcement
Dorset Council
County Hall,
Colliton Park,
Dorchester,
Dorset,
DT1 1XJ

Dorset Council Website – [Home - Dorset Council](#)

Information about Enforcement - [Enforcement and post-permission matters - GOV.UK \(www.gov.uk\)](#)

To request this information in an alternative format or language please telephone 01305 221000 or email customerservices@dorsetcouncil.gov.uk

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Summary

Dorset Council encompasses a diverse range of environments, including historic towns and villages, suburban areas, industrial estates, and picturesque countryside and coastlines. These areas hold significant value for our residents and are often covered by National and International environmental designations. Despite facing high development pressure, the Council remains committed to preserving and enhancing these cherished landscapes

This Local Enforcement Plan document outlines Dorset Council's approach to planning enforcement matters aligning with the **National Planning Policy Framework (NPPF)**. It sets out Dorset Council's priorities for investigation, explains what will be investigated and it outlines the Council's discretionary powers regarding planning enforcement.

This document sets out the policy and procedures that the Council will adopt when investigating and, where applicable, remedying breaches of planning control. In essence, this plan provides a roadmap for how the Council will address and rectify any breaches of planning control within our areas.

1. Introduction

- 1.1 **The Town and Country Planning Act 1990 ("Act")** provides the main legislative framework for dealing with breaches of planning control. The Act provides the Council with the necessary powers to deal with breaches of planning control whilst the **National Planning Policy Framework (NPPF)** and **National Planning Practice Guidance (NPPG)**, provide guidance on how the Council should deal with breaches of planning control.
- 1.2 The National Planning Policy Framework ([NPPF](#)) and National Planning Practice Guidance ([NPPG](#)) make it clear that the powers provided by the Act ***are discretionary*** and should only be used when it is expedient to do so. Any action taken should be commensurate with the seriousness of the breach of planning control and the harm caused or harm that may be caused.
- 1.3 The NPPF states: -

"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a **local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate."**
- 1.4 This document sits below, and should be read in conjunction with, the Council's [Dorset Council General Statement of Enforcement Policy - Dorset Council](#) which sets out the

general principles the Council will follow in relation to investigations, enforcement and prosecutions as part of its regulatory functions.

- 1.5 Dorset Council recognises the potential adverse consequences that unauthorised development can have if left unchecked, it can undermine confidence in the planning system. However, the Council does not have a statutory duty to take formal planning enforcement action. Instead, Councils have discretion to take enforcement action when it is regarded to be expedient and proportionate to do so having regard to the “*development plan and any other material planning considerations*”.
- 1.6 This plan provides guidance for officers and explains to people who use the planning enforcement service how the Council makes decisions and the powers it may use to ensure compliance with planning control.

2. Service Aims

- 2.1 To operate in accordance with the procedures outlined in this Plan and the overarching [Dorset Council General Statement of Enforcement Policy - Dorset Council](#) published by the Council;
- 2.2 To provide an efficient and effective planning enforcement service within the resources available, whilst treating all our customers with courtesy, respect and fairness.
- 2.3 To remedy the undesirable effect of unauthorised development and to strike a balance between protecting amenity/environment and other interests.
- 2.4 When it is considered appropriate and proportionate to do so, take a robust approach to enforcing against confirmed breaches of planning control.

3. What is a breach of planning control

- 3.1 The enforcement of planning law is complicated. This is because Central Government attempts to balance the rights of individuals to use or alter their property against the need to safeguard the character and quality of towns/villages/the countryside, amenity of people and an area, and to uphold local adopted planning policies, as set out in Local and Neighbourhood Plans.
- 3.2 The planning enforcement system operates in such a way that it gives those undertaking any unauthorised development, the opportunity to seek to correct matters before taking formal action. This is set out in the National Planning Policy Guidance para 12 [NPPG](#).
- 3.3 A breach of planning control occurs when one of the following takes place:

Carrying out of operational development (building or other works) without the required planning permission.

Carrying out of material changes of use without planning permission.
Failing to comply with a condition or limitation subject to which planning permission was granted.
Carrying out of works to a Listed Building without the relevant consent(s).
Unauthorised works to a tree protected by a Tree Preservation Order or works carried out to trees within a Conservation Area without giving the Council the required notice.
The display of advertisements without advertisement consent.
The neglect of land or buildings to an extent which causes harm to the amenity.
Failure to comply with Section 106 Agreements/undertakings.
Engineering operations such as the raising or lowering of ground levels and formation of earth bunds; carried out without the benefit of planning permission.
Not building in accordance with the approved plans (following the granting of planning permission or Listed Building consent).

- 3.4 Most breaches of planning control are not, in themselves, **criminal offences**. Under current legislation the potential commission of a criminal offence ordinarily only arises if the requirements of an enforcement? notice that has taken effect and have not been complied with in the time required within the notice.
- 3.5 However, certain breaches of planning control do constitute a criminal offence from the outset. Such breaches include:

Unauthorised works to a Listed Building, without the necessary consents.
Unauthorised works to a Protected Tree or tree within a Conservation Area.
The display of advertisements which do not benefit from deemed consent.

4. Matters which are not breaches of planning control

- 4.1 The following list contains examples of those matters which do not constitute a breach of planning control. This list is not exhaustive:

Internal alterations to a building which is not a Listed Building.
--

Obstruction of a highway or public right of way.
Land ownership disputes and boundary disagreements.
Parking of vehicles on the highway or on grass verges.
Operating a business from home, where the residential use remains to be the primary use of the property and there is no significant impact on the residential amenity or the character of the area.
Covenants and restrictions on Deeds and Land Registry enquiries.
Advertisements which are exempt or benefit from deemed consent.
Any development deemed to be "Permitted Development" by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 or in any statutory instrument revoking and re-enacting that Order, i.e. where it does not need the permission of the Council.
Clearing land of overgrowth, bushes or trees (provided the trees are not subject to a Tree Preservation Order or within a Conservation Area).

5. Enforcement action is discretionary.

- 5.1 As mentioned at 3.5 above in most cases it is not a criminal offence to undertake development without first obtaining planning permission or other formal consent.
- 5.2 The Government has made it clear through legislation and guidance that the response to an alleged breach of planning control is a matter for the discretion of the local planning authority (Council) and not every breach of planning control justifies the taking of enforcement action.
- 5.3 The Council must make a judgement having regard to National Planning Policy (including the National Planning Policy Framework), Adopted Local Plans, Made Neighbourhood Plans, case law and any other relevant planning considerations and constraints.
- 5.4 Guidance from Central Government is that councils are expected to give those responsible for a breach of planning control the opportunity to put matters right or to seek to regularise the breach before resorting to formal action such as an Enforcement Notice. Any such service of a formal notice must be proportionate and commensurate with the alleged breach of planning control.
- 5.5 In exercising planning functions, the Council is required to consider whether enforcement action is in the public interest. At the same time, it is also under an obligation to act consistently with the [European Convention on Human Rights](#) (in particular, **Article 8 – the Right to Respect for Home, Privacy and Family Life, Article 14 – Prohibition of Discrimination, and Article 1 of the First Protocol – Right to the Enjoyment of Property**). Regard must also be had to the [Equality Act 2010](#).
- 5.6 Any one or a combination of these factors may mean that the Council will decide not to take formal action in any case where there has been a breach of planning control. It will however act where a breach causes significant planning harm.

6. How to report an alleged breach of planning control

- 6.1 If someone believes that a breach of planning control has occurred, they should notify the Council's Planning Enforcement Team using the following options:

The primary method for reporting is by using the online reporting form which can be found on Dorset Council website accessed via this link: Planning enforcement - Dorset Council .

If you are unable to complete the form online yourself, please call: (01305) 838336 and an advisor will assist you.
--

- 6.2 In order for the Council to investigate your complaint you will need to provide the following information:

The address of the site or details of the precise location. Please follow this link for further assistance. https://what3words.com

What the breach of planning control is and when it first occurred.
--

The name and address of the landowner(s) and/or the person responsible for carrying out the works, if known.
--

The planning application reference number, when referring to non-compliance of approved plans or conditions

Any photographs obtained can be uploaded as part of the online form.
--

Your name, postal address, email address and telephone number.
--

- 6.3 The Planning Enforcement Team will not be able to accept anonymous complaints, as the planning enforcement officers may need the complainant's contact details to provide updates on the investigation and/or actions that have been taken, or to request further information.

- 6.4 The planning enforcement officers will ensure that the complainant's identity is safeguarded, though in some circumstances it may be necessary for a complainant to give evidence at an appeal or any legal proceedings.

- 6.5 Should someone not wish to provide their contact details, a Ward Councillor or a Parish Councillor may be able to assist with lodging the complaint. Anonymous complaints will not be investigated unless they relate to a serious breach of planning control involving for example:

A matter of public health or safety. Such as development causing severe pollution problems.

The storage and handling of hazardous materials.
--

The development of contaminated land.

Works to protected trees.

Works affecting heritage assets.

There is evidence of significant irreversible harm.

7. What can you expect if you report an alleged breach of planning control?

7.1 On receipt of the online report ([Planning enforcement - Dorset Council](#)) an automated acknowledgement will be sent to you by the system, providing a 9 digit reference number beginning with the prefix DFY.

7.2 Following this we will triage the report based upon the information supplied and the level of planning harm. We prioritise our resources for matters which are a breach of planning control where significant harm is being caused.

7.3 If it appears at the outset the reported matter is not a breach of planning:

We will <u>not</u> set up a case for it.
We will tell you the reasons why.
If a different team within the Council or a different agency could deal with it, we will advise you to re-direct your enquiry to them as appropriate.

7.4 Always keep your personal details confidential, unless required to disclose them.

7.5 We aim to register all reported breaches of planning control within **5 working days**, providing you with a formal acknowledgement email/letter containing information such as the enforcement reference number (replacing the DFY reference previously passed) and the contact details of the officer dealing with the matter.

7.6 Carry out a desk-top evaluation to establish the relevant planning/enforcement history and undertake open-source research i.e. social media, websites etc.

7.7 Undertake a site visit where appropriate within the requisite time (see priorities below) – planning enforcement officers have powers to enter land at any reasonable hour to investigate alleged breaches of planning control. Should access be required to a dwelling house 24 hours' notice must be given, in accordance with Section 196A of the Town and Country Planning Act 1990.

7.8 Establish whether an actual breach of planning control has taken place. In cases where we decide there has not been a breach of planning control, we will close the case and tell you.

7.9 In cases where there may be a technical breach of planning control, but the harm caused is insufficient to warrant formal action (non-expedient) we will tell you the reason(s) for not taking formal action and close the case.

7.10 Investigations into alleged breaches of planning control may take some time as cases can be complex and raise a variety of issues that need careful consideration.

7.11 All contraveners have a right to submit a retrospective application to attempt to gain the relevant permission/consent. The application must be dealt with under the normal

application process and is subject to the notifications, consultations and statutory time periods associated with the determination process.

- 7.12 The Council aims to make this decision on any retrospective planning application within the statutory period, which could be take **8, 13 or 16 weeks**, depending on the nature of the application. If an application submitted to regularise a planning breach is refused, the applicant has the right to appeal the planning decision and it is rarely considered appropriate to commence formal enforcement action until the outcome of the appeal is known. Appeals can take a year or more to be determined.
- 7.13 The Council will negotiate with those responsible for any breach of planning control, allowing them the opportunity to resolve the matters of concern rather than issuing a formal notice in the first instance, unless the breach is so serious it warrants immediate action or where negotiations become protracted with no real likelihood of success, at which point consideration to serving formal notices will be undertaken.
- 7.14 When a breach of planning control is found to have occurred **and** it is causing significant 'harm' the case will be pursued until such a time that the matter is resolved, or the breach is regularised or found to be lawful, or the decision is taken that it is not expedient to pursue any further for sound planning reasons.
- 7.15 If a formal notice is served and not complied with, the Council will consider pursuing the case through the Magistrates' Court or Crown Court where necessary and appropriate. Exceptionally the Council may decide to carry out works required in an Enforcement or other Notice which is not being complied with and will seek to recover the costs of doing so.
- 7.16 We will **not** re-open a case that has been closed unless there is a significant new piece of information or change on site.
- 7.17 On conclusion of the enforcement investigation, a summary of our findings will be provided to the individual(s) who reported the matter. Officers will not as a matter of course provide regular updates on the status of the investigation. However, if an update is requested during the investigation, we can only provide information as to what stage the investigation has reached at that point in time. This will allow officers to focus on the resolving the investigation as quickly as possible.

8. How we prioritise complaints

- 8.1 To make the most effective use of resources, complaints regarding suspected breaches of planning control will be assigned a Priority Rating depending on the nature of the breach and the degree of harm caused. Individual cases may be re-prioritised as the investigation progresses.

Priority	Examples of Alleged Breach Of Planning Control
<p>1 Site visit within 1-2 working days of receipt.</p>	<ul style="list-style-type: none"> • Unauthorised development/activity which is causing immediate and irreversible harm in the locality. • Unauthorised works to trees subject of a Tree Preservation Order or to trees in a conservation area. • Unauthorised works to a Listed Building. • Development which is likely to give rise to a serious risk of harm to public health, public safety or seriously compromise highway safety (including a Breach of Condition). • Development that may adversely affect or destroy a site of nature conservation value.
<p>2 Site visit within 10 working days from receipt.</p>	<ul style="list-style-type: none"> • Stationing a new residential caravan in the countryside (including gypsy sites and travelling show people sites). • Works not in accordance with a planning permission. • Householder development. • Commencement of development (following the grant of planning permission) without discharging 'pre-commencement' conditions – except for issues such as landscaping or means of enclosure, which are unlikely to require immediate action.
<p>3 Site visit within 15 working days from receipt.</p>	<ul style="list-style-type: none"> • All other breaches of conditions. • Changes of use not covered by Priority 1 or 2. • Earthworks and changes to land levels. • Display of advertisements. • Agricultural developments. • Equestrian related developments. • Gates, walls, fences. • Satellite dishes. • Untidy land. <p><u>(Note: adverts and fence issues may be increased in priority if highway safety issues are identified).</u></p>

9. What are the possible outcomes of an investigation?

- 9.1 **No breach established** – Following investigation it may be found that there is no breach of planning control because, for example, the unauthorised use has ceased, or the development is 'permitted development' or no development has taken place.
- 9.2 **There is a breach of planning control but not considered expedient to pursue formal action** – Just because a breach may exist does not automatically mean that formal action should be taken. Enforcement powers are discretionary and should be used proportionately. So, for minor or technical breaches which cause little or no harm it may be considered inexpedient to take enforcement action.

9.3 The development is lawful and immune from enforcement action –

within 10 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place on or after 25 April 2024
within 10 years for an unauthorised change of use to a single dwellinghouse where the change of use took place on or after 25 April 2024
within 4 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place before 25 April 2024 ;
within 4 years for an unauthorised change of use to a single dwellinghouse where the change of use took place before 25 April 2024
within 10 years for any other breach of planning control (essentially other changes of use)

In any such case, the person responsible for the breach is entitled to immunity from enforcement action. They may be asked to apply for a Certificate of Lawful Use or Development which will enable the Council to make a formal decision on whether the breach has become lawful by the passage of time and is therefore immune from enforcement action. These time limits may be extended where there is evidence that the alleged breach has been deliberately concealed from the Council. This is explained in more detail below under the heading “Deliberate Concealment – Planning Enforcement Orders”.

9.5 **Negotiations take place to find a solution** – In accordance with Government guidance, the priority is to try and resolve any breaches of planning control through negotiation. Only when such negotiations fail to secure a solution should formal action be considered. The Council will not however allow negotiations to become protracted where there is a need to make the development acceptable or where there is a requirement for a particular use to cease.

9.5 **Invitation to submit a retrospective application** – In accordance with Government advice, where a breach of planning control is acceptable in planning terms, the Council may invite the submission of a retrospective planning application for formal consideration by the Council.

A retrospective application will only be invited where we consider that there is a reasonable likelihood that permission or consent may be granted in line with Local and National planning policies or where a development may be made acceptable by way of the imposition of conditions. However, the fact that an application is submitted does not necessarily mean it will be approved.

9.6 **Formal Action** - The Council considers that the harm caused by the unauthorised development is unacceptable and it is therefore necessary to take formal enforcement

action to remedy the breach of planning control. The more common forms of enforcement action are listed below:

<p>The service of an Enforcement Warning Notice (EWN) under Section 172ZA of the Town and Country Planning Act 1990. This is a formal notice issued by a local planning authority (LPA) when there is an alleged breach of planning control. It invites the recipient to submit a retrospective planning application to regularise the unauthorised development. The notice will detail the alleged breach and specify a deadline by which the application must be made. If the application is not submitted within the given timeframe, further enforcement action may be taken</p>
<p>The service of an Enforcement Notice (EN) under Section 172 of the Town and Country Planning Act 1990 that identifies a breach of planning control and requires specific steps to be undertaken to remedy the breach.</p>
<p>The service of a Listed Building Enforcement Notice (LBEN) under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires specific steps to be undertaken to bring a Listed Building back to its former state or to carry out work to alleviate the effects of unauthorised works or to bring the building into the state it would have been if the terms of any Listed Building consent had been observed.</p>
<p>Right of Appeal - The recipient of an Enforcement/Listed Building Enforcement Notice has the right to lodge an appeal before the date on which the Notice takes effect (which must be at least 28 days from the date when the notice is served). Appeals are decided by an independent Planning Inspector, and it will take several months, or longer in complex cases, before there is a formal decision. If there is an appeal interested parties will have an opportunity to make representations to the Planning Inspectorate.</p>
<p>The service of a Breach of Condition Notice (BCN) under Section 187A of the Town and Country Planning Act 1990 to secure compliance with conditions imposed on a planning permission.</p>
<p>The service of a Stop Notice (SN) or a Temporary Stop Notice (TSN) under Section 183 and Section 171E of the Town and Country Planning Act 1990 requiring the cessation of unauthorised activities.</p> <p>A Stop Notice may only be served in conjunction with an Enforcement Notice referred to above. Before issuing a Stop Notice the Council must carry out a cost benefit analysis so that any costs incurred by the developer by having to stop works are fully considered and weighed against the harm being caused and the likelihood of planning permission being granted. A TSN is not issued in conjunction with an Enforcement Notice and will last a period of up to <i>56 days</i> after it is served. There is no right of appeal against either a Stop Notice or a TSN.</p>
<p>The service of a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the proper maintenance of land and buildings.</p>
<p>In extreme cases where the need arises proceedings for an Injunction may be considered. The Council is entitled under s187B of the Town and Country Planning Act 1990 to seek to obtain an injunction in either the High Court or County Court in order to restrain a breach of planning control. Should there be non-compliance with an injunction, the person in breach will be in contempt of Court, and may be liable to financial penalty, or committal to prison.</p>

10. Enforcement Register

- 10.1 The Council has a statutory duty to hold and maintain an enforcement register. This records details and basic information about what notices have been issued. The notices contained within the register are:

Enforcement Notices
Breach of Condition Notices
Temporary Stop Notices
Stop Notices

- 10.2 Enforcement registers are public records and can be viewed at County Hall, Colliton Park, Dorchester, DT1 1XJ by prior arranged appointment only.
- 10.3 To arrange an appointment please email: planningenforcement@dorsetcouncil.gov.uk or call 01305 838336 selecting option 2 to speak to an advisor.

11. Deliberate concealment - Planning Enforcement Orders

- 11.1 In accordance with Sections 171BA, 171BB and 171BC of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, the Council can apply to the Magistrates' Court for a Planning Enforcement Order to be made if it finds that an owner/occupier has deliberately concealed an unauthorised development.
- 11.2 In these circumstances, the Council will need to produce evidence that the owner/occupier has taken positive steps to conceal the unauthorised development, rather than merely refraining from informing the Council about it. An application must be made within 6 months, starting with the date on which sufficient evidence of the apparent breach came to the Council's knowledge.
- 11.3 If a Planning Enforcement Order is made, the Council can take enforcement action in relation to a breach of planning control notwithstanding that the time limits for taking enforcement action may have expired. If an Order is granted the Council has a further 12 months to complete its investigations and take formal action.

12. Enforcement in relation to Trees

- 12.1 The Town and Country Planning Act 1990 and the Town and Country (Trees) Regulations 1999 provides the statutory basis for most tree preservation and protection. It allows for Local Planning Authorities to make Tree Preservation Orders, protects most trees in Conservation Areas and it places a duty, where appropriate, for Local Planning

Authorities to preserve and protect existing and new trees when granting planning permission.

12.2 Section 210 of the Act states:

If any person, in contravention of a tree preservation order/tree preservation regulations—

a	cuts down, uproots or wilfully destroys a tree; or
b	wilfully damages, tops or lops a tree in such a manner as to be likely to destroy it; or
c	causes or permits the carrying out of any of the activities in paragraph (a) or (b), they shall be guilty of an offence.

12.3 The Council has a range of possible courses of action available to deal with cases of unauthorised works on trees protected through TPO of Conservation area. These include the following:

Seek a prosecution.
Administer a formal caution. This is a formal process whereby the perpetrator signs a statement admitting the offence and submitting to the caution. It may be referred to at the sentencing stage if the same person is ever found guilty of a subsequent offence. It may also be taken into consideration when deciding whether to prosecute at a later stage for another similar offence.
Under section 206 of the Town and Country Planning Act 1990, require the planting of a replacement tree for each tree destroyed under section 207 of the same Act, serve a replanting direction. This is a formal procedure to secure replacement planting, which can be invoked if the landowner does not otherwise comply with a duty to carry out replacement planting.
Take no formal action. This may be accompanied by informal action, such as advising the alleged offender to ensure that the incident is not repeated.

12.4 Consent is not required for the following works to protected trees:

Works to trees that are dead.
Works to trees that are <u>urgently necessary</u> to remove an immediate risk of serious harm.
Works to trees that are necessary to implement a planning permission.
Works to trees cultivated to produce fruit where such work is in the interests of that trade or business.

12.5 In relation to the first two points above an applicant should contact the [Council's Tree Officers](#) before undertaking such work to ensure that they are satisfied that the tree is dead or that the works are genuinely urgent and necessary.

12.6 Works to trees to implement a planning permission should be undertaken in accordance with the relevant permission and adhere to any conditions required. With regard bullet

point 4, pruning of fruit trees would be considered exempt works, but the felling of fruit trees is likely to require a notice or application.

13. Listed Buildings

- 13.1 Unauthorised works to a Listed Building is an offence under Section 9 of the Planning (Listed Building and Conservation Areas) Act 1990. A person who is guilty of such an offence will be:

<p>Liabe on conviction to imprisonment not exceeding 3 months or a fine not exceeding the statutory maximum or both; or</p>

<p>Liabe on conviction to imprisonment for a term not exceeding 12 months or a fine or both.</p>
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- 13.2 The Council has a range of possible courses of action available to deal with cases of unauthorised works to Listed Buildings. These include the following:

<p>Seek a prosecution;</p>

<p>Administer a formal caution. This is a formal process whereby the perpetrator signs a statement admitting the offence and submitting to the caution. It may be referred to at the sentencing stage if the same person is ever found guilty of a subsequent offence. It may also be taken into consideration when deciding whether to prosecute at a later stage for another similar offence.</p>
--

<p>Serve a breach of condition notice – note it is a criminal offence to fail to comply with a condition on a listed building application.</p>

<p>Serve a temporary stop notice or stop notice;</p>

<p>Negotiate the reversal of works/works to address the unauthorised works;</p>
--

<p>Serve an enforcement notice to remedy the works – note that there are no time limits for issuing Listed Building enforcement notices;</p>

<p>Take no formal action. This may be accompanied by informal action, such as advising the alleged offender to ensure that the incident is not repeated.</p>

- 13.3 With regard to Listed Buildings, the Council also has the following powers at its disposal: Urgent Works Notices and Repairs Notices and more information on this is available in [Historic England's publication 'Stopping the Rot - A Guide to Enforcement Action to Save Historic Buildings'](#). This document sets out step by step procedures for investigating alleged cases of unauthorised development e.g. drafting and serving notices.

14. Breaches of Section 106 Legal Agreements

- 14.1 When granting planning permission for development, the Council can impose planning obligations on the applicant. These obligations are usually contained within a legal agreement (often called a S.106 Agreement) and require certain works to be carried out or contributions to be paid/complied with at certain times. These agreements sit alongside the planning permission such that the landowner and developer are required to comply

with any obligations with the legal agreement as well as any conditions on their planning permission.

- 14.2 If the Council decides that there is a breach of a planning obligation (e.g. a financial contribution has not been paid or required works have not been carried out within the timescale specified within the legal agreement), the Council will contact the relevant party and discuss and attempt to negotiate an amicable resolution. Legal agreements typically have provisions to impose late payment penalties, and this will be the first course of action if the breach relates to a financial matter.
- 14.3 Should the council not be able to resolve the matter amicably, there are three further options available:

The Council could apply to the Court for an injunction to force the obligation(s) to be complied with. Failure to comply with an injunction can lead to an unlimited fine and/or imprisonment.
--

The Council could enter the land to complete works if an obligation required works to be carried out by a certain time and this has not been carried out. The Council must give 21 days' notice of the intention. The Council will seek to recover costs incurred in the completion of the works.

The Council may place a local land charge on the land or property which is binding on successive owners.
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15. Community Infrastructure Levy (CIL)

- 15.1 The Council's Community Infrastructure Levy enables it to raise funds from new development to help deliver infrastructure.
- 15.2 For further information please follow this link: [Community Infrastructure Levy](#)
- 15.3 The CIL team can be contacted by email: CIL@dorsetcouncil.gov.uk

16. Biodiversity net gain (BNG)

- 16.1 BNG is an approach to development. It makes sure that habitats for wildlife are left in a measurably better state than they were before the development.
- 16.2 In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).
- 16.3 Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.
- 16.4 Planning permission includes a statutory biodiversity gain condition. There is more information on BNG and planning in the [planning practice guidance](#).

17. Minerals and Waste

- 17.1 Dorset has a diverse range of important minerals including Portland Stone, Purbeck Stone, ball clay, sand and gravel, oil and gas reserves.
- 17.2 Minerals are essential to society, and it is vital that a sufficient supply is maintained to provide for the needs of communities and the economy both locally and nationally.
- 17.3 Since extraction of minerals is a continuous process of development, there is a requirement for routine monitoring, and if necessary, formal enforcement action to secure compliance with conditions.
- 17.4 Whilst Waste operations are not routinely monitored, if necessary, formal enforcement action to secure compliance with conditions imposed on waste sites. The following is a general, non-exhaustive list of matters which can be considered as waste operations.

metal recycling sites,
energy from waste incineration and other waste incineration,
landfill and land raising sites (such as soils to re-profile golf courses),
landfill gas generation plant, pyrolysis/gasification,
material recovery/recycling facilities,
combined mechanical, biological and/or thermal treatment,
in-vessel composting,
open windrow composting,
anaerobic digestion,
household civic amenity sites,
transfer stations,
waste water management,
dredging tips,
storage of waste,
recycling facilities for construction,
demolition and excavation waste

- 17.5 All alleged breaches of planning control relating to any Minerals and Waste sites and operations will be investigated and will follow the processes set out in this Local Enforcement Plan.

- 17.6 Formal action will only be taken where the breach causes serious harm or are against adopted Planning Policies. Even then, if action is taken, it will be reasonable and proportionate to the harm being caused.
- 17.7 When determining whether to pursue any formal enforcement action in respect of Minerals and Waste operations or sites, the following adopted plans and their policies will be considered:
- **Bournemouth, Dorset and Poole Minerals Strategy (2014)**
[Minerals strategy - Dorset Council](#)
 - **The Mineral Sites Plan (2019)**
[Mineral Sites Plan - Dorset Council](#)
 - **The Bournemouth, Christchurch, Poole and Dorset Waste Plan (2019)**
[2019 Waste Plan - Dorset Council](#)

18. Useful Links:

[Planning Enforcement - Dorset Council](#)

[Home - Dorset Council](#)

[Tree preservation orders - Dorset Council](#)

[Trees in conservation areas - Dorset Council](#)

[Hedgerows and high hedges - Dorset Council](#)

[Listed buildings - Dorset Council](#)

[Listed buildings in West Dorset and Weymouth and Portland - Dorset Council](#)

[Listed buildings in North Dorset - Dorset Council](#)

[Listed buildings in East Dorset - Dorset Council](#)

[Listed buildings in Purbeck - Dorset Council](#)

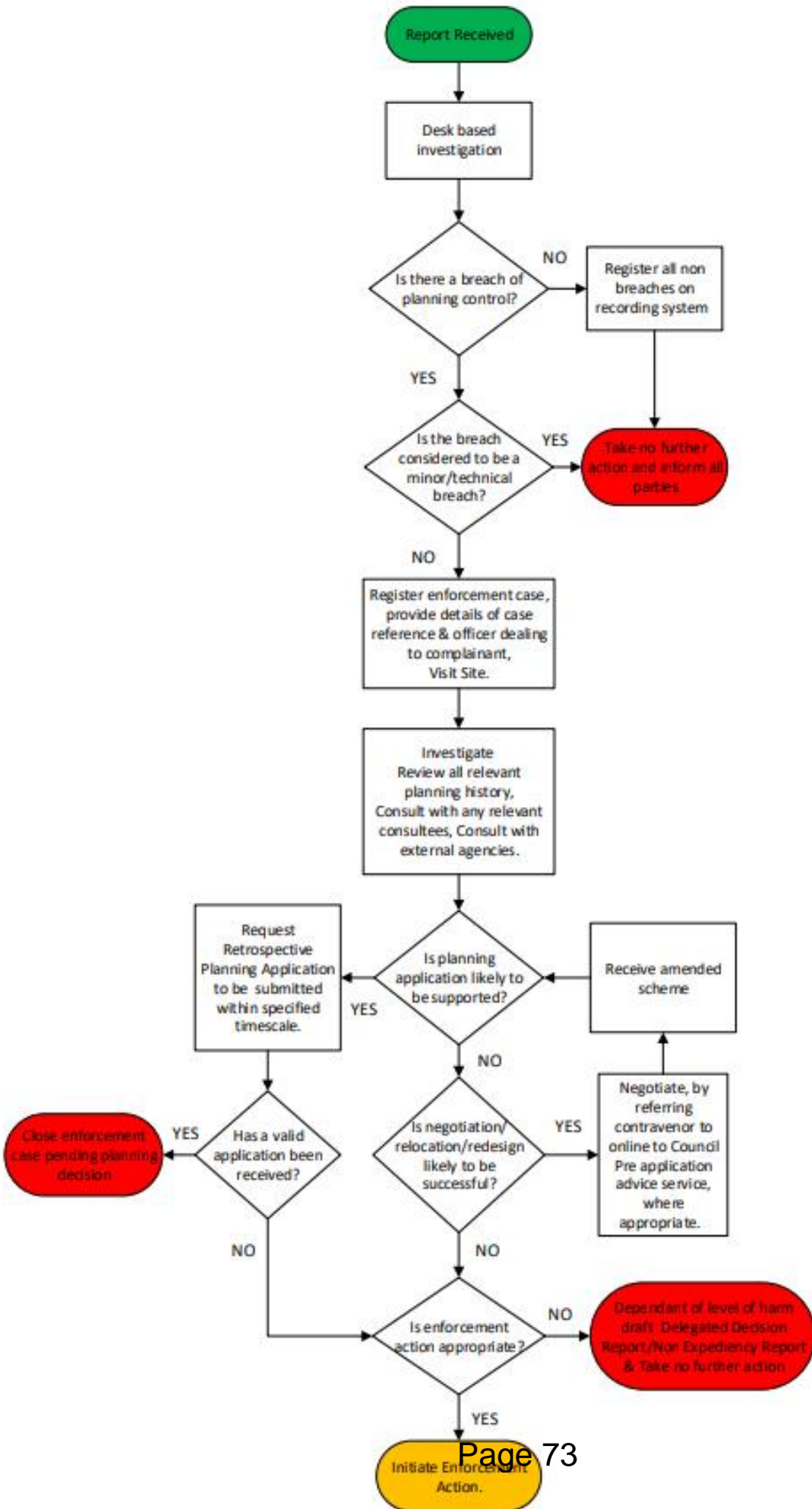
[Conservation areas - overview - Dorset Council](#)

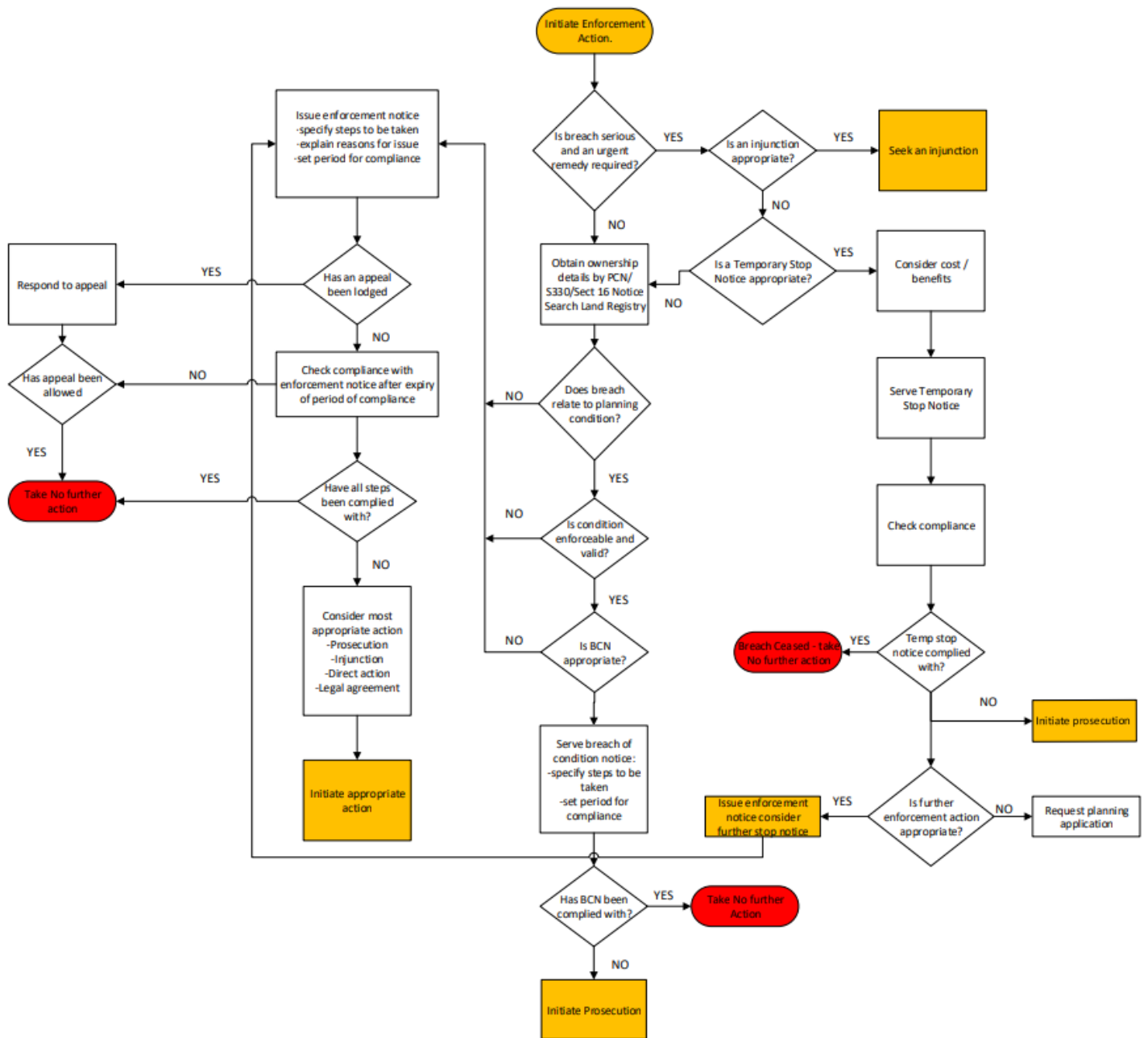
[Conservation areas - Dorset Council](#)

[Dorset Council Community Infrastructure Levy - Dorset Council](#)

<https://www.citizensadvice.org.uk/>

<https://www.planningportal.co.uk/permission/interactive-guidance>







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Place and Resources Overview Committee 12 September 2024 Review of the Dorset Council Waste Strategy

For Recommendation to Cabinet

Cabinet Member and Portfolio:

Cllr J Andrews, Place Commissioned Services

Local Councillor(s):

All local councillors

Executive Director:

Jan Britton, Executive Lead for Place

Report Author: Gemma Clinton

Job Title: Head of service for commercial waste and strategy

Tel: 01305 224716

Email: gemma.clinton@dorsetcouncil.gov.uk

Report Status: Public

Brief Summary:

The document in appendix 1 is the Dorset Council Waste Strategy. It has been reviewed to take account of the progress made to date and the recent changes in legislation. It updates the current Joint Municipal Waste Management Strategy for Dorset 2008 (and the revised version published in 2017).

The strategy sets the strategic vision and framework for how we will deal with waste in Dorset in the longer term, but it has a focus on the actions that will be undertaken over the next 5 years, due to the significant legislative changes that are anticipated in that timeframe.

Recommendation:

That the Place and Resources Overview Committee recommends that the revised Dorset Waste strategy is approved at Cabinet

Reason for Recommendation:

To detail how we will continue to minimise waste, maximise recycling and embed a circular economy within Dorset. The strategy document details our achievements so far, the challenges ahead, our vision for the future and our policy objectives to drive further improvements.

To ensure that the strategy remains a valid, high level document which can provide a framework for future decisions regarding waste management in Dorset.

1. Report

- 1.1 In this strategy document, Dorset Council's vision for waste is to provide a high performing, high quality, efficient and value for money waste service, that helps to make Dorset a great place to live, work and visit.

Our strategic aims are:

- To increase Dorset's recycling and composting rate through the application of the waste hierarchy and fostering a circular economy.
- To deliver an effective and cost efficient waste service which maintains high customer satisfaction.
- To continue to reduce the carbon emissions from the waste management service to improve its impact on climate change.
- To continue to meet our statutory requirements to remain safe and legal.

- 1.2 The strategy is structured around 7 policy objectives designed to support the implementation and achievement of these strategic aims. The objectives are based on a combination of national policy drivers, our legal obligations and targets, our recycling experience, best practice, and our own aspirations. They have an emphasis on the continued reduction of the amount of total waste that is produced, achieving even higher levels of recycling and composting, recovering more value from residual waste that is not recycled or composted and minimising the amount that is sent to be buried in the ground at landfill sites.

- 1.3 Waste management is recognised as a fast changing area and the strategy will continue to be under periodic review and refinement. Actions from this strategy will be achieved and monitored through the production of the annual waste service plan, which is in turn is supported by team action plans.

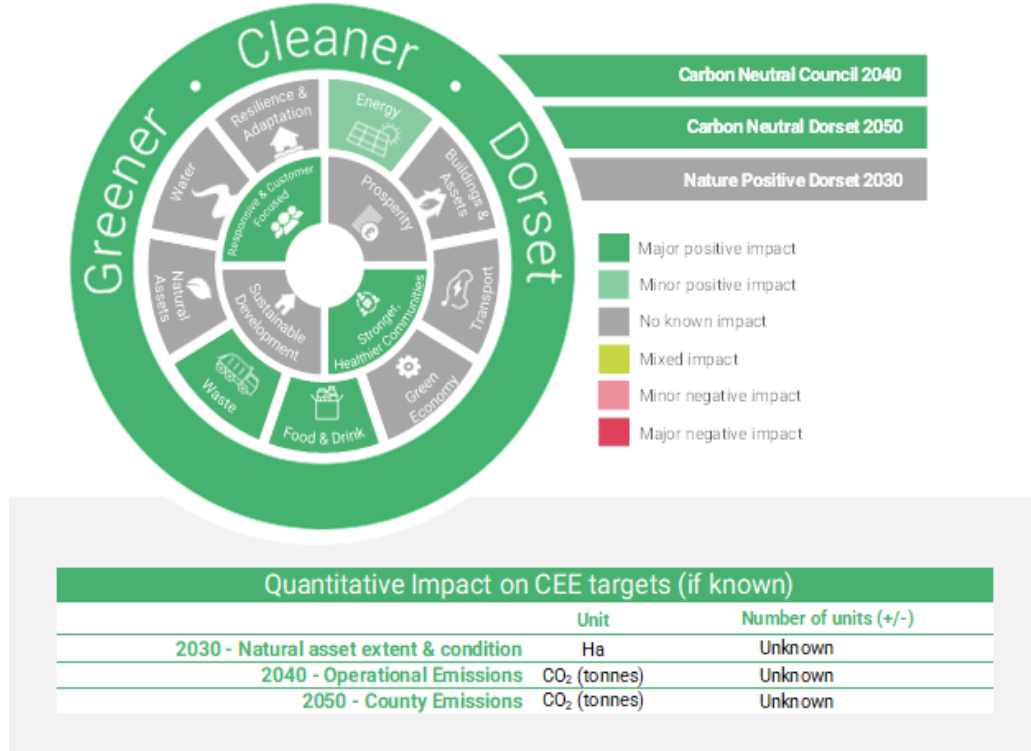
2 Financial Implications

There is no change to the budget requirement as a result of the recommended strategy.

The waste service will continue to remain under pressure to deliver financial savings wherever possible. In order to positively contribute towards the forthcoming budget deficit, we will endeavour to reduce, reuse, and recycle as much of our waste as possible, thus minimising the amount of residual waste

destined for disposal which is more expensive. This will generate savings and reduce our carbon footprint.

3 Natural Environment, Climate & Ecology Implications



ACCESSIBLE TABLE SHOWING IMPACTS

Natural Environment, Climate & Ecology Strategy Commitments	Impact
Energy	Minor positive impact
Buildings & Assets	No known impact
Transport	No known impact
Green Economy	No known impact
Food & Drink	Major positive impact
Waste	Major positive impact
Natural Assets & Ecology	No known impact
Water	No known impact
Resilience and Adaptation	No known impact

Corporate Plan Aims	Impact
Prosperity	neutral
Stronger healthier communities	Major positive impact
Sustainable Development & Housing	neutral

4 Well-being and Health Implications

None

5 Other Implications

N/A

6 Risk Assessment

6.1.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Low

Residual Risk: Low

7 Equalities Impact Assessment

An initial screening exercise has been undertaken which concludes that this strategy review does not require a full EQIA at this stage because it is a high level document only which will be used as a framework for any future decisions regarding waste management in Dorset.

Following the approval of this document, the waste team will then proceed with a number of workstreams to look at specific aspects of the waste service, for example, a review of the Household Recycling Centres, etc. It would be at this point that we would carry out a public consultation exercise and we would review the existing individual EQIAs.

8 Appendices

Appendix one – Dorset Council Waste Strategy 2024

9 Background Papers

N/A

10 Report Sign Off

This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)

Appendix 1

Dorset Council Waste Strategy 2024

Introduction

This Dorset Council Waste Strategy replaces the Joint Municipal Waste Management Strategy for Dorset 2008 and the updated version published in 2017. The strategy has been reviewed and updated to take account of the progress made to date and the recent changes in legislation. It sets the strategic vision and framework for how we will deal with waste in Dorset in the longer term, but it has a focus on the actions that will be undertaken over the next 5 years, due to the significant change that is anticipated in that timeframe.

Our waste strategy continues to focus on moving waste up the waste hierarchy and aligns closely with the Dorset Council Climate and Ecological Emergency Strategy. It details how we will continue to minimise waste, maximise recycling and embed a circular economy within Dorset. It identifies our aims and policy objectives required for future decisions regarding service delivery, infrastructure developments and treatment options/facilities.

The strategy details:

- Our achievements so far
- The challenges ahead and what legislation we must comply with
- Our vision for the future
- Our policy objectives to drive further improvements

Our achievements

- **Waste and recycling performance**

Dorset council has a proven track record when it comes to waste performance. The key highlights are as follows:

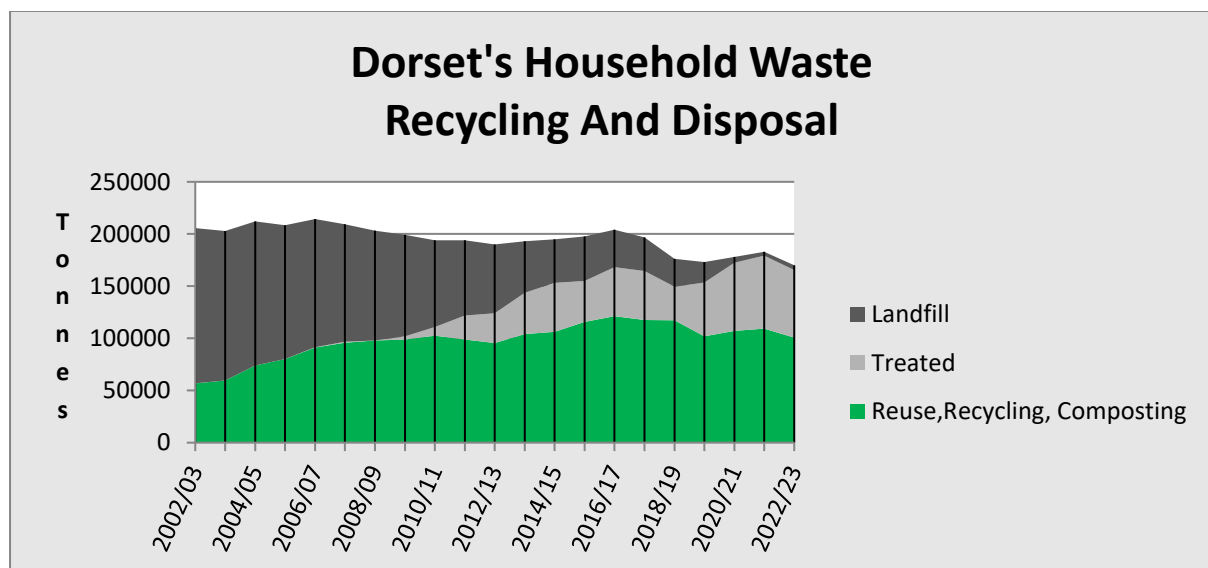
- In 2022/23, Dorset's recycling and composting rate was 59.1% making us the number one unitary and disposal authority in the country.
- We also have one of the lowest quantities of residual waste per household in the country at 377.92 kilograms for 2022/23.
- We have cut waste sent to landfill by 70% over the last decade. Residual waste sent to landfill has been reduced to just 2%. The majority of our residual waste is now sent to the New Earth mechanical biological treatment plant in Poole where organic and recyclable materials are extracted, and leftover material is turned into refuse derived fuel.
- All food waste collected is treated in-county using anaerobic digestion which produces biogas used to generate electricity, and biofertilizer sold as a soil improver for plants and crops.
- Dorset Council has been listed in the top 3 local authorities in the national Eunomia Recycling Carbon Index. This uses waste data to calculate the carbon emissions avoided through each local authority recycling scheme.

- 1.5 million visits to our household recycling centres (HRCs) are made annually – the HRCs are considered high performing in terms of diversion of waste from disposal; in 2022/23, the recycling rate was 52.5%
- Good customer satisfaction – a survey conducted in 2022 indicated that 87.5% of the Dorset population are either very satisfied or satisfied with the waste service.
- Since the introduction of our ‘Recycle for Dorset’ waste collection scheme, ongoing annual savings of £3.3 million through increased recycling and reduced waste disposal costs have been achieved.

Our ‘Recycle for Dorset’ service offers the following collections:

- A weekly collection of cooked and uncooked food waste using a 23 litre lockable container.
- A fortnightly collection of recycling using a 240 litre wheeled bin for paper and card, plastics (bottles, pots, tubs and trays), cans and aerosols, a 40 litre recycling box for glass and a reusable bag for batteries.
- A fortnightly collection of rubbish using a 140 litre wheeled bin.
- An optional, charged fortnightly garden waste collection using a 240 litre wheeled bin, provided all year round.

As illustrated in the graph below, we have consistently managed to keep total waste arisings from increasing, despite the number of households in the county growing on a yearly basis.



In an independent performance report conducted in 2020/21 by an external consultancy which benchmarked Dorset Council across a wide range of local authorities, it was concluded that “the waste service is deemed to be effective, provides quality and achieves high diversion rates. In fact, it delivers real value for money”.

- Innovative waste disposal contracts and infrastructure

We have opted to contract directly with service providers to deliver the front line waste services (instead of an overarching service provider), and to secure disposal outlets for the waste generated. This approach has been a successful one and has seen improvements in performance as well as delivering financial savings. It has also enabled the flexibility to introduce new services at the kerbside and move away from landfill as new treatment capacity becomes available.

The level of waste / recycle arisings created in Dorset does not currently support the direct ownership of a significant processing plant, resulting in the existing strategy of entering into a number of smaller processing contracts without minimum tonnages. This is made possible by Dorset Council owning its own transfer stations and outsourcing the operation of these to a number of smaller contractors. This general approach to disposal arrangements has brought benefit in terms of low disposal costs as evidenced in benchmarking.

We now send all kerbside residual waste to a mechanical biological treatment facility. This means that the amount of waste directly landfilled has reduced significantly, with less than 2.8% of waste landfilled in 2022/23. The current waste disposal contracts for residual waste are in place until 2027. The recycling contract to manage the HRCs, waste transfer stations and associated haulage has now been extended to 2026. This contract provides Dorset Council with efficiency savings and service flexibility for the contract duration.

We also work with community organisations to deliver waste contracts. For example, our bulky waste collection service for the whole of the council is operated by Dorset Reclaim, which is a local furniture reuse charity. The contract maximises reuse of bulky waste collected, adds social value, meets environmental aims and reduces waste disposal costs.

The independent benchmarking report detailed in the previous page concluded that this “current methodology of managing waste disposal is producing an effective service delivery, with managed risks at below average cost”.

- **Update on infrastructure**

We are seeking to develop a waste site in the Blandford area. This will secure critical infrastructure in Blandford for the development of a strategic waste transfer facility in central Dorset, which will provide the capacity to maximise the benefits of operational efficiency and resilience to provide business continuity. The new waste management centre will incorporate a much-improved HRC which will allow more materials to be separated for recycling compared with the current site serving the Blandford area. The new site will also allow for more diversion of waste for reuse.

We have undertaken a waste site infrastructure condition report, including a usage review, to ascertain any options for rationalisation and improved capacity. It is understood that these are vital assets to the service. Many of the current waste facilities are too old, too small and have insufficient capacity for future household growth, increased quantities of waste and the associated vehicles used to collect and transport this waste; this will have a direct impact upon the efficiency of the waste service. This condition report is being followed up as part of a wider council infrastructure review which is currently being undertaken. This will include a full review of all council depot infrastructure, considering actual and potential requirements, and the possibility of rationalisation and integration across the council for maximum efficiency.

- **Budget savings and efficiencies**

One of our key achievements has been the successful implementation of the ‘Recycle for Dorset’ kerbside service. This continues to save £3.3 million each year through increased recycling and reduced waste disposal costs.

In terms of value, although the collection costs in Dorset are slightly above average (due to the geographical nature of the county), once disposal costs are considered, the level of recycling,

frequency of collections, and the high levels of customer satisfaction, the service represents good value for money. A further consideration to this has to be the fact that the majority of households are covered by the recycling service, including flats, which is most unusual considering the high levels of rurality in Dorset.

Through the current route optimisation and digitisation programmes, and the introduction of in cab technology in all of the waste fleet, the collection rounds in Dorset are being analysed and evaluated, with the aim to make further efficiencies to absorb property growth and capacity within existing resources.

Our current projects and activities

We have strived for continual improvement and our key projects/activities have been in the following areas:

- Behavioural change projects

Regular education and communication campaigns are an essential part of the waste service, they provide clarity around how the service should be used and help change behaviour to encourage residents to reduce, reuse and recycle more of their waste.

Our waste campaigns are carefully planned and evaluated. Through the monitoring of tonnages and participation before and after campaigns, it is estimated that we save approximately £1 per household by undertaking this work.

Some of the different campaigns and projects currently being undertaken are as follows:

- Food improvement programme

We place a large focus on our successful 'Love Food, Hate Waste' campaign, which encourages people to reduce the amount of food waste that they produce, whilst saving money at the same time. It also highlights the close links between waste food and climate change, i.e. waste food accounts for more greenhouse gases than flying. Alongside our efforts to reduce the quantities of food waste, we continue to undertake a comprehensive programme of work to increase the participation and capture of food via the kerbside food collection service.

- Improvement to recycling provision at flats / apartments (communal properties)

This is an ongoing successful project where the waste education team visit low participating communal properties with high levels of contamination in the recycling bins. They attempt to increase the recycling rates of these properties by reconfiguring the storage areas, providing aperture lids for recycling, bin locks, improved signage, leaflet drops, door to door advice, events, etc. The team work extremely closely with the waste operations team, housing officers and resident associations on this project.

- Reduction in the collection of side waste

We have undertaken a targeted project tackling additional side waste which is placed next to the domestic wheeled bins for collection. As part of the project, we reinforced the policy of no side waste, and the crews did not collect it, leaving a label explaining why. This has potential to

generate savings if replicated county wide by reduced waste disposal costs and increased recycling.

- Contaminated recycling process

This is a project aimed to reduce the incidences of recycling bin contamination at residential properties in the Dorset Council area. This is carried out by collection crews reporting incidences of contamination via their in-cab devices – those addresses that have multiple reports are then contacted by the waste education team to try and resolve the situation and educate the residents to use the scheme correctly. This is critical to make the material collected attractive to the reprocessing markets and keep the gate fees and costs as low as possible.

- Developing new campaigns – ‘where things go?’

We are constantly generating new campaigns, and our latest one is focusing on what happens to our recyclables, i.e., ‘where things go’. It will focus on a material at a time, starting with a can – an animation has been produced which details the journey of a can, from cradle to grave.

- Improving the HRC performance – tackle black bags

An area that has potential to generate savings is tackling the black bag waste that comes into the HRCs. It is estimated that 31.8% of the contents of black bag waste could have been dealt with by the kerbside recycling scheme, and more still by using the alternative containers at the HRC. We will be working with our contractors to try and improve performance by using a number of different tactics, - black bag splitting on site, re-labelling the skips, reconfiguring the different containers, etc. We are working towards promoting more reuse at the sites too.

- Tackling commercial waste from holiday lets entering the household waste service

We are continuing to tackle holiday lets – these are businesses so should not be using the household ‘Recycle for Dorset’ service – they should be paying for a commercial waste and recycling service. We have embarked on a project to identify as many of these holiday lets as possible (through joint working between council departments) and removing their domestic bins and directing them to a commercial service.

- Reduction and reuse campaigns

The council undertake a plethora of reuse activities including the development and maintenance of an online ‘zero waste’ map, numerous give & take days (community reuse days to encourage the donation of unwanted items for others to take for free), financial incentives and discounts for Dorset residents for reusable nappies, incontinence items and female hygiene products, and the selling of subsidised home compost bins.

- Litterlotto and littering from vehicles

We have recently partnered with Litter Lotto which is an app that encourages people to put their litter in a litter bin and take a photo of them doing it. They are entered into a monthly prize draw, and we have had multiple winners from across the county.

We are also doing what we can to fight roadside litter. Dorset was one of the first councils in the country to set up a system whereby residents can send in dashcam footage via an online eform

showing litter being thrown out of a car. Using the footage that is sent, we can subsequently find the registered keeper and fine them £150. We try and promote this message as much as possible through the 'keep roads clear, we don't leave rubbish here' campaign.

- **Digital Innovation and data-led decisions**

We have, and continue to, transform our back office processes and systems through digitisation and maximising automation opportunities. This transformation has been possible through the introduction of a new ICT system with integrated in-cab devices to allow for real time collection information to be received. Through this work, we have managed to deliver savings, efficiencies and generate additional income.

Some of the efficiencies and savings achieved so far are summarised below:

- Missed bins have reduced by 34% a year since the introduction of in-cab. This equates to over 7,500 fewer bins missed annually on the household waste collection service.
- Manual processes have reduced by approximately 60% since the introduction of the new ICT system through the increased automation.
- The introduction of in-cab devices and 'live' collection information now available to collection crews has increased trade and garden waste income through the discovery and charging of unpaid bins that were previously being emptied incorrectly.
- Customer self-service has increased, with 65% of all customer requests now completed online reducing customer contact costs.

We are using the new ICT system to enhance waste collection efficiency through a route optimisation project. This initiative utilises data from in-cab devices to redesign household waste collection routes, aiming to improve service delivery and accommodate future growth. The project also seeks to evenly balance the collection rounds and provide options for additional recyclable materials to be collected at the kerbside. This strategic approach is crucial for maintaining high service standards and adapting to upcoming changes.

• **Additional non statutory waste services**

We have three paid for waste services which are managed by the waste commercial services team. The three services are garden waste, business waste and container charging.

Garden waste

We provide an optional paid for garden waste service. This service is available to all Dorset residents and offers a fortnightly collection of garden waste from a 240L wheeled bin or 90L compostable sacks for properties that are unable to accommodate wheeled bins. The service is provided all year round with the exception for two weeks over the Christmas and New Year period. The service currently has 54,000 properties subscribed to the garden waste service which is approximately 30% of all Dorset properties.

Business waste

We offer charged waste collection services to businesses in Dorset. The business waste service provides businesses with general waste, mixed recycling, glass and food waste collections. The service currently provides waste collections to approximately 5,000 businesses across Dorset, which

is approximately 30% of all Dorset businesses. In addition, event waste management services are provided across Dorset to over 70 events and festivals a year.

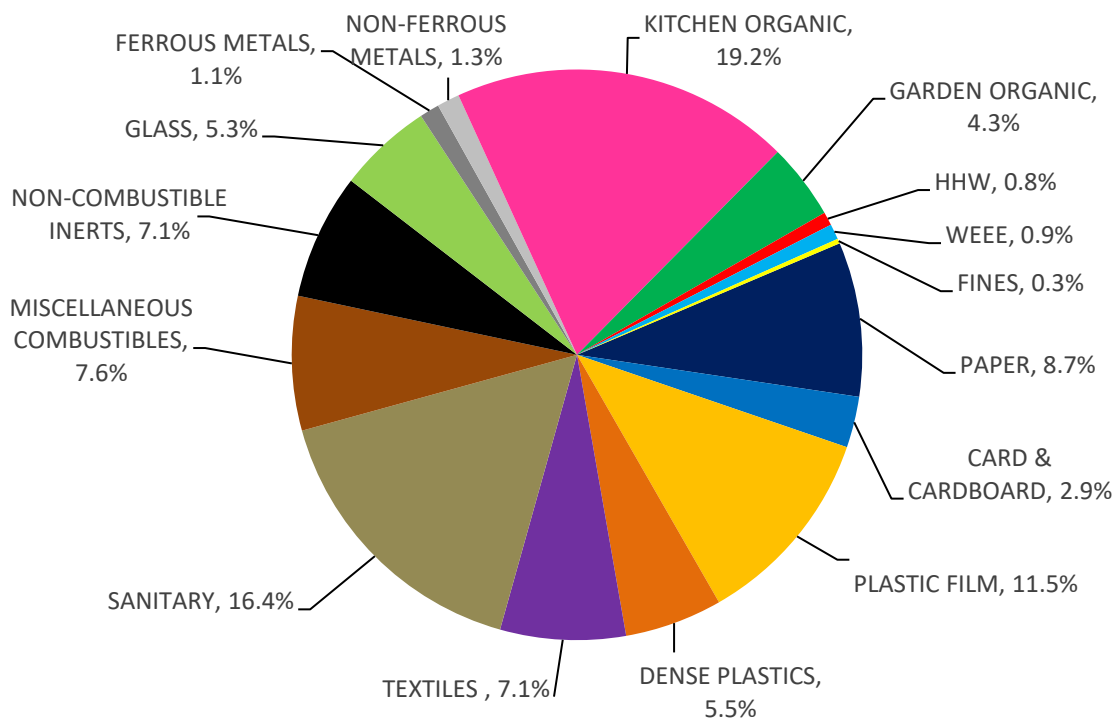
Container charging

We charge for some household waste bins and containers. Container charges were introduced to allow the service to recover all costs associated with purchasing and delivering some of the household waste containers. Charges are currently applied for the provision of waste containers for new developments, larger rubbish bins (for properties with five or more residents), and additional rubbish sacks (for families with a 140 litre rubbish bin and one or more children in nappies). Approximately 2,750 requests for chargeable household containers are processed each year.

The challenges ahead

Waste composition

Dorset households produce 45,000 tonnes of residual waste each year. A key challenge is to reduce, reuse and recycle as much of this as possible. The graph below details what our residual waste is currently comprised of:

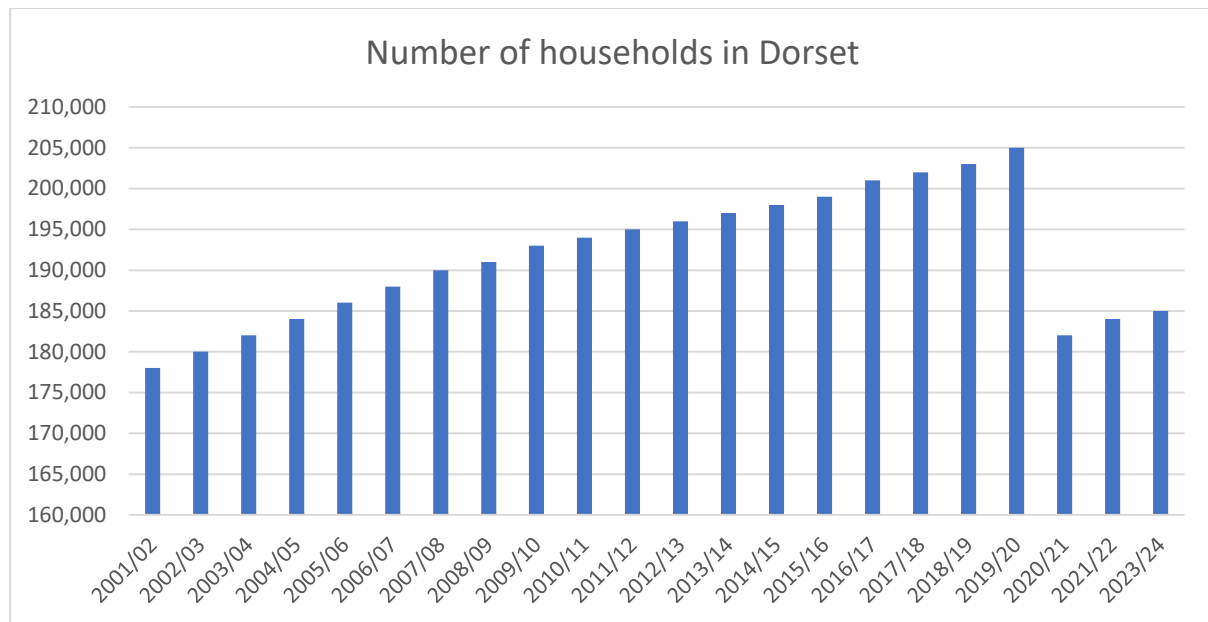


- In total, 32.1% of residual waste collected could have been recycled at the kerbside.
- This is broken down into 9.5% dry recycling, 19.2% food waste and 3.8% garden waste.
- The largest components of residual waste are food (19.2%), sanitary waste (16.4%) and plastic films (11.5%).
- Regarding food waste, 55% was avoidable with 20% of all discarded food still packaged.

- Packaging waste formed 17.7% of the total residual waste. The majority of this was plastic packaging (66.5%).
- 1.65% of the glass in residual waste could have been recycled at the kerbside. 3.7% is other glass that cannot be recycled at the kerbside.

Waste growth

As the graph below illustrates, the number of dwellings in Dorset has steadily increased over the years. The current number of dwellings in Dorset is 189,000. Please note that the sharp drop in 2020/21 was due to 23,000 Christchurch properties moving across to BCP Council in April 2020.



It is estimated that an additional 9,230 extra houses will be built in the next five years in Dorset, and a further 18,570 households are expected to be built after 2027/28.

Based on current total waste volumes per household, this increase in property growth could potentially amount to an additional 25,500 tonnes of waste which will need to be collected and dealt with beyond March 2028.

However, as detailed previously, through the continued efforts to reduce, reuse and recycle as much waste as possible, we have consistently managed to keep total waste arisings from increasing, despite the number of households in the county growing.

Furthermore, through the ‘polluter pays’ principle which features in government legislation as detailed in the next section, companies are being encouraged to design more sustainable and recyclable products and employ more environmentally friendly manufacturing processes. This will have an impact on the type and quantity of waste collected by local authorities. For example, we are already witnessing changes in the type of packaging used, with producers moving towards smaller, more paper/board type packaging with less plastic.

Going forwards, we will continue to develop and undertake waste reduction and recycling initiatives with the aim to curb the potential growth of waste as the population continues to increase in Dorset.

Infrastructure

Many of our waste sites within Dorset are both ageing and limited in the ability to expand and improve. This applies to some of the HRCs, transfer stations and depots. They are too small and have insufficient capacity for future household growth, increased quantities of waste and the associated vehicles used to collect and transport this waste. This also results in the limited capacity to store and bulk up waste to provide suitable contingency in the event of a disruption to collections or at a waste site, e.g. a fire, breakdown, etc.

The efficiency of the waste service is also heavily reliant on the availability of suitable waste sorting and treatment facilities to accept the waste that we collect. There are limited third party waste plants to accept both residual and recycle material in the county. The lack of suitable processing facilities is a national issue, but it is anticipated that the forthcoming legislative changes, as detailed in the next section, will provide the much needed confidence and reassurance for industry to invest in new plants.

Legislative requirements and national policy drivers

The waste hierarchy is widely recognised and sets out a list of priorities for waste management, starting with waste reduction, reuse and recycling, followed by recovery of materials or energy and finally disposal. The hierarchy forms the backbone of this strategy.

Reduce
Reuse
Recycle and compost
Recover
Disposal

The management of waste is heavily regulated to ensure everyone has access to waste and recycling services and to protect the environment now and for future generations.

It is important that both current and emerging national policy and legislation is followed when designing and operating waste services or developing a strategy.

Some of the most significant national policy and legislation impacting waste management and the development of the Dorset Council Waste Strategy are:

- **Environmental Protection Act 1990:** This details the roles and obligations of councils to collect and dispose of waste.
- **The Waste Framework Directive 2008:** This sets the basic concepts and definitions related to waste management, including definitions of waste, recycling, and recovery
- **Our Waste, Our Resources: A Strategy for England (2018):** This is the national policy for waste management in England. It sets an overarching framework for waste management in England with a focus on:
 - Preserving material resources by minimising waste, promoting resource efficiency, and moving towards a circular economy.

- Protecting the natural environment by reducing and managing waste safely and tackling waste crime.

The strategy sets national commitments and targets relating to waste reduction and recycling, as well as limiting the use of landfill.

- **The Environment Act 2021:** This piece of legislation provides the government with the powers to deliver on many of the commitments detailed in 'Our Waste, Our Resources: A Strategy for England (2018)' through the introduction of new waste regulations. It includes specific powers relating to:
 - Extended producer responsibility to make manufacturers and retailers responsible for the cost of dealing with their products when they are thrown away.
 - Deposit return schemes allowing for the introduction of a national returnable deposit on drinks containers.
 - Consistency of collections to expand the range of materials collected from households for recycling and composting.
 - Labelling of products to make it easier to understand what can and cannot be recycled.

In October 2023, the consistency of collections proposals was superseded by the government's new simpler recycling reforms. Whilst this still requires the collection of a consistent set of materials by local authorities across the country (including paper and cardboard, metal packaging, foil, glass bottles and jars, plastic (pots, tubs, trays, cartons, films and flexibles), food and garden waste), it ensures that local authorities retain the flexibility to collect the recyclable waste streams in the most appropriate way for their residents.

The extended producer responsibility regulations for packaging include provisions that implement the 'polluter pays' principle by requiring producers to pay the full net cost of collecting and recycling their packaging when it becomes waste. This new legislation will change future funding mechanisms for local authorities for the collection and recycling of this material, and the amount of funding received will be dependent on whether local authorities can evidence that they are running efficient and effective services to collect this packaging.

- **The Circular Economy Package (2018):** A UK wide legislative framework for the reduction of waste and long-term ambitions for waste management and recycling by turning waste into a resource. It sets legally binding national targets to:
 - Recycle at least 65% of waste by 2035
 - Reduce landfill to maximum of 10% of waste by 2035
- **The extension of carbon pricing to energy from waste.** The application of the UK Emissions Trading Scheme to Energy from Waste represents the most significant regulatory intervention to the waste industry in a generation by providing a powerful incentive for net zero investment.

The UK Emissions Trading Scheme (ETS) is a "cap and trade" scheme which seeks to reduce fossil greenhouse gases (GHG) in energy intensive sectors. A cap is set on the maximum permitted level of greenhouse gas emissions across specified sectors reduced over time.

In July 2023, the government outlined their intention to include all waste incineration and energy from waste technologies within the ETS from and no later than 2028.

Delivering policies to reduce the amount of plastic based waste out of the residual waste stream is essential to decarbonising energy from waste.

- **Waste Prevention Programme for England – maximising resources, minimising waste:** This sets out the government’s priorities for managing resources and waste, in line with ‘Our Waste, Our Resources: A Strategy for England (2018)’.

The programme aims to move to a circular economy by keeping goods in circulation for as long as possible and at their highest value. This includes increasing the reuse, repair and remanufacture of goods.

We will review the impact of national policy throughout the life of the strategy to ensure any future decisions taken are fully aligned with new legislation.

Local drivers

Dorset Council is continually seeking to identify efficiencies and deliver savings associated with the stringent budget cuts imposed by central government. The council cabinet paper on the Medium Term Financial Plan dated 30 January 2024 discussed a balanced budget for 2023/24 financial year, but with a projected budget deficit of almost £51 million for 2028/29.

The waste service will continue to remain under pressure to deliver financial savings wherever possible. In order to positively contribute towards the forthcoming budget deficit, we will endeavour to reduce, reuse, and recycle as much of our waste as possible, thus minimising the amount of residual waste destined for disposal which is more expensive. This will generate savings and reduce our carbon footprint.

Our vision for the future

Our vision for waste is to provide a high performing, high quality, efficient and value for money waste service, that helps to make Dorset a great place to live, work and visit.

Our strategic aims are:

- To increase Dorset’s recycling and composting rate through the application of the waste hierarchy and fostering a circular economy.
- To deliver an effective and cost efficient waste service which maintains high customer satisfaction.
- To continue to reduce the carbon emissions from the waste management service to improve its impact on climate change.
- To continue to meet our statutory requirements to remain safe and legal.

These strategic aims will be delivered through the implementation of the following policy objectives:

How we will achieve our vision

- 1. Implement and promote waste reduction and reuse initiatives to prevent the increase of household waste against a rising population and a growing number of households in the county.**

We will:

- Focus our waste prevention activities and initiatives around the four materials which still makes up the majority of Dorset's residual waste. These are:
 - Food waste
 - Nappies
 - Adult sanitary and hygiene waste
 - Textiles
- Undertake activities to reduce the amount of plastic based waste in the residual waste stream to decarbonise waste and ensure compliance with the forthcoming UK Emissions Trading Scheme.
- Continue our community engagement with a wide range of activities to encourage reuse, such as hosting give and take days, ongoing maintenance of the online 'zero waste map' and the provision of Dorset specific discounts/incentives towards reusable sanitary and female hygiene products. We will also continue to actively collaborate with the community to develop new initiatives.
- Focus our communication on the most effective channels to reach our residents in order to maximise engagement with the community. The channels we will use will include:
 - Digital outreach through social media and the council website.
 - Engagement with local communities via interactive events, school visits, newsletters, and group talks.
 - Utilising direct mail, vehicle livery and bins stickers for targeted messages and reminders.

2. Achieve a 65% recycling and composting rate by 2035 and ensure the optimum use of the recycling and composting services provided.

We will:

- Continue our 'Right Stuff, Right Bin' campaign to enhance county-wide recycling efforts at the kerbside to maximise our capture of all recyclable and compostable material:
 - Increase participation and correct use of the 'Recycle for Dorset' containers.
 - Implement the collection round improvement programme.
 - Focus on the diversion of food from the residual bin to the food bin.
 - Improve the quality of the recycle by reducing contamination.
- Implement targeted initiatives to promote the HRCs and banks, aiming to elevate waste diversion within the waste hierarchy.
- Ensure we comply with the simpler recycling reforms by adding the kerbside collection of cartons and aluminium foil by 2026, and plastic films and flexibles by 2027.
- Continue to drive forward efficiency and performance of the 'Recycle for Dorset' service by assessing materials collected, collection methods and frequency of collections.
- Engage with our residents to identify barriers to recycling and develop ways to overcome these.
- Continue to divert textiles from the residual waste due to their high carbon value and explore kerbside collection options.
- Explore methods for separate collection and treatment of sanitary waste.

- Prepare for DEFRA's waste electrical and electronic equipment reforms by exploring separate collections for waste electrical and electronic equipment.
- Ensure our kerbside services are efficient to maximise funding opportunities under extended producer responsibility.
- Continue with the route optimisation project to identify and implement operational efficiencies to balance collection rounds and generate capacity for future changes.
- Reduce residual waste at HRC's whilst maximising waste diversion and reuse.
- Continue to develop and implement littering and fly tipping campaigns to enhance the quality of the local environment.

3. Ensure that residual waste treatment considers the waste hierarchy and cost in maximising the value recovered from waste in terms of resources and energy.

We will:

- Increase the recovery and diversion of waste from disposal through increases in recycling and composting.
- Reduce, and ideally eliminate, plastic from the residual waste stream.
- Develop a contract/disposal strategy to enable the most efficient and cost effective solution for treating residual waste in Dorset. This strategy will ensure that the waste hierarchy, carbon impacts and cost will inform decision making on how we treat residual waste.
- Implement suitable long and short term contracts which diverts waste from disposal and considers the circular economy.
- Explore new and emerging technologies and treatment processes to identify future opportunities to increase the recovery of materials and energy from residual waste.

4. Develop and enhance a network of local waste management facilities that enables Dorset to collect, deliver, store, transport and treat waste efficiently and effectively.

We will:

- Continue to review our existing waste infrastructure and identify what changes are needed to meet our future requirements in Dorset. This review will include depots, transfer stations, HRCs, treatment facilities and any other infrastructure requirements. The review of our waste infrastructure will be conducted in conjunction with other Dorset Council infrastructure projects.
- Be data led and use route optimisation software to inform where our resources and infrastructure are best located to deliver waste services effectively. This will also be used to better understand the impact of the new simpler recycling reforms and the requirements of extended producer responsibility on Dorset. We will plan for any additional resources that will be required such as extra vehicles and collection staff.
- Continue to create the best opportunity for Dorset to secure a wider, and more flexible choice of treatment options for the waste we collect. This will involve:
 - Continuing to engage with waste disposal contractors and treatment facility operators to understand their requirements for the delivery of waste.
 - Review Dorset's existing infrastructure and identify any barriers or risks to securing future treatment opportunities.
 - Developing business cases and securing capital funding to upgrade existing or build new waste infrastructure sites in Dorset where a need is identified.

- Review the performance and operation of the HRCs to ascertain any possible improvements to the sites.
- Aim to generate competition in future contract procurements by enabling waste to be bulked up and transported to regional facilities where direct delivery is not possible.
- Enable the waste service to accommodate future growth and any changes in the current methods of collection or materials collected.
- Explore opportunities to increase income generation through the acceptance of additional commercial waste streams at our waste sites.

5. Deliver efficient and cost effective waste management services across Dorset that provide value for money

We will:

- Endeavor to identify further budget savings and efficiencies within our existing service provision, by reducing, recycling and reusing our waste, therefore avoiding more expensive waste disposal costs.
- Ensure that our services are in line with the definition of a 'efficient and effective' service as detailed in the extended producer responsibility scheme.
- Work with organisations and the private sector to deliver schemes in partnership where possible.
- Consider all service delivery models to include in-house options, as well as the use of single or multiple contractors, across all areas of the service to enable the most efficient and cost-effective solution for Dorset.
- Focus on the procurement of the forthcoming waste contracts that will expire in the next two to three years. These will include the operation of the HRCs and transfer stations including haulage, collection and treatment of bulky waste and the treatment of recycle, organics and residual waste.

6. Provide a countywide cost-effective commercial waste and recycling service to support Dorset businesses.

We will:

- Enable businesses to comply with the forthcoming simpler recycling reforms by providing a service for general waste, recycling, glass, and food waste. We will continue to grow our customer base through effective marketing and communications.
- Ensure our commercial recycling service can accept plastic films by March 2027 to be compliant with the simpler recycling reforms.
- Expand and improve the online services we offer our business customers so they can fully manage their commercial waste service at a time and place that suits their need.
- Use route optimisation software to optimise commercial collection rounds to maximise efficiency and absorb new customer growth.
- Ensure that the disposal and treatment arrangements for commercial waste and household waste operate in conjunction to avoid conflicts in terms of available capacity.
- Undertake engagement with businesses regarding their future waste needs and explore new commercial services that could then be offered e.g. skips, clinical/sharps, waste electrical equipment, textiles etc.

7. Reduce the climate change impact of waste services in Dorset

We will:

- Measure and monitor carbon emissions from Dorset's waste management services to inform future strategic decisions. Our baseline data will be used to ascertain our annual progress with regards to our impact on climate change.
- Manage our waste in accordance with the waste hierarchy which is well aligned to positive climatic performance. The minimisation of waste and maximisation of recycling will have the greatest impact on climate change.
- Use route optimisation software to periodically review the efficiency of the waste collection rounds to minimise the potential carbon impact of future household and waste growth.
- Continually strive to reduce carbon emissions of the service by the introduction or expansion of renewable or low carbon energy generation and fuels by working with the council's carbon team.
- Work and collaborate with our contractors as appropriate to pursue opportunities to reduce our climate impact where possible.

The next steps

This strategy review replaces previous strategies adopted by Dorset Council. It sets out the strategic direction for Dorset Council for the longer term and it has a specific focus on activities over the next five years. Waste management is recognised as a fast changing area, and it is expected that this will be particularly apparent over the next 5 years with the key changes around the simpler recycling reforms, extended producer responsibility and the emissions trading scheme forthcoming. We will be prioritising these areas whilst also looking to the future with developments on infrastructure and contract procurement being key.

Actions from this strategy will be achieved and monitored through the production of an annual service plan, which will, in turn, be supported by team action plans.

The Dorset Council Waste Strategy will be reviewed in the event of any significant changes or otherwise again in another 5 years. We are aware that the service needs to maintain as much flexibility as possible as there is significant uncertainty with the forthcoming waste reforms.

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Place and Resources Overview Committee 12 September 2024 Dorset Council Contaminated Land Strategy 2024

For Recommendation to Cabinet

Portfolio Holder: Cllr Gill Taylor, Cabinet Member for Health and Housing

Local Councillor(s): N/A

Executive Director: Jan Britton, Executive Lead for Place

Report Author: Steven Horsler
Job Title: Environmental Health Officer
Tel: 01258 484326
Email: steven.horsler@dorsetcouncil.gov.uk

Report Status: Public (the exemption paragraph is N/A)

Brief Summary:

The Council has a regulatory role in relation to land affected by contamination. This includes a duty to prepare a written strategy which must be formally adopted and published. The 'Dorset Council Contaminated Land Strategy 2024' replaces, updates and unifies precursor councils' individual strategies and ensures that our activities in this area continue to reflect current law and good practice. The effect is to ensure that risks from land contamination to human health, property and the environment will continue to be appropriately and efficiently managed.

Recommendation:

That your committee make any comment on the Dorset Council Contaminated Land Strategy 2024, and subject to those comments, the strategy be recommended to Cabinet for approval.

Reason for Recommendation:

To ensure that the Council continues to meet its land contamination regulatory duties in a manner which is rational, ordered and efficient, and reflective of Dorset's local circumstances.

1. Report

- 1.1 As a unitary authority, the Council has a key role in ensuring environmental quality across Dorset, for the benefit of human health and the protection of property and the wider environment. This work includes the assessment and regulation of land contamination.
- 1.2 The Environmental Protection Act 1990 requires us to identify land in Dorset that may be affected by contamination, and to assess any associated risks to public health and the wider environment. Where necessary, we can require that contaminated land be remediated to make it safe. Statutory guidance requires us to prepare a written strategy for this work, which we must formally adopt and publish.
- 1.3 This area of law does not give the Council any power to make policy, which is retained by central Government. However, it is for councils to develop and publish local mechanisms and approaches which deliver Government policy in this legally and technically complex field, whilst reflecting local needs and circumstances. This is the core purpose of our contaminated land strategy.
- 1.4 The Council inherited these responsibilities from its precursor district and borough councils, which had their own respective contaminated land strategies.
- 1.5 The Dorset Council Contaminated Land Strategy 2024, replaces and unifies these precursor councils' individual strategies. At the same time, the opportunity has been taken to thoroughly update the strategy document to ensure that it reflects current law and latest good practice. Appendix 1 to this report provides a copy of the new strategy document.
- 1.6 The need to produce a unified strategy document has provided a useful prompt to thoroughly review our daily work in this area, to ensure continued efficient service delivery, which is also consistent, targeted and transparent. The new strategy was very much written afresh, and designed to accurately reflect what we do, and to inform what we will do.
- 1.7 Officers have sought to create a document which is as concise and focused as possible, and it is reduced in size compared to precursor councils' equivalent documents. To this end, the new strategy document intentionally centres on fundamental principles and does not detail specific processes and procedures. These will be developed and/or adapted in accordance with the strategy's principles. Likewise, lengthy social and geographic descriptions of Dorset have been removed and replaced with signposting or weblinks.
- 1.8 At the heart of our new strategy is the following locally developed and updated aim:

'To identify and assess areas of land in Dorset that may contain contamination, to manage information about such land as necessary, and to take any appropriate regulatory action in a manner proportionate to the risks involved.'

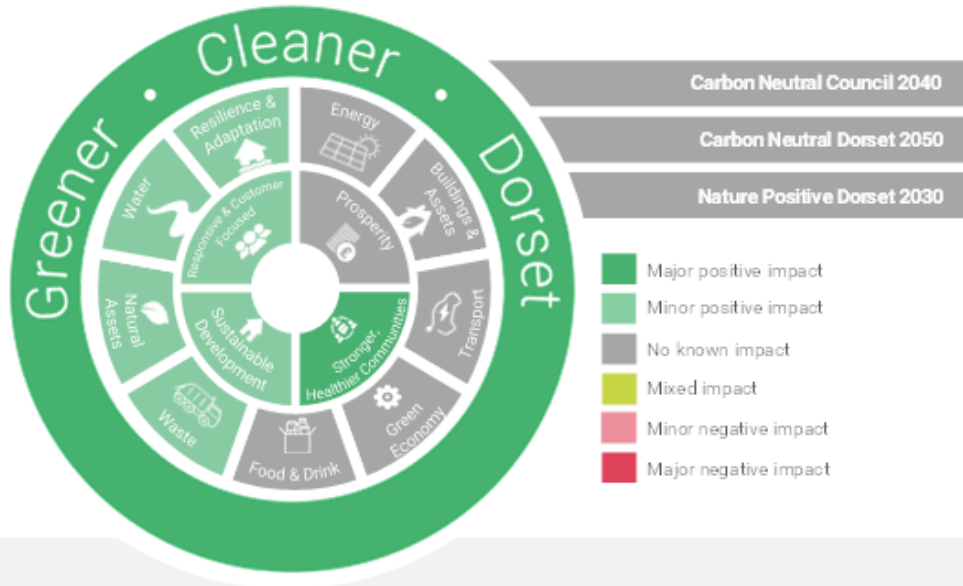
- 1.9 This aim is supported by revised objectives and together they provide a clear and appropriate sense of direction to our work in in this regulatory area.
- 1.10 In accordance with wider principles of good regulation, the Strategy ensures that where possible we secure solutions that are acceptable to all without unnecessary resort to formal enforcement action. This will be achieved through information management and any necessary physical remediation, to secure appropriate protection of human health, property and the environment.
- 1.11 In developing our new strategy, as well as reflecting relevant law and statutory guidance, we reviewed numerous other authorities' strategy documents for good practice and benchmarking. These included strategies from areas with considerable industrial legacy, as well as areas traditionally less industrialised.
- 1.12 Dorset Council itself owns a considerable portfolio of land assets; the contaminated land regulatory regime and this strategy are applicable to such land. It should be noted that the Contaminated Land Strategy as presented here is not intended to direct corporate management of the council's assets; however, in relation to land contamination matters the Council's Environmental Protection service will liaise with, advise and assist the Council's Assets Team, as necessary.
- 1.13 To further ensure robustness, officers undertook a consultation exercise, engaging with Dorset Council Elected Members, Town and Parish Councillors, neighbouring authorities, and other key stakeholders. Overall, 13 responses were received. No adverse comments were made about the strategy document, or requests to change it. The most significant conclusion from the consultation exercise is that levels of understanding of this regulatory area vary widely, and there may be scope for offering further insights, especially to our town and parish council colleagues. Appendix 2 to this report provides a pictographic representation of the responses received.
- 1.14 In delivering our contaminated land regulatory function, we must assess the risks posed by all sites of potential interest; this has been an ongoing process since the current regime came into force over twenty years ago. The preparation of the revised Dorset Council Contaminated Land Strategy has taken place with the Dorset-wide perspective afforded by our unitary status. This has shown a need to revisit some of the risk assessments, particularly those referred to as 'Category 1' risk sites. Recent informal review of these sites suggests that in most and possibly all cases, the risk is overestimated. A key priority arising out of the revised Strategy will be to formally review such sites and ensure that recorded risk ratings are as accurate as possible; this in turn will ensure that this area of regulatory work remains targeted and efficient.
- 1.15 Officers consider that the Dorset Council Contaminated Land Strategy 2024 provides an appropriate framework for effective and efficient delivery of the council's responsibilities in relation to land contamination in Dorset.

2. Financial Implications:

2.1 No direct implications and the reviewing of risk assessments will be undertaken over time within existing resources. There may be costs identified with land remediation where that land is in the ownership of the Council. These will become apparent on an individual basis and will be reported separately if required.

3. Natural Environment, Climate & Ecology Implications:

3.1 Dorset Council’s Natural Environment, Climate and Ecology Strategy sets out our ambitions for climate, nature and adaptation – and stresses the importance of land and efficient land use as a key factor influencing the achievability of these. Land use and land use change is of central importance to those aims owing to the competing demands for land from sustainable development, sustainable food production, energy generation, natural carbon sequestration, and nature recovery. Accordingly, this Contaminated Land Strategy is an important contributor to those ambitions – both by making available otherwise unviable land for alternative uses, and by mitigating the need to use other more valuable land for one or other of these purposes. Additionally, the strategy makes important contributions to the mitigation of historic waste disposal and water pollution risks arising from run-off (and the exacerbated risks of such arising from the expected impacts of climate change).



- Carbon Neutral Council 2040
- Carbon Neutral Dorset 2050
- Nature Positive Dorset 2030

Quantitative Impact on CEE targets (if known)		
	Unit	Number of units (+/-)
2030 - Natural asset extent & condition	Ha	Unknown
2040 - Operational Emissions	CO ₂ (tonnes)	Unknown
2050 - County Emissions	CO ₂ (tonnes)	Unknown

ACCESSIBLE TABLE SHOWING IMPACTS

Natural Environment, Climate & Ecology Strategy Commitments	Impact
Energy	No known impact
Buildings & Assets	No known impact
Transport	No known impact
Green Economy	No known impact
Food & Drink	No known impact
Waste	Minor positive impact
Natural Assets & Ecology	Minor positive impact
Water	Minor positive impact
Resilience and Adaptation	Minor positive impact

Corporate Plan Aims	Impact
Prosperity	Neutral
Stronger healthier communities	Major positive impact
Sustainable Development & Housing	Minor positive impact
Responsive & Customer Focused	Minor positive impact

TABLE OF RECOMMENDATIONS

Recommendations	Responses -will this be incorporated into your proposal? How? And if not, why not?
Energy	
No recommendations found for this category	
Buildings & Assets	
No recommendations found for this category	
Transport	
No recommendations found for this category	
Green Economy	
No recommendations found for this category	
Food & Drink	
No recommendations found for this category	
Waste	
No recommendations found for this category	
Natural Assets & Ecology	
No recommendations found for this category	
Water	
No recommendations found for this category	

Resilience & Adaptation	
No recommendations found for this category	

4. Well-being and Health Implications:

- 4.1 This area of work is fundamental to ensuring that previous land use does not lead to harm to health of humans, especially in their homes.

5. Other Implications:

- 5.1 The strategy is relevant to ensuring that relevant material considerations under the Town and Country Planning Act 1990 are addressed in determining planning applications, especially on previously used land.

6. Risk Assessment

- 6.1 Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: low

Residual Risk: low

7. Equalities Impact Assessment

- 7.1 No EqIA implications.

8. Appendices

Appendix 1: Dorset Council 2024 - 2029 Contaminated Land Strategy

Appendix 2: Pictographic representation of the responses received to consultation exercise

9. Background Papers

[Environmental Protection Act 1990, Part IIA](#)

[The Contaminated Land \(England\) Regulations 2000](#)

[Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance](#)

[Land contamination: technical guidance](#)

10. Report Sign Off

- 10.1 This report has been through the internal report clearance process and has been signed off by the Director for Legal and Democratic (Monitoring Officer), the Executive Director for Corporate Development (Section 151 Officer) and the appropriate Portfolio Holder(s)

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DORSET COUNCIL

2024 - 2029 CONTAMINATED LAND STRATEGY

ENVIRONMENTAL PROTECTION ACT 1990

FOREWORD

Welcome to the Dorset Council's Contaminated Land Strategy for the period 2024 to 2029.

As a unitary authority Dorset Council plays a central role in ensuring environmental quality across Dorset, both for the benefit of human health and the protection of the wider environment. This work includes the assessment and management of land contamination, which this strategy document addresses.

The Environmental Protection Act 1990 requires us to identify the land in the Dorset that may be affected by contamination and assess any associated risk to public health and the wider environment.

At the heart of this strategy is the following aim:

'To identify and assess areas of land in Dorset that may contain contamination, to manage information about such land as necessary, and to take any appropriate regulatory action in a manner proportionate to the risks involved.'

The Strategy has been designed to ensure that the Council meets its legal duties to inspect its area by securing solutions that are acceptable to all without unnecessarily resorting to enforcement action. This will be achieved through information management and remediation where necessary, to achieve commensurate improvements to public health, the environment and the possible perceived value of property.

The Strategy is purposely designed to focus on fundamental principles and to avoid detailed and prescriptive processes and procedures, which will be developed and adapted as necessary.

September 2024

SUMMARY

The United Kingdom's industrial heritage has left a legacy of land which is sometimes affected by contamination. This is acknowledged by legislation (Part 2A Environmental Protection Act 1990) requiring councils to undertake inspection of their areas according to a locally written strategy. This Dorset Council '2024 -2029 Contaminated Land Strategy' is the Council's response to that requirement. For clarity and in reflection of the relevant statutory provisions, this strategy intentionally makes reference to England only.

Within Dorset Council, responsibility for the implementation of Part 2A of the Environmental Protection Act 1990 and associated guidance resides with the Environmental Protection Team within Community and Public Protection, which is part of Place Services.

In April 2019 Dorset Council unitary authority took over from the previous county and districts/boroughs. This document now replaces all previous contaminated land strategy documents as published by precursor authorities prior to the existence of Dorset Council.

Since 2019, much work has been undertaken to integrate and unify Dorset Council's approach to land contamination. This strategy, the first to be published by the unitary Dorset Council, both reflects that work and is part of it.

The term 'contaminated land' has a specific legal definition, and this is closely associated with a 'source – pathway – receptor' pollution model combined with the principles of risk assessment.

Practical approaches to contaminated land are typically process – driven and involve identification, characterisation, risk assessment and, where necessary, remediation. Short- and long-term information management is critical.

The contaminated land regime interacts with other regulatory frameworks, especially development control and environmental information provision.

The **aim** of the strategy is:

'To identify and assess areas of land in Dorset that may contain contamination, to manage information about such land as necessary, and to take any appropriate regulatory action in a manner proportionate to the risks involved.'

This aim is supported by the following **objectives**:

- **To follow effective procedures in the identification and prioritisation of potentially contaminated land;**
- **To protect human health and the environment by identifying and securing remediation of sites meeting the definition of 'contaminated land';**
- **To pursue the management of potentially contaminated land through the planning system as required by relevant statutory guidance;**
- **To ensure effective management of all information about contaminated land, including the storage, accessibility/provision of, and responses to such information.**
- **To comply with and implement all relevant statute and guidance.**

This document reviews progress to date, along with the way forward. It also outlines a need to identify elements of our land contamination service delivery where there is scope for improvement, updating and harmonisation.

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INTRODUCTION

England has a long and varied industrial history, which has contributed to the social and economic wealth of the current age. However, many such activities have left a legacy in terms of land which requires methodical identification and recovery work to bring it back into everyday use. For over two decades this has been specifically recognised in statute.

Part 2A of the Environmental Protection Act 1990 (as inserted by Section 57 of the Environment Act 1995) came into force in April 2000, introducing a new regime for the identification and remediation of contaminated land; one of the principal requirements of this regime is the publication by each local authority of a written strategy detailing its approach to contaminated land. This document is Dorset Council's current response to this requirement. It replaces earlier strategies as developed by the precursor authorities which existed prior to the formation of Dorset Council unitary authority in April 2019.

There are some variations between the UK's constituent nations in the specific application of the relevant statutory frameworks, so this strategy intentionally refers only to England.

This strategy outlines the council's current state of play in fulfilling its statutory duties and builds on work already undertaken, with an emphasis on Dorset – wide harmonisation of approach in the wake of acquiring unitary status. This will give transparency to the process and allow all interested parties a window on the rationales behind Council decision making in this area, and a reference for assessing progress in this work.

Dorset is predominantly rural and does not have a history of major industrial activity compared with major conurbations or heavily industrialised areas of the UK. However, the county is surprisingly diverse in its industries, present and past. Thus, Dorset has a wide diversity of sites where land contamination is potentially present; the cumulative risks posed by such sites may in some cases be lower than in industrialised areas, but they are still significant. The challenge for the Council's Contaminated Land Strategy is to balance the local characteristics of moderate cumulative county - wide risk, potential technical diversity/complexity, and restricted resources.

1. STATUTORY, TECHNICAL AND OPERATIONAL CONTEXT

1.1 Statutory context

The primary legislation governing the contaminated land regime is **Part 2A of the Environmental Protection Act 1990 (as amended)** ('EPA 1990'); this places the main regulatory role within Dorset Council. It came into force on 1st April 2000 and provides a definition for contaminated land, places a duty on local authorities to inspect their areas and requires the enforcement of remediation where necessary.

The **Contaminated Land (England) Regulations 2006** elaborate on various details of the Part 2A regime, for example the criteria for qualification as a "special site", public registers, remediation notices and the rules for how appeals can be made against decisions taken under the Part 2A regime.

The principal Government guidance in relation to the contaminated regime is the **Environmental Protection Act 1990, Part 2A: Contaminated Land Statutory Guidance, April 2012** ('the statutory guidance'). The Council is legally obliged to act in accordance with this guidance, which includes the following **critically important** statements:

'Under Part 2A the starting point should be that land is not contaminated unless there is reason to consider otherwise'.

and

'Enforcing authorities should seek to use Part 2A only where no appropriate alternative solution exists'.

In other words, especially **in an area such as Dorset, formal exercise of Part 2A regulatory controls (determining land as meeting the legal definition of 'contaminated land' and serving remediation notices) is likely to be relatively infrequent.**

Key guidance documents on Land Contamination Risk Management (LRCA) are found in the Environment Agency pages of GOV.UK. This replaces the now – withdrawn 'Model Procedures for the Management of Land Contamination (CLR11)

There is a considerable body of technical guidance associated with land contamination; a list is given in **Appendix 1**.

1.2 Principal regulatory roles

The main statutory tasks for the **Council** under the Act are to:

- cause its area to be inspected from time to time in order to identify contaminated land;
- publish a written strategy that will set out the Council's approach to inspecting its area to identify contaminated land;
- upon identifying contaminated land to notify certain relevant parties;
- determine if contaminated land is to be designated as a 'special site';
- decide, following consultation, what remediation is required and ensure it takes place through voluntary action, and to require of the 'appropriate person' its remediation if necessary;
- determine who should bear what proportion of the liability for meeting remediation costs;
- record information about contaminated land on a public register and ensure the register is available for public inspection.

The Environment Agency (EA) also plays a significant regulatory part in the contaminated land regime. Its main roles are to:

- provide information on specific sites including the physical or chemical nature of a site and where possible to identify the person responsible for causing the pollution.
- provide advice in relation to pollution of controlled waters and to comment on the seriousness of any such pollution.
- advise councils on the formal designation of special sites, as defined in the Contaminated Land (England) Regulations 2006.
- carry out inspections of potential special sites as agreed with the Council.
- provide specific guidance on sites designated as contaminated.

1.3 Requirement for a strategic approach

The statutory guidance requires that the Council's contaminated land strategy should include the following elements:

- Its aims, objectives and priorities, taking into account the characteristics of its area.
- A description of relevant aspects of the Council's area.
- Its approach to strategic inspection of the Council's area or parts of it.
- The approach to the prioritisation of detailed inspection and remediation activity.

- How the Council's intentions under Part 2A fit with the broader approach to dealing with land contamination; for example, the Council's broader approach will include using the planning system to ensure land is made suitable for use when it is redeveloped, and/or encouraging polluters/owners of land affected by contamination to deal with problems without the need for Part 2A to be used directly, and/or encouraging problematic land to be dealt with as part of wider regeneration work.
- Broadly, how the authority will seek to minimise unnecessary burdens on the taxpayer, businesses and individuals; for example, by encouraging voluntary action to deal with land contamination issues as far as it considers reasonable and practicable.

1.4 What is contaminated land?

The definition of contaminated land is contained within Section 78A(2) of the EPA 1990. It is defined as:

'Any land which appears to the local authority in whose area it is situated, to be in such condition, by reason of substances in, on or under the land, that, either:

- significant harm is being caused or there is significant possibility of such harm being caused; or
- significant pollution of controlled waters is being caused or there is significant possibility of such pollution being caused.'

In essence, this means that for land to be called 'contaminated land', a pollutant must be able to travel from a **source** via a **pathway** to a **receptor** (i.e. there is a '**pollutant linkage**') **AND** the **risk is assessed** as being such that one or both of the bullet points above is satisfied.

It is critical to note that the term 'contaminated land' has a strict and specific definition, as outlined in this Section. In practice, there will be very few sites which meet this definition and have thus been formally determined as 'contaminated land'. The vast majority of 'sites' referred to in this strategy are simply sites where there have been uses which have the potential to be contaminating and are therefore 'of interest'. There are hundreds of such sites across Dorset, as with all councils' areas.

In practice, work on actual 'contaminated land' sites is infrequent. It is the management of information on sites of potential interest, so as to ensure that such sites are effectively managed and are not inadvertently turned into actual 'contaminated land', which constitutes the majority of all councils' work on land contamination.

1.5 The pollutant linkage concept

For a site to meet the statutory definition of contaminated land a **pollutant linkage** has to be identified. A pollutant linkage contains three key elements:

- A **source** of contamination in or under the ground with the potential to cause significant harm or significant pollution of controlled waters;
- a **pathway** by which the contaminant reaches its target, and
- a **receptor** that is exposed to the pollutant or is likely to be affected by it.

Figure 1 shows this relationship diagrammatically.

Figure 1. 'Source – pathway – receptor' model of pollutant linkage



If any one of the three key elements of a pollutant linkage is absent, the site in question will fail to meet the definition of contaminated land.

Receptors can be broadly divided into human and non – human categories. The statutory guidance provides assistance in identifying types of non – human receptors.

For the purposes of Part 2A, the 'receptor' in the above model must relate to the **current use**, which the statutory guidance defines as:

- a) The use which is being made of the land currently.
- b) Reasonable likely future uses of the land that would not require a new or amended grant of planning permission.
- c) Any temporary use to which the land is put, or is likely to be put, from time to time within the bounds of current planning permission.
- d) Likely informal use of the land, for example children playing on the land, whether authorised by the owners or occupiers, or not.
- e) In the case of agricultural land, the current agricultural use should not be taken to extend beyond the growing or rearing of the crops or animals which are habitually grown or reared on the land.

Note that in many cases land which **might** be affected by contamination will be addressed through the development control process; in such cases the above model may well be used by relevant parties to hypothesise about potential pollutant linkages which may arise as a result of a proposed development, but this **does not** mean that the land is 'contaminated land.'

1.6 The principles of risk assessment

The model seen in Figure 1 is merely a simple representation of the basic qualitative elements necessary to constitute contaminated land. Deciding whether any element of this model is significant requires quantitative **risk assessment**. The statutory guidance states:

‘Part 2A takes a risk-based approach to defining contaminated land. For the purposes of this Guidance, “risk” means the combination of: (a) the likelihood that harm, or pollution of water, will occur as a result of contaminants in, on or under the land; and (b) the scale and seriousness of such harm or pollution if it did occur.’

All soils contain substances that could be harmful to human or environmental receptors, although in the very large majority of cases the level of risk is likely to be very low. In conducting risk assessment under the Part 2A regime, the local authority should aim to focus on land which might pose an unacceptable risk.

Local authorities should have regard to good practice guidance on risk assessment and they should ensure they undertake risk assessment in a way which delivers the results needed to make robust decisions in line with Part 2A and this Guidance.’

Risk assessments should be based on information which is: (a) scientifically based; (b) authoritative; (c) relevant to the assessment of risks arising from the presence of contaminants in soil; and (d) appropriate to inform regulatory decisions in accordance with Part 2A and this Guidance.’

The implementation of land contamination risk assessments must be undertaken having regard to a wide range of published guidance documents, as listed in **Appendix 1**.

1.7 What practical steps does ‘Part 2A’ work involve?

In considering sites which may contain potentially contaminating material, whether across Dorset overall or closely reviewing a specific site, there are certain universal process elements which underpin any such work. These are as follows:

- a) **Identification of sites which may contain contamination** – from a variety of information sources.
- b) **Characterisation of sites** – history of the site, geology and hydrogeology, chemistry of the site, contamination which may be present (‘sources’), possible pollutant linkages, and what may be affected by any contamination (‘receptors’).
- c) **Assessment of risk** - this will usually be revisited several times as more information becomes available.
- d) **Formal determination of any sites meeting the definition of ‘contaminated land’**, and management of subsequent actions in accordance with statute and statutory guidance.
- e) **Remediation (if necessary)** – The process of taking (usually physical) measures, so that the land no longer meets the definition of ‘contaminated land’.

f) **Managing the storage and flows of information about sites.**

In working through the above elements, the initial work will be largely **desktop – based**; this involves gathering existing information from a variety of sources. This can also be supplemented with site **‘walkovers’**, which involve an assessor visiting appropriate sites to look for visual clues as to potential contamination issues. Apart from the cost of assessor time, these processes are relatively inexpensive.

For many sites, desktop evaluation and walkover information will show that the risks are relatively low and therefore the sites will need little further attention other than being recorded. Note that recording of such sites is still essential because future events (for example development) will need to be informed by all such available information. To illustrate this, by virtue of its former use(s) a site could have the potential to contain contaminants which are of little risk to its current use or condition; however, if a residential development were to take place on the site, it would be essential that such information was available so that the introduction of the new receptor (houses and people) and new pathways did not lead to unacceptable risks or the land formally becoming ‘contaminated land’.

For a very small proportion of sites, desktop evaluation and walkover information will point to a possible need to undertake further investigation into the site, because it is considered that there is a reasonable possibility of the existence of a ‘significant pollutant linkage’, as defined in the statutory guidance. To be meaningful, such investigation would almost certainly need to be **intrusive**. In simple terms, this means extracting various samples from the site with a view to laboratory analysis and subsequent interpretation. Such procedures are necessarily very costly, requiring specialist equipment, specialist technical skills, and analysis/interpretation costs.

In most situations the ‘Part 2A’ statutory and guidance framework provide that such intrusive investigation is the responsibility of the local authority. Clearly therefore it is essential for the Council to have a sensible, robust and highly targeted approach to managing any perceived need to conduct intrusive investigations of higher risk sites; any (highly putative) funding of such intrusive investigative activities would need to be thoroughly justified by the risks presented.

Any sites determined as meeting the definition of ‘contaminated land’ will be addressed in accordance with the requirements of statute and statutory guidance. There is no intention to repeat these details in this strategy.

1.8 Other relevant regulatory frameworks

The contaminated land regime does not sit in isolation, and overlaps and/or interacts with other regulatory regimes as below:

- Land contamination is a material consideration for the purposes of Planning; the National Planning Policy Framework and Planning Practice Guidance address this.
- The Environmental Permitting regime under the Environmental Permitting (England and Wales) Regulations 2016 can potentially have relevance, especially in relation to ‘Part A’ permitted installations, as regulated by the Environment Agency.

- The statutory nuisance regime under Part 3 of the Environmental Protection Act 1990 is no longer the regulatory control for contaminated land sites, although it may be applicable in cases where contaminated land remediation activity is causing a statutory nuisance, such as noise, dust, etc.
- The Environmental Information Regulations 2004 necessitate effective management of information about land contamination.

The above is not intended to be a comprehensive list.

1.9 Delivery of the land contamination function

Within Dorset Council, responsibility for the implementation of Part 2A of the Environmental Protection Act 1990 and associated guidance resides with the Environmental Protection Team within Community and Public Protection, which is part of Place Services Directorate.

In April 2019 Dorset Council Unitary Authority was formed from Dorset County Council, East Dorset DC, North Dorset DC, Purbeck DC, West Dorset DC and Weymouth and Portland BC. Prior to this, the contaminated land function rested with each separate precursor 'Tier 2' local authority, i.e. all of the above apart from Dorset County Council. Therefore, each council had its own individual approach to the role, with separate strategy documents and information storage systems.

Since 2019, much work has been undertaken to integrate and unify Dorset Council's approach to land contamination. There remains considerable scope for service delivery development and alignment. This strategy both reflects the work done and sets out the way forward.

2. RELEVANT CHARACTERISTICS OF THE DORSET AREA

2.1 Overview

Dorset has a very diverse physical and social geography. Further information can be found on the council's website:

[Dorset Insights - Dorset Council](#)

[Area profile for Dorset Council - Dorset Council](#)

[Understanding Dorset - Dorset Council.](#)

Figure 2 shows an outline map of the Dorset Council administrative area.

Figure 2. Map of Dorset area



Source: Wikipedia

Licence link found at: [File:Dorset UK unitary authority map \(blank\).svg - Wikimedia Commons](#)

2.2 Land owned by Dorset Council

Dorset Council owns a wide portfolio of land within its area. In relation to such land, the council has dual responsibilities – both as a consistent and responsible regulatory body, and the management of responsibilities, liabilities and risks as landowner. This strategy is not intended to direct corporate management of the council's assets; however, in relation to land contamination matters the Environmental Protection Team will liaise with, advise and assist the council's Assets Team as instructed by the Head of Community and Public Protection.

2.3 Property, natural habitats etc.

Much of the focus of contaminated land law concerns direct or indirect effects on human health; however, other elements of the environment can legally constitute contamination receptors in their own right. This includes buildings, ecological systems, sites of archaeological value and hydrological systems. This will therefore be borne in mind in implementing this strategy. It is worth noting that in most cases, pursuit of human health standards will secure the necessary protection of such receptors, but in the event of doubt, professional advice will be sought from consultants or other agencies.

2.4 Water resource and protection

The majority of the area's drinking water is mains - supplied, but there is a significant number remainder of private water supplies (e.g. boreholes and wells). The sources of these supplies (public and private) are potentially vulnerable and need to be protected against contamination.

2.5 Residential receptors

Residential land is distributed throughout the district and is generally regarded as a sensitive receptor.

2.6 Recreational land

Recreational spaces are generally regarded as sensitive receptors.

2.7 Current and past industrial history.

Much of Dorset remains predominantly rural and the area does not have a history of heavy industry on the scale found in some parts of England; however there has been and still is a mix of specialist and small-scale industries.

Such industries may not have presented the quantities of environmental pollution found elsewhere, but the diversity of potential contaminants, and thus the technical complexity of associated characterisation and remediation, should not be underestimated.

3 OUR STRATEGY

3.1 Aim and objectives

At the heart of the Strategy is the following **aim**:

‘To identify and assess areas of land in Dorset that may contain contamination, to manage information about such land as necessary, and to take any appropriate regulatory action in a manner proportionate to the risks involved.’

This aim is supported by the following **objectives**:

- **To follow effective procedures in the identification and prioritisation of potentially contaminated land.**
- **To protect human health and the environment by identifying and securing remediation of sites meeting the definition of ‘contaminated land’.**
- **To pursue the management of potentially contaminated land through the planning system as required by relevant statutory guidance.**
- **To ensure effective management of all information about contaminated land, including the storage, accessibility/provision of, and responses to such information.**
- **To comply with and implement all relevant statute and guidance.**

3.2 Progress to date

3.2.1 Introduction

At the time of writing of this strategy document, the work of Dorset Council (and its precursor authorities) on land contamination has centred on Part 2A district ‘inspection’, in parallel with addressing sites through the development control process where appropriate. This is an approach typical of most local authorities, since it is driven by statutory requirement.

3.2.2 Identification and categorisation of sites

The respective precursor councils’ approach to the inspection of their districts followed the widespread model of initially identifying sites which need to be considered, and then categorising these sites according to risk. An initial list of uncategorised sites was thus generated using a wide variety of sources of information. At that time much of the contaminated land work across Dorset was innovatively delivered through a consortium of the district councils which employed a consultant, and council staff worked closely with the consultant over site identification and walkovers.

The sites thus identified were then risk – categorised according to the Government guidance then extant. This process involved desktop analysis, site walkover, and rating risk according to guidance.

As a result of this process, the sites identified in Dorset were categorised using the system shown in **Table 1**. Note that the categorisations in this consultant legacy material should not be confused with the categorisations 1-4 as described in the (newer) statutory guidance.

Note also that at the time of publication of this strategy document, in reflection of statutory guidance, most categorisation and risk assessment work in relation to identified sites has been based on desktop evaluations and/or site walkovers. Relatively few intrusive site investigations have been undertaken, in common with most local authorities.

Table 1. Descriptions of site characteristics as applied to risk categories for sites possibly affected by contamination.

Category	Site Characteristics
Category 1	<ul style="list-style-type: none"> • From the information provided it would appear that the presence of contamination on site is very likely to be unacceptably high. • The risk of harm to the identified receptors is very probable. • Action required: Prompt, high priority action is required.
Category 2a	<ul style="list-style-type: none"> • From the information provided it would appear that contamination on site is possible, an elevated risk is presented to receptors and it is possible that the site is not suitable for use. The likelihood of significant possibility of significant harm (SPOSH) is not as elevated as for category 1 sites; however, there is a potential SPOSH to human health or controlled waters on site. It is not possible to deem the land not contaminated under Part 2A based on the information currently available. • Further investigation is required to characterise the site and assess risk to receptors.
Category 2b	<ul style="list-style-type: none"> • From the information provided it would appear that contamination on the site is possible and receptors are potentially at risk, however, it is thought that the site is suitable for use. It is not considered likely that SPOSH is present, however if land use was to change then further site investigation would be required. • Under the inspection of the district no further information is required.
Category 3	<ul style="list-style-type: none"> • Whilst contamination may be present on site, from the information provided it would appear that it is unlikely that the contaminants will have a significant effect on the identified receptors. • This site has more inherent risks than a category 4 site. • Action required: Medium to low priority, site inspection may be warranted.
Category 4	<ul style="list-style-type: none"> • Whilst contamination may be present on the site, from the information examined it would appear that it is unlikely that the contaminants will have a significant effect on the identified receptors. • The current use of the site presents little concern and can continue pending new information. • Action required: This is a low priority site, periodic review.

Category 5	<ul style="list-style-type: none"> • These sites are of negligible risk. • There is no evidence of 'significant harm' or the possibility of such occurring. • Action required: Usually no further action needed.
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The sites with higher risk ratings were then subject to further detailed review, both by the consultant and staff at respective precursor councils, to establish whether any such sites required active site - focused investigation, or whether they could be just appropriately recorded so as to correctly inform future events. **Table 2** shows the resulting numbers of sites across Dorset according to the categorisation outlined in Table 1.

Table 2. Categorisation of sites across Dorset on 1 December 2022

Category	Number of Sites
1	14
2a	201
2b	1395
3	1159
4	226
5	101
TOTAL	3099

Each respective precursor council held the datasets of risk – rated sites on Excel spreadsheets, and also created corresponding layers in their respective geographical information systems ('GIS').

The figures in Table 2 are to be regarded as indicative, rather than absolute. This is because risk associated with sites can change, either because of changed circumstances, changes in guidance, or other factors. In particular, the fourteen 'Category 1' sites needs careful review, as it is likely to have arisen from a historically somewhat more overcautious approach than that outlined in statutory guidance.

The sites referred to in Table 2 **do not** refer to sites formally determined by the council as meeting the legal definition of 'contaminated land'. In terms of sites in Dorset which have been formally determined as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, there have been two such sites, one of which is now remediated. The other site has been designated a "special site" because the contamination affects groundwater and surface water. As a special site, the Environment Agency has principal regulatory responsibility for the site under the Act.

3.3 Moving forward

The council has the in – house skills to understand and manage the delivery of its 'Part 2A' responsibilities; however, in relation to detailed technical contamination matters (mostly site –

specific) the council currently secures external advice from specialist consultants and holds a budget to do so.

The way forward is informed by the aims and objectives outlined in Section 3.1. In practice, the pursuit of these drivers means that our work on land contamination matters will include certain key elements. These are:

- Part 2A district – wide and site - specific inspection
- Planning/development control work
- Service requests/complaints/notifications about land contamination issues
- Enquiries and statutory requests for information/database searches

In delivering this Strategy's aims and objectives, these activities very considerably rely on effective information management.

3.4 Information management

3.4.1 Introduction

Much of the material outlined so far in the document is a reference to country – wide statutory, technical and professional considerations, and so will be common to all councils' strategies. What will be unique to Dorset Council, however, is how we manage our information flows: gathering, storage, supply, accessibility.

Critically, it is information management in the modern Dorset Council context which provides a platform for the management of our land contamination responsibilities as outlined in this strategy document.

Section 3.2 above explained how Dorset Council's respective precursor councils generated a list of risk - categorised sites, through a process of identification, desktop assessment and site walkovers.

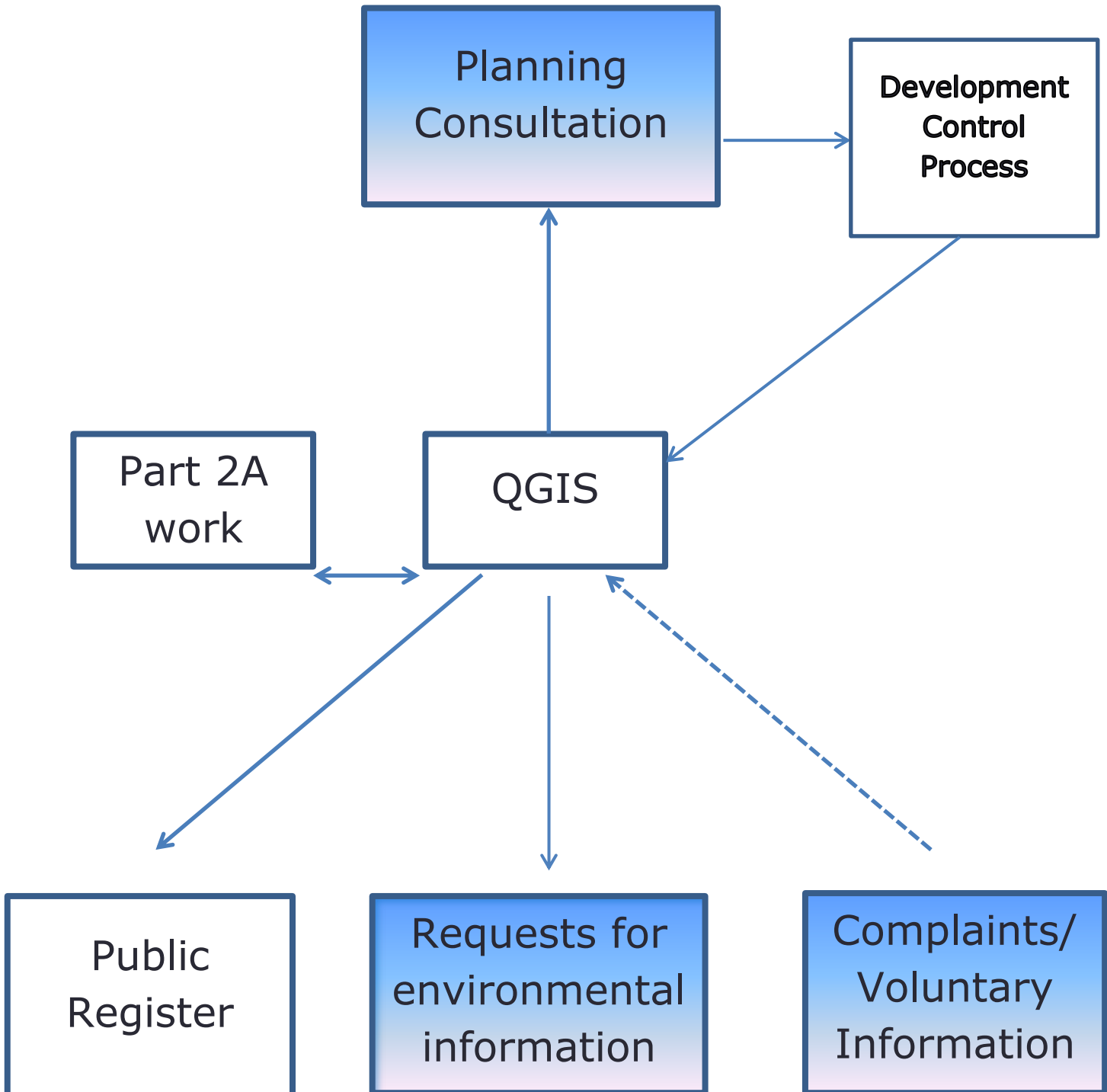
Since that time, we have seen the formation of Dorset Council, more recently followed by a change of corporate GIS environment to QGIS. Different precursor councils used different GIS systems and represented information slightly differently in them.

Such circumstances require a re-stating of our land contamination information management vision, along with the identification and addressing of any weaknesses or uncertainties that may be embedded, either as a legacy from precursor councils, or as a product of the creation of a unitary council or the change to QGIS.

3.4.2 Information management vision

Figure 3 outlines the Council's vision for management of information in relation to land contamination. The sections following explain this.

Figure 3. Information flows arising from implementation of the Council's Contaminated Land Strategy



3.4.3 GIS as an information management hub

The GIS serves as the information ‘hub’ in relation to the Council’s land contamination work. Thus, when information is needed, the GIS layer acts as the **authoritative central information source**. The key examples of such uses are:

- for ongoing Part 2A work;
- to provide information to the Development Services function;
- to provide high quality responses to requests for environmental information;
- to inform the public register required by Section 78R of the Environmental Protection Act 1990

The GIS hub is at the core of our land contamination work and strategy.

The purpose of the GIS is to act as an authoritative and definitive land contamination database by storing, in two – dimensional map format, a record of every site in Dorset of potential interest in terms of land contamination, with key information about that site, and signposts to any information held elsewhere.

It is critical that the GIS is populated comprehensively and updated every time something relevant happens. Those accessing information in the GIS must be able to have the confidence that the information found there is consistent, conclusive, definitive and up to date; they must know how to look for that information and interrogate it correctly.

It will therefore be essential to effectively manage the updating of the GIS ‘hub’ in response to Part 2A work, redevelopment of land, and any other relevant developments, for example complaints, notifications of oils spills etc. Procedures relating to these matters will be developed or updated to require this.

Note that cases of sites/issues/notifications complaints etc. being actively considered will be stored in the general Environmental Health application (currently ‘Tascomi’). Such information will be transferred to GIS as such Tascomi – based cases warrant it, in accordance with operational procedures.

3.4.4 Information related to Part 2A activities

As already outlined, Dorset Council has a list of all sites of potential interest in terms of contamination. Currently, that list consists of a series of precursor – council legacy spreadsheets, with corresponding information held in the QGIS system. At the time of writing this strategy, some questions remain as to whether the information, as transferred to QGIS from previous systems, is comprehensive. This will be clarified.

Any new sites of interest in terms of land contamination identified as a result of Part 2A activities, or changes to the status of existing sites of as a result of Part 2A activities, must be recorded in the QGIS layer.

If any site is formally determined as 'contaminated land', this must be noted in the GIS, and the public register of such sites must be the same as the list of such sites as identified from the GIS.

The categorisation of sites as part of our 'Part 2A' work will be reviewed on an ongoing basis, to ensure it is representative and up to date. This will be largely reactive, when events occur which require records and/or risk ratings to be updated; however, a specific review will be undertaken of any sites with higher risk, in particular the sites currently having a 'Category 1' risk rating, or those already determined as contaminated land, in order to ensure that their status is correctly recorded and any need to further action is identified.

As discussed, information about sites is held both in spreadsheet form and on GIS. Further work will be undertaken to establish the best way to shape the relationship and consistency between data held on spreadsheets and the GIS.

3.4.5 Provision of information to the Planning Team, and updating of records following development

Land contamination is a material planning consideration and as such is addressed in the National Planning Policy Framework (NPPF) and the Council's Local Plan. When land is developed, the Council must consider whether land contamination may be relevant to the proposals in question. This work is undertaken in pursuit of the requirements of the NPPF and Planning Practice Guidance, (PPG) including the statement in PPG:

'After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A.'

This is, in fact, the main way that land contamination is improved in the UK. Successive governments' principal land contamination policy has been to lever in private sector funding via redevelopment to achieve remediation and improvements in land quality. Therefore, it is essential to ensure quality outputs from this process. To achieve this, procedures will be updated and/or developed to ensure correct and consistent interrogation of the GIS and responses to Planning. This will include:

- How to interrogate the GIS.
- The identification of appropriate buffer distances.
- Options for EP officers when responding to Planning consultation where land quality is relevant.

It should be noted that, for sound operational and legal reasons, if development requiring planning permission occurs at a site with potentially former contaminative uses, the QGIS hub will **not** be updated to reflect this. Therefore, this should always be borne in mind when interrogating the GIS, e.g. for enquiries under the Environmental Information Regulations 2004. Enquirers will therefore be advised to also check with planning to establish whether any subsequent development and possible associated remedial works undertaken at the site in question.

It should be noted that detailed technical review of land contamination submissions by developers are carried out by external consultants acting directly on behalf of the Planning Team.

3.4.6 Requests for environmental information

Periodically the Council receives requests for environmental information, and these will frequently relate to land contamination questions. Such requests are usually made under the provisions of the Environmental Information Regulations 2004 (EIR) or the Freedom of Information Act 2000 (FOI).

Requests for environmental information which include land contamination information will be managed using the general Environmental Health application (currently 'Tascomi'). In response to such requests, the QGIS land contamination 'hub' will be interrogated, potentially in combination with other sources dependent on the questions asked in the request.

It is important that enquirers must be advised to also check with planning to establish whether any subsequent development and possible associated remedial works undertaken at the site in question.

3.4.7 Complaints

Complaints from the public regarding contaminated land will be dealt with following the same service request principles, procedure and response times as currently used by the Environmental Protection Team for statutory nuisance service requests. Complaints will be logged, recorded and managed using the general Environmental Health application (currently 'Tascomi'). They will **not** be routinely recorded in the GIS environment unless they lead to the acquisition of verifiable and auditable information about possible contamination on land.

Every effort will be made to resolve complaints quickly and efficiently. However, the very nature of the subject and the corresponding legislative framework does mean that timeframes to resolution can be protracted, and this will be made clear to service users as appropriate.

3.4.8 Voluntary provision of information (for example oil spills)

If a person or organisation provides information relating to potentially contaminating episodes that may or may not be directly affecting their own health, the health of their families or their property, the information will be recorded the general Environmental Health application (currently 'Tascomi').and may be acted upon. There will be no obligation for the Council to keep the person or organisation informed of progress towards resolution, although it may choose to do so as general good practice. Such information will **not** be routinely recorded in the GIS environment unless it is verified.

Where there is sound evidence of a potentially contaminating episode (for example a report by an owner, occupier, consultant or Environment Agency of an oil spill), this will be managed using the general Environmental Health application (currently 'Tascomi'). The GIS contaminated land layer will be updated to reflect the details of the event, and the GIS – layer information will report the event as unresolved until the provision of satisfactory evidence of resolution/remediation (for example a report from a consultant or information from the Environment Agency).

3.4.9 Anonymously supplied information

The Council does not normally undertake any investigation based on anonymously supplied information, and this general policy will be adopted for contaminated land issues. This policy does not, however, preclude investigation of an anonymous complaint in exceptional circumstances. Cases of anonymously supplied information will be managed using the general Environmental Health application (currently 'Tascomi').

When cases of anonymously supplied information lead to the acquisition of verifiable and auditable information about possible contamination on land, such information may be recorded in the GIS environment if appropriate.

3.4.10 Information acquired from other sources

Information relating to possible land contamination may arise through other routes, for example:

- Information about previously unknown land uses supplied as context in enquiries under the Environmental Information Regulations 2004.
- Information acquired during the course of private water supply regulatory work.

These will be considered on a case-by-case basis. Where appropriate, further information will be sought. If evidentially verified, such information may be entered onto the council's GIS land contamination database. Unverified information will be entered into the database **only with the agreement of a Team Leader or Service Manager**. Further work will be undertaken to identify/develop principles to apply to such decisions.

3.5 Management of this strategy document and miscellaneous actions

The strategy will be subject to any necessary approvals from senior managers and/or members.

This and other documents will be stored securely in a suitable environment as part of the EP Team's wider information storage strategy. Documents to store include:

- this strategy document
- original datasets from past consultant – led activity
- current spreadsheets
- procedures
- standard documents
- action/improvement plans

3.6 Practical implementation

3.6.1 Procedures and documentation

This strategy seeks to present the broad principles which will form the basis for the Council's approach to meeting its responsibilities under Part 2A of the Environmental Protection Act 1990. There will be a role for detailed **procedures and documentation** in pursuit of these principles. These may relate to issues such as:

- Liaison with other departments/organisations such as The Environment Agency, Planning Team
- Communications,
- Review of the strategy
- Responses to complaints
- Responses to requests for information
- Site Investigations (desktop/walkover/intrusive)
- Capital project funding
- Technical risk assessment
- Determining a site
- Identifying the 'appropriate person'
- Enforcement including Remediation notices
- Council liabilities and risks
- Cost recovery/liability
- Resources, equipment, staffing

The above list is not necessarily exhaustive. Such issues, if and when they arise, will be addressed using current best practice and having due regard to the relevant extant guidance. This strategy document does not itself aim to set out detailed procedures and processes in relation to such issues, because in practice they are mostly unlikely to arise very frequently, and the relevant legislation and guidance may well change over the timescales involved, potentially rendering relevant parts of the strategy unnecessarily out of date.

3.6.2 Skills management

Dorset Council currently delivers its statutory land contamination functions through a mix of in-house process management and external technical expertise. An alternative option is the delivery of the function entirely in house, including technical work. This strategy does not aim to evaluate these respective options, but it is of contextual use to be aware of them.

The principal challenge for a relatively rural authority, even a unitary one, is that delivering the technical aspects of the land contamination role entirely in – house would require significant increase in staffing costs, plus formal training on nationally accredited courses and detailed proactive competency management.

However, even without delivering detailed case – specific technical work, there is a need for a good level of in – house understanding of and insight into the contaminated land regime and what it technically and legally entails. Ill - informed case – management decisions can have very significant implications for public health, property values, and the council. Ongoing active consideration of the level of in – house skills (numbers of staff and level of skill) is an essential element of this strategy.

3.7 Areas for improvement

In developing this strategy, the focus has been on:

- best approach in accordance with statute and statutory guidance;
- the principles of good regulation through risk analysis, consistency, transparency and proportionate action;
- general principles of professional good practice relating to investigation, analysis, interpretation, communication, organisation etc.

Inevitably, process of re-writing the strategy has led to the identification of areas where improvement is needed to ensure good service quality and minimise corporate risk, including the following:

- Merging and unifying precursor authorities' datasets
- Reviewing what site – specific 'Part 2A' work is currently happening
- Reviewing the status of sites recorded as having 'Category 1' risk
- Reviewing the status of those (few) sites which have in the past been formally determined as 'contaminated land'
- Reviewing higher risk – rated sites
- Document storage
- Use of QGIS including training
- Comprehensiveness and quality of data on the relevant QGIS layer
- Establish the best way to shape the relationship and consistency between data held on spreadsheets and the GIS.
- Creating/amending/updating appropriate procedures
- Training and information for staff (technical and process familiarisation)
- Responding to information requests under the Environmental Information Regulations 2004
- Improvement of relevant webpages
- Ensuring public register is unified, accurate, current and comprehensive
- Developing principles to apply to recording of unverified information

The above list is indicative rather than comprehensive.

An immediate practical implication of this updated strategy, the first revision since the formation of Dorset Council, will be the comprehensive identification of such elements of land contamination service delivery where there is scope for improvement, updating and harmonization. **We will therefore develop a written detailed action plan identifying appropriate tasks such as those listed above, with suitable timescales for delivery.**

4 CONCLUSION

This 2024 - 2029 Dorset Council Contaminated Land Strategy seeks to provide a modern response to relevant statutory frameworks by identifying key aims and core principles and allowing flexibility of detailed approach. The core principles thus identified are:

- A robust understanding of the purpose of the statutory framework.
- Effective, coherent and efficient service delivery systems
- A particular focus on information management
- A focus on leveraging – in privately funded remediation of land through the (re)development process.
- Use of external resource (e.g. consultants) only where necessary, i.e. where an issue cannot be satisfactorily resolved without technical expertise not available internally.
- Development and maintenance of an action plan to enhance service quality and robustness.

The strategy provides the core principles and sense of direction for effective efficient service delivery in relation to Part 2A of the Environmental Protection Act 1990.

5 APPENDICES

APPENDIX 1: GOVERNMENTAL AND OTHER AUTHORITATIVE GUIDANCE RELATING TO LAND CONTAMINATION

Part 2A of the Environmental Protection Act 1990 (as amended)

Contaminated Land (England) Regulations 2006

Environmental Protection Act 1990, Part 2A: Contaminated Land Statutory Guidance, April 2012

Guidance: Land contamination risk management (LCRM)

The National Planning Policy Framework, March 2012

Guiding principles for land contamination (GPLC)

Guidance for the safe development of housing on land affected by contamination R&D 66 (2008) (PDF, 2.5MB)

DOE Industry Profiles

BS 10175:2011+A2:2017: Investigation of potentially contaminated sites. Code of practice -

<http://www.environment-agency.gov.uk/research/planning/33710.aspx> (EA webpages containing links to key technical guidance).

NOTE this is an illustrative, not a definitive or authoritative list; it may become out of date and other relevant documents exist.

Beyond the above, there are many other specialised guidance and commentary documents, which of course are apt to change and evolve with time. These are not listed here.

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Dorset Council Contaminated Land Strategy 2024

10 Responses

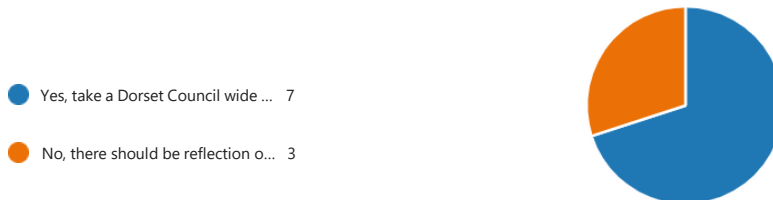
02:03 Average time to complete

Active Status

1. Have you heard of the regulatory regime for contaminated land, under Part 2A of the Environmental Protection Act 1990?



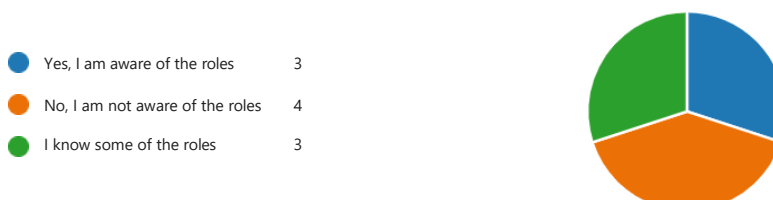
2. Do you think it appropriate to take a Dorset Council – wide approach to this topic, or should there be some reflection of previous land use boundaries e.g. urban vs rural areas?



3. In terms of land contamination, are you aware of the relationship between the Planning regime and Part 2A of the Environmental Protection Act 1990?



4. In terms of land contamination, are you aware of the respective roles of local councils and the Environment Agency?



5. Do you have any questions arising out of the first four questions, or any other comment or questions?



Appendix 2

6. Please enter any further questions or comments you may have.

10
Responses

Latest Responses

"St Leonards and St Ives Parish Councillors made a few comments about spec...

"None"

"We do not understand the purpose of this exercise and for CVPC to become ...

2 respondents (20%) answered **rural area** for this question.

A word cloud visualization of responses related to the question. The most prominent words are 'land rural area' and 'pollution'. Other visible terms include 'contaminated areas', 'industrial areas', 'big thing', 'Parish Councillors', 'Environment Agency', 'CVPC to become more involved', 'local resident', 'Town Councillor', 'areas of interest', 'potential for contamination', 'past trades', 'A31 and the Ashley', 'Wimborne Minster', 'environmental contamination', 'concerns', 'tank spills', and 'regard to Questions'.

Place and Resources Overview Committee Draft Work Programme

Meeting Date: 12 September 2024

Report Title	Aims and Objectives	Lead Officers / Councillors	Other Information
Strategic Asset Management Plan 2024 - 2030	To consider the Strategic Asset Management Plan 2024 – 2030 and make comments to Cabinet	<p>Julian Wain (Strategic Property Advisor) and Tim Hulme (Corporate Director for Assets & Regeneration)</p> <p>Councillor Richard Biggs (Deputy Leader, Cabinet member for Property & Assets, Economic Growth & Levelling Up)</p>	To be considered by Cabinet on 15 October 2024
Waste Strategy for Dorset 2024	To consider a waste strategy for Dorset and make comments and a recommendation to Cabinet	<p>Louise Bryant (Service Development Manager), Lisa Mouny (Service Development Manager, Gemma Clinton (Head of Commercial Waste & Strategy)</p> <p>Councillor Jon Andrews (Cabinet member for Place Commissioned Services)</p>	To be considered by Cabinet on 15 October 2024

Report Title	Aims and Objectives	Lead Officers / Councillors	Other Information
Draft Contaminated Land Strategy	To consider the draft Contaminated Land Strategy and report of consultation findings on the draft strategy and provide comments and recommendation to Cabinet	Steve Horsler (Environmental Health Officer) & Janet Moore (Service Manager Environmental Protection) Councillor Ryan Hope (Cabinet member for Customer, Culture & Community Engagement)	To be considered by Cabinet on 19 November 2024
Planning Service Local Enforcement Plan	To seek adoption of an updated Local Enforcement Plan for the Planning Service, setting out service aims, how to deal with breaches of planning control, how cases are prioritised & outcomes of investigation	Anna Lee (Service Manager for Development Management & Enforcement) Councillor Shane Bartlett (Cabinet member for Planning & Emergency Planning)	To be considered by Cabinet on 15 October 2024

Continued over...

Meeting Date: 21 November 2024

Report Title	Aims and Objectives	Lead Officers / Councillors	Other Information
Dorset Council Workplace Travel Plan 2024	To consider a proposal to introduce a workplace travel plan for the authority that will transform the way employees will travel to work and travel whilst at work	Christopher Whitehouse (Projects Team Manager) Matthew Piles Steven Ford Darren Orchard Councillor Jon Andrews (Cabinet member for Place Commissioned Services)	To be considered by Cabinet on 17 December 2024

Meeting Date: 30 January 2025

Report Title	Aims and Objectives	Lead Officers / Councillors	Other Information
Growth and Economic Regeneration Strategy tbc	To consider a refresh of the Council's strategy for economic growth. This will encompass the functions to be taken over by the Council from Dorset Local Enterprise Partnership (LEP) in accordance with devolution and promote the needs and actions required to drive forward the economy in the Dorset Council area	Helen Heanes (Principal Economic Development Officer) Jon Bird (Service Manager, Growth & Economic Regeneration) Councillor Richard Biggs (Deputy Leader, Cabinet member for Property & Assets, Economic Growth & Levelling Up)	To be considered by Cabinet on tbc

Meeting Date: 13 March 2025

Report Title	Aims and Objectives	Lead Officers / Councillors	Other Information
<i>Review of policies to be undertaken and prioritised for review by the committee</i>			

Informal work of the committee:

Date	Topic	Format	Councillors	Lead Officers	Other Information

The Cabinet Forward Plan - October 2024 to January 2025 **(Publication date – 16 SEPTEMBER 2024)**

Explanatory Note:

This Forward Plan contains future items to be considered by the Cabinet and Council. It is published 28 days before the next meeting of the Committee. The plan includes items for the meeting including key decisions. Each item shows if it is 'open' to the public or to be considered in a private part of the meeting.

Definition of Key Decisions

Key decisions are defined in Dorset Council's Constitution as decisions of the Cabinet which are likely to -

- a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates (**Thresholds - £500k**); or
- b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority."

In determining the meaning of "*significant*" for these purposes the Council will have regard to any guidance issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000 Act. Officers will consult with lead members to determine significance and sensitivity.

Cabinet Members and Portfolios 2024/25

Nick Ireland	Leader and Cabinet Member for Climate, Performance and Safeguarding
Richard Biggs	Deputy Leader and Cabinet Member for Property & Assets and Economic Growth
Jon Andrews	Place Services
Shane Bartlett	Planning and Emergency Planning
Simon Clifford	Finance & Capital Strategy
Ryan Holloway	Corporate Development and Transformation
Ryan Hope	Customer, Culture and Community Engagement
Steve Robinson	Adult Social Care
Clare Sutton	Children's Services, Education & Skills
Gill Taylor	Health and Housing.

Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
October					
<p>Waste Strategy for Dorset 2024</p> <p>Key Decision - Yes Public Access - Open</p> <p>To consider and approve the Waste Strategy for Dorset.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>	<p>Place and Resources Overview Committee 12 Sep 2024</p>	<p>Cabinet Member for Place Services</p>	<p><i>Gemma Clinton, Head of Commercial Waste and Strategy</i> <i>gemma.clinton@dorsetcouncil.gov.uk, Lisa Mounty, Service Development Manager</i> <i>lisa.mounty@dorsetcouncil.gov.uk</i> <i>Executive Lead for Place Directorate (Jan Britton)</i></p>
<p>Growth & Economic Regeneration Strategy</p> <p>Key Decision - No Public Access - Open</p> <p>To consider a report about the process for a refresh of the Council's strategy for economic growth.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>	<p>Place and Resources Overview Committee 12 Sep 2024</p>	<p>Deputy Leader and Cabinet Member for Property & Assets and Economic Growth</p>	<p><i>Jon Bird, Service Manager for Growth and Economic Regeneration</i> <i>jon.bird@dorsetcouncil.gov.uk, Nick Webster, Head of Growth and Economic Regeneration</i> <i>nicholas.webster@dorsetcouncil.gov.uk</i> <i>Executive Lead for Place Directorate (Jan Britton)</i></p>
<p>Strategic Asset Management Plan 2024 - 2030</p> <p>Key Decision - Yes Public Access - Open</p> <p>To present the Strategic Asset Management Plan 2024-2030 and seek endorsement.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>	<p>Place and Resources Overview Committee 12 Sep 2024</p>	<p>Deputy Leader and Cabinet Member for Property & Assets and Economic Growth</p>	<p><i>Tim Hulme, Corporate Director of Assets and Regeneration</i> <i>tim.hulme@dorsetcouncil.gov.uk, Julian Wain, Strategic Property Advisor</i> <i>Julian.wain@dorsetcouncil.gov.uk</i> <i>Executive Lead for Place Directorate (Jan Britton)</i></p>

Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
<p>Allocation S106 Funding for community facilities at Mampitts Green Shaftesbury</p> <p>Key Decision - Yes Public Access - Open</p> <p>To determine the award of the s106 developer contribution funding for the delivery of community facilities at Mampitts Green, Shaftesbury.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>		<p>Cabinet Member for Planning and Emergency Planning</p>	<p><i>Andrew Galpin, Infrastructure & Delivery Planning Manager andrew.galpin@dorsetcouncil.gov.uk, Mike Garrity, Head of Planning mike.garrity@dorsetcouncil.gov.uk Executive Lead for Place Directorate (Jan Britton)</i></p>
<p>Planning Service Local Enforcement Plan</p> <p>Key Decision - Yes Public Access - Open</p> <p>To seek adoption of an updated local Enforcement Plan for the Planning Service, setting out service aims, how to deal with breaches of planning control and how cases are investigated</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>	<p>Place and Resources Overview Committee 12 Sep 2024</p>	<p>Cabinet Member for Planning and Emergency Planning</p>	<p><i>Anna Lee, Service Manager for Development Management and Enforcement anna.lee@dorsetcouncil.gov.uk Executive Lead for Place Directorate (Jan Britton)</i></p>
<p>BCP Council unmet need request response</p> <p>Key Decision - Yes Public Access - Open</p> <p>Response to BCP Council on their request.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>		<p>Cabinet Member for Planning and Emergency Planning</p>	<p><i>Mike Garrity, Head of Planning mike.garrity@dorsetcouncil.gov.uk, Terry Sneller, Strategic Planning Manager terry.sneller@dorsetcouncil.gov.uk Executive Lead for Place Directorate (Jan Britton)</i></p>

Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
<p>Blandford Nursery & Diocese of Salisbury Academy Trust</p> <p>Key Decision - Yes Public Access - Open</p> <p>To consider alternative arrangements for the management/future ownership of the childcare provisions Dorset Council run in Blandford and Shaftesbury.</p> <p>Our objectives are to:</p> <p>Meet our statutory duty¹ to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children)</p> <p>Ensure the provisions are run by an organisation with the dedicated leadership, experience, resources, and skills to do this effectively.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>		<p>Cabinet Member for Children's Services, Education and Skills</p>	<p><i>Alice Deacon, Corporate Director for Commissioning and Partnerships alice.deacon@dorsetcouncil.gov.uk Executive Director, People - Children (Theresa Leavy)</i></p>
<p>Sturminster Marshall Neighbourhood Plan</p> <p>Key Decision - Yes Public Access - Open</p> <p>This item relates to the making (adoption) of a neighbourhood plan following examination and a referendum.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>		<p>Cabinet Member for Planning and Emergency Planning</p>	<p><i>Ed Gerry, Community Planning Manager ed.gerry@dorsetcouncil.gov.uk Executive Lead for Place Directorate (Jan Britton)</i></p>

Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
<p>Dorset Innovation Park Management Options</p> <p>Key Decision - Yes Public Access - Part exempt</p> <p>The council defines a key decision, in terms of procurement activity, as those with a financial consequence of £500k or more. This report will provide notice of the planned / known procurement activities that Cabinet will need to make a key decision on.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 15 Oct 2024</p>		<p>Deputy Leader and Cabinet Member for Property & Assets and Economic Growth</p>	<p><i>Nick Webster, Head of Growth and Economic Regeneration</i> <i>nicholas.webster@dorsetcouncil.gov.uk</i> <i>Executive Lead for Place Directorate (Jan Britton)</i></p>
<p>November</p>					
<p>Quarter 2 Financial Monitoring Report 2024/25</p> <p>Key Decision - Yes Public Access - Open</p> <p>To consider the Quarter 2 Financial Monitoring Report 2024/25</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 19 Nov 2024</p>		<p>Cabinet Member for Finance & Capital Strategy</p>	<p><i>Sean Cremer, Corporate Director for Finance and Commercial</i> <i>sean.cremer@dorsetcouncil.gov.uk</i> <i>Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i></p>
<p>Medium Term Financial Plan (MTFP) and budget strategy - update</p> <p>Key Decision - Yes Public Access - Open</p> <p>To receive a budget update for 2025/26.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 19 Nov 2024</p>		<p>Cabinet Member for Finance & Capital Strategy</p>	<p><i>Sean Cremer, Corporate Director for Finance and Commercial</i> <i>sean.cremer@dorsetcouncil.gov.uk</i> <i>Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i></p>

Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
<p>Designing out severe hardship and improving social mobility in Dorset</p> <p>Key Decision - Yes Public Access - Open</p> <p>To establish a cross-directorate and multi-agency taskforce with the purpose of improving social mobility, reducing poverty, and ensuring cohesive responses across the Council and with wider partners.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 19 Nov 2024</p>	<p>Health and Wellbeing Board 26 Jun 2024</p>	<p>Cabinet Member for Children's Services, Education and Skills</p>	<p><i>Alice Deacon, Corporate Director for Commissioning and Partnerships alice.deacon@dorsetcouncil.gov.uk Executive Director, People - Children (Theresa Leavy)</i></p>
<p>Draft Contaminated Land Strategy</p> <p>Key Decision - Yes Public Access - Open</p> <p>Draft Contaminated Land Strategy and report of consultation findings on the draft strategy.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 19 Nov 2024</p>	<p>Place and Resources Overview Committee 12 Sep 2024</p>	<p>Cabinet Member for Customer, Culture and Community Engagement</p>	<p><i>Steven Horsler, Environmental Health Officer steven.horsler@dorsetcouncil.gov.uk, Janet Moore, Service Manager for Environmental Protection Janet.Moore@dorsetcouncil.gov.uk Executive Lead for Place Directorate (Jan Britton)</i></p>
<p>Dorset SACRE Common Agreed Syllabus</p> <p>Key Decision - Yes Public Access - Open</p> <p>To consider a report on the Dorset SACRE agreed syllabus.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 19 Nov 2024</p>	<p>Place and Resources Overview Committee 29 Oct 2024</p>	<p>Cabinet Member for Children's Services, Education and Skills</p>	<p><i>Amanda Davis, Corporate Director for Education and Learning amanda.davis@dorsetcouncil.gov.uk Executive Director, People - Children (Theresa Leavy)</i></p>

Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
<p>Update of Carbon Reduction Targets</p> <p>Key Decision - Yes Public Access - Open</p> <p>Paper to revise and bring forward the carbon reduction targets set out in the Council's Natural Environment, Climate and Ecology Strategy.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 19 Nov 2024</p>	<p>Place and Resources Overview Committee 12 Sep 2024</p>	<p>Leader and Cabinet Member for Climate, Performance and Safeguarding</p>	<p><i>Antony Littlechild, Sustainability Team Manager</i> <i>antony.littlechild@dorsetcouncil.gov.uk</i> <i>Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i></p>
<p>Draft Council Plan 2024-2029</p> <p>Key Decision - Yes Public Access - Open</p> <p>draft of the new Council Plan for discussion and approval, setting out the council's strategic priorities for the next 5 years.</p>	<p>Decision Maker Dorset Council</p>	<p>Decision Date 5 Dec 2024</p>	<p>Joint Overview Committee 29 Oct 2024</p> <p>Cabinet 19 Nov 2024</p>	<p>Leader and Cabinet Member for Climate, Performance and Safeguarding</p>	<p><i>Jennifer Lewis, Head of Strategic Communications and Engagement</i> <i>jennifer.lewis@dorsetcouncil.gov.uk</i> <i>Chief Executive (Matt Prosser)</i></p>
<p>December</p>					

<p>Dorset Council Workplace Travel Plan 2024-29</p> <p>Key Decision - Yes Public Access - Open</p> <p>Proposal to introduce a workplace travel plan for the authority that will transform the way employees will travel to work and travel whilst at work.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 17 Dec 2024</p>	<p>Place and Resources Overview Committee 21 Nov 2024</p>	<p>Cabinet Member for Place Services</p>	<p><i>Matthew Piles, Corporate Director - Economic Growth and Infrastructure</i> <i>matthew.piles@dorsetcouncil.gov.uk</i>, <i>Christopher Whitehouse, Projects Team Manager</i> <i>christopher.whitehouse@dorsetcouncil.gov.uk</i> <i>Executive Lead for Place Directorate (Jan Britton)</i></p>
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Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
<p>Transformation Strategy 2025-2029</p> <p>Key Decision - Yes Public Access - Open</p> <p>Presentation of the new transformation strategy 2025 – 29. This is being brought forward alongside the new council plan and the new People and Culture Strategy as part of the council's refresh of strategic documentation post election.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 17 Dec 2024</p>		<p>Cabinet Member for Corporate Development and Transformation</p>	<p><i>Nina Coakley, Head of Change n.coakley@dorsetcouncil.gov.uk, Lisa Cotton, Corporate Director for Customer and Cultural Services lisa.cotton@dorsetcouncil.gov.uk Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i></p>
<p>Independent Reviewing Officer's Annual Report</p> <p>Key Decision - Yes Public Access - Open</p> <p>To consider the Independent Reviewing Officer's Annual Report.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 17 Dec 2024</p>		<p>Cabinet Member for Children's Services, Education and Skills</p>	<p><i>Lisa Reid, Corporate Director for Quality Assurance & Safeguarding Families lisa.reid@dorsetcouncil.gov.uk Executive Director, People - Children (Theresa Leavy)</i></p>
<p>Annual LADO Report</p> <p>Key Decision - Yes Public Access - Open</p> <p>To consider the Annual LADO Report.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 17 Dec 2024</p>		<p>Cabinet Member for Children's Services, Education and Skills</p>	<p><i>Lisa Reid, Corporate Director for Quality Assurance & Safeguarding Families lisa.reid@dorsetcouncil.gov.uk Executive Director, People - Children (Theresa Leavy)</i></p>
<p>January 2025</p>					

Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
<p>Quarter 3 Financial Monitoring 2024/25</p> <p>Key Decision - No Public Access - Open</p> <p>To consider the Quarter 3 financial Monitoring Report 2024/25</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 28 Jan 2025</p>		<p>Cabinet Member for Finance & Capital Strategy</p>	<p><i>Sean Cremer, Corporate Director for Finance and Commercial</i> <i>sean.cremer@dorsetcouncil.gov.uk</i> <i>Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i></p>
<p>Budget strategy and medium-term financial plan (MTFP)</p> <p>Key Decision - Yes Public Access - Open</p> <p>To consider a report and recommendation of the Portfolio Holder for Finance, Commercial and Capital Assets.</p>	<p>Decision Maker Dorset Council</p>	<p>Decision Date 11 Feb 2025</p>	<p>People and Health Scrutiny Committee 16 Jan 2025</p> <p>Place and Resources Scrutiny Committee 17 Jan 2025</p> <p>Cabinet 28 Jan 2025</p>	<p>Cabinet Member for Finance & Capital Strategy</p>	<p><i>Sean Cremer, Corporate Director for Finance and Commercial</i> <i>sean.cremer@dorsetcouncil.gov.uk</i> <i>Executive Director, Corporate Development - Section 151 Officer (Aidan Dunn)</i></p>
<p>Growth & Economic Regeneration Strategy</p> <p>Key Decision - Yes Public Access - Open</p> <p>To consider and agree a refresh of the Council's strategy for economic growth. This will encompass the functions to be taken over by the Council from Dorset Local Enterprise Partnership in accordance with devolution and promote the needs and actions required to drive forward the economy in the Dorset Council area.</p>	<p>Decision Maker Cabinet</p>	<p>Decision Date 28 Jan 2025</p>	<p>Place and Resources Overview Committee</p>	<p>Deputy Leader and Cabinet Member for Property & Assets and Economic Growth</p>	<p><i>Jon Bird, Service Manager for Growth and Economic Regeneration</i> <i>jon.bird@dorsetcouncil.gov.uk</i>, <i>Nick Webster, Head of Growth and Economic Regeneration</i> <i>nicholas.webster@dorsetcouncil.gov.uk</i> <i>Executive Lead for Place Directorate (Jan Britton)</i></p>

Subject / Decision	Decision Maker	Date the Decision is Due	Other Committee(s) consulted and Date of meeting(s)	Portfolio Holder	Officer Contact
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Private/Exempt Items for Decision

Each item in the plan above marked as 'private' will refer to one of the following paragraphs.

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the shadow council proposes:-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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