

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

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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.'

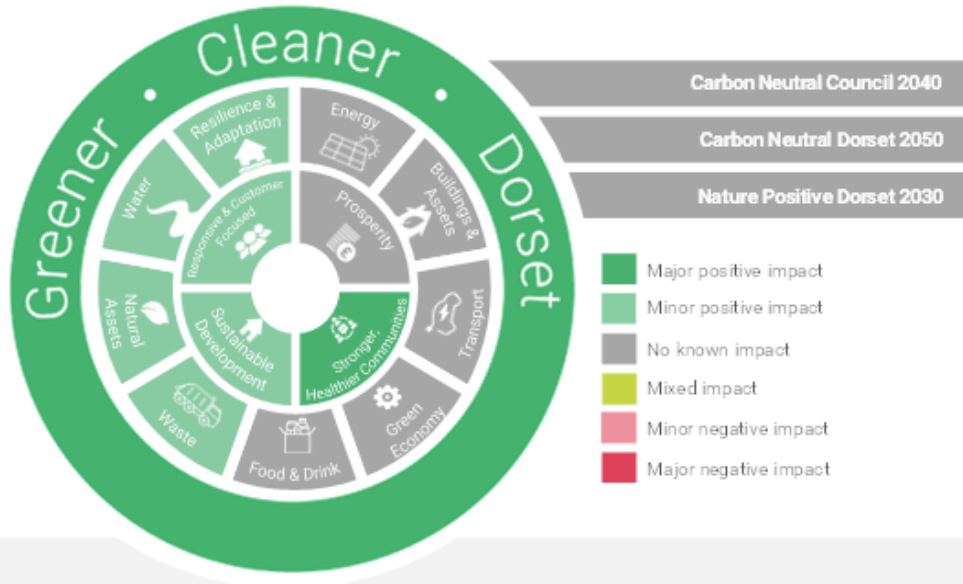
- 1.9 This aim is supported by revised objectives and together they provide a clear and appropriate sense of direction to our work in in this regulatory area.
- 1.10 In accordance with wider principles of good regulation, the Strategy ensures that where possible we secure solutions that are acceptable 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).



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)