

## Appendix 1



### 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:

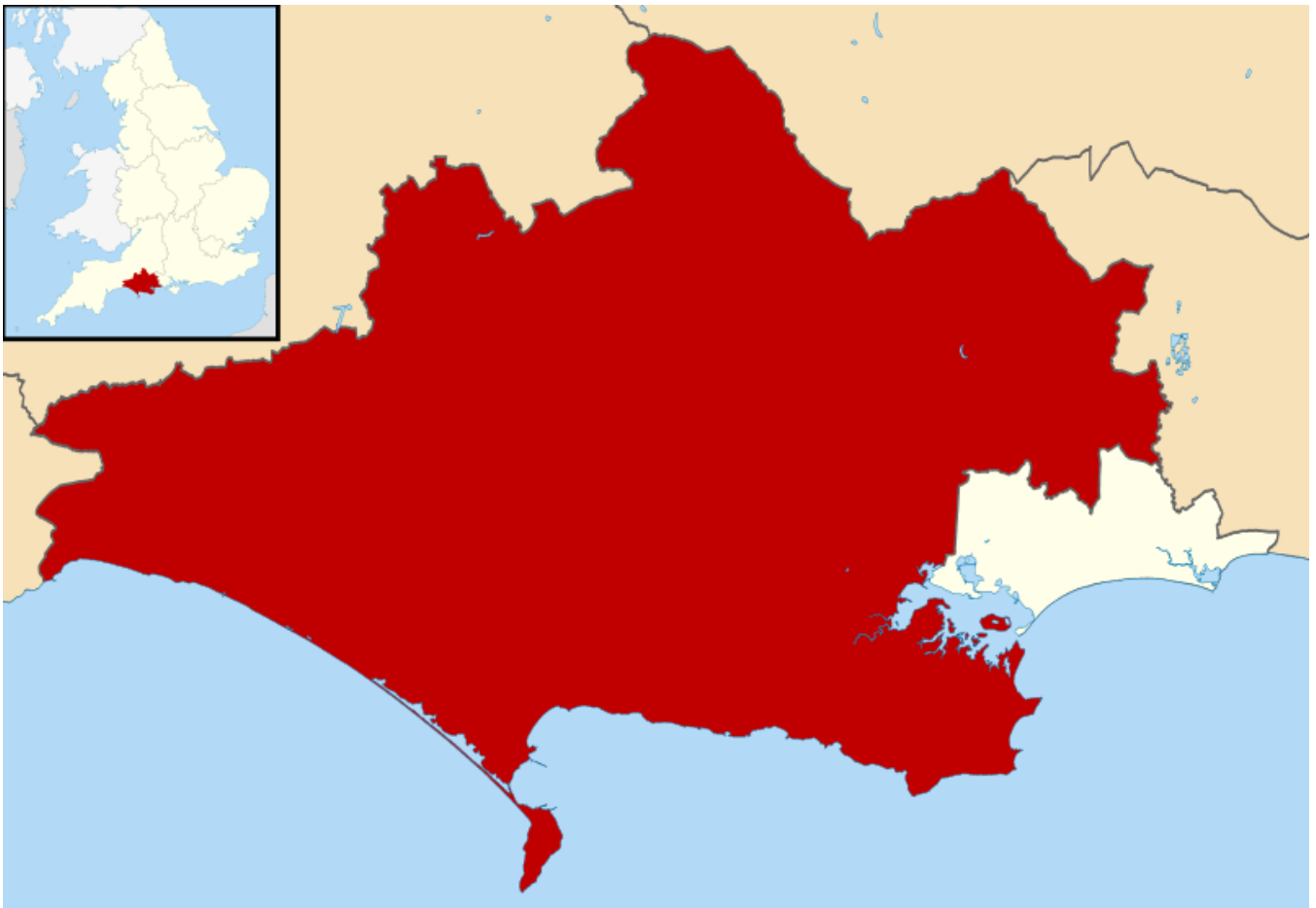
[Dorset Insights - Dorset Council](#)

[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.**

<b>Category</b>	<b>Site Characteristics</b>
<b>Category 1</b>	<ul style="list-style-type: none"> <li>• From the information provided it would appear that the presence of contamination on site is very likely to be unacceptably high.</li> <li>• The risk of harm to the identified receptors is very probable.</li> <li>• Action required: Prompt, high priority action is required.</li> </ul>
<b>Category 2a</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Further investigation is required to characterise the site and assess risk to receptors.</li> </ul>
<b>Category 2b</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Under the inspection of the district no further information is required.</li> </ul>
<b>Category 3</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• This site has more inherent risks than a category 4 site.</li> <li>• Action required: Medium to low priority, site inspection may be warranted.</li> </ul>
<b>Category 4</b>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The current use of the site presents little concern and can continue pending new information.</li> <li>• Action required: This is a low priority site, periodic review.</li> </ul>

<b>Category 5</b>	<ul style="list-style-type: none"> <li>• These sites are of negligible risk.</li> <li>• There is no evidence of 'significant harm' or the possibility of such occurring.</li> <li>• Action required: Usually no further action needed.</li> </ul>
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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.

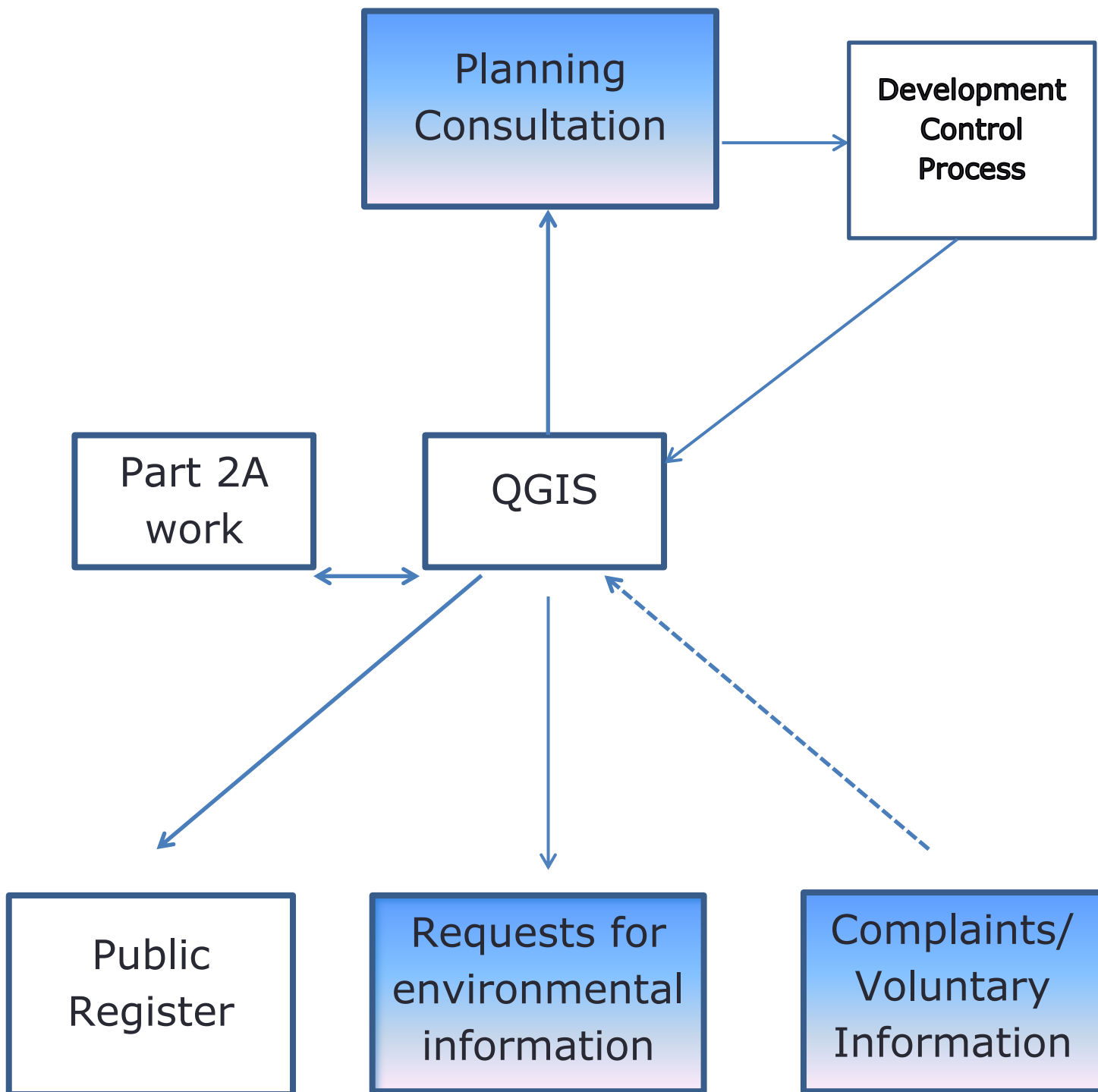
Since that time, we have seen the formation of Dorset Council, more recently followed by a change of corporate GIS environment to QGIS. Different precursor councils used different GIS systems and represented information slightly differently in them.

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.