Weymouth and Portland Borough Council

Contaminated Land Inspection Strategy

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CONTAMINATED LAND INSPECTION STRATEGY
EXECUTIVE SUMMARY

Under new legislation incorporated into the Environmental Protection Act 1990, the Council is required to produce a Contaminated Land Inspection Strategy. Following consultation, the strategy must be published by July 2001, and submitted to the Environment Agency on behalf of the Department of the Environment Transport and the Regions.

This strategy sets out how the Council intends to carry out its inspection programme, with a rational, ordered and efficient approach. This inspection regime will be proportional to the seriousness of any actual or potential risk, ensure that the most serious problems are dealt with first, and that resources are concentrated where they are most likely to identify contaminated land.

The Council's priorities for dealing with contaminated land will be: -

1. To protect human health
2. To protect controlled waters
3. To protect designated ecosystems
4. To prevent damage to property
5. To prevent further contamination of land
6. To encourage voluntary remediation
7. To encourage redevelopment of brown field sites

The inspection strategy is initially intended to identify the extent of the task and the resources likely to be required to deal with the process of remediation of contaminated sites. Provisionally a five year plan of inspection will be undertaken, starting in May 2001. The programme will start with an initial desk top study followed by a process of risk assessment and categorisation, to ensure that the most pressing sites are dealt with first. Particular areas of land identified early on as requiring more detailed investigation will be dealt with as they arise.

As a matter of priority all sites which the Council currently own, lease, or for which it has responsibility will be assessed for any potential liability. As the Council is in the position of being both regulator and landowner, it is vital that it be seen to examine its own land at an early stage of the process, but not at the detriment to more urgent sites.

It is recognised that some sites may be identified outside the general inspection routine that will require urgent attention. These sites will be dealt with as they arise.

The Council will support owners/occupiers wishing to carry out voluntary remediation and will encourage the redevelopment of brown field sites.

Land can only be formally designated as "Contaminated Land" in specific circumstances as set out in the legislation, following certain tests. Where land has been determined as contaminated the details must be entered on a public register, which must contain only certain information relating to that area of land.

The new statutory regime gives the Council only limited powers to deal with contaminative substances and their effects. It is important to appreciate that some peoples' expectations of the Council may not be met, where the Council's legal powers allow it only to consider the criteria of "significant harm" and "significant possibility of such harm" being caused as a result of contamination.

QUESTIONS AND ANSWERS

Why does the Council need to have a Contaminated Land Strategy?

New legislation came into force in April 2000 to deal with historically contaminated land. All local councils are required by law to produce an Inspection Strategy by July 2001.

What does the Strategy Contain?

This strategy sets out the Council's aims, objectives and priorities for dealing with contaminated land, and how it intends to identify, risk-assess, and arrange for the remediation of contaminated land, over a five year period.

Why is contaminated land a problem?

Land which is contaminated can, depending on the substances and their concentrations, cause harm to human health, plants, wildlife and ecological systems, property and inland and coastal waters.

Can any land with a contaminant on or near it be a hazard?

No, for land to be "contaminated" within the legal meaning, there must be a contaminant, a receptor or target (such as humans or plants) and a pathway, a direct link, between them. The contaminant must also be in such concentration that there is a "significant risk of significant harm" being caused.

Why do we need to remediate Contaminated Land now?

The Government has set objectives to identify and remove unacceptable risks to human health and the environment, to bring damaged land back into beneficial use, and to seek to ensure that the cost burdens are proportionate, manageable and economically sustainable.

Who pays for the remediation?

The new legislation applies the "Polluter Pays" principle, which places the cost burden for dealing with contamination on the polluter if they can be found, or the land owner or occupier where the polluter no longer exists, subject to certain limitations on liability.

How can I find out if a particular area of land is contaminated?

The Council is required by law to keep a public register of Remediation of Contaminated Land. This will hold details of land which has been registered as "Contaminated Land" within the meaning of the law, and what actions have been carried out, where necessary, to clean it up.

WEYMOUTH AND PORTLAND BOROUGH COUNCIL

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INTRODUCTION

1. THE NEW CONTAMINATED LAND REGIME – "THE PART IIA REGIME"

Contaminated land is an issue which impinges on many areas of the Council's business and one which requires expertise from a variety of disciplines. It affects property transactions, planning, building control and our local environment and will require a corporate approach if it is to be dealt with effectively.

1.1 Each local authority must by law inspect its area "from time to time" in order to identify contaminated land. It must follow statutory guidance issued by the Secretary of State, and must take a strategic approach to its inspection regime. **This must be set out in a formal written Inspection Strategy Statement, which must be prepared and published by July 2001.**

1.2 The concept for dealing with past contamination is based on the principles set out in the "Framework for Contaminated Land" (Department of the Environment 1994) which includes the "suitable for use" and the "polluter pays" principles.

1.3 The aim of the Contaminated Land Regime is to create a system for the identification and remediation of land where contamination is causing unacceptable risks to human health or the environment in terms of the land's **current** use.

1.4. Land can only be deemed to be "contaminated" if it appears to the local authority to be in such a condition, by reason of a substance in, on, or under the land, that "Significant harm is being caused or there is significant possibility of such harm being caused" or "pollution of controlled waters is being, or is likely to be caused". For a local authority to decide that land is "contaminated" it must identify a "pollution linkage" and show that there exists a contaminant, a receptor and a pathway that links them.

1.5. The Council's Contaminated Land Inspection Strategy as set out here is designed to ensure that an efficient and logical approach is taken to the duty of inspecting land for contamination, is proportional to the seriousness of any actual or potential risk, ensures that the most serious problems are dealt with first, and that resources are concentrated where they are most likely to identify contaminated land.

2. LEGAL FRAMEWORK

2.1 The Role of the Borough Council

Local authorities have been given the primary regulatory role for dealing with contaminated land under Part IIA of the Environmental Protection Act 1990. This reflects their existing functions under the statutory nuisance regime, and will also complement their role as the planning authority.

Each local authority has a statutory duty to "cause its area to be inspected from time to time for the purpose of identifying contaminated land" (Section 78B of Part IIA of the Environmental Protection Act 1990).

The Borough Council therefore has a duty to:-

a. Inspect its area to identify contaminated land;
b. Determine whether any particular land meets the statutory definition of contaminated land;
c. Act as the enforcing authority for dealing with contaminated land, unless the land meets the definition of a "Special Site" (in which case the Environment Agency will act as the enforcing authority).

2.2 The Role Of The Environment Agency

The Environment Agency has been given a specific role to:-

a. Assist local authorities in identifying contaminated land, particularly in cases where water pollution is involved;

b. Provide site specific guidance to local authorities on contaminated land;

c. Act as the enforcing authority for any land designated as a "Special Site" (See Glossary);

d. Publish periodic reports to the Department of the Environment, Transport and the Regions for the National Report on the State of Contaminated Land.

2.3 The Definition Of Contaminated Land

The Legal definition of "Contaminated Land is set out in Section 78A(2) of Part IIA of the Environmental Protection Act 1990:

Contaminated Land is any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

a. significant harm is being caused or there is significant possibility of such harm being caused; or
b. pollution of controlled waters is being, or is likely to be caused.

The local authority is required to act in accordance with the guidance issued by the Secretary of State when determining "significant". The description of significant harm is given in Table C at Appendix 5.

2.4 Statutory Guidance For Dealing With Contaminated Land

The Secretary of State for the Environment, Transport and the Regions, has issued Statutory Guidance on the implementation of the Part IIA regime, and local authorities are obliged to act in accordance with the guidance.

Once a site has been identified as contaminated land the enforcing authority has four main tasks:

a. To establish who should bear responsibility for the remediation (i.e. clean up) of the land - the appropriate person(s);
b. To decide what remediation is required, and ensure that this takes place either through –

- ❖ Reaching voluntary agreement, or;
- ❖ By serving a remediation notice, if agreement cannot be reached, or;
- ❖ By the authority carrying out the work itself;

c. To determine who should bear what proportion of the liability for meeting the cost of the work;
d. To record certain information about the regulatory actions taken on a public register.

2.5 Pollutant Linkages And Risk Assessment

The statutory guidance sets out how the local authority should determine whether a site meets the definitions of Contaminated Land.

For a site to be classed as contaminated land there must be a "pollutant linkage", this consists of three parts:

- A source of contamination in, on or under the land;
- A pathway, being one or more routes or means by which the contaminant can reach a receptor;
- A receptor which is either a living organism, or group of organisms, an ecological system, or a piece of property, or controlled waters.

The receptors that are classed as potentially sensitive are summarized in Table A below:

TABLE A

POTENTIALLY SENSITIVE RECEPTORS	
RECEPTOR	**LAND USE TYPES**
Human beings	Allotments Residential with gardens Residential without gardens Schools or nurseries Recreational/Parks, Playing Fields, Open Space Commercial/industrial
Ecological systems or living organisms forming part of a system within protected locations	SSSIs National nature reserves Marine nature reserves Areas of special protection for birds European sites SACs, SPAs Candidate SACs and SPAs Ramsar Sites Nature reserves
Property in the form of buildings	Ancient Monuments Buildings
Property in other forms (crops, livestock, home grown produce, owned or domesticated animals, wild animals subject to shooting or fishing rights)	Agricultural land Allotments and gardens Forestry areas Other open spaces, rivers, lakes etc.
Controlled Waters	Surface waters Drinking Water Abstractions Source Protection Zones Ground waters – Private abstractions Ground waters – Major aquifers

3. DEVELOPMENT OF THE BOROUGH COUNCIL'S STRATEGY

3.1 Statutory Guidance to Inspection

The local authority is required to take a strategic approach to the identification of land in its area that may require inspection to assess whether it is contaminated.

The statutory guidance states that this approach should:

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

When developing the strategy the local authority should take into account:

- Any available evidence that significant harm or pollution of controlled waters is actually being caused
- The extent to which any receptor is likely to be found in any of the different parts of the authority's area
- The extent to which any of those receptors is likely to be exposed to a contaminant, for example as a result of the use of the land or of the geological and hydrogeological features of the area
- The extent to which information on land contamination is already available
- The history, scale and nature of industrial or other activities which may have contaminated the land in different parts of its area
- The nature and timing of past redevelopment in different parts of its area
- The extent to which remedial action has already been taken by the authority or others to deal with land contamination problems or is likely to be taken as part of an impending redevelopment, and
- The extent to which other regulatory authorities are likely to be considering the possibility of harm being caused to particular receptors or the likelihood of any pollution of controlled waters being caused in particular parts of the local authority's area.

3.2 Essential elements of the Strategy (required by DETR Guidance)

- Description of particular characteristics of the Borough and how that influences the Council's approach
- The Council's aims, objectives and priorities
- Appropriate timescales for inspection of different parts of the area
- Arrangements and procedures for :
- Considering land the Council may (or may have previously) owned or occupied

- Obtaining and evaluating information on actual harm, or pollution of controlled waters.
- Identifying receptors and assessing the possibility or likelihood that they are being, or could be, exposed to or affected by a contaminant
- Identifying and evaluating existing information on the possible presence of contaminants and their effects.
- Liaison with, and responding to information from other statutory bodies, including the Environment Agency, English Nature, English Heritage, MAFF, and the Food Standards Agency .
- Liaison with, and responding to information from owners or occupiers of land or other relevant interested parties
- Responding to information or complaints from members of the public, businesses and voluntary organisations
- Planning and reviewing a programme for inspecting particular areas of land
- Carrying out the detailed inspection of particular areas of land
- Reviewing and updating assumptions and information previously used to assess the need for detailed inspection of different areas and managing new information
- Managing information obtained and held in the course of carrying out its inspection duties

3.3 Time scale for the Strategy

The Consultation Process

- A Contaminated Land Policy was approved by the Environment Committee on 14 February 2001. This forms the basis of the Council's Strategy.
- The draft strategy for consultation was prepared by Richard Gray Technical Officer (Projects), during January, February and March 2001.
- The draft strategy was published and distributed for consultation by 6 April 2001, to statutory and informal consultees, and other interested parties. Comments were invited by 4 May 2001 (See Appendices 7 and 8 for full lists of consultees).
- The Strategy was submitted to the Council's Environment Committee on 13 June 2001 for approval.
- The final strategy document will be submitted to the Environment Agency by 1 July 2001, who will forward it to the DETR. The strategy will also be made available as a public document shortly after that date.

Following the consultation period, all suggestions and other amendments were considered, and included where appropriate. A list of responses is attached at Appendix 9. The final strategy document will be made available to members of the public for viewing at the Council's Offices at North Quay and Westwey House and at Portland Town Council's Offices. In addition copies will be sent to all local libraries.

4. CHARACTERISTICS OF THE BOROUGH OF WEYMOUTH AND PORTLAND

4.1 Geographic Location

The Borough of Weymouth and Portland is situated on the South Coast of Dorset approximately 35 miles west of the nearest large conurbation of Bournemouth and Poole and approximately 50 miles east of Exeter. It has approximately 20 miles of coastline along the English Channel, and adjoins the neighbouring district of West Dorset along its entire boundary length.

4.2 Description, Size and Population Distribution

4.2.1. Description

The Borough has a mix of urban and rural areas with Weymouth as the main township, which is divided by the River Wey flowing into Weymouth Bay at its south eastern end. To the south lies the Isle of Portland, which is connected to the mainland by the causeway and Chesil Beach.

The Isle of Portland is approximately 4.5 miles long and 1.75 miles wide at its widest point, and at its northern end rises steeply to approximately 130 metres at the Verne, sloping gently southwards and eastwards to Portland Bill. Portland Harbour is sheltered by the Breakwater, creating a man-made harbour of approximately 850 hectares.

The Fleet Lagoon starting at Ferrybridge in the south of the Borough extends north west, parallel to Chesil Beach (approximately 8 miles), to Abbotsbury. Only the southerly end, a stretch of about 2 miles, is within the Borough boundary.

4.2.2 Size and Population Distribution

The Borough covers an area of 4159 hectares and has a population of approximately 62,200 centred on Weymouth with around 50,000, and the Isle of Portland approximately 12,000 people (Office of National Statistics – as of mid 1999). During the height of the tourist season this number can increase to over 200,000 people.

4.3 Recent History

The Borough has historically had strong seafaring links with an active fishing industry, regular ferry links to the Channel Islands, and a strong naval presence at the former HM Naval Base at Portland.

Ferry services, although not on the scale of the 1950's, 60's and 70's continue to run to the Channel Islands by fast wave piercer passenger and vehicle ferries, with an increased service during the summer.


WEYMOUTH & PORTLAND
Borough Council
BOROUGH BOUNDARY
UPWEY
BROADWEY
SUTTON POYNTZ
NOTTINGTON
PRESTON
WEYMOUTH BAY
WEYMOUTH
WYKE REGIS
PORTLAND HARBOUR
LYME BAY
FORTUNESWELL
EASTON
SOUTHWELL
PORTLAND BILL

The fishing industry is now concentrated on crustaceans and bivalve molluscs, with an annual landing of 2,800 tonnes, from local coastal waters. This brings an estimated £4.2 million into the economy, (figures provided by MAFF Sea Fisheries for 1999).

The predominant industry in the Borough is that of tourism particularly during the summer months, although the community is actively encouraging out-of season tourism and leisure interests. Weymouth's character with its Georgian architecture was strongly influenced by George III's visits to the resort which effectively put Weymouth "on the map".

The Naval presence at Portland formally ended in 1999 when the Royal Naval Air Station closed, virtually bringing to an end 150 years of military activity in the area. The Naval Base had previously closed in 1996 and is now privately owned by Portland Port Limited. The Defence Research Agency at Southwell, Portland also closed in 1996 and is now owned by Southwell Business Park Limited. The only remaining military establishments are the Defence Evaluation and Research Agencies at Bincleaves in the north of Portland Harbour and at Portland Bill.

The former HM Naval Base was acquired by Portland Port Limited in 1996 and provides deep water berthing, bunkering and tank washing facilities, cargo handling, cruise ship visits and safe anchorage for visiting vessels. It is also the base port for Global Marine Systems' vessels, which carry out deep-sea cable laying operations for the telecommunication industries. Portland Port Limited also owns and operates in connection with Conoco the Mere Tank Farms adjacent to the former Naval Air Station, for the storage and distribution of marine gas oil and other oil products.

The former Royal Naval Air Station, now known as Osprey Quay, has been acquired by the South West Regional Development Agency who intend to develop the site as a mix of light industrial, marine leisure and residential uses. The sheltered confines of Portland Harbour together with the safe navigational aspects of Weymouth Bay are seen as ideal locations for encouraging water sport activities and marine businesses to the area.

There are three premises on Portland for the rehabilitation of offenders, HM Prison the Verne, HM Young Offenders Institute at the Grove and HM Prison Ship Weare in Portland Port. The total prison population is approximately 1600.

One of the oldest industries in the Borough is the extraction of stone from the quarries of Portland. This high quality limestone has been used in the construction of some of Britain's must prestigious buildings such as St Paul's Cathedral, and the Banqueting Hall, Whitehall amongst others. Portland Stone was being worked and exported during Roman times. Mineral extraction continues today with much of the quality material being used for the refurbishment of existing buildings previously constructed of

Portland Stone. Waste stone is also crushed on a fairly large scale for road and general building material.

4.4 Land Owned or Occupied by the Borough Council

In 2000 the Council sold its holding of approximately 3000 Council homes to the Weymouth and Portland Housing Company.

The Borough Council retains certain land holdings which includes civic offices, works depots, Weymouth port, various leisure and sports facilities, cemeteries and crematorium, parks, gardens, general open spaces and allotment areas.

4.5 Current Land Use Characteristics

The main uses of land in the Borough, other than for residential accommodation, retail, tourism and leisure activities include:

- Marine and Port Activities

  Weymouth Harbour and Marina,
  Portland Port and Ferrybridge within Portland Harbour
  Parts of the former Royal Naval Air Station – now Osprey Quay
  Castletown Pier and Slipways
  Various Sailing Clubs

- Light Industrial and Business

  Mount Pleasant Business Park
  Jubilee Business Park, Radipole
  Former Royal Naval Air Station Portland
  Portland Port and Upper Osprey Site, Portland
  Tradecroft Industrial Estate, Portland
  Inmosthay Industrial Estate, Portland
  Southwell Business Park, Portland

- Quarrying and Related Activities

  There are 330 hectares of land on Portland with mineral extraction permission, generally under the ownership of either Hanson Bath and Portland Stone Ltd, or the Crown Estates. There are currently six active quarries in operation:-

  Admiralty, Independent, Inmosthay, Bowers, Perryfield and Coombefield Quarries. There is also a planning application pending to open a mine in the Stonehills area between Weston and Southwell

  There are three masonry works on the island at:

Easton Masonry Works, Easton Portland
Albion Stone Masonry Works, Independent Quarry, Portland
Bath and Portland Stone Masonry Works, Park Road, Portland

- Ministry of Defence

  DERA Bincleaves and Portland Bill

- Tourist Accommodation

  Besides numerous hotels and guesthouses normally associated with a seaside resort there are 10 holiday parks/caravan sites: with a total of approximately 2,000 static holiday units and provision for approximately 400 touring/tenting units.

- Schools and Colleges

  Weymouth College, Cranford Avenue Site, currently undergoing expansion.
  Weymouth College, Newstead Road Site, currently being considered for residential redevelopment.
  25 Schools (Primary, Junior and Secondary)

- Agricultural Uses

  Some rural areas of the Borough, predominantly in the north, are given over to agriculture with mixed arable, livestock, and dairy farming taking place. Some land on Portland is leased by the Crown Estate to smallholders for sheep and cattle grazing.

- Transport and Public Utilities

  Weymouth Railway Station, King Street, Weymouth
  Weymouth Bus Station, King Street, Weymouth
  Upwey and Broadwey Station Halt
  Sewage Treatment Works, Wyke Regis
  Various Water Treatment Works
  Various Sewage Pumping Stations
  Transco/British Gas, Westwey Road, Weymouth

- Waste Disposal/Transfer/Recycling Sites

  Weyport Waste Transfer Depot, Stavordale Road, Weymouth
  Bulky Household Waste Reception and Recycling Sites at Lodmoor, Weymouth and Easton, Portland
  Lodmoor Licensed Composting Site

  Waste Transfer Site, Broadcroft Quarry, Portland
  Waste Transfer Site, Admiralty Quarry, Portland
  Operational Landfill Site at Broadcroft Quarry, Portland

- Closed Landfill Sites

Weymouth	–	Lodmoor North and South, Grove Avenue and Monmouth Avenue
Portland	-	Withiescroft, Grangecroft and Suckthumb Quarries, Rufus Way, Wide Street

  During the forthcoming desk top study and whilst interrogating the historical maps other sites, particularly former in-filled quarry sites, may come to light.

- Neighbouring District Characteristics

The borough boundary adjoins West Dorset District Council throughout its length. The surrounding area is predominantly rural with the exception of the Chickerell/Lanehouse area on the western edge of the Borough boundary.

The Chickerell area contains the Granby Industrial Estate and the Lanehouse area the Lynch Lane Trading Estate, both of which have a mix of light engineering, light industry, warehousing, trade merchants, retail and business units.

The strategy will consider the potential for contamination from sources in the neighbouring district which may impact upon land within the Borough in the same way that it would consider land uses within it.

Arrangements have therefore been made to liaise closely with officers from West Dorset District Council, to exchange information where necessary, and assist each other should a serious contamination/pollution incident arise.

4.6 Protected Locations

Land to the north of Weymouth has been designated as parts of the South Dorset Downs Area of Outstanding Natural Beauty. Within the Borough the designation includes parts of Upwey, Littlemoor, Preston and Sutton Poyntz.

The coastline from Lyme Regis to Chiswell has been designated as the West Dorset Heritage Coast. Within the Borough the section along the Fleet Lagoon, close to Wyke Regis, is particularly sensitive. The entire Coastline of the Isle of Portland has also been designated as being on a par with the Heritage Coast, and given the same protection.

Chesil Beach and the Fleet are designated as a wetland site of international importance under the Ramsar Convention and as a Special Protection Area (SPA) under the EU Directive for the Conservation of Wild Birds. Chesil Beach and the Fleet are also a candidate for Special Area of Conservation status (cSAC) under the Habitats Regulations. The

Fleet, being an intertidal lagoon is a priority habitat and qualifies for the highest protection level. In addition, the sea area along the Borough's coastline, including Weymouth and Portland Harbours is defined as a Sensitive Marine Area because of its important marine ecology.

The sea cliffs of Portland, Furzey Cliff and east of Bowleaze Cove are part of the Isle of Portland to Studland Cliffs candidate for Special Area of Conservation (cSAC).

The areas within the Borough accorded international nature conservation designations are also designated as Sites of Special Scientific Interest. Additional SSSIs are designated within the Borough; on Portland, at a number of quarry sites, at Radipole Lake and Lodmoor; in the Lorton Valley and on the Ridgeway.

A further 28 sites of significance for wildlife have been designated by the Borough Council as Sites of Nature Conservation Interest (SNCIs).

4.7 Key Property Types

Weymouth and Portland have rich historical, architectural and archaeological history and this is reflected in the number of listed buildings and designated sites.

There are a total of 1,172 Listed Buildings in the Borough, 200 of which are situated on Portland. Fourteen Conservation Areas have been designated throughout the Borough.

Weymouth and Portland are particularly rich in archaeological remains with a number of sites of National and Local Archaeological Importance, together with further Sites of High Archaeological Potential. The main areas of interest include the Ridgeway, Radipole, Preston, Sutton Poyntz, Weymouth Town Centre, the Nothe, Sandsfoot and the Isle of Portland.

4.8 Major Water Resources And Water Protection Issues

4.8.1 Controlled Waters – Controlled waters include territorial waters, coastal waters, inland fresh waters and ground waters.

The strategy will take into account the potential harm to controlled waters as a result of contamination entering bodies of water which may affect public water drinking supplies, river water quality and the marine environment. The Environment Agency has overall responsibility for ensuring the quality of all controlled waters.

4.8.2 Public Water Supplies – Wessex Water plc provides all of the Borough's public water supplies. Public water abstractions, which serve the Borough, are taken from groundwater aquifers from three boreholes in the Portland Beds and Friar Waddon. The Sutton Poyntz Spring's source also relies on emergent groundwater from these aquifers.

The Environment Agency is responsible for protecting the quality of water supplies and has established Groundwater Protection Zones on the chalk escarpments in the north of the borough

There are no known private water supplies used exclusively for human consumption within the Borough. However this does not preclude the possibility of springs emerging within private properties. It is known historically that, for instance, springs in Fortuneswell and at Southwell, Portland emerge under some properties and are seasonally variable.

4.8.3 River Water Quality – The Environment Agency sets River Water Quality Objectives (RQO's) to protect current water quality and future use and uses them as a starting point for setting consents to discharge, and planning future water quality improvements. The Agency also applies standards set in EC Directives and international commitments to reduce the amounts of certain substances entering tidal waters.

Based on routine monitoring data from between1995 and 1997 the River Wey has been assessed and divided into three “stretches” for the purposes of classification, using the River Ecosystem (RE) classification. Downstream of Upwey Fish Farm to the confluence with the Pucksey Brook has been assigned RE 1, the confluence of Pucksey Brook to Nottington assigned RE 2 and Nottington to the Estuary also assigned RE2.

RE 1 indicates water of very good quality suitable for all fish species and RE 2 indicates water of good quality and suitable for all fish types.

During the period 1995 – 1997 there were two marginal failures on the Wey, both believed to have been related to natural events.

Neither the River Jordan nor Lodmoor have been assigned RQO’s.

4.8.4 Other Controlled Waters – The coastal waters of Weymouth Bay and Portland Harbour, the Fleet and Lyme Bay are all classed as Controlled Waters. All of these bodies of water are important ecological systems that require protection from pollution.

The shallow waters of Weymouth Bay contain significant stocks of razor clams that are harvested by divers on a seasonal basis for human consumption.

The waters off Portland Bill have traditionally been exploited for crustacea such as lobster and crab. There are also large stocks of juvenile mussels that are often gathered and relaid to grow on in shallower waters.

Portland Harbour has areas that have been set aside for the commercial cultivation of scallops and mussels. Razor clams, cockles and Venus clams (pollards) are gathered on a limited commercial basis, and also for private consumption by local residents and seasonal visitors.

The main body of water flowing into the Fleet Lagoon does so from Portland Harbour. The south eastern end of the Fleet is used for the commercial cultivation of pacific oysters

Areas of Lyme Bay contain stocks of wild scallops that are harvested by bottom trawling on a commercial basis.

Wet fish, a limited amount of demersal and pelagic species, are caught in the surrounding sea areas and landed at Weymouth.

Four fish and shellfish wholesale premises extract seawater from Weymouth Harbour, Portland Harbour, The Fleet and Chesil Cove for filling holding tanks and shellfish purification systems. In addition the Sealife Centre at Lodmoor Country Park replenishes its exhibition and quarantine tanks with seawater from Weymouth Bay adjacent to Lodmoor. The Centre for the Environment, Fisheries and Aquaculture Science (CEFAS) at The Nothe also draws seawater from Newtons Cove for holding tanks.

4.9 Known Information On Contamination

The Council, as part of its normal duties, has obtained and holds some information on contamination within the Borough, primarily that submitted in connection with the redevelopment of brown field sites.

Where development has been proposed on an area of land where past uses may have resulted in potential or actual contamination, the Council will normally have required a site investigation and assessment as a planning condition. If development proceeds on such sites, remedial works will have been carried out to improve site conditions. Planning records will therefore form an important resource during the strategy investigation process.

4.10 Past and Ongoing Redevelopment of Brown Field Sites

A number of sites throughout the Borough have been redeveloped in the past where remediation has been carried out to improve site conditions. As part of the ongoing inspection strategy these sites will need to be included in the assessment process, during the desk top study stage, in order to verify the effectiveness of any remediation measures undertaken. It is envisaged however that the majority of these sites will fall within Priority Categories 3 or 4, or possibly need no categorisation at all. This will also provide important information on the effectiveness of measures

that can be used when assessing similar sites. See Paragraph 6.6 for the description of Priority Categories 1 to 4.

The withdrawal of the Ministry of Defence from three major sites has provided the opportunity to redevelop sizeable areas within the Borough for alternative uses. These include the former Royal Naval Air Station and HM Naval Base at Portland. Such sites and the activities previously undertaken there had the potential to give rise to contamination. As part of the redevelopment process the Council will normally require developers to undertake site investigations and risk assessments in accordance with current planning policy and guidance.

The new contaminated land Regime provides the framework for dealing with contamination affecting the land's current use. However it is clearly desirable to apply the same standards of investigation, risk assessment and remediation when dealing with brown field sites under planning controls. This ensures consistency and enables appropriate and cost effective schemes to be undertaken which are not unnecessarily onerous, but ensures that any remediation carried out meets the standard for the "suitable for use" approach in both situations.

4.11 Past Industrial and Commercial History and Land Use

The Council has obtained a database of a specific range of potentially contaminative historic uses from Landmark ™ Information Systems in conjunction with Ordnance Survey. The database provides details of point sources of potential contamination for the period 1843 to 1996 taken from the 6" to 1-mile county series maps for Weymouth and Portland. These will form a starting point for further investigation.

A list of historic land uses of potentially contaminative sources from which the database was developed is shown at Appendix 4

The inspection process for contaminants relating to past industrial and commercial land use will first concentrate on the information provided in the Landmark/Ordnance Survey historical land use database. These uses are classed as High, Medium and Low risk, based on the categorisation system devised by the Land Quality Management Team at Nottingham University.

However, these categories will not be used in isolation when assessing sites as they do not take into account the nature of the contaminants, geology, or pollution of controlled waters, for instance.

The development of the Borough's built environment over time will dictate the specific sites and land use types that will need to be investigated. It is not within the remit of this strategy to provide a definitive account of the long and varied history of the Borough, and the following is only a precis of some of the more relevant industrial and commercial milestones.

4.11.1 Weymouth

The main commercial area of Weymouth and Melcombe Regis has been built up around the harbour at the mouth of the River Wey. Throughout history regular trade in the import and export of

goods through the port, together with passenger and goods ferry services with the Channel Islands, have played an important part in Weymouth's commercial activities. The railway line to Weymouth from Dorchester was completed in 1857, establishing links with Yeovil and London, increasing the town's importance as a seaside resort.

During the last one hundred and fifty years the harbour has been used extensively by a number of railway and shipping companies providing a service to the Channel Islands and Cherbourg, for passengers, vehicles, and cargoes including Jersey potatoes, early flowers and tomatoes from the islands, as the shortest sea route. Coal, cement, and timber were all imported through Weymouth until the 1930s. Occasionally fertiliser vessels from the Baltic discharge their cargoes today.

Much of the land around the harbourside has been in-filled on both sides over the years. This included Hope Square and the Cove to the south during the late 18th century, areas around the Backwater on the eastern side from 1804 onwards, and Westwey Road to the west during the early part of the 20th century.

4.11.2 Portland

The completion of the Breakwaters in 1871 saw the start of the regular presence of the Royal Navy, with Portland becoming the Navy's base port for the Channel Fleet, and its principal coaling station later in the century. When coal gave way to oil powered ships the Mere Fuel Tank Farm was constructed in 1905, which involved the in-filling of the Mere tidal shallows. The shore establishment HMS *Osprey* was re-established in 1946, and the RN Air Station opened in 1959.

The end of both the First and Second World Wars created significant markets for Portland limestone. Quarries across the Island provided quality stone for thousands of gravestones and memorials for the Commonwealth War Graves around the world. Large quantities of stone were also quarried for the rebuilding of blitzed buildings in London, Plymouth, Bristol and elsewhere following the Second World War. This national need for stone resulted in an almost blanket planning permission for mineral extraction being granted by Ministers in 1950, amounting to approximately a third of the Island. The result was a large number of quarries either being opened up or extended, and many subsequently being used for landfill once extraction had finished.

4.12 Broad Geological Characteristics

The Weymouth and Portland area is situated almost totally on rocks of the Jurassic period, just touching the Cretaceous period in the extreme north of the area on the Ridgeway. The age ranges from Forest Marble 170 million years before present (mybp) exposed in the Weymouth anticline in the Weymouth Valley at Nottington, to the youngest exposed Beds, the Upper Greensand 97 mybp. The most important youngest Beds in the area are the Lower Purbeck Limestone Group exposed on the Isle of Portland (137 mybp).

These Jurassic Beds show folding in the eroded Weymouth anticline that has an east-west trend through Langton Herring and Nottington exposing the older Forest Marble. It is approximately 30-40 metres thick. Over-lying the Forest Marble is the Cornbrash, 9 metres thick, a sequence dominated by cream coloured rubbly limestones, often very fossiliferous. It is seen either side of the Weymouth anticline in a line from Fleet to Radipole on the south side and from Langton Herring to Nottington on the north side of the anticline.

The main populated area of Weymouth sits on predominantly clay beds of Oxford Clay through the Corallian to the Kimmeridge Clay. These beds stretch from Radipole down to Ferrybridge and underlie the whole of the Weymouth Town Centre, Lodmoor and Broadwey. The Corallian covers a band from Wyke Regis to Rodwell. Dark grey Kimmeridge Clay is exposed in the southern part of Wyke Regis and again on the beaches at the northern part of the Isle of Portland. There is also a thick band of Kimmeridge Clay from Osmington to Waddon in the north. The sea floor around Portland is generally Kimmeridge in age, and Kimmeridge Clay also underlies Chesil Beach between Wyke and Chesil.

The Jurassic Beds in the area represent a tropical marine environment with an emerging landscape of shallow lagoons and lakes of the Lower Purbeck Limestone Group found on Portland. The latter is really the start of the Cretaceous Period when the rock shows the climate changing to sub-tropical from tropical conditions.

On Portland itself above the Kimmeridge Clay are fossil rich Portland Sand and Portland Stone beds dipping gently and uniformly towards the southeast. The Portland Sand Beds, some 40 metres thick, are well exposed on the cliffs at West Weares. Above these are 30 metres of Portland Stone desposits, a distinctive white oolitic limestone, exposed at the northern end of the Island.

4.13 Broad Hydrogeological Characteristics

The Cretaceous Upper Greensand in the north of the Borough is classified as a major aquifer. This stratum is regionally important and very productive, and is highly permeable.

Public water abstractions from ground water are taken from the boreholes in the Portland Beds at Friar Waddon, with the Sutton Poyntz Spring's source also relying on emergent ground water from these aquifers.

The brackish water of the Fleet is trapped between Chesil Beach and the land. This shallow, largely enclosed body of water, stretching for some 8 miles from Abbotsbury in the north west to Wyke Regis in the south east, is highly vulnerable to any contamination seeping in from the land. For example contaminants running onto the impermeable surface of the Oxford Clay might, if the hydrogeology was favourable, migrate downwards on the southern limb of the Weymouth anticline to emerge either in the Fleet or Weymouth Bay.

4.14 Environmental Considerations

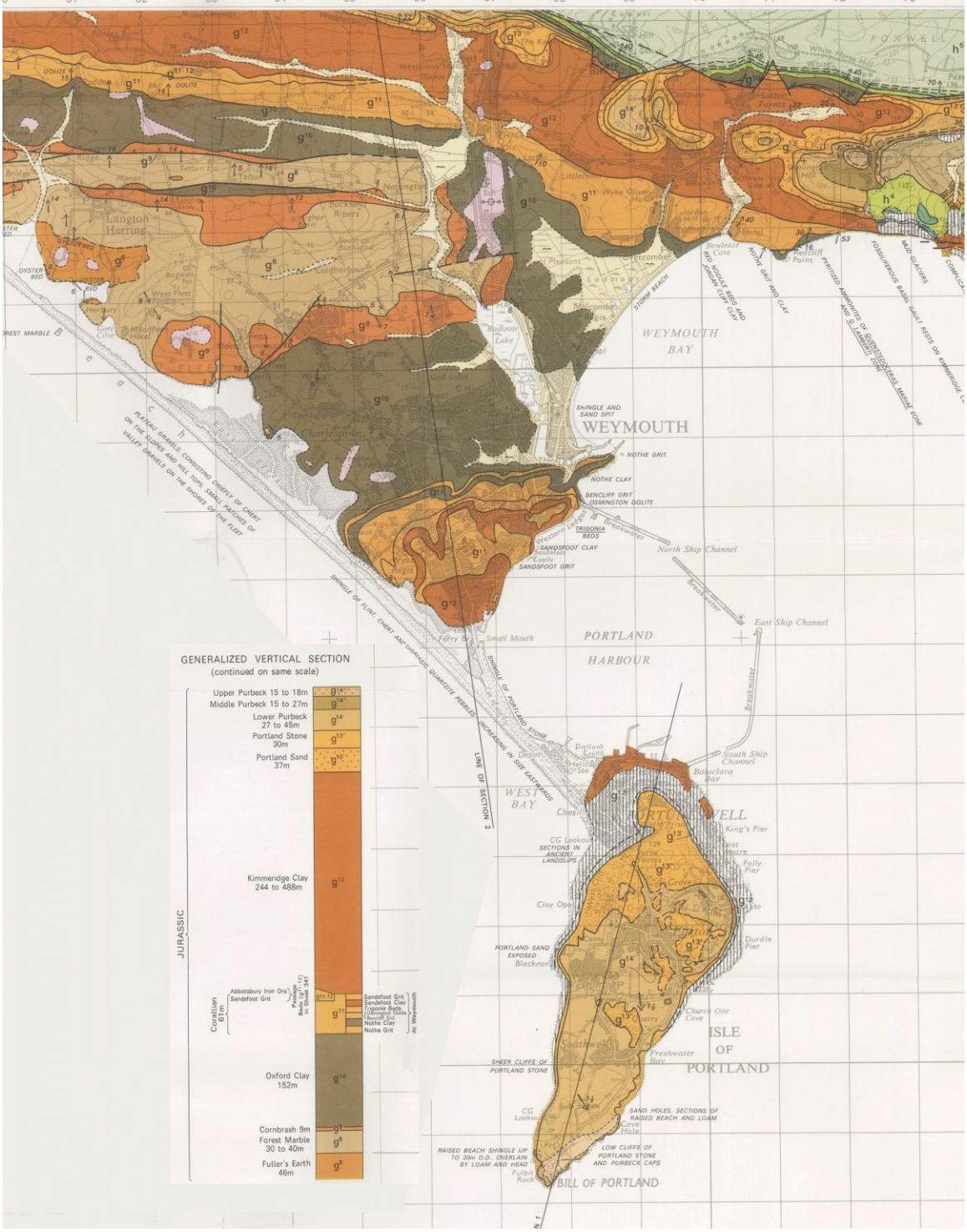
Situated on the south coast of England, the Borough has a temperate climate and because of its sheltered location, protection from the north by the Ridgeway and South Dorset Downs, Weymouth enjoys something of a micro-climate.

The prevailing winds are generally south-westerly so that the coastline to the south and west is exposed to gales. Historically flooding took place in the Chiswell and Victoria Square areas of Portland, most recently in February 1979. A flood protection scheme, which is designed to give a one in a hundred year level of protection was installed in 1983/84, although the Chiswell/Victoria Square/Mere area is still designated by the Environment Agency as a flood risk area.

Another major flood protection scheme was the Preston Beach scheme. This was completed in 1996 and prevents the once regular closure of the Preston Beach road during south-easterly gales, and protects the Lodmoor Nature Reserve from damage. With the anticipated rise in sea levels the Weymouth Harbour tidal defence scheme is currently being undertaken to Weymouth Harbour's Quayside to protect adjoining roads and properties from flooding. Other flood risk areas in the Borough include low-lying land along the length of the River Wey.

With the heavy rainfall experienced during the autumn and winter of 2000/2001 there has been an increase, along the whole of the south coast, of coastal landslides; most notably at Lyme Regis and Charmouth further west. Within the Borough, Underbarn Walk in Rodwell had a severe landslip during January 2001. In the past, areas of land on the south side of the Nothe have slipped towards Newton's Cove and the cliffs between Overcombe Corner and Bowleaze Cove are subject to regular movements.

Heavy rains, flooding and landslides are all events that will need to be taken into account when investigating and assessing the potential for contaminated land. The actual occurrence could theoretically trigger an effect where an otherwise isolated area of contamination could give rise to a pollution linkage



GEOLOGICAL MAP OF SOUTH DORSET

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5. THE COUNCIL'S STRATEGY

5.1 Overall Policy, Aims and Objectives

5.1.1 The Council's overall aims and objectives for dealing with contaminated land are set out in its policy that is attached at Appendix 2 and summarised below.

5.1.2 Aims

The contaminated land policy's aim is to provide a mechanism for the investigation, assessment, remediation and review of contaminated land which is methodical, reasoned and efficient, which is proportional to the seriousness of any actual or potential risk and which ensures that the most serious problems are identified and dealt with in a prioritised manner.

5.1.3 Objectives

- To ensure that where significant harm is being caused or where there is a significant possibility of such harm being caused, or where pollution of controlled waters is being, or is likely to be caused, due to the contamination of land, adequate and timely remediation is undertaken.
- To implement and maintain a Strategy for dealing with contaminated land within the Borough.
- To produce and promulgate a Contaminated Land Strategy Statement by 1 July 2001.
- To prioritise the level of risk to receptors by applying nationally recognised risk assessment procedures so that a strategic and measured approach can be taken to remediating those sites (if any) that have the greatest potential to cause harm.
- To identify, inspect and assess the Council's own land portfolio, or formerly owned land or other areas where the Council may be the appropriate person.
- To seek wherever possible to encourage appropriate persons to carry out remediation of contaminated land voluntarily.
- To seek the redevelopment of brown field sites within the Borough, whilst ensuring that any contaminated sites are dealt with in accordance with this policy.
- To ensure that development within the Borough does not in itself give rise to any new contamination of land or controlled waters.

- ❖ To apply the principles set out in the Council's Agenda 21 strategy statement in relation to sustainable development.

5.2 Priorities

Following the completion of the consultation phase and the formal acceptance of the strategy the Council's priorities for inspection of potentially contaminated land will be:-

1. To protect human health
2. To protect controlled waters
3. To protect designated ecosystems
4. To prevent damage to property
5. To prevent any further contamination of land
6. To encourage voluntary remediation
7. To encourage redevelopment of brown field sites

This list is presented in priority order and in all cases will have regard to "significance" and "likelihood", as required by the statutory guidance.

Any land within the Borough area which Weymouth & Portland Borough Council (or predecessors) either currently own, or have previously owned or in which they have had an interest or for which they were responsible, will be inspected at an early stage of the process for evidence of potentially contaminating activities having occurred on that land. This is a priority, to identify whether Weymouth & Portland Borough Council is the "appropriate person" responsible for any remediation action. This will not however be at the detriment to more urgent sites.

5.3 Work Plan

The inspection process has been broken down into a series of stages, which are set out below and further illustrated in the chart attached at Appendix 1. The identification, inspection and assessment stages form part of the ongoing process and it is anticipated that as information comes to light, the strategy will need to be regularly reviewed. At present it is not possible to accurately assess the extent of the overall task and the resources required. All stages may have to be adjusted accordingly to take account of changing priorities, in particular identification of urgent sites requiring early remediation.

WORK PLAN

Stage 1 – January/February/March 2001

- ❖ Draft the Consultation Inspection Strategy

Stage 2 – March/April 2001

- ❖ Complete the development and commissioning of the contaminated land Geographic Information System (GIS) database and import all Environment Agency, Landmark and historical data.

Stage 3 – April 2001

- Publish Draft Consultation Inspection Strategy

Stage 4 – May 2001 – March 2002

- Commence desk-top study of sites that have the potential to be contaminated land, ranking them in priority order.
- Start dealing with any urgent sites which come to light during the consultation process

Stage 5 – July 2001

- Publish final Inspection Strategy and forward to the Environment Agency.

Stage 6 - May 2001 - ongoing

- Deal with any urgent sites

Stage 7 – May 2001 - ongoing

- Investigate Council owned land

Stage 8 – April to December 2002

- Assess Priority Category 1 Sites

Stage 9 – January to December 2003

- Assess Priority Category 2 Sites

Stage 10 – January to December 2004

- Assess Priority Category 3 Sites

Stage 11 – January to December 2005

- Assess Priority Category 4 Sites

Stage 12 – April/May 2002, Oct/Nov 2003, and April/May 2005

- Review Inspection Strategy

Notes:-

a) Local Plan Land – A Local Plan Review is currently being undertaken which will identify sites earmarked for redevelopment. Where these sites are brown field sites requiring investigations and risk assessment for potential contamination, the Officers undertaking their normal inspection strategy duties, will need to be re-allocated periodically to provide technical expertise to planning and development control. This may affect the strategy timetable. It is therefore preferable to include these sites in the formal inspection process at specific time intervals when it is anticipated that individual sites are likely to be released for redevelopment.

b) See Paragraph 6.6 for the description of Priority Categories 1 to 4.

6 MANAGEMENT, PROCEDURES AND INFORMATION

6.1 Internal Management Arrangements

The Borough Council's Environmental Health Unit, part of the Environmental Services Department, has the responsibility for implementing Part IIA of the Environmental Protection Act 1990. These responsibilities will be overseen by the Environmental Health Manager who will, with the Technical Officer (Projects) liaise directly with all other interested parties, and will report directly to the Director of Environmental Services.

The Principal Environmental Health Officer for Pollution will manage the day-to-day implementation of the strategy, once it has been approved by the elected members. The Principal EHO (Pollution) will, with the Environmental Health Manager, be responsible for serving remediation notices, subject to consultation with the Council's Solicitor.

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

6.2 Local Authority Interests in Land

As Weymouth and Portland Borough Council is in the position of being both regulator and landowner, it is vital that the Council be seen to examine its own land as a matter of priority. As outlined in paragraph 5.2, the Council will review its own land holdings using its property register and any historic records to identify and assess the potential for contaminated sites. Attention will be focused on those areas that are potentially sensitive sites such as allotments, recreation grounds and public open spaces.

6.3 Information Collection

A number of sources of information will be needed to help in identifying potential sources of contamination, pathways and potential receptors. Information from several different databases may help to corroborate anecdotal evidence or, old or poorly kept records. A list of resources which will be used are listed below in Table B:

TABLE B - INFORMATION SOURCES

RESOURCE	BOROUGH SPECIFIC	USE
Historic Maps	Digital maps purchased from Sitescope Ltd for the period 1863 to 1939. Dorset County Council series from 1862 with revision up to 1939	To identify sources
Historic land use Database	Landmark digital point source date compatible with GIS, identifying potentially contaminative land use	To identify sources
Geographical Maps	1:50,000 solid and drift geology maps have been purchased from the British Geological Society (Sheet No. E341)	To characterise sources and pathways
Hydrogeological Maps	The Groundwater Vulnerability Maps produced by the National Rivers Authority and the Soil Survey and Land Research Centre in 1993 will be used to assess the potential for contamination of groundwater (1:100 000)	To identify receptors (controlled waters)
Soil Maps	A soil map of the south west region will be purchased from the Soil Survey and Land Research Centre	To characterise sources and pathways
Source Protection Zones	Areas of groundwater that receive special protection by the Environment Agency.	To characterise receptors (controlled waters)
Environmental Health Records	The Borough Council maintains records of surveys, complaints and investigations	To identify known information on contamination
Planning Records	The Council holds detailed planning records of development in the area, including information on ground conditions presented in surveys	To identify known information on contamination
Borough Local Plan	The 1997 Local Plan is currently under review and provides up to date information on land use	To identify receptors (particularly historic monuments & protected areas of the environment)
Integrated Pollution Control Register	The Council maintains a public register of sites prescribed for Integrated pollution control and has provided relevant Information relating to sites in the Borough	To identify potential sources of contamination
Waste Management Licences	The EA maintain a public register of sites licensed for waste management activities and has provided relevant information relating to sites in the Borough	To identify potential sources of contamination
Register of closed Landfill sites	The EA has provided a register of closed landfill sites. DCC is also believed to hold records which will be requested	To identify potential sources of contamination
County Archive Information	The County Archive is believed to hold information describing land-use in the Borough essential for researching site histories prior to the end of the second world war when the Town and Country Planning legislation came into force	To identify potential sources of contamination
Dorset County Council Information	The Petroleum Licensing Authority maintains records of petroleum storage, which will be requested	To identify potential sources of contamination
	County Archaeologist – Sites and Monuments Records	To identify potential Receptors and sources of contamination

6.4 Information Management

The Borough Council's Geographic Information System (GIS) will be the primary tool used to store and manage information relating to land contamination. The Environmental Health Unit is currently developing a series of dataset layers with Assist Applications Limited that will be incorporated into the Council's Corporate GIS System.

This system will be capable of importing a wide range of geographic and textual data, including Environment Agency maps, historic mapping, and other data listed in Paragraph 6.3. As a compatible system it will ensure that information relating to potentially contaminated sites is accessible to key decision and policy makers and other relevant staff within Council departments, subject to data protection requirements.

The system will be capable of providing statistical information for reporting, and form the basis for the Remediation Register.

6.5 Responding to Complaints and Voluntarily Provided Information

A complaint regarding contaminated land will be dealt with following the same procedure as currently used by the Environmental Health Unit to deal with statutory nuisance complaints.

All complainants may expect:

- Their complaint to be logged and recorded
- To be contacted by an officer regarding their complaint within two working days of receipt
- To be kept informed of progress towards resolution of the problem

Every effort will be made to resolve complaints quickly and efficiently. The legislative framework does, however, present a number of obstacles to speedy resolution of problems:

i. Proof of viable pollutant linkage before any formal designation as contaminated land is permissible, which might only be possible with detailed investigation
ii. Prior consultation with interested parties before designation as contaminated land
iii. A minimum of a three month period between designation and serving of a remediation notice
iv. The requirement for the enforcing authority to make every effort to identify the original polluter of the land (or "Class A" person)

The regulations allow conditions (ii) and (iii) to be waived in extreme cases, but not conditions (i) and (iv).

6.5.1 Confidentiality

All complainants will be asked to supply their names and addresses and, if appropriate, the address giving rise to the complaint. The identity of the complainant will remain confidential. The only circumstances in which this information might be made public would be in the case of a remediation notice being appealed in a court of law and an adverse effect on the complainant's health was an important reason for the original contaminated land designation.

6.5.2 Voluntary Provision of Information

If a person or organisation provides information relating to contaminated land that is not directly affecting their own health, the health of their families or their property, this will not be treated as a complaint. The information will be recorded and may be acted upon. There will, however, be no obligation for the Council to keep the person or organisation informed of progress towards resolution, although it may choose to do so as general good practice.

6.5.3 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.

6.5.4 Anecdotal Evidence

Any anecdotal evidence provided to the Council relating to contaminated land will be noted, but no designation of contaminated land will occur without robust scientific evidence. In all cases, the Principal Environmental Health Officer (Pollution) will use knowledge and experience to decide what, if any, further investigation is required following a complaint or the provision of information.

6.6 Information Evaluation and Risk Assessment

The Council will comply with the Statutory Guidance on Contaminated Land (DETR Circular 02/2000) when assessing the risk from potentially contaminated sites and will have regard to other technical guidance issued by relevant authoritative bodies.

6.6.1 Individual sites will be assessed for possible impacts on receptors and placed in one of the following categories:

Priority Category 1

- Site probably or certainly not suitable for present use and environmental setting
- Contaminants probably or certainly present and very likely to have an unacceptable impact on key targets
- Urgent Action needed in short term

Priority Category 2

- Site may not be suitable for present use and environmental setting
- Contaminants probably or certainly present, and likely to have an unacceptable impact on key targets
- Action may be needed in the medium term

Priority Category 3

- Site considered suitable for present use and environmental setting
- Contaminants may be present but unlikely to have an unacceptable impact on key targets
- Action unlikely to be needed whilst site remains in present use or otherwise remains undisturbed

Priority Category 4

- Site considered suitable for present use and environmental setting
- Contaminants may be present but very unlikely to have an unacceptable impact on key targets
- No action needed while site remains in present use and remains undisturbed

The above categories and the methodology for the prioritisation is detailed in the Department of the Environment: Contaminated Land Research Report CLR 6 (1995) "Prioritisation and Categorisation Procedure for Sites which may be Contaminated".

6.6.2 Use of Current Guideline Values

The local authority is required to follow the statutory guidance when determining whether any particular land appears to be contaminated land. There are four possible grounds for the determination:-

- ❖ Significant harm is being caused
- ❖ There is a significant possibility of significant harm being caused
- ❖ Pollution of controlled waters is being caused
- ❖ Pollution of controlled waters is likely to be caused

Where the local authority has identified a pollutant linkage, (that is, a pollutant, a pathway, and a receptor) an appropriate scientific and technical risk assessment of all the available and relevant evidence must be undertaken.

The local authority should, when carrying out the risk assessment, take into account such factors as:-

- The characteristics of the potential pollutants
- The local geology and hydrogeology
- The existence of pathways
- The land use patterns
- The availability of receptors
- The suitability of any guideline values used
- The existence of risk management arrangements to prevent pollution

In certain circumstances it may be necessary to appoint external consultants with particular scientific expertise to advise the Council when making a determination. See paragraph 8.7 below.

6.6.3 CLEA and ICRCL Guidelines

CLEA:- The DETR is currently preparing a new set of guidelines – the Contaminated Land Exposure Assessment (CLEA) guidelines. Until these guidelines are available the Council will assess information relating to potential pollutants against those issued by the Interdepartmental Committee on Redevelopment of Contaminated Land (ICRCL), or other authoritative guideline values, not covered by ICRCL.

ICRCL:- The ICRCL Guidance Note 59/83 (second edition, July 1987 - "Guidance on the assessment and redevelopment of contaminated land"), provides the most widely used set of threshold and action levels for a range of contaminants and will continue to be referred to, until the CLEA guidelines become available.

6.6.4 Other Substances

Risk assessments may also be needed for other substances not covered by the CLEA or ICRCL guidelines. In these situations, reference will be made to Health and Safety Executive (HSE) occupational exposure levels, or other sources of authoritative information, such as guidelines adopted in other countries. If guidelines from other countries are employed, it will be necessary to consider the significant differences in remediation standards between the UK and these other countries.

6.6.5 Controlled Waters

Advice will be requested from the Environment Agency on risk assessment if controlled waters are the receptor in a specific pollution linkage, in accordance with both the Memorandum of Understanding between the Local Government Association and the Environment Agency, and the Statutory Guidance.

6.6.6. Ecological System Effects

The Council will consult with English Nature and have regard to its comments when making a determination in relation to any potentially contaminated land which may affect an ecological system.

6.6.7. Ancient Monuments

The Council will consult with English Heritage and the County Archaeologist and have regard to their comments when making a determination in relation to any potentially contaminated land which may affect an ancient monument or archaeological site.

6.6.8. Agricultural Land

The Council will consult with MAFF and have regard to their comments when making a determination in relation to any potentially contaminated land which may affect agricultural land.

6.6.9 Food Production

The Council will consult with the Food Standards Agency and CEFAS , as appropriate, and have regard to their comments when making a determination in relation to any potentially contaminated land which may affect food production areas, including domestic gardens, allotments, food collected from the wild or fisheries, as well as commercial food production areas.

6.6.10 Other

The Council will consult with any other relevant organisations/bodies as deemed necessary where making a determination in relation to any potentially contaminated land.

6.7. Interaction with other Regulatory Regimes

There are a number of other regulatory mechanisms for dealing with contaminated land. Planning, Water Pollution, Waste Management and Integrated Pollution Control are all forms of legislation which can overlap with the Part IIA regime. These are outlined below. The previous mechanism for dealing with contaminated land under the “Statutory Nuisance” regime has now been revoked and will be dealt with instead under the Part IIA regime.

6.7.1 Planning and Development Control

Land contamination is a material consideration when deciding planning applications. The majority of contaminated land issues are currently dealt with through the planning regime during the process of redevelopment. Although the introduction of the Part IIA regime will possibly lead to problems at other sites being dealt with, it is expected that redevelopment of brown field sites, and the associated planning controls will still be the

primary mechanism for dealing with contaminated land. Any remediation agreed as a planning consultation will be dealt with under planning controls and not under the Part IIA regime.

In addition, the Building Regulations may require measures to be taken to protect the fabric of new buildings, and their future occupants, from the effects of contamination.

There are two important points to consider in relation to planning and contaminated land:

- Under the "suitable for use" approach the Part IIA regime only has to consider the current use of a site whereas, under the planning mechanism the risks should be assessed, and remedial action taken, on the basis of the current use and circumstances of the land and its proposed new use.

- In some cases the carrying out of remediation may itself constitute "development" under the meaning given in Section 55 of the Town and Country Planning Act 1990, and therefore require planning permission.

6.7.2 Water Pollution

The Environment Agency has powers under the Water Resources Act 1991 to take action to prevent or remedy the pollution of controlled waters, and would normally serve a "Works Notice".

The DETR Statutory Guidance indicates that pollution of controlled waters caused by contaminated land should now normally be dealt with under the Part IIA regime, rather than the works notice system. This is because Part IIA imposes a duty to serve a remediation notice, whereas the Environment Agency is given only a power to serve a works notice.

In the cases of controlled waters within the Borough being affected by contaminated land the following actions will be taken:

- The Council will consult the Environment Agency before designating any contaminated land as a result of a risk to controlled waters and will take into account any comments made with respect to remediation

- If the Environment Agency identifies a risk to controlled waters from contaminated land, the Agency will notify the Council, enabling it to formally designate the land as "contaminated land" and proceed with the remediation process

6.7.3 Waste Management

If significant harm or pollution of controlled waters is being caused from a site where a Waste Management Licence is in force a pollution problem would normally be dealt with through a “condition” attached to the site licence. However the Part IIA regime would apply if the harm or pollution on the licensed site is not caused by a breach of the site licence.

In the case of the illegal deposit of controlled waste (fly-tipping) the Environment Agency and the Waste Disposal Authority have powers to remove the waste and deal with the consequences and this cannot be dealt with under the Part IIA regime.

Remediation activities carried out on contaminated land may themselves fall within the definition of “waste disposal or waste recovery operations” and may require to be licensed under the Waste Management licensing system.

6.7.4 Integrated Pollution Control (IPC)

Many industrial processes are controlled to prevent pollution under other sections of the Environmental Protection Act 1990. Where significant harm, or pollution of controlled waters is being caused the Environment Agency has powers to remedy it. This may preclude the Council from taking action under the Part IIA regime. The Council will consult with the Environment Agency in such cases.

New legislation to comply with the Integrated Pollution Prevention and Control Directive is expected to require site operators to undertake a site condition survey, before an authorisation to operate a process is granted. If the site condition survey identifies areas which amount to contaminated land, then this may trigger action under Part IIA. Existing processes will be brought under this legislation in stages over the next seven years, although it will apply to any new processes immediately.

7. LIAISON AND COMMUNICATION

Good liaison between all interested parties will be essential to maintain confidence and openness throughout the identification, assessment and remediation process. Thorough consultation is therefore essential.

7.1 Statutory Consultees

The statutory guidance requires local authorities to consult with certain public bodies when developing the strategy. The statutory consultees are:

- The Environment Agency
- Dorset County Council
- The South West Regional Development Agency
- English Nature
- English Heritage
- The Ministry of Agriculture, Fisheries and Food
- The Food Standards Agency

7.2 Other Consultees

Th statutory consultation process will provide the opportunity for a wide range of interested parties to contribute towards identifying and dealing with contaminated land issues within the Borough. Local interest groups, businesses and members of the public are invited to participate in the identification and investigation of potentially contaminated sites. A full list of consultees is provided at Appendices 7 and 8.

7.3 Communicating with Owners, Occupiers and Other Interested Parties

The Borough Council's approach to its regulatory duties is to seek voluntary action wherever possible, before resorting to enforcement action. This approach will be adopted for contaminated land issues, anticipating that as much or more effective remediation can be achieved by agreement than by enforcement.

The legislation provides an incentive to undertake voluntary action, where materials that require disposal as a result of voluntary remediation will be exempt from landfill tax. This exemption does not apply to materials generated as a result of a remediation notice having been served.

This approach will require effective communication with owners, occupiers and other interested parties. The Principal Environmental Health Officer (Pollution) will be the central contact point within the Council for contaminated land issues and will ensure that all parties are kept informed at each stage of an investigation, regardless of whether there is a formal determination of contaminated land.

7.4 Risk Communication

The fear that a particular contaminant is going to affect someone's health, property, livestock or water supply, once they become aware of a contaminant's presence is understandable and needs to be dealt with sensitively.

The very complex nature of contaminated land issues does not make for easy explanation to the lay person. The development of an effective system to communicate risk is therefore essential. The Council will treat any concerns raised by members of the public seriously and with respect, recognising the importance of the issue to the individual. In all instances, the Council will recognise and try to overcome the critical barrier to effective communication:-

❖	**Familiarity**	Increased concern about unfamiliar issues
❖	**Control**	Increased concern if the individual is unable to exert any control over events
❖	**Proximity In Space**	Increased concern about nearby events
❖	**Proximity In Time**	Increased concern about immediate consequences rather than long term effects
❖	**Scale**	Particularly in terms of media coverage, where one large incident appears much worse than several small incidents
❖	**Dread Factor**	Lack of understanding can lead to stress and make further explanation more difficult

It is important to appreciate that the Part IIA regime gives local authorities only limited powers to deal with contaminative materials in, on or under the ground. Members of the public may believe that any material that is not naturally present should be removed, especially if it is in the vicinity of their homes. It will be essential to explain that this can only be done where there is a significant risk of significant harm, and that there is a proven pathway or route between the contaminant and the receptor, i.e. a pollutant linkage.

Ultimately the expectation of some members of the public may not be met, where the Council's legal powers are limited under the Contaminated Land Regime.

7.5 The Remediation Register

Part IIA requires the local authority to maintain a public register of all actions taken in relation to remediation of a site determined as contaminated land.

The Register is held at the Environmental Health Unit Office in Westwey House (Third Floor), Westwey Road, Weymouth. It is paper based and accessible on request by members of the public during office hours Mondays to Fridays.

Regulations specify what information the Register must contain, this includes:

- ❖ Remediation Notices
- ❖ Details of site reports obtained by the Authority in relation to remediation notices
- ❖ Remediation declarations, statements and notifications of claimed remediation
- ❖ Designation of "Special Sites"
- ❖ Appeals against a remediation notice or charging notice
- ❖ Convictions for failing to comply with a remediation notice

Certain information may be excluded, by Regulations, from the Register on the grounds of national security or commercial confidentiality.

The Public Register will **not** include details of historic land use or other records relating to the investigation of potentially contaminated sites which have not been designated as contaminated land. See the following paragraph 7.6 relating to the provision of information in response to contaminated land enquiries.

Members of the public will be able to obtain copies of specific register entries on request, for which a reasonable charge will be made.

7.6 Providing Information Concerning Contaminated Land Enquiries

The Environmental Information Regulations 1992 obliges public bodies to release certain environmental information on request to members of the public. Requests for information relating to contamination of land will therefore be dealt with in accordance with the Council's agreed procedures for releasing information, subject to the exceptions relating to confidentiality as set out in the Regulations.

7.6.1 The Council's procedure for providing information is as follows:

a. On receipt of a request for information the Environmental Health Unit will review what information it holds relating to a particular site, and will contact other sections within the Council to ascertain what further information is available.

b. The Environmental Health Unit will contact the enquirer, normally by letter, setting out the procedures for releasing information, and provide an estimate of the cost of researching, collating and despatching the information held. The enquirer will be invited to respond as to whether the information is still required and that the cost is acceptable.

c. On receipt of acceptance the Environmental Health Unit will endeavour to provide readily available information requested within ten working days whenever practicable. Environmental Information which requires time to research and collate will, where possible, be dealt with within two months from the date of this request.

d. The charges for providing information will range from a modest fee to cover photocopying costs, (e.g. for copying a page from a public register) to situations where significant resources are needed to research and collate the relevant information.

e. Information, which would normally be obtained by undertaking a Local Land Search, will only be provided following payment of the current Land Search fee.

f. Where the Council is not in a position to make available the information requested (e.g. on grounds of commercial confidentiality) the refusal will be given in writing, along with the reason for the refusal.

g. An enquirer who is refused environmental information may appeal, asking the Borough Council to review the reasons for refusing access, or by referring the matter to the Local Government Ombudsman.

h. Weymouth and Portland Borough Council is not able to guarantee the accuracy of any environmental information which it may hold, and for this reason does not take responsibility for the accuracy of the information which it provides, and can only endeavour to provide the most accurate information held.

7.7 Local Land Searches

The Law Society's Standard Enquiries of Local Authorities contains questions regarding entries on the Remediation Register and the Council will continue to respond to such enquiries appropriately.

7.8 Providing Information to the Environment Agency

The Environment Agency is required to prepare an Annual Report for the Secretary of State on the state of contaminated land in England and Wales. This report will include:

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

As local authorities are the lead regulators on contaminated land, with the Environment Agency regulating only some categories of sites, the national survey will clearly be reliant upon information provided by local authorities. A memorandum of understanding has been drawn up between the Environment Agency and the Local Government Association that describes how information will be exchanged between the local authority and the Environment Agency. The Council will therefore provide information to the Environment Agency following the guidelines agreed through this national forum.

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

8. INSPECTION PROCEDURES

The statutory guidance sets out specific rules for inspecting contaminated land that must be followed by the local authority.

8.1 Inspecting Areas of Land

The two main aims of inspecting land that is potentially contaminated are:

- To obtain sufficient information to determine whether the land should be designated as contaminated land, this should include the evidence of the actual presence of a pollutant; and;
- To decide whether that land falls within the definition of a special site.

8.2 Site Specific Liaison with Owners, Occupiers, Appropriate Persons and Statutory Bodies

The Council will undertake to liaise closely with owners and occupiers of the land in question, and any appropriate persons, whilst conducting the investigation and to keep them informed of the progress. The owner/occupier of the land will be given at least seven days notice in writing before a proposed visit to a site, unless there is an immediate risk to human health or the environment. In the case of a potential risk to controlled waters, or where a site may be deemed to be a special site the Council will liaise with the Environment Agency in accordance with the procedures agreed in the Memorandum of Understanding between the Environment Agency and the Local Government Association.

In the case of any land which is within an SSSI the Council will consult with English Nature, and where any ancient monument is located within the land under investigation, English Heritage.

8.3 Methods of Inspection

A detailed inspection of a potentially contaminated site can include:

- The collation and assessment of documentary information, either from within the Council's own sources or from other bodies;
- A visit to the particular area to carry out a visual inspection, including limited sampling;
- An intrusive investigation of land, including exploratory excavations

The Council will carry out any intrusive investigation in accordance with appropriate technical procedures, in particular the Department of the Environment Contaminated Land Research Report Series (CLR2 and CLR4)

The Council will ensure that all reasonable precautions will be taken to avoid harm, water pollution or damage to natural resources or features of historical or archaeological interest which might be caused as a result of undertaking an investigation.

Before carrying out an intrusive inspection of land within an SSSI, the Council will consult with English Nature on any actions that are proposed.

8.4 Health and Safety Procedures

The Council will comply with the Health and Safety at Work Etc Act 1974 and all relevant Regulations and approved Codes of Practice when carrying out its statutory functions in relation to identifying and inspecting contaminated land.

A review of any information held relating to a specific site will be undertaken prior to any site visit, in order to assess the health and safety implications to Council Officers or others attending, from particular contaminants likely to be encountered.

The health and safety guidance provided in HSE HS(G)66 “Protection of Workers and the General Public During the Development of Contaminated Land”, will be followed.

Specific precautions will be taken where gas may be present, and the dangers of shafts, quarries, wells, underground constructions and unsafe buildings will be identified.

The Council will ensure that employees, contractors and others for whom the Council may have a legal responsibility under Health and Safety legislation are adequately trained, briefed and protected before investigating potentially contaminated sites.

8.5 Powers of Entry

Section 108(6) of the Environment Act 1995 gives local authorities the powers of entry to carry out detailed inspections. At least seven days notice of a proposed entry onto any premises will be given to the owner/occupier unless there is an immediate risk to human health or the environment.

8.6 Dealing with Potential Special Sites

Where the local authority is satisfied that there is a reasonable possibility that a pollutant linkage exists on land which it believes meets the criteria for a special site, but is unable to obtain detailed information on the condition of the land, it can ask the Environment Agency to carry out a detailed inspection on its behalf.

The Council undertakes to follow the guidance in the Memorandum of Understanding between the Environment Agency and the Local Government Association when considering potentially contaminated land which may be a special site and will consult with the Environment Agency at an early stage, and will have regard to any advice provided.

Where the Environment Agency is to carry out an inspection on behalf of the Council, the Council will authorise an officer nominated by the Environment Agency to exercise the powers of entry under Section 108 of the Environment Act

1995. The Council will, before giving an authorisation, ensure that the Environment Agency will comply with the statutory guidance conditions relating to the conduct of investigations on its behalf.

8.7 Appointment of External Consultants and Specialists

The Council will, when deemed necessary, engage external consultants and specialists to assist in the discharge of its statutory duties. This will be subject to normal budgetary restrictions and in accordance with standing orders.

It is anticipated that external consultants and specialists could be engaged to assist the Council in making the determination that a site is contaminated land. This could include providing advice on specific contaminants, their effects on receptors, the extent of contamination, the potential pathways that would allow the contaminant to reach the receptor, and the methods of remediation which could be employed to return the land to a state where it is suitable for use.

8.8 Making the Determination that Land is Contaminated

The local authority is obliged to follow the requirements of the statutory guidance when making the determination that any land is “contaminated land”. See paragraph 6.6.2.

It is the sole responsibility of the local authority to determine whether a site is “contaminated land”. It may rely on information or advice provided by the Environment Agency, or a consultant appointed for that purpose.

Where a formal determination of contaminated land is about to be made the Council will undertake the following:

- Write to the owner(s) and/or the occupier(s) of the land at least 7 working days prior to the determination, explaining in summary the reasons for determination.
- Write to the owner(s) and/or occupier(s), immediately the determination has been made, explaining that the land has been determined as contaminated land and seeking appropriate remediation action without service of a remediation notice.
- Notify the Environment Agency in the agreed format when the determination has been made.
- If requested, provide a copy of the written risk assessment to the owner and/or occupier of the land within 10 working days of receipt of the request.
- Review the Risk Communication Management Procedure. Prepare a written brief in consultation with the Environmental Health Manager and the Public Relations Officer, in accordance with the agreed format for informing members of the public.
- Write to the owner/occupier of neighbouring properties and/or the complainant within 10 days of the determination.

8.9 Recording Information Resulting from Inspections

The statutory guidance requires the local authority to prepare a written record of any determination made that land is contaminated land. The record should include:

- A description of the particular significant pollutant linkage, identifying all three components – pollutant, pathway and receptor;
- A summary of the evidence on which the determination is based;
- A summary of the relevant assessment of the evidence; and
- A summary of the way in which the local authority considers that it has met the requirements of the Statutory Guidance, when making the determination.

It is anticipated that throughout the process of identification, inspection and assessment of a particular site, a large amount of information may be accumulated. Wherever possible this will be stored electronically as part of the GIS database. However, it will be necessary to maintain a "paper based" record to store items such as consultants' reports, site surveys, sampling data, and correspondence. These will be kept on a site by site basis, cross-referenced to the electronic database, which will provide a central indexing system.

9 REVIEW MECHANISMS

This section deals with situations where previous assumptions made may need to be reviewed, the routine re-inspection of previously assessed sites, where inspections may occur outside of the normal inspection regime, and the mechanism for the regular review of the strategy itself.

9.1 Reviewing Previous Assumptions and Information

Following the initial inspection and assessment of particular areas of land, there are likely to be situations where previous assumptions made on the status of the land may need to be reviewed.

Triggers which may necessitate the review of previous inspection decisions could include:

- Proposed changes in the use of surrounding land (e.g. introduction of new receptors)
- Unplanned changes in the use of the land (e.g. unauthorised use of the land by children)
- Unplanned events (e.g. localised flooding, land slides; accidents, fires, spillage's)
- Reports of localised health effects which seem to be associated with a specific area of land
- Reports of unusual or abnormal site conditions or other information received from interested parties
- Information received from other statutory bodies, owners or occupiers of land
- Significant changes in legislation
- Establishment of important case law or other precedent
- Revision of guideline values for exposure assessment.

Where such "trigger" situations arise the Council will review existing information, re-assess the circumstances and where necessary re-inspect and re-evaluate the category of the land in question.

9.2 Inspections Outside of the Planned Inspection Regime

Where information is received relating to a particular area of land which has not been previously assessed the Council will initially assess the information relating to the site and depending on the seriousness, will either evaluate and determine the site as contaminated, or include the site in its planned inspection regime.

Whilst this may trigger non-routine inspections, in order for this strategy to be effective, such situations must not be allowed to divert valuable and scarce resources from the planned inspection regime.

9.3 Frequency of Re-inspections

Where any site has initially been identified as potentially contaminated land, whether or not an inspection has actually been undertaken, a review date based on the assessment made will be allocated to the site. Provided that no new information is received relating to the site prior to the review date, at that point the site will be re-evaluated and where necessary a re-inspection undertaken. The review will consider any changes that may have taken place e.g. physical changes, or introduction of new receptors or pathways, or changes in legislation or guidelines. This may cause a change in status of the site requiring appropriate action.

Where planning applications are made on areas or sites previously identified as potentially contaminated, or contaminated and not yet remediated, a review of the information held would be undertaken and the Planning Section advised accordingly.

9.4 Audit of Inspection Procedures

As the inspection strategy evolves, and more experience is gained as the staged strategy is progressed, it will be necessary to audit the inspection procedures. Existing procedures will therefore be re-examined for effectiveness and adjusted as necessary to take into account updated technology, amended national guidelines, or experience and expertise gained.

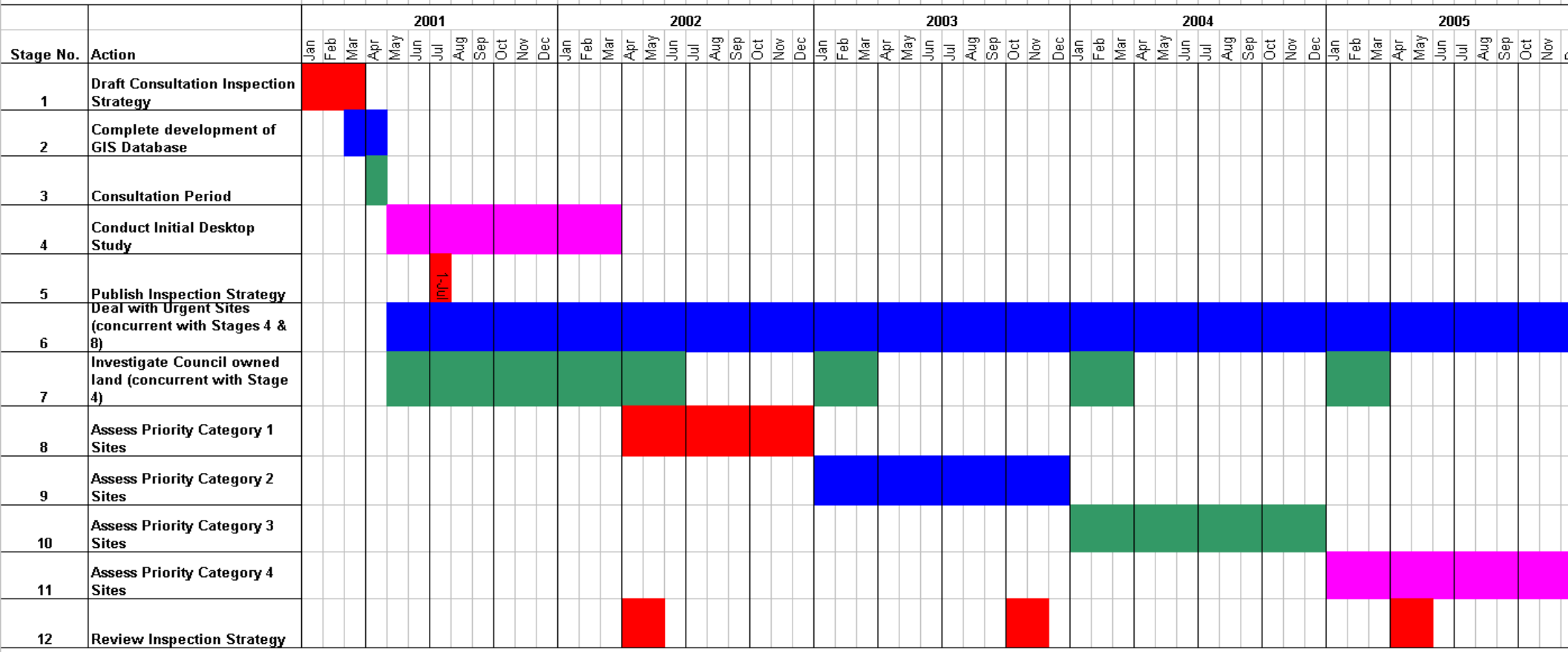
9.5 Reviewing the Strategy Document

The statutory guidance requires local authorities to keep their inspection strategies under periodic review.

It is anticipated that it would be appropriate that the first major review of the Council's Strategy takes place one year after the strategy has been in operation. This will provide an opportunity to review the progress of the stages of the strategy and assess its effectiveness. The findings will be reported to the Environment Committee.

Further reviews of the strategy will be carried out either at regular intervals thereafter, or when changes in legislation or approved guidelines occur which necessitate an immediate review and adjustment to the strategy. The next major review is expected to be undertaken towards the end of the five year plan in April and May 2005, with interim reviews in April/May 2002, and October/November 2003.

WEYMOUTH AND PORTLAND BOROUGH COUNCIL
CONTAMINATED LAND INSPECTION STRATEGY
PROVISIONAL INSPECTION TIMETABLE



Stage No.	Action
1	Draft Consultation Inspection Strategy
2	Complete development of GIS Database
3	Consultation Period
4	Conduct Initial Desktop Study
5	Publish Inspection Strategy
6	Deal with Urgent Sites (concurrent with Stages 4 & 8)
7	Investigate Council owned land (concurrent with Stage 4)
8	Assess Priority Category 1 Sites
9	Assess Priority Category 2 Sites
10	Assess Priority Category 3 Sites
11	Assess Priority Category 4 Sites
12	Review Inspection Strategy

KEY:	
	Planned time period for this Stage
Category 1 Sites	Urgent action needed in short term
Category 2 Sites	Action may be needed in medium term
Category 3 Sites	Action unlikely to be needed whilst site remains in present use
Category 4 Sites	No action needed whilst site remains in present use

APPENDIX 2

WEYMOUTH AND PORTLAND BOROUGH COUNCIL

CONTAMINATED LAND POLICY

Prepared by the Environmental Services Unit
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November 2000

WEYMOUTH AND PORTLAND BOROUGH COUNCIL

CONTAMINATED LAND POLICY

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WEYMOUTH AND PORTLAND BOROUGH COUNCIL

CONTAMINATED LAND POLICY

1. Executive Summary

1.1. A new statutory regime for dealing with contaminated land came into force on 1 April 2000. The aim of the regime is to create a system for the identification, assessment and remediation of land where contamination is causing significant harm to human health or the environment in terms of the land's current use.

1.2. The Local Authority is obliged to follow statutory guidance when dealing with contaminated land, to inspect its area for the purposes of identifying contaminated land, and must produce a strategy setting out how it intends to deal with contaminated land by 30 June 2001.

1.3. To ensure consistency in dealing with contaminated land matters both in accordance with the new statutory regime and whilst redeveloping brown field sites, it is important that the same procedures and criteria for identifying, assessing, remediating and monitoring of contaminated sites are followed in both cases.

1.4. This policy is intended to set out the Council's aims, objectives and priorities, in order to meet its statutory obligations for dealing with contaminated land for both existing land usage, and for the redevelopment of brown field sites.

2. Aims

2.1. The aim of the Contaminated Land Policy is to provide a mechanism for the investigation, assessment, remediation and review of contaminated land which is methodical, reasoned and efficient, which is proportional to the seriousness of any actual or potential risk and which ensures that the most serious problems are identified and dealt with in a prioritised manner.

3. Objectives

3.1. To ensure that where significant harm is being caused or where there is a significant possibility of such harm being caused, or where pollution of controlled waters is being, or is likely to be caused, due to the contamination of land, adequate and timely remediation is undertaken.

3.2. To implement and maintain a Strategy for dealing with contaminated land within the Borough.

3.3. To produce and promulgate a Contaminated Land Strategy Statement by 30 June 2001.

3.4. To prioritise the level of risk to receptors by applying nationally recognised risk assessment procedures so that a strategic and measured approach can be taken to remediating those sites (if any) that have the greatest potential to cause harm.

3.5. To identify, inspect and assess the Council's own land portfolio, or formerly owned land or other areas where the Council may be the appropriate person.

3.6. To seek wherever possible to encourage appropriate persons to carry out remediation of contaminated land voluntarily.

3.7. To seek the redevelopment of brown field sites within the Borough, whilst ensuring that any contaminated sites are dealt with in accordance with this policy.

3.8. To ensure that development within the Borough does not in itself give rise to any new contamination of land or controlled waters.

3.9. To apply the principles set out in the Council's Agenda 21 strategy statement in relation to sustainable development.

4. Priorities

4.1. To set up formal procedures for prioritising and dealing with urgent matters and enquiries relating to potentially contaminated sites, where information has been obtained in the process of carrying out preliminary work into the formulation of the strategy, by 28 February 2001.

4.2. To produce and circulate a draft consultation strategy for comment by the Environment Agency and other interested parties by the week commencing 2 April 2001.

4.3. To complete and promulgate a Contaminated Land Strategy Statement by 30 June 2001.

4.4. To carry out a desk top study of all sites within the Borough which have the potential to be assessed as contaminated sites and to rank them in priority taking into account the type of pollutant, the receptors potentially affected and the likelihood of a pollution linkage. The desktop study will be formally commenced subsequent to the release of the strategy document.

4.5. To expand upon the 1999 Council land holding review, to identify potentially contaminated sites within the Borough Council's ownership. This will be done in conjunction with paragraph 4.4 above.

4.6. To produce a strategy for communicating risks of contaminated land to the general public in accordance with our statutory responsibilities and the Council's existing and future policies.

4.7. To continue to respond to information, enquiries and complaints from external sources using existing procedures and to modify the procedures in the light of further guidance and experience.

4.8. To address the liabilities associated with the Council's existing land holdings and avoid any new liabilities associated with land requisitions.

5. Resources

5.1. The Council will, subject to the normal workload responsibilities, make available sufficient staff time/financial resources to ensure that its statutory responsibilities as laid down in Part IIA of the Environmental Protection Act 1990 are met.

5.2. The Council will where necessary engage consultants/specialists to assist in the discharge of its statutory obligations. The employment of any such consultants/specialists will be subject to the normal budgetary restrictions and in accordance with standing orders.

5.3. The Council will endeavour to seek additional funding for remediation schemes wherever it is available.

6. Management Arrangements

6.1. The Council's statutory responsibilities will be overseen by the Environmental Health Manager who will liaise directly with all other interested parties/consultees and report directly to the Director of Environmental Services.

7. Liaison Arrangements

7.1. The Council will seek to ensure through the use of compatible IT Systems that information relating to potentially contaminated sites is accessible to key decision and policy makers and other relevant personnel within Council departments and sections, subject to any data protection requirements.

7.2. The Council will liaise closely with the Environment Agency, MAFF, English Nature, English Heritage, land owners, developers and other stakeholders throughout the process of investigation, assessment, remediation and monitoring of potentially contaminated sites.

7.3. The Council will undertake to consult widely during the process of formulating the Contaminated Land Strategy.

8. Information Management Arrangements

8.1. The Council will maintain:

a. A Geographic Information System database of all current and historic land use within the Borough, and areas adjacent to the Borough boundary which may impact upon it in relation to potentially contaminated sites, pathways and receptors

b. A Remediation Register, in the format required by Regulations.

8.2. The Council will set up procedures for responding to information, enquiries and complaints from members of the public, other government agencies, land owners and developers, environmental interest groups and other interested parties, including dealing with anonymously provided information.

8.3. The Council will produce a strategy for "Communicating Risk of Contaminated Land". (See 4.6.) to the public and other interested parties, organisations, stakeholders, etc.

8.4. Land Charges/Property Searches. The Law Society's Standard Enquiries of Local Authorities already contains a question regarding entries on the Remediation Register and the Council will continue to respond to such enquiries appropriately.

9. Legal Implications

9.1. The Council will have regard to its legal obligations under the relevant statutes when responding to requests for the release of site specific information from external bodies or individuals.

9.2. When determining the arrangements for the level of charges for the provision of information the Council will recognise the need to ensure that wide access to information for the public is not prohibited by cost.

9.3. The Council will comply with the principles of the Enforcement Concordat and will ensure that when carrying out its statutory duties in relation to contaminated land it will follow all other adopted/future enforcement/Council policies.

10. Technical Procedures

10.1. The Council will comply with the Statutory Guidance on Contaminated Land (DETR Circular 02/2000) when investigating, inspecting and assessing potential contaminated sites and will have regard to other technical guidance issued by relevant authoritative bodies.

10.2. The Council will where ever possible seek technical advice and assistance from the Environment Agency under the terms of the EA/LGA Memorandum of Understanding.

10.3. The Council will, where it deems necessary seek independent technical advice and will appoint external consultants for site specific assessments as appropriate. (See 5.2.).

10.4. Where there is evidence of contamination on a brown field site proposed for redevelopment within the Borough or when previous uses may have been likely to give rise to contamination, planning applicants will be required to submit an independent study to the Council to assess the nature and level of contamination. The land will then be dealt with accordingly.

11. Training

11.1. Council employees involved in the investigation, assessment, remediation and monitoring of contaminated land will be provided with training and procedural reviews on a periodic basis.

11.2. The Council will ensure that employees likely to come into contact with potential contaminants whilst carrying out their investigation duties, will be provided with health and safety, and first aid training.

12. Health and Safety

12.1. The Council will comply with the Health and Safety at Work Etc. Act 1974 and all relevant Regulations and approved Codes of Practice when carrying out its statutory functions in relation to identifying and inspection contaminated land.

12.2. The Council will ensure that employees, contractors and others who the Council may have a legal responsibility for under Health and Safety legislation are adequately trained, briefed and protected before investigating potentially contaminated sites.

APPENDIX 3

GLOSSARY

DETR Circular 02/2000 contains a detailed glossary of terms that provides legal definitions of items that may be used in this Strategy. This Glossary provides an interpretation of items that may be used in this Strategy to aid reading by the lay person.

AONB	Area of Outstanding Natural Beauty
Brownfield Site	A site that has been generally abandoned or underused where redevelopment is complicated by actual or perceived environmental contamination. Only a small proportion of brownfield sites will meet the definition of contaminated land
CLEA	Contamined Land Exposure Assessment, a methodology for carrying out a risk assessment
Contaminated Land	Any land which appears to the local authority in whose are it is situated to be in such a condition, by reason of substances, in, on or under the land that: a. significant harm is being caused or there is a significant possibility of such harm being caused; or b. pollution of controlled waters is being, or is likely to be caused
Controlled Waters	These include a. inland waters (rivers, streams, underground streams, canals, lakes and reservoirs) b. groundwaters (any water contained in underground strata, wells or boreholes) c. territorial waters (the sea within three miles of the baseline) d. coastal waters (the sea within the baseline up to the line of highest tide, and tidal waters up to the fresh water limit
DETR	Department of the Environment, Transport and the Regions
Drinking Water Abstraction	The taking of water from a source (in this case, primarily an underground source) for drinking water
EA	The Environment Agency
Ecosystem	A biological system of interacting organisms and their physical environment
GIS	Geographical Information System
ICRCL	Interdepartmental Committee on Remediation of

	Contaminated Land
Pathway	One or more routes by which a receptor can be exposed to a contaminant
Pollutant Linkage	The relationship between a contaminant, a pathway and a receptor
Ramsar Site	A site protected under an international convention on protection of wetlands of international importance, especially as habitats for waterfowl, named after the city in Iran where the convention was signed.
Receptor	Sometimes referred to as "a target" – the health of a person, waters, ecosystem or property type that could be affected by contamination
Remediation	Generally accepted as being the carrying out of work to prevent or minimise effects of contamination. In the case of this legislation the term also encompasses assessment of the condition of land, and subsequent monitoring of the land
Risk Assessment	The study of a. the probability, or frequency , of a hazard occurring; or b. the magnitude of the consequences
SAC	Special area of conservation
Source	A substance in, on or under the ground with the ability to cause harm
Source Protection Zone	Protection zones around certain sources of groundwater used for public water supply. Within these zones, certain activities and processes are prohibited or restricted.
SPA	Special Protection Area for birds
Special Site	Any contaminated land designated due to the presence of ❖ Waste acid tar lagoons ❖ Oil refining ❖ Explosives ❖ Integrated pollution control sites ❖ Nuclear sites
Appropriate Person	A person who bears responsibility for anything which is to be done by way of remediation in any particular case

APPENDIX 4

POTENTIALLY CONTAMINATIVE LAND USES

- Animal slaughtering and basic processing
- Air shafts
- Air transport
- Animal by-products (ie animal parts) eg, soap, candle and bone works
- Batteries, accumulators, primary cells, electric motors, generators and transformers
- Brewing and malting
- Manufacture of clay bricks and tiles, including associated activities eg, brick fields, also solitary kilns (other than lime kilns)
- Coal storage/depot
- Concrete, cement, lime and plaster products, also includes solitary lime kilns
- Tableware and other ceramics
- Manufacture of cosmetics, manure, fertilisers and pesticides, detergents, oil, organic-based pharmaceuticals, other chemical products including glues, gelatines, recording tapes, photographic film
- Coal mining (and the manufacture of coke and charcoal) – including associated surface areas and coal mine shafts
- Disturbed ground >200m in one dimension
- Transport depot – road haulage – corporation yards
- Spirit distilling and compounding
- Boat building, wharf and quays, cargo/transport handling facilities – marine or inland
- Dye and pigments
- Areas “Liable to Flood”
- Major food processing, includes large dairies, exceptionally large scale corn/flour milling
- Furnaces and metal processing/casting/forges/smelting – ferro and aluminium alloys – manganese works, slag works
- Sale of automotive fuel
- Repair and sale of cars and bikes; parts and motorway services
- Oil refining and production of gas from coal, lignite, oil or other carbonaceous material other than waste
- Flat glass and glass products manufacture
- Cemeteries, modern burial grounds and grave yards
- Electrical manufacturing or distribution, telecommunications, medical, navigation, metering and lighting
- Transport manufacturing and repair including ships, aerospace, rail engines and rolling stock
- All hospitals including sanatoria.
- Manufacturing of cars, lorries, buses, motorcycles, bicycles
- Technical and environmental testing and analysis
- Laundries and dry cleaning
- Computers, office machinery, business/industrial electrical goods
- Manufacturing of engines, building and general industrial machinery and rockets, including ordnance
- Constructional steelwork, metal structures and products and building materials
- Areas of mining and single groups of shafts other then coal, or not specified. Also areas associated with mineral railways
- Minerals - abrasives, asbestos, etc. and products
- All military establishments including firing ranges (if not specified as Civilian)
- Mineral railways also known as “tramways” or inclines – not including urban passenger “tramways”
- Printing of newspapers

- Major oil and petrol storage and all gasometers which are not in gasworks
- Outfalls including warm water, industrial effluent etc, unless directly attached to other feature; eg end of sewage pipe
- Above ground pipelines other than sewerage
- Paper, card etc, products eg packaging
- Paints, varnishes, printing inks, mastics, sealants and creosote
- Pulp, paper and cardboard manufacture
- Extraction of alluvial sediments (sand, stone, clay, peat, marl and gravel)
- All plastic goods including building, packaging, tubing etc, and the manufacture of tar, bitumen and asphalt
- Electro-plating, galvanising and anodising
- Electricity generation and distribution, including large transformer stations
- Printing other than news print
- Quarrying of all stone (including limestone, gypsum, chalk and slate) and ores, including oil, open cast mining and slant workings – also slate/slab works, flint works, stone yards
- Railway tracks
- Refuse and waste disposal including incineration and sanitary depot
- Natural and synthetic rubber products including tyres and rubber products
- Recycling of material waste including scrap yards and car breakers
- Sewerage, septic tanks, effluent, including all filter beds
- Tannery, leather goods and skinnery
- Natural and man made textile manufacture and products including hemp, rope and linoleum
- Insulated wire and cable for electrical/fuel purposes
- Sawmills, planing and impregnation (a treatment of timber), wood products, telegraph works, timber yard eg veneer
- Factory and works – other uses not specified

APPENDIX 5

TABLE C
Description of Significant Harm

Description of Significant Harm	Conditions For There Being A Significant Possibility of Significant Harm
1. Human health effects arising from ❖ the intake of a contaminant, or ❖ other direct bodily contact with a contaminant	If the amount of the pollutant in the pollutant linkage in question: ❖ which a human receptor in that linkage might take in, or ❖ to which such a human might otherwise be exposed; as a result of the pathway in that linkage, would represent an unacceptable intake or direct bodily contact, assessed on the basis of relevant information on the toxicological properties of that pollutant. Such an assessment should take into account; ❖ the likely total intake of, or exposure to, the substance or substances which form the pollutant, from all sources including that from the pollutant linkage in question; ❖ the relative contribution of the pollutant linkage in question to the likely aggregate intake of, or exposure to, the relevant substance or substances ; and ❖ the duration of intake or exposure resulting from the pollutant linkage in question. The question of whether an intake or exposure is unacceptable is independent of the number of people who might experience or be affected by that intake or exposure. Toxicological properties should be taken to include carcinogenic, mutagenic, teratogenic, pathologic, endocrine disrupting and other similar properties.
2. All other human health effects (particularly by way of explosion or fire)	If the probability, or frequency, of occurrence of significant harm of that description is unacceptable, assessed on the basis of relevant information concerning: ❖ that type of pollutant linkage, or ❖ that type of significant harm arising from other causes In making such an assessment, the local authority should take into account the levels of risk which have been judged unacceptable in other similar contexts and should give particular weight to cases where the pollutant linkage might cause significant harm which; ❖ would be irreversible or incapable of being treated; ❖ would affect a substantial number of people; ❖ would result from a single incident such as a fire or an explosion; or ❖ would be likely to result from a short-term (that is less than 24-hour) exposure to the pollutant.
3. All ecological system effects	If either: ❖ significant harm of that description is more likely than not to result from the pollutant linkage in question; or ❖ there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration. Any assessment made for these purposes should take into account relevant information for that type of pollutant linkage, particularly in relation to the ecotoxicological effects of the pollutant.
4. All animal and crop effects	If significant harm of that description is more likely than not to result from the pollutant linkage in question, taking into account relevant information for that type of pollutant linkage, particularly in relation to ecotoxicological effects of that pollutant
5. All building effects	**If significant harm of that description is more likely than not to result from the pollutant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument, the foreseeable future), taking into account relevant information for that type of pollutant linkage.**

APPENDIX 6

REFERENCES

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7. ICRCL Guidance Note 59/83 Guidance on the Assessment and Redevelopment of Contaminated Land - ICRCL July 1987 Second Edition

8. Inspection Strategies for Contaminated Land, Draft Technical Note for Comment – DETR (April 2000)

9. Local Government Agency Plan, South West Overview – Environment Agency (1999)

10. Weymouth and Portland Local Plan Review, First Deposit January 2001 – Weymouth and Portland Borough Council

11. Communicating Understanding of Contaminated Land Risks – SNIFFER (2000)

12. An Illustrated History of Weymouth – Maureen Boddy and Jack West (1983)

13. Portland - An Illustrated History – Stuart Morris (1995)

APPENDIX 7

STATUTORY CONSULTEES

Environment Agency
Rivers House
Sunrise Business Park
Higher Shaftesbury Road
BLANDFORD FORUM
Dorset DT11 8ST

Ministry of Agriculture, Fisheries and Food
Room 141
Nobel House
17 Smith Square
LONDON SW1 P3JR

Food Standards Agency
Dr Patrick Miller
Contaminants Division
Room 707C
Aviation House
125 Kingsway
LONDON WC2B 6NH

English Nature
Jim White
Team Manager
Slepe Farm
Arne
WAREHAM
Dorset BH20 5BN

English Heritage
Duncan McCallum
29 Queen's Square
BRISTOL BS1 4ND

South West of England Regional Development Agency
FAO – Ms C Wilson
North Quay House
Sutton Harbour
PLYMOUTH PL4 0RA

Dorset County Council
The Director
Environmental Services
County Hall
Colliton Park
DORCHESTER
Dorset
DT1 1XJ

APPENDIX 8

OTHER CONSULTEES

Abbeyfield Housing Association
Abbotsbury Oysters (1994) Limited
Albion Stone Limited
Anchor Housing Association
Bath and Portland Natural Stone Limited
Bournemouth Churches Housing Association
CEFAS
CHS Housing Association
Copine Fish Limited
Cluttons - Crown Agents
D J Contracts (South West) Limited
DERA Bincleaves
Dorset Coast Forum
Dorset County Librarian
Dorset Evening Echo
Dorset Fire and Rescue Service
Dorset Health Authority
Dorset Wildlife Trust
Easton Masonry
First Dorset Transit
Fleet Study Group
Fleet Warden
Friends of the Earth
HM Prison
Housing 21 Housing Association
Ian Bruce MP
K W Flower Contractors
Knighstone Housing Association
Magna Housing Association
Manor Marine Limited
National Farmers Union
New Look plc
Portland Museum
Portland Partnership
Portland Plant Hire Limited
Portland Port Limited
Portland Stone Limited
Portland Town Council
Quest Holdings Limited
Raglan Housing Association
Railtrack plc
RSPB
Saunders and Wilson
Signpost Housing Association
South Devon and Channel Fisherman's Association
South Devon Shellfish
South West Trains Limited
Southern National Ltd

Southern Sea Fisheries Committee
Southwell Business Park Limited
Sovereign Housing Association
Stonham Housing Association
The Court Leet
The Ilchester Estates
Timewalk Brewers Quay
Twynham Housing Association
Upwey Society
Warden Housing Association
Wessex Water plc
West Dorset District Council
Weyfish Limited
Weymouth and Portland Chamber of Commerce
Weymouth and Portland Environmental Partnership
Weymouth and Portland Hotel and Catering Association
Weymouth and Portland Housing Company
Weymouth and Portland Landlords Association
Weymouth and Portland Libraries
Weymouth Civic Society
Weymouth College
Weymouth Fishermen's Association

APPENDIX 9

CONSULTEE RESPONSE LIST

Mr D Fitzgerald
Environment Agency

Mr R Bulpit
Southwell Business Park Ltd

Councillor A D Hutchings

Mr R Reynolds
Crown Agent

Mr D Hedgeman
Portland Plant Hire

Mr S Emblem
Sutton Poyntz Society

Mr E Alley
Weymouth & Portland Residents Association

Mr R J Unwin
Technical Advice Unit
MAFF

Mr M J Martin
Weymouth & Portland Environmental Partnership

A F Turner
Radipole Village Conservation Group

Mr N G and Mrs D M Fraser
River Wey Society & Civic Society

Sarah Willmott – Housing Manager
Knightstone Housing Association

Mr M R Jones
D J Contracts (South) Limited

Dr B R Howell
CEFAS

Dr P Miller
Contaminants Division
Food Standards Agency

Mr K Dey
Weymouth & Portland Housing Company

Mr D McCallam
Regional Land Use Planner, English Heritage

Sub Officer Head
Dorset Fire and Rescue Service Headquarters

Carol Wilson
South West of England RDA

Mr John Wade
DERA Bincleaves

Mr P Wilson
Saunders and Wilson

Mr D Moxom
Fleet Warden
Chesil Beach Visitors Centre

Mr D Seaward
Fleet Study Group

Mr B White
Weymouth and Portland Chamber of Commerce and Industry

D G Ellis
Head of Works Services
HMP The Verne

Mr K Lynham
Southern Sea Fisheries Committee

Mr C A Walton
River Wey Society
Environmental Partnership