

ANGUS COUNCIL

ENVIRONMENTAL & CONSUMER PROTECTION COMMITTEE - 25 SEPTEMBER 2001

CONTAMINATED LAND STRATEGY - FINAL CONSULTATION

REPORT BY DIRECTOR OF ENVIRONMENTAL & CONSUMER PROTECTION

Abstract

The external final consultation of the Angus Council Contaminated Land Strategy document is underway and the final version is due to be published during October 2001.

1. RECOMMENDATION

It is recommended that the Committee:-

- a. note the contents of the final consultation document
- b. authorise the Director to publish the finalised version of the strategy.

2. BACKGROUND

In July 2000 a new statutory regime for the identification and remediation of contaminated land was enacted. In terms of Part IIA of the Environmental Protection Act 1990 and Section 27 of the Environmental Act 1995 local authorities were required to produce a strategy to show how they will deal with contaminated land within their area.

The strategy was to be adopted, approved and published by October 2001.

3. THE THRUST OF THE STRATEGY

In terms of the Community Plan, Local Agenda 21 and Environmental Strategy there is a commitment to improve the environment and quality of life in Angus. It is intended that the Contaminated Land Strategy will build upon these aims.

- i. Scottish local authorities will have the primary regulatory role under Part IIA of the Environmental Protection Act 1990 which will compliment the role as planning authorities. The main features of the new regime are:-
 - a. to cause their areas to be inspected to identify contaminated land;
 - b. to determine whether any particular site is contaminated land;
 - c. to act as enforcement authority in most cases.
- ii. SEPA will have 4 principle roles under Part IIA:-
 - a. to issue site specific guidance to local authorities;
 - b. to provide advice on request in relation to special sites;
 - c. to act as enforcement authority for "special sites";
 - d. to publish periodic reports on contaminated land.
- iii. In terms of public access to information the Council will keep a public register that will include details of notices and other details for each area of contaminated land.
- iv. The document outlines the actions proposed for Angus and the priority of investigation is based upon the following parameters:-
 - a. to protect human health;
 - b. to protect controlled waters;
 - c. to protect sensitive ecosystems;
 - d. to prevent damage to property;
 - e. to encourage voluntary remediation.
- v. It is expected that the inspection process will continue until 2005/06. Procedures include the identification and remediation of land, the identification of liability and appointment and recovery of costs. Where costs cannot be recovered the council has a liability.

4. STRATEGY WORKING GROUP

A strategy working group chaired by the Principal Environmental Health Officer (Waste Strategy) and involving staff members from Planning and Transport, Economic Development, Law and Administration, IT, Property Services, Roads and Cultural Services has drawn up the draft strategy.

A copy of the strategy is available in the Members' Lounge.

5. FINANCIAL IMPLICATIONS

A budget is available to cover the primary costs for hardware and software to manage the project. This will enable the desktop survey of the Council's area to take place. There is also a staff resource in implementation of the project as well as training costs.

As the project develops should there be significant identification of contaminated land which results in intrusive investigation additional funding may be required to be identified and included in base budgets.

6. HUMAN RIGHTS IMPLICATIONS

There are no human rights issues as a direct result of this report.

7. CONSULTATION

The Chief Executive, Director of Finance, Director of Law and Administration, Director of Property Services, Director of Planning and Transport, Director of Roads, Director of IT, Contract Services Manager and Acting Director of Cultural Services have been consulted on the contents of this report.

S R Heggie
Director of Environmental and Consumer Protection

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing this report.

SRH/JAS
5 September 2001