

Report to: Recess Sub-Committee
30th July 2001

Report on: Review of Resources for Implementation of Contaminated Land Regime

Report by: Director of Environmental & Consumer Protection and
Director of Personnel and Management Services

Report No. 406-2001

1. **Purpose of Report**

1.1 To inform the Committee of the resources required to effectively carry out the next stage of the Contaminated Land Regime, and make recommendations for its effective implementation.

2. **Recommendations**

2.1 It is recommended that the Committee approve the following measures which will ensure that the provisions of Part IIA of the Environmental Protection Act 1990 continue to be implemented effectively.

2.2 The creation of an Assistant Scientific Officer (Contaminated Land) post, grade T3, £(15,240 - £16,770), within the Environmental and Consumer Protection Department, for an initial period of one year. This appointment will be reviewed after that period and a decision made on the retention, or otherwise, of the post.

2.3 The Contaminated Land Working Group continues to implement the remit as approved by report no. 374-2000 and remains in place until the Council's statutory responsibilities under this regime are complete.

3. **Financial Implications**

3.1 The creation of the Assistant Scientific Officer (Contaminated Land) post will be funded from existing resources within the Environmental and Consumer Protection Department's annual revenue budget.

4. **Local Agenda 21 Implications**

4.1 The acceptance of the contents of this report will enhance the aims of Dundee 21.

4.2 The key themes that will be directly addressed by the acceptance of this report are:

- Pollution is limited to levels at which natural systems can cope.
- The diversity of nature is valued and protected.
- Health is protected by creating safe, clean, pleasant environments and health services, which emphasise prevention of illness as well as care for the sick.

5. **Equal Opportunities Implications**

5.1 The contents of this report are consistent with the Council's Equal Opportunities Policy.

6. **Report**

6.1 Background

6.1.1 Section 57 of the Environment Act 1995 introduced a new contaminated land regime by inserting a new Part IIA into the Environmental Protection Act 1990. The new regime came into force in Scotland on 14th July 2000. The primary role of the new regime is to provide a formal mechanism for the identification and subsequent remediation of land where contamination is causing unacceptable risks to human health or the wider environment.

6.1.2 Part IIA of the Environmental Protection Act 1990 sets out specific roles and responsibilities for local authorities and other regulatory bodies in the implementation of the contaminated land regime. The individual roles and responsibilities are complex as are the implications for local authorities. This major contaminated land regime was the subject of previous reports 6-2000 and 374-2000 in which full details of the regime and the implications for the Council can be found and explained.

6.1.3 The primary regulatory role under the contaminated land regime rests with the local authorities. In order to meet the requirements of the initial stages of this new statutory responsibility, the Council created the new post of Scientific Officer (Contaminated Land) and set up the Contaminated Land Working Group which comprises officers from a number of different disciplines and departments. It was recognised at an early stage that this new post and the multi-disciplined working group were crucial to the successful implementation of the regime as the skill-base required spanned a number of disciplines and departments.

6.2 Strategy Development

6.2.1 In order to meet our initial obligations, each local authority in Scotland has a duty to develop, adopt and publish a formal written strategy for the inspection of its area. It is required to set out a rational, ordered and efficient approach to identify potentially contaminated land and determine whether the land is "contaminated" as defined in the legislation.

6.2.2. The Scientific Officer (Contaminated Land) in conjunction with the Contaminated Land Working Group is currently preparing the Council's Contaminated Land Strategy. The document is being developed in line with the Scottish Executive's Inspection Strategies Advice Note and will be completed within the legislative timeframe. The completed document will be the subject of a separate report for approval prior to submission to the Scottish Executive.

6.3 Resources Required for the Implementation of the Strategy

6.3.1 The next stage in the implementation of the contaminated land regime is the systematic inspection of the Council's area in line with the proposed timescale, priorities and procedures laid down in the Council's Contaminated Land Strategy.

- 6.3.2 This will involve the preliminary screening of historical plans and other relevant data held internally within various council departments and by external agencies such as the Scottish Environment Protection Agency, Scottish Natural Heritage, and the British Geographical Survey. Followed by the collation and evaluation of that material leading to the prioritisation of areas and sites, which will require more detailed consideration.
- 6.3.3 The Environmental and Consumer Protection Department has already taken the first step by purchasing the first four epochs (pre 1940 Country Series) of 1:2,500 and 1:10,560 scale Ordnance Survey historical mapping and the historical interpretation of the industrial land uses within the city from the Landmark Information Group. Although this will help to jump-start the project there is still a substantial amount of information to be gathered and evaluated.
- 6.3.4 The work involved in the initial phases of the inspection of the Council's area will be very time consuming and resource intensive. It is therefore recommended that the Council create a new post of Assistant Scientific Officer (Contaminated Land) within the Environmental and Consumer Protection Department. This will enable the initial phase of the inspection of the Council's area to be undertaken effectively and within the timescales laid down in the strategy.

7. **Conclusion**

- 7.1 The Government is committed to the Contaminated Land Regime which has been designed to address the substantial legacy of land which is already contaminated from past activities. In line with Government's Statutory Guidance this Authority aims to carry out a comprehensive inspection of its area, using a targeted approach to ensure the most pressing and serious problems are located first.
- 7.2 Acceptance of the recommendations in this report will ensure that the initial phases of this regime will be undertaken effectively. The resource implications necessary throughout the implementation of the regime will be kept under review on an annual basis.

8. **Consultation**

- 8.1 Chief Executive
 Director of Finance
 Director of Support Services
 Director of Planning and Transportation
 Director of Economic Development

Signed ----- Date-----
 Director of Environmental & Consumer Protection

Signed ----- Date-----
 Director of Personnel and Management Services