

DUNDEE CITY COUNCIL

REPORT TO: Personnel and Management Services Committee - 20 October 2003

REPORT ON: Environmental Health and Trading Standards - Implementation of Contaminated Land Regime - Establishment of Post

REPORT BY: Head of Environmental Health and Trading Standards and Assistant Chief Executive (Management)

REPORT NO: 618-2003

1 PURPOSE OF REPORT

- 1.1 To seek the Committee's approval for the establishment of a post which is required to ensure that the provisions of Part IIA of the Environmental Protection Act 1990 continue to be implemented effectively.

2 RECOMMENDATION

- 2.1 It is recommended that the Committee approves the establishment of a post of Assistant Contaminated Land Officer, graded AP3 (£17,340 - £19,029), within Environmental Health and Trading Standards.

3 FINANCIAL IMPLICATIONS

- 3.1 The cost of this post will be £7,034 in 2003/04 and £21,103 for a full financial year and will be funded from existing resources within Environmental Health and Trading Standards' Revenue Budget.

4 LOCAL AGENDA 21 IMPLICATIONS

- 4.1 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.

5 EQUAL OPPORTUNITIES IMPLICATIONS

- 5.1 None.

6 BACKGROUND AND PROPOSALS

- 6.1 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 14 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.
- 6.2 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 post of Contaminated Land Officer and set up the Contaminated Land Working Group comprising of officers from a number of different disciplines and departments.
- 6.3 In order to meet the Council's obligations with respect to Part IIA, the Council prepared a formal written strategy for the inspection of its area (Ref: Report 447/2001). The Strategy is the mechanism by which the Council will fulfil the statutory obligations contained in the legislation. The Strategy details the procedures to be used in the initial inspection of the Dundee area and provides a provisional timescale for the work to be undertaken. The initial inspection process is expected to take up to five years to complete.
- 6.4 The Contaminated Land Officer in conjunction with the City Engineer is currently undertaking a systematic inspection of the Council's area in line with the proposed timescale, priorities and procedures laid down in the Council's Contaminated Land Inspection Strategy.
- 6.5 In addition to the above, the Contaminated Land Officer also provides specialist advice to the Planning and Transportation Department. These consultations relate to the assessment and remediation of contamination on sites, that are undergoing redevelopment through the planning process. The measures undertaken during redevelopment should ensure that such sites never fall within the Part IIA regime.
- 6.6 **Resources Required for the Implementation of the Strategy and Associated Workload**
- 6.6.1 The Council has been able to effectively implement the initial stages of this regime within the existing resources in Environmental Health and Trading Standards with assistance from the City Engineer. However, as it has progressed, the process has become more complex and resource intensive and the existing resources are now inadequate.
- 6.6.2 The expected workload required for the continued effective implementation of the Council Contaminated Land Strategy is as follows:
- Maintenance of the necessary information and data management systems for the implementation of the contaminated land regime.
 - Further development of and ongoing management of the Arc GIS contaminated land database and the Contaminated Land Register.

- The identification, investigation and remediation of contaminated land and potentially contaminated land in line with the proposed timescale, priorities and procedures laid down in the Council's Contaminated Land Inspection Strategy.
- Specification of requirements and tenders for specialist consultants.
- Identification and consultation with appropriate persons in terms of the remediation of potential Part IIA sites.
- Consultation with and raising awareness of the community.
- Assessment of contaminated land implications for proposed new developments.
- Liaison with the Scottish Environmental Protection Agency and other relevant bodies.

6.7 The work involved in the inspection of the Council's area is very time consuming and resource intensive. It has become apparent that the workload is more extensive than originally anticipated. It is therefore recommended that the Council create a new post of Assistant Contaminated Land Officer within Environmental Health and Trading Standards.

6.8 Acceptance of this recommendation will ensure that the duties associated with the Contaminated Land Regime continue to be undertaken effectively. The resource implications necessary throughout the implementation of the regime will be kept under review on an annual basis.

7 **CONSULTATION**

7.1 The Chief Executive, Depute Chief Executive (Support Services), Depute Chief Executive (Finance), Director of Planning and Transportation, Director of Economic Development and the trade unions have been consulted on the terms of this report.

8 **BACKGROUND PAPERS**

8.1 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.

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10 October 2003

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10 October 2003