

## **EAST AYRSHIRE COUNCIL**

**COMMUNITY SERVICES COMMITTEE – 14<sup>TH</sup> SEPTEMBER 2005**

### **CONTAMINATED LAND UPDATE REPORT**

**Report by the Executive Director of Neighbourhood Services**

#### **1. PURPOSE OF REPORT**

- 1.1 To provide the Committee with an update report on the implementation of the Contaminated Land Strategy.

#### **2. BACKGROUND**

- 2.1 Part IIA of the Environmental Protection Act 1990 (Contaminated Land) required that each Local Authority should adopt a Strategy for dealing with contaminated land.
- 2.2 East Ayrshire Council formally adopted their Strategy in October 2001. The Strategy was amended in October 2003 to reflect minor changes in operational procedures and relevant guidelines.

#### **3. PROGRESS ON IMPLEMENTATION**

- 3.1 A number of systems and operational procedures have been put in place in order to implement the Strategy.
- 3.2 Historic maps of the Council area along with land use datasets have been purchased from Landmark Information Systems and linked to the Council GIS.
- 3.3 The historic maps and land use datasets are used to provisionally identify sites where past industrial and other activities may have given rise to the potential for land or water contamination.
- 3.4 East Ayrshire Council has purchased a prioritisation system (Eclipse) from Enviros Ltd that sets out a detailed methodology for carrying out the initial identification and prioritisation of potentially contaminated land within the Council's area.
- 3.5 Enviros Ltd have also been awarded (through tender) a three year contract to provide a contaminated land support service to the Council with a range of services designed to manage contaminated land.

As part of this contract a number of site investigations and liability audits have been conducted together with environmental monitoring of

two Council owned former landfill sites along with a programme of site investigations.

- 3.6 Additional funding from the Scottish Executive has been awarded for the remediation of contaminated land at two major projects in the Council area, Moorfield Bing in Kilmarnock and the former gasworks site at Greenholm, Cumnock.
- 3.7 The historic land use dataset has identified 2500 sites in East Ayrshire which may have the potential for land contamination. However it should be noted that not all of the sites identified will be affected by contamination, the dataset is only indicative of the potential for contamination and is over conservative to avoid any potential contamination being overlooked.

The Eclipse system determines the potential for contamination through a risk assessment methodology and prioritise the sites for further investigation.

- 3.8 Initially 82 sites where the Council has responsibility for, or where information was readily available from other regulatory bodies (such as SEPA) were selected for further investigation. Of these sites 32 were deemed high priority for further investigation based on the risk ranking procedure.

At this time 18 Tier 1 Desk Studies and 4 Tier 2 Intrusive site investigations have been carried out at these sites. A further 14 Tier 2 investigations are programmed for this year.

- 3.9 As is the case with other Local Authorities, most of the immediate contaminated land issues are being dealt with through the Planning regime and PAN 33 legislation, where a change of use initiates the need for site investigations of potentially contaminated sites. Liaison with the Planning Service is an ongoing and integral part of the system.
- 3.10 Liaison with neighbouring Local Authorities is continuing through the Contaminated Land Benchmarking Group to ensure best practice and shared information on contaminated land issues.

#### **4. LEGAL IMPLICATIONS**

- 4.1 Environmental Protection Act 1990, Part IIA.  
Environment Act 1995, Section 57.

#### **5. FINANCIAL IMPLICATIONS**

- 5.1 As part of a rolling programme £181,000 of mainstream funding for Contaminated Land identification and remediation has been allocated by the Scottish Executive. Additional funding allocation may be sought

for major projects when additional finance is announced by the Scottish Executive.

## **6. POLICY IMPLICATIONS**

- 6.1 The implementation of the Council's contaminated land strategy is commensurate with statutory guidance and existing Council Policy and other strategies.

## **7. CONCLUSION**

- 7.1 Implementation of the Contaminated Land Strategy is being carried out with regard to the Council's Statutory duties and complies with the underlying principals of Part IIA.

## **8. RECOMMENDATIONS**

- 8.1 The Community Services Committee is invited to note the report.

William Stafford

**Executive Director of Neighbourhood Services**

18<sup>th</sup> August 2005

WS/PLT/RRS

### **LIST OF BACKGROUND PAPERS**

1. The Contaminated Land (Scotland) Regulations 2000.
2. Scottish Executive Circular 1/2000 (Statutory Guidance) July 2000.
3. Contaminated Land Inspection Strategy (Advice for Scottish Local Authorities) July 2001.
4. East Ayrshire Council Inspection Strategy for the Identification and Remediation of Contaminated Land - October 2003.
5. Model Procedures for the Management of Land Contamination CLR11.

Anyone wishing to inspect the background papers listed above should contact John F Crawford on 01563 576111.

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