

EAST AYRSHIRE COUNCIL

POLICY AND RESOURCES COMMITTEE - 5 APRIL 2001

DRAFT CONTAMINATED LAND INSPECTION STRATEGY

Report by Director of Community Services

1. PURPOSE OF REPORT

- 1.1 To submit East Ayrshire Council's Contaminated Land Inspection Strategy (Draft) document for consideration and approval if acceptable.

2. BACKGROUND

- 2.1 Under the new contaminated land provisions contained in Part IIA of the Environmental Protection Act 1990, statutory guidance requires that a strategic approach be taken with regard to inspection of Local Authority land, and that this approach is described in a written strategy. This inspection strategy should be formally adopted and published within 15 months of the issue of the statutory guidance, i.e. by October 2001.

3. DISCUSSION

- 3.1 This document has been formulated with regard to statutory guidance which sets out procedures by which Local Authorities can meet their obligations and comply with the underlying principles of Part IIA and the required content of the inspection strategy in particular.
- 3.2 Statutory guidance requires that the Local Authority consult with SEPA and "other appropriate bodies" such as, the statutory Enterprise bodies SNH, Historic Scotland and the Scottish Executive when developing the strategy.
- 3.3 In order to comply with this requirement, it is intended that a draft copy of the inspection strategy is circulated amongst these organisations for comment prior to publication in October 2001. A copy of the draft inspection strategy is available at the Members Information Point.
- 3.4 In addition to these "statutory consultees", the Committee may consider that other "non-statutory" bodies be provided with a copy of the document for comment prior to publication.

4. FINANCIAL IMPLICATIONS

- 4.1 The inspection of the East Ayrshire area will require significant financial considerations for the provision of dedicated systems and allied resources in the initial stages of inspection. The Scottish Executive has indicated that financial resources will be made available and in the current year have made capital funding of £128,000 available for this purpose.

5. LEGAL IMPLICATIONS

- 5.1 Although there is no legal requirement for formal consultation, an openness at this stage may circumvent any subsequent challenges on the basis of lack of information etc

6. POLICY IMPLICATIONS

- 6.1 The strategy is commensurate with existing Council Policy and other strategies.

7. CONCLUSION

- 7.1 This consultation document is the first step in ensuring that the inspection strategy meets East Ayrshire Council's obligations under statutory guidance.

8. RECOMMENDATIONS

- 8.1 It is recommended that the Committee:-

- (i) Consider and approve if acceptable, the attached draft inspection strategy; and
- (ii) Otherwise note this report.

William Stafford
Director of Community Services

12 March 2001

WS/CJ

LIST OF BACKGROUND PAPERS

1. The Contaminated Land (Scotland) Regulations 1999
2. Scottish Executive Circular 1/2000 (Statutory Guidance) July 2000
3. Contaminated Land Inspection Strategy (Advice for Scottish Local Authorities) Final Draft

Any person wishing to inspect the background papers listed above should telephone 01563 576023 and ask for William Stafford, Director of Community Services.

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AGENDA