

# WEST DUNBARTONSHIRE COUNCIL

## Report by the Executive Director of Corporate Services

Infrastructure, Regeneration & Economic Development Committee: 18 June  
2014

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**Subject: Contaminated Land Strategy (2014-2017)**

### **1. Purpose**

- 1.1** The purpose of this report is to seek Committee approval;
- i. of the Council's revised Contaminated Land Strategy attached as appendix 1 and;
  - ii. to endorse the Environmental Health Section's decision that a Strategic Environmental Assessment (SEA) is not required for the revised Contaminated Land Strategy in accordance with the Environmental Assessment (Scotland) Act 2005.

### **2. Recommendations**

- 2.1** It is recommended that the Committee approve the revised Contaminated Land Strategy in order that it can be published and made available for viewing on the Councils' website.
- 2.2** It is also recommended that the Committee agree that a full SEA report is not required for the Contaminated Land Strategy.

### **3. Background**

- 3.1** West Dunbartonshire Council's first Contaminated Land Strategy was published in 2001. This followed the introduction of Part IIA of the Environmental Protection Act 1990 in Scotland in July 2000 which placed a duty on all Scottish local authorities to prepare and publish a written strategy. Over the years the strategy has been revised to take account of changes to legislation. This most recent revision takes account of changes to guidance and practices both internally and externally.
- 3.2** The main change is that the strategy now provides details of the procedures and methodology that the Environmental Health Section adopt in order to meet their statutory obligations. It also demonstrates how the Part IIA regime interacts with other regimes e.g. Planning and more importantly demonstrates that land contamination issues are a material consideration in a number of regimes and should therefore aid the decision making processes within these.
- 3.3** In addition the strategy summarises the methodology that the Council adopts to risk assess and update sites as and when new information becomes

available. A key factor in achieving this is through good data collection which the Council do on an ongoing basis.

- 3.4** In accordance with the Environmental Assessment (Scotland) Act 2005 any new plans, programmes and policies (PPS) which may impact on the environment are required to be assessed by way of a SEA.
- 3.5** A SEA is a means to judge any negative effects of a public PPS on the environment and if necessary to seek ways to minimise that effect. In most cases a full SEA is only required for high level, large scale PPS such as large scale projects or major transport projects however in order to document this, all planned PPS should be screened in the first instance.
- 3.6** In accordance with the Environmental Assessment (Scotland) Act 2005, the Environmental Health Section submitted a Strategic Environmental Assessment (SEA) screening report to the SEA Gateway at the Scottish Government in September 2013 which summarised their reasons as to why they do not consider that a full SEA is required for the revised Contaminated Land Strategy.
- 3.7** The main conclusion within the screening report is that the strategy is a procedural strategy which on its own will result in a fairly minimal impact upon the environment and therefore a full SEA is not required. This conclusion was supported by the three Consultation Authorities detailed in Section 9.1 of this report.

#### **4. Main Issues**

- 4.1** Should the Committee agree with the publication of the revised strategy and that a full SEA report is not required, a formal determination can then be made to the Scottish Government. Following this, the Contaminated Land Strategy can be posted on the Council's website.
- 4.2** In addition to this and in accordance with the SEA process, a copy of the determination will be sent to the three Consultation Authorities, detailed in Section 9.1, within 28 days of making the determination as well as being displayed on the Council's website. This decision also requires to be brought to the attention of the public with an advert being placed in at least one local newspaper.

## **5. People Implications**

- 5.1** There are no people implications as the Environmental Health Section already have a Contaminated Land Officer in post who will be responsible for promoting the strategy and encouraging it to be given consideration in all other relevant council projects.

## **6. Financial Implications**

- 6.1** The Contaminated Land Officer deals with implementing the strategy and bids are made via the budgetary process as and when sites are identified which require further works. Responsibility for remediation depends on the circumstances and lies in the main with polluters but as contamination tends to be historical various parties including current land owners can also be liable. Costs of any enforcement and evidence gathering will be with the Council and also remediation costs in cases where those responsible cannot be identified.
- 6.2** Funding of £34,000 has been approved for 2014/15 to support the implementation of the strategy. This funding is for the purchase of contaminated land prioritisation software and for site investigation works at a potentially contaminated site at St Helena Crescent in Hardgate, Clydebank.

## **7. Risk Analysis**

- 7.1** It was not necessary to carry out a risk assessment on the proposals contained within this report

## **8. Equalities Impact Assessment (EIA)**

- 8.1** An Equality Impact Screening was undertaken, which noted no relevance to any protected group or characteristic defined by the Equality Act and public sector equality duty. An Equality Impact Assessment is therefore not required or justified.

## **9. Consultation**

- 9.1** In accordance with the Environmental Assessment (Scotland) Act 2005, the SEA screening report was sent out to three Consultation Authorities, Scottish Environment Protection Agency, Scottish Natural Heritage and Historic Scotland. All three bodies agreed with the Environmental Health Section's conclusion that a full SEA report is not required for this particular strategy.

## **10. Strategic Assessment**

- 10.1** The recommendations contained within the report support the Council's strategic priorities of; improving economic growth and employability, improving local housing and environmentally sustainable infrastructure and improving the well-being of communities and protecting the welfare of vulnerable people.

**Angela Wilson,**  
**Director of Corporate Services**  
**Date:**

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**Appendices:** Appendix 1. Contaminated Land Strategy (2014 -2017)

**Background Papers:**  
SEA Screening Report  
SEA Consultative Authorities Responses  
EIA Screening Assessment  
Environmental Assessment (Scotland) Act 2005

**Wards Affected:** All Council Wards

