

**NORTH LANARKSHIRE COUNCIL  
REVIEW OF STRATEGY FOR THE  
INSPECTION OF CONTAMINATED LAND 2019 - 2024**



Version control

Author	Ron Wylie	Contact	WylieR@northlan.gov.uk
Owner	Andrew McPherson	Contact	McPhersonA@northlan.gov.uk

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## Chapter 1: Introduction

On 14 July 2000, a new statutory regime came into force when the **Environmental Act 1995** modified the **Environmental Protection Act 1990** with regards to the regulatory powers available to Local Authorities for dealing with contaminated land. These provisions are commonly referred to as Part IIA. To supplement and enforce these provisions, Scottish Ministers also introduced the **Contaminated Land (Scotland) Regulations 2005** and the **Radioactive Contaminated Land (Scotland) Regulations 2007**.

The duties imposed on Local Authorities were:

To inspect their areas from time to time to identify any contaminated land
To determine whether a particular site meets the statutory definition of contaminated land
To establish responsibilities for remediation of the land
To ensure that appropriate remediation takes place <ul style="list-style-type: none"><li>• Through agreement with those responsible, or</li><li>• By serving a remediation notice on the appropriate person(s)</li><li>• In certain cases, carrying out these works themselves</li><li>• In certain cases, through the use of other powers</li></ul>
To keep a public register detailing those sites designated as contaminated land and actions taken thereby

In August 2001, North Lanarkshire Council published a strategic document outlining the councils approach to using these powers entitled, "The Inspection Strategy for the Identification of Contaminated Land" and have supplemented this with an update in 2004 and 2008. This document is a review of the original and updated strategy and develops further the way in which North Lanarkshire Council intends to use the powers outlined under Part IIA to progress its inspection strategy.

North Lanarkshire Council intends to continue to inspect its area using a strategic approach, which will:

Be rational, ordered and efficient
Be proportionate to the seriousness of the actual or potential risk
Seek to ensure that the most pressing and serious problems are located first
Ensure that resources are concentrated on investigating areas where the authority is most likely to find contaminated land; and
Ensure that the authority efficiently identifies requirements for the detailed inspection of particular areas of land

Land contamination is a potential constraint on development. This strategy recognises the pivotal role played by the planning and development cycle in developing previous industrial sites, particularly where, as is the case for North Lanarkshire, the desire to improve the long-term economic and social development of the area. Due to the urbanised nature of much of North Lanarkshire Council, many sites identified as potentially contaminated in the initial stages of the regime have been subject to redevelopment and subsequent work under Planning Advice Note 33 (**Plan 33**). As such this strategy seeks, whenever possible, to work within this broad policy framework.

The strategy aims to be part of a larger regeneration toolkit available to North Lanarkshire Council and where possible combines the aims to deliver sites that are suitable for use and for further development encouraging long-term economic and social benefit to the local population. To effect understanding of Part IIA, the Pollution Control Team have worked hard to establish effective communications with both Planning and Building Standards

colleagues to raise the standard and scope of the supporting information submitted with applications where land may be contaminated. Rigorous review of applications has achieved increased standards of remediation associated with land development.

North Lanarkshire Council remains committed to seeking voluntary remediation as the preferred approach and thereby avoiding the need to serve formal notices under Part IIA. This approach is considered the most effective tool in the majority of situations for providing land “suitable for use” that can be used to the long-term benefit of the residents of North Lanarkshire.

North Lanarkshire Council also recognises the potential risk to the water environment posed by contaminated land and development work on such land. North Lanarkshire Council remains committed to working with SEPA on policy and regulatory practice as part of their responsibilities arising from the implementation of the **Water Framework Directive (WFD)**.

It is North Lanarkshire Council’s intention that the reviewed Inspection Strategy for the Identification of Contaminated Land will continue to form the basis for implementation of the Part IIA legislation. The Strategy will provide not only the arrangements and procedures for inspection of land within North Lanarkshire but also a justification for, and a transparency in the decisions on how the land will be inspected. It is considered that any reprioritisation would take into consideration the responsibilities that would be required under the WFD to consider any potential risk to the water environment - in particular, where the water body status is at risk of deterioration.

## Chapter 2: Strategic Priorities

The Contaminated Land Strategy is an important element in the overall strategic direction of the Council and integrates fully with the Council’s key strategic documents.

### 2.1 North Lanarkshire Council Policy

The Contaminated Land Strategy will be key in delivering elements of the Council’s ambitious *We Aspire* programme over the coming years to ensure that North Lanarkshire becomes *the* place to live, learn, work invest and visit.

The five priorities of the *We Aspire* ambition report set the strategic direction for the Council and inform the work of our services, which are to:

Improve economic opportunities and outcomes
Support all children and young people to realise their full potential
Improve the health and wellbeing of our communities
Enhance participation, capacity, and empowerment across our communities
Improve North Lanarkshire’s resource base

### 2.2 The Plan for North Lanarkshire

Following review of the Council’s Business Plan and subsequent alignment with the *We Aspire* shared ambition report, this new Plan replaces the Business Plan and the Local Outcome Improvement Plan with one strategic policy, providing a clear direction for strategic partnership working to deliver inclusive growth for North Lanarkshire.

<https://mars.northlanarkshire.gov.uk/egenda/images/att90396.pdf>

## 2.3 Local Plan Policy Document

The Local Plan sets out the Policies and Proposals to achieve North Lanarkshire's development needs over the next 5-10 years.

"North Lanarkshire is already a successful place and we want that to continue. We have the land resource available and we want it put to good use", by:

Providing appropriate land supplies to meet expected demands
Encouraging enterprise, initiative and diversity
Making efficient use of resources and infrastructure
Safeguarding and improving environmental assets
Seeking to minimise environmental impact
Promoting high quality design
Taking account of safety, health and well-being
Promoting social and environmental justice
Ensuring the preparation and implementation of the plan are inclusive

## 2.4 Regeneration

North Lanarkshire Council's Economic Regeneration Delivery Plan (ERDP) was approved at the Enterprise & Housing Committee on 10 May 2018  
<https://mars.northlanarkshire.gov.uk/egenda/images/att87955.pdf> .

It encompasses new housing development, infrastructure development, town centre regeneration and business growth, and will build on the wide range of exciting economic and physical regeneration activity that is already underway in North Lanarkshire. The key priorities of the ERDP are:

To increase economic output
To increase business start-ups and survivability
To increase business growth and employment
To create viable and sustainable town centres
To increase delivery of new housing supply across tenures, particularly within town centres and on brownfield sites, to meet housing requirements
To improve economic outcomes for local people, and in particular those who are disadvantaged

North Lanarkshire Council's Plan for Growth identifies the main priorities for growing the North Lanarkshire economy over the next few years and how we will work towards achieving them. The strategy complements and reinforces the approach outlined in the Plan for North Lanarkshire and the Council Environment Strategy and focuses on what we can do to develop the local economy.

## 2.5 Environment Strategy

The purpose of the Environment Strategy for the Council, which was approved at the Environment & Transportation Committee on 1 May 2019 <https://mars.northlanarkshire.gov.uk/egenda/images/att90497.pdf>, is to ensure that all policies relevant to this area are fully aligned. The Contaminated Land Strategy will form a key part of this overall strategic strategy and will ensure that it fully contributes to the overall aims of the Council relevant to environmental improvements.

## 2.6 The Scottish Vacant and Derelict Land Survey (SVDLS) and the Vacant and Derelict Land Fund (VDLF)

The SVDLS is a survey undertaken to establish the extent and state of vacant and derelict land in Scotland. The survey has been operating since 1988 and is managed by the Scottish Government Communities Analytical Services. Most Councils submit data annually at the end of the financial year. The data collected provides an invaluable source of information relating to vacant and derelict sites and assists in reinforcing and justifying national policy established to bring about the re-use and regeneration of these land resources. **A copy of the most up to date VDLF survey can be found at the gov.scot website.**

The VDLF is an element of the local government budget settlement as agreed by the Scottish Government. It focuses on projects that promote innovation in both temporary and longer term greening techniques for vacant and derelict land sites. The fund is open to all 32 Scottish local authorities individually, or whether they exercise their functions through urban regeneration companies (URCs) or other special purpose vehicles (SPVs).

Only 5 local authorities, North Lanarkshire is one of them, will receive funding of £9.444 million in 2018 to 2019, reflecting the extent of vacant and derelict land in these areas and levels of deprivation. The other four authorities are Glasgow, South Lanarkshire, North Ayrshire and Fife.

<https://www.gov.scot/policies/regeneration/capital-investment/>

The key objectives of the VDLF are to:

Objective 1	Tackle Long Term Vacant and Derelict Land (VDL)
Objective 2	Stimulate economic growth and job creation
Objective 3	Develop a diverse sustainable environment with a focus on temporary and permanent greening
Objective 4	Support communities to flourish and tackle inequalities

## Chapter 3: Regulatory Context

The Contaminated Land provisions of Part IIA of the Environmental Protection Act 1990 came into force in Scotland on 14 July 2000.

The Scottish Ministers made the Environment Act 1995 (Commencement No.17 and Saving Provision)(Scotland) Order 2000 (SSI.2000/180) bringing into force Part IIA of the Environmental Protection Act 1990, Part IIA was inserted into the 1990 Act by Section 57 of the Environment Act 1995.

The Scottish Ministers, in exercise of the powers conferred upon them by sections 78C (8) to (10), 78E (6), 78G (5) and (6), 78L (4) and (5) and 78R (1), (2) and (8) of the Environmental Protection Act 1990 and of all other powers enabling them made the Contaminated Land

(Scotland) Regulations 2000 (S.I.2000/178), and SERAD

Circular 1/2000 Statutory Guidance on Contaminated Land. Subsequently and as a result of the Contaminated Land (Scotland) Regulations 2005 (SSI 2005/658) (the Scottish Regulations) made by the Scottish Ministers under powers conferred by section 20 of, and schedule 2 to, the Water Environment and Water Services (Scotland) Act 2003. Circular SERAD 1/2000 has been replaced by the statutory guidance as set out in Annex 3 to the Environmental Protection Act 1990: Part IIA Contaminated Land Statutory Guidance: Edition 2, May 2006.

Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended) were brought into force for the investigation, identification, characterization and regulation of radioactive contaminated land for which SEPA would take the lead role.

The Regulatory Reform (Scotland) Act (2014) amends the Environmental Protection Act 1990, giving SEPA the choice to end the designation of a special site that no longer meets the requirements of being designated. In these circumstances, the local authority resumes the responsibility as the lead regulator.

The development of this strategy review is in response to the requirements of Part IIA, which requires local authorities to keep up to date their formally adopted and published Contaminated Land strategy document outlining its approach to its duties.

### **3.1 Role of Local Authority**

Under the provisions, duties have been assigned to both Local Authorities and the Scottish Environment Protection Agency (SEPA). The primary regulatory role for the Contaminated Land Regime rests with the Local Authorities. The role is designed to reflect their existing functions under the statutory nuisance regime, and also complement their responsibility as planning authorities.

The main role of the Local Authorities under this new regime is to:

Complete a 'Contaminated Land Inspection Strategy'
To cause their areas to be inspected from time to time to identify any contaminated land
To determine whether a particular site meets the statutory definition of contaminated land
Establish responsibilities for remediation of the land
Ensure that appropriate remediation takes place through agreement with those responsible, or if not possible <ul style="list-style-type: none"><li>• By serving a remediation notice, or</li><li>• In certain cases, carrying out the work themselves, or</li><li>• In certain cases, through our powers</li><li>• Keep a public register detailing the regulatory action which they have taken under the new regime</li></ul>

### **3.2 Definition of Contaminated Land under Part IIA**

Section 78 A (2) of the Environmental Protection Act 1990 gives the statutory definition of contaminated land for the purposes of Part IIA as:

“ Any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:



a) Significant harm is being caused or there is a significant possibility of such harm is being caused; or

b) Significant pollution of the water environment is being caused or there is a significant possibility of such pollution being caused”

The definition is intended to reflect the anticipated role of Part IIA thus enabling the identification and remediation of land on which contamination is causing unacceptable risk to human health or the wider environment. **The definition does not necessarily include all land where contamination is present, even though the contamination may be relevant in the context of other legislation.**

Section 78A(5) requires the regulatory authority to act in accordance with guidance contained within Scottish Executive Circular 1/2000 in determining significance and likelihood, now replaced by, Contaminated Land (Scotland) Regulations 2005 (SSI 2005/658) (the 2005 Regulations).

### 3.3 Pollution Linkage

Before any Local Authority can make a judgment that any land appears to be contaminated land, the Authority must first identify a pollution linkage. This means that each of the following has to be identified:

- A contaminant
- A pathway
- A relevant receptor

A contaminant is defined as:	“a substance which is in, on or under the land and which has the potential to cause harm or to cause pollution to the water environment”
A receptor is defined as:	<p>(a) “a living organism, a group of living organisms, an ecological system or a piece of property which</p> <ol style="list-style-type: none"> <li>I. Is in a category listed in Table A, in Chapter A of the Scottish Government, Environmental Protection Act 1990, Part IIA Contaminated Land Statutory Guidance: Edition 2 May 2006 Paper SE/2006/44 as a type of receptor, and</li> <li>II. Is being, or could be, harmed by a contaminant, or</li> </ol> <p>(b) “the water environment is being, or could be, polluted by a contaminant”</p>
A pathway is defined as:	<p>One or more routes or means by, or through, which a receptor</p> <p>(a) “is being exposed to, or affected by, a contaminant, or</p> <p>(b) could be so exposed or affected”</p>

This approach recognises that harm to health and the environment arises not from the mere presence of contaminating substances in land, but from their movement along a pathway to where they can cause harm to a receptor. Unless all three elements of a pollutant linkage are identified in respect to any piece of land, that land should not be identified as

contaminated land. It is also possible that there may be more than one pollution linkage on any given piece of land.

### 3.4 Significant Pollution Linkage

In order to define an area of land as being contaminated under the legislation, a Local Authority must further satisfy itself that:

Such a pollutant linkage exists in respect of the piece of land; and
That pollutant linkage <ul style="list-style-type: none"> <li>• Is resulting in significant harm being caused to the receptor in the pollution linkage</li> <li>• Presents a significant possibility of significant harm being caused to that receptor</li> <li>• Is resulting in significant pollution of the water environment or there is a significant possibility of such pollution being caused; and/or</li> <li>• Is likely to result on such pollution</li> </ul>

Descriptions of significant harm and conditions for there being a significant possibility of significant harm are listed in Tables A and B respectively of the Scottish Government Environmental Protection Act 1990: Part IIA Contaminated Land Statutory Guidance: Edition 2 May 2006 Paper SE/2006/44. Consideration must also be given to the time-scale within which the harm might occur (e.g. if the current use of the land is due to change) and the vulnerability of the receptors.

### 3.5 Suitable for Use

The Regulations are aimed at identification and dealing with significant contamination in Scotland, and only specify a 'suitable for current use' approach.

The suitable for current use approach recognises that the risks presented by contamination will vary dependent upon the use of the land and other wider natural and built factors. The suitable for use approach consists of three elements:

1	Ensuring land is suitable for its current use
2	Ensuring land is made suitable for any new use, as planning permission is given for that new use, and
3	Limiting requirements for remediation to the work necessary to prevent unacceptable risks to human health and/or the environment in relation to the current use or future use of the land for which planning permission is being sought

## Chapter 4: Characteristics of the North Lanarkshire Area

### 4.1 Geographical Location

North Lanarkshire lies within the basin of the River Clyde and its tributaries, most notably the Kelvin, North Calder Water and South Calder Water. There are areas of high ground along the Central Scotland plateau in the east of the area and in the Kilsyth Hills to the north. Economically and socially, the area is strongly linked with the city of Glasgow and other communities of the Clyde Valley.

Situated in the heartland of Central Scotland, major transport routes play a critical role in the North Lanarkshire economy. Radiating from Glasgow the A80/M80 is the main strategic link to Falkirk, Stirling and the north of Scotland, the A8/M8 is the primary link with Edinburgh and the east of Scotland and the M74 along the southern boundary of North Lanarkshire is

Scotland's major link to the south. The major rail passenger and freight rail routes from Glasgow to Edinburgh and the main Scotland / England routes all run through the area.

## **4.2 Size**

North Lanarkshire covers 47,222 Hectares with development land covering 3,439 Hectares and agricultural Land covering 18,066 hectares

Estimates from the General Register Office for Scotland show the population of North Lanarkshire in 2018 is 328,260 with a population accounting for 6% of the Scottish total, the 5th most densely populated local authority in Scotland.

The number of households is projected to increase a further 10% by 2037 lower than the predicted national average of 17%

Regular updates of population distribution can be obtained at [www.northlanarkshire.gov.uk](http://www.northlanarkshire.gov.uk)

## **4.3 Current land Use Characteristics**

Current land use in North Lanarkshire Council reflects the growing trend in much of the west coast of Scotland where significant regeneration is taking place. As traditional heavy industry has declined, much of the vacant and derelict land left behind has been used to provide residential, commercial and light industrial development sites. Heavy industry remains although largely contained within established industrial sites scattered throughout the district. The Scottish Vacant and Derelict Land Survey of 2018 shows that North Lanarkshire Council is no longer the Authority with the largest percentage (by area) of Derelict and Urban Vacant land in Scotland, the figures between 2010 and 2018 dropping from 1,429 Hectares in 2010 to 1,334 Hectares in 2018.

## **4.4 Historical Information on Contamination**

North Lanarkshire has a wide and varied industrial legacy due to the abundance of raw materials such as coal and iron ore, the area was heavily industrialised by processes such as mining and quarrying, gas works, steel works and associated chemical works along with rail infrastructure. This has left large areas of potential historical chemical contamination that require attention. Equally, the rural parts of the district remained largely tied to agriculture intermixed with quarrying for raw material such as sand and stone to supply local industry.

In order to provide the necessary transport infrastructure that enable large scale industrial development, extensive evidence of old railway lines, stations and storage facilities intersect various parts of the urbanised parts of North Lanarkshire Council. While many of these lines have acted as the basis of the current train service provision, some parts of the district evidence old mineral railway connections, which present a particular challenge when dealing with possible contaminated sites.

Many of the towns within the district also have evidence of old gas works within the town centres. These tended to appear upon connection to the rail network and subsequently closed as the energy networks improved. However, because of their central position in towns, many of these sites have actually been redeveloped and in some cases have been for a considerable period. Similar to parts of the old railway network, town gas sites present a particular challenge when dealing with the possibility of contaminated land.

## **4.5 Updated information on contamination**

North Lanarkshire Council launched their original inspection strategy in 2001. At that time **5,146** Hectares of land (around 11% of the area) was identified as having the potential to be contaminated land based on former use, pathways and receptors.

Of the **3,650** hectares that have been formally surveyed; **794** hectares went through the reprioritisation process between 2003 and 2004, **805** hectares between 2004 and 2005, **912** hectares between 2005 and 2006 and between 2006 and 2018, **5,537** hectares have been reprioritised and archived through both Part IIA and the Planning Regime.

This number has declined in recent years due to a change in focus towards intrusive investigation on the most serious locations and budgetary constraints forced on the Authority in recent years.

The process of survey, reprioritisation and voluntary remediation continues.

Since 2008, some of the sites previously identified have been either partly or completely remediated as a consequence of the development process, regulated through the Town and Country Planning legislation and associated guidance, rather than Part IIA procedures. Given the drive to regenerate within North Lanarkshire, this process is likely to become increasingly important.

In order to assist development and avoid the potential for blight associated with Part IIA procedures, North Lanarkshire Council has produced an information booklet on how to address the contaminated land issue when submitting planning or building warrant proposals.

This booklet can be found at [www.northlanarkshire.gov.uk](http://www.northlanarkshire.gov.uk) or obtained from the Pollution Control office. This document will in time be replaced with the introduction of a national guidance document through Environmental Protection Scotland. The purpose of this guidance is to ensure that all local authorities have a consistent approach regarding contaminated land.

#### **4.6 Key Water Resources / Protection Issues**

Scotland has one of the best quality water environments in Europe and this deserved reputation contributes to the country's economic and social well-being. Alongside improving the condition of water bodies and protected areas that are not in a good or excellent condition, we need to maintain the quality of those that are. Preventing deterioration of the water environment, including drinking water sources, is a key purpose of this plan.

It is a significant and constantly evolving challenge as pressures shift and change, and as more water bodies are restored to a good condition over the period 2015 to 2027. As an authority we are required under the current legislative regime to work in partnership with SEPA to help protect Key Water Resources for the future.

The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) and their amendments apply regulatory controls over activities which could possibly affect the water environment.

The River Basin Management Plan for the Scottish River Basin District: 2015 – 2027 Builds on the first river basin management plan for the Scotland river basin district, published in 2009. It sets revised objectives for the 12-year period from 2015 to the end of 2027 and a strengthened programme of measures for achieving them.

SEPA has carried out formal River Classification of the main surface water features in North Lanarkshire Council. The classification scheme relates to the chemical, biological, aesthetic and nutrient content of surface waters and grades them from Good Condition through Moderate and Poor to Bad. Currently in North Lanarkshire, there are 4 rivers in good condition, 11 in moderate condition, 24 in poor condition and 2 in bad condition. A summary list of all river conditions within North Lanarkshire is attached as Appendix 1.

The North Lanarkshire area does not include any aquifers designated as major sources of drinking water but the general condition of most of our ground waters are classed as Poor due to legacy pollution but this is hoped to be addressed by 2021 in partnership between public bodies and other stakeholders as defined by **SEPA's Water Environment Hub**, <https://www.sepa.org.uk/data-visualisation/water-environment-hub/>

## Chapter 5: Overall Aims, Objectives and Priorities

A key aim of North Lanarkshire Council has been to adopt a methodology, which will assess the possibility of significant harm where it could cause a human health effect, an ecological effect, an animal or crop effect, a building effect, or where a water environment may be affected.

### 5.1 Aims of the Inspection Strategy:

✓	Under the Environmental Protection Act 1990, the council has a responsibility to inspect the area from time to time in order to identify contaminated land
✓	To continue to enhance, improve and update the methodology used to identify potentially contaminated sites in a strategic manner as required by the legislation
✓	To continue to prioritise the inspection of sites in an impartial manner based on (so far as reasonably practicable), robust, publicly available data sources
✓	To continue to provide an auditable path to prioritisation
✓	To continue to inspect sites in a cost effective manner, identifying, where reasonable, all previous work prior to undertaking any further investigation
✓	To maintain a database of all relevant data pertaining to potentially contaminated sites
✓	To continue to work with relevant internal and external stakeholders to improve the understanding of Part IIA of the Environmental Protection Act 1990 and how it interacts with the services they provide
✓	To secure the remediation of contaminated land as defined under Part IIA of the Environmental Protection Act 1990

### 5.2 Objectives of the Contaminated Land Strategy

✓	To inspect their area from time to time to identify contaminated land
✓	To determine whether a particular site meets the definitions of contaminated land as defined under Part IIA
✓	To establish responsibility and liability for remediation of contaminated land
✓	To ensure that appropriate remediation of contaminated land takes place
✓	To keep a public register detailing regulatory action as defined under Part IIA
✓	To assist in the delivery of the Plan for North Lanarkshire by improving the health and care of our communities and encouraging economic growth and development
✓	To recognise and incorporate recent legislative changes
✓	To update the original strategy document and the subsequent 2004 and 2008 updates by providing greater detail of the approach being taken by North Lanarkshire Council when investigating potentially contaminated land sites based on past experiences
✓	To inform neighbouring authorities, statutory and non-statutory consultees of North Lanarkshire Council's intentions and objectives of the strategy

The main objective set in 2001 related to the identification of locations within North Lanarkshire Council with the highest potential to be contaminated as defined under Part IIA. This has been achieved and some prioritisation of potential sites has been undertaken however, work is ongoing to refine the assessment.

As a result of the reprioritisation process, North Lanarkshire Council is building a list of locations where intrusive work may be required. The locations will be based on the potential seriousness of risk with priority on human health.

The last major milestone of this project was to integrate the data from the previous Section57 model and amalgamate it with the most up to date data from the GeoEnviron Contaminated Land Management System. This has now been implemented and has been populated with past and current data giving us a more accurate position of the potential land contamination in North Lanarkshire.

Further to the above, the strategy will also prioritise those sites, which require to be developed to ensure that the strategy assists in the delivery of the Council's ambitious house building and town centre regeneration program and delivery of the new Masterplan for Ravenscraig.

### 5.3 Priorities

The Council's priorities when dealing with contaminated land are to:

<b>Protect</b>	Human health
	The water environment
	Designated ecosystems
<b>Prevent</b>	Damage to property
	Further contamination of land
<b>Encourage</b>	Voluntary remediation
	Re-use of brownfield sites
<b>Stimulate</b>	Economic growth

On rare occasions there are certain situations that North Lanarkshire Council would propose to enhance the normal timescale for inspection and assessment:

#### **Critical or emergency situations requiring accelerated action under Part IIA**

Where these situations arise, similar standards of investigation, assessment and monitoring will be undertaken as a priority. This has occurred twice in recent years, once following an alleged human health complaint in the Motherwell area, and soil contamination in the gardens of two private households, which resulted in NLC's first Part IIA designation.

#### **Sites important for the implementation of major projects conforming to Council strategies and involving Council owned property**

Where sites are identified for development through appropriate Council strategies and plans and are also considered as potentially contaminated land sites under the North Lanarkshire Council Contaminated Land Strategy, early prioritisation and subsequent inspection/assessment works may be undertaken to progress these sites. Examples include works associated with delivery of the revised Ravenscraig Masterplan and delivery of the Council's

ambitious house building programme.

### Sites with past Council involvement

Sites where North Lanarkshire Council (and predecessors) may be the 'appropriate person' may be subject to early inspection/ assessment. An example of this is the former tar works at Stane Gardens, Shotts that required immediate investigation and action following the identification of high levels of contamination. This resulted in a significant remediation and regeneration programme in partnership with SEPA. The outcome from this project not only addressed the contaminated land issue but also resulted in the restoration of the South Calder River and the creation of a country park facility within the heart of the local community.

### Cross Boundary Sites

Where suspected contaminative sites are identified within the Inspection Strategy and are partly contained within another unitary authority boundary, arrangements will be made with the appropriate authority to discuss the appropriate way to progress this site. Where another unitary authority approaches North Lanarkshire Council regarding a site or suspected site which partly intrudes into their boundaries, similar levels of discussion will be initiated to discuss the appropriate way forward.

## Chapter 6: Procedures

The process of implementing Part IIA results in the generation of large amounts of data. This information will be used for a variety of purposes including prioritising sites, reporting to SEPA and communicating risk to the professional and general public.

The data resource will also form the basis of an historical land use archive, which will be used for many years to come. It is hence important that a robust and flexible data management system is employed for managing all of this data.

The information management system must be:

✓	Secure
✓	Capable of logging all information provided with respect to individual areas of land
✓	Able to tag information type (e.g. commercially confidential, subject to national security constraints etc.)
✓	Capable of being audited to ensure that any information held is both accurately recorded and up to date

In addition, Local Authorities will need to consider how they will give all relevant stakeholders, like SEPA, members of the public, etc. access to the data, as well as whether their public registers will be in electronic or paper form.

North Lanarkshire Council has adopted the **GeoEnviron Contaminated Land Management System** produced by STM Environmental.

### 6.1 GeoEnviron Site Prioritisation Module

The GeoEnviron (a collection of data management software applications widely used by environmental professionals in the UK and abroad) Site Prioritisation Module is the ideal solution for managing the prioritisation of potential Part 2A sites. The system consists of an SQL database (i.e. Microsoft SQL Server) and a seamless integration to GIS, (ArcGis in this

case) facilities that allow for easy management, visualization and reporting of any potential contaminated land data. The system provides us with a two-stage prioritisation system:

<b>Stage 1</b>	Makes use of desk-top based information (i.e. GIS layers) to allow you to rapidly prioritise the sites for inspection
<b>Stage 2</b>	Allows better characterization of high-risk sites for further investigation

The system allows us to quickly and easily produce individual risk ranking reports for each individual receptor category (i.e. human health, groundwater, surface water, ecology/property). We have the added flexibility of being able to produce risk ranking reports based on the total combined receptor scores. The reports allow us to group the sites into Risk Categories (i.e. High, Medium, Low) depending on the risk score allocated to them. Due to the prioritisation scores being calculated within the database, the generation of the risk ranking reports is instantaneous.

The system includes extensive facilities to add user defined fields to the database so that we can add any type of information the user considers relevant to a site record.

Going forward, the inspection process will continue to be progressed by the use of Arc View GIS and GeoEnviron. GeoEnviron will also continue to be routinely updated with any new relevant information received mainly from planning and development consultations. This has proven to be a very successful way of maintaining an up to date, reliable and meaningful dataset to progress the inspection strategy.

The methodology employed by the GeoEnviron system assesses significant harm where it is causing any or all of the following effects - Human Health, the Ecological System, the Animal or Crop, the Buildings and where the water environment may be polluted.

The Database uses up to date publicly available data to identify sources, pathways and receptors thus prioritising the locations categories through a series of risk ranking scores that scales potential risk according to the severity of source, efficiency of pathway and sensitivity of receptor.

Full details of the methodology employed to achieve prioritisation can be obtained at the Pollution Control Section, Regulatory Services and Waste Solutions, Municipal Buildings, Kildonan Street, Coatbridge ML5 3LF. This methodology is summarised below:

•	Undertaking a Phase 1 investigation of prioritised contaminated land sites involving desk studies, site walkover, collection of physical data (if appropriate) and development of a Conceptual Site Model. The completion of this phase will involve a risk based assessment being undertaken to establish if it is likely that a contaminant is actually present and a receptor is actually or likely to be present and linked to the contaminant
•	Undertaking a Phase II investigation, which is likely to involve staged ground investigation works and further refinement of the risk assessment and conceptual site model in a cost effective manner. These works require to be designed and planned around the Conceptual Site Model established by the risk assessment in Phase 1. Upon completion of these ground investigations, risk assessment and evaluation on the evidence provided will identify what, if any, actions are necessary
•	Liaison with SEPA where there is pollution or likely pollution of the water environment or if the pollution of the water environment will result in deterioration of the water body status, if the site is likely to be determined a Special Site or is suspected of being radioactively contaminated



## Chapter 7: Remediation

If, following an investigation, the council identifies land as contaminated it must then consider the nature and extent of remediation that is deemed necessary to be carried out.

<ul style="list-style-type: none"> <li>• North Lanarkshire Council remains committed to working with all stakeholders' during the investigation process to achieve remediation of land that is potentially contaminated.</li> <li>• The council will always seek voluntary remediation as a preferred course of action when dealing with sites that fall within the scope of Part IIA</li> </ul>
<ul style="list-style-type: none"> <li>• Due to urbanised pattern of historical contaminative uses, a number of potentially contaminated sites previously identified by the prioritisation methodology have undergone remediation as part of the planning framework, where either the applicant has ensured that the sites is decontaminated prior to development or the developer complies with decontamination requirements as part of development</li> </ul>
<ul style="list-style-type: none"> <li>• Due to the heightened awareness of the contaminated land regime and the implications of Planning Advice Note 33 (PAN33) on development, it is anticipated that an increasing number of sites identified by the methodology employed will be remediated in this manner</li> </ul>
<ul style="list-style-type: none"> <li>• Land, which is not statutory contaminated because of its current use, may become so if either a pathway or new receptors are introduced as a consequence of development. North Lanarkshire Council must ensure that any development proposed on historically contaminated sites is 'suitable for use' on completion.</li> <li>• To achieve this, close liaison between Planning Service, Building Standards and the Pollution Control Section is essential</li> </ul>
<ul style="list-style-type: none"> <li>• Pollution Control will seek to work closely with relevant colleagues within the council to investigate and assess land proposed for future development to ensure that there is full transparency when engaging with proposed developers</li> </ul>

North Lanarkshire Council has recently adopted a Policy on the Recovery of Costs Associated with the Remediation of Contaminated Land. Where North Lanarkshire Council exercises its powers of remediation under Part IIA of the Environmental Protection Act 1990, it will seek to recover all costs to which it is entitled. The Council will follow the "polluter pays" principle, by virtue of which the costs of remediating pollution are to be borne by the polluter. The Council will aim to ensure that the overall result is as just, fair and equitable as possible to all those who have to meet the costs of remediation, including local and national taxpayers whilst taking into account best value principles.

## Chapter 8: Information Management

All information relating to studies and investigations undertaken by North Lanarkshire Council in relation to this strategy will be held in the GeoEnviron Contaminated Land Management System

This database is stored on a dedicated server, has password security and access is restricted to members of the Pollution Control Section.

The GeoEnviron Contaminated Land Management System is a bespoke database, which forms a key element of the strategy and can store site inspection records, textual reports

and photographs and all other site-specific data. This information is backed up on a daily basis.

## Chapter 9: Public Registers

North Lanarkshire Council is obliged to maintain a public register containing details prescribed in Schedule 4 of the Contaminated Land (Scotland) Regulations.

This register will be available for inspection at the offices of the Pollution Control Section.

North Lanarkshire Council currently has **two sites** listed on its Contaminated Land Register, both of which are in the Coatbridge area and they have now been successfully remediated.

## Chapter 10: Complaints and Requests for Information

Complaints from members of the public, businesses and voluntary organisations will be logged and responded to in accordance with normal Council procedures. The Pollution Control Section works within ISO 9001 Quality procedures and has a specified timescale for responding to any complaint. Requests for information under the Freedom of Information Act are addressed directly by a specified Freedom of Information officer, who coordinates and collates responses. Environmental Information requests can also be made to the council; however, there is usually a charge for this information if the costs to process the request are above £110.

## Chapter 11: Liaison and Communication

### 11.1 Liaison with Consultees and Statutory Consultees

North Lanarkshire Council recognises that effective interaction with SEPA is the first essential step in securing successful implementation of Part IIA. Communication will occur as follows:

✓	Consultation with SEPA when reviewing the Contaminated Land Strategy
✓	Obtaining relevant datasets from SEPA (as required)
✓	Liaising with SEPA in relation to special sites and sites potentially contaminated by radioactivity
✓	Providing SEPA with the necessary information for inclusion in the state of contaminated land report
✓	Liaison with SEPA if pollution of the water environment is occurring or likely to occur or if the pollution of the water environment will result in deterioration of the water body status

If North Lanarkshire Council identifies a potential Special Site, a written request will be made to SEPA for any supporting information. Information received will be reviewed, collated and added to the GeoEnviron Contaminated Land Management System before further investigations are instigated. Liaison with SEPA will continue throughout this process and appropriate interaction will take place on a site-by-site basis. SEPA will be consulted immediately, in writing, prior to any designation of a Special Site. All requests to SEPA will be made using the appropriate COSLA forms as necessary.

Table 1 below provides a list of the key statutory and non-statutory consultees relevant to Part IIA.

**Table 1. List of Consultees**

<b>Statutory Consultees</b>	<b>Non-Statutory Consultees</b>
City of Glasgow Council	Other Council Services
Community Councils	Scottish Enterprise
East Dunbartonshire Council	Scottish Government
Falkirk Council	Scottish Natural Heritage
Food Standards Scotland	SEPA
Greater Glasgow Health Board	South Lanarkshire Council
Health and Safety Executive	Stirling Council
Historic Scotland	The Coal Authority
Lanarkshire Health Board	West Lothian Council

## Chapter 12: Review Mechanisms

Every 5 years, the Strategy for the Inspection of Contaminated Land and the subsequent outcome of the GeoEnviron Contaminated Land Management System and the prioritisation process will be reviewed.

The GeoEnviron Contaminated Land Management System provides flexibility to add, update and augment data sets as they change or become superseded. North Lanarkshire Council intends to run this model within 2019 as part of the review to present the authority with understanding of the current position. This is necessary to permit the authority to inspect their area from time to time.

Similar drivers for review include:

✓	Significant changes in land use	✓	Significant legislative changes
✓	Information from the public	✓	Information from external bodies
✓	Unplanned events – major pollution incidents	✓	Following receipt of remediation and validation information

## Chapter 13: Timescales and Progress to Date

### 13.1 Progress to date

Currently there are 7,231 **sites** of potentially contaminated land within North Lanarkshire making up **8,148 Ha** of land. The table below illustrates the progress made so far as part of the programme of works concentrated on the highest priority sites.

**Table 2. Year on Year Progress**

Year	Walkovers Completed	Intrusive Investigations	Archived Land (Hectares)	Part IIA Designations
2010	250	11	5537	0
2011	70	7		0
2012	0	5		0
2013	200	3		0
2014	218	6		0
2015	74	1		0
2016	0	6		2
2017	0	3		0
2018	0	5		0
Total sites assessed = 861				

Work will now continue to assess the remaining sites with the intention of further reducing the overall number of contaminated sites and bringing them into productive use and in turn contribute to the overall aim to ensure that North Lanarkshire Council is *the* place to live, learn, work, invest and visit.

### 13.2 Timescales

North Lanarkshire Council will formally review their Contaminated Land Strategy every 5 years provided there have been no significant changes that may instigate a review before that date. This will include checking to identify any potential gaps or procedural changes that require to be made to the document to keep it relevant to current practice.

**Table 3. Proposed Timescales**

Activity	Timescale	Notes
Prepare, consult and publish the reviewed Contaminated Land Strategy.	31/03/24	Can be updated before this date if required.
Completion of the review of internal procedures relating to the inspection and investigation of land suspected of falling within Part IIA including liaison with other appropriate Council Services	31/03/21	
Detailed review, update and rerun of the GeoEnviron Contaminated Land Management System and incorporate data from the former Section 57 model and the GeoEnviron Contaminated Land Management System (to include identification and impact of legislative changes in relation to potentially radioactive sites which is currently being updated by SEPA and the Scottish Executive).	31/12/19	
Development of requirements for site investigations.	Ongoing	Progress report 31/03/21
Implement closer working relationships with other council departments to improve cost savings and the sharing of knowledge.	31/03/21	
Commence program of intrusive site investigations, which has already started, looking at possible data gaps in our	Ongoing	Progress report

model.		31/03/21
Maintain a record of sites within the model that are now considered Suitable for Use e.g. sites which have been through the Planning Process and are now deemed suitable for their current use.	31/03/21	

Appendix 1 – SEPA River Classification within North Lanarkshire.