



Renfrewshire  
Council

# CONTAMINATED LAND STRATEGY 2010 - 2015

Part IIA of The Environmental Protection Act  
1990

RENFREWSHIRE COUNCIL

Environmental Services

May 2010

**RENFREWSHIRE COUNCIL  
ENVIRONMENTAL SERVICES  
CONTAMINATED LAND STRATEGY  
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## Executive Summary

The statutory regime for identification and remediation of contaminated land made under Part IIA of the Environmental Protection Act 1990 came into force in Scotland from 14<sup>th</sup> July 2000. This provides the legislative framework for the identification and remediation of contaminated land and introduced the statutory definition of contaminated land. The regime is aimed at addressing land which has been historically contaminated and which poses unacceptable risks to human health or the wider environment in the current use of the land. The regime adopts a risk based "suitable for use" approach to remediation, and to an extent applies the "polluter pays" principle to apportionment of liability.

Duties have been assigned to both local authorities and the Scottish Environment Protection Agency (SEPA).

In September 2001 Renfrewshire Council published a strategic document outlining its approach to the use of these powers entitled 'Contaminated Land Strategy for Renfrewshire'

This document is a review of that original strategy and develops further the way in which Renfrewshire Council intends to use the powers and duties outlined under Part IIA to progress this Strategy. Environmental Services has the lead role on behalf of the Council to manage all aspects of the statutory contaminated land regime and specifically to take forward the Corporate aims, objectives and priorities contained within this strategic document. An example is the emerging issues of potentially significant contamination of residential areas which are being investigated in Linwood at the site of the former Brediland Chemical Works and Sun Iron Foundry. Some areas of Linwood which have been identified as being contaminated have been remediated through the Planning process in the course of redevelopment.

The Scottish Government have issued advice to planning authorities on the development of contaminated land, in the form of Planning Advice Note 33. Land contamination where a change of use is concerned will continue to be dealt with under the planning system and this remains a key mechanism for managing land contamination as part of land redevelopment and regeneration. However, it is dependent on the extent of redevelopment which is taking place in Renfrewshire. This in turn is affected by the wider economic conditions prevailing. An example of a site being remediated using this mechanism is the former Royal Ordnance Factory at Bishopton, where there are significant areas of contamination which will be addressed through the proposed redevelopment of the site. This is currently one of the largest remediation projects in the UK and will extend over a period of at least 15 years.

Renfrewshire Council will take a strategic approach when inspecting its area which will:

- Be rational, ordered and efficient;
- Be proportionate to the seriousness of any actual or potential risk;
- Seek to ensure that the most pressing and serious problems are located first;
- Ensure that resources are prioritised on investigating areas where the Council is most likely to find contaminated land; and

- Ensure that the Council efficiently identifies requirements for the detailed inspection of particular areas of land.

The Council has also followed a methodology which assesses harm to the following receptors (as defined in the statutory guidance):

- Human Health;
- Ecological Systems;
- Animals or Crops;
- Buildings; and
- The Water Environment.

Utilising a risk based prioritisation programme in line with statutory guidance and as detailed in **Chapter 5**, the Council will identify areas and sites which require assessment in more detail. The Council's aims in dealing with contaminated land are as set out in **Chapter 3** and in developing a strategic approach the Council will consult with appropriate stakeholders as outlined in **Chapter 6**.

It also needs to be recognised that we require to deal with emerging contaminated land issues which come to our attention. Major remediation projects have arisen in this way and there is therefore uncertainty concerning similar issues arising in future

There is no current funding to deal with remediation of contaminated land and ensuing costs which may arise. Consequently there are potential costs and/or liabilities which cannot currently be quantified with potential effects on the Council's own land, and property as well as on future plans/strategies. In order to comply with the legislation, the Council will keep a public register containing prescribed information relating to contaminated land which will be available for free public inspection at all reasonable times.

## 1. Introduction

Under Part IIA of the Environmental Protection Act 1990, each local authority has a responsibility to inspect its area from time to time for the purpose of identifying contaminated land.

The legislation states that when contaminated land is identified, the local authority must ensure that the land is managed and dealt with in an acceptable manner.

The legislation also requires the local authority to prepare and publish a strategy to execute this statutory responsibility and to maintain and carry out regular review of the strategy. There have been significant changes in the approach to identification and remediation of contaminated land in the last 10 years, with government guidance constantly being revised. A revised and refreshed Contaminated Land Strategy has been developed for the period 2010 to 15, following consultation with other services, relevant partner organisations and neighbouring Councils.

The existing strategy, as prepared in 2001, was developed to establish the baseline data & database systems and risk ratings & inspection priorities of sites within the geographical area of the Council. This work has progressed over the 10 year life of the existing strategy and it has now been revised and refreshed to reflect a change in approach to contaminated land issues. This being necessary to ensure that the Council is prepared for the challenges presented by the increased use of brownfield sites for development, the increased prominence of contamination issues and the more critical financial impact which remediation can have on development decisions.

The key revisions in the revised and refreshed Contaminated Land Strategy are:

- Increased access (by other Council services and developers) to and use of the information and data collated during the 10 years of the initial/existing strategy;
- A focus on the support of development activities within the Council and the provision of information and advice to private sector developers;
- A recognition of the increasing impact contaminated land remediation has on development and economic regeneration;
- An increased recognition of the Council-wide corporate responsibility for contaminated land issues associated with Council assets;
- A revision of the current rating scheme as historically used and applied to the sites on the contaminated land register in order to support those sites identified for development or change of use.
- A targeted approach to investigation activities to support practical outcomes rather than the development of database/archive information;

To assist in the reading of this Strategy please see **Appendix 1**, for references and further reading.

## 1.1 **General Policy of Renfrewshire Council**

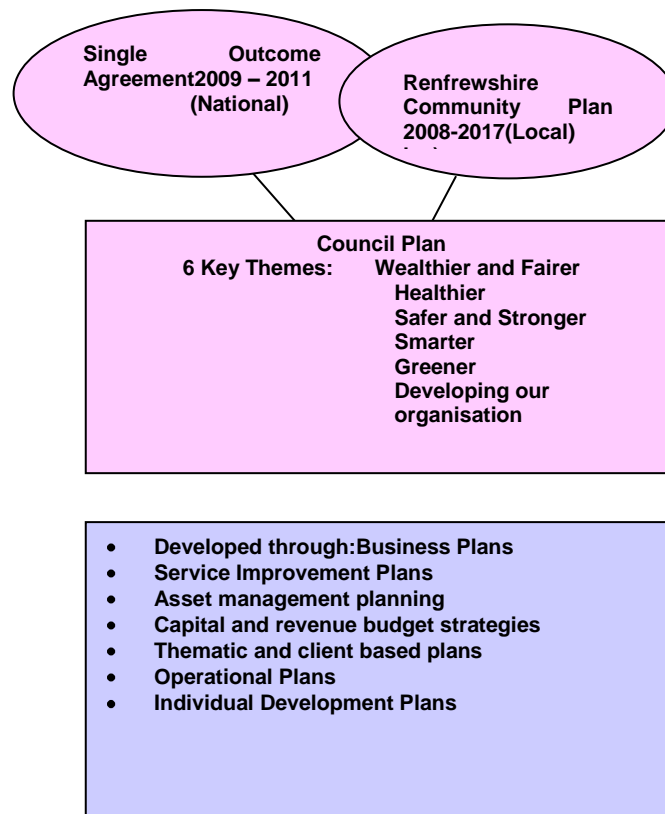
The Council's Contaminated Land Strategy 2010 - 2015 is a 5 year strategic document which is designed to be consistent with the Single Outcome Agreement and the aims, objectives, priorities and timescales of other Council Plans and policies setting out the long term vision for the development of Renfrewshire including:

1. **Renfrewshire Community Plan** which contains five themes outlining how the Council will work with partners to make Renfrewshire a better place with more opportunities by 2017. **Renfrewshire Council Plan 2008 – 2012** which sets out the approach to delivering services with the goal of transforming Renfrewshire. This includes the Council's targets up to **2012 with many of the activities in it** making a direct contribution to the aims and targets of the Community Plan.
2. **Renfrewshire Local Plan / Local Development Plan** which will guide the future development and the use of land in the towns, villages and rural areas of Renfrewshire in the long term public interest. In doing this it will:
  - Provide an up-to-date land use planning framework for the delivery of the Council's physical, social and economic programmes in support of the Renfrewshire Community Plan;
  - Encourage and support regeneration;
  - Promote sustainable economic and physical development;
  - Provide a basis for maintaining and enhancing the quality of Renfrewshire's natural heritage and built environment;
  - Identify opportunities for change and development; and
  - Provide a framework for decision making which will seek to ensure that development and changes in land use are sustainable and take place in suitable locations and provide protection from inappropriate development
3. **Structure Plan/Strategic Development Plan** which provides a strategic development planning framework for Glasgow and The Clyde Valley and, among other things, gives priority to the decontamination of derelict urban land.
4. **Local Flood Risk Management Plan/River Basin Management Plan** in which improvements to the river environment required by the River Basin Management Plan must be reflected within the Local Flood Risk Management Plan. The Local Flood Risk Management Plan will describe the sustainable catchment based flood risk management measures agreed between Local Authorities, Scottish Water and SEPA and their programming and financing over several 6 year cycles. All Council services must have regard to River Basin management Plans and Flood Risk Management Plan in carrying out their functions. Joint working between Local Authorities, Scottish Water and SEPA will also be required.

Both the Community and Council Plans are closely linked to the Scottish Government's strategic objectives for Scotland. These objectives being to build communities which are Wealthier & Fairer, Safer & Stronger, Healthier, Greener & Smarter. In achieving a Greener Renfrewshire, the Council's aim is to improve the area's natural and built environment and use resources in a sustainable way. Greener Renfrewshire aims to achieve clean and eco-friendly countryside, towns and villages with people taking pride in their environment. It is also about reducing the impact of

waste and valuing, protecting and improving the natural and built environment including dealing with contaminated land.

The following diagram shows how the plans link together and how the priorities and themes cascade down to individual plans and strategies.



### 1.1.1 Council Regulatory Role

The reviewed Strategy for the Identification of Contaminated Land, will continue to form the basis for implementation of Part IIA. Within Renfrewshire, this regulatory role is undertaken on behalf of the Council by Environmental Services. The Strategy outlines the arrangements and procedures for inspection of land within Renfrewshire. It also explains the justification for, and transparency in, the decisions on how the land will be inspected and how subsequent actions are supported by the relevant methodology for reprioritisation.

While 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 the regime is to:

- Complete a 'Contaminated Land 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:
  - by serving a remediation notice; or
  - in certain cases, carrying out the work themselves; or
  - in certain cases, through other powers; and
- Keep a public register detailing the regulatory action which they have taken under the new regime.

### **1.1.2 Regulatory Role of the Scottish Environment Protection Agency (SEPA)**

The principal role of SEPA with respect to contaminated land as defined in Part IIA is:

- To provide advice on contamination of the water environment during the inspection process;
- To undertake inspection and remediation activities on sites that are radioactively contaminated;
- To act as a statutory consultee where the local authority considers that pollution of the water environment is occurring or is likely to occur;
- Provide consultation on Contaminated Land Inspection Strategies to provide any site specific information SEPA may have which may be of assistance to the local authority;
- Act as the enforcing authority for any land designated as a 'special site'; and
- Publish periodic reports on contaminated land.

### **1.1.3 Contaminated Land: The definition**

The Contaminated land provisions of Part IIA of the Environmental Protection Act 1990 came into force in Scotland on 14<sup>th</sup> July 2000. The Scottish Ministers made the Environment Act 1995 (Commencement No. 17 and Saving Provision - Scotland) Order 2000 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, 78E, 78G, 78L and 78R of the Environmental Protection Act, 1990 made the Contaminated Land (Scotland) Regulations 2000, and published Circular 1/2000 - Statutory Guidance on Contaminated Land. Subsequently, as a result of the Contaminated Land (Scotland) Regulations 2005 made under powers conferred by the Water Environment and Water Services (Scotland) Act 2003, the Statutory Guidance was updated in the form of Circular SE/2006/44.



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.

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 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 forms the foundation of 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.

#### **1.1.4 Pollution Linkages and Risk Assessment Principles**

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

- A contaminant;
- A pathway; and
- A relevant receptor.

A contaminant is defined in the Statutory Guidance as:

“a substance which is in, on or under the land which has the potential to cause harm or to cause pollution to the water environment”.

A receptor is defined in the Statutory Guidance as:

- a) A living organism, a group of living organisms, an ecological system or a piece of property which:
  - i. is in a category listed in Table A ,in Chapter A of the Statutory Guidance: as a type of receptor, and
  - ii. is being, or could be, harmed by a contaminant, or
- b) The water environment where it is being, or could be, polluted by a contaminant.

A pathway is one or more routes or means by, or through, which a receptor:

- a) is being exposed to, or affected by, a contaminant, or
- b) could be so exposed or affected.

Where land appears to be contaminated on the basis that pollution of the water environment is being caused, a significant pollution linkage where the water environment forms the receptor has to be identified.

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 for 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.

### **1.1.5 Significant Pollution Linkage**

In order to define an area of land as being contaminated there must be:

- a) a pollutant linkage for the piece of land; and
- b) that pollutant linkage either:
  - i. is resulting in significant harm being caused to the receptor in the pollution linkage, or
  - ii. presents a significant possibility of significant harm being caused to that receptor, or
  - iii. is resulting in significant pollution of the water environment being caused or there is a significant possibility of such pollution being caused, or
  - iv. is likely to result in such pollution.

Descriptions of significant harm and conditions for there being a significant possibility of significant harm are listed in the Statutory Guidance.

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.

### **1.1.6 Suitable for Use**

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.

## **1.2 Strategy Development**

Within the Council, implementation of Part IIA including preparation of the original Strategy and this review document is the responsibility of Environmental Services.

A Corporate Working Group has been formed within the Council consisting initially of representatives from Environmental Services, Corporate Services, Housing and Property Services, Chief Executive and Planning and Transport. This document has also been the subject of consultation with all relevant stakeholders as specified in **Chapter 6**, and detailed in **Appendix 2**.

While undertaking the review, cognisance was taken of recent legislative changes and experiences gained while investigating potentially contaminated land sites. This updated strategy will also inform neighbouring authorities, statutory and non-statutory consultees of our future intentions. Ensuring consistency with wider Council aims and objectives is a key aspect of the review process and will be taken into account in future strategy development.

## **2. Characteristics of Renfrewshire**

The characteristics of Renfrewshire play an important part in influencing the priorities of this strategy and are explained in greater detail in Appendix 3.

These characteristics are summarised as follows:

- Geographical location
- Population distribution
- Council owned land
- Geology
- Key water resources/protection issues
- Protected locations
- Known information on contamination
- Past and current industrial activity in Renfrewshire
- Legal controls on development

### **3. Aims and Objectives of the Strategy**

Contamination of land has a major impact on the local environment and Renfrewshire Council's policy aim of ensuring a healthy, sustainable environment by improving, protecting and sustaining the environment will be upheld in the aims and objectives of this Strategy. These aims and objectives are also in line with the National Outcomes contained within the Single Outcome Agreement agreed by the Council and its partners in relation to living longer, healthier lives and valuing and enjoying our built and natural environment and protecting it and enhancing it for future generations.

We have identified those locations within the Council's area 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, Renfrewshire Council will investigate sites at which intrusive work may be required. These locations will be selected based on the Council's programme for inspection as detailed in Chapter 7.

In the meantime, in order to assist development, and avoid the potential for blight associated with Part IIA procedures, the Council, in conjunction with other local authorities, has produced guidance (Land Contamination and Development Management Summary Guidance and Checklists) on how to address the issue of contaminated land when submitting planning applications or building warrant proposals. This document can be found on the Council's website [www.renfrewshire.gov.uk](http://www.renfrewshire.gov.uk).

#### **3.1 Aims of the Strategy**

The Council's aims are:

- To ensure compliance with Part IIA of the Environmental Protection Act 1990 to protect human health and the wider environment.
- To tackle the issue of contaminated land across Renfrewshire by ensuring that land which is contaminated is restored to a condition which is suitable for use.
- To secure the remediation of contaminated land as defined under Part IIA of the Act.
- To promote the development of communities which are greener by protecting and enhancing the natural and built environment and by supporting the Building Better Communities Programme.
- To support the Transforming Renfrewshire initiative by ensuring that the extensive electronic data we hold concerning potentially contaminated sites is shared with other services to permit a more integrated approach.
- To encourage voluntary remediation of land identified as potentially contaminated land and to support development of such sites

To achieve these aims, the Council has adopted the "strategic approach" to the identification of land that merits detailed inspection, which is consistent with the principles of risk assessment.

Land for which the Council has responsibilities as a landowner, lessee or polluter has been incorporated into the inspection process.

### **3.2 Overall objectives of the strategy**

The overall objectives of the strategy are:

- To seek to bring damaged land back into beneficial use.
- To continue to objectively prioritise the inspection of sites 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 address liability issues associated with the Council's existing and former land holdings.
- To seek to ensure that the cost burdens faced by individuals, companies and society as a whole are proportionate, manageable and economically sustainable.
- To evaluate additional information on possible evidence of contamination brought to the Council's attention.
- To maintain efficient liaison and information arrangements with other Council Services and external stakeholders.
- To undertake a periodic review of assumptions and an inspection of priorities.
- To continue to work with relevant internal and external stakeholders to improve their understanding of Part IIA and how it interacts with the services they provide.
- To continue to enhance, improve and update the methodology used to identify potentially contaminated sites in a strategic manner as required by the legislation.

All the above aims and objectives are linked into the agreed outcome of the Renfrewshire Council Plan and Renfrewshire Community Plan to tackle the issue of contaminated land across Renfrewshire by carrying out required investigations and undertaking agreed actions to restore contaminated land sites. They are also consistent with the service priorities contained with the Service Improvement Plan for Environmental Services. One of the key tasks assigned to Environmental Services within the Improvement Plan is the implementation of the Council's Contaminated Land Strategy.

The aims and objectives are also subject to adequate resource availability. The Council's Strategy is not exempt from such a constraint, and therefore its implementation needs to be considered in this context. This is particularly relevant when undertaking intrusive site investigations and/or remedial works.

The Council has at its disposal a small, but specialist, team of officers to deal with land contamination issues. However, the scale of many of the projects in which we are involved has resulted in the Council employing the services of external consultants to work alongside our own officers to assist in taking forward many of these complex issues. We would intend to build upon this expertise and develop our in-house skills, at the same time promoting and enhancing our links with external partners and stakeholders to deliver the aims and objectives stated above.

## 4. Priority Actions and Timescales

### 4.1 Priorities

The Council's priorities when dealing with contaminated land are to ensure we set a direction towards our approach to this Strategy based on a number of key themes including the protection of human health and the environment, partnership working and future planning developments and opportunities. This approach will also take full cognisance of and link into the healthier and greener agendas contained within the Community and Council Plans and we will work towards the overall objectives of the Strategy by maximising any opportunities to:

- minimise risks to human health by ensuring the understanding of health based risk assessments where potentially contaminated land is developed or identified;
- protect and enhance the natural and built environment by ensuring the undertaking of risk assessments which protect the water environment, designated ecosystems and property;
- work with other Council Services, stakeholders and SEPA to prevent further contamination of land;
- encourage voluntary remediation by working with developers and others to ensure that where land is restored, it is to acceptable standards;
- encourage the re-use of brownfield sites; and
- continue to liaise with BAE Systems, SEPA and NHS Greater Glasgow & Clyde regarding the complex environmental assessments for the remediation and development at ROF Bishopton.
- Continue to explore and pursue sources of potential funding to enable investigation and remediation in support of this Strategy.

Notwithstanding the above priorities, there are certain circumstances in which Renfrewshire Council may consider it to be appropriate to provide enhanced timescales for inspection and assessment whilst ensuring compliance with the Statutory Guidance in relation to its inspection duty. These include:

1. 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 detailed previously, involving statutory consultees (as appropriate) and appointed technical advisors, albeit in an accelerated fashion; and
2. Sites important for the implementation of major projects aligned 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 this Strategy, early prioritisation and subsequent inspection/assessment works may be undertaken to progress these sites.



## **4.2 Key Challenges**

### **4.2.1 Strategy Actions**

The original strategy was produced, adopted and published by October 2001 and requires to be reviewed periodically.

While the overall approach has remained broadly consistent since 2000, this 2010 revision reflects changes in the legislation and statutory guidance. It will be published following Council approval and will be reviewed periodically to reflect any significant changes. It is intended to further develop and refine our liaison arrangements with other Council Services and stakeholders. We will also update our modelling and database to reflect relevant changes or information received and develop a framework arrangement for procuring external support when it is required.

### **4.2.2 Significant Issues**

There are two significant contaminated land issues which are currently being addressed, namely:-

- Royal Ordnance Factory Site, Bishopton where we have been liaising with internal and external stakeholders over the last 10 years to facilitate the proposed redevelopment of the site. This is one of the largest brownfield sites in the UK. It is anticipated that the remediation and redevelopment of the site will continue over a 15 year period with an ongoing requirement being placed on BAE to submit detailed documentation etc. over this period to demonstrate that remediation will be undertaken in accordance with statutory requirements.
- Former Sun Iron Foundry and Brediland Chemical Works site in Linwood where tarry material emerging from the ground resulted in initial site investigations which now require to be undertaken in more detail. The further investigations planned will indicate if any remediation is required, and this will not be known until later this year (2010). Future potential liabilities for remediation costs cannot be determined until the further site investigation is concluded. This former industrial site also impinges on the major community infrastructure redevelopment at Linwood Sports Centre and the site investigation for this part of the site is currently being assessed.

### **4.2.3 Challenges**

The key challenges affecting contaminated land within Renfrewshire are as follows:-

- Funding; There is no specific funding currently available to deal with remediation of contaminated land and the associated costs may be significant. This can affect the Council's own land and property; future infrastructure investment and there may be liabilities arising from former Council property. In addition, the legislation allows for Councils to take responsibility for sites where the original polluter no longer exists or cannot be found.
- Redevelopment & Economic Activity; Land contamination, where a change of use is concerned, will continue to be dealt with under the planning system

and this remains a key mechanism for managing land contamination as part of land redevelopment and regeneration. Whilst this continues to be the principal mechanism for remediating contaminated land it is dependent on the extent of redevelopment which is taking place in Renfrewshire. This in turn is dependent on the wider economic conditions prevailing.

- Uncertainty over future emerging issues and liabilities; While the approach set out above will be the principal mechanism for dealing with land contamination, it needs to be recognised that we require to deal with emerging contaminated land issues which are brought to the attention of the Council, e.g. through concerns raised by the public or other stakeholders. Major remediation projects have arisen in this way, however, there is an element of uncertainty regarding issues which may come to our attention in the future.

## **5. Procedures**

A detailed set of procedures to deliver this strategy have been developed and these have been developed and included as Appendix 4. They cover a range of activities which can be summarised as follows:

- Internal management arrangements for inspection and identification
- Sites with past Council involvement
- Cross boundary sites
- Information management
- Other regulatory regimes
- Assessment methods and prioritisation

## 6. General Liaison

### 6.1 Consultees

Renfrewshire Council recognises that effective interaction with SEPA is essential in securing successful implementation of Part IIA. Liaison occurs 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; and
- Liaison with SEPA if there is significant pollution or the significant possibility of significant pollution of the water environment.

If Renfrewshire Council identifies contaminated land that may be 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 council database 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 notified, in writing, prior to any designation of a special site.

A number of parties (listed in **Appendix 2**), together with officers from Legal Services, Planning and Transport, Housing and Property Services were contacted as part of the review process, which took place during 2009/10 and relevant comments have been incorporated in this document.

## **7. Programme for Inspection**

Inspection of land will be a progressive activity and whilst ensuring compliance with the Statutory Guidance in relation to inspection duties and as detailed in section 5.6.1, prioritisation procedures will be implemented which are risk based and will focus on the considerations of particular potential pollutant linkages or sensitive exposure scenarios or areas where there may be relevant problems. The Council however, reserves the right to prioritise sites identified under local and national strategic plans.

### **7.1 Arrangements for Carrying Out Detailed Inspection**

Land which has been identified in the prioritisation and risk assessment stages (Stages 1 and 2) as having a possible pollution linkage and was redeveloped before 2000, will in due course have a detailed inspection undertaken. This is in order to obtain sufficient information to identify the actual presence of one or more contaminants, receptors and pathways.

Liaison will be established with the appropriate person(s) and also the relevant statutory consultee(s) in order to collate and assess any documentary information on a specific area of land.

The detailed inspection may include a site walk over and initially, in some cases, limited sampling or, if deemed necessary, a full intrusive site investigation.

If at any stage during the detailed inspection process and based on information obtained it becomes apparent that there is no longer a reasonable possibility that a particular pollutant linkage exists, the Council will not undertake any further inspection of the land for that pollutant linkage.

Land which has been identified as being contaminated and falls within the “special site” description prescribed in the Contaminated Land (Scotland) Regulations 2000 will be designated as a special site for which SEPA is the enforcing authority.

The Council are required to seek advice from SEPA when making a decision on whether contaminated land should be designated as a special site. Close liaison will be required over any possible special sites to ensure consistency of approach and opinion between SEPA and the Council.

### **7.2 Powers of Entry**

Under Section 108 of the Environment Act 1995, the Council has been granted the power to authorise a person to exercise specific powers of entry. Any detailed inspection of land carried out through use of this power by the Council will be an “inspection using statutory powers of entry”.

Detailed inspection may include any or all of the following:

- a) the collation and assessment of documentary information, or other information from other bodies;
- b) a visit to the particular area for the purposes of visual inspection and, in some cases, limited sampling (for example of surface deposits); or
- c) intrusive investigation of the land (for example by exploratory excavations).

At least seven days notice will be given of proposed entry onto any premises, unless there is an immediate risk to human health or the environment. Where a site is likely to be a special site, the Council will consider authorising a SEPA official to exercise the above powers on behalf of the Council. However before using the powers of entry, informal contact will initially be made.

## **8. Communication Strategy**

### **8.1 Risk Communication**

People's perceptions of the risks involved in contaminated land may well differ to that of an expert assessment. In communicating with the public and various stakeholder groups the Council will address these perceptions and also the wider issues posed by contaminated land, which may be different for various interested parties. Some people for instance are more likely to be concerned if vulnerable sections of the public, such as young children are exposed to contamination from land. Others, depending on their level of familiarity and knowledge of contamination, may perceive certain contaminants as more alarming than others.

Any risk communication concerning contaminated land will therefore need to cover:

- Environmental impact to air, water and land;
- Health considerations;
- Economic impact;
- Social impact; and
- Visual intrusiveness.

The Council will also take into account the fact that people's perceptions may be influenced by their personal values, life experience, culture and background.

The importance of concise and accurate communication when dealing with land contamination issues cannot be overstated and the methods employed as outlined in this section of the strategy will at all times be in line with the Council's Communication Strategy.

### **8.2 Communication with Owners, Occupiers and others**

During the investigation into potential contaminated sites and certainly before any designation under Part IIA, Renfrewshire Council will be required to establish who:

- is the landowner;
- is in occupation of all or part of the land; and/or
- appears to be an 'appropriate person (s)' to bear responsibility or is liable for any remediation action that may be necessary

The requirement to communicate throughout the investigation process from site identification to possible designation and remediation is seen as a key element in both risk communication and effecting suitable remediation to land contamination issues. At as early a stage as possible, the stakeholder group will be identified from within the local community and is likely to constitute landowners, regulatory bodies, Council members, community council members and members of the public. At all times, the Council will undertake to communicate responsibly and accurately.

The method of communication with interested parties will have regard to current guidance. We have now had practical experience in implementing effective

communication strategies regarding contaminated land. For example, the successful Royal Inch Crescent remediation project, which was recently completed.

### **8.3 When to Communicate**

The Council will begin the communication process as early as possible. Communication is a two way process and the earlier the public is brought into the dialogue the better. Early communication will help to build trust and understanding and allow people to express their own concerns whilst giving the Council the opportunity to explain the process and technical aspects of risk assessment and management.

Communicating too late will serve only to alienate people making them feel that they cannot influence any outcome and encourage them to view the process merely as a public relations exercise.

Controlling debate at an early stage, particularly when issues may be debated in the media and among key groups, will greatly enhance the Council's credibility and position within the discussion. Communication with all the people concerned should continue on a regular basis along with the monitoring of the effectiveness of this process.

### **8.4 Who to Communicate With**

The Council will identify different stakeholders for example residents, elected members and others who may be affected by contaminated land.

The Council has recognised that it will be beneficial to target and build communication links with representative selected stakeholders.

### **8.5 What to Communicate**

Renfrewshire Council's objectives are to establish itself as open, accessible, listening and responsive. The risk assessment process will be explained to stakeholders so that they can raise any concerns that they may have whilst allowing them to feel they are a part of the process. The Council will not assume that the information is too difficult or too specialist for the person in the street. Where appropriate however, plain English non-technical summaries (NTS) and frequently asked questions (FAQ) will be provided to assist in the interpretation of technical documents.

### **8.6 How to Communicate**

Communication is most effective as a two way process which respects the views of all participants.

Renfrewshire Council will use different approaches depending on whether:

- a) Gathering information and views from interested parties,
- b) Considering informal ways of sharing information, or
- c) Looking for a more formal means of generating public participation.

Communication takes time and has resource and budget implications. Use may be made of some or all of these methods:



- Surveys and questionnaires;
- Media monitoring;
- Briefings;
- Public Information material; and/or
- Website.

## **8.7 Summary**

Renfrewshire Council will manage the risk communication process to ensure that the following issues are addressed:

1. The need for two way communication.
2. The need to create openness, trust and understanding.
3. The need to show flexibility.
4. That the Council understand and are aware of the perceptions and concerns of stakeholders.
5. All communications will be in accordance with the Council's Communication Strategy.

## 9. Review Mechanisms

This strategy document outlines the general approach to be taken in inspecting land in Renfrewshire for contamination. This section will describe instances when inspections will occur outside this general inspection framework, circumstances under which previous inspection decisions will be reviewed and measures taken to ensure the strategy remains effective and up-to-date.

### 9.1 Triggers for Undertaking Inspection

Triggers for undertaking inspection outside the general inspection framework will include:

- a) Unplanned events – e.g. if an incident such as a spillage has occurred;
- b) Introduction of new receptors – e.g. if housing is to be built adjacent to a potentially contaminated site, designation of a new protected ecosystem, persistent trespass onto a site by unauthorised persons;
- c) Supporting voluntary remediation – e.g. a potentially appropriate person wishing to undertake clean up before their land has been inspected by the local authority; and/or
- d) Identification of localised health effects which appear to relate to a particular area of land.

As detailed in **Section 4.1**, where sites identified for development through appropriate Council strategies and plans are also considered as potentially contaminated land sites, inspection may be undertaken.

Responding to information from other statutory bodies, owners, occupiers, or other interested parties. Although these occurrences may trigger non-routine inspections, if this strategy is to prove effective, they must not be allowed to significantly interfere with the milestones laid down in the general inspection framework. It will be important to consider this issue in all strategy reviews.

### 9.2 Triggers for Reviewing Inspection Decisions

In addition there may be occasions where the findings of previous inspection decisions should be reviewed. This might occur, for example, if there were:

- a) Significant changes in legislation;
- b) Establishment of significant case law or other precedent; and/or
- c) Revision of guideline values for exposure assessment.

It is important therefore that all decisions are made and recorded in a consistent manner that will allow efficient review.

### 9.3 Reviewing the Strategy

Part IIA of the EPA 1990 requires that the Council inspect its area from “time to time” for the purpose of identifying land which may fall within the statutory definition of contaminated land. The frequency at which re-inspection takes place is not prescribed

as appropriate inspection frequencies are likely to vary significantly depending on local circumstances. Renfrewshire Council will review this Strategy no later than 2015.

# **Appendices**

**Appendix 1 References**

**Appendix 2 Consultees**

**Appendix 3 Characteristics of Renfrewshire**

**Appendix 4 Procedures**

## **APPENDIX 1 References**

### **Legislation**

Environment Act 1995

Environmental Protection Act 1990 Part IIA.

Contaminated Land (Scotland) Regulations 2000 (SSI 2000 No. 178)

Contaminated Land (Scotland) Regulations 2005 (SSI 2005 No. 658)

The Radioactive Contaminated Land (Scotland) Regulations 2007 (SSI 2007 No. 179)

### **Scottish Government/Executive Publications – [www.scotland.gov.uk](http://www.scotland.gov.uk)**

Contaminated Land Inspection Strategies: Advice for Local Authorities July 2001

Environmental Protection Act 1990: Part IIA Contaminated Land, Statutory Guidance: Edition 2, Paper SE/2006/44, May 2006

The Radioactive Contaminated Land (Scotland) Regulations 2007 Statutory Guidance, March 2008

Planning Advice Note PAN 33: Development of Contaminated Land, October 2000

Scottish Vacant & Derelict Land Survey 2008

### **SEPA Publications/Data – [www.sepa.org.uk](http://www.sepa.org.uk)**

Part IIA State of Contaminated Land Report

Framework for Local Authority – SEPA Liaison under Part IIA of Environmental Protection Act 1990 (Contaminated Land)

Aquifer and Groundwater Vulnerability Mapping

### **Renfrewshire Council Publications / Data – [www.renfrewshire.gov.uk](http://www.renfrewshire.gov.uk)**

Renfrewshire Council Plan 2008 – 2012

Renfrew Community Plan 2008 – 2017

Renfrewshire Council Local Plan

Structure Plan / Strategic Development Plan

Sites of Historical & Architectural Interest

Sites of Special Nature Conservation Importance

Contaminated Land Planning Guidance (Land Contamination and Development Management Summary Guidance and Checklists)

## **APPENDIX 2 Statutory Consultees**

- Scottish Government
- Scottish Natural Heritage
- Scottish Enterprise Renfrewshire
- Historic Scotland
- Food Standards Agency

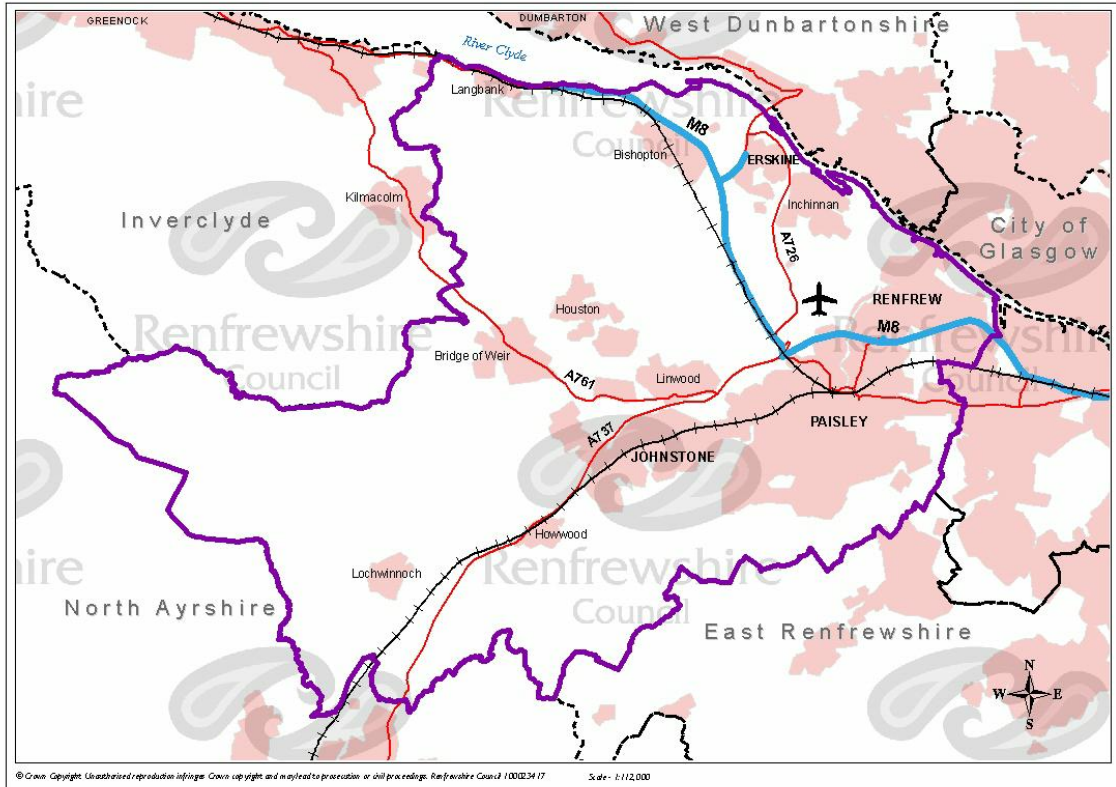
### Consultation with Local Authorities

- East Renfrewshire Council
- West Dunbartonshire Council
- North Ayrshire Council
- Inverclyde Council
- City of Glasgow Council

### Non Statutory Consultees

- The Coal Authority
- Health and Safety Executive
- NHS Greater Glasgow and Clyde

## APPENDIX 3 Characteristics of Renfrewshire



### **A3.1 Geographical Location**

Renfrewshire is situated to the west of Glasgow on the south bank of the River Clyde and covers nearly 270 square kilometres (26,875 hectares). To its west lies Inverclyde, to its south, North Ayrshire, with Glasgow City to the east and East Renfrewshire to the south east. Economically and socially, the area is strongly linked with the city of Glasgow and the other communities of the Clyde valley.

Major transport routes play a critical role in the Renfrewshire economy. The M8 is the primary link to Edinburgh and the east which, with the planned completion of the M74 extension in 2011, will also link directly to Scotland's major route south. The A82, the main road route to north-western Scotland, is easily reached from the M8 via the Erskine Bridge. Glasgow International Airport at Abbotsinch, and direct rail links to Glasgow and Ayrshire, also serve to connect Renfrewshire to the rest of the country, and beyond.

Renfrewshire has an attractive and varied landscape covering both a rural and urban environment. About a fifth of the area of Renfrewshire is built up and the remaining four fifths is rural countryside. The rural area provides a rich diversity of landscapes and habitats.

The land in the east and north of Renfrewshire, adjacent to the main towns, is relatively flat and much of it is given over to agricultural uses. The land rises to the Gleniffer Braes in the south and the Renfrewshire Hills in the west.

### **A3.2 Population distribution**

Estimates from the General Register Office for Scotland show the population of Renfrewshire in mid 2008 to be some 170,000 making it the 9<sup>th</sup> largest local authority in Scotland in terms of population.

Paisley, with an estimated population of some 75,000, is its largest town. The former Royal Burgh of Renfrew lies to the north of Paisley and the town of Johnstone lies to the west. Also located west of Paisley are the communities of Houston and Erskine, and to the north and west the small towns and villages of Bishopton, Inchinnan, Bridge of Weir, Kilbarchan, Howwood and Lochwinnoch.

TOWN	Estimated POPULATION 2007
Paisley	74,640
Erskine/Inchinnan/Bishopton	22,170
Renfrew	20,170
Johnstone	16,020
Bridge of Weir/Houston/Langbank/Brookfield	12,800
Linwood	8,320
Elderslie	4,540
Lochwinnoch & Howwood	4,480
Kilbarchan	3,330

Source – Renfrewshire Council estimates based on General Register Office for Scotland - Small Area Population Estimates 2007

Looking to the future, the General Register office for Scotland in their 2006 based population projections forecast a decline in the population of Renfrewshire ranging between 1.8% - 2.6% by 2031, with a likely decrease in all age groups from 0–65yr and increases in the older age groups (particularly the over-75s).

### **A3.3 Council owned Land**

The Council and its predecessors own or have owned significant land and property holdings within Renfrewshire. The portfolio of Council owned land currently includes:

- 13,400 Council Houses;
- 517 operational properties including:
  - 164 Education and Social Work establishments;
  - 12 depots and yards;
  - 10 leisure centres and pools;
  - 34 council offices;
  - 16 libraries;
  - 280 miscellaneous properties (e.g. car parks, parks, cemeteries); and



- 550 non operational sites (e.g. commercial/industrial units that the Council leases out for rent).

## **A3.4 Geology**

### **A3.4.1 Bedrock (solid geology)**

Renfrewshire is underlain by two broad groups of geological strata. In the east and central parts of the region, bedrock consists mainly of cyclical lower Carboniferous siltstones, mudstones and limestones. These extend from Erskine, through Johnstone and Paisley to the Council boundary in the east.

The remainder of the district in the west is underlain by the extrusive igneous rocks or lavas of the Clyde Plateau Volcanic Formation.

### **A3.4.2 Superficial deposits (drift geology)**

The north east corner of the district (north and east of Johnstone) in the vicinity of Renfrew, is underlain by sand and gravel deposits of both marine and fluvial origin. Isolated patches of boulder clay exist in the Erskine area in association with more extensive glaciomarine deposits composed of clay and silt. West of Erskine, the superficial deposits become much thinner and bedrock is generally at or near surface. Only isolated sand and gravel deposits occur in the west of the region, in association with the River Gryfe.

The town of Johnstone is the southern extent of the sand and gravels which are dominant to the south of the River Clyde. These give way to perhaps the largest continuous layer of boulder clay within Renfrewshire extending from Johnstone, through Paisley to Barrhead in East Renfrewshire.

West of Johnstone, bedrock is believed to be at or near surface for most of the central and western parts of the region. Only in the extreme west, on Queenside Muir, is there significant coverage of the bedrock, with peat.

### **A3.4.3 Hydrogeology**

The hydrogeology of Renfrewshire is a reflection of its climate and geology and may also be influenced by the extensive areas of urban development and historical industrial activity. The general characteristics of the superficial and bedrock aquifers within Renfrewshire are indicated on the aquifer maps available on the SEPA website:

[http://www.sepa.org.uk/water/monitoring\\_and\\_classification/assessment\\_tools/interpretation\\_of\\_the\\_maps.aspx](http://www.sepa.org.uk/water/monitoring_and_classification/assessment_tools/interpretation_of_the_maps.aspx)

The Carboniferous strata are moderately permeable. These are fractured or potentially fractured rocks that do not have a high primary permeability. However, although these formations seldom produce large quantities of water for abstraction, they are important for local supplies and in supplying base flow to rivers.

The igneous rocks are classified as weakly permeable and are formations of generally low permeability that do not widely contain groundwater in exploitable quantities.

However, some formations can locally yield water supplies in sufficient quantities for private/domestic use.

Inland waters within Renfrewshire fall within the Cart Catchment comprising of the White Cart Water, Levern Water, Black Cart Water and the River Gryfe. Rural and urban issues affect this catchment which is an important water source for a number of reservoirs in its upper levels.

### **A3.5 Key Water Resources/Protection Issues**

The Renfrewshire area does not include any aquifers designated as major sources of drinking water and has a very limited distribution of land considered as being highly vulnerable to groundwater pollution as defined by SEPA's Groundwater vulnerability map (follow web link in Section A3.4.3).

This situation is liable to change as the monitoring and management measures required by the Water Framework Directive are implemented by SEPA. SEPA are tasked with bringing about the core objectives of the Directive, namely, the achievement of 'good' status in all water bodies by 2015. Accordingly protection and improvement of the water environment from contaminated land and development will require liaison with SEPA and co-operation with upstream and downstream neighbouring authorities.

Scottish Water provides the majority of drinking water for premises within Renfrewshire. However, the Council has records of 104 private water supplies serving 158 domestic and commercial premises, 9 of which are classed as Type A (supplying 50 or more people or providing water for a commercial activity). Private water supplies occur predominantly in the more rural western parts of the Council area and the water sources include boreholes, surface waters and springs. These supplies are regulated by staff from the Public Health team within Environmental Services, under the Private Water Supplies (Scotland) Regulations, 2006.

The physical characteristics of Renfrewshire influence the priorities of the Strategy, as priority will be given to those urban areas where there is likely to be both the largest concentration of human health receptors and the greatest potential for land contamination due to historical contaminative activity.

Priorities will tie into the broad policy framework of Renfrewshire Council. The environmental characteristics of the Renfrewshire area are captured by our GIS model in the classification of surface water features and the inclusion of all locally and nationally important ecological sites.

### **A3.6 Protected Locations**

#### **A3.6.1 Natural Environment**

The rural area of Renfrewshire provides a rich diversity of landscapes and habitats. A number of sites have been designated as internationally important for wildlife including the Inner Clyde and the Black Cart at Inchinnan.

8 Sites of Special Scientific Interest (SSSI) and 3 Local Nature Reserves have been designated within Renfrewshire. Also, 117 Sites of Importance for Nature Conservation (SINCs) have been identified by the Council.

There are three Special Protection Areas (SPAs), designated under the EU Birds Directive, within Renfrewshire, namely the Inner Clyde Estuary, Black Cart and Renfrewshire Heights (a large area of moorland to the south of Greenock).

The recreational potential of the more remote uplands has been recognised through the creation of the Clyde Muirshiel Regional Park which covers the Renfrewshire Hills in the west of Renfrewshire and also extends into Inverclyde and North Ayrshire. The Gleniffer Braes Country Park covers the hills to the south of Paisley and extends into East Renfrewshire.

More information on sites within Renfrewshire identified as having special nature conservation importance can be found on the Council's website:

<http://www.renfrewshire.gov.uk/ilwwcm/publishing.nsf/Content/pt-cl-natureconserv>

### **A3.6.2 Built Environment**

Renfrewshire also has a rich heritage of historic architecturally important buildings. Over 550 of our buildings are included in the List of Buildings of Architectural and Historic Merit. There are 8 Conservation Areas in Renfrewshire, 3 of which (Oakshaw in Paisley, Kilbarchan and Ranfurly in Bridge of Weir) are designated as Outstanding Conservation Areas. Nearly half of the Listed Buildings lie within Conservation Areas and Renfrewshire Council itself owns over 50 listed buildings, bridges and monuments.

Of the many sites of cultural and historical significance within the Council area, 18 have been designated as Scheduled Ancient Monuments by Historic Scotland.

More information on historical or architectural interest can be found on the Council's website:

<http://www.renfrewshire.gov.uk/ilwwcm/publishing.nsf/Content/Navigation-pt-ListedBuildingsandConservationAreasHomePage>

### **A3.7 Known Information on Contamination**

Analysis of historical mapping, historical land use mapping and collation of information from various sources including in-house knowledge has assisted the Council in identifying areas of land potentially contaminated as a result of historical activities.

#### **A3.7.1 Updated information on Contamination**

Renfrewshire Council launched the original inspection strategy in 2001. At that time, approximately 2,950 hectares of land (around 11% of the Council area) was identified as having the potential to be contaminated land based on a combination of former uses and activities, and the presence of potential pathways and receptors.

## **A3.8 Past and Current Industrial Activity in Renfrewshire**

### **A3.8.1 Historical Industry**

Renfrewshire's prominence as an industrial centre dates from the middle of the 18<sup>th</sup> century when Paisley became the centre of a home-based spinning and weaving industry. Weaving, including the manufacture of the famous 'Paisley' shawls remained an important domestic industry until the middle of the 19<sup>th</sup> century. Power loom weaving existed for a time, notably in Johnstone and Paisley, and many of Renfrewshire's most successful textile industries such as spinning, bleaching and dyeing soon changed from domestic to factory production.

These characteristic textile finishing works were located along the Black Cart, beside the many small streams flowing from the Gleniffer Braes to the White Cart and in other areas where an abundant water supply was available. However this industry suffered a decline after the First World War and then again following the Second World War.

The manufacture of sewing thread expanded greatly during the late 19<sup>th</sup> century with the combining of Coats and Clark to form the largest thread manufacturing concern in the world, and this industry retained a significant presence in Paisley until the 1980s.

Apart from the significance of the thread industry itself, the skills developed in servicing this and the county's other textile related industries established firm foundations for the increasingly important engineering industries which developed as weaving declined.

The establishment of numerous foundries and engine works made Paisley and Johnstone centres of general engineering, with Johnstone specialising in machine tool production and Paisley offering a range of specialisms including various types of textile machinery; equipment for coal mines, oil and sugar refineries; for woodworking, and also for the shipbuilding industry including local yards at Paisley and Renfrew. Babcock and Wilcox, established at Renfrew in 1895 and noted for the manufacture of boilers, long remained the largest single employer in Renfrewshire.

Networks of former railway lines, stations and storage facilities are evident in the urbanised parts of Renfrewshire, which provided the necessary transport infrastructure to enable large scale industrial development. Historically, several of the towns within the district also had their own gas works, which 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 already been redeveloped, in some cases some considerable time ago. Old transport networks and industrial sites present a particular challenge when dealing with the possibility of contaminated land.

Coal, ironstone and oil shale have all been historically worked in Renfrewshire particularly in the vicinity of Paisley, Linwood and Johnstone. However, the comparative lack of coal and iron resources saved the county from any large scale development of mines and blast furnaces and from the more unpleasant landscape features associated with them.

Rural parts of the district remained largely tied to agriculture with localised quarrying for raw materials such as clay and stone to supply local industry.

The abundance of pure water which encouraged the textile industries has led in later days to the establishment of paper mills along the Black Cart and tanneries on the River Gryfe.

Other industries within Renfrewshire included furniture making at Lochwinnoch and elsewhere; starch and corn flour works; soap works; brick works; jam and preserves manufacturing in Paisley; an extensive rubber industry principally at Inchinnan and Paisley; the manufacture of railway rolling stock and motor cars at Linwood; and munitions works, most notably at Bishopton but also at a number of other sites during the First and Second World Wars.

As well as having been one of Scotland's most heavily industrialised counties, Renfrewshire has also been one of the most diverse.

### **A3.8.2 Current Land use characteristics**

Current land use in the Renfrewshire area reflects the growing trend in much of the west 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.

The Scottish Vacant and Derelict Land Survey (2008) shows Renfrewshire Council as the authority with the 5<sup>th</sup> largest percentage, (by area), of Derelict and Urban Vacant land in Scotland at 941 hectares. Derelict land is land so damaged by development that it is incapable of further development without rehabilitation and can be viewed as a constraint on future development. It is worth noting that approximately 875 hectares of the total is accounted for by the Royal Ordnance Factory site at Bishopton, of which 708 hectares is the subject of development proposals that include plans for the remediation of the site.

Over the last few decades there has been a marked decline in the manufacturing sector although in areas such as Erskine and Inchinnan we have seen an expansion of new high-technology companies. The expansion of Glasgow Airport, with its associated distribution services, together with the major retail and leisure development at Braehead in Renfrew, have contributed to a broadening of the industrial base and to giving Renfrewshire a relatively more diverse industrial structure.

The current financial position nationally, however, has been reflected locally in a marked reduction in the number of former brownfield sites being redeveloped.

## **A3.9 Legal controls on development**

### **A3.9.1 Pre Contaminated Land Regime**

Before 2000, land contamination would either be dealt with via the Planning system when a planning application was submitted, or using statutory nuisance provisions of Part III of the Environmental Protection Act 1990 where a nuisance was being caused or was likely to occur or recur. This resulted in little control over most types of land contamination. Consequently planning conditions generally only considered the risks, where known, to the proposed development and end users, and may not have

addressed risks to surface waters, groundwater or ecosystems. Additionally, there was limited knowledge of the history of many sites which were redeveloped.

### **A3.9.2 Post Contaminated Land Regime**

Following the introduction of the Regime in 2000, Planning Advice Note (PAN) 33 – Development of Contaminated Land - was revised and introduced updated planning procedures which complemented the objectives of Part IIA. Historical mapping was purchased which provided more detail concerning potential contamination. Now, Planning and Transport, using GIS, are able to identify potential land contamination as a possible development constraint and consult with Environmental Services to ensure any remediation which may be required is undertaken. The current planning control mechanism is outlined in **Appendix 4 (section A4.5.1)**

## **APPENDIX 4 Procedures**

### **A4.1 Internal Management Arrangements for Inspection and Identification**

As outlined in **Section 1.2** the implementation of Part IIA of the Environmental Protection Act 1990 within Renfrewshire is the responsibility of Environmental Services within which assigned Officers fulfil the statutory duties.

#### **A4.1.1 Council Members**

The Council and its elected members are ultimately responsible for the implementation of the Contaminated Land Strategy and any subsequent revisions, amendments and issues raised concerning the identification and remediation of contaminated land under Part IIA of the Environmental Protection Act 1990.

### **A4.2 Sites with past Council involvement**

Sites where Renfrewshire Council (and our predecessors) may be the 'appropriate person' as a consequence of previous historical contaminative use or activities or through ownership (current and past) may be subject to early prioritisation and early inspection/ assessment whilst ensuring compliance with the Statutory Guidance in relation to inspection duties.

### **A4.3 Cross Boundary Sites**

Where suspected contaminative sites are identified within the Strategy which are partly contained within another Local Authority boundary, contact will be made with the appropriate authority to discuss the appropriate way to progress this site.

Where another Local Authority approaches Renfrewshire 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.

### **A4.4 Information Management**

#### **A4.4.1 General Principles**

All information relating to studies and investigations undertaken is held electronically and accessed using an archived system which links into the Council's Geographic Information System (GIS).

#### **A4.4.2 Public Register Information**

Renfrewshire Council is obliged to maintain a public register containing details prescribed in Schedule 4 of the Contaminated Land (Scotland) Regulations, 2000.

This register will be available at all reasonable times for free public inspection at the offices of Environmental Services, Renfrewshire House, Cotton Street, Paisley PA1 1HY.

Copies of the register can be made available on request for which a reasonable charge will be made.

Before including any information on the register the Council will consider whether that information should be excluded on the basis that:

- a) its inclusion would be against the interests of national security; or
- b) the information is commercially confidential.

Inspection information not placed on the Public Register will be subject to the disclosure requirements of The Environmental Information (Scotland) Regulations, 2004.

#### **A4.4.3 Other Inspection Information**

This type of information refers to information collated by the Council during its inspection duties in relation to contaminated land issues and which is not classed as Public Register Information. This will include information details relating to such matters as present and former land uses, harmful or polluting contaminants, the location of receptors and any other information of a type that will assist in the Council's inspection duties in order to identify contaminated land within Renfrewshire.

#### **A4.4.4 Provision of Information to SEPA**

The Council will provide SEPA with information on contaminated land in accordance with the current legislative requirements and any current extant protocols.

#### **A4.4.5 Complaints and Requests for Information**

Complaints from members of the public, businesses and voluntary organisations will be logged and responded to in accordance with Environmental Services procedures.

Requests for information under the Freedom of Information (Scotland) Act, 2002, are addressed directly by a specified Freedom of Information officer, who coordinates and collates responses, within Renfrewshire Council.

#### **A4.4.6 Information Gaps**

The ongoing implementation of the Strategy may highlight gaps in information and where these cannot be remedied timeously they will be addressed as part of the review process.

### **A4.5 Other Regulatory Regimes**

The contaminated land regime under Part IIA of the Environmental Protection Act 1990 complements other legislation and is primarily used where existing legislation does not apply. Examples of other legal controls that touch on land contamination are set out below.

#### **A4.5.1 Planning & Building Standards**

Where contaminated land is subject to development proposals, its treatment is dealt with under the planning system. This system is a key mechanism for managing land contamination as part of land redevelopment and regeneration. In addition to considering risks from existing contamination the Council also considers any potential



risk from development work and/or a proposed use to contaminate a site or the surrounding area. The historical mapping information referred to in Appendix 3 (section A3.9.2) is used to ensure that Environmental Services are automatically consulted where potential land contamination is identified as a possible constraint to the proposed development.

Where any new development is taking place it will be the responsibility of the developer to carry out any necessary remediation work and for it to be undertaken to the satisfaction of the Council.

The Scottish Government has issued advice to Planning Authorities on the development of contaminated land in the form of Planning Advice Note 33. In addition, as detailed in Chapter 3, this Council has produced a guidance document for developers dealing with the redevelopment of potentially contaminated sites.

Changes to the planning system which are likely to be implemented during 2010 mean that a substantial proportion of small-scale householder developments, previously covered by planning control, will be permitted development and therefore fall outwith the scope of the development management process. In order to ensure that all new developments are adequately assessed in respect of contaminated land, it has been necessary to introduce consultation procedures with Building Standards which will continue to be engaged in the assessment of smaller scale development proposals. This consultation procedure will seek to ensure that where a Building Warrant is sought which involves groundworks on potentially contaminated land, Environmental Services will be consulted. This is to ensure that new pollutant linkages are not created.

Other regimes which may have implications for land contamination, or which may overlap with Part IIA include food safety, health and safety, landfill tax and waste management licensing, major accident hazards, water pollution, statutory nuisance and Pollution Prevention and Control (PPC).

#### **A4.6 Assessment Methods and Prioritisation**

The assessment and prioritisation of potentially contaminated land will be undertaken in a phased programme consisting of two stages:

- Stage 1.       Prioritisation
- Stage 2.       Risk Assessment

##### **A4.6.1 Prioritisation & Risk Assessment**

To support the identification of contaminated land, a semi automated GIS prioritisation model (known as the S57 Core Tools Model) has been used. This model is supported by a Land Quality Management database for storing site specific information. The model draws information from a variety of sources - those listed below are not exhaustive - which can be divided into 3 distinct datasets:

- Source datasets e.g. historical land-use, SEPA data, local authority data – geological, historical records, maps;

- Pathway datasets e.g. British Geological Survey drift, solid and manmade geological data, Mine entry data supplied by the Coal Authority; and
- Receptor Datasets e.g. Ordnance Survey maps and local authority information on population & building use, SEPA surface waters quality records, Scottish Natural Heritage and Historic Scotland receptors.

The Council will continue to use this model as a means of driving the inspection process. From time to time the Model can be rerun to take account of new legislation and directives that affect the priority scoring. At this time the process of inspection remains unchanged from the original strategy and is based on:

- Identification of potentially contaminated sites using a rational, robust and efficient methodology based on the principles of risk assessment. This is achieved by adopting a transparent and auditable GIS based model and associated Land Quality Management Database;
- Prioritisation of potentially contaminated land sites using a rational, robust and efficient methodology based on the principles of risk assessment. The methodology employed by the S57 model assesses significant harm where it is causing human health effects, ecological system effects, animal or crop effects, building effects and where the water environment may be significantly polluted. This may require some adjustment to incorporate sites that are potentially contaminated by radioactivity as a consequence of recent legislative changes and an appropriate update will be made to the Methodology statement;
- The Model uses up to date publicly available data to identify sources, pathways and receptors thus prioritising these 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 from the Environmental Quality Section, Renfrewshire Council, Renfrewshire House, Cotton Street Paisley;
- Undertaking a Phase I investigation of prioritised contaminated land sites involving desk studies, site walkover, collection of physical data (if appropriate) and development of 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 I. Upon completion of these ground investigations, risk assessment and evaluation on the evidence provided will identify what, if any, actions are necessary; and
- Liaison with SEPA where there is significant pollution or the significant possibility of significant pollution of the water environment, if the site is likely to be determined a special site or is suspected of being radioactively contaminated.