

FOCUS ON: SCOTLAND

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Scotland prepares for its first State of Contaminated Land Report (SoCLR)

by MARTIN VALENTI, Principal Policy Officer Contaminated Land, SEPA

The Scottish Government has tasked the Scottish Environment Protection Agency (SEPA) to begin the first State of Contaminated Land Report for Scotland by the end of 2008.

SEPA is required to produce this report under section 78U Part IIA of the Environmental Protection Act 1990 (EPA90). Believing it vital to set clear objectives for the report at the outset, SEPA wanted to speak to the wider contaminated-land community to hear their views on the contents and format of the report. In December 2007, SEPA in association with the Scottish Government and Environmental Protection UK, organised a major conference/workshop to discuss the possible contents and layout for this landmark report.

Significant interest in this event led to the attendance of over 120 delegates from all over Scotland and from a wide range of interests. Clare Carruthers from Environmental Protection UK – which jointly organised the event – said: “We could have filled the main auditorium at Victoria Quay several times over illustrating the level of interest in the event.”

AWARENESS RAISING EVENT AND WORKSHOP

Victoria Quay, Edinburgh – 14 December 2007

Dr Campbell Gemmill SEPA's Chief Executive made a commitment at the EIC's Brownfield Briefing conference on 26 September 2007 in Glasgow that SEPA would engage with stakeholders on the

contents and purpose of the SoCLR. To fulfil this commitment, SEPA arranged for the event in December and details of the event programme are listed below.

There were two main objectives of the December 2007 event. Firstly, SEPA wanted to raise awareness of the report and to gather views from all Scottish stakeholders, including local authorities, consultants, solicitors, developers, academia and the Scottish Government. Secondly, SEPA wanted to gauge views on possible contents and layout of the report and to stimulate the debate.

A presentation was given by SEPA on a draft proposed contents list for the report. The event also included a series of presentations expressing views from the main stakeholders working in contaminated land in Scotland. Presentations were given from:

- Environmental Industries Commission (EIC);
- the Scottish Contaminated Land Forum (SCLF);
- the Royal Environmental Health Institute of Scotland (REHIS).

Event Programme

In order to ensure widespread attendance, the event programme was widely circulated by SEPA, the Scottish Government, REHIS, Environmental Protection UK, EIC and the SCLF.

The morning session featured some general awareness-raising presentations from some of Scotland's main stakeholder representatives including:

- **Professor Andy Hursthouse**, a past president of Environmental Protection UK's Scottish Division, chaired the event and explained the purpose of the day;
- **Richard Grant**, Deputy Director, Environmental Quality Directorate – Waste and Pollution Reduction Division, opened the event by setting the scene for the SoCLR from the Scottish Government policy perspective;
- **Professor Maggie Gill**, a senior scientific advisor to the Scottish Government, presented on methods of data collection and used exemplar reports to illustrate how good reports should be set out;
- **Martin Valenti**, Policy Officer at SEPA presented on what could (but stressed the point very clearly, *could*) be covered in the report;
- **Anthony Carson**, from Highland Council, presented on what local authorities might like to see covered in the report. He mentioned that local authorities would not wish the SoCLR to cover more than is mentioned in the regulations, for example:
 - Compile information on the nature, extent and distribution of land identified as contaminated land;
 - Assess the scale of environmental impact and highlight where Part IIA is reducing it;
 - Summarise regulatory activity under Part IIA, in particular identification and remediation;
 - Assess effectiveness of Part IIA, in particular the impact of the reasonableness and hardship provisions on remediation.
- **Fraser Duff**, representing the EIC, complimented SEPA and stated an event like this was very useful and hoped that this was the first of many **cont..**

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stakeholder forums. Fraser said: "EIC want the report draft contents to go further and to actually name and shame those local authorities that had failed to declare contaminated-land sites. The EIC have always felt that local authorities drag their heels on identifying and declaring sites."

Fraser went on to say that he would like the SoCLR to feature a critical review by SEPA (on behalf of the Scottish Government) of whether Part IIA is working or not, and to highlight the following:

- are the most pressing and serious sites being dealt with first?
- are we progressing at an acceptable speed?
- what are the barriers to implementation?
- how can barriers be overcome?
- are there any trends between contaminated land and known public-health issues, water environment quality issues etc.
- **Alison McKay**, McKay Environmental, raised a few eyebrows when she asked why local authorities had taken so long to determine sites. She said that if the report was just to cover what it says in the regulations then it would be a very short report. This is because, to date, only 12 sites have been declared since 2001, and she felt that all local authorities know where the contaminated-land sites are but they are reluctant to declare because of potential blight issues. Alison ended her presentation by also saying that SEPA should be commended for organising this event.

The afternoon sessions were workshop based. With over 120 people attending, there were six workshop groups. The groups were carefully constructed to ensure an even split of local authorities, SEPA staff, Scottish Government staff, consultants, solicitors etc. Each group had two facilitators who were asked to present a set of questions based on the draft proposed contents (see below) and the facilitators then collected feedback from the groups. Feedback from the event was collated by consultants from CL:AIRE and ENVIROS and uploaded to Environmental Protection UK's website.

The proposed draft contents presented by SEPA were as follows:

- Executive summary;
- Introduction (setting the scene and reasons for the report);
- Scotland's environment (brief paragraphs on Scotland's environment);
- Contaminated land in the European Union (putting the report in the context of the EU picture of Contaminated land);
- Drivers for remediation (legislation, land use policy, need for new houses, development of brownfield sites);
- Data collection exercise (how the data was collected);
- Results (taken from questionnaire);
- Conclusions and analysis of results;

- Remediation technologies (how land is currently being cleaned up, most popular sustainable techniques);
- Further work (brief section on what needs to be done for the future, bearing in mind new directives such as the Soil Framework Directive, Ground Water Daughter Directive);
- Glossary;
- Appendices;
- References.

The five main questions that were asked at the workshops are as follows:

1. Are you content with the proposed draft contents?
2. What do you feel is missing from the draft contents?
3. What would you like to see covered in the report?
4. Who should be involved in preparing the report?
5. Who should the report be aimed at?

Feedback report update

Feedback was collated and analysed by consultants from CL:AIRE and ENVIROS and, with the exception of a few amendments, people were generally content with the proposed contents presented by SEPA.

Since the event in December, very positive feedback has been received from attendees and offers of help from Scotland's contaminated-land community.

SoCLR – The next steps

Local authorities hold the majority of data that will be required to populate the SoCLR, therefore it was necessary to devise a questionnaire to gather the relevant information. SEPA, with assistance from consultants from CL:AIRE and ENVIROS, are currently preparing a questionnaire for local authorities. Continuing with SEPA's transparent approach, another workshop was arranged for 11 April 2008 at Victoria Quay for local authorities to go through the draft questionnaire and ensure they were happy with the content and format of the questionnaire.

Following approval from the local authorities, the questionnaire will be formally sent to each local authority in Scotland, with a turnaround date of four weeks to complete the forms. To assist local authorities with any problems that may arise from the questionnaire, SEPA has made arrangements for CL:AIRE to provide telephone support if required.



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