

AGENDA ITEM No. 10 (d)

NORTH LANARKSHIRE COUNCIL

REPORT

<p>To: ENVIRONMENTAL SERVICES COMMITTEE</p>	<p>From: DIRECTOR OF ENVIRONMENTAL SERVICES</p> <p>Ask for : Mr Hutton Tel: 01236 751217</p>
<p>Your Ref:</p> <p>My Ref:: 039mharr</p>	<p>Date: 25 FEBRUARY 1998</p>
<p>Copied to:</p>	<p>Subject: CONSULTATION PAPER: CONSULTATION AND COMPENSATION REGULATIONS FOR THOSE REQUIRED TO GRANT RIGHTS IN LAND TO WASTE MANAGEMENT LICENCE HOLDERS</p>

Introduction

The principal legislation governing waste management licensing is the Environmental Protection Act 1990. In Scotland, waste management licensing is the responsibility of the Scotland Environment Protection Agency (SEPA). The existing legislation provides rights over land to licence holders, in order to comply with a condition in his licence. This provision was necessary to allow site operators to comply fully with the requirement to satisfy the regulatory agency that sufficient pollution prevention measures were in place, prior to the final surrender of the licence. However, the original legislation did not provide for consultation with persons who might have to grant such rights before conditions were imposed by SEPA. Similarly no provision existed for loss of value of the land affect, or for any disturbance. This is now considered to be out of line with other statutory powers.

Proposal

It is proposed to introduce new legislation to address this anomaly, viz; The Environmental Protection (Waste Management Licences) (Consultation and Compensation for Grant of Rights) Regulations 1998.

These Regulations propose to introduce a consultation period, for the benefit of persons who may be affected by site licence conditions which, as a consequence, necessitate the granting of rights in land. This consultation period is proposed as three months.

The Regulations also make proposals concerning the payment of compensation following the grant of rights in land. These proposals cover, the circumstances in which compensation might be made, the time at which entitlement to compensation arises, the procedure for applications, the basis on which the compensation is to be assessed and paid and also the appropriate procedures to be adopted to determine disputes.

Recommendation

It is recommended that the Committee endorses the principles contained within the proposed Regulations and authorises a suitable response to the Scottish Office and also to COSLA, as requested in the Consultation Papers.

M'Kenzie L. Hutton