

NORTH LANARKSHIRE COUNCIL

REPORT

To: ENVIRONMENTAL SERVICES COMMITTEE	Subject: Consultation Paper on Part 11A of the Environmental Protection Act:- Radioactively Contaminated Land
From: DIRECTOR OF ENVIRONMENTAL SERVICES	
Date: 30th March, 1998. Ref: JT/EF	

**PROPOSED DECISION**

To approve the report and submit North Lanarkshire Council's views set out at paragraph 3 to the Scottish Office on the Governments Consultation Paper on Part II of the Environmental Protection Act:- Radioactively contaminated land.

**REPORT**

1. The Government intends to make regulations to extend the powers already established to deal with contaminated land to now cover radioactively contaminated land. The consultation paper invites views on the broad principles and structure of such a regime.

A more detailed consultation on the draft regulations and statutory guidance will be issued in due course before any regime is brought into force.

2. The broad principles on which views are sought are:-
  - A. the structure of the regime, and the split of responsibilities between local authorities and the Environment Agencies.
  - B. the level of risk (or dose) below which land should be deemed suitable for use and the circumstances in which such a level might be varied.
  - C. the adoption of a risk-based approach to the pollution of controlled waters.
  - D. the principle and practicality of recovering the regulatory costs of the regime from those with responsibility for the site.

North Lanarkshire Council's views on the above broad principles are that:-

3. A. The same regime for dealing with contaminated land should also apply to radioactively contaminated land. Radioactively contaminated land should be treated as "Special Sites". The responsibility for those "Special Sites" should rest with the Scottish Environment Protection Agency as should the responsibility for identification of radioactively contaminated land.

The Local Authorities role in dealing with radioactively contaminated land should be confined to informing the Scottish Environment Protection Agency if they became aware in the course of other duties that land was radioactively contaminated.

The proposal that land which is contaminated with radioactive and non radioactive pollutants is dealt with either by the Scottish Environment Protection Agency or the Local Authority/...

Authority dependent on which hazard presents the greater risk is over complicated. This is acknowledged in the consultation by referring to existing arrangements for dealing with disputes between the Local Authorities and the Agency over "Special Sites".

The Council's view is that if land is radioactively contaminated whether or not it is also contaminated with other pollutants it should be designated as a "Special Site" and dealt with by the Scottish Environment Protection Agency.

- B. The final use of the land should determine the level of risk (or dose) below which land should be deemed suitable for use:-
- (1) Using this as a guide any land which is to be developed for domestic, commercial, leisure or industrial use should comply with European Legislation where the primary dose limit to members of the public is 1 millisievert per year  $mSv\ y^{-1}$ .
  - (2) In the case where contaminated land is already in use and decontamination would involve considerable disturbance to peoples' lives a level could be set at  $10mSv\ y^{-1}$  above which action would be required. (This is the present level for natural radon gas above which the UK Government advises intervention action).
  - (3) Between these two levels a variation should be possible if for example the final use of the land was open shrub to which the public was not invited to resort.
- C. North Lanarkshire Council agrees with the approach that for the purpose of the radioactively contaminated land regime, water would be treated as a pathway leading to a potential risk to a critical group from contaminated land. In this respect the definition of radioactively contaminated land will differ from that of non radioactively contaminated land.
- D. North Lanarkshire Council agrees with the principle of full cost recover.

However the practicality of full cost recover is dependent on recovering cost from the existing owner, as attempts to recover cost from previous owners are fraught with legal difficulties.

## RECOMMENDATION

That the Council approve the views expressed at Paragraph 2 above for transmission to the Scottish Office

*M'Kenzie L. Hutton*