

DETRIMENTAL LAND UNDER THE COMMUNITY EMPOWERMENT (SCOTLAND) ACT 2015

If land purchased under the 2015 Act is environmentally affected, the community body must contact the relevant regulator.

This is required in terms of S.97H of the Land Reform (Scotland) Act 2003.

Who is the relevant regulator?

In most cases, this will be the local authority.

Where land is contaminated and not designated as a special site, the local authority is responsible.

The definition of “contaminated” is given in S.78A of the Environmental Protection Act 1990.

The local authority has the duty to inspect these areas, identify contaminated land, get remediation of any contaminated land, and maintain a public register of remediation notices.

The Scottish Environment Protection Agency (SEPA) is the regulator where land is contaminated and designated as a special site.

What is a special site?

This is defined in the Contaminated Land (Scotland) Regulations 2000, and examples are:

- Land where there is pollution of drinking water supplies;
- Land used for purification (including refining) of petroleum, oil and other substances;
- Land used for the manufacture or processing of explosives;
- Land within a nuclear site;
- Land used for naval, military or air force purposes;
- Land where there has been the manufacture, production or disposal of chemical weapons, or biological agents or weapons;
- Land adjoining and which has been contaminated by any of the above.

SEPA has a register of special sites:
www.sepa.org.uk/regulations/land/contaminated-land/special-sites-in-scotland.

If there is an immediate threat to life, health, or property, SEPA's emergency hotline is 0800 80 70 60.