

Q WHAT IS MEANT BY "CONTAMINATED LAND" ?

A Part 2A of the Environmental Protection Act introduced a legal definition of Contaminated Land for the first time. The legislation states:

"Contaminated Land" is 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:

- significant harm is being caused or there is a significant possibility of such harm being caused; or
- pollution of controlled waters is being, or is likely to be caused

It is important to note that land that does not fit the legal definition of Contaminated Land may still be affected by contamination.

Q WHAT CAUSES (OR CAUSED) CONTAMINATED LAND ?

A Many industrial processes have the potential to cause, or to have caused, contamination of the ground. Industries that have previously been present in Gloucester include gasworks sites, power stations, petroleum storage sites, engineering works, railway land, metals processing and timber yards.

Contamination can also arise as a result of landfilling, illegal dumping, accidental spillages of substances or leaking underground tanks and pipes.

Q IF A SITE IS AFFECTED BY CONTAMINATION WHAT CAN BE DONE ?

A In many circumstances no action will ultimately be necessary, because the level of contamination present will not present a significant risk to health.

Where levels of contamination are more severe, clean-up will be required, to ensure the site no longer presents an unacceptable risk to public health or the environment. There are often many different ways a site may be remediated, depending on the type of contamination present and the specific nature of the site.

Often contaminated soils are simply excavated and removed from site for disposal. Alternatively a layer of clean soil might be placed above the contaminated soils, to prevent contact or a range of other protective measures, such as ventilation systems, can be incorporated into buildings to prevent the build-up of harmful gasses or vapours.

A number of new technologies also exist for treating contamination. Where these are appropriate the Council will view use of these technologies favourably as they avoid transport of contaminated soil to landfill and are therefore more sustainable.

Q WHO PAYS FOR CONTAMINATED LAND TO BE CLEANED-UP ?

A Where a contaminated site is being redeveloped it is the developer who is responsible for ensuring safe development and pays for any investigation and remediation required.

Should a site be legally determined to be "Contaminated Land" under the regulations, then it is usually the person or organisation that originally caused the contamination that is responsible for any clean-up required.

In some circumstances, where the original polluter cannot be identified or no longer exists, then liability for remediation may fall on the current landowner. In certain circumstances the landowner may also be unable to pay for remediation, in which case final responsibility may fall to the City Council.

Q HOW CAN I GET MORE INFORMATION ABOUT A SPECIFIC PROPERTY IN GLOUCESTER ?

A If you are buying a new home your solicitor will conduct a standard search of our Public Register of Contaminated Land.

In addition the Council maintains a database of sites that have had a former potentially contaminative use, and may also hold additional information regarding potential contamination, investigation or clean-up undertaken. An environmental search will often identify previous potentially contaminative land uses that may have been present in the vicinity of a property.

Anyone can request information from our records for a specific property in Gloucester. All such requests should be submitted by email (or in writing) to the Contaminated Land Officer. Requests should include a location plan clearly showing the boundary of the site in question.

In response to such enquiries the Council will provide factual information only. A specialist environmental consultant should be engaged if interpretation of this information is required.

Please note we may not always have sufficient information to answer your enquiries fully.

Gloucester City Council will endeavour to answer all enquiries of a reasonable nature.

The City Council publishes a guidance document for homeowners and prospective homebuyers affected by potential land contamination.

Q I AM BUYING/SELLING A PROPERTY AND AN ENVIRONMENTAL SEARCH HAS RAISED CONCERNS. WHAT SHOULD I DO ?

A Environmental searches may raise questions about potentially contaminative land use. The Council may hold more specific information available about individual sites, and

planning conditions imposed during development of former industrial land.

Ultimately it might be that a property is located in an area subject to a previous potentially contaminative use, no further information is available, and the site therefore is scheduled for further inspection as part of the Council's Inspection Strategy. In such circumstances the buyers/sellers involved will have to reach their own understanding of how they wish to interpret and react to the available information. In some circumstances individuals may wish to undertake their own ground investigations, or consider available insurance products.

The Contaminated Land Officer will be happy to respond to all enquiries and will offer advice and assistance on such matters, wherever possible. Note that a charge may be made for providing a written response to enquiries in some circumstances.

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Q I AM DEVELOPING A SITE AND HAVE A CONTAMINATED LAND PLANNING CONDITION ON MY PLANNING APPROVAL. WHAT SHOULD I DO ?

A If you have made a planning application relating to a site that is considered potentially contaminated, then you may have a specific condition attached to your Approval Notice.

The presence of such a condition does not indicate that the site is contaminated, only that the Council feels further assessment or works are required to ensure that the development can be implemented with adequate regard for environmental and public safety.

The wording of planning conditions are designed to cover a broad range of issues on a variety of sites, in many cases the work required will be simpler than the condition wording suggests.

Please contact the Council's Contaminated Land Officer to discuss the specific details of your development.

The City Council publishes a guidance document for developers of potentially contaminated land and their advisors.

Q HOW CAN I GET FURTHER INFORMATION ?

A If you would like to speak with a Council Officer regarding land contamination in Gloucester, or wish to enquire about a particular property please contact the Council's Contaminated Land Officer.