



**Directorate of Environment Services**

# **Contaminated Land** **Inspection Strategy**

**October 2001**

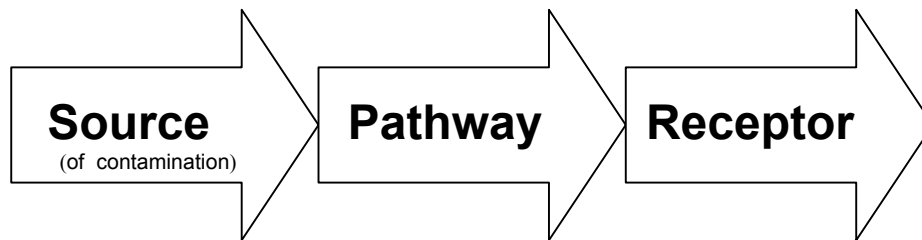
## Executive Summary

New legislation regarding contaminated land came into force on 1<sup>st</sup> April 2000. All Local Authorities were given a duty to publish a written strategy detailing how the Council intended to implement the new legislation. In this regard the Isle of Wight Council is to inspect its area for contaminated land. The legislation also gives local authorities powers to enforce clean-up of contaminated sites where they pose a risk. The leading role within the Council is the Environmental Health Department. However, other departments have been and will continue to be consulted on the new legislation. Advice has also been sought from external organisations, in particular the Environment Agency which also has a regulatory role.

The new legislation contains the first legal definition of contaminated land:

***“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***  
***(a) significant harm is being caused or there is a significant possibility of such harm being caused; or***  
***(b) pollution of controlled waters\* is being, or is likely to be, caused”.***

In order for this definition to be met, a significant pollutant linkage must be present. This will consist of:



Likely sources of contamination are sites that have been in industrial use or that have been in-filled. A pathway is a means by which a contaminant could come into contact with, and cause harm to a receptor. Receptors are defined in the legislation as human health, surface waters, groundwaters, designated ecosystems, buildings and scheduled ancient monuments.

The process of inspecting the Island for contaminated sites is based on risk assessment. The focus is on the risks posed by the presence of the contaminants and how to minimise these risks to a level suitable for the current or proposed use.

\* *Controlled waters* are defined in the Water Resources Act 1991 and include inland fresh waters and groundwater.

### Aims

Isle of Wight Council has the following main aims underpinning its strategy:

- Protect human health
- Protect controlled waters from pollution
- Protect designated ecosystems
- Prevent damage to historic buildings and archaeology
- Prevent damage to property
- Provide a public register of enforcement actions.

In addition to the main aims of the strategy, the Council also intends to:

- Prevent further contamination
- Encourage the re-use of “brownfield” (including contaminated) land
- Encourage voluntary remediation
- Remove uncertainty surrounding sites that may be contaminated in relation to liability and during any transactions.

### **Work Programme**

The Council will initially collect information based on current and historic land-use characteristics and ground conditions in order to assess which sites are likely to meet the statutory definition of contaminated land. This will enable a screening exercise to be undertaken based on the proximity of the potentially contaminated sites to sensitive receptors. This will involve undertaking a brief desk-top study and walk-over survey in order to prioritise the sites for further investigation. Any sites that are considered to require urgent remediation will continue to be dealt with during the prioritisation exercise.

Otherwise, intrusive site investigations will only take place after the prioritisation stage has been completed. Site investigations will be funded by the Council in order to provide evidence of a significant pollutant linkage, costs cannot be reclaimed. Where one exists, the site will be determined as contaminated land and the polluter (in the first instance) or landowner will be asked to remediate the site. For sites affecting certain controlled waters (“special sites”), the Environment Agency will take on the role of primary regulator. If remediation is not undertaken voluntarily, a remediation notice will be served to force the appropriate person(s) to clean the site. Some sites may be deemed to be contaminated land, but do not have a traceable polluter or owner who can pay for remediation. In these cases the Council may fund the remediation (except for “special sites” which will be funded by the Environment Agency).

The Council will also maintain a public register of enforcement actions regarding contamination.

### **Provisional Timetable**

July 2001- Nov 2001	Strategy formation
Aug 2001- Apr 2002	Information Gathering
Apr 2002- Apr 2004	Risk Prioritisation
Apr 2004- end date unknown	Site investigations and any necessary remediation

**N.B.** Urgent remediation will be undertaken throughout the inspection programme whenever it is deemed necessary

This strategy document contains an element of repetition as it is anticipated that the document will rarely be read in its entirety but used as a reference document.

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