

## **Chapter 8. Information Management**

### **8.1 Public Register**

The Isle of Wight Council is obliged under the new legislation to provide a public register of enforcement action to be known as a Section 78 (R) register. The register will only be used to record information about sites that have had:

- a remediation notice served
- a remediation declaration published
- a remediation statement prepared
- an appeal against charging notices
- a determination as a special site

It is intended that the public register will be held on a GIS. This entry will be permanent but will be updated as remediation progresses or is complete.

**Table 13.**

#### **Entries to be included on the Section 78 (R) Register:**

- The location, area size, National Grid Reference, address and map of the site
- The significant harm or pollution of controlled waters by which the land has been declared contaminated
- The contaminating substances and the locations of any other land which it has affected
- The current use of the land
- Details of remediation notices
- Information about the site condition gained from site investigation reports (which may be made available on request).\*
- Names and addresses of the appropriate persons on whom the remediation notice is served
- Details of remediation declarations, statements and notifications of claimed remediation
- What remediation each person is required to do
- Remediation timescales
- Description of the information available e.g. any site investigation reports the Council may have. Including date of preparation, who undertook the investigation and for whom.\*
- Sites designated as "Special Sites" and the EA's remediation actions
- Appeals against remediation notices
- Convictions relating to a remediation notice served by the Council
- Details of site specific advice given by the EA
- Details of sites determined under Part IIA to be contaminated, but which are dealt with under waste management licence conditions or IPC/PPC powers.
- The register will contain the following caveat:

*"The Council, by way of including an entry in this register relating to notifications of claimed remediation, in no way represents any endorsement or confirmation that remediation measures have been carried out or, therefore, that land is no longer contaminated land."*

\* The Environmental Information Regulations 1992 stipulate that the Council should not make public the details of site investigation reports that have been submitted by developers, without the consent of the developer.

The register will be freely available for the public to inspect during normal office hours. The register will be held at St Nicholas House, St Johns Road, Newport, PO30 1LT. A copy of the register will also be available at customer services at County Hall. In addition, the Council will make a “reasonable charge” for producing a copy of an entry in the register. The charge will help towards covering the Council’s costs of gathering and maintaining the information. It is hoped that in the future, the register will be made available on the Council’s web-site, with detailed instructions for use. This has been successfully undertaken by a number of Government agencies including the Environment Agency for licensed industrial processes, protected areas etc.

Any relevant site investigation reports that the Council receives that are accompanied by permission to allow public access, or which have been submitted as a legal requirement, will be held by the Council and made available for viewing by the public at St Nicholas House by appointment. They cannot photocopy these documents, as the Council does not own the copyright.

It is important to note that the register is not a definitive register of all the sites that contain contamination. It will not even show all the sites that have met the statutory definition of “Contaminated Land”. A site will only be entered onto the register once a remediation notice has been served. It should not, therefore, be used e.g. by property buyers or developers, to ascertain whether a particular site has been contaminated or not. It is not intended to be a substitute for a full investigation into the site history and ground conditions. The digital data that shows all the potentially contaminated sites on the Island will not be made public. This is in order to avoid property blight and unnecessary concern amongst the public.

There are certain types of information regarding contaminated land that will not be placed on the public register. These relate to commercial confidentiality and issues of national security.

## **8.2 Land-Charges**

Answers to local “Land-charges” (questions asked by solicitors of the Council on behalf of purchasers of property) will mention any site which is on the public register. However, they will not include any information about a site that does not appear on the public register. To do so may jeopardise a sale, which could cause “blight” on sites that do not pose a risk and will never be determined as “contaminated land”.

## **8.3 Contaminated Land Enquiries**

The Environmental Protection Division receives specific enquiries about sites by members of the public, solicitors and developers. Any specific questions will be answered, where possible, and details of what site investigation reports have been produced and by whom, will be included. However, the content of any site investigation report that was given to the Council under no legal obligation, cannot be disclosed in such an enquiry. The Council will include

whether the site is within 250m of a known landfill site. A fee will be charged which reflects the time spent dealing with the enquiry.

