

Contaminated Land Inspection Strategy - SUMMARY

Part IIA of the Environmental Protection Act 1990 created a new regime for dealing with contaminated land. This legislation places a duty on Hart District Council to identify and deal with land which is causing unacceptable risks to human health or the wider environment. In doing so, the Council is required to take a strategic approach to identify land which merits individual inspection and produce a written Strategy outlining how this will be achieved.

The Council will undertake a five year programme between 2001 and 2006 to identify contaminated land within the District. Our first priority will be to target resources towards those sites which have the potential to cause significant harm to human health, including those affecting public or private drinking water supplies. During the inspection programme it is recognised that sites requiring immediate action may be identified, so these sites will be dealt with as a matter of urgency.

The legislation sets strict criteria which must be satisfied before land can formally be designated as contaminated land within the meaning of Part IIA. It is therefore predicted that while many sites within the District may contain some form of contamination, few sites are likely to fall within the statutory definition of contaminated land and warrant subsequent remedial action under this regime.

Whenever possible we will encourage the voluntary remediation of contaminated land. However, where this approach is ineffective or if it is found to be necessary, formal action may be taken to secure the remediation of land to ensure the site is suitable for use.

The Strategy also considers how the Council will deal with sites where the Council may be considered the "appropriate person" by virtue of its current ownership of the land or responsibilities as the polluter of the land.

There are considerable resource implications for the Council in undertaking its inspection duty under Part IIA, both in terms of officer time and financial resources. In addition to the costs associated with identifying contaminated land, responsibility for undertaking remediation works would lie with the Council where the authority itself was considered to be the "appropriate person", or in circumstances where the "appropriate person" for the land claimed hardship.

While the Council is the lead regulator for contaminated land within the District, we recognise that the Environment Agency also has a key role to play within the new regime. To ensure this Strategy is effectively implemented the Council will need to work in close partnership with relevant organisations, businesses and the public to identify and deal with contamination.

The majority of site contamination land issues are currently addressed through the planning process, where contamination is a material consideration. Even with the introduction of Part IIA, it is anticipated that redevelopment of brownfield sites, and the associated planning controls available to the Council, will remain the primary mechanism for dealing with contaminated land.

This Strategy will be reviewed in 2006 (or before if considered appropriate) and updated where necessary to reflect the changes in the Council's approach or priorities for inspection.