

It is up to you in the end

Ultimately the only way to be sure whether land is contaminated or not is to carry out a proper investigation. Stroud District Council is in the process of inspecting land known to have had an industrial use, now used for housing, but this process will take many years to complete.

Stroud District Council recommends all potential purchasers to make all the necessary enquiries to gather the available facts, but ultimately they must then decide for themselves whether they wish to proceed.

Should a homeowner consider that contamination concerns are making it difficult to sell their property, there are a small number of possible options;

- Commission environmental consultants to undertake a site investigation to establish actual conditions (Stroud District Council rarely endorses such action, due to complexities, costs and uncertainties, but is happy to offer advice and comment on results); or
- Consider some form of contaminated land insurance policy. There are now a number of companies offering a range of policies. Your solicitor will be able to advise you regarding this.

The Contaminated Land Officer can never guarantee that a site will never be classified as 'Contaminated Land', as further information may emerge, or there may be changes to the law or technical guidance.

Where can I get further information?

Stroud District Council

Katie Larner, Senior Contaminated Land Officer,

Telephone: 01453 754469

E-mail: Katie.larner@stroud.gov.uk

Stroud District Council Planning Department

Telephone: 01453 754442

E-mail: planning@stroud.gov.uk

Environment Agency

Telephone: 03708 506 506

www.environment-agency.gov.uk

Department of Environment, Farming and Rural Affairs (DEFRA)

www.defra.gov.uk

Information and Guidance for Homeowners and Prospective Homebuyers Affected by Potential Land Contamination



This guide is aimed at homeowners, prospective homebuyers, house sellers and solicitors undertaking conveyancing work.

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Purpose of Guide

To explain what land contamination is and why those involved in buying or selling residential property should be aware of it. This guide also explains what information and assistance is available from Stroud District Council, identifies where further information might be obtained from and the options available should you find yourself affected by land contamination.

Introduction

Stroud District has a long history of industrial activity. The District's main industrial heritage was the wool and textile industry with associated processes such as the manufacture of dyes. In addition, the District was host to a variety of other industrial uses including brickworks, gasworks, lime burning, wire manufacture, fellmongery and tanning, board manufacturing, fireworks and artificial manure manufacture. These industrial activities often resulted in contamination of the land and many of these former industrial sites have since been developed for residential use.

Although it is possible to clean up and make safe former industrial sites for new housing, in some cases, especially for houses built several years ago, the possibility of contamination was not considered, or properly dealt with. In such cases there is a possibility the land may still contain contamination.

Legislation introduced in 2000 (Part 2a of the Environmental Protection Act 1990) places certain duties on Local Councils and land owners regarding contamination and this has made it much more likely to be considered when property is bought or sold.

Why does land contamination matter?

In most cases there will be little or no associated risk with living on, or near, to land that has had a former industrial use as the safe redevelopment of sites is now addressed through the planning process. In a few circumstances a site might be so contaminated as a result of its former use, that it presents an unacceptable risk to health, or the environment.

In such circumstances, Stroud District Council has a duty to inspect the site to determine whether the risks mean that remediation is required. If it is considered necessary to remediate the site then the Council will consider legally determining the site to be 'Contaminated Land' and will take steps to identify who the appropriate person to remediate the site is, and ensure they do so.

Normally it will be the original polluter who will be liable for remediation, or in some cases the builder/developer of the houses. In some circumstances, however, it might be possible that it is the current owner of the land or property that would be liable to undertake and pay for any clean-up. Should individuals find themselves facing hardship as a result of such liabilities, however, they may be exempt from having to pay any costs. Please refer to the Strategy for the Identification of Contaminated Land 2015 for further details.

The property has failed to get a certificate – what does this mean?

Environmental searches are now routinely carried out by solicitors and can be obtained from a number of private companies. These companies keep large databases of environmental information, including land use information from old Ordnance Survey maps. When a search is carried out these

companies check their records and if it appears there is little likelihood of contamination being present they will issue a certificate to confirm this. If however there is some possibility the property might be affected by contamination then often the company will refuse to issue a certificate and will advise that further enquiries should be made.

It is important to note that such certificates do not actually confirm either the presence or absence of contamination at a given property. Possession of a certificate does not mean that the property in question will not be affected by contamination.

So what should I do now?

If an environmental search company has concerns that a property may be affected by contamination and fails to issue a certificate, the first step is to contact Stroud District Council's Contaminated Land Officer to see if further information is available.

The Contaminated Land Officer holds further information on a large number of sites within the district, including site investigation and remediation reports, which might indicate the site is not contaminated, or perhaps once was, but has now been cleaned up.

The Contaminated Land Officer will always be happy to discuss what information is known regarding any particular property, but a fee is payable should details be required in writing. Note that in some circumstances it may not be possible to provide site reports for copyright reasons, though almost all information will be available for public inspection.