

Summary of Contaminated Land Strategy for Wiltshire.

Legal framework

- Contaminated land provisions are contained in the Environmental Protection Act 1990 Part 2 (a)
- The Act came into force in 2000 as a function of district and unitary councils. (The legislation is usually know as “Part 2 (a)”)
- There is a legal requirement to proactively survey the “district” for potentially contaminated land.
- The Act requires that Councils prepare a contaminated land strategy detailing how they will go about surveying their area and implement the legislation
- The Governments preferred route for dealing with contaminated land is via the planning system and a significant number of old factories and commercial sites around Wiltshire have been cleaned up (remediated) using this system.
- Where an investigation leads us to the conclusion that land is contaminated and action is required under Part 2(a) because there are risks to humans, water supplies or ecosystems we are required to “determine” it, consult with all relevant parties and the Environment Agency. Ultimately we have to serve a remediation notice on those responsible for the contamination.
- There is a separate procedure for land that is identified as needing urgent remediation which allows work to be carried out and for costs to be recovered.
- DEFRA has produced statutory guidance on the application of the legislation as it is a complex area of law. (circular 01/2006)
- Some sites such as those owned by the MoD, gasworks etc are classed as “Special sites”. Where a Local Authorities suspects land contamination it must refer the case to the Environment Agency for investigation. The local Authority will if necessary then make the determination based on the Environment Agencies findings and recommendations.

Background

- The district councils had adopted their own contaminated land strategies and had progressed with the implementation of them to varying degrees. This document draws these four documents together and provides a consistent approach to this work.
- There are 3 sites that have reached the stage of being determined as contaminated land. One is being remediated voluntarily.
- The Environment Agency is investigating several sites on the authority’s behalf. This includes overseeing the investigation of two sites which are being investigated voluntarily by the site owners/ occupiers.

Progress

- The Specialist Environmental Protection Team will review past work and reprioritize new site investigations on a Wiltshire wide basis.
- The team will continue to progress with those sites already underway.
- Site priority will be reviewed periodically if changes in the environment occur (e.g. if a new school or housing is built nearby)
- The strategy will be subject to periodic review- at least every five years.