

Appendix 1 – Part 2A Summary

- The requirement to develop a written Strategy to inspect land for contamination is set out in statutory guidance¹. The guidance identifies what the Strategy must include and requires the approach to be rational, ordered and efficient. The Council's first Contaminated Land Strategy² was published in 2001 and is due to be revised to reflect current circumstances.
- For land to be determined as being contaminated in terms of the statute, investigation and assessment must be used to demonstrate that there is *significant likelihood of significant harm being caused*. This scientific process presents a relatively high threshold in terms of risk. This means that land that might initially be identified as being of potential concern might not to meet that threshold of risk and would not be determined as being contaminated.
- In 2006 an initial desk-top study identified 1,517 sites where potentially contaminating land uses have existed. These sites of potential concern have been prioritised according to the hazards associated with those specific land uses and the sensitivity of the land uses that might now be exposed to that hazard. That process has identified a discreet group of 53 priority sites that are recommended for further attention.
- A site can be ruled out as being contaminated at any of the stages. It is difficult to predict how many of the remaining sites might ultimately be determined as being contaminated, but experience suggests this will be a very low percentage. As a guide it is predicted that 60 – 70% will be ruled out at desk-top study stage, 25 – 35% will be ruled out at on-site survey stage and < 5% could be determined as contaminated.
- In the event that any site is determined as being contaminated, officer time must be focused on ensuring the site is remediated as soon as practicable thereby ensuring risks and liabilities are dealt with expediently and the opportunity of property blight is reduced.
- In the first instance the person who caused the contamination is legally liable for its remediation. This could be the original operator of the site, or a subsequent developer who built houses on the land (and put the residents at risk). If these parties cannot be found or no longer exist then liability passes to the current landowner. In most cases land contamination is historic and arose from operators or housing developers that have long-since ceased to exist as a legal entity and so liability passes to the current landowner. The nature of how land contamination presents a risks means that land occupied by residential owners/occupiers is most at risk.

¹https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/223705/pb13735cont-land-guidance.pdf

²http://www.southampton.gov.uk/Images/Contaminated%20land%20An%20inspection%20strategy%20for%20Southampton_tcm63-369087.pdf

- Remediation is a specialist function and although liability for undertaking it rests with the liable party (i.e. a residential owner/occupier) it would be reasonable to assume that they are unlikely to have the necessary knowledge or financial capital to carry this out. Experience shows that it would usually be left to the local authority, using its statutory powers, to arrange for the remediation works to be undertaken.
- The cost of detailed site investigations and remediation work is not insignificant. Based on typical sites remediated to date (by SCC through Part 2A) an average remedial cost of £20k per household has been estimated. According to the [Environment Agency](#), the average cost of a site investigation is £14,500 and the average cost of remediation is £105,800 per site. Overall project costs can run into the millions of pounds.

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