Contaminated Land Frequently Asked Questions

The Environmental Protection Act Part 2A - Contaminated Land is complex, and cannot be summarised easily; the legislation and supporting documentation should always be referred to. However, the following may be of interest:

What is the purpose of the contaminated land process?

It was introduced as a way of dealing with the potential legacy of contaminated land which may have arisen from the historical use of the site for example industrial uses, mining/extraction and waste disposal. The council are the lead regulators, and are able to deal with land that is not being redeveloped (or is not being dealt with by other regulations), and may be an unacceptable risk to human health, ecological systems, property or controlled waters.

The land must be suitable for its current use, or what it may be used for, and cleaning up the land (known as remediation) will vary according to each site.

Does the contaminated land legislation apply to me?

The contaminated land legislation and process applies to those who have caused or knowingly permitted land to be contaminated or who own, occupy or intend to purchase or sell land that is contaminated. You can always discuss this informally with us. Or see our Buying or selling a property section.

Who is responsible for the cost of dealing with contaminated land?

The legislation uses the 'polluter pays' principle, where the cost of dealing with contamination is the responsibility of the person that caused the pollution. Or if they cannot be found, or no longer exists for example the company is no longer trading, the responsibility is then with the landowner or occupier.

What are sites of previously potentially contaminative uses?

These are sites which have been identified by Rochford District Council, from historic maps and other sources, as having had activities in the past, which may have contamination associated with them. They are not necessarily contaminated now; a Phase 1 investigation should be carried out by the applicant or developer to find out.

What does a Phase 1 investigation mean?

Having a Phase 1 investigation will save time and money on a development, the worse case being that without a Phase 1 study, a development is stopped because the council has not had enough information about the condition of the land.

The detailed procedure of a phase 1 investigation is set out in the council's contaminated land strategy, which you can view from our related links on the Contaminated Land page.
The developer or applicant will carry out a desk-top study (sometimes this is assessment of information held by the council and others) and a site walk-over, to establish whether the land is likely to be contaminated as is defined by law. As a result, further investigation may not be necessary, however in some cases it may need to proceed to a Phase 2 investigation, which generally means a more intrusive investigation involving taking soil samples and groundwater samples for testing.

**What are "Special Sites"?**

These are defined in the Contaminated Land (England) Regulations 2000 and generally relate to sites involving water quality, certain specific industrial activities, or Ministry of Defence estates. If the Council determines that land is contaminated, and it is then designated as a 'Special site', the Environment Agency becomes the enforcing authority.

Can I see a list of potentially 'contaminated land'?

No, the Council does not provide a list of multiple sites, but we can provide information we hold on a specific address or plot of land.

You can get this information by making an Environmental Information request; however there is a fee for providing this information.

Please see our page ‘Buying Selling a property, Request for Environmental Information contaminated land' for more information, and to download an application form.

Under Part 2A of The Environmental Protection Act 1990, we are required to keep a register of any regulatory action we have taken with regards to ‘Contaminated Land’

Many people wrongly refer to this as the 'contaminated land' register. It is in fact a register of what actions have been taken to ‘clean up’ land once it has been formally determined as ‘Contaminated Land’.

Rochford District Council does not have any entries on its register. Most council’s do not have entries as they have not reached that particular stage of their contaminated land strategy.

If you have any further questions about Contaminated land you can contact us by telephoning our Customer Services team on 01702 318111, or emailing [customer.services@rochford.gov.uk](mailto:customer.services@rochford.gov.uk)