

Notifying Interested Persons of the Outcome of the Determination of Contaminated Land in Camden

At the start of this stage we will have identified land that we have determined as contaminated land.

By the end of this stage we will have identified interested persons of the outcome of the determination. We will also be able to start the consultation process on identifying those persons we consider responsible for cleaning up (remediating) the land and on the remediation requirements.

Section 4 of Annex 2 of DETR Circular 02/2000 provides the statutory guidance the Council must follow when notifying persons about the determination of an area of land as contaminated land.

Key Points of Notification of Determination as Contaminated Land:

- we will establish who the interested persons are for an area of land. This will include:
 - The owner of the land
 - The apparent occupier(s) of the land
 - The Appropriate Persons i.e. people responsible for all or part of the costs of cleaning up a site
- It may not be possible to identify who is an interested person at the early stage. Throughout the process we will review the list of who we consider to be interested and appropriate persons.
- Following the determination of an area of land as contaminated land, we will write to all interested and appropriate persons. The legislation also requires us to write to the Environment Agency. All people contacted will be advised as to the capacity in which we are communicating with them.
- We will advise each appropriate person of the tests for exclusion from, and apportionment of liabilities (see policy notes on exclusion, apportionment and hardship).
- If later in any investigation we are made aware of other persons who have an interest in the land or may be considered Appropriate Persons, we will notify them in writing of the determination of the site as contaminated land.
- The formal notification of determination starts the consultation process on what remediation will be appropriate for the site and on liability.

What information will be included with the notification?

The legislation requires us to tell the interested persons the following:

1. That the land has been determined as contaminated land.
2. In what capacity they have been notified i.e. whether they are
 - the appropriate agency
 - the owner of the land
 - the person who appears to us to occupy the land
 - a person who appears to us to be an appropriate person
3. We will tell the person why they are considered an appropriate person
4. If you are an appropriate person we will advise you on the tests for exclusion from and apportionment of liabilities.

We may also send additional information such as a copy of the written record of determination and information on the availability of site investigation reports underpinning the determination decision.

For further information on notification of determination decision see

Department of the Environment, Transport and the Regions (DETR), Circular 02/2000, Environmental Protection Act 1990: Contaminated Land, 20th March 2000.

Chartered Institute of Environmental Health (CIEH): Local Authority Guide to the Application of Part IIA, Section C5. July 2001

