

Ince Central Estate*

Project Team News

Newsletter No. 28

4th November 2005

Regulation Edition

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This Newsletter comes from the **Environmental Protection Section** (part of the Community Protection Department). We are responsible for enforcing the law (known as **regulation**) regarding contaminated land on behalf of Wigan Council. Contaminated land issues can be complicated and we want to explain why we are involved and what we are doing.

Why we are involved.

The contaminated land regime, set out in Part IIA of the Environmental Protection Act 1990, was introduced in England on 1 April 2000. It was introduced to identify and clean up (known as **remediation**) land where contamination poses unacceptable risks to human health or the environment.

When we receive information about a site that may be contaminated we have a legal duty to protect public health by assessing the site and ensuring that any risk is removed. We have to follow a strict legal process and we must treat all potentially contaminated sites in the same way whether they are privately or Council owned.

Our first task is to decide whether any particular area of land meets the legal definition of 'Contaminated Land'. This process is called **determination**.

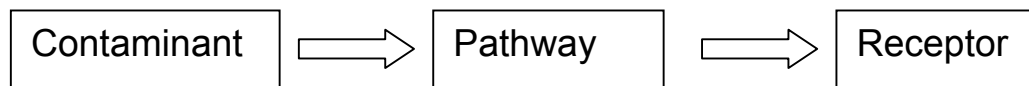
Land is only legally defined as '**Contaminated Land**' if all three of the following are present;

- ◆ a **contaminant** in, on or under the land,
- ◆ a **receptor** that could be significantly harmed by the contaminant, for example humans and
- ◆ a **pathway** linking the two.

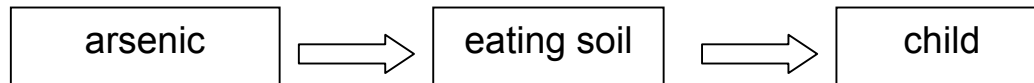
This is called a **significant pollutant linkage (SPL)**.

The following example illustrates this.

A Pollutant Linkage is:



For example:



What we are doing.

We are reviewing all the information regarding the Ince Central Estate including the detailed investigation carried out by Mouchel Parkman on behalf of Wigan and Leigh Housing (WALH). Only if we are satisfied that significant pollutant linkages are present at an individual property can that land be determined as 'Contaminated Land'. We must then prepare a written account of each determination.

You have already been informed what contaminants have been found on your property. If we determine your site as 'Contaminated Land' we will notify you in writing. This **notification** will include;

- ◆ a formal notification letter and
- ◆ additional information about the determination.

When these are delivered we will provide you with advice to help you understand what they mean.

Making these determinations is not a simple task, not all the determinations can be made at the same time because the pattern of contaminants on each individual property are different. So we are working closely with WALH and we will be following the phasing process for the site work that was explained in the last Newsletter.

Our next task will be to regulate the clean up of the estate to ensure that the methods to be used are effective and that they are carried out to the correct standards. Future Newsletters will cover these issues.

Please contact the **Environmental Protection Section on 01942 827073** if you have any enquiries at this stage regarding the regulatory process.

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Appointing the contractors