



# GroundReport

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## New Build Demolished due to Contamination Fears – How Clean is Your NEW House?



Just because a property has been constructed recently, there is no guarantee that it is free from contamination. In 1994, the Government published 'Planning Policy Guidance: Planning and Pollution Control (PPG 23)', which recognised that potential contamination is a material planning consideration during the development process.

With the Environmental Health Officer at the Local Authority being a Statutory Consultee during the planning process, some conveyancing practitioners are unsure whether to get an Environmental Search Report for recently built residential properties.

The following case studies highlight the importance of ensuring that a comprehensive environmental risk assessment is completed for your Client in every case.

In 2002, planning permission was granted by Mid Devon District Council for the erection of four dwellings and a detached garage on the site of a former trailer and agricultural machinery engineering works. Several pre-conditions were imposed upon the consent, in particular, the requirement for the submission and acceptance of a suitable site assessment and investigation to identify soil and groundwater contamination.

### Unauthorised Development

The Council received information that the development was well underway by 2004, with foundations already in place, prior to the submission of the site assessment and investigation. As the conditions were not discharged before development commenced, the developer was found to have breached the consent and the development was unauthorised, contrary to the Town and Country Planning Act 1990. The house builder was served with an enforcement notice requiring the removal of all unauthorised development from the site and that it should be returned to its former condition.

In another case, the Developer of the Clockfields Estate in the West Midlands failed to comply with planning conditions requiring land contamination to be dealt with. The development was constructed in phases across the site and it was not until phase 6 that these findings came to light. Consequently, the site is being investigated by the local authority, under Part IIA of the Environmental Protection Act 1990.

### Demolition

Similarly, Dudley Metropolitan Borough Council has recently ordered the demolition of a block of 18 flats constructed last year by another NHBC registered builder for failing to provide sufficient information on the site to establish that it was free from contamination - or that necessary remedial measures were undertaken. Fortunately for any future purchasers/occupiers, this was decreed by the local authority prior to the sale of the units.

### Remediation

GroundSure is also aware of a housing estate in Walthamstow constructed in the early part of 2000 that required full remediation two years later. The investigation and remedial costs of around £750,000 were borne by the Housing Association.

### GroundSure Solution

Frequently, GroundSure is asked to act on behalf of Conveyancing professionals with the appraisal of additional information, including planning permission, NHBC Buildmark Warranty (or similar), complex site assessment reports, remediation method statements and validation reports. Should you prefer, clients may also speak directly to one of our advisors.

GroundSure is the only supplier of environmental risk screening reports to have an in house team of environmental consultants and we are able to review and evaluate additional information ensuring you receive a professional and consistent service at all times. The examples featured in this GroundReport certainly offer additional comfort to those who always obtain an Environmental Report on behalf of their Clients.