

## Company Directive

### STANDARD TECHNIQUE : EW1G/1

#### Contaminated Land

##### Summary

This Standard Technique replaces Environmental Instruction EI No:2.  
The procedures for purchase and sale of contaminated land are defined.

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**Approved by**



**Policy Manager**

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## **1.0 INTRODUCTION**

1.1 The Environment Act 1995 introduced new provisions in respect of contaminated land and the liabilities associated with it. This policy addresses the key issues which are:

- Minimising the risk of contaminated land liabilities when purchasing new plots of land
- Health and Safety for staff and contractors
- Disposal of excavation materials from contaminated sites
- Sale of land which may be contaminated

## **2.0 DEFINITION OF CONTAMINATED LAND**

2.1 "Contaminated land" refers to the presence of substances on a site in concentrations above background levels which may cause harm (directly or indirectly) to humans, animals, vegetation or structures. Consideration needs to be given to whether the use of the site may release contaminants into or from the surrounding environment thereby causing pollution (e.g. by trenching causing pathways). Contaminants may be naturally occurring e.g. arsenic, or have arisen from either historic site usage or from WPD processes on site.

## **3.0 PROCEDURE FOR PURCHASING NEW PLOTS OF LAND**

3.1 WPD is likely to have liabilities for existing plots of land under the new legislation, for example old power station sites (such as Avonbank), disused oil or fuel storage areas, areas used for the storage of poles, transformers and switchgear. The process for the purchase of new land shown in the flowchart in Appendix A is to ensure that any future liabilities are minimised. The degree of search depends upon the risk of contamination and the size of the site. Appendix A states the main possible sources and other possible signs are old mine workings, disused garages, old gas works, engineering works, foundries and rubbish tips. It should be remembered that even farmland can be contaminated especially in Cornwall where arsenic from old working can be a problem. For a small substation plot, the risk is minimal because any contamination present is also likely to affect surrounding land. For a large site (over 20 square metres) more time must be allowed to conduct at least a Landmark Search and possibly further in depth tests. The costs of these may be offset by the reduced liability and negotiation on land price or vendor clean-up. If there is any uncertainty in respect of the land being considered for purchase it should be referred to the Estates & Property Department at Avonbank.

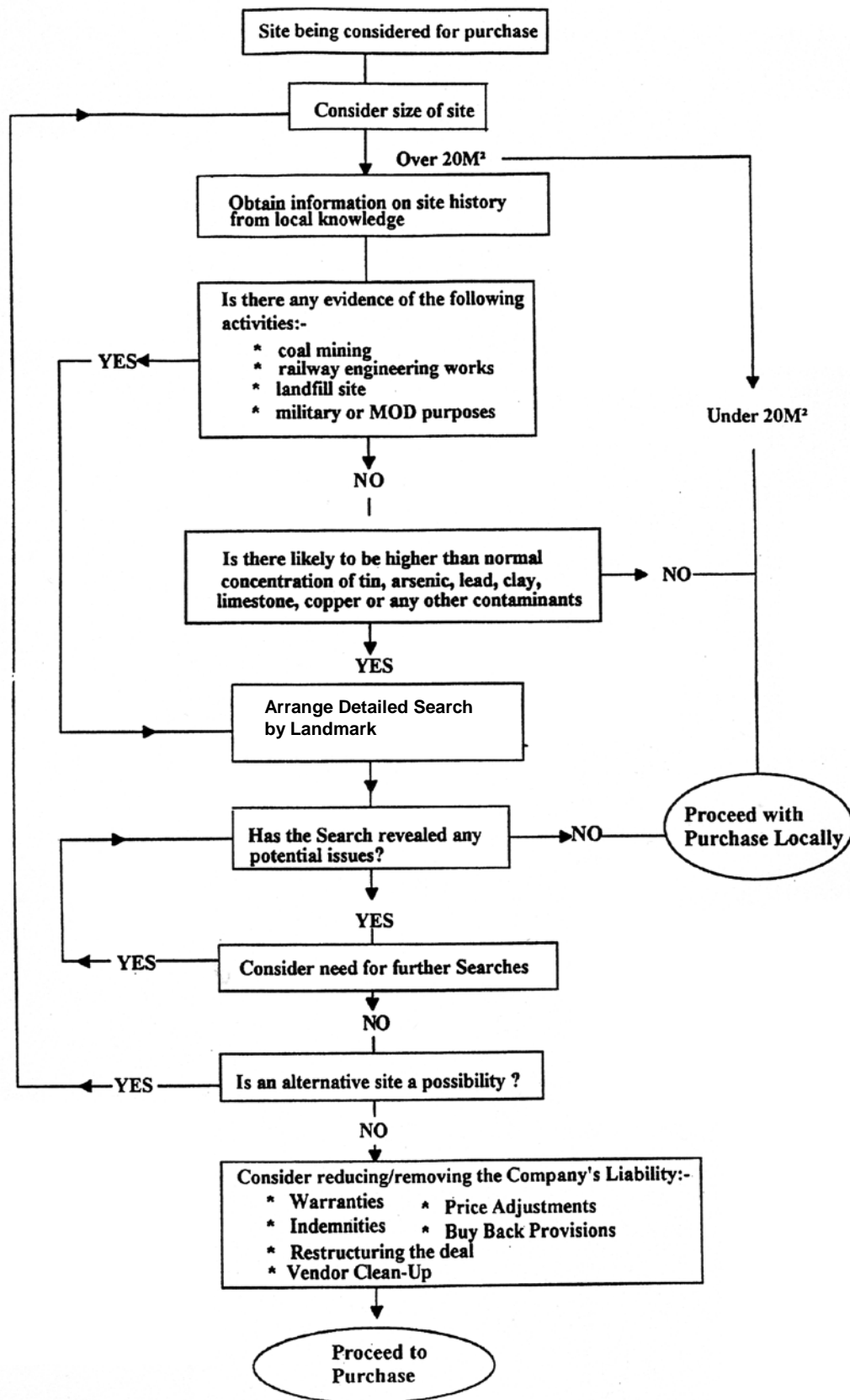
3.2 If the purchase proceeds, any relevant information obtained should be made available to the Project Manager who will need to consider any safety issues for the staff and contractors working on site, correct disposal of waste, and any impact on the potential use of the land. The Construction (Design and Management) Regulations 2007 require a Health and Safety Plan which should be developed for projects as determined in POL HS9 and associated STs.

## **4.0 DISPOSAL OF MATERIALS FROM CONTAMINATED SITES**

4.1 Once potential contamination has been identified special attention needs to be paid to the disposal of any spoil or waste materials. The nature of contamination will determine the disposal process to be used to ensure compliance with the Environmental Protection (Duty of Care) Regulations 1991 and Hazardous Waste Regulations 2005. When contractors are used, WPD still has a responsibility for ensuring correct disposal. (ST:EN3A Duties on Waste)

**5.0 ACTION REQUIRED**

- 5.1 Estates/Property, Consents & Wayleaves Distribution Managers and Design Managers shall ensure that all staff involved in the purchase of land are aware of this instruction and follow the procedure in Appendix 1 before purchase is agreed.
- 5.2 Project Managers shall take adequate precautions when dealing with potentially contaminated sites to ensure the health and safety of both employees and contractors and consider the Duty of Care for the disposal of potentially contaminated materials and seek expert assistance where necessary.



## **APPENDIX B**

### **SUPERSEDED DOCUMENTS**

This document supersedes ST:EW1G dated December 2001 which should now be withdrawn.

## **APPENDIX C**

### **ANCILLARY DOCUMENTS**

The Environment Act 1995.

Environmental Protection (Duty of Care) Regulations 1991.

Hazardous Waste Regulations 2005.

Standard Technique ST:EW1D - Relating to the Acquisition of Routes and Sites.

POL HS9 - Construction (Design & Management) Regulations.

POL EN3 - Waste Policy.

ST: EN3A - Duties on Waste.

## **APPENDIX D**

### **POLICY IMPLEMENTATION**

Immediate.

## **APPENDIX E**

### **POLICY IMPACT**

No change to policy. Housekeeping and legislation reference updates only

## **APPENDIX F**

### **KEY WORDS**

Contaminated, Land, CDM.