



renaissance
Regeneration

LIABILITY SCREENING REPORT

Regulatory Enquiry



Property Reviewed

Example Business Unit
Business Street
Hull
HI 1UU

Review Prepared For

Solicitors

Your Reference

ABC/123

Date

6th September 2006

Renaissance Regeneration Reference

C060906 - Example Business Unit

Renaissance Regeneration Ltd

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Instruction

Renaissance Regeneration Ltd. was instructed by Solicitors on 6th June 2006 to investigate the environmental status of the above-mentioned property. This followed the recommendations and findings of a 'Risk Screen' report commission on the property on 6th May 2006. The Environmental Health and Planning Department of Hull Metropolitan Borough Council were consulted between 6th and 12th June 2006. This document should be read in consultation with the previous report as the comments made here are, in the main, additional information rather than a replacement for what has already been concluded.

Contaminated Land Officer

Mr. S Smith of the Contaminated Land division of the Environmental Health Department was consulted on 6th June 2006. He commented as follows:

- Of the 35 conditions associated with the initial decision notice, 7 were of an environmental nature. Further interrogation revealed that none of these were of a site specific nature. It is common policy to issue a method of environmental investigation, from desktop search through to deployment of remediation measures and validation, in the form of a number of standard conditions.
- Remediation requirements had been identified during a Site investigation undertaken in January 2004. These requirements included the need for gas protection measures to be installed at the site.
- The last contact he had with the planning department was in March 2006. In this correspondence he had advised that the conditions should **not** be discharged following submission of the validation report.
- This advice had been given due not to a technical issue, but as a result of a breach in the methodology wording set out in the conditions attached to the decision notice.

Planning Department

On 12th June a conversation with the Mr J Jones, the Duty Planning officer for the borough revealed the following:

- The property of concern has been or is being built under application number 11/234/56, plus additional applications for modifications to the final appearance of the premises.
- A decision notice was issued following the application. This contained a number of conditions of an environmental nature which will need discharging prior to full legislative clearance being given to the property. The planning officer was unable to state the specific nature of these conditions without a formal application being filed.
- No further information was sought due to the response already received from Environmental Health.

Conclusions

I would speculate that the developer has undertaken an appropriate procedure for investigation and subsequent remediation of the site and that the council will ultimately be satisfied on this point. However, it would appear that there has been some misalignment between the advancement of these procedures and the exact wording of the conditions. This is currently preventing the full discharge of the conditions.

It is incumbent on the developer to secure a discharge of the planning conditions by fully satisfy the wording of all relevant decision notices. Once this is done and a copy is supplied to the client, the matter will be settled. Although this should all conclude itself without too much trouble once the developer and local authority confer, it would be unwise to rely on this happening after the purchase has gone through.

Recommendations

The purchaser should ensure that the developer secures the full discharge of all planning conditions prior to purchasing this property. The developer should supply the purchaser with a copy of the correspondence from the local authority confirming this. **Once this has occurred, the site will represent a low environmental risk and no further environmental investigation will be required.**

Regulator Overview

This section gives an overview of the nature and remit of the regulatory bodies which may have been consulted in the preparation of this report. Not all regulators are consulted for every property as some are only appropriate for certain trade sectors. Also, a conclusion can often be determined from fewer enquiries due to the structure of certain Authorities and their internal record keeping processes. Occasionally, recourse will have to be made to the County Engineer or Minerals and Waste departments.

Contaminated Land Officer: Often a dedicated post within the Environmental Health department of the local authority, the Contaminated Land Officer (CLO) is usually a geo-environmental specialist. The CLO is charged with identifying, prioritising and inspecting potentially polluted properties (under Part IIA of the Environmental Protection Act 1990). Should the CLO find significant contamination at a property, the authority is likely to determine it as officially Contaminated.

Each authority has a different strategy about prioritising, inspecting and determining contaminated land, with some relying on the planning process to identify and deal with high risk sites. Renaissance personnel have good relationships with many CLO's and will usually pursue telephone enquiries as a first option. This usually achieves rapid and detailed information compared to written requests, as most authorities are extremely cautious about their written correspondence.

The CLO also advises the Planning department about the need for environmental investigation and remediation for proposed development projects.

Planning Department: Hold all planning records and are responsible for imposing environmental investigation and remediation (removal or reduction of pollutants) requirements for proposed developments. These requirements can also be imposed for extensions and alterations to existing structures. Enquiries to the Planning Department should reveal the planning history of a property, including environmental reserved matters or conditions. There is some variation between authorities, but it is often possible, especially through verbal enquiries, to gather whether these planning conditions have been discharged or remain outstanding.

Building Control Department: Inspect properties during the construction phase and ensure that all building requirements and specification set by Planning and legislation are fulfilled. This is especially relevant for matters such as gas protection membranes and venting, but can also include ground remediation and stabilisation. The information available varies slightly from authority to authority

Petroleum Officer: Attached either to the county fire service or Trading Standards, they regulate the storage and handling of petroleum. This includes underground and above ground storage tanks for a range of commercial and industrial uses. They often hold records of tank installations, decommissioning and integrity tests, as well as some data about known accidents, spills and leaks. The Petroleum Officer is often the most useful contact for former petrol stations.

Environment Agency (Scottish Environmental Protection Agency): Responsible for much of the regulation concerning pollution, waste and the environment. Enquiries about landfills, underground water, rivers and pollution incidents should generally be directed to the Environment Agency. They generally deal with all enquiries through a central administration body, with their charter generally giving response times between 10 and 20 working days.