

Summary of Part IIA of the Environmental Protection Act 1990

In April 2000 Part IIA of the Environmental Protection Act (EPA) 1990 came into force, introducing a new regime for the regulation of contaminated land in England. Part IIA addresses the legacy of land contamination. Its main purpose is to:

- provide an improved system for the identification of land that is posing unacceptable risks to health or the environment
- secure remediation where such risks cannot be controlled by other means.
- Local Authorities are the primary regulators for Part IIA.

Part IIA aims to identify land affected by contamination that presents an unacceptable risk in its present state. If this happens, Part IIA tries to ensure that where possible, work is carried out to make the level of risk acceptable. This would take into account the cost of risk reduction, practical considerations, and the potential benefits. Part IIA is intended to complement other regimes, for example those aimed at preventing new contamination. The Government's intention is that Part IIA will:

- improve the transparency and focus of regulatory controls
- ensure that regulators take a strategic approach to land contamination problems
- increase consistency in regulatory approaches, and
- provide a more tailored regulatory mechanism, including liability rules, that is able to reflect the complexity and range of circumstances found on individual sites.

The box below outlines the key responsibilities of Local Authorities under Part IIA.

Box B1: Key Responsibilities of Local Authorities under Part IIA

1. **Prepare an inspection strategy** setting out how the Authority intends to inspect its area for the purpose of identifying contaminated land.
2. **Determine whether particular areas of land are contaminated land** in accordance with the Secretary of State's guidance.
3. **Decide whether any contaminated land is also required to be designated as a Special Site** in consultation with the Environment Agency as appropriate.
4. **Identify and notify owners and occupiers of the land, those who may be liable and the Environment Agency** that the land is contaminated land and whether it is a Special Site.
5. **Undertake urgent remediation action** where there is imminent danger of serious harm.
6. **Determine who may be liable** to bear responsibility for remediation of contaminated land and what proportion of the costs they should bear.
7. **Ensure that appropriate remediation takes place**, either by encouraging voluntary action or, unless restrictions apply, by serving a remediation notice on those responsible.
8. **Take further action** if remediation is not carried out or is not effective.
9. **Maintain a public register** containing details of regulatory action taken under Part IIA and through other means.
10. **Provide information on contaminated land under Part IIA to the Environment Agency** to allow preparation of the State of Contaminated Land Report.

See the DEFRA web site for more information on Part IIA and for copies of the statutory guidance.