



Buyer Beware: Don't get caught short because of contamination.

Environmental issues are being highlighted across Great Britain more increasingly than ever. There are over 4000 licensed landfill sites in Great Britain and 275,000 infilled land sites which may impact the safety and enjoyment of your home. Exposure of such figures has resulted in an increased awareness on the subject of environmental risk. Nowadays the majority of all property transactions include an environmental study as a reaction to the need for increased diligence as the costs of environmental negligence become apparent.

News stories continue to appear regarding contaminated land found under residential estates, only recently have residential homeowners in Wrexham been asked to contribute between £2000 - £20,000 for the clean-up of contaminated land. It has been found that in this area there is lead-contaminated soil in resident's gardens dating back 200 years, and as a result all the residents' property in the area are now contaminated.

As can be seen the difficulty in contaminated land is that it may not be that obvious without a contamination check search. As with the situation above in Wrexham the land can be contaminated historically going back hundreds of years. This issue has become more serious since the introduction of Part 2A of the Environmental Protection Act, which places certain duties on owners regardless of whether or not they were aware of the contamination when they purchased the property.

The risk is that if you don't take out a contamination search but then when you sell your property your buyer takes out the search and a contamination is revealed when you sell. The risk then is that you have to put right the contamination when you sell. The potential cost of putting contamination right can amount into the tens of thousands (more or less, depending on the nature of the property and contamination found).

The good news for a prospective purchasers is that there is an easy solution to find out if a property has possible contamination issue. An environmental search can be carried out which looks into the area of the property and reports any issues. It looks into the past uses of the land in order to determine whether any past use is likely to have led to contamination.

If an environmental search is returned showing possible contamination is my purchase ruined?

The answer is, not necessarily. If you are still interested in the property and want to know more about the flagged contamination issue, the next step to take is to get a second physical environmental survey. This can be costly and before taking this step most quality solicitors will use their initiative and ask the sellers solicitors if they have any information on possible contamination.

Getting a mortgage?

Your lender will require a clear certificate of title and this means that they are lending on the basis that there are no contamination issues, indeed some lenders are reluctant to proceed the mortgage advance or re mortgage advance where there is a potential risk of the presence of land contamination.

