

NESCS and Piece Of Land



NESCS - Piece of land

- The NESCS is triggered when a person wants to do any of the five regulated activities on a *piece of land*...

NESCS Users Guide – Refers to a piece of land

Because:

- ❑ The NES only applies to the piece of land on which HAIL activities are being/has been/is more likely than not to have been undertaken - NOT necessarily the whole parcel unless any part of the property could have been the location for the HAIL activity.

NESCS Users Guide – Area of interest

The Guide advises that:

- ❑ the area required to be investigated is the area covered by the activity – the area of immediate interest – NOT the entire area that the HAIL activity may have occurred

The dual role of the SQEP & the Regulator...

- ❑ Under the NESCS it's the dual role of the SQEP and the regulator to ensure the NESCS policy objectives are achieved
- ❑ Both the practitioner and regulator benefit from adopting a consistent approach to fulfilling their roles!

Protecting human health

- ❑ The SQEP is the technical expert who's role is to protect human health and ensure HAIL land is safe for use
- ❑ The regulator is (in essence) a compliance officer who plays a role in protecting human health
- ❑ The success of both relies on the deliver of quality information that fully explains the actual risk the piece of land poses to human health

Safe Use of HAIL land

- ❑ The SQEP has a wealth of scientific expertise that enables them to fulfil their role
- ❑ A regulator must be able to rely on the SQEP to enable them to fulfil their role
- ❑ Ensuring the safe use of HAIL land relies on a sound understanding of the risk the piece of land poses to human health

HAIL land is:

- Characterised by evidential information that an activity described in the HAIL is being/has been undertaken on it – as demonstrated by a PSI
- Defined by evidential information that contaminants relevant to the identified HAIL are present - as demonstrated by a DSI
- Qualified appropriately as a piece of land that needs to be investigated – as demonstrated by a CLS (Contaminated Land Specialist)

NESCS Piece of land

- ❑ Initially a piece of land is described as the portion of the property where HAIL activities have occurred
- ❑ However, a piece of land needs to be further defined beyond the User's Guide & regulation 5(7)'s descriptions.
- ❑ A piece of land needs to be clearly defined by its historic land use, and then in some cases refined further and characterised by a ground investigation.

NESCS-Piece of land

- If no contamination is found, then piece of land does not apply and therefore the NES does not apply.

Conditions for a Piece of land

- ❑ To decide what conditions can and can't be imposed under the NESCS, regulators need to know the extent of the piece of land.
- ❑ The extent of the piece of land and its contamination status is determined by the DSI and the implications for a development adequately explained by the SQEP
- ❑ Provided the investigation has made this clear and we are satisfied that we know what we should reasonably be expected to know, we can rely on the SQEPs recommendations to guide us in our decision-making process.

NESCS Piece of land SMARTER conditions

- ❑ SMARTER conditions will be for human health-related controls that are based on sound technical advice
- ❑ SMARTER conditions will target an actual effect from a HAIL - as determined by the SQEP
- ❑ SMARTER conditions will include targeting the risk posed by a complete exposure pathway given the intended land use - as determined by the SQEP

NESCS Piece of land SMARTER conditions

- ❑ SMARTER conditions will include appropriate and realistic controls
- ❑ SMARTER conditions will ensure the suitability of a piece of land for its intended use
- ❑ SMARTER conditions wont need to rely on enforcement

NESCS Piece of land SMARTER conditions

SMART Conditions....

Specific

Measurable/Motivating

Achievable

Realistic/Results-based

Timely

if not SMARTER.....

Evaluatable - Reviewable

Thanks for listening, I hope of my presentation on piece of land has made you hungry....

