



Guidance for residential property

Buying residential property

The Council is frequently contacted regarding contamination issues that relate to the purchase and/or sale of property.

Contamination issues may be highlighted during the purchase/sale of property by:

- local authority land charges search
- private search companies
- prospective purchasers' own searches
- a new owner of a property

Generally, the Council is only able to provide the factual information we hold that relates to a site, particularly during the purchase/sale of property. Please refer to the Environmental Search Guidance at <https://www.hackney.gov.uk/contaminated-land-guidance> if you wish to search information available for a property.

Searches as part of a property purchase/sale

Increasingly, solicitors undertake environmental searches with private search companies. The Con29 Form of the local land charges search also addresses contaminated land issues. Where a risk is identified by a private or land charges search, a sale may be held up either because the purchaser is unable to obtain a mortgage from their bank, or they have been advised to obtain further information by their solicitor and/or surveyor.

The Council has little influence over a private search company's conclusions and beyond providing factual information as part of a search, the environmental protection unit is unable to offer advice regarding the purchase/sale of property. Your solicitor, surveyor and other agents who may be employed are responsible for advising you during the purchase/sale of a property.

If, after following the advice and recommendations of a private search company, they still consider that a risk exists from contamination, we would recommend that you seek guidance from your solicitor/surveyor about employing an appropriately qualified environmental professional. An environmental professional should be able to advise you how to go about demonstrating whether a contamination issue exists in relation to a property.

Please refer to the Environmental Search Guidance at <https://www.hackney.gov.uk/contaminated-land-guidance> for further information regarding searches undertaken during conveyancing.

A new owner of a property

If after buying a property, or when selling a property, the owner finds that it is situated on contaminated land or potentially contaminated land, we would suggest

that any readily available information is collected. This may include searches with Hackney Council's pollution section. See Environmental Search Guidance at <https://www.hackney.gov.uk/contaminated-land-guidance>.

You should also contact the solicitor and surveyor who carried out the purchase of your property to see whether they undertook the correct environmental checks and advised you appropriately.

If any previous potentially contaminating use is mentioned in deeds or other information associated with the property, or if the solicitor or surveyor should have been aware of a situation from local knowledge or information provided by the local authority (or other organisation), they may be at fault.

It is also possible that if someone sells a property knowing that there is a contamination issue, but does not inform the purchaser (in particular where the seller has lied), then the seller may be at fault.

If you consider that any of these circumstances apply, you may need to consider seeking professional legal advice

The Council is unable to consider using its powers to investigate potential contamination because of information identified during a property transaction. However, if harm or a significant likelihood of harm to people living within or around a property is apparent, then the Council will consider investigating a property and the surrounding area.

Housing on potentially contaminated land

Generally, unless there is evidence of harm, or a significant likelihood of harm, to people living within or around a property or to the environment, the Council cannot consider the investigation of a property or the surrounding area out of its prioritised order.

The prioritisation and investigation of potential contamination is described within Council strategy and guidance. See further guidance on the contaminated land regime at <https://www.hackney.gov.uk/the-contaminated-land-regime>.

Guidance regarding health issues arising from contaminated land is available from <https://www.hackney.gov.uk/contaminated-land-guidance>.