



## **Developers liable for the costs of cleaning up contaminated land – Circular Facilities (London) Limited v. Sevenoaks District Council**

Cost of clean up falls on to developers. In the case of Circular Facilities (London) Ltd v. Sevenoaks District Council (2004) the Court held that a remediation notice served on the developer of land was correct. In this case a developer has built houses on a brownfield site where methane and carbon dioxide emissions were found to be harmful. The local authority carried out the stabilisation works and then served a remediation notice on Circular Facilities holding them to be the appropriate person responsible for payment of the remedial costs. Circular Facilities appealed against the Notice.

The Court held that Circular Facilities should have carried out proper site investigations but in any event knew the risks of building on land fill sites. By building on the land they introduced the relevant “pathways” allowing the pollution to escape. Therefore, the developer was the relevant person under the Contaminated Land provisions, even though it no longer owned the land.

This case illustrates that when developing brownfield sites extreme care must be taken to ensure that all potential contamination is dealt with.

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