

Flemish Land Status Report: from birth to adolescence

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Flemish land status report

- Why?
- Legislation
- Reactions 1995
- Experiences 2005
- Conclusions



Why?

- Transfers without “land status report”
- Liability on “guardian of land” for third party damage
- ✘ Optimal protection of new owner
- “fraudulous” transfer by contaminator
- ✘ Protection of government



Legislation

- Transfer of any land : soil certificate
= extract from our soil quality databank
- Transfer of land with 'risk-activity'
 - preliminary investigation
 - descriptive investigation
 - soil remediation plan
 - engagement+financial guarantee
- Prior to transfer, if not: risk annihilation
- Register of polluted land



Reactions 1995

- Foreign investors+big companies:
 - no problem!
 - before new decree: "land status reports"
- Small and medium size firms: fear
- Real estate agents / notaries: impossible!

Policy discussed with experts before decree




Experiences 2005 (+)

- Transfer is an important trigger for investigation and remediation (>70%)
- Cost remediation \in transfer: “easy” money
- Questionnaire impact legislation (2000 companies in our register):
 - 43% finds transfer as trigger “right moment”
 - 15% finds transfer “not right moment”
- Register: + public awareness (eg UST)
- Certificates (25€) pay for register!



Experiences 2005 (-)

- Too many actions in “transfer”
 - reduction
 - responsibility on parties
 - education on “risks” for parties
- Stigma “register polluted land” too strong:
“databank on soil quality”
- Procedures must become faster, flex.
- Management guaranteed  remediation
- Negative value sites??



Conclusions

- Information on soil quality is very important at land transfer!
- Parties were afraid, but accept now if
 - Process time is limited!!
 - Quality of decision is OK
- Money is “readily” spent at transfer!

