

SCHEDULE 3

REMEDIATION OF ENVIRONMENTAL DAMAGE

PART II

1. This Part applies to damage to land.
2. The necessary measures shall be taken to ensure, as a minimum, that the relevant contaminants are removed, controlled, contained or diminished so that the contaminated land, taking account of its current use or approved future use at the time of the damage, no longer poses any significant risk of adversely affecting human health.
3. The presence of such risks shall be assessed through risk assessment procedures taking into account the characteristic and function of the soil, the type and concentration of the harmful substances, preparations, organisms or micro organisms, their risk and the possibility of their dispersion.
4. Use shall be ascertained on the basis of any enactment relating to land use, or other relevant enactments, in force, when the damage occurred.
5. If the use of the land is changed, all necessary measures shall be taken to prevent any adverse effects on human health.
6. If there are no enactments which are relevant for the purposes of paragraph 4, the nature of the relevant area where the damage occurred, taking into account its expected development, shall determine the use of the specific area.
7. A natural recovery option, that is to say an option in which no direct human intervention in the recovery process would be taken, shall be considered.