

9.3 Contaminated land and flooding

We looked at the need for an environmental search in Unit 1 and we found that:

1. Environment Agency figures indicate that there may be 100,000 sites affected by contamination to some degree in England and Wales, of between 5% to 20% may require remedial action.
2. Figures indicate that 10% of residential premises in the UK are at risk of flooding. Environmental searches generally give information on flooding as well.

Clearly an environmental search is crucial.

Task 14

Research contaminated land on the following sites:

http://www.environment-agency.gov.uk/subjects/landquality/113813/?lang=_e&version=1

<http://www.defra.gov.uk/environment/land/contaminated/index.htm>

Now do a (free) environmental search on your own home at

<http://www.homecheck.co.uk/>

or

<http://www.environment-agency.gov.uk/>

9.4 Acquiring the site

The buyer may wish to acquire the site only when he has planning permission for the proposed development. This is problematic because the seller could, if there were no contract in place, sell to someone else in the meantime. The buyer, of course, may not wish to commit himself to the purchase unless he knows that he will definitely get the necessary planning permission.

The solution may be to enter into a conditional contract, which will oblige the buyer to proceed only if the planning permission is actually granted.

The conditions precedent (that is, the conditions which must be satisfied before the contract can be enforced) must be clear and unambiguous.

In *Lee Parker v Lzzet (No 2)* 1972 2 All ER 800 a contract conditional upon the buyer "obtaining a satisfactory mortgage" was held to be void for uncertainty. The condition was too imprecise (Satisfactory to whom? What exactly does satisfactory mean?) to be able to assess whether it had been satisfied or not, . .