

SDI development and law-based special recordings; the case of soil pollution sites in the Netherlands

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"no longer submerged"

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Soil Pollution

- toxic chemicals and/or oil products
- which gets into the ground and water table
- through leakage, (illegal) dumping, filling holes, raising fields of/with industrial waste
- in Netherlands first major site 'Lekkerkerk'
- first reaction was panic & major sanitation operations

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Soil Pollution

- first policy: make it clean again ('lettuce')
- lack of funding and capacity
- much effort on studying and analyzing the soil
- reports with results are scattered around different public agencies and partly in private hands
- study in 1994/5 to set up geometric index to all soil quality information available
- official Ravi-advise: phased approach

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Legislation

1. ad hoc approach
2. interim law
3. inclusion in the Act on Soil Protection
 - provincial decision if serious case + urgency
 - 'guilty ownership'
4. call for (better) availability of information
 - Minister says we are studying the issue
 - Parliament comes with amendment

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Legislation

- different types of information needs
 1. overview information on the central level
 2. detailed information at provincial level
 3. official information on decisions for buyers
 4. information on suspected sties, less serious cases and partly sanitized cases
- Law regulates nr. 3 (via cadastral registration)
- nr. 2 and 4 scattered around, nr. 1 gets attention

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Cadastral Registration

- limited to provincial decisions on serious case (even when decided it is not)
- WB(D)-code is placed in cadastral registration (AKR) at every effected parcel
- pollution area as sketched in report is 'translated' onto a cadastral map → effected parcels listed
- provincial decisions and underlying documents not kept as part of the public registers ('land registry') as for other registered public restrictions

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Cadastral Registration

- WB(D)-code seen as a stigma, but
 - code does not mean serious pollution per se
 - lack of code does not mean clean or no info
- people should see it as start to look further, but
 - should always look further
 - additional information is often badly accessible
- Law gives some details and no room for regulations
 - differences in interpretation and adaptation

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Other Soil Information

- attempts for national overview (re. to funding)
- initiatives at provinces to improve for legal registration and for their other related tasks; coordination
- very diverse picture at municipalities: quick, free access to virtual secrecy
- valuers and realtors need information, but ..
- national portal foreseen (soil counter.nl)
- coordination and some standardization

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Integrated Soil Information ?

- all projects are on voluntary bases
 - each province/municipality is own info. domain
 - set their own policies (fees, speed, ..)
 - no harmonized information system
- cadastral registration is mandated and harmonized, and helps buyer (whatever its shortcomings)
- double work is being done, but 'free' character of initiatives hinders stopping with cadastral registration (for the time to be)

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Lessons ?

- partial legal mandate hinders SDI-development
 - keep legal task out of it, or
 - build SDI around it (ask more from non-mandated partners)
 - parties are in very different positions
- framework legislation (copyright, privacy, fee-struct.)
 - create a level playing field between parties
 - probably leads to easier cooperation → SDI-devel.

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