



# Abu Dhabi Environment, Health and Safety Management System Regulatory Framework (EHSMS)

## Code of Practice

AD EHSMS CoP 13 – Land Management

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## Code of Practice – Land Management

### 1. **Aims & Intent**

#### 1.1 **Aims**

- (a) The aims of the CoP are to:
- (i) ensure that the Environment Health and Safety (EHS) quality objectives are met;
  - (ii) drive continuous improvement in the management of land to achieve the best EHS outcome having regard to the social and economic development of the Emirate;
  - (iii) ensure land management issues are addressed through strategic planning; and
  - (iv) support national measures to manage land.

#### 1.2 **Intent**

- (a) The intent of the CoP is that land quality is maintained and enhanced by:
- (i) improving land condition to protect current and future beneficial uses of land from the detrimental effects of contamination by:
    - (1) preventing contamination of land; and
    - (2) where pollution has occurred, adopting management practices that will ensure prevention of unacceptable risks to human health and the environment and protection of beneficial uses through remediation or management of contamination.
  - (ii) managing land so that the beneficial uses of the environment are protected, the Emirate's land management targets, goals and objectives are met, and emissions to land continue to be minimized with regard to the Emirate's social and economic development;
  - (iii) ensuring that the owner of land in Abu Dhabi Emirate shall prevent contamination and pollution of the land they own. Without taking away the responsibility of the polluter, the landowner will be responsible for the remediation or management of contamination risk posed to human health and the environment. This will ensure the suitability of the land for its current use and will minimise harm to other segments of the environment;
  - (iv) remediation of contaminated land to ensure there is no detrimental impact on the beneficial uses of other segments of the environment (water and air) at or off the site; and
  - (v) this CoP contributes to the protection of the beneficial uses of other elements and segments of the environment identified in other Emirate Environment, Health and Safety Protection Policies that may be adversely affected by pollution to land.

## **2. Application & Implementation**

### **2.1 Application**

- (a) The Competent Authority and/or Sector Regulatory Authorities will inform the private and government sectors and the community on land issues by:
  - (i) acquiring, analyzing and reporting information on land pollution levels, and promoting increased private and government sector and community awareness and understanding of land contamination management issues;
  - (ii) allowing the private and government sectors and the community to make submissions and comment on certain proposed policies plans and programs;
  - (iii) producing timely forecasts and bulletins on land contamination levels for public information, when available;
  - (iv) advising the private and government sectors and the community on actions they can take to minimize contamination to land;
  - (v) investigating complaints and concerns relating to land contamination;
  - (vi) ensuring that the identification and remediation of land is based on international best practice; and
  - (vii) ensuring consistency with relevant laws and regulations.

## **3. General Requirements**

### **3.1 General Land Control Provisions**

- (a) The potential for land to be contaminated shall be assessed in all new developments. A list of activities likely to lead to contamination of land is contained in the *Technical Guideline on Contaminated Land Management*.
- (b) The Competent Authority and/or Sector Regulatory Authorities shall establish monitoring procedures, and commence assessment and reporting.
- (c) The condition of land in Abu Dhabi Emirate shall be maintained as close as practicable to background levels.
- (d) The condition of the land shall be suitable for the proposed use. A sensitive land use such as residential land will require lower residual levels of contamination (and a higher level of remediation) compared to a site proposed for industrial use.
- (e) Abu Dhabi Emirate strategic land management policies shall be adhered to when considering possible land uses.

### **3.2 Land Owner or Land Custodian**

- (a) The landowner is encouraged to undertake their own due diligence and research with regard to the land prior to purchase. This will assist in determining the likelihood of contamination at the site.

- (b) If the land is found to be contaminated, the owner is responsible for overseeing its assessment and remediation.
- (c) Land remediation shall be undertaken in accordance with *Technical Guideline - Contaminated Land* Management prior to a transfer of ownership.

### **3.3 Government**

- (a) The Competent Authority shall exercise its powers, duties and functions to prevent and manage contamination by:
  - (i) ensuring that all works approvals, permits and notices issued are consistent with this CoP;
  - (ii) assisting the community in understanding the nature and significance of land contamination;
  - (iii) working cooperatively with all who use and manage land in Abu Dhabi Emirate to promote the use of practices that protect beneficial uses of land; and
  - (iv) coordinating, reviewing and reporting on implementation of the CoP.
- (b) The Regulatory Authority shall consider the following, when assessing an application for development.
- (c) The potential for existing contamination at the site and any adverse impacts on the proposed or future land use;
- (d) Imposing conditions it considers necessary to ensure any existing identified contamination is managed such that the site is suitable for the permitted use(s).

### **3.4 Assessment of Contaminated Land**

- (a) In assessing the impact of contamination on land, the Competent Authority and/or Sector Regulatory Authorities shall ensure the following steps are carried out for assessing the potential contamination within a particular area:
  - (i) consider how the contamination to land may affect the beneficial uses of the environment; and
  - (ii) evaluate the source, and extent (horizontal and vertical) of the contamination in relation to the objectives and any codes of practice.
- (b) In assessing the impact of contamination, and in decisions related to approval of developments, the Competent Authority and/or Sector Regulatory Authorities shall evaluate the activity causing contamination of land in relation to:
  - (i) the characteristics of the contaminants;
  - (ii) whether it breaches any of the objectives outlined in this CoP and, in particular, whether the activity may lead to contamination that will affect the beneficial uses of the environment;

- (iii) the views of affected persons regarding the land contamination activity;
  - (iv) background contamination levels or levels of ambient contamination ordinarily present at or near the site; and
  - (v) any other information or matters relevant to the activity resulting in contamination of land.
- (c) The *Technical Guideline - Contaminated Land Management* provides further information with regard to contaminated land assessment.

### **3.5 Monitoring and Reporting Protocol for Contaminated Land**

- (a) The processes set out in this section shall be used for measuring and reporting on the contamination of land from various sources to determine:
  - (i) whether the land management objectives of this CoP are being met; or
  - (ii) the extent of the difference between the measured contamination levels and the EHS quality objectives.
- (b) The Competent Authority may require landowners to carry out a contamination site assessment, and provide a report, on land that has been subject to potentially polluting activities and is proposed to be used for a more sensitive land use. The requirement to undertake a contamination assessment and report on the findings is to confirm that the condition of the land is suitable for the proposed land use.
- (c) To enable an assessment of compliance with this CoP, the Competent Authority may require monitoring of the chemical or other characteristics of the land as part of the permit approvals process.
- (d) The Competent Authority and/or Sector Regulatory Authorities shall work with the private and government sectors to encourage research into potential and known cases of land contamination. This will assist in reaching the land indicators and quality objectives.
- (e) The *AD EHSMS CoP 09 - Monitoring and Reporting* provides further information on monitoring and reporting requirements.

### **3.6 Contamination Remediation**

- (a) Suitably qualified consultants engaged to remediate a site shall do so in accordance with the *Technical Guideline - Contaminated Land Management*.

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**Document Status**

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