

# **BROWNFIELD LANDFILL TAX INCENTIVES CONSULTATION**

## **RESPONSE FROM THE NSCA**

In general the NSCA supports the move to extend Land Remediation Relief (LRR) to include long-term derelict land that is potentially uncontaminated yet still brownfield. The NSCA would also agree that some form of 'start date' to support the determination of dereliction is needed but is concerned over the determination of land not on the NLUD as of the 31 March 1998. Other than the statement made in section 2.9 about the taxpayer determining the appropriateness of dereliction there is no clear guidance as to how such a determination will be made. Section 3 introduces the planning process, PPS23, S106 obligations as all being a mechanism in which this relief could be achieved. Again, there is no clear guidance as to the role of Local Authorities in all this.

**The NSCA would support a clear and concise set of guidance as to the local authority role, if any, in the determination of dereliction and how a S106 obligation would be allocated against the relief mechanism. The definition of dereliction should be defined further and should not deter sites with a non-economic best end-use, such as car-parks, parks, etc or where voluntary remediation is undertaken outside the planning process.**

One of the suggestions is the removal of Landfill Tax Exemption. The NSCA supports this as it considers that this exemption gives an unfair advantage to disposal to landfill against alternative, on-site more sustainable, remediation solutions. However, we also understand that technologies still do not exist for all contamination types and landfilling may be the only solution.

**NSCA is of the opinion that landfilling should be included within the relief, but that some form of determination of appropriateness is available to ensure that this option is not being abused for the sake of convenience. Every endeavour should be made to encourage on-site remediation. It is important to ensure that, for certain sites, for a variety of reasons, disposal to landfill may prove to be the only viable solution. These sites should not be discriminated against. Furthermore, NSCA is concerned over the potential position of local authority owned land, where no Corporation Tax is paid, what alternative financial relief will be made available to encourage self-development within local authorities.**

At the Consultation Meeting in Eland House on the 21<sup>st</sup> May the option of linking remediation to carbon footprinting was made. However, it is accepted that remediation of any form is currently considered not to be particularly 'carbon friendly'.

**At this stage the NSCA does not believe that, although laudable as a principle, any links should be made between remediation and carbon footprint whilst accepting that some remediation technologies are less damaging than others. However, if remediation is taken in isolation, a misrepresentation of fact may be resultant. NSCA believes that, at this stage, a more holistic approach to remediation be used, linking it to sustainability or looking at remediation as part of the overall site carbon footprint (i.e. include it along with construction, etc, as a whole site project). NSCA would welcome more research into low carbon technologies prior to the introduction of such a linkage.**

The use of cluster and hub centres for the remediation of contamination soils was also raised, whilst the issue of the definition of waste in respect to contaminated soils is still not resolved.

**The NSCA are keen to see the new definition of waste and is fully supportive of the use of Hub Centres. However, under what licensing mechanism will these be managed?**

The consultation document and the meeting both touch briefly on land owned by local authorities that may be derelict. This could be counter-productive if the local authority was the mechanism through which the dereliction test was carried out. Furthermore, no guidance was present in the

document as to how local authorities would benefit from the relief. The issue of derelict land with no developable value should also be noted.

**The NSCA would be pleased to see how the relief would be claimable by local authorities. Furthermore, the NSCA are interested in how the 'Socially Beneficial' reclamation projects can be included in the relief scheme.**

It is proposed that Japanese Knotweed (JKW) be included within the relief system, due to its extensive, destructive, presence across the UK. However there are other, equally destructive biological contaminants such as Giant Hogweed that are presently excluded.

**The NSCA believe that these other plants should be constantly monitored and included at the earliest possible opportunity such that they do not reach the level of impact that JKW has already achieved. These other intrusive plants also represent a burden on land reclamation schemes and in some cases represents an actual risk to human receptors.**

To conclude, the NSCA supports the general aims of the consultation document and the intended changes to the land remediation relief processes. However, more guidance is needed as to the anticipated role of the local authorities in managing the relief mechanism through the determination of dereliction and the planning process and how the local authorities can benefit from the relief on self-developed land, mainly in the socially beneficial arena. The NSCA would encourage HM Treasury to engage with bodies that represent local authorities such as SCLC and LSCORS. The NSCA would also encourage the development of a parallel benefit scheme for non Corporation Tax payers, such as local authorities.