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## **Consultation on SuRF UK: A Framework for Assessing the Sustainability of Soil and Groundwater Remediation**

We write in response to the SuRF UK consultation on a Framework for Assessing the Sustainability of Soil and Groundwater Remediation. Environmental Protection UK has considered the consultation documents and welcomes the opportunity to comment.

### **1. About Environmental Protection UK**

Environmental Protection UK brings together organisations from across the public, private and voluntary sectors to promote a balanced and innovative approach to understanding and solving environmental problems, through policy development and education. We are a registered charity with 110 years experience of environmental campaigning, public information provision, producing educational resources and policy formulation.

Environmental Protection UK's Land Quality Policy Committee has been involved in the development of this response. This Committee brings together policy makers, regulators and practitioners from local authorities, consultants, developers, academics, industry, interested NGOs, as well as members from Environmental Protection UK's regional divisions. As such it is able to draw on a wide range of expertise and views from representatives of the entire land quality community.

### **2. Our View on the Framework for Assessing the Sustainability of Soil and Groundwater Remediation**

Overall this is an excellent document that will encourage more sustainable remediation practices. We believe it helps fill a void in contaminated land guidance and we hope to see the Framework widely applied by practitioners.

We commend the fact that the document complements CLR11 Model Procedures for the Management of Land Contamination. Whilst we appreciate this is outside the remit of this consultation and the scope of the steering group, we believe that instead of 'placing the SURF Framework alongside CLR11', it should be incorporated into the existing CLR11 and then re-

issued by DEFRA / Environment Agency as an amended version. This would avoid presenting practitioners with yet further guidance and ensure that the concept of sustainability receives the appropriate recognition. Evidently this would require the formal endorsement of DEFRA /Environment Agency and is likely to cause large delays to the publication of this valuable resource, therefore the remaining response takes the premise that this will not be possible at this juncture.

### **3. Response to Consultation Questions**

**Q1. We would also like your views on the consistency and presentation of the information in the document, in particular any places where you feel the content is not adequately communicated.**

We believe a greater emphasis needs to be placed on the benefits of using the Framework. Environmental Protection UK believes it would help encourage uptake if the benefits to the practitioners were more expressly stated. For example, the Framework will allow assessors to demonstrate compliance with waste legislation; explain and document robust decisions; avoid legal challenge for remediation notices; increase stakeholder acceptance etc. For more complicated sites, using this Framework may involve complex assessments and so it is essential that practitioners are fully incentivised to use it.

Chapter Two discusses the legislative and regulatory context in the UK, focusing on Part 2A and Planning Regimes. We believe it would be beneficial to also refer to the Environmental Liability Directive, to encourage the use of the Framework for new contamination as well as historic.

**Q2. Do you feel that Appendix F should be included in this document or should be a stand alone expanded document?**

Appendix F is a tangible output that practitioners can use to feel confident that they have addressed the relevant aspects when taking decisions. It is also key to the proper recording of decisions and actions that underpin sustainable remediation. As such we believe Appendix F should remain in the document.

We would suggest using this document as the basis for the case studies that are proposed. Case studies or worked examples can be valuable tools to enable practitioners to conceptualise how they would use the Framework in practice and record the information for their own project.

**Q3. The current SuRF-UK mission statement states that the Framework should “embed balanced decision making” (see below):**

***To develop a Framework in order to embed balanced decision making in the selection of the remediation strategy to address land contamination as an integral part of sustainable development.***

However there has been discussion that it should read “embed optimal decision making” (see below):

***To develop a Framework in order to embed optimal decision making in the selection of the remediation strategy to address land contamination as an integral part of sustainable development.***

**Do you have a strong view either way?**

We agree with the definition in broad terms, the remediation of contaminated land should seek to strike a balance between the cost of breaking significant pollutant linkages and the social, economic and environmental improvements that would be achieved. However, as previously expressed, we have a preference for 'optimal'. We have concerns that 'balanced' could be interpreted as an equal weighting of all components and implies an overly simplistic calculation. Every site requiring remediation will be different, from the soil type present, the contaminants, and the proximity of soil treatment facilities or waste disposal facilities. Optimal means that many potential factors will have different degrees of influence, even for the same land use and similar contamination. As such an optimised approach is more appropriate for this Framework because it is about getting the best from multiple factors, through the consideration of multiple criteria.

Contaminated Land policy and associated requirements to remediate land, aims to protect human health and the environment from the effects of contamination, and remediation serves to facilitate this protection. Whilst sound regard should be paid to the avoidance of extreme or unnecessary costs, social and environmental aspects must be afforded due priority. It is our experience that speed and cost of remediation have been known to dominate the decision making process and we are keen to see this addressed through this Framework.

**Q4. Now the Framework document is nearing completion, we would welcome your views on what you feel should be the next steps and the order of priority. From previous open meetings and steering group discussions we have concluded the next steps needed are:**

- **Case Studies/Practical implementation**
- **Development of indicators to measure sustainability**
- **Working with the planning community to ensure that there is a closer understanding of sustainable remediation**

We support the need for the next steps outlined above. Whilst there are merits in each, we believe that case studies or worked examples would help practitioners to better conceptualise how to use the Framework as a decision-making tool. This process should also help identify the indicators and illuminate any difficulties that may occur when implementing the Framework and we would therefore suggest the indicators and case studies be developed first, in order to help resolve any practical issues that may arise and ensure the Framework is easily accessible, before promoting it to the planning community.

**Q5. We would also like to hear whether you would be interested in staying involved in the Sustainable Remediation Forum?**

Environmental Protection UK would certainly be interested in continuing its involvement in the Sustainable Remediation Forum. We are keen to explore how we could help promote the use of this Framework, disseminate information to practitioners and help develop case studies and further tools to aide in its implementation.

## **4. Contact Us**

If you require any further information on the views expressed in this response please contact:

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