

**Environmental Protection UK
Land Quality Committee Meeting**

12th October 2012 Environment Agency Regional Offices, Solihull.

Attendees	
David Rudland (DR) – Chair	Swindon Borough Council/ South West Division
Christopher Fry (CF)	West Midlands Division / Independent Consultant/Trustee
Graham Whitaker (GW)	National House Building Council (NHBC)
John Patrick (JP)	WPA Consultants
Trevor Howard (TH)	Environment Agency (EA)
Jenny Forster (JF)	British Geological Survey / East Midlands Division
Paul Burns (PB)	Birmingham City Council
Nick Marks (NM)	London Borough of Newham Council
Robin Lancefield (RM)	Halcrow Group Ltd
Louise Siddorn (LS)	Cotswold District Council
Andrew Wiseman (AW) – Vice Chair	Stephenson Harwood
Hazel Davidson (HD)	DETS
John Naylor (JN)	Ground Gas Solutions
Apologies	
Ann Barker	Yorkshire Division / Bradford MDC
Ian Grant	Newzeve
Rob Bell	Contaminated Land Bulletin
Ian Cochrane	Scottish Division / University of West Scotland
Julian Trick	East Midlands Division / British Geological Survey (BGS)
Andrew Hursthouse	Scottish Division / University of West Scotland

1	Welcome and Apologies
1.1	Apologies shown above.
2	Minutes and Matters Arising from the Last Meeting
2.1	The minutes from 23 rd February 2012 were approved.
2.2	Matters arising were: <ul style="list-style-type: none"> • Minute 3.2: DR subsequently had meeting with Dr. Morwenna Carrington, the new head of contaminated land branch at DEFRA (see agenda item below). • Minute 4.4: JP asked about progress with the EP (UK) website. DR to have a separate discussion with RL who has volunteered to assist with the main website. In the meantime DR has set up a document and news-sharing website specifically for the use of LQC members. DR asked if all Members had been able to access this (provided by PB Works); some difficulties primarily due to spam filter systems so DR agreed to resend the access link to anyone who had difficulties if they would send him an alternative email address. DR also said that he intended to set up a Generic Chair email to allow for future changes in Chair of the Committee. (action DR) • Minute 4.6 a comment incorrectly attributed to Ian Grant was amended.
3	Update by Christopher Fry on AGM & Board of Trustees' meeting 21st September 2012
3.1	<ul style="list-style-type: none"> • Main issue is the proposal by the Scottish Division to split off from EP (UK) to form a separate charity. There was opposition to this at the AGM particularly from Richard Mills (Vice-President). Trustees expressed concern that this also posed a financial risk for EP (UK). The AGM deferred the proposal for a small group to include Richard Mills & Philip Thompson (new Chair of Trustees), to examine the details and report to an EGM in early November. • There is an ongoing software problem with the Membership database operated on behalf of EP (UK) by Glasgow City Council. This has resulted in failure to issue subscription invoices to Members which impacts on income. • DR to discuss with RL how he can help run the EP (UK) website which is in need of updating. Neil Schofield Trustee will have overall responsibility for the website. (action DR)

4	Policy, Legislation & Consultations
4.1	Land Forum: TH & AW said that there has only been one meeting since the last LQC in February. Most of the topics discussed are the same as those by LQC. TH said that CIEH had been invited to join the Forum to achieve a wider representation of local authority views.
4.2	Better Regulation Sub-Group: AW said that John Rouse, former Chief Executive Croydon Council had been appointed Chair. He said that the terms of reference were being established along the lines of the Australian accreditation system. TH is also a member of this group.
4.3	Soil Framework Directive: DR said that his understanding was that soil capping & sealing are receiving most attention whilst contaminated land issues have been parked for now. AW felt that there is now a political will to have a SFD but that contaminated land is currently 'not in the frame'; CL is in the Presidency list of priorities but this depends on reaching agreement within 9 months. GW asked about agriculture. AW said that Agriculture Ministers seemed interested.
4.4	<p>DEFRA:</p> <p>(a) DR and NM met with Dr. Carrington at DEFRA on 1 May to discuss contaminated land issues. He said that the items discussed with DEFRA had been set out in a letter which was now on the PB Works LQC site. NM said that in respect of changes to EP, DEFRA now seems to announcing progress through the knowledge hub, the only way forward in view of cut backs; he said that NE London contaminated land forum was the only group on the hub to date. TH reported that David Middleton had been recruited to support Dr. Carrington and that he would be the first point of contact on Part 2A matters at DEFRA.</p> <p>(b) DR referred to an email he had had from Ian Grant concerning a letter from Richard Benyon, who has responded to EPUK concerns over the statutory guidance. His letter says there is broad support for the changes and the final decision will retain the broad thrust of the proposals, including EPUK's suggestions on risk summary rules and taking socio-economic factors into account in environmental decisions. DR had not yet seen the full text of the letter. (action DR)</p> <p>NM spoke about 'decision aiding bodies' and AW took up the point by advising that DEFRA had set up the National Expert Panel and that he had been appointed Chair. Invitations for membership had been sent out jointly by DEFRA & AW to a range of people including local authority officers and consultants with Part 2A experience. AW said that the Expert Group was to be considered a 'port of last resort' and not a 'dumping ground'; it was to look at cases between categories 2 & 3 with a view to writing them up as case studies to assist other regulators. NM asked if it would be advertised as a point of 'help'. AW said that there would be a meeting of this group in about one month with it in operation from January 2013. The terms of reference had been set and there the group already has a list of possible sites for consideration.</p>
4.5	<p>PPS 23:</p> <p>NM said that he had heard that the CIEH was looking to draft a replacement for PPS23 with the RITP. PB said that a draft had been produced. AW said that these drafts are good but it depended how local authorities used them. GW said that developers were 'tearing their hair out' asking why was another PPS23 needed? Developers feel that they know what they are doing! There was a discussion about local authority core strategies-AW said that there was a need for them to set these out and claimed that they were not the same as the Part 2A strategies which local authorities had had to produce at the start of the regime. The new National Planning Framework (NPF) was discussed and the issue of rolling over core strategies. TH said that he could provide examples of guidance on NPPF matters.</p> <p>AGREED that:</p> <p>(a) Views should be expressed to the CIEH and for local authority members to speak to their colleagues in planning but to wait until the next meeting. NM to contact Howard Price at CIEH re the draft (action NM)</p> <p>(b) TH to provide a link to NPPF examples.</p>
4.6	<p>BS 8576 Guidance on investigations for ground gas, permanent gases and volatile organic compounds:</p> <p>John Naylor presented an outline of this guidance which is intended to read in conjunction with BS 10175. TH said that he had been on the drafting committee and that it is out for consultation until 30th November 2012. DR asked about how this differs from existing CIRIA guidance. JN said that it was essentially for monitoring, to give advice on methodology to obtain better data; he said that it was intended for practitioners.</p>
4.7	<p>BS 8485:2007 Code of Practice for the characterisation and remediation from ground gas:</p> <p>John Naylor presented an outline of the CoP which is only for CH₄ & CO₂ assessments during new development of affected sites NOT completed developments. The CoP details a process that can be</p>

	<p>used to effectively demonstrate that risks posed by the potential presence of ground gas have been adequately considered and addressed. DR quoted a briefing note from Karen Thornton (National House Building Council):</p> <p>“The 5-year review of BS 8485:2007 (“Code of practice for the characterization and remediation from ground gas in affected developments”) has now been reached & invitation for responses/thoughts on this standard was sought by the BSI’s Soil Quality (EH/4) committee in June 2012. Comments were received from 16 contributors & based on these the EH/4 committee agreed to recommend to BSI that the CoP should be retained and revised.</p> <p>The next stage of the process requires a “Scoping Discussion Meeting” to discuss, with a cross section of interested parties, the direction and scope of the revision. The discussion is intended to debate and define the areas and extent of the revision which will then feed into the detailed revision proposal to BSI. Only after the project is accepted by BSI through its formal procedures will a drafting panel be established”. ...</p> <p>DR requested comments from LQC members to KT. JN also asked about the status of the revision of Part C Building Regulations; GW said that it would be published next year but did not have details. AGREED that JN drafts a response on behalf of the LQC. (Action (comments) all in LQC)</p>
4.8	<p>Environment Agency Consultation-‘Building a Better Environment’</p> <p>JH/AW reported that a contract had been let for 6 substances in relation to Category 4 screening levels. DR said that Karen Thornton had volunteered to represent the LQC on the C4SL project (CL:AIRE). There was a discussion about the likelihood of Category 3 screening levels; AW said that this would need new legislation! TH said that it was the intention to develop a methodology for the 6 substances and to then to use this to consider other substances.JP asked for clarification of what Category 4 meant; PB said that if the assessment judges a site as Category 4 then it does not need remediation. NM raised the question of the newly published National Background Levels quoting a surprising level for lead. DR asked if there were any plans to change the existing soil guideline values. TH said there not any plans to change these or the model. JN said that information supporting the NBLs had been provided by BGS but that access to the BGS website to view the documents was difficult. GW asked how the NBLs were to be used. PB commented that they are not intended to be used for planning purposes. HD advised that there would be differences because of laboratory analysis methods-BGS used XRF and others use acid digestion to extract substances from soil. TH said that the Welsh background values would be reported later; Scotland’s study required support from SEPA. LS asked JF about bio-accessibility & bio-availability concerning current discussions on medical geology. Mark Cave from BGS had this week presented a paper on this subject.</p> <p>AGREED that DR provides details of the links. (Action DR)</p>
4.9	<p>Private Water Supply Regulations:</p> <p>CF raised this issue again because he felt it was important for the LQC to point out that this regime is not merely one of more water sampling. He said that the risk assessment clearly requires the same approach as for contaminated land investigations but that some local authorities in his experience were ignoring this aspect.LS agreed with this and said that the new risk assessment tool by the Drinking Water Inspectorate does not help.</p> <p>AGREED that a short article be drafted for publication in Newzeve or Contaminated Land Bulletin. (action CF/LS)</p>
5	Contaminated Land Capital Projects Grants Programme.
5.1	<p>DR referred to the EA summary which had been circulated and pointed out that for the 2012/2013 budget of £4.35m there had been a total of 84 bids (79 from local authorities; 5 Environment Agency) for a value of around £13 million; £2.3m of this is for 2014/2015 leaving £10.7m for works proposed for this year. Only 48 projects were supported with a priority score of >135.DR suggested that the LQC lobby DEFRA on the budget for next financial year. JN said that it should be split. JN asked about how quality/cost of projects was judged. TH said that the latest report was deliberately vague but after Christmas a further report would be published which would have more detail. TH explained how the bids are scored and said that the weighting has to be biased towards remediation but one or two of the remediation cases could swallow up the budget! TH said that EA is to work with the DEFRA on a business case with decisions made in February 2013; it is a fight to maintain the budget but these are difficult times in view of the recession. TH said that there can never be any guarantees but lobbying by LQC would be good; there was a need to establish the best point of contact for lobbying, Dr. Carrington or the Minister. John Patrick said that from his work with local authorities, there was a backlog of eligible sites where money is not available for intrusive investigations; he went on to say that local authorities</p>

	<p>were reluctant to commit to desk top studies because even these required upfront money. PB said his line managers were concerned about the lack of DEFRA funding and publicity; he said the problem was that funds for intrusive investigations were not generally available to local authorities. AW agreed that it was good to lobby but it was still vital for local authorities to bid even though there is not a guarantee because in previous years the budget was not spent which puts out the wrong message to the Government</p> <p>AGREED TH to advise on suitable contact in DEFRA – and DR draft a letter on behalf of LQC for lobbying the Government (Action DR/TH)</p>
6	Membership Update and Representative Review
6.1	Divisional Update: West Midlands planning a joint seminar with Birmingham Environmental law firm early 2013.
6.2	Members' email addresses. DR asked for members' permission to share email addresses rather than "blind copying" all email communications but members outside of the meeting will be consulted as some were using private addresses. AW asked that use of the "reply to all" button be rationed.
6.3	Non-attending Members of LQC: DR said that there was a significant number of people on the circulation list but who have not attended any meetings in the past two years. He said that he intended to write to them and if they failed to respond, they would be deleted from the circulations list as it would be assumed that they were not interested in continuing. DR said that this did not include 'corresponding members'. (Action DR)
7	Update of web information and information leaflets
7.1	DR suggested that the LQC should review the existing EP (UK) leaflets shown on the website and decide whether to redraft/delete them. JP, NM, PB & HD volunteered for this task. (Action JP/NM/PB/HD)
8	Events
8.1	<p>DR asked for the views of the LQC in view of the current state of EP (UK); he said that the other national committees were also seeking to arrange events to increase the profile of EP (UK) and publicise that the Society was still 'open for business'. JP felt that a Spring event was desirable in the first instance; the following offered to host training events:</p> <ul style="list-style-type: none"> • JN: Ground Gas Solutions but requested suggestions for a topic; he said that it could be a joint branding with EP (UK). • RL: venues via Halcrow. • HD: DETS workshops. • JF: BGS offered an event re. Knowledge Transfer Networks. • NM: offered free access and joint hosting to future meetings of the NE London Contaminated Land Forum. (NM to provide DR with point of contact). <p>These offers were gratefully accepted with the condition that the 'sponsoring company' provides the administration within reason.</p>
9	Land Quality Strategy 2012-2017
9.1	This paper had been circulated previously. The need for objectives was supported. DR invited views on the current format and suggestions for changes by 1 st December 2012.
10	AOB
10.1	HD referred to a DETS course on 15 th November.
10.2	TH informed the LQC that from March 2013, EA Wales was splitting from EA to form a new delivery model with the Countryside & Forestry Commissions. Agreed to note this and to consider need for a representative to the LQC.
10.3	JN asked if EP (UK) had a view/ felt it needed to raise awareness about shale gas exploration. The meeting felt that this was outside the remit of the LQC. TH said that the EA considers it a major issue and agreed to discuss it with JN outside of the meeting.
10.4	JN also asked if EP (UK) had a view on radon gas claiming that it was still a serious health hazard. Members were unsure about the need for awareness-raising. JN offered to prepare a workshop on soil gas issues.
10.5	John Patrick suggested that the LQC should invite representatives from the planning community. DR felt that this had been discussed previously and that they did not favour the LQC as it was a technical committee planning reps would be welcome.
10.6	LS suggested a local authority representative for LQC with experience of the Private Water Supply Regulations.

11	Date and venue of next meeting
11.1	<p>Suggestions were:</p> <ul style="list-style-type: none">• Bristol Environment Agency offices which are only a 15 minute walk from the rail station. Agreed that the timing should be around 1pm, not necessarily on a Friday and on a date during February/March 2013.• RL at Halcrow's various offices. <p>The meeting ended at 16:15hrs</p>