

# A Strategic Overview of Contaminated Land in Wales

## Consultation response form

Your name: David Rudland & Rob Bell

Organisation (if applicable): Environmental Protection UK

Responses should be returned by **13 September 2014** to:

Richard Clark  
Local Environment Quality Branch  
Department for Natural Resources and Food  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

or completed electronically and sent to:

email: [LEQ@wales.gsi.gov.uk](mailto:LEQ@wales.gsi.gov.uk)

## Questions

<b>Q.1</b>	<b>Wales specific data</b>  Is the lack of Wales specific data making strategic decision making more difficult? If so, what do you think can be done to improve the situation? Are there any Wales specific issues that need to be addressed?
<b>Comment</b>  Any advancement in the understanding of the behaviour of contamination in the environment will be as relevant to Wales as elsewhere in the United Kingdom. There are no contaminants unique to Wales.	

<b>Q.2</b>	<p><b>Guidance and Research</b></p> <p>The revised Statutory Guidance is intended to be clearer and simpler, focus more effectively on higher risk sites and reduce the burden on regulators. Can more be done to assist regulators in administering Part 2A and, if so, are further technical tools/guidance required?</p> <p>What key piece of R&amp;D is missing that would allow local authorities to make progress with dealing with land contamination issues?</p> <p>Is there a requirement for any further guidance? If so, please explain what guidance is needed, why it is needed, including what current problems it would address and how it would address them.</p>
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<p><b>Comment</b></p> <p><b>Absence of relevant assessment criteria.</b></p> <p>The general matter of the gaps in the availability of generic assessment criteria is a long running one. This is not unique to Wales but as acute for the country as any other part of the UK.</p> <p>In the case of some contaminants there is a need to decide policy. In particular, there is currently uncertainty in the UK regarding the assessment of human health risk from lead in soils. Lead is a common issue for Wales where it is a widespread contaminant of concern at many sites. However, assessing the risks from lead in soil is currently made difficult by the withdrawal of the previous Soil Guideline Value (SGV) and the absence of any agreed replacement guidance. Regulators would be greatly assisted by government taking a lead in deciding policy and knowing the direction that lead assessment policy is likely to take.</p> <p>The development of initiatives such as the C4SL assessment criteria intended to support Part 2a of the Environmental Protection Act decisions will be helpful in Wales. Any move to extend this research to a greater number of contaminants then at present will be useful. The difficulty is that much of the supporting science isn't available to form the basis of risk-based judgement and thus any support for developing the science would be welcome.</p>	
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<p><b>Q.3</b></p>	<p><b>Resources</b></p> <p>Funding to deal with the contaminated land regime at the local authority level has often been an issue. Each authority has taken a different approach to how it resources local delivery and in practice this often means allocated funding for this specialist area of work is not ring fenced. Subsequently some authorities have limited or no staff dedicated to this work and this has resulted in an uneven approach as different local authorities place very different priorities on delivering their published strategies. This makes the assessment of land contamination at an all Wales level extremely difficult.</p> <p>What can Welsh Government/local authorities do to ensure a more consistent approach? How can we ensure that orphan sites are dealt with appropriately?</p>
<p><b>Comment</b></p> <p>The reality of contaminated land is that in the majority of cases it is examined with a view to determining the adverse risks to the health and the environment over the long term. With funding cuts in funding to local authorities, the most immediate concerns are given priority and although some the funding of contaminated land assessments has continued, in general local authorities are reporting little progress with Part 2a in recent years.</p> <p>Some local authorities do not recognise the high degree of technical knowledge required for contaminated land regulation, instead combining the role of the regulator with other technical areas with little or no regulatory synergy such as air quality or statutory nuisance, which limits the opportunities for skills development.</p> <p>Part of the problem is obtaining funding to carry out even preliminary exploratory investigation to establish the likelihood of a problem Funding made available to support this work is essential to active roll out of the revised Part 2a regime.</p> <p>Staying with the theme of consistency, contaminated land officers look with envy at the way in which other environmental regulatory regimes inform regulators of their duties and responsibilities, and important changes in practice and the law. The Pollution Prevention Control regime for England and Wales has a well-developed information and advice sharing system where legal/procedural advice is provided via DEFRA's own internal staff. Updates on technical and procedural matters of wider interest within the sector are provided via targeted emails, regular updates to the Guidance Manual (the nearest equivalent to the contaminated land Statutory Guidance), plus there is a dedicated online forum for knowledge exchange for local authority officers, in which central government staff participate. Similar intervention on contaminated land matters by the Welsh Government would be welcome in informing of emerging practice and procedure changes.</p>	

<b>Q.4</b>	<b>Communities</b>  Is land contamination and perceived land contamination a key issue affecting the quality of where people live and in extreme cases people's health and well being? What more can be done to raise awareness of the issues around land contaminated land and perceived contamination to engage communities?
<b>Comment</b>	

<b>Q.5</b>	<b>Any other issues</b> What do you see as being the main strategic objective for contaminated land under Part 2A?
<b>Comment</b>  Bring back problem land (which is otherwise ignored under the planning regime) into beneficial and safe use, with all the associated benefits for the wider surrounding community and environment.	

Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here: