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LAND QUALITY COMMITTEE

10th May 2013 Stephenson Harwood Offices, 1 Finsbury Circus, London

Attendees	Organisation
David Rudland (DR)- Chair	Swindon Borough Council/ South West Division
Christopher Fry (CF)	Trustee (LQC)/West Midlands Division/Independent Consultant
Andrew Wiseman (AW)-Vice-Chair	Stephenson Harwood
Rob Bell	Contaminated Land Bulletin/Environment Analyst Ltd.
Julian Trick	British Geological Survey/East Midlands Division
Ian Grant	Brownfield Briefing
Nick Marks	London Borough of Newham
Louise Siddorn	Cotswold District Council/South West Division
Trevor Howard	Environment Agency
Joanne Kwan	CIRIA
Apologies	
Graham Whittaker	NHBC
Ann Barker	Bradford MDC/Yorkshire Division
Hazel Davidson	DETS
John Naylor	Ground Gas Solutions

1	Welcome and Apologies
1.1	DR thanked AW for the venue & hospitality. The apologies shown above
2	Minutes and Matters Arising from Last Meeting
2.1	The minutes from 12 th October 2012 were approved.
2.2	<p>Matters arising were:</p> <ul style="list-style-type: none"> • Minute 4.4b: IG provided a copy of the article from Brownfield Briefing which is reproduced as an Appendix to these Minutes. • Minute 4.5: NM said that he had not yet obtained a copy of the CIEH draft replacement for PPS23 and agreed to obtain details. • Minute 4.6: In the absence of John Naylor, DR advised that the guidance for BS 8576 was still not available. • Minute 9.1: DR said that he had not had many responses to the Land Quality Strategy 2012-2017 and that he had yet to publish.

3	Update from Board of Trustees Meeting
3.1	CF informed the LQC that the Scottish Division was to be disbanded as a new charity had been formed to be known as Environmental Protection Scotland (EPS). There had been protracted discussions between the Board and the Scottish Division regarding start-up funds for EPS.
4	Policy
4.1	Land Forum: AW & IG had attended. AW said that it had been opened up to a few more people but said it was changing from a Land Contamination Forum with more emphasis on house building and land usage. He said that previous meetings were heavily biased on land contamination but this was still part of the LF remit. A Contaminated Land Sub Group was planned but this has not been established to date; strategic land use will be more of the objective.
4.2	<p>Expert Panel: AW reported on actions to date:</p> <ul style="list-style-type: none"> • There had been numerous discussions with DEFRA and a Secretariat is to be established via tenders for the task; CL: AIRE had been appointed. • The final draft of information to be supplied by LAs needed by panel was issued yesterday 9-05-2013 including a GISmail folder, a dedicated email address for LAs and a section on the CL: AIRE website. It is not to be considered a free consultancy. LAs would be expected to have looked at the site themselves before the panel would become involved. One of the criteria is that a LA would have to agree to ensure that the case study was anonymous. <p>TH asked if it the panel would concentrate on human health. AW said that it would be likely but if the Environment Agency had already given advice then the panel would not revisit the case. DR asked about frequency of meetings. AW said as often as necessary but driven by production of case studies by LAs; AW indicated that there were about 4 LAs likely to start.</p>
4.3	Consultations: DR spoke about the latest consultations on Diffuse Pollution and the NPPF & planning guidance – coming from the Taylor Review. He said that he had submitted responses with the assistance of LQC representatives (NM & CF) and that these had been circulated.
4.4	NPPF going forward and PPS23: Some discussion concerning the possible replacement of PPS23 and view of other interested parties. There appears to be little progress on a replacement as yet.
4.5	Category 4 screening levels: Report by Karen Thornton circulated following workshop on the 02-05-13. DR highlighted Lead values as the residential values were surprising. TH said that the numbers were quite similar to GACs but lower. Key point is how you use them and confidence in their derivation. DR said that around 41 would be close to background and the BGS levels are closer to 850. AW said that it did depend on how they are used, for example just for screening is OK but if they were for remediation purposes there could be problems. DR said that it would go for a Third Party Review (Committee of Toxicology). TH said the Final draft is to be produced by 7 June with intention to publish much later. NM felt that these levels would affect large parts of his Borough. TH said that this is a research project and DEFRA would then decide how it relates to existing policy and whether it will affect existing policy. DEFRA would then issue a view but it is a CLG project (see final comment by KT in her report). TH said the slides had just been published and that he would provide the links to DR. IG reported that Berlin University has published research findings on lead in food grown close to road junctions.

4.6	<p>Asbestos: JK informed that there was a CIRIA guidance on asbestos (240 pages) showing good practice and a critique. The CIRIA final draft is to be produced during the next few weeks and will then be issued for consultation. A Joint Industry Working Group has looked at the guidance and will take on further work which cannot be delivered by CIRIA to include sampling, analysis and risk. There are 9 Chapters to be written by different groups of authors for publication by the end of 2013 + a non-statutory CoP and then the statutory guidance ACOP to be produced by HSE but it was not clear about whether this would include soil. DR asked about threshold values. JK said that it would not address this. AW spoke about part 2A and said that DEFRA will not provide a threshold value. CF asked how the guidance would help with a site where buildings are demolished producing asbestos on site. JK explained that it would provide examples of good practice but not cover buildings for which there is already plenty of guidance (HSE).</p> <p>TH who represents the EA on the joint industry working group EIA & CL: AIRE said that SOBRA is to deliver a one day event to be announced (summer) in Birmingham which would cover all this work. The AGS has also issued some guidance for free download.</p> <p>JK said that there is a free webanair next Tuesday (14-05-2013) on the CIRIA documents.</p>
5	<p>Contaminated Land Capital Projects Grants Programme</p>
5.1	<p>TH said that the 2012/13 budget was completely used with 51 projects. By end of March there will be an update of last year's spend on projects.</p> <p>He said that the 'bidding window' is open until 17 May 2013 but that there is only £2m available in budget which is down from £4.5m last year. TH expected the budget to be oversubscribed to the tune of £10m. The EA will be looking at how schemes can be made more cost effective and those schemes refused previously will be allowed to reapply.</p> <p>TH said there would be guidance on the EA website. There is also a national contaminated land contractors' framework (=approved contractors list) and a consultancy framework which LAs can access. AW said that this would be useful for LAs because use of the Agency contractors would obviate the need for EU procedures.</p>
6	<p>Membership Update and Representative Review</p>
6.1	<p>CF explained the requirement of EP (UK) that representatives on the LQC must be members of the Society unless the Chair decides that an individual has specialised knowledge which would be of benefit to the Committee, in which case they would become a co-opted Member. IG who has served on the LQC for many years said that he was of the opinion that he had been co-opted and asked whether his status needed to be renewed every year. DR said he would consider this issue.</p> <p>CF said that EP (UK) relied on income from subscriptions and the economic downturn had resulted in a significant reduction in this source of revenue, particularly from local authorities which tended to cut subscriptions first when budgets have to be reduced. He said that the Board of Trustees has a duty to ensure the Charity remains solvent and the action by Trustees to sell the Brighton HQ offices and make all the full-time staff redundant in 2011 was to protect the Charity's funds. He said that EP (UK) could not afford to offer free memberships which would be unfair to those individuals and organisations that pay subscriptions.</p> <p>AGREED that subscription invoices are issued electronically to all LQC representatives</p>

	(CF).
7	EP (UK) Website
7.1	<p>LQC contribution to web content: DR gave a status report and outlined new information which will be available to view and it is intended to also include reported material. He spoke about the new brochure 'Contaminated land and your home' which will be placed on the website.</p> <p>DR also spoke about the Public Section which would include approved minutes, agendas and consultation documents. He felt that the Members' Section should comprise:</p> <ul style="list-style-type: none"> • Brochures that have involved time costs in preparation. • Contact details of Members. <p>DR said that the former Contaminated Land Policy web page needed to be reviewed and agreed to circulate to the LQC.</p> <p>DR also said that he wanted to set up a small blogging team to keep the website turning over and invited volunteers. IG suggested the use of Guest Blogs e.g. a one off blog by a person associated with environmental protection. Agreed that representatives consider this aspect and respond to DR</p> <p>DR invited members to look at website when it has been populated with LQ information and to check whether there is anything missing. He said that there would need to be restricted access for all changes to the website.</p>
8	Events
8.1	<p>SW Division workshop: DR spoke about this upcoming event on the 23rd May entitled Part 2A-one year on. He stressed the need for 'mobile' workshops, for example, this workshop was originally presented in Bristol so the same format could be offered around the UK.</p>
8.2	<p>Other events: After the meeting IG emailed a series of planned seminars arranged by Brownfield Briefing:</p> <p><i>Site Investigation 2013: New Techniques & Practical Solutions for Improved Data Collection & Analysis for Accurate Risk Assessment & Site Investigation.</i></p> <p>13 June ICO Conference Centre, 22 Berners Street, London W1 9am-16.10pm</p> <p>http://www.brownfieldbriefing.com/events/site-investigation-13</p> <p><i>Environmental Insurance Claims: The Good, the Bad and the Ugly</i></p> <p>27 June ICO Conference Centre 9am-16.35pm</p> <p>http://www.brownfieldbriefing.com/events/environmental-claims-good-bad-and-ugly</p>

Update on Part 2A: Exploring the Impacts of the Revised Statutory Guidance and Next Steps Forward

2 July
ICO Conference Centre
22 Berners Street
9am - 4pm

<http://www.brownfieldbriefing.com/events/part-2a-2013>

Renewables on Brownfield 2013

10 July
Nottingham University
Highfields Park Nottingham NG7 2RD
9 -17.30

<http://www.brownfieldbriefing.com/events/renewables-brownfield-2013>

Flooding

Leeds

September 11

Remediation and Risk Assessment Conference

Radisson Blu Portman Hotel, London W1

October 24

Brownfield Briefing Awards

Radisson Blu Portman Hotel, London, W1

October 24 (Evening)

8.3	<p>Press Sub Committee: DR explained the objective of having volunteers available to be contacted by the Press. AW spoke about experiences which most of people will have experienced when talking about their own work but said that there was a need to be careful not to speak outside the box of LQ.</p> <p>DR said that for those who work in local government it was not permissible to speak directly to the Press. He said that as a Committee, we are a policy group and to raise the profile of EP (UK), it would be good for volunteers from LQC to speak on current issues. CF said that it would be difficult to be available to react to Press enquiries and perhaps it would better if LQC issued statements on relevant issues and then had a volunteer to answer questions on the particular issue. This would be classed as 'horizon scanning' which had been raised at the previous meeting. RB as a journalist, offered to give advice on producing statements when issues occur.</p>
9	AOB
9.1	JK said that CIRIA has produced a report on managing landfills and landfill contamination on eroding coastal sites C718 (free download!) CIRIA is wishing to promote this report through the EPUK website.
9.2	DR asked JT if there was any feedback on BGS background levels (specifically for England). JT said nothing yet but another project is planned for Wales. DR asked if it would be developed further. JT said that the geological base line project was coming to an end and funding was needed. JT to see if there were any other BGS specialists who could come and speak to LQC.
9.4	Controlled Waters: TH said that the Water Act changed the original definition which was linked to Special Sites. He said that there was less serious pollution on controlled waters and said that guidance on what constituted significant pollution of controlled waters is to be circulated in June by the EA which would be an update of an original guidance.
9.5	On EA domestic issues, TH informed that the EA Website will change to .gov and that Wales has now left the EA and will emerge as Natural Resources Wales reporting to the Welsh Assembly; he suggested that a representative from this new body would be needed? (DR to consider) .
9.6	JK referred to guidance on the protection of water pipes in contaminated land produced by Water Research Centre priced at £50? TH said that AGS are concerned about it and will be discussing the status of the guidance at the contaminated land group meeting next week; JK hinted that AGS would try to have it changed and JK thought that the NHBC is also concerned about the WRC guidance.
10	Date of next meeting
10.1	<p>DR said that LQC had agreed for two meetings per year. NM asked if it was still the intention to move the venues around as the last LQC was in Solihull. DR confirmed that this was the intention and said that LQC had talked about Bristol. TH said that there are EA offices in Bristol which could be made available for the next meeting and conveniently located within 15 minutes walking from the rail station.</p> <p>Meeting ended at 15:15 hrs</p>

Benyon offers some technical Part 2A support



DEFRA has undertaken to provide further technical support for Part 2A policy as part of statutory guidance revision including guidance on "background" levels of contamination and a national advisory group to help councils take the first decisions under the new regime.

The Department has yet to announce its final decisions on revising the guidance but ministerial sign-off is expected shortly so it can be published and laid before Parliament in the autumn.

However, Environment Minister **Richard Benyon** has responded to concerns expressed in June by **Environmental Protection UK**.

His letter says there is "broad support" for the changes and the final decision will retain the broad thrust of the proposals.

They will include EPUK's suggestions on risk summary rules and taking socio-economic factors into account in environmental decisions.

Mr Benyon agreed with EPUK that further tools and technical assistance are needed to achieve positive outcomes and said contamination raises issues which are far too complex to resolve in statutory guidance alone. He said the next steps are:-

- a sub-group of the **Land Forum**;
- a DEFRA R&D project on technical guidance on normal background levels to decide when land should be in Category 4 (not contaminated);
- industry work on revised screening levels;
- a national advisory group drawn from industry, consultants and local government to help councils take the first 10 decisions under the new regime.

"The next steps work is at an early stage of development and, whilst we will need to see how it develops, the early signs are encouraging," said Mr Benyon. He said longer-term measures such as toxicological research programmes on land-based contaminants would take many years to achieve usable results. "So for the time being, and given current budget constraints, my priority is to focus on approaches that will deliver results more quickly," he said.