



Land Forum Meeting

24th September 2013 Meeting Notes
Location: Taylor Wimpey Offices,
80 New Bond Street, London W1S 1SB
10am – 2.30pm

FINAL

Present:

Ian Heasman, (<i>Chair</i>)	
Nicola Harries (<i>Secretariat</i>)	Contaminated Land: Applications In Real Environments (CL:AIRE)
David Middleton	Defra
Trevor Howard	Environment Agency
Mike Quint	Society of Brownfield Risk Assessment (SoBRA)
Frank Evans	The Soil and Groundwater Technology Association (SAGTA)
Andrew Wiseman	UK Environmental Law Association (UKELA) and Environmental Protection UK (EPUK)
Paul Sheehan	Environmental Industries Commission (EIC)
Helen Keen	Communities and Local Government
Howard Price	Chartered Institute of Environmental Health (CIEH)
Rob Ivens	Mole Valley Council
Julia Thrift	Town and Country Planning Association

By telephone: Robert Bailey, Welsh Government;

Invited:

Will Armitage	Defra
Anastasios Kaigionis	Carbon Hub

Apologies:

Richard Boyle	Homes and Communities Agency (HCA)
Phil Crowcroft,	Specialist in Land Condition Register (SiLC)
Seamus Lefroy-Brooks	Association of Geotechnical Specialists (AGS)
Stephen Moreby	Gloucester City Council
Peter Witherington	Home Builders Federation (HBF)
Euan Hall	Land Trust (LT)
Theresa Kearney	Environment Agency, Northern Ireland
Caroline Thornton	Scottish Environment Protection Agency (SEPA)
Peter Johnson	UK Contractors Group
John Silvester	Planning Officers Society

Agenda

1. Welcome and Apologies
2. Introductions & Review of Previous Actions
3. Membership

4. Legislative / Regulatory Discussion Topics:
 - Part 2a Update: David Middleton - Defra
Background Levels
Category 4 Screening Levels
National Expert Panel
 - Update on DCLG's review of Planning Practice Guidance: Helen Keen – CLG
 - Biodiversity Offsetting :Daniel Barwick - Defra
 - Allowable solutions : Anastasios.Kougionis - Zero Carbon Hub
5. Other Industry Initiatives update: CL:AIRE
 - Asbestos in Soil
 - Definition of Waste: Development Industry Code of Practice
 - Sustainable Remediation Forum UK
6. Sustainable Land Use Subgroup : Ian Heasman
7. Better Regulations Subgroup – feedback from Liverpool City Council
Contaminated Land Report Checklist trial
8. Future Direction of Land Forum
9. AOB
10. Date of Next Meeting

Meeting Notes

1) Welcome & Apologies

Ian Heasman (IH) welcomed everyone and apologies were given.

2) Introductions & Review of Previous Minutes

Introductions were performed around the table with special thanks to Helen Keen from CLG for attending and welcome to Howard Price of CIEH and Julia Thrift of TCPA. IH reviewed the previous meeting actions from the meeting of December 4th 2012. The remaining actions were:

Simon Neale of the newly formed Natural Resources Wales to be invited to join the Land Forum, IH has sought this on several occasions and to follow up once more;

Action : IH

Euan Hall (EH) to circulate information on measuring social costs relating to brownfield by Durham University.

Action : EH

Robert Bailey (RB) to provide links to the work that the Welsh Government are doing in relation to Sustainable Development.

Action: RB

3) Membership

NH confirmed that there are now five local authorities that have agreed to work in rotation to try and ensure that two representatives are in attendance. The five representatives are:

Mark Edwards – Lancaster Council

Stella Keenan – Leeds

Chris Taylor – London Borough of Brent

Steve Moreby – Gloucester Council
Rob Ivens – Mole Valley

NH also informed the Land Forum that the Planning Officers Society is internally discussing who from their organisation is best to attend to ensure greater participation. NH also explained that the Land Forum is struggling to engage with Royal Town Planning Institute after several attempts..

4) Legislative / Regulatory Discussion Topics:

- **Part 2a Update: David Middleton**
Background Levels
Category 4 Screening Levels
National Expert Panel

Background Contaminant Concentrations

DM confirmed that the Defra funded research project on normal background concentrations was published in October 2012 and he understands that the research is being used extensively. DM confirmed that there are no plans to extend to other substances at present.

Category 4 Screening Levels

The category 4 screening level (C4SL) project reported to Defra in June 2013. The project is currently being externally peer reviewed. DM also confirmed that the methodology proposed as part of the project has been externally reviewed by the Committee of Carcinogenicity (CoC) and Committee of Toxicology (CoT).

DM confirmed that once the report is finalised, Defra plan to issue a companion policy document to accompany the research report. DM confirmed that the peer review is slower than expected and it is hoped to have the finalised report available towards the end of the year.

National Expert Panel

DM explained that the National Expert Panel has met once with the next meeting due on the 25th September. At present no information has been published on the work of the panel. It is expecting that as more cases get put forward then common threads may be shared to help local authorities in their determinations.

- **Update on DCLG's review of Planning Practice Guidance: Helen Keen – CLG**

Helen Keen (HK) provided an update of the recently issued planning practice guidance and portal where all the guidance will sit. This was as a result of Lord Taylor's recommendations that simple guidance was needed to support the National Planning Policy Framework. The draft format for the portal was available for consultation up to 14th October, and HK welcomed people's comments on its content and how easy it was to navigate. <http://planningguidance.planningportal.gov.uk/>

HK explained that there was a range of different topics being developed for the portal including biodiversity, flooding, transport, pollution which will have cross links to other topic areas. The subject areas will only link to key government/regulators documents and not to industry documents.

The Land Remediation section was then discussed. It was felt that it was not a substitute for PPS23 but there were questions whether that level of detail was needed. It was reminded that this is for the planning community to access. It was suggested that greater

detail was still needed than what is currently presented for it to be of any use to the broad industry which may look to access the information. There was then discussion who the information is really aimed at, and it was confirmed the public and developers not the technical community. HK was keen to stress that CLG would be keen to hear where people felt it was lacking detail as it needs to be fit for purpose. HK explained that CLG had seconded an Environment Agency (EA) person to help with the development of this section. She confirmed that the section signposts to CLR11 and other important EA documents. It was asked why it was called "Land Remediation", it was felt that this title should be changed as it is much broader than remediation.

ACTION: HK to feed back internally within CLG.

So far CLG have not received many comments on this section of the planning portal. EIC and SILC have written to confirm that they do not feel it is in enough detail but welcomed its inclusion.

HK was also quizzed over whether the NPPF is likely to be changed as there is no reference to "safe" in the "Land Remediation" planning portal section. It was felt that there is still confusion amongst the land regeneration community what "Safe" "Suitable for Use" and "Competent Person" actually means.

It was noted that there is no sustainability section in the planning portal because the concept of sustainability runs through a number of topics rather than a standalone section.

HK was asked about "Prior Notification Notice" as a Statutory Instrument which has recently been introduced. It was felt that there is a high risk to sites that have land contamination not being picked up through the planning process and being dealt with in a robust way. With Prior Notification, local authority contaminated land practitioners/EHOs do not need to be notified of the change in land use as occurs within planning, therefore it was felt that there could potentially be sites being developed on where land contamination is not being addressed. It was felt that there is little awareness within LAs of the problem occurring, a greater awareness needs to be raised. HK welcomed this issue being raised and welcomed Rob Ivens to discuss this issue further. In the meantime, she would raise the point with her colleagues in CLG.

ACTION: HK agreed to raise the issue of Prior Notification with her colleagues within CLG.

- **Biodiversity Offsetting in England :Will Armitage - Defra**

Will Armitage (WA) gave a short presentation on Defra's proposal for biodiversity offsetting in England. A Green Paper has been produced and was published on 5th September. He explained that the Green Paper has a 9 week consultation ending on 7th November. The key features are to develop a unified approach to biodiversity offsetting. Currently Section 106 is the way that LAs obtain covenants to secure biodiversity offsetting however there are no agreed standard frameworks to work within. He explained the importance of covenants and how offsetting is a long term option, and could provide greater certainty within the planning system. WA explained a series of pilot studies are currently being undertaken as trials which will help inform how the system could work.

The Forum discussed that it is important to prove that the framework is robust. Who will undertake the assessments and where will the burden of regulation sit? Who would regulate, LA planning or Natural England? Would accredited assessors be required? It was emphasised that there are a number of environmental consultants who could undertake assessments but the difficulty would be consistency.

WA explained that the Government aims to respond to the Green Paper consultation by the end of 2013. It is hoped for implementation in 2015.

RB explained that there is also a consultation in Wales about Biodiversity Offsetting. RB to send through a link.

ACTION: RB to forward link about Biodiversity Offsetting in Wales.

- **Allowable solutions : Anastasios.Kougionis (AK) - Zero Carbon Hub**

AK gave a short presentation on Zero Carbon Hub (ZCH) a not for profit organisation that has developed an allowable solution to meet the governments new Zero Carbon Homes requirement by 2016. He explained how ZCH facilitate the mainstream delivery of low and zero carbon homes and is looking at developing a carbon-offset mechanism through which developers can affordably achieve compliance with 2016 Part L Building Regulations. There will be a menu of developer's choices (including self help, funds, brokers etc) which could potentially tap into a wide variety of low and zero carbon technologies and methodologies on but in many cases off site. This could include renewable energy generation, forest offsets, re-fits of buildings, to name a few. He explained that with the new carbon tariffs, and depending on the ceiling price and the solutions that emerge, there could be a cost uplift of 1.5% on the price of an average new build house..

5) Other Industry Initiatives update:

- **Asbestos in Soil (www.claire.co.uk/asbestos)**

It is understood that the final draft CIRIA document has been finalised and will now go forward for internal CIRIA checking/editing. It will be published in the next 2/3 months.

The work of the Joint Industry Working Group is progressing now the CIRIA work is completed. Different industry groups such as AGS and SoBRA are feeding into the JIWG through their own working groups.

SAGTA had a recent workshop to identify issues that they felt needed to be addressed and one key area that they are looking at is real time field measurements when undertaking remediation with asbestos. They are looking at gathering this information to help inform the risks of airborne fibres.

Rob Ivens also explained that he is aware that the Environmental Research Group at Kings College has undertaken research in this area.

- **Definition of Waste: Development Industry Code of Practice (www.claire.co.uk/cop)**

NH confirmed that the Definition of Waste Steering Group version 3 has not progressed any further as they are still seeking funding.

- **Sustainable Remediation Forum UK (www.claire.co.uk/surfuk)**

NH confirmed that phase 3 of the project is underway which consists of collecting case studies that have used the SuRF-UK framework, to develop generic best management practice based on the 15 published indicator categories and to develop a guide and sustainability assessor pack for a Tier 1 qualitative appraisal.

She confirmed that SuRF-UK plan to publish the first three case studies at the end of September 2013.

NH also explained that the chairs of the Global SuRF initiatives are still meeting on a quarterly basis to share ideas. Notes of the meetings can be found at www.claire.co.uk/surfinternational.

6) Sustainable Land Use Sub Group

IH explained that the last meeting of the Land Forum was a workshop that had a series of very interesting presentations that stimulated a lot of debate. IH explained that the sub-group had a recent teleconference to discuss what should happen next and it was agreed that with limited resources the most important thing is to take a factual approach to the polarised and politicised debate between greenfield and brownfield development and ensure that sustainable land use moves up the political agenda. It was agreed that the Sustainable Land Use Sub Group would write to the Chief Planning Officer of CLG to actively encourage the promotion of sustainable land use.

Action: IH to write to the Chief Planning Officer of CLG

IH explained to the Forum that the Sustainable Land Use Working Group had undertaken some research into what level of development is occurring on brownfield now, and looking at the top 7 house builders, the percentage of development of house building still averages over 64%. This provides evidence of the continued dominance of brownfield land, albeit this represents a slightly reduced percentage from 2010 and 2011. It was acknowledged that there is regional variation but the companies selected were national companies.

7) Better Regulation Sub Group

NH reported that the Better Regulation Sub Group had not met and there does not plan to be a meeting. She fed back on the work that Liverpool City Council – Environmental Protection Unit had presented at a previous meeting, where they were looking to develop a Contaminated Land Report Site Screening Check List for developers to complete when applying for planning permission.

NH explained that Liverpool City Council had now introduced the checklist to try and raise standards in the quality of information that they were receiving to support planning applications when addressing contamination. They had found that with the introduction of the checklist the quality of information submitted was much better and that consultants had reported that it had created a more level playing field amongst practitioners to explain why clients needed to pay for additional information.

The general consensus from the Land Forum was it was interesting to see the outcome of Liverpool's work, good to see a more level playing field for practitioners and that standards had improved. NH explained it is freely available for other local authorities to use if they wish.

The Land Forum would be interesting to see if there could be any alignment with SoBRA work on accreditation.

The only difficulty that the Land Forum foresaw was if there is this checklist for land contamination, what about noise, biodiversity etc, would further checklists need to be completed as these are all issues that need to be addressed with a planning application.

8) Future Direction of the Land Forum

IH explained that this was his last meeting as chair of the Land Forum and Seamus Lefroy-Brooks will be taking over. Therefore a new deputy chair will need to be voted. The Land Forum thanked Ian Heasman for undertaking the chairman's role.

ACTION: NH to organise the voting of a new deputy chair.

The Land Forum needs to identify the future direction that it would like to take. At present its function is information sharing however the original brief was also to provide a more strategic input as well. It was agreed that having CLG present at this meeting made a huge difference as they are such an important stakeholder in the work of the land regeneration industry and the interaction that occurred at this meeting was very welcome. It is also extremely valuable having more engagement with the planning community which it is hoped will improve with the Planning Officer Society and Town and Country Planning Association now attending. It was suggested that perhaps RICS and NHBC are invited to join.

It was agreed that future meetings should invite speakers back from presentations previously given to hear about progress of projects eg Mosaic Project.

It was felt that the Land Forum has a strategic role to play and it would be useful for the Land Forum attendees to think ahead for potential new speakers and areas of future direction. There was discussion whether the scope of the forum should be widened, however it was felt that if the scope was too broad then it may be difficult to justify attendance.

ACTION: NH to look through previous minutes to identify future speakers.

ACTION: NH to enquire with RICS and NHBC to see if they would be interested in attending the Land Forum.

Open Action: Comments and suggestions on the purpose and future direction of the Land Forum.

9) AOB

DM informed the forum that there is a Defra Initiative called Smarter Guidance - Data Initiative. This is across departments to scrutinise if guidance can be shortened, made clearer and simpler and whether it is still relevant, this also affects Government Agencies. There is no longer appetite for Agencies to produce lengthy guidance; in fact there is pressure to look at existing guidance and to assess whether it is needed. This initiative feeds into "GOV.UK" where all the website terminology is simplified.

DM explained that all Defra documents need to be reviewed and there is universal acceptance across government on simplification. Land Contamination documents will be reviewed in the Spring 2014.

IH asked about the updated WM 2 document recently released by the Environment Agency (full title "Technical Guidance WM2 - Interpretation of the definition and classification of hazardous waste (3rd Edition, August 2013). Trevor Howard confirmed that the document was release on August 1st 2013 however he understood from his waste colleagues that there has been some issues raised by industry with some of the changes made with relation to Benzo(a)Pyrene levels for example.

TH understands that there may be minor amendments issued to clarify some of the points raised by industry but a full rewrite won't be for a few years.

10) Date of Next Meeting

NH to liaise with Seamus Lefroy-Brooks for new dates in 2014.

ACTION: NH to circulate dates for early 2014 for the next Land Forum meeting.