

Land Forum Meeting

8th March 2016

Meeting Notes



Location: Jacobs Offices, New City Court, 20 St Thomas Street, London SE1 9RS
11.00am – 4.00pm

FINAL

Present:

Paul Sheehan (<i>Chair</i>)	
Nicola Harries (<i>Secretariat</i>)	Contaminated Land: Applications In Real Environments (CL:AIRE)
Seamus Lefroy Brooks	Association of Geotechnical and Geoenvironmental Specialists (AGS)
Frank Evans	Soil and Groundwater Technology Association (SAGTA)
Lucy Thomas	Society of Brownfield Risk Assessors (SoBRA)
Rob Ivens	Mole Valley Council
Julia Reynolds	Yorkshire and Humberside Pollution Advisory Council
Steve McKenna	Royal Institution of Chartered Surveyors (RICS)
Lisa Hathway	National House Building Council (NHBC)
Euan Hall	Land Trust (LT)
Jane Thrasher	Environmental Industries Commission (EIC)
Trevor Howard	Environment Agency

By telephone:

Theresa Kearney	Department of the Environment and the Northern Ireland Environment Agency (NIEA)
Trystan James	Natural Resources Wales
Elaine Wort	Natural Resources Wales
Andrew Williams	Welsh Government
Phil Crowcroft	Specialist in Land Condition Register (SiLC)

Apologies:

Steve Manning	Wiltshire Council
Howard Price	Chartered Institute of Environmental Health (CIEH)
Richard Boyle	Homes and Communities Agency (HCA)
Mark Edwards	Lancaster Council
Caroline Thornton	Scottish Environment Protection Agency (SEPA)
Matthew Whitehead	Environment Agency
Matthew Llewellyn	Natural Resources Wales
Anne Wood & Caroline Greary	Department of Communities and Local Government (CLG)
Richard Clark	Welsh Government
Peter Witherington	Home Builders Federation (HBF)
Rachael Davies	Welsh Contaminated Land Working Group
Andrew Wiseman	UKELA & EP UK

Julia Thrift	Town and Country Planning Association (TCPA)
David Middleton & Maggie Charnley	Defra
Peter Johnson	UK Build/UK Strategic Forum for Construction
Nicky Linihan/John Silvester	Planning Officers Society

Agenda

1. Welcome and Apologies
2. Introductions of represented organisations
3. Review of previous minutes & actions
4. Update from Government Departments and Environment Agencies
 - Welsh Government & Natural Resources Wales
 - Scottish Government & Scottish Environment Protection Agency
 - Department of Environment Northern Ireland & Environment Agency
 - Communities & Local Government
 - Defra Soil and Contaminated Land Team
 - Environment Agency
 - Homes & Communities Agency
5. Standards update – what's new
6. Discussion Topics
 - National Quality Mark Scheme for management of land contamination – update
 - Future Direction of the Land Forum follow up and proposal for two new working groups around implementing the Housing and Planning Bill and the National Infrastructure Commission.
7. AOB
8. Date and location of next meeting

Meeting Notes

1) Welcome & Apologies

Paul Sheehan (PS) welcomed everyone and apologies were given. He thanked Jane Thrasher for arranging a meeting room in Jacobs Offices. Housekeeping and a health and safety awareness briefing was provided.

2) Introductions of represented organisations

Introductions were performed around the table and on the phone.

3) Review of Previous Minutes & Outstanding Actions

All actions were completed or would be addressed during discussions in the meeting.

4) Update from Government Departments and Environment Agencies

Welsh Government and Natural Resources Wales

Andrew Williams provided an update of activities on behalf of Welsh Government. He confirmed that with the upcoming Welsh Government elections they had prepared an internal paper focussing on land contamination and Part 2A issues and made suggestions of activities that could be undertaken going forward.

Trystan James (TJ) provided an update on behalf of Natural Resources Wales. He confirmed that the State of Contaminated Land Report for Wales is completed and they are working with the EA to agree a publication date after the Welsh elections. TJ confirmed that with the lack of funding for Part 2A very little work has been carried out by local authorities however they have recently had two requests for sites to be considered for Special Site status.

TJ confirmed that the National Quality Mark Scheme has been discussed in Wales and was presented at an internal training course to raise awareness of the scheme. NRW are currently having a business review across a whole range of business areas, looking at ways they have worked historically and whether there are new ways of working going forward. TJ will provide an update at the next Land Forum meeting.

NRW confirmed that they had fed into Public Health England's project that is reviewing guidance available on radioactively contaminated land information.

Scottish Government & Scottish Environment Protection Agency

Caroline Thornton (CT) was unable to attend the meeting due to illness.

Department of the Environment (DoE) and the Northern Ireland Environment Agency

Theresa Kearney (TK) gave an update on the activities of DoE and Northern Ireland Environment Agency. She confirmed that they too will be entering a period of Purdah with assembly elections up coming.

TK confirmed that a new government department will be formed that will integrate agriculture, environment and rural affairs together. Regulatory activities will be undertaken by Environment Agency and local authorities. This new department will start on May 9th 2016.

TK confirmed that there is currently an internal project being undertaken looking at the financial risks of not having a Part 3 in Northern Ireland. This project has just started and should conclude in August 2016. It is going to look at the risks of not having Part 3 as a

regulatory tool. She will update the Land Forum at the next meeting, but hopes that the Land Forum members may be able to provide case studies and help to ground proof the initial findings.

TK confirmed that they have also been contributing to the Technical Advisory Group on UK Groundwater Hazardous Substances for regulated sites and the work of the Joint Agencies Groundwater Directive Advisory Group (JAGDAG). She confirmed JAGDAG had recently issued a consultation which she will send to Nicola Harries.

ACTION: TK to send details of the JAGDAG consultation

POST MEETING

JAGDAG (Joint Agencies Groundwater Directive Advisory Group) have launched their consultation on the proposed revisions to the *Methodology for the determination of hazardous substances for the purposes of the Groundwater Directive (2006/118/EC)*. To illustrate the proposed changes to the methodology, 48 substances were assessed using the revised methodology and those assessments form part of this consultation. A summarised list of the assessments and summary of the changes to the methodology are included with the consultation.

This methodology is relevant to anyone who has responsibilities for inputs of pollutants to groundwater or who conducts any activity that could give rise to such inputs. This includes professional advisers to operators of such activities, trade associations and anyone else with an interest in groundwater protection, including members of the public.

JAGDAG are seeking views on the proposed changes up until 31 May 2016. You can share your views on the proposals by downloading the [consultation documents](#), filling in the feedback form and returning it to JAGDAG via the email address JAGDAG_England@environment-agency.gov.uk

Department of Communities and Local Government (DCLG)

Nobody from DCLG was available to attend the meeting however they provided a short update on their activities.

The Housing and Planning Bill is currently at Lords Committee stage. On 18th February 2016 DCLG published a [consultation](#) which seeks views on the proposed approach to the implementation of measures in the Housing and Planning Bill, including those on the statutory register of brownfield land and permission in principle. The consultation closes on 15th April 2016. DCLG are supporting a number of authorities who are developing voluntary registers.

A consultation seeking views on some specific changes to [National Planning Policy](#) closed on 22 February 2016. The proposed changes were in the following areas:

- broadening the definition of affordable housing, to expand the range of low cost housing opportunities for those aspiring to own their new home

- increasing residential density around commuter hubs, to make more efficient use of land in suitable locations
- supporting sustainable new settlements, development on brownfield land and small sites, and delivery of housing allocated in plans
- supporting delivery of starter homes

Defra Soil and Contaminated Land Team

Nobody from Defra's soil and contaminated land team were available to attend, but they sent an update that was read out by Nicola Harries (NH) on behalf of Defra.

EU Action on soils

Further delays in this area – The European Commission will launch a consultation (in the next 2 months) to highlight any gaps on soil protection across EU Member States and this will feed into the future EU approach to soils. Proposals on soils will form part of an anticipated Commission 'Land as a Resource' Communication in early 2017, which will also address land use.

Environmental Audit Committee: Soils Health Inquiry

The inquiry is now taking oral evidence and it is likely the Defra Minister will be asked to give evidence within the next couple of months. Further information about this initiative can be found at:

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/environmental-audit-committee/inquiries/parliament-2015/soil-health/>

Environment Agency (EA)

Trevor Howard (TH) provided an update on behalf of the EA. He confirmed that the State of the Contaminated Land Report is now going through the final publishing process. This will be jointly launched with Natural Resources Wales after the elections. TH confirmed that the raw data has already been published on Defra's website.

TH confirmed that the EA has published their River Basin Management Plan 2015 which was published in February 2016. There is a whole suite of supporting information for each river catchment area on line at:

<https://www.gov.uk/government/collections/river-basin-management-plans-2015>

TH confirmed that the EA is continuing to work with the Smarter Environmental Regulation Review Team (SERR), to ascertain which guidance documents the Environment Agency is uniquely placed to deliver and therefore will remain on their .gov.uk website. CLR 11 will not be rewritten but a much shortened version has been produced and will be made available on .gov.uk shortly. The original full version will be on Water and Land Library (WALL) (www.claire.co.uk/wall).

TH confirmed that the Guiding Principles documents will be updated. This was welcomed by the Land Forum members.

TH confirmed that a number of documents relating to environmental permitting in the "H" series have been replaced by shorter simpler versions. The original more detailed guidance has been archived so it may be possible to signpost on WALL. TH confirmed that further guidance will continue to be archived.

The EA are also currently working on a Position Statement to support the NQMS. The EA are continuing to work with UK TAG and Joint Agencies Groundwater Directive Advisory Group (JAGDAG) on Hazardous Substances.

Homes and Communities Agency (HCA)

Richard Boyle (RB) was unable to attend the Land Forum meeting but provided a short update on HCA's activities.

The government has announced a review of the Homes and Communities Agency that will consider whether each of the agency's functions – and the body itself – is still required. This is quite normal practice for Non Departmental Public Bodies and normally happens every three years or so (triennial review) but this is the HCA's first since 2008 (when the HCA was created).

Full text is available at <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statements/?page=1&max=20&questiontype=AllQuestions&house=commons%2clouds&member=4009>

5) Standards

NH confirmed that Mike Smith had sent her details about a number of standards that are currently in preparation. These were kindly prepared on a separate sheet that she shared with Land Forum members. A link to these documents can be found here:

http://www.claire.co.uk/index.php?option=com_phocadownload&view=category&download=531:iso-18400-series-of-standards-16-02-29&id=26:landforum

http://www.claire.co.uk/index.php?option=com_phocadownload&view=category&download=530:standards-projects-16-02-29&id=26:landforum

6) Discussion Topic:

National Quality Mark Scheme for Management of Land Contamination

Seamus Lefroy-Brooks (SL-B) provided an update on the work of the Professional Standards Group and how the NQMS document had significantly changes since the last meeting. The updated overview document had been shared with the Land Forum members. SL-B also explained how the scheme had been discussed at a joint SAGTA/CL:AIRE workshop at the end of February 2016. The main point of discussion at

the SAGTA/CL:AIRE workshop was discussing the auditing process and how this should be carried out. This has now been added into the overview document. It was agreed that there will be annual audits carried out on the scheme functionality and random audits will be carried out on Suitably Qualified Person (SQP) declarations.

A few individuals who attended the SAGTA/CL:AIRE workshop also had some concerns on the wording of the declaration because they worked for American Companies. They agreed to have the wording reviewed by their legal advisors.

There was discussion whether to become an SQP was too onerous and time consuming, and therefore not enough people will apply to become an SQP. People were reminded that there are currently approximately 160 SiLCs, and it is thought a number of these will convert which will give a good starting pool of SQPs. It was felt that it was important to have a high bar to maintain standards. If companies felt there was a business opportunity, more people would be encouraged to qualify as SQPs.

All Land Forum members were encouraged to make any final comments on the overview document by 8th April 2016. After which, the overview document will be seen as approved and final and used as the main information document to launch the scheme.

Link to the document for final comment:

http://www.claire.co.uk/index.php?option=com_phocadownload&view=category&download=529:ngms-document-march-2016-v2-draft-circulated-to-land-forum&id=26:landforum

ACTION: All Land Forum members to provide final comments by 8th April 2016.

Future Direction of the Land Forum

PS gave a short presentation on how he feels the future direction of the Land Forum could be taken following the discussions & feedback from the last meeting. It was seen as important to engage with the wider membership expertise as up to now it has been very land contamination focussed. However it was agreed that the challenges going forward facing the land industry are broader. PS suggested that by engaging on wider subject matters there will be opportunities to ensure that land contamination issues are always considered. It is proposed to pick two or three key specialist subjects that members want to discuss and set up working groups on these subjects.

PS explained that currently there are a lot of areas that DCLG and HM Treasury are consulting on that affect the Land Forum including the Housing and Planning Bill, National Planning Policy and the establishment of the National Infrastructure Commission. The Land Forum wants to be seen as the 'go to' Forum in relation to land issues for to these two government departments. Therefore, PS suggested the establishment of two further subgroups in addition to the Professional Standards Group, one to support DCLG on NPPF Housing & Planning Bill – brownfield registers & permission in principle and one to support HM Treasury on National Infrastructure.

The Land Forum membership discussed the PS proposal and thought that it was important to try and help DCLG with the scoping of the brownfield registers as it was very

current. However it was felt that it was perhaps too early to offer help to HM Treasury on the Infrastructure Commission as it has not been established yet. It was felt that perhaps a letter should be written to HM Treasury offering help. It was suggested that perhaps a HM Treasury representative should be invited to the next Land Forum meeting so they can understand the purpose of the Infrastructure Commission which could help scope up where the Land Forum could add value.

ACTION: NH to make contact with HM Treasury to see if a short presentation would be possible.

Euan Hall (EH) agreed to map up the issues that he felt that the Land Forum could assist/add value to DCLG with their current issues in relation to brownfield development.

ACTION: EH to scope up the potential remit of the sub group to support CLG.

It was agreed that one large issue the land industry is facing is lack of status of guidance, and how guidance is becoming out of date. It was felt that perhaps the Land Forum collectively should work together and set up a Standards/Technical Guidance Group. The Land Forum thought that this was a good idea. It was agreed that initially an analysis needs to be carried out on what guidance is missing, what is seen as important and needs updating. Frank Evans (FE) would discuss with SAGTA to see if they would be prepared to lead on this initiative.

ACTION: FE to discuss with SAGTA if they would be interested in moving this initiative forward.

8. Any Other Business:

EH notified the Land Forum that the Land Trust is currently supporting a PhD student from Brighton University through Professor Paul Bardos on "Societal value of Brownfield Land".

NH informed the Land Forum that the Joint Industry Working Group for Asbestos in Soil and Construction & Demolition Materials has recently released two decision support tools in BETA versions:

- Decision Support Tool for the Categorisation of Work Activities Involving Asbestos in Soil and Construction & Demolition Materials in accordance with the Control of Asbestos Regulations 2012 : BETA Versions were launched in January 2016.
- Decision Support Tool for the Qualitative Risk Ranking of Work Activities and Receptors Involved in or Exposed to Asbestos in Soil and Construction & Demolition Materials - BETA Version January 2016

Further information can be found at:

http://www.claire.co.uk/index.php?option=com_content&view=article&id=549:asbestos&catid=11&Itemid=137&showall=&limitstart=1

9. Date of next meeting

The next meeting is confirmed for 12th July 2016 at NHBC offices, 2 Minster Court, London. Details will be circulated.

ACTION: NH to circulate date of meeting.