

# National Brownfield Forum

## Meeting Notes

11<sup>th</sup> March 2020, 11.30am – 4.00pm

Location: Welsh Government Office, Cardiff



### FINAL

#### Present:

Paul Nathanail ( <i>Chair</i> )	LQM
Nicola Harries ( <i>Secretariat</i> )	CL:AIRE
David Rudland	Environmental Protection UK
Simon Cole	Society of Brownfield Risk Assessment (SoBRA)
Matthew Llewellyn & Trystan James	Natural Resources Wales
Paul Burden	Specialist in Land Condition (SiLC)
Angela Haslam	Environment Agency (EA)
Andrew Williams	Welsh Government – People & Environment
Joanne Smith	Welsh Government – Planning (part of meeting)
Stuart Ingram	Welsh Government - Planning (part of meeting)
Seamus Lefroy Brooks	Chair of NQMS Steering Group
Hallan Sambrooke	Newcastle under Lyme Council, Staffordshire Contaminated Land Working Group
John Cleland	Geological Society
Tim Elliott	Royal Institution of Chartered Surveyors (RICS)
Lisa Hathway	National House Building Council (NHBC)
Stella Keenan	Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG)
Ben Million	Ministry of Housing, Communities & Local Government (MHCLG)
Jane Thrasher	Environmental Industries Commission (EIC)

#### Apologies:

Harriet Cooper & Rachel Boulderstone	Department for Environment, Food and Rural Affairs (Defra)
Frank Evans	Soil and Groundwater Technology Association (SAGTA)
Paul Sheehan	Chair of Land Stewardship/Natural Capital Working Group
Emma Tattersdill	UK Environmental Law Association (UKELA)
Vivien Dent	Association of Geotechnical and Geoenvironmental Specialists (AGS)
Richard Boyle	Homes England
Caroline Thornton	Scottish Environment Protection Agency (SEPA)
Theresa Kearney	Department of Agriculture, Environment and Rural Affairs and the Northern Ireland Environment Agency (NIEA)
Rob Ivens	Mole Valley Council
Rachael Davies	Flintshire Council & Welsh Contaminated Land Working Group
Steve Manning	Wiltshire Council
Lucy Thomas	Home Builders Federation (HBF)
Mark Edwards	Lancaster City Council

#### Corresponding Members:

Julia Thrift	Town and Country Planning Association (TCPA)
Philip Ridley	Planning Officers Society
Euan Hall	Land Trust

## Agenda

1. Welcome and Apologies
2. Introductions of represented organisations
3. Review of previous minutes & actions
4. Update from Government Departments and Environment Agencies
5. Standards Update
6. Terms of Reference Review
7. Brief Roundtable Update from Industry Groups
8. Sub-Group Updates
9. PFAS Update
10. AOB
11. Date and location of next meeting

## Meeting Notes

### 1) Welcome & Apologies

Paul Nathanail (PN) welcomed everyone and apologies were given. PN thanked Welsh Government for hosting. Terri Thomas (TT) Welsh Government Deputy Director of Environment and Communities welcomed all attendees and thanked the National Brownfield Forum for coming to Wales. TT explained that the redevelopment of brownfield land is hugely important to Wales and they are working very closely with their planning colleagues to bring forward this land whilst continuing to protect the environment.

### 2) Introductions of represented organisations

Introductions were performed.

### 3) Review of Previous Minutes & Outstanding Actions

All actions were completed or were brought forward to be discussed at this meeting. Some very old outstanding actions have now been removed as it was felt that time has now superseded the action.

### 4) Update from Government Departments and Environment Agencies

#### **Welsh Government - Planning**

Joanne Smith (JS) and Stuart Ingram (SI) gave an update on Welsh Government's activities with regards to planning. They explained that Planning Policy Wales (PPW) is the national land-use planning policy document for Wales. It contains planning policies on a variety of topics with land use implications and it is used by Local Planning Authorities (LPAs) to inform policies and land-use allocations in Local Development Plans (LDPs). It is a material consideration for decision makers in determining individual planning applications.

The new version of PPW can be found online here: <https://gov.wales/planning-policy-wales>.

The new edition of PPW places the concept of 'placemaking' at the heart of national planning policy. It means that planners should take an integrated approach to development which ensures that communities have all the services they need within easy

reach and that development is of high design quality. This principle moves away from simply counting houses to thinking about the quality of the places being created.

Placemaking is a holistic approach to the planning, design and management of spaces and capitalises on a local community's assets, inspiration, and potential, with the intention of creating development that promotes people's health, happiness, and well-being. It is therefore closely integrated with the wider objectives of the Well-being of Future Generations (Wales) Act 2015 (WFG). The WFG requires people engaged in the planning system to think about places and well-being holistically rather than silos of discreet policy developed in isolation.

JS & SI then outlined some of the specific policy issues in PPW that would interest the National Brownfield Forum members:

- An updated site selection process which puts priority on brownfield sites within urban areas for all development (previously this had been only found in the housing section);
- A revised definition of brownfield land (previously developed land) (see box on page 38) whilst retaining the brownfield land preference;
- The need to take a strategic approach to unlocking the potential of brownfield land by taking a de-risking approach to development and thinking in a multi-dimensional way;
- Taking a de-risking to development requires better understanding of risks and more effective ways of sharing of information relating to brownfield land; and,
- Thinking about addressing risks and identifying opportunities for development to maximise sustainability and contribute to wellbeing goals should take place at the same time.

#### **Box 1 Revised definition of brownfield in PPW (Welsh Government 2018)**

Definition of Previously Developed Land Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures.

Excluded from the definition are:

- land and buildings currently in use for agricultural or forestry purposes;
- land which has not been developed previously, for example parks, recreation grounds, golf courses and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
- and where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
- and which is species rich and biodiverse and may qualify as section 7 habitat' or be identified as having nature conservation value; in Environment Act; and
- previously developed land subsequently put to an amenity use.

It was acknowledged that changes in practice and implementation do not happen overnight and further guidance and support for implementation will be necessary.

#### **Welsh Government – Environment**

Andrew Williams (AW) confirmed that the Secretary of State is working with The Coal Authority with regards to assessing the stability of historic spoil/coal tips. Currently many tips are owned by local authorities, privately owned or in Coal Authority ownership, and depending on the ownership there are different inspection and management programmes for these tips. Work is now being undertaken to confirm ownership and look to

standardise the approach for inspections going forward. Further information about this work is provided here: <https://www.gov.uk/guidance/historical-spoil-tip-sites-in-wales>

### **Natural Resources Wales (NRW)**

Matthew Llewellyn (ML) and Trystan James (TJ) provided an update on behalf of Natural Resources Wales (NRW). They confirmed the following:

Metal Mines Programme: NRW is currently working on delivering its metal mine programme with financial support from Welsh Government moving into 20/21. NRW has engaged with WSP, AECOM and The Coal Authority to deliver various work packages.

IMWA 2021. The International Mine Water Association has confirmed that the event will be hosted by Wales in the summer of 2021. The decision will be reviewed as a result of the coronavirus outbreak and could be delayed into 2022.

DEFRA Project - Developing the use of Remote Sensing for Contaminated Land management in Wales & England. The final report is due May 2020. This involves Flown hyperspectral at sites in Wales and England. The project team will now be processing the results of the thermal, optical and XRF on sites and ground truthing data to produce the final deliverables.

Landslides - NRW is working with Welsh Government, The Coal Authority and various partner agencies across Wales to understand the risks posed by potential landslides witnessed during Storm Dennis.

Part 2A - Pembrokeshire County Council has determined a site as Contaminated Land in SW Wales. NRW has provided input around early discussions on whether it's a special site or not. It has been confirmed that it is not a special site but nevertheless has been determined based on a significant possibility of significant pollution of controlled waters. NRW has provided technical support and will continue to do so in relation to remediation.

Land back into beneficial use - NRW intends to record 'land brought back into beneficial use' i.e. where NRW have reviewed anything past a preliminary risk assessment and also where they have received a verification report (indicating remediation has taken place). NRW will record the hectareage and the intention is to capture data in relation to the planning regime (currently unrecorded unlike Part 2A work). NRW understand Welsh Government is considering the feasibility of asking local authorities to also record this information and will be conveying this to them.

### **Department of Agriculture, Environment and Rural Affairs and the Northern Ireland Environment Agency (NIEA)**

Theresa Kearney (TK) confirmed their new Minister for the Department of Agriculture, Environment and Rural Affairs (DAERA) is currently considering the recommendations from a risk assessment undertaken by NIEA, on the financial, environmental and health risks associated with not having a specific contaminated land regime (equivalent to that in Part 2a in the other parts of the UK) in Northern Ireland.

TK also confirmed that NIEA is currently developing its proposals for implementing new standards (defined by UK TAG) to prevent and limit the input of pollutants to groundwater. This consultation will set out DAERA / NIEA's approach in protecting groundwater quality through the regulation of groundwater pollution. This consultation paper seeks the opinion of stakeholders on proposals to improve and streamline. The timescales for this consultation are likely to be Springtime.

Finally, TK confirmed that she will be moving positions for a 12-month temporary promotion to NIEA's Regulation Unit (waste and water regulation) so a successor for NBF engagement will be confirmed shortly.

## SEPA/Scottish Government

Unfortunately no update was available from SEPA or Scottish Government on this occasion.

## MHCLG

Ben Million provided an update on behalf of MHCLG. He confirmed the following:

- MHCLG is working up detailed proposals and a timetable for the **Planning White paper**. Further details will be announced in the next few months;
- Various planning announcements made by the Secretary of State following the budgets are detailed in the following document – Planning for the Future [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/872091/Planning\\_for\\_the\\_Future.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872091/Planning_for_the_Future.pdf) . This includes a review of flooding and planning guidance.
- MHCLG is supporting DEFRA as the lead department on the **Environment Bill**. The Bill is now at Committee stage, which will include evidence sessions;
- Work is ongoing on a **National Model Design Code** – further details will follow.
- MHCLG will publish an official response to the **Building Beautiful, Building Better Commission** in the next few months;
- The government will be launching an online brownfield mapping tool later this month. This will provide a comprehensive index of available brownfield sites.

**ACTION: BM to find out further details how the tool will work and what data will be collected and feed back to the National Brownfield Forum.**

- BM confirmed that the Government has launched **several public consultations** in the last few months including one on **Freeports**. This consultation is seeking views on planning freedoms inside freeports and closes on 20<sup>th</sup> April 2022. Further information is available here: <https://www.gov.uk/government/consultations/freeports-consultation>
- The government has also launched a consultation on **First Homes**. This consultation is seeking views on First Homes for local people, considering both the design of this policy and options for implementation. Further information is available here: <https://www.gov.uk/government/consultations/first-homes>
- MHCLG is working with DEFRA on an **English Tree Strategy**. The Government will publish a consultation on proposals for this in the next few months.
- MHCLG is exploring options to take forward **proposals on trees**. This will include the Conservative Manifesto commitment that all new developments should have tree lined streets. They are exploring some of the technical challenges to deliver this, and are seeking advice from the Woodland Trust.
- Planning guidance has been updated for the following areas – sustainable transport guidance, climate change, open space, sports and recreation facilities, public rights of way and local green space, presumption in favour of sustainable development.

## Environment Agency

Angela Haslam provided an update on behalf of Environment Agency (EA). Their resources have been extremely stretched recently due to the recent flooding events. She confirmed the following:

- Land Contamination Risk Management (LCRM): Over 330 responses had been received and it has taken time to review all the comments and consider them. EA would like to thank the industry for their constructive feedback. Main feedback points were regarding structure and technical content. The EA are endeavouring to publish at the end of March 2020 but this may now change in light of working restrictions. Much feedback was received on the usability of how LCRM was

presented on [GOV.UK](https://www.gov.uk). LCRM has now been reconfigured and is split into four separate HTML guides which will be able to be downloaded as separate guides.

1. Before you start
2. Risk Assessment
3. Options Appraisal
4. Remediation and Verification

One key change is a much more detailed section on site investigation. This has now been created and is at the end of risk assessment and aligns with British Standard terminology. There was much feedback about the lack of flow charts and the EA will be working with CL:AIRE to see how these can be hosted on CL:AIRE's Water and Land Library (WALL) and linked back to the LCRM guidance. There is also now more content on ground gases and vapours.

Once republished an email address will be provided so that people can continue to provide feedback.

#### **POST MEETING NOTE:**

A further update was published on 17<sup>th</sup> April 2020 <https://www.clair.co.uk/home/news/1316-environment-agency-update-on-land-contamination-risk-management-lcrm-guidance>, stating LCRM web pages have been delayed due to the corona virus situation but an interim update was published regarding the requirements of MCERTS and the use of Rapid Measurement Techniques (RMT).

- EA is continuing with their Part 2A programme reviewing remediation requirements at Special Sites.
- EA is proactively working on many different facets relating to PFAS. Recently a small contract has been awarded to Jacobs to review potential sources of PFAS to help develop a risk based approach to site assessment and ultimately to help prioritise those posing the greatest risks to the environment.
- The EA continue to use drone technology to undertake surveys at a Part2A Acid Tar Lagoon site in Cheshire.

#### **Homes England**

Richard Boyle provided an update on behalf of Homes England. As ever, more information on Homes England can be found at <https://www.gov.uk/government/organisations/homes-england>. What follows is a selection of information on our recent activities.

#### Land Hub updated

In January 2020, our Land Hub was updated. This presents development sites that we plan to bring to market over the next 12 to 18 months. Sites are displayed geographically and users are able to view site specific details, including red-line plans and search location by post code.

A new addition to the Land Hub platform is the ability to view the site in much greater detail than before with the introduction of Interactive 360 Site Imagery. (Note that Homes England are still in the process of collecting this imagery and this site detail will be available in due course.)

The Land Hub can be found at <https://www.gov.uk/government/publications/homes-england-land-hub>.

#### Northstowe, Cambridgeshire

On 12th February 2020, South Cambridgeshire District Council's Planning Committee approved plans for Inholm, a contemporary Fenland village and the second phase of Cambridgeshire's new town, Northstowe. Once complete, Northstowe will comprise

10,000 new homes. The new village of Inholm will be the largest in the UK to be manufactured offsite using modern volumetric construction.

The neighbourhood is being brought forward by the deal agreed between 'House by Urban Splash', Homes England and Japan's biggest house builder, Sekisui House, as previously reported to the Forum.

#### Northern Arc, Burgess Hill

In October 2019, the construction of 3,000 new homes – 30 percent of which will be affordable – at Northern Arc, Burgess Hill in Mid Sussex, has been given the unanimous go ahead by Mid Sussex District Council's planning committee.

The 200-hectare site will be built over 15 years with developers submitting detailed planning applications following further community consultation in specific parcels. Construction of the first new homes at Freeks Farm and associated highways infrastructure has already begun.

The scheme will also provide local facilities and employment opportunities, as well as three new schools to meet local demand.

#### Local Authority Accelerated Construction

In October 2019, the latest deals awarded through the £450 million Local Authority Accelerated Construction (LAAC) programme were announced. These comprised £38.2 million of funding with six local authorities to speed up the construction of at least 2,072 homes on 13 sites. The Local Authorities are:

**South:** North Somerset Council, Bournemouth, Christchurch and Poole Council, Bristol City Council, Hastings Borough Council

**North:** Hull City, Council Cheshire West and Chester Council

#### Help to Buy

In February 2020, the government announced further details on the new Help to Buy scheme (operated by Homes England) that will run from 2021 to 2023. This scheme is more targeted at those who need help onto property ladder:

- It will be restricted to first time buyers, defined in line with stamp duty land tax exemption, as someone who has never owned a property before.
- It will include regional property price caps based on average first time buyer prices in each region. The published caps take average first time buyer prices for the region (inflated to account for property price growth) and add a further 50% to ensure there is good availability of the scheme.
- It is currently £600,000.
- Homes England released in October 2019 an 'Help to Buy: Equity Loan Calculator' so advisers can check an applicant's likely approval, which can be found (with guidance) at <https://www.gov.uk/government/publications/homes-england-help-to-buy-equity-loan-calculator-and-guidance>.

#### Help to Buy regional price caps:

Region	Price cap for properties eligible for Help to Buy Equity Loan scheme from April 2021 to March 2023
North East	£186,100
North West	£224,400

Yorkshire and The Humber £228,100

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East Midlands £261,900

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West Midlands £255,600

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East of England £407,400

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London £600,000

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South East £437,600

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South West £349,000

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5) Standards

Nicola Harries (NH) shared the update that Mike Smith kindly provided outlining the new standards that are in preparation or out for consultation. Full details are provided here:

<https://www.claire.co.uk/component/phocadownload/category/68-2020?download=713:nbf-standards-march-2020>

**POST MEETING NOTE:** BSI has released a suite of standards and set up a series of webinars to help UK businesses navigate the challenges they face as a result of the Novel Coronavirus (COVID-19) pandemic. Any business that wishes to download the standards and sign-up for the BSI webinar series to receive guidance on the standards should visit <https://www.bsigroup.com/en-GB/topics/novel-coronavirus-covid-19/risk-management-and-business-continuity/>.

6) Terms of Reference

PN explained that every two years the Terms of Reference for the NBF is reviewed in line with the change of chair.

It was agreed that the reference to “best practice” should be replaced with “good practice”. With regards to membership, PN explained that for practicalities, numbers need to be manageable and if people are able to represent more than one group that is advantageous. It was felt that it was important for the notes of minutes to try and capture as many groups activities as possible to try and ensure collaboration of projects where possible but avoiding just listing events as there are other vehicles for this. It was agreed for NH to make contact with BGS, CIRIA and RemSoc and invite them to be corresponding members.

**ACTION: NH to make contact with BGS, CIRIA and RemSoc and invite to be corresponding members and share activities.**

Regarding local authority (LA) membership, NH explained that as there is not one organisation solely representing local authorities at present on the NBF, current LA membership is geographically spread. The forum was aware that there is the establishment of the National Contaminated Land Officer Group (NCLOG). NH to make contact with Ann Barker to understand its progress and whether there is an appetite to have representation on the NBF.

**ACTION: NH to ask Ann Barker about progress of the NCLOG.**

It was noted that there was no representation for local authorities for Scotland. It was agreed that this is important to rectify, and it was felt that NH should make contact with Donald Payne. John Cleland (JC) offered to make contact and forward to NH to follow up.

**ACTION: JC to make contact and NH to follow up.**

It was also noted that the planning, construction and architectural bodies are not well engaged with the forum. It was suggested that NH reaches out to Build UK, RIBA, CECA, CIOB and RTPI, introduce the forum and invite them to send forward news and activities and ask if NBF can notify them when the notes are available and for them to circulate to their members.

**ACTION: NH to make contact with Build UK, RIBA, CECA, CIOB and RTPI to improve engagement.**

There was discussion whether other professional institutions should be invited to join now many have specialist land contamination working groups. To ensure numbers are manageable it was hoped that SiLC could represent many of these bodies as they are legal members of SiLC. SiLC agreed to extend the invitation to their member bodies to share news for each meeting.

**ACTION: SiLC to share news from their member bodies on the NBF and provide feedback on activities.**

**ACTION: NH to amend the Terms of Reference following discussed changes.**

7) Update from Industry Groups

**Welsh Land Contamination Working Group (WLCWG)-**

ML provided an update on behalf of the WLCWG. He confirmed that the WLCWG has carried out a survey/questionnaire of contaminated land officers across local authorities in Wales with the conclusions and recommendations made to Welsh government. ML will confirm with WLCWG when the results of the survey will be published.

**ACTION: ML to confirm with WLCWG when the results of the survey will be published.**

WLCWG are also looking to develop a TAN (technical advice note) for Land Contamination which is intended to form the Wales equivalent of the MHCLG 'Land affected by contamination' guidance note on [.gov.uk](http://gov.uk)

**AGS**

Vivien Dent (VD) provided an update on behalf of the AGS Working Group: Contaminated Land. The last meeting of the working group was 21st January 2020. VD confirmed that they had prepared an article for the AGS magazine titled: "On Stoney Ground". In addition the EA thanked the group for their contribution to the consultation on the Land Contamination Risk Management web pages (LCRM).

The working group is currently working on the following:

- AGS Guide to Asbestos – A meeting was held with various parties. A way forward for the publication of the 3 documents has been agreed.
- 'Mind Map' – Working on a 'mind map' that could be used by graduates to inform them of the pertinent guidance documents related to contaminated land. In conjunction, Mike Smith is preparing a guidance document on British Standards.
- A Clients Guide to desk studies – we will be updating this as it is several years out of date.

**NHBC**

Lisa Hathway (LH) provided an update on behalf of NHBC. She confirmed that NHBC continue to support the industry, including work arising from the Independent Review of Building Regulations and Fire Safety.

NHBC welcomed and support the Government's announcement in February 2020, to deliver a New Homes Ombudsman. The Ombudsman will deliver benefits for homeowners providing them with new routes of redress with their builder. NHBC will be

reviewing the full details of the announcement and they look forward to continuing to work closely with MHCLG and the wider industry to help support the delivery of the Ombudsman.

The NHBC Foundation published a new report in January 2020, in collaboration with BSRIA (Building Services Research and Information Association), entitled “Thermal Imaging Report Guide – how to interpret the results of a thermal imaging survey”. It identifies what a good thermographic survey should include, gives examples of typical thermal imagery and highlights what makes a successful report. It is freely available on the NHBC Foundation website, together with a range of other helpful guidance <https://www.nhbcfoundation.org/publications/>.

In terms of industry statistics, site starts, which relates to the construction of the first plot on a site, in February 2020 were 17.4% higher than in February 2019. On the rolling three months to February 2020 they were 8.7% lower than last year. Site starts for the Top 50 builders were 3.3% higher in the three months to January 2020, compared with the same period last year.

### **YALPAG**

Stella Keenan (SK) provided the update on behalf of YALPAG. She confirmed that the Land Technical Group meet twice a year with the last meeting on 11<sup>th</sup> March 2020. There are also 3 sub-regional groups. She confirmed the following:

- Training and awareness raising events are continuing to be organised.
- The National Contaminated Land Officer Group (NCLOG) is currently in the process of being set up and it is hoped that NCLOG will be officially launched this year. Membership will not be restricted to England/Wales and it is hopeful of including members from Scotland/NI.
- YALPAG guidance documents on planning, verification of cover systems and verification of gas protection measures are continuing to be reviewed and updated.
- Consideration is expected to be given to referencing the NQMS scheme within the YALPAG planning guidance when this guidance is next reviewed and updated this year.

Some thoughts from YALPAG re what the National Brownfield Forum could move forward on are: training MPs on contaminated land; guidance on SPOSH; bringing back funding/grant system for Part 2A; raising profile of radon risks – although it is appreciated that some of these elements may be outside the remit of the National Brownfield Forum.

### **EPUK**

David Rudland (DR) provided an update on behalf of EPUK. He confirmed that Robin Lancefield has become the new chair of the Land Quality sub group. EPUK has now got a pre-publication version of the guidance document “Developing on Former Garage Forecourts”. It is aiming to be freely available from June 2020. Members of the Forum offered to review a final draft.

**ACTION: DR to send a draft final for review on request from individual members.**

Following the previous NBF meeting asking whether this guide is planning to be a series, DR confirmed that he had spoken to his colleagues in EPUK and the land quality group would like to understand from NBF members what six types of sites would they feel should be included in a series?

**ACTION: All to respond back to DR with ideas of types of sites to have a simple developers guide produced.**

### **UKELA**

Emma Tattersdill (ET) provided an update on behalf of UKELA. She confirmed that UKELA has continued to monitor and engage with developments in environmental law – Brexit related or otherwise.

Recent developments and factors that they expect to affect the ongoing development of environmental law across the UK include:

- Brexit. The UK is, of course, no longer a member of the EU and are into a transition period (due to last until 31 December 2020) during which the future relationship between the UK and the EU is to be negotiated.
- The Government re-introduced the Environment Bill in January 2020. The Bill contains a new environmental governance framework, effectively replacing that previously provided by the EU institutions. A key aspect of this framework is the establishment of the Office for Environmental Protection (OEP). Members of UKELA's Brexit Task Force attended OEP external stakeholder group meetings in 2019 and those meetings will continue throughout 2020 until the OEP formally commences operation on 1 January 2021.
- The Conservative Party's election manifesto contained a commitment to review constitutional arrangements generally, including the role of the Supreme Court and the role of judicial review. This review is expected to start in the spring and will impact on environmental law as much as on other areas of law.

#### Forthcoming events

The following events that may be of interest to members of the Forum. All events can be booked via UKELA's website, and are open to members and non-members.

1. 16<sup>th</sup> March 2020: an Introduction to Environmental Law
2. 26<sup>th</sup> – 28<sup>th</sup> June 2020: annual conference, to be held in Plymouth

#### **CL:AIRE**

Nicola Harries (NH) provided an update on behalf of CL:AIRE. She confirmed the following:

#### **Events & training**

- CL:AIRE's 20<sup>th</sup> year anniversary event occurred on 14<sup>th</sup> November with videos and presentations now available for all attendees and CL:AIRE members.
- Continuing with training – classroom & elearning in a wide variety of subjects – verification of gas protection systems training, CAR-SOIL, Non Licensed Work Training for Land Professionals and Groundworkers, Asbestos Awareness, DoWCoP, soil and groundwater risk assessment, sustainable remediation appraisal, brownfield site investigation
- Recently CL:AIRE launched a new elearning course: Asbestos Awareness for Land Professional – refresher.

#### **Projects & Initiatives**

##### **DOWCoP**

CL:AIRE is continuing to audit projects and working closely with the EA and NRW on this. CL:AIRE is continuing with its auditing and using its Qualified Persons and Project Team Disciplinary procedures. This is reported on the CL:AIRE website.

##### **NQMS**

CL:AIRE is continuing to administer the NQMS, further update provided by Seamus Lefroy Brookes – Steering group chair.

### **SURF-UK & SuRF-International**

SuRF-UK are currently updating the indicator set in annex A to the framework document following a public consultation. CL:AIRE continues to co-ordinate the SuRF International fora who will be supporting the next SustRem which will be held in South Africa.

### **Updating Guidance on Comparing Soil Contamination Data with a Critical Concentration**

The final draft of the guidance was circulated prior to Christmas. There have been further discussions with Steering Group members to try and get a consensus to publish. We are hopeful that this will now move forward to publication following these discussions.

### **Verification of Gas Protection Proposed Accreditation Scheme**

The development of the gas accreditation scheme is moving forward. A small group of assessors have volunteered and CL:AIRE is currently developing the website to support the scheme.

### **Category 4 Screening Levels**

This project is moving forward well, all five batches are now being worked on and are in different stages of review and completion. Three reports have been completed and awaiting steering group sign off.

### **MNA Guidance**

CL:AIRE is working with leading industry professionals and the EA to update the MNA guidance.

### **SiLC**

Paul Burden (PB) provided the update on behalf of SiLC. He confirmed the following:

- SiLC's Annual Forum was held at the beginning of March with around 70 attendees;
- The latest exam round is currently in progress (2020A) with 9 applicants;
- 10 New SiLCs /SQPs were awarded in 2019;
- 3 Introduction days were hosted in 2019 with 25 attendees;
- More introduction days are planned in 2020 with one already completed and the next planned in June 2020;
- A new 'Early careers' representative has been appointed to the SiLC PTP - Carrie Rose;
- New Chair of SiLC PTP from March onwards will be Ian Evans. Ian will be the SiLC representative for the next NBF meeting onwards.
- SiLC has continued its focus on marketing both SiLC and NQMS/SQP. It will include more (and better) use of the website and LinkedIn.

### **EIC**

Jane Thrasher (JT) provided the core aspects of EIC activity discussed at the last quarterly working group meeting in early March 2020. This included:

1. To re-launch the Building on Brownfield report based on new case studies (however this may be also considered with the backdrop and fallout of the impact of Corona Virus on the sector).
2. To engage with Ministry of Housing, Communities and Local Government with reference to the Planning White Paper (which we now understand will also have an emphasis on accelerating planning in a post Covid-19 world)
3. To engage with DEFRA on regulatory framework on Contaminated Land and Ground Water Regulations.
4. To consider the implications of a net zero agenda on construction industry and the wider supply chain including EIA. (However, this is likely to be carried over to 2021 as COP26 has been carried over.

## **GEOLOGICAL SOCIETY**

John Cleland (JC) provided an update on behalf of the Geological Society. He confirmed that the early careers contaminated land group are keen to promote more early careers events and to particularly work in collaboration with other groups. They are hoping to organise a further two events this year. He confirmed that the Scottish Contaminated Land Forum (SCLF) are also keen to run early careers events so it makes sense to perhaps co-ordinate events geographically and therefore accessible for all.

## **SoBRA**

Simon Cole (SC) provided an update on behalf of SoBRA. He confirmed that since the last NBF meeting, SoBRA held their annual Christmas event with RSC on 4<sup>th</sup> December at Burlington House. Presentations are available for members only and are available on the SoBRA website.

### **NAPL Sub Group**

This group is moving forwards with agreed deliverables which have been agreed and assigned – TOR are on the SoBRA website. A collection of advisory notes are in draft/review status and we are working on an effective solubility calculator with guidance. As reliant on volunteers, giving timescales with certainty is challenging but good progress is being made.

### **Vapour Intrusion Sub Group**

There has been renewed momentum with a new project manager appointed, TOR being re-considered to ensure in line with practitioner needs. Aim/Objectives were to prepare a series of technical guidance summary notes covering: “CSM development for VI linkages”, “When soil gas sampling is beneficial”, “Data collection options available”, “Modelling tools available”. Both “When soil gas sampling is beneficial”, “Data collection options available” are in late stages of review. Scope likely to be extended to support the C4SL project outputs.

### **Standards subgroup**

This group is open to all SoBRA members, but members are overwhelmed by the number of consultations and SoBRA struggle to get constructive feedback.

### **Asbestos Subgroup**

This is continuing to focus its work on field and laboratory analysis and the reporting and interpretation of that data – recognising that this is a critical step in risk assessment, and that currently there is a big variation in laboratory methods and data reporting. Will shortly be ‘publishing’ a note to SoBRA members on “The Distribution of Asbestos in Soil – what can the data mining of sample results held by UK laboratories tell us?” to support the recently published Defra document. Looking to publish a further paper on lab method variability and what and how SoBRA would like labs to be reporting, and working on an interactive powerpoint-based toolbox to signpost options and resources for risk assessment. The white paper on air guideline values published in 2017 is also in the process of being updated based on updates in the H&D model.

### **Acute GACs Report**

A revision to the report is being finalised and then will be posted on the SoBRA website soon. Sub-group closed.

### **Early Careers Risk Assessment workshop**

This was scheduled for June 2019 but this is now postponed. Potential further top tips document for early careers is being considered.

### **Accreditation**

Two application windows are planned – one in January and one in August. Currently not everyone is passing on first application. SoBRA is looking at ways to make efficiencies to

the process. There were 8 applications in January 2020 with a slow but steady uptake after the initial higher uptake when the scheme was first introduced.

### **2020 Conferences**

SoBRA is considering two early careers conferences in June 2020 (Eols have been sent/received) with RemSoc; one in Birmingham (provisionally 24<sup>th</sup> June) and another in Scotland (also joint with SCLF in early June). SoBRA is also planning a summer conference – ‘Tackling the emerging contaminant time bomb’ in Birmingham on 16<sup>th</sup> June 2020 (exact location and cost is still to be confirmed but is planning to be broadly similar to previous events). Winter conference and AGM will be held on 2<sup>nd</sup> December 2020, at the RSC London.

### **Staffordshire Local Contaminated Land Authority Group**

Hallan Sambrooke (HS) confirmed that the Staffordshire Local Contaminated Land Authority Group are collectively looking at updating and revising their developers guide.

### **RICS**

Tim Elliott (TE) provided an update on behalf of RICS. He confirmed that RICS continues to produce professional guidance and mandatory practice notes primarily for its members, but given that RICS members advise, carry out valuations, manage and develop brownfield land and property across the UK and beyond, the implications of these publications are relevant to members of the Forum.

The recent ones all reference the need to have regard to environmental issues & liabilities and include the mandatory practice note the ~Red Book~ RICS Valuation Global Standards Jan 2020; and guidance notes on Valuation of Development Property and Rural Property both 2019 and Technical Due Diligence of Commercial Property Jan 2020, which follow the Environmental Risks & Global Real Estate 2018. As previously mentioned, the revised RICS Asbestos Guidance Note is currently being finalised for proposed publication in 2020.

## **8) Working Group Update**

### **National Quality Mark Scheme for Management of Land Contamination (NQMS)**

Seamus Lefroy-Brooks (SLB) provided an update on the NQMS. He confirmed that 114 SQPs are currently on the register and 98 declarations have now been purchased. SLB confirmed that the EA are seeking feedback from their staff on the declarations that they may have seen. EA confirmed that the update web pages on land contamination will prominently link to the NQMS. SLB confirmed that the next phase is continued promotion of the scheme to other stakeholders.

He also confirmed that each SQP is now being provided with an individualised badge to use in e-signatures to help promote the scheme. In addition, the steering group discussed feedback given by regulators that reports prepared under the NQMS scheme it wasn't always apparent. SiLC and CL:AIRE will be working together to raise this issue with SiLCs ensuring that they make the declaration prominent by either embedding in the front cover of the report or appending. The guidance will be reinforced to make it a requirement to include the declaration. The leading consultancies whose employees have prepared the most declarations: RSK (23), AECOM (16), Atkins (15), Leap Environmental (6), Advisian (5), Marlow Clark (4) and Wardell Armstrong (4).

CL:AIRE has been made aware of further local authorities signposting to the NQMS so the interactive map has been updated. <https://www.claire.co.uk/projects-and-initiatives/local-authorities-map>

## **9) PFAS Presentation**

Angela Haslam provided an update on the EA's activities in relation to PFAS. Further details of the work that the EA is undertaking was provided in a short presentation to the National Brownfield Forum members.

10) AOB

Seamus Lefroy Brooks (SLB) wished to make the NBF members aware of the report "Raising the Bar" <http://cic.org.uk/admin/resources/raising-the-barinterimfinal-1.pdf> that talks about improving competence in the building sector but specifically for high rised buildings. This report is as a result of the Grenfell tragedy and is focusing on competency of the building supply chain. It was published in August 2019. There might be some lessons for the NBF to learn about raising the bar.

11) Date and location of next meeting

NH confirmed the next meeting is scheduled for 8th July 2020 at National Grid's office London.