



Land Forum Meeting

17th July 2012 Meeting Notes
Location: RSK, Abbey Park, Humber Road, Coventry

Final

Present:

Ian Heasman, (<i>Chair</i>)	The Soil and Groundwater Technology Association (SAGTA)
John Henstock (<i>Secretariat</i>)	Contaminated Land: Applications In Real Environments (CL:AIRE)
Richard Boyle	Homes and Communities Agency (HCA)
Morwenna Carrington	Defra
Phil Crowcroft,	Specialist in Land Condition Register (SiLC)
Trevor Howard	The Environment Agency
Seamus Lefroy-Brooks	Association of Geotechnical Specialists (AGS)
Stephen Moreby	Gloucester City Council
David Hall	Society of Brownfield Risk Assessment (SoBRA)
Peter Witherington	Home Builders Federation

By telephone: Theresa Kearney, Department of Environment Northern Ireland (DoE NI); Caroline Thornton, Scottish Environment Protection Agency (SEPA); Andrew Wiseman EPUK / UK Environmental Law Association; and for item 5, Cara Reece, The Environment Bank.

Agenda

1. Welcome and Apologies
2. Introductions & Review of Previous Actions
3. Legislative / Regulatory Discussion Topics:
 - National Planning Policy Framework – Supporting Guidance, Status & Local Plans
 - Better Regulation Sub Group
 - Part 2a Ongoing Work – National Expert Panel
4. Sustainable Land Use & Subgroup
5. The Environment Bank Presentation – Cara Reece (by telephone)
6. Joint working discussion
7. Summary of Meeting
8. AOB & Date of Next Meeting

Meeting Notes

1) Welcome & Apologies

Apologies were given for David Wilkes (Department for Communities and Local Government); Robert Bailey and Helena Bird (Welsh Government); Euan Hall (Land Trust); Jane Garrett (CL:AIRE); and Paul Sheehan (EIC).

2) Introductions

IH welcomed everyone to the meeting, thanked Peter Witherington and RSK for hosting the meeting and initiated round the table introductions. IH thanked all for voting for both himself and Seamus as new Land Forum Chairman and Vice Chairman respectively for the upcoming year. IH went through the previous meeting actions with all having been undertaken or would be discussed later under their dedicated agenda item.

Regarding the previous action for a Land Forum Press Release, it was concluded that **(Action) JH & IH** would create and disseminate a press release based on the new Land Forum Chairmanship; Updated Membership; & Sustainable Land Use Agenda.

JH updated on the Land Forum group set up for the Local Government Authority Knowledge Hub which had been set up and Christopher Taylor had kindly offered to keep updated for the Land Trust. **Action JH/CT** to put the Forum notes from the July meeting onto the Hub to provide a better idea of how open the hub access will be. It was agreed that for now, both the LGA Hub the Land Forum pages on the CL:AIRE website should be used to represent the group.

Membership

TH mentioned that an invitation should be extended to the new 'single body' for Wales which will be operational from April 2013. This will bring together the functions of the Countryside Council for Wales, the Environment Agency Wales and the Forestry Commission Wales. **Action IH.**

It was fed-back to the group that CIEH had told Forum representatives that they had not had an invitation to the Land Forum. The group discussed the Forum's previous declined invitation to CIEH's Standing Conference on Contaminated Land Group and the Forum's initial decision to not invite the 7 Professional Institutions in the land sector in order to be balanced and due to size constraints. The following discussion concluded that CIEH have historically taken a strong lead in representing their substantive direct memberships in land quality management issues and therefore it would be beneficial to invite CIEH as the sole Professional Institution on the Forum to bolster active LA participation. IH to extend a Forum invitation to CIEH. **Action IH.**

3) Legislative / Regulatory Discussion Topics:

National Planning Policy Framework(NPPF) – Supporting Guidance, Status & Local Plans

JH fed-back from David Wilkes that there was no update from CLG announcing their position with regard to supporting guidance to the NPPF. In a ministerial statement on 3

July 1, the planning Minister indicated that practitioners would have an important role to play in ensuring "clear, usable guidance that supports effective planning" and that he would shortly announce more details on the approach it was intended to take." DW had also stated that CLG could not be any more prescriptive on the role/make-up of the 'Competent Person' as discussed in the NPPF but recommended that the NPPF annexes are referred to in development of anything further on the subject. RTPI and Chris Taylor had fed back to the Forum that ClEH were working on replacement of PPS23, nevertheless were understandably reticent on fully committing to the task without having greater Governmental reassurances. Forum members expressed mixed views on the necessity of replacement guidance. IH fed back comments from Hugh Mallet of the AGS regarding a strong need to replace PPS23, and advised that Wales had never had PPS23. TH offered to circulate to the group the Environment Agency's distilled 'quick guides' on the NPPF². It was concluded that the best way to objectively take a view on the necessity of the replacement of PPS23 (& thereby support of its replacement) is for the group to put together a key points gap analysis paper, between the NPPF and PPS23. To assist with the development of the gap analysis paper TH offered to share the Environment Agency's guidance on how they will input into Local Plans (from an EA perspective) when it is available and RB offered SAGTA's original NPPF consultation. **Action – Gap Analysis Paper:** PW to contact Hugh Mallet to see if he would help pull together a paper together with PC. Andrew Wiseman and Steve Moreby/Chris Taylor to review.

Better Regulation Sub Group

JH informed the group that Jon Rouse of Croydon City Council had agreed to Chair the subgroup. However, while it has been proposed the group go ahead and design a voluntary scheme for the pre-planning checks and balances aspect of regulation, it is considered it cannot afford the resource without a stronger Governmental steer/mandate for this. IH noted that Jane Garratt was seeking to set up meetings with John Rouse and Government, and that the next Better Regulation Sub-group meeting under John Rouse's Chairmanship (date not yet set) would be likely to set the agenda for its future direction; DH shared with the group that the SoBRA sub-group on better regulation had completed a survey of its members regarding views on the 'better regulation' agenda, in which >50% of the group favoured the creation of an accreditation system. DH said he would put it to the SoBRA Committee to request the survey results for the Land Forum. **Action DH.**

Part 2a Ongoing Work – National Expert Panel

MC explained the background to the Category 4 Screening Levels tender, which had been let, and said that Defra were in contract negotiations with the preferred supplier and hoped to announce the winning tender next week. MC assured the Forum that the project would have a strong steering group to ensure that learning from previous screening-value initiatives was not lost.

MC also explained the rationale for the establishment of a National Expert Panel to provide guidance on decision making around the Category 2/3 border. The National Expert Panel options paper had been circulated internally and now had gone to the Defra Minister for his approval (before summer recess). Ministerial approval could mean that the Panel would be up and running by early autumn.

Last of all, MC explained to the Forum that Defra were considering whether there was a need for some minor clarifications to the recently issued Part 2a Statutory Guidance.

4) Sustainable Land Use & Subgroup

¹ <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120703/wmstext/120703m0001.htm>

² <http://www.environment-agency.gov.uk/research/planning/139631.aspx>

IH presented to the group on the captured points from the Sustainable Land Use Subgroup held on the 25/6/12 in London. The Forum agreed that the presentation had provided greater clarity around the range of issues raised in the sub-group and would be circulated with this meeting's notes. A long discussion followed on how best to tackle the issues raised by the sub-group. Areas of broad agreement included:

- the necessity for this work to hook into planning including Local and Neighbourhood Plans;
- the sub-themes of 'resource efficiency' and 'neutrality' were perhaps easier to first approach;
- the need for some guidance to be in place quickly for the purposes of NPPF; and
- that it is far easier to say if something is more or less sustainable (rather than trying to quantify a sustainability benchmark in absolute terms)

A "think piece" on the issue was suggested but the group concluded the subject needed a further dedicated sub-group meeting in order to adequately discuss how best to define and drive forwards a hugely diverse and subjective subject area. The group decided that planners, an economist and preferably a social scientist should be present to adequately discuss approach. **Action – IH** to set up next sub-group meeting. TH offered to put IH in contact with Environment Agency Social Scientists and Economists. RB said that the HCA also had Viability Economists, if required for invitation.

5) The Environment Bank Presentation

Cara Reece dialled in and presented an introduction to The Environment Bank, their biodiversity offsetting initiatives and recent pilot studies, putting the credit-based initiative into context of similar initiatives operating elsewhere in the world. Cara went through how the system worked, its hook from the NPPF and how adopting the system could often help developers speed up the planning process. The Environment Bank is presently looking for receptor sites for biodiversity offsetting and interaction with Local Authority Planners. The presentation will also be made available from the Land Forum web-pages.

6) Joint Working Discussion

PC introduced the idea of working collaboratively with other groups across industry to try and achieve greater buy-in and resource, citing the Joint Industry Working Group developing a Code of Practice on Asbestos. A brief discussion concluded that the Forum should look out for opportunities of broadening collaboration and encouraging joint working.

7) Summary of Meeting

IH summarised each agenda item and the associated actions.

8) AOB & Date of Next Meeting

IH offered to circulate the two recent Sir John Harmon / Local Housing Delivery Group papers regarding the simplification of Sustainability Standards in relation to new homes; and in relation to viability of local plans in the NPPF.

JH to circulate dates for the middle to end of October for the next meeting.