

Land Forum Meeting

13th July, 2011 Meeting Notes

Location: CL:AIRE Office, Marble Arch, London

FINAL

Present:

Phil Crowcroft, (<i>Chair</i>)	Specialist in Land Condition Register (SiLC)
John Henstock (<i>Secretariat</i>)	Contaminated Land: Applications In Real Environments (CL:AIRE)
Richard Boyle	The Homes and Communities Agency (HCA)
Tom Coles	Department for Environment, Food and Rural Affairs (Defra)
Lisa Crews	Environmental Protection UK (EPUK)
Jane Garrett	Contaminated Land: Applications In Real Environments (CL:AIRE)
Ian Heasman	The Soil and Groundwater Technology Association (SAGTA) & Home Builders Federation (HBF)
Deborah Holmwood	The Land Trust
Peter Johnson	Strategic Forum for Construction & UK Contractors Group
Seumas Lefroy Brooks	Association of Geotechnical Specialists (AGS) & Environmental Industries Commission (EIC)
Mark Plummer	Department for Communities and Local Government (CLG)
John Silvester	Planning Officers Society / Local Government Association (LGA)
Christopher Taylor	Local Authorities (Brent Council)
Mike Quint	Society of Brownfield Risk Assessment (SoBRA)

By telephone: Theresa Kearney, Department of the Environment (DoE) in Northern Ireland; Caroline Thornton, The Scottish Environmental Protection Agency (SEPA).

Invited:

Ben de Waal	Davis Langdon
Nicola Harries	Contaminated Land: Applications In Real Environments (CL:AIRE)

Agenda:

1. Welcome and Apologies
2. Introductions
3. Terms of Reference
4. Logo
5. Discussion subjects:
 - 5.1 Part 2A – next steps to support implementation of the statutory guidance: Defra
 - 5.2 Uneconomic land – understanding the true cost. How to change the attitude of current landowners: The Land Trust
 - 5.3 Removal of Land Remediation Relief: EIC
 - 5.4 Better Regulation – industry moving towards self regulation: CL:AIRE
6. AOB
7. Date of next meeting

Meeting Notes

1) Welcome and Apologies

Apologies were given for Steve Jones (Defra), John Slaughter (HBF), Andrew Wiseman (Environmental Law Association), Paul Sheehan (EIC) and Tony Mulcahy (BIS).

2) Introductions

Each member of the group introduced themselves and as a means of illustrating the wide representation of the Forum, were asked to estimate the number of people they represented on the Forum and replies are included on the Terms of Reference addendum. The process of selection of invitation was explained, which involved maximising coverage of stakeholders represented, particularly by inviting individuals who could represent more than one organisation. Although the group is considered to be about as large as can be reasonably managed, new membership will be reviewed on an *ad hoc* basis (rather than annually).

3) Terms of Reference

It was emphasised that it was hoped for the Forum to provide a genuine vehicle for tackling issues and for making recommendations to be actioned outside of forum meetings, and through working groups should they be required. Additionally the hope was for the multiple organisations represented to use the Forum to bring key issues to be tabled for discussion and also to disseminate the Forum's outputs back to their contacts/members. The importance of this information flow was particularly emphasised in relation to the Brownfield and Contaminated Land Regional Forums that are now established across the UK.

A discussion took place about the name of the Forum and it was decided that the group should most appropriately be called the 'Land Forum', with more detail to be provided with the strapline: 'promoting the sustainable use of land'. The group went through the Terms of Reference making changes where appropriate. It was agreed that all notes and the Terms of Reference will be made available to download from CL:AIRE's website with a specific tab "LandForum": www.claire.co.uk/landforum

Action CL:AIRE to send around the updated Terms of Reference, meeting notes and webpage URL to all present once the webpage is completed for **(action) all** to link to from their represented organisations' websites.

It was noted that there was an unpaid resource burden on CL:AIRE voluntarily acting as secretariat and host for meetings. Defra and ERM (Phil Crowcroft) offered meeting space for subsequent meetings.

4) Logo

It was agreed that the two presently drafted logo options were to be updated with the new forum name and then circulated around the group. **Action CL:AIRE**. Any other logos would be welcomed to be included for consideration.

5) Discussion Subjects:

5.1 Part 2A – Next Steps

Defra recapped on the Part 2A Statutory Guidance changes with specific reference to the different categories of site types and their quantitative boundaries, for which Defra welcomed any voluntary assistance from industry and the Forum. It was noted that EIC and some individuals had already approached Defra offering assistance. The cross-agency approach of the Joint Agencies Groundwater Directive Advisory Group (JAGDAG) and their review of groundwater quality limits was advocated as a good model of cooperation. The consensus view was that a broad consortium approach and buy-in from all sectors was essential rather than one or two organisations only taking the initiative forward. Tom Coles accepted the Forum's offer to run a working group comprising organisations that represent multiple backgrounds and specialisms to assist with the supporting work required. The work would involve an analysis of the support needed for the revised Part 2A Statutory Guidance changes, including where appropriate the development and implementation of the guidance, tools etc needed. Volunteers around the table putting their organisations forward to be included were: AGS, EIC; EPUK; SoBRA; SAGTA; whilst it was recommended that the Environment Agency, Land Quality Management, Chartered Institute for Environmental Health and the Health Protection Agency were also invited to join. It was suggested CL:AIRE orchestrate and disseminate the work. Tom Coles is to send a list of what would be required by the group including a panel of experts. **Action Defra** to submit details of potential actions required and **(action) CL:AIRE** to bring the voluntary parties together.

CLG updated the Forum on the National Planning Policy Framework (NPPF) which is due for publication by the end of July 2011 and had taken into account over 3000 views submitted to CLG. Once released the Framework is likely to be out for a 3 month consultation period. It was agreed that the Forum would schedule the next meeting before this consultation closes, allowing the opportunity for the Land Forum to feed back individually or collectively. **Action CL:AIRE.**

5.2 Understanding the True Costs of Brownfield Land – The Land Trust

Deborah Holmwood presented The Land Trust paper, stating the case for understanding and quantifying the true societal costs of leaving land unrestored, in order to make a case for restoring land which might fall into dereliction, cause blight and otherwise remain undeveloped. The Forum was asked if there was interest in helping undertake the work required in developing the assessment and criteria required. EPUK, HBF/SAGTA & HCA expressed interest in being involved whilst Planning Officers Society/LGA will ascertain whether their members would also like to be involved. **Action Planning Officers Society.** The Land Trust will initiate the leading of a working group to address this issue. **Action The Land Trust.** There was hope that this type of assessment could link with European Regional Development Fund (EDRF) funding, for which the next round is due Sept/Oct 2011.

5.3 Removal of Land Remediation Relief (LRR) – Ben de Waal, Davis Langdon

Ben de Waal recapped the history of the LRR and its subsequent updates, describing how the Office of Tax Simplification (OTS) had listed it as one of 36 tax breaks to be abolished. It was expressed that this seemed a particularly fragile time to remove both the LRR and the landfill tax exemption. Additionally, it was felt that the OTS had not taken into account many factors including the human, environmental and economic costs of sites (consequentially) remaining undeveloped. The EIC and the HBF had already responded by letter to the Treasury, including Davis Langdon's input. The HBF approach has taken the pragmatic view that abolishment appears inevitable, therefore principally contesting transition arrangements such as the timings of the removal, particularly to try and provide relief for developers who have already bought sites, and promoting an alternative to the relief that can act as both an incentive and a reward in the context of sustainable land use (e.g. using the Community Infrastructure Levy). The Forum participants were keen to also respond to this consultation

(closing August 31st 2011). HBF to let the Forum know if they are happy to circulate their letter to the group to aid others' responses, albeit reflecting their different stakeholder perspectives. **Action HBF.**

For government consultations, a larger number of responses can have an effect above that of a single response from a large umbrella organisation. Consequently it was agreed that it was better for Forum members to respond separately as individual organisations rather than collectively as the Land Forum.

5.4 Better Regulation – industry moving towards self-regulation? – Nicola Harries, CL:AIRE

Nicola Harries introduced a presentation on early thoughts of how industry could move towards a greater degree of self, or co-regulation, explaining that the Environment Agency had tasked CL:AIRE with looking for further possibilities in the areas of environmental permitting and planning. The request follows what has generally been considered a great success with the Definition of Waste: Development Industry Code of Practice, and the Qualified Person system sign-off. Other Licensed Professional Schemes in New Jersey, Massachusetts, Australia and Belgium were also cited, with mention that the system could be bought in just for perceived "higher risk" sites. SiLC and HBF both offered to share preparatory work on the concept having previously undertaken preparatory work on this type of system. The idea of also having a 'code of ethics' which practitioners could sign up to was also broadly supported by the group. It was concluded that a working group to be lead by CL:AIRE should be set up to further explore how self, or co-regulation might work in the context of permitting and planning, with volunteer representatives within the meeting including AGS, SiLC, SoBRA, HBF, SAGTA, the UK Contractors Group and EPUK. The Planning Officers Society/LGA due to decide whether they should join. **Action Planning Officers Society/LGA** to confirm involvement. Additionally Defra would like to be kept informed. **Action CL:AIRE** to initiate the working group.

6) AOB

There were no AOB items.

7) Date of Next Meeting

It was decided that the next meeting should be scheduled for the second or third week of October, in time to discuss and respond to the NPPF consultation. **Action CL:AIRE** to circulate dates and schedule date.