



## National Brownfield Forum

### Meeting Notes

20<sup>th</sup> November 2018, 11.00am – 4.00pm

Location: National Grid's Office, 1-3 Strand, London, WC2N 5EH

### FINAL

#### Present:

Lucy Thomas	Chair
Nicola Harries ( <i>Secretariat</i> )	CL:AIRE
Paul Nathanail	Geological Society & Deputy Chair (morning only)
Jane Thrasher	Environmental Industries Commission (EIC)
Angela Haslam	Environment Agency (EA)
Frank Evans	Soil and Groundwater Technology Association (SAGTA)
Paul Burden	Specialist in Land Condition (SiLC)
Vivien Dent	Association of Geotechnical and Geoenvironmental Specialists (AGS) (morning only)
Fiona Mannix	Royal Institution of Chartered Surveyors (RICS) (afternoon only)
Mark Edwards	Lancaster City Council
Paul Sheehan	Chair of Land Stewardship/Natural Capital Working Group (morning only)
Ben Million	Ministry of Housing, Communities & Local Government (morning only)
Emma Tattersdill	UK Environmental Law Association (UKELA)
Quentin Hulm	The Society for Remediation Practitioners in the UK (RemSoc)

#### By telephone:

Julia Reynolds	Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG)
Seamus Lefroy Brooks	Chair of NQMS Steering Group
Lisa Hathway	National House Building Council (NHBC)
Matthew Llewellyn	Natural Resources Wales

#### Apologies:

David Middleton	Defra Soils Team
Andrew Williams	Welsh Government
Hallan Sambrooke	Newcastle under Lyme Council, Staffordshire Contaminated Land Working Group
Rachael Davies	Flintshire Council & Welsh Contaminated Land Working Group
David Rudland/Christopher Fry	Environmental Protection UK
Alex Lee	Society of Brownfield Risk Assessment (SoBRA)
Richard Boyle	Homes England
Theresa Kearney	Department of Agriculture, Environment and Rural Affairs and the Northern Ireland Environment Agency (NIEA)
Caroline Thornton	Scottish Environment Protection Agency (SEPA)

Steve Manning  
Rob Ivens  
Peter Witherington

Wiltshire Council  
Mole Valley Council  
Home Builders Federation (HBF)

**Corresponding Members:**

Tony Lewis  
Julia Thrift  
Philip Ridley  
Euan Hall

Chartered Institute of Environmental Health (CIEH)  
Town and Country Planning Association (TCPA)  
Planning Officers Society  
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
  - Welsh Government & Natural Resources Wales
  - Scottish Government & Scottish Environment Protection Agency
  - Department of Agriculture, Environment & Rural Affairs & Environment Agency Northern Ireland
  - Defra Soil and Contaminated Land Team
  - Environment Agency
  - Homes England
  - Ministry of Housing, Communities & Local Government (MHCLG)
5. MHCLG – Update on Planning Practice Guidance
6. Standards Update
- LUNCH
7. Brief Roundtable Update from Industry Groups including but not limited to:
  - AGS
  - SiLC
  - NHBC
  - SoBRA
  - EPUK
  - UKELA
  - CL:AIRE
  - EIC
  - HBF
  - RICS
  - SAGTA

- CIEH
  - Contaminated Land Fora
8. Presentation RemSoc – Understanding the new remediation skills framework
  9. Presentation SAGTA – Guiding Principles Feedback and next steps
  10. Presentation EIC – Building on Brownfield 2018
  11. NQMS Steering Group – update
  12. Natural Capital/Land Stewardship - update
  13. AOB
  14. Date and location of next meeting

### Meeting Notes

- 1) Welcome & Apologies  
Lucy Thomas (LT) welcomed everyone and apologies were given. Housekeeping was provided along with thanks to Frank Evans of National Grid for hosting the meeting.
- 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 except for.
  - a. Future Direction of Land Forum (March 2018 meeting)  
LT has prepared some simple statements which will be circulated as part of the draft minutes for comment and discussion at the next National Brownfield Forum (NBF) meeting.  
**ACTION: LT to circulate paper**
  - b. Defra Update (July 2018 meeting)  
David Middleton (DM) to enquire with BEIS about their definition of contaminated land.  
**ACTION: DM to follow up with BEIS and report back to NBF.**
  - c. EA Update (July 2018 meeting)  
Angela Haslam (AH) to discuss with Defra about funding for Part 2A work and whether funding for projects may become easier following BREXIT as state aid rules would no longer apply.  
**ACTION: AH to follow up with Defra**
- 4) Update from Government Departments and Environment Agencies
  - Welsh Government

Matthew Llewellyn (ML) provided an update on behalf of Welsh Government (WG). ML confirmed that as yet, Welsh Government has not secured a source of new funding to develop a funding call for 2019/2020 to help address contaminated land and part 2A sites. There has however been funding provided for a site in Anglesey that required remediation support that was outside of the original funding source.

### Natural Resources Wales (NRW)

Matthew Llewellyn (ML) provided the update on behalf of NRW. He confirmed that NRW has recently employed David James into a dedicated groundwater policy role which is a new appointment and will help roll out implementation of GP3 in Wales.

ML also confirmed that currently their resources are stretched as NRW are undertaking a reorganisation which some staff have been seconded into to assist with, leaving other staff to cover statutory roles. Secondments may last for a further six months.

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

Theresa Kearney was unable to attend in person but sent the following report.

- The Department is finalising its assessment of health, environmental and financial impacts of not having a contaminated land regime in Northern Ireland unlike other regions of the UK. They expect publication by January 2019.
- Work is underway to prepare a consultation paper on the regulation of hazardous substances in groundwater – timelines for this consultation are expected to be Spring 2019.
- BREXIT – Within the Department (DAERA) a Brexit Negotiations and Operational Preparedness Team has been formed that is coordinating DAERA delivery planning, common frameworks and border issues. Within NIEA a small Operational Preparedness Team has been formed to ensure that NIEA is as ready as possible for Brexit on 29 March 2019.
- In the absence of a functioning Executive, Northern Ireland Statutory Instruments (SI's) will be laid at Westminster by the DEFRA Secretary of State. These SI's will essentially make the changes to ensure existing legislation is fit for purpose on exit day.
- After 29 March 2019 if there is no deal, the UK government has given a commitment to maintaining environmental standards after the UK leaves the EU and will continue to uphold international agreements through multilateral environmental agreements. The EU Withdrawal Act 2018 will ensure all existing EU environmental law continues to operate in UK law. Current legislation is being amended to correct references to EU legislation, transfer powers from EU institutions to domestic institutions and ensure we meet international agreements.

### Scottish Government & Scottish Environment Protection Agency

Caroline Thornton (CT) was unable to attend in person and provided a summary report of their activities in Scotland.

#### **Scottish Government**

- BREXIT - the Scottish Government legal department are completely tied up with this. It has meant the temporary parking of a few contaminated land / groundwater related pieces of work, including the Scottish Government groundwater directions consultation (hazardous substances) and a consultation on guidance to flesh out the provisions outlined in S.45 of the Regulatory Reform (Scotland) Act (to do with powers enabling contaminated land to be taken off the register). It is unlikely to see much progression of these till after March 2019.

- The Environmental Policy section of Scottish Government has undergone some re-organisation over the last 6 months. Neil Ritchie has been replaced by Thekla Garland (Head of Natural Assets & Flooding) and a new Team Leader post has been added in relation to Soils, Peatland, Air and Contaminated Land – filled by Ewen Scott. CT is currently having discussions with Scottish Government regarding their priorities for the coming year in relation to land contamination.

## SEPA

- SEPA has also seen some organisational restructuring. Contaminated Land (CL) is now an official national team (for the first time ever) and sits with planning as a cross cutting function within Circular Economy. There has been a huge amount of work ongoing to review how the Planning and CL function can link more closely with colleagues internally (waste, water, pollution, prevention & control) and in external partnerships to enable awareness raising and problem solving with respect to land contamination issues at the outset (strategic level) of land regeneration rather than later on in the process when it often becomes a barrier rather than an opportunity. To this end a number of multi-disciplinary staff ideas groups have been formed and these groups are feeding into the ongoing drafting of various 'sector plans' (including one for housing).
- Scottish Vacant and Derelict Land (SVDL) Task Force has been established: <https://landcommission.gov.scot/2018/09/not-so-pretty-vacant-scottish-land-commission-and-sepa-target-new-uses-for-derelict-and-vacant-land/>.

The Scottish Land Commission and SEPA have teamed up to launch this task force with the extremely ambitious goal of halving Scotland's vacant and derelict land register by 2025. So far, the task force has had two very high level meetings and are in the process of setting up a number of specifically focused sub-groups to cover issues such as data, community and social justice, barriers and opportunities. Whilst they are not one and the same, there is an obvious overlap between SVDL, land contamination and planning and as such SEPA CL staff will be aiming to work closely with the SVDL task force and to support this work as it progresses.

## Defra Soil and Contaminated Land Team

David Middleton was unable to attend in person but confirmed that much of his time recently has been spent supporting colleagues in relation to the proposed soil testing around Grenfell Tower.

## Homes England (HE)

Richard Boyle was unable to attend in person but provided the following report.

- A lot of work has gone into agreeing the remit of Homes England: what will we do, where, and how we will function. We are not a 'rebranded' Homes and Communities Agency, with the new text (our 'strapline') clearly showing this:
- *"What Homes England does: We're the government's housing accelerator. We have the appetite, influence, expertise and resources to drive positive market change. By releasing more land to developers who want to make a difference, we're making possible the new homes England needs, helping to improve neighbourhoods and grow communities. So we welcome partners who share our ambition to challenge traditional norms and build better homes faster. Join us in breaking new ground to make this happen."*
- As a result, the Homes England Strategic Plan 2018 to 2023 was published on 30 October 2018. This 5-year plan spans financial years 2018/2019 to 2022/2023 and

explains what we'll do to improve housing affordability, helping more people access better homes in areas where they are needed most. The plan outlines our ambitious new mission and the steps that we will take, in partnership with all parts of the housing industry sector, to respond to the long-term housing challenges facing the country. The period of time is designed to offer certainty to partners and takes funding past any national or local political cycle.

- As announced in the Budget, Homes England recently completed a £75 million loan from the Home Building Fund to St Modwen Properties Plc to fund infrastructure on 23 of its residential sites. Funding from the LongTerm Fund of the Home Building Fund will accelerate the delivery of 13,297 homes across 23 sites by an average of almost 6 years. The loan will also aid the growth plans for St Modwen's national housing arm, St Modwen Homes. The Home Building Fund is a £4.5 billion scheme of government finance to increase the number of new homes being built in England. Applications are being accepted from private sector businesses to build new homes or prepare sites for development.
- Again, from the Budget, the Housing Infrastructure Fund will increase by £500 million to a total £5.5 billion, unlocking up to 650,000 new homes in total. The fund is divided into two parts:
  - a Marginal Viability Fund to provide the final or missing piece of infrastructure funding to get additional sites allocated or existing sites unblocked quickly; and
  - a Forward Fund for a small number of strategic and high-impact infrastructure projects
- In September, The Housing Delivery Fund was launched to support the delivery of new homes, including social housing, retirement living and apartments for rent, whilst also encouraging greater innovation on how housing is delivered such as brownfield land and urban regeneration projects. This is a new partnership with Barclays Bank to provide £1 billion of loan finance to help support small and medium sized developers to speed up the delivery of new homes across England. Debt funding comprises senior and mezzanine tranches of up to 80% of cost and 70% of value and support, ranging between £5 million to £100 million, will be made available to those developers who are able to demonstrate the necessary experience and commitment to building excellent new homes, whilst boasting a track record of delivering challenging projects on time and to target.
- Also, two new streams of investment – the Land Assembly Fund and the Small Sites Fund – have been launched. The £1.3 billion Land Assembly Fund, will be used to acquire land needing work and get it ready for the market, making it less risky for developers to invest in and start building. Outside of London this work will be carried out by Homes England. For public land owners or local authorities that are struggling to get building on land in their area, the £630 million Small Sites Fund will provide grant funding to speed up getting the right infrastructure in place to support home building on stalled small sites to provide the homes their communities need.

#### Environment Agency (EA)

Angela Haslam (AH) from Environment Agency (EA) attended and provided an update of their activities. She confirmed that the EA is withdrawing the SGV for Mercury following new advice from Public Health England (PHE). She confirmed that the information will remain on the EA archives for historical purposes and on the CL:AIRE's Water and Land Library (WALL) ([www.claire.co.uk/wall](http://www.claire.co.uk/wall)) but a statement on WALL will state it has been withdrawn.

AH confirmed that Karen Andrews has been appointed in the role for Definition of Waste, this is a new role that will work with industry on defining what is or is not waste. She will also be liaising closely with CL:AIRE for the implementation of Definition of Waste: Development industry Code of Practice.

EA has recently updated their guidance RPS 215 “Land Contamination Pilot Trials and Small Scale Remediation Schemes” <https://www.gov.uk/government/publications/land-contamination-pilot-trials-and-small-scale-remediation-schemes-rps-215>.

EA are currently involved in supporting MHCLG regarding Grenfell and providing a soil sampling strategy. This is a multi-agency partnership to reassure local communities after the fire in relation to soil quality.

#### 5) Ministry of Housing, Communities and Local Government (MHCLG)

Ben Million (BM) explained that he is working within MHCLG who are preparing to deliver the updated National Planning Practice Guidance (PPG) for England to support the National Planning Policy Framework (NPPF) for England as planning is a devolved activity.

BM gave a brief introduction to the purpose of the NPPF and the context of what the updated guidance is trying to achieve. Ultimately England is not currently building enough housing for the population need.

The main purpose of the NPPF is to:

- Addressing Housing Needs
- Plan Making – more flexible and proportionate
- The Economy and Communities
- Good Design and Effective Use of Land

BM confirmed that MHCLG have been liaising with Defra regarding the 25 year Environment Plan and that the NPPF is supportive of brownfield redevelopment.

BM shared a short presentation:

<https://www.clare.co.uk/component/phocadownload/category/26-landforum?download=654:national-brownfield-forum-mhclg-presentation-november-2018>

BM confirmed that a series of guidance documents will be published in 2019 covering a wide variety of topics. They are aiming to address further points of clarification from the framework but they are not going to be detailed guidance documents like the old planning policy statements were. They are likely to be <10 pages in length each.

There is likely to be guidance on “land contamination and stability”, “effective use of land” and “strategic environmental assessment and sustainability appraisal” which are possibly the three areas that the NBF members will be most interested in, although other areas will also be of interest.

A general discussion was then had regarding the forthcoming guidance documents. Members felt that for the “effective use of land”, it is important to value green open space and the value of under utilised space to create green open space from an environmental/social value point of view. Is this where the concept of Natural Capital would be addressed? Is MHCLG working with Defra’s Net Gain team?

In the “land contamination and stability” guidance it would be enormously helpful for MHCLG to reference the National Quality Mark Scheme for Land Contamination [www.clare.co.uk/nqms](http://www.clare.co.uk/nqms) as a method by which competency under the NPPF could be demonstrated. The NBF has worked hard to develop a scheme to address competence

when working in the land contamination sector and to raise standards. This was fed back during the NPPF consultation by a number of NBF members.

The definition of Previously Developed Land and Brownfield Land still seems to be interchangeable in MHCLGs language, however to many people they are two different things. This was fed back during the NPPF consultation by a number of NBF members.

BM explained that different teams within MHCLG are working on different guidance documents and each team is liaising with many different government departments and NGOs. For example, the Digital Land Team are working with the Geospatial Commission to ensure their guidance will be complementary to their work.

BM would welcome the opportunity to discuss further some of the technical aspects that MHCLG would like to cover within the guidance documents. It was suggested as a way forward for NBF members to consult with their members to prepare issues that they would like to be addressed by the guidance documents to help effectively deliver the NPPF. These can then be fed through to BM.

It was agreed a meeting between NBF and MHCLG in early January would be appropriate.

**ACTION: NBF members to send through their thoughts on points of clarification to be covered by the new guidance.**

#### 6) Standards Update

Mike Smith sent an update of current standards that are being updated or have recently been published which Nicola Harries shared with NBF members. She summarized his report.

Titles to note are:

BS EN ISO 22475 – “Geotechnical Investigation and Testing – Sampling of soil, rock and groundwater” : Consultation ends 4<sup>th</sup> January 2019

BS ISO 1400 Series of Standards – Soil Quality – Sampling: The remaining five members of BSISO 18400 have recently be published. These have been adopted as British Standards and are compatible with BS10175.

BS 10176 – Sampling soils for VOCs: Draft for public comment is expected in February 2019.

ISO EN 21365 Conceptual Site Models – This standard has recently been published in draft for comment.

A new project on “Selection of Remedial and Protective Measures” is being prepared for a guidance document on the selection and application of remediation techniques. This is being put forward by Association Francaise de Normalisation (AFNOR). Volunteers are being sought.

A more detailed summary is available here:

<https://www.claire.co.uk/component/phocadownload/category/26-landforum?download=652:national-brownfield-forum-standards-november-2018>

#### 7) Update from Industry Groups

##### **AGS**

Vivien Dent (VD) provided the update on behalf of AGS. She confirmed that the AGS is currently working on updating several guidance documents including:

- Waste Management Classification



- Asbestos Guidance
- Loss Prevention Guidance
- Good Practice in Geo-environmental Ground Investigation
- Guidance on the description of Made Ground
- Safety Working Group and Geotechnical Working Group are looking at a possible borehole alternative to trial pit soakaway tests. This came about due to trial pitting being considered working at height following a court judgment.

AGS has recently published:

- Description of Anthropogenic Materials – A practitioners' guide

AGS also have a Standards Working Group who regularly feedback on British Standards that are being proposed or worked on. Along with members feeding back on NQMS Steering group and the CL:AIRE Statistics Project.

### **NHBC**

Lisa Hathway (LH) gave a short update on behalf of NHBC.

She confirmed the number of new claims has been generally reducing since the end of 2012, as the number of homes in the later years of cover reduces.

- NHBC Standards 2019 is now freely available on their website, for new homes registered after 1<sup>st</sup> January 2019. A printed copy will not be available this year, although there are no significant changes to Part 4.
- CIRIA prepared a guide, supported by the NHBC Foundation, entitled, "A guide to small brownfield site sand land contamination", which was released on 7<sup>th</sup> November 2018. As outlined on the NHBC Foundation website, the guide provides clear, practical advice to help navigate the particular barriers and issues that characterise small brownfield sites. The guide is available for free on [www.nhbcfoundation.org](http://www.nhbcfoundation.org).

### **SiLC**

Paul Burden (PB) provided an update on behalf of SiLC. He confirmed that the next Annual SiLC Forum will be held on 3<sup>rd</sup> March 2019. He also confirmed that SiLC are currently interviewing for a new deputy chair ready for handing over to become chair in 2 years time.

SiLC will also be looking to hand over the National Brownfield Skills Framework to CL:AIRE to host on their website either under WALL or NQMS as it is seen the best place to be hosted. SiLC will be announcing the SiLC affiliate scheme shortly which is aimed at people who are pre-chartered. It will give support to those individuals who ultimately will want to become SiLCs in time. The delay to rolling this out is SiLC are currently working with the professional bodies that support SiLC to provide sufficient number of advisors to act as mentors.

PB confirmed that the latest SiLC introduction days had 20 – 25 attendees which is extremely positive, with additional locations for introduction days in Manchester and Birmingham being added. In this latest SiLC assessment round they had 14 applicants which again in up on previous years.

PB confirmed that SiLC wrote to MHCLG and Defra at the beginning of September sharing their concerns about lack of regulator resources for land and water in local government and in the Environment Agency. They feel that this is impacting development and the planning process.

### **SoBRA**

Alex Lee (AL) was unable to attend but provided the following update on behalf of SoBRA.

- Since the AGM in 2017, the Committee has progressed its application for charity status. Our members answered 98.3% in favour of the society becoming a charity, out of 178 votes

- received. Due to the considerable efforts of Hannah White (National Grid) the Society has just been entered onto the Register of Charities with the Registered Charity Number 1180875. Changes to our procedures and website will commence Q1
- In 2019 Hannah White (National Grid) will take on the role of Chair.
  - Jo Wilding (RSK) will join the committee in 2019 – Dave Schofield (Ramboll) ending his time on the committee. A big thanks to Dave.
  - We have again increased our membership. Our members continue also to represent a broad cross-section of the land contamination practitioner and policy making community including: consultants and contractors, local government and government agency staff, academics, landowners and developers.
  - We published the following documents in 2018:
    - Site Investigation and Risk Assessment for Historic Landfill Redevelopment, Issue Date: 8th June 2018; and
    - Uncertainty in Human Health Risk Assessment, Issue Date: 24th April 2018.
  - The following documents are also ready for Committee approval and imminent publication:
    - Development of Acute Generic Assessment Criteria for Assessing Risk to Human Health from Contaminant in Soils;
    - Top Tips for the delivery of Controlled Waters Risk assessments;
    - Top Tips for the delivery of Vapour Intrusion Risk assessments; and
    - Top Tips for the delivery of Human Health Risk assessments.
  - For publication in quarter one/two of 2019 are:
    - Soil Vapour Sampling paper (draft received)
    - CSM development for VI linkages based on CIRIA and international guidance; and
    - Fine Tuning Water Environment DQRA, the 2018 workshop report (draft received).
  - Following our most recent round of interviews in November, we now have 63 SoBRA members who have been recognised by the Society for their competence in brownfield risk assessment. Those members who are fully Accredited ASoBRAs now form our SoBRA Technical Expert Panel and have an opportunity to review and shape our technical publications and consultations.
  - Around 15% of SoBRA members have applied to be on our Register thus far. Whilst this is excellent for the first three years of the scheme, we would like to see this number grow and would encourage SoBRA members to apply. The next application window will be in January 2019.
  - A new NAPL subgroup is proposed for 2019. The Committee has received several requests for a NAPL subgroup from our members. David Holmes (Ecologia) has agreed to take the leadership role. The group will be sponsored by Alex Lee on behalf of the Executive committee. Its aim will be to avoid reproducing the wealth of existing NAPL guidance but provide clear practical advice in respect to monitoring, bail down tests and the assessment of NAPL transmissivity. A call for membership of this subgroup will be issued in January 2019. Terms of reference will also be agreed in Quarter 1 of 2019.
  - In 2017 the consideration of vertical screening distances for vapour intrusion was identified as an area of potential interest to our membership. Their applicability and justification within the UK context has yet to be proven. SoBRA will likely be working with the Energy Institute to progress research in this area. A memorandum of understanding for collaborative working in this area is being discussed.
  - Acute Generic Assessment Criteria Group lead is Barry Mitcheson (Wood Group). This group has now delivered its final report. Excellent efforts
  - Asbestos Subgroup: The group is currently focusing 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. The group is currently undertaking a survey of laboratory methods across the major environmental laboratories.

- Another early careers event is being considered for 2019 based on the existing successful model
- A much larger summer workshop is being discussed.

### **EPUK**

A representative for EPUK was unable to attend in person but sent the following update report. EPUK Land Quality Committee continues to monitor and comment on UK policy in relation to land contamination and brownfield developments. The Society benefits from this Committee which comprises representatives from local authorities (Environmental Health Practitioners & Contaminated Land Officers), universities and private consultants. Recent issues considered by the Committee were:

- Draft revised National Planning Policy Framework consultation from the Ministry of Housing, Communities and Local Government concerning pre-commencement conditions whereby developers are required to undertake remediation prior to building. EPUK takes the view that Local Planning Authorities should only be required to vary these conditions where there are significant valid objections raised by developers.
- Promotion of the policy 'Brownfield Land First' in relation to Chapter 11 of the same consultation, 'Making effective use of the land'.
- Category 4 Screening Levels for soil update via our representative Karen Thornton of the National Housebuilding Council.
- Planning Inspectorate Decision for an appeal by a bakery company regarding the siting of branch in a disused car wash on an active petrol filling station forecourt. It appears that this case is a rare occasion where the decision to refuse the appeal is based entirely on contaminated land issues.

EPUK has also run seminars on a variety of topical subjects in June and October along with hosting their annual conference held at Aston University in early November. Finally, EPUK's chairman completed an interview with Property Week reviewing the present activity on Part 2a statutory contaminated land.

### **GEOLOGICAL SOCIETY**

No update was provided by Paul Nathanail at the meeting on behalf of the Geological Society.

### **UKELA**

Emma Tattersdill (ET) introduced herself. She explained that UKELA has a number of specialist interest groups, of which the waste and land contamination groups are probably most relevant to Forum's activities. UKELA currently reinvigorating the land contamination group, Jeff Roberts and herself having recently been appointed as co-convenors of the group. Jeff and Emma are aiming to relaunch the group with an event in Spring 2019, after they have consulted with members what remit the group should cover. It may be a broader remit of Land Quality which may then cover waste and contaminated land. ET explained that UKELA is not limited to only legal professionals, it is open to all practitioners who have an interest in law and environmental aspects.

ET explained that UKELA have been active providing BREXIT advice through its BREXIT taskforce and participated in the public consultation relating to the forthcoming Environmental Principle and Governance Bill.

ET suggested if any NBF members are interested in getting involved with UKELA special interest groups to get in contact through the website.

## **RICS**

Fiona Mannix (FM) provided an update of activities for RICS. She explained that RICS was having a 150 year celebratory event which the Queen attended.

She also shared that RICS has recently published a guidance note: Environmental Risks and Global Real Estate <https://www.rics.org/globalassets/rics-website/media/upholding-professional-standards/sector-standards/land/environmental-risks-and-global-real-estate-1st-edition-november-2018.pdf>

This is a high level guidance document for their land surveyors to ensure that they are considering risks associated with environmental considerations when providing advice in relation to land transactions. It ties strongly back to RICS Red Book – Valuation Standards.

FM also informed the NBF that RICS have set up a working group to develop best practice guidance on the subject of tackling problem waste tenants. This is becoming a big problem for some landlords, where tenants are carrying out illegal activities outside of their tenancy agreements causing environmental problems which can leave the landlords in trouble. There is very little guidance available on this subject.

RICS are also hosting their first Water Conference in association with Environment Agency on 27<sup>th</sup> November 2018 in Solihull. Almost 200 delegates will be focusing on water management, resilience, natural infrastructure schemes with a variety of practitioners attending including water company representatives and land managers.

## **EIC**

Jane Thrasher (JT) provided an update on behalf of EIC. She confirmed that EIC are continuing their campaign on Building on Brownfield (see details later). She confirmed at their last contaminated land working group they had Peter Elliot from the Environment Agency present on waste and recovery permits. At this meeting they also discussed Definition of Waste: Development industry Code of Practice (DoWCoP) gate fees and had an interesting debate about BREXIT and what it will mean for their members. There is a lot of uncertainty and some members felt opportunities as well.

## **Home Builders Federation (HBF)**

Lucy Thomas provided an update on behalf of HBF in Peter Witherington's absence. She explained that she had attended HBF's technical conference on 12<sup>th</sup> September 2018 where she presented on NQMS and DoWCoP. Regarding the NQMS it was apparent that only a few attendees were aware of the scheme, which was surprising as their technical magazine featured an article on NQMS recently. The HBF is also aware of lots of guidance across the land contamination sector which they would like to ensure their members know the key documents. LT made them aware of CL:AIRE's Water and Land Library as a free resource. HBF is interested in the work that SAGTA are proposing with regards a signposting exercise to key guidance. There may be an opportunity to collaborate.

## **SAGTA**

Frank Evans (FE) provided an update on behalf of SAGTA on their current activities. Their current key areas of work are C4SL phase 2 – see CL:AIRE report and mapping industry guidance for the development sector (see presentation later). FE confirmed that the slides from the Collaborative Workshop - Guiding Principles for Land Contamination: Lessons and Approaches for a Second Generation and Beyond are now available on the SAGTA website <http://www.sagta.org.uk/Activities.html>

## **Post Meeting Note**

*Richard Boyle is relinquishing his role as Chair of the Project Steering Group to enable the Deputy Chair, Hannah White of National Grid, to assume the role of Chair going forward. Richard's participation in the project will continue as Homes England's representative in its continued membership of the Steering Group.*

## **CL:AIRE**

NH provided an update on behalf of CL:AIRE. She confirmed the following activities CL:AIRE was undertaking.

### **Definition of Waste Code of Practice (DoW CoP)**

An updated document is being worked on to clarify points but a full version 3 will not be published in the near future. CL:AIRE is focusing on raising standards within the current process and procedures as there is still poor practice being undertaken. An exam for all QPs and existing QPs will be rolled out January 2019 along with disciplinary procedures for project teams to link up with the existing disciplinary procedures for QPs. Submission of verification reports on time is still not very good, CL:AIRE staff are having to remind projects that verification reports are required to be submitted. CPD will be a requirement for all QPs to demonstrate that they are maintaining their knowledge and expertise on the DoWCoP and auditing of projects is currently underway.

### **Statistics Guidance**

Guidance on Comparing Soil Contamination Data with a Critical Concentration is moving forward. NH and LT met with the author at the end of September to work on the comments received by the steering group. An updated version will be circulated to the steering group early 2019.

### **Asbestos in Soil**

CL:AIRE continues to deliver a wide range of asbestos in soil training courses, including asbestos awareness (classroom and elearning); CAR-SOIL and Non Licensed Work for Land Professionals. Recently CL:AIRE launched a new course Non Licensed Work for Groundworkers.

### **Sustainable Remediation Forum-UK (SuRF-UK)**

SuRF-UK steering group is currently finalising the development of an animation explaining sustainable remediation. In addition, they will be carrying out a public consultation on updating Annex 1 – Indicator sets to support the SuRF UK framework in the New Year. Finally, a paper (open sourced) will be published soon in Remediation Journal on “Debunking the Myths about Sustainable Remediation”.

### **International SuRFs**

CL:AIRE continues to support SuRF international where three times a year the different foras have a teleconference to share activities.

### **C4SL**

CL:AIRE is project managing the C4SL project on behalf of SAGTA. NH confirmed that great progress is being made with a huge amount of goodwill being giving by all parties. Currently the first three batches of substances are being worked on and are in various different stages of progress. Currently from batch 1 VC and TCE reports have been prepared and reviewed by the steering group and it is anticipated that these two reports will be first to be published. NH confirmed that the reports will be published when ready rather than wait for the batch to be completed.

### **Bulletins**

CL:AIRE published a bulletin TB17 in August titled: “Ground Gas Monitoring & Worst Case Conditions”. This has been really well received across the industry. A number of other bulletins are scheduled to be published by the end of 2018.

### **New E-Learning Module**

CL:AIRE has recently launched a new elearning module titled “Introduction to Brownfield Site Investigation”. This is to add to its wide selection of elearning modules.

## **Events**

CL:AIRE recently hosted a networking event with NICOLE which was very successful. In addition NH wanted to make the NBF aware it will be CL:AIRE's 20<sup>th</sup> anniversary next year and we will be hosting a conference in November along with a number of other events throughout the year to celebrate.

### **Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG)**

Julia Reynolds (JR) provided an update on behalf of YALPAG. She confirmed that they have recently carried out a bench marking exercise across the YALPAG members. She confirmed that an additional 7 local authorities from Norfolk now have their logos included on the YALPAG planning guidance. YALPAG members are continuing with their groundwater training to upskill themselves. YALPAG members are represented on BSI Consultation Group, NQMS Steering Group, Land Forum and C4SL Steering Group.

YALPAG's next meeting is in March 2019. Going forward, Stella Keenan from Leeds Council will be representing YALPAG on NBF and NQMS Steering Group as JR is leaving the council.

LT thanked JR for her contribution.

### **Lancashire Contaminated Land Officer Group (CLOG)**

Mark Edwards (ME) confirmed that the Lancashire CLOG aims to meet 2-3 times a year. Currently there wasn't anything to specifically report to the NBF.

#### 8) **RemSoc -Understanding the new remediation framework**

Quentin Hulm (QH) provided a short introduction to RemSoc and why it was established. He explained that they have a series of working groups including early careers, remediation framework development and competency framework development. He was here to share with the NBF the development of the remediation framework.

QH explained that RemSoc had identified that remediation was not well supported like other aspects of the CLR11 framework was. Therefore, the aim is to help industry optimise remediation and verification. RemSoc have tried to identify the main reasons why remediation projects fail and then looked to address the causes by providing guidance to practitioners with a series of prompts across a wide selection of areas relating to remediation from design to verification. RemSoc's framework has been developed using a SharePoint Site where a number of people have collaborated together. The system provides a series of prompts to ask the user questions and then to signpost information/links to guidance to support those questions. It is not taking away the thinking but is hoping to prevent people making as many mistakes with designing and implementing remediation. It hopefully will also optimise remediation and reduce risks. The framework is not free but is free to RemSoc members. Membership is currently purposely kept low at £20 to encourage individuals to sign up and use the framework.

The NBF were impressed with the amount of work that has gone into the tool.

QH would like to encourage NBF members to promote the framework tool and provide feedback. It is still being developed and by using Share Point remains live, so can be updated on a regular basis.

RemSoc felt that this was a good tool to also help those new to remediation to help support and guide them.

Link to presentation: <https://www.claire.co.uk/component/phocadownload/category/26-landforum?download=662:remsoc-building-on-clr11>

**ACTION: NBF members to promote the tool amongst their members and encourage people to provide feedback.**

9) SAGTA – Guiding Principles Feedback and next steps

Frank Evans (FE) shared a short presentation on the outputs of the workshop that SAGTA and EA jointly hosted in the Spring looking at whether the Guiding Principles should be updated. From the output of the workshop, there seemed to be a consensus that it would be difficult to maintain a document that would remain up to date. Therefore, it was felt that a signposting guide to existing guidance relating to redevelopment could be an alternative and would be considered extremely useful to the wider industry. Could industry work together collaboratively to populate a “information map” type system to relevant guidance for different areas of the development sector. The links to guidance documents could then be hyper linked to the documents on CL:AIRE’s WALL. Could industry work together so it was not a mammoth task for one organisation? Eg Could SoBRA take on risk assessment, RemSoc take on remediation and AGS take on site investigation ? etc

It was felt as the NBF has links to most membership groups, would they be best placed to take this on? It was acknowledged that some areas would need to be engaged with such as demolition, heritage to ensure the map was as complete as possible.

FE shared an information map that National Grid has developed focusing specifically on National Grid’s sector of business but it was felt that this was a great starting point.

There was a discussion on what would be the purpose of the information map? Is there a risk that people outside the industry may see brownfield development a lot simpler to tackle if the guidance is all laid out?

**ACTION: NBF members were asked to go to their members to canvas the following:**

- **Is this a sensible activity for the NBF to work on?**
- **How does your group wish to be involved?**
- **Purpose of use – how best should it be presented?**
- **Identify areas that your group feels should be covered?**

**Respond by end January 2019 and a plan of action will be created.**

10) EIC – Building on Brownfield 2018

Jane Thrasher presented EICs recently launched “Building on Brownfield 2018”. She explained it was launched at Conland Expo and was well received. The document identifies a number of key problems that EIC has identified with the redevelopment of brownfield land following results they obtained from a questionnaire sent to local authorities. EIC have endeavoured to provide solutions to the problems that they have identified with one key area being to improve the staffing of local authorities with officers that have expertise in land contamination.

NBF members discussed the guide. One concern raised was that there was no reference about improving professional practice across the industry which it was felt was a missed opportunity and a fundamental part of solving some of the problems faced. There was no reference to the NQMS. Promotion of the scheme would have been helpful as it is a solution to help raise standards. Developers need to be made aware of what minimum standards are and not always going for the cheapest option.

EIC feels trying to get local authorities to work with building control may help to ensure that there are at least people going on site to review land contamination aspects which isn’t happening at present.

**ACTION: NBF members were asked if they had any further questions to feedback to JT.**

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

Seamus Lefroy-Brooks (SLB) provided an update on the NQMS. He confirmed that over 90 SQPs are currently on the register and over 50 declarations have now been purchased. SLB confirmed that the EA are seeking feedback from their staff on the declarations that they may have seen. In addition a questionnaire has been made available online for local authorities to feedback on declarations they have received. No responses have yet been received.

SLB confirmed that CEEQUAL and BREEAM are now proposing to reference the scheme in their updated guidance documents, a large infrastructure project in Kent has also referenced the NQMS and SLB is aware of some local authorities starting to reference the scheme as a way of demonstrating competence in land contamination.

SLB confirmed that there still seems to be a disconnect with Local Authority contaminated land officers and their planning colleagues with some contaminated land officers not receiving the declarations even though the declarations states to pass it on. The steering group are looking at this aspect to try and improve things.

12) Natural Capital/Land Stewardship Working Group

Paul Sheehan (PS) provided an update on the Land Stewardship guide that NICOLE published.

[http://www.nicole.org/uploadedfiles/NICOLE\\_CF\\_Landstewardship\\_A5\\_Booklet\\_digital.pdf](http://www.nicole.org/uploadedfiles/NICOLE_CF_Landstewardship_A5_Booklet_digital.pdf)

PS asked the NBF members to review the NICOLE booklet and see if their members are interested in taking a similar concept forward from a NBF perspective. Members of NBF to ask their member organisations if there is an interest in moving some aspects forward in relation to Natural Capital/Land Stewardship concept, what should/could be looked at and a suggested approach?

Once Paul Sheehan has received comments he will collate them and develop a plan for the next meeting. If there is no interest then that is also OK and this workstream will not be taken forward.

**ACTION: NBF members to consult and respond to Paul Sheehan by 17<sup>th</sup> January 2019 if interested.**

13) AOB

Paul Nathanail (PN) shared that he attended a Geological Society careers day recently and he was heartened to see how many geologists were interested to work in land contamination.

Date and location of next meeting

NH confirmed the next meeting will be held in March 2019 and she is looking for a host. Dates will be confirmed in the New Year.