



FINAL

Present:

Alex Lee (<i>Chair</i>)	HKA
Nicola Harries (<i>Secretariat</i>)	CL:AIRE
Graeme Duggan	Department for Environment, Food and Rural Affairs (DEFRA)
Amy Price	Department for Levelling Up, Housing and Communities (DLUHC)
Edward Lewis	Department of Agriculture, Environment and Rural Affairs (DAERA) and the Northern Ireland Environment Agency (NIEA)
Caroline Thornton	Scottish Environment Protection Agency (SEPA)
Mark Williams	Homes England (HE)
Angela Haslam	Environment Agency (EA)
Seamus Lefroy Brooks	Chair of NQMS Steering Group
Darren Beriro	British Geological Survey (BGS)
Louise Beale	Specialist in Land Condition (SiLC)
Joanna Wilding	Society of Brownfield Risk Assessment (SoBRA)
Tim Elliott	Royal Institution of Chartered Surveyors (RICS)
Christopher Fry	Environmental Protection UK (EPUK)
Stella Keenan	Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG)
Jane Thrasher	Environmental Industries Commission (EIC)
Jenny Lightfoot	Geological Society
Emma Tattersdill	UK Environmental Law Association (UKELA)
Robert Tyler	National Contaminated Land Officers Group (NCLOG)
Chris Taylor	Soil and Groundwater Technology Association (SAGTA)
Geraint Williams	Association of Geotechnical and Geoenvironmental Specialists (AGS)
Paul Nathanail	LQM (former chair)
David Jacob	National House Building Council

Invited:

Stephen Sykes	The Sykes Partnership LLP (presentation)
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Apologies:

Matt Llewellyn & Trystan James	Natural Resources Wales (NRW)
Andrew Williams & Joanne Smith	Welsh Government (WG)
Steve Edgar	The Society of Remediation Practitioners (REMSOC)
Hallan Sambrook	Staffordshire Contaminated Land Officer Group
Joanne Kwan	CIRIA

Agenda

Administrative:

- a. Welcome and Apologies
- b. Introductions of represented organisations
- c. Actions

General Knowledge Share

- a. Government and Regulatory Update
- b. Opportunity for clarification on the industry updates as received in advance
- c. Hot or emerging topics open session - Radon
- d. NQMS Update
- e. Standards

Specific Knowledge Share

- a. Presentation: "ESG and Brownfield – Opportunity or Threat?" – Stephen Sykes, The Sykes Partnership LLP
- b. Discussion

Questionnaire Update

AOB

Date and location reminder of next meeting

Meeting Notes

1. Administrative

a) Welcome & Apologies

Alex Lee (AL) welcomed everyone and apologies were given.

b) Introductions of represented organisations

AL welcomed everybody and gave a warm welcome to Joanna Wilding (JW) who is attending on behalf of SoBRA.

2. General Knowledge Share

a. Government and Regulatory Update

Natural Resources Wales (NRW)

Matt Llewellyn (ML) and Tristan James (TJ) were unable to attend and provided an update that Nicola Harries (NH) shared.

Guidance

Update to Wales guidance document 'Development of Land Affected by Contamination: A Guide for Developers' is due to be published this spring and will be uploaded on WALL. The current version can be found at the following link [New guidance added to WALL \(claire.co.uk\)](#). Update takes account the introduction of LCRM.

Training

Along with the Welsh land contamination working group (WLCWG), NRW held a training event in February for Local Authority Contaminated Land Officers across Wales on emerging contaminants and specifically PFAS. The presenter was Paul Nathanail who covered a variety of topics such as sources, toxicology, risk assessment, analytical methods, site investigation and remediation. Feedback has been really positive and the timing felt to be ideal given the rapid rise in interest surrounding this issue.

IMWA 2023

Following a virtual conference in 2021 (due to Covid), Wales and NRW staff are again due to host the International Mine Water Association annual conference during 2023. It will be held at the ICC in Newport from 17th to 23rd of July 2023 with the title 'Y Dyfodol/The Future'. Details can be found at [IMWA 2023](#)

Welsh Government (WG) – Planning and Environment

Joanne Smith and Andrew Williams were unable to attend the meeting and confirmed there was no update with respect to planning and brownfield.

Department for Levelling Up, Housing and Communities (DLUHC)

Rob Foers (RF) provided a written update on behalf of DLUHC and Amy Price (AP) joined later on the call. DLUHC update was as follows:

- A written ministerial statement of 6th Dec 2022 by the Secretary of State included various references related to brownfield land (<https://questions-statements.parliament.uk/written-statements/detail/2022-12-06/hcws415>). This included an announcement around the new infrastructure levy being introduced through the Levelling Up and Regeneration Bill. The new Infrastructure Levy will be set locally by local planning authorities. They will be able to set different Levy rates in different areas, for example lower rates on brownfield over greenfield to increase the potential for brownfield development. Further details will be announced in due course. The statement also announced a new review into identifying further measures that would prioritise the use of brownfield land. Details of the scope and format of this review are currently being developed.
- Secondly, consultation has recently ended on proposed changes to national planning policy. In particular the National Planning Policy Framework (NPPF) prospectus (<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>) included proposals related to the urban uplift element of the standard method for assessing local housing need. This is a mechanism which seeks to direct a greater proportion of housing to urban areas. The prospectus also asked for comments on how future planning policy could help increase development on brownfield land within city and town centres. We are currently analysing the responses to the consultation, and any subsequent changes in policy will be confirmed when the Framework is updated in spring 2023.

POST MEETING NOTE:

Subsequent to the National Brownfield Forum meeting, it has been confirmed a revised NPPF will now be published later in 2023 and not Spring as previously indicated. This is due to delays to the Levelling Up bill working through parliament which has caused a knock on to publishing the revised NPPF.

Department of Environment, Food and Rural Affairs (DEFRA)

Graeme Duggan (GD) provided an update on Defra activities. He wanted to bring to the attention of National Brownfield Forum members the recently published Environment Improvement Plan (EIP) 2023 and Goal 6 “Using resources from nature sustainably”. GD confirmed that within the EIP there are several government commitments for improving and protecting soil health, including preventing valuable soils from going to landfill. It references the publication of the revised Code of Practice for the sustainable use of soil on construction sites and to begin the development of a Soil Re-use and Storage Depot scheme.

GD confirmed that the EIP is a statutory document and progress of the government commitments will be measured by the Office of Environmental Protection (OEP). The EIP is available : [Environmental Improvement Plan \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

GD also confirmed that Defra recently had a Select Committee discussing Soil Health. It was identified by the witnesses called that soil contamination needed to be addressed separately. Martin Ballard of Wates represented the construction sector and gave a good overview. GD thinks that additional witnesses will be called to address contamination at a later date. The select committee discussion on Soil Health is available to watch: [Parliamentlive.tv - Environment, Food and Rural Affairs Committee](https://www.parliamentlive.tv)

GD confirmed that Defra’s focus is currently on delivering the EIP which incorporates our soil health policy initiatives.

GD also confirmed the outcomes of the consultation from the landfill tax grant scheme carried out in July 2022 has been published. Further information is available: [Landfill tax grant scheme: call for evidence - GOV.UK \(www.gov.uk\)](https://www.gov.uk). In addition, reference to a proposed Landfill Tax Grant Scheme was referenced in the 2023 Budget clause 4.103 – Landfill Tax Grant Scheme. It states: “*The government will develop a grant scheme to fund costs of Landfill Tax to public bodies in England, where such costs are acting as a determinative barrier to the remediation and redevelopment of contaminated land.*” See: [Spring Budget 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

POST MEETING NOTE:

Defra has recently published its water policy paper “Plan for Water: our integrated plan for delivering clean and plentiful water”. It is available: [Plan for Water: our integrated plan for delivering clean and plentiful water - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Environment Agency

Angela Haslam (AH) provided an update on behalf of the Environment Agency. She confirmed that the Environment Agency and NRW are continuing to work on joint guidance which covers the Environmental Permitting Regulations aspects of land contamination which includes information on the most common types of remediation techniques. In addition, the Environment Agency is continuing to work on updating the H5 site condition report/baseline reporting guidance and preparing it in the same format as Land Contamination Risk Management (LCRM) for GOV.UK. This is now in the final stages of review and is currently with the publishing team.

AH also confirmed that LCRM is having its annual update and following discussion with the pollution/spill response community, the EA is updating the “new pollution” section to ensure continuity of approach to new pollution/contamination as well as historic contamination.

AH confirmed that the Environment Agency is just starting work with CL:AIRE to update the Piling in Contaminated Land guidance.

The Environment Agency has been very busy with PFAS work, with Phase 4 currently underway. In addition the six work packages relating to PFAS have all been tendered and are now progressing:

1. Embedding the GIS model into the EA system
2. Good practice guide
3. Detailed assessment on sites
4. Economic appraisal package
5. Landfill Assessment:
 - Assessment of pre and post treated leachate to evaluate PFAS component
 - Assessment of sludges produced and POPs component
 - Assessment of POPs release into groundwater from older unlined facilities
 - Study of PFAS in gaseous emissions
6. Background concentrations of PFAS in soils

NBF members asked about the PFAS Good Practice Guide (work package 2). AH confirmed it is an internal document for the Environment Agency officers to be consistent in their regulatory processes and to bring knowledge to their offices in one place. NBF members were disappointed that the guide was not going to be publicly available. AH explained that the way it has been structured ie focusing purely on regulatory aspects for regulatory staff it would not make it appropriate for external parties however, this will be kept under review.

In addition, the Environment Agency has secured some seed funding from Defra for CL:AIRE to develop an interim C4SL for PFAS. This will be the 20th substance and will follow the same framework that the other C4SLs are following for development. All work will be reviewed by the project steering group and the final report will be published as a CL:AIRE report as part of the C4SL project. The draft version of the interim PFAS C4SL is aiming to go to the steering group for their review at the end of Summer 2023.

AH also confirmed that her colleagues are feeding into and working with Health and Safety Executive and devolved administrations on a Risk Management Option Analysis for PFAS, which will be a regulatory road map. This is currently out for internal consultation. Once this is published, AH will inform the National Brownfield Forum (NBF) members.

POST MEETING NOTE:

The Risk Management Option Analysis (RMOA) has now been published by Health and Safety Executive. Further information is available here:

[UK REACH: Regulatory management option analysis \(RMOA\) \(hse.gov.uk\)](https://www.hse.gov.uk/rmoa/)

AH is also moving forward the research project on Natural Capital - Remediation and Sustainability Tool.

AH confirmed that work with CL:AIRE on the Definition of Waste: Development Industry Code of Practice (DoWCoP) update is ongoing.

AH explained that she was unable to provide an update on landfill remediation internal guidance, this was still under review.

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

Edward Lewis provided an update on behalf of DAERA and NIEA. He confirmed that the Mobuoy Site is now moving forward to remediation following the successful prosecution. DAERA is now looking at other potential illegal waste sites by currently carrying out desk studies and monitoring.

Scottish Government and Scottish Environmental Protection Agency (SG & SEPA)

Caroline Thornton (CT) provided an update on behalf of SEPA. She confirmed the following:

- After a bit of a hiatus – Scottish Government has now recruited a full-time contaminated land policy officer who started in post last week. Contact is Dr Maddy Berg and email is: Madeleine.Berg@gov.scot
- Scottish Government Groundwater Directions. SEPA and SG conducted a consultation on proposed groundwater directions and associated SEPA guidance revisions, back in March 2021. The consultation has consequences for risk assessment and remediation in relation to contaminated land and groundwater. The responses were analysed, comments taken on board and SEPA has revised its groundwater pollution risk assessment document (WAT-PS-10) and its guidance on water pollution and land contamination accordingly. Unfortunately, these revised documents are not yet in the public domain as Scottish Government has yet to publish the groundwater directions themselves. As soon as this happens – the SEPA guidance will be made available, and the intention is to run some guidance workshops for interested stakeholders.
- There is a lot of discussion across most of SEPA about PFAS and the associated challenges at the moment. Various SEPA colleagues are feeding into the EA / HSE Risk Management Options Appraisal (RMOA) doc in relation to these.
- SEPA Contaminated Land is very keen to engage with Scottish Government planners as National Planning Framework 4 (NPF4) progresses in Scotland. This is mainly because the crux link between Part IIA and Contaminated Land being dealt with through the planning regime is all contained in Planning Advice Note 33 eg this provides the driver /regulatory stick to get land contamination addressed through planning. Not sure if the planning advice notes are going to stay or be replaced with something else at the moment – so SEPA want to ensure that the awareness is there in planning policy of the importance of this document and that , that crucial link isn't lost.

Homes England (HE)

Mark Williams (MW) provided a brief update to the NBF. He confirmed that HE has now completed the tendering process for their multi disciplinary technical services framework.

National Contaminated Land Officers Group (NCLOG)

Rebekah Norbury (RN) provided an update on behalf of NCLOG ahead of the meeting because she was unable to attend in person. Robert Tyler attended on behalf of NCLOG.

NCLOG is continuing to work with the EA to produce some land contamination pages for the Planning Portal. This project is nearing the end and we hope to have this completed and live soon. In January, we consulted our members on a piece of draft guidance that our Cover Systems subgroup has been working on. The document was issued to members for their comments, this consultation is due to close at the end of the month. Currently, it is for NCLOG membership and a small number of invited external consultees only but we envisage it being distributed further in later stages. Preparations are being made for the next in our CLO training webinar series, the next is due to be held in April and has the theme of 'Interesting Sites and Funding'. Speakers have been arranged and the membership will be informed of details in due course. Finally, the AGM has been discussed at our latest meeting and is likely to be in June 2023.

YALPAG

Stella Keenan provided an update on behalf of YALPAG. She confirmed that YALPAG's Land Technical Group meet twice a year with the last meeting being held on 15 March 2023. She confirmed that YALPAG guidance documents on planning, verification requirements for cover systems and verification requirements for gas protection systems are continuing to be reviewed and updated as and when necessary. The Verification Requirements for Cover Systems (Version 4.1) was issued in June 2021. The Verification Requirements for Gas Protection Systems guidance and Planning guidance are currently in the process of being reviewed and updated.

b. Industry Update

CL:AIRE update

1. Training and events

The following training courses are currently being run:

- Definition of Waste Code of Practice (DoW CoP) - classroom
- Non-Licensed Work including NNLW - for Land Professionals - classroom
- Asbestos in Soil and Construction & Demolition Materials CAR-SOIL™ - classroom
- Verification of Gas Protection Systems - classroom
- Introduction to Controlled Waters Detailed Quantitative Risk Assessment – classroom
- Introduction to Human Health Quantitative Risk Assessment – classroom
- Statistics for Comparing Soil Contamination Data to a Critical Concentration - virtual
- Good Practice for Risk Assessment for Coal Mine Gas Emissions – virtual
- Soil and Groundwater Risk Assessment – eLearning
- Sustainable Remediation – eLearning
- Introduction to Brownfield Site Investigation – eLearning
- Asbestos Awareness for Land Professionals – Full & Refresher – eLearning

2. Projects/initiatives/publications (listed alphabetically)

Aggregates from Inert Wastes Quality Protocol

CL:AIRE attended an initial scoping meeting of the Environment Agency's Task and Finish Group on 7 December 2022.

C4SL Project

CL:AIRE is continuing to work to move the publication of a number of the C4SL reports forward, with the support of industry. This has been a mammoth exercise with a huge amount of in-kind support given. We would like to take this opportunity to publicly thank everyone for their continued support with this project. A number of the early batch reports are now coming to final draft preparation stage and we will be forwarding to the steering group over the next few months for their review and sign off.

In addition, CL:AIRE has received some seed funding from Defra to develop an interim PFAS C4SL report. The report will follow the same preparation process as the other C4SL reports. This report will be the 20th substance (which was left intentionally blank in case of a substance becoming higher priority), and will be worked on in tandem with the other substances due to separate seed funding being received. A draft report "interim" PFAS C4SL report is planned to be prepared for the steering group to review in late summer 2023.

Concawe Sustainable Remediation Case Study Project

The 10 sustainable remediation case studies have been written reviewed and formatted into the CL:AIRE bulletin style. The overarching Concawe report, which includes comparative analysis across the case studies is currently being reviewed by Concawe.

Defra Code of Practice for the Sustainable Use of Soils on Construction Sites

The first draft of the document has been reviewed, and now CL:AIRE is working with Defra to finalise the document.

DoW CoP

The Environment Agency is rewriting the DoW CoP and will submit it to the CL:AIRE Task Group for review. The timeline has slipped from the end of December 2022.

EiCLaR (enhanced *in situ* bioremediation)

CL:AIRE's involvement in the EC-funded EiCLaR project is ramping up, with the knowledge transfer activities due to take place in 2023 and 2024.

Gas Protection Verification Accreditation Scheme (GPVS)

CL:AIRE is continuing to develop and promote the GPVS. Following feedback from accredited individuals different declarations can now be prepared for commercial, residential, mixed site use, healthcare settings and schools where gas protection systems are being installed and verified. New applicants for Specialist Level and Technician Level are continuing to be received, assessed and interviewed. The uptake of accreditation is still slow but is improving and over 120 declarations have already been prepared under the scheme Training is continuing at the Blackburn facility in person.

ICEC - MCM

Support continues for the Interdisciplinary Circular Economy Centre for Mineral-based Construction Materials (ICEC-MCM), led by University College London.

Monitored Natural Attenuation (MNA) Guidance

The MNA guidance has completed its review cycle and CL:AIRE is now preparing it for publication. It is planning to publish the NSZD and MNA guides together and have some promotional activities to support the publications.

Natural Source Zone Depletion (NSZD) Guidance

The NSZD report has completed its review cycle and CL:AIRE is now preparing it for publication. It is planned to publish the NSZD and MNA guides together and have some promotional activities to support the publications.

National Quality Mark Scheme (NQMS)

The profile of the NQMS is continuing to grow slowly. CL:AIRE has been working with SiLC recently on updating the NQMS Suitably Qualified Register following the annual renewals. The graph of declarations purchased and number of SQPs is available on the NQMS website www.claire.co.uk/nqms. The graph shows over the last 12 months there has been a noticeable increase of declarations purchased. The new Appendix 1 review templates have also been well received.

P20/Remedial Target Methodology

CL:AIRE has submitted the updated P20/RTM spreadsheet and guidance. CL:AIRE is awaiting feedback from the Environment Agency.

PFAS

Two PFAS focused bulletins have been through the review process and are being prepared for publication. The first is an overview of the uses of PFAS to assist with identification of sites of concern and is expected to be published very soon. The second on PFAS in excavated materials has been delayed slightly due to staff changes at the authoring organisation.

POST MEETING NOTE:

Technical Bulletin 22 (TB22) titled "An overview of the uses of PFAS to assist with identification of sites of concern" has been published and is available to download free of charge here: <https://www.claire.co.uk/component/phocadownload/category/17-technical-bulletins?download=920:tb22-an-overview-of-the-uses-of-pfas-to-assist-with-identification-of-sites-of-concern>

ReCon Soil

The Interreg-funded ReCon Soil project finishes at the end of March 2023 On 5 December a project networking event was held in Exeter, to coincide with World Soil Day and on 7 February, CL:AIRE hosted a ReCon Soil networking event in the CL:AIRE Office which followed a 'Mini Symposium' for the project team.

Sustainable Remediation

Several new members have joined the SuRF-UK steering group (Simon Cole – representing SoBRA, Mark Hill – The UK Pensions Regulator, Matthew Llewhellin – NRW, Vivien Dent – Environment Agency, Richard Boyle – Brookbanks and Mark Knight – representing RemSoc). The activities this year will include publishing two new bulletins, updating the presentational information on the SuRF-UK website, discuss SuRF-UK in the context of Environmental, Social, Governance agenda (ESG) and financial sector/investor obligations. The steering group will also be involved in a number of 2023 international conferences.

POST MEETING NOTE

SuRF-UK Bulletin 6 (SuRF6) titled: "How sustainable remediation concepts align with ISO 14001:2015 environmental management systems" has now been published and is available to download free of charge here: <https://www.claire.co.uk/component/phocadownload/category/16-surf-uk-bulletins?download=917:surf-6-bulletin-sustainable-remediation-concepts-align-with-iso-14001>

UKELA update

UKELA has continued its contributions to consultations and calls for evidence on various areas of legislation and policy. The most recent examples focus on the Retained EU Law (Revocation and Reform) Bill and were led by the Governance and Devolution Group:

- 15th December 2022: response to the interim environmental protection assessor for Wales on the Retained EU Law (Revocation and Reform) Bill
- 24th November 2022: submissions to the Scottish Parliament on the legislative consent memorandum for the retained EU Law (Revocation and Reform) Bill
- 21st November 2022: response to call for evidence by the House of Commons Public Bill Committee on the REUL Bill

UKELA's calendar of events also remains busy, with forthcoming events including:

- 21 March (in person, London): The Environment Act 2021 from a waste law perspective Hosted by our Waste Working Party and chaired by Prof Richard Macrory Hon KC, speakers are Chris Badger of 6 Pump Court and Libby Peake of the Green Alliance. Taking place at the offices of Shoosmiths in London. Registration is from 3.30pm with speakers at 4pm. The event will conclude at 5.30pm.

- 28 March (online): The UK's energy needs and the legal and policy framework required to address them

Join our climate change and energy working party as they welcome Professor Sir Dieter Helm, Professor of Energy Policy at the University of Oxford. Event takes place 5.30 – 6.30pm

- 30 March (online): Exploring the path to net zero

A lunchtime webinar presented by West Midlands UKELA with guest speakers Sally Redman from Landmark, Claire Petricca-Riding Head of Planning and Environment at Irwin Mitchell and Jill Reid former commercial lawyer for Rentokil now a Director of Solid Surfacing Company Kidderminster. Event takes place 1pm – 2pm

- 31 March (online): Impacts of the Retained EU Law (Revocation and Reform) Bill on Wales

Join our Welsh team for a discussion of the potential impact of the UK Government's Retained EU Law (REUL) Bill on Wales. Not only will the Bill have major implications for environmental law but has been described by the Counsel General for Wales as 'constitutionally unacceptable' given the impacts on the powers of Welsh Government. As a result, the Welsh government has recommended the Senedd withhold legislative consent. Event takes place 12 – 1pm.

- 27 June 27 – 1 July (hybrid, University of Reading): Annual Conference

The Annual Conference will again take place as a hybrid event, with some sessions fully online across the week. Two days of plenaries, keynotes and legal updates will take place at the University of Reading on the Friday and Saturday, together with plenty of networking and social interaction. We will cover many facets of environmental law but the thread that runs through the conference is, "How is environmental law addressing the big environmental issues facing society, and how do we, UKELA members active in environmental law, use this knowledge in our own professions".

Events are open to members and non-members. You can sign up on UKELA's website.

SoBRA Update

Conferences

The RSC Toxicology Group / SoBRA joint Winter Conference (and SoBRA AGM) was held on 8 December 2022. There was over 190 attendees, either in-person or online. The slides are available to members on the SoBRA website.

SoBRA is not planning to hold a Summer Workshop/Conference in 2023 as it is considered there are no current topics that members feel would benefit from a workshop.

The Winter Conference is scheduled for Tuesday 12 December 2023 at Burlington House, London.

Sub-groups

The active sub-groups are:

NAPL

Vapour Intrusion

Ground Gases

Early Careers

CSM and Statistics

Publications

None since the previous meeting. Details of all recent publications are available here [SoBRA Reports](#). The final VI sub-group report, a report from the Ground Gas sub-group, and the report from the CSM & Statistics sub-group are anticipated in the next two months. The workshop reports from the Summer Workshop/Conference on “A Climate Emergency: The Importance of Brownfield Risk Assessment” are currently in progress.

Accreditation scheme

The first window was open during January 2023. There were 16 applicants for either RSoBRA or ASoBRA. Interviews are currently being scheduled. Currently there are 91 accredited members, of which 48 are ASoBRA for one or more disciplines.

Other activities/events

The early careers sub-group are organising another series of freely available webinars for this year. Another big thank you to SCLF for allowing SoBRA to use their webinar platform to host these during 2023. The schedule of events will be available on the SoBRA website shortly. Access to and details of all the previous webinar recordings can be found here [Early Careers Webinars – SoBRA](#).

SoBRA has awarded a research grant under its 2022 funding window, which has commenced in March 2023. The grant was awarded to Dr Cecilia Macleod (University of Greenwich) and Dr David Holmes (Geosyntec) to systematically assess dissolved hydrocarbon concentrations as a function of hydrogeological and well construction parameters. The work is being carried out by a Masters student at the University of Greenwich and will aim to provide some robust scientific evidence to validate the use of ‘rules of thumb’ in contaminated land site investigation and risk assessment for the presence of non-aqueous phase liquids.

CIRIA Update

CIRIA report “Guide to the Sustainable Management of Surplus Soil and Aggregates” will be published in April 2023. This will be followed by the launch of the Soil Community of Practice portal. The Community of Practice Year 2 activities have also started.

CIRIA PFAS guidance is progressing well and the PFAS forum has also started.

CIRIA plans to start the brownfield and extreme weather events good practice project soon.

NHBC Update

NHBC Foundation Report NF93 - Building Foundation Solutions - Future Proofing Against Climate Change was published on 6th February 2023. If you have not already downloaded your free copy, please do so at: [Building Foundation Solutions – Future Proofing Against Climate Change - NHBC Foundation](#)

NHBC Foundation Report - Hazardous Ground Gas - An Essential Guide for Housebuilders has had its publication date pushed slightly with a launch date around the middle of the year.

NHBC is currently working on a new chapter for the NHBC Standards: Chapter 4.6 - Engineered Fill. The geotechnical team in the Land Quality Service is leading this new chapter. NHBC is aiming to have this new chapter incorporated into the 2024 Standards, subject to review by our Standards Board. More updates to follow.

Environmental Protection UK Update

The Land Quality Committee has been concerned with the following issues since the last meeting of the Forum in November 2022.

1. EPUK policy of 'Brownfield First' continues and so the LQC made a response to the consultation on the indicative changes to the National Planning Policy Framework Levelling-Up and Regeneration Bill: reforms to national planning policy, which ended 2nd March 2023.

- **Section 13: Protecting Green Belt Land:** Continuing pressure by the Government on local authorities to grant planning permission for the building of new, sustainable houses, raises concerns that developers will be given the opportunity to build on Green Belt land, which is the easier option to developing brownfield sites which may in many cases require some form of remediation.
- **Section 14: Meeting the challenge of climate change-flooding and coastal change:** Paragraph 174: studies have identified numerous historic landfill sites which have been exposed by coastal erosion. This has the potential to release a range of contaminants into the sea. It is urged that there is a great need for these to be identified in a coastal change management area.

2. The LQC is interested in the project by the Environment Agency (EA) which is conducting a multi-year programme to characterise the risks posed by PFAS chemicals in the soil and water environment in England.

3. **Soil Health Inquiry:** Land Quality Members were invited to respond directly to the Inquiry launched 14th December 2022 via the Environment Food and Rural Affairs Committee and invited submission by 5th February.

4. LQC Objectives: It is worth re-stating these which remain as:

- As Government requires 200,000 new houses per year, EPUK through the LQC will continue campaigning for local planning authorities to adopt Brownfield land first policy.
- Continuing representation on the Soil and Groundwater Technology Association (SAGTA) Steering Committee assisting with the development of Category 4 screening levels.
- Reviewing emerging groups of contaminants known by the acronyms of PFAS (perfluorinated and polyfluorinated alkyl substances, PFOS (perfluorooctane sulphonate) and PFO (perfluorooctane acid) which have been used extensively over 30 years to provide food packaging, non-stick surfaces and improved fire suppression characteristics in foam used to douse fires.
- Monitoring of the use of Definition of Waste: Development Industry Code of Practice (DoWCoP) for reuse of landfill soils, in particular the change in Environment Agency policy in this regard.

EIC Update:

Contaminated Land Working Group (CLWG) continues to raise concerns over the DoWCoP and its impact on the industry. We are disappointed that the Environment Agency appear to have been considering legal counsels opinion for the last 2 years with no real progress or clarification of the concerns being raised by the industry. EIC is hopeful that the EA can give some clarity on matters in the very near future.

POST MEETING NOTE:

EIC are delighted that Karen Andrew of the Environment Agency has accepted our invite to attend our next CLWG meeting on 10th May 2023 and we look forward to hearing her update on DoWCoP.

Consultation on **National Planning Policy Framework** – EIC has recently responded to the Governments consultation and called for clarification on the definition of Brownfield.

Brownfields are areas that:

- are affected by the former use and surrounding land;
- are derelict or underused;
- may have real or perceived contaminant problems;
- are mainly in developed, urban areas, &
- require intervention to bring them back to beneficial use.

EIC asks whether the National Brownfield Forum had discussed implications of potential relaxation of EIAs as part of consultation.

Innovation Campaign – EIC is currently working towards an Innovation campaign to support wider sector to understand opportunities and barriers to delivery of innovation within a wide range of sectors including contaminated and brownfield land. A report is hoped to be released in July.

Environmental Labs – continues to explore issues around asbestos in soil. This will be a substantial item at our next round of meetings.

EIC has also recently written to UKAS regarding inconsistency in **preservation of sampling** which some Members have experienced. EIC hopes that UKAS can assist in setting some guidance or standards to which the Labs sector can agree on.

Geological Society Contaminated Land Group Update

The Geological Society Contaminated Land Group (CLG) is supporting the Hydrogeological Group in delivering a conference 'Monitoring the Aquifers' on 24th and 25th May 2023, [2023 Monitoring the Aquifers – The Hydrogeological Group \(hydrogroup.org.uk\)](https://hydrogroup.org.uk). This two day conference will address current practice and future opportunities covering all aspects of groundwater monitoring. Abstracts are currently sought. Several other events are in preparation for 2023 covering a diverse range of topics, watch out for the publicity in due course.

AGS Update

The last Contaminated Land Working Group meeting was held on 8 February:

Recent successes of the working group:

- AGS's magazine, published in March, included an article on cover systems and assessment of coal tar.
- The Loss Prevention Group wrote a short news article on coal mining risk assessments. The previous edition of the magazine included industry opinion on dynamic sampling and an overview of the Geotechnical Data Conference.
- AGS's 'Client Guide to Geoenvironmental Reports' is now available to download.
- Guidance on the prevention of skin cancers has been published on the AGS website by the Safety Working Group with contributions from the CLWG.

The main topics / projects the Working Group are currently working on:

- Future articles are being prepared on the Environment Act, the disconnect in geoenvironmental investigations, the use of on-site analysis for TPH in soils and research into coastal landfills, rising sea levels and implications for WAC testing in saline environments.
- In keeping with the theme above, Paul Bardos provided a presentation on "Coastal brownfields – a particular cause for concern?" during the last CLWG meeting.
- There was further discussion on whether standard suites of analysis are now fit for purpose when the history of the site is unknown or not fully understood. These standard suites are likely a legacy of CLR8 and other withdrawn guidance. The question was raised about the suitability of such suites and whether industry needs to look again at what contaminants are typically selected for risk assessment.
- AGS are contributing to the BDA's updated guidance on safe intrusive activities on contaminated or potentially contaminated land.
- Members of AGS's CLWG are represented both on CIRIA's PFAS project steering group and as contractors writing the guidance.
- AGS have formed a new sustainability working group – the group will tie all the other working groups together and ensure of a single, co-ordinated point of contact for sustainability.
- AGS are at an early stage of exploring options for a data transfer format for field monitoring of permanent gases and vapours with the aim of improving consistency and standardisation.

- The Data Management Working Group is reviewing ERES codes with assistance from the CLWG and Labs groups.
- During the last CLWG meeting, the issue of two laboratories having their accreditation suspended was discussed. The Loss Prevention group are considering the possible liabilities for consultants, contractors and other users of the data, where results might be compromised.
- AGS CLWG and Labs groups are also attempting to improve the quality of groundwater and surface water sampling following concern about the reliability of results where chemical preservation has not been used. SoBRA is collaborating on this joint initiative to improve current methods, particularly where data is used to inform controlled waters risk assessment.
- AGS's annual conference is being held at the Barbican Centre, London on 27 April.

SILC Update

The SiLC Professional and Technical Panel (PTP) is currently led by Dr. Tom Henman as Chair and Louise Beale as Deputy Chair. The PTP includes organisational and technical representatives from the constituent professional bodies and AGS, as well as a small number of co-opted members. There are currently 194 SiLCs and 135 SQPs. We have seven candidates going through the SiLC exam 2023 Round 1 (2023a). We recognise the need to increase the number of candidates going forward and have run one SiLC Introduction Day already in 2023 and have two planned for later in the year. We also have several new representatives of professional bodies on the PTP which is increasing diversity in our approach.

The last SiLC PTP meeting was held on 7/03/23. Current areas of SiLC activity include:

- Following the successful SiLC webinar on '**Regeneration of Historical Landfill Sites – Views from Multi-Stakeholder Perspectives**' held on 30 June 2022 and the results from a SiLC produced survey on DoWCoP held over the summer, we published an article in the October / November AGS magazine. We are in the process of drafting a letter to DEFRA / EA requesting clarity in approach to regenerating landfills, reuse of old stockpiles etc.
- **NQMS**: The number of declarations being made has increased at its fastest rate in the last three months. The NQMS myth-busters document has been highlighted in the March 2023 AGS Magazine and the next NQMS audit is due to take place in Q3 2023.
- The SiLC **Equality, Diversity and Inclusion (EDI) sub-group** is focusing on providing more diverse representation at events that we host or co-host, b) considers participation of early careers representatives in events as part of outreach and awareness work; and ensuring accessibility within the SiLC application and exam process.
- There has been a lot of interest in the newly established SiLC **Climate & Sustainability sub-group** and it will hold its first meeting in late March/ early April
- The **SiLC Annual Forum** is being held as a virtual event on 29 March 2023 with content developed around two themes, including 'Climate change and sustainability' and 'Looking into the future'. The full programme is available here. Local Authority & Other Public Sector employees, Jobseeking/Graduates and Students may attend the Annual Forum free of charge. We have already received over 100 registrations and this closes on 24 March.
- SiLC is continuing to work with AGS on an update of the BDA Guidance Notes for the Safe Drilling of Landfills and Contaminated Land.

The next SiLC PTP meeting is scheduled for 13 June 2023.

c. Hot or emerging topics open session

➤ **Radon Guidance**

The subject of Radon and the requirement to update guidance was discussed. At the previous NBF meeting NHBC requested feedback as to the requirement to update their guidance so a business case can be prepared to NHBC Foundation to fund. NHBC did not receive any feedback.

It was acknowledged that SoBRA and AGS have also been discussing the subject in light of the Radon maps being updated. SoBRA and AGS are discussing working jointly on a risk

based approach with supporting site investigation data. It was noted by NBF members that the UK's approach to Radon is quite different to other countries. In other countries it is mandatory as standard to monitor for Radon and if present a risk based approach can be implemented. Just using a map was seen as quite a crude approach.

It was also discussed that local authority regulators often are not considering basements. It was felt that the work on SoBRA and AGS can work independently to potentially updating the NHBC guidance. The SoBRA/AGS work can help inform how NHBC may wish to communicate to the development industry.

It was agreed that further discussion on Radon needs to be had at the NBF once SoBRA/AGS have decided on the approach and Terms of Reference of their subgroups.

d. National Quality Mark Scheme for Management of Land Contamination (NQMS) Sub Group

Seamus Lefroy Brooks (SLB) gave an update on behalf of the NQMS steering group. He confirmed that there are 112 SQPs with 21 people still to pay their subs and 242 declarations. In the last 8 months the largest number of declarations have been purchased and the graph showing the SQPs against number of declarations purchased has been updated and shows an upward trajectory of declarations being purchased.

[NQMS \(claire.co.uk\)](https://www.claire.co.uk)

Auditing will start in Autumn 2023.

SLB confirmed that he responded to the DLUHC consultation on National Planning Policy Framework on behalf of the NQMS steering group to encourage DLUHC to update their pages in relation to land affected by contamination and to link to Land Contamination Risk Management (LCRM) and NQMS SQP as the competent person when dealing with land contamination. Following feedback on the NQMS declaration process, the steering group also discussed what information needs to be captured about the site, and what regulator details need to be captured for auditing purposes.

SiLC is seeking ways to market the NQMS SQP accreditation scheme and to work more closely with local authorities.

e. Standards

Nicola Harries (NH) shared the update that Mike Smith kindly provided outlining the new standards that are in preparation or out for consultation. Sincere thanks were given to Mike Smith for collating and sharing this information. Full details are provided here: <https://www.claire.co.uk/land-forum-2023?download=915:nbf-standards-march-2023>.

4. **Specific Knowledge Share**

Presentation: "ESG and Brownfield – Opportunity or Threat?" – Stephen Sykes, The Sykes Partnership LLP

AL thanked SS for his really interesting and thought provoking presentation. It has certainly helped NBF members understand the potential value of brownfield land and see how it can fit within the ESG agenda. SS also felt that the brownfield sector can help the financial sector understand the value of brownfield land

Presentation is available here: <https://www.claire.co.uk/land-forum-2023?download=919:brownfield-and-esg-presentation>

5. **Questionnaire Update**

AL thanked everyone for their contribution to the draft questionnaire. AL & NH have taken on board most of the changes. They had a separate meeting with local authorities to discuss some of the issues that they had raised. The local authority representatives were uncomfortable with some of the language being used and offered to rewrite some of the questions. The rewrite of

questions is due back at the end of March 2023. After which the questionnaire needs to be finalised and put into MS Forms and tested.

6. AOB

a. Standards Suite and Non Standard Suites

It was raised again whether industry should revisit creating a non standard list of contaminants to test for. It was noted that AGS discussed this at their last meeting and have reached out to SoBRA as well to see if there was interest to work on this collaboratively. NBF members were supportive but were unsure of the full scope and who could fund the work. NBF will await to see what AGS and SoBRA scope up.

7. Date and location of next meeting

The next meeting is 21st June 2023 (changed from 28th June 2023). Location to be decided. NH to create a Doodle poll to see if people would like to have it face to face and allow people join remotely.

ACTION: NH to send out a Doodle Poll with respect to preference for face to face/virtual/hybrid and preference of location.