



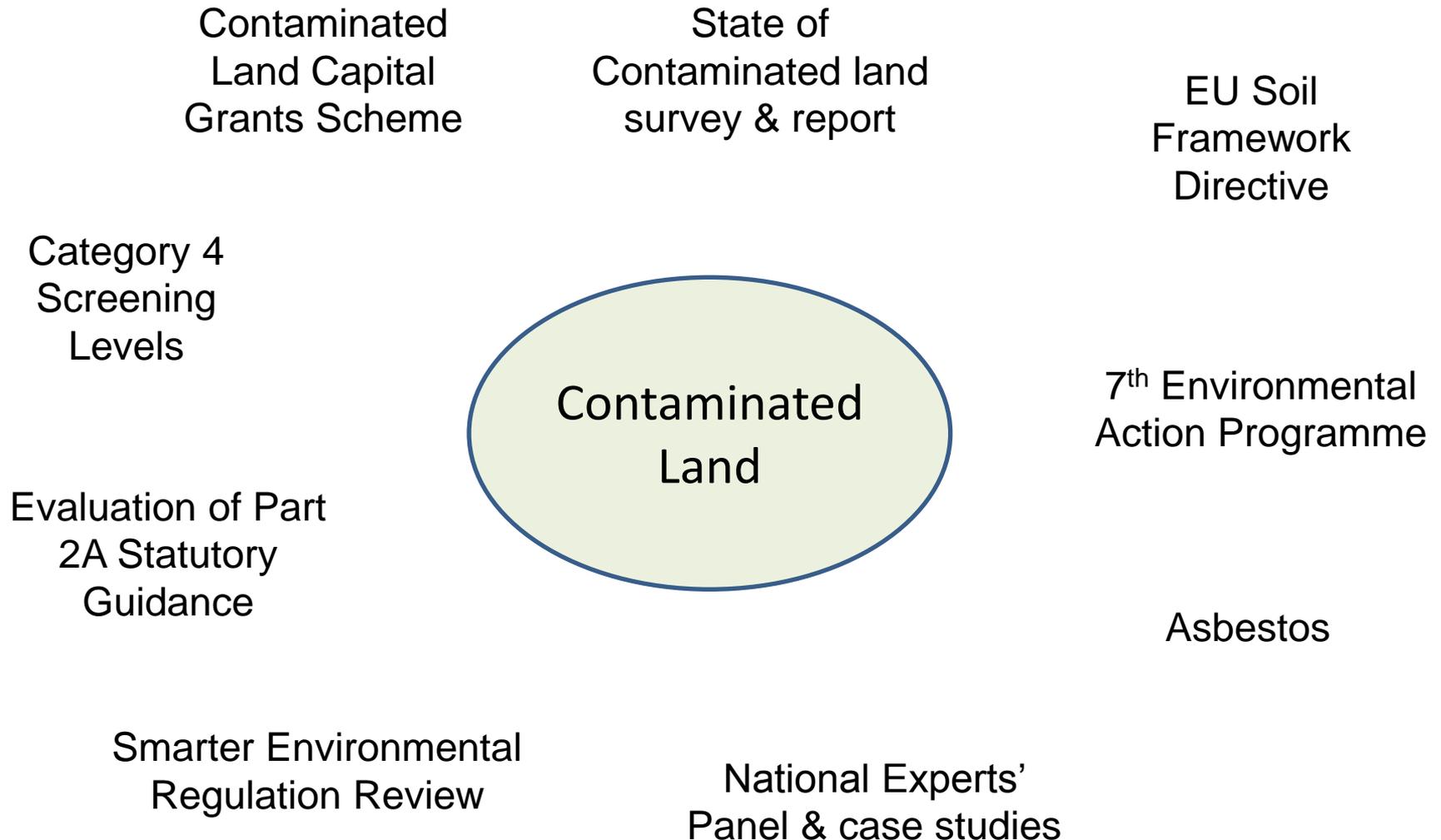
Department
for Environment
Food & Rural Affairs

Update on contaminated land policy & projects

SoBRA / RSC

Presented by: Morwenna Carrington
Date: Tuesday 17th December 2013

Overview



Con Land Capital Grants Scheme

- Announcement on 9th December 2013
 - “regrettable but necessary change of approach”
- Phased exit over 3 years
 - 1 April 2014 – 31 March 2017
- Emergency / contingency fund - £0.5m per annum
 - subject to capital funding being available each year
- Non-ring fenced Revenue Support Grant (RSG) continues to be available to LAs to enable them to meet their statutory obligations under Part 2A
- Majority of land affected by contamination will continue to be remediated through planning & redevelopment

Contingency Fund

- How will this operate?
 - Administered by the Environment Agency
 - No open bidding process
 - LAs to contact EA by exception (in case of emergencies) or direct contact with LAs
- What is it for?
 - Emergencies, i.e. where action needs to be taken to remove an imminent danger of serious harm or serious pollution of controlled waters
 - On-going / existing remediation projects where these are considered to be the highest priority, e.g. to complete a project where a previous phase has been funded through the Grants Scheme

State of Contaminated Land report

- R&D project let to consortium led by Cranfield
 - Plus CL:AIRE, Naomi Earl, Brian Bone & Steve Moreby
 - Steering Group: Defra, Environment Agency, Welsh Government, NRW
- Timings
 - Inception meeting held 12th November 2013
 - Letter to Local Authorities & stakeholders sent 11th Dec
 - Survey launched January 2014 (5 weeks)
 - Final reports submitted end March / early April 2014
- Outputs
 - Final R&D reports to Defra (SP1011)
 - Interim SOCL reports to EA and NRW

Evaluation of Part 2A Statutory Guidance

- Red Tape Challenge review of the impacts of the revised Part 2A Statutory Guidance
- Outputs of SP1011 R&D will feed into this review
- Encourage all those who are interested to submit their views through the survey

Category 4 Screening Levels

- Timeline:
 - Draft methodology considered by Committee on Toxicity – 14th May
 - Final reports received from contractors – 7th June
 - Final reports sent out for peer review – July
 - Specific issues referred to Committee on Carcinogenicity – 19th September
 - Comments received back from peer reviewers – 12th November
 - Revised final reports due back from contractors - 23rd December

C4SL project (SP1010)

- Next steps
 - Final review of revised reports by Steering Group
 - Submission to Defra's Chief Scientist and Ministers
 - Publication of:
 - Final R&D reports
 - Stakeholder comments from workshops
 - Peer reviewers comments
 - Companion policy document from Defra, including:
 - Response to recommendations made by CoT and CoC

National Experts Panel & case studies

- Progress so far
 - 4 cases have been considered by the Panel
 - General lessons paper to be produced following consideration of the first 2 cases
 - Case studies to be produced from 2 cases considered at the December meeting
- Future plans
 - Panel available to meet monthly if there are sufficient cases being referred
 - Panel happy to give presentations on their work
 - Further information (including on how to approach the panel) can be found at:

www.claire.co.uk/conlandexpertpanel



Asbestos

- CIRIA report:
 - “*Asbestos in soil and made ground: A guide to understanding and managing risks*” – due to be published late Jan / early Feb 2014
- The Asbestos in Soil, Made Ground and Construction Materials – Joint Industry Working Group (JIWG)
- R&D evidence gaps?
 - BGS project SP1008 on ‘Normal’ Background Concentrations

Review of Guidance

- Smarter Environmental Regulation Review (SERR)
 - reforming guidance content to make it much easier for business and others to access on www.gov.uk
 - removing obsolete and overlapping material
 - delivering an overall reduction in volume
- Timetable: migration to Gov.uk by 31st March 2014
- ‘Development’ Theme
 - Contaminated Land
 - Planning

Guidance Design Principles

- Give users confidence about meeting their obligations
 - What users need to know in order to become compliant ('safe harbour')
- Only provide content where government is uniquely placed to do so
 - government should only do what only government can do
- Use the gov.uk style guide
- Single version of content
- Don't gold plate
- Improve policy
 - E.g. where existing policy places unrealistic demands on users or where there is unnecessary confusion

SERR cont.

- Identification of user needs
 - I am a...
 - I need to know.....
 - So that I can...
- Guidance will comply with Government Digital Service content rules
- Guidance should be either:
 - Kept
 - Reformed (revised & reduced)
 - Archived (but still accessible through National Archives)
 - Re-homed? Options?



EU Soil Framework Directive - REFIT

- Commission's Communication on Regulatory Fitness ('RE-FIT') – published 2nd October

“Withdrawal of a proposal for a Soil Framework Directive;

The Commission notes that the proposal has been pending for 8 years during which time no effective action has resulted. It will therefore examine carefully whether the objective of the proposal, to which the Commission remains committed, is best served by maintaining the proposal or by withdrawing it, thus opening the way for an alternative initiative in the next mandate. This will be judged on the feasibility of reaching adoption before the European Parliament elections.”

“Withdrawal of a proposal for a Soil Framework Directive: The proposal was made in 2006 and is pending decision by the co-legislators since. Despite the efforts of several Presidencies, the Council has so far been unable to reach a qualified majority on this legislative proposal due to the opposition of a number of Member States constituting a blocking minority on the grounds of subsidiarity and proportionality. When considering the withdrawal, the Commission will examine how the objectives of the proposed directive can be best achieved.”



EU Soil Framework Directive

- EU Contaminated Land Common Forum position statement – www.commonforum.eu
 - “welcomes the Commission’s willingness to review the need for a Soil Framework Directive”
- Negative reaction from European Environmental Bureau (EEB)
 - *“The soil directive would create a stronger focus on decontamination and rehabilitation of brown field sites, providing huge opportunities for technology intensive SMEs in a range of areas (such as bio-remediation, recycling and environmental engineering) where Europe can become a world leader in cutting edge export technologies”*
- All members of blocking minority support withdrawal
- New coalition government in Germany (CDU/SPD)

EU Soil Framework Directive

- PM's Business Taskforce on EU Regulation: 15th Oct
 - *"...in the contaminated land sector, the Directive could cause widespread and unnecessary 'blight' of low-risk sites. The requirement for 'Soil Status Reports', on the sale and purchase of land and property, will stifle growth in the housing and development sector."*
- Upcoming Presidencies
 - Greece (January 2014)
 - Italy (July 2014)
- European Parliament elections – 22-25 May 2014
- Final work programme of current Commission published October 2013
- Impact Assessment



7th Environmental Action Programme

- “Living well, within the limits of our planet”
 - Became law on 20th November 2013
 - *“More than half a million sites throughout the Union are thought to be contaminated and until they are identified and assessed, they will continue to pose potentially serious environmental, economic, social and health risks”*
 - *“The Union and its Member States should also reflect as soon as possible on how soil quality issues could be addressed using a targeted and proportionate risk-based approach within a binding legal framework”*

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