

SiLC Newsletter

News update by the SiLC Champion

December 2011

Issue 6

Key Dates—2012

- Application Dates
Round 1— 1 February
Round 2—27 July
- Induction Training Days
- 15 May, London
- 11 Sept, tbc

Events

- [Geological Society](#)
- [RSC](#)
- [ICE](#)
- [CIWEM](#)
- [IEMA](#)
- [RICS](#)
- [CIEH](#)
- [REHIS](#)
- [AGS](#)
- [CIRIA](#)

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New company, new website!



Early in 2011 SiLC became a limited company, a new secretariat CIRIA has been appointed and there is a new [web-site](#). It is hoped that over time through the web-site SiLC will be able to engage with our members, the registered SiLCs and therefore we welcome any feedback and suggestions on developing and improving the web-site and communication amongst SiLCs. We now have a dedicated e-mail for the SiLC register, so please send your comments and views to info@silc.org.uk

Reprieve for Land Remediation Tax



The Government is committed to simplifying the tax system and recently carried out a consultation process to those individuals and organisation that may be affected by abolition of certain tax reliefs. As a result of this [consultation](#) the Land Remediation Tax Relief (LRTR) will not be abolished.

The original purpose of the LRTR was to provide a financial incentive to developers to bring land back into use that had been contaminated by previous

industrial use or land containing derelict structures that would be prohibitively expensive to remove. According to the response to consultation document approximately 1,300 companies a year claim this relief costing the Exchequer around £40m.

Respondents to the consultation argued that “...removing this relief would affect the regeneration of uneconomic brownfield sites. Several companies claimed that they take land remediation relief into account when considering sites and that removal of this relief would make a significant number of their planned projects financially unviable. Information was also presented that suggested abolishing this relief would exacerbate financial pressures on this sector resulting from the removal of the exemption from landfill tax for soils and waste from contaminated sites...”

The Government has decided that removal of the LRTR would risk undermining the Government’s plans to support the housing and construction sectors through the proposed planning reforms and the release of large areas of publicly owned land for development.

Annual forum and assessors meeting

The next SiLC annual forum will take place in March 2012. During 2011 there have been a number of consultations on proposed changes to planning policy and guidance that will impact on how we assess and managed land condition. We will be inviting a number of speakers who will provide updates and insight on these proposed changes.

Typically the assessor meeting is held on the same day as the forum. We would welcome views from assessors as to the format and content for the meeting.

Details and dates will appear of the web-site.



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Secretariat
The SiLC Register
c/o CIRIA
Classic House
174-180 Old Street
London EC1V 9BP

Tel: +44 (0) 20 7549 3300
E-mail: info@silc.org.uk

SiLC Champion Feedback

Do you have something to say about SiLC or any other topics? We would welcome contributions to the Newsletter

Marketing and presentation materials about SiLC are available - contact the secretariat

Regards

Kevin Eaton
SiLC Champion

Supporting Organisations



EA GP3 Guidance

Whilst the government is in the process of reducing planning guidance that will affect how contaminated land is managed, the Environment Agency (EA) continues to issue more guidance for consultation. They have issued a series of revised documents for **Groundwater Protection: Principles and Practice**, referred to as GP3.

These documents describe how the EA manage and protect groundwater. The EA recently revised part 4 of GP3 to clarify their position statements covering a broad range of activities for example land contamination, solid waste management and the discharge of liquid effluents into the ground, together with statements on specific activities such as mining pollution, cemetery developments and burial of animal carcasses.

There are two guidance documents for consultation issued under Part 5 of GP3: Interpreting the landfill location position statement and Selecting compliance points for the use in contaminated land risk assessments. The deadline for comments on the consultation is 23 December 2011. The EA's position is to apply a tiered risk based and precautionary approach to development with the aim to avoid

siting potentially polluting activities in the most sensitive locations from a groundwater protection perspective. The EA expect land developers and site operators to take responsibility for appropriate assessments during planning, construction, operation and decommissioning activities by providing adequate information to support these activities and to comply with good practice for example as set out in CLR11: Model Procedures for the Management of Land Contamination and to apply a risk based approach to achieve sustainable remediation goals. If necessary the EA will use their powers to stop the development of unacceptable potentially polluting activities.

The EA state that they will object to a number of development and operational activities located in a groundwater Source Protection Zone 1, for example oil exploration and shale gas extraction, underground storage of hazardous substances, proposed landfill sites, trade effluent discharges to groundwater and new cemeteries.

Appended to Part 4 of GP3 is a useful summary of key legislation. In particular this summary identifies

the way in which EU directives have been transposed into domestic legislation. There is a useful summary on the objectives of the Water Framework Directive (WFD) and how this relates to groundwater. The Water Framework Directive (WFD, 2000/60/EC) and its daughter Groundwater Directive (2006/118/EC) consider a wider range of potential pollutants and refer to them as hazardous substances or non hazardous pollutants. This terminology is used in the Environmental Permitting Regulations (EPR) (2010) where there is a requirement to prevent inputs from hazardous substances and to avoid pollution from non-hazardous pollutants. One of the consultation documents in Part 5 of GP3 'Selecting compliance points for use in land contamination risk assessment' discusses the principle of source-pathway-receptor linkage and applying a risk based assessment. It is suggested that the compliance point may be the receptor or a point along the pathway nearer the contamination or in the source itself. However, the guidance provides some upper limits on the distance to the compliance point, set at 50m for hazardous substances having an impact on groundwater quality or a maximum of 250m for non-hazardous pollutants unless there are physical constraints on the ability to use the groundwater resource. The guidance should lead to greater consistency nationally when determining remedial goals to protect surface and groundwater resources and follows a similar format as set out in the EPR.

Land ahoy!



The inaugural meeting of the newly established Land Forum took place in July 2011. Developed from The National Brownfield Forum, established by DCLG and Defra, the **Land Forum** comes in the wake of a new government and their proposed policy changes that will affect the way land is assessed and managed. The Land

Forum draws together personnel from key government departments, public bodies and a range of organisations involved with the assessment of land notably Defra, DCLG, the Environment Agency, Local Government Association (LGA), Specialist in Land Condition Register (SiLC), The Homes and Communities Agency (HCA), Environmental Protection UK (EPUK), The Soil and Groundwater Technology Association (SAGTA), the Home Builders Federation (HBF), the Land Trust, the Strategic Forum for Construction & UK Contractors Group, Association of Geotechnical Specialists (AGS), Environmental Industries Commission (EIC), Society of Brownfield Risk Assessment (SoBRA), Environmental Law Association and Contaminated Land: Applications In Real Environments (CL:AIRE) who are the secretariat of the Land Forum. Phil Crowcroft chair of the SiLC PTP has been asked to chair the Land Forum. All notes from the meeting being made publicly available on CL:AIRE's website at www.claire.co.uk/landforum

The aim of the Land Forum is to promote the sustainable use of land and provide a strategic overview of current and future land use to assist in the development of future policy and legislation. It is intended that the Land Forum support the development, dissemination and adoption of best practice by regulators, practitioners and problem-owners, through opportunities to be involved in working technical groups. For example assisting government on Part 2A Statutory Guidance or working with the Land Trust on understanding and quantifying the true societal costs of leaving land un-restored and supporting CL:AIRE is assessing the possibilities for a greater degree of self, or co-regulation in the sector in the areas of environmental permitting and planning.