

SiLC Newsletter

News update by the SiLC Champion

July 2012

Issue 7

Key Dates—2012

- Induction Training Day
- 11 Sept, ERM offices,
London

Events

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

Click on the organisation to go to their events website page

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SiLC consultation

During 2012 SiLC has engaged with registered SiLCs and the contaminated land community and listened to a range of views regarding the SiLC registration scheme. These views have been taken on board and a review of the exam process is intended together with making SiLC more accessible. The concept of SiLC is about raising standards in the sector and the more practitioners gaining professional qualifications through a professional institution can only be a benefit to the sector as a whole, after all SiLC is supported by a broad range of institutions providing professional qualifications such as chartered status or similar. Qualifications together with knowledge and experience provide a measure of competency. In the new National Planning Policy Framework guidance there is a reference to the need for “...adequate site investigation information, prepared by a competent person...” The definition of a competent person in the NPPF is given as “...A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation...”.

As such it would make sense to benchmark a competent person working in the sector through a recognised assessment process and the SiLC registration scheme would certainly meet the criteria.

SiLC Annual Forum

The SiLC Annual Forum was held on Thursday 19 April 2012 at the Royal Society of Chemistry in London. Unfortunately due to last minute parliamentary business Richard Benyon, MP and Parliamentary Under-Secretary for Natural Environment could not make the event. The event was well supported and the delegates were provided with a range of topical presentations from guest speakers drawn from across the sector.



Dr Morwenna Carrington from Defra presented and overview of the implications of the Revised Part 2A Statutory Guidance, providing a summary of the key changes to the guidance including the Category 4 Screening Levels (C4SL). Alex Stewart from the HPA presented and interesting view on risk assessment ‘the art and science of environmental Public Health’ and a summary of a case study associated with the investigation of a small housing estate in Cheshire where the local community were engaged through the whole site assessment process. Peter Andrew, Director at Taylor Wimpey presented an overview of the NPPF and implications for developers and Lisa Hathway provided a presentation on the perspective of standards from the NHBC viewpoint. All the presentations are available for download from the SiLC Web-site which can be accessed from the following [link](#).

New SiLCs

The SiLC Professional and Technical Panel would like to congratulate the following people on their successful applications to become a registered SiLCs:

Gary Graveling – Buro Happold, FGS, C Geol, Eur Geo,

Jenny Lightfoot – Arup, FGS, CSci, CIWEM, IAH

Ian Wilson – RSK, FGS, C. Geol

André Gilleard – Structural Soils Ltd, MIEnvSc, CSci, CEnv

Richard Meredith – Waterman EED Ltd, FGS, C. Geol



“...A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation...”

National Planning Policy Framework

As part of the Government’s objective to reduce the amount of planning guidance Planning Policy Statement 23 Planning and Pollution Control including Annex 2: Development on Land Affected by Contamination has been withdrawn. The new guidance for the assessment of contaminated land in the [National Planning Policy Framework](#) (NPPF) which replaces PPS23 has reduced the guidance on the assessment of contaminated land to a few bullet points as follows:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising
- from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990; and

- adequate site investigation information, prepared by a competent person, is presented.

One of the core planning principles in the NPPF is that planning policies and decisions should encourage the effective use of land by reusing land that has been previously developed (brownfield land). The NPPF also suggests that Local Planning Authorities may continue to consider the case for setting locally appropriate targets for the use of brownfield land.

Land contamination remains a material planning consideration both in formulating the Local Development Framework documents and in development control, it also needs to be assessed for developments which require an Environmental Impact Assessment and it is stated in the NPPF that the development of any land should not result in it being capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990. The NPPF may have reduced the amount of guidance associated with assessing contaminated

land but is has not removed the need to investigate and assess contaminated land as part of a planning application.

The NPPF makes reference to the need for a ‘competent person’ to prepare site investigation information and the NPPF provides the definition of a competent persons as “...A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation...”.

It will be interesting to see how this is managed by the Local Planning Authority.

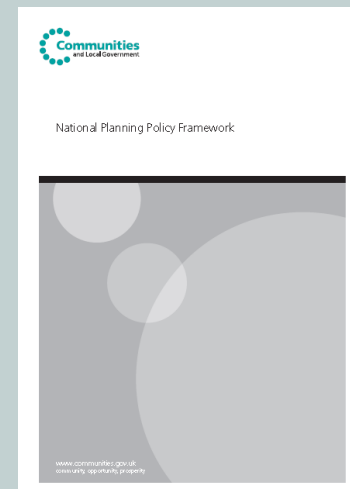
Supporting Organisations



Promotion of SiLC

Whilst the structure and application of the SiLC scheme continues to be reviewed and progressed, the success of the SiLC scheme relies on registered SiLC promoting the scheme to the sector. Articles have been published in a number of journals for example Chartered Institution of Waste Management and Association of Building Engineers and have appeared on the web-sites of most of the supporting on professional institutions and on the web-sites of a range of other organisations for example Environmental Analysts and Practical Law.

There are occasions when registered SiLC are presenting at events or preparing articles for publication which reference the SiLC scheme. To assist and track these promotional activities it would be helpful to contact CIRIA or the SiLC Champion. Furthermore it may be possible for SiLC to assist with providing promotional information.





BGS study - Geochemical data for soils

The British Geological Survey (BGS) has published recently an e-book of soil geochemistry for England and Wales. Geochemistry of the soil has implications for both human and animal health, and understanding the natural concentrations of elements in the soil can help determine the extent to which soil may have been contaminated by anthropogenic activities. The analyses presented in this advanced atlas are for those soil samples collected for the National Soil Inventory by the Soil Survey of England and Wales (now the National Soil Resources Institute, Cranfield University) in the original *Soil Geochemical Atlas of England and Wales*. The advanced atlas presents analyses and geochemical maps for a total of 53 elements.

29 Cu 63.546	30 Zn 65.38
47 Ag 107.87	48 Cd 112.41
79 Au 196.97	80 Hg 200.59

On behalf of Defra the BGS are currently carrying out a project that will define the typical background concentrations (TBCs) for soil contaminants and together with other research projects will be used to support the simplification and updating of the contaminated land Statutory Guidance. The Geochemical Baseline Survey of the Environment ([G-BASE](#)) forms part of this research along with chemical results from other regional soil surveys. The intention of this research is that by understanding normal background data of the geochemistry of soil which vary across the country, this will help to more clearly define soils that are not contaminated and provide a greater understanding the potential risk to human health and clarity to the contaminated land regime regarding contaminants which are present at normal background concentration in soil. It is understood that this project is nearing completion and will be published in the near future. The [soil geochemical atlas of England and Wales](#) is available for download from the BGS website.

“...Under this new system Category 1 sites are clearly contaminated and represent a high risk and Category 4 site are clearly identifiable as low risk and not contaminated land...”

Part 2A - the start of something new?

The Part 2A legislation has been in existence for over a decade although there have been few determination notices issued under the legislation during this period and even fewer remediation notices. During this period there have been significant advances in remediation technology, the demise of ‘dig and dump’ as a commercially viable remediation option, the publication of a range of soil assessment criteria and the wider application of risk assessment as a means of determining risk to human health and the environment and therefore the need for remediation.

Whilst the new Statutory Guidance sets out the policy on this, it is the supporting technical guidance presented in the Impact Assessment document that is perhaps of more interest to those practitioners who will need to apply a technical assessment.

Although the basic structure of the revised [Statutory Guidance](#) is unchanged, the new guidance provides greater clarity on recognising and dealing with uncertainty through the key principles of risk assessment. Since the contaminated land regime came into force under certain circumstances there has been uncertainty over how to decide when land is and is not “contaminated land” and in particular over how to decide when land meets the legal test of significant possibility of significant harm (SPOSH) to human health.

The revised Statutory Guidance introduces a category based system for dealing with risk assessment including the assessment of SPOSH. Under this new system Category 1 sites are clearly contaminated and represent a high risk and Category 4 site are clearly identifiable as low risk and not contaminated land. Category 4 land will also include land where there are only normal background levels of contamination unless there is some exceptional reason to consider there may be a problem. Category 2 and 3 sites are less straightforward and require greater assessment and detailed consideration is needed before deciding whether a site is contaminated land (Category 2) or not (Category 3). The guidance makes it clear that contamination recorded at or below Soil Guideline Values (SGV) and Generic Assessment Criteria (GAC) levels is below the Category 4 level.

Supporting Organisations





News update by the SiLC Champion

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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



Part2A—cont.

Defra are to commission a project to develop either the Category 4 Screening Levels (C4SL) or to develop a methodology to allow practitioners to determine these levels. Given that this contract has yet to be awarded it is likely that it will be at least a further year before the publication of this guidance document. Whilst the key interest in assessing sites for development is the boundary between Category 2 and 3, and it is identified in the supporting Impact Assessment document as being the “...likely de facto minimum standard chosen by developers...” in all likelihood when the C4SL are published these will become the default soil assessment criteria for the majority of site development.

The Statutory Guidance introduces the concept of ‘significant possibility’ of pollution with regard to controlled waters. Such an approach of risk assessment for controlled waters has been applied in practice for many years through existing risk assessment models and the consultation and agreement process with the EA.

The new guidance introduces other factors to be considered in the assessments process.

Whilst the Local Authority would start by considering health risks alone, and if this leads the Local Authority to consider that land is clearly problematic or non-problematic the decision could be taken at this point, if there is still uncertainty and a decision cannot be made only on the risk to human health the Local Authority will consider wider socio-economic factors including the cost and the views of local people before deciding. If at this point the Local Authority still cannot decide, the default decision is that the positive legal test for contaminated land has not been met and the site should therefore go into Category 3 and therefore is not contaminated land.

In situations where the Local Authority is to determine a site as ‘contaminated land’ there is a requirement for the Local Authority to produce a risk summary in a form that can be understood by non-experts including Local Authority councillors so that they can be more easily involved in the decision making process.



Land Forum— 1st Birthday

The Land Forum was established in July 2011. It is developed from The National Brownfield Forum, originally established by DCLG and Defra. The Land Forum comprises representatives from a range of key government departments, public bodies and other organisations who are associated with land use issues. The notes from the Land Forum meetings are available on CL:AIRE’s website at www.claire.co.uk/landforum

The Land Forum has formed a Better Regulation Sub-group with the aim to explore elements of better regulation active elsewhere in the world and to look at the development of schemes that through consultation with industry and other stakeholders could be of value to the process of the management of contaminated land in the UK.

The Land Forum has also established a Sustainable Land Use subgroup and a NPPF subgroup is proposed.

The Land Forum continues to look at a range of land use issues, drawing from networks which have been established by the organisations involved with the Land Forum and working as a strategic focus group for supporting the wider land use sector.

Phil Crowcroft is to step down as chair of the Land Forum although a representative from SiLC will continue to be a member of the forum and many of the forum members from other organisations are themselves registered SiLCs.