

SiLC Newsletter

News update by the SiLC Champion

February 2013

Issue 9

Key Dates for 2013

- SiLC Introduction Day
 - 15 May - Manchester
 - 2 Oct - London
- Exam dates
 - Round 1-1 February
 - Round 2 - 26 July

Events - follow the link

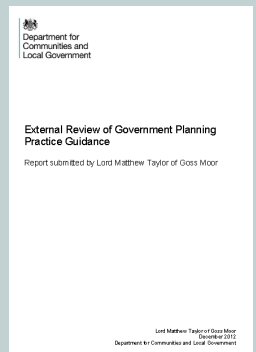
- [Geological Society](#)
- [RSC](#)
- [ICE](#)
- [CIWEM](#)
- [IEMA](#)
- [RICS](#)
- [CIEH](#)
- [REHIS](#)
- [AGS](#)

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DCLG issue the Taylor Report

In January 2013 DCLG issued the [report](#) prepared by Lord Taylor of Goss Moor on how Government planning practice guidance could be made more accessible and effective and identifying what guidance should be withdrawn, replaced or amended. Over 200 documents comprising statements, circulars, guides, leaflets, letters and reports were reviewed. The Taylor report is critical of the current planning system considering it no longer fit for purpose, it was considered that the range of planning practice guidance is not an effective suite to support planning discussions, planning guidance is not in a form which can be managed effectively and is not kept updated by Government. The Taylor report recommends a reduction in the amount of planning guidance to that which is essential, concise, coherent, accessible, relevant and up to date in order that there is a well managed suite that aids for the delivery of good planning. The guidance should be clearly defined and regulations and Statutory Instruments should be made clearer, for example it should not be necessary to cross reference several different documents in order to understand the objective or that there should be the need for additional guidance to explain statute and regulations.



The Taylor report recommends that all guidance should be kept easily in a single place for example accessed through the DCLG website and must contain formal Government Planning Practice Guidance only which should align with guidance currently issued by the Planning Inspectorate and structured around the text of the National Planning Policy Framework (NPPF). Revised guidance should be retained until it is replaced by up to date guidance and there must be a managed process for updating or cancelling documents over time with an annual review to ensure that the guidance remains up to date, readily printable and is date stamped.

With particular reference to environmental issues there is a recommendation to provide guidance on managing the relationship between planning and environmental permitting, and for land development issues it is recommended that guidance is updated on flooding, Environmental Impact Assessment, Sustainability Appraisal and biodiversity to ensure it is used effectively and proportionately. There is also a specific recommendation for the preparation of new guidance on environmental quality including land and water and that the Government could set standards in order to ensure appropriate development.

Land Forum update

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 forum discuss a number of ongoing projects and future industry led initiatives for example the projects being carried out currently on asbestos in soil, and the Definition of Waste Code of Practice together with on going government projects such as C4SL.

The forum provides a opportunity for representatives from organisations across the sector to engage regularly with representatives from Government departments and the Regulatory Authorities. The notes from the Land Forum meetings are available on CL:AIRE's website at www.claire.co.uk/landforum and they provide an insight to current and future developments in the sector.



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The SiLC register—is your name on it?

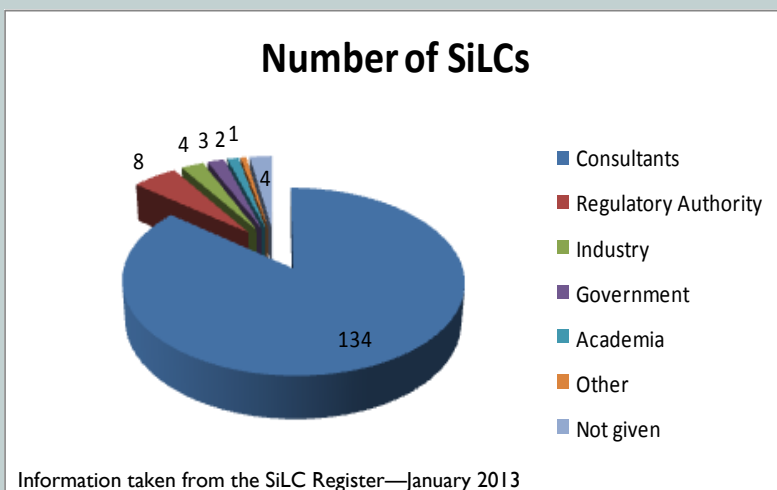
The Specialist in Land Condition Registered has 156 SiLCs, but who are these SiLCs? The majority of SiLCs are environmental consultants, in fact 86% which given the background of the scheme, is to be expected. However, there have been a small but growing number of practitioners working across other parts of the land quality sector who have become registered SiLCs. There are 8 SiLCs working for the Regulatory Authorities, 3 of whom are at the Environment Agency, there are 4 SiLCs working in industry, 3 SiLCs from Government departments and 2 SiLCs in academia. Whilst the overall number of SiLCs may be considered to be modest, many SiLCs are senior individuals in the organisation in which they work and they play an active role advising on a range of aspects associated with land condition matters across the sector. For example there are registered SiLCs who are representatives on the Land

Forum, the National Expert Panel, the C4SL steering group and stakeholder group, there are registered SiLCs on the committees of AGS, SAGTA, SoBRA, EIC, and many SiLCs are involved in the specialist groups of the professional bodies, for example the Toxicology Group of the RSC. SiLCs are regular contributors to numerous technical publications used by practitioners in the sector, they are frequently asked to speak at seminars and workshops, they are the authors of a range of articles published in the land condition sector magazines and web-sites and of course they hold down a day job.

Leading on the number of SiLCs in their organisation is ERM with 9 registered SiLCs followed closely by RSK with 7. Both organisations have made the progression to become a registered SiLC as a goal in the professional development of the staff in their organisations. However, there is a significant number of registered SiLCs who work for small and medium sized companies and therefore these companies have a greater proportion of SiLCs for their size than some of the largest companies operating in the UK. However, SiLCs are not just working in the UK, there are even a few registered SiLCs based in the Middle East and Australia, although this is due to relocation rather than SiLC spreading its wings overseas.

Clearly some companies recognise the value having registered SiLCs in their organisation, encouraging progression through their internal development programmes or using the [Land Condition Skills Development Framework](#) (LCSDF). The LCSDF is a capability based system which is intended to complement existing institutional frameworks in supporting an individual’s career development; from graduate through to chartered and senior level membership status of a professional organisation. The intention of this framework is to promote development of capability within industry by engaging individuals and organisations in proactive and progressive skills development.

There is a role for a range of professionals working in the sector to ensure higher quality standards are delivered and this can be achieved by actively supporting the SiLC scheme.



New SiLCs

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

- Alex Staton, URS – member of CWIEM and the Geological Society of London
- Tony Morton, RSK Environmental Ltd - member of IEMA and the Geological Society of London

Are you ready for the next step?

The next application date deadline for SiLC is 26 July 2013

www.silc.org.uk

Mind the gap!

One of the recommendations in the report prepared by Lord Taylor of Goss Moor on Government planning practice guidance is for the preparation of new guidance on environmental quality including land and water (including guidance on the Water Framework Directive) and it is suggested that the Government could set standards in order to ensure appropriate development. It was less than one year ago that the National Planning Policy Framework (NPPF) was published with the aim that central Government reduce the amount of planning guidance and this resulted in the Planning Policy Statement 23 Planning and Pollution Control including Annex 2: Development on Land Affected by Contamination being withdrawn.

Whilst the publication of the NPPF could be viewed as a green light for development, the Regulatory Authorities and the communities which they serve will still wish to see the relevant checks and balances in place for the development of Brownfield land, developers are still responsible for the safe development use of land and landowners will still need to assess their potential environmental liabilities and any development of land which is contaminated will need the appropriate investigations to prove that the land should not be capable of being determined as contaminated land under Part 2A.

One aspect associated with guidance on the investigation and assessment of contaminated land for development being withdrawn is that it could lead to a lack of consistency in the approach to

decision making by developers and their technical advisors. The need to fill this gap in guidance has been raised by a number of Local Authorities and some have already prepared supplementary planning guidance documents to provide technical advice on how to deal with planning applications where land contamination could be a material consideration. Whilst such guidance on land quality assessments are likely to follow the standard format including desk study, site investigation, risk assessments and where necessary remediation and the guidance can cite existing guidance documents such as Model Procedures for the Management of Contaminated Land CLR 11 or British Standards such as BS10175:2011 Code of Practice for the Investigation of Potentially Contaminated Sites, it would clearly be preferable to have national guidance on this matter rather than local authorities preparing individual guidance documents. It is understood that the Chartered Institute of Environmental Health (CIEH) together with Royal Town Planning Institute (RTPI) may be preparing such guidance.

Given the publication of the NPPF and the conflicting view of the Taylor report, is the issue that there is a real need for new guidance or should the focus and efforts of those working in the sector be placed more on using competent professionals both in the public or private sector organisations who have demonstrable expertise and who can offer authoritative advice. After all, when PPS23 was in use this did not stop poor quality reports being submitted in support of planning applications for site development.

Out Now! GP3

In November 2012 the Environment Agency (EA) published the revised document [Groundwater Protection: Principles and Practice](#), referred to as GP3 which describes how the EA manage and protect groundwater. This followed a period of consultation with industry in 2011 regarding the proposed revisions to Part 4 of GP3 which clarifies the EA 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. The EA considered that having reviewed the content of GP3 Parts 1, 2 and 3 some of the information is out dated and therefore the EA updated the content of the document to create a single navigable document which also resulted in removing nearly 100 pages of repetition covered in the previous documents. The revised GP3 has been published as a single controlled document which the EA suggest should be looked at on-line rather than printed or kept as a hard copy and which they will update periodically.

Part 3 of GP3 contains technical information which is of interest to practitioners involved in preparing risk assessments in support of Environmental Permit applications or for use in land contamination risk assessment. The technical 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 Environmental Permitting Regulations. For example guidance is provided on selecting compliance points. The EA believe the new GP3 offers a more flexible, proportionate and risk based approach while still offering the same protection to groundwater.



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“...The technical guidance should lead to greater consistency nationally when determining remedial goals to protect surface and groundwater resources...”



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

Presentation materials about SiLC are available - contact the secretariat

Regards

**Kevin Eaton
SiLC Champion**

Supporting Organisations



Asbestos—don't bury your head in the ground!

The Association of Geotechnical & Geoenvironmental Specialist (AGS) has published an interim guidance report entitled "[Site Investigation Asbestos Risk Assessment for the protection of Site Investigation and Geotechnical Laboratory Personnel](#)" dated September 2012. It is stated that the guidance is provided "...to assess the potential for human health exposure risks to occur to those who may be involved directly or indirectly with the investigation process." AGS has prepared this guidance in the absence of specific government advice with regard to asbestos in soils and it provides a useful tool for those organisations involved with intrusive site investigation when preparing their health and safety procedures.

The guidance covers the planning of the site investigation, basic principles regarding safe exposure limits and PPE, a framework for a qualitative risk assessment including the types of ground conditions in which asbestos may be found, procedures for field work where suspected asbestos is encountered and issues associated with soil laboratory testing.

It is stated in the guidance document that "*It has been clarified that the CAR2012 regulations apply also to the land included in the premises and not just to any buildings or structures present*". Under these regulations the duty holder has a legal responsibility to carry out an asbestos assessment and where asbestos is identified to prepare an Asbestos Management Plan although it is considered this would only be necessary where there is an unacceptable risk of asbestos exposure to employees or the general public. It may be that where an intrusive site investigation is carried out the information may provide the only opportunity to obtain this information and for the duty holder to address their responsibility under these regulations.

It is not uncommon to find asbestos containing materials in made ground on Brownfield sites particularly in buried demolition waste and most organisations carrying out site investigation will have appropriate health and safety procedures in place when asbestos containing materials are suspected or observed on site. However not all forms of asbestos can be observed in the field for example it may be present as free fibres in the soil matrix which can be observed only under laboratory conditions. Free fibres of asbestos can be identified by appropriate laboratory testing. Analytical laboratories apply typically internal procedures based on HSG248 Asbestos: The Analysts guide for sampling, analysis and clearance procedures.

The Health and Safety Laboratory (HSL) who provide support to the Health and Safety Executive (HSE) are overseeing the Asbestos In Materials Scheme (AIMS) the aim of which is to assess the performance of laboratories carrying out the identification of asbestos in bulk materials and with the intention of revising HSG248.

In a study carried out by Alcontrol Laboratories, they found that less than 30% of soil samples submitted to their laboratories were scheduled for asbestos screening or identification testing. In circumstances where ALcontrol suspected that samples could potentially contain asbestos but had not been scheduled for asbestos screening the samples were analysed and in 20% of cases found to contain asbestos. Based on these statistics it is apparent that good judgement is needed in the field when selecting samples which may contain asbestos and further guidance and suitable training may be necessary for those in the sector involved with these issues.

In November 2011 the EIC and CL:AIRE joined forces to set up the Asbestos in Soil, Made Ground and Construction Materials – Joint Industry Working Group (Asbestos in Soil JIWG). Also in 2011 CIRIA commissioned a project to prepare guidance on managing and understanding the risks of asbestos in soil and on brownfield sites. Recognising the need for cooperation within industry the Asbestos in Soil JIWG has been working alongside the CIRIA research project. CL:AIRE also intend to publish an industry Code of Practice – Practitioners Guide, drawing upon the services of practitioners from across the sector who have specific practical experience and expertise in a variety of key areas relating to the management of asbestos working collaboratively to develop this guidance. Both publications are due in 2013.

SiLC application fee rates for 2013

The SiLC Introduction Days in 2013 are 15 May in Manchester and 2 October in London. The cost is £99 for the public sector and £148.80 for the private sector. Booking forms are on the web-site.

For anyone attending the introduction day and additional fee for the SiLC assessment application is £126 for the private sector and £75.96 for the public sector.

**The SiLC register...
—is your name on it?**