

CONTAMINATED LAND

November 2006 Issue 4

BULLETIN

TESTING

Busy times ahead for York

City of York Council staff face challenging times with two contamination issues making headlines in the city.

Councillors have voted to accept Defra funding of £33,150 to undertake investigations at three former landfill sites as part of Part IIA activities, while concurrently environmental health staff have discovered unexpected heavy metals contamination on an allotment site adjacent to two schools.

Senior environmental protection officer Jason Drake told *CLB* that following the vote contractor Geotechnical Engineering has been appointed, and that borehole drilling works at the three landfill sites will begin in December.

"Our main aim at this stage is to characterise the ground gas situation - all three sites have residential properties nearby and preliminary spike surveying for gas showed minor methane concentrations and slightly higher CO₂ levels. Monitoring will then continue at monthly intervals for a year or so."

The boreholes will also be used to obtain soil and water samples as all three sites are accessed by the public and in the vicinity of controlled waters.

Preliminary results from sampling carried out at the Fulford Cross allotments have also been published. Drake says investigations were launched when the council sought planning permission to build a workshop in a walled area of the allotments site, which is owned by the council but has been under the management of the nearby private Steiner School. The workshop was to be used for horticultural studies by a nearby state school.

"There was no historical evidence of contaminative land uses here and hence it was never part of our Part IIA strategy," Drake told *CLB*. "But we've learnt that in the 1960s the walled garden was used as a nursery; and clinker was introduced as drainage material for pots to stand on. It looks like organics are low enough to be of little concern, but we have found elevated concentrations of heavy metals, particularly arsenic and lead. However, the ash is only present within the one area of walled garden, which is surrounded by allotments where the soil is natural - the contamination doesn't appear to be widespread."

Discussions with the Health Protection Agency and the Steiner school are ongoing, but Drake said any planning permission will contain requirements that the site is made safe for use. Further investigations are likely to be carried out, and in the meantime advice to not consume produce grown on the site, that horticultural activities at the school should cease, and that children should not be allowed to play in soil remains in place.

The two investigations coming up at once was a matter of coincidence, according to Drake. "We put a bid in to Defra earlier this year for funding for the landfills investigation and while the bid was under review, the situation at the allotments occurred," he said. "We've known about the problem at the landfills for some time and are investigating them as part of our inspection strategy under Part IIA. Then the little situation at the allotments cropped up over the summer - with all this work plus further investigations as part of the rolling programme, and review of planning application reports, the CLO is going to be busy."

IN BRIEF

Planning consultation

The joint Defra/DCLG consultation on "options for improving the way planning and pollution control regimes work together in delivering new development" is underway, with responses expected before 6 December.

The results of the consultation could have massive implications for local authorities. A number of options for improving the way PPC works are mooted, but the paper is basically a referendum on development sector proposals that requirements to obtain waste management licenses from the Environment Agency to deal with contaminated soils should instead be dealt with by planning authorities through the planning permission process.

If these proposals win through, the impact will be widespread, and CLOs could expect a huge increase in their workload. Do local authorities have the resources or expertise to take on such technical decisions, or is there a risk that planning departments would end up running around in circles, with detrimental impacts on remediation across the country?

While there is widespread consensus that the system as it stands is unwieldy and confusing, many in the public sector are questioning the practicalities of such a radical rethink, and opinion is divided.

Don't miss the opportunity to input to a consultation that will have wide reaching impacts across the contaminated land sector for years to come.

● See www.dclg.gov.uk, responses to permittingplanningconsultation@communities.gsi.gov.uk by 6 December.

POLICY

Consensus on groundwater directive

Agreement on the proposed groundwater directive has been reached in Europe.

Environment commissioner Stavros Dimas said: "The new directive will ensure a high level of protection based on a common European approach, while leaving a considerable degree of flexibility to the member states on how to achieve the environmental

objectives it contains."

EU states will be required to monitor and assess groundwater quality and to identify and reverse trends in groundwater pollution. The directive introduces a mixed regime - requiring compliance with quality standards and measures to prevent or limit inputs of pollutants into groundwater.

Defra minister Ian Pearson

said the agreement avoids prescriptive standards and disproportionate costs without compromising environmental outcomes. "This agreement strikes a very good balance. It recognises that member states should direct protection efforts where it really matters, and that measures must be practical and consistent with other legislation," he said.

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IN BRIEF

Strategy becomes popular guide

The long delayed national brownfield strategy - originally due to be published by Paul Syms' team at English Partnerships early this year - has morphed into a "guidebook" which will act as a "more user-friendly popular guide rather than a policy document", an EP spokesperson has told *CLB*.

The guidebook will be published in December, and a workshop will then be held to look into policy issues.

Bournemouth monitors gas

Bournemouth Borough Council has begun investigation of gas levels close to four former landfill sites this month. Monitoring may continue for a year.

The works will be carried out by Bournemouth University, and involves the installation of small standpipes into ground in council-owned open spaces and the gardens of nearby residents' properties, then analysing samples every two weeks.

Cabinet member for community and culture Jean Moore said: "Specialist land consultants have been monitoring these sites on our behalf to ensure the health and safety of residents and the environment.

"At the moment there is no evidence that the gases being given off are cause for concern. We are now making further investigations to find out if there could be a problem in the future. When the results are available we will decide if we need to take any further action."

New CIRIA chief exec

CIRIA director Bill Healy will become chief executive in January following the departure of Tim Broyd.

The CIRIA board said in a statement that it is "delighted to have secured someone of Healy's calibre to lead the organisation through the next period of its development, and looks forward to working with him to pursue CIRIA's activities."

TESTING

MP appalled by planning okay

A government decision to allow redevelopment of the former Adswold landfill in Bramhall has angered residents and Cleadle MP Mark Hunter, who said he was "stunned and appalled" by the decision.

Persimmon Homes will now build 163 apartments, including 139 two-bedroom flats and 24 sheltered units on the land.

Hunter said: "To say I'm disappointed by the decision would be a massive understatement. I'm absolutely appalled. On the face of it, this decision flies in the face of common sense. How anybody who has visited the site could come to the conclusion that this is an appropriate site for more development is beyond me.

"There are still very important concerns about what is buried underneath the tip and the kinds of dangerous gases and chemicals which haven't been accounted for during the planning process," he

continued. "Many residents have told me that they witnessed a great deal of suspicious dumping while the tip was in use."

A public inquiry was held in October 2004, and following the planning inspector's report the secretary of state requested further information and on August 1 2005 was minded to dismiss the appeal and refuse planning permission.

However, the following month the developer requested the inquiry be reopened. In October 2005 the government agreed and requested further evidence which was submitted in June, leading to secretary of state Ruth Kelly's decision that permission should be granted.

Kelly said: "I accept that an over-supply of housing exists but this development does not conflict with the development plan which allows residential development in situations of over-supply in certain

circumstances.

"However, I consider that the site represents a serious detriment to the environment and amenity of the surrounding area and significant regeneration benefits would result from the decontamination and landscaping of the appeal site."

Conditions of the permission include that no excavation of waste from the site can be carried out until a method statement has been approved in writing by Stockport Council.

Planning committee councillor Kevin Hogg told *CLB*: "The council did not oppose the planning application on traffic or contamination grounds at the last two planning enquiries. We did raise housing phasing policy concerns at the last enquiry but withdrew these and any opposition to the development subject to all the necessary safeguards being taken."

REDEVELOPMENT

Giant step forward for Luneside East

The redevelopment of the contaminated Luneside East site, in the centre of Lancaster, is to take a visible step forward with the removal of the large gas holder on the site.

And on 10 November Lancaster City Council became the owner of the whole site, following a general vesting declaration under compulsory purchase order powers.

Developer, CTP/

Development Securities has started work on a final round of site investigations before selecting a preferred method of remediation. Detailed proposals for the final development are also being drawn up and the council said it expects the developer to submit planning applications this autumn.

Chair of the Luneside East advisory board and Lancaster City Council cabinet member

for regeneration councillor Abbott Bryning said: "The council is delighted that this really important regeneration project is now at last underway.

"It will transform this run down and contaminated site into a lively new neighbourhood which will provide much needed homes and job opportunities and help make the wider Luneside area a better place."

REMEDIATION

Colchester temporary stop notice success

The temporary stop notice served by Colchester Borough Council on a developer that was failing to meet the council's conditions for remediation of a former petrol station site [see *CLB 1*] achieved its aims, *CLB* has learnt.

Environmental control officer Paul Pearse said: "It worked

and the developer decided to comply and allow site investigation and necessary validation works on the site to be completed before they proceeded with the development.

"There are still offsite groundwater remediation works continuing but these will not be

endangered by the onsite works.

"The success of the stop notice demonstrates how effective planning enforcement can be in ensuring that sites are dealt with properly. It also sends out the message that regulators should not tolerate situations where their requests are ignored."

REDEVELOPMENT

Fears for Nene River project

Fenland District Council has signed up Taylor Woodrow to build 370 homes on the derelict Nene Waterfront site in Wisbech [see *CLB 1*], following the granting of planning permission for what the council called the “most significant and important application ever to go before the planning committee”.

However, compulsory purchase orders may be necessary for the council to gain ownership of the whole of the 20 acre site.

The permission ruling was described as the first milestone in the £47 million regeneration project that aims to turn the Nene River frontage and the land behind it into “a vibrant residential, retail and business community”.

Councillor Geoffrey Harper said: “This project has the potential to dramatically effect the way Wisbech sees itself and the way potential investors, visitors and new businesses view the town. It will hugely improve the economic prospects of the town, widen the employment base and

boosting tourism in the town and across Fenland.”

Detailed planning consent has already been granted for phase one of the project, which consists mainly of highway and landscaping works, with some remediation of contamination present on two sites already acquired by the council.

More than £10 million has been earmarked by funders including the council, EEDA and English Partnerships to cover the cost of acquiring the remaining land through negotiation or, if necessary, compulsory purchase, to carry out remedial works to deal with contamination issues prior to transferring the site to Taylor Woodrow in order to build out the housing and retail elements.

CLB was told: “The detailed planning approval covers the clean up of two sites, although the contamination is not thought to be serious. There is a site with real contamination problems, but the council doesn’t own it. Court hearings relating to a compulsory purchase order will take place

at the High Court next month.”

Further progress towards the completion of the project may be difficult if landowners refuse to co-operate with the council. Papers leaked to the local *Wisbech Standard* claim land owners are holding out for unrealistic sums.

The documents, which provide the outline case for the issuing of CPOs, referred to an impasse over four sites the council has been unable to acquire. It said: “Some owners have no inclination to negotiate other than on unrealistic terms, taking into account the probable costs of remediation, planning policies, provision of infrastructure and site preparation and the market value of property in Wisbech.

“It was apparent that the land owners had little capacity to develop the sites and overcome the contamination. Required infrastructure improvements and fragmented ownership with little common purpose could result in the sites remaining in their present redundant state for years to come.”

IN BRIEF

Grave contamination threatens China

One tenth of China’s arable land is contaminated, according to the State Environmental Protection Administration (SEPA). The environmental watchdog called for an increase in monitoring staff covering rural areas to help address the problem.

The country faces “grave” soil pollution that jeopardises ecology, food safety, health and sustainable development, SEPA said.

It is estimated that each year 12 million tonnes of grain are contaminated by heavy metals in the soil, causing direct economic losses of around US\$2.5 billion. Irrigated sewage, scrap metal and acid rain were blamed for the contaminated crops.

SEPA said that despite the hard work of 160,000 environmental officials, “China’s environmental picture shows little optimism”.

Accreditation talks

A further meeting to discuss a proposed remediation contractors accreditation scheme has been held by CL:AIRE’s board of trustees.

The proposals have already caused some controversy, with many in the sector adamant that some form of regulation of practitioners is necessary, while others fear such a move could stifle innovation.

The meeting “reaffirmed [the board’s] commitment to ensuring that competency levels within the contracting world should continue to rise.” However the trustees decided that further work is needed to determine whether this will be best achieved through an accreditation scheme, or whether the sector might be better served by “incorporating issues of confidence within existing contractual practices which offer the equivalence of accreditation, such as bidding processes, and insurance auditing”. More research will be carried out “quickly”, *CLB* was told.

PART IIA

Local paper attacks Crawley for “secret” list

Crawley Council has been accused by the *Crawley News* of keeping a list of potentially contaminated sites identified as part of the its Part IIA inspection regime [see *CLB 3*] “secret” in an article headed “Toxic land sites silence”.

“The *News* has seen documents which show the council has tested land for anthrax and is also preparing for the risk of BSE contamination, the article said. “The document was in the contaminated land assessment of plans for the new Forge Wood neighbourhood in the north east of Crawley and concerns land previously used as an abattoir. Soil samples there have been tested for anthrax, mercury, arsenic and cadmium - an extremely toxic metal commonly found in

industrial workplaces.

The newspaper made an official request to see the list, but this was denied, with the council stating that: “We are currently engaged in determining which sites within the borough should be classed as contaminated land. This process has not yet been completed, and at this stage of the process it is not possible to establish definitely that potentially contaminated sites are in fact contaminated. When the initial survey is completed, further research will be needed to confirm that sites are actually contaminated.”

However, Karl Bock, of the council’s pollution control team, told *CLB*: “We’re happy to respond to individual enquiries about specific pieces of land for property owners or

prospective purchasers and tell them what we know about a site, but releasing a list of 1,000 theoretically potentially contaminated sites as it stands at present would be irresponsible.

“This of course would be highly likely to be misunderstood by the public as being sites of real contamination - and would therefore not only be misleading, but probably lead to property blight and unnecessary public concern.

“Consequently we refused the request [the *News*] made under the environmental information regulations by using the public interest exceptions. And anyway, we haven’t had any public queries since the article, so it doesn’t seem to have had any effect.”

IN BRIEF

Planning enforcement

Guidance for local authorities on how to take planning enforcement action has been outlined by housing and planning minister for the lords, Baroness Andrews following the publication of results of the review of planning enforcement.

Andrews said: "Enforcement plays a key role in maintaining the integrity and effective operation of the planning system as well as protecting our environment. This review has highlighted a number of important areas where the government will continue to work with local authorities, the Planning Advisory Service and others.

"The use of temporary stop notices to speed up enforcement is one part of this, but I encourage all authorities to see enforcement as an essential element of the service they provide for communities."

The *Good Practice Guide on Enforcing Planning Control* will be updated next year.

Pool project delayed

The £8.5 million extension and redevelopment of Newmarket's swimming pool is underway, despite delays following the discovery of contamination on the site.

The find led to concerns water supplies could be affected, and the Environment Agency insisted the soil was removed before works could continue.

The contamination surprised the Forest Heath District Council, which had previously carried out testing on the site, and had abandoned proposals to purchase adjoining land that had been the site of a gas works due to the presence of contaminants.

Strategic director John Alexander told the *Cambridge Evening News* that the contamination find was a "bolt out of the blue, and slowed up the process".

The council had not responded to request by *CLB* for information about the site when it went to press.

PART IIA

Chichester closes allotments

Chichester City Council has closed a number of allotments after the discovery of heavy metals including mercury, cadmium and lead.

Nine allotment holders met with the city council, members of the district council's environmental health department, the Health Protection Agency and consultancy Bureau Veritas to heat that the plots were "unsuitable for their present use due to contaminants which were found to be higher than

recommended levels".

Property manager Guy Clifford said: "There is unlikely to be a risk of health impacts, but in the interest of public health it has been decided to remove the plots from use in the short term.

"We are now in the process of offering our tenants alternative allotment plots and three allotment holders have already been offered other plots, Clifford told *CLB*. "We are very disappointed that the nine allotment tenants have to be

moved because we understand the time and effort that they have put into their allotments. All tenants of the allotment site have been advised that the remainder of the site is suitable for use subject to good hygiene measures."

The HPA's Dr David Hagan said the action taken to "err on the side of caution" and said he had been reassured there was no significant risk to the allotment users.

The site was used as a landfill in the 1930s.

REDEVELOPMENT

Design stalls colliery plans

A 175-home development planned for the former Bestwood Colliery site, north of Nottingham, has stalled after planning permission was refused on design grounds.

Outline permission was granted last year, but housebuilder George Wimpey was told that problems with design, appearance and landscaping meant the go-ahead would not be forthcoming.

The Environment Agency has stated that because of the site's former incarnation, contamination could be a problem and an investigation should be carried out. However, a member of the council's planning team told *CLB*: "Permission has been refused, but this was because of detailed layout and design issues.

"The outline application

approved last year was supported with information relating to land conditions and we were satisfied that the remaining details could be dealt with by way of a planning condition, so it wasn't considered necessary to withhold a decision prior to further details being submitted and approved."

The outline condition states: "No dwelling shall be occupied until the measures approved in the scheme to deal with contamination of the site have been implemented and the measures required have been monitored and certified as being in compliance with the approved scheme of works by a firm of consulting engineers who shall carry suitable and sufficient professional indemnity insurance and whose

appointment has been previously agreed in writing by the borough council's head of planning and environment. The consultant's certificate shall be given to the developer and the council and in so certifying the consultants shall confirm that they owe a duty of care to both parties."

CLB was told that: "We're aware that Wimpey is looking to resubmit a further detailed application in the next few weeks - which again will deal with design, layout issues and not ground conditions. However, the matter of the ground conditions will still need to be considered in order to discharge the planning condition relating to the outline application and no dwelling will be able to be occupied until we're satisfied."

REDEVELOPMENT

Funding in place for Bickershaw

Bickershaw colliery in Leigh will receive funding of £16.85m under the National Coalfields Programme to create open space, a country park, golf course and visitor centre as part of a package of measures to

introduce a healthier lifestyle into an area recognised as one of England's most deprived in terms of well-being.

English Partnerships' Neil Mortimer said: "Bickershaw colliery is the largest site within

the programme, covering an area greater than Hyde Park, and has the potential to make a big impact in the region in terms of the quality of life for local people and environmental sustainability."

PROSECUTION

Fine for untreated waste burial

Buried untreated sewage sludge and abattoir waste could have caused "long-term chronic pollution and generated greenhouse gases" at a former open cast coal site at Auchlin, near Skares in Ayrshire, according to the Scottish Environment Protection Agency, which has successfully prosecuted Digit Site Services for disposing of untreated waste between May and October 2004. The company was fined £7,500 and costs.

The company was remediating the site into a community woodland area and used sewage sludge and other organic waste to enhance vegetation growth. The wastes brought to the site were to be

mixed with the existing sub-soil as a method of treatment to create a topsoil substitute with little potential for pollution.

Following concerns from locals, SEPA carried out an initial investigation in autumn 2004, which led to a detailed intrusive site investigation in January of 2005, finding that pure sewage sludge and abattoir waste had been buried at up to a metre deep on parts of the land, instead of being treated. The waste was dry when buried, but then soaked up the autumn rain, causing the land to become soft and unstable.

In 2005, the company carried out remedial measures to address drainage of nutrients into a nearby burn, which

sampling indicates has been successful.

David Wilbraham, SEPA's Ayrshire unit manager, said: "The company committed to protecting the environment by applying for a waste management licence and registering several exemptions for the remediation work at Auchlin, having already successfully remediated one site in Ayrshire.

"It was therefore surprising to find quantities of untreated, organic waste simply buried at the site. This had no environmental benefit and instead was an environmental hazard. The affected areas were very smelly, unstable and were leaking pollutants."

IN BRIEF

Glasgow faces huge bill for remediation

Remediation of the site planned for Glasgow's National Indoor Sports Arena could cost over £10 million, according to a report presented to Glasgow City Council.

The leaked report said: "The level of contamination and land remediation required is far greater than at first envisaged."

Research strategy

CL:AIRE has published a new strategy document, *Priorities for Technology Demonstration and Research 2006*, which will be distributed by email in the next week.

The document describes CL:AIRE's priorities for technology demonstrations and presents broad requirements for technology demonstration and research projects within the categories of site investigation, monitoring and remediation.

Lab redundancies

Over 20 staff will be made redundant from the Colston Laboratory, which carries out contaminated soil and other testing for local authorities across the west of Scotland. It also does some work for the private sector and Government agencies.

Glasgow City Council is to offer voluntary redundancy deals after the downsizing decision. The council said a fall in demand for the lab's services had sparked the move.

Ravenscraig go-ahead

Redevelopment of the former Ravenscraig steelworks site will go ahead after a bid to block plans for the site in Lanarkshire was rejected by the House of Lords.

Millions of pounds have already been spent removing contamination and building a new road. Construction should now begin before the end of the year, according to developers.

Local MP Frank Roy said: "This is a massive decision for the people of the area."

PROSECUTION

Knotweed remediation could cost £100,000

An initial appeal against an Environment Agency order demanding the removal of soil containing Japanese knotweed from a site owned by Neal Soil Suppliers has been dismissed.

However, a further appeal is scheduled to be held at Cardiff Crown Court between 21-22 November, an Agency spokesperson told *CLB*.

The case arose as a result of Neal Soils removing soils contaminated with Japanese

knotweed from the Grove Park development in Cardiff in early April 2004. Soil was removed to another site despite the fact that it did not hold a relevant waste management licence.

The original Agency enforcement notice required the removal of the contaminated soils, classified as controlled waste, from the site within 28 days. This has now been modified to allow a period of three months, agreed between

the two parties.

It is estimated that the cost the company of full remediation of the site will be in excess of £100,000.

During the appeal hearing, it was suggested by the company that the soil could be best treated for the eradication of the knotweed at the site. However, the judge said that to treat the soils at an unlicensed facility would be authorising an illegal waste management activity.

POLICY

End in sight for soil guideline values fiasco

The long road towards the publication of workable soil guideline values may finally be drawing to a close.

A meeting of the soil guideline values task force has been called for 24 November, at which a Defra discussion paper will be presented and discussed.

According to CL:AIRE chief executive Jane Forshaw, who chairs the task force, the paper is in the final stages of preparation. "It will set out the preferred way forward improving the existing suite of

technical materials on human health risk assessment, to help ensure a proportionate approach in assessing land for unacceptable risk, within the established statutory and policy framework," she said.

Stakeholders will have the chance to consider and respond to the emerging conclusions, and were asked to pay particular attention to proposals on the assessment of toxicological information, the development of the CLEA risk assessment software package,

and the application of guidance at a site specific level, including specific work on bioaccessibility and sampling.

The publication of SGVs stalled when it became clear that serious flaws existed in the assessment process, and the ten values that had been published were withdrawn pending a review.

The absence of SGVs has caused huge problems in the industry, which has been waiting impatiently for government to resolve the issue.

2012 and beyond - future challenges

CLB reports from the annual CIRIA contaminated land conference in London

CIRIA held its annual contaminated land conference in London on 8 November. Titled Building for 2012 and Beyond, the event heard from luminaries including **Paul Syms**, project director for the national brownfield strategy at English Partnerships, Environment Agency director of environmental protection **Tricia Henton**, **Paul Pearse**, contaminated land mastermind at Colchester Borough Council, and **Steve Davies**, senior project manager at the London Development Agency, who explained the timetable and challenges inherent in remediation of the London Olympics site.

Immediate issues

Henton successfully understated the problems faced by the Agency due to Defra's shambolic management of the single payment scheme, describing the £27 million budget cut inflicted on the regulator as "difficult to manage" before explaining that the issues faced by developers and regulators alike on definitions of waste are a key priority.

"We are acutely aware of the problems," she said. "And we're developing solutions as part of our modernising regulation agenda."

This issue - under consideration as we speak as part of a joint Defra/DCLG consultation on Pollution Prevention and Control regulations, was a clear theme of the conference, with Taylor Woodrow's brownfield remediation manager **Ian**



The Agency's Tricia Henton

Heasman speaking of the desire of the development sector for changes to the regime that would see local authorities taken on the mantle of the Agency in handling the waste permitting side of planning applications, while the likes of **Christine Lyons**, planning enforcement team leader at Chelmsford Borough Council expressing her vehement opposition to yet more responsibility being heaped on local authority planning and environmental health staff.

Rubbish reports

Henton also expressed her frustration at the poor quality of reports coming into local authorities and the Agency from consultants and developers: "We still get too many rubbish reports with insufficient data," she says. "How can we make sound decisions without high quality data? And why are consultants still not following the guidance? Having produced guidance, we've found there are still a lot of people not using it."

Her concerns were echoed by the Halcrow Group's **David Rudland** - wearing his part-time CLO hat - and Pearse, who said: "We're seeing a downturn in the quality of reports - why?"

Consultant **Bill Baker** was even more vehement, saying: "Whenever two or three CLOs gather together this issue is raised - the standard of reports is dreadful, we keep having to send them back to consultants who have no idea PPS23 even exists."

Developers should take note: patience with poorly conceived and written contamination reports appears to be running out, and if the frustration evident among the speakers and attendees from the public sector is as widespread as it appears, it won't be long before had-it-up-to-here CLOs begin sending reports straight back to consultants with "must try harder" scrawled on the front in red ink.

The private sector view

Heasman gave an excellent presentation expressing the challenges and frustrations faced by developers in trying to ensure that brownfield remediation is not only successful, but also profitable.

"Brownfield sites offer the best - and in some cases the only - commercially viable opportunity for house builders," he says. "And often housing is the best option for remediation, because there is a higher value uplift for the developer."

He set out clearly the economic

implications of UK land contamination and regulatory, private and public sector action to address it - something that may occasionally be lost on less commercially minded local authorities bods.

Moving onto the issue of sustainability, Heasman raised as interesting point, saying: "The energy intensiveness of remediation techniques such as thermal desorption is become a bigger issue, especially in the wake of the Stern Review on climate change."

Communication in all things

Pearse's presentation addressed the communication issues that plague local authority planning and Part IIA decisions - describing the difficulty in getting it right, in good time, where records are non-existent, contamination is found but not disclosed - sometimes by planning departments themselves - and guidance not followed.

Expressing his frustration at the "postcode lottery" experienced by developers due to uneven application of guidance, he revealed that plans are afoot for a national guidance document that will hopefully bring clarity to the scene.

But - as in all things - it's all about talking to each other. Agency officers and planners, planners and CLOs, CLOs and consultants; whether the system itself is imperfect isn't the point in Pearse's view - until a new, more open and co-operative approach becomes the norm, he believes confusion and inefficiency will continue.

Soil guideline values

Finally, Baker and WorleyParsons Komex's risk assessment director Simon Firth chaired a "debate on the soil guideline values".

Frustration was clearly evident, with Baker describing the situation as "a real embarrassment" and Firth saying: "We've done terribly badly compared to other countries."

And while it appears that we will finally get to read the fruits of the SGV task force's labours in a matter of weeks, the troubles are unlikely to end there, especially as publication of a new set of numbers has yet to be timetabled.

An interesting point from Firth: "Developers could save millions just by waiting - if the SGVs change, a site that's contaminated now might not be in a year's time."

Managing contaminated sites

The National Society for Clean Air's annual land quality training workshop was held at the end of October. *Rob Bell* was there for two days of intensive discussions

Off to Oxfordshire for the NSCA conference, Effective Management of Land Contamination, an intensive but rewarding two days of training and debate.

The event began with an update from **Steven Griffiths**, of Defra's local environment quality division, who said that 533 Part IIA determinations have been made, of which 185 have remediation statements. Five remediation notices have been served, and 27 special sites handed over to the Environment Agency to manage.

Excellent progress indeed, especially considering the limited time and resources local authorities can devote to Part IIA investigations. But while 167 bids have been made for capital funds, trouble could be on the horizon. He says: "We've enough capital support for this year's demand, but when it comes to next year, it's harder to say. Defra's budgets are being looked at very hard."

Expressing concern that the proposals from Europe for a soil directive appear to represent a "fairly proscriptive approach", Griffiths said Defra would be getting stuck in to make sure the eventual outcome is workable for the UK. "It's still a proposal - not a law," he says however. "These things take time to implement, and the proposals could change substantially."

SGV update

Judith Lowe was up next, with an update on soil guideline values, describing the difficulties in coming up with a set of numbers that works in practice, but that doesn't undermine health protection. She says: "If we're over-protective, people scream about it, but if we're under-protective, we have to sleep at night - and deal with the health impacts."

Procurement strategies

Vicky Pitcher, projects officer at Warrington Borough Council, spoke on the effective procurement of consultants, setting out the council's processes, alongside **Paul Quinn** of OGCBuying.solutions, the government's advisory service on the issue.

Warrington spends over £200 million yearly on goods and services, and with both European and UK law to be complied with, effective and transparent management of procurement is key to ensuring projects remain trouble-free. Quinn described the services available to public sector bodies from his organisation, which can be reached

on 0845 410 2222.

Next up were **Elizabeth Jarvis** of the Encia Group and **Ann Barker** from Bradford MBC, who gave their perspective on the communication problems that plague the relationships between the public and private sector.

Much hilarity ensued at their collection of real life examples of statements made in all seriousness to and by both consultants and local authority officers.

With comments such as "I like to take a composite sample from several locations - I think you get a better result" and "oh, do we need to take water samples?" it's a wonder any remediation is carried out at all.

However, their point is a valid one, and fencing between planners, CLOs and consultants is more than counter-productive. Their recommendations - to open lines of communication as early as possible; build working relationships; fully document decisions; keep everyone informed; and be understanding of each parties' timescales may seem straightforward, but it seems that far too often such common sense solutions are not coming into play.

The developers' perspective

Graham Whittaker, of the NHBC spoke further on the need for communication - explaining the cost pressures facing

developers. "Dig and dump is still alive among builders who face uncertainty over process-based remediation," he said. "One week's delay can cost £50,000 - builders can't afford the possibility of remediation project overrun."

Whittaker gave the example of a project where the consultant had suggested removing topsoil to 300mm, but the regulator wanted to dig to 500mm. Discussions delayed the project for a month, at huge expense to the developer, who, upon discovering the hold-up was a matter of 200mm, said "just do it!"

Practicalities of remediation

Day two attendees heard a presentation on the emerging field of environmental forensics [see *CLB3*], a - believe it or not - fascinating presentation on in situ remediation from **Tom Hayes** of Ecologia, and an in depth explanation of the unique challenges faced by Aberdeenshire Council in dealing with a heavily hydrocarbon-contaminated site immediately next to a beach from **Anne Coles**.

The Environment Agency's principal scientist **Brian Bone** spoke on the key role of verification, and Nick Merriman of the National Valuation Office presented his research into the impact of remediation on property values.



They came from outer space

Only the threat of extreme physical violence stops me from naming the well-respected expert in the contaminated land field who mooted the possibility that land contamination is in fact an alien intelligence, craftily taking over our world from the ground up.

Yes we'd had far, far too much to drink. Yes we are definitely nerds. And yes, someone's been watching far, far too much Star Trek.

And having been so reticent (especially for a journalist) I'll refrain from telling any further tales from the bar at the NSCA contaminated land conference. However, as a relative newcomer to the scene I'd like to express both my fear and admiration at the wine-swilling capabilities of the average CLO.

The numbers game

November 27 sees the launch of the 30 guideline values developed under the banner of the CIEH in desperation at the lack of progress from Defra and the Environment Agency.

Reportedly described as "unhelpful" by SGV task force chair Jane Forshaw, who

might just have a point - after all, addressing the fact that everyone has developed their own figures to address the lack of official figures by publishing another set of figures could be seen as counter-productive or even confusing.

However, Bill Baker, who has been intimately involved in the project, says: "The numbers and how we've arrived at them will be completely transparent, and they'll be there for anyone to use. I'm convinced local authorities will embrace them."

Inspiration from devastation

Tricia Henton, ex-SEPA head honcho and now Environment Agency director of environmental protection, says a train journey through the Midlands and the North of England as a university student inspired her to get involved in pollution control, after hours spent gazing out the window and the devastation we so often refer to as our "industrial legacy".

A plague of newts?

Taylor Woodrow Developments' Ian Heasman raised a laugh at the CIRIA contaminated land conference with his

description of great crested newts as "the UK's most numerous endangered species". Ian - we know they're everywhere, but they're so *cute!*

And finally...

CLB continues to go from strength to strength, with this our fourth issue. Thank you to all the readers who have contacted me with stories and comments.

As I further immerse myself in all things contaminated land, a number of issues keep cropping up which are of clear concern to all in the field.

Communication between developers, consultants and regulators is clearly a problem and must be addressed.

The quality of reports coming into local authorities is dire, and is in itself one of the key problems holding up redevelopment and remediation.

Guidance is not being followed, and CLOs are frustrated that - while they remain under pressure to process applications - the information they are receiving is poor.

Comments to bell.freelance@gmail.com please!

CONTAMINATED LAND EVENTS 2006

November 22

SOIL VAPOUR EXTRACTION – A REMEDIATION TRAINING COURSE

To be held in London For more information, www.ipm-ktn.com.

November 22-23

Thames Gateway Forum

To be held in London. Visit www.thamesgatewayforum.com.

November 27

Generic assessment criteria launch (LQM and CIEH)

To be held in London. For more information, call 0115 951 8030.

November 29

Waste & surplus soil characterisation, classification and pre-treatment options

To be held in Epsom. For more information, please visit www.atkinsglobal.com.

November 30

Coalfields Partners Workshop on CLUSTER

To be held in London. Visit www.thamesgatewayforum.com.

December 6

Enhanced bioremediation

To be held in Doncaster. Contact maree.jenkins@claire.co.uk.

2006 January

Contaminated Land: Opportunities and Challenges in Northern Ireland

The Department of Environment for Northern Ireland and CL:AIRE will co-host a one day conference to raise awareness of the issues, regulatory framework and risk assessment approaches in dealing with land affected by contaminated land. Call 020 7258 5321.

March 13

Wales Conference: Regenerating Contaminated Land in Wales through Partnership

To be held in Cardiff. Call 020 7258 5321.

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