

REPORT FROM THE LANDFILL DIRECTIVE AND REGENERATION TASK GROUP ON THE POSSIBLE IMPACTS AND MITIGATION OPTIONS OF THE LANDFILL DIRECTIVE.

INTRODUCTION

Issue

1 Two aspects of the Landfill Directive come into force in July 2004 (the ending of co-disposal of hazardous waste with non – hazardous waste and the requirement to treat hazardous waste prior to landfill). This is the next stage of the EU's policy to reduce significantly the dependence on landfill for waste disposal.

2 In the UK, this will almost certainly result in a reduction in the available capacity for disposal of contaminated soil from the remediation of brownfield sites. It could in turn affect the practicality of reuse of these sites and have a yet to be determined, but likely, significant cost impact on both public sector regeneration schemes and the private sector, particularly the housing market.

Background

3 Reuse of previously developed land (brownfield land) usually requires the clearance or clean up of substantial quantities of materials related to the former use of the land. These can range from materials arising from the routine demolition of structures and earthmoving as part of construction and re-landscaping, to potentially hazardous materials which contain contaminants or other physical hazards because of former industrial or waste disposal practices. Some of these materials can be treated and reused on site, but current practice relies heavily on off site disposal of a large proportion of material.

4 From July 2004, under the provisions of the Landfill Directive (LFD), pre-treatment of any hazardous waste material being consigned to a landfill will be required, unless it is not technically feasible, or does not reduce quantity or hazard to human health or environment.

5 Disposal of hazardous waste to landfill will be allowed only to classified hazardous waste landfills, although there is an exception for "stable, non reactive" materials (that could include some contaminated soils) which may be disposed of in separate cells in non-hazardous sites. In addition, "Waste Acceptance Criteria" (WAC) are to be applied from either July 2004 or July 2005¹. The aim is to make wastes that are sent to landfill less of an environmental problem in landfill conditions - the WAC will restrict the types of hazardous material that can be accepted for landfill disposal.

6 Reuse of brownfield land underpins the Government's targets for delivery of the Sustainable Communities Plan and in particular to provide the housing markets need. Many brownfield sites are marginally economic to develop, and the overall process is sensitive to increased costs and changes in perception of ease of development.

Timing

7 The timing for the brownfield industry is now critical. Developers and others assessing the feasibility of dealing with materials from brownfield sites need to be able to predict the costs now for current and planned projects. Mitigation measures are needed urgently for both the step change and the longer term needs.

This report

8 This report provides indicative data on the impact of the LFD on the reuse of brownfield sites and the delivery of the Government's objectives, particularly in the growth areas. It then identifies mitigation measures and actions to take these forward..

¹ The amending Regulations introducing WAC were out to consultation (closed on 17 December) and the Government's response will be published in January 2004. Subject to the outcome of this consultation, it is the Government's intention for WAC to be applied in 2005

9 The report presents the information in the form of 2 main parts, as follows:

Part A - Impacts:

- Treatment and disposal routes
- Regeneration
- Comparison with other countries

Part B – Mitigation:

- Continued dialogue between Government and the brownfield industry
- Provision of adequate short and long term capacity for recycling, recovery, treatment and disposal of contaminated soil
- A clear, robust and proportionate regulatory system for brownfield site remediation
- Integration with planning policy
- Financial support for regeneration
- Innovation in practice by the brownfield industry

10 The information in this report is based on the work of an advisory and supporting task group of officials and industry, who have collected information and distilled the issues based on a number of supporting papers and other contributions. A list of members of these groups is given in Annex 1.

PART A - IMPACTS

TREATMENT AND DISPOSAL ROUTES

Capacity for disposal to landfill

A.1 There are currently over 200 landfills in England and Wales classified for the disposal of "hazardous waste". (Not all these are commercially available - some are for "in house" use only). Around 37 sites have stated their intent to be dedicated hazardous waste landfills under the new requirements from July 2004. However of that figure the majority are in house leaving a possible 9-13 commercially available sites.

A.2 The Hazardous Waste Forum (HWF)² has estimated a total void space of some 40 million m³ (around 80 million tonnes) for twelve sites³. However, one member of the Advisory Group has suggested a worst case scenario of hazardous waste landfill capacity of a finite void space of around 7 million m³ (around 14 million tonnes).

A.3 In addition to disposal in dedicated hazardous waste landfills, some hazardous waste can be treated to a stable non-reactive state and managed in a separate cell in a non-hazardous landfill. Separate waste acceptance criteria apply to this treatment and disposal route, and this is set out in amended Regulations. The HWF estimates this additional capacity as up to 5 million tonnes but this will depend predominantly upon market conditions.

A.4 The likely available sites are unevenly distributed throughout the country, with early indications of more limited capacity in the South East, South West and Wales.

A.5 The HWF are carrying out further research to refine information on capacity and geographical location of landfill sites which will be able to take hazardous waste. They are also identifying limits on allowable wastes and annual throughput at sites.

Demand for off site treatment and disposal

A.6 The HWF commissioned a comprehensive study on the capacity needs for hazardous waste streams requiring disposal, with contaminated soils forming only part of a review of all hazardous waste disposal.

A.7 Figures prepared for Defra and the Environment Agency (based on 2001 data of the material currently classified "special waste" - "SWaT" data) include 1.3 million tonnes per annum (pa) for the production of hazardous waste materials from brownfield regeneration (1.9 million tonnes pa for all construction and demolition wastes). However, based on 2003 figures and assuming that a greater proportion of contaminated soil is likely to fall into the category of "hazardous waste", one major waste management company estimates that the production of hazardous waste from brownfield may be in the order of 4 million tonnes pa

A.8 Both estimates have largely assumed the same level of regeneration activity in the future and the same balance of on site treatment to off site disposal needs as currently happens.

A.9 The volume of contaminated soil requiring specialist treatment or disposal in a hazardous waste landfill could of course change after 2004. Factors influencing this include:

- Classification of more waste as hazardous under the Hazardous Waste Directive
- The requirement for all material to have pre-treatment before disposal in landfill – this can both increase and decrease the volume for disposal
- An increase in the use of on site methods of treatment– this could reduce the demand for landfill, but is complex as discussed below

² The Hazardous Waste Forum was established by the UK Government in December 2002 to bring together key stakeholders to advise on the way forward on the management of hazardous waste.

³ Page 17, Hazardous Waste Forum Action Plan November 2003

- More material needing to be treated or removed from sites in response to new guidance on assessing risks from contaminants in soil to the new users of the site and the wider environment
- Changes in the amount of brownfield regeneration or contaminated site clean up to deal with environmental liabilities

A.10 . In view of the difficulty of obtaining up to date and accurate figures for this sector, a sub-group of the HWF will focus on improving the predictions of demand from the brownfield industry.

A.11 The disposal of contaminated soil is only part of the potential demand for hazardous waste capacity in landfills. The study of SWaT data indicated that there could be upwards of some 4 million tonnes per annum for hazardous waste in total.

Alternative treatment methods

A.12 There are alternative methods for treatment of contaminated soils. These have been studied and developed over a number of years both in the UK and overseas. The techniques can be used on the site itself (with the material either *in situ* or *ex situ*), or can be installed within a separate soil treatment centre.

A.13 Treatment on site currently requires a waste management licence - usually a mobile plant licence (MPL). The nominal current capacity of licensed remediation is 2.7 million tonnes pa *in situ* techniques and 4.7 million tonnes pa of *ex situ* techniques. However, this includes speculative applications and safe margins on the annual treatment rates quoted for licensing purposes. The real theoretical capacity is therefore much less than this.

A.14 The theoretical capacity may then not match the practical needs. There are some combinations of contaminants and site types for which there are no viable alternative treatments. Even where there are, the choice of alternative technique is constrained by:

- The nature of the material – not all techniques can treat all types of contaminant or soil
- The particular mix of contaminants - in some cases a combination of more than one technique is needed
- The complexity of contaminated soil – many techniques are sensitive to site conditions, or to other substances present in the soil
- Scale issues – many techniques cannot be used on small sites (space constraints) or have a high cost:area ratio (mobilisation costs for treatment plant)
- The potential for adverse environmental impacts
- The uncertainty over the success of relatively untried processes
- The timescale for on site process based techniques compared with off site treatment and disposal.

A.15 Other barriers to the uptake of new technologies have also been identified, such as technical and regulatory hurdles to the viability of reuse of material and overall confidence on the part of developers or other site owners that alternative approaches can deliver.

A.16 Applying the techniques off site can address a number of these obstacles, but requires suitable environmental and planning permissions, as well as significant market studies and investment. Left to current market uncertainties and regulatory procedures, the establishment of an off site treatment facility could be expected to take up to 5 years.

A.17 Defra has estimated the match of waste material for disposal to alternative treatment methods, and has identified a potential shortfall in most types, although this is for hazardous waste in general, not contaminated soil in particular.

A.18 In conclusion, the figures are uncertain, but it is clear that both the total capacity and the throughput of landfill will be restricted, and that the current level of demand from the brownfield sector puts significant pressure on both immediately available and long term capacity. Alternative techniques are not immediately on tap to deliver the step change in practice that will be needed for the brownfield industry to regenerate land at its present rate.

REGENERATION

A.19 The task group has reviewed potential impacts on three different, but key, regeneration sectors:

- English Partnerships - Coalfields and other programmes
- Housing development on brownfield
- Commercial regeneration of a brownfield portfolio.

A.20 The resulting figures are of course only estimates of specific impacts, and are variously based on a number of assumptions, in particular relating to the amount of remediation required, the volume of material that will require off site disposal and the increase in cost of disposal to landfill post 2004. In some cases the estimates are based on actual site information, in others the data is more theoretical in relation to large groups of sites.

A.21 In addition to the immediate impacts identified for each of the sectors, there are a number of more general types of impact – both positive and negative – which are briefly discussed at the end of this section.

English Partnerships – coalfields and other programmes

A.22 In Autumn 2003, English Partnerships (EP) commissioned a study to identify the financial impact on one of its major programmes, the National Coalfields Programme (NCP). The work considered both small sites and large development sites.

A.23 The results of the work showed that whilst costs will vary depending on size of site and degree to which pre-treatment can be used, it was possible to consider a range of likely financial impact based on Defra estimates of increased gate prices for landfill. For small sites, future costs might range from 113% to 183% of initial remediation budgets (equivalent to between £11,000/ha increase for small volume to area ratio sites and £500,000/ha for large volume to area ratio sites, with an average increase of £130,000/ha). For large sites the increases might range from 107% to 174% with an average increase of £50,000/ha.

A.24 It was estimated that the financial impact on EP's National Coalfields Programme could be potential additional costs of at least £40million. These costs resulting from increased gate prices, increased haulage costs and the potential costs of pre-treatment.

A.25 The results were used by EP to estimate the likely impact on its other programmes and on the cost of bringing back into use the stock of previously developed land in England. Whilst the scale of the cost impact identified may be open to debate, EP identified that the issue is of serious concern to all agencies involved in remediating and reusing brownfield land.

Housing development on brownfield

A.26 The House-building industry, via the House Builder's Federation, has provided data on the financial impact on housing developments on PDL in the North West. (The NW holds some 25% of the UK's total for PDL).

A.27 The analysis has concentrated on the impact on so called "wind-fall" sites. In the NW windfall sites are identified in local plans as representing an average of 71% of potential development sites – amounting to just over 100 windfall sites or around 6,000 houses per annum). Windfall sites are typically small sites – no more than 1.5ha on average.

A.28 The analysis assumes – based on experience in the industry – that 80% of the sites may require some form of clearance or remediation and that there will be an average quantity of 75 tonnes for disposal per plot. Perhaps most importantly, it also assumes that alternative forms of treatment are not viable because of technological or other constraints. (Currently only 1-2% of sites registered with the National House-Building Council are remediated using alternative technologies.). The analysis is based on a range of costs depending on the type of material (from non-hazardous to hazardous) and a range of projected increases in landfill disposal, from 10 to 100%.

A.29 In the worst case (doubling of disposal costs) the additional costs per housing plot could range from £551 (non hazardous) to £3000 (hazardous), assuming 40 dwellings/ha. Taking an average increase of £2000 per plot this would represent an increase of £132 million in development costs on these sites.

Commercial regeneration of a brownfield portfolio

A.30 SecondSite (who hold some 350 former gasworks and other sites in their property portfolio) have estimated the impact on the viability of development sites in their current programme of site remediation. (The aim of the programme is to regenerate the land where possible, and meet their statutory obligations under environmental legislation as a minimum. In their experience treatment for regeneration can require a doubling of the minimum expenditure to deal with statutory obligations.)

A.31 The analysis is based on an assessment of the currently planned remediation for the sites -the nature of the portfolio is such that almost all sites require remediation. Second Site already uses a number of alternative treatments and pre-treatments on site, and it is assumed that this continues at the same level. The estimates assume that waste disposal costs will double (this is applied as an average for all sites) and that waste disposal costs count for 50% of project value. The analysis also assumes an open market for site valuations and takes into account the offset against tax allowable for this type of remediation (discussed below).

A.32 The impact on Second Sites portfolio is predicted to be an overall 20% decrease in the number of viable development sites, with the number of marginal sites also increasing. This in turn results in a drop in income, which affects the ability to deal with the “cash – negative” sites which are to be remediated to fulfil statutory obligations. Second Site point out that a similar analysis for a smaller company could have a more significant impact on their viability.

General impacts

A.33 All of the above analyses have concentrated on the key output for that sector. The obvious common theme is that if individual sites cost more to remediate, the amount of development in hectares that is viable is likely to drop. This in turn reduces the number of houses or jobs that are created. If development is still viable, the cost of producing the houses or jobs goes up.

A.34 As a secondary impact there may be less money for other things – such as delivery of planning obligations. Cash flow can be affected and there are also direct transfers to balance sheets – either as a reflection of revised land values or because of increases in liability provisions.

A.35 Equally, there will be some mitigation of financial impacts. Planning obligations may be adjusted to reflect the revised balance of costs. There is also an opportunity for companies in some circumstances to offset the extra costs through the accelerated tax relief for remediation of contaminated land, as set out in the Finance Act 2001, Schedule 22.

A.36 Moving on from financial and development related impacts, a number of commentators have identified the additional environmental impacts resulting from the greater distances to appropriate landfills if no alternative treatments are available. Second Site Properties for example estimate a potential doubling of lorry miles for disposal of residue material from their sites.

A.37 Some of the marginal or no longer viable sites may remain as an environmental eyesore, and on certain sites it will not be possible to achieve the minimum level of clean up under environmental legislation because the balance of costs and benefits precludes this.

A.38 However, set against this, a general reduction in the amount of material going to landfill achieves a long term objective in environmental management, particularly as sole reliance on “dig and dump” is no longer acceptable in terms of sustainable development. It also presents greater incentives to minimise waste and to reuse, recycle or treat the waste that is created. This is a common objective across Europe, and the last section on impact therefore briefly outlines how the UK compares with other countries.

COMPARISON WITH OTHER COUNTRIES

A.39 In general other Member States have not raised the issue of the impact of the Landfill Directive on regeneration to the extent that it has been raised in the UK. Two main factors probably lead to this – first that there has been a longer standing and to some extent still greater emphasis on regeneration in UK, particularly for house-building, and second that there has been less reliance historically on co-disposal of hazardous waste in landfills, and hence less change to current practice.

A.40 However, there are also differences in the way remediation is controlled in other countries. It is more evident that dedicated permitting is in place for alternative treatments, soil recovery and off site treatment. In France, Flanders and Italy this gets round the vexed issue of whether material on site is a “waste” – a site permit still controls clean up and redeposit but there is less blight associated with it. Austria, Netherlands, Flanders and Germany also appear to make a very clear and positive distinction in their regulatory system between disposal and reuse, which is of particular relevance to the ability to reuse soil after treatment and hence encourage alternative technologies.

PART B - MITIGATION OPTIONS

B.1 The assessment of impacts confirms that the reduction in landfill capacity following implementation of the landfill directive will impact on brownfield regeneration. New approaches will be needed to deal with contaminated soil and other material arising on site, and the costs and hence viability for particular forms of development of individual sites will change.

B.2 This section of the report suggests ways of mitigating the impact so that the market can respond appropriately and enable brownfield regeneration to continue to form a key part of the overall approach to sustainable development in the UK.

B.3 The advisory group have focussed their recommendations towards a number of objectives as follows:

- Continued dialogue between Government and the brownfield industry
- Provision of adequate short and long term capacity for recycling, recovery, treatment and disposal of contaminated soil
- A clear, robust and proportionate regulatory system for brownfield site remediation
- Integration with planning policy
- Financial support for regeneration
- Innovation in practice by the brownfield industry

B.4 **Specific actions identified by the group are set out in the following table. A number of these are synergistic with the recommendations of the Hazardous Waste Forum and with the recommendations of the Remediation Permit Working Group, as well as with other Government and industry initiatives. The advisory group has concentrated on identifying further steps relating to brownfield regeneration to continue to take things forward.**

Note: Acronyms used in table

BPF	British Property Federation
CABE	Commission for Architecture in the Built Environment
CBS	Comprehensive Brownfield Strategy
CIRIA	Construction Industry Research and Information Association
CIWM	Chartered Institution of Wastes Management
CL:AIRE	Contaminated Land Applications in the Real Environment
CLUSTER	A project developed by ExSite and its partners to identify mechanism and barriers for central soil treatment plants
Defra	Department for Food, Environment and Rural Affairs
DTi LINK	Department of Trade and Industry programme to stimulate applications of biosciences
EA	Environment Agency
EIC	Environmental Industries Forum
EP	English Partnerships
EPSRC	Engineering and Physical Sciences Research Council
ESA	Environmental Services Association
EURODEMO	An EU funded network for technology demonstration for contaminated soil and groundwater
ExSite	A not for profit research organisation focussing on identifying ways to minimise waste from site regeneration
FIRST FARADAY	A network of university based teams focussed on dissemination of research and training on soil and groundwater contamination
HBF	House Builders Federation
HWF	Hazardous Waste Forum
NICOLE	Network of Industrially Contaminated Land in Europe
ODPM	Office of the Deputy Prime Minister
SAGTA	Soil and Groundwater Technology Association
SiLC	Specialist in Land Condition

CONTINUED DIALOGUE BETWEEN GOVERNMENT AND THE BROWNFIELD INDUSTRY⁴		
Specific actions	Current position	Taking things forward
1. Provide mechanism for brownfield industry to provide input to the Hazardous Waste Forum (set up by Defra)	<p>The HWF has been assessing the impact of the implementation of various Directives on hazardous waste management. Contaminated soil is a priority waste stream for the forum, and a Task Force has been established to review the short and long term treatment and disposal capacity required. The Forum comprises a range of stakeholders: full member of the Forum attend meetings and corresponding members receive papers.</p> <p>ESA and EIC are already full members of the forum. Phil Kirby of SecondSite Property has been invited to represent the brownfield industry on the Forum, and on the Treatment and Capacity Task Force. ODPM also attend Forum meetings and are now to be represented on the Task Force. SAGTA and the HBF receive Forum papers.</p>	<p>Phil Kirby and ODPM to provide input to the forum on brownfield issues. ESA & EIC to continue representation. HBF and SAGTA are to monitor Forum papers and provide input.</p> <p>Phil Kirby to also chair a sub-group of the treatment and capacity task force to provide data relevant to brownfield regeneration.</p> <p>All to note and - if appropriate - circulate details of Forum web page to stimulate contributions:</p> <p>http://www.defra.gov.uk/environment/waste/hazforum</p> <p>Note: some specific activities of the HWF relevant to mitigation actions are also described later.</p>
2. Involve brownfield industry in continued dialogue on broader brownfield issues	<p>ODPM and EP are taking forward the development of the Comprehensive Brownfield Strategy (CBS) for England following the publication of the EP report on findings (www.englishpartnerships.co.uk - go to Strategic Brownfield Development).</p>	<p>ODPM and EP to progress the next stage of work - expected to include work with stakeholder groups to identify issues such as the impact of the landfill directive; to provide a best practice guide and tools to define and treat brownfield land; and to establish how to treat brownfield as efficiently as possible.</p>

⁴ For acronyms see notes page at beginning

PROVISION OF ADEQUATE RECYCLING, RECOVERY, TREATMENT AND DISPOSAL CAPACITY FOR CONTAMINATED SOIL		
Specific actions	Current position	Taking things forward
1. Firm up data on capacity requirements for contaminated soil	The HWF has a data base on future capacity and to some extent on arisings, and has set up a Task Force specifically to look at contaminated soil. The EA and the ESA are providing further information on capacity and throughput.	Brownfield industry to contribute to the task force (through the sub-group chaired by Phil Kirby) to improve information on quantities and geographical location of arisings.
2. Consider short term needs as a matter of urgency	The HWF are to monitor progress and establish short term needs ⁵ . The work is to be informed by the collection of improved data on capacity (expected in February 2004). EA have already set up a strategic permit group to consider applications for hazardous waste management facilities.	The HWF to consider management options for any shortfall. The CLUSTER project results to be presented at a SAGTA workshop and then formally to Defra/ODPM/EA to identify ways of accelerating provision of localised hub facilities for soil recovery and waste minimisation. EIC, ESA and EA to review practical issues in relation to current licensing, e.g. on hazardous waste landfills or acceptance of site specific working plans for alternative technologies, to identify any short term obstacles that can be overcome.

⁵ HWF Action Plan recommendations 3.3A and 3.3B

<p>3. Promote use of alternative technologies</p>	<p>Defra are progressing work on the regulations covering permitting of on site remediation techniques (remediation permit). Consultation has been ongoing on the issues of principle; consultation on the draft regulations is expected in Spring.</p> <p>http://www.defra.gov.uk/environment/waste/legislation/permitreview/index.htm</p> <p>The Agency supports the use of alternative technologies in the remediation of contaminated soils and groundwater. It has already developed and published a number of R&D documents on such technologies.</p>	<p>All to consider Defra proposals and provide appropriate responses during consultation.</p> <p>The HWF to consider the long term development of a National Framework for recycling, recovery, treatment and disposal capacity.</p> <p>Industry to identify priorities for emerging technology so that appropriate regulatory approaches can be explored.</p>
<p>4. Provide incentives for development of new technologies and facilities</p>	<p>The “New Technologies” workstream of the Defra Waste Implementation Programme (WIP) is aimed at overcoming barriers to the successful development and take up of waste management technologies in England. Defra have identified contaminated soil as a priority waste stream that could be covered by the WIP.</p>	<p>Industry is to explore ways in which this can be used to improve the way contaminated soil can be managed.</p>
<p>5. Support development of adequate skills base</p>	<p>The need for particular competencies and more general skills in dealing with brownfield and its remediation has been identified as an issue relevant to the development of the CBS. The professional bodies have already developed a new registration scheme for Specialists in Land Condition (SiLC).</p>	<p>ODPM, Defra and the EA recognise that the SiLC scheme provides one of the potential solutions, and are to work with industry to explore ways of developing and promoting the use and development of these and other appropriately qualified experts.</p>

A CLEAR, ROBUST AND PROPORTIONATE REGULATORY SYSTEM FOR BROWNFIELD SITE REMEDIATION		
Specific actions	Current position	Taking things forward
1. Provide clarity on legal interpretation of waste legislation	Defra propose to commence work in April 2004 on the revision of guidance on the waste legislation with a review to revising circular 11/94. This will address the latest position on the definition of waste.	Phil Kirby (through Andrew Waite) is to arrange a discussion with specialist lawyers, other industry experts, Defra and the EA on the specific issues of concern for brownfield regeneration, including the need for urgent updating of existing guidance.
	Defra will produce interpretive guidance on the Landfill Directive/regulations once the amending regulations have obtained Parliamentary approval. A draft will be issued for consultation (currently expected to be February 2004)	Industry experts (as above) to discuss with Defra and the EA once the consultation paper is published. Particular issues to include the application of the exemption from the pre-treatment requirements and the circumstances in which the limit values fixed under the WAC can be raised by a multiple of 3 for certain pollutants.
2. Ensure clarity of legislative requirements for hazardous waste & proportionate enforcement	<p>A key objective of the HWF, with a number of detailed actions set out under objective 1.1.</p> <p>“Interpretation of the definition and classification of Hazardous Waste” has already been published (June 2003) by EA, SEPA and NIEHS. This guidance will be updated in response to operational use.</p> <p>The Second consultation on Hazardous Waste Regulations is being developed by Defra. Finalisation of the regulations will enable the Agency to develop regulatory guidance for its staff, which will be made available externally.</p>	<p>Industry to provide comments to the EA and Defra on existing guidance in the light of operational use. Defra and the EA to consider whether there is sufficient guidance to lead to consistent interpretation, in particular on when hazardous waste ceases to be hazardous.</p> <p>Defra and the EA to consider accelerating guidance providing clarity on circumstances in which hazardous waste can be assigned to a non-hazardous landfill.</p>

<p>3. Produce simple guides on new legislation and on waste minimisation and other approaches</p>	<p>The Agency is currently developing a document which identifies key points for industry.</p>	<p>SAGTA and others to initiate dialogue with the EA to assist in the production of these guides.</p>
<p>4. Provide simple technical tools to assist industry in meeting requirements</p>	<p>The Agency is currently providing tools to assist and encourage consistency in industry:</p> <ul style="list-style-type: none"> • Interpretation of the definition and classification of Hazardous Waste (published) • Framework for the hazard assessment of contaminated soils (under development) 	<p>EiC and SAGTA to work with EA to develop the technical tools needed for contaminated soils.</p>
<p>5. Ensure clear interfaces between regimes relevant to brownfield regeneration</p>	<p>Defra are preparing a guide to the current regimes relevant to brownfield remediation, taking forward one of the recommendations of the report of the remediation permit working group (the Kirby report).</p>	<p>Defra to circulate the guide to the remediation permit working group to obtain views on how best to promote and disseminate it.</p>
	<p>Planning Policy Statement 23 (PPS 23) is being prepared to provide updated guidance on the interface between planning and other regulatory controls and in particular on dealing with land contamination issues in the planning regime.</p>	<p>ODPM to finalise PPS 23 for issue during 2004.</p>

INTEGRATION WITH PLANNING POLICY		
Specific actions	Current position	Taking things forward
1. Using PPG 10 to encourage a fair wind for off site remediation technology	Consultation draft expected in summer 2004 –further information is needed on regional capacity requirements for brownfield soil treatment and disposal	The HWF to provide the interface between this and capacity requirements for brownfield soil treatment and disposal. (see above)
2. Encouraging master planning to take cost of clean up into account in making best use of brownfield sites and ensure sites are fit for purpose.	Work underway with ODPM and CABE on outline planning applications, urban coding and design policy	ODPM and CABE to consider ways of taking forward brownfield issues in this.
3. Review policy on planning obligations/ contributions (s106 agreements) and the relationship between contribution sought and the economics of site development.	Initial consultation on the reform of planning obligations has just closed. Further consultation expected on draft new policy.	BPF and HBF to initiate dialogue with ODPM on brownfield aspects.

PROVIDE FINANCIAL SUPPORT FOR REGENERATION		
Specific actions	Current position	Taking things forward
1. Continuation of the Contaminated Land Tax Credit	A current provision that will automatically mitigate some of the extra costs associated with changes in disposal practice for contaminated soil.	ODPM/EP to consider further work on assessment of the balance of costs and benefits of brownfield regeneration in relation to sustainable development and provision of incentives.
2. Use of Dereliction Aid	This scheme is now in place following EC approval of this gap funding regime for England. The purpose of the scheme is to enable the remediation of derelict land where this will permit the land to be used for purposes that meet regeneration objectives.	EP is to provide guidance on the application of the scheme by late Summer 2004: this to consider the way in which it can support the use of alternative technologies.
3. Use of housing gap funding	<p>This scheme is intended to encourage development, normally on brownfield land, in areas of low demand and abandonment. The scheme is still at the trial stage. Consultation and initial testing took place in 2003.</p> <p>Funding would be available in the form of a grant to the private sector where costs of development exceed the estimated end value of the completed housing.</p>	<p>Result from the trial to be reported to the Regional Housing Boards in Autumn 2004. Further information can be found at:</p> <p>www.englishpartnerships.co.uk/hgfs</p>

INNOVATION BY THE BROWNFIELD INDUSTRY		
Specific actions	Current position	Taking things forward
1. Contribute to the development and uptake of new solutions	<p>Industry has funded or otherwise supports specific in house research and other programmes and networks (EPSRC, DTi Link and First Faraday, CIRIA); has been involved at a European level through NICOLE in order to collate best practice from other EU member states; and has supported the establishment of SAGTA, CL:aire and ExSite to stimulate new approaches to contaminated soil remediation, including obtaining information on the operation of technology demonstration projects and setting up the CLUSTER project to develop soil treatment centres.</p> <p>Many individual companies and sectors already carry out waste minimisation during redevelopment of brownfield sites; this includes recycling of demolition and site clearance materials and pre-treatment to reduce volumes or hazardous properties of material.</p>	<p>Industry to continue to support these initiatives and also develop Technology Proforma Records (SAGTA) - gathering data on operating windows of technologies; participate in EURODEMO (CLAIRE/exSite); and promote the creation of fixed/semi-mobile treatment centres (exSite + other industry partners).</p> <p>Industry (EIC, SAGTA, exSite) and the EA to explore ways of facilitating greater uptake of new solutions.</p>
2. Contribute to awareness raising and dissemination of practical solutions	<p>Industry currently supports the production of technology reports, published via CLAIRE and presented at a range of conferences and seminars; provides case studies for CIRIA guidance documents and promotes best practice and innovation at SAGTA workshops with publication of outputs on web site.</p>	<p>Industry to work with the EA and Defra to identify gaps in dissemination and ways of overcoming these, for example through Envirowise.</p>
3. Develop practical industry guides leading to codes of practice for particular sectors	<p>Industry has already produced a number of general sector guides (eg for housebuilders dealing with land contamination) and is providing input to Defra and the EA on the practical application of the proposed Remediation Permit regime and on guidance on remediation.</p>	<p>EA and industry (SAGTA, EIC, HBF) to scope and encourage development of specific practical industry guidance on waste minimisation, covering reuse, recovery, treatment and disposal. These outputs can be used to support the waste permit review.</p>

LANDFILL DIRECTIVE and REGENERATION

Advisory and Task Group members

ODPM

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