

Category 4 Screening Levels (`C4SLs`) a Position Statement



At the end of March, the Department for Environment, Food and Rural Affairs published the outputs of a project on the development of a new set of screening levels for the assessment of land affected by contamination.

Billed originally as coarse screening values for use in the context of Part 2A, we expressed doubts to Defra at the need for such values and the effort and money being put into them. The release of the project's outputs have since only confirmed our concerns, with the admission by Defra that '*...Category 4 Screening Levels could be used under the planning regime...*' and it is now clear that they are intended primarily to be used to define the limits of necessary remediation in the course of the redevelopment of contaminated sites.

As such, they represent a novel intervention by Defra in an area of local authority discretion, where, moreover, it has no policy responsibility. Of equal concern, however, are the levels which Defra recommends for the substances studied which it defends as `definitely not SPOSH` and still `strongly precautionary` but which miss the points, firstly, that harm may still result from chronic exposures below determinable (`SPOSH`) levels and, secondly, that the question local authorities, on behalf of their residents, rightly ask is not just `are the levels we expect in the long-term strongly precautionary?` but `are they precautionary enough?`

Derived from a combination of modified exposure parameters and changes of approach to the toxicology, whereas Defra admits C4SLs describe `*a higher level of risk than the currently or previously available SGVs.*` the increases in their levels of risk the C4SLs represent over current SGV/GACs are marked (and, in some cases very marked), and the CIEH does not believe them to be precautionary enough.

C4SLs engineered to reduce remediation costs, and in particular those not (*`to avoid disproportionately targeting soil`*) based on science, may appear to offer low risk, but both developers and Local Planning Authorities (LPAs) have favoured minimal (but *not* `no`) risk in the past. In our judgement they should continue to do so. In respect of non-threshold behaviour in particular, we agree with the CoC that the principle of ALARP should continue to apply and the increases in cancer risks the C4SLs condone are unacceptable.

Given our increasing knowledge of toxicology, further uncertainty about how land might be occupied in the future, and the opportunity in the course of development to both apply and fund a better standard than Part 2A allows there is a strong case for LPAs to insist on that and the planning regime permits it today as it always has. The National Planning Policy Framework does not say that contaminated land, once remediated, should merely not be determinable but that the residual effects of pollution on health should also be taken into account and that planning decisions should ensure that the site is suitable for its new use. Our understanding is that defining that is a matter for LPAs in their Local Plans, and backed by reasonable conditions in the public interest, not for government or individual developers to dictate *ad hoc*. That is not to be anti-business or anti-growth but it is about promoting health and well-being, about social responsibility and environmental justice.

Some developers may nevertheless take their cue from the C4SLs to challenge established practice and cut back on remediation to reduce costs. Where that occurs, the CIEH expects its members, working with their managers and planning colleagues, to resist it in the interest of maintaining adequate public health protection for the future.

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