



Chartered
Institute of
Environmental
Health

My ref: p&t/HP

19 January 2004

Baroness Young
Chief Executive
Environment Agency
Rio House, Aztec West
Almondsbury
BRISTOL
BS32 4UD

Dear Baroness Young

SUPPORT FOR LOCAL AUTHORITIES DEALING WITH CONTAMINATED LAND

I am writing to you in my position as the Chairman of the newly established Standing Conference on Land Contamination. The Conference was set up at the end of last year by the Chartered Institute to provide a national forum in which local authority regulators might review progress with determinations under Part IIA and voluntary remediation through the planning process, identify any obstacles to that progress and propose solutions, highlight information and training needs and, not least, engage collectively with *DEFRA* and the Agency.

The need for such a forum was underlined at its very first meeting when widespread concern was expressed at what delegates have perceived as a downgrading of the priority and resources given to land contamination within the Agency over the past 12-18 months. My reason for writing to you now is to bring that concern to your attention.

Pointing to the re-organisation of the former National Centre in Solihull, the closure of the CLEA helpline, difficulties obtaining advice on risks to controlled waters from regional offices, repeated long delays in publishing key technical data and other guidance, for example on bioavailability, many of those present felt that the performance of their statutory role was being seriously prejudiced by a growing lack of support from the Agency. Particular examples would be the Agency's

- continuing failure to deliver the promised programme of national guidance related to CLEA (Soil Guideline Values, associated toxicological reports and a site specific model). This continues to cause major problems for regulators, developers, contractors and consultants alike, as this is the major tool developed to ensure that decision-making is in accordance with UK policies.
- recent decision no longer to provide advice to local authorities on developments on or adjacent to closed unlicensed landfill sites.

While the Agency is held out as the expert arm of government on these matters, moreover having become so in part by absorbing expertise previously found in local government, these failures really cannot continue, all the more when local authorities are being blamed for the slow rate of determinations and, implicitly, for undermining the government's Brownfield Strategy.

We recognise, of course, that the Agency's resources are not unlimited; that it has other responsibilities to meet and that it has suffered from some recent staffing changes. The Conference nevertheless believes that a higher priority for land contamination within the Environment Agency's vision and programmes is needed and that sufficient financial and staff resources must be directed towards ensuring that the current delays to progress are overcome quickly. We look forward to your reassurance about that and would be happy, of course, to discuss our concerns in more detail with your senior colleagues if that would help. In the light of those concerns, however, you will understand why I am copying this letter to Jane McLauchlan at the ODPM.

I hope that the Environment Agency will recognise the value of working with the Conference and we have extended an invitation to your Land Quality Manager to participate as an observer on the Conference's Advisory Committee. Given the co-operation of the Agency, and of *defra*, I am sure the Conference can make a significant contribution to the achievement of our common objectives.

Yours sincerely

Alan Higgins
Chairman, Standing Conference on Land Contamination