

REVISION OF SAFEGROUNDS GUIDANCE

SECOND CONSULTATION ON LMGv2

1 INTRODUCTION

This is the second consultation about the revision of the main SAFEGROUNDS guidance on the management of contaminated land (the LMG for short). The first consultation covered the scope, function and form proposed for the second version of the LMG (LMGv2). The results are reported on the SAFEGROUNDS website at http://www.safegrounds.com/lmgv2_log.htm

This second consultation is about the outline contents of LMGv2. The draft outline contents follow the way forward agreed by the SAFEGROUNDS Project Steering Group (PSG) on topics covered in the first consultation. On other topics the outline contents are based on the first version of the LMG (LMGv1) or are ideas that are new to the LMG.

The draft outline contents for LMGv2 are fairly detailed, especially for the initial sections of the document. This has been done so as to provide a good basis for subsequent drafting and to raise some complex topics at an early stage. Comments are invited on all aspects of the draft outline contents but CIRIA would particularly like your views on the following major issues.

2 MAJOR ISSUES

2.1 Status of the LMG

LMGv1 has a prominent statement on its front cover and in Section 1.3 about the status of the guidance. This statement is:

‘Participation (by organisations or individuals) in the SAFEGROUNDS project must not be taken as an indication of either support for or disagreement with the content of this guidance in its entirety. This is the first version of the guidance and it is not yet tried and tested. It is intended that the guidance will be revised at intervals, taking into account experience in using it and regulatory and other changes.’

It is proposed to include similar points in LMGv2 but only in Section 1.3 and in a less prominent way (see Section 1.3 in the draft outline contents). This is because it is anticipated that the second version of the guidance will have a higher status and will reflect a greater degree of agreement amongst participants in SAFEGROUNDS.

Question 1: Do you agree that LMGv2 should contain only low key statements about its status? If not, what should it contain?

2.2 Stakeholder Involvement – Key Principle and Guidance

There is an inconsistency in LMGv1 between the key principle on stakeholder involvement and the text that amplifies it. The key principle is:

‘Principle 2: Stakeholder Involvement
Site owners/operators should develop and use stakeholder involvement strategies in the management of contaminated land. In general, a broad range of stakeholders should be invited to participate in decision-making.’

The second sentence in the principle implies that a broad range of stakeholders should be invited to participate in most decisions and that they have some responsibility for final

decisions. The text in LMGv1 that amplifies the principle makes it clear that neither of these implications is intended.

It is proposed that the text of LMGv2 will be consistent with the amplifying text of LMGv1. It is suggested that Section 1.5.4 of LMGv2 will state that the site owner or operator has the responsibility for final decisions on the management of contaminated land. Section 7 of LMGv2 will state that the range of stakeholders to involve and the extent of their involvement depends on the technical and societal significance of the contaminated land problem (as is stated in Sections 3.2.1 and 3.2.3 in LMGv1). It is also suggested that Section 7 of LMGv2 makes the further point that the extent of stakeholder involvement varies from one stage of land management to another and is greatest for planning and strategic decision-making processes.

The question then arises of whether the wording of the key principle on stakeholder involvement should be changed. The aim of such a change would be to remove the inconsistency between the key principle and the text, without introducing ideas that require a great deal of explanation into the principle itself. Appropriate wording might be:

'Site owners/operators should involve a range of stakeholders in the planning and decision-making processes for the management of contaminated land. Who is to be involved and the extent of their involvement should be agreed with the relevant stakeholders.'

Question 2: Do you think that the wording of the key principle on stakeholder involvement should be changed? If so, what wording should be used?

2.3 Levels of Protection for Radioactively Contaminated Land

In LMGv1 it was noted that it had not proved possible to reach agreement during consultations on the guidance about the appropriate levels of protection from radioactively contaminated land ('clean-up criteria'). LMGv1 recommended the use of a case-by-case approach in which the level of protection is not specified in advance but emerges from a comparison of land management options. It is proposed to continue to recommend this type of approach in LMGv2 (see Section 6.2 in the draft outline contents). The reasons for this are that such an approach is consistent with the ALARA and ALARP principles and enables differing views on the health risks of radiation to be considered explicitly in decision-making.

Question 3: Do you agree with this proposal or would you prefer LMGv2 to recommend another type of approach to levels of protection from radioactively contaminated land (please state which type)?

2.4 Levels of Protection for Non-Radioactively Contaminated Land

It is proposed that LMGv2 will briefly compare the approaches to specifying levels of protection from radioactively contaminated and non-radioactively contaminated land. It will conclude that the approach for non-radioactively contaminated land, as set out in CLR11¹ and discussed in CLAN 6/06², is not consistent with regulatory approaches for activities involving radiation exposure, particularly not with the ALARA and ALARP principles. It is proposed that LMGv2 will recommend that, on sites where there is both radioactive and non-radioactive contamination, there should be one strategy for the management of this land and

¹ Environment Agency and Defra, 2004. Model Procedures for the Management of Land Contamination. Contaminated Land Report 11. Available on the Environment Agency and Defra websites.

² Defra, 2006. Assessing Risks from Land Contamination – a Proportionate Approach. Soil Guideline Values: the Way Forward. Contaminated Land Advisory Note 6/06.

that this strategy should be developed using the approach for radioactively contaminated land. Further, if the CLR11 approach is used for specific areas on such sites, then stakeholders should be involved throughout and particularly in establishing the criteria for determining when no action is required for non-radioactively contaminated land, ie when risks are acceptable (see Section 6.3 in the draft outline contents).

Question 4: Do you think these statements about the approach to levels of protection from non-radioactively contaminated land will be satisfactory? If not, what should be said?

2.5 Record-Keeping

The publication of the separate SAFEGROUNDS guidance on record-keeping means that it is not necessary to say a great deal on this topic in LMGv2. Some guidance does need to be given about keeping records in the long-term. It is proposed to recommend, as in LMGv1, that site owners should keep detailed records about the management of contaminated land throughout the time that they own the land and should pass the records to new owners when the land is sold (see Section 8 in the draft outline contents).

Question 5: Is there any other guidance that should be given about keeping records in the long term (decades and longer)?

3 OTHER ISSUES

Please let us have your views on any other issues in the draft outline contents of LMGv2. Both general and specific comments are welcome.

4 HOW TO RESPOND

To assist CIRIA with the collation of comments, please use the response form at the end of this document when submitting comments. All comments should be returned to CIRIA via email (gemma.samlal@ciria.org) or by fax (020 7253 0523), by 12pm on Monday 11th June 07.

5 NEXT STEPS

Your response to this consultation will be used to finalise the outline contents of LMGv2, which will be placed on the SAFEGROUNDS website with a summary of all the responses. The outline contents will be used to produce a first draft of LMGv2. There will be a consultation on this first draft in August and September 2007, followed by a workshop to discuss outstanding issues.

Thank you for your input to the revision of the SAFEGROUNDS guidance.

RESPONSE FORM

Personal Details

Name:	Organisation:
Email address:	Tel. no.:
Postal address:	
Are you responding as an individual or on behalf of an organisation or constituency?	
Do you wish your name (or that of your organisation) to be omitted when responses or summaries of responses are published?	

Responses to Questions in Consultation Document

Question 1: Do you agree that LMGr2 should contain only low key statements about its status? If not, what should it contain?

Question 2: Do you think that the wording of the key principle on stakeholder involvement should be changed? If so, what wording should be used?

Question 3: Do you agree with this proposal or would prefer LMGr2 to recommend another type of approach to levels of protection from radioactively contaminated land (please state which type)?

Question 4: Do you think these statements about the approach to levels of protection from non-radioactively contaminated land will be satisfactory? If not, what should be said?

Question 5: Is there any other guidance that should be given about keeping records in the long term (decades and longer)?

Comments on Other Issues

General comments:

Specific comments:

<i>Section or sub-section</i>	<i>page(s)</i>	<i>Comment</i>

Other Comments on the Revision of the SAFEGROUNDS Guidance

Please enter any other comments you have on any aspect of the revision of the SAFEGROUNDS guidance here.

Please return this form to CIRIA via email (gemma.samlal@ciria.org) or by fax (020 7253 0523), by 12pm on Monday 11th June 07.