



Our ref P&T/HP  
Your ref  
Date 31 October 2007

Jonathan Shaw MP  
Parliamentary Under Secretary of State  
DEFRA  
Nobel House  
17 Smith Square  
London  
SW1P 3JR

Dear Mr Shaw

## Contaminated Land Policy

The Chartered Institute and Environmental Protection UK have been told that Defra's Contaminated Land Policy Branch has been transferred recently from the Local Environment Protection Division to the Environmental Land Management Division. We are concerned both at the timing of this move and at any rebalancing of priorities it might bring, intentionally or not.

As to the first, the Branch is in the middle of delivering a complex series of technical outputs, arising from its "Way Forward" discussion paper published at the end of last year. The Branch's handful of staff has worked tirelessly on those for a long time and it is no exaggeration to say that their work is vital to local authorities' statutory duties to clean up contaminated sites. Detailed talks are continuing on this workstream with other agencies and even as its elements are published, over the next few months, there is bound to be a need for follow-up work, ensuring consistent implementation. A thorough understanding of the topic and continuity of advice from the Department will be important.

As to the second, we understand some of the pressures within the Department and why it might be attractive to consolidate its soil interests but the focus of the two divisions is nevertheless quite different, that of LEPD reflecting a concern for people, their health and well-being, while ELMD owes its origins to agriculture. In addition we know that the latter is pre-occupied with the negotiations on the proposed Soil Framework Directive.

Representing the kind of constituency you do, we know you must understand the threats land contamination poses to public health and the importance remediating it has to the whole process of brownfield regeneration. Our worries are, firstly, that the necessary impetus, not to say expertise, to see the "Way Forward" through and adopted is being lost in this transfer. Secondly, we fear that other aspects of soil policy, perhaps of more

relevance to the farming community, will take precedence over land contamination in the future. The delay until today in announcing the Capital Grants Programme for 2007/8, the dropping of BVPI 216 and the focus of PSA 28 only underline this possibility and we should be grateful to be reassured otherwise and at the same time to know how the Department's centre of expertise in land contamination is to be maintained.

Yours sincerely

A handwritten signature in black ink that reads "Alan Higgins". The signature is written in a cursive style with a large, stylized loop at the end of the name.

Alan Higgins  
President, CIEH

A handwritten signature in black ink that reads "Philip Mulligan". The signature is written in a cursive style with a long, sweeping underline.

Philip Mulligan  
Chief Executive  
Environmental Protection UK