

SOIL POLICY UPDATE

IMAGE: © Bart Coenders



Land and Soil Protection

MAYA DE SOUZA, Head of Soils Policy at Defra, provides an update on the last 12 months' activity in the sector and what we can expect for the year ahead.

In September 2006, the European Commission proposed a Thematic Strategy for Soil Protection that included proposals for a Soil Framework Directive. This followed the 6th EC Environment Action Programme that recognised the need to ensure adequate protection of Europe's soil resources.

The UK government supports the general aims of the Thematic Strategy but it is concerned that the proposed Directive is overly prescriptive, giving Member States insufficient flexibility to rely on effective existing approaches to soil protection. In their present form, the proposals are likely to mean that high costs have to be incurred which are not justified by the seriousness of the risks involved.

Despite 15 months of detailed negotiations, it has not been possible to resolve these and other outstanding issues. At the EU Environment Council meeting in Brussels on 20 December 2007, the UK was one of five Member States unable to support a

compromise text. The Portuguese Presidency concluded that agreement was not possible and that a substantial period of reflection was needed before it could be seen whether progress could be made. That is where matters now rest.

ARE YOU SOIL-PROOF?

The overall objective of the Directive as proposed by the Commission is to provide a framework for action by Member States. The draft Directive would require 'soil-proofing' of policy, as well as measures to ensure that any significant impact on soils as a result of action by land-users is prevented or mitigated. It would also require identification of geographical areas where threats to soil quality and resources are significant and putting in place programmes of measures to reduce these risks. The specified threats include erosion, organic matter decline, compaction as well as salinisation and landslides. In the course of

negotiations, it was also proposed that acidification be added to the list.

The proposed Directive also covers soil contamination. It would require action directed at preventing contamination, the compilation of an inventory of contaminated sites, remediation of those sites, and the provision of soil-status reports (containing detailed information as to whether the site is contaminated) on the sale of potentially contaminated sites. These proposals would have a significant impact on the way contaminated land is dealt with in England despite existing law in this field under Part IIA of the Environmental Protection Act 1995. Most significantly, it would require a thorough investigation of all sites on which activities deemed to be potentially polluting had occurred. This does not sit well with the UK approach where, in the absence of pathways and receptors, extensive investigation is not required nor with the UK's development-led **cont..**

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approach to investigation and remediation.

A broad obligation to limit or mitigate the effects of soil sealing, any construction that leads to soil being covered with an impervious material, is also included in the proposed Directive. This provision has the potential to require significant change in our current planning controls and could mean undue restrictions on development depending on the way that the courts interpret these provisions.

In order to inform the government's negotiating position, Defra carried out an assessment of the costs and benefits of this EC legislation, undertook a full public consultation in the autumn of 2007 and held workshop meetings with key stakeholders. The conclusions drawn from the responses received were that there were serious concerns about the need for fresh EC legislation and also as to the potential costs for government and the affected sectors.

SOIL STRATEGY FOR ENGLAND – FOUR KEY AREAS

In the meantime, at a domestic level, Defra is taking forward its work on a Soil Strategy for England which is now out for consultation. The proposed Strategy seeks to build on progress on soil protection under the First Soil Action Plan for England (2004-2006) which provided England with a good foundation for its soils policy. The draft Strategy identifies the main issues in relation to soil protection in the UK and sets out objectives, priority areas for future work and initial next steps for building on the progress already made on soil protection.

The first priority work area is aimed at sustainable soil management in the agriculture and forestry sector. Considerable progress has been made in this respect in recent years through the introduction of CAP cross-compliance measures and agri-environment options. It is proposed to continue to promote good soil management

in this sector and ensure that these soils measures are targeted, effective and proportionate, and that they are adapted where necessary to take into account the likely impacts of climate change. Proposed work will include a review of the cross-compliance and agri-environment provisions relating to soil, which fits in with Defra's current work on reviewing agri-environment measures and contributing to debates at an EC and domestic level pursuant to the CAP healthcheck.

The second priority work area will focus on halting the decline of soil carbon. There is research that suggests that soil carbon stocks have declined substantially in recent years and might be making a significant contribution to UK greenhouse-gas emissions (equivalent to eight per cent of national emissions). Other studies suggest the loss is not so high and that carbon stocks may be increasing in some areas. If the former study is correct, or if a strong feedback effect is likely to result from climate change, this is an issue that needs to be addressed where possible. It is therefore proposed to seek to improve our understanding of the issues relating to carbon loss from soils. Defra will also seek to identify the most effective land-management practices to maintain our organic matter stocks and put in place appropriate measures, on a precautionary basis if that is necessary, to reduce the rate of soil organic matter decline.

The third priority work area is aimed at ensuring the sustainable management of soils in the built environment. Good soil management is essential for healthy urban ecosystems and soils can also be used to filter run-off and for sustainable urban-drainage

purposes. It is proposed to put together guidance for assessing the impact of development on soils to help planning authorities and developers to take into account the impact on soil functions when putting together planning policies and in making decisions. It is also proposed to proceed with work begun under the Soil Action Plan in putting in place a voluntary Code of Practice for the construction industry.

The fourth priority work area relates to protection of soil during the recycling of organic materials to land. In order to reduce the amount of waste that goes to landfill and protect levels of organic matter in our soils, it is necessary to return organic materials such as composts, manures and industrial wastes to the soil. It is, however, important to ensure that we understand the risks to soil and take appropriate precautionary measures. The draft Soil Strategy proposes action to understand the risks created and to take action to ensure adequate measures are in place to protect soil functions and minimise the risks to human health and the wider environment.

By implementing the proposed Soil Strategy, which essentially involves refining our domestic soils policy as well as developing our scientific understanding of the risks and threats to our soil, the UK will have a sound set of policies in place for soil protection. This is particularly important in the light of the need to ensure resilience of soils in the face of climate change. It should also enable the UK to exert greater influence on negotiations at an EU level if and when they recommence.

The consultation on the Soil Strategy will run from 31 March to 23 June 2008. Details can be found at: www.defra.gov.uk/corporate/consult/soilstrategy/index.htm



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