

## **FINDINGS OF A STAKEHOLDER WORKSHOP ON THE FUTURE POLICY AND REGULATION OF EXCAVATED MATERIALS IN ENGLAND AND WALES**

### **PAPER 2: SCOPING AND FINDINGS OF THE WORKSHOP**

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#### **1. INTRODUCTION**

The Specialist in Land Condition (SiLC) Professional & Technical Panel (PTP) and CIRIA's Soil Community of Practice (CoP) convened a stakeholder workshop on 1 February 2024 to explore alternative policy and regulatory approaches for excavated soils and other materials on development projects. The desired outcomes from the workshop included examining what good regulation and policy in this area would look like, the benefits that could be achieved, and the barriers to change.

This, the second of three papers, provides more details on the scope and factual outputs from the workshop, and follows the first paper, which provided the basis for the workshop and the key considerations that informed it. The third paper identifies shortlisted 'options to consider' for future improved policy and regulation of excavated materials.

It should be noted that the terminology used in the workshop was 'soils' but as a sub-set of 'excavated materials', this wider terminology has been adopted in both papers. The focus was on England and Wales due to regulatory divergence across the rest of the UK. However, the regulatory issues and challenges associated with the sustainable reuse of excavated materials are not specific to England and Wales, or indeed the UK as a whole, but apply internationally.

#### **2. DETAILS OF THE JOINT SILC/ CIRIA COP WORKSHOP**

A wide range of stakeholders were invited to the joint SiLC/ CIRIA CoP workshop, held online under the Chatham House rule, on 1 February 2024. The event was attended by approximately 40 representatives invited from the following organisations:

- UK government depts. (Department for Energy Security and Net Zero - DESNZ, the Office for Environmental Protection - OEP).
- 'problem holder' clients (Soil & Groundwater Technology Association - SAGTA).
- regulators (Environment Agency - EA, Scottish Environment Protection Agency - SEPA, National Contaminated Land Officers Group - NCLOG).
- professional bodies (SiLC, British Society for Soil Science – BSSS, Chartered Institute of Environmental Health - CIEH, Geological Society, Institute of Environmental Sciences - IES, Landscape Institute, Society for the Environment - SocEnv).
- trade bodies (AGS, , RemSoc, Environmental Industries Commission - EIC, UK Environmental Law Association - UKELA).
- research organisations (CL:AIRE, Royal Agricultural University, and
- participants in the CIRIA Soil CoP, including organisations from the consulting and contracting sectors.

The workshop, which was chaired by Tom Henman, commenced with a short plenary session to set the scene, commencing with a presentation from Claire Dickinson to set the scene, including many of the issues covered in the first section above. Paul Nathanail then presented on 'Excavated Stuff: a global challenge ... and opportunity' and highlighted that perhaps [waste] definitions matter too much, whereas functions and services matter not enough. Also in applying circular economy principles, waste minimisation and reuse must be at the heart of this and landfills form part of the system.

The workshop attendees were then sub-divided into groups led by a facilitator from SiLC or CIRIA with summary notes made by a rapporteur. The sessions covered the following aspects:

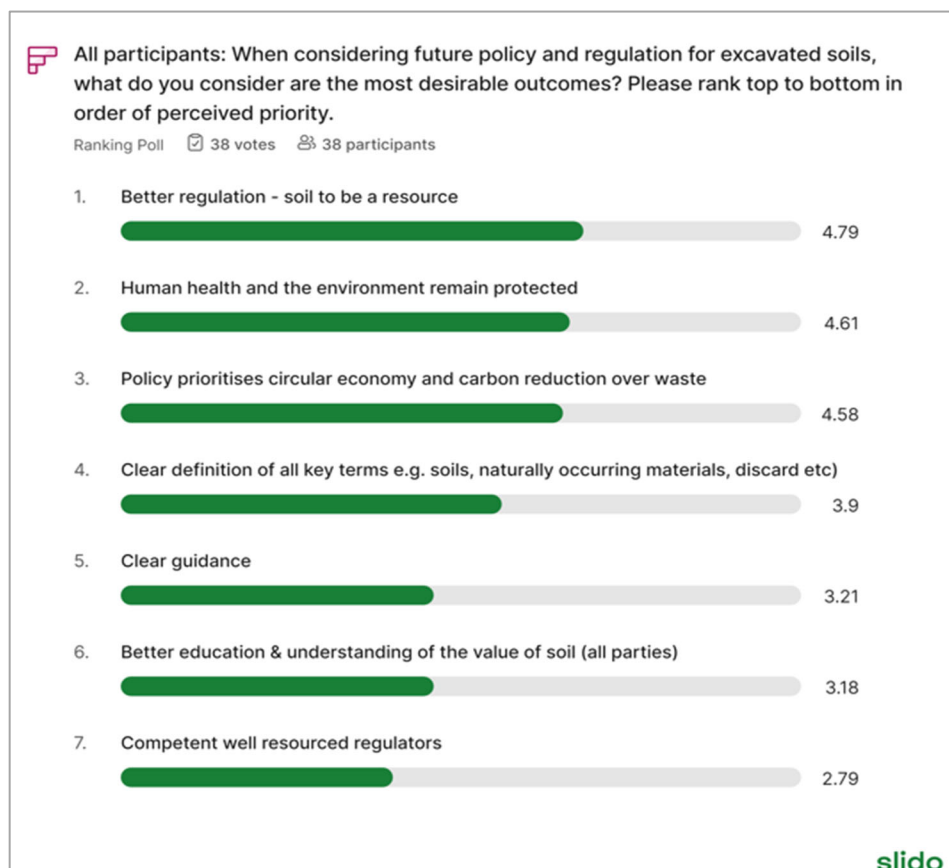
1. When considering future policy and regulation for excavated soils, what are the desirable outcomes?
2. What barriers need to be overcome to bring about change for the better?
3. What are the possible solutions to address the identified priority outcomes, achieve the requirements and work within the barriers?

After each breakout session, the rapporteurs reported on the findings from each group back to all attendees. Polls were also established by the workshop organisers grouping similar responses from the groups together into a single list, and these were then ranked by the attendees in order of importance. Finally, there was open discussion with all attendees regarding the solutions that had been identified.

### 3. KEY FINDINGS OF THE WORKSHOP

#### a) Desirable outcomes

Desirable outcomes included consideration by the attendees of what good soil regulation and policy would look like and the benefits that could be achieved. The results of the ranking poll completed by attendees during the workshop were as shown in Image 1 below.



**Image 1: Ranking poll results – when considering future policy and regulation for excavated soils, what are the desirable outcomes?**

The top three ranked responses were ‘better regulation – soil to be [considered as] a resource’, ‘human health and the environment remain protected’ and ‘policy prioritises circular economy and carbon reduction over waste’.

## b) Potential barriers

A wide range of potential barriers were identified in the next session by stakeholders at the workshop, which are summarised in the Word Cloud shown as Image 2 below. There is noted to be a strong emphasis on policy/ regulation/ permitting aspects with 'definition (of waste)' and 'knowledge/ skills' also featuring strongly by the participants as key barriers to change.



Image 2: Word Cloud results – what barriers need to be overcome to bring about change for the better?

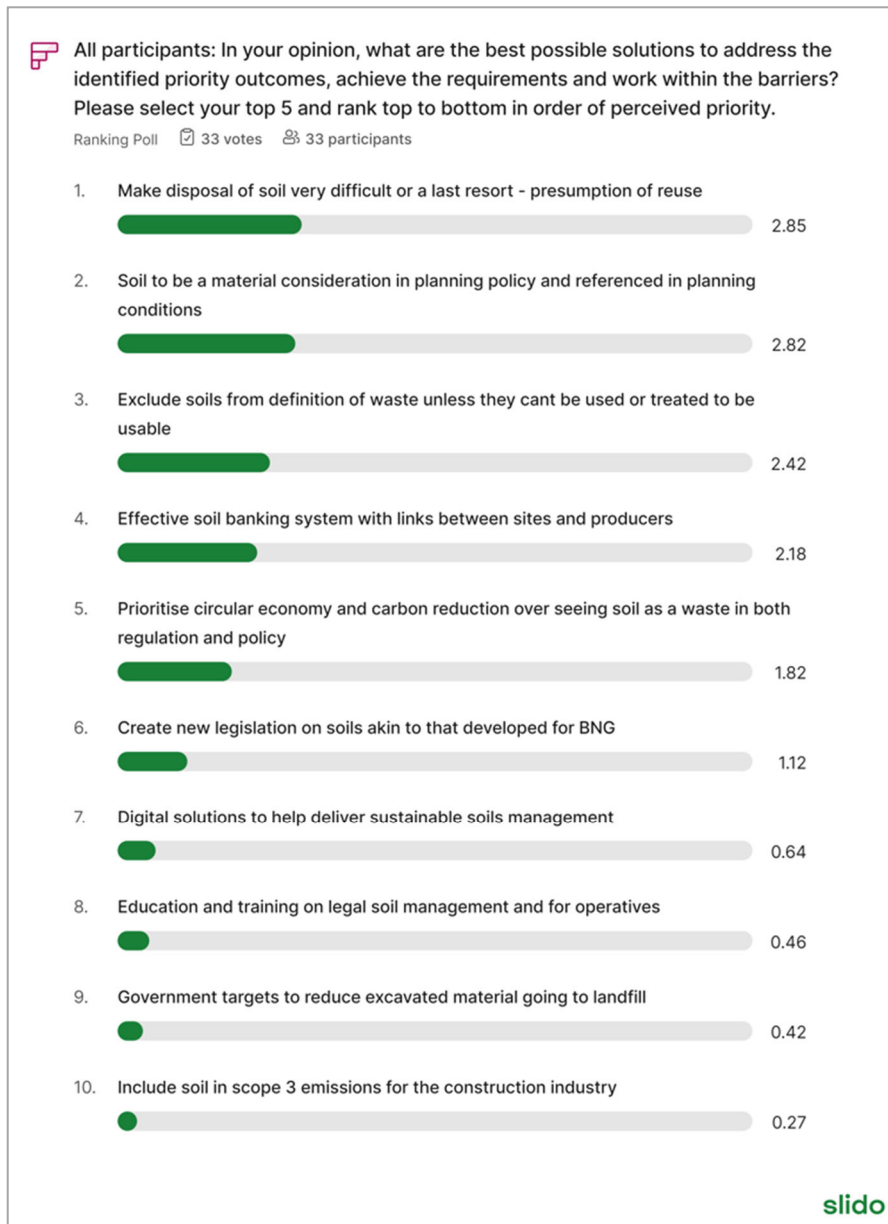
## c) Potential solutions

In the final session of the workshop, attendees were asked to rank their top 5 possible solutions to achieve the previously identified desirable outcomes and to work within the identified barriers. The output of this is shown in Image 3. The five highest ranked solutions were:

1. Make the disposal of excavated soil to landfill very difficult or a last resort by having a presumption of resource reuse rather than a default of waste disposal (29 votes)
2. The value of excavated soil to be a material consideration in planning policy and referenced in planning conditions (27 votes).
3. Exclude soils from the definition of waste unless they cannot be treated to render them usable (24 votes).
4. Set up an effective soil banking system that would bridge the gap between excavation and reuse (24 votes).
5. Prioritise circular economy and carbon reduction over seeing soils as a waste in both regulation and policy' (22 votes).

A lower ranking, and a far less popular rating (5 to 9 votes each), was given to new legislation (akin to that for biodiversity net gain); digital solutions to help deliver sustainable material management; education and training on legal soil management; introducing government targets to reduce excavated

materials being disposed of to landfills; and including soil in Scope 3 emission inventories for the construction industry.



**Image 3: Ranking poll results – what are the possible solutions to address the identified priority outcomes, achieve the requirements and work within the barriers?**

### 3. NEXT STEPS

The responses and discussion from the workshop have been reviewed and explored further by the authors to develop the accompanying ‘green paper, which identifies shortlisted ‘options to consider’ for future for improved policy and regulation of excavated materials, and their associated benefits.