

Developers Pay Attention - it's D Day for Landfill Tax Exemptions



'Without a landfill tax exemption the costs for the disposal of contaminated soils from many brownfield remediation sites are set to double'....yes this is the grim reality of not getting your landfill tax exemption in place before **30 November this year**. Landfill tax, paid on top of normal landfill fees, has two rates: a lower rate for inactive waste (inert soils) and the standard rate. The standard rate of landfill tax will increase

from the current rate of £32/tonne to £48/tonne by April 2010 with further increases thereafter.

You may typically be paying between £50/m³ and £150/m³ for the disposal of contaminated soils from a clean up project. If the current standard rate of landfill tax is applied to such material then these rates would increase by around £70/m³ (i.e £120 - £220/m³). Currently many developments can obtain exemption from this landfill tax, however, the current exemption for developers and contractors is to be abolished from 31 March 2012, although to continue using the exemption until that date, companies must formally apply before 30 November 2008. If you need some immediate advice regarding exemptions or would like us to apply for an exemption on your behalf don't hesitate to contact **Matt Powell on 0113 264 9960 or email matt.powell@thesiriusgroup.com**

Whilst this change in tax legislation will lead developers to consider

the use of alternative remediation techniques more closely, it is inevitable that there will always be a residual demand to remove and dispose of the more problematic materials that cannot be effectively treated. With our wealth of experience in remediation and application of treatment technologies through our Environmental Permit we can guide you to the most pragmatic and cost effective clean up solution for your site.

Other Taxing issues - you may be aware of the existing relief that can be claimed against corporation tax for costs associated with land remediation (this known as **land remediation relief**). Basically if a company incurs qualifying costs on the remediation of land and buildings on removing contaminants, the company is eligible for 150% tax relief on the expenditure. But, did you know the main proposal of the government's recent consultation on Brownfield tax incentives is to extend the 150% relief to companies clearing up sites that have been derelict since March 1998. This will be known as **Derelict Land Relief** and likely qualifying costs will relate to the removal of reinforced concrete, relic structures, pile caps, foundations, machinery bases and redundant services.

Japanese knotweed - we also understand that the government has accepted that the unusually destructive nature of Japanese Knotweed means that its presence on site can be regarded as contamination. From 1 April 2009, costs incurred on the removal of Japanese Knotweed will qualify for the land remediation relief as well. For further advice or comment on the impact of tax relief on your project please contact **Patrick Kane at our Leeds Office or email patrick.kane@thesiriusgroup.com**

Sirius Group launches new specialist division

Sirius Group has expanded its consulting services with the launch of a new division, Sirius Strategic Environmental Management (SSEM). The new division provides a unique and expanded range of specialist services to assess, manage and remediate contaminated sites and communicate with stakeholders, regulators, the media and the general public.

The SSEM team consists of highly-regarded specialists not generally found in traditional environmental consultancies including chemical engineers, environmental scientists and biotechnologists, with backgrounds in both operational and consultancy sectors. SSEM has developed partnerships in the fields of ecology, medicine, toxicology, environmental law and the media, to offer innovative, effective and practical solutions to a wide range of environmental challenges.

Richard Thurgood, Director says: "SSEM provides our clients with an agile, holistic consulting service that ensures the most cost-effective and efficient management of contaminated sites and associated issues. The launch of this division marks a new phase in the Group's expansion and we are confident that SSEM will enable new and existing clients to maximise their return on investment in turbulent economic times."



Environmental Industry Commission (EIC)

"Sirius are proud to announce their sponsorship of the EIC National Brownfield Development Conference to be held at the Royal College of Surgeons, London on the **23rd October**. This is the leading national forum for all those involved in brownfield development to understand the policy framework, network with industry leaders and to promote their companies."

More overleaf...



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Sirius dealing with Britain's Asbestos Legacy

In June 2008, The Sirius Group commenced remediation works of the former CAPE Asbestos works in Bowburn, Co, Durham.

The land was acquired by The Esh Group, one of the largest construction groups operating in the North East of England, for a mixed commercial and residential end use.

The site had formerly manufactured asbestos containing products predominantly comprising cement bound sheeting. The factory ceased production in the late 80s.

Previous investigations had revealed asbestos impacted soils and asbestos products across the site which required careful management and removal in order to provide a site suitable for future development.

Prior to any works commencing, prolonged dialogue, meetings and presentations with both regulatory bodies as well as local residents and parish councils was undertaken to specify the works and also address any concerns people may have had.

Presentations and meetings have continued throughout the works and have been accompanied by a monthly update report sent to the insurers, local authority and parish councils.

All of the meetings since works started have received a positive feed back from all parties and both the local authority and residents have commended Sirius and Esh on the careful and professional manner in which the site has been run. All of the known asbestos has now been removed from the site and works are progressing on lifting and processing the concrete slabs. The works are due to be completed early in the New Year.



Sirius in Sicily!

Keen never to let the grass grow under our feet, Sirius have recently been out in Sicily looking at opportunities in land remediation driven by ever strengthening Italian government legislation. We were also investigating innovative drilling techniques which whilst proving ever popular on the continent are little used in the UK. Watch this space for further information! The Sicilian opportunity complements other European consultancy work which we are conducting in both Ireland and the Netherlands.

Soil Guideline Values Withdrawn



Those involved in acquisition, development and management of potentially contaminated sites will be interested to know that Defra and the Environment Agency have recently withdrawn the Soil Guideline Values (SGVs) that were used for screening soil contamination, and the documents related to these. This means that SGVs and other assessment criteria derived using the old guidance should no longer be used directly in site assessment reports, a fact that those commissioning and using such reports need to be aware of.

Unfortunately, to date, the withdrawn guidance has been replaced only by an incomplete series of new documents which have been found to contain some errors. It is unclear when corrected versions of these and the remaining guidance will be issued but it is likely to be several months or more before that work is completed.

For the time being, then, those dealing with contaminated land (including the local authority regulators) are having to adopt a pragmatic interim approach to assess the potential human health risks posed by sites and the requirements for remediation. There is not universal agreement on the best way of doing this, although the general consensus is that the previously valid approaches can be acceptable provided that the risk assessor can demonstrate that they are both appropriate for the site and protective of human health, something that needs appropriate expertise such as can be offered by Sirius.

For further information please contact Phil Morgan on 01928 515 715 or email phil.morgan@thesiriusgroup.com