

NICOLE

Network for Industrially Co-ordinated Sustainable Land Management in Europe



From brownfield management to land stewardship

An industrial perspective

Brussels, 5 April 2019

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Chair of NICOLE

- NICOLE introduction
- Brownfields and liability management
- From brownfield management to land stewardship

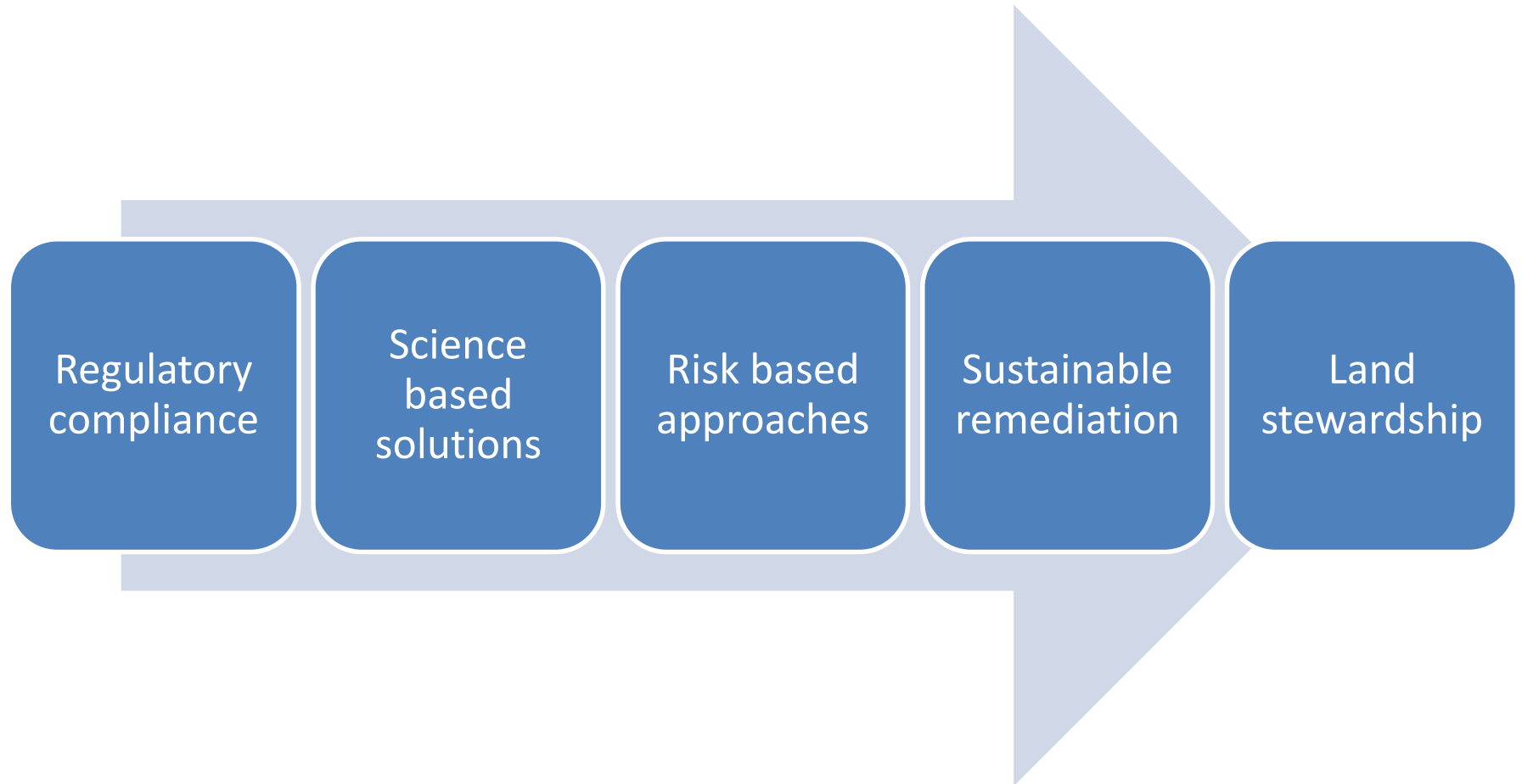
NICOLE

- a unique network in Europe, linking contaminated land management professionals from industry, service providers and academics
- a leading organisation in the development and promotion of state-of-the-art solutions for sustainable land management

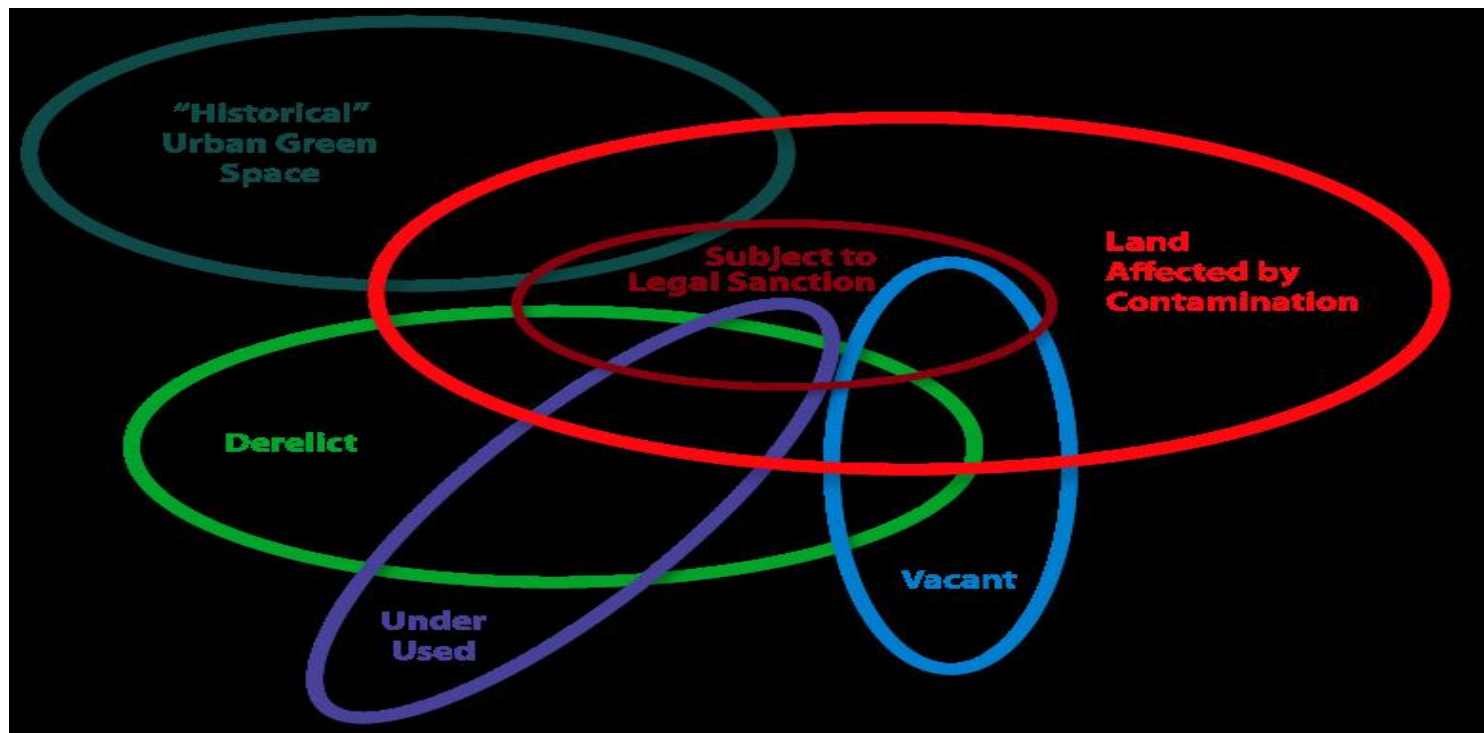


- Two workshops per year
- Meetings of Industry, Service Providers and Academic groups
- Working Groups: Sustainable Remediation, Mercury, Regulatory Issues, Asbestos, Emerging Pollutants, Innovation
- Innovation Award
- NICOLE monthly newsletter and website
- Publications, position papers and reports
- Collaboration with Common Forum and other networks



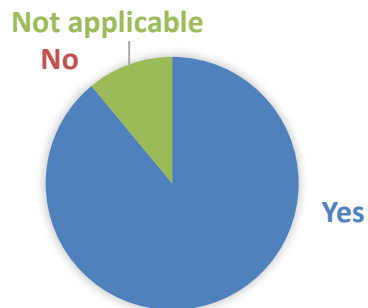


Land previously used for industrial or commercial purposes with known or suspected soil or groundwater contamination

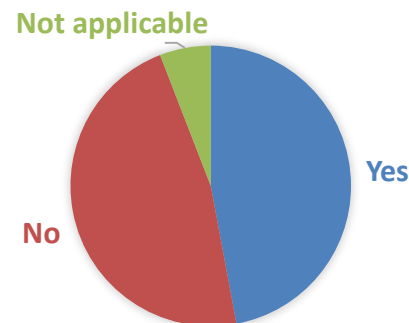


Brownfields with NICOLE industry members

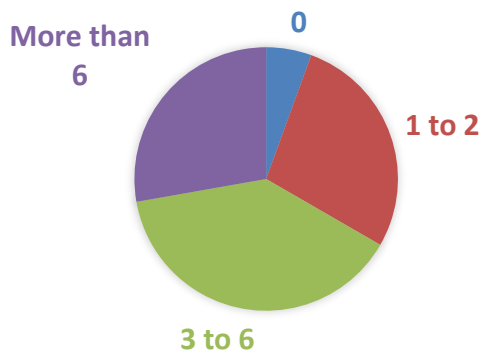
Collaboration between contaminated land team
and real estate team to optimize brownfield
redevelopment?



Do you have a specific brownfield
programme?

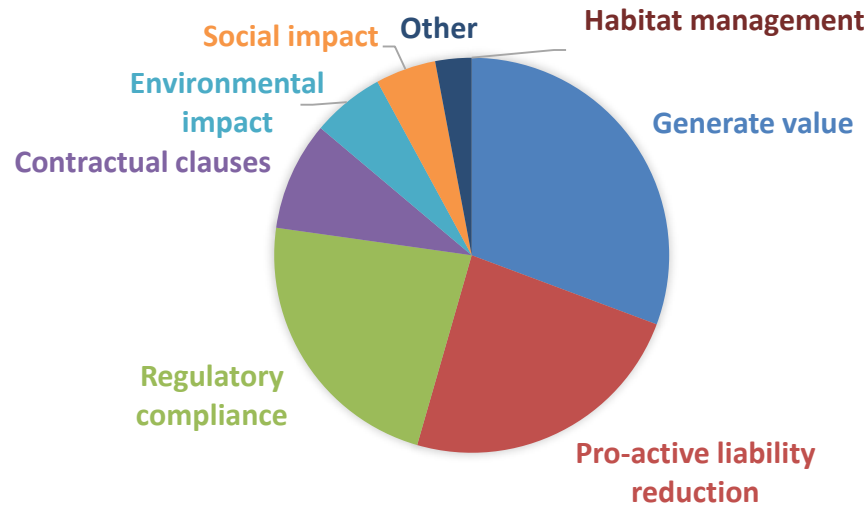


In how many EU countries do
you have brownfield sites?



About 70% of NICOLE's industry
members have brownfields in 3 or
more EU countries

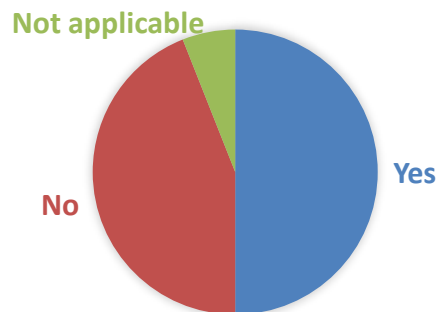
Three main drivers for actively managing brownfield sites?



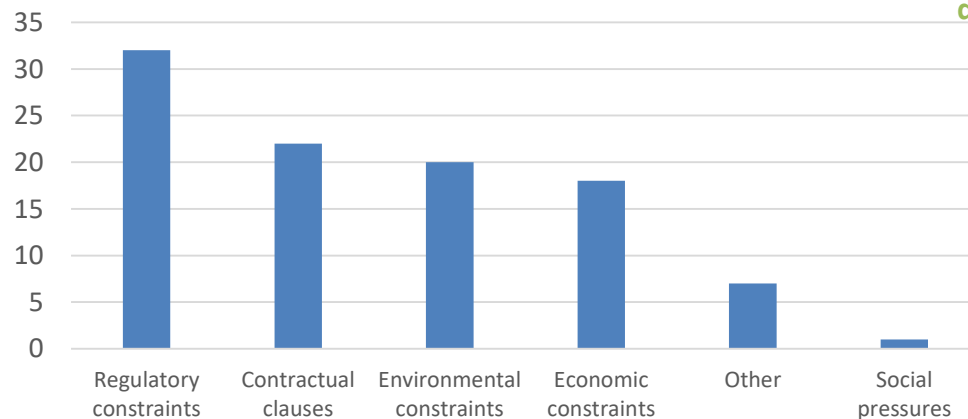
Top 3 drivers for active brownfield management:

- Value generation
- Liability reduction
- Compliance

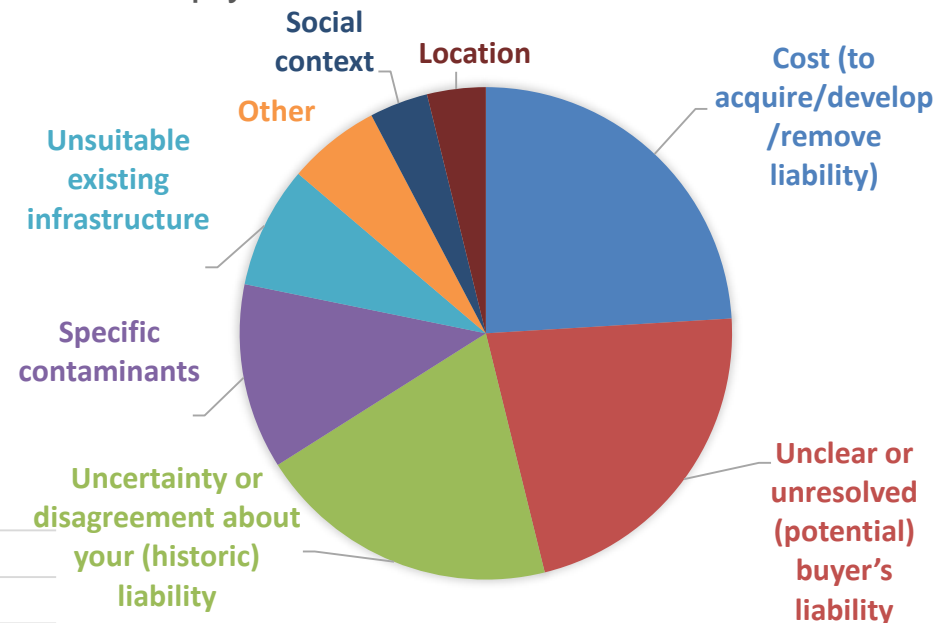
Is pollution the major impediment for brownfield redevelopment?



Top 3 external obstacles encountered during brownfield redevelopment?



Under what considerations would you keep your contaminated brownfields?



Some quotes from NICOLE survey:

"Absence of clear liability transfer legal framework"

"No reliability on future use restrictions"

"Lack of measures around (financial) support of remediation beyond industrial standards"

Stakeholders & Liability transfer



Polluter Pays Principle:

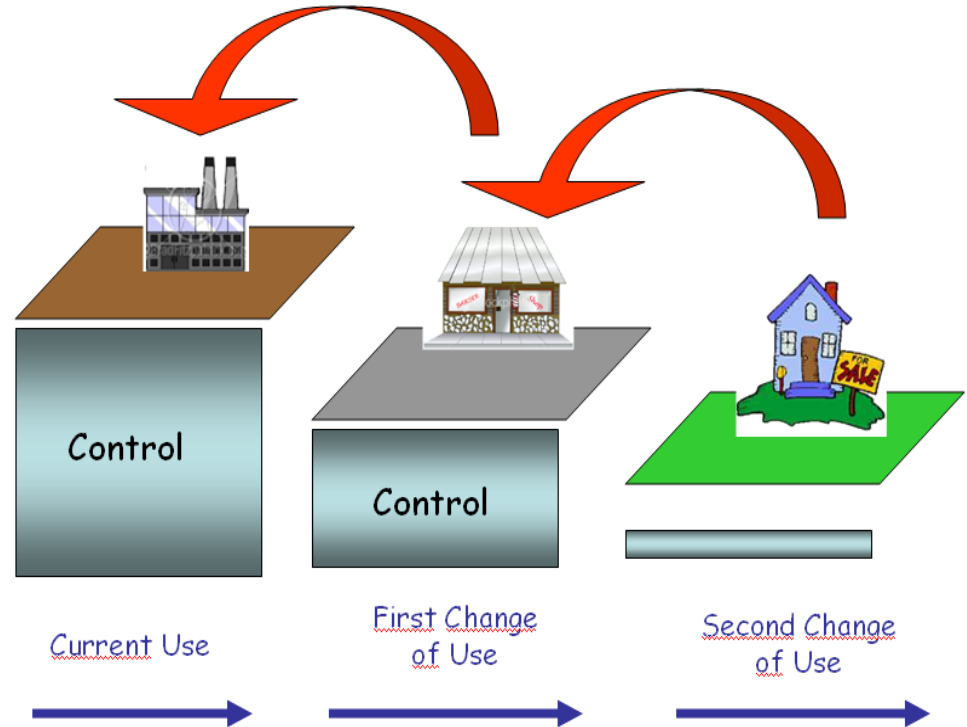
- either internalised within the consideration of project economics, or
- assumed to have been resolved (for example, by discounting land purchase price)

Uncertainty of the polluter liability, its transferability and the risk of bounce-back are often a blocker to the supply of brownfield land

Liability bounce back

Post-remediation risks:

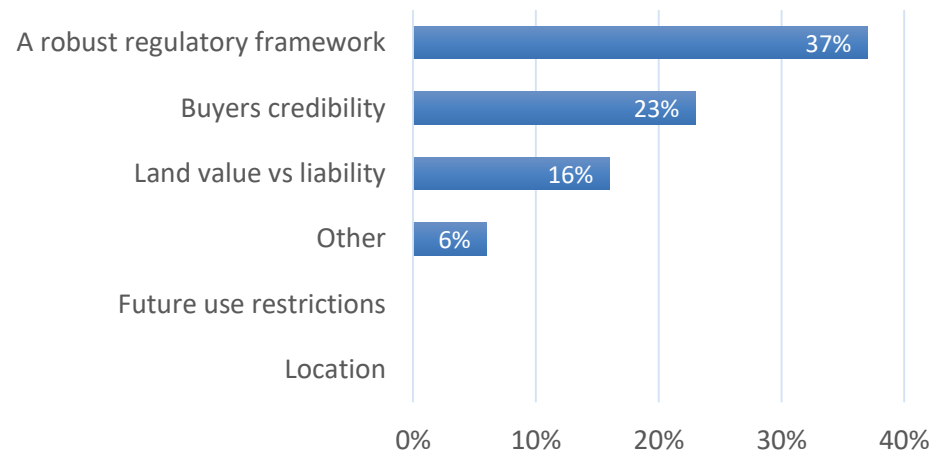
- Changes in regulations
- Emerging pollutants
- Residual pollution
- Change of use
- Change of ownership
- Lack of development control
- Sophistication, reliability or solvability of new owner
- Non-survival of buyer, developer, insurer,...



Does your company transfer the pollution liability attached to a brownfield?



What would stimulate you to sell/transfer the pollution liability?



Quotes from NICOLE survey:

“solid partners ... such as authorities ... to prevent potential bounce-back”

“in case the extent, risks, costs and legal possibilities are known”

“we prefer liability transfer to a specialized and reliable company”

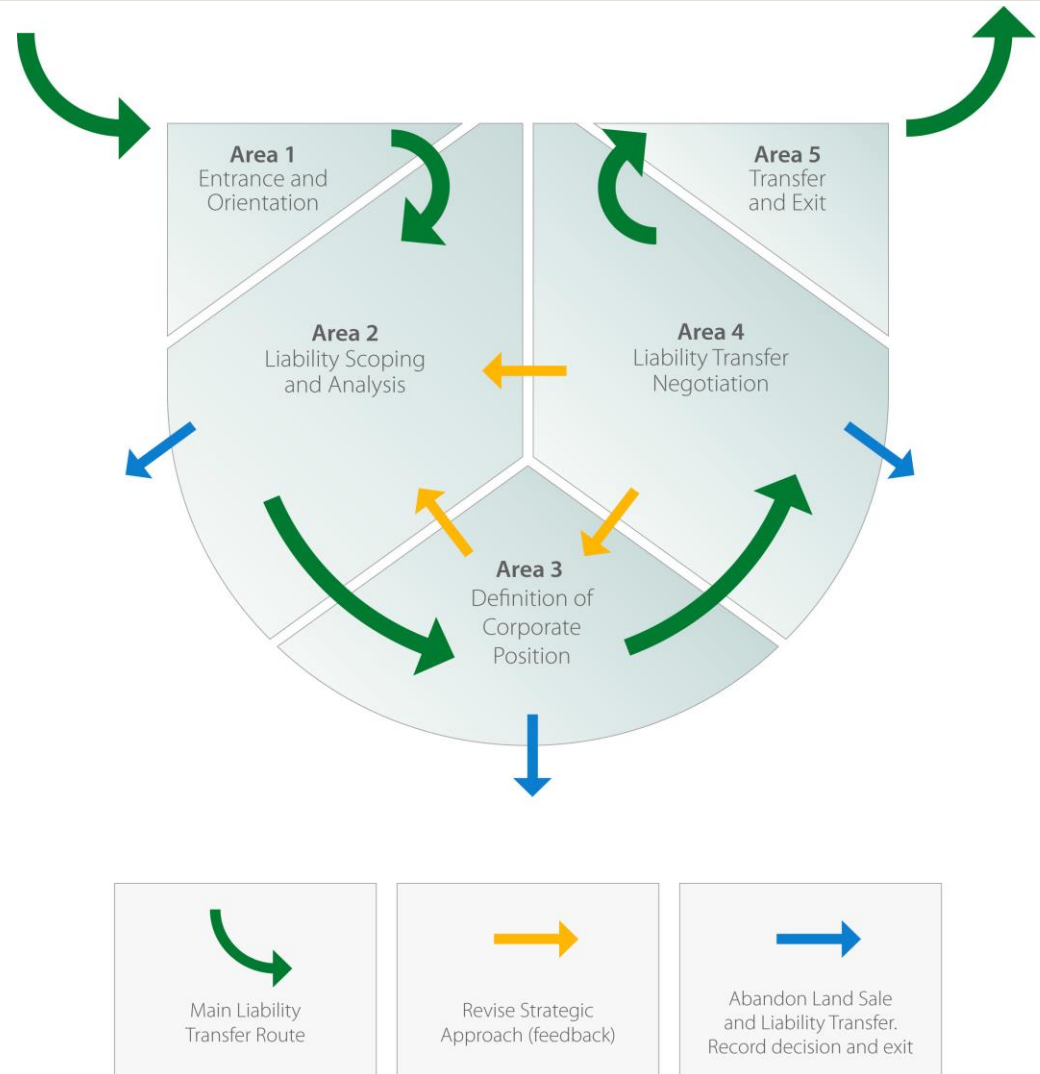
Liability transferable by statute provides a degree of certainty for safe divestment of land

Creating certainty through NICOLE Toolkit

Aim is to assist organisations seeking to exit from liability by transfer

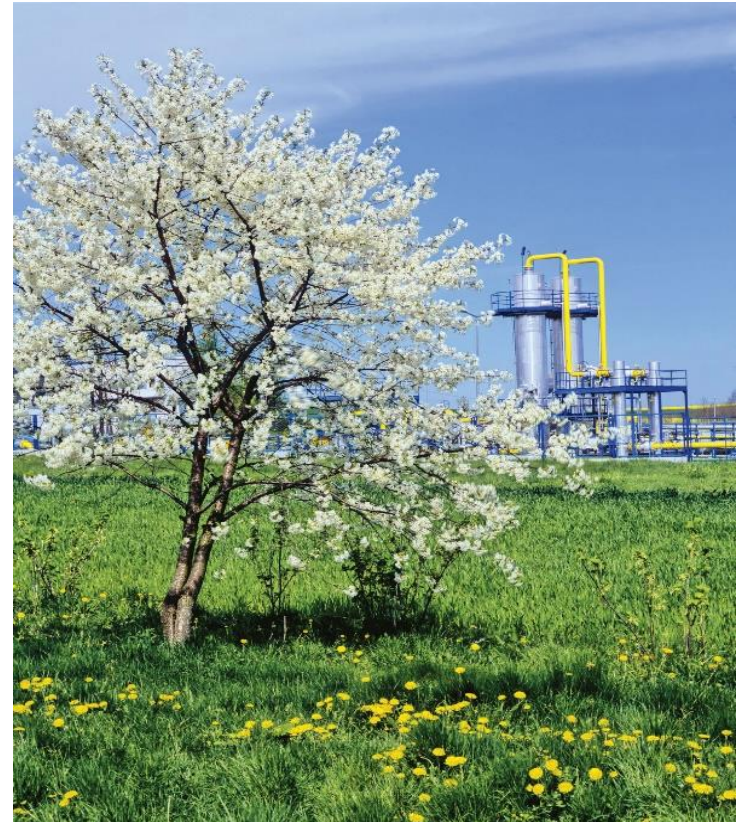
Also to be used by:

- Parties in a land transfer seeking to identify and apportion liabilities
- Regulators looking for certainty of liabilities being addressed



Land Stewardship:

- Wider scope than brownfield redevelopment
- Land in its broadest sense: industrial land, brownfields, diffusely degraded land, natural or urban areas, etc.
- Looks at the natural and social values of land
- Aims to create more value



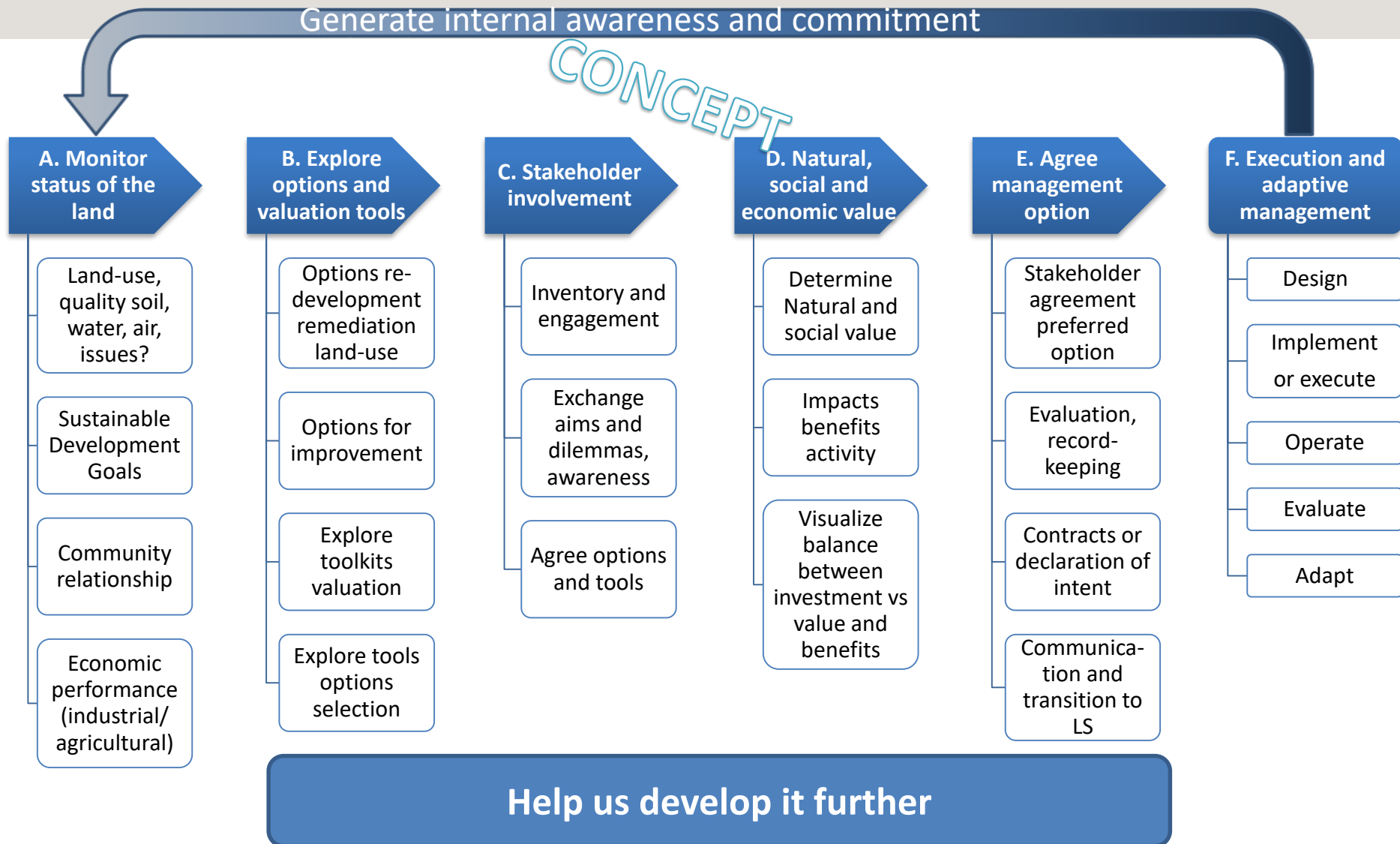
Land Stewardship (LS)

- Is the collective recognition of the natural, social and economic capital, and the possibilities for unlocking that value
- Builds on:
 - quality of land, air, water, biodiversity and the natural capital it represents
 - social and economic capital land brings to human wellbeing and welfare
- Offers tools for optimizing land management by effectively visualizing:
 - the added value of investments to land owners or responsible parties
 - the value of industrial use of land or its temporary use for nature to society

Mature Land Stewardship would embed circular thinking and by consequence avoid the generation of brownfields



Stepping stones to Land Stewardship



Successful brownfield regeneration requires:

1. Thorough engagement of multi-stakeholder groups to address a complex set of drivers and blockers
2. Clarity and certainty around transfer and closure of liability
3. Circular thinking through the Land Stewardship concept

- This presentation is based on:
 - NICOLE Report: Environmental Liability Transfer in Europe – Divestment of Contaminated Land for Brownfield Regeneration, 2011
 - Survey within NICOLE's Industry Sub Group, March 2019
- For more information, please contact:
 - Nan.su@nicole.org

Disclaimer: This presentation does not necessarily reflect the opinion of all NICOLE members.



Thank you for your attention

Visit www.NICOLE.org for more info