

Land Forum Meeting

20<sup>th</sup> October 2015

CMS Cameron McKenna LLP  
78 Cannon Place  
London  
EC4N 6AF



11pm – 4pm

## **Update on progress of the National Quality Mark Scheme for Land Contamination Management**

In light of the positive response to the public consultation on the initial draft of the NQMS for Land Contamination Management, the Professional Standards Group has continued its work to further develop refine and improve the scheme. Progress has been made in the following areas:

1. Administration and funding arrangements for the scheme.
2. SQP capabilities and examination procedures.
3. Definition of standards and project auditing procedures.
4. Improvements to the SQP Declaration.
5. Development of the communications strategy.
6. Clarification of the Environment Agency's regulatory position on the scheme

### **1. Administration and funding arrangements for the scheme**

The public consultation clearly identified SiLC, CL:AIRE and SoBRA as the Land Forum Members best placed to help contribute to and deliver the core elements of the NQMS. With this advice in mind, and the aspiration to utilise the strengths of the respective organisations a collaborative approach has been adopted.

- SiLC will take the lead in establishing examination and registration procedures for suitably qualified persons and administering aspects associated with professional ethics.
- CL:AIRE will establish and ensure web-based access to the necessary technical and regulatory guidance and standards required for practitioners to operate under the scheme.
- SoBRA will establish mechanisms for identifying capable risk assessors to assist SQPs in verifying the capability of project staff undertaking related tasks under the NQMS.

SiLC and CL:AIRE are currently in discussions regarding the delivery of the remaining aspects associated with scheme administration including the establishment of web-pages, registers and associated financial systems. The finances necessary to operate and maintain the scheme will be obtained via a combination of SQP examination, registration and nominal declaration fees.

### **2. Suitably Qualified Person (SQP) capabilities and examination process**

Mindful of the need to ensure that SQPs have the necessary combination and level of capability in both data management, legislative knowledge and operation of the CLR11 processes, SiLC have come forward with proposals for an appropriate examination process. These proposals build upon but modify the examinations currently in place for SiLC registration. In building upon an existing tried and tested system it will be possible to swiftly process new applications for SQP status with provisions in place to facilitate rapid access and uptake by existing registered SiLCs.

SiLCs are currently present within over 80 different environmental consultancies (including the top 15 global companies by gross revenue operating in the UK) as well as regulatory authorities, Government, academia and wider Industry. This gives the potential for widescale and rapid uptake of NQMS. It also responds to the feedback given via the public consultation that we should utilise existing organisations and systems to achieve the schemes aims rather than to try and introduce something completely new.

### **3. Definition of Standards and Project Auditing Procedures**

CLR11 – the Model Procedures for Management of Land Contamination will be the defining technical process that underpins the NQMS. This document together with an updated version of its “Part 3 - Information Map” will be hosted as a web-based Water and Land Library (WALL) by CL:AIRE ([www.claire.co.uk/wall](http://www.claire.co.uk/wall)). It is intended that this resource be maintained and continually updated as an asset for the benefit of NQMS users and wider Environment Industry. Funds to ensure the currency of this information resource are intended to be obtained via the nominal fees raised by declarations.

The auditing process to be applied by SQPs to any project report bearing the quality mark has been finalised in light of additional contributions from the Environmental Regulators. This process utilises the experience of the SQP in evaluating the adequacy of any interpretations and conclusions set out in a report by reference to a list of critical questions/challenges based around the CLR11 process. A draft extract of the proposed process is attached for information.

### **4. Improvements to the SQP Declaration**

The SQP declaration form which accompanies any quality marked report has now been finalised by capturing and incorporating the feedback received during the public consultation. A copy of the form is attached for information.

### **5. Development of a Communications Strategy**

A draft communication strategy has been prepared by CL:AIRE and is attached for information. This strategy will be further developed and detailed in preparation for the launch of the scheme.

### **6. Clarification of Environment Agency Position**

Responsibility for complying with environmental legislation rests with those involved in dealing with the substances, activities or land in question. It is the role of the environmental regulator to impose the necessary administrative controls to protect or enhance the environment in line with legislative requirements.

The Environment Agency have made it clear that they intend to take account of whether or not information provided to them has been prepared under the NQMS in assessing compliance with respective legislative regimes for which they have responsibility. Where NQMS submissions conclude that pollution is being prevented or managed satisfactorily they will take the view that no further regulatory intervention or enforcement is necessary. This is particularly relevant for the role the Environment Agency plays in supporting the Local Planning Authority under the Town and Country Planning system where it is asked to comment upon matters relating to pollution of controlled waters.

However to ensure that human health and the environment are protected they will continue to engage in the active review of a limited number of higher risk cases and audit others on a random basis to monitor the effectiveness of the system.

A formal position statement setting out how the NQMS will be accounted for under different legislative regimes is currently being prepared by the Environment Agency. The intention is to have this position authorised, published and adopted in advance of the launch of the scheme.

### **7. Remaining Actions & Provisional Timetable**

It is still the intention of the group to have a finalised scheme in place by January 2016 with a view to a formal launch at the beginning of the next business year in April 2016. Some work still remains to be done on the administrative mechanisms and roles and responsibilities of the respective organisations collaborating in the scheme. However it is hoped that a document setting out all the details of the finalised scheme can be made available and circulated amongst Land Forum members shortly.