Contaminated Land Officer Briefing Note
The National Quality Mark Scheme for Land Affected by Contamination
July 2015

The Land Forum was established by DCLG and Defra in July 2011 and was developed from The National Brownfield Forum. It brings together private and public sector organisations and takes an open and forward looking strategic overview of current and future land use issues. Local authority Contaminated Land Officers (CLO) are represented on the Land Forum by a number of officers from around the country. This note aims to provide an overview of The National Quality Mark Scheme for Land Affected by Contamination for CLOs.

The proposed National Quality Mark Scheme for Land affected by Contamination (QMLC) is a scheme that has been developed by the Land Forum to provide visible identification of documents that have been checked for quality by a Suitably Qualified and experienced Person (SQP). This should provide improved quality of submissions related to previously used land made under regulatory regimes, particularly planning applications.

The aims of the QMLC are:
- To provide assurance to Developers (who retain the legal responsibility for adequately dealing with land contamination problems during the planning process) and to Regulators, that the risks arising from land contamination have been adequately assessed and dealt with by competent people.
- To improve the quality of reports delivered by the contaminated land industry to a level whereby Developers and Regulators can have increased confidence and reliance upon the conclusions. Such reports will, in general, benefit from a lighter touch review. However, the regulator is under no obligation to adopt this approach.

The key features of the scheme are to ensure that:
Reports are prepared in line with good practice and are signed off by a SQP approved by the QMLC scheme, who checks and ensures that:
- The work has been planned, undertaken and written up by competent people who have relevant experience and/or qualifications in their respective disciplines.
- The underlying data has been collected in line with established good practice procedures and its collection has been subject to control via established quality management systems.
- The data has been processed, analysed and interpreted in line with established good practice and any specific advice provided by the relevant regulatory authorities or other authoritative bodies.
- The report sets out conclusions or recommendations that are substantiated by the underlying data and are based upon reasonable interpretations.
- Any limitations in the data or uncertainties in the analysis are clearly identified along with the possible consequences of such limitations.
- The SQP must be chartered, therefore in the event that an SQP knowingly misleads, excludes data etc. sanctions are available under the professional ethics code of their individual chartership.

SQP Declaration
The SQP will then sign a declaration that will accompany the report confirming that:
1. The work has been carried out by appropriately capable people (with reference to the Skills Development Framework).
2. The work has been appropriately reviewed and the information and data appears factually correct.

3. Any specialist aspects (e.g. DQRA etc.) have been prepared or reviewed by an appropriately qualified/competent person.
4. The interpretation and conclusions are reasonable.
5. Any proposals to mitigate actual potential or residual risks are appropriate.
6. The SQP is fully aware of and complies with the Code of Conduct of [name professional institution].
7. The work of the review and Declaration are within the limits of the SQP's competence and professional capacity.

What are the benefits of the scheme to the Regulator?

- Reports with the Quality Mark would require less scrutiny as there would be a higher degree of confidence in the quality of the report and its conclusions.
- Officers would therefore be able to dedicate more time reviewing the reports where there are no such quality assurances.
- This could assist officers who may be under strain from many non-contaminated land related responsibilities to prioritise their workloads.
- For those CLOs who do not have a good working relationship with their Planning Departments, there is a level of reassurance that problems are unlikely to arise, should a Planning Officer approve a Quality Marked report without CLO consultation.

Common CLO concern answered.

Does this scheme mean there is no longer a need for my role? Does this spell the end of the CLO?
No. The scheme is here to **assist** the CLO **not replace** the CLO. The scheme is voluntary so not all submissions will have the Quality Mark.

What if I find faults or disagree with the conclusions of the Quality Marked Report?
CLOs are under no obligation to accept a Quality Marked report, or give it less scrutiny. However, the developer should have a high degree of confidence in the quality of his product, which should hopefully not be rejected by a CLO, thus minimising the potential for delays in the Planning process. CLOs would be encouraged to randomly audit Quality Marked reports, and report any concerns to the scheme administrators.

What confidence can we have in the competency of the SQP?
The scheme has strict eligibility criteria for the SQP. They have to be chartered, adhere to a high standard of professional ethics and have a good understanding of the contaminated land regime. All SQP applicants will be assessed by an authorised scheme administrator.

Who is endorsing the scheme?
Although it is a Land Forum initiative, due to the many stakeholders of the Land Forum it is not possible to get full endorsement of all members, some of which may have nothing to do with contaminated land.

Scheme Launch

It is hoped that the scheme will go live in early of 2016.

If you have any questions please contact a Land Forum CLO representative.

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