

NQMS

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The National Quality Mark Scheme (NQMS) is an industry initiative led by the National Brownfield Forum to promote good practice in the preparation of land condition reports. It is endorsed by Government; it is endorsed within LCRM and many regulators now 'signpost' it in their planning guidance. In spite of this wider acceptance there are still unfounded myths circulating as follows;

There are no advantages in respect of planning to do a report under the NQMS

For some sites, land contamination will not be the main issue of concern in determining a planning application; for others it may be a material constraint. In either case, preparation of reports under the NQMS provides an extra layer of demonstration that good practice has been followed in the assessment of land contamination and/or remediation. Applying the NQMS minimises the risk of land contamination becoming an issue that does cause planning delays.

The Environment Agency supports the NQMS. The Agency's Approach to Groundwater Protection (February 2018, Version 1.2) states with reference to the NQMS: "*you can achieve significant benefits by 'getting it right first time'. Projects and developments that meet the standards for regulatory compliance incur less delay and are not subject to enforcement action.*"

Position Statement J9 within this document states that the Agency will take into account "*use of the NQMS when formulating its responses under the planning system*", "*encourage local planning authorities to consider referencing the NQMS in any standing advice*", and "*be able to recommend the discharge of planning conditions more quickly, reducing time and cost*". Where NQMS submissions conclude that pollution is being prevented or managed satisfactorily, it states that the Agency "*will take the view that no further regulatory intervention or enforcement is necessary*".

There is an evidence base developing that NQMS reports are enabling planning applications to be determined and/or the regulatory review process completed more quickly.

The NQMS is not accepted by Local Authorities

An increasing number of local authorities are now signposting the NQMS as evidenced by the [map on the NQMS pages of the CL:AIRE website](#). Some local authorities are now stipulating that reports commissioned by themselves are signed off by an SQP and/or prepared under the NQMS.

The NQMS does not apply to Scotland

There has been no specific endorsement of the NQMS by the Scottish Government or SEPA, which is similar to other developments such as LCRM. However, both

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organisations are members of the National Brownfield Forum which initiated the scheme as a better regulation initiative for the benefit of its members and for the wider UK Environment Sector and contaminated land community as a whole. NQMS reports are being produced for sites in Scotland, including Part 2A assessments for local authorities. Feedback has been positive, for example commending the consideration of data gaps/uncertainties and whether they have any material effect on the conclusions and recommendations. We are aware of at least one local authority in Scotland that has now requested that all land contamination reports prepared on their behalf are prepared under the scheme.

It involves a lot more time and money to do a report under the NQMS

A small amount of extra time is typically needed for the SQP to confirm that the NQMS requirements are met and to complete the declaration on the CL:AIRE website, which is also subject to a small fee (£75 + VAT). This process is most efficient when competency records or other evidence are readily available and there are systems in place to demonstrate that the Appendix 1 requirements – which set out specific criteria for technical review of reports – have been addressed by the technical reviewer. Note that Appendix 1 has been revised for use on all reports under the NQMS from October 2022 onwards. Most of the checks are standard good practice and likely to be routinely undertaken as part of any good project management or report review process. If the SQP is the report reviewer there is minimal additional work required. Also, having such systems in place can benefit review of reports completed for purposes other than the NQMS.

The NQMS Scheme Audit will audit the site or the overall project

The NQMS Scheme Audit is confined to auditing the process whereby an SQP implements the requirements of the NQMS, i.e. the documentary evidence specifically relating to the declaration process. It does not look at any other aspects of projects or involve a technical review of the report.

The NQMS only applies to planning/ site development

The Environment Agency's Approach to Groundwater Protection (February 2018, Version 1.2) Position Statement J9 encourages the use of the NQMS under the Part 2A and Environmental Permitting Regulations (EPR) regulatory regimes, and in response to pollution incidents or returning a site to baseline conditions. It also states that the Agency will specify the need for works to be carried out under the NQMS when undertaking its enforcement activities and work with its suppliers to ensure that all work it carries out is subject to the NQMS. An example of this is the PFAS Phase 4 screening where NQMS reporting is a mandatory part of the scope of services.

For further information about the NQMS:

www.claire.co.uk/nqms