

LAND FORUM – Raising Standards in Land Contamination Assessment

Note to Land Forum members

Summary of Proposed Scheme

On a voluntary basis, submissions accompanied by a “Quality Mark” sign-off by a **Chartered Person** will need to be subjected to less scrutiny by the regulator.

HEADLINES:

The Quality Mark sign off will attest that the submission

- Is Complete
- That the component parts have been signed off by appropriately skilled specialists who attest that their work
 - Is Factually Correct
 - Has been undertaken using appropriate Analyses (see Key Questions overleaf)
 - Has followed appropriate guidance
- Reaches reasonable conclusions
- Is fit for purpose

SCOPE OF THE SCHEME:

(INITIAL)

- CLR 11 Type Activities
- Town and Country Planning

ROLE OF THE SIGNATORY:

- **Chartered**
- Basic Checks
- Takes Overall Responsibility **BUT** can devolve audit tasks to others under a Quality Management System (role for different technical specialists).

KEY QUESTION “CHECKS” for CLR11

Have they

- looked for the right things?
- looked in the right places?
- used the right detection methods?
- gathered enough data to produce “**representative**” data?
- compared findings with the right standards/yardsticks?
- used appropriate methods/tools?
- used suitable parameters used in modelling?
- reached “**reasonable**” conclusions?

Risk Assessment

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- identified appropriate remedial objectives
 - identified appropriate compliance point (water)
 - considered available methods (remediation)
 - selected appropriate options that will work
 - identified the need for any other permissions

Options Appraisal

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- created a verification plan using lines of evidence
 - shown sufficient data to support the conclusions of the Verification report

Remediation

BACKGROUND

Following significant discussion at the January 2014 Land Forum regarding the best way to improve standards in our industry a sub-group met on 4th June . The potential elements of a scheme and how it might operate were discussed further and a preliminary view/premise was reached as to the scope and content of a possible scheme.

This briefing note has been drafted for circulation prior to a Land Forum Meeting meeting on 25th June when a resolution will be sought from the Forum to proceed with the scheme development.

Key points that have been identified with regards to the development of the scheme for raising the standards of Land Contamination Assessment are as follows:

Scheme Objective

To raise the standard of all work above a lower threshold of acceptability. The technical quality expectation is simply the delivery of a reasonable standard of work that complies with CLR11.

Scheme Drivers

90% of environmental benefits come from the planning system, but advisory and checking services are necessarily being cut back because of cuts. This voluntary scheme will ease pressure and assist the existing regulatory system.

Scope of Scheme

The initially envisaged scheme would apply to all “CLR11” work done through planning.

Acceptability of Scheme

The scheme will create confidence that allows the regulator, if they so wish, to reasonably step back from certain quality assurance activities with confidence that the necessary environmental outcomes will still be achieved. Regulators will always retain any legal powers of enforcement should standards not be achieved in practice.

Multi-Disciplined Scheme

Although a single person may be capable of managing the process, it is unrealistic to expect a single individual to be a specialist/expert and be “competent” in all relevant areas. The quality of individual elements of any submission can only be assured by individuals with the necessary specialist/niche expertise. Different organisations have already considered or could consider what is required for such individuals in their respective specialist fields.

Product v. People

A Competent Person is simply one who delivers competent work. The scheme will focus mainly on the achievement of satisfactory assessments or decisions produced by one or more groups of people rather than rely only on the qualifications and experience (competency) of an individual.

Quality Management

A check list of Key Questions has been produced, but **Quality Management Systems** associated with each assessment can ease the amount of QA required for different aspects of work submissions as well as acknowledging that a certain person or firm is judged capable of producing competent work.

“Quality Mark” sign-off

We envisage a cover page to accompany any submission made under the scheme which carries a stamp/quality mark. There is one over-arching sign-off on this page that says “this product complies with the scheme” (and is hence deemed “fit for purpose”). Any such overall sign-off will be by a chartered person. This being the Lowest Acceptable Common Denominator to ensure a suitable degree of ethics/professionalism.

An important thing to note is that sign-off by a chartered person puts the onus on them to confirm either the quality of the work itself or the capability of the team producing the work, or both. However, this person needs to be capable of identifying that the submission is complete, and that there are not “parts of the jigsaw missing”.

Capable people

It is envisaged that various land forum member organisations might engage in the process of using a framework to define any evidence/tests/measures that can be used to judge whether somebody knows what they are talking about. Different groups should be able to contribute to different things– We can take what has already been done and incorporate its qualities into the scheme.

Possible Deliverable

It is hoped that the Land Forum can reach sufficient agreement on what a scheme might look like to enable a potential **Regulatory Position Statement** to be drafted by the EA and endorsed by all forum members. This would add valuable momentum to the subsequent development of the scheme.

NEXT STEPS

- Preparation of a document describing the scheme as a whole (i.e. its elements, what it's for, how it works procedurally, benefits etc.)
- A flowchart/checklist to guide the auditing/checking process
- A declaration to make sure the Chartered person knows what they are endorsing
- A regulatory position statement (EA)
- Supporting work by members developing skills framework materials
- Communications/promotional material