



National Quality Mark Scheme for Land affected by Contamination Consultation responses review

Introduction

In March 2015, the Land Forum launched a public consultation across the brownfield regeneration and land contamination sectors asking people's views about the introduction of a National Quality Mark Scheme for Land Affected by Contamination. The consultation closed on 15th May 2015.

Stakeholders were asked eleven questions and 148 entries were received from across the sectors. However it must be noted that some entries were submitted on behalf of professional institutions, industry groups and individual companies that had canvassed their members or work colleagues to give a collective response. Therefore although there were 148 individual entries the responses suggest that a much larger number of views are actually provided within some of the entries. A summary of the results to the individual questions is presented below.

Question 1 – Category of Stakeholder

A total of 148 individual entries were provided with 151 responses, this was due to two entries ticking more than one stakeholder category. This included one entry ticking planning officer, contaminated land officer and environmental regulator and another entry ticking contaminated land officer and environmental regulator.

The stakeholder category responses to the questionnaire are broken down as:

90 - Consultants

39 - Contaminated land officers (one contaminated land officer also described themselves as an environmental regulator, so counted as two as answered questions for all)

10 - Environmental regulators

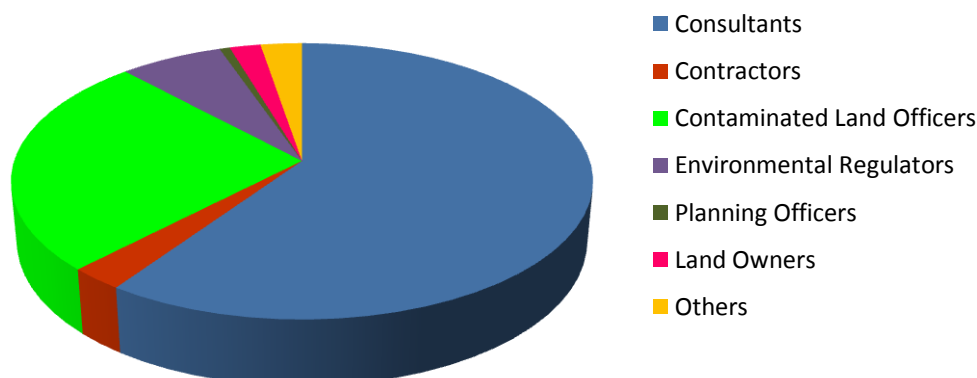
4 - Other (Environmental NGO, lawyer, policy advisor, Professional Institution)

4- Contractors

3- Landowner/developer (including one industry group)

1 - Planning officer (also described as contaminated land officer and environmental regulator so counted as three as answered questions for all)

Category of Respondents

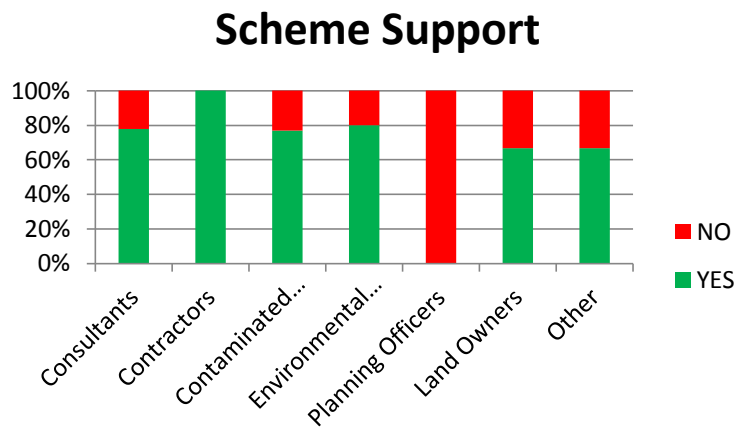


Question 2 – Are you in favour of such a scheme being instigated? (Total responses = 151)

Yes - 117 (77%)
 No - 34 (23%)

The stakeholder groups broke down as follows:

- 70 – Consultants = Yes (78%)
- 20 – Consultants = No (22%)
- 8 – Environmental Regulators = Yes (80%)
- 2 – Environmental Regulators = No (20%)
- 4 – Contractors = Yes (100%)
- 2 – Landowner/Developer = Yes (66%)
- 1 – Landowner/Developer = No (33%)
- 30 – Contaminated Land Officers = Yes (77%)
- 9 – Contaminated Land Officers = No (23%)
- 1 – Planning Officer = No (100%)
- 3 - Other = Yes (66%)
- 1 – Other = No (33%)



For those that did not support a scheme being instigated a range of reasons were given including a view “*that the scheme is unnecessary as the standard of work being done by Industry is acceptable and that there are already adequate checks and balances in place if the regulator acts to control quality*”.

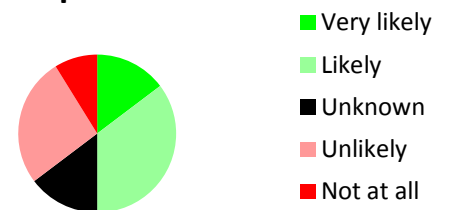
It is however worth noting that those regulators that were not in favour of the scheme (including the planning officer) all raised concerns linked to reliability of voluntary schemes and/or the need for continued regulatory scrutiny.

Question 3 – How likely do you think your LA would be to issue a position statement?

Contaminated Land Officers (Total responses = 39)

- Very – 5
- Likely – 12
- 50/50 – 5
- Unknown – 5
- Unlikely – 9
- Not at all – 3

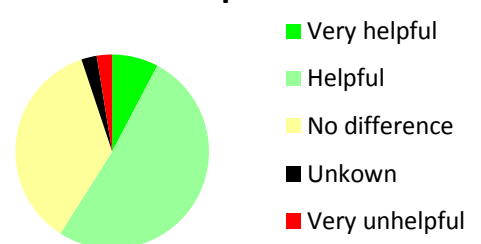
LA position statement



To what extent would such a scheme help or hinder you in your role?

- Very Helpful - 3
- Helpful – 20
- No Difference – 14
- Unknown – 1
- Very unhelpful – 1

Scheme helpfulness

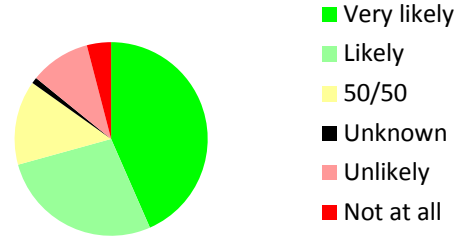


Question 3 – How likely would your organisation be to sign up to such a scheme?

Consultants (Total responses = 90)

Very – 39 (43%)
 Likely – 24 (27%)
 50/50 – 13 (14%)
 Unknown – 1 (1%)
 Unlikely – 9 (10%)
 Not at all – 4 (4%)

Consultant Scheme uptake



Question 4 – Do you agree with the minimum requirements of SQP?

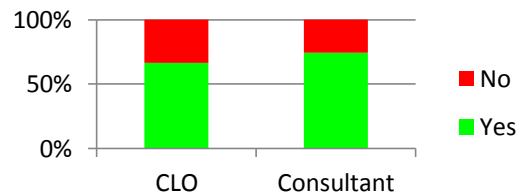
Contaminated Land Officer (Total responses = 39)

Yes – 26 (67%)
 No – 13 (33%)

Consultant (Total responses = 90)

Yes – 67 (74%)
 No – 23 (25%)

Agreement with min. SQP requirements



The main reasons that stakeholders gave for not agreeing with the minimum requirements of the SQP were around chartership. Some stakeholders felt that chartership should be the only requirements, whereas others felt that that the scheme would preclude a number of people who are not chartered but are very experienced. Also some felt that requiring people to be chartered was too restrictive and it was noted that most contaminated land officers are not chartered therefore would be precluded from becoming an SQP.

Question 5 – Are there any existing schemes that can be used to demonstrate the minimum requirements for the SQP? (Total responses = 148)

Yes – 84 (57%)
 No – 64 (43%)

Those that ticked Yes, the stakeholder split was:

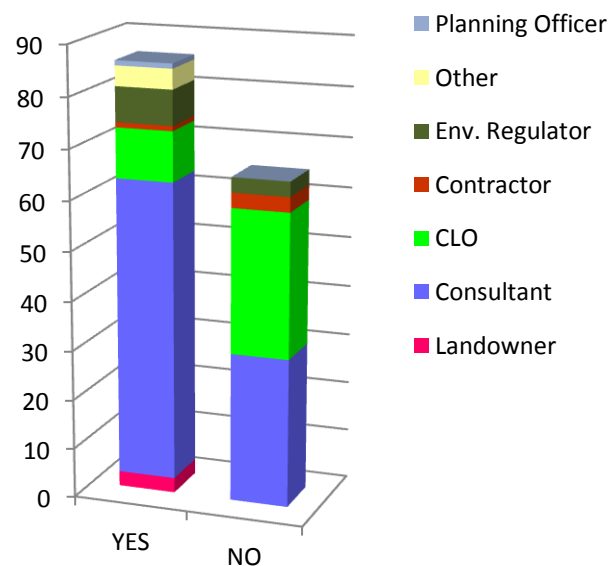
Landowner – 3
 Consultant – 60
 Contaminated Land Officer – 10
 Contractor – 1
 Environmental Regulator – 7
 Other – 4
 Planning Officer - 1

For those stakeholders that ticked yes, most replied stating the SiLC registration scheme. Other schemes also mentioned were chartership schemes (e.g. C.Geol & CIWEM), CL:AIRE QP scheme, ROGEP and SoBRA

Those that ticked No, the stakeholder split was:

Landowner – 0
 Consultant – 30
 Contaminated Land Officer – 29
 Contractor – 3
 Environmental Regulator – 3
 Other & Planning Officer – 0

Are there existing schemes that can demonstrate SQP requirements



Question 6 – Are there any existing organisations that could administer such a scheme? (Total responses = 148)

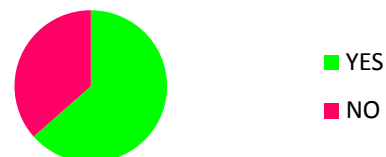
Yes – 94 (64%)
 No – 54 (36%)

There was a range of answers to this question with the majority stating more than one organisation could be suitable in administering such a scheme, however SiLC and CL:AIRE were mentioned on most occasions. A number of respondents who felt SiLC would be appropriate were due to them running the SiLC register and therefore that there were already existing synergies with the scheme. Others felt that CL:AIRE should undertake the role because they are a recognised independent body and also currently undertake a similar role with the Definition of Waste: Development Industry Code of Practice (DoWCoP) Qualified Person register.

Organisations Mentioned

- AGS
- Chartered Institutions: ICE, CIWEM, CIEH, Chartered Institute of Environment, IEMA, Geol Soc
- Chartermark
- CIRIA
- CL:AIRE
- Construction Line
- EA
- Engineering Council
- Government Body
- Harris Associates
- Land Forum
- RoGEP
- SiLC
- SoBRA

Is there an existing potential administrator?

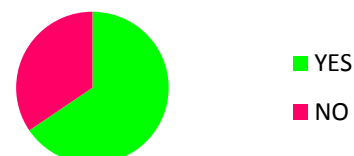


Question 7 – For consistent operation of a scheme, is it necessary to link the scheme to any specific standards and/or documents? (Total responses = 148)

Yes – 97 (66%)
 No – 51 (34%)

Numerous guidance documents were mentioned with a number stating CLR11 and British Standards. There was also concern that there were too many to mention with a risk of keeping a list up to date.

Link to specific standards required?

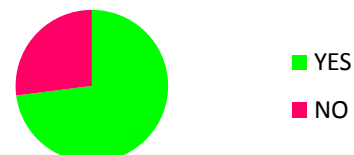


Question 8 – Do you agree with the key aspects of reports that need to be audited as part of the scheme? (Total responses = 148)

Yes – 108 (73%)
 No – 40 (27%)

The majority of stakeholders felt that the key aspects of reports that need to be audited had been identified. Some stakeholders also made some additional comments/suggestions including the need to clarify some requirements (e.g. risk assessment) and add others (e.g. sustainable remediation),:

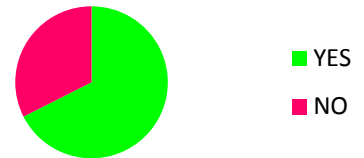
Agree with audited aspects?



Sufficient declaration statements?

Question 9 – Does the declaration have sufficient information/statements?

Yes – 100 (68%)
No – 48 (32%)

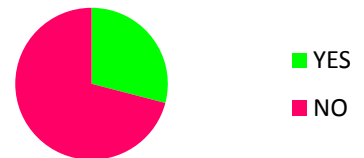


The majority of stakeholders felt that the declaration contained sufficient information. The stakeholders who did not, suggested amongst other things improved referencing to planning permissions and regulatory contact details.

Question 10 – Taking into account the proposed complaints procedure that has been outlined, do you think that a specific (non-technical) scheme audit system is required in addition to any other audit systems operated by regulators or companies? (Total Responses = 148)

Yes – 43 (29%)
No – 105 (71%)

Is an additional audit procedure is required?



The majority of stakeholders did not feel that an additional audit system was required. However those that did feel that it was necessary, at least initially, to ensure standards. A range of potential options or ideas were put forward together with a request for further clarification regarding liability issues.:

Question 11 – Clarification of points and any further information that you feel would be useful for the development of the NQMS.

A number of stakeholders added extensive additional comments about the proposed NQMS. As per question 1 there was majority support, but a request to clarify the scheme in several areas including the requirements for Chartership, the need to consider business quality management systems and the need to clarify the complaints procedure.

Conclusion

The results of the consultation exercise revealed broad support for the scheme as a whole, but highlighted the need for the working group to continue to develop and clarify the details in certain areas. There were a number of positive suggestions made whether in connection with technical issues or the way the scheme is perceived that will help the group take the scheme forward.