

# NCLOG introduction and an updated CLO perspective of the NQMS

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A PRESENTATION ON BEHALF OF THE NATIONAL  
CONTAMINATED LAND OFFICER GROUP (NCLOG)  
30<sup>TH</sup> MARCH 2021

BY REBEKAH NORBURY AND ANN BARKER



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# Structure of presentation

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## Introduction to the National Contaminated Land Officer Group

- Ann Barker

## Contaminated Land officer perspective of the NQMS

- Rebekah Norbury



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# National Contaminated Land Officer Group: Background

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- ❖ Regional pollution groups inc. land sub-groups established after local government reorganisation in 1974 e.g. Yorkshire and Humberside Pollution Advisory Council
- ❖ Pollution control function usually, but not exclusively, located in Environmental Health departments
- ❖ EPA, Part 2A 1990 /Environment Act 1995 – confirmed LAs to deal with historical contamination issues
- ❖ 1990s – 2000s - Increase in L.A.s employing/training specialist land contamination officers
- ❖ CIEH hosted Standing Conference on Land Contamination (SCLC) although majority of CLOs are not EHOs
- ❖ NSCA/EPUK Land Quality Committee – many LA members, cross sectoral representation including CLOs
- ❖ On demise of SCLC – no national point of focus for regulation of land contamination or for the work of CLOs



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# National Contaminated Land Officer Group: Timeline

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- Spring 2018 – concern at lack of national voice for CLOs
- Sought establishment of a body which could:
  - Represent and lobby on behalf of CLOs at a national level and
  - Which national organisations could approach to get a CLO view
- Winter/Spring 2018/19 -Survey of CLOs
- January 2019 coined the term NCLOG and planned an inaugural meeting
- February 2019 – discussions with BRIC which offered to provide a venue April 2019 – inaugural meeting details announced with call for founding member volunteers
- 5th June 2019 – Inaugural NCLOG meeting held at Molineux Stadium, Wolverhampton

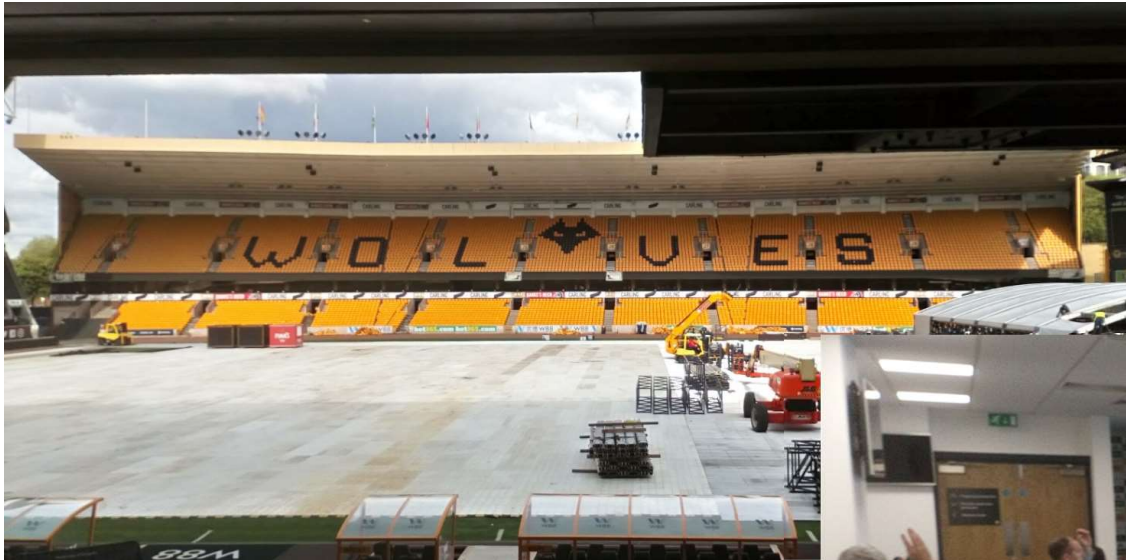


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# Inaugural NCLOG meeting: 5<sup>th</sup> June 2019



**Brownfield Research & Innovation Centre (BRIC),  
Wolverhampton University**

- Supported by ERDF - provided venue and refreshments
- Well attended by CLOs from all over the country
- Identified key objectives



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# NCLOG Aim and objectives

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- To enable the CLO voice to be heard nationally at government and industry level
- To be the 'go to' organisation when people want to reach Local Authority CLOs on national contaminated land matters
- To work towards achieving consistency in how CLOs deal with land contamination issues
- To provide peer support to individual CLOs - often the sole individual dealing with land quality in their Council
- To respond to relevant national consultations
- To establish links with government departments & relevant organisations, with a view to co-operating on improving standards and developing best practice.



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# NCLOG Outline

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- NCLOG is a voluntary organisation
- Separate from, but working closely with the existing regional Contaminated Land Officer groups
- Membership of NCLOG
  - Comprises Contaminated Land Officers working within Local Authorities
  - Is on an individual basis rather than employer focussed.
- NCLOG is free to join, with no subscription fees proposed at the moment



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# NCLOG Committee

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Co- Chairs – Anita Metelko and Ann Barker

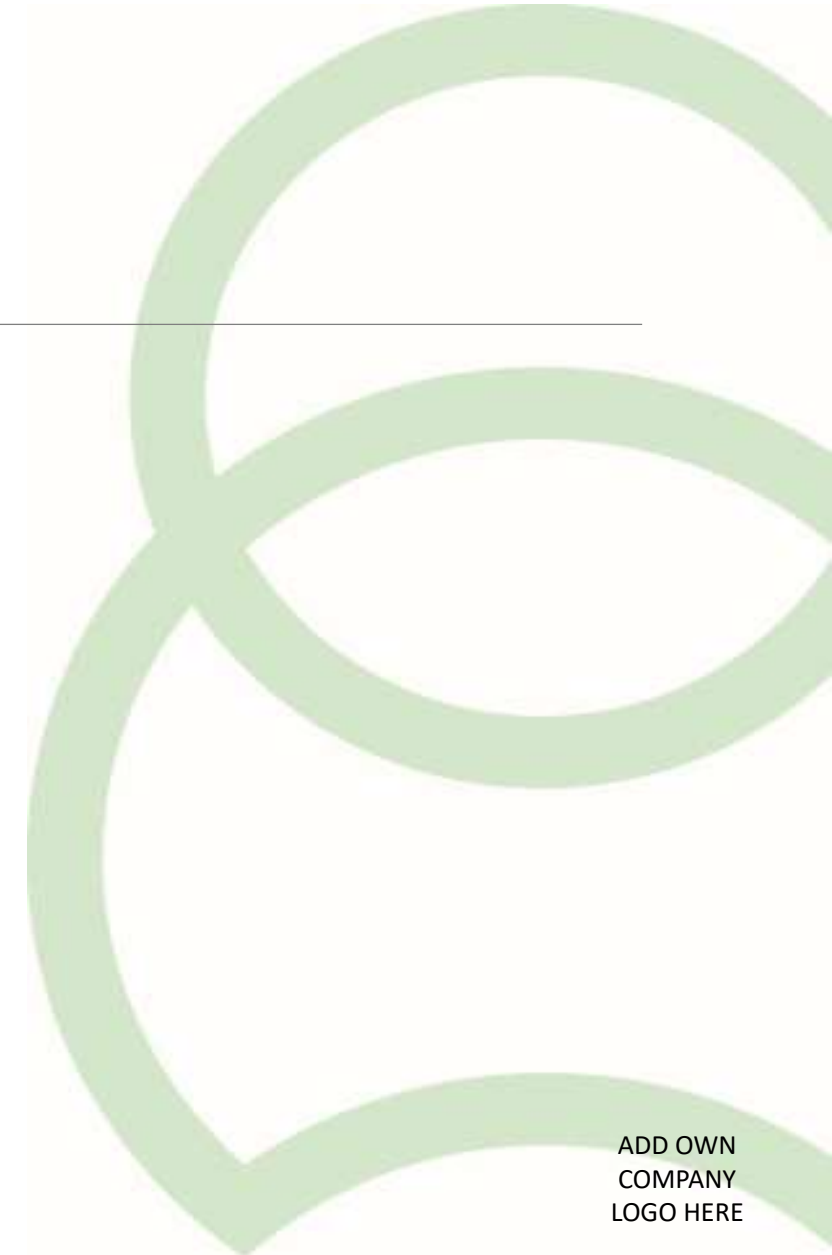
Secretary/Membership secretary - Sally Shaw

Treasurer – Rebekah Norbury

Technical groups coordinator - Chris Culley

Regional representatives coordinator - Lucie Watson

Data protection coordinator – Robert Tyler



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# NCLOG now

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- 99 members to date
  - From across the UK
- First consultation response issued on the 'Planning for the Future' white paper
- Currently working on:
  - Structure & constitution
  - First working group established to formulate guidance on Cover Systems
  - Looking to develop working relationships with CLOs working in devolved administrations
  - Looking into professional development for CLOs
  - Establishing working relationships with key organisations

**Hence this presentation to the SiLC Annual Forum**



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# NQMS – A CLO's Perspective

REBEKAH NORBURY, CONTAMINATED LAND OFFICER, ON BEHALF OF  
NCLOG



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# The Scheme So Far

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- January 2017 inception – four years on.
- Circa 140 declarations from circa 120 SQPs.
- Unclear how many NQMS reports have been submitted through the planning regime
  - Straw poll amongst NCLOG steering group identified 1 site within our represented LAs
- Scheme still in its infancy for most CLOs.



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# Some Previous CLO Concerns

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## Concern

Responsibilities of LAs for Part 2A regulation were being taken away by less/no scrutiny of NQMS reports.



Not as far as we are aware – NQMS encourages SQPs to submit full report with declaration for CLO review so Part 2A process is not compromised.

Costly process, is it worth the money?



Not many NQMS reports coming through the planning system, possible that developers are considering the cost.

## Fruition?



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# Some Previous CLO Concerns contd.

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## Concern

If an NQMS report has issues after a CLO review, whose opinion would have dominance?



## Fruition?

Not as far as we are aware, no high profile cases of conflict so suggests amicable resolutions.

Lack of requirement for the SQP to be independent (conflict of interest), and that complaints be directed to the SQP's Chartered Body.



Not enough information available yet to members of NCLOG Steering Committee to ascertain whether the conflict of interest concerns have been allayed. February 2021 Disciplinary Procedure for SQPs – complaints addressed through SiLC.



# Current Feelings on NQMS

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- Positive scheme – anything that encourages good practice is welcomed!
- Currently not enough evidence to provide much of a comment on the effectiveness of the scheme.
- Few CLOs have had experience of the scheme to be able to feed back to CL:AIRE/SiLC.
- Consultants and CLOs should be acting as a team to resolve issues on sites and protect public health – the NQMS scheme should be promoting this collaboration.



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# Common CLO Niggles

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- CLO search requests
- CLO's planning comments
- Planning conditions
- Developers implementing recommendations in approved report
- Precautionary measures in lieu of robust investigation/assessment
  
- Can NQMS SQPs be mindful of these concerns?



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# LA Participation

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- CLOs appreciate the option on the NQMS webpage to provide feedback. Can a cover letter/link be provided with every NQMS report submitted, if not already?
- Map of LAs referencing the scheme on the NQMS website is useful information, but hasn't been updated in a while and it is unclear what constitutes 'referencing'.
  - Up to individual LAs to notify CL:AIRE if they would like including on the map.
- Re-marketing of the scheme to LPAs is good, but need CLOs on board too.



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# Final Thoughts

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- Why are developers not using the scheme more through planning?
  - Can CL:AIRE/SiLC approach some of the larger developers and get feedback?
  - Chicken and egg situation, for CLOs to become confident in the scheme, we need to see reports bearing the mark.
- Finally, as already mentioned, CLOs want to work with consultants and developers as we are all working towards the same final goal.
  - Improvement of standards and speeding up the process benefits all involved.



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