

## Higher National Unit Specification

### General information for centres



**Unit title:** Environmental Land Law

**Unit code:** F19W 35

**Unit purpose:** This Unit is designed to provide the candidate with a knowledge and understanding of the framework of law as it applies to planning and environmental process. The Unit will examine how planning law can control the use of land, the current legislation dealing with contaminated land and the system of public access to information on contaminated land. Candidates will have an understanding of the principal legislation and be able to explain and apply this in the form of legal advice in response to specific questions or in the form of a report which can also include articles and comments which candidates have researched.

On completion of the Unit the candidate should be able to:

- 1 Explain and apply the general framework for the control of land use through the planning process.
- 2 Explain and apply the current legislation controlling contaminated land and the remediation process.
- 3 Explain and apply the current system and legislation of public access to information regarding contaminated land.

**Credit points and level:** 1 HN Credit at SCQF level 8: (8 SCQF credit points at SCQF level 8\*)

*\*SCQF credit points are used to allocate credit to qualifications in the Scottish Credit and Qualifications Framework (SCQF). Each qualification in the Framework is allocated a number of SCQF credit points at an SCQF level. There are 12 SCQF levels, ranging from Access 1 to Doctorates.*

**Recommended prior knowledge and skills:** Access to this Unit is at the discretion of the centre. However candidates would normally be expected to have competence in communication at Higher SCQF level 6 or equivalent.

**Core Skills:** There are opportunities to develop the Core Skill of Problem Solving at SCQF Level 6 in this Unit, although there is no automatic certification of Core Skills or Core Skills components.

**Context for delivery:** If this Unit is delivered as part of a Group Award, it is recommended that it should be taught and assessed within the subject area of the Group Award to which it contributes.

## **General information for centres (cont)**

**Assessment:** This Unit could be assessed by the candidate providing written and/or oral evidence in response to a given scenario which could take the form of a case study or case studies requiring the candidate to explain and apply the law relating to a particular situation or situations. This should be done as an out of class assignment where candidates will be expected to undertake research for inclusion into their final submission. The final submission could be in the form of a report where candidates explain the law and offer legal advice in relation to the environmental impacts of planning and contaminated land.

**Centres will have discretion in designing assessments so that they can assess outcomes individually or combine outcomes where they consider it appropriate.**

## **Higher National Unit specification: statement of standards**

**Unit title:** Environmental Land Law

**Unit code:** F19W 35

The sections of the Unit stating the Outcomes, knowledge and/or skills, and Evidence Requirements are mandatory.

Where evidence for Outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Candidates should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

### **Outcome 1**

Explain and apply the general framework for the control of land use through the planning process

#### **Knowledge and/or skills**

- ◆ Explain and apply the duties and powers of local authorities in drawing up plans to control land use
- ◆ Identify the different types of plans drawn up by the local authorities and the differences therein
- ◆ Explain the duties and powers of the Scottish Environmental Protection Agency in controlling the use of land
- ◆ Explain the role of the Scottish Ministers in controlling land use
- ◆ Explain the inter-relationship between the local authorities, SEPA and the Scottish Ministers in controlling land use
- ◆ Explain the nature and usefulness of the judicial review process as an environmental remedy
- ◆ Applying the principal legislation to particular situations
- ◆ Giving legal advice

### **Outcome 2**

Explain and apply the current legislation on controlling contaminated land and the remediation process

#### **Knowledge and/or skills**

- ◆ Explain the responsibilities of local authorities and environmental agencies in identifying contaminated land
- ◆ Explain the consultation process
- ◆ Explain the notification process
- ◆ Explain and identify ‘appropriate persons’ for the purposes of determining liability
- ◆ Explain and distinguish between CLASS A and CLASS B liability
- ◆ Explain the appeals process
- ◆ Explain the penalties for non compliance with environmental legislation
- ◆ Apply the law in particular situations to solve legal problems
- ◆ Giving legal advice

## **Higher National Unit specification: statement of standards (cont)**

**Unit title:** Environmental Land Law

### **Outcome 3**

Explain and apply the current system and legislation of public access to information regarding contaminated land

#### **Knowledge and/or skills**

- ◆ Explain the role and duties of local authorities in providing the public with environmental information
- ◆ Explain the form and content of public registers
- ◆ Explain the advantages and disadvantages of allowing information to be readily available
- ◆ Explain the content and purpose of the EC Directive on Freedom of Access to Information on the Environment
- ◆ Explain the current UK legislation on environmental information
- ◆ Identify and explain the exceptions in the current legislation in disclosing environmental information
- ◆ Application of the principal legislation to solve legal problems
- ◆ Giving legal advice

#### **Evidence Requirements for this Unit**

Candidates will need to provide written/oral evidence to show that they can explain the law relating to the planning and environmental process and offer legal advice in relation to the environmental impacts of planning and contaminated land. Candidates will be expected, as much as possible, to apply the theoretical legal position to the given scenario(s) in order to resolve problems, so it is important that the case study material is sufficiently complex to allow this to happen.

In response to a given scenario(s), candidates will provide an accurate and clear explanation of the legal situation, including in their response relevant knowledge and skills items from Outcomes 1 to 3, and will apply their knowledge of the law in order to provide advice to a prospective 'client' on the legal situation.

The written/oral evidence should have a clear conclusion where legal advice is given to the client.

Evidence of knowledge across all the Outcomes may also be sampled by questioning where it is not evident from the given scenario(s).

#### **Assessment guidelines for this Unit**

The information could be presented to candidates in the form of a scenario followed by restrictive response questions.

Candidates should be given the scenario at the start of delivery of the Unit. This allows candidates to commence work immediately on the assessment. The scenario and questions should be completed out of class where candidates should be encouraged to carry out research to assist in their answers. A date for submission should be agreed with candidates when the scenario is handed out and regular monitoring of candidates progress should be made throughout the delivery of the Unit.

## **Higher National Unit specification: statement of standards (cont)**

### **Unit title:** Environmental Land Law

Each response will vary in length with Outcome 2 questions expected to form the bulk of the case study and where full legal explanations are expected on the new regime. However, an average response may be between 500 — 1,000 words in length and must contain full reference to the relevant legislation and conclude with legal advice in relation to the particular legal scenario.

Approximately 2.5 to 3 hours in total should be spent on assessing this Unit.

Should there be any ambiguity regarding a candidates' response to the assessment, or authenticity of the candidates responses, oral questioning should be utilised to eliminate any doubt as to the candidates understanding of the relevant legal principles. The lecturer should note questions and the candidates' responses.

## Administrative Information

<b>Unit code:</b>	F19W 35
<b>Unit title:</b>	Environmental Land Law
<b>Superclass category:</b>	EC
<b>Original date of publication:</b>	March 2007
<b>Version:</b>	02 (September 2009)

### History of Changes:

Version	Description of change	Date
02	Assessment guidelines amended to allow centres greater discretion in designing assessments.	26/08/09
	Wording revised relating to guidance for candidates with additional support needs.	

**Source:** SQA

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## **Higher National Unit specification: support notes**

### **Unit title:** Environmental Land Law

This part of the Unit specification is offered as guidance. The support notes are not mandatory.

While the exact time allocated to this Unit is at the discretion of the centre, the notional design length is 40 hours.

### **Guidance on the content and context for this Unit**

On completion of this Unit, candidates should have gained a practical insight and understanding into the current legislation in controlling and remediating contaminated land, the bodies involved in this process and the rights of the public in accessing environmental information.

This Unit deals specifically with the issue of contaminated land and how this impacts on the planning process. Other environmental issues like noise and nuisance should also be covered but within the context of contamination.

The suggested allocation of teaching time when delivering this Unit is as follows:

- ◆ Outcome 1 — 30%
- ◆ Outcome 2 — 40%
- ◆ Outcome 3 — 30%

Outcome 1 serves as an introduction to planning law and the planning process carried out by local authorities and other environmental bodies. The point of this Unit is to demonstrate how the planning process can be a means of controlling contaminated land. Emphasis should be on the different plans drawn up by local authorities in conjunction with others, and how by such means contaminated land and its future use may be identified. The powers and duties of local authorities and the content of these plans must be emphasised as well as the role SEPA may play when trying to identify contaminated land in the planning process.

Outcome 2 is the key Outcome in this Unit and should fully explain the new regime in dealing with the issue of contamination as laid down in the new S57 of the Environment Act 1995. Teaching should point towards the meaning of contamination and the roles of local authorities and environmental agencies once land has been identified as contaminated within the meaning of the Act. Teaching should highlight the process of identification, consultation, notification and remediation as required by the Act. The different classes of liability should be emphasised as well as remedies and grounds for appeal in any part of the process.

Outcome 3 is a fairly short Outcome and the emphasis should be on the EC Directive and the current UK legislation implementing this Directive. The Environmental Information (Scotland) Regulations 2004 is a key piece of new legislation on this area and this should be emphasised in this Unit. Teaching should concentrate on the rights of the public in requesting information, the time limits this should comply with, the rights of local authorities and others to refuse this information and any grounds for appeal.

## **Higher National Unit specification: support notes (cont)**

**Unit title:** Environmental Land Law

### **Guidance on the delivery and assessment of this Unit**

Outcomes should be assessed in chronological order so that the candidate understand the planning and contaminated land process of identification, notification and remediation. It is recommended that the assessment for this project be in the form of a large case study combining all 3 Outcomes in this Unit. This allows the student to gain the complete picture in dealing with the issue of contaminated land. It demonstrates the legal duty of the authorities to identify contaminated land, how this must be dealt with and the rights of the public in asking for and gaining this information. The case study should contain a scenario dealing with known contaminants and students should answer a series of questions which follow giving full legal explanations of the issues involved of planning, development plans, the meaning of contamination, the remediation process, the cases of liability and the availability of information along with exceptions.

#### ***Opportunities for developing Core Skills***

Elements of the Core Skill of Problem Solving, that is, planning and organising, critical thinking, and reviewing and evaluating, will be naturally developed and enhanced as the Unit is undertaken. The analysis of case studies relating to the control of contaminated land use and information will require candidates to explain and apply the law. Identifying and considering control, responsibilities and liabilities will encourage a high level of analytical, strategic business thinking. Group discussion of current situations involving the control of land use and legislation governing access to information could support the development of analytical and evaluative skills during formative work.

#### **Open learning**

This Unit is suitable for open and distance learning delivery. The assessment strategy and guidelines described in this specification must still be applied if this method of delivery is chosen.

#### **Disabled candidates and/or those with additional support needs**

The additional support needs of individual candidates should be taken into account when planning learning experiences, selecting assessment instruments, or considering whether any reasonable adjustments may be required. Further advice can be found on our website [www.sqa.org.uk/assessmentarrangements](http://www.sqa.org.uk/assessmentarrangements)



## **General information for candidates**

### **Unit title:** Environmental Land Law

This Unit is intended to introduce you to the subject of contaminated land and its impact in the planning process. There are 3 Outcomes in this Unit which will cover:

- ◆ The general framework for the control of land use through the planning process
- ◆ The current legislation controlling contaminated land and the remediation process
- ◆ The current system and legislation of public access to information regarding contaminated land

Assessments will require answers which you will provide in response to specific questions. The questions are likely to be essay type questions relating to a case study and you will be required to provide evidence to show that you can give a clear explanation of the law. The assessment can take the form of a written report where explanation of the law is required and advice is given. This can be done as an out of class assessment where further research can be done and relevant articles can be enclosed with your report to help clarify your answers.