

July 2017

## THE ROLE OF THE ENVIRONMENTAL CLERK OF WORKS - CONTINUED

A couple of weeks ago I began telling you about the role of the ECoW. This week I will delve further into the role of the ECoW and their responsibility of ensuring the contractors compliance with the law.

### The Law

The EU Environmental Liability Directive (2004) uses the 'polluter pays' principle to prevent and remedy environmental damage. The Directive defines environmental damage as damage to protected species and natural habitats, damage to water and damage to soil.

Pollution Prevention Guidelines (PPGs) are produced by the Environment Agency, Scotland's Environmental Protection Agency and Natural Resources Wales provide best practice guidance to prevent incidents which would damage the water environment. Following these guidelines and ensuring an incident response plan is in place can minimise the risk of pollution events occurring in the first place.

Protected species and natural habitats are also protected under the EU Birds Directive (2009) and the EU Habitats Directive (1992) respectively, as well as the Wildlife and Countryside Act (1981) as amended. The water environment is protected by the Water Framework Directive (2000) which required all European water bodies to have achieved 'good' chemical and ecological status by 2015.

### Responsibilities of the ECoW on Site

The Environmental Clerk of Works forms the first point of contact for all environmental issues on site. Having worked on large windfarm infrastructure projects in the Highlands of Scotland I have first-hand experience of the key aspects of the ECoW role. In this role I was responsible for monitoring all construction activities to ensure minimal damage to the environment, and liaising with the contractor, client and local authority to resolve any issues that occurred.



To ensure that one is aware of all site specific requirements, which may go above and beyond that of environmental legislation, one must familiarise themselves with all relevant project-specific documentation. This is based on RML's multidisciplined approach to site characterisation, and ideally this should involve the ECoW.

Project specific requirements may include any of the following:

- Planning Consent and Conditions;
- Construction Environmental Management Plans (CEMP);
- Construction Environmental Management Documents (CEMD);
- Environmental Management plans (EMP);
- Site Specific Health and Safety Plan;
- Method Statements (MS);
- Habitat Management Plans (HMP);
- Restoration Management Plans;
- Peat Management Plans;
- Pollution Prevention Plans;
- Water Quality Monitoring Plans;
- Waste Management Plans;
- And any other such plans that may have been produced for the project.

Typical ECoW duties can include:

- Monitoring compliance with all relevant project specific documents
- Advising the developer on adequate protection of nature conservation interests on the site such as Sites of Special Scientific Interest (SSSIs) and local nature reserves (LNRs)
- Carrying out pre-clearance ecology surveys for European protected species such as Otter, breeding birds, great crested newts, badger and other protected species
- Watching brief during vegetation stripping, storage and reinstatement.
- Directing the micro-siting and placement of infrastructure
- Carrying out regular monitoring of nearby watercourses
- Monitoring the condition of the undisturbed areas for signs of damage, erosion, pollution and litter
- Undertaking incident investigations and reporting in the event of a pollution or disturbance

I will talk about more topics on environmental compliance in future newsletters so please watch this space!

For help with your ECoW responsibilities or to discuss other Environmental compliance matters, call us on 01824 704366

Kind regards

**Siôn**

Environmental Clerk of Works  
Richards, Moorehead & Laing Ltd.

## A LUMPY BUSINESS

A friend commented recently that he had operated at a very senior level in a 'lumpy business' which was focussed on generating very high cost equipment that was ordered in relatively small numbers and not that often. I thought, blimey I am in the same boat. My friend's business was rarefied compared with mine in construction but in much the same way as he wondered and wished his business could be a little less bumpy I too thought that it would be nice if work flow was more regular. In construction I would say that our main problem is that although we generally deal with everyday items rather than exotic ones our industry is directly influenced by political decisions made at a high level. One school of thought that advises how one should avoid this difficulty is to become a specialist. But a specialist in what? My friend worked in a super-specialist area but even then his business was not easy to manage.

I issued a newsletter in January talking about a specialist called Lem Putt whose area of expertise lay in building outdoor privies in rural America. Not something to be sniffed at no matter what you might think since most of Lem's commissions came about by invitation based on very personal

recommendations by satisfied clients. His acquisition costs were minimal. Without doubt Lem was a specialist but he operated in a discerning market where the need was for quality first, quality that was measured first by comfort and secondly privacy. I had the same approach in designing kissing gates and pleasing users, i.e., no splinters and perhaps the occasional stolen kiss. As it happened kissing gates were few and far between. Unlike Lem's privies, kissing gates were not the sole focus of attention on my projects unless you suffered from a nasty splinter. Site visitors wanted to see new areas laid out for housing or commercial development along with grassland and woodland promising new lives and new landscapes.

So one needs to be more than a specialist but not a super specialist. So what then? It seems that in order to be successful one needs to be a specialist and to be recognised as someone who delivers quality. RML has earned a reputation for delivering quality. I just wish that the grey years after 1984 during which time people felt that they could ignore reputation and use price as a measure of value for money had not lasted so long. We have noticed recently that clients are re-learning the merits of reputations and commendations from satisfied clients. It is interesting that some public sector tenders are now judged not on lowest price but on the average of the prices that have been quoted and that the quality of the experience of the tenderers counts as much as the price. Mind, you have to write well too. I have seen a great many changes in the way that things are done and this particular change is most welcome but has been a long time coming.

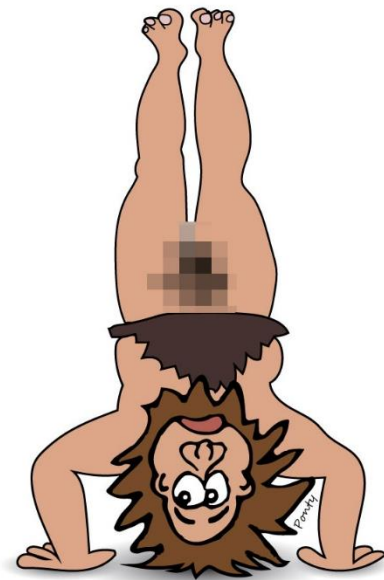
We do get invitations to design things and solve problems and it is on these occasions that one feels uplifted by the simple fact that you are in business even if the invitation creates a 'lump' in the workload. One can and does live happily with these kinds of challenges. Challenges like "What can you do by Friday p-l-e-a-s-e?", or better "Will you look at extending the scope of work?" and even better still "Will you please spend as much as you can by the end of the month?" In these circumstances acquisition costs are minimal and this aspect lies at the core of being successful, lumpy or otherwise.

## Idris has mentioned before how we stand on our heads for lumpy clients

Kind regards

**Ivor**

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