



# Environmental Clerks of Works Good Practice Guidelines for Planning Authorities

---

**AEECoW**

The Association of Environmental  
& Ecological Clerks of Works

# Contents

Welcome	3
About AEECoW	
ECoW: Environmental vs Ecological	
Acknowledgements	
Introduction	5
The Role of an Environmental Clerk of Works	
ECoW Scope of Guidance	
The ECoW Role	6
Definition	
ECoW Qualification	
Types of ECoW	
Setting ECoW Conditions	8
Mechanisms	
Standard Conditions	
Assessing the Scope of Works	
Additional Resources	11

For further information on this publication please contact:

The Association of Environmental  
& Ecological Clerks of Works  
Craighall Business Park  
8 Eagle Street  
Glasgow G4 9XA

info@aeecow.com  
Tel 0141 341 5236

#### Citation

*Burns, O & Jackson-Matthews S. 2016.  
Environmental Clerks of Works:  
Good Practice Guidance.*

Version 1 Final – January 2016

This publication, or any part of it, should not be reproduced without the permission of The Association of Environmental & Ecological Clerks of Works.

# Welcome

## About AEECoW

AEECoW is the qualifying body for Environmental and Ecological Clerks of Works (ECoW). AEECoW is a not for profit organisation and all membership fees are used to further the Association's aims of establishing professional standards and guidance in ECoW across construction and environmental professionals. More information on AEECoW can be found at [www.aeecow.com](http://www.aeecow.com).

## ECoW: Environmental vs Ecological

Within this document the acronym ECoW stands for Environmental Clerk of Works, though it is recognised that, historically, this has been used to describe the Ecological Clerk of Works role. An Ecological Clerk of Works should only be appointed when specifically referring to an ecologist, as the term does not include references to other environmental specialists, such as hydrologists, landscape architects, archaeologists, geologists, etc. Use of incorrect terminology in Planning Conditions may result in confusion and ambiguity for consenting bodies, developers and environmental professionals responsible for delivering the role.

The term Environmental Clerk of Works allows for all the necessary specialisms, including ecologists, and therefore is the terminology used throughout this document.

## Acknowledgements

The Association would like to acknowledge the work of Steve Jackson-Matthews – LUC and Olivia Burns – Loch Lomond and Trossachs National Park who prepared the text; Scottish Natural Heritage (SNH) for the detailed feedback provided; and Joan Marshall – EnviroCentre Ltd for preparing the document and arranging for its graphic design, all of whose efforts were given freely in support of a professional qualifying body.

**Prof George Fleming**  
Chairman

# Introduction

**The Role of an Environmental Clerk of Works**  
Most development projects will have identified various environmental risks that require mitigation and management and, often, the requirement to deliver mitigation and management is set through a planning condition or equivalent mechanism.

The management of these risks can require significant monitoring input from technical specialists, which usually outstrips those available within the consenting or regulatory body.

Therefore a reasonable alternative is for decision makers to require the developer to appoint these specialists at their own cost during pre-construction, construction and post-construction phases. As a minimum, these specialists monitor compliance with all planning conditions, or equivalent, relating to environmental management and mitigation, independently reporting back to the relevant consenting or regulatory body, effectively acting as their 'eyes and ears' on the ground. This is the Environmental Clerk of Works (ECoW) role.

**ECoW Scope of Guidance**  
Whilst the role of ECoW is becoming better established within development projects, the understanding and remit of the role, and ultimately its potential, lacks consistency. This document has been prepared to inform consenting and regulatory bodies that set conditions, either through planning consents or environmental permits, as to the types of ECoW role that can be used to monitor and advise on effective environmental management of a site during the lifecycle of a project.

The guidance relates primarily to onshore development. While many of the principles are relevant to the offshore environment, marine ECoW is a new concept and requires further exploration before guidance is developed.



ECoWs are key members of site construction teams



ECoWs add value to construction projects in environmentally sensitive areas

# The ECoW Role

## Definition

AEECoW defines the Environmental Clerk of Works as;

“An environmental or construction professional with direct responsibility for monitoring compliance with planning consents, environmental permits, legislation and mitigation.”

Consequently, the ECoW is the on-site ‘eyes and ears’ of the consenting body, however for the role to be effective the following elements should be considered:

- **Independence.** The ECoW must be an impartial, unbiased presence on site. When appointed to fulfil a planning or environmental permit condition, it is inappropriate for an ECoW to be a direct employee of the developer or site contractor. This is normally achieved by appointing an independent consultant who, through professional membership, is obliged to follow a professional code of conduct;
- **Skills and Experience.** The ECoW role combines an understanding of the natural environment and the construction process. Those fulfilling the role must have relevant qualifications and experience of both;
- **Influence.** The ECoW role is primarily a compliance auditing role, however the role must be given sufficient status so as to influence site decisions, educate relevant site staff and act as direct liaison between developer/client and consenting bodies/regulators;
- **Multi-disciplinary.** Those fulfilling the role must have a skill set to match the site’s particular environmental sensitivities, therefore the ECoW role could be provided by an experienced practitioner in many specialist environmental discipline, including any of the following;

- Ecology (often referred to as an ECoW)
- Hydrology
- Archaeology
- Landscape
- Noise
- Air quality
- Contaminated land/hydrogeology

6

## ECoW Qualification

AEECoW, as a qualifying body, defines the following categories of ECoW:

- **Fully qualified:** Minimum 3 years’ relevant ECoW site experience, or equivalent, and able to operate independently on site;
- **Associate:** Minimum 1 year of relevant ECoW experience. Likely to require senior support to fulfil the role.
- **Graduate:** Less than 1 year’s relevant ECoW experience. Likely to form part of an ECoW team but with sufficient senior support to fulfil role. It is inappropriate for a Graduate ECoW to be the sole named ECoW on any given project.

Further guidance relating to the relevant skills and experience of an ECoW is set out in later sections of this document.

## Types of ECoW

AEECoW recognises 2 types of ECoW, Auditors and Advisers, the applicability of which are project dependent. The consenting body is responsible for determining which role it considers most suitable for a consented project, taking into consideration various factors, including significance of environmental risk and resource availability. These are:

### Auditor ECoW

This role is a passive means of monitoring compliance with planning conditions, or equivalent. It does not include for proactive support when incidents occur or when the developer may require advice or support in delivering compliance.

The ECoW delivering this role would normally be expected to make routine visits to the site, reviewing site conditions and environmental reporting logs, in addition to monitoring compliance with required mitigation and relevant environmental legislation.

This is the most basic ECoW function. The ECoW reports their findings directly to the consenting or regulatory body with no judgment or interpretation of the findings. The responsibility lies with the consenting or regulatory body to determine if the site is compliant with their consents, thus a consenting body stipulating a need for an Auditor ECoW must be prepared to respond to/advise on instances of non-compliance, which may have resource implications.

As the Auditing ECoW cannot provide advice or support to the development team, it is common for the developer to also appoint an Advisor ECoW to guide them through their compliance requirements. This role is further described below.

## Advisory ECoW

The advisory role is often used on complex sites where risks to environmental sensitivities are higher and/or less well understood.

In this situation, the ECoW works with the developer or contractor and provides ongoing advice and support in addition to their compliance monitoring and reporting obligations.

This approach allows potential instances of non-compliance to be identified and remedied prior to an incident occurring, i.e. a ‘near miss’. In support of this, the Advisory ECoW may play an education role, providing tool box-talks to site staff, helping them understand risks and consequences of non-compliance. This role provides additional comfort to regulators, developers and contractors as it allows pro-active resolution of issues rather than the passive identification and reporting of issues. This approach could reduce the resource burden on the consenting body.

The responsibilities of the Advisory ECoW can be wide and varied. However, despite their role in providing advice and support with compliance, they are not ultimately responsible for ensuring compliance is achieved. By placing the onus for compliance on the ECoW, their independence is compromised.

7

# Setting ECoW Conditions

## Mechanisms

There are 3 mechanisms by which a consenting body can require an applicant to appoint an ECoW:

- Planning Conditions
- Planning Obligations
- Environmental Permits

## Standard Conditions

In relation to the above consenting mechanisms, AEECoW recognises that many consenting bodies currently apply standard conditions relating to the appointment of ECoWs. In some cases, these are very prescriptive and inconsistent with Planning Circular 4/1998, which states that conditions should not be applied 'slavishly or unthinkingly'.

To enable more flexibility, and to allow for collaboration between stakeholders, including other consenting bodies, standard conditions should be simple and place the responsibility for developing the ECoW scope of works with the applicant.

Below is an example of a simple standard condition, which can form the foundation of a consent-specific condition. The condition should be further developed to take account of the type of ECoW required and specific site features.

"Prior to the commencement of construction, and for the duration of works, the applicant will appoint an independent Environmental Clerk of Works (ECoW) at their own cost. The ECoW will be responsible for monitoring compliance with the relevant environmental plans, permits, legislation and guidance associated with this consent. The ECoW will report back to the consenting body who will respond to instances of non-compliance, in consultation with relevant stakeholders.

The applicant will provide a detailed ECoW Scope of Works for consideration and approval by the consenting body. The Scope of Works will set out, as a minimum:

- Roles and Responsibilities;
- Resourcing;
- Reporting mechanisms; and
- Monitoring requirements (pre-construction, during construction and post-construction)."

This approach encourages the applicant to engage with an environmental professional to develop the Scope of Works, ensuring it is relevant and tailored to the environmental risks of the project.

8

## Assessing the Scope of Works

Having received the applicant's Scope of Works, the consenting body should assess the document against the criteria set out below. It is important to think about the scope of the role, and how this should match the environmental risks identified, including risks associated with site investigation, construction, operation, decommission and the delivery of mitigation throughout the works.

It is important that the ECoW is appointed prior to any pre-construction works, including site investigation or vegetation clearance. The ECoW should be appointed with sufficient time to participate in pre-construction meetings and familiarise themselves with the site and planning documentation and schedule of mitigation.

The scope should also consider the need for an ECoW at pre-construction stages on site, particularly ground investigation works, felling and other enabling activities as these stages can also pose environmental risks that require management and mitigation, but are often overlooked.

## Roles and Responsibilities

The scope should set out the role of the ECoW within the project clearly and concisely, which will be dependent on whether an Auditor or Adviser role has been requested by the consenting body.

The responsibilities of the different project partners in relation to the delivery of the ECoW role should also be included. It should be clear that it is not the responsibility of the ECoW to "ensure" compliance with the relevant plans, conditions or legislation, as that responsibility rests with the developer and contractors.

The scope should clearly set out the parameters of the ECoW's responsibility to stop works if deemed necessary, and that everyone, including the ECoW, has a duty of care to report suspected wildlife crime or breaches of environmental legislation.

The consenting body and developer should agree what instances represent an 'emergency', e.g. a breach of legislation, a pollution event or a failure to comply with protected species licensing and necessitate a stop to works.

## Resourcing ECoW Teams

Number of work hours/days required on site at various stages of the development should be clearly set out, and be proportionate with the environmental sensitivities of the site and/or project, as well as the scale of the development.

9

Consideration should be given to the requirement for more than a single ECoW, or covering more than a single discipline. The scope should reflect the identified environmental issues and mitigation relating to the project and demonstrate how the specialism of the ECoW individual or team will effectively manage the risks identified. Holiday/ weekend cover should be considered.

Where ECoW teams exist, it may be necessary to clearly set out the roles and responsibilities of each, particularly if they are appointed or employed by different developers, contractors or regulatory bodies.

## Independence

The requirement for an independent ECoW should be recognised within the scope of works. Clarity on independence avoids potential conflicts of interest between the ECoW and their appointing company.

All stakeholders should recognise that while the ECoW is likely to be remunerated by the developer, their obligation remains to impartial reporting and compliance monitoring.

## Skills and Experience

The scope of works should include an overview of the ECoW(s) that will deliver the works, their specialisms and their relevant experience as it relates to delivery of the ECoW role at the site.

Successfully fulfilling the role of an ECoW goes beyond holding the appropriate Academic skills and professional qualifications. The Curriculum Vitae of each ECoW should be appended to the scope and demonstrate how they are congruent of:

- The construction process (including contractual arrangements);
- The wider environmental sensitivities of the site;
- The relevant environmental legislation, including case law and interpretation;
- Conflict management and resolution;
- Construction site health and safety;
- The planning process in the regulatory landscape; and
- Making difficult decisions under pressure (including the decision to stop works).

It will not be suitable to appoint Graduate membership-grade ECoW's as sole ECoW's on a site. Where used as part of a team, the scope should demonstrate how the role is supported by the wider team and how they will be working as part of a wider network of qualified and experienced ECoW team.

### Reporting Mechanisms

The scope of works should detail the communication channels within the site team, e.g. how does the ECoW role fit within the site management structure – who do they liaise with? Who do they report to? If they are halting works on-site, what is the process for doing so?

The structure, circulation and regularity of ECoW reports will be determined by the environmental issues, scale and timing of development at each development site. Report associated with a simple auditing role may be limited in detail, frequency and circulation, potentially submitted only to the consenting body for information or action. In contrast, reports associated with an advisory ECoW role on large project may require complicated reporting on a regular basis, with reports filtering to the planning authority via the developer and contractor.

To ease the understanding of ECoW reports, they may follow spread-sheet based templates, drawing on a 'traffic light system' to identify those issues of greatest and least concern. The reports may document advice given, actions taken and the ultimate outcome in relation to planning condition, mitigation or legislative requirements.

The scope should set out what will be reported, including:

- Daily, weekly or monthly reports;
- Project group meetings and site visits;
- Report templates for clarity (e.g. traffic light system);
- If individual tasks or phases of the project will require additional or specialised reporting (e.g. incident reports);
- What records are required to be kept and for how long; and
- How the reports will be disseminated, by whom and within what timeframe.

The consenting body should consider if the proposed reporting mechanisms are suitable. There is a resourcing implication for the consenting body, through reading and actioning the reports, so this should be considered when assessing this section of the scope. The consenting body should be comfortable that the scope allows the communication of any issues or key pieces of information to the relevant people within a suitable timeframe, allowing action where required.

As a minimum, it is suggested that all emergency instances are reported immediately to developers, and then to the consenting body within 24 hours, regardless of the type of ECoW stipulated. ECoWs, developers and all those working on a development site should be aware that all instances of suspected environmental crime should be reported immediately to the police.

### Post Construction Monitoring

The ECoW role in monitoring sites prior to and during development is clear, where the ECoW informs mitigation and development programs. However, often the requirement for post construction monitoring is less obvious or not explicit in consent conditions.

There are two types of post-construction monitoring; compliance and environmental. Compliance monitoring seeks to identify failures or opportunities to improve mitigation and this should fall within the remit of an ECoW. However, wider environmental monitoring, such as long-term monitoring of species diversity or air quality, can be undertaken by a suitably qualified professional, who may or may not be a qualified ECoW,

### Additional Considerations

Within the scope, it is important to take account of changing site conditions, environmental sensitivities and working methods. When developing the scope it is necessary to allow sufficient flexibility for developers and ECoWs to amend methods and develop approaches, particularly on larger or more complex sites.

It is important that, for larger developments that will be delivered over several years, the scope is regularly reviewed and revised by the consenting body, the developers and the ECoWs to allow for updates, revisions and changes.

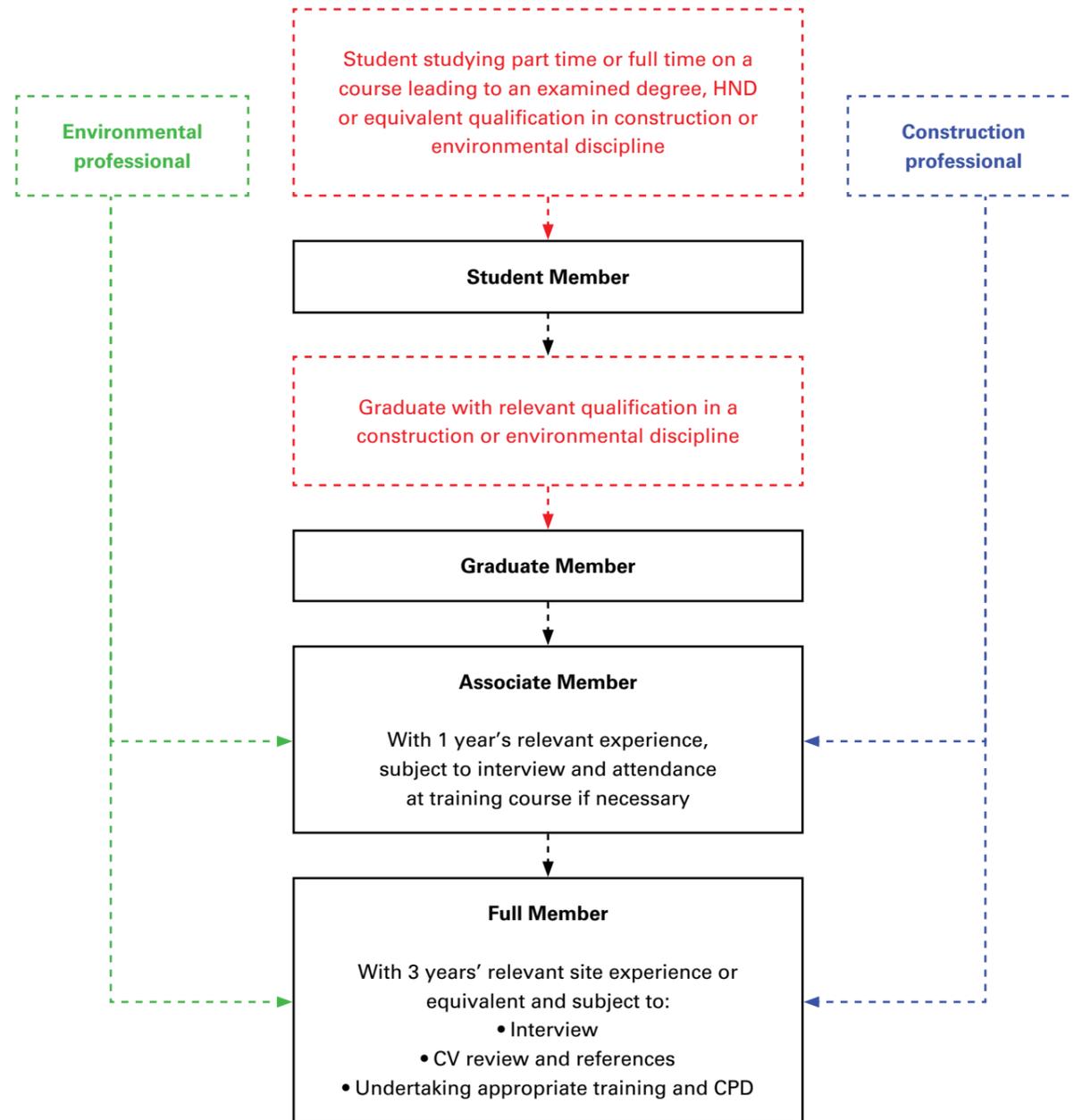
Advisory ECoWs must consider their role in relation to the Construction (Design and Management) Regulations 2007 (CDM Regs). ECoWs must be aware of their responsibility in designing and delivering safe mitigation measures. AEECoW recommends that all ECoWs make themselves aware of their legal responsibilities.



An ECoW collecting data immediately prior to construction activities

# Routes to membership of AEECoW

Membership of the Association of Environmental & Ecological Clerks of Works is open to suitably qualified and experienced environmental and construction professionals with relevant experience in the environmental management of construction and development sites. The following 'Routes to Membership' diagram provides details of the level of experience required for each membership grade. Further information and membership application forms can also be found at: [www.aeecow.com](http://www.aeecow.com).



Large and complex construction sites can benefit from a team of ECoWs



ECoWs must understand the construction process

## Additional Resources

AEECoW acts as a network for ECoW professionals and industry stakeholders, facilitating the sharing of good practice. On our website we have a selection of case studies, looking at various types of developments, the types of ECoW role used and an assessment of project developments.

Additional resources can be found via the following professional body websites:

The Association of Environmental  
& Ecological Clerks of Works (AEECoW)  
[www.aeecow.com](http://www.aeecow.com)

Chartered Institute of Ecology  
& Environmental Management (CIEEM)  
[www.cieem.net](http://www.cieem.net)

The Environment Agency  
[www.gov.uk/government/organisations  
/environment-agency](http://www.gov.uk/government/organisations/environment-agency)

The Institution of Civil Engineers (ICE)  
[www.ice.org.uk](http://www.ice.org.uk)

Institute of Environmental Management  
& Assessment (IEMA)  
[www.iema.net](http://www.iema.net)

Marine Scotland  
[www.gov.scot/Topics/marine](http://www.gov.scot/Topics/marine)

Natural England  
[www.gov.uk/government/organisations  
/natural-england](http://www.gov.uk/government/organisations/natural-england)

Scottish Environmental Protection Agency (SEPA)  
[www.sepa.org.uk](http://www.sepa.org.uk)

Scottish Natural Heritage (SNH)  
[www.snh.gov.uk](http://www.snh.gov.uk)

Further information on the ECoW role and its function is provided in the British Standard 'Biodiversity – Code of Practice for Planning and Development' (BS 42020:2013).

The Association of Environmental  
& Ecological Clerks of Works  
Craighall Business Park  
8 Eagle Street  
Glasgow G4 9XA

[info@aeecow.com](mailto:info@aeecow.com)  
Tel 0141 341 5236