

Guidance on Responsibilities for
Environmental Protection in Forestry
2018

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1 INTRODUCTION

Everyone involved in forestry work has a responsibility to protect the environment.

This guide contains information to help employers, the self-employed, employees and those in control of work in forestry, deliver their responsibilities, meet legal environmental protection requirements and help achieve compliance with certification requirements under UKWAS.

Clear lines of responsibility must be in place for environmental protection from an Operator or Worker on the ground all the way to Chief Executives, Directors, Board Members and all levels of management of forestry organisations and companies who commission most of the work.

Environmental protection on the ground is driven by leadership and development of good culture within an organisation.

This document builds on the duty holder roles set out in 'Managing Health and Safety in Forestry' to incorporate environmental protection duties and responsibilities. These roles are:

1. **Landowner**
2. **Forest Works Manager (FWM)**
3. **Contractor**
4. **Sub-contractor**
5. **Worker**

These roles are defined and explained in Section 2.

2 DUTY HOLDER ROLES

Definitions of Duty Holder roles for managing environmental protection are set out in Table 1 below.

While it may be possible to delegate a role, it is not possible to delegate the legal responsibilities that go with that role. **Remember – a duty holder role often belongs to an organisation or company rather than an individual.**

Within any forestry operation, all parties need to identify and be clear on their role. Depending on how the contracts are organised, a duty holder may pick up more than one role.

Table 1 Definitions of the 5 Duty Holder Roles

Role	Definition	Examples of who may take on this role	Key Tasks
Landowner	<ul style="list-style-type: none"> ▪ Person or Organisation in control of the land on which forestry work takes place. 	<ul style="list-style-type: none"> ▪ Timber growers, such as farmers or estate owners with forested land. ▪ Forestry Commission or other public bodies, such as the Crown Estate and local authorities. ▪ Forestry management companies and land agents working on behalf of private and public owners. 	<ul style="list-style-type: none"> ▪ Selecting a Forest Works Manager with the suitable knowledge, experience of dealing with environmental issues. ▪ Gathering information about environmental sensitivities and constraints on and around forestry worksites and making this available to the FWM. ▪ Ensuring that the appropriate licences and consents are obtained by the FWM. ▪ Co-ordination of activities and consideration of timings and sensitivities for environmental protection purposes.
Forest Works manager (FWM)	<ul style="list-style-type: none"> ▪ Person or Organisation who commissions the work on a forestry site 	<ul style="list-style-type: none"> ▪ Anyone in the landowner role directly engaging forestry contractors as part of their business. ▪ Anyone engaged by the Landowner to manage and carry out the forestry operation on their behalf. ▪ Forestry management company directly engaging contractors to work on their client's land. ▪ Timber purchasers, where timber is sold standing (merchants, processors or contractors) 	<ul style="list-style-type: none"> ▪ Using information from the Landowner and other sources to carry out an environmental assessment of the site. ▪ Obtaining any necessary licences and consents. ▪ Selecting competent Contractors who will make adequate provision for environmental protection. ▪ Agreeing and communicating environmental protection measures with, and to, all interested parties, including those affected by the activity ▪ Monitoring environmental protection on site and taking action to address any shortfalls or issues which arise as work progresses.
Contractor	<ul style="list-style-type: none"> ▪ Provider of a forestry service. 	<ul style="list-style-type: none"> ▪ Contracting companies with their own employees or who take on Sub-contractors. ▪ Owner operators ▪ Hauliers. 	<ul style="list-style-type: none"> ▪ Work with the FWM to ensure environmental protection standards are met ▪ Manage employees and sub-contractors to promote good environmental practices and to minimise the impact of activities on site. ▪ Ensuring appropriate arrangements are in place so that systems of work to protect the environment are maintained ▪ Reporting any environmental concerns, incidents or near misses.
Sub-contractor	<ul style="list-style-type: none"> ▪ Anyone engaged by a contractor, other than by direct employment. 	<ul style="list-style-type: none"> ▪ Anyone working under subcontract for a contractor. 	<ul style="list-style-type: none"> ▪ Co-operation with site arrangements for environmental protection. ▪ Managing environmental controls as they specifically apply to their work activities.
Worker	<ul style="list-style-type: none"> ▪ Anyone working on the forestry work site. 	<ul style="list-style-type: none"> ▪ Direct employees of any of the Duty Holders ▪ Others working on the site during operations in any capacity. <ul style="list-style-type: none"> - Ecologists - Local raptor worker 	<ul style="list-style-type: none"> ▪ Reporting any environmental concerns, incidents or near misses.

The following guidance sets out the key tasks under each role.

2.1 Landowner Role

The landowner has overall responsibility for what happens on their land.

Guidance on tasks

1. Selecting a Forest Works Manager with the suitable knowledge, experience of dealing with environmental issues.

- A FWM must have sufficient knowledge to be able to understand environmental legislation and protection requirements applicable to the work operations.
- Have sufficient resources and experience of implementing controls to ensure required environmental protection standards are met on site.

2. Gathering information about environmental sensitivities and constraints on and around forestry worksites and making this available to the FWM.

Environmental sensitivities and constraints are likely to be identified within a Forest Plan.

Where there is no current Forest Plan the Landowner may still have information in relation to protected species or sites with their property and this must be collated and made available to the FWM.

See the *Environmental Sensitivities and Constraints Checklist*.

3. Ensuring that the appropriate licences and consents are obtained by the FWM.

Provision must be made should statutory agencies request specialist surveys or reports to ensure licensing and consents can be obtained.

Examples include badger licences etc.

4. Co-ordination of activities and consideration of timings and sensitivities for environmental protection purposes.

The landowner maintains overall responsibility for what is happening on their forested land and its access routes. Work must be planned and organised to allow for environmental protection. For example:

- Timing of operations to avoid disturbance of protected species e.g. breeding season.
- Seasonal implications of work e.g. avoiding wetter seasons to manage likelihood of diffuse pollution for sensitive sites.

2.2 Forest Works Manager (FWM) role

The FWM role includes the following key tasks:

Guidance on tasks

1. Using information from the Landowner and other sources to carry out an environmental assessment of the site.

Check information provided by the Landowner by walking site to confirm any changes or identify any additional sensitivities or constraints.

Complete an assessment of the site identifying potential mitigation requirements and any licences and consents which may be required.

2. Obtaining any necessary licences and consents.

Liaise with statutory agencies to establish need for specialist surveys or reports and requirements for licensing and consents.

Obtain licence or consent and incorporate any required work methods into work plans.

3. Selecting competent Contractors who will make adequate provision for environmental protection.

Assess contractors against their awareness of environmental issues and demonstrated understanding of environmental protection measures. For example, understanding or evidence of the following:

- Correct storage of fuels and oils
- Requirements for spill kits on site.
- Evidence of briefing of environmental toolbox talks to operatives.
- Spill response or diffuse pollution training.

4. Agreeing and communicating environmental protection measures with, and to, all interested parties, including those affected by the activity.

Discussing the environmental assessment, consent or licensing work requirements with the:

- Landowner
- Contractor
- other interested parties (e.g. local wildlife group); and
- those that may be affected (e.g. neighbour with rights to water).

Agreeing control measures that must be put in place and communicated to workers or others using the site. For example:

- Silt traps, filter zones to prevent diffuse pollution.
- Exclusion zones where protected species may be present.
- Working hours and management of any restrictions of lorry movements.
- Boundary marking on site and/or any signage.
- Provisions to protect private water supplies.
- Emergency preparedness requirements.

Communicating these agreed control measures to the contractor and others through:

- Maps identifying constraints, exclusion zones, access routes and private water supplies. How boundaries are marked.
- Provision of Toolbox talks specific to the site sensitivities.
- Provision of Method statements specific to the site or species.
- Emergency Plans
- Setting environmental site rules

5. Monitoring environmental protection on site and taking action to address any shortfalls or issues which arise as work progresses.

Establish requirements with the Contractor. For example:

- Lines of communication
- Frequency of monitoring and responsibilities
- Reporting requirements (progress, changes on site, incidents)

Monitoring might include:

- Checking watercourses for diffuse pollution.
- Checking that exclusion zone marking remains in place.
- Looking for any leaks or oil spills.
- Confirming that areas provided for storage are being used as agreed.
- Making sure any waste, e.g. planting bags, is securely contained.

The FWM must also complete regular site visits to confirm:

- Control measures are being complied with
- Communicated as appropriate to new operatives or others working on site.
- Controls remain sufficient as the site changes and work progresses.

Frequency of checks or site visits will be dependent on site sensitivities or other issues for example weather conditions.

The FWM must ensure that action is taken to address any shortfalls, adapt work controls or stop work if necessary.

2.3 Contractor role

Contractors and their subcontractors are just as much at risk as Landowners and their representatives when things go wrong. Environmental damage and costs associated with fines and clean up can be significant and individuals, not just Directors and organisations, can be prosecuted where unlawful environmental damage is caused.

Guidance on tasks

1. Work with the FWM to ensure environmental protection standards are met

Discuss the practicality of implementing environmental protection measures with the FWM to ensure these can be properly carried out. For example,

- Location of log bridges, fuel, fertiliser or pesticide storage, etc
- Planning of main extraction or access routes and access to stacking areas
- Method statements for operations close to or within any Protected Zone.

Co-operate with arrangements for environmental protection and make provision to manage and comply with environmental protection measures.

Consult with the FWM before making changes to the agreed environmental protection measures

2. Manage employees and sub-contractors to promote good environmental practices and to minimise the impact of activities on site.

Engage employees and sub-contractors who are suitably skilled, experienced, competent and have adequate environmental awareness for the roles that they undertake

Make sure anyone working for you has an awareness of environmental issues appropriate to the job they do, for example.

- Carry out site briefings to ensure everyone is aware of environmental constraints and the marking of protected zones. Use maps and toolbox talks
- Provide training in the deployment of spill kits

Supervise employees and subcontractors to reinforce environmental standards and understanding, for example.

- Compliance with the environmental site rules

3. Ensuring appropriate arrangements are in place so that systems of work to protect the environment are maintained

Manage environmental controls as they specifically apply to work activities, for example.

- Implement agreed protective measures such as installing silt traps or additional culverts before work starts
- Ensure site specific Method Statements are implemented
- Check marking of sensitive sites and protected zones to ensure that this remains clear
- Check fuel and oil, fertiliser and pesticide storage areas

Appoint the Site Safety Coordinator as your deputy on environmental issues when you are not on site.

- Brief the Site Safety Coordinator on all aspects of the environmental protection standards for the site and ensure they understand these
- Make sure they have the time to monitor the relevant environmental aspects
- Give them the authority to stop the job if necessary

Maintain Emergency Preparedness measures on site, for example,

- Ensure there is adequate spill materials on site, both in machine cabs and in site safes.
- Keep some silt fencing and wooden stakes handy in case of siltation.
- Keep a list of emergency telephone numbers.

4. Reporting any environmental concerns, incidents or near misses.

Keep an eye out for developing problems, for example

- Check watercourses from time to time for the first signs of siltation and report deterioration at an early stage, especially when adverse weather conditions develop.
- Marking on protected zones becoming obscured or lost.
- Unusual or disturbed activity in nesting or other sites

Report significant problems immediately, for example,

- Fuel or oil spills or burst hydraulic pipes
- Serious siltation problems
- Any unplanned or accidental disturbance to the protected zone
- Any previously unidentified sites

2.4 Sub-contractors and Workers role

This role is a self-management role. It will fall to anyone who is engaged by one of the other duty holders

Guidance on tasks

1. Co-operation with site arrangements for environmental protection.

Make sure you understand the environmental protection measures on the site and can identify any protected zones, for example,

- Locations of sensitive features, water supplies, badger setts, otter holts, etc?
- How are they marked on the site map and on the ground?
- Where are you working in relation to these features?
- What are the environmental site rules?

2. Managing environmental controls as they specifically apply to their work activities.

Take care when refuelling or carrying out machinery maintenance

- Avoid spills and clear up any that do occur
- Store lubricants and filler hoses within a bunded area

Respect Buffer Zones

- Follow any site-specific Method Statements

Watch for previously unidentified sites / constraints, for example

- Nests and dreys in trees
- Badger setts
- Archaeology sites

3. Reporting any environmental concerns, incidents or near misses.

Look for and report developing problems, for example,

- Check water courses from time to time for the first signs of siltation and report deterioration at an early stage, especially when adverse weather conditions develop
- Marking on protected zones becoming obscured or lost.
- Unusual or disturbed activity in nesting or other sites

Report significant problems immediately, for example,

- Fuel or oil spills or burst hydraulic pipes
- Serious siltation problems
- Any unplanned or accidental disturbance to the protected zone
- Any previously unidentified sites / constraints.

3 ROLES TO ASSIST DUTY HOLDERS

The Duty Holders need to have detailed arrangements to discharge their responsibilities and arrangements will vary between different organisations and different worksites. To assist Duty Holders in discharging their responsibilities and to coordinate environmental protection management on site the following roles may be created if site requirements identify the need for dedicated supervision. These roles are aligned with those identified within FISA’s Managing Health and Safety for Forestry:

Table 2: Roles to facilitate Coordination and Supervision

Requirement	Role	Definition	Examples of who may take on this role	Key Tasks
Coordination	<ul style="list-style-type: none"> ▪ Contractor’s site safety Coordinator(s) 	Contractor’s representative for management of operations on site. This may be one person or a number of people with clearly defined areas of responsibility. To be appointed by the Contractor to act in his absence.	<ul style="list-style-type: none"> ▪ An experienced employee of the contractor or a self-employed operator engaged by the main contractor. He is the “eyes and ears” of the contractor. 	<ul style="list-style-type: none"> ▪ Monitoring site controls to ensure they remain adequate and helping to maintain compliance with environmental site rules and conditions. ▪ Coordinating with the Contractor or FWM regarding any environmental issues. ▪ Acting as contact point for third parties coming onto the site
Supervision	<ul style="list-style-type: none"> ▪ Ecological Clerk of Works 	A competent person who is engaged by the FWM solely to supervise an identified highly sensitive site during forest operations and to act as the main point of contact during the time such operations are carried out.	<ul style="list-style-type: none"> ▪ An employee of the FWM. ▪ A sub-contractor engaged by the FWM. 	<ul style="list-style-type: none"> ▪ Field survey and preparation of the Environmental Management Plan and Method Statements ▪ Supervise the environmental aspects of forest operations to ensure compliance with control measures. ▪ Coordinate and communicate with the FWM and Contractor or Site Safety Coordinator(s).

3.1 Contractor's Site Safety Coordinator(s)

The Contractor is legally responsible for management of his operations on site and in his absence has a responsibility to ensure his duties are discharged. The contractor may therefore appoint a person or persons on site to assist in this role.

Under FISA's Guidance on Managing Health and Safety in Forestry the role of Contractor's Site Safety Coordinator is identified. The Contractors' Site Safety Coordinator(s) must have the authority to act on behalf of the Contractor and be the main point of contact for the operation as a whole or a specific area of operation as appropriate when the contractor is not on site.

Where a Site Safety Coordinator is already appointed it is likely to be appropriate for them to assume additional responsibilities in relation to environmental management.

Guidance on tasks

1. **Monitoring site controls to ensure they remain adequate and helping to maintain compliance with environmental site rules and conditions.**

The Contractor's Site Safety Coordinator is fulfilling the Contractor's role when the contractor is not on site.

Make sure anyone working on site has an awareness of environmental issues appropriate to the job they do, for example.

- Carry out site briefings to ensure everyone is aware of environmental constraints and the marking of protected zones. Use maps and toolbox talks

Supervise employees and subcontractors to reinforce environmental standards and understanding, for example.

- Compliance with the environmental site rules

Manage environmental controls as they specifically apply to work activities, for example.

- Implement agreed protective measures such as installing silt traps or additional culverts before work starts
- Ensure site specific Method Statements are implemented
- Check marking of sensitive sites and protected zones to ensure that this remains clear
- Check fuel and oil, fertiliser and pesticide storage areas

Maintain Emergency Preparedness measures on site, for example,

- Ensure there is adequate spill materials on site, both in machine cabs and in site safes.
- Keep some silt fencing and wooden stakes handy in case of siltation.
- Keep a list of emergency telephone numbers.

Keep an eye out for developing problems, for example

- Check watercourses from time to time for the first signs of siltation and report deterioration at an early stage, especially when adverse weather conditions develop.
- Marking on protected zones becoming obscured or lost.
- Unusual or disturbed activity in nesting or other sites

Report significant problems immediately, for example,

- Fuel or oil spills or burst hydraulic pipes
- Serious siltation problems
- Any unplanned or accidental disturbance to the protected zone
- Any previously unidentified sites

2. Coordinating with the Contractor or FWM regarding any environmental issues.

The Contractor's Site Safety Coordinator should keep the Contractor informed of any environmental issues developing on site or incidents that have occurred

3. Acting as contact point for third parties coming onto the site

Occasionally third parties may need to access the site during operations to assess the environmental provisions. This may be,

- Part of licencing conditions
- Part of the control measures agreed with the FWM
- In response to complaints or ongoing incident

The Contractor's Site Safety Coordinator must act as the point of contact when the FWM or Contractor are not present. Relevant information should be passed on to the FWM and Contractor as appropriate

3.2 Ecological Clerk of Works role (ECOW)

An Ecological Clerk of Works (ECOW) may be appointed by the FWM when an assessment of the environmental sensitivities of a site determine that environmental protection needs to be carefully implemented and closely monitored. It is anticipated that an ECOW would not be required in most situations. The ECOW is an active supervisory and facilitation role, carried out someone with specialist knowledge and experience. This is a dedicated role and would not normally be carried out by someone carrying out other duties.

The ECOW acts on behalf of and with the authority the FWM

Guidance on tasks

1. Field survey and preparation of the Environmental Management Plan and Method Statements

The ECOW will normally carry out field survey work in advance of the forest operation to identify sites requiring special protection.

The field survey information will then be used to prepare, in conjunction with the FWM, a Site-specific Environmental Management Plan, including appropriate method statements for the operation(s) involved. This will often involve liaison with statutory organisations and the obtaining of specific licences.

2. Supervise the environmental aspects of forest operations to ensure compliance with control measures.

The ECOW may often be required to carry out a final walk through in advance of operations to mark sites or to 'clear' areas as 'safe' to operate in.

During operations ECOWs role is to help the Contractor (or their Site Safety Co-ordinator) implement the specified control measures. This requires close cooperation on site and a good working relationship.

The ECOW will also carry out any monitoring required to comply with the agreed Environmental Management Plan.

3. Coordinate and communicate with the FWM and Contractor or Site Safety Coordinator(s).

The ECOW will be the main point of contact, making sure that the FWM and Contractor know what is happening on site and report if there are any problems. Where necessary the ECOW may stop forest operations until any further mitigation measures required can be put in place.

4 Glossary

Buffer Zone: An area close to a protected zone or sensitive feature used to protect it from disturbance or damage.

Environmental protection measures: Anything designed to reduce the impact of forest operations on the environment. This could be as simple as a silt trap or brash mat but could be a more complex method statement.

Protected Zone: An area of the worksite within which special consideration must be given to the potential for disturbance or environmental damage. This may either be an excluded area or where mitigation or licencing procedures agreed with the relevant agency apply.

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