



## The Role of EnvCoW in the Planning System

# Introduction

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AECow – The representative and qualifying body for Environmental Clerk of Works  
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# Heads of Planning Scotland



Heads of Planning Scotland (HOPS) is the representative organisation for senior planning officers from Scotland's local authorities, national park authorities and strategic development planning authorities.

The purpose of HOPS is to:

- Promote the profile of public sector land use planning
- Support and promote excellence in planning leadership
- Ensure the delivery of a culture of continuous improvement in planning authorities, and
- Provide advocacy and coordination to ensure that planning authorities are properly resourced to deliver quality outcomes.

# Guiding Principles

- Shine a light on construction phase environmental performance
- Reduce conflicts of interest
- Promote a consistent approach to the EnvCoW role

# Guiding Principles - Why

## Shine a light on construction phase environmental performance.

- 865 predictions across 28 projects. 488 (56%) were auditable, of these;
- Only 49% were found to be accurate

Christopher Wood, Ben Dipper and Carys Jones, 'Auditing the Assessment of the Environmental Impacts of Planning Projects' (2000) 43 Journal of Environmental Planning and Management 38–39, 42.

- Windfarm environmental incident analysis (2016)
- **134** incidents over a 37-week period. **3.62** incidents recorded per week

“Given the uncertainty we have found in predicting environmental impacts, there is a high risk that environmental harm is not being offset as anticipated.” OEP 2023

# Guiding Principles - Why

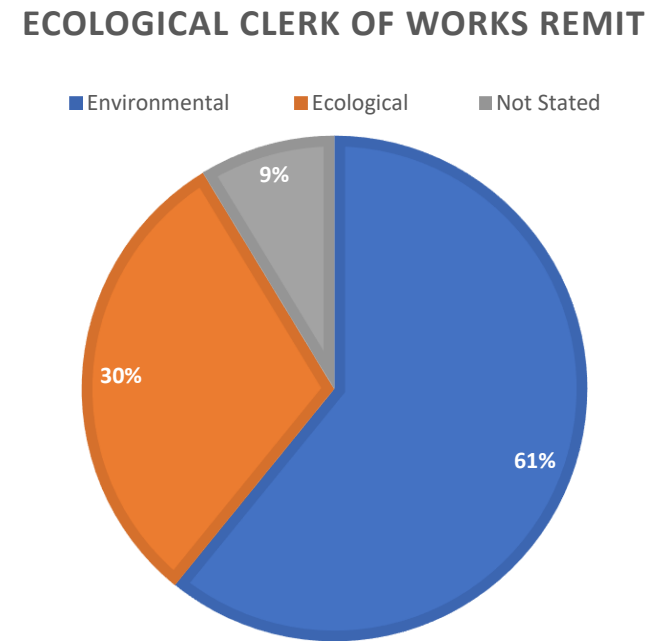
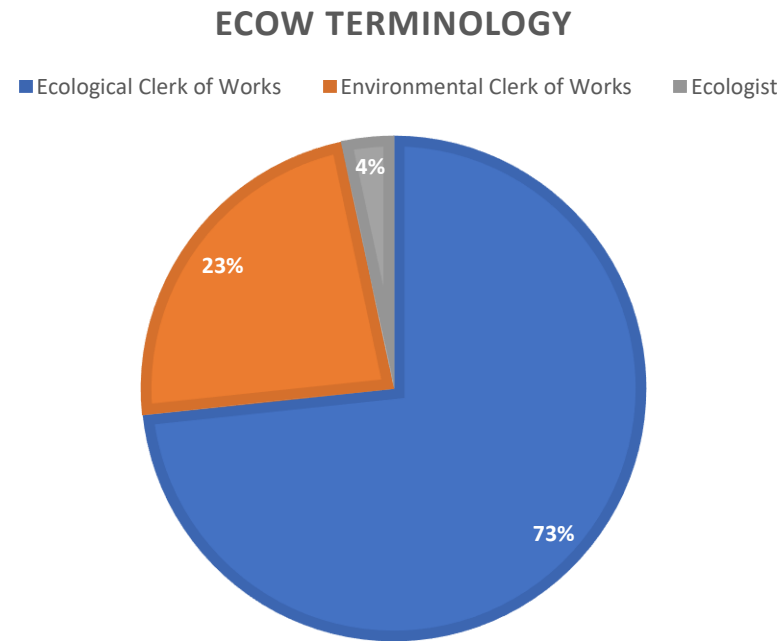
## **Develop a process that removes conflicts of interest**

- *“the implementation and monitoring of mitigations are routinely left to developers and contractors with little (or no) oversight from [...] regulators[...] The end result is that many mitigation measures are not carried out or are deficient in their implementation.”*
- *“Developers normally ‘mark their own homework’ by employing consultants to provide information to the LPA to demonstrate compliance and to identify whether any remedial measures are required.”*

OEP 2023

# Guiding Principles - Why

## Create a consistent approach to the EnvCoW role



# Role Definition

## **Create a consistent approach to the EnvCoW role**

*AECOW and the HoPS paper define the Environmental Clerk of Works role as*

- *“An environmental or construction professional with direct responsibility for monitoring compliance with environmental legislation, policy or mitigation.”*

*CIEEM describe the Ecological clerk of Works role as*

- Advise on protecting valued biodiversity features on construction sites.
- Provide practical, site-specific and proportionate assistance on how their clients can achieve compliance with environmental legislation.
- Manage ecological operatives engaged in ecological mitigation activities – such as undertaking ecological watching briefs and translocation of protected species.



# How does the Paper deliver

## **Shining a light**

“The EnvCoW system allows the independent gathering of compliance data to inform the Planning Authority if the project is being built in accordance with the environmental mitigation and enhancement, as approved, and reports any non-compliance, as well as any exceedance of the predicted impacts of the construction or planning permission (or other consenting regime).”

“and be uploaded to the publicly available eplanning system as per the normal discharge of planning conditions.”

# How does the Paper deliver

## **Reducing Conflicts of Interest**

- **Procurement route**

“Shall require a statement that the EnvCoW shall be engaged by the Planning Authority but funded by the developer.”

- **Reporting lines**

“EnvCoW reports should be sent to the Planning Authority and any other Consenting Authority at the same time as the contractor / developer.”

- **Responsibilities**

“An EnvCoW is not responsible for delivering or ensuring compliance and it is not empowered to issue instructions onsite, or design or implement mitigation or enhancement.”

# How does the Paper deliver

## **Creating a consistent approach to the EnvCoW role**

- **Roles and responsibilities**

“An EnvCoW’s role is therefore solely to monitor and report on environmental compliance during the construction phase of a development project. An EnvCoW will report on either the ongoing compliance of the works or where compliance is not being carried out.”

- **Addressing the inconsistency in Impact Assessment**

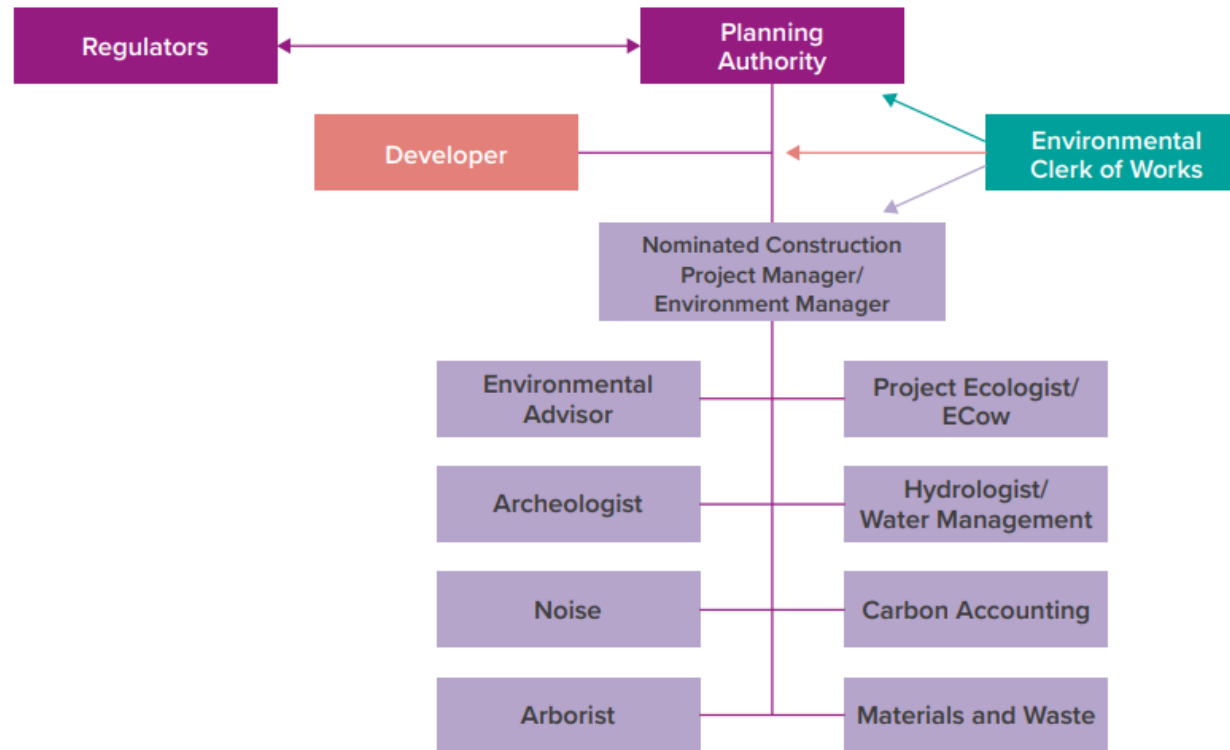
“Whilst sometimes referenced as part of the mitigation set out within an Environmental Impact Assessment Report, the EnvCoW role is monitoring and reporting only and is not involved in the design, or implementation of any mitigation”

# How does the Paper deliver

**Creating a consistent approach to the EnvCoW role continued**

- **Establishing a threshold for EnvCoW requirement**
- **Suggested frequency of visit**

# Indicative Organogram



# In Practice

## Shining a light

- Unconflicted construction phase environmental compliance information.
  - As well as being used by the consenting body, the EnvCoW reports,
    - Could be used to support third party assessments (CCS, BREEAMI etc).
    - Could be used in the tendering process to support “good” environmental performance.
- Provides a feedback loop to Impact Assessment.
  - Provides an evidence base to support mitigation assumptions.
  - Identifies construction phase environmental risk not assessed in the Impact Assessment.

# In Practice

## **Removing conflict of interest.**

- Environmental Clerk of Works commission to satisfy a Planning Condition will be engaged by the Consenting Authority.
  - Projects should manage their environmental obligations as they see fit. Engaging Site based Environmental Managers, Advisors and technical specialists such as a CIEEM described Ecological Clerk of Works, as required, to deliver a compliant project.
- Environmental Clerk of Works will report to each party directly and simultaneously.

# In practice

- **Consistency**

- Provides a consistent position on what an EnvCoW is, and more importantly, is not in relation to the planning system.
  - Defines a consistent role
  - Places responsibility for environmental performance back on the Project team
- Defines a threshold for an EnvCoW Condition and frequency of visit.
- Provides a Model Condition



# In practice

- **Summary**

- Developers and Contractors should engage site-based Construction Phase Environmental Managers/Advisors and technical specialists to manage their environmental obligations as required.
- The EnvCoW role will provide unconflicted environmental performance data that will be available on the eplanning system.
- The HoPS paper provides certainty and a consistent approach to the EnvCoW role.

# Next Steps

- **Industry Engagement and Awareness raising**

- Supply Chain Sustainability School
- CECA
- HoPS and Improvement Services webinars
- AECOW webinars
- Model Condition – ECU and Onshore Wind Sector Deal

- **Assess the success of Position Statement**

- Engage an independent body to validate the implementation