

# Guidance on Responsibilities for Environmental Protection in Forestry



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# INTRODUCTION

This guide contains information to help landowners, employers, the self-employed, employees and those in control of work in forestry deliver their responsibilities, meet legal environmental protection requirements and clearly demonstrate this. It also helps achieve compliance with certification requirements under UKWAS (the UK Woodland Assurance Standard).

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.

Environmental protection and enhancement has climbed higher up the agenda over the past year. Effective communication with third parties including interested neighbours to forestry and woodland properties is becoming increasingly challenging for landowners and forestry managers.

Environmental protection can also present challenges where for example, buffer zones for protected sites or species exceed a landowner's property boundaries and the impact of small-scale operations has cumulative effects on a water catchment, and additional planning, consultation and communication is required. This guide is about ensuring clear communication to demonstrate responsibilities and requirements are addressed and roles and responsibilities are clearly considered and demonstrable.

## FISA Duty Holder Roles alignment

In developing this document, we have liaised with FISA (the Forest Industry Safety Accord) to ensure alignment with the duty holder roles set out in 'Managing Health and Safety in Forestry' to make it easier to use both guides together and 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 in this guidance together with the roles which assist duty holders.

Definitions of Duty Holder roles for managing environmental protection are set out for each role at the start of each section.

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.

### **Role to Assist Duty Holders**

The role of Environmental Supervisor may be created to assist Duty Holders in discharging their responsibilities and to coordinate environmental protection measures on site. This role may be required if site assessment identifies the need for dedicated supervision because environmental sensitivities on site are significant, or may be significantly affected by work activities.

Examples may be an SSSI or public drinking water catchment zone.

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



# LANDOWNER ROLE

Role	Definition	Examples of who may take on this role	Key tasks
Landowner	Person or Organisation in control of the land on which forestry work takes place.	<ul style="list-style-type: none"> <li>Estate owners or farmers.</li> <li>Forestry regulator or other public bodies, such as the Crown Estate and local authorities.</li> <li>Forestry management companies.</li> <li>Land agents working on behalf of private and public owners.</li> </ul>	<ul style="list-style-type: none"> <li>Ensuring any Forest Works Manager appointed has suitable knowledge and experience of dealing with environmental issues.</li> <li>Gathering information about environmental sensitivities and constraints on and around forestry worksites and making this available to the FWM.</li> <li>Ensuring the appropriate licences, consents and permits are obtained and taking specialist advice where necessary.</li> <li>Co-ordination of activities of the overall forest environment and consideration of timings and sensitivities for environmental protection purposes alongside other health and safety hazards and constraints.</li> </ul>

## Guidance on responsibilities

### 1. Selecting a Forest Works Manager with the suitable knowledge and 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.
- Where the services of a forestry business are used, such as a forestry agent, management company or timber purchaser, they take the role of the FWM and assign an experienced employee or other competent person to do what is required.
- Where the Landowner has put standing timber for sale on the open market, selection of a FWM becomes the responsibility of the Purchaser. Assessment of any tenders submitted may consider the competence of the Purchaser to act as or to appoint an FWM as a factor. In any event, after contract award and before work starts on site, it is good practice to complete a check of competence of the proposed FWM, and any contractors or workers who will be 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 sensitive sites within their property and this must be collated and made available to the FWM.

### 3. Ensuring the appropriate licences and consents are obtained and taking specialist advice where necessary.

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

Provision must be made by the Landowner for obtaining licences and consents in order to carry out the work. Statutory agencies may request specialist surveys or reports to ensure licensing and consents can be obtained and the Landowner is responsible for obtaining these. The Landowner may wish to source external help



in applying and agreeing these in relation to the proposed work activity.

If this is to be completed by the Forest Works Manager, then this must be made clear in any tender or contract documentation. Examples include badger licences, Scheduled Monument consents, Controlled Activities Regulations (CAR) Licences etc.

#### **4. Co-ordination of activities of the overall forest environment and consideration 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 for example, during bird breeding season.
- Seasonal working to avoid wetter winter months and reduce the risk of rainfall generated diffuse pollution.
- Consideration of measures for biosecurity and invasive non-native species.

This will involve an initial site appraisal, consideration of walk-throughs, specialist surveys, health and safety risks, and a final assessment of priorities to determine the optimal timing and minimise environmental impacts.

# FORESTRY WORKS MANAGER (FWM) ROLE

Role	Definition	Examples of who may take on this role	Key tasks
Forestry Works Manager (FWM)	Person or Organisation who commissions the work on a forestry site.	<ul style="list-style-type: none"> <li>• Anyone in the landowner role directly engaging forestry contractors as part of their business.</li> <li>• Anyone engaged by the Landowner to manage and carry out the forestry operation on their behalf.</li> <li>• Forestry management company directly engaging contractors to work on their client's land.</li> <li>• Land agent company directly engaging contractors to work on their client's land.</li> <li>• Timber purchasers, where timber is sold standing (merchants, processors or contractors).</li> </ul>	<ul style="list-style-type: none"> <li>• Using information from the Landowner and other sources to carry out an environmental assessment of the site.</li> <li>• Ensuring any necessary licences, consents and permits are obtained.</li> <li>• Selecting competent Contractors who will make adequate provision for environmental protection.</li> <li>• Communicating environmental protection measures with, and to, those directly affected by the activity.</li> <li>• Monitoring environmental protection on site and taking action to address any shortfalls or issues which arise as work progresses.</li> </ul>

## Guidance on responsibilities

### 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 the 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, consents and permits which may be required.

### 2. Ensuring any necessary licences and consents are obtained.

- Check information provided by the Landowner and advise if further licences or consents are required.
- Where required by Landowner, obtain any licence, consents or permits, liaise with statutory agencies 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
- Understanding of waste duty of care requirements
- Evidence of briefing of environmental toolbox talks to operatives
- Spill response or diffuse pollution training



#### 4. Communicating environmental protection measures with, and to, those directly affected by the activity.

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

- Landowner;
- Contractor; and
- those that may be affected (for example, 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 or public water supplies.
- Biosecurity measures.
- Emergency preparedness requirements.
- Disposal of waste.

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 Protection Plans.
- 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, for example planting bags, are securely contained.

The FWM must also complete regular site visits to confirm:

- Control measures are being complied with.
- Control measures are communicated, as appropriate, to new operatives and any 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 and risks of diffuse pollution.

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

# CONTRACTOR ROLE

Role	Definition	Examples of who may take on this role	Key tasks
Contractor	Provider of a forestry service.	<ul style="list-style-type: none"> <li>Contracting companies with their own employees or who take on Sub-contractors.</li> <li>Owner-operators.</li> <li>Hauliers.</li> </ul>	<ul style="list-style-type: none"> <li>Work with the FWM to ensure environmental protection standards are met.</li> <li>Manage employees and sub-contractors to promote good environmental practices and to minimise the impact of activities on site.</li> <li>Ensure effective supervision is in place so that systems of work to protect the environment are maintained throughout the work.</li> <li>Report any environmental concerns, or incidents.</li> </ul>

Contractors and their sub-contractors are legally as much at risk as Landowners or FWMs 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 environmental damage is caused.

## Guidance on responsibilities

### 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 sub-contractors 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.
- Follow all biosecurity measures.
- Check fuel and oil, fertiliser and pesticide storage areas.
- Monitoring control measures and making changes as appropriate.
- Providing suitable management and meeting duty of care requirements for any waste.

Appoint a supervisor when you are not on site.

- Brief the Site Supervisor 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 kits 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 or incidents.

Keep an eye out for developing problems and report to the FWM, for example:

- Check watercourses for 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 bird activity in the nesting season.
- Take photos of issues and make site notes.

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 or damage to structures.
- Any previously unidentified sites.



# SUB-CONTRACTORS AND WORKERS ROLE

Role	Definition	Examples of who may take on this role	Key tasks
Sub-contractor	Anyone engaged by a contractor other than by direct employment.	<ul style="list-style-type: none"> <li>Anyone working under contract to a contractor.</li> </ul>	<ul style="list-style-type: none"> <li>Co-operation with site arrangements for environmental protection.</li> <li>Managing environmental controls as they specifically apply to their work activities.</li> <li>Reporting any environmental concerns, or incidents.</li> </ul>
Worker	Anyone working on the forestry work site.	<ul style="list-style-type: none"> <li>Direct employees of any of the Duty Holders.</li> <li>Others working on the site during operations in any capacity. For example, ecologists or a local raptor worker.</li> </ul>	<ul style="list-style-type: none"> <li>Co-operation with site arrangements for environmental protection.</li> <li>Managing environmental controls as they specifically apply to their work activities.</li> <li>Reporting any environmental concerns, or incidents.</li> </ul>

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

## Guidance on responsibilities

### 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.
- 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 your work activities.

Take care when refuelling, carrying out machinery maintenance or applying pesticides.

- Avoid spills and clear up any that do occur.

- Store lubricants and filler hoses within a bunded area.
- Keep pesticides in a secure storage box.

Respect Buffer Zones.

- Around watercourses.
- Near protected sites.
- Follow any site-specific method statements.

Watch for previously unidentified sites/constraints, for example:

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

Dispose of waste responsibly.



- Litter, grease cartridges, plastic bags, waste oil etc.

### 3. Reporting any environmental concerns or incidents.

Look for and report developing problems to the site supervisor, for example:

- Check water courses at an appropriate frequency for the first signs of siltation and report deterioration at an early stage, especially when adverse weather develops.
- Marking on protected zones becoming obscured or lost.
- Unusual or disturbed activity in the bird nesting season.

Report significant problems immediately and as identified in the Emergency Plan for the site, 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.

# ROLES TO ASSIST DUTY HOLDERS - ENVIRONMENTAL SUPERVISOR

When an assessment of the environmental sensitivities of their site determines that environmental protection needs to be carefully implemented and closely monitored, the Landowner or FWM may decide that a person or persons on site is required to assist in this role. For example, Landowners may make the appointment of an Environmental Supervisor by the FWM a condition of the sale of standing timber.

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

Anyone appointed to supervise on site must have the authority to act on behalf of the Landowner or FWM 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.

## About the role

An Environmental Supervisor (ES) may be appointed by the Landowner Representative or FWM when an assessment of the environmental sensitivities of a site determines that environmental protection needs to be carefully implemented and closely monitored. It is anticipated that an ES would not be required in most situations. The ES is an active supervisory and facilitation role, carried out by 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 ES acts on behalf of either the Landowner or FWM and with their authority.

## Guidance on responsibilities

### 1. Field survey and preparation of the environmental management plan and method statements.

The ES 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 ES 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 the ES 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 ES will also carry out any monitoring required to comply with the method statements and any environmental management plan.

### 3. Coordinate and communicate with the FWM and Contractor or Site Supervisor(s).

The ES 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 ES may stop forest operations until any further mitigation measures required can be put in place.

# GLOSSARY

## **Buffer Zone**

A specified area around a protected zone or sensitive feature, used to help minimise negative impacts from disturbance or damage.

## **Environment**

The local setting or conditions within and around a forestry site including but not limited to habitats and ecosystems, wildlife, water resources including water supplies, historic or cultural heritage sites, soils and peat.

## **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 brush 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 licensing procedures agreed with the relevant agency apply.



Produced by Confor and the Forest Industry Environment Group, a subgroup of the Confor Technical & Compliance Group formed from representatives working in the field of environmental protection and management across the forestry industry.

This guidance is endorsed by:

