



Association of Environmental Clerks of Works

## The Role of an Environmental Clerks of Works

### Position Statement

AECOW recognises that there are significant inconsistencies regarding the role of an Environmental Clerks of Works (EnvCoW), as those fulfilling the role are often engaged to deliver a variety, or combination, of design, implementation and environmental compliance monitoring elements. Blending these elements can compromise delivery of an EnvCoW role, which in turn can adversely affect environmental outcomes and compliance. To improve consistency and quality in the EnvCoW role (and to better support achievement of environmental outcomes/compliance) AECOW has developed this position statement, in consultation with regulators and professional bodies.

AECOW supports a similar approach to site environmental roles, which the Construction (Design & Management (CDM) Regulations 2015 provide for delivering health and safety obligations. This approach advocates clear distinction, and separation, of roles and responsibilities for design, implementation and compliance monitoring, as follows:

- Design: working **for the Developer / Contractor** eg.:
  - Environmental Managers / Advisors
  - Technical Specialists
- Implementation: working **for the Contractor** eg.:
  - Environmental Managers / Advisors
  - Technical Specialists
- Monitor: Independent monitoring **of the Project**.
  - Environmental Clerk of Works (EnvCoW).

Much like health and safety management under CDM Regulations, AECOW believes that commissioning organisations should avoid delegating their responsibility, and each project stakeholder should provide sufficient time and resources to manage environmental risk.

AECOW broadly supports the approach outlined by the Institute of Clerks of Works and Construction Inspectorate, which highlights that to achieve 'quality' and environmental 'outcomes', an EnvCoW should be either employed by a Developer/Client, an environmental regulator, or a consenting body. This is because these have a vested interest in compliance and environmental outcomes. This position is similarly supported by the Planning Inspectorate (PINS), which states that compliance inspectors should be paid for by the Developer and appointed by the consenting body. AECOW advocates this approach.

To provide fair, transparent, compliance monitoring (which is key to the EnvCoW's role and distinguishes it from other site environmental roles) design, and implementation, advice should not be provided by the EnvCoW. To this end, AECOW's definition of an EnvCoW is:

*"An independent environmental or construction professional with direct responsibility for **monitoring and reporting on compliance** with planning consents, environmental permits, legislation and mitigation."*

An EnvCoW cannot 'ensure' compliance on a project, as the role is responsible for **monitoring and reporting compliance**. EnvCoW's who consider they 'ensure' works are likely to be delivering a different environmental role with responsibility for **delivering** compliance.

Prior to the appointment of an independent EnvCoW, the project should have approved site specific environmental / ecological plans and mitigation. It is the EnvCoW's role to impartially assess compliance against these plans and mitigation and EnvCoWs should carefully communicate compliance observations to provide a feedback mechanism for the project. AECOW recognises that this is currently not always the case, as construction contracts and legislation do not require this. Where an EnvCoW provides design/implementation advice/recommendations, they risk limiting their impartiality to assess compliance.



AECOW recognises that construction contracts must support, and enable, this process. This approach is most likely to be successfully achieved with regulatory reform, similar to that of CDM Regulations for environmental obligations. This would involve defining environmental roles and responsibilities for delivering/ensuring and monitoring environmental obligations in legislation, as well as requiring projects to share their data and monitoring reports.

AECOW is striving to embed this position in legislation, and guidance, as part of its Strategy to define, and promote, the role of an EnvCoW and help drive up environmental compliance.