

## **Guidance on pollution control and management of surface water run-off for specific forestry activities**

This Q&A guidance intends to clarify the instances where the revised Water Environment (Controlled Activities)(Scotland) Regulations 2011 (CAR, as amended) apply to forestry projects. The revised CAR Practical Guide was published in February 2018 and it can be viewed here [https://www.sepa.org.uk/media/34761/car\\_a\\_practical\\_guide.pdf](https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf) .

CAR contains General Binding Rules (GBR) for certain low risk activities. Compliance with the GBR is mandatory for the management of surface water run-off, as described below:

GBR10b: Discharge of water run-off from a construction site to the water environment where the site, including any constructed access tracks does not:

- i. exceed 4 hectares;
- ii. contain a road or track length in excess of 5km; or
- iii. include any area of more than 1 hectare or any length of more than 500m on ground with a slope in excess of 25°.

Note that where activities fall below or within the GBR10b threshold requirements for surface water discharges but still cause pollution incidents, SEPA may as part of the enforcement process and where appropriate, escalate the level of authorisation and impose a licence.

### **1. Forestry projects affected**

Q: What forestry projects will be affected by these revised regulations?

A: All new forest roads and all major upgrades to forest roads in excess of 5km or in excess of 500m on ground with a slope >25° will require a CAR licence from SEPA from 1 September 2018. In this guidance these projects will be referred to as 'roads above the GBR10b thresholds'.

The UKFS guidelines on general forestry practice ask forest managers to design road surfaces, drainage and harvesting machine access points to avoid erosion and other adverse impacts on soils, watercourses and water quality.

Q: Why do these regulations now apply to certain forestry roads?

A: The management of surface water derived by certain projects is important to protect the soil and to avoid sediment and pollutant run-off into the water environment. Compliance with the GBRs is already mandatory for low risk activities, however certain activities (including roads above the GBR10b thresholds) are deemed to have a higher risk to cause pollution to the water environment and as such, are regulated by SEPA under a CAR licence.

Q: Do the thresholds apply to the length of a single road or the total network of roads?

A: The GBR10b thresholds apply to the total length of the network of new roads (e.g. a new spinal road plus all the new sections branching from it). A CAR

licence allows for site-specific conditions to be set to protect the water environment from activities that pose a higher risk.

Q: What about extensions to roads that will result with a total length >5km?

A: As long as every finished section (<5km) has a permanent drainage system disconnected from the previous section, the licence does not apply. For sections up to 5km compliance with GBR10 is required.

Q: Is it only for new roads or does it include roads upgrade and re-surfacing?

A: The licence applies to major road upgrades (raised to a higher standard), road widening, construction projects that will require a new drainage system, etc. It does not apply to road resurfacing or surface layer top-up as these are just normal low risk maintenance activities- GBR10 however continues to apply to these projects and you must take measures to avoid run-off entering the water environment.

Q: Does the licence apply for a road of 500m where the entire length of the road is on a slope >25°, or just part of the roadline?

A: The licence is for higher risk activities and it will only apply where the entire 500m length is on a slope >25°.

## **2. How to apply to a licence and charges**

Q: How do I apply for a CAR licence?

A: Pre-app discussion with local SEPA office is strongly recommended. A licence for forest roads above the GBR10b thresholds is determined upon submission of Application [Form A](#) (applicant details) and [Form B](#) (details of activity) and approval by SEPA. The forms are available [here](#).

The licence requires the preparation and submission of a Pollution Prevention Plan (refer to section 4) to demonstrate how surface water will be managed on site. [Supporting guidance](#) (WAT-SG-75) on how to apply and necessary documentation can be found on the SEPA website.

Q: Who can apply for a licence?

A: Anybody can apply and the licence is transferrable. This means that the licence can then be transferred to the principal contractor that will oversee the construction works on site.

Q: How much will a licence cost?

A: The construction of a forest road <10km in length will be subject to a simple licence. The construction of a forest road >10km in length will be subject to a complex licence, so it is proportional to those costs and expenses incurred by SEPA in the determination of the application (including the Pollution Prevention Plan). Good quality applications and plans will reduce the time involved in determining the application. The [Construction Site Licences](#) pages give you more details on the associated costs.

Q: Will I be able to get advice and support from SEPA?

A: Yes. The licence fee also covers costs for SEPA on-site advice and help with the refinement of your Pollution Prevention Plan. Note that there is no charge for SEPA pre-application advice.

Q: Are there any ongoing costs?

A: Subsistent (annual) fees apply to complex licences, whereas simply licences for construction SUDS licences will have a zero fee. The [Construction Site Licences](#) pages give you more details on the associated costs.

Q: What about tracks already approved and under construction?

A: You do not need a licence if construction starts before 1 September 2018. You still must comply with GBR10 and all other relevant GBRs on pollution control (see Section 5) and you must take measures to avoid run-off entering the water environment. In the event of a pollution incident during construction, after the 1 September 2018, SEPA will ask for you to apply for a licence retrospectively. Where construction of tracks >5km has already started is anticipated to take a long time (into 2019 and beyond) SEPA would welcome applications for a licence (either simple or complex, according to the length of the road) and production of a Pollution Prevention Plan (see section 4).

### **3. When to apply for a licence?**

Q: When can I apply?

A: Once you have the relevant information of the site and your proposed project and before construction starts. Note below the time involved with the determination of your application.

Q: How long will it take for the licence to be issued?

A: Applications for a simple or complex licence will be assessed within 4 months, unless an extension is agreed by both parties. Production of a good quality application and Pollution Prevention Plan (see section 4) will assist SEPA in the application and determination process.

Q: How long will the licence last?

A: The timescale associated with the licence is unlimited. Once the work is completed you may 'surrender' the licence.

Q: Do I need the licence in place to get my forest plan/ woodland creation approval?

A: The licence is only needed before construction starts on site.

### **4. The Pollution Prevention Plan**

Q: What is the Pollution Prevention Plan?

A: A key aspect of a construction site licence is the Pollution Prevention Plan. The purpose of this plan is to demonstrate that site conditions have been considered at the planning stage and what steps have been planned and taken to prevent potential for pollution arising from the site, the potential impact of that pollution and methods to prevent environmental harm. Forestry companies already produce plans to prevent and manage pollution from forestry operations on site- the available guidance is supposed to help with assessing the risk from potential pollution, plan the mitigation measures and aid the development of such plans for road construction.

You must produce and submit a Pollution Prevention Plan for both a simple and a complex licence.

Q: What should be included in the Pollution Prevention Plan?

A: The plan should describe:

- how to minimise, control (including mitigation measures) and treat the site run-off;
- maintenance and monitoring regimes;
- relevant responsibilities and how the plan will be communicated;
- any contingency plan.

Quarries, borrow pits and other infrastructure associated with the roads must be included in the plan. We advise that you keep your plan and mitigation measures simple and proportionate to the risk that the activity may pose to the water environment.

Q: How detailed the pollution Prevention Plan should be?

A: We recommend you familiarise yourself with the guidance available on the [supporting guidance](#) (WAT-SG-75) to understand what is asked from applicants. Section 3 of this guidance has prompts that should be addressed by licence holders while developing their Pollution Prevention Plan. Note that Section 3 is not necessarily a template, but should be used to guide assessment of risk, prevention and mitigation measures.

The plan should be site specific.

Q: Who should prepare the Pollution Prevention Plan?

A: The Pollution Prevention Plan should be prepared by the Responsible Person, to whom a licence will be issued. This is the organisation/person to whom the licence is issued, has the financial authority and has the ability to ensure compliance with the licence on site. The licence holder will be responsible to ensure that the plan is kept up to date and complied with. The Pollution Prevention Plan should be communicated to all those working on site. Details of how the plan will be communicated should be included in the plan itself.

Q: What happens if site conditions are different to that anticipated in the Pollution Prevention Plan?

A: The Pollution Prevention Plan is owned and updated by the Responsible Person. The plan is dynamic and can be updated by the Responsible Person to reflect any new conditions not originally anticipated. Any changes to the Pollution Prevention Plan can be done in agreement with SEPA and does not incur any additional fee.

## **5. Watercourse crossings, quarries and infrastructure**

Q: Does the licence granted for roads above the GBR10b thresholds cover watercourse crossings (currently licenced under a simple licence)?

A: It does not. We recommend for your to apply for a simple (>5km) or complex (>10km) licence for the road network and separately apply for Registration(s) or simple licence(s) for the watercourse crossings. Note that Registrations (in a forestry context this applies to culverts, bridges etc.) have a 28 day determination period.

Alternatively, where you have a long network of new roads with multiple watercourse crossings, you can include all these elements in the Pollution Prevention Plan and apply for a complex licence.

Q: Are there any restriction on the quality of rocks/ material used to construct a road?

A: GBR22 covers construction and maintenance of waterbound roads and tracks and states that no material that will or is likely to result in metallic, sulphide rich or strongly acidic polluted water run-off from such roads or tracks may be used in the carrying out of the activity.

Q: Are quarries, borrow pits and other excavations affected?

A: GBR 16 covers the direct discharge of pollutants into groundwater as a result of construction or maintenance works in or on the ground, which come into contact with groundwater. You may need a licence for these activities. The table on page 10 of the [guidance](#) provides volume thresholds for these requirements.

## **6. Further information**

Forestry Commission Technical Note (2005) Protecting the environment during mechanised harvesting operations

[https://www.forestry.gov.uk/pdf/fctn011.pdf/\\$FILE/fctn011.pdf](https://www.forestry.gov.uk/pdf/fctn011.pdf/$FILE/fctn011.pdf)

This technical note highlights how good practice can protect soils and prevent erosion and subsequent siltation in watercourses and ultimately minimise the risk of environmental damage during harvesting operations on soft ground.

Forestry Commission, Technical Note (2013) Reducing greenhouse gas emissions from forest civil engineering

[https://www.forestry.gov.uk/pdf/FCTN020.pdf/\\$FILE/FCTN020.pdf](https://www.forestry.gov.uk/pdf/FCTN020.pdf/$FILE/FCTN020.pdf)

This Technical Note describes how the greenhouse gas release from forest civil engineering operations can be controlled and reduced, while still ensuring the development and maintenance of a robust forest road network. It is aimed at forest civil engineers, planners, managers and owners.

Forest Research website - Publications on harvesting and transport

<https://www.forestry.gov.uk/fr/inf-d-7sudzr>