

# Environmental Incidents and Close Calls

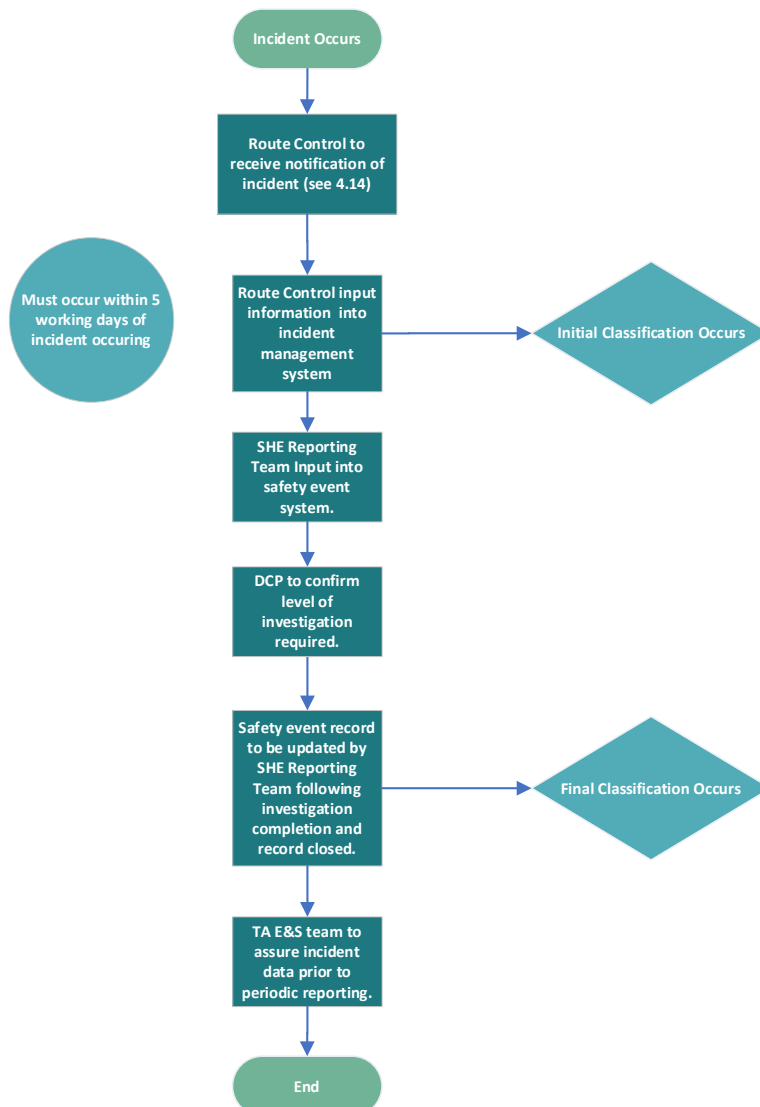
NR/GN/ES034- Guidance Note



# Contents

Environmental Incident Process .....	3
Identification .....	4
What are Environmental Incidents and Close Calls? .....	4
Environmental Incidents .....	4
What happens next? .....	4
Regulators and Enforcement Action .....	6
Contacting Regulators .....	6
Reporting enforcement action as an environmental incident .....	6
Reporting an intended or actual enforcement action from a regulator .....	6
Investigation and Classification .....	6
Initial classification .....	6
Category 4 events .....	7
Incidents requiring investigation .....	7
Final classification .....	7
Specific Guidance .....	8
Protected species and habitats .....	8
Permits, Licenses and Consents .....	8
Asbestos .....	9
Classification Matrix .....	10
Appendix .....	12
Appendix A: Abbreviations and Definitions .....	12
Appendix B: Reference Documentation .....	14

## Environmental Incident Process



### NOTE:

There may be regional/functional variances in the way that incidents are reported e.g. CD Control Rooms in Capital Delivery and SCO 24/7 for Route Services. Follow NR/L3/INV/3001/902, NR/L3/INV/3001/904 and NR/L3/OPS/045/4.14 for latest processes.

### NOTE:

Normally L1 investigations are not required for Category 4 incidents.

### NOTE:

\*The term incident management system refers to systems such as IRIS and iTracker. There are plans for these to be merged with the new safety event system, which will replace SMIS and be used for whole process from reporting to investigation.

## Identification

### What are Environmental Incidents and Close Calls?

It is the responsibility of everyone to report environmental incidents and close calls.

An environmental incident is– ‘An event that may cause harm or potential harm to an environmental receptor e.g. air, water, land, wildlife or local habitat.’

An environmental close call (near miss) is- ‘An event which has the potential for serious adverse impact on the environment and in other circumstances, could have resulted in potential harm to the environment’.

Guidance on reporting close calls, including for Capital Delivery, can be accessed via [Safety Central](#). Environmental close calls are raised in the same way as those for safety. Further assistance on raising close calls in your area can be sought from your local HSEA Specialist or Environmental Specialist/Manager.

### Environmental Incidents

When an incident is first discovered **NR/L3/OPS/045/4.14** ‘*Network Rail’s National Operating Procedures – Control of Environmental Incident Procedures*’ and **NR/L3/INV/3001/MANUAL** ‘*Network Rail’s Reporting and Investigation Manual*’ should be followed. This guidance note seeks to provide further clarity and detail in addition to these documents.

### What happens next?

After the incident is reported through the relevant incident management/safety event system, the incident must be assigned an initial classification within 5 days of the incident occurring.

**NOTE:** There should be an aim to assign an initial classification in 24 hours to allow sufficient time to complete an investigation.



Table 1: Environmental Incidents v Environmental Close Calls

Impact Categories	Environmental Incident Examples	Environmental Close Call Examples
'land and water'	<ul style="list-style-type: none"> <li>Hydrocarbon spillages e.g. <i>petrol, hydraulic oils and cable, lubricant and cutting oils</i></li> <li>Spillages of hazardous and non-hazardous materials including those with polluting potential e.g. <i>detergents, disinfectants, foodstuffs, fertilisers, paints and dyes, other organic liquids</i></li> <li>Discharge of waters from site not in accordance with any regulatory requirements or permissions</li> <li>Construction or operational activities occurring over or within a watercourse without the necessary regulatory permissions</li> <li>Unauthorised/illegal disposal or transport of hazardous and/or non-hazardous waste e.g. waste movements with missing Hazardous/Special Waste Consignment Note or Waste Transfer Note</li> <li>Breach of an environmental permits, licenses or consents.</li> </ul>	<ul style="list-style-type: none"> <li>No spill kits on site.</li> <li>Incorrect storage/labelling of COSHH materials</li> </ul>
'nature/heritage conservation-protected sites and species'	<ul style="list-style-type: none"> <li>Damage or destruction to a statutory site (e.g. Special protection Area (SPA), Special Area for Conservation (SAC), Site of Special Scientific Interest (SSSI))</li> <li>Disturbance, injury, or death of protected species (with regards to disturbance, where those legal protections are afforded)</li> <li>Damage to, or removal of a tree protected under a TPO without the required permission from the local planning authority.</li> <li>Failure to adhere to the prescriptions of a Site Management Statement for a SSSI</li> <li>Disturbance, injury or death of nesting birds</li> <li>Causing damage to a listed building, building with a preservation order, or a scheduled monument</li> <li>Breach of any other environmental permits, licenses or consents relating to protected sites/species.</li> <li>Causing damage to areas of archaeological relevance or other relevant designation</li> <li>Breach of planning consent in relation to protection of heritage</li> </ul>	<ul style="list-style-type: none"> <li>an unexpected protected species finds, which has not been disturbed, injured or killed.</li> <li>an unexpected archaeological find, which has not been disturbed, damaged or destroyed</li> </ul>
Statutory nuisance ('any action which may be prejudicial to health or a nuisance')	<ul style="list-style-type: none"> <li>Abatement/stop notices from local authority e.g. for dust, odour, noise and light issues.</li> </ul>	<ul style="list-style-type: none"> <li>Failure to identify sensitive receptors in relation to dust odour, noise and light issues)</li> </ul>

## Regulators and Enforcement Action

### Contacting Regulators

The process for contacting regulators can be found in **NR/L3/OPS/045\_4.14- Control of Environmental Incident Procedures**.

**NOTE:** Reporting requirements will vary between regulators e.g. Scottish Environment Protection Agency (SEPA), Environment Agency (EA), and Natural Resources Wales (NRW). This guidance note is intended as a guide and, if further information is required, visit the appropriate Regulator's website, or contact your local environment specialist/manager.

### Reporting enforcement action as an environmental incident

Enforcement action should not be reported as an environmental incident if it is associated with an event that has already been reported, investigated, and uploaded onto the relevant safety reporting system. If already reported as an incident, the relevant incident report should be updated to denote any related enforcement action.

If the enforcement action relates to an event that has not previously been reported as an environmental incident, it itself should be raised according to the standard reporting procedure of reporting an incident in **NR/L3/INV/3001/902 Reporting of Accidents, Incidents and Occupational Health**.

### Reporting an intended or actual enforcement action from a regulator

**NR/L3/INV/3001/904 – Reporting of and Responding to Enforcement Actions** should be referred to for Network Rail's structured process on reporting of enforcement actions and the management of the response to any enforcement actions served on network Rail.

## Investigation and Classification

### Initial classification

When an environmental incident is inputted into the relevant incident/ safety management system it will be reviewed by the SHE Reporting Team and an initial classification will be added with consideration of the impact of the incident. (*flowchart, page 3*).

The DCP is responsible for confirming the categorisation of this incident.

**NOTE:** If you are unsure about the initial classification of an environmental incident, the incident should be raised as the higher category until it is confirmed the lower categorisation is appropriate.

### **Category 4 events**

If the event is a Category 4 incident, an investigation is not always required by the investigation matrix. If further information about the event is required, the SHE Reporting Team shall contact the responsible manager or Route Control for more information.

### **Incidents requiring investigation**

For all environmental incidents the DCP must allocate a competent lead investigator that follows the processes outlined in **NR/L3/INV/300/MANUAL** *Network Rail's Reporting and Investigation Manual*.

**NOTE:** For Network Rail led investigations, the lead investigator (DCP) must hold the relevant (e.g. the most recently mandated) Network Rail competency for conducting investigations and for PC led investigations the individual must be suitably trained and competent in accordance with their management system and the most recently mandated Network Rail requirements for investigation competencies.

### **Final classification**

During the investigation the initial incident classification will be reviewed and may need to be revised by the DCP to reflect the actual harm to the environment.

## Specific Guidance

This section gives further guidance on how to appropriately classify incidents specific to some environmental disciplines. This section will continue to be updated, with further information steered by lessons learned and business need.

### Pollution to land air and water

Detailed guidance on waste, land and water related incidents specifically, as well as their associated mitigation measures, can be found within the corresponding standards: **NR/L2/ENV/120** *Waste Management*; and **NR/L2/ENV/123** *Prevention of Pollution to Land and Water*.

### Protected species and habitats

As incidents involving ecology may require specialist knowledge, further guidance on the process for identifying ecological constraints can be found in **NR/L2/ENV/122/01** *'Management of Biodiversity'* and Safety Central.

If you are unsure if disturbance or injury has occurred to a protected species or habitat, you must seek advice from a competent person e.g. a Network Rail or Principal Contractor ecologist, framework ecological consultant, environment manager or environment specialist.

### Permits, Licenses and Consents

Network Rail requires external permits, licenses, or consents (PLCs) to permit some railway activities. These PLCs must be obtained through the appropriate Delegation of Authority process.

Information on reporting categories for breaches of PLCs can be found in the appendix.

Any breach of an environmental permit, license or consent that has not caused environmental damage and has not involved environmental regulators should be reported **directly** to the SHE Reporting team as a Category 3 incident or via the Companion Incident Reporting Application /contact with appropriate SHE Reporting representative. Despite being a category 3 incident, **a level 2 investigation must take place for any breaches of permits, licenses or consents**. These incidents should not be reported through Route Control if there is no impact on the safe running of the railway.

**Note:** Whilst this is a generic approach for the business, there may be some regional/functional variances. Speak to your local environment/sustainability specialist if you are unsure.

More information on Permits, Licenses and Consents can be found in the **NR/GN/ESD39** Environmental, Permits, and Consents Guidance Note on Safety Central.



## Asbestos

There are various circumstances where asbestos may be found on the railway. It is vital to identify when it should be reported as an environmental incident (see table 3).

Table 2: Asbestos incident examples

Incident type	Description	Action
<b>Environmental Incident</b>	asbestos is known in fly tipping; or asbestos is suspected in fly tipping; or	Report as an environmental incident, following <b>NR/L3/OPS/045/4.14 Control of Environmental Incident Procedures</b> .  NOTE: When handling asbestos, follow the processes laid out in <b>NR/L2/CIV/168 Asbestos Management</b> and within the appropriate Regional or Property Asbestos Management Plan that underpins it.
<b>Safety Incident</b>	Where there is potential or confirmed exposure to asbestos including discovery of asbestos in wagons.	Follow the relevant emergency procedure in <b>NR/L2/CIV/168 Asbestos Management</b>  NOTE: Environmental impacts and/or potential breaches of legislation should still be noted in the report form.
<b>Close Call</b>	intact asbestos discovered does not appear in a survey; or discovery of asbestos with no exposure	The <b>close call procedure</b> shall be followed once emergency actions have been completed.  The responsible person(s) must follow the processes laid out in <b>NR/L2/CIV/168 Asbestos Management</b> (and appropriate Regional or Property Asbestos Management Plan that underpins it.

## Classification Matrix

**Table 3 – Classifying Environmental Incidents: Spills**

Use the table below to categorise the environmental impact of spills. .

‘...environmental impact or effect on the environment, people, and/or property.’			
Category 4 Negligible impact or effect		Category 3 Minor or minimal impact or effect	Category 2 Significant impact or effect
Pollutant	Maximum Volume		
<b>Organic liquids/slurries</b> e.g. blood, offal, sewage sludges, antifreeze, cutting lube, cooking oils, glycerine, alcohol	25 litres	<p>Category 3 applies when:</p> <p>-the spill is greater than the maximum volume <u>and</u>; the incident fits any of the statements listed under Category 3 in the table below.</p> <p>-the spill is greater than the maximum volume and <u>does not fit</u> any of the statements listed under Categories 3, 2 or 1 in the table below.</p>	<p>Category 2 applies when:</p> <p>-the spill is greater than the maximum volume and; the incident fits any of the statements listed under Category 2 in the table below.</p>
<b>Herbicides</b>	5 litres		
<b>Pesticides</b>	5 litres		
<b>Inorganic powders</b> e.g. silt, sand, cement chalk, gypsum/plaster	50kg		
<b>Paints and dyes</b>	50 litres		
<b>Fertilisers</b>	250 litres		
<b>Beverages</b>	250 litres		
<b>Food stuffs e.g.</b> Most have potential to cause an impact particularly sauces, sugars, salt, syrups, milk, cream, yoghurt and vinegar	250 litres		
<b>Disinfectants</b> e.g. household bleach, toilet cleaners, surface cleaners	5 litres		
<b>Detergents</b> e.g. washing powders/liquids, shampoos, soaps, car/train cleaning chemicals	25 litres		
<b>Hydrocarbons</b> e.g. lubricating oil, transmission fluids, hydraulic oil	20 litres		
<b>Fuel</b> e.g. petrol, diesel, gas oil	50 litres		
		Category 1 Major, serious, persistent and/or extensive impact or effect	

**Table 3: to categorisation of the environmental impact of spills.**

**NOTE:** If the volume of the spill is either below or at the maximum volume for the pollutant specified, use Category 4.

**NOTE:** For spills exceeding the maximum volume Table 4 – *Assessing the significance of environmental incidents* MUST also be utilised for further assessment of the impact e.g., a spillage involving 55 litres of fuel and contamination of a nearby watercourse requiring 1 week of remediation works would fall under Category 3.

**NOTE:** The below matrix is an extract from **NR/L3/OPS/045/4.14 - Control of Environmental Incident Procedures**.

**NOTE:** Additional support can be obtained from route/regional environment specialists and managers if you require any guidance on classifying an environmental incident.

**Table 4 Assessing the Significance of Environmental incidents**

Impacts	Examples	Investigation Levels
<b>Major, serious, persistent or extensive Category 1</b>	<ul style="list-style-type: none"> <li>&gt; Pollution that causes a persistent (7+ days) and / or extensive (&gt;2km) impact requiring extensive remediation operations over 6 months.</li> <li>&gt; Water pollution causing death of protected species or 100 or more fish.</li> <li>&gt; Closure of licensed potable water abstraction point.</li> <li>&gt; Significant effect on the national public's normal use of land and/or water.</li> <li>&gt; Air pollution / land contamination resulting in fatality, serious injury or acute effect on health.</li> <li>&gt; Persistent negative environmental impact as result of breach of legislation, absence of consent, licence, or permit.</li> <li>&gt; Causing actual harm or damage to statutorily protected site or a European or Nationally protected species or its habitat including damage of protected hedgerows/trees without permission from local authority. E.g. Great Crested Newt, Otter, Bats</li> <li>&gt; Confirmed spread of schedule 9 invasive non-native species e.g. Japanese Knotweed, Giant Hogweed, Himalayan Balsam</li> </ul>	<p>Level 3/Formal Investigation</p> <p>Remit necessary and in line with the requirements of the Reporting and Investigation Manual (NR/L3/INV/3001)</p>
<b>Significant Impact Category 2</b>	<ul style="list-style-type: none"> <li>&gt; Pollution / contamination of land / water / air that requires short term remediation (between 2 weeks and 6 months) and/or significant impact (200m-2km) requiring medium term remediation.</li> <li>&gt; Air pollution / land contamination resulting in injury involving the need to attend hospital.</li> <li>&gt; Noise complaints involving a breach of consent.</li> <li>&gt; Breach of legislation, consents, license or permits which leads to a negative environmental impact.</li> <li>&gt; Failure to obtain an approved license or permit where one is required before starting works.</li> <li>&gt; Disturbance to statutorily protected site or a European or Nationally protected species or habitat</li> <li>&gt; Causing actual harm or damage to non-statutorily protected site or a Biodiversity Action Plan (BAP) species or its habitat.</li> </ul>	<p>Level 2/ Local Investigation</p> <p>Remit necessary and in line with the requirements of the Reporting and Investigation Manual (NR/L3/INV/3001)</p>
<b>Minor/minimal impact to the environment Category 3</b>	<ul style="list-style-type: none"> <li>&gt; Pollution /contamination of land / water air that has no effect on its quality/use.</li> <li>&gt; Suspected breach of environmental legislation, permit, license, or consent with no impact/minimal to the environment. <b>NOTE:</b> A level 2 investigation will be required for potential breaches of environmental permits, licenses or consents.</li> <li>&gt; Pollution that has an impact over an area of less than 200m.</li> <li>&gt; Fly tipping involving toxic, hazardous; and/or infectious waste; and/or with serious risk to human health.</li> <li>&gt; Fly tipping caused by NR staff and/or a NR contractor.</li> <li>&gt; Disturbance to non-statutorily protected site or a biodiversity Action Plan (BAP) species or its habitat</li> </ul>	<p>Level 1/ Preliminary Investigation</p> <p>No remit necessary and in line with the requirements of the Reporting and Investigation Manual (NR/L3/INV/3001)</p>
<b>Negligible impact to the environment Category 4</b>	<ul style="list-style-type: none"> <li>&gt; Fly tipping caused by third parties involving non-toxic, non-hazardous, non-infectious waste; and which poses no serious risk to human health; and does not require decontamination</li> </ul>	<p>No investigation required.</p>

Table 4:

Assessing the significance of environmental incidents.

**NOTE:** For incidents characterised by statements in more than one category, select the highest category.

**NOTE:** Consider the damage to soil caused by decontamination activities. The need for extensive restoration would be regarded as a Category 1 impact. Record incidents as Category 2 where contamination levels are less severe but over a wide area.

**NOTE:** This list is not an exhaustive list. Further guidance is available from:

- Environment Agency's Common Incident Classification Scheme;
- the Natural Resources Wales' Incident Categorisation Guidance Note; and
- the Scottish Environment Protection Agency's Compliance Assessment Scheme Manual.

## Appendix

### Appendix A: Abbreviations and Definitions

Close call (also referred to as a near miss)	An environmental close call (near miss) is an incident which had the potential for serious adverse impact on the environment.
Designated Competent Person (DCP)	The person identified by the lead organisation
Environmental Incident (General)	An event that may cause harm or potential harm to an environmental receptor e.g. air, water, land, wildlife or local habitat.
Event	An occurrence resulting in an accident or incident.
Invasive species	Any non-native animal or plant that has the ability to spread, causing damage to the environment, our economy, human health and the way we live. It is an offence to cause the spread of Sch 9 invasive species.
Level 1 Investigation	An investigation to establish the facts and basic causes of an accident or incident. Note: Level 1 (preliminary) investigations must be completed on the approved Level 1 form or on an approved system such as IRIS.
Level 2 investigation	A structured investigation into an accident or incident led by Network Rail or a railway undertaking.
Level 3 investigation	A formally structured investigation into an accident or incident led by Network Rail or a railway undertaking.
Localised Area	An event that occurs in a particular boundary which is relative to the magnitude of the event or subject.
Nominated person	The person nominated by the designated competent person (DCP) to complete a Level 1 Preliminary form.
Non-native species	A species which it has been introduced to the UK by human intervention and is outside its natural range.
Non-statutory protected site	Sites of local conservation interest and protected by planning processes and the Local Authorities, known as Local Wildlife Sites (LWSs).

Responsible Manager	<p>For the purposes of this guidance note, this includes:</p> <p>a) Persons with the competence and responsibility within their function for:</p> <ul style="list-style-type: none"> <li>• the safe and sustainable operation, maintenance or renewal of the railway;</li> <li>• briefing the reporting or investigation process to employees;</li> <li>• managing or supporting the reporting or investigation process.</li> </ul> <p>b) Persons responsible for managing, administering and delivering contracts either for major or minor works schemes, e.g. Project Managers.</p>
SHE	Safety, health, and environment
Safety Event Record (also referred to as a Level 0)	The information and evidence gathered following an event and recorded in the safety event system.
Safety Management Intelligence System (SMIS)	The system owned by RSSB and used by Railway Group members for retention of data applicable to safety, environment and occupational health events.
Statutory protected site	<p>Sites which receive protection through certain recognition of its biodiversity and/or geological value. This includes:</p> <ul style="list-style-type: none"> <li>• Sites of Special Scientific Interest (SSSIs)</li> <li>• Special Areas of Conservation (SACs)</li> <li>• Special Protection Areas (SPAs)</li> <li>• Ramsar sites</li> <li>• National Nature Reserves (NNRs)</li> <li>• Local Nature Reserves (LNRs)</li> <li>• Sites of Importance for Nature Conservation (SINCs)</li> </ul>
Tree Preservation Order (TPO)	An order made by a local planning authority which prohibits the cutting down, uprooting, topping, lopping, wilful damage, or wilful destruction of protected trees without the local planning authority's consent, under the Town and Country Planning Act 1990.

## Appendix B: Reference Documentation

Network Rail Incident and Close Call governance – wide applicability but includes environment	
NR/L3/INV/3001	Reporting and Investigation Manual (Search Standards Page ‘NR/L3/INV/3001/MANUAL’)
NR/L3/INV/3001/900	Leading an Investigation
NR/L3/INV/3001/901	Management of Recommendations and Local Actions
NR/L3/INV/3001/902	Reporting of Accidents, Incidents and Occupational Health
NR/L3/INV/3001/904	Reporting of and Responding to Enforcement Actions
NR/L2/OPS/250	Network Rail National Emergency Plan
RIS-8047-TOM	SMIS Application Matrix
NR/L2/CIV/168	Asbestos Management

Environmental specific governance	
NR/L2/ENV/015	Environment and Social Minimum Requirements for Projects - Design and Construction
NR/L2/ENV/120	Waste Management
NR/L2/ENV/121	Managing Environmental and Social Impact of Noise and Vibration
NR/L2/ENV/122	Biodiversity
NR/L2/ENV/123	Prevention of Pollution to Land and Water
NR/L3/OHS/0046	The Reporting, Investigation and Recording of Safety and Sustainable Development Events and Close Calls within Infrastructure Projects
NR/L3/OPS/045/4.14	National Operating Procedures - Control of Environmental Incident Procedures
NR/L3/OPS/045/5.10	National Operating Procedures - Management of Environmental Arrangements