

**Clayton Vale**

# **Landscape and Ecological Management Plan**

**Network Rail**

**September 2022**



## Approval and Authorisation

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# 1. INTRODUCTION

## 1.1. Background

1.1.1 The wider TRU Development aims to deliver faster more frequent and more reliable services between York and Manchester via Leeds and Huddersfield, and improve connections between key towns and cities across the north of England. The consented development is part of a wider Development of works to improve drainage of the railway line for an approximately 300 m stretch of the line adjacent to the northern boundary of Clayton Vale Country Park (CVCP), to the west of the Clayton Bridge level crossing in Manchester. This is required to alleviate a saturated track foundation problem and prevent the railway from flooding in this location. Part of these works are within the railway line itself and within Network Rail's (NR) land ownership. As such these works benefit from NR's permitted development rights under Part 8 of the Town and Country Planning (General Permitted Development) (England) Order 2015. However, part of the site is proposed to be within CVCP, which is in the ownership of Manchester City Council (MCC). Therefore, planning permission is sought for this element.

# 2. PURPOSE OF THIS DOCUMENT

2.1.1 This Landscape and Ecological Management Plan (LEMP) has been prepared to discharge planning condition 4 and 5 attached to the planning permission for the development (detailed below) and includes the following details:

- A plan of ecological mitigation details including areas of new plantings and details of any habitats created or enhanced;
- Implementation timetable and a programme for initial aftercare, long-term management and maintenance responsibilities for a period of five years post-completion; and
- Details of organisation(s) responsible for maintenance and monitoring.

2.1.2 It is the intention that this document is used by appointed contractors to undertake the work detailed herein.

# 3. THE DEVELOPMENT

3.1.1 The site is located west of Berry Brow to the north west of Droylsden. The nearest postcode for the site is M40 1GR. The site is located 80 m north of the River Medlock in the north east corner of Clayton Vale Country Park and the site's northern boundary is located adjacent to the Manchester Victoria and Huddersfield Railway Line. The site is centred on grid reference E388928, N399580.

3.1.2 The site is irregular in shape and covers an area of approximately 766 m<sup>2</sup> (0.08 hectares). The elevation of the site is approximately 61.5 m to 72 m AOD, sloping towards the south. The site predominantly comprises public open space which is vegetated and a public hardstanding footpath through the centre of the site orientated east to west. The north of the site is located within Network Rail owned land.

3.1.3 The site is surrounded by the following current land uses:

- North: Manchester Victoria and Huddersfield Railway Line (adjacent) beyond which are residential properties with gardens (30 m);
- East: Berry Brow (adjacent), electricity sub station (adjacent) and residential properties (20 m);
- South: Public open space in the form of Clayton Vale Country Park (adjacent) and the River Medlock (80 m); and

- West: Public open space in the form of Clayton Vale Nature Reserve (adjacent).

3.1.4 Network Rail is proposing to develop a parcel of land as part of the Works (hereafter referred to as the 'Development') and will include the creation of a new attenuation tank within the Network Rail boundary and a drain linking the attenuation tank with an existing watercourse within Clayton Vale Nature Reserve.

## 4. MANAGEMENT AIMS

4.1.1 The management aims set out below are intended to protect those landscape and ecological features of greatest ecological value once the Development is completed and operational.

- Aim 1: To Implement Avoidance and Mitigation Measures for Important Ecological Features;
- Aim 2: To Enhance the Ecological Value of the Site;
- Aim 3: Provide a Framework for Ongoing Monitoring and Management of the Site;
- Aim 4: To Monitor the Efficacy of the LEMP;
- Aim 5: Define Roles and Responsibilities for implementing the LEMP; and
- Aim 6: To Contribute to Biodiversity Net Gain where practicable to do so.

## 5. BASELINE CONDITIONS

5.1.1 The Development site and surrounding area were surveyed on 30<sup>th</sup> June 2021 and 10<sup>th</sup> November 2021 by a suitably qualified ecologist.

5.1.2 An Ecological Impact Assessment<sup>1</sup> (EcIA) was produced in February 2022. The EcIA included an ecological desk study, provided by Greater Manchester Ecology Unit (GMEU) and 'extended' UK Habitat Classification (UK Hab)<sup>2</sup> survey of the Site was undertaken to characterise habitats and assess for the potential presence of protected/notable sites, species and habitats. During this survey, a search for common non-native invasive plant species<sup>3</sup> was also undertaken, in addition to a ground based Preliminary Roost Assessment (PRA) for roosting bats in relation to buildings and trees. Furthermore, any evidence of other protected species or groups encountered during the survey were recorded<sup>4</sup>.

5.1.3 Habitats were characterised using the UKHab system. A condition assessment of those habitats present on Site was undertaken using the Biodiversity Metric 3.0 – Technical Supplement<sup>5</sup> and findings are presented in a separate Biodiversity Net Gain Assessment<sup>6</sup>.

<sup>1</sup> Clayton Vale Park: Ecological Assessment Report (February 2022). Network Rail

<sup>2</sup> UK Habitat Classification Working Group (2018). *UK Habitat Classification User Manual* at <https://ukhab.org/ukhab-documentation/>.

<sup>3</sup> Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)

<sup>4</sup> Species listed under Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended); Schedules 2 and 4 of The Conservation of Habitat & Species Regulations 2017 (as amended); species of Principal Importance listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006; and species listed in the Greater Manchester Biodiversity Action Plan.

<sup>5</sup> Panks et al., (2021) Biodiversity metric 3.0: Auditing and accounting for biodiversity – Technical Supplement, Natural England (JP029).

<sup>6</sup> Clayton Vale Park: Biodiversity Net Gain Assessment (September 2022). Network Rail

## 5.2. Site Habitats

5.2.1 Habitats on Site (**Figure 1, Appendix A**) are comprised of:

- Developed land; sealed surface;
- Woodland;
- Rivers; and,
- Grassland.

## 5.3. Badgers

5.3.1 GMEU returned three recent records of badger *Meles meles* from within 1 km of the Site. These records all related to a sighting in Clayton Vale LNR, approximately 900 m to the west of the Site in 2010 and 2012.

5.3.2 However, no evidence for the presence of badgers was found within the Site. No field signs (e.g. paths, footprints, latrines, foraging marks) or setts were observed. Woodland within the Site provides foraging opportunity for badgers, but sett creation is unlikely because of lack of cover (for example few areas of dense understorey) and high disturbance from dogs. Badgers are not considered to be a potential constraint for the development and are not considered further in this LEMP.

## 5.4. Bats

5.4.1 GMEU returned 34 recent records for bats from within 1 km of the Site. The closest record to the Site was of a 'pipistrelle sp.' roost in a house approximately 300 m to the north-west. No granted EPS licences were identified through desk study.

5.4.2 No evidence for the presence of bats was found during the survey (e.g. sightings of individuals, droppings or urine staining around roost features). The presence of a bat roost within the Site is considered unlikely as there are no buildings, structures or trees within the Site with potential roost features present. Trees on Site were considered young or semi-mature individuals. The trees on site were evaluated as a group rather than a detailed individual inspection, although inspection was given to those trees within the site boundary. However, as a precautionary measure, the woodland habitat is considered to offer low potential to support roosting bats.

5.4.3 The Site is considered to offer low potential for foraging and commuting bats for the wider local bat population.

## 5.5. Breeding birds

5.5.1 GMEU returned 20 recent records of notable bird species from within 1 km of the Site.

5.5.2 The following species were noted within the woodland area of the Site during the survey: long-tailed tit *Aegithalos caudatus*, robin *Erithacus rubecula*, great tit *Parus major*, magpie *Pica pica* and dunnoek *Prunella modularis*. One of these species, dunnoek, is notable as species of principal importance listed under Section 41 of the NERC Act 2006. The other species are common and widespread and are not currently of conservation concern. All may nest within the woodland, scattered trees and scrub of the Site.

## 5.6. Great crested newt

5.6.1 GMEU returned no records or granted EPS licences of great crested newt *Triturus cristatus* from within 1 km of the Site.

5.6.2 No ponds are located within the Site. There is one pond within 250m of the Site. The pond is

located 60m south the Site and found to have ‘below average’ suitability for great crested newts<sup>7</sup>. An eDNA survey of this pond was unable to be undertaken due to seasonal constraints.

5.6.3 All woodland, scrub, and unmown grassland habitat throughout the Site has potential to support great crested newts because it offers foraging and sheltering opportunity. A precautionary approach is to be undertaken in the absence of surveys on the pond, it is possible that great crested newts use the habitats on Site for foraging and/ or refuge.

## 5.7. Reptiles

5.7.1 GMEU returned no recent records for reptiles from within 1 km of the Site.

5.7.2 Site habitats are sub-optimal for reptiles because they lack a good mosaic of short and long sward vegetation mixed with open ground for basking and areas for shelter and refuge (for example log-piles). They are also highly disturbed, particularly by dogs. There is a low probability that common and widespread species (slow-worm *Anguis fragilis* and common lizard *Zootoca vivipara*) may be present in small numbers. Therefore, a precautionary approach will be adopted.

## 5.8. Riparian Mammals and White-clawed Crayfish

5.8.1 GMEU returned no records or granted EPS licences of riparian mammals (otter *Lutra lutra* and water vole *Arvicola amphibius*) or white-clawed crayfish *Austropotamobius pallipes* from within 1 km of the Site.

5.8.2 Habitat within the survey area is highly unlikely to support these riparian and aquatic species. This includes the watercourse, which is too short, modified and disturbed to support otters and/or water voles; and lacks the water quality, and structural diversity in substrate and bank characteristics to support white-clawed crayfish. There is a small possibility that the River Medlock, which flows adjacent to the southern boundary of the survey area, supports some or all of these species. In particular, there could be transient presence of otters. Nevertheless, the Development is highly unlikely to affect the River Medlock. Riparian mammals and white-clawed crayfish are not considered to be a potential ecological constraint for the development and are not considered further in this LEMP.

## 5.9. Invasive non-native plants

5.9.1 GMEU returned no recent records of invasive non-native plant species from within 1 km of the Site.

5.9.2 Three invasive non-native plant species were recorded within the Site. Japanese Knotweed was present in the woodland (**Appendix A, Figure 1, Target Notes 2-4**). Himalayan balsam was present in the woodland and occasionally around the margins of the grassland (**Appendix A, Figure 1, Target Notes 1, 5 and 6**). Curly waterweed *Lagarosiphon major* was present in the pond.

## 6. ECOLOGICAL MITIGATION AND AVOIDANCE MEASURES

6.1.1 To meet legal compliance and demonstrate good practice environmental measures with regard to nature conservation, the following standard pollution prevention guidelines will be implemented, to minimise impacts on retained habitats on Site and within the local area:

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<sup>7</sup> Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000). Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). Herpetological Journal 10 (4), 143-155.

- Refine construction compounds as far as possible to minimise temporary vegetation clearance;
- Temporary fencing to be used to clearly delineate retained habitat to be protected during the construction period;
- Careful siting and appropriate bunding of storage facilities for fuel and hazardous materials avoiding sensitive habitats;
- Delivery of oils and fuels to be supervised at all times to avoid risk of spillage;
- Dust build up and mud deposits should be avoided and stockpiled material to be covered or stored within a contained area to enable run-off to be treated;
- Use of drip trays when filling smaller containers from tanks or drums to avoid spillage entering the ground or drainage systems;
- Works to be undertaken during daylight hours or lighting to be controlled to ensure there is minimal light spill on habitats used by nocturnal species (e.g. foraging and commuting bats); and,
- The use of British Standards Best Practice Guidelines to reduce disturbance resulting from noise, surface run-off and vibration during construction works.

## 6.1. Protection and Retention of Habitats

6.1.2 The Development includes the retention of habitats where possible to minimise habitat loss. Retained habitat areas within the landscape proposals comprise:

- Woodland; and,
- Grassland.

## 6.2. Habitat Creation and Landscaping

6.2.1 The Development includes the creation of the following habitats to compensate for temporary and permanent losses arising from the Development and provide long term enhancement.

- Native Woodland mix;
- Native shrub planting; and
- Species Rich Neutral Grassland Mix (Germinal WFG4 Neutral Soils).

6.2.2 These will be planted in line with the objectives outlined in section 5.3 to maximise biodiversity benefit and are shown in the Landscape Soft Planting Plan WIE15642-174-ZZ-XX-DR-L-741000 (**Appendix B**). Native soft landscaping is proposed where possible to maintain wildlife corridors. Species have been selected to provide foraging resource (e.g. food source for birds, nectar source for invertebrates).

## 6.3. Protection and Mitigation for Protected Species

6.3.1 Good working practice methods for specific protected species below are set out within this LEMP:

- Bats;
- Birds (Breeding);
- Great crested newt; and
- Reptiles.

## Bats

6.3.2 No evidence for the presence of bats was found during the survey. However, as a precautionary measure, the woodland habitat is considered to offer low potential to support roosting, foraging and commuting bats.

6.3.3 To ensure legal compliance, as part of the Natural England European Protected Species Mitigation (EPSM) licence all trees that will be affected by the development will be checked for the presence of potential roost features prior to the commencement of the relevant works. If potential roost features of moderate or high suitability for bats were to be discovered, then further surveys to determine the presence/likely absence of bats would be necessary. If potential roost features of low suitability for bats were to be discovered, then no further survey would be necessary (but 'soft-felling' of the tree would be required whereby the stem/limb with the potential roost feature is lowered to the ground and left in situ for at least 24 hours to allow any bats potentially present to escape under their own volition).

6.3.4 In the unlikely event that any night work is required directional lighting will be used to direct light away from surrounding vegetation in line with standard guidance<sup>8</sup>.

## Birds

6.3.5 Vegetation and ground clearance works associated with the Development should be undertaken outside of the core bird nesting season, which runs from 1<sup>st</sup> March to 31<sup>st</sup> August inclusive. If this is not possible, then a check for active nests would need to be carried out no more than 24 hours prior to the clearance. If an active nest were to be found, then a 'no disturbance' exclusion zone would need to be established, and maintained, around the nest until it had been proven that it was no longer active. All checks must be completed in line with Network Rail's Breeding Bird and Nest Check Guidance found in **Appendix C**.

## Great crested newt

6.3.6 Since the initial Site survey concluded that great crested newt may be present on Site, the Development will follow good working practice to avoid harm to great crested newt as below.

6.3.7 Immediately prior to works starting on Site, all suitable habitats on Site must be checked by an SQE for great crested newt presence. Work will not be permitted to start at the Site until hand searching has been completed.

6.3.8 Hand searching must include carefully checking within and underneath any potentially suitable refuges such as leaf piles, log piles, tree trunks, bush stems and within coppice stools.

6.3.9 Any piles of wood brash rubble on Site must be dismantled by hand and immediately removed from the working area with an SQE on hand to provide advice prior to the works. Where it is non-essential to remove potential refuges to undertake works, these must be left undisturbed. Should work be undertaken during winter, the Site must be cleared and made unsuitable for great crested newt in the preceding active period (typically March to October; weather permitting). No works can be undertaken during the hibernation period, without the Site being confirmed as having been made unsuitable for great crested newt by the SQE.

6.3.10 No licence is required.

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<sup>8</sup> Bat Conservation Trust (2018) Guidance Note 8 Bats and Artificial Lighting in the UK

## Reptiles

6.3.11 Since the initial Site survey concluded that common reptiles may be present on Site, the Development will follow good working practice to avoid harm to reptiles. Precautionary working methods outlined for great crested newt above in paragraphs 6.3.7, 6.3.8 and 6.3.9, can also be applied to avoid any potential harmful impacts of the Development on reptiles.

6.3.12 No licence is required.

## 6.4. Management of Invasive Non-Native Plants

6.4.1 Invasive non-native species in the form of Japanese Knotweed and Himalayan Balsam have been identified within the Site.

6.4.2 An Invasive Species Management Plan (ISMP) primarily aimed at the treatment of Japanese Knotweed and Himalayan Balsam will be prepared. However, it will also consider the other invasive species that may require treatment.

6.4.3 The Site's Environment Manager will be responsible for implementing and monitoring compliance with the ISMP through regular site meetings. Requirements for records will also be set out in the ISMP.

6.4.4 In addition, the following guidance will also be followed:

- Network Rail Invasive Species Guidance; and
- Network Rail Japanese Knotweed Guidance.

## 6.5. Protection and Mitigation for Retained Trees

6.5.1 All works will be undertaken in accordance with the recommendations set out in the Arboricultural Impact Assessment (AIA) associated with the Development (document ref. 151667-TSA-00-TRU-REP-W-LP-000054) which is contained as **Appendix D**.

6.5.2 A number of trees are to be retained in proximity to construction work, and therefore tree protection will be required to mitigate for potential above and below ground impacts and ensure these trees are retained successfully. The factors which most commonly result in below ground damage affecting oxygen diffusion (and therefore must be avoided) include:

- Compaction of the ground;
- Any change in soil levels (even if temporary), including ground excavation and soil stripping;
- Covering the root zone with impervious surfaces;
- Changes in the water table level or ground saturation; and
- Damage by the direct toxicity of phytotoxic materials, dust and runoff.

6.5.3 A Construction Exclusion Zone (CEZ) will be established around the retained trees, where no unauthorised access or construction operations (including Site compounds/facilities/storage of materials) are permitted to protect the ground from compaction or excavation and canopies from physical damage. This will be secured by means of temporary protective fencing with weatherproof signage.

6.5.4 Following the principles set out in section 6.2.2 of BS5837, these barriers should be "fit for the purpose of excluding construction activity and appropriate to the degree and proximity of the work taking place around the retained trees". Due to the limited space available on site, and the topography, in this instance it is proposed that the CEZ will be secured using a combination of an immovable

physical barrier along the top edge of the embankment with blue Netlon down the slope.

6.5.5 All weather notices should be secured to the barrier, examples of which are contained in Appendix F of the AIA (**Appendix D**).

6.5.6 The location of these barriers is shown on the Tree Retention and Protection Plan contained as Appendix B of the AIA (**Appendix D**).

6.5.7 The smallest plant possible should also be used in proximity to these retained trees to avoid damage to overhanging canopies. Access around the Site during any works will be carefully managed to protect the existing trees to be retained, requiring care when planning site operations to ensure that wide or tall loads or plant with booms, jibs, and counterweights, can operate without coming into contact with the trees.

6.5.8 Furthermore, vehicle, plant and pedestrian access will be required within the Root Protection Areas (RPAs) of some of the retained tree, and therefore to facilitate this whilst still providing adequate protection to the trees, temporary ground protection will be installed. This will follow the principles set out in section 6.2.3 of BS5837 and as summarised below:

- for pedestrian movements only, a single thickness of scaffold boards placed either on top of a driven scaffold frame, so as to form a suspended walkway, or on top of a compression-resistant layer (e.g. 100 mm depth of woodchip), laid onto a geotextile membrane;
- for pedestrian-operated plant up to a gross weight of 2 t, proprietary, inter-linked ground protection boards placed on top of a compression-resistant layer (e.g. 150 mm depth of woodchip), laid onto a geotextile membrane; an
- for wheeled or tracked construction traffic exceeding 2 t gross weight, an alternative system (e.g. proprietary systems or pre-cast reinforced concrete slabs) to an engineering specification designed in conjunction with arboricultural advice, to accommodate the likely loading to which it will be subjected.

6.5.9 The location where ground protection will be required is shown in Appendix B of the AIA (**Appendix D**).

6.5.10 Other key precautions to be taken in proximity to the trees to be retained include:

- No materials shall be stored under the canopies of retained trees;
- No oil, diesel, bitumen, cement, solvents or other material likely to be injurious to a tree shall be stored any closer than 5m from the edge of the canopy of any trees;
- Fires shall not be lit near the canopy of any tree;
- Trees to be retained shall not be used as anchorages for any equipment or construction activity;
- Notice boards, telephone cables or other services shall not be attached to any part of a tree;
- Care shall be exercised when using cranes or similar equipment near the spread of the canopy of a tree; and
- Allowance shall be made for any slope of the ground so that damaging materials do not run towards trees.

## 7. SOFT LANDSCAPE MONITORING AND MANAGEMENT OBJECTIVES

## 7.1. General Management and Monitoring Objectives

7.1.1 Soft landscape management across the Site will be achieved through implementing the following general objectives in order to maximise the biodiversity value on site, habitat proposals can be found within the Landscape Soft Planting Plan provided in **Appendix B**:

- Apply good horticultural and ecological practice to all operations. Horticultural practice will include the use of peat-free composts, biodegradable mulches and soil conditioners. The use of pesticides (insecticides, fungicides and slug pellets), appropriate herbicides (non-residual (glyphosate-free)) and chemical fertilisers will be discouraged and any weed removal will be undertaken by hand;
- Promote healthy growth and establishment of all plants;
- Ensure consistent control of invasive weeds;
- Promote optimum display and flowering periods and stem colour;
- Ensure development of optimum plant form, shape, and planting density;
- Provide protection against pests and diseases;
- Promote wildlife value and species diversity where appropriate;
- Ensure planting is managed to maintain its function to provide landscape integration, nature and biodiversity value, connectivity for the benefit of wildlife, visual amenity and visual screening;
- Ensure the new landscape reflects the local landscape character and is in keeping the surrounding area;
- Ensure long term commitment to replacement of defective plant material;
- Review opportunities for introduction of new species or replacement of exhausted species where appropriate, in line with original design intentions;
- Keep planting areas neat and clean in appearance at all times, weed and litter free, and allow specified species to develop free from unnecessary competition;
- Manage planting to ensure clear forward visibility is maintained along transport and pedestrian access routes;
- Prevent damage to and protect as necessary existing paving, buildings, fitments, and utilities;
- Ensure all areas of hard surfacing are left in a clean condition, free from any soil, mud, leaves, cuttings and plant arisings;
- Ensure that the works themselves do not cause inconvenience or danger to users/visitors; and
- Where ground remediation is carried out to remove contaminated material, it will be replaced with clean material and the landscape will be reinstated where appropriate to match the pre-existing planting and vegetation to maintain the amenity of the area that is remediated.

## 7.2. Habitat Specific Management Objectives (Enhanced/ New Habitats)

7.2.1 Management objectives for proposed habitat areas to enhance the Site are set out below:

### Trees

- Ensure that good horticultural practice is employed to encourage the long-term health and vitality of all trees;

- Trees to be managed for nature conservation and biodiversity value, connectivity for wildlife, landscape integration, visual amenity and visual screening value;
- Ensure well-balanced crowns and natural shape;
- Ensure horticultural techniques are employed which use a variety of mulches and organic fertilisers and which minimise the use of chemicals and peat wherever possible; and
- Maintain forward visibility alongside access routes.

### **Shrub Mix**

- Ensure that good horticultural practice is employed to encourage long term health and vitality of all shrub areas;
- Thin / re-space plants in order that they have sufficient room to develop;
- Shrubs to be managed for nature conservation and biodiversity value, connectivity for wildlife, landscape integration and visual amenity value;
- Maintain a clean and safe environment;
- Ensure horticultural techniques are employed which use a variety of mulches and organic fertilisers and which minimise the use of chemicals and peat wherever possible; and
- Maintain forward visibility alongside access routes.

### **Species Rich Neutral Grassland**

- Create a structured grassland with grass tussocks creating a series of microclimates across the habitat, thus encouraging a diversity of floral and faunal species;
- Grassland to be managed for nature conservation and biodiversity value, connectivity for wildlife, landscape integration and visual amenity value;
- Allow the meadow sward to meet and link up the native shrub and tree planting and enhance the wildlife corridor function of the hedgerows; and
- Maintain forward visibility alongside access routes.

## 8. SOFT LANDSCAPE MANAGEMENT SPECIFICATION

8.1.1 Full detailed Landscape Soft Planting Plan indicating full planting specification, including layout, species, number, density and size of trees, shrubs and seed mix and sowing rates, including extensive use of native species are provided in **Appendix B**. This includes any areas of grass seeding.

8.1.2 Detailed maintenance and management specifications to maintain the ecological value of those retained and newly created habitats to be implemented as part of the Development over an initial five year period are provided below.

### 8.1. Proposed Shrubs

8.2.1 General management specifications for the areas of proposed shrubs are detailed in **Table 1** below.

**Table 1: General Management Specifications for Native Shrubs**

| Specification                                                                                                                                                                                                                                                         | Frequency and Timings                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mowing to suppress seedling shrubs, so maintaining the balance with open areas.                                                                                                                                                                                       | Annually during years 1-5 as required.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                                        |
| Shrub planting areas to be kept in weed free condition during initial establishment period by means of hand weeding and use of non-residual herbicide (glyphosate-free), as necessary.                                                                                | During years 1 to 5 undertake biannual control of general weed growth during April/ May and July.                                                                                                                      |
| Ensure no encroachment onto access routes. Cut back dead, dying, disease and broken branches. Inspect every year for H&S reasons. Prune to maintain sight lines if required and remove arisings.                                                                      | Annually during years 1-5 as required.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                                        |
| The interface between shrub and other habitats is important. A diverse, long interface provides shelter and a variety of aspects, optimising microhabitat provision.<br>Interfaces between open habitats and shrub can be maintained using grazing, mowing or flails. | During years 1-5 as required.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                                                 |
| Decaying wood is important for invertebrates and fungi and may be underrepresented. Standing dead wood can be created by ring barking.<br>A proportion of retained logs or tightly stacked brash may be beneficial.                                                   | During years 1-5 as required.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                                                 |
| Shrub planting areas to be kept in weed free condition during initial establishment period by means of hand weeding and use of non-residual herbicide (glyphosate-free), as necessary.                                                                                | During years 1 to 5 undertake biannual control of general weed growth during April/ May and July.                                                                                                                      |
| Remove unwanted invasive weeds from all new shrub areas where restricting natural growth and development of new planting by means of hand weeding and non-residual herbicide (glyphosate-free) application, as necessary.                                             | During years 3 to 5 undertake control of invasive weed growth during May.                                                                                                                                              |
| Report presence of invasive species: <ul style="list-style-type: none"> <li>Giant Hogweed;</li> <li>Cotoneaster;</li> <li>Floating Pennywort;</li> </ul>                                                                                                              | During years 1-5 as required.<br>Inspection and management between October and February, to avoid nesting bird season.<br>Check undertaken during each scheduled maintenance visit. Report sightings of invasive pests |

| Specification                                                                                                                                                                                                                                                                                                | Frequency and Timings                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Himalayan Balsam;</li> <li>Japanese Knotweed;</li> <li>Robinia pseudoacacia;</li> <li>Buddleia.</li> </ul> or pests/diseases including Chalara Dieback of Ash and seek further specialist advice to prevent spread and allow effective management and/or eradication. | or diseases to overseeing authority e.g. FERA or DEFRA etc. as necessary.                                                                                                                                            |
| Adjust and replace all planting canes and guards to allow healthy establishment of all new planting.                                                                                                                                                                                                         | During years 1 to 5 during each scheduled maintenance visit.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                |
| Where plants have become sufficiently established remove planting canes, guards and guards and dispose of off-site at a suitable recycling facility.                                                                                                                                                         | Annually during years 3 to 5 during September/October. (All remaining canes and planting shelters to be removed in year 5.)<br>Inspection and management between October and February, to avoid nesting bird season. |
| Identify new plants which have failed to establish and investigate cause of failure. Submit proposals to alleviate future planting failures.                                                                                                                                                                 | Annually during years 1 to 5 during September/October.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                      |
| Undertake replacement planting in accordance with original specifications (unless otherwise agreed). Note: Maintenance tasks for all new planting to be re-set to year 1, (incl. weed control, watering, staking etc.)                                                                                       | Annually during years 1 to 5 November to February.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                          |
| Re-firm plants affected by wind-rock, frost heave or snow.                                                                                                                                                                                                                                                   | During each scheduled maintenance visit.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                                    |
| Record and report instances of damage by mammals (e.g. rabbits/deer) and submit proposals to alleviate.                                                                                                                                                                                                      | During each scheduled maintenance visit.<br>Inspection and management between October and February, to avoid nesting bird season.                                                                                    |
| Collect litter and foreign materials and dispose of off-site to a suitable recycling facility (where possible).                                                                                                                                                                                              | Monthly                                                                                                                                                                                                              |

## 8.2. Proposed Trees

8.3.1 General management specifications for the areas of proposed trees are detailed in **Table 2** below.

**Table 2: General Management Specifications for Trees**

| Specification                                                                                                                                                                                                      | Frequency and Timings                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Minimum 750mm diameter area around all new trees to be kept in weed free condition during initial establishment period by means of hand weeding and use of non-residual herbicide (glyphosate-free), as necessary. | During years 1 to 5 undertake general weed control during April, June and September. |
| Adjust and replace all stakes, ties and tree guards to ensure healthy establishment of all new tree planting.                                                                                                      | During years 1 to 5 during each scheduled maintenance visit.                         |

| Specification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Frequency and Timings                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Where trees have become sufficiently established, remove tree stakes, guards and ties and dispose of off-site at a suitable recycling facility.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Check annually during years 3 to 5 during September/ October. (All remaining plant stakes and ties to be removed at year 5).                                                                                                                                                                     |
| Undertake formative pruning to new tree planting to: <ul style="list-style-type: none"> <li>ensure adequate railway, access track and footpath clearances are maintained; ensure development of a single, strong leader shoot;</li> <li>alleviate duplicating/crossing branches;</li> <li>ensure balanced canopy development/natural form;</li> <li>remove all sucker and epicormic growth as necessary;</li> <li>tidy torn branch stubs;</li> <li>undertake progressive crown lifting to achieve 1/3 clear stem to 2/3 canopy, up to a maximum clear stem of 3.0m height.</li> </ul> Pruning works to be undertaken by an Arboricultural Association Approved Contractor in accordance with BS3998:2010 Tree work – recommendations. | Annually during years 1 to 5 following planting. Inspection and management between October and February, to avoid nesting bird season.                                                                                                                                                           |
| Record and report presence of ill-health, stress or pests/ diseases within new tree planting and seek further specialist advice to prevent spread and allow effective management and/or eradication                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Check undertaken during each scheduled maintenance visit. Report siting of invasive pests or diseases to overseeing authority e.g. FERA or DEFRA etc. as necessary.<br>Inspection and management between October and February, to avoid nesting bird season.                                     |
| Identify new trees which have failed to establish and cause of failure. Submit proposals to alleviate future planting failures.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Annually during September/ October.                                                                                                                                                                                                                                                              |
| Undertake replacement tree planting in accordance with original specifications (unless otherwise agreed). Note: Maintenance tasks for all new planting to be re-set to year 1, (incl. weed control, watering, staking etc.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Annually during years 1 to 5 November to February. Inspection and management between October and February, to avoid nesting bird season.                                                                                                                                                         |
| Report presence of invasive species: <ul style="list-style-type: none"> <li>Giant Hogweed;</li> <li>Cotoneaster;</li> <li>Floating Pennywort;</li> <li>Himalayan Balsam;</li> <li>Japanese Knotweed;</li> <li><i>Robinia pseudoacacia</i>;</li> <li>Buddleia.</li> </ul> or pests/diseases including Chalara Dieback of Ash and seek further specialist advice to prevent spread and allow effective management and/or eradication.                                                                                                                                                                                                                                                                                                   | During years 1-5 as required.<br>Inspection and management between October and February, to avoid nesting bird season.<br>Check undertaken during each scheduled maintenance visit. Report sightings of invasive pests or diseases to overseeing authority e.g. FERA or DEFRA etc. as necessary. |
| Collect litter and foreign materials and dispose of off-site to a suitable recycling facility (where possible).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Monthly                                                                                                                                                                                                                                                                                          |

### 8.3. Proposed Species Rich Neutral Grassland

#### 8.4.1 General management specifications for the areas of proposed species rich grassland which are

detailed in **Table 3** below.

**Table 3: General Management Specifications for Grassland**

| Specification                                                                                                                                                                                                                                                                                                                                                                                                                                        | Frequency and Timings                                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Undertake seasonal cutting of grassland areas to a height of 75mm.<br>Turn and dry the cut arisings over period of 3-5 days.<br>Rake off arisings from sward and take to a suitable recycling facility.                                                                                                                                                                                                                                              | Biannually in March/ April and August/ September                                                                                                                                                                                                                                                 |
| Cutting grass within 300mm of tree trunks to be undertaken by hand ensuring no mechanical damage occurs to tree trunks or guards.                                                                                                                                                                                                                                                                                                                    | Biannually in March/ April and August/ September                                                                                                                                                                                                                                                 |
| Report presence of invasive species:<br><ul style="list-style-type: none"> <li>• Giant Hogweed;</li> <li>• Cotoneaster;</li> <li>• Floating Pennywort;</li> <li>• Himalayan Balsam;</li> <li>• Japanese Knotweed;</li> <li>• <i>Robinia pseudoacacia</i>;</li> <li>• Buddleia.</li> </ul> or pests/diseases including Chalara Dieback of Ash and seek further specialist advice to prevent spread and allow effective management and/or eradication. | During years 1-5 as required.<br>Inspection and management between October and February, to avoid nesting bird season.<br>Check undertaken during each scheduled maintenance visit. Report sightings of invasive pests or diseases to overseeing authority e.g. FERA or DEFRA etc. as necessary. |
| Collect litter and foreign materials and dispose off-site to a suitable recycling facility (where possible).                                                                                                                                                                                                                                                                                                                                         | Litter bins (where provided) – weekly General paths and access tracks – every two weeks. Remaining areas – within two weeks of reporting (e.g. fly-tipping away from access tracks etc.)                                                                                                         |

## 9. MONITORING THE EFFICACY OF THE LEMP

9.1.1 Given the extent and type of those habitats to be provided, no specific ecological monitoring is considered to be required in this instance.

9.1.2 Notwithstanding the above, general condition monitoring of the areas of soft landscaping to be provided should be undertaken and recorded to ensure that the aims and objectives set out within this LEMP are met. The general condition monitoring does not need to be undertaken by an ecologist, but by a competent person with sufficient authority and time on Site to influence activities that may affect biodiversity, as well as monitor the measures that have been put in place.

## 10. INITIAL AFTERCARE, LONG-TERM MANAGEMENT AND MAINTENANCE RESPONSIBILITIES

10.1.1 Roles and responsibilities for implementation of those management and maintenance prescriptions detailed within this LEMP for the initial period of five years post-completion are set out within **Table 4**.

**Table 4: Roles and Responsibilities**

| Role                                                           | Responsibility (organisation)                          |
|----------------------------------------------------------------|--------------------------------------------------------|
| Securing of funding to ensure long-term delivery of management | Network Rail                                           |
| Implementation of management and maintenance prescriptions     | Network Rail (sub-contracted to ecological consultant) |
| Monitoring and Reporting                                       | Network Rail (sub-contracted to ecological consultant) |

## 11. ANNUAL MAINTENANCE PROGRAMME

11.1.1 **Table 5** shows the annual maintenance activities.

**Table 5: Annual Maintenance Activities**

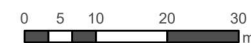
| Activity                                     | J | F | M | A | M | J | J | A | S | O | N | D |
|----------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|
| <b>Proposed Tree Planting</b>                |   |   |   |   |   |   |   |   |   |   |   |   |
| Annual Inspection                            |   |   |   |   |   |   |   |   |   |   |   |   |
| Inspect for Invasive Species                 |   |   |   |   |   |   |   |   |   |   |   |   |
| Specialist to treat/remove Invasive Species  |   |   |   |   |   |   |   |   |   |   |   |   |
| Inspect for Damages                          |   |   |   |   |   |   |   |   |   |   |   |   |
| Weed Control                                 |   |   |   |   |   |   |   |   |   |   |   |   |
| Artificial Irrigation                        |   |   |   |   |   |   |   |   |   |   |   |   |
| Inspection of Stakes/Ties                    |   |   |   |   |   |   |   |   |   |   |   |   |
| Replacement of Stakes/Ties                   |   |   |   |   |   |   |   |   |   |   |   |   |
| Formative Pruning                            |   |   |   |   |   |   |   |   |   |   |   |   |
| Inspect for Plant Failure                    |   |   |   |   |   |   |   |   |   |   |   |   |
| Replacement Planting                         |   |   |   |   |   |   |   |   |   |   |   |   |
| Manual Grass Cutting (within 300mm of trunk) |   |   |   |   |   |   |   |   |   |   |   |   |
| Arboricultural Works                         |   |   |   |   |   |   |   |   |   |   |   |   |
| <b>Proposed Shrub Planting</b>               |   |   |   |   |   |   |   |   |   |   |   |   |
| Annual Inspection                            |   |   |   |   |   |   |   |   |   |   |   |   |

| Activity                                       | J | F | M | A | M | J | J | A | S | O | N | D |
|------------------------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|
| Inspect for Invasive Species                   |   |   |   |   |   |   |   |   |   |   |   |   |
| Specialist to treat/remove Invasive Species    |   |   |   |   |   |   |   |   |   |   |   |   |
| Inspect for Damages                            |   |   |   |   |   |   |   |   |   |   |   |   |
| Pruning                                        |   |   |   |   |   |   |   |   |   |   |   |   |
| Replacement Planting                           |   |   |   |   |   |   |   |   |   |   |   |   |
| Waste Collection                               |   |   |   |   |   |   |   |   |   |   |   |   |
| Weed Control                                   |   |   |   |   |   |   |   |   |   |   |   |   |
| Artificial Irrigation                          |   |   |   |   |   |   |   |   |   |   |   |   |
| Inspection of Canes / Shelters                 |   |   |   |   |   |   |   |   |   |   |   |   |
| <b>Proposed Species Rich Neutral Grassland</b> |   |   |   |   |   |   |   |   |   |   |   |   |
| Annual Inspection                              |   |   |   |   |   |   |   |   |   |   |   |   |
| Inspect for Invasive Species                   |   |   |   |   |   |   |   |   |   |   |   |   |
| Specialist to treat/remove Invasive Species    |   |   |   |   |   |   |   |   |   |   |   |   |
| Inspect for Damages                            |   |   |   |   |   |   |   |   |   |   |   |   |
| Meadow Grass Cutting                           |   |   |   |   |   |   |   |   |   |   |   |   |
| Weed Control                                   |   |   |   |   |   |   |   |   |   |   |   |   |
| Artificial irrigation                          |   |   |   |   |   |   |   |   |   |   |   |   |

## **APPENDIX A – BASELINE CONDITIONS**

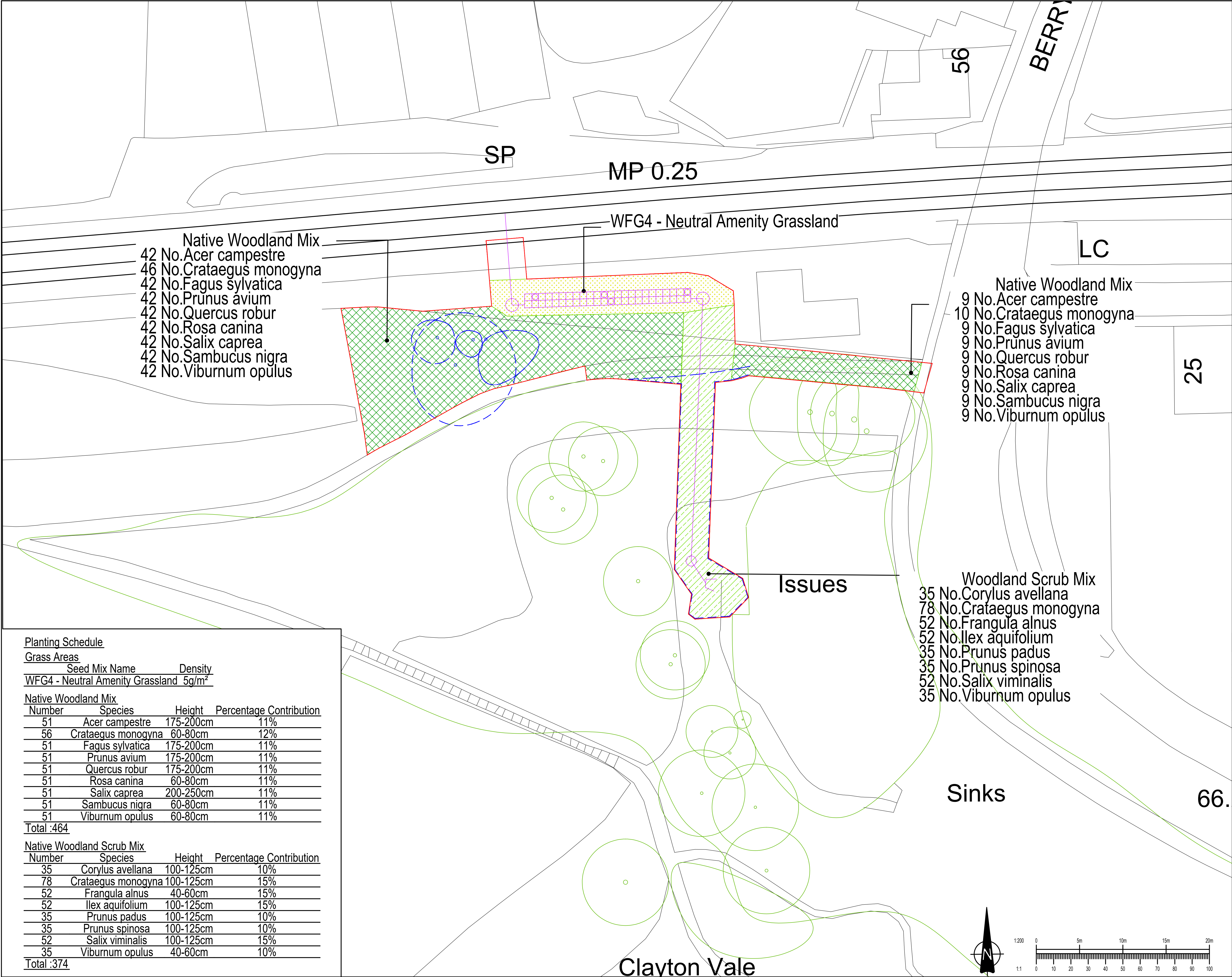


- Site Boundary
- Survey Area
- w1f7 - Other Lowland Mixed Deciduous Woodland \*
- g3c - Other Neutral Grassland
- g3c5 - Arrhenatherum Neutral Grassland with Scattered Trees and Scattered Scrub
- r1a6 - Other Eutrophic Standing Waters
- r2b - Other Rivers and Streams
- u1b - Urban, Developed Land, Sealed Surface
- u1b6 - Other Urban Developed Land, Railway Ballast
- Scattered Tree
- Target Note
- \* Habitat of Principal Importance



|                 |                                          |
|-----------------|------------------------------------------|
| Project Details | WIE15642-174: Clayton Vale Park          |
| Figure Title    | Habitat Features Plan                    |
| Figure Ref      | WIE15642-174-GIS-EC-1C                   |
| Date            | February 2022                            |
| File Location   | \\s-rf-wiel-projects\wie15642\174\gis\ec |

## **APPENDIX B – LANDSCAPE SOFT PLANTING PLAN**



KEY

RED LINE BOUNDARY

RETAINED TREES AND GROUPS

TREES TO BE REMOVED

PROPOSED NATIVE WOODLAND MIX

PROPOSED NATIVE SHRUB MIX

PROPOSED NEUTRAL GRASSLAND REINSTATED

NOTES

FOR TREES RETAINED, REMOVED AND PROTECTED PLANS REFER TO ARBORICULTURAL DRAWINGS:

- 15642-156-WIE-ZZ-XX-DR-V-77-007
- 15642-156-WIE-ZZ-XX-DR-V-77-008

FOR ARBORICULTURAL IMPACT ASSESSMENT REFER TO:

- 151667-TSA-00-TRU-REP-W-LP-000054

FOR LANDSCAPE & ECOLOGICAL MANAGEMENT PLAN REFER TO:

- WIE1562-174-R4-1-1-Clayton Vale LEMP

|                                                                                                                 |          |                     |    |                          |  |
|-----------------------------------------------------------------------------------------------------------------|----------|---------------------|----|--------------------------|--|
|                                                                                                                 |          |                     |    |                          |  |
| PS01                                                                                                            | 16.09.22 | ISSUED FOR PLANNING | AB | TH                       |  |
| Status                                                                                                          | Date     | Description         | By | CHK                      |  |
| Amendments                                                                                                      |          |                     |    |                          |  |
| Project<br>CLAYTON VALE                                                                                         |          |                     |    |                          |  |
| Title<br>LANDSCAPE<br>SOFT PLANTING PLAN                                                                        |          |                     |    |                          |  |
| Client<br>NETWORK RAIL                                                                                          |          |                     |    |                          |  |
| <div><div><div></div><div>Waterman</div></div></div>                                                            |          |                     |    |                          |  |
| Merchants House Wapping Road Bristol BS1 4RW<br>t 0117 937 8200<br>mail@watermangroup.com www.watermangroup.com |          |                     |    |                          |  |
| Status<br>PLANNING                                                                                              |          |                     |    |                          |  |
| Designed By<br>AB                                                                                               |          | Director<br>TH      |    | Waterman Ref<br>WIE15642 |  |
| Drawn By<br>AB                                                                                                  |          | Date<br>2022        |    | Scales @ A1<br>1:200     |  |
| Project - Originator - Volume - Level - Type - Role - Number                                                    |          |                     |    | Revision                 |  |
| WIE15642-174-ZZ-XX-DR-L-741000                                                                                  |          |                     |    | PS01                     |  |

Planting Schedule

Grass Areas

| Seed Mix Name                    | Density           |
|----------------------------------|-------------------|
| WFG4 - Neutral Amenity Grassland | 5g/m <sup>2</sup> |

Native Woodland Mix

| Number | Species            | Height    | Percentage Contribution |
|--------|--------------------|-----------|-------------------------|
| 51     | Acer campestre     | 175-200cm | 11%                     |
| 56     | Crataegus monogyna | 60-80cm   | 12%                     |
| 51     | Fagus sylvatica    | 175-200cm | 11%                     |
| 51     | Prunus avium       | 175-200cm | 11%                     |
| 51     | Quercus robur      | 175-200cm | 11%                     |
| 51     | Rosa canina        | 60-80cm   | 11%                     |
| 51     | Salix caprea       | 200-250cm | 11%                     |
| 51     | Sambucus nigra     | 60-80cm   | 11%                     |
| 51     | Viburnum opulus    | 60-80cm   | 11%                     |

Total :464

Native Woodland Scrub Mix

| Number | Species            | Height    | Percentage Contribution |
|--------|--------------------|-----------|-------------------------|
| 35     | Corylus avellana   | 100-125cm | 10%                     |
| 78     | Crataegus monogyna | 100-125cm | 15%                     |
| 52     | Frangula alnus     | 40-60cm   | 15%                     |
| 52     | Ilex aquifolium    | 100-125cm | 15%                     |
| 35     | Prunus padus       | 100-125cm | 10%                     |
| 35     | Prunus spinosa     | 100-125cm | 10%                     |
| 52     | Salix viminalis    | 100-125cm | 15%                     |
| 35     | Viburnum opulus    | 40-60cm   | 10%                     |

Total :374

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A1-Wat-BS-S

## **APPENDIX C – NETWORK RAIL NESTING BIRD GUIDANCE**

**ENVIRONMENTAL GUIDANCE NOTE:**

# Nesting Birds & Vegetation Works

**Introduction**

It is important that Network Rail undertake vegetation works to ensure the safe and efficient running of the network. However, it is also important to be aware of the potential threat that vegetation works pose to nesting bird species. A number of Network Rail activities could affect nesting birds if carried out during the breeding season. These include scrub clearance, tree felling, bridge maintenance and even grass cutting. Birds generally nest between March and August, but it is important to always be aware of the risks, as there will be geographical variations in bird behaviour and they are protected if nesting at **ANY** time of the year.

**Legislation**

With regard to birds and their nests the key pieces of legislation in the UK are the **Wildlife and Countryside Act 1981 (as amended)** (the 1981 Act) and the **Countryside and Rights of Way Act 2000** (the 2000 Act). Under the 1981 Act, all wild birds, their eggs and their nests are protected. Additional protection is given to certain rare bird species, as listed on Schedule 1 of the 1981 Act (refer to Appendix 1). The police have prime responsibility for enforcing this legislation and more recently some police forces have employed Wildlife Liaison Officers specifically tasked with enforcing this legislation. Furthermore, the RSPB has an Investigations Department who will assist the police.

**Offences**

Section 1(1) of the Wildlife and Countryside Act 1981 states that a person is guilty of an offence if they intentionally:

- (a) kill, injure or take any wild bird;
- (b) take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- (c) take or destroy an egg of any wild bird.

Section 1(2) of the 1981 Act makes it an offence for a person to have in their possession or control:

- (a) any live or dead wild bird or any part of, or anything derived from, such wild bird; or
- (b) an egg of a wild bird or any part of such an egg.

Section 1(4) imposes a special penalty onto any person convicted of an offence under subsection (1) or (2) where the species involved is a bird included in Schedule 1.



**Poor Vegetation Management**  
– may pose a safety risk



**Well Managed Lineside**  
– reduces the risk

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Under Section 1(5) a person is guilty of an offence and liable to a special penalty if they intentionally:

- (a) disturb any wild bird in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturb dependent young of such a bird.

Furthermore, the Countryside and Rights of Way Act 2000 (Schedule 12) makes it an offence to “recklessly” disturb such a bird.

## Exceptions

The law allows some defences and within Section 4(2) of the 1981 Act, a person shall not be guilty of an offence if he persuades the court that the act (e.g. destruction of a bird’s nest) was the incidental result of a lawful operation and could not reasonably have been avoided. Moreover, within Section 4(3) an authorised person shall not be guilty of an offence by reason of the killing or injuring of any wild bird, other than a bird included in Schedule 1, if he proves to the courts satisfaction that his action was necessary for the purpose of preserving public health or public or air safety.

## Licences

The legislation does allow for a licence to be obtained for anything done for the purposes of preserving public health or public or air safety if it is done under and in accordance with the terms of a licence granted by the appropriate authority. Known as a ‘Section 16’ licence, it can be obtained from: the Department for Environment, Food and Rural Affairs (Defra) for England only; the National Assembly for Wales Agriculture Department (NAWAD) for Wales; and the Scottish Executive Environment and Rural Affairs Department (SEERAD) in Scotland and a licence must be applied for at least 20 working days before operations. A general licence (refer to Appendix 2) may be obtained from the Defra website for species of birds listed in Schedule 2 Part II, but is only valid in England.

## Vegetation Works Guidance

There is no reference in the Wildlife and Countryside Act 1981 to specific dates when vegetation work cannot be carried out. This is intentional as birds may nest at different times depending on variables such as geographic location and the weather. NOTE: The only dates quoted in the 1981 Act refer to the closed season for certain bird species listed in Schedule 2 Part II of the Act – not to be confused with the nesting season.

Vegetation management activities must be planned to avoid committing an offence in the first place rather than relying on the available statutory defence as outlined in ‘Exceptions’ and ‘Licences.’ It must be recognised that vegetation operations required as a result of poor planning might not be acceptable to the courts as falling within the statutory defence.

## Essential Safety Work

Where there are nesting birds it is not essential to obtain a licence for works required for the purposes of preserving public health or public or air safety. However, if a licence is not obtained prior to the removal of vegetation, and a company’s actions are challenged, then the actions have to be defended in court by that company. But, if a licence is obtained from Defra prior to any vegetation works in the nesting season, then the company carrying out the vegetation works in accordance with the terms of the licence cannot be prosecuted. However, there can still be implications in terms of reputation.

There are very few situations where preserving public safety will mean that works might go ahead without a licence, but these may include: signal sighting and where a tree is in imminent danger of falling and causing an accident.

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## Planning Vegetation Works

To reduce the risk of prosecution, where at all possible vegetation work should be carried out in the late autumn/winter or a survey of the area carried out to assess the likelihood of nesting birds being present. This survey would need to be carried out by a competent person and identify areas where birds may be nesting – this information can be used to populate a licence application. Immediately prior to operations, work sites should be checked for presence of nesting birds to enable work to be delayed or exclusion zones to be set up. Essential safety work should be carried out in accordance with the advice given above.

Vegetation operations include not only tree felling but also any tree surgery, scrub clearance and any activities impacting on vegetation, such as spoil dumping. It must be remembered that birds nest in trees, shrubs, scrub and on the ground. They can also nest in bridges and buildings, and along watercourses.

Update the Network Rail Asset Register by sending any new records of protected bird species on Network Rail land to the Region Asset Information Manager and the Region Environment Manager.

## Contractual Issues

All Network Rail contracts specify that contractors should comply with legislation. Contractors should therefore arrange to carry out vegetation works with this in mind and any work specification should include measures to avoid any contravention of legislation. Decisions must be made concerning the timing of the operations, whether they could be delayed, whether work may damage nests (or otherwise break the law) and whether it is appropriate to apply for a licence.

Licences, advice and further information can be applied for from:

### England

Wildlife Administration Unit  
Defra  
Burghill Road  
Westbury-on-Trym  
BRISTOL  
BS10 6NJ

[www.defra.gov.uk](http://www.defra.gov.uk)  
08459 33 55 77

### Wales

National Assembly for Wales  
Agriculture Department  
Food Farming Development Division  
Yr Hen Ysgol Gymrag  
Ffordd Alexandra  
ABERYSTWYTH  
Ceredigion  
SY23 1LD

[www.wales.gov.uk](http://www.wales.gov.uk)  
02920 825 111

### Scotland

Environment and Rural Affairs Department (ERAD)  
PEP2 Division  
Branch 2 – Agricultural Pollution, Pesticides and  
Pest Control  
Pentland House  
47 Robbs Loan  
EDINBURGH  
EH14 1TY

[www.scotland.gov.uk](http://www.scotland.gov.uk)  
0131 556 8400

If nesting birds may be affected by any proposed work:

- comply with the procedures established in Environment Management System Procedure Template: **Network Rail EMS Part 2 Protected Species** (RT/EMS/(REGION)/PRC/09).
- you may also need to consult English Nature, Scottish Natural Heritage or the Countryside Council for Wales if you are working near species protected in Schedule 1.
- read the **Network Rail Biodiversity Action Plan** species guidance sheet 7, 'Birds.'

Before work starts on a site where birds are present or may be present, brief all site personnel to ensure they are aware of any special working restrictions (such as areas to fence off and protect) and the appropriate procedures to follow.

## Further Information

The RSPB provides a guidance note "Wild Birds and the Law - A Plain Guide to Bird Protection Today," a copy of which is held by the Head of Environment or is available at [www.rspb.org.uk](http://www.rspb.org.uk)

This worksheet is intended as a basic general guide for working on Network Rail land and should not be used as a substitute for professional, ecological or legal advice where necessary

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# APPENDIX I

Schedule I – List of Protected birds protected by special penalties at all times.

|                          |                        |                         |
|--------------------------|------------------------|-------------------------|
| Avocet                   | Grebe, Slavonian       | Sandpiper, Wood         |
| Bee-eater                | Greenshank             | Scaup                   |
| Bittern                  | Gull, Little           | Scoter, Common          |
| Bittern. Little          | Gull, Mediterranean    | Scoter, Velvet          |
| Bluethroat               | Harriers (all species) | Serin                   |
| Brambling                | Heron, Purple          | Shorelank               |
| Bunting, Cirl            | Hobby                  | Shrike, Red-backed      |
| Bunting, Lapland         | Hoopoe                 | Spoonbill               |
| Bunting, Snow            | Kingfisher             | Stilt, Black-winged     |
| Buzzard, Honey           | Kite, Red              | Stint, Temminck's       |
| Chough                   | Merlin                 | Stone-curlew            |
| Corncrake                | Oriole, Golden         | Swan, Bewick's          |
| Crake, Spotted           | Osprey                 | Swan, Whooper           |
| Crossbills (all species) | Owl, Barn              | Tern, Black             |
| Divers (all species)     | Owl, Snowy             | Tern, Little            |
| Dotterel                 | Peregrine              | Tern, Roseate           |
| Duck, Long-tailed        | Petrel, Leach's        | Tit, Bearded            |
| Eagle, Golden            | Phalarope, Red-necked  | Tit, Crested            |
| Eagle, White-tailed      | Plover, Kentish        | Treecreeper, Short-toed |
| Falcon, Gyr              | Plover, Little-ringed  | Warbler, Cetti's        |
| Fieldfare                | Quail, Common          | Warbler, Dartford       |
| Firecrest                | Redstart, Black        | Warbler, Marsh          |
| Garganey                 | Redwing                | Warbler, Savi's         |
| Godwit, Black-tailed     | Rosefinch, Scarlet     | Whimbrel                |
| Goshawk                  | Ruff                   | Woodlark                |
| Grebe, Black-necked      | Sandpiper, Green       | Wryneck                 |
|                          | Sandpiper, Purple      |                         |

**DEFRA**

Department for  
Environment,  
Food & Rural Affairs

WLF100088

**WILDLIFE AND COUNTRYSIDE ACT 1981**

**LICENCE TO KILL OR TAKE CERTAIN BIRDS, INCLUDING THE TAKING, DAMAGING OR DESTRUCTION OF THEIR NESTS OR THE TAKING OR DESTRUCTION OF THEIR EGGS.**

The Secretary of State for Environment, Food and Rural Affairs, in exercise of the powers conferred on him by Section 16(1)(i) and (5) of the Wildlife and Countryside Act 1981, after consultation with English Nature and being satisfied that as regards the purpose set out at paragraph 1 that there is no other satisfactory solution, hereby grants the following licence: -

**PURPOSES**

1. The purpose for which this licence is granted is preserving public health or public or air safety
2. Subject to the terms and conditions below, this licence permits any authorised person to kill, injure in the course of attempting to kill or take any of the wild birds listed in this paragraph, or to take, damage or destroy the nests or eggs of the said birds, for the purpose set out in paragraph 1 below. The wild birds are: -

|                          |                              |
|--------------------------|------------------------------|
| Crow                     | <i>Corvus corone</i>         |
| Collared Dove            | <i>Streptopelia decaocto</i> |
| Great Black-backed Gull  | <i>Larus marinus</i>         |
| Lesser Black-backed Gull | <i>Larus fuscus</i>          |
| Herring Gull             | <i>Larus argentatus</i>      |
| Jackdaw                  | <i>Corvus monedula</i>       |
| Jay                      | <i>Garrulus glandarius</i>   |
| Magpie                   | <i>Pica pica</i>             |
| Feral Pigeon             | <i>Columba livia</i>         |
| Rook                     | <i>Corvus frugilegus</i>     |
| House Sparrow            | <i>Passer domesticus</i>     |
| Starling                 | <i>Sturnus vulgaris</i>      |
| Woodpigeon               | <i>Columba palumbus</i>      |

**TERMS AND CONDITIONS**

3. This licence only applies to the killing, injuring in the course of attempting to kill in accordance with this licence, taking, damaging or destroying (as mentioned in paragraph 1 above) by means which are not prohibited by Section 5 of the Wildlife and Countryside Act 1981, or the use of a cage trap or net, with the minimum of distress to the birds.

4. Every cage trap, used under the authority of this licence, shall be inspected by an authorised person on a daily basis when the cage trap is in use except where this is not possible because of severe weather conditions e.g. as a result of heavy snowfall. In such cases, every effort must be made to inspect the cage trap as soon as possible. At each inspection any birds caught in the trap shall be removed from it.

5. Where cage traps are left in the open but not in use, they must be rendered incapable of holding or catching birds.

6. This licence applies to England and is valid, unless previously revoked, for the period from **1 January 2003 to 31 December 2003.**

#### **DEFINITION**

7. "Authorised person" has the same meaning as in section 27 of the Wildlife and Countryside Act 1981.

8. In this licence "wild bird" means any bird of a kind that is ordinarily resident in or is a visitor to Great Britain in a wild state, and any game bird.



**SARAH JONES**

Authorised by the Secretary of State  
for the Environment to sign in that  
behalf

Department for Environment  
Food and Rural Affairs  
European Wildlife Division  
Species Conservation Branch  
Room 1/08  
Temple Quay House  
2 The Square  
Temple Way  
Bristol BS1 6EB

1 January 2003

Tel: 0117 372 8903

#### **NOTES**

1. Failure to comply with the terms and conditions of this licence may lead to an offence.

2. The Scottish Executive in respect of Scotland and the National Assembly for Wales in respect of Wales have issued a licence in similar terms.

3. Where the action licensed includes the use of firearms, it is the authorised person's responsibility to ensure that he complies with all relevant legislation.

**Important note:** If at any point you are uncertain as to how to proceed, **STOP** and seek advice from an ecologist

|                                                                            |                                                                                                                                                  |                                                                                                                                            |                                                                                                                                           |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Observer name                                                              |                                                                                                                                                  | Date                                                                                                                                       | dd/mm/yy                                                                                                                                  |
| SSOWP reference                                                            |                                                                                                                                                  | Fault or S/R number                                                                                                                        |                                                                                                                                           |
| ELR <b>and</b> mileage start                                               |                                                                                                                                                  | ELR <b>and</b> mileage end                                                                                                                 |                                                                                                                                           |
| Location (local name)                                                      |                                                                                                                                                  | Direction (UP / DN)                                                                                                                        |                                                                                                                                           |
| Time <b>survey</b> started                                                 | hh:mm                                                                                                                                            | Time <b>survey</b> finished                                                                                                                | hh:mm                                                                                                                                     |
| Weather conditions<br>(this will affect the activity of any birds present) | <b>Cloud</b><br><br>Clear - 1<br>Cloudy - 2<br>Overcast - 3     | <b>Rain</b><br><br>None - 1<br>Drizzle - 2<br>Showers - 3 | <b>Wind</b><br><br>Calm - 1<br>Light - 2<br>Breezy - 3 |
|                                                                            | <b>Visibility</b><br><br>Good - 1<br>Moderate - 2<br>Poor - 3 |                                                                                                                                            |                                                                                                                                           |

Record any birds or nests seen in the proposed work site, plus any exclusion zones created. If safe to do so, check whilst walking through the actual vegetation to be cleared (facing traffic).  
 Birds = X; Nests = (N); Observation = ●; Exclusion zones = 

mileage.....

length.....

mileage.....

Comments

width.....

## Actions

**Nests (with or without birds);** mark up exclusion zone around nest and extend zone to include adjacent habitat [this may be to the fence-line]

## Guidance Notes

### When to check

- Dawn to 08:00
- Ideally on first day at work site (but up to 1 week prior to the planned work)
  - **NB: for emergency, safety critical work undertake check immediately prior to operations**
- Ideally in good weather only
- Check before any activity that could impact nesting birds, e.g.:
  - Tree work
  - Shrub / scrub work
  - Ditch maintenance
  - Rock-face cleaning
  - Construction / ground disturbance

### Recording birds

- Walk slowly – 2 minute walk then stop for 10 minutes to observe
  - Repeat for length of work site
- Mark on plan all locations where observation took place (●)
- Take 1 hour to complete the check for every 220 yards
- Check 10 metres beyond extent of planned vegetation work
- Record every bird seen & heard within the proposed work site with a X
- Record every suspected nest/nest site within the proposed work site with this symbol (N)
  - Photograph any likely evidence
- Mark exclusion zones on check form with a solid line ( )
  - Extend zone to include adjacent 'cover' or to the fence
  - Photograph marked exclusion zone(s)

### Records

- Be aware, records may be subject to external scrutiny
- If no checks are undertaken, demonstration of compliance with legislation could be challenged

### Examples

mileage 25.0320

length 100m

track

boundary

Comments

Number of nests in dense gorse bush at top end of work site. Photos taken

mileage 25.0220

width 15m

**APPENDIX D – ARBORICULTURAL IMPACT ASSESSMENT (AIA) (DOCUMENT REF. 151667-TSA-00-TRU-REP-W-LP-000054)**

Network Rail  
Kings Place  
90 York Way  
London  
N1 9AG

[www.networkrail.co.uk](http://www.networkrail.co.uk)