

# Vegetation Clearance

## Why We Have to Consider the Environmental Impact of Vegetation Clearance

Vegetation, including tall grasses, brambles, overgrown areas, riverbanks and woodlands, can have significant environmental risks which need identifying prior to works so that impact can be minimised. The impacts of vegetation clearance can negatively affect wildlife and this includes.



- Nesting birds
- Hibernating animals
- Protected species (such as bats, badgers, otters, water voles, dormice, great crested newts and reptiles)
- Invasive plants (e.g. Japanese Knotweed, Himalayan Balsam and Giant Hogweed)
- Protected Habitats (including SSSIs – Sites of Special Scientific Interest)
- Tree Preservation Orders and tree root protection areas
- Buffer zones near watercourses or ditches

Disturbance to wildlife can be caused either directly by damage to a species (animals or plants), destroying their nest, or by indirect disturbance. This can include construction works that cut off the natural pathways used by animals, removing resting areas, disrupting feeding locations or preventing access to areas used for shelter. Remember that environmental risks can change throughout the year or season, for example, potential disturbance could be during hibernation periods or breeding seasons.

## The Legal Implications

Failing to identify environmental risks and establishing appropriate control measures when clearing vegetation can have serious consequences for both **individuals** and the company. These implications include:

- Major and possibly irreparable damage to our environment and the death of wildlife.
- Personal and Company Prosecution under various Environmental Acts, if damage is caused to protected wildlife.
- Individuals charged can be prosecuted at the Magistrates or Crown Court.
  - At the Magistrates Court fines can vary between £5,000 to £50,000 and a sentence of up to 6 months in prison.
  - If the case reaches Crown Court, there are unlimited fines and up to two years imprisonment.



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- MWH Treatment could receive unlimited fines and up to two years imprisonment for Directors.
- Enforcement action from Regulators includes stopping works, remediation requirements and loss of planning permission.
- Reputational damage will affect relationships with our clients and local communities, resulting in loss of work and negative publicity.



**Unintentional breaches still carry consequences: Ignorance is not an excuse**

### Example of a Prosecution

In 2023, a farmer in Herefordshire removed trees and used gravel from a river to build a hard standing area on the adjacent land. Due to the nature of the location, which was a habitat for otters, kingfishers and other wildlife, the farmer was issued a stop notice by Natural England (wildlife Regulator). They did not comply with this notice.

This resulted in the farmer being fined £1.2 Million in court and was jailed for 12 months. £655,000 of the fine was to start restoration of the riverbank and it will take several decades for the area to be fully restored.

<https://www.bbc.co.uk/news/uk-england-hereford-worcester-65339969>



### What Do You Need To Do Before Starting Work

Before starting any work affecting vegetated areas (including trees, hedgerows, scrub and brambles) - in any location on site, **MAKE SURE** you are aware of any environmental risks and control measures for that location. Even minimally vegetated / developed areas can have environmental risks such as land contamination, archaeology, nesting birds and other protected wildlife that is not immediately visible.

At MWH Treatment a Vegetation Clearance Permit is required before starting any clearance works. **CHECK** one is in place before you start and ensure you understand how to comply with the Permit when undertaking the works.

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### Site Operative Responsibilities

- **ASK** if there are any environmental risks. If there are 'none' ask why not. Feel free to ask to see the Environmental Management Plan / Ecology Surveys.
- **CHECK** environmental risks are included in the RAMS and understand the requirements as stated in the Vegetation Clearance Permit.
- **REVIEW** environmental control measures you are required to follow.
- **COMPLY** with the environmental control measures.
- **STOP** works if you uncover potential entrance holes, any animals or potential invasive plants. **REPORT** to Site Management.
- If any plans change – reassess and follow above.
- If you have any doubts, **SPEAK UP** about your concern. Raise an Improve It.

**No challenge will come from ensuring you have the correct information before starting works.**

### Site Management and Supervisors Responsibilities

- **CHECK** the Environmental Constraints Map.
- **CHECK** the work and location is covered by the ecology survey and the Environmental Management Plan. Was the ecology survey undertaken within the last year, or does it require a re-survey?
- **CONSIDER** future works in advance, as ecology and arboricultural (trees) surveys and inspections may need to be booked weeks in advance. Unavailability of the specialist support or seasonal constraints are not an excuse for undertaking works without the required surveys.
- **ENSURE A VEGETATION CLEARANCE PERMIT IS IN PLACE** (EVFR05-14) is in place before commencing any related activities.
- **RAMS** should include site specific environmental risks and control measures – in some cases an Ecological Method Statement may be required and should be included in the activity RAMS.
- **RAMS** should include all Health and Safety considerations for the usage of any vegetation clearance tools or equipment.
- **ENSURE Wildlife Exclusion Zones** are in place before any works start, and maintained, throughout all works - these should not be moved for access. If work is difficult to undertake due to this constraint, then stop works and reassess the RAMS - consult your regional Environmental Advisor.
- If you are unclear on the controls required after checking the documentation, or would like to confirm anything, do not start works and contact your regional Environmental Advisor.
- If a discovery is made during works (e.g. find potential entrance holes, any animals or potential invasive plants), or plans change - **STOP** works and confirm that no additional measures are required before continuing. **FOLLOW** the Discovery of Protected Species Emergency Plan (EVGD04-06).

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## Questions for You

**Q: What environmental risks do we have on this site?**

**Q: What should you do if you are unsure of the environmental risks or required control measures in your work area?**

**Q: What Permit needs to be in place prior to removing any vegetation (including trees and hedgerows)?**

**Q: Who is responsible for being aware of the environmental risks when working?**

