

Use of netting in construction¹

Netting vegetation

All guidelines for development clearly state the importance of retaining existing features of wildlife interest, including among others, significant trees and hedgerows. To protect these features during construction, fenced buffer zones (Root Protection Area) in accordance with British Standard BS5837 are placed around them. It is usual to subsequently incorporate these retained features into future landscape design.

Unfortunately, some hedges and trees are designed out of the housing layout and removed as part of the groundworks prior to each phase of development. Before any groundworks can take place, in accordance of BS42020:2013 a detailed method statement must be submitted and approved by the local planning authority. The statement must include a time table of implementation that demonstrates the alignment of work to the proposed phasing of construction. Such a plan must therefore set out removal of any hedges and trees to take place as per BS42020 D.3.2.1, ie:

“No removal of hedgerows, trees, or shrubs (including bramble, ivy and other climbing plants if appropriate) (or works to or demolition of building structures that may be used for breeding birds) shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds’ nests immediately before any vegetation is cleared and provided a written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority”.

To comply with this, all method statements and time tables should plan the removal of vegetation between September and February. While it is less likely active nests will be present during this period, it remains the duty of a competent ecologist to undertake a careful check as with mild weather some birds can have a protracted breeding season.

Poor planning leads to groundwork taking place during the breeding season. To avoid delays in the work programme netting is increasingly being used as a wildlife exclusion barrier to prevent birds and other wildlife accessing hedges and trees that need to be removed. Section 10.9 of BS42020 in general refers to rigid barriers and is not explicit on the use of netting as a technique to exclude wildlife. However, 10.9.1 does state *“The ecologist or Ecological Clerk of Works (ECoW) should advise on the type of protective fencing or wildlife exclusion barriers required to protect various features on site and/or to exclude particular wildlife from specific areas”*. Section 10.9.4 could be interpreted to include netting: *“The use of plastic tape, etc., [could be deemed to include netting] instead of fixed fencing should be considered only in situations where very temporary protection is needed and should be restricted to operations where on-site ecological monitoring and advice, eg. As provided by an ECoW, is available throughout the operations that pose a risk”*.

The RSPB asks developers work with their ecological consultants and planning authorities to develop appropriate method statements that plans for the removal of any trees and hedges to take place outside of the breeding season, in line with BS42020.

¹ **NB:** Following this guidance does **not** mean that the RSPB endorses or approves your project.

The Natural England Standing advice² states that;

“If you can’t change the timing or location of your activity to avoid affecting birds, you can prevent birds from nesting, but only outside the breeding season. Confirm birds aren’t using the location with a survey first.”

The RSPB accepts use of netting is legal, but if absolutely necessary it is imperative to minimise risks to wildlife. In line with BS42020, developers should consult with their ECoW on the appropriate netting and the fitting must be over seen by the ECoW who should also be responsible for on-going regular checks at least three times a day (early morning, late morning/early afternoon and again before leaving site) as wildlife often finds a way to get under the edge of a net and get stuck.

Key points

- RSPB acknowledges advice to protect and retain existing features of wildlife interest during development but would increasingly like to see more hedges and trees retained and not designed out during master planning.
- The RSPB would like method statements to plan for vegetation removal outside of the breeding season and be adhered to without relying on netting as an easy alternative.
- RSPB accepts it is not against the law to net off trees, bushes or vegetation.
- It is essential developers work with their ECoW to ensure appropriate netting is used and is not the type that will catch and hold birds and other wildlife.
- It is essential an ECoW ensures the correct netting is fitted in a way that birds and other wildlife cannot get through or behind the netting and then become trapped.
- It is essential that netting is checked at least three times a day by an ECoW to ensure that no birds or other wildlife are caught or that the netting has become defective.
- If birds or other wildlife are seen to be caught within or trapped behind netting they must be freed immediately, and the netting fixed or removed.
- If anyone perceives the user is aware that wildlife is being caught but has not remedied the situation then the police wildlife crime officer should be informed.

² <https://www.gov.uk/guidance/wild-birds-surveys-and-mitigation-for-development-projects>

Safety netting on scaffold

A second area of concern during the breeding season is scaffold and its associated safety netting. Several species of bird commonly nest in or on buildings. Those most likely are house sparrow, starling and swift. Swifts are threatened most by safety netting as they take a direct flightpath to their nests, at speed.

On buildings where, birds are known to nest, renovation work should be avoided during the breeding season. A Preliminary Ecological survey by competent ecologist should determine whether bird's nest or bats roost³ in the building. Surveys should ideally be undertaken during the preceding breeding season to identify if, where and what species of bird are accessing a building. This allows the chance to legally block holes during the winter or inform the method plan to time the work around nesting and to mitigate by retaining existing nest entrances, so they can be used again after the work. Or, to provide new and or additional nests for the appropriate species.

Accepting the difficulty in finding a swift nest, if work has commenced and it becomes apparent swifts are trying to access a nest blocked by netting, work must move away from that area and the netting must be removed to allow birds access. Further advice must be sought immediately from specialist swift workers⁴ as specific knowledge is likely outside the scope of any ECoW.

³ This note only deals with birds. For bats, further specific advice should be sought from Bat Conservation Trust

⁴ <https://actionforswifts.blogspot.com/p/sln-google.html>