

Consultation by the Shotley Parish Council:

“Dear Natural England and RSPB representatives

The Shotley Parish Council was advised last year by a Fire Chief to cut back a certain amount of overgrowth within a piece of land we own and maintain, known locally as the Shotley Cliff or Heritage Park. The section I refer to is the no. 7 shaped strip on the Eastern side which adjoins the neighbouring properties and a public footpath.

The Parish Council had been advised in the past by our resident "tree and bird expert" to leave the overgrown area as it is part of the natural wildlife habitat. However, when attending a fire within the Heritage Park, the Fire Chief expressed concern that although the rest of the heritage park had a "fire break" between the growth sections and the houses opposite, this large section of overgrowth had been permitted to "run free" on this particular spot and was extremely close to not just the public footpath but a number of houses.

Unfortunately, as it was bird nesting season at the time, we could not carry out any maintenance works but had asked the Community Payback Team to help, which they are now able to do this coming week-end (17/18th February).

May I please ask both organisations to please confirm with the Parish Council that this course of action is acceptable and that there are no specific checks or measures we need to undertake in advance. We would be happy to meet you on site should that be necessary.

Many thanks for your assistance,

Kindest regards

Dina Bedwell, Clerk to the Council

Response from Natural England:

“Dear Mrs Bedwell

Thank you for contacting Natural England regarding concerns raised by the area Fire Chief that sections of overgrowth on the boundary of the park and residential properties may pose a fire risk. In seeking to advise and answer your enquiry I should first provide some clarification on Natural England’s remit and immediate responsibilities with respect to the Stour estuary SSSI, SPA and Ramsar Site. The three designations which focus on the estuary habitats do not extend inland at Shotley Gate to include the area designated as Shotley Cliff Heritage Park and therefore the works will not require any specific permissions from Natural England.

However, Natural England is happy to advise on matters where there may be potential impacts on biodiversity, or where there may be opportunities for biodiversity gain. In this instance I think that I am correct in understanding that rather than wholesale clearance the

fire service are recommending clearing sufficient woody growth to create a 'fire break' between residential properties and woodland and scrub. Clearly this is a health and safety issue and must be addressed with the utmost urgency.

All Wild birds are protected under the Wildlife and Countryside Act 1981, as amended, against intentional killing and injuring. This includes damage, destruction or taking of a nest, eggs or young while it is in use or being built during the breeding season. The timing of any works on habitats that may support birds, particularly those breeding, should take this into account. Provided that the works take place at the earliest opportunity 17th to 18th February this will avoid the bird breeding season March to August inclusive for the majority of species.

Natural England recommends that the works proceed with caution and if nests are found the area in question should be as far as possible and reasonable be excluded from clearance until the end of the birds breeding season. I am not qualified to advise on the practical application of fire breaks and commend any suggestions I make here to further discussion with the fire chief. In this instance, to reduce impacts on the woodland I recommend that you cut back an area sufficient to create a gap of 4 meters between woodland/scrub and residential dwellings. Where possible allow low scrub to develop at the woodland edge as this will provide a barrier to dogs and members of the public and reduce disturbance. This will also provide grading of tree/scrub height and density and a greater range of nesting opportunities for woodland edge species for example chif-chaf, blackcap and whitethroat.

I hope you find the above advice helpful, you may also wish to discuss opportunities for habitat enhancement with the RSPB.

Thank you again for your enquiry.

Natural England"

Response from the NE:

"Dear Ms Bedwell

Thank you for your response.

I have contacted my colleague XXX and he has confirmed he has responded.

Please take his response as the official response from Natural England for these works, as he is a member of the Land Management Team for that area.

Our reference for your query is XXX in case you need to contact us about this matter in future.

Kind Regards
Natural England

Response from the RSPB:

Hello Dina,

Thanks for getting in touch.

Purely in terms of breeding birds, the timing you propose is very sensible and we would always recommend the following:

1. **Avoid tree-felling/scrub removal between October 1st and February 28th.**

The more you can do in the middle of that time period the better. All wild birds and their nests (whilst in use, or **being built** are protected by law). Following mild winters, or with an early warm spring, areas of dense scrub or evergreen cover (ivy in particular) can be used by early-nesting species such as long-tailed tits, dunnocks, robins, song thrushes and blackbirds.

2. **Inspecting for nests during the nesting season.**

This should only be done by a suitably experienced ornithologist. There can be significant variation in where birds locate their nests and that can even vary within species. For example, Robins may nest on the ground, or several metres up a tree. Often, the first time one is aware of a nest is when it has been exposed by an individual cutting through the vegetation. By then, the risk of the nest being deserted will have increased substantially.

Scrub is a highly under-valued and neglected habitat for birds and a whole host of wildlife that too often is rooted out to be replaced by mundane rows of trees. I do recognise the safety issue raised by the Fire Chief, but if I could encourage the active management of scrub across the site on a rotation of 10-15 years whilst according with the fire safety, such an approach would increase the biodiversity within the area.

I hope that this helps.

Best wishes,

RSPB