

## Bristol City Council Environmental Management System - Environmental Incident Report Form

## Incident and initial response

Incident reference number	ID24-02 Direct
Date incident opened	05/08/2024
Incident category	Wildlife
<b>When</b> did it happen? (time and date)	Works took place during weeks of 1 <sup>st</sup> and 8 <sup>th</sup> July 2024.
<b>Where</b> did it happen? (site name, address, post code, grid reference)	Land adjacent to South Bristol Crematorium and Cemetery 51°25'35.4"N 2°37'43.0"W
<b>Who</b> was involved? (individuals, organisations) <b>Who</b> reported it / was it reported to?	Bristol City Council - Project Manager 3 <sup>rd</sup> party Ecological Consultancy – 2 x Suitably Qualified Ecologists 3 <sup>rd</sup> party Agricultural Contractor – 2 x operatives
<b>Who</b> recorded this as an environmental incident?	Member of the public –allegation made during Environment and Sustainability Policy Committee Public Forum, 25 <sup>th</sup> July 2024
<b>Which</b> type of site? (council, public, private)	Council land
<b>Which</b> risks? (fire, fumes, spills, vehicle movements, skin irritation)	Risk to ecology / wildlife
<b>What</b> happened? (summary, near miss, breakage, deliberate, 3rd party)	<p>At the Environment and Sustainability Policy Committee Public Forum a member of the public made a complaint that BCC had been responsible for the destruction of bird's nests. Following an internal investigation the following facts have been established:</p> <p>Scrub clearance works took place at the site during the weeks of 1<sup>st</sup> and 8<sup>th</sup> July. Before the works took place an external ecological consultancy was commissioned to assess the site for presence of protected species and advise on obligations and best practice approaches to carry out the works.</p> <p>The recommendation was for works to be completed outside of nesting bird season, but if this were not possible, then to follow a precautionary method of working, which was provided in writing by the consultancy and approved by BCC's planning ecologist.</p> <p>In practice the precautionary method of working involved 2 <i>Suitably Qualified Ecologists</i> (SQEs) with 7 and 10 years of professional experience respectively, carrying out site observations in the weeks before, and on the day of works for one hour before the works began. Acting as <i>Ecological Clerk of Works</i> overseeing the agricultural contractor, the two SQE's delivered a toolbox talk on the day of the works focusing on working practices to avoid damage to Dormice and nesting birds. Immediately prior to the work commencing the SQEs carried out hand searches for nesting birds within the scrub using high powered torches and pole mounted camera. The agricultural contractors used powered hand tools to clear 1 meter of scrub at a time, before further physical checks were made by the SQEs. The clearance continued following this approach throughout the period of work, and where nests were located, clearance was halted, and a 5-meter exclusion zone then placed around the nest to prevent damage or further disturbance.</p> <p>BCC's overseeing project manager has stated: "I am not aware of any time when the contractors were working onsite without the ecologist also being present. The Ecologist checked and cleared each area for cutting, then retreated to allow the works. It is possible they were not on site 100% of the time, but this is my expectation, rather than any event I am aware of. The cutting could not go ahead without their check and approval". The BCC project manager also stated they are extremely satisfied with the robustness of the consultancy oversight and control of grounds maintenance contractors.</p>

	<p>The lead SQE has stated that they were present during all of the works undertaken by the agricultural contractor, and that the working method statement was followed precisely.</p> <p>Video footage posted online shows what appears to be an empty nest in part of the remaining scrub, however careful review of the footage by both the investigating officer, and SQE have concluded that it is not possible to determine reliably whether or not the nest contained chicks and was therefore active at the time of the works. Nonetheless, no chicks were observed or reported during the works to have been directly affected. Furthermore the SQE's view is that the footage shows the nest was retained in line with the precautionary method of working regardless of whether it was active or not.</p>
<p><b>What</b> immediate corrective action took place?</p>	<p>During the works one inactive nest was found, though it is not possible to determine if this was the same one as shown in the video online. In addition two exclusion zones were set up preventing further work where observed bird behaviour (adult birds entering and exiting the scrub) indicated the possibility of active nests.</p>
<p><b>What</b> further corrective action is planned / has taken place?</p>	<p>The chosen working methods incurred significant additional time and cost to the project compared to less precautionary methods of working, and it is clear that reasonable efforts were taken to follow best practice for this type of work.</p> <p>This environmental incident investigation has found no evidence of failure in competencies, processes, or working methods on the part of BCC officers or contractors working on their behalf. No evidence has been found that suggests birds were directly harmed through the works, or that legislation has been breached.</p> <p>Whilst no evidence has been found that the works directly harmed nesting birds, it is possible that disturbance to the scrub increased the chances of an active nest subsequently being predated. It should be noted that neither supervision by SQEs, nor following a recognised precautionary method of working can guarantee the total avoidance of possible negative impacts on nesting birds.</p>
<p><b>Recommended actions:</b> What actions would ideally take place to resolve any cultural weaknesses identified?</p>	<p>In line with recommendations made by the consulting ecologist, the only way to guarantee actively nesting birds are not negatively impacted, is for scrub clearance works to take place outside of nesting bird season. Project planning of this nature should therefore take this into consideration and make reasonable efforts for them to take place during the months of October to February. However, where this is not possible due to external factors, the advice and supervision of SQE is an appropriate approach to comply with environmental standards and legislation to mitigate significant risk of harm.</p>
<p><b>Date incident closed</b></p>	<p>02/09/2024</p>
<p><b>Person who closed incident</b></p>	<p>Environmental Performance Manager</p>