



THINK SAFE  
STAY SAFE



Tilhill

BSWGROU**P** member of binderholz ■

# SAFETY AND ASSURANCE BULLETIN

INSIST ON SAFETY

MARCH 2023

## Breeding Birds

As we look forward to the days getting longer and an improvement in the weather our thoughts turn to the bird breeding season and the implications for our operational works.

Early species breeding efforts are already underway with remaining species on the cusp of getting started. Information gathered from historical breeding attempts, as well as direct observation during pre-operational checks, are our main means of ensuring informed decision making leading to mitigation measures.

It can be difficult to determine both 'ownership' and 'occupancy' of stick nests discovered during checks this early in the season, particularly when thinking of medium-sized nests where there can be a definite overlap in terms of habitat, size and structure. Nests for species such as Common Buzzard, Raven, Goshawk and Red Kite can all appear similar and may have multiple nests within their nesting territory.

Classic signs such as droppings under and around the nest do not accumulate until post hatching, and moulted down and feathers are not always obvious, particularly early in the breeding cycle.

To complicate matters further there are also key species which rely on recycling 'donor' nests from corvids and raptors – Tawny and Long-Eared Owls, Kestrel, Hobby and Merlin are examples of this.

### In this edition

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### So, what should we be looking for?

- **Consider all nest structures as potential breeding sites**, even those that may appear initially unlikely. Use the precautionary principle of 'ruling out' sites rather than ruling them in.
- **Be attentive to direct observation of relevant bird species in the vicinity** or general area of a nest. This does not necessarily mean overt defensive/alarmist behaviours such as calling, mobbing etc., the mere presence of sensitive species at, near, or over such sites should set 'the alarm bells ringing'.
- **Presence of stark, white droppings on the forest floor are associated with roosting.** This would normally be in general proximity to the nest site rather than around the actual nest itself. Such droppings are typically your earliest signs of habitual use and, by extension, possible breeding.
- **Presence and accumulation of pellets** (a bolus of undigested fur, bones and feathers regurgitated by the bird) - this can be an important feature particularly when identifying owl sites. Again, this will often be associated with roosting in 'general proximity to' rather than directly related to the nest.
- **Plucked prey remains anywhere within the general area**, sometimes on a raised 'plucking stool' such as a rock, tree stump or root plate. The size and species of prey will vary so be prepared for everything from the remains of frogs and toads through virtually all small and medium sized birds and mammals including even carrion such as bits of lamb/wool etc. Plucking at this time is often associated with provisioning the incubating female rather than young and large accumulations at single locations are unlikely, so even a single 'kill' could be indicative of breeding activity when other evidence is taken into account.

*continued*

# Breeding Birds – continued

The main points to be taken from this are that signs can often be subtle in the early part of the season prior to hatching and are not confined to the actual nest location.

Nests can also sometimes be used by species other than the original occupant. If you have reason to suspect breeding activity in the form of a nest site you are unsure of and/or by seeing any of the signs described above then get in touch with one of the Ecology Leads within Tilhill, a member of our internal Ecology

Team or a local expert(s) such as the local Raptor Study Group.

Also remember that any follow up visits to 'Schedule 1' species requires a relevant 'disturbance licence', again your local Raptor Study Group should be able to help.



# Last Line of Defence – First Thing Forgotten?

Personal Protective Equipment (PPE) is often quoted as being the last line of defence. The hierarchy of controls used in risk management starts with the elimination of risk. If a hazard or risk is removed then this is the best way to prevent harm. Where it isn't possible to eliminate the risk then opportunities to substitute it for a less harmful alternative should be sought.

The next tool in our armoury to minimise risk is to introduce engineering controls. These are the next step as they generally remain giving protection without having to put them in place each time. They must be checked that they are in place and effective on a regular basis. FISA released 'Technical Note 003' last year to help guide us on inspection.

The fourth step in the hierarchy are procedural controls such as safe system of work, training etc. These rely on us following them to ensure we remain safe at work.

The final option to help minimise any residual risk is PPE. The aim of all of the above steps is to reduce the risk of injury as far as reasonably practicable, but in many instances there remains residual risk. PPE is used to mitigate this residual risk. By its very nature, **PPE is Personal**, it is one way we can personally reduce our exposure to risk and prevent injury and harm. Yet we too often see people not wearing the PPE that has been provided to them.

On a recent site visit one of our managers discovered an operator using a chainsaw without wearing chainsaw protective trousers.

We should, where practicable, mechanise operations to reduce chainsaw use. There are many procedural controls with training, competence and techniques etc. However, there remains considerable residual risk from the saw when in use. Chainsaw trousers and boots are the last line of defence.

A recent incident left an operator with a small wound when the saw they were using came into contact with their chainsaw trousers. The trousers did their job, stopping the saw before the injury became more severe. No one intends for an incident, so we have to be prepared at all times.

We should all look for ways to move our risk control up the hierarchy - look for alternative safer work methods, ensure engineering controls are in place, follow procedures and training, or suggest improvements, before we reach for the PPE, BUT, where it is required could you look your family in the eye and tell them your injury and potential loss of wages could have been avoided if you'd worn your PPE?

We too often see people not wearing the PPE that has been provided to them.



# Badgers

Badgers are a protected species. Both the animals and their setts are protected by law. It is illegal to carry out any forestry work close to a badger sett without taking steps to positively avoid damage and without an appropriate Licence.

It is a criminal offence to:

- Kill, injure or take a badger.
- Disturb a badger when it is occupying a sett.
- Interfere with a badger sett by damaging or destroying it.
- Obstruct the access to, or any entrance of, a badger sett.

It is illegal to carry out any forestry work close to a badger sett without an appropriate Licence.

## DO

Undertake reasonable checks for badgers on site. Immediately **STOP** work and inform your manager if you see a badger on your site, discover a badger sett or see other evidence.

It is no excuse in law to be unaware of the presence of badgers. Look out for:

- Badger Setts – check the shape of the hole. Badger holes tend to be the shape of a capital 'D', with the flat side downwards, and are at least 20-30 cms wide.
- There may be signs of freshly excavated material at the entrance or piles of leaves, dry grass, straw or bracken, which the badgers take inside to use as bedding. There may be a large spoil heap outside the main sett. This may contain old bedding, bits of fur, and even small bones.
- Clear footprints will show a prominent central pad, and either four or five toes, with good claw marks.
- Badger hair on barbed wire and other wire fences, or under fences.

## DON'T

Use any machinery or fell trees within 20 metres of a sett. Halt operations until advice has been sought.



# In the News Elsewhere

## Care Home fined £400k after falling tree crushes child

The care home had failed to have in place a strategy to manage trees.

A care home provider has been fined £400k after an eight-year-old girl suffered catastrophic injuries when a tree fell on her.

The court heard that on 8 July 2021, the girl was out for an evening jog with her father. As she was running on a pavement outside the entrance to the care home, a lime tree fell on her. She suffered serious crush injuries and her leg had to be amputated. It was subsequently found that the tree was diseased with a common fungus and had likely been rotting for several years prior to the accident.

An investigation by the Health and Safety Executive (HSE) found that, over a number of years, the care home had failed to have in place a strategy

to manage trees, including adequate risk assessment, proactive surveys, inspections, and monitoring of trees, to identify where remedial work may have been required to prevent risk of the tree falling.

The care home pleaded guilty to a breach of Section 3(1) of the Health and Safety at Work etc. Act 1974 and received a fine of £400,000. The company was also ordered to pay costs of £3,275 and a victim surcharge.

HSE Inspector said: This was a tragic and wholly avoidable incident, caused by the failure of the company to have in place suitable arrangements for managing trees on their premises, and failure to ensure that the trees were properly inspected and maintained.

## Lorry Driver Death

The fact that it rolled implied that the brakes weren't applied.

An HGV driver was crushed under the wheels of their own lorry as they tried to stop it rolling away an inquest heard. The court was told that the driver had reversed the cab of their lorry into position at the terminal so they could attach an oil tanker. They then exited the vehicle and wound up the tanker supports while it was stationary.

CCTV at the site, provided as evidence to the inquest, showed that the driver then mounted the vehicle between the cab and the tanker in order to connect the two vehicles. The cab and the tanker began to roll forwards and, after around 13 seconds, the driver jumped from the vehicle and ran alongside it, in an attempt to reach the cab and apply the brakes.

They then collided with another stationary lorry on the other side of the terminal and was "forced between their own vehicle and the stationary lorry... and then, as a result, was pulled under the wheels of their own vehicle".

An inspection of the lorry, carried out by a vehicle examiner found no defects which could have affected its operation and control prior to the incident. The investigating HSE inspector said: What should have prevented the tanker from rolling would have been the brake system, which would have then been connected to the brake in the trailer. The fact that it rolled implied that the brakes weren't applied.

**Always INSIST ON SAFETY**

# March 2023 – Safety & Assurance Bulletin briefing

I have been personally briefed in the contents of this Safety & Assurance Bulletin.

Please add any questions relating to this briefing or any other health, safety and environmental matters you wish to raise:

Please add any suggestions on health, safety, sustainability, and/or environmental matters:

I have been briefed by: \_\_\_\_\_ My Tilhill Office is: \_\_\_\_\_

I understand that I am encouraged to submit comment and contribution from this bulletin.

Signed: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_

**ORIGINAL** sheet to be held at the Tilhill Office.

Send a **COPY** to: Head of Safety, Tilhill, The Gatehouse, Ruck Lane, Horsmonden, Tonbridge, Kent, TN12 8EA. Fax: 01892 860441. Email: ios@tilhill.com

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