HERITAGE RAILWAY ASSOCIATION

GUIDANCE NOTE

CONTROL OF VEGETATION

Purpose
This document describes good practice in relation to its subject to be followed by Heritage Railways, Tramways and similar bodies to whom this document applies.

Endorsement
This document has been developed with, and is fully endorsed by, Her Majesty's Railway Inspectorate (HMRI), a directorate of the Office of Road and Rail (ORR).

Disclaimer
The Heritage Railway Association has used its best endeavours to ensure that the content of this document is accurate, complete and suitable for its stated purpose. However it makes no warranties, express or implied, that compliance with the contents of this document shall be sufficient to ensure safe systems of work or operation. Accordingly the Heritage Railway Association will not be liable for its content or any subsequent use to which this document may be put.

Supply
This document is published by the Heritage Railway Association (HRA).
Copies are available electronically via its website https://www.hra.uk.com/guidance-notes
Table of Contents

1. Introduction ........................................................................................................................................... 3
2. Recommendations ................................................................................................................................ 3
3. General ................................................................................................................................................. 4
4. Risk Assessment .................................................................................................................................. 4
5. General Safety on the Railway ............................................................................................................. 4
6. Sightlines and vehicle clearance .......................................................................................................... 4
7. Considerations ...................................................................................................................................... 4
8. Environmental considerations .............................................................................................................. 5
9. Approved herbicides ............................................................................................................................. 6
10. When the work is finished .................................................................................................................... 6
11. Surveys and Record of Inspections ...................................................................................................... 6
12. Large and/or Dangerous Trees ............................................................................................................ 7
13. Bodies responsible for help and advice and questions relating to legislation: ..................................... 7
14. References ........................................................................................................................................... 7
1. Introduction

A. This Guidance has been provided to assist the duty holders in complying with the requirements of:
   1. Control of Pesticides Regulations 1986 (as amended) - which specifies storage, use, etc of pesticides and the qualifications of operatives etc. (note - the ‘grandfather’ rights of unqualified operators ceased on the July 18th 2012).
   2. COSHH - which is specific as to the control of “what you have and how you risk assess it”.
   3. Wildlife and Countryside Act 1981 (as amended) - which covers the disturbance or destruction of habitat, nesting birds etc. More information is available on the DEFRA website.
   4. Weeds Act 1959 - which refers to the prevention of the spread of specified weeds; see DEFRA web site.
   5. Countryside and Rights of Way Act 2000 - Note, railways are exempted from Part 1 (relating to access to land), Part 3 extends protection for SSSIs.
      Statutory protection is afforded to Sites of Special Scientific Interest (SSSI) and Special Areas of Conservation (SAC). If you have such a site, you will have a Management Agreement which is legally binding. If you want to do work on such a site, prior agreement must be obtained from the relevant environment agency
   6. Environmental Protection Act 1990 - which refers to the control of pollution & waste, see DEFRA web site.
   7. Occupiers Liability Act 1957 - which specifies the duty of care to persons on premises.

B. Duty holders will be aware that they have a legal obligation to passengers, contractors, other visitors and staff under the Health and Safety at Work etc Act, 1974.

C. The term ‘man’ or ‘men’ in this Guidance note should be read as applying equally to men and women and ‘he’, ‘him’ and ‘his’ should be similarly interpreted.

D. The term ‘staff’ in this Guidance note should be taken to include unpaid volunteer workers as well as paid staff.

E. The term ‘railway’ should be taken to include heritage tramways and similar bodies where appropriate.

F. Throughout this Guidance the word ‘pesticides’ includes ‘herbicides’.

2. Recommendations

A. This guidance note is issued as recommendations to duty holders.

B. Many railways are already operating systems, which, in some cases, are to a higher standard than those set out in this guidance note. This highlights the fact that it is the responsibility of the duty holder, having undertaken the necessary risk assessments, to implement controls that are applicable and necessary relative to the operating conditions on their railway.

C. Where railways decide to take actions that are not in conformity with these recommendations, following appropriate risk assessments or for other reasons, it is recommended that those decisions are reviewed by the senior management body of the organisation and a formal minute is recorded of both the decision reached and the reasons for reaching it.
3. General

A. Control of vegetation does not mean the destruction of vegetation. If a railway has, for instance, the word Bluebell, Strawberry or Watercress in the informal name or promotes line-side plants as part of the attraction it is counterproductive to eliminate them. Equally important is the obstruction of promised views and vistas. Cooperation with adjacent land owners may well be crucial to maintain the quality of the visitor experience.

B. Growth of any sort in the track bed and the cess needs to be eliminated, usually by spraying. Other vegetation within the railway boundaries will require control based on risk and amenity value.

C. Therefore the first task is to assess what you have and then decide on the control necessary in the light of the risks presented. There should be regular inspections which are documented, supplemented by reports from train crews or ground workers. There will be instances where a report requires immediate response.

4. Risk Assessment

A. It is essential that all activities to control vegetation are the subject of:
   1. Documented risk assessment by a competent person; and
   2. Documented method statements.

B. All persons involved in the activity should be advised of the above and be aware of their contents.

5. General Safety on the Railway

A. The person in charge of the work should be suitably qualified and authorised.

B. Full and suitable protection is essential for all work on lineside vegetation as required by the Duty Holder's Rule Book. If absolute possession of the line is not available or necessary, then suitable Look-Out protection should be provided. If trains are running, then all staff involved should have the Railway's PTS qualification. There should always be a team briefing and the team leader should be clearly identified.

6. Sightlines and vehicle clearance

A. In selecting vegetation for clearance, priority must be given to removing any vegetation which impinges, or may in future impinge, on the sightlines of:
   1. Signals and other signage, both from the viewpoint of locomotive drivers and other individuals to whom the signs may apply;
   2. Level Crossings, from the viewpoint of locomotive and road vehicle drivers and pedestrians (see guidance note HGR A0458 Level Crossing Sighting); and
   3. Walking routes.

B. The same priority should be given to the removal of any vegetation that does or may intrude into the path of trains with appropriate allowance for access and train crew who need to lean out of their cabs.

7. Considerations

A. If chemicals are being used, they should be identified and a full assessment under COSHH is essential. Storage must comply with Pesticides Regulations. Where possible it is recommended that licensed contractors be employed as this eliminates the requirement to keep pesticides on the premises or for staff to acquire the relevant competencies. All persons using pesticides must hold a recognised certificate of competence.

B. All persons engaged in these tasks should be fully briefed on railway safety, access points, and places of safety. Unless the line is under Absolute Possession it is essential that contractors are escorted by suitably qualified railway personnel, and that if rail mounted plant is to be used, a qualified pilot is provided.
C. All contractors should be asked to supply:
   1. a risk assessment;
   2. a method statement, which should include how residues and washings are disposed of;
   3. proof of competence of the operatives; and
   4. a copy of Public Liability insurance.

D. No contract should be awarded or action commenced until these four items are in the possession of the Duty Holder and have been reviewed.

E. Suitable Personal Protective Equipment must be provided.

F. Hazards from injurious plants must be considered and the risks identified.

G. The presence of and risk from poisonous animals (adders, wasps etc) must be considered.

H. If staff are required to stand / wade in water, consideration must be given to the risks of drowning and of Weil's Disease.

I. If a wasp nest is “disturbed” the only option is to stop work and to move from the area as quickly as possible.

J. If strimmers / brushcutters are being used, operators must be suitably trained.

K. If chain saws are being used, operators must be appropriately qualified and possess a valid Certificate of Competence. Operators must be provided with the appropriate personal protective equipment and must wear the approved personal protection equipment (PPE). (HSE: Chainsaws at Work)

L. If mobile plant (flails, chippers etc) is to be used, the operators must be suitably trained and qualified.

M. If bonfires are to be lit, the risk of the fire spreading and smoke nuisance must be assessed. Consideration should be given to notifying the local brigade/ neighbours to mitigate false call outs. Provision should be made for dealing with unplanned fires.

N. Signalling / telephone wires and cables should not be interfered with. Where these may be obscured by the vegetation being controlled; their location should be identified and included in the briefing.

O. The potential for minor injuries in this work is high. Provision for first aid should be made and consideration given to the method of evacuation of a seriously injured worker.

P. If work impinges on another Statutory Undertaking or neighbour they should be notified before work commences as they may wish to add to your risk assessment or impose constraints on the work.

Q. Access risks. Steep banks could require the use of harness and ropes attached to a stable fixed point or the cutting of steps. Access to vertical structures may require the use of scaffolding or a (rail mounted) Mobile Elevating Work Platform. Ladders are NOT suitable for this work.

R. Protection from excessive UV light (the sun) may be required and drinking water should be available.

8. Environmental considerations

A. It is essential that the effect on the environment is considered before commencing any clearance work. Considerations should include:

   1. Pollution from chemicals, run off into waterways or ponds, neighbouring gardens or adjacent crops. Consideration should be given to warning neighbours in advance.

   2. If trees subject to a preservation order present a hazard, such as infringement of the loading gauge, or destabilising the way and works or are obstructing sightlines, dispensation should be obtained from the relevant local authority. Roots should be left in place to bind the surface. Unauthorised felling or damage to a tree protected by a TPO could result in a fine of up to £20,000.

   3. Stability of embankments and cutting sides arising from tree removal. Tree and shrub roots stabilise steep embankments and should be left in place. Trees may reduce the water run-off on slopes by up to 50%, thereby reducing the potential for erosion and landslips. Obtaining advice from a civil engineer in advance of a tree felling operation is recommended.
4. Damage/injury to protected species (plant and animal) e.g. snakes, newts, lizards, slow-worms, bees, hedgehogs, nesting birds, bats. It is an offence to disturb the habitat of protected species. It is recommended that planned tree felling and scrub clearance is undertaken during the period November to February inclusive. This will avoid any nesting bird disturbance, and it is much easier to dispose of branches without leaves on. Being cooler and with no midges or flies, it is more comfortable for the operatives. (RSPB defines the nesting season as March until August inclusive.)

B. Any person undertaking any action which could affect the habitat of any protected species is personally responsible for ensuring that no harm is done to such species. For instance, it is the hedge cutter’s responsibility to ensure that there are no active nest sites in the hedge / shrubbery intended to be cut, flailed or removed and if, after a recorded visual inspection, there are no such sites, action can be commenced. Where there is an operational safety issue, prior agreement to cutting/removal must be obtained from the appropriate body, as listed in section 13.

C. Invasive weeds (common ragwort (Senecio jacobaea), Japanese knotweed (Fallopia japonica), giant hogweed (Heracleum mantegazzianum), Himalayan balsam (Impatiens glandulifera), rhododendron (Rhododendron ponticum), and horsetail / marestail (Equisetum arvense)) should, where possible, be eradicated. There are legal constraints pertaining to the treatment and disposal of non-native weed species, and it is advisable to engage a specialist qualified contractor to undertake this work.

D. All vegetation that is removed should either be burned or preferably disposed of properly. It should not be left in piles to rot as the possible resultant leaching into the water courses could lead to environmental contamination.

9. Approved herbicides

A. This is a changing scenario with the EU through DEFRA adding and withdrawing approvals. Typing ‘approved herbicides railways uk’ into your search engine gives a wide range of current information from DEFRA and manufacturers.

10. When the work is finished

A. As work is completed, it is essential that a check is undertaken to ensure that:

1. The railway and ancillary equipment is in no way obstructed, allowing for the full width of vehicles and appropriate safety margins;
2. All walking routes are clear;
3. Culverts and ditches are clear;
4. All signalling / telephone wires / cables are unobstructed and undamaged;
5. Signal and crossing sighting and operation has not been compromised;
6. Ensure that any brush or cut material that may dry out and become a fire hazard is removed from the track side, where brush or scrub is fed into a ‘chipper’ the chipped material can usefully be used as a ‘mulch’ onto surfaces to assist in the delay of unwanted future vegetation growth ; and
7. All fires are extinguished.

11. Surveys and Record of Inspections

A. Vegetation should be subject to periodic inspection by a competent person, at least once a year. Inspections should also take place following any report of excessive undergrowth, after storms or any incursions by work on adjacent property. There should be a recognised communication channel for train crews and other personnel to report excessive or incursive vegetation growth, particularly where it impinges on sight lines for signals, signs or crossings.

B. Such reports should be acted on promptly, as safety may be compromised. It is also recommended that these reports are used to prioritise work programmes for the cutting back gang.
C. A register of inspections should be maintained, detailing:
   1. Date of inspection;
   2. Name of inspector;
   3. Location;
   4. Hazards;
   5. Reduced clearances (for trains);
   6. Impaired sightlines at crossings, signals and associated signage;
   7. Obstructed refuges, positions of safety;
   8. Impeded inspections of infrastructure, particularly culverts, cesses and ditches;
   9. Trees requiring further detailed inspection;
  10. Presence of injurious and invasive weeds and protected species; and
  11. Photographs should be included in the inspection report, taken during the inspection (recording the 'before' condition) and when work has been completed (recording the 'after' position).

12. Large and/or Dangerous Trees
   A. All trees adjoining or posing a potential threat to the Railway should be subject to regular (at least annual) inspection by a competent person to ascertain if they pose any threat. If the tree is on adjoining property, the land owner should be consulted to discuss remedial action. A check should be made that any tree required to be felled is not subject to a Tree Preservation Order. Should trees have a TPO on them, prior consultation with the local authority landscape architect/arborealist is essential to get their agreement to the required actions.

13. Bodies responsible for help and advice and questions relating to legislation:
   B. Wales: Natural Resources Wales www.naturalresourceswales.gov.uk
   C. Scotland: Scottish Environmental Protection Agency www.sepa.org.uk
   D. In England and Scotland, the Forestry Commission is the Government agency responsible for trees.
      1. Forestry Commission England: www.forestry.gov.uk/england
      2. Forestry Commission Scotland: www.scotland-forestry.gov.uk
   E. Department for the Environment, Food & Rural Affairs www.defra.gov.uk
   F. RSPB www.rspb.org.uk

14. References
   A. HSE Agricultural Information Sheet 16 (free to download from the HSE website) specifies the storage requirements for pesticides.
   B. HSE: ‘Chainsaws at Work’ www.hse.gov.uk/treework/resources/publications.htm
   D. HSE; advice pages on pesticides www.hse.gov.uk/agriculture/topics/pesticides.htm
   E. http://www.gov.uk/guidance/prevent-japanese-knotweed-from-spreading
   G. A railway code of practice generated by the key main-line operators covering Flailing Operations using On Track Plant is available from www.rgsonline.co.uk Use their document search for: COP0026

end of document