

Company Directive

STANDARD TECHNIQUE : EW3B/1

Relating to Work in Protected Areas

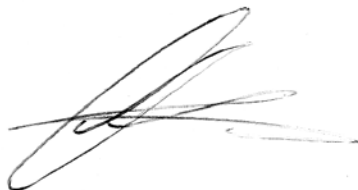
Summary

This document describes the Process Details for work in Protected Areas.

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Implementation Date: November 2011

Approved by



Consents and Wayleaves Manager

Date:

25/11/11

IMPLEMENTATION PLAN

Introduction

This document describes the Process Details for work in Protected Areas.

Main Changes

Minor text changes to reflect creation of Natural Resources Wales (merging Forestry Commission Wales, Environment Agency (Wales) and Countryside Council for Wales)

Impact of Changes

None

Implementation Actions

Team Managers to inform Wayleave and Estate Specialists and other relevant staff.

Implementation Timetable

This Standard Technique shall be implemented with immediate effect.

Document Revision & Review Table		
Date	Comments	Author
9 November 2014	<ul style="list-style-type: none"> • Minor text changes to reflect creation of Natural Resources Wales (merging Forestry Commission Wales, Environment Agency (Wales) and Countryside Council for Wales) • Map 1, Map 2, Map 3, Appendix E updated to reflect above change 	Christian Hjelm
January 2014	<ul style="list-style-type: none"> • Paragraph 1.5 added to cross reference to a document in the Environmental Policy Suite relevant to working in sensitive areas. This is for reference only and there is no immediate action required. 	Christian Hjelm

1.0 INTRODUCTION

- 1.1 Protected areas include Sites of Special Scientific Interest (SSSI) and English Heritage / CADW (Welsh Historic Monuments) sites of scheduled and ancient monuments as well as the other sites listed or referred to in document POL:EW3. SSSIs **include** Special Areas of Conservation, Special Protection Areas, Ramsar sites, National Nature Reserves (NNR) and Local Nature Reserves (LNR).
- 1.2 This document defines the procedures to be followed before carrying out work of a routine or emergency nature, or implementing new work, at or close to a protected area.
- 1.3 In addition to the requirements of this document, WPD also has legal obligations with respect to works that could harm or affect protected species and habitats (eg badgers, bats, newts, dormice etc). Please refer to POL:EN6 and ST:EN6A for further details on requirements and information sheets on protected species.
- 1.4 In addition to this document, POL:GE19 should be consulted for works at or near watercourses, and flood or sea defences and on flood plains. It also sets out legal requirements for consultation with the Environment Agency. POL:GE14 should be consulted as it sets out the requirements for access to and work within Network Rail infrastructure and at level crossings.
- 1.5 In addition to this document, the ENA Best Practice Guide titled 'Ecological & Archaeological Management' should be consulted. It provides an overview of ecological and archaeological management requirements for project work, including an awareness of legal compliance, as well as information on processes and key activities/contacts to ensure best practice is maintained throughout the U.K. electricity distribution network.

2.0 BACKGROUND

- 2.1 Much of WPD's area is of great natural beauty. This also reinforces the need to adopt a careful approach when working on site. Much of the area is designated protected, either on a local or a national basis. This document specifically covers the arrangements for nationally-designated Sites of Special Scientific Interest (SSSI) and Ancient Monuments (AM). WPD 1/500 and 1/2500 scale maps use a hand symbol to draw attention to areas of special status.
- 2.2 Various letters are printed on the palm of the hand symbol to form abbreviations and the most common are listed below:

SSSI	Site of Special Scientific Interest
SAC	Special Area of Conservation
SPA	Special Protection Area
AM	Ancient Monument
SAM	Scheduled Ancient Monument
HC	Heritage Coast
NT	National Trust
CA	Conservation Area
AONB	Area of Outstanding Natural Beauty
NP	National Park

There are a number of others and the Mapping Centre can provide definitions if required.
- 2.3 The geographical area covered by each special site is defined by a dotted line drawn five metres inside the boundary.
- 2.4 In addition, there may be other local designations not covered above. Please refer to POL:EW3 and in addition, local Wayleave or Estate Specialists can normally advise the position. The online source "MAGIC" (www.magic.gov.uk) also has useful information on key environmental schemes and designations.

3.0 PROCESS DETAILS

3.1 There are three process maps:

- Procedure to record new SSSIs and Scheduled Monuments
- Work within or close to an SSSI
- Work at or close to a scheduled monument site

3.2 These are shown on the following pages.

Map 1
Procedure to Record New SSSIs & Scheduled Monuments

Natural England or Natural Resources Wales (NRW) will notify new SSSIs and English Heritage or CADW (in Wales) new Scheduled Monuments to the Mapping Centre. (This may be preceded, by some months, by a consultation letter)
Mapping Centre to plot SSSI or SAM and indicate with hand symbol.

Map 2
Work Close to or Within an SSSI

Routine work in or close to an SSSI (inspect, maintain, adjust, repair, alter, replace or remove WPD assets)	Give 4 months written notice to Natural England / NRW of all intended works.	Any restrictions imposed by Natural England / NRW to be complied with as far as is practicable. Note: Certain replacement O/H line works need S37 DECC consent. Refer to ST:EW1A.
Emergency work within an SSSI	Can be carried out without prior reference to Natural England / NRW	Natural England / NRW must be advised by notice as soon as practical after completion of work.
New work that will affect an SSSI (i.e. in or close to it)	Natural England / NRW must be consulted	In planning new work, every effort must be made to avoid locating new lines over, under, or in an SSSI. In many cases, planning or S37 (Electricity Act) consent will be needed.

Map 3
Work at or Close To a Scheduled Monument Site

<p>Routine work at or close to a site of a scheduled monument (inspect, maintain, adjust, repair, alter, replace or remove WPD assets)</p>	<p>Give 4 months written notice to English Heritage / CADW of all intended works.</p>	<p>Any restrictions imposed by English heritage / CADW to be complied with. "Scheduled Monument Consent" MUST be obtained before commencing work. It is an offence to damage or destroy a scheduled monument.</p>
<p>Emergency work at or close to a site of a scheduled monument</p>	<p>English Heritage / CADW to be consulted by telephone</p>	<p>If possible, "Scheduled Monument Consent" MUST be obtained before commencing work.</p>
<p>New work that may affect a site of a scheduled monument</p>	<p>English Heritage / CADW MUST be consulted</p>	<p>In planning new work, every effort must be made to avoid scheduled monument sites.</p>

IMPORTANT:

FAILURE TO COMPLY WITH NOTICE PROCEDURES TO NATURAL ENGLAND / CCW REGARDING SSSIs AND ENGLISH HERITAGE / CADW REGARDING SCHEDULE MONUMENT CONSENT CAN RESULT IN FINES AND POSSIBLE IMPRISONMENT.

WORK IN PROTECTED AREAS GUIDANCE NOTES

Sites of Special Scientific Interest (SSSI)

SSSI is a legal definition applied to land of special nature conservation interest (includes SACs, SPAs etc) by Natural England) - formerly the Nature Conservancy Council and the Natural Resources Wales (NRW), the statutory bodies for nature conservation in England and Wales.

Before working in or near an SSSI, the appropriate statutory body must be informed by giving at least four months' written notice of the intended works; any restrictions imposed will be complied with as far as practical. It may be a requirement for Natural England to grant a licence before work can proceed. Under the Electricity Act 1989 WPD is entitled to inspect, maintain, repair, alter remove or replace an electric line (which includes underground cable as well as overhead line). In carrying out these functions it is possible that the ecology of the surroundings could be damaged and WPD could be prosecuted under the Wildlife and Countryside Act 1981 (as amended).

Emergency work can be carried out without reference to the statutory body, but they must be advised as soon as practical afterwards.

To notify proposed work in an SSSI, notification should be sent to the local Natural England or NRW office. **Natural England's or NRW's website will have contact details for the nearest office.** Also, the Environment Policy team or Consents & Wayleaves team can provide address details for most office locations.

Refer to ST:EW1A to check if S37 consent from DECC is required.

Ancient Monuments

The Ancient Monuments and Archaeological Areas Act 1979 requires the Secretary of State for the Environment to compile and maintain a schedule of monuments; this is published by the Historic Buildings and Monuments Commission for England (otherwise known as English Heritage – CADW in Wales). The local office addresses are contained on the English Heritage or CADW websites or can be obtained from the Environment Policy team or Consents & Wayleaves team.

Before carrying out any work at a scheduled monument site WPD must obtain "Scheduled Monument Consent". This may take many weeks.

Before working at or close to the site of a scheduled monument which will or might be affected by the work, WPD must liaise with the County Archaeological Officer, who acts on behalf of English Heritage and CADW.

Emergency work can be carried out without reference to English Heritage / CADW, but they must be advised as soon as practicable afterwards.

Protected Species

When surveying areas for a new scheme or upcoming works, care should be taken to look for indications of the presence of protected wildlife such as bats, badgers, newts, nesting birds etc. Further guidance and requirements in this area are set out in ST:EN6.

APPENDIX A

SUPERSEDED DOCUMENTS

This document supersedes ST:EW3B dated October 1997 which should now be withdrawn.

APPENDIX B

ASSOCIATED DOCUMENTS

- POL:EN6 - Protected Species & Protected Habitats
- ST:EN6A - Protected Species & Habitats
- POL:GE19 - Works near Watercourses, Flood Defences and Flood Plains – Legal Duties to Consult with Environment Agency
- POL:GE14 - Requirement for Access to Railtrack Infrastructure and for Work at Level Crossings
- ST:EW1A - Obtaining the Consent of the Secretary of State for Energy and Climate Change for the Erection of Overhead Lines

ENA Best Practice Guide - "Ecological and Archaeological Management, version 1"

APPENDIX C

POLICY IMPLEMENTATION

This Standard Technique shall be implemented with immediate effect.

APPENDIX D

POLICY IMPACT

Relevant to all staff involved in working or scheduling work in protected areas. Updates include mainly housekeeping changes and a cross reference to new associated Environmental policy documents. There is no major policy impact as a result.

APPENDIX E

KEY WORDS

Ancient Monument (AM); Site of Special Scientific Interest (SSSI); Scheduled monument; National Trust (NT); Conservation Area (CA); Area of Outstanding Natural Beauty (AONB); Sites and Monuments Records Officer (SMRO), Natural Resources Wales (NRW), Natural England, English Heritage, CADW