

By email: [REDACTED]

Network Rail
Freedom of Information
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31st May 2018

Dear [REDACTED],

Information request

Reference number: FOI2018/00523

Thank you for your email of 1st May 2018. You requested the following information:

-How many trees has Network Rail, or a company acting on behalf of Network Rail, planted on Network Rail-owned land in the 12 months leading up to 1 May 2018?

-How many trees has Network Rail, or a company acting on behalf of Network Rail, planted on non-Network Rail land in the 12 months leading up to 1 May 2018?

-Network Rail's social media team claims that Network Rail 'aims to achieve a net positive biodiversity impact...during the period 2014-19' and hopes to 'offset any biodiversity lost due to work we've carried out'. How much biodiversity has Network Rail recorded as 'lost' between 2014 and 2018? And has that biodiversity loss been recorded as offset? If the time period from 2014 is considered too long for FOI, please send figures for the 12 months to 1 May 2018.

I would also be interested to know:

-When insects and animals are identified by Network Rail or external experts as at risk from tree felling, what steps are taken to protect these insects and animals? In particular, is there a specific policy around bird nesting season to protect birds' nests?

-Under what circumstances does Network Rail use external environmental experts as opposed to in-house staff to decide where and when trees should be felled? Does Network Rail release details of the experts it uses or is this information kept confidential?'

I have processed your request under the terms of the Environmental Information Regulations (EIR). Information is exempt under section 39 of the Freedom of Information Act 2000 if it meets the definition of environmental information found in Regulation 2 of the EIR. In this case we think the information in question is covered by Regulation 2(a) of the EIR.

At Network Rail, we take very seriously our responsibility to keep the railway and the natural environment around it safe.

In recent media reports, there has been a lot of inaccurate coverage of how Network Rail manages trees and other vegetation that grows alongside the railway. To be clear, we do not have a national tree felling programme and we certainly do not have any plans to cut down all of the trees on our estate.

We believe we can enhance biodiversity whilst still running the railway safely. But it's much more complex than has recently been portrayed. By proactively managing vegetation we think we can find a win-win solution – protecting the environment and meeting our need, reinforced by the regulator, to remove trees and vegetation as necessary to maintain a safe and reliable railway. I have attached a copy of a briefing note which may be helpful.

Further information about our approach and policies is available on our website at these links, including copies of documents:

<https://www.networkrail.co.uk/managing-railways-habitats/>

<https://www.networkrail.co.uk/feeds/working-with-nature-by-the-railway/>

<https://www.networkrail.co.uk/communities/environment/sharing-railway-wildlife/trees-and-the-railway/>

I can confirm that we hold some of the information you requested.

How many trees has Network Rail, or a company acting on behalf of Network Rail, planted on Network Rail-owned land in the 12 months leading up to 1 May 2018?

We do not keep a register of trees planted on our land. However, in January 2018 we launched the Network Rail Biodiversity Calculator as a way of improving our accounting of lost and gained biodiversity units on Network Rail land, with a new requirement to capture and record this information on all works over £20,000 or where works are taking place in an area of land greater than 1,500m². As the calculator has only been in use for a few months we currently do not have any data sets available. Prior to January 2018 Infrastructure Projects recorded vegetation removal and tree planting for some individual projects. Please find attached some information for these individual projects. Please note that this information is not a comprehensive list of replanted trees on our land it is merely an ad-hoc list of vegetation management and tree planting provided by some schemes on a voluntary basis.

How many trees has Network Rail, or a company acting on behalf of Network Rail, planted on non-Network Rail land in the 12 months leading up to 1 May 2018?

Again as outlined above we do not keep a register of trees planted.

How much biodiversity has Network Rail recorded as 'lost' between 2014 and 2018? And has that biodiversity loss been recorded as offset? If the time period from 2014 is considered too long for FOI, please send figures for the 12 months to 1 May 2018.

The commitment to achieve a net positive biodiversity impact was made by a handful of major projects undertaken by Infrastructure Projects. Only one project, the Gospel Oak to Barking project, achieved this in the timescales intended. The data we hold for this project, and other projects aiming to achieve the same goal, is included in the attached spreadsheet. Prior to January 2018 and the launch of the Biodiversity Calculator, we did not have a suitable tool to capture this information. It is our intention for CP6 that the use of the Biodiversity Calculator, alongside a new biodiversity mapping project led by the Environment & Sustainable Development team, will allow us to report on our overall net impact on biodiversity across the network.

When insects and animals are identified by Network Rail or external experts as at risk from tree felling, what steps are taken to protect these insects and animals? In particular, is there a specific policy around bird nesting season to protect birds' nests?

We follow national legal guidelines in relation to protected species. For all works involving vegetation clearance an environmental survey will be conducted as per our policies and standards. The Standard followed by Network Rail staff when conducting

vegetation management is '*Protected Sites and Species Management Standard (NR/L3/MTC/EN0099)*'.

All Network Rail standards are available for you to purchase from the following location.

<https://www.networkrail.co.uk/wp-content/uploads/2018/04/Network-Rail-Standards-Catalogue.pdf>

Under Regulation 5(1) of the EIRs we have a duty to make environmental information available on request. In this instance, we can satisfy this duty by directing you to our standards catalogue where the information in question is publicly available (see above).

Under what circumstances does Network Rail use external environmental experts as opposed to in-house staff to decide where and when trees should be felled? Does Network Rail release details of the experts it uses or is this information kept confidential?

We do not use external environmental experts to decide where and when trees should be felled. Our own staff will use our standards; together with evidence from previous incidents to prioritise locations where it is necessary to undertake vegetation management. On occasion we will use arboricultural experts to carry out specific tree risk assessments to determine priority and timescales for individual tree removal. We may also use environmental experts if there are potential protected species involved, however they will only advise on specifics relating to the tree and how the work might take place.

Please note that I have removed the names of individuals from the attached spreadsheet. These individuals are not senior members of staff and would not expect their personal information to be disclosed in this way. As a result we think disclosure of this information would not be fair and lawful, and would, in consequence, be in breach of the data protection principles. Regulation 13(1) of the EIR permits public authorities to withhold information in circumstances where providing it would be inconsistent with the data protection principles.

I hope you find this information useful, if you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Danielle Stratton
Information Officer

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Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the FOI Compliance and Appeals Manager at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at foi@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF