

### **Insh Marshes (RSPB Reserve): Category 1 Environmental Incident**

**Issued to:** All Network Rail line managers,  
SHE professionals and RISQS  
registered contractors

**Ref:** NRL 17/02

**Date of issue:** 13/02/2017

**Location:** Insh Marshes, Kingussie

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Specialist



### **Overview**

Insh Marshes is a nature reserve owned and managed by RSPB Scotland which is of local, regional, national and international conservation importance. It holds six national or international environmental designations.

Following a track washout that left debris on RSPB's land a site visit was arranged and RSPB agreed in principle that culvert repairs and the installation of a 30m ditch could be undertaken.

Method statements and drawings to confirm the proposals were requested and that all debris from the washout and any arisings from the ditch operations be disposed of offsite and that the works be completed before bird nesting season.

RSPB made it clear to the project team that any work in the Insh Marshes Reserve would require RSPB to obtain consent from Scottish Natural Heritage due to its protected status. This would be done in collaboration with the project team using method statements and drawings.

### **Underlying causes**

**Documentation:** project and specification documents were not adequate, were not internally or externally approved and suggested mitigation was not implemented.

**Communication:** Confusion over the process for gaining consent for working in a third party owned protected site was evident; both Network Rail and the contractor assumed the other party would apply for and manage the consent.

The remedial work was contracted out and a 70m ditch was excavated. The work occurred without RSPB agreement and they were informed of the works after being seen by their Senior Ecologist from a passing train

The work occurred without legally required consent from Scottish Natural Heritage. Most of the washed out debris was removed from the site however arisings from the excavation were spread over the RSPB reserve. The new ditch also blocked access to a private fishery.

This incident was a "Category 1" (most serious category) Environmental Incident and whilst enforcement action against Network Rail has not been considered necessary, the incident damaged previously good relations with key environmental stakeholders.

**Competence:** Lack of Delivery Unit staff procurement experience (due to historically not having had to manage works of this nature) and low levels of environmental expertise within the DU meant that the importance of the consent was overlooked, against a perceived urgency to complete the works.

### **Key message**

- Any work in an environmentally protected area should not proceed without consultation and where appropriate, consent from the appropriate regulator.
- Any work on third party land should have written permission from the land owner before work commences.
- All staff should be aware of the importance of environmentally protected sites, how to operate in or adjacent to them and the consequences should this not happen.

Copies of Shared Learning documents are available on [Safety Central](#)