

Ecology Compliance Briefing

Re: Drainage Infrastructure Works in Shandon Woodland – along West Highland and Disused Faslane Branch Lines, Shandon, Argyll and Bute



From: Shandon Woodland Community Group, a project of Rhu and Shandon Community Trust (Scottish Charity SC054091)

To: MOD / Defence Infrastructure Organisation / HMS Faslane
CC: West Coast Cutters



Date: 07 April 2026

Purpose

In support of the MOD's obligation to maintain the drainage infrastructure of the disused Faslane branch line, SWCG has produced this briefing in advance of works reaching the woodland corridor so that the MOD and its contractors have the ecological and regulatory context they need before works are planned. **Some of the land through which works will pass carries specific legal protections.** Early awareness of these avoids the delays, costs and complications that can follow works carried out without the necessary surveys or permissions in place.

Context

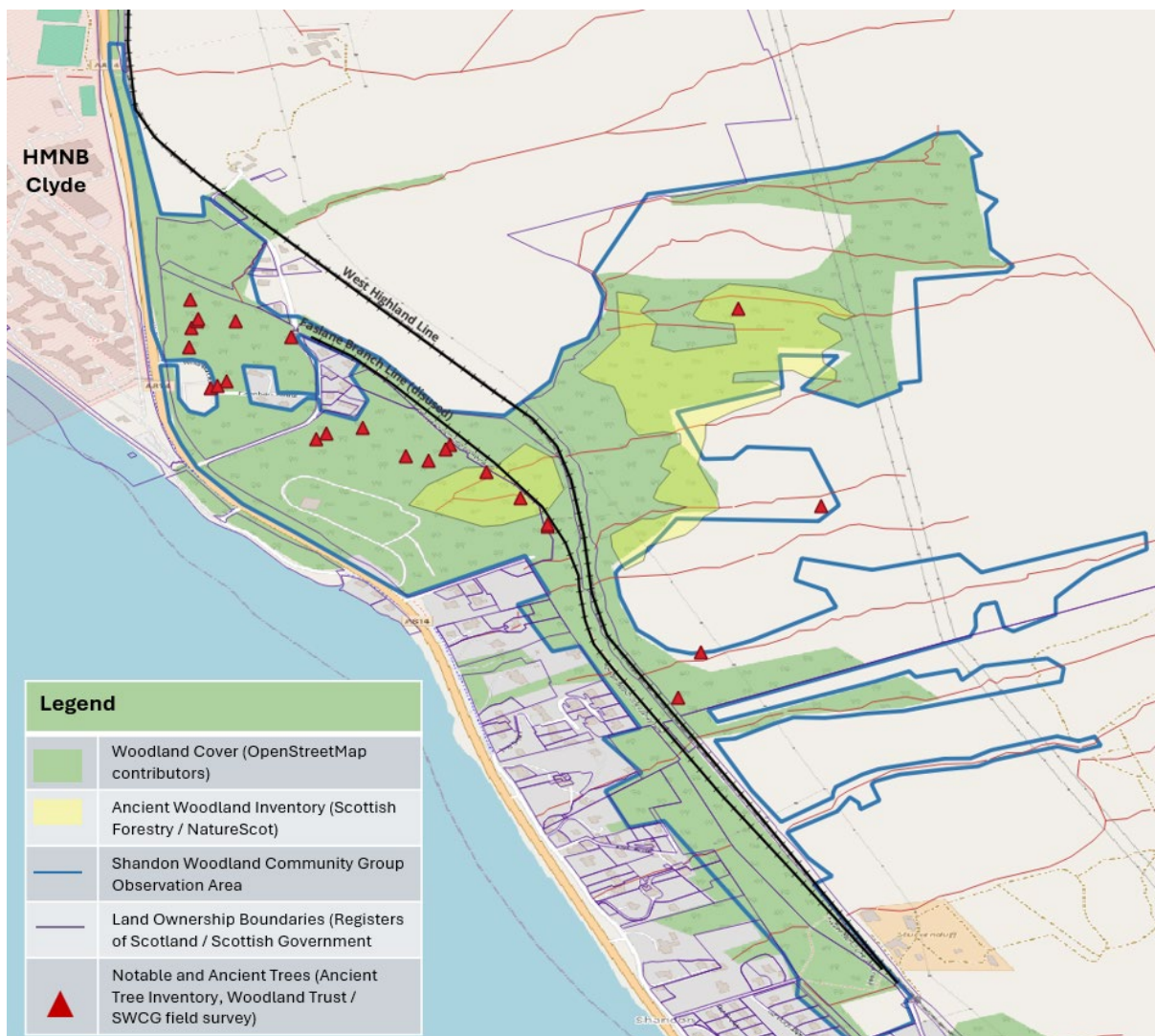
Shandon Woodland is a native broadleaved woodland of approximately 95 hectares on the eastern shore of the Gareloch, containing ancient, riparian and regenerating woodland alongside burns, moorland and informal paths. It is part of Scotland's temperate rainforest — one of the world's rarest habitat types — and supports over 70 bird species, including Golden Eagle habitat, red squirrel habitat, and mature trees with significant bat roost potential. Ownership is fragmented across the MOD/DIO, Network Rail, Luss Estates and private landowners, but the woodland functions as a continuous ecological and community space.

The disused Faslane branch line runs in parallel with the active West Highland Line through the woodland, with its embankment, six-foot way, toe ditches and culverts falling entirely within it. A portion of this corridor passes through land recorded on the Ancient Woodland Inventory (AWI) - the national register of land under continuous woodland cover since at least 1750. This is confirmed by SWCG mapping cross-referenced against Scottish Forestry and NatureScot datasets, and is shown on the below map alongside the locations of ancient and veteran trees recorded by SWCG and Woodland Trust's Ancient Tree Inventory. Ancient woodland is a

nationally irreplaceable asset. Works within or immediately adjacent to AWI land carry specific legal obligations regardless of their purpose.

Works currently under way further north towards the base have involved the clearance of all vegetation for a substantial distance either side of the toe ditches and up burns to culverts, using heavy plant machinery and chainsaws. *Rhododendron ponticum* is widespread across the works area and is being cut back but not, as far as SWCG can establish, treated with herbicide following cutting.

SWCG understands that similar works may be planned or may extend into Shandon Woodland including the section that passes through AWI land. It is this section that gives rise to the concerns set out in this briefing. A map of the area discussed is below:



Legal and Regulatory Obligations

The following obligations are engaged by works of the type observed and apply to the MOD/ HMNB Clyde / DIO as landowner and to its contractors.

Obligation	Legal instrument	Risk / current status
<p>Invasive non-native species: Rhododendron ponticum — pesticide application near and in watercourses. It is an offence to cause <i>R. ponticum</i> to grow in the wild and method of control is itself subject to strict legal constraint. Under General Binding Rule 23 (GBR 23), pesticides must not be applied within 1 metre of any watercourse, including burns, ditches and culverts, unless the product is specifically approved for that use and applied strictly. Applying glyphosate into culverts and up burns constitutes application into a controlled watercourse, which requires a SEPA authorisation (R-WAT-B2) and may constitute an offence under the Water Environment (Controlled Activities) (Scotland) Regulations 2011. Cutting without herbicide stump treatment is also counterproductive: <i>R. ponticum</i> responds with vigorous basal regrowth typically four to eight new stems per plant within a single growing season, materially worsening the infestation over two to five years.</p>	<p>Wildlife and Countryside Act 1981, Schedule 9; Invasive Alien Species (Enforcement and Permitting) Order 2019; General Binding Rule 23; Water Environment (Controlled Activities) (Scotland) Regulations 2011; SEPA R-WAT-B2</p>	<p>SWCG understands that glyphosate is being applied in or immediately adjacent to culverts and burns within the current works area within 1 metre of burns, culverts and ditches and will continue into Shandon Woodland. This appears to constitute a breach of GBR 23 and may require SEPA authorisation. A legally compliant rhododendron management plan, using approved methods at lawful distances from watercourses, is required.</p>
<p>Active nests and nesting birds. All wild birds and their active nests are protected during the breeding season (broadly February to August). It is an offence to intentionally damage or destroy an active nest or disturb nesting birds. Works have been observed continuing during the nesting season after SWCG raised this concern.</p>	<p>Wildlife and Countryside Act 1981, Section 1</p>	<p>Ongoing risk. Works during nesting season without a nest check protocol in place constitute a continuing legal exposure.</p>
<p>Golden Eagle (Schedule 1). It is an offence to intentionally or recklessly disturb a golden eagle at or near an active nest. Golden eagle has been confirmed recorded in the woodland.</p>	<p>Wildlife and Countryside Act 1981, Schedule 1</p>	<p>Confirmed record. Highest level of legal protection. Disturbance near a nest site is a criminal offence.</p>
<p>Red-listed species of conservation concern. The following species recorded in the woodland are red-listed in Scotland: Curlew, Spotted Flycatcher, Common Redstart, Cuckoo,</p>	<p>Wildlife and Countryside Act 1981; Scottish Biodiversity List</p>	<p>Confirmed record. Works during breeding season without nest checks risk offences across multiple species.</p>

<p>Bullfinch, Linnet, Reed Bunting, Tree Sparrow, Starling. All active nests are protected regardless of listing status.</p>		
<p>Felling licence. A licence from Scottish Forestry is required before any tree over 8cm diameter at breast height is felled. Exemptions for operational maintenance must be confirmed in advance with Scottish Forestry.</p>	<p>Forestry and Land Management (Scotland) Act 2018</p>	<p>It is not known whether a felling licence covers works to date. Felling without a licence is a criminal offence. Scottish Forestry may require restocking at the landowner's cost.</p>
<p>Ancient woodland protection. Works within or immediately adjacent to AWI land that cause direct loss or deterioration — including soil compaction by heavy machinery, root damage or removal of canopy — may be subject to enforcement and restoration conditions.</p>	<p>Scottish Planning Policy; Scottish Forestry Ancient Woodland Policy; NatureScot guidance</p>	<p>A portion of the works corridor passes through AWI land, confirmed by SWCG mapping against Scottish Forestry and NatureScot datasets.</p>
<p>Otters: European Protected Species. It is a criminal offence to deliberately capture, injure or kill an otter, or to damage or destroy a breeding site or resting place. Otters are confirmed present in the woodland. Culvert and watercourse works are high-risk habitat.</p>	<p>Conservation (Natural Habitats &c.) Regulations 1994; Wildlife and Countryside Act 1981</p>	<p>Confirmed presence. A licensed otter survey and mitigation plan are required before any groundworks near watercourses or culverts. This is mandatory, not precautionary.</p>
<p>Bats: European Protected Species. It is a criminal offence to disturb roosting bats or damage bat roost sites, including trees with roost potential, whether or not bats are present at the time. A bat roost assessment is required before any tree with roost potential is felled.</p>	<p>Conservation (Natural Habitats &c.) Regulations 1994</p>	<p>Bat survey begins June 2025. Trees with cavities, loose bark, ivy cover or veteran characteristics must not be felled before survey. EPS licence required if impacts cannot be avoided.</p>
<p>Public body biodiversity duty. As a public body, the MOD is under a statutory duty to further biodiversity in the exercise of its functions. Works that reduce biodiversity without mitigation are in tension with this duty.</p>	<p>Nature Conservation (Scotland) Act 2004, s.1; Environment (Scotland) Act 2021</p>	<p>Applicable to all works on MOD land.</p>

Next Steps

SWCG recognises that the drainage work is important to both HMNB Clyde and the local community and asks that the following steps be taken before any clearance, felling or groundworks are carried out in Shadon Woodland, specifically the section of the corridor that passes through or adjacent to AWI land.

- Commission a Preliminary Ecological Appraisal (PEA) from a suitably qualified ecologist before the next phase of works. This will identify constraints and determine what further protected species surveys are required.
- Ensure that the current rhododendron management programme is fully compliant with environmental regulations. Specifically, the application of glyphosate in or within 1 metre of any burn, culvert or ditch should cease immediately pending confirmation of SEPA authorisation and verification that the product being used is approved for use in proximity to watercourses. A legally compliant rhododendron management plan should be agreed before works resume.
- Commission a bat roost assessment on any trees proposed for felling that show roost potential, before any felling takes place.
- Carry out a licensed otter survey before any groundworks proceed near watercourses or culverts.
- Consult Scottish Forestry to confirm felling licence requirements for the woodland corridor.
- Implement a nest check protocol for any works taking place during the breeding season (February to August).
- Agree a rhododendron management plan incorporating herbicide stump treatment and follow-up monitoring before any further INNS works are carried out.

SWCG Assistance

SWCG holds detailed ecological records for the woodland including compartment and character data, ancient and veteran tree locations, bird survey results and red squirrel habitat mapping. We are willing to share these with the MOD / HMNB Clyde / DIO and West Coast Cutters to support works planning and to help avoid unintended harm to the features the law is designed to protect.

We would welcome the opportunity to walk the corridor with the contract team before works commence. Please contact us at shandonwoodlandcommunitygroup@gmail.com or through Rhu and Shandon Community Trust at rhusandontrust@gmail.com.