Newett Homes

Land off Northorpe Lane, Mirfield

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP):

BIODIVERSITY

Report Reference Number: FE90/CEMP01

June 2023

Futures Ecology Ltd
Carrwood Park, Swillington Common Farm, Selby Rd, Leeds LS15 4LG

Company Number: 12125083

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REV	Issue Status	Author or Reviewer	Name & Qualifications	Position	Date
-	Draft 1	Author	K. Haymes BSc (Hons) ACIEEM	Senior Ecologist	01.06.2023
		Reviewer	R. Harmsworth BSc (Hons) ACIEEM	Ecology Director	02.06.2023

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1.0 INTRODUCTION

1.1 The following report has been prepared by Futures Ecology Ltd. on behalf of Newett Homes to discharge ecology conditions attached to planning permission 2021/62/91914/E, for land located off Northorpe Lane, Mirfield, Kirklees (central grid reference: SE 21490 21076) (Kirklees Council). This report details the ecological mitigation and management measures, along with a programme for implementation.

SITE LOCATION AND CONTEXT

1.2 The Site is approximately 1.4ha in extent and comprises of a residential building with associated hardstanding, amenity grassland, ornamental planting, introduced shrub and tall ruderal vegetation to the northeast, with the rest of the site dominated by poor semi-improved grassland with areas of dense scrub, further tall ruderal vegetation and marshy grassland. The boundaries were largely formed by fences, with a single hedgerow located along the western boundary. The landscape beyond the Site is predominantly residential to the south and west. An arable field was present adjacent to the northern site boundary and broadleaved woodland, formed on a disused railway, was adjacent to the eastern site boundary.

PLANNING PERMISSION

1.3 The site has planning permission for the demolition of one dwelling and erection of 44 dwellings with access and associated infrastructure (Planning Reference: 2021/62/91914/E). The first ecology condition attached to the planning permission states;

"No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include details on the following.

a) Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, badgers and invasive plant species;

b) Identification of "biodiversity protection zones" where appropriate;

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements);

d) The location and timing of sensitive works to avoid harm to biodiversity features;

e) The times during construction when specialist ecologists need to be present on site to oversee works where appropriate;

f) Responsible persons and lines of communication; and

g) Use of protective fences, exclusion barriers and warning signs, where appropriate.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason. To protect biodiversity during construction by avoiding impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to prevent or minimise biodiversity impacts are devised and agreed at an appropriate stage of the development process."

2.0 RISK ASSESSMENT

2.1 The below risk assessment of potentially damaging construction activities refers to the most up-to-date site-specific survey information and specifically to nesting birds, badgers *Meles meles* and invasive plant species.

2.2 Table 1 below considers the important ecological features within / adjacent to the site that are sensitive to construction activities, as identified in the following reports:

- Ecological Impact Assessment (Futures Ecology, March 2022, Report Ref: FE90/EcIA01);
- Reptile Survey Report (Futures Ecology Ltd., October 2021, Ref: FE90/RR01); &
- Bat Survey Report (Futures Ecology Ltd., October 2021, Ref: FE90/BAT01).

Table 1: Assessment of Risk to Important Ecological Features

Important Ecological Feature	Risk Assessment
Offsite broadleaved woodland / Kirklees Wildlife Habitat Network (KWHN)	Adjacent to the eastern boundary there is a broadleaved woodland, which is mapped within the KWHN. Potential for indirect impacts from soil compaction, dust and/or pollution. Direct lighting of this habitat could also lead to crepuscular / nocturnal species avoiding this habitat during the construction phase.
Hedgerow H1	Risk of damage via accidental physical damage, dust deposition or pollution event. Temporary impact potentially leading to damage/ degradation of habitats. Direct lighting of this habitat could also lead to crepuscular / nocturnal species avoiding this habitat during the construction phase.
Bats	Disturbance of bats foraging and commuting along offsite woodland edge / hedgerow H1 due to lighting during construction phase.
Common toad ***Bufo bufo***	Common toads were identified within the site during the suite of reptile surveys. Vegetation removal and the removal of brash and log piles has a risk of causing injury or death to this species if present.
Birds	Risk of disturbance, killing or injury of nesting birds or damage / destruction to nests during site clearance operations, which is a breach of legislation.
Hedgehog ***Erinaceus europaeus***	Vegetation removal and the removal of brash and log piles has a risk of causing injury or death to this species if present.

2.3 No badgers, or invasive, non-native plant species have been identified onsite, therefore these are not discussed further within this document.

3.0 IDENTIFICATION OF "BIODIVERSITY PROTECTION ZONES" WHERE APPROPRIATE

3.1 See Figure 1.

4.0 PRACTICAL MEASURES

4.1 Practical measures (both physical measures and sensitive working practices) are discussed below to avoid or reduce impacts during construction. These will be outlined in a Toolbox Talk to contractors prior to site works.

RETAINED HABITATS

4.2 Onsite hedgerow H1 and the offsite broadleaved woodland located along the eastern site boundary, which is also mapped under KWHN, will be protected from construction phase impacts following the best practice measures outlined below.

Pollution Prevention

4.3 All fuel will be stored in a double skinned tank or a tank in a suitable bunded area, designed to hold 110% of the tank's capacity, in compliance with the Control of Pollution (Oil Storage) (England) Regulations 2001[1]. All connections shall be situated within the bund.

4.4 Re-fuelling activities will only be undertaken in designated areas, by suitably qualified persons. Toolbox talks will be communicated to site staff and contractors so that they are fully informed of refuelling procedures.

4.5 Pumps and generators used on the site will have integral drip trays where possible. All items of plant without an integral drip tray shall be stored over a portable drip tray. Drip trays shall be inspected and kept free of accumulated rainwater as necessary. Any oily water shall be disposed of at an appropriate licensed facility. Any arisings from drip trays etc. is to be disposed of as hazardous waste in accordance with Environment Agency guidance and current legislation.

4.6 All hazardous liquids e.g., oils, lubricants, chemicals and tins of paint are to be stored in a segregated area in a suitable locked COSHH container and in accordance with the products Safety Data Sheet. COSHH assessments will be available nearby for information in the event of a spillage.

4.7 A spill response kit will be available onsite and accessible to all to control pollution incidents. These spill kits will contain absorbent pads, absorbent granules and methods of disposal of materials and used kit. These kits will be located at appropriate points around the site which are at a higher risk of pollution (e.g., refuelling area and next to fuel tanks). Further spill kits and supplies will be located in the stores within the site,

[1] https://www.legislation.gov.uk/uksi/2001/2954/contents/made

where replacements for used kits will be found. Spill kits will need to be regularly inspected and immediately replaced if used. Although withdrawn by the Environment Agency their advice document 'Pollution preventative Guidelines' (PPG6)[2] still provides suitable guidance for such development schemes.

Dust Deposition

4.8 Disruption to habitats / populations within receiving range of dust could arise from construction traffic movement, handling of materials or other construction processes. Dust will be minimised by the following means:

- During dry spells the site is to be damped as necessary using a water bowser and surfaces kept in good order;
- Regular inspection of local highways and site boundaries to check for dust/dirt deposits shall be carried out. A road sweeper shall be employed to ensure site road and local highways are kept free of deposits; the frequency of visits shall be varied depending on the condition noted during the inspections. All road sweeper collections will be disposed of in accordance with current waste management legislation;
- All vehicles entering and exiting the site must remain on the designated areas to avoid the movement and transfer of site debris/mud;
- Vehicles carrying loose aggregate and workings should be sheeted at all times;
- Construction traffic shall be routed to avoid sensitive roads (i.e., residential areas, etc.);
- Speed limit around site of 10 mph;
- Stockpiles of soils and materials will be located as far as possible from sensitive properties, taking account of prevailing wind directions and seasonal variations in the prevailing wind; and
- Stockpiles have been designed to minimise surface area (subject to health and safety and visual constraints regarding slope gradients and visual intrusion) to reduce area of surfaces exposed to wind pick-up.

FAUNAL SPECIES

General Measures

4.9 To minimise the risk of killing or injury of wild animals, during site construction relevant safeguards will be implemented:

- Any trenches / pits within the site that are to be left open overnight will be provided with a means of escape should an animal enter. This is particularly important if the trench fills with water;

[2] https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmho0412bwfe-e-e.pdf

- Any trenches / pits will be inspected each morning to ensure no animals have become trapped overnight. In the unlikely event a badger is encountered it should be carefully relocated to an area of suitable retained habitat; and
- Any temporarily exposed open pipes (>100mm outside diameter) will be capped off at the end of each working day to prevent animals gaining access.

Lighting (Bats)

4.10 Habitats within the site (H1) and the adjacent offsite woodland provide commuting and foraging opportunities for generalist bat species.

4.11 Light spill from construction could disrupt the normal crepuscular or nocturnal patterns of protected species, such as bats and other wildlife.

4.12 During construction, any light used on site will be directed into the development area to avoid any light spill to retained habitats, in particular the offsite broadleaved woodland adjacent to the eastern boundary, and hedgerow H1. All external lighting outside of operational hours is to be used for safety and security reasons only.

4.13 No lighting should be directed onto the boundary or offsite habitats.

4.14 Additional measures to minimise light spill during construction should be considered which are based on best practice guidance[3] include a combination of the following steps:

- Avoiding unnecessary lighting;
- The use of low-intensity lighting (sodium lamps or similar), where possible;
- The use of low level and / or hooded lamps to minimise light spill; and
- Minimising light spill with the use of directed lighting.

Common Toad

4.15 Common toad are listed as a priority species in the NERC Act and within Kirklees BAP. A small number of toads (peak count of 7) were observed under refugia within the site during the reptile surveys.

4.16 In order to minimise risk of causing injury or death to this species during site clearance works, it is recommended that vegetation removal is undertaken in a precautionary manner. This should comprise a visual check of long vegetation areas / brash and log piles prior to removal followed by the cutting of woody vegetation to 150mm above ground level in the first instance with all cut vegetation removed by hand from the working area. The remnant vegetation should then be left for 24 hours prior to clearing vegetation to ground level and grubbing out of roots to allow toads or other fauna to disperse from the working area. Brash and log piles are to be removed by hand.

4.17 If a common toad is found, this will be relocated outside of the construction area.

[3] Bat Conservation Trust and the Institute of Lighting Professionals in 2018, 'Bats and Artificial Lighting in the UK' https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229

Hedgehog

4.18 The dense scrub and hedgerow within the survey area have the potential to support hedgehog, a NERC listed SPI and LBAP SPI. The log and brash piles within site would also provide overwintering habitat for this species.

4.19 In order to minimise risk of causing injury or death to this species during site clearance works, it is recommended that vegetation removal is undertaken in a precautionary manner, as stated above for common toad.

Nesting Birds

4.20 All wild bird species are protected while nesting by the Wildlife and Countryside Act 1981 (as amended). This legislation protects wild birds and their eggs from intentional harm, and makes it illegal to intentionally take, damage, or destroy a wild bird nest while it is in use or being built.

4.21 Where removal of woody vegetation is required, during site clearance works, it is recommended that this is undertaken outside of the nesting season (March – August inclusive) as all birds are protected whilst on the nest. If removal outside the nesting season is not feasible, all vegetation to be removed should be checked by an ecologist for the presence of active nests. The check and advice provided will be valid for a maximum of 48 hours during which period the trees and vegetation should be removed.

4.22 If a nesting bird is identified at any point then a minimum of a 5m buffer/ exclusion zone will be applied around the nest site. Please note that a larger buffer maybe required depending on the species. It will be necessary to undertake follow-up site visits to check the status of the nest, (usually within two to three weeks of the initial visit). Dependant on findings and circumstances of vegetation removal it may be necessary to undertake multiple follow-up visits. This exclusion zone will be maintained until the chicks have fledged. If nesting birds are found, then detailed advice would be provided to the Site Manager by the ecologist.

5.0 THE LOCATION AND TIMING OF SENSITIVE WORKS TO AVOID HARM TO BIODIVERSITY FEATURES

5.1 See Figure 1 for locations of sensitive works and the Table below for timings.

6.0 THE TIMES DURING CONSTRUCTION WHEN SPECIALIST ECOLOGISTS NEED TO BE PRESENT ON SITE TO OVERSEE WORKS WHERE APPROPRIATE

Table 2: Timetable of Ecologist Supervision

Ecological Constraint	Period of Constraint	Compliance
Nesting Birds	March to August (inclusive)	Any clearance of woody vegetation undertaken within the nesting bird season should be subject to a nesting bird check undertaken by an ecologist no more than 48 hours prior to removal.

7.0 RESPONSIBLE PERSONS AND LINES OF COMMUNICATION

7.1 All works at all stages will be overseen and are the responsibility of Newett Homes who will appoint a Site Manager. The site manager will:

- Adhere to prescriptions contained within the CEMP;
- Arrange site-wide monitoring as required during the development;
- Oversee and maintain records of the agreed programme of habitat and species protection as described in this document;
- Monitor the site activities to ensure that all relevant environmental and ecological legal consents, licences and exemptions are in place in advance of relevant works commencing, and that the requirements are adhered to;
- Ensure contractors are given appropriate environmental awareness training through Toolbox Talks and / or general site induction materials;
- Monitor the environmental performance of contractors and provide direction as necessary;
- Contribute to communication on environmental matters with stakeholders and statutory bodies;
- Monitor implementation of any corrective action required;
- Maintain a record of this document, and any other relevant ecological reports and all environmental monitoring during the construction process, which should be made available for inspection by any relevant statutory bodies as required;
- Ensure that a suitably qualified ecologist undertakes any further on-site surveys or monitoring as required;
- Report any environmental incidents to the appointed suitably qualified ecologist and to the relevant statutory authorities; and
- Ensure that any required corrective ecological actions are taken in line with the relevant procedures.

7.2 In conjunction with having overarching responsibility for the ecological measures as detailed within this report the Site Manager will also ensure that all appropriate site

protection measures are implemented to ensure no inadvertent effect upon ecological features. This includes the continued maintenance of any protective fencing during all on-site works.

APPOINTED PERSONS

Site Manager	(To be confirmed prior to site setup) ……..
Ecological Clerk of Works (ECoW)	(To be confirmed prior to site setup) …….. Futures Ecology Ltd. 0113 3372185

8.0 USE OF PROTECTIVE FENCES, EXCLUSION BARRIERS AND WARNING SIGNS, WHERE APPROPRIATE.

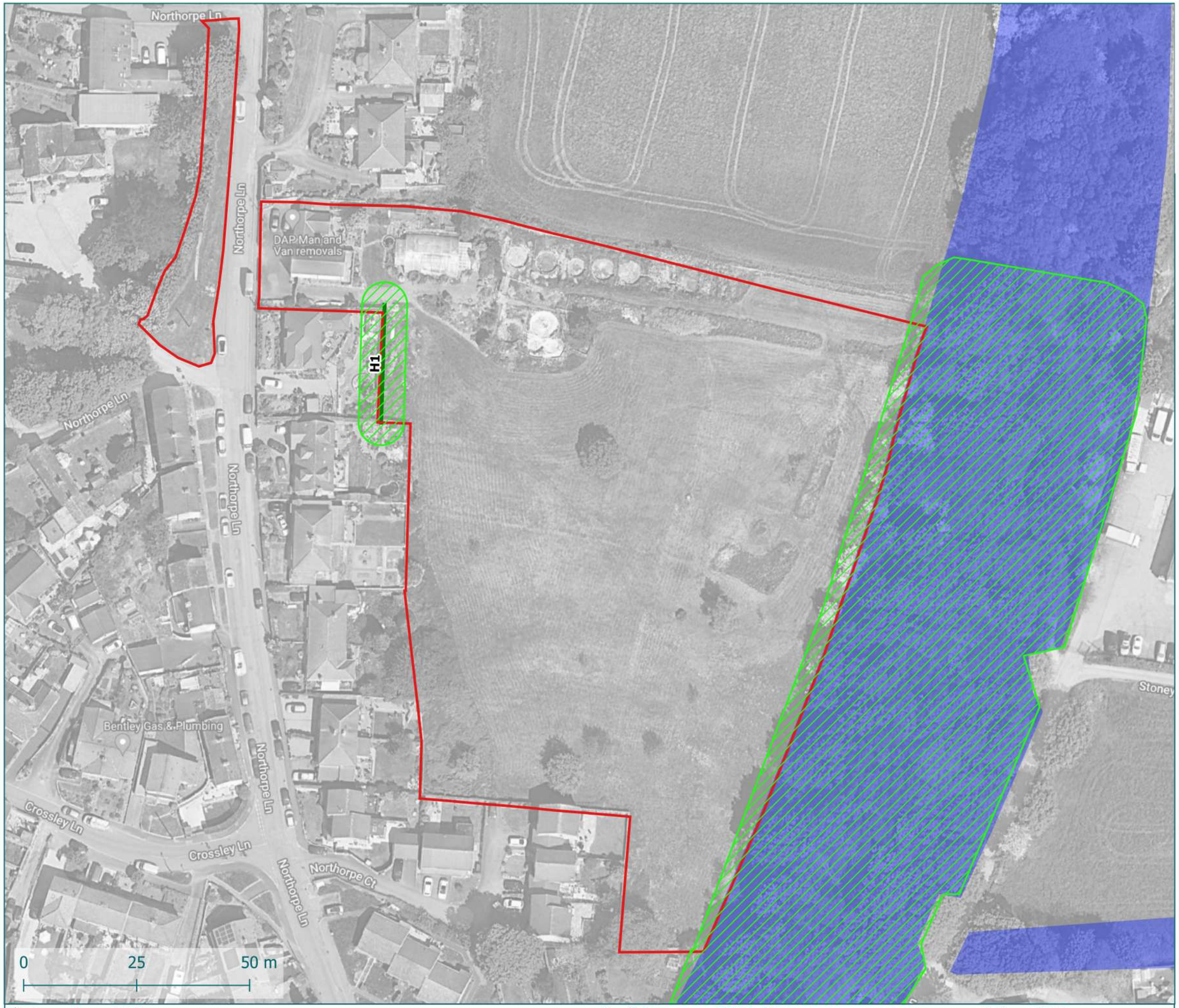
Protective Fencing / Buffer Zones

8.1 The potential for impacts on retained habitats outside of the immediate working areas during construction activities will be minimised through the erection of protective fencing and creation of biodiversity protection zones (see Figure 1).

8.2 The retained hedgerow and offsite woodland will be protected from damage and soil compaction during works by maintaining fenced buffer zones and Root Protection Areas (RPAs) around trees, with the latter in accordance with current best practice and guidelines (BS5837 Trees in Relation to Construction) as per the Tree Constraints Plan within the Arboriculture Report[4].

8.3 No temporary storage of materials, construction of haul routes, or site machinery will be sited within the buffer areas or within RPAs of trees / hedgerow and unnecessary or informal access to these areas by construction site personnel will be prevented.

[4] AWA Tree Consultants, Arboricultural Report & Impact Assessment, June 2022, Report Ref: AWA4137.23.06.22



FUTURES ECOLOGY

Carrwood Park, Swillington Common Farm, Selby Road, Leeds, LS15 4LG
Telephone: 01133 372185

Unit 9, The Tangent Business Hub, Weighbridge Road, Shirebrook, Mansfield, Derbyshire, NG20 8RX
Telephone: 01623 749709

Key

- Site Boundary
- Offsite broadleaved woodland Kirklees Wildlife Habitat Network (KWHN)
- Hedgerow H1
- Biodiversity Protection Zone

For Root Protection Areas (RPAs) of the retained woodland and hedgerow, please refer to the Arboriculture Report

Client:	Newett Homes	Plan Reference:	FE90_01	Author:	KEH
Project:	Land off Northorpe Lane, Mirfield, Kirklees	Project Reference:	FE90	Date:	1/6/2023
Title:	Figure 1 - Biodiversity Protection Zones	Report Reference:	FE90/CEMP01	Scale:	NTS@A3

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