



FUTURESECOLOGY

Homes by Honey

Penistone Road / Rowley Lane, Fenay Bridge

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Report Reference Number: FE305/CEMP01

April 2024

Futures Ecology Ltd

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

Company Number: 12125083

This report is the property of Futures Ecology Limited and is issued on the condition it is not reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the written consent of Futures Ecology Limited.

This report may not be relied upon by any other party without the express written agreement of Futures Ecology Limited. The use of this report by unauthorised third parties is at their own risk and Futures Ecology Limited accepts no duty of care to any such third party.

Futures Ecology Limited assumes no liability for any loss resulting from errors, omissions or misrepresentation made by others. Any recommendation, opinion or finding stated in this report is based on conditions as they existed at the time that Futures Ecology Limited undertook the work. Nothing in this report constitutes legal opinion.

REV	Issue Status	Author or Reviewer	Name & Qualifications	Position	Date
-	Draft 1	Author	T. Ord BSc (Hons), MSc	Assistant Ecologist	10/04/2024
		Reviewer	K. Haymes BSc (Hons) MCIEEM	Senior Ecologist	10/04/2024

CONTENTS

1.0	INTRODUCTION	1
2.0	IMPORTANT ECOLOGICAL FEATURES & RISK ASSESSMENT	2
3.0	MITIGATION MEASURES	3
4.0	ROLES AND RESPONSIBILITIES	7
5.0	TIMETABLE OF CONSTRUCTION ACTIVITIES	8

TABLES

Table 1: Assessment of Risk to Important Ecological Features

FIGURES

Figure 1: Biodiversity Protection Zones

1.0 INTRODUCTION

- 1.1 The following report has been prepared by Futures Ecology Ltd. on behalf of Homes by Honey to discharge Condition 23 attached to planning permission 2020/60/92307/W, for land at Penistone Road / Rowley Lane, Fenay Bridge (central grid reference SE 18733 14476) (Kirklees Council). This report details the ecological mitigation and management measure, along with a programme for implementation.

SITE LOCATION AND CONTEXT

- 1.2 The Site comprised approximately 2.44ha of arable land and hardstanding, with a line of broadleaved trees in the north (TL1), along Rowley Lane, part of which falls within the Site boundary. An individual tree (T1) was present in the south-east corner of the Site.

DEVELOPMENT PROPOSALS

- 1.3 The Site proposals are for the development of 67 dwellings with associated infrastructure and landscaping according to the Site Layout Plan (Parker Peel, Drawing Ref: 2307-SI-02).

PLANNING

- 1.4 Condition 23 attached to the planning permission relates to ecology and states;
23. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of “biodiversity protection zones”.
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (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.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

2.0 **IMPORTANT ECOLOGICAL FEATURES & RISK ASSESSMENT**

- 2.1 Table 1 below considers the important ecological features within the site that are sensitive to construction activities and identifies the potential risks to them as a result of construction works.
- 2.2 These ecological features are as outlined within the Ecological Impact Assessment (EclA) of the Site produced in October 2023 by Futures Ecology (Report Reference Number: FE305/EclA01).

Table 1 - Assessment of Risk to Important Ecological Features

Important Ecological Feature	Risk Assessment
Kirklees Wildlife Habitat Network (KWHN)	The KWHN occurs at its closest ~15m east of the application Site. Potential damage to the LHN habitats via physical damage, dust or pollution events during the construction phase could occur, leading to a reduction in value or habitat loss. Direct lighting of the LHN habitats during construction could also lead to fragmentation of the LHN, which could result in crepuscular / nocturnal species avoiding this habitat.
Bat Roosts: Trees	Tree T1 (to be felled) provides moderate bat roosting potential. Potential for the disturbance, killing or injury of bats, as well as the destruction of a roost, which would be a breach of legislation.
Bat foraging / commuting habitat	Direct lighting of offsite habitats (trees, HPI woodland, KWHN) during the construction phase of the development could lead to bat species avoiding this habitat, thus disturbing foraging and commuting of bats in these areas.
Nesting birds	Tree T1 and treeline TL1 both provide suitable nesting habitat for a range of bird species. Construction operations and vegetation removal have the potential to disturb nesting birds which could result in a breach of legislation. The offsite trees located immediately south and east of the site, also have the potential to support nesting birds. Damage to retained off-site habitats via accidental direct damage, soil compaction, as well as dust and/or a pollution event could occur during the construction phase.
Badger	Potential disturbance / cruelty / killing / injury of this species, or else damage/ obstruction/ destroying of setts, which would be a breach of legislation.

3.0 MITIGATION MEASURES

- 3.1 Practical measures (both physical measures and sensitive working practices) are discussed below to avoid or reduce impacts during construction.

PROTECTION OF RETAINED HABITATS

Protective Fencing/ Buffer Zones

- 3.2 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).
- 3.3 The trees to the east of the Site 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.
- 3.4 No temporary storage of materials, construction of haul routes, or site machinery will be sited within the buffer areas or within RPAs of trees and unnecessary or informal access to these areas by construction site personnel will be prevented.
- 3.5 These measures will protect the offsite habitats, including those that are part of the KWHN.

Dust Deposition

- 3.6 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.

Pollution Prevention

- 3.7 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 2001¹. All connections shall be situated within the bund.
- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 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, 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)⁴ still provides suitable guidance for such development schemes.

PROTECTED / NOTABLE SPECIES

Bats

Bat Roosts

- 3.12 All UK species of bat are listed on the Conservation of Habitats and Species Regulations 2017 (as amended) making it illegal to deliberately disturb any such animal or damage / destroy a breeding site or roosting place of any such animal. Bats are also afforded full

¹ <https://www.legislation.gov.uk/uksi/2001/2954/contents/made>

legal protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under this legislation it is illegal to recklessly or intentionally kill, injure or take a species of bat or recklessly or intentionally damage or obstruct access to or destroy any place of shelter or protection or disturb any animal whilst they are occupying such a place of shelter or protection.

- 3.13 Tree T1 (to be felled) provides moderate bat roosting potential. Potential for the disturbance, killing or injury of bats, as well as the destruction of a roost, which would be a breach of legislation.
- 3.14 No bats were found to be roosting in tree T1 during nocturnal surveys carried out in 2023. As bat tree roosts are transitional and new roosts can develop in a relatively short period of time, and the tree has not been felled within 12 months of the final nocturnal survey (4th September 2024), an updated survey will be required to ascertain and likely absence of bats, prior to felling.
- 3.15 A detailed assessment of the potential roosting features (PRFs) of T1 will be undertaken immediately prior to felling by a licenced or accredited bat ecologist using an endoscope and tree climbing techniques (if required). Should the detailed inspection confirm that roosting bats are likely absent, T1 can be felled without constraint from roosting bats. If a bat roost is confirmed, either through the presence of a bat or evidence of roosting bats, such as droppings, the tree will not be felled. This work would need to be legitimised through a Natural England derogation licence to ensure compliance with the relevant legislation, which may require further surveys to inform the licence.

Bat Foraging / Commuting

- 3.16 Direct lighting of offsite habitats (trees, HPI woodland) during the construction phase of the development could lead to bat species avoiding this habitat, thus disturbing foraging and commuting of bats in these areas.
- 3.17 During construction, any light used on site will be directed into the development area to avoid any light spill to offsite habitats. All external lighting outside of operational hours is to be used for safety and security reasons only. No lighting should be directed at tree T1, until the full endoscope survey has taken place by the licenced or accredited bat ecologist. No lighting should be directed onto the boundary or offsite habitats.
- 3.18 Additional measures to minimise light spill during construction should be considered which are based on best practice guidance include a combination of the following steps in accordance with Bat Conservation Trust and the Institute of Lighting Professionals in 2023, 'Bats and Artificial Lighting At Night'²:
 - 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.

² Guidance Note GN08/23 Bats and Artificial Lighting At Night, Bat Conservation Trust (BCT) and the Institute of Lighting Professionals

Badgers

- 3.19 Badgers are protected under the Protection of Badgers Act 1992. This act is based on the need to protect badgers from persecution including baiting and deliberate harm or injury. The act makes it an offence to:
- Wilfully kill, injure, take possess or cruelly ill-treat a badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access routes.
- 3.20 Work that disturbs badgers whilst occupying a sett is illegal without a licence, badgers may be disturbed by work near the sett even if there is no direct interference or damage to the sett.
- 3.21 To minimise the risk of killing or injury of badger, or any other wild animals, during site construction relevant safeguards will be implemented where practicable:
- 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;
 - 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.
- 3.22 An updated badger survey will be required pre-commencement to ensure continued compliance with the Protection of Badgers Act 1992. Badgers are active in the wider area so setts could be created in the interim period prior to construction.
- 3.23 If a sett is identified this will need to be buffered by a minimum of 30m until an ecologist can advise on further actions. Any setts to be impacted by the works would need to be closed under a Natural England licence between July – November inclusive.

Nesting Birds

- 3.24 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.
- 3.25 To comply with relevant legislation, the removal of vegetation which may support nesting birds should take place outside of the bird nesting period (March to September, inclusive). This includes, tree T1 and treeline TL1, which provide suitable locations for nesting birds. Precautionary working methods should be applied, and no works undertaken during the bird nesting season (March – August inclusive).
- 3.26 Should the removal be required during the bird nesting period, a nesting bird check must be carried out by an appropriately qualified ecologist. The check and advice provided will

be valid for a maximum of 48 hours during which period the trees and vegetation should be removed.

- 3.27 Should any active nest be identified a minimum 5m buffer/exclusion zone will be applied around the nest site. Please note that a larger buffer maybe required depending on the species.
- 3.28 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.
- 3.29 If nesting birds are found, then detailed advice would be provided to the Site Manager by the ecologist.

4.0 ROLES AND RESPONSIBILITIES

- 4.1 All works at all stages will be overseen and are the responsibility of Homes by Honey 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.

- 4.2 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

5.0 TIMETABLE OF CONSTRUCTION ACTIVITIES

Ecological Constraint	Period of Constraint	Compliance
Bats	Prior to felling of tree T1	A detailed assessment of the potential roosting features (PRFs) of T1 will be undertaken immediately prior to felling by a licenced or accredited bat ecologist using an endoscope.
Badgers	Prior to commencement	Updated badger survey by an ecologist to ensure continued compliance with the Protect of Badgers Act 1992.
Nesting Birds	March to August (inclusive).	Any clearance of woody vegetation / demolition of derelict building sections undertaken within the nesting bird season should be subject to a nesting bird check undertaken by the ECoW no more than 48 hours prior to removal.



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
-  Biodiversity Protection Zones
-  Kirklees Wildlife Habitat Network (KWHN)
-  T1 - Endoscope inspection undertaken prior to felling



For accurate Root Protection Areas (RPAs) of the retained offsite trees, please refer to the Arboriculture Report

Client: Homes by Honey
Project: Penistone Road / Rowley Lane, Fenay Bridge
Title: Figure 1 - Biodiversity Protection Zones

Plan Reference: FE305_01
Project Reference: FE305
Report Reference: FE305_CEMP01

Author: TO
Date: 10/4/2024
Scale: 1:1,000



C:\Users\kate.haymes\OneDrive - Futures Ecology Ltd\Projects\FE305 Penistone Road Rowley Lane, Fenay Bridge\QGIS\1_Plans\FE305_Project Plan.qgs
Copyright © Futures Ecology
No dimensions are to be scaled from this drawing. All dimensions must be checked on site. Any measurements are for indicative purposes.
This drawing may contain: © OpenStreetMap contributor or Map data © 2019 Google