



Construction Environment Management Plan (CEMP: Biodiversity)

Land adjacent, 36 Oxford Road, Dewsbury

Report Ref. ER-6262-03

Report Reference:	Construction Environmental Management Plan (CEMP: Biodiversity) Land adjacent, 36 Oxford Road, Dewsbury
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Date:	08/02/2024

This document is produced to show how the Site can be built out without significant impacts on important ecological features.

It seeks to address a draft planning Condition of Planning Application 2023/92712, the exact wording of which is shown in the text box below.

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 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, bats 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 (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.
- g. Use of protective fences, exclusion barriers and warning signs, where appropriate.

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.

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

This document is produced with reference to British Standard 42020 Clause 10.2 Construction Environment Management Plan (CEMP).

The purpose of a CEMP (Biodiversity) is to identify risks to biodiversity during the construction phase, evaluate the level of risk, and supply methods for the management of these.

In producing this plan, the following information sources are referred to:

- Preliminary Ecological Appraisal Report, Ref. ER-6262-01 (January 2023). Brooks Ecological.
- Ecological Impact Assessment, Ref. ER-6262-02 (September 2023).
- Arboricultural Impact Assessment, Ref. AR-6262-02 (September 2023). Brooks Ecological.

- Proposed Site Plan, dwg. 410004-FCA-01-00-DR-A. No. 0710. Rev. P03 (04/01/2024).

Responsible Persons & Lines of Communication

An Ecological Clerk of Works (ECoW) will be appointed by Thomas Owen Care Ltd T/A Ash Martin Construction (*‘the client’*) Partnerships prior to any activity commencing on-Site.

The Client will formalise lines of communication with the ECoW, establishing who within their operation is responsible for actions on-Site prior to any work commencing. These links will be maintained until such a time as a Site Manager is appointed and assumes this responsibility.

The Client is responsible for maintenance of protection and exclusion fencing; however, the ECoW will check fencing on each visit and immediately bring issues to the attention of the Project Manager or Site Manager.

The Client is responsible for compliance with regulations, legal consents, planning conditions, environmental procedures, and contractual agreements, and the issuing of periodic reports on success and compliance. These periodic reports will feedback into the CEMP for the subsequent phase/s, and The Client will ensure the results of this review are effectively communicated to on-site staff.

The Role of an Ecological Clerk of Works

The ECoW will be a suitably trained and experienced professional ecologist who is a member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

The ECoW will carry out all ecological surveys and watching briefs.

The ECoW will deliver a toolbox talk to site workers prior to any clearance commencing.

The ECoW will make periodic monitoring visits to check the integrity of any fencing and monitor site activities (pollution control). On each visit to the site, the ECoW will monitor the activities and assess for compliance with this CEMP (Biodiversity).

A Site Inspection Certificate will be issued to The Client following this with any recommendations highlighted. The Client will take all measures necessary to comply with the recommendations. ECoW visits will be carried out according to Site conditions. The Site Manager will call the ECoW to site as soon as any of the following emergency events occur:

Encountering protected species

Should any protected species (or nesting birds) be encountered during any phase the ECoW will be consulted. Any advice provided to ensure that

wildlife offences are not committed will be followed. This could include curtailing works in part or all the site until appropriate species mitigation, licensing, or agreed avoidance measures can be secured.

Damage to retained habitats

The Site Manager will follow the advice of the ECoW to ensure that the careful like for like restoration of habitats damaged is enacted in the first available season. This may include replanting, re-seeding, and appropriate establishment management.

Site Location plan



A Preliminary Ecological Appraisal was undertaken in November 2022 (reporting January 2023) by Brooks Ecological; this assessed the Site as containing few ecological constraints. A summary of the report's findings are outlined below.

The Site encompasses a former residential house and garden, which has been demolished and the gardens left unmanaged.

Designated Sites

A desk-based study confirmed that whilst a single statutorily designated site is present within the 10km search area, impacts on it from the proposed development could be scoped out.

A single Local Wildlife Site is present within the 2km search area, this being the Lower Spen Wildlife Area. This LWS is not functionally linked to the Site and impacts upon this feature are not expected.

Habitats

The site encompasses a former residential garden, with areas of hardstanding and vacant land demarcating the footprint of now demolished buildings. The former lawn and unmanaged shrub beds are mapped as other neutral grassland and mixed scrub, whilst lines of mature broadleaved trees are present along the site peripheries and through the centre. Mature trees represent the features of greatest ecological value.

Protected Species

Ten individual trees were assessed as containing potential roost features (PRFs) for bats. The following recommendation was made: *'Further surveys of the moderate tree and precautions to trees with low bat roost suitability are recommended if felling is required.'*

No other protected species constraints were identified.

Invasive Species

Locust tree (*Robinia pseudoacacia*) and *Cotoneaster* spp. were identified on site during the PEA. The following recommendation was made: *'INNS should be removed and disposed of appropriately to minimise the risk of offences.'*

Table 1 Ecological constraints.

Habitat/Feature	Protected/Notable species
Mature broadleaf trees	Nesting birds (ground nesting)
	Bats
	Invasive weed species

Boundary trees



Boundary trees



Impacts

Impacts on biodiversity features and associated fauna fall into the following broad categories:

- Vegetation clearance;
- Soil stripping;
- Re-spreading soil and stored materials; and
- Noise generation and disturbance.

Construction Stages

i) Site clearance and soil stripping

Trees and woody vegetation are usually removed by a forestry or arboricultural contractor using either a large driven mulching machine which chops arisings and incorporates with the soil, or locally by hand machinery with material being chipped and spread, piled or removed.

Large excavators scrape back soil to create clear development platforms. Topsoil is taken by dumper to soil stores on site, where it can be left for many months before being reused on site.

This phase presents the greatest risk to nesting birds and the health of retained hedgerows and trees.

ii) Installing drainage

Creating drainage will require localised vegetation clearance away from the development platforms. Machinery will excavate trenches for pipes.

iii) Construction of buildings and hard surfaces

This is normally completed by a contractor digging into the cleared development platforms as the first construction activity.

Typical activities which require Ecological Clerk of Works (ECoW) overseeing are likely to be: clearing any remaining bird nesting habitat or clearance of soil stores (which could have been used by fauna such as badger/fox).

Risk Assessment of Potentially Damaging Development

High Risk

Unnecessary damage to retained trees and woody vegetation

A margin of woody vegetation and mature broadleaved trees will be retained along the Site peripheries.

Without adequate protection in place, construction activities pose a high risk of damaging these features unnecessarily.

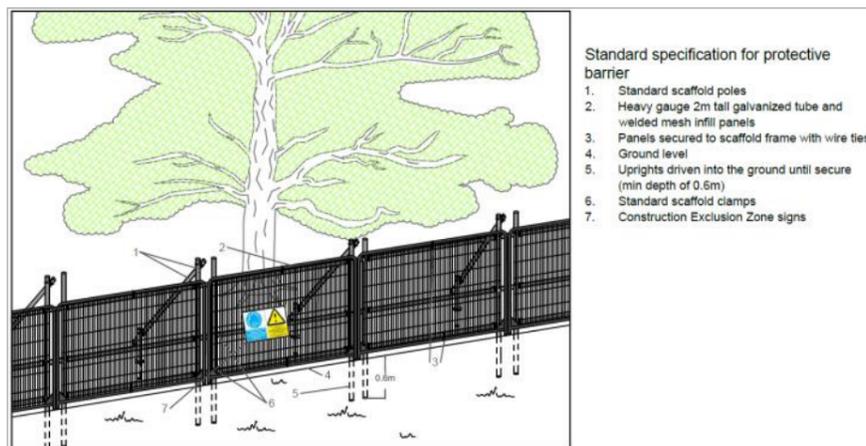
Control 1: BS5837 fencing

The Site's Arboricultural Impact Assessment (AIA) identifies the root protection areas for the retained boundary trees and groups of trees, and sets out the exact location/requirement for tree protection fencing within Drawing DR-6262-02 Tree Protection Plan; see Brooks Ecological Report AR-6262-02 for full details.

Fencing according to the Tree Protection Plan (TPP) within the AIA should be followed. The figure opposite is illustrative only.

Fencing will be installed prior to site clearance.

Fencing position will be checked by the lead Arboricultural Consultant prior to site soil stripping.



Tree Protective Area

Keep Out

This fencing must be maintained in accordance with the approved plans and drawings for this development

Risk Assessment of Potentially Damaging Development

High Risk

Destroying bird nests

Initial clearance works impacting on any areas of rough or woody vegetation along the field boundaries present a high risk of affecting nesting birds contrary to the Wildlife and Countryside Act (1981). The areas shown in orange on the plan opposite have the potential for nesting birds to be present.

Control 2: Timing and Survey

Where feasible, vegetation will be cleared outside of the bird nesting season (i.e., in period September-February).

Control 3: Survey

Where this is not possible or sections have been missed and need to be cleared in the period March to August (inclusive), the ECoW will carry out nesting surveys of the vegetation to be affected. The area shaded orange is subject to this control.

If nests are found, these will be demarcated on the ground and works will avoid them until birds have fledged or abandoned the nest. An ecologist inspection report confirming this will be produced before works continue.

In areas where vegetation is too dense to allow the ECoW to conclude likely absence of a nest, the ECoW will supervise vegetation clearance. Only hand-held brush cutters will be used in these areas. The ECoW will direct cutting until such a time that they are happy that no nests are present.



Risk Assessment of Potentially Damaging Development

Moderate Risk

Disturbance to Tree Bat Roosts

Ten individual trees were assessed as containing potential roost features (PRFs). To allow for ease of reference, these have been marked on the figure opposite, with labels reflecting the tree numbering in the Arboricultural Impact Assessment.

All of these trees, with the exception of T2, were assessed as providing features with low bat roost suitability. T2 was assessed as providing moderate suitability.

The following recommendation was made within the PEA: 'Further surveys of the moderate tree and precautions to trees with low bat roost suitability are recommended if felling is required.'

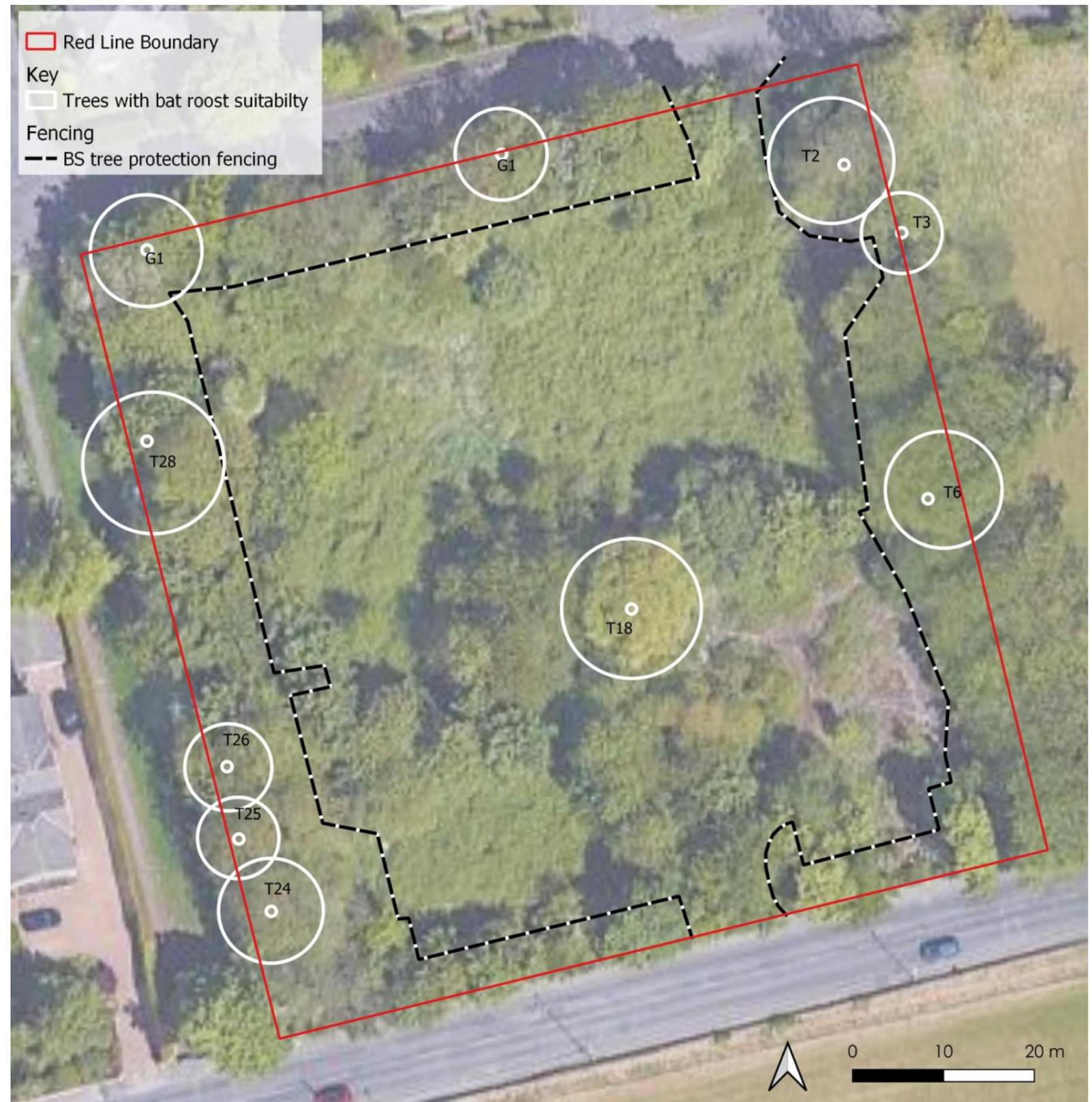
Control 4: Soft felling

Of the 10 trees identified as having potential roost features (PRFs), only T18 will be impacted by proposals. This tree will require felling to facilitate development.

Within the best practice guidelines published by the Bat Conservation Trust (BCT), trees with low bat roost suitability do not require survey prior to removal. Instead, trees of this nature should be subject to soft felling, under the direction of the ECoW.

The following method will be implemented for the felling of T18:

- The ECoW will deliver a toolbox talk to tree contractors prior to any works commencing on T18. This will cover the legislation surrounding bats and their roosts in the UK, and will highlight all the PRFs present on the tree.
- The ECoW will also explain to the tree contractors what type of features to be vigilant of, in case any PRFs have been missed from the ground which become obvious when climbing the tree.
- The tree contractors will visually inspect all PRFs for signs of bat activity prior to works commencing.
- The tree will be cut into sections, with any sections containing PRFs being lowered to the ground by rope. These sections will then be left on the ground for 24 hours, with the entrance to the PRFs left unobscured.
- Should any bats be discovered during this operation, works will stop immediately and Natural England be consulted for advice. A Mitigation Licence may be required prior to works recommencing on this tree.



Risk Assessment of Potentially Damaging Development

Low Risk

Invasive Non-Native Species (INNS)

Locust tree (*Robinia pseudoacacia*) and *Cotoneaster* spp. were identified on-Site during the PEA. The following recommendation was made: 'INNS should be removed and disposed of appropriately to minimise the risk of offences.'

Control 5: INNS Disposal

With regards to cotoneaster, ornamental shrub beds will be cleared by a suitably qualified contractor and arisings disposed of, or destroyed, following best practice guidelines.

If removed from the Site for disposal, cotoneaster plants would be classified as a controlled waste due to their listing as a non-native weed on Schedule 9 of the Wildlife and Countryside Act.

Avoiding removal as waste is recommended, and the on-Site destruction of plants by burning or chipping is recommended as part of site clearance. This will adequately mitigate the risk of further spread within or from the Site.



Risk Assessment of Potentially Damaging Development

Low Risk

Disturbance to Nocturnal Fauna

Without precautionary controls in place, artificial lighting used during works poses a risk of causing disturbance to bats and other nocturnal animals which are present in peripheral habitats.

Control 6: Sensitive Lighting Strategy

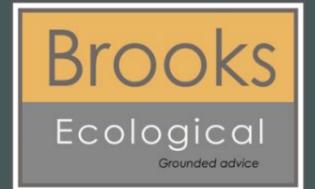
A sensitive lighting plan to control artificial lighting during construction and beyond will need to be implemented during construction, so as to remove/limit light spill into the zones indicated in the plan right, and maintain these as protected dark zones.

Lighting can be controlled through a variety of mechanisms which control the location, height, direction, intensity, duration, frequency, and beam of light sources.

1. If the Site is to be trafficked at night or used for operations such as welding at night, perimeter fencing adjacent to the dark zone should incorporate light-screening material construction to prevent headlight illumination, or arc lighting.
2. On-Site construction lighting is to be directed away from the protected dark zones throughout the construction phase through considered placement of lighting towers and use of directional lighting baffles.
3. The Site's Lighting Strategy will demonstrate the avoidance of impacts to these areas during operation, as seen in the figure opposite.



Work Schedule



The work schedule below outlines when the tasks required should be carried out, and whether input is required from the ECoW.

Task	ECoW to direct	ECoW to carry out	At Setting out stage	Prior to any work in identified areas	Other timing considerations
<u>Control 1</u> Tree Protection Fencing			Yes	Yes	Prior to any works commencing on-Site.
<u>Controls 2 & 3</u> Nesting bird survey		Yes		Yes	Prior to any vegetation clearance or ground works during nesting season.
<u>Control 4</u> Soft Felling trees (Bats)		Yes		Yes	Prior to felling of T18.
<u>Control 5</u> Invasive Non-Native Species		Yes		Yes	During vegetation clearance.
<u>Control 6</u> Sensitive Lighting Strategy					To be in place for duration of construction phase/s.
ECoW monitoring and reporting		Yes		Yes	
ECoW available for unforeseen issues and supervision		Yes	Yes	Yes	Provide suitable notice to arrange Site visits.