Brooks Ecological

*Grounded advice*

# Construction Environment Management Plan
# CEMP: (Biodiversity)

**Whitehall Road, West Birkenshaw**

**Orion Homes Ltd.**

**ER-8376-04**

**July 2025**

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|---|---|
| Report Reference: | Construction Environment Management Plan<br>CEMP: Biodiversity<br>Whitehall Road West Birkenshaw |
| Report Reference: | ER-8376-04 |
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| Date: | 09/07/2025 |

The information which we have prepared and provided is true and has been prepared and provided in accordance with the CIEEM's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions. This report does not constitute legal advice.

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# Introduction

This document is produced to show how the proposed development can be built out without impacting on important ecological features. During the construction phase. It 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, evaluate the level of risk and supply methods for the management of these. **The CEMP is also produced to discharge planning Condition 28** relating to planning application 2024/62/92281/E by Orion Homes for development of the site at 17 Whiethall Road West Birkenshaw for 23 residential dwellings.

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

- Preliminary Ecological Appraisal Report (PEAR), ER-4847-01B, Brooks Ecological, June 2020;
- Biodiversity Net Gain Assessment, ER-8376-03 , Brooks Ecological, April 2025;
- Arboricultural Impact Assessment, Iain Tavendale, April 2019 and July 2020;
- Detailed Landscape Proposals, Landscape Planning Partnership, Drawing No. H2 240701 1, August 2024.

Figure 1–Proposed Site layout

## Responsible Persons & Lines of Communication

An Ecological Clerk of Works (ECoW) will be appointed by Orion Homes Ltd (the Developer) prior to any activity commencing on site.

The Developer 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 Developer is responsible for the 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 Developer 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 Developer 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 tool box 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 Developer following this with any recommendations highlighted. The Developer 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:



<u>Encountering protected species</u>

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 be secured.

<u>Damage to retained habitats</u>

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.

<u>Spillage of chemicals</u>

The Site Manager will follow the Site Environmental Management Plan (SEMP) or equivalent plan produced by the main contractor for the Site.

# Constraints

A Preliminary Ecological Appraisal undertaken in June 2020 by Brooks Ecological has been used to inform development plans for the site.

The PEA Report does not identify presence of protected species within the site but suitable habitat has led to recommendations for precautionary pre -commencement checks for badger. Potential bat roost features were not identified and the existing building adjacent to the red line boundary assessed to be low risk for bat roosts.

Biodiversity Net Gain Assessment of the development proposal identifies retention of some on-site trees at the southern boundary with no retention of other baseline area habitats.

Survey found presence of the invasive non-native weed Cotoneaster sp.

Clearance of the site presents the need to control for residual risk of impacts to protected species that may make use of the site and the risk spreading invasive non-native species from the site or into the wild, which would contravene wildlife legislation.

In accordance with the PEA recommendations, this CEMP (Biodiversity) will detail the following protection measures:

- Location of Biodiversity Protection zones or fences
- Pre- or during-clearance ecology checks for protected species, such as badgers at this Site
- Protected/notable species method statements where licensing is not needed
- Nesting bird management

**Table 1** Relevant Ecological constraints

| Habitat/ Feature | Protected/ Notable species |
|---|---|
| Trees (on and off Site) | Badger (potential on site) |
| | Nesting birds (on Site) |
| | Invasive non-native species (on site)<br>Cotoneaster |

Red line boundary

Landscape Masterplan

**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 and the trenches will be backfilled and seeded.

**iii) Installing roads and sewers**

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

**iv) Building out cleared plots**

Phased construction of plots according to market demand.

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).

# Biodiversity Protection Zones

The development site will be cleared for construction with the exception of some boundary areas where retained trees are present. These trees and their associated root zones constitute Biodiversity Protection Zones requiring protection throughout the construction phase of development.

In the following sections, a risk assessment of potential impacts to these areas and other potential impacts to protected species will specify controls within the site that ensure potential impacts are acceptably mitigated.

Areas of retained trees require protection through construction

# Risk Assessment of Potentially Damaging Development

## High Risk

### Destroying bird nests

Works which require the removal of trees and scrub present a high risk of affecting nesting birds contrary to the Wildlife and Countryside Act (1981). The whole site has potential for nesting birds to be present.

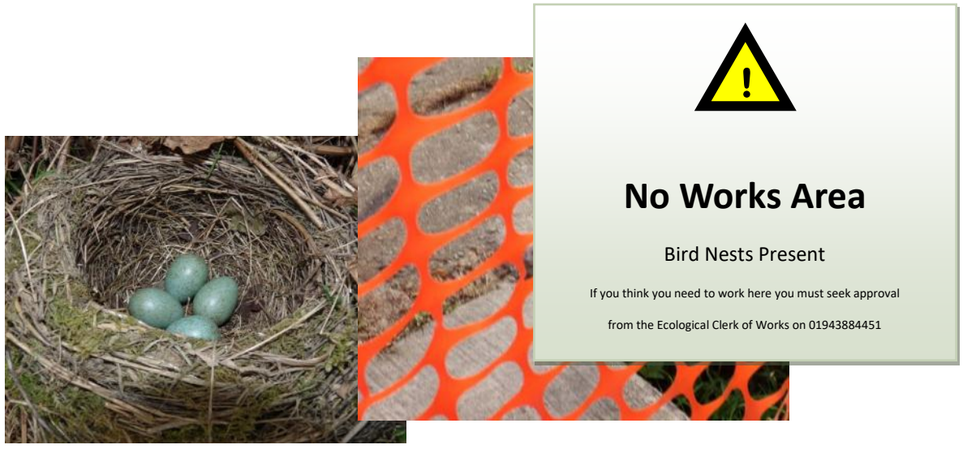
### Control 1 : Timing and Survey

It is anticipated that the site will be cleared during the period September–February which is outside of the main bird nesting season.

### Control 2 : Survey

Where this is not possible or sections have been missed and need to be cleared in the period 1st March to 31st August the ECoW will carry out nesting surveys of the vegetation to be affected within 72 hours prior to clearance. The whole site area illustrated to the right 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 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 satisfied that no active nests are present.



# Risk Assessment of Potentially Damaging Development

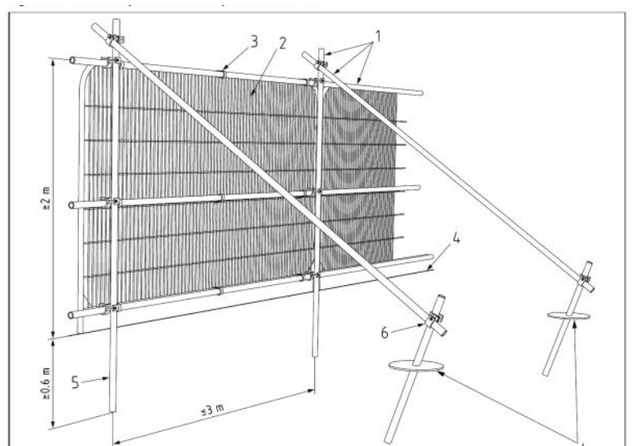
## High Risk

### Unnecessary damage to trees and retained habitat areas

Without protection in place, development poses a high risk of affecting on-site retained trees and their associated root zones.

### Control 3: BS5837 Tree fencing and root protection

1. Tree Protection Fencing and ground working methods according to the development's approved Arboricultural Impact Assessment (AIA) will be followed. The figure shown right is illustrative.
2. Fencing will be installed and coordinated with site clearance following the plan in the AIA with suitable signage as shown below.
3. Fencing position will be checked by the ECoW prior to the start of site ground works and during monitoring through the construction phase.

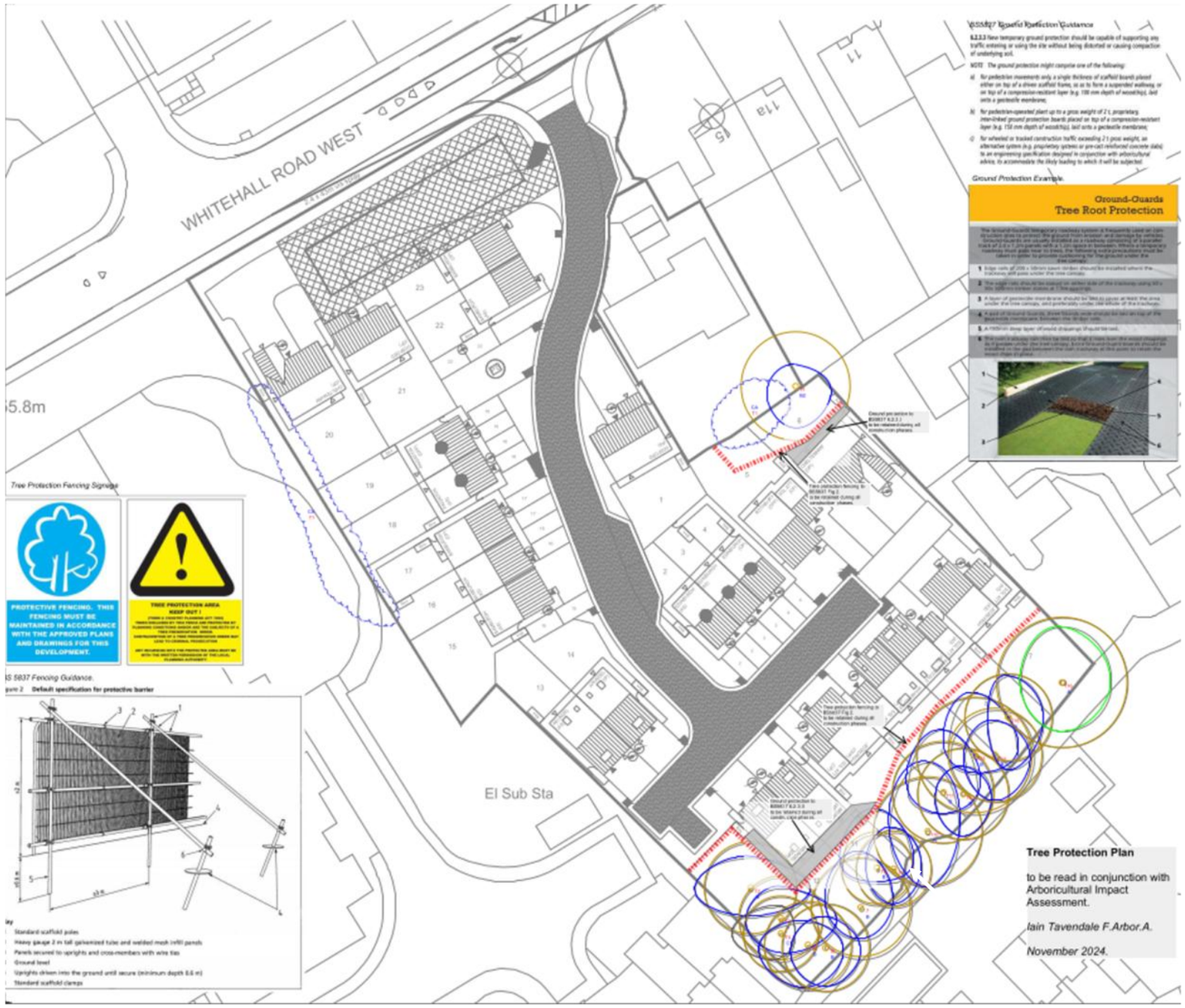



Key
1 Standard scaffold poles
2 Heavy gauge 2 m tall galvanized tube and welded mesh infill panels
3 Panels secured to uprights and cross-members with wire ties
4 Ground level
5 Uprights driven into the ground until secure (minimum depth 0.6 m)
6 Standard scaffold clamps

**Tree Protection Area**

Keep Out

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




Extract from Arboricultural Impact Assessment, Iain Tavendale, April 2019 and July 2020.

# Risk Assessment of Potentially Damaging Development

## Moderate Risk

### Interfering with a badger sett contrary to the Protection of Badgers Act (1992)

Although no evidence of badger setts was found  in surveys to support the planning application it was recognised that the site presents some favourable habtiat condtions and there remains on-going potential for badger to occupy the site prior to start of works. Pre-clearance survey checks are recommended.

### Control 4 :  Badger survey and supervision

**Survey:** Prior to site clearance work commencing, the area illustrated right will be subject to a badger survey.  If a badger sett is found it will be marked out on the ground by the ECoW using temporary barrier fencing and pins, and notices will be erected advising of a No Works Area. The Developer will follow all advice supplied by the ECoW in terms of the need for and approaches to licensing or supervision of works in proximity to any identified sett.

**Supervision:**  In areas where vegetation is too dense to allow the ECoW to conclude likely absence of a sett 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 they are satisfied that no badger sett is present .

# Risk Assessment of Potentially Damaging Development

## Moderate Risk

### Spreading Invasive Non-native Weeds

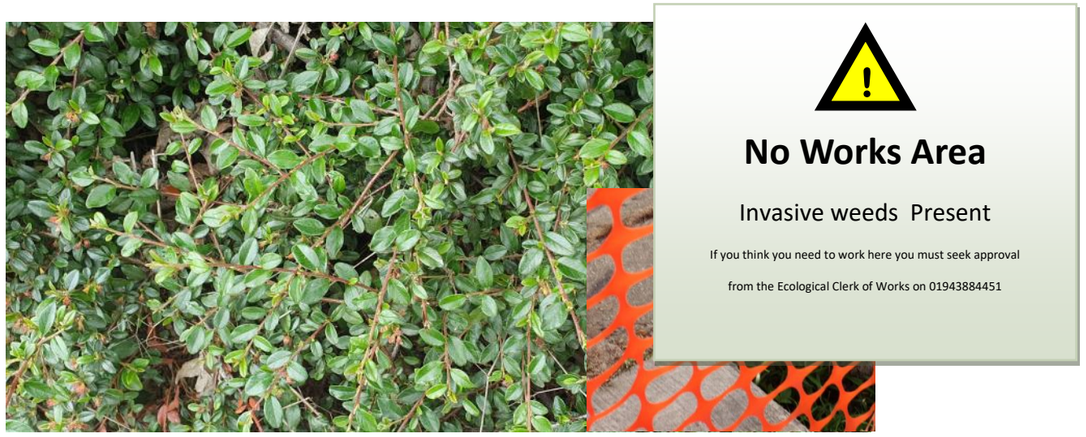
Preliminary ecology survey identified one invasive plant species; a small occurrence of Cotoneaster species was found in the garden area of the existing property (assumed to be one of the Schedule 9 Cotoneaster species) - in the area shown right.

### Control 5 : Pre-start invasive weed survey and management

Before any ground works commence on the site checks for the presence of invasive plant species will be carried out by a suitably experienced Ecological Clerk of Works in order to mitigate the risks of the identified species through construction.
Controls will need to be tailored to survey findings and the construction programme and may include but are not limited to the following:

- Signage and induction to make construction staff aware of risks;
- Exclusion fencing to prevent disturbance to INNS affected areas;
- Treatment to kill off plants and prevent further spread;
- Localised excavation of plant material and subsequent disposal within or from the site as a controlled waste.

Typical controls for Cotoneaster include uprooting and destruction of plant material on site and / or burning of site if fires are permitted.



Cotoneaster example

# 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 |
|---|---|---|---|---|---|
| Control 1&2 : Nesting birds survey and controls | Yes | Yes | | Yes | Survey required prior to clearance works if during nesting season (1st March to 31st August ) |
| Control 3: Tree and Biodiversity Protection Fencing | | | Yes | Yes | Fencing may be installed following vegetation clearance so long as protected trees and habitat areas are sufficiently well identified prior to this. |
| Control 4 : Badger survey and supervision | | Yes | Yes | | During or after controls 1and 2 |
| Control 5: Invasive weed survey and management plan | | | | Yes | ECoW to survey unless other specialist surveyor appointed |
| ECoW monitoring and reporting. | | Yes | | Yes | Periodic monitoring visits through construction phase<br><br>Provide suitable notice to arrange Site visits |
| ECoW available for unforeseen issues and supervision | | Yes | Yes | Yes | |