Brooks Ecological

Grounded advice

Construction Environment Management Plan (CEMP: Biodiversity)

Land South of Halifax Road, Penistone

Barratt and David Wilson Homes Yorkshire West

ER-4578-05-B

August 2021

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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 for Barratt and David Wilson Homes Yorkshire West (BDWH) to show how the proposed housing development can be built out without impacting on important ecological features and to aid in the Discharge of Condition 20 of the granted planning permission.

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:

- Brooks Ecological, Preliminary Ecological Appraisal. Land South of Halifax Road, Penistone. ER-4578-01. June 2020.
- Brooks Ecological, Hedgerow Regulations Assessment. Land South of Halifax Road, Penistone. ER-4578-02. June 2020.
- Brooks Ecological, Bat Activity Survey. Land South of Halifax Road, Penistone. ER-4578-03. June 2020.
- Brooks Ecological, eDNA Survey. Land off South of Halifax Road, Penistone. SI-4578-01. May 2020.
- Brooks Ecological, Breeding Bird Survey. Land off South of Halifax Road, Penistone. ER-4578-06-B. June 2020.
- FPCR Environment and Design Ltd. Wintering Bird Report. Well House Lane, Penistone. August 2018.
- FPCR Environment and Design Ltd. Wintering Bird Report Addendum. Land South of Halifax, Penistone. December 2019.
- STEN Architecture, Planning Layout. Penistone. Drwg No. 2001.01. Nov. 2020.

Responsible Persons & Lines of Communication

An Ecological Clerk of Works (ECoW) will be appointed by BDWH prior to any activity commencing on site.

BDWH 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.

BDWH 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

BDWH 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 BDWH will ensure the results of this review are effectively communicated to on-site staff.

Condition 20 (2020/0274)

Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey(s) - Bat Activity Survey (Brooks Ecological, 10/06/2020) and Interim Breeding Bird Survey (Brooks Ecological, 12/05/2021) - including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.

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).

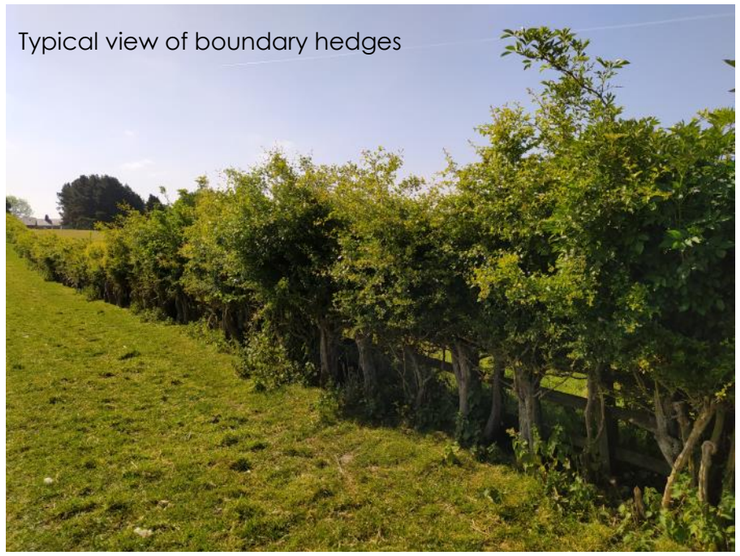
A Site Inspection Certificate will be issued to BDWH following this with any recommendations highlighted. BDWH will take all measures necessary to comply with the recommendations. ECoW visits will be carried out according to Site conditions The Site Manager will call the ECoW to site as soon as any of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


Typical view of boundary hedges

Veteran tree

Risk Assessment of Potentially Damaging Development Activities

Constraints (On-Site)

A Preliminary Ecological Appraisal Report, undertaken in May 2020 by Brooks Ecological, assessed the Site as containing few ecological constraints.

The walkover survey, undertaken during the optimal period, found the majority of the Site to contain low value agricultural grassland, with small sections of field hedgerows and a single mature tree.

Hedgerows did not meet the criteria for Important status under the Hedgerow Regulation 2010, but most would qualify as Habitat of Principle Importance under the NERC Act 2006.

The mature tree would qualify as a transitional veteran, and is of district level importance. It also contains features with bat roost suitability.

Standard precaution was recommended within regards to nesting birds during initial Site preparation and protection of retained boundary habitats - as per best practice.

The likely absence of badgers was confirmed at the time of the walkover, however standard precaution is recommended to guard against this species moving into the Site in the intervening period.

Constraints (Off-Site)

Woodland habitat and linear vegetation is present just off site to the northeast and west.

Table 1 Ecological constraints (relevant to Phase 2)

Habitat/ Feature	Protected/ Notable species
Hedgerows (on-Site)	Bat
Mature tree (on-Site)	Nesting birds (on-Site)
Offsite vegetation	Badgers
	Amphibians

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.

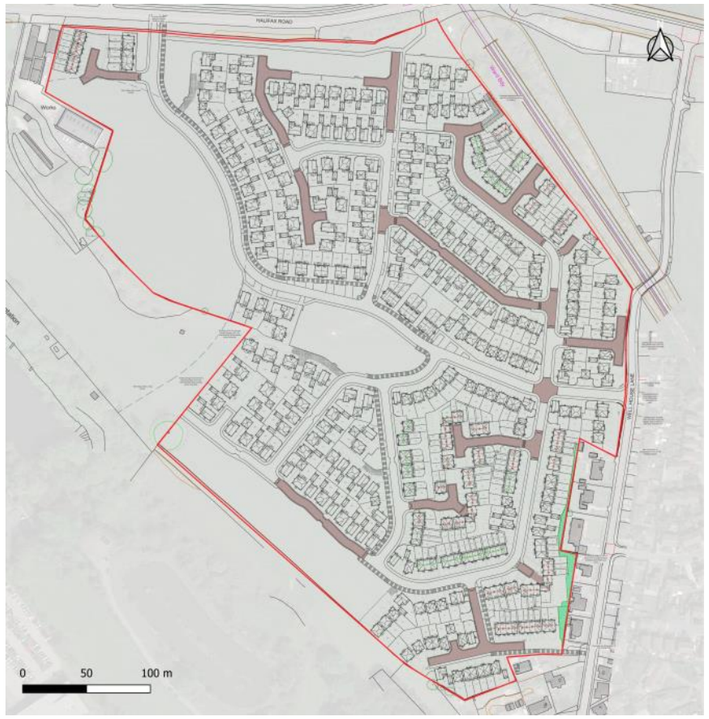
iii) Installing roads and sewers

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

iv) Building out cleared plots

Creation of show home, then 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).



Potentially Damaging Development Activities

Moderate Risk: Unnecessary damage to retained vegetation (On & Off Site)

Without adequate protection in place, development risks adversely affecting retained boundary trees and hedgerows and retained grassland.

Control 1: BS5837 fencing

1. Fencing according to the Site's tree protection plan will be followed. The figure opposite is illustrative only.
2. Fencing (purple line) will be installed prior to site clearance, following the plan in the Arboricultural Impact Assessment. This will be adapted to take in retained grassland to the northwest.
3. Fencing position will be checked by the ECoW prior to site soil stripping
4. Visual and acoustic screening will be fitted to the barrier fencing in order to minimise impacts on nesting birds.

Potentially Damaging Development Activities

Low Risk: Damage or destruction of bat roost

A single mature tree within the southwest corner has been assessed as containing features with bat roost suitability. This tree will be retained on Site, but will need to be suitability protected during Site preparation and construction.
Accidental damage of this tree could lead to the damage or destruction of a bat roost (should a roost be present), and the disturbance, injury or killing of bats.

Control 2 : Barrier Fencing

Fencing installed as per Control 1 will also act to protect this tree and all potential roost features.

No tree works will be carried out on this tree, before first consulting a bat licenced Ecologist. Should remedial pruning works be required, further survey or investigation will first need to be undertaken to ascertain the status of roosting. Should roosting be identified, a Mitigation Licence from Natural England will be required prior to works commencing.

Potentially Damaging Development Activities

Low Risk: Interfering with a badger sett contrary to the Protection of Badgers Act (1992)

Although no evidence of badger setts was found by Brooks Ecological in their surveys to support the planning application, it was recognised that the Site is in a location that could support this species. Pre-clearance survey was therefore recommended.

Control 3 : Survey and supervision

Survey: Prior to site clearance works commencing, the entire Site and surrounding suitable habitat within 30m will be re-surveyed for badger.

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 client 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.

Potentially Damaging Development Activities

High Risk: Destroying bird nests

Vegetation clearance works present a high risk of affecting nesting birds contrary to the Wildlife and Countryside Act (1981), if carried out between March and August, inclusive. The whole site has potential for nesting birds to be present.

Control 4 : Timing and Survey

Timing : The site will be cleared outside of the bird nesting season (i.e. September-February, inclusive).

Survey: Where this is not possible or sections have been missed and need to be cleared in the period March to August, 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 will be produced before works continue.

Potentially Damaging Development Activities

Low risk: Disturbance to amphibians

Two large waterbodies (Scout Dike Reservoir and a large fishing lake) are present a short distance offsite to the south. There is the potential for these waterbodies to support amphibians, such as common frog and common toad, which in turn, could be sheltering within the dry stone walls that are present on site.

The risk of reptiles being present on site within dry-stone walls is considered to be very low.

Control 5 : Safe removal of walls

Toolbox talk: Prior to the dry-stone walls being dismantled, the EcOW will carry out a toolbox-talk with the Site Manager and all contractors involved in the work. Contractors will be made aware of the risk of herpetofauna being present within the walls, and instructed to dismantle the walls with care and vigilance. Contractors will be provided with information guides on how to recongise common herpetofauna, and a protocol will be put in place, in the event that any amphibians are discovered (as described below).

Replacement shelter: Prior to works commencing, a single large (2m x 5m x 1m) rubble / log pile will be constructed in a suitable location along the southwest boundary, so as to avoid conflict with existing vegetation, and to blend in with new landscaping.

Safe practice of work: Should any herpetofauna be discovered sheltering within the drystone walls, these will be rescued by the contractor, and immediately released into the pre-constructed rubble log pile along the southern boundary. The EcOW will be kept aware of any herpetofauna that are discovered.

Potentially Damaging Development Activities

Low risk: Disturbance to nocturnal wildlife

Detailed bat survey has found the Site to attract only low level foraging and commuting by low numbers of common bat species.

Despite this, the Site is currently devoid of artificial lighting, and thus any illimitation of suitable habitat made displace bats and other nocturnal wildlife from the Site.

Control 6 : Sensitive lighting scheme

The figure oppositive highlights areas of suitable bat habitat which should remain dark throughout the construction period. Excessive illumination of these areas between the hours of sunset and sunrise could lead to displacement of local bat populations that currently make use of the Site for foraging and commuting.

Any and all artificial lighting used during construction will be directed towards the ground and away from these sensitive areas, so as to minimise light spill.

Where construction activities continues beyond sunset, lighting within 30m of the retained boundary habitats (marked orange in the figure opposite) will be turned off.

Security lighting will not be installed within 30m of the highlighted boundary habitat, and will be directed towards the ground, so as to minimise light spill.

Likewise, and lighting installed post-development, will be directed towards the ground and light spill onto these boundary habitats avoided/ minimised.

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 Tree Protection Fencing			Yes	Yes	
Control 2 Barrier Fencing			Yes	Yes	
Control 3 Nesting Birds		Yes		Yes	Only required where vegetation clearance works commence between March and August
Control 4 Badger Survey and Controls	Yes	Yes		Yes	
Control 5 Safe removal of walls	Yes			Yes	Avoid hibernation period (November—February)
Control 6 Sensitive lighting scheme				Yes	
ECoW Monitoring and Reporting.		Yes		Yes	
ECoW available for unforeseen issues and supervision		Yes	Yes	Yes	Provide suitable notice to arrange Site visits