

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN: BIODIVERSITY

NOVEMBER 2025

Rochdale Peaker,

Dig Gate Lane,
Milnrow,
OL16 4NR

U R B A N
G R E E N



QUALITY MANAGEMENT

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1 Introduction

1.1 Background to the Scheme

- 1.1.1 Balance Power has instructed Urban Green to produce a Construction Environmental Management Plan (CEMP) in relation to a proposed development at Dig Gate Lane, Kingsway business Park, Milnrow, OL16 4NR (hereafter referred to as ‘the site’). The proposals include the installation of a 4.4MW, one engine Gas Powered Reserve Energy Facility housing, alongside associated infrastructure such as electrical switchgear, gas kiosk, transformer, welfare facilities, and parking. A new access road will also be created, resulting in the removal of a small section of hedgerow north of the site, along Dig Gate Lane as part of the proposed development. Soft landscaping includes the planting of a range of local native species known to be of value to wildlife and appropriate to site conditions.

1.2 Site Context

Figure 1 – Site Extent



- 1.2.1 The site is located at National Grid Reference SD 91837 11185 and comprises a total area of approximately 0.4ha (see Figure 1).
- 1.2.2 The site is located 2.3km south-east of Rochdale, Greater Manchester and approximately 130m west of Junction 21 of the M62 motorway.
- 1.2.3 The site comprises hedgerow enclosed poor, semi-improved grassland utilised for the grazing of livestock. No buildings are present within the site boundary, however in the wider field the site sits within, two small buildings are present, including a small single storey electrical

substation and a wooden horse stable to the north-east of the site. There is an absence of waterbodies within the site boundary, however two are located within 500m of the site, the closest being a seasonally inundated pond approximately 15m east of the site boundary. This pond is located within the same pasture of the site, though is fenced off with a formal buffer zone around its extent. The immediate landscape to the north of the site is predominantly urban, with an industrial estate directly north of the site, and a mix of commercial and domestic developments populating the wider northern landscape. The M62 separates the site from a pond, and hedgerow enclosed arable land which represents the wider rural landscape to the south and south-west of the site.

1.3 Purpose of this Report

- 1.3.1 Urban Green has been appointed to provide a Construction Environmental Management Plan (CEMP). It has been produced in support of a full application for the approval of reserved matters and to assist in discharging 'Condition 8' of the full planning permission reference 22/01360/FUL.
- 1.3.2 **Condition 8:** *'No development shall take place (including any site clearance or preparation works) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this 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'.*
- 1.3.3 This report relates to and discharges Condition 8 in an ecological context only. Specifically, we will consider the main ecological constraints identified in the existing ecological reports and contrast these against the potential impacts of noise, dust, and vibration.

2 Baseline Conditions

2.1 Ecology Background

- 2.1.1 An Ecological Impact Assessment (EcIA) REF: SHF.3050.001.EC.R.001 was undertaken on site in October 2022 by Enzygo Ltd. This plan has been produced to demonstrate that the mitigation measures within the EcIA (Enzygo Ltd, 2022) will be adopted.

2.2 Ecological Constraints

- 2.2.1 The Key Ecological Constraints are summarised in Table 1 which summarises the potential impacts of the development, as detailed within the PEA and EcIA.
- 2.2.2 To clarify, other than the features listed below, there are no ecological constraints identified within the EcIA.

Table 1 Key Ecological Constraints Summary

Ecological Constraint	Potential Impact	Relevant Legislation / Designation and Planning Policy
Habitats and Fauna		
Pond	One pond immediately east of the site was identified. Despite this pond not being of good quality, it represents habitat that is relatively limited across the local area and provides some ecological value for local fauna (birds, common amphibians, priority invertebrates, namely pond mud snail (<i>Omphiscola glabra</i>) and potentially, small mammals. Should no safeguarding measures be in place there is potential for adverse indirect impact to this waterbody as a result of the construction phase of the proposed development.	Natural Environment and Rural Communities Act (NERC) 2006, Priority Habitat within the local Biodiversity Action Plan (LBAP) and a Priority Habitat for England under Biodiversity 2020.
Hedgerows	One hedgerows is present on site and a small section of this hedgerow will be removed to build an access road to the proposed development site. The remaining hedgerow extent shall be retained. The uncompensated loss, or damage to hedgerows would result in the adverse impact to priority habitat and degrade habitat features that protected species may potentially utilise for foraging and commuting such as bats, hedgehog (<i>Erinaceus europaeus</i>) or nesting birds.	Habitat of Principal Importance under the NERC Act and as a local BAP habitat.

Ecological Constraint	Potential Impact	Relevant Legislation / Designation and Planning Policy
Badger (<i>Meles meles</i>)	No evidence of badger activity was identified onsite at the time of the surveys; however, the surrounding area has potential to support badger, which may encourage badger to occasionally traverse the site.	Protection of Badgers Act 1992.
Breeding birds	The tall vegetation surrounding the pond, and the onsite hedgerows provide suitable nesting opportunities, while the grassland habitats offer sub-optimal conditions for ground-nesting birds, likely supporting only common and widespread species.	With certain exceptions, all wild birds, their nests, and eggs are protected by Section 1 of the Wildlife and Countryside Act 1981 (as amended) and bird species listed on Schedule 1 of the Act receive further protection.
Amphibians, including great crested newt (<i>Triturus cristatus</i>)	Terrestrial habitats on site are largely unsuitable for amphibians, including breeding great crested newt (GCN). However, the hedgerows and areas of tall ruderal vegetation may offer limited suitability for terrestrial refuge and commuting. The pond immediately adjacent to the eastern boundary of the site is a shallow, seasonal waterbody assessed as having 'Below Average' suitability for GCN based on the Habitat Suitability Index (HSI). Though I identified to support breeding common frog (<i>Rana temporaria</i>). A second pond located approximately 115 metres to the north-west and separated from the site by the M62 motorway. The M62 is considered a significant barrier to amphibian dispersal, and as such, this waterbody is assessed as having limited potential to support potential GCN dispersal onto the site.	Common frogs are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in relation to their sale or exchange.
Common reptiles	Habitats onsite are largely unfavourable to support common reptiles species, however the northern hedgerow has potential suitability to support foraging, sheltering or commuting common reptile species. There is thus potential for individuals to be directly impacted during the construction phase of the proposed development.	Common reptiles are afforded protection under Schedule 5 of The Wildlife and Countryside Act 1981 (as amended) in relation to their sale. And are afforded protection from cruelty under the Animal Welfare Act 2006.

Ecological Constraint	Potential Impact	Relevant Legislation / Designation and Planning Policy
Bats	<u>Roosting Bats</u> There are no habitats on site that are considered suitable to support roosting bats. <u>Foraging and Commuting Bats</u> The site offers limited opportunities to foraging and commuting bats via the northern hedgerow and P1. Areas of development to the north of the site are expected to limit, already poor ecological connectivity for foraging and commuting bats. There is also potential for any lighting used during the pre and post construction phases of the development to adversely impact potentially foraging and commuting bats.	The Conservation of Habitats and Species Regulations 2017 (as amended) and by UK law by the Wildlife and Countryside Act 1981.
Other mammals	Hedgerows and tall ruderal vegetation on site offer limited suitable habitat for hibernating hedgehog, whilst grassland habitat has limited suitability for foraging individuals. Whilst it is unlikely that hedgehog are present on site, Proposed works have the potential to disturb/kill or injure foraging individuals and fragment sub-optimal habitats during the construction phase of the development. Brown hare (<i>Lepus europaeus</i>) is deemed unlikely to be present on site, however the grassland habitat on site provides a significantly limited extent of suitable habitat for foraging and commuting brown hare.	Wild Mammals Protection Act (1996), Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), listed on the UK BAP species in 2007 and is on the Biodiversity Lists for England and Wales.
Invertebrates	Confirmed presence of priority species pond mud snail associated with the pond immediately adjacent to the eastern site boundary. In the absence of mitigation, this species may be killed/injured and could experience loss of breeding, sheltering and/or resting place through indirect habitat degradation.	Section 41 NERC Act 2006, species of principle importance and UK Biodiversity Action Plan (UK BAP)
Invasive Non-Native Species	No non-native species was identified onsite within the EclA (Enzygo Ltd, 2022)	

3 Aims and Objectives

- 3.1.1 This management plan sets out the protection measures to be completed during the construction phase for the key ecological constraints (listed in Table 1) as identified within the EcIA (Enzygo Ltd, 2022). The plan is to be followed by all contractors on site.
- 3.1.2 The objectives of the CEMP are to:
- Outline the responsible persons and lines of communication, as detailed in Section 4;
 - Demonstrate the role and responsibilities on site of the Ecological Clerk of Works (ECOW) and details of when the ECOW is required to oversee specific works, as part of the construction phase;
 - Outline 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);
 - Outline the potential impacts on protected/notable fauna and habitats (anticipated and/or confirmed to be) on site, in relation to the proposed construction activities;
 - Detail the proposed retention of habitats, in order to maintain the site's ecological value for local wildlife using protective fences, exclusion barriers and warning signs;
 - Describe the provision and maintenance of shelter for protected/notable species during the construction phase, using protective fences, exclusion barriers and warning signs;
 - Indicate the locations of 'Biodiversity Protection Zones' and outline the working methods to be followed during the construction phase, regarding retained habitats and associated fauna;
 - Outline monitoring procedures of ecological features within the site during the construction phase, and the timing of such procedures, where applicable; and
 - Provide the location and timing of sensitive works (where applicable) to avoid harm to biodiversity features.

4 Control of Works

4.1 Site Responsibilities

- 4.1.1 The following roles must be nominated / appointed by the client, prior to the construction works commencing:
- Site manager
 - Project ecologist
 - ECoW
- 4.1.2 All operations on site will be the overarching responsibility of the site manager. The site manager will ensure that all site staff are appropriately inducted to the site and are aware of any ecological considerations detailed within this plan that relates to their roles on site. This includes communicating any legal responsibilities regarding wildlife legislation.
- 4.1.3 The project ecologist will ensure that the site manager is aware and understands the details of the CEMP, including the methods relevant for each phase of the construction works.
- 4.1.4 Any updates to this plan, will be provided by the project ecologist to the site manager, reviewed on a quarterly basis.
- 4.1.5 The ECoW will be provided with an updated programme of works to determine watching brief requirements and the associated ecological issues before commencement of any development related activities on site.
- 4.1.6 The ECoW will supervise construction works, where necessary, as detailed in Section 5. All works will be recorded within a site diary which will be reviewed periodically by the project ecologist. Any issues will be reported immediately to the project ecologist, and where necessary, works may be paused to explore alternative methods. The roles and responsibilities of the ECoW are expanded upon in Section 4.2 (below).
- 4.1.7 It is the role of the client to retain copies of ECoW summaries, should the Local Council ever request details of mitigation efforts.

4.2 Ecological Clerk of Works

- 4.2.1 A suitably qualified ecologist will be appointed by the client as an official ECoW on site and will be responsible for undertaking all ecologically sensitive works on site, including undertaking any required Toolbox Talks and supervision work.
- 4.2.2 They will also be the nominated person of contact (as required) and responsible for the following tasks, during the construction phase of development:
- Reviewing and understanding all existing ecology documentation, namely baseline ecology reports and any protected species licences. In addition, hold a basic understanding of the development proposals, specifically understanding how the construction phase will be achieved (tools, plant, equipment, specialist operatives) and crude timings.
 - Undertaking nesting bird checks, namely immediately prior to vegetation clearance on site.
 - Should common amphibian or reptile species be present within the site during the construction phase, the ECoW will translocate individuals to a suitable receptor site identified by the Project Ecologist.
 - Providing advice to developers and contractors on how best to minimise impacts to biodiversity on site, throughout the construction phase of development.
 - Delivering Toolbox Talks on protected species and sensitive habitats to onsite operatives. These will cover protected species, invasive species, and habitats relevant to the site, including appropriate actions and reporting protocol should ecological constraints arise. All operatives must sign a register to confirm they have received the toolbox talk and understand the protection afforded to amphibians, and the measures to be adopted.
 - Carry out pre-commencement and supervision works, as outlined in Section 5, to minimise risk of breaching wildlife legislation.
 - Being available as a point of contact should any issues relating to ecology arise during the construction phase.
 - To implement, maintain and check Biodiversity Protection Zones (BPZ), and any species specific buffer zones put in place for the duration of the construction phase of the proposed works.
 - The results of any ecological checks, surveys or mitigation efforts carried out by the ECoW, shall be provided via email to the client, and shall include as a minimum: dates of surveys/checks, results of such efforts, and any subsequent requirements or recommendations.
- 4.2.3 If the ECoW identifies any issues in relation to ecology or considers that the CEMP is not being adhered to at any point during construction, the site manager will be contacted, and measures will be taken to resolve any issues.

5 Method Statement

5.1 Works Schedule

- 5.1.1 The Work Schedule (Appendix 2) details the location and timing of sensitive works to avoid harm to biodiversity features on site and directly adjacent to the site boundary. Specific precautionary measures that complement the Work Schedule are detailed below.

5.2 General Construction Phase Control Measures

General Pollution Control Measures

- 5.2.1 Measures will be taken throughout the construction phase to avoid pollution incidents, which may indirectly affect terrestrial, or offsite aquatic habitats and associated protected/notable fauna. Pollution prevention and control strategies will be adhered to at all times. Any accidental damage to the adjacent habitats or fuel spillages within proximity to the site and/or adjacent habitats will be reported to the site manager and the ECoW.
- 5.2.2 The Environment Agency's Pollution Prevention Guidance (Environment Agency, 2024), or revised documents, shall be followed, and essentially include (but not limited to):
- All hazardous materials (e.g. fuel) will be kept in secure areas and stored appropriately, away from the southern and eastern boundaries of the site;
 - Impermeable bases and oil-tight bunds without drainage outlets will be used to store chemicals and fuel;
 - Any spills will be dealt with quickly using spill kit and appropriate disposal methods to avoid harm to wildlife or other sensitive receptors;
 - Silty water from pond drainage should be disposed of to the foul sewer;
 - Grey water from washing of vehicles and PPE will be carried out in a contained area, away from site boundaries; and
 - Refuelling of vehicles and machinery will take place in a designated area, ideally on impermeable surfaces or spill mats.
- 5.2.3 As groundworks and demolition comprise part of the proposed development, the installation of silt control devices will be used to catch sediment/water run-off where appropriate. The proposed regular checks, to be completed by the site manager, will ensure the installed silt control devices are in place and are effective. The silt control devices will be replaced, or additional devices installed, if silt run-off is evident. Site management will take a key role in ensuring silt control devices are effective to minimise the potential impacts of the construction phase on the adjacent habitats, particularly the pond located east of the site.

Biodiversity Protection Zones

- 5.2.4 Any retained habitats onsite are to be appropriately fenced as BPZs; no works may be undertaken, nor the storage of machinery or vehicles, are permitted within the BPZs.
- 5.2.5 To appropriately safeguard the adjacent pond, located 15m east of the site boundary which holds ecological value to the priority species mud snail, temporary BPZ fencing must be installed to establish a protective buffer with a radius at least 10m from the pond boundary. It is understood that an existing metal fence is present around the immediate pond boundary, however, the above recommended BPZ fence would extend this 'no works' buffer zone to effectively safeguard both mud snail as well as common amphibian species.
- 5.2.6 All BPZ should be demarcated with appropriate signage and the site induction should also cover these areas, including safe working limits in regard to protected species and habitats (i.e. exclusion zones).
- 5.2.7 BPZ fencing must be maintained in good condition and remain in situ for the full duration of construction works. BPZ fencing could be installed using Heras fencing, temporary plastic barriers or similar.

General Lighting Control Measures

- 5.2.8 Lighting is to follow the protocols outlined in the Institute for Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and BCTs "Bats and Artificial Lighting in the UK" (2023). The construction lighting may impact species on site and within the local area which are sensitive to light. Directional lighting will be achieved by angle and orientation of beam, use of a cowl, louvre or other light shield, or a combination of these.
- 5.2.9 Nightworks should be avoided, if this is not possible, construction lighting is not to be directed towards retained habitats and surrounding habitat such as hedgerows on site.
- 5.2.10 The lighting of the construction site should only be done if active works are taking place. If required, timed security lights should be set on motion-sensors and using short, 1-minute timers, to minimise light use, where appropriate.
- 5.2.11 Luminaries should lack UV elements and preferably LED lighting with a warm white light should be used over cool white light (ideally <2700Kelvin) and have peak wavelengths greater than 550nm.

5.3 Habitat

Hedgerows and Trees

- 5.3.1 Hedgerows and trees on and directly adjacent to the site, excluding the small section of hedgerow to be removed to permit an access route, must be protected in line with BS5837:2012. This shall entail the installation and maintenance of Root Protection Zones (RPZ) for the full duration of construction works.
- 5.3.2 Regarding trees directly adjacent to the site boundary, RPZs must measure 12 times the stem diameter of tree and RPZ fencing must protect the roots as well as the canopy. Regarding hedgerows, a minimum buffer of 1.5 – 2m from the centreline of the hedgerow.

- 5.3.3 RPZ fencing will be in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.
- 5.3.4 Appropriate signage should be placed along the RPZ, and site induction must cover these areas; no works, storage of material or tracking is permitted within the RPZ.
- 5.3.5 The fencing must remain in place until the construction phase is fully completed to ensure continuous protection throughout the duration of the works.

5.4 Invasive Non-native Flora

- 5.4.1 No Invasive Non-Native Species (INNS) were identified onsite during the EcIA survey (Enzygo Ltd, 2022). During the construction phase of the proposed development, best practice guidelines should be adhered to at all times to avoid the introduction of INNS on to the site. Should INNS be introduced to the site or recorded onsite, an appropriate buffer zone should be established by an ECoW and the species is to be removed appropriately eradicated from the site as soon as feasibly possible. Such eradication and remediation works should be conducted by suitably experienced contractor.

5.5 Fauna

Amphibians

- 5.5.1 Common frog (*Rana temporaria*) have been identified to utilise the pond directly east of the site for breeding purposes. Notwithstanding this, habitats onsite are considered unfavourable for amphibian species, thus their presence within the site boundary is considered unlikely, though cannot be fully ruled out.
- 5.5.2 Proposed works include the clearance of vegetation to facilitate the development of a gas-powered energy reserve. Owing to the close proximity of suitable habitats to the site boundary, proposed works shall ideally be undertaken outside amphibian breeding season (March to June, inclusive).
- 5.5.3 Immediately prior to the removal of habitats the Ecological Clerk of Works (ECoW) will carry out a fingertip search of these areas to check for the presence of amphibians. This will be undertaken before any habitat clearance can commence.
- 5.5.4 Should common amphibians be found during the fingertip search (or at any time during the clearance works), these areas will be left and demarcated until the amphibian has been moved by the ECoW, using appropriate PPE, into a suitable receptor site, beyond the site boundary.
- 5.5.5 Clearance works must be conducted as a phased cut using hand tools only (these can include mechanised hand tools such as brush cutters or chainsaws), carried out under direct supervision of the ECoW. The first phase will comprise an initial cut of vegetation to 0.15m, in a directional manner towards alternative suitable habitat (i.e. hedgerows or scrub). Should any common amphibian species be found during this time, the ECoW shall translocate individuals as per paragraph 5.5.4. The second phase of the cut shall then be taken to the ground.
- 5.5.6 Storage of materials/waste is best undertaken on areas of hard standing or bare ground. Waste is best stored in skips or removed off site as soon as possible to avoid creating refuges

which could be utilised by amphibians. Mounds of soil are to be compacted around the base to avoid creating refuges which amphibians and reptiles could utilise.

- 5.5.7 Site working is to avoid the creation of temporary waterbodies which may be attractive to amphibians. For this purpose, excavations can be backfilled as soon as possible following creation or fitted with ramps to allow a means of escape. A check for the presence of amphibians is advisable before excavations are infilled.

Reptiles

- 5.5.8 Within the EclA (Enzygo Ltd, 2022) common reptiles species to be potentially present within the northern hedgerow, though all other habitats on site were classified as unfavourable for this group. To mitigate for the potential presence of such species on site, vegetation clearance should be conducted in the same manner set out within paragraphs 5.5.3 – 5.5.5.
- 5.5.9 Vegetation clearance shall be undertaken during the reptile active season (March – October inclusive) to avoid harming hibernating reptiles.

Badger

- 5.5.10 No evidence of badger (*Meles meles*) was identified onsite within the EclA (Enzygo Ltd, 2022); however, this species is known in the local area and therefore may traverse through the site.
- 5.5.11 A prior to the main construction phase, a survey will be undertaken to determine the presence or likely absence of badger prior to the commencement of site works. In the absence of evidence badger are utilising the site, works may proceed under Precautionary Working Methods (PWM) as listed in 5.5.13.
- 5.5.12 Should badger, or evidence thereof, be encountered at any time during the works, the works must stop, and the project ecologist will provide recommendations on how to proceed.
- 5.5.13 The following PWMs will be adhered to during proposed construction phasing, as stated within the Method Statement:
- Avoidance of nightworks where possible to prevent displacement of individuals that may potentially occur on site. If this is not possible directional lighting should be used to avoid light spill on suitable habitat.
 - If badger occur onsite, works should pause, and the badger allowed to leave the area of its own accord. The area should then be walked over to check for the presence of a sett, if no evidence is present, works may resume and the Project Ecologist and ECoW should be notified.
 - Should a badger sett, or evidence thereof be found on site, all works must stop, and the Project Ecologist contacted for further guidance.
 - All site operatives will be made aware of the presence of the species, their working limits, and legal responsibilities within a Toolbox Talk. All site operatives will be inducted as to identifying potential badger setts and should be vigilant if they suspect they locate a new sett during works and inform the project ecologist immediately.

- All excavations will be battened at a 45-degree angle, or a ramp will be placed within the excavation, to allow escape should animals become trapped.
 - All site machinery and materials will be appropriately stored to avoid harm to the species.
 - Trees and shrubs must be felled so that they fall away from the obvious direction of a sett and must not be uprooted but cut to ground level where necessary.
 - Badger trails must be cleared of felled arisings.
 - Any stored spoil must be compacted at the end of each day's work to discourage badgers from digging new setts within spoil mounds.
 - All working areas are to remain clear of vegetation to discourage badgers from digging new setts with the development areas.
 - No dogs are to be taken onto the site by any of the workforce.
- 5.5.14 During site inductions, all contractors will be briefed on how to identify badger setts; and given the confidence to cease works and contact an ecologist if they believe any new setts have been located.

Bats

Roosting Bats

- 5.5.15 Within the EclA (Enzygo Ltd, 2022) no opportunities for roosting bats on site was found.

Commuting and Roosting Bats

- 5.5.16 The hedgerows on site and trees to the north of the site boundary offer limited foraging and commuting opportunities to local bat species. It is anticipated bat species are located within the local area, based on the local data search (obtained and detailed within the EclA) namely; common pipistrelle (*Pipistrellus pipistrellus*). Therefore, artificial light spill during the construction phase could negatively impact commuting and foraging bats, as identified within the EclA (Enzygo Ltd, 2022).
- 5.5.17 Bats are sensitive to lighting and as such, construction lighting is to be appropriately placed to minimise directional and light spill on habitats of importance.
- 5.5.18 Paragraphs 5.2.8 – 5.2.11 outline the guidance to be followed in regard to artificial lighting used during the construction phase of the development.
- 5.5.19 Mitigation in relation to bats includes the avoidance of light spill on habitats suitable for foraging and commuting bats, (i.e. hedgerows and trees) and immediate adjacent habitats.

Nesting Birds

- 5.5.20 As stated within the EclA (Enzygo Ltd, 2022) the hedgerow, young trees and open pasture grassland on site provide limited nesting opportunities for common and widespread species.
- 5.5.21 Any necessary vegetation clearance required should be undertaken outside the core breeding bird season (March to September, inclusive). If this is not possible, an ECoW will be present to undertake a nesting bird check of suitable vegetation to be removed, within 48 hours of

clearance works. The clearance works must then be carried out under a watching-brief overseen by an ECoW.

- 5.5.22 Active nests will be protected by a (minimum buffer zone of 5m) that will be marked out with appropriate fencing (such as Heras fencing), until the young have fledged and the nest is no longer active. The ECoW will determine the required buffer area based on species and status of breeding condition.

Other mammals (including hedgehog and brown hare)

- 5.5.23 The site has limited potential to support mammal species, with hedgerow, grassland and ruderal vegetation identified within the EclA (Enzygo Ltd, 2022) to offer sub-optimal hibernation and foraging opportunities for hedgehog (*Erinaceus europaeus*) and brown hare (*Lepus europaeus*).
- 5.5.24 Prior to the main construction phase, a walkover search will be conducted by ECoW within suitable habitat before the removal of vegetation is carried out. If hedgehog or brown hare are found, they should be allowed to move out of the work area on their own accord. If hedgehog fail to move on their own, the ECoW should seek a suitable receptor area to then relocate them using appropriate PPE.
- 5.5.25 Any potential nest sites (leaf litter/ brash piles) within the working area must be either left in situ and a buffer zone applied or dismantled by hand by an ECoW. If a hedgehog is found with young, the area will be left and monitored until the hedgehog is no longer present, and vegetation removal may resume.
- 5.5.26 Should any mammal burrows (excluding badger setts) be discovered during the construction phase, the project ecologist will be consulted for further guidance.
- 5.5.27 Dense areas of suitable vegetation removal should be done in a phased cut, with the initial stage clearing vegetation to 0.15m, and cut in a directional manner, towards alternative suitable habitat to allow any animals such as hedgehog, which may be present to escape. The second phase cut shall remove vegetation to the ground. ECoW will supervise the clearance of habitat identified to have suitability for mammals.
- 5.5.28 The PWM outlined in paragraph 5.5.13 apply to other mammal species and will be followed in relation to hedgehog and brown hare.

Invertebrates

- 5.5.29 The EclA (Enzygo Ltd, 2022) identified the potential presence of pond mud snails within the pond directly adjacent to the eastern site boundary. This species is of Principle Importance, and they must remain onsite, therefore mitigation measures must be in place ahead of the commencement of works to ensure the avoidance of disturbance or displacement to this species.
- 5.5.30 The proposed development does not include this pond with the site boundary, thus no direct impacts to this pond are scheduled within the scope of works. Despite this, there remains potential for this pond to be indirectly impacted during the construction phases of the development by pollution incidents, for example. Pollution prevention and BPZ measures set out within section 5.2 shall be adhered to throughout the construction phase of the

proposed development to safeguard pond mud snails potentially present within the adjacent habitats.

5.6 *Habitat Creation*

- 5.6.1.1 Post construction, the planting of native species of value to local wildlife shall be undertaken and will compliment and contribute to the exiting value of hedgerows and trees on site. The planting scheme shall be done strategically to enhance habitat connectivity around the site.
- 5.6.1.2 If the project is subject to biodiversity net gain requirements, then it is likely that a Habitat Management and Monitoring Plan has been produced for the site. This should be followed to ensure the health of created habitats.

6 References

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Appendix 1 – Relevant Legislation

Bats

All species of bat are listed on Schedule 5 of the *Wildlife and Countryside Act 1981* (as amended) and Schedule 2 of *The Conservation of Habitats and Species Regulations 2017*, making them *European Protected Species*. They are afforded full protection under Section 9(4) of the Act and Regulation 41 of the Regulations. These make it an offence to:

- deliberately capture, injure, or kill any such animal;
- deliberately disturb any such animal, including in particular any disturbance which is likely to:
 - impair its ability to survive, breed, or rear or nurture their young;
 - impair its ability to hibernate or migrate.
 - Significantly affect the local distribution or abundance of that species; or
- damage or destroy a breeding site or resting place of any such animal; or
- intentionally or recklessly disturb any of these animals while it is occupying a structure or place that it uses for shelter or protection; or
- intentionally or recklessly obstruct access to any place that any of these animals uses for shelter or protection.

Badger

The *Protection of Badgers Act 1992* consolidates previous legislation (including the *Badgers Acts 1973 and 1991*, and the *Badgers (Further Protection) Act 1991*). It makes it an offence to:

- wilfully kill, injure or take, or attempt to kill, injure or take a badger;
- cruelly ill-treat a badger, dig for a badger; use badger tongs in the course of killing or taking, or attempting to kill or take a badger; or use for the purpose of killing or taking a badger any firearm other than that stated under the exceptions within the Act;
- intentionally or recklessly interfere with a badger sett;
- sell or offer for sale a live badger, or have possession or control of a live badger; and
- mark a badger or attach any ring, tag, or other marking device to a badger.

Section 3 of the Act defines interference (with a sett) as:

- damaging a sett;
- destroying a sett;
- obstructing access to, or any entrance of, a sett;
- causing a dog to enter a sett; or
- disturbing a badger when it is occupying a sett.

Under Section 14 of the Act, a sett is defined as “any structure or place which displays signs indicating current use by a badger”.

Under Section 10 (1)(d) of the Act, a licence may be granted by Natural England to interfere with a badger sett for the purpose of development, as defined by Section 55(1) of the *Town and Country Planning Act 1990*.

Breeding Birds

With certain exceptions¹, all wild birds, their nests and eggs are protected by Section 1 of the *Wildlife and Countryside Act 1981* (as amended). Therefore, it is an offence to:

- intentionally kill, injure or take any wild bird;
- intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; or
- intentionally take or destroy the egg of any wild bird.

These offences do not apply to hunting of birds listed in Schedule 2 subject to various controls.

Bird species listed on Schedule 1 of the Act receive further protection, thus for these species it is also an offence to:

- intentionally or recklessly disturb any bird while it is nest building, or is at a nest containing eggs or young; or
- intentionally or recklessly disturb the dependent young of any such bird.

Hedgehog

The hedgehog was added to the list of UK BAP species in 2007, and is on the Biodiversity Lists for England and Wales (Listed as species of principal importance under the *NERC act 2006*, and Northern Ireland (listed as a Priority Species in the Northern Ireland Priority Species List, March 2010).

Brown hare

The brown hare was added to the *Wildlife and Countryside Act 1981* (as amended) in 2023. This prohibits the killing, injuring or taking of brown hare during their breeding season (February to September, inclusive).

Invasive Non-native Plant Species

The *Wildlife and Countryside Act 1981* (as amended) is the principal piece of legislation in the UK that regards invasive non-native species. It is an offence under Section 14 (2) (a) to “plant or otherwise cause to grow in the wild” any species listed on Schedule 9, Part II of the Act.

In accordance with Sections 33 and 34 of the *Environmental Protection Act 1990*, if taken from their place of origin, any plant listed on Schedule 9, Part II of the *Wildlife and Countryside Act 1981* (as amended) and their associated material (e.g. soil and ash) are classed as controlled waste and must be disposed of at a licenced landfill site by a licenced waste carrier. Any waste being disposed of must be accompanied by appropriate waste transfer documentation.

¹ Some species, such as game birds, are exempt in certain circumstances.

In accordance with Section 79 of the *Environmental Protection Act 1990*, in certain circumstances Local Authorities have the power to deal with plants that are considered to be a statutory nuisance. A statutory nuisance is defined as: “any premises in such a state as to be prejudicial to human health or a nuisance”. For instance, giant hogweed can be considered a statutory nuisance where the plant is growing along pathways or on land which is easily accessible to users or passers-by as the plant is a risk to human health upon contact.

Amphibians

Common toad and common frog are protection under Section 9(5) of The *Wildlife and Countryside Act 1981* (as amended), but only against trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy). It is not an offence to collect or possess these species.

Common toad was added to the list of UK BAP species in 2007 and is on the Biodiversity Lists for England and Wales (Listed as species of principal importance under Section 41 of the NERC act 2006).

Reptiles

All native reptile species receive some protection under the Wildlife and Countryside Act 1981 (as amended).

- Full Protection:
 - Sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) are fully protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
 - Offences include intentional killing, injuring, capturing, disturbing, or damaging breeding/resting places.
- Partial Protection (against killing and injuring):
 - Common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), grass snake (*Natrix helvetica*), and adder (*Vipera berus*) receive limited protection against killing and injuring.
 - Grass snake, slow-worm, and adder are listed as SoPI under Section 41 of the NERC Act 2006.

Mud snails

Mud snails are a listed species of Principal Importance under Section 41 of the Natural Environment and Rural Communities Act 2006, they are also listed within UK Biodiversity Action Plan as a priority species. This listing legally requires planning bodies to have regard to the conservation of this species when carrying out planning and development, land management and environmental assessments.

Invasive Non-native Plant Species

The *Wildlife and Countryside Act 1981* (as amended) is the principal piece of legislation in the UK that regards invasive non-native species. It is an offence under Section 14 (2) (a) to “plant or otherwise cause to grow in the wild” any species listed on Schedule 9, Part II of the Act.

Appendix 2 – Work Schedule

The following work schedule is to be implemented prior and throughout the construction phase.

Construction Phase	Work to Action	Timing	Responsible Person
General pollution measures	Measures will be taken throughout the construction phase to avoid pollution incidents, which may indirectly affect habitats and associated protected/notable fauna, as detailed in Paragraphs 5.2.1 – 5.2.3.	Prior and during Construction Phase.	ECoW, Project Ecologist and Site Manager.
General lighting control measures	Avoidance of nightworks where possible. Directional lighting will be achieved by angle and orientation of beam, use of a cowl, louvre or other light shield, or a combination of these, as detailed in Paragraphs 5.2.8 – 5.2.11.	Prior to construction Phase.	Site Manager and Project Ecologist.
Retained Habitats Protection (BPZ)	Pollution control and Biodiversity Protection Zones (BPZ) measures detailed in Section 5.2 are to be followed prior to and during the construction phase.	Prior to construction and throughout construction phase	Site Manager
Toolbox Talk	Toolbox talk to be completed by the ECoW in relation BPZs, Root Protection Zones (RPZ) amphibians, reptiles badgers, bats, breeding birds, other mammals and invertebrates. Register of acknowledgement and understanding of Toolbox Talks must be signed by all contractors and operatives on site.	Anytime of the year – completed when relevant.	ECoW, Project Ecologist and Site Manager.
Control of INNS	Adherence of best practice guidelines to prevent contamination of the site. Should INNS be introduced onto the site during the construction phase, appropriate buffer zones shall be established, and specialist contractors used to eradicate and remediate the presence of INNS on site.	Anytime of the year	Specialist contractor and ECoW (if required)

Construction Phase	Work to Action	Timing	Responsible Person
Vegetation Clearance and construction - Nesting bird checks	Vegetation removal is to be completed outside of the breeding bird season (March to September, inclusive). If this is not possible, the area will be subject to a nesting bird check by the ECoW, within 48 hours to works commencing. If a nest (or nest in construction) is found, a suitable buffer zone (minimum 5m) area will be maintained. The suitable buffer zone will be decided by the ECoW and will be designated as a temporary BPZ.	March to September (if required)/ during construction phase.	ECoW, Site Manager and Project Ecologist.
Vegetation Clearance – amphibians and reptiles	Paragraphs 5.5.1 – 5.5.9 detail mitigation measures to be carried out during the construction phase of the proposed development which include the following: • Identification of a suitable receptor site; • finger-tip searches of all suitable habitats; • vegetation clearance carried out as a two phase cut; and • Avoidance of creating attractive habitats onsite for reptiles or amphibians during the active construction phase of the development.	(Outside March – October, inclusive) Prior to works and during construction.	Site Manager, ECoW and Project Ecologist.
Vegetation clearance and construction - badger	Paragraphs 5.5.10 – 5.5.14 detail PWM to be followed during construction regarding badger. Prior to works, operatives must be made to be aware of signs indicative of badger presence, and measures to follow if evidence thereof is found. This shall be included within the Toolbox Talks. During construction: night works should be avoided, if this is not possible directional lighting must be used. All excavations are to be battened at a 45-degree angle or ramps fitted to provide means of escape. The storage of materials and chemical must be suitable to prevent harm to badger. Any stored spoil must be compacted at the end of each day's work to discourage badgers from digging setts within spoil mounds. All working areas are to remain clear of vegetation to discourage badgers from digging setts with the development areas. No dogs are to be taken onto the site by any of the workforce.	Anytime of the year – completed when relevant in regard to Toolbox Talk. During the construction phase.	Site Manager, ECoW and Project Ecologist.

Construction Phase	Work to Action	Timing	Responsible Person
Artificial lighting utilised on site - Bats	PWM for bats are outlined in paragraphs 5.5.15 – 5.5.20 and detail the sensitive use of lighting to be used during the construction phase. Mitigations are specified within Section 5.2 and comprise the avoidance of light spill onto suitable foraging and commuting habitats, and adjacent habitats. A sensitive lighting strategy in respect to artificial lighting required during the construction phase should be designed in line with Section 5.2 before the commencement of works.	Prior to works and during construction.	Site Manager, ECoW and Project Ecologist.
Vegetation clearance and construction - Other mammals	Paragraphs 5.5.23 to 5.5.28 detail PWM to be followed in regard to other mammals and includes: • A walkover to be conducted by ECoW prior to the commencement of works. • Potential translocation of common species by the ECoW. • Establishment of suitable buffer zones, where required, by the Eco • Consultation of Project Ecologist should mammal burrows be found on site. • Vegetation clearance during construction must be done as a two-phase cut, in directional manner, under supervision of ECoW. All PWM outlined in 5.5.13 must be followed in regard to excavations, storage of materials and chemicals, and arising piles.	During the construction phase.	Site manager, ECoW and Project Ecologist
Vegetation clearance and construction – invertebrates	Pollution prevention and BPZ measures set out within section 5.2 shall be adhered to throughout the construction phase of the proposed development to safeguard pond mud snails potentially present within the adjacent habitats.	During the construction phase.	Site manager, ECoW and Project Ecologist

