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REPORTS 4 PLANNING

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CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (ECOLOGICAL ASPECTS)

Midland Distribution Centre
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1. INTRODUCTION

At the request of ATC Design & Build Ltd, a Construction Environmental Management Plan, focused on ecological aspects of the proposed development, has been collated for the development at the Midland Distribution Centre, Markfield Road, Groby, LE6 0FS, currently occupied by 'Keltruck'. The application is for the creation of new industrial buildings. Refer to planning decision notice 20/01284/FUL (Hinckley & Bosworth Borough Council).

1.1 Brief

Construction Environmental Management Plan:

Details and specifications for practical measures intended to avoid or minimise adverse effects on biodiversity during the construction process is required. Normally such reports are prepared in support of the planning application where the LPA requires management as a formal requirement e.g. for biodiversity mitigation, compensation or enhancement purposes.

In this case, the ecology-focused CEMP is required to address Condition 23 of 20/01284/FUL:

23. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) Identification of biodiversity protection zones (i.e. grassland area to be retained)
- C) Practical measures and sensitive working practices to avoid or reduce impacts during construction
- D) Timing of works to avoid harm to nesting birds
- E) Responsible persons for overseeing sensitive works
- F) Use of protective fencing where required

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 LPA.

Reason: In order to protect wildlife and plant species and their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

1.2 Site Location

The subject site forms a complex of industrial units operated by Keltruck, located on the north western fringes of Groby, Leicestershire, approximately 8 kilometres north west of

Leicester city centre.

The site is located at Grid Reference SK 515 308 (451570, 307812). The site location is shown in the aerial image in Figure 1 below.

Figure 1: Aerial Image of Site

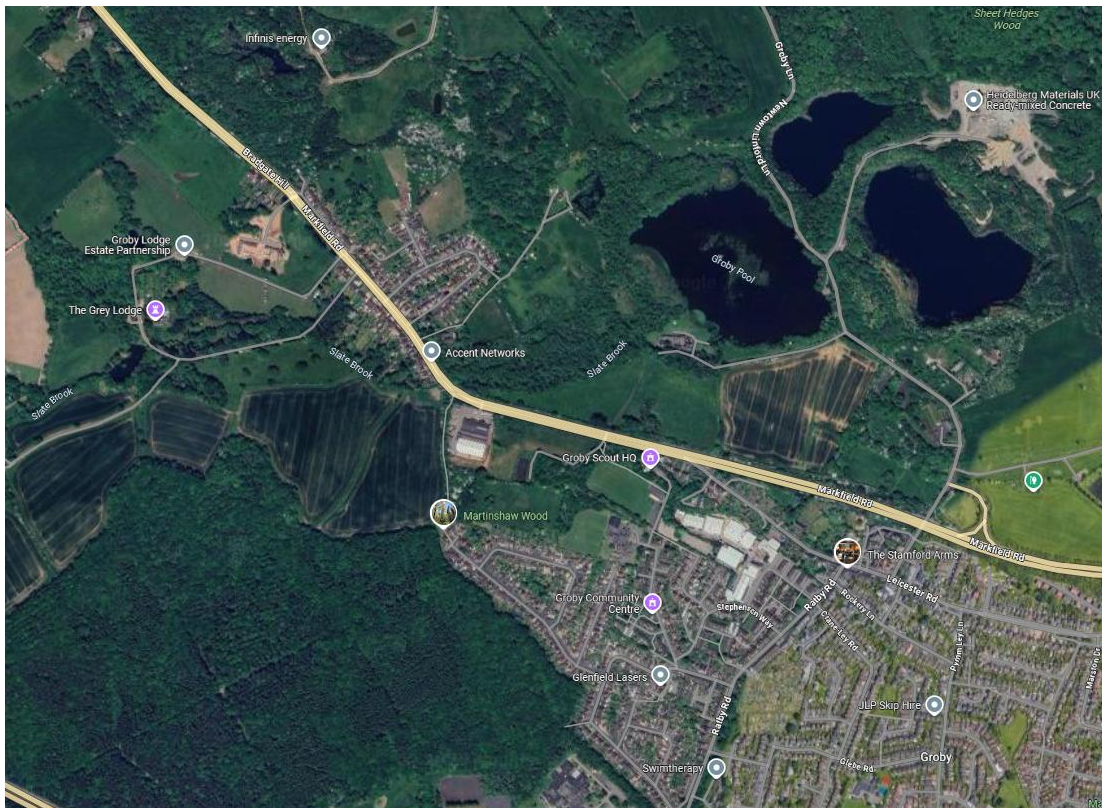


Map data 2025© Google

1.3. Site Description

The proposed development site supports existing industrial facilities and hardstanding, with a variety of land uses in the vicinity (see Figure 2). To the south is an area of deciduous woodland that is impacted by the works and forms the basis of the condition. The site is bordered to the north by the A50 Markfield Road, beyond which is the Groby Pool and Woods SSSI. The National Forest Way public footpath runs along the western side of the site, beyond which lies arable farmland.

Figure 2: Satellite Image of Local Area around Proposed Development



Map data 2025© Google

1.4. Brief Description of Project

See below and refer to planning application for full details. The development removes areas of grassland and scrub to the NE and also part of the deciduous woodland to the south of the site. Compensation in regard to grassland retention (area as agreed on plan) and shown on landscape plans (ATC Design and Build), new woodland and tree/hedge planting and a new wildlife pond are proposed to offset any losses and to create a net biodiversity gain on site.

[illegible]

The site plan illustrates the proposed landscaping and woodland planting for Unit 2 at the Midland Distribution Centre. The central building is labeled "Warehouse Planting". To its left is a parking area labeled "Parking (New Delivery)". The plan shows various public footpaths, including "New Public Footpath" and "Existing Public Footpath". A large area of "Proposed New Woodland Planting" is shown at the bottom, with specific areas labeled "Area C: Existing Woodland / Shrub Planting" and "Area D: Woodland Planting". A legend box in the top right corner provides details about the new tree planting, including species like "Oak", "Ash", "Hornbeam", "Lime", "Sycamore", "Birch", "Allder", "Alder", "Willow", "Rus", "Beech", "Oak", "Ash", "Hornbeam", "Lime", "Sycamore", "Birch", "Allder", "Alder", "Willow", "Rus", "Beech", "Oak", "Ash", "Hornbeam", "Lime", "Sycamore", "Birch", "Allder", "Alder", "Willow", "Rus", "Beech".

1.5. Biological Information

No existing ecological and arboricultural information has been provided, but a site visit was made on 6th March 2025 by Dr. Stefan Bodnar MCIEEM, to assess the site condition and habitats present.

Images of the visit are presented below:

Site Frontage:



Verge to NW:



Footpath Area:



Deciduous woodland:



Deciduous woodland:



Grassland / tree grove
to south east:



Grassland / tree grove
to south east:



Footpath to west:



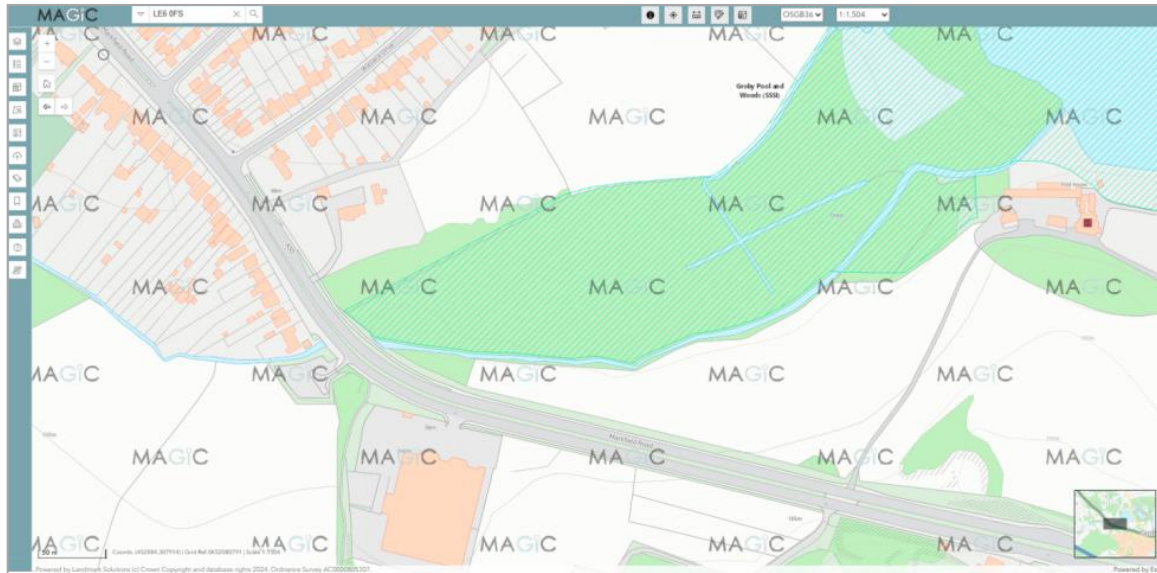
Mammal tracks:



In addition to the site visit, data searches have been undertaken through the www.magic.gov.uk website (accessed 18th March 2025).

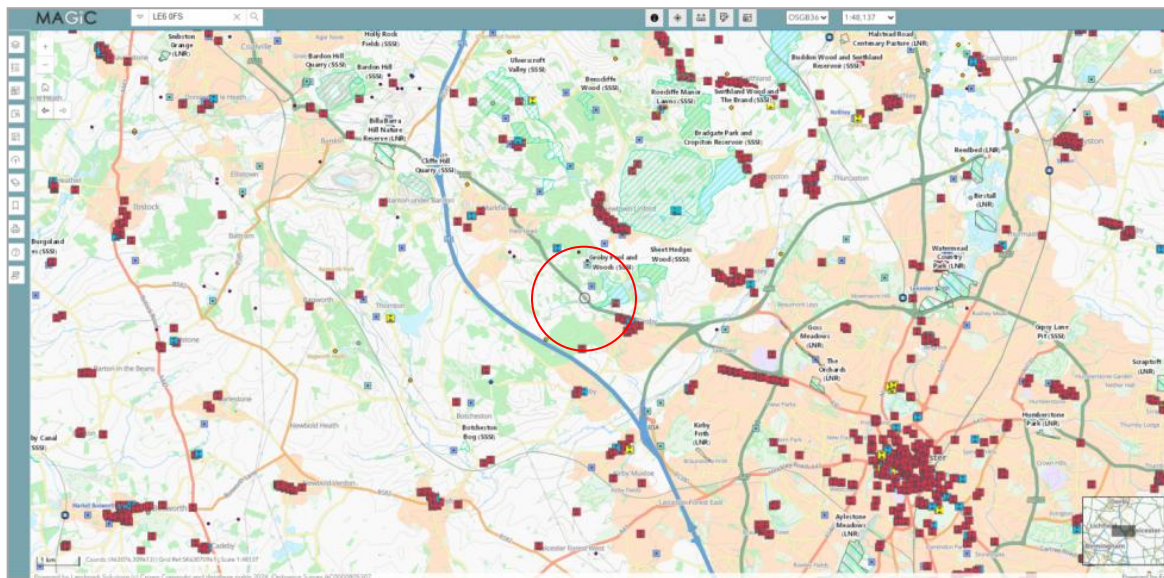
The site is opposite Groby Pool and Woods SSSI:

Figure 5: Designated Sites in the Vicinity



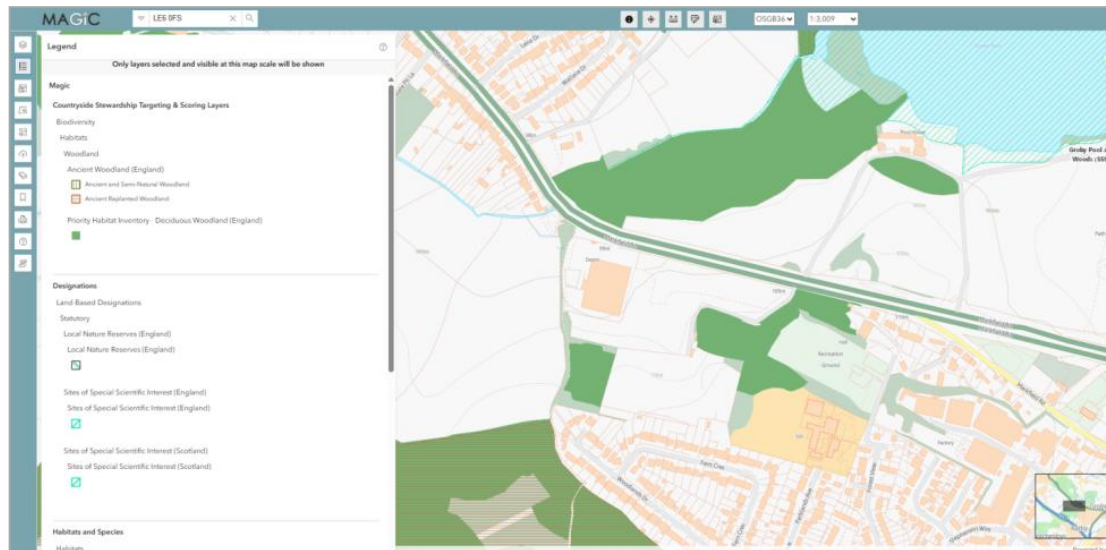
Protected species within 1 kilometre of the site include bats – Soprano pipistrelle, common pipistrelle, brown long-eared - and great crested newts (1 km north).

Figure 6: EPS Protected Species in the Vicinity



The existing woodland is recorded as Priority Habitat and Ancient Woodland:

Figure 7: Magic Map showing Priority Habitats



Habitat Types Present

- The areas to the frontage were heavily disturbed as works were underway and these areas were bare earth.
- The verge to the frontage was likely to be modified grassland (g4 in UKHab) comprising dandelion, cow parsley, daisy, perennial ryegrass, daisy and broad leaved plantain.
- The public footpath to the West of the site is between two hedge/tree lines comprising hedgerow species such as hawthorn, with self set goat willow and bramble, self set sycamore, occasional beech, English oak and elder. The trees are all young to early mature.
- The woodland to the south comprises what appears to be a plantation of mainly native species (English oak, elder, hawthorn, holly, occasional yew, to the extreme south dominated by goat willow exclusively. Minimal ground flora but bluebell noted in two locations.
- The grassland to the east of this comprises a cocksfoot-dominated sward, category 'other neutral grassland' (g3c) in UKHab. There is a hollow depression where there are established English oak trees (Mature/Early mature)

Species Present:

- **Badger:** trackways through woodland and onto footpath to west. No setts on site or within 30m. A fox kill was noted on-site.
- **Bats:** the woodland and connective footpath area are highly suitable for foraging and commuting, though the woodland is too young to have developed features suitable for bat roosts.
- **Breeding birds:** Common woodland species are likely to use these areas to breed within the peak breeding season.

2. TIMINGS AND SPECIFIC GUIDANCE

2.1 General Notes

Nesting Bird note:

Work should avoid disturbance to nesting birds. Birds can nest in many places including buildings, trees, shrubs dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act (as amended). The main nesting season lasts approximately from March to September, so work to trees should be checked by a suitably qualified ecologist prior. (N.B. birds can nest at any time, and the site should ideally be checked by a suitably qualified ecologist for their presence immediately before work starts, especially if during the breeding season.)

Bat lighting note:

Lighting can have a harmful effect on bats impacting on their use of a roost and also their commuting routes and foraging areas. Light falling on a roost access point is likely to delay bats from emerging, which can be especially damaging around dusk as that is when there is a peak in the number of insects. In the worst case scenario, it can cause the bats to desert the roost. Bats and their 'roost' sites are fully protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017, the latter of which deems them a European Protected Species. Bats should always be taken into account when lighting is being considered. It is respectfully advised that lighting is kept to a minimum around the roof areas of the new buildings and is limited to illuminating the ground and not any possible access points or foraging corridor. This applies both in the final layout and during site works of demolition and build.

Procedures for emergencies: Protected species:

Note 1: If protected species such as bats, breeding birds, reptiles or great crested newts are discovered at any time during processes involved with the development, work should cease immediately and the advice of a licensed ecologist sought.

2.2 Protecting the Ecological Value of the Site

Adjacent high value habitats

The retained trees are protected appropriately i.e. no compound, storage of materials or vehicles within the area, which should be protected by Heras fencing and appropriate signage.

Mitigation

On-site mitigation will be required (native and wildlife friendly planting) and installation of bat and bird boxes on the existing trees, using measures such as native hedgerow and tree planting, flowering lawn mixes, flowering mixes and the addition of bat and bird boxes on the new building. This will be demonstrated in a document for discharge of the relevant Condition of the development (the LEMP).

The landscape plans have been prepared and the Biodiversity Enhancement Plan and Woodland Management Plan should be referred to in all cases of enhancement measures that are recommended.

Tree and hedge removal

The trees and hedges, within the development area should be protected and enhanced, as far as compatible with the development, as they are of high suitability for breeding birds and potentially will have a number of nests during the breeding season.

External lighting:

During and after work exterior lighting is to be in accordance with BCT current guidance (see Artificial Lighting and Bats, BCT Guidance note, 2018, updated in 2023. See Appendix 2.

The on-site lighting will be carefully chosen to ensure it is low lux, cowled (directed downwards to prevent light splay), and used on timers or motion sensors to minimize the impact on local bat populations.

2.3 Precautionary Measures Prior to and During Development

The trees and hedges could all provide suitable nesting structures, therefore site clearance should be carried out outside of the peak bird breeding season or inspected

prior to clearance by a qualified and experienced ecologist. Peak bird breeding season is between mid March and mid August, although certain species can breed outside these months and if breeding birds are found then work should cease and the advice of an ecologist sought.

All retained hedges and trees should be treated in accordance British Standard BS5837 (2012) Trees in Relation to Design, Demolition and Construction – Recommendations, to ensure adequate root protection fencing is deployed.

2.3.1 Herpetiles (Reptiles and Amphibians)

To protect any reptiles or amphibians (including great crested newts) which might be using the site, appropriate precautions should be taken during the works. These include, where possible:

- Ensuring storage of piles of materials and excavated earth on the site is kept to a minimum.
- Storing piles of materials and excavated earth away from the field boundaries to deter reptiles from using them for temporary cover.
- To ensure no newts or other amphibians are harmed as a result of this development, it is recommended appropriate precautions should be taken during development.
- An initial walkover by an ecologist and dismantling of any refugia by hand will be required.
- Directional clearance of the site to give any individuals chance to move away to safety. The site should be cleared from east to west, to push wildlife out towards other green space in the west.
- If herpetiles are discovered at any time during processes involved with the development, work will cease immediately and the advice of a licensed ecologist sought.
- All site staff involved with site clearance and construction works are to be made aware of the potential for encountering herpetiles through a tool kit talk and the appropriate measures to be taken if great crested newts are encountered.
- Keep duration of groundworks as short as possible.
- Backfill trenches and other excavations before nightfall, or leave a ramp to allow exit.
- Raise stored materials (that might act as temporary resting places) off the ground, e.g. on pallets.

2.3.2 Badgers

Appropriate precautionary measures are recommended, in case badgers or other mammals enter the working areas at night:

- Ensure that all those in work are aware of the potential for setts or badgers to be encountered, and the actions to be taken if these are discovered at anytime.
- A pre-commencement badger survey prior to site clearance by an ecologist will be undertaken
- All excavations to be covered over or ramped so that any badgers could get out of an excavated structure. Further measures are detailed below:
- Any ground-works that are to be left open overnight will be provided with a means of escape should a badger enter. This could simply be in the form of a roughened plank of wood placed in the trench as a ramp to the surface. This is particularly important if the trench fills with water.
- Any trenches/pits will be inspected each morning to ensure that no badgers have become trapped overnight. Should a badger become trapped in a trench it will likely attempt to dig itself into the side of the trench, by forming a temporary sett. Should a trapped badger be encountered the Ecologist should be contacted immediately for further advice who, if necessary, will contact Natural England in respect of legislative and licensing issues.
- The storage of topsoil or other 'soft' building materials on site will be given careful consideration. Badgers will readily adopt such mounds as setts; so as to avoid the adoption of any mounds, these will be kept to a minimum and any essential mounds subject to daily inspections (or nightly patrols if 24 hour security is present on site), with consideration given to temporarily fencing any such mounds to exclude badgers.
 - A toolkit talk shall be conducted that will cover issues in relation to badgers, prior to commencement of works.

2.3.3 Hedgehogs

This species is likely to use the site.

- All personnel working on site will be given a toolbox talk on hedgehogs (see Appendix 1).
- Any vegetation clearance, removal of log piles and other potential refuge areas must be done with care, preferably by hand, checking for hedgehogs as they go. Hedgehogs usually hibernate from November through to March and are particularly

vulnerable at this time. It is recommended that the denser areas of vegetation which are likely to be disturbed during the hibernation period should be cut back to ground level prior to the end of October in order to discourage their use by hibernating hedgehogs.

- Any trenches or other excavations left open overnight should either be well covered over or be provided with an escape ramp (a sloped side or a plank of wood reaching up to ground level or slightly above). This will allow any hedgehogs (or other wildlife) that falls in to escape.
- Any solid fences that are erected will include suitable 'hedgehog highways' which comprise a 13x13cm hole at the base, which will ensure connectivity across the site and to the wider area for this species.

2.2.4 Other Mammals

- Ensure that any necessary excavation of animal burrows for rabbits is done carefully to avoid unnecessary suffering (e.g., asphyxiation and by crushing).
- Protect trees in accordance with Construction BS 5837:2012 Trees in Relation to Design, Demolition and Construction.
- All personnel working on site will be given a toolbox talk on foxes (see below).

2.4 Specific Guidance and Mitigation Plan/ Role of EcOW

In addition to the issues already identified in relation to the issue above, such as vegetation clearance the site will be inspected ecologically immediately prior to works commencing, and that a toolkit talk is given to all site worker by a qualified ecologist.

- These will be the principal roles of the Ecological Clerk of Works, named Dr. Stefan Bodnar MCIEEM. 07429 2029549 stefan.bodnar01@googlemail.com.
- Checking for hedgehogs: this to be completed by site workers following the toolbox talks.
- Other responsible person and lines of communication on-site for implementation of CEMP (BS 42020 section 10.7.1) will be included in the main contractors details.

3. CEMP PRECAUTIONARY NOTES

Other than the build elements, the following elements are particularly relevant. These will need to incorporate the cautionary notes listed and the tree protection elements:

The main cautionary notes are listed in red.

Work will include:

a) Clearance of site, including clearance of vegetation and demolition.

Note 1: Retained trees and root zones of retained trees protected with Heras fencing.

Note 2: Work timed outside bird breeding season or with prior ecological on-site checks.

Note 3: Working within agreed development area.

b) Levelling of land and dragging over. Hardcore areas

Note 1: Trees and root zones protected with Heras fencing/ geocell.

Note 2: Awareness and implementation of procedure for emergencies, if protected species found.

Note 3: Timing: work timed during April to September, to be completed by September to avoid sensitive times for wildlife and not re-commence if required till next April.

c) New groundworks, connection to new building

Note 1: Caution in respect of any protected species discovered.

Note 2: Trees and root zones protected with Heras fencing/geocell.

Note 3: Any excavations will be ramped to allow any newts, badgers or other wildlife to escape.

Note 4: Work timed outside bird breeding season or with prior ecological on-site checks.

d) Footings and foundations

Note 1: Trees and root zones protected with Heras fencing/geocell.

Note 2: Any excavations will be ramped to allow any newts, hedgehogs or badgers to escape.

Note 3: Caution with vehicle movements and storage of materials on site.

Note 4: Work timed outside bird breeding season or with prior ecological on-site checks.

4. OBJECTIVE OF ENVIRONMENTAL PLAN

This is to provide for protection of nearby areas during the demolition, construction and operational phases of the project.

The following measures are specified: Prevention of pollution during works

This should be encapsulated in an environmental plan, which provides the following:

- To provide for protection of nearby areas during the demolition, construction and operational phases of the project.
- Ensuring all methods conform to the requirements set out in the following PPGs or revised updated GPPs, where indicated:
 - PPG 6 Working at construction and demolition sites
 - PPG 21 Pollution incident response planning

Updated by:

[GPP 21: Pollution incident response planning](#)

For producing emergency pollution incident response plans to deal with accidents, spillages and fires. (July 2021)

[GPP 22: Dealing with spills](#)

For anyone who is responsible for storing and transporting materials that could cause pollution if they spill. (October 2018)

4.1 Ecological Protection during the Works

To ensure that the works are undertaken in accordance with the CEMP a series of control measures will be utilised. The main one is the delineation of the person responsible for each element of complying with the CEMP, normally the site manager.

4.2 Elements of the Construction Programme

Compliance with all legal aspects in relation to nature conservation.
Compliance with planning conditions in relation to aspects of nature conservation.
Installation of site fencing to create zones which will not be affected by this development (safeguarding zones.)
Institution of protective work practices
Inspection and monitoring
Remedial works/alteration to working procedures
Training and provision of information in relation to exclusion zones to all site personnel

4.3 The Requirements as Outlined by Legislation

One particular legal requirement is specified which will need compliance with:

- Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010, amended 2017 (The Habitat Regulations)

In addition, the applicants are aware that planning permission granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licenses required as described in Part IV of the Circular 06/2005.

4.4 Procedures for Emergencies: Protected species

Note 1: If protected species such as bats, reptiles or great crested newts are discovered at any time during processes involved with the development, work should cease immediately and the advice of a licensed ecologist sought

Note 2: If at any time the developer is made aware of any disturbance issues, caused by any on site operations related to the nearby Upton Warren SSSI they will take immediate measures to prevent this.

4.5 General Procedures

- Washing down delivery/site vehicles: the contractor will confirm that this will not be undertaken within the site working area or in any other area of the site.
- Storage of other (inert) site materials: All bricks and other construction materials will be stored on pallets and on hardstanding areas of the site outside of tree safeguarding zones.

APPENDICES

APPENDIX 1: CONTENTS OF TOOLKIT TALK

Common amphibians:

Toolbox talk 1: protected species

Amphibians (common)

What are they and how are they recognised?

There are seven native amphibian species in the UK:

- 1 Common toad.
- 2 Common frog.
- 3 Common newt.
- 4 Palmate newt.
- 5 Great crested newt (GNC).
- 6 Natterjack toad.
- 7 Pool frog.

In England, Wales and Scotland the first four species are fairly widespread. In Northern Ireland only the common frog and common newt are found. These widespread species may be found living side-by-side with the fully-protected GNC or (less commonly) the natterjack toad. The pool frog, which was recently re-introduced to a single site in East Anglia, is strictly protected.

Where are they found?

The four widespread amphibian species are frequently encountered on construction sites, both in or around water (including temporary pools) and on land among grass, scrub, woodland and under logs and rocks.

When are they found?

Ponds have the highest numbers of amphibians in the spring, when they are used for breeding, but are still likely to contain lower numbers throughout the year.

Young amphibians remain in the water as tadpoles or larvae until they change into tiny, miniature adults and then move on to land. They can be found on land from April onwards.

Adults and juveniles can also be found on land at any time. Most amphibians hibernate on land during the winter months, though the common frog can also hibernate in mud at the bottom of ponds.



Toolbox talk 1: Amphibians (common)

What should be done if one is found?

In England, Wales and Scotland, disturbance of the common frog, common toad, common or palmate newt does not require a licence, but all four species are of conservation concern and they are all protected against cruelty and against sale or trade.

In Northern Ireland the common frog receives protection only against sale etc but the common newt is fully protected.

When conducting works the following should be adhered to where possible:

- protect and remove individuals from danger. Captured animals are legally protected against cruelty
- amphibians, particularly when very young or hibernating, are likely to be injured during vegetation clearance using strimmers etc. Where possible this should be undertaken in autumn when animals are active, but not breeding. Leave grass height at 10 cm where possible.

When clearing sites dismantle all sheltering places, such as rock piles and logs etc, by hand and place any animals in a cool, damp, sheltered place away from danger.

Take particular care in winter – animals may be hibernating within rock-piles and vegetation and are highly vulnerable to killing and injury.

In Northern Ireland, where the common newt is fully protected against killing, capture, injury and disturbance, and the places they use for shelter or protection are protected against damage or destruction, it will be necessary to show that all reasonable effort was made to avoid breaking the law and that adequate surveys have been carried out.

Where common newts are present, mitigation measures should be agreed with the Northern Ireland Environment Agency (NIEA). If a common newt is found (or suspected) on a site in Northern Ireland after works have started, all works must stop immediately and expert advice sought.

If in any doubt about the identity of a species that has been found, do not disturb it as doing so may be illegal. Consult an expert.

What else may be seen?

In England, Wales and Scotland, any of these species can be found in ponds with the GNC or, occasionally, the natterjack toad. Both these species are fully protected. It is illegal to capture, injure, kill or disturb GNC or natterjack toads, or damage or obstruct their habitat.

GNCs are almost twice the size of the smaller species, reaching up to 19 cm.

Natterjack toads have a distinctive yellow stripe running along the length of their back.

"Alien" species

Many non-native amphibians have been introduced into the UK, sometimes as unwanted pets. In some cases, such as the bull frog, introduced species cause great damage to British wildlife and are considered pests.

If a species is found that is not recognised, put them in a cool damp container with some shelter. Seek expert advice from the Royal Society for the Prevention of Cruelty to Animals (RSPCA), an ecologist, a wildlife crime officer, the local reptile and amphibian group or a local zoo. Alien species are not native to the UK and should not be released once captured. All animals are protected against cruelty.

Great Crested Newt:

Toolbox talk 7: protected species

Great crested newt

What are they and how are they recognised?

Newts are amphibians – they can live both in water and on land. Adult great crested newts (GCN) are 110-170 mm long (about twice as big as other newts) and are black or dark brown. During spring and summer, males have a jagged crest along the back and the tail has a silver stripe along it. The females do not have the crest or silver tail stripe, but have a bright orange stripe along the bottom of their tail. Both males and females have bright orange bellies with black spots.

Where are they found?

GCN occur in rural, urban and suburban sites. GCN usually prefer medium to large ponds in which to, but can be found in any body of water on site including temporary pools. GCN spend most of their time on land – they can be found in grass, scrub and woodland and under logs and stones within 250 m to 500 m of the breeding pond.

When are they found?

GCN are nocturnal and are seen mostly at night. They are found in ponds between March and June, but can be seen on land at any time of year.

What should be done if a GCN is found?

GCN are fully protected against killing, capture, injury and disturbance, and the places they use for shelter or protection are protected against damage, destruction or obstruction. If a GCN (adult, juvenile or tadpole) is found (or suspected) on site after works have started, all works in the area must stop immediately and expert advice must be sought.

If there is any doubt of the newt species that has been found, stop work and consult an expert.



What else may be seen?

If GCN are found in a pond, common and/or palmate newts may also be found. Common and palmate newts do not receive the same protection as GCN except in Northern Ireland where the common newt is fully protected. Adults of these species are about the same size as young GCN but are a lighter colour.

Penalties

Breaking the law can lead to fines of up to £5000 per offence and, potentially, prison sentences of up to six months. Any vehicle used to commit the offence may be held liable.

Toolbox talk 7: Great crested newt

Breeding birds:

Toolbox talk 4: protected species

Birds

Toolbox talk 4: Birds

What are they and how are they recognised?

More than 400 bird species are regularly recorded in the UK. These consist of resident breeding species and migrants. Birds occur in both rural and urban areas, with many species adapted to living in bridges, buildings, houses and gardens. Used and unused nests made of twigs, grass and moss, droppings and food pellets or food remains may also be found.

Where are their nests found?

Species show different preferences as to where they nest. Most are more likely to nest in scrub or hedgerows than in trees, but some build nests in or on buildings, ledges, cliffs and on the ground.

When are they found?

Birds in the UK typically build their nests and lay their eggs between March and August. The peak months for breeding are May and June. Exceptions include the barn owl, which may breed for a longer period, and the collared dove and wood pigeon, which nest all year round. However, birds may be found breeding on a construction site at unexpected times of the year.

What should be done if nesting birds are found?

All wild birds are protected by law throughout the UK and in particular when they are nesting. It is illegal to kill, injure or take any wild bird, or damage or destroy the nest while that nest is in use or being built, or eggs of breeding birds. This includes commonly seen species, such as blackbirds and robins.

Certain birds receive additional protection whereby it is illegal to disturb them when they are nesting (eg barn owl, peregrine falcon, kingfisher, black redstart etc).



If nesting birds are found on site, all works in that area will have to stop until the birds have completed breeding. Nesting sites should be inspected only by experienced ecologists. Works must not damage the nests of breeding birds or be conducted near the nests of those species receiving additional protection.

Birds may nest on machinery or scaffolding and other temporary site structures. If this happens the equipment cannot be used until the birds have finished nesting, and areas may need to be sealed off to prevent disturbance.

Where possible avoid clearance works during the nesting season.

Penalties

Breaking the law can lead to fines of up to £5000 per offence and, potentially, prison sentences of up to six months. Any vehicle used to commit the offence may be forfeited. Both the company and/or individuals can be held liable.

Badgers:

Badgers

What?

- ☐ badgers are a protected species
- ☐ both the animals and their setts are protected by law
- ☐ it is illegal to carry out any construction work close to a badger sett without taking steps to positively avoid damage and without an appropriate licence
- ☐ it is no excuse in law to be unaware of the presence of badgers.

Identification

- ☐ most badgers have the characteristic black and white striped face although very occasionally they can be creamy white (albino) or red/ginger in colour
- ☐ fully grown adults can be up to 1 m in length and weigh up to 14 kg
- ☐ the sett entrance is usually D-shaped and at around 300 mm wide by 200 mm high is wider than either a fox or rabbit hole
- ☐ there may be signs of freshly excavated material at the entrance or piles of leaves, dry grass, straw or bracken, which the badgers take inside to use as bedding
- ☐ badgers have a distinctive footprint – five claws and a broad main pad
- ☐ an indicator of badgers can be found on trees or posts that badgers use for scratching.



- disturb a badger when it is occupying a sett
- interfere with a badger sett by damaging or destroying it
- obstruct the access to, or any entrance of, a badger sett
- breaking the law can lead to fines of up to **£5000 per badger and/or up to six months in prison.**

Why?

- ☐ **avoid prosecution:** it is a criminal offence for anyone without a licence to:
 - kill, injure or handle a badger

Questions

- 1 Where might signs of a badger sett be found?
- 2 How is a badger sett identified?
- 3 If it is suspected that badgers are present, what should be done?

Do

- ✓ **IMMEDIATELY** stop work and inform a line manager if a badger sett is found or a badger is seen on site or close to the site boundary
- ✓ seek guidance from a competent person before any work within 30 m of a badger sett.

Don't

- ✗ use heavy machines within 30 m
- ✗ use light machines within 20 m
- ✗ work within 10 m

of a badger sett before checking with a line manager whether a licence is necessary

- ✗ carry out any works that are likely to disturb, damage or destroy a badger sett unless a line manager has categorically instructed to proceed further to a competent ecologists recommendation to do so.

Other Mammals:

Toolbox talk 9: protected species

Mammals (common)

What are they and how are they recognised?

The presence on a site of the species listed in the table does not necessarily limit development works, but all mammals in Britain are protected against cruelty – and this includes cruelty as part of the destruction of habitat containing adult or young:

Protected against cruelty

- hedgehog
- shrew (all species)
- polecats
- water voles
- dormice
- deer
- hares
- common rabbits
- stoats
- weasel
- moles.

Also, killing or trapping of all shrew species, hedgehogs or polecats using certain methods is illegal without a licence.

Killing or taking of deer is illegal during the close season.

The use of pesticides, trapping etc is strictly controlled. It is illegal for these methods to affect protected species.

Where are they found?

Many of these species may be found frequently on construction sites in grass, scrub and woodland and under logs and rocks. Some species are frequently associated with buildings.

When are they found?

Adults of hibernating species will be active during spring and summer. They may be found hibernating during the winter months. Non-hibernating species may be found all



(courtesy Vicky White)

year round. Nests containing young may be found between February and October, though some mammals breed all year round.

What should be done if one is found?

Though not specifically protected by law against the effects of development, many of these species are of conservation importance. Some small mammals are highly vulnerable to being injured or killed during vegetation clearance. Where possible care should be taken to protect and remove individuals from danger by following the guidance here:

When using strimmers etc leave grass height at 10 cm where possible. If this cannot be done, cut in two stages, ie leave 10 cm of grass for half a day or more to allow animals to escape, then return and clear to ground level. Avoid areas where the animals occur, or remove animals and nests to safety.

Keep watch for nests of young among long grass etc. Young mammals are typically born blind and without fur and so are particularly vulnerable. Care should be taken at all times of year. Many species breed all year round. Others may be hibernating within grass and scrub. If hibernating animals are found, these should be removed to a safe, dry and well-sheltered place.

Toolbox talk 9: Mammals (common)

Toolbox talk 19: pest species

Foxes

Toolbox talk 19: Foxes

What are they and how are they recognised?

Foxes are the size of a small-medium sized dog and have reddish orange fur with a bushy tail. They are slim in build with a long pointed snout. Fox droppings are similar to those of domestic dogs but are twisted in shape, often contain hair and bones, and have a pungent smell.

Where are they found?

Foxes occur in nearly all habitats including sand dunes, marshes, mountain tops and urban areas. They are well adapted to living in built-up areas and may be seen in town centres and gardens. Foxes occupy underground dens called "earth" – these may include old or actively used badger holes.

When are they found?

Foxes are active all year round, less so in the winter, though they do not hibernate and can be seen during the day or at night. Breeding occurs once a year in the spring, with four to five cubs produced per female.

What should be done if one is found?

Cruelty to foxes and the use of poison and certain types of trap to capture them are illegal. If undertaking works that could affect fox dens then:

- avoid destruction until sure that foxes have evacuated
- to avoid breaking the laws protecting animals against cruelty, only lightly fill holes at first to avoid burying any animals and to detect whether the hole is in use. Use leaf litter or straw rather than soil
- avoid filling holes between March and May as cubs may be below ground.



Health and safety issues

Foxes may carry Weil's disease (Leptospirosis), which can be passed on to humans via fox urine. Foxes (like dogs) carry parasites that can cause disease in humans, these are passed on via droppings.

Avoid contact with fox urine or droppings (or any standing water that may be contaminated) with bare hands.

Foxes may use badger holes, and it is illegal to damage badger holes without a licence. If in doubt, stop all works and consult an expert.

APPENDIX 2: LIGHTING GUIDANCE

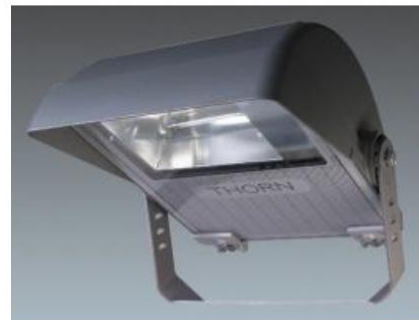
MITIGATION OF LIGHTING IMPACTS ON BATS

- **FORAGING AND COMMUTING** Type of lamp (light source) The impact on bats can be minimised by the use of low pressure sodium lamps or high pressure sodium instead of mercury or metal halide lamps where glass glazing is preferred due to its uv filtration characteristics.
- **Luminaire and light spill accessories** Lighting should be directed to where it is needed and light spillage avoided. This can be achieved by the design of the luminaire and by using accessories such as hoods, cowls, louvres and shields to direct the light to the intended area only. Planting can also be used as a barrier or manmade features that are required within the build can be positioned so as to form a barrier. **Suitable examples shown below:**

Double Asymmetric Luminaire



Simple Hood



- **Lighting column** The height of lighting columns in general should be as short as is possible as light at a low level reduces the ecological impact. However, there are cases where a taller column will enable light to be directed downwards at a more acute angle and thereby reduce horizontal spill. For pedestrian lighting this can take the form of low level lighting that is as directional as possible and below 3 lux at ground level.
- **Light levels** The light should be as low as guidelines permit. If lighting is not needed, don't light.
Timing of lighting The times during which the lighting is on should be limited to provide some dark periods. Roads or trackways in areas important for foraging bats should contain stretches left unlit to avoid isolation of bat colonies. These unlit stretches should be 10 metres in length either side of commuting route.
- **SECURITY LIGHTING** Power It is rarely necessary to use a lamp of greater than 2000 lumens (150 W) in security lights. The use of a higher power is not as effective for the intended function and will be more disturbing for bats.

- Movement sensors Many security lights are fitted with movement sensors which, if well installed and aimed, will reduce the amount of time a light is on each night. This is more easily achieved in a system where the light unit and the movement sensor are able to be separately aimed. Timers If the light is fitted with a timer this should be adjusted to the minimum to reduce the amount of 'lit time'.
- Aim of light The light should be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- **Suitable types shown below (note that these are wall mounted and directed downwards)**

Circular Louvre



Cowl & Louvre



Cowl (or Hood)



References: Bats and lighting BCT guidance and Guidance notes for the reduction of obtrusive lighting.