

Land off Beech Drive, Thornton

CEMP Technical Note

edp6140_r015_DRAFT

1. Introduction

- 1.1 This section identifies the mitigation measures which will be implemented to limit potential impacts on ecologically sensitive habitats and species arising from construction activities of the Proposed Development.

Development Proposals

- 1.2 The proposed development is for up to 49 residential dwellings with associated open space, landscaping, amenity space, car and cycle parking and other associated works. The scheme was granted full planning permission on 22 May 2020 (application ref: 20/00511/FUL). This report is to discharge condition 17 (vii) only in relation to the appeal decision (Appeal Ref: APP/K2420/W/21/3285060 attached to the above planning permission.

- 1.3 This CEMP technical note has been prepared to provide the necessary information in respect of ecology to discharge Condition 17 (vii):

17- “No development shall commence on site (including any site clearance/preparation works), until a Construction Environmental Management Plan and Method Statement has been submitted to the local planning authority for approval in writing and has been so approved. Details shall provide the following:

vii) measures for the protection of the natural environment.”

Potential Impacts

- 1.4 There are no statutory designated sites of nature conservation importance within 10km of the site boundary. However, there are three Local Wildlife Sites (LWS) within 1km of the site, namely Thornton Meadow LWS, Thornton Reservoir LWS and Bagworth Heath Country Park LWS.
- 1.5 The vast majority of the site supports grassland of low ecological value though habitats of greater value are present along the site boundaries including hedgerows, woodland and mature trees.
- 1.6 Surveys have identified habitats suitable to support limited assemblages of nesting birds, roosting and foraging/commuting bats, badgers and common reptiles of site level intrinsic ecological value or lower which will need to be considered during construction.

Ecological Clerk of Works

- 1.7 The appointed Ecological Clerk of Works (ECoW) will be responsible for the provision of information to all onsite construction personnel prior to commencement of works (as required), on all relevant ecological receptors and constraints associated with the Site, including all species-specific control measures to be adhered to during the construction phase.
- 1.8 The ECoW will also be responsible for:
- Prior to the commencement of pre-construction and construction phases 'toolbox talks' will be provided by the ECoW to the Principal Contractor appointed by the Developer, and all relevant sub-contractors and site personnel, to ensure that the identification and protection of protected species and their habitats is fully understood and appropriate, and that agreed mitigation is implemented;
 - Assisting the Site Management Team to be compliant with nature conservation legislation and policy;
 - Working with relevant contractors to ensure compliance with the methods in this report where necessary;
 - Supervising vegetation clearance in locations where sensitive habitats and protected species may occur including:
 - Removal of any above-ground vegetation including hedgerow, tree, scrub, tall ruderal and grassland during the breeding bird season (March to August inclusive);
 - Undertaking any necessary pre-commencement surveys, and update surveys through development as discussed in further detail below. This will include pre-commencement checks for nesting birds during the bird breeding season, evidence of badger, reptiles and/or roosting bats as relevant;
 - Conduct hand searching, capture and relocation of animals from working areas (as required), where such animals do not need a derogation licence to be handled; and
 - Communication with and reporting to the Local Planning Authority (LPA) (as required) to evidence that pre-construction/construction activities have been implemented in accordance with the CEMP and/or any deviations from the CEMP have been undertaken with the approval of the LPA.

2. Method Statement

Habitat Protection

Trees, Hedgerows and Woodland

- 2.1 All personnel will be fully briefed on the location of the features of ecological importance as described above.
- 2.2 To avoid damage/disturbance of retained habitats (trees/hedgerows/woodland) during construction Ecological Protection Zones (EPZs) with an appropriate buffer will be established during the construction phase. EPZs will be achieved through co-ordination with tree protection measures required as good arboricultural practice as outlined within the EDP Arboricultural Impact Assessment (edp6140_r002), including temporary protective fencing and signage.
- 2.3 All fencing, and establishment of EPZs, is the responsibility of the Site Manager and will be installed under the supervision of or signed off by a suitably qualified arboriculturist and/or ecologist and adequately maintained throughout the duration of the construction phase, until construction of the residential properties is complete.

Lighting Strategy

- 2.4 To reduce the impact of artificial light spillage on the ecological features of interest on the Site, namely the retained trees, hedgerows and woodland that will be used by foraging bats and birds, a sensitive lighting strategy is to be adopted throughout the construction phase of the development.
- 2.5 The use of artificial lighting is to be limited to the essential minimum throughout the Site, and any lighting to be used should avoid upward pointing lights, with the spread of light being kept near to or below the horizontal.
- 2.6 Any illuminated site compounds will be sited away from all retained features of ecological interest described in this document.
- 2.7 Where required, the times that lights are on should be controlled to avoid lights illuminated between, and including, dusk and dawn hours, to allow some dark periods for bats and other wildlife. Lighting with a low UV component should be used to reduce invertebrate attraction, and directional lighting/shielding of lights with accessories such as hoods, covers, louvers and shields is to be used throughout to avoid excessive light spill.

Species Protection

Breeding Birds

- 2.8 Any above ground vegetation clearance that includes removal of any potential bird nesting habitat, such as trees or hedgerows, should occur outside of the bird nesting period (March–August inclusive).
- 2.9 Should this constraint prove not to be practical in terms of the proposed construction timetable or other protected species requirements within the Site, any habitats suitable for breeding birds (as above) to be affected by clearance works within the breeding season (March to August) should be checked for the presence of active bird nests by a suitably qualified ecologist immediately prior to the commencement of clearance works. If a bird's nest is discovered, works within 5m of the nest will cease until the young birds have fledged.
- 2.10 Ground nesting birds have been identified as potentially present within the Site. Given the protection afforded to all breeding birds, their nests, eggs and young, a precautionary pre-commencement check is required of all open field habitats prior to stripping the Site should this be timed to coincide with the breeding season (March to August). Where active nests or nests under construction are discovered, then appropriate buffers will be marked out around such nests until all eggs have hatched and chicks fledged.
- 2.11 The lighting strategy discussed previously is considered sufficient to minimize potential impacts to roosting birds arising from artificial light spill/illumination during construction.

Bats

Roosting Bats

- 2.12 A mature oak tree T2 along the south-eastern hedgerow of the Site, was assessed as having moderate potential to support roosting bats and an ash tree T1, located in the south-eastern corner of the Site was assessed as having low bat roost potential.
- 2.13 No trees with potential for roosting bats are proposed to be lost however, should removal be necessary removal of trees with bat roosting potential should be conducted under the following methodology.
- 2.14 Trees with moderate roost potential will require additional emergence/re-entry surveys or aerial inspections completed in line with best practice guidance and under the supervision of an appropriately licenced ecologist.
- 2.15 Those trees to be affected would be resurveyed immediately prior to removal to ensure that no roosting bats were present. If no roost is confirmed, but potential exists, then trees will be felled under a Non-Licensed Method Statement by a suitably experienced tree surgeon, using a 'soft felling' technique where roost features are sectioned out and lowered to the ground and placed

to one side. These works would ideally be undertaken in April and September/October to avoid the key maternity and/or hibernation periods for bats.

- 2.16 Should a roost/roosts be confirmed, then bat exclusion and felling will take place under a Natural England derogation licence and under supervision of a licensed bat worker. Replacement bat roosts will also be provided in the form of bat boxes attached to retained mature trees, new dwellings or on freestanding poles. The precise mitigation details will be subject to agreement through the licensing process.

Foraging/Commuting Bats

- 2.17 The lighting strategy discussed previously is considered sufficient to minimise potential impacts to foraging/commuting bats arising from artificial light spill/illumination during construction.

Badgers and Hedgehogs

- 2.18 An update walkover survey was completed across the Site on 15 February 2023 during which no badger setts were recorded, however, as previously recorded in 2022 badger runs were still recorded across the Site indicating that badger may use this area for foraging/dispersal. Furthermore, badgers are a mobile species and sett building habitat is present within the Site and as such it is possible that badgers could create a sett/s in the future. Further details of the update badger walkover survey and required mitigation are provided in the Badger Walkover Survey Note (report reference edp6140_r013).
- 2.19 Should development be delayed a pre-commencement survey will be completed within one month of construction works commencing within the Site to confirm continued absence of badger. Where an active badger sett is identified a licence may be required from Natural England to close the sett in order to permit construction works to proceed lawfully. The licence application would be informed by a badger mitigation strategy if required.
- 2.20 During construction any excavations will be sealed flush at ground level or formed with a gently sloping sides, to help any trapped badger (or other animals) to escape. Alternatively, excavations must be visually checked in the morning by the Construction Contractor prior to being filled in, to ensure badger (or other animals) are absent. Should any badger or other protected species be present/suspected present, then work must cease at that location immediately (where safe to do so) and a suitably experienced ecologist contacted immediately for advice on how to proceed.

Reptiles and Amphibians

- 2.21 The Site supports suitable reptile habitat including woodland, hedgerows and field margins. Whilst the majority of the hedgerows and trees will be suitably fenced to prevent damage within the EPZ, losses to suitable reptile habitat are expected to occur from loss of field margins outside of the EPZ.

2.22 All suitable vegetation clearance to include grassland field margins, hedgerows and trees must be undertaken between April and September/early October (when temperatures are above 10°C) during the reptile active season and in accordance with those methodologies detailed below:

- To prevent harm/injury to common reptile species present onsite, all suitable vegetation clearance will be undertaken under supervision of the EcoW;
- A pre-commencement finger-tip search of all suitable vegetation will be undertaken by the EcoW prior to any vegetation clearance;
- Any potential refugia/hibernacula located within the Site will be inspected by the ECoW and carefully dismantled/removed by hand if possible, or using hand tools, hand-held machinery or untracked, light machinery under the close supervision of the ECoW;
- All areas to be cleared will be subject to directional cutting over two phases. The first phase of clearance will require an initial cut of the vegetation, reducing vegetation height down to a minimum of 300mm, with clearance directed towards adjacent retained habitat adjacent. The area will be left for a period of at least 24 hours to give animals present opportunity to disperse into the adjacent retained habitat. Thereafter, vegetation will be cut to ground level, with sward heights not exceeding 30mm;
- All arisings will be removed on the same day as cutting and vegetation will be maintained thereafter at a height no greater than 30mm, through regular mowing or strimming, or as bare ground to discourage common reptiles from returning;
- In the event any reptiles/amphibians are identified during the phased clearance described above, individuals will be captured by hand by the onsite ECoW and immediately released into suitable adjacent habitat, away from construction activities; and
- No compound, machinery/materials or temporary storage areas of fill material from the construction phase, should be located adjacent to suitable reptile habitat, to prevent reptiles from being attracted to locations which may offer temporary refuge.

2.23 No below-ground vegetation clearance, or removal of roots and/or stumps or features which could offer hibernation potential to reptiles should be undertaken outside of the reptile/amphibian active season (April to October).