

South Shore Chalet Park, Bridlington

Construction Environmental Management Plan

to address the requirements of Condition 8 of
planning application ref: 20/03551/PLF

June 2021

| Quality Management | |
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1 Introduction

1.1 Background & Proposals

1.1.1 Aspect Ecology has been commissioned by Tingdene Holiday Parks Ltd to produce a Construction Environmental Management Plan (CEMP) in respect of the site known as South Shore Chalet Park, Bridlington (centred at grid reference TA 1716 6454).

1.1.2 The proposals are for the siting of 28 chalets (14 twin units), creation of a new footpath and associated parking and landscaping following the demolition of existing commercial and leisure buildings, car park and children's play area (ref: 20/03551/PLF).

1.1.3 Full planning permission was granted in April 2021, subject to a number of conditions of which this report is intended to address Condition 8 relating to provision of a Construction Environmental Management Plan:

'Prior to the commencement of development a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be based on, but not restricted to, the recommendations to avoid or minimise impacts on biodiversity detailed in section 6 of the Preliminary Ecological Appraisal (Aspect Ecology Ltd, October 2020) and section 7 of the Bat Survey (Wold Ecology Ltd, September 2020). The CEMP shall be compiled by a suitably qualified ecologist, include a timetable for implementation and a detailed plan. The scheme shall provide full details of all ecological mitigation measures and a programme for the implementation and monitoring for each element of the development. The approved CEMP shall be implemented in accordance with the approved details and timetable.'

Reason: *Imposed in accordance with policy ENV4 of the East Riding Local Plan and to ensure that protected species would not be harmed by the development of this site having regard to the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended).'*

1.1.4 Tingdene Holiday Parks Ltd intend to commence development and as such, Aspect Ecology has been commissioned to prepare a Construction Environmental Management Plan to address this condition.

1.2 Site Overview

1.2.1 The site is located to the south of Bridlington, along Bridlington South Beach. The site is bound by the wider South Shore Chalet Park to the west, by hardstanding parking areas to the north and south, and by the beach itself to the east.

1.2.2 The site itself comprises an access road and a number of adjoining leisure buildings, several of which were disused at the time of survey. The buildings are surrounded by areas of hardstanding and amenity grassland, a children's play area and areas of landscape planting with an area of tall ruderal vegetation also present at the eastern site boundary.

1.2.3 Wilsthorpe Dunes Local Wildlife Site (LWS) is located adjacent to the eastern boundary of the site, with a small portion overlapping with the eastern site boundary.

1.3 Ecological Survey Work

- 1.3.1 This Construction Environmental Management Plan (CEMP) has been informed by an extended Phase 1 Habitat Survey undertaken by Aspect Ecology in September 2020¹ and a third-party dusk emergence survey with regard to bats in September 2020² which were submitted with the planning application.

1.4 Purpose of the Report

- 1.4.1 This report aims to address the requirements of the Condition 8 of planning permission (ref: 20/03551/PLF), by detailing proportionate safeguarding and mitigation measures to be implemented prior to and during construction, in order to safeguard the ecological features identified within the 2020 Ecological Appraisal¹ and Bat Survey report², submitted as part of the planning application.

- 1.4.2 The ecological features identified as requiring safeguarding measures include:

- Bats;
- Badger and Other Mammals;
- Nesting Birds; and
- Local Wildlife Site and Reptiles.

1.5 Tenure and Responsibility

- 1.5.1 Tingdene Holiday Parks Ltd will be ultimately responsible for the implementation of the ecological safeguarding measures set out within this strategy.

1.6 Relevant Legislation Summary

- 1.6.1 Below is a summary of the relevant legislation that applies to this Construction Environmental Management Plan (see Appendix 6011/1 for further details).

Bats

- 1.6.2 All British bats are classed as European Protected Species and therefore receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), making it an offence *inter alia* to:

- Deliberately kill, injure or capture a bat;
- Deliberately disturb bats, including in particular any disturbance which is likely to impair their ability to survive, to reproduce or to rear or nurture their young, or their ability to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
- Damage or destroy a breeding site or resting place of a bat.

- 1.6.3 In addition, all British bats are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) which contains further provisions making it an offence to intentionally or recklessly:

¹ Aspect Ecology Ltd (2020) South Shore Chalet Park, Bridlington – Preliminary Ecological Appraisal (October 2020).

² Wold Ecology Ltd (2020) South Shore Chalet Park, Wilsthorpe – Bat Survey (September 2020).

- Obstruct access to any structure or place which any bat uses for shelter or protection; or
- Disturb bats while occupying a structure or place that it uses for that purpose.

Badger *Meles meles*

1.6.4 Badger receive legislative protection under the Protection of Badgers Act 1992, and as such should be assessed as an important ecological feature. The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It is the duty of planning authorities to consider the conservation and welfare impacts of development upon Badger and issue permissions accordingly.

1.6.5 Licences can be obtained from Natural England for development activities that would otherwise be unlawful under the legislation. Guidance on the types of activity that should be licensed is laid out in the relevant best practice guidance.^{3, 4}

Nesting Birds

1.6.6 Section 1 of the Wildlife and Countryside Act 1981 (as amended) is concerned with the protection of wild birds. With certain exceptions, all wild birds are protected such that it is an offence to intentionally:

- Kill, injure or take any wild bird;
- Take, damage or destroy the nest of any wild bird whilst in use* or being built;
- Take or destroy an egg of any wild bird;

* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle are protected against taking, damage or destruction irrespective of whether they are in use or not.

1.6.7 Species listed under Schedule 1 of the Act receive greater protection such that they are also protected against intentional or reckless disturbance whilst building a nest or whilst they are in, on, or near a nest containing eggs or young. The dependent young of Schedule 1 birds are also protected against intentional or reckless disturbance. Offences in respect of Schedule 1 species are subject to special, i.e. greater, penalties.

Reptiles

1.6.8 All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). For all British reptile species, Section 9 of the Wildlife and Countryside Act 1981 (as amended) contains provisions making it an offence to intentionally:

- Kill or injure; or to
- Sell, offer for sale or trade any British reptile.

1.6.9 Because Slow Worm *Anguis fragilis*, Common Lizard *Lacerta vivipara*, Grass Snake *Natrix natrix* and Adder *Vipera berus* are relatively widespread British species, their

³ English Nature (2002) '*Badgers and Development*'

⁴ Natural England (2011) '*Badgers and Development: A Guide to Best Practice and Licensing*', Interim Guidance Document

habitat is not directly protected. Nevertheless, because of their partial protection, disturbing or destroying their habitat whilst they are present may lead to an offence.

2 Protection of Ecological Features

2.1 Overview

- 2.1.1 The consented development works are potentially subject to a number of ecological constraints in respect of the adjacent Local Wildlife Site, bats, Badger, reptiles, and nesting birds. As such, protection measures are to be implemented to fully safeguard these habitats and species / groups. Provided below are details of the species-specific ecological safeguards, which will be implemented during the site preparation and construction.
- 2.1.2 Prior to works commencing and throughout the duration of works, existing ecological features will be appropriately safeguarded, as set out below. The approach for the implementation of these measures will be flexible and responsive to progress and conditions on site during the works. The protection measures will be incorporated into construction risk registers and as such will be implemented as appropriate when particular activities are carried out. An appointed ecological consultant will be retained as the Ecological Clerk of Works, and kept informed of progress during construction, and provide advice or make recommendations for additional protection measures, if required.
- 2.1.3 With the measures contained within this document in place, it is anticipated that all ecological features will be fully safeguarded prior to and during construction.
- 2.1.4 Any pre-construction checks that are required are detailed in full, in the relevant sections below. As such, no further Phase 2 faunal survey work is considered necessary prior to construction commencing.

3 Species Safeguards - Bats

3.1 Baseline

3.1.1 During the 2020 Phase 1 Habitat survey, the on-site buildings were subject to an internal and external visual inspection, and subsequently classified as offering low potential to support roosting bats. As such, in line with best practice guidance⁵, a specific dusk emergence survey was undertaken of the buildings by a third-party consultancy in September 2020. No evidence of roosting bats was recorded during any of the survey work undertaken at the site.

3.1.2 The survey work undertaken did not identify any trees with bat roosting potential within the site.

3.1.3 A bat box has been installed on a tree within the wider South Shore Chalet Park site, as per the recommendations within the third-party Bat Survey report and Aspect Ecology's Preliminary Ecological Appraisal report.

3.2 Safeguarding Strategy

Building Safeguards

3.2.1 Given that bats are highly mobile species and can colonise suitable features at any time, a 'soft demolition' approach will be adopted as a precautionary measure to safeguard bats, which would involve:

3.2.2 Safeguards to be employed before and during construction works:

- Before commencing any works affecting features with bat roosting potential site staff and contractors will be given a 'tool box talk' by a suitably qualified ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. A written record will be kept. A copy of the Method Statement and any associated documents will remain available on site at all times and a summary sheet of guidance will be given to the site staff and contractors working on the building;
- External visual inspections (utilising ladders, mirrors, torches and an endoscope where necessary) will be undertaken of building B1 by a suitably qualified ecologist. An internal visual inspection will also be undertaken subject to health and safety considerations;
- Following the above visual inspection surveys, removal of potential bat roosting features will be carried out, with the use of scaffolding or Mobile Elevated Work Platforms to facilitate safe access;
- Any such features (i.e. fascia boards, security boarding, weatherboarding etc.) will be removed using hand tools. Any other features identified as having bat roosting potential internally or externally will be similarly taken down;
- Undertaking demolition works, where practicable, during favourable weather conditions (e.g. not during heavy rain, high winds or unseasonable low

⁵ Bat Conservation Trust (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines', 3rd Edition.

temperatures). If this is not possible, further night time bat surveys would be carried out in advance of the demolition works, and additional safeguarding measures may be recommended; and

- Should any bats be encountered during works, all works will stop and an ecologist contacted for advice on how to proceed. If bat roosts are present, a Natural England licence may be required to continue works.

Sensitive Lighting

3.2.3 Light-spill during construction, and for any permanent operation lighting, will be minimised in accordance with good practice guidance⁶ to reduce potential impacts on light-sensitive bats (and other nocturnal fauna). This may be achieved through the implementation of a sensitively designed lighting strategy, with consideration given to the following key factors:

- **Light exclusion zones** – ideally no lighting should be used in areas likely to be used by bats. Light exclusion zones or ‘dark buffers’ may be used to provide interconnected areas free of artificial illumination to allow bats to move around the site;
- **Appropriate luminaire specifications** – consideration should be given to the type of luminaires used, in particular luminaries should lack UV elements and metal halide and fluorescent sources should be avoided in preference for LED luminaries. A warm white spectrum (ideally <2,700K) should be adopted to reduce the blue light component;
- **Light barriers / screening** – new planting (e.g. hedgerows and trees) or fences, walls and buildings can be strategically positioned to reduce light spill;
- **Spacing and height of lighting units** – increasing spacing between lighting units will minimise the area illuminated and allow bats to fly in the dark refuges between lights. Reducing the height of lighting will also help decrease the volume of illuminated space and give bats a chance to fly over lighting units (providing the light does not spill above the vertical plane). Low level lighting options should be considered for any parking areas and pedestrian / cycle routes, e.g. bollard lighting, handrail lighting or LED footpath lighting;
- **Light intensity** – light intensity (i.e. lux levels) should be kept as low as possible to reduce the overall amount and spread of illumination;
- **Directionality** – to avoid light spill lighting should be directed only to where it is needed. Particular attention should be paid to avoid the upward spread of light so as to minimise trespass and sky glow;
- **Dimming and part-night lighting** – lighting control management systems can be used, which involves switching off/dimming lights for periods during the night, for example when human activity is generally low (e.g. 12.30 – 5.30am). The use of such control systems may be particularly beneficial during the active bat season (April to October). Motion sensors can also be used to limit the time lighting is operational.

⁶ Bat Conservation Trust and Institute of Lighting Professionals (2018) ‘Guidance Note 08/18: Bats and artificial lighting in the UK’; Stone, E.L. (2013) ‘Bats and lighting: Overview of current evidence and mitigation guidance.’; ILP (2011) ‘Guidance notes for the reduction of obtrusive light’ Institution of Lighting Professionals, GN01:2011.

3.3 Unexpected Discovery of Bats

- 3.3.1 In the event that bats are discovered during construction works, works should cease immediately and a suitably qualified ecologist be contacted for further advice. This is likely to involve the ecologist visiting the site and assessing the requirement for a Natural England mitigation licence.
- 3.3.2 Should an active bat roost be identified within any on-site buildings and / or trees during the pre-commencement update survey work, a Natural England mitigation licence will likely be required to enable works to continue lawfully. In this instance, the precise mitigation and safeguarding strategy will be subject to agreement with Natural England and implemented in accordance with the licence conditions.

4 Species Safeguards - Badger and Other Mammals

4.1 Baseline

4.1.1 No evidence of any protected, rare or notable mammals was recorded within the site.

4.1.2 The desktop study returned a single record of Badger from within the 1km grid square containing the site, with a single record of Rabbit *Oryctolagus cuniculus* returned from 1.7km south of the site. Other mammal species likely to utilise the site, such as Fox *Vulpes Vulpes* or Hedgehog *Erinaceus europaeus* (a Priority Species), remain common in both a local and national context.

4.1.3 Nonetheless, in order to safeguard Badger and any other small mammals which may be present within the surrounding area, the following precautionary approach will be implemented to safeguard mammals should they enter the site during construction.

4.2 Safeguarding Strategy

Mammal Construction Safeguards

4.2.1 In order to safeguard any mammals, should they enter the site during construction works, the following measures will be implemented:

- Any trenches or deep pits within the site that are to be left open overnight will be provided with a means of escape should a mammal 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 temporarily exposed pipes (>150mm outside diameter) should be blanked off at the end of each working day so as to prevent mammals gaining access as may happen when contractors are off-site;
- Any trenches / pits will be inspected each morning to ensure no mammals 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, forming a temporary sett. Should a trapped Badger be encountered, a suitably qualified ecologist will be contacted immediately for further advice;
- The storage of topsoil or other 'soft' building material in the 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 with consideration given to temporarily fencing any such mounds to exclude Badgers;
- The storage of any chemicals at the site will be contained in such a way that they cannot be accessed or knocked over by any roaming mammals;
- Fires will only be lit in secure compounds away from areas of mammal activity and not allowed to remain lit during the night; and
- Unsecured food and litter will not be left within the working area overnight.

5 Species Safeguards - Nesting Birds

5.1 Baseline

5.1.1 Herring Gull *Larus argentatus* was recorded within the site during the survey work undertaken, which despite being a Priority Species and included on the BTO Red List, remain common and widespread and there is no evidence to suggest that the site is of elevated value for this species. Habitats within the site that offer the greatest foraging and nesting opportunities for birds are identified as the buildings, trees, tree lines, scrub and hedgerows. The proposals will result in the loss of a number of buildings and vegetated habitats, which could potentially affect any nesting birds that may be present at the time of works and so will require the following safeguarding measures to be implemented.

5.2 Safeguarding Strategy

5.2.1 To avoid a potential offence under the relevant legislation, no clearance of suitable bird nesting habitat should be undertaken during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance.

5.3 Unexpected Discovery of Nesting Birds

5.3.1 In the unlikely event that nesting birds are discovered during works on site, works should cease immediately and a suitably qualified ecologist be contacted for further advice. This is likely to involve the ecologist visiting the site and assessing the nest site before advising further.

6 Habitat Safeguards – Local Wildlife Site

6.1 Baseline

- 6.1.1 A small portion of Wilsthorpe Dunes LWS falls within the eastern boundary of the site, to the east of an existing cliffside walkway which is open to the public as a permissive path and comprises an area of tall ruderal vegetation.
- 6.1.2 No records of reptiles were returned from within 2km of the site, though the LWS offers limited potential for reptiles in the form of tall ruderal vegetation and sand dunes. However, the LWS is to be retained and protected throughout construction and buffered from the development by landscape planting.
- 6.1.3 To avoid accidental damage or pollution to the LWS, the following safeguards will be implemented throughout construction.

6.2 Safeguarding Strategy

Protection of Local Wildlife Site

- 6.2.1 In order to safeguard the LWS from accidental damage during construction, Heras fencing (or similar) will be installed along the western boundary of the permissive path so as to prevent encroachment into the LWS and protect any potential reptile habitat.

Pollution Prevention Measures

- 6.2.2 In order to safeguard against any potential run-off or pollution events during construction, best management practice will be followed in accordance with the advice issued by the Environment Agency in its Pollution Prevention Guidelines⁷ or relevant updated documents. This will essentially reduce potential pollution effects to nil, minimising any harm to wildlife associated with the LWS. This will include:
- Storage areas for chemicals, fuels, etc. will be sited well away from the LWS (minimum 10m), and stored on an impervious base within an oil-tight bund with no drainage outlet. Spill kits with sand, earth or commercial products approved for the stored materials shall be kept close to storage areas for use in case of spillages;
 - Where possible, and with prior agreement of the sewage undertaker, silty water should be disposed of to the foul sewer or via another suitable form of disposal, e.g. tanker off-site;
 - Water washing of vehicles, particularly those carrying fresh concrete and cement, mixing plant, etc. will be carried out in a contained area as far from the LWS as practicable (minimum 10m), to avoid contamination; and
 - Refuelling of plant will take place in a designated area, on an impermeable surface, away from the LWS (minimum 10m).

⁷ Primarily: Environment Agency (2012) 'Working at construction and demolition sites: PPG6 Pollution Prevention Guidelines', 2nd Edition

- 6.2.3 Post-development, the drainage system for the development will ensure that the LWS is not subject to adverse changes in surface water run-off or quality.

7 Invasive Species Mitigation Strategy

7.1 Baseline

- 7.1.1 During the Phase 1 Habitat Surveys, small amounts of Montbretia *Crocoshmia aurea* were recorded within the landscape planting adjacent to the access road. Occasional *Cotoneaster* sp. were also recorded in these areas, with Goldenrod *Solidago* sp. noted to be present within the tall ruderal vegetation associated with the retained LWS.
- 7.1.2 Montbretia is listed under Schedule 9 Part II of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to cause to grow in the wild any plant listed on the schedule. Some *Cotoneaster* and Goldenrod species are also included within the Schedule 9 list, albeit it was not possible to distinguish whether the species present include any of those listed.
- 7.1.3 It is understood that all areas of invasive species are to remain unaffected by the proposals, with no works proposed along the existing access road and the tall ruderal vegetation within the LWS to be wholly retained. However, should any actions be required in these areas that could potentially spread these plants, all relevant precautions should be taken so as to prevent this.

7.2 Control Strategy

- 7.2.1 The government has set out guidance on what can be considered 'causing to grow in the wild' within an response to the Schedule 9 review which states:

"We would expect that where plants listed in Schedule 9 are grown in private gardens, amenity areas etc., reasonable measures will be taken to confine them to the cultivated area so as to prevent their spreading to the wider environment and beyond the landowner's control. It is our view that any failure to do so, which in turn results in the plant spreading to the wild, could be considered as 'causing to grow in the wild' and as such would constitute an offence... Additionally, negligent or reckless behaviour such as inappropriate disposal of garden waste, where this results in Schedule 9 species becoming established in the wild would also constitute an offence."

- 7.2.2 In advance of works commencing, a 5m buffer will be implemented around all areas of invasive species present, to prevent accidental disturbance or distribution of invasive species during the proposed development works. Removal of invasive species will likely comprise herbicide application and / or excavation using a mechanical excavator to trace back root systems so all parts of the plant are removed. These will then be removed off site and disposed of appropriately to prevent colonisation elsewhere within the site or of off-site areas). Sensitive cleaning of machinery, equipment, vehicle wheels and boots utilised for these works will be undertaken to prevent the accidental spread of invasive species to other locations. These works will be undertaken by a suitably qualified invasive species specialist contractor.

7.3 Unexpected Discovery of Invasive Species

- 7.3.1 In the event that further areas of invasive species are discovered during works on site, works should cease immediately and a suitably qualified ecologist be contacted for further advice. This is likely to involve the ecologist and/or invasive species specialist contractor visiting the site before advising further.

8 Schedule of Works

8.1.1 It is anticipated that works will start and adhere to the timings set out in Table 8.1 below. A schedule of works and identified responsibilities for the above measures are detailed below.

Table 8.1 Timetable for Implementation

| Activity | Frequency / Timing | Responsibility | Notes |
|--|--|---|---|
| <i>During Construction</i> | | | |
| Soft demolition of buildings | Ongoing throughout construction | Tingdene Holiday Parks Ltd / Appointed Groundworks Contractor will inform the appointed Ecological Consultant when the work is required, who will give a toolbox talk. | Works to proceed under a watching brief. Works to stop immediately in the unlikely event that a bat is found during demolition and the appointing Ecological Consultant contacted for further advice. |
| Mammal construction safeguards | Ongoing throughout construction | Tingdene Holiday Parks Ltd / Site Manager | - |
| Nesting Bird checks to be carried out prior to any clearance works of suitable nesting bird habitat (i.e. buildings, amenity planting, etc.) | The nesting bird season extends between March – August inclusive Only required if vegetation or building clearance is carried out during the breeding season | Tingdene Holiday Parks Ltd / Appointed Groundworks Contractor will inform suitably qualified ecologist when checks are required. The ecologist will then carry out the check(s), as required. | Ecologist to carry out checking survey no more than three days before any ground clearance works commence |
| Protective fencing and pollution prevention of Wilsthorpe Dunes LWS | Ongoing throughout construction | Tingdene Holiday Parks Ltd / Site Manager | - |
| Removal of invasive species | Removal of invasive species present onsite, if required | Tingdene Holiday Parks Ltd / Appointed Invasive Species Contractor to undertake works. | - |

9 Summary and Conclusions

- 9.1 This report sets out detail of a Construction Environmental Management Plan to satisfy the requirements of Condition 8 of planning permission (ref: 20/03551/PLF).
- 9.2 This Construction Environmental Management Plan provides an overview of proposed measures to ensure habitats of value and protected fauna are fully safeguarded throughout the construction phase.
- 9.3 It is considered that, subject to the implementation of the Construction Environmental Management Plan, this report satisfies the stated requirements of Condition 8 for this site.

Appendix 6011/1:

Legislation Summary

LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself¹. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
 - Wildlife and Countryside Act 1981 (as amended)
 - Protection of Badgers Act 1992
 - Hedgerows Regulations 1997
 - Countryside and Rights of Way (CROW) Act for England and Wales 2000
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. **Wildlife and Countryside Act 1981 (as amended)**. The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built;
 - Take or destroy an egg of any wild bird.

* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
 - Disturb dependent young of such a bird.

¹ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
 - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. **Protection of Badgers Act 1992.** The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

* the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. **Hedgerows Regulations 1997.** ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. **Countryside and Rights of Way (CRoW) Act for England and Wales 2000.** The CRoW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

17. **Natural Environment and Rural Communities Act 2006.** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. **Conservation of Habitats and Species Regulations 2017 (as amended).** The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)² classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, *inter alia*, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species;
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
 - Deliberately take or destroy the eggs of such an animal;
 - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

² Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

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