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Construction Environmental Management Plan

Fressingfield LLP

Land adjacent to Red House Farm, Priory Road,
Fressingfield

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REVISION HISTORY

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DISCLAIMER

It should be noted that the information above provides details of the Site's current ecological situation. In the event that the proposed development does not commence within 12 months of the date of this report, further advice should be sought from a suitably qualified ecologist as to whether the information provided requires updating in light of changing ecological conditions.

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1. INTRODUCTION

Terms of Instruction

- 1.1 Nicholsons has been commissioned by Fressingfield LLP (the “Client”) to provide a Construction and Environmental Management Plan (“CEMP”) in respect of Condition 12 of the granted planning permission (Ref: 4410/16) for proposed redevelopment to include 28 dwellings with gardens and associated public roads and public open space.

Report Limitations

- 1.2 This is an ecological report and as such no reliance should be given to comments relating to buildings, engineering, soils or other unrelated matters.

Documents Provided

- 1.3 As background information, the following documentation was provided:
- Ecology Report, Phase 1 Habitat Survey - Anglian Ecology, September 2014
 - Ecological Surveys, Protected Species and Habitat surveys (Adjacent Land) – Anglian Ecology, February 2019
 - Site Plan – Ref: 696 101, Studio 303, July 2020
 - Planning Permission – Mid Suffolk district Council, November 2016
- 1.4 This document should be read in the context of the following report:
- 22-2753 Fressingfield EclA V1 AS 060623

Site Description

- 1.5 The Site is centred at Ordinance Survey grid reference: TM 25486 77114 (hereafter referred to as “the Site”). The assessment covered the whole of the Site, which is approximately 1.6ha in area.
- 1.6 At the time of the assessment the Site comprised other neutral grassland, with a small area of ruderal vegetation bound by trees and scrub to the northern boundary.
- 1.7 The Site was situated within a rural location to the western edge of the village settlement of Fressingfield. The surrounding landscape was arable farmland intersected with hedgerows and trees. Immediately to the north of the Site was New Street, subject to a moderate volume of traffic during commuting times. To the east of the Site was residential areas of Fressingfield, with houses, gardens and public roads. To the south was a small number of large residential properties surrounded with mature gardens and trees. A relatively new residential development of eight properties was located to the east of the Site.
- 1.8 The Site location plan is provided below at **Figure 1** and a Site boundary plan is provided below at **Figure 2**. A baseline habitat plan is provided at **Appendix 1** and the post-development plan showing the locations of the new building and habitats is provided at **Appendix 2**.



Figure 1: Site location plan

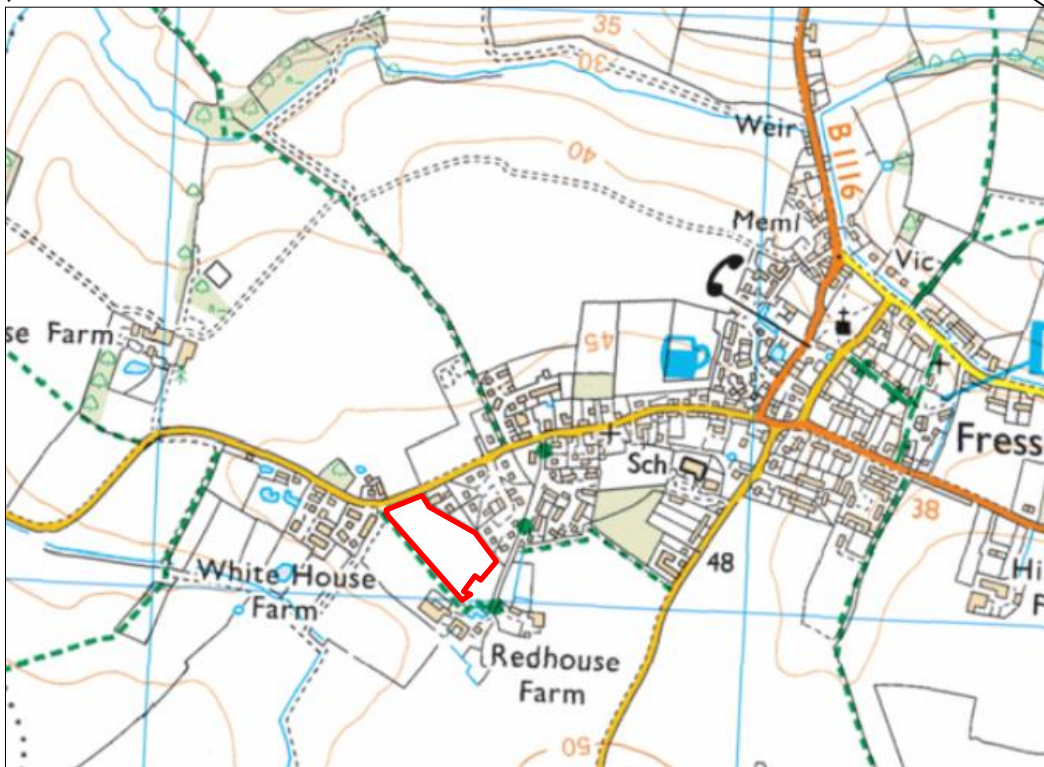


Figure 2: Site boundary

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Objective

- 1.9 The Site is subject to a planning permission reference 4410/16 (“the Planning Permission”). The Planning Permission is subject to ecological conditions relating to the protection of habitats and species during the construction phases of the Proposed Development.
- 1.10 The purpose of this CEMP is to protect priority habitats and notable species within the Site from significant harm during construction of the Proposed Development. The measures set out within this CEMP will be in accordance with the Wildlife and Countryside Act 1981 (as amended) (“the WCA”).
- 1.11 This CEMP is in satisfaction of *Condition 12* of the Planning Permission, which states as follows:

“Prior to the commencement of development a construction environmental management plan and scheme of appropriate protected species mitigation and enhancement measures, based on updated ecology reports and surveys (as detailed in the Ecological Survey by Anglian Ecology dated September 2014) shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall be constructed, completed and overseen in accordance with the agreed construction environmental management plan and scheme of mitigation and enhancement measures.

Reason - In order to safeguard protected wildlife species and their habitats and because this condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to disturb protected species and their habitat.”

2. BASELINE ECOLOGICAL INFORMATION

Existing Habitats

Dry Ditch (191)

- 2.1 Located at the northern boundary of the Site was a dry ditch within the scrub and trees. this ditch was approximately 1.5m in depth from ground level to the base.
- 2.2 This habitat was of low ecological value and was not a Habitat of Principle Importance as described and listed within S.41 of the NERC Act 2006.
- 2.3 This habitat will be lost for the Proposed Development.

Line of Trees and Mixed Scrub understory (w1g6 and h3h)

- 2.4 At the northern boundary of the Site, adjacent to New Street was a line of young and semi-mature trees (LT1).
- 2.5 The trees were between 8-10m in height and covered an area 5-8m in width. LT1 consisted of hawthorn *Crataegus monogyna*, ash *Fraxinus excelsior*, sycamore *Acer pseudoplatanus* and field maple *Acer campestre*. The understory consisted of scattered hawthorn, blackthorn *Prunus spinosa* and dogrose *Rosa canina* with some bramble *Rubus fruticosus* agg. and ivy *Hedera helix* present in some areas.
- 2.6 All of the ash trees were suffering from ash dieback and had many standing dead branches.
- 2.7 No trees were found to contain features suitable for roosting bats, this habitat was of low ecological value was not a Habitat of Principle Importance as described and listed within S.41 of the NERC Act 2006.
- 2.8 This habitat will be lost for the Proposed Development and replaced with new tree and shrub planting, The area adjacent to New street at the north of the Site will include hedgerow planting.

Other Neutral Grassland (g3c)

- 2.9 The majority of the Site was other neutral grassland habitat. The Site has undergone vegetation clearance in the past and been soil striped. The regrowth vegetation consisted of many pioneer plant species which have naturally colonised the bare soil.
- 2.10 Grass species present included: frequent false oat grass *Arrhenatherum elatius* (F) with occasional rough meadow grass *Poa trivialis* (O), Yorkshire fog *Holcus lanatus* (O) and cocks foot *Dactylis glomerata* (O).
- 2.11 Herbaceous species present included: frequent ribwort plantain *Plantago lanceolata* (F), occasional white clover *Trifolium repens* (O), creeping buttercup *Ranunculus repens* (O), black medic *Medicago lupulina* (O), dandelion *Taraxacum officinale* agg. (O), and more rarely encountered cut leaved cranesbill *Geranium dissectum* (R), goats beard *Tragopogon pratensis* (R) oxeye daisy *Leucanthemum vulgare* (R), bush vetch *Vicia sepium* (R), creeping thistle *Cirsium arvense* (R) and creeping cinquefoil *Potentilla reptans* (R).
- 2.12 Tree seedlings including oak *Quercus* sp. and goat willow *Salix caprea* agg. were growing within the grassland, however covered less than 5% of the area.

- 2.13 This habitat was of low ecological value and was not a Habitat of Principle Importance as described and listed within S.41 of the NERC Act 2006.
- 2.14 All of this habitat will be lost for the Proposed Development. This habitat will be replaced by residential properties with gardens, public roads and public open space areas.
- 2.15 Public open space areas include a attenuation pond at the north of the Site, surrounded by meadow planting and scattered native trees, and shrubs. Further meadow planting with native shrubs and trees will be located at the north western boundary.
- 2.16 Front gardens will include species rich lawn mixtures with native trees and native and ornamental shrubs.

Waterbodies

- 2.17 Two waterbodies were located adjacent to the Site. Neither were accessible at the time of survey. 50m south of the Site within a residential garden was a large pond (P1), this pond was previously described as “roughly kidney shaped measuring approximately 276m², surrounded by mature trees with outlet pipes to the south and south-west of the pond. At the time of the previous survey there were approximately 20 ducks present (Anglian Ecology, 2014)”.
- 2.18 It is unknown if there have been any changes to the quality or management of this pond.
- 2.19 There was also a shallow waterbody located within the grounds of the scout hut, 30m south-east of the Site (P2). This pond was not accessible at the time of survey, although surrounding vegetation was visible.
- 2.20 This habitat was likely to be of medium to high ecological value, offering breeding and sheltering opportunities for amphibians, invertebrates and waterfowl.
- 2.21 Both waterbodies will be retained as they are in private property, and will not be lost as a result of the Proposed Development.

Species Records

- 2.22 The Site is likely to be used by a range of protected species, as detailed within **Table 1** below.

Table 1: Species Associated with the Site

Species	Legal Protection	Survey and results
Amphibians	Great crested newt <i>Triturus cristatus</i> are protected in the UK under the Wildlife and Countryside Act, 1981. Priority Species under the UK Post-2010 Biodiversity Framework. Listed as a European Protected Species under Annex IV of the European Habitats Directive. Other UK amphibian species are protected from sale.	No great crested newt survey has been carried out at this time. The Site provides suitable terrestrial habitat only and no breeding ponds will be lost. The Principal Contractor has applied to Natural England for a great crested newt District Level License.
Badger <i>Meles meles</i>	Protection of Badgers Act (1992) protects animals from killing and injury and breeding and resting sites (setts) from disturbance and destruction.	No evidence of badger was found during the habitat survey. However, the Site provides suitable foraging and opportunities for breeding for this species.

Species	Legal Protection	Survey and results
<p>Bats <i>Chiroptera</i> <i>sp.</i></p>	<p>Wildlife and Countryside Act 1981 and Conservation of Habitats and Species Regulations 2017. All UK bats are listed as European Protected Species (EPS). Individual bats are protected from disturbance (whilst in roosts) and from killing and injury. Roost sites are protected from damage, destruction and obstruction of access.</p>	<p>No evidence of roosting bats was found during the habitat survey. No trees at the Site were found to be of suitability to support roosting bats. The Site provides optimum opportunities for foraging bats, particularly at the northern boundary.</p>
<p>Breeding Birds</p>	<p>All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended). With certain exceptions, all wild birds are protected such that it is an offence to intentionally:</p> <ul style="list-style-type: none"> • 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. 	<p>The mixed scrub and line of trees provide suitable habitat for variety of bird species with foraging, sheltering and nesting opportunities. The other neutral grassland also provides foraging opportunities for birds.</p>
<p>Reptiles</p>	<p>Individuals protected from disturbance or injury.</p>	<p>The other neutral grassland and mixed scrub habitats provide suitable habitat for foraging, basking and sheltering reptiles.</p> <p>No evidence of this species group was found during the habitat survey.</p>
<p>Other mammals (e.g. hedgehog)</p>	<p>Protected from deliberate harm/intent to cause unnecessary suffering during Site clearance.</p>	<p>The Site provides suitable foraging and sheltering habitat for a range of mammal species including deer, fox and hedgehog.</p>

3. CEMP: BIODIVERSITY SCOPE

- 3.1 This CEMP sets out the intended methods for effective management of potential environmental impacts arising from the Proposed Development.
- 3.2 The mitigation measures detailed in this document have been informed by the ecological surveys and assessments undertaken at the Site to date performed by Nicholsons, which are detailed within the Ecological Impact Assessment (ref: 22-2753).
- 3.3 The responsibility for implementation of the CEMP lies with the Principal Contractor and it shall be implemented and controlled by the Site Manager who shall work in conjunction with key personnel (Construction Director, named ecological contractors, suppliers) to ensure it is implemented.
- 3.4 To ensure that the CEMP remains relevant it will be the responsibility of the Site Manager to take ownership of the CEMP and ensure its relevance to activities being undertaken on the Site. This will require its regular revision in the event of any changes from the initial scope of the plan and updating as necessary. Any revisions or updates shall be subject to agreement in writing with the local planning authority (LPA).
- 3.5 The following document details ecological mitigation and management measures necessary to reduce the anticipated ecological impacts of the Proposed Development. This document refers to both direct and indirect ecological impacts.

Core Principals

- 3.6 This CEMP identifies the project management structure, roles and responsibilities with regard to managing and reporting on the environmental impact of the construction phase.
- 3.7 A series of ecological surveys were undertaken during the planning process, which identified and assessed the aspects of construction that could have an environmental impact. All proposed mitigation measures described in the ecological surveys and supporting reports will be applied and are specifically described in the applicable sections of the CEMP.
- 3.8 The overall environmental objectives that will be applied to the project are:
- All practicable steps shall be taken to minimise the environmental effects of construction works;
 - All activities shall be conducted in accordance with the CEMP, relevant legislation, codes of practice guidelines and any local environmental procedures;
 - Environmental licences, permits and consents and any other statutory requirements are to be obtained prior to works commencing, and complied with; and
 - All staff (including Site personnel) shall be aware of the environmental issues relevant to the Proposed Development through the provision of site-specific information on the environmental impacts of construction and mitigation measures to be applied during inductions, briefings and toolbox talks.

Legislation

- 3.9 A breakdown of the relevant ecological legislation is presented at **Appendix 3**.

4. ROLES AND RESPONSIBILITIES

Principal Contractor (Construction Director)

4.1 The Principal Contractor is responsible for:

- Ensuring that the CEMP is developed and held on the Site and that it is implemented throughout all phases of the Proposed Development;
- Ensuring that all contractors and Site personnel comply with the CEMP; and
- Producing environmental project specific controls for all significant risks identified and implementing measures to minimise the risk of environmental damage.

Site Manager

4.2 The Site Manager is responsible for:

- Acting as an example and champion in all areas of environmental management;
- Communicating the CEMP and other related documents to all employees;
- Management of all necessary documentation to demonstrate compliance with appropriate legislation;
- Regular review of the CEMP throughout construction to ensure it remains relevant to the project;
- Ensuring that the CEMP is updated as and when required (and agreed with the LPA);
- Ensuring all necessary training is given to personnel to ensure required levels of environmental competence;
- Ensuring correct procedures are followed in case of an environmental incident;
- Ensuring the Site and all stored materials and chemicals are safe and secure;
- Ensuring toolbox talks are delivered to the Site workforce;
- Ensuring the Site is kept clean and in an orderly fashion, with waste managed; and
- Working closely with the Ecological Clerk of Works (ECoW).

Site Staff and Sub-contractors

4.3 Other Site personnel are responsible for:

- Ensuring that the CEMP is implemented on a day-to-day basis;
- Acting on and investigating any environmental incidents and reporting findings to the Site manager;
- Conducting and documenting weekly environmental inspections; and
- Implementing and maintaining environmental controls on Site.

Ecological Clerk of Works (ECoW)

4.4 Ahead of works commencing, an ECoW is to be appointed by the Client, who will provide independent advice to the Principal Contractor. The ECoW will be responsible for:

- Ensuring the detail presented within the CEMP is communicated to the Principal Contractor;
- Completion of a toolbox talk to the Principal Contractor prior to works commencing;
- Preparation of materials to support Site inductions;
- Pre-construction and construction phase checks for protected species;
- Provision of an ecological watching brief during vegetation clearance works; and
- Pollution monitoring and advising on any remedial measures needed.

5. SCOPE OF WORKS

Description of Works

5.1 The Proposed Development will likely be completed in a series of phases, the initial phase being Site mobilisation. Works to be carried out during the initial phase will likely include:

- Ground and excavation works;
- Vegetation clearance;
- Installation of construction fencing (for example tree protection fencing);
- Establishment of Site compound areas;
- Installation of temporary construction lighting; and
- General construction, including excavation works, soil stock-piling and preparation for installation of services.

5.2 Once mobilised, works will focus on the construction of the holiday buildings and associated infrastructure (e.g. access, services and utilities). Works relating to this phase of the development will include:

- Vegetation clearance;
- Construction of new buildings, associated structures and hard surfaces;
- Ground and excavation works/foundations;
- Loading and unloading of materials on-site;
- Preparation of assembly areas for components of construction;
- Provision of services and utilities; and
- Use of temporary external lighting.

Equipment and Plant

5.3 The Principal Contractor will identify the equipment and plant to be used, including size, type and expected quantity. Plant used for the scheme is likely to comprise conventional earthworks and road construction plant.

5.4 Wherever practicable, the smallest machinery possible will be used.

Risk Assessment

5.5 The expected zone of influence of these activities, potential direct or indirect impacts resulting from the proposed construction activities have been identified. These include but are not limited to short term impacts such as temporary disturbing activities being of **LOW** risk. Medium term impacts e.g. disturbance over a longer time frame and foraging habitat loss only are classified as **MEDIUM**. Long-term impacts such as habitat loss, modification or fragmentation being classified and **HIGH** risk.

5.6 The risk assessment of these potentially damaging construction activities on identified ecological features are presented in **Table 1**.

Table 2: Risk Assessment of Potentially Damaging Construction Activities on Ecological Features (Species and Retained Habitats).

Ecological Feature	Damaging Construction Activities	Associated Risk	Risk Assessment: In the Absence of Mitigation (LOW, MEDIUM, HIGH - DIRECT, INDIRECT)
Species			
Amphibians	Pre-construction Phase All activities Construction Phase All activities	Disturbance and risk of injury or death, loss of terrestrial habitat	HIGH/ DIRECT
Bats (all species)	Pre-construction Phase Vegetation clearance of mixed scrub and line of trees at the northern boundary Construction Phase Temporary construction lighting Installation of new external lighting	Disturbance, foraging habitat loss	MEDIUM/ INDIRECT
Badger and other terrestrial mammals	Pre-construction Phase Vegetation clearance of mixed scrub and line of trees at the northern boundary Vegetation clearance of other neutral grassland Construction Phase Provision of services and utilities e.g. underground power lines, water supply and drainage Acoustic disturbance and vibration from construction activities Ground excavation or infilling landscaping Soil stock piling	Disturbance, foraging habitat loss	LOW/ INDIRECT
Birds	Pre-construction Phase Vegetation clearance of the line of trees and mixed scrub habitats at the north of the Site. Vegetation clearance of other neutral grassland Construction Phase None	Disturbance and risk of injury or death, loss of breeding habitat	HIGH/ DIRECT

Ecological Feature	Damaging Construction Activities	Associated Risk	Risk Assessment: In the Absence of Mitigation (LOW, MEDIUM, HIGH - DIRECT, INDIRECT)
Reptiles	Pre-construction Phase All Activities Construction Phase All Activities	Disturbance and death, loss of terrestrial habitat	LOW/ DIRECT

6. BIODIVERSITY PROTECTION MEASURES

Summary

6.1 The biodiversity risk assessment presented in Section 5 of this CEMP has identified a series of ecological receptors, which could be adversely impacted as a result of the Proposed Development. The following section details a series of mitigation measures to minimise these impacts.

6.2 Mitigation will be delivered through a series of measures:

- Establishment and maintenance of protective fencing;
- Sensitive timing of works;
- Application of pollution control measures;
- Ecological checks for protected and notable species;
- Monitoring of on-site activity and the application of good construction practices; and
- Management of works within sensitive habitats.

Delivery

6.3 The mitigation works will be delivered by the Principal Contractor.

6.4 The works will be delivered in partnership between the appointed ECoW and the Principal Contractor.

Timeframe

6.5 Ecological mitigation will primarily focus on the delivery of a watching brief, with efforts focussed on the protection of boundary habitats and a programme of habitat creation towards the end of the construction period.

6.6 Activity during the construction phase will also be monitored, with the appointed Principal Contractor to inform the Site Manager if any protected species are encountered as part of the works.

Physical Barriers / Exclusion Signs

6.7 A series of physical barriers will be utilised where appropriate as part of the Proposed Development, including construction protection fencing, tree protection fencing and contractor compound fencing.

6.8 Construction Fencing in the form of Heras fencing will be installed along the boundary of the proposed works area to minimise potential conflicts between construction operations and the adjoining boundary habitats (particularly the woodland). This fencing will be installed as part of the Site mobilisation phase and ahead of any groundworks commencing.

6.9 Once installed, photographs demonstrating the correct installation and location of fencing will be provided to the ECoW. All breaches of construction fencing are to be recorded and rectified immediately.

6.10 Tree Protection Fencing which meets the requirements of BS:5837:2012 will be installed in association with trees that are to be retained as part of the Proposed Development. The

Principal Contractor is responsible for maintenance of the fencing and the fencing will be checked by the arboricultural contractor. The fencing will be checked each month with a record kept and any remedial works undertaken as soon as possible. The fencing is to be maintained for the full duration of the Proposed Development.

- 6.11 Contractor Compound Fencing will be installed around the boundary of the compound as part of the Site mobilisation works. Heras or equivalent fencing will be used. The principal purpose of this fencing will be to minimise potential health and safety risks associated with users of the Site and contractors. The fencing is to be maintained for the full duration of the works.

7. BIODIVERSITY PROTOCOL MEASURES

Habitat and Species Method Statements

7.1 The method statements given below include practical measures to avoid and reduce impacts of construction on protected and non-protected species which may be present. Also, the timings, locations and persons responsible for the works are detailed.

7.2 Persons responsible have been abbreviated within this report as follows:

- **PC** – Principal Contractor/ Developer
- **ECoW** - Ecological Clerk of Works
- **SM** - Site Manager
- **Man Co.** - Management company (a management contractor will be employed for vegetation management)
- **All Site Personnel** - includes everyone working within the Site including sub-contractors and security staff.

Great Crested Newts (common amphibians and reptiles also covered by this method statement).

7.3 All habitats at the Site provide suitable habitat for great crested newts, common amphibians and reptile species and local records of great crested newts were located 0.18km east of the Site. Two ponds were located close to the Site 50m and 30 from the southern boundary.

7.4 Works will be undertaken under a Natural England District Level Licence with reasonable avoidance measures.

Table 3: Method Statement for Great Crested Newts and Common Amphibians and Reptiles

Reptiles and Common Amphibians	
Pre-construction Phase	Construction Phase
<p>ADDITIONAL INFORMATION - Active Period for reptiles and amphibians (1st March- 31st October). Hibernation Period (1st November – 29th February).</p> <p>A toolbox talk will be delivered to the relevant SM and Site contractors informing Site personnel of identification of great crested newts and common amphibians and reptiles which may be present. Information on what to do if newts are found will also be discussed – ECoW.</p> <p>PHASED VEGETATION CLEARANCE</p> <p>Cutting scrub and tall vegetation to 200mm will all arisings removed – Active Period - SM under the supervision of the ECoW.</p> <p>48 hours later cutting all vegetation to a height of 150mm undertaken in a directional manner from the north to the south to suitable habitat. - Site Contractors to carry out works under supervision from the ECoW.</p> <p>Soil strip of the Site can than progress 48hours later - Site Contractors to carry out works under supervision from the ECoW.</p>	<p>Amphibians found to be at imminent risk or harm on the Development land may be captured and relocated to an area of land that will not be impacted by the works, this may be undertaken by any Site personnel under the District Level License - SM in communication with the ECoW.</p>

Badger and other terrestrial Mammals

- 7.5 No evidence of badger setts was found within or immediately adjacent to the Site. Badgers readily establish new setts, therefore the following method statement will safeguard any badger and other terrestrial mammal species which may utilise the Site on occasion.
- 7.6 Throughout the construction phase all site staff are to remain vigilant to the potential presence of protected and non-protected species. Specific recommendations for species groups are provided below.

Table 4: Method Statement for Badger and other mammals

BADGER	
Pre-construction Phase	Construction Phase
<p>A Pre-commencement walkover survey carried out by the ECoW will record any badger activity at the Site if construction were to start after 1st June 2024.</p> <p>The ECoW will assess whether there has been any change to the use of the Site by badgers- PC to inform ECoW of timings.</p> <p>PLEASE NOTE- In the event that there has been a change since the 2023 surveys, i.e. establishment of a sett, clear foraging paths or latrines, then further advice will be provided by the ECoW. This advice is likely to include the requirement for further surveying/monitoring of the Site to establish a clear course of action.</p>	<p>All contractors and Site personnel will be briefed on the potential presence of mammals such as badger within the Site. - ECoW and SM</p> <p>All excavations associated with the Proposed Development to be left overnight will have at least one sloping side of 45 degrees or shallower to enable badgers and mammals to escape. Alternatively, a plank or scaffold board may be placed within open excavations to give animals a means to escape. – SM</p> <p>No food or litter will be left within the construction zone overnight. -SM</p> <p>Any badger sightings, or signs are to be reported to the SM and ECoW for further inspection- ALL SITE PERSONNEL</p>

Bats (All species)

7.7 Linear features such as the line of trees and mixed scrub at the northern boundary provide foraging and commuting habitat for bats. No trees at the Site were found to contain roosting features for bats.

Table 5: Method Statement for Bats

BATS	
Pre-construction Phase	Construction Phase
<p>Prior to the commencement of the Proposed Development the lighting strategy must be approved by the ECoW to ensure the lighting will not adversely impact on foraging or commuting bats.- PC to discuss with ECoW</p>	<p>Night working will be avoided where possible, lighting used during the construction phase must be directed away from retained or adjacent trees. - ECoW and SM</p> <p>Any lighting will be directed away from retained boundary vegetation to retain dark corridors, and should be hooded in order to minimise disturbance from up-lighting of the sky -SM</p> <p>Directional lighting, reduced wattage lamps and louvres will be fitted to reduce night-time illumination. Lighting should be hooded where practicable to prevent up-lighting of the sky. Lighting proposals will be directly informed by the latest guidance available from the Bat Conservation Trust¹ and other relevant bodies</p>


¹ BCT (2013) Landscape and Urban Design for Bats and Biodiversity: www.bats.org.uk/pages/landcapedesign.html

BATS	
Pre-construction Phase	Construction Phase
	including the Institution of Lighting Professionals ² . -SM Construction practices will follow best practice in terms of dust and noise and control – SM

Nesting Birds

7.8 The line of trees and mixed scrub habitats provide suitable habitat for foraging and nesting birds. The other neutral grassland provides suitable habitat for foraging birds.

Table 6: Method Statement for Nesting Birds

Birds	
Pre-construction Phase	Construction Phase
<p>ADDITIONAL INFORMATION - Bird Nesting Period- (1st March to 31st August inclusive).</p> <p>Vegetation removal will be timed to avoid the Bird Nesting Period. If vegetation clearance within this period is unavoidable, then a nesting bird check will be required within 48hours of the removal of vegetation- SM, ECoW</p>	<p>If nesting birds are discovered during the course of construction for the Proposed Development, then work is to cease until the ECoW has inspected the suspected nest site. – All Personnel, SM, ECoW</p> <p>An exclusion zone of 5-10m will be set up around any active nest sites – SM, ECoW</p> <p>No works will be undertaken within the exclusion zone whilst the nest is active, cessation of activity must be verified by the ECoW.</p> <div style="display: flex; align-items: center;">  <p>Any works within the exclusion zone whilst the nest is occupied will constitute a breach of the Wildlife and Countryside Act 1981(as amended).</p> </div>

General Best Practice

7.9 A good housekeeping policy is to be applied at all times. This will include the following measures:

- All rubbish will be removed from Site at frequent intervals;
- Any waste susceptible to spreading by wind or liable to cause litter will be stored in enclosed containers;
- The Contractor will regularly inspect working areas to ensure compliance;
- Night-working is to be avoided; and

² Institution of Lighting Professionals/BCT: www.batsandlighting.co.uk/index.html

- Excavations should not be left open overnight without providing a means of escape should any animals become trapped.
- 7.10 During construction safeguards should be put in place in accordance with the Environment Agency's Pollution Prevention Guidelines (2013). Whilst these guidelines are no longer active they provide good practice guidelines to follow. Following these safeguards will reduce potential pollution events, minimising harm to local wildlife and any watercourses nearby.
- 7.11 Safeguards will include:
- Storage areas for chemicals, fuels, etc. will be located well away from any nearby waterbodies/watercourses;
 - Water washing of vehicles, for example those carrying concrete, should be carried out in a contained area so as to avoid contaminated water entering any nearby waterbodies/watercourses; and
 - Refuelling of plant will take place in a designated area, preferably on an impermeable surface.

8. CONCLUSION

- 8.1 This CEMP will ensure that the best environmental practice is achieved throughout the Proposed Development and that all sensitive ecological receptors are protected as far as possible.
- 8.2 The CEMP must be used as an on-site reference document during all phases of the Proposed Development, and auditing must take place to ensure compliance. Parties responsible for the transgression of the CEMP are to be held responsible for any remedial works required.
- 8.3 A report prepared by the ECoW certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, and detailing the results of Site supervision, will be submitted to the LPA for approval within three months of the date of substantial completion of the Proposed Development.
- 8.4 Provided the pre-construction phase and construction phase of the Proposed Development follows the details set out within the CEMP, it is anticipated that the negative ecological impacts of construction can be mitigated for. The Principal Contractor, Site Manager and ECoW will need to monitor the Site throughout the construction phase to ensure that the required environmental controls are in place.

9. APPENDICES

Appendix 1: Baseline Habitat Plan

Ref: 22-2758



LEGEND:

- Site Boundary
- D1 - Dry Ditch
- LT1 - Line of Trees
- 17 - Ruderal
- g3c - Other Neutral Grassland
- h3h - Mixed Scrub

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TITLE:	UKHab	
PROJECT/SITE:	Land off Priory Road, Fressingfield	
CLIENT:	BRIP 7 (Fressingfield) LLP	
MAP REF:	6034/01/22-2758	
VERSION:	v1	
DATE:	13/06/23	SCALE: 1:1,000@A3
APPROVED BY:	AS	PRODUCED BY: SM
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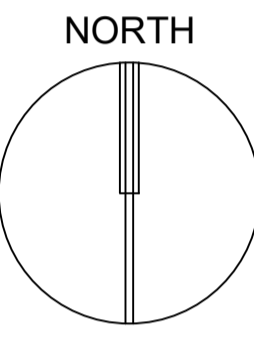
Appendix 2: Proposed Development and Landscaping Plan

Ref: 22-2768 (External Landscape Plan, Artemis, June 2023)



FOR PLANTING SCHEDULE, SPECIFICATIONS AND NOTES REFER TO DWG. NO. ART248.02.0

- KEY**
- Site boundary
 - Canopies of trees to be retained
 - Trees proposed for removal
 - Timber boundary fencing
 - Advanced nursery stock trees
 - Standard trees
 - Specimen shrubs
 - Tall shrubs
 - Medium shrubs
 - Low shrubs
 - Ground cover shrubs
 - Hedging - evergreen
 - Wall shrubs
 - Climbers
 - Lawn grass to rear gardens
 - Species rich lawn mix
 - Meadow grass mix
 - General purpose meadow mix
 - Bulbs



Rev:	By:	Description	Date:
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Client:
JOSLIN DYE LTD

Project Title:
RED HOUSE FARM, PRIORY ROAD, FRESSINGFIELD

Drawing Title:
SOFT LANDSCAPE PROPOSALS
DRAWING 1 OF 2

Scale: 1:200 Drawn by: HL/SM

Sheet Size: A1 Date: JUNE '23

ART Project No: ART248

Drawing No: ART248.01.0

This drawing is copyright and remains the property of Artemis. It is to be read with all relevant consultants' specialist drawings documents. The contractor is responsible for setting out and checking all dimensions and locating/protecting all services before commencing work. Discrepancies found between drawings, documents and the site shall be notified immediately to the landscape architect or his representative.



SITE LAYOUT (NORTHERN SECTION)

CONTINUATION

Appendix 3: Legislation and Policy

NATIONAL PLANNING POLICY

National Planning Policy Framework (NPPF)

Nationally, the Government's commitment to sustainable development and conservation of biodiversity is set out in the National Planning Policy Framework. The NPPF was published in 2012 and replaces previous national planning policy, including 'Planning Policy Statement 9 (Biological and Geological Conservation)'.

At the heart of the NPPF is the presumption in favour of sustainable development (Paragraph 14). This presumption however does not apply when developments require appropriate assessment under the Habitats or Birds Directives (Paragraph 119).

Under Paragraph 109, the NPPF sets out that *"the planning system should contribute to and enhance the natural and local environment by: Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."*

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused.

Paragraph 118 comprises a number of principles which Local Authorities should apply:

When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites:*

- *potential Special Protection Areas and possible Special Areas of Conservation;*
- *listed or proposed Ramsar sites; and*
- *sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”.*

National policy therefore implicitly recognises the importance of biodiversity and that with sensitive planning and design, development and conservation of the natural heritage can co-exist and benefits, in some circumstances, can be achieved.

In March 2014 the Department for Communities and Local Government released guidance to support the NPPF, known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth.

Government Circular ‘06/2005: Biodiversity and Geological Conservation

The Government Circular 06/05 - Statutory Obligations and Their Impact within the Planning System’, which accompanied Planning Policy Statement 9, still remains valid. This guidance provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England.

Paragraph 98 advises that the *“presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned ... ”.*

Paragraph 99 advises that *“it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under the planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.”*

Natural Environment and Rural Communities (NERC) Act 2006

The NERC Act came into force in 2006 and Section 40 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list is used to guide decision-makers such as public bodies, including local authorities and utilities companies, in implementing their duty under Section 40, to have regard for the conservation of biodiversity.

The current lists of species and habitats is largely derived from those listed under the UK Bap, which continue to be regarded as a priority under country-level biodiversity strategies.

In England there are 53 habitats and 943 species of principal importance on the Section 41 list.

UK Post-2010 Biodiversity Framework

In 2007, the UK Biodiversity Action Plan (BAP) Partnership published an updated list of priority UK species and habitats covering terrestrial, freshwater and marine biodiversity to focus conservation action for species and habitats in the UK. The UK Post-2010 Biodiversity Framework succeeds the UK BAP. The Framework continues the conservation work initiated by the UK BAP following the establishment of the Convention on Biological Diversity in 1992.

The purpose of the Framework is to set a broad structure for conservation across the UK until 2020. In summary:

- To set *out* a shared vision and priorities for UK-wide activities, in a framework jointly owned by the four countries, and to which their own strategies will contribute;
- To identify priorities at a UK scale which will help deliver biodiversity targets and the EU Biodiversity Strategy;
- To facilitate the aggregation and collation of information on activity and outcomes across all countries of the UK; and
- To streamline governance arrangements for UK-wide activities.

General Biodiversity Legislation

Conservation of Habitats and Species Regulations 2010 (as amended)

The Habitats Regulations 2010 consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 and all its amendments. The Habitats Regulations 2010 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) is transposed into domestic law.

The Habitats Regulations 2010 place a duty upon the relevant authority to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC).

The Regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA). SPAs and SACs form a network of sites known as Natura 2000.

SPAs and SACs are defined within the Regulations as a 'European site'. The Regulations regulate the management of land within European sites, requiring land managers to have the consent of Natural England before carrying out management.

The Regulations define competent authorities as public bodies or statutory undertakers to make an appropriate assessment of any plan or project they intend to permit or carry out, if the plan or project is likely to have a significant effect upon a European site. The permission may only be given if the plan or project is ascertained to have no adverse effect upon the integrity of the European site. If the competent authority wishes to permit a plan or project despite a negative assessment, no alternatives and imperative reasons of over-riding public interest must be demonstrated, and there is a process involving the Secretary of State and the option of consulting the European Commission.

In practice, there will be very few cases where a plan or project is permitted despite a negative assessment. This means that a planning application has to be assessed by the Local Planning Authority, based on information provided by the client, and the assessment must either decide that it is likely to have no significant effect on a European site or ascertain that there is no adverse effect upon the integrity of the European site.

The Regulations also are applicable to Land use plans, including Regional Spatial Strategies and Development Plan Documents. If the plan is likely to have a significant effect upon a European site, the permission may only be given if the plan is ascertained to have no adverse effect upon the integrity of the European site. This approach gives rise to a hierarchy of plans each with related appropriate assessments.

The Regulations provide protection for individual species of flora and fauna, listed on Schedules 2 and 4 respectively. The Regulations make it an offence, subject to exceptions, to deliberately capture, kill, disturb or trade in the animals listed within Schedule 2 or to pick, collect, cut, uproot, destroy or trade in the plants listed in Schedule 4. Natural England may issue a licence for actions that are otherwise illegal, subject to the satisfaction of the three tests: no alternative; over-riding public interest; and maintenance of the favourable conservation status of the species.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Conventions and the Birds Directive. It complements the Conservation (Natural Habitats. &c.) Regulations 1994 (as amended), offering protection to a wider range of species.

The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species. All relevant species specific legislation is detailed later in this section.

The Countryside and Rights of Way (CRoW) Act 2000

The CRoW Act amends and strengthens existing wildlife legislation detailed within the WCA. The Act places a duty upon government and the National Assembly for Wales to have regard for biodiversity and provides increased powers for the protection and maintenance of SSSIs.

The Act also contains a list of habitats and species under Section 74 for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of 'important' hedgerows which may not be removed without consent from the Local Planning Authority. The Regulations specifically exclude any hedgerow which is within, or borders, a domestic garden.

A hedgerow is important under the regulations if it:

- Contains certain categories of protected or Red Data Book species of birds, animals or plants listed in the Wildlife and Countryside Act or Joint Nature Conservation Committee (JNCC) publications.
- Includes:

- (a) at least 7 woody species, on average, in a 30 metre length;
- (b) at least 6 woody species, on average, in a 30 metre length and has at least 3 associated features;
- (c) at least 6 woody species, on average, in a 30 metre length, including a black-poplar tree, or large-leaved lime, or small-leaved lime, or wild service-tree; or
- (d) at least 5 woody species, on average, in a 30 metre length and has at least 4 associated features.

The number of woody species is reduced by one in northern counties. The list of 56 woody species comprises mainly shrubs and trees. It generally excludes climbers (such as clematis, honeysuckle and bramble) but includes wild roses.

- Runs alongside a bridleway, footpath, road used as a public path, or a byway open to all traffic;
- And includes at least 4 woody species, on average, in a 30 metre length and has at least 2 of the associated features listed at (i) to (vii) below. The associated features are:

(i) a bank or wall supporting the hedgerow;

(ii) less than 10% gaps;

(iii) on average, at least one tree per 50 metres;

(iv) at least 3 species from a list of 57 woodland plants;

(v) a ditch;

(vi) a number of connections with other hedgerows, ponds or woodland; and

(vii) a parallel hedge within 15 metres

Species Legislation

Badger

Badger is protected under the Protection of Badgers Act 1992. It is based primarily on the need to protect badgers from baiting and deliberate harm or injury, rather than being a response to unfavourable conservation status. It is a duty of the planning authorities to consider the conservation and welfare impacts of development upon badger and issue planning permissions accordingly.

The Act makes it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger;
- To attempt to do so; or
- To intentionally or recklessly interfere with a sett.

A badger sett is defined in the legislation as a “structure or place, which displays signs indicating current use by a badger”. Current use is not synonymous with current occupation and a sett is defined as such as long as signs of current usage are present.

Sett interference includes damaging or destroying a sett, obstructing access to a sett and disturbing a badger whilst it is occupying a sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England.

Development should not be permitted unless it is possible to ensure the survival of badgers in their existing range and that the population status is unaffected. ODPM Circular 06/2005 provides further guidance on statutory obligations towards badger within the planning system. Paragraph 124 states that “The likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.”.

Natural England provides standing advice which is capable of being a material consideration in planning decisions. Mitigation is recommended to avoid impacts on badger setts, which includes maintaining or creating new foraging areas and maintaining or creating access (commuting routes) between setts and watering areas.

Bats

All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Under Regulation 41 of the Habitats Regulations, it is an offence to:

- Deliberately capture, injure or kill a bat;
- Deliberately disturb bats; or
- Damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations for any person to have in their possession or to control or transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has unlawfully been taken from the wild.

Natural England is the appropriate authority for determining licence applications in England for works associated with developments affecting bats. Before a licence may be issued, the three tests must be satisfied.

In addition, bats are listed under Schedule 5 of the Wildlife and Countryside Act, making it an offence to intentionally or recklessly:

- 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.

Birds

All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended). 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; or
- 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".

Some species listed in Schedule 1 receive protection by special penalties. Subject to the provisions of the Act, if a person intentionally or recklessly:

- Disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- Disturbs dependent young of such a bird, he shall be guilty of an offence.

The RSPB categorise British bird species in terms of conservation importance based on a number of criteria including the level of threat to a species' population status. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern being either globally threatened and or experiencing a high/rapid level of population decline ($\geq 50\%$ over the past 25 years).

Amphibians

All British amphibian species receive a degree of protection under the Wildlife and Countryside Act 1981 (as amended). The level of protection afforded to amphibians varies from protection from trade or sale (smooth newt, palmate newt, common frog and common toad), to more rigorous protection afforded to great crested newt and natterjack toad.

Great crested newt (GCN) is protected under the Act and is also classed as a European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended).

Although GCN are regularly encountered throughout lowland England, the UK holds a large percentage of the world population of the species. As such, the UK has an international obligation to conserve the species under domestic and European legislation.

Under the Habitats Regulations 2010 it is an offence to:

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

Under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), there are further provisions, making it an offence to:

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

Should any proposed development work be likely to result in an offence, a licence will need to be obtained from Natural England, subject to appropriate measures to safeguard GCN.

Reptiles

All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which protects individuals from killing or injury. The Countryside Rights of Way Act 2000 (CRoW) introduced the new offence of 'recklessness'.

Sand Lizard and Smooth Snake are afforded greater protection under the Conservation of Habitats and Species Regulations 2010 (as amended) but are unlikely to be found at the Site due to their geographical distribution.

With respect to planning policy, protected and notable species are afforded policy protection at a national level by the National Planning Policy Framework (NPPF) 2012, paragraph 117 which states planning policies should "promote the protection and recovery of priority species populations."

The Natural Environment and Rural Communities Act, Section 41 (S41) requires the Secretary of State to publish a list of habitats and species which are of principal importance for conservation biodiversity in England. The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Hedgehog

Hedgehogs receive protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended), which lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gasses and others.

Humane trapping of hedgehogs for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance in England and are thus capable of being material considerations in the planning process.

Invertebrates

Certain species of invertebrate and their habitat (aquatic and terrestrial) are afforded full protection under Section 9, Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

This part of the WACA (1981) makes it is an offence to:

- Intentionally kill, injure, take;
- Possess or control (live or dead, part or derivative);
- Damage, destroy or obstruct access to any structure or place used by a scheduled animal for shelter or protection;
- Disturb an animal occupying such a structure or place;
- Sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative); and
- Advertise for buying or selling live or dead animal, part or derivative.

The Conservation of Habitats and Species Regulations 2010 (as amended) under Schedule 2, list three species, therefore classing them as European protected species (EPS). EPS Invertebrate species include:

- Large blue butterfly *Phengaria arion*;
- Fisher's estuarine moth *Gortyna borelii lunata*; and
- Little whirlpool ramshorn snail *Anisus vorticulus*.

More than 350 invertebrate species are listed under Section 41 of the Natural Environment and Rural Communities Act (2006) and form the Species of Principle Importance in England.

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