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CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (Biodiversity)

North Selby Mine, New Road Deighton, York
March 2023

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This report has been prepared in accordance with the CIEEM (2017) Guidance on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester

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Contents

1 Introduction

1.1 Brindle & Green Ecological Consultants were commissioned by Harworth Estates Investments Limited to produce a Construction Environmental Management Plan (CEMP) to support proposed development works associated with the site known as North Selby Mine, Deighton, York. The aim of this CEMP is to set out contactor responsibilities with regard to compliance of legislation and to implement any mitigation measures to the potential ecological constraints highlighted within the Environmental Statement (Harworth, 2019).

1.2 The site has planning consent for the construction of leisure development comprising a range of touring and static caravans with associated facilities. The application site is approximately 37ha in extent, with c.14ha developable area, and comprises a former satellite mine site that formed part of the Selby Mine Complex. The site is dominated by hardstanding interspersed with five uninhabited buildings associated with historic mining and industrial works. The western extent of the site is dominated by plantation woodland and semi-improved grassland whist open mosaic habitat on previously developed land (OMH), scrub and grassland dominant to the south and east. The portion of the site is designated as a LWS and therefore is deemed to hold 'County' value for habitats and up to 'Local' value for protected species and as such appropriate mitigation and compensation processes are required.

1.3 This document draws upon the results of the updated protected species surveys conducted by Brindle & Green in the active season of 2022 (BG22.148, November 2022) which drew upon previous survey work in 2018 to inform the Environmental Statement (*Harworth 2019*, Environmental Statement Former North Selby Mine). Safe working procedures have been outlined in order to safeguard Breeding Birds, Bats, Great Crested Newts, Barn Owl, Reptiles, Water Vole and mammals of principle importance which have been found to occupy habitats, or within and adjacent to the redline boundary. Additional sensitive working methods have been prescribed in order to safeguard habitats of principle importance and designated sites within and adjacent to the application boundary.

1.4 This CEMP details the management measures to be implemented in order to minimise any environmental impacts during the construction phases of the

development and provides a framework within which the measures will be implemented throughout the project.

1.5 This document seeks to clear Condition 6 of the granted application which states:

'The CEMP (Biodiversity) shall include the following:

a) Risk assessment of potentially damaging construction activities,

b) Identification of biodiversity protection zones'

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities onsite of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

1.6 The working area is defined as any area where there will be a requirement for temporary or permanent works to facilitate the construction of the development. This includes areas required for access, temporary construction and temporary storage areas.

2 Project Description and Proposed Works

2.1 The site is the subject of a granted application for the construction of a leisure development comprising a range of touring and static caravans with associated facilities. The existing site layout, and proposed scheme can be viewed within Appendix 1 and 2. This permission imposed a pre-commencement condition (Condition 6) requiring submission of a Construction and Environmental Management Plan (Biodiversity) to protect retained habitats to safeguard protected species during and following construction works.

2.2 Below are a list of site set up and construction activities which have the potential to impact protected species and designated sites within the zone of influence of the site.

- Site set-up/Hoarding and Site Cabins
- Demolition/Site clearance/tree removal
- Remove existing services
- Earthworks/Cut & Fill
- Substructure/Piling
- Groundworks/ Drainage
- Frame

2.3 The effects and risks of the proposed work activities were assessed against the results of the previous documents (Table 1) and working method statements (MS) to safeguard protected species and habitats are outlined within Section 5.

2.4 Biodiversity protection zones have been identified to the west of the site, aiming to safeguard the water course and associated habitats which support resident water vole. Boundary trees are proposed for retention, which will be safeguarded in accordance with the submitted tree reports.

3 Ecological Constraints to Construction program

3.1 A summary of the perceived impacts to protected species is summarised within Table 1 below, with working method statements outlined in Section 5. Prior to works, the legislation and associated requirements should be highlighted to staff during inductions. Toolbox talks should be provided to all operators, contracting and sub-contracting staff to ensure that field signs, species identification, habitat preferences and legal protection afforded to these species is understood. All staff and contractors should sign an acknowledgement that the toolbox talk has been given and understood, and who to contact should protected species be encountered during development works.

Table 1: A summary of the proposed working methods to be undertaken and timetable of implementation.

Receptor	Receptor description	Sources of Adverse Impact (Risk Assessment)	Propose Working Methods and related Method statements (MS)	Risk with Mitigation (MS) In place	Timing of proposed works and MS	Responsible person to implement MS
Designated Site	North Selby Mine SINC. Designated for its habitat assemblage and 'good' population of GCN.	Potential of direct and indirect impacts from construction activities, namely loss of OMH habitat. Impacts to GCN populations.	Mitigation through design – avoiding development of high value areas of the site with retained habitats enhanced to reach SINC status as outlined within the accompanying SINC management plan (BG22.148.2). Safe working measures and good practice to reduce dust pollution and the likelihood of chemical spill on site, as outlined within the MS1. GCN population will be protected during and post construction, as outlined in MS7.	**Neutral** (Not Significant)	2023/2024 Throughout construction phase	Architect / Project Manager
Habitats	'County' value mosaic of habitats including OMH, plantation woodland, scrub, semi-improved neutral	Loss of low value habitats and encroachment into grassland and woodland edge.	Utilise existing infrastructure where possible and restrict development to low value habitats. Mitigate for the loss of habitats through enhancement of retained grassland	**Neutral** (Not Significant)	Fences installed 2023/2024 Protected through construction	Architect / Project Manager

Receptor	Receptor description	Sources of Adverse Impact (Risk Assessment)	Propose Working Methods and related Method statements (MS)	Risk with Mitigation (MS) In place	Timing of proposed works and MS	Responsible person to implement MS
	grassland, marsh grassland and open water. No invasive Schedule 9 species recorded.		and woodland habitats, detailed within the SINC management plan (BG22.148.2). Retained vegetation to be suitably protected during construction works. Where below ground working activities are proposed, Heras security fencing will be erected and sign posted, outlined in MS1 and MS9.			
Breeding Birds	Vegetation and buildings on site suitable for nesting birds.	Potential disturbance to breeding birds within boundary vegetation or buildings causing nest abandonment. Potential injury or mortality of individuals	Follow working measures and good practice measures outlined within Feral pigeons (*Columba livia domestica)* could breed year-round, per works check to be undertaken if control measures outlined in MS2 haven't been fulfilled.	**Neutral** (Not Significant)	Pre demolition and vegetation clearance. 2023/2024	Project Manager ECoW
Bats	B2 supports an intermittently occupied brown long-eared (*Plecotus auritus*) feeding perch.	Risk of roost destruction, or harm / mortality of to European protected species	Follow working measures and good practice measures including a pre-works check of the building outlined within MS3. Habitat creation as outlined in Ecological Survey Summary (BG22.148, December 2022).	**Neutral** (Not Significant)	Prior to demolition/renovation of B2 – 2023/2024	ECoW
Foraging and Commuting Bats	Bats recorded in the wider landscape and vegetative boundaries retained	Construction lighting disturbance	Sensitive lighting during construction phase as outlined in MS3.	**Neutral** (Not Significant)	2023/2024	Project Manager

Receptor	Receptor description	Sources of Adverse Impact (Risk Assessment)	Propose Working Methods and related Method statements (MS)	Risk with Mitigation (MS) In place	Timing of proposed works and MS	Responsible person to implement MS
Reptiles and toads	Common toad (*Bufo bufo*) are widespread and can utilise habitats found on site. A low population of grass snake (*Natrix helvetica)* was recorded on site during 2022 surveys.	Loss of suitable terrestrial habitat. Low potential of harm, injury, or mortality to individuals during site clearance, if displaced into application boundary	Clearance of artificial refugia, scrub and vegetation under Ecological supervision as outlined in MS4.	**Neutral** (Not Significant)	2023/2024 During site clearance	Project Manager ECoW
Badgers, MSPI and Other mammals	Scrub and boundary habitat offers cover for mammals including MSPI such as hedgehog. No evidence of badger recorded, but fox den recorded to the western boundary of the site	Harm, injury or entombment to individuals during site clearance and construction.	Pre works check should be undertaken to determine presence of mammal activity. . Site operatives to maintain a cautious approach when working on site following MS5.	**Neutral** (Not Significant)	2023/2024 Checks prior to site clearance and checks on going through development	Project Manager ECoW
Water Vole	Historic evidence of water vole recorded within the Bridge Dyke.	Potential direct and indirect impacts through disturbance, compaction of ground and associated burrows along bankside and run off from development works.	A 10m buffer restricting works within close proximity of the Bridge Dyke. The buffer will be clearly demarcated during construction works, outlined in MS6.	**Neutral** (Not Significant)	2023/2024 Throughout construction phase	Project Manager
Great Crested Newts	A medium population of GCN was recorded within the onsite ponds during the active season of 2022. GCN are therefore likely to	Direct impacts during pre-construction clearance of onsite habitats could lead to the injury or death of this protected species as well as the damage to their associated habitats.	Retention of onsite water bodies and connectivity between areas of optimal habitat outlined in design stage. Trapping and translocation of GCN under EPSDL licence from Natural	**Neutral** (Not Significant)	2023/2024 Prior to construction Phase	

Receptor	Receptor description	Sources of Adverse Impact (Risk Assessment)	Propose Working Methods and related Method statements (MS)	Risk with Mitigation (MS) In place	Timing of proposed works and MS	Responsible person to implement MS
	reside within terrestrial habitats on site.		England prior to vegetation clearance., outlined in MS7.			
Barn Owl	B1 and 2 on site supports a barn owl feeding roost however no nesting or breeding behaviours present.	Demolition or modification of structures.	Construction works will be conducted outside of breeding season, avoiding February to October. A pre-commencement check will be undertaken by a suitably licenced ecologist in order to assess the potential presence of breeding barn owl.	**Neutral** (Not Significant)	Prior to commencement of building reconstruction/ demolition. 2023/2024	Project Manager ECoW

4 Roles and Responsibilities

4.1 **Persons responsible for implementing the works**

4.1.1 It is the client's and project managers responsibility to ensure the working methods identified within the CEMP are strictly implemented and adhered to. The project manager should liaise with the Ecological Clerk of Works (ECoW) to arrange input and ecologist presence on site.

4.1.2 Should management change on site, new personnel will be made aware of the actions outlined within this CEMP.

4.2 *Project Manager*

All contract workers to be involved with the ground clearance and construction of the development are to be inducted and briefed on the ecological constraints on site, by the Project Manager to inform individuals of key aspects to consider when undertaking tasks.

4.3 *Ecological Clerk of Works (ECoW)*

4.3.1 An ECoW is required to ensure that the client adheres to the requirements of this document and be legally compliant.

4.3.2 Ecological queries should be directed to Brindle & Breen Ltd contactable on 0800 222 9105 or info@brindlegreen.co.uk. If a different ecologist is employed to oversee works, they must be suitably experienced to discharge the responsibilities of the ECoW.

5 Working Method Statements

5.1 Designated Sites (MS1)

5.1.1 Whilst the scheme will result in a minor reduction of the area of qualifying habitat within the North Selby Mine SINC, the site will continue to qualify under the current criteria (Harworth, 2019) and will be managed to maintain and enhance its qualifying features. A buffer zone will be erected around habitats of high value and sensitive for protected species, as outlined in MS6. The following measures should be implemented during the construction phase to prevent impacts as a result of construction.

5.1.2 *Air pollution and dust control*

Dust and silt control measures to be implemented throughout construction phase for relevant activities.

All aspects of works will be conducted in such a manner to minimise the generation and spread of dust and silt into the surrounding area, including the following:

• Stockpiles of materials will be kept away from the site entrance and boundaries

• Stockpiles of materials subject to wind erosion will be dampened down or seeded to ensure satisfactory dust control and covered with tarpaulins as appropriate

• Airborne dust will be kept to a minimum by the regular use of water spray systems and bowsers wetting down haul roads and pre-excavated areas

• All loads entering and leaving site, as well as skips stored on site, will be securely covered

• Delivery of materials to site will be programmed to minimise the time stockpiles are kept on site,

• Plant and wheel washing will only be carried out in a designated area at least 15 metres from any watercourse, surface drain or potential pollution pathway.

This will be constructed on an impermeable base with a collecting sump to prevent spreading of dust and spoil onto the surrounding roads,

• The wheels of all vehicles will be checked on leaving the site, and if necessary will be cleaned by jet wash within the designated washing area,

• Silt fencing or temporary drainage channels will be used to block or divert runoff from stockpiles of materials, and

• Notices will be erected to stipulate that the above measures are adhered to

5.1.3 *Chemical storage and spills – General Guidance*

Any potential contaminants (fuel, oils and chemicals) used during construction will be stored in designated compounds on an impermeable surface, at least 15m from any watercourse, pond or drainage feature. These will be securely locked away when not in use. Appropriate measures to prevent the spillage of chemicals onto ground, and into nearby watercourses will be implemented, including;

• The storage of several spill kits and, potentially, the usage of earth bunds surrounding the designated refuelling/chemical handling site. A detailed pollution/spill response plan will be kept within the site office.

• The Environment Agency will be contacted in the event of an incident.

• Machinery operation within 25m of ponds and ditches will be minimised in general and avoided entirely during periods of heavy rain.

• Appropriate pollution control measures will be employed in accordance with those outlined in the NetRegs document Guidance for Pollution Prevention (GPP) 5: Works and maintenance in or near water (February 2018). Although not endorsed by the Environment Agency in England (as the EA do not currently provide good practice guidelines following the withdrawal of Pollution Prevention Guidelines (PPG) 5), measures in this document (accessed at: http://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-ornear-water.pdf) should be followed in order to prevent pollution of the nearby watercourses and ensure any pollution events are dealt with swiftly.

• A spill kit must be kept on site with sand, earth or commercial products for the containment of fuel and other material spillages. All staff will receive appropriate training in the use of these kits and are to be made aware of where the kit is stored.

In the event of a spillage of oils or chemicals resulting in contamination of water courses or damage to habitats, the following procedure will be adopted:

• The appropriate spill kit is to be deployed immediately and the Project manager is to be informed.

• The incident is to be recorded within the site logbook; and

• In the event of contaminants being discharged directly to water courses, or in the event of significant spillage (in excess of 10 litres), the Environment Agency is to be contacted on the incident hotline 0800 80 70 60.

5.1.4 *Actions*

• Records of all measures to reduce dust and silt are to be kept on site, including dates undertaken.

• In the event of a pollution incident details must be kept of the nature of the incident and all remedial actions undertaken within the site logbook.

• The Project manager is responsible for logging measures undertaken to prevent contamination of the wider landscape.

5.2 **Breeding Birds (MS2)**

5.2.1 All nesting birds are protected under the Wildlife and Countryside Act 1981, which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition, for species listed on Schedule 1 of the Wildlife and Countryside Act 1981 it is an offence to intentionally or recklessly cause disturbance at, on or near an 'active' nest. This legislation and its requirements should be highlighted in staff inductions, toolbox talks and signed by all contractors, operators and sub-contractors.

• Vegetation clearance during the period March to August can be damaging to active bird nests during the main breeding season. Vegetation clearance and

any building demolition or renovation works on site should ideally take place in the months September-February, outside of the main bird breeding season.

• Any vegetation removal or building modification proposed for removal between the months of March and September should be subjected to a search for active birds' nests 24 hours prior to commencement of works. This should confirm whether all or some clearance is achievable. In addition to a pre works check, the clearance of vegetation between the months of March and September should be supervised by a suitably experienced ecologist.

• If any evidence of nesting birds is encountered during development works, works should cease in the immediate area and the nest should be cordoned off and checked until the young have fledged.

• The presence of feral pigeons presents a risk of encountering nesting birds at any time of year and a likely contamination issue. It is recommended that a specialist contractor is engaged to advise on pigeon deterrence, access to the General Licence and removal of contamination.

5.2.2 *Actions*

• During May – September pre-works check required, Project manager to arrange ECoW presence onsite.

• ECoW to complete a pre-works check during the breeding season. The Project manager is responsible for ensuring that cordons are in place and the above methods are adhered to.

5.3 **Bats (MS3)**

5.3.1 All bats in the United Kingdom and their habitats are fully protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended). It is an offence to damage or destroy any bat roost, intentionally or recklessly obstruct a bat roost, deliberately, intentionally or recklessly disturb a bat or intentionally kill, injure or take any bat.

5.3.2 *Roosting bats*

The buildings on site were deemed to hold negligible suitability to support roosting bats however an intermittently used brown long-eared feeding roost

was identified within B2. The building does not provide any suitability to support other roost types for bats, due to a lack of suitable crevices or potential roosting features. As such, the following precautionary measures should be followed to ensure that bat roosts are not impacted during the renovation or demolition of the existing structures.

• If works are conducted between the months of March and October then B2 will be subject to a pre-works check prior to renovation or demolition to confirm the absence of bats, this will ensure that a breach of legislation does not occur. Should bats be encountered roosting during the building, demolition or renovation works will not take place until a European Protected Species Licence has been applied for and approved by Natural England.

5.3.3 *Foraging and Commuting Bats*

• Sensitive lighting schedule will be implemented to reduce any construction associated impacts to commuting and foraging routes along the site boundaries. Where possible, working hours should be conducted between the hours of 8:00am and 18:00pm, to avoid times in which bats are active.

• If night works are required at any stage, lighting should be faced down and directed away from vegetated boundaries, namely woodland and matures tree lines to the north and west of the site. Sodium lamps instead of Mercury or metal halide are recommended and white or blue light spectrums should not be used. All pre and post construction lighting should have a maximum light spill over of less than 1lux.

• No artificial lighting will be employed during construction of the development unless agreed with the ECoW before use. It is anticipated that no artificial lighting will be used during the summer months (April-September inclusive). Artificial lighting, if required, is likely to be restricted to use within the site compound and will only be used during typical working hours.

• Lighting will only be used during working hours and no lighting will be switched on overnight outside of these hours, unless under prior agreement with the ECoW, with lighting being on a motion sensor with a maximum agreed time limit.

5.3.4 *Actions*

• ECoW to organise a preworks survey of Building 2 and write summary report.

• Project manager to contact ECoW if any lighting requirements required.

5.4 **Reptiles and Toads (MS4)**

5.4.1 All native reptiles are protected against harm or injury under the Wildlife and Countryside Act (1981), and the common Toad is a UKBAP priority species. A low population of grass snake was recorded on site, largely focused to the peripheries of the site, outside of the immediate area of impact. As such a series of precautionary working methods should be followed to prevent direct harm or injury individuals during ground clearance, breaching the Wildlife and Countryside Act 1981 (as amended).

• An ecological 'toolbox talk' should be provided to all site personnel prior to development works commencing. The 'toolbox talk' should include information pertaining to the ecology and protection of reptiles, a brief description of field signs and who to contact should reptiles be encountered during development works.

• Artificial refugia including vegetation cuttings and brash piles etc. should be removed from site and first be dismantled by hand. Should reptiles be found, individuals should be moved to comparable habitat, outside of the area to be directly affected.

• Tree-felling and clearance of scrub habitat should be supervised by a suitably experienced ecologist, including pre-clearance checks of the area to be affected. These areas should be systematically stripped / destructively searched under ecological supervision.

5.4.2 *Actions*

• Records of any sightings recorded on site by the project manager. This will be stored at the site office and will be sent to appointed ecologist on completion of works.

• Project manager to contact ECoW to supervise clearance works where necessary

• ECoW to complete a pre-works check to establish likelihood of finding individuals. The Project manager is responsible for ensuring that cordons are in place and the above methods are adhered to.

5.5 Badgers, MSPI and Other mammals (MS5)

5.5.1 The site supported habitat features such as tall ruderal herbs and scrub considered conducive to supporting foraging and commuting hedgehog (*Erinaceus europaeus*), brown hare (*Lepus europaeus*) and badger (*Meles meles*). The recommended mitigation measures will reduce these effects and primarily involve adhering to safe working practices and during the construction phase.

• A walkover survey should be conducted within the zone of influence (the site and 30 metres perimeter of boundary) prior to the commencement of works to identify if badgers have become active within the proposed development.

• An ecological 'toolbox talk' should be provided to all site personnel prior to development works commencing. The 'toolbox talk' should include information pertaining to the ecology and protection of badgers, hedgehog and brown hare, a brief description of field signs and who to contact should these species be encountered during development works.

• Any excavations left overnight are to be covered at the end of each working day, or include a means of escape, such as wood planks. In addition, any temporarily exposed open pipe systems are to be capped in such a way as to prevent small mammals gaining access. Any trenches/pits will be inspected each morning to ensure no mammals have become trapped overnight.

• The storage of topsoil or other 'soft' building materials on site will be given careful consideration. Badgers will readily adopt such mounds as setts. So as to avoid the adoption of any mounds, these will be kept to a minimum and any essential mounds subject to daily inspections.

• Should these species or any evidence of such be encountered during the walkover or construction phase, all works should cease, and the advice of an ecologist sought.

• A handsearch of vegetation should be undertaken by the ECoW prior to vegetation clearance to safeguard Hedgehog, avoiding the hibernation period.

5.5.2 *Actions*

• ECoW to organise a preworks survey of site.

• Project manager to contact ECoW to arrange handsearch for small mammals prior to site clearance.

5.6 **Water Vole (MS6)**

5.6.1 Surveys undertaken in 2022 failed to identify any evidence of water vole within water courses on site, however, previous survey results by FPCR in 2018 indicate their presence within Bridge Dyke. As such, the following reasonable avoidance measures should be followed during construction works to safeguard this species;

A buffer zone of at least 10m will be delineated between the development and Bridge Dyke to prevent any direct potential impacts during construction works and reduce disturbance post development. An exclusion zone should be maintained in this area during development works. The exclusion zone should be clearly defined using Heras fencing or similar and must not be used as public open space or as a construction materials storage area. No site personnel should enter the exclusion zone and no waste or rubble should be deposited in this area. Warning signs should be erected.

Should works be required within this area then an EcOW will be present to identify high risk activity and associated impacts to this species and its habitat.

Construction Machinery should be checked regularly for oil-leaks to reduce likelihood of leaching into adjacent water course.

Post construction, the buffer zone and associated riparian habitat should be enhanced, following the recommendations detailed within the SINC management plan, to provide a habitat corridor for wildlife.

5.6.2 *Actions*

• Project manager to implement safe working control zone and ensure regular checks on construction plant.
• Project manager to contact ECoW to arrange watching brief if working is required within 10m buffer zone.

5.7 **Great Crested Newt (MS7)**

5.7.1 To mitigate the impact of the proposed development, the application should be the subject of a European Protected Species Development Licence. The development will result in the loss of high-quality terrestrial habitats for GCN, the impact of which may result in the killing or injury of individual animals and the fragmentation of habitats. As such, the following working methods are prescribed.

Prior to commencement of works, a receptor site will be constructed within the undeveloped woodland to the west of the site to allow translocation of individuals away from the zone of impact.

An ecological 'toolbox talk' should be provided to all site personnel. The 'toolbox talk' will include the licence requirements, the legal protection afforded to GCN and what to do if amphibians are encountered. Written advice will also be provided to the site foreman containing contact details for the suitably qualified ecologist, NE, County Council Ecologists, and a copy of these details will also be held on the site.

Vertical exclusion newt fences will be installed during spring/summer 2023 around the development footprint to prevent individual GCN entering the development site. The installation and monitoring of the fences should be supervised by a suitably qualified ecologist, as there will be an element of scrub clearance and ground disturbance to allow installation.

Where vegetation and ground conditions allows, the installation of pitfall traps and mats will take place immediately prior to trapping and translocation of GCN to the receptor site, which will take place over a 30-day period (including 5 clear trapping days).

Following the 30-day trapping period, trees proposed for removal and scrub will be soft felled and systematically stripped / destructively searched under EcOW. Any GCN found during the clearance works should be translocated to the identified receptor site. Root digging of trees should take place during the active period prior to hibernation.

Once cleared and stripped of vegetation and determined clear of GCN construction works within the fence can be undertaken unsupervised. The fence should be retained during construction and should be removed once all works are completed, under ecological supervision.

It is anticipated that the main earthmoving works will commence immediately once the area has been cleared. If this is not the case, however, the cleared area will subsequently be maintained in a cleared state by means of repeated strimming as required, with any vegetation regrowth being maintained at a maximum height of 50mm until all of the required works are completed.

5.8 **Barn Owl (MS8)**

5.8.1 Breeding birds, eggs and active nests are protected by law under Part 1 of the Wildlife and Countryside Act 1981, as amended. Barn owls are listed on Schedule 1 of this Act which gives them additional protection from reckless disturbance. In addition, barn owls are listed as Amber Birds of Conservation Concern (BoCC) (Eaton et al, 2009), and listed as a species of local significance in the Leicestershire Local Biodiversity Action Plan (Northamptonshire Biodiversity Partnership, 2016).

5.8.2 The proposals will see the demolition or renovation/modification of B1 and B2 which were identified to support nesting barn owl, however no breeding activity is present. As such, the following practices will be implemented to safeguard this species;

Construction should avoid the breeding season wherever possible - February to October inclusive.

Immediately prior to commencement of works, a pre-commencement survey should be undertaken by a suitably licenced ecologist in order to assess the potential presence of breeding barn owl.

Should barn owl be identified as breeding within building B1 or B2 during the pre-commencement check, a buffer zone of 150m should be established where no works will be permitted from February to October inclusive or a suitably licenced ecologist confirms that chicks have fledged.

5.9 **Protection of existing vegetative features (MS9)**

5.9.1 *Trees* - Temporary fencing will be provided to protect existing environmental features to be retained, which will be protected in accordance with BS5837 2012 - 'Trees in relation to design, demolition and construction - Recommendations'. The fencing will be established prior to the start of the construction works. The fencing will be of sufficient durability to be in place for the duration of the works, with appropriate signage. Prescriptions for appropriate screening and fencing will be available in the approved tree survey submitted with the planning application.

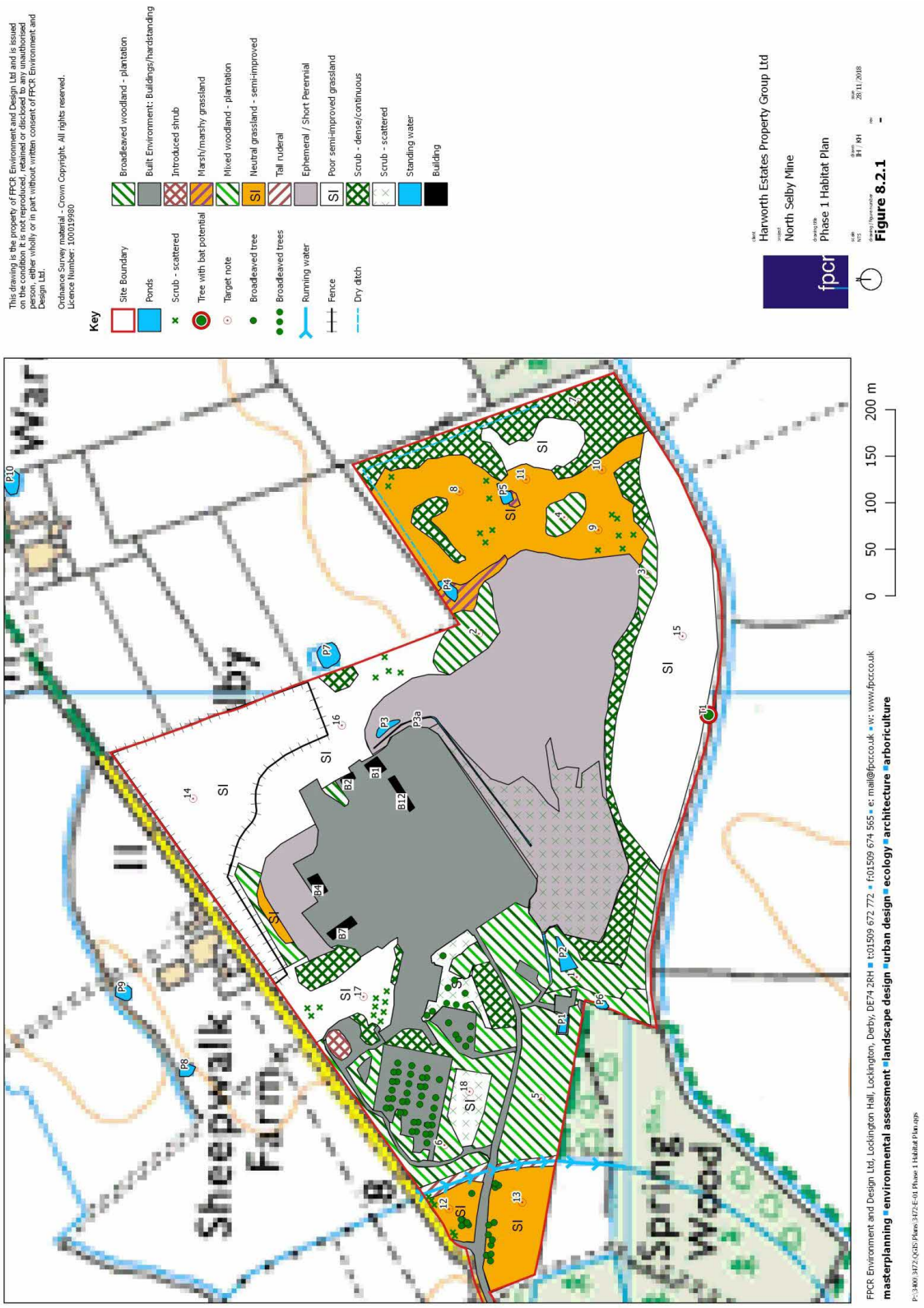
5.9.2 The buffer zone to the west of the site which has been outlined for the protection of water vole and their associated habitat (MS6) will be fenced and suitably signed posted for the perpetuity of the development.

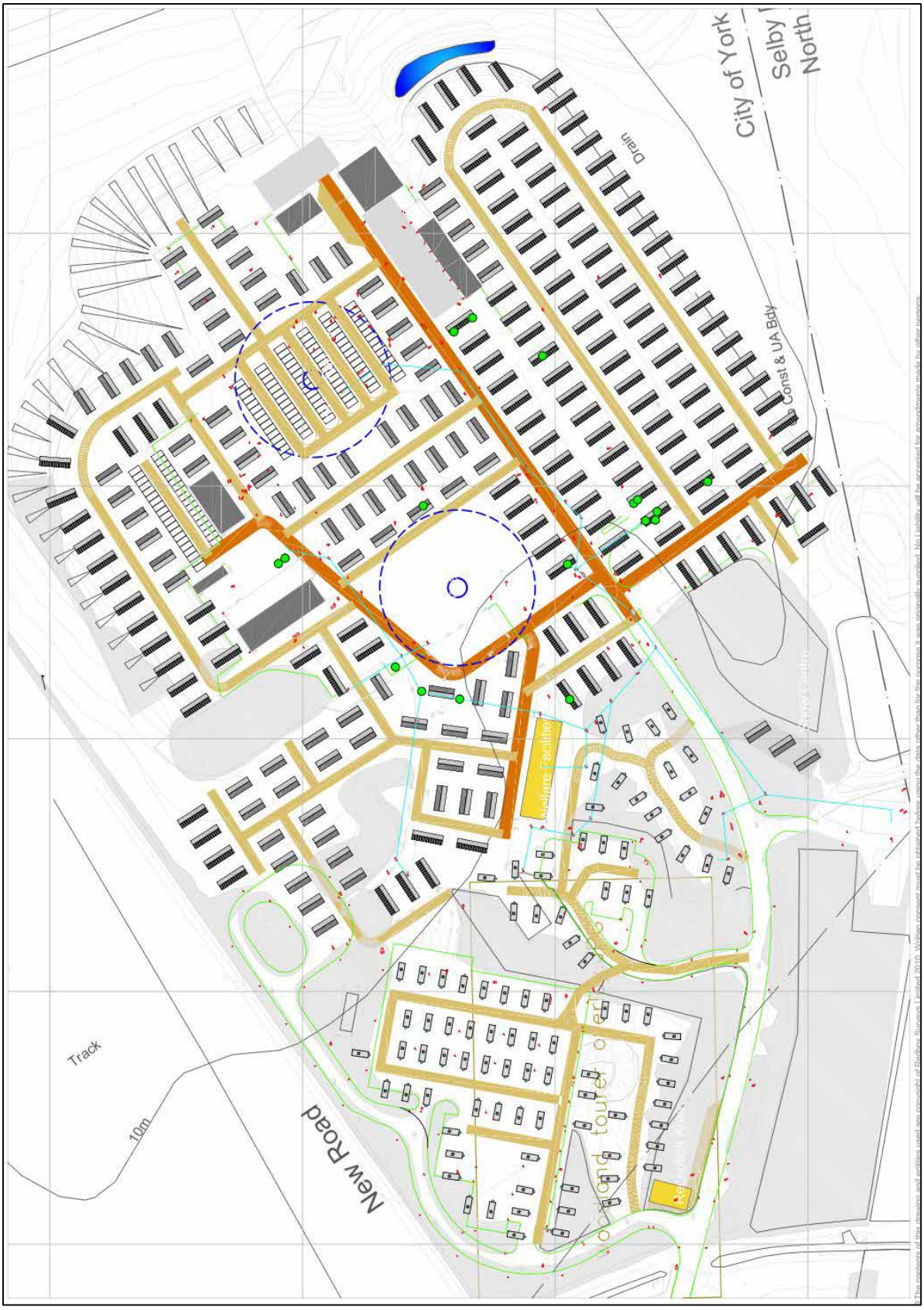
5.10 **Disposal of any waste arisings from the works**

5.10.1 Arisings will be collected and removed from the works area immediately and will either be composted in adjacent unaffected habitats at least 100m away from any area of work, or from any ponds occupied by great crested newt, or removed from the site entirely. Where material is to be composted on the site this will be in locations which will not subsequently be disturbed by any of the proposed restoration works. The ECoW will supervise the clearance works throughout.

5.10.2 Chippings and logs from felled trees, which are not used within proposed habitat creation areas as outlined within the SINC management plan (BG22.148.2), will be taken off site.

Appendix 1. Existing and Proposed Layout




City of York
Selby
North
Drain
Const & UA Bdy
Track
10m
New Road

Appendix 2. Ecological Legislation, Policy and Guidance

Articles of British wildlife and countryside legislation, policy guidance and both Local and National Biodiversity Action Plans (BAPs) are referred to. The articles of legislation are:

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended)

Department for Communities and Local Government. National Planning Policy Framework. March 2019

EC Council Directive on the Conservation of Wild Birds 79/409/EEC

The Protection of Badgers Act 1992

The Natural Environment and Rural Communities Act 2006

Local Biodiversity Action Plan (LBAP).

Appendix 3. Ecological Constrains Plan