

# SUREGROW, ST. HELENS

## CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN: BIODIVERSITY

*November 2023*



## Report Control Sheet

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## CONTENTS

<b>1.</b>	<b>INTRODUCTION</b> .....	<b>6</b>
1.1	SCOPE & PURPOSE.....	6
1.2	LOCATION.....	6
1.3	OBJECTIVES.....	6
<b>2.</b>	<b>BASELINE CONDITIONS</b> .....	<b>8</b>
2.1	SURVEYS AND ASSESSMENTS.....	8
2.2	ECOLOGICAL CONSTRAINTS.....	8
<b>3.</b>	<b>CONTROL OF WORKS</b> .....	<b>9</b>
3.1	SITE OPERATIONS.....	9
3.2	ECOLOGICAL CLERK OF WORKS.....	9
<b>4</b>	<b>MANAGEMENT PLAN</b> .....	<b>10</b>
4.1	GENERAL POLLUTION CONTROL MEASURES .....	10
4.2	GENERAL LIGHTING CONTROL MEASURES .....	10
4.3	RETAINED HABITATS .....	10
4.4	FAUNA .....	11
<b>5</b>	<b>SUMMARY</b> .....	<b>13</b>
<b>6</b>	<b>BIBLIOGRAPHY</b> .....	<b>14</b>

## 1. INTRODUCTION

### 1.1 SCOPE & PURPOSE

1.1.1. Collington Winter Environmental Ltd was commissioned by Lynwoods Building Consultancy to prepare a Construction Environmental Management Plan: Biodiversity (CEMP). The plan has been produced in support of the planning application at Suregrow, Collins Industrial Estate, St. Helens, WA9 1HY. This report has been prepared to inform an outline planning application for a commercial development at the site.

1.1.2. The author of this report is Emma Anderson, Assistant Ecologist at Collington Winter Environmental Ltd. The project has been supervised by Katie Bird MEnvSci, ACIEEM Principal Ecologist at Collington Winter Environmental Ltd. Katie is highly experienced managing complex residential schemes and has produced many Management Plans and recommending measures for wildlife enhancement.

### 1.2 LOCATION

1.3.1. Please refer to Figure 1.1 for the site location. The site is located within the Collins Industrial Estate northwest of the town of St. Helens.

Figure 1.1 Site Location



### 1.3 OBJECTIVES

1.3.2. The objectives of the CEMP include:

- Demonstrate the responsible persons and lines of communication, as detailed in Section 4.
- Demonstrate the role and responsibilities on site of Ecological Clerk of Works (ECoW) and details of when the ECoW is required to oversee specific works as part of the construction phase.
- Demonstrate the potential impacts on protected/notable fauna and habitats anticipated and confirmed to be on site, in relation to the proposed construction activities.

- Demonstrate the proposed retention of habitats in order to maintain the site's ecological value for local wildlife using protective fences, exclusion barriers and warning signs.
- Describe the provision and maintenance of shelter for protected/notable species during the construction phase using protective fences, exclusion barriers and warning signs.
- Demonstrate the locations of 'Biodiversity Protection Zones' and outline the working methods to be followed during the construction phase, regarding retained habitats and associated fauna.
- Outline monitoring procedures of ecological features within the site during the construction phase where necessary.
- The location and timing of sensitive works to avoid harm to biodiversity features.

## 2. BASELINE CONDITIONS

### 2.1 SURVEYS AND ASSESSMENTS

2.1.1 A Preliminary Ecological Appraisal (PEA) of the site was undertaken by Emma Anderson MSc, Assistant Ecologist at Collington Winter Environmental. The survey was undertaken on the 8<sup>th</sup> November 2023 and has informed the production of this CEMP: Biodiversity.

### 2.2 ECOLOGICAL CONSTRAINTS

2.2.1 Please refer to Table 2.1 summarising the ecological constraints identified and anticipated to be on site, and the potential risks of the proposed development during the construction phase.

Table 2.1 Ecological Constraints and Potential Risk Summary

Ecological Constraint	Potential Risk	Relevant Legislation and Planning Policy
Designated Sites		
Parr Hall Millenium Green and Canal Local Wildlife Site (LWS)	Potential for the indirect impact on designated sites during the construction phase through accidental pollution events and dust deposition.	Wildlife and Countryside Act (1981) (as amended).
Flora		
Non-native invasive species	No non-native invasive species were observed during the survey. However, November is a sub-optimal period for identification, and it is possible specimens may have been missed.	Wildlife and Countryside Act 1981 (as amended) under Section 14 (2) (a) to “plant or otherwise cause to grow in the wild” any species listed on Schedule 9, Part II of the Act.
Fauna		
Amphibians	There is a possibility that common amphibians may be present on site.	Common toad are listed as species of Principal Importance in England, as defined by Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).
Breeding birds	An area of introduced shrub on site has potential to support breeding birds.	With certain exceptions, all wild birds, their nests and eggs are protected by Section 1 of the Wildlife and Countryside Act 1981 (as amended) and bird species listed on Schedule 1 of the Act receive further protection.
Bats (roosting)	A toilet block structure on site was identified as having negligible bat roosting potential and requires removal to facilitate development.	The Conservation of Habitats and Species Regulations 2017 (as amended) and by UK law by the Wildlife and Countryside Act 1981.
Bats (activity)	The offsite Sankey Canal and Rainford Brook are anticipated to be valuable linear commuting features for local bats, while habitats on site have some foraging value.	The Conservation of Habitats and Species Regulations 2017 (as amended) and by UK law by the Wildlife and Countryside Act 1981
Hedgehog ( <i>Erinaceus europaeus</i> )	May be present on site due to the presence of unmanaged habitats which may provide resources for foraging and shelter.	Listed on the UK BAP species in 2007 and is on the Biodiversity Lists for England and Wales.
Badger ( <i>Meles meles</i> )	The site itself provides limited value for badger but mitigation is recommended to minimise the risk of injuring or killing a commuting badger.	Protection of Badgers Act 1992.

### 3. CONTROL OF WORKS

#### 3.1 SITE OPERATIONS

- 3.1.1 All operations on site will be the overarching responsibility of the site manager. The project ecologist will consult with the site manager to ensure that all site staff are appropriately inducted to the site and are aware of their legal responsibilities regarding wildlife legislation. Updates, regarding ecology, between the project ecologist and site manager are to be completed every quarter year.
- 3.1.2 The project ecologist will ensure that the site manager is aware of all working methods relevant for each phase of works. It will be the site manager's responsibility to ensure all site contractors are aware and competent to undertake these works.
- 3.1.3 The ECoW will supervise works where necessary, as detailed in Section 5. All works will be recorded within a site diary which will be reviewed periodically by the project ecologist. Any issues will be reported immediately to the project ecologist, and where necessary works may be paused to explore alternative methods.

#### 3.2 ECOLOGICAL CLERK OF WORKS

- 3.2.1 A suitably qualified ecologist will be employed as an official ECoW on site and will be responsible for undertaking all ecologically sensitive works on site, including undertaking any required Toolbox Talks and supervision work.
- 3.2.2 They will also be the nominated person of contact when required and responsible for the following during the construction phase of development:
- Undertaking nesting bird checks pre-vegetation clearance on site, under the Wildlife & Countryside Act 1981 (as amended).
  - Providing advice to developers and contractors when desired on how best to minimise impacts on site biodiversity throughout the construction phase of development if necessary.
  - Where deemed necessary, giving Toolbox Talks on protected species and sensitive habitats to contractors carrying out works within the site. These will cover all potential protected species, invasive species and habitats relevant to the site and what to do should any such flora or fauna be discovered during the works.
  - Carry out pre-commencement and supervision works as outlined in Section 5, to minimise risk of breaching relevant legislation.
  - Being the main point of contact should any issues relating to ecology arise during site construction.
  - The ECoW will be provided with an updated programme of works to determine watching brief requirements and the associated ecological issues before commencement of any development related activities on site.
- 3.2.3 If the ECoW identifies any issues in relation to ecology or considers that the CEMP: Biodiversity is not being adhered to at any point during construction, the developer will be contacted, and measures will be taken to resolve any issues. If the ECoW or construction team identifies any ecological issues themselves, the ECoW will be contacted for advice immediately.

## 4 MANAGEMENT PLAN

### 4.1 GENERAL POLLUTION CONTROL MEASURES

- 4.1.1 Measures will be taken throughout the construction phase to avoid pollution incidents, which may indirectly affect terrestrial, or offsite aquatic habitats and associated protected/notable fauna. Pollution prevention and control strategies will be adhered to at all times. Any accidental damage to the adjacent habitats or fuel spillages within proximity to the site and/or adjacent habitats will be reported to the site manager and the ECoW.
- 4.1.2 Net fencing will be placed along the southern and northern aspects of the site. The fencing will minimise debris and dust from entering the Rainford Brook (located approximately 50m east of the site boundary) and connected statutory sites.
- 4.1.3 Installation of silt control devices may be required to catch sediment/water run-off where appropriate, should evidence of run-off be identified during the construction phase. The proposed regular checks, to be completed by the site manager, will ensure the installed silt control devices are in place and are effective. The silt control devices will be replaced, or additional devices installed, if silt run-off is evident.
- 4.1.4 Retained habitats are to be appropriately fenced as 'Biodiversity Protection Zones' and all staff personal undertake a site induction on their working limits in regard to protected species and habitats within the vicinity of the site, including detail of the offsite waterways.

### 4.2 GENERAL LIGHTING CONTROL MEASURES

- 4.2.1 Lighting is to follow the protocols outlined in the Institute for Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and BCT's "Bats and Artificial Lighting in the UK" (2023). The construction lighting may impact species on site and within the local area which are sensitive to light. Directional lighting will be achieved by angle and orientation of beam, use of a cowl, louvre or other light shield, or a combination of these.
- 4.2.2 Construction lighting is not to be directed towards retained habitats and surrounding habitats including the retained introduced shrub at the south of the site.

## 4.3 RETAINED HABITATS

### *INTRODUCED SHRUB – ONSITE*

- 4.3.1 The introduced shrub located at the south of the site is to be retained and appropriately protected. Generally, temporary protective demarcation fencing will be used to protect trees that are being retained. The fencing must extend outside the canopy of the retained trees and must remain in position until all plots have been developed to ensure protection is provided throughout the construction phase.
- 4.3.2 The fencing will be in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.
- 4.3.3 Should any trees become a safety concern, then the ECoW will be contacted immediately to advise further with respect to the future of the tree and any consideration (such as bats and birds) that need to be given.
- 4.3.4 Prior to construction, an updated walkover to identify any non-native invasive flora will be undertaken. If non-native invasive flora are identified on site, these must be removed by a suitably qualified contractor.

### *AQUATIC HABITATS - OFFSITE*

- 4.3.5 The general pollution control measures detailed in Section 4.1 are to be implemented to minimise risk of pollution impacts of the Rainford Brook and Sankey Canal.
- 4.3.6 The following working methods are to be completed during the construction phase:



- Trees and shrubs must be felled so that they fall away from the direction of offsite waterways.
- All site machinery and materials will be appropriately stored away (approximately 30m buffer) from offsite waterways to avoid accidental spillage.
- All operational plant will be kept well maintained.
- Turning off plant machinery when not in use.

#### 4.4 FAUNA

##### AMPHIBIANS

- 4.4.1 There is a possibility that common amphibians may be present on site.
- 4.4.2 Suitable areas of habitat (Introduced Shrub, Sparsely Vegetated Land; Gravel Surfaced, and Sparsely Vegetated Land; Boundary) are to be removed under ECoW supervision and are to be strimmed to 300mm (considers presence of hedgehog also).
- 4.4.3 Storage of materials/waste is best undertaken on areas of hard standing or bare ground. Waste is best stored in skips or removed off site as soon as possible to avoid creating refuges which could be utilised by amphibians. Mounds of soil are to be compacted around the base to avoid creating refuges which amphibians and reptiles could utilise.
- 4.4.4 Site working is to avoid the creation of temporary waterbodies which may be attractive to amphibians. For this purpose, excavations can be backfilled as soon as possible following creation, or fitted with ramps to allow a means of escape. A check for the presence of amphibians is advisable before excavations are infilled.

##### BATS (ROOSTING)

- 4.4.5 The toilet block structure on site was identified as having '**negligible**' bat roosting potential and requires removal to facilitate development.
- 4.4.6 It is not possible to confirm absence of roosting bats within this structure, and the causation of an offence to be committed by the way of disturbance or damage to bats or their roosts under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (As amended) (refer to Appendix 1).
- 4.4.7 Therefore, the following Precautionary Working Methods (PWMs) are to be undertaken under the supervision of a licenced bat ecologist to reduce the risk of killing or injuring any bats that may be affected during the proposed demolition:
- All contractors working on the site will be briefed with a Toolbox Talk by the licenced ecologist, on the legal protection afforded to bats and their roosts, and on how to proceed if a bat is discovered during the course of the work.
  - The licenced ecologist will undertake a daylight inspection to assess the status of the site for bats prior to works commencing on site. The ecologist will check for fields of bats in relation to the northern aspect of the roof.
  - The licenced ecologist will attend site on the day of the scheduled works to undertake a search for bats in relation to the potential roosting features identified during the PRA (2022) prior to the works commencing. If any bats are located, all works will cease, and Natural England is to be contacted immediately and a licence to be obtained.
- 4.4.8 Once the potential roosting features have been removed under supervision, works can proceed in the absence of the licenced ecologist, at their discretion. If a bat is discovered at any unsupervised time, work must cease immediately, and a licenced bat handler must be called for advice. This advice will include leaving the bat to disperse of its own accord or wait for the licenced ecologist to move the bat. Builders and contractors are explicitly forbidden from handling bats except in the case of finding a trapped or injured bat. In which case the bat may be moved into a safe and secure place (e.g. a box) and the registered ecologist must be contacted immediately.

### *BATS (ACTIVITY)*

- 4.4.9 Potential lighting impacts may occur on commuting and foraging bats. Rainford Brook and Sankey Canal are anticipated to be valuable linear commuting features for local bats, while the introduced shrub and sparsely vegetated land habitats have foraging value.
- 4.4.10 Slow-flying species such as brown long-eared and myotis species are sensitive to lighting, as such construction lighting is to be appropriately placed to minimise directional and light spill on habitats of importance.
- 4.4.11 As stated in Section 4.2, security lighting during construction is to be appropriately placed to avoid retained habitats which are of value for foraging and commuting bats.

### *BREEDING BIRDS*

- 4.4.12 The introduced shrub habitat on site has potential to support breeding passerine birds.
- 4.4.13 Any necessary vegetation clearance required should be undertaken outside the breeding bird season of March to September, inclusive. If not possible, the ECoW will be present to undertake a nesting bird check of vegetation to be removed, including grassland to consider potential ground-nesting birds, within 48 hours of clearance works.
- 4.4.14 Active nests will be protected, and a buffer marked out with appropriate fencing (such as Heras fencing or similar), until the young have fledged. The ECoW will determine the required buffer area based on species and status of breeding condition.

### *HEDGEHOG*

- 4.4.15 If hedgehogs are located during development, they will be carefully moved by hand to a suitable offsite location and covered by debris. The PWMs provided in Section 4.4.16 also apply to minimising the risk to hedgehogs.

### *BADGER*

- 4.4.16 No badger setts were identified during the survey; however, they may be within the local area. As such, the following Precautionary Working Methods will be adhered to during the construction phase to ensure that no badgers are impacted by the proposed development (Badger Trust, 2023):
- A pre-commencement of work badger survey should be conducted by a suitably qualified ecologist to ensure the current badger situation is known and that the recommendations are correct.
  - All site personnel should be fully briefed concerning the method statement, the presence of badgers, the mitigation measures to be followed, the relevant legislation, the penalties imposed and who to contact should they need to.
  - Trees and shrubs should be felled so that they fall away from the direction of a sett and outside exclusion zones.
  - Ensure excavations or trenches left overnight are covered or have an escape route such as a shallow gradient at one or both ends.
  - Ensure excavations or trenches are inspected each morning and evening to ensure no badgers have become trapped.
  - Open pipework with a diameter of more than 120mm should be properly covered or capped at the end of the working day to prevent badgers from entering and becoming trapped.
  - During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.

## 5 SUMMARY

5.1.1 The plan has demonstrated the following:

- The aim and objectives of the CEMP have been demonstrated.
- Information for how the ecological features such as introduced shrub within the site, and aquatic habitats close to the site will be protected throughout development has been detailed throughout the CEMP and as demonstrated in Section 4.3.
- Timing of workings regarding vegetation clearance has considered protected/notable species such as breeding birds, hedgehogs, and common amphibians which may be present within the features of interest.
- Detail the role of the ECoW have been provided and the report demonstrates when the ECoW will be required during the construction phase.
- Set out roles and responsibilities for works to ensure protected/notable fauna and habitats are not significantly impacted by the proposed construction works.
- Working measures to be completed throughout the construction phase have been detailed to minimise potential impacts on badgers, breeding birds, amphibians, hedgehogs, and bats. Species specific working methods can be found within the following sections:
  - Section 4.3.4 - Non-native invasive species check.
  - Section 4.4.1 - PWMs for amphibians.
  - Section 4.4.7 - PWMs for bats.
  - Section 4.4.9 - Lighting Mitigation for bats.
  - Section 4.4.12 - Breeding bird check (if necessary).
  - Section 4.4.15 - PWMs for hedgehogs.
  - Section 4.4.16 - PWMs for badger.

## 6 BIBLIOGRAPHY

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- Bat Conservation Trust and Institute of Lighting Professionals (2023). Bats and artificial lighting in the UK – Bats and the Built Environment Series.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Preliminary Ecological Appraisal.
- CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine.
- Collins, J. (ed.) (2023). Bat Surveys for Professional Ecologists: Good Practice Guidelines, 4th edition. The Bat Conservation Trust, London.
- The Environment Agency (2018). EA Position Statement.
- Environment Alliance (2007). PPG5: Pollution Prevention Guidelines; Works and Maintenance In or Near Water; PPG5.
- Wildlife and Countryside Act (2010) Schedule 9 of the Wildlife and Countryside Act 1981.

TIMING OF WORKS			
CONSTRUCTION ACTIVITIES	ACTION	TIMING	RESPONSIBILITIES
PRE-CONSTRUCTION/SITE CLEARANCE			
Erection of protection fencing	<p>Installation of fencing to protected retained/adjacent habitats where required.</p> <p>Installation of net fencing and pollution control fencing (silt/waffles) if required, and appropriate signage where required to the north and south to protect nearby by SBI sites and adjacent habitats.</p> <p>Twice annual checks of fencing will be completed by the ECoW to ensure the works detailed in the Plan are being followed and remedial measures will be completed by the site manager where required.</p>	Prior to Construction Phase	ECoW and Site Manager
General pollution measures	Measures will be taken throughout the construction phase to avoid pollution incidents, which may indirectly affect habitats and associated protected/notable fauna, as detailed in Section 4.1.	Prior and during Construction Phase	ECoW and Site Manager
General lighting control measures	Directional lighting will be achieved by angle and orientation of beam, use of a cowl, louvre or other light shield, or a combination of these, as detailed in Section 4.2.	Prior to Construction Phase	Site Manager
Toolbox Talk	Toolbox talk to be completed by the ECoW in relation to the 'Biodiversity Protection Zones', badgers, breeding birds, amphibians and bats.	Anytime of the year – completed when relevant.	ECoW and Site Manager
Vegetation Clearance - Nesting bird checks	<p>Vegetation removal is to be completed outside of the breeding bird season (March to September, inclusive).</p> <p>If this is not possible, the area will be subject to a nesting bird check by the ECoW, within 48 hours to works commencing. If a nest (or nest in construction) is found, a suitable stand-off area will be maintained. The suitable stand-off will be decided by the ECoW and will be designated as a temporary 'Biodiversity Protection Zone'.</p>	March to September (if required)	ECoW and Site Manager

Vegetation Clearance – Hedgehogs and Amphibians	PWMs for amphibians and hedgehogs (detailed in Section 4.4.1 and 4.4.11 during the removal of suitable areas of habitat.	November to April (if required).	ECoW and Site Manager
DURING CONSTRUCTION			
Demolition of on-site structure with Bat Roosting Potential	PWMs detailed in Section 4.4.7 are to be followed throughout the construction phase.	Throughout construction phase	ECoW and Site Manager
Vegetation Clearance - Nesting bird checks	Vegetation removal is to be completed outside of the breeding bird season (March to September, inclusive).  If this is not possible, the area will be subject to a nesting bird check by the ECoW, within 24 hours to works commencing. If a nest (or nest in construction) is found, a suitable stand-off area will be maintained. The suitable stand-off will be decided by the ECoW and will be designated as a temporary 'Biodiversity Protection Zone'.	March to September (if required)	ECoW and Site Manager
Badger Checks	PWMs detailed in Section 4.4.12 are to be followed throughout the construction phase.	Throughout construction phase	Site Manager
General pollution measures.	Pollution control measures detailed in Section 4.2 are to be followed throughout the construction phase.	Throughout construction phase	Site Manager
Retained Habitat Protection	The temporary protective demarcation fencing to protect retained trees detailed in Section 4.3.2 will be maintained.	Throughout construction phase	Site Manager

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