

A428 Black Cat to Caxton Gibbet improvements

TR010044

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6.13 Biodiversity pre-commencement plan

Planning Act 2008

Regulation 5(2)(a)

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009

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Infrastructure Planning

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(Applications: Prescribed Forms and
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**A428 Black Cat to Caxton Gibbet
improvements**
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Biodiversity pre-commencement plan

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1 Biodiversity pre-commencement plan

1.1 Introduction

- 1.1.1 This document identifies those preliminary works surveys and checks that are necessary to ensure that any pre-commencement operations undertaken by the Principal Contractor (PC), for example vegetation clearance, demolition and construction compound set up, do not contravene the *Wildlife and Countryside Act 1981* (Ref 1-1) or any other relevant legislation.
- 1.1.2 Site clearance or demolition will not be carried out on any area until an Ecological Clerk of Works (ECoW) has confirmed that there are no biodiversity constraints on the works in that area.
- 1.1.3 The following general control measures will be applied by the PC within all construction working areas of the Scheme during pre-commencement operations:
 - a. Prior to starting any work with potential to affect protected species, site operatives will be informed by 'tool-box' talk on requirements, constraints, what to look out for and what to do in the event that a protected species is found.
 - b. Construction compounds and storage areas will, where practicable, be established away from areas with potential for use for breeding by amphibians.
 - c. Bankside vegetation within 8 metres of any watercourse or waterbody will be retained where appropriate. Where clearance is necessary, removal of vegetation will be minimised as far as possible and will be overseen by the ECoW.
 - d. Habitat creation will be carried out in advance of pre-commencement operations where required to provide mitigation for certain species prior to pre-commencement operations.
 - e. The ECoW will oversee site clearance operations in sensitive habitats.
- 1.1.4 Where necessary, the ECoW will produce a Method Statement to ensure full compliance with relevant legislation.
- 1.1.5 Specific measures have been identified with respect to:
 - a. Bats
 - b. Badger and Otter
 - c. Breeding birds
 - d. Hobby and Red Kite
 - e. Barn owl
 - f. Invasive non-native plants

1.2 Bats

- 1.2.1 Although no roosts have been identified that will be directly impacted by the Scheme, it will be necessary for the PC to update the bat surveys undertaken to inform **Appendix 8.5 Bats** of the Environmental Statement [TR010044/APP/6.2] prior to preliminary works.
- 1.2.2 Pre-commencement surveys for tree felling and demolition works will involve:
 - a. An internal and external survey of building, structures and suitably creviced trees to record any potential change in roost suitability (i.e. upgrade or downgrade).
 - b. Single emergence surveys (including any additions from possible upgrades) informed by the inspection survey and up to a total of three dusk/dawn surveys to characterise the roost, where required.
- 1.2.3 Where any bat roosts are confirmed roosting from the surveys a Natural England mitigation licence will be sought prior to demolition or tree felling.
- 1.2.4 A constraints plan will be prepared prior to pre-commencement operations to identify areas and features which are sensitive for bats.
- 1.2.5 A Method Statement will be prepared setting out measures to ensure the protection of bats during site clearance activities.
- 1.2.6 The Method Statement will include
 - a. Information on pre-works checks required.
 - b. Information on the timing for demolition and tree felling.
 - c. Information on the role of the ECoW during demolition and tree felling activities.
- 1.2.7 Bat boxes of various designs will be installed in retained woodlands within the Order Limits (as shown on **Figure 2.4** Environmental Masterplan of the Environmental Statement [TR010044/APP/6.2]). These will be provided as far ahead of construction work (including tree clearance) as is practicable.
- 1.2.8 Up-to-date pre-construction bat activity data will be collected to provide a basis for post-construction monitoring. This will use a combination of transects and statics detector surveys.

1.3 Badger and Otter

- 1.3.1 During site clearance tree and shrub felling will be carried out avoiding damage to badger setts and blocking of any badger pathways. Fencing will be used to mark minimum stand-offs around active setts, or to exclude badgers from construction working areas where there is considered to be a risk of accidental collision with construction traffic.
- 1.3.2 A pre-construction badger survey will be completed prior to works in order to verify the status of setts located within the Order Limits. The results will inform an application to Natural England for the closure of badger setts which will be affected by the proposed works.

- 1.3.3 The appropriate measures would be included in a Method Statement to inform the preliminary works.

1.4 Breeding birds

- 1.4.1 To avoid disturbance to nesting birds, site clearance works including the demolition of buildings and the removal of any woody vegetation and ground flora will be conducted, where possible, outside the bird nesting season (i.e. clearance between September and February).
- 1.4.2 Where this is not achievable, any clearance works will be preceded by a pre-works survey for nesting birds conducted by a suitably qualified ecologist, acting as an ECoW, to conduct a survey for nesting birds in advance of planned clearance works. Pre-works breeding bird surveys will be undertaken a maximum of 48 hours prior to vegetation clearance during the bird breeding season, including grassland, crops and fallow, as these have the potential to be used by ground-nesting birds.
- 1.4.3 If an active nest site is present within or adjacent to a work area a suitable exclusion zone will be designated by the ECoW appropriate to species, nest location and works activities. This exclusion zone will be protected from works and monitored until the ECoW (or other appropriate specialist) has confirmed that the nest site is no longer in use.
- 1.4.4 The appropriate measures would be included in a Method Statement to inform the preliminary works, the content of which will be approved by the ECoW.

1.5 Hobby and Red Kite

- 1.5.1 An ECoW or other appropriate specialist will conduct a survey for nesting Hobby and Red Kite in known nesting locations as part of the pre-commencement works. In the event that a breeding Hobby or Red Kite is located within or adjacent to the Scheme, the ECoW will determine a protective exclusion zone of up to 500 metres.
- 1.5.2 The radius of any protective exclusion zone and its duration will be dependent on the stage of breeding (i.e. with eggs, chicks, etc.). Indicative guidance distances to avoid disturbance are similar to distances used for Peregrine and Merlin (Ref 1-2). For the different stages of breeding these are:
- a. Nest building: 400 metres.
 - b. Eggs: 400-500 metres.
 - c. Chicks: 200-400 metres.
- 1.5.3 The surrounding habitat, topography and screening from disturbance will all be considered when defining any protective exclusion zone. This may allow the exclusion zone around a nest be reduced, although it is likely to require a minimum of 300 metres around any active nest site to ensure that there is no disturbance to breeding Hobby or Red Kite.
- 1.5.4 The appropriate measures would be included in a Method Statement to inform the preliminary works.

1.6 Barn Owl

- 1.6.1 An ECoW or other appropriate specialist will conduct a survey for nesting Barn Owl in known nesting and foraging locations, to inform the location of construction fencing.
- 1.6.2 If any Barn Owl nest is found within or adjacent to areas of works, the ECoW will determine the extent and duration of the protective exclusion zone required. This will be dependent on factors such as the stage of breeding. Indicative guidance distances for an exclusion zone during the following stages of breeding are as follows:
 - a. Nest building: 50-100 metres.
 - b. Eggs: 50-100 metres.
 - c. Chicks: 50-100 metres.
- 1.6.3 The appropriate measures will be included in a Method Statement to inform the pre-commencement work, to be signed off by the ECoW.

1.7 Invasive non-native species

- 1.7.1 A Preliminary Works Invasive Species Management Plan will be produced by the PC, specifying in detail the biosecurity measures which will be taken to ensure that none of the Schedule 9 species (Ref 1-1) are spread off, or within, the Order Limits and that measures are specified to ensure that no such scheduled species are inadvertently brought into the Order Limits.
- 1.7.2 All works affecting invasive non-native plant species will be completed in accordance with the following:
 - a. *Treatment and disposal of invasive non-native plants: RPS 178* (Ref 1-3).
 - b. *The Waste (England and Wales) Regulations 2011* (Ref 1-4) (Ref 1-4).
- 1.7.3 The Preliminary Works Invasive Species Management Plan will include the best timing of works, biosecurity procedures and treatments and how to carry out the works minimising the risk of dispersion of invasive non-native plant species from, into and within the Scheme and to ensure that they do not cause any delays to the programme. However alongside appropriate management plans, the following general biosecurity measures will be adopted:
 - a. Cleaning stations will be set up at designated entry/exit points to invasive species demarcated areas. A jet wash will be available for vehicles and brushes and buckets of water will be available for clothing and equipment.
 - b. All staff members will be made aware of the locations of invasive species relevant to their work and will be informed of the necessary precautions required to prevent spread.
 - c. A toolbox talk will be provided by a suitably qualified ECoW at the onset of works, providing details on identification and the required biosecurity precautions.

- d. No plant, equipment or personnel will leave an infested area without ensuring that as far as reasonably practicable all mud and/or plant material has been removed from vehicles, equipment and clothing.
- e. Within demarcated areas, ground disruptive works will be carried out as far away from visible above ground invasive species as is possible.
- f. Where ground disruptive works take place near visible above-ground invasive species (particularly larger stands), programming and method of works in these locations will preferentially work in unaffected areas prior to working in or near invaded areas, to reduce the risk of spreading invasive species within a working area.
- g. Any soil in demarcated areas will be considered to potentially contain invasive species material (rhizome, seeds, etc.).
- h. If soils potentially containing Japanese Knotweed rhizome or Himalayan Balsam seeds are taken off site, such soils are classified as controlled waste and there is a duty of care for their proper disposal, i.e. the soil must be transported by an appropriately licensed carrier and disposed of at an appropriately licensed waste disposal facility.
- i. Personnel will be reminded of biosecurity requirements at the start of each work day and will be updated on any changes to management plans, i.e. information on the locations of any newly identified stands.
- j. Soil brought on site will only be sourced from a reputable source with a good track record relating to not providing soil contaminated with invasive species propagules.
- k. All invasive works in proximity to watercourses and waterbodies will be undertaken in accordance with the Preliminary Works Invasive Species Management Plan.
- l. Prior to undertaking any herbicide spraying near watercourses, consent will be obtained from the Environment Agency.
- m. When travelling or working between watercourses, measures will be employed to reduce the risk of transferring problem species or diseases between watercourses. Such measures will include, but not be limited to, the checking for and cleaning mud and vegetation from boots, construction equipment and machinery, and allowing such items to dry in sunlight. Where works are carried out within watercourses with invasive species measures will be taken to avoid or minimise the risk of dispersal of fragments of invasive plants downstream.

2 References

- Ref 1-1. Wildlife and Countryside Act 1981. HMSO (1981).
<https://www.legislation.gov.uk/ukpga/1981/69>
- Ref 1-2. A Review of Disturbance Distances in Selected Bird Species. Ruddock, M., & Whitfield, D.P. (2007)
- Ref 1-3. Treatment and disposal of invasive non-native plants: RPS 178. Environment Agency (2016).
<https://www.gov.uk/government/publications/treatment-and-disposal-of-invasive-non-native-plants-rps-178/treatment-and-disposal-of-invasive-non-native-plants-rps-178>
- Ref 1-4. The Waste (England and Wales) Regulations 2011. HMSO (2011).
<https://www.legislation.gov.uk/uksi/2011/988/made>