



East Beck Car Park,
Sandsend

Construction Environment Management Plan

July 12, 2021

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

DOCUMENT CONTROL

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1 INTRODUCTION

AB Ecology were commissioned by The Mulgrave Estate, to prepare a Construction Environment Management Plan (CEMP) in relation to the construction of a new car park at The Old Saw Mill, Sandsend, North Yorkshire YO21 3SY. The purpose of the CEMP is to outline how the construction works will avoid, minimise or mitigate effects on the environment.

1.1 SITE AND SCHEME DESCRIPTION

The site is located along East Beck in Sandsend, North Yorkshire, and lies at Ordnance Survey National Grid Reference NZ 858 123. The site is a former car park and storage yard for the adjacent sawmill. The sawmill buildings and a small number of workshop buildings are outside the site boundary and will not be impacted by the works. The site boundary and existing habitats can be seen on Drawing 1. The majority of the site is bare ground with some small areas of tall ruderal vegetation and dense scrub on the site boundaries. East Beck flows to the north west of the sawmill yard. Large areas of semi-natural broadleaved woodland are present in the surrounding areas.

The proposals for the site are to construct a 150-space car parking facility; together with an associated vehicle bridge and separate footbridge that will both be constructed across East Beck. The current access route will also be upgraded (See Appendix A for proposed site layout).

1.2 BACKGROUND

Ecological survey work, including a desk study, Extended Phase 1 Habitat Survey including initial bat survey, Otter *Lutra lutra* and water vole *Arvicola amphibius* survey and badger *Meles meles* survey were undertaken in October 2020 by Enviroscope Consulting Ltd (Enviroscope Consulting, 2020). The results are discussed in the relevant sections below.

1.3 SCOPE OF THE CEMP

Ecologically valuable habitats and a number of protected species have the potential to be impacted upon by construction activity at the site. A summary of the legal status of the habitats and species concerned can be found in Appendix B. The CEMP deals with each habitat/species group in turn, including:

- Trees and Scrub;
- East Beck;
- Badger;
- Bats;
- Otter;
- Hedgehog;
- Breeding Birds;
- Reptiles; and
- Fish.

2 TREES AND SCRUB

2.1 BACKGROUND

The site is surrounded by large areas of dense woodland along the valley sides which is owned and managed by The Mulgrave Estate. Along East Beck is riparian woodland dominated by alder *Alnus glutinosa* with occasional sycamore *Acer pseudoplatanus*. To the north of the site access road the woodland is mixed age and is dominated by sycamore, with occasional ash *Fraxinus excelsior*. The ground flora reflects a long-established woodland and includes species such as dog's mercury *Mercurialis perennis*, common ivy *Hedera helix*, wood avens *Geum urbanum*, hairy violet *Viola hirta*, common dog violet *Viola riviniana* and false wood brome *Brachypodium sylvaticum*.

To the south is an area of dense scrub dominated by blackthorn *Prunus spinosa*, with hawthorn *Crataegus monogyna*, hazel *Corylus avellana*, elder *Sambucus nigra* and dog rose *Rosa canina* also present. Within this bank of scrub are a number of logs that have been engulfed by bramble *Rubus fruticosus* agg. These logs support deadwood fungi and mosses (Enviroscope Consulting, 2020).

2.2 IMPACTS OF CONSTRUCTION ACTIVITY

A small area of dense blackthorn scrub on the south side of the sawmill yard will be permanently removed because it sits within the footprint of the development.

A small number of mature alder trees on the bank of East Beck will be removed where the new vehicular access bridge will be constructed.

2.3 MITIGATION STRATEGY

The areas of habitat to be removed should be kept to a minimum, and only those trees within the footprint of the development should be removed. Those trees which are to be retained should be protected throughout the construction process including the root protection zone. Areas outside the development footprint should be fenced to prevent access by people or machinery. The construction compound will be sited away from the retained trees and scrub on the site boundaries (see Drawing 1).

The trees/scrub to be removed should ideally be removed outside the bird nesting season (i.e. avoid March-August inclusive) if this is not possible, an ecologist should check the area for nesting birds immediately prior to removal (not more than 48 hours in advance). Further details are provided in Section 8: Breeding Birds.

Any logs present within the area of scrub to be removed will be carefully moved into the adjacent scrub area and retained as deadwood habitat for invertebrates. Additionally, the logs from the trees felled along the beck will be used to create additional habitat piles just outside the site boundary as directed by the ecologist.

A summary of the mitigation strategy for Trees and Scrub is provided in Table 1, located in Section 11.

3 EAST BECK

3.1 BACKGROUND

Two new bridges will be installed; one vehicular bridge which will be approximately 7 m wide and a smaller footbridge to the east of the site (See proposed plans in Appendix A). The new bridges will allow vehicular and pedestrian access across East Beck. The banks of the beck will be impacted by the works, however no work will be undertaken from within the watercourse. Therefore, the construction of the new bridges will not impact the watercourse channel directly.

3.2 IMPACTS OF CONSTRUCTION ACTIVITY

Although works to install the vehicular access bridge and footbridge across East Beck will be undertaken from the tops of the banks this could still affect the beck if pollution or if there was an accidental fuel spill and this is allowed to enter the watercourse and contaminate the water both at the site and downstream of the site.

3.3 MITIGATION STRATEGY

All work required at the site in relation to the proposed development will be carried out in accordance with relevant legislation and undertaken in compliance with best practice *Pollution Prevention Guidelines* (Netregs, undated) for construction adjacent to waterways. This guidance should be followed to ensure that the water quality in the beck is retained throughout the works.

The guidance states that:

- All refueling and servicing of vehicles is to be carried out within a designated area/contractor's compound with an impermeable base, away from the watercourse (See location on Drawing 1);
- To prevent spillages, drip trays should be used beneath all fuel-driven machinery;
- Refueling should be carried out by pumping through a trigger delivery nozzle and fuel and oil stored within bonded tanks;
- The designated area should be maintained in a secure and clean manner;
- An adequate quantity of oil absorbent material should be stored on site and spillages cleared up immediately;
- A spill kit must be kept on site (e.g. boom or oil skimmer) should any spillage occur whereby fuel reaches the watercourse;
- No materials intended for the works or arising from the works should be stored or disposed of in the watercourse or in a position where it may enter the watercourse;
- Any material from disturbed banks will be retained and reinstated on completion of work;
- All works are to be undertaken from the tops of the banks/retaining walls and no people or machinery will access the channel of the beck. No sediment should be allowed to enter the beck. The channel of the beck will be allowed to flow as normal; and
- Permits from the Environment Agency (EA) will be required to allow the works to proceed and all works should be in-line with these permits.

A summary of the mitigation strategy for East Beck is provided in Table 1, located in Section 11.

4 BADGER

4.1 BACKGROUND

No records of badger were returned from the desk study and no evidence of badger was recorded within close proximity to the site during the Extended Phase 1 Habitat Survey. A sett was recorded approximately 100 m south of the site, but no obvious trails or pathways connecting it to the site were recorded (Enviroscope Consulting, 2020). It is likely other setts are present in the surrounding woodland which provides suitable habitat for this species.

Habitats within the site are sub-optimal for badger, though it is possible they may commute across the site to access habitat in the wider area. A pre-construction survey for badger will be carried out to re-assess status before works can proceed on site.

4.2 IMPACTS OF CONSTRUCTION ACTIVITY

If new badger setts are found during the pre-construction survey within the development footprint or within close proximity, then works could potentially destroy or disturb the sett. Badger setts are protected under UK legislation (see Appendix B for full details).

Badgers are inquisitive animals, and so vulnerable to accidental death in un-covered pits and holes, may choke on litter, or may become entangled in wire and other construction materials.

Noisy, ground vibrating or dust producing works could have a negative impact on this species. It is likely that they will avoid the area whilst these activities are being carried out. If badger are commuting across the site, it is more likely to be at night when they are actively foraging.

4.3 MITIGATION STRATEGY

As badgers are known to be in the area and are a highly mobile species, it is recommended that a pre-construction badger survey is undertaken to confirm that badgers have not excavated any new setts within or close to the development footprint. If badger setts are recorded within 30 m of the site a licence from Natural England may be required to allow the disturbance of the badger sett.

During construction work, the site will be maintained in a 'badger-safe' manner. This will involve operating across the site in a tidy manner, ensuring any trenches/excavations on site have means for a badger or other mammals to escape. If any deep, steep-sided excavations are required they should be backfilled or securely covered at the end of each working day. If this is deemed impracticable, then ramps will be installed to allow mammals to climb out. Simple ramps or ladders can be constructed from planks of wood with strapping attached at perpendicular angles to provide footing for badgers or other mammals. It will be necessary to install these ramps in trench excavations that do not provide mammal egress. This will be achieved by connecting the floor of the excavation to the surface, with a ramp, at no more than a 45 degree angle.

As far as possible, work should be undertaken during daylight hours because badger and other mammals are most likely to be active at night. By not working when these mammals are active, this will minimise the impacts on any commuting/foraging animals.

A toolbox talk (see Appendix C) should be given to the site workforce prior to the start of works to highlight the potential for protected species on site and detail what to do if they are found during the works when the ecologist or Ecological Clerk of Works (ECoW) isn't present.

A summary of the mitigation strategy for badger is provided in Table 1, located in Section 11.

5 BATS

5.1 BACKGROUND

The desk study recorded numerous bat species in the area including common pipistrelle *Pipistrellus pipistrellus*, brown long-eared bat *Plecotus auritus*, noctule *Nyctalus noctule*, Daubenton's bat *Myotis daubentonii* and serotine bat *Eptesicus serotinus* (Enviroscope Consulting, 2020).

All species of bat are European Protected Species (EPS) and as such are protected under EU and UK Legislation. It is illegal to kill, harm or significantly disturb them or their places of shelter (See Appendix B for full details).

An initial bat roost assessment survey was carried out on the trees within the footprint of the development. The trees were assessed as having low bat roost potential and no further survey was required. The traditional buildings used as workshops do have potential to support roosting bats but will not be impacted by the construction of the car park, therefore no further surveys were undertaken (Enviroscope Consulting, 2020).

5.2 IMPACTS OF CONSTRUCTION ACTIVITY

No direct impacts on roosting bats are anticipated because the trees are generally unsuitable and the buildings will not be impacted by the development. However, bats are likely to forage along the beck and around the dense scrub which lies along the site boundaries. Small areas of this scrub will be lost due to the development; however, this is unlikely to be significant, due to the large expanses of similar habitat in close proximity to the site.

If noisy or dusty operations were scheduled to take place when bats were foraging, this could lead to disturbance of their foraging activity. If artificial lights were to be placed on site and illuminated habitats used by foraging bats, this could also cause disturbance.

5.3 MITIGATION STRATEGY

To prevent any impacts on the local bat population the following measures should be put in place:

- **Working hours:** during the bat active season (May-October) works should be undertaken in day light hours only. Ideally works should not be undertaken between the hours of 7pm and 6.30am;
- **Minimise duration and footprint:** do not erect netting or sheeting across the beck as the bridges are being constructed, this is so bats can pass freely along the beck when foraging;
- **Minimise lighting:** certain species of bat are very light adverse. They would normally forage above the water and along the banks, but will not do so if the bridges or watercourse are highly lit. This change in foraging behaviour could constitute disturbance

to bats; which is an offence under the Wildlife and Countryside Act 1981 (as amended). No construction lighting is anticipated, if lighting is required it should be switched off at night; and

- **Minimise noise:** all noisy equipment including generators should be switched off when not in use and always switched off at night.

A summary of the mitigation strategy for bats is provided in Table 1, located in Section 11.

6 OTTER

6.1 BACKGROUND

No records of otter were returned from the desk study (Enviroscope Consulting, 2020). An otter and water vole survey was undertaken in October 2020 and found three fresh otter spraints along East Beck highlighting that otter are present in the area. Although no otter holts were recorded, suitable habitat is present within the woodland areas on either side of East Beck. A pre-construction survey for otter will be carried out to re-assess status before works can proceed on site.

6.2 IMPACTS OF CONSTRUCTION ACTIVITY

If any new otter holts or layups are found to be present within the site, or within close proximity of the site, then works have the potential to kill, injure and disturb this species. As otter is a European Protected Species (EPS) it is illegal to kill, harm or significantly disturb them or their places of shelter (see Appendix B for full legislation).

If otters are foraging along the beck, then works in the evening or early morning when otters are most active, have the potential to disturb otter.

If construction activities are going to be taking place when otters are most active (evenings and early morning) or they block access along the beck, otters commuting along the watercourse may potentially attempt to cross the road to navigate around the works. Although the roads on either side of the beck are small and not highly used, there is still a risk of otter being injured or killed by oncoming traffic.

6.3 MITIGATION STRATEGY

To prevent any impacts on the local otter population the following measures should be put in place:

- **Pre-construction otter survey:** prior to the commencement of works or vegetation clearance, an otter survey should be carried out along the banks of the beck within the site and up to 50 m upstream/downstream, to confirm that no otter holts have been built within close proximity to the site. If otter holts/lay-up areas are found an EPS derogation licence might be required to allow works that may affect otter;
- **Toolbox Talk:** given to the site workforce prior to the start of works to ensure they are aware of the protected species using the Beck;
- **Working hours:** works should avoid early mornings and evenings when otters are most active;

- **Minimise noise:** all noisy equipment including generators should be switched off when not in use and always be switched off at night;
- **Minimise duration and footprint:** otters are likely to be used to some human presence/disturbance as the site is close to existing housing however, the footprint and duration of the works should be minimised to reduce the impacts on foraging/commuting otter;
- **Minimise lighting:** Lighting should be avoided if possible. It is not anticipated lighting will be required during the construction phase;
- **Storage of materials:** No equipment should be stored within 3 m of the beck banks;
- **Covering of excavations:** All trenches and excavations will need to be back-filled, covered or a means of escape installed which will prevent any otters commuting across the site from getting trapped; and
- **Retain access along Beck:** access along one, or both, banks of the beck should be retained to allow otter to commute along the beck. Forcing otter to go around the works will risk road crossings and potential injury/death. If working in the evenings or early mornings is required, temporary otter fencing (typically comprising chestnut paling with gaps no greater than 25 mm between stakes) should be installed along the access road, to discourage otter from crossing.

A summary of the mitigation strategy for otter is provided in Table 1, located in Section 11.

7 HEDGEHOG

7.1 BACKGROUND

Hedgehog *Erinaceus europaeus* records were found within 1 km of the site and the Extended Phase 1 Habitat Survey found habitat suitable for hedgehog on the site (Enviroscope Consulting, 2020). Although no evidence of hedgehog was found, and no specific surveys were carried out, suitable habitat is present, therefore it is possible this species may forage and commute across the site.

7.2 IMPACTS OF CONSTRUCTION ACTIVITY

Hedgehogs are likely to cross the site during the night whilst foraging and may form nests in log piles or areas of scrub within the site boundaries. Works at night have the potential to disturb foraging hedgehogs if they are present within the site.

If large excavations/trenches are left open overnight there is a risk of hedgehogs falling in and not being able to escape. If materials to be used on site are left on the ground it is possible that hedgehogs may use them as refuges.

7.3 MITIGATION STRATEGY

Generators and other noisy pieces of equipment will be switched off when not in use particularly at night to minimise noise and disturbance. Works should be avoided at night when hedgehogs are most likely to be active.

Clearance of scrub and log piles have the potential to disturb hedgehogs. These works will be overseen by an ecologist and any hedgehogs will be carefully removed from the site and placed in suitable habitat a safe distance from the site.

All trenches and excavations will need to be back-filled, covered or a means of escape installed which will prevent any hedgehogs commuting across the site at night from getting trapped. Any materials that need to be stored on the site must be stored off the ground so that they cannot be used as temporary refuges by hedgehogs.

A toolbox talk (see Appendix C) should be given to the site workforce prior to the start of works to highlight the potential for protected species on site and detail what to do if they are found during the works when the ecologist or Ecological Clerk of Works (ECoW) isn't present.

A summary of the mitigation strategy is provided in Table 1, located in Section 11.

8 BREEDING BIRDS

8.1 BACKGROUND

No nesting birds were recorded during the Extended Phase 1 Habitat Survey (Enviroscope Consulting, 2020) however the scrub and woodland on the periphery of the site is likely to support species of nesting bird. All birds, their eggs and their nests (whilst in use) are protected by UK legislation (for full details see Appendix B).

8.2 IMPACTS OF CONSTRUCTION ACTIVITY

Site clearance and construction activities are likely to result in the direct loss of small areas of bird nesting habitat. Additionally, indirect impacts on breeding birds are likely if works are undertaken during the breeding season (March to August inclusive). This could be from noise disturbance within and near bird territories, and the potential for negative impacts in the audibility of territorial song and an increase in general stress levels.

The effects described on bird species are likely to be exacerbated during critical parts of the avian life-cycle, such as the breeding season. Given the mobility of bird species likely to be using the proposed development footprint, it is probable that birds would be readily displaced and take up residence in neighbouring areas.

8.3 MITIGATION STRATEGY

Any clearance of vegetation will be done outside the bird nesting season (i.e. avoid March to August inclusive) where possible. Where this is not possible, the vegetation will be checked by a suitably qualified ecologist immediately prior to removal (not more than 48 hours in advance). If nesting birds are found, works within close proximity to the nest will be stopped and re-commenced once the young have fledged the nest.

Generators and other noisy pieces of equipment will be switched off when not in use to minimise noise and disturbance. As far as possible, works should be avoided in the early morning, when breeding birds are most active, between March and August.

9 REPTILES

9.1 BACKGROUND

The desk study revealed records of slow worm *Anguis fragilis* and common lizard *Zootoca vivipara* within the area. Slow worm have been recorded on the site and have previously been observed in the timber stacks within the sawmill yard (Enviroscope Consulting, 2020). The timber is used in the sawmill; currently there are no timber stacks present within the site boundary. However, other suitable habitat including dense scrub and tall ruderal vegetation is present.

Common reptiles including common lizard and slow worm are protected under UK legislation (see Appendix B for full details).

9.2 IMPACTS OF CONSTRUCTION ACTIVITY

Loss of small amounts of tall ruderal and dense scrub will reduce the amount of habitat available for reptile species. However, the majority of the site is currently unsuitable for reptile species and due to there being extensive areas of suitable habitat surrounding the site this loss is unlikely to have a significant impact on reptile species.

The clearing of the dense scrub and ruderal habitats could potentially kill or harm any reptile species present in the area at the time of the clearance works. Removal of any log piles or fallen deadwood which could potentially be used as refuges by slow worm could also have a detrimental impact on individual slow worms.

If materials to be used on site are left on the ground it is possible that slow worm may use them as refuges and could be harmed/killed during construction works.

9.3 MITIGATION STRATEGY

A toolbox talk (Appendix C) will be delivered to the construction site work force which will highlight the potential presence of slow worm and details what to do if slow worm are found when the ecologist is not present.

The clearance of any vegetation and the moving of any timber piles will be carried out under ecological supervision. Vegetation clearance works will be undertaken outside the reptile hibernation period (i.e avoid November to February). A high level cut of the dense scrub vegetation (30 cm above ground) will be undertaken initially to allow the ecologist to search the area for any reptiles or other protected species. Any slow worm or other reptile species encountered will be carefully removed and released in suitable habitat away from the construction zone.

The tall ruderal habitats within the site boundary will be cut to 5 cm above ground height and this will be retained throughout the development to encourage slow worms to disperse to more favourable adjacent habitat.

The trees and scrub to be removed will be used to make habitat piles in adjacent habitat which make suitable refuges for slow worms. Suggested locations are included on Drawing 1 however the ecologist will confirm the exact location during vegetation clearance works.

Any materials that need to be stored on the site must be stored off the ground on pallets or skids so that they cannot be used as temporary refuges by slow worms or other reptiles.

10 FISH

10.1 BACKGROUND

East Beck is known to support European eel *Anguilla anguilla* and brown/sea trout *Salmo trutta* (Enviroscope Consulting, 2020). Although no evidence of these species was recorded during the ecology surveys, full surveys for fish were not carried out. It is assumed that these species are still present in the beck.

10.2 IMPACTS OF CONSTRUCTION ACTIVITY

If sediment or run-off is allowed to enter the watercourse this may reduce the water clarity, raise silt levels and result in short term pollution of the beck. This could result in the death/injury of any fish species present in the beck at the time.

10.3 MITIGATION STRATEGY

No construction activity is proposed within the channel of the watercourse, all works will be undertaken from the tops of the bank or retaining walls. Care should be taken to ensure no sediment enters the beck during the works. The footprint of the development will be minimised and fencing used to prevent encroachment on retained habitats.

During site works, adequate safeguards should be put in place to prevent accidental spillages and run-off entering the watercourse which could impact upon its suitability to support aquatic life, including fish. The following measures will be put in place:

- No materials intended for the works or arising from the works will be stored or disposed of in any waterbody or in a position where they may enter a waterbody;
- If refuelling and servicing of vehicles is to be carried out, it must be undertaken in an area that is bunded, and/or has an impermeable base and is situated away from all waterbodies;
- Refuelling should be carried out by pumping through a trigger delivery nozzle; and
- An adequate quantity of oil absorbent material or spill kit should be stored on site and spillages cleaned up immediately.

11 SUMMARY

Table 1 summarises the mitigation strategy for each habitat/species as described above and highlights the roles and responsibilities of who is monitoring/enforcing the mitigation.

Table 1: Summary Table

Feature/Species	Impact	Mitigation	Responsibility
Trees and Scrub	Loss of trees and scrub habitat	The amount of vegetation to be cleared will be kept to an absolute minimum so as to screen the car park from the wider area.	Site Manager
		The cleared vegetation will be used to make log/brush piles in the uncleared areas adjacent to the site.	Site Manager
		An ecologist should check the areas of vegetation to be cleared immediately prior to removal.	Ecologist
	Removal of deadwood piles	Any deadwood piles will be carefully moved into adjacent areas at the site.	Site Manager
	Protection of retained trees and scrub	All trees and scrub which are to be retained should be protected by appropriate fencing and signage throughout the construction period.	Site Manager

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East Beck	Pollution of watercourse	Refueling of vehicles in designated area, using trigger delivery nozzle, drip trays and bunded storage tanks, as necessary.	Site Manager
		Spill kits and an adequate quantity of oil absorbent material stored on site.	
		No material to be stored or disposed of in watercourse or a location where it may enter watercourse.	
		No machinery or people to enter the watercourse. All works must be done from the banks.	
Badger	Destruction or disturbance of a badger sett, if present.	Pre-construction badger survey to confirm no badger setts in close proximity to the site. If badger setts are likely to be disturbed a licence may be required.	Ecologist
	Disturbance by noisy, high vibration equipment, or activities that produce dust.	Avoid work at night where possible when badger likely to be active.	Site Manager
	Getting trapped in excavations/trenches.	All excavations/trenches to be covered or fenced if left overnight. Alternatively, a mammal ramp will be left in to allow animals to escape.	Site Manager
	Risk of injury or getting tangled up, or ingesting litter/construction materials.	Litter and any waste construction materials to be tidied up on a daily basis and placed in skips, or somewhere safe from animals.	Site Manager.
Bats	Disturbance to foraging bats through noisy equipment, or activities that produce dust.	Working at night will be avoided to minimise impacts upon foraging bats.	Site Manager
	Disturbance to foraging bats through artificial lighting.	No works will be undertaken at night and therefore it is not anticipated that any artificial lighting will be required throughout the construction period.	Site Manager

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Otter	Destruction or disturbance of an otter holt or layup area if present.	Pre-construction otter survey to confirm that no otter holts or layup areas are present within close proximity to the works.	Ecologist
	Disturbance to foraging/commuting otter through noisy, high vibration equipment or activities.	Avoid works in early morning/late evening where possible, minimise noise and do not install artificial lighting.	Site Manager
	Getting trapped in excavations/trenches	All excavations/trenches to be covered or fenced if left overnight. Alternatively, a mammal ramp will be left in to allow animals to escape.	Site Manager
	Injury/death by attempting to cross roads, if access along the banks of the beck is obstructed.	Access retained along at least one bank of the beck at all times to allow otter to commute through the beck. If this is not possible, or if work in the evening or early morning will be required, then otter fencing should be installed along the road.	Site Manager
Hedgehogs	Disturbance by noisy, high vibration equipment, or activities that produce dust.	Avoid work at night where possible when hedgehogs are likely to be active.	Site Manager
	Getting trapped in excavations/trenches.	All excavations/trenches to be covered or fenced if left overnight. Alternatively, a mammal ramp will be left in to allow animals to escape.	Site Manager
	Disturbance to hedgehogs using stored materials left on site as refuges.	All materials must be stored off the ground on pallets or skids so that they cannot be used as a refuge by hedgehogs.	Site Manager.
Breeding Birds	Disturbance to breeding birds.	Vegetation clearance works to be undertaken outside the bird nesting season where possible. If not possible vegetation to be checked by the Ecologist immediately prior to removal.	Site Manager / Ecologist

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Reptiles	Loss of habitat	Retain and enhance suitable habitat in adjacent areas of the site.	Site Manager
	Risk of injury/killing during site clearance works	Ecologist to check areas of habitat to be removed and rescue any reptiles present.	Ecologist
	Getting trapped in excavations/trenches.	All excavations/trenches to be covered or fenced if left overnight.	Site Manager
	Disturbance to slow worms using stored materials left on site as refuges.	All materials must be stored off the ground on pallets or skids so that they cannot be used as a refuge by slow worm.	Site Manager
Fish	Pollution of watercourse	Refueling of vehicles in designated area, using trigger delivery nozzle, drip trays and bunded storage tanks as necessary.	Site Manager
		Spill kits and an adequate quantity of oil absorbent material stored on site.	
		No material to be stored or disposed of in watercourse or a location where it may enter watercourse.	

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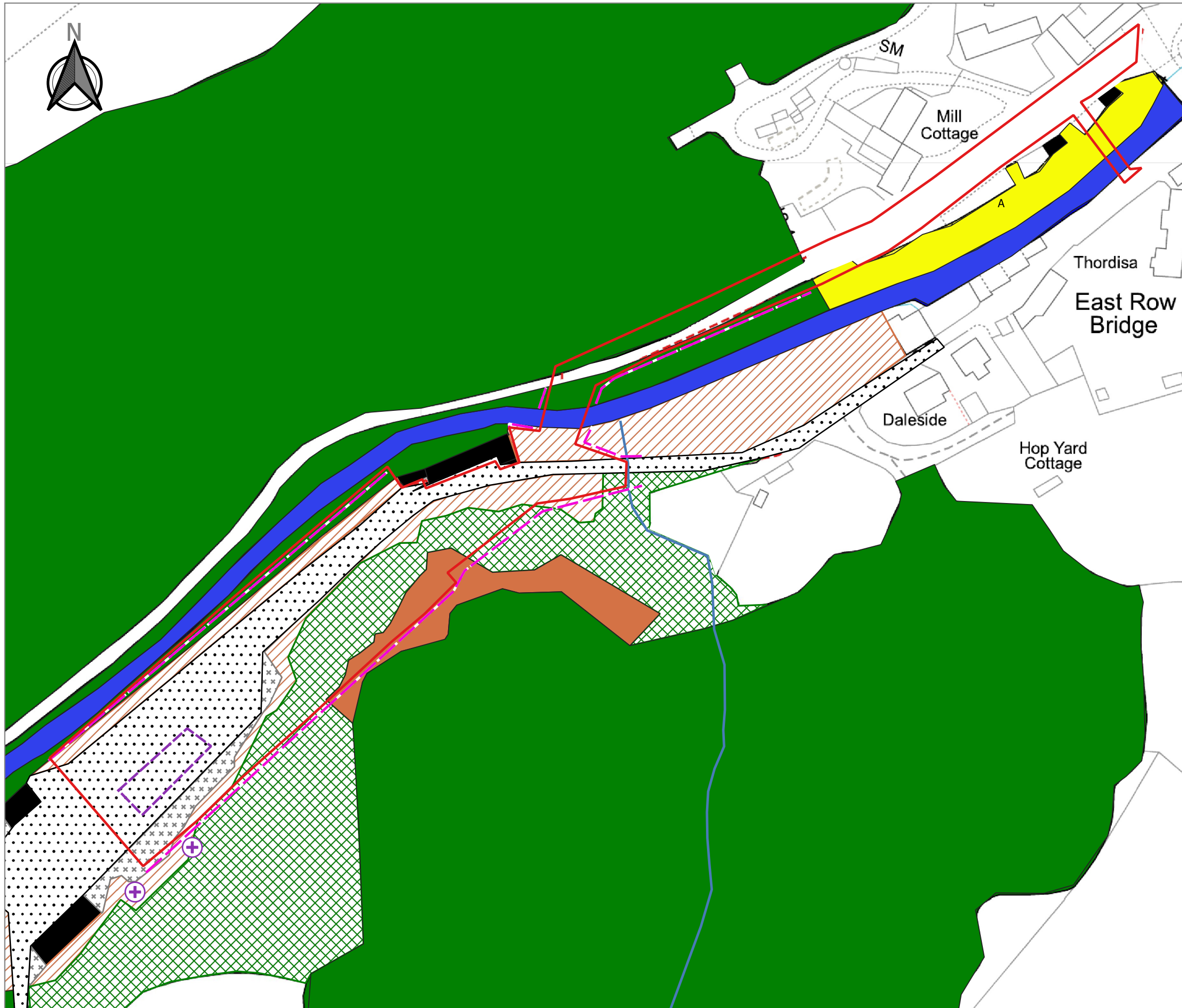
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Drawings


Drawing 1 – Construction Environment Management Plan



Legend

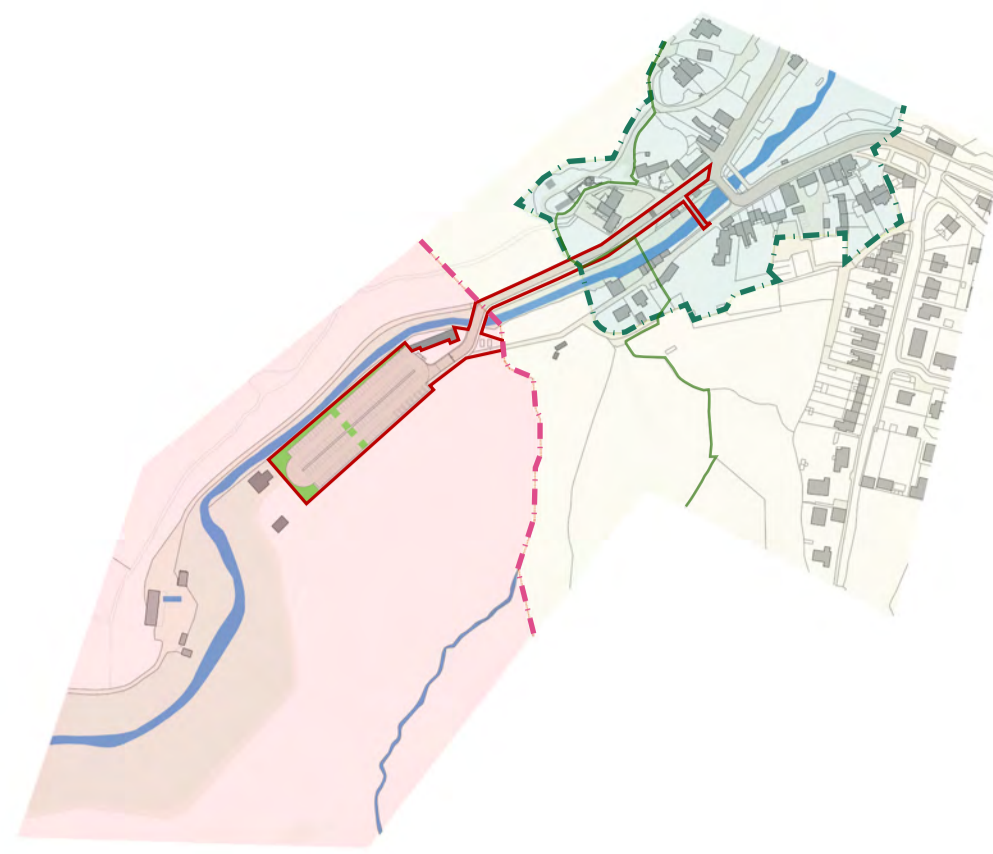
- Site Boundary
- Existing Habitats
- Bare Ground
- Building
- Continuous Bracken
- Dense Scrub
- Ephemeral
- Running Water
- Semi-natural Broadleaved Woodland
- Tall Ruderal
- A Amenity Grassland
- Wet Ditch
- Barrier Fencing
- Construction Compound
- + Log Piles

Scale @ A3 1:1000
 Base edited from Extended Phase 1 Habitat Survey
 Drawing (Enviroscope Consulting, 2020)

Client		The Mulgrave Estate
Project		East Beck Car Park, Sandsend
Title		Construction Environment Management Plan
Project Number	Date	
2021/014	08/06/21	
		Drawing Number
		1

Appendix A

Proposed Site Layout

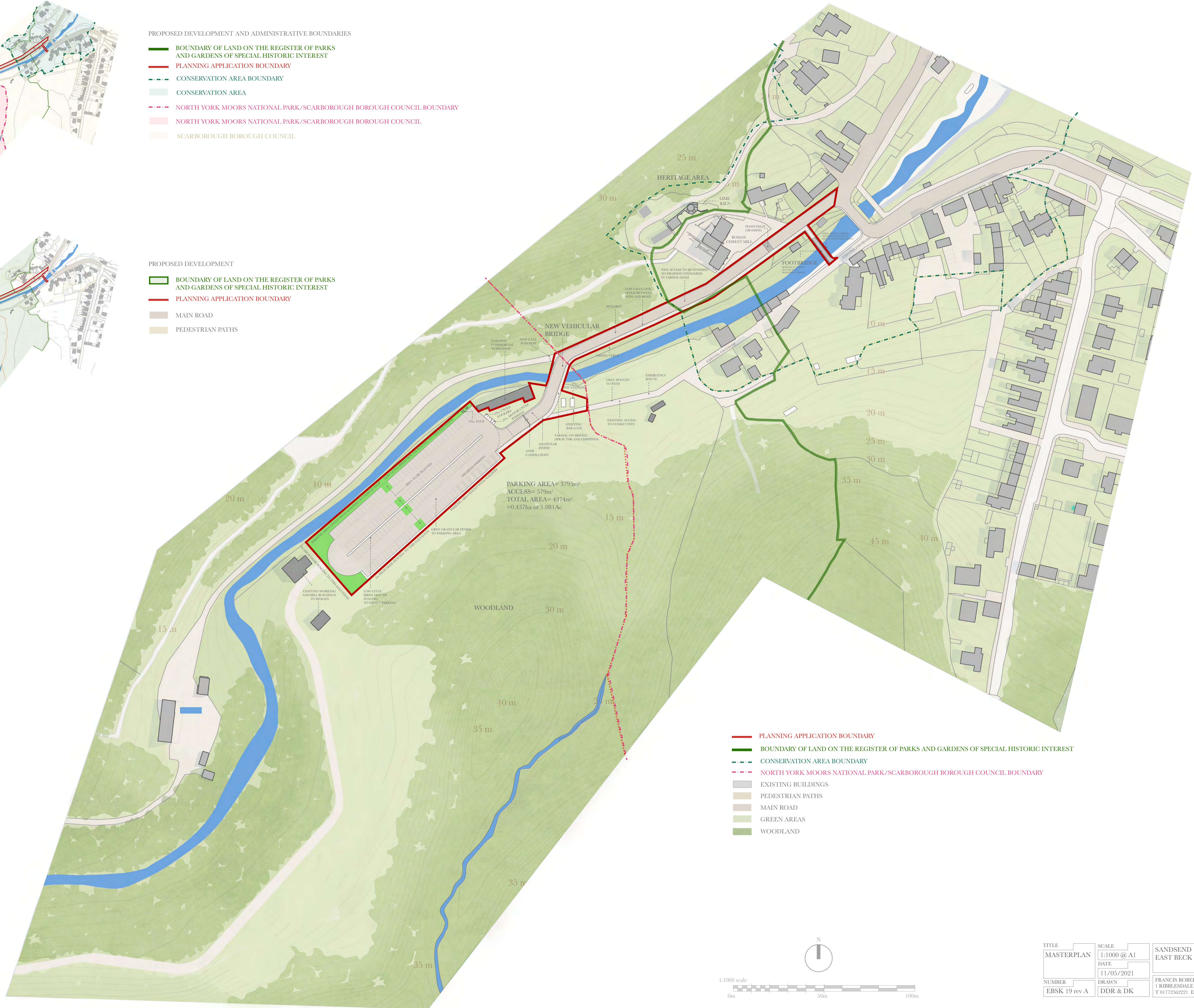


PROPOSED DEVELOPMENT AND ADMINISTRATIVE BOUNDARIES

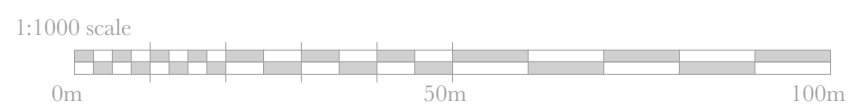
- BOUNDARY OF LAND ON THE REGISTER OF PARKS AND GARDENS OF SPECIAL HISTORIC INTEREST
- PLANNING APPLICATION BOUNDARY
- - - CONSERVATION AREA BOUNDARY
- CONSERVATION AREA
- - - NORTH YORK MOORS NATIONAL PARK/SCARBOROUGH BOROUGH COUNCIL BOUNDARY
- NORTH YORK MOORS NATIONAL PARK/SCARBOROUGH BOROUGH COUNCIL
- SCARBOROUGH BOROUGH COUNCIL

PROPOSED DEVELOPMENT

- BOUNDARY OF LAND ON THE REGISTER OF PARKS AND GARDENS OF SPECIAL HISTORIC INTEREST
- PLANNING APPLICATION BOUNDARY
- MAIN ROAD
- PEDESTRIAN PATHS



- PLANNING APPLICATION BOUNDARY
- BOUNDARY OF LAND ON THE REGISTER OF PARKS AND GARDENS OF SPECIAL HISTORIC INTEREST
- - - CONSERVATION AREA BOUNDARY
- - - NORTH YORK MOORS NATIONAL PARK/SCARBOROUGH BOROUGH COUNCIL BOUNDARY
- EXISTING BUILDINGS
- PEDESTRIAN PATHS
- MAIN ROAD
- GREEN AREAS
- WOODLAND



TITLE	SCALE	SANDSEND EAST BECK DEVELOPMENT
MASTERPLAN	1:1000 @ A1	
NUMBER	DATE	FRANCIS ROBERTS ARCHITECTS 1 RIBBLESDALE PLACE, PRESTON PR1 3NA T 01772562221 E architects@francisroberts.com
EBSK 19 rev A	11/05/2021	
	DRAWN	© Francis Roberts Architects 2021
	DDR & DK	



Appendix B

Legislation

WILDLIFE LEGISLATION

Species Protection

A level of statutory protection is afforded to specific species, largely as a consequence of dramatic declines in populations caused by habitat loss and/or degradation (both direct and indirect impacts) and persecution. In England the various statutes which provide this protection include the following:

- The Wildlife & Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000);
- The Conservation of Habitats and Species Regulations 2017 (as amended);
- Natural Environment and Rural Communities Act (NERC) 2006;
- Wild Mammals (Protection) Act 1996; and
- The Protection of Badgers Act 1992.

These are further described for specific protected species surveyed for or expected at the site below.

Species of Principle Importance in England

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 41 (S41) 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 has been drawn up in consultation with Natural England, as required by the Act.

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 NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions

There are 943 species of principal importance included on the S41 list. These are the species found in England which were identified as requiring action under the UK Biodiversity Action Plan (UK BAP) and which continue to be regarded as conservation priorities under its successor, the UK Post-2010 Biodiversity Framework.

Badger

The badger *Meles meles* is protected in the UK under the Protection of Badgers Act 1992 (as amended). The law offers considerable protection to both badgers and badger setts. Not only is it an offence to cruelly ill-treat, kill or take badgers, but it is also illegal to damage or disturb the badger sett, obstruct the access or entrance, or cause a dog to enter the sett while the sett is still occupied. The definition of ill treatment is no longer limited to the direct killing of badgers, but can be taken to include the destruction or severance of large areas of foraging territory.

Licences to disturb badger setts in respect of development may be issued by Natural England, if the applicants can convince the licensing authority of the necessity for the proposed action.

Latest guidance (Natural England, 2009) provides a degree of clarity on activities which may need a licence. Natural England advice identifies that badgers can be relatively tolerant of moderate levels of noise and activity around their setts and that even moderate levels of 'disturbance' may not actually disturb the badger occupying the sett. Therefore licences should only be sought where the activity will in fact disturb a badger, such as high levels of noise/activity around a sett, damaging a sett or obstructing access to a sett. Former Natural England guidance (English Nature, 2002) still remains useful in terms of categorising development activities within a given range of a sett which may require a licence:

- using very heavy machinery (generally tracked vehicles) within 30 metres of any entrance to an active sett;
- using lighter machinery (generally wheeled vehicles), particularly for any digging operation, within 20 metres; and
- light work such as hand digging or scrub clearance within 10 metres.

Some activities such as the use of explosives or pile driving may cause disturbance at greater distances and require individual consideration.

Penalties for offences under the Act are up to six months in prison and a fine of £5,000 for each offence.

Otter

The otter *Lutra lutra* and its habitat are fully protected under Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended), the Countryside and Rights of Way Act 2000 and The Conservation of Habitats and Species Regulations 2010. It is an offence to:

- Deliberately capture, take, injure or kill an otter;
- Damage or destroy a breeding site or resting place of an otter including places used for shelter or protection (holts, couches, etc.) – whether occupied or not; and
- Disturb an otter, including disturbance of an otter in such a way as to be likely to affect:
 - i) the ability of otters to survive, reproduce or breed, or to rear or nurture their young;
 - ii) their ability to hibernate or migrate; and
 - iii) to significantly affect the local distribution or abundance of otter.

Provisions are made within the UK legislation to allow for disturbance of otter or their holts to take place under licence where works affect otter. The licence is issued by the appropriate statutory authority, which in England is Natural England (NE). Licences can only be granted if there is no satisfactory alternative or if the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range. Licences can be issued for scientific, research purposes (including survey work), and for the disturbance of otter in relation to a development.

Bats

All species of bat and their roost are protected under UK legislation. Bats are included in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000 and Regulation 40 and Schedule 2 of The Conservation of Habitats and Species Regulations 2017. It is an offence to:

- Deliberately capture, injure or kill a bat;

- Damage or destroy a breeding site or resting place of a bat; and
- Disturb a bat, including disturbance of a bat in such a way as to be likely to affect:
 - i) the ability of bats to survive, reproduce or breed, or to rear or nurture their young;
 - ii) their ability to hibernate or migrate; and
 - iii) to significantly affect the local distribution or abundance of bats.

Provisions are made within the UK legislation to allow for disturbance of bats or their roosts to take place under licence where works affect any bat species. The licence is issued by the appropriate statutory authority, which in England is Natural England (NE). Licences can only be granted if there is no satisfactory alternative or if the action authorised will not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range. Licences can be issued for scientific, research purposes (including survey work), and for the disturbance of bats in relation to a development.

Hedgehog

Hedgehogs are listed on schedule 6 of the Wildlife and Countryside Act (1981) which makes it illegal to kill or capture wild hedgehogs by certain methods. They are also listed under the Wild Mammals Protection Act (1996), which prohibits cruel treatment of hedgehogs.

Hedgehogs are listed as a species of 'principal importance' under the NERC Act, which is meant to confer a 'duty of responsibility' to public bodies during the planning process.

Birds

All birds are protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence, with certain exceptions (e.g. game birds), to intentionally:

- Kill, injure or take any wild bird;
- Take, damage or destroy the nest of any wild bird while it is in use or being built; and
- Take or destroy the egg of any wild bird.

Schedule 1 of the Act contains a list of birds which are conferred extra protection and for which all offences carry harsher penalties. Under the legislation it is illegal to: intentionally or recklessly disturb a Schedule 1 bird while it is building a nest or is in or near a nest containing eggs or young; and intentionally or recklessly disturb dependent young of such a bird. Examples of species covered under Schedule 1 include: barn owl *Tyto alba*, kingfisher *Alcedo atthis* and little-ringed plover *Charadrius dubius*.

Reptiles

All four of the widespread British species of reptile; common lizard *Lacerta vivipara*, slow-worm *Anguis fragilis*, grass snake *Natrix helvetica* and adder *Vipera berus* are protected in Britain under Section 9 of the Wildlife & Countryside Act 1981 (as amended). This prohibits intentional killing, injury or taking and trade of animals and/or parts of animals. It can be argued, that if the animals are disturbed or damaged, whilst occupying their places of shelter (i.e. favourable habitat), then this would amount to intent to injure or kill the animals.

Appendix C

Toolbox Talk



East Beck Car Park

Ecological surveys including an otter and badger survey have been conducted at the site. Generally, the habitats on site are of poor ecological quality and are unlikely to support protected species. However, the surrounding habitats are of high ecological quality and are likely to support a range of protected species. Due to the legal status of protected species, best practice methods must be followed to ensure there is no harm to them during the development.

A Construction Environment Management Plan (CEMP) has been developed, which if followed, should prevent harm or disturbance to protected species. The CEMP includes the following measures:

- All vegetation clearance must be supervised by an Ecological Clerk of Works (ECoW). The ECoW will check for nesting birds and hand search any areas that could be used by hedgehogs or reptiles immediately prior to removal.
- No works are allowed at night when otter, badger and bats and hedgehogs are likely to be active.
- No artificial lighting is allowed during the construction works.
- Noisy equipment such as generators should be switched off when not in use and should always be switched off at night.
- If materials need to be stored on site they must be stored off the ground on pallets or skids. If piles of timber or other materials are left on the ground, any migrating hedgehogs or reptiles may try to use them as a day-time refuge.
- No trenches or excavations should be left open overnight. They should either be backfilled or securely covered to ensure no badgers, hedgehogs or reptiles can get trapped in them overnight.
- If ANY animals are seen on the site when the ECoW is not present the animals should be given adequate time to leave the area before works can proceed. If the animal is trapped or injured, all works must stop and the ECoW contacted immediately.

If you are unsure of any ecological issues during the works the ECoW should be contacted immediately.

Contact the ECoW - Adele Antcliff on 07958 017 800

or Rachel Blackham on 07957 427 204

Penalties

Offences against protected species can lead to fines of up to £5,000 per offence and potentially prison sentences of up to 6 months. Any vehicle/machinery used to commit an offence may be forfeited. Both the company and/or individuals may be held liable.

Badger



Badgers are one of Britain's most distinctive animals. Although no badger setts are located within the site boundary badgers are known to occur in the wider area. Badgers and their setts are protected under UK legislation. Badgers are a highly mobile species and very inquisitive. If they are foraging overnight in proximity to the site they are likely to forage onto the site. Discarded litter can be hazardous to badgers and they can also fall in uncovered excavations/trenches. If badgers build setts within 30 m of the site a licence may be required to allow the disturbance of badger to allow the works to proceed.

Otter

The otter is a secretive semi-aquatic species which feeds on fish and invertebrates. Otter are known to forage along East Beck and spraints (otter droppings) were found during the ecology surveys undertaken in 2020. Otters are a protected species and works must not interfere or disturb this species. No works in the early morning or late evening are allowed because this is when this species is most active. Nothing must be placed across the beck or on the banks that would prevent otter commuting along the length of the beck.

Hedgehog

Hedgehogs are 20–25cm long and typically weigh up to 1.2kg. They have a distinctive waddling gait and are covered in characteristic brown spines. They rely on hedgerows and woodland edges for food and shelter. They are nocturnal creatures and will seek refuge during the day in dense vegetation, log piles or woodland understorey. Records of hedgehog were recorded within 1 km of the site and as suitable habitat is present it is possible that they could be in the surrounding woodlands.



Slow Worm

Slow worm have previously been recorded within the site using timber stacks as refuges. No timber stacks are currently present, but it is likely that slow worm are present in the habitats surrounding the site. Although slow worms look like small snakes they are in fact legless lizards. They grow to be 50 cm long. They are hard and smooth to the touch and have a shiny metallic appearance. The females and immature males are gold or silver with shiny dark brown/black sides. Males are more evenly coloured but can be cream, beige, brown or grey sometimes with blue freckles.

