

DC/22/94220 Dodwell Link Road Phase 3 (relating to F/17/81809)

Ecology Comments 14.12.22

Thank you for consulting Ecology. Please find our comments below.

Condition 6 Construction Management Plan (CMP)

Construction Management Plan (Rev A, Foreman Homes, November 2022)

The condition includes: *Demolition and construction work shall only take place in accordance with the approved Construction Management Plan which shall include: i) protection of trees and ecology (to include Habitats Regulation Assessment).*

The document does not adequately address the impacts on ecology (including trees and water quality). If these are not to be addressed fully in the CMP then they must be addressed in the Construction Method Statement (CMS) (Condition 8) which must be read and implemented alongside the CMP and given equal weighting.

Protection measures during construction have been partially covered within the Construction Management Plan (condition 6) and the Construction Method Statement (condition 8), notably for WQ and protective fencing, but neither document fully addresses the issues relating to these aspects. This makes the proposals very difficult to follow and inconsistencies and gaps have arisen as a result. Further details of this below.

The CMP as it stands will need to be modified to accommodate the following comments:

The document will need to state that sensitive receptors include ecological habitats and features in addition to human related receptors to ensure no adverse impacts are experienced on these.

Construction dust method statement should add clarification to the end of the last paragraph: *implementing any precautions to control and prevent dust from spreading to sensitive receptors.*

The location of the stockpiles and storage mounds, if required, should be indicated on the plan. Sensitive receptors include ecological habitats therefore they must be sited away from these areas.

This document states that no temporary lighting will be used.

It needs to be made clear how the wastewater from the wheel wash and any other wastewater will be disposed of.

Inadequate water quality protection measures have been provided within both Phases 2 and 3. Straw bales are the only measure proposed within Phase 2. No measures have been proposed for Phase 3 in this document. In Phase 2, the straw bales are positioned within the habitat area to be protected from construction works by heras fencing. This is unacceptable for a couple of reasons: it would result in construction activity within the protected area to install the bales and would also leave the remainder of the habitat between the bales and fencing exposed to construction site run-off which would have a negative impact on the habitat. All surface run-off measures must be put in place within the active construction area (i.e. site-side of the heras fencing) to protect the retained habitats. The surface run-off from the site must be adequately managed prior to it entering the protected areas and this may require the installation of water retention features and silt barriers.

Reference has been made to WQ in Section 5 of the CMS. It says a drainage plan has been produced for the site but this is not included in either the CMS or CMP. Please can we see this and therefore see where the suggested measures included in Table 1 in Section 5 will be implemented on site. Section 4.3 of the CMS states that the silt

fencing along the west of the site is protecting the watercourse (in addition to the woodland). However, the watercourse predominantly runs along the eastern side of the site (where there are no protection measures indicated) before it crosses to the western side under the proposed road at its southernmost point. It would be useful to show the location of any watercourses present on the plan and helpful if WQ measures were addressed in the same document as this will make it easier to implement on the ground and ensure no oversights.

A plan showing the location of the protective Heras fencing for phase 2 is provided within the CMP. However, the Heras fencing for phase 3 is provided in Figure 7 in the CMS. Again, it would be helpful to have the location of the heras fencing on the same plan and in the same document. This will make it easier to implement on the ground. The position of the heras fencing in Figure 7 appears to be within the footprint of the proposed road which I presume is incorrect and therefore will need modifying. I would expect any silt fencing to be positioned where the heras fencing is placed for the same reasons outlined above regarding the straw bales, therefore this will also need modifying. The location of the heras fencing must be at the edge of the root protection areas of any retained trees as an absolute minimum.

Condition 8 Construction Method Statement (CMS)

Construction Method Statement (Ecosupport, 15.9.22)

Please see above comments regarding Condition 6 (Construction Management Plan).

3.1.1. Lighting - The CMP states that lighting during construction is not proposed.

3.1.2 Trees – please note, any trees that require felling must have already been identified and had approval to be felled. There should not be any additional trees.

3.2 Reptiles – There has been a significant and unacceptable change to the previously approved outline strategy for reptile mitigation. The size of the reptile receptor area is significantly smaller and is more isolated than the originally proposed receptor area. Additionally, originally it was proposed that the reptiles would be displaced through habitat manipulation to the adjacent receptor areas which would be enhanced for reptiles. The new proposals will result in the capture and translocation of the reptiles which is a last resort as this method is much less successful for reptile populations and individuals. Justification for this change has been provided and insufficient information provided for the revised receptor area (e.g. what is the area to be lost, what is the size of the receptor area and what is the existing reptile population at the receptor site?).

It is also important to recognise the implications of the considerably changed habitats present since the survey work was carried out in 2017. Clearance of the woodland has taken place and a rush community has established over the northern part of Phase 3 which is likely to have expanded the habitat range for reptiles. The slowworm population could have increased considerably and therefore an appropriately sized reptile receptor site is required. Other reptile species, such as grass snake, could also have colonised the area. The area of habitat manipulation and reptile exclusion (to be identified on a plan) will have to be expanded and there must be a plan in place if other species are found or if populations have grown.

3.3 Nesting birds – This is inconsistent with Section 4.4.1 in the BMEP. 5m is the preferred sized buffer as stated in 4.4.1 as opposed to 3m stated here.

Measures to protect badgers and hedgehogs during construction need to be included here.

Condition 12 Biodiversity mitigation and enhancement plan

BEMP (Ecosupport, 27.9.22)

I am surprised that this has not been submitted concurrently with the landscape (Condition 16), SuDS (Condition 15) and lighting (Condition 11) proposals as these are all closely interlinked and are also pre-commencement conditions.

The document provides insufficient mitigation and enhancement for the scheme and therefore this condition cannot be discharged. Mitigation and enhancement are much more than bird and bat boxes and habitat creation and enhancement are also required. This document does not definitively address this and only suggests measures which does not ensure their implementation. A plan showing the areas of habitat creation, enhancement and management is required including how the Himalayan balsam will be managed.

Section 4.2 Badgers needs to be included in the CMS as this is in relation to impacts on badgers during the construction period.

Section 4.3 Reptiles – as discussed above the receptor site and enhancement measures are inadequate for several reasons and need revision. Habitat for reptiles needs to be identified on a plan and management specified.

Sections 4.3.2 – 4.3.6 (ii), all relate to removing reptiles from the construction area and therefore belong in the CMS with a plan showing the location of the exclusion fencing and areas of habitat to be manipulated. It is currently not clear which areas are to be cleared of reptiles. Please note the comment regarding the significant habitat changes which have taken place over recent years. The original scheme proposed displacing the reptiles, through habitat manipulation and fencing, to adjacent habitat which was to be enhanced for them. This was a much more acceptable approach.

Section 4.4.1 relates to impacts on nesting birds during construction and should be moved to the CMS.

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