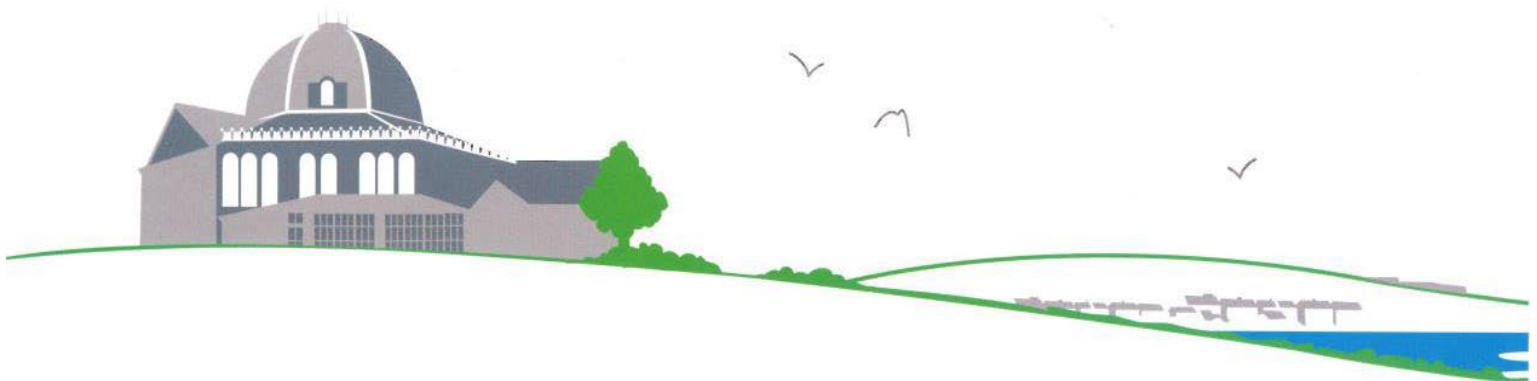




BURY COUNCIL

MILLTOWN STREET

CONSTRUCTION ENVIRONMENTAL
MANAGEMENT PLAN (CEMP)



BURY COUNCIL

MILLTOWN STREET

**CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN
(CEMP)**

Penny Anderson Associates Limited
'Park Lea'
60 Park Road
Buxton
Derbyshire
SK17 6SN

Project Manager
Jamie Carmichael BSc (Hons), MRes (Assistant Ecologist)

Author
Rebekah Pipes BSc (Hons), (Assistant Ecologist)

June 2025

This project has been undertaken in accordance with PAA policies and procedures on quality assurance.

Signed: 

CONTENTS

Page

1.	INTRODUCTION	1
	Baseline Ecology Reports	1
	Description of Project	1
	Seasonal Considerations.....	2
	Scope of Construction Ecology Management Plan	2
2.	GENERAL MEASURES TO SAFEGUARD THE ENVIRONMENT	3
	Site Induction and Ecological Receptor Awareness.....	3
	Ecological/Environmental Clerk of Works – Role and Responsibilities.....	3
	Natural England Licences.....	3
	Habitat Protection and Re-instatement	4
	Biosecurity	4
	Other Best Practice Measures	4
	Contact Details for Responsible Persons	5
3.	HABITATS.....	6
	Introduction	6
	Survey Results	6
	Licence Requirements	6
	Risks and Mitigation Measures	6
	Timing Constraints.....	6
4.	BATS	8
	Introduction	8
	Survey Results	8
	Summary of Legislation	8
	Licence Requirements.....	8
	Risks and Mitigation Measures	8
	Timing Constraints.....	9
5.	OTTER.....	10
	Introduction	10
	Survey Results	10
	Summary of Legislation	10
	Licence Requirements.....	10
	Risks and Mitigation Measures	10
	Timing Constraints.....	10

6.	OTHER MAMMALS – BADGER AND HEDGEHOG.....	12
	Introduction	12
	Survey Results	12
	Summary of Legislation	12
	Licence Requirements	12
	Risks and Mitigation Measures	12
	Timing Constraints.....	12
7.	NESTING BIRDS	14
	Introduction	14
	Survey Results	14
	Summary of Legislation Relating to Nesting Birds	14
	Licence Requirements	14
	Risks and Mitigation Measures	14
	Timing Constraints.....	14
8.	REPTILES	16
	Introduction	16
	Survey Results	16
	Summary of Legislation Relating to Reptiles.....	16
	Licence Requirements	16
	Risks and Mitigation Measures	16
	Timing/Seasonal Constraints	16
9.	REFERENCES	18
10.	ABBREVIATIONS	18

TABLES

1	Summary of Typical Breeding and Hibernation Season	2
2	Responsible Person Contact Details (in respect of CEMP)	5
3	Habitat Risk Assessment and Mitigation Measures	7
4	Bat Risk Assessment and Mitigation Measures	9
5	Otter Risk Assessment and Mitigation Measures	11
6	Badger and Hedgehog Risk Assessment and Mitigation Measures	13
7	Nesting Birds Risk Assessment and Mitigation Measures	15
8	Reptile Risk Assessment and Mitigation Measures	17

FIGURE

1	Phase 1 Habitat Map
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APPENDIX

1	Summary of Relevant Protected Species Legislation
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1. INTRODUCTION

- 1.1 Penny Anderson Associates Ltd (PAA) was commissioned by Bury Council to prepare a Construction Environmental Management Plan (CEMP) for the proposed Milltown Street cycle bridge, hereafter referred to as the 'site'. The site is centred on grid reference SD 79116 07189 and mapped in Figure 1.
- 1.2 The CEMP focuses mainly on the ecology constraints which are present, or potentially present, at the site, namely:
- Habitats (the River Irwell, woodland);
 - Bats;
 - Otter (*Lutra lutra*);
 - Badger (*Meles meles*) and hedgehog (*Erinaceus europaeus*);
 - Nesting birds;
 - Herpetofauna; and
 - Invasive non-native plant species (INNS).
- 1.3 In addition, the CEMP includes recommendations for more general environmental protection, such as measures to control pollution risk and biosecurity.

Baseline Ecology Reports

- 1.4 The CEMP has been informed by the following ecological survey reports:
- *Update Preliminary Ecological Appraisal*¹ (PAA 2025a).
 - *Preliminary Bat Roost Inspection and Bat Emergence Survey Report* (PAA 2025b)
 - *Otter and White-Clawed Crayfish Survey Report* (PAA 2025c)
- 1.5 The CEMP has been designed in consideration of the information shared about the proposed works by the client (Bury Council) and the Contractor.

Description of Project

- 1.6 The programme of works will include the removal of the existing bridge pier and bridge span to riverbed level, both of which will be removed off site. The south bank bridge abutment will remain in place whilst the north bank will receive a new pile supported reinforced concrete abutment. Vegetation on the south bank of the River Irwell, including two large trees, will be removed beneath the bridge span and 5m either side of the abutment. There will also be the removal of an existing single-storey masonry brick building with a pitched slate roof, materials of which will be removed off site.
- 1.7 It is assumed that machinery use will take place only locally within the works area. Works will take place during normal daytime working hours, typically between 7am to 5pm, Monday to Friday. Machinery will be stored within the works area.

¹ PEA

Seasonal Considerations

- 1.8 In many cases, impacts arising from disturbance and/or risk of harm are greater during particular periods of a species life cycle, such as breeding/nesting and hibernation seasons. Breeding/nesting seasons vary between different species, and only some species hibernate. A summary of these sensitive periods for each is provided in Table 1.

Table 1 Summary of Typical² Breeding and Hibernation Season

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Bats												
Otter												
Badger												
Hedgehog												
Nesting birds												
Herpetofauna												

Key: = Main breeding/nesting season = Main hibernation season (where applicable)

- 1.9 This seasonal behaviour can also affect when legal protections apply, for example; bird nests are protected only when considered active. Whilst clearance of a nest containing eggs or chicks, which is most likely during the spring/summer, would be an offence at that time under current wildlife legislation, that same nest could be removed legally when confirmed as disused.
- 1.10 As highlighted by Table 1, with multiple species to consider, it is inevitable that the optimal timing for avoiding one species coincides with a sensitive period for another. Although the method statements describe best practice for the individual species, consideration must also be given to compatibility with the requirements for other species that may be present in any given habitat area.

Scope of Construction Ecology Management Plan

- 1.11 The following topics are covered within the CEMP:
- General measures to safeguard the environment, including INNS measures (Section 2);
 - Habitats (Section 3);
 - Bats (Section 4);
 - Otter (Section 5);
 - Badger and Hedgehog (Section 6);
 - Nesting birds (Section 7); and
 - Reptiles (Section 8).
- 1.12 Details relating to other environmental considerations including lighting, noise, dust, vibration and waste management will be detailed in separate documents as required and should be read in conjunction with this CEMP.

² Breeding and hibernation seasons are influenced by weather conditions in any given year. For example, late snows will delay emergence from hibernation, but a very mild winter may trigger early breeding activity.

2. GENERAL MEASURES TO SAFEGUARD THE ENVIRONMENT

Site Induction and Ecological Receptor Awareness

- 2.1 All site workers and visitors will complete the Contractors induction. An Ecological Clerk of Works (ECoW) will be appointed prior to the start of works and will provide either an in-person toolbox talk to the Contractor or provide inputs to the Contractor induction. This will ensure that all workers on site are aware of the ecological/environmental receptors present and the steps to be taken if an issue arises.
- 2.2 The Contractor will conduct their own environmental toolbox talks, supported by specialists as required, to cover the following topics:
- Spill control management;
 - Water pollution prevention (fuel and oil);
 - Dust and air quality;
 - Noise and vibration;
 - Pollution (cement and concrete);
 - Tree protection;
 - Waste management storage and segregation of waste;
 - Material handling and housekeeping;
 - Pumping and over pumping;
 - Wash down of plant and machinery;
 - Archaeology and heritage;
 - General biodiversity and biosecurity; and
 - Being a good neighbour.

Ecological/Environmental Clerk of Works – Role and Responsibilities

- 2.3 An ECoW will be appointed prior to the commencement of works and will undertake the necessary site visits, inspections, monitoring and advice as required. The ECoW will be supported by specialists as necessary, e.g. in relation to protected species licencing requirements.
- 2.4 Written and photographic records will be kept by the ECoW and other specialists, detailing any issues arising and remedial actions undertaken, especially where these may deviate from the details in this CEMP.
- 2.5 The ECoW will attend site briefings as required and input to meetings and provide ecological advice as needed throughout the project. The ECoW will raise any issues arising from site inspections and monitoring in a timely manner and will assist in devising suitable mitigation strategies to address any unforeseen issues that may arise through the course of the project.

Natural England Licences

- 2.6 Based on the findings of the further protected species surveys that have yet to be undertaken, Natural England licences may be required.

Habitat Protection and Re-instatement

- 2.7 Damage and removal of habitat will be kept to the minimum possible within the relatively small works footprint required. Much of the works are confined to the hardstanding and scrub habitats on the banks of the River Irwell where the new cycle bridge is to be constructed
- 2.8 The Contractor will be responsible for ensuring that there is no encroachment, damage or disturbance to habitat outside the working area.

Biosecurity

- 2.9 Invasive non-native species giant hogweed³ (*Heracleum mantegazzianum*) is present within the site and may fall within the works footprint. Japanese knotweed (*Reynoutria japonica*) is present a short distance from the site boundary. Best practice biosecurity measures will be adopted by the Contractor, including:
- Operatives to arrive to site with clean footwear;
 - Plant and machinery to arrive to site with clean tracks/wheels and clean inside of the cab;
 - Ensuring footwear is clean (visually from soil and debris) before leaving the site;
 - Ensuring plant and machinery is kept clean - in particular, removing any accumulated mud before leaving the site; and
 - No seeds, soils or other biological life to be imported to the site unless in accordance with agreed methodologies.

Other Best Practice Measures

- 2.10 The following general best practice precautionary measures will be adopted through all phases of the project:
- Excavations or trenches left overnight will be covered or have an escape route, such as a shallow gradient at one or both ends, and will be inspected each morning and evening to ensure no mammals or other wildlife can become 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 animals;
 - Litter, tools and potentially dangerous materials on site will be cleared at the end of the working day. Care will be taken that there are no sharp metal objects or pointed protrusions on the ground which could result in injury to wildlife;
 - Security lighting will be kept to a minimum and will be directed away from nearby treelines and woodland compartments; and
 - Works using heavy machinery will cease between sunset and sunrise.

³ Botanical species names follow Stace (2019)

Contact Details for Responsible Persons

2.11 Table 2 details the responsible persons and contact details.

Table 2 Responsible Person Contact Details (in respect of CEMP)

Contact Name/ Organisation	Responsibilities	Contact Details
Bury Council	Client – overall responsibility for delivery of project.	Mark Mykolajowski Project Engineer M.A.Mykolajowski@bury.gov.uk
Contractor	Main contractor – responsible for implementation of CEMP. Reports to client.	TBC
Penny Anderson Associates Ltd	Ecologist – to provide ECoW support as specified in CEMP and to be contacted in the event of unexpected finds. Reports to client and main contractor.	Jamie Carmichael Assistant Ecologist j.carmichael@pennyanderson.com

3. HABITATS

Introduction

- 3.1 This section of the CEMP details the survey results (if applicable), legislation and risks and mitigation requirements in relation to ecologically important habitats that may be impacted by the works.

Survey Results

- 3.2 An update ecology survey of the site was completed in 2025 (PAA 2025a) which identified the following habitats of value which could be impacted by the works.
- Semi-natural broadleaved woodland at the south-western border of the site; and
 - The River Irwell, which runs through the centre of the site.
- 3.3 The features are present within or close to the proposed works area.

Licence Requirements

- 3.4 There are no licences required in relation to habitats listed above

Risks and Mitigation Measures

- 3.5 Table 3 sets out a risk assessment of activities with potential to cause disturbance or damage to ecologically important habitats within the site.
- 3.6 The risk-based approach uses a 'traffic light' system of red for high risk activities that require immediate action and/or may present a significant constraint to the works, amber for moderate risk activities and green for low risk activities.
- 3.7 Recommended actions to mitigate risk in relation to habitats are identified.
- 3.8 The key risk is direct loss of habitat, which should be avoided as far as possible.

Timing Constraints

- 3.9 There are no seasonal timing constraints in relation to habitats.
- 3.10 However, please refer to other sections of this report for timing constraints in relation to protected species that may use the habitats for nesting, breeding and hibernating.

Table 3 Habitat Risk Assessment and Mitigation Measures

Habitat	Impact	Risk	Recommended Action
Broadleaved woodland within the south-western border of the site	Direct habitat loss, indirect/accidental damage or disturbance	Medium - Depending on exact location of proposed new infrastructure there is a risk of direct habitat loss or indirect damage/disturbance.	Review precise location/layout of proposed new infrastructure to determine impacts on woodland habitat. Reconfigure layout to avoid direct habitat loss as far as possible. Work with ECoW to identify optimum layout. Retained woodland edges to be protected with temporary fencing with suitable signage to prohibit access by personnel, plant and storage of materials. Temporary fencing to incorporate Root Protection Zones of trees to avoid indirect damage from compaction. Suitable reinstatement of habitat mitigation/replacement to be provided to offset any loss of woodland habitat.

4. BATS

Introduction

- 4.1 This section of the CEMP details the survey results (if applicable), legislation and risks and mitigation requirements in relation to bats.

Survey Results

- 4.2 An update ecology survey of the site was completed in 2025 (PAA 2025a) which recommended a Preliminary Roost Assessment (PRA) and follow-on emergence surveys for a building on site referred to as B1.
- 4.3 A PRA of B1 was undertaken on the 21st of May 2025 by Principal Ecologist Rob Lamb (Natural England Bat Survey Class 1 Licence 2020-44441-CLS-CLS, ACIEEM⁴), confirming the building as having low potential for roosting bats. A single emergence survey was undertaken on the 21st of May by Principal Ecologist Rob Lamb, assisted by Assistant Ecologists Rebekah Pipes and Izzy Tomkinson.
- 4.4 No bats were observed emerging or re-entering during the emergence survey, it is assessed that bat roosts are likely absent within the building. Therefore, no further recommendations are made in respect of roosting bats at this time.
- 4.5 A low number of common pipistrelle (*Pipistrellus pipistrellus*) were recording using surrounding habitats for commuting and foraging. Works have potential to impact indirectly on bat foraging and commuting, therefore, best practice measures to safeguard bat habitats must be adopted. These are detailed in Section 2 of this report.
- 4.6 In the unlikely event that bats are found during future demolition, works should stop immediately, and advice be sought from a professional bat Ecologist

Summary of Legislation

- 4.7 A summary of legislation relating to bats is presented in Appendix 1.

Licence Requirements

- 4.8 No licence will be required.

Risks and Mitigation Measures

- 4.9 Table 4 sets out a risk assessment of activities with potential to cause disturbance or harm to bats. The risk-based approach uses a 'traffic light' system of red for high risk activities that require immediate action and/or may present a significant constraint to the works, amber for moderate risk activities and green for low risk activities.
- 4.10 Recommended actions to mitigate risk in relation to bats are identified.
- 4.11 The works are likely to impact on bat foraging habitat or commuting corridors, as a general best practice approach it is recommended that lighting of habitats is avoided as far as possible.

⁴ Associate member of CIEEM

Timing Constraints

- 4.12 The key timing constraints in relation to bats are the need to avoid works to roosts during the summer months if a maternity (breeding) roost is present, and during winter months if a hibernation roost is present.

Table 4 Bat Risk Assessment and Mitigation Measures

No.	Species	Impact	Risk	Recommended Action
1	Bats – foraging/commuting habitat	Works have potential to impact indirectly on bat foraging/commuting	Low - Adopt best practice measures to retain bat foraging habitats, especially woodland and avoid lighting as far as possible	Adopt general best practice measures to safeguard bat habitats and other wildlife as detailed in Section 2 of this CEMP.

5. OTTER

Introduction

- 5.1 This section of the CEMP details the survey results (if applicable), legislation and risks and mitigation requirements in relation to otter.

Survey Results

- 5.2 An Update Ecology survey of the site was completed in 2025 (PAA 2025a), identifying that the site had potential to support otter within the River Irwell, such as riffles and sidebars, as well as the potential for holts within tree roots on the riverbanks.
- 5.3 An otter scoping survey was recommended due to the works impacting on the River Irwell, including the riverbanks with suitable otter habitat. The otter scoping survey was undertaken on the 21st of May by Principal Ecologist Rob Lamb, assisted by Assistant Ecologists Rebekah pipes and Izzy Tomkinson.
- 5.4 No evidence of otter was found during the survey. This includes otter spraint (faeces), footprints, sign heaps (piles of earth or sand scraped together by an otter), resting sites such as underground 'holts' and above ground 'couches'; and feeding remains, e.g. fish carcasses or crayfish carapaces.
- 5.5 The habitats within the River Irwell are considered suitable for otter. The river has in-channel morphological features such as side bars and riffles which are preferable for otters, as well as vegetation alongside the banks which provides shelter. It is likely that transient otter will be using the river for commuting and foraging.

Summary of Legislation

- 5.6 A summary of legislation relating to otter is presented in Appendix 1.

Licence Requirements

- 5.7 No licence will be required.

Risks and Mitigation Measures

- 5.8 Table 5 sets out a risk assessment of activities with potential to cause disturbance or harm to otter. The risk-based approach uses a 'traffic light' system of red for high risk activities that require immediate action and/or may present a significant constraint to the works, amber for moderate risk activities and green for low risk activities.
- 5.9 Recommended actions to mitigate risk in relation to otter are identified.
- 5.10 The key risk is potential for disturbance or harm during vegetation clearance on the banks of the River Irwell, and during construction works to the banks where otter holts may be present.

Timing Constraints

- 5.11 Otter can breed at any time of the year, so it is possible for dependant young to be present throughout the year. There is no particular time of the year to avoid otter, the key constraint is presence of dependant young which can occur at any time.

Table 5 Otter Risk Assessment and Mitigation Measures

No.	Species	Impact	Risk	Recommended Action
1	Otter – foraging/commuting	General construction related activities	Low – Adopt best practice measures	Adopt general best practice measures to safeguard otter and other wildlife as detailed in Section 2 of this CEMP.

6. OTHER MAMMALS – BADGER AND HEDGEHOG

Introduction

- 6.1 This section of the CEMP details the legislation and risks and mitigation requirements in relation to badger and hedgehog.

Survey Results

- 6.2 An update ecology survey of the site was completed in 2025 (PAA 2025a), identifying that the site had potential to support hedgehog within suitable habitat such as woodland and scrub, and potential to support commuting badger with suitable habitat such as semi-improved neutral grassland. Note that during the recent 2025 PEA survey, no evidence of badger, such as setts, latrines or hairs was identified, therefore, a full badger survey is not required.
- 6.3 The risk of encountering badger and hedgehog is considered to be low but precautionary measures are recommended to minimise risk of harm.

Summary of Legislation

- 6.4 A summary of legislation relating to badger and hedgehog is presented in Appendix 1.

Licence Requirements

- 6.5 No licences are required in relation to badger and hedgehog.

Risks and Mitigation Measures

- 6.6 Table 6 sets out a risk assessment of activities with potential to cause disturbance or harm to badger and hedgehog. The risk-based approach uses a 'traffic light' system of red for high risk activities that require immediate action and/or may present a significant constraint to the works, amber for moderate risk activities and green for low risk activities.
- 6.7 Recommended actions to mitigate risk in relation to badger and hedgehog are identified.
- 6.8 The key risk is potential for disturbance or harm during vegetation clearance in woodlands or scrub which hedgehog may be using as places of shelter, breeding or hibernation, as well as badger becoming trapped within excavations during the works.

Timing Constraints

- 6.9 Ideally, vegetation clearance would avoid the period November to February when hedgehog may be using areas of woodland and hedgerows for hibernation. The most sensitive time of year for badger is during the breeding season which runs from December to June, inclusive, when dependent young may be present.

Table 6 Badger and Hedgehog Risk Assessment and Mitigation Measures

No.	Species	Impact	Risk	Recommended Action
1	Hedgehog - general	Vegetation clearance within areas of woodland or scrub	Low - Low risk of harm or disturbance to individual animals	Fingertip search by ECoW recommended prior to clearance. General best practice measures as outlined in Section 2 of this CEMP to be adopted to avoid risk of harm to wildlife generally. In the event hedgehog or other wildlife found during vegetation clearance. In the event hedgehog or other wildlife is found during the vegetation clearance, and in immediate risk of harm, they can be carefully relocated by the Contractor to a safe, undisturbed area and ECoW contacted for further advice, but ideally left alone and wait for the ECoW.
4	Badger - general	General construction related activities	Low - Adopt best practice measures	Adopt general best practice measures to safeguard badgers and other wildlife as detailed in Section 2 of this CEMP. In particular, any excavations should be covered or ramps provided to allow badger to escape and any open pipework with a diameter >150mm should be covered at each end to prevent badgers becoming trapped.

7. NESTING BIRDS

Introduction

- 7.1 This section of the CEMP details the survey results (if applicable), legislation and licencing requirements and risks and mitigation requirements in relation to nesting birds.

Survey Results

- 7.2 A full nesting bird survey has not been completed and is not required. Instead, an assessment of the habitat suitability for nesting birds was undertaken as part of the update Ecology Report (PAA 2025a). The survey identified woodland and scrub habitats within the site as having potential to support nesting birds.
- 7.3 Depending on the timing of the works, there is potential for direct disturbance to nesting birds within the scrub and direct and indirect disturbance to other nesting birds within the woodlands.

Summary of Legislation Relating to Nesting Birds

- 7.4 A summary of the legislation relation to nesting birds is included at Appendix 1.

Licence Requirements

- 7.5 A licence is not required in relation to nesting birds.

Risks and Mitigation Measures

- 7.6 Table 7 sets out a risk assessment of activities with potential to cause disturbance or harm to nesting birds. The risk-based approach uses a 'traffic light' system of red for high-risk activities that require immediate action and/or may present a significant constraint to the works, amber for moderate risk activities and green for low risk activities.
- 7.7 Recommended actions to mitigate risk in relation to nesting birds are identified.
- 7.8 If a nest or nesting activity is found, then the ECoW will advise on a suitable undisturbed buffer zone which must be retained around the nest site until any young have fledged. Buffer zones are determined on a case-by-case basis (typically 3 to 5m), for ground nesting birds this zone can be significantly greater (e.g. 20 to 50m). Further inspections will be required as advised by the ECoW until such time as the nest is no longer active, typically three to five weeks, depending on the species.
- 7.9 Disturbance of nesting habitats during the nesting period may cause adult birds to abandon nests, resulting in the death of dependent young. Disturbance includes human activity, use of artificial lighting, vehicle movements and construction activities.
- 7.10 Following a check for nesting birds by the ECoW within the breeding season where no nesting activity is observed, the habitat must be cleared within 48hrs, otherwise further checks will be necessary to ensure that no birds have begun nesting in the intervening period.

Timing Constraints

- 7.11 The main bird nesting season is taken to be within the Royal Society for the Protection of Birds⁵ nesting bird season of 1st March to 31st August. It is possible to find nesting birds outside of this

⁵ RSPB

window and so precautions shall be taken earlier and later if weather conditions are deemed suitable for nesting. For example, a very mild winter may trigger early nest building during February and some pairs may attempt a second or even third brood towards the end of a very good summer.

Table 7 Nesting Birds Risk Assessment and Mitigation Measures

No.	Species	Impact	Risk	Recommended Action
1	Nesting birds – nests in trees and scrub (indirect disturbance)	Indirect disturbance, such as noise, to nearby habitat	Low - If works taking place outside of the typical bird nesting season (1 st March to August 31 st)	Risk of disturbance to tree and scrub nesting birds is low. Therefore, no ECoW support is required outside of bird nesting season.
2	Nesting birds – nests in trees and scrub (indirect disturbance)	Indirect disturbance, such as noise, to nearby trees and scrub	Moderate – If works taking place within typical bird nesting season (1 st March to August 31 st)	A precautionary check for nesting birds should be complete prior to commencement of the works by a suitably qualified ECoW.
3	Nesting birds – nests in trees and scrub (direct disturbance)	Trimming overhanging branches and felling trees on south bank (direct disturbance)	Low – If works taking place outside of the typical bird nesting season (1 st March to August 31 st)	Risk of disturbance to tree and scrub nesting birds is low. Therefore, no ECoW support is required outside of bird nesting season.
4	Nesting birds – nests in trees and scrub (direct disturbance)	Trimming overhanging branches and felling trees on south bank (direct disturbance)	High – If works taking place within typical bird nesting season (1 st March to August 31 st)	A precautionary check for nesting birds should be complete prior to any trimming of branches or vegetation clearance within the nesting bird season, done by a suitably qualified ECoW.

8. REPTILES

Introduction

- 8.1 This section of the CEMP details the survey results (if applicable), legislation and licencing requirements, and risks and mitigation requirements in relation to reptiles.

Survey Results

- 8.2 The open mosaic habitat within the site, including grassland scrub and sealed surface habitats, offer potential for commuting, foraging and basking sites for reptiles. There is potential for harm and disturbance to occur to reptiles during vegetation clearance of scrub and grassland habitats.

Summary of Legislation Relating to Reptiles

- 8.3 A summary of legislation relating to reptiles is presented in Appendix 1.

Licence Requirements

- 8.4 There are no licencing requirements in relation to reptiles.

Risks and Mitigation Measures

- 8.5 Table 8 sets out a risk assessment of activities with potential to cause disturbance or harm to reptiles. The risk-based approach uses a 'traffic light' system of red for high-risk activities that require immediate action and/or may present a significant constraint to the works, amber for moderate risk activities and green for low risk activities.
- 8.6 Recommended actions to mitigate risk in relation to reptiles are identified.
- 8.7 In summary, due to the localised nature of the works and limited impact on surrounding vegetation, potential risks to reptiles are considered to be relatively low. However, it is advised that any clearance of suitable habitat is avoided during the hibernation period (November to February) and is carried out under ecological supervision outside of this period.

Timing/Seasonal Constraints

- 8.8 Reptiles may be present in suitable habitat all year. Hibernation occurs during the winter period (November to February, inclusive) and animals in hibernation are at greater risk of harm if disturbed, therefore, significant levels of habitat disturbance is to be avoided during this period.

Table 8 Reptile Risk Assessment and Mitigation Measures

No.	Species	Impact	Risk	Recommended Action
1	Reptiles	Strimming of long grass/tall forbs may inadvertently injure or kill the animals	Low – Transient and/or hibernating reptiles may be present in unmown grassland/tall forbs within and within scrub habitats	1. Clearance of suitable habitat will be undertaken in a sensitive manner, by initial hand searching by the ECoW and, if necessary, followed by strimming/clipping of any taller vegetation to 50mm height. The strimming/clipping will occur slowly and in one direction across the habitat to allow any animals to move towards unaffected habitat. 2. A suitably experienced Ecologist will inspect the area after the strimming/clipping to ensure no animals remain. 3. Once clear of the risk of sheltering animals, the remaining vegetation will be removed immediately by final vegetation/soil stripping. If stripping/clearance is delayed, then the areas will be kept to 50mm height to prevent re-development of taller vegetation.

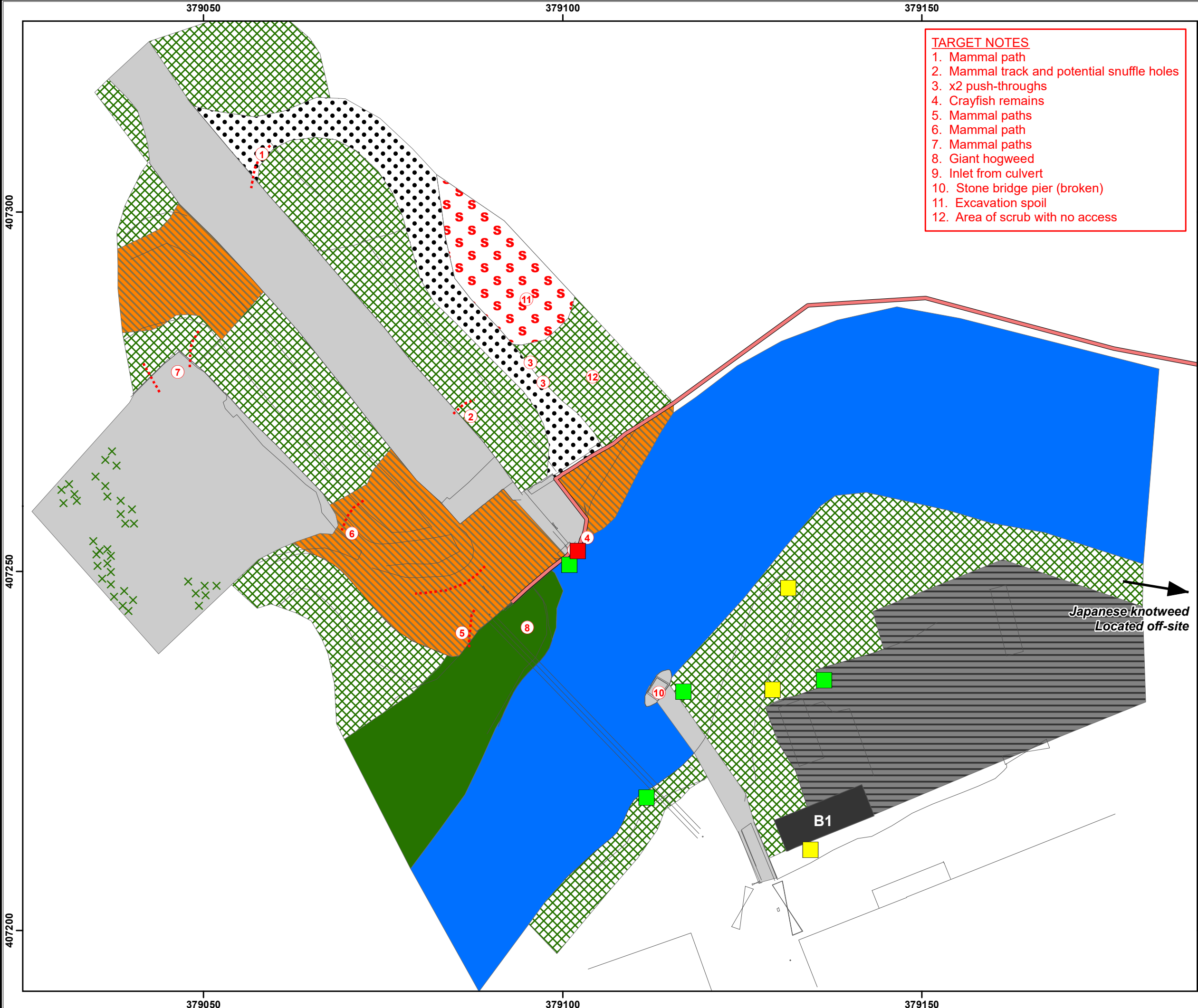
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10. ABBREVIATIONS

CEMP	Construction Environmental Management Plan
ECOW	Ecological Clerk of Works
INNS	Invasive Non-native Plant Species
PAA	Penny Anderson Associates Ltd
PEA	Preliminary Ecological Appraisal
PRA	Preliminary Roost Assessment
RSPB	Royal Society for the Protection of Birds

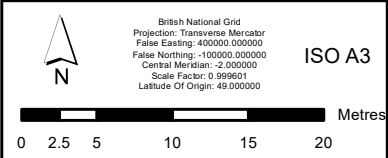
FIGURE



- TARGET NOTES**
- 1. Mammal path
 - 2. Mammal track and potential snuffle holes
 - 3. x2 push-throughs
 - 4. Crayfish remains
 - 5. Mammal paths
 - 6. Mammal path
 - 7. Mammal paths
 - 8. Giant hogweed
 - 9. Inlet from culvert
 - 10. Stone bridge pier (broken)
 - 11. Excavation spoil
 - 12. Area of scrub with no access



- Legend**
- Phase 1 Habitats**
- A1.1.1, Broadleaved woodland - semi-natural
 - A2.1, Dense/continuous scrub
 - B2.2/C3.1, Semi-improved neutral grassland with tall herbs
 - G2, Running water
 - I2.2, Spoil
 - J3.6, Building
 - J4, Bare ground
 - J5, Hardstanding
 - J5, Industrial
 - J2.5, Wall
 - A2.2 Scattered scrub
 - Target note
- Invasive Non-Native Species**
- Giant hogweed
 - Japanese knotweed
 - Signal crayfish



Penny Anderson Associates Ltd,
Parklea, 60 Park Road,
Buxton, Derbyshire, SK17 6SN.
Telephone 01298 27086

Project Name
Milltown - CEMP

Discipline
Ecology

Title
**Phase 1
Habitat Map**

Scale
1:500

Drawing No.
Figure 1

Drawn By
CC

Originator
RP

Date
24/06/2025

Grid Ref.
379,107 407,259

Revision
1.0

APPENDIX 1

Summary of Relevant Protected Species Legislation

SUMMARY OF THE LEGISLATION RELATING TO BATS

All wild species of bat are protected under the Wildlife and Countryside Act (WCA) 1981, which has also been amended by later legislation, including the Countryside and Rights of Way (CROW) Act 2000. Bats are listed on Schedule 5 of the WCA and are therefore subject to some the provisions of Section 9 which, with the amendments, make it an offence to:

- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection (S9:4b).
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection by a bat (S9:4c).

There are additional offences in relation to buying and selling (S9:5) any live or dead animal of this species or anything derived from them.

Bat species are also listed under Annexes IIa and IVa of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the 'Habitats Directive'. Inclusion on Annex IVa means they are consequently identified as European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (amended).

The Conservation of Habitats and Species Regulations 2017 (amended) state that a person commits an offence if they:

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb wild animals of any such species, in such a way as –
 - (i) to impair their ability to survive, to breed or reproduce, or to rear their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (iii) to affect significantly the local distribution or abundance of the species to which they belong;
- (c) deliberately take or destroy the eggs of such an animal, or
- (d) damage or destroy a breeding site or resting place of such an animal.

Under these Regulations it is an offence to damage or destroy a breeding site or resting place whether the animal is in occupation or not, and protection extends to all life stages of the animal in question. There are additional offences relating to possession, control and sale of a live or dead bat or part of such an animal.

In addition, seven native British bat species, including the soprano pipistrelle (*Pipistrellus pygmaeus*) and the brown long-eared bat (*Plecotus auritus*), are listed as 'species of principal importance' for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (amended). In Wales, Section 7 of the Environment (Wales) Act 2016 provide a list of organisms of 'principal importance for maintaining and enhancing biodiversity' and lists several species of bat including the common pipistrelle (*Pipistrellus pipistrellus*) which is absent from England's S41 list.

Please note: the above text provides a brief summary of the legislation in relation to bats and their roosts and the original Acts, Regulations and any amendments should be referred to for the precise wording.

SUMMARY OF THE LEGISLATION RELATING TO BADGERS AND THEIR SETTS

Badgers (*Meles meles*) are not an endangered species but have a long history of persecution and cruelty. As such, badgers and their setts are protected under the Protection of Badgers Act 1992 (as amended), which makes it illegal for any person to kill, injure or take a badger. It is also an offence to destroy, damage or obstruct a badger sett, or to disturb a badger whilst it is within a sett. There are also additional offences relating to possession of, buying and selling a dead badger, or anything derived from a badger, and causing a dog to enter a sett.

The Act defines a sett as 'any structure or place which displays signs of current use by a badger'. Setts are defined by English Nature (1995) as 'usually underground tunnel systems providing shelter for badgers but may include other structures used by badgers such as hay bales, drainage culverts, or cellars'. 'Current use' is more difficult to define but is usually interpreted by the presence/absence of badger field signs over several observations of the sett (Natural England 2006). Guidance from Natural Resources Wales (NRW) also presents a similar classification approach¹.

In England, the National Planning Policy Framework (NPPF 2023) provides guidance for local authorities on the content of the Local Plans and is a material consideration in determining planning applications. Briefly, with an overall focus on sustainable development, the NPPF states that developments should aim to engender positive outcomes for habitats and biodiversity, with a particular focus on the maintenance and creation of ecological networks.

NPPF 2023 retains reference to Circular 06/2005 *Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System* in respect of statutory obligations for biodiversity and geodiversity conservation. Part IV Section D of the Circular states:

'The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions. Although consideration of the case for granting a licence is separate from the process of applying for planning permission, a planning authority should advise anyone submitting an application for development in an area where there are known to be badger setts that they must comply with the provisions of the Act. Local authorities and other public bodies (except central government) are generally likely to need a licence in respect of any development which they themselves carry out in any areas if it will involve them interfering with a badger sett.'

The planning guidance for Wales, Planning Policy Wales Technical Advice Note 5 – Nature Conservation and Planning (Welsh Assembly Government September 2009), also identifies the need to comply with the Protection of Badgers Act 1992. It states:

'Although the badger is not a rare animal over much of Wales, there is specific legislation for the protection of badgers under the Protection of Badgers Act 1992. The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.'

¹ <https://naturalresources.wales/media/696694/badgers-a-guide-for-developers.pdf?mode=pad&rnd=133216507090000000>

English Nature, 1995. *Species Conservation Handbook*. English Nature.

Natural England, 2006. *Guidance on 'Current Use' in the definition of a badger sett*. Natural England.

NPPF, 2023. *National Planning Policy Framework, updated September 2023*. Ministry of Housing, Communities and Local Government.

Welsh Assembly Government 2009. *Planning Policy Wales. Technical Advice Note 5: Nature Conservation and Planning*. National Assembly for Wales.

Please note: the above text provides a brief summary of the legislation in relation to badgers for England and Wales and the original Act and amendments should be referred to for the precise wording.

SUMMARY OF THE LEGISLATION RELATING TO BREEDING BIRDS

All wild species of breeding birds and their nests and eggs are protected under Part 1 of the Wildlife and Countryside Act (WCA) 1981, as amended by later legislation including the Countryside and Rights of Way (CROW) Act 2000. This legislation applies in England and Wales.

Part 1 (Section 1:1) of the WCA states that:

'If any person intentionally,

- (a) kills, injures or takes any wild bird;
- (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- (c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.'

Part 1 (Section 1:5) of the WCA (amended by the CROW Act 2000) refers to specific birds listed on Schedule 1 of the WCA, and states that:

'If any person intentionally or recklessly,

- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturbs dependent young of such a bird,

he shall be guilty of an offence and liable to a special penalty.'

Schedule 1 includes birds such as Western barn owl (*Tyto alba*), black redstart (*Phoenicurus ochrurus*), woodlark (*Lullula arborea*) and Cetti's warbler (*Cettia cetti*). Please refer to the WCA for a complete list of Schedule 1 species¹.

Some provisions are made to allow the killing and taking of certain species under certain circumstances, as follows:

- Birds listed on Schedule 2 (Part 1) of the Act may be taken or killed outside of the 'close season' for each individual species (the 'close season' is defined by the Act). This includes various wild duck and geese species.
- Birds listed on Schedule 2 (Part 2) of the Act may be killed or taken by authorised persons at all times. This includes species such as carrion crow (*Corvus corone*), Eurasian magpie (*Pica pica*), feral pigeon² (*Columba livia*) and greater Canada goose (*Branta canadensis*). An 'authorised person' is defined as a person who has written authorisation to undertake the act from the relevant statutory authority. The written authority is in the form of a licence, either a general licence which covers a number of the more typical 'pest' species, or an individual licence for other individual species. In England these licences are issued by Natural England and in Wales by the Welsh Assembly Government.

Please note: the above text provides a brief summary of the legislation in relation to breeding birds in England and Wales and the original Act and any amendments should be referred to for the precise wording.

¹ <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>

² Also known as rock dove

SUMMARY OF LEGISLATION RELATING TO BROWN HARE, COMMON TOAD AND HEDGEHOG

These three species, brown hare (*Lepus europaeus*), common toad (*Bufo bufo*) and West European hedgehog (*Erinaceus europaeus*), although not included under legislation such as the Wildlife and Countryside Act (WCA) 1981 (amended) and Conservation of Habitats and Species Regulations 2017 (amended), are known to be declining across England and Wales.

In recognition of this decline, they are listed as 'species of principal importance' for the conservation of biodiversity in England under Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006 (amended). They are also included in Section 7 of the Environment (Wales) Act 2016 that provides a list of organisms of 'principal importance for maintaining and enhancing biodiversity in Wales'.

The National Planning Policy Framework (NPPF 2023) for England has an overall focus on sustainable development, and states that developments should aim to engender positive outcomes for habitats and biodiversity, with a particular focus on the maintenance and creation of ecological networks. Furthermore, the NPPF also states that any planning proposals for which significant negative impacts on biodiversity cannot be avoided, mitigated or compensated for should be refused. Reference is made to Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System in respect of statutory obligations for biodiversity and geodiversity conservation.

In Wales, Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Section 7 goes on to deal with biodiversity lists and duty to take steps to maintain and enhance biodiversity.

NPPF, 2023. *National Planning Policy Framework, updated September 2023*. Ministry of Housing, Communities and Local Government.

Please note: the above text provides a brief summary of the legislation and policy for England and Wales and the original Acts, Regulations, documents and any amendments should be referred to for the precise wording.

SUMMARY OF THE LEGISLATION RELATING TO OTTERS

Otters (*Lutra lutra*), also known as European otters, are protected under the Wildlife and Countryside Act (WCA) 1981 (amended), which has also been amended by various later legislation including the Countryside and Rights of Way (CROW) Act 2000, and this legislation is applicable to England and Wales. Otters are listed on Schedule 5 of the WCA and are, therefore, subject to some the provisions of Section 9 which, with the amendments, make it an offence to:

- Intentionally or recklessly disturb an otter while it is occupying a structure or place which it uses for shelter or protection (S9:4b).
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection by an otter (S9:4c).

There are additional offences in relation to buying and selling (S9:5) any live or dead animal of this species or anything derived from them.

Otters are also listed under Annexes IIa and IVa of EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the 'Habitats Directive'. Inclusion on Annex IVa means they are consequently identified as European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (amended).

The Conservation of Habitats and Species Regulations 2017 (amended) state that a person commits an offence if they:

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb wild animals of any such species, in such a way as –
 - (i) to impair their ability to survive, to breed or reproduce, or to rear their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (iii) to affect significantly the local distribution or abundance of the species to which they belong;
- (c) deliberately take or destroy the eggs of such an animal, or
- (d) damage or destroy a breeding site or resting place of such an animal.

Under these Regulations it is an offence to damage or destroy a breeding site or resting place, whether the animal is in occupation or not, and protection extends to all life stages of the animal in question. There are additional offences relating to possession, control and sale of a live or dead otter or part of such an animal.

In addition, otters are listed as a 'species of principal importance' for the conservation of biodiversity in England under Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006 (amended). They are also included in Section 7 of the Environment (Wales) Act 2016 that provides a list of organisms of 'principal importance for maintaining and enhancing biodiversity in Wales'.

Please note: the above text provides a brief summary of the legislation in relation to otters for England and Wales and the original Acts, Regulations and any amendments should be referred to for the precise wording.

SUMMARY OF THE LEGISLATION RELATING TO REPTILES

All six of the native British reptile species are afforded varying degrees of protection under the Wildlife and Countryside Act (WCA), 1981 (amended) and this legislation is applicable to England and Wales. All six species are listed on Schedule 5 of the WCA.

The four widespread species, common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), grass snake (*Natrix helvetica*) and adder (*Vipera berus*) are afforded part protection under Section 9(1), making it an offence to intentionally kill or injure any of these species of reptile. The two rarer species, sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*), are subject to a greater degree of protection under Section 9(4) which, with the amendments, make it (in brief) an offence to:

- Intentionally or recklessly disturb a sand lizard or smooth snake while it is occupying a structure or place used for shelter or protection (S9:4b); or
- Intentionally or recklessly obstruct access to any structure or place a sand lizard or smooth snake uses for shelter or protection (S9:4c).

All six species are afforded protection from buying, selling or exchange under Section 9(5) of the WCA.

Sand lizard and smooth snake are also listed under Annexes IIa and IVa of EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the 'Habitats Directive'. Inclusion on Annex IVa means they are consequently identified as European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (amended).

The Conservation of Habitats and Species Regulations 2017 (amended) state that a person commits an offence if they:

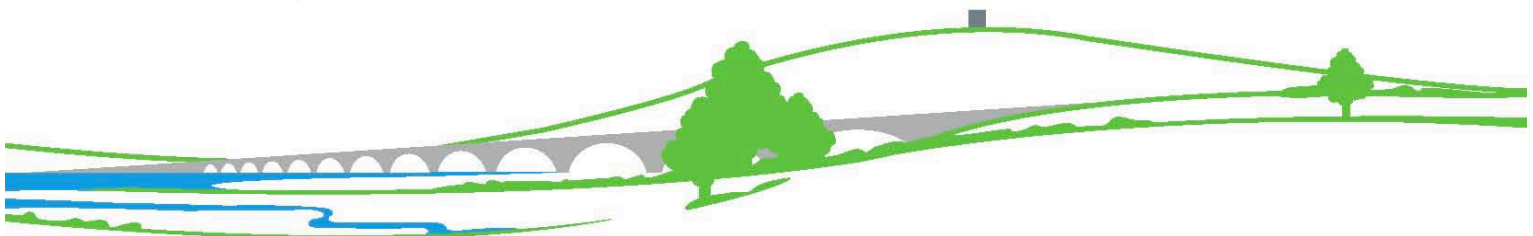
- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb wild animals of any such species, in such a way as –
 - (i) to impair their ability to survive, to breed or reproduce, or to rear their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (iii) to affect significantly the local distribution or abundance of the species to which they belong;
- (c) deliberately take or destroy the eggs of such an animal, or
- (d) damage or destroy a breeding site or resting place of such an animal.

Under these Regulations it is an offence to damage or destroy a breeding site or resting place whether the animal is in occupation or not, and protection extends to all life stages of the animal in question. There are additional offences relating to possession, control and sale of a live or dead sand lizard or smooth snake or part of such an animal.

In addition, the same six reptile species are listed as 'species of principal importance' for the conservation of biodiversity in England under Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006 (amended). They are also included in Section 7 of the Environment (Wales) Act 2016 that provides a list of organisms of 'principal importance for maintaining and enhancing biodiversity in Wales'.

Please note: the above text provides a brief summary of the legislation in relation to reptiles for England and Wales and the original Acts, Regulations and any amendments should be referred to for the precise wording.

Penny Anderson
Associates Ltd
CONSULTANT ECOLOGISTS



Park Lea, 60 Park Road, Buxton, Derbyshire SK17 6SN