

Environmental Construction Management Statement

**67243 Outline approval for 5 dwellings, and new/improved formal
and informal community open space, replacement / improved footpath
connections and wider greenspace enhancements**

Land off Brownhills Close / Bury Road, Tottington

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1 Introduction

Outline application 67243 was granted on 1 June 2023 by Bury MBC for five houses on land off Brownhills Close / Bury Road, Tottington. The site contains rough grassland, scrub, and secondary woodland. A tributary of Kirklees Brook also runs through the site, flowing east. It is bordered on three sides by residential development with a greenway on a former railway to the NE. The general area and the site show signs of significant previous industrial activity and disturbance, including evidence of building remains. Permission was subject to conditions including:

8 As part of reserved matters, an Environmental Construction Method Statement (ECMS) setting out details of measures to protect the nature conservation interest of the site and the adjacent areas during construction has been submitted to and approved in writing by the Local Planning Authority. The ECMS shall include details of the following:

(i) the siting, height, and design of any protective barrier to be erected between the site and the adjacent land.

(ii) any reasonable avoidance measures to limit the potential for harm to habitats and species associated with the land.

(iii) measures to prevent local ground and surface water pollution; and

(iv) A timetable for implementation

Development shall thereafter be carried out in strict accordance with the details and timetable contained within the duly approved ECMS.

An updated extended Phase I habitat survey was carried out in July 2024, and a separate Reasonable Avoidance Method Statement (RAMS) for badgers written and submitted to discharge condition 7. This ECMS also incorporates the measures in that RAMS.

The site is dominated by species typical of nutrient-rich grassland and secondary woodland and includes a range of common pioneer species and agricultural weeds. The biodiversity is low, but there is still potential to harm habitat and species.

The aim of this the aims and objectives of the ECMS is to maintain and avoid any harm or damage to features of ecological interest during construction.

2 Environmental Construction Management Statement

1 Accountability and compliance

It is the responsibility of all employees and contractors to ensure all works are in line with this ECMS. The site manager is accountable for ensuring that this happens and that where necessary works are undertaken or overseen by an experienced ecologist.

2 Method statement availability and site signage

A copy of this statement will always be available to site personnel including within the site cabin/facilities block. A prominent display board shall detail the nature of the works, a contact name and telephone number (including one to be used outside normal working hours).

3 Working hours

Working hours including the transport of materials, plant, and equipment to the development site shall only take place during 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturdays, Sundays, and Public Holidays

4 Complaints

A complaints register shall be kept and shall include complainant's details, date and time of the complaint, cause(s) of the complaint, action taken to resolve the complaint, date and time of action taken to resolve the complaint, and reasons for any unresolved complaints.

5 Site Induction

Before construction starts onsite, all site personnel will receive a toolbox talk from a suitably experienced ecologist about working methods which must be followed at all times related to:

- Badgers, their legal status, and the provisions of this statement.
- Legal protection afforded to other protected species including breeding birds and dealing with these and other animals if they are found.
- Invasive species including Japanese Knotweed.

6 Protection of retained habitats

Any retained habitats and trees are to be fenced according to BS5837 before construction work commences to protect roots from compaction. Fences will remain in place until construction work is complete. No activity or storage of materials of any sort is permitted within the protective fencing at any time.

7 Badgers

A separate document specifies badger Reasonable Avoidance Measures. It is summarised here.

On-site, one hole was observed (marked 'X' on the survey sheet, see appendix) was consistent with being made by badgers. This did not have associated signs of current use (such as hairs, very recent spoil, or discarded bedding. There was some vegetation growing extremely near and almost over the hole, so the conclusion is that it is not in current use and given the restricted nature of this part of the site, it is unlikely to be a satellite hole for a larger sett. The hole was within 10m of a footpath where a several dog-walkers were observed. Badgers are unlikely to be using the hole currently. It is also possible that it could be occupied by another mammal such as a fox.

A 2020 survey found a Badger latrine of 3 dung pits on the northern boundary of the site, although no evidence was found of a latrine in this location in this survey. Badgers do occasionally move their latrines, but it is more likely that the high level of human and dog activity in the area has affected badger behaviour. Both the 2020 and 2024 surveys sites form part of the landscaping for the new development. The measures adopted for protecting badgers are:

- **Timing of site clearance works**

Badgers do not hibernate in the UK, but they do go into ‘winter lethargy’ particularly during cold weather in December and January. Clearance of scrub and secondary woodland should avoid this period and avoid the amphibian hibernation period (November to February inclusive) and bird nesting season (February to August inclusive). This will reduce the potential for individual animals to be disturbed. **The optimum months for clearance are September to November.**

- **Waste containment**

Urban badgers are skilled at foraging for food waste, are strong and may upturn bins. All waste should be secured in line with good site practice and food waste not left in the open.

- **Trenches and excavations**

While badgers are agile, any excavations should include an escape route for badgers and smaller animals that might enter the trench, especially if left open overnight. Ramps should be no greater than 45 degrees in angle and can include wooden planks or ramped earth. Ideally, any excavations open for a prolonged period should be covered.

- **Should a badger or an active sett be found at any point during construction**

Contact an ecologist who will advise on the appropriate actions, including applying for a licence. Badgers are nocturnal, most active around dusk and may find the site an attractive place to find roots and small animals that are revealed by construction activity. Individual badgers foraging are unlikely to come to any harm, but if in doubt an ecologist should be consulted.

8 Bats

All bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and included on Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

These include provisions making it an offence to:

- Deliberately kill, injure, or take (capture) bats.
- Deliberately disturb bats in such a way as to be likely to significantly affect:
 - (i) the ability of any significant group of bats to survive, breed or rear or nurture their young; or to hibernate; or
 - (ii) to significantly affect the local distribution or abundance of the species concerned.
- Damage or destroy any breeding or resting place used by bats.
- Intentionally or recklessly obstruct access to any place used by bats for shelter or protection (even if bats are not in residence).

It is probable that bats use the application site and adjacent greenway for foraging. No trees on site affected by the development had Potential Roost Features. Foraging bats will not be affected by the works. If for any reason bats are encountered under any other circumstances – for instance in trees either felled or to be felled, please contact an ecologist immediately.

9 Birds

All species of birds are protected whilst nesting. This includes eggs, nests, and birds showing any sort of nesting behaviour (such as bringing nesting material). Vegetation removal must only be undertaken outside of the bird breeding season. From March to August inclusive works should only be started after a suitably experienced ecologist has undertaken checks to ensure

no nesting birds are present. If nesting birds are found, then clearance will be delayed until young have fledged. Note that to protect badgers and hibernating amphibians, **The optimum months for clearance are September to November.**

10 Amphibians

Vegetation clearance works should be undertaken between April-September, outside of the hibernation period of reptiles and amphibians during which time they are particularly vulnerable due to being unable to escape and disperse.

Bramble and tall ruderal vegetation clearance should be staged over three days to allow any reptiles and amphibians to disperse. Taller areas of vegetation will initially be strimmed to 50cm on day one, followed by 75 cm on day two and finally 15 cm on day three. Following vegetation clearance, grassland and other site vegetation must be maintained under 15 cm before construction to discourage wildlife from taking refuge. All green waste should be removed from site the same day or stored in a manner that will prevent wildlife from accessing it.

All holes created during the construction period (e.g. to lay a concrete pad) will be filled in and finalised on the same day so as not to leave any pitfall traps. If this is unavoidable, they must be left with a sloping end or ramp to allow wildlife that may fall in to escape.

11 Kirklees brook tributary

This steep-sided area with the stream at the bottom should be treated as a no-go area during construction. No personnel, machinery, or materials (including any waste, green or otherwise) should be allowed in this area under any circumstances.

12 Invasive species

There are patches of invasive non-native species of which the most significant is Japanese Knotweed (*Reynoutria japonica*). Himalayan Balsam (*Impatiens glandulifera*) is present throughout the site, and there are also patches of *Spiraea salicifolia*, *Symphiocarpus ssp* and *Montbretia*. These all need to be managed.

- **Japanese Knotweed**

Japanese knotweed is a Schedule 9 listed plant under section 14(2) of the Wildlife and Countryside Act 1981. This states that 'if any person plants or otherwise causes to grow in the wild any plant which is included in Part 2 of Schedule 9, he shall be guilty of an offence'.

This plant does not set viable seed in the UK - male and female flowers are on separate plants and only the female plant reached the UK. But it is easy to spread the underground stems (rhizomes) in soil on boots or machinery. Even tiny fragments will establish a new colony.

If removed from site, soil containing Japanese Knotweed rhizome material is classed as 'controlled waste' and must be disposed of at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991.

Two clumps of JK were identified in 2024 on-site in areas to be landscaped. It is recommended that at the start of development that as clearance proceeds, that JK is identified, surrounded by fencing and no ground disturbance takes place – the plants should be treated with Glyphosate. If soil needs to be moved, then it should be taken off-site as contaminated waste.

A protocol for removal off-site is included as an appendix.

- **Himalayan Balsam**

This is present across the site. It is also present on the adjacent greenway, and it is unlikely that there is any nearby habitat that is suitable for HB that does not have it already present. As it is an annual with copious seed production, there will be a significant seed bank in the soil and no control measure is likely to be effective. It is not practical to treat the plant. However, it is recommended that no soil should be taken off-site.

- **Other introduced exotic plants** (*Hypericum*, *Spiraea salicifolia*, *Symphiocarpus ssp* and *Montbretia*).

These are all present as the result of dumping of garden waste on the site from surrounding houses. If unchecked, they could spread and threaten to overwhelm native plants. These plants should be removed as they are found and disposed of as green waste.

End of main text – appendices follow:

- Japanese Knotweed removal protocol
- Phase I survey
- Site photos – showing ‘badger’ hole and Japanese Knotweed

Appendix – Japanese Knotweed removal protocol

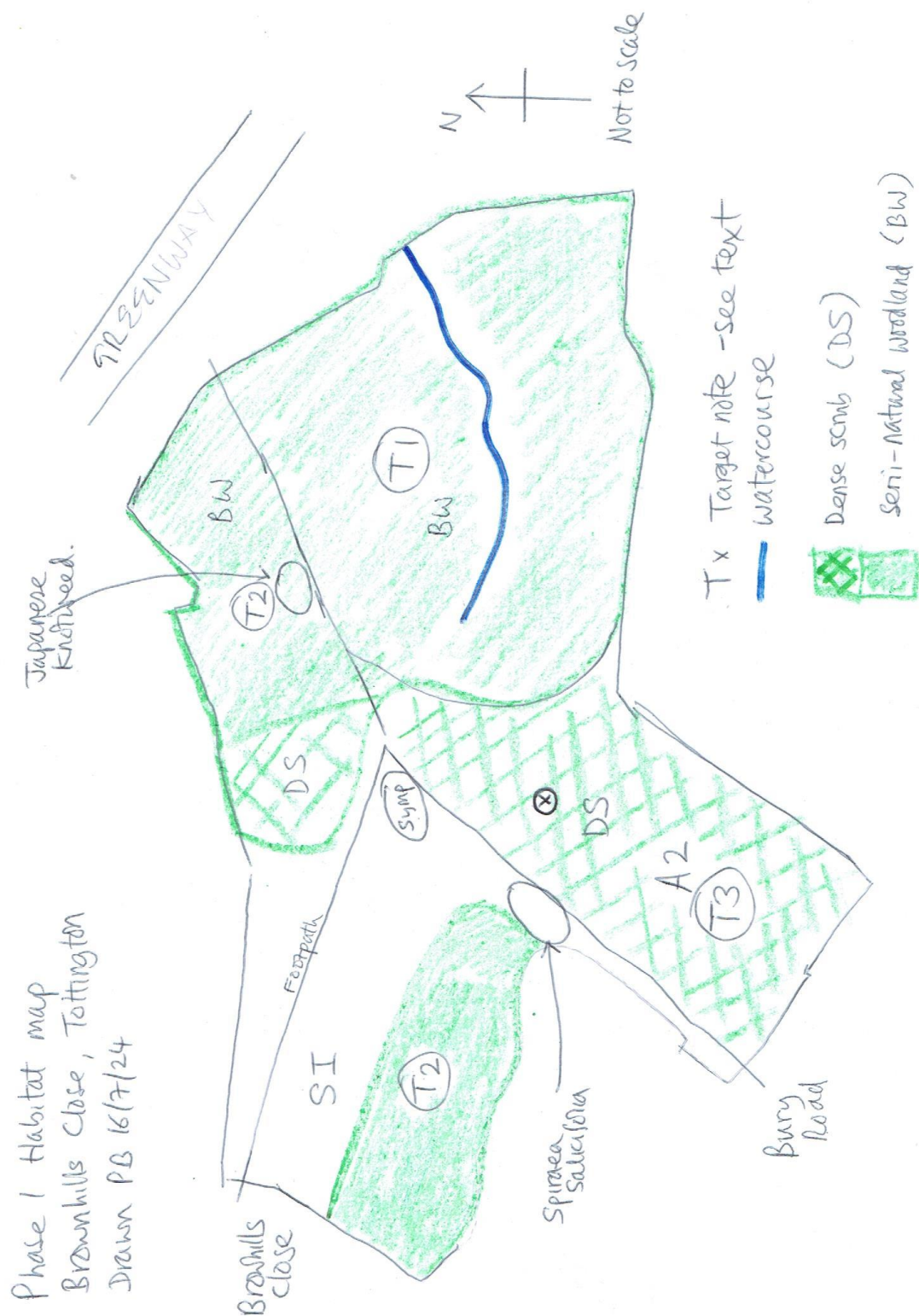
- Japanese Knotweed excavation and removal- Waste soil containing Japanese knotweed is classed as controlled waste and the landfill site must be notified that the waste contains JK and confirm that they are able to receive it.
- An ecologist (will supervise the excavation and removal from site to ensure all correct procedures are followed. The area will be excavated to a depth of up to 1m below surrounding ground level.
- The excavation will be inspected to ensure there are no rhizomes still present and if necessary further excavation will be conducted to a greater depth to ensure that all rhizomes are removed.
- If possible, spoil will be loaded directly onto wagons for transport to landfill.
- If it is necessary to stockpile excavated soil, this will be immediately next to the work area on an impermeable membrane to contain and prevent spread of the rhizomes.
- The appointed waste removal company will then arrange and facilitate removal from site using a grab wagon to a license landfill. It is good practice to line and cover the waste in the vehicle.
- Any staff and machines involved in excavation, stockpiling, or loading of the excavated material will be decontaminated by a combination of vigorous brushing or jet-wash them and then visual inspection for trapped pieces of rhizome. This is to ensure that no rhizomes are carried to other parts of the site or off-site.
- Vehicles should be cleaned as soon as they have finished moving soil. Particular attention should be paid to tyre treads and wheel arches. Any material dislodged must be included within the JK waste and the process should be carried out over a root barrier membrane layer or hard surface that can contain and collect the material washed off.
- A report into the operation will be completed by the appointed ecologist



Figure 1 JK foliage and flowers.



Figure 2 Rhizomes (underground stems)



Appendix –photos



Figure 3 Animal hole – see text for badger protection measures.



Figure 4 Stand of Japanese Knotweed. Danger!