



Construction Environmental Management Plan

Reading Link Retail Park

Rose Kiln Lane

Reading

RG2 0SN

Date: May 2022

1 Summary

Site:	Reading Link Retail Park, Rose Kiln Lane, Reading, Berkshire, RG2 0SN
Central OS Grid Reference:	SU 71227 72295
Report Commissioned by:	Solve Planning
Report Author:	Emily Sullivan BSc MCIEEM, Senior Ecologist
Reviewed by:	Claire Munn BSc (Hons) MSc MCIEEM, Associate Director (Ecology)

Considerations	Avoidance and Mitigation
Trees	Protection measures for retained trees to be installed prior to commencement of construction. Planting of new trees to replace those lost to the development to be carried out prior to commencement of the operational phase of the development.
Nesting birds	Nesting bird checks between March and August inclusive immediately ahead of any woody vegetation clearance.
Holy Brook Local Wildlife Site	Water pollution: implement protective and avoidance measures. Dusts: implement protective and avoidance measures.
General site measures	Any trenches, holes or deep pits that remain open overnight, will be covered or secured planks used to allow any animals that fall in to escape during construction. A member of staff will check the site at the end of each working day to ensure that these provisions to protect nocturnal species have been made.

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2 Introduction

2.1 Background

In June 2019 and September 2020, David Archer Associates prepared an ecology letter (David Archer Associates, 2020) in response to the Decision Notice 181860 and later the Appeal Decision 3230766 for Reading Link Retail Park, Rose Kiln Lane, Reading, Berkshire, RG2 0SN, hereinafter referred to as the 'site'. Various recommendations were included in relation to avoidance and mitigation measures to ensure no significant adverse effects would occur on protected sites, habitats or on protected and notable species as a result of the proposed development.

As part of the granting of planning permission (Reading Borough Council Planning application no.201558), in July 2021, various planning conditions were applied.

Condition number 10 states:

No development shall commence on site (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.*
- b) Identification of "biodiversity protection zones".*
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).*
- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

The approved CEMP shall be adhered to and implemented at all times during which construction works are being carried out within the site strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

The ecology letter written by David Archer Associates on 30th September 2020 was used to inform this CEMP. The CEMP has been further informed by a construction programme, including schedule of activities and timeline.

2.2 Site Location and Description

The site is located within Reading Retail Park at central Ordnance Survey Grid Reference SU 71227 72295. The site totals c. 0.2ha, is predominantly comprised of hard standing with some boundary habitat comprised of tall ruderals, scrub and scattered trees. Small/low-lying ornamental hedgerows

and one very small section of newly planted native hedgerow are also present on-site around the tarmacked parking bays, which are typical of car park landscaping.

Holy Brook Local Wildlife Site (LWS) is situated adjacent to the northern border of the development site. Holy Brook (LWS) is approximately 4.5km in length and is comprised of a number of different sites which have been combined into one designation. Holy Brook LWS stretches from just west of the Burghfield Road to the Reading Inner Distribution Road. The river within Holy Brook LWS transfers water to and from a stretch of chalk river, known as River Kennet. The section of the LWS that extends along the northern border of the site includes the eastern part of its course which runs through housing and commercial and industrial areas. The LWS is a chalk river which is noted as a Section 41 habitat of principal importance (NERC Act, 2006), as discussed below.

The stretch of Holy Brook LWS adjacent to the site contains a section of river, with a gentle current that flows south-west to north-east. The river is approximately 11m in width. The water was murky at the time of the survey so an estimation of the depth of the water was not possible. Some of the river edge contains shallow sloping riverbanks and some areas are comprised of a concrete ledge. The vegetation along the bank contains a mixed of scattered trees, scrub, tall ruderals and small patches of amenity grassland. Some of the bank vegetation is dense and tall, creating a dense array of vegetation and some small areas along the bank have been worn through disturbance and contain sparse vegetation.

The site is situated within an urban location and surrounded by commercial land to the south-west, Holy Brook Wildlife Site to the north-west and south, and Rose Kiln Lane to the east and north-west. The wider area comprises commercial land, various Local Wildlife Sites (LWS), urban settlement, recreational land, a railway line and watercourses.

2.3 Legislation and Policy

Refer to **Appendix 1** for information about the legislation and planning policies that protect habitats and species referred to in this report.

2.4 Objectives

The objectives of this CEMP is to enable discharge of Condition 10 of the planning decision, and to assist in the discharge of other conditions as referred to within this CEMP.

3 Avoidance and Mitigation Methods

This section discusses the avoidance and mitigation measures in accordance with relevant wildlife legislation and planning policy. Subject to submission and approval timeframes going to plan, the proposed construction period will be 13th June 2022 – 26th November 2022. Refer to **Section 4** for a timetable of works and **Appendix 1** for the relevant legislation.

3.1 Trees

3.1.1 Avoidance

Appendix 2 indicates trees to be retained and removed within the site. Prior to the commencement of construction, retained trees will be protected from accidental damage in line with the details in Section 3 of the Arboricultural Report (David Archer Associates, 2020) submitted with this application, a summary of which is provided below. This includes appropriate liaison and communication and a pre-start meeting attended by the developer, contract manager, site manager, groundwork contractor, the appointed arboricultural consultant, and if appropriate, the LPA tree officer.

All tree removals shall be carried out in accordance with British Standard BS 3998: 2010, *Tree Work - Recommendations*.

Protective fencing for the retained trees shall be installed following tree removal but prior to other site works commencing, in line with BS 5837, Section 6.2. The fencing shall be removed on completion of the construction period, but only after informing the arboricultural consultant of this intention.

Excavation of a small section of the foundations for the proposed coffee shop that lie within the Root Protection Area (RPA) of Tree 13 (weeping willow) and the proposed footpath within the RPA of Trees 10 and 11 (white willows), are to be carried out under supervision of an arboricultural consultant in line with the details of Section 3 of the Arboricultural Report.

The site manager shall be responsible for ensuring that the measures detailed in the Arboricultural Report are carried out, and that at least 48 hours' notice will be given to the arboricultural consultant of any other operations which may impact on the RPAs of retained trees.

3.1.2 Mitigation

Appendix 2 indicates the tree species to be lost as part of the development. Trees 1 (lime), 3 (wild cherry), 4 (ash), 18 (sycamore) and mixed group G2 (scrub containing ash, Norway maple and sycamore) will all be lost.

Four extra heavy standards (16-18cm) of fastigate hornbeam will be planted to mitigate for the loss of these trees according to the Ecological Management Plan (EMP) for the development. These trees are to be planted prior to the operational phase of the development commencing.

3.2 Nesting Birds

3.2.1 Avoidance

Ideally any woody habitats (including ivy growth) will be cleared between September and February (inclusive) to avoid the breeding bird season.

The construction manager shall be responsible for ensuring the clearance of any woody habitats (including ivy growth) is suitably timed to avoid the nesting bird season.

3.2.2 Mitigation

Alternatively, an ecologist will check potential nesting habitat immediately before clearance that is scheduled during the breeding season (generally March to August inclusive). Any active nests (which includes nests within the nest building stage) identified must be retained in situ with a suitable buffer, to be determined by the ecologist, until it is confirmed that the chicks have fledged, and the nest is no longer active.

The construction manager shall be responsible for ensuring suitable checks are completed prior to any works being completed to woody habitats (including ivy growth).

3.3 Holy Brook Local Wildlife Site

3.3.1 Avoidance

Buffer zone

The construction works will be completed 5.5m away from the river and associated riparian habitat and will therefore not impact that the riparian habitat along the riverbank (including trees, scrub and tall ruderal habitat). In order to ensure any risk to the LWS is reduced, an appropriate buffer zone will be maintained. No construction works (including excavation of the earth or compaction of the earth) will be undertaken within 5m of the top of the riverbank within areas that are not currently tarmacked. The 5m buffer area from the top of the bank of the river will be clearly marked out and suitable signage and temporary fencing installed to prevent access into this area throughout construction.

Water pollution

The amount of oil and fuel coming onto site will be kept to a minimum. Materials will be stored in line with the oil storage regulations. Oil and fuel will be stored at all times in secure, impervious, bunded locations, away from drains and watercourses.

Fuel tanks shall be stored within a bund capable of holding 110% of their capacity. All pipes and gauges shall be within the wall of the bund.

Any bowzers shall be double skinned and shall be stored in a bund capable of holding 110% of the volume of the bowser.

Small mobile plant shall be placed on drip trays.

Spill kits will be available at various points around the site and located next to bowzers and drums.

Dusts

In order to prevent excessive dust production that could coat retained habitats on-site and the adjacent riparian habitat/river, there will be adequate screening and damping down during all clearance and construction works. Exits will be kept clean and vehicles transporting dusty materials onto and off site will be covered. All vehicles leaving the site will be inspected and cleaned as necessary, and suitable wheel wash equipment will be provided at site entrances and exits. Storage locations for potentially dusty materials must be located away from the site boundary vegetation and the adjacent riparian habitat/river.

Spillages of dry and dusty materials will be avoided by good housekeeping methods including storing under cover and on hard standing. Skips will be covered where there is a risk of material becoming airborne. Wheels of site vehicles will be cleaned before they leave site and the arisings will be diverted to drains and not allowed to run-off onto vegetated surfaces or to percolate to unmade ground or enter the river.

The construction manager will be responsible for ensuring these working practices are implemented.

3.3.2 Mitigation

Water pollution

Should a spill occur the following will be implemented:

- Work will be stopped immediately
- The spill will be contained using spill kits on land
- The source will be identified and sealed as practical
- Granules / pads will be used to mop up as much spill as possible
- The construction manager will be informed of the spill
- The granular material and pads and any containment items will be treated as hazardous waste and disposed of accordingly.

The construction manager will be responsible for ensuring these working practices are implemented.

Dusts

Not required.

3.4 General Site Measures

3.4.1 Avoidance

Any trenches, holes or deep pits that remain open overnight, will be covered or secured planks used to allow any animals that fall in to escape during construction. A member of staff will check the site at the end of each working day to ensure that these provisions to protect nocturnal species including hedgehog have been made.

3.4.2 Mitigation

Not required.

4 Timetable

A timetable for the avoidance and mitigation measures is provided below (**Table 4.1**).

Table 4.1 Timetable for avoidance and mitigation measures.

Ecological Consideration	Pre-works	Pre-construction	Construction
Trees (Section 3.1)		Arboricultural consultant to be appointed, tree protection fencing installed and a pre-start meeting to occur to discuss tree protection measures.	Felling of trees to be removed and replacement planting of new trees with tree protection fencing installed around these as necessary.
			Maintenance of protective fencing and regular communication with the appointed arboricultural consultant.
Nesting birds (Section 3.2)			Nesting bird checks of woody vegetation immediately prior to removal, if it is not possible to time this outside of the main breeding bird season of March – August (inclusive).
Holy Brook Local Wildlife Site and riparian edge habitat (Section 3.3)	Pollution control measures agreed and in place.	Pollution control measures implemented.	
	Dust control measures agreed and in place.	Dust control measures implemented.	
		Protective Heras fencing (or similar) installed.	Maintenance of protective fencing.
General site measures (Section 3.4)		Avoidance of trapping animals in excavations.	

5 References

David Archer Associates, 2020. Arboricultural Report for Reading Link Retail Park

David Archer Associates, 2022. Ecological Management Plan for Reading Link Retail Park

Appendix 1: Legislation and Policy

Legislation

Conservation of Habitats and Species Regulations (CHSR) (as amended) 2017 & Conservation of Habitat and Species (Amendment) (EU Exit) Regulations 2019

The *CHSR 2017* transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time).

The purpose of the 2019 amendments applied to the legislation were to ensure the continued functionality of the Regulations once the UK has left the European Union, with no significant policy changes included.

Wildlife & Countryside Act (WCA)

The *WCA 1981*, as amended by the *Countryside and Rights of Way Act (CROW) 2000* and the *Natural Environment and Rural Communities Act (NERC) 2006*, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.

Sites of Special Scientific Interest (SSSI) are designated under this Act.

Special Protection Areas (SPA) are strictly protected sites, designated under the Birds Directive, for rare and vulnerable birds and for regularly occurring migratory species.

Natural Environment & Rural Communities (NERC) Act

The *NERC Act 2006* amends the *CROW Act*, by further extending the requirement to have regard for biodiversity to all public authorities, which includes local authorities and local planning authorities and requires that the Secretary of State consults Natural England (NE) in the publication of the list of living organisms and habitat types deemed to be of principal importance in conserving biodiversity.

Relevant Protected Species Legislation

Species	Relevant Legislation	Level of Protection
Birds	Protection under the <i>Wildlife and Countryside Act, 1981 (as amended)</i> .	It is an offence to: - intentionally kill, injure or take any wild bird. - intentionally take, damage or destroy nests in use or being built (including ground nesting birds). - intentionally take, damage or destroy eggs. - Species listed on Schedule 1 of the WCA or their dependant young are afforded additional protection from disturbance whilst they are at their nests.
Bats	European protected species under the <i>Conservation of Habitats and Species Regulations 2017</i>. Full protection under <i>Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended)</i>. Protected by the <i>Wild Mammals (Protection) Act 1996</i>.	It is an offence to: - intentionally kill, injure, or take any species of bat. - intentionally or recklessly disturb bats. - intentionally or recklessly damage destroy or obstruct access to bat roosts.
Wild Mammals	The <i>Wild Mammals (Protection) Act 1996</i> .	This makes it an offence to: crush or asphyxiate any wild mammal with intent to inflict unnecessary suffering. This may apply during site clearance for development, particularly where burrowing animals such as foxes and rabbits are present, since such animals could be crushed or asphyxiated in their burrows by heavy machinery.

National Planning Policy

National Planning Policy Framework (NPPF)

The NPPF sets out current government policy on biodiversity and nature conservation and places a duty on planners to make material consideration to the effect of a development on legally protected species when considering planning application (MHCLG, 2019). The NPPF also promotes sustainable development by ensuring that developments take account of the role and value of biodiversity and that it is conserved and enhanced within a development, following the principles of the mitigation hierarchy. The goals set out within the NPPF are for developments to minimise impacts on and provide net gains for biodiversity, including at the catchment or landscape scale.

The NPPF works in conjunction with Government Circular 06/2005 *'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System.'*

Regional and Local Planning Policy and Guidance

Local Structure Plans

County, District and Local Councils have Structure Plans and other policy documents that include targets and policies which aim to maintain and enhance biodiversity. These are used by Planning Authorities to inform planning decisions.

Biodiversity Action Plans

The UK Biodiversity Action Plan (UKBAP) was organised to fulfil the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. A 'UK Post-2010 Biodiversity Framework' was published in July 2012, and succeeded the UKBAP. Much of the work for the UK BAP is now focussed at a country level due to devolution and the creation of country-level biodiversity strategies.

The UKBAP lists of priority species and habitats are still valuable reference sources. Notably, they have been used to help draw up statutory lists of priority species and habitats as required under Section 41 of the NERC Act (2006).

UK Post-2010 Biodiversity Framework

The UK Post-2010 Biodiversity Framework (2012) was produced in response to a change in strategic thinking following the publication of the Convention of Biological Diversity's Strategic Plan for Biodiversity 2011–2020. The Strategic Plan consists of 20 new biodiversity targets for 2020, termed the 'Aichi biodiversity targets' and the launch of the new EU Biodiversity Strategy in May 2011.

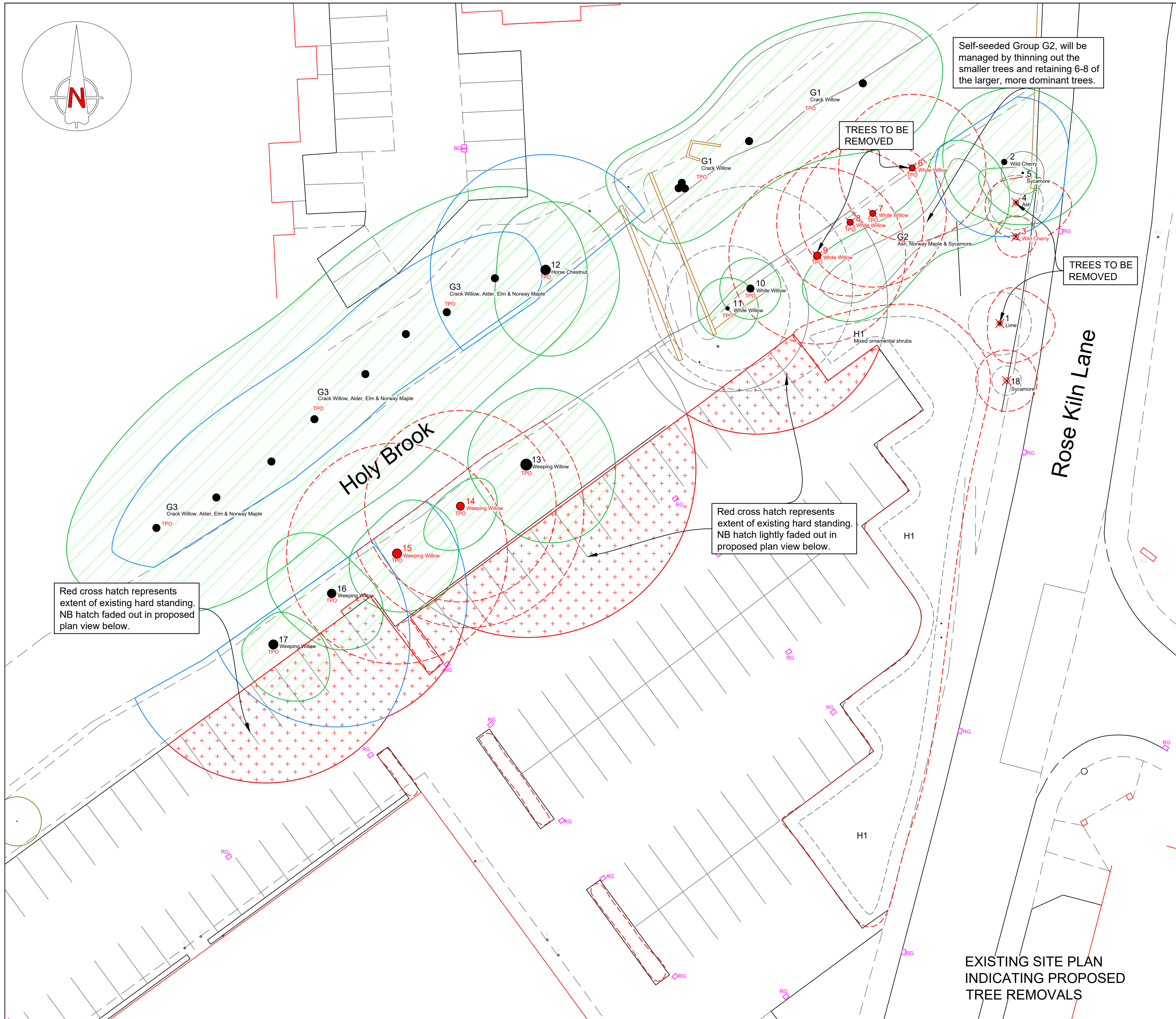
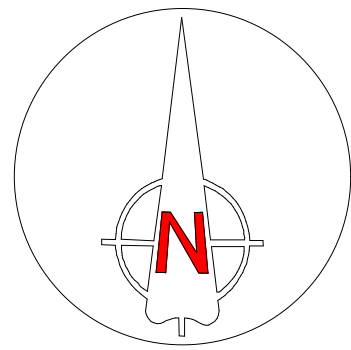
The framework sets a structure for action across the UK between now and 2020, including a shared vision and priorities for UK-scale activities to help deliver the Aichi targets and the EU Biodiversity Strategy. A major commitment by Parties to the Convention of Biological Diversity is to produce a National Biodiversity Strategy and/or Action Plan (NBSAP).

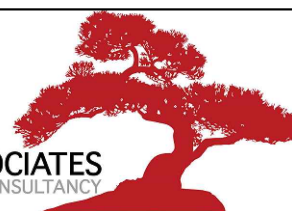
Natural England Standing Advice

Natural England has adopted national standing advice for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It replaces some of the individual comments that Natural England has provided in the past to local authorities.

Appendix 2: Tree Protection Plan

Figure A2.1 Tree Protection Plan (David Archer Associates, Nov 2020).



**DAVID ARCHER ASSOCIATES**
ARBORESCULTURAL CONSULTANCY

Project:
Reading Link Retail Park
Rose Kiln Lane, Reading
Berkshire RG2 0SN

Client:
Kevin Scott Consultancy

Drawing:
TREE PROTECTION PLAN

Based on:
Proposed Site Plan

Drawing No: **TPP 03**

Rev: **----**

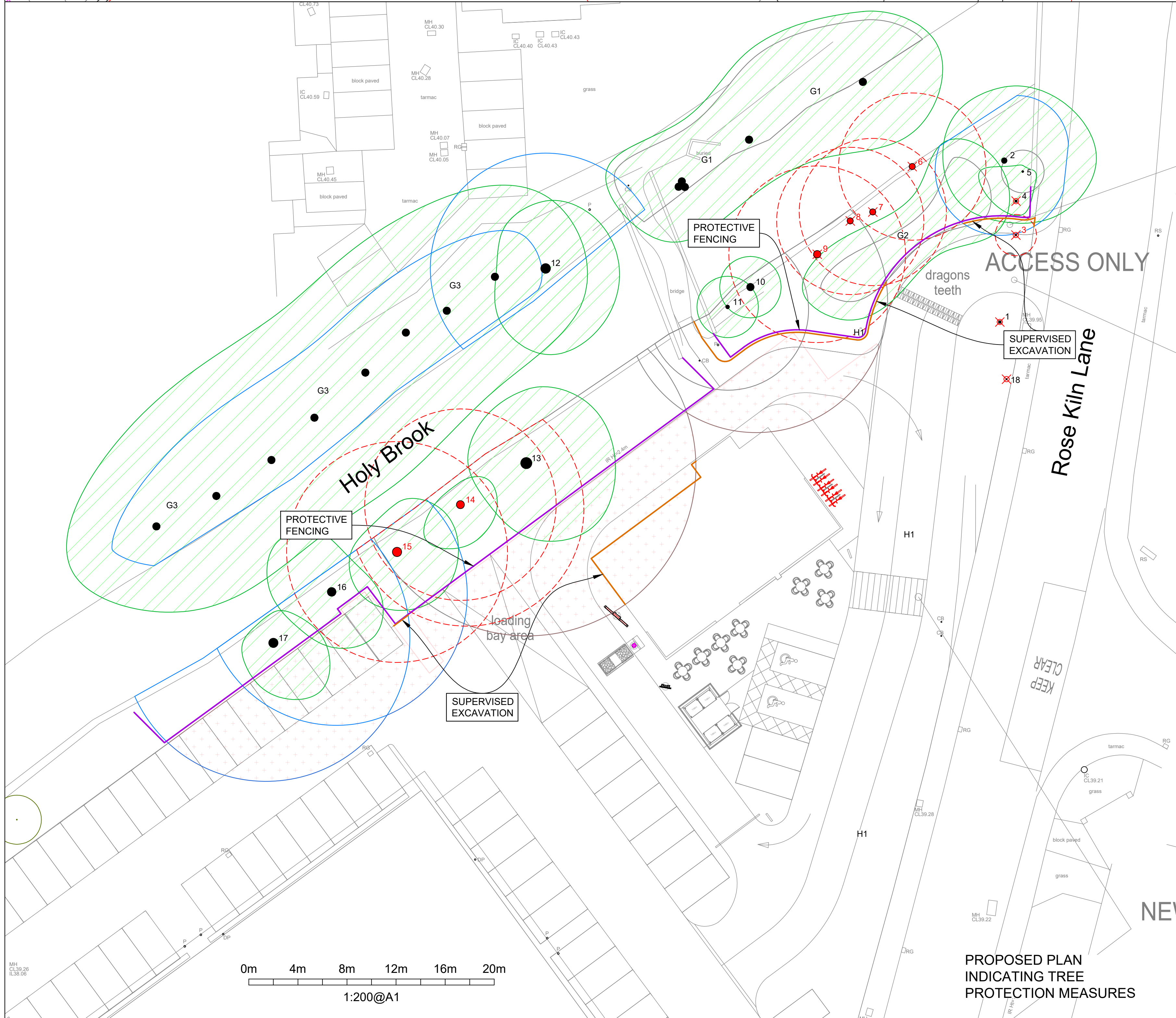
Date: **Nov 2020**

Scale: **1:200 @ A1**

Drawn: **MR**

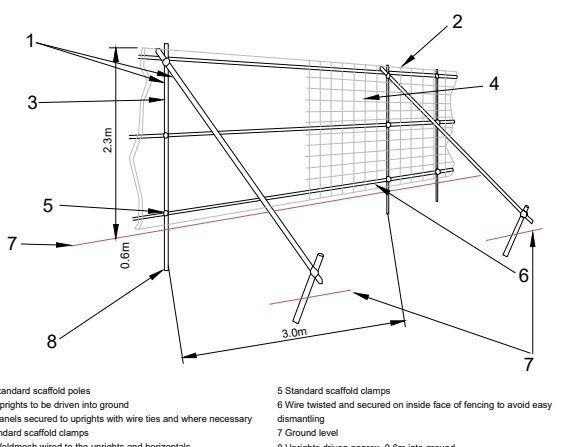
Tree nos.:	● 1	Canopies of trees:		Trees to be removed:	
Category 'A' RPA:		Category 'B' RPA:		Category 'C' RPA:	
Existing surface:		Protective fencing:		Supervised excavation:	

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PROTECTIVE FENCING

To be erected prior to the commencement of all works on site, and retained in place throughout construction. To comprise either 2.4m wooden site hoarding; or a 2.3m high scaffolding framework comprising of vertical and horizontal framework, well braced to resist impacts, with uprights to be spaced at a maximum of 3.0m intervals and driven into the ground by a minimum of 600mm. On to this, standard anti-climb welded mesh panels are to be securely fixed to each other with at least two scaffold clamps and to the scaffold framework with wire. Standard anti-climb welded mesh panels on rubber or concrete feet are not resistant to impact and should not be used. All weather notices should be erected at regular intervals on the weld mesh panels with words such as "Construction exclusion zone - Keep out".



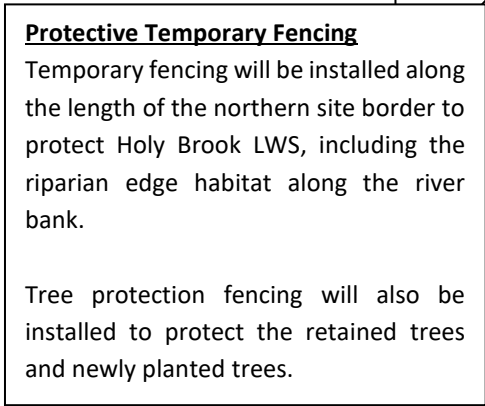
1 Standard scaffold poles
2 Scaffold clamps
3 Scaffold clamps
4 Scaffold clamps
5 Scaffold clamps
6 Scaffold clamps
7 Scaffold clamps
8 Scaffold clamps

BS 5837: 2012 Figure 2 - Protective barrier

SUPERVISED EXCAVATION

Within the areas indicated the first 750mm of soil should be removed by the use of hand tools or an air pick. This shall be done whether for foundations, hard surfacing, underground services or removal of existing foundations of buildings and walls. Any roots found will be clearly severed by the arboricultural supervisor and the exposed cut ends kept covered by damp hessian. Any excavation required deeper than 750mm may be undertaken by machine provided it is situated outside the Root Protection Area.

Figure A3.1 CEMP Protection Plan (adapted from Proposed Site Plan, Sorbon, March 2021).



Key

Tree planting 

Temporary protective fencing 