



Construction Environmental Management Plan (CEMP) – Condition 4

Land North of Little Potters, Cowfold

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LIABILITIES:

Whilst every effort has been made to guarantee the accuracy of this report, it should be noted that living animals and plants are capable of migration/establishing and whilst such species may not have been located during the survey duration, their presence may be found on a site at a later date. This report provides a snap shot of the species that were present at the time of the surveys only.

The recommendations contained within this document are based on a reasonable timeframe between the completion of the survey and the commencement of any works. If there is any delay between the commencement of works that may conflict with timeframes laid out within this document, or have the potential to allow the ingress of protected species, a suitably qualified ecologist should be consulted.

It is the duty of care of the landowner/developer to act responsibly and comply with current environmental legislation if protected species are suspected or found prior to or during works.

1.0 Introduction

Site Context and Status

- 1.1 The Ecology Partnership was commissioned by Devine Homes. to assist in production a Construction Environmental Management Plan (Biodiversity) in order to fulfil planning condition 4 of planning permission DC/24/0982 on Land North of Little Potters, Potters Green, Station Road, Cowfold, West Sussex
- 1.2 The site is located on Station Road, A272, west of the village of Cowfold and south-east of Horsham (TQ 20984 22677). The site covers an area of c. 5.47 hectares and consists of two fields of sheep-grazed grassland in the north and south, separated by a line of mature trees. An area of woodland is present in the west of the site, and contains a large pond. A second larger area of woodland is present in the south of the site. An active allotment is present in the east of the site. Other than the wooded areas, all other boundaries of the site were bordered by mature treelines, with a hedgerow separating the site from Station Road to the north. The surrounding area comprises pasture to the north-south and west, and low density residential areas to the east. The extent of the site is shown in Figure 1 below.



Figure 1: Approximate red line boundary and survey area

Description of Proposed Development and Planning Permission

- 1.3 The proposals for the site include the construction of up to 35 new residential dwellings including associated access, parking and private gardens within the northern section of the site, with school parking, a substation and nine new allotments in the north-east of the southern field. This application (DC/24/0982) was recommended for approval by Horsham District Council in February 2025. Condition 4 of the approved planning permission states:

“Prior to the commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be 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.*
- i) Containment, control and removal of any Invasive non-native species present on site.*
- j) Dust Risk Assessment and Management Plan, including on-sites measures to improve air quality at the construction phase.*

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.”

2.0 Roles and Responsibilities

Ecologists

2.1 The Ecology Partnership will provide an Ecological Clerk of Works (ECoW) which will be present on site when appropriate to monitor work so that no wildlife comes to harm and also to provide advice to site workers about best practices. The ECoW duties include, but are not limited to:

- Monitoring site works;
- Provision of status reports and updates as necessary;
- Provision of advice and liaison with workers on site as necessary;
- Identifying environmental risks and developing appropriate environmental controls;
- Delivery of environmental training for site personnel and sub-contractors;
- Moving wildlife found within the works area to a safer area;
- Liaison with client.

2.2 If an occasion arises which requires advice about a wildlife issue, then the Ecology Partnership's office can be contacted on: **01372 364 133**.

Site Workers

2.3 It is expected that all site workers will act responsibly whilst on the development site and adhere to the wildlife protection zones. All site workers will be briefed on ecological issues with regards to fence lines, working practices, protection zones and timings by the site manager. All site workers will receive a toolbox talk (TBT) in relation to reptiles, hedgehog, and breeding birds that may be found on site. It will be the site managers responsibility to ensure that this is undertaken.

2.4 The Site Manager for Devine Homes is to be confirmed closer to the time of works. The Head of Construction is Ryan Gordon. He can be contacted by phone at 01737 274833 and by email at ryan.gordon@devinehomes.co.uk.

2.5 All site workers are expected to dispose of litter in the bins provided; report fence damage immediately and report any protected species found within the construction work areas.

- 2.6 Under **NO** circumstances must site workers:
- Clear any scrub or trees without the supervision or permission of the ecologist;
 - Dump material in fenced off areas/uncleared areas and 'biodiversity protection zones';
 - Move or damage fences without consent of the Ecologist;
 - Enter fenced off areas with machinery or vehicles ('wildlife protection zones');
 - Have fires or stone materials in areas not previously agreed;
 - Handle or catch animals (unless the animal is in immediate danger);
 - Remove or disturb wildlife boxes.
- 2.7 If any site worker is unsure of any of the above points, they must refer to the site manager or the ECoW.

3.0 Biodiversity Protection Zones

Pre-Construction

- 3.1 A reptile translocation has already been undertaken on site in line with the recommendations in the Ecological Impact Assessment. This involved establishment of reptile fencing along the edge of the development area, placing reptile refugia and performing daily checks. This was set-up on Friday 9th May, and daily checks were carried out between Monday 2nd June and Monday 28th July after five days with no captures. A total of five adults and three juvenile slow worms were translocated. Full Details of the translocation are included in Appendix 1.
- 3.2 The retained hedgerows and woodland, as well as scrub and grassland margins will be designated Biodiversity Protection Zones (BPZs) (see Appendix 1). This will aim to prevent damage to the retained hedgerows, roots of the retained trees, and avoid harm to reptiles within tussocky grassland along the site margins.
- 3.3 Before any large machinery can operate within 30m of the BPZs, the BPZ should be fenced off from the works area with Heras fencing. This will include protection for mature trees in accordance with the tree protection plan to protect tree roots. This should be positioned on the inside of the reptile fencing where possible, to protect the fencing in these areas.

- 3.4 Signs can be erected along the length of the fence line informing construction workers of these protection zones and that they must not be entered at any time (see Appendix 2). There should be no storage of materials in these areas and the fence line should not be moved once erected unless for habitat enhancement work.

During Construction

- 3.5 Clearance of grassland outside the BPZ should be undertaken in accordance with the methods outlined in the next section, to avoid any potential impacts on reptiles. The protection zones will be maintained throughout the construction period. The biodiversity protection zones will not be used by heavy plant or for storage of materials during construction. No fires should be lit within or within close proximity of these areas and no chemicals shall be used within the protection areas. Any fires on site, should be within cleared land, within the construction zone. Any use of chemicals on site should be within the construction zone, using best practice protocol.
- 3.6 Some areas of development are located outside the reptile fence line owing to dense vegetation preventing installation at the time, or due to minor changes in the layout. As such, these areas will need to be sensitively cleared and the reptile fence line may need to be repositioned to encompass these areas and align with the protective Heras fencing.
- 3.7 Seeding of grassland and wildflowers, and planting of trees/shrubs within the BPZ should occur when construction and ground works have been completed, and in accordance with species mitigation outlined below.

4.0 Specific Species Mitigation

- 4.1 The PEAs and species-specific surveys conducted across the site identified that the site supports [REDACTED] reptiles, and bats and has the potential to support hedgehogs, nesting birds, and dormouse, albeit the extent of suitable habitats is largely confined to the BPZ.

Reptiles

- 4.2 The majority of the grassland on site was considered unsuitable for reptiles due to the short sward height. However, the allotment, and boundary habitats, including native hedgerows and woodland edge, consisted of denser areas of vegetation which offered some refuge potential for reptile species. Surveys by Alyne Ecology in 2020 recorded a

peak count of two slow worms, with the distribution mainly focussed around the allotment and the edge of the central woodland

- 4.3 All reptiles are protected under the Wildlife and Countryside Act 1981 (as amended), making it illegal to intentionally kill or injure a common reptile. All reptile species are species of principle importance under the Natural Environment Rural Communities (NERC) Act 2006, and local authorities and other public bodies have a legal duty to take their conservation into account.

Potentially damaging activities

- 4.4 The following potentially damaging activities may occur on site with regards to reptiles without mitigation.:
- Excavation of suitable reptile habitat, killing and injury from bucket
 - Use of plant and vehicles within reptile habitat, killing and injury from crushing under wheels / tracks
 - Storage of equipment on reptile habitat; killing and injury from crushing
 - Fires within suitable habitat; killing and injury from burning

Mitigation

- 4.5 A full translocation has been carried out within the majority of the construction area with all reptiles found moved into the BPZ. The fencing around the trapping area remains on site and will remain throughout the construction period, and will only be removed once landscaping is required. The short and open grassland in the trapping area is considered likely absent of reptiles and works can proceed here without further restriction.
- 4.6 Some small areas outside the fence line will also be impacted and may contain reptiles. These are shown in orange on the CEMP plan in Appendix 2. A precautionary approach to clearance of these areas should be carried out prior to construction. As a precaution it is also recommended that this precautionary approach be taken to the allotment area within the fence line as this area had the highest density of reptiles. It is therefore considered that a sensitive clearance of reptile habitat followed by a destructive search should be undertaken under ecological watching brief.
- 4.7 Vegetation removal works within the works area will follow the following specification:

-
- Cut vegetation within the works area to 100mm. This should be done slowly, to allow any reptiles time to disperse.
 - Carefully strip away topsoil from areas of more tussocky grassland within a toothed bucket excavator under supervision of the ECoW.
 - Any reptiles found will be carefully captured by the ECoW and placed into a suitable area within the BPZ.
- 4.8 Where vegetation needs to be cleared within the BPZ (e.g. for landscaping at end of project), this will follow the following specification:
- Works will proceed in a linear progression, toward the exterior of the site, to encourage reptiles to temporarily disperse into the wider landscape.
 - Vegetation will be strimmed down using the following method in suitable weather conditions (avoiding rain/wet conditions) under ecological supervision:
 - 1 Day 1: Strim to 200mm rake cuttings then leave overnight to allow any reptiles present to vacate the area.
 - 2 Day 2: Fingertip search and strim to ground level
 - 3 Day 3 onwards: Landscaping works of the cleared area can commence without need of an ECoW or any further constraint.
- 4.9 Any brash piles onsite may provide suitable hibernacula for reptiles. As such, these should be dismantled before the reptile hibernation period starts. This is typically in late October when daytime temperatures are consistently cold and ends in late March once temperatures are more mild. The day of the works should also be warm or on a day with full sun, with a lack of rain. These should be dismantled carefully by hand or with an excavator with a toothed bucket, and, under supervision and direction from the ECoW.
- 4.10 Where trenches and holes are dug, these should not be left open overnight. Reptiles and small mammals may get trapped in vertical-sided trenches. Therefore, where there is a risk of this occurring, the holes should be refilled, or planks of wood should be placed so that any trapped animals may use these to escape.
- 4.11 Once areas outside the current reptile fence are cleared, it is recommended that the fence line is repositioned/extended to encompass these areas too and prevent reptiles from moving in. Once confirmed by the ECoW that all habitats suitable to support reptiles have

been safely cleared, and fenced off, they will sign off this element of the works and works in these cleared areas can continue without reptile-specific restrictions. If any reptiles are unexpectedly found following this process the site ecologist should be contacted for advice on how to proceed.

Nesting Birds

- 4.12 Under the Wildlife and Countryside Act 1981 (As amended), all wild birds, their nests and eggs are protected by law with certain exceptions. Nesting birds are likely to use, trees, shrubs and scrub on site.

Potentially damaging activities

- 4.13 The following potentially damaging activities may occur on site with regards to nesting birds without mitigation:
- Working practices including tree/shrub clearance that may kill or injure a wild bird
 - Working practices including tree/shrub clearance that may disturb / damage a birds nest and or eggs.

Mitigation

- 4.14 Birds in general are also likely to use the trees and shrubs for nesting. The nesting bird season is typically March to August, inclusive. All works to the hedgerow and scrub on site should therefore take place between October 2025 and February 2026.
- 4.15 If any further works to trees/shrubs are required between March and August, in order to avoid any impacts on breeding birds, the ECoW will attend site the morning before the vegetation is to be cleared and conduct a nesting bird assessment to identify any active nests. If active nests are identified, the building/shrub they are in will be clearly marked out works in the vicinity of the nest must cease until the birds have fledged the nest. A suitable buffer area will be left in agreement with the ecologist to allow the young to fledge undisturbed. Once the ECoW has confirmed that the young have fledged, the vegetation can be removed.
- 4.16 If vegetation cannot be easily inspected ahead of work, bird activity should be gauged and if a nest is not suspected then clearance should proceed in a sensitive manner under the supervision of the ECOW.

Dormouse

- 4.17 The hedgerow and scrub on site have low potential to support dormouse.
- 4.18 Under the Wildlife and Countryside Act (1981) (as amended) it is an offence to:
- disturb hazel dormice while they occupy a structure or place used for shelter or protection;
 - obstruct access to a place of shelter or protection.
- 4.19 Under the Conservation of Habitats and Species Regulations (2017) it is an offence to:
- deliberately kill, injure, disturb or capture them;
 - damage or destroy their breeding sites and resting places;
 - possess, control, transport (alive or dead).

Potentially damaging activities

- 4.20 In the unlikely event that dormouse is present within the scrub/hedgerow, when cleared there is a danger of it being killed, disturbed or injured.

Mitigation

- 4.21 In order to avoid this potential impact, this habitat will be cleared to 300mm level using hand tools under the supervision of the ECoW. This will be carried out in the hibernation season (and outside of bird nest season), between late November and end of February. The sensitive clearance practises will comprise:
- All clearance must be with hand tools and under ecological supervision. No large tracked vehicles should be used, or heavy machinery. Trees and scrub should be moved by hand to the chippers or trailers, with some wood to be placed in adjacent areas of woodland.
 - All arisings must be hand dragged to a pre-agreed works area, unless otherwise stated by the ECoW.
- 4.22 Once the above is complete any necessary stump grinding or excavations must be avoided until late March once the hibernation period is over and should be preceded by a fingertip search by the ECoW. If any dormouse are found during this process, works must cease and a mitigation licence from Natural England applied for.

Hedgehog

- 4.23 The habitats on site are suitable for hedgehog. Under the Wild Mammals Protection Act (1996), it is an offence to unnecessary suffering to hedgehog through certain means, most notably in relation to development works being crushing, mutilation and asphyxiation.

Potentially damaging activities

- 4.24 Without mitigation site clearance works may result in hedgehogs being buried, crushed, asphyxiated, burnt or mutilated by machinery or excavated materials.

Mitigation

- 4.25 Being nocturnal, hedgehog take refuge in brash piles during the day and throughout hibernation. To avoid unnecessary harm to potential hedgehog, all brash piles will be dismantled by hand by the ECoW or under their supervision. The precautionary vegetation clearance methods for reptiles, mentioned above, will also help to avoid any harm to hedgehog. Any hedgehog found will be carefully moved by the ECoW to the BPZ in a secluded area (e.g. beneath hedgerow), with brash carefully placed to conceal the individual and provide cover from predators.
- 4.26 In addition, fires onsite should be burnt where possible within containers. Stockpiling of materials to burn should not occur due to the potential for hedgehogs to seek refuge within such habitat ahead of burning. Any such material should be burnt straight away after clearance / demolition.

Location and timing of sensitive clearance

- 4.27 The plan in Appendix 2 indicates the location and timing of sensitive clearance as well as the the protection measures to be put in place.
- 4.28

Appendix 1: Reptile Translocation Details

Given that the site supports only a very low population of reptiles, an offsite reptile translocation was not considered necessary, as the lower part of the site could be retained and enhanced as a receptor area. Following a recommendation for approval of the development by the local planning authority in February 2025, a reptile fence was established on site broadly following the outline of the main development area where possible as shown in the plan in Appendix 2. This was carried out under ecological watching brief on 9th May. No reptiles were found during installation.

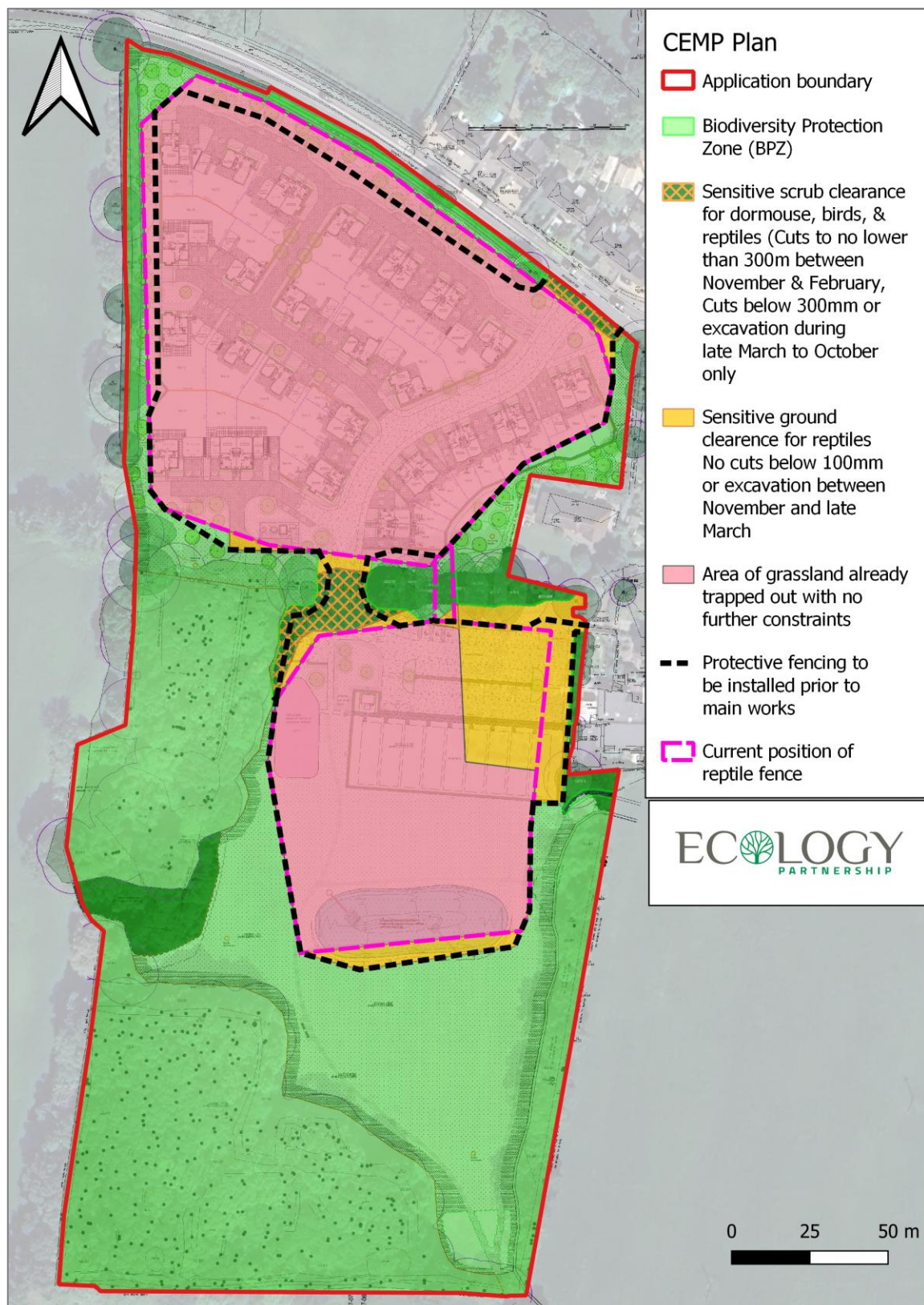
Refugia was set up and left to bed in with trapping commencing on 2nd June. The results are presented in Table 1 below:

Table 1. Reptile translocation results.

Date/check number	Findings
Check 1 – 2 nd June -	One adult male sand one juvenile slow worm,
Check 2 – 3 rd June -	One adult male slow worm
Check 9 – 12 th June -	One adult female slow worm,
Check 10- – 16 th June -	One adult male sand one juvenile slow worm
Check 17 – 27 th June -	One adult male slow worm
Check 28 – 21 st July	One Juvenile slow worm

In total five adult and three juvenile slow worms were translocated, to a logpile within the BPZ, and all were found in and around the allotments. Due to the low numbers present and complete lack of slow worm in the main fields, the translocation was concluded on 28th July after five clear days of trapping. The grass areas have been cut to 100mm and will be kept at a low sward height leading up to the works. On this basis it is considered unnecessary to carry out a full destructive search of the trapping area. The only exception to this is the allotment area, which will be subject to a full destructive search under ecological watching brief in the active season for reptiles between late March and October, as described in the CEMP. This will ensure any reptile not found during the translocation process are safely moved outside the development area.

Appendix 2: CEMP Plan



Appendix 3: Signage Example

**BIODIVERSITY PROTECTION
ZONE**

**PROTECTIVE FENCING MUST
NOT BE MOVED**

NO UNAUTHORISED ENTRY

NO MACHINERY

NO STORAGE OF EQUIPMENT

QUERIES SHOULD BE DIRECTED TO THE SITE ECOLOGIST

The Ecology Partnership Ltd

Thorncroft Manor

Thorncroft Drive

Leatherhead

KT22 8JB

Tel: 01372 364 133

www.ecologypartnership.com

Approved: Matt Pendry BSc (Hons) MCIEEM

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