



Pyramid Park/ Townfields

Bury

Precautionary Working Method Statement (PWMS)

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The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a qualified legal professional should be secured.

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1.0 Introduction

- 1.1 TEP was commissioned by Campbell Reith to complete an Ecological Precautionary Working Method Statement (PWMS) to discharge Condition 5 and 6 with Bury Council (Planning Ref: 70903) in relation to protection of habitat and species during proposed remediation of a site, at Pyramid Park/ Townfields, Bury (hereafter referred to as the "site").
- 1.2 Condition 5 states: No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance.
- 1.3 Condition 6 states: Prior to any earthworks or vegetation clearance a precaution measures working method statement for bats, badger, mammals and amphibians shall be submitted to and agreed in writing by the local planning authority. Thereafter, the development shall be implemented in full accordance with the approved precaution measures statements.

Site Context

- 1.4 The approximate central grid reference of the site is SD 80511 10312, and the footprint of the site boundary measures 2.89ha (see Figure 1). It is located in Bury town centre to the south and west of Bury College, beneath the A58. It has railway lines running along both the western and southern boundaries of the site and is intersected in its eastern half by the B6218 (Market Street).
- 1.5 The site is represented by the red line boundary in Figure 1 below.



Figure 1: Site location and local context

Scope

- 1.6 This Precautionary Working Method Statement (PWMS) has been produced in line with the recommendations of the Ecological Impact Assessment (EcIA, TEP Ref: 9302.02.005). It is to be conditioned to form the basis of ecological input into the contractors' Construction and Environmental Management Plan (CEMP).
- 1.7 The Ecological Impact Assessment (EcIA) identified that specific measures are required to prevent damage or loss to the following species during development:
- Amphibian
 - Bats
 - Badger
 - Breeding birds
 - Hedgehog
- 1.8 The PWMS deals primarily with the "Ecological Management" phase of works, but ecology attendance may be needed during other stages of work, especially vegetation clearance.
- 1.9 This PWMS must be adhered to at all times by the project manager, the client, and all contractors working on site.

- 1.10 This is to be considered a 'live' document and is subject to additions and changes as works progresses.

2.0 Precautionary Working Methods

Ecological Clerk of Works (ECoW)

- 2.1 An Ecological Clerk of Works (ECoW) will be appointed to provide ecological support and supervision as required throughout the duration of the works. The appointed ECoW will be an experienced ecologist and member of CIEEM.
- 2.2 The ECoW will be responsible to the appointed contractors 'environmental champion' who will update the ECoW with regards to the programme of works as and when required where impacts on ecologically sensitive areas may be affected. The ECoW will then advise on potential ecological impacts that will require supervision or pre-commencement oversight.
- 2.3 The ECoW will be responsible for providing ecological 'toolbox talks' as part of the Site induction process, to all relevant sub-contractors with regards to potential impacts to protected species and habitats on Site and their status, if required.

Habitats

- 2.4 The following methods will be implemented during both the initial vegetation clearance and construction phases on site:
- 2.5 The 'biodiversity champion' will be responsible for scheduling the ECoW and will be responsible for general monitoring of the site during construction for the presence of any protected species. Should any animals be found within the site, particularly during any excavations, the biodiversity champion will contact the ECoW for further advice.
- 2.6 It will be the responsibility of the biodiversity champion to outline the specific area in which works will be undertaken and to schedule the ECoW as required.

Woodland and Trees

- 2.7 Suitable tree protection measures should be put in place to avoid damage to retained trees and woodland following guidelines set out in BS 5837:2012 Trees in Relation to Design, Demolition and Construction.

Biosecurity

- 2.8 Biosecurity is defined as ensuring that good practice measures are in place to reduce and minimise the risk of spreading invasive non-native species as a result of interference.

Good biosecurity practices are always essential, even if invasive non-native species are not always apparent.

- 2.9 Biosecurity should be considered at the earliest stage when planning any site work, from surveying an area to treating or removing invasive non-native species as well as any other works on site. Some biosecurity measures can be as simple and as quick as making sure footwear is clean.
- 2.10 Care should be taken by the contractor and surveyors undertaking site surveys and/or treatment, to clean footwear prior to leaving the contaminated area.

Fauna

Amphibians

Relevant Legislation

- 2.11 GCN are a European Protected Species (EPS) and are therefore afforded full protection under the Habitats Regulations. GCN and common toad are species of principal importance (SPI) for biodiversity as listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Common toad, smooth newts *Lissotriton vulgaris* and palmate newts *Lissotriton helveticus* are also offered limited protection by section 9(5) of the Wildlife and Countryside Act 1981, prohibiting the sale, barter, exchange or transport for sale or advertising to sell or to buy.

Precautionary Working Measures

- 2.12 A toolbox talk will be delivered by the appointed ECoW to all contractors before site clearance and commencement of construction activities. All staff on site should be made aware of the potential for presence of herptiles and their status as UK protected species.
- 2.13 The toolbox talk will include identification of these species potentially present on site and details of the legislative protection afforded to these species. It will also include details of this PWMS and what to do in the eventuality that any amphibians are found during the clearance works or construction phase.
- 2.14 Prior to works commencing, a hand search of any potential sheltering and hibernation features for herptile species within the works area will be undertaken by the ECoW, where size allows. This will include features such as log/brush piles, scrub and piles of stone and rubble. Any larger features suitable for sheltering or hibernation, such as rocks and concrete slabs with crevices beneath, will be moved using machines under the supervision of the ECoW.

- 2.15 Any strimming of scrub/grassland vegetation to ground level will be undertaken using a staged approach. The ecologist will hand search the vegetation for herptiles. Following the hand search, the vegetation may be cut to 15cm/150mm above ground level. The vegetation must be cut in a single direction only to allow these species opportunity to move away from the area.
- 2.16 Any hedgerows or trees that are to be removed should be carefully prised up to expose the root ball and tree pit so that the ECoW can check for and remove any sheltering species prior to complete removal.
- 2.17 The ECoW will undertake a final check of the area. If confirmed clear, any remaining vegetation can be removed.

Good Practice Avoidance Measures

- 2.18 The following standard precautionary working measures will also be implemented during the works:
- Any excavations will be inspected by the ECoW for the presence of amphibians and reptiles before they are filled in.
 - Loose materials must be stored off the ground on pallets or in bags.
 - Any spoil piles present on site must be compacted to prevent them being used as refugia by amphibians and reptiles.
 - Any pipes will be capped or stored upright to prevent entrapment of animals.
 - Spill kits must be available to ensure there is no accidental damage to adjacent habitats and refuelling must take place within cleared areas only.
 - Rubbish must not be left on site; any rubbish present on site at the start of the works such as plastic bags must be checked for the presence of amphibians and reptiles.
 - Access will be restricted to working areas only. Machinery and vehicles will not be permitted to move outside of working areas into those areas of the site where vegetation is retained.
 - Any common amphibians or reptiles encountered during the works will be captured by the ecologist and translocated to suitable habitat located within the wider area.
 - In the unlikely event that Great Crested Newt (GCN) are identified on site, works must cease immediately. The GCN must not be moved or handled. The project ecologist will be contacted who will liaise with Natural Resources Wales. Depending on the outcome of this a licence may be required to complete the works. Under the licence, mitigation including a translocation scheme may be required.

Bats

Relevant Legislation

- 2.19 All bat species, along with their breeding sites and resting places are protected within the UK under Regulation 41 of the Conservation of Habitats and Species Regulations(amendment) (EU Exit) 2019 and listed within Local Biodiversity Action Plan (LBAP) by the Greater Manchester Biodiversity Action Plan.
- 2.20 Bats are also afforded protection in the UK under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under this legislation it is an offence to:
- Deliberately capture, injure or kill a bat;
 - Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
 - Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
 - Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat; or
 - Intentionally or recklessly obstruct access to a bat roost.
- 2.21 The felling of T1, could result in the destruction of a bat roost if present. Measures are set out in this PWMS to reduce any risk of harm to an acceptable level.

Timing of works

- 2.22 All trees identified as unsuitable for supporting hibernating bats should ideally be removed during winter (November to February inclusive), as bats will not be active during this period.
- 2.23 Felling works may still proceed outside the bat hibernation season. However, if these works are completed in the bird nesting season (March to August inclusive), the precautionary working methods outlined in chapter 4 of this report must be followed in advance of works commencing.

Precautionary Working Measures

- 2.24 A pre-commencement inspection should be completed no more than 24 hours prior to the start of the works on all the trees on site and on adjacent trees by a bat licenced ECoW or suitably qualified ecologist.
- 2.25 Due to the Potential Roost Feature (PRF) of T1 being accessible to survey from ground level at approx. 1.5m from the top of the trunk fold, an endoscope survey is recommended to be completed by the ECoW / ecologist to ensure it is cleared for bats before it is felled or before disturbance works are set to commence. If this cannot be done, the ECoW /

ecologist must supervise the felling of the tree and investigate the PRF's cavity after its fallen. See the 'techniques for soft felling' section below for the best practice methods for this.

- 2.26 If a full inspection of the potential roost features can be undertaken and the absence of bats can be confirmed, the licensed bat ecologist will sign off the works and the works can be continued.
- 2.27 However, if bats are found to be within T1, or any other on-site tree, works will have to be halted / stopped, and an ecologist will need to recommend the next steps. These may include bat surveys on the confirmed roost and / or a licence from Natural England being required before works can begin. See the 'Licence requirement' section for more details.

Techniques for soft felling

- 2.28 Where potential roost features have been scoped out for bats or cannot be fully inspected and the absence of bats cannot be proved, or if works cannot be completed on the same day as the pre-commencement inspection, a destructive search using soft felling techniques will need to be undertaken.
- 2.29 A team of climbers will need to fell or prune T1 / any tree with PRFs in sections and the sections containing the potential roost features must be lowered to the ground with ropes. The licensed bat ecologist will then inspect the features using an endoscope. If evidence of roosting bats is found the section of the tree should be retained on site, either propped up or strapped to an adjacent retained tree so that bats can continue to use the roost whilst consultation with Natural England is undertaken.
- 2.30 Where potential roost features are section felled, and if the endoscopic inspection on T1 / any other endoscope inspections, is limited at ground level, then these sections of timber will be left for a minimum of 24 hours before disposal to allow any bats potentially present to escape.
- 2.31 If section felling is not feasible due to health and safety constraints, the trees will be felled from the ground under supervision of the licenced bat ecologist. Once felled, the potential roost features will be inspected for any bats or evidence of bats by the licenced bat ecologist using an endoscope.
- 2.32 Once all of the potential roost features are removed, the licensed bat ecologist will sign off the works and the felling works can continue without supervision.

Licence requirements

- 2.33 In the unlikely event that roosting bats are found during the felling works then works must cease immediately and advice must be sought from a licensed bat ecologist.
- 2.34 A protected species mitigation licence application will need to be made to Natural England. If a licence is required from Natural England then the trees that support roosting bats will need to remain in place until the licence is granted.
- 2.35 Three nocturnal roost surveys may be required to inform the licence application. These surveys are seasonally constrained and must be undertaken between May and August inclusive. Due to the seasonality of nocturnal roost surveys and the processing time for licences (on average approximately six weeks), this may cause significant delays to the project.

Badger

Relevant Legislation

- 2.36 Badgers are protected under the Protection of Badgers Act 1992 from killing, injury and certain acts of cruelty. Their setts are also protected from damage, obstruction or destruction.

Precautionary Working Measures

- 2.37 A pre-commencement check for badger setts will be undertaken by the ecologist prior to works commencing to confirm that no setts have been excavated on site or within 30m of the works area which may be impacted by the proposals. This pre-commencement check should be completed prior to the start of the works.
- 2.38 If no badger setts are identified during the pre-commencement check, the works may commence.
- 2.39 Construction staff will be given a pre-commencement toolbox talk by a suitably qualified ecologist, in which they will be made aware of the presence of badger in the local area and the need to implement the measures set out herein.
- 2.40 In the event that a sett is identified within the site or within 30m of the site, either during the pre-commencement check or during any works, works must stop immediately, and advice sought from the ecologist.
- 2.41 An appropriate exclusion zone of up to 30m will be established around any potentially active sett entrance. There should be no works within the exclusion zone of an active sett.

If works are required within the exclusion zone, further monitoring will be necessary to determine the activity status of the sett. If an active set cannot be retained or if high levels of noise/vibration disturbance are anticipated, then a licence from Natural Resources Wales must be obtained to allow works to continue.

Good Practice Avoidance Measures

2.42 The following standard precautionary working measures will also be implemented during the works to ensure no harm or disturbance occur to foraging or ranging badgers as a result of the works:

- The site supervisor or other nominated site-staff representative from the construction team will be appointed whose role will be to ensure works adhere to these RAMs and that a suitably qualified ecologist is contacted if further advice is required.
- Access into and out of the working area will be along agreed routes only. Machinery and vehicles will not be permitted to move outside of the agreed access routes and working areas.
- External lighting and noise from generators at night must be minimised.
- Any trenches resulting from works will be covered up overnight or ramps placed in the trench to allow badgers to escape should they become trapped
- Any excavations will be inspected by the ECoW, site supervisor or nominated site-staff representative for the presence of any holes before they are filled in.
- Any spoil piles present on site will be covered or compacted to discourage being used by badgers for sett building. Stored soils should be checked daily by site staff to ensure there has been no attempted creation of new mammal holes; if any new mammal holes are identified advice from the ecologist must be sought.
- Any chemicals or pollutants used or created by the development must be stored off the ground or in protected and fenced areas to prevent badger access and must be disposed of correctly according to COSHH regulations.
- Night-time working will be minimised.

Breeding birds

Relevant Legislation

2.43 All birds, their nests and eggs are protected by the law under the Wildlife and Countryside Act 1981 (as amended), making it an offence to intentionally or recklessly damage or destroy an active nest from construction to fledging of the young.

Precautionary Working Measures

- 2.44 Where possible, all vegetation clearance will avoid the core breeding bird season, March to August inclusive; although it should be noted that bird nesting can take place in some species outside this period.
- 2.45 Prior to any vegetation clearance within the nesting bird season, or at any time when bird nesting is suspected, the LPA will be informed, and a nesting bird check will be conducted of the affected area by the Ecological Clerk of Works (ECoW) to confirm that no nesting birds are present which will be harmed or disturbed by the works. The nesting bird check will take place no more than 24 hours prior to the planned vegetation clearance works.
- 2.46 A thorough visual inspection of any suitable nesting bird habitat to be removed will be undertaken to establish the presence or absence of nests. If a nest is present, the nest may be viewed by the ECoW from a suitable distance at an identified vantage point for a minimum of half an hour or until occupation status can be established.
- 2.47 In the event that an active bird nest is found, the ECoW will provide advice on setting up a suitable exclusion zone around the nest. The extent of the exclusion zone will depend upon the bird species present.
- 2.48 The exclusion zone will ensure that there is no disturbance to the nest as a result of the works. Works must not take place within the exclusion zone until the young have fledged. Monitoring visits will be undertaken by the ECoW of the active nest to confirm when the young have fledged.
- 2.49 Where breeding bird activity cannot be established within structurally complex areas of vegetation, bow saws and loppers may potentially be used to carefully cut away small sections of the vegetation, ensuring disturbance is localised. This should be done under the supervision of the ECoW, who will continually check for nesting activities. If nests are uncovered, then works shall cease immediately until the status of the nest has been determined by the ecologist.
- 2.50 If no active bird nests are found, vegetation clearance within the affected area must take place within 24 hours of completion of the nesting bird check. This will ensure that no bird nests are built within the intervening period between the nesting bird check and vegetation removal/building demolition.
- 2.51 Any arisings from the work i.e., brash, trunks, grass cuttings, must be removed from site on the same day as the work takes place. This is to avoid providing nesting opportunities for birds, which would then have to be checked by a suitably qualified ecologist prior to their removal at a later date.

Hedgehog

Relevant Legislation

- 2.52 Hedgehogs is listed as a species of principal importance (SPI).

Precautionary Working Measures

- 2.53 It is recommended that the early hibernation period (November to December inclusive) is avoided where possible in relation to the clearance of scrub vegetation. The risk of hedgehog death is increased if they are disturbed during this period.
- 2.54 Sensitive habitats such as woodland, scrub and grassland habitat should be strimmed by hand, under supervision of an Ecological Clerk of Works (ECoW), to a height of 300 mm to prevent any harm to hibernating or sheltering hedgehogs. A thorough hand search should be carried out by the ECoW in advance of site clearance and any hedgehogs found will be relocated to the hedgehog in a box by the ECoW.

Good Practice Avoidance Measures

- 2.55 The following standard precautionary working methods will also be implemented during the works:
- Arisings from the work i.e., brash, trunks, grass cuttings, must be removed from site on the same day as the work takes place. This is to avoid providing refuge opportunities for hedgehog, which would then have to be hand searched by a suitably qualified ecologist prior to their removal at a later date.
 - No site compounds, stored materials and soil piles sited within the core terrestrial habitat will be left uncovered. Soil storage mounds must be compacted before the end of each day's work to ensure they do not become attractive refuges. All stored materials and soil piles must be suitably covered with an inaccessible covering such as tarpaulin to prevent hedgehogs using this material as refugia.
 - Open excavations should be covered overnight using plyboard and sandbags to fully seal any gaps. If this is not possible, a plank of wood placed at an angle no steeper than 40° should be left within the excavations, or sloping exits to trenches provided, so any hedgehogs or small mammals which fall into the trenches are able to escape.
 - Existing access tracks into the site will be maintained. Vehicular or plant access should adhere to these access routes where feasible to prevent tracking over areas where hedgehogs could be present. If it is not possible to do so, an ecologist should be contacted for advice.
 - Agreed access tracks into the site will be maintained. Vehicular access should adhere to these access routes where feasible to prevent tracking over areas where hedgehogs could be present.

- Pipes stored on site would be capped or if caps are not available, stored vertically to prevent entrapment of hedgehogs.

2.56 If an injured hedgehog is found on site, this should be taken to a nearby wildlife rescue centre or vet that accepts wild animals. Additionally, if any young hedgehogs are found during the autumn, immediately prior to the hibernation period, these should also be taken to a wildlife rescue centre as it would be unlikely that these would survive the winter. The nearest wildlife rescue centres to the site are provided in Table 2 below.

Table 1: Contact details for the nearest Wildlife Rescue Centre

Name	Address	Tel:
Kirklees Valley Wildlife Rescue	Kirklees St, Tottington, Bury BL8 4LP	01204884086
Withington Hedgehog Care Trust	91 Parsonage Rd, Manchester M20 4NU	07597510460

3.0 Key Contacts

3.1 Any contractors requiring advice with regard to this PWMS are welcome to contact any of the following for further information:

- TEP, Head Office - 01925 844004
- Emma Hickson, Senior Ecologist, 07760 788737

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