

## Stairfoot Roundabout, Barnsley

### Precautionary Working Method Statement

### Report for Barnsley Metropolitan

### Borough Council

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# 1 Introduction

## BACKGROUND TO COMMISSION

- 1.1 Temple was commissioned by Barnsley Metropolitan Borough Council in November 2023 to undertake a Precautionary Working Method Statement (PWMS) for bats and great crested newts following recommendations resulting from a ground level tree assessment (GLTA) and preliminary roost assessment (PRA) for bats and habitat suitability index (HSI) for great crested newts (Temple 2023) to inform plans for a road widening scheme.
- 1.2 During the previous site visits in April 2023 (Brooks Ecological 2023), September 2024 (Temple (2023) and April 2024 (Temple 2024) it was identified that there was a variety of ecological constraints with regards to bats, a protected species and the disturbance to semi-mature trees that have low suitability for roosting bats, and working within potential Great Crested Newt (GCN) habitats within 250m of ponds that have scored average and poor during the HSI surveys. As a result of this Temple was commissioned to prepare a Precautionary Working Method Statement (PWMS) for the protected species identified in the preliminary ecological appraisal to minimise environmental damage and mitigate the risk of contravening legislation in relation to protected species during the completion of this work. Protected species identified during this work includes bats and GCN.

## SCOPE OF THE REPORT

- 1.3 The planning application for the road widening scheme at Stairfoot Roundabout is expected to be submitted in July 2024, accompanied by a Preliminary Ecological Appraisal (PEA) report, produced by Brooks Ecology in July 2023 (Brooks 2023) which led to a Preliminary Roost Assessment, Ground Level Tree Assessment and Habitat Suitability Index Report by Temple (2023) and a further walkover to update the PEA by Temple in March 2024 (Temple, 2024) following an adjustment to the red line boundary. The PEA by Brooks Ecological identified that a number of protected species including bats and GCN could be impacted by the proposed works, with

follow up surveys by Temple in September 2023 for bats and GCN recommending low suitability for these species that can be managed by a PWMS. Further details of the findings are provided within Section 2 of this report.

- 1.4 This PWMS has been written prior to planning permission has being submitted to address recommendations set out in Temples Preliminary Roost Assessment, Ground Level Tree Assessment and Habitat Suitability Index Report (2023).

### **SITE CONTEXT**

- 1.5 The proposed scheme, hereafter referred to as 'the Site', is centred on Ordnance Survey National Grid Reference SE 37289 05508 encompasses Stairfoot roundabout, the areas of green space within and around it; and short sections of Grange Lane, Doncaster Road, Wombwell Lane, Bleachcroft Way, Hunningley Lane and part of the Trans Pennine Trail, where it crosses the Site on an old rail bridge.

### **SCOPE OF WORKS**

- 1.6 The proposals for the road widening at Stairfoot Roundabout, Barnsley, means vegetation and a number of trees will need to be cleared at the roadside to allow for widening the road access to the site.

## 2 Baseline Conditions

### OVERVIEW

- 2.1 The preliminary ecological assessment survey conducted by Brooks ecological in 2023 identified several ecological constraints which comprise; semi-mature trees on Site with potential suitability to support low numbers of roosting, foraging, or commuting bats was identified, alongside potential woodland and scrub habitats for GCN.

### BATS

- 2.2 The trees on Site were identified as having features that could provide roosting habitats for bats. These included a range of tree species with a variety of different potential roosting features (PRFs) and suitability following latest guidelines (Collins, 2023). However, none of the trees within, or adjacent to, the working areas were considered to have greater than 'low' suitability with potential roosting features for individual bats (PRF-I), i.e. limited likelihood of supporting occasional individual bats. Furthermore, the trees and habitats on Site also provide suitable foraging and commuting habitat for bats.
- 2.3 The majority of the sixteen trees which have low suitability for resting bats are set back from the roadways, within the woodland areas to the north-east and south-west of the roundabout. The remaining trees are four to the north of the roundabout and two adjacent to Wombwell Lane. The main features present were ivy cover that is dense enough to provide shelter for single bats, two trees with loose bark and one tree had a dead branch.

### GCN

- 2.4 The Site contains habitats suitable for terrestrial and hibernating amphibians and has connectivity to the wider landscape through the area which contains three waterbodies within 250m. The Dearne and Dove Canal; Pond 1 has previously been scoped out for great crested newt (GCN) suitability by Brooks Ecological (2023). Pond

2, c. 90m west of the Site, and Pond 3, c. 225m east were surveyed by Temple in 2023, finding average and poor suitability respectively. Natural England's rapid risk assessment tool was then used and found the Site unlikely to disturb GCN due to the small areas of suitable habitat and distance from the ponds. Therefore, this Site has a low risk of having GCN present which could be affected during the proposed works.

## **BIRDS**

- 2.5 The trees within the site have the suitability to support a range of common nesting bird species. Pigeon nests were seen in the woodland to the south of the roundabout and the other woodlands on Site have suitability for nesting birds.

# 3 Precautionary Working Methods

## RATIONALE FOR PRECAUTIONARY WORKING METHODS

- 3.1 Where licensing is available for works in relation to protected species (e.g. for bats or GCN), these are only issued to provide derogation from the relevant legislation where there would otherwise be significant risk of contravention. Where such risk is considered to be reasonably unlikely, or where licensing is not available (e.g. for common reptiles and most birds), reasonable measures need to be taken to avoid prohibited actions, such as killing or injury.
- 3.2 The ecological studies have shown the potential for protected species to be present within the working areas, but the likelihood is considered to be low.
- 3.3 **Bats:** In line with best practice guidelines (Collins, 2023), low suitability trees, now termed PRF-I, Potential Roost Feature for individual bats, do not need detailed survey as the risk of bats being present is reasonably unlikely; however, as a precaution, felling where needed will be carried out using dismantle-felling techniques under supervision by a suitably licensed ecologist. In addition, as per the updated guidelines, bat boxes in compensation for low suitability trees being removed will be installed prior to the removal of the trees.
- 3.4 **GCN:** As the works comprise small scale, temporary loss and disturbance of suitable habitats, the risk of encountering GCN is considered to be low, and therefore, licensing would not be appropriate for these works. However, as a precaution, measures including controlled methods of vegetation clearance and supervision by a suitably licensed ecologist will be taken to minimise the residual risk of disturbance, killing or injury.
- 3.5 **Birds:** Vegetation clearance works to woodlands, trees and scrub should avoid the breeding bird season of 1<sup>st</sup> March to the 31<sup>st</sup> August. If this is not possible a full survey of habitats to be affected should be undertaken by a suitably qualified ecologist to confirm no active nests are present. Any active nests should be

identified and will subsequently need to be left undisturbed and in situ until the chicks have fledged or the nest is no longer active.

## 4 Proposed Working Methods

### GENERAL

- 4.1 The following section sets out measures that must be followed during proposed works, in order to minimise any risk to protected species. Following the guidelines in this section will help to safeguard that the development complies with all relevant legislation protecting the identified species.
- 4.2 Dust suppression measures to be employed across the Site throughout the construction phase to reduce the impact of dust on features with potential to support protected species.
- 4.3 If there is to be any trenching or pit works these must be backfilled before nightfall or have ramps (of rough sawn wood or earth) put in, to allow any trapped animals such as hedgehogs a means of escape. Open trenches to be checked each morning prior to work commencing to check for trapped animals.
- 4.4 Prior to commencement of works a suitably qualified ecologist, ideally holding a great crested newt or bat survey licence, will deliver a Toolbox Talk to the construction workers on Site, explaining the mitigation measures set out within this PWMS. The talk will also cover bird, newt and bat identification and suitable habitats, the obligations of construction workers under the PWMS and what to do in the event that a nesting bird, great crested newt or bat is found.

4.5 Staff should continually monitor for the presence of other protected species. If any are encountered, then works must cease and an ecologist contacted immediately for advice on how to proceed.

### **GCN**

4.6 Prior to works commencing, a suitably qualified ecologist must undertake a walkover and fingertip search of the dense scrub to be affected by the development works. This search will identify any animals present, including any small mammals, reptiles or amphibian species. In the highly unlikely event that great crested newts are found, Natural England will be contacted for advice on how best to proceed.

4.7 Ideally vegetation will be cleared using hand tools, however larger machinery may be used at the discretion of the onsite ecologist. Prior to this, the suitably experienced ecologist will carry out a hand search of suitable habitat, and any possible refugia in the at-risk areas. The vegetation clearance will comprise the clearance of vegetation above ground level, to a height of 150 millimetres (mm), in a suitable direction, to encourage reptiles and great crested newts to be displaced to the adjacent retained habitats surrounding of the Site.

4.8 In the case of a great crested newt or another amphibious species being discovered on Site, works will stop and the newt will be allowed to move away from the area to avoid disturbance or 'taking'. Once works have stopped the Ecological Clerk of Works will consider whether there is a significant risk of further newts being found and whether Natural England will be consulted on the need for a licence.

### **BATS**

A suitably qualified bat licensed ecologist is required to be on site to undertake checks of trees prior to felling. All trees listed in the table below will be soft felled (dismantle felled) following the standard procedure under the guidance of the licenced ecologist. All potential features will be checked once on the ground. Any

features that cannot be checked will be left in situ and upward facing for 24 hours once felled to allow any animals to escape should they be present. If any bats are found during the felling process, all works must stop, and a licence sought from Natural England to undertake the remaining work.

Tree Species	Location (eastings and northings)	Feature type	Feature description	Roosting potential	Recommendations
<b>Alder</b> <i>Alnus glutinosa</i>	437344, 405586	Ivy cover	Dense ivy <i>Hedera helix</i> foliage covers the tree, especially around the trunk and lower branches, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Alder</b>	437344, 405595	Ivy cover	Dense ivy foliage covers the tree, especially around the trunk, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Alder</b>	437294, 405606	Ivy cover	Dense ivy foliage covers three small trees all in close proximity to each other, especially around the trunk, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Alder</b>	437313, 405615	Ivy cover	Dense ivy foliage covers the tree, especially around the trunk and lower branches, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Norway Maple</b> <i>Acer platanoides</i>	437241, 405560	Ivy cover	Dense ivy foliage covers the tree, especially around the trunk and lower branches, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Norway Maple</b>	437247, 405566	Ivy cover	Dense ivy foliage covers the tree, especially around the trunk, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Whitebeam</b> <i>Sorbus aria</i>	437253, 405565	Ivy cover	Dense ivy foliage covers the tree, especially around the trunk and lower branches, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Rowan</b> <i>Sorbus aucuparia</i>	437256, 405559	Loose bark	Loose bark is present on much of the trunk of this dead tree which could be viewed from ground level, no sign of bats was present although some small clean and dry cavities were seen that provide suitable shelter during the summer months.	PRF - I	Climbed assessment, where possible using ladders immediately prior to soft felling
<b>Alder</b>	437224, 405420	Ivy cover	Dense ivy foliage covers the tree, especially around the trunk and lower branches, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Alder</b>	437225, 405428	Ivy cover	Dense ivy foliage covers two small trees in close proximity to each other, especially around the trunk, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb

Tree Species	Location (eastings and northings)	Feature type	Feature description	Roosting potential	Recommendations
<b>Hawthorn</b> <i>Crataegus monogyna</i>	437338, 405463	Ivy cover	Dense ivy foliage covers the tree, especially around the trunk and lower branches, may hide further features.	PRF - I	Supervised felling over winter, between Oct and Feb
<b>Sweet chestnut</b> <i>Castanea sativa</i>	437559, 405308	Dead branch	Dead branch on south side of tree with loose bark and potential small cavities. Dense vegetation surrounding the tree meant the feature could not be inspected further.	PRF - I	Climbed assessment, where possible using ladders immediately prior to soft felling
<b>Sweet chestnut</b>	437585, 405279	Loose bark	Loose bark is present on a lower branch to the eastern aspect of the tree. Dense vegetation surrounding the tree meant the feature could not be inspected further.	PRF - I	Climbed assessment, where possible using ladders immediately prior to soft felling

4.9 If a bat or evidence of bats is discovered at any point during the development, all works to that area must cease immediately. The Site manager will consult the ECoW, or contact Temple if they are not on site, who will provide further advice. Further surveys may be required in this instance, to determine whether more individuals are present on Site and likely to be disturbed. In the case of a discovered bat, a chain of communication flow chart has been included in Appendix 2 to assist workers and Site managers on whom to contact.

### **BIRDS**

4.10 If works cannot avoid the breeding bird season of 1<sup>st</sup> March to the 31<sup>st</sup> August A suitably qualified ecologist should check the Site including all trees, wooded areas and introduced shrub and scrub no more than 48 hours before planned works. Any nests that are found to be active will have an appropriate buffer for the species placed around and no works should take place within until the chicks have fledged.

### **LIABILITY OF PERSONNEL**

4.11 The Site manager, and the contractor carrying out the work are both responsible for the works being undertaken according to good practice and ensuring that no relevant law is contravened. The site manager is responsible for checking all requirements are in place and being adhered to. The mitigation flowchart in Appendix 2 should be followed by all personnel.

### **CHANGES TO DEVELOPMENT PROPOSALS**

4.12 In the event that any amendment to the approved development proposals is required, such as removal of further vegetation, further surveys may be required including Phase 1, bats or breeding birds to be undertaken prior to commencement.

# References

British Standards Institution (2013). *Biodiversity Code of practice for planning and development*: 13.020.01. BSI, London.

Brooks Ecological (2023) *Stairfoot Roundabout, Barnsley, Preliminary Ecological Appraisal Report* [issued June 2023].

Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition)*. The Bat Conservation Trust, London.

Reason, P.F. and Wray, S. (2023). *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats*. Chartered Institute of Ecology and Environmental Management, Ampfield.

Temple (2023) *Stairfoot Roundabout, Barnsley Preliminary Roost Assessment, Ground Level Tree Assessment and Habitat Suitability Index Report*. [Issued November 2023]

Temple (2024) *Stairfoot Roundabout Update Preliminary Ecological Appraisal and Preliminary Roost Assessment Memo Report*. [Issued June 2024].

# Appendix 1: Maps

Figure1: Habitat Survey Map

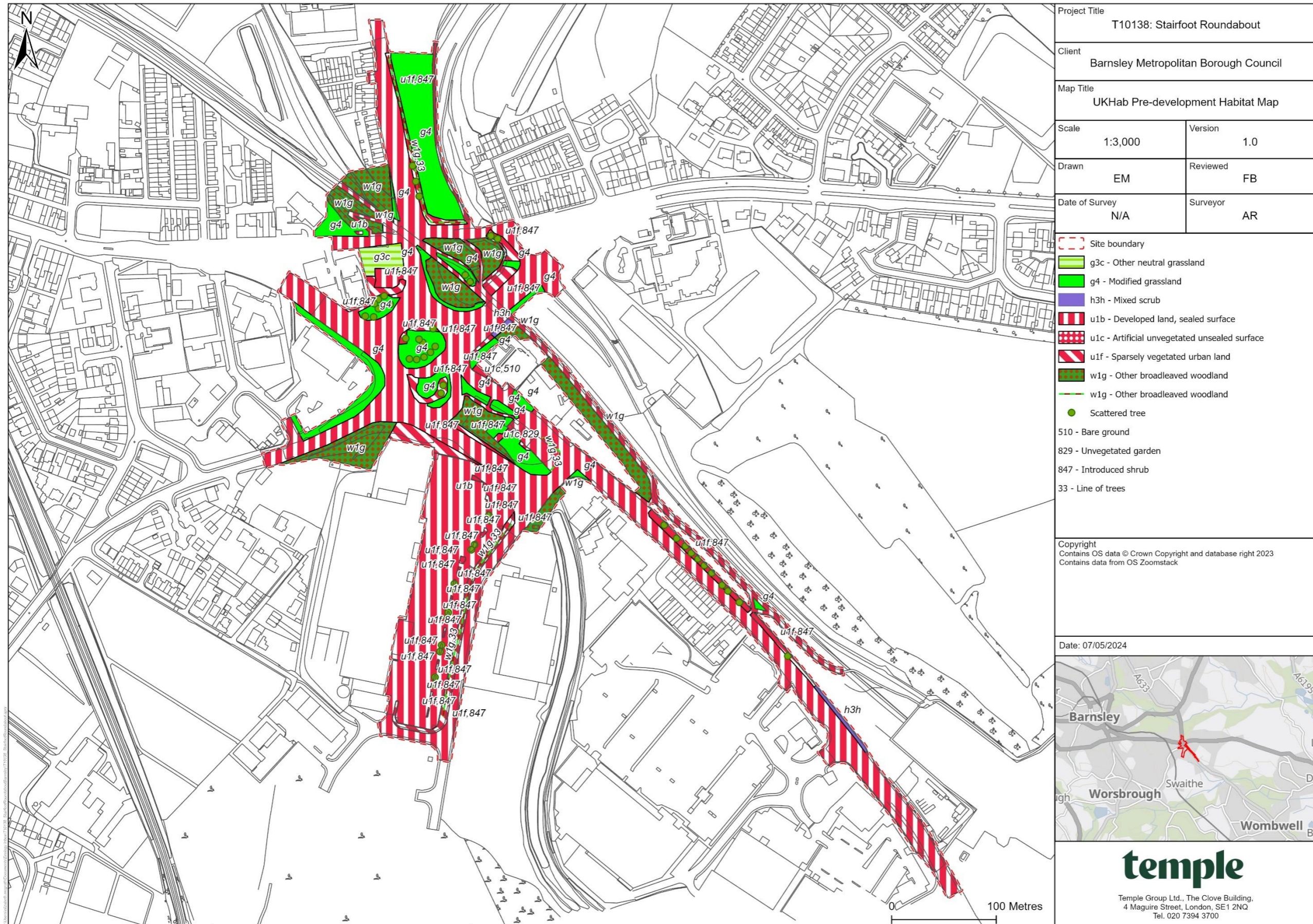


Figure 2: Great Crested Newt Ponds (Brooks Ecological 2023)

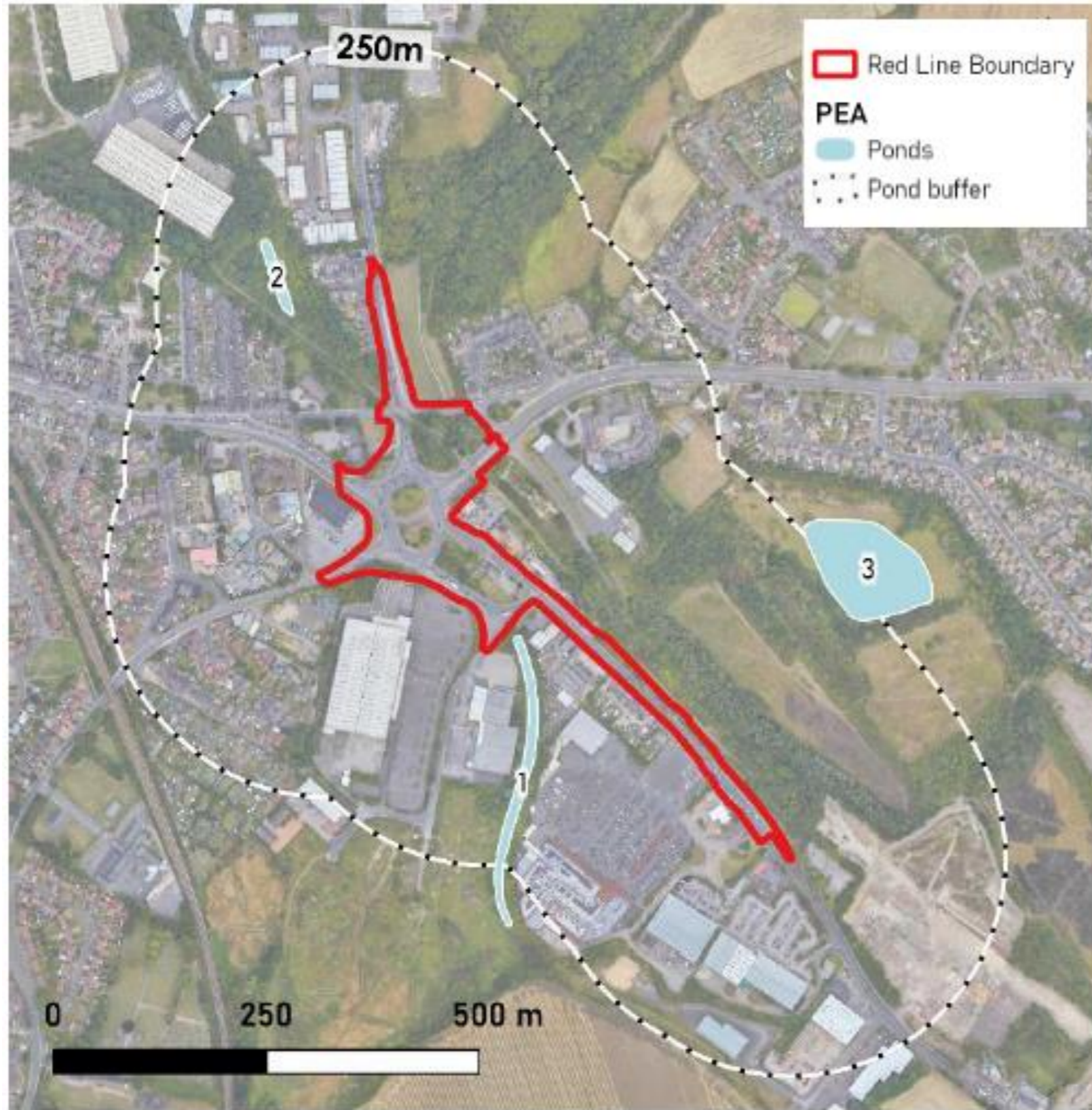
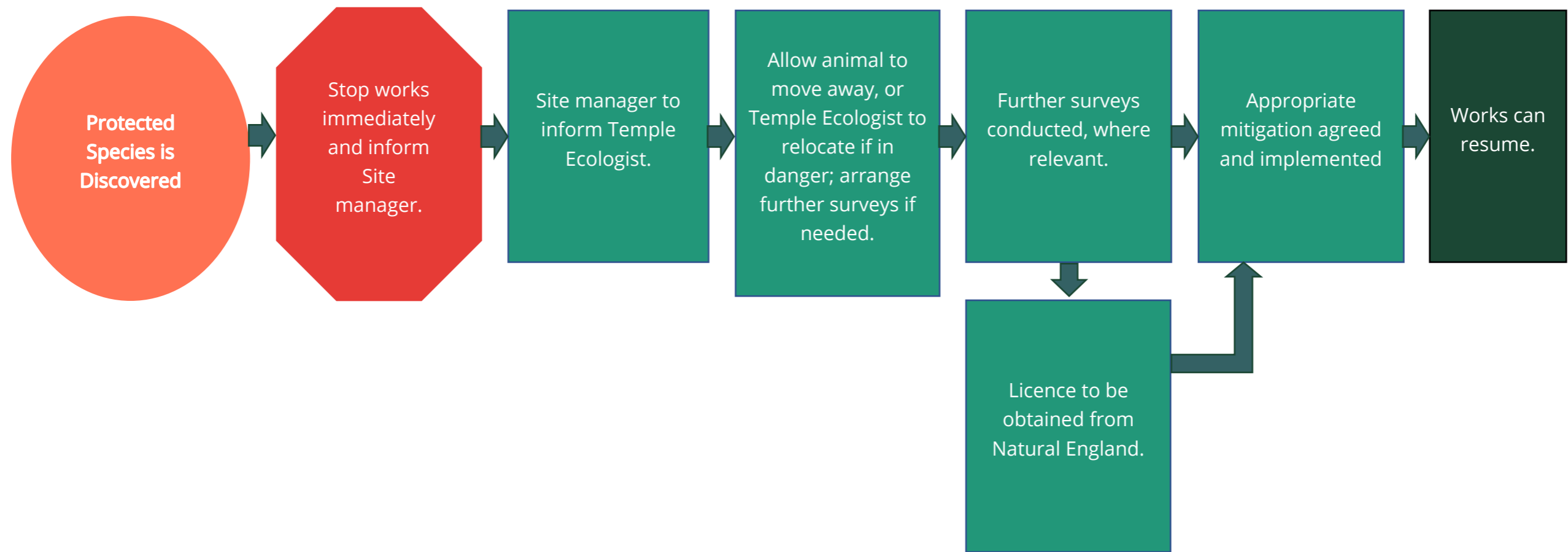


Figure 3: Post-development Plans (WSP 2024)



# Appendix 2: Mitigation Flow Chart



## Appendix 3: Legislation

## BATS

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 43 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats);
- Deliberate disturbance of bat species as:
  - to impair their ability:
    - to survive, breed, or reproduce, or to rear or nurture young; or
    - to hibernate or migrate.
  - to affect significantly the local distribution or abundance of the species.
- Damage or destruction of a breeding site or resting place; and
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended) in respect to sub-sections 9 (4) (b) and (c) and 9 (5) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance while in their place of shelter (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

### How is the legislation pertaining to bats liable to affect development works?

The appropriate licence issued by the relevant countryside agency (Natural Resources Wales) will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to

undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to derogate from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost<sup>1</sup>.

## REPTILES AND AMPHIBIANS

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, great crested newt *Triturus cristatus* and pool frog *Pelophylax lessonae* receive full protection under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of species listed on Schedule 2
- Deliberate disturbance of any Schedule 2 species as:
  - Impair their ability:
    - To survive, breed, or reproduce, or to rear or nurture young;
    - In the case of animals of hibernating or migratory species, to hibernate or migrate
  - To affect significantly the local distribution or abundance of the species
- Deliberate taking or destroying of the eggs of schedule 2 species

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<sup>1</sup> Garland and Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. 150. The Mammal Society, Southampton.

- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

With the exception of the pool frog, these species are also listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect to sub-sections 9 (4) (b) and (c) and 9 (5). The pool frog is afforded protection in respect of sub-sections 9(4) (b) and (c) for England only. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance while in their place of shelter (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offer or expose for sale, possess or transport for purpose of sale these species, or any part thereof.

Other native species of herpetofauna are protected solely under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). Species such as the adder *Vipera berus*, grass snake *Natrix helvetica*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis* are listed in respect to sub-section 9 (1) & (5). For these species, it is prohibited to:

- Intentionally kill or injure these species
- Sell, offer or expose for sale, possess or transport for purpose of sale these species or any part thereof.

Common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Lissotriton vulgaris* and palmate newt *L. helveticus* are listed in respect to sub-section 9 (5) only which affords them protection against sale, offering or exposing for sale, possession or transport for the purpose of sale.

The appropriate licence issued by the relevant countryside agency (Natural Resources Wales) will be required for works liable to affect the breeding sites or resting places of those amphibian and reptile species protected under The

Conservation of Habitats and Species Regulations 2017 (as amended). A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to derogate from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the Wildlife and Countryside Act 1981 (as amended).

- to survive, breed, or reproduce, or to rear or nurture young; or
- to hibernate or migrate.
- to affect significantly the local distribution or abundance of the species.
- Damage or destruction of a breeding site or resting place; or
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

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