

# **Extended Phase 1 Habitat Survey Report Hillside Centre (Camberwell Park Sch), Manchester**

SEND Schools – FS0831

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**For: HSP Consulting Ltd**



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*By their very nature, ecological surveys can only assess a site or particular species at a set point in time, thus providing a snapshot of the environment and not a definitive evaluation. Every effort has been taken to provide an accurate assessment of the habitats or species surveyed. However, presence and population sizes of species can change over time and therefore the accuracy of this report will be affected by time and seasonality.*

*This document has been prepared by Ecology Link Ltd for the sole use of the client.*



## 1. Introduction

- 1.1 Ecology Link Ltd. was commissioned by HSP Consulting Ltd., on behalf of their client, to undertake an ecological assessment of the Hillside Centre (formerly Camberwell Park School), Manchester. The purpose of the survey was to assess the conservation value of the site, including the likely presence of rare or protected species. Any features, habitats or species constituting potential constraints to the development were identified, with recommendations for appropriate further surveys and mitigation.
- 1.2 The client is seeking to redevelop the vacant site into a Special Educational Needs & Disability School (SEND School).

### Site Location and Description

- 1.3 The site was located to the north of Bank House Road, Higher Blackley, north Manchester (NGR SD 85157 03518). The site was bound by development land and The Co-operative Academy to the north; a Police Station and Plant Hill Road to the east; Bank House Road to the south; and by a block of flats and car park to the west.
- 1.4 The site was dominated by a large building complex and associated hard standing. A vacant caretaker's bungalow was located within the eastern end of the site. Amenity grassland was recorded to the north of the linear main building, with scattered trees throughout. Detailed habitat descriptions are given in Section 3, which is supported by the Phase 1 Habitat Map (Appendix 1) and Photographic Record (Appendix 2). For detailed tree locations and species please refer to the tree survey report (Ecology Link, Feb 2018).

### Adjacent Habitats

- 1.5 The site was surrounded by land under development to the north. Residential and public open space was located to the south, with a matrix of gardens, footpaths, amenity grassland and scattered woodland blocks. One large pond was identified within a 500m radius; c.450m south, adjacent to Blackley New Road.

## 2. Scope of Works

### Desk Study

- 2.1 A desk-based data search was not deemed necessary, due to the small size and existing nature of the site, with no ecologically valuable habitats either within or immediately adjacent to the site.

### Extended Phase 1 Habitat Survey

- 2.2 An extended Phase 1 habitat survey was conducted on the 7<sup>th</sup> January 2018 by Helen Parish and Jon Panter, both of whom are experienced ecologists and full members of the Chartered Institute of Ecology and Environmental Management (CIEEM). The weather conditions were cool and overcast with showers. A risk assessment was completed and all appropriate PPE worn. The client granted access to the site.
- 2.3 An evaluation was made of the habitats within the site and where possible, of the immediate surrounding environs. Methodology followed the standard survey criteria as set out in the JNCC Survey Handbook (2010) and a Phase 1 map was produced to show the distribution of habitats and plant communities across the site. Target Notes (TN) were used if required, to give greater detail for specific features. The information gathered provided a record of the existing wildlife habitats present, in accordance with the habitat codes within the JNCC guidelines. The potential

for the site to support protected species was also assessed, some of which may be protected by UK or European legislation (Appendix 3).

### Buildings and Structures Survey

- 2.4 Any buildings or other structures (if present) on site were surveyed. This comprised both an external visual inspection and internal search (where safety allowed) to look for signs of, or potential for, protected species (most likely to include bird and bat species). Indicators of use could include live animals, carcasses, droppings, feeding remains and nesting material. A ladder, high-powered torch, angled mirror and endoscope were available for use as required.

### Survey Constraints

- 2.5 The survey was not undertaken during the optimal survey season (April to September). However, given the nature of the site, it is felt that an accurate record of the habitats and species present was still recorded. It may be that additional plant species were present, which were not visible at the time of survey. It is important to note that species diversity and dominant plant assemblages may increase or change throughout the season. A full plant species list has been provided to support the habitat descriptions (Appendix 4).

## 3. Results

### Phase 1 Survey – Habitats

#### Amenity Grassland

- 3.1 Amenity grassland covered much of the site to the north of the buildings. The short sward included perennial ryegrass (*Lolium perenne*), cock's-foot (*Dactylis glomerata*), red fescue (*Festuca rubra*), ribwort plantain (*Plantago lanceolata*), common daisy (*Bellis perennis*) and yarrow (*Achillea millefolium*). Scattered trees and small tree clusters were interspersed throughout the grassed areas, as was play equipment and seating.

#### Hard Standing

- 3.2 The site had a variety of hard surfaces which included tarmac driveways and parking, paved footpaths, playground and soft play surfaces. Hard surfaces dominated the southern half of the site (front). Most was in a good state of repair.

#### Hedgerows (Intact)

- 3.3 Beech (*Fagus sylvatica*) and privet (*Ligustrum ovalifolium*) hedgerows were recorded within the front and rear garden of the caretaker's bungalow. A tall cherry laurel (*Prunus laurocerasus*) hedgerow was recorded in the northwest of the site. They were well formed and maintained.

#### Ornamental Planting

- 3.4 Ornamental planting was restricted to the margins of the caretaker's garden and woody shrub beds in front of the buildings and car park. Typical species included dogwood (*Cornus* sp.), elder (*Sambucus nigra*), rose (*Rosa* sp.), and hebe (*Hebe* sp.).

#### Scattered Trees

- 3.5 Scattered trees were recorded throughout the site, being focused within margins and along fence lines. Species included sycamore (*Acer psuedoplatanus*), horse chestnut (*Aesculus hippocastanum*), lime (*Tilia x Europaea*), ash (*Fraxinus excelsior*), alder (*Alnus glutinosa*), willow (*Salix* sp.), silver birch (*Betula pendula*) and Norway maple (*Acer platanoides*). Within the amenity grassland described above, were small clusters of mixed trees. Specimen trees were also recorded within two courtyard areas of Building 1.

### Scrub

- 3.6 A small area of bramble (*Rubus fruticosus* agg.) scrub was recorded within the front garden of the caretaker's bungalow.

### Tall Ruderal

- 3.7 Ruderal vegetation had begun to colonise the gravel and damaged concrete hard standing within the back garden of the caretaker's bungalow. Species included broadleaved and great hairy willowherb (*Epilobium montanum*; *E. hirsutum*) and broadleaved dock (*Rumex obtusifolius*).

## Phase 1 Survey – Protected Species

### Badgers

- 3.8 There was no suitable sett building habitat for badgers (*Meles meles*) on site. No evidence in the form of paths, prints, foraging, latrines or runs under fencing were noted.
- 3.9 This species needs no further consideration or survey.

### Barn Owls

- 3.10 There were no roosting, breeding or foraging opportunities for barn owls (*Tyto alba*) within the site.
- 3.11 This species needs no further consideration or survey.

### Bats

- 3.12 There were features within the site boundary with potential to support roosting bats. Buildings B1 and B2 had low potential. B3 to B10 held negligible potential. No trees were identified as having any suitable roosting features.
- 3.13 B1 and B2 were in a poor state of repair with access opportunities for bats created by damaged or missing tiles or mortar; gaps in timber soffits, fascias and barge boarding. Gaps were noted located between timber barge boards and brickwork of the bungalow; although these may be too damp for use by bats.
- 3.14 Further building details have been provided in the buildings and structures section of this report.
- 3.15 The site has been given an overall low potential of containing roosting bats. Further surveys of B1 and B2 will be necessary to confirm the likely absence of bats within exterior roosting features (inaccessible to the surveyor).
- 3.16 The site provided limited foraging opportunities and commuting links, especially compared to habitats within the wider vicinity. The site is not deemed to be of key importance within the locality (in terms of size or quality).

### Birds

- 3.17 There was no evidence of previous bird nesting within any of the buildings. The survey was undertaken before the start of this year's breeding. It is possible that birds (particularly passerine species) will use buildings for roosting; with accessible nesting voids into the roof via damaged soffits, fascias and guttering.
- 3.18 Much of the ornamental shrub borders, trees and hedgerows provided suitable habitat for a range of common nesting birds during the breeding season. Evidence of old nests was found amongst vegetation across the site. Species observed during the survey included blackbird (*Turdus merula*), robin (*Erithacus rubecula*), magpie (*Pica pica*), wren (*Troglodytes troglodytes*),

woodpigeon (*Columba palumbus*), jackdaw (*Corvus monedula*), great tit (*Parus major*), blue tit (*Cyanistes caeruleus*) and pied wagtail (*Motacilla alba*).

#### **Dormice**

- 3.19 There was no suitable habitat to support dormice (*Muscardinus avellanarius*) within the site boundary.
- 3.20 This species needs no further consideration or survey.

#### **Great Crested Newts**

- 3.21 There was no suitable breeding habitat for great crested newts (*Triturus cristatus*) on site. Foraging, refuge and hibernation opportunities were limited.
- 3.22 Only one waterbody was identified within 500m of the site. It was over 450m south of the site and not well connected to the site. With no suitable ponds recorded within the vicinity, it is deemed unlikely that GCN would be present on site.
- 3.23 This species needs no further consideration or survey.

#### **Invertebrates**

- 3.24 The habitats were not considered of importance to notable invertebrates in the locality. Apart from through field observation, the site was not evaluated for the likely presence of important invertebrates, as surveys require specialist methods and equipment. Surveys are seasonally restricted, with samples collected over a number of months and removed from site for expert identification.
- 3.25 This group needs no further consideration or survey.

#### **Otters**

- 3.26 No evidence of otters (*Lutra lutra*) was recorded at the time of survey. The habitats within and immediately adjacent to the site do not provide suitable habitat for this species.
- 3.27 This species requires no further consideration or survey.

#### **Reptiles**

- 3.28 The site provided very little habitat suitable for common lizards (*Zootoca vivipara*), slow-worms (*Anguis fragilis*) and grass snakes (*Natrix natrix*). The site was reasonably isolated from other suitable reptile habitats by the road network and close mown grassed areas, with a surrounding network of gardens and open space. Overall, it was considered unlikely that reptiles would be present or have managed to colonise this site.
- 3.29 This group requires no further consideration or survey.

#### **Water Voles**

- 3.30 There were no suitable waterbodies on site for water voles (*Arvicola amphibius*).
- 3.31 This species requires no further consideration or survey.

#### **White-clawed Crayfish**

- 3.32 There was no suitable habitat within site to support white-clawed crayfish (*Austropotamobius pallipes*).
- 3.33 This species requires no further consideration or survey.

#### **Other Species**

- 3.34 There was evidence that rabbits frequent the site, with a run under the fence along the eastern boundary (TN1 – Appendix 1). Fox scent was detected in the air, but no specific paths were noted.

### Invasive Species

- 3.35 No invasive plant or animal species were recorded on site at the time of survey.

### Buildings and Structures

- 3.36 B1 – was the largest on site, which comprised the main school facilities. It was a single storey construction, with flat felt roof and uPVC windows, doors and fascias. It was in a poor state of repair, with numerous potential external bat access points in the wall cladding. The southern elevation was in a slightly better condition than the northern, which had significant signs of damp and rot. However, there were access features throughout. It held low bat roost potential.
- 3.37 B2 – was a brick built bungalow with water damage to the roof, soffits and barge boarding. Missing mortar was also observed within roof pointing. It was in a poor state of repair. It held low bat roost potential.
- 3.38 B3 – was a metal storage container at the eastern end of the site, with no bat roost potential.
- 3.39 B4 – was a Portakabin classroom in the northwest corner of the site. It held negligible roost potential.
- 3.40 B5 – was a pre-fabricated, pebble dashed single garage with no bat roost potential.
- 3.41 B6 – was a timber summerhouse style cabin with pitched, felt shingle tiled roof. It held negligible roost potential.
- 3.42 B7 – was a large brick workshop style garage with metal roller door. The brickwork and pointing was intact. It held negligible roost potential.
- 3.43 B8 – was a small green metal storage shed, which housed gardening equipment. It held no roost potential.
- 3.44 B9 – was a pre-fabricated single garage, as per B5. It held negligible roost potential.
- 3.45 B10 – was a pre-fabricated single garage, as per B5 and B9. It held negligible roost potential.

## 4. Evaluation and Recommendations

- 4.1 The following potential ecological constraints were identified within the site boundary. Each protected species requiring further investigation or survey has been listed, including the relevant legislation and rationale. *Caveat – only species deemed likely to be present either within or immediately adjacent to the site have been considered further.*

### Habitats

- 4.2 No habitats were identified which require any legal protection.

### Protected Species

- 4.3 The level of protection for different species varies, often being reviewed and amended. We have stated in the text below, which laws protect which species. A summary of their specific protection has also been provided (Appendix 3).

### Bats

- 4.4 All British bat species are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); and under Schedule 2 of the Conservation of Habitats and Species Regulations 2010, as European Protected Species (EPS). This makes it an offence to kill or injure a bat, or damage or destroy a place of shelter or protection.

- 4.5 Potential bat access points were identified within B1 and B2. For this reason, it is recommended that two dusk or dawn emergence and re-entry surveys be conducted.
- 4.6 Dusk and dawn surveys need to be carried out during the period May to September (inclusive), during suitable weather conditions. This survey effort would be in accordance with standard survey guidelines (Bat Surveys for Professional Ecologists: Good Practice Guidelines, 3rd ed. (Collins, J (ed.) 2016).
- 4.7 The completion of these surveys would allow a conclusion to be made regarding the use of the buildings by bats. In particular, in relation to whether bats are roosting in the buildings and if so; where these roosts are; where the access points are; which species are present; and in what numbers (allowing an assessment of what type of roost site is present and its conservation status). This will allow an assessment of the possible impacts of the proposed redevelopment of the site to be made, including direct impacts of disturbance and indirect impacts, such as increased light levels.
- 4.8 Regardless of survey results, if during any work on site bats or evidence of roosting bats are found, then work must stop immediately and a Natural England licensed bat worker should be contacted, or Ecology Link on 07917 208040. Once a bat roost has been confirmed, only a licensed bat worker may disturb the roost and all further proposed work which may disturb the roost will need to be completed by a licence holder.

#### **Birds**

- 4.9 All birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981. It is illegal to take, damage or destroy the nests of wild birds whilst being built or in use.
- 4.10 It is recommended that all vegetation clearance and any building demolition works be undertaken outside of the breeding bird season (nesting March to August, inclusive). If this is not feasible, then a survey of all vegetation to be disturbed should be performed within a 48 hour period prior to works, to identify any nests present. Should any active nests be found, then all work in these areas will have to wait until all young have fully fledged.

#### **Ecological and Biodiversity Enhancements**

- 4.11 Many invertebrates are listed as UK Biodiversity Action Plan (UK BAP) priority species and as Species of Principal Importance (Section 41) of the Natural Environment and Rural Communities Act 2006. The addition of bug hotels would benefit a wide range of common invertebrate species.
- 4.12 The placing of bird boxes on trees and buildings would be favourable, as would be the addition of bat boxes. Also, log piles could be created from any felled trees, creating extra hibernation and refuge sites for invertebrates and small mammals. Wildlife areas provide an important educational resource for schools. Consideration should be given for the creation of a new pond or scrub area planted with seeding species for wintering birds to feed on.
- 4.13 We have not been made aware of any design plans or proposed site layout at the time of writing this report. General advice would be to follow National Planning Policy Framework (NPPF) requirements, such as use of native species planting (preferably of local provenance).
- 4.14 More prescriptive advice and recommendations for specific suitable enhancements can be provided at a later date (upon request). This can include details of optimal locations to site bird and bat boxes.
- 4.15 Several species of cotoneaster are widely used for ornamental planting but, whilst the berries are a good food source for birds, this often leads to plants becoming established in the wild where they out compete native species and destroy natural habitats. Cotoneaster should not be planted, with other native species alternatives be considered.

## 5. Conclusions

- 5.1 The potential ecological constraints discussed in the recommendations, which require further assessment has been provided (Table 5.1), including key survey periods. It is important to make a note of these restricted survey seasons when planning your development schedule.

**Table 5.1: Outline of Further Surveys and Timings**

| Species Group           | Action / Survey Requirement                         | Optimal Timing (inclusive) |
|-------------------------|-----------------------------------------------------|----------------------------|
| Breeding birds          | All vegetation clearance outside of breeding season | September to February      |
| Bats (potential roosts) | Emergence survey x 2 (buildings)                    | May to September           |

## 6. Appendices

**Appendix 1 – Phase 1 Habitat Map & Target Notes**

**Appendix 2 – Photographic Record**

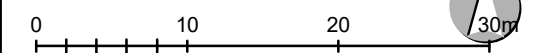
**Appendix 3 – Legislation**

**Appendix 4 – Plant Species List**



- Legend
- Site boundary
  - Dense scrub
  - Tall ruderal
  - Amenity grassland
  - Ornamental planting
  - Building
  - Hard standing
  - Soft play area
  - Hedge
  - Tree
  - Target note
  - Building with low bat roost potential
  - Building with no bat roost potential

Scale: 1:500



**Title:** Appendix 1 – Phase 1 Habitat  
**Client:** HSP Consulting  
**Project:** Hillside Centre, Manchester  
**Date:** March 2018



This plan is provided for reference only and its accuracy is not guaranteed

## Appendix 2 – Photographic Record

### Hillside Centre, Manchester – Phase 1 Survey (Feb 2018)



Photo 1: View east along southern site boundary with Bank House Road. Car park, with narrow strip of ornamental planting and amenity grass, with line of trees.



Photo 2: View north along western site boundary, showing western end of B1, with the grey roller door of B7 garage visible in the distance.



Photo 3: View west from midway along northern boundary, showing fence line, scattered trees and amenity grass with play equipment.



Photo 4: View south along eastern boundary, showing amenity grassland with seating area amongst a mixed group of trees. Eastern end of B1 (right); B10 (garage with white door); B3 (green container – centre back).



Photo 5: View south of northern elevation of bungalow (B2). Low bat roost potential created by gaps in timber boarding and roof structure caused by poor state of repair and water damage.



Photo 6: View north showing B4 Portakabin, with hard standing in front and laurel hedging beside.



Photo 7: View southeast showing B5 (foreground), with B1 (background) and B6 timber summerhouse (left back).



Photo 8: View west within semi-courtyard area of B1, with mixed amenity usage, ornamental planting and scattered trees.



Photo 9: View of enclosed courtyard within western end of B1.



Photo 10: View north showing front elevation of B1 and large car park. Eucalyptus tree within enclosed courtyard is visible above the roof line (centre).

## Appendix 3 – Legislation

This document contains a brief summary of key legislation relating to the protection of wildlife and habitats. Ecology Link Ltd. does not offer legal opinion or provide legal advice. The client is responsible for reviewing the full legislative documents from up-to-date original sources and should seek independent legal advice where appropriate.

### European Protected Species

The Bern Convention (The Convention on the Conservation of European Wildlife and Natural Habitats) was adopted in 1979 and came into force in 1982. To implement this agreement, the European Community adopted the EC Habitats Directive in 1992. This directive has been transposed into UK legislation by the Wildlife and Countryside Act 1981 (as amended); and the Conservation of Habitats and Species Regulations 2010. The Countryside and Rights of Way (CROW) Act 2000 strengthened the existing wildlife legislation in the UK. The UK has also signed the Bonn Convention (The Convention on the Conservation of Migratory Species of Wild Animals) and is therefore party to various agreements.

#### Bats

All species of British bats are fully protected under Schedules 5 and 6 of the Wildlife and Countryside Act 1981 (as amended) and are also protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2010. They are listed under Appendix III of the Bern Convention and Annex IV of the EC Habitats Directive. Bats and their habitats are also listed under Appendix II of the Bonn Convention and therefore the UK has an obligation to protect their habitat, including links to important feeding areas.

Taken together, these pieces of legislation make it an offence to:

- Intentionally kill, injure or capture bats.
- Deliberately or recklessly disturb bats (whether in roost or not).
- Damage, destroy or obstruct access to bat roosts.

A roost is defined as “any structure which a bat uses for shelter or protection”. As bats tend to re-use the same roosts, legal opinion is that a roost is protected whether or not bats are present at the time of survey.

#### Dormice

Dormice are classified as Lower Risk-Near Threatened by the International Union for the Conservation of Nature (IUCN) Red List, and as Vulnerable in the UK. They are listed under Appendix III of the Bern Convention and Annex IV of the EC Habitats Directive. In the UK they are protected under Schedules 5 and 6 of the Wildlife and Countryside Act 1981 (as amended) and are also protected under Schedule 2 of the Conservation of Habitats and Species Regulations 2010.

#### Great Crested Newts

Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of the Conservation of Habitats and Species Regulations 2010. At the European level they are protected under Annex IV of the EC Habitats Directive. All life stages of great crested newts are protected, including eggs, larvae, juveniles and adults.

#### Otters

Classified as Vulnerable under the IUCN Red List, they are also listed under Appendix II of the Bern Convention and Annex II of the EC Habitats Directive. They are also protected in the UK by Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In order to minimise disturbance, it is

usually recommended that a barrier should be erected to prevent works within 20m of an otter resting place. If the holt is known to be used for breeding, the radius should be extended to 30m.

### Legislation Relating to European Protected Species

In relation to a development a person commits an offence if they:

- Deliberately capture, injure or kill a European Protected Species.
- Deliberately or recklessly disturb a European Protected Species in such a way as to be likely to significantly affect;
  - i. the ability of any significant group of animals to survive, breed, rear or nurture their young
  - ii. the local distribution or abundance of that species.
- Damage or destroy a breeding site or resting place (even if unintentionally or when the animal is not present).
- Intentionally or recklessly obstruct access to a structure or place used for shelter or protection.

All aspects of this legislation apply regardless of the life stage.

**A European Protected Species Licence is required to carry out any activity that would otherwise involve committing an offence.**

The species above are those most frequently encountered. For a full list of current EPS in the UK please refer to the Conservation of Habitats and Species Regulations 2010, available at [www.legislation.gov.uk](http://www.legislation.gov.uk). Lists of animals and plants can be found in Schedules 2 and 5, respectively.

### Other Protected Species

#### *Nesting Birds*

All wild birds are protected under Part 1 of the Wildlife and Countryside Act 1981 (as amended). Therefore, in the UK it is an offence to:

- Take, damage or destroy the nest of any wild bird whilst it is being built or in use.
- Kill, injure or take any wild bird.
- Take or destroy the eggs of any wild bird.

To avoid committing an offence, no works should be conducted on a habitat that is being used by nesting birds. Nesting is deemed to be over when the young have fully fledged. Certain species which are listed on Schedule 1 of the WCA receive special protection. In these cases any form of intentional or reckless disturbance when they are nesting or rearing dependant young constitutes an offence.

#### *Reptiles*

Common lizard, slow-worm, adder and grass snake are all protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), as updated by the Countryside & Rights of Way (CROW) Act 2000. They are covered against intentional injuring, killing or selling. To avoid prosecution, wherever works will impact upon these species there must be evidence to show that every reasonable effort was made to avoid breaking the law – including proof of adequate surveys and mitigation plans. Mitigation measures should, ideally, be agreed with Natural England.

Only the sand lizard and smooth snake are fully protected under the Wildlife and Countryside Act (Section 9) and the Conservation of Habitats and Species Regulations (Regulation 9). These protect them against:

- Killing, injuring or capturing.
- Keeping, transporting or selling.
- Damaging or destroying a breeding or resting site.
- Intentionally obstructing access to a place used for shelter.

This means that both the animals and their habitats are protected. These species mainly occur in specific nature reserves, mostly in the south and south-west of England.

### **Badgers**

Badgers are fully protected in the UK by the Protection of Badgers Act 1992 and by Schedule 6 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- Willfully kill, injure, take, possess or cruelly treat a badger.
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett.
- Disturb a badger while it is occupying a sett.

Disturbance could include digging or scrub clearance within 30m of a sett and therefore advice should be sought before conducting such activities. Badgers are mainly protected due to persecution in the past and are not rare.

### **Water Vole**

Water voles are fully protected under the Wildlife and Countryside Act 1981 (as amended). Water voles are protected against intentional killing, capture or injury and intentional or reckless disturbance, obstruction, damage or destruction of their burrows. Displacement works (translocation) can now only be undertaken under ecologist direction (Class Licence holder) or with a specific Natural England licence.

### **White-clawed Crayfish**

The white-clawed crayfish is protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In addition, Schedule 9 makes it an offence to release, or allow to escape into the wild, all non-native crayfish. It is listed under Appendix III of the Bern Convention, Under Annexes II and V of the EC Habitats Directive, and is classed as Globally Threatened by the IUCN. It is also a Priority Species under the UK Biodiversity Action Plan (BAP).

### **Invertebrates**

Many invertebrates are listed as UK Biodiversity Action Plan (BAP) Priority Species and as Species of Principal Importance (Section 41) of the Natural Environment and Rural Communities Act 2006 (NERC-S41). Although such species do not receive protection under criminal law, their presence is a material planning consideration and consequently (following Natural England, 2010):

- Regional Planning Bodies and Local Planning Authorities will use the Section 41 list to identify the species and habitats that should be afforded priority when applying the requirements of the National Planning Policy Framework (NPPF) to promote the “protection and recovery of priority species populations”.
- Local Planning Authorities will use the list to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under the NPPF the aim of planning decisions should be to avoid or minimise impacts to biodiversity.

### **Invasive Species**

The Wildlife and Countryside Act 1981 (as amended) is the principal legislation dealing with non-native species. The WCA has been amended in relation to England and Wales by various pieces of legislation, including: the WCA Variation of Schedule 9 Order 2010; the Natural Environment and Rural Communities Act 2006; and the Countryside and Rights of Way Act 2000. Section 14(1) of the WCA makes it illegal to release or allow to escape into the wild any animal which is not ordinarily resident in Great Britain, is not a regular visitor to Great Britain in a wild state, or is listed in Schedule

9 of the Act. It is also illegal to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 of the Act.

### ***Wild Mammals (rabbits, foxes, deer, etc.)***

Mammal species that are not of primary conservation importance do receive a degree of protection within the Wild Mammals (Protection) Act 1996. This includes offences which have implications for site clearance (particularly in the case of burrowing species like rabbits and foxes), such as crushing or asphyxiation of any wild mammal with intent to cause unnecessary suffering. To avoid offences under this legislation, it is recommended that where these species are present a method statement is produced, aimed at careful excavation of (or exclusion from) burrows.

## **The Wildlife and Countryside Act 1981 (as amended)**

Protected birds, animals and plants are listed in Schedules 1, 5, 6, and 8 of the Wildlife and Countryside Act.

### ***Schedule 1***

The Act makes it an offence to intentionally kill, injure or take any wild bird, their eggs or their nests. Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependant young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The Act also prohibits certain methods of killing, injuring or taking birds; restricts the sale and possession of captive bred birds; and sets standards for keeping birds in captivity.

### ***Schedule 5***

The Act makes it an offence to intentionally kill, injure, take or possess, or trade in any wild animal listed in Schedule 5. It also prohibits interference with places used for shelter or protection, or the intentional disturbance of animals occupying such places. The Act also prohibits certain methods of killing, injuring or taking wild animals.

### ***Schedule 6***

The Act makes it an offence to kill or take animals by certain methods. Such methods include: self-locking snares, bows, crossbows, explosives (other than firearm ammunition) or live decoys. Species listed are also protected from the use of: traps, snares or nets; electrical devices for killing or stunning; poisonous, poisoned or stupefying substances, or any other gas or smoke; automatic or semi-automatic weapons; devices for illuminating a target or sighting devices for night shooting; artificial lights, mirrors or other dazzling devices; sound recordings; and mechanically propelled vehicles in immediate pursuit.

### ***Schedule 8***

The Act makes it an offence to pick, uproot, trade in or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants.

## **The Conservation of Habitats and Species Regulations 2010**

The Conservation of Habitats and Species Regulations 2010 (abbreviated to the Habitats Regulations) consolidate all of the various amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994. The 1994 Regulations transposed the EC Habitats Directive into national law in England and Wales. In Scotland the Habitats Directive is transposed through a combination of the Habitats Regulations 2010 (relating to reserved matters) and the 1994 Regulations. The Regulations provide for the protection of European Protected Species; and the designation, protection and adaptation of planning and other controls for the protection of European Sites. Under the Regulations, competent authorities (e.g. Ministers, government departments, public bodies or persons holding public office) have a general duty, in the exercise of any of their functions, to regard the EC Habitats Directive.

Schedule 2: European protected species of animals; Schedule 3: Animals which may not be taken or killed in certain ways; Schedule 4: European protected species of plants.

### **The UK Biodiversity Action Plan List of Priority Species and Habitats**

Starting in 2005, the old UK BAP priorities were reviewed and, after adoption by the Governments of all four UK administrations, a new list called the UK List of Priority Species and Habitats was published in 2007. The species and habitats on this list help guide the conservation actions being made in the UK, as part of the UK contribution to the Convention on Biological Diversity.

### **The Hedgerows Regulations 1997**

The Hedgerows Regulations were made under Section 97 of the Environment Act 1995 and came into effect in 1997. They introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside. Under the Regulations it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. The Regulations specify the criteria to be used by the local planning authority in determining which hedgerows are important. The criteria relate to the value of hedgerows from an archaeological, historical, landscape, wildlife or amenity perspective. Local planning authority permission is normally required before removing hedges that are at least 20m in length, more than 30 years old, or contain certain plant species. If a hedgerow is at least 30 years old and qualifies under any one of the criteria, then it is important.

### **The National Planning Policy Framework**

The National Planning Policy Framework (NPPF) came into force on the 27 March 2012. It includes a chapter on biodiversity (Chapter 11: Conserving and Enhancing the Natural Environment). This replaces the now redundant Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation guidance. The new NPPF contains reduced content regarding specific advice for biological conservation compared to the PPS9. However, much content is comparable as regards the need to maintain and enhance biodiversity within planning policy and decision making. Sections of particular relevance include:

109: The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

113: Local planning authorities should set criteria-based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

114: Local planning authorities should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure.

118: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.
- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted.
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

- Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

125: By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

## Appendix 4 – Plant Species List

### Hillside Centre, MANCHESTER (Feb 2018) – Phase 1 Habitat Survey

The table below lists all plant species recorded during the site survey. Certain plant species may not have been visible depending on the seasonality of the survey. This list does not purport to be exhaustive.

| English Name             | Latin Name                       | Amenity grassland | Scattered trees | Hedgerow | Ornamental | Scrub | Tall ruderal |
|--------------------------|----------------------------------|-------------------|-----------------|----------|------------|-------|--------------|
| Japanese maple           | <i>Acer palmatum</i>             |                   | *               |          |            |       |              |
| Norway maple             | <i>Acer platanoides</i>          |                   | *               |          |            |       |              |
| Sycamore                 | <i>Acer pseudoplatanus</i>       |                   | *               |          |            |       |              |
| Yarrow                   | <i>Achillea millefolium</i>      | *                 |                 |          |            |       |              |
| Horse chestnut           | <i>Aesculus hippocastanum</i>    |                   | *               |          |            |       |              |
| Alder                    | <i>Alnus glutinosa</i>           |                   | *               |          |            |       |              |
| Japanese laurel          | <i>Aucuba japonica</i>           |                   | *               |          | *          |       |              |
| Common daisy             | <i>Bellis perennis</i>           | *                 |                 |          |            |       |              |
| Silver birch             | <i>Betula pendula</i>            |                   | *               |          |            |       |              |
| Butterfly bush           | <i>Buddleja davidii</i>          |                   |                 |          | *          | *     |              |
| Mouse-ear chickweed      | <i>Cerastium fontanum</i>        | *                 |                 |          |            |       |              |
| Creeping thistle         | <i>Cirsium arvense</i>           | *                 |                 |          |            |       |              |
| Common dogwood           | <i>Cornus sanguinea</i>          |                   |                 |          | *          |       |              |
| Hazel                    | <i>Corylus avellana</i>          |                   | *               |          |            |       |              |
| Common hawthorn          | <i>Crataegus monogyna</i>        |                   | *               |          |            |       |              |
| Leylandii                | <i>Cupressocyparis leylandii</i> |                   | *               |          |            |       |              |
| Cock's-foot              | <i>Dactylis glomerata</i>        | *                 |                 |          |            |       |              |
| Teasel                   | <i>Dipsacus fullonum</i>         |                   |                 |          |            |       | *            |
| Great willowherb         | <i>Epilobium hirsutum</i>        |                   |                 |          |            |       | *            |
| Broadleaved willowherb   | <i>Epilobium montanum</i>        |                   |                 |          |            |       | *            |
| Gum tree                 | <i>Eucalyptus sp.</i>            |                   | *               |          |            |       |              |
| Common beech             | <i>Fagus sylvatica</i>           |                   | *               | *        |            |       |              |
| Red fescue               | <i>Festuca rubra</i>             | *                 |                 |          |            |       |              |
| Ash                      | <i>Fraxinus excelsior</i>        |                   | *               |          |            |       |              |
| Cleavers                 | <i>Galium aparine</i>            | *                 |                 |          |            |       |              |
| Dove's-foot crane's-bill | <i>Geranium molle</i>            | *                 |                 |          |            |       |              |
| Wood avens               | <i>Geum urbanum</i>              |                   |                 |          |            |       | *            |
| Ground ivy               | <i>Glechoma hederacea</i>        | *                 |                 |          |            |       |              |
| Common ivy               | <i>Hedera helix</i>              |                   |                 |          |            | *     |              |

| English Name        | Latin Name                   | Amenity grassland | Scattered trees | Hedgerow | Ornamental | Scrub | Tall ruderal |
|---------------------|------------------------------|-------------------|-----------------|----------|------------|-------|--------------|
| Yorkshire fog       | <i>Holcus lanatus</i>        | *                 |                 |          |            |       |              |
| Privet              | <i>Ligustrum vulgare</i>     |                   |                 | *        | *          |       |              |
| Perennial ryegrass  | <i>Lolium perenne</i>        | *                 |                 |          |            |       |              |
| Mallow              | <i>Malva sylvestris</i>      | *                 |                 |          |            |       |              |
| Ribwort plantain    | <i>Plantago lanceolata</i>   | *                 |                 |          |            |       |              |
| Annual meadow-grass | <i>Poa annua</i>             | *                 |                 |          |            |       |              |
| Lombardy poplar     | <i>Populus nigra Italica</i> |                   | *               |          |            |       |              |
| Cherry              | <i>Prunus avium</i>          |                   | *               |          |            |       |              |
| Cherry laurel       | <i>Prunus laurocerasus</i>   |                   |                 | *        |            |       |              |
| Blackthorn          | <i>Prunus spinosa</i>        |                   |                 |          |            | *     |              |
| Creeping buttercup  | <i>Ranunculus repens</i>     | *                 |                 |          |            |       |              |
| Black locust        | <i>Robinia pseudoacacia</i>  |                   | *               |          |            |       |              |
| Bramble             | <i>Rubus fruticosus</i> agg. |                   |                 |          |            | *     |              |
| Broad-leaved dock   | <i>Rumex obtusifolius</i>    |                   |                 |          |            |       | *            |
| White willow        | <i>Salix alba</i>            |                   | *               |          |            |       |              |
| Elder               | <i>Sambucus nigra</i>        |                   |                 |          | *          |       |              |
| Rowan               | <i>Sorbus aucuparia</i>      |                   | *               |          |            |       |              |
| Lilac               | <i>Syringa vulgaris</i>      |                   |                 |          | *          |       |              |
| Dandelion           | <i>Taraxacum ag.</i>         | *                 |                 |          |            |       |              |

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