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PROSPERITY CAPITAL PARTNERS LTD

THE OLD BREWERY GARDENS, MANCHESTER

PRELIMINARY ECOLOGICAL APPRAISAL

DECEMBER 2017

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PREPARED BY:

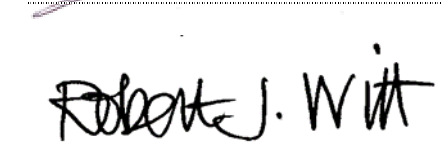
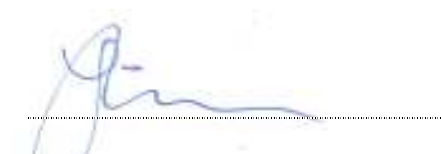
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ENVIRONMENT AND SUSTAINABILITY
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MINING AND MINERAL PROCESSING
MINERAL ESTATES AND QUARRYING
WASTE RESOURCE MANAGEMENT

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APPENDICES

Appendix 1 Legislation and Policy Summary

DRAWINGS TITLE

SCALE

LO10517-007 Extended Phase 1 Habitat Plan

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EXECUTIVE SUMMARY

Wardell Armstrong LLP (WA) was commissioned by Prosperity Capital Partners Ltd to undertake a Preliminary Ecological Appraisal (PEA) of a proposed development scheme at the former Boddington's Brewery site in Manchester, grid reference SJ 838 992.

The site is to the north west of Manchester city centre, bordered by Dutton Street to the north east, and Trinity Way; the Manchester inner ring road, to the south east. To the south west is a surface car park and the A56 Ducie Street and to the north west is Francis Street, small buildings and associated roads. The habitats on site are dominated by hardstanding, and the wider landscape is one of buildings, surface car parks, roads, the River Irwell and railways of inner city Manchester.

There are two non-statutory designated sites (Sites of Biological Importance) within 2km of the site and no statutory designated sites within 5km, neither of which will be affected by the development.

Gaps in retaining walls are considered suitable to support roosting bats and nesting black redstart. There are recent local records for these species and some suitable foraging habitat in and around the site. Further surveys for these species at the appropriate time of year have been recommended.

Japanese knotweed *Fallopia japonica*, false acacia *Robinia pseudoacacia* and a species of *Cotoneaster* were found on site, possibly *Cotoneaster simonsii* (identification difficult due to common hybridisation) which are listed invasive species on Schedule 9 part 2 of the W&C Act. A management plan for invasive species, particularly Japanese knotweed, should be detailed in advance of site development in order to avoid committing an offence.

Mitigation and enhancement measures will be detailed following the protected species surveys. It is recommended that the proposed landscape plans provide a range of habitats using predominantly native species, with a diverse range of trees, shrubs and perennials to maximise the habitats available on site.

With appropriate surveys and any associated mitigation measures and enhancement, the potential ecological receptors identified in this report would not be adversely affected by the development.

1 INTRODUCTION

1.1 Terms of Reference

- 1.1.1 WA was commissioned by Prosperity Capital Partners Ltd to undertake a PEA of a proposed development scheme at the former Boddington's Brewery site in Manchester, grid reference SJ 838 992.
- 1.1.2 This report has been produced with reference to current guidelines for Phase 1 Habitat Survey (Joint Nature Conservation Committee, 2010), Preliminary Ecological Appraisal (Chartered Institute of Ecology and Environmental Management, 2016) and British Standards for Biodiversity – Code of Practice for Planning and Development (British Standards Institute, 2013).
- 1.1.3 The purpose of the PEA is to satisfy the requirements of the National Planning Policy Framework, identifying the likely presence of ecological receptors within or near the application site that could be subject to adverse effects arising from the proposed development.
- 1.1.4 The following ecological features have been considered:
- Statutory and non-statutory designated conservation areas;
 - Areas of Ancient Woodland;
 - Legally Protected Species;
 - Priority Habitats and Species¹;
 - Local Biodiversity Action Plan (BAP) priority habitats and species; and
 - Invasive species.
- 1.1.5 This report also seeks to identify any requirement for further specialist survey where the initial assessment cannot be relied upon to adequately determine presence or reliably infer absence of protected species/taxa.
- 1.1.6 Provisional mitigation and enhancement opportunities are also discussed, where appropriate.

¹ As defined under Section 41 (England) of the Natural Environment and Rural Communities Act 2006.

Site Context

- 1.1.7 The site is to the north west of Manchester city centre, bordered by Dutton Street to the north east, and Trinity Way; the Manchester inner ring road, to the south east. To the south west is a surface car park and the A56 Ducie Street and to the north west is Francis Street, small buildings and associated roads. The habitats on site are dominated by hardstanding, and the wider landscape is one of buildings, surface car parks, roads, the River Irwell and railways of inner city Manchester.
- 1.1.8 For the purposes of this report, the site refers to the red line as defined on drawing LO10517-007.

2 METHODOLOGY

2.1 Desk Study

2.1.1 The desk study was informed by review of existing available information provided by Greater Manchester Ecology Unit (GMEU) and from available internet based resources for a 2km search radius from the site boundary. OS and satellite mapping was also used to gain contextual habitat information.

2.1.2 Specific information was sought for:

- Statutory designated sites;
- Locally designated sites;
- Ancient woodland²;
- Protected and priority species;
- s.41 Habitats and Species;
- Local Biodiversity Action Plan (LBAP) priority habitats and species.

2.2 Extended Phase 1 Habitat Survey

2.2.1 WA carried out an Extended Phase 1 Habitat Survey of the site on 10-10-2017. The survey was carried out by an experienced Ecologist from WA. Weather conditions were suitable for survey.

2.2.2 The survey followed the 'Extended Phase 1' methodology (Institute of Environmental Assessment (IEA), 1995 and JNCC 2010). Each of the main habitats were classified according to the relevant criteria including vegetation composition expressed according to the DAFOR³ system.

2.2.3 In addition to the mapping and description of habitats, incidental observations of protected and/or notable species and the potential for such species to occur on site (and in the surrounding landscape where relevant) were also recorded onto secure digital media for mapping and data collection.

2.2.4 Broad habitats are mapped on Drawing LO10517-007 *Extended Phase 1 Habitat Survey* with appropriate references identifying features of particular note.

² As defined by Natural England on their Inventory of Ancient Woodlands

³ D – Dominant, A – Abundant, F – Frequent, O – Occasional, R-Rare.

2.3 Nomenclature

- 2.3.1 Vascular plant names follow '*New Flora of the British Isles*' (Stace, 2010) with vernacular names as provided in the Botanical Society of the British Isles website (BSBI, 2013).
- 2.3.2 All fauna names follow those on the National Biodiversity Network (NBN) Gateway (NBN, 2013).
- 2.3.3 The common and scientific name of species/taxa is provided (if available) when first mentioned in the text, with only the vernacular name referred to thereafter.

2.4 Caveat

- 2.4.1 Ecological surveys are limited by factors that affect the presence of plants and animals such as time of year, weather, migration patterns and behaviour. The survey was undertaken in October and therefore represents a valid sample of ecological evidence present on that date/season. The report is not designed, nor is it required to, present a complete inventory of flora and fauna.
- 2.4.2 The absence of desk study records is not relied upon to determine absence of a particular species. Often, the absence of records is a result of under-recording within the given search area and as such the experience of the ecologist concerned together with a range of additional factors, such as the presence or absence of potential supporting habitat, is used to infer likely presence or absence.
- 2.4.3 An indicative assessment of potential adverse effects is provided, although this is not a substitute for a full Ecological Impact Assessment.

2.5 Quality Assurance & Environmental Management

- 2.5.1 The surveys and assessments have been overseen by and the report checked and verified by a full member of CIEEM, who is bound by its code of professional conduct.
- 2.5.2 All surveys and assessments have been undertaken referencing the recommendations given in British Standard BS 42020, and as stated within specialist guidance, as appropriate, and are referenced separately.

3 RESULTS AND EVALUATION

3.1 Statutory and Non-Statutory Designated Sites

- 3.1.1 Desk study results for designated sites within a 2km search radius are evaluated in Table 1, below.
- 3.1.2 The search area is extended to allow for the inclusion of Impact Risk Zones (IRZ)⁴ for more distant Sites of Special Scientific Interest (SSSI). Where present, IRZs promote consultation between Natural England and the Local Planning Authority on the likelihood of adverse environmental effects.
- 3.1.3 Sites which are considered potentially sensitive to the development proposals by virtue of their supported species or habitat assemblages, the distance/ecological connectivity to the application site and the nature of the perceived impacts, are highlighted in bold text and are discussed in detail in the final sections of the report.
- 3.1.4 Sites for which potential adverse effects are not anticipated are excluded from further assessment.

Table 1: Designated Sites Evaluation.

Site Name and Status ⁵	Reason for Designation	Potential Adverse Effects
Rochdale Canal, Ashton Canal (West) and Stott's Lane and Ducie Street Basin Site of Biological Importance (SBI) 1.5km to south east	Canal supporting regionally important aquatic habitat and species, including internationally important populations of floating water plantain. (8.1 hectares).	No – aquatic canal vegetation (for which the site is designated) will not be significantly affected by the proposals due to separation of working area from the SBI by the city centre.
River Irwell SBI	Wintering waterfowl, mainly diving ducks.	No – The proposals will not affect the SBI which is up-stream from the proposed development and does not affect species for which the site is designated.

⁴ <https://data.gov.uk/dataset/sssi-impact-risk-zones>

⁵ SPA – Specially Protected Area, SAC – Special Area for Conservation, Ramsar – site designated under the Ramsar Convention, SSSI – Site of Special Scientific Interest, NNR – National Nature Reserve, LNR – Local Nature Reserve, LWS – Local Wildlife Site.

3.2 Habitats

- 3.2.1 All habitats within the Site are described in Table 2. The conservation value and sensitivity of habitats in relation to the proposed works is provided.
- 3.2.2 Habitats which could be subject to adverse effects are indicated with bold text and are discussed in Section 5 *Discussions and Recommendations*. Habitats for which potential adverse effects are not anticipated are excluded from further assessment.
- 3.2.3 The location and extent of habitats is shown on Drawing LO10517-007 *Extended Phase 1 Habitat Survey*.

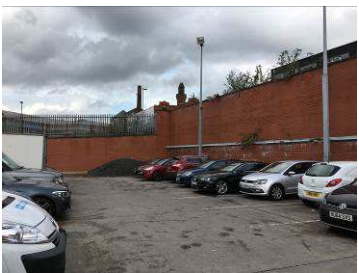
Table 2: Habitat Description and Evaluation				
Phase 1 Habitats		s.41	LBAP	Potential Adverse Effects
Buildings, hardstanding and walls There were two buildings within the site. B1 was a small flat-roofed, well-pointed, brick and mortar ticket booth towards the east of the site. It had negligible bat roost potential (BRP). B2 was a fairly modern brick and mortar building to the north of the site. It had well pointed brickwork and a metal roof and metal cladding towards the roof. It had negligible BRP. Walls Several retaining walls separated the various levels within the site. Most walls had negligible BRP but two walls contained features suitable as occasional bat roosting sites such as missing bricks, loose mortar, gaps between stonework etc. Walls with BRP are identified on the Extended Phase 1 Habitat Survey plan as W1 and W2 which are considered to have low BRP due to the general lack of foraging potential nearby.	 			No – The buildings on site have negligible BRP and are not considered a constraint to development. Yes – Two of the walls may support protected species such as bats which are considered a potential constraint.
	 	x	x	
				

Table 2: Habitat Description and Evaluation				
Phase 1 Habitats		s.41	LBAP	Potential Adverse Effects
Dense and scattered scrub The dominant vegetated habitat within the site was dense scrub, found mostly to the north and centre. The species composition was dominated by butterfly bush <i>Buddleia davidii</i>, hawthorn <i>Crataegus monogyna</i>, and brambles <i>Rubus fruticosus</i> Agg.		x	x	No - The extent of the habitats or their species composition do not meet the criteria for inclusion within any local or UK BAP habitat definitions. Species located in this habitat are common and widespread.
Tall ruderal vegetation Tall ruderals were found in isolated locations within the site. Frequent species consisted of broad leaved dock <i>Rumex obtusifolius</i>, smooth sow thistle <i>Sonchus oleraceus</i>, nettles <i>Urtica dioica</i>, occasional evening primrose <i>Oenothera biennis</i>, wild rocket <i>Diplotaxis tenuifolia</i>, great willowherb <i>Epilobium hirsutum</i>, water figwort <i>Scrophularia umbrosa</i>, scentless mayweed <i>Tripleurospermum inodorum</i>, broad-leaved plantain <i>Plantago major</i>, ground elder <i>Aegopodium podagraria</i> and ox-eye daisy <i>Leucanthemum vulgare</i>.		x	x	No - The extent of the habitats or their species composition do not meet the criteria for inclusion within any local or UK BAP habitat definitions. Species located in this habitat are common and widespread.

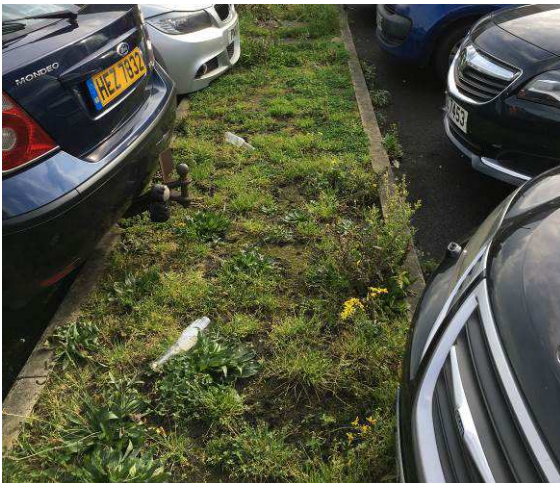
Table 2: Habitat Description and Evaluation				
Phase 1 Habitats		s.41	LBAP	Potential Adverse Effects
Ephemeral/short perennial vegetation This habitat type was found in various areas of recent disturbance around the site. Frequent species included annual meadow grass <i>Poa annua</i>, fat hen <i>Chenopodium album</i>, good King Henry <i>Blitum bonus-henricus</i>, ribwort plantain <i>Plantago lanceolata</i>, smooth sow thistle, and Oxford ragwort <i>Senecio squalidus</i>.		x	x	No - The extent of the habitats or their species composition do not meet the criteria for inclusion within any local or UK BAP habitat definitions. Species located in this habitat are common and widespread.
Poor semi-improved grassland This habitat type was located towards the north east of the site, surrounded by fencing and scrub and so was inaccessible. Visible species included dominant rough grasses such as cock's foot <i>Dactylis glomerata</i> and bent species <i>Agrostis sp.</i>, with frequent meadow vetchling <i>Lathyrus pratensis</i>, creeping thistle <i>Cirsium arvense</i> and ribwort plantain. Occasional species included aster <i>Aster sp.</i>, fleabane <i>Conyza sp.</i>, broad-leaved dock and creeping cinquefoil <i>Potentilla reptans</i>.		x	x	No - The extent of the habitats or their species composition do not meet the criteria for inclusion within any local or UK BAP habitat definitions. Species located in this habitat are common and widespread.

Table 2: Habitat Description and Evaluation				
Phase 1 Habitats		s.41	LBAP	Potential Adverse Effects
Introduced shrubs Isolated patches of introduced shrubs were found mainly towards the south of the site. Species included <i>Eleagnus ebbingii</i>, <i>Pyracantha sp.</i>, and cherry laurel <i>Prunus laurocerasus</i>.		x	x	No - The extent of the habitats or their species composition do not meet the criteria for inclusion within any local or UK BAP habitat definitions. Species located in this habitat are common and widespread.
Individual trees Tree cover at the site was limited. The species found within the site were a group of false acacia towards the south of the site and occasional cherry <i>Prunus avium</i>, silver birch <i>Betula pendula</i>, ash <i>Fraxinus excelsior</i> and crack willow <i>Salix fragilis</i>. No trees had greater than negligible BRP.		x	x	No - The extent of the habitats or their species composition do not meet the criteria for inclusion within any local or UK BAP habitat definitions. Species located in this habitat are common and widespread.

3.3 Species

- 3.3.1 Observations and/or evidence of the following protected and/or invasive species were recorded during the survey and are described below:

Birds

- 3.3.2 Several common and widespread birds were found foraging or flying over the site during the survey. Those observed and likely to utilise habitats within the site for foraging or breeding were blackbird *Turdus merula*, blue tit *Cyanistes caeruleus*, goldfinch *Carduelis carduelis*, magpie *Pica pica*, dunnoek *Prunella modularis* (Red listed), long-tailed tit *Aegithalos caudatus* and robin *Erithacus rubecula*.
- 3.3.3 Goosander *Mergus merganser* and herring gull *Larus argentatus* were observed flying over the site but the site is not suitable for these species to nest.

Invasive Species

- 3.3.4 Japanese knotweed was found towards the south of the site – locations are indicated on the Extended Phase 1 Habitat Survey drawing.
- 3.3.5 A *Cotoneaster* sp. was found growing to the south of the site and false acacia was found as part of a group to the south of the site. Although problematic to identify *Cotoneaster* to species level due to hybridisation, it is likely that this species is one of the spreading species of *Cotoneaster* listed under Schedule 9 of the Wildlife & Countryside Act 1981 (as amended), along with Japanese knotweed and false acacia.

4 ECOLOGICAL EVALUATION

- 4.1.1 Protected species and species of principle importance nationally and locally are evaluated to identify potential adverse effects from proposed works in Table 3.
- 4.1.2 Evaluations are based on, but are not limited to, the following criteria:
- Desk study records;
 - Evidence found during the survey;
 - Presence, extent, quality and viability of supporting on-site habitat;
 - Ecological connectivity to viable off-site habitats; and
 - Perceived impacts of habitat loss/impact to individuals in relation to proposals.
- 4.1.3 Species for which adverse effects are predicted are indicated in bold text and are discussed in greater detail in the Section 5 *Discussions and Recommendations*.
- 4.1.4 Species/taxa for which potential adverse effects are not anticipated are excluded from further assessment.

Table 3: Species Evaluation				
Receptor	Desk Study Record	Status ⁶	Supporting Habitat	Potential Adverse Effects
Bats <i>Chiroptera</i>	Several roosts known within 2km of the site, including a common pipistrelle <i>Pipistrellus pipistrellus</i> . within 100m of the site. All known roosts within 2km of the site are of common pipistrelle <i>P.pipistrellus</i> , soprano pipistrelle <i>P.pygmaeus</i> or Daubenton's <i>Myotis daubentoni</i> . and are found mostly along the River Irwell.	EPS, WCA, s.41,	The site itself provides low quality foraging habitat for bats, with very little vegetation present. However, the river is less than 200m from the site, which provides invertebrate foraging opportunities. W1 and W2 provide low BRP opportunities.	Yes – Parts of W1 and W2 have low suitability to support roosting bats and there are small amounts of suitable foraging habitat within the site, as well as habitat along the River Irwell which is nearby.
Badger <i>Meles meles</i>	✓	BA	There is a central embankment in the site that provides potential sett-building habitat, but there is a shortage of foraging and connectivity to off-site habitat making their presence highly unlikely.	No – minimal suitable habitat within or surrounding the site. No adverse effect anticipated on this species.
Brown hare <i>Lepus europaeus</i>		s.41	No – no suitable habitat within or surrounding the site.	No – no suitable habitat within or surrounding the site. No adverse effect anticipated on this species.
European hedgehog <i>Erinaceus europaeus</i>	✓	s.41	Scrub and grassland habitats provide some foraging opportunities, but these areas are limited and connectivity to off-site habitat is poor making their presence	No – no suitable habitat within or surrounding the site. No adverse effect anticipated on this species.

⁶ EPS – European Protected Species, WCA – Wildlife and Countryside Act, A1 – Annex 1 (Birds Directive), BA – Protection of Badgers Act, s.41- species listed under section 41 of the NERC Act as species of principal importance

Table 3: Species Evaluation				
Receptor	Desk Study Record	Status ⁶	Supporting Habitat	Potential Adverse Effects
			highly unlikely.	
Dormouse <i>Musccardinus avellanarius</i>		EPS, WCA, s.41	No – site supports no suitable habitat.	No – no suitable habitat within or surrounding the site. No adverse effect anticipated on this species.
Otter <i>Lutra lutra</i>		EPS, WCA, s.41	No – site supports no suitable habitat.	No – otters highly unlikely to use the site.
Water vole <i>Arvicola amphibius</i>		WCA, s.41	No – site supports no suitable habitat.	No – no suitable habitat within or surrounding the site. No adverse effect anticipated on this species.
Reptiles		WCA, s.41	Scrub and grassland habitats are suitable, but these areas are limited, of recent origin and connectivity to off-site habitat is poor making their presence highly unlikely.	No – Presence highly unlikely. No adverse effect anticipated on this species.
Great crested newt <i>Triturus cristatus</i>		EPS, WCA, s.41	No – no breeding ponds or suitable habitat within or surrounding the site.	No – no suitable habitat within or surrounding the site. No adverse effect anticipated on this species.
Common toad <i>Bufo bufo</i>	✓	s.41	No – no breeding ponds or suitable habitat within or surrounding the site.	No – no suitable habitat within or surrounding the site. No adverse effect anticipated on this species.
White-clawed crayfish <i>Austropotamobius pallipes</i>		EPS, WCA, s.41	No – no suitable habitat within or surrounding the site.	No – no suitable habitat within or surrounding the site. No adverse effect anticipated on this species.
Birds	Several records including; Schedule 1 birds Black redstart	s.41, WCA BoCC	Walls and ephemeral vegetation with occasional scrub on site provides suitable	Yes - There are recent records of black redstart from nearby, as the site is likely to

Table 3: Species Evaluation				
Receptor	Desk Study Record	Status ⁶	Supporting Habitat	Potential Adverse Effects
	<i>Phoenicurus ochrurus</i> , kingfisher <i>Alcedo atthis</i> , peregrine falcon <i>Falco peregrinus</i> , little ringed plover <i>Charadrius dubius</i>		habitat for hole nesting species of birds such as house sparrow, starling and swift and black redstart.	be under-recorded, their presence cannot be ruled-out. Dunnock were recorded on site and the central vegetated embankment provides suitable nesting bird habitat for several common species.
Protected Plant Species	Grass-wrack pondweed <i>Potamogeton compressus</i> Floating water plantain <i>Luronium natans</i>	WCA, s.41	No – all vegetated areas on site are of recent anthropogenic origin.	No - no protected species were identified during the survey. Protected plant species within the vicinity restricted to standing canal water which will not be affected by the proposals.
Protected Invertebrate Species		WCA, s.41	The site provides very few opportunities for significant numbers of notable invertebrates that a larger mosaic of 'brownfield land' might provide.	No - The site is unlikely to support protected or notable invertebrates.

5 DISCUSSION AND RECOMMENDATIONS

5.1.1 The following designated sites, habitats and species (receptors) have been evaluated as being subject to potential adverse effects or are otherwise considered a constraint to the development:

- Bats;
- Black redstart;
- Nesting birds (general); and
- Invasive Species.

5.1.2 The nature of potential effects, requirements for further surveys, and proposed mitigation/compensation are discussed below for each of the identified potential sensitive receptors.

5.2 Protected Species

Bats

5.2.1 Walls W1 and W2 provide potential roosting features such as missing bricks and loose mortar. There is sufficient vegetation on site to provide some foraging opportunities and the River Irwell and associated vegetation is approximately 200m from the site; providing good foraging habitat. W1 and W2 provide low BRP and as such it is recommended that a dusk emergence survey is undertaken between May and August to determine whether any bats are using the wall features for roosting. If any bats are seen emerging or if a high level of activity is recorded it may be necessary to undertake further survey.

Black Redstart

5.2.2 Under the Wildlife and Countryside Act 1981, it is an offence to 'intentionally take, damage or destroy the nest of any wild bird'. In addition, black redstart is a Schedule 1 species under the Wildlife and Countryside Act 1981 and it is an offence to 'disturb any wild bird included in Schedule I while it is building a nest or is in, on or near a nest containing eggs or young'. Black redstart is also a red listed species of Conservation Concern⁷.

⁷ https://www.bto.org/sites/default/files/shared_documents/publications/birds-conservation-concern/birds-of-conservation-concern-4-leaflet.pdf

5.2.3 This species has been recorded recently from near the site, and the habitats on site including ephemeral vegetation, retaining walls with gaps for nesting, and scattered scrub provide suitable breeding and foraging habitat.

5.2.4 It is recommended that surveys are undertaken during the breeding season (April to July inclusive) to ascertain whether this species uses the site for breeding.

Nesting Birds (General)

5.2.5 It is recommended that a check for the presence of active nests, and nesting birds should be undertaken by a suitably qualified ecologist prior to the commencement of works as the building is likely to be demolished between April and September which coincides with the bird breeding season. Any active nests should be identified and protected subject to the relevant legal provisions until the nesting attempt is complete.

5.3 Invasive Species

Japanese knotweed

5.3.1 Japanese knotweed is a plant listed under Schedule 9 of the W&C Act 1981 (as amended). It is recommended that a management plan for Japanese knotweed is produced in order that this species can be effectively treated prior to development and that no offence is committed under the pertinent legislation.

Other Invasive Species.

5.3.2 A species of Cotoneaster was found on site, possibly *Cotoneaster simonsii* which is listed on Schedule 9 part 2 of the W&C Act. This plant, along with false acacia, should be excavated and all plant material burned or buried on site.

6 ECOLOGICAL MITIGATION AND ENHANCEMENTS

6.1.1 Mitigation normally involves measures that reduce and/or minimise impacts within the site boundary. In accordance with the requirements of the NPPF and BSI 42020:2013 ecological enhancements should be proposed which will result in a net gain in biodiversity.

6.1.2 The following measures are considered appropriate for the scale of the development and the magnitude of perceived impacts.

6.2 Habitats

6.2.1 Due to the brown-field nature of the site pre-development; comprised of predominantly hard standing and buildings, the proposed development will not result in a loss of, or major change to habitat types. It is recommended that the development involves planting such as street trees and areas of green space in order to increase the net gain in biodiversity of the site. Trees should include a large proportion of native species, including berry-bearing species in suitable locations.

6.3 Species

6.3.1 Mitigation for individual species will be decided following the protected species surveys recommended for bats and black redstart.

7 REFERENCES

Botanical Society of the British Isles (2013) *Online atlas of the British and Irish Flora*. [online] Available at: http://www.brc.ac.uk/plantatlas/index.php?q=title_page

British Standards Institute (2013) *Biodiversity – Code of Practice for Planning and Development*. BS 42020:2013.

Institute of Environmental Assessment (1995) *Guidelines for Baseline Ecological Assessment*. First Edition. E & FN Spon, London.

Institute of Ecological and Environmental Management (2013) *Guidelines for Preliminary Ecological Appraisal*. [pdf] Available at: https://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/GP_EA/GPEA_April_2013.pdf

Joint Nature Conservation Committee (2010) *Handbook for Phase 1 Habitat Survey: A technique for Environmental Audit*. JNCC, Peterborough.

National Biodiversity Network (2017) NBN Atlas. [online] Available at: <https://nbnatlas.org/>

Stace, C. (2010) *New Flora of the British Isles*. Third Edition. Cambridge University Press.

Appendix 1

Legislation and Policy Summary

Appendix 1 – Legislation and Policy Summary

Legislation for Habitats/Sites

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following The Ramsar Convention. RAMSAR sites have the same level of protection as SSSIs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs are classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC), the Birds Directive. They are they seek to protect the habitats of rare and vulnerable birds, listed in Annex I of the Birds Directive, and for regularly occurring migratory species. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 implement the Birds Directive in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent typical European Union of habitats and (non-bird) species listed in Annexes I and II of the EC Habitats Directive. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 implement the Habitats Directive in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under The Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under The Wildlife and Countryside Act 1981 (as amended).

Legislation for Species

Species	Legal Status
<i>European Legislation</i>	
Creeping Marshwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killaney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2010 (and as amended), it is illegal to deliberately pick, collect, uproot or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	These animals and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (and as amended), which makes it illegal to: • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb⁸ such an animal; and • Damage or destroy a breeding site or resting place of such an animal. European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely: • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a duty to 'have regard to the requirements of the EC Habitats Directive' i.e. LPA's must consider the above 3 'tests' when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.

⁸ Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

Species	Legal Status
<i>Domestic (UK) Legislations</i>	
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	These animals receive full protection under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to certain exceptions) to: • Intentionally kill, injure or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Adder, Common Lizard, Grass Snake, Slow Worm, White-clawed Crayfish	These animals receive partial protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which provide protection against intentional killing or injury of any such animal.
Nesting Birds	All wild birds (as defined by the act) are protected under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to exceptions) to: • Intentionally kill, injure or take any wild bird; • Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
WCA Schedule 1 listed Birds	Additional protection is provided to birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (and as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to: • Intentionally or recklessly disturb any bird listed on Schedule 1, or their dependent young while nesting.
Badgers	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and to intentionally or recklessly interfere with a Badger sett. This includes: • damaging or destroying an active sett; • obstructing access to a sett; and • disturbing a Badger while it is occupying a sett. Licences can be granted to permit sett closure and/or disturbance between July and November inclusive (i.e. outside the sow pregnancy/birth period).
Wild Mammals	The Wild Mammals (Protection) Act 1996 provides legal protection to all wild mammals (as defined by the act) against the following actions: mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.
<i>Invasive Species</i>	

Species	Legal Status
WCA Schedule 9 listed animals (Part 1) and plants (part 2)	Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act prohibits the release of any animal species that are: <i>“not ordinarily resident in and is not a regular visitor to Great Britain in a wild state”</i>

Policy Summary

Section 40 of the Natural Environment and Rural Communities (NERC) Act imposes a legal duty on Planning Authorities to ‘have regard’ to the conservation of biodiversity when considering planning applications.

Section 41 of the NERC Act requires the Secretary of State to publish a list of species and habitats of principal importance for conserving biodiversity in the UK. Such Biodiversity Action Plan (BAP) Habitats and Species (2007) do not offer the species any specific protection but help to highlight the species importance at a national level. This list is used by Local Planning Authorities to identify the species and habitats that should be afforded priority when applying the requirements of the National Planning Policy Framework (NPPF).

The NPPF underpins the Government’s planning policies for England and how these are to be applied. The central theme of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined.

The NPPF states:

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

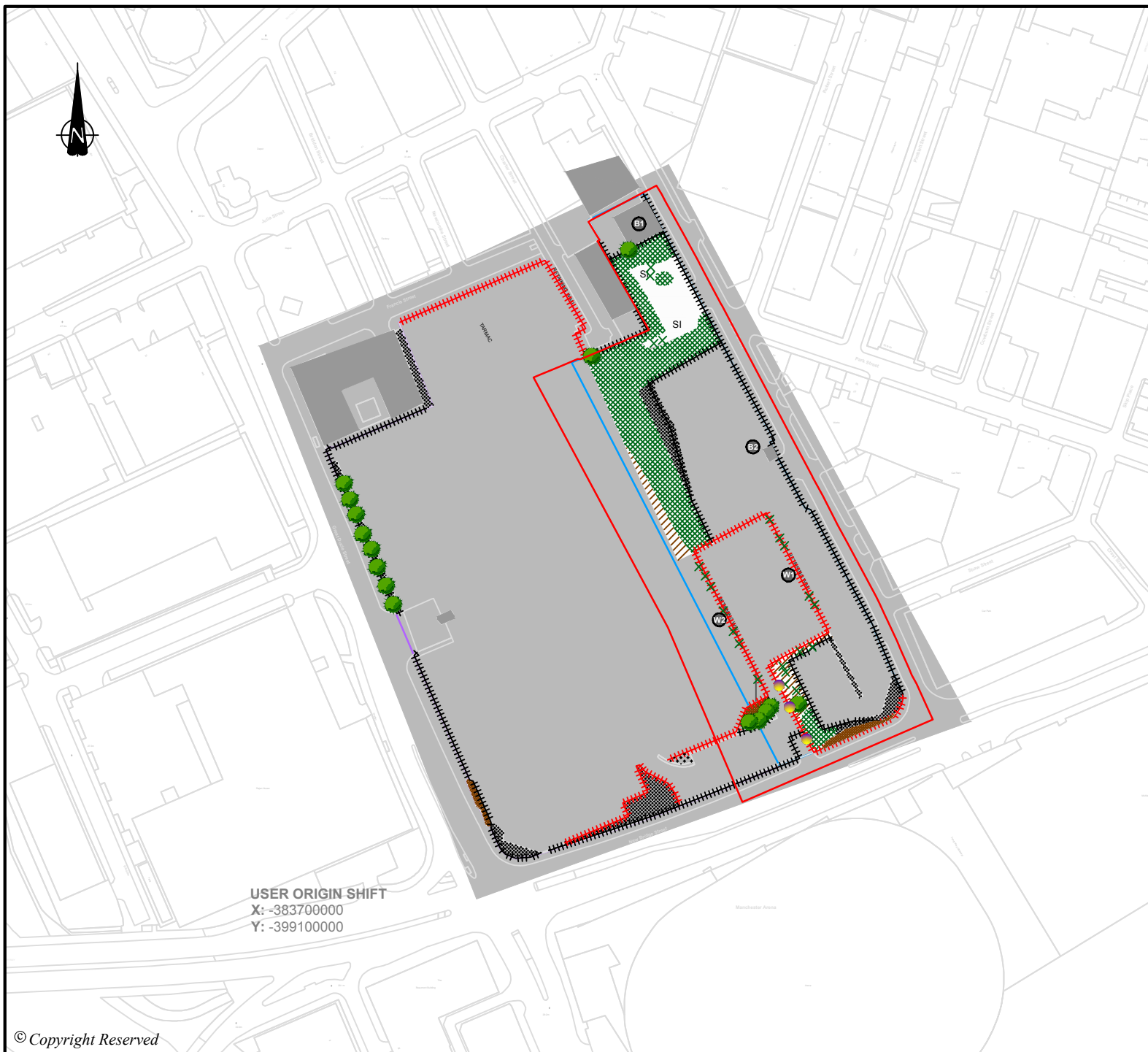
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted.*

Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs;

- 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; and*
- the following wildlife sites should be given the same protection as European sites: potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC); listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs, and listed or proposed Ramsar sites.'*

The NPPF requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, 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.

DRAWINGS



DO NOT SCALE FROM THIS DRAWING

KEY

- Planning Application boundary
- Ownership boundary
- Realty ownership boundary
- Individual trees
- Dense scrub
- Scattered scrub
- Introduced shrubs
- Tall ruderal
- SI Poor semi-improved grassland
- Ephemeral/short perennial
- Buildings
- Hardstanding
- Fence
- Wall
- Japanese knotweed locations
- Building reference number
- Wall reference number

A	Site boundary amended	13-12-17	JR	RW	RW
		DATE	DRAWN	CHKD	APPD
REVISION	DETAILS				
CLIENT					
Prosperity Capital Partners Ltd					
PROJECT					
The Old Brewery Gardens, Manchester					
DRAWING TITLE					
Extended Phase 1 Habitat Survey Plan					
DRG No		LO10517-007		REV	
				A	
SIZE		SCALE		DATE	
A4		1:2,000@A4		13-12-17	
DRAWN BY		CHECKED BY		APPROVED BY	
JR		EL		RW	
 wardell armstrong your earth our world					

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