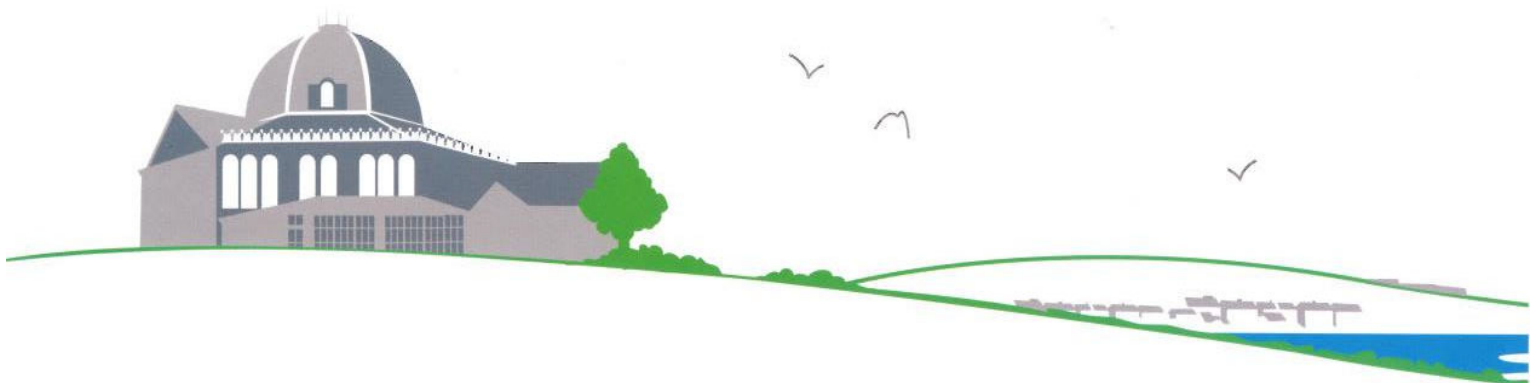




FIRST STREET DEVELOPMENTS LTD  
PLOT 9A, FIRST STREET REGENERATION  
AREA, MANCHESTER  
EXTENDED PHASE 1 HABITAT SURVEY



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## FIRST STREET DEVELOPMENTS LTD

## PLOT 9A, FIRST STREET REGENERATION AREA, MANCHESTER

## EXTENDED PHASE 1 HABITAT SURVEY

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This project has been undertaken in accordance with PAA policies and procedures on quality assurance.

Signed:  \_\_\_\_\_

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# 1. INTRODUCTION

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- 1.1 Penny Anderson Associates Ltd (PAA) was commissioned in August 2021 to undertake an extended Phase 1 habitat survey on an area of land known as Plot 9A, part of the First Street Regeneration Area, Manchester. The Site is centred on grid reference SJ 83712 97275.
- 1.2 Surveys have been previously completed on this area (also previously known as Plot 6) in 2015 (PAA 2016) and 2018 (PAA 2018). The report presents updated survey results in the context of these previous assessments, providing updated recommendations where necessary.
- 1.3 The report has been requested to accompany a planning application for re-development of the site.

## Site Description

- 1.4 Plot 9A First Street (hereafter referred to as the 'Site') is an urban city centre site comprising concrete and hardstanding with some limited areas of self-seeded scrub. The wider surrounding land use is primarily urban development comprising roads, offices and residential buildings. The River Medlock runs in a culvert some 250m north of the Site.
- 1.5 The Site is bound by River Street to the north, Wilmott Street to the east, Hulme Street to the south and Medlock Street to the west, and Plot 9B lies adjacent to the Site to the east. The Site currently consists of an area of hardstanding that has previously been used as a surface car park and temporary outdoor entertainment venue.
- 1.6 The wider area is characterised by a mix of uses including primarily office and leisure uses to the north, residential to the east and west and student residential to the south.

## Legislative Context

- 1.7 The text given below provides a brief summary of the legislation in relation to the species or species group in England and Wales. The original Acts, Regulations and any amendments should be referred to for the precise wording.
- 1.8 A range of international and national legislation has been established in the UK to protect important nature conservation sites and priority species. At the international level, European Union (EU) Directives require individual member states to implement their conservation provisions nationally for the benefit of Europe as a whole. These Directives have been transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (amended); further details can be obtained from the Joint Nature Conservation Committee (JNCC) web site at [www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk).
- 1.9 Other international conventions include: the Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979), which requires the maintenance of populations of wild flora and fauna, giving particular protection to endangered and vulnerable species; and the Bonn Convention on the Conservation of Migratory Species of Wild Animals (1979), which requires the protection of migratory species throughout their entire range. The above conventions are implemented in England and Wales via the Wildlife and Countryside Act (WCA), 1981 (as amended) and Countryside and Rights of Way (CROW) Act 2000. This legislation also protects important habitats and sites such as Sites of Special Scientific Interest (SSSI).
- 1.10 At the national level, the UK Post-2010 Biodiversity Framework published in 2012 is the Government's response to the Convention on Biological Diversity (2010). It describes the UK's biological resources, commits a detailed plan for the protection of these resources within the UK's devolved framework across England, Wales, Scotland and Northern Ireland. The document identifies future priorities for nature conservation and adopts a more strategic approach, including ecosystem services and sustainability alongside biodiversity. Despite administrative changes

following devolution, there is still an underlying objective of protecting and enhancing a range of priority species and habitats, often still based on the objectives and classifications of the original UK Biodiversity Action Plan. Biodiversity 2020 is England's national biodiversity strategy. Building on the Natural Environment White Paper published in 2011, this provides a means of delivering the international and EU commitments to biodiversity. Under Biodiversity 2020, Priority Species and Habitats referred to are those of 'Principal Importance' for the conservation of biodiversity in England listed on Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006.

- 1.11 Finally, the National Planning Policy Framework (NPPF 2021) provides guidance for local authorities on the content of the Local Plans and is a material consideration in determining planning applications. Briefly, with an overall focus on sustainable development, the NPPF states that developments should aim to engender positive outcomes for habitats and biodiversity, with a particular focus on the maintenance and creation of ecological networks.
- 1.12 The NPPF identifies the following principals that should be applied by local planning authorities when determining planning applications:
  - a. if significant harm to biodiversity 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;
  - b. development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI;
  - c. development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
  - d. development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 1.13 The NPPF states that the planning system should contribute to and enhance the natural environment through a range of actions, including:
  - protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
  - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services; and
  - minimising impacts on biodiversity and providing net gains for biodiversity including establishing coherent ecological networks that are more resilient to current and future pressures.
- 1.14 To protect and enhance biodiversity and geodiversity, plans should:
  - Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and

- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

1.15 A summary of the relevant protected species legislation is given in Appendix I.

## **Aims of Report**

1.16 The aim of this report is to provide an up-to-date assessment of the ecological features on the Site, identify any ecological constraints relevant to the proposed development and make recommendations on further survey work and/or mitigation and compensation where considered necessary.

## 2. METHODS

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### Desk Study

- 2.1 A request for details of protected and notable species and locally designated sites within 1km of the centre of the site was made to Greater Manchester Ecology Unit (GMEU) with data returned in September 2021. Additionally, the Multi-Agency Geographic Information for the Countryside (MAGIC<sup>1</sup>) website was consulted for details of statutory designated sites and Priority Habitats within a 1km search area from the centre of the site.
- 2.2 It is important to note that the desk study results provide an indication of the species present in and around the Site and do not confirm current presence or absence of any particular species. Protected species are often under-recorded in county wildlife databases.

### Extended Phase 1 Habitat Survey

- 2.3 The survey was conducted on 24<sup>th</sup> August 2021 by Ecologist, Beth Howes<sup>2</sup> under warm, dry conditions with good visibility.
- 2.4 The Phase 1 habitat survey was carried out by an experienced surveyor and the survey methodology was based on guidance set out in the *Handbook for Phase 1 Habitat Survey* (JNCC 2010). The broad habitat types were mapped, with each habitat type coded according to the standard JNCC Phase 1 habitat survey procedure.
- 2.5 In addition, plant species lists were collated for habitats across the area delineated for the survey. Each plant species was assigned abundance codes within each habitat. This was done using the 'DAFOR' scale (where: D = dominant; A = abundant; F = frequent; O = occasional; R = rare), which provides an indication of the relative abundance of each plant species present within a particular habitat. The plant species present within the Site are listed in Appendix 2, which shows both common and scientific names according to Stace (2019). Common names only are referred to in the text.
- 2.6 The survey was 'extended' following the approach set out in the Institute of Environmental Assessment (1995) and CIEEM (2017) to include an assessment of the potential for/presence of protected species.

### Limitations

- 2.7 The Site was fully accessible at the time of the survey and carried out at an appropriate time of year for this type of survey, and no significant constraints were noted.

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<sup>1</sup> <https://magic.defra.gov.uk/MagicMap.aspx> (last accessed 28/09/2021)

<sup>2</sup> Qualifying Member of the Chartered Institute of Ecology and Environmental Management (CIEEM)

### 3. RESULTS

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#### **Desk Study**

- 3.1 The desk study utilised data obtained from GMEU in September, searching within a 1km radius of the site centre. The MAGIC search engine was also used to obtain additional data on European Protected Species (EPS) licences, as well as designated and non-designated sites and notable habitats.

#### **Protected Sites**

##### **European Sites**

- 3.2 European protected sites include Special Areas of Conservation (SAC), Special Protection Areas (SPA), RAMSAR wetland sites, possible SAC, potential SPA and proposed RAMSAR sites. No European protected sites were identified within the 1km search area.

##### **Sites of Special Scientific Interest**

- 3.3 SSSI represent a selection of this country's best wildlife and geological sites and cover approximately 7% of the terrestrial area of the country (with over 4,000 separate sites in England). No SSSI are located within the 1km search area, however, the site does fall within the Impact Risk Zone<sup>3</sup> (IRZ) of Rochdale Canal SSSI.

##### **Other Protected Sites**

- 3.4 No National or Local Nature Reserves were identified within the 1km search area.
- 3.5 No Sites of Biological Interest were identified within the 1km search area.
- 3.6 Three Regionally Important Geological Sites (RIGS) were found within the 1km search area, however, one of the three sites is a collection housed within a museum. The two *in situ* sites are:
- Canal Cutting – Rochdale Cana, located 425m north-west, and;
  - Canalside Cliff – Coal Wharf Car Park, located 450m north-west.

#### **Priority Habitats**

- 3.7 Three open mosaic habitat areas were identified within the 1km search zone. The closest to the site boundary is located 115m north-east, whilst the other two open mosaic habitats are located over 600m from the site and a separated by major roads.

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<sup>3</sup> The Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSIs posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts.

## Protected and Notable Species

### Granted European Protected Species Applications

- 3.8 Four granted EPS licence applications for bats were returned within the 1km search area on MAGIC. One was granted for common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*P. pygmaeus*) roosts, two for common pipistrelle roosts and one for a brown long-eared bat (*Plecotus auritus*) roost. Table 1 shows the location and date of each licence granted.
- 3.9 No records were presented for licenses relating to other European Protected Species within the search area.

**Table 1 Bat European Protected Species Licenses**

| Species                                    | License to Allow             | Date License Granted | Date License Expires | Distance from Site Boundary |
|--------------------------------------------|------------------------------|----------------------|----------------------|-----------------------------|
| Common pipistrelle and soprano pipistrelle | Destruction to resting place | 2014                 | 2017                 | 980m NE                     |
| Common pipistrelle                         | Destruction of breeding site | 2012                 | 2015                 | 750m N                      |
| Common pipistrelle                         | Destruction of resting place | 2012                 | 2013                 | No data                     |
| Brown long-eared                           | No data                      | 2013                 | 2016                 | 120m N                      |

### Bats

- 3.10 Nine bat roosts were recorded in the 1km search area within the GMEU dataset. Table 2 shows the number of roost records of each bat species recorded in the 1km search zone and the proximity to the site of the closest record for each species.
- 3.11 In addition, numerous records were returned for signs/sightings of bats (away from a roost) within the 1km search area; these recordings were for common pipistrelle (32 records), pipistrelle species (*Pipistrellus* sp.) (five records), soprano pipistrelle (one record) and unidentified bat species (three records). The closest record to the site is for common pipistrelle, located 210m north-west of the site boundary.

**Table 2 Bat Roost Records**

| Common Name         | Scientific Name                  | No. of Records | Closest Record (approximate distance and direction from site boundary) |
|---------------------|----------------------------------|----------------|------------------------------------------------------------------------|
| Common pipistrelle  | <i>Pipistrellus pipistrellus</i> | 7              | 120m N                                                                 |
| Pipistrelle species | <i>Pipistrellus</i> sp.          | 2              | 818m NE                                                                |

### Badger and Hedgehog

- 3.12 Two records for signs of badger (*Meles meles*) were identified within the 1km search area. These records are both located over 500m for the site boundary. No records of badger setts were returned by the data search. Due to the sensitive nature of this data the precise locations are not presented in this report.
- 3.13 Seven records for hedgehog (*Erinaceus europaeus*) were identified within the 1km search area, the closest record to the site boundary dates from 2020 and is located 180m south-west.

## Otter and Water Vole

- 3.14 No records for otter (*Lutra lutra*) or water vole (*Arvicola amphibius*) were identified within the 1km search area.

## Birds

- 3.15 All nesting birds, their nests and eggs are protected from harm under the WCA, 1981 (as amended). In addition, species listed under Schedule 1 of the WCA are further protected against disturbance when breeding. Several other documents list birds considered to be of conservation concern due to declining populations.
- 3.16 A small number Schedule 1 species, including peregrine (*Falco peregrinus*), kingfisher (*Alcedo atthis*) and black redstart (*Phoenicurus ochruros*), were recorded within the 1km search area but due to the confidentiality of this data the species are not presented in detail in this report.
- 3.17 All other protected and notable bird species records within the 1km search area are listed in Table 3, along with their conservation status. They comprise species typical of urban locations, parks and gardens with the exception of lapwing (*Vanellus vanellus*) which is a ground nesting bird that typically favours more open grassland/short ruderal habitat areas.

**Table 3 Bird Species of Principal Importance**

| Common Name   | Scientific Name           | Amber <sup>4</sup> Listed | Red Listed | Section 41 Priority Species <sup>5</sup> |
|---------------|---------------------------|---------------------------|------------|------------------------------------------|
| Dunnock       | <i>Prunella modularis</i> | X                         |            | X                                        |
| House sparrow | <i>Passer domesticus</i>  |                           | X          | X                                        |
| Lapwing       | <i>Vanellus vanellus</i>  |                           | X          | X                                        |
| Song thrush   | <i>Turdus philomelos</i>  |                           | X          | X                                        |
| Starling      | <i>Sturnus vulgaris</i>   |                           | X          | X                                        |
| Tree sparrow  | <i>Passer montanus</i>    |                           | X          | X                                        |

## Amphibians and Reptiles

- 3.18 No great crested newt (*Triturus cristatus*, GCN) records were returned within the 1km search area. Consultation with Natural England's GCN Geoportal revealed no known locations with confirmed presence of GCN within 1km of the central grid reference.
- 3.19 An Ordnance Survey map search confirmed a section on the Manchester Canal 70m north of the site. No ponds were found within 500m of the site boundary.
- 3.20 No records for other amphibians or reptiles were returned in the 1km search area.

<sup>4</sup> The UK's birds can be split in to three categories of conservation importance - red, amber and green. Red is the highest conservation priority, with species needing urgent action. Amber is the next most critical group, followed by green. Eaton et al. 2015

<sup>5</sup> Species of Principal Importance under Section 41 of the NERC Act 2006.

## Terrestrial Invertebrates

- 3.21 Five records for the Section 41 moth species cinnabar moth (*Tyria jacobaeae*) were returned from the 1km data search. The closest record to the site boundary is located 685m south and dates from 2013.

## White-clawed Crayfish and Notable Fish

- 3.22 No records of white-clawed crayfish (*Austropotamobius pallipes*) or notable fish species were identified within the 1km search area.

## Notable Plant Species

- 3.23 One notable plant species record was returned within the 1km search area. Grasswrack pondweed (*Potamogeton crampeus*) is a nationally scarce and endangered plant, a species of Principal Importance. A single record was returned, located 270m north of the site boundary at Bridgewater Basin. This record dates from 2005.

## Protected Species

- 3.24 A known bat roost is located in a culvert approximately 250m to the north of the Site. Details of the roost are provided by PAA (2011). Briefly, it comprises a small common pipistrelle roost of up to 50 bats within the River Medlock culvert.
- 3.25 The presence of black redstart, a Schedule 1 species, is known within the City Centre and the Site is just on the edge of the Black Redstart Priority Area for Greater Manchester (Jones 2009).

## Extended Phase 1 Habitat Survey

- 3.26 Figure 1 presents the habitat map. Botanical species lists for the habitats on site are presented in Appendix 2 with illustrative photographs in Appendix 3.

## Main Habitats Present

- 3.27 The Site is largely dominated by hardstanding and open areas of artificial compacted substrate (Figure 1). There is patchy scrub and regenerating young trees with some grasses and forbs growing beneath to the west. There is wooden hoarding and security gates around the perimeter of the site and a low brick wall around some of the scrub area.

## Hardstanding and Bare Ground

- 3.28 The Site is dominated by hardstanding and bare ground (including compacted rubble/stone, concrete and asphalt), previously used for car parking. These areas have very little vegetation developed across them either because of recent use or due to the relatively intact nature of the hardstanding.

## Scrub

- 3.29 The vegetation on site comprises an area of scrub dominated by self-seeded young trees (including sycamore, elder and silver birch) and self-seeded shrubs (including goat willow, rose species and bramble). Butterfly-bush was present in low numbers within the scrub. The scrub vegetation previously formed a strip from the western boundary into the centre of the site approximately 5-8m wide, however, this section has recently been cut with only the roots of the scrub vegetation remaining.
- 3.30 A single semi-mature Norway maple tree is present in the south-west corner of the site.

### **Non-native Invasive Plants**

- 3.31 A single plant of wall cotoneaster, a non-native invasive plant species listed in Schedule 9 of the WCA (1981, as amended), was recorded on the western boundary of the Site.

### ***Protected Species***

- 3.32 Given the relative isolation of the Site from larger areas of semi-natural habitat, and the lack of suitable refugia for protected species, it was concluded that the only species relevant to this assessment were foraging bats, breeding birds potentially nesting in the denser vegetation and foraging black redstart. The Site lies adjacent to the western edge of the Greater Manchester Black Redstart Priority Area (Greater Manchester Biodiversity Partnership 2008).

### **Breeding Birds**

- 3.33 There is potential for bird nesting in the small area of dense shrub/scrub to the west.
- 3.34 The suitability of the Site for black redstarts is considered to be very limited due to the dominance of intact hard standing and the frequently disturbed nature of the Site. Occasional use of the Site by small numbers of foraging black redstarts cannot be ruled out, as there are some localised areas of sparsely vegetated stony ground suitable for foraging along with the green/brown roof provided by Number One, First Street. The Site is, however, unlikely to form an important forage resource for this species.

### **Bats**

- 3.35 The Site contains no potential tree roost sites for bats as there are no mature trees or larger trees with suitable features such as rot holes, cankers or splits. There are no buildings on the Site suitable for use by roosting bats.
- 3.36 The hardstanding and small area of scrub provides only very limited foraging habitat for bats. Street lighting, together with the lack of vegetation and connectivity to other semi-natural habitats, significantly diminishes its potential for bat foraging.
- 3.37 The Site is 250m from the closest bat roost which is a common pipistrelle roost within the culvert of the River Medlock. Surveys on this roost in 2015 (completed by PAA as part of the post-development monitoring for EPS licence works at Plots 1 and 3) have indicated that the bats forage along the river corridor and not more widely on the surrounding land. Because of this, development of the Site is unlikely to significantly impact upon the local population of bats.

## 4. DISCUSSION AND RECOMMENDATIONS

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### Sites of Nature Conservation Interest

- 4.1 The Site contains no statutory nature conservation sites, none are within 1km of the Site and those situated further afield are considered unlikely to be impacted by the proposed development.
- 4.2 The RIGS identified within 1km of the Site are all situated some distance from the Site. Impacts of the proposed development on these sites are considered unlikely, therefore, due to both the nature of the proposals and the lack of direct links between the non-statutory sites and the proposed development Site.
- 4.3 An area of open mosaic habitat is mapped just to the north-east of the site, just beyond Cambridge Street. This now appears to be taken up by a building, likely a relatively recent development erected since the open mosaic habitat dataset was created.

### Habitats

- 4.4 The habitats and plant species recorded within the Site are widespread and common throughout Greater Manchester and the UK. None of the plant species recorded within the Site are either Nationally Scarce or Nationally Rare (Hill *et al.* 2004) or of any other conservation significance (Cheffings and Farrell 2005, as amended; Stroh *et al.* 2014). Overall, the Site is considered representative of an isolated patch of scrub within a wider area of hardstanding and bare artificial substrate.
- 4.5 A single plant of wall cotoneaster was noted on site, towards the western boundary. As this species is a non-native invasive plant species (listed on Schedule 9 of the WCA), site clearance should ensure this species is removed and disposed of in an appropriate manner to avoid accidental spread to other areas on or adjacent to the Site.

### Protected Species

#### Bats

- 4.6 The Site provides a small area of low quality foraging habitat and is unlikely to be used by significant numbers of foraging bats. The loss of, or disturbance to, the vegetation due to predicted increased public use and lighting of the Site under the proposed development is, therefore, predicted to have a negligible impact on the conservation status of bats within the local area and Greater Manchester.
- 4.7 There is a known common pipistrelle bat roost within the River Medlock culvert which runs underneath the wider First Street North development site (Arup 2008, PAA 2011). The 2011 surveys were followed up with post-development monitoring surveys in 2015 by PAA, which showed foraging behaviour was confined to the river corridor so it is unlikely bats would commute to or across the Site to forage.
- 4.8 As the Site is 250m from the culvert it is highly unlikely that indirect effects from noise, lighting and increased public use of this Site would significantly affect bats within the culvert roost.

#### Breeding Birds

- 4.9 Some areas of dense scrub and small trees provide suitable nesting habitat for a range of common bird species. As such, any necessary vegetation clearance should be undertaken outside of the breeding season for birds. The Site is considered to provide a relatively limited foraging resource for local populations of birds.

- 4.10 The Site is also considered to have only very limited foraging potential for black redstart and is unlikely, therefore, to form a key part of the foraging habitat for any local populations of black redstart.

## Recommendation

- 4.11 There is some limited potential for urban bird species to nest in scrub habitat within the site boundary.
- 4.12 The nests and eggs of breeding birds are protected, therefore, works should occur outside of the key nesting period which is March to August inclusive. If site clearance occurs during March to August then a suitably experienced and qualified Ecologist should undertake an inspection of the vegetation to be removed no more than 48 hours prior to demolition starting, to confirm the absence of active birds' nests.
- 4.13 Any active birds' nests present on site should be retained and protected with a suitable undisturbed buffer until the nest is deemed inactive by the ecologist.

## Biodiversity Enhancement Opportunities

- 4.14 The site is currently of limited ecological value and development presents an opportunity to increase biodiversity. Potential enhancement measures comprise:
- Use of British native or wildlife-friendly tree, shrub and herbaceous species in any landscape planting, for example, inclusion of species that provide nectar for invertebrates or berries to provide a food source for birds;
  - Inclusion of integrated bat roost features such as bat bricks or bat tubes to increase opportunities for roosting bats, coupled with a suitable lighting strategy to avoid unnecessary lighting of roost features. Four to six (4no. to 6no.) boxes are recommended to be situated as high as possible and away from opening windows. Suitable bat box designs include (final locations and specifications to be developed in consultation with the Ecologist):
    - Integrated Eco Bat Box;
    - Ibstock Enclosed Bat Box 'C';
    - Bat Slope for 1MF Bat and Swift Nest Box; and
  - Including a green/brown roof design would enhance forage opportunities for any local populations of black redstart, if the design allows.

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## 6. ABBREVIATIONS

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CIEEM Chartered Institute of Ecology and Environmental Management

CRoW Countryside Rights of Way

EPS European Protected Species

EU European Union

GCN Great Crested Newt

GMEU Greater Manchester Ecology Unit

JNCC Joint Nature Conservation Committee

MAGIC Multi-Agency Geographic Information for the Countryside

NERC Natural Environment and Rural Communities

NPPF National Planning Policy Framework

PAA Penny Anderson Associates Ltd

RIGS Regionally Important Geological Site(s)

SAC Special Area(s) of Conservation

SPA Special Protection Area

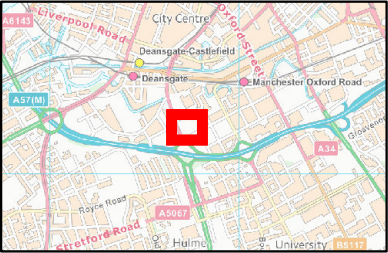
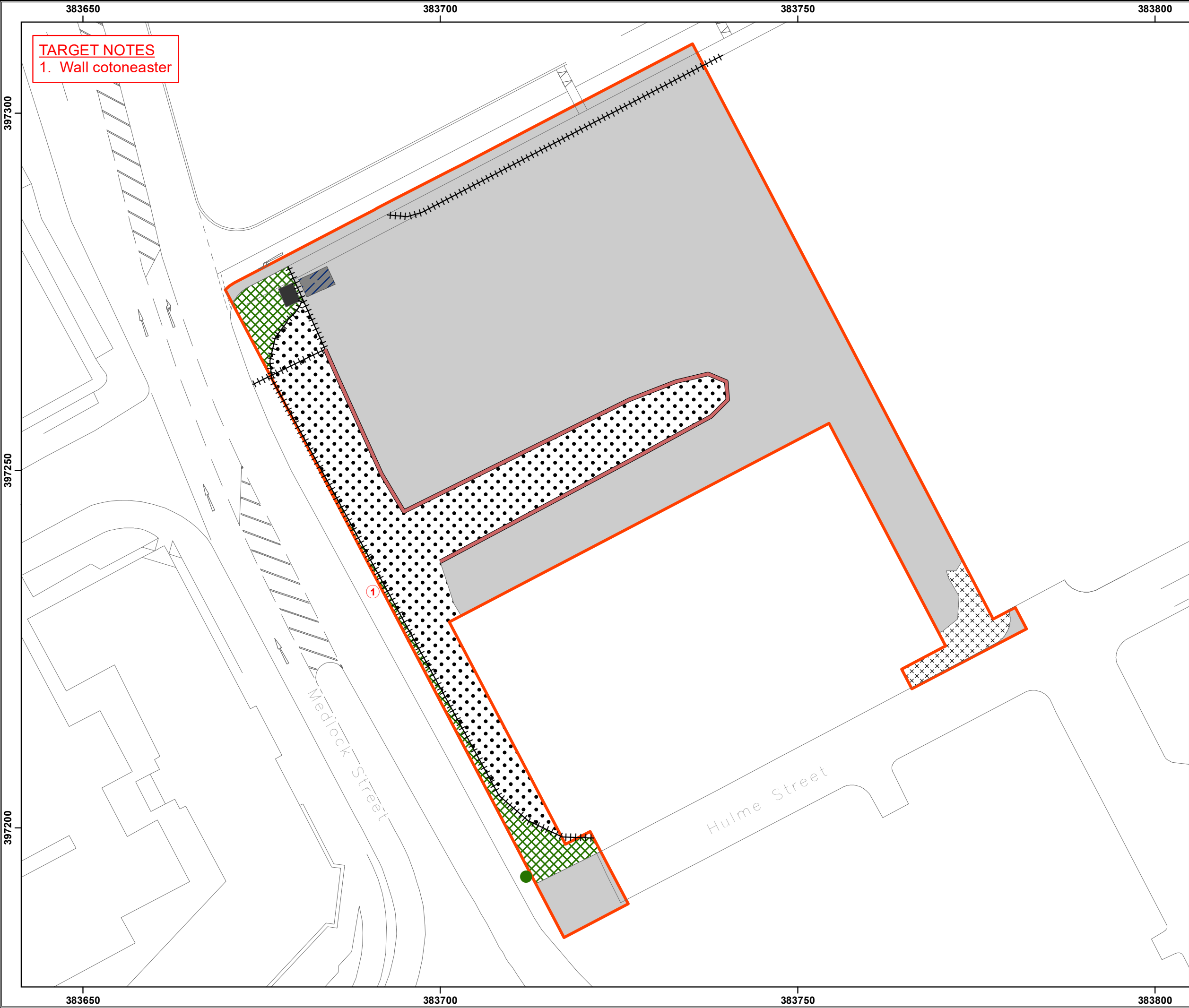
SSSI Sites of Special Scientific Interest

WCA Wildlife and Countryside Act

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FIGURE

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**Legend**

**Layer**

- Site boundary

**Habitat**

- Dense/continuous scrub
- Ephemeral/short perennial
- Introduced shrub
- Building
- Bare ground
- Metal storage container
- Hardstanding
- Fence
- Wall
- Broadleaved tree
- Target note

British National Grid  
Projection: Transverse Mercator  
False Easting: 400000.000000  
False Northing: 100000.000000  
Central Meridian: 2.000000  
Scale Factor: 0.999601  
Latitude Of Origin: 49.000000

ISO A3

Metres

0 2.5 5 10 15 20

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Project Name  
First Street, Manchester

Discipline  
Ecology

Title:  
**PHASE 1 HABITATS  
PLOT 9a**

|                |                         |                    |
|----------------|-------------------------|--------------------|
| Scale<br>1:500 | Drawing No.<br>Figure 1 |                    |
| Drawn By<br>CC | Originator<br>BH        | Date<br>09/12/2021 |
| PAA Ref.       | Revision<br>1.0         |                    |

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# APPENDICES

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## **APPENDIX 1**

### **Relevant Species Legislation**

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## SUMMARY OF THE LEGISLATION RELATING TO BATS

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All wild species of bat are protected under the Wildlife and Countryside Act (WCA) 1981, which has also been amended by later legislation, including the Countryside and Rights of Way (CROW) Act 2000 and the Conservation of Habitats and Species Regulations 2017 (amended), and this legislation is applicable to England and Wales. Bats are listed on Schedule 5 of the WCA and are therefore subject to some the provisions of Section 9 which, with the amendments, make it an offence to:

- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection (S9:4b).
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection by a bat (S9:4c).

There are additional offences in relation to buying and selling (S9:5) any live or dead animal of this species or anything derived from them.

Bat species are also listed under Annexes IIa and IVa of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the 'Habitats Directive'. Inclusion on Annex IVa means they are consequently identified as European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (amended).

The Conservation of Habitats and Species Regulations 2017 (amended) state that a person commits an offence if they:

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb wild animals of any such species, in such a way as –
  - (i) to impair their ability to survive, to breed or reproduce, or to rear their young, or
  - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
  - (iii) to affect significantly the local distribution or abundance of the species to which they belong;
- (c) deliberately take or destroy the eggs of such an animal, or
- (d) damage or destroy a breeding site or resting place of such an animal.

Under these Regulations it is an offence to damage or destroy a breeding site or resting place whether the animal is in occupation or not, and protection extends to all life stages of the animal in question. There are additional offences relating to possession, control and sale of a live or dead bat or part of such an animal.

In addition, seven native British bat species, including the soprano pipistrelle (*Pipistrellus pygmaeus*) and the brown long-eared bat (*Plecotus auritus*), that are frequently found in buildings, are listed as a 'Priority Species' under the 2011 biodiversity strategy for England, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*, under the 2012 UK Post-2010 UK Biodiversity Framework. These Priority Species are also referred to as 'species of principal importance' for the conservation of biodiversity in England and Wales within Section 74 of the CROW Act 2000, and Sections 41 (England) and 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006.

In addition, the National Planning Policy Framework (NPPF 2019) has an overall focus on sustainable development, and states that developments should aim to engender positive outcomes for habitats and biodiversity, with a particular focus on the maintenance and creation of ecological networks. Furthermore, the NPPF also states that any planning proposals for which significant negative impacts on biodiversity cannot be avoided, mitigated or compensated for should be refused. Reference is made to Circular 06/2005 *Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System* in respect of statutory obligations for biodiversity and geodiversity conservation.

The commitment to preserving, restoring or enhancing biodiversity is further emphasised for England and Wales in Section 40 of the NERC Act 2006.

*Please note: the above text provides a brief summary of the legislation in relation to bats in England and Wales and the original Acts, Regulations and any amendments should be referred to for the precise wording.*

## SUMMARY OF THE LEGISLATION RELATING TO BREEDING BIRDS

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All wild species of breeding birds and their nests are protected under Part 1 of the Wildlife and Countryside Act (WCA) 1981, as amended by later legislation including the Countryside and Rights of Way (CROW) Act 2000. This legislation applies in England and Wales.

Part 1 (Section 1:1) of the WCA states that:

'If any person intentionally,

- (a) kills, injures or takes any wild bird;
- (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- (c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.'

Part 1 (Section 1:5) of the WCA (amended by the CROW Act 2000) refers to specific birds listed on Schedule 1 of the WCA, and states that:

'If any person intentionally or recklessly,

- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturbs dependent young of such a bird,

he shall be guilty of an offence and liable to a special penalty.'

Schedule 1 includes birds such as Western barn owl (*Tyto alba*), black redstart (*Phoenicurus ochrurus*), woodlark (*Lullula arborea*) and Cetti's warbler (*Cettia cetti*). Please refer to the WCA for a complete list of Schedule 1 species.

Some provisions are made to allow the killing and taking of certain species under certain circumstances, as follows:

- Birds listed on Schedule 2 (Part 1) of the Act may be taken or killed outside of the 'close season' for each individual species (the 'close season' is defined by the Act). This includes various wild duck and geese species.
- Birds listed on Schedule 2 (Part 2) of the Act may be killed or taken by authorised persons at all times. This includes species such as carrion crow (*Corvus corone*), Eurasian magpie (*Pica pica*), feral pigeon<sup>1</sup> (*Columba livia*) and greater Canada goose (*Branta canadensis*). An 'authorised person' is defined as a person who has written authorisation to undertake the act from the relevant statutory authority. The written authority is in the form of a licence, either a general licence which covers a number of the more typical 'pest' species, or an individual licence for other individual species. In England these licences are issued by Natural England and in Wales by the Welsh Assembly Government.

*Please note: the above text provides a brief summary of the legislation in relation to breeding birds in England and Wales and the original Act and any amendments should be referred to for the precise wording.*

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<sup>1</sup> Also known as rock dove

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**APPENDIX 2**

**Botanical Species List**

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## Appendix 2 Botanical Species List

| Common Name                     | Scientific Name                   | DAFOR |
|---------------------------------|-----------------------------------|-------|
| <b>Shrubs</b>                   |                                   |       |
| Alder                           | <i>Alnus glutinosa</i>            | R     |
| Ash                             | <i>Fraxinus excelsior</i>         | O     |
| Bramble                         | <i>Rubus fruticosus</i> agg.      | O     |
| Butterfly-bush                  | <i>Buddleja davidii</i>           | O     |
| Crack willow                    | <i>Salix euxina</i>               | R     |
| Elder                           | <i>Sambucus nigra</i>             | R     |
| Goat willow                     | <i>Salix caprea</i>               | O     |
| Horse chestnut                  | <i>Aesculus hippocastanum</i>     | R     |
| Lime species                    | <i>Tilia</i> sp.                  | R     |
| Norway maple                    | <i>Acer platanoides</i>           | R     |
| Rose species                    | <i>Rosa</i> sp.                   | R     |
| Rowan                           | <i>Sorbus aucuparia</i>           | R     |
| Silver birch                    | <i>Betula pendula</i>             | O     |
| Sycamore                        | <i>Acer pseudoplatanus</i>        | F     |
| Wall cotoneaster                | <i>Cotoneaster horizontalis</i>   | R     |
| Wild cherry                     | <i>Prunus avium</i>               | R     |
| <b>Herbs, Grasses and Ferns</b> |                                   |       |
| Broad-leaved dock               | <i>Rumex obtusifolius</i>         | R     |
| Common nettle                   | <i>Urtica dioica</i>              | O-LF  |
| Herb-robert                     | <i>Geranium robertianum</i>       | F     |
| Hogweed                         | <i>Heracleum sphondylium</i>      | R     |
| Horsetail species               | <i>Equisetum</i> sp.              | R     |
| Ribwort plantain                | <i>Plantago lanceolata</i>        | F     |
| Rosebay willowherb              | <i>Chamaenerion angustifolium</i> | O     |
| Wood avens                      | <i>Geum urbanum</i>               | R     |
| Yorkshire-fog                   | <i>Holcus lanatus</i>             | O     |

### KEY

D-Dominant, A-Abundant, F-Frequent, O-Occasional, R-Rare, L-Locally

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## **APPENDIX 3**

### **Photographs**

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**Photo 1**  
**South-west corner – Scrub and scattered trees**



**Photo 2**  
**South-west boundary showing cut vegetation**

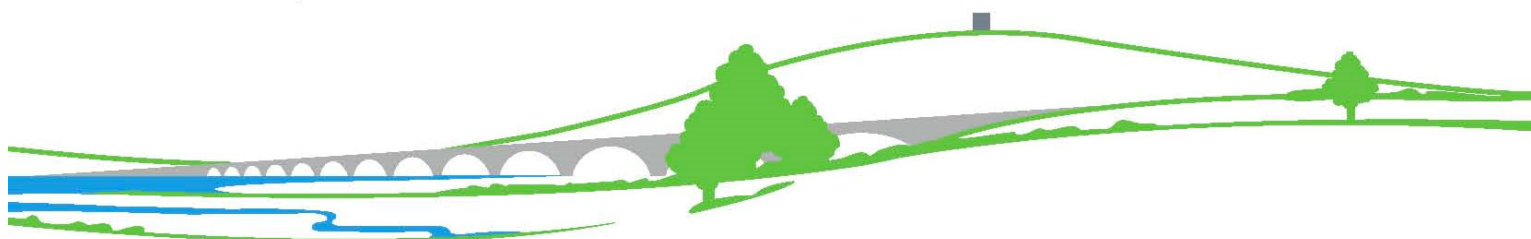


**Photo 3**  
**Area of cut vegetation projecting from western boundary**



**Photo 4**  
**Area of cut vegetation projecting from western boundary**

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