



Ecology Consultancy



Boddingtons Brewery, Great Dulcie Street, Manchester

Preliminary Ecological Appraisal

Report for Latimer Developments

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Executive Summary

The Ecology Consultancy was commissioned in July 2021 by Clarion Housing Group on behalf Latimer Developments to carry out a Preliminary Ecological Appraisal (PEA), comprising a Phase 1 habitat survey, protected species assessment and ecological evaluation of land at Boddingtons Brewery, Great Dulcie Street, Manchester. The PEA is required in support of a planning application for the site. The main findings are as follows:

- The site was an area of derelict hardstanding and bare ground currently used as a car park.
- The site is not subject to any statutory or non-statutory nature conservation designations.
- The habitats within the site are common and widespread and are likely to be of value within the immediate vicinity of the site only (although may assume higher value where they support protected and/or notable species).
- **Breeding birds** – The dense scrub present at the eastern boundary of the site is suitable for breeding birds. In order to comply with legislation, if this habitat cannot be retained, it should be removed September to February inclusive, outside of the main bird breeding season. Where this is not possible, a check for nesting birds prior to vegetation clearance should be undertaken by an experienced ecologist and, if any nests are found, the nests should be protected until such time as the young have left the nest. If any nesting birds are found at any time during clearance works, work should stop immediately, and an ecologist consulted.
- Recommendations to enhance the importance of the site for biodiversity in accordance with national and local planning policies comprise of a green roof, nesting and perching opportunities for black redstart.

1 Introduction

BACKGROUND TO COMMISSION

- 1.1 The Ecology Consultancy was commissioned by Clarion Housing Group on behalf of Latimer Developments on the 21st July 2021, to carry out a Preliminary Ecological Appraisal (PEA) of land at Boddingtons Brewery, Great Dulcie Street, Manchester. The appraisal was carried out in order to provide ecological information to inform a planning application for proposed residential development. This appraisal considers land within the planning application site boundary (hereon referred to as ‘the site’) as indicated on the plan provided on behalf of the client (Assael Architecture, 2021).

SCOPE OF THE REPORT

- 1.2 The aim of this appraisal is to provide baseline ecological information about the site. This will be used to identify any potential ecological constraints associated with the proposed development and/or to identify the need for additional survey work to further evaluate any impact that may risk contravention of legislation or policy relating to protected species and nature conservation. Where necessary, mitigation and/or enhancement measures have been recommended to ensure compliance. Although enhancement measures may be used to achieve a net gain in biodiversity in line with national and local planning policies, this does not comprise a formal Biodiversity Net Gain assessment and no metric calculations have been made.
- 1.3 This appraisal is based on the following information sources:
- a desk study of the site and land within a 2km surrounding radius.
 - a search for international wildlife sites within a 15km surrounding radius.
 - a Phase 1 habitat survey (JNCC, 2010) of the site to identify and map the habitats present.
 - a protected species assessment of the site to identify features with potential to support legally protected species; and
 - an evaluation of the site’s importance for nature conservation.
- 1.4 This appraisal has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2017)

and as detailed in British Standard 42020:2013 *Biodiversity - Code of Practice for Biodiversity and Development* (BSI, 2013).

- 1.5 The survey, assessment and report were conducted and written by Charlotte Gray BSc (Hons) MSc an ecologist with seven years' experience who is trained and competent in carrying out Phase 1 habitat surveys and protected species assessment. Charlotte was assisted by Tina Webb BA (Hons).

SITE CONTEXT AND STATUS

- 1.6 The proposed development site is 0.5ha in size and is centred on Ordnance Survey National Grid reference SJ 83774 99260. The site is currently used as a car park with commercial and residential properties to the north, south, east and west. The wider surroundings largely consist of residential and commercial properties.

DEVELOPMENT PROPOSALS

- 1.7 The development proposals for the site, based on current plans provided on behalf of the client (Assael Architecture, 2021), are for a residential development comprising of 442 homes and commercial spaces

RELEVANT LEGISLATION AND PLANNING POLICY

- 1.8 The following key pieces of nature conservation legislation are relevant to this appraisal. A more detailed description of legislation is provided in Appendix 4:
- The Conservation of Habitats and Species Regulations 2017 (as amended) (commonly referred to as the Habitats Regulations);
 - Wildlife and Countryside Act 1981 (as amended); and
 - Natural Environment and Rural Communities Act 2006.
- 1.9 The National Planning Policy Framework (Ministry of Housing, Communities and Local Government, 2021) requires local authorities to avoid and minimise impacts on biodiversity and to provide net gains in biodiversity when taking planning decisions.
- 1.10 Other planning policies at the local level which are of relevance to this development include the Manchester's Local Development Framework Core Strategy Development Plan Document (Manchester City Council, 2012). Further information is provided in Appendix 4.

NOMENCLATURE

- 1.11 Common names of botanical species are used throughout this report, with a species list, including scientific names in accordance with Stace (2019) provided in Appendix 2. All other species use commonly accepted names in accordance with the Natural History Museum Species Dictionary (Natural History Museum, 2021).

2 Methodology

DESK STUDY

2.1 The following data sources were reviewed to provide information on the location of statutory designated sites¹, non-statutory designated sites², legally protected species³, Species and Habitats of Principal Importance⁴ (SPI and HPI) and other notable species⁵ and notable habitats⁶ that have been recorded within a 2-15km radius of the Site:

- Greater Manchester Local Records Centre, the local Biological Records Centre, principally for species records and information on non-statutory sites;
- MAGIC (<http://www.magic.gov.uk/>) - the Government's on-line mapping service; and
- Ordnance Survey mapping and publicly available aerial photography.

1.12 Records provided by the desk study are provided in Section 3 of this report. Records for relevant protected or noteworthy species have been used to inform the assessment of the potential for protected species at the site and to provide a preliminary view of the site's ecological importance but are not presented in full in the report.

HABITAT SURVEY

2.2 A habitat survey of the site was carried out on the 12th August 2021 in dry, calm and mild conditions. It covered the entire site including boundary features. Habitats were described and mapped following standard Phase 1 habitat survey methodology (JNCC, 2010) and marked on a paper base map and subsequently digitised using ESRI ArcGIS

¹ **Statutory designations** include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR).

² **Non-statutory sites** are designated by local authorities (e.g. Sites of Importance for Nature Conservation or Local Wildlife Sites).

³ **Legally protected species** include those listed in Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981; Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended); or in the Protection of Badgers Act 1992 (as amended).

⁴ **Species/Habitats of Principal Importance** are those listed on Section 41 of the Natural Environment and Rural Communities Act, 2006.

⁵ **Notable species** include Species of Principal Importance under the Natural Environment and Rural Communities Act 2006; Local Biodiversity Action Plan (LBAP) species; Birds of Conservation Concern (Eaton *et al.*, 2015); and/or Red Data Book/nationally notable species (JNCC, undated).

⁶ **Notable habitats** include Habitats of Principal Importance under the Natural Environment and Rural Communities Act, 2006; those included in an LBAP; Ancient Woodland Inventory sites; and Important Hedgerows as defined by the Hedgerow Regulations 1997.

software. Habitats were also assessed against descriptions of HPI as set-out by the JNCC (BRIG, 2008)⁷ where appropriate.

- 2.3 Records for dominant and notable plants are provided, as are incidental records of birds and other fauna noted during the course of the habitat survey. The latter have been used to justify the potential presence of important ecological features where applicable.
- 2.4 The site was also surveyed for the presence of invasive plant species as defined by Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, detailed mapping of such species is beyond the scope of this commission and locations on the habitat plan are indicative only.

PROTECTED AND INVASIVE SPECIES ASSESSMENT

- 2.5 The suitability of the site for legally protected species was assessed on the basis of relevant desk study records⁸ combined with field observations from the habitat survey. The likely importance of habitat for protected species occurrence was ranked on a scale from 'negligible' to 'present' as described in Table 2.1.
- 2.6 The assessment of habitat suitability for protected or notable species was based on professional judgement drawing on experience of carrying out surveys of a large number of urban and rural sites and best practice survey guidance on habitat suitability and identifying field signs.

Table 2.1: Protected species assessment categories

Category	Description
Present	Presence confirmed from the current survey or by recent, confirmed records.
High	Habitat present provides all of the known key requirements for a given species/species group. Local records are provided by desk study. The site is within or close to a national or regional stronghold for a particular species. Good quality surrounding habitat and good connectivity.
Moderate	Habitat present provides some of the known key requirements for a given species/species group. Several desk study records and/or the site is within known national distribution and with suitable surrounding habitat. Factors limiting the likelihood of occurrence may include small habitat area, barriers to movement and disturbance.

⁷ Collection of data required to confirm that certain habitats (including rivers and ponds) meet criteria for Habitats of Principle Importance is beyond that obtained during a Phase 1 habitat survey. In these cases, the potential for such habitats to meet relevant criteria is noted but further surveys to confirm this assessment may be recommended

⁸ Primarily dependent on the age of the records, distance from the site and types of habitats at the site.

Low	Habitat present is of relatively poor quality for a given species/species group. Few or no desk study records. Presence cannot be discounted on the basis of national distribution, nature of surrounding habitats or habitat fragmentation.
Negligible	Habitat is either absent or of very poor quality for a particular species or species group. No desk study records. Surrounding habitat unlikely to support wider populations of a species/species group. Outside or peripheral to the known range of a species.

2.7 The findings of this assessment establish the need for protected species surveys that are required to achieve compliance with relevant legislation.

2.8 Surveys may be required where a site is judged to be of low suitability for a particular species/ species group. However, in some cases there may be opportunities to comply with legislation, without further survey, through precautionary measures prior to and during construction.

SITE EVALUATION

2.9 Where sufficient baseline data are available, the site's ecological importance has been evaluated broadly following guidance issued by CIEEM (CIEEM, 2019a) which ranks the nature conservation importance of a site according to a geographic scale of reference: international, national, regional (Lancashire), metropolitan, county, vice-county or other local authority-wide area (Manchester City Council); and of importance at the zone of influence of the site only. In evaluating the nature conservation importance of the site, the following factors were considered: nature conservation designations; species/habitat rarity; naturalness; fragility and connectivity to other habitats. Where no importance has been assigned this is due to insufficient information.

2.10 An assessment of likely ecological impacts has been undertaken in accordance with CIEEM guidelines (CIEEM, 2019a) only where clear evidence is available to substantiate and justify the findings. In the absence of such evidence, the ecological feature is merely identified as a potential constraint to development.

2.11 Where potential ecological constraints to development are identified, further survey requirements and/or mitigation measures that are proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development are described. In addition, in accordance with the NPPF and local/regional planning policies, opportunities to enhance or create benefits for wildlife are provided. These measures may be appropriate for the attainment of net gains in biodiversity, although this assessment does not provide a formal measure of Biodiversity Net Gain.

DATA VALIDITY AND LIMITATIONS

2.12 Every effort has been made to provide a comprehensive description of the site; however, the following limitations apply to this assessment.

- The protected species assessment provides a preliminary view of the likelihood of protected species occurring on the site. It should not be taken as providing a full and definitive survey of any protected species group. Additional surveys may be recommended if on the basis of the preliminary assessment or during subsequent surveys it is considered reasonably likely that protected species may be present.
- The ecological evaluation is preliminary and may change subject to the findings of further ecological surveys (should these be required).
- Even where data for a particular species group are provided in the desk study, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest, the area may simply be under-recorded.
- Where only four figure grid references are provided for protected species by third parties, the precise location of species records can be difficult to determine, and they could potentially be present anywhere within the given 1km x 1km square. Equally, six figure grid references may be accurate to the nearest 100m only.
- The Phase 1 habitat survey does not constitute a full botanical survey or provide accurate mapping of invasive plant species.
- Ecological survey data are typically valid for 12-18 months unless otherwise specified (CIEEM, 2019b).

2.13 Despite these limitations, it is considered that this report accurately reflects the habitats present, their biodiversity importance and the potential of the site to support protected and notable species.

3 Results and Evaluation

DESIGNATED SITES

Statutory designated nature conservation sites

- 3.1 The proposed development site is not subject to any statutory nature conservation designations.
- 3.2 There are two internationally important nature conservation sites within a 15km radius of the site; Rochdale Canal Special Area of Conservation (SAC) and Manchester Mosses SAC (see Table 3.1). Due to the distance between from the site, the proposed works are unlikely to have any significant effect on these international sites.
- 3.3 There are no nationally important statutory sites located within 2km of the site.

Table 3.1: Statutory Designated Sites

Site Name	Distance from site and orientation	Reason for designation
Rochdale Canal SAC	5.5km west	Rochdale canal supports a significant population of floating water-plantain <i>Luronium natans</i> (Annex II species – primary reason for selection) in a botanically diverse water plant community which also holds a wide range of pond weeds <i>Potamogeton</i> spp.
Manchester Mosses SAC	13.6km west	Much of the mossland in Greater Manchester has been lost to agriculture or development, but several examples such as Risley Moss, Astley and Bedford Mosses and Holcroft Moss have survived as degraded raised bogs (Annex I habitat – primary reason for selection). While past drainage has produced dominant purple moor grass <i>Molinia caerulea</i> , bracken <i>Pteridium aquilinum</i> and birch <i>Betula</i> spp. scrub or woodland, wetter pockets have enabled the peat-forming species to survive. Recent rehabilitation management on all three sites has caused these to spread. .

Non-statutory designated nature conservation sites

- 3.4 The proposed development site is not subject to any non-statutory nature conservation designations. There are three non-statutory sites designated as Sites of Biological Importance (SBI) within 2km of the site (see Table 3.2). Given the distance from the site,

the proposed works are unlikely to have any significant effect on these international sites.

- **Table 3.2: Non-Statutory Designated Sites**

Site Name	Distance from site and orientation	Reason for designation
Rochdale Canal Stott's Lane to Dulcie Street	1.3km south-east	Not included in information from local records centre.
Ashton Canal (West)	1.4km south-east	Not included in information from local records centre.
River Irwell SBI	1.4km west	Not included in information from local records centre.

Habitat inventories and landscape-scale conservation initiatives

Ancient woodland

- 3.1 There are no areas of woodland within a 2km radius of the site appear on the Ancient Woodland Inventory (Natural England, 2021).

Habitats of Principal Importance

- 3.2 There are several areas of deciduous woodland, a HPI, located within 2km of the site (Natural England, 2021). The closest of these is located north of Hargreaves Street, approximately 600m west of the site.

PHASE 1 HABITAT SURVEY

- 3.3 Phase 1 habitat types are mapped in Appendix 1, Figure 1. A dominant and notable species list (including all scientific names) is provided in Appendix 2. and photographs are located in Appendix 3.

Hardstanding

- 3.4 The site was largely comprised of hardstanding and bare ground, devoid of vegetation, and in use as a car park.

Dense/continuous scrub

- 3.5 A band of dense/continuous scrub, comprising immature ash trees, bramble, and large stands of buddleia was present on the eastern boundary of the site.

Ephemeral/short perennial vegetation

- 3.6 A section of sparsely vegetated rubble debris was present in the north-west corner of the site.

PROTECTED AND INVASIVE SPECIES ASSESSMENT

- 3.7 The potential for the site to support protected species has been assessed using criteria provided in Table 2.1, based on the results of the desk study and observations made during the site survey of habitats at the site. Other legally protected species are not referred to as it is considered that the site does not contain habitats that would be suitable to support them.
- 3.8 The following species/species groups are potentially or confirmed as present at the site:
- Nesting birds
- 3.9 Key pieces of statute are summarised in Section 1 and set out in greater detail in Appendix 4.

Table 3.4: Protected and Invasive Species Assessment

Ecological Feature	Status ⁹ , ¹⁰	Likelihood of occurrence
Breeding Birds	WCA S1 SPI LBAP BoCC	LOW: The dense scrub on the western boundary of the site provides suitable nesting habitat for common breeding bird species. However, none were observed during the site survey. Black redstarts have been recorded at multiple locations within a 2km radius of the site, but none were noted to be nesting. There was no evidence of black redstarts within the site during the survey, and the location of the site offers little in the way of perching/food or optimal nesting habitat. It is unlikely that breeding birds will occur at the site, however there is potential for low numbers to be present and as such they are considered further in Section 4 of this report.

⁹ The following abbreviations have been used to signify the legislation regarding different species: HR = Conservation of Habitats and Species Regulations 2017 (as amended); WCA S1 = Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); WCA S5 = Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); WCA S9 = Schedule 9 of the Wildlife and Countryside Act 1981 (as amended); PBA = Protection of Badgers Act, 1992.

¹⁰ The following abbreviations have been used to signify the policy of conservation assessments applying to notable species: SPI = Species of Principal Importance under the NERC Act 2006; LBAP = Local Biodiversity Action Plan species; BoCC = Birds of Conservation Concern - amber list / red list (Eaton *et al.*, 2015); and/or RD/NN = red data book/nationally notable species (JNCC, undated).

NATURE CONSERVATION EVALUATION

- 3.10 There are no statutory protected sites within 2km of the site. There are three non-statutory sites and several areas of deciduous woodland HPI within 2km of the site, however due to the distance between these and the proposed works, it is considered that there will be no impact on any non-statutory sites or HPI as a result of the proposals.
- 3.11 The habitats within the site are dominated by hardstanding, which is of negligible ecological importance. Small areas of dense scrub and ephemeral/short perennial vegetation are present at the margins of the site, however these are common and widespread within the local area and of importance at the site level only.
- 3.12 The dense scrub at the eastern edge of the site on site was suitable to support breeding birds, which may include SPI such as house sparrow.

4 Recommendations

- 4.1 This section summarises the potential impacts on habitats and notable species that may be present at this site. It also sets out the recommendations for further survey and mitigation where required.

FURTHER SURVEY AND MITIGATION

- 4.2 For each constraint identified, all mitigation options provided follow the established Mitigation Hierarchy as set out in Section 5.2 of BS42020:2013. This seeks as a preference to avoid impacts then to mitigate unavoidable impacts, and, as a last resort, to compensate for unavoidable residual impacts that remain after avoidance and mitigation measures. The measures set out below will address no net loss of biodiversity, although no formal calculation of losses and gains has been carried out.
- 4.3 The following key ecological issues have been identified:
- Habitat breeding for nesting birds is present therefore measures must be taken to avoid killing or injuring birds during the works; and
 - A range of measures should be undertaken to satisfy the requirement for ecological enhancement included in planning policy.

Breeding Birds

- 4.4 All wild birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). The site has the potential to support low numbers of locally common species of breeding bird.
- 4.5 Where the loss of this habitat cannot be avoided, removal of the area of dense scrub must be carried out September to February inclusive, to avoid any potential offences relating to breeding birds during their main bird breeding season (Newton *et al.*, 2011). If site clearance during the breeding season is unavoidable, potential nesting habitat must be inspected no greater than 48 hours before work commences to identify active birds' nests. Should they be present, the nest and a suitable buffer of habitat around it must be retained until the young have left the nest.

OTHER PROTECTED SPECIES

- 4.6 In the unlikely event that any protected species are found during site clearance or construction, works must stop immediately, and advice sought from a suitably qualified ecologist on how to proceed.

ENVIRONMENTAL BEST PRACTICE

- 4.7 Best environmental practice measures which should be implemented where appropriate to include the appropriate storage of fuels and chemicals to minimise the risk of accidental spillage. Sources of best construction practice and environmental management include CIRIA guidance (Connolly and Charles, 2005) and various Defra/ Environment Agency guidelines (2016). This guidance relates to various pieces of legislation including the Environmental Damage (Prevention and Remediation) Regulations 2009.

OPPORTUNITIES FOR ECOLOGICAL ENHANCEMENT

- 4.8 Planning policy at the national and local level and strategic biodiversity partnerships encourage inclusion of ecological enhancements in development projects. Ecological enhancements can also contribute to green infrastructure and ecosystem services such as storm water attenuation and reducing the urban heat island effect. Measures set out below can be used to achieve a net gain in biodiversity. Please note, however, that no formal calculations have been provided in this instance. 
- 4.9 Enhancement measures for black redstarts could include foraging and nest creation. The installation of ledges and purpose built integral nesting boxes at varying heights will help provide perching and nesting opportunities. A suitably designed green roof will provide plants that support the invertebrates on which the black redstart feed. These proposals are in line with Manchester's Local Plan Policy EN 15.

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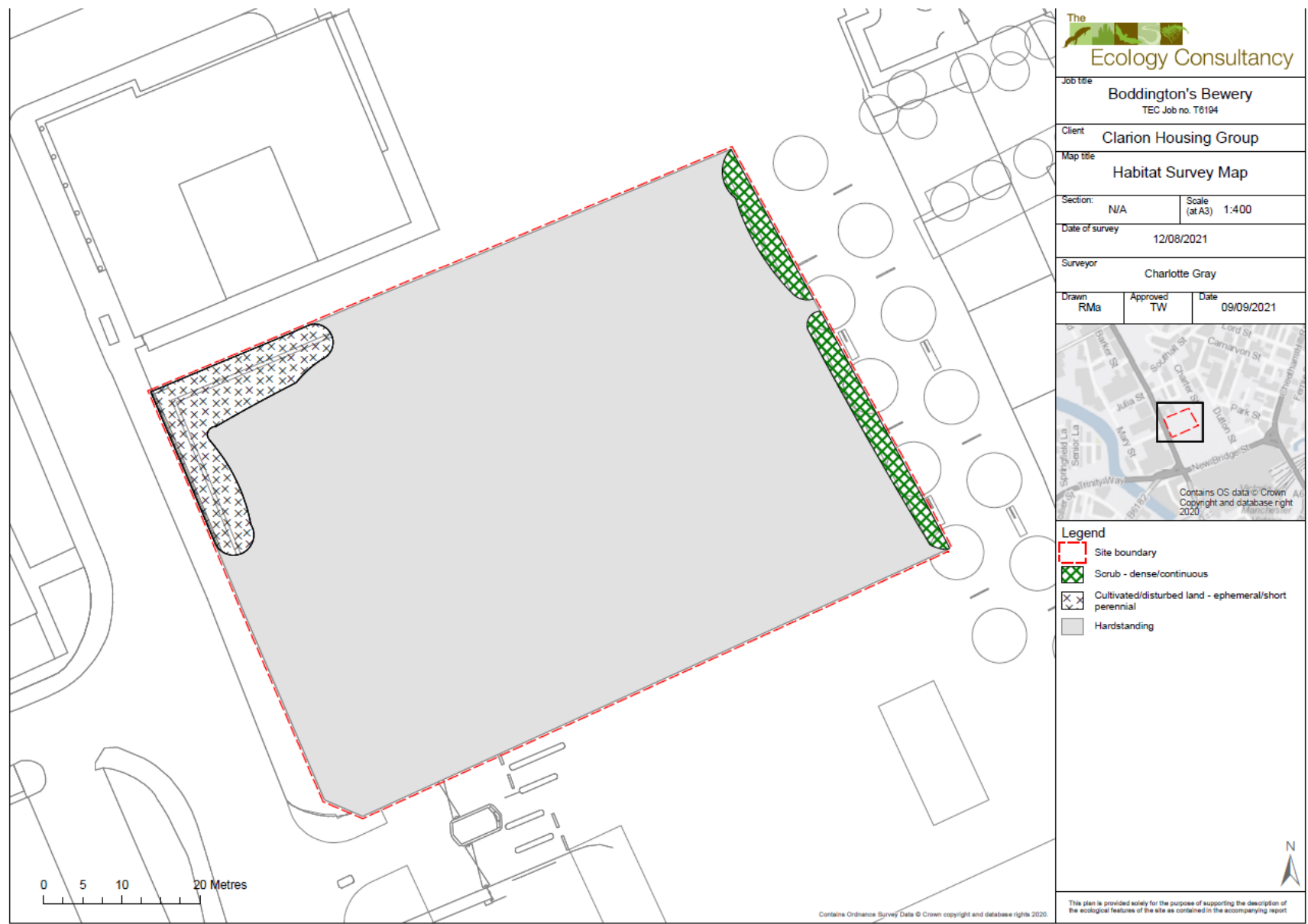
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Appendix 1: Habitat Map

Figure 1: Habitat Survey Map



Appendix 2: Species List

Plant Species List for Boddingtons Brewery, Manchester compiled from Phase 1 habitat survey carried out on the 12th August 2021.

Scientific nomenclature and common names for vascular plants follow Stace (2019) and Blockeel and Long (1998) for bryophyte species. Please note that this plant species list was generated as part of a Phase 1 habitat survey, does not constitute a full botanical survey and should be read in conjunction with the associated results section of this PEA.

Abundance was estimated using the DAFOR scale and additional notes taken as follows:

D = dominant, A = abundant, F = frequent, O = occasional, R = rare, L = locally
c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker,
t=tree, h=hedgerow, w=water

Scientific Name	Common Name	Abundance
<i>Fraxinus excelsior</i>	Ash tree	R
<i>Rubus armeniacus</i>	Bramble	R
<i>Buddleja davidii</i>	Butterfly bush	R
<i>Chamerion angustifolium</i>	Rosebay willowherb	R
<i>Leontodon hispidus</i>	Hawkbit	O
<i>Taraxcum officinale</i>	Dandelion	O
<i>Urtica dioica</i>	Stinging Nettle	R
<i>Geranium robertianum</i>	Herb Robert	R

Appendix 3: Photographs

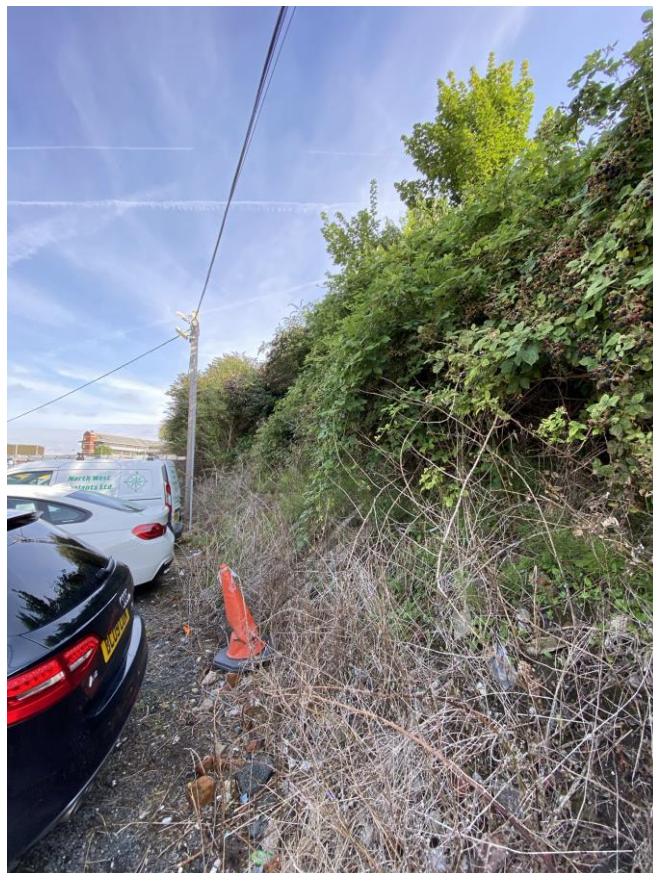
Photograph 1

Site currently used as
hardstanding carpark
area



Photograph 2

Eastern boundary of ash
trees, butterfly bush &
bramble



Photograph 3

Western boundary area
containing thin spread of
common species plants



Appendix 4: Legislation and Planning Policy

Important Notice: This section contains details of legislation and planning policy applicable in England and Wales only (i.e. not including Scotland, the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

A EUROPEAN AND NATIONAL LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive¹¹ is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2017 (as amended) (formerly The Conservation of Habitats and Species Regulations 2010 (as amended)) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000)

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996
- Countryside and Rights of Way (CRoW) Act 2000
- Natural Environment & Rural Communities (NERC) Act 2006
- Environment (Wales) Act 2016

Species and species groups that are protected or otherwise regulated under the aforementioned domestic and European legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds,

¹¹ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

dormouse, invasive plant species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which includes smooth snake, sand lizard, great crested newt, natterjack toad, all bat species, otter, dormouse and some plant, invertebrate and fish species, are given below. **These should be read in conjunction with the relevant species sections that follow.**

- In the Habitats Directive, the term ‘deliberate’ is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.
- The Conservation of Habitats and Species Regulations 2017 (as amended) does not define the act of ‘migration’ and therefore, as a precaution, it is recommended that short distance movement of animals for e.g., foraging, breeding or dispersal purposes are also considered where relevant.
- In order to obtain a European Protected Species Mitigation (EPSM) license, the application must demonstrate that it meets all of the following three ‘tests’: i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy an egg of any wild bird;
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, black redstart, hobby, bittern and kingfisher receive additional special protection under Schedule 1 of the Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC). This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young;
- Intentional or reckless disturbance of dependent young of such a bird.

How is the legislation pertaining to birds liable to affect development works?

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird breeding season which typically runs from March to August¹². Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Those species of bird listed on Schedule 1 are additionally protected against disturbance during the breeding season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

B EUROPEAN AND NATIONAL LEGISLATION AFFORDED TO HABITATS

Statutory Designations: National

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory **Sites of Special Scientific Interest** (SSSIs) under the National Parks and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as **National Nature Reserves** which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (Natura 2000 network) and globally (such as Wetlands of International Importance) - see subsequent sections for details of these designations. Improved provisions for the

¹² It should be noted that this is the main breeding period. Breeding activity may occur outwith this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000.

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of **Limestone Pavement Orders**, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of **Marine Nature Reserves**, for which byelaws must be made to protect them.

Statutory Designations: International

Special Protection Areas (SPAs), together with **Special Areas of Conservation** (SACs) form the **Natura 2000** network. The Government is obliged to identify and classify SPAs under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds). SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats & Species Regulations 2017 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of European offshore marine sites or EMS (SPAs and SACs) in UK offshore waters (from 12-200 nm).

The Government is obliged to identify and designate SACs under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nautical miles are protected under The Conservation of Habitats & Species Regulations 2017 (as amended). The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of European offshore marine sites or EMS (SACs and SPAs) in UK offshore waters (from 12-200 nm).

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water

and may be natural or artificial, permanent or temporary. Wetlands may also incorporate riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSIs) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

Statutory Designations: Local

Under the National Parks and Access to the Countryside Act 1949 **Local Nature Reserves** (LNRs) may be declared by local authorities after consultation with the relevant countryside agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation and provide opportunities for research and education and enjoyment of nature.

Non-Statutory Designations

Areas considered to be of local conservation interest may be designated by local authorities as a **Wildlife Site**, under a variety of names such as **Local Wildlife Sites** (LWS), **County Wildlife Sites** (CWS), **Listed Wildlife Sites** (LWS), **Local Nature Conservation Sites** (LNCS), **Sites of Biological Importance** (SBIs), **Sites of Importance for Nature Conservation** (SINCS), or **Sites of Nature Conservation Importance** (SNCIs). The criteria for designation may vary between counties.

Together with the statutory designations, these are defined in Local Plan documents under the Town and Country Planning system and are a material consideration when planning applications are being determined. The level of protection afforded to these sites through local planning policies and development frameworks may vary between counties.

Local Geological Sites (previously known as Regionally Important Geological and Geomorphological Sites or RIGS) are the most important places for geology and geomorphology outside land holding statutory designations such as SSSIs. Locally-developed criteria are used to select these sites, according to their value for education,

scientific study, historical significance or aesthetic qualities. As with local Wildlife Sites, Local Geological Sites are a material consideration when planning applications are being determined.

C PLANNING POLICY

National Planning Policy Framework

The National Planning Policy Framework replaced PPS9 and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species (see Section D below). An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species is also listed as a requirement of planning policy. In determining planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and The Biodiversity Duty

Section 40 of The Natural Environment and Rural Communities (NERC) Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

Local Plan

Manchester's Local Development Framework Core Strategy Development Plan Document Adopted (2012) contains the following nature conservation policies that are considered relevant to the site. The Local Plan Adopted (2012) provides local planning policy for the future development of Manchester up to the year 2027.

Objective 6 Environment 12

Policy EN15 Biodiversity and Geological Conservation

Developers will be expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on-site or adjacent to the site, contributing to linkages between valuable or potentially valuable habitat areas where appropriate, with reference to:

- the Manchester Biodiversity Strategy, which provides further details of priority habitats within Manchester and opportunities for biodiversity enhancement including corridors such as the Mersey, Medlock and Irk river valleys, the canals and disused railway lines and areas of managed green space particularly in parks;
- the Green Infrastructure Framework for Greater Manchester, which encompasses an ecological framework that seeks to guide and inform habitat creation and repair,. Including identifying large 'biodiversity opportunity areas 'including the Moston Brook Corridor and Nutsford Vale;
- the Open Space, Sport & Recreation Study, which identifies areas where there is a deficit of natural and semi-natural green space, opportunities for green corridors and other linkages;
- Manchester's Climate Change Action Plan;
- the Strategic Flood Risk Assessment (SFRA) for Manchester;
- the Habitats Regulations Assessment (HRA) for Manchester, which gives detailed consideration to Special Areas of Conservation (SACs), including the Rochdale Canal SAC just outside the district boundary;
- the River Basin Management Plan for the North West;
- the Manchester Tree Strategy

Any adverse impacts on biodiversity will need to be justified against the wider benefits of the proposal, assessed against other LDF policies. Where adverse impacts are unavoidable, developers will be required to provide appropriate mitigation and/or compensation. Development should wherever possible seek to maintain, enhance or restore existing geology.

Policy EN 8 Adaption to Climate Change

All new development will be expected to be adaptable to climate change in terms of the design, layout, siting and function of both buildings and associated external spaces. In achieving developments which are adaptable to climate change developers should have regard to the following, although this is not an exhaustive list:

- Minimisation of flood risk by appropriate siting, drainage, and treatment of surface areas to ensure rainwater permeability
- Reduction in urban heat island effect through the use of Green Infrastructure such as green roofs, green walls, increased tree cover and waterways
- The need to control overheating of buildings through passive design
- The opportunity to provide linked and diverse green space to enhance natural habitats which will assist species adaptation
- Developer will be permitted to use green infrastructure elements such as green roofs, green walls, street trees and waterways to contribute to compliance with CO2 mitigation under Policy EN6, subject to sufficient evidence to quantify their contribution to compliance

D BIODIVERSITY ACTION PLANS (BAPs)

The UK BAP was published in 1994 to comply with obligations under the Convention on Biological Diversity (The Biodiversity Treaty, 1992). It described the UK's biological resources and committed to developing detailed plans to conserve these resources i.e. Habitat Action Plans and Species Action Plans. Running parallel to this, planning authorities promoted habitat and species conservation at a county and district/borough level through their development of Local BAPs (LBAPs). The aims and objectives of some of these LBAPs (most notable those at county level) are simply to reflect national targets for habitats and species of principal importance, translate them at a local level and to integrate the needs of species and habitats within landscape-scale delivery.

Since the publication of these BAPs, new strategies and frameworks have resulted in the development of biodiversity issues and changes in the terminology used to describe these habitats and species in England. This has been brought about through the replacement of the previous England Biodiversity Strategy with *Biodiversity 2020: A Strategy For England's Wildlife and Ecosystem Services* (2011) and the replacement of the UK BAP itself with the *UK Post-2010 Biodiversity Framework* (2012). All previous UK BAP species and habitats are still of material consideration in the planning process but are now referred to as priority habitats and species (as described under the NERC Act above).

The distribution of BAP/priority habitats has been used to identify **Biodiversity Opportunity Areas** at a regional scale through Biodiversity Strategies/Partnerships. They represent a strategic landscape scale approach to habitat creation, restoration or expansion. They represent regional priority areas of opportunity to restore and create BAP/priority habitat. They are therefore a spatial representation of targets for BAP/priority habitat and are areas of opportunity, not constraint.

District/Borough Local Biodiversity Action Plan

Many local authorities in the UK have also produced a local Biodiversity Action Plan (LBAP) at the County or District level. The Greater Manchester Biodiversity Action Plan describes the diversity of habitats and wildlife species found in Greater Manchester. It sets out those that are a priority for conservation and how this can be achieved.



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