FORMER GAMECOCK PUB, BOOTH STREET, MANCHESTER

PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: Curlew Alternatives Eighth Property LP

Report No: RT-MME-153624-01 Rev B

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked by:	Approved by:
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The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Curlew Alternatives Eighth Property LP to carry out a Preliminary Ecological Appraisal at the site of a proposed development at the former Gamecock Pub, Booth Street, Manchester. To fulfil this brief, an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken. This assessment is required to inform a planning application associated with the demolition of the existing building and structure and the redevelopment of the site for Purpose Built Student Accommodation (PBSA) uses (Sui Generis use class) comprising 261 bedroom units with ancillary amenity space, a ground floor 'community hub' (proposed for Use Classes F2(b), E(b), E(3), E(f)) associated landscape works and infrastructure.

The desk study exercise identified no European statutory sites within 5 km of the survey area, no UK statutory or ancient woodland sites within 2 km and no non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. The desk study also provided records of protected/ notable species within a 1 km radius of the survey, including: common pipistrelle, hedgehog, cinnabar moth, dunnock and song thrush.

The walkover survey was undertaken on 17th February 2021 by Charlotte Richardson MSc (Ecological Consultant) and Shona Sutherland BSc (Ecological Project Officer). At the time of the survey, the site was occupied by the former Gamecock Pub and associated hardstanding car park and storage area. Small areas of grassland, bare ground, scrub and tall ruderal vegetation were present around the site, whilst scattered trees were identified along the western boundary. Boundary features, comprising walls and fencing, were also noted onsite.

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made (please refer to Chapter 7 for more detail):

R1 **Biodiversity Enhancement:** Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development, to work towards delivering net gains for biodiversity. Examples of appropriate enhancement measures are provided.

R2 **Lighting:** Any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice include, the use of directional lighting to reduce light spill.

R3 **Roosting Bats:** The building on site has potential to support roosting bats, therefore the recommendations made within the Preliminary Bat Roost Assessment (Report: RT-MME-153624-02) should be followed.

R4 **Terrestrial Mammals including Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.

R5 **Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August).

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In February 2021, Curlew Alternatives Eighth Property LP commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at the former Gamecock Pub, Booth Street, Manchester. This assessment is required to inform a planning application associated with the demolition of the existing building and structure and the redevelopment of the site for Purpose Built Student Accommodation (PBSA) uses (Sui Generis use class) comprising 261 bedroom units with ancillary amenity space, a ground floor 'community hub' (proposed for Use Classes F2(b), E(b), E(3), E(f)) associated landscape works and infrastructure.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 17th February 2021. In addition, Middlemarch Environmental Ltd has been commissioned to undertake a Preliminary Bat Roost Assessment for Curlew Alternatives Eighth Property LP at this site. The results of this assessment are detailed in Report: RT-MME-153624-02.

1.2 SITE DESCRIPTION AND CONTEXT

The survey area comprised a parcel of land measuring approximately 0.1 hectares, located to the south of Manchester City Centre. The site was centered at National Grid Reference SJ 8414 9669 and, at the time of the survey, was occupied by the former Gamecock Pub and associated hardstanding car park and storage area. Small areas of grassland, bare ground, scrub and tall ruderal vegetation were present around the site, whilst scattered trees were identified along the western boundary. Boundary features, comprising walls and fencing, were also noted onsite.

The site was immediately bordered by Boundary Lane to the west, Booth Street West to the north and a small access road to the south. Beyond these roads, multi-storey commercial and residential buildings with associated greenspace were present to all sides. The wider landscape was dominated by a mixture of residential, commercial and industrial units. The River Medlock is located 710 m north of the survey area.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Gamecock, Booth Street West, Manchester – GA Plan - Proposed - Ground Floor (Level 00) – Drawing: 10224-Z0-A-B5D8-G200-PL-00-001 Rev 01	Simpsonhaugh
Booth Street West – Manchester (Document Ref: 10224-SHP-RP-CP10 Revision 01)	Simpsonhaugh

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites; and,
- Greater Manchester Record Centre.

The desk study included a search for:

- European statutory nature conservation sites in the UK (now referred to as the 'National Site Network') within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats);
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020) recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

The Wildlife and Countryside Act (WCA) 1981 (as amended)
The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CRoW) Act 2000
The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006
Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CRoW Act 2000.

The Hedgerow Regulations 1997
The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework
The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England
Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and

Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In February 2019, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG).This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled ‘Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure’, which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority’s requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;

- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.3 LOCAL PLANNING POLICY – MANCHESTER CITY COUNCIL

Core Strategy 2012-2027

Manchester's Core Strategy was adopted on the 11th July 2012 and is the key document in the Manchester Local Plan. It covers a period of 15 years from 2012 to 2027 and sets out the long-term strategic policies for future development and will form the framework that planning applications will be assessed against. The following policies are of relevance to ecology:

Policy EN 9 Green Infrastructure

New development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. Where the opportunity arises and in accordance with current Green Infrastructure Strategies the Council will encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer will be required to demonstrate how this loss will be mitigated in terms of quantity, quality, function and future management.

Key features of Manchester's green infrastructure will include:

- The continued development of a network of green spaces, water bodies, canals, paths and cycleways, with priority given to those parts of the City where there is an identified existing lack of open space. The Council will seek to protect existing street trees and promote new planting, particularly where this can enhance green links in the urban area.
- The continued maintenance and management of the Rivers Mersey and Irwell and their tributaries, for example the River Irk, River Medlock, Chorlton Platt Gore, Gatley Brook, Moston Brook and adjoining land, with regard to their multiple functions including recreation, flood management, and biodiversity.
- The provision of new, and improvements to the quality and accessibility of existing green infrastructure assets, to mitigate for any loss of green infrastructure as a result of development such as the Metrolink extension programme.
- The encouragement of green roofs, green walls, tree planting and other forms of green infrastructure to allow for the adaption to climate change in heavily urbanised areas.

New green infrastructure provision should be an exemplar of best practice and innovation in terms of both its design and management.

Policy EN 15 Biodiversity and Geological Conservation

The Council will seek to maintain or enhance sites of biodiversity and geological value throughout the City. Particular consideration will be given to:

- sites with international or national designations for their biodiversity value. Manchester contains one Site of Special Scientific Interest (SSSI) (Cotteril Clough); there is a Special Area of Conservation (SAC) and a SSSI just over the border in Oldham (both on the Rochdale Canal within Oldham);
- other sites of biodiversity value, including Sites of Biological Importance (SBIs) and Local Nature Reserves (LNRs); Manchester currently has 35 SBIs (including the Rochdale and Ashton Canals) and 7 LNRs; priority habitats found within Manchester, as listed in the Manchester Biodiversity Strategy and included in the Greater Manchester Biodiversity Action Plan (GM BAP);

- protected and priority species, as listed in the Manchester Biodiversity Strategy and included in the Greater Manchester Biodiversity Action Plan (GM BAP);
- sites that are recognised for their geological importance;
- the Council's objective to protect and conserve the City's existing trees and woodlands and the aim for a net increase in trees across the City.

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 greenspace 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 greenspace, 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.

Unitary Development Plan (UDP) Policies

The Core Strategy replaced much of the Unitary Development Plan (UDP), however some if the policies remain. The remaining policy of relevance to ecology is:

Policy E3.4 Environmental Improvement and Protection

The Council will create a network of safe and attractive major linear recreational open spaces by linking and making better use of river valleys, canals, disused railways and other appropriate areas of open space. Within these areas measures will be taken to:-

a) achieve widespread environmental improvements;
b) protect the natural environment;
c) improve water quality;
d) improve access for pedestrians, disabled people, cyclists and, where appropriate, horse riders;
e) protect and enhance wildlife corridors.

The Council will ensure that, in developing these recreational routes, adequate measures are taken to safeguard the privacy of nearby residential properties.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in February 2021 by Greater Manchester Record Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, no UK statutory sites or ancient woodlands within 2 km and no non-statutory sites within 1 km. However, the desk study did provide two GMRIGS (Great Manchester Regionally Important Geological Site) sites, the closest of which was Rock Display Manchester Museum located 280 m east.

No Sites of Special Scientific Interest (SSSIs) were located within a 2 km radius of the survey area. However, the survey area does fall within a SSSI Impact Risk Zone for either Hollinwood Branch Canal SSSI, Rochdale Canal SSSI or Huddersfield Narrow Canal SSSI. Although it is unclear which SSSI the impact risk zone relates to (see Appendix 1), the closest site is Rochdale Canal SSSI, which is located approximately 6.46 km north-east of the survey area.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals - Bats					
Common pipistrelle *Pipistrellus pipistrellus*	15	2018	340 m west *	-	ECH 4, WCA 5, WCA 6, Local
Pipistrelle *Pipistrellus* sp.	5	2018	440 m east *	#	ECH 4, WCA 5, WCA 6, Local
Mammals - Other					
Hedgehog *Erinaceus europaeus*	4	2013	580 m north-east *	✓	WCA 6
Birds					
Little ringed plover *Charadrius dubius*	1	1999	510 m south-west **	-	WCA1i
Black redstart *Phoenicurus ochuros*	1	2012	580 m north *	-	WCA1i, Local
Kingfisher *Alcedo atthis*	5	2019	720 m north +	-	WCA1i
Peregrine *Falco peregrinus*	1	2007	890 m east +	-	WCA1i

Key:
#: Dependent on species.
+: Grid reference provided was eight figures or more.
*: Grid reference provided was six figures and as such, the record may be located within 100 m of the study site.
**: Grid reference provided was two figures only.

ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.
WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times.
WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).
WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.

Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.
Local: Priority Species on the Greater Manchester Biodiversity Action Plan.

Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area

Birds
The desk study provided records of five bird species listed as Species of Principal Importance for Nature Conservation in England, comprising: dunnock *Prunella modularis*, house sparrow *Passer domesticus*, song thrush *Turdus philomelos*, starling *Sturnus vulgaris* and tree sparrow *Passer montanus.*

The desk study provided records of grey wagtail *Motacilla cinereal* and mistle thrush *Turdus viscivorus,* which are species on the RSPB Red List.

The desk study provided records of five bird species listed on the RSPB Amber List, comprising: black-headed gull *Chroicocephalus ridibundus*, common gull *Larus canus*, house martin *Delichon urbicum,* mallard *Anas platyrhynchos* and meadow pipit *Anthus pratensis.*

Invertebrates
The desk study provided records of cinnabar moth *Tyria jacobaeae*, which is listed as a Species of Principal Importance.

4.4 INVASIVE SPECIES

The desk study provided no records of invasive species within 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C153624-01-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 17th February 2021 by Charlotte Richardson (Ecological Consultant) and Shona Sutherland (Ecological Project Officer). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (ºC)	9
Cloud (%)	100
Wind (Beaufort)	F1-2
Precipitation	Nil

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

February is not an optimal time for completing botanical assessments however, given the nature and extent of the habitats present, this was not considered to be a significant constraint to a robust initial site assessment.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity grassland;
- Bare ground;
- Building;
- Dense scrub;
- Fence;
- Hardstanding;
- Poor semi-improved grassland;
- Scattered scrub;
- Scattered trees;
- Tall ruderal vegetation; and,
- Wall.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Amenity grassland
Two strips of amenity grassland were located to the west of the survey area (Plate 9.1), separating the hardstanding car park from the pavement adjacent to the site boundary. The sward was managed to approximately 10 cm with frequent areas of leaf litter. The grassland comprised of perennial rye-grass *Lolium perenne*, dandelion *Taraxacum officinale agg*. with locally frequent broad-leaved plantain *Plantago major* and willowherb *Epilobium* sp to the north. Patches of bare ground were also interspersed within the amenity grassland area.

Bare ground
An area of bare ground was located to the east of the survey area, between the building and boundary fence (Plate 9.2). This habitat was also scattered through some sections of the amenity grassland in the west of the site.

Building
The building on site comprised multiple adjoining units of varying height and construction (Plate 9.3). The main section was two-storey with a sloping tiled roof and cladding to all sides. A single-storey toilet block, with a flat central section and two sloping roofs, adjoined the main building section to the west. A sloping tiled structure with rendered walls adjoined the main section to the north-east, whilst a flat-roofed section with a large brick chimney stack was located to the south-east. The ground floor of the main section and the western toilet block were the only areas accessible internally, as the remainder of the building was tenanted at the time of survey.

Dense scrub
Located to the east of the survey were two large patches of bramble *Rubus fruticosus agg*. reaching up to 1.75 m in height (Plate 9.4). The two patches were separated by an area of bare ground.

Fence
A metal rail fence demarcated the eastern boundary of the site, reaching approximately 2 m in height (Plate 9.2). Wooden partition fencing bordered the dense scrub and was also approximately 2 m high.

Hardstanding
A tarmac car parking area was located to the west of the building (Plate 9.1) with a paving stone path running along the northern edge of the building. The carpark continued around the south of the building and led towards the walled storage area.

Poor semi-improved grassland
An area of semi-improved grassland was located to the north of the building (Plate 9.4) and bramble scrub was found to be encroaching from the eastern end of the grassland. The sward was approximately 10-15 cm in height and comprised perennial rye-grass, creeping thistle *Cirsium arvense*, willowherb *Epilobium sp*., nettle *Urtica dioica*, broad-leaved dock *Rumex obtusifolius*, creeping buttercup *Ranunculus repens*, ribwort plantain *Plantago lanceolata* and cleavers *Galium aparine*.

Scattered scrub
A small number of elder *Sambucus nigra* and ash saplings were located to the west of the building and within the tall ruderal to the south-west.

Scattered trees
Three semi-mature/early mature Norway maple *Acer platanoides* trees and a single immature ash *Fraxinus excelsior* tree were identified within the amenity grassland strip along the western boundary of the site (Plate 9.1). A single immature ash tree was also found in the south-east corner of the site, within the bare ground habitat.

Tall ruderal
Two small pockets of tall ruderal were present to the north-west and south-west of the building and throughout the poor semi-improved grassland, reaching up to 0.5 m in height. The species identified within this habitat included creeping thistle, willowherb, nettle and broad-leaved dock.

Wall
To the south of the building was a small, gated storage area (Target Note 1) surrounded by a mixture of brick and rendered wall reaching approximately 2.5 m in height, with barbed wire coil fencing along the top (Plate 9.3). The storage area contained numerous household/garden items and an old car, with a smaller rendered wall reaching 1.5 m in height within it. Some crumbling mortar was noted on the rendered sections, but other than this, these walls were in good condition and well-sealed.

A 1 m high brick wall in good condition was present immediately adjacent to the metal rail fence in the east of the site, and this formed part of the courtyard area associated with the building.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds
The following bird species were observed on site during the field survey: blackbird *Turdus merula*, magpie *Pica pica*, feral pigeon *Columba livia domestica* and dunnock *Prunella modularis*.

5.5 INVASIVE PLANT SPECIES

During the walkover, no invasive plant species were observed.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

It is understood that the works will involve the demolition of the existing building and structure and the redevelopment of the site for Purpose Built Student Accommodation (PBSA) uses (Sui Generis use class) comprising 261 bedroom units with ancillary amenity space, a ground floor 'community hub' (proposed for Use Classes F2(b), E(b), E(3), E(f)) associated landscape works and infrastructure.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, no UK statutory sites within 2 km and no non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

Amenity grassland; Dense scrub; Poor semi-improved grassland; Scattered scrub; and, Tall ruderal vegetation
Although these habitats will be lost to the proposed development, they are not Habitats of Principal Importance or Local BAP priority habitats. These areas were generally species-poor and contained common and widespread plant species. As such, the loss of these habitats is not a notable consideration with respect to the proposed works. Their potential to provide habitat for protected species is discussed in Section 6.4.

Bare ground; Building; Fence; Hardstanding; and, Wall
Although these habitats will be lost to the proposed works, these habitats have negligible inherent ecological value, and as such, are not notable considerations with respect to the proposed works. The building did have some potential to support protected species which is discussed further in Section 6.4.

Scattered trees
The scattered trees on site do not qualify as a Habitat of Principal Importance and are not listed as a priority within the Local BAP. However, trees, and particularly more mature specimens, are of intrinsic ecological value and cannot be easily replaced in the short to medium-term. Such trees can provide habitat for fauna such as nesting birds and invertebrates.

Under the current proposals, the trees on site will be lost to facilitate the works. If the loss of these trees cannot be avoided, replacement tree planting should be incorporated into the planting scheme, in order to mitigate for any losses. Recommendations in relation to this are made in Section 7.2 below, to ensure the proposed works do not contravene relevant local planning policy, as detailed in Section 3.3.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Scattered trees	-	-	Habitat loss

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals

Bats

The desk study identified 20 records of pipistrelle bats within a 1 km radius of the study site, the closest of which was located 340 m west.

The building on site was subject to a Preliminary Roost Assessment (RT-MME-153624-02), which identified a number of potential roosting features. As such, the demolition of the building may result in direct impacts on roosting bats, if present within the buildings. Therefore, the recommendations made within the Preliminary Bat Roost Assessment, should be followed.

The majority of the site comprises buildings and hardstanding, which both offer limited suitability for foraging and commuting bats. Although the dense scrub to the north-east and the scattered trees to the west of the site provide some suitable habitat in an otherwise urban area. As such, a precautionary recommendation regarding lighting has been made in Section 7.2, below.

Terrestrial mammals - Badger and Hedgehog

The desk study provided four records of hedgehog, the closest of which was located 510 m south-west of the study site. No records of badger *Meles meles* were provided through the desk study, and no field signs of badger presence (such as setts or latrines) were noted during the site walkover assessment, so badgers are not notable. The site itself offers a very small amount of suitable foraging habitat for smaller terrestrial mammals such as hedgehog (via the poor semi-improved grassland and scrub) and given the close proximity of greenspace associated with the adjacent high-rise buildings (particularly to the east), the potential exists for terrestrial mammals to use the site on occasion. As such, terrestrial mammals are a notable consideration, and a precautionary recommendation regarding entrapment has been made in Chapter 7.3, below.

Amphibians

The desk study did not provide any records of amphibians, including great crested newt *Triturus cristatus*, within a 1 km radius of the survey area. No ponds (potential breeding sites) were present on site during the field survey and reference to Ordnance Survey mapped data and aerial imagery indicated that no ponds were present within a 500 m radius of the survey area. The majority of the survey area was dominated by buildings and hardstanding, which are of negligible value to this species group. The small areas of species-poor semi-improved grassland and dense scrub do provide some suitable terrestrial habitat for amphibians, but given the urban location of the site in combination with a lack of desk study records, it is considered highly unlikely that great crested newts or other amphibians would be present. Therefore, amphibians are not a notable consideration with regards to the proposed development.

Reptiles

The desk study provided no records of reptiles within a 1 km radius of the survey area. The majority of the site is dominated by hardstanding and building. The majority of the survey area was dominated by buildings and hardstanding, which are of negligible value to this species group. The small areas of species-poor semi-improved grassland and dense scrub do provide some suitable terrestrial habitat for reptiles, but given the urban location of the site in combination with a lack of desk study records, it is considered highly unlikely that reptiles would be present. Therefore, reptiles are not a notable consideration with respect to the proposed works.

Birds

The desk study provided records of four bird species listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) and several Species of Principal Importance within a 1 km radius of the survey area. The specific breeding ranges and habitat requirements of the Schedule 1 species (listed in Table 4.2) mean that they are unlikely to nest within the survey area. However, the building, trees and scrub on site do provide suitable opportunities for generalist bird species. As such, nesting birds are a notable consideration, and a recommendation regarding the timing of vegetation/building clearance has been made in Section 7.3.

Invertebrates

The desk study provided records of cinnabar moth, which was listed as Species of Principal Importance, within a 1 km radius of the survey area. The habitats within the survey area were generally of limited ecological value and unlikely to support notable invertebrate species or species assemblages. As other areas of greenspace or similar botanical value were present within the immediately surrounding landscape,

long-term adverse impacts to invertebrates as a result of the proposed works are considered unlikely. As such, invertebrates are not a notable consideration with respect to the proposed works but a recommendation for biodiversity enhancements to benefit pollinating invertebrates has been made in Section 7.3.

Other Species
The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: dormouse *Muscardinus avellanarius,* otter *Lutra lutra*, stag beetle *Lucanus cervus,* white-clawed crayfish *Austropotamobius pallipes*, water vole *Arvicola amphibius* and red squirrel *Sciurus vulgaris*.

Summary
Species considered to be of relevance to the proposed development are summarised in Table 6.1.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	#	Direct harm/injury; Habitat loss.
Terrestrial Mammals (incl. Hedgehog)	✓	Direct harm/injury; Risk of entrapment in excavations.
Birds	#	Direct harm/injury; Habitat loss / disturbance.
Key: #: Species dependent		

Table 6.1: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

The desk study did not provide any records of invasive plant species within a 1 km radius of the survey area and no invasive plant species were recorded on site during the field survey. As such, invasive plant species are not a notable consideration with respect to the proposed development.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

No recommendations are made in regard to nature conservation sites.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

R1 **Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. This will involve, for example:

- The planting of fruit bearing and/or wildlife attracting tree species;
- The planting of nectar-rich flowering species that will be of benefit to pollinating invertebrates such as bees, beetles and hoverflies; and,
- Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow and bat boxes for species such as pipistrelle. These could be installed either on or within the fabric of the building.

R2 **Lighting:** In accordance with best practice guidance relating to lighting and biodiversity (Miles *et al*, 2018; Gunnell *et al*, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice include:

- Avoiding the installation of new lighting in proximity to key ecological features, such as the trees along the adjacent roads.
- Using modern LED fittings rather than metal halide or sodium fittings, as modern LEDs emit negligible UV radiation.
- The use of directional lighting to reduce light spill, e.g. by installing bespoke fittings or using hoods or shields. For example, downlighting can be used to illuminate features such as footpaths whilst reducing the horizontal and vertical spill of light.
- Where the use of bollard lighting is proposed, columns should be designed to reduce horizontal light spill.
- Implementing controls to ensure lighting is only active when needed, e.g. the use of timers or motion sensors.
- Use of floor surface materials with low reflective quality. This will ensure that bats using the site and surrounding area are not affected by reflected illumination.

- For internal lights, recessed light fittings cause significantly less glare than pendant type fittings. The use of low-glare glass may also be appropriate where internal lighting has the potential to influence sensitive ecological receptors.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

R3 **Roosting Bats:** The building on site has potential to support roosting bats, therefore the recommendations made within the Preliminary Bat Roost Assessment (Report: RT-MME-153624-02) should be followed.

R4 **Terrestrial Mammals including Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering/ becoming trapped. Storage of materials on site should also be adequately secured and fenced off.

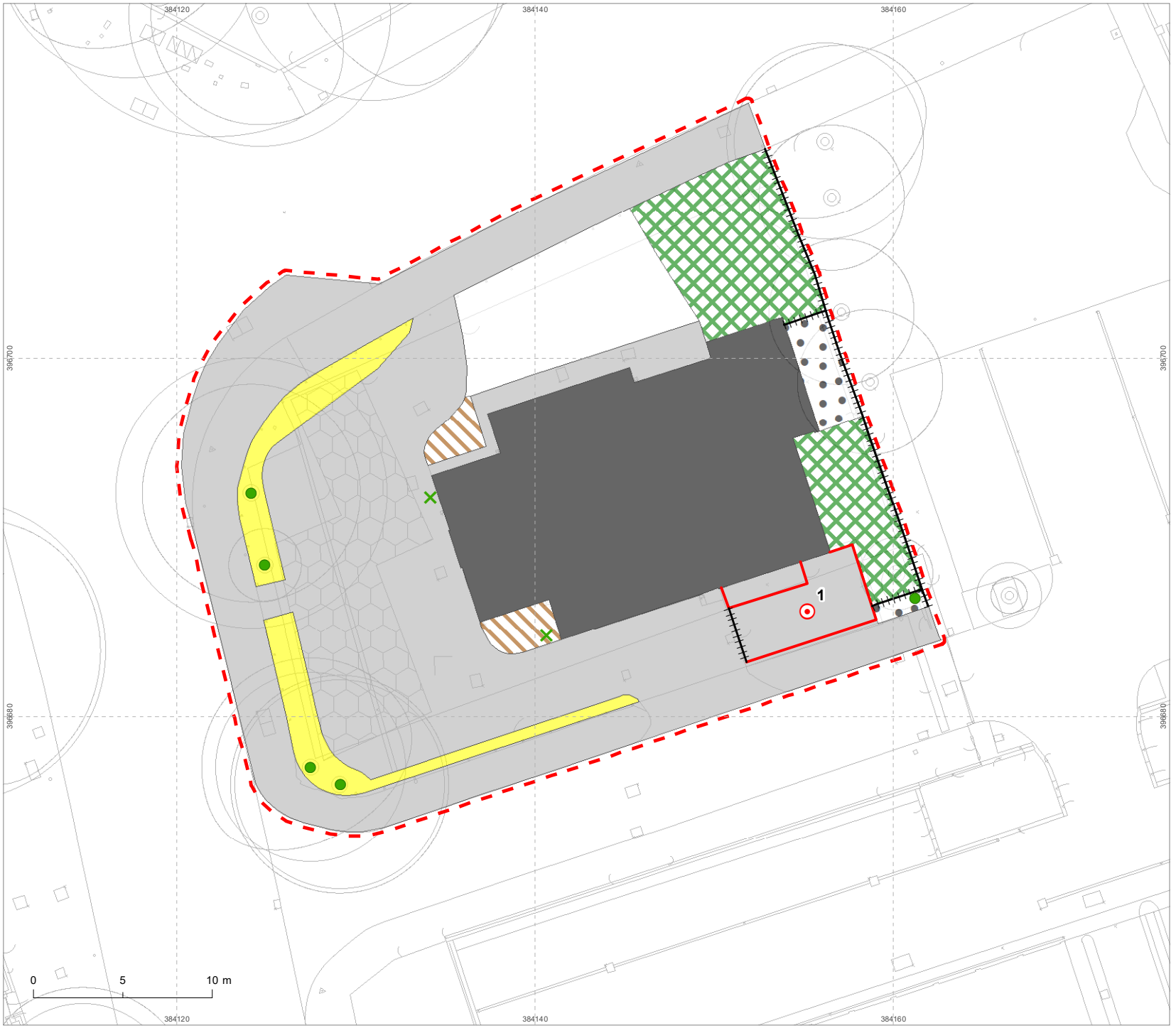
R5 **Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation and buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to any works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged, and the nest abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.

7.4 INVASIVE PLANT SPECIES

No recommendations are made regarding invasive plant species.

8. DRAWINGS

Drawing C153624-01-01 – Phase 1 Habitat Map



C153624-01-01-RevA

Legend

- Site boundary
- Scattered scrub
- Scattered tree
- Fence
- Wall
- A — Amenity grassland
- Bare ground
- Building
- Dense scrub
- Hardstanding
- SI — Poor semi-improved grassland
- Tall ruderal
- Target note
  - 1 Storage area with old car, bins, refrigerator, etc.

N

Project
The Gamecock Pub, Booth Street, Manchester

Drawing
Phase 1 Habitat Map

Client
Curlew Alternatives Eighth Property LP

Drawing Number	Revision
C153624-01-01-RevA	Rev A
Scale @ A4	Date
1:300	May 2021
Approved By	Drawn By
CR	RP

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9. PHOTOGRAPHS

Plate 9.1: Amenity Grassland, Hardstanding and Scattered Trees to West of Site.

Plate 9.2: Bare Ground, Building (Right), Wall and Fence (Left).

Plate 9.3: Building and Rendered Wall (Right).

Plate 9.4: Dense Scrub with Poor Semi-Improved Grassland Beyond.

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 3: Ecologist Details and Verification Statement for BREEAM

APPENDIX 1

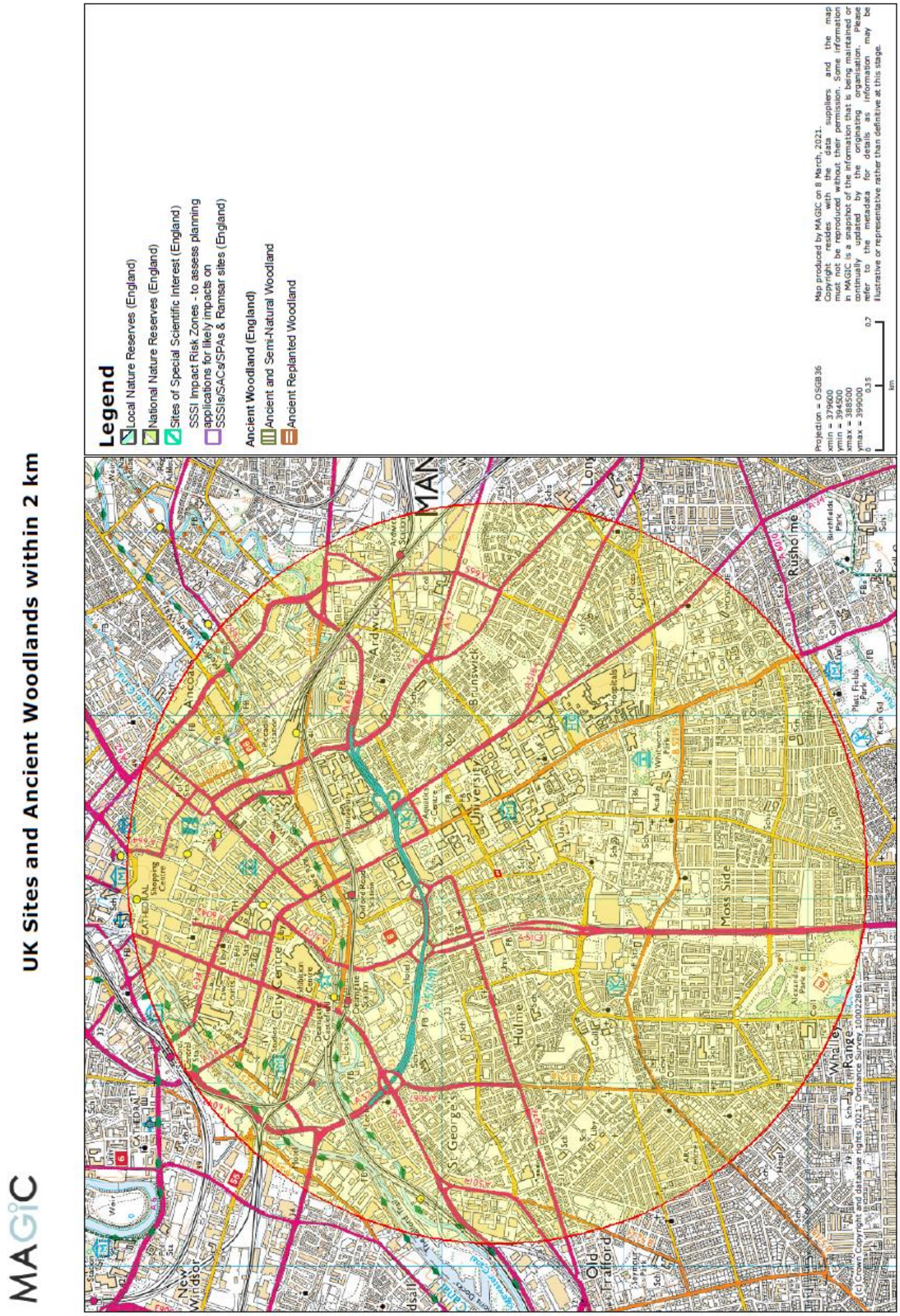
Summary of Statutory Nature Conservation Sites

EU Statutory Sites within 5 km Radius

Site Check Report. Report generated on Mon Mar 08 2021
You selected the location: Centroid Grid Ref: SJ84149669
The following features have been found in your search area:
Ramsar Sites (England) - points
No Features found
Ramsar Sites (England)
No Features found
Special Areas of Conservation (England) - points
No Features found
Special Areas of Conservation (England)
No Features found
Special Protection Areas (England) - points
No Features found
Special Protection Areas (England)
No Features found

UK Statutory and Ancient Woodland Sites within 2 km Radius

Site Check Report. Report generated on Mon Mar 08 2021
You selected the location: Centroid Grid Ref: SJ84149669
The following features have been found in your search area:
SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?
2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:
All Planning Applications
Infrastructure
Wind & Solar Energy
Minerals, Oil & Gas
Rural Non Residential
Residential
Rural Residential
Air Pollution
Livestock & poultry units with floorspace > 500m², slurry lagoons > 4000m².
Combustion
General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.
Waste
Composting
Discharges
Water Supply
Notes 1
Notes 2
GUIDANCE - How to use the Impact Risk Zones
/Metadata_for_magic/SSSI IRZ User Guidance MAGIC.pdf
Ancient Woodland (England)
No Features found
Local Nature Reserves (England) - points
No Features found
Local Nature Reserves (England)
No Features found
National Nature Reserves (England) - points
No Features found
National Nature Reserves (England)
No Features found
Sites of Special Scientific Interest (England) - points
No Features found
Sites of Special Scientific Interest (England)
No Features found


MAGIC
UK Sites and Ancient Woodlands within 2 km
Legend
Local Nature Reserves (England)
National Nature Reserves (England)
Sites of Special Scientific Interest (England)
SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
Ancient Woodland (England)
Ancient and Semi-Natural Woodland
Ancient Replanted Woodland
Projection = OSGB36
xmin = 379600
ymin = 394500
xmax = 388500
ymax = 399000
0 0.35 1 km
Map produced by MAGIC on 8 March, 2021.
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APPENDIX 2

Overview of Relevant Species Specific Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

The reader should refer to the original legislation for the definitive interpretation.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely

traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly**:**

- 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
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

APPENDIX 3

Ecologist Details and Verification Statement for BREEAM

ECOLOGIST QUALIFICATIONS

ECOLOGIST DETAILS

Name: Charlotte Richardson – Ecological Consultant
Company: Middlemarch Environmental Ltd
Address: Triumph House, Birmingham Road, Allesley, CV5 9AZ
Contact Telephone Number: 01676 525880
Ecology Report Reference: RT-MME-153624-01

Qualifications (in Ecology or related subject):

MSc in Habitat Management and Conservation
BSc (Hons) in Zoology

Memberships:

Qualifying Member of CIEEM

Relevant Experience:

Charlotte has gained a wide range of ecological skills through academic and professional experiences over the last six years. At Middlemarch Environmental Ltd, she has been involved in numerous projects including road, residential and energy distribution schemes where she has taken responsibility for habitat and protected species surveys, as well as undertaking ecological clerk of works when required. Her survey experience includes Preliminary Ecological Appraisal, along with protected species surveys for bats, badger, nesting birds, great crested newt, and water vole. She also has experience of mitigation for bat and badger projects. Charlotte holds level 1 class licences for both bats and great crested newt.

REPORT VERIFICATION

Name: Ellie Rickman
Principal Ecological Consultant - Middlemarch Environmental Ltd

Qualifications in ecology or related subject:

MSc (Distinction) in Ecology and the Environment
BSc (Hons) 2:1 in Environmental Studies

Memberships:

Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM)

Relevant Experience:

Ellie has worked as an ecologist for the past six years and before that spent eight years as an environmental educator. She has a wealth of experience in the nature conservation sector having worked in both UK conservation NGOs and private consultancy. She has experience of working on a wide range of ecological projects specialising in species protection, ecological assessment and habitat creation.

Ellie is an experienced ecologist specialising in protected habitat and species assessment and works with a range of clients to provide ecological assessments and pragmatic mitigation strategies as part of planning application submissions. She has worked on a range of commercial, residential and transport projects throughout the UK. Ellie has worked closely with planners, developers and project managers to ensure the inclusion of practical ecological solutions at an early stage of the planning process. She has experience of developing ecological method statements, habitat management plans and Natural England Protected Species Licence applications

Ellie holds Natural England Class Licences for the survey of bats, great crested newts and hazel dormice. She is a keen botanist and holds FISC Level 4 for botanical survey work. She has worked on mitigation projects for a wide range of protected habitats and species including priority grasslands, aquatic habitats, amphibians, badgers, bats, birds, dormice, reptiles, water vole, and invertebrates.

I find the report to:

- represent sound industry practice
- report and recommend correctly, truthfully, and objectively
- be appropriate given the local site conditions and scope of works proposed
- avoid invalid, biased, and exaggerated statements.

I confirm that the information provided in this document is truthful and accurate at the time of completion.

Signed

Ellie Rickman
Principal Ecological Consultant Dated: 8th March 2021