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FUSION MANCHESTER DEVCO LTD

DEANSGATE SOUTH, MANCHESTER

BAT SURVEY REPORT

OCTOBER 2020

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DEANS GATE SOUTH, MANCHESTER

BAT SURVEY REPORT

OCTOBER 2020

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EXECUTIVE SUMMARY

Wardell Armstrong LLP (WA) was commissioned Fusion Manchester Devco Ltd to undertake a dusk bat survey of a standing brick and mortar boundary wall on land at Deansgate South, to inform the proposed student accommodation development. Methods comprised a desk study, preliminary roost assessment and bats presence/absence survey.

The Preliminary Ecological Appraisal (WA 2020) identified a number of potential roosting features (PRFs) on the boundary wall and suitable foraging habitat nearby. There are numerous recent records of common pipistrelle *Pipistrellus pipistrellus* and pipistrelle species *Pipistrellus sp* roosts and other field records within 2km of the site.

No bats were recorded emerging from the roosting features on the boundary wall or from the cable opening during the dusk emergence survey. Low levels of common pipistrelle activity were recorded during the survey.

As no roosts were identified, the demolition works proposed on Site are unlikely to result in any impacts to bats and no mitigation is required.

Inclusion of integral bat boxes on new buildings is recommended to enhance roosting opportunities for bats on site.

1 INTRODUCTION

1.1 Terms of Reference

1.1.1 Wardell Armstrong LLP (WA) was commissioned by Fusion Manchester Devco Ltd to undertake a bat survey in support of a detailed planning application for a proposed student accommodation tower on Deansgate, Manchester, central Ordnance Survey (OS) grid reference SJ 832 974 (hereafter known as the 'Site').

1.1.2 This report accompanies a Preliminary Ecological Appraisal (PEA) (Wardell Armstrong, 2020), which identified a brick and mortar wall on the north eastern boundary with low potential to support roosting bats. Bats and their roosts are fully protected under the Conservation of Habitats and Species Regulations 2019 (as amended). Under this legislation it is an offence to:

- deliberately capture, injure or kill bats
- damage or destroy a breeding or resting place
- obstruct access to their resting or sheltering places
- intentionally or recklessly disturb a bat while it is using a place of shelter or protection

1.1.3 As the proposed demolition works could result in impacts to bats or their roosts, should these be present, a presence/absence bat survey was undertaken.

1.2 Scope of Assessment

1.2.1 The aims of the bat survey were to:

- i. determine the status of roosting bats at the Site;
- ii. if present, determine the species, number of bats, access points and status of roost(s);
- iii. assess the potential impacts of the proposed development to bats and their roosts; and
- iv. inform mitigation requirements, including whether a European Protected Species Licence is required.

1.2.2 Site Context

1.2.3 The Site comprises hardstanding with a brick and mortar wall and occasional scattered scrub, covering approximately 580m². The Site is situated at the junction of the A56 Bridgewater Viaduct to the north west and Deansgate to the south. The River Medlock is approximately 55m to the north east and flows into the Castlefield Basin 60m to the north. The Owen Street skyscrapers are to the south (see Figure 1).

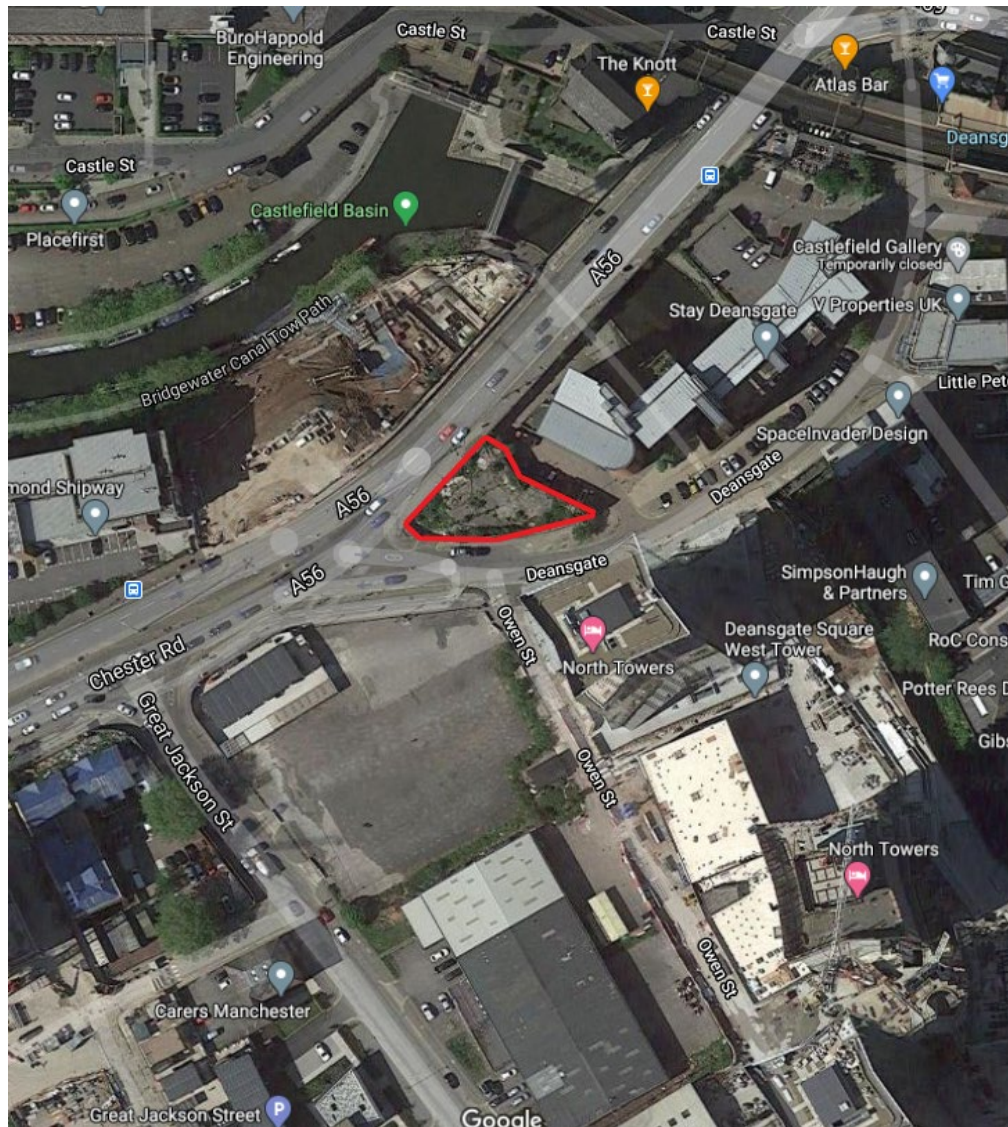


Figure 1 Site location

2 METHODOLOGY

2.1 Desk study

2.1.1 The desk study was informed by a review of existing available information provided by Greater Manchester Local Records Centre (GMLRC) and from available internet-based resources including MAGIC up to a 5km search radius from site central grid reference. Ordnance Survey (OS) and satellite mapping was also used to gain contextual habitat information.

2.2 Preliminary Roost Assessment

2.2.1 All structures and buildings on site were subject to a preliminary roost assessment following standard methodology (Collins, 2016) during the PEA. The assessment comprised an external examination for visual signs of bats and features potentially suitable for roosting bats. Exterior walls of buildings and boundary walls were searched for evidence of roosting bats including droppings, rub or scratch marks, staining at potential roosts and exit holes, live or dead bats, and features, such as gaps, missing bricks, lifted tiles and openings within the roof structure. An assessment of the surrounding habitat in terms of its suitability for commuting and foraging bats was also undertaken.

2.2.2 Based on the location, age, type of building, features and evidence recorded, habitat and lighting present, the buildings were placed into one of the following categories (Collins, 2016) to describe their likelihood of supporting a roost:

- High – A building/structure/tree with one or more suitable roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat;
- Moderate – A building/structure/tree with one or more suitable roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status;
- Low – A building/structure/tree with one or more suitable roost sites that could be used by individual bats opportunistically. However, these suitable roost sites do not provide enough space, shelter, protection, appropriate conditions, and/or suitable surrounding habitat to be used on a regular basis or by a large number of bats. i.e. unlikely to be used as a maternity roost or hibernation site; and

- Negligible – No roosting features present likely to be utilised by bats.

2.3 Bats Presence/Absence Survey

- 2.3.1 A single dusk emergence survey was undertaken on the 20th of August 2020. During the survey, two experienced bat surveyors were positioned, one at TN1 and the other at TN2 (as shown on Drawing GM11393/001 in Wardell Armstrong, 2020) to allow visual coverage of all potential bat egress/entry points. All surveys were undertaken in accordance with current guidance (Collins, 2016).
- 2.3.2 The dusk emergence survey was undertaken for 15 minutes prior to sunset and 1 hours 30 minutes following sunset.
- 2.3.3 Echo Meter Touch (Wildlife Acoustics, Inc., Massachusetts) bat detectors and iPads (Apple Inc., California) were used to detect ultrasonic bat calls. If required, recordings were later analysed using BatSound sonogram analysis software (Version 3.31, Petterson Elektrik).
- 2.3.4 Details of the survey are provided in Table 1, below.

Table 1: Survey conditions						
Date (survey type)	Building	Weather Conditions	Sunrise / Sunset	Start Time	Finish Time	Ecologists
20/08/2020 (Dusk)	TN1/TN2	Start of survey: 18°C, 0% cloud cover, no wind and 0% precipitation. End of survey: 16°C, 0% cloud cover, no wind and 0% precipitation.	20:11	20:00	21:40	JR & LP

2.4 Caveat

- 2.4.1 The results of the surveys undertaken by Wardell Armstrong are representative of bat activity on Site at the time of surveying.
- 2.4.2 It should be noted that long-eared bats *Plecotus* spp. and barbastelle *Barbastella barbastellus* in particular echolocate more quietly than other bat species and so can sometimes be more difficult to detect. In this case, the buildings are not considered suitable for either species.
- 2.4.3 Specific species are notoriously difficult to identify precisely in the field and from recorded sonograms, as there is considerable overlap in their echolocation

characteristics. Where the bat species cannot be accurately determined from sampled calls, only the genus is stated i.e. *Nyctalus* or *Myotis* spp.

2.5 Quality Assurance & Environmental Management

- 2.5.1 The survey and assessment have been overseen by and the report checked and verified by an experienced, licensed bat surveyor and member of CIEEM, who is bound by its code of professional conduct. All surveys and assessments have been undertaken with reference to the recommendations given in British Standard BS 42020, and as stated within specialist guidance, as appropriate and referenced separately.

3 RESULTS

3.1 Desk Study

- 3.1.1 Bat records provided by GMLRC included common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *P. pygmaeus* and pipistrelle species *Pipistrellus*. sp. with several close records of a bats within 100m north of the Site and closest record of a roost 560m east of Site.

3.2 Preliminary Roost Assessment Survey

- 3.2.1 The results of the Preliminary Roost Assessment are summarised in Table 2.

Table 2: Assessment of Bat Roost Potential			
Building	Description	PRFs	Roost Potential
TN1	Red brick and mortar boundary wall.	Loose and missing mortar towards the centre of the north eastern section.	Low.
TN2	Partially demolished brick building.	Openings around a cable route located under the concrete lintel of the building.	Low.

3.3 Bats Presence/Absence Survey

20th July 2020

- 3.3.1 No bats were recorded emerging from the potential roosting features during the survey. Two common pipistrelles were recorded at 20:42 commuting across the site from the direction of the canal and flew off site.

4 DISCUSSION AND RECOMMENDATIONS

4.1 Discussion

4.1.1 No evidence of roosting bats was recorded during the dusk survey and hence absence of a roost can be reasonably concluded. The Site offers low potential to support roosting bats in general terms.

4.1.2 The demolition of the boundary wall and partially demolished building is not likely to result in any impacts to bats or their roosts and no mitigation is required.

4.2 Recommendations

4.2.1 Bats can use suitable features opportunistically and there is a low risk they could occupy suitable features prior to the proposed works. It is recommended that contractors are advised to work carefully when demolishing buildings. In the unlikely event that bats are encountered, all work must cease in the vicinity and a suitably qualified ecologist contacted for advice.

4.2.2 New buildings offer the opportunity to install integral bat boxes to provide roosting opportunities that are frequently lost to development. Integral bat boxes are unobtrusive and maintenance free. A suitably qualified ecologist should be consulted to advise on the location of any integral bat boxes.

4.2.3 Please note, survey results and conclusions do not remain valid indefinitely. Additional surveys or an appraisal of habitat change may be required in the event that 12 months elapse prior to the onset of development works.

4.3 Conclusion

4.3.1 The proposed development is not likely to result in any impacts to bats or their roosts and no mitigation is required. The inclusion of integral bat boxes within new buildings will ensure that suitable roosting opportunities on the site are maintained in the long-term. This could be secured through an appropriately worded planning condition.

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APPENDICES

Appendix 1

Legislation and Policy Summary

Appendix 1 – Legislation and Policy Summary

Legislation for Habitats/Sites

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following The Ramsar Convention. RAMSAR sites have the same level of protection as SSSIs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs are classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC), the Birds Directive. They are they seek to protect the habitats of rare and vulnerable birds, listed in Annex I of the Birds Directive, and for regularly occurring migratory species. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 implement the Birds Directive in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent typical European Union of habitats and (non-bird) species listed in Annexes I and II of the EC Habitats Directive. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 implement the Habitats Directive in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were re-notified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under The Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain

Designated Site/Habitat	Status
	hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under The Wildlife and Countryside Act 1981 (as amended).

Legislation for Species

Species	Legal Status
<i>European Legislation</i>	
Creeping Marwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killarney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2017 (and as amended), it is illegal to deliberately pick, collect, uproot or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	These animals and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2017 (and as amended), which makes it illegal to: • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb¹ such an animal; and • Damage or destroy a breeding site or resting place of such an animal. European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely: • The development is for reasons of overriding public interest;

¹ Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

Species	Legal Status
	- There is no satisfactory alternative; and - The favourable conservation status of the species concerned will be maintained and/or enhanced. Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a duty to 'have regard to the requirements of the EC Habitats Directive' i.e. LPA's must consider the above 3 'tests' when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.
<i>Domestic (UK) Legislations</i>	
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	These animals receive full protection under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to certain exceptions) to: - Intentionally kill, injure or take any such animal; - Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and - Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Adder, Common Lizard, Grass Snake, Slow Worm, White-clawed Crayfish	These animals receive partial protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which provide protection against intentional killing or injury of any such animal.
Nesting Birds	All wild birds (as defined by the act) are protected under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to exceptions) to: - Intentionally kill, injure or take any wild bird; - Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
WCA Schedule 1 listed Birds	Additional protection is provided to birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (and as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to: Intentionally or recklessly disturb any bird listed on Schedule 1, or their dependent young while nesting.
Badgers	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and to intentionally or recklessly interfere with a Badger sett. This includes: - damaging or destroying an active sett; - obstructing access to a sett; and - disturbing a Badger while it is occupying a sett.

Species	Legal Status
	Licences can be granted to permit sett closure and/or disturbance between July and November inclusive (i.e. outside the sow pregnancy/birth period).
Wild Mammals	The Wild Mammals (Protection) Act 1996 provides legal protection to all wild mammals (as defined by the act) against the following actions: mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.
<i>Invasive Species</i>	
WCA Schedule 9 listed animals (Part 1) and plants (part 2)	Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act prohibits the release of any animal species that are: <i>"not ordinarily resident in and is not a regular visitor to Great Britain in a wild state"</i>

Policy Summary

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

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

The NPPF underpins the Government's planning policies for England and how these are to be applied. The central theme of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment because of its potential impact on a habitats site is being planned or determined.

The NPPF states:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;;*
- *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and;*
- *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity;*
- *The following should be given the same protection as habitats sites:*
 - a) potential Special Protection Areas and possible Special Areas of Conservation;*
 - b) listed or proposed Ramsar sites; and*
 - c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

The NPPF requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

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