THE TYRER PARTNERSHIP



Ecology Consultants/Surveyors
Specialising in Protected Species

12 Tyrers Close, Formby, Merseyside L37 4BE

Tel: 01704 875781 Fax: 01704 382304 Mobile: 07719 108429

Email address **bat.man@ blueyonder.co.uk**



Former Odeon Cinema, Oxford Street, Manchester

Updated Inspection and Assessment in Relation to Bats & Breeding Birds

Prepared for:

Hines UK Ltd &
Manchester & Metropolitan Properties Ltd
No 1 Tabley Mews
Off Stamford Street
Altrincham
Cheshire
WA14 1DA

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1.0 Introduction & Reason for Survey

1.1 As part of a proposed redevelopment at the former Odeon Cinema Oxford Street Manchester, a previous survey of the buildings was undertaken in relation to bats and barn owls on the 11th October 2006. An updated survey was undertaken on the 18th June 2013 to ascertain if there have been any material changes that would increase or decrease the value of the building for bats or breeding birds and where possible search for evidence of use. Should evidence of bats or breeding birds be located then a scheme for the protection of them and their roosts/nests would need to be implemented, which could involve the requirement for a European Protected Species Mitigation Licence to be in place where bats or their roosts would be affected.

1.2 The 2006 survey concluded and recommended that:-

From the inspection and assessment of the building it can be concluded that it and the surrounding habitat are unsuitable for barn owls and it is highly unlikely that this species will be found in a breeding situation within a city centre environment.

Bat roost potential is considered to be low with no evidence of use being found and it can further be concluded that the redevelopment of the site would not result in the loss of high value bat roost potential and no further surveys are required.

Although the building has been identified as being of low value for bats the construction industry should always be aware of the fact that bats can be found in buildings at anytime of the year and observations continually undertaken for them during the course of work schedules. If at any time bats are found ***or suspected,*** *then as a legal requirement work should cease in that area and further advice sought from the acting bat consultant.*

1.3 It is understood that a planning application is to be submitted to allow the site to be re-developed; where a building will be affected by development the Local Authority requires that Planning Applications that have the potential to affect a protected species, such as bats, should include surveys to establish if buildings have potential for such species or if evidence of use exists. Deloitte Real Estate, on behalf of their client, commissioned the inspection and assessment.

1.4 The optimum time to investigate buildings for evidence of a bat roost is May – August, however that is not to say they cannot be inspected and assessed outside of that time and frequently the results can be conclusive which can save time and expense for Planning Applicants but it should be borne in mind that equally the inspection can be inconclusive. If potential was found to be medium - high or the results of the survey were inconclusive then recommendations would indicate the requirement for nocturnal observations to be undertaken at the site during the breeding season of bats. (May – August)

2.0 Bats & Their Requirements

2.1 All British bats and their **roosts are afforded protection under the 1981 Wildlife & Countryside Act (as amended) and are listed in Schedule 2 of the Conservation of Habitats & Species Regulations 2010 (as amended). When dealing with cases where a European Protected Species (all UK bats) may be affected, a planning authority is a competent authority within the meaning of the Regulation 7 of the 2010 Regulations and therefore has a statutory duty to have due regard to the provisions of the Regulations in the exercise of its functions.

2.2 The National Planning Policy Framework (NPPF) has replaced the existing Planning Policy Guidelines. (PPG's) In relation to wildlife PPG 9 was one of the documents to which Planning Authorities referred to, particularly where a specially protected species is or may be present and will be affected by a development for which a Planning application seeks consent. The aims of the NPPF in relation to species and habitats are that it places a clear responsibility on Local Planning Authorities to conserve and enhance biodiversity and to encourage on the consideration that should be given to Protected Species where they may be affected by development. The Office of the Deputy Prime Minister (ODPM) Circular 06/2005 provides administrative guidance on the application of the law in relation to planning and nature conservation.

This is supported by a guide to good practice entitled 'Planning for Biodiversity and Geological Conservation: Building in Biodiversity' in which paragraphs 5.34 and 5.35 identify that species such as bats are highly dependant upon built structures for survival and that roosts can be easily incorporated into existing and new developments/conversions to benefit these species.

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

If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

2.3 Use of Buildings by Bats

a) Summer breeding roost.
b) Hibernation.
c) Transitional or temporary roost.

Roost selection is often closely correlated to suitable foraging habitat within a reasonable commuting distance from the roost and different sites are used depending upon insect densities and abundance, climatic conditions can also affect their ability to successfully forage. All British bats are insectivorous.

** The term roost is generically referred to as a place that bat/s use for the any of the above reasons, however it should be noted that under the Conservation of Habitats & Species Regulations 2010 (Regulation 41) the term roost is not used but refers to "*a breeding site or resting place of such an animal"* and is afforded legal protection. The roost, breeding site or resting place of bats, which ever terminology is used is legally protected whether or not bats are in occupation.

3.0 Bat Species in Greater Manchester

3.1 Up to eight bat species have been regularly recorded in Greater Manchester most of which use built structures, notably occupied residential properties, for roosting. The most frequently encountered species is the Pipistrelle bat (*Pipistrellus)* and its abundant status in Greater Manchester is reflected throughout the UK.

4.0 Wild Birds

4.1 All wild birds (with only minor exceptions) and their nests whilst being built or containing eggs or dependant young are protected under the Wildlife & Countryside Act 1981 (as amended). Birds listed on Schedule 1 e.g. Black Redstarts are afforded a greater level of protection. Where nesting birds are present then work should be timed outside of the nesting season (March – August) so as to avoid disturbance.

4.2 Whilst buildings in city centres are highly unlikely to be used by barn owls there are other specially protected species such as the Peregrine falcon (*Falco peregrinus)* and Black Redstart (*Phoenicurus ochrurus*) that have adapted to nesting in or on man made structures including those in Manchester. Greater Manchester Biodiversity Action Plan (LBAP) lists key local species considered to be rare or declining in the area, one of which is the Black Redstart.

5.0 Survey Methodology

5.1 The updated survey was conducted on the 18th June 2013 when the building was externally inspected for potential places that may be of value to bats and if evidence of use was present. The interior was not investigated due to health & safety reasons but it is known from the 2006 survey that loft spaces are absent and potential for bat or birds within the building is low, therefore the survey concentrated on the exterior elevations which were investigated, with the aid of close focusing binoculars, for places that are frequently used by bats as roosts or as access into roost chambers.

5.2 At the time of the survey bats will be in their breeding season, which is the optimum to investigate buildings for evidence of bat use. However, depending upon species and roost location signs of previous bat occupation can still be found. If evidence of use was absent the results conclusions and recommendations are based upon surveyor experience and knowledge of bat ecology.

5.3 During the survey the surrounding habitat was assessed in relation to bats as very often roost selection is closely correlated with the surrounding habitat.

5.4 The external inspection also took into consideration potential nesting opportunities for the bird species such as raptors or Black Redstarts, which would generally include ledges or wall cavities. In addition to nesting opportunities the site was assessed for feeding places that may be of value to Black Redstart.

A number of factors are used during the survey and include:-

Practical experience of surveyor
Knowledge of bat and bird species relevant to the site location and geographical distribution
Nature of the immediate and surrounding habitat in relation to foraging opportunities
Condition of the building
Presence/absence of a loft space
Presence/absence of roost potential
Value of roost potential – if present
Presence of nesting opportunities or historic evidence of nests

6.0 Constraints

6.1 The inspection of the building was conducted at an optimum time for both bats and nesting birds and full access to the external elevations and its immediate environs could be achieved, therefore there were no significant constraints that would prevent the gathering of information on which to base conclusions and recommendations; the results of the survey represent an accurate assessment of the building in respect to bats and nesting birds.

7.0 Results

7.1 The former Odeon cinema is located in the centre of Manchester; it is a redundant large multi-screen cinema that from the previous survey are known to contain a warren of small rooms and corridors that were investigated during 2006, which resulted in no signs of bats, roost opportunities were considered to be low and the habitat in the immediate vicinity of the building is not productive for foraging bats.

7.2 The building is brick built with dressed stone to three elevations; the roof is corrugated steel which will significantly reduce roost potential for bats; furthermore it lacks the usual features that are frequently used by crevice dwelling species such as Pipistrelle (*Pipistrellus*) which is the species that is most associated within an urban environment. Soffit/barge boards, that are frequently used as an access point, are absent at all elevations. Loft spaces do not exist, which along with the lack of suitable foraging habitat will rule out the breeding potential for loft dwelling bats; typically Brown Long Eared, (*Plecotus auritus*) which is a species that show a high preference for large roof spaces. The surrounding habitat is predominately commercial with foraging places absent which can influence and significantly reduce use of buildings by bats.

7.3 Throughout the building opportunities for barn owls are absent and the typical urban and commercial nature of the surrounding area makes the site unsuitable for barn owls.

7.4 At variable heights (3 -15 metres) at the rear elevation of the former Odeon cinema there are opportunities for nesting birds such as Black Redstart by way of various sized cavities in the brickwork but feeding places are poor. The openings also appear to be suitable for use by raptors e.g. Kestrel (*Falco tinnunculus*) but no recent or historic evidence by way of faecal splashes or discarded food pellets was noted; it can be conclusively be stated that barn owls will be absent.

7.5 The condition of the former Odeon cinema has, since the previous surveys, substantially deteriorated.

8.0 Conclusions & Implications

8.1 From the results of the updated survey it can be concluded that there are no material changes to the building which have increased or decreased the potential for bats and therefore in relation to the species a 'status quo' situation remains. The immediate habitat is not productive for bats and roost potential at the building is low - absent and no obvious evidence of use was found that would suggest recent or historic occupation by bats of any species.

8.2 It can further be concluded that the re-development of the site would not result in the loss of high value bat roost potential and therefore nocturnal surveys will not be required at the building. Similarly the results of the survey indicate that in relation to bats there are no implications that would prevent the proposals for the site commencing.

8.3 Opportunities for nesting birds such as Black Redstart and some raptors exist at the rear elevation of the Odeon but no obvious recent or historic evidence was located, the potential for nesting barn owls in the city centre is absent and the land surrounding the building is not productive for Black Redstarts as a feeding area.

9.0 Recommendations

9.1 Although the building has been identified as being of low value for bats the construction industry should always be aware of the fact that bats can be found in buildings at anytime of the year and observations continually undertaken for them during the course of work schedules. If at any time bats are found **or suspected,** then as a legal requirement work should cease in that area and further advice sought from a bat consultant; similarly the same recommendations are applicable if nesting birds, apart from feral pigeons are encountered.

9.2 Greater Manchester Ecology Unit (GMEU) encourage, where possible, that existing buildings and new developments contribute to the objectives of the Greater Manchester Biodiversity Action Plans which include:-

- Maintain a breeding population of Black Redstarts in Greater Manchester.
- Create a minimum of 50 green roofs/green walls across the Greater Manchester conurbation over the next five years, particularly in areas where Black Redstarts are known to breed.
- Provision of nest boxes in key areas i.e. close to existing and any created feeding grounds

Appendix I – Site Photographs



Odeon Cinema front elevation



Odeon Cinema rear elevation