

Planning, Building Control & Licensing
Manchester City Council
PO Box 532
Town Hall
Manchester
M60 2LA

PLANNING PORTAL SUBMISSION REF: PP- 13728248

31st January 2025

Dear Sir/Madam,

RE: DISCHARGE OF CONDITIONS 28 AND 29, PURSUANT TO FULL PLANNING APPLICATION REFERENCE 139997/FO/2024

LAND AT WELCOMB STREET, OPENSHAW, MANCHESTER

Spawforths write on behalf of our clients, NSJV Ltd (Network Space Joint Ventures), to prepare and submit an application for the discharge of conditions 28 and 29, pursuant to the above full planning permission, reference 139997/FO/2024. The description of development approved is as follows:

“Erection of 4no. two storey industrial buildings (Classes E(g)(ii)(iii), B2 and B8) following the demolition of existing buildings together with associated service yards, car parking, electric vehicle charging points, amended site access, refuse storage facilities, substations, boundary treatments, landscaping, and associated works and infrastructure”

As detailed on the decision notice 139997/FO/2024, there are a number of conditions which require details to be submitted to and approved by the Local Planning Authority (LPA) before the development can commence on Site. No details have previously been submitted for the discharge of conditions 28 and 29, nor have there been any applications submitted to alter the wording of these Conditions. We have not sought any formal or informal pre-application advice from the LPA.

Spawforths

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Spawforths is a trading name of Spawforth Rolinson Ltd. Incorporated in England, Company Registration Number 2247289

The fee for this application has been calculated as £145.00, which will be paid electronically via the Planning Portal. We trust that the documentation provided contains the necessary information to enable the full consideration of the application and the discharge of the conditions listed. However, should you require further information please do not hesitate to contact me.

We hereby submit the following documents for consideration:

Document Title	Document ref.	Scale	Prepared by
Application Form	N/A	N/A	Spawforths
Planning Covering Letter	P4506-SPA-LT-TP-004-A	N/A	Spawforths
Reasonable Avoidance Measures Statement	RAMSvI	N/A	Amenity Tree
Habitat Management & Monitoring Plan	I2436 HMMP - SB -VI- 10.01.2025	N/A	Amenity Tree

Conditions for Discharge:

As per the decision notice for I39997/FO/2024, the conditions are worded as follows:

Condition 28:

Prior to the commencement of development (including ground works and vegetation clearance), a reasonable avoidance measures method statement for hedgehog and other wildlife covering the site clearance and construction phase of the development shall be submitted to and approved by the local planning authority for that phase. The development shall be implemented in accordance with the approved measures.

Reason - to minimise the risk of accidental harm of a European Protected Species (Habitats Regulations 1994) , pursuant to policy EN15 of the Manchester Core Strategy (2012).

Condition 29:

Prior to any works on the proposed development commencing (excluding demolition), a written 30-year Habitat Management and Maintenance Plan (HMMP) for the site shall be submitted to and approved in writing by the City Council as local planning authority. The approved HMMP shall relate to all 'significant' biodiversity gains on site and shall be strictly adhered to and implemented in full for its duration and shall contain:

- A. *Aims, objectives and targets for management, including habitat target conditions matching the associated Biodiversity Metric submitted with the application. I39997/FO/2024*
- B. *Descriptions of the management operations necessary to achieving aims and objectives.*
- C. *Preparation of a works schedule, including timescales for habitat clearance and habitat creation and/or enhancement.*
- D. *Details of monitoring needed to measure the effectiveness of management.*
- E. *Details of the persons responsible for the implementation and monitoring.*
- F. *Mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.*
- G. *Reporting on years 1, 2, 5, 10, 20 and 30'.*

Reason - In the interests of biodiversity net gain being achieved on site pursuant to Policy EN15 of the Manchester Core Strategy, Policies JP-G8 of Places for Everyone, National Planning Policy Framework (NPPF) and Schedule 7A of the Town and Country Planning Act 1990 (as amended).

Assessment of Details Provided:

In addressing Condition 28, the applicant has provided a Reasonable Avoidance Measures Statement (RAMS), which has been prepared by Amenity Tree Environmental Planning Consultants. The purpose of this statement is to outline the reasonable avoidance measures to be implemented on Site which will ensure animals such as hedgehogs, badgers and bats are protected during the site clearance and construction phase of the development.

The statement provides and comprehensively analyses the relevant animals which are to be considered for protection, outlining the relevant legislation, methodology for avoidance measures and what surveys or further mitigation will be undertaken on Site. A summary of some of the key points from this report which demonstrate a robust strategy will be applied on Site are listed below. Please note this summary is not exhaustive, and full detail should be obtained from the statement provided with this submission.

Hedgehogs

- The method for the removal of vegetation shall be overseen by the supervising ecologist who shall watch and record the gradual removal of these features
- A suitable receptor site shall be identified prior to any works being carried out and the ecologist will be responsible for the actual removal of any animals from the site

- No works would be carried out at the site between sunrise and sunset
- Where any trenches or other excavations are to be left open overnight, these would be fitted with mammal ramps or would have the sides battered to form a slope to allow animals to escape

Badgers:

- A further badger walkover survey of the entire site would be carried two weeks prior to the start of works to ensure that there are no new badger setts. No works would be carried out within 30m of the badger sett (if found)
- A suitably qualified badger ecologist would be appointed to oversee the compliance of development with this report recommendation
- A tidy works area would be maintained during construction and any hazardous substances would be fenced off to remove any badger hazards from the site

Amphibians:

- Prior to commencing works at the site, a suitably experienced ecologist should be appointed by the landowner and / or main contractor to ensure that the RAM are successfully implemented throughout development
- Where practicable, the duration/timing of the works and implementation of RAM should encompass the period when most amphibians are considered likely to be at their breeding sites. Consequently, the risk of amphibians being adversely impacted by the works will be minimised
- The contractor and the appointed ecologist should work together to ensure that trees and hedgerows that are required to be retained in the area of works should be protected from direct impact and severance or asphyxiation of root systems.

Birds:

- It is highly recommended that the tree and ground works are undertaken outside the breeding bird season but if they are undertaken within the breeding season then a breeding bird survey will be required
- A written report shall be compiled following the dawn observations indicating which birds have been identified on site and whether the behaviour is classed as breeding or not. The report shall confirm which trees can be removed without contravention of Wildlife legislation. The report will be compiled and issued to the client for formal planning condition discharge.

Bats:

- A series of bat surveys were undertaken during the optimal period in summer 2024 (Bat Surveys report dated 31.07.2024) and approved as part of the planning application. No bats were found to be roosting in the building. As a result, no measures are required to mitigate the effects of development on bats and there is no requirement for an EPS license (derogation or low impact) from Natural England
- Prior to the demolition of B5 and B1 a class licensed ecologist will undertake on site checks for bats. There is a requirement for this as demolition may breach UK/EU legislation because bats may have taken up a roost site since the surveys were carried out, particularly if the demolition of B5 (high potential) is carried out after 1st May 2025.

The details provided within the RAMS demonstrate full consideration given to matters on protection of wildlife during the course of implementing the planning permission granted and will relate well to the requirements of Policy EN15 of the Manchester Core Strategy.

In addressing Condition 29, the applicant has provided a Habitat Management and Monitoring Plan (HMMP), which has been prepared by Amenity Tree Environmental Planning Consultants. The purpose of the report is to outline the methods and means by which the proposed landscaping scheme shall be implemented and achieved on the site and to set out the overall management objectives for the Site, and to describe the long term maintenance required to allow the planting to flourish and reach its full design potential. Once again, the summary of the report provided in this covering letter is not extensive, therefore the full detail should be attained from the HMMP provided with this submission.

This report outlines the management objectives for the Site, which are as follows:

- The site shall be managed as a high-quality care area maintaining an attractive, tidy and safe finish to all landscape elements.
- The proposed planting shall enhance the biodiversity and nature conservation interest.
- The Management Company shall ensure establishment and the long term health of all landscape elements to the benefit of residents and staff as well as the visual amenity of the area.
- Best Health & Safety practices shall be always used.
- To maintain standards and make amendments where required, it is expected that the Management Company will review the management work (with reference to this document) at least quarterly with the maintenance team for the first year and annually thereafter.

The HMMP provides details on how the existing trees and landscape within the Site will be protected – principally through tree protection measures as outlined within the Tree Protection Plan approved with the scheme. All works in this regard will be carried out in accordance with BS5837:2012. In terms of habitat creation methods, this will be achieved through native hedge planting, introduction of shrubs, urban tree planting and creation of neutral grassland. The report comprehensively reviews the objectives for each of these planting types, along with the maintenance operations to be carried out.

There shall be a minimum of 20 maintenance visits per year. Visits shall be weekly March to October and twice monthly November to February. Additional visits may be needed to manage with extreme weather conditions or specific horticultural requirements. Monitoring/review regime over the 30 year period
Monitoring reports to be submitted to the LPA in years 1, 2, 5, 10, 15, 20, 25 and 30 alongside results of monitoring utilising habitat condition criteria. The new tree planting shall be monitored to a poor condition by use of the defined criteria.

Some of the general management and maintenance practices to be carried out in addition to the specific measures for each habitat creation are outlined as follows:

- All materials and workmanship are to be the highest possible standards and shall be in accordance with relevant British Standards, good horticultural practices and Landscape specifications
- All work shall be carried out whilst soil and weather conditions are suitable for the proposed operations
- Weeds, pruning's, leaves, rubbish and other arisings shall be removed from the site composting where possible at the end of each visit. No materials shall be left on site and the area shall be left in a neat and tidy condition after each visit
- Entomological or disease infestation shall be dealt with as required and shall be checked at each visit. Control shall either be by spraying with approved chemicals, pruning all dead wood by cutting back to an outward pointing bud or by the removal of defective plants.
- All shrubs / hedges shall be pruned to remove deadwood, overhanging / tangles and damaged branches

The HMMP also lists the potential contingencies required should proposed habitat and/or target condition be concluded to be unachievable during the monitoring period, and what organisation shall be responsible for implementing, managing and monitoring this.

The HMMP submitted provides suitable detail to demonstrate how the landscaping scheme as approved will be implemented and maintained, in direct accordance with Policy EN15 of the Manchester Core Strategy and Policy JP-G8 of Places for Everyone.

Summary:

We consider that the details provided within this application are satisfactory in meeting the requirements of and discharging Conditions 28 and 29 as described above. This covering letter provides suitable context and further details around the documents provided (RAMS and HMMP), with a robust justification of the schemes compliance in relation to the relevant Local Plan Policies.

Notwithstanding the above, should the Local Planning Authority disagree with our assessment and feel that either amended or additional information is required to satisfy the conditions, we would encourage the Council to take a positive and proactive approach in contacting Spawforths to discuss such matters further.

We look forward to receiving confirmation that this application has been received and validated in due course. If required, my contact details can be found below.

Yours sincerely,

PATRICK STONE (BA HONS, ASSOC RTPI)

Planner (Assoc RTPI)

Patrick.stone@spawforths.co.uk

Encs: As detailed above

Cc: Joe Burnett, of NSJV

File Ref: P4506-SPA-LT-TP-004-A