



FCM Ecology Ltd

Land at Kenyon Lane Nesting Bird and Mammal Reasonable Avoidance Measures Method Statement (RAMMS)

OFFICIAL

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Introduction

FCM Ecology Limited has been commissioned by John Southworth Builders Limited to produce a Reasonable Avoidance Measures Method Statement (RAMMS) relating to nesting birds, hedgehogs (*Erinaceus europaeus*) and badger (*Meles meles*) which may be present at Land at Kenyon Lane, Manchester (Application Reference 138437/FO/2023).

The RAMMS provides a means by which the potential risk of harming or disturbing nesting birds, hedgehogs and other mammals [taken to mean badger] at the proposed development Site is appropriately managed during Site operations and satisfies the following comments imparted by Manchester City Council:

8) No construction works or vegetation clearance shall take place during the optimum period for bird nesting (1st March - 31st August inclusive) unless nesting birds have been shown to be absent, or, a method statement for the demolition including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy.

11) Prior to any site clearance or earthworks, a reasonable avoidance measures method statement for hedgehog and other mammals shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Manchester Core Strategy.

Scope of Proposals

The proposed scheme comprises the erection of nine dwellings (houses), with associated landscaping, car parking and access road.

Site Location

The Site is located adjacent to the footpath at the terminus of Kenyon Lane and Duncombe Drive in Manchester, at approximate Ordnance Survey National Grid Reference SD8766601216. The extent of the Site boundary is shown on the UK Habitat Survey Plan provided in Appendix A.3 of the 'Land at Kenyon Lane, Manchester, M40 5FH Ecological Impact Assessment-Revision C'¹

¹ LM Ecology (2023) Land at Kenyon Lane, Manchester, M40 5FH Ecological Impact Assessment- Revision C October 2023

Summary of Baseline Conditions Relating to Nesting Birds, Hedgehogs and Badger

A Preliminary Ecological Appraisal of the Site was carried out by LM Ecology in June 2023. An ecological assessment and recommendations in relation to protected and notable species are detailed within the 'Land at Kenyon Lane, Manchester, M40 5FH Ecological Impact Assessment'¹.

The report states that the Site is '*a parcel of publicly accessible greenspace comprising amenity grassland and woodland, with an area of approximately 0.24ha situated on the south west edge of the suburb of Moston, Manchester. It is bounded by other grassland and woodland (known as Lightbowne Country Park) to the south and east, by Kenyon Lane to the north, and by housing to the west.*'

No buildings are present within the Site.

A summary of the baseline conditions of the Site specifically relating to nesting birds, hedgehog and badger is presented below. The extracts of text are taken from the 'Land at Kenyon Lane, Manchester, M40 5FH Ecological Impact Assessment'¹.

Nesting Birds

- *The woodland within the site will undoubtedly support nesting birds within the main bird nesting season. There is the potential for this to include priority species associated with woodland, scrub and urban greenspace such as bullfinch *Pyrrhula pyrrhula*, dunnock *Prunella modularis* and song thrush *Turdus philomelos*, records of which were provided by GMLRC within 250m of the site, as well as a number other more common and widespread species.*
- *It is also likely that the woodland and grassland provide a foraging resource for species nesting in the woodland, as well as priority species nesting in adjacent houses such as starling *Sturnus vulgaris* and house sparrow *Passer domesticus*, records of which were also supplied by GMLRC from within a 1km radius of the site*

Hedgehog

- *The scrubby areas of the woodland have potential to support nesting hedgehogs, and it is considered highly likely that the woodland and grassland form part of the foraging habitats for local hedgehogs.*

Badger

- *There is no evidence of badger sett activity within the site or immediate adjacent areas. The known sett, which is approximately 150m from the site boundary, is considered a sufficient distance from the site to be unaffected by the proposed development. However, as badgers are a highly mobile species able to excavate new setts overnight, there is a very minor risk of badgers excavating a sett in the woodland within and immediately adjacent to the site. Without mitigation there is the potential for interference and disturbance offences to be committed under the Badger Protection Act 1992.*
- *Additionally, it is likely that badgers from local setts regularly enter the site overnight for foraging purposes, and to commute to other foraging habitats in the locality. As a result, there is a risk of individual badgers becoming trapped in site excavations during the construction phase of the development.*

Should the scope of works or baseline conditions and associated constraints differ from those detailed above either prior to or during the proposed works, further mitigation may be required. Specialist ecological advice should be sought should this situation arise.

Relevant Wildlife Legislation

Relevant legislation is summarised below. Refer to the legislation in full for detailed information.

All wild birds are protected from killing or taking under the Wildlife and Countryside Act 1981 (as amended), with some species afforded greater protection under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). Schedule 1 birds and their young must not be *disturbed* at the nest.

Badgers and their setts are protected under the Protection of Badgers Act 1992 (as amended). This makes it an offence to wilfully kill, injure or take a badger; or intentionally or recklessly damage, destroy or obstruct access to a badger sett or disturb a badger in its sett.

Hedgehogs receive a level of protection under the Wildlife and Countryside Act 1981 (as amended), making it illegal to kill or capture them using certain methods. Hedgehogs are also listed as species of Principal Importance in England under the Natural Environment and Rural Communities Act 2006 Section 41.

Reasonable Avoidance Measures

This section of the report details the Reasonable Avoidance Measures (RAMs) that will be implemented during the proposed works in relation to nesting birds, hedgehog and badger.

An appointed ecologist will deliver a talk to all site staff outlining the RAMs that will be implemented, prior to the start of works. The appointed ecologist will be suitably experienced and will be able to:

- Identify trees and vegetation with suitability to support nesting birds and identify active bird nests;
- Identify potential suitable habitat for hedgehog, including hibernacula.
- Identify badger setts, including how to classify them according to their use by badgers (main sett, subsidiary, annexe, outlier) and determine badger activity levels (active or disused); and

The appointed ecologist will keep a log of all site visits, any actions taken, and any recommendations provided.

Nesting Birds

Trees (woodland) and vegetation present on Site have the potential to support nesting birds.

The removal, management or disturbance of any trees or other vegetation should be avoided during the core nesting bird season, which is between March and August, inclusive.

The Ecological Impact Assessment report states that '*due to the density of the woodland vegetation, it will not be appropriate to carry out a pre-works check of the woodland within the main bird nesting season, as it will be impossible to rule out active nests.*'

If works impacting this habitat cannot be avoided during the core nesting season, then a nesting bird check will need to be carried out by an appropriately qualified and experienced ecologist as the trees/woodland is progressively removed in sections.

Should an occupied bird nest be found, a stand-off buffer, the size of which will be determined by the ecologist, will be marked out to reduce the risk of the nest being abandoned by the birds, until the nest is no longer in use/ the dependent offspring have fledged. Additional measures would apply if the species was listed on Schedule 1 of the Wildlife and Countryside Act however, the Site is not anticipated to support Schedule 1 species.

Night time working should be avoided. If working during times of the day when natural light levels are low is necessary, then any artificial lighting used will be directional and task specific. This will avoid additional illumination of retained habitats which may be used by breeding/sheltering birds.

Hedgehog

The following RAMs will be put in place to ensure the protection of hedgehogs throughout woodland felling, site clearance and construction activities:

Prior to any tree felling or other site clearance works taking place within the woodland, the appointed ecologist will carry out a hand search for any hedgehogs which may be present.

In the event that hedgehogs are encountered within the Site they will, in the first instance, be allowed to move out of the works area of their own accord. If they are reluctant to move, they will be captured with gloved hands by the appointed ecologist and placed carefully in suitable undisturbed cover away from the working areas.

Depending on the time of year, should hibernating hedgehog be found on site, the animals should be left alone in situ where possible until the following spring. If a hedgehog is found in harms way, then the appointed ecologist will carefully move the animal to a suitable area of habitat outside of the working areas. Piles of vegetation, wood etc should not be left on site as these can be used for refuge/hibernation.

- Should any excavations be required to be left open overnight, a means of escape (i.e. a plank of wood) will be provided. All excavations left open overnight (or any spoil heaps) are to be checked each morning for animals prior to the start of work or infilling.
- Any open pipework over 150mm outside diameter will be blanked overnight.

Badger

No active badger setts were identified by LM Ecology within the Site or immediate adjacent areas in June 2023¹. However, as badger is a highly mobile species there is a risk (albeit minor) of badgers excavating a sett in the woodland within and immediately adjacent to the Site prior to construction works starting.

A pre-construction walkover, including land up to 30m from the Site will be undertaken by a suitably qualified and experienced ecologist to check for the presence of active badger setts. This walkover will be carried out prior to any works taking place, including ground preparation works and tree/vegetation clearance.

If a badger sett is discovered during the pre-construction survey, then no works can take place within 30m of any identified active sett entrances, which will be determined and marked out by the appointed ecologist. The ecologist will provide advice on the next steps to be taken, which could potentially involve applying for a Natural England protected species licence if disturbance is unavoidable.

As above, the following general mitigation measures will be adhered to during construction:

- Should any excavations be required to be left open overnight, a means of escape (i.e. a plank of wood) will be provided. All excavations left open overnight (or any spoil heaps) are to be checked each morning for animals prior to the start of work or infilling.
- Any open pipework over 150mm outside diameter will be blanked overnight.

If a badger (or other animal) is encountered at any point during the works, the appointed ecologist will be contact immediately for advice. No attempt will be made by site staff to move the animal.