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25th April 2024

**Discharge of Planning Condition 11 and 12 (Planning Application 137461/FO/2023):
Land at Dalton Avenue, Rusholme, Manchester, M14 7NR.**

Dear Kevin,

I write to confirm that Simply Ecology Limited was commissioned in March 2024 by TADW to complete an Ecological Enhancement Measures Plan and a Reasonable Avoidance Measures Method Statement for the above site in Manchester. I understand that these are required in order for the Local Planning Authority to discharge Planning Conditions 11 and 12 of Manchester City Council Planning Decision 137461/FO/2023 that relate to proposals to develop the Site.

The contents of this document provide the necessary information for the applicant to apply for discharge of the Conditions relating to nature conservation matters.

CONTEXT

Planning Conditions 11 and 12 Applications 137461/FO/2023 were worded as follows:

Planning Condition 11 states:

"No above ground works, apart from demolition works, shall commence until details of biodiversity enhancements (e.g. bird boxes and bat bricks), including a timetable for their installation and maintenance regime, have been submitted to and been approved 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 in order to comply with policy EN15 of the Manchester Core Strategy."*

Planning Condition 12 states:

"Prior to any earthworks, demolition or vegetation clearance, a Reasonable Avoidance Measures method statement for amphibians, for both site clearance and the construction phase and including a timetable for their installation and maintenance regime, shall be submitted to and been approved 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 and species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policy EN15 of the Manchester Core Strategy."*

STATUTORY CONTEXT

1.1 Biodiversity

- 1.1.1 The Natural Environment and Communities Act (NERC Act) 2006 extended the biodiversity duty set out in the Countryside and Rights of Way (CROW) Act to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity. The Duty is set out in Section 40 of the Act, and states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"

- 1.1.2 Also, Local Authorities must follow the National Planning Policy Framework (NPPF) which provides guidance on the interpretation of the law in relation to wildlife issues and development. For each development proposal considered by the Local Planning Authority the NPPF states that the authority must aim to conserve and enhance biodiversity. 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.
- 1.1.3 Although the site is dominated by habitats of limited value to wildlife at present, development proposals will seek to enhance its long-term ecological interest and provide new opportunities for protected and notable species in accordance with Section 15 (180- 188) of the National Planning Policy Framework (2023) and the 2006 NERC Act as reflected in the Local Plan.
- 1.1.4 The Manchester City Council Core Strategy sets out how the environment should be protected and enhanced by development. Specifically, Policy EN15 Biodiversity and Geological Conservation describes how biodiversity should be protected, enhanced and managed and how any development will be required to meet this Policy (see Figure 1).

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 an 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.

Figure 1: Policy EN15 Biodiversity and Geological Conservation.

DISCHARGE OF PLANNING CONDITIONS

1.2 Planning Condition 11:

"No above ground works, apart from demolition works, shall commence until details of biodiversity enhancements (e.g. bird boxes and bat bricks), including a timetable for their installation and maintenance regime, have been submitted to and been approved 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 in order to comply with policy EN15 of the Manchester Core Strategy."*

- 1.2.1 At the time of the Ecological Assessment, the site had only limited biodiversity; given the size and nature of the consented development there are limited opportunities to enhance the biodiversity.

Bird and bat boxes

- 1.2.2 Bird and bat boxes will be installed prior to the residential properties becoming occupied.
- 1.2.3 The following bird nesting boxes will be installed on new buildings:
- 4x bird nesting boxes will be incorporated in the development of the site.
 - These will be constructed of Woodcrete or WoodStone or similar (i.e. not wood)
 - These will include two each of boxes with 28 mm entry holes (suitable for blue tits, great tits etc.) and with 32mm entry holes for (suitable for house sparrows and nuthatches etc.)
 - These will be located on buildings (away from windows) and at a height at least 3m above the ground and will be north facing.
- 1.2.4 Examples include Vivara Pro Seville woodstone nest boxes and Schwegler woodcrete 1B nest box (see Figure 2).



Figure 2: Examples of suitable bird nesting boxes (Vivara Pro Seville 28mm and Schwegler 32mm).

- 1.2.5 Bird nesting boxes (see Figure 3) can be obtained from variety of sources including <https://shopping.rspb.org.uk/bird-feeders-boxes-tables/bird-houses-nest-boxes/garden-bird-nest-boxes/> or <https://www.nhbs.com/equipment>.
- 1.2.6 Maintenance of the nest boxes will need to be undertaken 1x annually in the autumn.
- This will require removal and disposal of any nesting material using gloves and a small brush/scrapper to remove debris from the corners.
 - Boiling water can be used to kill any parasites remaining in the box allowing the nesting box to dry out before closing again.
- 1.2.7 Bat roosting boxes will be installed on new buildings:
- 4x bat roosts will be incorporated in the development of the site.
 - These must be constructed of Woodcrete or WoodStone or similar (i.e. not wood)
 - These must be **2x cavity** and **2x crevice** roost (see Figure 3)
 - These will be located on buildings (away from windows) and at a height at least 3m above the ground and facing south or east.



Figure 3: Examples of cavity and crevice bat roosts.

- 1.2.8 Roosts can be obtained from wide range of sources including <https://www.greenwoodsecohabitats.co.uk/shop> and as above (see Paragraph 1.2.5).
- 1.2.9 No ongoing maintenance of the bat boxes will be required. If it is necessary to move or disturb the box this can only be done with a suitably licensed bat worker present. In this case advice will be sought from the Appointed Ecologist who can provide appropriate advice.

1.3 Native tree planting and Maintenance

- 1.3.1 Native species planting will further enhance the biodiversity at the site.

- 1x native tree will be planted at the site; suitable small tree species include rowan (*Sorbus aucuparia*), silver birch (*Betula pendula*), downy birch (*Betula pubescens*), wild cherry (*Prunus avium*), bird cherry (*Prunus padus*), elder (*Sambucus nigra*) and hazel (*Corylus avellana*).
- 2x native shrubs will be planted at the site from broom (*Cytisus scoparius*), butcher's broom (*Ruscus aculeatus*), dog rose (*Rosa canina*) or dogwood (*Cornus sanguinea*).

1.3.2 All ongoing soft landscaping will be maintained in accordance with the Schedule in Table 1.

1.3.3 Any additional landscaping and planting (see Design and Access Statement¹) will seek to use native species of local provenance.

1.4 On-going Management

1.4.1 Responsibility for the prescribed management actions and subsequent monitoring of the site will rest with MSV Housing Group, the body responsible for administering the Site.

¹ https://pa.manchester.gov.uk/online-applications/files/B0FF17650A80AC988200573300AF3D53/pdf/137461_FO_2023-DESIGN_AND_ACCESS_STATEMENT-2288073.pdf

1.5 Planning Condition 12 states:

"Prior to any earthworks, demolition or vegetation clearance, a Reasonable Avoidance Measures method statement for amphibians, for both site clearance and the construction phase and including a timetable for their installation and maintenance regime, shall be submitted to and been approved 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 and species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended in order to comply with Policy EN15 of the Manchester Core Strategy."*

- 1.5.1 The site is located in a residential suburb, ~3.5km south of Manchester city centre. The site comprises a commercial building, previously a garage and a dairy and attached hardstanding and has a footprint of approximately 700m².
- 1.5.2 There are no waterbodies on site. The closest pond is a small pond (c. 50m²) within the grounds of Devine Mercy School and lies approximately 50m to the west. Beyond this, the closest ponds are at Alexandra Park and Platt Field Park both over 700m away with habitats predominantly unsuitable for great crested newt (GCN). The closest positive records of GCN in the landscape on MAGIC or NBN are over 5km away to the west. Given the development site's isolation from known populations of GCN and suitable terrestrial or aquatic habitats, Natural England's rapid risk assessment indicated that an offence is '**highly unlikely**'. Therefore, it is concluded that there is no reasonably foreseeable risk that great crested newts will be present within the development site, and no offence is likely to be committed.

Reasonable Avoidance Measures

- 1.5.3 In order to cover any residual risk of encountering GCN, the following Reasonable Avoidance Measures will be implemented. This will ensure that all reasonable efforts have been taken to avoid any impact upon GCN.
- The Main Contractor will be made aware of the slight risk that great crested newts will be encountered on the site. **If great crested newts are found during the course of any works**, the Appointed Ecologist will be contacted, and work ceased until further advice to ensure legal compliance can be given. **Reason:** This will deliver compliance with: Section 9 (1 & 4) of The Wildlife & Countryside Act 1981 (as amended), Part 3 (43; 1 & 2) of The Conservation of Habitats and Species Regulations 2017 and Section 15 (180-188) of the National Planning Policy Framework 2021.
 - All vegetation clearance work will be carried out outside of the bird breeding season (March to August inclusive). Where this is not possible, a suitably qualified ecologist will carry out a check to confirm the absence of nesting birds immediately prior to clearance works commencing. If a bird nest in current use is discovered, then an appropriate buffer zone around the nest will be created where clearance works can only continue after the nest is vacated. **Reason:** This will ensure that no offences are committed under The Wildlife and Countryside Act 1981 (as amended). The bird-nesting season is generally regarded to extend between March and August inclusive.

- All de-vegetation works will comprise an initial strimmer cut to 150mm followed by a cut to ground level after 24 hours to allow any small animals, including GCN to self-exclude from the area. **Reason:** To prevent the injury or killing of any small animals which could constitute an offence.
- All groundworks/excavations which remain open between March to October will have short planks of wood placed into the excavations to enable any amphibians falling into them to climb out. Also, all exposed new pipework and drains will be capped at night so as to avoid trapping amphibians. **Reason:** To prevent the capture of any newts entering the development footprint over-night. If newts were captured, to then move or disturb them without a Licence would constitute an offence.
- All excavated materials or waste heaps will be placed in skips or 1 tonne nylon bags placed upon hardstanding. **Reason:** To ensure that no potential newt hibernation sites are created, the disturbance of which, if occupied by great crested newts, would constitute an offence.
- Construction materials will be placed on raised wooden pallets on hardstanding. **Reason:** To ensure that no potential newt resting sites are created, the disturbance of which, if occupied by great crested newts, would constitute an offence.

CONCLUSIONS

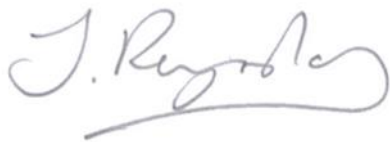
In March 2024 Simply Ecology Limited was commissioned by TADW to complete an Ecological Enhancement Measures Plan and a Reasonable Avoidance Measures Method Statement for at site at Dalton Avenue, Manchester to allow the discharge of Planning Conditions 11 and 12 of Manchester City Council Planning Decision 137461/FO/2023 that relate to proposals to develop the Site.

The Enhancement Measures and Reasonable Avoidance Measures detailed in this document provide a comprehensive strategy for ecological enhancement through increasing the diversity of species on site and provision of new opportunities for local fauna through native planting, provision of bird nesting and bat roosting boxes and the Reasonable Avoidance measures to ensure the safety of a protected species, namely great crested newt, that are protected under the Wildlife and Countryside Act 1981.

- *It is recommended* that **Condition 11** and **Condition 12** of planning application **137461/FO/2023** can be **discharged** on the basis of the agreed details provided in this filenote and accompanying Plan.

I trust that the details laid out here are clear, but if you have any questions, please do not hesitate to contact me.

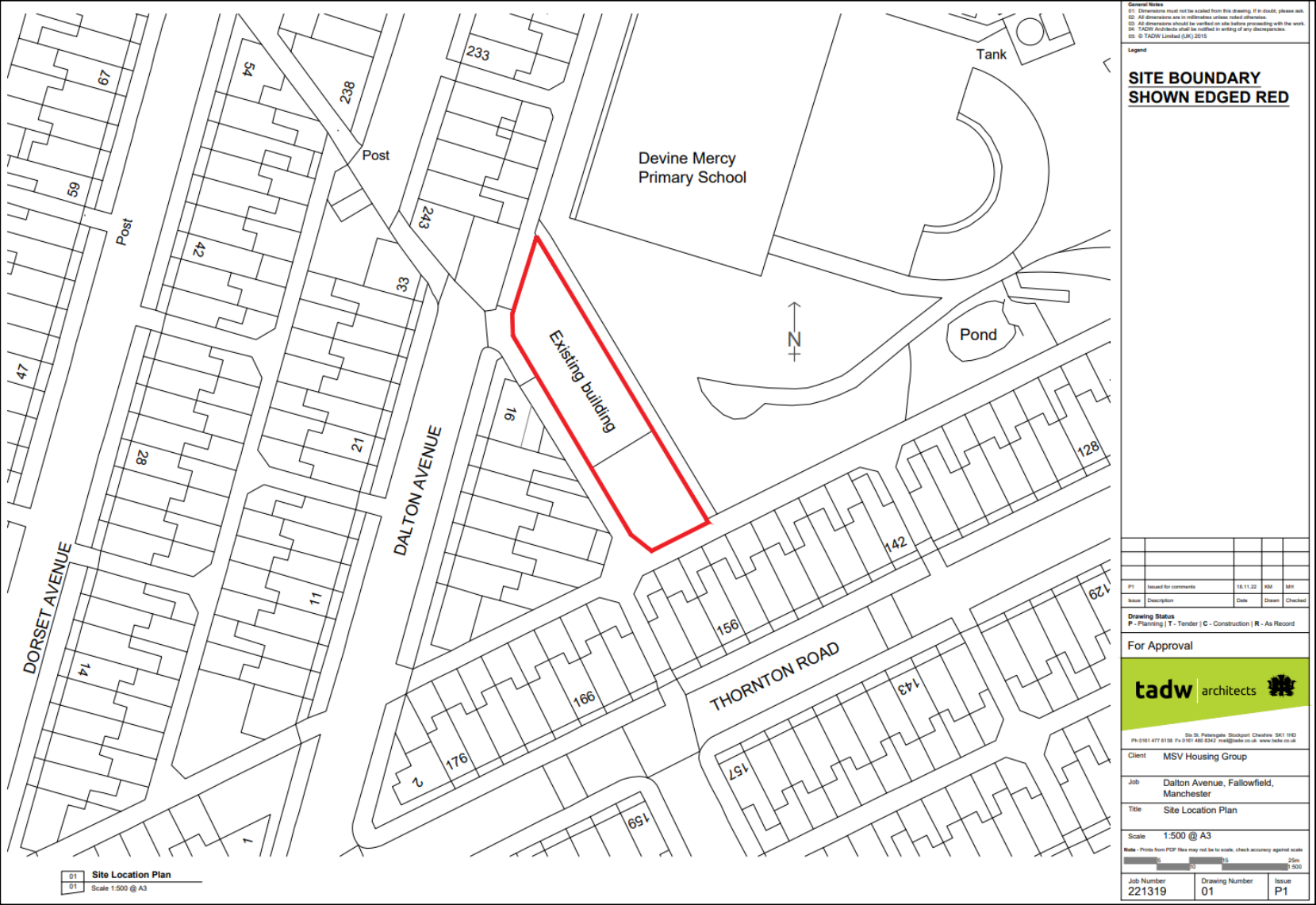
Yours sincerely

A handwritten signature in blue ink, appearing to read 'J. Reynolds', with a stylized flourish at the end.

Jason Reynolds MSc MCIEEM

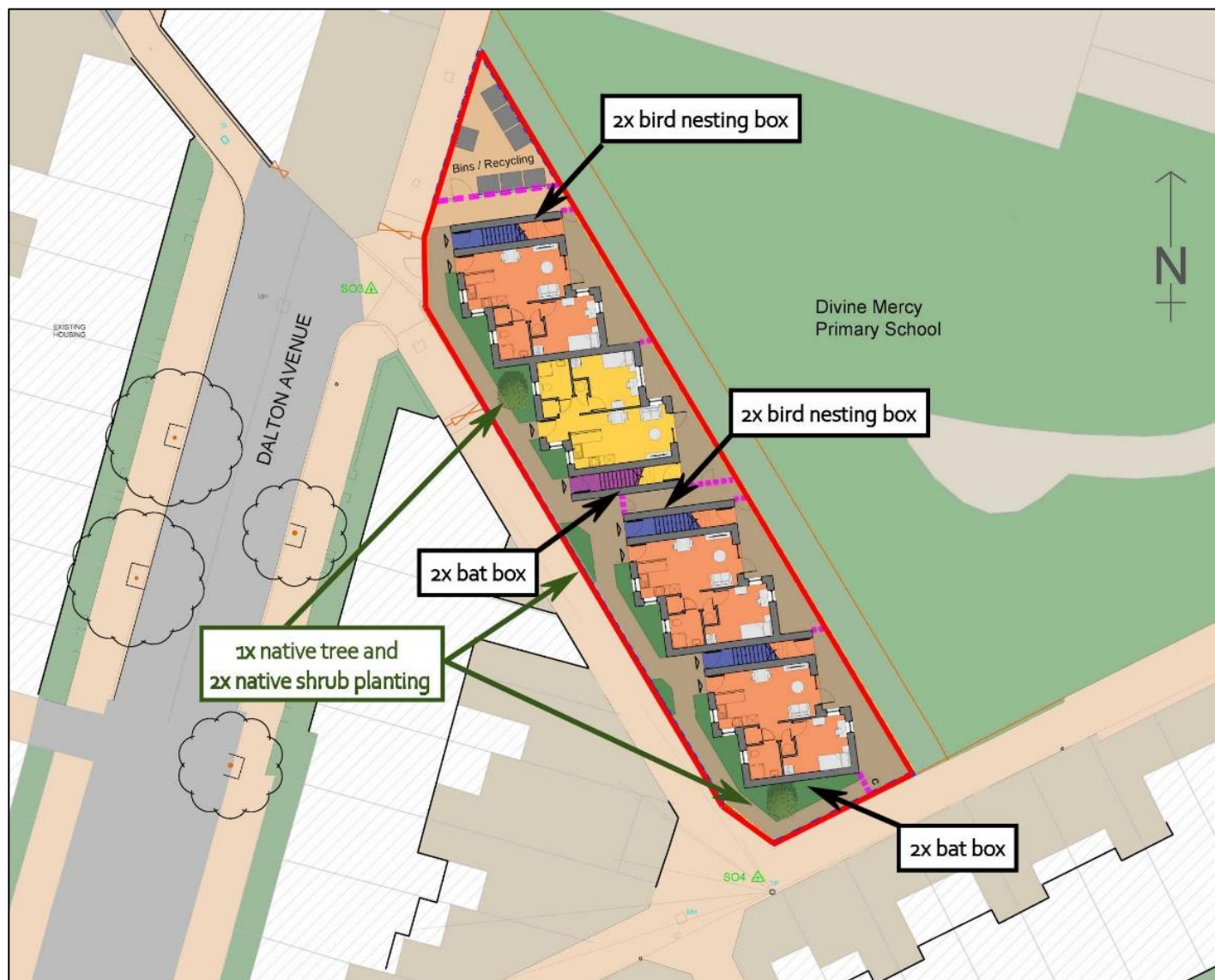
Lead Ecologist

Planning Condition Discharge: Land at Dalton Avenue, Rusholme, Manchester, M14 7NR.



Plan 1: The Proposed Development Site Plan with Red Line Boundary.

Land at Dalton Avenue, Rusholme, Manchester, M14 7NR.



Plan 2: Proposed Enhancement Plan.

Land at Dalton Avenue, Rusholme, Manchester, M14 7NR.



Plan 3: Recommended bird and bat box locations.

Table 1: Schedule of Landscaping and Maintenance Operations During Initial 5 Years for the Enhanced Habitat at Site.

ANNUAL SCHEDULE OF LANDSCAPING AND MAINTENANCE OPERATIONS (TO COVER 5 YEARS)

General planting compliance

All pre-planting, site preparation, planting and post planting maintenance shall be carried out in accordance with BS 4428:1989 Code of Practice for General Landscape Operations (excluding hard surfaces).

OBJECTIVE: Management will aim to enhance the biodiversity of the site.

INITIAL LANDSCAPING OPERATIONS

1. All litter, debris and stone above 50mm in any dimension and any other unwanted material will be removed from seeding/planting areas.
2. Before disturbance of soils, all vegetation will be stumped to 150 mm in height within the working area followed by strimming to ground level after 24 hours.
3. Before planting and seeding, ground previously disturbed by construction to be ripped to 150mm depth to alleviate compaction.
4. Use of chemical application for ground preparations is to be avoided, vigorous weed growth to be cut down to ground level.
5. Reduce 50mm of topsoil to fine tilth suitable for seeding and grade to smooth flowing contours.
6. All planting and sowing to be as per suppliers' instructions.
7. Supply and sow seed mix (e.g. Emorsgate EG22 Strong Lawn grass mixture) to new grass area. Sow at a rate of 25g/m².
8. Sowing to take place between 1st September – 31st October or 1st March to 31st May (autumn being preferable).
9. Sowing will not take place in unsuitable conditions, such as: periods of heavy rainfall, drought or freezing conditions.
10. Seed will be firmed in by rolling or treading in to improve the likelihood of successful establishment.

Land at Dalton Avenue, Rusholme, Manchester, M14 7NR.

11. Once grass seedling are established, (3 – 4 weeks after sowing), lightly roll or tread to firm and level the soil prior to first cut.
12. Rolling or treading will not take place in unsuitable conditions, such as when saturated or in period of drought.
13. After a few days cut with the mower set on a high setting (50mm +), aiming to trim the sown grass back by about one-third of its height and cut back any weeds
14. Mow the new lawn regularly as needed, progressively reducing the mowing height over its first spring/summer to the desired height.
15. 1x native tree and 2x native shrubs will be planted within the site.

ONGOING MANAGEMENT OPERATIONS													
OPERATIONS IN GRASS AREAS	J	F	M	A	M	J	J	A	S	O	N	D	Total
	Frequency of Operations per Month												
1. Cut grass (<i>frequent cutting March to October if necessary</i>)			1	1	1	1	1	1	1	1			8
2. Edge trimming			1					1		1			3
3. Edge cutting (<i>once at beginning and end of mowing season</i>)			1							1			2
4. Litter pick (<i>prior to each grass cut</i>)			1	1	1	1	1	1	1	1			3
5. Leaf clearance (<i>as required but minimum 3 operations</i>)	1								1		1		3
6. Pruning of trees and shrubs (at least once a year at appropriate time for each spp.)													1

Land at Dalton Avenue, Rusholme, Manchester, M14 7NR.

ONGOING GENERAL MANAGEMENT OPERATIONS													
WATERING	J	F	M	A	M	J	J	A	S	O	N	D	Total
1. Irrigation of all new plants and grass etc during first year of establishment and to include watering any replacement stock (<i>as required during 1st year of establishment of initial planting and also watering to any replacement stock allowing for 14 visits p.a.</i>)	1		1	1	2	2	2	2	2		1		14
1. Weed control to joints of pavings, paths, edgings, chippings etc (allow 6 operations if required - using non residual herbicides)		1		1		1		1		1		1	6

