



Hulme Primary Substation

Manchester

Ecological Assessment

Prepared For: Electricity North West Ltd (ENWL)

Document Reference: 10454.003

Date: April 2024

Version: 1.0

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Project Name:	Hulme Primary Substation
Location:	Upper Medlock Street, Manchester, M15 6PL
Document Title:	Ecological Assessment
Client:	Electricity North West Ltd. (ENWL)
Year of Surveys:	2024
Prepared by:	The Environment Partnership Ltd
Office:	Warrington
Document Ref:	10454.003

Document history and status:

Version	Date	Description of Issue	Author	Checked	Approved
1.0	April 2024	First	SV	JC	JC

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The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a qualified legal professional should be secured.

Executive Summary

Site Details	The site is located on an area of unused land between Birchall Way and Upper Medlock Street, Manchester, M15 6PL. The approximate central grid reference of the site is SJ 83898 96718.
Proposals	The site application boundary measures 0.1ha. Proposals are for the erection of a substation including switch house, transformers and compounds as well as new security fence and access drive.
Designated wildlife sites	No direct or indirect impacts on any statutory or non-statutory designated sites are anticipated as a result of the proposals.
Important Ecological Features	The site largely comprises species-poor modified neutral grassland with a large area of dense/continuous scrub with scattered broad-leaved trees. A small area of bare ground with ephemeral/short perennial growth is present to the east.
Recommendations	The following recommendations are made to ensure that delivery of the project remains compliant with relevant legislation and policy: ▶ Standard pollution prevention and dust control measures should be set out in a contractors Construction Environmental Management Plan (CEMP) and implemented during site clearance and construction works. ▶ Any trees adjacent to the site boundary should be protected from incidental damage and disturbance during construction in accordance with current standards (BS5837:2012). ▶ A Sensitive Lighting Strategy should also be incorporated within proposals to avoid impacts of lighting on nocturnal species, primarily bats. ▶ Works should be completed outside of the nesting period (typically taken to be February to September inclusive). If clearance works, are necessary during the core breeding bird season, or at any time when bird nesting is suspected, a nesting bird check of the area by an experienced ecologist will be required. ▶ Precautionary Works Measures to prevent harm to hedgehog during site clearance.
Conclusions	The proposed development is not anticipated to result in significant ecological impacts, such that ecology should not pose an obstacle to planning being granted, providing adequate safeguarding and mitigation measures as highlighted in this report are put in place.

This Executive Summary is not a substitute for the full report. Refer to the full text of this report for further detail.

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1.0 Introduction

- 1.1 The Environment Partnership (TEP) was commissioned by Electricity North West Ltd (ENWL) in March to undertake an Ecological Impact Assessment (EclA) to support a full planning application for a new electrical substation on an area of unused land between Birchall Way and Upper Medlock Street, Manchester, M15 6PL (hereafter referred to as 'the site').
- 1.2 An Ecological Desk Study has been produced to support this EclA, reported under separate cover (TEP Ref: 10454.004). This EclA report should read in conjunction with the Desk Study.
- 1.3 This EclA report includes details of the methods employed and any limitations of the surveys undertaken. Results are provided with supporting maps, together with an evaluation of the ecological features within the site, an assessment of the potential impacts associated with the development proposals and requirements for mitigation. The assessment has been undertaken with due consideration for current best practice guidelines (CIEEM 2017a¹, 2018²).

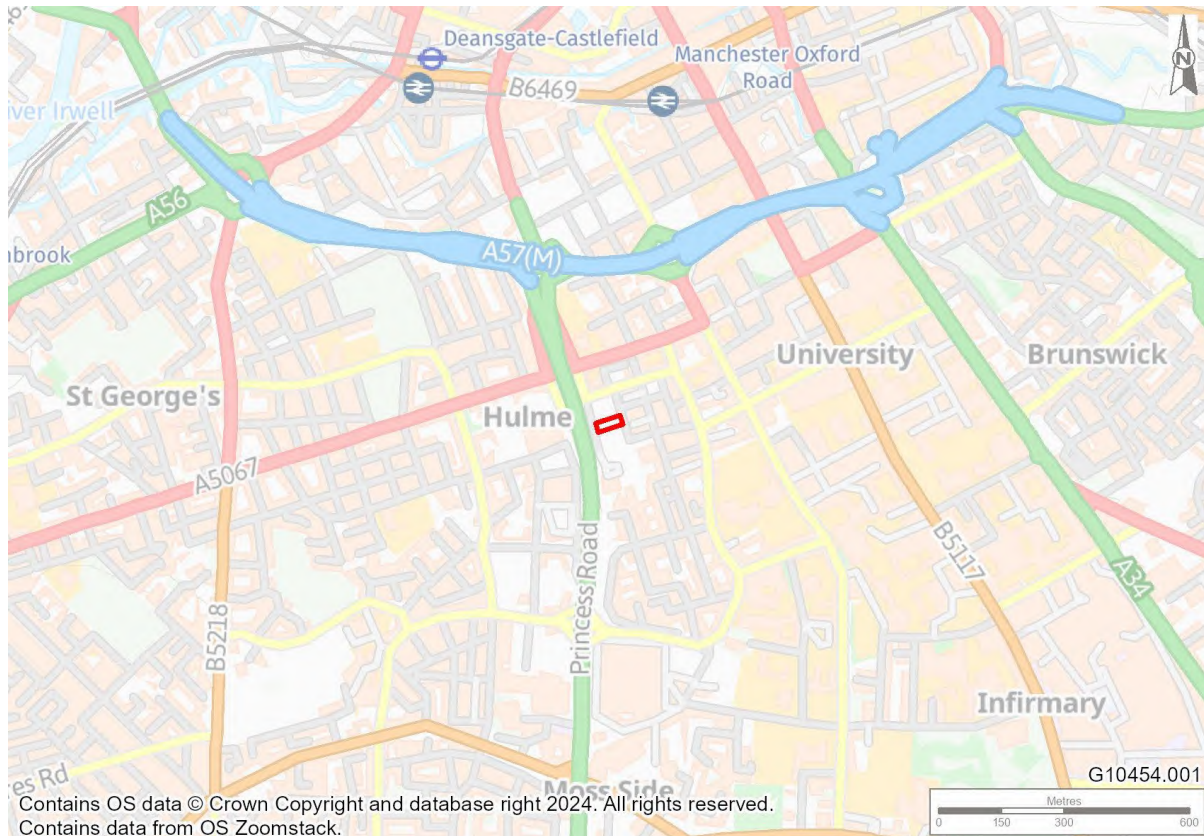
Site Location

- 1.4 The site is located on an area of unused land between Birchall Way and Upper Medlock Street, Manchester, M15 6PL. The location of the site is depicted by the red line shown in Figure 1. The approximate central grid reference of the site is SJ 83898 96718. The site lies within a residential area, surrounded by residential and commercial buildings and associated infrastructure on all sides.
- 1.5 The wider area comprises buildings and infrastructure comprising Manchester city centre. This includes new and renovated residential and commercial buildings.

¹ CIEEM (2017a) Guidelines for Ecological Report Writing, 2nd Edition. Chartered Institute of Ecology & Environmental Management

² CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester

Figure 1: Site location



Proposals

- 1.6 Proposals are for the erection of a substation including switch house, transformers and compounds as well as new security fence and access drive.

Planning Context

- 1.7 Relevant information regarding local planning policy is provided in the Ecological Desk Study (TEP Ref 10454.004).
- 1.8 Places for Everyone Joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039;
- Policy JP- G1 – Landscape Character;
 - Policy JP- G2 - Green Infrastructure Network;
 - Policy JP- G6 - Urban Green Space;
 - Policy JP- G7 – Trees and Woodland; and

- Policy JP- G8 - A Net Enhancement of Biodiversity and Geodiversity.

1.9 The following policies within the Manchester's Local Development Framework: Core Strategy are of relevance to ecology and biodiversity:

- Policy EN 8 Adaptation to Climate Change;
- Policy EN 9 Green Infrastructure; and
- Policy EN 15 Biodiversity and Geological Conservation.

1.10 Under the National Planning Policy Framework 2023³ (NPPF), opportunities to achieve biodiversity net gain within developments should be pursued.

Scope

1.11 This ecological assessment considers potential ecological effects upon any notable habitats or species which may be present or adjacent to the Site.

1.12 This report provides baseline information on the habitats and protected species present within the Site, gathered during a desktop study and Phase 1 habitat survey undertaken in April 2024.

1.13 This report presents the findings of the EclA, the objectives of which are to:

- Detail the methods and results of the aforementioned surveys;
- Identify features of ecological value within the Site, such as legally protected species or habitats of importance to biodiversity;
- Identify any non-native invasive species within the Site and provide advice regarding removal or management;
- Advise on avoidance or mitigation requirements that may be needed prior to development commencing; and
- Provide outline recommendations for biodiversity enhancement within Site proposals in accordance with the National Planning Policy Framework (NPPF).

³ National Planning Policy Framework (2023). Department for Levelling Up, Housing and Communities. *National Planning Policy Framework* (publishing.service.gov.uk)

2.0 Methods

Desk Study

- 2.1 In line with current best practice (CIEEM, 2016⁴, 2017b⁵), information regarding designated sites, notable habitats and existing protected and notable species records of the past decade, within a 1km minimum radius of the Site was collated and reviewed to inform this ecological assessment. Further detail regarding ecological zones of influence (EZOI) applied for different ecological features and the sources of information included are presented in the Ecological Desk Study (TEP Ref 10454.004).
- 2.2 In brief, key data sources included Natural England (open source data), Environment Agency (open source data); Manchester's Local Development Framework: Core Strategy and other relevant planning documentation such as the Manchester Local Plan Review (Local Plan set to be adopted in Winter 2024) and Places for Everyone (PfE) joint plan for nine Greater Manchester districts, Greater Manchester Ecology Unit Records Centre (GMEU) and Greater Manchester Biodiversity Action Plan (LBAP) and a review of relevant (within the past ten years) species records.
- 2.3 Statutory designated wildlife sites were searched for as follows (EZOI applied for each is indicated in brackets):
 - Ramsar sites (10km);
 - National Sites Network (10km), includes Special Areas of Conservation (SAC) and Special Protection Areas (SPA);
 - Site of Special Scientific Interest (SSSI) (5km);
 - National Nature Reserve (NNR) (5km);
 - Marine Nature Reserve (MNR) (5km); and
 - Local Nature Reserves (LNR) (2km).
- 2.4 Non-statutory designated wildlife sites were searched for within km of the Site and, within Greater Manchester, these include Sites of Biological Interest (SBI).
- 2.5 Regionally Important Geological Sites (RIGS) are also identified in the search results provided by GMEU, but assessment of RIGS and other geological features do not fall within the scope of this EclA and are not discussed further.

⁴ CIEEM (2016) Guidelines for Accessing and Using Biodiversity Data. Chartered Institute of Ecology & Environmental Management

⁵ CIEEM (2017b) Guidelines for Preliminary Ecological Appraisal, 2nd Edition. Chartered Institute of Ecology & Environmental Management

- 2.6 Notable habitats were searched for on and adjacent to the site. Notable habitats may include those listed under any of the following:
- Ancient woodland;
 - Main rivers;
 - Habitats of principal importance (HPI) as listed by the requirements of Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act 2006⁶; and
 - Local Biodiversity Action Plan Habitats (LBAP).
- 2.7 Pre-existing records for notable species were reviewed from the combined data sources, where found from within approximately 2km of the site. Notable species include those listed under any of the following:
- Protected animal species under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (EPS);
 - Protected bird species under Schedule 1 of the Wildlife and Countryside Act 1981, as amended (WCA1);
 - Protected animal species under Schedule 5 of the Wildlife and Countryside Act 1981, as amended (WCA5);
 - Protected plant species under Schedule 8 of the Wildlife and Countryside Act 1981, as amended (WCA8);
 - Invasive non-native plant species under Schedule 9 of the Wildlife and Countryside Act 1981, as amended (WCA9);
 - Invasive non-native species under the Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
 - Species of principal importance (SPI) as listed by the requirements of S41 of NERC;
 - Protection of Badgers Act 1992 (PBA);
 - Red and Amber listed Birds of Conservation Concern (BRd/BAm); and
 - Greater Manchester Biodiversity Action Plan Species (LBAP).

⁶ Section 41 of the Natural Environment and Rural Communities Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.

Limitations

- 2.8 Species records can provide a useful indication of the species present within the search area, although the absence of a given species from the dataset cannot be taken to represent actual absence.

Habitats and Flora

Habitat Survey

- 2.9 An extended Phase 1 habitat survey was completed by TEP ecologists, certified to Level 3 under the Field Identification Skills Certification. The survey was completed on 5th April 2024. The survey was carried out in accordance with the Phase 1 habitat assessment methods (JNCC, 2010)/UK Habitat Classification (UKHab) assessment method and Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017b). The method records the habitat types present, within the survey route, based on the JNCC/UKHab descriptions. Plant species were identified in accordance with the New Flora of the British Isles (Stace, 2019⁷) and recorded as target notes using the DAFOR⁸ scale, where relevant.
- 2.10 The survey was expanded to include off-site habitats adjacent to the Site in order to provide context. Adjacent habitats were viewed from accessible locations within the Site boundary. Habitats are displayed with the site boundary on Drawing G10454.002.

Limitations

- 2.11 Any ecological survey represents a snapshot of ecological conditions at the time of survey; ecological conditions may change over time. Efforts to identify dominant plant species for the purposes of characterising broad habitat types do not constitute a detailed botanical survey.

Fauna

- 2.12 Ordnance Survey maps and aerials were reviewed to identify potentially suitable habitats offsite within influence (e.g. dispersal distances for mobile species) of the site. The Ecological Desk Study identified any pre-existing records for protected and notable species within at least 2km of the site.
- 2.13 The habitat survey included an extended assessment of the habitats present for their potential to support notable or protected wildlife species. Any signs indicating the presence of these species were recorded.

⁷ Clive Stace (2019) New Flora of the British Isles

⁸ DAFOR = Dominant, Abundant, Frequent, Occasional & Rare

- 2.14 In combination, this data informed the ecological evaluation of the site and impact assessment for the proposed development.

Limitations

- 2.15 All surveys were completed within appropriate seasons over appropriate periods in accordance with industry standards for the specific survey.

Ecological Assessment Process

- 2.16 This EcIA follows the published guidelines (CIEEM, 2018) and accepted best practice approach (BS42020:2013⁹) of the mitigation hierarchy whereby impacts are first avoided or, where this is not possible, reduced or mitigated or, as a last resort, compensated.
- 2.17 In summary, the following procedure was undertaken during this EcIA:
- Describe the baseline and identify important ecological features.
 - Describe important ecological features and identify those which may potentially be affected by the Site.
 - Identify potential impacts upon important ecological features and characterise the effect of such impacts (in respect of biophysical changes and taking account of relevant aspects of ecosystem structure or function).
 - Incorporate measures to avoid or reduce these effects.
 - Determine whether residual ecological effects are considered significant after avoidance or mitigation.
 - Identify appropriate compensation measures to offset significant residual effects; and
 - Identify opportunities for ecological enhancement.
- 2.18 Important ecological features are identified and valued, ecological impacts are characterised and assessed, and recommendations for appropriate mitigation, compensation and enhancement are made, in accordance with CIEEM guidance.
- 2.19 BS42020:2013 defines a significant effect as one “which is important, notable, or of consequence, having regard to its context.” CIEEM describes significance as “a concept related to the weight that should be attached to effects when decisions are made”. CIEEM defines an ecological effect as significant if it is

⁹ British Standards Institution (2013) BS 42020:2013: Biodiversity — Code of practice for planning and development. BSI Standards Limited, London

“sufficiently important to require assessment and reporting so that the decision maker is adequately informed of the environmental consequences of permitting a project.”

- 2.20 BS42020:2013 sets out a practical approach to determining the significance of an ecological effect, applicable at all levels of decision making in legal and policy terms, as follows:
- will the effect on biodiversity influence the balance of planning considerations and therefore the decision as to whether planning permission is likely to be refused or granted; and
 - if planning permission is granted, is the effect important enough to warrant the use of planning conditions and/or obligations to guarantee proposed measures or to impose restrictions, or to seek further requirements (e.g. for mitigation, compensation, enhancement, monitoring or management).
- 2.21 Significance is therefore assessed on a case-specific basis according to the importance of the ecological feature (wildlife site, habitat or species) within the conservation hierarchy, and the effect upon it.

Assumptions

- 2.22 Information provided by third parties, including publicly available information, is assumed to be correct at the time of publication.

3.0 Results

Planning Context

- 3.1 The NPPF at Chapter 15: Conserving and Enhancing the Natural Environment requires that development delivers net gains in biodiversity in addition to minimising the impacts on biodiversity. The chapter highlights the need to protect and enhance valued landscapes, geological conservation interests and soils, as well as recognising the wider benefits of ecosystems.
- 3.2 Places for Everyone Joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039;
- Policy JP- G1 – Landscape Character
 - Policy JP- G2 - Green Infrastructure Network
 - Policy JP- G6 - Urban Green Space
 - Policy JP- G7 – Trees and Woodland
 - Policy JP- G8 - A Net Enhancement of Biodiversity and Geodiversity
- 3.3 Manchester’s Local Development Framework: Core Strategy was adopted by Manchester City Council in July 2012. Relevant extracts of local planning policy are provided in the Ecological Desk Study (TEP Ref 10454.004). The following policies relate to biodiversity and nature conservation:
- Policy EN 8 Adaptation to Climate Change;
 - Policy EN 9 Green Infrastructure; and
 - Policy EN 15 Biodiversity and Geological Conservation.

Wildlife Sites

Statutory Wildlife Sites

- 3.4 Full details regarding designated sites are provided within the Ecological Desk Study (TEP Ref 10454.004).
- 3.5 There is one statutory designated wildlife sites within 10km of the site. This is:
- Rochdale Canal SAC

Other Statutory Wildlife Sites

- 3.6 There are no SSSIs located within 5km of the site.

- 3.7 SSSI Impact Risk Zones (IRZ) highlight the potential for effects on a SSSI if certain types of development are planned within a specified radius of it. The site falls within a single IRZ, the Rochdale Canal SSSI. The proposals do not meet any of the risk parameters identified for this IRZ.

Local Wildlife Sites

- 3.8 There are two sites of regional or local importance within 2km. These are:
- Ashton Canal (West); and
 - Rochdale Canal: Scott's Lane to Ducie Street Basin.

Habitats and Flora

Pre-existing Data

- 3.9 The Desk Study identified no notable habitats on, adjacent to or connected with the site.
- 3.10 No records of protected or notable flora were returned within the site boundaries.
- 3.11 Habitats of ecological value present in and around the site are described below and illustrated in Drawing G10454.002. Target notes (TN) and photographs illustrative of the habitat/feature described are provided in Appendix B.
- 3.12 Habitats present within the site include:
- Species-poor modified neutral grassland;
 - Dense/continuous scrub;
 - Scattered scrub;
 - Scattered introduced shrub;
 - Scattered broad-leaved trees;
 - Bare ground with ephemeral/short perennial; and
 - Rubble mound.

Grassland, Trees, and Scrub

Species-poor modified neutral grassland

- 3.13 The site largely comprises species-poor modified neutral grassland (TN1 and TN3). Species here include Yorkshire fog *Holcus lanatus*, Cock's-foot *Dactylis glomerata*, ribwort plantain *Plantago lanceolata* and creeping cinquefoil *Potentilla reptans* occurring frequently with occasional broad-leaved dock *Rumex obtusifolius*, herb robert *Geranium robertianum* and red fescue *Festuca rubra*.

Dense/continuous scrub

- 3.14 A large portion of the southern area of the site is colonised with dense/continuous scrub with scattered broad-leaved trees (TN4). This area comprises dense bramble *Rubus fruticosus* scrub with species such as buddleia *Buddleja davidii*, teasel *Dipsacus fullonum* and nettle *Urtica dioica*.
- 3.15 Three willow sp. *Salix* sp. trees are present within the dense/continuous scrub.

Scattered scrub

- 3.16 Areas of scattered and introduced scrub/shrub are present on the northern and eastern boundaries of the site. This consists of young and established buddleia.
- 3.17 TN5 in the northeast corner of the site consists of three semi mature willow trees next to four large boulders.

Bare ground with ephemeral/short perennial

- 3.18 An area of bare ground colonised with ephemeral/short perennial species is present at TN2. Moss sp is the most frequent with creeping thistle *Cirsium arvense*, Yorkshire fog, broad-leaved dock and dandelion *Taraxacum officinale* agg.
- 3.19 A rubble mound is also present at the western end of TN5. Another rubble mound is in the south east of the site.

Notable or Invasive Flora

- 3.20 There was no notable or invasive flora recorded on the site.

Habitat Connectivity

- 3.21 Habitat connectivity between the scheme and the wider landscape is limited due to the complex urban nature of the surrounding area.

Fauna

- 3.22 The potential for the site to support legally protected and notable species has been assessed using the results of the desk study and observations of habitats within and immediately surrounding the site made during the site survey. Based on these observations, the habitats present within the site were assessed for their suitability for the following species:
- Bats;
 - Birds; and
 - Hedgehog.

3.23 Further consideration is given below to the likelihood for these species to be present within the site:

Bats

3.24 The desk study returned records of bats from within 2km of the site: comprising the following species indicated below:

- ▶ Bats *Chiroptera sp.* – EPS, WCA5
- ▶ Brown Long-eared Bat *Plecotus auritus* – SPI, EPS, WCA5
- ▶ Common Pipistrelle *Pipistrellus pipistrellus* – SPI, EPS, WCA5
- ▶ Daubenton's Bat *Myotis daubentonii* – EPS, WCA5
- ▶ Myotis *Myotis sp.* - EPS, WCA5
- ▶ Noctule *Nyctalus noctule* – SPI, EPS, WCA5
- ▶ Pipistrelle *Pipistrellus sp.* - EPS, WCA5; and
- ▶ Soprano Pipistrelle *Pipistrellus pygmaeus* – SPI, EPS, WCA5

3.25 No bats records were recorded on or adjacent to the site. The closest bat records were common pipistrelle and pipistrelle sp. which were both recorded 400m south-west of the site. 15 Natural England mitigation licences for bats were identified within 2km of the site. None of these were recorded on or adjacent to the site.

3.26 The trees on site were all considered to be unsuitable to support roosting bats.

3.27 The trees and scrub present within the site offers limited suitability for commuting and foraging bats.

Birds

3.28 The desk study identified records of the following Schedule 1 bird species within 2km of the site:

- ▶ Kingfisher *Alcedo atthis* - WCA1, BAm;
- ▶ Peregrine Falcon *Falco peregrinus* - WCA1;
- ▶ Little Ringed Plover *Charadrius dubius* – WCA1; and
- ▶ Black Redstart *Phoenicurus ochruros* - WCA1, Bam.

3.29 Common bird species greenfinch *Chloris chloris*, magpie *Pica pica*, wood pigeon *Columba palumbus* and great tit *Parus major* were observed on site during the Phase 1 survey.

3.30 The trees and scrub on site offer some potential for foraging and nesting birds.

Hedgehog

- 3.31 The desk study identified twenty-nine records of hedgehog *Erinaceus europaeus* within 2km of the site. The closest record was located 380m northwest.
- 3.32 No evidence of hedgehog was identified on site during the survey. The site offers some opportunities for foraging, commuting or hibernating hedgehog.

Other Species

Amphibians

- 3.33 The desk study did not return any records of any amphibian species for within 2km of the scheme.
- 3.34 There are no ponds, suitable breeding habitat on site or within 500m of the site, therefore no implications are anticipated for the development proposals with regard to common amphibian species and they are not considered further in this report.

Badger

- 3.35 The desk study did not identify any records of badger *Meles meles* within 2km of the scheme.
- 3.36 No evidence of badger was found on site or within 30m during the survey. The habitats on site and in the wider area are not suitable for badger and offer negligible opportunities for sett building, foraging or commuting. It is considered highly unlikely that badger use the site such that this species and they are not considered further in this report.

Invertebrates

- 3.37 The desk study returned twenty-five records of notable invertebrate species cinnabar *Tyria jacobaea* for within 2km of the scheme.
- 3.38 No notable invertebrate species were recorded on-site during the survey work undertaken, nor opportunities for notable invertebrates recorded in the local area which are generally associated with either aquatic habitats or Elm *Ulmus* sp., neither of which are present on site.
- 3.39 The scattered scrub within the site may offer some limited foraging opportunities for common invertebrate species. This group is not considered further within this report.

Water Vole/Otter

- 3.40 The desk study returned two records for otter *Lutra lutra*, located 1.2km northwest of the scheme and no records for water vole *Arvicola amphibious* for within 2km of the scheme.
- 3.41 There are no waterbodies present within or adjacent to the site, nor any suitable terrestrial habitat for such species and as such, these species are not considered further within this report.

4.0 Assessment of Potential Impacts

- 4.1 This section assesses the potential impacts on ecological features associated with the Site described in Section 1.0 and detailed in Appendix A.
- 4.2 Consideration is given to the 'mitigation hierarchy', i.e. that impacts are first avoided or where this is not practicable, mitigated and as a final resort, compensated (off-set).

Wildlife Sites

- 4.3 There is one internationally designated site for nature conservation within 10km of the proposed development site and no nationally designated sites of within 5km of the site.
- 4.4 All internationally designated sites are well separated from the site, beyond several major barriers in the form of existing urban development and road networks. Given the busy, urban nature of the development, direct and indirect disturbance in the form of noise, lighting and dust for example to such designated sites during both the construction and operation phase is also considered unlikely to occur.
- 4.5 The site is located within SSSI IRZ for one SSSI. The proposals, comprising the erection of a substation including switch house, transformers and compounds as well as new security fence and access drive do not meet the risk parameters identified for this IRZ.

Local Wildlife Sites

- 4.6 There are two non-statutory locally designated sites within 2km of the proposed development site.
- 4.7 Given the degree of separation as a result of the existing urban development between the scheme and the designated sites, no direct or indirect impacts are anticipated on SBI's as a result of the development proposals.
- 4.8 Given the barriers between the SAC and LWS as set out in paragraphs 4.3 to 4.7 they are not considered further in this report.

Habitats and Flora

Notable Habitats

- 4.9 There are no notable habitats on or adjacent to the site. There is one small area of open mosaic habitats within 500m of the site, although this is considered to be well separated from the site.

On-site Habitats

Woodland, Trees and Scrub, Grassland, Ephemeral/Short Perennial

- 4.10 All habitats on site are considered to be of low ecological value such that their loss is considered to be of low significance.

Notable or Invasive Flora

- 4.11 No protected (WCA8) or invasive (WCA9) plant species were identified during the extended Phase 1 habitat survey. There are no implications for the development proposals with regard to protected or invasive plant species.

Fauna

Bats

- 4.12 All British bats are European protected species, afforded full protection under the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended). Bats are protected from killing or injury, and from disturbance at the place of rest. Bat roosts are also protected from obstruction, damage or destruction (whether or not a bat is in occupation at the time). Several species are also SPI, and all bats are listed on the Greater Manchester Biodiversity Action Plan (LBAP).
- 4.13 All trees on site were assessed as having negligible suitability for roosting bats.
- 4.14 The scrub on site offers some limited opportunity for foraging bats but as there is no connectivity to other green spaces and given the urban location, it is of low value.

Birds

- 4.15 There is a risk of damage or destroying a nest if tree felling or lopping or vegetation clearance is carried out in the nesting period (generally considered to be between February to September inclusive, although geographical position of the site will influence this period and some species nest also commonly nest outside this period).
- 4.16 The trees and scrub within the site provide potential for nesting birds. There may be implications with regards to nesting birds if any vegetation clearance is proposed during the nesting bird season (typically taken to be February to September inclusive).

Hedgehog

- 4.17 Hedgehogs are a species of principal importance. The scrub on site provides suitable foraging, commuting, sheltering and hibernating habitat for hedgehogs. Therefore, there may be implications for the proposed development with regards to hedgehog.

5.0 Mitigation and Enhancement

- 5.1 This section describes appropriate and proportionate measures for impact avoidance, mitigation and enhancement required or recommended to address the potential ecological effects described in Section 4.0.
- 5.2 In line with best practice measures a standard pollution prevention and dust control measures should be set out in a contractors Construction Environmental Management Plan (CEMP) and implemented during any site clearance and construction works.

Habitats and Flora

Notable Habitats

Avoidance and Mitigation Required

- 5.3 Trees adjacent to the site should be suitably protected in accordance with BS5837:2012, to ensure no damage to the canopy or root zone during site clearance and construction works. A Root Protection Zone (RPZ) should be implemented around retained trees adjacent to the site if development is likely to affect the trees, their roots and overhanging canopies.

Fauna

Bats

- 5.4 All British bats are European protected species, afforded full protection under the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended). Bats are protected from killing or injury, and from disturbance at the place of rest. Bat roosts are also protected from obstruction, damage or destruction (whether or not a bat is in occupation at the time). Several species are also SPI and all bats are listed on the Greater Manchester Biodiversity Action Plan (LBAP).

Avoidance and Mitigation Required

- 5.5 The results of the ground-based tree assessment did not identify any potential for roosting bats within the site. The survey data is valid for two survey seasons following this survey work. If works do not proceed within this time, an updated ecological assessment will be required.

Additional Measures or Enhancement Recommended

- 5.6 Limited foraging and commuting opportunities were identified for bats within the site. Nonetheless, a Sensitive Lighting Strategy should be implemented to avoid adverse impacts on any bats which may occasionally use the area. This is of particular relevance to construction during the autumn and spring

when bats are active, and when working hours fall within an hour of dusk or dawn and artificial lighting is required.

Birds

- 5.7 Native nesting birds, their nests and eggs are protected under the Wildlife & Countryside Act 1981 (as amended) from damage and destruction, from the time of nest construction to fledging of the young.

Avoidance and Mitigation Required

- 5.8 Works should be completed outside of the nesting period (typically taken to be February to September inclusive). Where avoidance of the nesting period is not practicable, a nesting bird check must be carried out by an ecologist no more than 24 hours prior to the works, to confirm that no active nests are present. In the event that an active nest is identified, works within the surrounding area must halt until the chicks have fledged. The required radius of the exclusion area will depend on the species found nesting and the context of the nesting location.

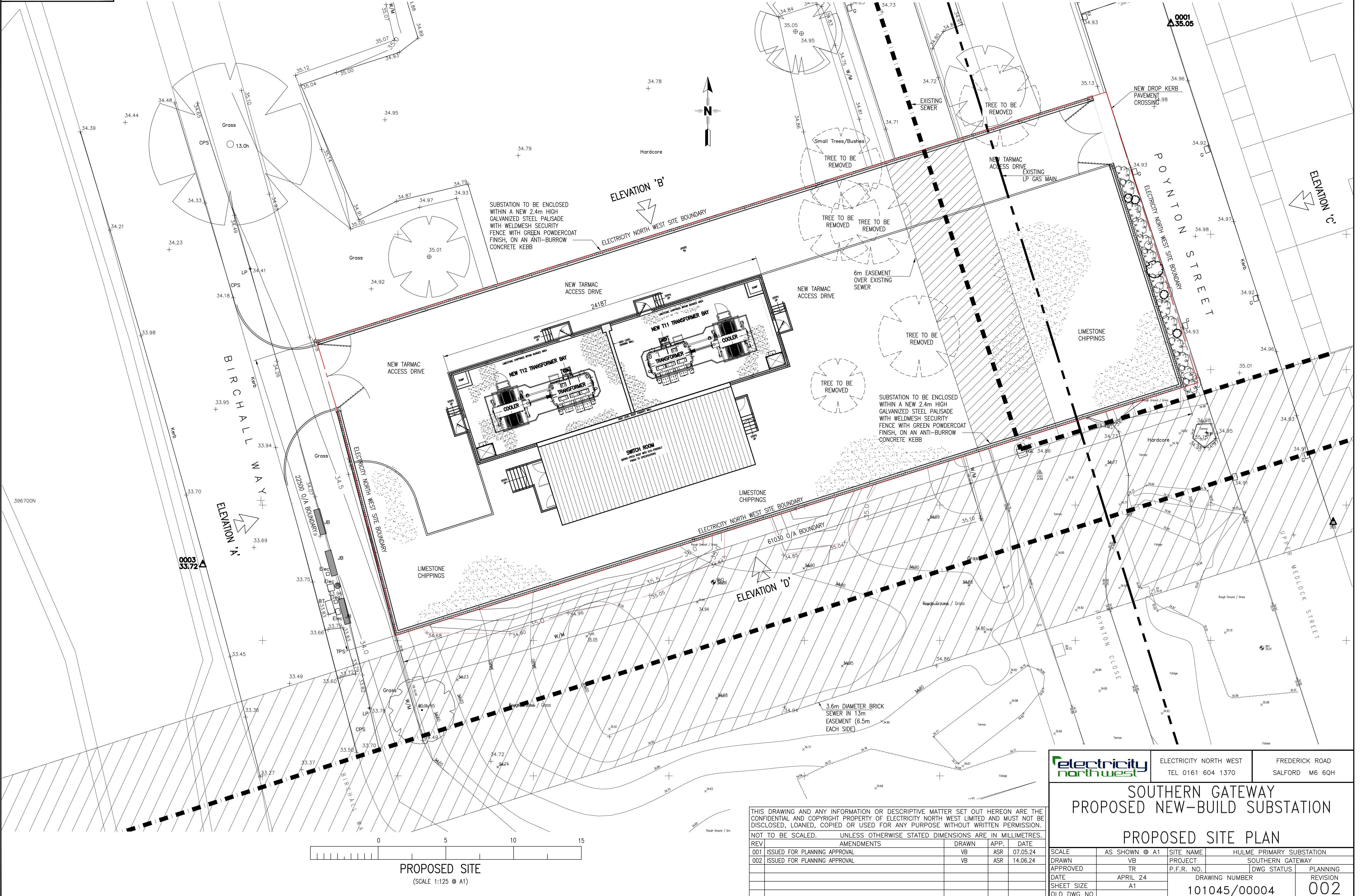
Hedgehog

Avoidance and Mitigation Required

- 5.9 Precautionary working measures should be adopted to minimise the risk of harm or injury to hedgehogs during vegetation clearance and construction works. Measures should be outlined within a protected/priority species Precautionary Working Method Statement (PWMS) to ensure no harm or injury to hedgehogs, if present on site.

Annex A: Development Proposals

DO NOT SCALE



Annex B: Desktop Study



Hulme Primary Substation Manchester

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Ecological Desk Study

Prepared For: Electricity North West Ltd.

Document Reference: 10454.004

April 2024

Version 1.0

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Project Name:	Hulme Primary Substation
Location:	Manchester
Document Title:	Ecological Desk Study
Client:	Electricity North West Ltd.
Prepared by:	The Environment Partnership Ltd
Office:	Warrington
Document Ref:	10454.004

Document history and status:

Version	Date	Description of Issue	Author	Checked	Approved
1.0	25/04/24	Original Issue	DL	JC	JC

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The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a qualified legal professional should be secured.

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Annex A: Key Ecological Legislation and National Policy

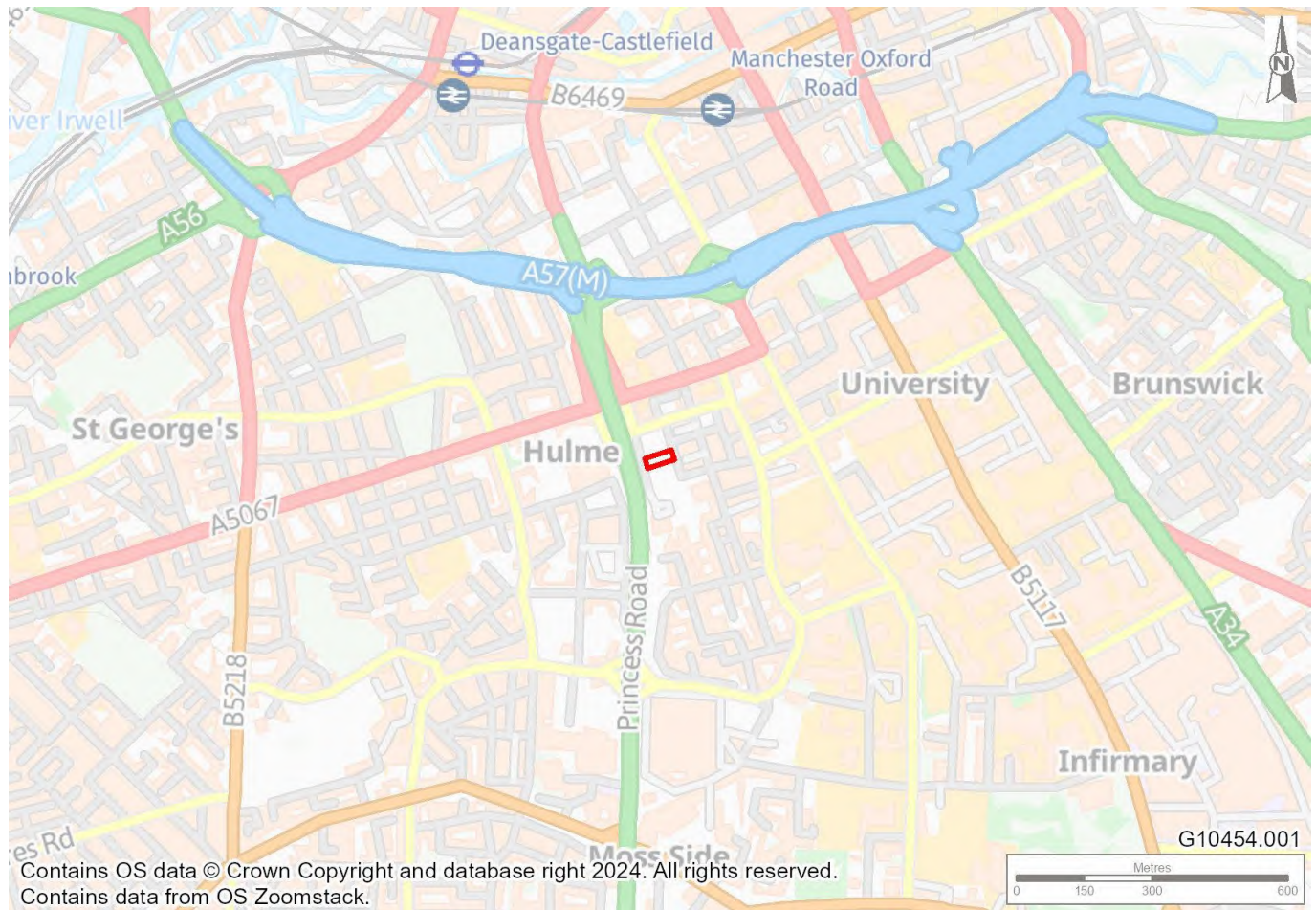
1.0 Introduction

- 1.1 The Environment Partnership (TEP) was commissioned by Electricity North West Ltd in April 2024 to complete an Ecological Assessment for a site called Hulme Primary Substation in Manchester, Greater Manchester.
- 1.2 The proposals relate to the erection of a switch house, transformers, and compounds on land between Birchall Way and Upper Medlock Street, Hulme, Manchester, M15 6PL.
- 1.3 To inform the Ecological Assessment an ecological desk study was also completed. This Ecological Desk Study report details the method of data gathering and interpretation and presents the findings of the desk-based assessment.
- 1.4 This report is not sufficient in isolation to support a planning application. This report should be read in conjunction with the Preliminary Ecological Assessment (TEP Report Ref: 10454.003).

Site Location

- 1.5 The site (central grid reference SJ 83898 96718) is within the administrative area of Manchester City Council.
- 1.6 The site is located on land between Birchall Way and Upper Medlock Street. The land parcel is situated in a built-up area with roads to the west and buildings to the north, east and south. Central Manchester is directly to the north of the site.

Figure 1: Site location and local context.



2.0 Methods

Scope and Data Sources

- 2.1 The ecological Zone of Influence (ZOI) is an area defined by the ecological assessment within which valued ecological features may be subject to significant biophysical changes as a consequence of the proposed development under assessment.
- 2.2 For the purposes of this assessment, the preliminary ZOIs (pZOI) within which ecological features were searched for as part of this desk study were varied according to the geo-spatial and/or legal significance of the feature. The scope and the pZOIs applied for this desk study, which were searched from the site boundary are summarised in Table 1.
- 2.3 Species records for within the last 10 full years (i.e. from 01/01/2014 to present) were obtained from Greater Manchester Record Centre in April 2024. This report lists protected and notable species records obtained in the data search that are listed under any of the following:
- Protected species listed under Schedule 2 (animals) or Schedule 5 (plants) under the Conservation of Habitats and Species Regulations 2017 (EPS);
 - Protected bird species under Schedule 1 of the Wildlife and Countryside Act 1981, as amended (WCA1);
 - Protected animal species under Schedule 5 of the Wildlife and Countryside Act 1981, as amended (WCA5);
 - Protected plant species under Schedule 8 of the Wildlife and Countryside Act 1981, as amended (WCA8);
 - Invasive non-native plant species under Schedule 9 of the Wildlife and Countryside Act 1981, as amended (WCA9);
 - Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
 - Protection of Badgers Act 1992 (PBA);
 - Species of principal importance (SPI) listed by requirements under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006
 - Red and Amber listed Birds of Conservation Concern (BRd/BAm); and
 - Local Biodiversity Action Plan Species (LBAP).
- 2.4 An absence of records does not indicate the absence of protected species from the search area.
- 2.5 Geological sites are not designated for ecology reasons and is therefore excluded from further consideration in this ecological assessment.

Table 1: Scope and preliminary ecological Zones of Influence (ZOI)

Scope	Key Source(s)	ZOI
Policy and Related Guidance (Chapter 3.0 and 4.0)		
▶ Land allocations and relevant environment / biodiversity policy ▶ Local biodiversity priority habitats and species ▶ Habitat Network / Nature Recovery Network	▶ Natural England ▶ Manchester Local Development Framework Core Strategy Development Plan (Adopted 2012) ▶ Addendum to Manchester Core Strategy 2024 ▶ Places for Everyone Joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039	10km
Statutory wildlife sites (Chapter 5.0)		
▶ Ramsar and proposed Ramsar sites ▶ Special Areas of Conservation (SAC), including possible SAC and SAC with marine components ▶ Special Protection Areas (SPA) and potential SPA ▶ Marine Conservation Zones	▶ Manchester Local Development Framework Core Strategy Development Plan (Adopted 2012)¹ ▶ Addendum to Manchester Core Strategy 2024² ▶ Places for Everyone Joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039³ ▶ Local Plan Interactive Proposals Map⁴ ▶ Natural England⁵	10km
▶ Sites of Special Scientific Interest (SSSI) ▶ National Nature Reserves (NNR) ▶ Marine Nature Reserves (MNR) ▶ National Parks		5km

¹ Manchester City Council (2024) [Online]. *Core Strategy*. https://www.manchester.gov.uk/info/200074/planning/657/local_plan [Date Accessed: 30/04/2024]

² Manchester City Council (2024) [Online] *Addendum to Manchester Core Strategy 2024*. https://www.manchester.gov.uk/info/200074/planning/657/local_plan [Date Accessed: 30/04/2024]

³ Manchester City Council (2024) [Online] *Places for Everyone joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039*. https://www.manchester.gov.uk/info/200074/planning/657/local_plan [Date Accessed: 30/04/2024]

⁴ Manchester City Council (2024) [Online] *Interactive Proposals Map*. https://www.manchester.gov.uk/info/200074/planning/657/local_plan [Date Accessed: 30/04/2024]

⁵ Public sector information

▶ Local Nature Reserves (LNR) ▶ Country Parks ▶ Strategic Nature Areas		2km
Non-statutory wildlife sites (Chapter 5.0)		
▶ Local Wildlife Site (LWS) ▶ Regional Parks ▶ Green Wedges ▶ Wildlife Corridors	▶ Greater Manchester Records Centre ▶ Manchester City Council Local Plan ▶ Manchester City Council Local Plan Interactive Map	2km
Notable habitats (Chapter 6.0)		
▶ Ancient Woodland ▶ Habitats of principal importance ▶ Biodiversity Action Plan (BAP) habitats ▶ Main rivers	▶ Natural England ▶ Greater Manchester Ecology Unit ▶ Manchester City Council Biodiversity Action Plan	0.25km
Protected or notable species (Chapter 7.0)		
▶ Pre-existing records for protected or notable species, non-native invasive species	▶ Greater Manchester Records Centre	2km
▶ Protected species licences granted by Natural England ▶ Great crested newt survey pond records (2017 – 2019) held by Natural England	▶ Natural England¹	2km

3.0 Legislation and Policy

3.1 The following summarises the legislation and planning policy which may have key relevance to biodiversity and the site. Further information is provided in Annex A.

- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'⁶ or 'Wetlands Convention');
- The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention⁷);
- The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention⁸ or CMS)
- The Convention on Biological Diversity (Biodiversity Convention⁹ or CBD)
- Conservation of Habitats and Species Regulations 2017¹⁰ (the 2017 Regulations);
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹¹ (the 2019 Regulations);
- Wildlife and Countryside Act (WCA) 1981¹²;
- Environment Act 2021¹³;
- Countryside and Rights of Way Act (CROW) 2000¹⁴;
- Natural Environment and Rural Communities (NERC) Act 2006¹⁵;
- Hedgerow Regulations 1997¹⁶;

6 Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 <https://www.ramsar.org/>

7 Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 <https://www.coe.int/>

8 Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 <https://www.cms.int/>

9 Convention on Biological Diversity, Rio de Janeiro, June 1992 <https://www.cbd.int/>

10 Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) <https://www.legislation.gov.uk/uksi/2017/1012/>

11 Conservation of Habitats and Species Regulations 2019 (SI 2019/579) <https://www.legislation.gov.uk/uksi/2019/579/>

12 Wildlife and Countryside Act 1981 c. 69 <https://www.legislation.gov.uk/ukpga/1981/69/>

13 Environment Act 2021 c.30 <https://www.legislation.gov.uk/ukpga/2021/30/>

14 Countryside and Rights of Way Act 2000 c. 37 <https://www.legislation.gov.uk/ukpga/2000/37/>

15 Natural Environment and Rural Communities Act 2006 c. 16 <https://www.legislation.gov.uk/ukpga/2006/16/>

16 The Hedgerow Regulations 1997 (SI 1997/1167) <https://www.legislation.gov.uk/uksi/1997/1160/>

- Protection of Badgers Act (PBA)1992¹⁷;
- Wild Mammals (Protection) Act (WMPA) 1996¹⁸;
- National Planning Policy Framework (NPPF) 2023¹⁹;
- Government Circular 06/2005²⁰.

Local Planning Policy

Manchester Local Development Framework Core Strategy Development Plan (Adopted 2012)

3.2 The following policies relate to biodiversity and nature conservation:

- Policy EN 8 – Adaptation to Climate Change
- Policy EN 9 - Green Infrastructure Network
- Policy EN 15 - Biodiversity and Geological Conservation

Places for Everyone Joint Development Plan for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039

- Policy JP- G1 – Landscape Character
- Policy JP- G2 - Green Infrastructure Network
- Policy JP- G6 - Urban Green Space
- Policy JP- G7 – Trees and Woodland
- Policy JP- G8 - A Net Enhancement of Biodiversity and Geodiversity

Supplementary Planning Guidance

Future Policies

- Manchester Local Plan Review – Winter 2024

¹⁷ Protection of Badgers Act 1992 c. 51 <https://www.legislation.gov.uk/ukpga/1992/51/>

¹⁸ Wild Mammals (Protection) Act 1996 c.3 <https://www.legislation.gov.uk/ukpga/1996/3>

¹⁹ National Planning Policy Framework (2023). Department for Levelling Up, Housing and Communities.
https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

²⁰ Office of the Deputy Prime Minister (2005) 'Government Circular: Geological and Biological Conservation – Statutory obligations and their implications within the planning system' ODPM circular 06/2005, DEFRA circular 01/2005
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf

4.0 Biodiversity Initiatives and Strategies

Local Biodiversity Action Plans (LBAP)

4.1 The Greater Manchester BAP covers a number of local district, unitary authority or planning area. Some but not all of which have local BAPs. Consequently, as a joint BAP, not all local priority habitats or species may be of direct relevance to each sub-county area. The relationship between sub-county local BAPs and the Greater Manchester BAP is not strictly hierarchical.

4.2 The Greater Manchester BAP includes local habitat action plans for the following priority habitats:

Land:

- ▶ Grassland
- ▶ Hedgerows
- ▶ Lowland Mosslands
- ▶ Native woodlands
- ▶ Urban managed greenspace

Freshwater:

- ▶ Reedbeds and bittern
- ▶ Ponds and Lodges
- ▶ Canals

4.3 The Greater Manchester BAP priority species for which local species action plans have been produced include:

Amphibians/Reptiles:

- ▶ Great Crested Newts

Mammals:

- ▶ Bats
- ▶ Hares
- ▶ Water Vole

Birds:

- ▶ Black Redstart
- ▶ Twite
- ▶ Willow Tit

Plants:

- ▶ Native Black Poplar

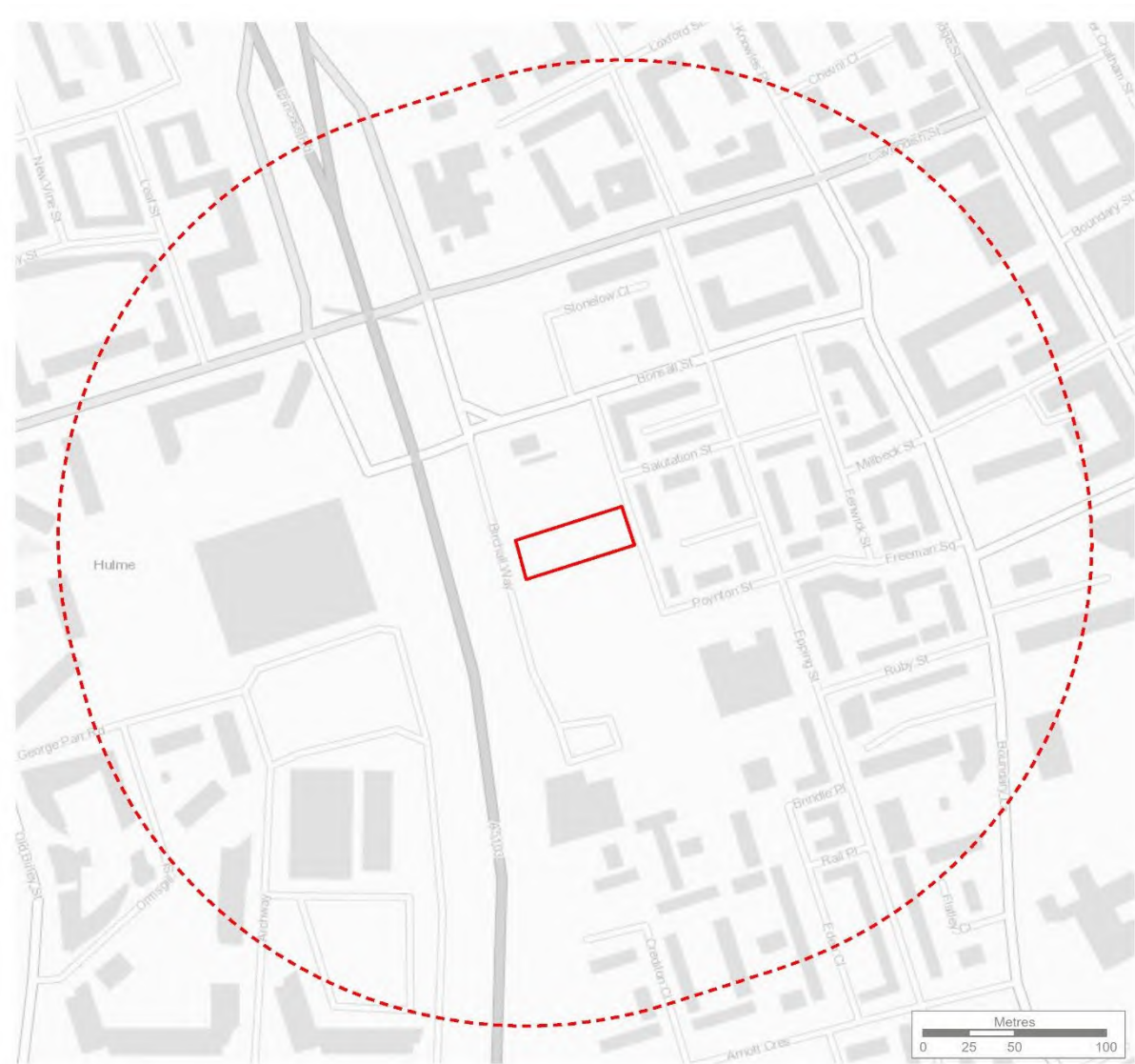
- ▶ Farmland Birds (no plan available)

National Habitat Network

- 4.4 Habitat Network maps are produced by Natural England in response to the Lawton report (Making Space for Nature, A review of England's Wildlife Sites and Ecological Network²¹).
- 4.5 These maps provide a useful baseline for the development of a Nature Recovery Network (NRN) as required within the 25 Year Environment Plan and for LRNS proposed within the Environment Act.
- 4.6 The Habitat Network maps in conjunction with other datasets and local knowledge can identify opportunities for biodiversity action. The Habitat Network comprises (a) Existing Habitats (HPI and associated habitats) and (b) Network Enhancement and Expansion Zones. These latter zones include:
- Network Enhancement Zone 1: Land connecting existing habitats which is likely to be suitable for habitat creation. Action in this zone to expand and join up existing habitat patches and improve the connections between them can be targeted here.
 - Network Enhancement Zone 2: Land connecting existing habitats which is less likely to be suitable for habitat creation. Action in this zone that improves the biodiversity value through land management changes and/or green infrastructure provision can be targeted here.
 - Fragmentation Action Zone: Land within Enhancement Zone 1 that connects existing habitats patches which are currently highly fragmented and where fragmentation could be reduced by habitat creation.
 - Network Expansion Zone: Land beyond the Network Enhancement Zones with potential for expanding, linking/joining networks across the landscape.
- 4.7 The site is not in proximity to any areas of the National Habitat Network.

²¹ Lawton, J.H., Brotherton, P.N.M., Brown, V.K., Elphick, C., Fitter, A.H., Forshaw, J., Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.A., Tew, T.E., Varley, J., & Wynne, G.R. (2010) *Making Space for Nature: a review of England's wildlife sites and ecological network*. Report to Defra

Figure 2: The Local Habitat Network



Key

Site boundary

Site boundary - 250m buffer

No records found.

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Hulme Primary Substation, Manchester

Title

Combined Habitat Networks

Drawing Number

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Scale

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Date

08/05/2024

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Nature Recovery Network

- 4.8 In March 2023, the Government published its regulations and guidance which set out how Local Nature Recovery Strategies (LNRS) are to be prepared and has appointed 'Responsible Authorities' to guide the preparation of each LNRS.
- 4.9 Greater Manchester Combined Authority has been appointed Responsible Authority for preparing the local Nature Recovery Network for Greater Manchester and the strategy is currently under development.

5.0 Wildlife Sites

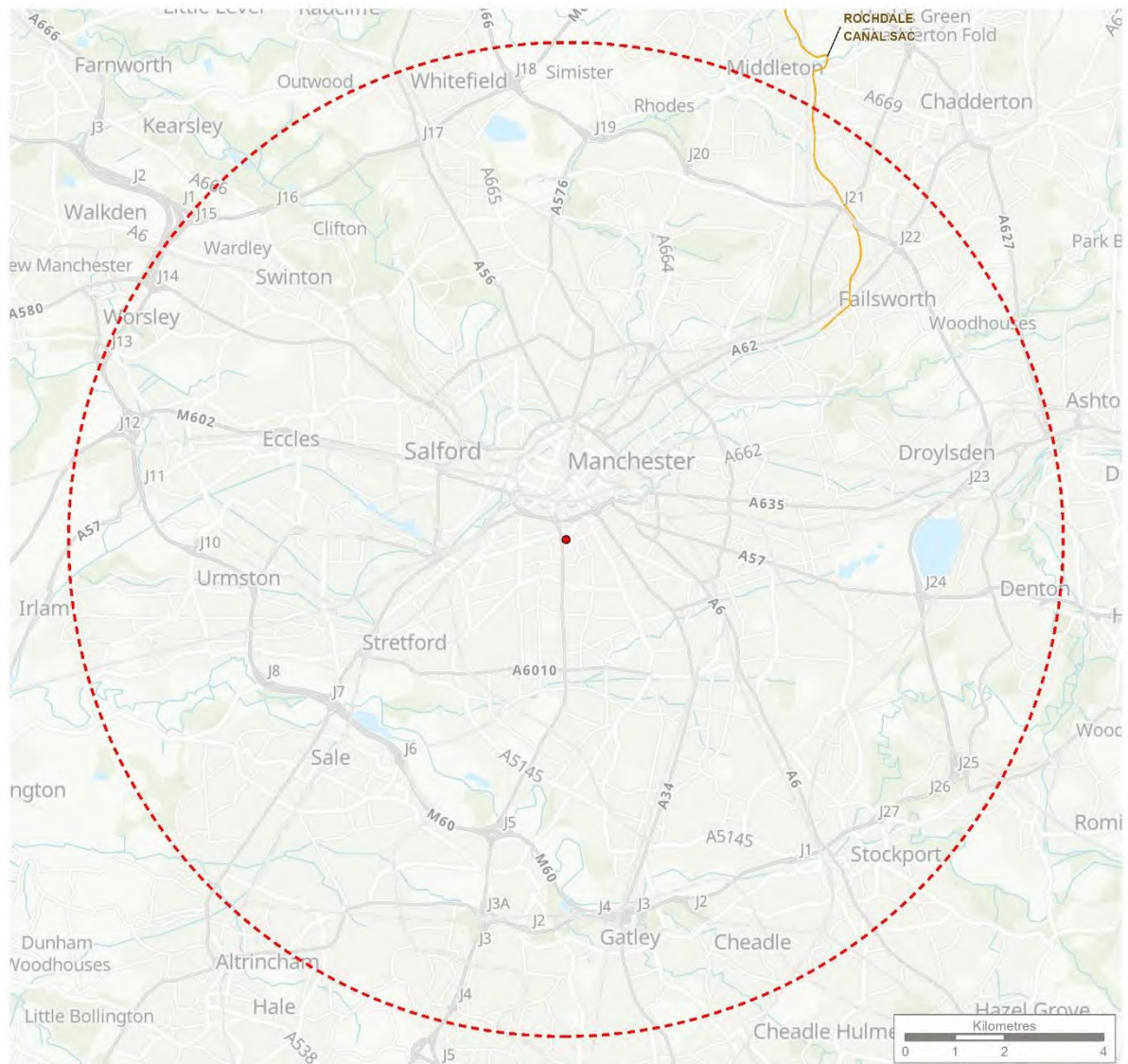
Statutory Sites

- 5.1 Table 2 and Figures 3, 4 and 5 summarise the statutory designated wildlife sites within influencing distance of the site.

Table 2: Statutory wildlife sites within influencing distance of the site

Site Name	Designation	Distance and Direction from Site
Statutory Wildlife Sites of International Significance within 10km of the site (Figure 3)		
Rochdale Canal	SAC	6.7 km Northeast of the site
Statutory wildlife sites of national significance within 5km of the site (Figure 4)		
There are no sites within 5km of the site.		
Statutory wildlife sites of local significance within 2km of the site (Figure 5)		
There are no sites within 2km of the site.		

Figure 3: Statutory wildlife sites of international significance within 10km of the site



- Key**
- Site location
 - Site boundary - 10km buffer
 - ▬ Special Area of Conservation (SAC)

Sites searched for were as follows:

- Ramsar
- Special Protection Areas (SPA)
- Special Areas of Conservation (SAC)



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Hulme Primary Substation, Manchester

Title
Internationally Designated Sites Within a 10km Buffer

Drawing Number
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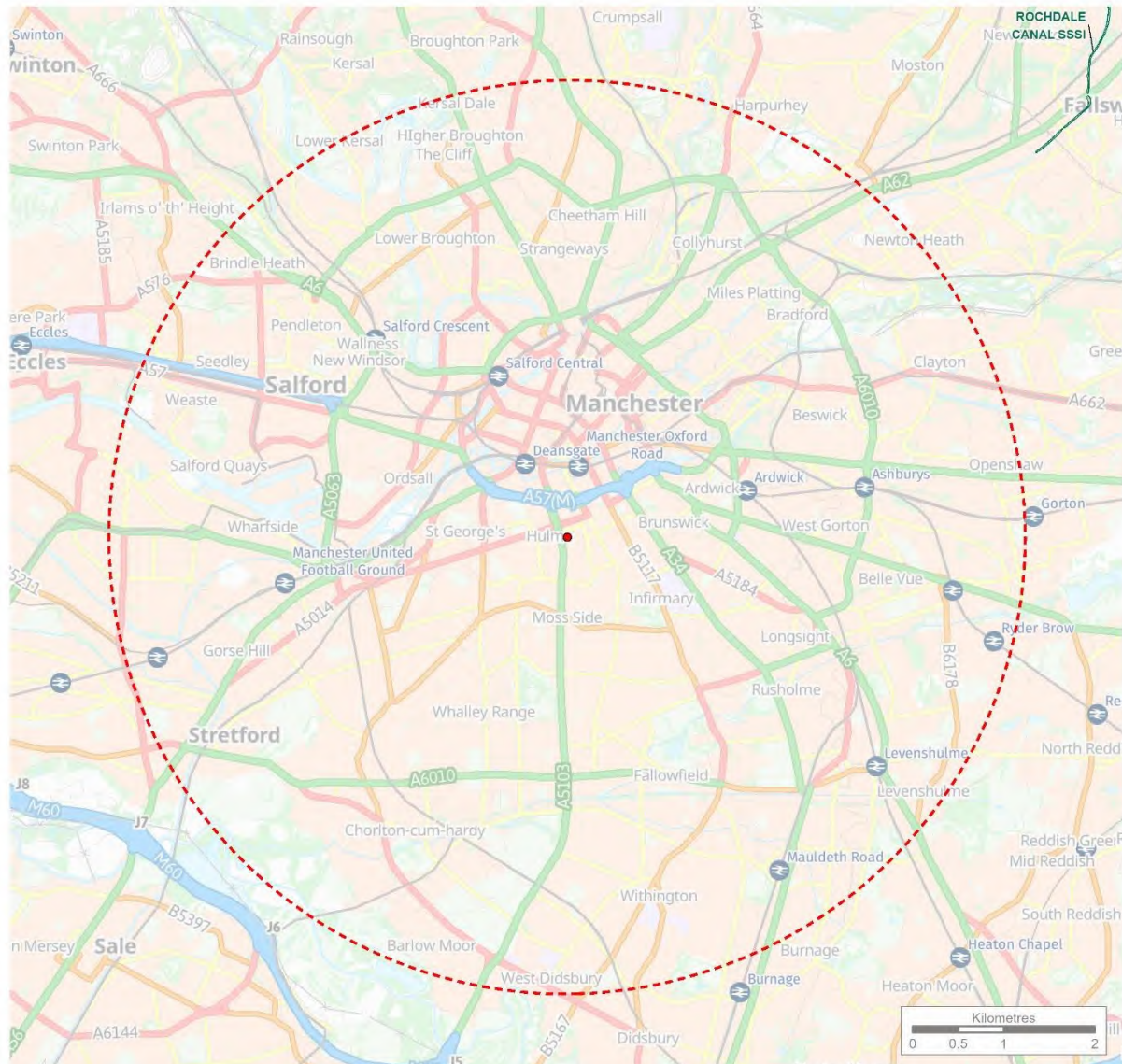
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Figure 4: Statutory wildlife sites of national significance within 5km of the site



- Key**
- Site location
 - Site boundary - 5km buffer
 - ▨ Sites of Special Scientific Interest (SSSI)

Sites searched for were as follows:

- Sites of Special Scientific Interest (SSSI)
- National Nature Reserve (NNR)
- Area of Outstanding Natural Beauty (AONB)

No records found within 5km of site



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Title
Nationally Designated Sites Within a 5km Buffer

Drawing Number
G10454.005

Scale
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Date
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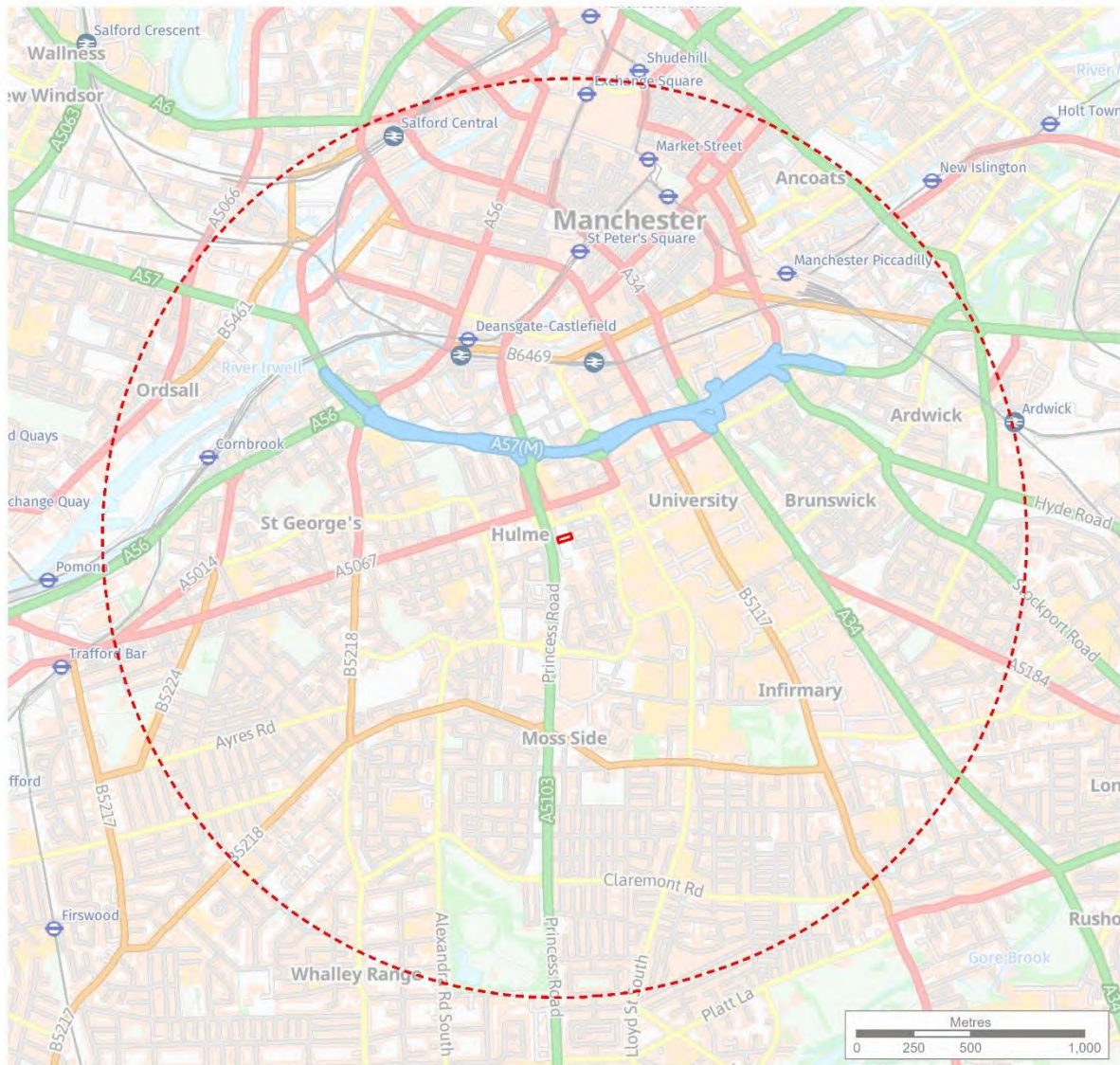
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Figure 5: Statutory wildlife sites of local significance within 2km of the site.



Key

- Site boundary
- Site boundary - 2km buffer

Sites searched for were as follows:
- Local Nature Reserves

No records found



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Project
Hulme Primary Substation, Manchester

Title
**Statutory Locally Designated Sites Within a
2km Buffer**

Drawing Number
G10454.006

Scale
1:24,000 @ A4

Date
08/05/2024

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SSSI Impact Risk Zones

Non-Statutory Wildlife Sites

5.3 Table 4 and Figure 7 show the non-statutory designated wildlife sites within influencing distance of the site.

Table 3: Non-statutory wildlife sites within 2km of the site

Site Name	Designation	Distance and Direction from Site
Rochdale Canal	SBI (Site of biological importance)	1.8 km Northwest
Ashton Canal (West)	SBI (Site of biological importance)	1.8 km Northwest

Figure 7: Non-statutory wildlife sites within 2km of the site (map provided by Greater Manchester Ecology Unit)

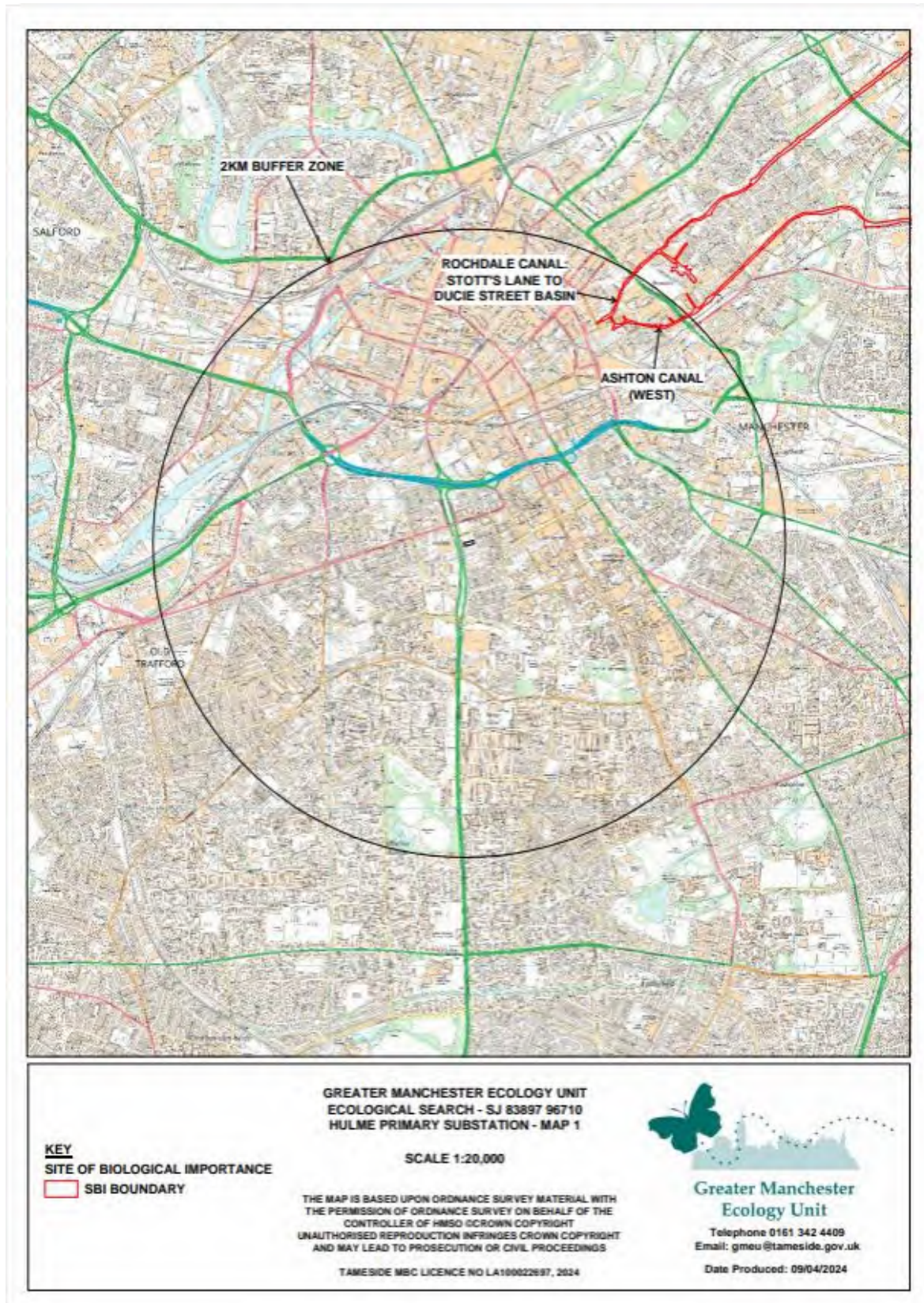
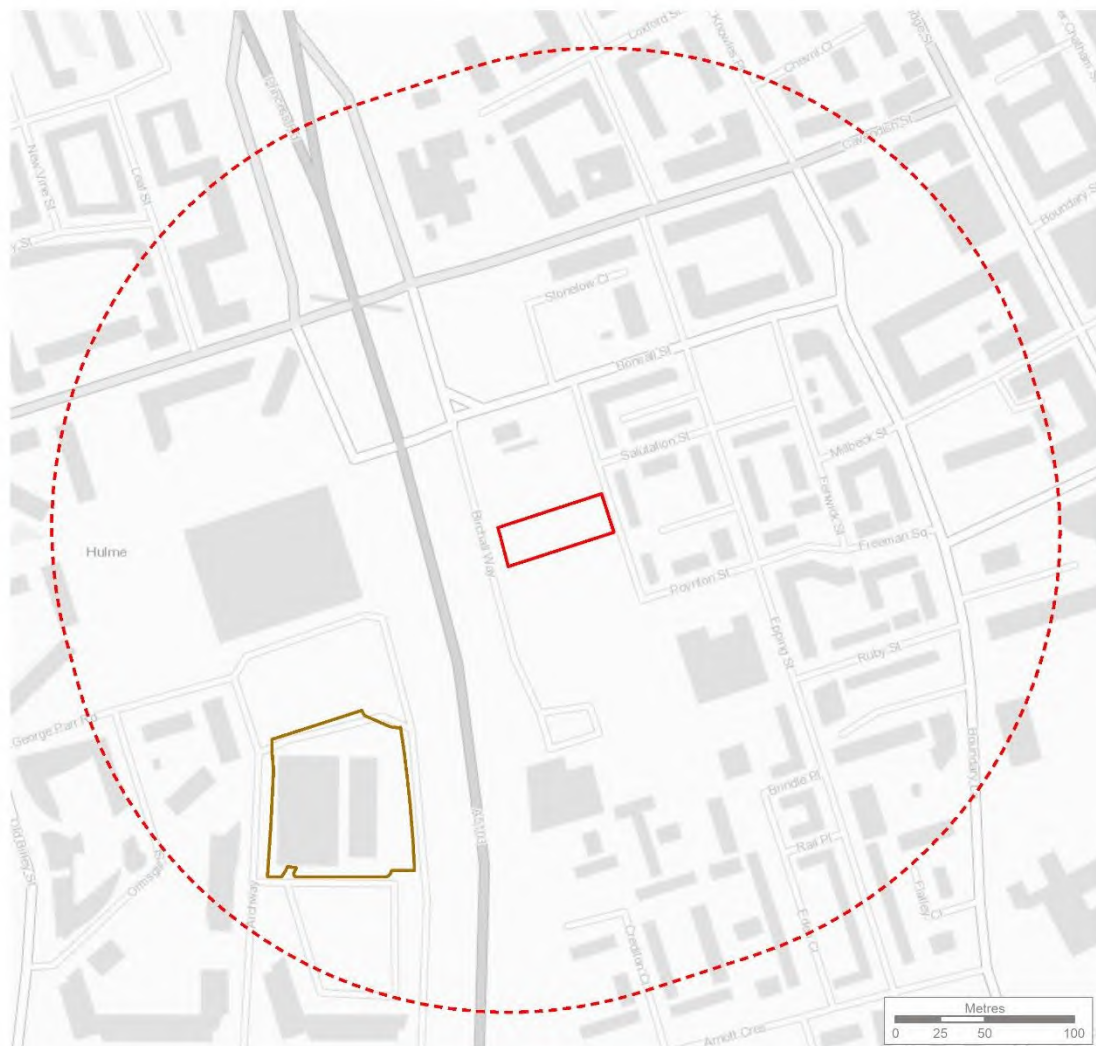


Figure 8: Notable habitats within 0.25km of the site.



Key

Site boundary

Site boundary - 250m buffer

Notable Habitats

Open mosaic habitats on previously developed land

Note: Notable habitats and peat locations are identified from MAGIC Map and Natural England Peaty Soils Location data respectively, and will need to be confirmed through field survey.



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Project

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Title

Notable Habitats Within and Adjacent to the Site

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Scale

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6.0 Protected and Notable Species

Protected Species Licences

- 6.1 A review of Natural England's open datasets for granted protected species licences did not return any class licence returns or pond survey data for great crested newts between 2017 and 2019 within 2km of the site.
- 6.2 15 Natural England European Protected Species mitigation licences have been identified within 2km of the site. These are detailed in Table 5 below.

Table 4: Natural England mitigation licences within 2km of the site

Species	Licence Number	Dates	Licensable Activities
Brown long-eared	EPSM2012-5061	10/12/2012 – 31/08/2015	Destruction of a breeding site Destruction of a resting place
Common Pipistrelle Soprano Pipistrelle	2014-490-EPS-MIT	23/04/2014 – 30/06/2017	Destruction of a resting place
Common Pipistrelle	2015-15766-EPS-MIT	01/11/2015 – 31/07/2016	Destruction of a resting place
Common Pipistrelle	2015-16009-EPS-MIT	28/01/2016 – 27/01/2021	Destruction of a resting place
Common Pipistrelle	EPSM2012-4767	28/08/2012 – 30/09/2013	Destruction of a resting place
Common Pipistrelle	2016-21779-EPS-MIT	01/04/2016 – 01/04/2021	Destruction of a resting place

Common Pipistrelle	2015-15766-EPS-MIT-1	20/07/2016 – 20/07/2016	Destruction of a resting place
Common Pipistrelle	2018-33674-EPS-MIT	12/03/2018 – 30/04/2040	Destruction of a resting place
Common Pipistrelle Soprano Pipistrelle	2018-35287-EPS-MIT	05/06/2018 – 30/09/2019	Damage to a resting place Destruction of a resting place
Common Pipistrelle	2019-38955-EPS-MIT	14/02/2019 – 28/02/2021	Damage to a resting place Destruction of a resting place
Common Pipistrelle	2020-45213-EPS-MIT	05/03/2020 – 01/01/2025	Destruction of a resting place
Common Pipistrelle	2020-50604-EPS-MIT	22/01/2021 – 16/01/2022	Destruction of a resting place
Common Pipistrelle	2014-4400-EPS-MIT	23/12/2014 – 30/04/2015	Damage to a resting place
Common Pipistrelle	2014-4400-EPS-MIT-1	25/03/2015 – 30/04/2015	Damage to a resting place
Common Pipistrelle	EPSM2013-5575	23/05/2013 – 30/09/2016	

Pre-existing Species Records

- 6.3 Protected and notable species records returned from Greater Manchester Ecology Unit for the last 10 full years within 2km of the site are summarised on pages 26 and 27. The terms and conditions of this data state this data is valid until May 2025.
- 6.4 No species were recorded within or adjacent to the site boundary.

Species Records Summary: Hulme Primary Substation

Amphibians	
Species	Count
No species records	

Bird	
Species	Count
Black Redstart <i>Phoenicurus ochruros</i>	42
Kingfisher <i>Alcedo atthis</i>	24
Little Ringed Plover <i>Charadrius dubius</i>	2
Peregrine <i>Falco peregrinus</i>	19
Bullfinch <i>Pyrrhula pyrrhula</i>	10
Curlew <i>Numenius arquata</i>	1
Dunnock <i>Prunella modularis</i>	83
Herring Gull <i>Larus argentatus</i>	12
House Sparrow <i>Passer domesticus</i>	58
Lapwing <i>Vanellus vanellus</i>	9

Lesser Redpoll <i>Acanthis Cabaret</i>	3
Linnet <i>Linaria cannabina</i>	6
Reed Bunting <i>Emberiza schoeniclus</i>	3
Song Thrush <i>Turdus philomelos</i>	41
Starling <i>Sturnus vulgaris</i>	58
Skylark <i>Alauda arvensis</i>	5
Yellow Wagtail <i>Motacilla flava</i>	1

Invertebrates	
Species	Count
Cinnabar Moth (Adult & Larvae) <i>Tyria jacobaeae</i>	25
S41 Moth	19

Terrestrial Mammals (Bats)	
Roost Records	
Species	Count

Bat sp	1
Common Pipistrelle	14
<i>Myotis</i> sp	1
<i>Pipistrellus</i> sp	3
Other Records	
Species	Count
Bat sp	2
Common Pipistrelle <i>Pipistrellus pipistrellus</i>	85
Brown Long-eared <i>Plecotus auritus</i>	1
Daubenton's <i>Myotis daubentonii</i>	11
Noctule <i>Nyctalus noctule</i>	8

Pipistrelle sp	18
Soprano Pipistrelle <i>Pipistrellus pygmaeus</i>	8

Flora	
Species	Count
Bee Orchid <i>Ophrys apifera</i>	24

Terrestrial Mammals (Other)	
Species	Count
Otter <i>Lutra lutra</i>	2
Hedgehog <i>Erinaceus europaeus</i>	34

Annex A: Key Ecological Legislation and National Policy

Relevant Legislation

International Conventions

- a. The UK is a Contracting Party to numerous environmental conventions, the commonest form of international agreements to encourage a coordinated response to managing the environment. Key environmental conventions ratified in the UK include:
 - The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'²² or 'Wetlands Convention') - provides the only international mechanism for protecting sites of global importance;
 - The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention²³) - imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species;
 - The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention²⁴ or CMS) - provides strict protection for endangered migratory species. The UK has currently ratified four legally binding Agreements under the convention relating to bats (EUROBATS), African-Eurasian migratory birds (AEWA), small cetaceans in the Baltic, Irish and North Seas (ASCOBANS) and albatrosses and petrels (ACAP) in addition to five Memorandum of Understanding (MoU) and is non-party range state to a further Agreement and a further MoU;
 - The Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention) - seeks to protect both cultural and natural heritage;
 - The Convention on Biological Diversity (Biodiversity Convention²⁵ or CBD) - provides a legal framework for biodiversity conservation. Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020²⁶ is guided by the UK Post-2010 Biodiversity Framework²⁷.
- b. The legal obligations of the multiple Conventions to which the UK is a Contracting Party are enacted through a suite of national environmental legislation. The most relevant are described in the following paragraphs.

²² Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 <https://www.ramsar.org/>

²³ Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 <https://www.coe.int/>

²⁴ Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 <https://www.cms.int/>

²⁵ Convention on Biological Diversity, Rio de Janeiro, June 1992 <https://www.cbd.int/>

²⁶ In October 2010, at the 10th Conference of the Parties to the CBD in Nagoya, Japan, the Parties adopted a new 'Strategic Plan for Biodiversity 2011–2020' along with its 20 'Aichi targets'. <https://www.cbd.int/sp/>

²⁷ The framework is overseen by the Environment Departments of the four UK governments working through the Four Countries' Biodiversity Group. It demonstrates how the UK, through each of the four countries, contributes to achieving the 'Aichi targets', and identifies the activities required to complement the individual country biodiversity strategies <https://jncc.gov.uk/our-work/uk-post-2010-biodiversity-framework/>

Conservation of Habitats and Species Regulations

- c. The Conservation of Habitats and Species Regulations 2017²⁸ (2017 Regulations) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into domestic law.
- d. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019²⁹ (2019 Regulations) amends the 2017 Regulations to make them operable following the withdrawal of the United Kingdom from the European Union (EU). Most of the changes involve transferral of functions from European Commission to the appropriate authorities in England and Wales, also extending to Scotland and Northern Ireland and applies to Scotland and Northern Ireland (including the adjacent territorial sea to a limited degree), as regards reserved and excepted matters respectively. It also amends Section 27 of the Wildlife and Countryside Act 1981 to maintain existing protections and enforcement for species of wild birds.
- e. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance and obligations (of a competent authority) remain relevant.

National Site Network

- f. Under the 2019 Regulations, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) in the UK no longer form part of the EU's 'Natura 2000' ecological network, but instead (along with new SACs and SPAs designated under the 2019 Regulations) form the new National Site Network (NSN). Ramsar sites⁶ do not form part of the NSN but remain protected in the same way as SACs and SPAs.
- g. Proposals which may significantly affect a site belonging to the NSN and which are not connected with or necessary to the management of that site require (by Regulations 63 and 64 of the 2017 Regulations, as amended by Regulations 24 and 25 of the 2019 Regulations, respectively) competent authorities to undertake an Appropriate Assessment of the implications of the plan or project in view of that site's conservation objectives. This process is commonly referred to as a 'Habitats Regulations Assessment' (HRA). The assessment must consider the potential effects both of the plan/project itself and in combination with other plans or projects. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and if the necessary compensatory measures can be secured.

Protected Species

- h. Certain animals and their breeding sites or resting places are protected under Regulation 43 of the 2017 Regulations, which makes it illegal to:

²⁸ Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) <https://www.legislation.gov.uk/uksi/2017/1012/>

²⁹ Conservation of Habitats and Species Regulations 2019 (SI 2019/579) <https://www.legislation.gov.uk/uksi/2019/579/>

- Deliberately capture, injure or kill any such animal or to deliberately take or destroy the eggs of such an animal;
 - Deliberately disturb such an animal; and
 - Damage or destroy a breeding site or resting place of such an animal.
- i. Disturbance is defined in the 2017 Regulations as an activity which is likely to impair a species' ability to survive, to breed or reproduce, to rear or nurture young or, in the case of animals hibernating or migratory species, to hibernate, migrate or which may affect significantly the local distribution or abundance; of the species.
- j. A bat's resting place is known as a roost site. Because bats tend to be faithful to roost sites but their biology is such that different roost site characteristics are preferred at different times of the year by different species for different functions, a bat roost is considered to be afforded protection even when it is not occupied.
- k. Certain plant species are protected under Regulation 47 of the 2017 Regulations against deliberate picking, collecting, cutting, uprooting or destruction. It is also an offence to be in possession or control and to transport any live or dead plant or part of a plant of such a species which has been taken in the wild.
- l. The 2017 Regulations (Regulation 55) enables a relevant licensing body to grant a licence for certain activities that may affect animal or plant species protected by the above provisions. The purpose must conform to one of those listed under Regulation 55(2). For most development related activities, the purpose normally relates to Regulation 55(2)(e) 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment' – commonly known as the IROPI test. Regulation 55(9) introduces two further tests that the licensing body must consider:
- There is no satisfactory alternative; and
 - The favourable conservation status of the species concerned will be maintained and/or enhanced.
- m. Under Regulation 9(1) of the 2017 Regulations (as amended), competent authorities "must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the Directives". Regulation 9(3) requires a competent authority, in exercising any of its function, to "have regard to the requirements of the Directives so far as they be affected by the exercise of those functions." Local planning authorities must therefore consider the above three 'tests' when determining if planning permission should be granted for developments likely to cause an offence under the Regulations.

Wildlife and Countryside Act 1981

- n. The Wildlife and Countryside Act 1981 (as amended)³⁰ (WCA) is a major legal instrument for wildlife protection in the UK. In respect of habitats and flora, the WCA protects important habitats and/or species as Sites of Special Scientific Interest (SSSI). The designation of UK Ramsar sites⁶ has usually been underpinned through prior notification of these areas as SSSI and accordingly they receive statutory protection under the WCA.
- o. The obligations of the Bern Convention⁷ (the protection of wild plant and animal species and their natural habitats) are transposed into law for England and Wales³¹ by the WCA. The legal requirement for the protection of migratory species listed by the Bonn Convention⁸ is also provided by the WCA.
- p. All wild birds (as defined by the WCA and with exception to species listed in Schedule 2) are protected under the WCA, which makes it illegal to:
 - Intentionally kill, injure or take any wild bird;
 - Take, damage or destroy the nest (whilst being built or in use) of any wild bird; or
 - Take or destroy the eggs of any wild bird.
- q. Special penalties are available for offences related to birds listed in Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The WCA also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.
- r. Certain animal species (listed under Schedule 5) of the WCA receive protection which makes it illegal (with 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;
 - Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
- s. The Environment Act (EA) 2021 amends the licensing regime under Section 16 of the WCA 1981 to enable licences to be granted (in England only) for reasons of overriding public interest. This new purpose will

³⁰ Wildlife and Countryside Act 1981 c. 69 <https://www.legislation.gov.uk/ukpga/1981/69/>

³¹ In Scotland by the Nature Conservation (Scotland) Act 2004 (as amended) and in Northern Ireland by Wildlife (Northern Ireland) Order 1985 and the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

enable those involved in development activities to apply for a derogation under the WCA for species domestically protected under Schedule 5 of the WCA 1981.

- t. The amendments introduced by the EA 2021 at Section 16(3) requires that licensed may only be granted (in England) where:
 - there is no other satisfactory solution, and
 - the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.
- u. Plant species listed under Schedule 8 of the WCA 1981 are protected from unauthorised intentional picking, uprooting and destruction.
- v. It is an offence to plant or otherwise cause to grow in the wild any plant that is included in Schedule 9.

Countryside and Rights of Way Act 2000

- w. Part III of the Countryside and Rights of Way Act 2000³² (CROW) deals specifically with wildlife protection and nature conservation. It requires that Government Departments have regard for the conservation of biodiversity, in accordance with the CBD. In addition, it requires that The Secretary of State publishes a list of living organisms and habitat types that are considered to be of principal importance in conserving biodiversity.
- x. CROW also amends the WCA, expanding the terms of offences to include reckless activity. It increases the legal protection of threatened species, by also making it an offence to “recklessly” obstruct access to a sheltering place used by an animal listed in Schedule 5 of the WCA or “recklessly” disturb an animal occupying such a structure or place.

Natural Environment and Rural Communities (NERC) Act 2006

- y. Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC)³³ places a duty to conserve biodiversity on public authorities in England. It requires local authorities and government departments to have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making. 'Conserving biodiversity' may include enhancing, restoring or protecting a population or a habitat.
- z. Section 41 requires the Secretary of State to publish and maintain lists of species and types of habitats which are regarded by Natural England to be of "principal importance" for the purposes of conserving biodiversity in England.

³² Countryside and Rights of Way Act 2000 c. 37 <https://www.legislation.gov.uk/ukpga/2000/37/>

³³ Natural Environment and Rural Communities Act 2006 c. 16 <https://www.legislation.gov.uk/ukpga/2006/16/>

- aa. These habitats and species of principal importance (HPI and SPI) are drawn from earlier lists of United Kingdom Biodiversity Action Plan Priority Species and Habitats. The Section 41 (S41) lists of HPI and SPI are needed by decision-makers in local and regional authorities when carrying out their duties under Section 40 of the Act.

Environment Act 2021

- bb. The Environment Act 2021³⁴ was passed into law in November 2021. The Act applies only to England, although many of its measures are designed to be operable across the UK with the consent of devolved administrations. The Act requires statutory long-term (15+ years) targets to be set (and monitored, reported and reviewed) in the four priority areas of waste reduction, air quality, water resources and biodiversity as well as additional targets relating to species abundance and fine particulates by 2030.
- cc. The Environment Act amends the Town and Country Planning Act 1990³⁵ in that planning permissions granted after the provisions come into force³⁶ are deemed to be subject to a condition prohibiting the start of development before a biodiversity gain plan has been submitted to and approved by the Local Planning Authority (LPA).
- dd. The biodiversity gain plan must demonstrate a net gain of at least 10% in the biodiversity value of the development site “as at the time the development is completed”. Biodiversity net gain must be demonstrated by calculations using the biodiversity metric (currently the Statutory Biodiversity Metric published by Natural England).
- ee. The Environment Act introduces Local Nature Recovery Strategies (LNRS), a new system of spatial strategies for nature, covering the whole of England. LNRS are to be prepared and published by the ‘responsible authority’, namely the local authority, mayoral authority or National Park authority whose area is, or is within, the strategy area, the Broads Authority or Natural England. Section 40 of the NERC Act (duty to conserve biodiversity) makes provision about the duties of public authorities in relation to LNRS.
- ff. A ‘responsible authority’ is to be appointed to lead each LNRS area, which could include LPAs and which in mayoral combined authorities is highly likely to be the mayor. The responsible Authority must map the most valuable existing natural habitat in its area and develop a biodiversity strategy, including specific proposals for creating or improving habitats and priorities for nature recovery.
- gg. In addition to the above, the Environment Act Part 6 (Nature and biodiversity) will also:
 - Strengthen the biodiversity duty through amendments to Section 40 of the NERC Act.

³⁴ Environment Act 2021 c.30 <https://www.legislation.gov.uk/ukpga/2021/30/>

³⁵ Town and Country Planning Act 1990 c. 8 <https://www.legislation.gov.uk/ukpga/1990/8/>

³⁶ The Biodiversity Gain provision of the Environment Act requires the Secretary of State to first publish detailed regulations (see s147(3) of the Act). These are anticipated in November 2023.

- Impose a duty upon Local Authorities to consult on street tree felling;
- Strengthen woodland protection enforcement measures;
- Introduce Conservation Covenants (agreements between a landowner and a responsible body);
- Protected Site Strategies (prepared and published by Natural England) to improve the conservation and management of a protected site (including SACs, SPAs listed before exit day, Sites of Community Importance (SCI)³⁷ listed before exit day and those sites proposed before exit day as SACs).
- Species Conservation Strategies (prepared and published by Natural England) to improve the conservation status of any species of flora or fauna, with which a LPA in England and any prescribed authority must have regard so far as relevant to its functions, including when discharging its duties under the 2017 Regulations (as amended);
- Prohibit larger UK businesses from using commodities associated with wide-scale deforestation (where 'forest' is defined as *"an area of land of more than 0.5 hectares with a tree canopy cover of at least 10% (excluding trees planted for the purpose of producing timber or other commodities)"*, which includes *"land that is wholly or partly submerged in water whether temporarily or permanently"*);
- Require regulated businesses to establish a system of due diligence for each regulated commodity used in their supply chain, requires regulated businesses to report on their due diligence, introduces a due diligence enforcement system.

Hedgerow Regulations 1997

- hh. Important hedgerows are protected from removal by the Hedgerows Regulations³⁸ (as amended). Regulation 3 defines the hedgerows to which the Regulations apply. Regulation 4 sets out the criteria for identifying "important hedgerows" including ecological, landscape or historical/cultural reasons. Under the Hedgerow Regulations it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Works to "important hedgerows" are exempt under the Hedgerow Regulations if planning consent is granted which allows their removal.
- ii. The identification of important hedgerows also provides an additional means to value hedgerows aside from their botanical value (e.g. species richness) as the assessment of importance also includes characteristics relating to maturity and structure (e.g. associated features, connectivity, integrity) which will affect the functional value of the hedgerow.

³⁷ SCIs are established under the European Union Habitats Directive (92/43/EEC) and are (under the Habitats Directive) the pre-requisite step for establishing SACs and SPAs.

³⁸ The Hedgerow Regulations 1997 (SI 1997/1167) <https://www.legislation.gov.uk/uksi/1997/1160/>

Protection of Badgers Act 1992

- jj. Badgers and their setts receive statutory protection under the Protection of Badgers Act 1992 (PBA)³⁹. This makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; or to intentionally or recklessly interfere with a sett.
- kk. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. A badger sett is defined in the legislation as “any structure or place, which displays signs indicating current use by a badger.”

Wild Mammals (Protection) Act 1996

- ll. All UK wild mammals are afforded a degree of protection from certain cruel acts. The Act is intended to preserve animal welfare more so than nature conservation. The Act makes it an offence to use a variety of methods to intentionally cause suffering to a wild mammal. It also has exemptions including in relation to euthanasia and otherwise lawful use of certain methods of killing.

Relevant National Policy

National Planning Policy Framework

- mm. The National Planning Policy Framework (NPPF23)⁴⁰ sets out the Government’s planning policies for England and how these are expected to be applied at a local level in development plans and how developers should address them. The Framework places great emphasis on plans and developments contributing to sustainable development.
- nn. Policy relating to sustainable design, climate resilience and green infrastructure are integrated throughout the NPPF. Relating to the planning and delivery of large-scale developments, Paragraph 22 requires that a vision should look at least 30 years ahead.
- oo. Paragraph 74 identifies a number of considerations to help guide such large-scale proposals including consideration of opportunities presented by the scope for net environmental gains, ensuring sustainable communities, quality of places, rates of delivery and establishment of Green Belt around or adjoining new developments of significant size.
- pp. Paragraph 136 states that “Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are put in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained where possible.”

³⁹ Protection of Badgers Act 1992 c. 51 <https://www.legislation.gov.uk/ukpga/1992/51/>

⁴⁰ National Planning Policy Framework (2023). Department for Levelling Up, Housing and Communities. *National Planning Policy Framework* ([publishing.service.gov.uk](https://www.publishing.service.gov.uk))

- qq. Paragraph 158 states that plans should take a proactive approach to mitigating and adapting to climate change, considering the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts.
- rr. Furthermore paragraph 159 requires that new development should be planned to avoid increased impacts from climate change. In areas which are vulnerable from impacts of climate change these should be mitigated against and managed through suitable adaption measures, such as green infrastructure.
- ss. Part 15 Paragraphs 180 to 188 relate expressly to conserving and enhancement the natural environment. Paragraph 180 requires that planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- tt. Paragraphs 181 and 182 relate designated sites, prioritising allocation of land with least environmental or amenity value, establishing a strategic approach to maintaining and enhancement landscape networks and the sensitive location and design of development within the setting of designated sites to avoid or minimise impacts upon those sites.
- uu. Paragraphs 185 to 188 specifically relate to habitats and biodiversity. Under paragraph 185, plans should identify, map and safeguard designated sites of importance for biodiversity and wider ecological networks (corridors and stepping stones) that connect them, promote conservation, restoration and enhancement of these networks, priority habitats and priority species recovery in addition to pursuing measurable biodiversity net gain.

vv. Paragraph 186 requires local planning authorities to apply the following principles when determining planning applications:

- 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 habitats⁴¹ should be refused, unless are wholly exceptional reasons and a suitable compensation strategy exists; and;
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

ww. Paragraph 187 stipulates that the following should be given the same protection as habitats sites⁴²:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and
- 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.

xx. Paragraph 188 confirms the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

⁴¹ Noted by NPPF23 as “Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen”.

⁴² Defined by NPPF23 as “Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites”.

- yy. Paragraphs 189 to 194 relate to ground conditions and pollution, including light pollution. Paragraph 191(c) requires policies and planning decisions ensure that new developments limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Government Circular 06/2005

- zz. Government Circular 06/2005⁴³ remains pertinent in national policy even though PPS9, which it originally supported, was revoked by the NPPF. NPPF23 references the Circular and the guidance contained within, namely the statutory obligations for biodiversity and geological conservation and their impact within the planning system.
- aaa. The Circular provides guidance on the protection of designated international and national nature conservation sites, non-designated sites, the conservation of species, and advice on the related issues and statutory powers.
- bbb. Part IV relates to conservation of species protected by law and confirms the presence of such a species is a material consideration for planning decisions. Paragraph 99 states *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have addressed in making the decision”*.
- ccc. Paragraphs 104 to 117 summarise legal status of species afforded protection under the Habitats Regulations (now, the 2017 Regulations) and the licensing process while paragraphs 118 to 122 explain the same for species afforded protection under the WCA. Paragraphs 123 and 124 summarise the protective status of badgers under the PBA. Paragraph 124 states that *“the likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions. Although consideration of the case for granting a licence is separate from the process of applying for planning permission, a planning authority should advise anyone submitting an application for development in an area where there are known to be badger setts that they must comply with the provisions of the Act”*.

⁴³ Office of the Deputy Prime Minister (2005) ‘Government Circular: Geological and Biological Conservation – Statutory obligations and their implications within the planning system’ ODPM circular 06/2005, DEFRA circular 01/2005
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf

**THE
ENVIRONMENT
PARTNERSHIP**

CORNWALL

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Annex C: Target Notes

Target Notes

The habitat survey was undertaken in April, which is in the optimal period. Many species, including protected, notable or non-native invasive species may not have been in evidence at the time of the survey. Consequently, species lists recorded represent only those species recorded at the time of survey.

KEY to DAFOR Scale of Abundance

Value	Cover	Notes
D = Dominant	>75%	Rarely used in practice
A = Abundant	51-75%	Very common in many parts of the target note area
F = Frequent	26%-50%	Several plants in several locations across target note area
O = Occasional	11-25%	Several plants in a few locations, or vice versa
R = Rare	1-10%	Small number of individuals, scattered or clustered within target note area/ site

Target Note 1 and 3

Other Neutral, Low Distinctiveness Grassland with buddleia and bramble infrequently scattered throughout.



Target Note 2

Ephemeral regen over hardstanding with rubble mound at the south end.



Target Note 4

Dense/continuous scrub with scattered willow trees.



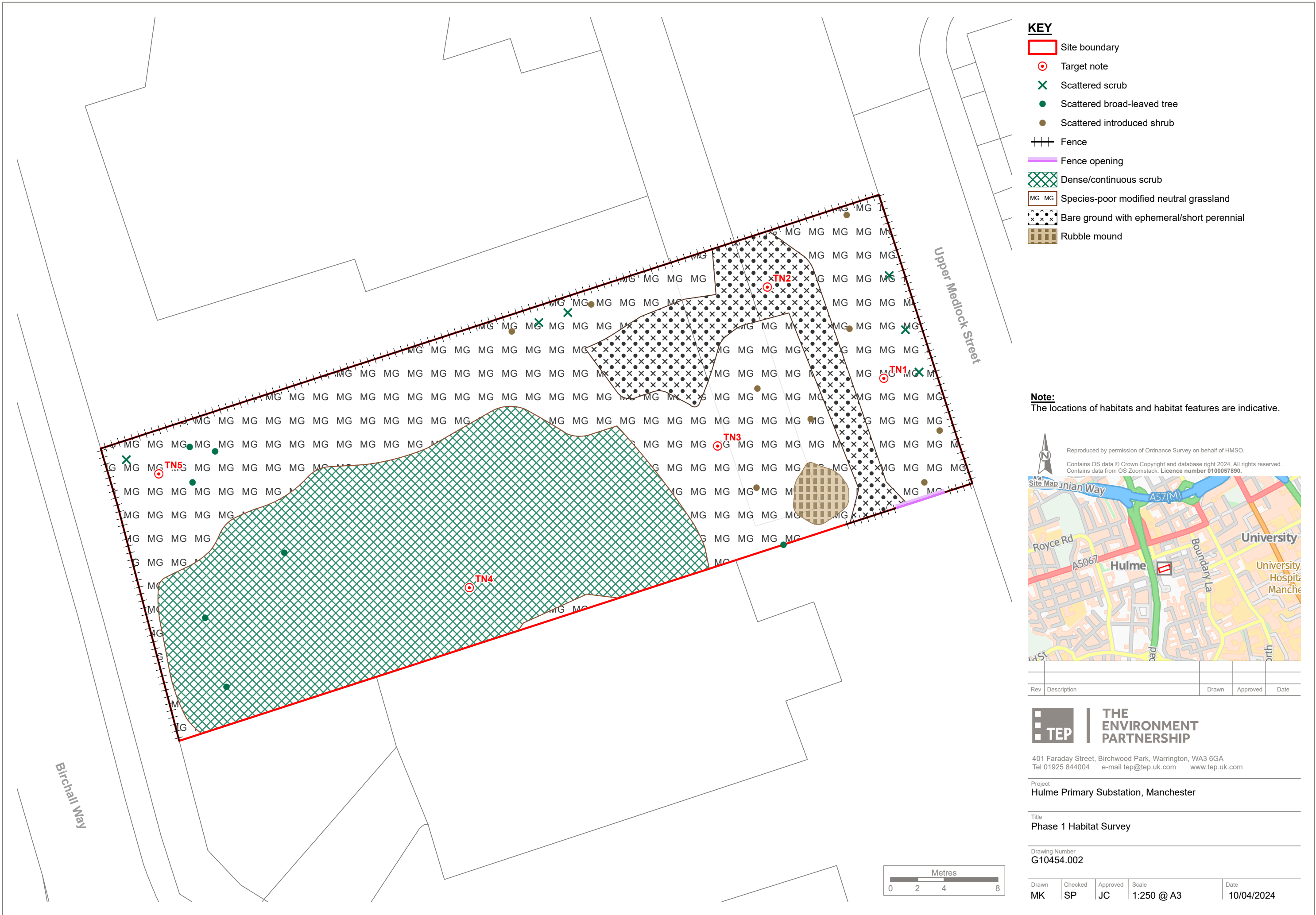
Target Note 5

Area with three, semi-mature willow trees in the north-east corner next to four large boulders.



Drawings

Drawing 1: Phase 1 Habitat Survey (Ref G10454.002)



KEY

- Site boundary
- Target note
- Scattered scrub
- Scattered broad-leaved tree
- Scattered introduced shrub
- Fence
- Fence opening
- Dense/continuous scrub
- Species-poor modified neutral grassland
- Bare ground with ephemeral/short perennial
- Rubble mound

Note:
The locations of habitats and habitat features are indicative.



Rev	Description	Drawn	Approved	Date



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Project
Hulme Primary Substation, Manchester

Title
Phase 1 Habitat Survey

Drawing Number
G10454.002

Drawn	Checked	Approved	Scale	Date
MK	SP	JC	1:250 @ A3	10/04/2024

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