



URBAN SPLASH

OLD MILL STREET, MANCHESTER

PRELIMINARY ECOLOGICAL APPRAISAL

NOVEMBER 2023

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Appendix 1 Legislation Summary

DRAWINGS	TITLE	SCALE
GM12676-001 Rev P03	Site Location Plan	1:750@A3
GM12676-002 Rev P03	UKHab Baseline Habitat Survey Results	1:200@A3

EXECUTIVE SUMMARY

Wardell Armstrong LLP (WA) was commissioned by Urban Splash to undertake a Preliminary Ecological Appraisal (PEA) in support of a proposed residential development.

The following conservation sites, habitats, and species (receptors) have been evaluated as being subject to potential adverse effects in the absence of mitigation and/or further survey or assessment:¹:

- Common nesting birds.

No additional assessments or surveys have been recommended as necessary to fully inform the planning application.

Impact avoidance, mitigation² and compensation³ are discussed in section 4 of the report but include the following:

- Vegetation clearance is to be undertaken between September to February outside of the bird nesting season, or an inspection carried out by an appropriately qualified ecologist checking for any nesting birds which could be on Site.

Regarding Biodiversity Net Gain requirements, a preliminary assessment of habitats has been undertaken. In summary, the assessment identified no clear key Biodiversity Net Gain (BNG) receptors, which provides the flexibility and opportunity to incorporate habitat creation into the proposals to easily meet 10% net gain.

Opportunities for ecological enhancements are set out in section 5 of this report. This includes suitable native planting to be included in the landscape scheme and provision of bat boxes, bird nest boxes, insect houses/hotels, and incorporating a green roof into the building design planted with diverse native flora.

In conclusion, it is considered that there are no significant ecological constraints to the development. With the recommendations of this report followed, the ecological receptors identified in this report would not be adversely affected by the development.

This report is valid for 18 months from the date the habitat survey was undertaken.

¹ Note: the Preliminary Ecological Appraisal Report provides an overview of likely effects and therefore may not be sufficient to support a planning application on its own. Specialist surveys may be required to fully investigate effects and/or to support an Ecological Impact Assessment (EiA).

² Mitigation are measures required in order to reduce the severity and magnitude of identified effects to an acceptable level.

³ Compensation is required where effects cannot be fully mitigated.

1 INTRODUCTION

1.1 Terms of Reference

1.1.1 Wardell Armstrong LLP (WA) was commissioned by Urban Splash to undertake a Preliminary Ecological Appraisal (PEA) in support of a proposed residential development. The project is located at Old Mill Street, Manchester, centred on approximate National Grid Reference (NGR) SJ 85480 98426.

1.1.2 This report has been produced with reference to current guidelines for UK Habitat (UKHAB) Classification V1.1 (Butcher et al., 2020), Guidelines for Preliminary Ecological Appraisal (CIEEM 2017⁴) and Biodiversity – Code of Practice for Planning and Development (BSI 2013⁵).

1.2 Scope of Report

1.2.1 The purpose of the PEAR is in broad terms to undertake the following:

- Identify and report to the project team the likely ecological constraints associated with a project, such that the site design can adequately take account of ecological features;
- identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'⁶;
- identify any additional surveys that may be required to inform an Ecological Impact Assessment (EcIA); and
- Identify the opportunities offered by a project to deliver ecological enhancement.

1.2.2 Certain species, habitats and nature conservation sites receive legislative protection which is detailed fully within Appendix 1. Other species/groups and habitats are notable due to their identification in national and/or local planning policy or via local records. An indicative assessment of potential adverse effects to such receptors is provided, although this is not a substitute for full EcIA (CIEEM 2018) which may be required to fully inform any subsequent planning application along with additional surveys and assessments.

⁴ Chartered Institute of Ecology and Environmental Management (CIEEM 2017).

⁵ British Standard BS 42020:2013 (BSI 2013).

⁶ As defined in BS 42020:2013 (BSI 2013).

- 1.2.3 Provisional mitigation and enhancement opportunities are also discussed, where appropriate.
- 1.2.4 Biodiversity Net Gain (BNG) requirements are briefly highlighted in this report although separate reports with parallel BNG assessments will be provided. It is anticipated that such assessments will contribute towards an iterative design process and hence will need to be updated sequentially until a final BNG report or Biodiversity Gain Plan is provided to support the planning application. The mitigation, compensation and enhancement recommendations made in the final sections of this report may contribute towards the overall assessment of BNG but may be superseded by specific requirements arising from the BNG assessment process.

1.3 Site Context

- 1.3.1 The planning application area comprises a small gravel car park and surrounding southern section of road, covering approximately 0.16 hectares (henceforth known as the Application Site) as shown on Drawing Number GM12676-001 Rev P02 Site Location Plan. The study site (the Site) includes all land within the Application Site plus additional land 50m from the site boundary, where feasible. The Application Site is largely bounded by fencing and located within an entirely urban setting. As the result of being located close to Manchester city centre, urban housing/building and road systems surround the Site.

1.4 Background Information

- 1.4.1 A previous planning application was submitted to Manchester City Council (MCC) in respect of the Site in 2016 (Ref. 111605/FO/2016/N2) and WA provided a number of environmental reports to accompany the application. This PEAR will support a new planning application which is aiming to reach the planning submission stage for the new proposals in Summer 2023.

1.5 Description of Development

- 1.5.1 The project will involve the construction of a 6-storey apartment building containing 40 apartments, with associated hard and soft landscaping.

1.6 National Planning Policy Framework (NPPF)

- 1.6.1 The NPPF⁷ requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological that are more resilient to current and future pressures.

⁷ <https://www.gov.uk/government/publications/national-planning-policy-framework--2> (last updated 20/07/2021).

2 METHODOLOGY

2.1 Desk Study

2.1.1 The desk study was informed by review of existing available information provided by Greater Manchester Local Record Centre (GMLRC) and from available internet-based resources for a 2km search radius from the Site boundary. Ordnance Survey (OS) and satellite mapping was also used to gain contextual habitat information.

2.1.2 Specific information was sought for:

- Statutory designated sites⁸;
- Locally designated sites;
- Ancient woodland⁹;
- Protected and priority species;
- Priority (s.41) Habitats and Species¹⁰;
- Local Biodiversity Action Plan (LBAP) priority habitats and species.

2.1.3 The ecological desk study was carried out by a competent Ecologist who is a qualifying member of CIEEM and has completed numerous ecological desk studies within the last 3 years.

2.2 Extended UKHab Classification Survey

2.2.1 WA carried out a UK Habitat (UKHab) Classification Survey of the Site on 26/05/2023. The survey was carried out by Elliot Wilson, an experienced WA ecologist. The surveyor is a qualifying member of CIEEM, who has completed numerous ecological habitat surveys within the past 3 years.

2.2.2 The survey followed the 'UK Habitat Classification' (Butcher et al., 2020) methodology with each of the main habitats classified according to the relevant criteria including vegetation composition expressed according to the DAFOR¹¹ system.

⁸ Locations provided by MAGIC <http://magic.defra.gov.uk/MagicMap.aspx>

⁹ As defined by Natural England in their Inventory of Ancient Woodlands
http://www.gis.naturalengland.org.uk/pubs/gis/tech_aw.htm

¹⁰ As defined under Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006.

¹¹ D = dominant, A = abundant, F = frequent, O = occasional, R = Rare

- 2.2.3 In addition to the mapping and description of habitats, the survey was 'extended' to include the incidental observations of protected and/or notable species and the potential for such species to occur on Site (and in the surrounding landscape where relevant) were also recorded onto secure digital media for mapping and data collection. The extended element of the survey was based on professional judgement.
- 2.2.4 Specific habitat features are mapped on Drawing Number GM12676-002 Rev P02 UKHab Baseline Habitat Survey Results, with appropriate reference numbers identifying features of particular note.

2.3 Evaluation and Assessment of Features

- 2.3.1 Evaluation of the importance / likely importance of ecological features and the likelihood of impacts affecting important features was made, where possible, using professional judgement in accordance with published guidance (CIEEM 2017).
- 2.3.2 Protected and s.41 species were evaluated in order to identify potential adverse effects in Table 2, based on the following criteria:
- Desk study records;
 - Evidence found during the survey;
 - Presence, extent, quality and viability of suitable on-site habitat;
 - Ecological connectivity to viable off-site habitats; and
 - Perceived impacts of habitat loss/impact to individuals in relation to proposals.
- 2.3.3 A 'traffic light' system is used in Tables 1, 2 and 3 to highlight potential constraints and opportunities whereby:
- **Green:** No constraint or limited constraint unlikely to be of planning and/or legal significance.
 - **Amber:** Potential constraints which require further survey and/or mitigation and may be of planning and/or legal significance depending on the outcome of further survey/assessment.
 - **Red:** Constraints which have already been identified by the PEA survey/desk-based assessment and are likely to be of planning and/or legal significance.

2.4 Nomenclature

- 2.4.1 Vascular plant names follow '*New Flora of the British Isles*' (Stace 2019) with vernacular names as provided in the Botanical Society of the British Isles website (BSBI, 2013)¹². All other flora and fauna names following the National Biodiversity Network (NBN) Atlas (NBN Atlas Partnership, 2021). The common and scientific name of species/taxa is provided (if available) when first mentioned in the text, with only the vernacular name referred to thereafter.

2.5 Limitations / Deviations

- 2.5.1 Ecological surveys are limited by factors that affect the presence of plants and animals such as time of year, weather, migration patterns and behaviour. The survey was undertaken in May (which is within the optimum recommended survey period for habitat surveys (April to August)) and therefore represents a valid sample of ecological evidence present on that date/season. The report is not designed, nor is it required, to present a complete inventory of flora/fauna.
- 2.5.2 The absence of desk study records is not relied upon to determine absence of a particular species/habitat. Often, the absence of records is a result of under-recording within the given search area and as such the experience of the ecologist concerned together with a range of additional factors, in particular the presence/absence of potentially supporting habitat, is used to infer likely presence/absence of ecological receptors.

2.6 Quality Assurance & Environmental Management

- 2.6.1 The surveys and assessments have been overseen by and the report checked and verified by Elliot Wilson, a Qualifying member of CIEEM, who is bound by its code of professional conduct. All surveys and assessments have been undertaken with reference to the recommendations given in British Standard BS 42020, and as stated within specialist guidance, as appropriate and referenced separately.

¹² <http://rbg-web2.rbge.org.uk/BSBI/intro.php>

3 RESULTS AND EVALUATION

3.1 Statutory and Non-Statutory Designated Sites

- 3.1.1 Desk study results for designated sites are evaluated in Table 1, below.
- 3.1.2 Designated sites which are considered potentially sensitive to the development proposals by virtue of their supported species or habitat assemblages, the distance/ecological connectivity to the Site and the nature of the perceived impacts are discussed in detail in the final sections of the report.
- 3.1.3 Designations for which potential adverse effects are not anticipated are excluded from further assessment.

Table 1: Designated Sites Evaluation			
Site Name and Status¹³	Distance and direction from Site	Reason for Designation/identification	Potential Constraints
Rochdale Canal (SSSI/SAC)	4.30km northeast	The Rochdale Canal contains important habitats for submerged aquatic plants and emergent vegetation, including extensive colonies of the nationally scarce SAC species floating water plantain <i>Luronium natans</i> . The site also supports a diverse assemblage of aquatic flora, notably its assemblage of pondweeds, <i>Potamogeton spp</i> ; the nine species of which found in the canal represent a balanced community which reflects the quality of water.	Although the Site falls within the 4km IRZ for this designation, the development proposed does not fall within the listed criteria for causing a “likely risk” to the SSSI.

¹³ SAC – Special Area for Conservation, SSSI – Site of Special Scientific Interest.

3.2 Habitats

- 3.2.1 All habitats within the Site are described in Table 2, below, together with an indication of their s.41 status and status and reference within the Greater Manchester BAP¹⁴.
- 3.2.2 Habitats which could be subject to adverse effects (amber or red) are discussed in the latter sections of the report. Habitats for which potential adverse effects are not anticipated are excluded from further assessment. The location and extent of habitats are shown on Drawing Number GM12676-002 Rev P02 UKHab Baseline Habitat Survey Results.

¹⁴ [GMLRC Projects - Greater Manchester Biodiversity Action Plan](#)

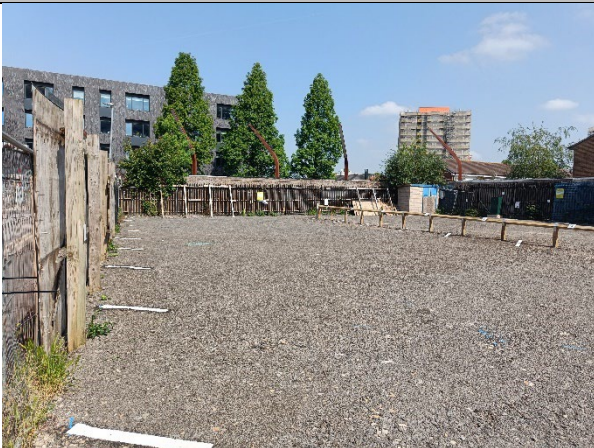
Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Photograph	Local BAP/s.41	Potential Constraints
<u>Various Hardstanding</u> The dominant habitat within Application Site was hardstanding which was made up of a gravel car park and road. The car park was bordered by early ephemeral and climbing vegetation/scattered scrub: elder <i>Sambucus nigra</i>, bramble <i>Rubus fruticosus</i> agg., rosebay willowherb <i>Chamaenerion angustifolium</i>, common nettle <i>Urtica dioica</i>, cleavers <i>Galium aparine</i>, herb robert <i>Geranium robertianum</i>, buddleia <i>Buddleja davidii</i>, rocky mountain maple <i>Acer glabrum</i>, Yorkshire fog <i>Holcus lanatus</i>, dogwood <i>Cornus sanguinea</i>.	<u>Primary Code</u> Developed land; sealed surface (u1b6) <u>Secondary codes</u> Scattered Scrub (10) Ruderal/ephemeral (17) Car park (89) Road (111) Introduced shrub (1160)			This habitat may be modified by the development proposals but is of negligible intrinsic value.

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Photograph	Local BAP/s.41	Potential Constraints
There was a small area of ornamental introduced non-native shrub (TN2) In the southeast corner of the Site: cherry laurel <i>Prunus laurocerasus</i> and buddleia.		 		

<u>Built features</u> The built features within the Site comprised of fences and brick walls which bordered the car park. Climbing plants species, elder, buddleia and dogwood, were growing within some areas of the fence.	<u>Primary code</u> Built features (u1e) <u>Secondary codes</u> Fence (69)		This habitat may be modified by the development proposals but is of negligible intrinsic value.
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Table 2: Habitat Descriptions and Evaluation

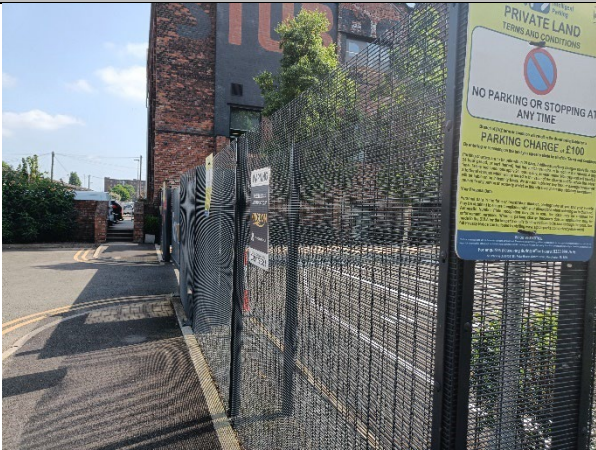
Habitat Description	UK Hab Classification	Photograph	Local BAP/s.41	Potential Constraints
				

Table 2: Habitat Descriptions and Evaluation				
Habitat Description	UK Hab Classification	Photograph	Local BAP/s.41	Potential Constraints
<u>Building</u> One small brick outhouse/storage building was present in the northwest corner of the application site.	<u>Primary code</u> Buildings (u1b5)	 		This habitat may be modified by the development proposals but is of negligible intrinsic value.

3.3 Species

3.3.1 Protected and s.41 species are evaluated in order to identify potential adverse effects in Table 3 below, based on the following criteria:

- Desk study records;
- Evidence found during the survey;
- Presence, extent, quality, and viability of supporting on-site habitat;
- Ecological connectivity to viable off-site habitats; and
- Perceived impacts of habitat loss/impact to individuals in relation to proposals.

3.3.2 Species for which adverse effects are predicted (amber or red) are discussed in more detail in the Discussion and Recommendations section. Species/taxa for which potential adverse effects are not anticipated (green) are excluded from further assessment.

Table 3: Protected and Notable Species Evaluation					
Receptor (species/taxa)	Desk Study records	Status¹⁵	Evaluation	Supporting Habitat(s) Present	Potential Constraints
Badger <i>Meles meles</i>	✓ ¹⁶	BA		No foraging or sett creation habitat present on Site.	No adverse effects anticipated
Bats <i>Chiroptera</i>	Common Pipistrelle <i>Pipistrellus pipistrellus</i> Soprano Pipistrelle <i>Pipistrellus pygmaeus</i> Noctule <i>Nyctalus noctula</i> <i>Myotis spp.</i>	EPS, WCA, s.41,		No trees or buildings with bat roost potential on Site. No suitable foraging habitat on Site.	No adverse effects anticipated
Birds	A wide range of BoCC and Red List species and WCA Schedule listed species but only a select few that were relevant to the Site including: Dunnock House sparrow Starling	s.41, WCA BoCC		The small areas of scattered scrub on Site could support nesting birds.	Potential nesting habitat may be lost/disturbed by proposals.
Great crested newt <i>Triturus cristatus</i>	No records within 2km of the Site	EPS, WCA, s.41		No suitable habitat on Site	No adverse effects anticipated

¹⁵ **EPS** – European Protected Species, **WCA** – Wildlife and Countryside Act, **WCA (9)** – species listed under Schedule 9, **A1** – Annex 1 (Birds Directive), **BA** – Protection of Badgers Act, **s.41** – species listed under section 41 of the NERC Act as species of principal importance, **BoCC** – Birds of Conservation Concern.

¹⁶ Locations of badger activity are confidential due to the sensitivity of this species

Table 3: Protected and Notable Species Evaluation					
Receptor (species/taxa)	Desk Study records	Status¹⁵	Evaluation	Supporting Habitat(s) Present	Potential Constraints
Hedgehog <i>Erinaceus europaeus</i>	There have been several records of hedgehog found within 2km of the Site			No suitable habitat on Site	No adverse effects anticipated
Invertebrates (Protected and notable species)	Protected and notable invertebrates found within 2km of the Site include: - White-letter hairstreak <i>Satyrus w-album</i> - Cinnabar moth <i>Tyria jacobaeae</i>	s.41		No suitable habitat on Site	No adverse effects anticipated
Otter <i>Lutra lutra</i>	One record of otter was found within 2km of the site.	EPS, WCA, s.41		No watercourses or suitable holt creation habitat on Site.	No adverse effects anticipated
Protected and notable plant species	Yes – vascular plant species recorded within 2km of the Site in the last 10 years, including but not limited to: - Bee orchid <i>Ophrys apifera</i> - Yellow birds nest <i>Hypopitys monstrosa</i> - Floating water plantain <i>Luronium natans</i>	WCA, s.41		No protected or notable plants species found on Site.	No adverse effects anticipated
Non-native invasive species (INNS)	No records within 2km of the Site	WCA (9)		No non-native invasive species found on Site.	No adverse effects anticipated

3.4 Target Notes (TN)

3.4.1 The following are noted on the drawing GM12676-002 Rev P01 UKHab Baseline Habitat Survey Results as points of interest:

- **TN1** – Scattered Native and Non-Native scrub growing from hardstanding and through fence.
- **TN2** – Ornamental non-native shrub.

4 DISCUSSION AND RECOMMENDATIONS

4.1 Sensitive Receptors

4.1.1 The following conservation sites, habitats, and species (receptors) have been evaluated as being subject to potential adverse effects and hence can be constraints to the proposals:

- Nesting Birds

4.1.2 The nature of potential effects, and proposed mitigation/compensation are discussed below for each of the identified receptors.

4.2 Habitats

Due to lack of any high value ecological habitat on Site, no mitigation is required. As the small amount of scrub could be modified/lost from the proposals, there is opportunity to incorporate new habitat creation into the development proposal to enhance the Sites biodiversity value, which is discussed further in section 5.3 (Biodiversity enhancement).

4.3 Species

Nesting Birds

4.3.1 Given the availability of potential nesting habitat for house sparrow, dunnock and starling, potential disturbance effects during the construction period should be avoided, in order to ensure compliance with the relevant legislation. It is therefore recommended that site clearance work during the breeding season (March-August inclusive) is avoided. If this cannot be achieved, a check for nesting/breeding birds by a qualified ecologist/ornithologist should be undertaken no more than one week prior to works. If the presence of an active nest is subsequently confirmed, the ecologist would advise on appropriate protective measures.

4.4 General Recommendations

4.4.1 If the Application Site boundary alters and any other habitats are identified to be lost or affected by the development, then further surveys for habitats and protected species may be required.

4.4.2 Night-time work should be avoided whenever possible to limit the potential for disturbance to nocturnal animals.

5 BIODIVERSITY NET GAIN AND ENHANCEMENTS

5.1 Introduction

- 5.1.1 The NPPF states that development should deliver net gains in biodiversity, though at present, no numerical figure for gains in percentage terms is prescribed/mandated by either national policy or legislation. The Environment Act 2021 will, once fully implemented (est. Autumn 2023), mandate that all developments provide a 10% net gain in biodiversity, though it should be noted that Local Authorities are moving toward implementing reflective policies on a shorter timeframe. Regular review of planning (national and local) and legislative policy should be undertaken in respect of this.
- 5.1.2 Where required, percentage gains should be demonstrated by use of an appropriate dedicated net gain metric, such as DEFRA Metric 4.0, and it is recommended that development designs should be biodiversity/landscape-led and an iterative design process, taking account of the Mitigation Hierarchy.
- 5.1.3 In this case a preliminary assessment of valued habitats has been undertaken. In summary, the assessment identified no clear key Biodiversity Net Gain (BNG) receptors, which provides the flexibility and opportunity to incorporate habitat creation into the proposals to achieve net gain.

5.2 Habitat Condition Assessment

- 5.2.1 In order to inform a BNG assessment, each habitat within the Site will be subject to a condition assessment. The condition assessment determines the current condition of each habitat and is broken down into sub-sections, where differences in condition within the wider habitat are recorded. The condition assessment of each habitat parcel will be reported in a separate Biodiversity Net Gain Plan/Report.

5.3 Biodiversity Enhancement

- 5.3.1 In accordance with the requirements of the NPPF and BSI 42020:2013 ecological enhancements should be proposed that are over and above measures required to mitigate effects on biodiversity. Such enhancements could include the provision of the following, in addition to any measures required as mitigation (with exact specifications to be determined at the detailed design stage):

- Bird boxes, including a variety of designs, such as 45mm entrance boxes, 32mm entrance boxes, sparrow terraces and the installation of integrated bird bricks directly into the brickwork of new buildings/structures.
- Integrated bat boxes directly into the brickwork of new buildings and structures.
- Installation of insect and invertebrate houses/hotels.
- Planting of native trees and shrubs of local provenance which naturally occur within the local area. To include berry, pollen and nectar producing species.
- Areas of green amenity spaces planted with diverse native flora and linked to the wider landscape character.
- The incorporation of green roofs in the building design to be planted with diverse native flora.

5.3.2 It is recommended that all future establishment and management of habitats is detailed within a Landscape and Biodiversity Management Plan (LBMP), with habitat development targets set in accordance with the Target Habitat Condition proposed in the Metric as part of the BNG assessment.

6 CONCLUSION

6.1 Summary Statement

6.1.1 In conclusion, it is considered that there are no significant ecological constraints to the development. With appropriate mitigation measures and additional survey/assessment the ecological receptors identified in this report would not be adversely affected.

6.2 Report Validity

6.2.1 In general, this report remains valid for a period of 18 months following the date of the habitat survey.

6.2.2 If the Site boundary or layout is subsequently modified and any other habitats are identified to be lost or affected by the development, then further surveys for habitats and protected species may be required.

7 REFERENCES

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APPENDICES

Appendix 1
Legislation and Policy Summary

Appendix 1 – Legislation and Policy Summary

Legislation for Habitats/Sites

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following the Ramsar Convention. RAMSAR sites have the same level of protection as SACs and SPAs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs seek to protect the habitats of rare and vulnerable European and UK birds. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) protect such sites in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent important and threatened habitats in Europe and the UK. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended) protect such sites in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 or the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under the Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under the Wildlife and Countryside Act 1981 (as amended).

Legislation for Species

Species	Legal Status
Creeping Marshwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killarney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2017 (as amended), it is illegal to deliberately pick, collect, uproot or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	These animals and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended), which makes it illegal to: • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb¹⁷ such an animal; and • Damage or destroy a breeding site or resting place of such an animal. European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely: • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. LPAs must consider the above 3 'tests' when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended), which makes it illegal (subject to 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; and

¹⁷ Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

Species	Legal Status
	Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Adder, Common Lizard, Grass Snake, Slow Worm, White-clawed Crayfish	These animals receive partial protection under the Wildlife and Countryside Act 1981 (as amended), which provide protection against intentional killing or injury of any such animal.
Nesting Birds	All wild birds (as defined by the act) are protected under the Wildlife and Countryside Act 1981 (as amended), which makes it illegal (subject to exceptions) to: - Intentionally kill, injure or take any wild bird; - Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
Wildlife and Countryside Act 1981 (as amended) Schedule 1 listed Birds	Additional protection is provided to birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to intentionally or recklessly disturb any bird listed on Schedule 1, or their dependent young while nesting.
Badgers	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger or attempt to do so and to intentionally or recklessly interfere with a Badger sett. This includes: - damaging or destroying an active sett; - obstructing access to a sett; and - disturbing a Badger while it is occupying a sett. Licences can be granted to permit sett closure and/or disturbance between July and November inclusive (i.e. outside the sow pregnancy/birth period).
Wild Mammals	The Wild Mammals (Protection) Act 1996 provides legal protection to all wild mammals (as defined by the act) against the following actions: mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.
Wildlife and Countryside Act 1981 (as amended) Schedule 9 listed invasive animals (Part 1) and plants (part 2)	Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife and Countryside Act 1981 (as amended) prohibits the release or allowed escape of animals listed in Schedule 9 to the Act and planting, or allowed growth, of any plant listed in Schedule 9 to the Act.

Policy Summary

Section 40 of the Natural Environment and Rural Communities (NERC) Act imposes a legal duty on Planning Authorities to ‘have regard’ to the conservation of biodiversity when considering planning applications.

Section 41 of the NERC Act requires the Secretary of State to publish a list of species and habitats of principal importance for conserving biodiversity in the UK. Such Biodiversity Action Plan (BAP) Habitats and Species (2007) do not offer the species any specific protection but help to highlight the species importance at a national level. This list is used by Local Planning Authorities to identify the species and habitats that should be afforded priority when applying the requirements of the National Planning Policy Framework (NPPF).

The NPPF underpins the Government’s planning policies for England and how these are to be applied. The central theme of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment because of its potential impact on a habitats site is being planned or determined.

The NPPF states:

When determining planning applications, local planning authorities should apply the following principles:

- If significant harm to biodiversity 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 habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ 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.*
- *The following should be given the same protection as habitats sites:*
 - a) potential Special Protection Areas and possible Special Areas of Conservation;*
 - b) listed or proposed Ramsar sites; and*
 - c) 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.*

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.

The NPPF requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

DRAWINGS

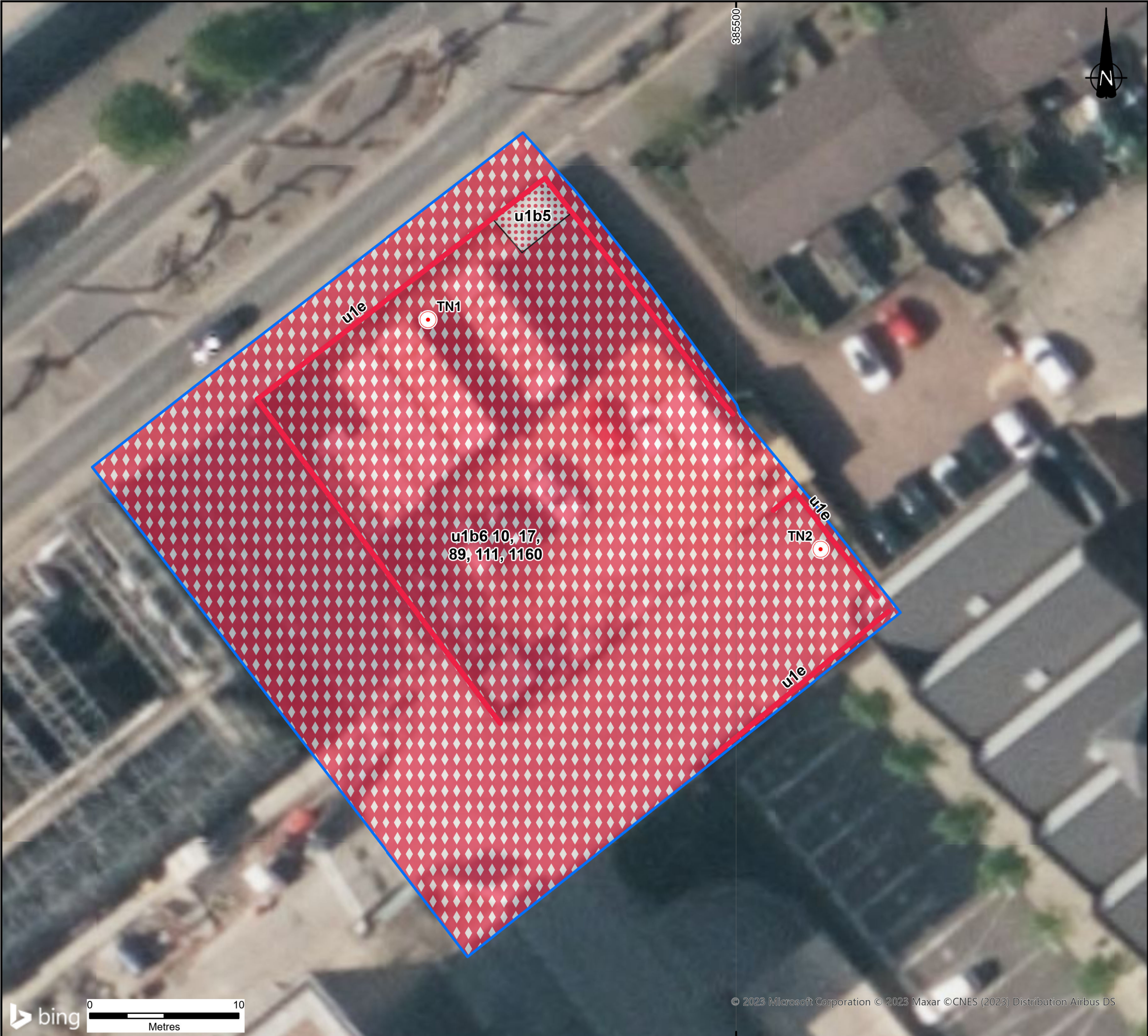


Notes:

Boundaries are indicative. Aerial imagery shown for context purposes only.

C	Site Boundary Updated	08/11/23	EK	--	--
REVISION	DETAILS	DATE	DRAWN	CHKD	APPD
CLIENT					
URBAN SPLASH					
PROJECT					
OLD MILL STREET MANCHESTER					
DRAWING TITLE					
SITE LOCATION PLAN					
DRG No. GM12676-001		REV C			
DRG SIZE A3	SCALE 1:750	DATE 08/11/2023			
DRAWN BY EK	CHECKED BY BF	APPROVED BY DB			





KEY

- Site Boundary
- u1b5 - buildings
- u1b6 - other developed land
- u1e - built linear feature
- Target note

Notes:

Boundaries are indicative. Aerial imagery shown for context purposes only.

REVISION	DETAILS	DATE	DRAWN	CHKD	APPD
CLIENT					
URBAN SPLASH ESTATES LIMITED					
PROJECT					
OLD MILL ROAD MANCHESTER RESIDENTIAL DEVELOPMENT					
DRAWING TITLE					
UK HAB BASELINE HABITAT SURVEY					
DRG No.		GM12676-002		REV P03	
DRG SIZE A3		SCALE 1:250		DATE 08/11/2023	
DRAWN BY EK		CHECKED BY --		APPROVED BY --	

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