

Appendix 7.1

Ecology Desk Study

RED BANK OUTLINE APPLICATION

Ecology Desk Study

March 2023 (DRAFT)



Far East
Consortium



THE
ENVIRONMENT
PARTNERSHIP



RED BANK AND NEW TOWN RESIDENTIAL LED DEVELOPMENTS

MANCHESTER ECOLOGY DESK STUDY

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1.0 Introduction

- 1.1 The Environment Partnership (TEP) were commissioned, by Far East Consortium (FEC) in December 2022, to complete an ecology desk based assessment the Red Bank Neighbourhood in Manchester. The desk based assessment covers both the application in detail for the NT02-04 plots and the outline application for the Red Bank Plots (RB01-07, RB12B, RB10, RB16 and RB17) (hereafter referred to as 'the site').
- 1.2 The central grid reference of the site is SJ 84618 99541 and the location of the site is shown in Figure 1 below.

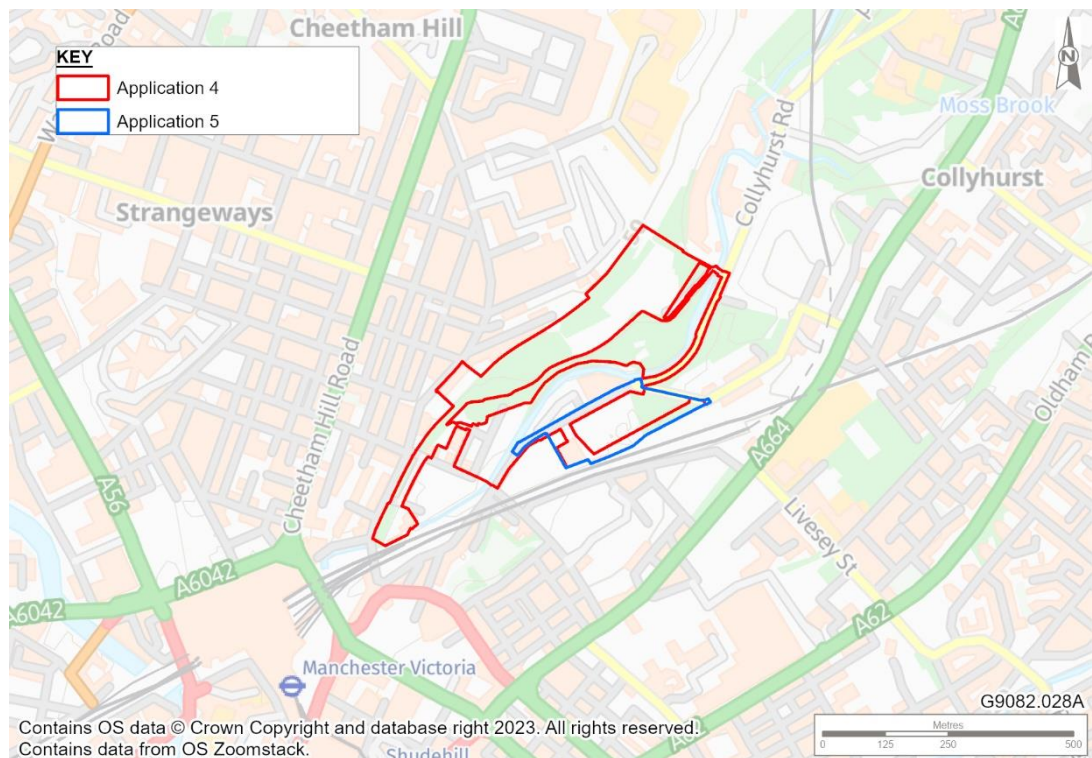


Figure 1: Site Location Plan

2.0 Method

2.1 Information regarding historic species records and protected sites was requested/gathered from the sources listed in Table 1. This collated data gives a useful indication of the distribution and abundance of ecological receptors at a given locale. An absence of records does not indicate the absence of protected species from the search area.

Table 1: Sources of Ecological Information

Source of Information	Nature of Information
Magic Map	Statutory designated wildlife sites of international importance within 10km Statutory designated wildlife sites of national importance within 5km Statutory designated wildlife sites of local importance within 2km Natural England licences within 2km of the site Habitats of value to biodiversity within and adjacent to the site Great crested newt survey pond records 2017 - 2019 within 2km of the site
Greater Manchester Ecology Unit (GMEU)	Protected species records within 2km Non-statutory designated wildlife sites of local importance within 2km
Manchester City Council	Land allocations and relevant policies
Northern Gateway - Ecology Technical Appendix (August 2019)	Previous ecological assessment of areas on site submitted by Paul Chester & Associates
ArcMap10	Ordnance & Aerial survey mapping

2.2 Statutory designated wildlife sites which include Ramsar and National Sites Network (NSN) sites:

- Ramsar sites;
- Special Areas of Conservation (SAC); and
- Special Protection Areas (SPA).

2.3 Other statutory designated wildlife sites of national importance may include:

- Site of Special Scientific Interest (SSSI);
- National Nature Reserve (NNR);
- Marine Nature Reserve (MNR);
- National Park (NP);
- Local Nature Reserves (LNR); and
- Country Park (CP).

2.4 Statutory designated wildlife sites of local importance refers to Local Nature Reserves (LNR).

2.5 Non-statutory designated wildlife sites of local importance may include:

- Local Wildlife Site (LWS);

- Site of Biological Importance (SBI); and
- Biological Heritage Site (BHS).

2.6 Habitats of value may include those listed under any of the following:

- Ancient woodland;
- Main rivers¹;
- Habitats of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (S41); and
- Local Biodiversity Action Plan Habitats (LBAP).

2.7 Protected species records may include those listed under any of the following:

- European Protected Species (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 under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (S41);
- Red and Amber listed Birds of Conservation Concern (BRd/BAm); and
- Local Biodiversity Action Plan Species (LBAP).

¹ Main rivers are statutory watercourses designated by the Environment Agency (in England). 'Main rivers' are usually larger streams and rivers, but some of them are small watercourses of significance. Works within 8m of main rivers are generally prohibited or require permission as there could be flood risk implications.

3.0 Legislation and Planning Policy

- 3.1 This section details legislation and planning policy which may have relevance to the site. Only legislation and policy relevant to biodiversity are included.

Relevant Legislation

International Conventions

- 3.2 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'² 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 Convention³) - 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 Convention⁴ 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 Convention⁵ or CBD) - provides a legal framework for biodiversity conservation. Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020⁶ is guided by the UK Post-2010 Biodiversity Framework⁷.
- 3.3 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.

² Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971
<https://www.ramsar.org/>

³ Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 <https://www.coe.int/>

⁴ Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 <https://www.cms.int/>

⁵ Convention on Biological Diversity, Rio de Janeiro, June 1992 <https://www.cbd.int/>

⁶ 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/>

⁷ 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

- 3.4 The Conservation of Habitats and Species Regulations 2017⁸ (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.
- 3.5 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019⁹ (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.
- 3.6 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

- 3.7 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 sites² do not form part of the NSN, but remain protected in the same way as SACs and SPAs.
- 3.8 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 take into account 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

- 3.9 Certain animals and their breeding sites or resting places are protected under Regulation 43 of the 2017 Regulations, which makes it illegal to:
- Deliberately capture, injure or kill any such animal or to deliberately take or destroy the eggs of such an animal;

⁸ Conservation of Habitats and Species Regulations 2017 (SI 2017/1012)
<https://www.legislation.gov.uk/uksi/2017/1012/>

⁹ Conservation of Habitats and Species Regulations 2019 (SI 2019/579)
<https://www.legislation.gov.uk/uksi/2019/579/>

- Deliberately disturb such an animal; and
 - Damage or destroy a breeding site or resting place of such an animal.
- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 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.
- 3.14 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

- 3.15 The Wildlife and Countryside Act 1981 (as amended)¹⁰ (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 sites² has usually been underpinned through prior notification of these areas as SSSI and accordingly they receive statutory protection under the WCA.

¹⁰ Wildlife and Countryside Act 1981 c. 69 <https://www.legislation.gov.uk/ukpga/1981/69/>

- 3.16 The obligations of the Bern Convention³ (the protection of wild plant and animal species and their natural habitats) are transposed into law for England and Wales¹¹ by the WCA. The legal requirement for the protection of migratory species listed by the Bonn Convention⁴ is also provided by the WCA.
- 3.17 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.
- 3.18 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.
- 3.19 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.
- 3.20 Plant species listed under Schedule 8 of the WCA are protected from unauthorised intentional picking, uprooting and destruction. 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

- 3.21 Part III of the Countryside and Rights of Way Act 2000¹² (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.
- 3.22 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.

¹¹ 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.

¹² Countryside and Rights of Way Act 2000 c. 37 <https://www.legislation.gov.uk/ukpga/2000/37/>

Natural Environment and Rural Communities (NERC) Act 2006

- 3.23 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC)¹³ 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.
- 3.24 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.
- 3.25 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

- 3.26 The Environment Act 2021¹⁴ 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.
- 3.27 The Environment Act amends the Town and Country Planning Act 1990¹⁵ in that planning permissions granted after the provisions come into force¹⁶ 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).
- 3.28 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 version 3.1 published by Natural England)
- 3.29 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.

¹³ Natural Environment and Rural Communities Act 2006 c. 16 <https://www.legislation.gov.uk/ukpga/2006/16/>

¹⁴ Environment Act 2021 c.30 <https://www.legislation.gov.uk/ukpga/2021/30/>

¹⁵ Town and Country Planning Act 1990 c. 8 <https://www.legislation.gov.uk/ukpga/1990/8/>

¹⁶ 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.

- 3.30 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.
- 3.31 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.
 - 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)¹⁷ 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

- 3.32 Important hedgerows are protected from removal by the Hedgerows Regulations¹⁸ (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.

¹⁷ 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.

¹⁸ The Hedgerow Regulations 1997 (SI 1997/1167) <https://www.legislation.gov.uk/uksi/1997/1160/>

- 3.33 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.

Protection of Badgers Act 1992

- 3.34 Badgers and their setts receive statutory protection under the Protection of Badgers Act 1992 (PBA)¹⁹. 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.
- 3.35 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.”

Relevant Policy

National Planning Policy Framework

- 3.36 The National Planning Policy Framework (NPPF21)²⁰ 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.
- 3.37 Paragraph 174 states: 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

¹⁹ Protection of Badgers Act 1992 c. 51 <https://www.legislation.gov.uk/ukpga/1992/51/>

²⁰ National Planning Policy Framework (2021) Ministry of Housing, Communities and Local Government
www.gov.uk/government/publications

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.

3.38 Paragraph 180 states: When determining planning applications, local planning authorities should apply the following principles:

- 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 habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there 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.”

3.39 Paragraph 181 stipulates that the following should be given the same protection as habitats sites²¹:

- 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.

3.40 Paragraph 182 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.

²¹ Defined by NPPF21 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”.

Government Circular 06/2005

- 3.41 Government Circular 06/2005²² remains pertinent in national policy even though PPS9, which it originally supported, was revoked by the NPPF.
- 3.42 The Circular outlines the legislative provisions relating to biodiversity and geological conservation which affect planning and development. 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.
- 3.43 Paragraphs 123 and 124 of Part IV of Circular 06/2005 state 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”.

Local Planning Policy

Manchester’s Local Development Framework Core Strategy Development Plan (adopted 11th July 2012)

- 3.44 The Manchester Local Plan guides development within Manchester. It was previously known the Local Development Framework.
- 3.45 The interactive policies map for the Local Plan Core Strategy can be viewed by following the link:
<https://mcrcouncil.maps.arcgis.com/apps/webappviewer/index.html?id=565a33eaba904b2dabf4c3dd8685db80>
- 3.46 The site and adjacent land is allocated as:
- Policy BM2 River Valley;
 - Policy CC10 Economic Improvement Area;
- 3.47 The Core Strategy document can be viewed by following the link:
https://www.manchester.gov.uk/downloads/download/4964/core_strategy_development_plan
- 3.48 The following policies relate to biodiversity and nature conservation:
- Policy EN9 Green infrastructure
 - Policy EN15 Biodiversity and Geological Conservation

²² 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

Places for Everyone Joint Development Plan Document – Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, Wigan (August 2021)

- 3.49 The Places for Everyone Plan (PfE 2021) provides an important opportunity to create the conditions for inclusive economic growth, provide opportunities for provision of much needed homes and protect and enhance the natural environment. PfE2021 has 10 main objectives:
- Meet our housing need
 - Create neighbourhoods of choice
 - Playing our part in ensuring a thriving and productive economy in all parts of Greater Manchester
 - Maximise the potential arising from our national and international assets
 - Reduce inequalities and improve prosperity
 - Promote the sustainable movement of people, goods and information
 - Playing our part in ensuring that Greater Manchester is a more resilient and carbon neutral city-region
 - Improve the quality of our natural environment and access to green spaces
 - Ensure access to physical and social infrastructure
 - Promote the health and wellbeing of communities
- 3.50 The PfE2021 document can be viewed by following the link: <https://www.greatermanchester-ca.gov.uk/media/4682/places-for-everyone-compressed.pdf>
- 3.51 The following policies relate to biodiversity and nature conservation:
- Policy JP-G 2 Green Infrastructure Network
 - Policy JP-G 3 River Valleys and Waterways
 - Policy JP-G 6 Urban Green Space
 - Policy JP-G 7 Trees and Woodland
 - Policy JP-G 8 Standards for Greener Places
 - Policy JP-G 9 A Net Enhancement of Biodiversity and Geodiversity.
- 3.52 The site is unallocated in the Pfe2021 document.

Strategic Regeneration Framework (SRF) Manchester Northern Gateway (February 2019)

- 3.53 The Northern Gateway is a unique opportunity to deliver transformational regeneration on an unprecedented scale in Manchester. The regeneration of the Northern Gateway has the potential to unlock significant residential-led development that will positively contribute to Manchester's growth agenda and that of the wider city region.
- 3.54 Following endorsement, the SRF will be a material consideration in the determination of all planning applications relevant to the study area. Whilst it does not form part of the Development Plan, it has been prepared to be consistent with the policies of the Council's adopted Development Plan.

3.55 The SRF document can be viewed by following the link:
<http://northerngatewaymanchester.co.uk/framework/>

3.56 The site falls within the 'Northern Gateway' 'Lower Irk Valley' boundary and will form part of the 'Red Bank' neighbourhood. The site is earmarked for residential led development.

GMCA Biodiversity Net Gain (BNG) Guidance for Greater Manchester (February 2021)

3.57 This guidance has been prepared to enable developers and potential offset providers to run biodiversity assessments in a consistent way across Greater Manchester.

3.58 The BNG Guidance document can be viewed by following the link:
https://www.greatermanchester-ca.gov.uk/media/4244/gmca-bng-guidance-update_250221-final-edited.pdf

3.59 For Greater Manchester, the minimum level of BNG is considered to be achieved when the biodiversity units for the habitats impacted by the development is increased by 10% or more after the development. The means delivering 10% net gain for area base habitats and 10% net gain for hedges and 10% for rivers if any of these habitats are present on site. If changes decrease the gain for biodiversity below 10% further areas of compensation will be required.

Local Biodiversity Action Plans (LBAP)

3.60 The LBAP document for Greater Manchester can be viewed by following the link:
<http://www.wildaboutmanchester.info/www/images/stories/pdfs/mbs.pdf>

3.61 The following habitats are identified within LBAPs for Greater Manchester:

- Grasslands;
 - 1. *Unimproved neutral grassland;*
 - 2. *Acid grassland;*
 - 3. *Marshy grassland; and*
 - 4. *Grassland of high ecological value on previously developed land.*
- Hedgerows;
- Lowland mosslands;
- Reedbeds & bittern;
- Ponds and lodges;
- Canals;
- Native woodlands;
 - 1. *Lowland broadleaved woodland;*
 - 2. *Upland oak woodland; and*
 - 3. *Wet woodland.*
- Uplands; and
- Urban managed greenspace.

3.62 The following species are identified within LBAPs for Greater Manchester:

- Bats;
- Black redstart;

- Farmland birds;
- Great crested newts;
- Hares;
- Native black poplar;
- Twite;
- Water vole; and
- Willow tit.

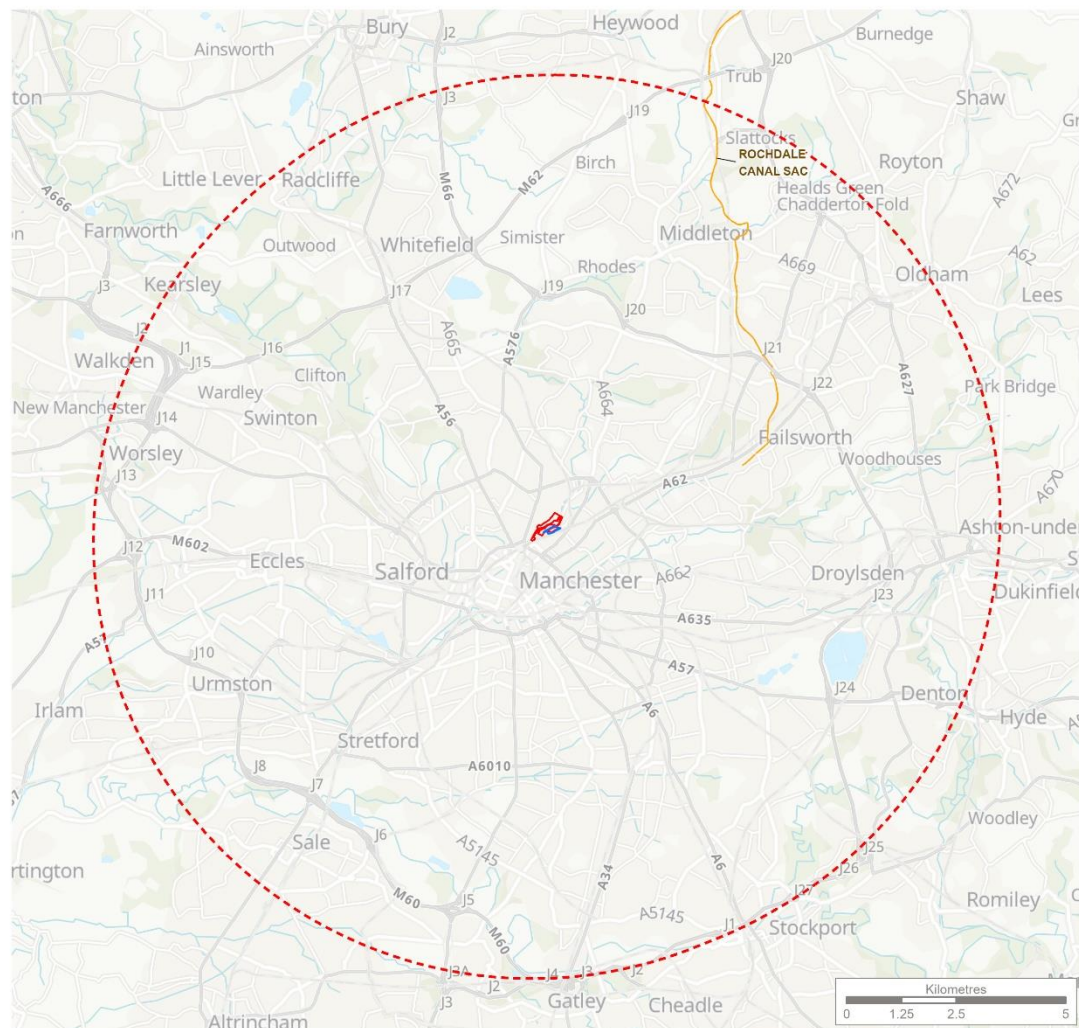
4.0 Site Designations

Statutory Designated Wildlife Sites of International Importance

- 4.1 There is one internationally designated wildlife site within 10km of the site (Figure 2). This is detailed in Table 2 below.

Table 2: Details of Internationally Designated Wildlife Sites within 10km of the Site

Name of Designation	Type of Designation	Location of Designation in Relation to Site	Reason for Site Designation
Rochdale Canal	SAC	4.3km north east of the Outline Application 4.4km north east of the Detailed Application	Annex II species that are a primary reason for selection of this site: Floating water-plantain <i>Luronium natans</i>



- Key**
- Application 4 site boundary
 - Application 5 site boundary
 - Combined application boundaries - 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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Project
Red Bank and New Town Residential Developments

Title
Internationally Designated Sites Within a 10km Buffer

Drawing Number
G9082.021A

Scale 1:120,000 @ A4	Date 14/04/2023
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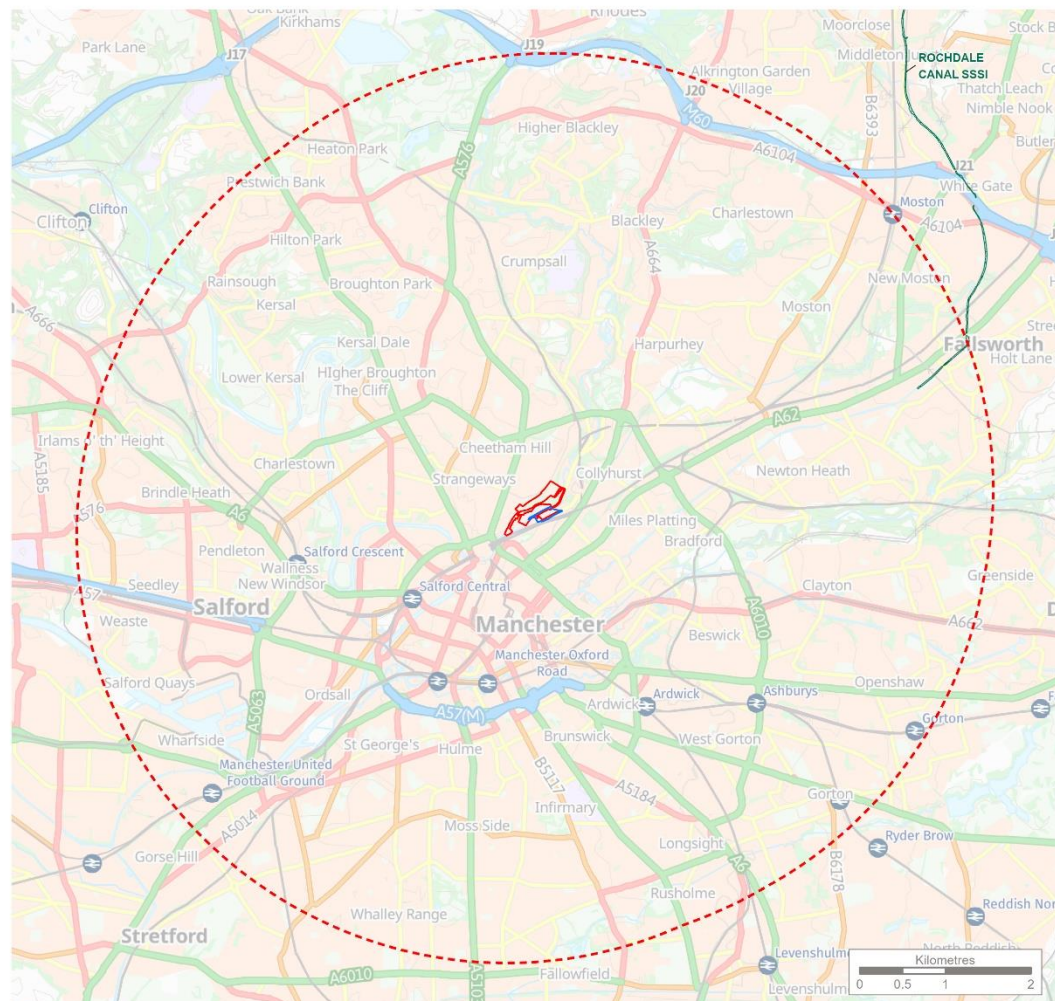
Figure 2: Internationally Designated Wildlife Sites within 10km of the Site

Statutory Designated Wildlife Sites of National Importance

- 4.2 There is one nationally designated wildlife site within 5km of the site (Figure 3). This is detailed in Table 3 below.

Table 3: Details of Nationally Designated Wildlife Sites within 5km of the Site

Name of Designation	Type of Designation	Location of Designation in Relation to Site	Reason for Site Designation
Rochdale Canal	SSSI	4.3km north east of the Outline Application 4.4km north east of the Detailed Application	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. The site also supports a diverse assemblage of aquatic flora, notably its assemblage of pondweeds, <i>Potamogeton</i> spp; the nine species of which found in the canal represent a balanced community which reflects the quality of water.



Key

- Application 4 site boundary
- Application 5 site boundary
- Combined application boundaries - 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)

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Title:
Nationally Designated Sites Within a 5km Buffer - Applications 4 and 5

Drawing Number:
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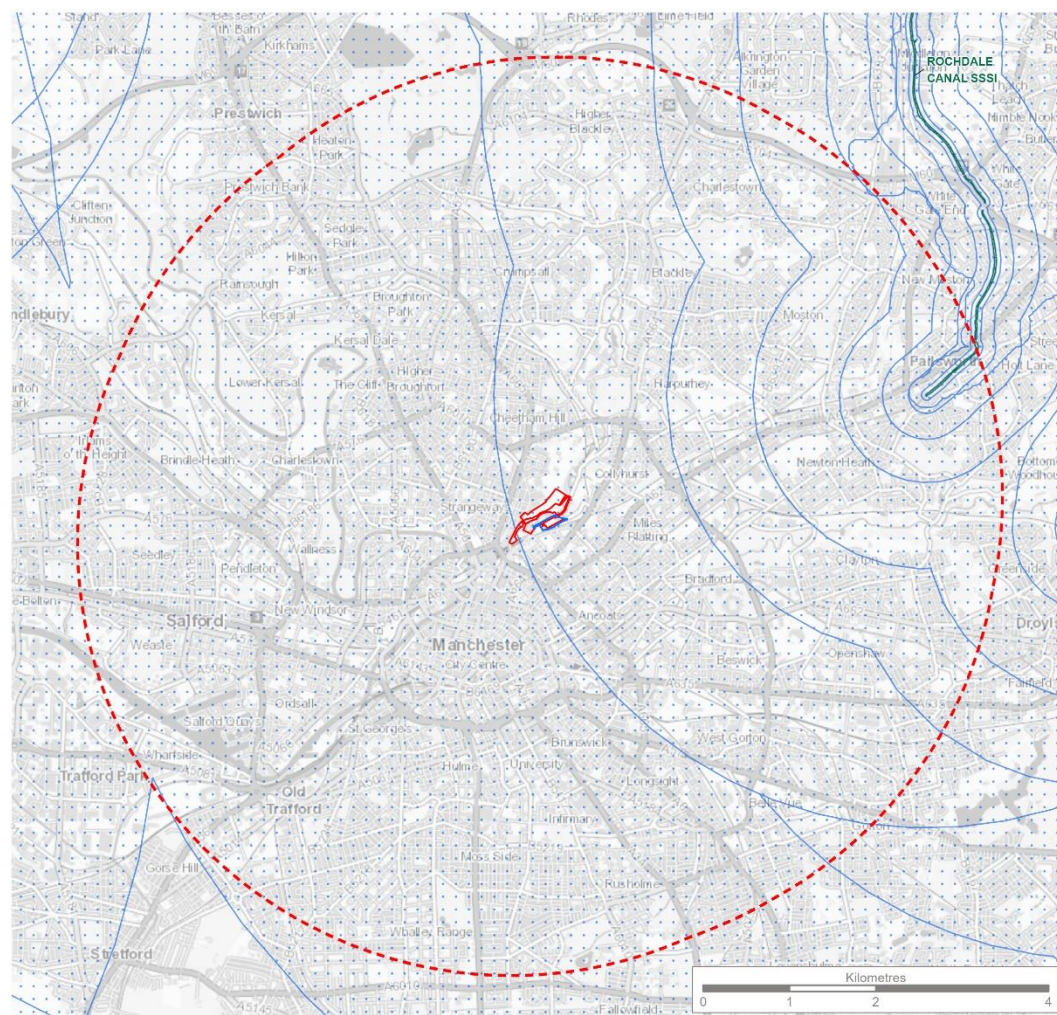
Figure 3: Nationally Designated Wildlife Sites within 5km of the Site

4.3 The site falls within the Impact Risk Zone (IRZ) for Rochdale Canal SSSI. This is shown in Figure 4.

- 4.4 The development type (residential) is not listed as a risk category with regard to this SSSI. The Local Authority is not required to consult with Natural England with regard to potential impacts on the SSSI as a result of the development type. Table 4 provides information on the likely impacts of development proposals on the SSSI.

Table 4: Likely Impacts of Development Proposals on Rochdale Canal SSSI.

Planning Proposal Categories	LPA Should Consult Natural England on Likely Risks from the Following:
All planning applications	Assessed as unlikely to impact the SSSI.
Infrastructure	Airports, helipads and other aviation proposals.
Wind and solar energy	Assessed as unlikely to impact the SSSI.
Minerals, oil and gas	Assessed as unlikely to impact the SSSI.
Rural non-residential	Assessed as unlikely to impact the SSSI.
Residential	Assessed as unlikely to impact the SSSI.
Rural residential	Assessed as unlikely to impact the SSSI.
Air pollution	Any industrial/agricultural development that could cause air pollution (incl: industrial processes, livestock & poultry units with floorspace > 500m ² , slurry lagoons & digestate stores > 750m ² , manure stores > 3500t). Livestock & poultry units with floorspace > 500m ² , slurry lagoons & digestate stores > 4000m ² .
Combustion	General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.
Waste	Assessed as unlikely to impact the SSSI.
Composting	Assessed as unlikely to impact the SSSI.
Discharges	Assessed as unlikely to impact the SSSI.
Water supply	Assessed as unlikely to impact the SSSI.



- Key**
- Site boundary - application 4
 - Site boundary - application 5
 - Combined application boundaries - 5km buffer
 - Sites of Special Scientific Interest (SSSI)
 - Sites of Special Scientific Interest - Impact Risk Zone

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Red Bank and New Town Residential Developments

Title
Sites of Special Scientific Interest - Impact Risk Zone - Applications 4 and 5

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Figure 4: SSSI IRZ within the Site

Statutory Designated Wildlife Sites of Local Importance

- 4.5 There are no statutory locally designated wildlife sites within 2km of the site (Figure 5).



Figure 5: Statutory Locally Designated Wildlife Sites within 2km of the Site

Non-statutory Designated Wildlife Sites of Local Importance

- 4.6 There are four non-statutory locally designated wildlife sites within 2km of the site (Figure 6). These are detailed in Table 5 below.

Table 5: Details of Non-statutory Locally Designated Wildlife Sites within 2km of the Site

Name of Designation	Type of Designation	Location of Designation in Relation to Site	Reason for Site Designation
Rochdale Canal: Scott's Lane to Ducie Street Basin	SBI	0.9km south of both the Outline and Detailed Applications	The site is a canal (Greater Manchester LBAP habitat) and supports floating water plantain.
Ashton Canal (West)	SBI	1.2km south of both the Outline and Detailed Applications	Canal (LBAP)
Reservoirs at Harpurhey	SBI	1.8km north east of the Outline Application 2km north east of the Detailed Application	The site supports reedbed, swam & fen ad ponds & small lodges (LBAP).
River Irwell	SBI	1.8km south west of the Outline Application 2.2km south west of the Detailed Application	Canal (LBAP), supports otter.

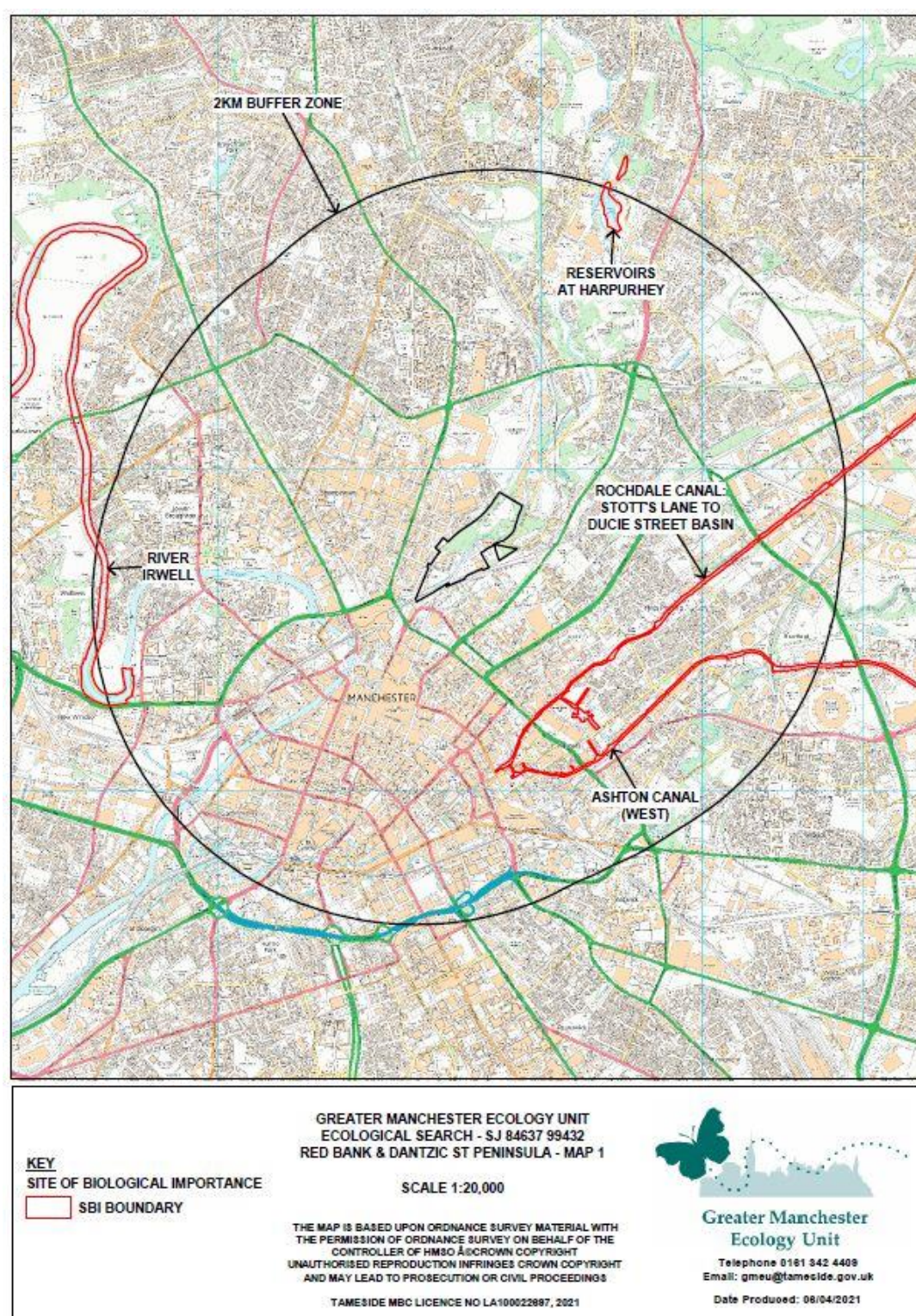


Figure 6: Non-statutory Locally Designated Wildlife Sites within 2km of the Site

5.0 Habitats

5.1 The following notable habitats are present within or adjacent to the site (Figure 7):

- Deciduous Woodland
- Open Mosaic Habitats on Previously Developed land;
- Main River; River Irk.

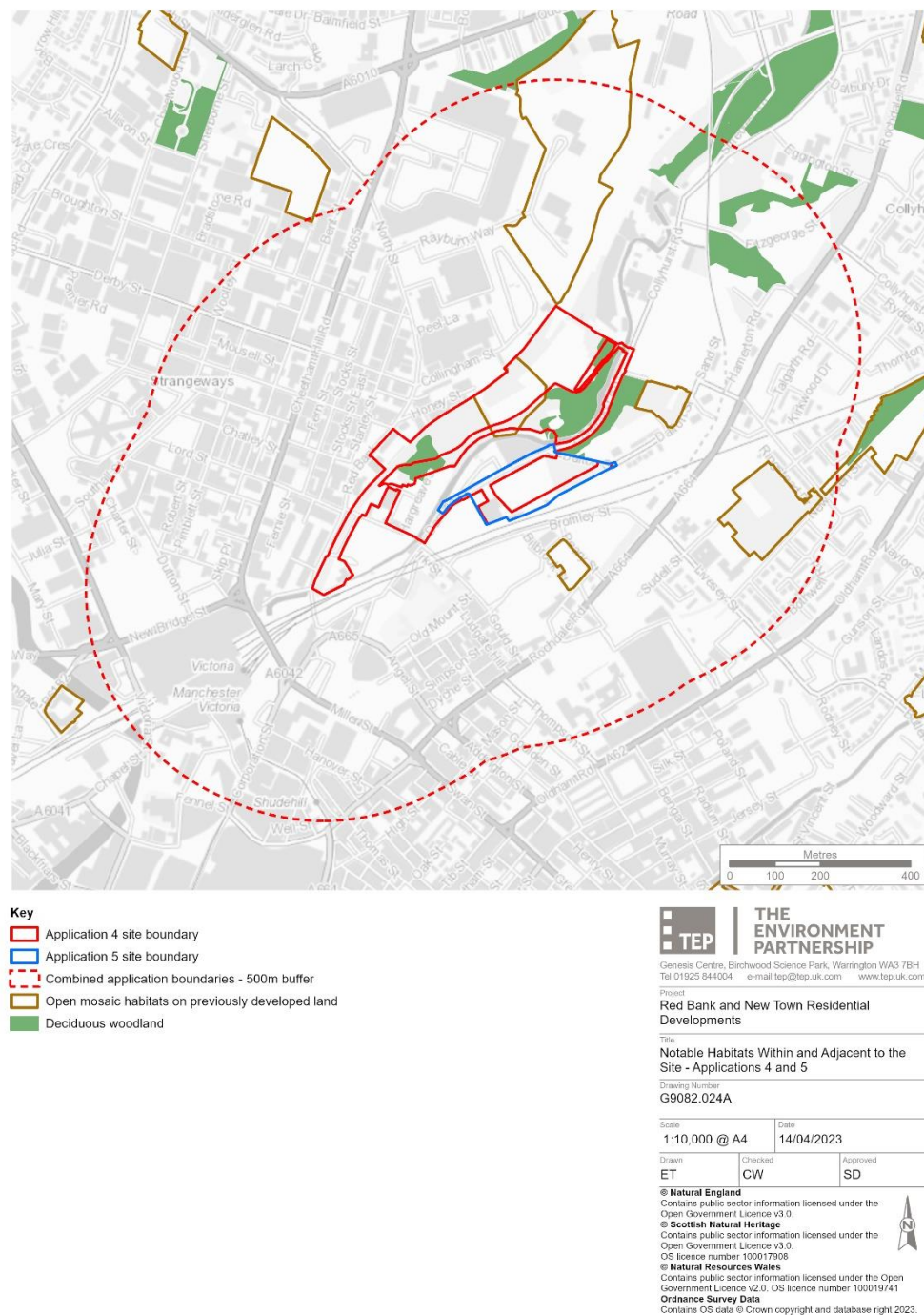


Figure 7: Notable Habitats within and adjacent to the Site

6.0 Species

6.1 Several species records were returned from GMEU for within 2km of the site. These are shown in Table 6 and Figures 8 to 9. Records from the Northern Gateway Ecology Technical Appendix (2019) surveys have also been included in Table 6.

Table 6: Notable Species Records within 2km of the Site

Name of Species	Legislation	Number of Records Returned	Closest Record to Site
<i>Amphibians</i>			
Great crested newt	EPS, WCA5, S41, LBAP	1	1.9km south west
Common toad	S41	1	1.9km west
<i>Birds</i>			
Black redstart	WCA1, BAm, LBAP	31	0.4km south
Black-headed gull	BAm	1	Within 2km
Common gull	BAm	1	Within 2km
Dipper	BAm	1	0.6km north east
Hobby	WCA1	1	1km north
Kingfisher	WCA1	56	0.7km west
Little ringed plover	WCA1	5	1.1km south
Peregrine	WCA1	30	0.3km south
Bullfinch	S41, BAm	15	On site
Cuckoo	S41, BRd	1	0.8km west
Curlew	S41, BRd	1	1.5km south west
Dunnock	S41, BAm	41	0.4km south
Great black backed gull	BAm	1	Within 2km
Grey wagtail	BAm	4	Within the site
Herring gull	S41, BRd	2	1.3km south east
House sparrow	S41, BRd	14	0.3km west
House martin	BAm	1	Within 2km
Kestrel	BAm	1	Within 2km
Lapwing	S41, BRd	10	0.8km south west
Lesser black backed gull	BAm	1	Within 2km
Lesser redpoll	S41	4	0.8km south west
Linnet	S41, BRd	5	1.1km south east
Mallard	BAm	2	Within the site
Mistle thrush	BRd	5	0.4km north east

Name of Species	Legislation	Number of Records Returned	Closest Record to Site
Reed bunting	S41, BAm	3	2km north east
Skylark	S41, BRd	3	1.7km south west
Song thrush	S41, BAm	34	0.8km south west
Spotted flycatcher	S41, BRd	2	1.1km south east
Starling	S41, BRd	31	0.8km south west
Swift	BRd	1	Within 2km
Willow warbler	BAm	1	Within 2km
Yellow wagtail	S41, BRd	1	1.2km south
<i>Invertebrates</i>			
S41 Moth	S41	8	1.1km south east
<i>Mammals</i>			
Otter	EPS, WCA5, S41	3	0.7km north west
Badger	PBA	6	0.1km south
Hedgehog	S41	5	0.3km west
Common pipistrelle	EPS, WCA5, LBAP	131	0.2km west
Soprano pipistrelle	EPS, WCA5, S41, LBAP	8	0.6km south
Pipistrelle species	EPS, WCA5, LBAP	19	0.6km south
Daubenton's bat	EPS, WCA5, LBAP	3	0.5km south
Myotis species	EPS, WCA5, LBAP	3	1.5km north east
Brown long-eared bat	EPS, WCA5, S41, LBAP	1	1.2km south west
<i>Plants</i>			
Floating water plantain	EPS, WCA8, S41	2	1.3km south
Grass-wrack pondweed	S41	1	1.6km south west
Yellow bird's nest	S41	1	On site
Bluebell	WCA8	1	Within 2km
Rhododendron	WCA9	1	Within 2km
Variegated yellow archangel	WCA9	1	Within 2km
Himalayan balsam	IAS	1	On site
Spanish bluebell	WCA9	1	Within 2km
Giant hogweed	IAS		Within 2km
Japanese knotweed	WCA9	1	On site

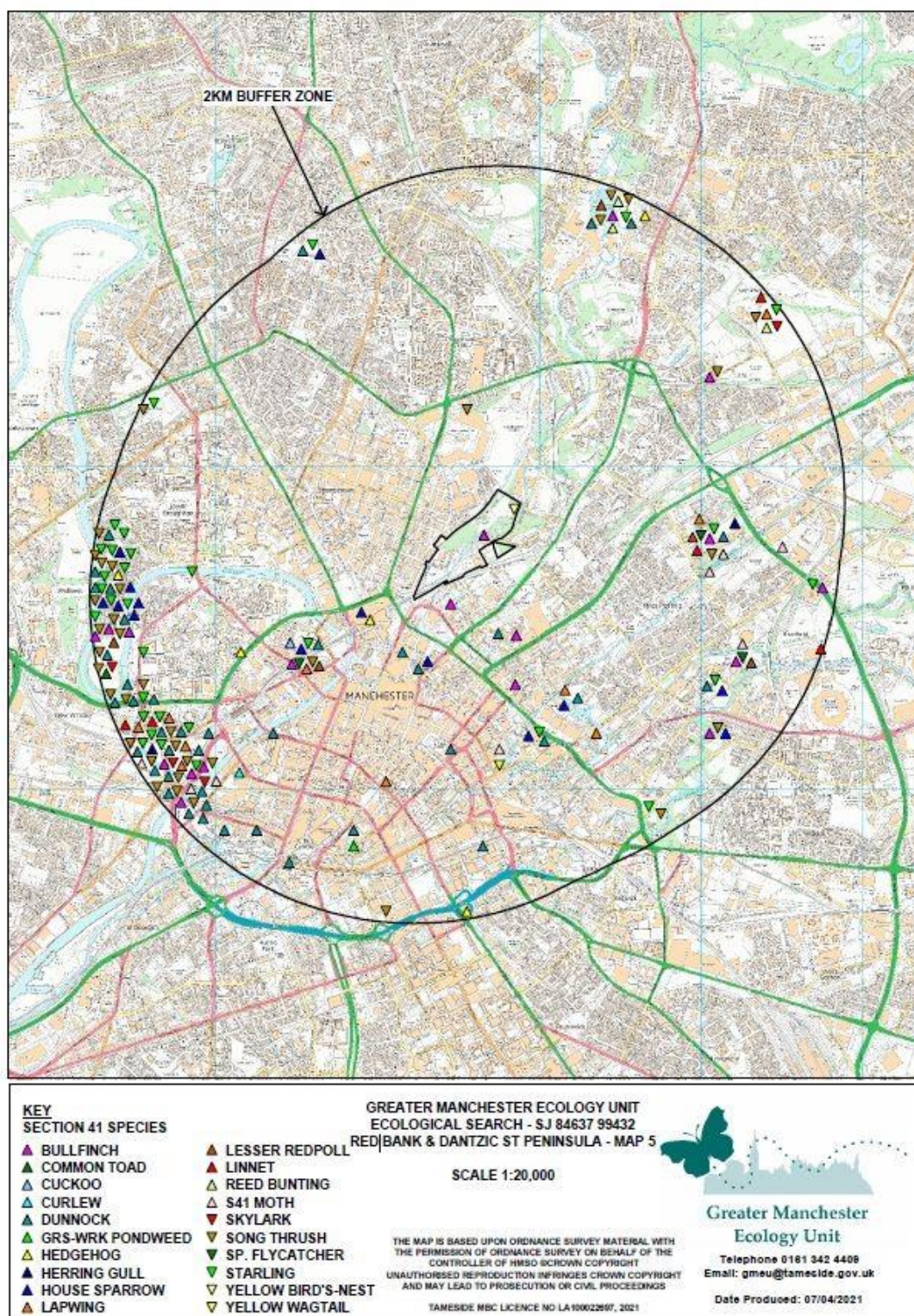


Figure 8: Notable Species Records within 2km of the Site

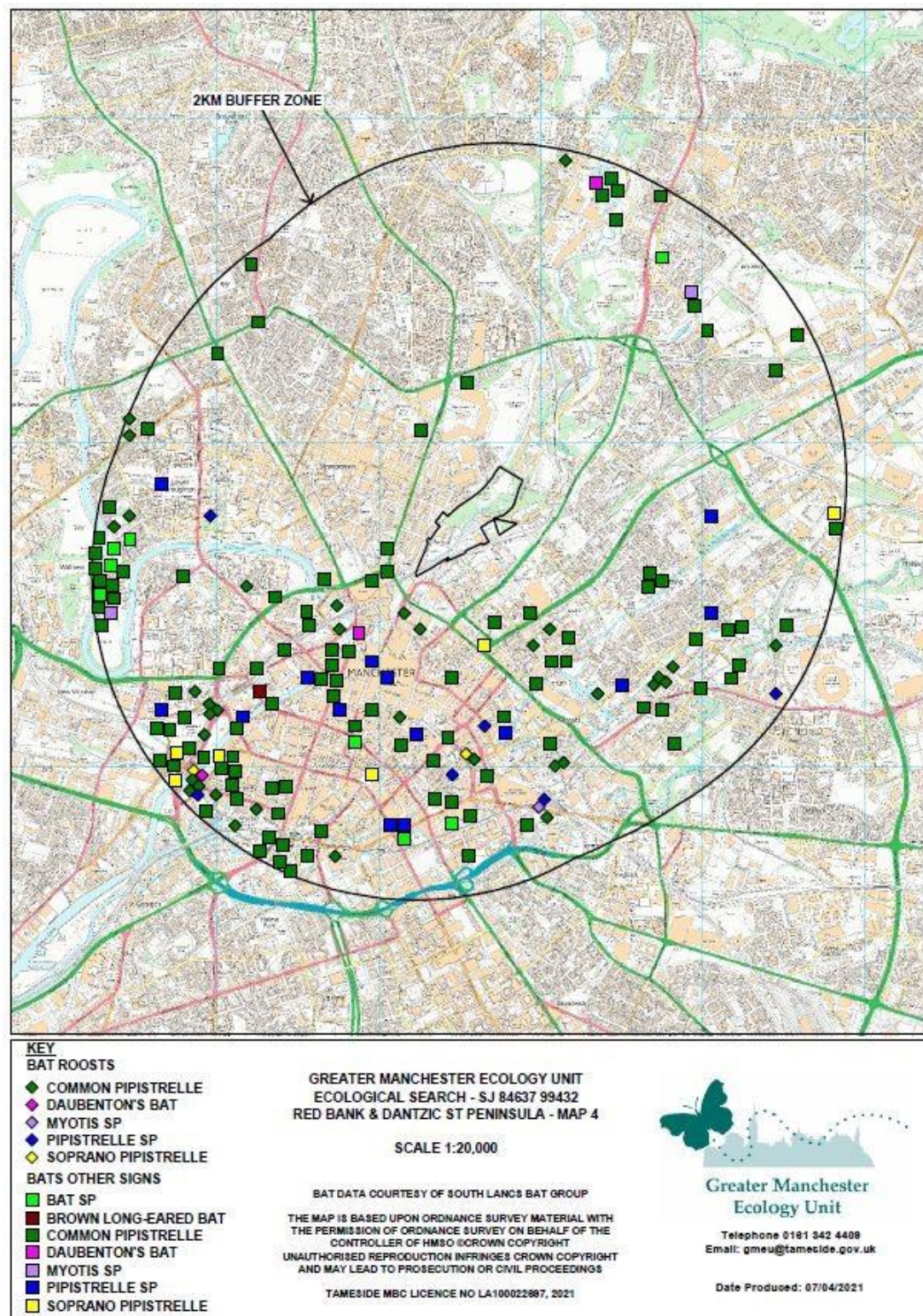


Figure 9: Notable Species Records within 2km of the Site

Natural England Mitigation Licences

- 6.2 A review of Magic Maps did not return any class licence returns or pond survey data for great crested newts between 2017 and 2019 within 2km of the site.
- 6.3 Twenty-four Natural England mitigation licences have been identified within 2km of the site. These are detailed in Table 7 below.

Table 7: Natural England Mitigation Licences within 2km of the Site

Licence Number	Species	Dates	Licensable Activities
2014-4219-EPS-MIT	Common pipistrelle	26/10/2014 to 31/10/2020	Destruction of a resting place
2014-3531-EPS-MIT	Common pipistrelle	01/10/2014 to 30/09/2019	Destruction of a resting place
2014-3531-EPS-MIT-1	Common pipistrelle	06/01/2015 to 30/09/2020	Destruction of a resting place
2014-3531-EPS-MIT-2	Common pipistrelle	01/12/2016 to 01/12/2016	Destruction of a resting place
2014-3569-EPS-MIT	Common pipistrelle	07/10/2014 to 30/11/2014	Destruction of a resting place
2014-490-EPS-MIT	Common pipistrelle Soprano pipistrelle	23/04/2014 to 30/06/2017	Destruction of a resting place
2014-6380-EPS-MIT	Common pipistrelle	18/02/2015 to 16/02/2020	Destruction of a resting place
2014-6380-EPS-MIT-1	Common pipistrelle	01/12/2015 to 16/02/2020	Destruction of a resting place
2014-6380-EPS-MIT-2	Common pipistrelle	15/08/2017 to 30/06/2023	Destruction of a resting place
2015-16009-EPS-MIT	Common pipistrelle	28/01/2016 to 27/01/2021	Destruction of a resting place
EPSM2012-5061	Brown long-eared bat	10/12/2012 to 31/08/2015	Impact on a breeding site Destruction of breeding site Destruction of a resting place
2016-24504-EPS-MIT	Common pipistrelle	15/07/2016 to 01/01/2018	Destruction of a resting place
EPSM2012-4767	Common pipistrelle	28/08/2012 to 30/09/2013	Destruction of a resting place
EPSM2013-5644	Common pipistrelle	04/07/2013 to 01/03/2015	Destruction of a resting place
EPSM2010-1888	Common pipistrelle Soprano pipistrelle	25/10/2010 to 29/02/2012	Destruction of a resting place

Licence Number	Species	Dates	Licensable Activities
2014-3531-EPS-MIT-2	Common pipistrelle	01/12/2016 to 01/12/2016	Destruction of a resting place
2016-24504-EPS-MIT-1	Common pipistrelle	21/11/2016 to 21/11/2016	Destruction of a resting place
EPSM2013-5575	Common pipistrelle	23/05/2013 to 30/09/2016	Unknown
2017-31569-EPS-MIT	Common pipistrelle	26/10/2017 to 31/10/2019	Destruction of a resting place
2018-33674-EPS-MIT	Common pipistrelle	12/03/2018 to 30/04/2040	Destruction of a resting place
2019-38955-EPS-MIT	Common pipistrelle	14/02/2019 to 28/02/2021	Damage of a resting place Destruction of a resting place
2019-43484-EPS-MIT	Common pipistrelle	14/11/2019 to 31/08/2020	Destruction of a resting place
2019-41924-EPS-MIT-1	Common pipistrelle	13/01/2020 to 31/08/2031	Impact on a breeding site Destruction of a breeding site Destruction of a resting place
2020-45213-EPS-MIT	Common pipistrelle	05/03/2020 to 01/01/2025	Destruction of a resting place
2020-50604-EPS-MIT	Common pipistrelle	22/01/2021 to 16/01/2022	Destruction of a resting place



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