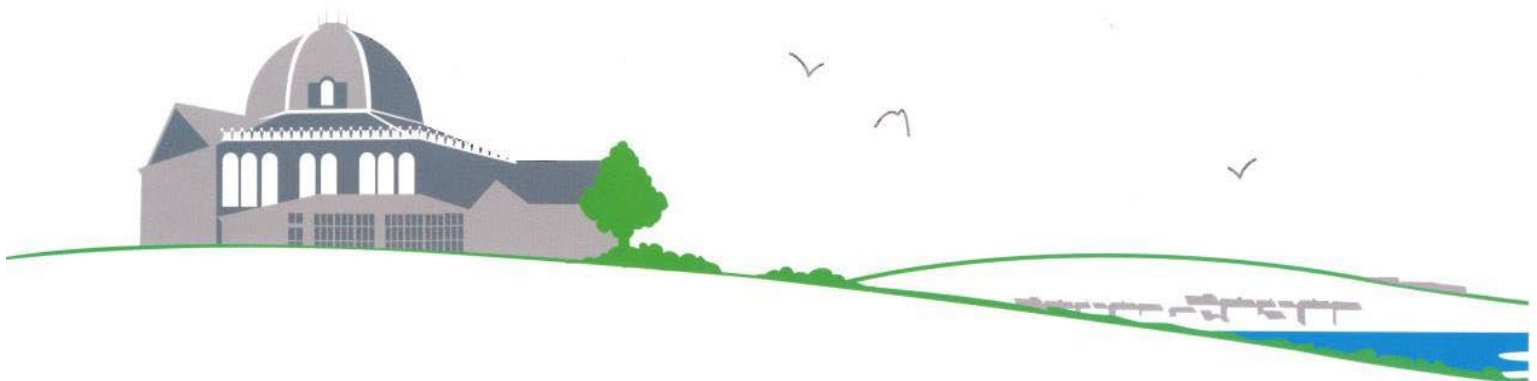




SALBOY
BRWRY SITE, MANCHESTER
ECOLOGICAL METHOD STATEMENT



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This project has been undertaken in accordance with PAA policies and procedures on quality assurance.

Signed: 

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1. INTRODUCTION

Scope of Document

- 1.1 Penny Anderson Associates (PAA) was commissioned by Salboy to prepare a Method Statement in relation to bats, nesting birds and invasive plant species for the BRWRY site, Manchester (as mapped in Figure 1, hereafter referred to as the 'site').
- 1.2 The Method Statement is based on the findings of a Preliminary Ecological Appraisal (PEA) carried out by Wardell Armstrong LLP (2017), an update walkover of the site completed by PAA in January 2023, and bat activity surveys completed by PAA in May 2023 (PAA 2023). The Method Statement aims to set out appropriate measures to satisfy elements of planning Conditions 12, 13 and 14 (Application number 118831/FO/2018), which read as follows:

'Condition 12:

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

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012)."

Condition 13:

Prior to the commencement of each relevant phase of development (including vegetation clearance) a methodology for the control of invasive species shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented in full as part of each phase of the development.

Reason - In order to prevent the spread of Japanese knotweed pursuant to policy EN15 of the Manchester Core Strategy (2012).'

Condition 14:

A bat activity survey is to be undertaken prior to the demolition works commencing and submitted to the City Council, as Local Planning Authority, for approval in writing to confirm roosting potential for the two walls within the car park area. If any time bats are found then a method statement for the demolition including for the protection of any bats is agreed in writing by the City Council, Local Planning Authority prior to demolition works commencing. Any method statement for demolition shall then be implemented for the duration of the demolition works.

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy (2012).'

Figure 1 Phase 1 Habitat Survey Map of the BRWRY site (Wardell Armstrong LLP 2017)



Objectives

1.3 The objectives of this Method Statement are to:

- Confirm the ecological receptors which require precautionary methods of working in order to safeguard their ecological interest (see above);
- Describe the legal provisions in relation to bats, nesting birds and invasive plant species (Section 2);
- Summarise the existing baseline survey data and specify the further survey requirements (Section 3);
- Set out the key risks to the ecological receptors (Section 4); and
- Specify the precautionary methods required and assign an Ecologist contact for the scheme who can advise in case of unexpected ecological issues (Section 5).

2. LEGISLATIVE CONTEXT

Summary of the Legislation Relating to Bats

- 2.1 All wild species of bat are protected under the Wildlife and Countryside Act (WCA), 1981, which has also been amended by later legislation, including the Countryside and Rights of Way (CROW) Act 2000. Bats are listed on Schedule 5 of the WCA and are, therefore, subject to some the provisions of Section 9 which, with the amendments, make it an offence to:
- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection (S9:4b); and
 - Intentionally or recklessly obstruct access to any structure or place used for shelter or protection by a bat (S9:4c).
- 2.2 There are additional offences in relation to buying and selling (S9:5) any live or dead animal of this species or anything derived from them.
- 2.3 Bat species are also listed under Annexes IIa and IVa of the European Commission (EC) Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the 'Habitats Directive'. Inclusion on Annex IVa means they are consequently identified as European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (amended).
- 2.4 The Conservation of Habitats and Species Regulations 2017 (amended) state that a person commits an offence if they:
- (a) Deliberately capture, injure or kill any wild animal of a European protected species,
 - (b) Deliberately disturb wild animals of any such species, in such a way as –
 - (i) to impair their ability to survive, to breed or reproduce, or to rear their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - (iii) to affect significantly the local distribution or abundance of the species to which they belong;
 - (c) Deliberately take or destroy the eggs of such an animal; or
 - (d) Damage or destroy a breeding site or resting place of such an animal.
- 2.5 Under these Regulations it is an offence to damage or destroy a breeding site or resting place whether the animal is in occupation or not, and protection extends to all life stages of the animal in question. There are additional offences relating to possession, control and sale of a live or dead bat or part of such an animal.
- 2.6 In addition, seven native British bat species, including the soprano pipistrelle (*Pipistrellus pygmaeus*) and the brown long-eared bat (*Plecotus auritus*), are listed as 'species of principal importance' for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (amended). In Wales, Section 7 of the Environment (Wales) Act 2016 provide a list of organisms of 'principal importance for maintaining and enhancing biodiversity' and lists several species of bat including the common pipistrelle (*Pipistrellus pipistrellus*) which is absent from England's S41 list.

Summary of the Legislation in Relation to Breeding Birds

- 2.7 All wild species of breeding birds and their nests and eggs are protected under Part 1 of the WCA 1981, as amended by later legislation including the CRow Act 2000. This legislation applies in England and Wales.
- 2.8 Part 1 (Section 1:1) of the WCA states that:
- 'If any person intentionally,
- (a) kills, injures or takes any wild bird;
 - (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
 - (c) takes or destroys an egg of any wild bird,
- he shall be guilty of an offence.'
- 2.9 Part 1 (Section 1:5) of the WCA (amended by the CRow Act 2000) refers to specific birds listed on Schedule 1 of the WCA, and states that:
- 'If any person intentionally or recklessly,
- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
 - (b) disturbs dependent young of such a bird,
- he shall be guilty of an offence and liable to a special penalty.'
- 2.10 Schedule 1 includes birds such as Western barn owl (*Tyto alba*), black redstart (*Phoenicurus ochruros*), woodlark (*Lullula arborea*) and Cetti's warbler (*Cettia cetti*). Please refer to the WCA for a complete list of Schedule 1 species¹.
- 2.11 Some provisions are made to allow the killing and taking of certain species under certain circumstances, as follows:
- 2.12 Birds listed on Schedule 2 (Part 1) of the Act may be taken or killed outside of the 'close season' for each individual species (the 'close season' is defined by the Act). This includes various wild duck and geese species.
- 2.13 Birds listed on Schedule 2 (Part 2) of the Act may be killed or taken by authorised persons at all times. This includes species such as carrion crow (*Corvus corone*), Eurasian magpie (*Pica pica*), feral pigeon² (*Columba livia*) and greater Canada goose (*Branta canadensis*). An 'authorised person' is defined as a person who has written authorisation to undertake the act from the relevant statutory authority. The written authority is in the form of a licence, either a general licence which covers a number of the more typical 'pest' species, or an individual licence for other individual

¹ www.legislation.gov.uk/ukpga/1981/69/schedule/1

² Also known as rock dove

species. In England these licences are issued by Natural England and in Wales by the Welsh Assembly Government.

Summary of the Legislation in Relation to Invasive Plant Species

- 2.14 Certain non-native species that have been introduced into the UK are regarded as being a threat to native biodiversity. Legislative measures have, therefore, been put in place to prevent the spread of these invasive species in the wild.
- 2.15 Under section 14 of the WCA, 1981 (as amended), it is illegal to introduce plants listed under Part II of Schedule 9 of the WCA into the wild or sell these species. Offences include causing the spread of viable plant material or neglecting to contain or appropriately manage non-native species.
- 2.16 Commonly introduced Schedule 9 species include non-native cotoneaster species, specifically, small-leaved cotoneaster (*Cotoneaster microphylla*³) and wall cotoneaster (*C. horizontalis*), Himalayan balsam (*Impatiens glandulifera*) and Japanese knotweed (*Reynoutria japonica*).

³ Botanical species names follow Stace (2019)

3. BASELINE SURVEY DATA AND REQUIREMENTS

Existing Baseline Survey Data

- 3.1 A PEA was carried out by Wardell Armstrong LLP (2017), which found:
- The car park walls within the site (W1 and W2, Figure 1) were assessed to hold Low potential to support roosting bats. All buildings within the site were assessed to have Negligible potential to support roosting bats;
 - Japanese knotweed and giant hogweed (*Heracleum mantegazzianum*) were identified in the south-east of the site; and
 - The scrub vegetation within the site was assessed to hold potential to support nesting birds during the breeding season (typically March to August).
- 3.2 Planning permission was later granted with certain planning conditions relevant to these findings, as described in Section 1.
- 3.3 Prior to works commencing on site, an update walkover of the site was completed by PAA in January 2023 and confirmed similar conditions on the site as found previously in 2017.

Further Survey in May 2023

- 3.4 The walls with 'Low' bat roost potential were subject to bat activity survey during the active survey season in May 2023.
- 3.5 The bat activity surveys found a low to moderate level of common pipistrelle foraging activity. No bats were seen to interact with the car park walls and it was assessed that bat roosts were likely absent.
- 3.6 Prior to the outcome of these surveys, the walls were safeguarded from disturbance by a 30m buffer.
- 3.7 Other built structures were assessed to have Negligible potential to support roosting bats and there were no trees of sufficient age/size to support bat roosts within the site.
- 3.8 Some stands/regeneration of giant hogweed and Japanese knotweed were incidentally noted by the ecologists during the surveys in May 2023.

4. RATIONALE FOR PRECAUTIONARY METHODS

Overview of Risks to Ecological Receptors

- 4.1 The activities associated with site clearance and subsequent construction which have the potential to impact on bats, nesting birds and invasive plant species are:
- Direct loss of structures within the works footprint with bat roosting potential;
 - Indirect disturbance to structures with bat roost potential from noise, lighting and vibration;
 - Potential for direct impacts on breeding birds and their nests if scrub clearance is not timed sensitively; and
 - Spread of Japanese knotweed and giant hogweed both within and beyond the site.
- 4.2 More specifically for bats, the following risks are present without appropriate precautionary working methods:
- Potential for killing or injury of individual bats during demolition works;
 - The loss of, or physical damage/disturbance to, bat roosts during demolition works; and
 - Indirect disturbance to roosting bats caused by noise, lighting and vibration which can result in the bat temporarily, or permanently, abandoning the roost.

5. PRECAUTIONARY METHOD STATEMENT

Timing of Works and Nesting Bird Checks

- 5.1 Removal of scrub habitat in the east of the site will take place outside of the bird nesting season as far as practically possible (avoiding the March-to-August period). The majority of scrub clearance was removed in February 2023. Where clearance within the nesting bird season is unavoidable, a nesting bird check will be completed by an Ecologist within 48 hours prior to vegetation clearance to confirm nests are absent. If and where nests are identified, they will be safeguarded by a buffer until the young have fledged.
- 5.2 Potential for bird nesting on built structures was assessed to be negligible.

Avoidance of Destructive Works to Walls Prior to Further Survey

- 5.3 A 30m buffer has been maintained around Walls 1 and 2 (Figure 1) from February 2023, prior to the completion of bat activity surveys on these structures in May 2023 (PAA 2023). These boundaries have been demarcated by Heras fencing and cones or flags where there is dense vegetation to the north of the walls. Vegetation clearance within 30m of the walls was carried out using hand tools and light machinery only in February 2023. The buffer zone has been retained to avoid destructive works and to disuade greater noise/vibration disturbance than is normally present in the area (i.e. light machinery and car park use).
- 5.4 As of May 2023, bat activity surveys of the walls have been completed and found that bat roosts are likely absent. Therefore, the walls can be safely subject to destructive works without further ecological precautionary working methods.

Removal of Invasive Plant Species

- 5.5 A detailed methodology for control for invasive species will be implemented by Japanese Knotweed Solutions. This involves a walkover by their team, identifying locations of Japanese knotweed and giant hogweed within the site (Japanese Knotweed Solutions Ltd 2023). Stands will then be treated, removed and disposed of professionally by a licenced waste carrier to a licenced landfill prior to the commencement of the development phase.
- 5.6 The Japanese Knotweed Solutions Ltd (2023) report goes into further detail on invasive plant species within the site.

Emergency Procedures

- 5.7 The ecology contacts are provided in Table 1. Should any ecological issues be encountered unexpectedly during works, the Ecologist should be contacted immediately so their advice can be sought.

Table 1 Designated Ecology Contacts

Contact	Name	Contact Details
Primary Ecologist contact (PAA)	Rob Lamb	07792 523645 / 01298 27086 rob.lamb@pennyanderson.com
Secondary Ecologist contact (PAA) (if primary is unavailable)	Sacha Rogers	07810 772216/01298 27086 sacha.rogers@pennyanderson.com

6. REFERENCES

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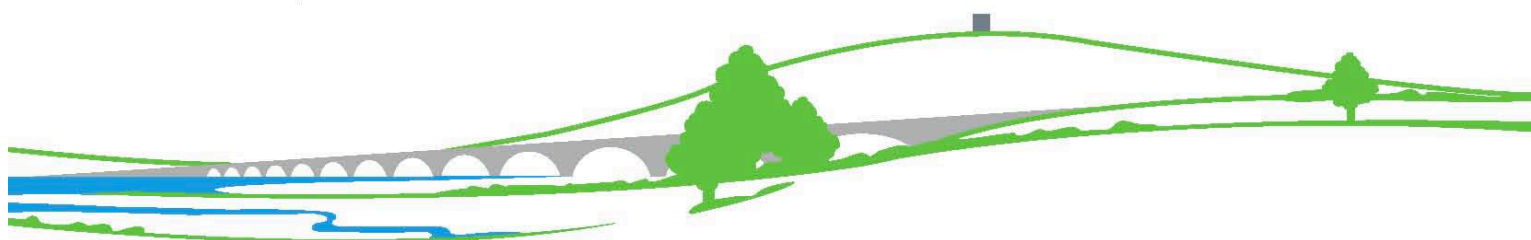
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7. ABBREVIATIONS

CRoW	Countryside and Rights of Way
EC	European Commission
EPS	European Protected Species
NERC	Natural Environment and Rural Communities
PAA	Penny Anderson Associates Ltd
PEA	Preliminary Ecological Appraisal
WCA	Wildlife and Countryside Act

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