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Client: Premier Inn Hotels Dominvs Group
Project: One Medlock Street
Report: Preliminary Ecological Appraisal

QUALITY ASSURANCE

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1.0 EXECUTIVE SUMMARY

Greengage Environmental Ltd was commissioned to undertake a Preliminary Ecological Appraisal by Premier Inn Hotels Dominvs Group of a site known as One Medlock Street in Manchester.

This document is a report of this survey and has been produced to support a planning submission for the site, which demolition of the existing hotel building and structures and the development of the site for office uses (Use Class E), flexible office/community use (Use Class E/F1/F2) and purpose-built student accommodation (Sui Generis) comprising two separate buildings, along with associated ancillary internal and external amenity space, hard and soft landscaping and associated highway works.

This survey aimed to establish the present ecological value of this site and the presence/likely absence of notable and/or legally protected species in order to inform appropriate mitigation, compensation and enhancement actions in light of proposed development works.

The survey area extends from Medlock Street (to the east) to the recent Canvas Manchester development (to the west) and is bordered by River Street (to the north) and the Mancunian Way (to the south).

The site possesses only common and widespread habitats of little ecological value. The site also has negligible potential to support all notable and/or protected species, besides nesting birds.

Appropriate timing of tree felling and vegetation clearance (outside of the nesting season March – August) is recommended to avoid impacts to nesting birds.

Ecological enhancement recommendations have been outlined to ensure proposals result in net gains and wider benefits for biodiversity on site. This includes:

- Extensive, substrate-based biodiverse roofs on all suitable flat roof areas;
- Rain gardens incorporating pollinator-friendly planting are integrated within the site landscaping;
- Public realm landscaping to include linear tree planting;
- Provision of bird nest boxes and bat boxes.

Should the recommendations outlined within this report be adhered to, the proposals stand to be compliant with all relevant biodiversity conservation legislation and national/local planning policy.

2.0 INTRODUCTION

Greengage was commissioned by Premier Inn Hotels Dominvs Group, to undertake a Preliminary Ecological Appraisal of a site located at One Medlock Street in Manchester.

This report is prepared in support of an application for full planning permission for demolition of the existing hotel building and structures and the development of the site for office uses (Use Class E), flexible office/community use (Use Class E/F1/F2) and purpose-built student accommodation (Sui Generis) comprising two separate buildings, along with associated ancillary internal and external amenity space, hard and soft landscaping and associated highway works. This survey aimed to establish the ecological value of this site and the presence/likely absence of notable and/or legally protected species in order to inform appropriate mitigation, compensation and enhancement actions in light of proposed development works.

2.1 SITE DESCRIPTION

The survey area extends to approximately 0.94 hectares and is centred on National Grid Reference SJ 836 972, OS Co-ordinates 383648, 397206.

The site is located within Manchester City Centre. It is bounded by River Street to the north; Medlock Street to the west and south-west; the Mancunian Way, its exit slip road and the Mancunian Way/Princess Parkway junction, to the south' and the River Street Tower PBSA development to the east.

The existing site currently comprises an existing five-storey Premier Inn hotel, providing 200 rooms and designated surface parking for hotel residents (113 car parking spaces).

The site is situated within the 'Central Area' of the First Street SRF. This is an area of the city centre that has been transformed into a mixed-use location through the delivery of large-scale commercial office space, cultural and leisure development and residential uses along with high-quality public realm.

The Site is not located within a designated Conservation Area. The Castlefield Conservation Area is located c.450m to the north-west of the site, with the Whitworth Street Conservation Area c.650m to the north-east. No listed buildings or structures are situated on the Site.

3.0 METHODOLOGY

The PEA (which included an Extended Ecological Phase 1 Survey) was undertaken in accordance with guidance in the UK Habitat Classification System (UKHab)¹ and the Chartered Institute of Ecological and Environmental Management (CIEEM) (2017) Guidelines for Preliminary Ecological Appraisal², in accordance with BS42020:2013: Biodiversity³. The overall assessment consisted of:

- Site specific biological information gained from statutory and non-statutory consultation; and
- A site walkover, protected species scoping assessment, and Phase 1 Survey.

The site-specific consultation provided the ecological context for the site survey carried out previously on the 15th July 2019 and the 8th November 2020, and more recently on the 31st August 2022. The recent survey was undertaken to ensure the data and site condition was accurate and up to date, to ensure proper mitigation, compensation, and/or enhancement measures can be undertaken for the ecological value of the site, post-development.

The survey boundary and existing site is shown at Appendix A.

Greengage undertook the site walkover during dry and warm weather conditions. Features within the site boundary and accessible features immediately bordering it were evaluated and the extent and distribution of habitats and plant communities were recorded and supplemented with target notes on areas or species requiring further commentary. Fauna using the area were recorded and areas of habitat suitable for statutorily protected species were identified where present, with an active search carried out for evidence of such use.

3.1 DESK TOP REVIEW

A review of readily available ecological information and other relevant environmental databases (included Defra's Multi-Agency Geographic Information for the Countryside (MAGIC) website⁴) was undertaken for the site and its vicinity. In addition, a biological records search from Greater Manchester Local Records Centre (GMLRC) were reviewed to identify the location and citations of local non-statutory designated sites and presence of records for notable and protected species. This provided the overall ecological context for the site, to better inform the Phase 1 Survey.

3.2 ON SITE SURVEYS

Flora

The extent and distribution of different habitats on site were identified and mapped according to the standard Phase 1 Survey methodologies, supplemented with target notes describing the dominant botanical species and any features of interest. Any present protected plant species and invasive/non-natives were also noted. A habitat map has been produced to illustrate the results, as shown at Appendix A.

Fauna

The Phase 1 Survey specifically included assessments to identify the potential value for notable, rare and protected species at site. This involved identifying potential habitats in terms of refugia, breeding sites and foraging areas in the context of species known to be present locally and regionally.

The likelihood of occurrence is ranked as follows:

- Negligible - While presence cannot be absolutely discounted, the site includes very limited or poor-quality habitat for a particular species. The site may also be outside the known national range for a species;
- Low - On-site habitat is poor to moderate quality for a given species, with few or no information about their presence from desk top study. However, presence cannot be discounted due to the national distribution of the species or the nature of on-site and surrounding habitats;
- Moderate - The on-site habitats are of moderate quality, providing most or all of the key requirements for a species. Several factors may limit the likelihood of occurrence, habitat severance, habitat disturbance and small habitat area;
- High - On-site habitat of high quality for given species. Site is within a regional or national stronghold for that particular species with good quality surroundings and good connectivity; and
- Present - Presence confirmed for the survey itself or recent, confirmed records from information gathered through desk top study.

The species surveyed for included:

Badger (*Meles meles*)

The potential for badger to inhabit or forage within the study area was assessed. Evidence of badger activity includes the identification of setts (a system of underground tunnels and nesting chambers), grubbed up grassland (caused by the animals digging for earthworms, slugs, beetles etc.), badger hairs, paths, latrines and paw prints.

Bat Species (*Chiroptera*)

The site visit was undertaken in daylight and the evaluation of bat potential comprised an assessment of natural features on site that aimed to identify characteristics suitable for bat roosts, foraging and commuting. In accordance with Bat Conservation Trust's Good Practice Guidelines⁵ and methods given in English Nature's (now Natural England) Bat Mitigation Guidelines⁶ consideration was given to:

- The availability of access to roosts for bats;
- The presence and suitability of crevices and other places as roosts; and
- Signs of bat activity or presence.

Definite signs of bat activity were taken to be:

- The bats themselves;

- Droppings;
- Grease marks;
- Scratch marks; and
- Urine spatter.

Signs of possible bat presence were taken to be:

- Stains; and
- Moth and butterfly wings.

Features with potential as roost sites include mature trees with holes, crevices or splits (the most utilised trees being oak, ash, beech, willow and Scots pine), caves, bridges, tunnels and buildings with cracks or gaps serving as possible access points to voids or crevices.

Additionally, linear natural features such as tree lines, hedgerows and river corridors are often considered valuable for commuting and semi-natural habitats such as woodland, meadows and waterbodies can provide important foraging resources. Consideration was given to the presence of these features both immediately within and adjacent to the assessment area.

Birds

During the walkover survey, the potential for breeding, wintering and migratory birds was assessed. This included the areas of trees around the site that could support nests for common or notable species.

Invertebrates

As part of the walkover survey the quality of invertebrate habitat and the potential for notable terrestrial and aquatic invertebrate species was considered.

Biodiversity Action Plan priority species/ Species of Principal Importance

Where consultation and desk-study indicates the presence of BAP priority species (Species of Principal Importance) not protected by statute, effort was made to establish the potential for the site to support these species.

3.3 SURVEYORS

Chris Moss, who surveyed the site for this update, has an MSc in Planning and Environmental Management and is also completing a PhD in Green Infrastructure planning. Chris also sits on IEMA's Policy and Practice Steering Group for Biodiversity and Natural Capital.

Mitch Cooke, who surveyed the site previously, has a degree in Ecology (Hons), an MSc in Environmental Assessment and Management, and is a Full member of CIEEM with over 35 years' experience in ecological survey and assessment. Mitch has set up and developed ecological and environmental teams for nearly 20 years and has undertaken and managed numerous ecological surveys and assessments. He is the Director at Greengage and manages the team.

Rosie Lodge, who reviewed this report, has an undergraduate degree in Biological Sciences (BSc Hons), specialising in ecology and a Master's degree in Environmental Sustainability, specialising in climate change and conservation. She is a full member of the Institution of Environmental Sciences (IES) with 10 years' experience in sustainability and ecological consultancy and currently focuses on green infrastructure and ecosystem service provision for the built environment.

This report was written by Chris and reviewed and verified by Rosie Lodge who confirms in writing (see the QA sheet at the front of this report) that the report is in line with the following:

- Represents sound industry practice;
- Reports and recommends correctly, truthfully and objectively;
- Is appropriate given the local site conditions and scope of works proposed; and
- Avoids invalid, biased and exaggerated statements.

3.4 CONSTRAINTS

The PEA was undertaken during an optimal time of year during ideal conditions by a suitably qualified ecologist. It was possible to access all areas of the site.

No significant constraints that stand to impact conclusions drawn in this report therefore presented themselves.

4.0 RESULTS

4.1 DESK TOP REVIEW

Designations

Consultations with the local biological record centres (GMLRC) and the MAGIC dataset have confirmed that there are no statutory designations of national or international importance within the boundary of the site or within a 2km radius.

Records from GMLRC did, however, identify three non-statutory Sites of Biological Interest (SBIs) within 2km of the site boundary. SBIs are recognised by LPAs as important wildlife sites.

Table 4.1 below gives the locations and descriptions of a selection of the nearest/most relevant local designations.

Table 4.1 Statutory and Non-Statutory Designated Sites within Search Radius

Site Name	Approximate Location	Description
Non-Statutory		
Rochdale Canal Stott's Lane - Ducie Street Canal	1.7km northeast	No description available
Ashton Canal West	1.7km northeast	No description available
River Irwell	1.9km northwest	No description available

Biodiversity Action Plans

UK Biodiversity Action Plans (BAPs) have been developed which set priorities for nationally important habitats and species. To support the BAPs, Species/Habitat Statements (otherwise known as Species/Habitat Action Plans) were produced that provide an overview of the status of the species and set out the broad policies that can be developed to conserve them. A list of priority species of conservation importance was also developed.

The UK BAP was succeeded in 2012 by the UK-Post 2012 Biodiversity Framework which informed the creation of the Biodiversity 2020 strategy; England's contribution towards the UK's commitments under the United Nations Convention of Biological Diversity.

Despite this, the UK BAP priority species lists and conservation objectives still remain valid through integration with local BAPs (which remain valid), and in the form of the Habitats and Species of Principle Importance list (as required under section 41 of the Natural Environment and Rural Communities (NERC) Act).

Local Biodiversity Action Plans (LBAPs) ensure that national action plans (the UK BAP/Biodiversity 2020) are translated into effective action at the local level and establish targets and actions for locally characteristic species and habitats.

Greater Manchester BAP

Currently there are 13 action plans within the Greater Manchester BAP covering a range of habitats and species occurring which require action to conserve them. The following action plans are of relevance to this report:

- Urban Managed Greenspace;
- Bats; and
- Black redstart.

Species Record

The information provided in the biological data search from GMLRC identified records of a number of protected and BAP priority species within 2km search radius of the site. Among others, these include the following species of relevance to the site:

- Birds including peregrine falcon (*Falco peregrinnus*), black redstart (*Phoenicurus ochruros*), song thrush (*Turdus philomela*), dunnock (*Prunella modularis*), bullfinch (*Pyrrhula pyrrhula*), herring gull (*Larus argentatus*), house sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*) and swift (*Apus apus*);
- European hedgehog (*Erinaceus europaeus*); and
- Bats including common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*P. pygmaeus*), Daubenton's (*Myotis daubentonii*) and brown long-eared (*Plecotus auritus*).

The species listed above are primarily those known to be in the area that may be impacted by any proposals at the site, or that stand to benefit as a consequence of potential ecological enhancements at the site and inform site-specific mitigation and enhancement recommendations described in the following chapter.

Detailed Description of Site: Habitats

The habitats presented across the assessment site consist of the following UKHab categories, as mapped at Appendix A.

Developed land; sealed surface (u1b)

The dominant habitat on site hardstanding which is present in the car park area west of the main building. There are no areas of vegetation cover.

Figure 4.1 Developed land



Buildings (u1b5)

The existing building on site is a five-storey, J-shaped hotel. It is of brick construction with a flat roof and is in good condition with no major deterioration.

Figure 4.2 Buildings



Modified grassland; scattered trees (g4, 11)

At the southern point of the site is a patch of amenity grassland with scattered London plane (*Platanus x hispanica*) trees and rhododendron (*Rhododendron sp.*) shrubbery. At ground level, this habitat is

dominated by perennial ryegrass (*Lolium sp.*) with some dandelion (*Taraxacum sp.*). The area is mown regularly, and the sward height is minimal.

Figure 4.3 Modified grassland and scattered trees



Urban; tree (u, 1170)

Trees located across the site are formally planted. The southern tip has London planes, and a row of lime (*Tilia sp.*) trees are present along the southeast edge of the building. Maple (*Acer sp.*) and ash (*Fraxinus excelsior*) trees are present along the northern edge of the carpark, whilst the carpark also has whitebeam (*Sorbus aria*), ash and birch (*Betula pendula*) present.

Figure 4.4 Trees



Detailed description of Site: Species

Badger

The site has no suitable size, type or quality habitat to support badgers. Whilst there are records of badgers in parks within 2km, there is no value on site for them. Accordingly, the site is considered to have negligible potential to support badgers.

Bats

Foraging

The only semi-natural habitat present on site is the small patch of amenity grassland and its mature plane trees at the southern point. This habitat is limited in size, is well lit by street lighting and is not well connected to the wider green infrastructure network. The site is, therefore, considered to have negligible potential to support foraging and commuting bats.

Roosting

None of the trees present on site possess any rot holes, cavities, or cracks suitable for roosting bats. In addition, the building does not possess any roof void of value for crevice dwelling bats. The most recent survey did identify two potential roosting features (Figure 4.5); however, these are considered to be of negligible value due to site conditions and the wider spatial and built context of the site. The site is therefore considered to have negligible potential to support roosting bats.

Figure 4.5 Potential roosting features



Birds

The site has some limited potential to support common nesting passerine bird species in the trees across the site. During the most recent survey, two nests were spotted within trees across the site (see Figure 4.6). The locations of these notes are outlined by Target Note (TN) 1 and TN 2, on the Site Plan and Habitat Map in Appendix A. In addition, the flat roof may provide nesting and perching opportunities

for gulls (*Larus sp.*). In general, these features are not particularly valuable and are common in the wider area.

Overall, the site is considered to have low potential to support nesting birds.

Figure 4.6 Nests spotted on site



Other notable and/or protected species

The site has negligible potential to support all other notable and/or protected species owing to its location and the habitats present on site.

5.0 EVALUATION AND DISCUSSION

5.1 BASELINE SUMMARY

The assessment site and its surroundings have potential to support the following ecological receptors of note, which could therefore be impacted upon by any future prospective development proposals, as indicated in Table 5.1 below.

Comment on further recommendations for each receptor is provided; further detail and discussion can be found at section 5.2 onward.

Table 5.1 Baseline Summary

Receptor	Presence/Potential Presence	Comments
Designated Sites: Non-Statutory	Present within 2km	Though there are three non-statutory designated sites within a 2km radius, there are significant physical barriers which make impacts associated with the construction phase of development highly unlikely. Additionally, despite a potential modest increase in recreational pressure owing to increases to the local population, these designated sites are already situated in highly urbanised settings and are managed to deal with high levels of footfall. Non-statutory designated sites are not considered further.
Birds	Low potential	Site clearance, demolition and tree removal have the potential to destroy nests, if present. Appropriate timing of works or nesting bird checks by a qualified ecologist (as detailed below) are recommended to avoid impacts upon nesting birds in order to comply with protected species legislation.

5.2 DISCUSSION AND RECOMMENDATIONS

Discussion is provided below on the key ecological receptors that stand to be impacted/benefit from proposed works; high level commentary on appropriate mitigation, compensation and enhancement actions is also provided.

A Construction Environmental Management Plan (CEMP) and an Ecological Management Plan (EMP) should be produced and implemented for the site providing greater detail on the below mitigation requirements and enhancement recommendations respectively. The CEMP and EMP should be secured through planning condition in accordance with BS 42020: 2013 Biodiversity.

Birds

It is recommended that any tree felling required to facilitate the scheme occur outside the nesting bird season (taken to run from March – August, inclusive). Where this is not possible, a qualified ecologist should conduct a nesting bird check to confirm the presence/likely absence of nesting birds prior to removal.

Prior to demolition, a contractor should inspect the flat roof area for nesting gulls. Should a nest be discovered an ecologist should be contacted for advice.

Compensatory nesting opportunities should be provided through soft landscaping proposals and provision of nest boxes on the building.

Biodiversity Enhancements

In accordance with the National Planning Policy Framework, local policy drivers and recent changes to the legislative context, (Appendix C), proposals should seek to provide measurable net gains in biodiversity. These should aspire to a minimum of 10% net gain in biodiversity, which should be evidenced through a Biodiversity Impact Assessment (BIA) using the Defra Metric 3.1 metric.⁷

To enable proposals to deliver the desired net gains, the following measures should be considered for incorporation into the landscaping plans:

- Provision of substrate-based biodiverse roof on all suitable roofs, which habitat should be designed to meet criteria 1-3 as well as 4c2, meeting the criteria of: vegetation structure is varied, providing opportunities for insects, birds and bats to live and breed. A single ecotone (i.e., scrub, grassland, herbs) should not account for more than 80% of the total habitat area; there is a diverse range of flowering plant species, providing nectar sources for insects; Invasive non-native species (Schedule 9 of WCA) cover less than 5% of total vegetated area; and they should have a varied depth of 100-200mm, have at least 50% at 150mm and be planted and seeded with wildflowers and sedums. Additional habitat, such as sand piles, logs etc should be also present.
- Provision of rain garden infrastructure at ground level across site, which should include a high percentage of native species of notable benefit for pollinators, as well as semi-native varieties and those that provide habitat. In addition, any shrub planting within the rain gardens should a mix of evergreen and semi-evergreen species to ensure structure and aesthetic value all year round.
- Inclusion of a linear line of trees through the site;
- Wildlife friendly landscaping in public realm areas incorporating species of value for pollinators.

Greengage have also been commissioned by Premier Inn Hotels Dominvs Group to produce a BIA report for One Medlock Street. This report incorporates the above measures within a Biodiversity Net Gain assessment of the proposed development (results included in document reference: 551267cmOct22FV01_BIA).

In addition, bird and bat boxes should be incorporated into the cladding of the buildings. Whilst these interventions do not contribute towards the net gain (%), they do support biodiversity more broadly and provide targeted enhancements for priority BAP species.

Examples of recommended, drought tolerant and pollinator friendly species to include within the public realm soft landscaping are outlined in Table 5.2 below.

Table 5.2 Drought tolerant and pollinator-friendly species list

Common name	Scientific name
Herbaceous species	
Verbena species	<i>Verbena sp.</i>
Yarrow species	<i>Achillea sp.</i>
Lamiacea species	e.g. <i>Stachys byzantine</i> , <i>Perovskia atriplicifolia</i> , <i>Nepeta sp.</i> , <i>Salvia sp.</i> , <i>Stachys sp.</i> , <i>Lamiaceae sp.</i>
Lavender	<i>Lavandula angustifolia</i>
Ground cover with Fabaceae species like clovers, bird's foot trefoils, vetches etc	<i>Trifolium sp.</i> , <i>Lotus corniculatus</i> , <i>Vicia sp.</i>
Red campion	<i>Silene dioica</i>
Scabious species	<i>Scabiosa sp.</i>
Vipers bugloss	<i>Echium vulgare</i>
Thrift, yellow horned poppy and other coastal/shingle type species	<i>Armeria maritima</i> , <i>Glaucium flavum</i>
Ice plant	<i>Hylotelephium spectabile</i>
Red bartsia	<i>Odontites vernus</i>
Chives and alliums	<i>Allium sp.</i>
Euphorbia species	<i>Euphorbia sp.</i>
Structural grass species e.g. Hairy melic or blue oat grass	<i>Melica ciliata</i> , <i>Helictotrichon sempervirens</i>
Shrub and tree species	
Hebe	<i>Hebe sp.</i>
Juneberry	<i>Amelanchier lamarkii</i>
Goat willow	<i>Salix caprea</i>
Black Alder	<i>Alnus glutinosa</i>

European Gorse	<i>Ulex europaeus</i>
Silver Birch	<i>Betula pendula</i>
Dogwood (Cornus) species	<i>Cornus sp.</i>

6.0 SUMMARY & CONCLUSION

Greengage was commissioned by Premier Inn Hotels Dominvs Group to undertake a PEA of the site at One Medlock Street in Manchester to establish the ecological value of this site and its potential to support notable and/or legally protected species.

The PEA identified the site to be of negligible value for all notable and protected species and habitats, with birds as an exception, the site is considered to have low potential to support nesting birds. As such mitigation measures are required to ensure compliance with protected species legislation, as detailed in section 5.2. The site has a low ecological value.

Key mitigation, compensation and enhancement actions are described to enable legislative and policy compliance (see context at Appendix B) and to achieve net gains in biodiversity for the site.

Key mitigation, compensation, and enhancement actions, outlined within this report, should be detailed within EMP and CEMP documents for the site which could be secured through planning condition.

APPENDIX A SITE PLAN AND HABITAT MAP



- Site boundary
- Target note
- Tree
- g4 - Modified grassland
- u1b - Developed land, sealed surface
- u1b5 - Buildings

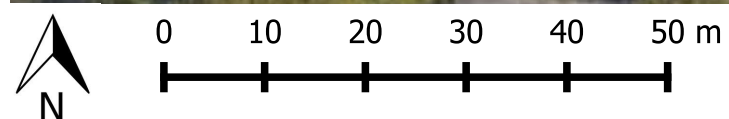


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**Fig 1.0 Site Plan and
Habitat Map**

Project Number 551267
September 2022
1 to 750 at A3
Source: OpenStreetMap



APPENDIX B LEGISLATION AND POLICY CONTEXT

LEGISLATION

Current key legislation relating to ecology includes The Environment Act⁸ Wildlife and Countryside Act 1981 (as amended)⁹; The Conservation of Habitats and Species Regulations 2019 ('Habitats & Species Regulations')¹⁰, The Countryside and Rights of Way Act 2000 (CRoW Act)¹¹, and The Natural Environment and Rural Communities Act, 2006¹².

The Environment Act, 2021

The Environment Act, 2021 will mandate the requirement for new development in England to deliver a minimum 10% biodiversity net gain (BNG), as measured by the agreed metric (the current relevant version being the Natural England metric 3.0), secured through planning condition as standard (as per schedule 14 of the Act). Approach to the delivery of BNG must follow the mitigation hierarchy, with avoidance of impact and on-site compensation/gains prioritised, ahead of the use of offsite biodiversity unit offsets, or the purchase of biodiversity credits.

The Act introduces the condition that no development may begin unless a biodiversity net gain plan has been submitted and approved by the local planning authority (LPA).

The Act also amends requirements of the NERC Act, 2006, adding the need to not just conserve, but enhance biodiversity through planning projects. Furthermore, it introduces the need for the LPA to have regard to relevant local nature recovery strategies and relevant species/protected site conservation strategies, when making their decision.

Under the Act, the enhancements must be maintained for at least 30 years.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats & Species Regulations replace The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended)¹³, and transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive')¹⁴, and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive')¹⁵ into UK law (in conjunction with the Wildlife and Countryside Act).

Regulation 43 and 47 respectively of the Conservation of Habitats & Species Regulations makes it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2 (European protected species of animals), or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 5 (European protected species of plant). Development that would contravene the protection afforded to European protected species requires a derogation (in the form of a licence) from the provisions of the Habitats Directive.

Regulation 63 (1) states: 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which —

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and

(b) is not directly connected with or necessary to the management of that site;

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.'

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats¹⁶ (the 'Bern Convention') and the Birds Directive and EU Habitats Directive are implemented in Great Britain.

The Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act has been updated by the CRoW Act. The CRoW Act amends the law relating to nature conservation and protection of wildlife. In relation to threatened species it strengthens the legal protection and adds the word 'reckless' to the offences of damaging, disturbing, or obstructing access to any structure or place a protected species uses for shelter or protection, and disturbing any protected species whilst it is occupying a structure or place it uses for shelter or protection.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities Act 2006 states that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity Action Plans provide a framework for prioritising conservation actions for biodiversity.

Section 41 of the Natural Environment and Rural Communities Act requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity. The list, a result of the most comprehensive analysis ever undertaken in the UK, currently contains 1,149 species, including for example, hedgehog (*Erinaceus europaeus*), and 65 habitats that were listed as priorities for conservation action under the now defunct UK Biodiversity Action Plan¹⁷ (UK BAP). Despite the devolution of the UK BAP and succession of the UK Post-2010 Biodiversity Framework¹⁸ (and Biodiversity 2020 strategy¹⁹ in England), as a response to the Convention on Biological Diversity's (CBD's) Strategic Plan for Biodiversity 2011-2020²⁰ and EU Biodiversity Strategy (EUBS)²¹, this list (now referred to as the list of Species and Habitats of Principal Importance in England) will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 41 of the Natural Environment and Rural Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions.

Biodiversity Action Plans

Non-statutory Biodiversity Action Plans (BAPs) have been prepared on a local and regional scale throughout the UK over the past 15 years. Such plans provide a mechanism for implementing the government's broad strategy for conserving and enhancing the most endangered ('priority') habitats and species in the UK for the next 20 years. As described above the UK BAP was succeeded in England by Biodiversity 2020 although the list of priority habitats and species remains valid as the list of Species of Principal Importance for Nature Conservation.

Regional and local BAPs are still valid however and continue to be updated and produced.

Detail on the relevant BAPs for this site are provided in the main text of this report.

Legislation Relating to Nesting Birds

Nesting birds, with certain exceptions, are protected from intentional killing, destruction of nests and destruction/taking of eggs under the Wildlife and Countryside Act 1981 (as amended) and the CROW Act. Any clearance of dense vegetation should therefore be undertaken outside of the nesting bird season, taken to run conservatively from March to August (inclusive), unless an ecologist confirms the absence of active nests prior to clearance.

Legislation Relating to Bats

All UK bats and their roosts are protected by law. Since the first legislation was introduced in 1981, which gave strong legal protection to all bat species and their roosts in England, Scotland and Wales, additional legislation and amendments have been implemented throughout the UK.

Six of the 18 British species of bat have Biodiversity Action Plans (BAPs) assigned to them, which highlights the importance of specific habitats to species, details of the threats they face and proposes measures to aid in the reduction of population declines.

Although habitats that are important for bats are not legally protected, care should be taken when dealing with the modification or development of an area if aspects of it are deemed important to bats such as flight corridors and foraging areas.

The Wildlife & Countryside Act 1981 (WCA) was the first legislation to provide protection for all bats and their roosts in England, Scotland and Wales (earlier legislation gave protection to horseshoe bats only.)

All eighteen British bat species are listed in Schedule 5 of the Wildlife and Countryside Act, 1981 and under Annex IV of the Habitats Directive, 1992 as a European protected species. They are therefore fully protected under Section 9 of the 1981 Act and under Regulation 43 of the Conservation of Habitats and Species Regulations 2017, which transposes the Habitats Directive into UK law. Consequently, it is an offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;

- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat; and
- Intentionally or recklessly obstruct access to a bat roost.

This legislation applies to all bat life stages.

The implications of the above in relation to the proposals are that where it is necessary during construction to remove trees, buildings or structures in which bats roost, it must first be determined that work is compulsory and if so, appropriate licenses must be obtained from Natural England.

PLANNING POLICY

National

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021 sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 15 of the NPPF focuses on conservation and enhancement of the natural environment, stating plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.

It goes on to state: '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'. Alongside this, it acknowledges that planning should be refused where irreplaceable habitats such as ancient woodland are lost.

Regional

Places For Everyone Joint Development Plan Document – Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford, Wigan

Policy GM-Strat 13 Strategic Green Infrastructure

The following strategic green infrastructure assets will be protected and enhanced as key features within Greater Manchester:

1. River valleys and waterways (see Policy GM-G 3 'River Valleys and Waterways')
2. Lowland wetlands and mosslands (see Policy GM-G 4 'Lowland Wetlands and Mosslands')
3. Uplands (see Policy GM-G 5 'Uplands')
4. Trees and woodland (see Policy GM-G 7 'Trees and Woodland').

The protection and enhancement of these key strategic green infrastructure assets is complemented by a suite of policies to protect and enhance Greater Manchester's network of green infrastructure, including protecting and enhancing sites of ecological value. This will enable Greater Manchester's residents to access and maximise the benefits of green infrastructure on their health and wellbeing.

Policy GM-G 9 A Net Enhancement of Biodiversity and Geodiversity

Across the plan as a whole, a net enhancement of biodiversity resources will be sought, including by:

1. Increasing the quality, quantity, extent and diversity of habitats, particularly priority habitats identified in national or local biodiversity action plans and those that support priority species;
2. Improving connections between habitats, to protect and enhance the provision of corridors, ecological networks (including Nature Recovery Networks) and stepping stones that enable the movement of species, especially as the climate changes;
3. Enhancing the management of existing habitats, including through habitat restoration, avoiding habitat fragmentation and combating invasive species;
4. Protecting sites designated for their nature conservation and/or geological importance, with the highest level of protection given to international and then national designations in accordance with legislation and national policy;
5. Facilitating greater access to nature, particularly within urban areas;
6. Supporting the development and implementation of the Greater Manchester Wetlands Nature Recovery Network; and
7. Safeguarding, restoring and sustainably managing Greater Manchester's most valuable soil resources, tackling soil degradation/erosion and recovering soil fertility, particularly to ensure protection of peat-based soils and safeguard 'best and most versatile' agricultural land.

Development will be expected to:

- a. Follow the mitigation hierarchy of:
 - i. Avoiding harm to biodiversity, particularly where it is irreplaceable, and including consideration of alternative sites where appropriate, then;
 - ii. Mitigating (within the local area) any harm to biodiversity, then
 - iii. Compensating (within the local area) for any remaining harm to biodiversity;
- b. Avoid fragmenting or severing connectivity between habitats;
- c. Achieve a net gain in biodiversity;
- d. Make appropriate provision for long-term management of habitats and geological features connected to the development; and
- e. Provide robust evidence in accordance with relevant government and other guidance, including field surveys wherever development of 'best and most versatile' agricultural land is proposed or to establish the status of the land within the Agricultural Land Classification system.

Whilst off-site habitat enhancement and creation required as part of the mitigation hierarchy (or to achieve a measurable net gain in biodiversity of no less than 10%) should be local to the site regard should be had to supporting strategic biodiversity priorities and initiatives.

Policy GM-G 6 requires existing urban green space to be retained and enhanced and promotes the incorporation of new green spaces.

Greater Manchester Biodiversity Action Plan 2009

The Greater Manchester Biodiversity Action plan (GM BAP) aims to provide an over-arching document across all ten districts in Greater Manchester; these are Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Trafford, Tameside, and Wigan. The overall aim of the GM BAP is:

- "To promote the conservation, protection and enhancement of biological diversity in Greater Manchester for current and future generations".

The Greater Manchester audit identified those species and habitats that are of local conservation importance and require action in order to conserve and protect them. Those habitats and species selected for the GM BAP were included for the following reasons:

- They are priority habitat or species within the UK BAP and occur in the GM area.
- They are considered to be of conservation concern locally within GM.

Local

Manchester City Council Core Strategy 2012

Policy EN 9 – Green Infrastructure

New development will be expected to maintain existing green infrastructure in terms of its quantity, quality and multiple function. Where the opportunity arises and in accordance with current Green Infrastructure Strategies the Council will encourage developers to enhance the quality and quantity of green infrastructure, improve the performance of its functions and create and improve linkages to and between areas of green infrastructure. Where the benefits of a proposed development are considered to outweigh the loss of an existing element of green infrastructure, the developer will be required to demonstrate how this loss will be mitigated in terms of quantity, quality, function and future management.

Key features of Manchester's green infrastructure will include:

- The continued development of a network of green spaces, water bodies, canals, paths and cycleways, with priority given to those parts of the City where there is an identified existing lack of open space. The Council will seek to protect existing street trees and promote new planting, particularly where this can enhance green links in the urban area.
- The continued maintenance and management of the Rivers Mersey and Irwell and their tributaries, for example the River Irk, River Medlock, Chorlton Platt Gore, Gatley Brook, Moston Brook and adjoining land, with regard to their multiple functions including recreation, flood management, and biodiversity.

- The provision of new, and improvements to the quality and accessibility of existing green infrastructure assets, to mitigate for any loss of green infrastructure as a result of development such as the Metrolink extension programme.
- The encouragement of green roofs, green walls, tree planting and other forms of green infrastructure to allow for the adaption to climate change in heavily urbanised areas.

New green infrastructure provision should be an exemplar of best practice and innovation in terms of both its design and management.

Policy EN 15 – Biodiversity and Geological Conservation

The Council will seek to maintain or enhance sites of biodiversity and geological value throughout the City. Particular consideration will be given to:

- Sites with international or national designations for their biodiversity value. Manchester contains one Site of Special Scientific Interest (SSSI) (Cotteril Clough); there is a Special Area of Conservation (SAC) and an SSSI just over the border in Oldham (both on the Rochdale Canal within Oldham);
- Other sites of biodiversity value, including Sites of Biological Importance (SBIs) and Local Nature Reserves (LNRs); Manchester currently has 35 SBIs (including the Rochdale and Ashton Canals) and 7 LNRs; priority habitats found within Manchester, as listed in the Manchester Biodiversity Strategy and included in the Greater Manchester Biodiversity Action Plan (GM BAP);
- Protected and priority species, as listed in the Manchester Biodiversity Strategy and included in the Greater Manchester Biodiversity Action Plan (GM BAP);
- Sites that are recognised for their geological importance;
- The Council's objective to protect and conserve the City's existing trees and woodlands and the aim for a net increase in trees across the City.

Developers will be expected to identify and implement reasonable opportunities to enhance, restore or create new biodiversity, either on-site or adjacent to the site, contributing to linkages between valuable or potentially valuable habitat areas where appropriate, with reference to:

- The Manchester Biodiversity Strategy, which provides further details of priority habitats within Manchester and opportunities for biodiversity enhancement including corridors such as the Mersey, Medlock and Irk river valleys, the canals and disused railway lines and areas of managed greenspace particularly in parks;
- The Green Infrastructure Framework for Greater Manchester, which encompasses an ecological framework that seeks to guide and inform habitat creation and repair, including identifying large 'biodiversity opportunity areas' including the Moston Brook Corridor and Nutsford Vale;
- The Open Space, Sport & Recreation Study, which identifies areas where there is a deficit of natural and semi-natural greenspace, opportunities for green corridors and other linkages;
- Manchester's Climate Change Action Plan;

- The Strategic Flood Risk Assessment (SFRA) for Manchester;
- The Habitats Regulations Assessment (HRA) for Manchester, which gives detailed consideration to Special Areas of Conservation (SACs), including the Rochdale Canal SAC just outside the district boundary;
- The River Basin Management Plan for the North West;
- The Manchester Tree Strategy.

Any adverse impacts on biodiversity will need to be justified against the wider benefits of the proposal, assessed against other LDF policies. Where adverse impacts are unavoidable, developers will be required to provide appropriate mitigation and/or compensation.

Development should wherever possible seek to maintain, enhance or restore existing geology.

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