

Preliminary Ecological Appraisal



**Tyler
Grange**

**35 Fountain Street
7th December 2022**

TG Report No. 15336_R01b_DP_CW

Report No:	Date	Revision	Author	Checked	Approved
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Summary

- S.1. This report sets out the findings of a Preliminary Ecological Appraisal (PEA) of a parcel of land situated at 35 Fountain Street, Manchester (OS Grid Reference SJ 84154 98297), hereinafter referred to as the 'site', to accompany a planning application for the refurbishment and reconfiguration of the structure to create a new office building.
- S.2. The site is located on Fountain Street in central Manchester, a short distance west of Piccadilly Gardens. The site measures approximately 0.1 hectares and is comprised entirely of built structure.
- S.3. The findings of the desk study, phase I habitat survey and preliminary roost assessment recorded the following outcomes:
- Potential effects to habitats/statutory and non-statutory conservation designations:
 - a. Statutory sites: No impacts are expected.
 - b. Non-statutory sites: No impacts are expected.
 - c. Habitats: No habitat areas of any ecological importance are present on site, so no impacts are expected.
 - Potential effects on protected/priority species:
 - a. Amphibians: This species group is not expected to be impacted by the development proposals.
 - b. Bats: Following the PRA, the building was assessed as having negligible potential to support roosting bats. No direct evidence (i.e. droppings) was found to suggest the presence of roosting bats at the time of survey. Considering this and the urban nature of the site and the surrounding area, it is therefore considered that no further nocturnal emergence/re-entry surveys will be required.
 - c. Birds: Due diligence must also be shown by all site contractors to check for active nests prior to demolition of the building, even if conducted outside of the 'core' nesting period as some species of bird are known to nest year-round. Should an active nest be suspected, a SQE will need to attend site to assess the status of the nest and advise further.
 - d. Badgers: This species group is not expected to be impacted by the development proposals.
 - e. Hedgehogs: This species group is not expected to be impacted by the development proposals.
 - f. Reptiles: This species group is not expected to be impacted by the development proposals.
 - g. Water Voles/Otter: This species group is not expected to be impacted by the development proposals.



- S.4. Provided the recommendations outlined in this report can be implemented fully and successfully, then development proposals would comply with relevant wildlife legislation and planning policy.



Section 1: Introduction

- 1.1. This report sets out the findings of a Preliminary Ecological Appraisal (PEA) of a parcel of land situated at 35 Fountain Street, Manchester (OS Grid Reference SJ 84154 98297), hereinafter referred to as the 'site', to accompany a planning application for the refurbishment and reconfiguration of the structure to create a new office building.
- 1.2. The site is located on Fountain Street in central Manchester, a short distance west of Piccadilly Gardens. The site measures approximately 0.1 hectares and is comprised entirely of built structure. See **Figure 1.1** below for the site's location.

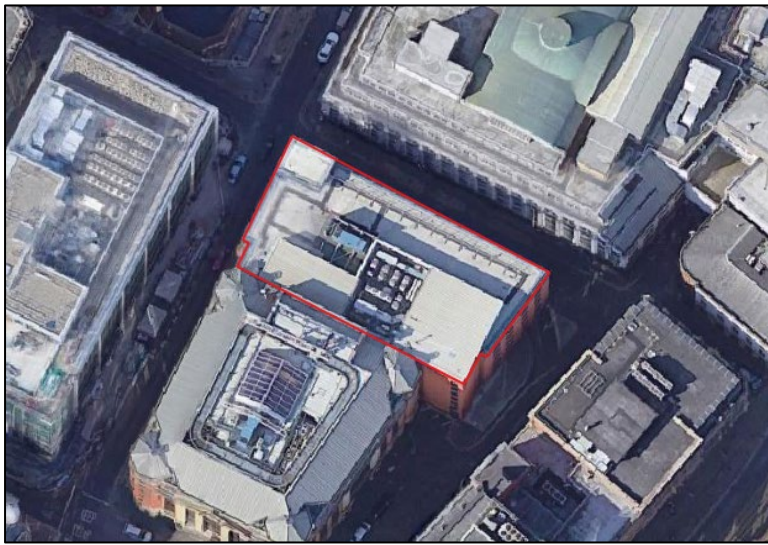


Figure 1.1 - Site red line boundary (Aerial Imagery © Google 2022).

- 1.3. This report:
 - Uses available background data, results of field surveys and consultation, to describe and evaluate the ecological features present within the likely 'zone of influence' (Zol)¹ of the proposed development;
 - Describes the actual or potential ecological issues and opportunities that might arise as a result of the site's development;
 - Where appropriate, makes recommendations for mitigation of adverse effects and ecological enhancement, to ensure conformity with policy and legislation listed in **Appendix 1**;
- 1.4. The assessment and the terminology used are consistent with the 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (CIEEM, 2019) and 'Guidelines for Preliminary Ecological Appraisals' (CIEEM, 2019).

¹ Defined as the area over which ecological features may be subject to significant effects because of activities associated with a project and associated activities (CIEEM 2018).



Section 2: Methodology

Scope of Assessment

- 2.1. This report follows the guidance set out in the Chartered Institute of Ecologists and Environmental Management (CIEEM) Guidance on Ecological Impact Assessment (EclA) and Preliminary Ecological Appraisals.
- 2.2. The extent of potential ecological effects which could arise from the proposed development were determined by undertaking a desk-based assessment of available records and published sources, together with an initial site survey. With this information, the zone of influence (Zoi) of the proposed development was established, together with potential ecological effects, opportunities and any further work, such as detailed surveys, that might be necessary to inform detailed development designs and requirements for mitigation.
- 2.3. Given the nature and location of the site, a full data search for all protected species was not required, and as such a partial data search was conducted focusing on bat species.

Desk Study

- 2.4. A desk-based study was undertaken to identify statutory nature conservation designations and protected species records within 1km of the site and relevant planning policies. The following sources were used:
 - The data search was undertaken in November 2022 for a 10km radius around the site for European statutory sites, a 2km radius for national statutory and non-statutory sites and a 2km radius for records of bat species in the area. The data search was conducted by inspecting the Multi Agency Geographic Information for the Countryside website (www.magic.defra.gov.uk²).
 - Records of bat species within 2km of the site were obtained from the Greater Manchester Local Record Centre (GMLRC) in November 2022; and
 - Local Planning policies from the Local Plan were checked to identify local planning policies which need to be considered as part of the development of the site (see **Appendix 1**).

Preliminary Roost Assessment

- 2.5. A preliminary roost assessment was conducted on 17th November 2022 and was conducted by Nick Bell (Senior Ecologist, Tyler Grange), an experienced field ecologist and Natural England level 1 bat license holder (2018-37985-CLS-CLS), and Elliot Grundy (Assistant Ecologist, Tyler Grange).
- 2.6. The surveys followed standard methodologies (Mitchell-Jones, A.J., 2004; Mitchell-Jones, A.J. and McLeish, A.P., 2004; Collins, 2016) which are described below.
- 2.7. Externally, the building was inspected from both the ground level (and roof level where access permitted) at different aspects using binoculars and a high-powered torch. The external inspection

² Accessed November 2022.



focused on features suitable for bats to gain access to potentially suitable roosting areas. This included features such as soffits and fascias, lifted led flashing, lifted roof tiles and around windows and gaps within stone and brickwork.

- 2.8. Internally, any accessible roof voids were inspected using a high-powered torch to identify potential roost features and signs of bat activity (i.e. droppings, urine splashes, as well as live or dead bats), and were visually examined in order to identify any potential access points for bats.
- 2.9. An assessment of the immediate surroundings was also undertaken to determine the connectivity of the building to the surrounding landscape that would offer commuting and foraging habitats.
- 2.10. The potential of the buildings on site to support roosting bats have been categorised against the criteria described in **Table 2.1** below.

Table 2.1: Roost Assessment Criteria (Adapted from Collins, 2016).

Suitability	Description of Roosting Habitats
Negligible	Negligible habitat features on site likely to be used by roosting bats
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions, and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation).
Moderate	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions, and surrounding habitat

Evaluation

- 2.11. The habitats and species in this ecological appraisal were evaluated using published guidance produced by CIEEM³. The level of value of specific ecological receptors is assigned using a geographic frame of reference, i.e. international value being most important, then national, regional, county, local and lastly, within the context of the site itself.
- 2.12. Value judgements are based on various characteristics that can be used to identify ecological resources or features likely to be important in terms of biodiversity. These include site designations (such as Sites of Special Scientific Interest (SSSIs)), or for undesignated features, the size, conservation status (locally, nationally or internationally) and the quality of the ecological resource. In terms of the latter, 'quality' can refer to habitats (for instance if they are particularly diverse, or a good example of a specific habitat type), other features (such as wildlife corridors or mosaics of habitats), or species populations or assemblages.

³ CIEEM (2019) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.



Quality Assurance

- 2.13. All ecologists at Tyler Grange are members of the Chartered Institute of Ecology and Environmental Management (CIEEM) or are working towards membership and act under the direction of members, and abide by the Institute's code of conduct.

Limitations

- 2.14. The findings of this report are valid at the time of writing. Owing to the dynamic nature of ecological resources, if more than 12 months have elapsed since the report was written, advice should be sought to determine whether update work is required. The findings of the report should not be relied upon without this advice.
- 2.15. This report is also partly based on 3rd party data held by the Local Record Centre, of which Tyler Grange Group Ltd. cannot guarantee the accuracy.



Section 3: Ecological Features and Evaluation

Context

- 3.1. The site is located on Fountain Street in central Manchester, a short distance west of Piccadilly Gardens. The site measures approximately 0.1 hectares and is comprised entirely of built structure. The wider landscape is comprised of substantial urban development in all directions, with the location being within the city centre. The river Irwell lies roughly 0.5km to the west of the site.

Protected Sites

Statutory

- 3.2. One internationally designated site considered to be of international ecological importance is present within 10km of the site.
- Rochdale Canal Special Area of Conservation (SAC) is situated 5.59km north-east of the site and is an inland water body of predominantly mesotrophic water designated for supporting a significant population of floating water-plantain *Luronium natans*.
- 3.3. No nationally designated sites are present within 2km of the site.

Habitats and Flora

Buildings

- 3.4. The site is comprised entirely of a single built structure, in use as an office building at the time of survey. The structure of this building being predominantly brick-built with large glass windows/panelling running vertically and horizontally along certain elevations. The roof is made up of both flat and pitched sections, with machinery present on some flat sections of the roof.

Fauna

- 3.5. Given the developed nature of the site, and the highly urban surrounding area, the site could only provide potential opportunities for bat/bird species, and provides zero suitability for the remaining protected species groups that are considered in PEA assessments (amphibians, badgers, hedgehogs, reptiles, and water vole/otter). Therefore, the only species groups considered in this assessment are bat and bird species.

Badger

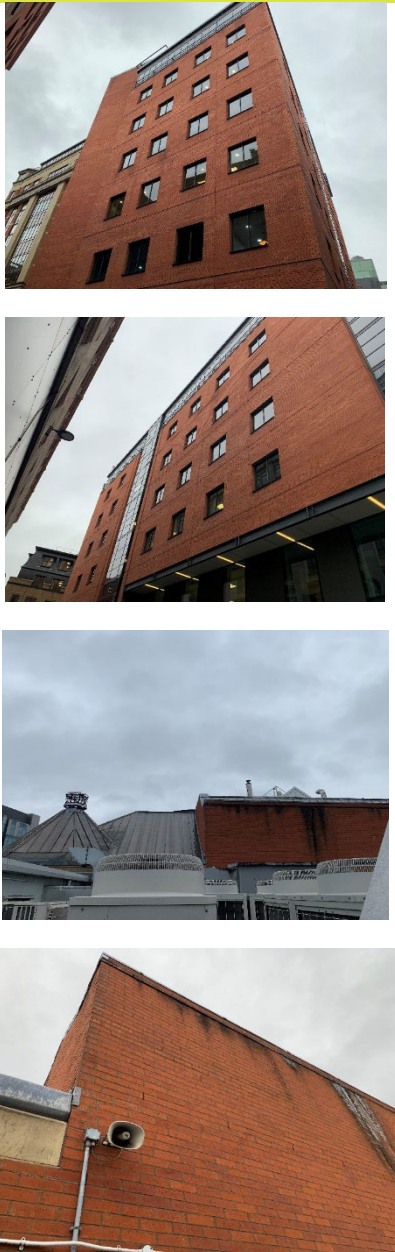
- 3.6. No evidence of this species was recorded inside the site boundary or within 30m where access/views permitted. The urban nature of the surrounding landscape is generally unsuitable for badgers, as is the general character of the site itself. As such, any sett building activity as well as foraging/commuting activity is considered highly unlikely. Therefore, this species group is not considered any further within this report.



Bats

- 3.7. GMLRC returned numerous records of bats within 2km of the site boundary. Species recorded include common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, pipistrelle species *Pipistrellus*, Daubenton's bat *Myotis daubentonii*, Myotis species *Myotis*, brown long-eared bat *Plecotus auritus*, and noctule bat *Nyctalus noctula*.
- 3.8. The building on site was inspected for its bat roost potential during the PRA survey, and was determined to be of **negligible roost potential**. No potential roost features (PRFs), and the building is described in **Table 3.1** below.

Table 3.1 – Site building bat roost potential.

Building No.	Description	Photographs	Roost Potential
B1	Nine-storey building in use as office space. Predominantly brick-built with sections of glass panelling. Mixture of flat and pitched sections of roof. No PRFs identified.		Negligible



Birds

- 3.9. The urban nature of the site limits the overall potential for bird species due to the lack of vegetation. However, the building does offer some potential shelter and nesting opportunity for bird species. The site is considered to be of low potential to this species group, but as potential nesting habitat is present, recommendations for this species group are detailed in **section 4**.



Section 4: Discussion and Recommendations

Site Context

- 4.1. The site is located on Fountain Street in central Manchester, a short distance west of Piccadilly Gardens. The site measures approximately 0.1 hectares and is comprised entirely of built structure.

Protected Sites

- 4.2. Rochdale Canal SAC is the only statutory site within the zone of influence of the site, and no impacts are expected to be had on this site as it is considered to be a sufficient distance away and not physically or functionally linked to the site. Additionally, due to the nature of the development, no impacts from increased recreational pressures are expected on this site.
- 4.3. In summary the development proposal options are unlikely to trigger planning policies protecting statutory nature conservation designations.

Habitats and Flora

- 4.4. The proposals will not require the loss of any habitat areas of any ecological importance, given that no ecologically valuable habitats are present on site and with development being limited to alterations on the existing building structure. Therefore, no specific mitigation will be required to replace any habitats lost/altered with the development.

Fauna

Bats

- 4.5. The preliminary roost assessment found the building on site to be of negligible bat roost potential. Therefore, no further nocturnal emergence/re-entry bat surveys will be required for this site.

Birds

- 4.6. Habitats on site provide limited opportunities for foraging bird species and therefore no specific mitigation is considered necessary due to loss of foraging habitat for birds.
- 4.7. All wild birds, their nests and eggs are afforded protection under the WCA 1981 (as amended). As such the removal of dense scrub and demolition of the buildings could trigger this legislation, which protects birds while actively nesting.
- 4.8. Due diligence must also be shown by all site contractors to check for active nests prior to demolition of the building, even if conducted outside of the 'core' nesting period as some species of bird are known to nest year-round. Should an active nest be suspected, a SQE will need to attend site to assess the status of the nest and advise further.



Section 5: Conclusions

- 5.1. For the reasons provided in **Section 4**, development proposals are unlikely to result in any adverse impact on statutory and non-statutory designated sites and no mitigation is required to this regard.
- 5.2. **Bats:** The PRA survey characterised the building on site as having negligible potential to support roosting bats, and therefore no further nocturnal surveys are required.
- 5.3. **Birds:** Due diligence is expected by all contractors to check for active nests prior to and during construction, and if an active nest is identified a suitably qualified ecologist should be consulted.
- 5.4. Provided the recommendations outlined in this report can be implemented fully and successfully, then development proposals would comply with all relevant wildlife legislation and planning policies.



Appendix 1: Legislation and Planning Policy

Legislation

- A1.1. Specific habitats and species receive legal protection in the UK under various pieces of legislation, including:
- The Wildlife and Countryside Act (WCA) 1981 (as amended);
 - The Conservation of Habitats and Species 2017 (as amended).
 - The Countryside and Rights of Way (CROW) Act 2000;
 - The Hedgerows Regulations 1997;
 - The Protection of Badgers Act 1992; and
 - The Natural Environment and Rural Communities Act (NERC) 2006
- A1.2. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance. Annexes II and IV of the Directive list all species considered of community interest. The legal framework to protect the species covered by the Habitats Directive has been enacted under UK law through The Conservation of Habitats and Species Regulations 2017 (as amended).
- A1.3. In Britain, the WCA 1981 (as amended) is the primary legislation protecting habitats and species. SSSIs, representing the best examples of our natural heritage, are notified under the WCA 1981 (as amended) by reason of their flora, fauna, geology or other features. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants.
- A1.4. The CROW Act 2000 strengthens the species enforcement provisions of the WCA 1981 (as amended) and makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site.

National Planning Policy

National Planning Policy Framework (NPPF), July 2021

- A1.5. The National Planning Policy Framework (NPPF) was updated in July 2021 and sets out the Government's planning policies for England and how these should be applied. It replaces the National Planning Policy Framework published in March 2012.
- A1.6. Paragraph 11 states that: "*Plans and decisions should apply a presumption in favour of sustainable development*".
- A1.7. Section 15 of the NPPF (paragraphs 170 to 177) considers the conservation and enhancement of the natural environment.
- A1.8. Paragraph 170 states that planning 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; and
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”

A1.9. Paragraph 171 states that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

A1.10. Paragraph 174 states that in order to protect and enhance biodiversity and geodiversity, plans should:

- “Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

A1.11. When determining planning applications, Paragraph 175 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- “if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

A1.12. As stated in paragraph 176 the following should be given the same protection as habitats sites:



- “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.”

A1.13. Paragraph 177 states that the presumption in favour of sustainable development does not apply where the planned project is likely to have a significant effect on a habitat site (alone or in combination) unless an appropriate assessment concluded the plan or project will not adversely affect the integrity of the habitats site.

Office of the Deputy Prime Minister (ODPM) Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System

A1.14. ODPM Circular 06/05 was prepared to accompany PPS9, however continues to be valid, and material in the consideration of planning applications since PPS9's replacement by the NPPF.

A1.15. ODPM Circular 06/05 provides guidance on applying legislation in relation to nature conservation and planning in England. Part I considers the legal protection and conservation of internationally designated sites (namely candidate Special Areas of Conservation (cSACs), SACs, potential Special Protection Areas (pSPAs), SPAs and Ramsar sites) and Part II considers the legal protection and conservation of nationally designated sites, namely Sites of Special Scientific Interest (SSSIs).

A1.16. Part III considers the protection of habitats and species outside of designated areas (particularly UK Biodiversity Action Plan species and habitats), which it states are capable of being a material consideration in the preparation of local development documents and the making of planning decisions.

A1.17. Part IV considers species protected by law and states that the presence of a protected species is a material consideration in the consideration of a development proposal that, if carried out, would be likely to result in harm to the species or its habitat and that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

Local Planning Policy

A1.18. *Local 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 and other sites of biodiversity value (SBIs, LNRs);
- 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 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 habitat areas where appropriate, with reference to the Manchester Biodiversity Strategy and the Green Infrastructure Framework for Manchester’.

Local Biodiversity Action Plans

A1.19. Greater Manchester Biodiversity Action Plan includes plans for a number of habitats and species:

- Brown Hare
- Farmland Birds
- Water Vole
- Great Crested Newt
- Willow Tit
- Reedbeds
- Bittern
- Black redstart
- Native Black poplar
- Bats
- Twite; and
- Floating water plantain

A1.20. Habitat plans are published for:

- Grasslands (Species rich (unimproved) neutral grassland;
- Acid grassland;
- Marshy grassland;
- Grasslands of high ecological value on areas of previously developed land;
- Hedgerows;
- Native woodland (Lowland broad leafed, Upland oak, Wet woodland);
- Ponds and lodges;
- Lowland mosslands;
- Reedbeds and bittern;
- Urban managed greenspace;
- Uplands; and
- Canals.

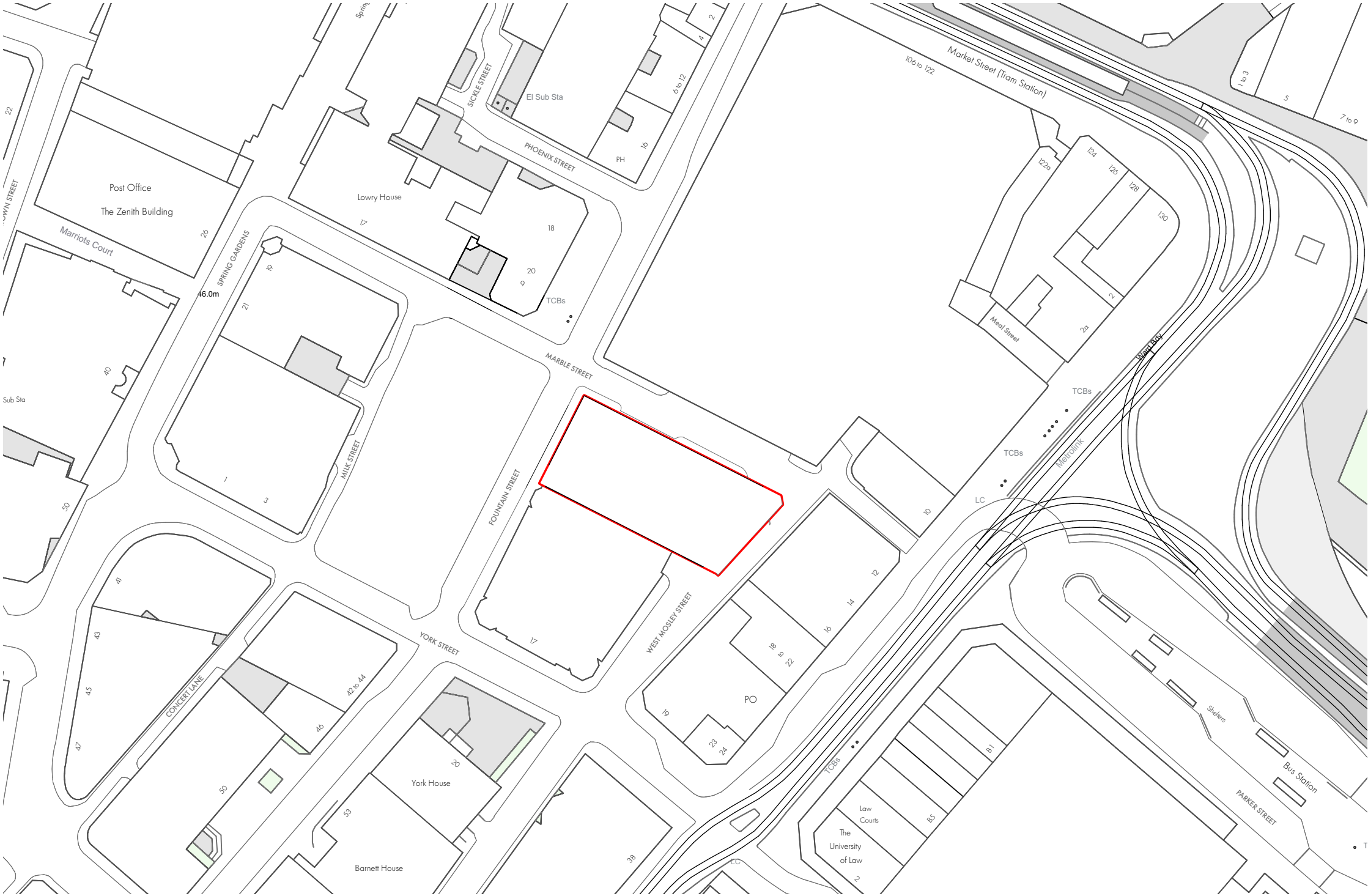


Appendix 2: Proposed Site Plans

L 0001-PROPOSED SITE LOCATION PLAN

L 1010-PROPOSED PLAN - ROOF





35 FOUNTAIN STREET | PROPOSED SITE LOCATION PLAN

ROOF PLAN

1:1000 @A3



PLAN KEY

— PROPOSED DEVELOPMENT SITE

REVISION	DATE	DESCRIPTION
A	07/11/2022	PRELIMINARY ISSUE
B	11/11/2022	Stage 3 issue

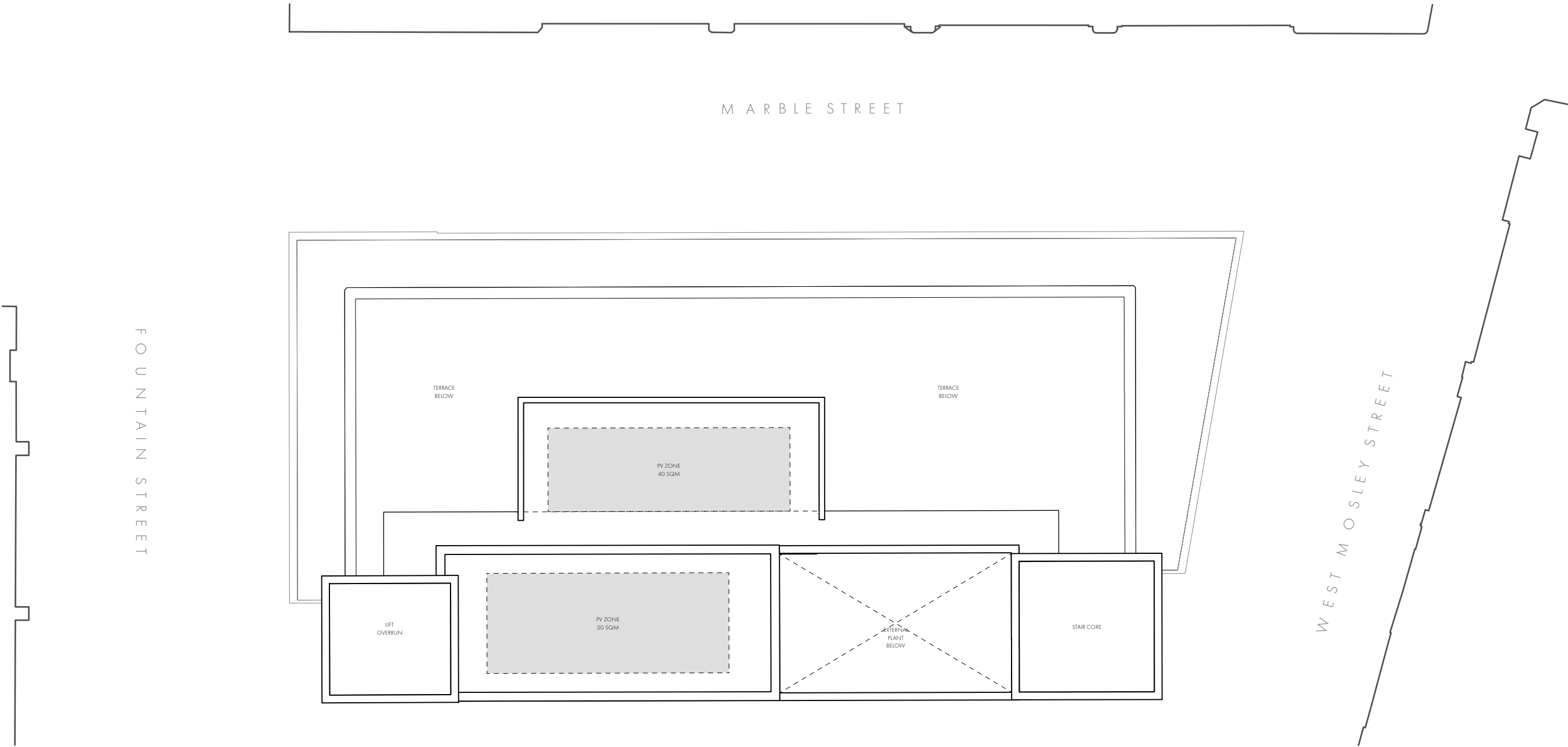
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PROJECT	35 FOUNTAIN ST					
DRAWING	PROPOSED SITE LOCATION PLAN					
DATE	NOV 22	DRAWN BY	DC	SCALE	1:1000	@A3
JOB NO.	1431	DWG.NO.	L 0001			

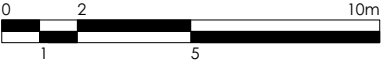
REVISION	DATE	DESCRIPTION
A	20/10/22	Preliminary Issue
B	11/11/2022	Stage 3 Issue
C	30/11/2022	Draft Planning Issue

D R A F T



35 FOUNTAIN STREET | PROPOSED PLANS

ROOF
1:200 @A3



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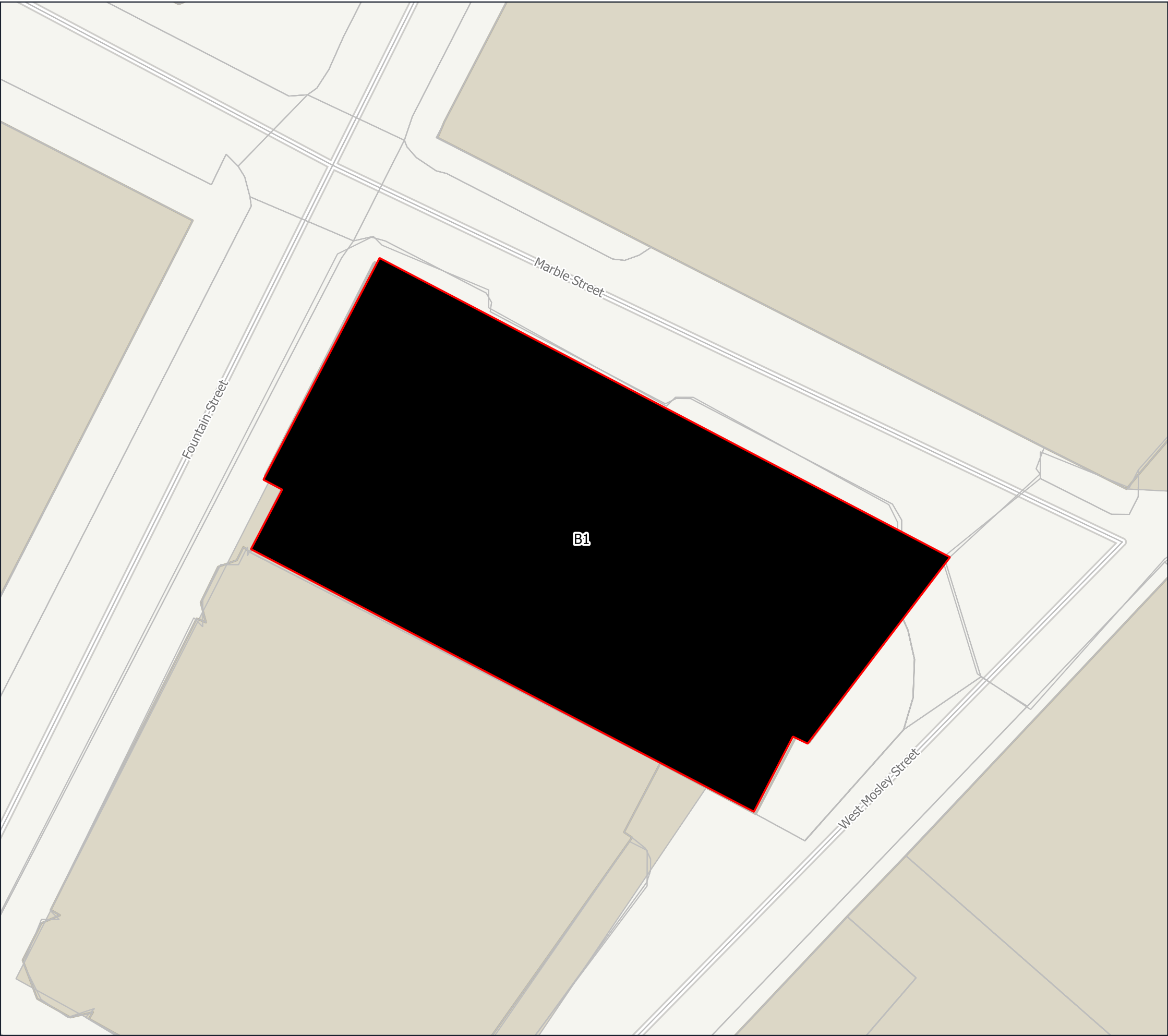
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PROJECT	35 FOUNTAIN ST					
DRAWING	PROPOSED PLAN - ROOF					
DATE	OCT 22	DRAWN BY	DC	SCALE	1:200	@A3
JOB NO.	1431	DWG.NO.	L 1010			

Plans:

Plan 1: 15336/P01 – Habitat Features Plan





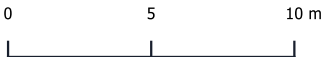
Legend

Boundaries

 Redline Boundary

Baseline - Polygon Habitats

 Buildings



Project	35 Fountain Street
Drawing Title	Habitat Features Plan
Scale	As Shown (Approximate)
Drawing No.	15336/P01
Date	November 2022
Checked	DP/NB



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