

MOSS LANE EAST, MANCHESTER
PRELIMINARY ECOLOGICAL APPRAISAL

A Report to: CS Moss Lane East Ltd

Report No: RT-MME-158021-01

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of practice for planning and development”.

Report Version	Date	Completed by:	Checked and Approved by:
Final	19/07/2022	Amy Carter MSc (Ecological Project Officer)	Ellie Rickman MCIEEM (Principal Ecological Consultant)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by CS Moss Lane East Ltd to carry out a Preliminary Ecological Appraisal of two buildings and surrounding land, it is proposed that one is to be demolished to make way for new student accommodation and the other to be redeveloped internally for student amenities. To fulfil this brief an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken.

The ecological desk study revealed records of 6 species of bat, records of hedgehog and numerous records of birds of principle importance within 1 km of the survey area.

The walkover survey was undertaken on 30th of June by Amy Carter (Ecological Project Officer). The survey area consisted of two large red bricked buildings, one of which is grade II listed. The buildings were surrounded by concrete slab access paths and amenity grassland with the occasional scattered trees and introduced shrubbery. There was also a large carpark situated to the south, and Whitworth Park was situated 20 m north of the survey area.

The key ecological features on site in relation to the works proposed are the scattered trees on site and the potential of the buildings on site to support bats.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R1 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including trees. If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy.
- R2 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity.
- R3 Terrestrial Mammals including Fox and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps and any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R4 Nesting Birds:** Building demolition and vegetation clearance should be undertaken outside the nesting bird season (peak period March-August). If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist immediately prior to works commencing.
- R5 Roosting Bats:** The buildings on site are suitable for roosting bats. For detailed recommendations regarding roosting bats please refer to the Preliminary Bat Roost Assessment RT-MME-158021-02

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In June 2022, CS Moss Lane East Ltd commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Moss Lane East, Manchester. This assessment is required to inform a planning application associated with inform a planning application associated with a proposed demolition of building number 470 (B1) to make way for new student accommodation and redevelopment works on building 466 (B2).

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 30th June 2022. In addition, Middlemarch Environmental Ltd has been commissioned to undertake the following assessments:

- Preliminary Bat Roost Assessment 158021-02 PRA
- Habitat Condition Assessment 158021-01 PEA

1.2 SITE DESCRIPTION AND CONTEXT

The site consisted of two large buildings split into flats 466 to 470 on Moss Lane East, Manchester with a central OS Grid Reference of SJ 84858 95654. The area was Approximately 1,583 sq meters in size and comprised of a large hardstanding carpark with access paths, amenity grassland, scattered trees and occasional scattered privet and laurel planted borders.

The wider landscape consisted of the urban area of Hulme, dominated with businesses, residential houses, flats and gardens, hospitals, schools, car parks and carriageways. Whitworth Park is situated immediately to the north of the survey area.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
AC20238-466-470MossLane East_Manchester	CS Moss Lane East Ltd

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - MAG/C website for statutory conservation sites;
- Greater Manchester Record Centre

The desk study included a search for:

- European statutory nature conservation sites in the UK (now referred to as the 'National Site Network') within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats);
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020) recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and

Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In July 2021, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018 and 2019. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;

- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

3.3 LOCAL PLANNING POLICY

MANCHESTER BOROUGH

http://www.manchester.gov.uk/info/200074/planning/6142/local_plans_and_supplementary_planning_documents

Core Strategy 2012-2027

Manchester's Core Strategy was adopted on the 11th July 2012 and is the key document in the Manchester Local Plan. It covers a period of 15 years from 2012 to 2027 and sets out the long term strategic policies for future development and will form the framework that planning applications will be assessed against. The following policies are of relevance to ecology:

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 a 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.

Unitary Development Plan (UDP) Policies

The Core Strategy replaced much of the Unitary Development Plan (UDP), however some of the policies remain. The remaining policy of relevance to ecology is:

Policy E3.4 Environmental Improvement and Protection

The Council will create a network of safe and attractive major linear recreational open spaces by linking and making better use of river valleys, canals, disused railways and other appropriate areas of open space.

Within these areas measures will be taken to:-

- a) achieve widespread environmental improvements;
- b) protect the natural environment;
- c) improve water quality;
- d) improve access for pedestrians, disabled people, cyclists and, where appropriate, horse riders;
- e) protect and enhance wildlife corridors.

The Council will ensure that, in developing these recreational routes, adequate measures are taken to safeguard the privacy of nearby residential properties.

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out in June 2022 by Greater Manchester Records Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

No European, UK Statutory or local non-statutory conservation sites were found during the desk study and no Sites of Special Scientific Interest (SSSIs) are located within a 5km, 2 km and 1 km radius of the survey area, however the survey area does fall within a SSSI Impact Risk Zone for Rochdale Canal and Huddersfield Narrow Canal which is located 6.7 km north and 7.2 km north-east, respectively.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals - Bats					
Brown long-eared bat <i>Plecotus auritus</i>	1	2016	440 m East	✓	ECH 4, WCA 5, WCA 6
Common pipistrelle <i>Pipistrellus pipistrellus</i>	6	2017	320 m North	-	ECH 4, WCA 5, WCA 6
Pipistrelle <i>Pipistrellus</i> sp.	1	2010	800 m North-East	#	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	1	2015	850 m East	#	ECH 2, ECH 4, WCA 5, WCA 6
Mammals - Other					
Hedgehog <i>Erinaceus europaeus</i>	10	2019	190 m south-west	✓	WCA 6
Invertebrates					
Cinnabar Moth <i>Tyria jacobaeae</i>	3	2012	220 m North	✓	-
Birds					
Black redstart <i>Phoenicurus ochuros</i>	3	2012	740 m West	-	WCA1i

Key:

#: Dependent on Species

+: Grid reference provided was six figures and as such, the record may be located within 100 m of the study site.

*: Grid reference provided was four figures only.

**: Grid reference provided was two figures only.

WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times.

ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation.

ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.

WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).

WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.

Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.

Local: Manchester City Council BAP

Note. These tables do not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area

A further five bird species of principal importance were identified during the desk study are listed as follows: Bullfinch *Pyrrhula pyrrhula*, dunnoek *Prunella modularis*, house sparrow *Passer domesticus*, song thrush *Turdus philomelos*, starling *Sturnus vulgaris*.

4.4 INVASIVE SPECIES

No records of invasive or non-native species were identified during the desk study.

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing C158021-01 is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 30th June 2022 by Amy Carter MSc (Ecological Project Officer) Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	18
Cloud (%)	60
Wind (Beaufort)	F0
Precipitation	Dry

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

All areas of the site were accessible at the time of survey and there were no significant constraints.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity Grassland
- Buildings
- Hardstanding and Infrastructure
- Notable Offsite Habitat: Whitworth Park
- Ornamental Planting
- Scattered Trees

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Amenity Grassland

Amenity grassland surrounded both buildings and was managed to less than 2 cm (Plate 9.1). Species within the grassland comprised perennial rye grass *Lolium perenne* with ribwort plantain *Plantago lanceolata*, self-heal *Prunella vulgaris*, creeping buttercup *Ranunculus repens*, white clover *Trifolium repens* and black medic *Medicago lupulina* and lawn mosses.

Buildings

B1 was a large three floor red bricked residential building, with a mixture of flat, and irregular shaped slate tiled roofs. This building also had a basement area. The windows and doors were a mixture of PVC with wooden/brick window ledges (Plate 9.2). The general condition of the building was good, however there wear small areas of mortar missing to the west and north, and some wear to the wooden fascia boards on all sides (Plate 9.3).

B2 was a Grade II Listed, largely red brick three story building, with a white painted front to the north. It also had a converted basement area. The roof had a mansard shape, with slate tiles and the windows were single glazed with wood frames, and brick windows ledges (Plate 9.4). The general condition of the building was good, however some areas of mortar degradation were noted on the western and eastern walls, and some gaps in bricks were also noted around window ledges to the south (Plate 9.5).

B3 was a small rectangular bike shed, which was comprised of red brick, slate tiled hipped roof and black wooden fascia boards. The door was a metal grated door, where the inside was visible. The roof was hollow with wooden supports. The general condition of the building was good, with only small holes entering the fascia boards (Plate 9.6 to 9.8).

Hardstanding and Infrastructure

Much of the external areas of the site was dominated by hardstanding. To the south of the site was a large hardstanding carpark, it was largely in good condition with little vegetation encroachment. Surrounding the buildings were concrete slabs, which connected to access paths to the north (Plate 9.9 to 9.10).

To the west, situated within the carpark was a large metal shipping container, which was well sealed and in good condition, used as extended storage for the site (Plate 9.11).

Notable Offsite Habitat: Whitworth Park

Whitworth park was situated Immediately to the north of the site, just beyond B5219 (Moss Lane East) (Plate 9.12). The park consisted of several mature scattered trees, amenity grassland and recreational infrastructure such as benches, hardstanding walkways and children's play areas.

Ornamental Planting

Cherry laurel *Prunus laurocerasus* planted borders were present within the survey area, notably along the north-western boundary and along the front of B2 (Plate 9.13).

Scattered Trees

Scattered trees were noted throughout the survey area. An equally spaced row of ornamental acer *Acer sp*, cherry *Prunus sp* and rowan *Sorbus aucuparia* were noted to the north of the buildings amongst the amenity grassland (Plate 9.14). Another row of young conifers were noted to the south-east corner, in two areas, immediately adjacent to the access gates (Plate 9.15).

All scattered trees on site were in good condition with no broken limbs or knotholes and were all immature or semi-mature.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Birds

Woodpigeon *Columba palumbus* and magpie *Pica pica* were the only bird species observed on site during the field survey.

5.5 INVASIVE PLANT SPECIES

No invasive species were identified during the field survey,

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

It is understood that B1 is to be demolished completely in order to make way for new student accommodation. B2 will remain but will undergo redevelopment in order to repurpose the building for student amenities on site. The amenity grassland surrounding the site is likely to be impacted, as well as some of the scattered trees.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified no European statutory sites within 5 km of the survey area, no UK statutory sites within 2 km and no non-statutory sites within 1 km. The site is not located within 10 km of a statutory site designated for bats. Although the site does fall within the impact risk zones for Huddersfield narrow canal and Rochdale canal Sites of Special Scientific Interest, the site is not ecologically linked to these SSSIs and due to the built up nature of the intervening distance, these conservation sites are not a notable consideration.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Amenity Grassland

Amenity grassland is not deemed to be notable consideration as it is not a Habitat of Principal Importance, nor is it listed as a priority habitat on the Local BAP. In addition, it is a locally common habitat which has low species diversity and can be easily recreated post-works.

The potential for these areas to support protected species is discussed in Section 6.4.

Buildings

Buildings are not a notable habitat in themselves. However, the potential for the buildings to support protected species is discussed in Section 6.4 and within the Preliminary Bat Roost Assessment report (RT-MME-158021-02).

Hardstanding and Infrastructure

Hardstanding and infrastructure on site has minimal intrinsic ecological value, and as such, is not a notable consideration.

Introduced Shrub

This habitat comprised non-native species and as such, has limited intrinsic ecological value. Therefore, introduced shrub is not a notable consideration with regards to the proposed works.

Scattered Trees

Scattered trees are not listed as a Habitat of Principal Importance, but they are listed on the local BAP. Trees, and particularly more mature specimens, are of intrinsic ecological value as they provide habitat for a range of birds and invertebrates, create ecological stepping stones through the landscape, and cannot be easily replaced in the short to medium-term.

It is unknown whether the scattered trees on site will be removed. However, any removal should be limited to the minimum required, with replacement planting provided, and retained trees should be adequately protected for the duration of any works, to prevent indirect impacts such as root compaction. Recommendations in relation to this are therefore made in Section 7.2 below, to ensure the proposed works do not contravene relevant local planning policy, as detailed in Section 3.3.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Scattered Trees	-	✓	Accidental damage and root impaction

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Mammals - bats

Records of common pipistrelle, soprano pipistrelle, unidentified bat species and brown long-eared were identified by the desk study with the nearest record from 420 m away. The buildings on site have the potential to support roosting bats. Full details of the assessment of the buildings and recommendations for bats can be found in the Preliminary Roost Assessment Report number RT-MME-158021-02.

Mammals - other

Badger

No reports of badger were identified in the desk study and the habitat was not suitable for badger setts, nor was any evidence found in the survey area. Therefore, badger is not of notable consideration for the works.

Terrestrial mammals

No evidence of terrestrial mammals was recorded on the survey site. However, the amenity grass and scattered ornamental shrubs could provide foraging areas for mammals, including fox and hedgehog. It is considered that these species could occasionally utilise the survey area for foraging, commuting and shelter purposes and they would therefore be at risk of direct harm/injury as a result of construction work and entrapment within any equipment or excavations that may be required as part of the proposed works. Terrestrial mammals are therefore a notable consideration, and a recommendation regarding protection measures is made below.

Herpetofauna

Amphibians

No records of great crested newts were identified within the search area through the desk study, nor were there any records of other amphibians such as common toad and common frog. The habitats on site offered little suitability for amphibians, and is surrounded by urban areas. Reference to Ordnance Survey data did not identify any ponds within 500 m of the site. Therefore, amphibians are not of a notable consideration with regards to the proposed works.

Reptiles

No records of reptiles were identified within the search area and no evidence of reptile presence was recorded on site during the field survey. The proposed works area was of negligible value to reptiles, being dominated by hardstanding and highly disturbed by people and vehicles. Due to the lack of suitable habitat within the proposed works areas, it is considered that reptiles are unlikely to be impacted by the proposed works and they are therefore not a notable consideration.

Birds

The desk study identified a small number of bird records within the search area, including one species listed as Schedule 1 species and five Species of Principal Importance and a small number of birds were recorded on site during the field survey. Habitats on site, including the buildings and scattered trees have the potential to support nesting birds. As these habitats could be impacted to some degree by the proposed works, nesting birds are a notable consideration. A recommendation is therefore made below to ensure that nesting birds are not adversely impacted by the proposed works and that the works do not contravene relevant local planning policy or legislation regarding birds.

Given the small size and urban nature of the site, it is unlikely to support significant numbers of birds and no long-term adverse impacts are anticipated on local bird populations.

Other Species: The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: dormouse, water vole, reptiles.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Terrestrial Mammal	-	Direct harm or injury and entrapment
Nesting Birds	-	Direct harm or injury, loss of nesting habitat

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

No invasive plants were identified during the desk study or during the site visit.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

No recommendation is made regarding nature conservation sites. Although the site falls within an impact risk zone for Rochdale Canal and Huddersfield Narrow Canal, it does not fall within the criteria for further action.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site and to adhere to Policy EN 9 Green Infrastructure in Manchester Borough Core Strategy:

- R1 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including trees and hegerows. Protection measures comprise:
- Trees: Any trees on or overhanging the site, which are retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.

If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy. For instance, the Non-native hedgerow should be replaced with only native and/or wildlife attracting species.

- R2 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. Suggested enhancements could include:

- Planting of wildflowers, shrubs and herbaceous species of value to pollinating invertebrates;
- Planting of seed/fruit bearing trees or shrubs to provide resources for birds;
- Installation of bird boxes on the new building or retained trees.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy Manchester Borough Core Strategy Policy EN 15 Biodiversity and Geological Conservation following recommendations are made:

- R3 Terrestrial Mammals including Fox and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

- R4 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- R5 Roosting Bats:** The buildings on site are suitable for roosting bats. For detailed recommendations regarding roosting bat please refer to the Preliminary Bat Roost Assessment RT-MME-158021-02

8. DRAWINGS

Drawing C158021-01 – Phase 1 Habitat Map



C158021-01

Legend

Site boundary

Scattered scrub

Scattered tree

Fence

Wall

Building

Hardstanding

Bare ground

Amenity grassland

Target note

1. Large metal shipping container

2. Tree stump

3. Building that borders the boundary

4. Notable offsite habitat: Whitworth Park

Project

Moss Lane East

Drawing

Phase 1 Habitat Map

Client

Turley Associates

Drawing Number

C158021-01

Revision

00

Scale @ A3

1:250

Date

July 2022

Approved By

AC

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9. PHOTOGRAPHS



Plate 9.1: Amenity Grassland Surrounding B1 and B2



Plate 9.2: B1 With Irregular Shaped Roof and Walls



Plate 9.3: Northern Side of B1 with Ornate Design Fascia Boards



Plate 9.4: Northern Side of B2 Painted entirely white and in Good Condition



Plate 9.5: Southern Side of B2



Plate 9.6: Bike Shed situated to the South of Both Buildings



Plate 9.7: Breeze Block Inside with Wooden Supports



Plate 9.8 Wooden Fascia Boards on Bike Shed With Metal Grated Door, Open To Inside



Plate 9.9: Hardstanding Access To The Survey Area Carpark



Plate 9.10: Hardstanding Carpark with Bike Shed and Refuse Area



Plate 9.11: Shipping Container Situated to the South of Carpark



Plate 9.12: View Of Whitworth Park Immediately North of The Survey Area



Plate 9.13: Occasional Ornamental Shrubs to the North



Plate 9.14: Scattered Conifer and Spruce Trees Along Southern Boundary

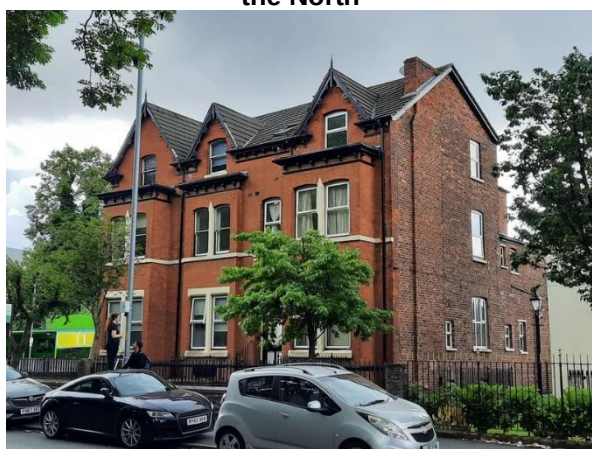


Plate 9.15: Scattered Trees to the North of Buildings Surrounded by Amenity Grassland

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

Site Check Report Report generated on Mon Jul 04 2022

You selected the location: Centroid Grid Ref: SJ84859566

The following features have been found in your search area:

Ramsar Sites (England)

No Features found

Special Areas of Conservation (England)

No Features found

Potential Special Protection Areas (England)

No Features found

Site Check Report Report generated on Mon Jul 04 2022

You selected the location: Centroid Grid Ref: SJ84869565

The following features have been found in your search area:

SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

Air Pollution

Livestock & poultry units with floorspace > 500m², slurry lagoons & digestate stores > 4000m².

Combustion

General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

GUIDANCE - How to use the Impact Risk Zones

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

Ancient Woodland (England)

No Features found

Local Nature Reserves (England)

No Features found

National Nature Reserves (England)

No Features found

Sites of Special Scientific Interest (England)

No Features found

APPENDIX 2

Overview of Relevant Species Specific Legislation

Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- 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
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

SCHEDULE 1 BIRDS

Schedule 1 - Part I

Birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest.

Avocet
Bee-eater
Bittern
Bittern, little
Bluethroat
Brambling
Bunting, ciril
Bunting, Lapland
Bunting, snow
Buzzard, honey
Capercaillie (Scotland only)
Chough
Corncrake
Crake, spotted
Crossbills (all species)
Divers (all species)
Dotterel
Duck, long-tailed
Eagle, golden
Eagle, white-tailed
Falcon, gyr
Fieldfare
Firecrest
Garganey
Godwit, black-tailed
Goshawk
Grebe, black-necked
Grebe, Slavonian
Greenshank
Gull, little

Gull, Mediterranean
Harriers (all species)
Heron, purple
Hobby
Hoopoe
Kingfisher
Kite, red
Merlin
Oriole, golden
Osprey
Owl, barn
Owl, snowy
Peregrine
Petrel, Leach's
Phalarope, red-necked
Plover, Kentish
Plover, little ringed
Quail, common
Redstart, black
Redwing
Rosefinch, scarlet
Ruff
Sandpiper, green
Sandpiper, purple
Sandpiper, wood
Scaup
Scoter, common
Scoter, velvet
Serin
Shorelark
Shrike, red-backed
Spoonbill
Stilt, black-winged
Stint, Temminck's
Stone-curlew
Swan, Bewick's
Swan, whooper
Tern, black
Tern, little
Tern, roseate
Tit, bearded
Tit, crested
Treecreeper, short-toed
Warbler, Cetti's
Warbler, Dartford
Warbler, marsh
Warbler, Savi's
Whimbrel
Woodlark
Wryneck

Schedule 1 - Part II

Birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken outside this period.

Goldeneye

Pintail

Greylag goose (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence. Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.