

PRELIMINARY ECOLOGICAL APPRAISAL

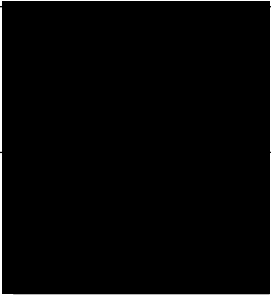
MARCH 2025

140 Great Ancoats Street
Manchester
M4 6DU

U R B A N
G R E E N



QUALITY MANAGEMENT

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1 Executive Summary

- 1.1.1.1 Liquid Business (Manchester) Limited is proposing to develop land at 140 Great Ancoats Street in Manchester (hereafter referred to as ‘the site’). The proposals include full planning permission for the demolition of existing buildings and erection of 2no. new buildings providing up to 758 apartments (Use Class C3), Class E floorspace (comprising flexible office accommodation (Use Class Eg(i)) and Class Ea and b) and associated hard and soft landscaping (including works within the public highway), formation of vehicle accesses and servicing access together with associated work.
- 1.1.1.2 Urban Green has been appointed to complete a Preliminary Ecological Appraisal of the site. The objectives of the assessment are to identify habitats on site and determine the suitability for any ‘protected and/or notable’ species that may occur on site. Further ecological surveys and mitigation are recommended to aim to minimise potential impacts on ecology, due to the proposed development.

- 1.1.1.3 Following the survey work, the key recommendations are summarised in the following table:

Current Site Use and Adjacent Site Use	Currently, the site primarily comprises a furniture shop and warehouse within an old, red-brick building, as well as its front-facing car park facility. The site is within Manchester city centre, and surrounding land is densely urban.
Potential Impacts on Designated Sites	No potential impacts on designated sites nearby to the site are anticipated to occur due to the proposed development. The site is located at a sufficient distance from nearby designated sites, and the proposed development activities have been considered.
Habitats	The site comprised entirely hardstanding and buildings, with one exterior row of trees.
Ecological Constraints	No potential ecological constraints were identified during the assessment
Recommended Ecological Mitigation	The following mitigation measures are recommended to minimise potential impacts due to the proposed development: • Protective fencing for retained trees.
Recommended Further Surveys and Reports	No further ecological surveys or reports are recommended.



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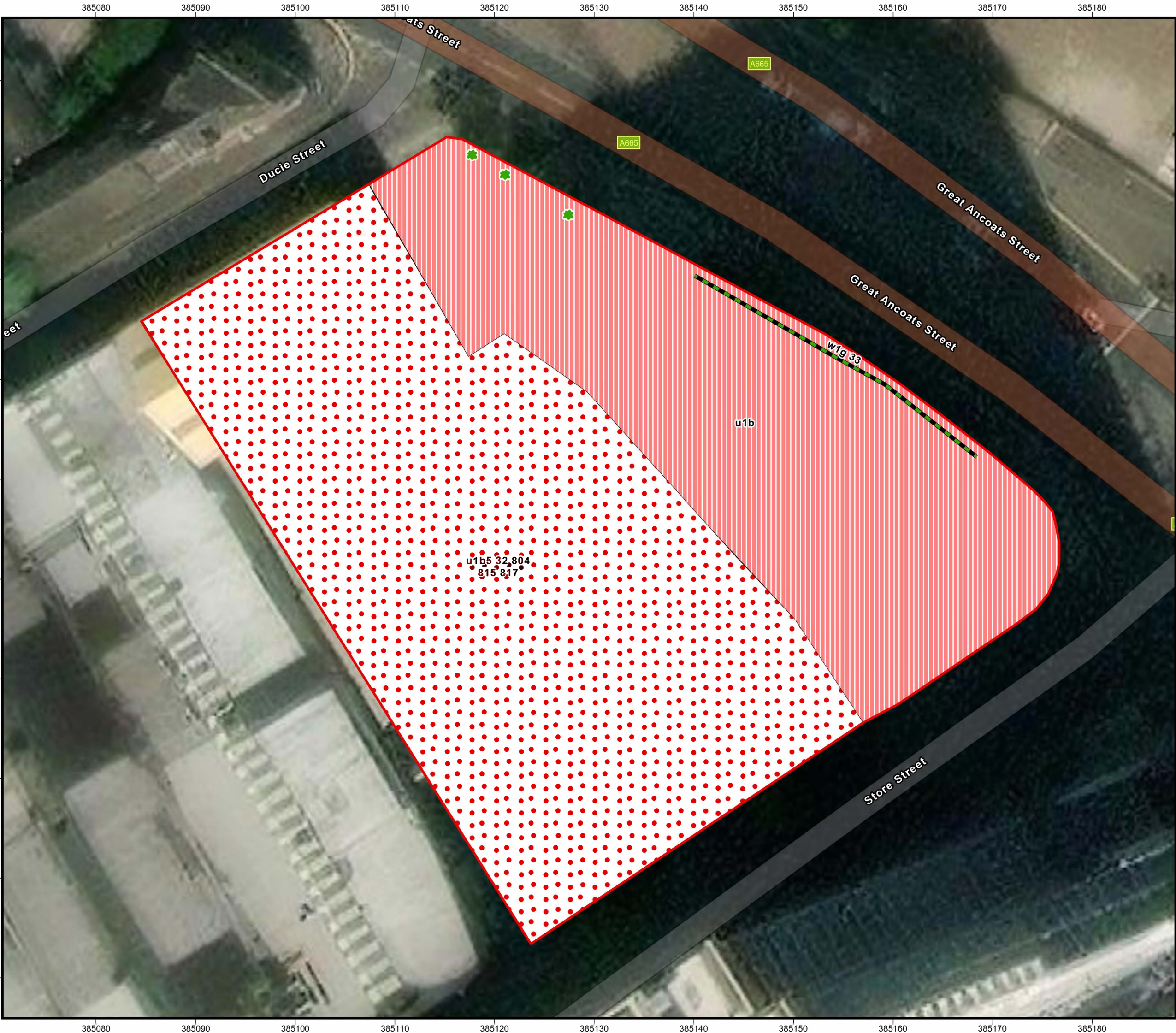
Kilometers

Client: **Liquid Buisness (Manchester) Limited**

Project: **140 Great Ancoats Street**

Title: **Site Context**

Drawing Ref: **UG_2162_SITE_CONTEXT**



U R B A N
G R E E N

Legend

- Red Line Boundary
- Buildings
- Developed land sealed surface
- Line of Trees
- Urban Tree

N



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Client:		Liquid Buissness (Manchester) Limited	
Project:		140 Great Ancoats Street	
Title:		UKHAB Habitat Map	
Issue:		Figure:	
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Figure 3. Photographs of the Site



Photograph 1: The primary site building exterior



Photograph 2: The building interior in active use



Photograph 3: Site carpark and tree row



Photograph 4: Building roofing.

2 Introduction

2.1 Scope

- 2.1.1.1 Urban Green has been instructed by Liquid Business (Manchester) Limited to carry out a Preliminary Ecological Appraisal to British Standard 42020:2013 guidelines at 140 Great Ancoats Street (hereafter referred to as “the site”) and produce our findings in a technical report.
- 2.1.1.2 The proposals include full planning permission for the demolition of existing buildings and erection of 2no. new buildings providing up to 758 apartments (Use Class C3), Class E floorspace (comprising flexible office accommodation (Use Class Eg(i)) and Class Ea and b) and associated hard and soft landscaping (including works within the public highway), formation of vehicle accesses and servicing access together with associated work.

2.2 Site Context

- 2.2.1.1 The site is located at National Grid Reference SJ 85124 98253 and comprises a total area of approximately 0.4ha (see Figure 1).
- 2.2.1.2 The site is located within the densely urban zone of Manchester City Centre, bound by the busy dual carriageway of Great Ancoats Street to the northeast and Ducie Street and Store Street to the north and south, respectively. Further commercial properties adjoin the site to the southwest. The site is subject to high levels of anthropogenic disturbance and light pollution at all hours, featuring little connectivity to suitable habitat in the wider environment.

2.3 Purpose of Report

- 2.3.1.1 This report has been produced to set out the methods, results, and recommendations of a PEA. The purpose of the PEA report is to identify habitats on site and determine the sites potential value for protected and/or notable fauna and flora, with the addition of potential impacts on designated sites. This will inform the need for any further ecological surveys and/or mitigation to minimise the potential impacts on ecology on site and within the local area.
- 2.3.1.2 Further information and details of UK legislation for those species which are formally protected is defined in Appendix 1, which are considered throughout the assessment.
- 2.3.1.3 The National Planning Policy Framework (NPPF) (2024) and other Local Planning Policies are considered with the PEA. Ecological enhancements are advised to be in line with relevant Planning Policies.

3 Previous Surveys

3.1 Bat Survey Report (Urban Green, 2023)

- 3.1.1.1 Urban Green was appointed to complete Bat Surveys and a Report of the site, with a Preliminary Roost Assessment conducted at the site in June 2023.
- 3.1.1.2 A nocturnal emergence survey was undertaken in August 2023. In summary, no evidence was observed to suggest the presence of a roost onsite, with the overall bat activity onsite and adjacent assessed to be limited. As such, no further mitigation in relation to roosting bats is required.

4 Methods

- 4.1.1.1 The PEA assessment and Report follows the good practice methodology as detailed within the *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2019).

4.2 Desk Study

4.2.1 Online Resources and Local Records Centre

- 4.2.1.1 Due to the size and low impact of the proposed development and being located within a predominantly urban area of Manchester, a 1km Local Data Search was conducted as it is deemed an appropriate distance for the Zone of Influence.
- 4.2.1.2 Sources of information used in the desk study are presented in Table 1.

Table 1: Desk study sources of information

Source	Date Consulted	Information Sought
MAGIC website (www.magic.gov.uk)	08/11/2024	Locations of statutory designated sites within 1km of the site boundary. Locations of Natura 2000 sites (Ramsar, Special Area of Conservation (SAC) and Special Protection Area (SPA)) within 5km of the site boundary. Locations of European Protected Species Licences (EPSL) and Class Licences within 1km.
Natural England (https://designatedsites.naturalengland.org.uk/)	08/11/2024	Relevant statutory designated site citations.
JNCC (https://jncc.defra.gov.uk/)	08/11/2024	Information on European wildlife sites. Details of relevant Section 41 species and habitats.
Greater Manchester Ecology Unit	27/09/2024	Locally designated wildlife sites within 1km of site boundary. Records of protected and notable species within 1km of the site boundary.

Source	Date Consulted	Information Sought
Greater Manchester Local Biodiversity Action Plans	08/11/2024	Species and habitats which are given special conservation status at the local level.

4.3 Field Survey

4.3.1 Vegetation

- 4.3.1.1 The site was subject to a field survey on 09/10/2024, by Barnaby Indio Gardner, Assistant Ecologist of Urban Green. The weather conditions were 17°C, scattered clouds (2/8 oktas), wind speed 1 Beaufort scale.
- 4.3.1.2 The methods were based on the standard methodology as detailed by The UK Habitat Classification User Manual (UKHab Ltd. 2023). A UKHab Habitat Plan has been produced to demonstrate habitats within the proposed development and the surrounding area. The mapping techniques are based on The UK Habitat Classification User Manual (Butcher et al, 2020) guidance.
- 4.3.1.3 Flora species listed as protected in the *Wildlife and Countryside Act 1981* (as amended) and species which are indicators of important and/or uncommon habitats, were searched for during the survey.
- 4.3.1.4 Species abundance is described using the DAFOR scale as shown in Table 2. Percentages are an approximate indication rather than a quantitative measure.

Table 2: Key to species abundance

		Description	Indicative Percentage Ranges
D	Dominant	Covers most of the area	90% or greater
A	Abundant	Very common throughout the area.	50 – 90%
F	Frequent	Common or with many individuals.	20 – 50%
O	Occasional	Occurs in several places but not throughout. Populations are not large.	5 – 20%
R	Rare	Occurs in low numbers in relation to size of area.	Less than 5%
“L” will be used to indicate abundance in a localised area, e.g. LA = Locally abundant			

- 4.3.1.5 Any invasive species, including those listed on the revised (April 2010) Schedule 9 of the *Wildlife and Countryside Act 1981* (as amended) were noted during the field survey when sighted.

4.3.2 Fauna

- 4.3.2.1 A site search for field signs of protected and notable fauna was undertaken, and incidental sightings are detailed. The searches completed were as follows:
- Suitability of any ponds to support notable and protected amphibians, and the suitability of the site’s terrestrial habitats to support amphibians.
 - Suitability of the site to support reptiles by way of habitat structure and refuge piles, as well as links to the wider landscape.
 - Search of any watercourses for signs or suitability for white-clawed crayfish (*Austropotamobius pallipes*), water vole (*Arvicola amphibius*) and otter (*Lutra lutra*) by way of burrows, resting places, holts, and foraging signs.

- Suitability of the site to support notable bird species. Bird nests and droppings of notable and protected bird species.
- Suitability of the site to support notable invertebrates.
- Search of the site for any invasive species.
- Badger (*Meles meles*) field signs such as setts, mammal, paths, snuffle holes and latrines.
- Suitability of the site to support notable terrestrial mammals including harvest mouse (*Micromys minutus*) and brown hare (*Lepus europaeus*).

4.4 Bat Assessment

4.4.1 Preliminary Roost Assessment (PRA)

- 4.4.1.1 A Preliminary Roost Assessment was carried out on the site building using close-focussing binoculars.
- 4.4.1.2 The PRA methodology is based on information contained within the Bat Conservation Trust (BCT) guidelines, 4th edition (Collins, 2023). The categorisation within this report is based on that set out in Table 3, which is used as a basis for determining the requirement for further surveys.

Table 3: Suitability of buildings for roosting bats (adapted from Collins, 2023)

Category of Suitability	Typical Characteristics
High Roost Suitability	A structure 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.
Moderate Roost Suitability	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions, and surrounding habitat but are unlikely to support a roost of high conservation status.
Low Roost Suitability	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 condition and/or suitable surrounding habitat to be used on a regular basis by larger numbers of bats.
Negligible Suitability	Negligible habitat features on site likely to be used by roosting bats.

4.4.2 Commuting and Foraging Bats

- 4.4.2.1 The site was assessed for its suitability for use by commuting and foraging bats.
- 4.4.2.2 The commuting and foraging assessment methodology is based on information contained within the Bat Conservation Trust guidelines 4th edition (Collins, 2023). The categorisation within this report is based on that set out in Table 4, which is used as a basis for determining the requirement for further surveys.

Table 4: Suitability of site for foraging and commuting Bats (adapted from Collins, 2023)

Category of Suitability	Typical Characteristics
High Suitability	Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by commuting or foraging bats such as; river valleys, streams, hedgerows, lines of trees or woodland edge. Site is close to or connected to known roosts.
Moderate Suitability	Continuous habitat connected to the wider landscape that could be used by commuting bats such as lines of trees, scrub or linked back gardens. Habitat connected to wider landscape that could be used for bats for foraging such as; trees, scrub, grassland or water.
Low Suitability	Habitat that could be used by small number of commuting bats such as; defunct hedgerow, isolated features not well connected to surrounding habitat or Isolated habitat that could be used by a small number of foraging bats such as a lone tree or patch of scrub.
Negligible Suitability	No features on site suitable for use by commuting and foraging bats.

4.5 Constraints to the Survey

- 4.5.1.1 Whilst every effort has been made to provide a comprehensive description of the site, no investigation could ensure the complete characterisation and prediction of the natural environment.
- 4.5.1.2 This PEA does not constitute a full botanical survey. The protected species assessment provides a view of the likelihood of protected species occurring on the site based on the known distribution of species in the local area and the suitability of the habitat.
- 4.5.1.3 It should not, however, be taken as providing a full and definitive survey of any protected species group.
- 4.5.1.4 Where a lack of records is found during the desk search for a defined geographical area, it does not necessarily mean that there is a lack of ecological interest; the area may be simply under-recorded.
- 4.5.1.5 The conclusions and recommendations detailed in this report are based upon the site redline boundary and the development proposals as outlined by the client at the time of writing. Should there be any changes to the site redline boundary or development proposals at a later stage, this assessment should be reviewed to determine whether any amendments or additional survey work is required.
- 4.5.1.6 The findings of this report represent the professional opinion of qualified ecologists and do not constitute professional legal advice. The client may wish to seek professional legal interpretation of the relevant wildlife legislation cited within this document.

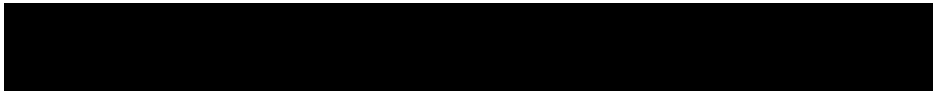
4.6 Lifespan of Report

- 4.6.1.1 In accordance with CIEEM's Advice Note on the Lifespan of Ecological Reports and Surveys (CIEEM, 2019), the details of this report will remain valid for a period of **18 months** from the date of the survey (i.e. until 16th March 2026). After this date, this assessment should be reviewed to determine whether any updated surveys are required.

4.7 Definitions

4.7.1.1 For the purposes of this report, the term ‘protected and notable species’ relates to:

- Species included on Schedules 2 and 4 of *The Conservation of Habitats and Species Regulations 2017*;
- Species included on Schedules 1, 5 and 8 of the *Wildlife and Countryside Act 1981* (as amended), excluding species that are only protected in relation to their sale (see section 9[5] and 13[2]);
- Invasive non-native species included on Schedule 9 of the *Wildlife and Countryside Act 1981* (as amended);
- Species of principal importance for the conservation of/maintaining and enhancing biodiversity as required under: Section 41 of the *Natural Environment and Rural Communities Act 2006* (England), Section 7 of the *Environment (Wales) Act 2016*, Section 2[4] of the *Nature Conservation (Scotland) Act 2004*;
- Local species of importance as identified within various local biodiversity action plans; and,



5 Baseline Ecological Conditions

5.1 Site Context

- 5.1.1.1 The site is located within the densely urban zone of Manchester City Centre, bound by the busy dual carriageway of Great Ancoats Street to the northeast and Ducie Street and Store Street to the north and south, respectively. Further commercial properties adjoin the site to the southwest. The site is subject to high levels of anthropogenic disturbance and light pollution at all hours, featuring little connectivity to suitable habitat in the wider environment.
- 5.1.1.2 It is anticipated that some of these habitats will provide low suitability for foraging, resting, and commuting resources within the local area for wildlife, which may include birds, bats, and other urban mammals.
- 5.1.1.3 Habitats on site are limited to young, planted trees.

5.2 Designated Sites

- 5.2.1.1 No sites that form part of the National Site Network were located within 5km of the site boundary, nor are any statutory sites located within 2km of the site.
- 5.2.1.2 Two non-statutory designated Sites of Biological Importance (SBIs) are situated within 1km of the site, the Ashton Canal (West), 150m southeast of the site, an important wildlife corridor connecting central and northeast Manchester for birds and invertebrate species, and supporting a diverse array of notable aquatic vegetation, and;
- 5.2.1.3 Rochdale Canal, 250m northwest of the site, supporting floating water plantain, and nine species of pondweed.
- 5.2.1.4 Based on consultation with MAGIC, the site falls within the Impact Risk Zone of the Rochdale Canal SAC area, which begins 4.7km north of the site.

5.3 Flora and Fauna

5.3.1.1 The following section summarises protected and/or notable species records that have been recorded in the last 10 years within 1km of the site.

5.3.1 Invertebrates

5.3.1.1 Eight records of invertebrates were returned within 1km of the site, comprising cinnabar (*Tyria jacobaeae*) with the closest record located 90m north of the site from 2021.

5.3.1.2 Cinnabar are listed on Section 41 of the Natural Environment and Rural Communities Act (NERC) 2006.

5.3.2 Birds

5.3.2.1 109 records, of 12 protected or notable bird species, were returned within 1km, detailed in Table 5 below.

Table 5: Records of notable and protected bird species within 1km of the site

Scientific Name	Common Name	Protection	Closest Record to Site	
			Approx. Min. Distance (m)	Date
<i>Phoenicurus ochruros</i>	Black redstart	Sch.1****, BoCC5**	116	2009
<i>Pyrrhula pyrrhula</i>	Bullfinch	BoCC5**, S41*****	440	2020
<i>Prunella modularis</i>	Dunnock	BoCC5**, S41*****	207	2020
<i>Larus argentatus</i>	Herring gull	BoCC5*, S41*****	751	2019
<i>Passer domesticus</i>	House sparrow	BoCC5*, S41*****	207	2020
<i>Alcedo atthis</i>	Kingfisher	Sch.1****, BoCC5**	746	2022
<i>Vanellus vanellus</i>	Lapwing	BoCC5*, S41*****	215	2010
<i>Charadrius dubius</i>	Little Ringed Plover	Sch.1****	121	2008
<i>Falco peregrinus</i>	Peregrine	Sch.1****	23	2021
<i>Turdus philomelos</i>	Song thrush	BoCC5**, S41*****	541	2022
<i>Sturnus vulgaris</i>	Starling	BoCC5*, S41*****	207	2019
<i>Motacilla flava</i>	Yellow wagtail	BoCC5*, S41*****	349	2014

* Red list of BoCC5 (2021)

** Amber list of BoCC5 (2021)

*** Black list BoCC5 (2021)

**** Section 41 of the NERC Act (2006)

***** Schedule 1 of the WCA (1981)

5.3.3 Bats

Roosting Bats

- 5.3.3.1 Sixteen records of common pipistrelle (*Pipistrellus pipistrellus*) roosts from were returned in the data search within 1km of the site. The closest record was of a roost, 70m from the site in 2021.

Field Signs

- 5.3.3.2 Forty records of individual bats were returned during the data search, including common pipistrelle (*Pipistrellus pipistrellus*), one noctule bat (*Nyctalus noctula*), and one soprano pipistrelle (*Pipistrellus pygmaeus*). The closest record was that of a common pipistrelle bat present approximately 325m north of the site in 2022.
- 5.3.3.3 All species of bat returned are listed as Priority species on the Greater Manchester Biodiversity Action Plan (LBAP), and Schedule 2 of the Habitats and Species Regulations Act (2017). Noctule bat are listed on Section 41 of the NERC Act (2006).
- 5.3.3.4 MAGIC returned no records of granted EPSL within 1km of the site concerning bats.

5.3.4 Hedgehog

- 5.3.4.1 One record of hedgehog was returned with 1km of the site, located approximately 720m northeast of the site from 2018. Hedgehog are listed on Section 41 of the NERC Act (2006).

5.3.5 No Records Returned

- 5.3.5.1 The data search returned no records for:
- Invasive, non-native species
 - Reptiles
 - Amphibians
 - Badger
 - Great crested newt
 - Harvest Mouse
 - Brown Hare
 - Hazel dormice (*Muscardinus avellanarius*)
 - Otter
 - Red squirrel (*Sciurus vulgaris*)
 - Water vole
 - White-clawed crayfish
 - Vascular Plants

5.4 Field Survey

- 5.4.1.1 The site habitats and accompanying Target Notes are presented in the UKHab Habitat Map in Figure 2.
- 5.4.1.2 Secondary codes are added to confirm the identity of a habitat (when necessary) and also to provide information on management and the environment relating to that habitat parcel. The number and type of secondary codes added to a primary habitat will vary depending on the habitats present. There is no limit to the number of secondary codes that can be used for a single parcel. More details regarding the secondary codes used can be found in Appendix 3.

5.4.2 Developed Land – Sealed Surface (u1b)

- 5.4.2.1 Sealed, developed land dominates the majority of the site, making up the carpark and pavements that serve the site's primary building.

5.4.3 Line of Trees (w1g)

- 5.4.3.1 The site carpark and pavements are delineated by a row of young oaks.

5.4.4 Buildings (u1b5)

- 5.4.4.1 The site chiefly comprises an active, multi-storey warehouse storing furniture. The historic building was constructed of red brick with a corrugated iron sheet roofing. The site is fronted by an adjoined brick-build that serves as the shop floor, also in active use, and likewise brick built though with a pitched slate tile roofing.

5.5 Site Suitability for Protected and Notable Species

5.5.1 Species Discounted from Assessment

- 5.5.1.1 Water vole, otter and white-clawed crayfish have been discounted from assessment as no suitable aquatic habitats are located on site or within proximity. The closest aquatic habitat is the Ashton Canal, ~ 150m east of the site, though this heavily urban environment is wholly unsuitable for these species.
- 5.5.1.2 The site is comprised entirely of urban land, and a building in active use, with no natural habitat on site or within vicinity. The site is furthermore situated at the heart of Manchester city centre, with one of the city's busiest major roads, Great Ancoats Street, immediately adjacent. Accordingly, protected and notable mammal species, aside from bats, can be discounted from assessment.
- 5.5.1.3 Reptiles have been discounted from the assessment, as the site comprises entirely of hardstanding land with no natural habitat within its vicinity.
- 5.5.1.4 The site featured no vegetative habitats, with no potential for any plant species but urban-resistant weeds and ruderal species to establish.

5.5.2 Invertebrates

- 5.5.2.1 No natural habitat was located on site. Invertebrates can thrive on neglected urban land that allows successional vegetation, though no such growth occurred on the site.
- 5.5.2.2 Overall, the presence of notable invertebrates within the site is reasonably discounted.

5.5.3 Amphibians

- 5.5.3.1 No ponds were located within site or within 250m of the site boundary. As great crested newts' upper dispersal limit is generally considered to be up to 250m from a waterbody (though occurrence of greater distances does exist), great crested newts are not anticipated to be present on site (English Nature, 2001).
- 5.5.3.2 The site is located near Ashton and Rochdale Canals, which may provide suitable foraging and breeding resources and cover for common amphibians such as common toads.
- 5.5.3.3 Although unlikely, common amphibians may occasionally commute through the site.

5.5.4 Birds

- 5.5.4.1 The site offers some minor suitable habitats for nesting birds in its trees and old buildings. Several bird species were observed during the site visit within the site extent, including robin (*Erithacus rubecula*) and woodpigeon. Given the heavy urban disturbance of the site, nesting in these features would be suboptimal and unlikely.



5.5.6 Bats

Preliminary Roost Assessment and Ground Level Tree Assessment

- 5.5.6.1 A PRA was completed on the site building and a GTLA on all trees located on site. Please refer to Appendix 2 for the results of the PRA and imagery of Potential Roosting Features (PRF) identified during the survey.
- 5.5.6.2 The building was assessed to have low-to-negligible bat roosting potential. The interior was in active use and well-maintained, and the exterior featured no slipped tiles or major cracked brick that may provide interior access. Some minor cracking and age-wear in the brickwork may provide suboptimal day or transitional roosts for common pipistrelle but given the intensive light and noise disturbance of the local area, and lack of linear habitat features that may draw bats to the site, this is assessed to be an unlikely possibility.
- 5.5.6.3 Furthermore, the same assessment was made in 2023, followed by an emergence survey that found no roosts, and negligible bat activity.

Commuting and Foraging Bats

- 5.5.6.4 The constant 24-hour lighting and heavy noise disturbance at the site, situated by the major road Great Ancoats Street in Manchester city centre, with minimal nearby commuting features for bats, is likely to negate any commuting potential outside of rare occurrences of more disturbance-resistant common pipistrelle.

6 Ecological Constraints and Recommended Mitigation

6.1 Proposed Development

- 6.1.1.1 Liquid Business (Manchester) Limited is proposing to develop land at 140 Great Ancoats Street in Manchester (hereafter referred to as ‘the site’). The proposals include full planning permission for the demolition of existing buildings and erection of 2no. new buildings providing up to 758 apartments (Use Class C3), Class E floorspace (comprising flexible office accommodation (Use Class Eg(i)) and Class Ea and b) and associated hard and soft landscaping (including works within the public highway), formation of vehicle accesses and servicing access together with associated work.

6.2 Designated Sites

- 6.2.1.1 The site is located close to two waterways that are designated as SBIs. Due to the size of the building, it is possible during the demolition phase that debris and dust pollution may enter these waterways, in the absence of mitigation.
- 6.2.1.2 Mitigation measure to reduce the effects of dust and debris pollution during the demolition phase should be taken.

6.3 Habitats

- 6.3.1.1 The site contained negligible habitat for local wildlife, with minimal constraint posed.
- 6.3.1.2 The site comprises entirely urban, hardstanding land and buildings. There are no priority habitats within the site to be impacted, and furthermore, the development footprint covers less than 25m² of non-priority habitats.
- 6.3.1.3 The development is, accordingly, assessed to be exempt from statutory biodiversity net gain under the de-minimis clause of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

6.4 Flora and Fauna

6.4.1 Birds

- 6.4.1.1 The site has been assessed as providing low suitability habitat for nesting birds. The older building may provide some roosting opportunities for urban-adapted species such as feral pigeons, especially if the building interior falls into disuse in the interim between its cease of activity and the demolition phase.
- 6.4.1.2 Such birds have no legal protection as a species, but if birds such as feral pigeons begin nesting in the building during disuse, the individuals and their nests have legal protection under the terms of the Wildlife & Countryside Act 1981 (as amended); however, they are also listed as a pest species.
- 6.4.1.3 If nesting feral pigeons are found to be present, a general license issued by Natural England should be sought.

6.4.2 Bats

- 6.4.2.1 As stated in Section 4.5.5, B1 was assessed as having low bat roosting potential. Emergence surveys in August 2023 found no evidence of roosting in the building, and these findings should remain valid until the start of the 2025 survey season, in April-May. Should demolition works commence ahead of that time, no further consideration will be required.

7 Further Surveys

7.1 Bats

- 7.1.1.1 As stated in Section 6.4.2, should demolition works go ahead *after* the beginning of the 2025 survey season, (from May onwards), at least one emergence survey should be required to reaffirm the building's lack of bat roosts.

Further Surveying

- 7.1.1.2 Should a bat roost be identified during the development works, an ecologist should be notified immediately, and development works should be paused until further notice.
- 7.1.1.3 Further surveying to confirm emergence locations would involve situating two suitably qualified surveyors to cover the building to monitor for bats emerging from potential roost locations (dusk emergence survey) for a specified amount of time. This can be done in one dusk emergence survey. The survey should be completed between May – September (inclusive).
- 7.1.1.4 If bats are identified roosting within the building, a minimum of three further surveys will be required to inform a Natural England EPSL. The surveys will identify what bat roosts are present and will in turn clarify what mitigation will be required as part of the ESPL. Roost provision, lighting and timescales will be considered as part of the licence.
- 7.1.1.5 An EPSL can only be submitted once full planning permission has been granted and all wildlife conditions have been discharged.

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Appendix 1 – Relevant Legislation

Legislation relating to European Protected Species (e.g. bats, otter, great crested newt)

European Protected Species and their resting places (e.g. bat roosts) are protected under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way (CROW) Act 2000, and the Conservation of Habitats and Species Regulations 2017.

The Conservation of Habitats and Species Regulations 2017 transpose the European Union's 'Habitats Directive' (Council Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora (EC Habitats Directive) into UK law. The Regulations provide for the designation and protection of 'European Sites', the protection of 'European Protected Species' (EPS), and the adaptation of planning and other controls for the protection of European Sites. EPS are listed on Schedule 2 of the Conservation of Habitats and Species Regulations 2017.

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to:

- Intentionally kill, injure or take certain animals listed in Schedule 5;
- Intentionally or recklessly damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;
- Intentionally or recklessly disturb any such animal while it is occupying a structure or place which it uses for shelter or protection; or
- Intentionally or recklessly obstruct access to any structure or place which any such animal uses for shelter or protection.

In addition, under this legislation there are offences relating to sale, possession and control of wild animals listed in Schedule 5.

Under the Conservation of Habitats and Species Regulations 2017 it is an offence to:

- Deliberately capture, injure or kill any wild animal listed as a European Protected Species;
- Deliberately disturb wild animals of any such species in such a way as to be likely:
- to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or;
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate, or;
- to affect significantly the local distribution or abundance of the species to which they belong.
- Deliberately take or destroy the eggs of such an animal, or;
- Damage or destroy a breeding site or resting place of such an animal.

In addition, under this legislation there are offences relating to possession, control sale and exchange of an EPS.

Great crested newt, otter and several species of bat are listed as a SoPI under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Legislation for white-clawed crayfish

White-clawed crayfish are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under this act it is an offence to:

- Intentionally take white-clawed crayfish from the wild; and,
- Sell or attempt to sell, any part of a white-clawed crayfish, alive or dead, or advertise that one buys or sells, or intends to buy or sell any part of a white-clawed crayfish.

The white-clawed crayfish is listed under Annex II and V of the EC Habitats Directive. The Conservation of Habitats and Species Regulations 2010 implements the European Union's 'Habitats Directive' (Council Directive 92/43/EEC (a) on the Conservation of Natural Habitats and of Wild Fauna and Flora) in Great Britain. Annex II requires that Special Areas of Conservation (SAC) are established specifically to conserve this and other listed species. In a SAC designated for white-clawed crayfish a precautionary principle must be applied when considering the potential impacts of any operations that may affect white-clawed crayfish and their habitat.

White clawed crayfish are listed as a SoPI under Section 41 of NERC Act 2006.

Legislation for amphibians (other than great crested newt)

Under the Wildlife and Countryside Act 1981 (as amended) the four widespread amphibian species, smooth newt (*Triturus vulgaris*), palmate newt (*Triturus helveticus*), common toad (*Bufo bufo*) and common frog (*Rana temporaria*) receive limited protection through section 9(5) only which makes selling, offering for sale, possessing or transporting for the purpose of sale (live or dead animal, part or derivative) an offence.

Common toad is listed as a SoPI under Section 41 of the NERC Act 2006.

Legislation relating to reptiles

All native reptile species have some degree of protection in the UK, through section 9(1) and (5) (specified in Schedule 5) of the Wildlife and Countryside Act 1981 (as amended). There are two different levels of protection afforded to reptiles through this legislation according to species and this is described in more detail below.

Full Protection

Sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) are afforded protection under The Conservation of Habitats and Species Regulations 2010 (are species of European importance) and are fully protected under the Wildlife and Countryside Act 1981 (as amended) and the CRow Act (2000). The Conservation of Habitats and Species Regulations 2010 implements the European Union's 'Habitats Directive' (Council Directive 92/43/EEC (a) on the Conservation of Natural Habitats and of Wild Fauna and Flora) in Great Britain. The relevant sections of this legislation make it an offence to:

- Intentionally kill, injure or capture or take a reptile;
- Possess or control (live or dead animal, part or derivative);
- Deliberately (intentionally) or recklessly damage, destroy or obstruct access to a breeding site or any structure or place used for shelter or protection by a reptile;
- Disturb whilst the reptile is occupying such a structure or place; and

- Sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative).

Sand lizard and smooth snake are listed as a SoPI under Section 41 of the NERC Act 2006.

Protection against killing, injuring and trade

This level of protection under section 9 (parts 1 and 5) applies to the four widespread species of reptile, namely the common lizard (*Zootoca vivipara*), slow-worm (*Anguis fragilis*), grass snake (*Natrix natrix*) and adder (*Viper berus*). Only part of sub-section 9(1) applies, which make it an offence to:

- Intentionally kill or injure, and
- Sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative).

Grass snake, slow-worm and adder are all listed as SoPI under Section 41 of the NERC Act 2006.

Legislation relating to breeding birds

All birds, their nests and eggs are protected by the Wildlife and Countryside Act 1981 (as amended) and it is an offence, with certain exceptions, to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy the egg of any wild bird; and
- Intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building or is in, on or near a nest with eggs or young; or disturb the dependent young of such a bird.

Schedule 1 of the Wildlife and Countryside Act 1981 provides further protection for selected species (including peregrine falcon (*Falco peregrinus*), barn owl (*Tyto alba*), little ringed plover (*Charadrius dubius*) and black redstart (*Phoenicurus ochruros*) during the breeding season. 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 disturb dependent young of such a bird. That person shall be guilty of an offence.

A number of bird species are listed as SoPI under Section 41 of the NERC Act 2006.

Conservation status - Birds of Conservation Concern (Eaton et al. 2015)

The UK's leading bird conservation organisations have worked together on the third quantitative review of the status of the birds that occur regularly in the UK, updating the last review in 2011. The status of birds within the UK have been regularly monitored through a series of surveys, including the national Breeding Bird Survey, Common Bird Census, sea bird monitoring programs and wetland monitoring programs. The result of this review and continued monitoring is The Population Status of Birds in the UK, Birds of Conservation Concern 4: 2015.

Birds are assessed against criteria to place each species on one of three alert lists, red, amber or green. Red list species are considered to be of high conservation concern, being either globally threatened, having historical UK population declines, having a rapid population decline or breeding range contraction of 50% or more in the last 25 years.

Amber list species are considered to be of medium conservation concern as they meet one or more of the following criteria (but none of the red list criteria): Red listed for historical decline in a previous review but with substantial recent recovery (more than doubled in the last 25 years), a UK breeding range contraction of between 25% and 49%, a reduction of breeding or non-breeding population of 25-49% in the last 25 years, a 5-year mean of 1-300 breeding pairs in the UK, an unfavourable European conservation status, at least 50% of the UK breeding population found in 10 or fewer sites, or where the breeding population in the UK represents 20% or more of the European breeding populations.

Green list species are considered to be of low conservation concern. They include all regularly occurring species that do not qualify under any of the red or amber criteria are green listed. The green list also includes those species listed as recovering from Historical Decline in the last review that have continued to recover and do not qualify under any of the other criteria.

Legislation relating to badger

Badgers are protected under the Protection of Badgers Act 1992 (as amended) which makes it an offence to:

- wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so;
- intentionally or recklessly damage, destroy or obstruct access to a badger sett; and
- disturb a badger when it is occupying a sett.

These provisions have implications for construction or preparation works undertaken in the vicinity of an active sett and may be confounded by distance from the sett entrance. Any works resulting in ground penetration, vibration or noise near an identified badger sett entrance/s have the potential to disturb badgers and advice should be sought from a suitably experienced ecologist under such circumstances. If disturbance to an active sett is probable, then a licence may need to be obtained from Natural England before any works commence.

Legislation relating to water vole

The water vole is fully protected under Section 9 of the Wildlife & Countryside Act 1981 (as amended) through its inclusion in Schedule 5. The legal protection makes it an offence to:

- Intentionally kill, injure or capture or take a water vole;
- Possess or control (live or dead animal, part or derivative);
- Deliberately (intentionally) or recklessly damage, destroy or obstruct access to a breeding site or any structure or place used for shelter or protection by a water vole;
- Deliberately (intentionally) or recklessly disturb a water vole whilst occupying such as structure or place, and
- Sell, offer for sale, possess or transport for the purpose of sale (live or dead animal, part or derivative).

Water vole is listed as a SoPI under Section 41 of the NERC Act 2006.

Legislation relating to invasive plant species

Several non-native invasive plant species such as Himalayan balsam (*Impatiens glandulifera*), giant hogweed (*Heracleum mantegazzianum*), Japanese rose (*Rosa rugosa*), variegated yellow archangel

(*Lamiastrum galeobdolon*), rhododendron (*Rhododendron ponticum*) and Japanese knotweed (*Reynoutria japonica*) are listed under Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended), which makes it an offence to ‘...plant or otherwise cause the species to grow in the wild’. This includes spreading or transferring contaminated soil from one area to another.

Estate Managers and landowners have a duty to pro-actively treat knotweed outbreaks. Under the Natural Environment and Rural Communities Act 2006 (NERC), subsection 14ZA (1), makes it an offence to sell, offer or expose for sale, or to have in one’s possession or transport for the purpose of sale, any Schedule 9 animal or plant or anything from which such an animal or plant can be propagated, including rhizomes of Japanese knotweed. Under subsection 14ZA (2) it is also an offence to publish or cause to be published any advertisement for the purchase or sale of these animals and plants.

The Environmental Protection Act 1990 (EPA 1990) contains a number of legal provisions concerning controlled waste. Any Japanese knotweed contaminated soil or plant material that is intended for discard is likely to be classified as controlled waste.

The Environmental Protection (Duty of Care) regulations 1991 also imposes a ‘duty of care’ on persons concerned with controlled waste, which includes any materials incorporating Japanese knotweed including soil, grass cuttings, general wastes and ash arising from the burning of knotweed. The duty applies to any person, who produces, imports, carries, keeps, treats or disposes of controlled waste. Failure to appropriately dispose of any material containing Japanese knotweed may lead to prosecution under Section 33 and 34 of the EPA 1990 and Section 14 (2) of the Wildlife & Countryside Act 1981 (as amended).

If knotweed stands are to be treated with herbicides, The Control of Pesticides Regulations (1986) applies. These regulations require any person who uses a pesticide to take all reasonable precautions to protect the health of human beings, creatures and plants, safeguard the environment and in particular avoid the pollution of water. If pesticides are to be used in or near to a watercourse, the Environment Agency should be contacted, and approval must be sought (application to use herbicides in or near water).

Waste leaving the site must be handled responsibly and in accordance with the law at all stages between its production and final recovery or disposal. Waste must be transferred to an authorised person, who is either a registered waste carrier or exempted from registration by the Controlled Waste (Registration of Carriers and Seizure of Vehicles) Regulations 1991.

Additional legislation regarding the transport of Japanese knotweed contaminated materials is covered by the Hazardous Waste Regulations 2005 (HWR 2005). This contains provisions about the handling and movement of hazardous waste. Consignment notes must be completed when any hazardous waste is transferred, which includes details about the hazardous waste properties and any handling requirements. Untreated Japanese knotweed is not classed as hazardous waste, but material containing knotweed which has been treated with certain herbicides, may be classified as hazardous waste.

If any waste soil or knotweed is sent for landfill either before or after treatment, it must go to a landfill that is authorised to receive it.

The Hedgerows Regulations 1997

The Hedgerows Regulations 1997 were introduced to protect hedgerows of importance from destruction. However, the legislation does not apply to any hedgerow (even if it is within the list above) which is within or marking the boundary of the curtilage of a dwelling house.

For the Regulations to be applicable, the hedgerow must be at least 20 metres in length or, if less than 20 metres, it must meet another hedgerow at each end. A hedgerow is deemed to be important if it is more than thirty years old and meets at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

If a hedgerow which qualifies under the Regulations is to be removed, the landowner must contact the Local Planning Authority (LPA) in writing by submitting a hedgerow removal notice. The LPA then has a period of 42 days to decide whether or not the hedgerow meets the importance criteria of the regulations.

Appendix 2 - Habitat Map and Target Notes

Hierarchical code	Code	Meaning
Primary Code	U1b	Developed land, sealed surface
	U1b5	Building
Secondary Code	516	Active management