

Summary

The developer's ecological consultant identified bat roost in the two buildings to be retained, a license will therefore be required from Natural England. Other ecological issues relating to otter, nesting birds invasive species, proximity to the River Irwell and biodiversity enhancement measures can be resolved via condition and or informative.

Bats

In line with my previous recommendations for the 31st March 2020 re. the withdrawn application 65217 bat emergence and re-entry surveys have occurred. These have identified small common pipistrelle roosts in both buildings proposed for conversion. No roost were located in the building to be demolished or the chimney. A license will therefore be required from Natural England in addition for the conversion of the retained buildings. Given the low numbers of common pipistrelle utilising the building, I accept that the favourable conservation status of this species can be maintained through appropriate mitigation and that a license would be issued by Natural England. I therefore recommend a condition along the following lines to any permission.

The conversion of buildings B1 and B2 is likely to cause harm to common pipistrelle bats as identified in the Bat Nocturnal Surveys Report, by Ascerta ref. P.1202.19. and shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or***
- b) a statement in writing form the relevant licensing body or the LPA to the effect that it does not consider that the specified development will require a license***

In addition the survey of building B3 is regarded as only valid for 1 year by the consultants. I therefore recommend a condition along the following line is applied to any permission.

If the demolition hereby approved for building B3 and conversion of B1 & B2 as identified in the Bat Nocturnal Surveys Report, by Ascerta ref. P.1202.19 does not commence before 1st June 2021 it will be reassessed for bat roosting potential and the finding supplied to and agreed in writing by the LPA.

Otter

Otter surveys found no evidence of otter on the site. I have no reason to doubt the findings of the report. However as otter are known to be present in the River Irwell and that they have territories covering ten's of kilometres, it is likely that otter on occasion pass the site. I therefore recommend a condition along the following lines is applied to any permission.

Prior to any earthworks a resurvey for otter will occur and a reasonable avoidance measures method statement for otters shall be supplied to and agreed in writing by the LPA

Other Protected Species

Surveys for white-clawed crayfish and water vole found no evidence of either species. Resurveys are recommended if development does not commence by 2021, however it is extremely unlikely that either species will ever recolonise the site. Therefore no further information or measures are required for white-clawed crayfish or water vole.

Other species were reasonably discounted without survey, which I accept. Kingfisher were however recorded on the River Irwell, therefore whilst nesting on site is extremely unlikely, I recommend an informative along the following lines is applied to any permission.

The applicant is reminded that Kingfishers are protected under schedule 1 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to take, injure or kill a kingfisher or destroy its nest, eggs or young. It is also an offence to recklessly disturb the birds close to their nest during the breeding season. If a kingfisher is found to be nesting on or near the site during the development work should cease and a suitably experienced ecologist employed to how best to safeguard the kingfisher(s).

Nesting Birds

The site is becoming colonised by dense scrub along with the existing trees and ornamental shrubs on the site and retained buildings. There is therefore a significant amount of bird nesting habitat on the site. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. I recommend a condition along the following lines be applied to any permission.

No works to trees or shrubs shall occur or building work or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance or a reasonable avoidance measure method statement been provided and written confirmation provided that no active bird nests are present which has been agreed in writing by the LPA.

Invasive Species

Japanese knotweed, Himalayan balsam and Cotoneaster spp are present on the site, all included within this schedule 9 part 2 of the Wildlife & Countryside Act 1981, as amended. It is an offence to introduce or cause to grow wild any plant listed under this schedule. Information on treatment has been provided, however I recommend that these method statement are not conditioned. This is because:

- All three species are recorded as spreading in to the site, therefore if development is delayed a resurvey would be required before any control was implemented.
- Some of the knotweed and balsam is within the development footprint. Therefore if the development is to commence immediately spraying alone would not be adequate and excavation employed.
- Finally the balsam method statement advocates pulling up until May. In reality, treatment needs to continue through to first frost as any plants that were missed will be able to fully form flowers and seed.

I therefore recommend a condition along the following lines is applied to any permission.

Prior to any earthworks the invasive species the Invasive Species method statement by Ascerta reference P.1202 detailing eradication and/or control and/or avoidance measures for Himalayan balsam, Japanese knotweed and Cotoneaster spp should be reviewed and updated and supplied to and agreed in writing to the LPA. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Protection of the River Irwell

At pre-application and in my response to application 65217 I recommended that a Water Framework Directive Assessment for the development and its potential impacts on the River Irwell was provided. An assessment of the potential impacts on the river has now been provided. This has identified the likely risks and provided evidence that post development surface water drainage will have less impact on the river than the current drainage thereby resulting in a positive impact on the ecological potential of the river. The proposed POS/flood alleviation scheme along the river will also have a positive impact. I am therefore satisfied that negative impacts can be avoided and the overall scheme will likely be positive. Protection during construction and laying out of the POS can be provided through a CEMP or a condition along the following lines.

No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been supplied to and agreed by the LPA. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

I have no reason to doubt the post development drainage information, but I am not qualified to assess whether the information provided is correct. I will rely on the EA's, UUL and the Council's own drainage engineer to determine whether there will be net benefits from the proposal.

I note recommendations are made to prevent spread of invasive species through containment measures. I do not however support this approach. Whilst accepting that eradication would not be possible, owing to recolonization from upstream (particularly for balsam), I would still recommend annual management as part of the INNs method statement and the landscape management of the site.

Contributing to and Enhancing the Natural Environment

Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Large parts of the site are hard standing, though colonisation by scrub is occurring, with losses of higher value habitat restricted to the woodland and scrub along the tributary watercourse and some mature trees along the river.

Habitat creation is proposed along the river, which is the best location for mitigation to occur, with open space along the tributary watercourse and large areas of hardstanding replaced with garden landscape. Detailed planting proposals have been provided, the planting along the river being native the principle of which I support and welcome. The planting is also generally good and appropriate, though I have a few recommendations for amendment and improvement. I also would like clarification on whether any re-profiling is proposed along the river as part of its flood alleviation function. My preference would be for some re-profiling to a more natural riparian edge. Neither are however reasons for objection and could be resolved prior to determination or via condition. If the latter then the landscape proposals plan should not be conditioned.

The minor planting issues include:

- The use of *Acer campestre* within the trees schedule— whilst only one is proposed in the riverside strip, it is not found locally unless planted. I recommend substitution with one of the native trees already proposed.
- The use of *Tilia x europaea* within the trees schedule – whilst not opposed to its use as a street tree or within formal landscapes, I would prefer the use of *Tilia cordata* (I accept it is not found locally but was probably present historically and is an appropriate substitute for ash) in the semi-natural areas.

- Malus sylvestris are proposed in the riverside strip with the Alnus glutinosa located in the small semi-natural space in the SW of the site. Crab apple are not particularly known as a riparian species whilst alder are. I would recommend swapping these around i.e. having the alder along the river and the crab apple in the SW area.
- There is a similar issue with Landscape buffer planting with version 1 the Mixed river mix located away from the river and the landscape buffer version 7 in the riverside strip, these would be best swapped around.
- Whilst Salix pentandra is present in GM it is rare with S.triandra is a more typical species in the Irwell catchment, substituting some of S.pentandra for S. triandra is recommended.
- More use could be made of typical riparian trees species such as native black poplar, crack and white willow in the riverside strip. Black poplar is a GM Biodiversity Priority Species.
- I would recommend the grass mix for the riverside strip is MG8 and of UK Provenance

I have also previously made recommendation regarding mitigation for loss of bird nesting habitat and requested inclusion of a sand martin wall and bats. This information can however be provided via condition.

Finally whilst not an ecological the riverside strip lacks access information. I recommend access of Bridge Street and at least one path.

I recommend that a Landscape Environment Management plan is provided prior to development with the following ecological sections.

- Final planting schedules (assuming not agreed prior to determination);
- Cross sections of riverside POS (f any re-profiling is proposed)
- INNs management including along the river
- Wildflower Grassland management
- Mechanism for managing riverside POS following flood (i.e. who will clear up the debris)
- Bird and bat box strategy
- Proposals for the Mill goit (whilst proposed as taking surface water drainage no information on how it is to be landscaped appears to have been provided)
- Implementation schedule
- 10 year management and review plan
- Responsible bodies for implementation and management

Site Visit with Applicants Ecologist/Landscape Architect

I am happy to meet on-site to discuss riverside planting.

David Dutton

Ecologist