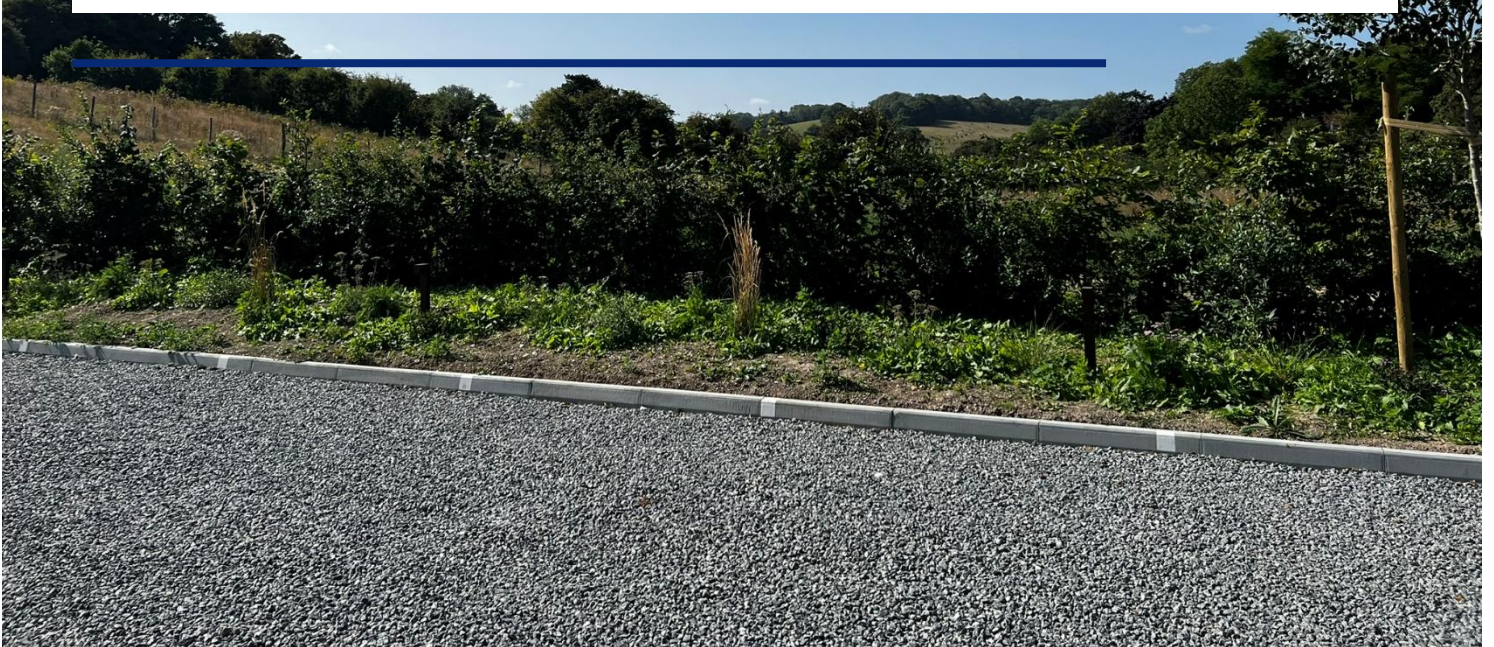


Pop Up Pub Golden Lion pub, Luddesdown Rd, Luddesdown, Gravesend DA13 0XE.



Biodiversity Net Gain Plan

JW Biodiversity Management

Authored by: James Webster



Executive Summary

JW Biodiversity Management has been commissioned to carry out a Biodiversity Net Gain Assessment (BNG) of a section of land located at a public house and restaurant located in Luddesdown, Kent. This report will provide a baseline assessment of the site reporting on the current conditions of the habitats present within the Biodiversity Net Gain Metric.

Site Description

The site consists of an area of existing over car park which leads to an area of fallow cropland dominated by ruderals with a bare ground track and young, newly planted species-rich hedgerow. A small area north of the hedgerow was mainly bare ground planted with ornamental species.

The site is located in a rural area. The site is in the northern section of the small village of Luddesdown. The local landscape is dominated by agricultural areas with large areas of woodland located in the wider landscape.

The site is with the Medway Local Planning Authority and the North Downs National Character Area (NCA). The site (as shown on figure 1) is located in Luddesdown, Kent TQ 67168 66524.

Development Outline

JW Biodiversity Management Ltd understands that the project will involve the temporary erecting a marquee and installing a container on the edge of an overflow car park to create a pop-up pub.

BNG Results

The table below provides a summary of the results of the Biodiversity Net Gain Assessment. The proposed change in habitats will provide a 33.93% gain in habitat units and 12.99% in hedgerow units. The target for net gain has been met.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	0.01
	<i>Hedgerow units</i>	0.02
	<i>Watercourse units</i>	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	33.93%
	<i>Hedgerow units</i>	12.99%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	Yes ✓	

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Job	Pop Up Pub Golden Lion pub, Luddesdown Rd, Luddesdown, Gravesend DA13 0XE		
Report title	Biodiversity Net Gain Assessment		
Version	Final -v2		
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Author	James Webster MCIEEM,		23/09/2025

1. Introduction

JW Biodiversity Management has been commissioned to carry out a Biodiversity Net Gain Assessment (BNG) of a section of land located at a public house and restaurant located in Luddesdown, Kent. This report will provide a baseline assessment of the site reporting on the current conditions of the habitats present within the Biodiversity Net Gain Metric.

1.1 Development outline

JW Biodiversity Management Ltd understands that the project will involve the temporary erecting a marquee and installing a container on the edge of an overflow car park to create a pop-up pub.

1.2 Site Description

The site consists of an area of existing over car park which leads to an area of fallow cropland dominated by ruderals with a bare ground track and young, newly planted species-rich hedgerow. A small area north of the hedgerow was mainly bare ground planted with ornamental species.

The site is located in a rural area. The site is in the northern section of the small village of Luddesdown. The local landscape is dominated by agricultural areas with large areas of woodland located in the wider landscape.

The site is with the Medway Local Planning Authority and the North Downs National Character Area (NCA). The site (as shown on figure 1) is located in Luddesdown, Kent TQ 67168 66524.

1.3 Aims of Report

The aim of the BNG assessment is to:

- Provide a baseline assessment of the habitats on the site using the DEFRA metric.
- Provide a predicted score based on proposed habitat creation and enhancement using DEFRA metric.
- Provide suitable long term management recommendations for the site, to ensure habitats reach and maintain their desired condition.
-

1.4 Limitations

The contents of this report are based on a single site visit and a search of the local records bureau. Though the survey and interpretations of the data were carried out by a competent ecologist there may be things that have been overlooked or missed.

The area measurements are based on plans provided by third parties.

1.5 Relevant Legislation and Planning Policies

Relevant legislation implications for this site include;

- The Conservation of Habitats and Species Regulations 2010 (as amended);
- The Wildlife and Countryside Act 1981 (as amended);
- The Countryside and Rights of Way Act 2000;
- The Natural Environment and Rural Communities Act (NERC Act) 2006;
- Environment Act (2021)

Planning policies, both local and national, may affect any proposed development. Relevant planning policies to this development include;

- National Planning Policy Framework (NPPF)
- Local planning policy
- Medway Council BNG information¹

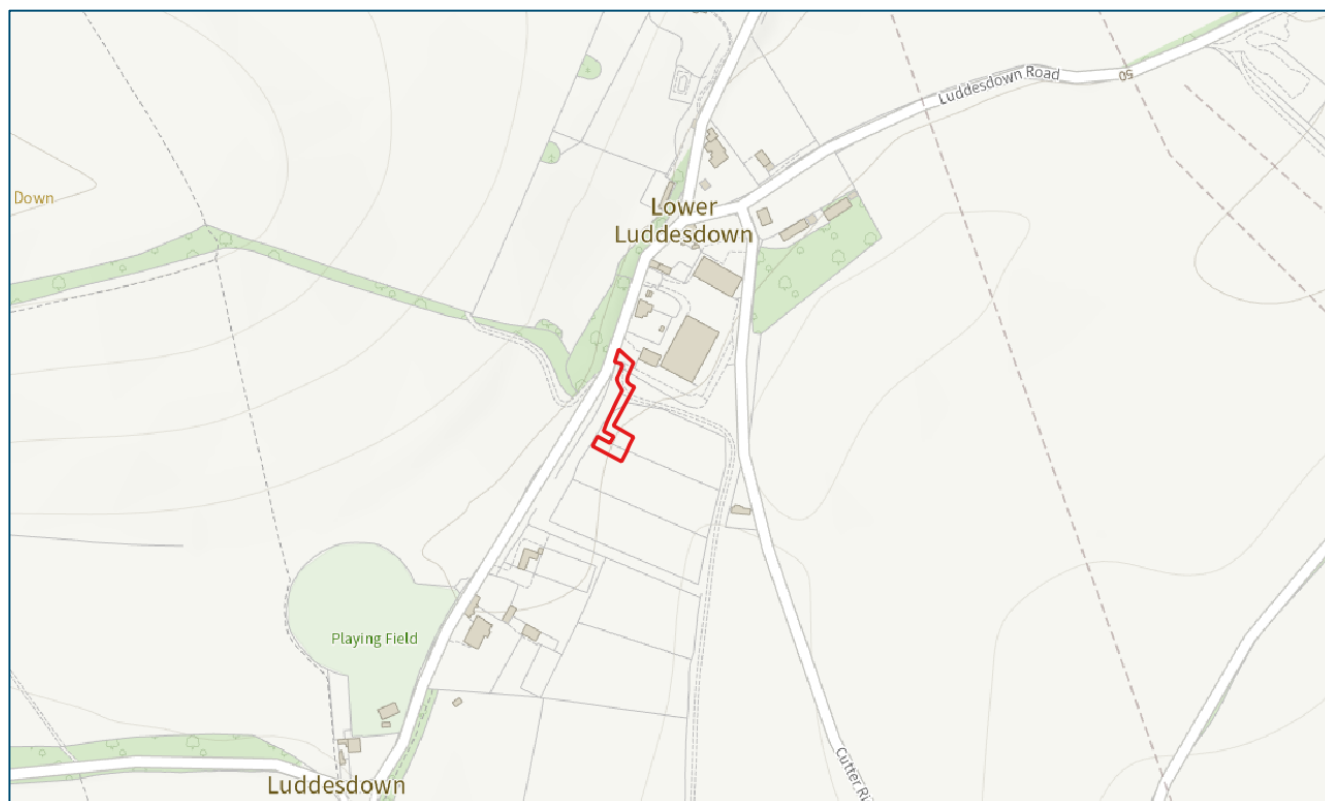


Figure 1: Approx. Assessment area.

¹ [Biodiversity Net Gain \(BNG\) | Biodiversity Net Gain \(BNG\) | Medway Council](#)

2. Methods

2.1 Site Visit

JW Biodiversity management undertook a site visit on the 10th of August 2025. This was to carry out a walk over of the site, determining the basic habitats present and their current condition. This survey was conducted by an experienced and qualified ecologist.

2.2 Biodiversity Net Gain

A Biodiversity Net Gain Assessment has been conducted using the DEFRA Statutory Biodiversity Metric. This was conducted by a competent and qualified ecologist. The methodology set out in the Statutory Biodiversity Metric User guide was followed². The statutory metric uses habitats, the places in which species live, as a proxy to describe biodiversity. These habitats are converted into 'biodiversity units'. These biodiversity units are the 'currency' of the metric.

More detail is provided on calculating units further on in the report.

² The Statutory Biodiversity Metric: User Guide. July 2024. DEFRA.

3. Results

3.1 Habitat Description

The current habitat layout is shown on figure 2. Below is a description of the current habitats on site.

3.1.1 Cropland- (Non-Cereal Crop).

A small area of cropland is located on the southern edge of the site. This appeared to be fallow and dominated by ruderal species. The part of the cropland on the site is part of a wider field that extends to the south and east of the site.

Species include fat he, broadleaved dock (*Rumex obtusifolius*), creeping thistle (*Cirsium arvense*), common poppy (*Papaver rhoeas*), dandelion (*Taraxacum officinale*), scarlet pimpernel (*Anagallis arvensis*), speedwell (*Veronica sp.*), red clover (*Trifolium pratense*), white campion (*Silene latifolia*), sow thistle (*Sonchus oleraceus*), creeping buttercup (*Ranunculus repens*), white clover (*Trifolium repens*), common ragwort (*Jacobaea vulgaris*), Perennial Rye grass (*Lolium perenne*) and yarrow (*Achillea millefolium*).



Photo 1: Showing fallow cropland to south of site.

3.1.2 Bare Ground

A small area of bare ground is located to the southwest of the site. This appeared to be part of a track along the edge of the crop field. This contained very little vegetation cover.



Photo 2: Showing bare ground track.

3.1.3 Developed land; sealed surface

The site is located on part of a rolled gravel parking area.



Photo 3: Showing area of car park to south of site and area of ornamental planting.

3.1.6 Introduced shrub

A sparse area of ornamental planting was located to the south of the site between the car park and the cropland. This contained some newly planted trees, though these were below the size threshold to class as individual trees within the metric.



Photo 4: Area of ornamental planting and hedgerow.

3.1.7 Hedgerow

A young, planted hedgerow was located along the southern edge of the car park. This contained several native species including hawthorn (*Crataegus monogyna*), privet (*Ligustrum ovalifolium*), hazel (*Corylus avellana*), blackthorn (*Prunus spinosa*) and beech (*Fagus sylvatica*).



Photo 5: Hedgerow.

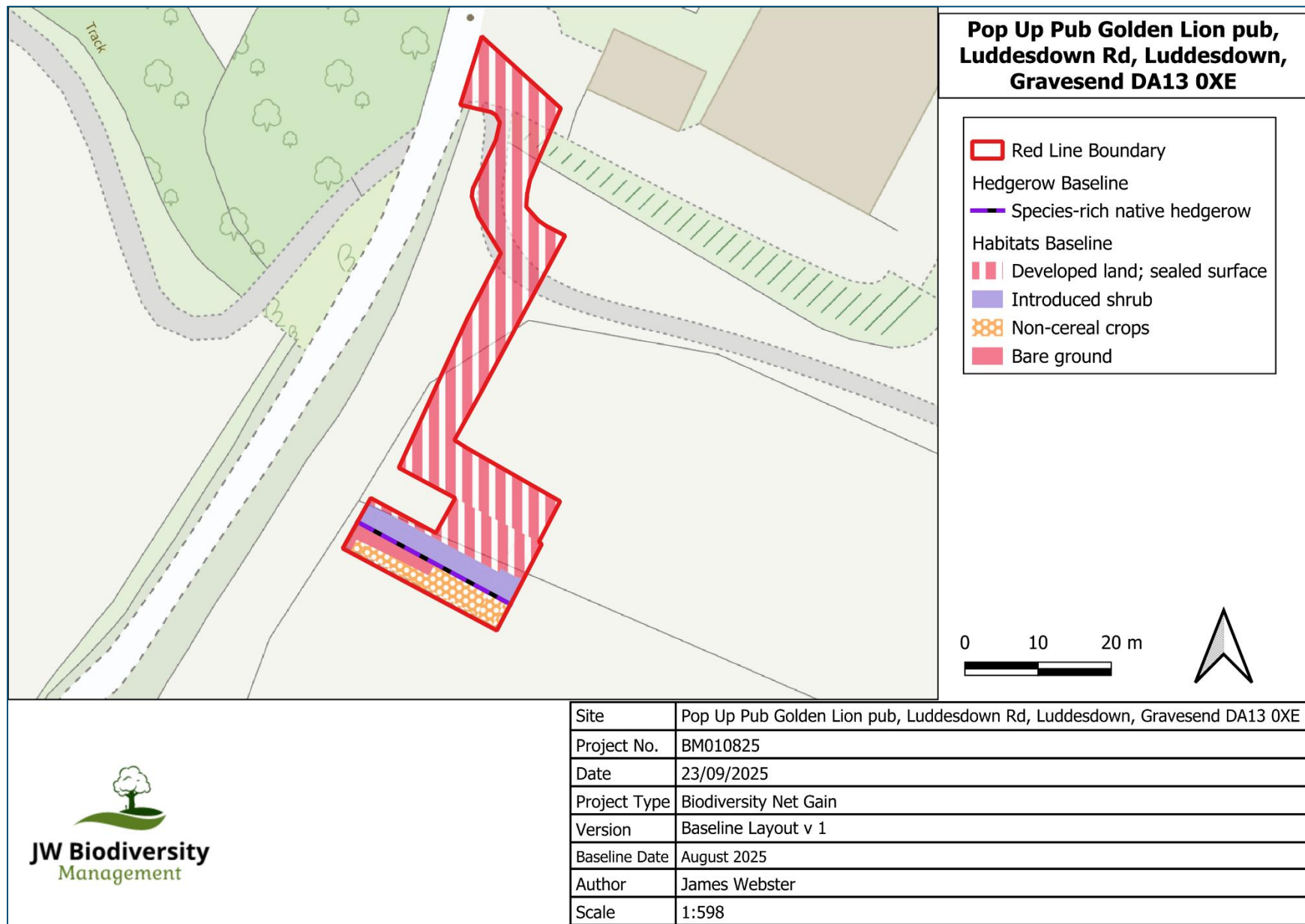


Figure 2: Current habitat layout.

4 Biodiversity Net Gain Assessment

5.1 Net Gain Target

5.1.1 Temporary Impacts

As the impacts will be temporary, the proposed pop-up pub will be in place for approximately 6 months, the impacts to habitats will be temporary. The BNG user guide offers the following guidance for temporary impacts.

You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be restored to both:

- baseline habitat type within two years of the initial impact; and
- baseline condition within two years of the initial impact

You can enter these habitats as ‘enhanced’ if there is action to enhance the habitat above its baseline type and condition.

5.1.2 Net Gain Target

Mandatory Biodiversity Net Gain, as part of the Environment Act (2021), came into effect in early 2024. Mandatory net gain requires a minimum of a 10% net gain. Though the impacts are considered to be temporary the development is not exempt from a BNG assessment.

The target will therefore be to show at least a 10% net gain. The Statutory metric will be used to measure the net gain.

5.2 Net Gain Assessment

A Biodiversity Net Gain Assessment has been conducted using the DEFRA Statutory Biodiversity Metric. This was conducted by a competent and qualified ecologist. The methodology set out in the Statutory Biodiversity Metric User guide was followed³. The statutory metric uses habitats, the places in which species live, as a proxy to describe biodiversity. These habitats are converted into ‘biodiversity units’. These biodiversity units are the ‘currency’ of the metric.

A site visit to confirm habitats present, their relative condition (using the DEFRA metric condition assessment sheets) was conducted on the 17th of June 2025. This was conducted by an experienced and qualified ecologist who is proficient in the use of the Biodiversity Metric.

³ The Statutory Biodiversity Metric: User Guide. February 2024. DEFRA.

5.2.1 Mitigation Hierarchy

The Statutory Biodiversity Metric supports and reinforces the application of the mitigation hierarchy which is an important principle of ecological good practice. Applying the mitigation hierarchy means aiming to retain habitats in situ and avoiding or minimising habitat damage so far as possible, before looking to enhance or recreate habitats. This sequential approach is encouraged by biodiversity metric because it allows overall biodiversity gains to be achieved more easily through the avoidance of on-site habitat losses, rather than relying solely on the creation of new habitat or the enhancement of existing habitat. It works this way because the metric applies multipliers that are based on the risks inherent in creating or restoring habitat, and which are not applicable when existing habitat is safeguarded.

5.2.2 Statutory Obligations

The use of the biodiversity metric does not negate the projects statutory obligations in relation to protected species and habitats.

5.2.3 Calculating Units

Biodiversity units are calculated using the size of a parcel of habitat and its quality. The metric uses habitat area (measured in hectares) as its core measurement, except for linear habitats (hedgerows and lines of trees and rivers and streams) where habitat length (measured in kilometres) is used.

To assess the quality of a habitat biodiversity metric scores:

- Habitats of different types, such as woodland or grassland, according to their relative biodiversity value or distinctiveness. Habitats that are scarce or declining typically score highly relative to habitats that are more common and widespread.
- The condition of a habitat. Scoring the biodiversity value of the habitat relative to others of the same type.
- Being 'better' and 'more joined-up' are important facets of habitats that can contribute to halting and reversing biodiversity declines, so the metric also accounts for whether or not the habitat is sited in an area identified, typically in a relevant local strategy or plan, as being of strategic significance for nature.

5.2.3 Principles and rules of Biodiversity Metric

Principles

The Biodiversity metric works under the following principles;

- Principle 1: The metric assessment should be completed by a competent person.
- Principle 2: The use of this biodiversity metric does not override existing biodiversity protections, statutory obligations, policy requirements, ecological mitigation hierarchy or any other requirements. This includes consenting or licensing processes, for example woodlands.
- Principle 3: This biodiversity metric should be used in accordance with established good practice guidance and professional codes.
- Principle 4: This biodiversity metric is not a complex or comprehensive ecological model and is not a substitute for expert ecological advice.
- Principle 5: Biodiversity units are a proxy for biodiversity and should be treated as relative values.
- Principle 6: This biodiversity metric is designed to inform decisions in conjunction with locally relevant evidence, expert input, or guidance.
- Principle 7: Habitat interventions need to be realistic and deliverable within a relevant project timeframe.
- Principle 8: Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation
- Principle 9: The metric does not enforce a minimum habitat size ratio for compensation of losses. However, proposals should aim to:
 - maintain habitat extent (supporting more, bigger, better and more joined up ecological networks) and ensure that proposed or retained habitat parcels are of sufficient size for ecological function.
- Principle 8: Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation.
- Principle 9: The metric does not enforce a minimum habitat size ratio for compensation of losses. However, proposals should aim to:
 - maintain habitat extent (supporting more, bigger, better and more joined up ecological networks) and
 - ensure that proposed or retained habitat parcels are of sufficient size for ecological function.

Rules

The following rules apply to the biodiversity metric;

- Rule 1: The trading rules of this biodiversity metric must be followed.
- Rule 2: Biodiversity unit outputs, for each type of unit, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit.
- Rule 3: To accurately apply the biodiversity metric formula, you must use the statutory biodiversity metric calculation tool or small sites biodiversity metric tool (SSM) for small sites. The tools remove the need for a user to manually calculate the change in biodiversity value. The tool will summarise the results of the calculation and inform a user whether the biodiversity net gain objective has been met.
- Rule 4: In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority.

5.3 Baseline Assessment Scores

5.3.1 Habitat Condition

Habitat condition is a measure of the state of a habitat and is used to measure variation between parcels of the same habitat type. Condition is often linked to past management, present management, and land use.

The biodiversity metric provides a list of assessment criteria for each habitat type. The condition of the habitat is then assessed against these criteria; the more criteria present within the habitat the higher the assessed condition. Condition assessment sheets are provided in the appendix. Location of current habitats are shown in figure 2.

5.3.2 Habitat Distinctiveness

Distinctiveness is a measure based on the type of habitat and its distinguishing features. Professional survey is required to determine habitat type.

The biodiversity metric tool automatically assigns distinctiveness category to your selected habitats.

5.3.3 Strategic Significance

Strategic significance is the local significance of the habitat based on its location and habitat type. Where a Local Nature Recovery Strategy (LNRS) has been published, you should use the relevant published LNRS. If an LNRS has not yet been published, a relevant planning authority should specify alternative documents for assigning strategic significance whilst an LNRS is put in place.

A LNRS is still being drafted for the area the site is in⁴. The interim guidance for selecting Strategic Significance was used⁵. The site is located within the Thames-side Green Corridors Biodiversity opportunity Area but does not contain any priority habitats.

The table below summarises the baseline habitat assessment. Full details can be seen in the appendix.

⁴ [Local Nature Recovery Strategy \(LNRS\) | Kent Nature](#)

⁵ https://www.makingspacefornaturekent.org.uk/wp-content/uploads/2024/01/Summary-Interim-Strategic-Significance-Guidance_26.01.24.pdf

5.3.4 Baseline Habitats

The table below provides details of the baseline habitats. The layout of the habitats can be seen in figure 2 above.

Habitat	Distinctiveness	Strategic Significance	Condition	Size (Ha)
Bare ground	Low	Low	Poor	0.0026
Developed land; sealed surface	V. Low	Low	N/A	0.0625
Introduced shrub	Low	Low	N/A	0.074
Species-rich native hedgerow	Low	Low	Moderate	0.024 km
Total Baseline Habitat Units				0.03
Total Baseline Hedgerow units				0.19

Table 1: Summary of habitats present on site and their baseline condition

5.4 Post Development Assessment

As discussed, the impacts will be temporary. The proposed layout of the habitats following restoration is shown on figure 3. The outline of the temporary development is also shown.

The proposed temporary development layout is shown in the appendix.

As can be seen from the proposed plans the development will have a temporary impact on areas of cropland, introduced shrubs and bare ground. The existing hedgerow will be temporary impacted.

To provide the required net gain in area habitats it is proposed to add a single small tree ('small' (DBH <30cm) will be planted to the west of the site.

To ensure the required net gain in hedgerow units a small section of species diverse hedgerow will be planted to the west of the site.

A delay of starting habitat creation has been listed as two years for the habitat creation. This is in line with BNG guidance.

These enhancements will provide increase in wildlife friendly habitats on site.

The tables below summarise the layout of the site following restoration of the temporary impact habitats and the proposed enhancements.

Habitat	Area (Ha)	Distinctiveness	Desired condition	Strategic Significance	Required Enhancements/ Management
Developed land; sealed surface	0.0625	V. Low	N/A	Low strategic significance	
Cropland	0.0072	Low	N/A	Low strategic significance	• Restore cropland areas.
Introduced shrubs (retained)	0.0074	Low	N/A	Low strategic significance	• Could be enhanced with additional flowering plant species.
Individual Trees (planted)	1x small (0.0041 ha) planted.	Medium	Moderate	Low strategic significance	• Plant native trees • Manage to horticultural standard • Allow dead wood to be retained where possible • Allow canopy to develop and micro habitats to develop. • Replace any lost trees.
Species-rich native hedgerow (retained and created)	0.028 km	Medium	Moderate	Medium strategic significance	• Re plant existing hedgerow • Plant native species • At least 5 per 30m section • Allow hedge to develop height and width of at least 1.5m • Prevent gaps

Table 2: Summary of habitats post development with grassland enhancement and woodland creation.

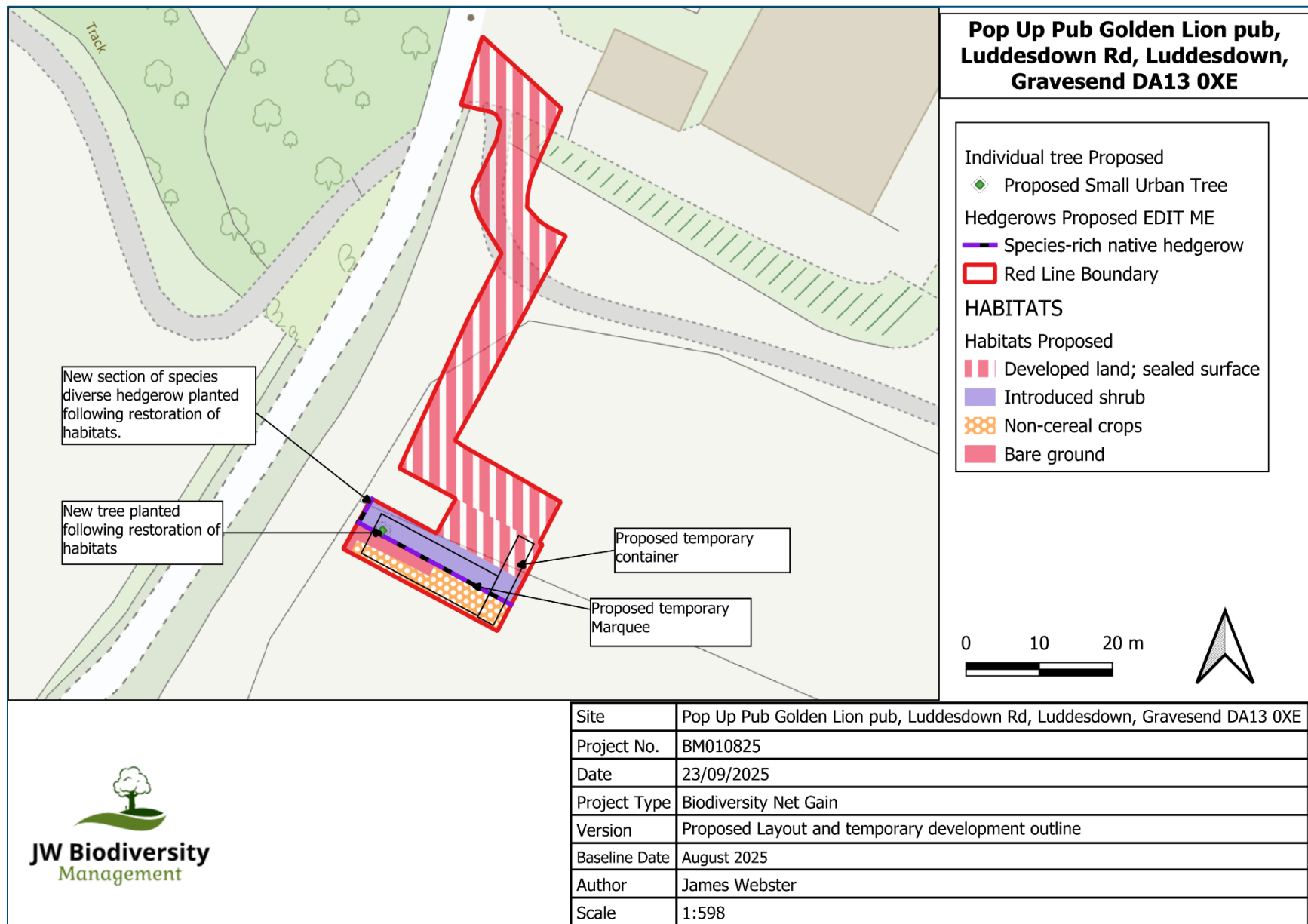


Figure 3: Proposed Habitat Layout

5.5 Biodiversity Net Gain Results

The table below provides a summary of the results of the Biodiversity Net Gain Assessment. The proposed change in habitats will provide a 33.93% gain in habitat units and 12.99% in hedgerow units. The target for net gain has been met.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	0.01
	<i>Hedgerow units</i>	0.02
	<i>Watercourse units</i>	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	33.93%
	<i>Hedgerow units</i>	12.99%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	Yes ✓	

Table 3: Summary of BNG Results.

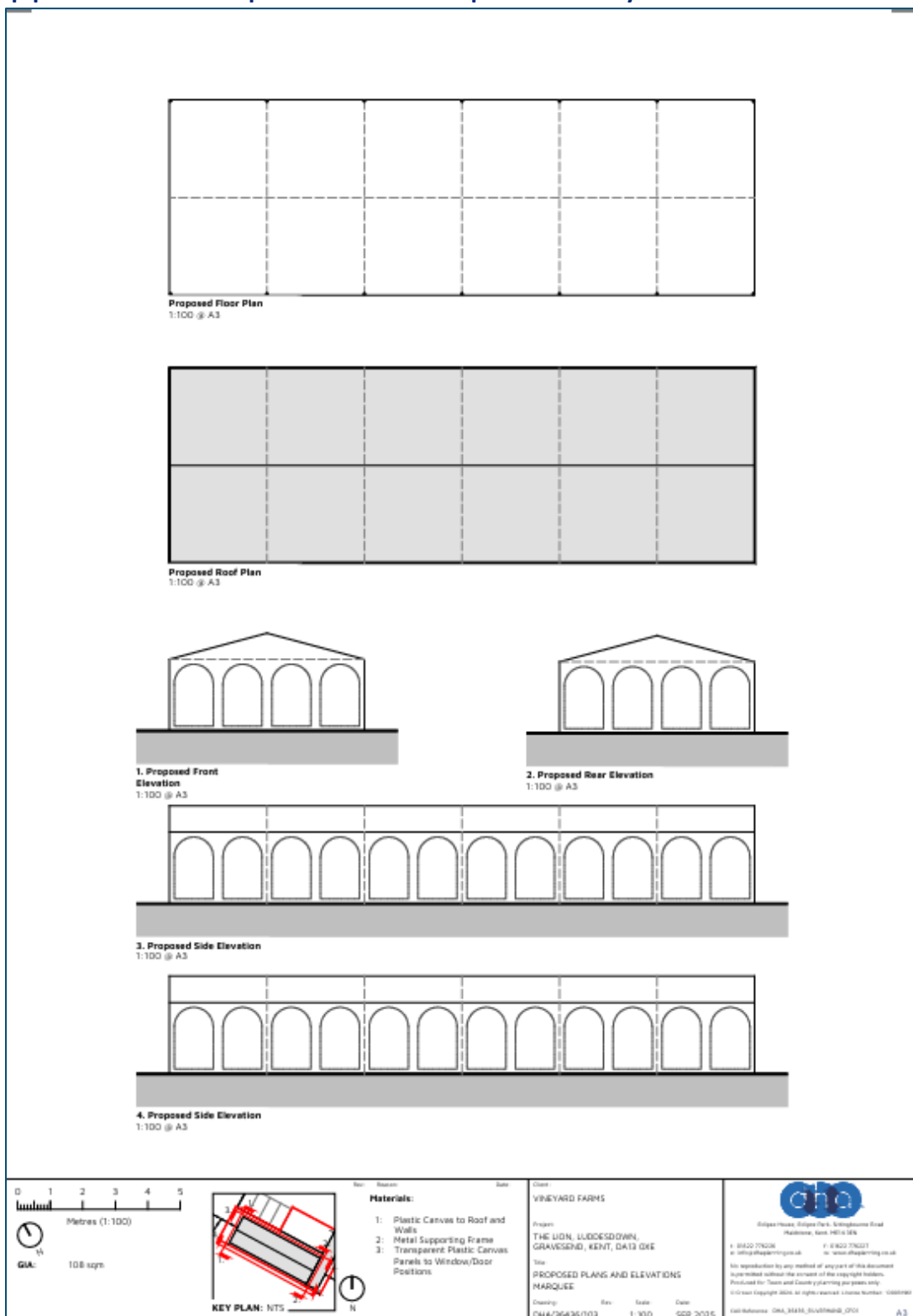
5.5.1 Trading Rules

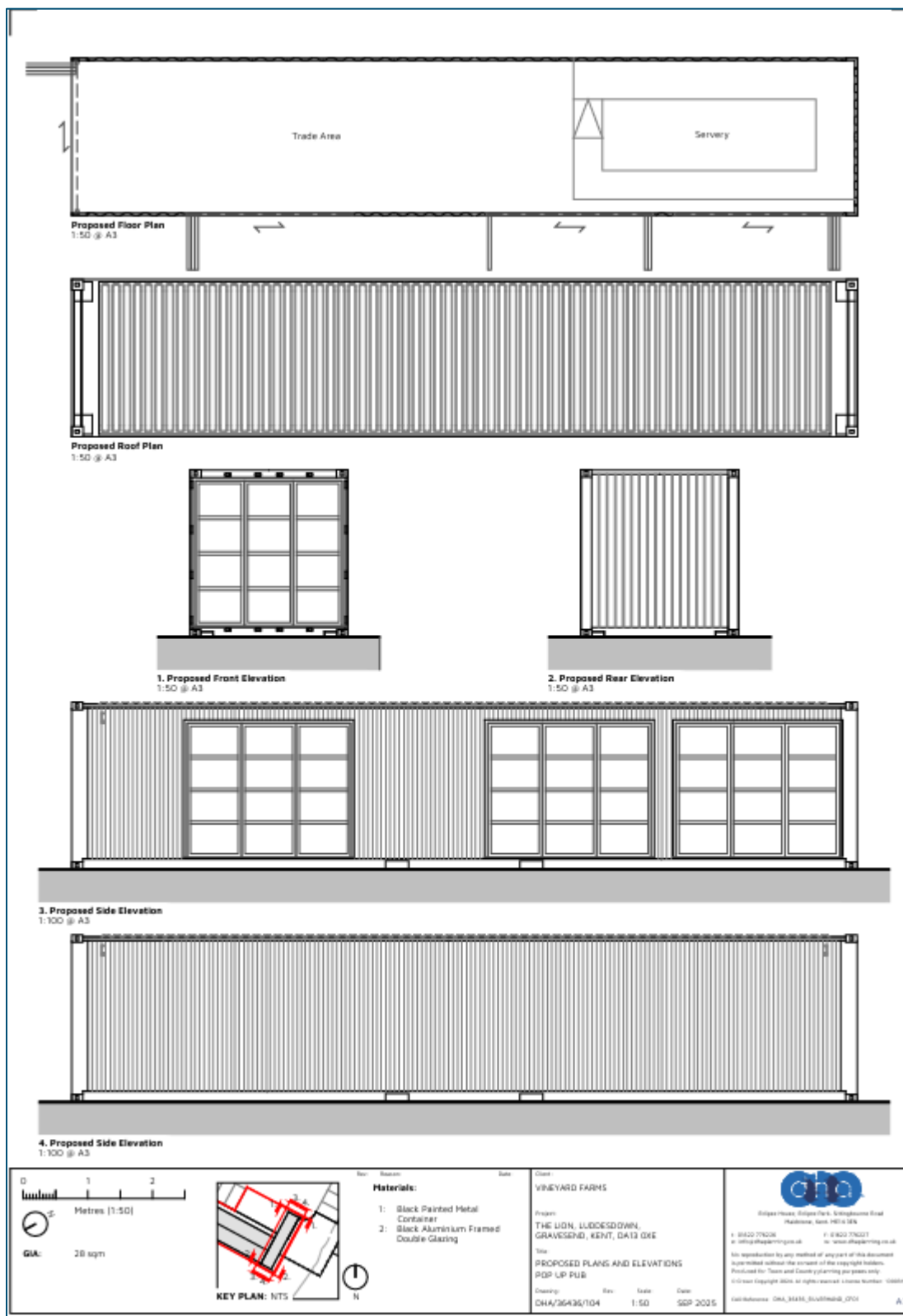
The trading rules set minimum habitat creation and enhancement requirements to compensate for specific habitat losses, up to the point of no net loss. They are based on the habitat type and distinctiveness of the lost habitat.

The trading rules have been met.

6. Appendix

6.1 Appendix 1: Proposed Development Layout





[illegible]

				Discretionary	Condition	Standard of compliance	Remarks
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[illegible]

Year	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Population (millions)	7.7	7.9	8.1	8.3	8.5	8.7	8.9	9.1	9.3	9.5	9.7	9.9	10.1	10.3	10.5	10.7	10.9	11.1	11.3	11.5	11.7
GDP (trillion USD)	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2
Life expectancy (years)	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94
Urban population (%)	55	57	59	61	63	65	67	69	71	73	75	77	79	81	83	85	87	89	91	93	95
Renewable energy (%)	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	50
CO2 emissions (Gt)	1.5	1.6	1.7	1.8	1.9	2.0	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	3.0	3.1	3.2	3.3	3.4	3.5

Existing hedgerow habitats			Distinctiveness	Condition	Strategic significance	Required Action to Meet Trading Rules	Ecological baseline						
Hedge number	Habitat type	Length (km)	Distinctiveness	Condition	Strategic significance		Total hedgerow units	Length retained	Length enhanced	Units retained	Units enhanced	Length lost	Units lost
	Species-rich native hedgerow	0.024	Medium	Moderate	Area/compensation not in local strategy/ no local strategy	Same distinctiveness band or better	0.19	0.024	0	0.19	0.00	0.00	0.00
		0.02					0.19	0.02	0.00	0.19	0.00	0.00	0.00

Hedgerows created

Proposed habitats		Distinctiveness		Condition		Strategic significance			Temporal multiplier						Difficulty risk multipliers				Hedge units delivered
Habitat type	Length (km)	Distinctiveness	Score	Condition	Score	Strategic significance	Strategic significance	Strategic significance multiplier	Standard Time to target condition (years)	Habitat created in advance (years)	Delay in starting habitat creation (years)	Standard or adjusted time to target condition	Final time to target condition (years)	Final time to target multiplier	Standard difficulty of creation	Applied difficulty multiplier	Final difficulty of creation	Difficulty multiplier applied	
Species-rich native hedgerow	0.004	Medium	4	Moderate	2	Area/compensation not in local strategy/ no local strategy	Low Strategic Significance	1	5	0	2	Check details: Delay in starting habitat in required condition? A	7	0.779	Low	Standard difficulty applied	Low	1	0.02
	0.00																		0.02

6.3 Appendix 3: Condition Assessments

Bare ground

Condition Assessment Criteria		Criterion passed (Yes or No)	Notes (such as justification)
Core Criteria - must be assessed for all urban habitat types :			
A	Vegetation structure is varied, providing opportunities for vertebrates and invertebrates to live, eat and breed. A single structural habitat component or vegetation type does not account for more than 80% of the total habitat area.	No	Limited structural diversity
B	The habitat parcel contains different plant species that are beneficial for wildlife, for example flowering species providing nectar sources for a range of invertebrates at different times of year.	No	Bare ground with some limited vegetation but lacking diversity
C	Invasive non-native plant species (listed on Schedule 9 of WCA ¹) and others which are to the detriment of native wildlife (using professional judgement) ² cover less than 5% of the total vegetated area ³ . Note - to achieve Good condition, this criterion must be satisfied by a complete absence of invasive non-native species (rather than <5% cover).	Yes	
Additional Criterion - must be assessed for Open mosaic habitat on previously developed land only:			
D	The parcel shows spatial variation and forms a mosaic of bare substrate PLUS: - At least four early successional communities (a) to (i); Communities: (a) annuals; (b) mosses/liverworts; (c) lichens; (d) ruderals; (e) inundation species; (f) open grassland; (g) flower-rich grassland; (h) heathland, (i) pools.		
Additional Criteria - must be assessed for Bioswale and SuDS habitat types only:			
E1	Plant species are mostly native. If non-native species are present, they should not be detrimental to the habitat or native wildlife ⁴ .		
E2	The vegetation is comprised of plant species suited to wetland or riparian situations.		
Additional Criterion - must be assessed for Intensive green roofs only:			
F	The roof has a minimum of 50% native and non-native wildflowers. 70% of the roof area is soil and vegetation (including water features).		
Additional Criterion - must be assessed for Biodiverse green roofs only:			
G	The roof has a varied depth of 80 – 150 mm; at least 50% is at 150 mm and is planted and seeded with wildflowers and sedums or is pre-prepared with sedums and wildflowers. Note – to achieve Good condition some additional habitat, such as sand piles, stones, logs etc. are present.		
Essential criteria relevant for habitat type achieved (Yes or No)			Yes
Number of criteria passed			1

Hedgerow

Hedgerow favourable condition attributes					
Attributes and functional groupings (A, B, C, D and E)		Criteria - the minimum requirements for 'favourable condition'	Criteria description	Criterion passed (Yes or No)	Notes (such as justification)
Core groups - applicable to all hedgerow types					
A1.	Height	>1.5 m average along length	The average height of woody growth estimated from base of stem to the top of the shoots, excluding any bank beneath the hedgerow, any gaps or isolated trees. Newly laid or coppiced hedgerows are indicative of good management and pass this criterion for up to a maximum of four years (if undertaken according to good practice). A newly planted hedgerow does not pass this criterion (unless it is >1.5 m height).	Yes	c. 1.6m
A2.	Width	>1.5 m average along length	The average width of woody growth estimated at the widest point of the canopy, excluding gaps and isolated trees. Outgrowths (such as blackthorn <i>Prunus spinosa</i> suckers) are only included in the width estimate when they are >0.5 m in height. Laid, coppiced, cut and newly planted hedgerows are indicative of good management and pass this criterion for up to a maximum of four years (if undertaken according to good practice).	No	c. 0.5m
B1.	Gap - hedge base	Gap between ground and base of canopy <0.5 m for >90% of length	This is the vertical 'gappiness' of the woody component of the hedgerow, and its distance from the ground to the lowest leafy growth. Certain exceptions to this criterion are acceptable (see page 65 of the Hedgerow Survey Handbook).	Yes	
B2.	Gap - hedge canopy continuity	Gaps make up <10% of total length; and No canopy gaps >5 m	This is the horizontal 'gappiness' of the woody component of the hedgerow. Gaps are complete breaks in the woody canopy (no matter how small). Access points and gates contribute to the overall 'gappiness' but are not subject to the >5 m criterion (as this is the typical size of a gate).	Yes	
C1.	Undisturbed ground and perennial vegetation	>1 m width of undisturbed ground with perennial herbaceous vegetation for >90% of length: · Measured from outer edge of hedgerow; and · Is present on one side of the hedgerow (at least).	This is the level of disturbance (excluding wildlife disturbance) at the base of the hedgerow. Undisturbed ground is present for at least 90% of the hedgerow length, greater than 1 m in width and must be present along at least one side of the hedgerow. This criterion recognises the value of the hedgerow base as a boundary habitat with the capacity to support a wide range of species. Cultivation, heavily trodden footpaths, poached ground etc. can limit available habitat niches.	No	Disturbed on both sides of hedgerow
C2.	Nutrient-enriched perennial vegetation	Plant species indicative of nutrient enrichment of soils dominate <20% cover of the area of undisturbed ground.	The indicator species used are nettles <i>Urtica</i> spp., cleavers <i>Galium aparine</i> and docks <i>Rumex</i> spp. Their presence, either singly or together, does not exceed the 20% cover threshold.	Yes	
D1.	Invasive and neophyte species	>90% of the hedgerow and undisturbed ground is free of invasive non-native plant species (including those listed on Schedule 9 of WCA ³) and recently introduced species.	Recently introduced species refer to plants that have naturalised in the UK since AD 1500 (neophytes). Archaeophytes count as natives. For information on archaeophytes and neophytes see the JNCC website ⁴ , as well as the BSBI website ² where the 'Online Atlas of the British and Irish Flora' ⁶ contains an up-to-date list of the status of species. For information on invasive non-native species see the GB Non-Native Secretariat website ⁷ .	Yes	
D2.	Current damage	>90% of the hedgerow or undisturbed ground is free of damage caused by human activities.	This criterion addresses damaging activities that may have led to or lead to deterioration in other attributes. This could include evidence of pollution, piles of manure or rubble, or inappropriate management practices (for example, excessive hedgerow cutting).	No	Impacts to margin within 1m of hedgerow
Additional group - applicable to hedgerows with trees only					
E1.	Tree class	There is more than one age-class (or morphology) of tree present (for example: young, mature, veteran and or ancient ⁸), and there is on average at least one mature, ancient or veteran tree present per 20 - 50m of hedgerow.	This criterion addresses if there are a range of age-classes or morphologies which allow for replacement of trees and provide opportunities for different species.	N/A	
E2.	Tree health	At least 95% of hedgerow trees are in a healthy condition (excluding veteran features valuable for wildlife). There is little or no evidence of an adverse impact on tree health by damage from livestock or wild animals, pests or diseases, or human activity.	This criterion identifies if the trees are subject to damage which compromises the survival and health of the individual specimens.	N/A	
The hedgerow condition assessment generates a weighting (score) ranging from 1 - 3, which is used within the Statutory Biodiversity Metric. The scores for each are set out in the tables below.					

6.4 Appendix 3: Legislation

Protected species have protection under national legislation such as the Wildlife and Countryside Act 1981 and European legislation such as the Habitats Directive.

Please note the following:

- (1) If there is no record of a particular protected species, this does not signify that the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that data relating to its presence has not been made available to us.
- (2) The presence of a protected species record does not mean that the species is still present. It means that the species was recorded at that time and place. The implications of the record should be further evaluated, and a survey to establish the current status may be required.
- (3) The following summary of legislation is designed purely as a basic guide, if any action is to be taken regarding any of the protected species listed, then it is imperative that the full relevant legislation be consulted.

WILDLIFE PROTECTION LEGISLATION IN ENGLAND

Legislation that protects wildlife in England exists at the European and national level.

European Law

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) was aimed at ensuring conservation and protection of all wild plants and animals, increasing cooperation between states, and affording special protection to the most vulnerable or threatened species. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The Bonn Convention on Migratory Species of Wild Animals (1979 & 1994) requires the protection of migratory animals. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The EC Habitats Directive aims to establish a network of protected areas in order to maintain the distribution and the abundance of threatened species and habitats. A number of species are listed in the annexes.

Annex II lists animals and plants whose conservation requires the designation of Special Areas of Conservation (SACs).

Annex IV lists animals and plants in need of strict protection. For the animals, this prohibits deliberate capture, killing, disturbance (especially during breeding period), destruction or taking of eggs from wild, and destruction or deterioration of breeding sites or resting places. For the plants,

this prohibits deliberate picking, collecting, uprooting, cutting, destruction, and trade in entire plants or parts, at all stages of life.

Annex V lists animals and plants for which taking in the wild may be subject to management measures

National Law

Wildlife and Countryside Act The Wildlife and Countryside Act 1981 (as amended) is the main source of legal protection for wildlife in England and was strengthened by the Countryside and Rights of Way Act 2000. A statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plants) is undertaken by the relevant authorities. Species protection is provided under Schedules 1, 5, 6 and 8:

Schedule 1 lists bird species that are rare, endangered, declining or vulnerable. The Schedule is divided into two parts. Part I lists birds which receive special protection; these birds receive additional protection from disturbance at the nest. Part II lists birds that receive the same level of special protection, but only during the breeding season.

Schedule 5 protects animal (other than bird) species from certain actions, according to the sections of the Act under which they are listed:

S9 (1) prohibits the intentional killing, injury or taking. S9 (2) protection is limited to possessing and controlling. S9 (4a) prohibits the damaging, destroying or obstructing access to any place used by the animal for shelter or protection. S9 (4b) prohibits disturbing the animal while it is occupying any structure or place which it uses for shelter or protection. S9(5) prohibits the selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from such an animal. Species on this Schedule do not appear on the PSI.

Schedule 6 lists animals that may not be killed by certain methods. Even humane trapping for research requires a licence.

Schedule 8 lists plant species for which it is prohibited to intentionally pick, uproot, destroy, trade in, or possess (for the purposes of trade).

Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Landowners, land occupiers, persons authorised by either of these, or persons authorised in writing by the Local Authority for the area are exempt from this, except for Schedule 8 species.

Conservation Regulations the Conservation of Habitats and Species Regulations 2010 (as amended) transpose the EC Habitats Directive into national law. In addition to enabling the designation of SACs, the regulations also provide species protection:

Schedule 2 protects the listed animals from deliberate capture, killing, disturbance or trading in.

Schedule 4 protects the listed plants from picking, collecting, uprooting, destroying or trading in.

These actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a number of purposes, but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild the population of the species concerned.

Protection of Badgers Act the Protection of the Badgers Act prohibits the killing, injuring or taking of badgers and damage or interference with a badger sett, unless licensed to do so by a statutory authority.

International and European Obligations

In the UK, species receiving protection under international legislation and agreements are protected through the Wildlife and Countryside Act, so are not shown separately in the BMERC notable species lists. For reference, the relevant categories are shown below.

Bern Convention on the Conservation of European Wildlife and Natural Habitats the Bern Convention aims to ensure the conservation of wild flora and fauna species and their habitats.

- Appendix 1 (strictly protected flora) - Plants for which contracting parties will prohibit deliberate picking, collecting, cutting or uprooting.
- Appendix 2 (strictly protected fauna) - Animals for which contracting parties will prohibit deliberate capture, possession, killing, damage to or destruction of breeding or resting sites, disturbance or destruction or taking of eggs. Appendix 3 (protected fauna) - Animals for which contracting parties will include closed seasons and regulate their sale, keeping for sale, and transport for sale or offering for sale of live and dead wild animals. (Not included in Notable Species List).

Bonn Convention on Migratory Species the Bonn Convention aims to conserve terrestrial, marine and avian migratory species throughout their range.

- Appendix 1 (migratory species threatened with extinction) - Species for which contracting parties will strictly protect and endeavour to conserve or restore the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them.
- Appendix 2 (migratory species that need or would benefit from international co-operation) - Species for which contracting parties will be encouraged to conclude global or regional agreements for the conservation and management of individual species or, more often, of a group of species. (Not included in Notable Species List).

The EC Council Directive on the Conservation of Wild Birds the Birds Directive provides a framework for the conservation and management of all wild birds in Europe. As well as designating important sites for birds as Special Protection Areas, birds are generally protected from deliberate killing or capture and destruction of or damage to their nests or eggs, and deliberate disturbance. Allowances are made for game birds.

UK BAP & notable species

UK Biodiversity Action Plan and Section 41 Species

Biodiversity, or biological diversity, is the whole variety of life on Earth. The Convention on Biological Diversity (CBD) came about as a result of the 1992 Earth Summit. As one of 168 countries to sign up to the CBD, the UK was required to develop a national strategy for the conservation of biodiversity; the UK Biodiversity Action Plan (UKBAP) was born.

The UKBAP is the result of contributions involving a wide range of people and organisations, enabling the identification of species and habitats that are listed as priorities for conservation action. A 2007 review of the UKBAP has resulted in 1149 species and 65 habitats being listed as conservation priorities. For more information see www.ukbap.org.uk.

In addition to the national priorities and targets, action is also being taken at local level. The Essex Biodiversity Project is responsible for implementing the Essex Biodiversity Action Plan, which has 28 priority species and 15 priority habitats currently listed. For more information see www.essexbiodiversity.org.uk.

The UK BAP

(From Explanatory Note by Defra and Natural England on Section 41 of the Natural Environment and Rural Communities

(NERC) Act 2006 - Habitats and Species of Principal Importance in England)

The England Biodiversity List has been developed to meet the requirements of Section 41 of the Natural Environment and Rural Communities Act (2006). This legislation requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity.

The S41 list will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions. In particular:

- Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of National Planning Policy framework (NPPF) and PPS9 Circular to maintain, restore and enhance species and habitats.
- Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under NPPF and PPS9 Circular the aim of planning decisions should be to avoid harm to all biodiversity.
- All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

Habitats of Principal Importance Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They range from habitats such as upland hay meadows to lowland mixed deciduous woodland and from freshwater habitats such as ponds to marine habitats such as subtidal sands and gravels.

Species of Principal Importance There are 943 species of principal importance included on the S41 list. These are the species founding England which have been identified as requiring action under the UK BAP. In addition, the Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

Relationship with the UK Biodiversity List of Species and Habitats the UK BAP list of priority species and habitats is an important reference source and will be the focus for conservation action across the UK over the next decade. It has been used to draw up the species and habitats of principal importance in England under S41 of the NERC Act.

The revised UK BAP list of priority species and habitats can be downloaded from the UK Biodiversity Website: <http://www.ukbap.org.uk/NewPriorityList.aspx>

Relationship with the biodiversity duty under Section 40 of the NERC Act There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

There is no direct relationship between the Section 41 duty on the Secretary of State to publish the list and promote the taking of steps to conserve the habitats and species on it, and the Section 40 duty on public bodies to have regard to the purpose of conserving biodiversity. Importantly:

(a) Biodiversity, as covered by the Section 40 duty includes all biodiversity and not just the habitats and species of principal importance. However, there is an expectation that public bodies would refer to the S41 list when complying with the section 40 duty.

(b) The duty on the Secretary of State to promote the taking of steps by others is not restricted to public bodies.

Defra guidance for local authorities and public bodies on implementing the biodiversity duty in the NERC Act draws attention to the S41 list, emphasising that local authorities and public bodies have a role to play in ensuring the protection of these species and habitats. Copies of the guidance can be downloaded from: <http://archive.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>