

Philpots Manor School, West Hoathly, East Grinstead RH19 4PR.



Preliminary Ecological Assessment & Biodiversity Net Gain Plan

JW Biodiversity Management
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Executive Summary

JW Biodiversity Management has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment (BNG) of a horse paddock located on the grounds of the Philpots Manor School in West Hoathly, East Sussex. 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 and provide an assessment of the site's potential to support protected and notable species.

Site Description

The site consisted almost entirely of a horse grazed field with a fenced off section to the southwest that was dominated by ruderal habitats. The site is located on the grounds of the Philpots Manor School to the east of the main school buildings and adjacent to an existing car park. A small lane runs to the north of the site.

The site is located in a rural area. The local landscape is dominated by woodland and agricultural land.

The site is within the High Weald National Character Area (NCA) and the Mid Sussex District Council Local Planning Authority (LPA).

The site (as shown on figure 1) is located in West Hoathly: TQ 3532 3910.

Protected and Notable Species

Following the site visit and desktop assessment the site was assessed for its potential to support protected and notable species. The table below summarises the site's potential to support these species.

Species	Sites potential to support
Amphibians	Low.
Reptiles	Low
Birds	Low
Bat commuting and foraging	Low
Hazel dormouse (<i>Muscardinus avellanarius</i>)	Negligible.
Badgers (<i>Meles meles</i>)	Low
Other mammals	Low
Nonnative invasive species	Negligible

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 -86.25% loss in habitat units. And a 57.68% gain in hedgerow units. The target for net gain for habitat units has not been met.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-0.78
	<i>Hedgerow units</i>	0.14
	<i>Watercourse units</i>	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-86.25%
	<i>Hedgerow units</i>	57.68%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	No - Check Trading Summaries ▲	

Recommendations

A Biodiversity Net Gain assessment has been conducted by a competent ecologist and recommendations have been made to ensure the project achieves a net gain. This is in line with local and national planning policies. Recommendations have also been made in relation to protected and notable species.

Mitigation/ Further Survey	Enhancements
To help protect the priority habitats and protected areas bordering the site and within the wider area, suitable fencing or hording will be erected around the construction area. To avoid impacts to designated sites and priority habitats adequate pollution control measures are recommended. This should include: • Suppression and monitoring of dust where relevant. • Control sources of aquatic pollution, particularly from entering local water courses or ground water. • All proposed work must strictly be in accordance with all relevant Pollution Prevention Guidelines (PPG) published by the Environment Agency which may include but is not limited to PPG1 (general), PPG5 (works in, near, or liable to affect watercourses) and PPG6 (work at construction & demolition sites). Contingency plans should be drawn up to address chemical spillage, collision, etc. • Check, clean and dry tools/ vehicles to restrict potential of spreading non-native species.	Include additional tree/ hedgerow planting to create additional screening.
Purchase the require doff site habitat units from a suitable habitat bank.	Enhanced grassland and individual trees will be added to the site
The site has a potential to support reptile and common amphibians. To avoid impacts to reptiles and amphibians the following clearance methodology will be used; • Move rubble/ log pile carefully from the construction area. • Ground vegetation will be cut down by hand in stages; • Stage 1- The vegetation will need to be reduced to a height 150-200mm using hand tools (e.g. strimmers). It is recommended that cutting works towards retained areas to, where there is connectivity to wider habitats. • Stage 2- After a period of at least one day has passed a second vegetation cut should be undertaken to ground level. Again, it is recommended that this second-stage cutting works towards the retained areas. All cuttings to be removed from work area. The site can then be completely cleared and worked upon as necessary • Soft strip of soil.	Grassland enhancement would benefit reptiles and amphibians. Log piles could be added to site as additional enhancement.
The potential foraging and commuting habitat bordering the site to the north will be protected during construction by following the measures set out above. A sensitive lighting scheme should be incorporated into the final design to protect existing habit habitats and any newly created habitats on the site. To protect potential roost or bat foraging/ commuting habitat in the area it will be important to: • Using Low-pressure sodium lamps instead of high- pressure sodium or mercury lamps; • Maintaining the brightness as low as possible; • Directing the lighting to where it is needed to avoid light spillage; and, • Minimising upward lighting to avoid light pollution.	Grassland enhancements will provide benefits for bats. Additional tree/ hedgerow planting would benefit bats.

Mitigation/ Further Survey	Enhancements
Avoid illuminating the wider habitats on site, particularly any mature trees or hedgerows and the pond, at dusk or nighttime- Guidelines provided by the Bat Conservation trust and ILP should be followed¹	
If vegetation/ building clearance works are required during the main nesting bird season (March to August (inclusive)) then a nesting bird check should be undertaken. This should be undertaken no later than 48 hours before the work begins, ideally within 24 hours. If an active nest is discovered during the inspection, the ecologist will recommend establishing a safety perimeter around the nest. This perimeter must be maintained until the chicks have fledged.	Include native tree/ hedgerow planting in the final design.
There is a potential for badgers to be in the area. To avoid impacts during construction suitable protection measures should be employed. Any uncovered pits or trenches should be secured overnight, or a ramp should be provided to allow any trapped animals, including badgers, to escape. Before work begins each day, any open pits or trenches should be inspected to ensure no badgers are trapped. If any badgers are found trapped, an ecologist experienced in trapping and handling badgers will need to be called upon to safely remove them.	Appropriate planting will benefit badgers,
To prevent harm to small mammals' potential hibernation sites and refuges, such as piles of vegetation and deadwood, should be removed from the development area outside of winter months. During construction, any open excavations should be covered overnight, or a ramp should be provided to enable trapped animals to escape. The grassland and ruderal areas should be cut down in stages as per the methodology set out for reptiles, this will help small mammals leave the area.	Instal hedgehog highway holes in fence lines to allow access for hedgehogs. Enhancement of grasslands.

¹ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

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1. Introduction

JW Biodiversity Management has been commissioned to carry out a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain Assessment (BNG) of a horse paddock located on the grounds of the Philpots Manor School in West Hoathly, East Sussex. 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 and provide an assessment of the site's potential to support protected and notable species.

1.1 Development outline

JW Biodiversity management Ltd understands that the proposals will involve the development of the site into a car park.

1.2 Site Description

The site consisted almost entirely of a horse grazed field with a fenced off section to the southwest that is dominated by ruderal habitats. The site is located on the grounds of the Philpots Manor School to the east of the main school buildings and adjacent to an existing car park. A small lane runs to the north of the site which is included within the redline and extends to the east.

The site is located in a rural area. The local landscape is dominated by woodland and agricultural land.

The site is within the High Weald National Character Area (NCA) and the Mid Sussex District Council Local Planning Authority (LPA).

The site (as shown on figure 1) is located in West Hoathly: TQ 3532 3910.

1.3 Aims of Report

The aim of this PEA is to:

- Identify the likely ecological constraints associated with a project;
- Identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and
- Identify the opportunities offered by a project to deliver ecological enhancement.

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.

The site assessment was carried out at a sub-optimal time of year. Due to the nature of the habitats present this was not considered to be a significant limitation to assessing habitat type and condition.

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

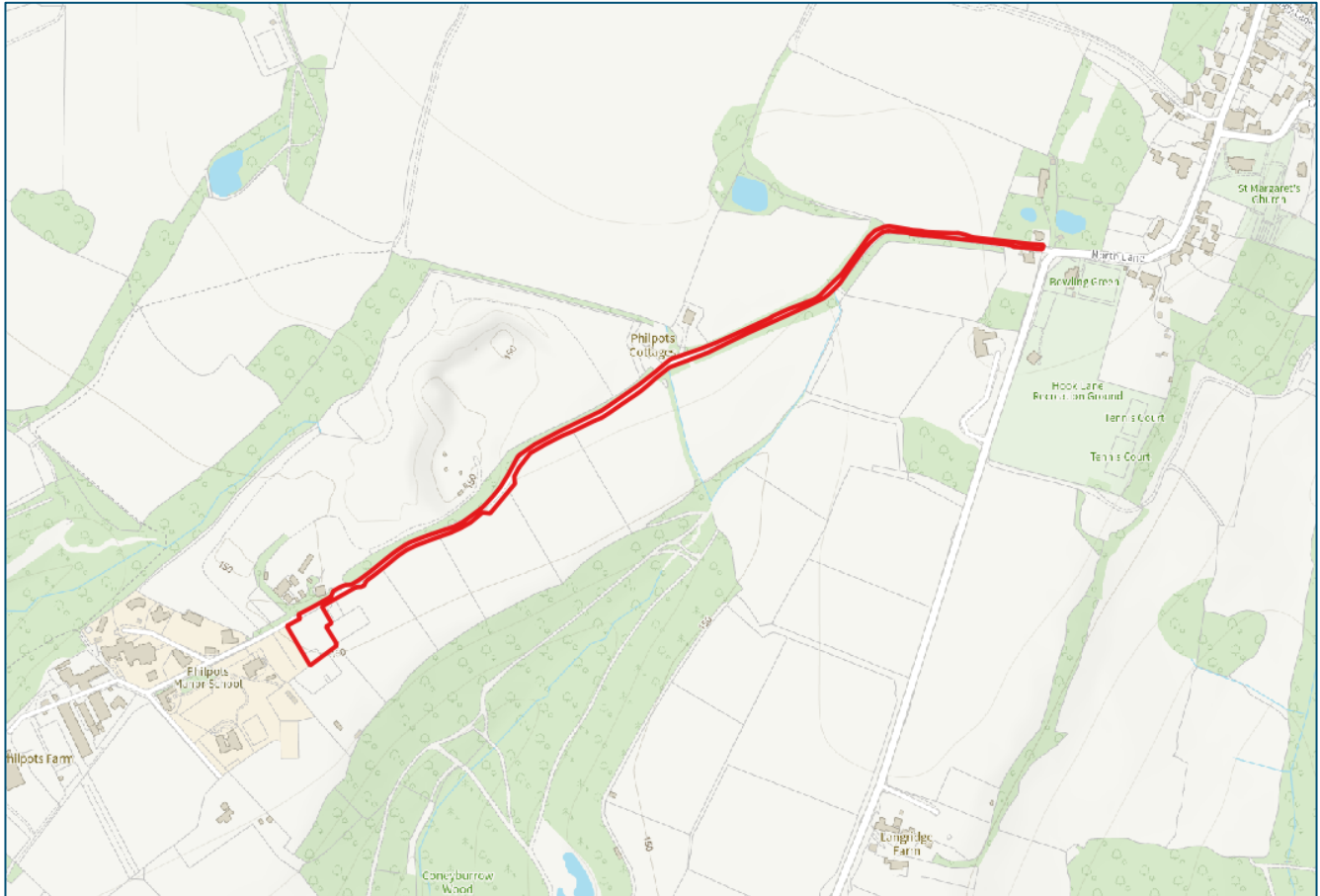


Figure 1: Approx. Assessment area.

2. Methods

2.1 Site Visit

JW Biodiversity management undertook a site visit on the 14th of October 2025. This was to carry out a walk over of the site, determining the basic habitats present and their current condition. The potential for these habitats to support protected and notable species was also recorded. The site visit was carried out by an experienced ecologist who can appropriately identify habitats and assess their quality and suitability to support species.

The methodology followed that of an Extended Phase 1 Habitat Survey following the methodology of JNCC (1993) as modified by IEA (1995). The Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are likely to be ecologically important.

2.2 Protected Species

The following evidence of protected species or habitats to support them was assessed;

2.2.1 Badgers

Evidence of badger activity on site was assessed by searching for:

- Presence of setts, indicated by suitably sized holes or burrows with evidence of badgers such as badger hair and footprints
- Evidence of well runs supported by secondary evidence such as foraging signs or footprints; and
- Presence of badger latrines

2.2.2 Bats

The site was assessed for its potential to support:

- Roosting bats; and
- Foraging and commuting bats.

Features which could indicate a potential bat roost include:

- Holes and fissures in trees; and
- Gaps in buildings that could allow access to areas such as roof voids, e.g. holes in soffits, broken, loose or missing tiles, damaged lead flashing, etc.

The methodology for assessing bat roost potential followed that recommended by the Bat Conservation Trust².

2.2.3 Breeding Birds

The site was assessed for its potential to support nesting and breeding birds, considering factors including sufficient habitat cover and food sources.

2.2.4 Dormice

The site was surveyed for suitable dormouse habitat, such as the presence of a well-connected understorey broadleaf habitat, and suitable food sources such as hazel, oak and other nut-bearing trees, fruiting trees and shrubs, flowers and invertebrates. Where hazel nut shells were found, these were inspected for evidence of dormouse feeding.

2.2.5 Aquatic Mammals

Aquatic habitats were assessed for their potential to support aquatic mammals such as Otter or water vole. Signs including; foot prints, droppings and evidence of feeding were searched for.

2.2.6 Reptiles

The site was assessed for its potential to support reptile populations. Suitable habitat for reptiles includes long grass, scrub, woodland and hedgerow borders and wood/rubble piles that act as hibernacula.

2.2.7 Amphibians

Any aquatic habitat was assessed for its potential to support amphibian species, including Great Crested Newts. Any ponds on site were assessed, using the Habitat Suitability Index, for its potential to support Great Crested Newts. Terrestrial habitat was also assessed for its ability to support amphibians.

2.2.8 Other species

The site was assessed for its potential to support other notable species.

2.3 Desktop Study

Internet-based resources were consulted to identify designated nature conservation sites within 1km of the site and habitats of potentially high ecological importance and sensitivity within 500m of the site (e.g. ancient woodlands, ponds). The natural England resource map MAGIC was consulted for information on protected species and habitats.

² Collins J. (ed) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition)*. The Bat Conservation Trust, London).

2.4 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 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.

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

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

3. PEA Results

3.1 Habitat Assessment

The location and extent of the habitats are shown in figure 2. CIEEM guidance recommends that the value or potential value of an ecological resource or feature should be determined within a defined geographical context. It recommends the following frame of reference.

- International;
- UK;
- National (i.e. England/Northern Ireland/Scotland/Wales);
- Regional;
- County (or Metropolitan - e.g. in London);
- District (or Unitary Authority, City, or Borough);
- Local or Parish; and
- Site
- Within zone of influence only (which might be the project site or a larger area).

The habitats will be assessed based on these criteria.

The current habitat layout is shown on figure 2. The table below describes the habitats present and their value within a geographical context. The BNG condition assessment information is also shown in the table; additional information is provided in the BNG section.

Species list is shown in the appendix.

Habitat	Size (Ha)	Geographical Importance	Habitat Description	Strategic Significance	Condition	Distinctiveness
Modified Grassland	0.1455	Site	The grassland occupied the majority of the site and was being grazed by a horse at the time of the site visit. Despite the horse grazing a varied structure was present. This was split across two areas, one filed to the northwest bordering the road and a second area that is part of a larger field to the southeast. 	Low	Good	Low
Ruderal/Ephemeral	0.0168	Site	A mound is present to the south west of the site. This is generally a compost / waste area which is currently dominated by nettle (<i>Urtica dioica</i>). 	Low	Moderate	Low

Habitat	Size (Ha)	Geographical Importance	Habitat Description	Strategic Significance	Condition	Distinctiveness
Individual trees	1 x 'small' tree	Site	A small Elder (<i>Sambucus nigra</i>) tree was in the ruderal habitat. 	Low	Moderate	Medium
Developed land; sealed surface	0.4728	Zone of influence	A long narrow access lane extends from the site to east joining up with the public highway some distance from the main site. (the full extent of the access driveway is not shown on the habitat map).	Low	N/A	V. Low
Native Hedgerow	0.040 km	Site	Regularly managed native hedgerow located along the boundary of the lane to the north of the site. 			

Habitat	Size (Ha)	Geographical Importance	Habitat Description	Strategic Significance	Condition	Distinctiveness
			Baseline Habitat score:	0.91 Habitat Units		
			Baseline Hedgerow Score:	0.4 Hedgerow units		

Table 1: Description and value of habitats on site.

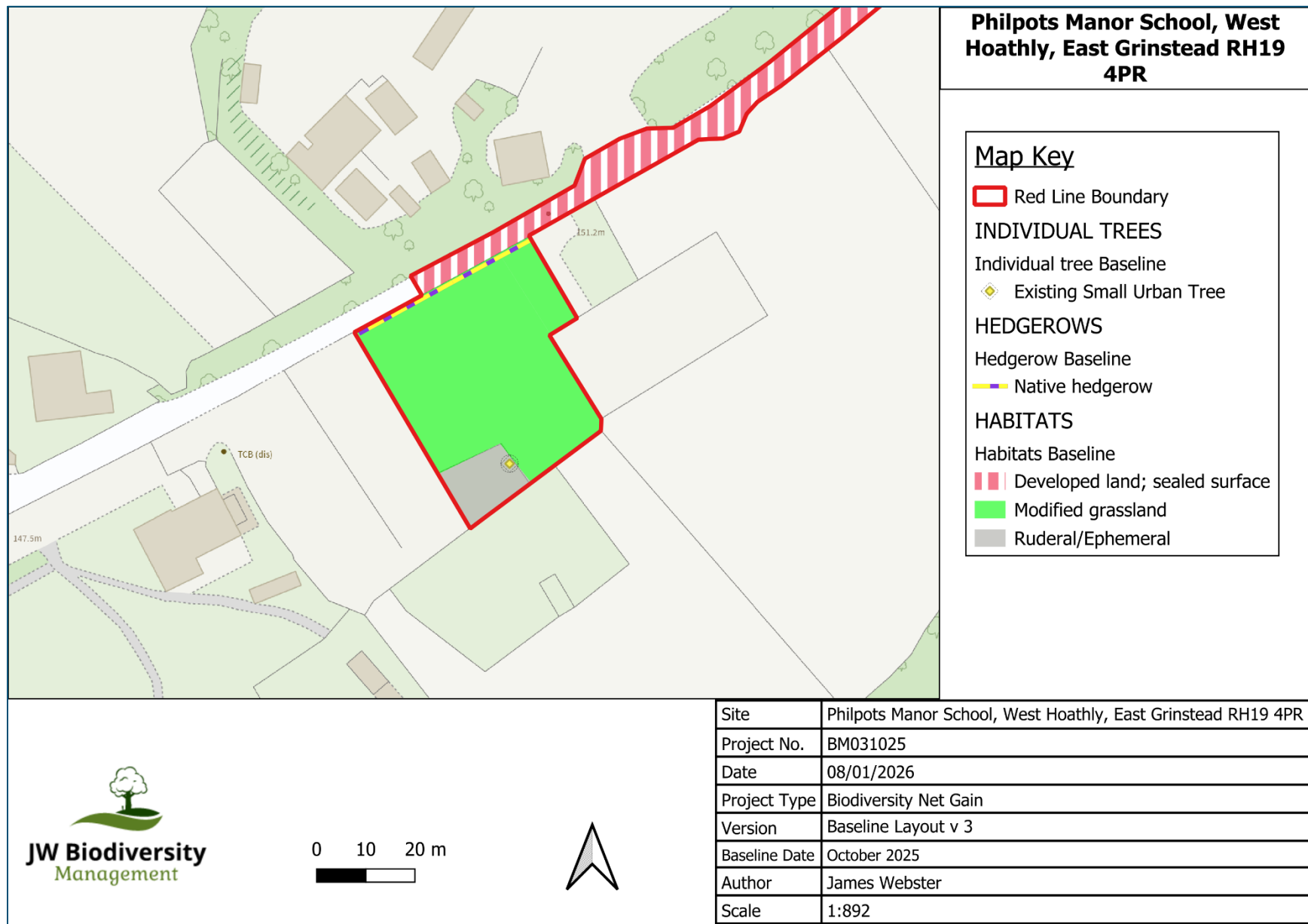


Figure 2: Current habitat layout.

3.3 Site Assessment and Evaluation

The following assessment takes into account the information from the desktop study as well an assessment of the habitats on site and their potential to support protected and notable species. The likelihood of species being found on site is defined as follows;

- High- Definite signs of species identified on site and habitat considered suitable.
- Medium/ moderate- habitat considered suitable but obvious signs not necessarily detected.
- Low- no obvious signs and habitat considered sub-optimal. Though species may be present.
- Negligible- highly unlikely that species is present

The table below summarises the sites potential to support protected and notable species. Potential impacts are discussed and need for additional surveys and mitigation highlighted if required.

Ecological Feature	Evaluation of Feature on site and desktop records.	Evaluation	Relevant Legislation or Policy	Sites Potential to support	Next Steps
Designated sites for nature conservation	The site is located within the high weald Areas of Outstanding Natural Beauty (AONB). The Wakehurst & Chiddingly Woods Sites of Special Scientific Interest (SSSI) is located within 200m to the northwest of the site. This is a relatively large area that dominates the landscape to the northwest. The Philpots and Hook quarries SSSI is located approximately 150m to the northeast of the site. A second part of this SSSI is located approximately 680m to the south of the site.	The SSSIs do not directly border the site and are generally separated from the site by built areas or agricultural land. Therefore direct impacts are considered to be unlikely. It is possible there will be indirect impacts during construction. The site is located within an AONB.	Conservation of Habitats and Species Regulations 2017 (as amended); Wildlife and Countryside Act 1981 (as amended)	N/A	Further mitigation is required.
Priority Habitats	The local landscape contains habitats that are listed in the Priority Habitat Inventory (HPI), see figure 3. Ancient and priority woodland habitats are located within 200m to the north and south of the site, overlapping with the SSSI designation. Good quality semi-improved grassland is also located to the north of the site. .	None of the priority habitats are located within direct proximity of the site therefore direct impacts are considered unlikely. There is potential for indirect impact during construction from increased disturbance and pollution.	Natural Environment and Rural Communities (NERC) Act 2006 Section 41	N/A	Pollution control measures during construction.
Amphibians	The European protected species Great Crested Newt (<i>Triturus cristatus</i>) require both suitable aquatic habitats for breeding and terrestrial habitats to forage and shelter during the active season and hibernate over winter⁴. The MAGIC map shows records and a granted protected licence relating to GCN approximately 1.6 km to the northeast of the site.	The site does not contain any suitable aquatic habitats. The OS map shows several ponds within 500m of the site. The closest is located approximately 60m to the north of the site. Several ponds are located in the SSSI to the northeast of the site. The terrestrial habitats provide some opportunities for GCN particularly the hedgerow and the ruderal habitats. There is connectivity to wider landscape and areas with ponds.	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981 Schedule 5; NERC Act 2006 Section 41	Low.	Nope.
Reptiles	Reptiles prefer sites with a diversity of habitats containing a number of micro habitats that provide suitable foraging and refuge sites ⁵ .	The site contains some limited foraging and basking opportunities for reptiles. There is potential Shelter/protection within tall ruderal / boundary edges of the site. There is connectivity across the wider landscape.	Wildlife and Countryside Act 1981 Section 1; NERC Act 2006 Section 41;	Low	Further mitigation is required.

⁴ Great crested newt mitigation guidelines. August 2001. English Nature.

⁵ Edgar, P., Foster, J. and Baker, J. (2010). Reptile Habitat Management Handbook. Amphibian and reptile Conservation, Bournemouth

Ecological Feature	Evaluation of Feature on site and desktop records.	Evaluation	Relevant Legislation or Policy	Sites Potential to support	Next Steps
Birds	Birds will nest in a variety of habitats including manmade structures. Birds utilise different habitats for foraging and shelter. Several records of notable birds are present in the local area.	The hedgerow on site provides nesting bird opportunities. Nesting birds could be impacted by the proposed development.	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981 Schedule 5; NERC Act 2006 Section 41	Low	Further mitigation is required.
Bat commuting and foraging	The MAGIC map shows a granted protected species licence relating to bats located approximately 800m to the northeast of the site. All bat species in the UK eat insects and forage along habitats such as hedgerows, woodlands, grasslands and waterways ⁶ . Bats use woodland edges, hedgerows, rivers and other linear features like tree-lined footpaths as corridors to commute from one area of countryside to another ⁷ .	The site contains limited suitable foraging habitats. The hedgerow provides suitable bat habitat and there is connectivity across the local landscape. Therefore bats could be seen on site. The development has potential to impact bats and their habitats.	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981 Schedule 5; NERC Act 2006 Section 41	Low	Further mitigation is required
Hazel dormouse (<i>Muscardinus avellanarius</i>)	Across its range prefer the successional stage of woody vegetation; this is the new growth that arises after woodland management such as coppicing, ride widening, thinning or glade creation, they may also occur in scrubby habitat ⁸ .	The site contains a hedgerow, however this is regularly managed and not directly connected to off-site woodland. Dormouse is unlikely to nest or forage in the small hedgerow on site.	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981 Schedule 5; NERC Act 2006 Section 41	Negligible.	None.
Badgers (<i>Meles meles</i>)	Ideal badger habitat is a mixture of woodland and open country, they live in a network of underground burrows and tunnels know as a sett ⁹ . There were no records of badgers within the local biological records.	No evidence of badgers was seen on the site. The local landscape has potential to support badgers and there is connectivity across the local landscape. The development has potential to impact badgers during construction.	Protection of Badgers Act 1992	Low	Further mitigation is required.

⁶ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/foraging-habitats>

⁷ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/commuting-habitats>

⁸ <https://ptes.org/get-informed/facts-figures/hazel-common-dormouse-muscardinus-avellanarius/>

⁹ [Badger \(Meles meles\) - British Mammals - Woodland Trust](#)

Ecological Feature	Evaluation of Feature on site and desktop records.	Evaluation	Relevant Legislation or Policy	Sites Potential to support	Next Steps
Other mammals	Small mammals such as Hedgehogs (<i>Erinaceus europaeus</i>) prefer habitats such as woodland edges and hedges as well as suburban areas ¹⁰ . The local records data provides records of hedgehog within 800m of the site.	The hedgerow and ruderal habitats have potential to support small mammals such as this. The development has potential to impact small mammals.	NERC Act 2006 Section 41	Low	Further mitigation is required.
Nonnative invasive species	Non-native invasive species have potential to harm native wildlife and habitats.	No non-native species were recorded on site.	Conservation of Habitats and Species Regulations 2017; Wildlife and Countryside Act 1981	Negligible	None.

Table 3: Protected sites, habitats and species details.

¹⁰ http://www.mammal.org.uk/sites/default/files/factsheets/hedgehog_complete_0.pdf

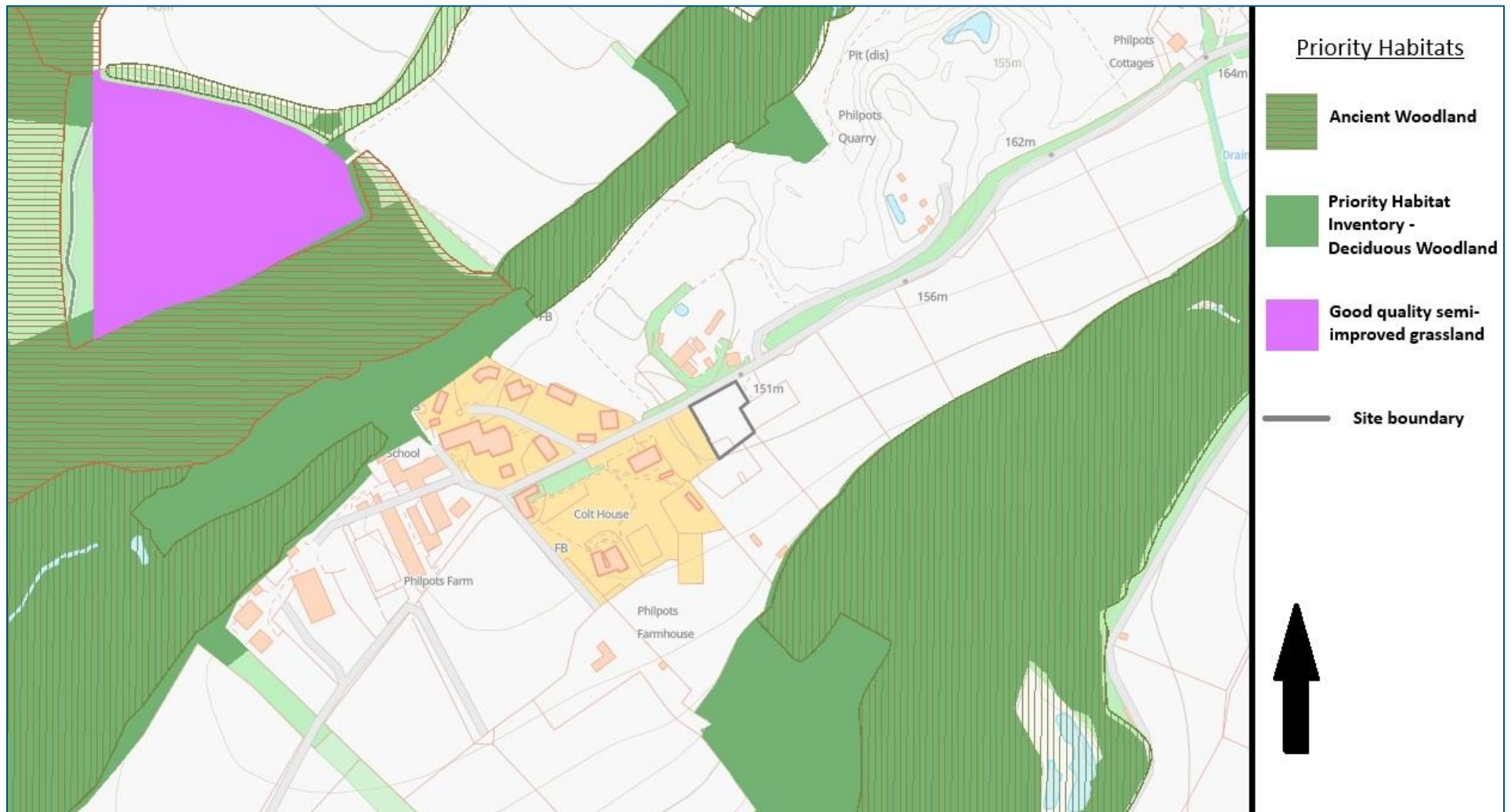


Figure 3: Priority habitats within 1 km of the site (from MAGIC).

4. Biodiversity Net Gain Assessment

4.1 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.

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

4.2 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 followed¹¹. 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. This was conducted by an experienced and qualified ecologist who is proficient in the use of the Biodiversity Metric.

4.2.1 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.

4.2.2 Statutory Obligations

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

¹¹ The Statutory Biodiversity Metric: User Guide. February 2024. DEFRA.

4.2.3 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.

4.2.4 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.

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.

4.3 Baseline Assessment Scores

4.3.1 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.

4.3.2 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.

4.3.3 Strategic Significance

A LNRS is still being drafted for the area the site is in. The interim guidance for Sussex for selecting Strategic Significance was used¹².

The table 1 above summarises the baseline habitat assessment. Full details can be seen in the appendix.

¹² [BNG Interim Guidance v1.0 FOR DISTRIBUTION.pdf - Google Drive](#)

4.4 Discussion on proposed layout

The proposed layout of the development is shown in the appendix. The proposed development will impact a relatively large portion of the grassland and all of the ruderal habitat. Part of the hedgerow will be removed.

The proposed development will impact most of the site. The proposed layout will contain large areas of developed land which has no value within the biodiversity metric. This will result in a loss in overall habitat value. To provide an enhancement on site an area of grassland to the northwest will be retained and enhanced into other neutral grassland. Two 'small' trees will be added to this area.

New hedgerows will be added across the car park. This will provide a wildlife benefit as well as helping to break up the urban nature of the proposed car park.

Despite these enhancements the development will result in an overall loss in area units.

The proposed habitat layout is shown in figure 6. The table below summarises the post-development habitat layout as well as the proposed enhancement measures.

Habitat	Area (Ha)	Distinctiveness	Desired condition	Strategic Significance	Required Enhancements/ Management
On Site					
Developed land; sealed surface (retained and enhanced)	0.622	V. Low	N/A	Low strategic significance	Follow enhancement measures
Other Neutral grassland (enhanced from modified grassland)	0.0131	Medium	Moderate	Low strategic significance	- Sow with suitable wildflower mix - Maintain Varied sward height- >20% <7cm and >20% <7cm. - Maintain Bracken <20% and scrub <5%. - Maintain an absence of non-native species and <5% undesirable species/ damage. - Allow sward to grow through spring/ summer then cut and collect in autumn
Individual trees	0.0081 (2x small trees)	Medium	Moderate	Low strategic significance	- Plant 2x small 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.
Native Hedgerow (planted and retained)	0.098 km	Low	Moderate	Low Strategic significance	- Plant native hedgerow species - Maintain height/ width of at least 1.5m - Maintain absence of non-native species. - Maintain absence of gaps

Table 4: Proposed habitat summary.

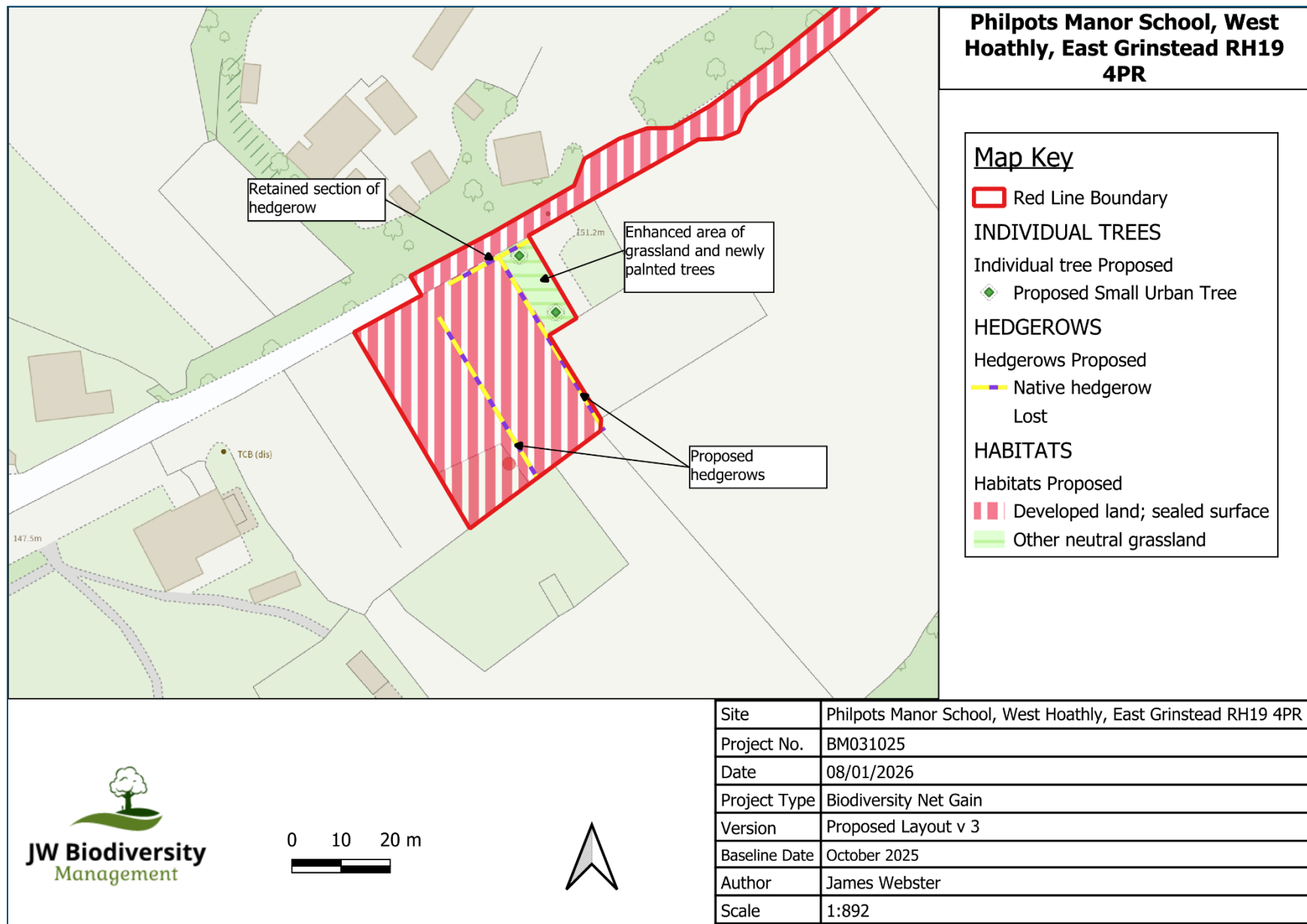


Figure 4: Habitat Distinctiveness.

4.5 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 -86.25% loss in habitat units. And a 57.68% gain in hedgerow units. The target for net gain for habitat units has not been met.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-0.78
	<i>Hedgerow units</i>	0.14
	<i>Watercourse units</i>	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	-86.25%
	<i>Hedgerow units</i>	57.68%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	No - Check Trading Summaries ▲	

Table 5: Summary of BNG Results.

4.5.1 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 not been met.

4.5.2 Off- site units

As the development will result in an overall loss of habitat units and it is not possible to include additional habitats on-site, off-site units will need to be purchased. The unit deficit required to meet the 10% net gain is 0.87 habitat units. The units should be purchased from the same NCA and/ or LPA as the site.

5. Discussion & Recommendations

The table below outlines the recommended next steps in respect of relevant survey, mitigation or enhancements identified for sites and species associated with the Proposed Development. The table below includes optimal survey periods, constraints that need to be considered in the survey programme and related best practice guidance.

The timing of ecological surveys is critical to project planning, as many species surveys are seasonally constrained. Early engagement with these survey requirements can help avoid delays in the planning process and ensure that appropriate mitigation measures can be developed where necessary. Similarly, mitigation measures may have certain constraints associated with them and should be factored into construction plans at the earliest stages to reduce potential delays.

Ecological Receptor	Mitigation/ Further Survey	Enhancements
Protected areas and Priority habitats.	To help protect the priority habitats and protected areas bordering the site and within the wider area, suitable fencing or hording will be erected around the construction area. To avoid impacts to designated sites and priority habitats adequate pollution control measures are recommended. This should include: • Suppression and monitoring of dust where relevant. • Control sources of aquatic pollution, particularly from entering local water courses or ground water. • All proposed work must strictly be in accordance with all relevant Pollution Prevention Guidelines (PPG) published by the Environment Agency which may include but is not limited to PPG1 (general), PPG5 (works in, near, or liable to affect watercourses) and PPG6 (work at construction & demolition sites). Contingency plans should be drawn up to address chemical spillage, collision, etc. • Check, clean and dry tools/ vehicles to restrict potential of spreading non-native species.	Include additional tree/ hedgerow planting to create additional screening.
Biodiversity Net Gain	Purchase the require doff site habitat units from a suitable habitat bank.	Enhanced grassland and individual trees will be added to the site
Amphibians/ reptiles	The site has a potential to support reptile and common amphibians. To avoid impacts to reptiles and amphibians the following clearance methodology will be used; • Move rubble/ log pile carefully from the construction area. • Ground vegetation will be cut down by hand in stages; • Stage 1- The vegetation will need to be reduced to a height 150-200mm using hand tools (e.g. strimmers). It is recommended that cutting works towards retained areas to, where there is connectivity to wider habitats. • Stage 2- After a period of at least one day has passed a second vegetation cut should be undertaken to ground level. Again, it is recommended that this second-stage cutting works towards the retained areas. All cuttings to be removed from work area. The site can then be completely cleared and worked upon as necessary • Soft strip of soil.	Grassland enhancement would benefit reptiles and amphibians. Log piles could be added to site as additional enhancement.
Bats	The potential foraging and commuting habitat bordering the site to the north will be protected during construction by following the measures set out above. A sensitive lighting scheme should be incorporated into the final design to protect existing habit habitats and any newly created habitats on the site. To protect potential roost or bat foraging/ commuting habitat in the area it will be important to: • Using Low-pressure sodium lamps instead of high- pressure sodium or mercury lamps; • Maintaining the brightness as low as possible; • Directing the lighting to where it is needed to avoid light spillage; and, • Minimising upward lighting to avoid light pollution.	Grassland enhancements will provide benefits for bats. Additional tree/ hedgerow planting would benefit bats.

Ecological Receptor	Mitigation/ Further Survey	Enhancements
	Avoid illuminating the wider habitats on site, particularly any mature trees or hedgerows and the pond, at dusk or nighttime- Guidelines provided by the Bat Conservation trust and ILP should be followed¹³	
Nesting Birds	If vegetation/ building clearance works are required during the main nesting bird season (March to August (inclusive)) then a nesting bird check should be undertaken. This should be undertaken no later than 48 hours before the work begins, ideally within 24 hours. If an active nest is discovered during the inspection, the ecologist will recommend establishing a safety perimeter around the nest. This perimeter must be maintained until the chicks have fledged.	Include native tree/ hedgerow planting in the final design.
Badgers	There is a potential for badgers to be in the area. To avoid impacts during construction suitable protection measures should be employed. Any uncovered pits or trenches should be secured overnight, or a ramp should be provided to allow any trapped animals, including badgers, to escape. Before work begins each day, any open pits or trenches should be inspected to ensure no badgers are trapped. If any badgers are found trapped, an ecologist experienced in trapping and handling badgers will need to be called upon to safely remove them.	Appropriate planting will benefit badgers,
Small Mammals	To prevent harm to small mammals' potential hibernation sites and refuges, such as piles of vegetation and deadwood, should be removed from the development area outside of winter months. During construction, any open excavations should be covered overnight, or a ramp should be provided to enable trapped animals to escape. The grassland and ruderal areas should be cut down in stages as per the methodology set out for reptiles, this will help small mammals leave the area.	Instal hedgehog highway holes in fence lines to allow access for hedgehogs. Enhancement of grasslands.

Table 6: Recommendations regarding protected species and habitats.

¹³ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

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
	Native hedgerow	0.04	Low	Good	Area/compensation not in local strategy/ no local strategy	Same distinctiveness band or better	0.24	0.019	0	0.11	0.00	0.02	0.13
		0.04					0.24	0.02	0.00	0.11	0.00	0.02	0.13

Proposed habitats		Distinctiveness	Condition	Strategic significance		Temporal multiplier		Difficulty risk multipliers	Hedge units delivered
Habitat type	Length (km)	Distinctiveness	Condition	Strategic significance	Standard or adjusted time to target condition	Final time to target condition (years)	Final difficulty of creation		
Native hedgerow	0.038	Low	Moderate	Area/compensation not in local strategy/ no local strategy	Standard time to target condition applied	5	Low	0.13	
Native hedgerow	0.041	Low	Moderate	Area/compensation not in local strategy/ no local strategy	Standard time to target condition applied	5	Low	0.14	
	0.08							0.26	

6.2 Appendix 2: Condition Assessments

Modified Grassland

Condition Assessment Criteria		Criterion passed (Yes or No)
A	There are 6-8 vascular plant species per m ² present, including at least 2 forbs (these may include those listed in Footnote 1). Note - this criterion is essential for achieving Moderate or Good condition. Where the vascular plant species present are characteristic of medium, high or very high distinctiveness grassland, or there are 9 or more of these characteristic species per m ² (excluding those listed in Footnote 1), please review the full UKHab description to assess whether the grassland should instead be classified as a higher distinctiveness grassland. Where a grassland is classed as medium, high, or very high distinctiveness, please use the relevant condition sheet.	Y
B	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for vertebrates and invertebrates to live and breed.	Y
C	Any scrub present accounts for less than 20% of the total grassland area. (Some scattered scrub such as bramble <i>Rubus fruticosus</i> agg. may be present). Note - patches of scrub with continuous (more than 90%) cover should be classified as the relevant scrub habitat type.	Y
D	Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from machinery use or storage, erosion caused by high levels of access, or any other damaging management activities.	Y
E	Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens) ² .	Y
F	Cover of bracken <i>Pteridium aquilinum</i> is less than 20%.	Y
G	There is an absence of invasive non-native plant species ³ (as listed on Schedule 9 of WCA ⁴).	Y
Essential criterion achieved (Yes or No)		
Number of criteria passed		
Condition Assessment Result (out of 7 criteria)	Condition Assessment Score	Score Achieved x/√
Passes 6 or 7 criteria including passing essential criterion A	Good (3)	X
Passes 4 or 5 criteria including passing essential criterion A	Moderate (2)	
Passes 3 or fewer criteria; OR Passes 4 - 6 criteria (excluding criterion A)	Poor (1)	

Ruderal/ Ephemeral

Condition Assessment Result	Condition Assessment Score	Score Achieved ×/✓
Results for habitats requiring assessment of 3 core criteria only (all listed urban habitats except Open mosaic habitat on previously developed land, Bioswale, SuDS and Green roofs):		
• Passes all 3 core criteria; AND • Meets the requirements for Good condition within criterion C.	Good (3)	
• Passes 2 of 3 core criteria; OR • Passes 3 of 3 core criteria but does not meet the requirements for Good condition within criterion C.	Moderate (2)	
• Passes 0 or 1 of 3 core criteria.	Poor (1)	X

Individual Trees

Condition Assessment Criteria		Criterion passed (Yes or No)	Notes (such as justification)
A	The tree is a native species (or at least 70% within the block are native species).	Y	
B	The tree canopy is predominantly continuous, with gaps in canopy cover making up <10% of total area and no individual gap being >5 m wide (individual trees automatically pass this criterion).	Y	
C	The tree is mature (or more than 50% within the block are mature) ¹ .	N	
D	There is little or no evidence of an adverse impact on tree health by human activities (such as vandalism, herbicide or detrimental agricultural activity). And there is no current regular pruning regime, so the trees retain >75% of expected canopy for their age range and height.	Y	
E	Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark.	N	
F	More than 20% of the tree canopy area is oversailing vegetation beneath.	N	
Number of criteria passed		3	
Condition Assessment Result (out of 6 criteria)	Condition Assessment Score	Score Achieved *//	
Passes 5 or 6 criteria	Good (3)		
Passes 3 or 4 criteria	Moderate (2)	X	
Passes 2 or fewer criteria	Poor (1)		
Note that 'Fairly Good and Fairly Poor' condition categories are not available for this broad habitat type.			

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).	Y	
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).	N	
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).	Y	
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).	Y	
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.	Y	
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.	Y	
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 ¹) 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 ¹ , as well as the BSBI website ² where the 'Online Atlas of the British and Irish Flora' ³ 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 ⁴ .	Y	
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).	Y	
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 ⁴), 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.		
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.		
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.					
Condition categories for hedgerows without trees					
Category	Category Requirements		Metric Score		
Good	No more than 2 failures in total; AND No more than 1 failure in any functional group.		3		
Moderate	No more than 4 failures in total; AND Does not fail both attributes in more than one functional group (for example, fails attributes A1, A2, B1 and C2 = Moderate condition).		2		
Poor	Fails a total of more than 4 attributes; OR Fails both attributes in more than one functional group (for example, fails attributes A1, A2, B1 and B2 = Poor condition).		1		
Score achieved:			3		
Condition categories for hedgerows with trees					
Category	Category Requirements		Metric score		
Good	No more than 2 failures in total; AND No more than 1 failure in any functional group.		3		
Moderate	No more than 5 failures in total; AND Does not fail both attributes in more than one functional group (for example, fails attributes A1, A2, B1, C2 and E1 = Moderate condition).		2		
Poor	Fails a total of more than 5 attributes; OR Fails both attributes in more than one functional group (for example, fails attributes A1, A2, B1 and B2 = Poor condition).		1		
Score achieved:					

6.3 Appendix 3: Plant list

Common Name	Latin Name	Ruderal	Modified grass	Hedgerow
Annual meadow grass	<i>Poa annua</i>		D	
Bramble	<i>Rubus fruticosus</i>	F		X
Broad leaf dock	<i>Rumex obtusifolius</i>	F	O	
Common nettle	<i>Urtica dioica</i>	D	O	
Creeping bent	<i>Agrostis stolonifera</i>		A	
creeping cinquefoil	<i>Potentilla reptans</i>		A	
Dandelion	<i>Taraxum sp</i>		F	
Field maple	<i>Acer campestre</i>			X
Hawthorn	<i>Crataegus monogyna</i>			X
Holly	<i>Ilex aquifolium</i>			X
meadow buttercup	<i>Ranunculus acris</i>		A	
Ragwort	<i>Jacobaea vulgaris</i>		R	
Self-heal	<i>Prunella vulgaris</i>		F	
Speedwell	<i>Veronica persica</i>		A	
White clover	<i>Trifolium repens</i>		D	
Yorkshire fog	<i>Holcus lanatus</i>		D	

6.4 Appendix 4: 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>