



Crow Ecology
Creating a Nest for your Project & Nature

BNG Assessment Supporting Document V1

Site: 25/03088/PLF - Construction of hard standing and removal of hedge along south side of entrance and replace with new fence and new hedge - Lockington Village Green, Front Street, Lockington YO25 9SH

Client: Lockington Parish Council

Date of survey: 6th January 2026

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Validity of survey data and report. The findings of this report are valid for 24 months from the date of survey. If work has not commenced within this period, an updated survey by a suitably qualified ecologist will be required.

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1. BNG Summary

Crow Ecology Ltd. was commissioned by Lockington Parish Council to form a Biodiversity Net Gain (BNG) assessment. The assessment uses DEFRA's Statutory Biodiversity Metric ¹ to calculate Biodiversity Net Gain (BNG) if possible, on-site. If it is not possible to achieve BNG on-site, BNG can be calculated using an area of off-site land or BNG Credits and/or Natural England Statutory Credits can be applied to achieve the 10%+ BNG, following the BNG condition.

Please refer to: *Statutory BNG Metric - 25-03088-PLF - Lockington Village Green, Front Street, Lockington YO25 9SH V1* and *On-site Condition Assessment - 25-03088-PLF - Lockington Village Green, Front Street, Lockington YO25 9SH V1* while using this document.

None of the existing habitats present, are irreplaceable habitats.

BNG could be achieved on-site by creating an area of Mixed scrub, along with the enhancement of an area of existing Modified grassland to achieve 0.00 (+14.63%) Area Habitat units, and the creation of a higher distinctiveness, Species-rich hedgerow to replace the existing hedgerow that is to be removed to achieve +0.07 (+67.37%) Hedgerow units. The trading rules were satisfied.

Once the application is approved, a notice in writing will be given to the LPA when the habitat creation as set out in the approved Biodiversity Gain Plan has been completed. The habitats must be retained for at least 30 years in the condition specified, or greater, for each habitat.

The property owner/developer of this planning application, or a designated 3rd party would be responsible for every element of the BNG.



2. Baseline Habitats

2.1 – Urban – Developed land; sealed surface – Totalling 0.0018ha (B1)



Plate 2.1 – Facing East, the hardstanding area on the Western boundary at the entrance to the Village Green.

2.2 – Urban – Developed land; sealed surface – Totalling 0.0002ha (B2)



Plate 2.2 - Facing SW, the existing hardstanding area under the bench.



2.3 – Sparsely vegetated land – Tall forbs – Totalling 0.0018ha (B3)



Plate 2.3 – (L) Facing NW, the area of poor condition tall forbs in the NW corner of the site, containing only Cow parsley *Anthriscus sylvestris*.

2.4 – Grassland – Modified grassland – Totalling 0.0126ha (B4)



Plate 2.4 – (L) Facing South, modified grassland of poor condition. Holistically, there are 4 species per m². This area is dominated by Red fescue *Festuca rubra*, and other species present include Perennial ryegrass *Lolium perenne*, Ground ivy *Glechoma hederacea*, Common mouse-ear *Cerastium fontanum*, Cocksfoot grass *Dactylis glomerata*, Self-heal *Prunella vulgaris*.



2.5 – Native Hedgerow – Totalling 0.026km (BH1)



Plate 2.5 – (L) Facing South, outside edge of Western boundary hedgerow. - (R) Facing South, the inside edge of the Western boundary hedgerow. The moderate condition hedge contained Elder *Sambucus nigra*, Hawthorn *Crataegus monogyna*, Ivy *Hedera helix*, Bramble *Rubus fruticosus*, and Cleavers *Galium aparine*.



3. Habitat Creation

The following habitats will be created:

- Urban - Developed land; sealed surface – Hardstanding extension - Totalling 0.0067ha (P1)
- Heathland and shrub – Mixed scrub – Totalling 0.0018ha (P2)
- Species-rich native hedgerow – Totalling 0.026km (PH1)

The habitat: Urban - Developed land; sealed surface will not be discussed as this habitat type provides a Very Low ecological value and provides no score.

3.1 – Heathland and Shrub – Mixed Scrub - Totalling 0.0018ha (P2)

This habitat represents the mixed scrub created on the Northern edge of the development area; it sits between hard standing and the modified grassland. It will be of a poor condition by satisfying criteria A and C only.

Once established it will provide a food-source for invertebrates, birds and small mammals. It will also provide potential nest sites for breeding birds and potential foraging opportunities for bats.

3.1.1 – Native Shrub species

Any of the following species are recommended not only for their biodiversity value² but some are also of local providence³. It is recommended that at least five different species are planted.

- Hazel *Corylus avellana* - The leaves are eaten by some species of moths' caterpillars. It also supports a number of Butterfly species. The nuts provide a food-source for a number of birds listed in the data search. The flowers are a good source of pollen for bees.
- Holly *Ilex aquifolium* - Holly provides protection from the winter weather due to its dense evergreen foliage. The berries provide a food source for many birds. Its flowers provide nectar and pollen for insects.
- Elder *Sambucus nigra* – Birds will eat the berries and the insects will forage on the nectar.
- Wild privet *Ligustrum vulgare* – Supports a number of insects and the nectar is foraged by Butterflies. The berries are also eaten by birds.
- Hawthorn *Crataegus monogyna* – Provide a food source for invertebrates and birds. The dense composition also provides nesting opportunities.
- Blackthorn *Prunus spinosa* - Provide a food source for invertebrates and birds. The dense composition also provides nesting opportunities.
- Dogwood *Cornus sanguinea* – The leaves are eaten by some species of moths' caterpillars. Its flowers provide a good nectar source for many insects and its fruits are eaten by birds and mammals.
- Dog rose *Rosa canina* - Nectar for bees and butterflies. Fruit (hips) good for birds and mammals.
- Blackthorn *Rhamnus catharticus* - Larval food plant for Brimstone butterfly.
- Wayfaring Tree *Viburnum lantana* – Berries eaten by birds and Nectar for the insects

Below is a generic guide, please adhere to the supplier's protocol.



3.1.1.1 - Timing

January	February	March	April	May	June	July	August	September	October	November	December

The above timescale is when it is best to plant Tree/Shrub species. Do not plant if the soil is water logged or is frozen (you cannot get the spade in).

3.1.1.2 - Planting Shrub Species⁴

- Choose whips that are small (40-60cm); they are cheaper, grow quicker and have a higher survival rate.
- Plant shrubs 1m apart.
- Clear the planted area of weeds.
- Make a slot with a spade (V-shaped) and place the whip with stake into the slot. Cover over with the dug soil and firm over but do not compact soil.
- It is recommended to put biodegradable 'tree guards/shelters' around the whips and stake to prevent them being eaten. Once established take these guards off.

3.1.1.3 – Watering⁵

- Immediately after planting, water.
- Use a watering can with a rose or a sprinkler head attached to a hose to mimic rainfall.
- Apply to the base of the shrubs, evenly distributed.
- Water from planting, through spring and summer until the leaves have fallen.
- Maintain a watering programme for at least the first 2 summers. By this point after, the roots should be established enough to access water.
- During summer, the shrubs should be watered every other day. During spring and Autumn this quantity can be reduced according to the weather conditions.

3.1.1.4 - Maintaining Shrubs

This is the largest factor to ensure you have a healthy shrub. The more maintenance you do in the early years will result in less maintenance overall. Below is a timetable of how to maintain your scrub;

YEAR 1	
March	Check shelters
April	Apply foliar acting herbicide
July	Check losses
September	Check shelters, pull out tall weeds (cut tall weeds between shrubs)
November	Replace losses
YEAR 2	
March	Check shelters
April	Apply foliar acting herbicide
July	Check losses
September	(Cut tall weeds between shrubs)



November	Replace losses, check shelters, pull out tall weeds
YEAR 3	
January	(Apply residual herbicide)
March	Check shelters
April	Apply foliar acting herbicide
July	Check losses
September	(Cut tall weeds between shrubs)
November	(Replace losses) Check shelters, pull out tall weeds
YEAR 4	
March	Check shelters
April	(Apply foliar acting herbicide)
YEAR 5 AND ONWARDS	
Gradual removal of stakes and shelters. Occasional spot weeding around any shrubs still in need.	

Table 3.1 – Maintenance schedule for the Hedgerow/Shrub species Source - <https://www.britishhardwood.co.uk/planting-and-maintenance-advice>

3.1.1.5 - Pruning

If thinning and/or pruning takes place, it will take place in winter to create and maintain physical and age structure. This is also when the shrub species are dormant and can tolerate this maintenance. This timing also avoids the breeding bird season (1st March – 31st August⁶).

Shrubs that have died within 5 years of planting will be replaced with one of the species listed above and more maintenance is recommended.

3.2 Species-rich Native Hedgerow – Totalling 0.026km (PH1)

A species-rich native hedgerow will be planted along the Western boundary to replace the existing hedgerow in the same location that is to be removed. The species planted will be native. Once established it will provide a food-source for invertebrates, birds and small mammals. It will also provide potential nest sites for breeding birds and potential foraging/commuting opportunities for bats.

3.2.1 – Native Hedgerow species

Any of the following species are recommended not only for their biodiversity value² but some are also of local providence³. It is recommended that at least five different species are planted.

- Hazel *Corylus avellana* - The leaves are eaten by some species of moths' caterpillars. It also supports a number of Butterfly species. The nuts provide a food-source for a number of birds listed in the data search. The flowers are a good source of pollen for bees.
- Holly *Ilex aquifolium* - Holly provides protection from the winter weather due to its dense evergreen foliage. The berries provide a food source for many birds. Its flowers provide nectar and pollen for insects.
- Elder *Sambucus nigra* – Birds will eat the berries and the insects will forage on the nectar.



- Wild privet *Ligustrum vulgare* – Supports a number of insects and the nectar is foraged by Butterflies. The berries are also eaten by birds.
- Hawthorn *Crataegus monogyna* – Provide a food source for invertebrates and birds. The dense composition also provides nesting opportunities.
- Blackthorn *Prunus spinosa* - Provide a food source for invertebrates and birds. The dense composition also provides nesting opportunities.
- Dogwood *Cornus sanguinea* – The leaves are eaten by some species of moths' caterpillars. Its flowers provide a good nectar source for many insects and its fruits are eaten by birds and mammals.
- Dog rose *Rosa canina* - Nectar for bees and butterflies. Fruit (hips) good for birds and mammals.
- Buckthorn *Rhamnus catharticus* - Larval food plant for Brimstone butterfly.

This is a generic guide, please adhere to the supplier's protocol.

3.2.1.1 – Timing

January	February	March	April	May	June	July	August	September	October	November	December

The timetable above is the best time to plant hedgerow species. Do not plant if the soil is water logged or is frozen (you cannot get the spade in). The Hedgerows will be planted at the appropriate time before the first occupation.

3.2.1.2 - Planting hedge Species⁴

- Choose whips that are small (40-60cm); they are cheaper, grow quicker and have a higher survival rate.
- Prepare the ground along a 1m wide strip to provide good soil conditions and as little competition from other vegetation as possible
- Clear the planted area of weeds in August-September prior to planting.
- Work on the basis of 6 plants/m²; double-row; at least 40cm apart.
- Make a slot with a spade (V-shaped) and place the whip with stake into the slot. Cover over with the dug soil and firm over but do not compact soil.
- Remove undesirable species by spot-treating.
- It is recommended to put biodegradable 'tree guards/shelters' around the whips and stake to prevent them being eaten. Once established take these guards off.
- Trim the newly planted hedge in at least the first 2 years to encourage bushy growth, allowing the hedge to become taller and wider at each cut. The hedgerow should be pruned during the winter months to avoid the breeding bird season. Shrubs are dormant too during the winter and tolerate pruning.

3.2.1.3 – Watering⁵

- Immediately after planting, water.
- Use a watering can with a rose or a sprinkler head attached to a hose to mimic rainfall.
- Apply to the base of the hedgerow, evenly distributed.
- Water from planting, through spring and summer until the leaves have fallen.
- Maintain a watering programme for at least the first 2 summers. By this point after, the tree roots should be established enough to access water.
- During summer, the trees such be watered every other day with 20L each time. During spring and Autumn this quantity can be reduced according to the weather conditions.



3.2.1.4 - Maintaining Hedgerow

This is the largest factor to ensure you have healthy hedgerow. The more maintenance you do in the early years will result in less maintenance overall. Below is a timetable of how to maintain a hedgerow;

YEAR 1	
March	Check Shelters
April	Apply foliar acting herbicide
July	Check losses
September	Check shelters, pull out tall weeds (cut tall weeds between trees)
November	Replace losses
YEAR 2	
March	Check shelters
April	Apply foliar acting herbicide
July	Check losses
September	(cut tall weeds between trees)
November	Replace losses, check shelters, pull out tall weeds
YEAR 3	
January	(Apply residual herbicide)
March	Check shelters
April	Apply foliar acting herbicide
July	Check losses
September	(Cut tall weeds between trees)
November	(Replace losses) Check shelters, pull out tall weeds
YEAR 4	
March	Check shelters
April	(Apply foliar acting herbicide)
YEAR 5 AND ONWARDS	
Gradual removal of stakes and shelters. Occasional spot weeding around any trees still in need.	

Table 3.2 – Maintenance schedule for shrubs species Source – <https://www.britishhardwood.co.uk/planting-and-maintenance-advice>



If the hedgerow dies within 5-years of planting will be replaced with the same species and more maintenance undertaken.

3.2.1.5 - Pruning

If thinning and/or pruning takes place, it will take place in the winter. This is when the shrub species are dormant and can tolerate this maintenance. This timing also avoids the breeding bird season (1st March – 31st August⁶).

The client will send photos of the hedgerow to the LPA once created.



4. Habitat Enhancement

The following habitat will be enhanced:

- Poor condition Modified Grassland to Good condition Modified Grassland – Totalling 0.0126ha

The enhanced grassland area will be fenced off with post and rail fencing.

4.1 – Grassland – Modified Grassland

This habitat represents the area of existing modified grassland, within the development boundary. The grassland will be seeded with a wildflower grassland mix and will achieve all conditions ('A' to 'G') on the condition assessment, achieving a 'Good' condition. The area produces +0.03 habitat units. This sowing would not only provide a food source for invertebrates once established but it would also provide biodiversity to the site post-construction.

4.2 – Removal of Undesirable Species

Species considered undesirable for this form of habitat include: Creeping thistle *Cirsium arvense*, Spear thistle *Cirsium vulgare*, Curled dock *Rumex crispus*, Broad-leaved dock *Rumex obtusifolius*, Common nettle *Urtica dioica*, Greater plantain *Plantago major*, White clover *Trifolium repens* and Cow parsley *Anthriscus sylvestris*¹.

Removal of potentially undesirable species can take place via 3 methods:

- Dig/hoe them out (labour intensive)
- Cut them back (temporary solution as perennial weeds will grow back)
- Use of an Herbicide (Spot treat)

For these areas, a mixture of digging out and/or herbicide spot treating is recommended.

4.2.1 – When to Apply Herbicide

The best time to apply the herbicide is when each species of Undesirable species is not too small or too large. A broad overview of time is usually Late spring/Early summer when the plant is its most active photosynthesising and sending nutrients from the leaves to the roots.

Please see examples below of a number of species highlighting the difference in vegetation height and when it is most optimal to apply⁷:



The best time to treat Docks



Docks – too early



Docks – Too late



Docks – just right



The best time to treat Nettles



Nettles – too early



Nettles – too late



Nettles – just right



The best time to treat Thistles



Thistle – too early



Thistle – too late



Thistle – just right



4.2.2 – Long term Management

- The herbicide should be applied each time to each species dependent on its time growth until it has been eradicated.

4.2.3 – Herbicide

There are numerous herbicides products. A 'Natural weed killer' is more wildlife friendly. Please see an example of such product below:

4.2.3.1 – Herbicide Spray for Non PA1 and PA6 certified users

A Natural Weed Killer containing no active herbicides but still kills weeds. It can be used by the general public and is animal friendly, once dry. An example of such a product is:

<https://homeandcleaning.co.uk/products/enviro-works-weed-gone-5l-with-long-hose-trigger>

The Material Safety Data Sheet (MSDS) and application instructions will be adhered too for the use of this product.

4.2.3.2 – Herbicide Spray for PA1 and PA6 certified users

These products are designed for herbicide treatment but need to be applied by a certified professional.

The Material Safety Data Sheet (MSDS) and application instructions will be adhered too, for either or both products.

4.3 – Scarification of existing grassland

The existing grassland will be mown to around 25mm. Scarification of the grassland will take place. This remove mosses and the litter layer (dead organic matter) from the grassland and allows aeration of the grassland. The collection of debris will be removed from the site immediately.

The scarification can be done manually with a rake or by machine such, as a Lawn scarifier. This will be carried out in Autumn, prior to when the wildflower grassland mix will be sown.

4.4 – Sowing

The grasslands will be managed to maintain the sward and species diversity. Based on the soil geology: 18 LOAMY AND CLAYEY SOILS⁸

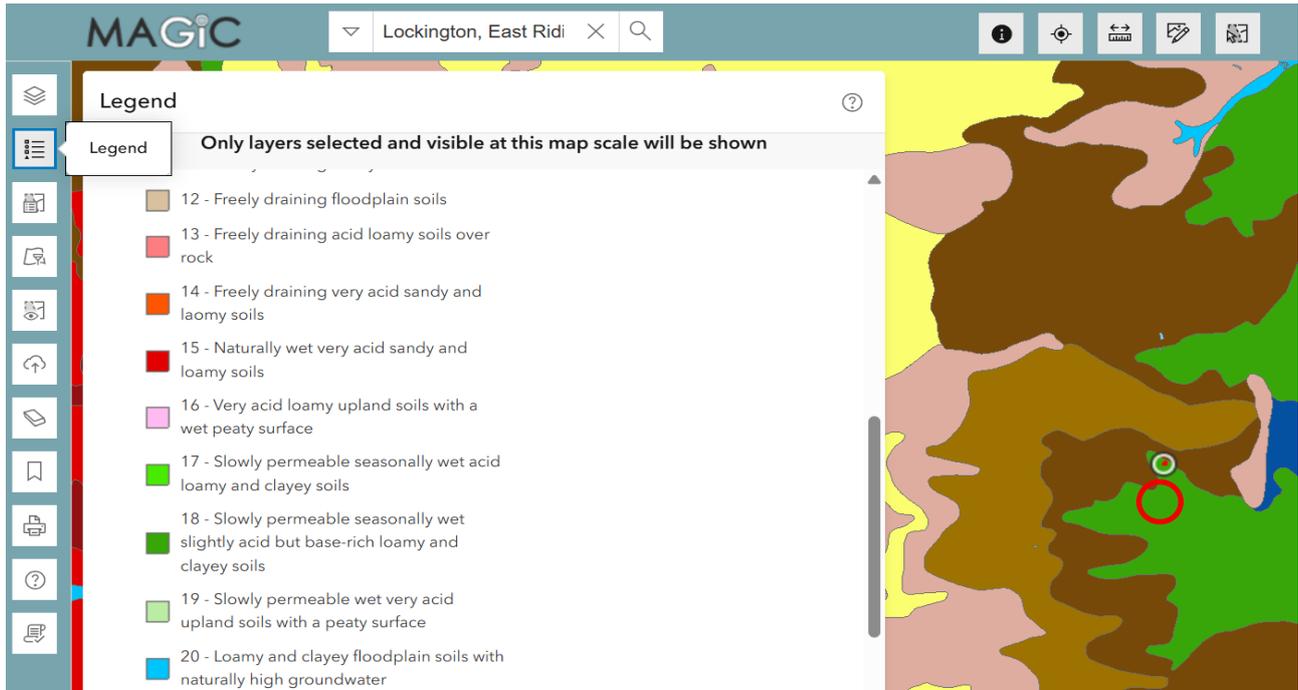


Figure 4.1 – Soil geology with project site highlighted⁸

The following mixture would be suitable in this location:

EM5 Meadow Mixture for Loamy Soils

Wild Flowers 20%

- 1.20% *Achillea Millefolium* – Yarrow
- 0.20% *Agrimonia eupatoria* – Agrimony
- 1.60% *Betonica officinalis* – Betony
- 2.40% *Centaurea nigra* – Common Knapweed
- 0.60% *Daucus carota* – Wild Carrot
- 1.40% *Galium verum* – Lady's Bedstraw
- 0.60% *Geranium pratense* – Meadow Crane's-bill
- 1.60% *Leucanthemum vulgare* – Oxeye Daisy
- 1.00% *Malva moschata* – Musk Mallow
- 1.00% *Medicago lupulina* – Black Medick
- 0.40% *Plantago lanceolata* – Ribwort Plantain
- 1.00% *Poterium sanguisorba* – Salad Burnet
- 1.00% *Primula versis* – Cowslip
- 1.60% *Prunella vulgaris* – Selfheal
- 2.00% *Ranunculus acris* – Meadow Buttercup
- 0.40% *Ranunculus bulbosus* – Bulbous Buttercup
- 0.40% *Rhinanthus minor* – Yellow Rattle
- 0.40% *Rumex acetosa* – Common Sorrel
- 0.60% *Silene vulgaris* – Bladder Champion
- 0.60% *Taraxacum officinale* – Dandelion

Grasses 80%

- 6.40% *Agrostis capillaris* – Common Bent
- 1.20% *Alopecurus pratensis* – Meadow Foxtail (w)



- 40.00% *Cynosurus cristatus* – Crested Dogtail
- 4.00% *Festuca ovina* – Sheep's-fescue
- 22.00% *Festuca rubra* – Red Fescue
- 4.00% *Phleum bertolonii* – Smaller Cat's-tail (w)
- 0.80% *Schedonorus arundinaceus* – Tall Fescue (w)
- 1.60% *Schedonorus pratensis* – Meadow Fescue

Table 4.2 – Recommended mixture Source - <https://wildseed.co.uk/product/mixtures/complete-mixtures/meadow-mixtures-for-specific-soils/meadow-mixture-for-loamy-soils/>

Please follow the manufacturers protocol. Below is a generic guide to sowing.

4.4.1 – Timing

January	February	March	April	May	June	July	August	September	October	November	December

The timetable above is the best time to create a suitable bedding area for the seeds and when the seeds should be sown.

4.4.2 – Sowing

- 4g/m².
- Seeds should be sown in autumn by hand broadcasting or by machine with an inert carrier such as sand.

4.4.3 – Maintenance

- Water to at least a depth of 10cm if dry weather follows sowing.
- Maintain grass cutting short <5cm until the following Spring.
- Remove undesirable ruderal species (see section 4.2). These will be most prominent during the first 2-3 years.
- Remove the early spring cutting immediately, do not leave cuttings as this will lead to enrichment of the soil or promote the growth of undesirable species.
- Leave the late summer cut for 7 days to allow seed shedding and then remove cuttings.
- Both cuts should be down to approximately 5cm.

4.4.4 – Long-term management

The grassland will be mown 2-3 times a year in late Spring, Late Summer/Early autumn and if required, during winter. The grassland will be managed to maintain the sward and species diversity following the relaxed mowing regime. This will mean there is little maintenance, with only three cuts of the grassland per year.

4.5 - Conclusion

Over the target 15 years and beyond this sowing will allow a greater number of grass species to flourish as the seed dispersal will take place and allow the slower growing perennial to grow, establish and disperse their seeds.

The relaxed mowing regime will allow grass to grow and create structural diversity as the grass species all grow at different rates but all will be able to complete their annual life cycle. The structural diversity will provide a habitat for a number of invertebrates, small mammals, insect eating birds and amphibians if present.



5. BNG Assessment Result

BNG could be achieved on-site. The BNG score is as follows:

Lockington Village Green		Return to results menu			
Headline Results					
Scroll down for final results ▲					
On-site baseline	Area habitat units	0.03			
	Hedgerow units	0.10			
	Watercourse units	0.00			
On-site post-intervention (Including habitat retention, creation & enhancement)	Area habitat units	0.03			
	Hedgerow units	0.17			
	Watercourse units	0.00			
On-site net change (units & percentage)	Area habitat units	0.00	14.63%		
	Hedgerow units	0.07	67.37%		
	Watercourse units	0.00	0.00%		
Off-site baseline	Area habitat units	0.00			
	Hedgerow units	0.00			
	Watercourse units	0.00			
Off-site post-intervention (Including habitat retention, creation & enhancement)	Area habitat units	0.00			
	Hedgerow units	0.00			
	Watercourse units	0.00			
Off-site net change (units & percentage)	Area habitat units	0.00	0.00%		
	Hedgerow units	0.00	0.00%		
	Watercourse units	0.00	0.00%		
Combined net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Area habitat units	0.00			
	Hedgerow units	0.07			
	Watercourse units	0.00			
Spatial risk multiplier (SRM) deductions	Area habitat units	0.00			
	Hedgerow units	0.00			
	Watercourse units	0.00			
Combined net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Area habitat units	0.00			
	Hedgerow units	0.07			
	Watercourse units	0.00			
Spatial risk multiplier (SRM) deductions	Area habitat units	0.00			
	Hedgerow units	0.00			
	Watercourse units	0.00			
FINAL RESULTS					
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	Area habitat units	0.00			
	Hedgerow units	0.07			
	Watercourse units	0.00			
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	Area habitat units	14.63%			
	Hedgerow units	67.37%			
	Watercourse units	0.00%			
Trading rules satisfied?	Yes ✓				
Unit Type	Target	Baseline Units	Units Required	Unit Deficit	
Area habitat units	10.00%	0.03	0.03	0.00	No additional area habitat units required to meet target ✓
Hedgerow units	10.00%	0.10	0.11	0.00	No additional hedgerow units required to meet target ✓
Watercourse units	10.00%	0.00	0.00	0.00	No additional watercourse units required to meet target ✓

The On-site net change for Area Habitat units is 0.00 (+14.63%), achieved by creating an area of Mixed scrub of a poor condition and the enhancement of an area of existing Modified grassland from poor condition to a good condition. The On-site net change for Hedgerow units is +0.07 (+67.37%), achieved by replacing the current hedgerow with a more species rich hedgerow of higher distinctiveness. The trading rules were satisfied.



6. Conclusion

BNG could be achieved on-site due to the enhancement of Modified grassland habitat (B4), the creation of poor condition Mixed scrub habitat (P2) and the creation of a higher distinctiveness, species rich hedgerow (PH1) to replace the existing hedgerow that is to be removed (BH1).

The on-site net change was 0.00 (+14.63%) Area Habitat units, and +0.07 (+67.37%) Hedgerow units.

Once the application is approved, a notice in writing will be given to the LPA when the habitat as set out in the approved Biodiversity Gain Plan has been completed. The habitats must be retained for at least 30 years in the condition specified, or greater, for each habitat.

6.1 - Responsibilities for the Retention, Creation of Habitats and Biodiversity Enhancements

The property owner/developer of this planning application, or a designated 3rd party would be responsible for every element of the BNG. If the property owner/developer hires a third-party landscape/maintenance company, the name of the contractor responsible for this maintenance will be required.



This document provides necessary information to accompanying the statutory BNG metric.

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Email – info@crowecology.co.uk
Report printed on recycled paper



7. References & Bibliography

- 1) Unknown (2025) *Statutory Biodiversity Metric habitat condition assessment sheets with instructions* [Excel spreadsheet] Natural England
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8. Appendices

Appendix 1 - Legislation & Planning policies

The Environment Act 2021 – Schedule 14 - Biodiversity gain as condition of planning permission

PART 1 Biodiversity gain condition

1 In the Town and Country Planning Act 1990, after section 90 insert—
“Biodiversity gain

90A Biodiversity gain in England
Schedule 7A (biodiversity gain in England) has effect.”

Section 90A

“SCHEDULE 7A Biodiversity gain in England PART 1 Overview and interpretation

Overview

1(1) This Schedule makes provision for grants of planning permission in England to be subject to a condition to secure that the biodiversity gain objective is met.

(2) Paragraphs 2 to 12 have effect for the purposes of this Schedule.

Biodiversity gain objective

2(1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.

(2) The biodiversity value attributable to the development is the total of—

(a) the post-development biodiversity value of the onsite habitat,

(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and

(c) the biodiversity value of any biodiversity credits purchased for the development.

(3) The relevant percentage is 10%.

(4) The Secretary of State may by regulations amend this paragraph so as to change the relevant percentage.

Biodiversity value and the biodiversity metric

3 References to the biodiversity value of any habitat or habitat enhancement are to its value as calculated in accordance with the biodiversity metric.

4(1) The biodiversity metric is a document for measuring, for the purposes of this Schedule, the biodiversity value or relative biodiversity value of habitat or habitat enhancement.

(2) The biodiversity metric is to be produced and published by the Secretary of State.

(3) The Secretary of State may from time to time revise and republish the biodiversity metric.

(4) Before publishing or republishing the biodiversity metric the Secretary of State must consult such persons as the Secretary of State considers appropriate.

(5) The Secretary of State may by regulations make transitional provision in relation to the revision and republication of the biodiversity metric.

(6) The Secretary of State must lay the biodiversity metric, and any revised biodiversity metric, before Parliament.

Pre-development biodiversity value

5(1) In relation to any development for which planning permission is granted, the pre-development biodiversity value of the onsite habitat is the biodiversity value of the onsite habitat on the relevant date.

(2) The relevant date is—



(a) in a case in which planning permission is granted on application, the date of the application, and
(b) in any other case, the date on which the planning permission is granted.

(3) But the person submitting the biodiversity gain plan for approval and the planning authority may agree that the relevant date is to be a date earlier than that specified in sub-paragraph (2)(a) or (b) (but not a date which is before the day on which this Schedule comes into force in relation to the development).

(4) This paragraph is subject to paragraphs 6 and 7.

6 If—

(a) a person carries on activities on land on or after 30 January 2020 otherwise than in accordance with—

(i) planning permission, or

(ii) any other permission of a kind specified by the Secretary of State by regulations, and

(b) as a result of the activities the biodiversity value of the onsite habitat referred to in paragraph 5(1) is lower on the relevant date than it would otherwise have been,

the pre-development biodiversity value of the onsite habitat is to be taken to be its biodiversity value immediately before the carrying on of the activities.

7 Where planning permission is granted in respect of land which is registered in the biodiversity gain site register under section 100 of the Environment Act 2021, the pre-development biodiversity value of the land is the total of—

(a) the biodiversity value of the onsite habitat on the relevant date, and

(b) to the extent that it is not included within that value, the biodiversity value of the habitat enhancement which is, on that date, recorded in the register as habitat enhancement to be achieved on the land.

Post-development biodiversity value

8(1) In relation to any development for which planning permission is granted, the post-development biodiversity value of the onsite habitat is the projected value of the onsite habitat as at the time the development is completed.

(2) That value is to be calculated by taking the pre-development biodiversity value and—

(a) if at the time the development is completed the development will, taken as a whole, have increased the biodiversity value of the onsite habitat, adding the amount of that increase, or

(b) if at the time the development is completed the development will, taken as a whole, have decreased the biodiversity value of the onsite habitat, subtracting the amount of that decrease.

This is subject to paragraph 9.

9(1) This paragraph applies in relation to any development for which planning permission is granted where—

(a) the person submitting the biodiversity gain plan for approval proposes to carry out works in the course of the development that increase the biodiversity value of the onsite habitat, and

(b) the planning authority considers that the increase is significant in relation to the pre-development biodiversity value.

(2) The increase in biodiversity value referred to in sub-paragraph (1) is to be taken into account in calculating the post-development biodiversity value of the onsite habitat only if the planning authority is satisfied that the condition in sub-paragraph (3) is met.

(3) The condition is that any habitat enhancement resulting from the works referred to in sub-paragraph (1)(a) will, by virtue of—

(a) a condition subject to which the planning permission is granted,

(b) a planning obligation, or

(c) a conservation covenant,

be maintained for at least 30 years after the development is completed.

(4) The Secretary of State may by regulations amend sub-paragraph (3) so as to substitute for the period for the time being specified there a different period of at least 30 years.

Registered offsite biodiversity gains

10(1) “Registered offsite biodiversity gain” means any habitat enhancement, where—

(a) the enhancement is required to be carried out under a conservation covenant or planning obligation, and

(b) the enhancement is recorded in the biodiversity gain site register (as to which, see section 100 of the Environment Act 2021).



(2)References to the allocation of registered offsite biodiversity gain are to its allocation in accordance with the terms of the conservation covenant or planning obligation referred to in sub-paragraph (1)(a).

(3) The biodiversity value of registered offsite biodiversity gain is measured, under the biodiversity metric, in relation to development to which it is allocated.

Biodiversity credits

11“Biodiversity credits” means credits under section 101 of the Environment Act 2021.

General

12(1) In relation to development for which planning permission is granted—

“onsite habitat” means habitat on the land to which the planning permission relates;

“planning authority” means the local planning authority, except that—

(a)

in a case where the planning permission is granted by Mayoral development order under section 61DB, “planning authority” means such of the Mayor of London or the local planning authority as may be specified in the order;

(b)

in a case where the planning permission is granted by the Secretary of State under section 62A, 76A or 77, “planning authority” means such of the Secretary of State or the local planning authority as the Secretary of State may determine;

(c)

in a case where the planning permission is granted on an appeal under section 78, “planning authority” means such of the person determining the appeal or the local planning authority as that person may direct.

(2) “Habitat enhancement” means enhancement of the biodiversity of habitat.

(3) References to the grant of planning permission include the deemed grant of planning permission.

PART 2 Condition of planning permission relating to biodiversity gain

General condition of planning permission

13(1)Every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition in sub-paragraph (2).

(2) The condition is that the development may not be begun unless—

(a)a biodiversity gain plan has been submitted to the planning authority (see paragraph 14), and

(b)the planning authority has approved the plan (see paragraph 15).

Biodiversity gain plan

14(1)For the purposes of paragraph 13(2)(a), a biodiversity gain plan is a plan which—

(a)relates to development for which planning permission is granted, and

(b)specifies the matters referred to in sub-paragraph (2).

(2) The matters are—

(a)information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat,

(b)the pre-development biodiversity value of the onsite habitat,

(c)the post-development biodiversity value of the onsite habitat,

(d)any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,

(e)any biodiversity credits purchased for the development, and

(f)such other matters as the Secretary of State may by regulations specify.

(3) The Secretary of State may by regulations make provision about—

(a)any other matters to be included in a biodiversity gain plan;

(b)the form of a biodiversity gain plan;

(c)the procedure to be followed in relation to the submission of a biodiversity gain plan (including the time by which a plan must be submitted);

(d)persons who may or must submit a biodiversity gain plan.

Approval of biodiversity gain plan

15(1)For the purposes of paragraph 13(2)(b) a planning authority to which a biodiversity gain plan is submitted must approve the plan if, and only if, it is satisfied as to the matters specified in sub-paragraph (2).



(2) The matters are—

- (a) that the pre-development biodiversity value of the onsite habitat is as specified in the plan,
- (b) that the post-development biodiversity value of the onsite habitat is at least the value specified in the plan,
- (c) that, in a case where any registered offsite biodiversity gain is specified in the plan as allocated to the development—
 - (i) the registered offsite biodiversity gain is so allocated (and, if the allocation is conditional, that any conditions attaching to the allocation have been met or will be met by the time the development begins), and
 - (ii) the registered offsite biodiversity gain has the biodiversity value specified in the plan in relation to the development,
- (d) that any biodiversity credits specified in the plan as purchased for the development have been so purchased,
- (e) that the biodiversity gain objective is met, and
- (f) any other matters specified in the plan under paragraph 14(2)(f).

Regulations about determinations

16 The Secretary of State may make regulations as to—

- (a) the procedure which a planning authority is to follow in determining whether to approve a biodiversity gain plan (including the time by which a determination must be made);
- (b) factors which may or must be taken into account in making such a determination;
- (c) appeals relating to such a determination.

Exceptions

17 Paragraph 13 does not apply in relation to—

- (a) development for which planning permission is granted—
 - (i) by a development order, or
 - (ii) under section 293A (urgent Crown development), or
- (b) development of such other description as the Secretary of State may by regulations specify.

Modifications for irreplaceable habitat

18(1) The Secretary of State may by regulations make provision modifying or excluding the application of this Part of this Schedule in relation to any development for which planning permission is granted where the onsite habitat is “irreplaceable habitat” as defined in the regulations.

(2) Regulations under this paragraph must make provision requiring, in relation to any such development, the making of arrangements for the purpose of minimising the adverse effect of the development on the biodiversity of the onsite habitat.

(3) Regulations under this paragraph may confer powers and duties, including powers and duties in relation to the giving of guidance, on Natural England.

Modifications for particular kinds of planning permission

19(1) The Secretary of State may by regulations make provision modifying the application of this Part of this Schedule in relation to—

- (a) the grant of outline planning permission, where the reservation of matters for subsequent approval has the effect of requiring or permitting development to proceed in phases, or
- (b) the grant of any kind of planning permission, where the grant is subject to conditions (whether requiring the subsequent approval of any matters or otherwise) having that effect.

(2) Regulations under this paragraph may include provision for a grant of planning permission referred to in sub-paragraph (1)(a) or (b) to be subject to conditions relating to meeting the biodiversity gain objective referred to in paragraph 2.

20(1) The Secretary of State may by regulations make provision modifying or excluding the application of this Part of this Schedule in relation to development for which—

- (a) planning permission is granted under section 73A (planning permission for development already carried out), or
- (b) planning permission is granted by an order under section 102 (orders requiring discontinuance of use etc).

(2) Regulations under this paragraph may in particular include provision—

- (a) for paragraph 13 not to apply in relation to the grant of planning permission referred to in sub-paragraph (1)(a) or (b);



(b)for the grant of any such planning permission to be subject to other conditions relating to meeting the biodiversity gain objective.

(3)The conditions referred to in sub-paragraph (2)(b) may include conditions requiring—

(a)habitat enhancement on the land to which the planning permission relates;

(b)the allocation of registered offsite biodiversity gain to any development for which the planning permission is granted;

(c)the purchase of biodiversity credits for any such development.

Further application of this Part

21 The Secretary of State may by regulations make provision to apply this Part of this Schedule in relation to development for which planning permission is granted under section 141 or 177(1), with such modifications or exclusions as may be specified in the regulations.”

The Natural Environment and Rural Communities (NERC) Act (2006)

‘An Act to make provision about bodies concerned with the natural environment and rural communities; to make provision in connection with wildlife, sites of special scientific interest, National Parks and the Broads; to amend the law relating to rights of way; to make provision as to the Inland Waterways Amenity Advisory Council; to provide for flexible administrative arrangements in connection with functions relating to the environment and rural affairs and certain other functions; and for connected purposes’.

In regards to the planning process sections 40 and 41 are of particular importance:

‘Section 40 (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.’

Section 41 lists habitats and species of primary importance to the conservation of biodiversity therefore making these habitats and species a consideration in the planning process.’

National Planning Policy Framework (NPPF) (December 2024)²

15. Conserving and enhancing the natural environment

187 - Planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

188 - Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other



policies in this Framework take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

- 189- Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 190- When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
- 191- Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 189), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

- 192- To protect and enhance biodiversity and geodiversity, plans should:
- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity
 - promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 193- When determining planning applications, local planning authorities should apply the following principles:
- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons



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

194 - The following should be given the same protection as habitats sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites
- sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

- The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Local Planning Policy

The East Riding Local Plan 2012 – 2029 Strategy Document outlines the council's planning policy targets. Policy ENV4 is the leading planning policy with regards to biodiversity.

Policy ENV4: Conserving and enhancing biodiversity and geodiversity

- A. Proposals that are likely to have a significant effect on an International Site will be considered in the context of the statutory protection which is afforded to the site.
- B. Proposals that are likely to have an adverse effect on a National Site (alone or in combination) will not normally be permitted, except where the benefits of development in that location clearly outweigh both the impact on the site and any broader impacts on the wider network of National Sites.
- C. Development resulting in loss or significant harm to a Local Site, or habitats or species supported by Local Sites, whether directly or indirectly, will only be supported if it can be demonstrated there is a need for the development in that location and the benefit of the development outweighs the loss or harm.
- D. Where loss or harm to a National or Local designated site, as set out in Table 9, cannot be prevented or adequately mitigated, as a last resort, compensation for the loss/harm must be agreed. Development will be refused if loss or significant harm cannot be prevented, adequately mitigated against or compensated for.
- E. Proposals should further the aims of the *East Riding of Yorkshire Biodiversity Action Plan (ERYBAP)*, designated Nature Improvement Areas (NIAs) and other landscape scale biodiversity initiatives. To optimise opportunities to enhance biodiversity, proposals should seek to achieve a net gain in biodiversity where possible and will be supported where they:
 1. Conserve, restore, enhance or recreate biodiversity and geological interests including the Priority Habitats and Species (identified in the *ERYBAP*) and Local Sites (identified in the *Local Sites in the East Riding of Yorkshire*).
 2. Safeguard, enhance, create and connect habitat networks in order to:
 - i. protect, strengthen and reduce fragmentation of habitats;
 - ii. create a coherent ecological network that is resilient to current and future pressures;
 - iii. conserve and increase populations of species; and
 - iv. promote and enhance green infrastructure.