Calculation of Biodiversity Net Gain using Defra Metric 4.0

For

Station Road, Rushden

November 2023

Status: For planning



Quality Management		
Project:	Station Road, Rushden	
Project No:	B23095	
Report title:	Calculation of Biodiversity Net Gain using Defra Metric 4.0	
Status:	For planning	
Date of last revision:	24 th November 2023	

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Quality Standards

This report is certified BS 42020:2013 'Biodiversity – code of practice for planning and development' compliant and has been prepared in accordance with The Chartered Institute of Ecology and Environmental Management's (CIEEM) Technical Guidance Series '*Ecological Report Writing*' and Code of Professional Conduct.

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1 Introduction

1.1 Commission

1.1.1 The Landscape Partnership was commissioned by Blueprint Architectural Design to assess whether a proposed development at Station Road, Rushden would provide a biodiversity net gain. This was calculated using the Defra Small Sites Metric 4.0.

1.2 Legislation and policy background

- 1.2.1 There is a range of protection given to sites and species. Sites may be designated for local, national, European or global importance for nature conservation. Species may be protected by European-scale legislation or varying levels of national regulation. Further information is given in Appendix 1.
- 1.2.2 The Local Planning Authority has a policy to protect features of nature conservation value within its Local Plan. Other regulators have policies relating to the consents issued by them.
- 1.2.3 North Northamptonshire Local Plan¹ Policy 4: Biodiversity and Geodiversity indicates that a net gain in biodiversity will be sought. A Supplementary Planning Document for Biodiversity² also indicates that proposed developments should provide a net gain where possible. Neither document states a set amount of net gain that needs to be achieved or that the net gain needs to be quantified using a metric.
- 1.2.4 Secondary legislation under The Environment Act is expected to make BNG compulsory in April 2024 for minor development. If planning permission is sought after these dates, the proposed development will have to provide a minimum of 10% net gain across the site.

1.3 Site location and context

- 1.3.1 The site is located within Rushden and access is off Station Road to the south-east. The site consisted of a former playground that was currently being used for storage of material and plant machinery. The site was partly covered in asphalt and partly covered in compacted unsealed surface. The site was surrounded by chain link fencing and close board fencing. Two field maple were located at the site boundaries, as well as a *Pyracantha* sp. at the site frontage.
- 1.3.2 The site is immediately surrounded by housing and car parks. The wider landscape consisted of housing associated with Rushden, with East Northamptonshire Greenway (disused railway) approximately 100m north of the site and Upper Nene Gravel Pits Ramsar SPA is approximately 1.2km north of the site.
- 1.3.3 The Ordnance Survey Grid Reference for the approximate centre of the proposed development site is SP 9531 6697. A plan showing the existing habitats within site is provided at Figure 01.

1.4 Acknowledgements

1.4.1 The UK Habitat Classification survey was carried out by Jess Grundy on 9th November 2023.

1.5 Description of the project

1.5.1 The proposed development is for construction of four dwellings, with associated infrastructure and landscaping. The development proposals are shown in Appendix 2.

1.6 Objectives of this report

1.6.1 The objectives of the biodiversity calculations are:

- Calculate the existing biodiversity units, prior to the development being implemented.
- Calculate the proposed biodiversity units according to the landscape proposals provided at the time of the planning application.
- Assess the net change in biodiversity units resulting from the development.

¹ North Northamptonshire Joint Core Strategy 2011-2031 (Adopted July 2016)

² Biodiversity Supplementary Planning Document for Northamptonshire (August 2015)

2 Biodiversity Net Gain calculation

2.1 Baseline data sources

- 2.1.1 The areas of existing habitats were calculated in QGIS using the habitat map (Figure 01) produced by The Landscape Partnership (November 2023).
- 2.1.2 The baseline habitats were recorded using the UK Habitat Classification Survey³ method that is used by the Defra Metric 4.0. The existing pre-development habitat areas are listed in the tables below. Areas are rounded to two decimal places as used in the Small Sites Metric Calculation Tool.

Site habitats baseline

UK Habitat Classification	Area / m ²
Individual tree – Urban tree	3No. small trees 122.08
Urban – Artificial unvegetated, unsealed surface	463.37
Urban – Developed land; sealed surface	220.49
Total (excluding trees)	683.86

2.2 Retained and proposed data sources

2.2.1 Retained and proposed habitats were measured in QGIS using the proposals site plan drawing produced by Blueprint Architectural Design Ltd (drawing number: 22-124-04F, September 2023) and can be found in Appendix 2. It was necessary to convert the proposed habitats into the UK Habitat Classification and the map can be found in Figure 02. Retained and proposed habitats are listed in the tables below.

Retained site habitats

UK Habitat Classification	Area / m²	
Individual tree – Urban tree	1No. small trees 40.69	
Total (excluding trees)	0.00	

Proposed habitat creation

•			
Proposed Site Plan (drawing number: 22-58-22A)	UK Habitat Classification	Area / m²	
Proposed trees	Individual tree – Urban tree	8No. small trees 325.56	
Proposed garden habitats	Urban – Vegetated gardens	205.18	
Proposed buildings and hardworks	Urban – Developed land; sealed surface	478.68	
Total (e	683.86		

³ UKHab Ltd (2023). *UK Habitat Classification Version 2.0 (at https://www.ukhab.org)*

2.3 Desktop Assessment

Development

2.3.1 The small site metric was used because the criteria of using this metric were met, such as the site area was 683.86m² and the number of residential units proposed within the development site was four.

Designated sites and priority habitats

- 2.3.2 There were no statutory designated sites within a 500m radius of the site boundary.
- 2.3.3 There were priority habitats found within a 500m radius of the site boundary. Deciduous woodland, as part of East Northamptonshire Greenway (disused railway), was approximately 140m north-east and 210m north-west of the proposed development site. The small site metric was still considered to be more suitable for this project than the Defra Metric 4.0. This is due to the size of the site and the location of the site in an already developed urban area of Rushden.

Site walkover

2.3.4 The site walkover was carried out on 9th November 2023.

2.4 Calculation methodology

2.4.1 The Defra Metric 4.0 spreadsheet for small sites was used to calculate Biodiversity Net Gain for this site. The Small Sites Metric Calculation Tool (Biodiversity Metric 4.0) was downloaded from the Natural England website on 27th October 2023. Data was entered from the sources above and the metric spreadsheet was completed following guidance⁴.

Sites habitat baseline

2.4.2 A description of the baseline habitats can be found below.

Urban – Artificial unvegetated, unsealed surface

2.4.3 Areas of unsealed surface were previously covered in astroturf but where the astroturf had been removed it left an unsealed surface below. The majority of this area consisted of compacted debris from these activities. Vegetation within this area were beginning to establish, particularly at the site boundaries, and species included cleavers *Galium aparine*, cow parsley *Anthriscus sylvestris*, ground-ivy *Glechoma hederacea* and comfrey *Symphytum* sp.

Urban -Developed land; sealed surface

2.4.4 The areas of hardstanding were covered in asphalt and located to towards the south-west of the site.

Urban trees

2.4.5 Two field maple were located at the north-eastern site boundary. A *Pyracantha* sp. was located at the south-eastern boundary adjacent to Station Road. These trees have been classified as urban trees given its location within an urban area of Rushden.

Strategic Significance

2.4.6 None of the baseline habitats were situated within a local strategy nor were they ecologically desirable due to their poor condition, unsuitability for the support of protected species and isolation from good quality habitat.

Habitats created

2.4.7 A condition assessment for each of the habitats was not necessary for the proposed habitat. This is because for the habitat types proposed the condition is set by the metric.

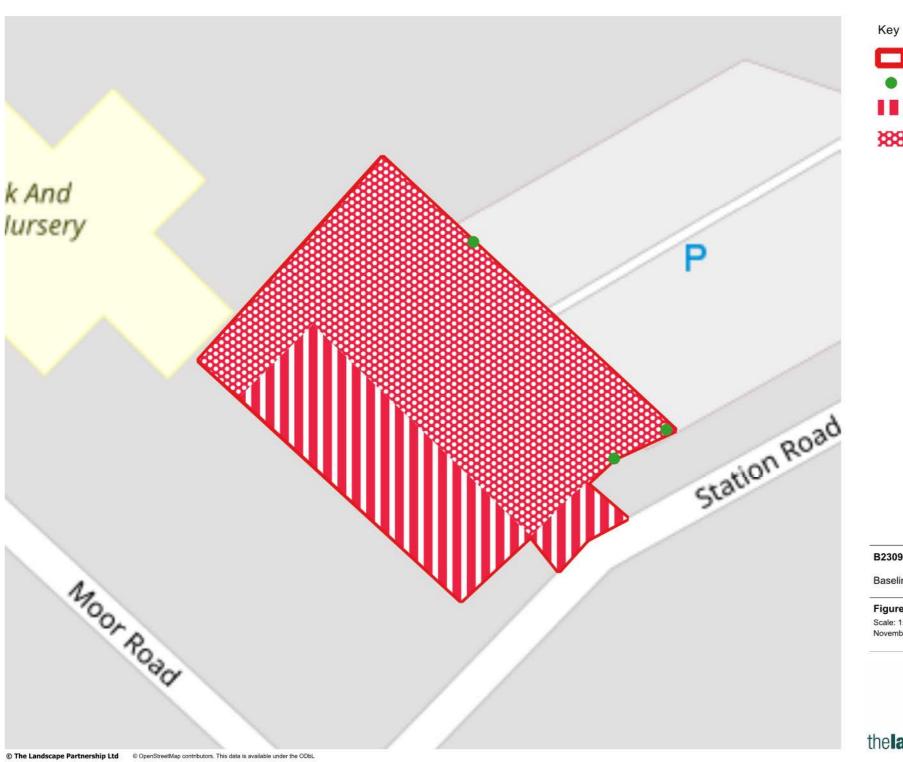
Urban - Vegetated garden

2.4.8 This habitat type includes the areas of proposed lawns and proposed shrub beds on the proposed site plan. This habitat type was chosen for the lawns and shrubs beds as it best fits the UK Habitat Classification definition for vegetated garden.

⁴ Natural England Joint Publication JP040 (March 2023) The Small Sites Metric (Biodiversity Metric 4.0) User Guide

- 2.4.9 The target condition of the vegetated garden habitat type is automatically set as 'Condition Assessment N/A' within the metric.
 - Urban Developed land; sealed surface
- 2.4.10 This habitat type includes the proposed buildings and proposed areas of hardworks (including roads and pavements).
- 2.4.11 The target condition of the developed land, sealed surface habitat type is automatically set as 'N/A – other' within the metric.
 - Strategic Significance
- 2.4.12 None of the proposed habitats were situated within a local strategy nor were they ecologically desirable due to their poor condition, unsuitability for the support of protected species and isolation from good quality habitat.
- 2.5 **Biodiversity Impact Calculation Results**
- 2.5.1 The baseline site value was calculated at 0.1123 Habitat units. There are no hedgerow or river units before or after development.
- 2.5.2 Based on the proposals drawing which includes retained and created vegetation, the proposed value is 0.1766 Habitat Units. This represents a gain in 0.0643 Habitat Units in the 'Headline Results' tab of the metric. There is therefore a net gain of 57.21% of Habitat units.
- 2.5.3 The Biodiversity Net Gain targets have therefore been met and the trading rules have also been satisfied.
- 2.5.4 All of the proposed habitats are on-site and no biodiversity off-setting is proposed.
- 2.5.5 The headline results are shown in Appendix 3.
- 2.6 Conclusions
- 2.6.1 The net gain percentage for habitats units have met the need for providing a net gain where possible according to North Northamptonshire Council Policy.

Figures



Site Boundary



Scattered trees



u1b - developed land. sealed surface



u1c - artificial unvegetated unsealed surface

B23095 Station Road, Rushden

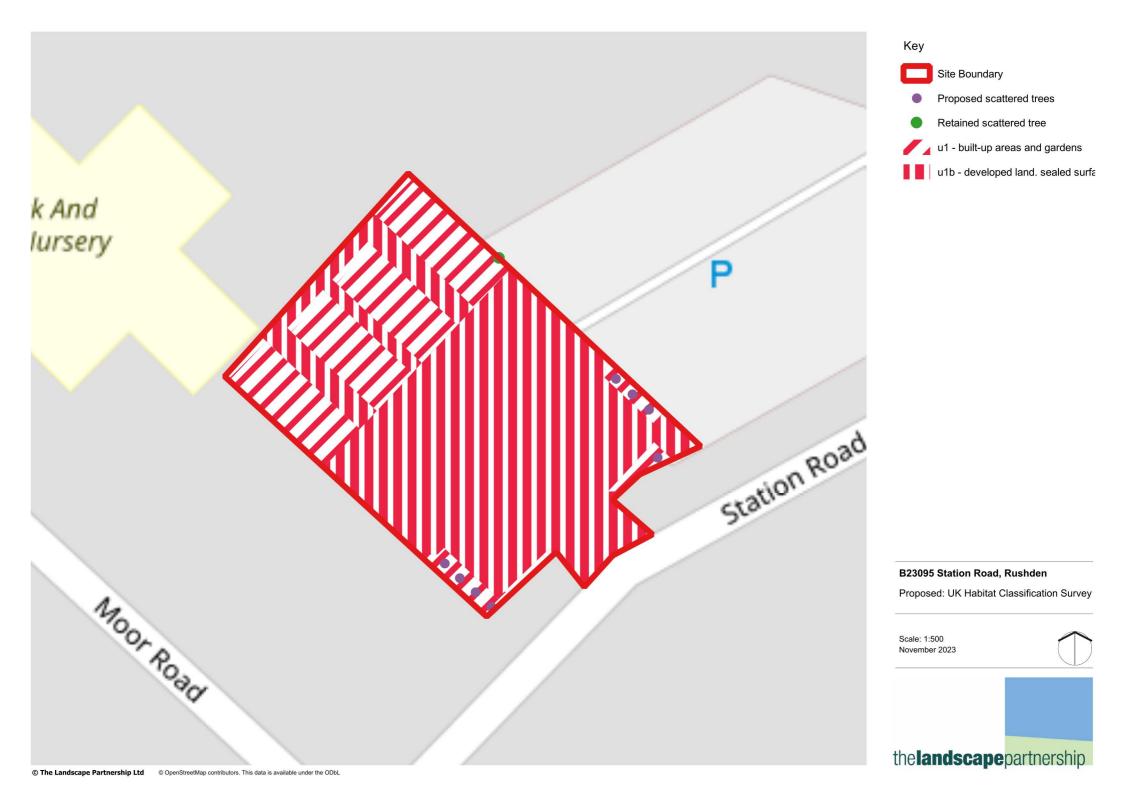
Baseline: UK Habitat Classification Survey

Figure 01

Scale: 1:500 November 2023







Legislative and policy context

There is a number of pieces of legislation, regulations and policies specific to ecology which underpin this assessment. These may be applicable at a European, National or Local level. References to legislation are given as a summary for information and should not be construed as legal advice.

Birds Directive

The European Community Council Directive on the Conservation of Wild Birds (79/409/EEC), normally known as the Birds Directive, sets out general rules for the conservation of all naturally occurring wild birds, their nests, eggs and habitats. It was superseded by the 'new' Birds Directive (2009/147/EC) which generally updated the previous directive.

These requirements are interpreted into English law by the Wildlife and Countryside Act 1981 (as amended) with regard to protection of birds, and the Conservation of Habitats and Species Regulations 2017 with regard to the registration and regulation of Special Protection Areas.

Habitats Directive

The European Community Council Directive on the Conservation of Natural Habitats of Wild Fauna and Flora (92/43/EEC), normally known as the Habitats Directive, aims to protect the European Union's biodiversity. It requires member states to provide strict protection for specified flora and fauna (i.e. European Protected Species) and the registration and regulation of Special Areas of Conservation.

These requirements are interpreted into English law by the Conservation of Habitats and Species Regulations 2017 with regard to European Protected Species and the registration and regulation of Special Areas of Conservation.

Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 interpret the Birds Directive and Habitats Directive into English and Welsh law. For clarity, the following paragraphs consider the case in England only, with Natural England given as the appropriate nature conservation body. In Wales, the Countryside Council for Wales is the appropriate nature conservation body.

Special Protection Areas and Special Areas of Conservation are defined in the regulations as 'European sites'. The Regulations regulate the management of land within European sites, requiring land managers to have the consent of Natural England before carrying out management. Byelaws may also be made to prevent damaging activities and if necessary land can be compulsorily purchased to achieve satisfactory management.

The Regulations define competent authorities as public bodies or statutory undertakers. Competent authorities are required to make an appropriate assessment of any plan or project they intend to permit or carry out, if the plan or project is likely to have a significant effect upon a European site. The permission may only be given if the plan or project is ascertained to have no adverse effect upon the integrity of the European site. If the competent authority wishes to permit a plan or project despite a negative assessment, imperative reasons of over-riding public interest must be demonstrated, and there should be no alternative to the scheme. The permissions process would involve the Secretary of State and the option of consulting the European Commission. In practice, there will be very few cases where a plan or project is permitted despite a negative assessment. This means that a planning application has to be assessed by the Local Planning Authority, based on information provided by the applicant, and the assessment must either decide that it is likely to have no significant effect on a European site or ascertain that there is no adverse effect upon the integrity of the European site.

Government policy is for Ramsar sites (wetlands of global importance) to be treated as if they were European sites within the planning process.

Appropriate Assessment

Appropriate Assessment is required in certain instances under the Conservation of Habitats and Species Regulations 2017. Regulation 63 says that:

- 63.— (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which-
 - (a) is likely to have a significant effect on a European site or a European offshore marine site

(either alone or in combination with other plans or projects), and

- (b) is not directly connected with or necessary to the management of the site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.
- (2) A person applying for any such consent, permission or other authorisation shall provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.
- (3) The competent authority shall for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority may specify.
- (4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.
- (5) In the light of the conclusions of the assessment, and subject to regulation 64 (considerations of overriding public interest), the competent authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).
- (6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.

The competent authority is typically the local planning authority. The appropriate assessment contains the information the council requires for the purposes of its assessment under the Habitat Regulations.

The Habitat Regulations also are applicable to local authority land use plans and policies. If a policy or plan is likely to have a significant effect upon a European site, the permission may only be given if the policy or plan is ascertained to have no adverse effect upon the integrity of the European site. This approach gives rise to a hierarchy of plans each with related appropriate assessments. For example, the appropriate assessment of a Regional Spatial Strategy will affect policies within a Core Strategy, which will then need its own appropriate assessment, and so on.

European Protected Species

European Protected Species of animals are given protection from deliberate capture, injury, killing, disturbance or egg taking/capture. Their breeding sites or resting places are also protected from damage or destruction, which does not have to be deliberate. A number of species are listed as European Protected Species, with those most likely to be considered in planning applications being bats, dormouse, great crested newt and otter. Natural England may give a licence for actions that are otherwise illegal, subject to them being satisfied on the three tests of no alternative, over-riding public interest, and maintenance of the species in favourable condition.

European Protected Species of plant are also listed and given protection. These species are generally very rare and unlikely to be present in proposed development sites.

Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981 has been amended many times, including by the Countryside and Rights of Way Act 2000. It contains provisions for the notification and regulation of Sites of Special Scientific Interest, and for protected species.

The Regulations regulate the management of land within Sites of Special Scientific Interest, requiring land managers to have the consent of Natural England before carrying out management.

All public bodies are defined as '\$28G' bodies, which have a duty to further the nature conservation of Sites of Special Scientific Interest in the undertaking of their functions. In practice, this prevents planning applications being permitted if they would harm Sites of Special Scientific Interest, as it would be a breach of that duty.

The Act makes it an offence intentionally to kill, injure, or take any wild bird, take, damage or destroy the nest of any wild bird, while that nest is in use or being built, or take or destroy an egg of any wild bird. Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young.

The Act makes it an offence intentionally to kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. Some species have lesser protection under this Act, for example white-clawed crayfish, common frog and toads are only protected from sale, and reptile species, other than smooth snake and sand lizard, are protected from intentional killing or injury, but they are not protected from disturbance and their habitat is not protected. It is also an offence intentionally to pick, uproot or destroy any wild plant listed in Schedule 8.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) dated February 2019 replaces previous Government Policy in relation to nature conservation and planning expressed in the NPPF dated March 2012.

Chapter 15 paragraph 170(d) of the NPPF 2018 says that the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Paragraphs 171 and 172 relate to policy for designated sites of biodiversity or landscape importance. Proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged against Local Plans policies which will distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value and maintain and enhance networks of habitats and green infrastructure. Further policy is within paragraph 174, where Local Planning Authorities should within their Local Plans aim to protect and enhance biodiversity by:

- Identifying, mapping and safeguarding components of local wildlife-rich habitats and wider
 ecological networks, including the hierarchy of international, national and locally designated
 sites of importance for biodiversity; wildlife corridors and stepping stones that connect them;
 and areas identified by national and local partnerships for habitat management, enhancement,
 restoration or creation; and
- Promoting 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.

When determining planning applications Local Planning Authorities should apply the following principles:

- If significant harm resulting from a development cannot be avoided (through locating it 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 and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 176 adds protection to candidate sites of European or International importance (Special Protection Areas, Special Areas of Conservation and Ramsar sites) and also to those sites identified or required as compensatory measures for adverse effects on habitats sites, potential SPA, possible SAC listed or proposed Ramsar sites.

Paragraph 177 clarifies that 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.

Government circular 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System' referenced ODPM 06/2005 has not been replaced and remains valid. It sets out the legislation regarding designated and undesignated sites and protected species and describes how the planning system should take account of that legislation. It does however pre-date the NERC Act 2006 (see below), which includes a level of protection for a further list of habitats and species regardless of whether they are on designated sites or elsewhere.

Natural Environment and Rural Communities (NERC) Act 2006

This Act includes a list of habitats and species of principal importance in England. Local Authorities are required to consider the needs of these habitats and species when making decisions, such as on planning application.

Local Planning Authority's planning policy

The Local Planning Authority will have policies relating to biodiversity conservation.

Species Legislation

The following table provides an overview of legislation with regard to species.

	Legislation			
Protected Species	Wildlife & Countryside Act, 1981	The Conservation of Habitats and Species Regulations, 2017	Natural Environment & Rural Communities (NERC) Act, 2006	Protection of Badgers Act, 1992
Plants (certain 'rare' species)	✓	√5	✓	
Invertebrates (certain 'rare' species)	√	√ 6	✓	
White-clawed crayfish	✓		✓	
Great crested newt, natterjack toad, pool frog	√	✓	✓	
Other amphibians	√7		✓	
Sand lizard, smooth snake	✓	√ 8	✓	
Other reptiles	√ 9		✓	
Breeding birds	✓	✓	✓	
Wintering birds (certain 'rare' species)	✓	✓	✓	
Bats	✓	✓	✓	
Dormouse	√	✓	√	
Water vole	✓		✓	
Otter	√	√	✓	
Badger				√

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 $^{^{5}}$ Nine species present in the UK, with very specialised habitat requirements, are European Protected Species.

⁶ Fisher's estuarine moth, large blue butterfly and lesser whirlpool ram's-horn snail are European Protected Species.

⁷ The four other native amphibian species (smooth and palmate newts, common frog and common toad) are only protected against trade under this act.

 $^{^{\}rm 8}$ Smooth snake and sand lizard are European Protected Species.

⁹ The four other native reptile species (common lizard, slow worm, grass snake and adder) are protected against intentional killing, injury and trade under this act.



PLANTING NOTES:

1. Ground Preparation: Topsoil conforming to BS3882 to be imported as necessary / existing topsoil to be rendered free from stones larger than 50mm dia. concrete, wire, brick, roots, and should be less than 20% clay content.

Minimum topsoil depths: Planted areas - 450mm /

Minimum topsoil depths: Planted areas - 450mm Grass areas - 150mm.

Tree Support: Trees to be supported until established & independently secure by two opposing treated timber stakes with biodegradable flexi-ties.

- 2. Initial Maintenance: All planting to be watered in with 20L/sq.mtr. Newly laid turf to be watered as and when required depending on season/prevailing weather conditions (until established).
- 3. Timing: All planting and turfing is to take place during the first dormant/planting season (Nov to mid-March) following completion of the main development works.

PLANT SPECIFICATIONS:

- 1. Grass Areas: Rolawn Medallion grade cultivated turf
- 2. Shrubs/boundary treatments: All as specified on drawing new shrub/hedge areas to be mulched with 75mm of composted bark, following planting.

GENERAL:

All works are to be carried out in accordance with CDM regulations (2015) & BS 4428:1989, or those current at the time.

MAINTENANCE SCHEDULE:

Shrubs: No trimming necessary until growth reaches 0.7 metre high.

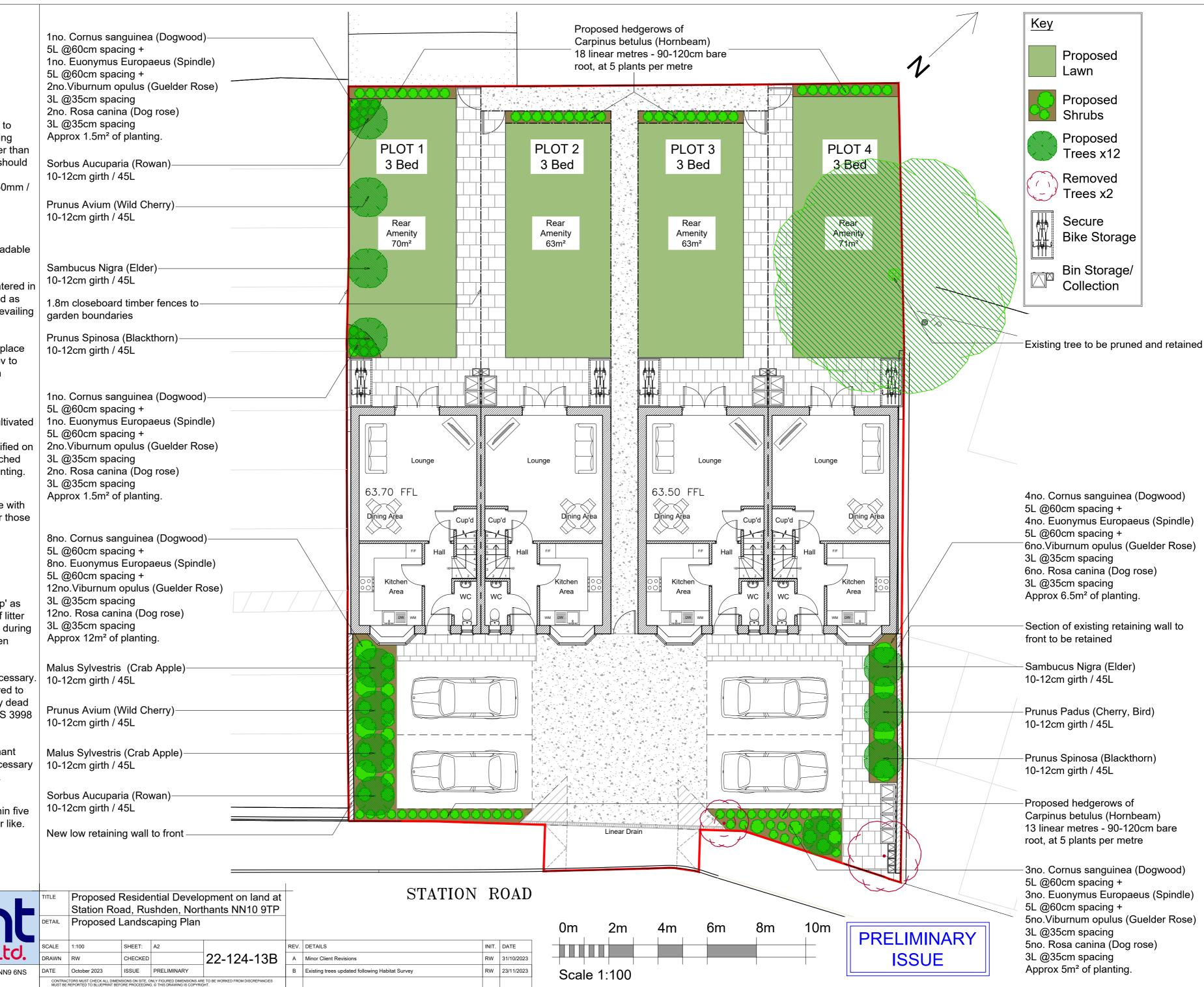
Mulched Areas: Bark mulch to be 'topped up' as required / all planted areas to be kept free of litter and plant debris/trimmings. Weed treatment during growing season using Glyphosate, as & when required.

Trees: Tree stake ties to be adjusted as necessary. Formative pruning to raise crowns, as required to prevent mower damage + remove/prune any dead or dying branches - all in accordance with BS 3998 'Tree Work - Recommendations'.

Hedgrows: To be trimmed once during dormant season & once during growing season if necessary - maximum height to be maintained at 1.8m.

Malus Sylvestris (C 10-12cm girth / 45L





Sit	e Name	Station Road, Rushden	
She	et Name	Headline Results	
eadline Results			
He	eadline	BNG Targets Met ✓	
Trad	ling Rules	Trading Rules Satisfied ✓	
Ne	xt steps	Submit metric to LPA	
	Habitat units	0.1123	
Baseline Units	Hedgerow units	Zero Units Baseline	
	River units	Zero Units Baseline	
	Habitat units	0.1766	
Post-development Units	Hedgerow units	0.0000	
	River units	0.0000	
Total and with shown	Habitat units	0.0643	
Total net unit change	Hedgerow units River units	0.0000	
	River units	0.0000	
	Habitat units	57.21%	
Total net % change	Hedgerow units	% target not appropriate	
	River units	% target not appropriate	
Habitats units required to meet target		0.0000	
Hedgerow units required to meet target River units required to meet target		0.0000 0.0000	
River units real	uned to meet target	0.0000	

