Dorset Biodiversity Appraisal Protocol

Guidance for consultants

Section 1: General guidance for Householder, Listed Building Consent and standalone barn conversions

Dorset Council

Contents

Errors, corrections, and revisions

We aim to minimise errors within the text of the DBAP guidance. Where text contains a substantive error, a correction will be made as soon as practicable, and the relevant section of the guidance reissued. Reissues will be sent out via email and appear on the DBAP website pages. Where an error does not change the meaning of the guidance but ought to be corrected to avoid misleading readers, for example an incorrect reference, a correction via email list will be issued as soon as practicable. If errors are minor and do not change the meaning of the guidance, they will not be corrected until the next scheduled annual revision.

Scope

This guidance is not exhaustive. Some guidelines are referenced in the text but are not reproduced in full. Information submitted under the DBAP is expected to comply with all relevant guidelines in terms of both content and presentation.

1. The Dorset Biodiversity Appraisal Protocol (DBAP)

1.1. The Dorset Biodiversity Appraisal Protocol (DBAP) is designed to meet the requirements of the Natural England Protected Species Standing Advice found at www.naturalengland.org.uk and is Dorset Council's preferred way to review planning applications and their likely impact on biodiversity.

1.2. Dorset Council will routinely ask for a biodiversity appraisal in the form of a standard Biodiversity Plan (BP) with accompanying Certificate of Approval in order to validate an application.

1.3. Applications for developments impacting an area of 0.1ha and over, or where there is a likely impact on protected species and/or habitats, are within the scope of the DBAP.

1.4. The DBAP webpages guide applicants and agents to which ecological information is required to be submitted to support their application, and when in the planning process it will be required.

1.5. The BP review process will not commence until payment has been received. In cases where the Natural Environment Team (NET) refuse to certify a BP the fee will not be returned.

1.6. The Local Planning Authority (LPA) will condition the approved BP as a means of clearly identifying and securing mitigation and net gain measures for developments affecting recognised wildlife sites.

2. DBAP guidance documents

2.1. This guidance is not exhaustive. Some guidelines are referenced in the text but are not reproduced in full. Information submitted under the DBAP is expected to comply with all relevant industry guidelines in terms of both content and presentation.

2.2. This guidance is subject to copyright and has been written to assist consultants when using the DBAP. Dorset Council NET have written guidance for all applications within the DBAP scope and has been divided into separate sections for ease of reference. All guidance can be found on our webpages.

- Section 1 General guidance for Householder, Listed Building Consent and standalone barn conversions
- Section 2 General guidance for minor and major development
- Section 3 Mitigation
- Section 4 Bryanston greater horseshoe bat Site of Special Scientific Interest (SSSI)
- Appendix 1 Dorset Notables
- Bibliography

Archived guidance:

- Section C: Compensation.

- Section 5 Great Crested Newt Licencing Scheme

2.3. All submissions must be sent to biodiversityprotocol@dorsetcouncil.gov.uk and must conform fully to the guidelines given in every section. Any exceptions are entirely at the discretion of the NET and must be agreed with the NET prior to submission.

2.4. The requirements set out within this guidance are in-line with industry standards including the Chartered Institute of Ecologists and Environmental Managers (CIEEM) Technical Guidance Series and the British Standard Biodiversity Code of practice for planning and development.

2.5. This guidance is correct at the time of publication. It will be reviewed annually and updated to reflect changes in relevant legislation, policy, and references. Please ensure that all submissions are in accordance with the current guidance.

2.6. BPs and ecology reports not complying with the requirements of the DBAP will, unless there are exceptional circumstances as above, be returned requesting amendments. Requests for further information must be fully complied with. The NET will refuse to issue a Certificate of Approval where requests for further information are not met or where submissions fail to meet the criteria of this guidance.

2.7. Other conservation organisations, ecological consultancies and planning authorities are regularly consulted and have contributed to this guidance.

3. Scope of DBAP guidance section 1

3.1. This guidance is produced specifically for the following types of applications;

3.2. Householder application which is defined as

- (a) an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse, or
- (b) an application for any consent, agreement or approval required by or under a planning permission, development order or local development order in relation to such development but does not include an application for change of use or an application to change the number of dwellings in a building

3.3. Listed Building Consent (LBC).

3.4. Standalone barn conversions are defined as conversion of a single barn to a single residential or commercial unit where the barn is being substantially altered, but where there is no other development proposed onsite.

3.5. Under the DBAP the above application types will be required to submit ecological survey reports alongside the standardised BP to the NET for review and approval. Further information on the DBAP process can be found on our webpages.

4. DBAP criteria and general guidance

4.1. Consultants are expected to guide applicants through the DBAP process and to submit BPs and reports on behalf of applicants, to facilitate direct communication with the NET

from the outset.

4.2. All ecological appraisals should be undertaken by a suitably qualified and experienced consultant with relevant protected species licence(s) as required.

4.3. All submissions must be supported by adequate survey data in accordance with *Guidelines for Ecological Impact Assessment in the UK and Ireland* (EcIA), CIEEM (2019) and relevant best practice guidelines. Surveys must be carried out at the optimum time of year, with any constraints fully described. Please use the EcIA Checklist to check that you have included all relevant areas in your report. Submissions received without the appropriate level of survey, or which recommend further surveys which have not yet been undertaken, will be returned.

4.4. Where protected species are concerned Circular 6/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System states:

> 'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The use of conditions to request protected species surveys should only be used in exceptional circumstances.'

4.5. Insufficient survey data may lead to a failure to issue a Certificate of Approval. In these circumstances the NET will inform planning officers accordingly. This would be the case if survey information fails to demonstrate that the material consideration in relation to protected species has been adequately addressed. In some cases, this will form a reason for planning refusal.

4.6. The biodiversity interests of a site and its associated Zones of Influence (CIEEM *Guidelines for Ecological Impact Assessment in the UK and Ireland* (EcIA) (2019)) must be established and the potential impacts from the development adequately assessed and demonstrated within submitted reports.

4.7. The DBAP seeks to comply with the NPPF (2023) and government guidance on biodiversity. Net gain will be secured for all scales of development, avoiding residual loss of habitat.

4.8. Dorset Council strongly discourage the deliberate clearance or neglect of habitats with ecological value, including those which support protected species, before the application process commences. If, as a result of deliberate clearance or neglect, the biodiversity value of the site is lower than it would otherwise have been prior to the date of planning application, the pre-development ecological assessment of the site must be informed by its condition immediately before the clearance or neglect took place. This approach is endorsed by and included within the Environment Act in Schedule 14. Establishment of the pre-development biodiversity value should include use of a range of sources, including aerial photographs.

4.9. Please note that BPs are reviewed with discussion with other consultees where appropriate, such as Natural England and the Dorset Wildlife Trust.

4.10. Where development may lead to impacts on a Site of Nature Conservation Interest (SNCI), BPs must be submitted after consultation with Dorset Wildlife Trust has taken

place.

4.11. It is the responsibility of the applicant to ensure that an appropriate level of survey effort has been undertaken in proportion to the scale of development. The advice of an ecological consultant should be sought to inform this.

5. Bats

General guidance regarding bats

5.1. The NET assess bat survey reports against current Bat Conservation Trust (BCT) guidelines. In line with colleagues at Warwickshire County Council for a bat survey report to be accepted, the consultant must be able to demonstrate that sufficient survey effort has been carried out (in accordance with the BCT guidelines).

5.2. BPs involving bat roost destruction, or ecologically significant modifications to all bat roosts must be supported by an appropriate level of emergence / re-entry survey according to current BCT guidelines.

5.3. Assessment of foraging and commuting bat habitat is expected to fully comply with the guidance set out in table 4.1 of the current BCT survey guidelines and follow the Wray et al (CIEEM, 2010) framework for assessing the value of a site. This should be used to inform the level of activity survey required in line with table 8.3 of the BCT survey guidelines.

5.4. BCT have published new guidance on Core Sustenance Zones (CSZs) which should be referred to when determining CSZs for bats.

5.5. In addition to the use of fabric or plastic sheeting the NET also support the use of dry-lining paper to collect droppings for DNA analysis and the monitoring of roost usage between survey visits.

5.6. Submissions involving long-eared bat roosts must be supported by DNA analysis to inform mitigation where grey long-eared bats are identified. Bat boxes for grey long-eared bats are not accepted as suitable mitigation.

5.7. Specific guidance has been written for developments with the potential to impact on the bat population associated with Bryanston Site of Special Scientific Interest (SSSI). It applies to development proposals that could affect the SSSI and greater horseshoe roosts beyond the SSSI. Where ecological assessments identify potential impacts to greater horseshoe bats, mitigation measures described in this guidance are likely to be required across the Dorset Council area. The LPA will consider, on the basis of evidence available, whether application proposals are likely to impact on greater horseshoe bats. Those are the proposals to which the guidance will be applied. The Bryanston Greater horseshoe bat SSSI guidance can be found on our webpages and includes guidance on the expected level of survey and mitigation.

5.8. Bat survey reports are expected to include sufficient detail to enable the NET to feel confident in the findings of the survey and use them to inform subsequent recommendations Any deviation from BCT good practice should be justified within the report.

5.9. Specific guidance on the use of thermal imaging techniques is set out in the BCT Thermal Imaging: Bat Survey Guidelines (2021) and this will be applied to those using the DBAP.

5.10. In line with the advice note and advice from Natural England, we will consider the appropriateness of the use of Infra-red cameras on a site-by-site basis. However, we would expect submissions that have used this equipment to have provided the following:

- details of the equipment used, and a screenshot taken at the darkest point in the survey
- details as to how species identification was made
- confirmation that the equipment functioned correctly throughout the survey, and details of how this was ensured
- details of how the footage was analysed, including confirmation that the entire footage was reviewed and not just areas when bat detectors recorded activity as bats may not be echolocating

5.11. Cameras do not need to be directly paired with a surveyor. A single surveyor could support multiple cameras. However, there is a general expectation that there should be sufficient surveyors to keep all cameras in view at any one time so that issues with equipment can be quickly identified and, if necessary, lighting moved/changed. Consideration of the limitations on that surveyor in terms of their own observations of the structure are also expected to be provided and will be taken into account in our review. Further guidance on use of cameras is provided in the BCT Good Practice Guidelines (2023).

5.12. Where linear habitats e.g., hedgerows, scrub, ditches, tree lines, river corridors etc., act as commuting and foraging features for highly light sensitive bat species – long-eared bats, Myotis (which include whiskered, Natterer's, Brandt's, Daubenton's and Bechstein's), barbastelle and greater and lesser horseshoe bats – **a minimum buffer of 6m with a long sward is required along its entire length**. This must be measured from the edge of hedgerows and must be incorporated within **a minimum 10m dark corridor along its entire length**.

Roofing membranes

5.13. Specification of the use of Non-Bitumen Coated Roofing Membranes (NBCRMs) has recently become more prevalent in ecology information submitted to the NET. The NET are aligned with the position of Natural England, and guidance provided by the BCT steering group, on the use of NBCRMs. The latest published position should be considered as applicable and consultants are advised to regularly check the BCT guidance on this topic.

5.14. Currently, Natural England advise that a certificate which proves the roofing membrane has passed a snagging propensity test must be submitted if any NBCRM is to be used in locations where bats are known to be present. The suitability of materials proposed for usage is one aspect of Natural England's assessment of licence applications.

5.15. For proposals requiring a bat licence - Within the ecological information, roofing membrane could be specified as "Bitumen 1F felt, TLX BatSafe, or another product which

has passed the required snagging test and has received the certification". Evidence of the certification is not required for the NET to approve the ecological information, as this will be assessed by Natural England on their consideration of the licence.

5.16. For proposals not requiring a bat licence / specifying roofing membranes as a best practice measure - Where a void or roof space is being enhanced for bats, but where there is no requirement for a licence, the NET encourage a best practice approach of stating use of “bat safe roofing membranes” within the ecological information. The ecological information cannot place a disproportionate obligation on the applicant where this measure is not required for mitigation to make the application acceptable. Therefore, the requirement for the use of NBCRM’s which require a snagging propensity test to be passed may not be appropriate, unless already discussed and agreed with the applicant.

Lighting

5.17. Bats are nocturnal which makes them sensitive to artificial lighting. Inappropriate lighting can increase predation on bats, prevent them from feeding, commuting, or getting in and out of their roost.

5.18. Different species of bat respond differently to lighting. Insects such as moths are attracted to the UV wavelengths in lighting and fast-flying bats, such as pipistrelles, noctules and serotines, can be attracted to lights to feed on the insects. In contrast, slower flying, broad winged bats (horseshoes, barbastelles, long-eared bats and Myotis bats) are often light averse and avoid lit areas. **However, research shows that even bat species that will forage under lights have been recorded avoiding well-lit areas** (Hale et al., 2013).

5.19. As insects are attracted to lit locations, any nearby dark areas can become depleted in insects, thereby reducing the food available for light sensitive bats.

5.20. LEDs can offer greater control over the type, intensity and spread of light. However, studies have shown that light sensitive bats avoid LED lights even when dimmed (Rowes et al., 2016).

5.21. In addition to impacts on movement and feeding, light falling on a bat roost access point can delay bats from emerging. This then reduces the time available for foraging. Lighting may also cause bats to abandon a roost.

5.22. At a landscape scale, artificial lighting can disrupt navigation along linear features (as much as the physical removal of such features). Light spill onto commuting routes can force bats to use alternative routes and this can result in an additional energetic burden on individual bats. If no alternative routes are available, roosts and foraging habitats may be abandoned. Lighting can, therefore, lead to bat populations becoming fragmented into smaller units which become more vulnerable to local extinction.

5.23. In summary, lighting impacts are likely to have significant impacts for all bat species, potentially affecting reproductive, foraging, and roosting opportunities. At population and ecosystem levels, impacts may affect the overall genetic pool of bat species and their prey species (Bat Conservation Trust & Institute of Lighting Professionals, 2023).

5.24. Where light sensitive species have been identified, either on or in the vicinity of the site, the NET will require evidence that any additional lighting proposed, including internal

lighting, will not impact on the behaviour of these species.

5.25. Industry guidance (Bat Conservation Trust & Institute of Lighting Professionals, 2023; and Eurobats, 2018) stresses the importance of considering bats and lighting at the earliest stage of the project design process. Attempts to retrofit mitigation measures can lead to delays and uncertainty.

5.26. When considering additional lighting within the proposal you should avoid the impact of additional lighting wherever possible. Where impacts from additional lighting is likely you should use this to inform the design. This will include consideration of building orientation and light spill from windows, especially higher windows.

5.27. The effect of development on bats can be mitigated by including dark buffers, illuminance limits, zonation, appropriate luminaires, use of motion sensors, sensitive site design, screening, glazing treatments, creation of alternative habitats and dimming.

5.28. Development must aim to:

- maintain dark corridors and bat foraging habitats through the site and to landscapes beyond, avoiding impacts from lighting. These should be built into the design from the outset and be established / protected prior to impacts occurring and be in place for the lifetime of the development.
- avoid the use of artificial lighting as much as possible, including lighting only where it is essential for health and safety reasons
- where lighting cannot be avoided altogether then it must be designed to avoid light spill onto roosts, foraging habitat and commuting routes

5.29. Lighting suitable for bats must have:

- LEDs
- warm white spectrum <2700 Kelvin
- a dimmable light or motion sensors (PIR), short timers, part-night lighting
- 0% upward light ratio
- careful consideration of position and height, use of baffles, directional luminaires
- recessed internal lights
- screening (planting, hardscape, hoods or cowls)

5.30. Where additional lighting cannot be avoided, a lighting plan may be required to be secured by condition in cases where lighting is predicted to have a significant impact to bats' use of the site.

5.31. Suitable lighting schemes will be required to be in accordance with Guidance Note 08/23 Bats and Artificial Lighting in the UK. Where a lighting scheme is required EcIAs will need to provide some or all the following:

- a clear, annotated map, showing habitats currently used by bats, including details of use by light sensitive and rare species and how the habitats link to the surrounding landscape / any nearby bat roosts, where known

- a clear, annotated map showing the protected and proposed flight lines and foraging habitats on site and how these link to the surrounding landscape / any nearby bat roosts. The map should clearly show:
    - minimum widths / area of bat corridors
    - habitats (type of grassland / scrub / hedge etc)
    - headline management requirements
    - species-appropriate lux limits (0 - 1 lux)

5.32. Where a lighting scheme is required the lighting engineer will need to provide some or all the following:

- lux contour plans (vertical, elevated horizontal or upward calculation planes) including those specified by a suitably experienced and qualified ecologist
- luminaire and complete lighting specification, number, model, output settings, maintenance factor
- details of assumptions and conditions for example, duration, timers, internal lighting, curtains
- an explanatory note including potential glare sources and mitigation

6. Biodiversity gains

6.1. The Natural Environment and Rural Communities (NERC) Act (2006) states that a 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; Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

6.2. The Environment Bill (2021, amended) has brought in the requirement for a 10% biodiversity net gain. Householder applications are exempt from this requirement, however enhancements for biodiversity are expected from all applications through the NPPF.

6.3. Paragraph 179b) of the NPPF (2023) states 'Plans should ...identify and pursue opportunities for securing measurable net gains for biodiversity' and Paragraph 180(d) states that '…opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially here this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'.

6.4. Biodiversity gains must be site and species / habitat specific to ensure planning conditions relating to biodiversity are clear and enforceable (see 6.10.).

6.5. Biodiversity gain can only be achieved if it is provided in addition to, rather than instead of, required mitigation and compensation.

6.6. On-site measurable biodiversity gain appropriate to the site and wider area must be provided, using the measures set out below.

Measures for inclusion in BPs

6.7. All applications within the scope of this guidance must provide biodiversity gains which must include:

- a minimum of one nest box for birds or one built-in tube for bats
- where new/replacement fences are proposed, these must include hedgehog friendly gravel boards / holes (13cm x 13cm)
- planting schemes must secure biodiversity gain for pollinators by choice of species

6.8. Other enhancements may include the below, but should be specific to the development and ecological context:

- outbuildings and barns must include built-in barn owl nest spaces or barn owl boxes in accordance with the advice of the Barn Owl Trust whenever possible. Foraging opportunities for barn owl should also be provided.
- other birds reliant upon buildings such as swallows and house martins must be accommodated within suitable open-fronted / accessible buildings
- dedicated bat lofts
- foraging habitats for bats and birds
- new ponds / seasonal ponds
- native standard tree planting
- new native hedgerow planting incorporating standard native trees
- green / living roofs and green walls
- wildlife towers
- habitats incorporating wildlife friendly trees, shrubs, and flower rich meadows; establishing and maximising ecological networks and wildlife corridors wherever possible
- restoration and management of habitats and ecological features

6.9. Suitable locations for these biodiversity gains must be indicated on a location plan within the BP.

6.10. The BP must state definitively and clearly how the net gain features will be maintained, managed and if appropriate, monitored.

7. Ecology reports

7.1. All BPs submitted to the NET for approval must be supported by an appropriate ecological survey report(s), unless agreed otherwise with the NET prior to submission.

7.2. An EcIA is usually the main assessment that is submitted with a planning application, unless the NET agrees in advance of submission that a Preliminary Ecological Assessment Report is sufficient. Refer to sections 3.14 and 3.15 of the CIEEM PEA

guidelines (2017).

7.3. Ecology reports and BPs must be separate documents. Please do not submit a single document containing both. The BP must be a separate document as it becomes the subject of a planning condition, whilst the report does not.

7.4. The format and content of reports must follow current guidelines such as the Chartered Institute of Ecologists and Environmental Managers (CIEEM) Guidelines for Ecological Report Writing (2017) and Guidelines for Ecological Impact Assessment in the UK and Ireland (2019); BS42020 Biodiversity - Code of practice for planning and development, as appropriate. A location plan, illustrative masterplan, Phase 1 Habitat Map etc must be included as relevant.

7.5. DBAP submissions are provided to the Dorset Environmental Records Centre (DERC). Such reports should clearly show where features such as bat roosts have been found onsite so that these can be accurately mapped and added to the records database.

7.6. Table 1 of the CIEEM report writing guidelines states that an EcIA report:

> 'Assesses the impacts of a non-EIA (Environmental Impact Assessment) development proposal on ecological features, clearly identifying any 'significant effects' as well as impacts on any designated sites or protected species, and detailing both the mitigation measures required, and how these will be secured. An EcIA Report will be submitted as part of a planning application where it has been determined that a formal EIA is not required. It should follow the structure set out in Appendix B of these guidelines. For development projects affecting only a single species/group, such as where a barn conversion requires an assessment in relation to bats, the report accompanying the application will comprise an EcIA Report. As such, it should therefore have the same content as that set-out in Appendix B, although the structure can be modified to delete unnecessary sections, or to combine sections where appropriate i.e., it should be proportionate.'

7.7. Please ensure that all EcIA reports submitted conform to the structure and content set out in Appendix B of the CIEEM guidelines.

7.8. Insufficient or poorly presented reports will result in a request for more information or clarification and lead to delay. Remember that those reading reports have not been to the site.

8. Desk study and biodiversity data searches

8.1. The desk study and biodiversity data search request(s) should be tailored to the development and its zones of influence.

8.2. Most proposals are expected to provide a Local Environmental Records Centres (LERC) data search as per industry guidance (CIEEM guidelines and Biodiversity in Planning Partnership guide (2019).

8.3. You are advised to contact the DERC via their website to obtain existing wildlife records for the site and its environs to inform and complement a submission under the DBAP.

8.4. The Local Nature Recovery Strategy (LNRS) is currently in preparation and will include opportunity maps for Dorset. Prior to this being available the NET recommends using Dorset Explorer which will provide information on the existing and higher potential network. The published Ecological Networks Guidance 2020 provides further information on the networks and their definitions.

8.5. We also encourage the use of the Nature Recovery Network Habitat Mapping layer, available through MAGIC.

8.6. The methods section of the ecology report should include details of which LERCs were approached, which types of records were requested (statutory and non-statutory designated sites, protected and priority species, Invasive Non-Native Species (INNS) or alternative list as appropriate), what radius from the site boundary was used and why.

8.7. Where you consider a LERC data search to be unnecessary, approval must be sought from the NET prior to submission of the BP.

8.8. Failure to provide an appropriate desk study including environmental records may result in your submission being considered incomplete and returned for amendment.

8.9. Below are examples of biodiversity data search requirements for different types of development. This list is non-exhaustive and biodiversity data searches should always reflect the context and impact of the development:

- example 1: double storey extension to a single dwelling: 50m radius property check and European Protected Species (EPS) licence check.
- example 2: 2 new dwellings in existing garden: 1km local and national designated sites, 5km international designated sites, 1km species check including EPS licenses, existing and potential ecological networks map.
- example 3: 35 new dwellings on grazed field: 2km local and national designated sites, 5km international designated sites, 2km species check including EPS licenses, 8km Annex II bat species check, existing and potential ecological networks map.

9. Further survey

9.1. All BPs must be based upon up-to-date survey data. Worst-case scenario-based BPs will not be accepted for any species.

9.2. A BP must not include recommendations for further survey, especially for EPS. The LPA cannot, as a matter of law, grant planning permission for a development where there is doubt over a possible significant adverse effect of a development on an EPS.

9.3. LPAs must be satisfied that the correct level of information is available to determine a planning application.

10. Completing a DBAP Biodiversity Plan

10.1. The BP form has been designed specifically for applicants and planners to readily see what, mitigation, compensation and biodiversity gain measures are being committed to and will be implemented.

10.2. Therefore, it must be a complete document that contains certainties and provides a non-technical summary in each section.

10.3. Only one BP is required per planning application.

10.4. The BP and ecology report(s) must be separate documents, please do not submit a single document with both elements.

10.5. It must be written so that it can easily be conditioned and enforced. Text broken down into bullet points is encouraged.

10.6. The BP must not contain long sections repeated from the supporting ecology report. It must be a succinct but inclusive summary focusing on the implementation of mitigation and outcomes for biodiversity.

10.7. The BP must not contain words or phrases such as '*should*', '*may*' or '*it is recommended*' and must instead use definitive verbs as such '*will be*' in order to allow planning officers to check what has been delivered for wildlife as part of the development.

10.8. All BPs must include all mitigation, compensation and biodiversity gain measures that need to be secured as condition of any permission. Where appropriate this will include a detailed method statement. Ecologists are encouraged to ensure that applicants understand that they are responsible for complying with the measures set out in a BP and for completing them in full.

10.9. Mitigation for the loss of habitat features e.g., species-rich grassland, ponds, hedges, orchards, must aim to replace features by providing the same broad habitat type and will be expected to provide an uplift on the loss.

10.10. The BP must include, as a minimum, measures that can be audited once the development is completed e.g., numbers of bird and bat boxes, length and plant species of replacement hedges, area of a pond and area and seed mix of wildflower grassland creation.

10.11. Ensure that mitigation, compensation and biodiversity gains are separated and placed in the correct section of the form. Please note that data from submitted BPs may be extracted by DERC.

10.12. A BP must be a stand-alone document, and include all drawings and pictures needed to support it. It must not rely on reference to other survey reports or drawings. The sections of the form can be expanded, or a continuation sheet(s) may be used provided they are clearly referenced to in the BP.

11. Filling out the Biodiversity Plan

Section A - planning application details

Section B - details of existing bat roost & survey results

a. list all bat species and / or features identified during survey

b. a small number of photographs of the site/building and evidence can be included

c. for enclosed roof void roosts, give the dimensions of the existing and proposed permanent roost in metres

d. summarise findings of the bat survey and any roost description(s)

Section C – bat mitigation summary

a. this section is for bats only

b. avoid the use of symbols

c. if the existing void is to remain post-works ensure that the void dimensions are repeated under 'details of permanent bat roost' in Section C for clarity and to ensure the void remains available to bats post works

d. under 'plan showing location of permanent dedicated roost' in Section C include a plan or sketch and/or photographs indicating access, roosting features, and the location (if known) of integrated bat tubes or boxes. Specify the type and number of bat tubes and/or boxes and access points.

e. include all other mitigation, such as that pertaining to ecological supervision, within the "other mitigation measures" box

f. proposed mitigation must be likely to meet Natural England licencing criteria. A BP containing mitigation that is considered unlikely to be granted a licence will be rejected.

g. mitigation required must be described in definitive terms such as 'will' or 'must' avoiding wording such as 'can' and 'should'

h. include detail of when the works and measures will be delivered

i. do not include net gains for bats in Section C. These must only be listed in Section E (for all species).

Section D - other protected species (not bats) & habitats mitigation & method statement

a. these sections are for habitats and protected species other than bats

b. list all species (other than bats) and/or habitats identified during survey

c. summarise the mitigation and / or method statement for all other protected species and habitat interests

d. where a Construction Environment Management Plan (CEMP) is required, the principles must be listed in the BP

e. mitigation must be quantified for example give the metres of hedge planting, number of bird boxes etc. and must be described in definitive terms such as 'will' or 'must' avoiding wording such as 'can' and 'should'. A minimum number is acceptable.

f. include detail of when the works and measures will be delivered

g. do not include net gains in this section. These should be listed in Section E only.

Section E – net gain measures (all species)

a. this section is for biodiversity gains only; do not include mitigation

b. biodiversity gains must be included in BPs

c. use definitive language to describe the biodiversity gains that will be implemented and quantify the measures such as the number of ponds, bat boxes etc

Section F - specify relevant compliance measure (tick box)

Section G - declaration

a. all BPs submitted to the NET for approval must be signed by the applicant or their agent or the relevant box ticked by the ecological consultant

b. a Certificate of Approval will not be released for unsigned BPs

Notes

a. please read the notes at the top of the BP form and the Checklist at the bottom of the BP form

BPs that are not completed according to these guidelines will be returned for amendment which will lead to delay

12. Certification of Biodiversity Plans

12.1. Certificate of Approvals will only be issued for BPs that are signed and dated by the applicant or their agent or the relevant box ticked by the ecological consultant.

12.2. Certificates will be dated from the date of the applicant's / agent's signature.

12.3. Where the planning case officer is known, the NET will copy them into the e-mail issuing the Certificate of Approval for expediency.

12.4. Please be aware that where newly available information becomes known that materially alters or undermines the originally proposed mitigation, the NET reserve the right to revoke an approval. It is the responsibility of the ecological consultant to advise that ensure adequate surveys have been conducted to accommodate unknown elements of a development and the responsibility of the applicant/developer to commission these.

13. Compliance

13.1. BPs that include a requirement for an EPS or low impact class licence, or cover an area greater than 0.1ha, must include provision for a post construction compliance visit.

13.2. For more simple cases you must provide photographic evidence of the completed mitigation measures.

13.3. **The evidence of compliance must be sent to the NET**. This is used solely for reviewing measures secured through the DBAP process and is for the NET internal use only and must not be relied upon for the discharge of planning conditions. However, planning obligation wording is likely to secure compliance. Consultants are advised to inform applicants of this requirement. Typically, the relevant condition will state:

> 'The development hereby approved must not be first brought into use unless and until a report or photographs providing evidence of compliance with the Biodiversity Plan certified by the Dorset Council Natural Environment Team on XX has been submitted to and approved in writing by the authority.'

13.4. Where a Natural England licence is required, planning obligations are likely to require a copy of the licence and will typically state:

> 'No works to shall commence until the authority has been provided with a copy of the licence for XX issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the works to go ahead, or confirmation in writing from Natural England that such a licence is not required. The planning condition shall be discharged when the consultant ecologist confirms in writing to the authority that the bat mitigation was adhered to and all measures therein have been implemented'.

14. Certificate of Approval & European Protected Species Mitigation Licences

14.1. A BP Certificate of Approval from the NET does not in any way prejudice Natural England's decision on whether a licence regarding EPS should be issued to an applicant.

14.2. The two processes address different legal duties.

14.3. Natural England is the statutory nature conservation body responsible for determining EPS licence applications.

14.4. However, LPAs must have regard to the requirements of the Habitats Directive in considering whether to grant planning permission, and specifically, they must consider whether grant of permission would lead to deliberate disturbance of an EPS. If this is the case, then the Supreme Court has made it clear that the LPA should only refuse planning permission if it believes that Natural England is unlikely to grant a licence.

14.5. Where the LPA concludes a licence for an EPS is likely to be forthcoming, or it is unsure if it would, it should not prevent a planning permission from being issued.

14.6. Applicants must be aware that it is always better to have recent survey data on EPS for their application.

15. Failure to approve a Biodiversity Plan

15.1. If the NET is not able to approve a BP owing to non-compliance of the mitigation hierarchy (NPPF, 2023) or any of the following: a lack of information, sub-standard submissions that do not comply with this guidance, inadequate survey data or insufficient mitigation or compensation for of effects on wildlife, a planning application can still be submitted. In such cases the NET will write to the LPA to explain why the BP was not approved and setting out what elements would be required if permission is granted in any event.

15.2. Where these circumstances apply applications will be considered by the LPA under Natural England's Standing Advice and will be subject to consultation with the relevant conservation bodies.

15.3. The NET BP is a form which is integral to the DBAP, and it must only be submitted as part of a planning application alongside a valid Certificate of Approval when the DBAP is in use. BPs without a NET Certificate of Approval are not valid and must not be submitted to the LPA. This is designed to prevent misuse of the DBAP as has sometimes happened when BPs are submitted without being reviewed and approved by the NET. LPAs will be asked by the NET to remove any BPs without a corresponding Certificate of Approval from the planning portal.

16. Glossary

Avoidance
Prevention of impacts occurring, having regard to predictions about potentially negative environmental effects (e.g., project decisions about site location or design).

Baseline conditions
The conditions that would pertain in the absence of the proposed project at the time that the project would be constructed / operated / decommissioned. The definition of these baseline conditions should be informed by changes arising from other causes (e.g., other consented developments).

Connectivity
A measure of the functional availability of the habitats needed for a particular species to move through a given area. Examples include the flight lines used by bats to travel between roosts and foraging areas or the corridors of appropriate habitat needed by some slow colonising species if they are to spread.

Cumulative impact / effect
Additional changes caused by a proposed development in conjunction with other developments or the combined effect of a set of developments taken together.

Ecological network
An interconnected system of ecological corridors.

Important ecological features
Ecological features requiring specific assessment within EcIA. Ecological features can be important for a variety of reasons (e.g., quality and extent of designated sites or habitats, habitat / species rarity).

Local sites
'Non-statutory' sites of nature conservation value that have been identified 'locally' (i.e., excluding SSSIs, SPAs, SACs, and Ramsar sites). Local Nature Reserves are included as they are a designation made by the Local Planning Authority rather than statutory country conservation bodies. In Dorset Local Sites are called Site of Nature Conservation Interest (SNCI).

Precautionary Principle
The principle that the absence of complete information should not preclude precautionary action to mitigate the risk of significant harm to the environment.

Restoration
The re-establishment of a damaged or degraded system or habitat to a close approximation of its pre-degraded condition.

Scoping
The determination of the extent of an assessment (for an EcIA or full EIA).

Significant effect
An effect that either supports or undermines biodiversity conservation objectives for 'important ecological features'.

Zone(s) of Influence
The area(s) over which ecological features may be affected by the biophysical changes caused by the proposed project and associated activities.

17. Acknowledgements

17.1. The NET is grateful for the assistance and advice of the Dorset Council Senior Solicitor and would also like to thank the landscape officers, planning officers, Lindsay Carrington Ecological Services, Bryan Edwards, Dorset Environmental Records Centre, Dorset Wildlife Trust, Natural England, and other local government ecologists who advised and contributed to this guidance.

17.2. Please contact the NET with any questions. This document, or sections of it, will be updated and published regularly. If you wish to receive subsequent versions directly, please provide your email details:

- biodiversityprotocol@dorsetcouncil.gov.uk
- 01305 224931

17.3. The most up-to-date version will be available on the Dorset Council website.

18. Errors, corrections, and revisions

18.1. We aim to minimise errors within the text of the DBAP guidance. Where text contains a substantive error, a correction will be made as soon as practicable, and the relevant section of the guidance reissued. Reissues will be sent out via email and appear on the DBAP website pages. Where an error does not change the meaning of the guidance but ought to be corrected to avoid misleading readers, for example an incorrect reference, a correction via email will be issued as soon as practicable. If errors are minor and do not change the meaning of the guidance, they will not be corrected until the next scheduled annual revision.

19. Feedback

19.1. This guidance has been informed by and compiled with the help and expertise of a range of consultees including planning officers, ecological consultants, Dorset Wildlife Trust, Natural England, and other local government ecologists.

19.2. Producing guidance is an iterative process and constructive critique and feedback is welcomed.

Please send comments and suggestions, which may be included in future revisions of this guidance to biodiversityprotocol@dorsetcouncil.gov.uk.

19.3. To make a formal complaint please do so under the Dorset Council complaints procedure which is available here. You may be directed to this policy by the NET if informal complaints relating to the DBAP process or the NET are repeatedly received by an individual consultant / consultancy.