

DBAP non-compliance return form

Site: Land at The Paddocks, Lower Road, Stalbridge (PA 2/2020/0406/OUT)

Thank you for submitting ecological documents to the Natural Environment Team for review under the Dorset Biodiversity Appraisal Protocol and Dorset Compensation Framework. Unfortunately, these are being returned as one or more do not comply with the DBAP guidance for consultants/ industry guidelines for survey(s) and/ or reports. An indication of non-compliance is given below with reference to key sections and numbered paragraphs, where appropriate, but please refer to relevant guidance.

<p>Section A General</p>	<p>Section A of the DBAP explains that the BP, once approved, will form a condition of any permission granted and therefore needs to be a standalone document containing as much detail as possible, be written using definitive terms and include all mitigation required (see below). This applies equally to outline applications.</p> <p>Some information is placed in the incorrect section of the form.</p> <p>Generally, the EclA lacks detail for a development of this nature and scale and doesn't fully comply with EclA guidelines (CIEEM, 2019) or conform to Appendix B of the CIEEM Ecological Report Writing Guidelines for EclAs. For example, the EclA report does not name the surveyors; define/describe the zone of influence; discuss potential cumulative impacts; discuss relevant planning policies etc. The level of detail provided is more typical of a Preliminary Ecological Appraisal report which would not be considered appropriate in support of a planning application.</p>
<p>Section B Mitigation</p>	<p><u>Bats – further survey recommended</u></p> <p>The BCT guidelines (2016) require a combined survey effort and do not specify that either method can be 'judged' as comparable to the other under certain circumstances. Table 8.1 (referred to in the Ecological Information Note (Grass Roots, 22nd March 2021)) in the guidelines highlights the benefits and disadvantages of both methods and illustrates the overall benefits of both field observations from manual transects and overnight data from static detectors. Table 8.3 goes on to specify the combined survey effort that should be applied to habitats as assessed (under Table 4.1) as being of either 'low', 'moderate' or 'high' suitability for bats. The Ecological Information Note states the EclA assessed the habitats of 'low/medium' (the EclA does not include the assessment criteria or attempt to qualify the assessment of the site as being of such). Even where sites are considered to offer 'low' habitat suitability, the survey effort outlined in BCT guidelines includes combined methods, sampling across the active period and across all suitable features. As the assessment of the site straddled the low-moderate category that would represent the minimum that should be undertaken for the site.</p> <p>However, as stated in our consultation response the arable nature of the site is recognised by NET and we agree that a reduced effort in terms of manual transect surveys would be considered acceptable.</p> <p>NET maintain its position however, regarding the static detector deployment which, without the manual surveys are evermore important and, in this case, did not comply with the guidelines. The guidelines state that habitats deemed to be of 'low' suitability for bats, should be undertaken across the season – spring, summer, and autumn. We acknowledge the extended sampling period of 17 consecutive nights but would highlight:</p> <p>1. The deployment began on 30th August (the EclA does not appear to state weather conditions for the period which would have been relevant to include) and therefore NET consider the autumn period only to have been sampled; leaving out the spring and the most active part of the summer period and</p>

	<p>2. Contrary to the guidelines, the use of one detector in one location for the entire period, did not encompass all habitats that are likely to have been used by bats. Therefore, the limited survey data represents an absolute minimum of bat activity levels. The opinion that the survey work is robust is not supported by the data which is only available for one of the hedgerows.</p> <p>The relevance of this for the proposal, and for the authority, is that the central hedgerow has been identified as an important ecological feature for a wide assemblage of bat species including two of England’s rarest species and this is earmarked for removal. There is no data to identify the importance of the hedgerow in relation to the other hedgerows on site. This means that the development may well be removing the most important ecological feature for bats and would therefore not only be out of step with the mitigation hierarchy (NPPF, 2019); Local Plan Policy 4 (4.39 and 4.40 in particular) but also Natural England’s Standing Advice to planning authorities which states:</p> <p><i>‘2. Assess the information provided with the planning application You should check the developer has:</i></p> <ul style="list-style-type: none"> • <i>submitted enough information for you to fully consider the effect on protected species and their habitats</i> • <i>as far as possible, planned to avoid harm or disturbance to protected species and their habitats with the location, layout, design and timing of the development’</i> <p>and</p> <p><i>‘3. Agree avoidance, mitigation or compensation measures You’ll need to agree to any avoidance, mitigation or compensation measures and secure these as part of the planning permission using planning conditions or planning obligations. Avoid harm or disturbance To avoid harming or disturbing protected species proposals could:</i></p> <ul style="list-style-type: none"> • <i>reduce the size of the development or alter its layout to retain the site’s important habitat features’</i> <p>The EclA report states: <i>‘4.13 Loss of the hedgerow within the centre of the application site is not considered to be significant to local bat populations, particularly in light of the new habitats being proposed (informal open space, new planting, new pond).’</i></p> <p>The provision of a pond and planting is welcome. However, this will not mitigate for the loss of a strong linear commuting feature i.e. the loss of hedgerow. The time to target condition of proposed new hedge will also mean that the loss of the central hedgerow will have a medium-long-term impact on bats.</p> <p>In-line with the NPPF all hedgerows should therefore be treated as an important commuting features for bats and as such retained, with the scheme design and or quantum of development, altered to accommodate retention and protection with quantified (width of corridors either side of the hedge – measured from the edge of the hedge) buffering and associated lighting regime designed for the most sensitive species recorded; GHS, long-eared and Barbastelle. A detailed mitigation strategy will need to be based on the additional survey data.</p>
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Hedgerow assessment

The EciA does not include the hedgerow assessment criteria or describe the hedgerows in any detail (length, height, definitive species composition & richness, condition, distinctiveness etc (see Section B of DBAP guidance) but the hedgerows will be of intrinsic value (hedgerows are Habitats of Principle Importance under s41 of the NERC Act 2006, BAP Priority Habitat etc) as well as being of value to bats. Due to the lack of classification of the hedgerows i.e. are any 'important' under the Hedgerow Regulations 1997, there is no way of assessing whether the proposed planting of a new hedge would fully mitigate the loss of 132m of hedgerow e.g. if 'important' the multiplier would be x3 meaning 396m would be required (See Section C DBAP guidance and note below).

New hedge planting should include the minimum number of native species per 30m, the species to be included and the provision of standard trees (Section B of DBAP guidance).

The retention of boundary hedgerows is welcome, however two do not appear to have buffering from the development as indicated on the Ecological Enhancement Plan and therefore cannot be included in mitigation for bats. Buffering of hedgerows, which must not be included in domestic boundaries, is set out in the DBAP guidance. Of the other boundary hedgerows (south-west and south-east) there is no minimum width of the buffer zones and as the south-east boundary buffer appears to include Public Open Space there is the potential for this corridor to be compromised by disturbance. Given the site is currently intrinsically dark and undisturbed at night, there is in our view potential for the proposed residential activity within both outdoor and indoor spaces to compromise the effectiveness of the bat mitigation.

The provision of a lighting scheme compliant with current guidelines for bats is welcome. Given the proposed quantum of development, a strategy should be submitted to the authority prior to determination as the layout and orientation of buildings may be influenced by the requirement to mitigate potential impacts to bats. This should be timetabled within the BP.

Hazel dormice – further survey recommended

The EciA dismisses the likelihood of this species being present due to the hedgerow structure and diversity but it does list several species that provide foraging and nesting resources for dormice. Additionally, the hedgerows are well connected within the site and beyond the site boundaries. For these reasons and in the absence of photographs in the report, it is difficult to see why surveys for Hazel dormice were not undertaken. The lack of records is not a reliable indication that this species, which tends to be under recorded, is absent within the site's hedgerows. This is set out in DBAP Section B (3.8) and is of relevance here because a) the proposals include the removal of 132m of hedgerow and b) the development will introduce new potential impacts in the form of development close to hedges and cat predation.

Landscape & Ecological Management Plan

It would be desirable to see the provision of the Landscape & Ecological Management Plan (LEMP) that secures the long-term management of habitats and ecological features including habitat management prescriptions for the benefit of greater horseshoes, bats in general and other wildlife. Where greater horseshoes are concerned, that typically means establishing hedges of >3m tall and 3-6m wide / double hedgerows managed to provide perching opportunities and well connected to other linear features. The LEMP must be provided to the authority prior to first occupation and timetabled as such in the BP.

	<p><u>Other mitigation measures</u> The BP should include mitigation for nesting birds and retained habitat protection measures (during all phases). The provision of a Construction & Environmental Management Plan (CEMP) should be included in the BP and timetabled to the authority prior to determination.</p>
<p>Section C Compensation</p>	<p>The Ecological Information Note highlights that the Defra BNG metric used has not included hedgerows or ponds. There is the facility to do so within the calculator. This would help to demonstrate the gains being proposed and support the statement that compensation for residual loss of habitat is unlikely to be required.</p>
<p>Section D GCN DLL</p>	<p><u>Great crested newts</u> – Dorset Explorer GIS mapping for the GCN Licence Scheme illustrates the site is within the Amber Zone:</p>  <p>(24.03.21)</p> <p>NET accept the arable habitat in the interior of the site is of negligible value generally to reptiles and amphibians. However, inaccuracies such as nearest pond being 1.32km from the site as stated in the EclA, when there is a known GCN pond between 500-600m which itself is within 443m of a pond that is within 149m of the site, and the lack of assessment of these features relative to one another, is disappointing. This also applies to out of date excerpt from NE guidance which has been replaced by: https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects#when-to-ask-for-a-survey</p> <p>NET do not consider the small brook photographed to be a barrier to GCN dispersal.</p>

		Sites falling within Amber Risk Zones are expected to have a high impact on GCN. If the Dorset Council GCN Licence Scheme is not used, the assessment of risk (in the light of lack of access to ponds and uncertainty over the nature of the two additional ponds within 250m of the site's southern boundary) must be clear and mitigation measures included to address that risk. Attached is the Licence Scheme guidance for further information.
	Section E Bryanston SSSI bat zone	