



Dorset Biodiversity Appraisal Protocol

Natural Environment Team

Guidance for Consultants

Section A – General Guidance

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1. Introduction

1.1. This guidance is subject to copyright and has been written to assist consultants when using the Dorset Biodiversity Appraisal Protocol (DBAP). Under the Protocol, applicants will be required to submit ecological survey reports alongside either a Biodiversity Plan (BP), specific to the DBAP and used for smaller developments where ecological issues are resolved pre-validation, or a Landscape and Ecological Management Plan (LEMP), used for larger developments where ecological issues are resolved post-validation.

1.2. This version replaces all previous guidance and has been divided into separate sections for ease of reference:

Section A General Guidance

Section B Mitigation

Section C Compensation and The Dorset Biodiversity Compensation Framework

Section D Great Crested Newt Guidance

Section E Bryanston Greater Horseshoe Bat SSSI Guidance

1.3. Following legal advice all submissions must now be accompanied by the appropriate fee. Fees and payment methods are explained and regularly updated on the Dorset Council website. The BP or LEMP review process will not commence until payment has been received.

1.4. In cases where the Natural Environment Team (NET) refuse to certify a BP or LEMP the fee will not be returned.

1.5. All submissions must be sent to net@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.

1.6. BPs or LEMPs and ecology reports not complying with the requirements of the DBAP will, unless there are exceptional circumstances as above, be returned requesting amendments, using a standard non-compliance form.

1.7. 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.

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

1.9. As individual members of CIEEM, NET adhere to the CIEEM Code of Professional Conduct (2019) and expect ecological consultants to adhere to corresponding Codes of Professional Conduct as applicable through professional memberships.

1.10. 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.

- 1.11. This guidance is correct at the time of being published. 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.
- 1.12. Please note that BPs and LEMPs are reviewed where appropriate by a Planning Liaison Group which includes members of the NET, Dorset Wildlife Trust and Natural England.
- 1.13. Other conservation organisations, ecological consultancies and planning authorities are regularly consulted and have contributed to this guidance.
- 1.14. The NET offer pre-application advice, site visits and attendance at meetings for a fee. Please contact the NET (net@dorsetcouncil.gov.uk) for a quotation.

2. The scope of the Dorset Biodiversity Appraisal Protocol (DBAP)

- 2.1. The DBAP in Dorset is designed to meet the requirements of the Natural England Protected Species Standing Advice found at www.naturalengland.org.uk and is the Dorset Council recommended way to review planning applications and their likely impact on biodiversity. All Local Authorities have a duty to consider the conservation of biodiversity when determining a planning application. This is in accordance with policies within the local plans and national policy guidance, as well as the duty placed on local authorities under Section 40 of the Natural Environment and Rural Communities Act (2006) to have regard for biodiversity.
- 2.2. Dorset Council will routinely ask for a biodiversity appraisal in the form of either a standard Biodiversity Plan (BP) or Landscape and Ecological Management Plan (LEMP), with accompanying Certificate of Approval, where the following criteria apply:
 - All development sites of 0.1ha or greater in size.
 - Any sized site where there are known priority habitats / protected species.
 - Any sized site affecting a rural barn where a BP must be used to secure nesting and roosting opportunities for Barn owl.
 - This guidance applies equally to outline (see 4. below) and full applications.
- 2.3. The Dorset planning authority will also routinely require a bat survey if a development involves the following:
 - Any building or structure with an existing bat record or subject to a report of bat activity, including historic activity.
 - Demolition of an existing house, building and outbuilding.
 - Conversion of house attic space – including the installation of roof lights or dormer windows.
 - House extensions that tie-in to an existing enclosed roof space.
 - Renovation or conversion of derelict buildings (structures with roofs).
 - Conversion or demolition of agricultural barns / farm buildings (structures with roofs).
- 2.4. If evidence of bats is discovered, whether the above criteria apply or not, a Biodiversity Plan or LEMP will need to be completed, approved by the Natural Environment Team (NET) and submitted with the planning application.
- 2.5. Where development may lead to impacts on a Site of Nature Conservation Interest (SNCI), BPs or LEMPs must be submitted after consultation with Dorset Wildlife Trust has taken place.

- 2.6. The planning authority will condition the approved BP or LEMP as a means of clearly identifying and securing mitigation and net gain measures for developments affecting recognised wildlife sites.

3. Protocol criteria and general guidance

- 3.1. All ecological appraisals should be undertaken by a suitably qualified and experienced consultant with relevant protected species licence(s) as required.
- 3.2. All submissions must be supported by adequate survey data in accordance with *Guidelines for Ecological Impact Assessment in the UK and Ireland (EclIA)*, CIEEM (2019) and relevant best practice guidelines. Surveys must be carried out at the optimum time of year. Submissions received without the appropriate level of survey will be returned.
- 3.3. The biodiversity interests of a site and its associated Zone of Influence (*CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland (EclIA)* (2019)) must be established and the potential impacts from the development adequately assessed and demonstrated within submitted reports.
- 3.4. The DBAP seeks to comply with the NPPF (2019) and government guidance on biodiversity. Net gain will be secured for all scales of development, avoiding residual loss of habitat in keeping with the Dorset Biodiversity Compensation Framework (Section C) and the government Beta Biodiversity Net Gain Metric 2.0. The NET requires assessment and demonstration of losses and gains for all developments. This can be presented in a table for any size of development but must be presented in a table in ecology reports for developments of more than five residential or industrial units. Please include losses and gains tables in ecology reports or LEMPs and not within Biodiversity Plan forms. An example loss and gain table is provided in Section B, Appendix A.
- 3.5. 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 should include use of a range of sources including aerial photographs.
- 3.6. It is the responsibility of the applicant / developer and the ecological consultant to ensure that an appropriate level of survey effort has been undertaken in proportion to the scale of development.

4. Planning obligations including outline applications

- 4.1. 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.'

- 4.2. Insufficient survey data may lead to a failure to issue an approval certificate. In these circumstances 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.

- 4.3. Compensation for residual loss of habitat is secured by means of a legally binding deed made under Section 106 of the Town and Country Planning Act (1990) usually in the form of a Section 106 agreement. These are legal agreements between the Local Planning Authority and the applicant / developer. Alternatively, a Unilateral Undertaking may be secured between the developer and Dorset Council. These mechanisms form a legal planning obligation that transfers automatically with any change in landownership. Government guidance on the use of planning obligations is contained in Circular 05/2005 and the Community Infrastructure Regulations (2010) (as amended (CIL).
- 4.4. Mitigation within the blue line wider boundary and /or compensation at the reserved matters stage is not easily obtained within the current planning system. Under these circumstances, any mitigation and / or compensation not captured at outline is reliant upon a Unilateral Undertaking. Whilst Unilateral Undertakings are also legal agreements, they do not have to be entered into by the planning authority. They come into effect when the planning permission to which they are linked is granted. Unilateral Undertakings are not considered appropriate for larger scale development or complicated applications.

5. Guidance on Bats

- 5.1. 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). As a rule, this would include a daytime internal and external survey of the site and at least two activity surveys, conducted with sufficient manpower and equipment. For example, surveys of multi-pitch buildings using a single surveyor are generally considered to be inadequate. The use of infra-red survey techniques is set out in the current (2016) BCT guidelines (in particular para 7.5.1) and this will be applied to those using the DBAP until new, supplementary guidance is published.
- 5.2. BPs or LEMPs 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 (see above). Where there is a proven time pressure to submit a planning application which may affect bats, but it is not possible to complete the required surveys, then worst-case scenario mitigation submissions may be accepted. These will only be accepted where this is in accordance with the circumstances detailed within Section B, 2. of this guidance.
- 5.3. Assessment of site suitability for foraging and commuting bats 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 8.1 of the BCT survey guidelines.
- 5.4. In addition to the use of fabric or plastic sheeting, as detailed in paragraph 5.2.5 of the BCT guidelines we also endorse and encourage the use of dry-lining paper to collect droppings for DNA analysis and the monitoring of roost usage between survey visits.
- 5.5. Submissions involving long-eared bat roosts must be supported by DNA analysis in order to inform mitigation where Grey long-eared bats are identified.

- 5.6. Specific guidance has been written for developments with the potential to impact on the bat population associated with Bryanston SSSI. It applies to development proposals that could affect the SSSI and greater horseshoe roosts beyond the SSSI. The planning authority 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.
- 5.7. Bat survey reports are expected to include sufficient detail to enable NET to feel confident in the findings of the survey and use them to inform subsequent recommendations. For this to be possible, certain essential information such as date of survey, who carried it out and details of their relevant experience (with licence number where appropriate), weather conditions, suitably sourced desk study of existing information, detailed methodology, detailed plan of the site, detailed results and subsequent recommendations with an explanation and justification for any conclusions (also see the BCT guidelines) must be included. This is a uniform standard that is expected from all consultants and failure to adhere to this standard could result in the report being rejected. Any deviation from BCT good practice should be justified within the report.
- 5.8. 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. Where light sensitive species have been identified, either on or in the vicinity of the site, we will require evidence that the lighting scheme will not impact on the behaviour of these species. Consultation with a lighting engineer in the early planning stages should be undertaken where appropriate. Suitable lighting schemes and regimes will be required to be in accordance with [Guidance Note 08/18 Bats and Artificial Lighting in the UK](#). BPs must include appropriately timetabled provision of a lighting strategy to the planning authority.
- 5.9. Where a lighting scheme is required, ecologists will need to provide some or all of the following:
- identification of key habitats / roosts.
 - recommended buffer zones and widths.
 - species-appropriate lux limits (0 - 1 lux).
 - seasonal or time-based variations.
 - requests for vertical, elevated horizontal or upward calculation planes (lux contour plans).
- 5.10. Where a lighting scheme is required the lighting engineer will need to provide some or all of the following:
- lux contour plans 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.
- 5.11. The effect of development on bats can be mitigated by including dark buffers, illuminance limits, zonation, appropriate luminaires, sensitive site design, screening, glazing treatments, creation of alternative habitats and dimming. Mitigation options should be recommended by the lighting engineer and the ecologist.

5.12. Lighting suitable for bats must have:

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

6. Biodiversity net gain

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. Paragraph 174b) of the NPPF (2019) states *'Plans should ...identify and pursue opportunities for securing measurable net gains for biodiversity'* and Paragraph 175 states that *'...opportunities to incorporate biodiversity improvements in and around developments should be encouraged especially where this can secure measurable net gains for biodiversity'*.

6.3. Net gain must be site and species / habitat specific to ensure planning conditions relating to biodiversity are clear and enforceable (see 9. below).

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

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

6.6. Biodiversity net gain measures required

6.6.1. All new residential developments must include bird nesting and bat roosting provisions built-into the fabric of new buildings in appropriate locations as follows:

- 50% of all new houses on residential developments must have built-in provision for bats such as tiles, tubes, bricks and boxes mounted within lofts.
- 50% of all new houses on residential developments must have built-in boxes for birds reliant upon buildings such as swift, swallow and house martin. ([Cornwall Planning for Biodiversity Guide](#), Cornwall Council). The bird box quota is to be made up of a range of suitable types of boxes, based on the surrounding habitats and opportunities for a variety of species.

6.6.2. All new houses / buildings on the edge of developments backing onto open countryside must have built-in bat roosting tubes.

6.6.3. All householder applications for alterations and extensions must provide a minimum of one nest box for birds or one built-in tube for bats.

6.6.4. Residential developments must also include:

- Hedgehog friendly gravel boards / holes (10cm x 10cm) in garden fencing between houses.
- Bee bricks – for developments of a single new dwelling upward; a minimum of two bee bricks per dwelling.
- Fruit trees.

6.6.5. Planting schemes must secure net gain for pollinators by choice of species and management. Net gain must be designed into all developments and buildings and should include a range of the following measures in addition to those specified in 6.6.1. – 6.6.4.:

- Dedicated bat lofts.
- Sustainable Urban Drainage Systems (SUDS); linking to adjacent wetland / riparian habitat if possible.
- New ponds / seasonal ponds.
- Native standard tree planting which must be within public open space and must not be within gardens.
- New native hedgerow planting incorporating standard native trees which must be within public open space and must not be within gardens.
- 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.
- Low maintenance verges managed for biodiversity ([Dorset Council Conservation Verge Policy](#)).

6.6.6. Suitable locations for these net gains must be indicated on a location plan within BPs or LEMPs.

6.6.7. Outbuildings and barns conversions must include built-in Barn owl nest spaces or Barn owl boxes in accordance with the advice of the Barn Owl Trust whenever possible. Other birds reliant upon buildings such as swallows and house martins must be accommodated within suitable open-fronted / accessible buildings.

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

6.7. **Beta biodiversity net gain metric 2.0**

6.8. In the 2019 Spring Statement, the government announced it would mandate net gains for biodiversity in the Environment Bill. The government then published a response document setting out how it will work to bring mandatory biodiversity net gains into force.

6.9. Biodiversity net gain is an approach which aims to leave the natural environment in a measurably better state than beforehand, and the Beta Biodiversity Metric 2.0 provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change. This Metric has been introduced in beta format; the final version will be launched during 2021.

6.10. The NET intends to formally incorporate the final version of the Metric within the DBAP.

- 6.11. In Dorset, applications falling under the DBAP will be assessed against the requirements for net gain, mitigation and compensation as published within this guidance.
- 6.12. Applicants and ecological consultants may wish to demonstrate habitat net gain, over and above the requirements described in 6.6. by using the Beta Biodiversity Metric 2.0 and submitting the results alongside reports and a BP or LEMP.

7. Ecology reports

- 7.1. All BPs or LEMPs submitted to the Natural Environment Team (NET) for approval must be supported by an appropriate ecological survey report(s), unless agreed otherwise with NET prior to submission.
- 7.2. An EclA is usually the main assessment that is submitted with a planning application, unless the NET agrees that a Preliminary Ecological Assessment Report is sufficient. (Refer to sections 3.14 and 3.15 of the CIEEM [PEA guidelines](#) (2017). EclA reports must accompany all applications other than householder applications.
- 7.3. Ecology reports and BPs or LEMPs must be separate documents. Please do not submit a single document containing both. The BP or LEMP 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 and LEMPs 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. Table 1 of the CIEEM report writing guidelines states that an EclA 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 EclA 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 EclA 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.'

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

- 7.6. 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.
- 7.7. For householder applications reports must include as a minimum the following:

Title page stating:

- Type of survey report (Phase One Habitat Survey for example).
- The site.
- The author and consultancy.
- The date and version number.
- Highlight if the report is confidential.

Summary

- Give a brief non-technical summary of the report.

Introduction stating:

- The aim of the survey and report.
- The location of the building/site.
- A map or aerial image showing the boundary of the site and give the full address including postcode and grid reference.
- A description of the building/site. This must include the size of the site in hectares and the existing /historic use of the site.
- A description of the proposals. This must be a full explanation of all works and associated infra-structure. It must be clear that the type and scope of survey/s undertaken is appropriate to the nature and extent of development and scale of impact.

Methods divided into:

- Desk study – which must list all sources of data. Please note reports for proposals affecting land of 0.1ha or greater must be supported by a Dorset Environmental Records Centre (DERC) search. For search parameters see 8. below.
- Field survey –state the date of survey and the methodology employed according to relevant, up-to-date guidance such as Bat Conservation Trust Bat Survey Good Practice Guidelines. Also include details of the surveyor(s): names; species licences held; experience and competencies; the weather conditions and equipment used (for example the number and type of bat detectors and recorders, endoscope etc.).

Constraints to survey:

- Highlight any limitations to the survey such as weather conditions, sub-optimal timing and restricted access.
- Give a full explanation including any risks that features, habitat or species and their significance may not have been accounted for by the survey.

Results and discussion

Give a clear, comprehensive but succinct statement of the survey findings including:

- A description of the habitats and features on-site as well as those adjacent and those in the surrounding landscape, highlighting existing connectivity. State the significance of the habitats noted and species found and how these may be impacted by the proposals.
- Define a Zone of Influence and provide an assessment of cumulative impacts and effects, as defined in the CIEEM EclA guidelines (2019).
- Identify whether any of the features or habitats noted are of local, regional or national importance; are designated or qualify as important for example hedgerows under the Hedgerow Regulations (1997) and the presence of any priority or Biodiversity Action Plan (BAP) habitats.
- Describe any features with the potential to support protected species, European Protected Species and Section 41 (Natural Environment & Rural Communities Act (2006)) habitats and species.
- Present protected species findings. Explain what evidence was found and include a plan drawing/sketch showing where the evidence was found; the quantity and likely age of the evidence; observed behaviours etc.

- If possible, identify the species and indicate the level of use and estimated population. Discuss the use of the site by the species as suggested by the evidence. Include clearly labelled photographs.
- State the need for further survey/s and explain how and when these will be undertaken.
- The results of further surveys must be presented in additional report(s).

Biodiversity Net Gain

- Measures over and above mitigation and compensation must be included in all submissions and detailed within reports to ensure that proposals comply with the National Planning Policy Framework (NPPF) 2019.
- Net gain measures stated must demonstrate measurable net gain in-line with government policy and specify management regimes where appropriate.
- All new developments must include built-in provision for birds, bats, bees and hedgehogs (see 6. above).

Required mitigation

- Mitigation proposals must be based on the mitigation hierarchy (as set out in the National Planning Policy Framework (NPPF), 2019) to:

AVOID

impacts where possible

MITIGATE

against impacts if they cannot be avoided and provide

COMPENSATE

if mitigation is not possible.

- An assessment and demonstration of losses and gains is required for all developments. This must be in a table for developments of more than five residential or industrial units. An example of a table is provided in Section B, Appendix A.
- Put forward mitigation measures that will be required to avoid or reduce to an acceptable level, adverse impacts to the identified species and habitats. Highlight any adverse impacts that cannot be mitigated for and that will require compensation.
- Design mitigation to avoid or reduce potentially adverse effects on the identified wildlife and habitat features of the site. This commonly will include the timing of works to avoid the most active and sensitive seasons for protected species such as nesting birds. Mitigation must be site and species/habitat specific to ensure planning conditions relating to biodiversity are clear and enforceable (see BP form completion guidance – 9. below).
- Provide justification for the mitigation by drawing on previous successful case studies.
- Always make provision for monitoring at an appropriate level. For example, where bird boxes are included photographic evidence must be provided to the NET or two seasons of post construction monitoring of a re-located maternity bat roost.
- Ensure that an annotated plan drawing, or illustrative masterplan is included showing the position of mitigation features such as bat boxes, bird boxes, ponds etc. This must be included for outline planning applications.
- The success of mitigation measures must be justified in light of the likelihood of success citing relevant good practice guidelines and evidence.
- Demonstrate how mitigation will be delivered and how retained / new ecological features managed and maintained.

References and appendices

- Use these sections to list all relevant material, citations and legislation / policy.
- Reports not complying to these guidelines will result in a request for further information, leading to delay.

- The survey reports must be submitted to the planning authority to accompany the planning application alongside an approved and NET counter-signed standard BP and a Certificate of Approval.

8. County wildlife data searches & Long-eared bat species DNA analysis

- 8.1. Developers or their agents are advised to contact the Dorset Environmental Records Centre (DERC) to obtain existing wildlife records from the site and its environs to inform and complement a submission under the DBAP.
- 8.2. The following is extracted from Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK (2020) published by CIEEM:

'When requesting ecological surveys or reports to inform a planning application, the LPA should make it clear that it expects a desk study, including a data search with the LERC or equivalent, to be undertaken, as a proportion of the information that will be relevant in most cases can only be obtained from the LERC or equivalent. The summarised results of the desk study should be included in the ecological report(s). The results need to be interpreted, to inform the baseline conditions and assessment of ecological effects, and edited where necessary to prevent sensitive or confidential records being made public. The ecological consultant should make the developer aware of any such requirements and will normally pass on the costs of the data search to their client. However, it is important that the ecological consultant obtains the data on their client's behalf, to ensure that the correct information is requested, and that the data are interpreted by an ecologist with appropriate expertise.'

- 8.3. Dorset Explorer must be consulted for information on the existing and higher potential ecological networks. We encourage the use/inclusion of ecological network maps for large developments, which can be requested from DERC.
- 8.4. The published [Ecological Networks Guidance 2020](#) provides further information on the networks and their definitions. For development in the Weymouth & Portland area please also refer to W&P Corridors and Stepping Stones report and 2020 and Addendum.
- 8.5. We also encourage the use of the [Nature Recovery Network Habitat Mapping](#) layer, available through MAGIC.
- 8.6. If the development may affect potential GCN ponds or habitat on site, or within 500 m of the development boundary, a GCN check is required. This will provide post-2010 positive and negative GCN records. It will also qualify whether the application site is within a Natural England GCN Red risk zone and may require a traditional licence or if it is not, in which case it may be eligible under the Dorset Council District Level licence.

8.7. Table 1 below stipulates appropriate County wildlife data search parameters:

Type of request	Minimum Data required
Minor alteration to a property ¹	Property check for species records
Single species check (badgers, Hazel dormouse, amphibians and reptiles)	1 km species check
EPS licence (bats)	2 km bat species check
EPS licence (Annex II bats species)	8 km Annex II bat species check
Minor development (1-9 units) Single wind turbine	1 km designated sites 5 km Natura 2000 designated sites 1 km species check 8 km (min.) Annex II bat species ² Existing and Potential Ecological Networks check
Major development (10+ units) Solar farm development EIA development	2 km designated sites 5 km Natura 2000 designated sites 2 km species check 8 km (min.) Annex II bat species Existing and Potential Ecological Networks map

¹Minor alterations on a property with no evidence of bats but suitable features and a high impact level of development will require a search (high risk). Minor alterations on a property with no evidence of bats and a low level of impact will not require a search (low risk).

²Where within the Bryanston SSSI consultation zone.

9. Completing a DBAP Biodiversity Plan (BP) form

- 9.1. The BP form has been designed specifically for applicants and planners to readily see what net gain, mitigation and compensation measures are being committed to and will be implemented.
- 9.2. Therefore it must be a complete document that contains certainties and provides a non-technical summary in each section.
- 9.3. It must be written so that it can easily be conditioned and enforced. Text broken down into bullet points is encouraged.
- 9.4. Only one BP is required per planning application.
- 9.5. The BP must not contain long sections repeated from the supporting ecology report. Rather it must be a succinct but inclusive summary focusing on the implementation of mitigation and outcomes for net gain.
- 9.6. The BP and ecology report(s) must be separate documents, please do not submit a single document with both elements.

- 9.7. Mitigation for the loss of habitat features (e.g. species-rich grassland, ponds, hedges, orchards) must aim to replace features in-line with the Dorset Biodiversity Compensation Framework (see Section C for more on compensation).
- 9.8. All BPs must include all net gain, mitigation and compensation 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.
- 9.9. 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.
- 9.10. Ensure that net gain, mitigation and compensation is separated and placed in the correct section of the form. Please note that data from submitted BPs may be extracted by Dorset Environmental Records Centre.
- 9.11. The BP must not contain words / 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.
- 9.12. 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 the BP.
- 9.13. **Further survey**
- 9.13.1. Section B (2.0) discusses the use of worst-case scenario based BP or LEMP for bats only.
- 9.13.2. All BPs or LEMPs must be based upon up-to-date survey data. Worst-case scenario based BPs or LEMPs will not be accepted for any other species.
- 9.13.3. A BP or LEMP must not include recommendations for further survey, especially for European Species (EPS). The planning authority 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.
- 9.13.4. Planning authorities must be satisfied that the correct level of information is available to determine a planning application.
- 9.14. **Compliance**
- 9.14.1. BPs or LEMPs that include a requirement for an EPS licence, or cover an area greater than 0.1ha, must include provision for a post construction compliance visit.
- 9.14.2. For more simple cases provide photographic evidence of the completed mitigation measures.
- 9.14.3. 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.

9.15. **Filling out the form**

Section A - Planning Application Details

Section B - Details of Biodiversity Features Affected

- a. List all species and / or features identified during survey.
- b. Tick the boxes for worst-case scenario, DERC search and SNCI; as appropriate.
- c. List relevant reports and dates of surveys.
- d. A small number of photographs of the site/building and evidence can be included.

Section C – bats only - Existing Bat Roost & Section D – bats only - Mitigation Summary

- a. These sections are for bats only.
- b. For enclosed roof void roosts, give the dimensions of the existing and proposed permanent roost in metres.
- c. Avoid the use of symbols.
- d. If the existing void is to remain post works ensure that the void dimensions are repeated under 'Details of Permanent Bat Roost' in Section D for clarity and to ensure the void remains available to bats post works.
- e. Under 'Details of mitigation, method statement and description of bat roost features' in Section D 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.
- 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 D. These must only be listed in Section H (for all species).

Sections E - Other Protected Species (not bats) Mitigation Summary (tick box) &

Section F - Other Protected Species (not bats) & Habitats Mitigation & Method Statement

- a. These sections are for protected species other than bats.
- b. Summarise the mitigation and / or method statement for all other protected species and habitat interests.
- c. Where a Construction Environment Management Plan (CEMP) is required the principals must be listed in the BP.
- d. Mitigation must be quantified (a minimum number is acceptable) 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'.
- e. Include detail of when the works and measures will be delivered.
- f. Do not include net gains in this section. These should be listed in Section H only.

Section G - Off-site Compensation

- a. If the development will result in a residual loss that cannot be mitigated for on-site please tick the box to indicate that this is the case. A figure quantifying the loss that will require compensation must be given to NET (e.g. m² of grassland, metres of hedgerow etc.).
- b. This will be used to calculate the sum of compensation using the Dorset Biodiversity Compensation Framework which is in-line with the Defra Biodiversity Offsetting metric (see Section C).

Section H – Net Gain Measures (all species)

- a. This section is for net gains only; do not include mitigation.
- b. Biodiversity net gains must be included in BPs.

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

Section I - Specify relevant compliance measure (tick box)

Section J - Declaration

- a. All BPs submitted to 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 Check list 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

10. Certification of Biodiversity Plans (BPs) and Landscape and Ecological Management Plan (LEMPs)

- 10.1. Payment must be provided at the same time as BPs or LEMPs and reports are submitted. The review process will not begin until payment has been received.
- 10.2. Consultants must make clients aware of the fees applicable and how to pay; details are given on the [Dorset Council website](#).
- 10.3. Certificates 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.
- 10.4. Certificates will be dated from the date of the applicant's / agent's signature.
- 10.5. Where the planning case officer is known, the NET will copy them into the e-mail issuing the Certificate for expediency.
- 10.6. 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 ensure adequate surveys have been conducted to accommodate unknown elements of a development.

10.7. Certificate of Approval & European Protected Species Mitigation Licences

- 10.7.1. A BP or LEMP Certificate of Approval from the Natural Environment Team does not in any way prejudice Natural England's decision on whether a licence regarding European Protected Species (EPS) should be issued to an applicant.
- 10.7.2. The two processes address different legal duties.
- 10.7.3. Natural England is the statutory nature conservation body responsible for determining EPS licence applications.

- 10.7.4. However, Local Planning Authorities (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.
- 10.7.5. 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.
- 10.7.6. This situation allows an LPA the option to consider ‘worst-case scenario’ mitigation, where it is expedient to consider a planning application which is supported by a BP affecting an EPS, but where the timing of survey for the EPS is not ideal.
- 10.7.7. Under certain conditions (refer to Section B) this Protocol makes provision for BPs for bats based upon worst-case scenario mitigation.
- 10.7.8. Typically, this would require mitigation appropriate for a maternity roost for the bat species affected.
- 10.7.9. If the BP or LEMP is approved on the basis of a worst-case scenario, the LPA is entitled to conclude that an EPS licence is unlikely to be refused by Natural England.
- 10.7.10. The Planning Liaison Group will consider the appropriateness of mitigation solutions.
- 10.7.11. Under worst-case scenario mitigation, applicants will need to be explicitly informed by consultants that additional summer surveys will be necessary at the EPS licencing stage.
- 10.7.12. Applicants must be advised by consultants that it is always better to have recent survey data on EPS for their application, rather than to rely on worst-case scenario mitigation planning.

10.8. **Failure to approve a Biodiversity Plan**

- 10.8.1. If NET is not able to approve a BP or LEMP owing to non-compliance of the mitigation hierarchy (NPPF, 2019) 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 NET will write to the Planning Authority to explain why the BP or LEMP was not approved and setting out what elements would be required if permission is granted in any event.
- 10.8.2. Where these circumstances apply applications will be considered by the Local Planning Authority under Natural England’s Standing Advice and will be subject to consultation with the relevant conservation bodies.
- 10.8.3. 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 approval certificate are not valid and must not be submitted to the planning authority. This is designed to prevent misuse of the DBAP as has sometimes happened when BPs are submitted without being reviewed and approved by NET. Planning authorities will be asked by the NET to remove any BPs without a corresponding Certificate of Approval from the planning portal.

11. Feedback

11.1. 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.

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

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

11.4. Violence, Aggression and Harassment Policy

11.4.1. Dorset Council's Violence, Aggression and Harassment at Work Policy is in place to ensure that, so far as reasonably practicable, the health, safety and welfare of staff is protected, and that staff are aware of their own duties i.e. to identify the risk of such incident occurring and to report such incidents when they do occur.

11.4.2. The policy applies to all council employees. The policy states that:

'Dorset (County) Council believes that all incidents of Violence, Aggression and Harassment to employees is unacceptable and is committed to providing full support to any employee who suffers any form of Violence, Aggression or Harassment in the course of, or arising out of, their official duties.'

'Information will be available to members of the public in the form of a statement that violence is unacceptable and that the (County)Council will seek to take legal action if necessary, to maintain employee safety and wellbeing.'

11.4.3. The policy provides definitions as follows:

Violence is defined as: *'Any incident in which a person is abused, threatened or assaulted in circumstances relating to their work'*.

Aggression is defined as *feelings of anger or antipathy resulting in hostile or violent behaviour; readiness to attack or confront.*

Harassment is defined as *the act of systematic and/or continued unwanted and annoying actions of one party or a group, including threats and demands.*

11.4.4. These definitions also include verbal abuse or threat, threatening behaviour, any assault, any serious or persistent harassment and extends from what may seem to be minor incidents to serious assaults and threat against the employee's family.

11.5. Complaints

11.5.1. To make a formal complaint please do so under the Dorset Council complaints procedure which is [available here](#). A complaint can be submitted by following the link on this web page.

- 11.5.2. You may be directed to this policy by the Natural Environment Team (NET) if informal complaints relating to the DBAP process or the NET are repeatedly received by an individual consultant / consultancy.

Glossary

Mitigation

Measures taken to avoid or reduce negative impacts and effect within the red line planning boundary or blue line ownership boundary.

Compensation

Measures taken to compensate for any residual loss of, or permanent damage to, ecological features despite mitigation.

Net gain

Improved management of ecological features for species and habitats or provision of new ecological features, resulting in a net benefit to biodiversity, which is unrelated to a negative impact, or is 'over and above' that required to mitigate or compensate for an impact.

(Based upon CIEEM EclA Guidelines (2019))

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Please contact the NET with any questions:

net@dorsetcouncil.gov.uk

01305 224931

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 to net@dorsetcouncil.gov.uk.

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