

## Dorset Biodiversity Appraisal Protocol

Natural Environment Team

# Guidance for Consultants

## Section A – General Guidance

### **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.

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## 1. Introduction

- 1.1.1. 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.
- 1.1.2. 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
- 1.1.3. 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.
- 1.1.4. In cases where the Natural Environment Team (NET) refuse to certify a BP or LEMP the fee will not be returned.
- 1.1.5. All submissions must be sent to [biodiversityprotocol@dorsetcouncil.gov.uk](mailto: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.
- 1.1.6. 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.
- 1.1.7. 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.
- 1.1.8. 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.
- 1.1.9. As individual members of CIEEM, the 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.
- 1.1.10. 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.
- 1.1.11. 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.
- 1.1.12. 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.

- 1.1.13. Other conservation organisations, ecological consultancies and planning authorities are regularly consulted and have contributed to this guidance.
- 1.1.14. The NET offer pre-application advice, site visits and attendance at meetings for a fee. Please contact the NET ([biodiversityprotocol@dorsetcouncil.gov.uk](mailto:biodiversityprotocol@dorsetcouncil.gov.uk)) for a quotation.

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

- 2.1.1. The DBAP in Dorset is designed to meet the requirements of the Natural England Protected Species Standing Advice found at [www.naturalengland.org.uk](http://www.naturalengland.org.uk) and Dorset Council's 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.
- 2.1.2. 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.
- 2.1.3. 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 Dorset Biodiversity Appraisal Protocol.
- 2.1.4. NET have issued a new guidance note, [Ecology Guidance for Planning Applications](#). This includes a flow chart and Biodiversity Checklist which aims to 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.
- 2.1.5. 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.
- 2.1.6. 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

- 3.1.1. All ecological appraisals should be undertaken by a suitably qualified and experienced consultant with relevant protected species licence(s) as required.
- 3.1.2. All submissions must be supported by adequate survey data in accordance with *Guidelines for Ecological Impact Assessment in the UK and Ireland* (EclA), 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. An [EclA Checklist](#) is available – please use this to check that you have all relevant areas of EclA included in your report.
- 3.1.3. The biodiversity interests of a site and its associated Zone of Influence (CIEEM *Guidelines for Ecological Impact Assessment in the UK and Ireland* (EclA) (2019)) must be established and the potential impacts from the development adequately assessed and demonstrated within submitted reports.
- 3.1.4. The DBAP seeks to comply with the NPPF (2021) 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 most recent government

Biodiversity Metric. 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. A template loss and gain table is provided in Section B, Appendix A.

- 3.1.5. 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 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.
- 3.1.6. It is the responsibility of the applicant / developer 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.

#### 4. Planning obligations including outline applications

- 4.1.1. 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.'*

- 4.1.2. 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.
- 4.1.3. 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. Compensation payments will normally be paid when works commence. Instalments may be acceptable for multi-phased development. Biodiversity Plans and Certificates of Approval will specify when payments will need to be made. 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).
- 4.1.4. 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.

- 4.1.5. The Environment Act (2021) also introduced the option to enter a Conservation Covenant. This agreement is a private, voluntary legally binding agreement which set out what a landowner and responsibly body must/ must not do. For more information, please refer to [government guidance](#). Where this option is relevant, it will be discussed with NET during the DBAP review process.

## 5. Guidance on bats

- 5.1.1. 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 7.1.5) and this will be applied to those using the DBAP until new, supplementary guidance is published.
- 5.1.2. 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).
- 5.1.3. The current best practice survey guidelines (Bat Conservation Trust (BCT), 2016) are being reviewed with an updated version expected 2023. As soon as the updated version is available it will be immediately adopted under the DBAP.
- 5.1.4. BCT are also reviewing core sustenance zone information, prior to any updates existing information continues to be available [here](#).
- 5.1.5. BCT have also produced a paper on survey methods for bat roost detection in collaboration with researchers which will be included in the next edition of survey guidelines. Consultants are therefore encouraged to note that findings showed:
- 'Daytime inspections were efficient in detecting open-roosting species such as Plecotus species but were likely to miss the presence of crevice-dwelling ones (here Pipistrellus species) which may lead to erroneous conclusions if no acoustic surveys are subsequently prescribed to confirm their absence. A minimum of three and four acoustic surveys are required to be 95% confident that a building does not host a roost of Pipistrellus species and Plecotus species, respectively, thus exceeding current recommendations.'* (BCT, 2021)
- 5.1.6. 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.
- 5.1.7. 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.
- 5.1.8. 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.
- 5.1.9. 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. 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 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.

- 5.1.10. 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. 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.
- 5.1.11. 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).
- 5.1.12. 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.
- 5.1.13. 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**.
- 5.1.14. In 2021, CIEEM published Bat Mitigation Guidance in beta format. Due regard will be given to these where appropriate, but they will not be formally adopted until the final version is published. In the meantime, the current guidelines (English Nature, 2004) will continue to be the default guidance applied under the DBAP.

## 6. Bats and Lighting

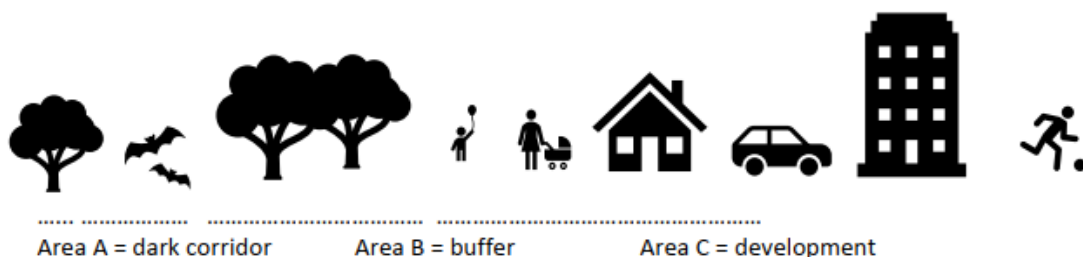
- 6.1.1. Bats are nocturnal which makes them sensitive to artificial lighting. Inappropriate lighting can increase predation on bats, prevent them from feeding, commuting, or getting in and out of their roost.

- 6.1.2. 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).
- 6.1.3. 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.
- 6.1.4. Recent research (Boyes et al., 2021) has shown that streetlights have detrimental effects on local caterpillar assemblages and that artificial lighting is likely to be contributing to overall declines in the moth population, reducing prey availability **for all bat species**.
- 6.1.5. 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), and that continuous lighting along roads introduces barriers that some bat species cannot cross (Fure, 2012).
- 6.1.6. 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.
- 6.1.7. 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.
- 6.1.8. 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, 2018).
- 6.1.9. Where light sensitive species have been identified, either on or in the vicinity of the site, the NET will require evidence that the lighting scheme will not impact on the behaviour of these species. Industry guidance ([Bat Conservation Trust & Institute of Lighting Professionals, 2018](#); and [Eurobats, 2018](#)) stresses the importance of considering bats and lighting at the earliest stage of the project design process. This will require integrated professional lighting and specialist ecological input from the outset. Attempts to retrofit mitigation measures can lead to delays and uncertainty.
- 6.1.10. Development must aim to:
- Maintain a network of dark corridors and bat foraging habitats (at a maximum of 0.5 lux) through the site and to landscapes beyond, avoiding impacts from lighting.
  - Avoid the use of artificial lighting as much as possible, including lighting only where it is essential for health and safety reasons. Warm amber lighting should be used to reduce impacts on wildlife.
  - Where lighting cannot be avoided altogether then it must be designed to avoid light spill onto roosts, foraging habitat and commuting routes.
- 6.1.11. The ecological consultant must provide all relevant professionals (lighting engineers, urban designers, landscape architects, etc) with lighting and dark corridor/foraging habitat requirements



as soon as possible so that these can be built into the site layout and relevant strategies, such as Lighting Strategies, Master Plan, and Green Infrastructure.

- 6.1.12. Suitable lighting schemes and regimes will be required to be in accordance with [Guidance Note 08/18 Bats and Artificial Lighting in the UK](#). Where a lighting scheme is required, Ecological Impact Assessments (EclAs) will need to provide some or all the following:
- 6.1.13. 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
- 6.1.14. 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)
  - Road crossings for bats and habitat linking to these crossings
- 6.1.15. 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. Dark corridors and buffers should:
- Be built into the design from the outset and be incorporated into any dark public open space (e.g., allotments) to ensure effective long-term management.
  - Be established / protected before any impacts on existing flight lines occur.
  - Be in place for the lifetime of the development.
  - Be designed to avoid impacts from potential future lighting e.g., garden, security lighting, cycle path lighting.
- 6.1.16. Dark corridor and buffer areas on the edge of a typical development site as illustrated below:



## 6.2. Area A ('dark corridor') requirements

- 6.2.1. In all cases every effort must be made to make Area A as wide as possible. The minimum widths specified below are for flight lines. If dark foraging habitat is required, Area A may need to be far wider. Width, habitat, and management requirements will be species and impact dependent.
- 6.2.2. Major developments (as defined in the Statutory definition Town and Country Planning (Development Management Procedure) Order 2015) generally have greater impacts on bat flight lines, therefore the proposals should provide a minimum width of 6m (in-line with the Bryanston SSSI Greater Horseshoe Bat guidance (see Section E)) of open grassy corridor maintained next to a natural linear feature such as a hedge, woodland edge, or vegetated watercourse. This distance must be clearly shown on an annotated map and scales cross section / profile drawings.

- 6.2.3. For minor developments (also defined in the above Development Management Procedure), or where a narrower dark corridor can be justified ecologically, Area A must be as above with a minimum width of 5m.
- 6.2.4. Dark corridors must be incorporated into the public realm and not a separate, isolated, corridor.
- 6.2.5. The dark corridor should be in a location already used as a bat flight line and ensure that connectivity both through the site and into the wider countryside is maintained. Any deviations to this must be justified. Connectivity must be shown on a plan and included in the EclA (see 6.1.13. above).
- 6.2.6. The corridor must be designed to allow a flail mower/collector access to cut the grass/scrub growth and trim the adjacent hedge/woodland edge to ensure that the flight line is kept unobstructed.
- 6.2.7. The corridor must be as dark as possible but a maximum of 0.5 lux (Stone, 2009/2013) as shown on a horizontal illuminance contour plan, measured at 1.5m and at the height typically flown by any other relevant light sensitive species. The contour plan must show the dark corridors, be easy to read and produced by a suitably qualified lighting consultant ([Guidance Note 08/18 Bats and Artificial Lighting in the UK](#)). Impacts of lighting from outside the development site must be considered.
- 6.2.8. Lighting plans must consider both internal (e.g., dwellings) and external (e.g., street lighting) sources. Consideration should also be given to illuminance from sources which can't be modelled such as glare, reflections, car headlights.
- 6.2.9. The dark corridor must be maintained for the lifetime of the development and be protected prior to or from the start of construction.
- 6.2.10. The grassland must be created and managed to maximise insect prey. To benefit moths, any grassland mix should be as species rich as possible (suitable to the soil type) and ideally include dandelion, dock, hawkweeds, plantains, chickweed, fat hen, mouse-ear, and other herbaceous plants (Littlewood, 2008).
- 6.2.11. The adjacent hedge or linear feature which forms the flight line must be in the control of the applicant (within the red or blue line) and managed following best practice for bats and other wildlife and to maximise insect prey e.g., bushy dense hedge at a minimum height of 3 metres with frequent standard trees (as greater horseshoe bat feeding perches). Hedges must be trimmed between 31 December and 28 February and no more frequently than one year in three. If the critical linear feature is not in the control of the applicant, then a new hedge / linear feature, connected to other suitable habitat must be planted to allow bats to continue to use and navigate the site.
- 6.2.12. Dark corridors must be continuous. Where lit roads or cycleways become a barrier then an alternative dark corridor / well designed hop-overs must be created to maintain connectivity.

### 6.3. Area B ('buffer') requirements

- 6.3.1. This is a buffer designed to ensure that the lighting requirements of the dark corridor (Area A) are met in perpetuity. Depending on risk this buffer could include a hedge, shrubs, a bund with a hedge, fencing or wall. The width and design of Area B (the buffer) will depend on the design of the adjacent development and risk e.g., if no lighting is proposed and there is no risk from future lighting; the buffer can be narrower than if adjacent to a housing scheme with street lighting, security lighting, cars etc. The buffer must future proof the dark corridor e.g., through ensuring no risk from future security lighting in gardens. The buffer must be achievable in the long term e.g., not be composed of private gardens over which there is no management control. Note that

if a dark corridor is required in the middle of a development site (with a risk of lighting from both sides), or there is a risk of lighting from outside the development site, a sufficient buffer may be required on each side of the dark corridor to ensure functionality of Area A.

- 6.3.2. **NB: Outline permissions.** Where detailed final design will take place at Reserved Matters stage and there is uncertainty surrounding lighting impacts, the indicative layout and information submitted in the EclA **should provide sufficient certainty that the buffer within Area A is achievable.** Failure to do this may lead to the application being refused.

#### 6.4. Area C ('development area') requirements

- 6.4.1. The development must be designed to ensure that the dark corridor requirements can be met. Considerations include:

- The need for lighting. Lighting should be avoided wherever possible.
- Location of streets and street lighting / impacts from car headlights. Design roads and turning points to be as far from the dark corridor as possible.
- Lighting along access routes (cycle tracks / pedestrian routes etc). Consider motion sensor lighting.
- Building orientation and light spill from buildings, including light from windows (especially higher windows) and from potential future loft conversions.
- Any potential light spill from future security lighting in gardens and doors. Appropriate security lighting should be included as part of housing developments to help avoid future problems.
- Location of sports pitches and impacts from floodlights now and in the future.
- Design of lighting - see below

- 6.4.2. 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.

- 6.4.3. 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 of columns, use of baffles, directional luminaires.
- recessed internal lights.
- screening (planting – see Area B above, hardscape, hoods or cowls).

- 6.4.4. BPs must include appropriately timetabled provision of a lighting strategy to the planning authority and include post construction compliance monitoring to be undertaken by the developer and provided to the Council to evidence dark corridors are in place as per requirements set out in the lighting strategy and planning obligations.

## 7. Biodiversity Net Gain

- 7.1.1. 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'.
- 7.1.2. Paragraph 179b) of the NPPF (2021) 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'.
- 7.1.3. Net gain must be site and species / habitat specific to ensure planning conditions relating to biodiversity are clear and enforceable (see 10. below).
- 7.1.4. Net gain can only be achieved if it is provided in addition to, rather than instead of, required mitigation and compensation.
- 7.1.5. On-site measurable net gain appropriate to the site and wider area must be provided, using the measures set out below. More information for developers and ecologists about net gain will be available in a Dorset Biodiversity Net Gain Interim Advice Note in due course.

### 7.2. Biodiversity Net Gain measures required

- 7.2.1. 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.
- 7.2.2. All new houses / buildings on the edge of developments backing onto open countryside must have built-in bat roosting tubes.
- 7.2.3. All householder applications for alterations and extensions must provide a minimum of one nest box for birds or one built-in tube for bats.
- 7.2.4. Residential developments must also include:
  - Hedgehog friendly gravel boards / holes (13cm x 13cm) 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.
- 7.2.5. 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 7.2.1 - 7.2.4.:
  - Dedicated bat lofts.
  - Foraging habitats for bats and birds.
  - 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](#)).

- 7.2.6. Suitable locations for these net gains must be indicated on a location plan within BPs or LEMPs.
- 7.2.7. 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. 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.
- 7.2.8. The BP or LEMP must state definitively and clearly how the net gain features will be maintained, managed and if appropriate, monitored.

### 7.3. DEFRA Biodiversity Metric

- 7.3.1. In 2022 Natural England released Biodiversity Metric 3.1 (replacing all previous versions) as a tool for measuring habitat losses and gains resulting from development and other projects. This Metric is the industry standard for most development applications and will become a requirement under the Environment Act as a tool for measuring habitat losses and gains resulting from development and other projects.
- 7.3.2. The Biodiversity Metric is subject to updates from DEFRA, as such NET encourage the use of the most recently published metric, however previous versions will be accepted where there is sound reason provided.
- 7.3.3. The Metric is being routinely used in DBAP submissions received by forward-thinking developers and their consultants, and the NET encourage its use. Until it becomes a legal requirement however, the NET will accept a habitat loss and gain assessment – see Appendix A, Section B for a template table.
- 7.3.4. Where Metric is used, the full Metric Excel workbook (all tabs / sections) must be submitted with all other DBAP documents. Screenshots and pdfs will not be accepted.
- 7.3.5. [Guidance on the use of Metric 3.1](#) embeds a set of principles and rules (copied below) and provides [case studies including residential development](#):

**Principle 1:** The metric does not change the protection afforded to biodiversity. Existing levels of protection afforded to protected species and habitats are not changed by use of this or any other metric. Statutory obligations will still need to be satisfied.

**Principle 2:** Biodiversity metric calculations can inform decision-making where application of the mitigation hierarchy and good practice principles conclude that compensation for habitat losses is justified.

**Principle 3:** The metric's biodiversity units are only a proxy for biodiversity and should be treated as relative values. While it is underpinned by ecological evidence the units generated by the metric are only a proxy for biodiversity and, to be of practical use, it has been kept deliberately simple. The numerical values generated by the metric represent relative, not absolute, values.

**Principle 4:** The metric focuses on typical habitats and widespread species; important or protected habitats and features should be given broader consideration.

**Protected and locally important species** needs are not considered through the metric, they should be addressed through existing policy and legislation.

**Impacts on protected sites and irreplaceable habitats** are not adequately measured by this metric. They will require separate consideration which must comply with existing national and local policy and legislation. Data relating to these can be entered into the metric, to give an indicative picture of the biodiversity value of the habitats present on a site, but this should be supported by bespoke advice.

**Principle 5:** The metric design aims to encourage enhancement, not transformation, of the natural environment. Proper consideration should be given to the habitats being lost in favour of higher-scoring habitats, and whether the retention of less distinctive but well-established habitats may sometimes be a better option for local biodiversity.

**Habitat created to compensate** for loss of natural or semi-natural habitat should be of the same broad habitat type (e.g., new woodland to replace lost woodland) unless there is a good ecological reason to do otherwise (e.g., to restore a heathland habitat that was converted to woodland for timber in the past).

**Although the metric does not explicitly consider the biodiversity** value provided by individual species, consideration should be given to locally relevant species interests when creating or enhancing habitats.

**Principle 6:** The metric is designed to inform decisions, not to override expert opinion. Management interventions should be guided by appropriate expert ecological advice and not just the biodiversity unit outputs of the metric. Ecological principles still need to be applied to ensure that what is being proposed is realistic and deliverable based on local conditions such as geology, hydrology, nutrient levels, etc. and the complexity of future management requirements.

**Principle 7:** Compensation habitats should seek, where practical, to be local to the impact. They should aim to replicate the characteristics of the habitats that have been lost, taking account of the structure and species composition that give habitats their local distinctiveness.

**Where possible compensation habitats** should contribute towards nature recovery in England by creating 'more, bigger, better and joined up' areas for biodiversity

**Through the strategic significance and spatial risk factors** the biodiversity metric 3.1 places greater reward for habitat creation where it is strategically important and locally relevant.

**Principle 8:** The metric does not enforce a mandatory minimum 1:1 habitat size ratio for losses and compensation but consideration should be given to maintaining habitat extent and habitat parcels of sufficient size for ecological function. A difference can occur because of a difference in quality between the habitat impacted and the compensation provided. For example, if a habitat of low distinctiveness is impacted and is compensated for by the creation of habitat of higher distinctiveness or better condition, the area needed to compensate for losses can potentially be less than the area impacted. The metric calculates losses and gains by size as well as by biodiversity unit value or percentage. **Note:** consideration should be given to whether reducing the area or length of habitat provided as compensation is an appropriate outcome.

**Rule 1:** Where the metric is used to measure biodiversity change, biodiversity unit values need to be calculated both prior to the intervention and post-intervention for all parcels of land / linear features affected.

**Rule 2:** Compensation for habitat losses can be provided by creating new habitats, or by restoring or enhancing existing habitats. Measures to enhance existing habitats must provide a significant and demonstrable uplift in distinctiveness and/or condition to record additional biodiversity units.

**Rule 3:** ‘Trading down’ must be avoided. Losses of habitat are to be compensated for on a ‘like for like’ or ‘like for better’ basis. New or restored habitats should aim to achieve a higher distinctiveness and/or condition than those lost. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through the metric.

**Rule 4:** Biodiversity units generated by biodiversity metric 3.1 are unique to this metric and cannot be compared to unit outputs from versions 3.0, 2.0, the original Defra metric, or any other biodiversity metric. Furthermore, the three types of biodiversity units generated by this metric (for area, hedgerow, and river habitats) are unique and cannot be summed, traded, or converted.

**Rule 5:** It is not the area/length of habitat created that determines whether ecological equivalence or better has been achieved but the net change in biodiversity units. Risks associated with creating or enhancing habitats mean that it may be necessary to create or enhance a larger area of habitat than that lost to fully compensate for impacts on biodiversity

**Rule 6:** Deviations from the published methodology of biodiversity metric 3.1 need to be ecologically justified and agreed with relevant decision makers. While the methodology is expected to be suitable in the majority of circumstances it is recognised that there may be exceptions. Any local or project-specific adaptations of the metric must be transparent and fully justified.

#### 7.4. Biodiversity net gain and Ecological Impact Assessment

- 7.4.1. It is already a requirement that an Ecological Impact Assessment (EclA) is submitted with most types of planning applications (the exceptions are when dealing with householder applications or sites with very low value ecological features – in which case a Preliminary Ecological Appraisal may be acceptable – see para. 8.1.2. below).
- 7.4.2. The EclA report will now be required to have a specific section titled ‘Biodiversity Net Gain Strategy’ and clearly show how the site has been assessed, preferably using the most recent version of the Biodiversity Metric. This will demonstrate the baseline value of the site (before development) and the post-development value. Where it is suspected that the baseline value of the site has been affected negatively prior to assessment the authority will require an assessment of the site based on the condition before such an occurrence (this may need to be based on previous aerial photos and/or historic information held by Dorset Environmental Records Centre (DERC)). If there is any doubt about the Distinctiveness or Condition, it will be assumed that the highest likely value will apply.
- 7.4.3. Clear scaled maps will be required showing precisely where the Biodiversity Unit scores occur for both the Baseline and post-development scenarios. There should also be a section demonstrating why the condition score has been chosen – with reference to all scoring criteria from the associated [Technical Guidance habitat tables](#).
- 7.4.4. The following specific evidence will be required in the Biodiversity Net Gain Strategy:

a) **Habitat Baseline Plan:** produced using the information from the EclA; clearly showing the areas covered by each of the existing habitat types and the area in hectares (ha)/ linear metres of each habitat type (or for each habitat parcel, as some habitats may be scattered throughout the site). A label for each habitat parcel should be included.

Where it is suspected that the baseline value of the site has been affected negatively prior to assessment the authority will require an assessment of the site based on the condition before such an occurrence (this may need to be based on previous aerial photos and/or historic information held by DERC). If there is any doubt about the Distinctiveness or Condition, it will be assumed that the highest likely value will apply.

b) **Proposed Habitats Plan:** taken from the site layout plan, illustrative masterplan, green infrastructure plan or landscape plans (if they are available); clearly showing habitat types being retained, enhanced, and created, and the area of each habitat type (ha/m); it must be colour-coded so that each habitat type is easily identifiable. Other proposed biodiversity enhancements (including for priority species) and protected species mitigation areas should also be shown on this plan.

c) **Biodiversity Metric calculation:** the information in the metric should be directly related to the Habitat Baseline Plan and the Proposed Habitats Plan. The completed Excel spreadsheet must be submitted (not a pdf copy or screenshots). Detailed justifications for the choice of habitat types, distinctiveness and condition should be added to the comments column or provided separately in the report. All assumptions made in the calculations must be clearly identifiable. Different habitat parcels must be individually referenced and identifiable on the relevant drawing so that these can be cross-referenced with the metric.

- 7.4.5. The objective should always be to deliver a minimum 10% net gain for biodiversity on-site and therefore it will be essential for professional ecological input at the earliest scoping and design stages. Ecological consultants should work closely with Landscape Architects and Urban Designers to consider which options of the layout lead to the best possible outcome for achieving net gain for biodiversity on-site. This type of information should be included in the Design & Access Statement (if appropriate) whereby different options of layout are shown with their corresponding different Biodiversity Unit impacts – together with a justification where the layout resulting in the lowest impact on biodiversity has not been taken forward to the proposed layout stage.
- 7.4.6. Evidence is required in the EclA to demonstrate the ecological consultant has been involved in the layout in a meaningful way to help achieve a net gain for biodiversity. This should include reference to the Mitigation Hierarchy - 1. Avoiding damage to ecological features 2. Minimising impacts on ecological features, and where neither cannot be achieved (with an explanation to justify why not), as a last resort consider what level of 3. Compensation will be required either on-site or off-site (or both). Where compensation for residual loss of habitat is required, a 10% uplift will be added to achieve biodiversity net gain. Refer to Section C for detailed guidance on Compensation.
- 7.4.7. The Biodiversity Metric does not consider indirect impacts such as increased recreational impacts on adjacent habitats such as grasslands and woodland e.g., creation of new paths, trampling, introduction of noise and disturbance. This type of indirect impact must be factored into the biodiversity net gain assessment of the EclA and may need discussion with the NET.
- 7.4.8. CIEEM have published [Biodiversity Net Gain report and audit templates](#). These provide a framework for writing reports for net gain assessment. The templates set out a structure and contents. Please note that in addition to reports, the full Excel spreadsheet must be provided



where Metric 3.1, or any of the [biodiversity metrics](#), have been used as part of the net gain assessment (7.3. above refers to the use of the Metric).

## 8. Ecology reports

- 8.1.1. All BPs or LEMPs 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.
- 8.1.2. An EclA 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)). EclA reports must accompany all applications other than householder applications.
- 8.1.3. 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.
- 8.1.4. 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.
- 8.1.5. DBAP submissions are provided to the Dorset Environmental Records Centre. 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.
- 8.1.6. 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 CIEEM guidelines.

- 8.1.7. 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.
- 8.1.8. 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 DERC search. For search parameters see 9. 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 EcIA 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 (EPS) 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) 2021.
- 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 7. above).

#### Required mitigation

- Mitigation proposals must be based on the mitigation hierarchy (as set out in the National Planning Policy Framework (NPPF), 2021) 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 – 10. 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 will be 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.

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

9.1.1. Developers or their agents are advised to contact the DERC to obtain existing wildlife records from the site and its environs to inform and complement a submission under the DBAP. Consultants are reminded of the value to undertake data searches for applications relating to bats. Section 4.2 'Preliminary ecological appraisal – desk study' of the BCT guidelines (2016), provides guidance about the available sources of data and the importance of records to inform survey design and evaluation of survey results.

9.1.2. 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.'*

9.1.3. 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.

9.1.4. 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 Addendum available [here](#).

9.1.5. We also encourage the use of the [Nature Recovery Network Habitat Mapping](#) layer, available through MAGIC.

9.1.6. If the development may affect potential GCN ponds or habitat on site, or within 500m of the development boundary, a GCN check is required. This will provide post-2010 positive and negative GCN records. It will also confirm 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. Records are held by [Dorset Environmental Records Centre](#) including records prior to 2010.

9.1.7. Submissions involving long-eared bat roosts must be supported by DNA analysis in order to inform mitigation where Grey long-eared bats are identified.

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

Table 1- DERC search requirements

Type of request	Minimum Data required
Minor alteration to a property	Property check for species records

Type of request	Minimum Data required
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 local sites and national designated sites 5 km international designated sites 1 km species check 8 km (min.) Annex II bat species <sup>1</sup> Existing and Potential Ecological Networks check
Major development (10+ units) Solar farm development EIA development	2 km local sites and national designated sites 5 km international designated sites 2 km species check 8 km (min.) Annex II bat species Existing and Potential Ecological Networks map

<sup>1</sup>Where within the Bryanston SSSI consultation zone.

## 10. Completing a DBAP Biodiversity Plan (BP) form

- 10.1.1. 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.
- 10.1.2. Therefore, it must be a complete document that contains certainties and provides a non-technical summary in each section.
- 10.1.3. It must be written so that it can easily be conditioned and enforced. Text broken down into bullet points is encouraged.
- 10.1.4. Only one BP is required per planning application.
- 10.1.5. 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.
- 10.1.6. The BP and ecology report(s) must be separate documents, please do not submit a single document with both elements.
- 10.1.7. 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).
- 10.1.8. 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.
- 10.1.9. 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.

- 10.1.10. 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 DERC.
- 10.1.11. 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.
- 10.1.12. 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.

## 10.2. Further survey

- 10.2.1. 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 species.
- 10.2.2. A BP or LEMP must not include recommendations for further survey, especially for 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.
- 10.2.3. Planning authorities must be satisfied that the correct level of information is available to determine a planning application.

## 10.3. Compliance

- 10.3.1. BPs or LEMPs that include a requirement for an EPS/ low impact class licence, or cover an area greater than 0.1ha, must include provision for a post construction compliance visit.
- 10.3.2. For more simple cases you must provide photographic evidence of the completed mitigation measures.
- 10.3.3. **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 or LEMP certified by Dorset Natural Environment Team on xx, has been submitted to and approved in writing by the authority.'*

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 XXX 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'.*

**Please note that the NET is trialling a scheme to check compliance and to ensure evidence of compliance has been received in-line with the options selected in BP forms. Consultants are advised therefore to inform applicants for the need to provide the relevant evidence to**

show the measures within the BP have been fully implemented. Enforcement action may be taken where compliance with BPs/LEMPs has not been undertaken.

#### 10.4. 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 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.
- g. If the development will be using the Dorset Council Great Crested Newt Licensing Scheme, the RAMS must be included as recommendations only to comply with the license requirements. Include a statement that authorisation will be requested from Dorset Council prior to works commencing.

##### 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., m<sup>2</sup> 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).
- c. If the development will be using the Dorset Council Great Crested Newt Licensing Scheme, the total conservation payment must be included here.

**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 Provide an Annotated Illustrative Masterplan / Plan Drawings**

- a. Make sure that the red-line boundary, ecological features, mitigation and enhancements are clearly indicated.

**Section J - Specify relevant compliance measure (tick box)**

**Section K - 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.**

## **11. Construction Environmental Management Plans (CEMPs)**

11.1.1. Where appropriate EclAs, BPs and planning obligations will include the requirement for a Construction

11.1.2. Environmental Management Plan (CEMP) for pre-commencement site works. This will cover for example, any demolition and groundwork as well as vegetation clearance. The CEMP will need to be submitted to the authority for written approval, prior to the commencement of any approved phase of development. CEMPs must be in accordance with the specifications in clause 10.2 of the BS42020:2013 (or any superseding British Standard) based on the following as appropriate:

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of 'biodiversity protection zones' and areas where invasive species have been identified
- c. Inclusion of or reference to details for implementation of method statements required to achieve specific biodiversity outcomes, and particularly mitigation measures.
- d. Identification of practical measures, both physical measures and sensitive working practices to avoid impacts during development, for protecting biodiversity through the control or regulation of construction-type activities.
- e. The location and timing of sensitive works to avoid harm to biodiversity features.
- f. The times during construction or development implementation when particular specialists need to be present on site to oversee works.
- g. Responsible persons and lines of communication.
- h. Defining and communicating the role and responsibilities on site of an Ecological Clerk of Works (ECoW), or appointed ecologist(s) responsible for managing biodiversity issues on



site, and times and activities during construction or development implementation when they need to be present to oversee works.

- i. Use of exclusion fences, protective barriers, and warning signs.

## 12. Landscape and Ecological Management Plans (LEMPs)

**NB. Under the DBAP, LEMPs are assessed and approved in relation to ecology and biodiversity and must include all measures within EclA reports. Landscape *mitigation* is not included under the DBAP approval certification.**

12.1.1. Where a Landscape and Ecological Management Plan (LEMP) is required in place of a Biodiversity Plan (BP) – generally proposals of 50 residential units or more – it should be submitted in the same way as a BP with the supporting Ecological Impact Assessment (EclA) report and payment. DC NET do not currently provide a standard template for a LEMP, to be acceptable a LEMP needs to be comprehensive, provide meaningful objectives and be based on accurate information about habitats and wildlife contained within the EclA. It must detail mitigation measures for protected species and the immediate and long-term commitments to manage planting, protection, and net gain in and around the development site. Design plans, programmes, specifications, monitoring requirements, responsibilities and costs will all need to be included. The measures must be in accordance with wildlife legislation, and national and local planning policies. Like BPs, LEMPs must use definitive language to be effective within the planning system.

12.1.2. As a rule, the content of a LEMP should typically include the following (based on BS42020):

- a. Species Mitigation Strategy.
- b. Description and evaluation of features to be managed.
- c. Ecological trends and constraints on site that might influence management.
- d. Aims and objectives of management.
- e. Appropriate management options for achieving aims and objectives.
- f. Prescriptions for management actions.
- g. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h. Details of the body or organization responsible for implementation of the plan.
- i. Ongoing monitoring and remedial measures.
- j. Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- k. Set out how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.
- l. Include the Greenspace Management Plan (a [template can be found on our webpages](#)) where relevant.

## 13. Public Open Space / Suitable Alternative Natural Greenspace

13.1.1. All applications within 5km of Dorset Heaths are required to provide recreation mitigation as set out in the Dorset Heathland Supplementary Planning Document. Mitigation resulting in new Public Open Space and Suitable Alternative Natural Greenspace (SANG) requires comprehensive management plans that are supplementary, and complementary to the requirements within the DBAP.

- 13.1.2. Where SANGs and new publicly accessible greenspaces are being delivered a comprehensive Greenspace Management Plan should be developed, to provide the information required for long-term future management of the site. The Greenspace Management Plan should complement and directly link to the LEMP.

#### **14. Certification of Biodiversity Plans (BPs) and Landscape and Ecological Management Plans (LEMPs)**

- 14.1.1. 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.
- 14.1.2. Consultants must make clients aware of the fees applicable and how to pay; details are given on the [Dorset Council website](#).
- 14.1.3. 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.
- 14.1.4. Certificates will be dated from the date of the applicant's / agent's signature.
- 14.1.5. Where the planning case officer is known, the NET will copy them into the e-mail issuing the Certificate for expediency.
- 14.1.6. 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 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.

#### **14.2. Certificate of Approval & European Protected Species Mitigation Licences**

- 14.2.1. 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 EPS should be issued to an applicant.
- 14.2.2. The two processes address different legal duties.
- 14.2.3. Natural England is the statutory nature conservation body responsible for determining EPS licence applications.
- 14.2.4. 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.
- 14.2.5. 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.
- 14.2.6. Applicants must be aware that it is always better to have recent survey data on EPS for their application.

#### **14.3. Failure to approve a Biodiversity Plan**

- 14.3.1. If the NET is not able to approve a BP or LEMP owing to non-compliance of the mitigation hierarchy (NPPF, 2021) 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 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.

- 14.3.2. 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.
- 14.3.3. 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 the NET. Planning authorities will be asked by the NET to remove any BPs without a corresponding Certificate of Approval from the planning portal.

## 15. Feedback

- 15.1.1. 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.
- 15.1.2. Producing guidance is an iterative process and constructive critique and feedback is welcomed.
- 15.1.3. Please send comments and suggestions, which may be included in future revisions of this guidance to [biodiversityprotocol@dorsetcouncil.gov.uk](mailto:biodiversityprotocol@dorsetcouncil.gov.uk).

## 15.2. Violence, Aggression and Harassment Policy

- 15.2.1. 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.

- 15.2.2. 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.'*

- 15.2.3. 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'.*

- 15.2.4. 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.

## 15.3. Complaints

- 15.3.1. 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.
- 15.3.2. 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.

## 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 EclA. 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 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 EclA 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.

(Based upon CIEEM EclA Guidelines (2019))

## 17. Acknowledgements

The NET is grateful for the assistance and advice of the Dorset Council Senior Solicitor and would also like to thank the landscape officer, 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.

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:

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