

# Biodiversity Appraisal & Biodiversity Mitigation Plan

## Advice Note

### General

Dorset Local Planning Authorities will routinely ask for a Biodiversity Appraisal accompanied by a standardised Biodiversity Mitigation Plan (BMP) on all development sites over 0.1ha in size, to be submitted with a planning application. More specifically, a BMP is required for a greenfield or brownfield site greater than 0.1ha, where not currently used as existing residential or business premises. A BMP covers habitat as well as protected species matters. A BMP will also be required for any sized site affecting a rural barn where the BMP should be used to secure nesting or roosting opportunities for Barn Owl.

Dorset Local Planning Authorities will also routinely ask for 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
- Demolition of an existing house
- Conversion of house attic space - includes installation of roof lights or dormer windows
- House extensions that tie-in to an existing enclosed roof space
- Renovation or conversion of derelict building (structures with roofs)
- Conversion or demolition of agricultural barns / farm buildings (structures with roofs)

If evidence of bats is discovered a standardised BMP will need to be completed, and submitted with a planning application.

All appraisals for wildlife interests should be undertaken by a suitably qualified person. A list of the environmental consultants who have made themselves known to Dorset County Council is available via the link [www.dorsetforyou.com](http://www.dorsetforyou.com)

Biodiversity Appraisal 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)

Development requiring Environmental Impact Assessment (EIA), or development affecting recognised wildlife sites – European / international sites (SAC, SPA, Ramsar), Site of Special Scientific Interest (SSSI), Sites of Nature Conservation Interest (SNCI) and Local Nature Reserves (LNR) – is outside the scope of this Biodiversity Appraisal process. In these circumstances, the Dorset planning authorities will consult conservation organisations after submission of an application. The planning authority may condition a BMP as a means of clearly identifying and securing mitigation and enhancement measures for developments affecting recognised wildlife sites.

### Guidelines for filling in a Biodiversity Mitigation Plan

Only one BMP is required per planning application.

The BMP must include, as a minimum, measures that can be audited once the development is completed, e.g. numbers of bird / bat boxes, length and plant species composition of replacement hedges, area of pond, wildflower grassland creation. In the BMP, please use definitive verbs as such “will be”, and avoid words / phrases such as “should”, “may”, “it is recommended”, as this enables development control officers to check what has been delivered for wildlife as part of the development.

Developers or their agents should contact the Dorset Environmental Records Centre (DERC) to obtain existing wildlife records from the site and its environs to inform and complement a BMP.

Mitigation for the loss of habitat features (e.g. herb-rich grassland, ponds, hedges, fruit trees) should aim to replace features on at least a like for like basis, or provide equivalent compensatory measures.

A BMP should be a stand alone document, and include all drawings and pictures needed to support it. It should not rely on reference to other survey reports or drawings which are not submitted.

A BMP should not include recommendations for further survey, especially for European Protected 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.

## Certificate of Approval & European Protected Species Licence

A BMP Certificate of Approval from the Natural Environment Team of DCC does not in any way prejudice Natural England's decision on whether a licence regarding European Protected Species should be issued to an applicant. The two processes address different legal duties.

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

This situation allows an LPA the option to consider 'worst-case-scenario' mitigation, where it is expedient to consider a planning application supported by a BMP affecting an EPS, but where the timing of survey for the EPS is not ideal.

For example, for bats, it is not normally necessary for applicants submitting a planning application in the autumn or winter, for a development which could affect a bat roost, to have to wait for a summer emergence or dawn swarm survey. The BMP should assume a worst-case-scenario, and normally this would require mitigation appropriate for a maternity roost for the species affected. If the BMP is approved on the basis of a worst-case-scenario, the LPA is entitled to conclude that an EPS is unlikely to be refused by Natural England. The NET will check appropriateness of mitigation solutions with Natural England where necessary.

Under worst-case-scenario mitigation, applicants will need to be explicitly informed that additional summer surveys will be necessary at the EPS licensing stage.

Applicants are advised that it is always better to have recent survey data on EPS in support of their application, rather than to rely on worst-case-scenario mitigation planning, and they should plan for summer surveys whenever possible.

Bat checks of properties are typically limited to a visual inspection of likely roosting locations, and may be undertaken at any time of year. However, properties considered to have high probability of supporting crevice bats (e.g. pipistrelles) which are difficult to locate by visual inspection, are likely to require summer emergent surveys, undertaken in the evening, or at dawn, or by remote monitoring.

## Compensation & biodiversity offsetting

In cases where it is not possible to fully mitigate for the loss of biodiversity interests on a development site then applicants should be encouraged to avoid residual losses via offsite compensation measures.

Offsite compensation measures could be either by: a. financial contribution; or b. physical enhancement to a site elsewhere in the control of the applicant. Financial contribution is encouraged to support the work of the Dorset Biodiversity Partnership. Offsite measures would normally need to be secured by legal agreement. To calculate costs of replacing habitats, it is recommended that the HLS Environmental Stewardship Payment Rates based on a 10 year agreement are used to calculate habitat / feature replacement costs.

The Dorset Biodiversity Partnership has been successful in achieving 'shadow' status to the four national biodiversity offset pilot projects. The mechanism for collection and disbursement of offset funds has not been worked out in Dorset yet, but will follow national guidelines established through the pilot schemes.

## Voluntary biodiversity enhancement

Biodiversity enhancements, offered freely by the applicant, are welcomed. These should be identified in the BMP.

## Failure to approve a Biodiversity Mitigation Plan

In the event that NET is not able to approve a BMP owing to inadequate mitigation or compensation of effects on wildlife, a planning application can still be submitted. However, applications will be considered by the LPA in light of Natural England's Standing Advice and will be subject to consultation with the relevant conservation bodies.