


NET reference		DBAP23439NH	
Date certified by NET		14 th December 2023	
Date signed by consultant/applicant/agent		12 th December 2023	
Development description	Construction of Community Hub building at Mampitts Green, Shaftesbury, SP7 8GR		

The Biodiversity Plan (BP) is approved by the Dorset Council Natural Environment Team (DC NET). This approval is valid for three years from NET certification date.

This approval relates only to addressing the impacts on biodiversity.

While the BP adequately addresses the impacts on biodiversity it may not fully address the comments of other separate disciplines such as Landscape, Urban Design, Tree Protection Orders or AONB. The Planning Officer will have regard to the comments of other consultees and any requested revisions discussed with the relevant consultees to agree on revisions that suit all.

The BP does not cover impacts to designated wildlife sites. This includes European sites, also known as habitats sites, which are protected under the Conservation of Habitats and Species Regulations (2017) (as amended)¹. There are a number of [Supplementary Planning Documents and advice notes](#) which provide the framework for how applications should address impacts on these sites. DC NET do not provide specific advice where the impacts are addressed by one of these frameworks.

Should the proposed development change materially prior to application submission to the planning authority, the measures set out in the BP should be reviewed by the Dorset Council Natural Environment Team.

Issued 14th December 2023

Signed



Regulation 9(3) of The Conservation of Habitats & Species Regulations (2017) (as amended) places a duty on the planning authority, in considering an application for planning permission, to have regard to its effects on European Protected Species². Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, also places a duty on Local Planning Authorities, to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.

In this case, providing the above BP, and its implementation in full, is conditioned as part of any grant of planning permission, it is the opinion of the Dorset Council Natural Environment Team that the planning authority will have met these duties. In conditioning this Plan, the planning authority is entitled to rely:

Either That the BP avoids the likelihood of deliberate disturbance,
Or That the BP provides sufficient measures likely to remedy any disturbance whereby Natural England, in considering an application for a disturbance licence, would likely be satisfied that the test in Regulation 55(9)(b)² is capable of being met.

And the Plan is considered to provide reasonable ecological mitigation and enhancement measures to meet the NERC Act 2006 duty.

¹ Habitats Regulations (2017) (as amended), Regulation 55(9)(b) 'The relevant licensing body must not grant a licence under this regulation unless they are satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

² European Protected Species include the following terrestrial species: all bat species, Great Crested Newt, Sand Lizard, Smooth Snake, Dormouse and Otter. Under Regulation 41(1) a person who deliberately captures, injures or kills, or deliberately disturbs these wild animals, or takes or destroys the eggs, or damages or destroys a breeding site or resting place is guilty of an offence.