

Dorset Biodiversity Appraisal Protocol Certificate of Approval

Biodiversity Plan

From	Adam Day, Lindsay Carrington Ecological Services	Dated	19 th October 2020
For	Energy Recovery Facility and associated infrastructure Peat Bay, Incline Road, Portland Port, DT5 1DB		

This is to certify that this Biodiversity Plan (BP) is approved by the Natural Environment Team. NB. This certificate relates solely to the application number /proposed works described above /within the BP.

Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017 places a duty on the planning authority, in considering an application for planning permission, to have regard to its effects on European protected species¹. 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 Natural Environment Team of Dorset Council 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 met³.

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

Should the proposed development change materially prior to application submission to the planning authority, the measures put forward in the BP should be reviewed. The Natural Environment Team should be given the opportunity to comment on any revisions to the Plan.

Natural Environment Team
Dorset Council
South Walks House, South Walks Road
Dorchester
Dorset DT1 1UZ

Signed 
Issued 19th October 2020

THIS APPROVAL IS VALID FOR THREE YEARS FROM ISSUE DATE

¹ 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.

² Habitats Regulations, 2017, 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.

³ The issue of this Certificate does not guarantee a licence, nor does it provide any legal defence against possible offences. It is relevant only to the purposes of consideration of the proposed development by the Local Planning Authority. This Certificate does not in any way prejudice Natural England's decision on whether a licence regarding European Protected Species should be issued to the applicant.