



**Dorset Council**

**Biodiversity Net Gain**

**Guidance for Applicants and Agents v1.0**

**July 2023**

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# Biodiversity Net Gain – Why we need it, and the Legislative and Policy background

## 1.1. Introduction

### What is the purpose and scope of the Guidance?

**1.1.1.** This Guidance for Applicants and Agents is part of Dorset Council's response to the global loss of biodiversity, with a focus on the Council's position with regard to biodiversity net gain (BNG). The guidance sets out current policy on BNG within the Dorset Council area and what the Council will expect from planning applications submitted from the relevant date in November 2023 onwards, when delivery of minimum 10% BNG becomes mandatory for most applications.

**1.1.2.** Applications submitted prior to this date are recommended to follow this BNG Guidance, in addition to the existing guidance on ecology and biodiversity which forms part of the current planning application process<sup>1</sup>. This will ensure a smooth transition to the new arrangements and save time in processing and evaluating applications.

**1.1.3.** Dorset Council will amend and update the Guidance for Applicants and Agents as required to reflect national guidance and secondary legislation relating to BNG. For this reason this first version of the BNG Guidance is labelled v1.0 and will be renumbered each time a new version is issued.

**1.1.4.** Dorset Council will also consult on and update the planning validation checklist as needed to reflect the new legislative requirements for BNG. This is needed to reflect the new requirement for documents such as BNG Statements and Plans.

**1.1.5.** Context and commentary are provided on the wider legal and policy framework relating to BNG, against the backdrop of global and national declines in biodiversity and the Climate and Ecological Emergency declared by Dorset Council in November 2019. Consideration is also given to how BNG links with Dorset Council's emerging Local Nature Recovery Strategy (LNRS) and how these initiatives feed into the national Nature Recovery Network (NRN). If applicants and agents wish to focus on what the Council expects from planning applications regarding BNG, then they may wish to jump to Section 1.7 onwards.

**1.1.6.** The guidance is not in itself planning policy and is not part of the statutory development plan. Instead, it is a non-statutory document, confirming that the inclusion of Biodiversity Net Gain in planning is a material consideration in decision making now, and providing information on what will be needed when minimum 10% BNG becomes mandatory.

**1.1.7.** The guidance is intended to be a useful resource for agents and applicants, as well as councillors. The guidance should be read in conjunction with the development plan as a

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<sup>1</sup> [Submit a planning application - Dorset Council](#)

whole<sup>2</sup> and sits alongside national legislation and more detailed policy and guidance from Dorset Council when available.

## 1.2. Why do we need a Guidance document?

### What's the problem?

**1.2.1.** Biodiversity is 'all the different kinds of life you'll find in one area – the variety of animals, plants, fungi, and even microorganisms like bacteria that make up our natural world'<sup>3</sup>.

**1.2.2.** Over the past decades environmental conservation in the UK has achieved much to protect our biodiversity, but research shows that wildlife continues to decline and landscapes are increasingly fragmented and degraded, on a local and international scale<sup>4</sup>.

**1.2.3.** Dorset Council has adopted a Natural Environment, Climate and Ecology Strategy, (2019)<sup>5</sup>, which outlines our vision for a 'carbon neutral, nature positive, resilient Dorset.' It recognises that 'we are entering a period of mass extinction, with a significant loss of species and a reduction in species diversity' and that 'the UK is now one of the world's most nature-depleted countries.'

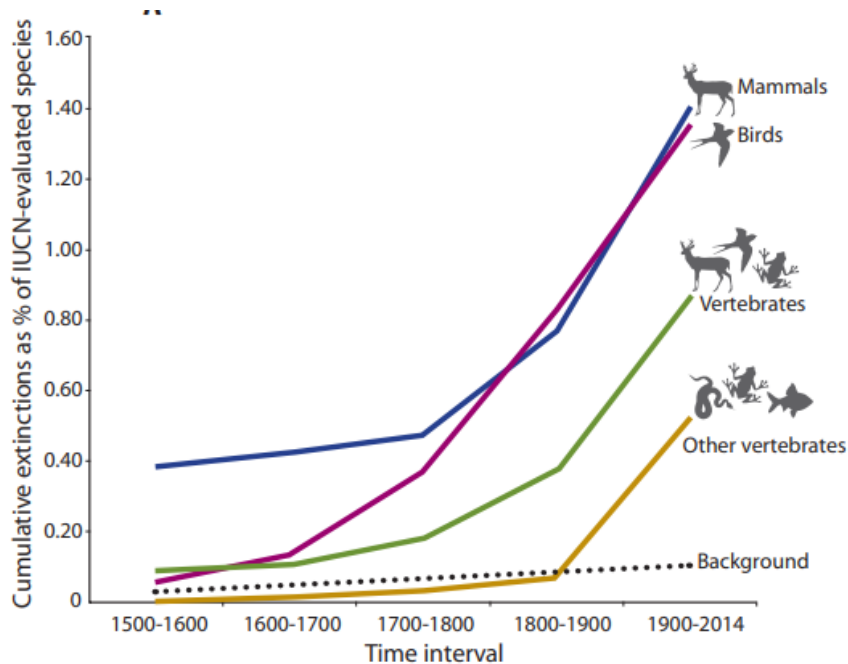


Figure 1: Global vertebrate extinctions (Ceballos et al, 2015)<sup>6</sup>

<sup>2</sup> The development plan includes the adopted local plans for the area: The Purbeck Local Plan Part One 2012, North Dorset Local Plan Part One 2016, Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014, West Dorset and Weymouth & Portland Local Plan 2015, the Swanage Local Plan 2017, the Bournemouth, Dorset and Poole Minerals Strategy 2014, the Bournemouth Christchurch, Poole and Dorset Mineral Sites Plan 2019 and the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019, as well as any neighbourhood plans that are 'made'.

<sup>3</sup> [Learn to love nature - focus on biodiversity | WWF](#)

<sup>4</sup> [Global Assessment Report on Biodiversity and Ecosystem Services | IPBES secretariat](#)

<sup>5</sup> [Climate and Ecological Emergency Strategy - Dorset Council](#)

<sup>6</sup> [Accelerated modern human-induced species losses: Entering the sixth mass extinction | Science Advances](#)

**1.2.4.** It is important not to see these losses in isolation from wider issues affecting society. The natural environment is key to delivery of ecosystem services such as carbon sequestration, flood risk, delivery of food, water and materials: Dorset’s environmental economy was valued between £0.9 billion and £2.5 billion per annum (5-15% of Dorset’s overall economy each year)<sup>7</sup> and research suggests that spending at least 2 hours per week in nature may be a crucial threshold for health and wellbeing<sup>8</sup>.

**1.2.5.** Despite the UK Government being a signatory to the 1990 United Nations Convention on Biological Diversity, committing the UK to reverse losses of biodiversity, we are still seeing significant declines in the abundance and number of species, linked in part to fragmentation and loss of areas of wildlife habitat. For instance, the recent publication of Local Sites in Positive Conservation management in England, 2008-09 to 2021-2022 found that the number of these sites (calculated as 1,273 in Dorset in the draft Dorset Council Local Plan) in positive conservation management has declined nationally by 4% since the last survey in 2019<sup>9</sup>.

**1.2.6.** The most recent State of Nature report, published in 2019, suggests there has been a 13% decline in the average abundance of wildlife in the UK since the 1970s.<sup>10</sup>

**1.2.7.** In recognition of the vital importance of not just conserving our existing, remaining biodiversity but reversing the losses of recent decades and contributing to reversing the global climate and ecological emergency crisis, the Government has further committed to conserve and enhance biodiversity through signing the Conference of Parties (COP15) agreement in 2022, including a target to protect 30% of the planet by 2030. This target has been determined as the point at which the spatial distribution and area of habitat is generally sufficient to provide connectivity for a range of species populations and in Dorset this equates to protecting 64,800ha of our county.

**1.2.8.** The application of BNG is a key part of the commitment to achieve this target and subsequent sections of this Guidance will explain the legislative and policy background and provide more detail on how to achieve this in Dorset.

## 1.3. Where does BNG come from and what is it?

### The national policy and legislation history.

**1.3.1.** Biodiversity Net Gain is defined as: ‘an approach to development that aims to leave the natural environment in a measurably better state than it was beforehand’.<sup>11</sup> As shown in Figure 2 below, BNG goes beyond like for like replacement of habitat lost to development, and results in an overall gain in habitat – so that the development site provides more opportunities for nature than was the case previously. In many cases this will also provide additional recreation, health and wellbeing opportunities for local communities as well as contributing to wider carbon reduction and environmental net gain.

<sup>7</sup> [Dorset-Environmental-Economy-compressed.pdf \(dorsetaonb.org.uk\)](#)

<sup>8</sup> [Spending at least 120 minutes a week in nature is associated with good health and wellbeing | Scientific Reports](#)

<sup>9</sup> [Nature conservation: Local Sites in positive conservation management in England, 2008-09 to 2021-22 - GOV.UK \(www.gov.uk\)](#)

<sup>10</sup> [State of Nature 2019 - National Biodiversity Network \(nbn.org.uk\)](#)

<sup>11</sup> [Natural environment - GOV.UK \(www.gov.uk\)](#)



Figure 2: Natural England (NE) Biodiversity Net Gain Brochure – what does BNG look like

**1.3.2.** Consideration of biodiversity in the planning process was enshrined in legislation through Section 40 of the Natural Environment and Rural Communities (NERC) Act in 2006. The Act ‘places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity’.

**1.3.3.** In 2010, DEFRA published the Lawton Report: Making Space for Nature: A Review of England’s Wildlife Sites and Ecological Network<sup>12</sup>. In this influential document, Professor Sir John Lawton concluded that England’s wildlife areas are fragmented and do not represent a coherent and resilient ecological network capable of responding to the challenges of climate change and other pressures. The report made 24 recommendations, and these are often summarised as: ‘*more, bigger, better and joined*’. In other words, if we can create more wildlife areas (from gardens to National Nature Reserves), improve the size and quality of the spaces we already have, and create corridors to link all these areas, then this will significantly help to reverse losses of biodiversity.

**1.3.4.** After the Lawton Report, the Government responded by publishing a Natural Environment White Paper: The Natural Choice: Securing the Value of Nature (2011)<sup>13</sup>, along with Biodiversity 2020: A Strategy for England’s Wildlife and Ecosystem Services (2011)<sup>14</sup>. More specifically, Biodiversity Net Gain was included in the National Planning Policy Framework (NPPF) in 2012, with additional guidance provided in Planning Practice Guidance (PPG).

**1.3.5.** NPPF paragraph 109 (2012) stated: ‘The planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity....’ BNG was firmly enshrined in government policy and guidance and started to become a commonplace requirement from planning authorities when considering planning applications of all types and sizes.

<sup>12</sup> [Making Space for Nature: \(nationalarchives.gov.uk\)](https://nationalarchives.gov.uk)

<sup>13</sup> [The Natural Choice: securing the value of nature CM 8082 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

<sup>14</sup> [\[ARCHIVED CONTENT\] Biodiversity 2020: A strategy for England’s wildlife and ecosystem services - GOV.UK \(nationalarchives.gov.uk\)](https://nationalarchives.gov.uk)

**1.3.6.** However, use of the words ‘should’ and ‘where possible’ meant there was still uncertainty over whether BNG should always be achieved through development. At the same time an increasing body of evidence showed that declines in biodiversity were still happening, and on an increasing scale. In 2018, the government published A Green Future: Our 25 Year Environment Plan to Improve the Environment (25 YEP)<sup>15</sup> which has since become the first of the Environmental Improvement Plans specified in the UK Environment Act (2021) (see below). The document includes a commitment to ‘deliver an improved environment within a generation’.

**1.3.7.** The 25 YEP makes explicit reference to ‘embedding an ‘environmental net gain’ principle for development, including housing and infrastructure’ with a particular emphasis on securing this from housing and development. The document states that it aims to ‘mainstream the use of existing biodiversity net gain approaches within the planning system and update the tools that underpin them’. The 25 YEP also includes other key initiatives such as creating or restoring 500,000ha of additional wildlife habitat to link existing protected sites and landscapes and developing a Nature Recovery Network (NRN)<sup>16</sup> to protect and restore wildlife. The NRN also aims for 30% by 2030 (like the COP15 commitment above), but this refers to the creation of an ecological network in recovery for nature that covers 30% of each county – a joined-up system of places needed to allow nature to recover and thrive. 30x30 in Dorset will be delivered through agri-environment schemes that enhance and create habitats on farmland, and through the delivery of nature-based solutions such as BNG.

**1.3.8.** At the same time, work started on an emerging Environment Bill, which was enshrined in legislation in 2021 as the Environment Act (through amendments to the Town and Country Planning Act, 1990 and the Town and Country Planning Act, 2008) and is the key vehicle for delivering the government’s vision as set out in the 25 Year Plan. **The Environment Act (2021) made delivery of a minimum of 10% Biodiversity Net Gain a mandatory condition of planning permission in England from November 2023.**

## 1.4. Current National Legislation, Policy and Statutory Guidance:

### The Environment Act, 2021, National Planning Policy Framework, 2021 and Planning Practice Guidance (2019).

**1.4.1.** In order to understand how BNG works, it is first important to look in more depth at the legislation, policy and guidance underpinning the requirement. This section picks specific sections of the Environment Act, National Planning Policy Framework and Planning Practice Guidance (PPG), using them to illustrate how the overarching requirement is enshrined in legislation and policy, before moving on to examine how the requirement is incorporated in existing policy and guidance documents within the adopted development plan for Dorset.

**1.4.2.** The Environment Act (Schedule 14, Pt 1, Paras 1 and 2) amends the 1990 Town and Country Planning Act (TCPA) by inserting a new ‘Biodiversity Gain’ section into the TCPA which states that ‘The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development

<sup>15</sup> [25-year-environment-plan.pdf \(publishing.service.gov.uk\)](#)

<sup>16</sup> [Nature Recovery Network - GOV.UK \(www.gov.uk\)](#)



exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage’ – defined as a minimum of 10%. In other words, the planning authority must be provided with evidence to show that a minimum of 10% BNG can be provided by each development. The calculation is achieved by use of a Biodiversity Metric. Although several metrics are in use prior to November 2023, the statutory Biodiversity Metric (as defined by legislation) must be used from this date.

**1.4.3.** The Environment Act also sets out a standard condition to be used when securing BNG through the planning process. Schedule 14, Part 2, Para 13(2) states: ‘The condition is that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority and (b) the planning authority has approved the plan.’ A biodiversity gain plan (BGP) is a new document, required to be submitted as part of the planning process in the same way as planning applicants already submit ecological survey reports, flood risk reports, heritage assessments and other documents.

**1.4.4.** The Environment Act also updates Section 40 of the 2006 NERC Act (as mentioned above) to read ‘conserve and *enhance* biodiversity’ rather than just ‘conserve’ as previously. This, plus the amended TCPA Act (with new BNG planning condition) make it mandatory for applicants and Local Authorities to achieve a minimum of 10% BNG from November 2023.

**1.4.5.** Along with mandatory provision of minimum 10% BNG, the Environment Act makes provision for the establishment of Local Nature Recovery Strategies (LNRS), and for Environmental Improvement Plans (EIPs).

**1.4.6.** Local Nature Recovery Strategies (Chapter 3, Pt 6 Paras 104-108 of the Environment Act) are ‘a new, England-wide system of spatial strategies that will establish priorities and map proposals for specific actions to drive nature’s recovery and provide wider environmental benefits’<sup>17</sup>. Although these are outside of the scope of this guidance, they are mentioned because the mapping element of each LNRS will be used to identify which areas in Dorset are strategically important and therefore where BNG should be focussed if it cannot be provided within the development boundary.

**1.4.7.** Although the LNRS for Dorset will not be complete by November 2023, the first draft of the maps underpinning the statement of biodiversity priorities for the LNRS are available now through the Local Nature Partnership<sup>18</sup>. These maps must be used, if BNG cannot all be achieved on-site, to determine the location of off-site BNG provision<sup>19</sup>.

**1.4.8.** Environmental Improvement Plans (Chapter 2 of the Environment Act) are the way in which the government proposes to monitor the success or otherwise of the targets set within the Act. The 25 Year Environment Plan: A Green Future, has been adopted as the first of these and the Act makes provision for annual reporting on the implementation of the EIP, and for regular review and revision of each EIP to ensure that targets are informed by annual reports and are relevant to the aims of the plan.

**1.4.9.** The NPPF has also been updated<sup>20</sup> with paragraph 174 stating that ‘Planning decisions should contribute to and enhance the natural environment by.....d) providing net

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<sup>17</sup> [Local Nature Recovery Strategies: how to prepare and what to include - Defra - Citizen Space](#)

<sup>18</sup> [Dorset’s Ecological Networks – Dorset Local Nature Partnership \(dorsetlnp.org.uk\)](#)

<sup>19</sup> The maps are available via Dorset Explorer, and more detailed information on particular areas can be requested from the Dorset Environmental Records Centre.

<sup>20</sup> [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)



gains for biodiversity...'. Paragraphs 179 and 180 go into more details, stating that 'plans should pursue opportunities for securing measurable net gains for biodiversity' and that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity'.

**1.4.10.** The Planning Practice Guidance on BNG<sup>21</sup> (Paras 20-28), underpins this by stating that BNG can be achieved through planning conditions or planning obligations and that it may be provided 'on-site, off-site or through a combination of on- and off-site measures'....., 'helping local authorities to meet their duty under Sect 40 of the NERC Act 2006'. The PPG also refers to the importance of the mitigation hierarchy and how BNG fits with this, which will be discussed in later sections of this Guidance.

**1.4.11.** In summary, the direction of travel of government, as established through both legislation and policy<sup>22</sup> is to work towards nature recovery and to protect and enhance biodiversity. This will increase resilience to climate change and promote health and wellbeing by enabling people to connect more with nature.

**1.4.12.** This section has provided a brief, high level overview of the relevant legislation relating to Biodiversity Net Gain, to explain what is required and to give context to the existing local plan policies and guidance. Information on other national policies and objectives which interact with BNG is set out in the DEFRA consultation on BNG Regulations and Implementation, January 2022<sup>23</sup>.

## 1.5. The Local Policy Framework

**1.5.1.** The adopted local plans covering the Dorset Council area are: the Purbeck Local Plan Part One 2012, North Dorset Local Plan Part One 2016, Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014, the West Dorset and Weymouth & Portland Local Plan 2015, the Swanage Local Plan 2017,, the Bournemouth, Dorset and Poole Minerals Strategy 2014, the Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan 2019 and the Bournemouth, Christchurch, Poole and Dorset Waste Plan 2019. There are also a number of neighbourhood plans which form part of the development plan.

**1.5.2.** Mineral and waste development is not exempt from the requirement to deliver BNG. However the February 2023 Government response to the consultation on BNG<sup>24</sup> states that further guidance and policy will be provided at a later date, meaning that BNG for mineral and waste development should for now be discussed on a case by case basis with Mineral and Waste Planning and the Natural Environment Team

**1.5.3.** Reviews of the adopted local plans have reached different stages, the most advanced of these being the Purbeck Local Plan 2018-2034 which is currently at examination. All other

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<sup>21</sup> [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

<sup>22</sup> The Environment Act (through mandatory BNG and the establishment of Local Nature Recovery Strategies), the revised NPPF and PPG, the 25 YEP, plus changes in the way we manage our agricultural estate (through establishment of the new Environmental Land Management Scheme (ELMS) which replaces previous EU agri-environment schemes), plus many other funding pathways and initiatives for habitat creation and restoration outside of the scope of this document, all contributing to the emerging Nature Recovery Network.

<sup>23</sup> [Consultation on Biodiversity Net Gain Regulations and Implementation January2022.pdf \(defra.gov.uk\)](https://defra.gov.uk)

<sup>24</sup> [Government response and summary of responses - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

plan reviews ceased in 2019 when Dorset Council became a unitary authority. Since that date, a draft of the Dorset Council Local Plan was produced for consultation.

**1.5.4.** There are a number of specific policies in the adopted local plans that are relevant to biodiversity net gain. The relevant policies are listed in Appendix 1 of this guidance, and will be used to inform development which is exempt from mandatory BNG or where development proposes to deliver more than the national mandatory 10% requirement.

**1.5.5.** There is clear intent from each of the former District and Borough Plans and the minerals and waste Plans to work towards achieving BNG by applying the principles set out in the earlier versions of the National Planning Policy Framework and Planning Practice Guidance as discussed above. This sits alongside the national mandatory requirement for minimum 10% BNG.

## 1.6. National BNG Guidance

**1.6.1.** This section provides a brief overview of published national guidance. Some guidance is specifically about BNG, and other documents cover wider subject matter such as the design principles for Nationally Significant Infrastructure Projects or planning and development, but all contribute to our understanding of how BNG should be embedded in the planning system and what the key elements of this might look like. Planning applicants and agents should apply these principles and use the guidance, to ensure that there is a thorough understanding of what is needed, and that BNG is designed into all projects at the appropriate, early stage in development rather than attempting to retrofit it at a later stage.

### The MHCLG National Design Guide<sup>25</sup>

**1.6.2.** The National Design Guide is taken into account by local authorities when making decisions<sup>26</sup>.

**1.6.3.** The Guide incorporates consideration of BNG into the 10 characteristics (including Nature) which work together to contribute to the overall design of a place. It states that open spaces should include: 'well-integrated drainage, ecology, shading, recreation and food production that achieve a biodiversity net gain as required by the 25 Year Environment Plan'.

**1.6.4.** The Guide goes on to define BNG and state how it can be achieved on- or off-site or through a combination of these measures as set out in PPG, as well as advising on how well-designed development should achieve BNG at all levels of scale.

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<sup>25</sup> [National design guide.pdf \(publishing.service.gov.uk\)](#)

<sup>26</sup> Statement UIN HCWS1840 made on 1 October 2019 Written statements - Written questions, answers and statements - UK Parliament states that 'The National Design Guide is also capable of being a material consideration in planning applications and appeals, meaning that, where relevant, local planning authorities should take it into account when taking decisions. This should help give local authorities the confidence to refuse developments that are poorly designed'. (<https://questions-statements.parliament.uk/written-statements/detail/2019-10-01/HCWS1840>)

## **BNG Good Practice Principles for Development<sup>27</sup>, Practical Guide and Case Studies<sup>28</sup>**

**1.6.5.** This set of three documents was published jointly by CIRIA, CIEEM and IEMA over several years and provides a framework (the Principles for Development) and detailed guidance on good practice (the Practical Guide) for Local Authorities and developers, covering all aspects of BNG.

**1.6.6.** The case studies provide ‘best practice’ examples of how BNG has been applied to development projects of all scales and include two in Dorset: the A338 Bournemouth Spur Road reconstruction and the redevelopment of St Leonards Hospital.

**1.6.7.** The 10 Principles are used by Local Planning Authorities (including Dorset Council) to summarise expectations on how BNG will be achieved, in terms of overarching themes such as collaboration, transparency etc. The Principles are listed later in this document and presented in full with commentary in Appendix 2.

## **British Standard BS8683:2021 Process for designing and implementing Biodiversity Net Gain<sup>29</sup>**

**1.6.8.** The British Standard for BNG builds on the BNG Principles and Practical Guide above, providing a structured process for designing and implementing BNG. The standard is aimed at any class or scale of built environment development or land/estate management and helps users meet the requirement to provide a minimum 10% BNG.

**1.6.9.** The Standard provides information on how to ensure BNG is integrated into all project design and delivery stages, including the 30 year monitoring and reporting which must be undertaken to show that required habitat creation and restoration is being carried out successfully. By doing this it aims to bring about consistent delivery of the processes and outcomes associated with BNG.

**1.6.10.** As above, Dorset Council applies the processes in the British Standard when assessing BNG as part of development projects, and expects developers to adhere to these when designing BNG into development.

## **National Infrastructure Commission (NIC): Design Principles<sup>30</sup> and National Policy Statements<sup>31</sup>.**

**1.6.11.** Dorset does not attract a high proportion of Nationally Significant Infrastructure Projects (NSIPs), but the potential for large scale renewable energy projects (eg solar, wind) makes it important to raise awareness of the NIC Principles and Policy Statements regarding BNG.

**1.6.12.** BNG is incorporated into the NIC four design principles as a key element of ‘Places’, where it is stated that: ‘Good design supports local ecology, which is essential to protect and enhance biodiversity. Projects should seek to deliver a net biodiversity gain, contributing to

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<sup>27</sup> [Biodiversity-Net-Gain-Principles.pdf \(cieem.net\)](#)

<sup>28</sup> [Biodiversity Net Gain: Good Practice Principles for Development Case Studies | CIEEM](#)

<sup>29</sup> [British Standard for Biodiversity Net Gain Published | CIEEM](#)

<sup>30</sup> [NIC-Design-Principles.pdf](#)

<sup>31</sup> [National Policy Statements | National Infrastructure Planning \(planninginspectorate.gov.uk\)](#)

the restoration of wildlife on a large scale while protecting irreplaceable natural assets and habitats’.

**1.6.13.** This sits alongside a suite of National Policy Statements (NPSs) which cover the topics related to different types of NSIP. While not all NPSs make specific reference to Biodiversity Net Gain (particularly those written several years ago), the earlier NPSs still include the principle. For instance the overarching NPS for Energy (published 2011) states: ‘The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity.’

**1.6.14.** The NPS for Water Resources Infrastructure (published April 2023) has an entire section on Biodiversity Net Gain (in response to the 2021 Dasgupta review<sup>32</sup> which recommended that BNG should be required for all NSIPs) where it is stated that NSIP development should achieve BNG, through use of the DEFRA Metric and calculations in the same way as is required of other development projects. DEFRA has recently clarified (through publication of the BNG Consultation Response<sup>33</sup>) that BNG will be mandatory for all NSIPs from November 2025.

**1.6.15.** There are many other sources of information and informal guidance for those needing to incorporate BNG into a planning project. Some of these include:

- Homes for People and Wildlife: How to build housing in a nature-friendly way<sup>34</sup>, published by the Wildlife Trusts. The report sets out how measures to protect and enhance nature can be built in to development at all scales.
- Site Level Design Code: Design Code for Net Zero and Nature Recovery, published by the RSPB, RTPI and others, demonstrating how masterplanning and good design can achieve nature recovery and net zero.
- Building with Nature<sup>35</sup> have produced a set of Standards to help deliver high quality green infrastructure. Developers can become accredited by Building with Nature to help reduce planning uncertainty by showing that projects have been designed to deliver BNG from the outset.

## 1.7. Local BNG Guidance

**1.7.1.** Dorset Council has produced this BNG Guidance for Applicants and Agents document and will update it as additional secondary legislation and statutory guidance is published.

**1.7.2.** The guidance document should be read alongside existing Dorset Council guidance (summarised below) on protecting and enhancing biodiversity through planning, which includes sections on both the mitigation hierarchy and BNG.

**1.7.3.** Dorset Council encourages pre-application engagement before a planning application is submitted, to allow BNG to be considered and incorporated at the earliest stages of a project. The Council offers a pre-application advice service to cover all types of planning

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<sup>32</sup> [Final Report - The Economics of Biodiversity: The Dasgupta Review - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101212/final-report-the-economics-of-biodiversity-the-dasgupta-review.pdf)

<sup>33</sup> [Government response and summary of responses - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/101212/government-response-and-summary-of-responses-to-the-dasgupta-review.pdf)

<sup>34</sup> [homes for people and wildlife lr - spreads.pdf \(wildlifetrusts.org\)](https://www.wildlifetrusts.org/sites/default/files/2019-09/Homes%20for%20People%20and%20Wildlife%20-%20Final%20Report.pdf)

<sup>35</sup> [About — Building with Nature — Building with Nature](https://www.buildingwithnature.org/)

application, providing specialist advice on BNG and other specialist areas: [Pre application advice - Dorset Council](#)

## **The Dorset Biodiversity Appraisal Protocol**

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**1.7.4.** Dorset Council's preferred option for addressing impacts on biodiversity arising from the planning process is the Dorset Biodiversity Appraisal Protocol (DBAP)<sup>36</sup>. The DBAP is managed by the Council's Natural Environment Team (NET) who assess all relevant applications to ensure that appropriate levels of mitigation, compensation and minimum 10% BNG are secured. The DBAP webpages explain the process in detail, with links to the necessary forms and information. The DBAP includes a set of guidance documents to help ensure that those submitting planning applications correctly assess and deal with impacts on biodiversity, including Section A: General Guidance and Section B: Mitigation. These will be updated to reflect mandatory BNG from November 2023 and should be referred to for more detailed guidance nearer the time.

**1.7.5.** The national requirement for BNG uses habitats as a proxy for wider biodiversity, but Dorset Council will always seek to achieve net gains for species as well, through the DBAP process. The DBAP General Guidance provides information on this, including measures such as the installation of bat and bird boxes as part of all new development, inclusion of hedgehog friendly fencing, bee bricks and planting of fruit trees (for pollinators and birds) where appropriate. These measures, along with national BNG requirements, are needed in addition to any required mitigation and compensation.

**1.7.6.** The DBAP Mitigation Guidance explains how the mitigation hierarchy must be followed, making it clear that impacts on biodiversity must first be avoided, then mitigated (if they can't all be avoided), and finally compensated for if not all impacts can be avoided or mitigated. Only once these steps have been followed can BNG be calculated.

## **Other Dorset Council Guidance on BNG**

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**1.7.7.** In addition to the DBAP, Dorset Council has published other guidance documents which have a bearing on how BNG will be achieved. These can be found on the Council's Supplementary Planning Documents and Guidance webpage<sup>37</sup> and on the Council's Natural Environment Team Species and Habitat Advice Notes and Guidance Sheets webpage<sup>38</sup>. They include (but are not limited to):

- Sustainable Drainage Systems (SuDS) advice note – describing how to maximise the biodiversity potential of SuDS through good design.
- Planting Schemes advice note – describing how to maximise the biodiversity benefits of planting schemes.
- Advice for Practical Design and Management of Greenspace – setting out considerations for the design of greenspaces, to maximise biodiversity benefits.

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<sup>36</sup> [The Dorset Biodiversity Appraisal Protocol - Dorset Council](#)

<sup>37</sup> [Supplementary planning documents and guidance - Dorset Council](#)

<sup>38</sup> [Species and habitat advice notes and guidance sheets - Dorset Council](#)

## How BNG works in Dorset – Guidance on good practice and what the LPA expects.

### 1.8. Overarching Principles

#### The 10 Principles for achieving BNG through development

**1.8.1.** Dorset Council applies the 10 Principles for BNG set out in Biodiversity Net Gain: Good Practice Principles for Development, A Practical Guide. This is a standard starting point for achieving BNG and Dorset Council expects developers to adhere to these Principles in the provision of BNG.

- Principle 1: Apply the Mitigation Hierarchy
- Principle 2: Avoid losing biodiversity that cannot be offset by gains elsewhere
- Principle 3: Be inclusive and equitable
- Principle 4: Address risks
- Principle 5: Make a measurable Net Gain contribution
- Principle 6: Achieve the best outcomes for biodiversity
- Principle 7: Be additional
- Principle 8: Create a Net Gain legacy
- Principle 9: Optimise sustainability
- Principle 10: Be transparent

**1.8.2.** Appendix 2 provides some commentary on each Principle, to guide development.

#### The Mitigation Hierarchy comes first

**1.8.3.** The mitigation hierarchy is ‘a tool designed to help users limit, as far as possible, the negative impacts of development on biodiversity’<sup>39</sup>. Thus, it can be seen that the mitigation hierarchy is the essential first step in the BNG process: it is not possible to achieve net gains for biodiversity without first avoiding (through consideration of alternative sites), minimising, mitigating (through appropriate design) and compensating for any biodiversity losses.

**1.8.4.** As set out in NPPF, para 180, the mitigation hierarchy requires that ‘if significant harm to biodiversity resulting from a development cannot be avoided (for example by locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused’<sup>40</sup>. In reality planning applications often rely on a combination of these measures take account of biodiversity while ensuring that development can take place.

<sup>39</sup> [Mitigation Hierarchy - Executive summary and Overview \(csbi.org.uk\)](https://www.csbi.org.uk)

<sup>40</sup> [National Planning Policy Framework - 15. Conserving and enhancing the natural environment - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)



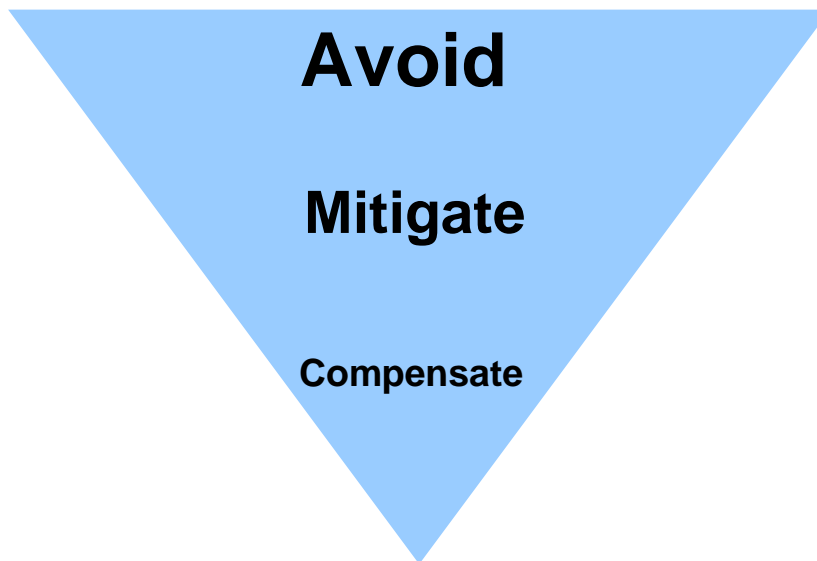


Figure 3: The Mitigation Hierarchy

**1.8.5.** Biodiversity net gain complements and works with the biodiversity mitigation hierarchy. Development must now go beyond the ‘no net loss’ position secured by the mitigation hierarchy, to provide net gains for all affected habitats. This can be achieved on or off-site, or through national biodiversity credits, to ensure that the requirement for BNG does not conflict with the need to deliver housing and other development.

**1.8.6.** BNG does not override the protection for designated sites (such as SSSIs), and irreplaceable habitats (such as ancient woodland and veteran trees) as set out in the NPPF (para 179). Impacts on these sites and habitats will be considered outside of the BNG system on a case by case basis.

**1.8.7.** Losses of or impacts on one type of habitat (eg neutral grassland) cannot be mitigated or compensated by the creation of another type of habitat (eg broadleaved woodland). Instead, development must mitigate or compensate for impacts on one habitat by replacing it ‘like for like’, and so avoid degradation of particular habitats and species, and loss of habitats that are harder to re-create.

**1.8.8.** In the same way, to ensure that net gains are achieved on a like for like basis, the metric requires achievement of 10% BNG for the three area/linear unit types contained in the metric: area, hedgerow and watercourse. So, if only hedgerows are affected, 10% BNG must be provided for these, rather than riparian or area habitat.

**1.8.9.** Dorset Council expects developers to include a clear reasoned statement on how the mitigation hierarchy has been applied, as part of the Biodiversity Gain Statement required at application stage (see Section 1.9).

### **The BNG Hierarchy and use of Strategic Priorities: where to create BNG sites**

**1.8.10.** The Nature Recovery Network (NRN) will cover 30% of each county by 2030 (as explained in Section 1.3 of this guidance), and Local Nature Recovery Strategies (LNRSs) will contribute towards the NRN in each of the areas which they cover.

**1.8.11.** Within each LNRS, BNG is the main tool for delivery of habitat restoration and creation and therefore is key to delivery of the national NRN.



**1.8.12.** Dorset Council is producing its LNRS, which will consist of a statement of biodiversity priorities and a local habitat map. The map will show the existing, most valuable areas for nature and also the priority areas where habitat creation or enhancement will protect and enhance the existing areas.

**1.8.13.** In the interim before the LNRS local habitat map is published, Dorset's Ecological Network Maps<sup>41</sup> will be used to identify priority areas for habitat creation and are the principal tool for spatial decision-making until the LNRS map is published.

**1.8.14.** Government's 2023 BNG consultation response states: 'Government will continue to incentivise a preference for on-site gains over off-site gains.' Thus BNG follows a very clear hierarchy of its own, over and above the existing mitigation hierarchy, to ensure that habitat enhancement and creation contributes as much as possible to the Nature Recovery Network:

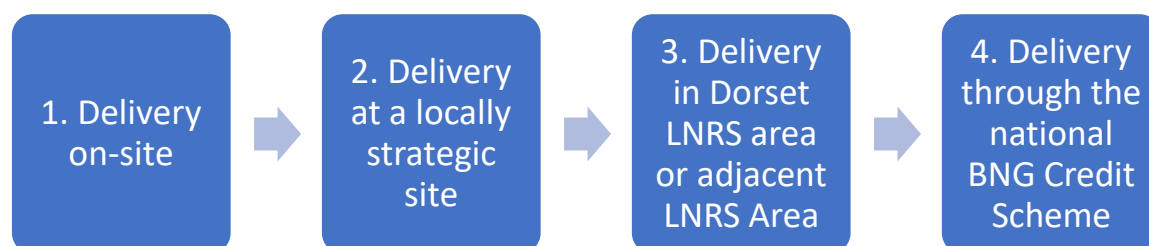


Figure 4: the BNG Hierarchy

- 1. Delivery on-site.** BNG must be achieved on-site where possible. NE and Defra advise that on-site means within the planning application 'red line'. On-site delivery promotes improved design quality on the development site, meeting the requirements of the National Design Guide, and para 126 of the NPPF as well as other good practice advice and guidance. The emphasis is always on avoiding loss: moving away from a focus on housing density to concentrate on the quality of spatial design, delivered through integrating habitats into site design from the outset.
- 2. Delivery at a locally strategic site.** If it is not possible to achieve all of the BNG requirement on-site, then the next priority will be off-site areas which are in close proximity to the application site, and of local strategic importance. The Biodiversity Metric places a higher strategic value on sites closer to development and therefore using land closer to the development site and of higher strategic importance may result in fewer biodiversity units being required to achieve the 10% BNG requirement. BNG units bought in this way could form part of a larger BNG delivery site where BNG is delivered to enable multiple developments, potentially creating a larger habitat creation/enhancement area with correspondingly greater strategic benefits.
- 3. Delivery in Dorset LNRS area or adjacent LNRS area.** If there are no appropriate sites near the development area, then off-site BNG should be achieved within the Dorset LNRS area. This could be achieved by securing BNG units from Dorset Council (contact NET to discuss this) or from a third party on privately owned land. As above, BNG units could be secured as part of a larger, strategic BNG delivery site. If this is not possible then off-site BNG in the adjacent LNRS areas can be considered.
- 4. Delivery through the national BNG Credit Scheme.** Finally, if none of these options are available then off-site, national BNG credits may be considered through use of

<sup>41</sup> [Dorset's Ecological Networks – Dorset Local Nature Partnership \(dorsetlnp.org.uk\)](https://www.dorsetlnp.org.uk)

either the statutory credit sales platform (administered by Natural England on behalf of the Secretary of State) or other landbank schemes in operation. However, Dorset Council would only allow this last option after discussion and clear evidence that no other, more locally strategic options are available.

**1.8.15.** The approach to BNG for a development must demonstrate the re-creation of the unit value of the biodiversity lost, plus the additional 10% BNG enhancement as a minimum, through use of the statutory Metric. BNG habitats must be of the same type as those affected by development. For example, if development will affect scrub and secondary woodland, then a BNG site creating or enhancing riparian or grassland habitat is not acceptable.

**1.8.16.** The replacement of affected habitat with larger areas of habitats of lower condition and/or distinctiveness is referred to as ‘trading down’ and the Metric Guidance states that this is not allowed. Therefore development must demonstrate the provision of replacement habitats that are either of the same or of a higher distinctiveness. All high distinctiveness habitats require re-creation on a like-for-like basis should they be lost.

**1.8.17.** Off-site BNG must also demonstrate how it contributes to the strategic priorities shown on Dorset’s Ecological Network Maps and subsequently on the LNRS Local Habitat Map once produced. Potential suitable receptor sites for off-site BNG should ideally be identified in discussion with Dorset Council or as a minimum with another responsible body.

**1.8.18.** Development must follow the BNG hierarchy and Dorset Council will only consider use of national habitat bank credits as a last resort where it has been clearly demonstrated that there are no other options.

## 1.9. How to achieve BNG through the planning process

**1.9.1.** This section sets out the basic steps needed to achieve mandatory minimum 10% BNG in Dorset. It follows national policy and guidance while explaining broadly what Dorset Council requires.

**1.9.2.** More detailed guidance on achieving BNG is available from the DEFRA website for Biodiversity Net Gain<sup>42</sup> and from Natural England who publish guidance on how to use the statutory Biodiversity Metric<sup>43</sup>.

**1.9.3.** The Planning Advisory Service (PAS) and Future Homes Hub BNG Best Practice Process Flow shown below sets out the basic steps to achieving BNG. Planning applications must also have regard to the Dorset Biodiversity Appraisal Protocol (DBAP) guidance<sup>44</sup> which is Dorset Council’s preferred option for addressing impacts on biodiversity arising from the planning process. DBAP guidance documents provide information on:

- the type and amount of survey information needed,
- what ecological survey reports to submit alongside a planning application,

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<sup>42</sup> [Biodiversity net gain - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

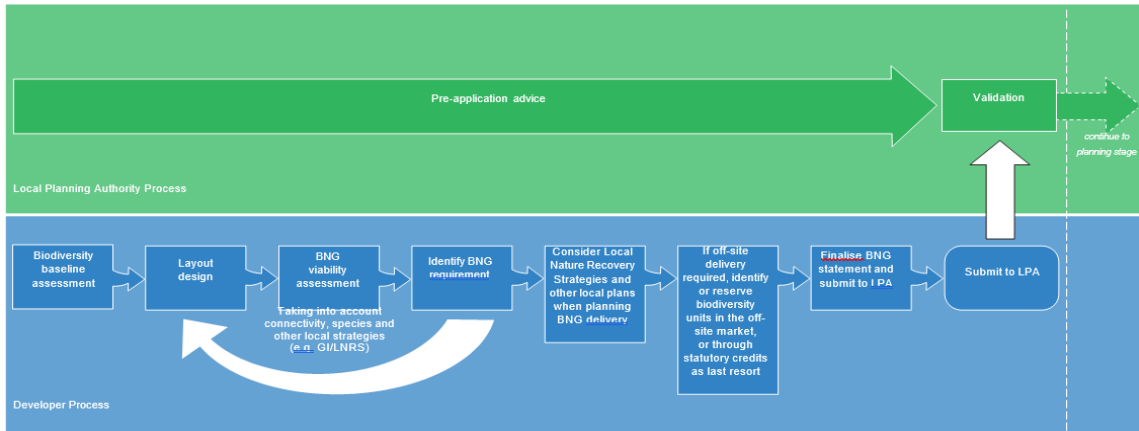
<sup>43</sup> [The Biodiversity Metric 4.0 - JP039 \(naturalengland.org.uk\)](https://naturalengland.org.uk)

<sup>44</sup> [The Dorset Biodiversity Appraisal Protocol - Dorset Council](#)

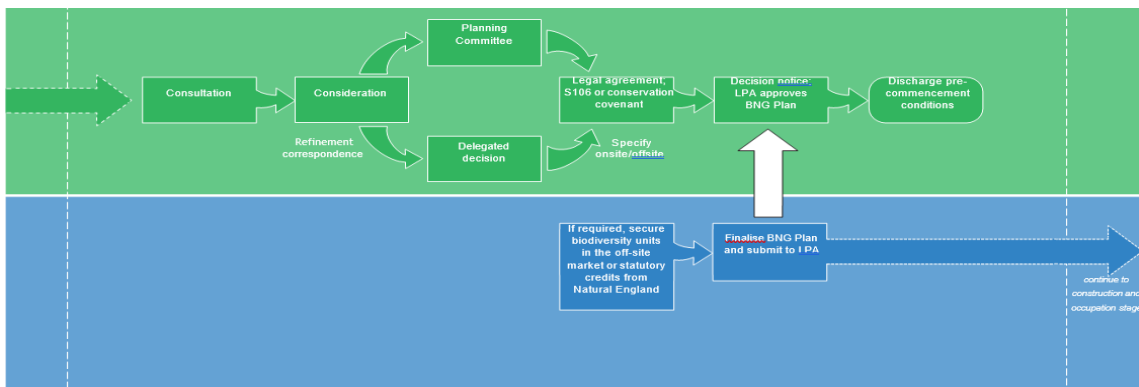
- how to complete and submit the DBAP Biodiversity Plan form (summarising all the ecological impacts of development, including required mitigation, compensation and additional species enhancement measures such as bat and bird boxes, bee bricks etc).

**1.9.4.** Mandatory minimum 10% BNG will apply to major applications from November 2023, with the addition of small sites (1-9 dwellings, with caveats – see small sites section below) from April 2024 through use of the Small Sites Metric (SSM) and NSIPs from November 2025. The DBAP process will therefore be amended in stages to reflect the adoption of mandatory BNG: from November 2023 the DBAP will apply only to minor, householder, NSIP and BNG exempt applications, and from April 2024 will then just apply to householder, NSIP and BNG exempt applications (subject to change as further legislation and guidance emerges).

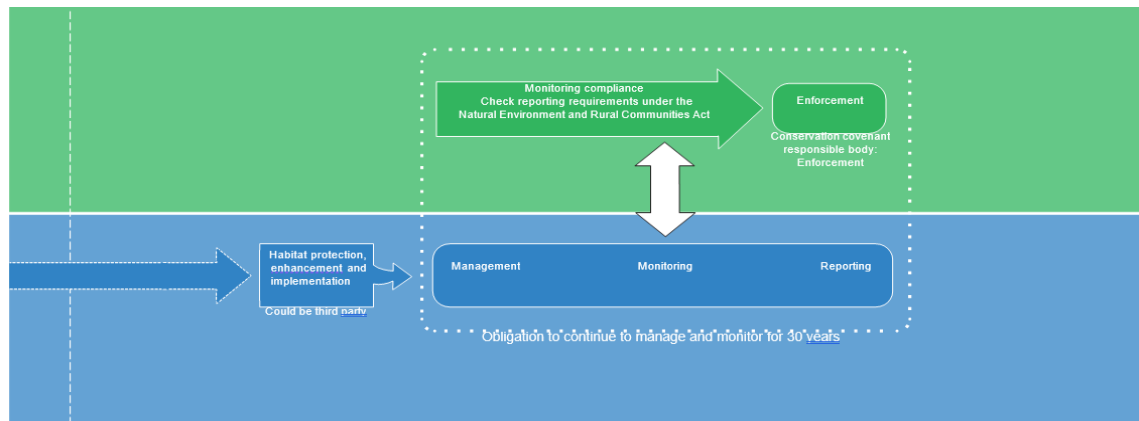
### BNG Best Practice Process Flow



#### PRE-APPLICATION STAGE



#### PLANNING STAGE



#### CONSTRUCTION AND OCCUPATION STAGE

Figure 5: Future Homes Hub and PAS: BNG Best Practice Process Flow showing indicative stages to achieving BNG. [Current Future Homes Hub Project - Embodied and whole-life carbon](#)

## Pre-application stage

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**1.9.5.** Dorset Council encourages pre-application engagement before a planning application is submitted, through the pre-application advice service<sup>45</sup>, to allow BNG to be considered and incorporated at the earliest stages and avoid delays.

### Exemptions

**1.9.6.** BNG does not apply to permitted development and prior approval applications. For permission in principle applications (PIPs), BNG information will be required at the technical details application stage (unless this is amended by subsequent Defra guidance) rather than with the PIP application. BNG will also not apply to listed building consent applications, but please note that if these are made jointly with a full application which isn't exempt from BNG, then BNG will be required for the full application.

**1.9.7.** Prior to a planning application being submitted, check whether the development is exempt from the minimum 10% BNG requirement. Currently, development is exempt if it:

- relates to an area of less than 25m<sup>2</sup>
- relates to less than 5 linear metres of hedgerow
- is a householder application
- is a biodiversity gain site (where habitats are being enhanced for wildlife)
- is either a self or custom build site, or
- is a Review of Old Mineral Permission (ROMP) application.

**1.9.8.** Even where sites are exempt from the mandatory 10% BNG requirement, the Council still expects applicants to achieve net gain and other biodiversity enhancements, in line with the relevant development plan policy and DBAP Guidance.

**1.9.9.** This means that all other development will be required to provide minimum 10% BNG, including:

- Small sites (although the BNG requirement is not mandatory until April 2024) – see below for definition.
- Nationally Significant Infrastructure Projects (BNG requirement not mandatory until late 2025)
- Outline and phased applications (where the initial application is submitted after November 2023). Further government guidance is expected to clarify the level of detail on BNG provision which will be required at outline application stage.
- Section 73 applications to vary an existing planning consent (where the parent application is submitted after November 2023 and the Sect 73 application alters the post-development biodiversity value).

### Small Sites

**1.9.10.** Small sites will not be required to provide the national mandatory minimum 10% BNG until April 2024. In the interim, from November 2023, Dorset Council expects small sites to

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<sup>45</sup> [Pre application advice - Dorset Council](#)

provide minimum 10% BNG where possible, as set out in DBAP General Guidance - Section A, and through discussion with the Council's Natural Environment Team. These sites are defined as:

- 1-9 dwellings (submitted as 'minor' applications), with an area of less than 1ha
- OR with an area of less than 0.5ha if the number of dwellings is not known
- OR with a site area of less than 1ha OR floor space of less than 1000m<sup>2</sup> if the development is non-residential

**1.9.11.** Small sites are provided with a separate Metric called the Small Sites Metric (SSM)<sup>46</sup> which is intended to be simpler and quicker to use. However, if the small site requires off-site BNG or includes areas of priority habitat or habitats sites (SSSI, SAC, SPA or Ramsar) then the statutory Metric must be used and the small site definition will not apply. The SSM (like the statutory Metric) does not change existing levels of protection afforded to trees, protected species and protected habitats.

### Apply the Mitigation and BNG Hierarchies

**1.9.12.** Development sites should be chosen with the mitigation hierarchy in mind, with avoidance and reduction of impacts on biodiversity being the priority. The DBAP Guidance documents should be used to ensure that the principles of the mitigation hierarchy are adhered to and that sufficient evidence is gathered and submitted to allow the Council to properly assess the impacts of the proposed development. Dorset Council will assess each application against the hierarchy, and against the relevant Local Plan policies, to ensure that development is only permitted in appropriate locations and with regard to biodiversity.

**1.9.13.** The BNG hierarchy (see Section above on this) must also be applied (with use of Dorset's Ecological Network Maps or LNRS Local Habitat Map) to ensure that BNG is located as close to the point of impact as possible, delivering high quality BNG that contributes to the Nature Recovery Network.

**1.9.14.** Only where all possibilities for on-site retention, reduction, mitigation, and on-site BNG have been considered, should the applicant explore measures for the creation of compensatory biodiversity units on separate land to the application site.

### Stacking and bundling of BNG credits

**1.9.15.** The potential for stacking or bundling BNG with carbon and/or nutrient credits, SANGs, great-crested newt habitat and agri-environment schemes can be considered, following DEFRA BNG and other guidance<sup>47</sup>. This will be carefully assessed by NET to ensure that additionality is achieved and gains are maximised for wildlife and people.

### Costs and viability

**1.9.16.** It is expected that BNG will be taken into account when agreeing land values as BNG will not be accepted as a valid reason to negotiate away affordable housing provision

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<sup>46</sup> [The Small Sites Metric \(Biodiversity Metric 4.0\) - JP040 \(naturalengland.org.uk\)](https://naturalengland.org.uk)

<sup>47</sup> [Combining environmental payments: biodiversity net gain \(BNG\) and nutrient mitigation - GOV.UK \(www.gov.uk\)](https://www.gov.uk) [1.6 Additionality - UK Woodland Carbon Code](#) [Peatland Code v1.2 4.pdf \(iucn-uk-peatlandprogramme.org\)](#)

except in very exceptional circumstances. Where this is the case, a full viability appraisal and a consideration of alternative approaches to delivering BNG will be required.

**1.9.17.** National policy requires a minimum of 10% BNG. Dorset Council recognise that this is a minimum and will seek to achieve a higher percentage wherever possible, taking account of viability considerations. Where feasible, given viability considerations, a higher percentage of BNG is encouraged, including for mineral sites. Dorset Council will be exploring whether it is appropriate to deliver greater than 10% BNG through emerging Local Plan policy.

**1.9.18.** For certain types of development such as new mineral extraction, it may be possible to achieve substantively higher than the national minimum, which will also benefit local communities through increased access to wildlife-rich greenspaces, and consequent improved outcomes for health and wellbeing. The Council will seek to achieve a higher BNG from mineral development where possible, through detailed pre-application discussions.

**1.9.19.** All BNG has a requirement for a minimum of 30 years of management and monitoring (see below), with all costs to be borne by the developer. The obligations and funds for management and monitoring may be passed to a landowner or third party and must be secured by a legal agreement (s106 or conservation covenant). But it is important that these costs are factored into the viability assessment for each development to avoid viability issues and delays at a later stage.

#### Baseline Assessments and use of the Metric

**1.9.20.** Developers should use the DBAP guidance and other best practice documents (eg CIEEM Guide to Ecological Surveys and Their Purpose<sup>48</sup> and BS42020 British Standard Code of Practice for Planning and Development) to determine the type of ecological survey assessment required for each planning application. Typically, this may be a Preliminary Ecological Appraisal (PEA), followed if needed by an Ecological Impact Assessment (EclA).

**1.9.21.** Surveys must be carried out using the correct survey methodology to ensure that the results can be entered into the statutory Biodiversity Metric (Metric 4.0 at time of publication) to enable a BNG calculation. All surveys and Metric calculations must be made by a suitably qualified ecologist. The Metric uses habitat as a proxy for wider biodiversity with different habitat types scored according to their relative biodiversity value. This value is then adjusted, depending on the condition and location of the habitat, to calculate 'Biodiversity Units' for that specific project or development, based on criteria such as the habitat distinctiveness, condition and extent. DEFRA have published guidance for Metric 4.0<sup>49</sup> (or any later version adopted as the statutory Metric) to explain the principles and use of the Metric, as well as presenting a series of worked case studies.

**1.9.22.** Once surveys are complete, the results will be used to identify the required mitigation and compensation and the number of BNG units needed to achieve the mandatory minimum 10% gain.

**1.9.23.** Pre-emptive site clearance (the deliberate clearing of valuable habitats before the application process) is accounted for under the Environment Act Schedule &A, Pt 1, Para 6a-b, with a cut-off date of 30th January 2020. Where there is evidence of deliberate neglect or damage to any of the habitats and species on a development site, their deteriorated condition

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<sup>48</sup> [Guide to Ecological Surveys and Their Purpose | CIEEM](#)

<sup>49</sup> [The Biodiversity Metric 4.0 - JP039 \(naturalengland.org.uk\)](#)



will not be taken into consideration and the ecological potential of the site will be used to decide the acceptability of any development proposals. Dorset Council's Natural Environment Team will use aerial photos, historic reports and other documents as necessary to determine the pre-clearance potential of the site if clearance or damage has occurred.

**1.9.24.** Applicants are encouraged to engage in pre-application discussion as early as possible with the planning authority to discuss scheme design and how to achieve BNG, through use of the Council's planning pre-application advice service: [Pre application advice - Dorset Council](#). The need for BNG must be included at this early stage to ensure that schemes are designed to achieve as much BNG on-site (within the development site 'red line' boundary) as possible. If off-site BNG is needed then the location and extent of this must also be considered at this early stage to ensure that it is achievable and therefore the development scheme is deliverable and viable.

## **Application Stage**

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**1.9.25.** It is the intention of government to modify the national validation checklist prior to November 2023 to include BNG requirements. At this point Dorset Council will also, if needed, amend the local validation checklist to reflect any additional local validation requirements. However in the interim, this guidance provides an overview of what is required.

**1.9.26.** Once surveys, assessment, Metric calculations and pre-application discussions with Dorset Council and any other relevant parties are complete, Dorset Council expects developers to submit the following documents:

For those applications which are exempt from BNG or for small sites prior to April 2024:

- Survey reports
- a Biodiversity Plan, to enable assessment of mitigation and compensation through the DBAP.
- Plans and drawings as set out in DBAP Guidance to show where mitigation and compensation will be achieved.
- Any other reports necessary to complete the biodiversity assessments.

For those applications where mandatory minimum 10% BNG applies:

- Survey reports
- a Biodiversity Gain Statement (required by the Environment Act to set out all information relating to BNG)
- the completed Metric 4.0 (or latest statutory Metric) spreadsheet,
- plans and drawings to show where mitigation, compensation and BNG will be achieved. These must be to scale and include the different types of habitat,
- indicative agreements relating to securing off-site gains (see below),
- and any other reports necessary to complete the biodiversity assessments.



pre-application stage as this is when the need for off-site BNG provision will become apparent, and the applicant will be looking to secure appropriate net gain sites.

**1.9.36.** Note that if all BNG is delivered on site the legal processes involved should be much simpler than for applications with a combination of on and off-site BNG or full delivery off-site. The delivery of on-site BNG provides an opportunity for a more straightforward approach to securing BNG than off-site provision, and will reduce costs and delays associated with the process.

### Registration of off-site BNG with the Biodiversity Gain Site Register.

**1.9.37.** All off-site BNG areas must be added to this national register (run on behalf of the Secretary of State by Natural England), to ensure that BNG is recorded and the information is publicly available. It is expected that site registration will take around 6 weeks (including payment of an administration fee) and therefore it is vital that this is taken into consideration by developers when planning ahead to start development. Registration cannot take place before the binding legal agreement (conservation covenant or s106) for off-site BNG has been signed so this must also be added to the time needed prior to commencement of development.

### Habitat Management and Monitoring Plan

**1.9.38.** BNG must be secured 'in perpetuity' which, in relation to the legislation, is defined as 30 years minimum.

**1.9.39.** As part of the registration of off-site BNG areas, and the sign-off of pre-commencement conditions, a Habitat Management and Monitoring Plan (HMMP) is required to be submitted, to cover this 30 year period. This document is key to the delivery of BNG as it sets out who will manage the required habitat restoration and/or creation, as well as who will monitor this against the targets set in the Biodiversity Metric. A Defra template will be provided nearer to November 2023, but in the meantime if applicants intend to provide BNG the Council recommends use of the guidance in BS8683:2021 Process for Designing and Implementing Biodiversity Net Gain to ensure the HMMP is fit for purpose. The document must include a costed plan for management and monitoring and all costs must be borne by the developer and set out in the accompanying legal agreement for BNG. Where the developer wishes to pass on these obligations to a third party, this must be made clear in the HMMP and included in the Conservation Covenant or other legal agreement.

**1.9.40.** More information on this is set out below, in relation to the final planning stage.

## Management and Monitoring Stage

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**1.9.41.** The 30 year management and monitoring stage starts at commencement of construction of the development site. The 30 year time period ensures that maximum gain is achieved, as set out at the design stage, and that BNG areas will deliver as many as possible of the other key environmental gains such as natural flood management, carbon capture etc.

**1.9.42.** In Dorset, applicants are encouraged to submit reports to the Dorset Environmental Records Centre as well as Dorset Council, to ensure that all data can be used to report on progress towards Dorset's LNRS targets and the wider Nature Recovery Network. This can then be used to promote good practice amongst developers and enable regular updates of the LNRS Local Habitat Map so that future BNG sites can be located in the most strategically important areas. All monitoring costs must be included in the Conservation Covenant or other legal agreements.

**1.9.43.** Long term management and ownership beyond the 30-year period should also be considered. There is a financial incentive to this in that BNG sites can be 're-used' and sold on after the 30 year period to enable future development. However this will only be possible if management activities can be carried out on the BNG site to further enhance the biodiversity unit value and careful assessment will be needed (based on monitoring data) to decide whether this is possible.

## Appendix 1: Adopted Local Plan Biodiversity Policies

### West Dorset and Weymouth & Portland Local Plan (adopted 2015)

#### ENV2: WILDLIFE AND HABITATS

- i) Internationally designated wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution.
- ii) Development that is likely to have an adverse effect upon the integrity of the Poole Harbour and Dorset Heaths International designations will only be permitted where there is provision to avoid, or secure effective mitigation of, the potential adverse effects in accordance with the strategy in Table 2.2.
- iii) Development that is likely to have an adverse effect upon nationally designated wildlife sites will not be permitted unless the benefits, in terms of other objectives, clearly outweigh the impacts on the special features of the site and broader nature conservation interests and there is no alternative acceptable solution.
- iv) In other locations, including locally identified wildlife sites and water-bodies, where significant harm to nature conservation interests cannot be avoided, it should be mitigated. Where it cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity otherwise development will not be permitted. Features of nature conservation interest should be safeguarded by development.
- v) Proposals that would result in the loss or deterioration of irreplaceable habitats, such as ancient woodlands and veteran trees, will be refused unless the need for and public benefits of the development clearly outweigh the loss.
- vi) Proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. Development of major sites should take opportunities to help connect and improve the wider ecological networks.
- vii) Development that is likely to have an adverse effect on internationally protected species will not be permitted unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution. Development on sites supporting other protected species will only be permitted where adequate provision can be made for the retention of the species or their safe relocation.

#### ENV3: GREEN INFRASTRUCTURE NETWORK

- i) The councils will work together with local communities and other relevant partners to develop a green infrastructure strategy for the plan area.
- ii) Development that would cause harm to the green infrastructure network or undermine the reasons for an area's inclusion within the network will not be permitted unless clearly outweighed by other considerations.

- iii) Development proposals that promote geodiversity and biodiversity within this network of spaces and provide improved access and recreational use (where appropriate) should be supported.

## **Purbeck Local Plan Part One (adopted 2012)**

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### **POLICY BIO: BIODIVERSITY AND GEODIVERSITY**

Purbeck's biodiversity and geodiversity will be protected, managed and enhanced through:

- The promotion of Strategic Nature Areas as identified on the Nature Map (Map 3);
- Efforts to enhance, link and create habitats to enable adaptation to climate change;
- Projects associated with the Purbeck Nature Improvement Area and the achievement of 'Wild Purbeck';
- Encouraging development proposals to incorporate biodiversity having regard to District design guidance;
- Maintaining regionally important geological and geomorphological sites (RIGS) for their scientific and educational value; and
- Allowing natural processes to continue along the coast in order to protect any wildlife and geological features maintained by active erosion, as reflected in the Shoreline Management Plan policy.

#### **New Development:**

- Will need to ensure that there are no adverse effects upon the integrity of European protected sites (SPA, SAC, Ramsar, possible SAC, potential SPA).
- Within the vicinity of areas that support nationally significant numbers of Annex 1 bird species (nightjar and woodlark), undertake a risk based approach to ensure that there is no significant adverse effect upon these species and their habitats.
- Will need to ensure that there are no adverse impacts upon SSSI, for example an indirect effect of disturbance from increased public access.
- Will need to demonstrate that it avoids significant adverse impacts upon Sites of Nature Conservation Interest (SNCI), National Nature Reserves (NNR), Local Nature Reserves (LNR), Ancient Woodland, aged or veteran trees, wetland interests (for example, watercourses, ponds, reedbeds), and Habitats of Principal Importance. Any significant adverse impacts on these sites and features which cannot be avoided through location on an alternative site, must be adequately mitigated, or, as a last resort, compensated.
- Should incorporate any opportunities for biodiversity in and around the development

In considering the acceptability of proposals, the Council will assess their direct, indirect and cumulative impacts relative to the significance of the nature conservation value, and balance them against other sustainable development objectives.

## **Purbeck Local Plan (under examination)**

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This policy is included for information although the Purbeck Local Plan is undergoing examination at time of writing and therefore is not yet a material consideration.

### **POLICY E10 – BIODIVERSITY AND GEODIVERSITY**

Applications for development that affect biodiversity and geodiversity, and any sites containing priority species and habitats as well as those of local importance, including Sites of Nature

Conservation Interest (SNCI), Local Nature Reserves (LNR), Ancient Woodland, and veteran trees will be permitted where they:

- a. ensure any features of nature conservation, biodiversity and geodiversity interest are protected to prevent or avoid any adverse impact and are appropriately managed;
- b. incorporate measures to reduce and / or mitigate disturbance of sensitive wildlife habitats throughout the lifetime of the development; and
- c. seek opportunities to enhance biodiversity and geodiversity through the restoration, improvement or creation of habitats and/or ecological networks.

Within the vicinity of areas that support nationally significant numbers of Annex 1 bird species (including nightjar and woodlark), the applicant will need to demonstrate to the Council's satisfaction that there is no significant adverse effect upon these species and their habitats.

### **Biodiversity Appraisal**

A biodiversity appraisal must be submitted where there are protected or important species and habitat features, as set out in the Dorset Biodiversity Protocol, within the site or close to it. The appraisal will need to demonstrate that the development will not result in any adverse impacts. The appraisal must involve consultation with the Council and, as appropriate, Natural England.

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## **North Dorset Local Plan (adopted 2016)**

### **POLICY 4: THE NATURAL ENVIRONMENT**

The natural environment of North Dorset and the ecosystem services it supports will be enhanced through the protection of environmental assets and the establishment of a coherent ecological network of designated sites and stepping stone sites linked via corridor features. Where development takes place, buffers should be provided to environmental assets to improve their biodiversity value and facilitate adaptation to climate change. Where opportunities exist, new habitats should be created to enhance this network further.

Developments that offer gains in biodiversity whether through the restoration of habitats or the creation of linkages between existing sites, will be looked upon favourably in the decision-making process.

Developments are expected to respect the natural environment including the designated sites, valued landscapes and other features that make it special. Developments should be shaped by the natural environment so that the benefits it provides are enhanced and not degraded.

Development proposals which seek to conserve or enhance the natural environment should be permitted unless significant adverse social or environmental impacts are likely to arise as a result of the proposal.

### **Landscape Character**

The landscape character of the District will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that that the impact on the landscape has been mitigated and that important landscape features have been incorporated in to the development scheme.

### **Areas of Outstanding Natural Beauty (AONB)**



Within the areas designated as AONB and their setting, development will be managed in a way that conserves and enhances the natural beauty of the area. Proposals which would harm the natural beauty of the AONBs will not be permitted unless it is clearly in the public interest to do so. In such instances, effective mitigation should form an integral part of the development proposals. Developers will be expected to demonstrate how they have had regard to the objectives of the relevant AONB management plan for the area.

### **Internationally Important Wildlife Sites**

Developers should demonstrate that their proposals will not have significant adverse effects, including cumulative effects, on internationally important wildlife sites. Where this cannot be demonstrated, appropriate mitigation measures will be required otherwise permission will be refused. Mitigation measures for specific sites will include:

- a. in relation to Fontmell and Melbury Downs SAC, contributions towards the effective management of the site to reduce recreational pressure;
- b. in relation to Rooksmoor SAC, contributions towards the establishment of the North Dorset Trailway between Sturminster Newton and Stalbridge to reduce traffic pollution on the site;
- c. in relation to the Dorset Heathlands SAC, Dorset Heathlands (Purbeck and Wareham) and Studland Dunes SAC, Dorset Heathlands SPA, and Dorset Heathlands Ramsar site, contributions from developments within 5km of the heathland designations towards the sustainable management of the heathland sites or contributions towards the provision of alternative accessible recreation space to reduce recreational pressure on the Dorset heathlands;
- d. in relation to the Poole Harbour SPA and Poole Harbour Ramsar site, developments within the harbour catchment will be required to be nitrogen neutral to avoid increasing nitrogen inputs into Poole harbour. A package of measures including upgrade of sewage treatment works or through the transfer of land from intensive agricultural use to less intensive grassland or woodland uses is available.

### **Sites of Special Scientific Interests (SSSIs)**

Nationally designated wildlife sites should not be harmed by development unless it can be clearly demonstrated that the benefits of development clearly outweigh the impact on the site and the wider SSSI site network.

Developers should demonstrate that their proposals will not have a negative impact, including cumulative impacts, on nationally designated wildlife sites. Where the potential for harm is identified, effective mitigation measures will need to be put into place. Developments should seek to link sites together to contribute towards the establishment of a coherent ecological network.

### **Locally Designated Natural Environment Sites**

Locally designated sites represent some of the most valuable local environmental sites. Development should have regard to the reasons for the designation and not harm the integrity of these sites nor connections between them and other environmental assets.

Development proposals should aim to avoid impact on local biodiversity sites however where impact is unavoidable; developers will be required to provide effective mitigation for this loss in biodiversity. As a last resort, compensation measures may be acceptable if effective mitigation cannot be provided. Such compensation measures must offer gains equivalent in magnitude to the loss resulting from the development.

## **Agricultural Land**

The best and most versatile agricultural land will be safeguarded from permanent loss unless it can be demonstrated that there are no suitable alternative sites, or that the proposal has significant economic or social benefits that outweigh the loss of the land from agricultural uses, or that the proposal would support an existing agricultural business.

## **Species**

Where there is likely to be an impact on nationally protected or locally rare or scarce species, an assessment of the impact on these species should be submitted to accompany development proposals. This should be appropriate to the scale of development and be informed initially through consultation with the local environmental records centre.

## **Christchurch and East Dorset Local Plan Part 1 – Core Strategy (adopted 2014)**

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### **POLICY ME1: SAFEGUARDING BIODIVERSITY AND GEODIVERSITY**

The Core Strategy aims to protect, maintain and enhance the condition of all types of nature conservation sites, habitats and species within their ecological networks including:

- Internationally designated sites (SPA, SAC, Ramsar)
- Sites of Special Scientific Interest (SSSI)
- Sites of Nature Conservation Interest (SNCI)
- Local Nature Reserves
- Priority species and habitats
- Important geological and geomorphological sites
- Riverine and coastal habitats
- Suitable Alternative Natural Greenspace (SANG)

Within Strategic Nature Areas identified on Map 13.3, specific action will be taken towards meeting targets for the maintenance, restoration and recreation of priority habitats and species, and linking habitats to create more coherent ecological networks that are resistant to climate change.

Where development is considered likely to impact upon particular sites, habitats or species as set out within the Dorset Biodiversity Protocol, it will need to be demonstrated that the development will not result in adverse impacts. To determine the likelihood of harm occurring, there should be an assessment of effects on any existing habitats, species and/or features of nature conservation importance, and the results of this assessment documented. The method of survey and level of detail will vary according to the size and type of development and whether any priority species and habitats exist on site. The survey should involve consultation and advice from Natural England, the Dorset Wildlife Trust, and Dorset County Council.

In considering the acceptability of proposals, the Council will assess their direct, indirect and cumulative impacts relative to the significance of the features' nature conservation value. National policy will be applied to ensure the level of protection afforded international, national and locally designated sites and species is commensurate with their status.

The following criteria should be addressed when development is proposed:

- Avoidance of harm to existing priority habitats and species through careful site selection, artificial lighting design, development design and phasing of construction and the use of good practice construction techniques.
- Retention of existing habitats and features of interest, and provision of buffer zones around any sensitive areas.
- Enhancement of biodiversity through improving the condition of existing habitats and achieving net gains in biodiversity, where possible. Particular attention should be paid to priority habitats and species referred to in Section 41 of the Natural Environment and Rural Communities Act 2006 and the Dorset Biodiversity Strategy, and the Strategic Nature Areas identified on the Dorset Nature Map.
- Where harm is identified as likely to result, provision of measures to avoid or adequately mitigate that harm should be set out. Development should be refused if adequate mitigation or, as a last resort, compensation cannot be provided.
- Provision of adequate management of the retained and new features.
- Monitoring of habitats and species for a suitable period of time after completion of the development to indicate any changes in habitat quality or species numbers, and put in place corrective measures to halt or reverse any decline.

In addition, and in recognition of the function of the New Forest National Park, the Core Strategy will carefully consider any adverse impacts on the New Forest as a result of development.

## **Bournemouth, Dorset and Poole Minerals Strategy (adopted 2014)**

### **POLICY DM1 - KEY CRITERIA FOR SUSTAINABLE MINERALS DEVELOPMENT**

Proposals for minerals development should support the delivery of social, economic and environmental benefits whilst any adverse impacts should be avoided or mitigated to an acceptable level.

In order to achieve this, all proposals for minerals development must demonstrate that all the following criteria have been addressed satisfactorily:

- a. Minimisation of impacts which could increase the effects of climate change;
- b. Protection and, where appropriate, enhancement of local amenity;
- c. protection and, where possible, enhancement of biodiversity and geodiversity, including nationally and internationally designated sites;
- d. protection and, where appropriate, enhancement of heritage assets;
- e. protection and, where appropriate, enhancement of landscape, including the avoidance and/or mitigation of visual and landscape impacts through sensitive design, screening or other means;
- f. preparation of a scheme of working that will keep production of mineral waste to a minimum, while ensuring availability of an adequate amount of material for timely restoration of workings;
- g. protection of soil resources throughout the life of the development and, where significant development of agricultural land is demonstrated to be necessary and there is a choice of location, giving preference to the development of poorer quality land over higher quality or best and most versatile land;
- h. efficient use of water resources on the site;
- i. avoidance or mitigation of, or compensation for, adverse impacts on the water environment and flood risk;

- j. avoidance of cumulative impacts resulting from minerals or other development, whether current or proposed;
- k. use of sustainable transport; and
- l. restoration, aftercare and after-use proposals and compliance with the strategy for restoration.

## **POLICY DM5 - BIODIVERSITY AND GEOLOGICAL INTEREST**

Proposals for minerals development must not adversely affect the integrity of European or Ramsar or other internationally designated sites either alone or in combination with other plans and projects, unless the tests set out under Article 6(4) of the Habitats Directive are met.

Proposals for minerals development which do not adversely affect the integrity of European or Ramsar sites or other internationally designated sites will only be permitted where adverse impacts on biodiversity and/or geodiversity will be:

- i. avoided; or
- ii. where an adverse impact cannot be avoided, the impact will be adequately mitigated; or
- iii. where adverse impacts cannot be avoided or adequately mitigated, compensation will result in the maintenance or enhancement of biodiversity / geodiversity.

Where possible, proposals should enhance biodiversity and geological interest.

Proposals for minerals development must be accompanied by an objective assessment of the potential effects of the development on features of biodiversity and/or geological interest, taking into account cumulative impacts with other development and the potential impacts of climate change.

In addition, the assessment must have particular regard to the need to protect, maintain and / or enhance sites and species of international and national importance, in accordance with the relevant statutory requirements. It should also consider the potential for existing habitats on the site to be restored to higher quality habitats, during and after mineral working.

The assessment must also demonstrate how the proposal intends to address the need to maintain and/or enhance features of local and regional importance including Sites of Nature Conservation Interest. The proposals should seek to achieve this wherever possible and consistent with viable development.

## **POLICY RS1 - RESTORATION, AFTERCARE AND AFTERUSE OF MINERALS DEVELOPMENT**

Proposals for minerals development will be permitted where they demonstrate a high quality and appropriate restoration scheme which will enable an appropriate after-use and the long-term maintenance and enhancement of the environment. They will be required to have regard to the Landscape Management Guidelines and, where possible, contribute to the targets of the Dorset Biodiversity Strategy.

Proposals must demonstrate that:

### **Restoration**

- a. where possible the restoration scheme incorporates phased restoration of the site that will minimise the period of operations to protect settlements and residential amenity and to minimise the duration of landscape and environmental impacts;

- b. measures will be taken to ensure that soil quality will be adequately protected and maintained throughout the life of the development and, in particular, during stripping, storage and management of soils, subsoils and overburden arisings as a result of site operations;
- c. there is an available supply of appropriate materials to be used for restoration purposes, as required to implement the proposed restoration scheme;
- d. where inert waste is to be used in restoration the constituent parts capable of use in the production of high quality washed recycled aggregates have, as far as reasonably possible, already been removed;
- e. the restoration scheme will maximise the potential of the site for the successful adoption of the proposed after-use and where necessary offer flexibility for a range of potential after-uses;
- f. restoration will be undertaken at the earliest opportunity and the amount of time expected to be required for restoration of the site will be indicated;
- g. where appropriate, geological exposures will be retained;
- h. for sites within the Green Belt, all minerals-related and other uses will have ceased by the time the extraction has been completed and the site will be restored in a manner appropriate to its original inclusion in the Green Belt designation;
- i. financial provision is, in exceptional circumstances, made for the proposed restoration;

#### **Aftercare**

- j. the aftercare scheme incorporates an aftercare period of at least five years; where appropriate, voluntary longer periods for certain uses will be sought through agreement;

#### **After-use**

- k. where the proposed after-use is agriculture, provision is made for retention or replacement of soils and any necessary drainage, access, hedges and fences;
- l. where the proposed after-use includes habitat creation, it should contribute to the delivery of the Dorset Biodiversity Strategy objectives where appropriate;
- m. the after-use will be compatible with the wider context of the site, in terms of the character of the surrounding landscape and historic environment (informed by the Dorset Landscape Character Assessment and Historic Landscape Character Assessment) and existing land uses in the area, having considered the relative potential benefits of alternative after-uses in local or national terms;
- n. the green infrastructure network will, where possible, be strengthened and improved;
- o. where opportunities arise, the after-use provides benefits to the local and wider community which may include enhancement of biodiversity and geodiversity interests, linking of site restoration to other green infrastructure initiatives, enhanced landscape character, improved public access, employment, tourism or provision of climate change mitigation measures.

## **Bournemouth, Christchurch, Poole and Dorset Mineral Sites Plan (adopted 2019)**

### **POLICY MS-7: PUDDLETOWN ROAD AREA POLICY**

Within the Puddletown Road Area as shown on the Policies Map and in Figure 6, the Mineral Planning Authority will work with operators, landowners, Natural England and the Local Nature Partnership to secure a consistent and coordinated approach to the development, working and restoration of land permitted for mineral development.

This consistent and coordinated approach will:

- i. create a coherent and resilient ecological network, with primary emphasis on restoration of heathland and acid grassland;
- ii. support the management objectives of the Heath/Forest Mosaic Landscape Type;
- iii. avoid or minimise adverse transport, environmental or amenity impacts arising from mineral workings;
- iv. maximise opportunities for biodiversity gains, including through effective and timely restoration of lowland heath and associated habitats and linking restored sites with areas of nature conservation interest;
- v. secure cost-effective and long-term aftercare and management;
- vi. meet environmental and compatible recreational objectives in the area.
- vii. provide landowners/developers with the opportunity to cooperate over the detailed design and implementation of restoration and/or future development proposals

Development, restoration, management or other activities will only be undertaken where it can be demonstrated that any possible effects that might result will not adversely affect the integrity of European and Ramsar sites, either alone or in combination with other plans or projects.

In addition to Policy MS7, each site allocation set out in Appendix A of the Mineral Sites Plan 2019 has Development Guidelines to guide potential developers and in many cases these refer to improvements or enhancements to biodiversity.

## **Bournemouth, Christchurch, Poole and Dorset Waste Plan (adopted 2019)**

### **POLICY 18 - BIODIVERSITY AND GEOLOGICAL INTEREST**

All relevant proposals should be accompanied by an objective assessment of the potential effects of the development on features of biodiversity and/or geological interest, taking into account cumulative impacts with other development and the potential impacts of climate change.

In addition, the assessment must have particular regard to the need to protect, maintain and / or enhance sites and species of international and national importance, in accordance with the relevant statutory requirements. It should also consider the potential for existing habitats on the site to be restored to higher quality habitats, where relevant.

The assessment must also demonstrate how the proposal intends to address the need to maintain and/or enhance features of local and regional importance including Sites of Nature Conservation Interest. The proposals should seek to achieve this wherever practicable and consistent with viable development.

## Appendix 2: the 10 Principles for BNG in Development

Dorset Council will work with other organisations and partners to address climate change and biodiversity loss through delivery of BNG in an equitable way, consistently across the County, so that Dorset's nature recovery delivers multiple benefits for all.

**The Council aims to support and diversify the local economy through nature recovery and to deliver nature-based solutions to the identified risks.** This will be achieved through adoption of the following principles which are promoted as good practice nationally by CIEEM, CIRIA and IEMA through their report: BNG Good Practice Principles for Development<sup>52</sup>. The principles underpin the more detailed government guidance on the statutory BNG Metric<sup>53</sup>. The text below is adapted from the BNG Good Practice Principles, and from the GMCA Biodiversity Net Gain Guidance for Great Manchester, February 2021<sup>54</sup>

### **Principle 1: Apply the Mitigation Hierarchy and meet legal requirements**

The mitigation hierarchy is key to the delivery BNG, and each eligible application should include a clear reasoned statement on how the mitigation hierarchy has first been rigorously applied.

As set out in the NPPF, the mitigation hierarchy requires that if significant harm to biodiversity resulting from a development cannot be avoided (for example by locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Offsite BNG provision therefore comes at the bottom of the mitigation hierarchy as a form of compensation and should be delivered in a way which contributes to the strategic priority areas in the Dorset Local Nature Recovery Strategy (LNRS) (or Ecological Network Maps while the LNRS is in draft), and the Nature Recovery Network (NRN).

### **Principle 2: Avoid losing biodiversity which cannot be offset elsewhere**

Impacts on irreplaceable (the latest definition of irreplaceable habitats agreed nationally and published by NE will be used in the application of the principles of this BNG approach in Dorset) biodiversity must be avoided in all but exceptional circumstances – these impacts cannot be offset by BNG and require a bespoke approach. There are certain habitats and biodiversity features that are either irreplaceable and/or unique in defining a place, in Dorset these may include the ancient woodland and veteran trees, and heathland habitats.

There should be no net loss of priority habitats for Dorset, as identified nationally within the Natural Environment and Rural Communities (NERC) Act 2006, (and locally within the emerging Dorset LNRS). There should also be no loss of rare and endangered species within the County, as defined nationally under Section 41 of the NERC Act (2006) and Dorset Biodiversity Strategy. This means, for instance, the loss of acid grassland due to a development, should be replaced by the creation of a larger area of high-quality acid grassland, rather than replaced with broadleaved woodland. The aim therefore is to replace

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<sup>52</sup> [Biodiversity-Net-Gain-Principles.pdf \(cieem.net\)](https://www.cieem.net/Biodiversity-Net-Gain-Principles.pdf)

<sup>53</sup> [The Biodiversity Metric 4.0 - JP039 \(nepubprod.appspot.com\)](https://www.nepubprod.appspot.com/The-Biodiversity-Metric-4.0-JP039)

<sup>54</sup> [gmca-bng-guidance-update\\_250221-final-edited.pdf \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk/gmca-bng-guidance-update-250221-final-edited.pdf)



'like for like', and so avoid habitat and species degradation, and loss of habitats that are harder to re-create.

The habitat maps in the Dorset Ecological Network are fundamental to informing priority areas to target habitat creation, and should be used as the principal tool for spatial decision-making for BNG at the current time. In due course this mapping will become part of the LNRS.

### **Principle 3: Be inclusive and equitable**

Achieve exemplary net gain in partnership with relevant stakeholders, such as through local community consultation in Local Plan development and in consultations on planning applications.

We will work together across Dorset in a timely and planned approach to ensure that any habitats restored and created are fairly and equitably located to ensure no community is deprived of the benefits of nature's recovery. Through the further public consultation on the forthcoming Dorset LNRS, we will ensure inclusivity, accessibility, and equality.

### **Principle 4: Address risk**

Mitigate difficulty and uncertainty and other risks to achieving BNG. Apply well-accepted techniques, in accordance with current legislation, to add contingency when calculating biodiversity losses and gains to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised. The Defra Metric 3.1 (and any subsequent versions) encompasses a means to understand and place a value on these risks regarding habitat creation but cannot be used to undertake similar calculations for species impacts.

### **Principle 5: Make a measurable Biodiversity Net Gain contribution**

Achieve a measurable, overall gain for biodiversity of at least 10% to recognise the scale of losses of Dorset's habitats and species to development, which now should be reversed in order to make progress towards NRN and 30x30.

The economic and social well-being and vibrancy of Dorset is underpinned by its diverse soils and geology, which in turn results in a wide range of nationally and internationally important habitats and species. Therefore, to mitigate for biodiversity loss is no longer enough, the need to recover losses is critical.

Therefore, developments within Dorset will deliver additionality for biodiversity, meeting a minimum of 10% BNG for every development and seeking to secure more BNG wherever possible. Whilst achieving a higher percentage BNG may affect viability for some development schemes, there is recent evidence that the differences in cost will be very marginal, particularly when balanced against the scale and urgency of the need to bring back biodiversity. An additional contribution to nature's recovery will deliver multiple benefits for people and wildlife. The use of the latest Defra Biodiversity Metric will help to deliver this consistently and should be applied to all relevant applications.

Minerals development should aim to deliver substantively higher BNG due to the nature of the development and in accordance with the aims of the adopted Minerals Local Plan.

This is distinct from a parallel and important process of assessing the losses and gains for other kinds of environment capital and ecosystem services that could result from a development, and for which Environmental Net Gain (ENG) should also be achieved. Gains

in other environmental capital or ecosystem services cannot be used to replace the need for BNG, which is distinct.

### **Principle 6: Achieve the best outcomes for biodiversity**

Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly justified choices when:

- Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses.
- Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation.
- Taking a step-wise approach whereby BNG is achieved as locally to the related development as possible, then within the same Landscape Character Area, or if neither of these is possible, elsewhere within the County; the exporting of BNG requirements out of County will not be permitted, unless there is absolutely no alternative.
- Contributing towards nature conservation priorities at local, regional and national levels.
- Enhancing existing or creating new habitat.
- Enhancing ecological connectivity by creating more bigger, better and joined-up areas for biodiversity.
- Providing the right habitat in the right place, and at an appropriate scale, with reference to the Natural England's National Character Areas (NCA)

The Dorset Ecological Network should be used to inform decisions about spatial priorities for habitat creation, until an LNRS has been adopted. There should be an initial presumption that any BNG should be located as close to the point of impact as possible, where suitable land can be found that meets the criteria to deliver high quality BNG that contributes to the NRN.

### **Principle 7: Be additional**

Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e., do not deliver something that would occur anyway). This will be carefully assessed and monitored to ensure that habitat creation is not double counted, and that additionality is rigorously achieved. The potential for payment stacking and blended finance for habitat creation from BNG, carbon and nutrients credits, agri-environment schemes etc., is a positive opportunity for biodiversity, but requires careful accounting to ensure that gains are maximised for wildlife and people.

### **Principle 8: Create a Biodiversity Net Gain legacy**

Ensure BNG generates long-term benefits by:

- Engaging stakeholders and jointly agreeing practical solutions that secure BNG in perpetuity.
- Planning for adaptive management and securing dedicated funding for long-term management for at least 30 years, as required under the Environment Act.
- Designing BNG for biodiversity to be resilient to external factors, particularly climate change.

- Mitigating risks from other land uses.
- Avoiding displacing harmful activities from one location to another.
- Ensuring that species and their populations are considered within BNG
- Supporting local-level management of BNG activities, underpinned by the necessary legal and funding obligations as required under the Environment Act 2021 and as advised in subsequent Defra guidance on BNG for the use of Section 39 agreements and Conservation Covenants.

**Principle 9: Optimise sustainability**

Prioritise BNG and, where possible, optimise the wider environmental benefits for a sustainable society and economy. BNG projects should support nature-based solutions to problems like carbon drawdown, flood and pollution mitigation or wider challenges where possible.

**Principle 10: Be Transparent**

Communicate all BNG activities in a transparent and timely manner, sharing the learning with all stakeholders, including those local communities affected by developments.