

## How NBIS data enquiry searches comply with ecological conditions and standards

This document details how the NBIS data enquiry service has been updated to deliver on best practice and ecological standards and guidelines. These standards are all under the umbrella of the latest planning legislation and guidance, Biodiversity Net Gain ([local authority advice](#), [CIEEM advice](#)), Great Crested Newt District Level Licences (GCN DLL, see below for details) and nature recovery ([Environment Act 2021](#)).

Established best practice states that environmental consultants should request species, sites, and habitat data (where available), **at a minimum of 2km around the site in question for species searches** (see tables 1 and 2, point 1), from their Local Environmental Records Centre (LERC), as data need to be provided for planning purposes and need to be as up to date as possible. This includes for [woodland creation grants](#), p17 onwards in the [linked pdf](#) provides details on desktop searches and it is assumed that data requests to NBIS would be within the scope of the grant claim.

This allows decisions to be made in light of the best possible evidence, and adhere to national and international legislation in particular the [NPPF \(planning\) 2019](#), **CIEEM good practice ([“Guidelines for Accessing and Using Biodiversity Data, 2020”](#))**, **professional codes of conduct**, [EcIA Guidance](#) and the [British Standard BS42020:2013](#). The British Standard (BS42020) provides guidance on what information consultants should request from a LERC, information to inform desk studies and future fieldwork and assessment (6.4.2).

Guidance and NBIS search packages for European Protected Species (EPS) Mitigation Licences and Licences to interfere with setts or survey are detailed in **Table 3**.

The onset of the option, in certain areas and for certain schemes, of GCN DLL, does mean some customers will be approaching access to GCN data in a different way. Useful information regarding DLL can be accessed below:

- [Details of the scheme](#)
- [Natural England explanatory note](#)
- [Risk Zones for District Licensing of Great Crested Newts in Norfolk and Suffolk](#)
- [Strategic Opportunity Areas for Great Crested Newts in Norfolk and Suffolk - areas where addition of new ponds would benefit GCN population.](#)

Notwithstanding these data and information, NBIS still suggests that customers using DLL ask for a GCN EPS licence data search at a 2km radius, in addition to the above mapping, due to the UpToDate and accurate GCN data NBIS holds, including the eDNA survey data from the Natural England DLL surveys and GCN EPS mitigation licence returns.

We have also considered the LERC responsibilities for data provision detailed in the [Biodiversity Data Search Guidance for Ecological Consultants \(Partnership for Biodiversity in Planning, 2019\)](#) and the [RTPI Practice Advice – Biodiversity In Planning \(2019\)](#).

**This, alongside internal (Norfolk County Council) ecological expertise, has led to the development of a suite of packages for commercial and non-chargeable data searches,**

**supported by NBIS good practice guidelines. This is to ensure NBIS complies with this legislation and guidance.**

All commercial NBIS data searches will be carried out in accordance with the criteria in **Table 1**.

Non-chargeable search ecological good practice is summarised in **Table 2**.

**Further information for consultants on best practice for accessing biodiversity data can be found here:**

[CIEEM Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK \(March 2020\)](#)

[Partnership for Biodiversity in Planning - Biodiversity Data Search Guidance for Ecological Consultants \(December 2019\)](#)

**Further information for planners on best practice and opportunities can be found here:**

[RTPI Practice Advice - Biodiversity In Planning \(November 2019\)](#)

**The below Wildlife Assessment Check tool, created by the Partnership for Biodiversity in Planning, is for householders and small to medium-scale developers, who want to undertake a development project, to check whether they will need expert ecological advice before submitting a planning application:**

> [Introduction](#) > [How to guide](#)

## **Compliance with Local Environmental Records Centre (LERC) best practice**

### **Data handling and processing**

As part of its function NBIS processes data in relation to scientific research, statutory reporting, delivering duty under the [NERC Act 2006](#), [NPPF](#), [CIEEM good practice](#), [British Standard](#) and [Association of Local Environmental Records Centres \(ALERC\) accreditation](#) (*NBIS is an ALERC accredited LERC*). This achieves the purposes and objectives of NBIS - objectives detailed in our [Operational Framework](#), [Data Policies](#) and NBIS Data Processes documentation. The NBIS database, known as “ORCA”, allows the collection of metadata based on Gemini standards.

#### ***Sensitive species restrictions:***

When an enquiry is run the enquiry type will determine if sensitive species are included at full or restricted resolution. Sensitive species restrictions will be applied in line with the NBN [guidelines](#) and [policy](#) on sensitive species for England. Records for all species recorded within a search area will be provided, but the resolution will be blurred in line with these guidelines, if the enquiry type requires restrictions. For commercial searches: data is provided at the recorded resolution for use by the data requester and at blurred resolution for summarised inclusion in reports.

These restrictions are species specific and currently apply to 155 species. 6 species (Cattle Egret, Common Crane, Great White Egret, Honey Buzzard, Red-Backed Shrike and Golden Eagle) will be shown as the 100km square i.e., TM/ TL/TF/TG. NOTE: These records are being provided at this resolution due to blurring, not because that is the resolution that they were recorded at.

We will also add additional restrictions on the advice of county recorders for specific species or groups of species as appropriate for Norfolk.

### ***Confidential records:***

**Confidential records will not be included in data searches.**

NBIS follows best practice in treating all records in accordance with the original recorder(s)'(or their subsequent custodian - such as the County Recorder) wishes, including recognising the rights of recorder(s) to control their records. NBIS will seek permissions where necessary and acknowledge the recorder(s) where appropriate and feasible. For further details of legal rights and best practice, please see the following links: [IPR of the data recorder](#); [NBN data ownership 2019](#); [Archive discussion on permission to share and use existing data](#).

### **Enquiry service**

NBIS excludes data recorded at >2km resolution from data enquiries due to poor quality of the data. Data displayed in enquires at resolution >2km, will be because the data has been blurred due to sensitive species restrictions.

Due to licensing restrictions, searches with a radius of 5km or greater, or a search area over 100km<sup>2</sup> will not contain BTO bird data. Customers requesting these searches may wish to approach the BTO directly via their [Data Reports](#) page, particularly when undertaking [EcIA type work](#).

NBIS will not automatically provide species, local sites, veteran tree or habitat data searches that total the equivalent of over 21km radius (site, plus bat buffer, plus max 10km search buffer). Provision of these data types above this radius will be at NBIS discretion. There will be no restrictions on the provision of national and international sites. These limits are to safeguard the integrity and appropriate use of the data.

### ***East of England Standard Service:***

LERCs in the East of England region\* provide, as a minimum, an agreed Standard Data Enquiry Service to environmental consultants. This service was drawn up in consultation with consultants, the Local Environmental Records Centres and Natural England. For a summary of the Regional Standard Data Enquiry Service [click here](#). We will continue to meet this standard as a minimum, including applying the cross-boundary procedure to data searches which cover two LERCs in the East of England Region\*.

**Please note, only the standard search components within a 2km buffer of the search site will be provided by the adjacent record centre(s). Any data beyond a 2km radius (including extra bat records and site boundaries) will be provided for Norfolk only. Any extra data required will need to be requested directly from the adjacent record centre(s) and may incur an extra charge.**

We no longer include searches with a search area over 15.2 km<sup>2</sup> under the cross-boundary agreement on a discretionary basis, where there is only a small area of overlap with an adjacent county. It will now be the customers responsibility to contact the sign posted LERC(s) to request this data if required.

\* Bedfordshire & Luton Biodiversity Recording and Monitoring Centre; Cambridgeshire & Peterborough Environmental Records Centre; Hertfordshire Environmental Records Centre; Norfolk Biodiversity Information Service; Suffolk Biodiversity Information Service

#### **FOI/EIR:**

- Environmental Information isn't covered by Freedom of Information (FOI) requests, it is covered by the Environmental Information Regulation 2004 (EIR).
- On most occasions FOI/EIR requests are not appropriate and should be avoided where at all possible.
- Environmental information should always be requested through NBIS enquires service.
- FOI/EIR have a turnaround time of 20 days, NBIS generally provides results to most requests within a couple of days.
- The EIR, and guidance from the Information Commissioner's Office (ICO), establish the right for public authorities to charge (commercial rates) for environmental information. If a public authority has an established mechanism for people to request environmental information (as NBIS has), then one can direct people to use that mechanism.
- FOI requests have an exemption regarding material loss to the data owner. As we normally charge for environmental information and as we have transparent mechanisms for its supply, at cost, then this cannot be circumvented by raising a FOI request.
- <https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations/refusing-a-request/>

NBIS ecological good practice guidance:

**TABLE 1:**

**NBIS Commercial Data Search Criteria Based on Ecological Good Practice Guidance**

1. Search radius will be a minimum of 2km for all species searches - with the possible exception of custom or non-chargeable searches and only in exceptional circumstances and where ecologically justifiable. This is based on Norfolk County Council ecological expertise, CIEEM 2020 (section 7.11) and BDS 2019 (Section 6) guidance: "A 2km boundary is therefore a useful trigger for a Biodiversity Data Search".
2. All standard data searches will be for all SoCC\* and INNS species as a minimum, with the option to add all species as a custom search, for an additional charge. It will not usually be possible to request single species, taxon or species group searches, except for specific EPS packages or where deemed ecologically justifiable.
3. To act as responsible custodians of the biological data that we hold, we restrict access to sensitive species records so that they will only be accessible to professionals and not available to members of the public. Details provided in sensitive species restrictions section above.  
This will be updated as required.
4. Confidential records will not be supplied, and NBIS are no longer able to inform customers where confidential records have been returned in their search results.
5. It will not be possible to request local sites or veteran tree data only. This data will only be included as part of a standard package or as a component in a custom search. The only exception being local sites citations/site boundaries for up to 3 sites.
6. Mitigation licence and survey packages can only be used when the reason for request is mitigation licence except when part of a custom request for an ecologically justifiable species, site or habit audit / management or survey.
7. Custom requests for species, local sites, veteran trees and habitats at a radius greater than 10km or the equivalent area OR a total search area equivalent to a radius of 20/21km (~1256/1385km<sup>2</sup>), including additional buffers/components and site being buffered, would need to be justified as appropriate and proportional to the use requested. Provision of this data will be at the discretion of NBIS.
8. Custom searches will be accepted where they meet conditions 1-7.

*\* SOCC species are those that have at least one of the following designations: Wildlife & Countryside Act 1981 Schedules 1, 5, 8; The Conservation of Habitats & Species Regulations 2010 Schedules 2 & 5; Protection of Badgers Act 1992; Bonn Convention Appendix 1 & 2; Bern Convention Annex 1 & 2; Birds Directive Annex 1; Habitats Directive Annex 2, 4 & 5; NERC Act 2006 Section 41 species; UKBAP species (both local and national); IUCN Red List Species; Red and Amber Bird List species; Nationally Notable species; Locally Rare species.*

**TABLE 2:**

**NBIS Non-chargeable Data Search Criteria Based on Ecological Good Practice**

1. Search radius of 2km is recommended as a minimum for all species searches.
2. To act as responsible custodians of the biological data that we hold, we restrict access to sensitive species records so that they will only be accessible to professionals and not available to members of the public. Details provided in sensitive species restrictions section above.  
This will be updated as required.
9. Confidential records will not be supplied, and NBIS are no longer able to inform customers where confidential records have been returned in their search results.
3. Mitigation licence and survey packages can only be used when the reason for request is mitigation licence except when part of a custom request for an ecologically justifiable species, site or habit audit / management or survey.
4. All requests should aim to be ecologically justifiable.
5. Custom requests for species, local sites, veteran trees and habitats at a radius greater than 10km or the equivalent area OR a total search area equivalent to a radius of 20/21km (~1256/1385km<sup>2</sup>), including additional buffers/components and site being buffered, would need to be justified as appropriate and proportional to the use requested. Provision of this data will be at the discretion of NBIS.

**TABLE 3:**

**NBIS guidance/rationale for species records searches for EPS and Licence to interfere with setts or survey:**

['BDS guidance' refers to the following document:

[Biodiversity Data Search Guidance for Ecological Consultants, partnership for Biodiversity in Planning, Dec 2019](#) ]

**Badgers:**

<https://www.gov.uk/guidance/badgers-surveys-and-mitigation-for-development-projects>

Badgers and Development (SNH, 2001 - <https://digital.nls.uk/pubs/e-monographs/2020/216649951.23.pdf>) suggests no disturbance within 100m of sett entrances and that typical territories for Badgers in Scotland is 70-120ha, but this varies hugely by habitat and depends on human structures.

BDS guidance suggests 2km search area; but large or linear developments a greater search radius may be required.

**Barn owls:**

<https://www.gov.uk/government/publications/barn-owls-licence-to-survey-them-to-guide-future-development-work>

BTO guidance for HS2 project suggests that new, high-quality habitat aimed at mitigating negative effects of HS2 on Barn Owls should be located between 3 km and 15 km away from the railway route. Adult birds dispersed an average of 2.2 km between breeding sites, and 2.8 km throughout the rest of the year. Chicks

dispersed further. Report: <https://www.bto.org/sites/default/files/publications/bto-research-report-692-barn-owls.pdf>. Other info: <https://www.barnowltrust.org.uk/barn-owls-law/legal-protection-wild-barn-owls/>

This guidance suggests that searches may need to be above 3km for NISP projects, but for most works the NBIS standard of 2km is likely appropriate.

**Bats:**

<https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>.

[BCT guidance on Core Sustainance Zones \(BCT, 2020\)](#) and BDS guidance provides the evidence for why NBIS will provide EPS licence data at 6km radius.

**GCN:**

<https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>

BDS guidance recommends that records of herpetofauna within at least 2km of the site boundary are reviewed, despite GCN likely dispersal maximum being 500m or rare movements of over 1km.

NBIS will provide EPS licence data at 2km radius, notwithstanding where District Level Licences (DLL) are used.

**Natterjack toads:**

<https://www.gov.uk/guidance/natterjack-toads-protection-surveys-and-licences>

BDS guidance - "It is recommended that records of herpetofauna within at least 2km of the site boundary are reviewed".

**Otters:**

<https://www.gov.uk/guidance/otters-protection-surveys-and-licences>

BDS guidance -

"Precise local information on presence or absence is less useful than an overview of the current status on the catchment or hydrometric area (see the Centre of Ecology and Hydrology website), due to the fact that the otter's home range can cover tens of kilometres."

<https://cieem.net/wp-content/uploads/2019/07/natural-information-otters-and-development-2011.pdf> :

- Otter territories are up to 35km for male and 25km for female.
- Holts are up to 1km from watercourse.
- Protection zones should be 30m for holts and 150m for natal dens; buffer zones of 10m on both banks of watercourse.

Because of downstream/catchment implications, NBIS uses above advice to suggest an Otter EPS licence search at 4km radius.

**Water voles:**

<https://www.gov.uk/guidance/water-voles-protection-surveys-and-licences>

BDS guidance says "For freshwater species occurring in waterways (e.g. otter, white-clawed crayfish), it is more appropriate to consider their distribution and the likely impacts downstream (and potentially upstream) of the site and in the catchment area rather than to a given radius from the site boundary."

The Mammal Society states (<https://www.mammal.org.uk/species-hub/full-species-hub/discover-mammals/species-water-vole/>): "Male voles live along about 130 metres of water bank, while females have ranges about 70 metres long".

Based on the above it seems appropriate for NBIS to suggest the same 4km radius suggested for Otters to account for the downstream / catchment implications.

**A12 licence:** 2km buffer will be offered due to variety of species and no known reasons for larger radius unless freshwater species.