

Biodiversity Report Declaration of Adequacy

Background

Producing biodiversity reports that meet required professional standards reduces the risks of delay with associated planning applications through the planning process.

In our experience the quality and adequacy of biodiversity reports submitted to local planning authorities to support planning applications is – across the whole of the UK - extremely varied and inconsistent. Where reports are inadequate, this can lead to failure to achieve desired outcomes for biodiversity conservation as well as running the risk of delays, increased costs and uncertainty for applicants over whether planning consent will be granted. In the worst case, a planning consent that is granted based upon inadequate information may be open to legal challenge.

Purpose

The purpose of this form is to ensure a competent review of the biodiversity information provided to support a planning application by the applicant has been undertaken. The form is designed to encourage those responsible for providing biodiversity reports to ensure they follow good professional practice and are fit for their intended purpose, i.e. is in accordance with Clauses 6 and 8.1 of BS42020:2013 and therefore adequate to enable determination by the relevant competent authority. This is based on the Ecological Impact Assessment (EcIA) Checklist available on the Chartered Institute of Ecology and Environmental Management (CIEEM) website <https://cieem.net/resource/ecological-impact-assessment-ecia-checklist/>

Use

This form shall be used for all full and outline applications where there are likely to be implications for biodiversity. Consequently, the form shall be used for all types of development, whether the proposed development is listed on Schedule 2 of the EIA Regulations or not. In line with the Validation Checklist, biodiversity information would be submitted in the form of either a Preliminary Ecological Appraisal or an Ecological Impact Assessment (EcIA) Report (in accordance with CIEEM guidelines; see Endnote vii).

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The Local Planning Authority will only accept biodiversity information in the form of a Preliminary Ecological Appraisal Report (PEA) Report where all 3 of the following apply:

1. No further surveys* - beyond those that are complete and reported fully in the PEA Report - are required;

*A PEA Report will normally be based on a desk study and extended Phase 1 habitat survey (or equivalent), but may also include the results of Phase 2 surveys.

2. And either:

- a. The report provides an adequate assessment of biodiversity impacts; or
- b. The report is able to conclude robustly that there would be no significant residual biodiversity impacts.

3. And the report provides adequate information about the biodiversity mitigation, compensation and enhancement measures proposed; and these are capable of being secured through a planning condition, obligation and/or protected species licence.

The terms 'Ecological Impact Assessment' (EclA), 'EclA Report', 'Preliminary Ecological Appraisal' (PEA), 'PEA Report', 'Extended Phase 1 habitat survey' and 'Phase 2 surveys' are defined by the Chartered Institute of Ecology and Environmental Management (CIEEM) in the 'Guide to Ecological Surveys and Their Purpose' (December 2017), available at <https://cieem.net/resource/guide-to-ecological-surveys-and-their-purpose/>

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How to complete this form

Part A of this form provides general background information and a signed declaration. It should be completed by the Ecologist representing the Applicant.

Part B of this form is a declaration that should be completed by the Applicant to demonstrate that they have read and understood the content of the biodiversity report and also agree to any recommendations that have implications for the proposed development, i.e. implementation of necessary biodiversity mitigation measures.

Part C should be completed by the Ecologist representing the Applicant (it is expected that, in most cases, this will be the lead author of the biodiversity report). Part C shall act as a checklist of the issues which should be addressed in the biodiversity report. The Ecologist should confirm that the information requested has been provided in the report and provide the appropriate paragraph reference numbers to allow the Local Planning Authority to quickly confirm that each criterion has been met.

Where the Ecologist finds that they cannot justifiably answer 'Yes' or 'Not applicable', or where they cannot cross-refer to a paragraph of the report which demonstrates that they have complied with a given criterion, they should revisit the work undertaken and revise the report accordingly, prior to its submission.

Part D of the form is to be completed by the Local Planning Authority's 'nominated person with biodiversity expertise' (i.e. a qualified ecologist or a planner with responsibility/expertise for biodiversity matters) during the Local Planning Authority's determination of the planning application.

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PART A – GENERAL INFORMATION AND ECOLOGIST’S DECLARATION

Name of Applicant: Teresa Clarke	Site Name: Cherry Tree Cottage
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Site Location (Post Code/Grid Reference): SP 14430 05192

Brief Description of Proposed Development:

- The raising of the roof to the single storey element in order to make into two-storey
- Internal alterations, re-roofing and the addition of a dormer window to the garage annexe

For instance: Conversion of stone built agricultural barn with slate tiles and exposed roof timbers greater than 20cm thick. Biodiversity features likely to be affected include bats, barn owls, and other breeding birds such as swallows.

Details of Biodiversity Report

Report title: Cherry Tree Cottage Preliminary Ecological Appraisal	Name and Qualifications of Lead Author: Jason Skinner (NE Class 2 Bat Survey licence 2020-50774-CLS-CLS)
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Date: August 2023	Reference Number: CE001070
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Type of Biodiversity Report Submitted with the Planning Application (see Sections 3 and 4 in Purpose above)

- Full Ecological Impact Assessment (EclA) Y N
- A Preliminary Ecological Appraisal Report (PEAR) Y N

Summary and Recommendations:

Brief description of key biodiversity features likely to be affected and mitigation required.

Is a Protected Species Licence from Natural England required? Y N
 If so, what species and which type of licence?

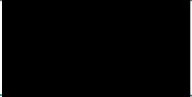
Are planning conditions required to secure proposed mitigation? Y N
 If so, what for?

Implementation of Biodiversity Enhancement measures; Use of nocturnal lighting

Ecologist’s Professional Declaration (lead author or person responsible for final QA of the report).

Are full details of professional memberships, qualifications and experience for all staff involved in the preparation of this biodiversity report, provided in the EclA / PEAR? Y N

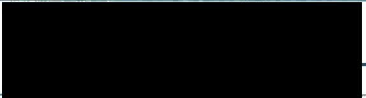
I hereby confirm that the information provided in this form is accurate and reflects the record of the work undertaken.

Name of Ecologist: Tom Charlton	Signed: 	Date: 14/09/23
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Qualifications and Experience of the above Ecologist (if different from Lead Author identified above):
 Tom Charlton MSc MRSB (NE Class 2 Bat Survey licence 2018- 34622-CLS-CLS, Class 1 GCN licence number 2020-47806-CLS-CLS, Barn Owl licence CL29/00581). Director, Cotswold Environmental Ltd.

PART B – APPLICANT’S DECLARATION

I hereby confirm that I have read and understand the findings, implications and recommendations for impact avoidance, mitigation, compensation and enhancement set out in the report referred to in Part A above. I understand that the mitigation, compensation and enhancement measures set out in the report may be secured through a licence from the appropriate statutory conservation body and/or through condition(s) or obligations imposed by the Local Planning Authority, or other decision making authority.

Name of Applicant (or Agent): MICHAEL FRANCIS ROBINSON	Signed: 	Date: 22/09/23
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PART C – BIODIVERSITY REPORT FORM (checklist)			
	Checklist to ensure decisions are based on adequate information in accordance with Clauses 6.2 and 8.1 of BS42020:2013	Y, N, N/A?	Report Ref para no.(s)
Pre-app	1. Where pre-app advice has been received from the LPA and/or an NGO and/or statutory body (e.g. NE DAS) ⁱ , it has been fully accounted for in the report.	N/A	
	2. The scope, structure and content of the report is in accordance with published good practice ^{ii, iii and iv} .	Y	
Surveys, Species & Habitats	3. Adequate ^v and up-to-date ^{vi} : a. Desk study has been undertaken ^{vii} ; b. Phase 1 habitat survey has been undertaken ⁷ ; and c. Phase 2 surveys have been undertaken (where necessary) ^{viii} .	Y	
	4. All statutory and non-statutory sites likely to be significantly affected are clearly and correctly identified.	Y	
	5. All protected or priority species and priority habitats ^{ix} likely to be significantly affected are clearly and correctly identified, and adequate surveys have been undertaken to inform the baseline.	Y	
	6. Any invasive non-native plant species present are clearly and correctly identified.	N/A	
	7. Where a separate preliminary ecological appraisal (phase 1) report states that Phase 2 surveys are required, these have been undertaken in full and results submitted with the application (or lack of such surveys is justified).	Y	
Impacts & Effects	8. The assessment is based on clearly defined development proposals along with relevant drawings/plans (and any plans used are the same version number as those submitted with the application); OR	Y	
	9. The biodiversity effects are considered to be not significant at any geographical scale irrespective of the detailed development proposals, and the assessment is based on a worst-case-scenario.	N/A	
	10. The report describes and assesses all likely significant biodiversity effects (including cumulative effects) clearly stating the geographical scale of significance (where relevant).	Y	
Mitigation, Compensation & Enhancement	11. The mitigation hierarchy has been clearly followed ^x .	Y	
	12. The report: a. Clearly identifies the proposed mitigation and compensation measures, and explains how these will adequately address all likely significant adverse effects; b. Includes, where necessary, proposals for post-construction monitoring; and c. Recommends how proposed measures may be secured through planning conditions/obligations and/or necessary licences.	Y	
	13. A summary table of proposed mitigation and compensation measures has been provided.	Y	
	14. The need for any mitigation licences identified in relation to protected species is clearly identified.	N/A	
	15. A Biodiversity Gain Assessment has been provided where required.	N/A	
Competence / Good Practice	16. Limitations ^{xi} of the biodiversity surveys and assessments have been correctly identified and the implications explained.	Y	
	17. All relevant key timing issues (e.g. site vegetation clearance or roof removal) that may constrain or adversely affect the proposed timing of development have been identified.	Y	
	18. All biodiversity surveys and mitigation measures accord with published good practice methods and guidelines OR deviation from such guidelines is made clear and fully justified, and the implications for subsequent conclusions and recommendations made explicit in the report ^{xii} .	Y	
	19. All ecologists and surveyors hold appropriate species licences (where relevant) and/or have all necessary competencies to carry out the work undertaken.	Y	
Conclusions	20. The report clearly identifies where the proposed development complies with relevant legislation and policy, highlighting any possible non-compliant issues, and highlighting circumstances where a conclusion cannot be drawn as it requires an assessment of non-biodiversity issues (such as socio-economic ones).	Y	
	21. The report provides a clear summary of losses and gains for biodiversity, and a justified conclusion of an overall net gain for biodiversity.	Y	
	22. Justifiable conclusions ^{xiii} based on sound professional judgement ^{xiv} have been drawn as to the significance of effects on any designated site, protected or priority habitat/species or other biodiversity feature, and a justified scale of significance has been stated.	Y	

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PART D – CONCLUSIONS OF THE LOCAL PLANNING AUTHORITY’S REVIEW OF THE BIODIVERSITY REPORT

The scope, structure and content of the biodiversity report submitted is fit and adequate to inform the determination of the planning application. Yes No

Use the table below to identify the implications for the grant or refusal of planning consent. Continue on a separate sheet if necessary.

Planning Recommendation	Comments – including reference to any corresponding criteria from Section C Where adequacy of information provided dictates what recommendation can be made below.
1. Approval (no biodiversity issues)	<ul style="list-style-type: none"> – No outstanding ecological issues – And no requirement for any conditions/obligations or EPS licence
2. Approval (conditional with no likely delays to commencement)	<ul style="list-style-type: none"> – Biodiversity report follows good practice – Conditions are required to secure implementation of mitigation, etc. (i.e. no pre-commencement conditions) – No delay to commencement of development arising from biodiversity issues
3. Approval (Conditional with possible delays to commencement)	<ul style="list-style-type: none"> – Biodiversity report follows good practice – Condition(s) are required to secure the submission of information for approval before commencement – Development delayed until these conditions are discharged
4. Approval (Conditional with likely significant delays to commencement)	<ul style="list-style-type: none"> – Biodiversity report does not meet requirements of good practice – May only be approved subject to significant pre-commencement conditions (and potentially also implementation conditions)
5. Deferral (pending submission of further essential information)	<ul style="list-style-type: none"> – Biodiversity report currently does not meet good practice requirements and is inadequate – Further information must be submitted prior to determination – Application cannot yet be conditioned – Potential substantial delays and/or costs inevitable
6. Refusal – insufficient information, inadequate biodiversity report	<ul style="list-style-type: none"> – Biodiversity report very poor and provides inadequate information to inform lawful determination of the application – Not capable of being conditioned to secure necessary information (i.e. against policy)
7. Refusal – other biodiversity reasons for refusal	<ul style="list-style-type: none"> – Biodiversity report is sufficient, but there are other reasons for refusal based on biodiversity (e.g. objection in principle to the proposal)

Details of the individual reviewing the biodiversity report on behalf of the Local Planning Authority

Name: Role:

Qualifications and Experience:

Signature: Date:

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ENDNOTES

ⁱ Natural England's Discretionary Advice Service

ⁱⁱ CIEEM (2017) Guidelines for Ecological Report Writing.

ⁱⁱⁱ CIEEM (2018) Guidelines for Ecological Impact Assessment.

^{iv} BS42020:2013 Biodiversity – Code of Conduct for Planning and Development.

^v Adequate ecological information is defined as being Appropriate (i.e. the right type of surveys for the site and the receptors likely to be found) and Sufficient (i.e. there is sufficient effort in view of the time, size, complexity etc of the site to ensure all likely receptors are adequately accounted for – such as abundance and distribution) (refer to BS42020:2013 Clause 6.2).

^{vi} BS42020:2013 states up-to-date normally means not more than 2/3 years – although this may be longer if environmental conditions and features have remained the same and there has been minimal change on site. NOTE: CIEEM currently producing guidance on this

^{vii} Based on the approach described in Section 2 of CIEEM's Guidelines for Preliminary Ecological Appraisal (2018).

^{viii} See Section 3, Box 4 and Appendix 5 of CIEEM's Guidelines for Preliminary Ecological Appraisal (2018).

^{ix} See Section 1 Box 1 of CIEEM's Guidelines for Preliminary Ecological Appraisal (2018).

^x In accordance with Paragraph 118 of the National Planning Policy Framework (England; 2018).

^{xi} An explicit understanding of any limitations for the ecological work should be provided in accordance with Clause 6.7 of BS42020:2013 (including limitations associated with: survey methods, adequacy of equipment, reference to relevant desk top data, interpretation and analysis of results, competency of all ecological surveyors and personnel undertaking the impact assessment and design of mitigation).

^{xii} Deviation from standard methods and guidance must be reported in accordance with BS42020:2013 (Clauses 4.4, 6.3.6 to 6.3.9 and 6.7) (see also Endnote 9 below). NOTE: CIEEM has a published list of relevant guidance on its website – can this be referred to?

^{xiii} In accordance with CIEEM's Guidelines on Ecological Impact Assessment (2018).

^{xiv} Further information on how to provide robust justification for any deviation in methods used from those published in good practice guidance is provided in CIEEM (2016) Pragmatism, Proportionality and Professional Judgement. In Practice. Issue 91; page 57.