



## 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 (EclA) 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 (EclA) 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.***

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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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## Biodiversity Report Declaration of Adequacy

### PART A – GENERAL INFORMATION AND ECOLOGIST’S DECLARATION

Name of Applicant: **Mr J Fagge**

Site Name: **Ampney Brook House**

Site Location (Post Code/Grid Reference): **SP 07161 01904**

Brief Description of Proposed Development: **Installation of solar panels to the roof of an outbuilding**

*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: **Ampney Brook House, Bat Activity Survey Report**

Name and Qualifications of Lead Author: **Daniel Ahern CEnv MCIEEM FLS**

Date: **July 2022**

Reference Number: **4479**

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.**

**None**

**Is a Protected Species Licence from Natural England required?** Y  N

**If so, what species and which type of licence?**

Click or tap here to enter text.

**Are planning conditions required to secure proposed mitigation?** Y  N

**If so, what for?**

Click or tap here to enter text.

**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 is a true record of the work undertaken.*

Name of Ecologist:

**Daniel Ahern**

Signed:

**DANIEL AHERN**

Date:

**15/12/23**

Qualifications and Experience of the above Ecologist (if different from Lead Author identified above):

Click or tap here to enter text.

### 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):

**Julian Fagge**

Signed: **JULIAN FAGGE**

Date: **15/12/23**



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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) <sup>i</sup> , it has been fully accounted for in the report.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Click or tap here to enter text.
	2. The scope, structure and content of the report is in accordance with published good practice <sup>ii, iii and iv</sup> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
Surveys, Species & Habitats	3. Adequate <sup>v</sup> and up-to-date <sup>vi</sup> : a. Desk study has been undertaken <sup>vii</sup> ; b. Phase 1 habitat survey has been undertaken <sup>7</sup> ; and c. Phase 2 surveys have been undertaken (where necessary) <sup>viii</sup> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	4. All statutory and non-statutory sites likely to be significantly affected are clearly and correctly identified.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	5. All protected or priority species and priority habitats <sup>ix</sup> likely to be significantly affected are clearly and correctly identified, and adequate surveys have been undertaken to inform the baseline.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	6. Any invasive non-native plant species present are clearly and correctly identified.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Click or tap here to enter text.
	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).	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Click or tap here to enter text.
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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	10. The report describes and assesses all likely significant biodiversity effects (including cumulative effects) clearly stating the geographical scale of significance (where relevant).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
Mitigation, Compensation & Enhancement	11. The mitigation hierarchy has been clearly followed <sup>x</sup> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	13. A summary table of proposed mitigation and compensation measures has been provided.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	14. The need for any mitigation licences identified in relation to protected species is clearly identified.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	15. A Biodiversity Net Gain Assessment has been provided where required	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	Click or tap here to enter text.



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Competence / Good Practice	16. Limitations <sup>xi</sup> of the biodiversity surveys and assessments have been correctly identified and the implications explained.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	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 <sup>xii</sup> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	19. All ecologists and surveyors hold appropriate species licences (where relevant) and/or have all necessary competencies to carry out the work undertaken.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
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).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	21. The report provides a clear summary of losses and gains for biodiversity and a justifies conclusion of overall net gain for biodiversity	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.
	22. Justifiable conclusions <sup>xiii</sup> based on sound professional judgement <sup>xiv</sup> 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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Click or tap here to enter text.

### 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
	Click or tap here to enter text. Where adequacy of information provided dictates what recommendation can be made below.
1. Approval (no biodiversity issues)	<ul style="list-style-type: none"> <li>– <input type="checkbox"/> No outstanding ecological issues</li> <li>– <input type="checkbox"/> And no requirement for any conditions/obligations or EPS licence</li> </ul>
2. Approval (conditional with no likely delays to commencement)	<ul style="list-style-type: none"> <li>– <input type="checkbox"/> Biodiversity report follows good practice</li> <li>– <input type="checkbox"/> Conditions are required to secure implementation of mitigation, etc. (i.e. no pre-commencement conditions)</li> <li>– <input type="checkbox"/> No delay to commencement of development arising from biodiversity issues</li> </ul>
3. Approval (Conditional with possible delays to commencement)	<ul style="list-style-type: none"> <li>– <input type="checkbox"/> Biodiversity report follows good practice</li> <li>– <input type="checkbox"/> Condition(s) are required to secure the submission of information for approval before commencement</li> <li>– <input type="checkbox"/> Development delayed until these conditions are discharged</li> </ul>
4. Approval (Conditional with likely significant delays to commencement)	<ul style="list-style-type: none"> <li>– <input type="checkbox"/> Biodiversity report does not meet requirements of good practice</li> <li>– <input type="checkbox"/> May only be approved subject to significant pre-commencement conditions (and potentially also implementation conditions)</li> </ul>



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**5. Deferral (pending submission of further essential information)**

- 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**

- 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**

- 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:** Click or tap here to enter text.

**Role:** Click or tap here to enter text.

**Qualifications and Experience:** Click or tap here to enter text.

**Signature:** Click or tap here to enter text.

**Date:** Click or tap here to enter text.



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### ENDNOTES

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<sup>i</sup> Natural England's Discretionary Advice Service

<sup>ii</sup> CIEEM (2017) Guidelines for Ecological Report Writing.

<sup>iii</sup> CIEEM (2018) Guidelines for Ecological Impact Assessment.

<sup>iv</sup> BS42020:2013 Biodiversity – Code of Conduct for Planning and Development.

<sup>v</sup> 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).

<sup>vi</sup> 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

<sup>vii</sup> Based on the approach described in Section 2 of CIEEM's Guidelines for Preliminary Ecological Appraisal (2018).

<sup>viii</sup> See Section 3, Box 4 and Appendix 5 of CIEEM's Guidelines for Preliminary Ecological Appraisal (2018).

<sup>ix</sup> See Section 1 Box 1 of CIEEM's Guidelines for Preliminary Ecological Appraisal (2018).

<sup>x</sup> In accordance with Paragraph 118 of the National Planning Policy Framework (England; 2018).

<sup>xi</sup> 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).

<sup>xii</sup> 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?

<sup>xiii</sup> In accordance with CIEEM's Guidelines on Ecological Impact Assessment (2018).

<sup>xiv</sup> 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.