

Introduction

This advice note is to inform Planning Authorities on the use of the Biodiversity Checklist with the aim of improving the consultation process and ensuring natural heritage is considered within planning decisions.

NIEA recommends that fully completed Biodiversity Checklists and any supporting ecological information be submitted with local development planning applications. This should help prevent any delays in the determination of the application through requests for amendments/ mitigation or further information. Where insufficient information has been provided the proposal may be contrary to PPS2 as there may be a risk of harm to a species or habitat and insufficient information has been provided to establish otherwise.

What is the Biodiversity Checklist and who is it for?

This Biodiversity Checklist is intended to provide a 'step by step' tool which is aimed at applicants and their agents to use to identify what potential biodiversity impacts their development proposal may have and what ecological assessments or surveys would reasonably be required to be submitted with their planning application. It will also enable applicants and their agents to build any necessary avoidance or mitigation measures into their project prior to submitting their application.

The Checklist is designed to be used for all local development¹ planning applications in Northern Ireland where another ecological assessment or survey has not already been completed. It is not intended to apply to larger developments, such as major and regionally significant applications (as it is assumed that for these an ecological assessment will be carried out) or for proposals that require an Environmental Statement under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

The questions in Part 1 and Part 2 of the checklist can be answered by any applicant or their agent who has knowledge of the site and proposed development. If they have any doubt about how to answer any question it is advised that they seek the advice of an ecologist or other suitably qualified person.

- Part 1: contains questions relating to designated sites and priority habitats.
- Part 2: contains questions relating to priority species and protected species.
- Part 3: If YES has been answered to any questions in Part 1 or Part 2 it is recommended that the applicant seek advice from an ecologist or other suitably qualified person to carry out an evaluation of the proposed development and complete the Ecological Statement in Part 3 of the checklist. Any additional information required to support the application, such as ecological assessments or surveys, should also be identified at this stage. The checklist and any other identified surveys should be submitted to the planning authority when the application is submitted.

¹ See Development Hierarchy in *Strategic Planning Policy Statement for Northern Ireland, 2015*.

- Part 4: contains further details of the proposal and a signed declaration by the applicant/agent/ecologist.

What is a planner's role?

The planner must ensure that all material considerations are assessed with any planning application. This includes any potential impacts to biodiversity or natural heritage interests.

If a Biodiversity Checklist has been submitted with an application:

- The Checklist should be reviewed to assess whether it can be reasonably and objectively accepted. Planners should use information gathered during any associated sites visits and/or from in-house GIS data, such as biodiversity layers and aerial photography, to determine whether the completed Checklist accurately reflects the conditions on site and relates to the nature of the proposed development.
- If YES has been ticked on Part 1 or Part 2 of the Checklist ensure that the corresponding issue has been fully addressed in Part 3 of the Checklist by an ecologist or other suitably qualified person.
- If a Preliminary Ecological Appraisal has been undertaken in association with Part 3 or if the need for any other surveys have been identified in Part 3 ensure that these surveys have been submitted with the application. If these have not been provided request the applicant to submit / undertake the surveys.
- If additional surveys have been undertaken consider whether they meet appropriate survey specifications. If not clarifications or additional survey information may be required.
- If mitigation measures have been identified in Part 3 ensure these have been built into the proposal or can be conditioned. If they have not been built into the project or cannot be conditioned assume that the identified risk remains.
- Consider whether NIEA needs to be consulted.

When should NIEA be consulted?

NIEA, as a statutory consultee, can advise on the more complicated aspects of ecology.

NIEA must be consulted if the Checklist Process identifies any likely impacts on the features of Special Areas of Conservation, Special Protection Areas or Areas of Special Scientific Interest.

NIEA must be consulted if the Checklist Process identifies any likely impacts on priority habitat or species and associated Standing Advice² advises consultation.

²NIEA Standing Advice:

https://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm

For any other issue NIEA should be consulted if further advice is required after:

- a) ecological information (such as Biodiversity Checklist and/or associated surveys) has been submitted with the application and have been deemed by the planning authority to be reasonably and objectively accepted; **and**
- b) after DAERA Environmental Advice for Planners³ and any relevant Standing Advice has been considered by the planning authority. Standing Advice will highlight when NIEA does not require a consultation in relation to specific issues and provides advice in these cases to allow the planner to determine an application⁴.

If a Checklist has been submitted with an application and all the questions in Parts 1 and 2 are answered as NO, and the information can be reasonably and objectively accepted, natural heritage interests that could be impacted by the development are less likely to be present on or near the site and potential impacts on biodiversity interests have a lower likelihood of occurring. NIEA does not need to be consulted in the majority of these cases.

If a Biodiversity Checklist or other appropriate ecological information has not been submitted with an application:

- and NIEA are subsequently consulted they may not be able to provide a substantive response that would enable the planning authority to make a determination. As NIEA do not undertake site surveys on behalf of the applicant or agent the majority of the consultation responses in these circumstances are likely to refer to the potential for a range of ecological impacts to occur and the availability of the Biodiversity Checklist and Standing Advice.
- the planning authority could request the applicant to complete the Biodiversity Checklist process.
- although there is no obligation upon them, the planning authority could, if viable and after undertaking a site visit and gathering in-house GIS data, undertake the Biodiversity Checklist process themselves and identify any further information required to accompany the application. This information could then be sought from the applicant.

What NIEA cannot do:

NIEA cannot:

- Undertake or review Part 1 and 2 of Biodiversity Checklist assessments on behalf of applicants, agents or planning authorities;
- Undertake ecological surveys associated with Part 3 of the Biodiversity Checklist on behalf of applicants, agents or planning authorities.

³ DAERA Environmental Advice for Planners: <https://www.daera-ni.gov.uk/topics/environmental-advice-planners>

⁴ Note: Article 13 3(b) of The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended).