

# The EclA Checklist

**A tool for raising the standards of ecological reports  
(not just a 'tick box' exercise)**

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## What is the EclA Checklist?

A series of criteria for determining quality/adequacy of an Ecological Impact Assessment (EclA) report

(Is it 'fit for purpose'?)

Developed jointly by CIEEM and ALGE

An EclA report (from CIEEM's Guidelines for Ecological Report Writing)

*Assesses the impacts of a development proposal on ecological features, clearly identifying any 'significant effects' as well as impacts on any designated sites or protected species, and detailing both the mitigation measures required, and how these will [or could] be secured.*

*Will be submitted as part of a planning application.*

Ecology / Biodiversity chapter of an ES for EIA developments

# What is the EclA Checklist?

Quality / adequacy of EclA reports is a subjective assessment

The EclA Checklist promotes transparency

Originally intended to form part of any planning application where ecology is an issue

- LPAs clarify what is required in EclA reports
- Consultants highlight to LPAs how requirements addressed
- LPAs identify any 'failings'

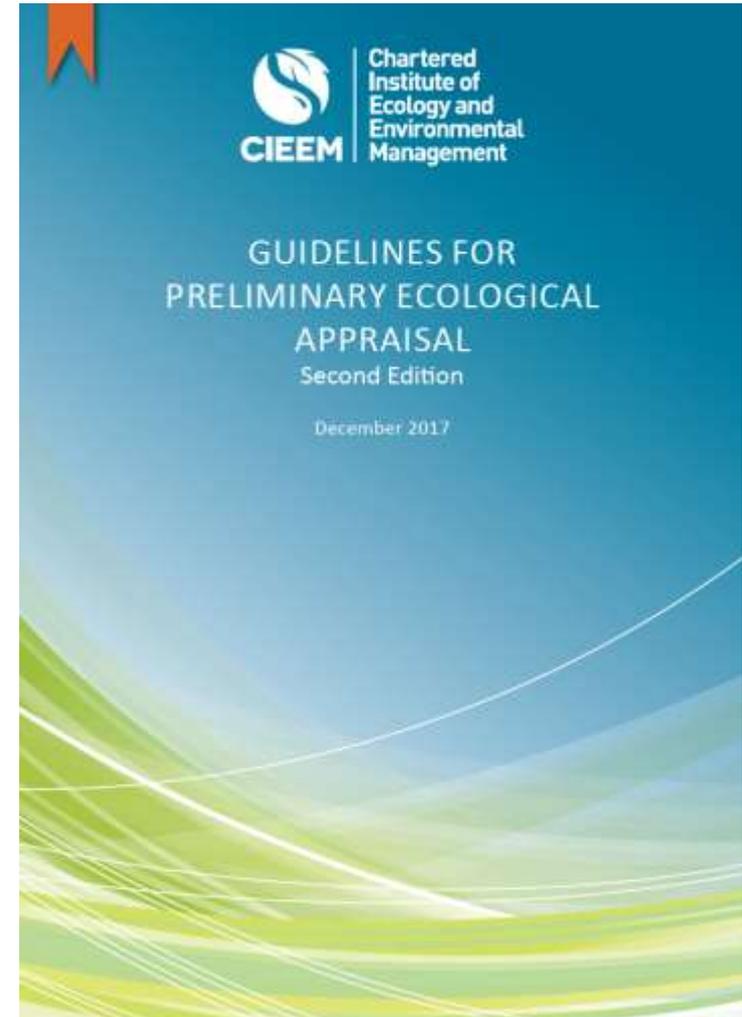
Requires LPAs to adopt the Checklist

## Why do we need it?

Continuing problems with the quality of EcIA reports

Can a PEA Report be submitted as part of a planning application?

Particularly for 'small scale' or 'low impact' scenarios



# How might the EclA Checklist be used?

To determine whether an EclA report is ‘fit for purpose’:

- LPA review when determining a planning application  
(This application is due to be trialled in certain local authority areas in 2020)
- Ecological consultancy internal review  
(QA process)
- To determine whether a PEA Report can be submitted as part of a planning application
- By CIEEM when assessing a complaint relating to an EclA report

# How to complete the EclA Checklist

## Where LPAs require its submission (trial in 2020):

- Ecological consultant completes the checklist
- Confirm that each of the criteria have been met (answer 'Yes'), and identify the relevant paragraphs
- Where you can't answer 'Yes' and identify relevant paragraphs
  - Revise the report or
  - Answer 'No' and clearly justify the approach taken
- Checklist will be accompanied by a declaration, to be signed by
  - Ecologist
  - Client
- Checklist and Declaration submitted with the EclA report
- LPA review, and may comment/seek clarification

# How to complete the EclA Checklist

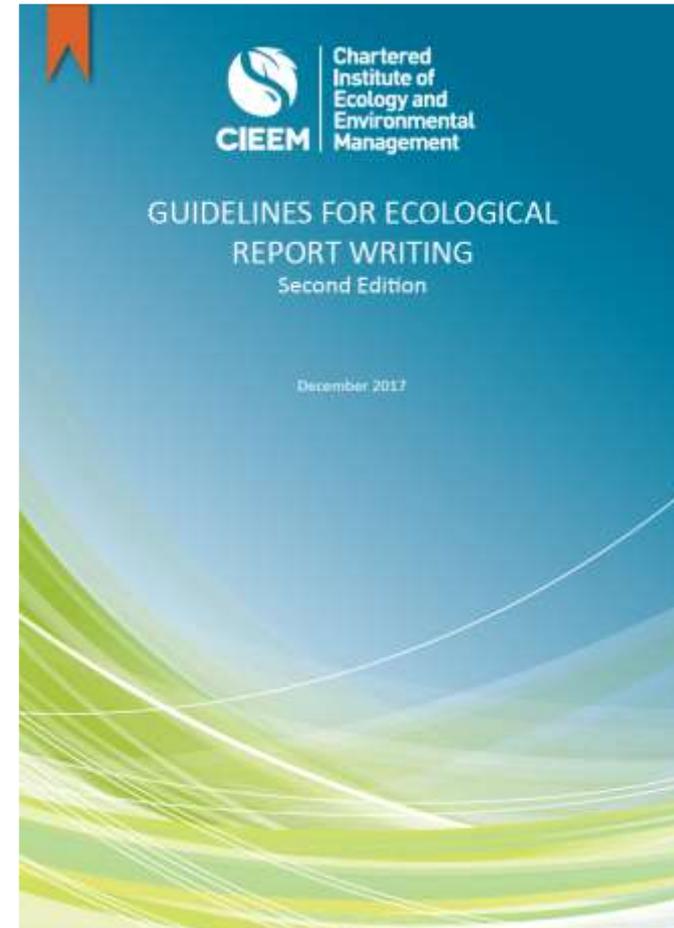
**Where a consultancy wants to incorporate the EclA Checklist into their QA processes**

- Up to each individual consultancy
- Confirm that each of the criteria have been met (answer 'Yes'), and identify the relevant paragraphs
- Where you can't answer 'Yes' and identify relevant paragraphs
  - Revise the report or
  - Answer 'No' and clearly justify the approach taken
- Keep a copy of the completed Checklist on file

EclA Criteria (to ensure decisions are based on adequate information in accordance with Clauses 6.2 and 8.1 of BS42020:2013)		Yes No n/a	Paragraph reference number(s)
Pre-app/ scope	1. Where pre-application advice has been received from the Local Planning Authority and/or an NGO and/or statutory body (e.g. NE DAS, NRW DAS), it has been fully accounted for in the EclA		
	2. The scope, structure and content of the EclA is in accordance with published good practice <sup>10</sup> and 11		
Surveys, Sites, Species and Habitats	3. Adequate <sup>12</sup> and up-to-date <sup>13</sup> : a. Desk study has been undertaken <sup>14</sup> b. Phase 1 habitat survey (or equivalent) has been undertaken <sup>15</sup> c. Phase 2 ecology surveys have been undertaken (where necessary) <sup>16</sup>		
	4. All statutory and non-statutory sites likely to be significantly affected are clearly and correctly identified		
	5. All protected or priority species and priority habitats <sup>17</sup> likely to be significantly affected are clearly and correctly identified, and adequate surveys have been undertaken to inform the baseline		
	6. Any invasive non-native plant species present are clearly and correctly identified		
	7. Where a separate PEA Report states that Phase 2 ecology surveys are required, these have been undertaken in full and results submitted with the application (or lack of such surveys is justified)		
Impacts and 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		
	9. The residual ecological 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		
	10. The report describes and assesses all likely significant ecological effects (including cumulative effects) clearly stating the geographical scale of significance (where relevant)		
Mitigation, Compensation and Enhancement	11. The mitigation hierarchy has been clearly followed <sup>18</sup>		
	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 c. Recommends how proposed measures may be secured through planning conditions/obligations and/or necessary licences		
	13. A summary table of proposed mitigation and compensation measures has been provided		
	14. The need for any mitigation licences required in relation to protected species is clearly identified		
	15. Proposals to deliver ecological enhancement/Biodiversity Net Gain have been provided		
Competence/Good Practice	16. Limitations <sup>19</sup> of the ecological work have been correctly identified and the implications explained		
	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		
	18. All ecological work and surveys 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>20</sup>		
Conclusions	19. All ecologists and surveyors hold appropriate species licences (where relevant) and/or have all necessary competencies to carry out the work undertaken		
	20. The report clearly identifies where the proposed development complies with relevant legislation and policy, highlighting any possible non-compliance issues, and highlighting circumstances where a conclusion cannot be drawn as it requires an assessment of non-ecological issues (such as socio-economic ones)		
	21. The report provides a clear summary of losses and gains for biodiversity, and a justified conclusion of an overall net gain for biodiversity		
	22. Justifiable conclusions <sup>21</sup> based on sound professional judgement <sup>22</sup> have been drawn as to the significance of effects on any designated site, protected or priority habitat/species or other ecological feature, and a justified scale of significance has been stated		

## Pre-app/scope

1. Where pre-app advice has been received from the LPA and/or an NGO and/or statutory body (e.g. NE DAS, NRW DAS), it has been fully accounted for in the EclA
2. The scope, structure and content of the EclA is in accordance with published good practice



## Surveys, sites, species and habitats

### 3. Adequate and up-to-date:

- Desk study has been undertaken
- Phase 1 habitat survey (or equivalent) has been undertaken
- Phase 2 ecology surveys have been undertaken (where necessary)

4. All statutory and non-statutory sites likely to be significantly affected are clearly and correctly identified

5. All protected or priority species and priority habitats likely to be significantly affected are clearly and correctly identified, and adequate surveys have been undertaken to inform the baseline

6. Any invasive non-native plant species present are clearly and correctly identified

7. Where a separate PEA Report states that Phase 2 ecology surveys are required, these have been undertaken in full and results submitted with the application (or lack of such surveys is justified)

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**ADVICE NOTE**

**ON THE LIFESPAN OF ECOLOGICAL REPORTS & SURVEYS**

APRIL 2019

It is important that planning decisions are based on up-to-date ecological reports and survey data. However, it is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. In some cases there will be specific guidance on this (such as for the age of data which may be used to support an EPS licence application), in circumstances where such advice does not already exist, CIEEM provides the general advice set out below.

For some projects the time taken between commencing the scoping or design and submitting a planning application can be several years, and this can result in the early ecology surveys becoming out-of-date (based on the advice set out below); this can lead to additional costs for developers associated with updating survey data. Nevertheless, there are considerable advantages associated with undertaking surveys early during the scoping or design phases of a project.

Ecological consultants should give careful consideration to which, if any, surveys need to be updated; design their data collection in a way which maximises the benefits of early surveys whilst minimising the costs to developers; and provide clarity on the likely lifespan of surveys in their reports.

AGE OF DATA	REPORT / SURVEY VALIDITY
Less than 12 months	Likely to be valid in most cases.
12-18 months	Likely to be valid in most cases with the following exceptions: <ul style="list-style-type: none"> <li>• Where a site may offer existing or new features which could be utilised by a mobile species within a short timeframe (see scenario 1 example);</li> <li>• Where a mobile species is present on site or in the wider area, and can create new features of relevance to the assessment (see scenario 2 example);</li> <li>• Where country-specific or species-specific guidance dictates otherwise.</li> </ul> <p>Report authors should highlight where they consider it likely to be necessary to update surveys within a timeframe of less than 18 months.</p>
18 months to 3 years	A professional ecologist will need to undertake a site visit and may also need to update desk study information (effectively updating the Preliminary Ecological Appraisal) and then review the validity of the report, based on the factors listed below. Some or all of the other ecological surveys may need to be updated. The professional ecologist will need to issue a clear statement, with appropriate justification, on: <ul style="list-style-type: none"> <li>• The validity of the report;</li> <li>• Which, if any, of the surveys need to be updated; and</li> <li>• The appropriate scope, timing and methods for the update survey(s).</li> </ul> <p>The likelihood of surveys needing to be updated increases with time, and is greater for mobile species or in circumstances where the habitat or its management has changed significantly since the surveys were undertaken. Factors to be considered include (but are not limited to):</p> <ul style="list-style-type: none"> <li>• Whether the site supports, or may support, a mobile species which could have moved on to site, or changed its distribution within a site (see scenario 1&amp;2 examples);</li> <li>• Whether there have been significant changes to the habitats present (and/or the ecological conditions/functions/ecosystem functioning upon which they are dependent) since the surveys were undertaken, including through changes to site management (see scenario 3 example);</li> <li>• Whether the local distribution of a species in the wider area around a site has changed (or knowledge of it increased), increasing the likelihood of its presence (see scenario 4 example).</li> </ul>
More than 3 years	The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated (subject to an assessment by a professional ecologist, as described above).

## Impacts and 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

9. The residual ecological 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

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# Mitigation, compensation and enhancement

11. The mitigation hierarchy has been clearly followed

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
- c) Recommends how proposed measures may be secured through planning conditions/obligations and/or necessary licences

13. A summary table of proposed mitigation and compensation measures has been provided

14. The need for any mitigation licences required in relation to protected species is clearly identified

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## Competence / good practice

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## 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-ecological issues (such as socio-economic ones)
21. The report provides a clear summary of losses and gains for biodiversity, and a justified conclusion of an overall net gain for biodiversity
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## Pragmatism, Proportionality and Professional Judgement

CIEEM Professional Standards Committee

The definition of 'pragmatism' used in this article is where conduct, action or policy is dictated by consideration of the immediate practical consequences rather than by theory, principle or dogma. So in a professional sense, being pragmatic means dealing with things realistically in a way that is based on practical rather than theoretical considerations.

Likewise, in order to keep things in perspective, we must also strive to apply 'proportionality'. Clause 5.5 of 8542020 Biodiversity – Code of practice for planning and development (2013) reminds us that: "The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development."

### Introduction

In the current economic and political climate, as a profession – more than ever – we must be able to demonstrate that we are not adding unnecessary delays, complexity and costs to development and infrastructure projects. Our advice



and recommendations need to be fundamentally pragmatic and focused on delivering practical and effective outcomes for biodiversity and the natural environment. At the same time, however, we need to be careful not to be so 'pragmatic' that we risk losing a sense of proportionality, as might be the case if we chose a cheap, quick form of mitigation that could be easily implemented without regard to whether it would be an adequate response to the scale and type of impact we are seeking to address.

In attempting to get this balance right, we are faced with a challenge because professional practice generates a need for complex analysis and decision-making in a world of multiple issues and corresponding options. It is therefore not surprising that the ability to identify what is pragmatic and proportionate does not come automatically

to any professional. The ability comes gradually as we gain experience through our careers and it is commonly expressed as part of what we call our 'professional judgement'. And in working in a discipline that so often involves subjective – albeit well informed – assessments, ecologists must continually hone their individual professional judgment to ensure that it has been exercised conscientiously. We must also strive to avoid complacency, which will always undermine our judgement.

### Exercising Professional Judgement

The ability to exercise professional judgement may be the single most important attribute that differentiates professionals from non-professionals. This is because professionals should use their training, accumulated knowledge and

# Conclusions

ifies where the proposed development isolation and policy, highlighting any possible highlighting circumstances where a conclusion requires an assessment of non-ecological issues (es)

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## What happens next?

EclA Checklist has been published on the CIEEM website

Trial due to start in certain local authority areas in 2020

CIEEM and ALGE will encourage take up by other LPAs following the trial

- Checklist
- Declaration

Some other LPAs are considering using the Checklist in some way

Consultancies can start to incorporate it into their QA processes

Article in December's edition of In Practice

Members are encouraged to provide feedback on the Checklist

# What happens next?

Upcoming webinar (6<sup>th</sup> December) – ‘A refresher for writing effective reports’

The following topics will be covered:

- 1) Top 10 tips for writing effective ecological reports
- 2) Preliminary Ecological Appraisal Report (PEAR) or Ecological Impact Assessment Report – what’s the difference, and when is each appropriate?
- 3) Can a PEAR be submitted with a planning application? What about in ‘low impact’ scenarios?
- 4) The new EcIA Checklist
- 5) Quality Assurance / Technical Review of reports – things to look for
- 6) What other advice is available?