CIEEM

NES
National Ecological Standards

ECoW/A/19-001/1

Using EcIA as a tool to guide mitigation during construction and ecological contracting

Overview

This Standard is for those using Ecological Impact Assessment (EcIA) to inform mitigation, compensation or enhancement measures required during the construction period of a project.

An ecologist in this role requires an extensive understanding of how EcIA can be used as a tool to guide both the implementation of construction related mitigation, compensation and enhancement measures.

You will be required to comply with all relevant statutory and policy requirements in both the design and implementation of ecological mitigation measures. All work undertaken should also be in accordance with relevant obligations and requirements, professional standards, design specifications and instructions and contractor documents.

You will know how to analyse, interpret and assess relevant ecological and construction information, and will be aware of the scope and purpose of the work to be undertaken.

You will be expected to understand and use relevant information relating to both ecological and construction issues in your work. This is to ensure that any mitigation, compensation and enhancement measures in the EcIA are:

- Based on **robust evidence**
- Based on **professional good practice guidance**
- **Adequate**[1] to achieve required outcomes
- **Compatible** with the intended construction environment
- **Secured or securable** through appropriate obligations and consents (e.g. planning conditions, EPS licences, specifications and work instructions)
- **Capable of being implemented** effectively by those on site and therefore likely to successfully deliver necessary biodiversity outcomes.

You will be expected to advice and guidance to relevant persons relating to all mitigation, compensation and enhancement measures and associated actions arising from the proposals in the EcIA. To do this, you will exercise professional judgement, ensuring your advice is both proportionate and pragmatic, while working within the parameters set by relevant codes of professional conduct.

You will be expected to show that you have identified, selected and used appropriate professional and ecological knowledge, methods and skills. You will have a sound understanding of the methods of impact assessment that have informed the measures and actions arising from the EcIA.

You will be aware of any health and safety and other environmental requirements and the appropriate legislative and regulatory framework, applicable to your area of responsibility.

[1] BS42020: Clause 6.2 defines **adequate** as being **appropriate** (i.e. relevant to the issues concerned) and **sufficient** (i.e. involves or provides enough detail and/or effort in the work undertaken).

ECoW/A/19-001/1 *Using EcIA as a tool to guide mitigation during construction and ecological contracting*		
Performance criteria		
You must be able to:	P1	Establish that the scope and content of the EcIA is fit to inform implementation of all ecological mitigation measures required during the construction period (i.e. covers all likely risks and impacts).
	P2	Identify and extract all relevant information from the EcIA in an appropriate format and structure, so that it can easily guide all ecological mitigation measures during construction (e.g. for inclusion in CEMPs, RAMS etc.)
	P3	Confirm that any relevant pre-application advice obtained from the LPA, a statutory body or an NGO has been incorporated into the EcIA; alternatively justify why it has not been followed.
	P4	Establish that the proposals in the EcIA are based on: • adequate and up to date desk studies and • all necessary field surveys - with associated data also being adequate and up to date.
	P5	Advise on the need for further and/or update surveys to fill gaps in existing survey data
	P6	Identify all relevant designated sites and protected and priority species and habitats that may be affected by construction operations.
	P7	Establish that all likely impacts arising from the proposed development are adequately assessed in the EcIA, demonstrating a clear understanding of how construction operations are likely to affect ecological receptors.
	P8	Demonstrate understanding of how the mitigation hierarchy has been applied in the assessment of impacts and the design of appropriate mitigation.
	P9	Establish that the proposed enhancement measures and/or mitigation and compensation measures will achieve necessary outcomes, including details of certainty over their deliverability and their likely success (in accordance with BS42020:2013 Clause 8.1(e).
	P10	Establish that proposed mitigation, compensation and enhancement measures have been or are capable of being secured through appropriate: • planning conditions or planning obligations • protected species licenses • design specifications and work instructions
	P11	Identify all necessary ecological monitoring required during the construction period and justify why this is appropriate and proportionate to the project.
	P12	Identify any limitations of the ecological work undertaken in accordance with Clause 6.7 of BS42020:2013 and establish what the implications might be in terms of compliance over the delivery of necessary ecological measures.
	P13	Demonstrate that the recommended mitigation measures are in accordance with relevant statutory and policy requirements (where relevant).

ECoW/A/19-001/1 *Using EcIA as a tool to guide mitigation during construction and ecological contracting*		
Performance criteria		
You must be able to:	P14	Identify where an EPS derogation licence is required BEFORE commencement of any works on site OR prior to specific operations being undertaken (e.g. vegetation clearance).
	P15	Identify any seasonal or timing constraints (e.g. site vegetation clearance or roof removal) that may impact upon the proposed timing of construction operations in some way.
	P16	Establish that all ecological surveys and proposed mitigation and enhancement measures are undertaken in accordance with published professional good practice guidance. If not, see P16 below.
	P17	Explain any deviation from standard published professional practice guidance so that any deviation is made clear and is fully justified.
	P19	Identify the implications for any subsequent conclusions and recommendations made in the EcIA so that these are made explicit in accordance with Clauses 4.4, 6.3.6 to 6.3.9 and 6.7 of BS42020:2013[2].
	P20	Identify likely net losses and gains for biodiversity.
	P21	Establish that the EcIA is adequate to inform and guide the lawful implementation of all works and operations during the construction period.
	P21	Provide feedback (based on the implementation of actual measures on site) to those who have prepared the EcIA; particularly on the adequacy of the mitigation, compensation and enhancement measures, drawing specific attention to: • any failure to fully predict and assess the type, scale and/or extent of all likely impacts • any mitigation/compensation measures that proved inadequate to fully address eventual impacts • any measures that were not capable of being implemented in accordance with recommendations and/or original designs i.e. had to be modified or redesigned to achieve intended purpose

[2] 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.

ECoW/A/19-001/1 *Using EcIA as a tool to guide mitigation during construction and ecological contracting*		
Knowledge and understanding		
You need to know and understand:	K1	That the scope and content of the EcIA is fit to inform implementation of all ecological mitigation measures required during the construction period (i.e. covers all likely risks and impacts).
	K2	How to identify and extract all relevant information from the EcIA in an appropriate format and structure, so that it can easily guide all ecological mitigation measures during construction (e.g. for inclusion in CEMPs, RAMS etc.)
	K3	The importance of confirming that any relevant pre-application advice obtained from the LPA, a statutory body or an NGO has been incorporated into the EcIA; alternatively justify why it has not been followed.
	K4	That the proposals in the EcIA are based on: • adequate and up to date desk studies and • all necessary field surveys - with associated data also being adequate and up to date.
	K5	How to advise on the need for further and/or update surveys to fill gaps in existing survey data
	K6	The importance of identifying all relevant designated sites and protected and priority species and habitats that may be affected by construction operations.
	K7	How to establish that all likely impacts arising from the proposed development are adequately assessed in the EcIA, demonstrating a clear understanding of how construction operations are likely to affect ecological receptors.
	K8	How the mitigation hierarchy has been applied in the assessment of impacts and the design of appropriate mitigation.
	K0	That the proposed enhancement measures and/or mitigation and compensation measures will achieve necessary outcomes, including details of certainty over their deliverability and their likely success (in accordance with BS42020:2013 Clause 8.1(e).
	K10	That proposed mitigation, compensation and enhancement measures have been or are capable of being secured through appropriate: • planning conditions or planning obligations • protected species licenses • design specifications and work instructions
	K11	The importance of identifying all necessary ecological monitoring required during the construction period and justify why this is appropriate and proportionate to the project.
	K12	The importance of identifying any limitations of the ecological work undertaken in accordance with Clause 6.7 of BS42020:2013 and establish what the implications might be in terms of compliance over the delivery of necessary ecological measures.
	K13	That the recommended mitigation measures are in accordance with relevant statutory and policy requirements (where relevant).

	K14	The importance of identifying where an EPS derogation licence is required BEFORE commencement of any works on site OR prior to specific operations being undertaken (e.g. vegetation clearance).
	K15	The importance of identifying any seasonal or timing constraints (e.g. site vegetation clearance or roof removal) that may impact upon the proposed timing of construction operations in some way.
	K16	That all ecological surveys and proposed mitigation and enhancement measures are undertaken in accordance with published professional good practice guidance. If not, see P16 below.
	K17	To be able to explain any deviation from standard published professional practice guidance so that any deviation is made clear and is fully justified.
	K18	The importance of identifying the implications for any subsequent conclusions and recommendations made in the EcIA so that these are made explicit in accordance with Clauses 4.4, 6.3.6 to 6.3.9 and 6.7 of BS42020:2013[3].
	K19	The importance of identifying likely net losses and gains for biodiversity.
	K21	That the EcIA is adequate to inform and guide the lawful implementation of all works and operations during the construction period.
	K22	To be able to provide feedback (based on the implementation of actual measures on site) to those who have prepared the EcIA; particularly on the adequacy of the mitigation, compensation and enhancement measures, drawing specific attention to: • any failure to fully predict and assess the type, scale and/or extent of all likely impacts • any mitigation/compensation measures that proved inadequate to fully address eventual impacts • any measures that were not capable of being implemented in accordance with recommendations and/or original designs i.e. had to be modified or redesigned to achieve intended purpose

[3] 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.

ECoW/S/19-001/1 *Using EcIA as a tool to guide mitigation during construction and ecological contracting*	
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