

# CONSULTATION

## Response Document



**TII's Biodiversity Impact Assessment Standard**

**23<sup>rd</sup> January 2025**

# Introduction to CIEEM

The Chartered Institute of Ecology and Environmental Management (CIEEM), as the leading membership organisation supporting professional ecologists and environmental managers in the United Kingdom and Ireland, welcomes the opportunity to comment on this consultation.

CIEEM was established in 1991 and has over 7,000 members drawn from local authorities, government agencies, industry, environmental consultancy, teaching/research, and voluntary environmental organisations. The Chartered Institute has led the way in defining and raising the standards of ecological and environmental management practice with regard to biodiversity protection and enhancement. It promotes knowledge sharing through events and publications, skills development through its comprehensive training and development programme and best practice through the dissemination of technical guidance for the profession and related disciplines.

CIEEM is a member of:

- Northern Ireland Environment Link
- Wildlife and Countryside Link
- Scottish Environment Link
- Wales Environment Link
- Environmental Policy Forum
- IUCN – The World Conservation Union
- Professional Associations Research Network
- Society for the Environment
- UN Decade on Ecosystem Restoration 2021-2030 Network
- Greener UK
- National Biodiversity Forum (Ireland)

**This response was coordinated by Members of our [Ireland Policy Group](#).**

We welcome the opportunity to participate in this consultation and we would be happy to provide further information on this topic. Please contact Jason Reeves (CIEEM Head of Policy) at [JasonReeves@cieem.net](mailto:JasonReeves@cieem.net) with any queries.

# Consultation on TII's draft Biodiversity Impact Assessment (BIA) Standard

## Overall comments

We welcome the opportunity to respond to TII's draft Biodiversity Impact Assessment Standard. We commend the guidance for emphasising the importance of assessment of biodiversity in general, and particularly of early consideration in project design. We also welcome:

- Reference to CIEEM professional membership and the CIEEM Competency Framework as a way to promote higher standards and ethical practice. While we recognise that not all experienced ecologists in Ireland are members of CIEEM, we encourage the use of the competency framework to demonstrate equivalence.
- Reference to CIEEM's EcIA guidance (we note that some practitioners use EPA guidance which differs from CIEEM's in that it describes degrees of significance, as opposed to CIEEM's binary approach).

However, there are a number of areas that need further attention, which we present in detail in the response below.

In the Irish context, where biodiversity-related decisions are frequently challenged in the courts, there is a real possibility that any ambiguities, inconsistencies or gaps in the document could be used to contest its application, with the result that the standard itself may become a focus of legal challenge.

In general, we note several areas of mismatch between the standard and established ecological practice in Ireland. These include some UK-centric methods and survey types that are not commonly used in the Republic of Ireland, where there are different survey conventions, legal frameworks and ways of working. For example, the standard should refer to the Birds of Conservation Concern in Ireland (BoCCI), as opposed to the Common Farmland Bird Index (CFBI), and the Countryside Bird Survey (CBS) is the ROI equivalent to the Breeding Bird Survey (BBS, formerly Common Bird Census).

Elements of TII guidance are used more widely than just on road projects. Because of this practice, we are concerned that any unresolved issues in the new standard (for example, around conservation evaluation and irreplaceable habitats) will not only affect linear transport schemes but also propagate into ecological assessments for other project types.

We suggest that the BIA Standard undergoes a legal review (if not already done) before it is finalised and published.

## 1. Evaluation scheme (Appendix B, B.5.2.10 Valuing Ecological Features)

We strongly recommend further consideration of this section of the guidance, as there were several parts for which we seek clarity including, notably, seeming permission to downgrade European Sites. These have important implications for impact assessments and, if not addressed, could leave projects vulnerable to challenge.

It is our understanding that the evaluation system in Table 1 of the TII / NRA guidelines for assessment of ecological impacts is used routinely by ecologists. It is therefore critical that this section of this new standard works well for the ecological sector and does not allow for unintended consequences.

CIEEM would be pleased to support a review of this section of the standard, contributing via the extensive on-the-ground experience of our members.

## 2. Irreplaceable habitats (Appendix D)

The draft approach appears to treat habitats as “irreplaceable” only where they are mapped by NPWS, implying that unmapped but qualifying habitats (for example, good quality machair, turloughs or bog) are not irreplaceable. This places undue weight on mapping that is known to have inaccuracies and gaps, creating loopholes that could expose genuinely irreplaceable habitats to loss simply because they have not been mapped.

Further, functional processes that maintain irreplaceable habitats (such as hydrology and catchments for turloughs) do not appear to be accounted for in the standard, meaning that damaging key supporting areas could be treated as acceptable while the mapped “feature” is nominally retained.

While we commend the standard for bringing biodiversity considerations, including the mitigation hierarchy, much earlier into the transport project lifecycle, this is undermined if the approach and metric do not correctly identify and protect irreplaceable habitats. In that case, early consideration could entrench flawed assumptions through all subsequent phases. For the early integration of biodiversity to be genuinely beneficial, the treatment of irreplaceable habitats in both the standard and the metric needs to be robust, so that the “avoid and minimise” focus is directed at the right features.

## 3. Language of “significant effects”

It appears that the standard is trying to avoid using the term “significant effects” for non-EIA projects so as not to trigger EIA thresholds. If our reading of that is correct, this risks divergence from [CIEEM guidance](#) for EclA, and established practice in

Ireland, forcing assessors to avoid clear significance judgements, which could lead to weaker and less transparent assessments for non-EIA schemes.

Ecological assessment should follow a consistent approach for both EIA and non-EIA projects, and ecological assessment principles should be applied consistently across project types. It is not appropriate to have one conceptual approach for roads and another for other developments when the underlying ecological questions are the same. This is important given the likelihood that the standard will likely influence practice, and be cited, more widely.

#### 4. Proportionate requirements for ecological assessments

We are pleased that the standard brings forward the mitigation hierarchy and biodiversity considerations into early project phases, as this can help de-risk projects and avoid ecological concerns appearing late at the consent stage.

However, we are concerned at the ambiguity surrounding whether the standard is required for small projects such as active travel and greenways as this creates risk for ecologists. The draft standard is framed for national roads, greenways and active travel, but its expectations are more applicable to larger, complex projects, not minor works like short cycle lanes or local traffic-calming measures.

It is important that early biodiversity work be understood as part of a solution that improves project viability, and requirements should be proportionate. The standard could provide clearer guidance to support this. Specifically, this could involve:

- more clarity over how detailed early-stage BIAs must be;
- reference to preliminary ecological appraisal (PEAs) as an example of a proportionate approach to ecological appraisal / BIA, where appropriate;
- explicit exceptions or clearer scaling for small-scale projects, so that it does not inadvertently complicate low-impact active travel and greenway works that typically warrant a lighter ecological appraisal; and,
- explicit duties on project applicants / clients to secure the access and support needed to implement the standard so as to avoid placing disproportionate responsibility on ecologists to navigate ambiguities.

#### 5. EPOs and EIA criteria — differences between these

The draft BIA Standard seems to elevate Environmental Protection Objectives (EPOs) as the primary driver for setting criteria for determining significance, which we suggest is an over-interpretation of the EIA Directive. The Directive (Annex IV (g)) mentions EPOs only once, in the context of taking them into account when *describing* significant effects rather than defining the criteria for significance itself.

This approach does not align with established EIA practice, where significance is determined through an evaluation of receptor sensitivity, impact magnitude, duration,

reversibility and other factors, rather than against potentially broad or vague EPOs (e.g. such as “no net loss” in a county development plan). Using EPOs as the key benchmark risks prematurely deeming effects “significant” and pushing smaller projects toward full EIA screening, without considering mitigation potential or project context.

The approach would also create inconsistency with well-established CIEEM and EPA guidelines, which do not prioritise EPOs in this way. There is also a question of where to source EPOs for non-designated features which lack clear conservation objectives.

To clarify, we do not oppose taking EPOs into consideration, particularly when *describing* significant effects, but they should not be used as benchmarks for *defining* significant effects.

## 6. Differences between BIA and EcIA, and the necessity of the BIA Standard

The draft standard Biodiversity Impact Assessment (BIA) claims to distinguish itself from the existing Ecological Impact Assessment (EcIA) by implying that current practice is restricted to Key Ecological Receptors (KERs) / Important Ecological Features (IEFs).

That is not necessarily the case; in Ireland, EcIA already routinely addresses biodiversity objectives and relevant planning policy (including local and development plans), alongside applicable regulatory requirements. We suggest it would therefore be clearer and more appropriate to treat the shift from “ecological” to “biodiversity” primarily as an update in terminology and emphasis, rather than presenting BIA as a substantively different assessment.

More fundamentally, the necessity for a new standard is not clearly demonstrated, particularly for the environmental assessment components. The CIEEM EcIA guidelines have been developed and refined over decades through extensive peer review and iterative improvement, and are well-established in professional practice, including within the Irish context. They provide a sufficiently broad and flexible methodological framework to address a wide range of project types and contexts, without the added complexity and potential inconsistency introduced by a separate methodology.

While the draft BIA Standard does add useful procedural detail on how TII projects — particularly national roads — progress through staged decision-making, this could be delivered more proportionately by explicitly adopting CIEEM EcIA (or other appropriate established guidance) as the core assessment framework, and then supplementing it with targeted TII-specific requirements. In particular, the document could focus on (i) clarifying expected outputs at each project stage, (ii) setting out

any Irish- or TII-specific procedural expectations, and (iii) providing carefully justified, legally and ecologically robust evaluation criteria where necessary. This approach would avoid reinventing the wheel, improve clarity for practitioners and competent authorities, and reduce the risk of confusion arising from parallel or competing methodological expectations.

## 7. BIA document as guidance

We suggest that the BIA document would be more appropriate as flexible guidance rather than a rigid standard. Ecological surveys and assessments necessarily require professional judgment and adaptation to site-specific circumstances, which cannot be entirely captured within a prescriptive standard.

We are concerned that, if treated as a formal standard, practitioners could be challenged in hearings for any deviation, forced into time-consuming TII departure approval processes, and constrained by survey prescriptions that may not be appropriate for every project, season or location. By contrast, positioning most of the content as technical guidance, with the standard confined to high-level expectations on process and outputs at each project stage, would better preserve necessary flexibility and reduce procedural burden while still setting clear expectations for TII projects.

## 8. Accessibility of the Standard

We question the accessibility of this technical standard, particularly for early-career ecologists. We suggest that accessibility could be improved by (i) including links to relevant external guidance, for example, key references for transect and point count surveys, in a manner similar to previous NRA/TII guidance was very user-friendly and accessible to ecologists of a range of experiences. (ii) We also suggest that the BIA standard undergoes robust editing to reduce ambiguity and repetition, and to improve its focus and intention in a more user-friendly format.

## 9. Compensation for European designated sites and IROPI

As compensation for Natura 2000 sites would usually fall under IROPI (Imperative Reasons of Overriding Public Interest), we suggest that — for clarity — the standard avoids mentioning “compensation” in the same sentence as “European sites” and includes reference to the relevant guides.