

**Advice from Cornwall Wildlife Trust to ecological consultants:
Ecological reports for planning applications**
(Supplementary to the 2006 IEEM EclA guidelines)



1. Make sure reports are concise; include all relevant information in as few words as possible. Make use of appendices to make sure the important points come across in the main text of the report. Clearly titled tables and figures are useful. Format of the report must be clear. Numbered paragraphs are good because they can be referred to easily.
2. Include photographs of overall site and all features of interest (e.g. semi-improved grassland, potential bat roost, area(s) that will be lost to hardstanding).
3. Include clear maps, such as:
 - o Location plus designated sites
 - o Phase I plus notes on protected species / valued habitats / features of interest
 - o Development proposals / Masterplan with target notes / labels showing how the mitigation in the report has been translated into the development
4. Include an amendment record, and clear reference to any other associated reports (whether in-house or other consultancy).
5. ERCCIS (Environmental Records Centre for Cornwall and the Isles of Scilly) desk study to be undertaken for each development in Cornwall¹; if it is very small, consider likely impacts and tailor request (e.g. just bat / bird records if habitat to remain unaffected around barn conversion).
6. Clear, concise **abstract** detailing:
 - o Survey type, proposal type & case history; include grid reference
 - o Concise desk study and survey results, value of main features (include relevant status of each feature e.g. BAP habitat / protected species) & main impacts on these features
 - o Clearly list the main mitigation & compensation required; state whether this has been agreed or is pending agreement, and any requirement for licences
 - o Limitations & further surveys needed
 - o Residual impact (in final report only, when all surveys done and mitigation agreed)

Nb If the proposal is small, this layout may suffice for the report. Most important thing is to include all relevant information and nothing else; think about the readers (client, planner, consultees).
7. Ensure the limitations section is case-specific and comprehensive; not just standard text.
8. Ensure impact assessment is informed by detailed plans – if these are not available at the time of writing, clearly state this and **make sure the client knows they will need to incorporate your recommendations into their designs and Masterplan BEFORE applying for planning permission**. When detailed designs are available you will need to produce a supplementary impact assessment. If applying for outline permission, mitigation will still need to be agreed in principle and shown on outline plans (see case law below). Not doing this is likely to create delays (possibly substantial) during the planning process. *Nb Interim reports can be much simpler, as impacts cannot be assessed until details of the development are known. Better to spend time discussing with client and agreeing mitigation / compensation than predicting and documenting likely outcomes.*
9. Language must be definite; 'X will be done' rather than 'we recommend X is done' in the final report to go to planning (related to the point above). Again, delays result where mitigation is not translated onto plans.
10. Include a clear, quantitative impact assessment in terms of habitat area change (gross & net), either on an annotated map or in a table.

¹ Request an ERCCIS desk study: http://www.erccis.co.uk/wildlife_information_service/information_request_form

11. Concentrate on impact post-mitigation / compensation rather than 'pre'.
12. Back up mitigation / further survey requirement(s) with PPS9, saved policies of local plan and case law – not complicated but tailored to individual case; should just be a couple of lines. This greatly helps planners. Also refer to Natural England standing advice if this helps.

General advice

1. Check Cornwall-specific guidance at http://www.cornwallwildlifetrust.org.uk/conservation/Planning_advice_cornwall_wildlife and <http://www.cornwall.gov.uk/default.aspx?page=12898>
2. Ensure all surveys conform to the latest published best practice; if there is any deviation this may result in delays at the planning stage. With limited ecological advice currently available to planners in Cornwall, many are interpreting requirements for protected species surveys (in terms of survey season etc.) very literally.
3. **Get familiar with the case law; this should persuade clients what is needed in terms of survey and mitigation without having to contact ecological consultees.** Find appeal decisions at <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>. Some relevant cases to get you started:

Case / Appeal	Providing support for
APP/B4215/A/10/2135317 (Appeal decision, Manchester, 2011)	Para's 8-39: Protection of County Wildlife Sites and habitat networks under PPS9. No support for assertion that sites will fall into disrepair if development doesn't proceed. Mitigation packages must be achievable and long-term.
Morge v Hampshire County Council (2011)	'Disturbance' under the Habitats Regulations applies to an activity likely to impact negatively on the local population of a European Protected Species.
R v Cheshire East Council 'The Woolley Case' (2009)	Local Authorities must apply the 'three tests' under the Habitats Regulations when deciding on planning applications.
APP/P9502/A/08/2070105 (Appeal decision, Brecon, 2008)	Para 18: Local Planning Authorities cannot condition provision of a mitigation scheme; detailed mitigation must be provided prior to determination.
APP/C0820/A/07/2046271 (Appeal decision, Padstow, 2007)	Para 18: Full survey information must be provided prior to determination; not just for protected species, but also for BAP species (in this case corn buntings).
R v London Borough Council Bromley (2006)	Para 30: Environmental Impact Assessment required at outline planning stage.
R v Cornwall County Council 'The Cornwall Case' (2001)	Surveys for protected species cannot be conditioned; must be undertaken prior to determination.

4. Always advise compensation for habitat loss – brown roofs, larger buffer zones around hedges, include ponds etc. You will need to demonstrate no net loss of Cornish hedges or any other important habitat. **Spend time designing and agreeing mitigation / compensation with the client rather than preparing over-complicated reports.** Net gain for biodiversity as recommended in PPS9 starts with the consultant, case-by-case!
5. Get familiar with the Council's emerging Green Infrastructure Strategy, Core Strategy and Town Frameworks² and **BAP Volume 4**³. For those impacts that really cannot be compensated on-site (e.g. loss of large areas of winter stubble fields for wintering birds), look to the above for targeted off-site compensation (see emerging biodiversity offsetting⁴ proposals). **Concentrate on the outcome for biodiversity rather than the process.**

²<http://www.cornwall.gov.uk/default.aspx?page=17394>

³http://www.cornwallwildlifetrust.org.uk/conservation/Biodiversity_and_Geodiversity_Action_Plans/Cornwall_Wildlife_Trust_Biodiversity_Action_Plan_BAP

⁴<http://archive.defra.gov.uk/environment/biodiversity/offsetting/index.htm>