

APP/J4423/W/20/3258555 Land at Moorthorpe Way, Sheffield

Inquiry Document: Rule 6 Party note on use of CIEEM Guidance, 13th January 2021

1. The CIEEM Advice Note on the Lifespan of Ecological Reports & Surveys (April 2019) was submitted by the Appellant during yesterday's session of the Inquiry. I agreed to provide a note to the Inquiry commenting on its relevance to my evidence and whether it has any bearing on it. I thank the Inspector for the opportunity to do so.
2. Mr Sagar for the Appellant suggested that I might not be aware of this Advice Note. As both a Full Member of CIEEM and as someone who responds to planning applications on behalf of Sheffield & Rotherham Wildlife Trust, I am aware of it and sometimes refer to it myself.
3. The Advice Note specifically relates to professional ecological reports and surveys for planning applications produced in support and assessment of planning applications, for example Preliminary Ecological Assessments or surveys to inform Ecological Impacts Assessments including species surveys.
4. The Advice Note does not cover the use of Biological Record Centre/Local Environmental Record Centre (BRC/LERC) data which can be used for a range of decisions and other uses. The guidance covering the use of BRC, including its age, is the CIEEM guidance I referred to in my Examination in Chief (CD4.8.20) 'CIEEM: Guidelines for Accessing and using and Sharing Biodiversity data in the UK'. As I was referring to BRC data, it was my view that this was the most relevant guidance to refer to. I maintain this view.
5. Para 6.1 of those guidelines, which I referred to yesterday, says (my emphasis in bold):

*6.1. Biodiversity data should be used by whoever needs to take into account the effect and impact of their plans, actions or decisions on biodiversity. **This can include:***

- *A Strategic Environmental Assessment (SEA) of a plan, programme or development strategy;*
- *An assessment to inform a planning application, as part of a PEA and/or Ecological Impact*

Assessment (which, in some cases, will form part of an Environmental Impact

Assessment7);

- *A Habitat Regulations Assessment (HRA) of a plan or project in relation to a European Site;*
- *An assessment to inform a development intended to proceed under permitted development rights or other consented development, such as exempted development in Ireland;*
- *A protected species survey prior to undertaking works to an existing property, particularly where the presence of bats has been confirmed, or is highly likely); or*
- *An assessment of the effects of changes in land use.*

And at para 2.2:

*2.2. It should be emphasised that **biodiversity datasets are, by their nature, incomplete.** Some groups of species are better recorded than others, whether nationally or locally. The number of species present in the UK is very large, many are not easy to detect, identify and record, and access to private land to collect such information is frequently difficult or impossible. It is always important to remember that **absence of evidence is not the same as evidence of absence. In other words, a lack of records for a particular species does not mean that it is not present and this assumption should not be made.***

6. Meanwhile, the Advice Note (first two paras) say: *“It is important that planning decisions are based on up-to-date ecological reports and survey data...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”.*

7. The Advice Note goes on to say that an ecological report is unlikely to still be valid if it is more than 3 years old. The Appellant sought to suggest that this meant data older than 3 years should not have been used to inform the Wildscapes Local Wildlife Site (LWS) Assessment.

8. In my view the Appellant is incorrect on this point, and there is no contradiction between the two CIEEM documents. The Advice Note clearly applies to ensuring ecological surveys and assessments in support of planning applications are up-to-date, whereas the guidance I referred to yesterday (CD4.8.20) is concerned with the range of settings in which data sets may be used.

9. In conclusion, the implications of this for the Inquiry are as follows:

- A Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment produced in support of (or objection to) an application would need to be updated if was more than 3 years old - which is not the case here;
- The Wildscapes LWS Assessment is neither a PEA nor an EcIA, but is informed by a range of data sets including two recent PEAs and a recent EcIA as well as other sources that are entirely within the scope allowed by the relevant CIEEM guidance for that purpose;
- The two PEAs, the EcIA and the LWS Assessment are therefore all robust and produced in line with relevant guidance.

Dr Nicola Rivers, MCIEEM

13th January 2020