



ASSOCIATION OF
Local Government Ecologists

Mike Oxford

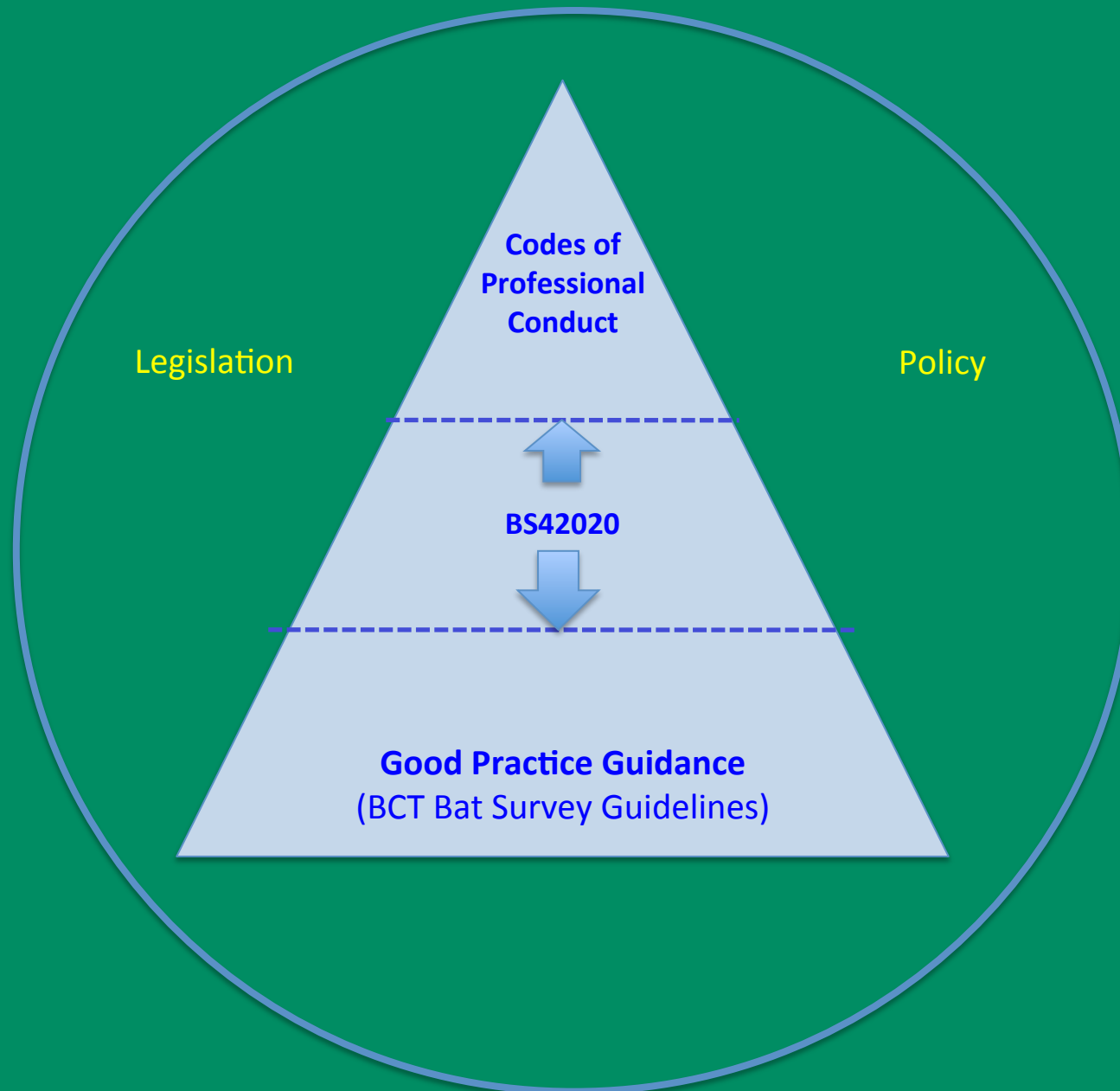
ALGE Project Officer

Chair of BSI Technical Committee on Biodiversity

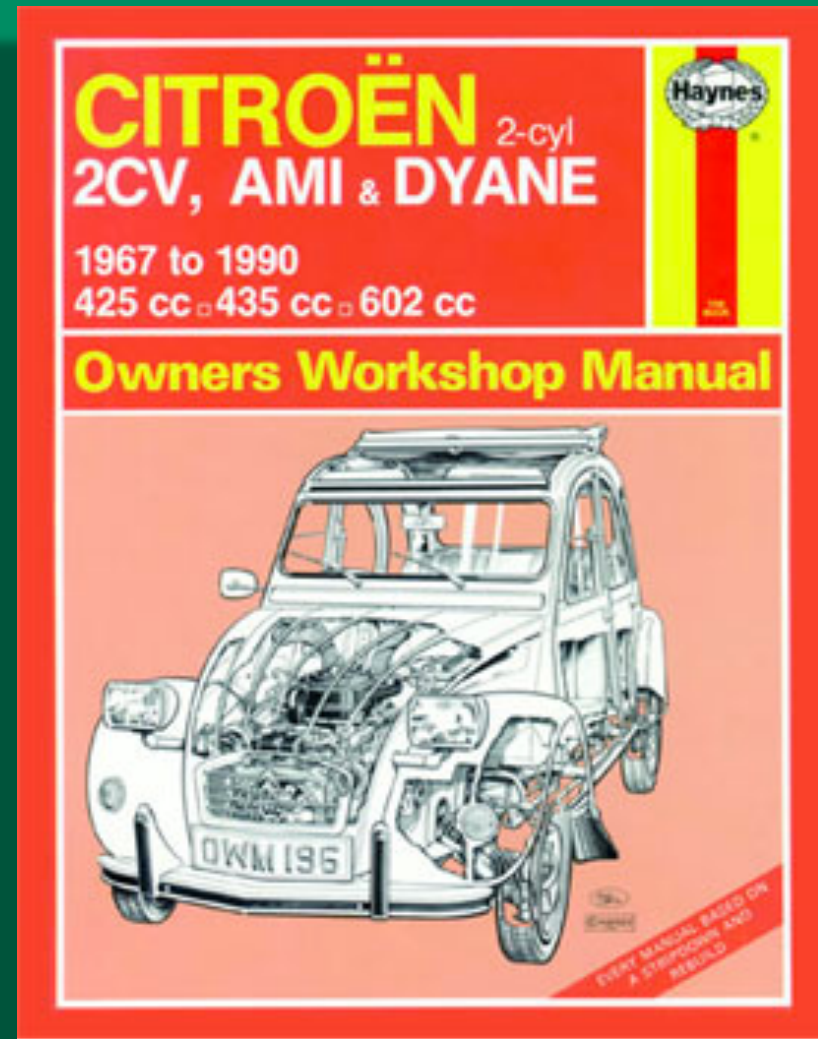
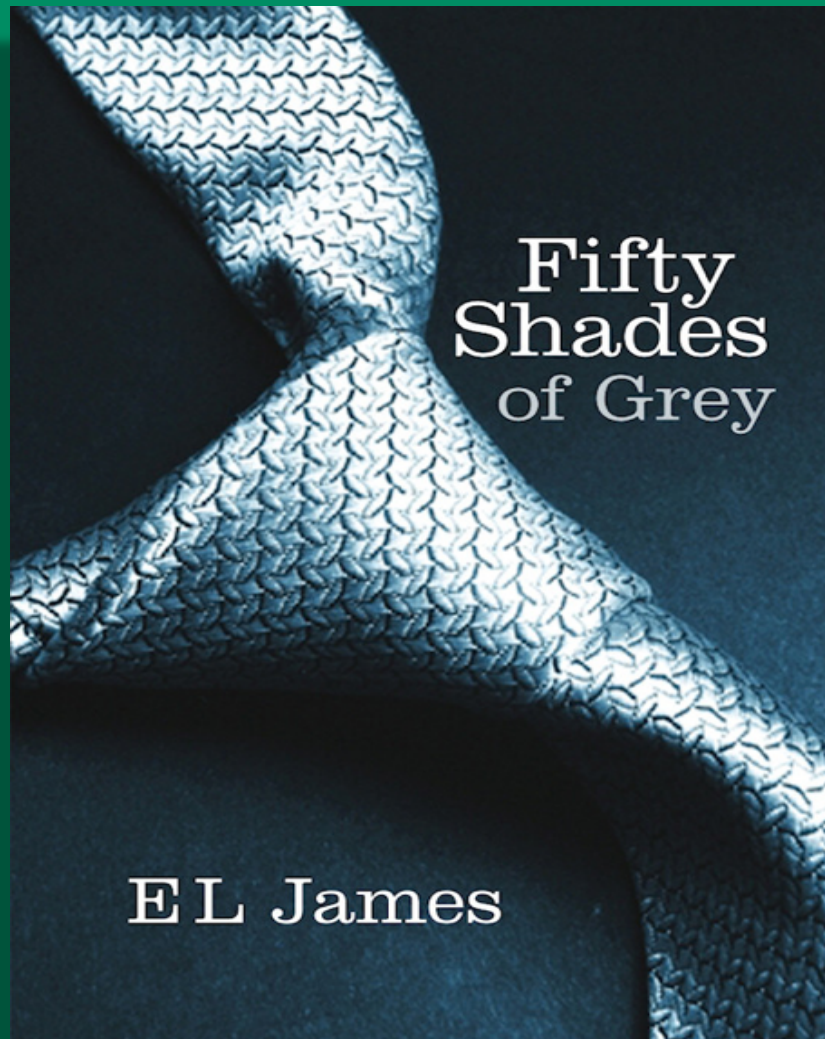
A British Standard 4 year 2020 target (Hence BS42020)

- Where does it fit in?
- What is it?
- How to use it?

BS42020 ... where does it fit in?



BS42020 ... what is it?



The Concept

Fabulous Professional Practice

- Sound professional ethics
- An interdisciplinary team player
- Appropriate levels of competence (e.g. qualifications and experience)
- Able to exercise judgement in wide variety of situations
- Consistently provides high quality advice and information

Versus Reality !





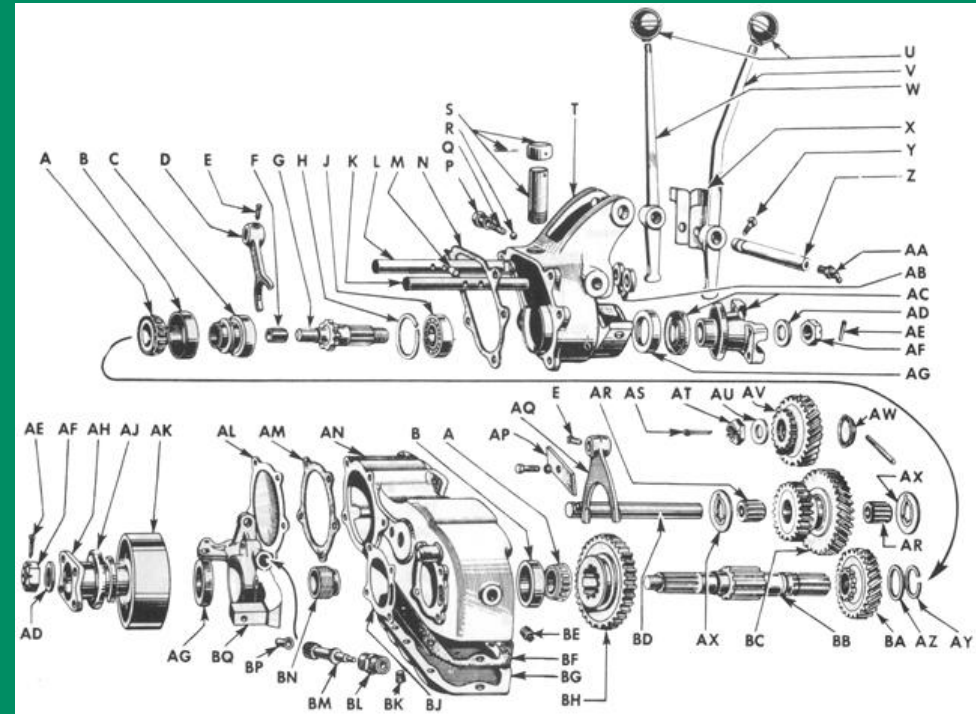
Biodiversity

Manual for Planning and Development
For all models in the BS 2012 – 2020 series

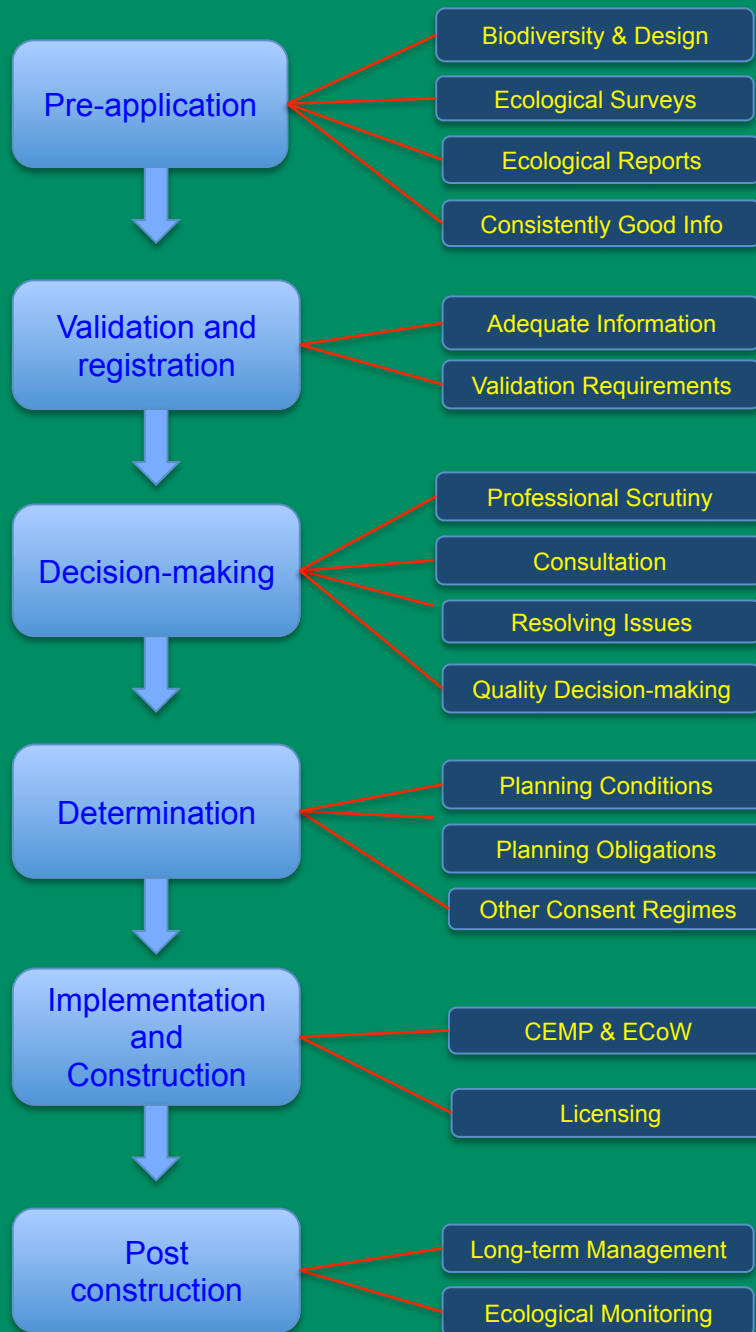


- Owners Workshop Manual – broken down and taken off the road **NO LONGER FIT FOR PURPOSE**
- Roadside Repairs – running repairs when we are travelling **NEEDS ADJUSTMENT TO CONTINUE**
- MOT Test Checks – Statutory requirements **MUST BE COMPLIANT (*RELIABLE AND TRUSTED*)**
- Service and Repair – periodic routine inspection and maintenance **KEEPS EVERYTHING THAT'S ALREADY WORKING RUNNING SMOOTHLY**

What' the problem ?



It looks OK on the Outside !



BS42020
Recognises
Information is
collected handled
and acted upon
By different
professionals
at different stages
of the planning
process

Key Elements of BS42020

- Specifications for required standard of ecological surveys and reports
- Registration and validation (the benefit of validation requirements)
- Decision-making
 - issues to consider
 - Scrutiny
 - Consultation
 - Resolving outstanding issues
- Planning consent
 - Conditions
 - Obligations
 - EPS licences
- Compliance during construction (construction environment. management plans)
- Long-term management
- Ecological Monitoring
- Annex D Model planning conditions to address biodiversity issues



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SURVEY of ENGLISH PLANNING AUTHORITIES

Ecological Competence and Capacity

What is Needed to Deliver Statutory Obligations?

Two ALGE Surveys During 2013

- Survey of LPA ecologists
- Survey of LPA planners
- Based on the CIEEM Professional Competency Framework

CIEEM Competency Framework

- 4 levels of competence
- 14 competence themes
- Technical and transferable skills/knowledge

Competency Levels

| Category | Definition |
|---------------|---|
| Basic | Has a basic knowledge with a simple understanding of terminology and concepts. Has some experience of practical application. Would be able to carry out standard activities under supervision. |
| Capable | Has the knowledge and experience essential to carry out standard activities unsupervised confidently and consistently. Is likely to need to seek advice before carrying out complex or non-standard activities. |
| Accomplished | Has the knowledge and experience of this topic to carry out complex, specialist or non-standard activities confidently and consistently. Is aware of alternative options and approaches and can provide guidance, instruction and advice to others on this topic. |
| Authoritative | Is widely recognised as an authority, both by others within the organisation and/or by external peers, for the knowledge and experience they demonstrate on the topic. |

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Technical Themes

- Ecological Surveying
- Environmental Management
- Environmental Assessment
- Environmental Governance, Legislation & Policy
- Scientific Method
- Consultation and Engagement
- Public Awareness and Education

Transferable Themes

- Professional Conduct
- Business Management
- Project Management
- Information Management
- People Management
- Self Management
- Health and Safety

Subthemes

| | |
|--------------------------|--|
| Ecological Surveying | Survey design |
| | Survey planning and fieldwork skills |
| | Species identification |
| | Species handling |
| | Habitat survey and assessment |
| | Physical environment survey and assessment |
| Environmental Management | Habitat and/or species management |
| | Sustainable environmental design |
| | Environmental compliance |
| | Biosecurity |
| Environmental Assessment | Strategic Environmental Assessment |
| | Environmental Impact assessment |
| | Ecological Impact Assessment |
| | Habitat Regulations Assessment, Appropriate Assessment, Natura Impact Statements |
| | Regulatory aspects of environmental assessment |

Subthemes cont.

| | | |
|--------------------------|----------------------------------|--|
| Environmental management | Habitat and species management | <ul style="list-style-type: none"> • <i>Setting objectives for species/habitat management plans.</i> • <i>Developing and implementing (using appropriate techniques and machinery) schemes for habitat management, habitat creation, habitat/species translocation and other mitigation techniques.</i> • <i>Monitoring the impact of habitat/species management.</i> |
| | Sustainable environmental design | <ul style="list-style-type: none"> • <i>Designing and/or implementing effective sustainable environmental management solutions for biodiversity benefit.</i> • <i>Resolving complex or conflicting constraints to achieve positive outcomes for biodiversity.</i> |
| | Environmental compliance | <ul style="list-style-type: none"> • <i>Design and implementation of site-based projects involving interactions with other professional disciplines.</i> • <i>Environmental risk management on sites</i> |
| | Biosecurity | <ul style="list-style-type: none"> • <i>Consideration of biosecurity issues and risks as part of project design.</i> • <i>Development and implementation of biosecurity protocols in accordance with best practice guidelines</i> |

Results from the Ecologists

LPA Ecologists

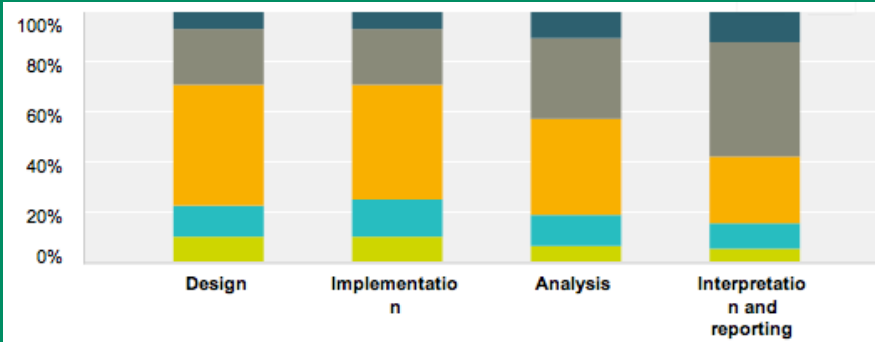
First Question:

Are there different levels of competence required for dealing with:

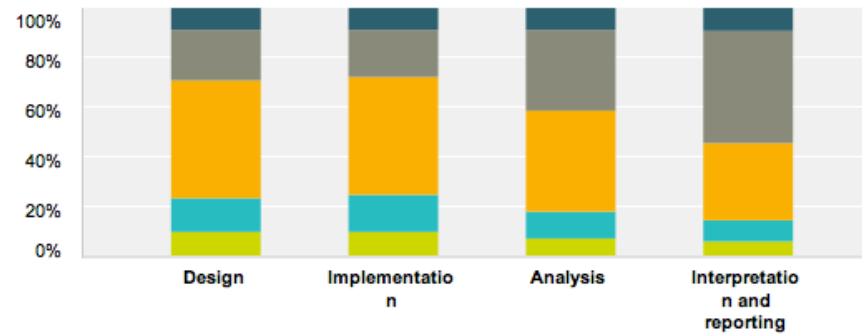
- European Sites & Habitat Regulations Assessments
- National Sites & Protected Species
- Local Sites & and other Biodiversity

Technical Theme: *Scientific Method*

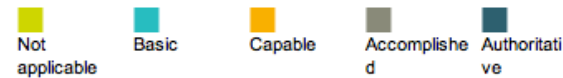
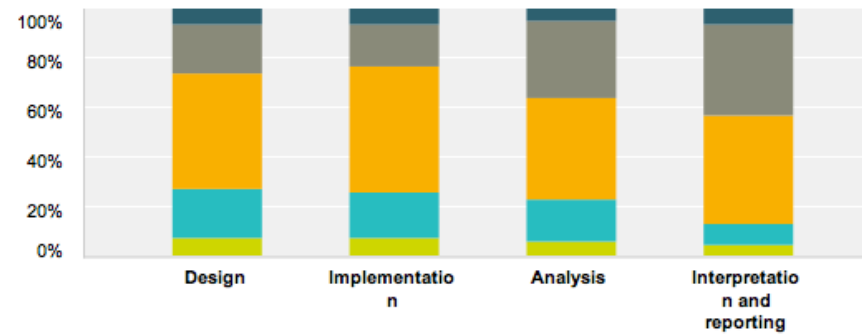
European



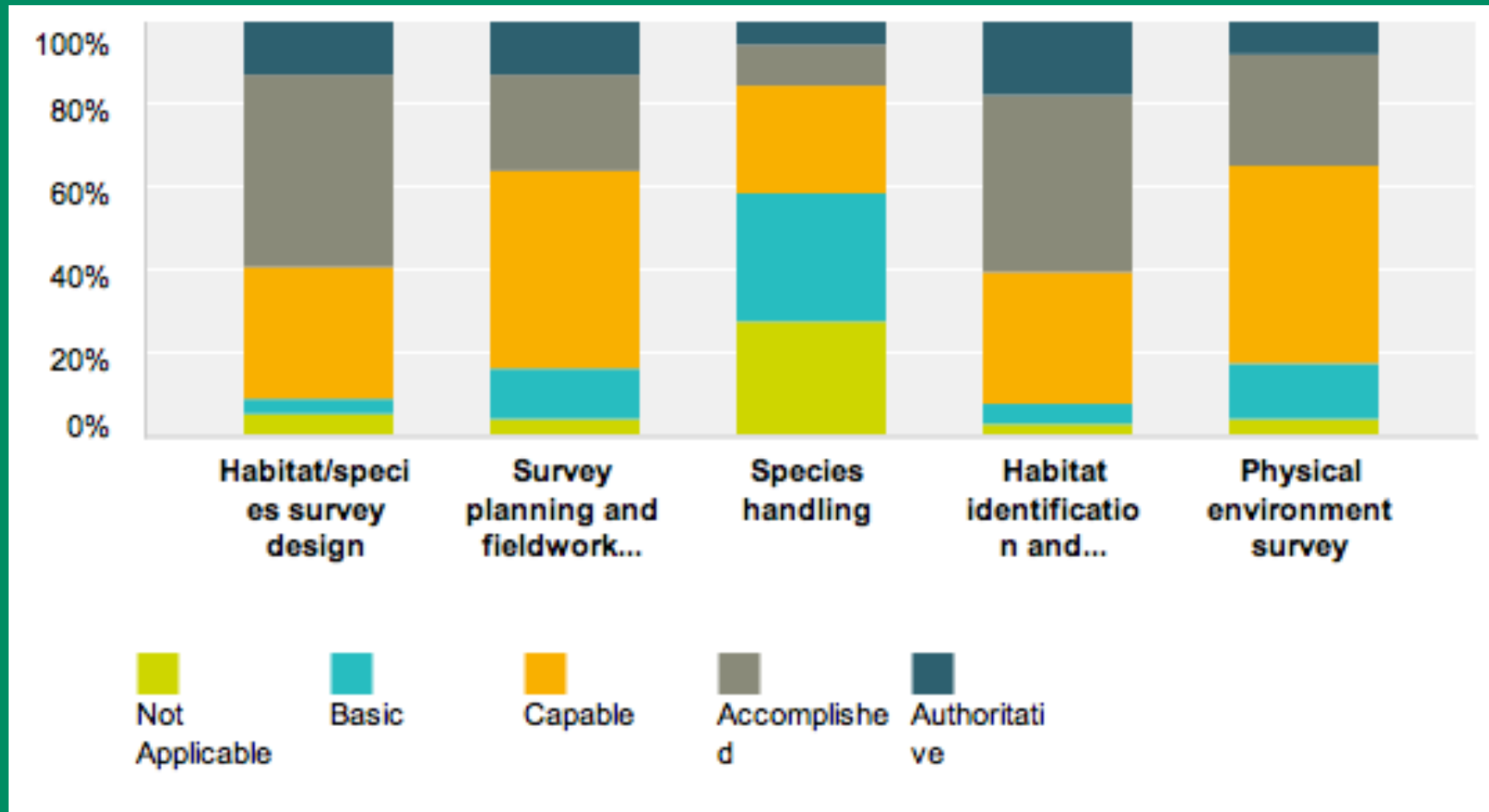
National



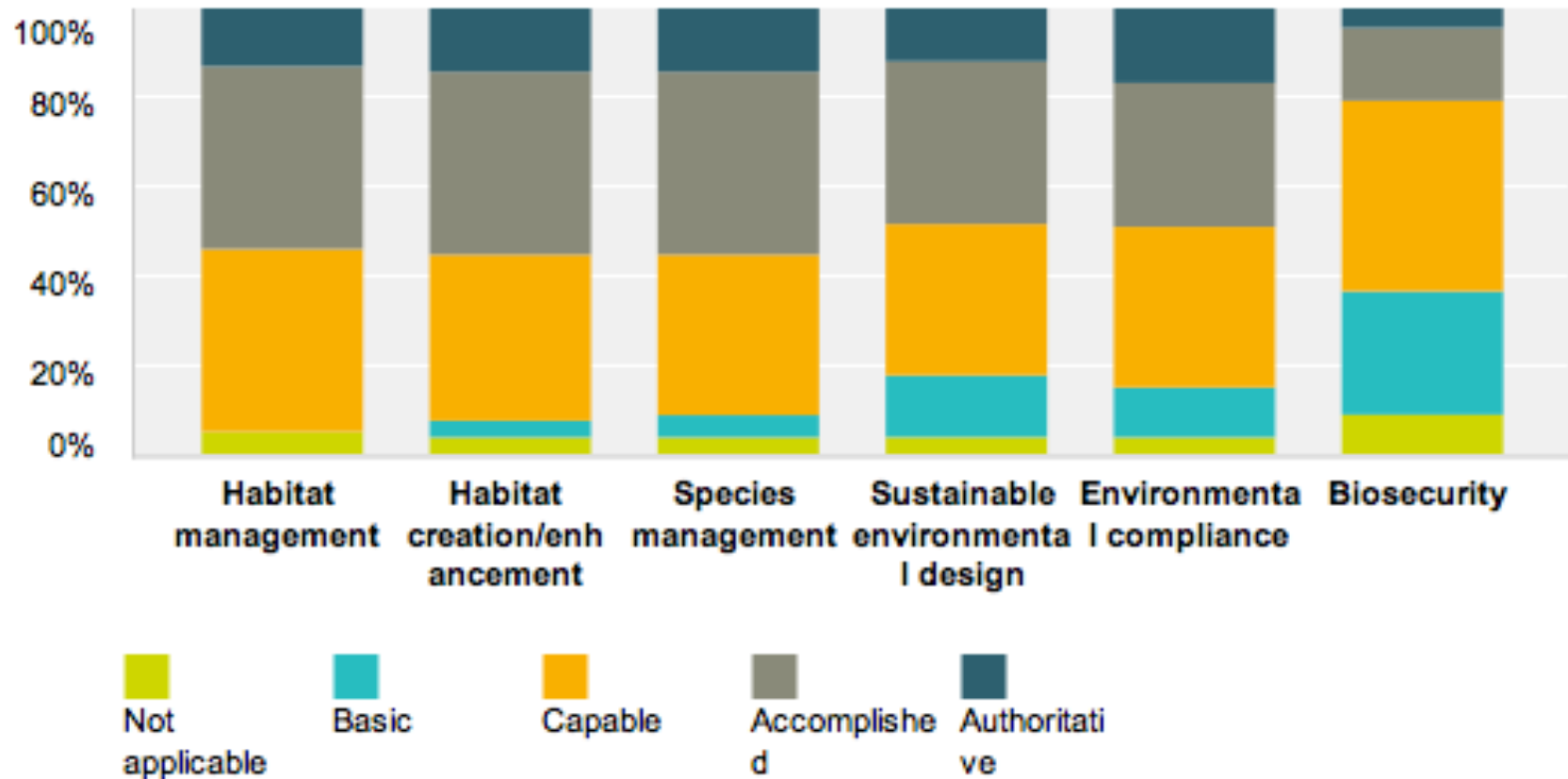
Local



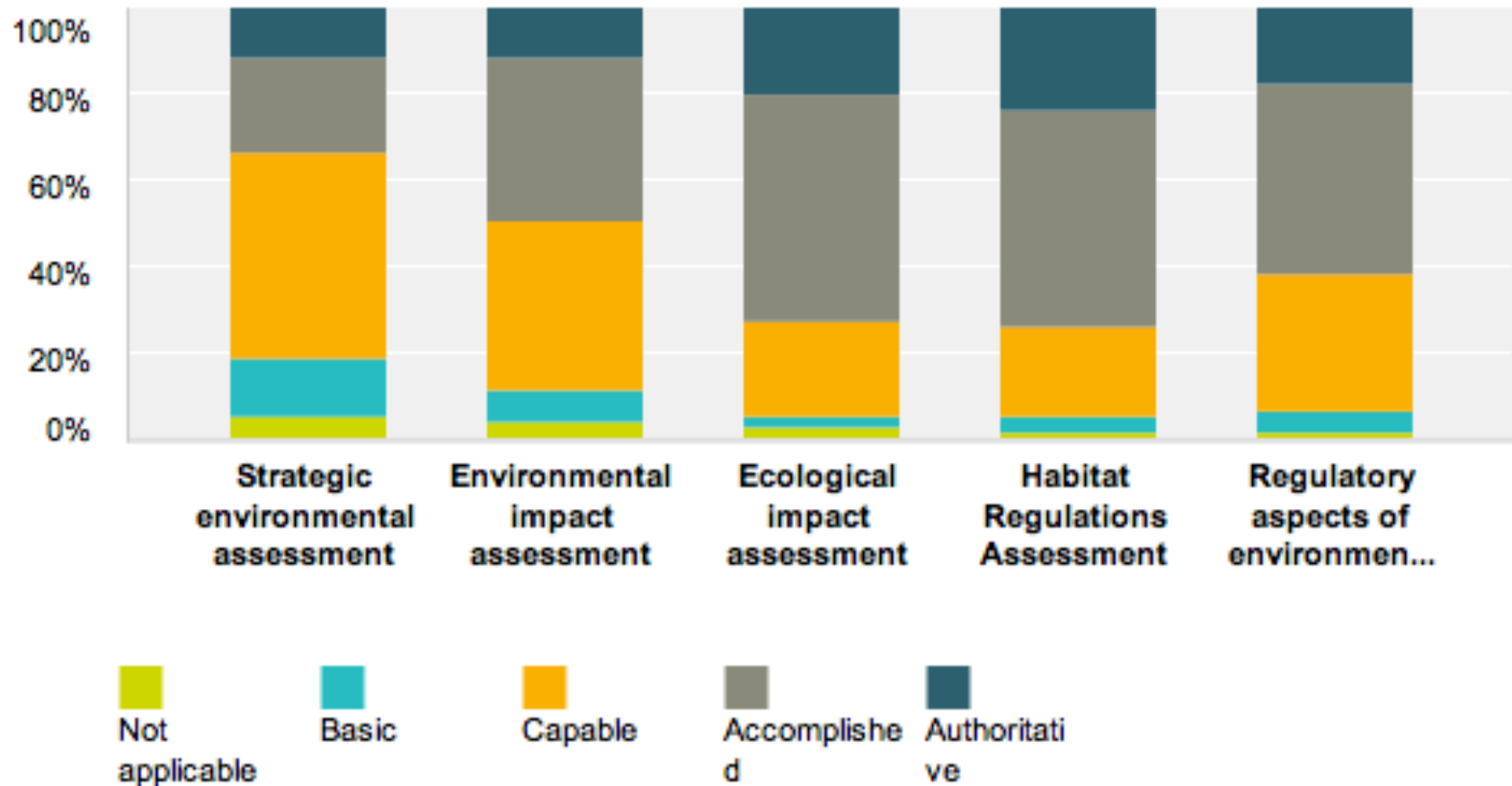
Q6 Ecological Survey



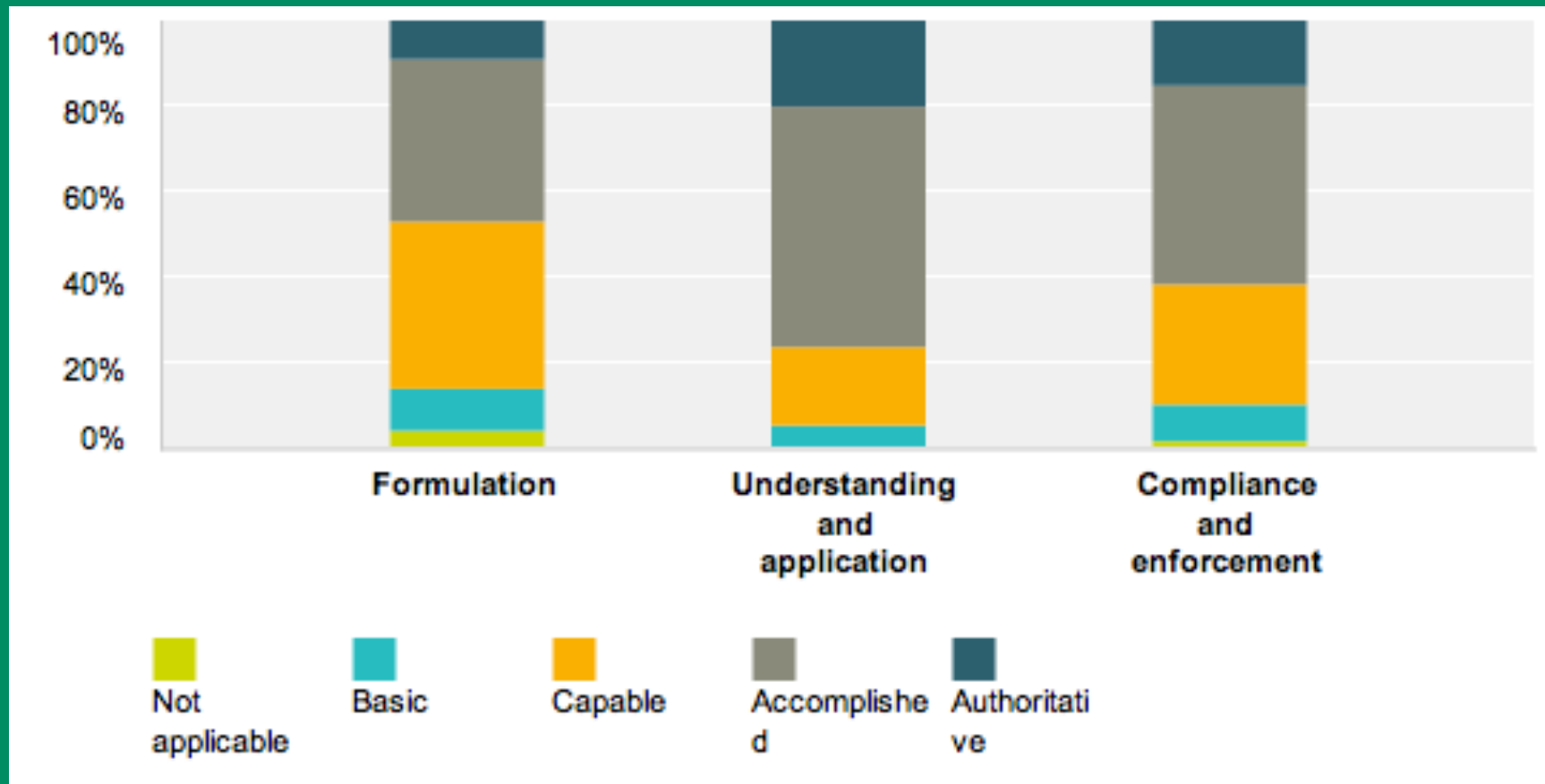
Q7 Environmental Management



Q8 Environmental Assessments

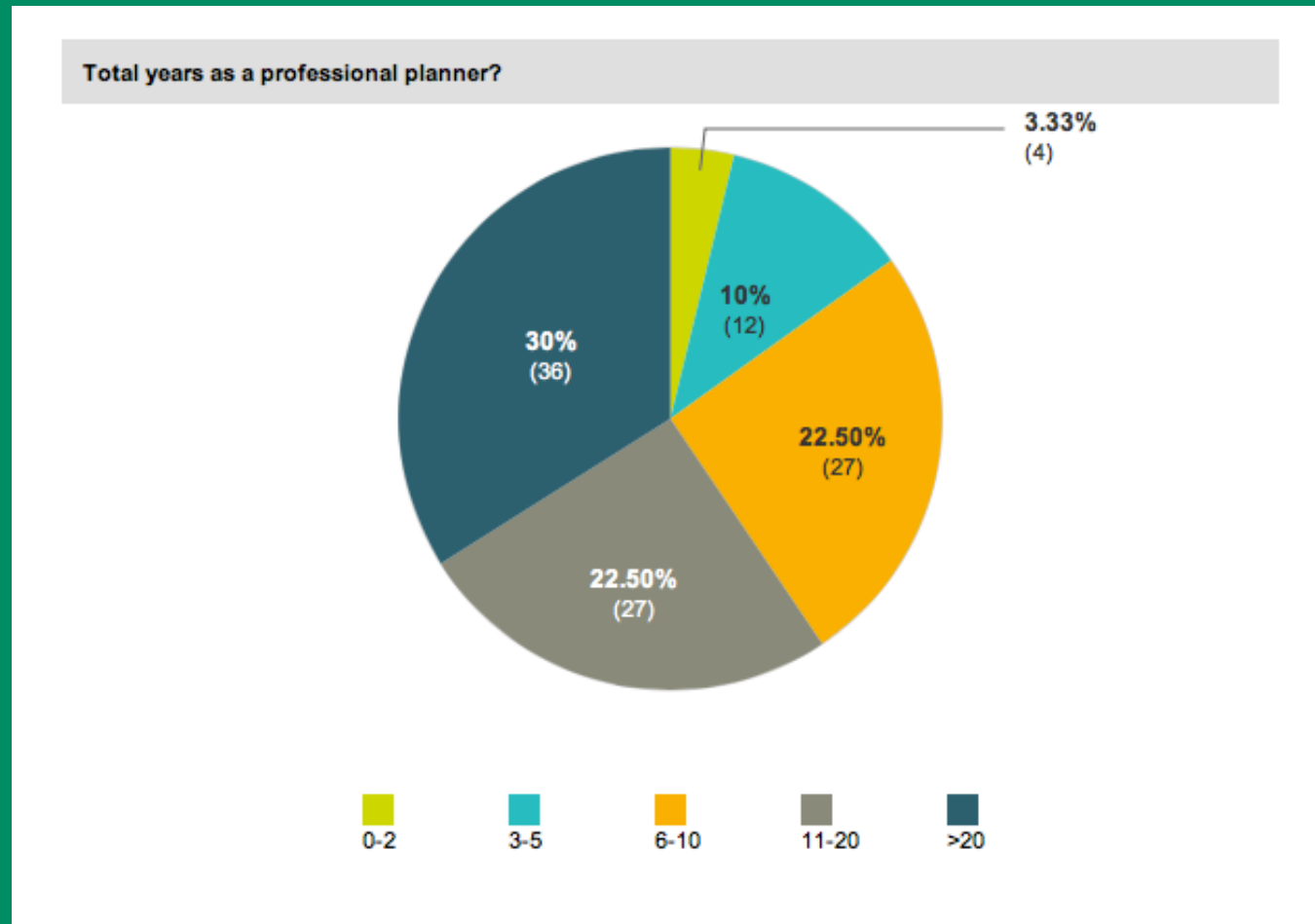


Q9 Environmental Legislation and Policy

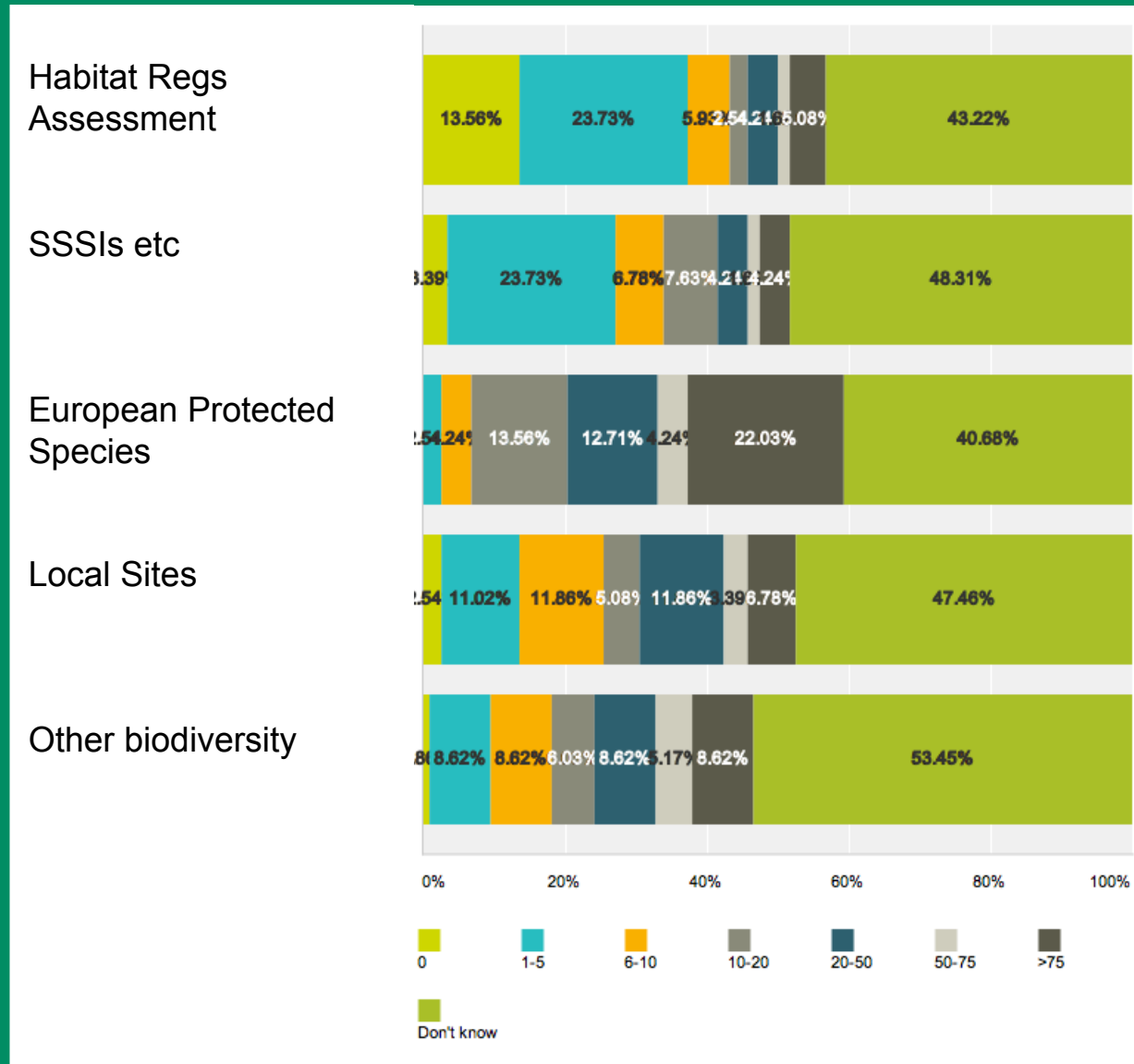


Results from the Planners

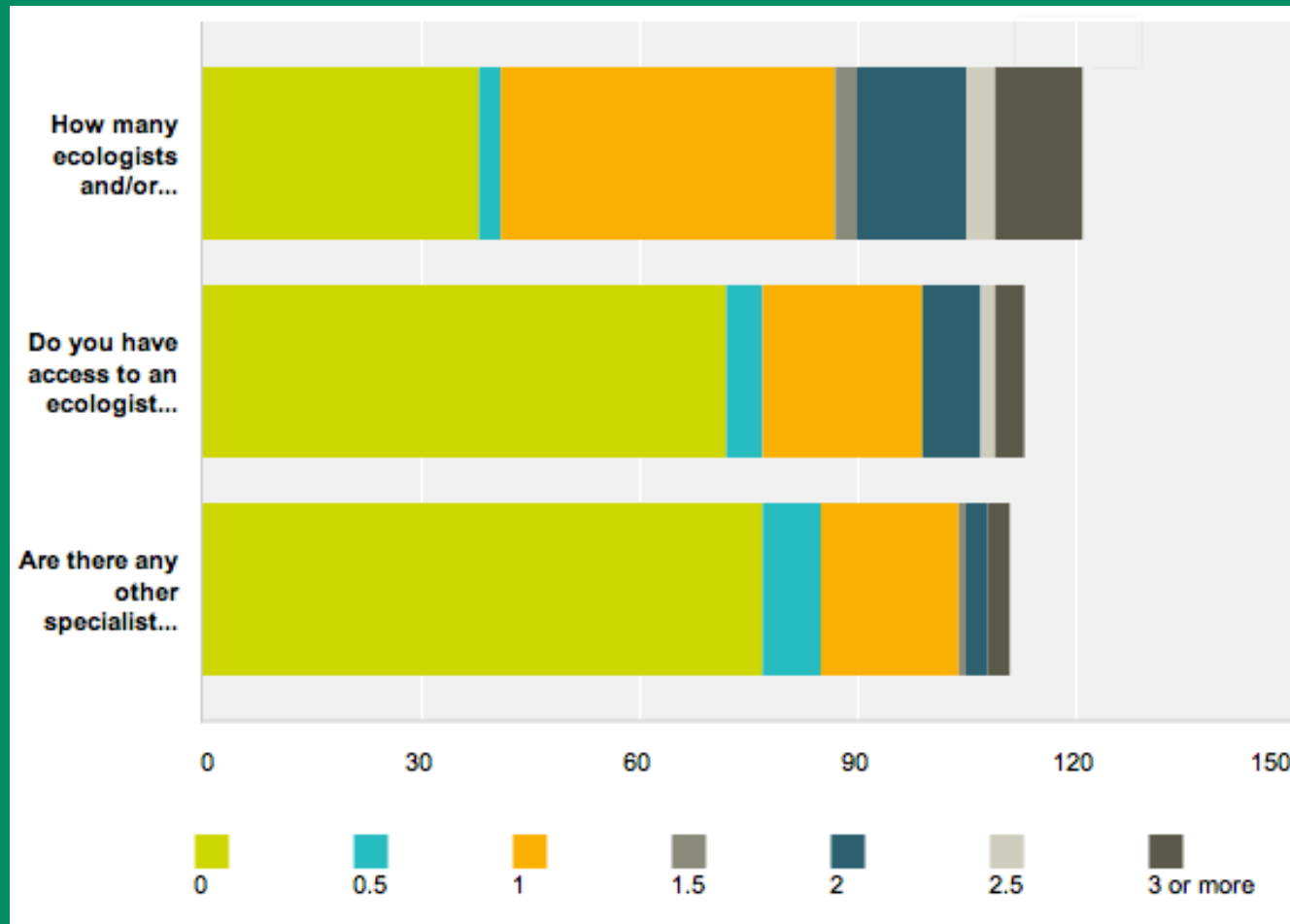
How Long Have You Been A Planner?



Q 4 How many applications involving:



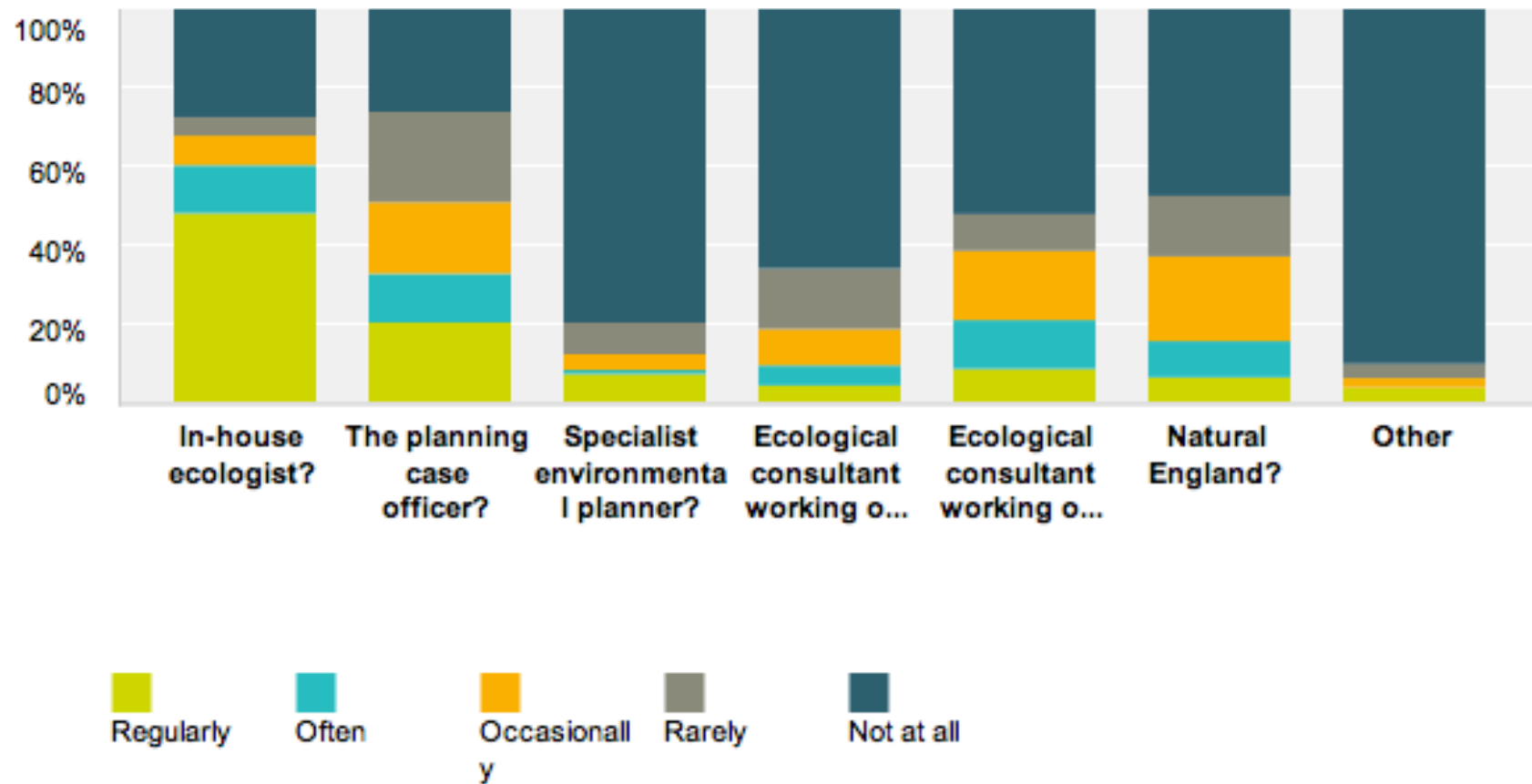
Q5 Access to Ecological Expertise



Q7 Preferred Source of Advice

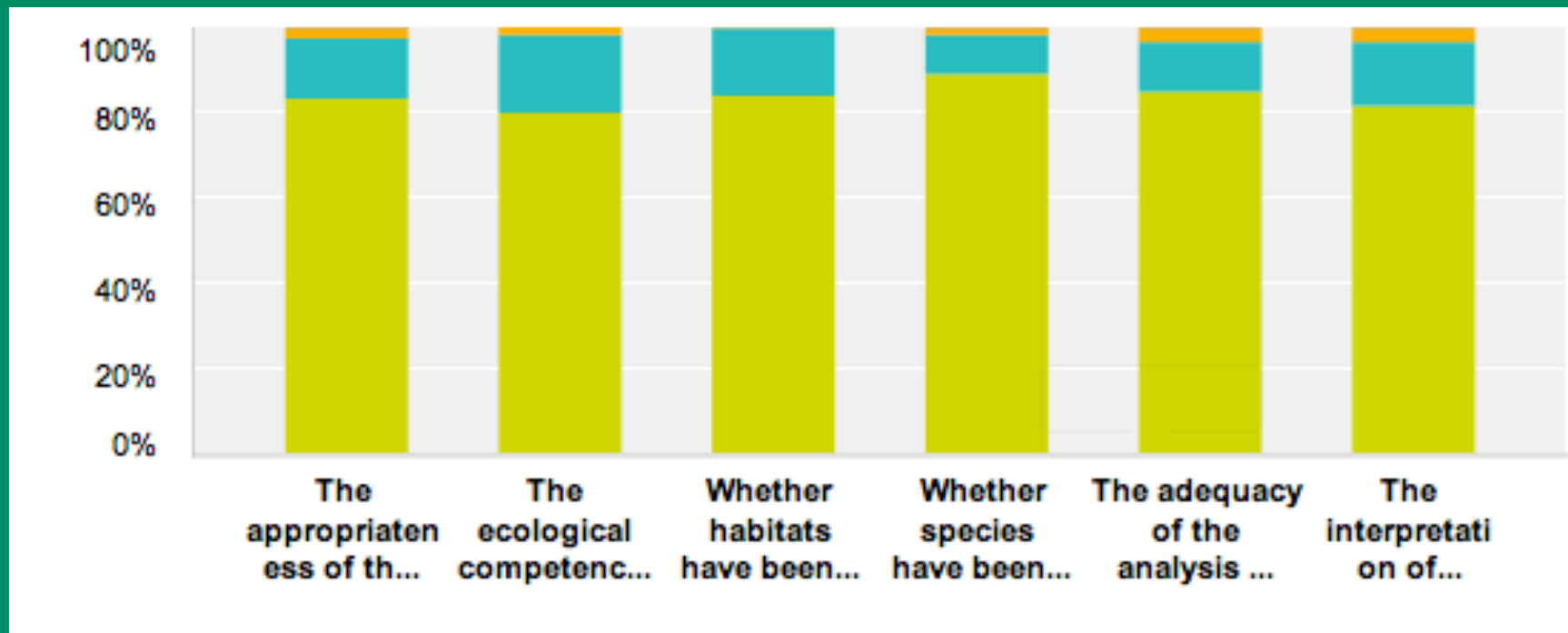


Q8 Who Undertakes HRAs?



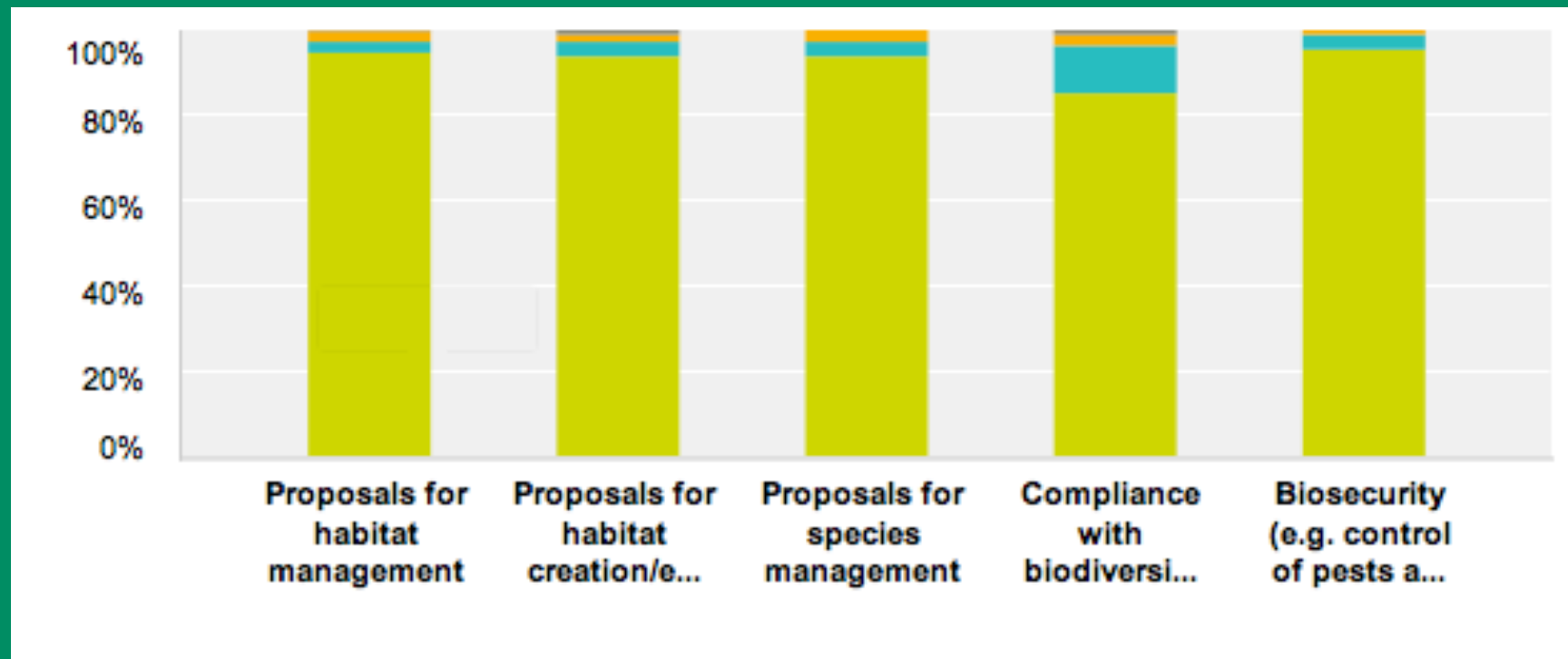
Q9 Scientific Surveys

In order to inform a bona fide opinion what best categorises your knowledge and understanding?

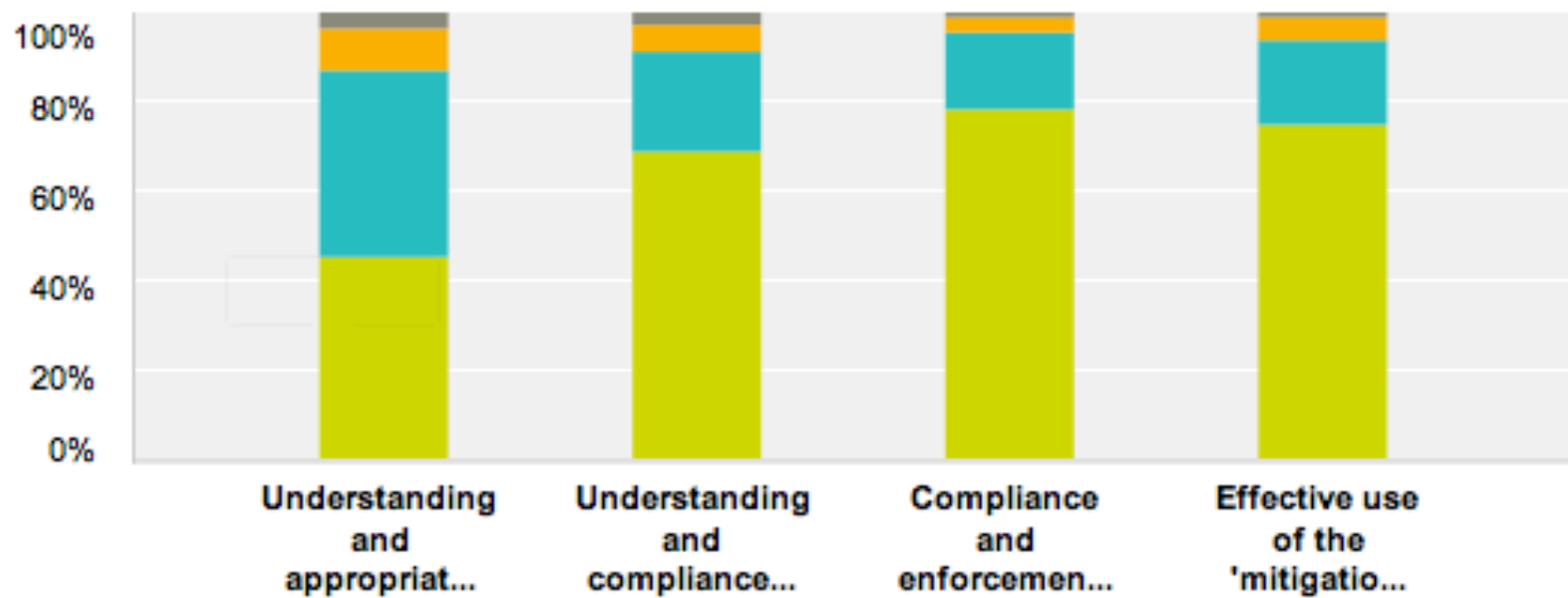


Q10 Ecological Mitigation, Compensation etc

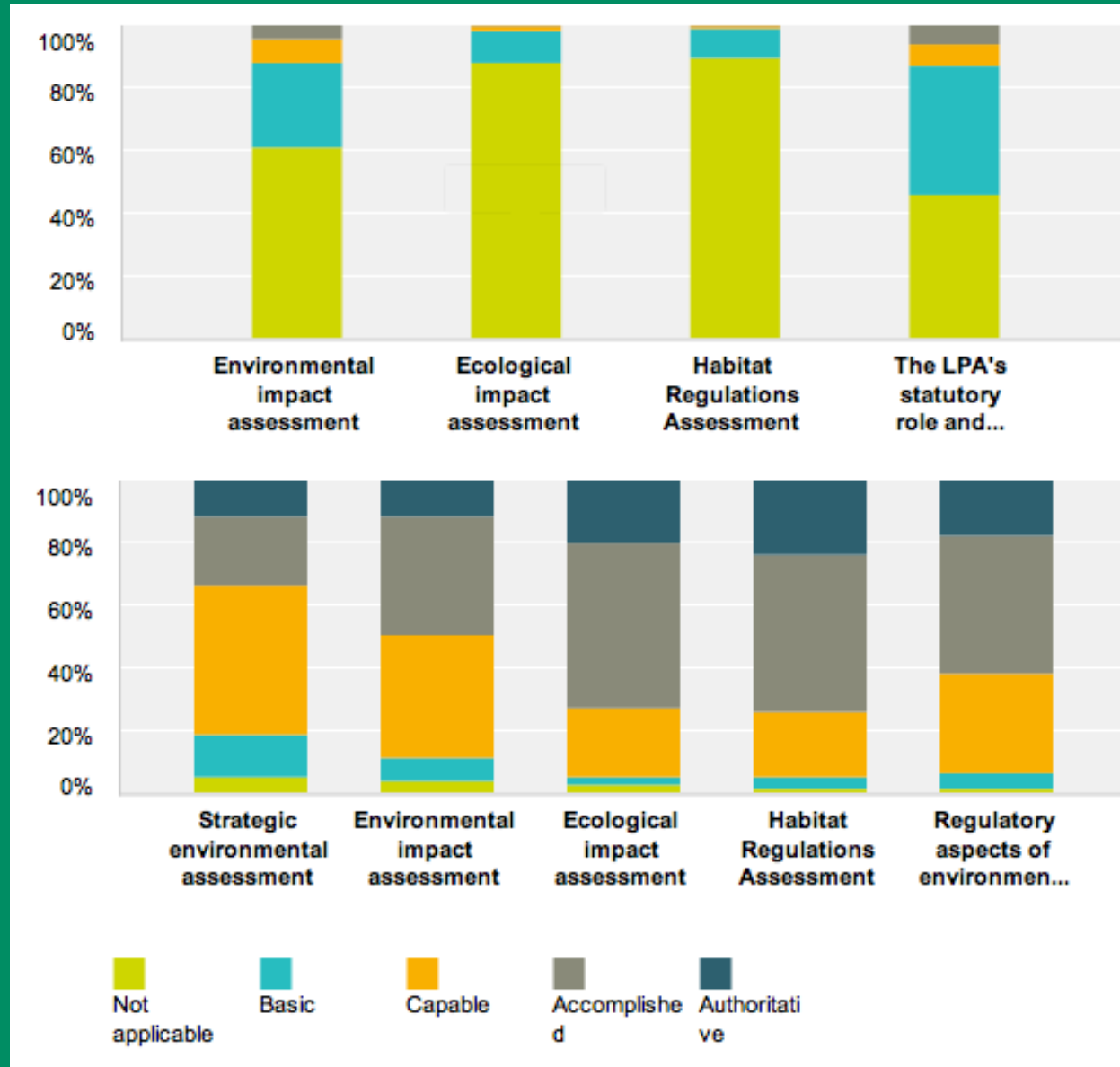
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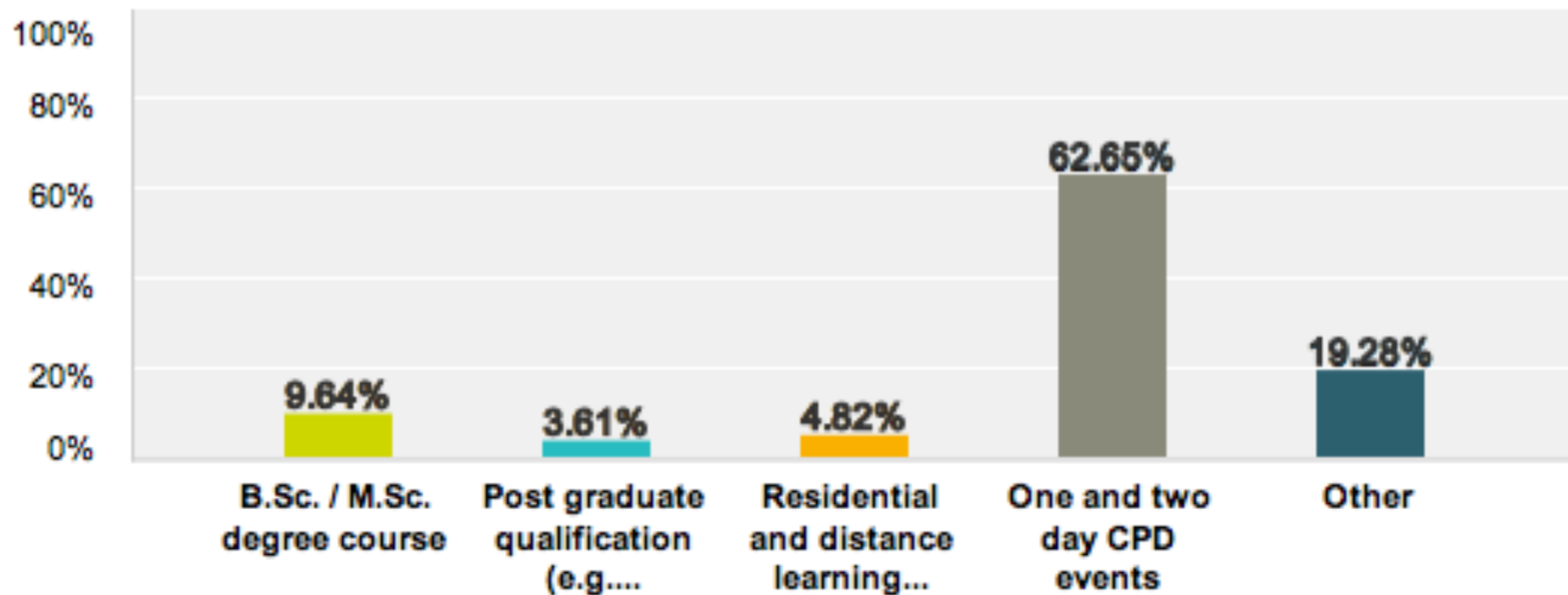
Q12 Bio Leg and Policy



Q11 Environmental Assessment



Q14 Planners Training and CPD in Ecology



Summary of Ecological Competencies: Planners

| CIEEM Competency Themes (Type of Ecological Activity) | Basic | Capable | Accomplished | Authoritative |
|--|-------|---------|--------------|---------------|
| Ecological Surveys • Habitat identification and evaluation | 83% | 16% | 1% | 0% |
| Scientific Method • Design | 82% | 14% | 2% | 1% |
| • Implementation | 79% | 18% | 2% | 0% |
| • Analysis | 84% | 12% | 3% | 1% |
| • Interpretation and reporting | 81% | 15% | 3% | 1% |
| Environmental Management • Habitat management | 94% | 2% | 2% | 1% |
| • Habitat creation/restoration | 93% | 3% | 2% | 2% |
| • Species management | 93% | 3% | 3% | 0% |
| • Environmental compliance | 84% | 11% | 2% | 2% |
| • Biosecurity | 94% | 3% | 2% | 0% |
| Ecological Impact Assessment | 87% | 10% | 2% | 1% |
| Habitat Regulations Assessment | 89% | 9% | 1% | 1% |
| Environmental Legislation and Policy • Understanding and application | 44% | 41% | 9% | 4% |
| • Compliance and enforcement | 77% | 17% | 3% | 2% |
| Mitigation Hierarchy | 74% | 19% | 5% | 2% |

Summary of Ecological Competencies: Ecologists

| CIEEM Competency Themes (Type of Ecological Activity) | Basic | Capable | Accomplished | Authoritative |
|--|-------|------------|--------------|---------------|
| Ecological Surveys • Habitat identification and evaluation | 2% | 30% | 53% | 12% |
| Scientific Method • Design | 19% | 47% | 20% | 7% |
| • Implementation | 19% | 50% | 17% | 7% |
| • Analysis | 17% | 40% | 31% | 6% |
| • Interpretation and reporting | 9% | 43% | 37% | 7% |
| Environmental Management • Habitat management | 4% | 35% | 46% | 12% |
| • Habitat creation/restoration | 2% | 35% | 47% | 11% |
| • Species management | 2% | 30% | 49% | 15% |
| • Sustainable environmental design | 15% | 32% | 40% | 9% |
| • Environmental compliance | 9% | 35% | 35% | 16% |
| • Biosecurity | 23% | 49% | 12% | 7% |
| Ecological Impact Assessment | 4% | 36% | 39% | 18% |
| Habitat Regulations Assessment | 4% | 21% | 50% | 24% |
| Environmental Legislation and Policy • Understanding and application | 6% | 31% | 49% | 13% |
| • Compliance and enforcement | 8% | 31% | 47% | 11% |

Biodiversity Issues To Be Considered In Determining A Planning Application

(Extract from Clause 8.1 of BS42020 Biodiversity – A Code of Conduct for Planning and Development)

The decision-maker should undertake a thorough analysis of the applicant's ecological ... in reaching a decision ... should take the following into account.

- a) The soundness and technical content of ecological information;
- b) Whether biodiversity is likely to be affected and whether all potential impacts are described adequately;
- c) Whether effects are significant and, if so, capable of being mitigated;
- d) Whether the mitigation hierarchy has been applied;
- e) Whether it has been adequately demonstrated that the proposals will deliver the stated outcomes consent is granted;
- f) Whether the measures are capable of being secured through appropriate planning conditions and/or obligations and/ EPS licences;
- g) Whether the proposals are compliant with statutory obligations and policy considerations;
- h) Whether there is a clear indication of likely significant losses and gains for biodiversity;
- i) Whether any material considerations have been identified that might require changes to the application.

NOTE With regard to level of scrutiny, the British Standard recommends a proportionate approach.

The Importance of Capacity & Competence

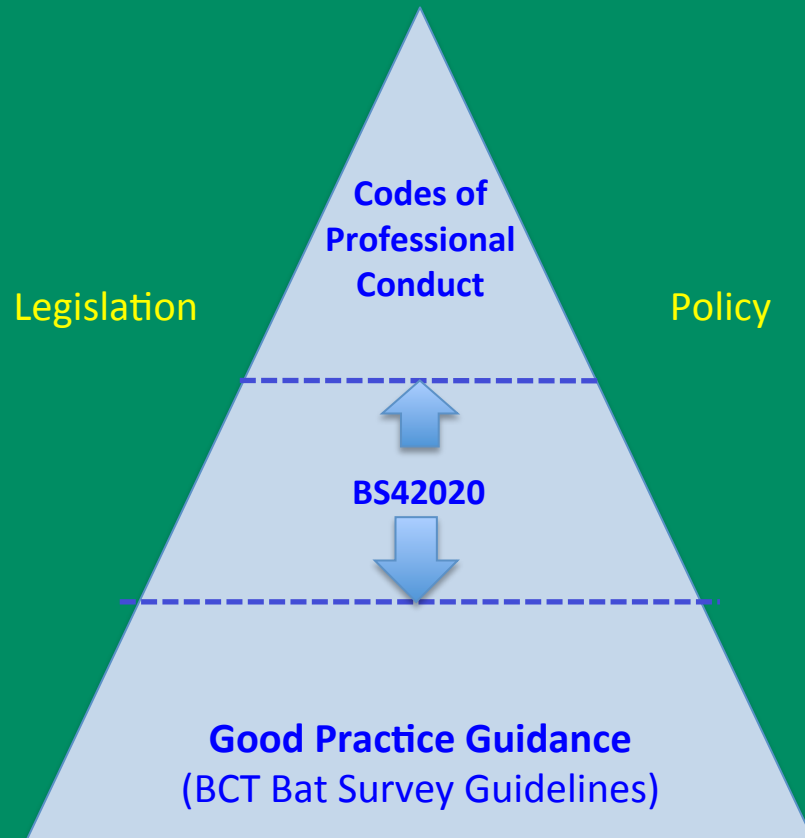
Risks

- Failure to deliver biodiversity policy
- Failure to comply with statutory obligations
- Referral to local government ombudsman
- Expensive legal challenge through the courts (Judicial Review)
- EU Infraction proceedings (fines: £180,000 per day)
- Criminal prosecution (Aiding and Abetting) !
- Time consuming and unconstructive workloads
- Damage to local authority reputation
- Breach of RTPI Code of Professional Conduct ?

The Importance of Capacity & Competence

Are LPAs placing planners in position where they are at risk of breaching their Code of Professional Conduct?

- How do we distinguish between a planners' generalist role vs their need for specialist ecological competence?
- Clause 1 “to act competently, honestly and with integrity”;
- Clause 4 “to provide bona fide opinion/advice (i.e. advice given in good faith or to the best of their knowledge);
- Worst case scenario = if LPA's demonstrate willful disregard for statutory obligations – does this constitute breach of RTPI's CoPC on the part of a planner?



Biodiversity



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For all models in the BS 2012 – 2020 series

- **Owners Workshop Manual** – broken down and taken off the road
- **Roadside Repairs** – running repairs when we are travelling
- **MOT Test Checks** – statutory requirements
- **Service and Repair** – periodic routine inspection and maintenance

Thanks for your ear michaeloxford@btinternet.com