

# NI Biodiversity Checklist

Version 2 – April 2017

## Introduction

Designated sites of nature conservation importance, protected species, priority habitats, priority species and other natural heritage interests are all material considerations in the determination of planning applications. The degree to which these features may be impacted by a development proposal and any appropriate mitigation measures which may avoid, reduce or offset any impacts must be considered by the relevant planning authority before any planning permission can be granted.

The *Strategic Planning Policy Statement for Northern Ireland (SPPS)*<sup>1</sup> and *Planning Policy Statement 2: Natural Heritage (PPS2)*<sup>2</sup> set out planning policies for the protection of natural heritage interests in the Northern Ireland planning system.

Appendix 2 provides further information on the legal framework for the protection of Northern Ireland's biodiversity and natural heritage.

This Biodiversity Checklist is intended to provide a 'step by step' tool which can be used by applicants and their agents to help identify if a development proposal is likely to adversely affect any biodiversity and natural heritage interests and what information may be reasonably required to accompany a planning application in order to comply with the relevant legislation and planning policy.

A properly completed checklist will enable applicants to identify and consider potential biodiversity issues that could impact on their proposed planning application and/or influence the design of their project.

NIEA recommends the consideration of biodiversity issues at the earliest possible stage of project preparation/design to allow any necessary mitigation to be 'built in' to a project. The carrying out of any necessary ecological assessments or surveys at an early stage will also minimise the potential for any future delays in the processing of the planning application, such as through requests for further information or amendments to a proposal. This is particularly relevant when there are seasonal constraints to survey work which could significantly delay any decision being made.

A completed checklist, submitted with a planning application, will also assist planning authorities in considering the potential impacts of development proposals on biodiversity and natural heritage interests, what biodiversity information (e.g. surveys) may need to be submitted with an application, and when to consult with NIEA.

Planning applications submitted with adequate biodiversity information can help NIEA, as a statutory planning consultee, fully consider development proposals and provide substantive planning consultation responses within agreed timescales.

**'Biodiversity'** is the variety of plant and animal life in the world, or in a particular place or habitat, and includes all species of plants and animals and the habitats in which they live. Biodiversity is essential to sustaining the living networks and systems that provide us all with health, food, wealth, fuel and the vital services our lives depend on. It is therefore important to control activities which could negatively impact on Northern Ireland's rich biodiversity.

<sup>1</sup> Strategic Planning Policy Statement for Northern Ireland, September 2015:

<http://www.planningni.gov.uk/index/policy/spps.htm>

<sup>2</sup> Planning Policy Statement 2: Natural Heritage, July 2013:

[http://www.planningni.gov.uk/index/policy/planning\\_statements\\_and\\_supplementary\\_planning\\_guidance/pps2.htm](http://www.planningni.gov.uk/index/policy/planning_statements_and_supplementary_planning_guidance/pps2.htm)

## Key Aims

- To help ensure that biodiversity and natural heritage interests are adequately considered at the earliest possible stage in the planning process;
- To enable appropriate ecological advice to be obtained early in the development of a project to identify any necessary survey requirements or mitigation measures, including amendments to the location, layout and design of a proposal;
- To help speed up the application process for applicants and avoid unnecessary delays through natural heritage issues being discovered at a later date;
- To minimise the cost of ecological surveys or assessments to applicants by identifying any likely impacts to biodiversity and natural heritage interests and ensuring that only surveys which are reasonably required are carried out;
- To help ensure that development proposals comply with relevant nature conservation legislation;
- To help comply with best practice guidance such as the British Standard 42020:2013, "Biodiversity - Code of practice for planning and development".

## Scope

### Who/what is it for?

This Biodiversity Checklist is designed to be used by applicants (and/or their agents) for all local development<sup>3</sup> planning applications in Northern Ireland where another ecological assessment or survey has not already been completed. It is not intended to apply to larger developments, such as major and regionally significant applications, as it is assumed that for these an ecological assessment will be carried out.

This checklist is not intended for use on proposals that require an Environmental Statement under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

A properly completed checklist will help applicants determine what potential biodiversity impacts their development proposal may have and what ecological assessments or surveys would reasonably be required to be submitted with their planning application.

Planning applications submitted with specific flora and fauna surveys, e.g. bat, badger or habitat surveys would still benefit from the checklist being completed to rule out the requirement for other surveys, unless the ecologist completing the survey(s) has indicated that they do not consider that any further surveys are required.

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<sup>3</sup> See Development Hierarchy in *Strategic Planning Policy Statement for Northern Ireland, 2015*.

## Completing the Biodiversity Checklist

Answer all questions in Part 1 and Part 2.

If you answer **YES** to any question in Part 1 or Part 2 then the Evaluation and Ecological Statement in Part 3 must be completed by an ecologist or other suitably qualified person<sup>4</sup>.

If you answer **NO** to all questions in Part 1 and Part 2 then you can skip Part 3 and go straight to Part 4.

If you are submitting the checklist to the planning authority with your planning application then the Declaration in Part 4 must be signed and dated.

### Notes on Completing the Checklist

The person completing the checklist must have sufficient knowledge of the site and the proposed development.

The questions in Part 1 and Part 2 of this checklist can be answered by any applicant or their agent. However, if there is doubt over how to answer any question the advice of an ecologist or other suitably qualified person should be sought.

Part 1 contains questions relating to designated sites and priority habitats. Many developments have the potential to adversely impact designated sites and priority habitats through direct and indirect effects. Direct effects could include the loss of an area of habitat due to the footprint of a development or the pollution of a habitat from the release of polluted effluent or waste. Indirect effects could include changes in the hydrology of a site or habitat through drainage works carried out for a development nearby or impacts to a species associated with a site or habitat outside of the boundary of that site or habitat.

Part 2 contains questions relating to priority species and protected species. Many developments have the potential to adversely impact priority species and protected species through effects such as the damage or destruction of breeding or resting places, loss of foraging habitat and disturbance.

Part 3 requires an evaluation of the proposal and the completion of an Ecological Statement by an ecologist or other suitably qualified person. Any additional information required to support the application, such as ecological assessments or surveys, should be identified. These should be submitted to the planning authority along with the completed checklist. Appendix 1 contains guidance on the type of ecological assessment or survey which may be required and on mitigation.

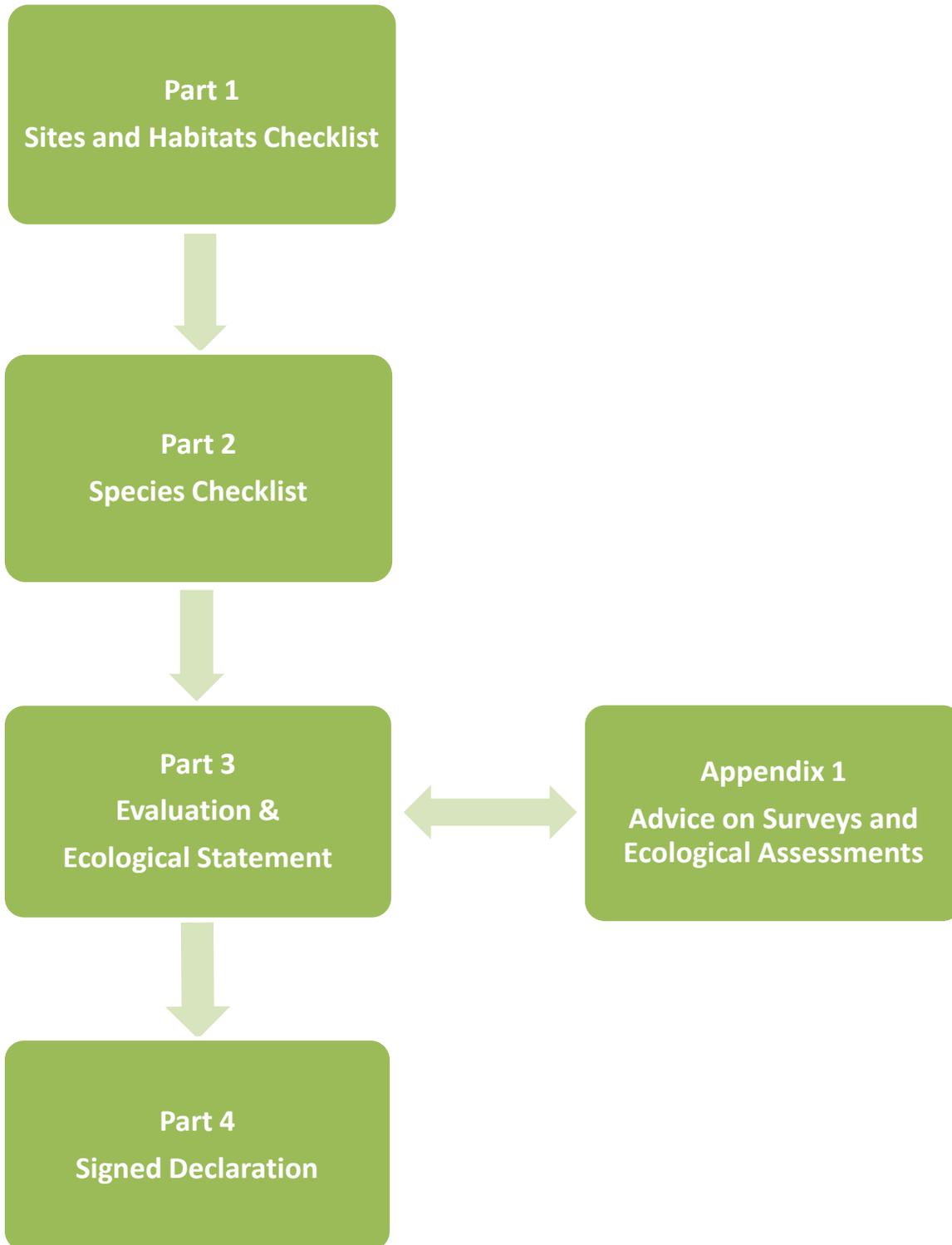
NIEA has produced Standing Advice for planning applications on a range of habitats, species and development types which may help you to complete the checklist:  
[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm)

**NIEA recommends that fully completed checklists and any supporting ecological information be submitted with your planning application. This should help prevent any delays in the determination of your application through requests for further information.**

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<sup>4</sup> A suitably qualified person may be a planning consultant with an environmental qualification and experience of dealing with ecological issues in development proposals.

Figure 1: Process for Completing Biodiversity Checklist



## Part 1 - Designated Sites and Priority Habitats Checklist

Designated sites of national or international importance, which are legally protected, include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Areas of Special Scientific Interest (ASSIs), National Nature Reserves (NNRs) and Ramsar Sites.

Further information on designated sites in Northern Ireland and an interactive map showing their distribution can be found at <https://www.daera-ni.gov.uk/services/protected-areas-web-viewer>

Other locally important sites for nature conservation include Local Nature Reserves (LNRs), Wildlife Refuges<sup>1</sup> and Sites of Local Nature Conservation Importance (SLNCIs)<sup>2</sup>.

Priority habitats<sup>3</sup> are those habitats in Northern Ireland which are important for biodiversity and have been identified as priorities for conservation action. Priority habitats occur throughout the country and at present there is no comprehensive dataset which shows their distribution.

	Please answer ALL questions	Please tick as appropriate
1	Is the development in or within 100m of a nationally or internationally designated site, e.g. SAC, SPA, ASSI, NNR or Ramsar site?	Yes <input type="checkbox"/> No <input type="checkbox"/>
2	Is the development in or within 50m of a local site of nature conservation importance, e.g. SLNCI, LNR, Wildlife Refuge or any other site identified by the local Council?	Yes <input type="checkbox"/> No <input type="checkbox"/>
3	Are any of the following present on or within 50m of the application site: <ul style="list-style-type: none"> <li>Broad-leaved woodland or any woodland listed as Ancient or Long Established Woodland<sup>4</sup>?</li> <li>Peatland habitat, such as blanket bog, raised bog or heathland?</li> <li>Rivers or Streams?</li> <li>Lakes or ponds?</li> <li>Wetlands, fens or marshes?</li> <li>Flower rich meadows/grassland?</li> <li>Coastal habitats, including estuaries, sand dunes, rocky shore or salt marsh?</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>
4	Will the development affect or involve the removal of: <ul style="list-style-type: none"> <li>Field hedgerows or mature tree-lines, more than 30m long, consisting mainly of native species?</li> <li>Parkland with mature trees?</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>
5	Will the development, or any waste, effluent or run-off it produces, affect: <ul style="list-style-type: none"> <li>Minor watercourses or field drains, particularly those which are hydrologically linked to (drain into) a designated site or priority habitat?</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>

<sup>1</sup> Wildlife Refuges are provided for under the Wildlife (Northern Ireland) Order 1985 (as amended)

<sup>2</sup> SLNCIs are identified in Local Development Plans

[http://www.planningni.gov.uk/index/policy/development\\_plans.htm](http://www.planningni.gov.uk/index/policy/development_plans.htm)

<sup>3</sup> <https://www.daera-ni.gov.uk/publications/northern-ireland-list-priority-habitats>

<sup>4</sup> See <http://www.backonthemap.org.uk/> for an inventory of Northern Ireland's ancient and long established woodland.

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<b>6</b>	<p>Is the development of a type which produces air emissions, such as nitrogen<sup>5</sup>? See examples of development types below:</p> <ul style="list-style-type: none"> <li>• Intensive Livestock Units for poultry, pigs, cattle or sheep;</li> <li>• Anaerobic Digester Plants;</li> <li>• Combined Heat and Power Plants, Biomass Boilers;</li> <li>• Manure Storage Facilities.</li> </ul>	<p><b>Yes</b>      <input type="checkbox"/></p> <p><b>No</b>        <input type="checkbox"/></p>
<b>7</b>	<p>Is the application for any of the following:</p> <ul style="list-style-type: none"> <li>• Development in a rural location on a site greater than 0.5 hectares in area?</li> <li>• Quarrying or peat extraction?</li> <li>• Hydroelectric Scheme?</li> <li>• Wind Farm or Wind Turbine?</li> <li>• Solar Farm?</li> <li>• Any development which would require screening under the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015?</li> </ul>	<p><b>Yes</b>      <input type="checkbox"/></p> <p><b>No</b>        <input type="checkbox"/></p>
<b>Proceed to Part 2</b>		

<sup>5</sup> NIEA has produced Standing Advice called "Livestock Installations and Ammonia". This recommends screening distances for developments which produce ammonia of 7.5km for designated sites and 2km for priority habitats. The document can be found here:

[http://www.planningni.gov.uk/index/advice/northern\\_ireland\\_environment\\_agency\\_guidance/standing\\_advice.htm](http://www.planningni.gov.uk/index/advice/northern_ireland_environment_agency_guidance/standing_advice.htm)

## Part 2 - Protected and Priority Species Checklist

Many species are protected by national and international legislation (see Appendix 2). Other species which are rare or endangered have been identified as priorities for conservation action and are listed as Northern Ireland priority species<sup>6</sup>. The following checklist identifies scenarios where development proposals may impact on these species and where survey information may reasonably be required.

	<p><b>Please answer ALL questions</b></p> <p><b>Does the development involve?:</b></p>	<p><b>Please tick as appropriate</b></p>	<p><b>If you have answered 'YES' to any question you will need to consider potential impacts to the following species:</b></p>
<p>1</p>	<p><b>The conversion, modification, demolition or removal of any building (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:</b></p> <ul style="list-style-type: none"> <li>• Houses in a rural location or agricultural buildings (e.g. barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams;</li> <li>• Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;</li> <li>• Pre-1960 detached buildings and structures within 200m of woodland and/or water;</li> <li>• Pre-1914 buildings within 400m of woodland and/or water;</li> <li>• Pre-1914 buildings with gable ends or slate roofs, regardless of location;</li> <li>• Located within 50m of woodland, parkland or water.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• <b>Bats</b></li> <li>• <b>Breeding birds, particularly barn owls and swifts</b></li> </ul>
<p>2</p>	<p><b>Any development affecting built structures:</b></p> <ul style="list-style-type: none"> <li>• Tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;</li> <li>• unused industrial chimneys that are unlined and of brick/stone construction;</li> <li>• Bridge structures, aqueducts and viaducts or other structures over or near water.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• <b>Bats</b></li> <li>• <b>Breeding birds</b></li> </ul>

<sup>6</sup> <https://www.daera-ni.gov.uk/articles/northern-ireland-priority-species>

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3	<p><b>Floodlighting or Lighting (excluding domestic lighting) of:</b></p> <ul style="list-style-type: none"> <li>• Woodland, parkland, mature trees, river corridors, waterbodies;</li> <li>• Green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water;</li> <li>• Churches, Listed buildings or any building meeting the criteria listed in (1) above;</li> <li>• Caves or built structures listed in (2).</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• Bats</li> <li>• Badgers</li> <li>• Birds</li> <li>• Otters</li> </ul>
4	<p><b>Felling, removal or lopping of:</b></p> <ul style="list-style-type: none"> <li>• Woodland (either broadleaved or conifer);</li> <li>• Field hedgerows or lines of trees &gt;1m high and 0.5m wide.</li> <li>• Mature trees;</li> <li>• Areas of scrub, including gorse.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• Bats</li> <li>• Badgers</li> <li>• Birds</li> <li>• Otters</li> <li>• Red squirrel</li> <li>• Smooth newt</li> <li>• Protected Plants</li> </ul>
5	<p><b>Development affecting or within 50m of:</b></p> <ul style="list-style-type: none"> <li>• Semi-natural woodland (broadleaved trees);</li> <li>• Rivers, streams or canals;</li> <li>• Lakes or reservoirs;</li> <li>• Peatlands (including bog and heathland);</li> <li>• Wetlands (including fen, swamp, reed beds);</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• Bats</li> <li>• Badgers</li> <li>• Birds</li> <li>• Otters</li> <li>• Red squirrels</li> <li>• Common Lizard</li> <li>• Butterflies &amp; Invertebrates</li> <li>• Fish &amp; freshwater species</li> <li>• Protected plants</li> </ul>
6	<p><b>Development affecting or within 25m of:</b></p> <ul style="list-style-type: none"> <li>• Any woodland (including broadleaf or conifer plantation);</li> <li>• Parkland or demesnes;</li> <li>• Field hedgerows (&gt;1m high and 0.5m wide), particularly near woodland or water bodies;</li> <li>• Areas of scrub, including gorse, particularly near woodland, field hedgerows or waterbodies.</li> <li>• Coastal habitats, including estuaries, sand dunes, rocky shore or salt marsh;</li> <li>• Ponds or field drains (with slow moving water);</li> <li>• Railway embankments (used or disused).</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• Bats</li> <li>• Badgers</li> <li>• Birds</li> <li>• Otters</li> <li>• Red Squirrel</li> <li>• Smooth Newt</li> <li>• Common Lizard</li> <li>• Butterflies &amp; Invertebrates</li> <li>• Seals</li> <li>• Protected Plants</li> </ul>

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<b>7</b>	<p><b>Development within or involving the modification, disturbance or removal of:</b></p> <ul style="list-style-type: none"> <li>• Mature or overgrown gardens, particularly those adjacent to woodland, parkland, field hedgerows or waterbodies;</li> <li>• Previously developed, derelict or brownfield land which is overgrown or flower rich;</li> <li>• Arable fields with hedgerows or grass margins;</li> <li>• Flower rich meadows / rough or wet grasslands.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• Bats</li> <li>• Badgers</li> <li>• Birds</li> <li>• Smooth Newt</li> <li>• Butterflies &amp; Invertebrates</li> <li>• Protected Plants</li> </ul>
<b>8</b>	<p><b>Development within or immediately adjacent to:</b></p> <ul style="list-style-type: none"> <li>• Quarries, sand or gravel pits;</li> <li>• Natural cliff faces and rock outcrops with crevices or caves and swallets.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• Bats</li> <li>• Badgers</li> <li>• Birds, particularly peregrines, sand martins</li> <li>• Protected Plants</li> </ul>
<b>9</b>	<p><b>Renewable Energy development, particularly:</b></p> <ul style="list-style-type: none"> <li>• Wind Turbines;</li> <li>• Solar Farms;</li> <li>• Hydroelectric Schemes.</li> </ul>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• Bats</li> <li>• Badgers</li> <li>• Birds</li> <li>• Otters</li> <li>• Butterflies &amp; Invertebrates</li> <li>• Fish &amp; freshwater species</li> </ul>
<b>10</b>	<p><b>Any development within or adjacent to a site where protected or priority species are known to be present?<sup>7</sup></b></p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>	<ul style="list-style-type: none"> <li>• All species</li> </ul>
<p>If you have answered <b>YES</b> to any of the above questions <b>Part 3</b> must be completed by an ecologist or other suitably qualified person.</p>			
<p>If you have answered <b>NO</b> to all questions in Part 1 and Part 2 you can go straight to Part 4.</p>			

<sup>7</sup> Confirmed as present by either a data search (for example through the Centre for Environmental Data and Recording (CEDaR) <http://nmni.com/cedar>) or as notified to the developer by the planning authority, NIEA or other nature conservation organisation.



**Part 4 – Details of Proposal and Signed Declaration**

This section must be completed for any checklist submitted to the planning authority with a planning application.

If only Part 1 and Part 2 of the checklist have been completed and all questions have been answered NO this declaration can be completed by the applicant or their agent.

If any questions have been answered YES this declaration must be completed by the ecologist or suitably qualified person who has completed the Ecological Statement in Part 3.

<b>Proposal</b> (description of development)	
<b>Location</b> (address or location of development)	
<b>Area of Site (hectares)</b>	
<b>Planning Reference (if known)</b>	
<b>Name of Applicant / Agent / Ecologist*</b> (*delete as appropriate)	
<b>Relevant Qualifications / Experience</b> (if applicable)	
<b>Address</b>	
<b>Telephone</b>	
<b>E-mail</b>	

I declare that this Checklist has been completed accurately to the best of my knowledge	
<b>Signed:</b>	
<b>Date:</b>	

## Appendix 1 - Ecological Assessments & Surveys

Where potential impacts have been identified to species and/or habitats in Parts 1 and/or 2 an appropriate ecological assessment or survey may need to be carried out and submitted with the planning application. An experienced ecologist can advise on the level of assessment or type of survey required, however, NIEA has provided guidance below.

For most developments the minimum level of assessment required is a **Preliminary Ecological Appraisal (PEA)**. This is a baseline ecological assessment, undertaken by an ecologist, which involves a desktop assessment and a site visit. It should map the habitats on a site, identify any significant ecological features, including any evidence of protected or priority species, and make recommendations for further surveys, if necessary. Where further surveys are not required the PEA may also recommend avoidance or mitigation measures to protect natural heritage interests on the site. NIEA recommends that PEA's follow the guidelines produced by the Chartered Institute of Ecology and Environmental Management (CIEEM), which can be found here:

[http://www.cieem.net/data/files/Resource\\_Library/Technical\\_Guidance\\_Series/GPEA/GPEA\\_April\\_2013.pdf](http://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/GPEA/GPEA_April_2013.pdf)

Where the biodiversity checklist has identified potential impacts to only one particular species a single species survey may be sufficient. However, where there are potential impacts to designated sites, priority habitats and/or more than one species a more comprehensive assessment is likely to be required.

NIEA, Natural Environment Division (NED) survey specifications for different species can be found at the following link:

<https://www.daera-ni.gov.uk/articles/site-surveys>

For large or complex proposals an **Ecological Impact Assessment (EclIA)** may be required. The CIEEM document, *Guidelines for Ecological Impact Assessment in the UK and Ireland*, can be found here:

[http://www.cieem.net/data/files/Website\\_Downloads/Guidelines\\_for\\_Ecological\\_Impact\\_Assessment\\_2015.pdf](http://www.cieem.net/data/files/Website_Downloads/Guidelines_for_Ecological_Impact_Assessment_2015.pdf)

For proposals that may impact on European designated sites (SACs and SPAs) a **Habitats Regulations Assessment (HRA)** may be required to be carried out by the planning authority. Information to support the completion of the HRA may be requested from the applicant by the planning authority. An ecologist can advise on the type of information which is necessary.

Details of competent ecologists in your area that can undertake specialist survey work can be found on CIEEM's Professional Directory:

<http://www.cieem.net/members-directory>

A householders' guide for engaging the service of a professional ecologist can be found here:

<http://www.cieem.net/a-householders-guide-to-engaging-an-ecologist>

NIEA recommends that all works comply with **British Standard 42020:2013, Biodiversity - Code of practice for planning and development**. This provides recommendations and guidance for those engaged in planning and development, whose work might affect or have implications for conservation, or the enhancement of biodiversity.

<https://www.bsigroup.com/LocalFiles/en-GB/biodiversity/BS-42020-Smart-Guide.pdf>

### Mitigation

Where an ecological assessment or survey has identified potential impacts to a designated site, priority habitat, protected or priority species, or other natural heritage interest, then mitigation measures must be considered as to how these impacts can be addressed and a mitigation strategy developed to comply with the relevant legislation and planning policy. Mitigation should follow the 'mitigation hierarchy' which seeks, in order of preference, to avoid impacts, then to mitigate unavoidable impacts, and, as a last resort, to compensate for unavoidable residual impacts after avoidance and mitigation measures.

The best form of mitigation is always the avoidance of potential impacts on biodiversity and natural heritage interests in the first place. In most development situations, if important natural heritage features on a site can be retained and adequately protected impacts can generally be avoided and further survey work may not be required. This could involve, for example, the retention of mature trees and hedgerows on a site and their protection by appropriate fencing during construction works, or, the implementation of a suitable buffer, within which no works will take place, to protect natural heritage features from damage or disturbance.

The aim of any mitigation strategy should be to ensure that there is no net loss of biodiversity on a development site and to provide enhancements where possible.

Further information on mitigation best practice can be found in the British Standard 42020:2013, *Biodiversity - Code of practice for planning and development* and CIEEM's *Guidelines for Ecological Impact Assessment in the UK and Ireland*.

### Further Information

NIEA, Natural Environment Division has produced some relevant guidance for applicants and their agents which may be useful when considering development proposals on sites with natural heritage interests.

Please see the following web pages:

<https://www.daera-ni.gov.uk/articles/advice-and-information-planning-approval-land-which-nature-conservation-value>

NIEA "Bats & Development" booklet:

<https://www.daera-ni.gov.uk/publications/bats-development>

NIEA "Badgers & Development" booklet:

<https://www.daera-ni.gov.uk/publications/badgers-development>

NIEA "Otters & Development" booklet:

<https://www.daera-ni.gov.uk/publications/otters-and-development>

Guidance from NIEA on wildlife law, licensing and management can be found here:

<https://www.daera-ni.gov.uk/topics/biodiversity/wildlife-licensing-and-management>

## Appendix 2 - Legislative & Policy Context

Several pieces of legislation exist in Northern Ireland to protect biodiversity and nature conservation interests.

The European Commission's (EC) Habitats and Birds Directives<sup>8</sup> set out a framework for the protection of internationally important habitats and species. These are transposed into Northern Ireland law by the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) and the Wildlife (Northern Ireland) Order 1985 (as amended) (the Wildlife Order).

The Habitats Regulations sets out the protection afforded to European designated sites - Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) – and European protected species.

Before granting any planning approval planning authorities must consider whether a development proposal is likely to have a significant effect on a European designated site (SPA or SAC) through carrying out a Habitats Regulations Assessment (HRA). Planning authorities also have a legal duty to consider the impacts of development on European protected species. Those which occur in Northern Ireland are listed on Schedule 2 of the Habitats Regulations (includes bats and otters).

The Wildlife Order sets out the protection afforded to all wild birds and certain nationally protected species of flora and fauna. It also contains provisions for controlling the spread of invasive species. Nationally protected species in Northern Ireland, for example badgers, smooth newts and red squirrels are listed on Schedule 5 of the Wildlife Order. Protected Plants are listed on Schedule 8.

The Environment (Northern Ireland) Order 2002 (as amended) provides powers to designate, protect and manage Areas of Special Scientific Interest (ASSIs).

Other nationally and locally designated sites, such as nature reserves, are covered by the Nature Conservation and Amenity lands (Northern Ireland) Order 1985.

The Wildlife and Natural Environment Act (Northern Ireland) 2011 (known as the WANE Act) amended the Wildlife Order and introduced a biodiversity duty on all public bodies in Northern Ireland. It states that *'it is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions'*.

The Northern Ireland planning system also plays an important role in conserving, protecting and enhancing our natural environment. The protection afforded to natural heritage interests in planning policy is additional to legislative requirements. This helps to meet national and international commitments to halt the loss of biodiversity.

The EU Biodiversity Strategy to 2020<sup>9</sup> has a headline target of *"Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss."*

The Northern Ireland Biodiversity Strategy's<sup>10</sup> mission is *"To make progress towards halting overall biodiversity loss, establish an ecosystem approach and help business and society in general have a greater understanding of the benefits that nature can bring to everyday life in Northern Ireland."*

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<sup>8</sup> Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive); and Directive 2009/147/EC on the conservation of wild birds (the Birds Directive).

<sup>9</sup> *Our life insurance, our natural capital: an EU Biodiversity Strategy to 2020:*  
<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52011DC0244>

<sup>10</sup> *Valuing Nature: A Biodiversity Strategy for Northern Ireland to 2020:*  
<https://www.daera-ni.gov.uk/publications/biodiversity-strategy-northern-ireland-2020-0>

