

Essex County Council's Biodiversity Validation Checklist

Frequently Asked Questions (June 2013)

- Q1. The checklist appears to represent extra work for applicants, have you not heard of the recent changes to The Growth and Infrastructure Act, and The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order?
- (The 2013 amendment makes it clear that local validation requirements should only cover information which it is reasonable to think will be a material consideration in the determination of the application).
- A1. *The biodiversity Validation Checklist does not place any new burdens on applicants; it simply brings together in a single place the requirements stemming from national legislation and policy, together with industry standards.*
i.e. [Natural England's Standing Advice](#) and [The Chartered Institute of Ecology and Environmental Management \(CIEEM\) Technical Guidance Series](#).
- Q2. Why is a Biodiversity Validation Checklist needed?
- A2. *Legislation and policy relating to the Natural Environment and Biodiversity is complex. There are a number of different pieces of legislation underpinned by a considerable amount of case law stemming from the outcomes of recent judicial reviews.*
- As a result, information provided by applicants needs to address a number of technical habitat and species issues to enable the Local Planning Authority (LPA) to determine the application in accordance with legislation.*
- Q3. How will this help applicants?
- A3. *The Checklist makes it clear at an early stage exactly what information is required by the LPA to determine a planning application in accordance with wildlife legislation and policy.*
- If the Checklist is completed correctly, it will reduce the chance of any delays relating to requests for additional information from the LPA and minimise the risk of potential third-party challenges on procedural grounds.*
- Q4. How will this help Essex residents?
- A4. *The Checklist will reduce the amount of time Council officers spend on procedural matters, allowing them to focus on assisting applicants achieve the right kind of development in the right places to protect and enhance the County's Natural Environment.*
- Q5. Who produced the Checklist?
- A5. *The Checklist was completed by the Council's professional ecologists who are part of the [Place Services Team](#).*
- Q6. Was anyone else consulted?
- A6. *Yes, [Natural England](#) - the government's advisor on the natural environment - reviewed and funded the Checklist, and [The Essex Biodiversity Project](#) reviewed and endorsed it.*
- (The Essex Biodiversity Project is a partnership of more than 40 organisations and individuals committed to preserving and enhancing biodiversity in Essex.)*
- Q7. I have spotted a broken web-link in the checklist and/or I have some feedback who should I contact?
- A7. Please email any comments or suggestions to ecology.placeservices@essex.gov.uk.