

Ecological Due-Diligence

Increasing planning certainty by identifying ecological constraints and opportunities

Post-recession planning in Ireland will see a more cautious approach to acquiring sites and making planning applications. Developers will want to see an increase in 'certainty' of receiving planning – this requires a full acknowledgement of environmental constraints and opportunities before the site is acquired.

As ecologists that have provided professional advice to developers across Ireland in the last decade, Scott Cawley Ltd have numerous examples of sites that have been acquired by developers without investigating the potential constraints posed by protected species and designated sites. In some cases, this has led to significant delays to subsequent planning applications.

Various due-diligence exercises are carried out prior to the divestiture or acquisition of lands or property but rarely do these consider the presence or absence of important ecological features that may affect development opportunities. Where due-diligence is carried out, ecological issues often include a cursory examination of the presence of designated nature protection areas (SACs, SPAs), but rarely acknowledge indirect impacts or the presence of protected species on sites.

Scott Cawley offer specialist advice to landowners, architects, property developers, banks and investors on this specialist aspect of due-diligence.

What is Ecological due-diligence (EDD)?

- **What is on the site?**

Ensuring that you are aware of protected species and designated sites within or close to your site. Also ensuring that you are aware of key ecological issues of concern, e.g. groundwater, wetlands, woodlands, bat roosts, badger setts etc.

- **How important are the features on the site?**

How the local, national and international policy context of the species and habitats within or close to the site may affect the certainty of receiving planning permission.

- **How much may it cost to bring this to planning?**

Identifying the approximate costs of addressing ecological surveys and assessments that may be required to present an acceptable proposal to the competent authority.

- **How long will it take to bring it to planning?**

Identifying seasonal constraints on baseline ecological studies and hence the overall timeline required to address the constraints on the site.

- **What types of activities are likely to be acceptable?**

Providing an indication of what types of development will give rise to significant adverse impacts and how this may be mitigated in principle.



What is involved in Ecological due-diligence?



Ecological due-diligence is a precursor to more formal environmental baseline studies that may be required if the developer wishes to proceed with an application for development. Due diligence studies will take place prior to the divestiture or acquisition of lands or property so that both parties are aware of any factors that would affect the 'development potential' of the site. EDD generally includes the following steps:

1. Collection of publicly-available data on the site and surroundings.
2. Walkover site survey.
3. Reporting including Constraints mapping.

What will the EDD Report tell me?

- Location and nature of ecological features that could be affected by the proposed development e.g. bat roosts, badger setts, designated sites, wetlands and watercourses.
- Magnitude of any constraints including the forecasted cost of baseline surveys, modelling and impact assessment;
- Determining the need for Environmental Impact Assessment and Habitats Directive Assessment (Appropriate Assessment);
- Providing timelines for baseline surveys and assessments to ensure that any surveys are carried out at the correct time of the year.



How much will the Due-diligence cost?

It is not possible to provide a standard cost for an EDD as the fees will vary depending on the size and complexity of the site under consideration. Costs are similar to Ecological Impact Assessments carried out as part of the EIA process. Much of the information collected during the EDD can be re-used in subsequent assessments and hence there are cost-savings in the overall planning process.

Will the Due-diligence save me money?

There are obvious cost-savings for both parties.

Those concerned with divestiture will want to be able to increase the value of the land or property being sold. An EDD will be able to identify if any part of the lands are unlikely to be conducive to development or conversely may be able to determine that the site has no significant ecological constraints.

Parties acquiring a site will want full disclosure of the potential risks involved in buying land or property. EDD will inform investors as to the development potential from an ecological point of view and will disclose the potential costs of addressing ecological constraints.



How Scott Cawley can help.

Scott Cawley Ltd is one of Ireland's leading ecological consultancies. We have extensive experience of protected species surveys, species and habitat mitigation, management and monitoring. Our day-to-day services including providing practical advice to developers, architects, engineers and planners on how to address protected habitat and species issues. Staff have experience of protected species licencing for bats, badgers, otters, birds, Kerry Slug and other native fauna and flora species.

Services we can provide include:

- Pre-planning ecological constraints and due-diligence studies.
- Surveys for protected species.
- Applications for protected species licences.
- Planning and implementing practical mitigation measures.
- Preparing Ecological Impacts Assessments for EISs and 'Appropriate Assessments' for plans, programme and projects.

Other ecological Services we provide include:

- BREEAM Assessments (Suitably Qualified Ecologists).
- Specialist botanical and fauna surveys.
- Phase 1 Habitat Mapping.
- Phase 2 NVC Surveys.
- Habitat Creation, Restoration and Management Plans.
- Construction Supervision for ecological mitigation measures.



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