

Regional Advocacy Project Combined Appendices

Advocacy Communications Plan

Target audience	Issue	Message	Solution	Role for LRC	Role for Advocacy Officer (AO)	Time frame
BRIE Data providers						
Essex Field Club (EFC)	Do not currently support BRIE or the Tendring pilot project. Difficult to arrange a meeting with them as they no longer sit on the BRIE steering group or the Essex BP. Soon to be hosted by Basildon DC and have an arrangement to provide data to them. All County Recorders (CR) sit within EFC	The EFC has supported BRIE in the past and it is a key player in establishing a LRC in Essex. The steering group would like EFC to re-engage and explore ways of working together.	Use the steering group to recruit as many advocates for BRIE as possible from different organisations. Continue to try and engage with EFC and especially Peter Allen (current president) at arranged meetings or events. Contact CRs individually. Find out more about the EFC and their data supply/usage.	Finalise BRIE proposal before arranging meeting with EFC president Peter Allen	Talk to RSPB and other Essex contacts to find out more about the EFC and raise awareness of/gain support for BRIE. Attend events or meetings where EFC contacts may be present or where there is an opportunity for advocacy	NE meeting EFC in February. Another meeting with BRIE in March?
Other data providers in Essex Public bodies	Various individuals and organisations in Essex who gather data and are not associated with EFC who could provide data to BRIE	Providing data can be of great benefit to help protect the wildlife of Essex and improve local decision making. Explore opportunities to get involved with BRIE	Introduce BRIE and its aims/benefits to potential data providers across the county, encouraging increased support and data provision to BRIE	Work with AO to identify potential data providers and coordinate approach to them	Research naturalist organisations, societies and individuals who could provide data. Contact and approach through meetings, letters and events	Ongoing
Local/Unitary authorities and District Councils in Essex (14 in total) BLBRMC Public bodies	There is no central source of data in Essex able to provide a range of products and services to meet the needs of LAs. What are LAs currently doing to obtain biodiversity information to inform planning decisions and meet obligations in Essex?	Access to up-to-date and verified data is vital to meet biodiversity obligations and for making informed planning decisions - key drivers. Like other LRCs, BRIE will be a trusted, cost-effective one-stop-source for information and services.	Identify key messages and products/services provided by BRIE to meet the biodiversity needs of LAs, using the Tendring pilot as an example.	Agree a way forward with the steering group to promote BRIE and its pilot project to other LAs. Liaise with AO to contact LAs.	Contact LAs where possible to ascertain what they currently do in gaining biodiversity information. Help promote the pilot data provision project as a case study to other public bodies	Ongoing. Pilot completed and other councils have signed agreements
Central Beds UA	No SLA. Keen to support and would like access to data as cost effectively as possible	Data important for key drivers and the need for info. Having access to data is critical and the LRC is committed to making it as accessible and as cost effective as possible	Investigate a way of supporting their intentions which in turn will benefit the LRC. Development of web-based data access in process. Tendring pilot and planning screening toolkit also possible examples of way forward	Develop solution (i.e. web-based access), continue negotiations and relationship development and organise seminar	Attend meetings and presentations where necessary. Help organise a joint planners seminar with Cambridge as adopted by other counties	Ongoing
Beds Borough UA	No SLA. Keen to support and would like a breakdown of BRMCs desired funding (8.5k) for this year.	Data important for key drivers and the need for info. Having access to data is critical and the LRC is committed to making it as accessible and as cost effective as possible	Investigate a way of supporting their intentions which in turn will benefit the LRC. As above, development of web-based data access, the Tendring pilot and planning screening toolkit are possible examples of way forward	Provide a break down of costs, continue negotiations and relationship development and organise seminar	Attend meetings and presentations where necessary. Help organise a joint planners seminar with Cambridge as adopted by other counties	Ongoing
Luton UA Data providers	No SLA. Happy to fund project work with tangible outputs but not so keen on providing core funding.	Up-to-date data important for key drivers and the need for info. Critical to this is core data management for which funding is needed and the LRC is committed to making it as accessible and as cost effective as possible	As above, and also to consider specific projects that could be funded this year	Identify projects to be funded by the LA and continue negotiations to secure core funding. Organise seminar	Attend meetings and presentations where necessary. Help organise a joint planners seminar with Cambridge as adopted by other counties	Ongoing
Data providers, recorders and organisations CPEC Public bodies	BRMC has good relationships with most of its data providers, with a few gaps for some taxa; unable to supply bat data due to the bat group wishing to keep their funding stream open and provide interpretation for consultants	Data is important in helping protect and enhance biodiversity in Bedfordshire and inform decision making. The LRC has data sharing policies in place	Maintain and build good relationships with individuals and organisations who do and do not supply data, building relationships and fostering trust to increase data supply	Consider holding an event for existing and potential data providers? Continue relationship building to obtain data where there are gaps	Attend meetings and presentations where appropriate; help organise an event for data providers if desired, based on a similar one being help by CPERC in September 2010	Ongoing
Cambridgeshire CC, Peterborough UA and the five DCs Data providers	Some SLAs run out at the end of this financial year. Difficulty in securing agreements and funding for this year, esp with authorities without ecologists and not understanding the need for biodiversity data or how to interpret it.	Access to up-to-date and verified data is of benefit to LAs to meet biodiversity obligations and make informed planning decisions - key drivers. The LRC has products and services to meet LA needs and is committed to helping find a solution to interpret this information	Demonstrate and explain the case for having data to meet needs and therefore for supporting the LRC through meetings and a seminar. Investigate solutions for interpretation of data e.g. with the WT, ALGE toolkit etc.	Set up meetings and negotiate SLAs. Liaise with the WT over future direction of services and how to address data provision and interpretation. Organise a planners seminar for spring 2011	Attend meetings and presentations where appropriate. Help organise joint planners seminar with Bedford as adopted by other counties	Ongoing, seminar planned for spring 2011; meeting with East Cambs councilors in July 2011

Data providers, recorders and organisations All	Lack of county recorders and verifiers of data in the region; mammal group do not give data; bat group give data at a reduced resolution. Herptile records waiting to be verified	Data is important in helping protect and enhance biodiversity in Cambridgeshire and inform decision making. The LRC has data sharing policies in place	Maintain and build good relationships with individuals and organisations who do and do not supply data, building relationships and fostering trust to increase data supply	Organise events for data providers to understand more about the work of the LRC. Hold meetings with specific groups to encourage increased data supply, investigate services/benefits offered by LRC in return for data e.g. training opportunities	Organise and attend data providers event, using as a possible model for other similar events in the region. Attend other meetings and presentations where necessary.	Event on 25/09/2010; ongoing
Local authorities, consultants, data providers, other users of data and the public HBRC Public bodies	Enhancement of CPERCs promotional materials (website, printed media and presentations) is needed to better reflect the services and products offered and take into account the change in name from CPBRC to CPERC	The LRC is a professional organisation with a range of services and products available to LAs to meet their biodiversity needs. The LRC is dependant on data providers to continue supplying data. The term 'environmental' replaces 'biological' as it better reflects the info and services offered by the LRC and is more widely understood by planners and LAs	Investigate the design and creation of a new website and creation of new publicity materials, including a leaflet and newsletter. Create different presentations for different audiences	Liaise with web design company to create new website. Produce new leaflet and newsletter. Create new presentations for data providers, planners and councillors	Assist in the creation and design process of the website, leaflet, newsletter and presentations etc	Ongoing; leaflet ready for recorders event in Sept; website revamp in Dec 2010
Herts CC and all DCs in the county Data providers	Unable to proactively seek independant SLAs due to the internal make up of the council team in which the LRC sits. Core service of NI 197 reporting usually offered by a LRC is undertaken by the WT.	A fully functioning independant LRC is important to the work of LAs in meeting their needs (key drivers) and should be the primary source of data in the county, able to provide a range of services and products through dedicated SLAs	Investigate the possibilities of separating the LRC from the advisory function within the council team to better reflect the purpose and need for a LRC managing and supplying data to LAs	Liaise with the WT to explore possibilities of sitting with them. Continue data management and core LRC functions	Attend meetings and presentations where appropriate. Attend planners seminar to hear more about Woolley case study and legal requirements	Seminar 06/10/2010
Data providers, recorders and organisations NBIS Public bodies	Most data is held by Herts NHS. A large amount of data held by HBRC is not digitised. A feeling of mistrust by data providers towards the LRC due to previous relationships and because it sits within the CC, however, this relationship seems to be improving due to current LRC staff working hard, and data holdings are increasing as a result	The concept of a fully established LRC in the county offering a cost effective and impartial range of services to help protect wildlife in Herts means having access to data, which can be stored securely and managed as an archive of biodiversity in the county	Advocate the need for and benefits of a fully functioning LRC in the county, perhaps using examples of other counties, to data providers. Arrange events and meetings to build relationships and understanding	Ian Carle to sit on the Herts NHS committee. Attend events and arrange meetings and training with data providers to build relationships and increase data holdings	Attend meetings and presentations where appropriate. Share best practice	Ongoing
Norfolk CC and all other DCs in the county Data providers	Some authorities don't have SLAs and are unwilling to pay for data and services - a mismatch between the value of SLAs and what LAs are willing to pay	Access to up-to-date and verified data is of benefit to LAs to meet biodiversity obligations and make informed planning decisions - key drivers. The LRC has products and services to meet LA needs	Identify solutions to encourage LAs to support the LRC and view it as a necessary service rather than a 'nice to have' service.	Developing a planning screening toolkit and standard minimum service to improve LRC output to data users. Arrange meetings to negotiate SLAs	Help promote the standard service. Attend planners seminar. Help with development of planning toolkit where necessary. Work with Lizzie Carroll where possible to advocate LRCs to public bodies	Ongoing. Standard service to be launched early 2011.
Data providers, recorders and organisations SBRC Public bodies	Some CRs do not give data due to previous relationship history with LRC. Data for national schemes not always passed on to LRC. No formalised data agreements in place and therefore getting data on a consistent regular basis difficult. LRC feels it should be doing more for data providers	Data is important in helping protect and enhance biodiversity in Norfolk and inform decision making. The LRC has or wants to have data sharing policies/agreements in place and can benefit/support data providers in return for sharing their data	Maintain and build good relationships with individuals and organisations who do and do not supply data through events and meetings etc, fostering trust and formalising data sharing agreements to increase data supply and identify ways the LRC can benefit data providers	Arrange events, communications and meetings with data providers. Formalise relationships with data agreements. Continue the recorders fund and identify other ways of supporting data providers	Attend meetings and presentations where appropriate. Share best practice	Ongoing
Suffolk CC and all LAs in the county Data providers	Current economic climate may threaten the amount of funding and support the LRC currently receives from local authorities	Access to up-to-date and verified data is of benefit to LAs to meet biodiversity obligations and make informed planning decisions - key drivers. The LRC has products and services to meet LA needs	Identify solutions to encourage LAs to support the LRC and view it as a necessary service rather than a 'nice to have' service. Use financial reserves to invest in services offered/provided to increase appeal of LRC	Arrange meetings to negotiate SLAs. Consider working with the WT to approach LAs together to strengthen case for support and understanding. Develop services inc web-based data access	Attend meetings and presentations where appropriate.	Ongoing

Data providers, recorders and organisations ALL LRCs in region	SBRC has good relationships with its data providers, including the bat and badger groups, and relationships have been nurtured over time	Data is important in helping protect and enhance biodiversity in Suffolk and inform decision making. The LRC has data sharing policies in place	Use SBRC examples to demonstrate and share best practise across the region when engaging with data providers, especially those with more contentious/sensitive data	Attend meetings and events to maintain relationships; share best practice with other LRCs	To disseminate info to other LRCs re best practice; help organise event if necessary	Ongoing
Data users and potential funders	LRCs need ongoing support and funding to maintain their function as data custodians for each county, without which obtaining verified and up-to-date data would be made much more difficult and time consuming	Data and services provided by LRCs are of benefit to a variety of users and SLAs are a cost effective way of supporting LRCs rather than adhoc payments. This data is essential to meet biodiversity obligations - key drivers	Use key drivers, info from LRCs and case studies to inform how and why public bodies and data users should be supporting the LRC and answering 'what's in it for us'? E.g. using NBIS example of a good and a bad report to support planning decisions.	Provide info for case studies and examples of best practice to strengthen the case for supporting LRCs; identify new opportunities for support from different funders and provide input for regional SLAs	Attend relevant regional meetings and forums to engage with different bodies; produce advocacy document to showcase work of LRCs and devise a list of potential funders and opportunities for support. Investigate regional SLAs with utility and other orgs	Ongoing
Data users and providers	Data providers are critical to the existence of LRCs, providing up-to-date info on a broad range of taxa on an ongoing basis. Without them the whole process would collapse	Data providers are important and their information is vital to LRCs and helping protect and enhance biodiversity through decision making	To maintain good relationships with data providers and engage with those who don't or could provide data to build relationships and trust for the longterm benefit of the LRC; share best practice and knowledge across LRCs on how to tackle issues and concerns data providers have about sharing their data	Arrange meetings, events and ongoing communications with data providers. Address their concerns and issues and build rapport and trust, not forgetting to highlight how the LRC can be of benefit to them in return for obtaining data	To help organise and attend events and meetings where required. Disseminate information on best practice and case studies. Review data management and sharing policies across the region to ensure consistency and identify areas for improvement, including a code of practice and how LRCs can further support data providers in their work.	Ongoing

KEY DRIVERS	Statement	Interpretation	LRC output	NB
Planning and Compulsory Purchase Act 2004	2.13 The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development. These matters include: the principal physical, economic, social and environmental characteristics of the area of the authority.	This enables the local authority to assess existing conditions in order to fully understand the likely impacts from its planning and development work.	Baseline evidence (species, habitats, site boundaries and quality); green infrastructure/habitat mapping?	
PPS12	4.9 The <u>evidence base</u> is critical to the preparation of local development documents. 4.49 Local Development Framework Monitoring Guide. The guide sets out core local development framework output indicators, against which authorities must monitor policy implementation.	Without a credible evidence base (including biological records) it would be impossible for local authorities to prepare accurate documentation prior to development.	AMR reporting on NI 197	<i>This regional strategy now abolished. A new national planning framework being developed. NI set likely to be overhauled</i>
PPS9	2.31 It would be good practice for all local authorities to contribute to the establishment and running of a LRC as a <u>cost-effective</u> way of providing a publicly accountable 'one-stop shop' for comprehensive and reliable environmental information upon which to plan, in line with the key principles of PPS9.	This guidance makes the case for value for money and principles of support.	Baseline evidence; planning screening; advice and interpretation	<i>This is being reviewed as part of the new government's national planning framework</i>
NERC Act 2006	Section 40 Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.	NERC duties should be taken seriously by local authorities and in particular planning departments who are at the forefront of modifying the natural environment.	Baseline evidence; NI 197	

The Lawton review 'making space for nature' published 24/09/2010 highlighted the need for an effective and efficient planning system and emphasised greater protection for priority habitats including Local Wildlife Sites (actually mentions NI 197).

Review of CPERC Recorders Day event

Who: Cambridgeshire and Peterborough Environmental Records Centre (CPERC)

When: Saturday 25/09/2010, 1 pm – 3.30 pm

Where: Wildlife Trust BCNP offices, Cambourne. Use of one room plus garden and kitchen for food prep

What: An indoor event organised by CPERC staff to engage with local recorders and naturalists in Cambridgeshire and Peterborough through presentations, discussion and informal chat over lunch.

Invited: 64 local recorders and naturalists invited, ranging from individuals to representatives of local groups

Aims/objectives:

- For data providers and LRC staff to meet (new faces) and to inform data providers of the work of CPERC and what happens to their data when submitted and how it is used/shared
- The benefits of submitting data to a LRC and looking at the wider picture of why people record and why they should continue to do so – inspire and motivate
- To have a discussion centred on improving the recorders network in Cambridgeshire and identify new county recorders/experts to verify data for 'vacant' taxonomic groups

Format for the day:

- 1 pm – 1.30 pm: arrival and buffet lunch
- 1.30 pm – 2 pm: CPERC presentation (10 mins given each by John Cornell – general intro, Phil Ricketts – how records are used and Louise Bacon – working with your data, case study)
- 2 pm – 2.30 pm: Q's and A's, comfort break, discussion
- 2.30 pm – 3 pm: Presentation by Brian Eversham (WT BCNP) on recording wildlife
- 3 pm – 3.30 pm: discussion

Actual attendees: 27 people attended plus four LRC staff and Brian Eversham (Chief Executive of WT BCNP)

Outcome: Overall the event worked well and it was considered a success, with a good number of people attending and a chance for all to put names to faces. There was much discussion following the presentations around improving communications between recorders and the LRC and the recording network in general. Most people seemed keen to want to stay in touch with the LRC, continue providing data and attend future events. New verifiers for some taxonomic groups were also identified.

What worked well: Free lunch! Brief but insightful presentations with time for Q's and A's / discussion afterwards. Inspirational talk given by 'external' speaker (WT).

What didn't work well: Size of room just about okay (chairs for 35 people, laptop and screen setup, tables for food and drink) – useful to have extra outdoor space over lunch/breaks. People not knowing who each other were

Feedback: Feedback forms were given out at the end of the day for people's views on the event. The feedback has been reviewed and summarised in a separate document.

How to do things differently: Name badges with people's speciality written on them and/or introductions/who's who of attendees at the beginning. Outdoors event collecting data in the field welcomed.

Catering: A light buffet consisting of bread and cheese, crisps and nibbles, quiches, pork pie, sausage rolls, dips and salad. A selection of hot and cold drinks and cakes and biscuits to follow.

Freebies: Branded CPERC memory stick with a copy of the presentations on it and a data template.

Cost: £80 food. £200 for 50 branded memory sticks (25 given out at event). Staff time (TOIL)

Recorders Day feedback

1. Have you found today's event useful and interesting? If so, what in particular did you enjoy and find most useful?

- Brian Eversham's presentation – inspirational speaker
- Useful explanation of what CPERC is about and putting names to faces
- Discussion afterwards
- Update on 'new species' in county to look out for, esp if not your usual field
- Good to see more active and coordinated recording in Cambs

2. Is there anything about today's event you didn't enjoy or find useful?

- Would have been useful to have people's recording group on their name badges or for everyone present to introduce themselves
- Some speakers spoke too quietly (some people use hearing aids)
- Slightly too long

3. Would you be interested in coming to other events organised by CPERC in the future? Please give suggestions and ideas for what you would enjoy doing or find useful.

- Majority/all yes
- Annual event about right
- Field visits e.g. how to be a taxonomic recorder (for posts with vacancy)
- 'Invertebrate group' field meetings
- Field visits followed by winter meeting to present results, particularly to sites not normally accessible (need to coordinate with Hunts FFS?)
- Email newsletter and web-based mapping – as per Hunts moths and butterflies group website

4. Has today's event informed you of anything you didn't know, and if so, will you change anything about the way you record, submit records or communicate with the records centre?

- Informed and inspired; an additional prod to submit large amount of records being sat on!
- Helping with verification; exchange of data with National Schemes
- Will submit records in VC 32 that fall into Cambs. If any events in VC 32 or possibly rest of Cambs then happy to record
- Will continue to use mapmate or EXCEL.
- Will come to CPERC and discuss how to enter records in a useable form
- Highlighted the fact that most recorders are older people and the issue of how to encourage youngsters to get involved
- Need recording templates which might differ for taxonomic groups?

5. Have you any other queries or concerns about the work of the records centre and how it relates to you, which wasn't covered today?

- Look forward to an e-group to improve communication amongst recorders and with the LRC
- Need practical arrangement to transfer paper records to electronic
- Would like more clarification on how CPERCs work relates to other groups and national schemes etc
- How best to present data as none of it is on any electronic retrieval system

OTHER COMMENTS:

- Would like help searching for historic records of VC 31
- Memory stick a nice touch
- Please send any reptile/amphib data you have for Hunts
- Not clear if any VC 32 records of diptera go to CPERC or how to align my database (Recorder 6). Are there diptera recorders in VC 32/Cambs area with whom I can exchange information?
- List of recorders contact details would be useful



Recorders Day feedback form

Thanks for attending today – please could you take a few minutes to answer the questions below to help us plan other events for you in the future.

1. Have you found today's event useful and interesting? If so, what in particular did you enjoy and find most useful?

2. Is there anything about today's event you didn't enjoy or find useful?

3. Would you be interested in coming to other events organised by CPERC in the future? Please give suggestions and ideas for what you would enjoy doing or find useful.

4. Has today's event informed you of anything you didn't know, and if so, will you change anything about the way you record, submit records or communicate with the records centre?

5. Have you any other queries or concerns about the work of the records centre and how it relates to you, which wasn't covered today?

Data Access Policy

(with example of a data sharing agreement)

January 2011

The purpose of this policy is to provide a clear framework for the exchange and management of environmental information by the Cambridgeshire & Peterborough Environmental Records centre (CPERC). The policy identifies the model for data management and flow under which the Centre operates.

CPERC exists to improve and inform environmental planning, land management and sustainable development through the collation, management and dissemination of environmental information.

Policy Statements

1 CPERC will enter into a data sharing agreement with the copyright holders of any data it acquires, which clearly confers on CPERC the authority to collate and manage the data and to disseminate it within its terms and conditions for data requests and within its obligations under EIR.

2 CPERC will provide access to the data it holds, subject to any conditions imposed on its use by suppliers, by the Data Protection Act, Environmental Information Regulations 2004, Copyright and Intellectual Property Right law, or any other laws of the land that apply.

3 CPERC will gather, collect, assemble and otherwise collate environmental data including, but not limited to, ecological, biological, geographical and geological data, and store this in records, archives and databases on computers and otherwise according to emergent best practice. CPERC will collate environmental data from any source provided that sufficient metadata is available to allow a user to assess whether it can meet their needs.

4 CPERC will manage all personal information in accordance with the Data Protection Act 1998 for which we are registered (see below).

1. Data sharing agreements (DSA)

Data sharing agreements are (sometimes formal) agreements between the records centre and anyone making material they control available to it, and to others through it. The agreement is required to help the records centre to establish a clear and secure position in regard to the right to hold and work with third party material supplied to them. The agreement helps build clarity which is important in helping people share and exchange wildlife data through the records centre.

Standard agreements that can be used with many different suppliers are to be preferred, as this will allow common procedures to be applied across many datasets, however customized agreements may be considered when the value of the data supplied justifies special procedures.

Obligations imposed upon CPERC will include data access controls, safe data storage, documentation of data supplied, conformance with the Data Protection Act (DPA), confidentiality, use of sensitive data, use of data in publications, accreditation, audit of supplier's data if requested, removal of supplier's data if requested.

Obligations imposed upon the supplier will include the right (i.e. copyright) to supply the data to the CPERC, validation of submitted data (to the best of their ability), identification of which data are to be regarded as sensitive and specification of how such data may be used, notification of subsequent data corrections, changes of personal details (to conform to the DPA). Frequency of data updates and formats and procedures for data supply could be covered in the DSA, but may be agreed.

The DSA will also specify acceptable uses for the data supplied. These are likely to include the distribution of raw data to recognised national recording schemes (including ownership and accreditation conditions), the use by named individuals of specific organisations for use in the course of their work, the use of data in Environmental Impact Assessments, and the release of data (with appropriate accreditation) to *bona fide* enquirers (providing there is no conflict with any of the above obligations). CPERC will generally not enter into a DSA that makes the data unavailable for third parties, unless agreed by CPERC's management.

The DSA may also specify services that CPERC may make available to the data supplier in return for the use of the data. These may, for example, include educational/information or access to other data sets, or dataset backup services.

Data may be removed by request of either party.

Data sharing agreements should not just give the records centre access to records. Information contained in the agreement should inform all future management and release of data held by the records centre.

Consequently it should also cover (where appropriate):

- The use of data by third parties who receive the data from the records centre, and any restrictions placed on the used of that data by the supplier or CPERC.
- A description of any sensitive records, and any records that should be withheld or degraded. If requested to do so, the records centre needs to provide clear documentation as to why certain information may not have been released.
- The supply of relevant data from other sources by CPERC to the data supplier, and any verification roles which may be agreed between the two parties.

Data sharing agreements will broadly be one of two sorts:

1. With natural history recorders / groups who provide data for use by CPERC, and allow it to share the records with third parties.

This is covered by a formal data sharing agreement which identifies the data as being in the ownership of the provider, who then allows CPERC and others access to these records subject to a number of constraints.

Generally the data transfer agreement (below) is used, but customised replacements can be used as well.

2. Records received via the website or on CPERC recording forms will carry an agreement that allows the records centre to make use of the data in its day to day work:

A statement to the effect that CPERC will seek to verify and use in its work records sent in via this route is present on our website at: <http://www.cperc.org.uk/submit-records/index.php>

"CPERC work" is taken to mean:

- Allowing the record (including the recorders name, but not contact details) to be passed to recorders for verification
- Allowing the records to be used in all work undertaken by the records centre
- Sharing the records with all users of the records centre at full resolution

If there is any doubt over ownership or legality of using the data, CPERC will not use or access the data in anyway. The exception being where the known owner of the data has provided CPERC with access to it, but the arrangement has not been formalised yet. In this case CPERC may begin digitising and creating metadata for the data, but they will not be incorporated into CPERC's main datasets or released.

Data may need to be removed if a data supplier requests removal of all, or part, of the data they supplied.

Data may also need to be removed if CPERC discovers them to be of dubious quality, which may prejudice the quality of reports and output from the CPERC.

In either case CPERC will follow its procedures for data removal.

2. Access to data

CPERC will provide access to the data it holds, subject to any conditions imposed on its use by the Data Protection Act, Environmental Information Regulations 2004**, Copyright and Intellectual Property Right law, or any other laws of the land that apply. It will control access to data in accordance with its policies on charging, agreements (DSAs, see policy 1) with its suppliers (which include ownership and confidentiality) and priority levels imposed by management. Restrictions on the release of information may therefore apply.

All data held by CPERC which meets the criteria for release (see below) is considered available to all users at full resolution. In certain cases, data may not be made available, or only at a reduced resolution. Examples of this include:

- Where CPERC is prevented from doing so by the owner of the data
- Where releasing the data is not in the public interest (see notes on EIR below)

Whenever the records centre releases data, the release must be measured against:

1. Environmental Information Regulations 2004
2. The wishes of the recorder as defined in a data sharing agreement
3. Best practice as defined by the NBN data exchange principles

Sub policies:

Access to data will be provided subject to any conditions imposed on its use by the corresponding Data Sharing Agreement. (Any restrictions on the use of sensitive data will be specified in the DSA)

Data will be released to users within the terms of a Data Request (for our standard data request form see Appendix 2 and our website at: www.cperc.org.uk/our-services/index.php).

Data will be released to partners within the terms of their relevant Service Level Agreement.

Direct access to data by personal callers by appointment only.

Data may be withheld if CPERC staff believes that wildlife may be harmed as a result of releasing it.

CPERC staff are allowed access to the data in its databases in order to do their work.

All enquiries and supply of information will be logged.

Service Level Agreements

Service Level Agreements (SLAs) will be established between the CPERC's management and its main users.

They will detail the type and extent of services and products that CPERC will supply without charge as a result of each main user's support of the CPERC. CPERC's management will decide the type and extent of such products or services for each individual SLA.

As main users will have the same data-use obligations as any other users, a Data request may be required to be signed by each main user, to formalise their relationship with the CPERC, or the SLA may simply be one particular form of Data request. (This is at the discretion of CPERC's management).

A SLA will comply with all terms and conditions of all DSAs that cover any data released, or service provided**.

As a result of their support of the CPERC, main users will be entitled to specific products and services from the CPERC. These will be detailed in each SLA. CPERC will keep records of the products and services delivered to each main user to ensure that the user is receiving the service it expects and to ensure that the user is entitled to the products and services it is requesting. If the type or extent of the service requested by the user goes outside that specified in its SLA, CPERC may prioritise other main users above that user, and may at its discretion limit the service it provides and/or charge, as for other users.

**Note: Under the Environmental Information Regulations 2004 any data passed on under this act remains the copyright of the data owner and use is restricted to those permissible under the copyright act for 'research for non commercial purpose and private study' and 'for criticism, review and news reporting'.

There are a number of exceptions to the release of information including sensitive data and in the case of volunteered data, the interests of the data provider.

Data requests.

Our procedure for requesting data, and charges for compiling a report on this data for some categories of user, are clearly laid out in our terms and conditions which are available from our website ([cperc.org.uk /our-services/index.php](http://cperc.org.uk/our-services/index.php)).

Any request for data must be on the correct form with all compulsory fields completed, and signed by the requestee as acceptance of the terms and conditions of using data supplied by us. CPERC reserve the right to query any request not correctly submitted and not proceed until all required information has been supplied to enable the process to be undertaken.

The time taken to provide an initial response is usually within 1-2 working days (usually the same day based on staffing levels) and the data requested is usually supplied within 10 working days, but often sooner, unless otherwise requested or otherwise informed at the outset by CPERC.

Criteria for Release

Data released by the Records Centre is considered as accurate as possible, and should meet the following criteria:

- CPERC will have formal access to the data through a data sharing agreement
- Metadata will exist for the data
- All data should be validated, even if digitised by recorders
- All data will be verified by a third party recorder, or noted why it isn't

Data which does not meet these standards is considered to be unfit for release.

Environmental Information Regulations (EIR) 2004

CPERC is a publicly funded body subject to the Environmental Information Regulations 2004.

Data obtained from public authorities, or collected as part of a survey funded by public authorities are assumed to be available for release at full resolution unless it is not in the public interest (as defined by EIR guidance) to do so.

Data obtained from recorders and recording groups will be subject to a data sharing agreement which will define any restrictions on the availability of records.

Where data is released as part of an SLA, or in the course of a query from an environmental consultant or other user of the records centre the EIR public interest test will be applied.

Normally, if requested to do so by the data provider, it will be deemed to be in the public interest to restrict data access to maintain the availability of data. Consequently some records may be excluded from release, and certain records may be released at a degraded resolution to some users for certain purposes. Any degrading of data will be noted in the data's metadata when released.

In the first instance the decision to withhold or degrade data rests with the records centre manager. In cases where the decision to withhold or degrade is disputed, the decision to release the relevant records at full resolution or not will be taken by the Records Centre Steering Group. The provider of the data will also be informed of the problem at the earliest opportunity.

Where it is impossible to reconcile EIR and the wishes of the data provider, EIR as legislation will take precedence.

3. Collate environmental data including, but not limited to, ecological, biological, geographical and geological data, and store this in records, archives and databases on computers and otherwise according to emergent best practice. CPERC will collate environmental data from any source provided that sufficient metadata is available to allow a user to assess whether it can meet their needs.

CPERC will ensure that data coverage is as comprehensive as reasonably possible and relevant to its users needs. It will ensure that data quality is maintained to demonstrate continued relevance and engender support from its suppliers and users. It will not display an bias in the sources from which it acquires data, based on funding, service agreements or similar, and will have no geographic bias within the Cambridgeshire & Peterborough area, except to promote from time to time extra recording in areas which appear to be poorly represented. The same applies across taxonomic groups – no bias towards particular groups will be given, but promotion of record collection in important areas with poor data holding may be appropriate.

There are a variety of organisations and individuals that can provide data. Separate procedures will be in place for these differing categories, some of which may be of lower priority for action.

It is impractical for CPERC to collate and maintain all the potential relevant data relating to its area. However, CPERC will ensure it is aware, as far as possible, of the location, validity and availability of data sets relating to its area of operation that it either has been unable to acquire.

CPERC must document its data holdings to help manage them and provide information to users about these data holdings.

The term used to describe data about data is metadata. CPERC needs metadata:

- To give a complete picture of its data holdings so that it can identify gaps in its holdings
- To enable partners and potential users to have a better understanding of the data it holds and how the data can be used
- To track ownership and availability of its data holdings and to manage relations with owners
- To track the status and location of datasets
- To ensure CPERC knows the nature of its data
- To understand how the data can and can not be used and to ensure users understand the limitations of the data
- To contribute to the NBN Gateway.

CPERC needs to store and archive all data supplied to CPERC prior to any processing. It also needs to take and keep backups of processed data at appropriate intervals. Regardless of the data type, CPERC will store data in an appropriate manner, to prevent loss or deterioration. CPERC will ensure additional security is afforded to the storage of confidential or sensitive information.

Confidentiality

CPERC may acquire information that some consider as confidential. This may be categorised into personal data, wildlife data, and landowner data. The former will be dealt with separately, but the others will be briefly addressed below:

Confidential wildlife information

Some submitted information might be marked as containing confidential information about species or habitats. This may be due to concerns that information abuse could threaten wildlife.

CPERC will take all reasonable steps to avoid the use of its data for destructive purposes, whilst at the same time ensuring that wherever possible decisions that may affect wildlife are taken in possession of the facts.

Where CPERC identifies a record or report of a confidential nature within a data search, it will report to the enquirer the existence of the confidential information in the general area of the search, but will not reveal any confidential aspects of it.

If an enquirer reports that the information may be relevant to the case and requests full details, CPERC will attempt to contact the person that declared it as confidential to seek permission for releasing it. If permission is refused then the information will not be released. If reasonable attempts to contact the person fail, CPERC staff will make a decision on whether or not it is in the best interests of the species or habitat to release the information.

Very occasionally prospective users of data may have a destructive intention for species or habitats. CPERC will withhold any data (confidential or otherwise) if it has any concerns about potential abuse. CPERC reserves the right to withhold data from a prospective user who has failed to observe conditions in the past.

Landowner confidentiality

Where a landowner has granted access for a survey with restrictions on how its findings may be used or distributed, CPERC will honour those restrictions. If however the conditions are too onerous, CPERC reserves the right not to accept the data.

In the course of its work CPERC may acquire ownership details for areas of land or water. These will not be passed on to anyone without permission from the owner. CPERC may act as a go-between if necessary.

CPERC will be sensitive to the risks of increasing public access pressure on private land when deciding whether to release data to members of the public or for publication.

4. Data Protection

CPEC are registered with the Information Commissioner's Office and appear on the Data Protection Register under the registration of The Wildlife Trust for Beds, Cambs Northants & Peterborough LTD. The current entry expires on 20th January 2012.

The registration number is Z8357818

CPEC holds recorder names and contact details for the purposes of processing data which it manages, and to contact recorders to promote wildlife recording in Cambridgeshire and Peterborough. In all cases this is done with the express permission of the recorder.

This means:

- The names of recorders will be stored on paper and electronically as part of the records centre's data holdings. Contact details will be stored for the purposes of verifying and validating data, and where individuals have requested it, for the purpose of distributing a newsletter or other promotional material.
- The names and contact details of suppliers will be stored electronically and on paper
- The recorders name will be made available to County Recorders and other identified experts for the purposes of verifying and validating data. Contact details may also be released with the permission of the recorder.
- The name and contact details of County Recorders and other identified experts will normally be available for release, but always with the permission of the individual concerned. This forms part of the data sharing agreement.
- Under no other circumstances will CPEC release names and contact details. This includes release of details to funders including Wildlife Trust BCNP where the records centre is hosted.
- CPEC will not usually hold data regarding land ownership of sites where records have been made. If this information is held by the records centre, the records centre will not release it unless legally compelled to do so.
- CPEC will retain copies of requests for newsletters and other information, to demonstrate that individuals have consented to receiving these newsletters. Information contained in these requests will not be shared with anyone else.
- Where users have given permission for CPEC to release their contact details, CPEC will retain the documents which authorise it to do so. This usually only applies to county recorders, and is covered by the relevant data sharing agreement.

Additionally CPEC is subject to Wildlife Trust BCNP's privacy policy (as hosts of the records centre), and its Data Controller is the Trust's Data Controller for the purpose of the Data Protection Act.

CPEC will not hold Sensitive Data as defined by the Data Protection Act 1998.

Data sharing agreement example

Cambridgeshire and Peterborough Environmental Records Centre

Data Transfer Agreement 2010

This agreement is between the Cambridgeshire and Peterborough Environmental Records Centre and XXXX and is valid from date of issue.

1. Introduction

This document outlines the interacting responsibilities of the Cambridgeshire and Peterborough Environmental Records Centre (CPERC) and XXXX. It lays out the responsibilities of both parties with respect to the management and sharing of data, and to the furthering the aim of protecting biodiversity by collating, presenting and providing responsible access to biological information.

2. Agreement details

XXXX gives CPERC permission to use its data (in accordance with Section 5) where this does not conflict with any of the obligations outlined below (Sections 3-4).

Copyright of all data remains with XXXX.

XXXX retains the right to publish their data without any restrictions from CPERC.

XXXX reserves the right to request withdrawal of any portion of its data at any time from the CPERC database.

CPERC retains the right to exclude any data from the computerised database that does not fulfil the basic record requirement of the centre. The basic requirement for a record can be provided.

CPERC will supply data to XXXX if it is relevant to that body which has been received from other sources, only with the permission of the owner of the relevant data.

3. Obligations of CPERC

CPERC will

- 3.1 Ensure that data are managed responsibly in line with National Biodiversity Network (NBN) guidelines. This includes keeping records of the flow of data between different parties and individuals.
- 3.2 Respect XXXX privacy and not release information under the Data Protection Act.
- 3.3 Respect XXXX wishes and not release sensitive information without permission.¹
- 3.4 Keep the data supplied in their original form, ensure a back up is taken and store data in a form that allows ease of access.
- 3.5 Release un-interpreted data only and will not add anything that was not originally supplied.
- 3.6 Acknowledge the use of significant data sets² in any report unless otherwise agreed.
- 3.7 Supply data to XXXX relevant to its land holdings or areas of study that are received from other sources after prior permission of the third party data holder has been granted.

- 3.8 Return data held on behalf of XXXX to them if requested, and delete all electronic copies from its system.
- 3.9 Review annually and update this agreement if any changes are necessary by agreement of all parties.
- 3.10 Work with XXXX to verify that data originating from named individual(s) held by XXXX has the agreement of all parties involved before proceeding to use that data wherever possible. Data deemed to be historical³ will be treated as for data owned by XXXX.

4. Obligations of XXXX

XXXX will

- 4.1 Ensure that they are copyright holder of the supplied data or are authorised to act on behalf of the copyright holder(s)⁴.
- 4.2 Ensure that the data are correct to the best of their ability and supplied to standards required wherever possible.
- 4.3 Ensure that CPERC is made fully aware of the existence of any data that are deemed to be sensitive.
- 4.4 Endeavour to supply an update on an annual basis.
- 4.5 Notify CPERC of any necessary corrections subsequent to the data supply.
- 4.6 Notify CPERC of any change of contact details to ensure that CPERC complies with the Data Protection Act.
- 4.7 Work with CPERC to verify that data originating from named individual(s) held by XXXX has the agreement of all parties involved before allowing CPERC to use that data wherever possible. Data deemed to be historical³ will be treated as for data owned by XXXX

5. Response to queries and Release of data

In accordance with Sections 2-4 above:

5.1 Response to third party queries

- CPERC responds to requests for species data made by a number of parties, please indicate below whether you are prepared for this data to be made available to enquirers, and at what resolution (this may differ if certain records are considered sensitive, please outline these in notes below)
- Records are used to answer specific queries, whole datasets are not released⁵

	Available at resolution provided to CPERC	Restricted (give acceptable resolution - 100m, 1km, 10km etc)	Not Available
Natural England			
Environment Agency			
Wildlife Trust BCNP			
Local Authorities (In response to queries about specific planning applications)			
Local Authorities (For use in strategic planning assessment work such as the assessment of plans in a Local Development Framework)			
Local Authorities (For use in the planning list search as described in section 5.3)			
Members of the public ¹			

Academic use / other recorders			
Developers & Consultants (acting on behalf of third parties)			
Notes on above:			

5.2 Release of whole datasets

- CPERC sometimes receives requests to make available certain datasets, please indicate below whether you are prepared for data to be made available to enquirers, and at what resolution (this may differ if certain records are considered sensitive, please outline these in notes below):
- Datasets will be passed to enquirers for them to undertake their own analysis ⁵

	Available	Restricted	Not Available	Contact before release
English Nature				
Environment Agency				
Wildlife Trust BCNP				
Local Authorities				
Members of the public ¹				
Academic use / other recorders				
Developers & Consultants				
Notes on above:				

5.3 Planning List Search

- CPERC aims in the future to undertake searches relating to the weekly planning lists for named local authorities. The search is based on the recorded presence of (usually breeding) species protected under the Wildlife and Countryside Act 1981.
- The search requires data to be available at full resolution to be effective.
- The results of these searches will be made available to named individuals in the local authorities.
- If found to be useful, this search service may be extended to other local authorities.
- Search criteria may be modified in the future.
- If any such changes are made, XXXX will be advised in advance, and permission to use their data in this modified search reserved until agreed.
- Individual recorders may not wish XXXX to allow CPERC to use their data for this search. Where this is the case, XXXX will highlight these records for CPERC, who will exclude them from the search.

- h. Permission to provide data at full resolution is only granted for this search. All other cases are covered by 5.1 and 5.2 above.

XXXX agrees to allow data to be made available to named individuals at local authorities at full resolution for the purpose of the Planning List Search, as detailed above. (Please tick)	<input type="checkbox"/>
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Notes on Sections 3 - 5

- 1 Under Environmental Information Regulations 2004, CPERC may be obliged to release data to individuals for their personal use. It is possible for these data to be provided at a degraded resolution, recorders may wish sensitive data to be degraded in this way - see Section 5.
- 2 Significant Dataset shall be considered 5% of the submitted data set.
- 3 Historical data are defined as those that are held by XXXX and recorded by an individual who is deceased, or can no longer be traced.
- 4 Copyright Holder shall be recognised as either the producer of the original data or in the case of data produced during employment, the employer.
- 5 This shall not include details of individual recorders

DATA SUPPLY AGREEMENT

Licence Ref. no:

With respect to all data submitted by XXXX, I on behalf of XXXX, agree to allow CPERC to store, use and pass on to other users copies of the data within the obligations listed in Sections 2-5 of this document.

Name:	Address:	
If you do not wish to be credited when CPERC releases a significant amount of the data please tick the box		<input type="checkbox"/>
Is CPERC permitted to include your name in a list of 'experts' for release to other naturalists and members of the public?		<input type="checkbox"/> Yes <input type="checkbox"/> No

Signed on behalf of XXXX:	Date:
Position:	

Signed on behalf of CPERC:	Date:
Position:	

<i>Notes:</i>

CPERC Data Management Policy January 2011

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1) NBN Trust guidance on data management

Taken from:

Improving wildlife data quality: Guidance on data verification, validation and their application in biological recording

Section 3: What makes a good wildlife record?

If we are making a wildlife record, there is not much point in doing so unless it is as correct and complete as possible. It becomes increasingly important for wildlife records to be “correct” the more these are used by others in understanding or making crucial decisions about biodiversity. The creation of a wildlife record is therefore a means of creating a “true” statement about the occurrence (or even the absence) of a species at a particular locality at a particular time. However, the number of variables involved is often considerable.

Check Box 5: Compiling data - quality control checks and procedures

- Aim to acquire raw data in standard formats (e.g. standard recording forms or through using data loggers, the latter enabling direct download of data).
- Ensure necessary verification procedures have been carried out, preferably before collation of data into databases.
- Consider using quality-control checks on data entry (e.g. double-entry).
- Use standardised data entry systems (e.g. purpose-built databases or adapted spreadsheets, with in-built taxon checklists, habitat codes etc.).
- Use recognised standard term lists, taxon checklists, habitat codes etc. wherever possible (e.g. NBN Species Dictionary).
- Ensure all relevant parts of records are retained during data capture, including details of determinations, locations of vouchers, sources of records etc. Arrange for original records to be archived as a back-up.
- Aim for standardised data formats (e.g. dates, place-names, uniform formats of locality details, personal names).
- Carry out data validation routines on data entry (grid refs, dates, sources).
- Remember it is easier to correct a record at the start than it is to expunge a faulty record once it has been disseminated.

2) Definitions

Reference is made through these documents to 'records', 'data' and 'datasets'.

Record

A record is assumed to be a single item of biodiversity information. For example, this could refer to the sighting of a particular species; or the incidence of a given habitat type. The record is an un-processed piece of information received by CPERC to be shared with other users.

Data

Data are a collection of records, though usually taken to be digitised, and therefore removed from their original context. Data are records that have been processed in some way. Beyond the basic requirements for records (see below) data are unstructured collections.

Dataset

A dataset is a structured collection of data which is managed as a discrete unit. Individual records (pieces of data) can be in several datasets at the same time (e.g. all records for VC31, and all plant records); and can be added or removed from datasets over time (for instance after verification a record would no longer be in a dataset of unverified records).

For the purposes of these documents, data is often used as a catch all phrase to mean collections of processed and un-processed, structured and un-structured records. For most purposes 'data' and 'records' can largely be thought of as interchangeable. Datasets should always be taken as a structured collection of data. Ideally all data within a set should have been verified and validated to a common standard.

3) Software used in the data management process

- Recorder 6.15.4 - Central CPERC database used to store species records
- MapInfo 9.5/10 - Main GIS platform used to store designated site information, habitat data and species datasets.
- ArcGIS Desktop 10 - One licence available for small GIS based projects which may be better undertaken in ArcGIS
- Microsoft Excel 2003 - Used to store records prior to importation to Recorder
- Other Microsoft Office programs such as Access 2003 - more infrequently used

4) Data selection

CPERC gives priority to information relating to the biodiversity of the Cambridgeshire and Peterborough area. This is most commonly in the form of species records, habitat survey information and information relating to statutory and non-statutory designated nature conservation sites. CPERC is also now an environmental records centre and is aiming to increase its data holdings of environmental data above and beyond that relating to biodiversity, such as information on local geological sites of interest and flood plain boundaries.

More recent information is deemed to be of more value to the records centre and is therefore a higher priority for data capture. With regards to species records, CPERC encourages all recorders of all abilities to submit records and does not explicitly favour or value records of one species over another. However, some species records (such as those of protected and UKBAP species) tend to be requested from enquirers more frequently than others, and so the work of the records centre is somewhat guided by the demands placed upon it and the needs of its users.

When a dataset is acquired, the records centre will process it in its entirety, rather than selectively processing key records, and leaving the other records unused.

5) Data formats

Data comes into the records centre in various formats:

Paper data

Ideally the original survey notes or recording card - though a transcribed version can help

Digital (non-GIS) data

- MS Word
- MS Excel (preferable to Word)
- MapMate
- Recorder export - although older versions may cause problems during importing / exporting and there may be issues over custodianship

GIS data

Vector: MapInfo .tab files are preferable
Interchange .mif and .shp files are also usable

Raster: Uncompressed .tif files are preferable. If compressed .jpg or .ecw
If geo-registered, needs be as a .tab file, or a GeoTIFF

Accompanying metadata may be important for digital datasets.

6) Digitisation

The method of digitisation will vary depending on the data, and what it has been collected or will be used for. Wherever possible, the original raw data is digitised, as this will ensure more data attached to the record is captured, and will enable more effective validation of the record. All relevant parts of records are retained during data capture, including details of determinations, locations of vouchers, sources of records etc.

Standardising data content and format helps validate the data. Once data is standardised it is also easier to combine with previously standardised data, which is then easier to manipulate and query. Be aware that standard formats should not be imposed if it leads to any loss of information.

Paper species lists are usually digitised into MS Excel, ad hoc species records can be collated into an Excel list, or entered directly into Recorder. Map data is digitised in MapInfo, usually against OS MasterMap. Date, method, and name of digitiser(s) are noted in metadata.

When large amounts of standardised records are to be digitised (e.g. taken from a survey form), a record card will be developed in Excel. Record cards make data entry easier, and help to standardise the format of the data, which in turn aids validation (e.g. dates, place-names, uniform formats of locality details, personal names).

It is an NBN principle that original data should never be altered, the original and any subsequent determinations associated with records should be preserved and name changes (even changing an old name to a current one) should be regarded as re-determinations or identifications.

Original source data will be kept, either the original, copies, or through access to the recorder's notes. With the permission of the owner of the records, source material for unverified data will be made available to verifiers if requested.

7) Validation

7.1) Summary

Records should be validated to ensure the structure of the record is correct. All data coming into the records centre should be validated regardless of the expertise and experience of the recorder and/or digitiser involved.

Validation should not be confused with verification. Verification is checking the likelihood of the record being true, i.e. is it likely that species A, was seen on date B, in locality C. Validation (checking the structure of the record) includes, for example, checking that A has been spelt correctly; B is not in the future; and that C exists, and has the correct grid reference.

Validation:

- will check the record is complete, and will cover all attributes of the record
- is best carried out by comparing the digitised and un-digitised record against the original record notes (as data is cleaned and processed, it becomes increasingly difficult to spot errors - this is also true for verification)
- will (wherever possible) be undertaken by someone other than the original digitiser(s)
- is made easier by compiling records to an agreed standard
- happens right through the process of managing data in the records centre, from when the records are first viewed through to release of the data to users of the records centre.

All records must possess, as a basic minimum, the following attributes to be considered valid:

- **Who** made the record (information may also be collected on subsequent determiners)
- **What** - the organism (animal, plant etc) recorded. It can be a common or scientific name, and can be at any point within the taxonomic hierarchy; though obviously more precisely defined records will be more useful.
- **When** it was recorded.
- **Where** it was recorded. The location where the recording was made. The description of the location should be sufficient so that it can be identified by others at a future date.

Records which do not meet this minimum standard are considered invalid. Where possible invalid records should be returned to the data provider for clarification. If the record cannot be corrected, it should be excluded from the records centres main data holdings (Recorder and GIS).

However, after initial validation, a record which has been flagged as not valid is not necessarily invalid - particularly when automated procedures are used. The record will need to be checked again. Ideally whole datasets (or at the minimum single surveys) would have all records processed together. Consequently, where data is found to be invalid, where possible work processing the data should stop whilst the records are clarified.

Extra information given as part of the record, such as further comments on the record, will also be digitised and stored as part of the CPERC data holdings.

Beyond this, there are no formal prescriptions on how data should be structured. It is important that all information in a record is retained in digitised data. If the information does

not fit the way the data is stored, then the way the data is stored may need to be adjusted to accommodate the information.

7.2) Validation Procedures

General validation checks:

- Ensure that all mandatory columns are present (i.e. who, what, where, when).
- Each row of data has the correct number of fields.
- Dates are valid in the calendar sense
- Grid references are in the correct format and match the given location description.
- Values in the 'Projection' field are correct (for GIS data) (i.e. OS BNG).
- Values in the 'Precision' field are correct (for GIS data) for the grid reference precision given.
- Fields that should contain numbers or dates just have number or date values.
- Values in a field are no longer than the maximum length allowed (for GIS Data).

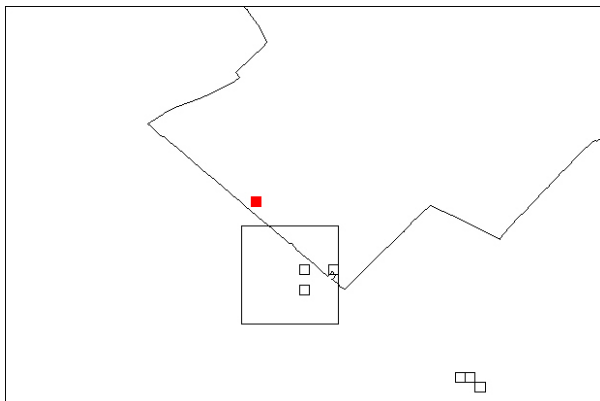
Data can be validated using visual inspection, or by automated procedures. Where automated procedures exist, they will be used to supplement visual checking. Automated procedures alone are not sufficient and may lead to further errors without extra care being taken. The methods used in validation should be noted in the dataset metadata.

7.2.1) Visual inspection

Visual inspection can include:

- Checking names of recorders
- Checking recorded taxa
- Checking locations - through checking over digitised lists or mapping spatial data
- Checking dates
- Checking record the is complete - is all data from the original record captured by the digitising
- Checking of record sources - e.g. data derived as part of a named (series of) survey(s), or collected for an Environmental Statement.

Mapping data for visual inspection is useful, even for data which would not ordinarily be mapped:



A record (in red) lies outside the county boundary. It may indicate a grid reference error. However, this may also be a valid record and needs checking against the original source. Data from outside of Cambridge and Peterborough can be preserved in Recorder, but it should be passed to the adjoining records centre for their use (with the permission of the owner of the data).

7.2.2) Automated procedures

Automated procedures can ensure records comply with a standard format, or can check records against look-up tables (such as a table of observer names). The use of drop-down lists, and pre-defined recording cards can also help improve the validity of the data.

Automated procedures can include:

- An automated check in an Excel spreadsheet. This can check the format of records (grid-reference, date, site name), or can check the validity of records against look-up tables (e.g. dates for a survey period, observer/compiler/determiner names, location name)
- Mapping the data and running a simple tool to highlight records outside of Cambridgeshire and Peterborough
- Standard automation as part of entering or importing to the Recorder database can help to check the following:
 - Appropriate use of taxonomic names and authorities
 - Identifications validated against checklists
 - Statuses of taxa correct
 - Format of grid references correct
 - Grid references checked against counties/vice-counties or other defined geographic areas
 - Site names checked against standard gazetteers
 - Formats and contents of dates correct
 - Dates checked against survey periods
 - Observer/compiler/determiner names checked against standard lists
 - Validity of record sources checked

New records in the Recorder database should then be visually validated again, often using GIS to help.

More details on Validation in Recorder:

Records should be validated before importing to Recorder. Recorder provides additional methods of validation, but should not be used as the only source of validation.

Dictionary

Species names should be imported and validated against dictionaries in Recorder. For verified species where the determination has already been made, importing against any of the dictionaries in Recorder which contain the given species name is acceptable, as Recorder's name server tables will return results for all synonyms of that name.

For unverified records the record may be imported, but the record may need to be amended after determination. Historical data for taxonomic groups which have undergone frequent changes to their scientific name may be best verified before importation.

Sites and Sub-sites

Sites should represent reporting units i.e. locations that are commonly queried and reported on. Sub-sites (within those sites) should represent recording units within the site.

Records relating to existing sites within Recorder should be attached to those sites. Where the existing site is not the same as the location of the records to be imported, a new site should be created. This is particularly important when dealing with records which occur at locations that have had differing designations over time.

Verified records

Records which have been verified will be given an appropriate determination type and the verification flag should be updated to reflect the determination type (see section 8 - Verification).

Confidential records

Records highlighted as confidential by recorders will be checked as confidential in Recorder. These records will not be released in the ordinary course of work by the records centre.

7.2.3) More details on the validation of who, what , where and when

Who - recorder names

Recorders should (ideally) have one name, or format of their name given for all their records. Records should be ideally associated with one individual and not a group or organisation, although individual recorders themselves can obviously be associated with such.

What - species / habitat

No real prescriptions - if the name is validated by Recorder, it is acceptable. Recording cards should be based on those provided by the recorder or based on preferred lists if created for cards with new records - though other Recorder standard cards are acceptable if requested. Scientific names are more precise than common names and are always preferred. Common names can lead to ambiguity.

Where - location

Location should be given by a site name (where the record was made) and a grid reference. Having both a site name (or description) and grid reference makes it easier to validate data. The precision of the grid reference will vary depending on the record, and its location. Location name and grid reference will allow records to be assigned to a parish, administrative area and vice-county.

Records often come into the records centre without grid references, where this is the case the description of the location given should be sufficient to assign an appropriate grid reference. All records stored in digital format shall be assigned grid references (OS BNG). Therefore where it is not possible to assign an appropriate grid reference a record shall be considered invalid. Grid references are essential to the work of the records centre as they enable querying of the data by geographical parameters.

Further notes on grid references and locations:

- Grid references are always preferable post-codes - six figure grid references (100m precision) are usually more precise than a post code (and easier to use), four figure grid references (1km) can also be more precise in some cases.

- Grid references from GPS data are more precise than from paper maps. However, this can give the record a degree of precision the record does not warrant, or the appearance of a precision it does not really have.
 - GPS grid references give the location of the observer and not necessarily of the species being observed. For highly mobile species ten figure (1m) and possibly eight figure (10m) references may be inappropriate.
 - The standard deviation of the given grid reference should always be noted when using a GPS. SDs of 10m are not uncommon making ten figure (1m) precision grid references unreliable, and eight figure (10m) borderline for acceptability.
- A convenient way of assigning grid references to a site is to use the site centroid. Grid references for linear sites may be misleading. Whilst the centroid of many sites may be appropriate for many records, it is not useful for long, thin sites where the centroid may lie outside the site. Additionally, a centroid for a site may not make it obvious where the records were made on the site, or how to gain access to the site.
- Appropriate site centroids should be stored in Recorder for reference. The appropriate precision of the site centroid is directly related to the size of a site - it may be a 1km grid reference for a site which covers one or more 1km grid squares and a 100m grid reference for smaller sites.
- Where a site crosses grid lines (particularly 10km lines) records taken in one square may be given a grid reference in an adjacent square - this may unfortunately be unavoidable when accurate grid references are not given by the original recorder.

Boundaries of sites can change over time and CPERC staff should always be aware of this when validating records and assigning site centroids. An ideal would be a series of unchanging boundaries for defined recording units. This is possible using Watsonian Vice-Counties and some parish based schemas, other standard site boundaries / locations can be developed over time by the records centre in conjunction with recorders - though even these standard location references may need to be modified over time as boundaries of key sites change, and habitat alters.

The imposition of artificial recording units can create problems when managing data in the future, and so should only be applied in a few clearly defined cases. As creating defined units is not likely to be possible for all recording sites, so it is important to retain old CWS, SSSI and nature reserve boundaries and units in particular to quantify how the boundaries of sites and units have changed over time. Information attached to records locating sites should always be preserved with the record.

Where possible, use of vague location names should be discouraged. If records can only be identified at a parish or higher level then that should be done. The over-riding principle is to maintain the integrity of the record. Different names for the same sites should also be stored in Recorder with the appropriate preferred name checked.

When - date

MS Excel: The default country / region should be set to the UK allowing access to UK date formats. The format of the date should be suitable for its required end use (e.g. importing into Recorder / MapInfo). Consequently a "." separator should not be used, also months and dates should consist of two digits. Vague dates (YYYY, SEASON - YYYY) should be left as "General" or "Text" format as appropriate.

Recorder: Recorder accepts full dates (day, month, year) and vague dates including month and year, season and year and year only. Recorder can also accept date ranges from one date to another although full dates are always preferred.

MapInfo: The "Date" data type in MapInfo consists of a month, a day, and an optional year. The year is specified by two or four digits. The components of a date can be separated by hyphens or slashes. If using the MapInfo Date data type, the date should be structured: MM/DD/YYYY. The "Text" data type should be used in datasets where full dates are not known for every record (i.e. year only or month and year) - in practice this is more likely.

7.2.4) GIS Data - Validation and storage

GIS layers used in CPERC data searches should only contain data which meet the standard criteria for release (access agreement, metadata, verified and validated). Certain GIS layers (most notably the CWS layer) will be periodically distributed to users. Frequency of update and limitations on use and release should also be noted in metadata.

Species layers

Species GIS layers can be created from exports of records from Recorder. Species records are represented in GIS by CPERC as squares, with the location of the squares based on the grid reference and the size of the squares based on the precision of the grid reference. This is based on the assumption that the species could have been recorded at any point within that grid square.

Wherever possible, the attribute tables of species GIS layers should follow a standard format. This allows records to be easily moved between layers to create new datasets. All species layers should contain at least the following:

- Species name - scientific and common
- Date of record
- Location name
- Grid reference
- Precision of grid reference
- Species designation information
- Name of original source dataset

The current CPERC standard species GIS data structure includes the following columns (although not every column has to have an entry for every record):

- Record ID (ID for this GIS dataset)
- Taxon Observation ID (derived from Recorder)
- Taxon Group
- Common Name
- Scientific Name
- Location
- Location Details
- Grid Reference
- Easting
- Northing
- Precision

- Date
- Abundance
- Record Type
- Comments
- Designations
- Recorder
- Source

Site layers

Site layers will either be statutory site layers (SSSI etc) obtained from Natural England, or non-statutory site layers obtained from Wildlife Trust BCNP and/or local authorities.

Site layers should contain minimum of the following:

- Site name
- Site grid reference
- Site area

Additional columns may also be needed in site GIS layers:

- Site ID
- Polygon number
- Polygon grid reference
- Polygon area
- Site designation
- District authority
- Parish
- Reasons for selection
- Date of most recent survey
- Major / minor habitat types

Habitat layers

CPERC currently only holds Phase 1 habitat information in GIS format. The current Phase 1 habitat GIS data structure includes the following information:

- Phase 1 Code
- Habitat Description
- Associated Species
- Target Note description
- Comments
- Site Name
- Site Section
- Easting
- Northing
- Grid Reference
- Area (ha)
- Survey Date
- Surveyor
- Digitised by

Habitat areas are stored as polygons and target notes are stored as points. Each habitat polygon or parcel is mapped with only one Phase 1 habitat code.

Where habitat polygons have been classified into another habitat category (such as BAP Priority or NVC) other columns can be added to store this information. It is the aim of CPERC to translate all GIS habitat information into BAP habitat classifications where possible. CPERC will use IHS (Integrated Habitat System developed by Somerset Environmental Records Centre) to help this process. CPERC is currently testing IHS on some of its Phase 1 habitat information.

CPERC currently holds copies of the latest BAP habitat inventories from Natural England relevant to the Cambridgeshire and Peterborough area. CPERC has contributed towards producing some of these inventories since the inception of the records centre in 2005.

Aerial Photography Interpretation (API)

API will usually be used to map habitat or to interpret the boundaries of features that are not obvious from OS base mapping.

GIS layers should not normally be digitised from aerial photography. As OS mapping (MasterMap) is more accurate, that should ordinarily be used. Where habitat is being mapped and it does not correspond to features mapped on the OS layer, aerial photography should be used.

General GIS layer creation notes

What a layer has been digitised against (e.g. MasterMap) should be noted in the metadata. GIS layers should usually be checked by someone other than the digitiser before use / release.

8) Verification

8.1) Summary

The ability to guarantee the quality of data, and to demonstrate this through metadata is essential to demonstrating the quality of the work of the records centre. Verification, along with validation is intended to ensure the quality of a record.

The records centre assumes the following in relation to verification:

- Where data can be verified it should be, and it is the aim of CPERC to have all of its records verified
- If it can be verified but hasn't been, it should not be released, as the quality of the record can be improved.
- If it cannot be verified, the quality of the record cannot be improved and it can be released, but its unverified status should be clear from metadata.

Data that has been both verified and validated is considered by CPERC to be as accurate as possible, and is fit for release without any further notes (other than metadata).

The following CPERC notes for verifiers explains CPERC's current policy on verification. These notes have been written so that the categories of verification status correspond with determination types in Recorder.

Records coming directly from a county recorder or appointed CPERC verifier are considered to be verified by that individual and therefore do not undergo any further verification procedures. However, data coming into the records centre this way will still need to undergo validation checks.

8.2) Guidance for verifiers

Cambridgeshire and Peterborough Environmental Records Centre

Guidance for Verifiers

These guidance notes are intended for those verifying records for CPERC. Species records come into CPERC from a variety of sources and from a variety of different recorders. Therefore it is important that records go through a quality control stage, where the likelihood of these records being correct is determined by an independent verifier (who has expertise in the relevant taxonomic group) before these records are released to data users.

Important questions to be considered by the verifier are -

- 1) Is it possible that this species was found at this location?
- 2) Is it possible that this species was found on this date?
- 3) Does this species need particular knowledge and expertise in order to identify it?
- 4) Are there any obvious errors in the record (such as grid reference and location not matching) CPERC will, however, aim to ensure that such errors are removed before the data is passed to the verifier.

CPERC would like the verifier to score every record with a score from 1 to 5. This explanation of this scoring system is outlined in the table below.

Score	Category	Explanation of Category
1	Correct	This is where the verifier was the actual observer or has seen good evidence of a specimen. It can also be where the verifier knows the recorder and has absolute confidence in their ability to record that particular species without error.
2	Considered Correct	This is where there above are not true but the verifier has no reason to believe that it was not possible for that particular species to be recorded by that recorder at that location on that particular date.
3	Considered Incorrect	The verifier should score records in this category where they consider that it would be highly unlikely or impossible for the species involved to be recorded by that recorder at that location on that particular date.
4	Incorrect	This is where the verifier is absolutely certain that the record is incorrect because there are obvious unredeemable errors in the record or the verifier has examined a specimen or supporting evidence and determined the original identification to be incorrect. In this case a new correct determination may be given by the verifier.
5	Unconfirmed	This is where there is insufficient information to verify a record and it is highly unlikely that any more information can be obtained to consider that record correct. Additional evidence which could be provided by the recorder for the verifier to consider the record correct may include a photo or a sample taken at the recording event. CPERC may hold such additional evidence which can be provided to the verifier in such circumstances.

Due to the fact that the records centre obtains many records from members of the public and those within unknown expertise, to avoid large numbers of records being collected but not used, CPERC would like the verifier to mark all records as correct or considered correct unless there is a strong and justifiable reason to say otherwise. That is to say that all records are presumed to be correct unless a sufficient reason is given. Such reasons should be noted down by the verifier next to the relevant record and attempts may be made to provide additional evidence for records to be considered correct where possible.

8.3) How this relates to the Recorder database

Score	Determination Type in Recorder	Verification Flag Status in Recorder
1	Correct	Passed verification
2	Considered Correct	Passed verification
3	Considered Incorrect	Failed/pending verification
4	Incorrect	Failed/pending verification
5	Unconfirmed	Not verified

Records awaiting verification in Recorder are given the determination type of 'Requires Confirmation' which corresponds to a verification flag status of 'Failed/pending verification'.

8.4) Selection of verifiers

A verifier should be:

- An expert with much experience and knowledge relating to the particular taxonomic group they are verifying
- Have local knowledge of the area that they are verifying records for, particularly with regards the distributions of species within that particular taxonomic group

Many records centres are affiliated with their county naturalist's society who have appointed county recorders for particular taxonomic groups. In such circumstances these county recorders are often also used by the records centre as verifiers - as they should immediately fulfil both of the above requirements.

In Cambridgeshire and Peterborough there is no naturalist's society which covers the entire records centre area and there are three vice-county recording units within this area. Therefore the distribution of recorders for some taxonomic groups is patchy and in some areas non-existent.

Therefore the records centre has to appoint verifiers based on the recording structure that already exists - for some taxonomic groups this will be vice-county or county verifiers and for other taxonomic groups it may be an individual affiliated to a county based recording group (such as the Cambridgeshire Bat Group) or an interested amateur with no affiliation to a particular society or group.

Obviously the competence of the verifier has to be assessed by the records centre before they are appointed and the verifier has to be willing and able to do the task within a reasonable time frame.

A verifier may consider that they do not need to verify every single record individually for some common and easy to identify species. This is left up to the verifier's discretion, although the verifier should inform the records centre of this if this is part of their method of verification.

A verifier may also choose to verify all records from a particular individual that they know and trust without checking them individually. This is also left to the verifier's discretion but again the verifier shall inform the records centre of this and name these selected recorders.

Habitat and Site data

Habitat and site data when digitised by the records centre should be passed back to the original data provider (which may be the original surveyor) for validation and verification, and any errors noted should be corrected. Ideally a separate competent surveyor should also check the data to look for any obvious anomalies.

9) Archiving, backing-up, and updating data

Data is likely to be stored in one or more forms in the records centre, different archive and back-up procedures will exist for the differing forms.

1. Paper records

Original source data will be kept, either the original, copies, or through access to the recorders notes. All data sharing agreements past and present will be also stored. Paper records to be suitably filed in filing cabinets.

2. Recorder database

Stored on a networked SQL Server. The database has back-ups on the server, and also external hard drives. Recorder is backed-up to these sources after every time batches of records are imported or changes have been made. Dated versions are archived on the server. All versions on the server are backed-up as part of the server back-up procedure.

3. MapInfo GIS layers

Stored on the CPERC server, and backed-up as part of the server back-up procedure. All layers have a coherent name and are dated. Older layers are archived on the server.

4. Other digital data

Stored on the CPERC server, and backed-up as part of the server back-up procedure. Files of particular importance to individual staff-members can also be backed up to portable flash-drives.

All species, habitat and site file names should be dated, and archived when superseded. This allows comparison between an older and newer datasets.

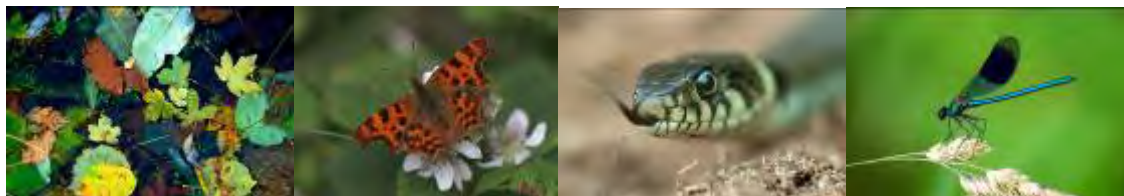
Server back-up procedure

A back-up on to an external hard drive every Monday-Friday is automated using Windows Back-up software.

A separate manual back-up of the files on the server is taken monthly on another external hard drive and this is stored off site.

Local Record Centres

Working together for biodiversity in the east of England



A Local Record Centre is a one-stop-shop for ecological information and a valued resource for the local community, working with local authorities, environmental consultants, educational institutions and the general public.

There are six Local Record Centres (LRCs) in the East of England, covering Bedfordshire and Luton, Cambridgeshire and Peterborough, Essex, Hertfordshire, Norfolk and Suffolk. Together these form part of a wider network of LRCs nationwide, all responsible for collating, managing and sharing information on animal and plant species, habitats and protected sites.

This information enables local authorities and other users to determine the presence of sites or species in any given location, including those protected by law. From a planning and development perspective, LRCs provide a valuable evidence-base, which is essential for underpinning policies and decision making in both the public and private sector, ensuring compliance with national and international legislation.

Because of their capacity to engage and support local volunteers with expertise in ecological and geological survey, species identification and data management, LRCs deliver valuable services in a highly cost-effective way while helping to achieve Big Society objectives.

What does your Local Record Centre do?

- Acts as a custodian of ecological and geological data for the county, holding hundreds of thousands of digitised species records.
- Engages with the local recording community – volunteers and amateur naturalists – to support and guide local biological recording effort, ensuring species and habitat records are managed and undergo quality control.
- Disseminates information about the distribution of legally protected, rare or threatened species, habitats and geodiversity sites to organisations in the public and private sector whose actions affect the environment. This includes: forward planning and development control, land and waste management, control of invasive species, highway maintenance and Local Wildlife Sites monitoring and reporting.
- Provides a range of products and services to meet the requirements of data users e.g. GIS data searches, habitat mapping, green infrastructure projects, planning list searches etc
- Supports and trains volunteers, attends public events and promotes the recording of wildlife in the community
- Provides data to the National Biodiversity Network, a national database of wildlife information across the UK

Case studies of how information from Local Record Centres has been used

The Brecks Biodiversity Audit

This ambitious initiative was led by the University of East Anglia in 2009 to collate information about the wealth of biodiversity found in Breckland, an area of 10,000 km² straddling the counties of Norfolk and Suffolk. The audit, which benefited from funding and assistance from the Norfolk Biodiversity Information Service (NBIS) to collate species information, has drawn attention to the immense diversity of life in Breckland. Over 12,000 species were recorded with 2,149 a priority for conservation and 317 listed on the UK's Biodiversity Action Plan. The report has highlighted the need for physical land disturbance - putting "the Brecks back into Breckland" - to create mosaics of different conditions benefiting many insects and plants to maintain this remarkable biodiversity.

The Norwich Green Infrastructure Development Plan

The Greater Norwich area has been identified as a growth point with over 20,000 new homes planned. Government policy determines that new development should be supported by the creation of high quality green infrastructure (GI). In practice this should comprise a network of 'green' spaces and inter-connecting 'green' corridors in urban areas and their surrounds, which stretch out into the wider countryside. Mapping undertaken by NBIS produced a map that outlined BAP and other habitats and land use within the Greater Norwich area. A series of criteria such as distance from designated sites and existing habitats and proximity to development areas were then used in the GIS to identify potential sites for creation of new 'green' space. Those areas of highest potential were then used to develop 'priority areas' linking Norwich to other areas of development to the south, and the Broads to the North. Documents such as this GI Development Plan in turn form the evidence base for strategic plans. The priority areas identified were used to inform the Greater Norwich Joint Core Strategy, the basis for the strategy governing development in the Greater Norwich area over the coming years. It is important that projects such as this are built on robust evidence and the methods and processes used by NBIS are designed to ensure this.

Green Infrastructure Planning

The BLBRMC has played a significant role in green infrastructure (GI) planning across Bedfordshire and Luton over recent years, working alongside the local Green Infrastructure Consortium to map networks and priority areas. The aim of GI planning is to identify assets and opportunities to improve, protect and enhance the network of green spaces, access routes, wildlife habitats, landscapes and historic features across the county to achieve social, environmental and economic benefits. The BLBRMC has operated at the county, district and parish levels, pulling together information about existing and aspirational GI assets and combining this with its own habitats, species and sites data to produce maps at the different levels required. Examples include a county-wide strategic networks map and parish-level GI plans. An additional project was subsequently commissioned building upon this work to identify priority GI opportunities in the Ivel Valley. The BLBRMC is again producing the maps that will be used in the final report.

Site Sensitivity

Despite the abolition of regional planning, Bedfordshire faces a lot of growth pressure. Housing demand is high, as is demand for open space and natural areas. People want quality places in which to explore, recreate and commune with nature. However, recreational pressures can greatly compromise site ecology. Visitor impacts on natural areas result from a combination of site sensitivity and the features of the visitor pressure (e.g. intensity, duration, seasonality, type of recreation). Bedfordshire's natural areas are expected to face increasing visitors, and many are thought to be suffering already. Natural areas have an inherent degree of sensitivity to visitor pressure. Being able to predict the degree of and reasons for site sensitivity could help inform habitat management. A model to predict wildlife site sensitivity has been created using data from BLBRMC.

Planning list searches

Since the end of January 2011 CPERC has been working with colleagues at Peterborough City Council (PCC) to screen planning applications against the species records and designated nature conservation sites that CPERC holds information on. PCC sends planning application information

in GIS format on a weekly basis to CPERC and a search of the records is performed according to criteria set by PCC. These criteria determine which species records are searched for (such as protected species) and the relative proximity to the application site they have to be before they are displayed in the results. The criteria can be adjusted according to the changing needs of the authority and/or changing legislation. The results show the records of interest with attached planning application reference numbers to show which planning applications they are near to. The results are sent to PCC's Wildlife Officer to interpret and to see if any of the records highlighted indicate that there are issues that may need to be brought to the attention of the planning team. In this way this process allows possible biodiversity issues to be highlighted at an early stage of the planning process, potentially saving time at a later stage and hopefully avoiding negative impacts. Although the records held by CPERC are not comprehensive (as with any records centre) the data holdings are updated periodically and as such the search tool becomes more powerful as time goes on.

Annual Monitoring Reports (AMRs)

Many LRCs provide data to local authorities for their AMRs (Core Output Indicator E2); an AMR is one of a number of documents required to be included in the Local Development Framework Development Plan Document. It is submitted to Government by a local planning authority each year to assess the progress and the effectiveness of a Local Development Framework (LDF). For example, information provided by CPERC to support LDF AMRs includes: 1) Statutory and non-statutory designated conservation sites affected by development over the previous financial year; 2) Summary of non-statutory designated sites within the local authority area and a summary of changes in those sites compared to the previous financial year; 3) Summary of statutory designated sites within the local authority area and a summary of changes in those sites compared to the previous financial year and 4) An assessment of the impact of development on NERC S41 (Natural Environment and Rural Communities Act Section 41) species within the local authority area. Evidence based reporting undertaken by local authorities as part of their statutory duties provides LRCs with a focus for their services, typically contained within Service Level Agreements (SLAs) that offer the best value for money to those authorities seeking a cost effective approach to long term, consistent data reporting.

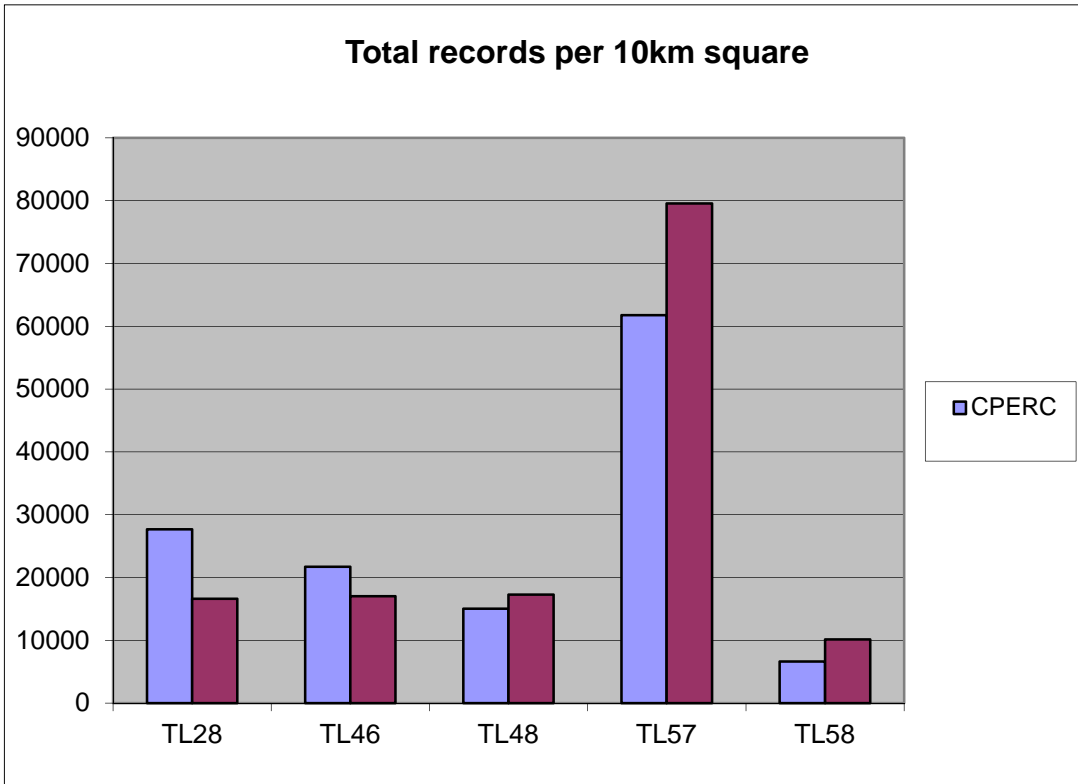
Local Record Centres:

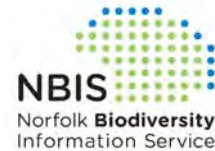
- Are not-for-profit organisations
- Act as a central one-stop-shop for environmental information
- Offer an impartial service
- Are the most cost effective way of obtaining ecological information and offer value for money
- Are a vital resource to ensure compliance with statutory duties
- Have local connections, knowledge and expertise when it comes to collating, managing and disseminating data
- Can provide a suite of products and services to meet the needs of data users, and can work together across the region to make this process more accessible and user friendly. This includes:
 - Service Level Agreements with public bodies and local authorities
 - A data request service for environmental consultants
 - Specific project work including habitat mapping and Green Infrastructure

Your Local Records Centres in the East of England are:

- Biological Records in Essex (BRIE) <http://www.brienet.org.uk>
- Bedfordshire and Luton Biodiversity Recording and Monitoring Centre (BRMC) www.bedsbionet.org.uk
- Cambridgeshire and Peterborough Environmental Records Centre (CPERC) www.cperc.org.uk
- Hertfordshire Biological Records Centre (HBRC) www.enquire.hertscc.gov.uk/hbrc
- Norfolk Biodiversity Information Service (NBIS) www.nbis.org.uk
- Suffolk Biological Records Centre (SBRC) www.users.globalnet.co.uk/~sbrc

	CPERC	GATEWAY
TL28	27668	16605
TL46	21726	17026
TL48	15021	17306
TL57	61771	79523
TL58	6628	10173





A Code of Conduct for data management by Local Record Centres in Eastern England

When data are received by a Local Record Centre (LRC), the following happens:

- **Validation:** any data received (either on paper or electronically) are checked to ensure they include at least the minimum data standard of recording: what (Latin and/or common species name), where (location description and grid references if possible – six figure preferred), when (date of sighting) and who (observer/recorder of record). Paper records are digitised (entered onto computer) at this stage and all data are held in a ‘holding pen’ awaiting verification.
- **Verification:** as most data comes directly from the county recorder, they are already verified; in those instances where data do not originate from a county recorder, most are passed to the relevant county recorder or local expert to confirm species identities and sightings where possible. If any records are considered to be incorrect or questionable they are referred back to the original observer and alternatives may be suggested by the specialist, where possible.
- **Database entry:** validated and verified data are entered onto the main database to be used and disseminated to others. Validated data awaiting verification are either stored separately (in the ‘holding pen’) or flagged as such (if on the main database) so that they are not disseminated to others unverified. Confidential records are also marked at this stage.
- **Database maintenance:** the ongoing management and updating of the main database is a continual process of adding, removing or changing records (e.g. from unverified to verified) and checking for duplicate records. This also includes nomenclatural changes and keeping informed of changes to assessments of species rarity and habitats.
- **Dissemination of information:** data held by each LRC are available to those who have a legitimate interest in the location of wildlife sites, species and habitats within a specified area. This includes environmental consultants, local planning authorities, educational institutions, conservation organisations and members of the public. A standardised minimum content for data searches will be offered across the region, including metadata statements.
- **Establishment of a data sharing agreement:** data sharing agreements can be created for individual recorders or groups providing data to the LRC. These agreements cover things such as the frequency and type of data received, the resolution at which they can be shared with others (e.g. sensitive species) and with whom data can be shared.
- **Establishment of Service Level Agreements:** the most established and cost-effective method for LRCs to provide data and services to regular users, such as local planning authorities, is through Service Level Agreements (SLAs). An upfront payment is given to the LRC to cover a period of time (1-5 years), during which the LRC will provide services and products as outlined in the SLA (e.g. X hours of data searches, data for Annual Monitoring Reports, planning screening searches etc).

When data are received by a Local Record Centre, the following applies:

- Most data are not disseminated to others until they are validated AND verified. The exception to this is BRIE, which, as a newly established LRC, cannot currently verify all data for Essex. However, any data given out as such are clearly marked as unverified, whilst the LRC continues to establish relationships with local recorders.
- If a dataset is received from a large organisation (e.g. a national scheme or conservation body), the LRC will ascertain where the data have come from i.e. a public participation survey or from specialists, and a judgement made on whether validation/verification is needed. If verification is needed, it will be treated as any other data needing verification.
- Personal information about data providers is not given to data users, though names of county recorders may be supplied with records if permission is given to do so. The source of a record, if from a verified dataset (e.g. the Woodland Trust), may also be provided.
- Data may be provided to the National Biodiversity Network (NBN) Gateway so long as prior consent is given by the data provider.
- Data which are considered sensitive or contentious (e.g. concerning badgers, bats) will only be given as stipulated in a data sharing agreement between the LRC and data provider (e.g. at a reduced resolution).
- Where charges apply (i.e. for commercial data enquiries), LRCs do not charge users for the data *per se* but for the time and resources it takes to collate, store and manage this data, acting as central custodians of environmental information for each county. However, as a gesture of goodwill, the fee can be waived if no records are found within a data search. LRCs do not usually charge for non-commercial data enquiries.

Data managed by a Local Record Centre are kept safe and secure through:

- Ensuring that regular data backup processes and procedures are in place for each LRC, including the use of external hard drives, servers or offsite facilities.
- Following processes and procedures as outlined in individual LRC policy documents when handling and managing data.
- Ensuring that each LRC, whether independent or hosted by a Wildlife Trust or County Council, has a business continuity plan to be put in effect if the LRC is wound up e.g. data holdings transferred to another organisation, such as the Wildlife Trust or local natural history society, to safeguard until such time as resources would permit the establishment of a new LRC. The exception to this is BRIE, which has yet to formalise such procedures.
- Training dedicated staff and volunteers to manage databases more effectively and keep up to date with the latest software and changes.
- Recorder is the proprietary software used by most LRCs in the east of England to manage data (the exception is BRIE, which uses MapMate). Recorder allows for data with different validation and verification statuses to be stored, flagged and searched. Recorder is a commercially available product, and its development history and updates are clearly documented by the software company creating it. All dictionary updates and functionality changes etc are held by the company. It is also possible to find out who imported/amended a record, when any changes were made, when it was added to database, and other administrative statistics.

Other

- LRCs in the region, where possible, will be working towards official accreditation by the Association of Local Environmental Record Centres (ALERC), in which a series of guidelines and best practice for LRCs must be followed, ensuring transparency and consistency within the LRC network.
- LRCs are non-profit organisations; any profit remaining over and above the cost of staffing and data management is invested in the products and services provided to data users and data providers e.g. assisting local recorders to further recording effort in the county or by identifying and filling gaps in knowledge.

Timeline of a record – the flow of biodiversity data through local record centres

There is no doubt that Local Record Centres (LRCs) provide a valuable service to local planning authorities, ecologists and environmental consultants when it comes to providing environmental data for use within planning and decision making. Data are presented in a neat report with maps and tables for ecologists and consultants to interpret, however the journey taken to get to that point is often underestimated and can be more laborious than thought! There is much more going on at your local LRC than data officers simply typing in a grid reference and pressing ENTER to produce a report.

The initial process of obtaining records of wildlife from the many naturalists in the field requires time and input from LRC staff. Building relationships and trust so that people can be sure their data are in good hands is essential. Phone calls, meetings and attendance at, or the organisation of events are ongoing to ensure a good relationship between the LRC and its local recording community, encouraging the flow of data and improving local recording effort.

Most records come directly from the local expert or county recorder for a particular species or taxonomic group and will already have been verified, which means that species identities and sightings have been confirmed. These records still have to be validated before they can be added to the main database to ensure that each record contains the minimum information needed: the observer, what was seen, where it was seen and when.

Other records received by LRCs can come in all forms and guises – from computerised spreadsheets to a box of paper records dating back 20 years or more. It is the job of LRC staff, very often with the help of volunteers, to sift through all of these records and digitise where necessary. Each record has to be validated and then passed on to the local expert or county recorder for verification before being added to the main database. When large and/or historic datasets are received, spanning many years, it can take staff and volunteers a long time to check and digitise.

LRCs only disseminate validated and verified information so it can be used as a credible and factually accurate evidence-base upon which decisions can be made. Data that are validated but awaiting verification are not normally given to data users, and in the rare instances this does happen, they will be flagged as such.

The process of receiving, digitising, validating, verifying and disseminating data is continuous, with the ongoing maintenance and management of the main database occurring on a frequent basis to add records and on rare occasions correct something that has slipped through the checks.

LRCs usually supply data to the National Biodiversity Network (NBN) on a regular basis, so long as they have the permission of the data provider. This is a vital role in national partnership working and ensures that quality assured data is available via the NBN Gateway. Whilst this is an excellent resource, it does not provide a complete picture or access to the most detailed species records held at the LRC. It should also be noted that the NBN Gateway terms and conditions prohibit commercial use of the data from their website unless written permission from the data providers has been sought.

It's not only species records that are held by the record centres, they also hold information about designated wildlife and geological sites and also habitat data.

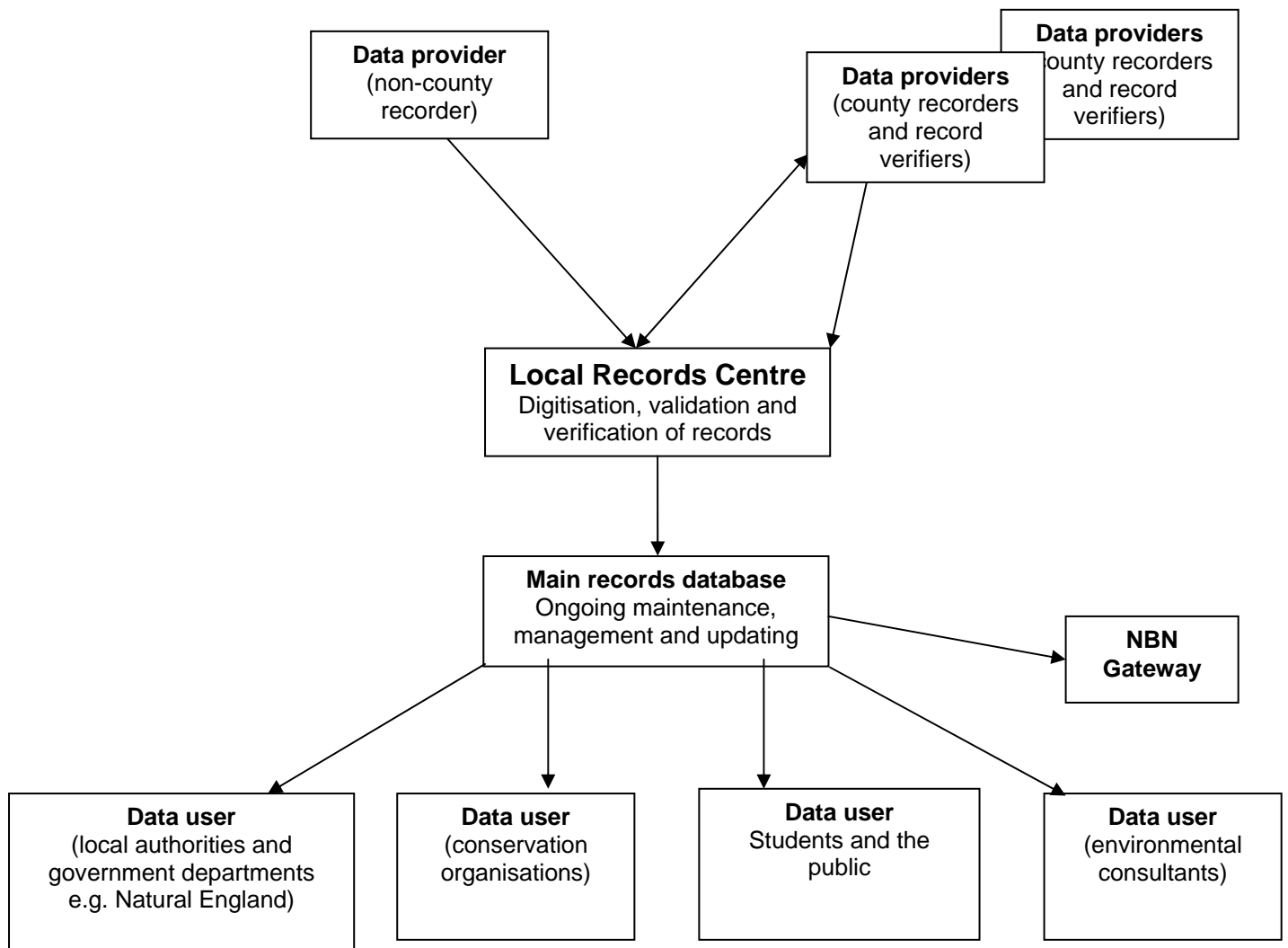
Many LRCs also participate in the implementation of their local Biodiversity Action Plans. As custodians of wildlife and habitat data, LRCs have a remit to increase their data holdings and enhance their services and products to data users, to ultimately help protect biodiversity. Gaps in data holdings or coverage can be addressed by LRCs through their relationships with data providers working in the field. Improving local recording effort usually involves a degree of support from LRCs and may include providing resources such as time, training, equipment or funding.

The work of LRCs and their role as an intermediary between data providers and data users is crucial in bringing together all the available information about an area's ecological make up and ensures that decisions affecting biodiversity are made using the best available data. As non-profit organisations, LRCs do not charge users for the data itself but for the staff time and general resources needed to ensure the processes outlined above happen.

Although LRCs can vary greatly in terms of their services, products offered, data holdings, staffing and data search charges, it is important to remember that they offer a cost effective service. Should the network of LRCs cease to exist, it would be very difficult, time consuming and more costly in the long run for data users to obtain and rely on information from elsewhere.

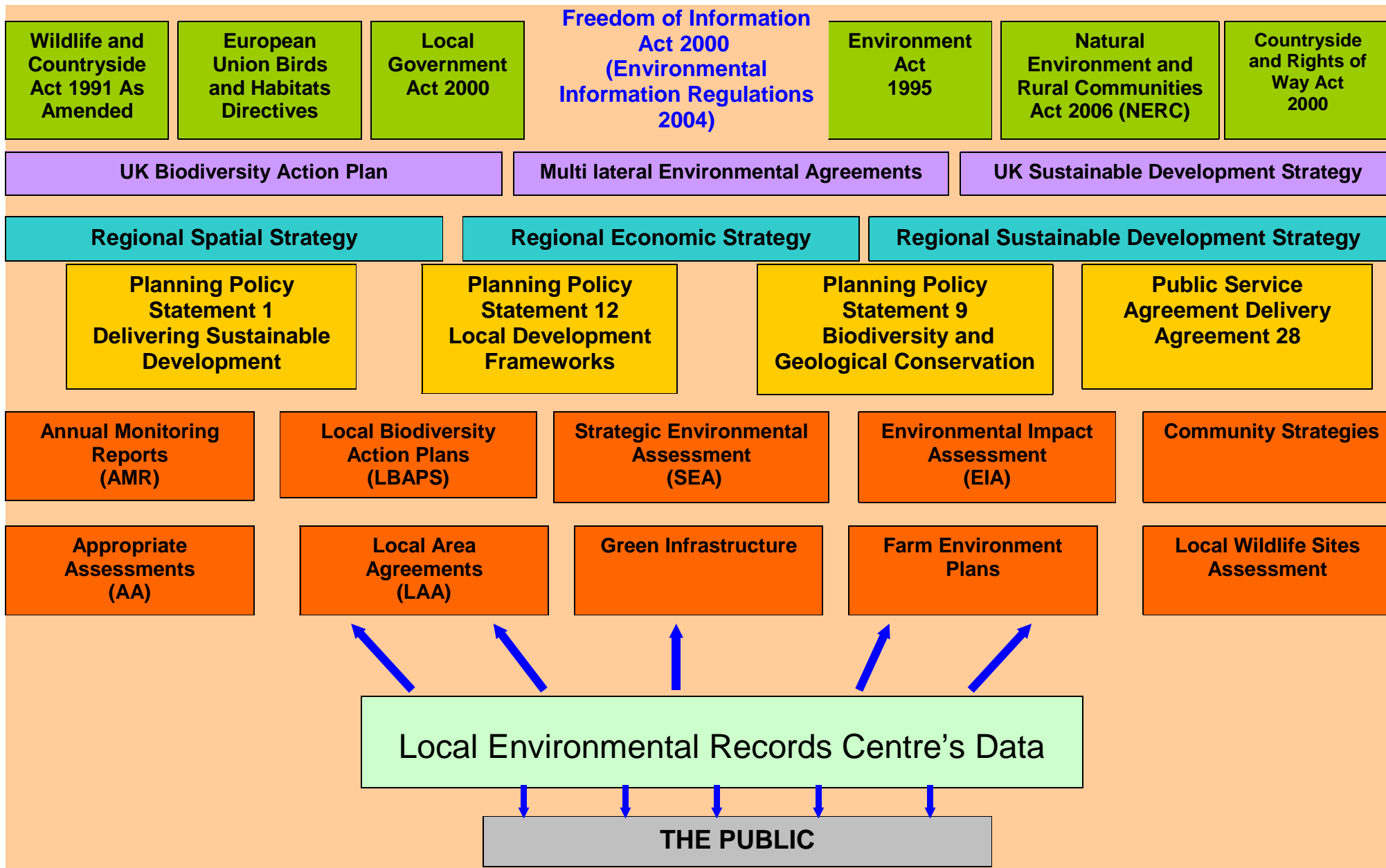
Please continue to support your local LRC.

Fig.1 shows a basic diagram to illustrate the usual flow of data to LRCs



Legislation and Guidance Relating to Local Environmental Record Centres

January 2008



Freedom of Information Act 2000 (Environmental Information Regulations 2004)

Relevant Legislation / guidance

STATUTORY INSTRUMENTS

2004 No. 3391

FREEDOM OF INFORMATION ENVIRONMENTAL PROTECTION

The Environmental Information Regulations 2004

The EIR, affecting England and Wales have been laid before Parliament and arise as a consequence of the adoption of the Aarhus Convention by the EU. In order to make EC law consistent with the Convention, EU Directive 2003/4/EC was adopted in February 2003. The Draft EIR 2004 have now been drafted to bring the UK into line with this directive and also to meet the terms of the Freedom of Information Act 2000 which makes provision for making new EIR on public access to environmental information.

<http://www.opsi.gov.uk/si/si2004/20043391.htm>

Duty placed

Duty to make available environmental information on request

(1) Subject to paragraph (3) and in accordance with paragraphs (2), (4), (5) and (6) and the remaining provisions of this Part and Part 3 of these Regulations, a public authority that holds environmental information shall make it available on request.

(2) Information shall be made available under paragraph (1) as soon as possible and no later than 20 working days after the date of receipt of the request.

(3) To the extent that the information requested includes personal data of which the applicant is the data subject, paragraph (1) shall not apply to those personal data.

(4) For the purposes of paragraph (1), where the information made available is compiled by or on behalf of the public authority it shall be up to date, accurate and comparable, so far as the public authority reasonably believes.

(5) Where a public authority makes available information in paragraph (b) of the definition of environmental information, and the applicant so requests, the public authority shall, insofar as it is able to do so, either inform the applicant of the place where information, if available, can be found on the measurement procedures, including methods of analysis, sampling and pre-treatment of samples, used in compiling the information, or refer the applicant to a standardised procedure used.

(6) Any enactment or rule of law that would prevent the disclosure of information in accordance with these Regulations shall not apply.

Form and format of information

(1) Where an applicant requests that the information be made available in a particular form or format, a public authority shall make it so available, unless -

- (a) it is reasonable for it to make the information available in another form or format; or
- (b) the information is already publicly available and easily accessible to the applicant in another form or format.

(2) If the information is not made available in the form or format requested, the public authority shall -

- (a) explain the reason for its decision as soon as possible and no later than 20 working days after the date of receipt of the request for the information;
- (b) provide the explanation in writing if the applicant so requests; and
- (c) inform the applicant of the provisions of regulation 11 and of the enforcement and appeal provisions of the Act applied by regulation 18.

Parties Responsible

Public Authorities (as defined in the regulations)

Relevance to LRC's

Following negotiations between the NBN and DEFRA LRCs are accepted as being able to provide the function, as agents, on behalf of public authorities (where applicable). Where LRCs are unable to provide that service or do not exist then the function has to be carried out by the public authority through other means. LRCs may also be deemed to be public authorities.

The Wildlife and Countryside Act 1981 (As amended)

Relevant Legislation / guidance

The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally kill, injure, or take any wild bird or their eggs or nests. Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The Act also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.

The Act makes it an offence (subject to exceptions) to intentionally kill, injure, or take, possess, or trade in any wild animal listed in [Schedule 5](#), and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals.

The Act makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in [Schedule 8](#), and prohibits the unauthorised intentional uprooting of such plants.

The Act contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9. It also provides a mechanism making any of the above offences legal through the granting of licences by the appropriate authorities.

Duty placed

Parties Responsible

All

Relevance to LRC's

Maintaining records of protected species and making these available to enquirers where appropriate.

E.U Birds and Habitats Directives

Relevant Legislation / guidance

Conservation of Natural Habitats and Habitats of Species

The Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I and II of the Habitats Directive respectively) to the European Commission. Once the Commission and EU Member States have agreed that the sites submitted are worthy of designation, they are identified as Sites of Community Importance (SCIs). The EU Member States must then designate these sites as Special Areas of Conservation (SACs) within six years. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs) classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites form a network termed Natura 2000.

The Regulations enable the country agencies to enter into management agreements on land within or adjacent to a European site, in order to secure its conservation. If the agency is unable to conclude such an agreement, or if an agreement is breached, it may acquire the interest in the land compulsorily. The agency may also use its powers to make byelaws to protect European sites. The Regulations also provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site². In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest. In such instances the Secretary of State must secure compensation to ensure the overall integrity of the Natura 2000 system. The country agencies are required to review consents previously granted under the Wildlife and Countryside Act 1981 for land within a European site, and may modify or withdraw those that are incompatible with the conservation objectives of the site.

The Regulations make special provisions for the protection of European marine sites, requiring the country agencies to advise other authorities of the conservation objectives for a site, and also of the operations which may affect its integrity. The Regulations also enable the establishment of management schemes and byelaws by the relevant authorities and country agencies respectively, for the management and protection of European marine sites.

The Habitats Regulations apply only as far as the limit of territorial waters (12 nautical miles from baseline). The Offshore Petroleum Activities (Conservation of Habitats) Regulations 2001⁵ apply the Habitats Directive and the Birds Directive in relation to oil and gas plans or projects wholly or partly on the United Kingdom's Continental Shelf and superjacent waters outside territorial waters (the UKCS). The Department for Environment, Food and Rural Affairs (Defra) will present separate regulations to deal with the overall management of sites and species to be protected in offshore areas. An initial consultation on these was carried out in 2003.

Protection of Species

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the

appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

Amendments to the Habitats Regulations for England and Wales and the new Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 came into force on the 21st August 2007. Both Regulations revised the definition of deliberate disturbance of European Protected Species (cetaceans, turtles and the Atlantic sturgeon). In the document "[The deliberate disturbance of marine European Protected Species - Interim guidance for English and Welsh territorial waters and the UK offshore marine area](#)", the JNCC provides initial guidance in interpreting the law from the point of view of nature conservation, so that developers in the marine environment can assess the likelihood of committing an offence and how offences can be avoided, and if a wildlife licence is required.

Adaptation of Planning and Other Controls

The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation). Special provisions are also made as respects general development orders, special development orders, simplified planning zones and enterprise zones.

Duty placed

Article 10 of the EU Habitats Directive says that:

"Member states shall endeavour, where they consider it necessary, in their land use planning and development policies, and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild flora and fauna." This has been transposed into UK law in regulation 37 of the Habitats Regulations 1994: *"For the purposes of the planning enactments....policies in respect of the conservation of the natural beauty and amenity of the land shall be taken to include policies encouraging the management of features of the landscape which are of major importance for wild flora and fauna. Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species."* These planning policies, referred to as "Regulation 37 policies", should be included in land use plans or spatial strategies.

Parties Responsible

Relevance to LRC's

Article 10 of the EU Habitats Directive says that:

"Member states shall endeavour, where they consider it necessary, in their land use planning and development policies, and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild flora and fauna." This has been transposed into UK law in regulation 37 of the Habitats Regulations 1994: *"For the purposes of the planning enactments...policies in respect of the conservation of the natural beauty and amenity of the land shall be taken to include policies encouraging the management of features of the landscape which are of major importance for wild flora and fauna.* Such features are those which, by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species." These planning policies, referred to as "Regulation 37 policies", should be included in land use plans or spatial strategies.

The Local Government Act 2000

www.opsi.gov.uk/acts/acts2000/ukpga_20000022_en_1

Relevant Legislation / guidance

Local Government Act 2000 CHAPTER 22

Duty placed

Strategies for promoting well-being

(1) Every local authority must prepare a strategy (referred to in this section as a community strategy) for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom.

Parties Responsible

Local Authorities

Relevance to LRC's

The use of up to date environmental information

Natural Environment and Rural Communities Act 2006

http://www.opsi.gov.uk/acts/acts2006/pdf/ukpga_20060016_en.pdf

Relevant Legislation / guidance

PART 3

WILDLIFE ETC.

Biodiversity

Duty placed

Statutory and policy drivers

England and Wales

The overarching statutory driver for **England and Wales** is the duty to conserve biodiversity contained in the Natural Environment and Rural Communities Act 2006 Section 40. Every public authority must, in exercising its functions, have regard, so far as *'is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. A Minister of the Crown, government department or the National Assembly for Wales must in particular have regard to the UN Environmental Programme Convention on Biological Diversity of 1992.'* Public authorities' include all local authorities and local planning authorities.

The following from Biodiversity Data Needs for Local Authorities and National Park Authorities Appendix 1 - Planning policy and development control:

England

*PPS 12 Creating Local Development Frameworks*⁶ provides guidance on the preparation of Local Development Plan Documents required by the Planning and Compulsory Purchase Act 2004. **PPS 9 Biodiversity and Geological Conservation**

*(ODPM 2005)*⁷ sets out planning policies on protection of biodiversity and geological conservation through the planning system and refers to the Habitats Regulations⁸, which implement European Union directives. ODPM circular 06/059 gives more details of statutory obligations of planning authorities with respect to biodiversity conservation. **Planning for Biodiversity and Geological Conservation: A Guide to Good Practice**, published jointly by OPDM, Defra and English Nature in March 2006, provides good practice guidance to PPS9 and includes a chapter on how to maintain a strong environmental evidence base. Guidance on

*integrating biodiversity into Local Development Plan documents is available from the publication, Framework for Biodiversity*¹¹ (ALGE 2005) A key principle listed in PPS9 is that development plan policies and planning decisions should be based upon up to date information about the relevant biodiversity resources of the area. PPS9 advises that Local Development Frameworks (LDFs) should indicate the location of designated sites of importance for biodiversity and make clear distinctions between the hierarchy of international, national, regional and locally designated sites. Designations above local level are the responsibility of other agencies, but many sites of local nature conservation importance, now referred to by Defra as 'Local Sites' and variously

known as Sites of Importance to Nature Conservation (SINCs), Wildlife Sites, Biological Sites etc. are given designations by local authorities and by local conservation organisations. Defra published *Local Sites – Guidance on their Identification, Selection and Management* in March 2006¹² which provides

guidance in this area. Wildlife site schedules are also used by LAs and other bodies to prioritise nature conservation action additional to land use planning, such as LBAPs, site management agreements and environmental grants. LDFs should also identify areas of ancient woodland.

Parties Responsible

Section 40, states that 'Every **public authority** must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'

Relevance to LRC's

Planning for Biodiversity and Geological Conservation – A Guide to Good Practice

Page 19 **Local Record Centres**

2.30 Local Record Centre (LRC) is the generic term for a single information source, often serving a specific county or sub-region. The main function of LRCs is to collate, manage and disseminate biodiversity information, but they may also hold other types of environmental data. LRCs typically work with local species recording schemes to support the collation, validation and management of species records. They may also undertake habitat mapping or act as custodian for survey data collected by other organisations. They may be linked to the National Biodiversity Network and have a role in interpreting the information provided. Those LRCs presently up and running are supported by funding partnerships usually comprising local authorities, English Nature and other bodies such as the Environment Agency and the Wildlife Trusts.

2.31 With environmental information held across many disparate organisations, both public and voluntary, a LRC is the most effective and sustainable mechanism for facilitating access to this. It would be good practice for all local authorities to contribute to the establishment and running of a LRC as a cost-effective way of providing a publicly accountable 'one-stop shop' for comprehensive and reliable environmental information upon which to plan, in line with the key principles of PPS9.

2.32 **The benefits of supporting an effective LRC include:**

- better access to information on species and habitat occurrence for local planning authorities and other stakeholders;
- avoidance of costly public inquiries due to earlier identification and resolution of potential conflicts;
- reduced times in processing planning applications;
- lower costs to developers; and
- potential for the provision of data on biodiversity required for Annual Monitoring Reports.

The Countryside and Rights of Way Act 2000 (CROW)

www.jncc.gov.uk/page-1378

Relevant Legislation / guidance

Schedule 9 of the Act changes the Wildlife and Countryside Act 1981, amending SSSI notification procedures and providing increased powers for the protection and management of SSSIs. The provisions extend powers for entering into management agreements, place a duty on public bodies to further the conservation and enhancement of SSSIs, and increase penalties on conviction where the provisions are breached, with a new offence whereby third parties can be convicted for damaging SSSIs. To ensure compliance with the Human Rights Act 1998, appeal processes are introduced with regards to the notification, management and protection of SSSIs.

Schedule 12 of the Act amends the Wildlife and Countryside Act 1981, strengthening the legal protection for threatened species. The provisions make certain offences 'arrestable', create a new offence of reckless disturbance, confer greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and enable heavier penalties on conviction of wildlife offences.

Duty placed

The Act places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity

Parties Responsible

All government departments.

Relevance to LRC's

The use of up to date environmental information

UK Biodiversity Action Plan (UKBAP)

<http://www.defra.gov.uk/wildlife-countryside/biodiversity/index.htm>

Relevant Legislation / guidance

Conserving Biodiversity - The UK Approach

Duty placed

1. UK nature conservation vision and overarching approach, including coordinated UK implementation/response to MEAs
2. Identification and updating of UK list of priority species and habitats
3. UK strategy for surveillance/monitoring
4. UK strategy for biodiversity research
5. NBN as the first choice data sharing mechanism for species
6. Guidance/standards for the sustainable use of ecosystems
7. Guidance/standards for a coherent network of protected areas
8. Signposting priority actions for UK list of priority species and habitats to the relevant geographical level (UK/country/regional/local)
9. Appropriate reporting on biodiversity targets and indicator framework (including for MEAs and EC Directives)
10. Effective co-ordination between the four countries of the UK and communication across the partnership, including through UK BAP website and partnership conference
11. Reporting actions that will contribute to BAP targets on the biodiversity action Reporting system (BARS)

Page 13 “We need to monitor and evaluate the outcomes and impacts of our policies at national, regional and global levels as appropriate to assess progress towards targets and to test the role of biodiversity in sustainable development. We need to develop innovative cost-effective methods for surveillance of species and habitats and **continue to develop innovative methods for sharing information for managers and policy makers through the National Biodiversity Network (NBN), Local Record Centres and Biodiversity Action Reporting System (BARS)**”

Parties Responsible

Government and Local Government

Relevance to LRC's

See above

Multilateral Environmental Agreements (MEAS)

Relevant Legislation / guidance

UN Conventions and other international agreements can set targets and have a potentially huge impact. They rely heavily on action at the national level to be effective. The UK is a signatory of many environmental conventions and agreements (the so called Multilateral Environmental Agreements) including those on:

- biological diversity (CBD)
- internationally traded endangered species (CITES)
- migratory species
- wetlands (RAMSAR)
- marine pollution (MARPOL)
- law of the sea (UNCLOS)
- climate change (Kyoto)
- long-range transboundary air pollution (CLRT AP)
- world heritage
- protection of the marine environment of the north east Atlantic (OSPAR)
- access to information, public participation in decision-making and access to justice in environmental matters (Aarhus)
- transboundary environmental impact assessment (Espoo)
- strategic environmental assessment (UNECE Protocol)

Duty placed

Many of the measures we take within the UK are a direct response, often an obligation, to measures taken internationally in the European or international conventions to which we subscribe. These Conventions and obligations range from legal obligations such as CITES (as implemented by EU Regulations) and EU Directives (Habitats, Birds, Zoos), through major conventions such as the Convention on Biological Diversity, to areas where the UK has traditionally played a prominent role such as the (“Bonn”) Convention on Migratory Species, Bern Convention, and Ramsar Convention on Wetlands of International Importance. Achieving the aims of UK and country strategies will enable the UK to contribute fully to these MEAs and Directives, and provide a credible position to influence their development. The UK’s engagement on international biodiversity issues is managed through an Inter-Departmental Ministerial Group on Biodiversity, and its domestic obligations Shared priorities for action through a range of fora set up in response to specific agreements and conventions to which the UK subscribes and European Union Directives that have been transposed into UK law. The role of the UK Government and individual countries in representation and negotiation varies between agreements. For CITES, for which Defra is the management authority, the UK Government carries the roles of policy negotiation and implementation, while for the Birds and Habitats Directives, the UK Government facilitates a consensual line between the four countries, and decisions on means of implementation are handled by the devolved administrations. For the Convention

on Biological Diversity, most aspects of implementation fall to devolved administrations, while the UK Government carries a representational role, and coordinates reporting again facilitating a combined input across the four countries.

Parties Responsible

Government responsibility for delivering biodiversity conservation is devolved to the countries, but it is recognised that knowledge and expertise on components of biodiversity is often relevant to more than one country and can be held by individuals or organisations (such as NGOs) who operate across the UK. To work efficiently and avoid unnecessary bureaucracy, the emphasis for future work at UK level will be on co-ordination, information exchange, identification of research priorities and some reporting. Most of the work on embedding biodiversity into policies and programmes, target setting and identifying, planning and implementing delivery mechanisms for priority species and habitats, will be carried out at country level and below – the decisions on means of implementation being handled by the devolved administrations. Diversity itself suggests that there is unlikely to be a single model, and that where it makes sense to do so, one, two, three or all four countries of the UK will come together to plan action jointly.

Relevance to LRC's

1. UK nature conservation vision and overarching approach, including coordinated UK implementation/response to MEAs; 2. Identification and updating of UK list of priority species and habitats; 3. NBN as the first choice data sharing mechanism for species; 4. Guidance/standards for the sustainable use of ecosystems; 5. Guidance/standards for a coherent network of protected areas; 6. Appropriate reporting on biodiversity targets and indicator framework (including for MEAs and EC Directives); 7. Reporting actions that will contribute to BAP targets on the biodiversity action Reporting system (BARS)

UK Sustainable Development Strategy

www.sustainable-development.gov.uk/

Relevant Legislation / guidance

Planning Policy Statement 1 - Delivering Sustainable Development

Duty placed

Government over-arching planning policies on the delivery of sustainable development through the planning system.

Indicators to be used to report progress will include all indicators within the UK

Framework set that are relevant to natural resources and in addition other indicators relevant to the priorities of the UK Government Strategy:

Bird populations*: bird population indices (a) farmland birds* (b) woodland birds* (c) birds of coasts and estuaries* (d) wintering wetland birds

Biodiversity conservation: (a) priority species status (b) priority habitat status

Farming and environmental stewardship: *(to be developed to monitor progress in new stewardship schemes)*

Agriculture sector: fertiliser input, farmland bird populations and ammonia and methane emissions and output

Land use: area used for agriculture, woodland, water or river, urban (contextual

indicator) **Land recycling:** (a) new dwellings built on previously developed land or through conversions (b) all new development on previously developed land

Environmental equality*: *(measures to be developed)*

Dwelling density: average density of new housing

Fish stocks*: fish stocks around the UK within sustainable limits

Ecological impacts of air pollution*: area of UK habitat sensitive to acidification and eutrophication with critical load exceedences

River quality*: rivers of good (a) biological (b) chemical quality)

Parties Responsible

All government departments

Relevance to LRC's

Up to date Environmental information

Regional Spatial Strategy

Relevant Legislation / guidance Draft Regional Spatial Strategy: <http://www.southwest-ra.gov.uk/media/SWRA/RSS%20Documents/Final%20Draft/draftrssfull.pdf>

Statutory planning document for monitoring and managing future development in the South West over the next 20 years. Currently in draft form, the RSS will, after consultation and Examination in Public stages are completed, replace the Regional Planning Guidance for the South West (RPG10), and the region's county structure plans, in 2008

Refers to Nature map, UK BAP, South West Regional BAP', South West Nature Map

Duty placed

Includes - Page 148 -

“ENV4 Nature Conservation. The distinctive habitats and species of the South West will be maintained and enhanced in line with national targets and the South West Regional Biodiversity

Action Plan. Local authorities should use the Nature Map to help map local opportunities for biodiversity enhancement in LDDs, taking into account the local distribution of habitats and species, and protecting these sites and features from harmful development. Priority will be given to meeting targets for maintenance, restoration and recreation of priority habitats and species set out in Appendix 1, focusing on the Nature Map areas identified in Map 7.3. Proposals which provide opportunities for the beneficial management of these areas and habitats and species generally, should be supported, including linking habitats to create more functional units which are more resilient to climate change.”

Parties Responsible

Regional and local authorities, planners and developers.

Relevance to LRC's

Section 7.2.11 of Draft Regional Spatial Strategy states

“Local authorities should use the Nature Map and work with interested local stakeholders including local biodiversity partnerships and **local record centres** to map local opportunities for biodiversity enhancement in LDDs. These should take into account the local distribution of habitats and species, including within urban areas and protect these sites and features from harmful development. It is important that targets for maintenance, restoration and recreation of priority habitats are met, taking an ecosystem approach, to realise opportunities for linking and buffering habitats and making them more functional units. Local authorities should use the development process positively to achieve these outcomes and should promote beneficial management of priority habitats and species found in their areas. This should result in more resilient habitat units across the region.”

**BRERC produced south west regional biodiversity targets
South West Local Record Centre's mapped Nature Map**

Relevant Legislation / guidance

<http://download.southwestrda.org.uk/res/general/RES2006-2015.pdf>

Duty placed

- 7.1 Protect and enhance habitats and species
- 7.2. Promote biodiversity as a regional asset
- 7.3. Protect and enhance region's urban and rural landscapes

Parties Responsible

All government departments

Relevance to LRC's

Up to date environmental information

Regional Sustainable Development Strategy

Relevant Legislation / guidance

<http://www.oursouthwest.com/RegiSus/framework/framework.htm>

Duty placed

Parties Responsible

Relevance to LRC's

Planning Policy Statement 1 Delivering Sustainable Development (PPS1)

www.communities.gov.uk/documents/planningandbuilding/pdf/147393

Relevant Legislation / guidance

Planning Policy Statement 1 Delivering Sustainable Development (PPS1)

Duty placed

The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wildlife habitats and natural resources. Those with national and international designations should receive the highest level of protection.

Planning should seek to maintain and improve the local environment and help to mitigate the effects of declining environmental quality through positive policies on issues such as design, conservation and the provision of public space.

Plan policies and planning decisions should be based on:

– **up-to-date information on the environmental characteristics of the area;**

– the potential impacts, positive as well as negative, on the environment of development proposals (whether direct, indirect, cumulative, long-term or short-term); and,

– recognition of the limits of the environment to accept further development without irreversible damage.

Planning authorities should seek to enhance the environment as part of development proposals. Significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate those impacts pursued. Where adverse impacts are unavoidable, planning authorities and developers should consider possible mitigation measures. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. In line with the UK sustainable development strategy, environmental costs should fall on those who impose them – the “polluter pays” principle.

Development plan policies should take account of environmental issues such as: mitigation of the effects of, and adaptation to, climate change through the reduction of greenhouse gas emissions and the use of renewable energy; air quality and pollution;

land contamination; the protection of groundwater from contamination; and noise and light pollution;

– the protection of the wider countryside and the impact of development on landscape quality; the conservation and enhancement of wildlife species and habitats and the promotion of biodiversity; the need to improve the built and natural environment in and around urban areas and rural settlements, including the provision of good quality open space; the conservation of soil quality; and the preservation and enhancement of built and archaeological heritage;

Parties Responsible

All planning departments

Relevance to LRC's

Up to date information on the environmental characteristics of the area

Planning Policy Statement 9 Biodiversity and Geological Conservation (PPS9)

Relevant Legislation / guidance

Planning for Biodiversity and Geological Conservation – A Guide to Good Practice

Duty placed

The key principles in PPS9 require that planning policies and decisions not only avoid, mitigate or compensate for harm but seek ways to enhance and restore biodiversity and geology. **This**

guidance suggests ways in which these principles might be achieved.

Key Principles

- Policies and decisions should be based on **up-to-date information**
- Policies and decisions should seek to sustain and enhance biodiversity.
- Policies should take a strategic approach to the conservation and enhancement of biodiversity.
- Developments where the principal objective is to conserve or enhance biodiversity should be permitted.
- Proposed development should be accommodated without causing harm to biodiversity and reasonable alternative should be considered. Planning permission should only be granted where adequate mitigation and compensation measures are put in place.
- Beneficial biodiversity features should be promoted within new development.

(i) Development plan policies and planning decisions should be based upon **up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area.** In reviewing environmental characteristics local authorities should **assess the potential to sustain and enhance those resources**

Parties Responsible

All involved in planning process

Relevance to LRC's

Page 19 **Local Record Centres**

2.30 Local Record Centre (LRC) is the generic term for a single information source, often serving a specific county or sub-region. The main function of LRCs is to collate, manage and disseminate biodiversity information, but they may also hold other types of environmental data. LRCs typically work with

local species recording schemes to support the collation, validation and management of species records. They may also undertake habitat mapping or act as custodian for survey data collected by other organisations. They may be linked to the National Biodiversity Network and have a role in interpreting the information provided. Those LRCs presently up and running are supported by funding partnerships usually comprising local authorities, English Nature and other bodies such as the Environment Agency and the Wildlife Trusts.

2.31 With environmental information held across many disparate organisations, both public and voluntary, a LRC is the most effective and sustainable mechanism for facilitating access to this. It would be good practice for all local authorities to contribute to the establishment and running of a LRC as a cost-effective way of providing a publicly accountable ‘one-stop shop’ for comprehensive and reliable environmental information upon which to plan, in line with the key principles of PPS9.

2.32 The benefits of supporting an effective LRC include:

- better access to information on species and habitat occurrence for local planning authorities and other stakeholders;
- avoidance of costly public inquiries due to earlier identification and resolution of potential conflicts;
- reduced times in processing planning applications;
- lower costs to developers; and
- potential for the provision of data on biodiversity required for Annual Monitoring Reports.

Development Control *Page 47*

Ecological Surveys

5.7 Where the nature and location of a development is such that nature conservation impacts may be significant and existing information regarding this is lacking or inadequate, further ecological surveys may be necessary in advance of a planning application. In certain cases these surveys might include information on possible alternative sites. Pre-application negotiation can help scope the nature of survey work required. South Gloucestershire’s biodiversity design guide provides useful generic advice for planning applicants regarding the need to carry out an ecological survey where development will affect sites with known or potential value for wildlife. Such guidance could also form part of a Supplementary Planning Document.

Case study: extract from South Gloucestershire Council Design Guide – Biodiversity and the Planning Process 78

Surveys

- must be carried out by suitably qualified and experienced persons;
- must be carried out at an appropriate time and month of the year, in suitable weather conditions and use recognised surveying techniques;
- must be to an appropriate and recognised level of scope and detail (e.g. Phase

II NVC for grassland) and must record and map the range of habitats and species of flora and fauna found on site;

- must include the results of a search of ecological data from the **Bristol Regional Environmental Records Centre** (contact details on back of leaflet);
- must include an assessment of the likely effects of development on the nationally and locally important species and habitats recorded on site or in the locality;
- identify measures to be taken to avoid impacting on the biodiversity of the site and in the locality, either directly or indirectly, both during construction and afterwards;
- the Council will require additional surveys if the detail provided is deemed inadequate;
- all applications to redevelop (particularly brick or stone) agricultural buildings such as barns or stables must be accompanied by a wildlife survey.

Planning Policy Statement 12 Local Development Frameworks (PPS12)

Relevant Legislation / guidance

Planning Policy Statement 12: Local Development Frameworks

Duty placed

In addition to the biodiversity guidance presented in PPS 9, there is also relevant guidance in PPS 12 in relation to the content of Local Development Frameworks. In summary this includes the following:

- The adopted proposals map should identify areas of protection, such as ... "*local nature conservation areas*";
- The adopted proposals map may also show any of the following where these are contained in the policies and proposals of the relevant development plan documents:
 - nationally designated areas such as SSSIs,
 - areas subject to specific design initiatives,
 - areas of more regional or local significance for biodiversity and where biodiversity will be enhanced;
- Action Area Plans should be used to protect areas particularly sensitive to change and should set out the policies and proposals for action to preserve or enhance the area, including defining areas where specific conservation measures are proposed and areas which will be subject to specific controls over development;
 - Area Action Plans should also focus upon implementation, ensuring development of an appropriate scale, mix and quality for key areas of opportunity, change or conservation;
 - Area action plans could be relevant in a wide range of circumstances, for instance in areas that are particularly sensitive to change or development, such as areas of significant natural or cultural heritage value. Plans for such areas would establish the conservation and enhancement objectives and how these might be reconciled with sensitive development.
 - There should be a limited range of policies that set out the criteria against which planning applications should be considered. The focus should be on topic-related policies such as protecting landscape and natural resources, including those for nature conservation.

In addition to the above, PPS 12 refers to the importance attached by the Government to the implications of climate change. PPS 12 (page 68) states:

“Climate change is a significant environmental threat, the effects of which will be increasingly felt in future years. The Government attaches great importance to acting on a precautionary basis to reduce the emissions that cause climate change and to prepare for its impacts”.

"Climate change could have significant consequences".

With regard to climate change and biodiversity, PPS 12 (page 69) states that local planning authorities should include policy on:

“the way that the distribution of nationally or regionally significant species and habitats may alter with climate change, and the effects on biodiversity and nationally or internationally designated sites”.

Annex B: CLIMATE CHANGE: IMPACTS AND ADAPTATION

B20. Development can impact on climate change (through emissions) and climate change could have significant consequences for: the use and design of buildings; infrastructure and urban areas; pressure on water resources and biodiversity; and the risk of inland and coastal flooding. In preparing local development documents, local planning authorities should seek first to avoid, or where this is not possible seek to reduce, the effects of development on climate change and vice versa. Local development documents should therefore include policy on:

iv. the way that the distribution of nationally or regionally significant species and habitats may alter with climate change, and the effects of biodiversity and nationally or internationally designated areas; (this refers, in part to **Nature Map** - see Draft Regional Spatial Strategy above)

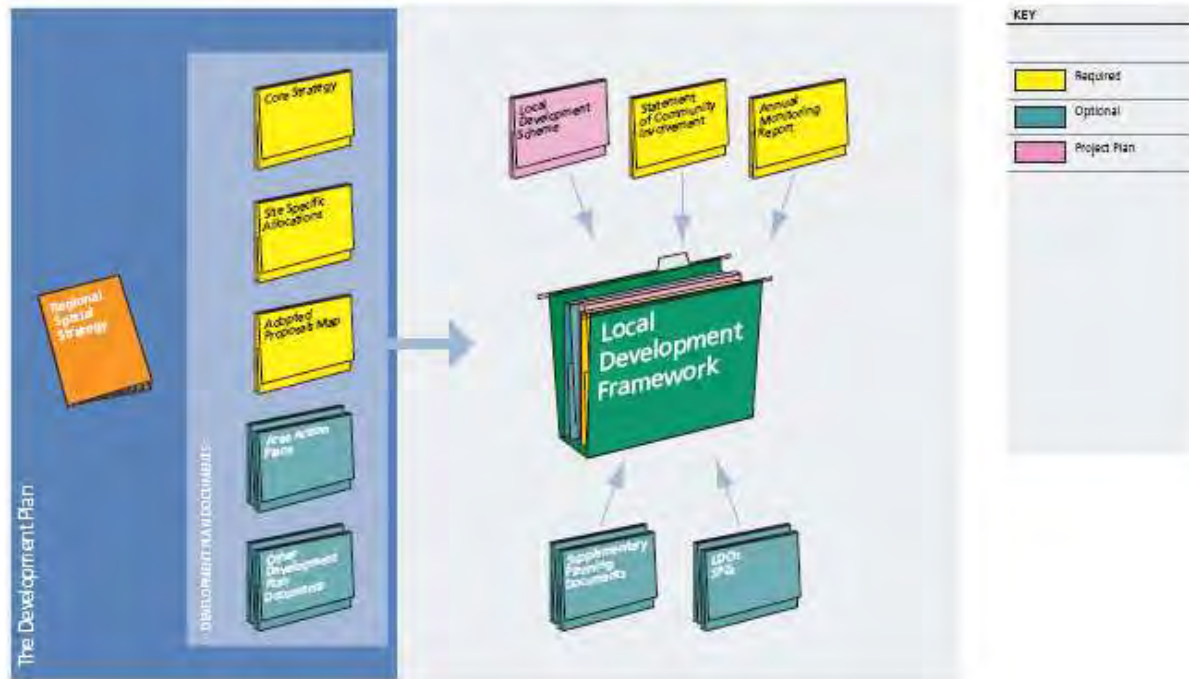
Parties Responsible

Regional planning bodies and local planning authorities

Relevance to LRC's

Up to date information

Figure 1.1 – The Local Development Framework



Relevant Legislation / guidance

Public Service Agreement Delivery Agreement 28

<http://www.defra.gov.uk/wildlife-countryside/natres/psa.htm>

Public Engagement

Duty placed

3.51 The Government will seek to increase the number and diversity of people volunteering and getting involved in helping protect the natural environment through supporting volunteering and recording networks, including initiatives such as the National Biodiversity Network.

Parties Responsible

Local Government amongst many others

Relevance to LRC's

Recording and community groups.

Annual Monitoring Report

Relevant Legislation / guidance

Planning Policy Statement 12: Local Development Frameworks

Duty placed

Required element within PPS 12

Parties Responsible

Local authorities

Relevance to LRC's

Up to date information – particularly for core output indicator 8 of AMR

From - *Planning for Biodiversity and Geological Conservation – A Guide to Good Practice*

2.32 The benefits of supporting an effective LRC include:

- better access to information on species and habitat occurrence for local planning authorities and other stakeholders;
- avoidance of costly public inquiries due to earlier identification and resolution of potential conflicts;
- reduced times in processing planning applications;
- lower costs to developers; and
- **potential for the provision of data on biodiversity required for Annual Monitoring Reports.**

Local Biodiversity Action Plans

Relevant Legislation / guidance

Duty placed

Parties Responsible

Local authorities

Relevance to LRC's

In most areas, local biodiversity partnerships have identified locally important species and habitats, along with actions needed to maintain and enhance them, taking account of priorities identified in the UK Biodiversity Action Plan. The DETR circular on the Countryside and Rights of Way Act 2000 (04/01) makes clear that Local Sites are important components within Local Biodiversity Action Plans.

Strategic Environmental Assessments (SEA)

<http://www.sea-info.net/>

Relevant Legislation / guidance

Strategic Environmental Assessment and Biodiversity: Guidance for Practitioners

<http://www.english-nature.org.uk/pubs/publication/PDF/SEAbiodiversityGuide.pdf>

This Document from Natural England states:

2.1 What is SEA?

The ultimate aim of SEA is to help protect the environment and promote sustainable development. SEA promotes sustainability via the integration of environmental considerations into strategic decision-making:

"SEA is a systematic process for evaluating the environmental consequences of proposed policy, plan or programme initiatives in order to ensure they are fully included and appropriately addressed at the earliest appropriate stage of decision making on par with economic and social considerations" (Sadler and Verheem, 1996).

Duty placed

For a given policy, plan or programme that requires SEA, the "responsible authority" writing the policy/plan/programme carries out the following general SEA process:

- identify the current baseline conditions and problems in the area, including relevant biodiversity objectives and other relevant policies, plans and programmes;
- identify and assess the likely impacts of the policy/plan/programme environment, including on biodiversity;
- consider relevant alternatives to the policy/plan/programme;
- reduce or avoid any significant negative impacts ("mitigation") and positive benefits where possible;
- produce an environmental report;
- involve the public and other organisations;
- take the environmental information and public/organisation comments account in decision-making;
- publish information about the decision;
- monitor the impacts of implementing the policy/plan/programme.

Parties Responsible

Local, regional and national authorities

Relevance to LRC's

Up to date information

Table 5. Scoping checklist for biodiversity - *page 30*

Consult with:

- English Nature, CCW, SNH, Environment and Heritage Service (EHS) in Northern Ireland
- Environment Agency (England and Wales), SEPA (Scotland)
- Local wildlife organizations including the local Wildlife Trusts
- RSPB
- **Local Records Centres**
- Local and Regional Biodiversity Partnerships about relevant levels of assessment, suitable approaches. Include early discussion about biodiversity objectives, indicators and targets

4.5 Describing the baseline page 41

“General biodiversity basemaps are unlikely to identify all areas used by otter or **water vole**, for example, but this information may be available from **local records centres**: the level of detail and search will need to be appropriate to the level of SEA”.

Environmental Impact Assessments (EIA)

Relevant Legislation / guidance

The requirement for EIA comes from a European Directive (85/33/EEC as amended by 97/11/EC).

Duty placed

The Environmental Impact Assessment (EIA)¹⁵ is a procedure that must be followed for certain types of development, mostly large scale, before they are granted development consent. The requirement for EIA comes from a European Directive (85/33/EEC as amended by 97/11/EC). The procedure requires the developer to compile an Environmental Statement (ES)

Parties Responsible

Planning Authorities and developer

Relevance to LRC's

“Applicant or developer to obtain data from LRC This is to ensure the planning authority has sufficient reliable information. Data specific to individual sites may also be required in order to monitor section 106 agreements and minerals restoration schemes.” From Biodiversity Data Needs for Local Authorities and National Park Authorities

Relevant Legislation / guidance

<http://www.communities.gov.uk/publications/localgovernment/preparingcommunitystrategies>

Duty placed

Part I of the Local Government Act 2000 places on principal local authorities a duty to prepare 'community strategies', for promoting or improving the economic, social and environmental well-being of their areas, and contributing to the achievement of sustainable development in the UK.

“They should also take account of the ways in which national and global concerns - such as the mitigation of climate change and the protection of biodiversity - can be addressed through local action.”

Government's announcement on the rationalisation of local authority plans (ODPM, November 2002) identifies Local Biodiversity Action Plans as one of the plans to be subsumed into Community Strategies. Local authorities will need to demonstrate that local biodiversity planning has been considered within their Community Strategy and that Community Strategies as a whole are informed by the purposes of biodiversity planning

Parties Responsible

Local authorities

Relevance to LRC's

Indicators to Quality of Life, Local Biodiversity Action Plans, protection of biodiversity through data provision.

Appropriate Assessments (AA)

Relevant Legislation / guidance

Regulation 48(1) of the Habitats Regulations 1994 implementing Article 6(3) of the Habitats Directive (92/43/EEC).

Duty placed

Appropriate Assessment (AA) is a procedure that must be followed by local authorities acting as the 'competent authority' for certain types of development which would be likely to have a significant effect on a European Site and is not directly connected with the management of the site for nature conservation. The requirement for AA comes from Regulation 48(1) of the Habitats Regulations 1994 implementing Article 6(3) of the Habitats Directive (92/43/EEC).

Parties Responsible

Local authorities and applicant

Relevance to LRC's

Up to date information

Local Area Agreements (LAA)

Relevant Legislation / guidance

The LAAs are part of radical reforms to replace the multiple national performance frameworks under which local authorities operate with around 200 national indicators. These will cover everything local government does on its own or in partnership with others.

Duty placed

Each LAA will have no more than 35 negotiated (designated) alongside 18 statutory education and early years targets. There will be a single annual performance review to examine the findings of the Comprehensive Area Assessment (CAA) and respond to changing priorities in the area;

Parties Responsible

Local Authorities and partners

Relevance to LRC's

National Indicator 188 Adapting to Climate Change

National Indicator 197 Improve Biodiversity

Green Infrastructure

Relevant Legislation / guidance

Duty placed

Parties Responsible

Relevance to LRC's

Farm Environment Plans (FEP)

Department for Environment Food and Rural Affairs (DEFRA) Farm Environment Plan Handbook

<http://www.defra.gov.uk/erdp/schemes/hls/fep-handbook/chapter2.htm>

“Before conducting a field survey of the farm, surveyors should ensure they conduct a desk study to collate all the currently available information on the area, and make full use of existing environmental information: local records, existing maps and websites. Time spent on data collation before the field survey will enable it to be more focussed and efficient and will ensure that the fullest body of evidence can be brought together to support the application for an agreement.”

Local Wildlife Site Assessment

Relevant Legislation / guidance

Duty placed

Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation sets out the Government's policies for the protection and creation of open spaces, sports and recreational facilities. Local authorities are expected to protect all open space required by communities and they should assess community needs for open space, sport and recreation and carry out audits of open space and sporting and recreational facilities. It recognises that open space of high quality or of particular value to a local community should be identified and given protection by local authorities through appropriate policies in plans. Areas of particular quality may include open spaces that also benefit biodiversity and geodiversity. Local Authorities should take account of the various functions of open space, including that of providing havens and habitats for flora and fauna, when deciding on the most appropriate way to treat such spaces.

Planning Policy Statement 9: Biodiversity and Geological Conservation provides a statement of national planning policy for biodiversity and geological conservation in England. It recognises that Local Sites have a fundamental role to play in helping to meet overall national biodiversity targets, contributing to the quality of life and the well-being of the community and in supporting research and education. Local Development Frameworks should identify all local nature conservation areas on the proposals.

The New Performance Framework for Local Authorities and Local Authority Partnerships October 2007 National Indicator 197 Improve local biodiversity – active site management of local sites

Parties Responsible

Local Wildlife Sites Partnership

Relevance to LRC's

Member of Partnership. Maintaining site information on behalf of partnership

Dealing with protected species

This is a highly relevant article by Penny Simpson about recent judgements under European Protected Species Law with regard to Local Authority planning. It appears on the Local Government Lawyer website and the link to the article is:

http://localgovernmentlawyer.co.uk/index.php?option=com_content&view=article&id=4995%3Adealing-with-protected-species&catid=63%3Aplanning-articles&q=&Itemid=31

Thursday, 18 November 2010

It is critical that local planning authorities understand recent caselaw in relation to protected species. Penny Simpson explains why.

There has been a quiet shock-wave moving through local planning authorities across the country this year as a result of a court judgment from the High Court on European Protected Species (bats, great crested newts, dormice, otters etc). This case has now been confirmed by the Court of Appeal. The cases have focussed on the legal duty of LPAs towards European Protected Species. Only now are LPAs really beginning to understand the implications of the judgement and how to deal with it. This article explores those issues and provides advice to LPAs and developers on how to deal with the implications of the caselaw.

The Woolley and Morge cases

The *Woolley* case was determined in the summer of 2009 and has this year been confirmed by the Court of Appeal in the case of *Morge*. These cases have clarified the legal duty of a LPA when determining a planning application for a development which may impact on a European Protected Species.

The *Woolley* case was a judicial review of a decision by Cheshire East Borough Council to grant planning permission for a development in Wilmslow involving the demolition of an existing Edwardian Villa and its replacement with a larger property consisting of three apartments. A small bat roost had been identified at the existing property following a survey undertaken in 2006. It was common ground that in order to demolish the building containing the bat roost a criminal offence would be committed and a licence from Natural England would need to be obtained.

The claimant, Mr Woolley, won the case on the basis that in granting planning permission the LPA had failed in its duty under Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 ("2010 Regulations"). This duty is for all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."

The Court said that in order for a LPA to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive. In that case the LPA had not done so and so the planning decision was defective. The *Morge* case confirmed that this approach is correct.

The *Woolley* and *Morge* cases demonstrate that in order to discharge its regulation 9(5) duty a LPA must consider in relation to a planning application:

- (i) whether any criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed; and
- (ii) if one or more such offences is likely to be committed, whether the LPA can be satisfied that the three Habitats Directive "derogation tests" are met. Only if the LPA is satisfied that all three tests are met may planning permission be granted. These three tests are:
 - a. the development must be for one of the reasons listed in regulation 53(2) of the 2010 Regulations. This includes imperative reasons of overriding public interest of a social or economic nature or of a public health and safety nature
 - b. there must be no satisfactory alternative, and
 - c. favourable conservation status of the European Protected Species in their natural range must be maintained – this is the test that drives the need for the developer to provide replacement habitat.

These tests are in fact the three tests that Natural England has to apply when it is considering whether to grant a developer a European Protected Species licence to allow it to proceed with a project, normally following grant of planning permission. Even though Natural England, as the licensing authority, has to apply these tests in relation to a licence application, the caselaw clarifies that these tests must also be

considered by the LPA when granting planning permission. This is due to the LPA's regulation 9(5) duty.

For LPAs

LPAs need to understand this caselaw and put it into practice to avoid future legal challenges of their planning decisions. They need a system in place under which:

- officers are aware of the legal requirements on them and understand that a LPA cannot discharge its duty simply by adding a condition to the grant of planning permission which requires a licence from Natural England to be obtained (such a condition would not be sufficient to "engage" with the Habitats Directive)
- consideration is given by the LPA to whether criminal offences against a European Protected Species are likely to arise from a development proposal – this in turn means that LPAs need to screen planning applications for their likelihood of impacting on EPS. Furthermore careful attention needs to be given to any "mitigation" (ie offence avoidance measures) which the developer may propose
- the three derogation tests are (where necessary) applied and relevant information is obtained from the applicant
- these issues are documented clearly through the determination process, and
- these issues are applied not just in relation to planning applications for full planning permission but also for outline permission, for listed buildings consent and for building regulations consent.

For developers

The *Woolley* and *Morge* judgments are increasingly having an impact on the way in which LPAs are operating. In order to make the path to planning permission as smooth as possible developers need to:

- undertake ecological surveying at an early stage
- identify all possible mitigation options so as to minimise impacts on European Protected Species – these may allow the developer to avoid criminal offences so that the LPA need not consider the three derogation tests; and also to avoid the need to apply for a Natural England licence
- be proactive in their analysis of their position. It is often tactically advisable for a developer to provide the LPA with the developer's analysis of the likelihood of criminal offences being committed and, if so, how the three derogation tests will be met by the development proposal. This is, after all, not extra work as this information will in any event need to be provided later to Natural England when applying for a European Protected Species licence
- where necessary prepare carefully their arguments as to how their development is "in the overriding public interest" and "that there is no satisfactory alternative" – these are legal tests where European caselaw is relevant, and
- be very aware of the way in which planning conditions relating to protected species can create difficulties for the developer in obtaining a subsequent European Protected Species licence from Natural England, and so to seek planning conditions which are phrased in the least problematic way.

Penny Simpson is an environmental lawyer at DLA Piper and specialises in natural environment and conservation legal issues. She acted for Mr Woolley in the Woolley case. Penny can be contacted on 0114 283 3353 or by email at penny.simpson@dlapiper.com .

SUPREME COURT RULES ON HABITATS DIRECTIVE

Supreme Court rules on the Habitats Directive "deliberate disturbance" offence and comments on planning authorities' duties to European Protected Species

This briefing contains an important update following the Supreme Court's decision in the case of *Vivienne Morge v Hampshire County Council* [2010] EWCA Civ 608 handed down on 19 January 2011. The *Morge* decision focused on the legality of a planning decision to allow a new bus route through bat habitat. This article focuses on the two issues which the Supreme Court commented upon:

- the meaning of the Article 12(1)(b) Habitats Directive "deliberate disturbance" offence - this will be of particular interest to developers and consultants; and
- how local planning authorities ("LPAs") should discharge their legal duty to have regard to the requirements of the Habitats Directive - this will be of particular interest to LPAs as well as consultants and developers.

THE EUROPEAN PROTECTED SPECIES "DELIBERATE DISTURBANCE" OFFENCE

Article 12(1)(b) of the Habitats Directive provides that:

"Member States shall take the requisite measures to establish a system of strict protection for the animal species listed [ie European Protected Species] in their natural range, prohibiting....(b) deliberate disturbance

of these species, particularly during the period of breeding, rearing, hibernation and migration."

The Court of Appeal decision of 2010 contained a very "conservative" interpretation of this offence and set a high threshold for triggering it. The Court stated (in summary) that a disturbance would need to affect the conservation status of the species at population level and biogeographic level in the long term in order to fall within the Article 12(1) "deliberate disturbance" offence. The Court held that the facts of the *Morge* case did not trigger this offence. This judgment would have made welcome reading for many developers, particularly wind farm developers.

The Supreme Court, however, has overruled the Court of Appeal, giving a more balanced interpretation.

"Deliberate"

First the Supreme Court has confirmed what "deliberate" means:

"As stated by the Commission in para 33 of its Guidance, ""deliberate" actions are to be understood as actions by a person who knows, in light of the relevant legislation that applies to the species involved, and the general information delivered to the public, that his action will most likely lead to an offence against the species but intends this offence or if not consciously accepts the

foreseeable results of his action." Put more simply a deliberate disturbance is an intentional act knowing that it will or may have a particular consequence, namely disturbance of the relevant protected species."

This is helpful clarification of the word "deliberate", and is applicable to all the European Protected Species ("EPS") offences which contain this term. As I often advise, a person will not commit the Article 12(1)(b) offence where they disturb an EPS but do not do so "deliberately". It follows from the meaning of "deliberate" that where an activity is judged unlikely to lead to disturbance of an EPS, then if disturbance does unexpectedly occur it is unlikely that it will have occurred "deliberately". This can be exploited by consultants, when designing their clients' mitigation, to assist their clients in avoiding offences. It also follows that if, following completion of a development (such as a wind farm), it becomes clear that an EPS (eg bats) is being killed or disturbed by the development then the operator may well be said to be deliberately killing or disturbing the EPS by allowing that activity to continue.

"Disturbance"

Secondly the Court has given its view on the meaning of "disturbance".

It has adopted a more cautious approach than the Court of Appeal. It agreed with the Court of Appeal that the provision relates to protection of the species (not specimens of the species) and that the disturbance does not have to be "significant" to come within the offence. However it stated that the Court of Appeal had set the threshold too high in ruling that "deliberate disturbance" requires an impact "on the conservation status of the species at population level" or an impact which "affects the survival chances of a protected species".

Beyond that, the Supreme Court was reluctant to state what the minimum threshold for "deliberate disturbance" of the species would be, although it did cite the EU Commission's guidance referring to the need for the disturbance to be "harmful". The Court made a number of further comments as guiding principles to assist in the interpretation of the offence:

- each case has to be judged on its own merits; and a species by species approach is required;
- even with regard to a single species the position might be different depending on the season or on certain periods of its life cycle;
- consideration should be given to the rarity and conservation status of the species and the impact of the disturbance on the local population of a particular protected species;

- individuals of rare species are more important to a local population than individuals of a more abundant species;
- disturbance to species that are declining in numbers is likely to be more harmful than disturbance to species that are increasing in numbers;
- disturbance during the periods of breeding, rearing, hibernation and migration is more likely to have a sufficiently negative impact on the species to constitute disturbance; but the offence leaves open the possibility that disturbance at other less sensitive periods could still potentially amount to "deliberate disturbance"; and
- the Court strongly supported the EU Commission's guidance on the issue (found in the "Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC" (February 2007)).

On the one hand this ruling may appear rather unhelpful because of its failure to set a minimum threshold. But on the other hand it is extremely difficult to create a "one size fits all" definition of deliberate disturbance and one can sympathise with the predicament in interpretation which faced the Supreme Court.

The conclusion I draw is that the "deliberate disturbance" offence is to apply to an activity which is likely to impact negatively on the demography (survival or breeding) of the species at the local population level. In order for a disturbing activity to affect a species then clearly individuals need to be affected and it must follow that disturbing one or two individuals of a species is not necessarily below the threshold (ie outside the offence) because for a rare species, a species in decline, or a species at the edge of its range, a harmful disturbing impact on a very small number of individuals may still impact negatively on the demography of the local population. Ultimately the Court however has confirmed that the judgement is one for the relevant decision maker to make (eg the licensing authority or the LPA), based on all the facts of the case.

COMMENT ON THE DUTY OF LPAS TO "HAVE REGARD TO THE REQUIREMENTS OF THE HABITATS DIRECTIVE" IN DISCHARGING THEIR FUNCTIONS

The Court of Appeal decision set out very clearly the way in which LPAs should discharge their legal duty under regulation 9(5) of the Conservation of Species and Habitats Regulations 2010 to "have regard to the requirements of the Habitats Directive" in exercising their functions. It said that the LPA had first to assess whether the development proposal would breach Article 12(1) of the Habitats Directive. If Article 12(1) would be breached, the LPA then had to consider whether Natural

England ("NE") was likely to grant an EPS licence for the development; and in so doing the LPA would have to consider the three "derogation tests". The Court of Appeal went on to give clear guidance to LPAs as to how to decide planning permissions where the LPA concludes that an EPS licence (i) would be granted by NE; (ii) would not be granted by NE; and (iii) where the LPA is unsure.

The Supreme Court has thrown doubt on this guidance with the leading judgment of Lord Brown saying "*this goes too far and puts too great a responsibility on the Planning Committee whose only obligation is to have regard to the requirements of the Habitats Directive*". Although at first blush this may seem to throw the Court of Appeal's guidance entirely into doubt, upon close analysis of the facts my view is that the Supreme Court decision alters the position only to a limited extent.

The Supreme Court ruled, by four judges to one, that the LPA (Hampshire County Council) had adequately discharged its regulation 9(5) duty. In this case, NE had been consulted on the planning application, had considered it and ultimately had sent a letter withdrawing its EPS-based objection subject to implementation of recommended mitigation. It seems that NE's letter however did not make any specific reference to whether Article 12(1) would be breached. Nevertheless on that basis the Supreme Court ruled that the LPA was entitled to presume that Article 12(1) would not be breached and did not need to "look behind" NE's view and assess the position for itself.

I think it is important to note that the facts of the case were such that the mitigation to be provided would have had the effect of avoiding the bats suffering "deliberate disturbance". Therefore, in this case, by withdrawing its objection in relation to the EPS on the basis of the mitigation to be provided, NE was indirectly stating its view that Article 12(1) would not be triggered.

However under a different scenario, such as where NE might withdraw its objection where a bat roost is being destroyed but is being compensated for by construction of a new roost nearby (this is strictly termed compensation, not mitigation), then it would not be correct to infer from the withdrawal of objection that NE believed there was "no breach of Article 12(1)". On the contrary, the destruction of a roost would amount to a breach of Article 12(1), notwithstanding that the provision of compensatory habitat would maintain favourable conservation status of the population.

So the Supreme Court's decision is authority for the point that where NE provides a consultation response which can, in all the circumstances, be regarded as confirming that no Article 12(1) breach will occur (either because the response says so clearly or because the facts of the case allow this to be inferred from NE's withdrawal of objection), then the LPA is entitled to rely on NE's view and need not analyse the facts in detail itself to establish whether Article 12(1) will be breached. The further

strong implication from this is that if NE were to maintain an objection to any application on an Article 12(1) basis then the LPA would most likely need to refuse planning permission.

However this decision does not rule upon the position where NE is not consulted on a planning application and indeed the Supreme Court says nothing in the judgment in recognition that for many planning applications NE does not comment. NE's standing advice confirms that NE expects to be consulted (absent applications affecting a SSSIs, SPAs, SACs, Ramsar sites, National Parks, AONBs or requiring an Environmental Impact Assessment) only where the planning application has a significant impact on a protected species (EPS or otherwise).

Where NE is not consulted then in order to discharge its regulation 9(5) duty my view is that the LPA would still need to consider itself whether Article 12(1) will be breached. Where it believes Article 12(1) will not be breached then the EPS should create no impediment to the grant of planning permission. However where a LPA believes Article 12(1) will be breached the LPA will still then need to consider whether NE is likely to grant a licence. This in turn will necessarily require consideration of the three derogation tests. Following analysis of the three derogation tests, the Supreme Court has made clear (see Lord Brown's judgment) that the LPA should only refuse planning permission if it believes that NE is unlikely to grant a licence. The implication of this is that where the LPA concludes that an EPS licence is likely to be granted by NE or even where the LPA is unsure of NE's likely response then (in contrast to the Court of Appeal's guidance) the EPS should not prevent the LPA from granting permission.

The case does however serve to highlight three issues:

- NE's consultation approach to EPS-related planning applications: Is it acceptable, where NE has "primary responsibility for ensuring compliance with the Directive" (see Lord Brown's judgment), for NE to expect LPAs to have to consider EPS issues without NE's case-by-case consultation support? The standing advice (which deals with protected species including EPS) invites LPAs to consult with NE where there is a significant impact on a protected species and provides helpful examples of cases which NE would regard as significant. But that pre-supposes that the LPA has the expertise to judge where a significant impact on EPS is likely to occur. And in addition this leaves the LPA without NE's support to deal with many "non-significant" EPS cases where Article 12(1) will still be breached. It is of course understandable that NE, in the face of cut backs, is seeking to prioritise its input. But should a distinction be made in NE's standing advice between protected species generally (where restricted consultation with NE is appropriate) and EPS (where restricted consultation may not be)?

- Judging the two "planning" derogation tests (ie whether the planning application amounts to "imperative reasons of overriding public interest"; and whether there is any "satisfactory alternative"): the LPA will always be in a better position than NE to judge these two tests and on that basis the system should I believe encourage the LPA to carry out an analysis of those two tests where a breach of Article 12(1) is to occur, even if NE also has to consider them at the EPS licence application stage.
- Planning conditions: Where measures are proposed by the developer so as to allow a conclusion of "no breach of Article 12(1)" then in my view those mitigation measures ought to be imposed by the LPA by way of condition. However where a breach of Article 12(1) is likely and the LPA must go on to consider whether the development is likely to be granted a licence by NE then any compensation proposed by the developer so as to meet the favourable conservation status test should not be conditioned, as that is a matter for NE licensing.

"DAMAGE AND DESTRUCTION OF BREEDING SITE OR RESTING PLACE" OFFENCE

It is important to confirm that the Supreme Court did not consider this offence and therefore the two key points made by the Court of Appeal still hold good:

- *potential* breeding sites or resting places are not covered by the offence; and
- damage or destruction of breeding sites or resting places can occur through *direct* impacts (eg demolishing part of a bat roost) or *indirect* impacts (eg changing the temperature of a roof so as to make a bat roost no longer suitable for the bats).

CONTACTS

Penny Simpson is an experienced environmental lawyer at DLA Piper UK LLP and specialises in advising her clients on legal issues relating to the "natural environment".

She advises:

1. Developers and consultants:
 - on protected species issues, in particular:
 - EPS strategy, including providing legal opinions to support where appropriate development activities without the need for an EPS licence
 - EPS licence applications, in particular drafting the "*reasoned statements*"
 - EPS licence liability issues and enforcement action
 - on protected site and "appropriate assessment" issues
 - on EIA and SEA issues
 - on water legislation, in particular relevant permits and licences
2. Environmental public interest groups on conservation law and policy; and
3. Local Planning Authorities and other public bodies on how they should discharge their duties as regards EPS and protected sites and species, on EIA and SEA and on "appropriate assessment".

She provides many training courses on these issues for consultants, developers and LPAs.

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Planning and Biodiversity Conference 2011 Feedback Form Review

Total number of feedback forms received: 48 (out of 78 delegates)

	Excellent	Good	Fair	Poor	Very poor	Don't know
1. Presentations	32	16				
2. Practical Exercise	4	23	20	1		
3. Organisation of seminar	36	12				
4. Venue	38	9	1			
5. Lunch / refreshments	33	15				
6. Meeting expectations	28	17	2			1

	Yes	No	Unsure
7. Similar event in 2012?	46	1	
8. Pay a small amount?	28	3	16

Comments and suggestions on the above

1. Presentations:

- EIA and habitat regulations presentation invaluable. Discussion re green roofs/cross benefits very good
- The QC very good but pitch could've been a bit lower
- Some speakers could have related their introduction into the talk and how it relates to the conference theme. Some handouts with further info and key points would be helpful

2. Practical exercise:

- It seemed we reached our conclusions in only a few minutes based on the details presented – a less straightforward example would have been useful
- Bit leading (but fair enough given subject)
- Perhaps a structured question would have helped start discussions
- Slightly unclear of objectives/purpose
- The bar area was unsuitable for the group exercise – difficult to hear and get involved

3. Organisation of event:

- Varied content, great time keeping, easily digestible sessions

4. Venue:

- Amazing and inspirational
- Poor cycle parking

5. Lunch and refreshments:

- More seating please

6. Meeting your expectations:

- Perhaps preaching to the converted; where were the take home actions?
- The best part was being able to share ideas and speak to other planners

7. Similar event in 2012 and suggested topics:

- Plan assessment (HRA and SEA)
- How local authorities interpret data and incorporate data in the pre-application stage
- Developer/council/RTP1 to illustrate best practice case studies and 'where it went wrong'.
- Dealing with planning applications – process; request for surveys; conditions; enforcement; what to do if it all goes wrong
- LRC funding and how essential to the planning process
- Habitat banking
- Successful development mitigation techniques for ecology (more common) and best manner to secure long term management/retention
- Update on legislation – PPS9, NERC, UK BAP
- How to assess ecology reports as a planner
- Brownfield habitats and developments
- Green infrastructure – cycling and walking routes into new developments using green corridors
- Development economics – the financial appeal of biodiversity
- Perhaps a series of workshops including practical case studies, step by step planning ecology and record usage.
- Involving the community to protect wildlife, and local recording groups – what motivates them
- Advice on training/tools that could be used/followed up after the event

8. Willing to pay a small amount:

- Work for a charity
- Depends on council budget and political will
- Could the event be shared with commercial business to cover costs?
- Local authorities should be supporting planners and sharing ideas between other parts of the region
- Happy to attend event with good speakers at less expensive venue or half day to save money on catering
- Approx £10

9. Other comments and suggestions:

- Useful if name badges had organisation/job title on them
- Thought falcon was excellent – learnt lots
- Email powerpoint presentations before or after for reference
- During workshops useful to have 'round the table' introductions
- To invite/include councillors
- Signage/directions for those travelling on public transport would be useful
- Somewhere to hang coats useful as too bulky for auditorium
- Future events could be moved to different locations and closer to public transport

Event overview and recommendations for the future

- **Date** – during the school Easter Holidays. This did not seem to adversely affect attendee numbers and many people spoke of the ease of their journey, arriving earlier than expected.
- **Venue** – Moller Centre, Cambridge. One lecture theatre for up to 100 people, the use of five separate breakout rooms, tower lounge bar area and reception desk/area plus all signage, materials and equipment (except laptop). Free parking and cycle racks.

- **Cost** – Total cost **£2339.66** (inc. VAT): Venue and catering £1800 (based on maximum of 100 people); Stationary (folders, labels, name badges) £97.56; Travel expenses £140.50; Pencils £183.60. Peregrine falcon £75. Above doesn't include printing and photocopying costs.
- **Catering and refreshments** – all provided by venue. Refreshments on arrival, morning and afternoon breaks and lunch all took place on the Tower Lounge Bar. A wide choice of beverages on offer. Lunch area just about big enough, though more seating could have been on offer.
- **Staffing** – Seven LRC staff with roles on reception (2), coordinating event (1), chairing (1), emergency speaker (1) and general floats (2). Six of these staff were also discussion facilitators for the breakout sessions, alongside two others from local authorities.
- **Materials/delegate pack** – contained agenda, abstracts for each of the four presentations, list of delegates, feedback form, pencil and CPERC/BRMC leaflets. Accompanying handouts for the presentations might have been useful, especially for those containing complex information e.g. legislation
- **Presentations/agenda** – the presentations were varied and differed from one another with no specific theme. From the bigger picture and strategic view of ecosystems services to specific (European) legislation and case studies, and from the history of recording wildlife and LRCs to how LRC data has been used in a site sensitivity project. The opening speech was well received and inspirational. The talk on legislation was felt to be too high pitched and needed to be simplified and more structured so as to relate to the everyday work of a planner. Added to this there was no accompanying presentation or notes and attendees had to write everything that was quoted or suggested, making it hard to follow. Perhaps more time could have been allocated for all presentations and for Q+As at the end.
- **Afternoon activity, facilitation and break out rooms** – this had quite a mixed reaction and may have somewhat depended on the participants in each group and the group facilitator. Although some time was spent by LRC staff in putting the exercise together and producing the associated materials, feedback suggests the purpose of the session was unclear to some and rather unstructured. It would be down to the facilitator to explain clearly the purpose of the exercise and lead discussion, and therefore someone who is confident and can think on their feet to adapt to the discussions is needed. Most of the break out rooms were suitable although the two groups in the Tower Lounge Bar found it difficult to hear each other due to the acoustics of the room. This was not helped by participants from other groups breaking early and having refreshments in the bar area whilst the others were still in discussion.
- **Live bird** – a live peregrine falcon was taken round to each of the eight break out groups with a 5-10 minute presentation on the bird to show people a protected species up close and add something a little different. This seemed to be well received by delegates and depending on when each group was interrupted during their discussions, may have been seen as a welcome disruption or not.
- **Promotion and marketing** – members on each LRC steering group provided contact names of planners within local authorities to invite. Names also sourced from other organisations perceived as relevant to the event (RSPB, utilities etc). Invites also forwarded by other LRCs across the region to their planning contacts. The event also appeared on IEEMs website, the ALGE forum and RTPI. A 'save the date' email was sent before Christmas, the invite and agenda sent two months beforehand in February and another reminder just before the RSVP date.

- **Delegates** – there were 78 in total, with some substituting for others on the day. Only three no shows. However, there was a lack of senior level staff and decision makers in attendance, and no councillors even though they were invited.
- **Event follow up** – an email sent to delegates with links to presentations and further info (on the Beds website) sent within a month of the event, including a version of the afternoon map activity to use as a case study and reminder of the value of LRC data
- **What worked well** – date (school holidays – less traffic), venue, opening speech by relatively well known leading figure, presentation topics (big picture stuff, legislation, use of LRC data), overall event organisation, use of a live animal ('wow' factor), marketing/promotion of event, staffing, regional focus and attendance
- **What didn't work well** – content and pitch-level of some presentations, afternoon activity session and break out spaces used, a lack of handouts/notes/follow up accompanying presentations, lack of obvious connection to LRCs during some presentations, lack of senior level staff attending
- **Recommendations** – common theme or topic – more focused with direct connection to LRCs; know precisely content of presentations beforehand or ensure presenters know objectives of conference and what we want to get out of it; interesting and relevant enough to appeal to senior figures; a structured interactive session, if one at all. More time for Q+As; use live animals with clear purpose; extra carrots for people to attend

Some feedback via email

Hi Jackie,

I filled in my evaluation form, but just wanted to say thank you for a very interesting day. Please pass on my thanks to everyone involved. It was a great venue and the food was fantastic. I would thoroughly recommend it again.

I'm hoping that the grant from the Habitats Directive can be used for the records centre. I will keep pushing it though!

Many thanks

Sonia Gallaher

Senior Planner

Bedford Borough Council

Dear Fiona, Jacqui and John and Phil and Louise and anyone else who played a major role in organising yesterday.

Thank you so much for a really interesting and useful day. It was just excellent in every way: from the nuts and bolts of a really good venue and delicious food and drink, to the content of the day. It was really impressive to me to hear Tony Juniper-not done so before-a really fluent summary of how the purpose of the day fitted into the wider picture. Pretty impressed by Gary Grant too-what a knowledgeable and visionary man..and such a useful approach to open space management in all its functions.

I was slightly confused by Robert McCracken and the Morge case though—I had read it as being a useful case for LA and Protected Species but came away not so convinced but perhaps I had lost the thread by then?

Enjoyed Brians presentation and Heathers study will be very handy.

Quite a lot of Planners came from Hunts and I am hoping very much that we are becoming convinced of the need to support the Record Centre.

Take care and many thanks to you all for all your hard work to make it such a very good day.

Best wishes from

Bridget

Bridget Halford

Landscape Officer & Tree Warden Co-ordinator

Tree and Landscape Section

Planning Services

Huntingdonshire District Council



Planning and Biodiversity Conference, Cambridge

14 April 2011

Feedback Form

We would value your comments on today's event, thank you.

How do you rate the following aspects? Please circle, as appropriate:

- | | | | | | | | |
|----|--------------------------------|-----------|------|------|------|-----------|------------|
| 1. | Presentations | Excellent | Good | Fair | Poor | Very Poor | Don't know |
| | Any comments:..... | | | | | | |
| 2. | Practical Exercise | Excellent | Good | Fair | Poor | Very Poor | Don't know |
| | Any comments:..... | | | | | | |
| 3. | Organisation of Seminar | Excellent | Good | Fair | Poor | Very Poor | Don't know |
| | Any comments:..... | | | | | | |
| 4. | Venue | Excellent | Good | Fair | Poor | Very Poor | Don't know |
| | Any comments:..... | | | | | | |
| 5. | Lunch/Refreshments | Excellent | Good | Fair | Poor | Very Poor | Don't know |

Any comments:.....

6. **Meeting Your Expectations** Excellent Good Fair Poor Very Poor Don't know

Any comments:.....

7. **Would you like us to organise a similar seminar in 2012?** Yes No

If yes, are there any particular topics you would like us to cover?

.....

8. **Would you be willing to pay a small amount to attend a similar event in the future?**

Yes No Unsure

Any comments:.....

9. **Are there any other comments or suggestions that you would like to make that would help us in planning and organising future events?**

.....

.....

Thank you very much for taking the time to complete this questionnaire. Please leave your completed form at the registration desk or alternatively, send to:

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fiona.hazelton@cperc.org.uk

Case study: the value of having data from Local Record Centres to aid local authority planning

Used at the Planning and Biodiversity Conference in Cambridge 14/04/2011

The following example demonstrated the kind of information that can be provided by a Local Record Centre (LRC) to local planning authorities to aid decision making, emphasising the value of having this information over not having it. It was a hypothetical example to highlight the need for up-to-date, accurate biodiversity information as part of the planning system.

Map A (Local Authority Information) showed five proposed sites for a small industrial park. It also showed some basic biodiversity information already known to the planning department. The biodiversity information shown on the map was purposely limited and not current, and might be typical of what is available to a local authority without a Service Level Agreement (SLA) with the LRC, relying on this information to base their decision on which site would be most suitable for development.

Questions posed:

- Which proposed site appears most suitable for the development?
- Is this information really sufficient to be able to make a decision (from an ecological point of view)?
- Where else might information be obtained, how long might it take and how much might it cost?

Map B (LRC Information) showed the correct (i.e. most current) biodiversity information on it, including wildlife sites and protected/BAP and other species records, based on new information available to the local authority (as they now have a SLA with their LRC).

Questions posed:

- Does knowing this information influence the decision on which site is most suitable for development?
- Does this change YOUR mind on which site should be chosen?

*In addition to the maps, **species information** (below) detailed more information about each of the sites.*

Further questions posed:

Suppose Map B was no longer available because the LRC had ceased to function due to lack of funding and support from local authorities.

- Would you be prepared to rely once more on Map A?
- What is the value of having the extra information on Map B?

A map showing a real example of data available from the Bedfordshire and Luton Local Record Centre is also shown below, showing precisely what information could be accessed through having a SLA with your LRC.

**Species information for development areas on Map A (local authority data)
and Map B (Local Record Centre data)**

BAP – Biodiversity Action Plan
LA – Local Authority

CWS – County Wildlife Site
LRC – Local Record Centre

Development A

- Bat within boundary on both maps
- CWS adjacent on Map A is woodland, deselected on Map B
- Skylark and Brown Hare (BAP) within boundary on Map B
- Nearby BAP species could also be Brown Hare on Map B

Development B

- Great Crested Newt corner of site on Map B

Development C

- Bat to east of boundary on both maps
- Otter to south of boundary on both maps
- Great Crested Newts in ponds on Map B
- CWS is semi-improved grassland. Area deselected on Map B due to new road creation and ploughing by land owner

Development D

- Great Crested Newt cluster within boundary on Map B. On Map A the cluster appears south of boundary E. This is because Map A has incorrect grid references
- Water Vole (BAP) within and close to boundary on Map B
- CWS adjacent extended on Map B for marsh grassland/lowland meadow

Development E

- Otter within boundary on Map A. Map B has no record of this due to the species being verified as Mink
- Great Crested Newt cluster south of boundary on Map A. Records have moved to within boundary D on Map B as grid references were incorrect
- New CWS within boundary is woodland on Map B

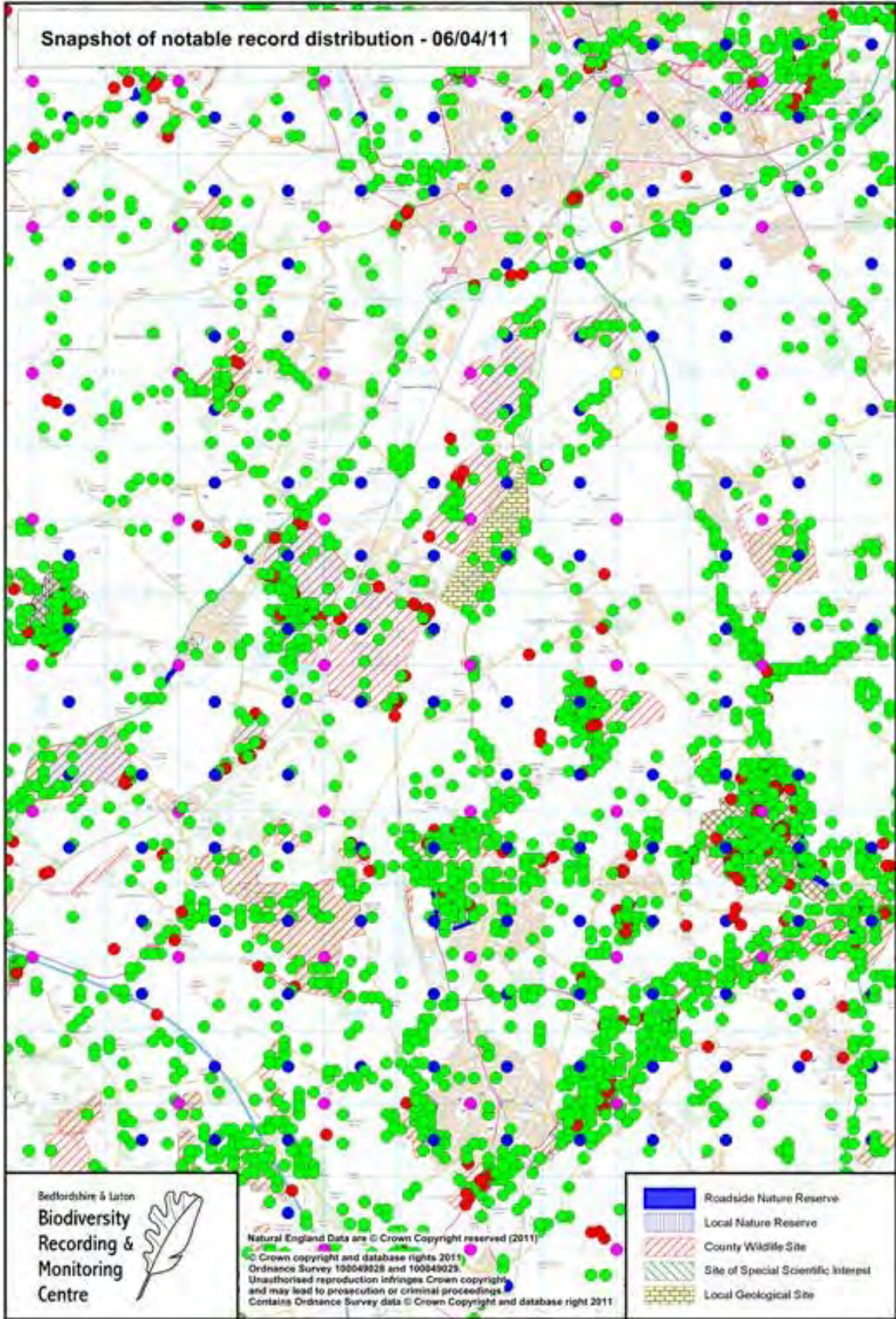
Other

- Further east of C and E boundaries there are Great Crested Newts on Map A. These are BAP on Map B and verified as Common Toad.
- There are various changes to the CWS boundaries between Map A and Map B.

Some BAP species

- Common Cuckoo
- Yellowhammer
- House Sparrow
- Common Starling
- White-clawed Freshwater Crayfish
- Wall
- Hedgehog
- Adder

Snapshot of notable record distribution - 06/04/11



Summary of LRC funding opportunities (October 2010. Updated May 2011)

BRIE – Essex LRC
 BRMC – Bedford and Luton LRC
 CPERC – Cambs and Peterborough LRC

HBRC – Herts LRC
 NBIS – Norfolk LRC
 SBRC – Suffolk LRC

Who	Biodiversity needs	Previous/current situation	Opportunity
Parishes and / or Action with Rural Communities in England (ACRE)	Mapping of green infrastructure/parish biodiversity audits	BRMC: parish Green Infrastructure work for Central Beds – could do for Bedford Borough? CPERC: meetings held with ACRE and county council to establish a project SBRC: parish groups provide data to LRC	Promotion of services and liaison with groups for project work
Environment Agency	Data supplier and user. BAP monitoring, SSSIs, monitoring and survey data, mapping and project work	HBRC: ongoing MoA 5k/yr for data provision to TVERC for Thames Project BRMC: some year-end money CPERC: EA providing water vole records and flood zone info NBIS: yes for contract work e.g. £1k pond mapping project. SBRC: have 2 yr SLA with national office, along with other LRCs, for NBN data. Regional money adhoc underspend	Regional SLA
Forestry Commission	BAPs, monitoring and survey data, SSSIs, mapping and project work, landscape scale work, felling licences (need access to CWS data)	SBRC: project money (landscape restoration; mapping of heathland) NBIS: Yes £2k for mapping wet woodland for a wood fuel mapping project	Regional SLA
Internal Drainage Boards	BAPs, monitoring and survey data, SSSIs	BRMC: some money pa but not recently; Jackie has invited them to a demo as confusion over LRC and WT NBIS: Charge for data searches when doing BAPs. Also part funding an IDB water vole survey using recording fund. SBRC: money as and when for BAP audits	Regional SLA
Utility companies (water and electricity etc)	BAPs, monitoring and survey data, SSSIs	BRMC: data requests CPERC: data requests NBIS: Charge for data searches. Martin Horlock had preliminary talks with Anglian Water but officers involved couldn't get agreement from higher up.	Regional SLA
British Waterways	BAP, monitoring and survey data, SSSIs	HBRC: £500 for data provision	Regional SLA
Highways Agency or Authority	BAP, monitoring and survey data, protected road verges, CWS	HBRC: potential to get involved in department's Green Transport Plan NBIS: can provide info as part of CC SLA SBRC: provide data as part of CC SLA	Regional SLA?
Community Infrastructure Levy Fund	Developers providing green infrastructure on new developments – monitoring of wildlife areas and newly created habitats	HBRC: awaiting to see how government will develop opportunity/concept NBIS: GI mapping for Norwich	See www.planningportal.gov.uk

Lottery Funding	Preserving natural heritage and the environment	<p>BRMC: lottery application turned down for Bedscape website</p> <p>CPERC: provisional application for up to 50k from HLF for new staff post doing LRC GIS work and involving people e.g. training and events.</p> <p>NBIS: received £21k for their part in a Norfolk WT project called Natural Connections. This paid for training, equipment, publicity banners and software. Also included the publication of a folder of resources called Putting Local Wildlife on the Map, a guide on how to start recording. NBIS mentioned throughout as the place to send records. MH has attended various launches of the toolkit and made a presentation. Very effective as advocacy, with records starting to come in the very next day.</p>	NBIS CD available with the toolkit – useful resource aimed at public recording. www.lotteryfunding.org.uk
Grant giving trusts	Many trusts provide funding for wildlife conservation/protecting biodiversity – but core funding?		www.esmeefairbairn.org.uk ; www.trustfunding.org.uk – general trust funding website but costs to subscribe
European funding	As above	<p>BRMC: yes aerial photo interpretation training subsidised by euro funding</p> <p>SBRC: yes via being included in other regional bids</p> <p>NBIS: yes via the SURF project. NBIS will receive £25k for their part in project, which includes project management of some aspects and habitat and potential network mapping</p>	www.europa.eu
Consultants	Constant need of data	<p>NBIS: money gained from searches goes into recorders fund</p> <p>All: promotion of minimum standard service in the New Year</p>	Help with promotion, organisation of event and publicity materials etc
Private sector	Corporate Social Responsibility		Sponsorship of events e.g. planning conference. Gifts in kind.
New Burdens Fund (Habitats Regulations Assessments and Climate Change Planning Policy Statement)	The purpose of the grant is to provide support to authorities in England towards expenditure lawfully incurred or to be incurred by them.	Most local authorities and county councils near a European site have received money between £8-16k to fulfil habitat requirements.	LRCs could help with local authority requirements for European sites and habitats.

Meeting with UK Power Networks – Karen Pring (Environment Manager) and Steve Ninham (Environmental Advisor)

CPERC – John Cornell and Regional Advocacy Officer Fiona Hazelton

Monday 4 April 2011

- Used to be EDF – a vertically integrated company controlling power stations, dist network, electric meters – everything. But now UK Power Networks own and manage the dist network (the link between power stations and meters) – a Dist Network Operator (DNO).
- UK PN covers the south east, London and the east (Eastern Power Networks). Mainly substations, underground cables and overhead lines. Over 5000 staff, various offices.
- Have a Central Team concerned with H+S, Environment and Operational Safety – the strategists working on policies and procedures. The Business Operators implement the procedures (on the ground staff?)
- All eco work goes automatically to ADAS eco consultancy for EIAs, desktop surveys, advice, interp and they get required licences and permissions etc etc
- UK PN are very proactive in following environmental protocol and raising awareness of biodiversity and protected sites/species with all staff – staff handbook for field staff with ID charts and what to do if... A series of robust processes and procedures in place to identify risks. 'Integrated Management Systems' written by Karen Pring. Use NetMap (limited info).
- The umbrella body Energy Networks Association produce a range of docs and codes of practice for all companies. Karen has been drafting one for the environmental and biodiversity.
- Provision of data from LRCs seen as a useful tool for inhouse screening purposes – to decide if something needs to go to the consultants or not due to info given on a site. Don't always use consultants and this could be a tool prior to that stage. Gives planners a 'heads up' then followed by a Risk Assessment by Karen's team to decide if project can go ahead or to contact ACAS. Want to make sure they are taking all reasonable steps.
- Needs to be one contact for region and easy to use for their staff. Cross boundary.
- Adhoc requests or SLA? Karen to do a trial period and send over two projects to see what info given/how used.
- Very keen to work with LRCs and do more for the environment.

Follow up: EPN to forward one or two trial projects to CPERC to provide data and how useful this is for EPN (data request from sent May 2011). FH followed up meeting with email to thank them and clarify next steps (done).

Meeting with the Forestry Commission (FC) at their East of England regional office – Steve Scott, Andrew Hoppit (grants and regulations manager), Edwin van Ek (Woodfuel East manager), Neal Amour-Chelu (ecologist).

LRCs – Fiona Hazelton (Regional Advocacy Officer) and Martin Horlock (Regional chair NBIS)

Wednesday 4 May 2011

The meeting began with a quick overview of the LRCs in the region followed by the need for and use of data by Andrew, Edwin and Neal in their respective fields of work at the FC. This was interjected by the current status of the FC in terms of budget cuts and staffing.

- Steve Scott feels the FCs relationships to date have been strongest with those LRCs that sit with the County Councils – Suffolk, Norfolk and Herts.
- Interested to know more about the Essex situation.
- An up to date list of LRC contacts within the region would be useful for the FC and to pass on to their partners and other contact
- Edwin and the Woodfuel East Project currently working with NBIS for data
- The grants team can ask for and pay for an ecological assessment of woodland if they need more information to make a decision (i.e. for a felling licence, habitat management). This amounts to £300 and the client is signposted to where more information can be sought e.g. LRCs. However, this sum is too small for a detailed search or survey of any area and so it's likely the NBN is used to gain information.
- There would not be much available data for woodlands in private management anyway.
- The grants budget is healthy and the most pressure for the FC is on staffing and partnership working/funding.
- For woodland creation officers use a basis inhouse constraints checker to check for designated sites (SSSIs etc) but not for example grassland. No such contact with LRCs for such info but officers advised on who to contact for information if they need it. However, there is no money for LRC data. Most of this work occurs on arable land and most problems arise on adjacent land next to proposed new woodland site
- If woodland creation or removal is above a certain size then a EIA will be ordered, to include LRC data. However, this is a rare occurrence and amounts to about one project a year.
- There are five Public Forest Estates (PFE)/strategic zones in the east of England – N Norfolk woods, Thetford and the Brecks, Sandlings in the Suffolk coast, Lavenham woodland in S Suffolk and N Essex and the Thames Chase community Forest (currently have a SLA with GIGL). This area could expand due to boundary changes and incorporate Kent, W Sussex and the Chilterns
- Suffolk BRC provide their annual data disc to the FC for free. Whilst Martin said he would like to be able to do this, their funding situation means it is harder to give data away with other partners are paying for it. Other data obtained from survey work or NBN
- There is no PFE in Herts (all sold), a tiny bit in Cambs. P'boro and Beds managed by a different office (Sherwood)

- Data is wanted to locate biodiversity rich areas and to help species in a reactive and proactive way as well as for the five yearly forestry plans etc
- Work currently focused on designated sites and SSSIs e.g. Thetford and Suffolk coast
- Unlikely to have funding in the next four to five years
- Happy to address the flow of data from the FC to LRCs
- Could LRCs have a role in mapping invasive species? Steve Scott thought there could be a potential for LRCs to collect and disseminate data for invasive species e.g. acute oak decline, oak processionary moth to inform 'bio-security' in the future. A potential project for funding and getting the public involved to spot species and submit records

Follow up: send contact details of LRCs and staff in the East of England region to FC with consultants leaflet (minimum standard); Promote data templates on individual websites to encourage submission of data to LRCs