

Appendix A – Stage 1- Habitat Bank Feasibility Criteria

	Criteria	Suggested documents required	Relevant Guidance
Stage 1			
1	<p>The applicant must have legal control over the land.</p> <p><u>Ownership</u> Information on form of legal control over the land. Including conditional contract. <i>If the latter what are the conditions, are you in control and able to satisfy them?</i></p> <p><u>Tenant / Leasehold Considerations</u> Details of any leasehold agreement or tenancy agreement or any other contract that enables the habitat bank broker to deliver BNG on this land for a minimum of 30 years <u>following the completion of enhancement works.</u></p> <p><i>-The habitat bank broker or landowner needs to be able to place a charge on the land.</i></p>	<p>Land Registry Title deed and plan of the land boundary from owner</p> <p>Charges register of title and plan Copy of Leasehold Agreement</p>	<p>The Biodiversity Gain Register (Financial Penalties and Fees) Regulations 2024</p> <p>The Biodiversity Gain Site Register Regulations 2024</p>
2	<p>No conflicting consents, licences or permissions for the site including extant restoration plans.</p> <p>Are there any other legal barriers or consents / licences or permissions that are required to enter the site and undertake habitat management works over the specified 30-year period?</p> <p>Please provide details of any licences. E.g. (not an exhaustive list): shooting or mineral working rights, planning permissions, extant restoration plans, felling licences, aerodrome safeguarding considerations, rights of way issues, permit from Natural England on works to</p>	<p>Statement of no conflicting consents are known, and reasonable checks have been undertaken.</p> <p>Documents submitted if required</p>	<p>The Biodiversity Gain Register (Financial Penalties and Fees) Regulations 2024</p> <p>The Biodiversity Gain Site Register Regulations 2024</p>

	SSSIs (the latter only if government guidance confirms this is possible – BNG consultation response signposts to further guidance on this is forthcoming).		
3	<p>Contaminated land</p> <p>Is the site considered to be ‘contaminated land’ and if it is, what costed remediation measures are provided to ensure habitats proposed are feasible?</p> <p>If contaminated land exists, a costed remediation plan will need to be provided in stage 2.</p>	Costed remediation plan if required or, Statement confirming not required	
4	<p>Is the landowner prepared to enter into a s.106 agreement with EDDC?</p> <p>(Based on Devon County Council/EDDC/PAS/ Habitat Bank S106 template) to agree the number/ type of biodiversity units available for developers and the management and maintenance schedule of the land for at least 30 years from the date of transfer/lease of each unit?</p> <p>Specify who needs to be a party to the s.106.</p>	<p>Statement of intent</p> <p>Written consent from owner to broker to apply for the site to be registered as a habitat bank</p> <p>Owner to be party to s. 106</p>	<p>The Biodiversity Gain Register (Financial Penalties and Fees) Regulations 2024</p> <p>The Biodiversity Gain Site Register Regulations 2024</p>
5	<p>Additionality</p> <p>Can you prove Legal, Financial & Ecological Additionality for the BNG proposed at the site?</p> <p>Financial additionally includes: other funds for land management e.g. environmental stewardship, nutrient mitigation etc.</p>	Written confirmation of proof of additionality principles and compliance with stacking and bundling rules in line with guidance	Nature markets: A framework for scaling up private investment in nature recovery and sustainable farming - March 2023.

	<p>Do you intend to sell other ecosystem services units from the land?</p> <p>Outline how you intend to stack and bundle any Nature market credits including Biodiversity units in line with Best Practice Guidance</p>		
6	<p>Location Plan</p> <p>Location of the site provided.</p> <p>Note: if GIS layer/shape file is available then helpful but this is not essential</p>	<p>Map to be provided in accordance with East Devon validation checklist</p>	
7	<p>Devon's Local Nature Recovery Strategy</p> <p>An Assessment of how the proposals fit with Devon's Local Nature Recovery Strategy.</p> <p>Note: Provision of a brief assessment (e.g. a few short paragraphs at most) to ensure the conservation value in the landscape context of the site is being considered rather than unit delivery alone.</p>	<p>Justification text in a report and evidence of the Strategic Significance of habitats proposed in the bank</p>	
8	<p>Adequate ecological baseline, habitat survey and condition assessments</p> <p>Provision of full baseline and condition assessment survey information (dates, personnel, methods) undertaken using UK Hab and the appropriate habitat condition assessment from the Defra Statutory Biodiversity Metric (SBM).</p> <p>This must be undertaken in the optimal survey season and by a competent ecologist. Limitations on survey</p>	<p>BNG report, baseline habitat survey report, with metric excel spreadsheet and completed condition assessment spreadsheets for each habitat parcel provided</p>	

	methods and other assumptions made regarding proposed habitat creation and enhancement and their implications must be clearly explained.		
9	<p>Provision of achievable uplift in biodiversity value</p> <p>A full Defra metric completed for the site / phase of a habitat bank for which units are to be released.</p> <p>Habitat creation and enhancement proposals within the Defra metric should be based on a realistic scenario (i.e. it is better to aim for habitats in worse condition that can later be upgraded, than an unachievable higher condition and face subsequent enforcement action).</p> <p>Have appropriate soil tests been undertaken.</p>	<p>Completed statutory biodiversity metric and justification text for why habitats of specific conditions are proposed in user comments.</p>	
10	<p>Irreplaceable Habitats</p> <p>Confirmation that proposals will not negatively impact irreplaceable habitats or other features or species of existing conservation interest, including: protected and notable species and/or habitat.</p>	<p>A statement in the text and provision of statutory metric which flags these as red</p>	
11	<p>Competence</p> <p>Can the ecological advisors and others involved in the scheme provide proof of their competence in BNG?</p> <p>This should include brief paragraph of experience and skills to undertake relevant BNG surveys and provide appropriate habitat management recommendations as well as membership of an appropriate professional membership body that signs up to a code of professional conduct (e.g. CIEEM).</p>	<p>We would expect a statement in the text to highlight the competence of all professional persons involved in the delivery of BNG as per Statutory Biodiversity Metric definition on competency. This could include professional memberships, training and experience.</p>	

	<p>Competence should be in line with definitions provided by CIEEM 2021, the British Standard on Biodiversity Net Gain (8683: 2021) and Natural England / Defra Guidance.</p> <p>River Condition Assessment assessors must be trained and accredited in the River Condition Assessment methodology.</p>		
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Appendix B – Stage 2 - Prioritisation and stakeholder engagement

Criteria	Pass Y/N
The location addresses our need for a spread of habitat banks as explained in Principle 8 of The Statutory Biodiversity Metric	
The proposal demonstrates that it will deliver at least 10 biodiversity units	
The scheme delivers Priority Habitat(s) or high distinctiveness habitats, for example enhancing water courses, species-rich Devon hedge bank with trees etc.	
The scheme delivers a mosaic (three or more) habitat types of medium distinctiveness (and above)	
All biodiversity units delivered (Area, Hedges, Watercourses)	
Two biodiversity unit types delivered (e.g., Area and Hedges)	
Readiness – habitat works can be delivered within 12 months	
Provides public access	
Contributes towards specific local biodiversity, e.g., provision of suitable horseshoe bat foraging habitat within a sustenance zone	
Contributes towards Lawton Principles , published and/or emerging strategies and policies, e.g., Local Nature Recovery Strategy (LNRS), Clyst Valley Regional Park, Tree, Hedge, and Woodland Strategy for East Devon, and East Devon Nature Recovery Plan	
The project team is experienced in the design and delivery of habitat management for wildlife, e.g., eNGO	
Scheme proposes to sell fraction of units for SME developments	
Total	

Table 1 - BNG Habitat Bank Stage Prioritisation

Initial applications will be screened against Table 1 criteria to prioritise which applications should be taken forward in a sequential approach. Where applications score the same, additional weighting criteria will be applied to Items 2, 3, 4, 7, and 8. For example, two schemes that deliver some Priority Habitat will also consider the types of habitat(s) being provided, the area of habitat, and whether this provides synergies with other criteria such as contributing towards East Devon specific biodiversity, e.g., woodland foraging habitat for lesser horseshoe bats within a sustenance zone associated with Beer Quarry and Caves Special Area of Conservation (SAC).

Site prioritised will be notified to other specialists and relevant local parties for commentary before considering entering Phase 3 assessment.

All applications
District Ecologist and Ecology Officer
Development management (DM) area team manager or nominated officer
Landscape Officer
Tree Officer
Conservation Officer
Parish Council
Local Ward Councillor
Devon County Council

Table 2 - Habitat bank notification panel (all applications)

Dependent on location/specific criteria
GI/SANG Officer – where projects are within the Clyst Valley Regional Park and/or propose to contribute towards GI or SANG provision.
Environment Agency - Project involving the carrying out of works or operations within the bed of, or within 20m of the top of a bank of a main river.
Historic England - Projects likely to affect the site of a Scheduled Monument or recommended via the Conservation Officer.
Natural England - Projects in or likely to impact SSSI or other statutory protected sites. Loss of 20ha or more of grade 1, 2 or 3a agricultural land which is or was last used for agriculture.
Forestry Commission/ Secretary of State - Projects including land meeting the definition of ancient woodland or likely to impact land meeting that definition.
Civil Aviation Authority - Projects within CAA aerodrome buffer zones.

Table 3 - Habitat bank notification panel (criteria depended)

Appendix C – Stage 3 - Habitat Bank Criteria

Criteria	Criteria	Suggested documents required	Relevant Guidance
Stage 3			
1	<p>Sufficient cash flow / funding for 30 years</p> <p>Who is going to be responsible for the habitat management if different from the owner? What are the contingency plans should this / your firm fold or go into liquidation within the 30 years to ensure the habitat proposed will continue to be enhanced and maintained as proposed?</p> <p>Provision of proof of funds: including: third party bond, guarantee, Ring fenced fund etc.</p> <p>These must be sufficient to cover 'up-front capital' creation / enhancement works and the subsequent 30 years of management.</p> <p>Funds must be in held for duration of the agreement and held independently for large schemes. An appropriate payment schedule should be in place. All required prior to s.106 sign-off.</p> <p>Options to consider on case-by-case basis for proof of funds include:</p> <ul style="list-style-type: none"> • Submission of 30-year cash flow model for running and management of site for council assurance only to sense check creation/management costs but also from finance perspective in terms of underlying assumptions. 	<p>Discuss on a site by site basis</p> <p>Check Proof of funds which could include 30 year cash flow model, assurance of finance codes, and commitment to financial reporting</p> <p>Agree a payment schedule throughout the 30 year period</p>	

	<ul style="list-style-type: none"> Assurance that separate code had been set up in your accounts i.e. ring fencing of funding in relation to habitat bank. Potential to require the need to report on high level progress in line with cash flow model into the monitoring/reporting requirements in S106. Remediation clause 		
2	<p>Method of unit sale from habitat bank</p> <p>If the habitat bank is going to be selling units in the future but starting the habitat management work now or prior to sale and (thereby increasing the units available for sale) the 'habitat creation in advance' function in the metric should be used and a procedure for calculating and auditing this must be agreed between the LPA and Habitat Bank provider.</p> <p>If the habitat bank is to be split into 'phases' for selling at different dates into the future, the LPA and Habitat Bank provider need to agree:</p> <ol style="list-style-type: none"> 1. When the baseline is calculated from for each phase and; 2. When the 30 years for habitat creation / enhancement starts for any one 'phase' <p>The above should be provided on a spatial plan as recommended by Defra.</p> <p>Will the broker / owner provide a certificate and Unique Transaction Number for each sale?</p>	<p>Case by case basis</p> <p>Statement on method of sale of units and how these will be calculated and sold in the future.</p> <p>Plans provided</p>	
3	<p>Sale of units outside of Devon LPA remit</p> <p>Are you proposing to sell units outside of Devon?</p>	Statement of intent	

4	<p>Pay the council a monitoring fee for the habitat creation / enhancement for the duration of the Habitat Bank (at least 30 years)</p> <p>Agree to the provision of a Monitoring fee to be paid to the Council to monitor the establishment phase and on-going habitat maintenance agreement over a 30 year period.</p>	<p>Statement of intent to pay EDDC's monitoring fee</p> <p>Suitable Monitoring Plan for 30 years</p>	
5	<p>Provision of a detailed and costed Habitat Management and Monitoring Plan and consider other legal and environmental constraints</p> <p>This must set out the detailed prescriptions required that will be undertaken in both the 'establishment' phase as well as the monitoring phase to achieve the desired habitats.</p> <p>Dates of commencement of BOTH the establishment phase and the monitoring for 30-year phase to be agreed between parties before s.106 is signed.</p> <p>This shall take into account practical environmental constraints and be supported by evidence. Best Practice should be followed.</p> <p>Do the costs in the management plan look sufficient for the suggested quality and quantity of habitat using the Buckinghamshire Council calculator as a benchmark? – <i>N.B. This is a benchmarking process only – we are not looking to interfere with any unit sale costs but only need to be sure that proposals for habitats and predicted condition are adequately funded.</i></p>	<p>Habitat Management and Monitoring Plan, Costed management plan</p> <p>Plans showing all habitats proposed for enhancement and creation</p> <p>Dates for commencement of 'establishment' and 'monitoring' phases agreed between parties</p>	

	<p>Adequate plans showing all habitats proposed for enhancement and creation.</p> <p>Ensure all maps are spatially accurate if using the GIS the same software should be used throughout the scheme. GPS should be used where possible to allow appropriate monitoring.</p>		
6	<p>Consideration of other environmental constraints</p> <p>Provider to have undertaken appropriate due diligence, surveys and assessments and considered all other environmental constraints to achieving suggested habitat enhancement / creation prior to approaching the Council with a proposal. e.g. (but not an exhaustive list).</p> <ul style="list-style-type: none"> • Soil analysis data for specific habitat types (to be defined in separate guidance – to follow). This may include details of any specific nutrient/ soil stripping and remediation techniques that may be required and evidence that these methods have been adequately costed into the management plan to ensure feasibility. • Are the hydrological conditions suitable for habitats proposed for creation or enhancement (e.g. risk of flooding)? • Are there historic / archaeological / landscape constraints / arboricultural to proposed habitat works? These must have been adequately considered. Please provide evidence that these considerations have been considered appropriately and any mitigation required is 	<p>A check of information is provided, we expect the applicant to submit all information required and to undertake due diligence,</p> <p>EDDC will not be liable for any missing information that prevents the habitat proposals being delivered as specified</p>	

	<p>proposed employing professional advice where required.</p> <ul style="list-style-type: none"> • Access available for required on-site machinery, movement of and infrastructure for cattle and sufficient storage on-site for machinery or other habitat management aspects (e.g. storage of logs from coppicing or provision of corals for cattle – provide evidence that machinery and cattle can access the site as required. 		
7	<p>A monitoring plan</p> <p>Sets out when habitat surveys will take place as part of the 30 year monitoring plan for the Council for review over the 30 year period . Agree date for commencement.</p>	Monitoring Report for review and how frequently LPA will receive reports	Habitat management and Monitoring Plan Template
8	<p>Are any other legal/planning permissions required for the habitat bank to commence</p>	Statement of compliance	
9	<p>Permission for EDDC to enter the land for spot checks</p> <p>Permission for spot inspections by EDDC staff or a subcontractor to ensure habitat management is being undertaken as promised.</p>	Statement of compliance	
10	<p>Agreement on how to deal with a fundamental breach of management prescriptions</p> <p>The ability to enforce a breach if management prescriptions and targets promised are not delivered.</p>	Statement of compliance	

11	<p>How does the site meet BNG Best Practice Principles</p> <p>Outline of how the habitat bank meets the 10 key principles of BNG as per CIEEM 2016 ¹ directly in relation to the habitat bank.</p> <p>Is the Habitat Bank compliant with best practice as outlined in the British BS 8683: 2021 and other subsequent guidance on habitat banks provided by Natural England / Defra that is available at the time of agreement / survey and report production?</p> <p>Providers should provide brief written justification text to demonstrate how the proposals fit with best practice on BNG. Extent and detail of information required should be linked to size and complexity of habitats provided by the habitat bank.</p> <p>Evidence will need to include but not be limited to:</p> <ul style="list-style-type: none"> • All habitat parcels must be individually referenced and systematically measured with the same software throughout the lifetime of the project. • Management plans to have SMART targets. • Proportionate monitoring proposals for all Biodiversity Units, methods, frequency, timing and reporting procedures with procedures for remedial works if needed • Roles and responsibilities and competencies of all those involved in implementing the BNG MMP (including contractors) 	<p>Justification text in a report / statement of compliance</p>	<p>CIEEM / CIRIA / IEMA 2016 BNG Good Practice Principles for development.</p> <p>BS 8683: 2021</p> <p>Devon Planning Guidance for Biodiversity Compensation and Net Gain (April 2024)</p>
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¹ CIEEM – CIRIA – IEMA (2016). Biodiversity Net Gain – Good Practice Principles for Development, also listed in the CIEEM (2021). Biodiversity Net Gain – Report & Audit Templates Version 1.

	<ul style="list-style-type: none">• Legal, financial, and other resource requirements for delivery of the detailed management plan including the need for any public or statutory or non-statutory consultation if required.		
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Appendix D – Benchmarking

Leeds City Council

[Leeds City Council](#) have a three-tiered scale based on the number of Biodiversity Units (BUs) being delivered. They charge £3k up to 10 BUs, £5k for 10-20 BUs, and require a bespoke fee for sites delivering over 20 BUs. It is not clear how they have arrived at those figures.

Unless otherwise agreed with the LPA, [Significant On-site Biodiversity Net Gain](#) will apply to a total (Habitats, Hedgerows and Watercourse Biodiversity Units added together) of 5 or more Biodiversity Units being delivered on-site in areas to be covered by a Landscape and BNG Management Plan. These Biodiversity Units can consist of features being retained, created and/or enhanced.

In Leeds, Biodiversity Units cannot form part of the private curtilage (such as private gardens, or hedgerows forming part of private boundaries) as delivery in those parts of the site will not be appropriate to secure as part of a management plan through planning conditions.

Leeds City Council also require a Landscape Verification Report to provide evidence the initial soft landscaping/biodiversity works have been implemented before completion of development, so it is known when the 30-year monitoring period starts.

The above charges apply equally whether the Biodiversity Net Gain is delivered by a habitat bank, the developer, or other landowner with a legal interest in the land.

The LPA use the S106 mechanism for this charge. Where Significant On-site Biodiversity Net Gain and some Off-site Biodiversity Net Gain is also being proposed there will need to be two charges for the Monitoring and Reporting Body sum to reflect the need to monitor different parcels of land and carry out site visits to different locations (if more than one geographically located piece of land is being used for Off-site Biodiversity Net Gain there may need to be additional separate charges accordingly).

Buckinghamshire

[Buckinghamshire](#) developed the most comprehensive staff-time calculator spreadsheet: the smallest and simplest sites are charged at £8,618.24 ranging to the largest and most complex sites charged at £50,315.53, for greater than 20ha. Buckinghamshire specified the most monitoring intervals (10) and used a much higher staff day rate of £700.

New Forest

The [New Forest](#) has proposed flat charge for BNG monitoring for up to 10 Biodiversity Units at £7,506.00. Monitoring is to take place in years 2, 3, 5, 10, 15, 20, 25 and 30. The fee is based on the [Mycelia Verna cost calculator](#), an alternative tool used to calculate BNG fees. Sites delivering above 10 BUs would be subject to a bespoke fee calculation.

Monitoring visits would be led by the Authority's Ecologist, and this has been calculated at one day (7.5 hours) per BNG monitoring year. An allowance has also been included for 3.5 hours per monitoring year for a planning support officer resource. This reflects the similar approach adopted by New Forest District

North Yorkshire Council

The [North Yorkshire](#) Calculator has one-off fees ranging from £2,522 (small site up to 5ha, low technical difficulty) through a mid-range of £3,982 (Medium site up to 20ha, moderate difficulty) to a top end of £9,289 (Large site up to 40ha, high difficulty). Larger sites and higher difficulty are reflected in increased time allowance for site visits and for reviewing the reports.

For biodiversity gain sites larger than 40ha a bespoke fee will be agreed. In special circumstances such as damage or loss to irreplaceable habitats, bespoke BNG compensation is required so these are also likely to need bespoke monitoring fees being agreed between developer and the authority.

Lincolnshire

[Lincolnshire](#) has a range of fees, depending on size of site (0-10 ha, 10-20 ha, 20-40h ha) and difficulty in creating habitats (based on the biodiversity metric). Fees range from £3,416 - £15,493. Anything above 40 ha requires a bespoke calculation.

Appendix E – Monitoring fees for habitat banks, off-site habitats, and on-site significance enhancements on major developments

Biodiversity Net Gain Monitoring Fee Calculator

East Devon will monitor progress towards achieving the stated outcomes for all off-site Biodiversity Net Gain (BNG) schemes that we regulate (this means those which we enter a S106 with for the purpose of securing the habitat management on a site for 30+ years). We do not charge a monitoring payment when a different responsible body (e.g. Natural England & others tbc) regulate the scheme.

We will review monitoring reports sent in by the manager of the site at times set out within the Habitat Management and Monitoring Plan (which should form part of the S106 for the site). It is for the Ecology Officer to ensure that these are appropriate. The tabs in this calculator can be used as a guide as to what we may consider to be appropriate.

The Monitoring Fee is charged so that we can cover our costs of reviewing the monitoring reports, visit the site where necessary and work with the site owner to agree remedial measures if required.

This calculator is to help determine a monitoring fee that will cover our costs for undertaking the above over 30+ years. It is based upon the site's size only. These fees will be subject to regular review.

For biodiversity gain sites more than 40ha, a bespoke fee will be needed.

Monitoring Fee	
Size:	
Small (0-10ha)	£8,030.02
Medium (11-20ha)	£9,925.60
Large (21-40ha)	£11,821.19

Appendix F – Monitoring fees on-site significance enhancements on minor developments

Biodiversity Net Gain Monitoring Fee Calculator

East Devon will monitor progress towards achieving the stated outcomes for all significant onsite Biodiversity Net Gain (BNG) schemes for 30+ years. We do not charge a monitoring payment when a different responsible body (e.g. Natural England & others tbc) regulate the scheme or where defined local exemptions exist.

The Monitoring Fee is charged so that we can cover our costs of reviewing the monitoring reports, visit the site where necessary and work with the site owner to agree remedial measures if required.

This calculator is to help determine a monitoring fee that will cover our costs for undertaking the above over 30+ years. It is based upon the site's size only. These fees will be subject to regular review.

Monitoring Fee	
Size:	
Small (0-10 ha)	£3,369.60