**SDNPA Habitat Bank Checklist. South Downs National Park Authority.**

**February 2024**

**Aim**

To set out for landowners the information that is required in order satisfy the SDNPA validation process of a prospective Habitat Bank[[1]](#footnote-1) for Biodiversity Net Gain (BNG) prior to entering into a s106 legal agreement.

**DEFINTION OF STAGES** (see table below)

**Stage 1: Expression of Interest (EOI)**

Prior to an initial meeting/ discussion - submission of EOI with necessary accompanying supporting documentation. SDNPA undertake initial feasibility assessment.

**Stage 2: Invitation to Proceed (ITP)**

Once assessment has taken place by SDNPA and there is a decision to proceed SDNPA invite the landowner to proceed. The landowner is then required to produce detailed information, agrees to bear all legal costs of SDNPA and agrees to pay the monitoring fee.

**Stage 3: Delivery**

Signing of the s106 Legal Agreement

* Notification of Commencement (NC)
* Notification of Practical Completion (PC)
* Natural England Register: Register Site
* Capacity Monitoring Reporting (for each transaction)
* Natural England Register: Register each transaction.

**SDNPA BNG HABITAT BANK CHECKLIST**

**General Information Required**

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| **Name of Landowner** |  |
| **Email Address** |  |
| **Tel No.** |  |
| **Address of Proposed BNG Scheme** |  |
| **Approx Size of Proposed BNG Scheme** |  |
| **Approx current land use** |  |
| **Name of Proposed BNG Scheme** |  |
| **Date EOI Submitted** |  |

**Stage 1: Expression of Interest Checklist (EOI)**

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| **Criteria** | **Supporting Documentation Required/ Comments** |
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| **Confirmation of Ownership** | Up to date Land Registry Title and Plan of Land Boundary |
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| **Tenant/ Leasehold Considerations** | * Confirmation of no Leasehold/Tenancy Agreement or any other interests in the land * Confirmation of Landowner Consent (to note that the freehold landowner will need to enter into a Section 106 agreement) * Provide copies of all land interests associated with the land as part of the EOI submission |
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| **Other land interests** | Are there any existing legal barriers, consents, licenses or permissions that sit with the land that would prohibit the undertaking of habitat management works over the specified 30-year period. |
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| **Contaminated Land** | Confirm that the land is not considered to be ‘contaminated land’. |
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**Stage 2: Invitation to Proceed (ITP)**

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| **Criteria** | **Supporting Documentation Required/ Comments** |
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| **Location Plan** | * Provide a Shapefile (Plan) of the landowner ship boundary * Provide a Shapefile (Plan) of the proposed BNG Scheme boundary |
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| **Additionality** | * Confirmation of legal, financial, and genuine ecological additionality for the BNG proposed. * There is a requirement for BNG to be ‘additional’ to any measures or obligations to mitigate a scheme’s biodiversity impacts and which would have happened regardless (i.e. above ‘business as usual’). This includes mitigation for impacts on statutory designated site, irreplaceable habitats, legally protected species. * For ecology, this might include provision of an Ecological Impact Assessment Report or similar, setting out existing ecological constraints, how mitigation will demonstrate no net ecological loss and how the BNG proposals will be additional to this. E.g. if a hedgerow is confirmed as supporting nesting birds, then it’s retained/replacement) post-development score in the metric cannot count towards BNG but measures to enhance the habitat can; * Notification of intent to stack * Notification of sale of other ecosystem services on this land |
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| **SDNPA’s Interim BNG Guidance** | An assessment of how the proposals fit in with the guidance set out in the BNG TAN, to demonstrate strategic significance of the habitats proposed in the Habitat Bank. |
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| **Alignment with SDNPA Purposes and Biodiversity Duties** | Justification that BNG proposals generate the best outcome for biodiversity in the SDNPA National Character Area context. Are habitats and enhancements appropriate to site location, conditions and landscape character? Refer to Landscape Character Assessment. |
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| **UK Hab Baseline Ecology Survey for BNG** | * Provision of a full baseline and condition assessment survey undertaken using UK Hab 2.0 and the associated habitat condition assessments from current version of DEFRA’s Statutory Metric. * Provide copy of the completed baseline section of DEFRA’s Statutory Metric using the UK Hab baseline data |
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| **Mapping** | * Provide all relevant mapping (as Shapefiles) * Ensure all maps are spatially accurate if using GIS using OS Mastermap |
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| **Habitat Management and Monitoring Report (HMMP)** | * Detailed and costed habitat creation, enhancement proposals as captured in the DEFRA Statutory Metric, and details of monitoring schedule, responsibilities and reporting outputs/actions.[[2]](#footnote-2) * Provide a copy of the full DEFRA Statutory Metric completed for the site with post intervention sections. |
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| **Provision of achievable uplift in biodiversity value** | Habitat creation and enhancement proposals should be measured within the Statutory Metric from February 2024 and should be based on a realistic scenario. Justification should be given for why specific habitats and conditions are proposed. This should be supported by soil and water testing where appropriate. |
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| **S106 Legal Agreement** | Confirmation in writing that the landowner is content to enter into a legal agreement with SDNPA to secure the land use change and be bound for a period of at least 30 years. |
| **Statutory BNG Register** | Confirmation that the site will be registered on the national Statutory Register of Biodiversity Gain Sites from February 2024 when BNG becomes statutory. |
| **Irreplaceable Habitats** | Confirmation that proposals will not negatively impact irreplaceable habitats. Irreplaceable Habitats should be included in the associated tab of the Metric and any enhancement measures must be set out clearly within the HMMP report. |
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| **Demonstration of Competence** | * Confirmation of proof of competence[[3]](#footnote-3). |
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| **Cash-Flow** | * Confirmation of who will be responsible for the habitat management and monitoring over the 30-year period. * Submission of financial information to demonstrate that capital costs can be met and sufficient funds in place to manage and monitor the land for 30-year period. |
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| **Sectional Implementation** | Confirmation on whether all works to deliver the Habitat Bank will be undertaken and then trigger the 30 year period for the whole land or whether there will be sectional implementation. Sectional implementation will mean different 30 year periods for different parcels of land and require additional monitoring and enforcement fees to be paid to SDNPA . |
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| **SDNPA Monitoring Fee** | * Agree to pay the council a monitoring fee for the compliance monitoring and enforcement of the HMMP over the 30-year period. |
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| **BNG Monitoring Plan** | * Sets out when the habitat surveys will take place over the 30-year period, how frequently the LPA will receive progress/compliance reports and the date of commencement. (This information may be included within the HMMP or as a separate document). |
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| **Legal Fees** | * The Landowner agrees to bear legal costs for both parties |
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| **Additional Environmental Constraints and Evidence** | * Provider to have undertaken appropriate due diligence, surveys and assessments and considered other environmental constraints to achieving suggested creation/enhancement. * Are there any additional surveys or data gathering required prior to submission of proposal? E.g. Soil Analysis, Hydrological Appraisal and water testing, consideration of historic, arboricultural or landscape constraints. * Is suitable access available for the required management and maintenance works? |
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| **The Best Practice Pledge** | * Pledge that the proposed BNG Scheme meets the BNG Best Practice Principles:   + [CIEEM (2016) BNG Best Practice Principles](https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf)[[4]](#footnote-4)   + [British Standard BS 8683:2021](https://knowledge.bsigroup.com/products/process-for-designing-and-implementing-biodiversity-net-gain-specification?version=standard)[[5]](#footnote-5) Process for Designing and Implementing BNG |
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| **Biological Records** | All ecological data from the Habitat Bank must be submitted to the relevant Biodiversity Record Centre (Hampshire – Hampshire Biological Information Centre, HBIC, Sussex – Sussex Biological Records Centre) and confirmation of this included within the monitoring reports. |
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1. Habitat Bank = habitat created/enhanced (banked) 'up front' with units then sold to developers to secure off-site BNG units [↑](#footnote-ref-1)
2. Natural England have produced a Habitat Management and Monitoring Report template which applicants may wish to use: [Habitat Management and Monitoring Plan Template - JP055 (naturalengland.org.uk)](https://publications.naturalengland.org.uk/publication/5813530037846016) [↑](#footnote-ref-2)
3. This includes the landowner or land manager that will be responsible for delivering the habitat creation/enhancements and/or their professional advisors. [↑](#footnote-ref-3)
4. <https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf> [↑](#footnote-ref-4)
5. <https://cieem.net/british-standard-for-biodiversity-net-gain-published/> [↑](#footnote-ref-5)