



Biodiversity Net Gain

Technical Guidance Note

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1 Introduction

Biodiversity Net Gain (BNG) is an approach to development, land and marine management which aims to leave biodiversity in a measurably better state than before.

Under the Environment Act 2021, it has been mandatory for all planning permissions in England to achieve at least 10% net gain since 12 February 2024 (and for small sites from 2 April 2024), with some exemptions, following the national regulations.

The purpose of this Technical Guidance Note (TGN) is to provide guidance for applicants and agents explaining how BNG is implemented in Exmoor National Park, in accordance with the national regulations.

Policies in the Exmoor National Park Local Plan (2011 – 2031) also support the enhancement of biodiversity, including:

- Policy CE-S3 – Biodiversity and Green Infrastructure
 - o 2. Development delivery ... will conserve, restore and re-create priority habitats and conserve and increase priority species identified for Exmoor in the Exmoor Wildlife Research and Monitoring Framework (or successor publication).
 - o 6. The enhancement of biodiversity and creation of multi-functional green infrastructure networks at a variety of spatial scales, including cross-boundary connectivity to areas adjacent to the National Park, that help support ecosystem services will be encouraged.
 - o Opportunities will be promoted for habitat management, restoration, expansion that strengthens the resilience of the ecological network, and enables habitats and species to adapt to climate change or to mitigate the effects of climate change.
 - o Green infrastructure that incorporates measures to enhance biodiversity, including dispersal areas identified within the ecological network, should be provided as an integral part of development.
- Policy CE-D2 – Green Infrastructure Provision
 - o 1. Development proposals should include measures that will enhance green infrastructure provision and create opportunities for wildlife in the National Park commensurate with the scale of the proposal and intensity of activity expected.

Further, more detailed, guidance on the process of preparing an application can be found from [Devon County Council](#) and [Somerset Council](#) along with the national [planning practice guidance](#) for biodiversity net gain.

This TGN is a material consideration that will be considered by decision makers when determining planning applications in Exmoor National Park.

Well designed and executed BNG is expected to make a meaningful contribution to nature recovery on Exmoor in line with the [Exmoor Nature Recovery Vision](#).

2 Biodiversity Net Gain requirements

The Environment Act 2021 requires a **minimum of 10%** net gain in biodiversity (secured for a minimum of 30 years). This will be re-considered when the Local Plan is reviewed and may increase. Proposals should maximise opportunities for biodiversity and make a meaningful contribution to nature recovery in line with our Nature Recovery Vision.

Under the statutory framework for Biodiversity Net Gain, every grant of planning permission in England is deemed to have been granted subject to a general biodiversity gain condition to secure the biodiversity gain objective. This objective is to deliver at least a 10% increase in relation to the pre-development biodiversity value of the development granted permission. The general biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.

2.1.1 Exemptions

A minimum of 10% BNG (secured for a minimum of 30 years) will be required for all applications, except:

- Householder applications
- Permitted development
- Development impacting an area below a 'de minimis' threshold of 25m² (5m by 5m) of on-site habitat or 5m of on-site linear habitats (such as hedgerows), where no priority habitat is present
- Biodiversity gain sites (where habitats are being enhanced for the purpose of fulfilling the biodiversity gain condition for another development)
- Self-build and custom build (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015) where there will be no more than nine dwellings on a site no larger than 0.5ha.
- Urgent crown development
- BNG also does not apply to retrospective applications

For development which is exempt from 10% BNG requirements, we still require biodiversity enhancements in line with our local plan policy (see Appendix 1).

2.2 What is needed to support a planning application

2.2.1 Exmoor Biodiversity Trigger List

Every planning application should be submitted with a completed [Exmoor Biodiversity Trigger List](#), Ecological Impact Assessment and survey reports as required.

The [Natural Environment Record](#) (NER) is Exmoor's repository for biological information, containing wildlife data collected from throughout the National Park. The NER includes an interactive map which can help with finding information on Exmoor's wildlife habitats, species and designations. For detailed data searches please contact the local records centre (Somerset Environmental Records Centre or Devon Biodiversity Records Centre).

2.2.2 BNG requirements

Where development would be subject to the general biodiversity gain condition, the application must be accompanied by minimum information set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015:

- A statement as to whether the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition
- The pre-development biodiversity value of the onsite habitat on the date of application (or an earlier date) including the completed metric calculation tool used showing the calculations, the publication date and version of the biodiversity metric used to calculate that value
- Where the applicant wishes to use an earlier date, the proposed earlier date and the reasons for proposing that date
- A statement confirming whether the biodiversity value of the onsite habitat is lower on the date of application (or an earlier date) because of the carrying on of activities ('degradation') in which case the value is to be taken as immediately before the carrying on of the activities, and if degradation has taken place supporting evidence of this
- A description of any irreplaceable habitat (as set out in column 1 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations [2024]) on the land to which the application relates, that exists on the date of application, (or an earlier date)
- A plan, drawn to an identified scale which must show the direction of North, showing onsite habitat existing on the date of application (or an earlier date), including any irreplaceable habitat

If this information has not been provided, the local planning authority must refuse to validate the application.

Where significant onsite delivery of biodiversity net gain will be provided, the BNG statement should provide details of both pre-development biodiversity value of the site and post-development biodiversity value of the site, with appropriate scaled plans, a copy of the completed metric and associated documents. In addition, a draft Habitat Management and Monitoring Plan should be provided to set out proposals for long-term maintenance of the habitats proposed.

Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's biodiversity net gain relative to the biodiversity value before development. What counts as a significant enhancement will vary depending on the scale of development and existing habitat, but these would normally be:

- Habitats of medium or higher distinctiveness in the biodiversity metric
- Habitats of low distinctiveness which create a large number of biodiversity units relative to the biodiversity value of the site before development
- Habitat creation or enhancement where distinctiveness is increased relative to the distinctiveness of the habitat before development
- Areas of habitat creation or enhancement which are significant in area relative to the size of the development
- Enhancements to habitat condition, for example from poor or moderate to good

2.2.3 The Metric

The statutory biodiversity metric must be used for the calculation of pre-development and post-development biodiversity value of sites and projects.

The statutory biodiversity metric should be used for:

- Any development site where priority habitat is present
- Residential development of 10 or more dwellings on a site of $\geq 1\text{ha}$
- Where the number of dwellings is not known the site area is $\geq 0.5\text{ha}$
- For all other development types, the site area is $\geq 1\text{ha}$ or floorspace $\geq 1000\text{m}^2$

The metric should be completed by a competent person, normally an ecologist.

The small sites statutory biodiversity metric is a simplified version of the statutory biodiversity metric and may be used for small sites, which are defined as:

- Residential development of 1-9 dwellings on a site of $< 1\text{ha}$
- Where the number of dwellings is not known the site area is $< 0.5\text{ha}$
- For non-residential, the floorspace to be created is $< 1000\text{m}^2$ or the site area is $< 1\text{ha}$

The small sites metric cannot be used on sites where: habitats not available in the small sites metric are present; where priority habitats are in the development site (excluding some hedgerow and arable field margins); where protected species are present; where any off-site interventions are required.

The small sites metric does not necessarily need to be completed by an ecologist, but again, it must be completed by a competent person who “is confident in identifying habitats present on the site before the development and identifying the management requirements for habitats which will be created or enhanced within the landscape design.”

The metric habitat condition assessments provide criteria to allow a standard approach to assessing habitat condition for the metric and these should be provided alongside the metric.

The statutory biodiversity metric tool and user guide can be found [online](#).

2.2.4 Strategic significance

The table below outlines the areas that ENPA considers to be of High, Medium or Low strategic significance. This is provided as an interim measure whilst the Local Nature Recovery Strategies are in development, and will be reviewed and updated. The list is not exhaustive and the assessment may be informed by several other strategic documents for specific species or habitats on their route to recovery. The assessment should be supplemented by justification within the comments section of the metric.

Strategic significance (metric multiplier)	Definition
High (x1.15)	a) Within a designated site (Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI), County/Local Wildlife Site (CWS/LWS)) b) Within 1km of a designated site c) Habitat creation or enhancement which supports the recovery of priority species or protected sites (SAC, SSSI and CWS/LWS)* d) Priority habitat

Medium (x1.10)	Only where habitat creation or enhancement clearly contributes to ecological functionality in the landscape, and makes a meaningful contribution to nature recovery across Exmoor, but falls outside the areas identified as 'high'.
Low (x1.0)	Any other areas which do not meet the above criteria

* This may be further informed by specific guidance such as the Exmoor & Quantock Oakwoods SAC guidance.

2.2.5 Additionality

BNG must be additional, over-and-above, other mitigation or compensation requirements such as that required for protected species or priority habitats.

2.2.6 Irreplaceable habitats

Development likely to result in the loss or deterioration of irreplaceable habitats or protected sites will not be permitted unless there are wholly exceptional reasons, in line with Local Plan policy CE-S3.

Impacts on irreplaceable habitats are not adequately addressed by the metric and it should not be used for this purpose.

Irreplaceable habitats will be further defined following national public consultation in 2024, but an initial list has been provided by DEFRA comprising:

- Ancient woodland
- Ancient and veteran trees
- Blanket bog
- Limestone pavements
- Coastal sand dunes
- Spartina saltmarsh swards
- Mediterranean saltmarsh scrub
- Lowland fens

2.2.7 Outline applications

Outline planning applications should be supported by a BNG Strategy which will show how the development will realistically be able to deliver BNG based on the land available for different uses. For phased developments, the Strategy should show how each phase will deliver a pre-determined proportion of habitat provision for BNG.

2.3 Pre-commencement

2.3.1 Biodiversity Gain Plan

Where the general biodiversity gain condition applies, a Biodiversity Gain Plan will need to be submitted no earlier than the day after planning permission has been granted. The Environment Act 2021 states that the plan should include:

- How adverse impacts on habitats have been minimised
- The pre-development biodiversity value of the onsite habitat
- The post-development biodiversity value of the onsite habitat
- The biodiversity value of any registered off-site habitat provided in relation to the development

- Any statutory biodiversity credits purchased
- Any further requirements as set out in secondary legislation

A plan/map should be provided as part of the Biodiversity Gain Plan showing clearly where habitats will be protected, enhanced and created. Where development is not to proceed in phases, additional information is required as set out in the Planning Practice Guidance¹. There is a standard Biodiversity Gain Plan template which may be used.

Development may not commence until the Biodiversity Gain Plan has been approved.

Other on-site wildlife enhancements should still be incorporated into development proposals in line with good practice (and Appendix 1). For example, integrated bat/bird/bee bricks in buildings, hedgehog holes or habitat piles and these should also be shown on a suitable figure.

2.4 Implementation and monitoring

The landowner and/or developer is responsible for delivering and monitoring the BNG requirements as per the details set out in conditions or a legal agreement.

The LPA will review monitoring reports submitted and will undertake enforcement for any non-compliance with conditions or legal agreements.

2.5 Habitat banks

The assessment process that ENPA will follow to consider and register an interest in land for a habitat bank is set out below.

Register Interest	Landowner/agent submits a registration of interest via email to plan@exmoor-nationalpark.gov.uk or a 'call for sites'
	Landowner/agent submits the required information (see Appendix 2)
ENPA's assessment of the site's suitability as a habitat bank	ENPA ecologist reviews draft Habitat Management and Monitoring Plan (HMMP) and Statutory Metric and considers monitoring requirements
	Site visit by ENPA ecologist
	Consultation with ENPA officers including consideration of landscape and historic environment impacts (wider consultation with statutory nature conservation bodies and non-statutory nature conservation organisations may also be considered)
	Consideration of alignment with nature recovery strategy
	Consideration of alignment with other ENPA priorities
Risk Assessment	Consideration of existing consents, covenants, charges and compatible finance, business plan, risk management and contingency, delivery and partners
Decision making	Resolution to approve subject to a S106 by ENPA's Chief Executive
Legal agreement	Agree monitoring fees (based on DCC monitoring fees and set out in this guidance) to include in the S106
	Share draft S106 and engage legal team
	S106, once agreed, signed by Chief Executive under delegated powers
Finalised	Habitat bank approved

¹ Paragraph: 032 Reference ID: 74-032-2023 [Draft biodiversity net gain planning practice guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/draft-biodiversity-net-gain-planning-practice-guidance)

2.6 Fees

2.6.1 Biodiversity Gain Plan

The submission of a Biodiversity Gain Plan falls under Regulation 16 of the Town and Country Planning (Fee for Applications, Deemed Applications, Requests and Site Visit) (England) Regulations 2012. The current fee is £145 for each request.

2.6.2 Habitat bank application fee

ENPA will require a fee when applying to register an interest in land for a proposed habitat bank in the National Park.

Fees to apply to register a habitat bank with Exmoor National Park Authority will be as follows:

- Small site (0-10ha) £499.50
- Medium site (11-20ha) £582.75
- Large site (21+ha) £666

These are in addition to the fees for monitoring and enforcement set out below in brackets.

2.6.1 Monitoring and enforcement

The LPA will require a fee to cover costs of assessment, monitoring and enforcement of **off-site** Biodiversity Gain Plans, and **significant on-site** BNG proposals. The below is a breakdown of how the costs have been derived by Devon Authorities and will be used as a base from which Devon LPAs can derive their monitoring fees. We will be using these values as the basis for monitoring fees across Exmoor National Park.

The day rate for a principal ecologist to review monitoring reports and undertake site visits has been calculated at £333 (£44.44 /hr). A yearly inflation of 3% per annum has been included (this inflation rate will be regularly reviewed by Devon authorities).

Monitoring reports will be expected to be submitted to ENPA on Years 2, 5, 10, 15, 20, 25 and 30 of the agreement. Site visits will be undertaken by an ENPA officer (or someone employed by ENPA) on years 1, 5, 15, 25 and 30. Costings for a sixth site visit at an unspecified time (with required access notice period included in the S106) have also been included.

Based on Devon Authorities fees, in Exmoor National Park monitoring costs for significant on-site and registered off-site provision will be associated with the size of the on-site/off-site/habitat bank land parcel. The following fees have been calculated. The lower figure in brackets applies to habitat banks.²

- Small site (0-10ha) - £4,131.08 (for habitat banks excluding application fee £3,631.58)
- Medium site (11-20ha) - £5,076.97 (for habitat banks excluding application fee £4,494.22)
- Large site (21ha+) - £6,022.86 (for habitat banks excluding application fee £5,356.86)

² For habitat banks which have been assessed and agreed by the National Park Authority through the application process, fees will be reduced to reflect that the costs of an initial assessment have been paid at application stage. The reduced figure for habitat banks in such cases is shown in brackets.

The review of monitoring reports on the years stated above are assumed to take 0.5 days, regardless of site size. The length of site visits will be dependent on the sizes of sites and have been assumed to take 0.5 days for a small site, 0.75 days for a medium site and 1 day for a large site.

Legal fees will need to be charged on top of the costs above to be agreed at the start of the S106 process. It is envisaged that the above fees will be paid by the developer or habitat bank provider at the point of signing of the relevant legal agreement.

3 Making a meaningful contribution to nature recovery on Exmoor

The purpose of BNG is to ensure we take measurable steps towards recovering what has been lost in a wider sense over a longer time period. In order to make this succeed, BNG proposals must be meaningful, respond to context, maximise opportunities for nature and follow best practice principles.

The mitigation hierarchy requires that impacts on biodiversity features are first avoided, then mitigated, and only as a last resort, compensated. This must be done before measures to provide BNG are considered. How this has been done must be detailed in the biodiversity gain plan. BNG does not replace existing protections for designated sites or protected species and BNG does not take these into consideration. As above, it will be necessary to demonstrate how these have been appropriately addressed in line with national legislation and local and national policy and how BNG is additional to these.

The following principles should be followed:

Plan for BNG early

Be informed early by a Preliminary Ecological Appraisal which will provide information on the habitats on site and do a metric early so that you can see how BNG might be deliverable within the proposals. Respond to the site's current status and history (which may include information on soil types and fertility levels) to decide on the most appropriate options for habitat retention, creation and enhancement to increase the likelihood of success.

Be informed by strategic guidance

The Exmoor Nature Recovery Vision sets out targets for creating more space for nature and diversity of habitats on Exmoor. Local Nature Recovery Strategies (LNRSs), set out in the Environment Act 2021 are being prepared for both Devon and Somerset and will inform strategic areas for biodiversity net gain.

Consider the Lawton Principles

More – bigger – better – joined

Look for opportunities to reconnect fragmented linear habitats such as hedgerows or tree lines, look for opportunities to create connectivity to or buffer priority habitats such as woodland, streams or species-rich grassland and protected sites. Habitat delivered for BNG should not be too small, isolated or impacted by surrounding uses that would impair its functionality e.g. lighting or residential amenity pressures.

Consider the landscape context of the site

When planning new habitat creation, consider how it fits into the landscape and whether it is appropriate to the character of the landscape and the features within it. The Exmoor Landscape Character Assessment, 2018, identifies landscape character types across the National Park to reflect local character and distinctiveness. The natural assets and ecosystem services are described for each, as well as management guidelines and the issues driving change; these can provide a useful landscape scale guide when planning new habitat creation.

Look for opportunities to support functioning ecosystems

By building nature-based solutions into BNG proposals, the development is more likely to achieve wider environmental benefits such as improvements in water quality, flood risk or air quality.

Appendix 1: Enhancements for wildlife

This document contains some suggestions for enhancement measures that could be incorporated into your development proposals. These must be additional to any mitigation requirements that may otherwise be required due to, for example, impacts on a bat roost.

Development falling below the threshold for mandatory net gain will nonetheless be required to deliver enhancement in accordance with the following thresholds:

Type of development	One enhancement feature required for every (or part of*)
New and replacement residential dwellings (including dwellings, extensions, conversions, garages and outbuildings)	20m ² of floorspace
New non-residential buildings and conversions	30m ² of floorspace
New non-residential roads, tracks, hardstandings and car parks	30m ² of footprint developed

*e.g. a residential extension of 30m² will need to provide 2 biodiversity enhancement features

The table below details what constitutes one enhancement feature for the application of the requirements outlined in the table above.

<i>What constitutes one enhancement feature?</i>
<p>Habitat</p> <p>10m² native wildflower meadow 10m native hedgerow Three native trees (including fruit trees (orchard)) Two integrated bird or bat boxes 2m³ permanent pond (minimum 0.6m in depth) 2m length (minimum 1m high) stone bank (with corridors) 8m² swale or wetland 25m length of fence to prevent grazing in rivers, woodland, ditches, scrapes, scrub, other habitats</p>
<p>Habitat connectivity</p> <p>Permeable boundaries including wildlife corridors under fences and walls – all new boundary treatments at least one corridor per 2m Wildlife corridors under main roads and amphibian friendly kerbing – two corridors and one kerb</p>
<p>Sustainable drainage</p> <p>1 rainwater butt (simple rainwater harvesting) 8m² swale or wetland</p>

The following text boxes detail ideas for enhancement (several of which are included in the table above) which can be used to deliver enhancement for sites which sit below the threshold for mandatory net gain, but also provide ideas for opportunities for wildlife (including some species-specific) to sit alongside net gain, which principally focuses on delivery of habitats.

Bat boxes

Integrated bat boxes, which can be incorporated into walls, are favoured as they offer an opportunity in perpetuity, do not require maintenance and are designed to be discrete in-situ.

In general, bat boxes should be sited on a tree or building, between 3m and 5m above ground, in a sunny position facing between south-west and south-east. They must be protected from artificial light sources/light-spill, and it is best practice not to site them above windows or doors. Long-lasting woodcrete/woodstone (or similar) materials are good. If siting on a tree, it is good to put them in groups of three, with a mixture of designs, facing in slightly different directions to create a variety of microclimates.

Example integrated boxes:



Schwegler 1FR Habibat bat box 001

Example external boxes:



Schwegler 1FF Schwegler 2F Kent bat box

Bee bricks

Integrated bee bricks provide opportunities for solitary bees. They should be sited in a warm sunny spot, ideally south facing at a minimum height of 1m above ground level with no vegetation obscuring the entrance.



Beetle banks

Beetle banks are 2m wide banks which support tussocky vegetation and provide an opportunity to encourage predatory insect numbers which can help with pest control.

See [How to create and manage beetle banks](#) (RSPB) for further information

Bird boxes

Integrated bird boxes are favoured, as described for bat boxes above. Swift bricks have been shown to be used by a range of small cavity-nesting birds (including declining species) and are strongly encouraged.

In general, bird boxes should be sited on a tree or building facing between north and east, where they will not get too hot. Different bird boxes should be sited at different heights, with most small hole boxes best sited between 2-3m above ground, and swift, swallow and marten nests best sited around 5m above ground. Open fronted boxes should generally have some light vegetation cover nearby to provide protection from predation.

Example integrated boxes:



Swift brick

Example external boxes:



Small hole



Open fronted



Sparrow terrace



Nest cup

Opportunities for swallow should be provided where possible, and in all instances where opportunities will be lost (such as barn conversions or renovations). Swallows prefer to nest in sheltered positions so mitigation may include provision in barns, log-sheds, car ports or porches, through providing access to a retained building or through purpose-built structures such as a covered structure at a gable apex.

Owl boxes can also be a fantastic addition where space allows. They should be sited in undisturbed areas, in buildings on or trees, typically at least 5m above ground.



Barn owl box



Tawny owl box

Bug hotels

Bug hotels can vary from small pre-fabricated boxes which can be installed on external walls, to large stacks which provide opportunities for a range of wildlife including toads and hedgehogs.

The RSPB have advice [here](#) on creating a 'stack' for wildlife.



Hibernacula

Hibernacula are piles of logs, bricks/rocks and tubes covered in soil and turf which provide a space for reptiles and amphibians to take refuge during the active season and to hibernate during winter. They can be below ground if on dry soil or above ground if the soil is generally wet and must be in a position which is generally sunny and won't flood.

Wiltshire Wildlife Trust has advice [here](#) on their creation.

Hedgehog holes

In order to find enough food and mate, hedgehogs need to be able to move through greenspace including parks and gardens. Holes in fences can make a big difference in their ability to do this. A hole 13cm by 13cm square is sufficient for a hedgehog.

Hedgehog Street provides more advice on this [here](#) along with more ideas about ways to help hedgehogs.

Hedgerow creation

The creation of new hedgerows can provide a range of benefits including for wildlife, screening, carbon capture, flood management and even wood fuel or as a source of fruit and nuts. Hedgerows provide connectivity across landscapes and link existing hedges or habitats.

When creating a new hedge, you may consider building a bank, which is typical of many hedgerows on Exmoor. Species planted will depend on local conditions and what the hedgerow is for. In some areas of Exmoor beech hedges are dominant, but where appropriate a range of native species is preferred for wildlife, aiming for a mixture of seven or more species. Suitable species might include hawthorn, blackthorn, holly, rowan, oak, hazel, field maple and guelder rose. Select trees to become standards and do not trim these. Use locally sourced plants where possible.

Devon Hedge Group has lots of advice on creation and management of hedgerows [here](#).

Meadow creation/restoration

97% of species-rich meadows have been lost since the 1930s, including in the last 30 years on Exmoor there has been ongoing dramatic decline in meadows. Species-rich meadows provide opportunities for a multitude of wildlife including rare flora as well as pollinators and other fauna whilst also acting as carbon stores.

Magnificent Meadows provides advice on creating or restoring meadows [here](#) and Exmoor National Park's Sowing the Seeds project may be able to provide locally sourced seed for some projects.

Ponds

The addition of ponds in gardens provides excellent habitat for wildlife, with opportunities for amphibians as well as reptiles, birds, invertebrates and small mammals.

The Wildlife Trusts provide some good advice on pond creation [here](#). It is really important to ensure that you provide access for wildlife to the pond – either through a sloping ‘beach’ or through carefully placed rocks to create easy steps. Varying the depth and edges of the pond provides opportunities for different species. It is also really important to ensure that any planting is carefully considered and sourced to prevent spread of invasive non-native species.

Tree planting

Tree planting can provide a range of benefits, for wildlife, amenity, carbon capture, water management or as a source of fruit and nuts. Mature trees provide the greatest benefits to wildlife, but immature trees are still really beneficial and encouraged.

When planting a tree, consider the space available (how big will it get), how quickly it will grow, ground conditions (does it like being on wet ground) and what you want from the tree (shade, colour, berries, fruit, nuts). Use native species and locally sourced plants where possible.

Photos from NHBS and RSPB as illustrations, similar suitable boxes are available from other reputable retailers.

Appendix 2: Habitat Bank Criteria

Exmoor Habitat Bank Criteria

This document outlines what information should be submitted to ENPA to allow the consideration of a site as a proposed habitat bank and are adapted from Devon County Council's guidance.

These criteria will be refined and updated as needed.

Definition of Stages

- Stage 1: Initial submission for ENPA officers to consider the suitability of the site as a habitat bank
- Stage 2: Detailed information required prior to signing S106 agreements

	Criteria	Suggested documents required	Tick
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. If the latter what are the conditions, are you in control and able to satisfy them?</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. The habitat bank broker or landowner needs to be able to place a charge on the land</p>	<p>Land Registry Title and plan of the land boundary from owner</p> <p>Charges register of title and plan, Copy of Leasehold Agreement</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.</p>	<p>Statement of no conflicting consents are known and reasonable checks have been undertaken.</p> <p>Documents submitted if required</p>	
3	<p>Contaminated land</p> <p>Is the site considered to be 'contaminated land' and if it is, what costed remediation</p>	<p>Costed remediation plan if required or, statement confirming not required</p>	

	<p>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>		
4	<p>Is the landowner prepared to enter into a S106 agreement with Exmoor National Park Authority?*</p> <p>S106 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 S106.</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 S106</p>	
5	<p>Additionality</p> <p>Can you prove Legal, Financial & Ecological Additionality compliance 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> <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>	<p>Written confirmation of proof of additionality principles and compliance with stacking and bundling rules in line with guidance</p>	
6	<p>Location Plan</p> <p>Location of the site provided</p> <p>Note: If a GIS layer / shape file is available then this is helpful but not essential</p>	<p>Map to be provided</p>	
7	<p>Alignment with nature recovery strategies</p> <p>An assessment of how the proposals make a meaningful contribution to nature recovery on Exmoor in line with the Technical Guidance note for BNG and how the proposal fits with Exmoor's Nature Recovery Vision and Devon/Somerset's Local Nature Recovery Strategies (when published).</p>	<p>Justification text in a report and evidence of the Strategic Significance of habitats proposed in the bank</p> <p>Note: Provision of a brief assessment to ensure the conservation value in the landscape context of the site is being considered rather than unit delivery alone</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 and the statutory metric.</p> <p>This must be undertaken in the correct survey season and by a competent ecologist. Limitations on survey methods and other assumptions made regarding proposed habitat creation and enhancement and their implications must be clearly explained.</p>	<p>BNG Report, baseline habitat survey report, with metric excel spreadsheet and completed condition assessment spreadsheets provided</p>	
9	<p>Provision of achievable uplift in biodiversity value</p> <p>A full statutory metric completed for the site of the 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). Have appropriate soil tests been undertaken linked to criteria 18</p>	<p>Excel of metric completed and justification text for why habitats and specific conditions are proposed</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 metric which flags these in 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). Competence should be in line with definitions provided by</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 the statutory metric definition on competency. This could include professional memberships, training and experience.</p>	

	<p>CIEEM 2021, the British Standard on Biodiversity Net Gain (8683: 2021) and Natural England / Defra Guidance.</p> <p>The Statutory Metric User Guide defines a competent person someone who ‘has the knowledge and skills to perform specified tasks to complete and review biodiversity metric calculations. You obtain this through training, qualifications, experience, or a combination of them’.</p> <p>River Condition Assessment assessors must be trained and accredited in the River Condition Assessment methodology.</p>		
Stage 2			
12	<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 held for duration of the agreement and held independently for large schemes. An appropriate payment schedule should be in place. All required prior to S106 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. • Assurance that separate code had been set up in your accounts i.e. ring fencing of funding in relation to habitat bank. 	<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"> • Potential to require the need to report on high level progress in line with cash flow model into the monitoring/reporting requirements in S106. • Provision of a third party back guarantee (e.g. a bond agreement provided by a national bank) which can be called on by the local authority in cases of breach and/or insolvency. • Remediation clause. 		
13	<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>	
14	<p>Sale of units outside of ENPA remit</p> <p>Are you proposing to sell units outside of Exmoor?</p>	<p>Statement of intent</p>	
15	<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 Devon Council’s monitoring fee</p> <p>Suitable Monitoring Plan for 30 years</p>	
16	<p>Provision of a detailed and costed Habitat Management and Monitoring Plan and consider other legal and environmental constraints</p>	<p>Habitat Management and Monitoring Plan, Costed management plan</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>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>	<p>Plans showing all habitats proposed for enhancement and creation</p> <p>Dates for commencement of 'establishment' and 'monitoring' phases agreed between parties</p>	
17	<p>Consideration of other environmental constraints</p> <p>Provider to have undertaken appropriate due diligence, surveys and assessments and considered <u>all other environmental constraints to achieving suggested habitat enhancement / creation prior to approaching the Council with a proposal</u> e.g. (but not an exhaustive list).</p> <ul style="list-style-type: none"> • Soil analysis data for specific habitat types. 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 proposed employing professional advice where required. 	<p>A check of information is provided, we expect the applicant to submit all information required and to undertake due diligence, Devon LPAs will not be liable for any missing information that prevents the habitat proposals being delivered as specified</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.) 		
18	<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	
19	<p>Permission for Devon LPAs to enter the land for spot checks</p> <p>Permission for spot inspections by ENPA officer(s) or a subcontractor to ensure habitat management is being undertaken as promised</p>	Statement of compliance	
20	<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	
21	<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 directly in relation to the habitat bank.</p> <p>Is the Habitat Bank compliant with best practice as outlined in the British Standard BS 8683: 2021 and other subsequent guidance on habitat banks provided by Natural England / Defra that is available at the time of the 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>	Justification text in a report / statement of compliance	

	<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) • 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 		
22	<p>Biological Records</p> <p>All Ecological Records from the Habitat Bank must be submitted to Devon Biodiversity Records Centre (DBRC)/Somerset Environmental Records Centre (SERC). This occurs with each subsequent monitoring report submitted to the LPA.</p>	A statement to confirm this will be undertaken and submitted to DBRC	

*S106 based on Devon County Council's template S106