

Providing Net Gain in Biodiversity SPD Update 2

May 2022 Update

Chapter 6 under the heading 'Planning Conditions and Legal Agreements' requires a legal agreement to be drawn up between the council and the owner or developer requiring a financial guarantee to ensure that the obligations in the approved Biodiversity Enhancement Management Plan (BEMP) are undertaken. This will take the form of a financial bond to cover the council's costs should any intervention be required to remedy any failure to comply with these obligations.

Paragraph 6.4 reports that further work will be undertaken to calculate the cost of the bond and that the outcome of this work will be published.

This note sets out the basis on which the financial bond will be calculated and the council's approach for securing a financial bond which will be set out within a legal agreement.

As each BEMP will be bespoke to a particular site, a one cost approach is not considered appropriate, and therefore a cost estimate will be required based on the approved BEMP. This cost estimate will cover both the costs of the implementation of the BEMP works, and the cost of maintenance and monitoring of the BEMP area for a period of 30 years.

To ensure a fair and proportionate bond figure is reached the council will require the applicant to submit to the council a cost estimate from three ecological consultancies who must be members of the Chartered Institute of Ecology and Environmental Management Registered Practice Directory www.cieem.net or on prior agreement with the council an Ecological Clerk of Works who is a member of CIEEM.

The cost estimates submitted to the council will be assessed and the council will notify the applicant whether these are acceptable to help inform a financial bond figure or whether a further cost estimate or further clarification is required. Once agreed this will inform the financial bond figure which will form part of the legal agreement to be signed.

Please see attached the draft legal agreement template.