



## Habitat Bank Criteria, Dover District Council

V1.3 June 2025

### Aim

To set out for Habitat Bank<sup>1</sup> Proposers<sup>2</sup> the information that Dover District Council will need to be satisfied with before a legal agreement via s.106 legal agreement with a prospective Habitat Bank for Biodiversity Net Gain will be considered.

### Definition of stages (in table below)

#### Stage 1: Expression of Interest (Eol)

Prior to an initial meeting / discussion, or after initial contact but before supporting information is provided.

Habitat Bank Proposer to submit Eol to DDC with necessary supporting documentation, as identified in table below.

DDC undertakes initial feasibility assessment.

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

After the feasibility assessment is completed by DDC and the Eol is accepted, the Habitat Bank Proposer is invited to proceed.

Detailed information identified in table below to be provided to DDC by Proposer.

Set-up fee paid by Proposer to DDC to cover the time spent reviewing the proposal (paid on submission of detailed information).

DDC undertakes appraisal of detailed information and once satisfied, s106 legal agreement is prepared<sup>3</sup>.

Proposer agrees to bear all legal costs of DDC and to pay the monitoring fee at specified intervals.

#### Stage 3: Delivery

Signing of s106 legal agreement (s106 legal agreement set-up fee paid).

Adherence to s106 legal agreement, including:

- Notification of Commencement
- Notification of Practical Completion
- Natural England Register: Register Site (notification)
- Capacity Monitoring Reporting (for each transaction (developer agreement))
- Natural England Register: Register each transaction (developer agreement).
- Habitat monitoring reporting

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<sup>1</sup> Habitat Bank = habitat created/enhanced (banked) 'up front' with units then sold to developers to secure off-site BNG units.

<sup>2</sup> Proposers will usually be the landowner but could be a leaseholder (with necessary agreement) or habitat bank broker operating on behalf of the landowner.

<sup>3</sup> DDC will make an informed decision regarding the acceptability of the proposed Habitat Bank. DDC will not be liable for any missing or incorrect information that prevents the habitat proposals being delivered as specified.

## General Information Required

Name of Landowner	
Name of Habitat Bank Proposer (if different to Landowner)	
What is your relationship to the Habitat Bank? e.g. owner, broker, agent, ecologist	
Contact Postal Address	
Contact Email Address	
Contact Tel No.	
Location of Proposed BNG Scheme	
Approx Size of Proposed BNG Scheme (ha)	
Approx current land use	
Name of Proposed BNG Scheme	

## Habitat Bank Criteria

Criteria	Supporting Documentation Required/ Comments	Title of submitted supporting documents
<b>Stage 1: Expression of Interest (EoI)</b>		
<b>A. Confirmation of Ownership</b>	<ul style="list-style-type: none"> <li>Up to date Land Registry Title and Plan of Land Boundary</li> </ul>	
<b>B. Tenant/ Leasehold Considerations</b>	<ul style="list-style-type: none"> <li>Confirmation of no Leasehold/Tenancy Agreement or any other interests in the land that would prevent its legal use as a Habitat Bank</li> <li>Confirmation of Landowner Consent (to note that the freehold landowner will need to enter into a Section 106 agreement)</li> <li>Provide copies of all land interests associated with the land as part of the EOI submission</li> </ul>	
<b>C. (i) Other land interests</b>	<ul style="list-style-type: none"> <li>Are there any existing legal barriers, consents, licences, or permissions that sit with the land that would prohibit the undertaking of habitat management works over the specified 30-year period?</li> <li>Provide details of any existing consents, licences, or permissions that are required in order to undertake habitat management works over the specified 30-year period. For example (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 SSSIs.</li> </ul>	
<b>C. (ii) EIA (Agriculture) Regulations</b>	<ul style="list-style-type: none"> <li>Is there a need for a Natural England screening decision under the Environmental Impact Assessment (EIA) (Agriculture) Regulations? <a href="https://www.gov.uk/government/guidance/check-if-you-need-a-screening-decision">Check if you need a screening decision - GOV.UK</a></li> </ul>	

Criteria	Supporting Documentation Required/ Comments	Title of submitted supporting documents
	<ul style="list-style-type: none"> <li>If yes, confirm that this will be sought prior to registration of the land on the Biodiversity Gain Site Register</li> </ul>	
<b>D. S.106 Legal Agreement - intent</b>	<ul style="list-style-type: none"> <li>Confirmation in writing that the landowner is content to enter into a legal agreement with DDC to secure the Habitat Bank and be bound for a period of at least 30 years.</li> </ul>	
<b>E. Additionality - outline (details to be provided in Stage 2 submission)</b>	<ul style="list-style-type: none"> <li>Confirmation in writing that additionality principles will be adhered to.</li> <li>Notification of any intention to stack or bundle other ecosystem service units, land management payments, etc.</li> </ul>	
<b>F. Contaminated Land</b>	<ul style="list-style-type: none"> <li>Confirm that the land is not considered to be 'contaminated land'.</li> </ul>	
<b>G. Location Plan</b>	<ul style="list-style-type: none"> <li>Provide a map of the proposed Habitat Bank boundary. (Digital GIS shapefile, if available)</li> </ul>	
<b>H. Best Outcomes for Biodiversity - Statement (evidence to be provided in Stage 2 submission)</b>	<ul style="list-style-type: none"> <li>Statement that the proposals will aim to deliver best outcomes for biodiversity in Dover district.</li> </ul>	

### **Stage 2: Invitation to Proceed (ItP)**

<b>I. Mapping</b>	<ul style="list-style-type: none"> <li>Provide all relevant mapping (including GIS shapefiles where possible)</li> <li>Ensure all maps are spatially accurate.</li> </ul>	
<b>J. UK Hab Baseline Ecology Survey for BNG</b>	<ul style="list-style-type: none"> <li>Provision of a BNG Report including full habitat 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.</li> <li>Provide copy of the completed baseline section of DEFRA's Statutory Metric using the UK Hab baseline data.</li> <li>Provide completed baseline habitat condition assessments.</li> <li>BNG assessment undertaken in accordance with the Statutory Metric User Guide and CIEEM (2016) BNG Best Practice Principles<sup>4</sup></li> </ul>	

<sup>4</sup> <https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf>

Criteria	Supporting Documentation Required/ Comments	Title of submitted supporting documents
<b>K. Provision of achievable uplift in biodiversity value</b>	<ul style="list-style-type: none"> <li>Habitat creation and enhancement proposals should be measured using the Statutory Biodiversity Metric and should be based on a realistic and achievable scenario.</li> <li>Justification should be given for why specific habitats and conditions are proposed.</li> <li>This should be supported by soil and water testing where appropriate (also see Criterion S).</li> </ul>	
<b>L. Best Outcomes for Biodiversity - Evidence</b>	<ul style="list-style-type: none"> <li>Justification for how the proposals aim to deliver best outcomes for biodiversity in Dover district (1-2 paragraphs).</li> <li>Reference could be made to Biodiversity Opportunity Areas, Kent Biodiversity Strategy, Dover District Green Infrastructure Strategy, Local Nature Recovery Strategy (when published).</li> </ul>	
<b>M. Interim Strategic Significance Guidance for Biodiversity Net Gain in Kent and Medway</b>	<ul style="list-style-type: none"> <li>Justification text and evidence of the Strategic Significance of habitats proposed in the Habitat Bank.</li> <li>Until the Local Nature Recovery Strategy is published, reference to be made to the Interim Strategic Significance Guidance for Biodiversity Net Gain in Kent &amp; Medway<sup>5</sup></li> </ul>	
<b>N. Irreplaceable Habitats and other features or species of existing conservation interest</b>	<ul style="list-style-type: none"> <li>Confirmation that proposals will not negatively impact irreplaceable habitats or other features or species of existing conservation interest</li> </ul>	
<b>O. Habitat Management and Monitoring Plan Report (HMMP)</b>	<ul style="list-style-type: none"> <li>Detailed and costed habitat creation and enhancement proposals as captured in the DEFRA Statutory Metric, and responsibilities and reporting outputs/actions.<sup>6</sup></li> <li>Provide a copy of the full DEFRA Statutory Metric completed for the site with post intervention sections.</li> <li>Provide target habitat condition assessment sheets to demonstrate efficacy / achievability of proposed habitat creation / enhancement.</li> <li>Detailed plans showing all habitat proposed for enhancement and creation (shapefiles to be provided where possible).</li> </ul>	

<sup>5</sup> Interim Strategic Significance Guidance for Biodiversity Net Gain in Kent and Medway | Making Space For Nature Kent

<sup>6</sup> Natural England have produced a Habitat Management and Monitoring Report template which applicants may wish to use: [Habitat Management and Monitoring Plan Template - JP055 \(naturalengland.org.uk\)](#)

Criteria	Supporting Documentation Required/ Comments	Title of submitted supporting documents
<b>P. BNG Monitoring Schedule (dates as set out in DDC's BNG Monitoring Framework)</b>	<ul style="list-style-type: none"> <li>• Proposed date of habitat creation phase commencement.</li> <li>• Proposed / expected date of habitat creation phase completion and commencement of 30-year monitoring phase.</li> <li>• Confirmation of frequency of habitat creation monitoring reporting (when DDC will receive progress/compliance reports).</li> <li>• This information may be included within the HMMP or as a separate document.</li> </ul>	
<b>Q. Biological Records</b>	<ul style="list-style-type: none"> <li>• All ecological data (including baseline and monitoring species records and spatial habitat data) from the Habitat Bank must be submitted to the Kent &amp; Medway Biological Records Centre Biodiversity Record Centre by the Habitat Bank Provider.</li> <li>• Data transfer intervals to be specified.</li> </ul>	
<b>R. Phased commencement</b>	<ul style="list-style-type: none"> <li>• Confirmation of whether all works to deliver the habitat creation will be undertaken prior to triggering the start of the 30-year monitoring period for the whole land or whether there will be phased commencement.</li> <li>• Phased commencement will mean different start dates for the 30-year monitoring periods for different parcels of land within the Habitat Bank, which will require additional monitoring fees to be paid to DDC.</li> <li>• Approach to establishing baseline date for phased commencement to be agreed with DDC.</li> </ul>	
<b>S. Best Practice Principles for BNG</b>	<ul style="list-style-type: none"> <li>• Provide a brief statement outlining how the proposed BNG Scheme meets: <ul style="list-style-type: none"> <li>○ the 10 key principles of BNG, as specified in CIEEM (2016) BNG Best Practice Principles</li> <li>○ best practice outlined in the British Standard BS 8683:2021<sup>7</sup> Process for Designing and Implementing BNG</li> </ul> </li> </ul>	
<b>T. Additional Environmental Constraints and Evidence</b>	<ul style="list-style-type: none"> <li>• Provider to have undertaken appropriate due diligence, surveys and assessments and considered all other environmental constraints to achieving suggested habitat creation / enhancement. For example: <ul style="list-style-type: none"> <li>○ soil analysis for specific habitat types and identification / costing of any nutrient / soil stripping and remediation techniques that may be required.</li> </ul> </li> </ul>	

<sup>7</sup> <https://cieem.net/british-standard-for-biodiversity-net-gain-published/>

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	<ul style="list-style-type: none"> <li>○ hydrological appraisal to confirm the site is suitable for the proposed habitats (e.g. risk of flooding, water quality).</li> <li>○ consideration of historic, archaeological, arboricultural or landscape constraints.</li> <li>○ protected species presence.</li> <li>● Provide evidence that suitable access is available for the required management and maintenance works?</li> </ul>	
<b>U. Additionality - Details</b>	<ul style="list-style-type: none"> <li>● Provide evidence to demonstrate legal, financial, and ecological additionality for the site. For example, funds secured for environmental stewardship, nutrient mitigation, protected species habitat compensation,</li> <li>● Notification of any intention to stack or bundle other ecosystem service units, land management payments, etc.</li> </ul>	
<b>V. Planning Consent</b>	<ul style="list-style-type: none"> <li>● Consideration of whether any of the activities necessary to create the Habitat Bank will require planning permission.</li> <li>● Confirmation of understanding that the planning process is independent of the Habitat Bank process (though any associated application will be exempt from mandatory BNG under Regulation 7 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024.)</li> </ul>	
<b>W. Statutory BNG Register</b>	<ul style="list-style-type: none"> <li>● Confirmation that the site will be registered on the national Statutory Register of Biodiversity Gain Sites</li> </ul>	
<b>X. Demonstration of Competence</b>	<ul style="list-style-type: none"> <li>● Confirmation of proof of competence<sup>8</sup>. For example, a brief paragraph summarising: <ul style="list-style-type: none"> <li>○ Training, experience, and skills to undertake surveys (including accredited River Condition Assessment assessor, if required for habitat assessment), and to make habitat management recommendations.</li> <li>○ Membership of appropriate professional body.</li> </ul> </li> </ul>	
<b>Y. Cash-Flow</b>	<ul style="list-style-type: none"> <li>● Confirmation of who will be responsible for the habitat management and monitoring over the 30-year period.</li> <li>● Submission of financial information to demonstrate that capital costs can be met and</li> </ul>	

<sup>8</sup> This includes the landowner or land manager that will be responsible for delivering the habitat creation/enhancements and/or their professional advisors.

Criteria	Supporting Documentation Required/ Comments	Title of submitted supporting documents
	sufficient funds in place to manage and monitor the land for 30-year period.	
<b>Z. Legal Fees</b>	<ul style="list-style-type: none"> <li>The Proposer agrees to bear legal costs (as identified on page 1) for both parties.</li> </ul>	
<b>AA. DDC Monitoring Fee</b>	<ul style="list-style-type: none"> <li>Agreement to pay monitoring fees to DDC to monitor the habitat creation / enhancement in accordance with the HMMP over the duration of the s.106 legal agreement.</li> </ul>	
<b>AB. Kent Biodiversity Net Gain Site Register</b>	<ul style="list-style-type: none"> <li>Confirmation that Habitat Bank is listed and will be maintained on the Kent BNG Site Register<sup>9</sup></li> </ul>	

Additional things for Habitat Bank Proposers to consider:

Please provide a document list at submission, referencing the criteria addressed in each document.

Version log		
Version	Date	Changes
V1.0	July 2024	
V1.1	August 2024	Additional fields in General Information Required Addition of Criterion AB Kent Biodiversity Net Gain Register
V1.2	November 2024	Addition of table column to add titles of supporting documents
V1.3	June 2025	Reallocation of Criterion C to C (i) Addition of Criterion C (ii) EIA (Agriculture) Regulations

<sup>9</sup> The Kent BNG Site Register provides a source of information for LPAs and prospective off-site biodiversity unit purchasers to see what off-site units are available in the Kent area and to make contact with biodiversity unit providers.

<https://www.makingspacefornaturekent.org.uk/bng/kent-biodiversity-net-gain-site-register/>