

# Apply for a Biodiversity Gain Site legal agreement

Applications are accepted on the basis that there will be no cost to the Council.

The application documents are to be submitted to the Planning Registration team. Email [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk). A fee of **£588 + VAT** will be payable; the team will advise on methods of payment. You will receive a letter of acknowledgement and a case reference number. The fee is non-refundable.

The documents will be initially checked before a case officer is allocated. The case officer will be your point of contact. The Council's ecologists will be consulted, at this stage additional information or clarifications may be requested to ensure the biodiversity objective is deliverable. An ecologist may request a site visit if necessary.

It is recommended Council and applicant legal teams are instructed early in the process. **All legal costs are to be covered by the applicant.**

Biodiversity Gain Sites will need monitoring over the 30yr+ term of the agreement. Reports will need to be submitted to the Council at agreed intervals for review. A monitoring fee of up to **£4,000 is payable** to be secured as part of the S106 agreement. (If high distinctiveness habitats are being proposed additional monitoring and fees may be agreed).

When the S106 agreement is completed the Council will provide a copy to Land Charges for registration. The Council reserves the right not to enter into a S106 agreement if after negotiation terms aren't agreed.

There are no statutory time frames, but we will aim to get the agreements completed within 8 weeks of submission.

In cases of a refusal or withdrawal, a new application and fee will be required if proposals are to be re-submitted.

There would be no right of appeal against a refusal or for non-determination.

Whilst there is no publicity/consultation associated with this type of application, in the interests of transparency the documents will be made accessible on the [Council's public planning website](#).

## List of documents required:

Submit by email to [planning\\_registration@bathnes.gov.uk](mailto:planning_registration@bathnes.gov.uk)

- Cover letter (include correspondence contact details)
- Contact details for applicant's solicitor
- Site Location Plan

- Evidence of control over the land for term of the agreement (habitat establishment period plus 30yrs maintenance) e.g. Land Registry titles and plan
- Ecological Survey
- Statutory Biodiversity Metric, baseline existing habitats and proposed habitats (excel spreadsheet)
- Statutory biodiversity metric condition assessments (excel spreadsheet)
- Map of baseline habitat (to scale) to include habitat type, distinctiveness and condition
- Map of proposed habitat (to scale) to include habitat type, distinctiveness and condition
- Biodiversity Gain Information, a report explaining the site's biodiversity objective and approach taken to habitat design to achieve the best outcomes to biodiversity. Detailed information of proposed habitat enhancements
- Habitat Management and Monitoring Plan (HMMP)  
(The use of Natural England's HMMP template is preferable but not mandatory, please ensure that if using an alternative format the relevant contents of the HMMP checklist are included.)
- The LPA may request further information is submitted if required to confirm the biodiversity objective can be met.

## The national biodiversity gain sites register

The S106 agreement must contain clauses which mean that the land would be eligible to be registered on the [national biodiversity gain sites register](#). These criteria are set out in Part 3, s6/8 of [The Biodiversity Gain Site Register Regulations 2024](#).