

WCC HABITAT BANK SCHEMES

Habitat Bank Criteria – Warwickshire County Council, May 2025

REQUIREMENTS FOR WARWICKSHIRE COUNTY COUNCILS (WCC) HABITAT BANK SCHEMES

Conservation Covenant Mandatory Requirements:

For us to consider entering into a legal agreement, you must:

- Have legal control of the land or be able to provide evidence the landowner is willing to sign a conservation covenant legal agreement.
- Provide financial evidence of sufficient funds to cover the habitat creation and management of the site.
- Have no licences, permissions, grants, consents or restoration plans on the land that could conflict with delivery of the scheme.
- Provide regular monitoring reports.
- Permit WCC access to the site as appropriate.

Site Requirements:

Habitat bank schemes will need to demonstrate that they will deliver the best outcomes for biodiversity in Warwickshire. Key factors that will be considered, but not limited to, include:

- Creating or enhancing the right habitat in the right place (see [the Lawton principles](#)).
- Range of habitats proposed in context to site.
- Considering local strategies, such as Local Nature Recovery Strategy and Warwickshire Landscape Guidelines.
- The level and type of BNG units that could potentially be delivered.
- Location addresses our need for a spread of habitat banks as explained in Principle 8 of [The Statutory Biodiversity Metric](#).
- What the overall habitat unit type requirement is across the relevant LA's.

Overall, we expect proposals to provide good ecological design principals.

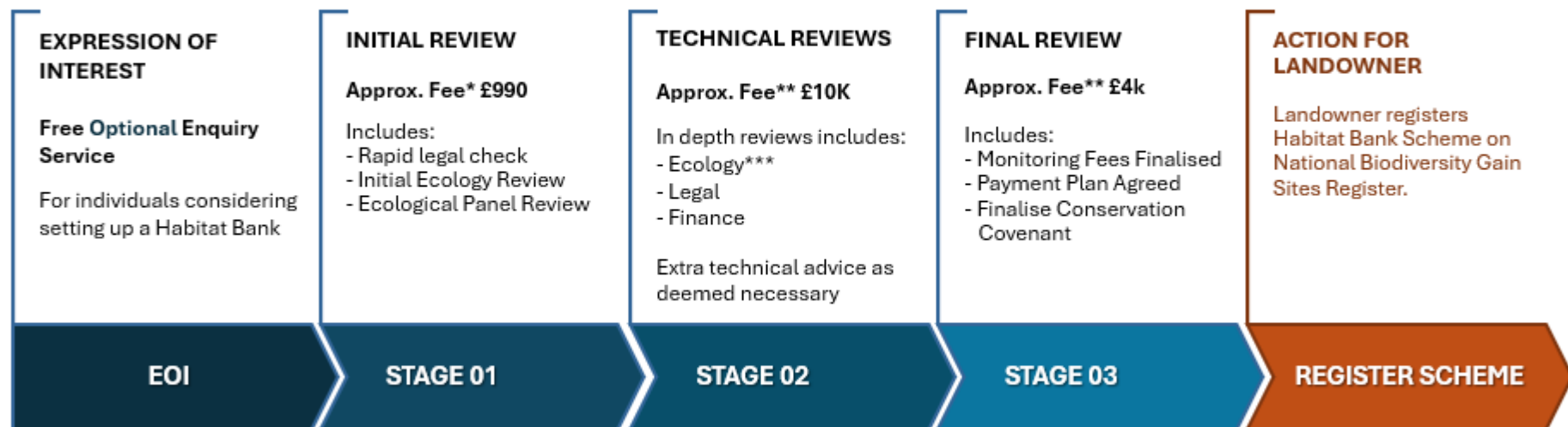
AIM: The aim of this guidance is to outline the information required by WCC, as a Responsible Body, prior to entering into a legal agreement via a Conservation Covenant with a habitat bank provider. Once a conservation covenant is signed, the habitat bank can apply to Natural England to be on the National Biodiversity Gain Sites Register. This then enables any biodiversity units/credit generated from the scheme to be purchased by developers to achieve Biodiversity Net Gain as part of the planning process. Below illustrates an overview of the process:

STAGED REVIEW PROCESS:

WCC HABITAT BANK SCHEMES



Staged Review Process



Please note fees exclude VAT

* = if cross boundary contact Natural Capital Team first.

** = Fees dependent on size and complexity of site, legal & other technical reviews.

*** = WCC Habitat Management & Monitoring Plan template will be required

Please note: As shown above in the flow chart, associated fees for each stage of the process (Stages 1-3) will need to be paid at each review stage. Fees quoted exclude VAT, although VAT will be included on payment.

Stage 1: Outline habitat bank proposal

- As part of the Stage 1 initial review, an Initial Review form should be submitted with the following minimum information: site location, boundary plan, baseline survey, and if available a draft HMMP and BNG assessment, including habitat creation and enhancement proposals.
- Should the scheme be taken forward, stage 2 will be initiated.

Stage 2: In depth technical review

- Detailed HMMP (please note a WCC HMMP template will be provided) needs to be submitted, with all associated reports (e.g. soil analysis). Completed statutory biodiversity metric. Habitat bank scheme and ongoing management regime will be agreed.
- Include all necessary legal details.
- Include sufficient financial information to demonstrate that capital costs can be met, along with ongoing management for 30-years.
- If appropriate, a site visit will be undertaken to meet landowner and view the site.
- Associated fee approx.
- Should the scheme be taken forward, stage 3 will be instigated.

Stage 3: Final Review

- Negotiations.
- Monitoring fees finalised.
- Payment plan agreed.
- Finalise Conservation Covenant.

Post legal agreement: Landowner / agent responsibility (not WCC)

- Apply to Natural England to have site registered on the National Biodiversity Gain Sites Register - [Register a biodiversity gain site - GOV.UK](#).
- Biodiversity unit / credit sales generated.
- Habitat monitoring as part of habitat bank scheme and reporting to WCC with periodic auditing.

OVERALL CRITERIA:

LEGAL & FINANCIAL	EVIDENCE/DOCUMENTS REQUIRED	GUIDANCE
<p>The applicant must have legal control of the land.</p> <p>Landowners must provide:</p> <ul style="list-style-type: none"> Evidence of ownership of the land e.g. a recent Land Registry Title Deed and Plan. If more than 1 owner provide all details <p>Tenants/Leaseholders must provide:</p> <ul style="list-style-type: none"> Details of any leasehold or tenancy agreement or any other contract that enables the tenant/habitat bank broker to deliver BNG on this land for a minimum of 30 years. Confirmation of Landowner consent to enter into a legal agreement and for agreement to be registered as a Local Land Charge by the County Council. 	<p>Land Registry Title Deed and Plan (recent copies).</p> <p>Copy of Leasehold Agreement</p> <p>Letter of confirmation from landowner.</p>	<p>Guidance of how to legally secure gains. Available https://www.gov.uk/guidance/legal-agreements-to-secure-your-biodiversity-net-gain</p> <p>Guidance on how to register as a local land charge. Available https://www.gov.uk/government/publications/local-land-charges-pg79</p>
<p>Other constraints, conflicting consents, licences or permissions</p> <p>Are there any other legal barriers or consents, licences or permissions that may conflict with habitat management works at the site over the lifetime of the agreement?</p>	<p>Provide details of any constraints or a statement of no conflicting consents are known, and reasonable checks have been undertaken.</p>	
<p>Contaminated Land</p> <p>Confirm that the land is not considered to be 'contaminated land'.</p>	<p>Statement in HMMP</p>	
<p>S106 Legal Agreement/Conservation Covenant.</p> <p>Habitat Bank sites require a legal agreement, which can be either a conservation covenant or a s.106 that secures the site for at least 30 years. See Guidance for details.</p> <p>Note: WCC is a Responsible Body so a conservation covenant agreement is the legal mechanism used</p>	<p>Confirmation in writing that the landowner is content to enter into a legal agreement with WCC to secure the habitat bank and be bound for a period of at least 30 years.</p>	<p>Guidance of how to legally secure gains. Available https://www.gov.uk/guidance/legal-agreements-to-secure-your-biodiversity-net-gain</p> <p>Guidance on conservation covenants. Available https://www.gov.uk/guidance/getting-and-using-a-conservation-covenant-agreement</p>

Statutory BNG Register Confirmation that the site will be registered on the national Statutory Register of Biodiversity Gain Sites	Confirmation in writing e.g. in the HMMP report.	https://www.gov.uk/guidance/register-a-biodiversity-gain-site
Irreplaceable Habitats Confirmation that proposals will not negatively impact irreplaceable habitats.	Confirmation should be included in the tab of the Metric and in the HMMP.	https://www.gov.uk/guidance/irreplaceable-habitats
Additionality, stacking and natural capital. Please provide proof that the Habitat Bank scheme complies with rules on additionality i.e. that all habitat improvements producing unit gains are additional to habitat improvements already required by existing land management schemes or obligations such as agri-environment schemes, planning consents, mitigation for protected species. Provide details of any current management agreements e.g. Countryside Stewardship. The scheme must also comply with rules on the stacking and bundling of other natural capital credits.	Written confirmation of proof that the proposals comply with rules on additionality and with stacking and bundling rules.	Guidance on combining environmental payments. Available https://www.gov.uk/guidance/combining-environmental-payments-biodiversity-net-gain-bng-and-nutrient-mitigation GI strategy available, see Annex A. Sub Regional Green Infrastructure Strategy - Publications – Warwickshire County Council
Phasing Strategy Confirm in HMMP if all habitat creation/enhancement works will be undertaken in advance of unit 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. 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:	Confirmation in HMMP	

<p>1) When the baseline is calculated from for each phase and;</p> <p>2) When the 30 years for habitat creation / enhancement starts for any one 'phase'.</p> <p>The above should be provided on a spatial plan as recommended by Defra.</p>		
<p>Responsibility for implementing the HMMP over 30 years and how will it be financially funded.</p>	<p>Confirmation of who will be responsible for implementing habitat management and monitoring over the 30-year period.</p> <p>Submission of financial information, including a contingency plan, to demonstrate that capital costs can be met, and sufficient funds are/will be in place to manage and monitor the land for 30-year period.</p>	<p>Also stated further below in technical review.</p> <p>A minimum of a business plan (including a contingency plan) and proof of funds for initial habitat creation should be provided.</p>
<p>WCC Habitat Bank Monitoring Fee</p>	<p>Agree to pay the council a monitoring fee for the compliance monitoring and enforcement of the HMMP over the 30-year period.</p>	<p>A monitoring fee payment plan will be provided.</p>

LOCAL POLICY	EVIDENCE/DOCUMENTS REQUIRED	GUIDANCE
<p>Warwickshire, Coventry & Solihull Sub-Regional Green Infrastructure Strategy and emerging Local Nature Recovery Strategy</p> <p>The Strategy provides evidence for the preparation of plans, policies and strategies relating to Green Infrastructure at a sub-regional and local level. It also details how Green Infrastructure can be delivered with the help of landholders and partners.</p> <p>A core element of the Strategy is its underlying mapping evidence base which includes Strategic Areas which identify priority areas for woodland and grassland creation.</p> <p>Proposed grassland and woodland creation/restoration schemes that do not fall in a priority area for these habitats, should provide an assessment on how the scheme will contribute to the biodiversity value of the site and surrounding habitats considering the landscape context, by expanding and/or linking habitats e.g Lawson principles.</p>	<p>An assessment of how the proposals will contribute to Warwickshire's strategic aims for biodiversity as set out in the GI Strategy.</p>	<p>WCS Green Infrastructure Strategy. Available https://www.warwickshire.gov.uk/sub-regional-GI-strategy</p> <p>Warwickshire GI maps. Available https://maps.warwickshire.gov.uk/greeninfrastructure/</p>
<p>The proposed scheme should deliver the best outcomes for biodiversity in Warwickshire.</p> <p>In January 2023, The Environment Act 2021 further strengthened section 40 of the NERC Act duty with additional provisions to strengthen and improve the duty on public bodies to go beyond 'have regard' to 'conserve and enhance biodiversity, including mandating a net gain in biodiversity through the planning system.</p>	<p>Justification that BNG proposals generate the best outcome for biodiversity in Warwickshire.</p> <p>Are habitats and enhancements appropriate to site location, conditions</p>	<p>WCS Green Infrastructure Strategy. Available https://www.warwickshire.gov.uk/sub-regional-GI-strategy</p> <p>https://cieem.net/BNG-Principles.pdf (CIRIA, CIEEM and IEMA) and BS 8683:2021</p>

<p>We therefore require the applicant to demonstrate that the proposed biodiversity net gain scheme demonstrates with supporting evidence that it has considered the best outcomes for biodiversity by improving the nature conservation value of the site whilst also contributing towards local nature conservation, landscape or wider environmental priorities for the site or area.</p> <p>The Warwickshire Council Natural Capital Team will assess all proposals to ensure they generate the best outcome for biodiversity in Warwickshire.</p>	<p>and landscape character? Refer to Landscape Character Assessment.</p>	
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TECHNICAL	EVIDENCE/DOCUMENTS REQUIRED	GUIDANCE
This section outlines the Information needed in outline proposal report and Habitat Management and Monitoring Plan (HMMP).		
Project background including: Location Plan OS grid reference Summary description of the site, project aims, metric calculation.	Outline/Design Stage Report/HMMP	The WCC Habitat Management and Monitoring Plan template and supporting documents, which will be provided. Guidance is provided throughout the document. Generic guidance on creating a HMMP. Available https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain
Roles and Responsibilities Details of roles and responsibilities and competencies of those involved in designing and implementing the HMMP	Provide details in HMMP	
Environmental baseline information Environmental information (physical and biological) including public access, geology, soils, hydrology, landscape character, historic environment, protected and priority habitats and species, baseline habitat and condition surveys. Include results of desk study and field surveys.	Provide in HMMP	
Desk study The baseline assessment should include the results of a desk study reviewing the environmental context for the site and surrounding landscape, identifying opportunities and constraints. The desk study should review for example available environmental data about topography, geology, hydrology, ecology, and landscape character. Historic environment, archaeological and landscape: Please provide evidence that these have been appropriately considered (including contact with the county landscape and archaeological officers) and that appropriate mitigation where required has been included in the plan	Provide in HMMP	Environmental data sources: Warwickshire Biological Records Centre (WBRC). Available https://www.warwickshire.gov.uk/environment-ecology/warwickshire-biological-records-centre Natural England Multi-Agency Geographical Information for the Countryside (Available https://magic.defra.gov.uk/) GOV.UK Flood Map for Planning (Available https://flood-map-for-planning.service.gov.uk/) British Geological Society BGS Geology Viewer. Available https://www.bgs.ac.uk/map-viewers/bgs-geology-viewer/

		<p>LandIS Soil Data. Available https://www.landis.org.uk/soilscapes/</p> <p>Warwickshire County Council (19933) Warwickshire Landscape Guidelines. Available https://www.warwickshire.gov.uk/landscapeguidelines</p> <p>Warwickshire County Council Historic Environment Record. Available https://www.warwickshire.gov.uk/her</p>
<p>Field Survey - Baseline habitat survey and condition assessments</p> <p>Provision of full baseline and condition assessment survey information (dates, personnel, methods) undertaken using UKHab 2.0 and the associated habitat condition assessment from DEFRA's Statutory Metric.</p> <p>Surveys and condition assessment must be undertaken in the correct survey season by a competent ecologist. Any limitations to the survey e.g. timing, weather, habitat condition/management affecting the survey results should be detailed.</p> <p>Provide copy of the completed baseline section of DEFRA's Statutory Metric using the UK Hab baseline data</p>	<p>HMMP including baseline habitat survey results, completed condition assessment sheets, full metric excel spreadsheet (not just a summary in a word document)</p>	<p>Statutory metric and user guides. Available https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides</p> <p>The Habitat Management and Monitoring Plan template and supporting documents. Available https://publications.naturalengland.org.uk/publication/5813530037846016</p>
<p>Proposed habitats.</p> <p>Provide following details:</p> <ul style="list-style-type: none"> Proposed habitat creation and enhancement. Management objectives/aims including binding targets (linked to habitat condition criteria) to reach target habitat/condition. Creation/enhancement and management prescriptions to be implemented to achieve management aims. 	<p>Completed statutory metric.</p> <p>BNG concept/outline proposal plan or HMMP.</p>	<p>BNG Metric https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides</p> <p>Natural England (2008) Soil sampling for habitat recreation and restoration. Natural England Technical Advice Note TIN 035. Available https://publications.naturalengland.org.uk/publication/31015</p>

Proposed habitat and target conditions should be realistically achievable considering site conditions. Consider all environmental factors and constraints that may influence the habitats being created or enhanced, for example, soils and hydrology. Justification should be given for why specific habitats and conditions are proposed. This should be supported by soil and hydrological reports where appropriate.		
Irreplaceable Habitats Details as provided in the above 'Legal & Financial Section'.	Details as provided in the above 'Legal & Financial Section'.	Guidance as in Legal & Financial section above.
Demonstration of Competence All persons involved in the preparation of the HMMP including baseline surveys, should have relevant knowledge and experience and need to provide proof of this. This should include a brief statement of experience and skills to undertake baseline habitat and condition surveys, and relevant knowledge and experience in habitat creation and management being proposed. Competence should be in line with definitions provided by CIEEM 2021, the British Standard on Biodiversity Net Gain (8683: 2021) and Natural England / Defra Guidance.	HMMP should give details of competence of all professional persons involved in the delivery of BNG as per Statutory Metric guidance on competency. Include professional memberships, training and experience.	British Standard on Biodiversity Net Gain (8683: 2021). Available BS 8683:2021 31 Aug 2021 BSI Knowledge (bsigroup.com)
Habitat monitoring Provide details of a 30-year monitoring plan including monitoring schedule, methodology and management plan review.	Include in the HMMP	
S106 Legal Agreement/Conservation Covenant. Details as provided in the above 'Legal & Financial Section'.	Details as provided in the above 'Legal & Financial Section'.	Guidance as in Legal & Financial section above.

Statutory BNG Register Confirmation that the site will be registered on the national Statutory Register of Biodiversity Gain Sites	Confirmation in writing e.g. in the HMMP report.	https://www.gov.uk/guidance/register-a-biodiversity-gain-site
Additionality, stacking and natural capital. Details as provided in the above 'Legal & Financial Section'.	Details as provided in the above 'Legal & Financial Section'.	Guidance as in Legal & Financial section above.
Phasing Strategy Details as provided in the above 'Legal & Financial Section'.	Details as provided in the above 'Legal & Financial Section'.	
Funding Details as provided in the above 'Legal & Financial Section'.	Details as provided in the above 'Legal & Financial Section'.	Guidance as in Legal & Financial section above.
WCC Habitat Bank Monitoring Fee	Agree to pay the council a monitoring fee for the compliance monitoring and enforcement of the HMMP over the 30-year period.	Monitoring fee will be provided once more information is provided. Based on number of aspects, including size, habitats and complexity of scheme.

BIOLOGICAL RECORDS	EVIDENCE/DOCUMENTS REQUIRED	GUIDANCE
All ecological records from the Habitat Bank must be submitted to the Warwickshire Biological Records Centre (WBRC)	A statement e.g. in the HMMP confirming records will be submitted to the WBRC	See https://www.warwickshire.gov.uk/environment-ecology/warwickshire-biological-records-centre