

North Yorkshire Council

Community Development Directorate

5 December 2023

Biodiversity Net Gain monitoring and reporting fees

Report of the Corporate Director, Community Development

1.0 PURPOSE OF REPORT

- 1.1 To set out a charging schedule for monitoring of s106 agreements for Biodiversity Net Gain sites for all sites where such an obligation exists.
- 1.2 To outline the legislative and policy background to monitoring of section 106 agreements
- 1.3 To set out why a monitoring charge is considered necessary and what activities the proposed charge relates to
- 1.4 To present some examples of charging structures implemented by other local authorities
- 1.5 To seek permission of the Corporate Director of Community Development to authorise the charging structure for monitoring fees associated with off-site or on-site BNG.
- 1.6 To note that according to government guidance the BNG monitoring fees may only reflect costs incurred and may not be used to generate revenue for other services outside BNG.

2.0 SUMMARY

- 2.1 Mandatory Biodiversity Net Gain (BNG) commences from January 2024. Developments must demonstrate a 10% biodiversity net gain through creation or enhancement of habitats on development sites or elsewhere (Offsite BNG).
- 2.2 All offsite and some onsite BNG must be managed and monitored for a minimum of 30 years. Mechanisms to secure the long-term management obligations, include Section 106 agreements and Conservation Covenants.
- 2.3 The developer will be required to provide the LPA with a copy of its site monitoring reports at agreed intervals throughout the 30-year period.
- 2.4 The LPA will need to review and sign-off these ecological monitoring reports, which will require Ecology Officer time and expertise.
- 2.5 These activities will carry a significant cost to the LPA which will grow over time.
- 2.6 The authority is permitted to levy a fee for this purpose to ensure that monitoring is cost-neutral to the council.
- 2.7 This report presents charging structure for monitoring fees, based on a calculator spreadsheet, to recover costs associated with monitoring the agreements.

2.8 The report seeks approval of the monitoring and reporting fees calculator in light of the benchmarking with other LPAs (see Appendix B).

3.0 BACKGROUND

3.1 Biodiversity Net Gain (BNG) is the mandatory requirement for developments needing planning permission to demonstrate a 10% biodiversity net gain. From January 2024, all major development will need to secure 10% BNG. From April 2024 it becomes mandatory for minor developments too.

3.2 BNG must be achieved through creation or enhancement of habitats on the development site or, where a deficit remains, on sites elsewhere (known as offsite BNG). The habitat value is quantified in Biodiversity Units (BUs) using a statutory metric. All habitats created or enhanced offsite must be secured by a Planning Obligation for a minimum of 30 years. Any significant BNG habitat onsite must also be likewise secured. Significant onsite BNG is yet to be defined at the time of preparing this report.

3.3 Planning obligations are legal obligations entered into to mitigate the impacts of a proposed development. Planning obligations are normally secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) and are a mechanism through which development proposals can be made acceptable in planning terms.

3.4 The Local Government Act 2003 (Section 93) provides the legislative basis for local authorities to charge for discretionary services such as the administration/monitoring of Section 106 Agreements. An amendment to the CIL in September 2019 clarified that monitoring contributions could be sought through a S106 agreement, and it is in this context it is considered appropriate to recover the cost of administration and monitoring Section 106 obligations.

3.5 The proper administration of Section 106 monitoring regime is resource intensive, and it is considered appropriate to ensure that monitoring is cost neutral to the Council.

3.6 Any Planning Obligation for BNG must encompass the initial habitat creation works, the ongoing habitat management regime over those 30 or more years and the site monitoring surveys and reporting to the body with whom the legal agreement is signed.

3.7 The LPA will need to review and sign-off ecological monitoring reports which the developer will provide at the specified intervals. Ecology Officer time and expertise will be required to review these monitoring reports.

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

4.1 All off-site and significant on-site BNG will have to be secured by a legal agreement, specifying an agreed Habitat Management and Monitoring Plan. The developer or third parties (such as a Habitat Bank provider) acting on their behalf will provide the LPA with monitoring reports at specified intervals.

- 4.2 Key monitoring points throughout the 30-year period, will be set out in the s106, for example in years 1,3, 5,10,15, 20, 25 and 30 after the initial work to establish the habitats. (Total of eight monitoring years per site.)
- 4.3 At some monitoring intervals an LPA ecologist may also need to conduct a site visit to verify the ecology report. They may need to discuss remedial management actions with the biodiversity gain site manager, for example if the habitats are not on track to meet standards committed to in the agreement.
- 4.4 These activities by the LPA carry a significant cost, given that the burden of ongoing agreements will grow over time as new developments, tied to 30-year commitments are granted planning permission.
- 4.5 The costs of staff time can be expected to grow year on year, so inflation effects should be considered. As an illustration, an assumed inflation rate of 3.5%, compounded yearly would make a cost approximately 2.8 times greater by year 30 compared to year one.
- 4.6 The Local Government Act 2003 (section 93) permits the authority to seek to recover the costs of administration / monitoring of s106 by levying a fee.
- 4.7 This report presents a proposed charging structure for North Yorkshire Council based on a monitoring fees calculator. The intention is to make full recovery of costs associated with council officers monitoring the progress of BNG sites.
- 4.8 The monitoring fees charging structure accords with the principle of making it cost neutral to the authority and the proposed approach is in line with North Yorkshire Council's Financial Rules and Procedures (section 23.2 - Fees and Charges, see Appendix C)
- 4.9 The calculator is based on estimated officer time at each monitoring event, related to both size (total habitat area to be monitored, in hectares) and complexity of the site (based on the highest technical difficulty category of the habitats included, using the Difficulty scores in the Statutory Metric). We also include allowances for corporate overheads and inflation.
- 4.10 The council's Financial Rules and Procedures on Fees and Charges specify that fees be reviewed annually (for example to adjust for relevant inflation figure and staff pay awards). After three to five years, when the first tranche of site monitoring reports have been processed, actual costs will be better understood and the charges can be reviewed in light of this. At this stage the calculator tool itself (as well as the figures input in the calculator) may be revised to better reflect real costs.
- 4.11 This report proposes a 'North Yorkshire Council BNG Monitoring Fees' spreadsheet calculator to derive full-cost recovery (Appendix A).
- 4.12 For benchmarking, the charging structures for BNG monitoring in several other English LPAs have been reviewed. These case study examples are included in Appendix B, namely Leeds City Council, Buckinghamshire County Council, New Forest District Council, Bracknell Forest Council, Calderdale Council and South Cambridgeshire District Council.

- 4.13 In summary, most of the case study LPAs charge a one-off fee payable at the signing of the legal agreement to cover the costs over the 30 years and most include an index-linked element to account for inflation. Most also have charges tiered by size of the BNG site and some also by technical difficulty of creating or enhancing the habitats therein.
- 4.14 Of the benchmarked councils the lower end examples start their scale of charges at around £2000 - £5000. The upper end ranges are more variable, some open ended for large complex sites. Leeds City Council have a simple two-tier scale, charging £2.5k or £5k with the threshold for the higher fee being sites yielding more than 10 Biodiversity Units. It is not clear how they have arrived at those figures.
- 4.15 Buckinghamshire developed the most comprehensive staff-time calculator spreadsheet: the smallest and simplest sites are charged £8,618.24 ranging to the largest and most complex sites charged at £50,315.53, for greater than 20ha. Buckinghamshire specified the most monitoring intervals (10) and used a much higher staff day rate of £700.
- 4.16 One benchmarked council, Bracknell Forest, charges pro-rata by hectares, e.g. a 25ha site (large in BNG terms) would be £90k (versus £50k in the Buckinghamshire calculator) for the 30-year monitoring costs.
- 4.17 The North Yorkshire Calculator yields one-off fees ranging from £2,522 (small site up to 5ha, low technical difficulty) through a mid-range of £3,982 (Medium site up to 20ha, moderate difficulty) to a top end of £9,289 (Large site up to 40ha, high difficulty). Larger sites and higher difficulty are reflected in increased time allowance for site visits and for reviewing the reports.
- 4.18 For biodiversity gain sites larger than 40ha a bespoke fee will be agreed. In special circumstances such as damage or loss to irreplaceable habitats, bespoke BNG compensation is required so these are also likely to need bespoke monitoring fees being agreed between developer and the authority.

5.0 ALTERNATIVE OPTIONS CONSIDERED

- 5.1 A range of charging structures were considered, having reviewed other planning authority approaches. Some LPAs have taken a simplified approach, without differentiation of sites by technical difficulty. It was felt that by including this variable in our calculator it better reflects the estimated staff costs as the more difficult habitat types to create are more likely to need close scrutiny and potentially officers engaging with the site manager to agree remedial management.
- 5.2 Some LPAs have used number of Biodiversity Units rather than site area in hectares. It was felt that site area is easier to equate to officer time for conducting site visits, given also that habitat complexity is accounted for in our calculator.
- 5.3 Some LPAs have used just two site size category thresholds rather than three. Buckinghamshire – the other LPA to use a detailed calculator spreadsheet, has also used three size categories. The North Yorkshire calculator differs slightly in that the medium category starts at 5ha rather than 10ha.

- 5.4 We considered charging a fee at each monitoring event over the 30 years, determined at the time in relation to actual salaries /inflation etc at that point in time. This creates a disproportionate burden of administration charges (invoicing, processing etc). A single lump sum payment up-front was considered better, with a forward projection of inflationary increase.
- 5.5 Finance were consulted on appropriate figures to use for corporate overheads, salaries and inflation.

6.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 6.1 The levying of monitoring fees will place an additional cost on developers, but this cost will be small in comparison to the cost of their offsite Biodiversity Units themselves. For example, prices of Biodiversity Units in the present market range from around £20k - £40k per unit.
- 6.2 In the case of habitat banks, the monitoring fee will be applied to the whole habitat bank site and the provider will take responsibility for the management and monitoring obligations. This becomes part of the overall cost of running the habitat bank and will be reflected in the pricing of Biodiversity Units sold to developers.
- 6.3 For particularly small developments and very small amounts of habitat, such as fractions of a Biodiversity Unit the costs of monitoring could be a more significant proportion of overall BNG cost. We expect developers are likely to approach a habitat bank provider for small transactions.
- 6.4 Once actual costs are better known a future review of the monitoring and reporting fees calculator could consider a de minimis threshold for very small numbers of units, such as less than 1 BU.
- 6.5 There are no impacts on other services within the council.

7.0 FINANCIAL IMPLICATIONS

- 7.1 Not imposing monitoring fees would be detrimental to the council's finances. Costs will rise significantly over 30 years and the total caseload of agreements to be monitored will increase.
- 7.2 An over-simplified charging structure could result in the council failing to recover its costs in full or significantly over-charging. At future reviews it may be considered that a simple flat rate for very small sites is appropriate.

8.0 LEGAL IMPLICATIONS

- 8.1 There are no direct legal implications of the new fees calculator. New legal agreements to secure BNG will be mandatory in the BNG legislation so whilst the authority will have an increased legal burden resulting from BNG, the levying of a fee for ecology officer time has no effect on that legal burden. There is current practice already within the authority planning legal teams to levy a fee for legal time when setting up s106 agreements (for any purpose). This proposal relates to the ecology

officer time associated with these additional s106 agreements. At present any such fees would have to be determined and negotiated ad hoc with each developer and add to the legal officer time to do so. The fees and charges calculator simply provides a standardised way to derive that fee in a way that accounts for true costs over 30years and in doing so if anything reduces the burden on legal time.

9.0 EQUALITIES IMPLICATIONS

9.1 There are no equalities implications. A screening EIA form has been submitted.

10.0 CLIMATE CHANGE IMPLICATIONS

10.1 A CCIA has been carried out. There are no direct climate change implications as the levying of fees has no influence on the amounts, type and location of habitats created for BNG and in turn having potential to affect carbon sequestration.

11.0 PERFORMANCE IMPLICATIONS

11.1 Failure to impose fees would significantly compromise the council's ecology resource within a few years. A lack of capacity in ecology would in turn compromise the processing time for planning applications and additionally prevent ecology officers providing expertise to wider areas of the council's operations, which are set to increase due to the Extended Biodiversity Duty mandated in the Environment Act.

12.0 HUMAN RESOURCES IMPLICATIONS

12.1 As 'Performance Implications' above. The demand on ecology officer resource will increase over time due to BNG and BNG monitoring. Without levying fees this cost cannot be met without finding additional revenue.

13.0 REASONS FOR RECOMMENDATIONS

13.1 To ensure that the rising costs of BNG monitoring do not pose a financial burden on the council.

14.0 RECOMMENDATION(S)

- i) That the Corporate Director of Community Development approves the principle of charging fees for BNG monitoring and reporting on the basis of full cost recovery.
- ii) That the Corporate Director of Community Development authorises the charging structure for monitoring fees associated with off-site or on-site BNG as proposed in Appendix A.
- iii) That the Corporate Director of Community Development notes the range of fees generated by the first iteration of the monitoring fees calculator from small low complexity sites to large high complexity sites is in line with fees set in other LPAs in the benchmarking case studies.

- iv) That the Corporate Director of Community Development notes that the monitoring fees calculator will be reviewed at least annually in relation to inflation and pay awards and after 3-5 years will be subject to a more detailed review in light of data from the first few years.

APPENDICES:

Appendix A – North Yorkshire BNG Monitoring calculator Nov23
Appendix B – Benchmarking of BNG Monitoring and Reporting Fees
Appendix C – Rule 23 of NYC Financial Rules and Procedures
Appendix D - Equality impact assessment (EIA) form
Appendix E – Climate Change impact assessment form

BACKGROUND DOCUMENTS:

North Yorkshire Council Financial Rules and Procedures

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County Hall
Northallerton
20/11/23

Report Author – Tim Burkinshaw Biodiversity Net Gain Officer
Presenter of Report – Tim Burkinshaw Biodiversity Net Gain Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Assumptions

Ecology Officer Day Rate	£235
Inflation	3.50%
Corporate overheads	20%

Ecologist Grade J/K - will be updated on annual basis
Inflation rate will be updated on annual basis
Corporate overheads to be considered at next review

		Hours	Mins	
ready reckoner - staff time	working week		37	2220
	working day		7.4	444
		0.9	6.66	400
		0.8	5.92	355
		0.7	5.18	311
		0.6	4.44	266
		0.5	3.70	222
		0.4	2.96	178
		0.3	2.22	133
		0.2	1.48	89
		0.1	0.74	44

North Yorkshire Council Biodiversity Net Gain Monitoring Fee Calculator

North Yorkshire Council will monitor progress towards achieving the stated outcomes for all off-site and significant on site Biodiversity Net Gain (BNG) schemes that we regulate (this means those which enter a S106 with the purpose of securing the habitat management on a site for 30+ years).

We will review monitoring reports sent in by the manager of the site at times set out within the Habitat Management and Monitoring Plan (HMMP) (which will form part of the S106 for the site). It is for the Ecology Officer to ensure that these are appropriate and in line with the expected habitat condition at that point in time. The tabs in this calculator set out how the monitoring fee has been calculated giving an estimate of the time required to undertake this role.

The Monitoring Fee is charged so that the authority can cover our costs of reviewing the monitoring reports, visiting the site where necessary and working with the site owner to agree remedial measures if required. In some circumstances the fee will also cover costs of liaising with other NYC colleagues including but not limited to legal services, planning and enforcement.

This calculator determines a monitoring fee that will cover our costs for undertaking the above at intervals up to a minimum 30 years. It is based upon the scale of the BNG site and the technical difficulty associated with the habitats to be created and/or enhanced, as set out within the biodiversity metric and carried into the HMMP.

Guidance

Size category - This should only apply to the area of offsite BNG or the significant onsite BNG. For on site BNG it will not be the whole red line boundary area and should only include those habitat areas retained or created for the purposes of BNG. Areas of hard standing, domestic curtilage for example should be excluded. The area boundary should align with that provided within the HMMP and that which will be secured for 30 years.

Difficulty - Apply the technical difficulty level as set out within the Defra statutory metric which relates to the most difficult habitat for the site.

Enter info into yellow cells using the drop down arrows.

What size is the off-site BNG Scheme?	Small (0 to 5ha)
How technically difficult are the habitats being created? Use highest difficulty on the site	Low
Monitoring Fee	£2,522

Monitoring Fee standard lookup table				
Technical difficulty:				
Size:	Low	Moderate	High	
Small (0 to 5ha)	£2,522	£3,040	£3,571	
Medium (5+ to 20ha)	£3,464	£3,982	£4,415	
Large (20+ to 40ha)	£6,103	£7,142	£9,289	

For biodiversity gain sites more than 40ha, a bespoke fee will be agreed.

Small Sites (0 to 5 ha in size) - Low technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)
Scheme Start Year	2024	0.3		
Scheme Year:	1		0.3	
	2			
	3		0.3	0.5
	4			
	5		0.3	0.5
	6			
	7			
	8			
	9			
	10		0.3	
	11			
	12			
	13			
	14			
	15		0.3	0.5
	16			
	17			
	18			
	19			
	20		0.3	
	21			
	22			
	23			
	24			
	25		0.3	0.5
	26			
	27			
	28			
	29			
	30		0.3	0.5
TOTALS		0.3	2.4	2.5
TOTAL		5.2		

		Review initial Monitori ng Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Year total	Corporate Overheads	Inflation (3.5%)	TOTAL
Scheme Start Year	2024	£71	£0	£0	70.5	84.6	1	84.6
Scheme Year:	1	£0	£71	£0	70.5	84.6	1.035	87.561
	2	£0	£0	£0	0	0	1.071225	0
	3	£0	£71	£118	188	225.6	1.108718	250.1268
	4	£0	£0	£0	0	0	1.147523	0
	5	£0	£71	£118	188	225.6	1.187686	267.942
	6	£0	£0	£0	0	0	1.229255	0
	7	£0	£0	£0	0	0	1.272279	0
	8	£0	£0	£0	0	0	1.316809	0
	9	£0	£0	£0	0	0	1.362897	0
	10	£0	£71	£0	70.5	84.6	1.410599	119.3367
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.511069	0
	13	£0	£0	£0	0	0	1.563956	0
	14	£0	£0	£0	0	0	1.618695	0
	15	£0	£71	£118	188	225.6	1.675349	377.9587
	16	£0	£0	£0	0	0	1.733986	0
	17	£0	£0	£0	0	0	1.794676	0
	18	£0	£0	£0	0	0	1.857489	0
	19	£0	£0	£0	0	0	1.922501	0
	20	£0	£71	£0	70.5	84.6	1.989789	168.3361
	21	£0	£0	£0	0	0	2.059431	0
	22	£0	£0	£0	0	0	2.131512	0
	23	£0	£0	£0	0	0	2.206114	0
	24	£0	£0	£0	0	0	2.283328	0
	25	£0	£71	£118	188	225.6	2.363245	533.1481
	26	£0	£0	£0	0	0	2.445959	0
	27	£0	£0	£0	0	0	2.531567	0
	28	£0	£0	£0	0	0	2.620172	0
	29	£0	£0	£0	0	0	2.711878	0
	30	£0	£71	£118	188	225.6	2.806794	633.2127
TOTALS		£71	£564	£588	1222			2522.222

Small Sites (0 to 5ha in size) - Moderate technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)
Scheme Start Year	2024	0.3		
Scheme Year:	1		0.3	
	2			
	3		0.3	0.5
	4			
	5		0.3	0.5
	6			
	7			
	8			
	9			
	10		0.3	
	11			
	12			
	13			
	14			
	15		0.3	0.5
	16			
	17			
	18			
	19			
	20		0.3	0.5
	21			
	22			
	23			
	24			
	25		0.3	0.5
	26			
	27			
	28			
	29			
	30		0.6	0.5
TOTALS		0.3	2.7	3
TOTAL		6		

		Review initial Monitori ng Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Year total	Corporate Overheads	Inflation (3.5%)	TOTAL
Scheme Start Year	2024	£71	£0	£0	70.5	84.6	1	84.6
Scheme Year:	1	£0	£71	£0	70.5	84.6	1.035	87.561
	2	£0	£0	£0	0	0	1.071225	0
	3	£0	£71	£118	188	225.6	1.108718	250.1268
	4	£0	£0	£0	0	0	1.147523	0
	5	£0	£71	£118	188	225.6	1.187686	267.942
	6	£0	£0	£0	0	0	1.229255	0
	7	£0	£0	£0	0	0	1.272279	0
	8	£0	£0	£0	0	0	1.316809	0
	9	£0	£0	£0	0	0	1.362897	0
	10	£0	£71	£0	70.5	84.6	1.410599	119.3367
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.511069	0
	13	£0	£0	£0	0	0	1.563956	0
	14	£0	£0	£0	0	0	1.618695	0
	15	£0	£71	£118	188	225.6	1.675349	377.9587
	16	£0	£0	£0	0	0	1.733986	0
	17	£0	£0	£0	0	0	1.794676	0
	18	£0	£0	£0	0	0	1.857489	0
	19	£0	£0	£0	0	0	1.922501	0
	20	£0	£71	£118	188	225.6	1.989789	448.8964
	21	£0	£0	£0	0	0	2.059431	0
	22	£0	£0	£0	0	0	2.131512	0
	23	£0	£0	£0	0	0	2.206114	0
	24	£0	£0	£0	0	0	2.283328	0
	25	£0	£71	£118	188	225.6	2.363245	533.1481
	26	£0	£0	£0	0	0	2.445959	0
	27	£0	£0	£0	0	0	2.531567	0
	28	£0	£0	£0	0	0	2.620172	0
	29	£0	£0	£0	0	0	2.711878	0
	30	£0	£141	£118	258.5	310.2	2.806794	870.6674
TOTALS		£71	£635	£705	1410			3040.237

Small Sites (0 to 5ha in size) - High technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)
Scheme Start Year	2024	0.4		
Scheme Year:	1		0.4	
	2			
	3		0.4	0.5
	4			
	5		0.4	0.5
	6			
	7			
	8			
	9			
	10		0.4	0.5
	11			
	12			
	13			
	14			
	15		0.4	0.5
	16			
	17			
	18			
	19			
	20		0.4	0.5
	21			
	22			
	23			
	24			
	25		0.4	0.5
	26			
	27			
	28			
	29			
	30		0.6	0.5
TOTALS		0.4	3.4	3.5
TOTAL		7.3		

		Review initial Monitoring Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Corporate Year total Overheads	Inflation (3.5%)	TOTAL	
Scheme Start Year	2024	£94	£0	£0	94	112.8	1	112.8
Scheme Year:	1	£0	£94	£0	94	112.8	1.035	116.748
	2	£0	£0	£0	0	0	1.071225	0
	3	£0	£94	£118	211.5	253.8	1.108718	281.3926
	4	£0	£0	£0	0	0	1.147523	0
	5	£0	£94	£118	211.5	253.8	1.187686	301.4348
	6	£0	£0	£0	0	0	1.229255	0
	7	£0	£0	£0	0	0	1.272279	0
	8	£0	£0	£0	0	0	1.316809	0
	9	£0	£0	£0	0	0	1.362897	0
	10	£0	£94	£118	211.5	253.8	1.410599	358.01
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.511069	0
	13	£0	£0	£0	0	0	1.563956	0
	14	£0	£0	£0	0	0	1.618695	0
	15	£0	£94	£118	211.5	253.8	1.675349	425.2035
	16	£0	£0	£0	0	0	1.733986	0
	17	£0	£0	£0	0	0	1.794676	0
	18	£0	£0	£0	0	0	1.857489	0
	19	£0	£0	£0	0	0	1.922501	0
	20	£0	£94	£118	211.5	253.8	1.989789	505.0084
	21	£0	£0	£0	0	0	2.059431	0
	22	£0	£0	£0	0	0	2.131512	0
	23	£0	£0	£0	0	0	2.206114	0
	24	£0	£0	£0	0	0	2.283328	0
	25	£0	£94	£118	211.5	253.8	2.363245	599.7916
	26	£0	£0	£0	0	0	2.445959	0
	27	£0	£0	£0	0	0	2.531567	0
	28	£0	£0	£0	0	0	2.620172	0
	29	£0	£0	£0	0	0	2.711878	0
	30	£0	£141	£118	258.5	310.2	2.806794	870.6674
TOTALS		£94	£799	£823	1715.5			3571.056

Medium Sites (5 - 20ha) - Low technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)
Scheme Start Year	2024	0.3		
Scheme Year:	1		0.4	
	2			
	3		0.4	0.5
	4			
	5		0.4	0.5
	6			
	7			
	8			
	9			
	10		0.4	0.5
	11			
	12			
	13			
	14			
	15		0.4	0.5
	16			
	17			
	18			
	19			
	20		0.4	0.5
	21			
	22			
	23			
	24			
	25		0.4	0.5
	26			
	27			
	28			
	29			
	30		0.5	0.5
TOTALS		0.3	3.3	3.5
TOTAL		7.1		

		Review initial Monitoring Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Corporate Year total Overheads	Inflation (3.5%)	TOTAL	
Scheme Start Year	2024	£71	£0	£0	70.5	84.6	1	84.6
Scheme Year:	1	£0	£94	£0	94	112.8	1.035	116.748
	2	£0	£0	£0	0	0	1.071225	0
	3	£0	£94	£118	211.5	253.8	1.108718	281.3926
	4	£0	£0	£0	0	0	1.147523	0
	5	£0	£94	£118	211.5	253.8	1.187686	301.4348
	6	£0	£0	£0	0	0	1.229255	0
	7	£0	£0	£0	0	0	1.272279	0
	8	£0	£0	£0	0	0	1.316809	0
	9	£0	£0	£0	0	0	1.362897	0
	10	£0	£94	£118	211.5	253.8	1.410599	358.01
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.511069	0
	13	£0	£0	£0	0	0	1.563956	0
	14	£0	£0	£0	0	0	1.618695	0
	15	£0	£94	£118	211.5	253.8	1.675349	425.2035
	16	£0	£0	£0	0	0	1.733986	0
	17	£0	£0	£0	0	0	1.794676	0
	18	£0	£0	£0	0	0	1.857489	0
	19	£0	£0	£0	0	0	1.922501	0
	20	£0	£94	£118	211.5	253.8	1.989789	505.0084
	21	£0	£0	£0	0	0	2.059431	0
	22	£0	£0	£0	0	0	2.131512	0
	23	£0	£0	£0	0	0	2.206114	0
	24	£0	£0	£0	0	0	2.283328	0
	25	£0	£94	£118	211.5	253.8	2.363245	599.7916
	26	£0	£0	£0	0	0	2.445959	0
	27	£0	£0	£0	0	0	2.531567	0
	28	£0	£0	£0	0	0	2.620172	0
	29	£0	£0	£0	0	0	2.711878	0
	30	£0	£118	£118	235	282	2.806794	791.5158
TOTALS		£71	£776	£823	1668.5			3463.705

Medium Sites (5 - 20ha) - Moderate technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)	
Scheme Start Year	2024	0.5			
Scheme Year:	1		0.5		
	2				
	3		0.5	0.5	
	4				
	5		0.5	0.5	
	6				
	7				
	8				
	9				
	10		0.5	0.5	
	11				
	12				
	13				
	14				
	15		0.5	0.5	
	16				
	17				
	18				
	19				
	20		0.5	0.5	
	21				
	22				
	23				
	24				
	25		0.5	0.5	
	26				
	27				
	28				
	29				
	30		0.6	0.6	
TOTALS		0.5	4.1	3.6	
TOTAL		8.2			

		Review initial Monitori ng Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Corporate Year total Overheads	Inflation (3.5%)	TOTAL	
Scheme Start Year	2024	£118	£0	£0	117.5	141	1	141
Scheme Year:	1	£0	£118	£0	117.5	141	1.035	145.935
	2	£0	£0	£0	0	0	1.071225	0
	3	£0	£118	£118	235	282	1.108718	312.6584
	4	£0	£0	£0	0	0	1.147523	0
	5	£0	£118	£118	235	282	1.187686	334.9275
	6	£0	£0	£0	0	0	1.229255	0
	7	£0	£0	£0	0	0	1.272279	0
	8	£0	£0	£0	0	0	1.316809	0
	9	£0	£0	£0	0	0	1.362897	0
	10	£0	£118	£118	235	282	1.410599	397.7889
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.511069	0
	13	£0	£0	£0	0	0	1.563956	0
	14	£0	£0	£0	0	0	1.618695	0
	15	£0	£118	£118	235	282	1.675349	472.4484
	16	£0	£0	£0	0	0	1.733986	0
	17	£0	£0	£0	0	0	1.794676	0
	18	£0	£0	£0	0	0	1.857489	0
	19	£0	£0	£0	0	0	1.922501	0
	20	£0	£118	£118	235	282	1.989789	561.1205
	21	£0	£0	£0	0	0	2.059431	0
	22	£0	£0	£0	0	0	2.131512	0
	23	£0	£0	£0	0	0	2.206114	0
	24	£0	£0	£0	0	0	2.283328	0
	25	£0	£118	£118	235	282	2.363245	666.4351
	26	£0	£0	£0	0	0	2.445959	0
	27	£0	£0	£0	0	0	2.531567	0
	28	£0	£0	£0	0	0	2.620172	0
	29	£0	£0	£0	0	0	2.711878	0
	30	£0	£141	£141	282	338.4	2.806794	949.819
TOTALS		£118	£964	£846	1927			3982.133

Medium Sites (5 - 20ha) - High technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)	
Scheme Start Year	2024	0.5			
Scheme Year:	1		0.5		
	2				
	3		0.5	0.6	
	4				
	5		0.5	0.6	
	6				
	7				
	8				
	9				
	10		0.5	0.6	
	11				
	12				
	13				
	14				
	15		0.5	0.6	
	16				
	17				
	18				
	19				
	20		0.5	0.6	
	21				
	22				
	23				
	24				
	25		0.5	0.6	
	26				
	27				
	28				
	29				
	30		0.7	0.7	
TOTALS		0.5	4.2	4.3	
TOTAL		9			

		Review initial Monitoring Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Corporate Year total Overheads	Inflation (3.5%)	TOTAL	
Scheme Start Year	2024	£118	£0	£0	117.5	141	1	141
Scheme Year:	1	£0	£118	£0	117.5	141	1.035	145.935
	2	£0	£0	£0	0	0	1.071225	0
	3	£0	£118	£141	258.5	310.2	1.108718	343.9243
	4	£0	£0	£0	0	0	1.147523	0
	5	£0	£118	£141	258.5	310.2	1.187686	368.4203
	6	£0	£0	£0	0	0	1.229255	0
	7	£0	£0	£0	0	0	1.272279	0
	8	£0	£0	£0	0	0	1.316809	0
	9	£0	£0	£0	0	0	1.362897	0
	10	£0	£118	£141	258.5	310.2	1.410599	437.5677
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.511069	0
	13	£0	£0	£0	0	0	1.563956	0
	14	£0	£0	£0	0	0	1.618695	0
	15	£0	£118	£141	258.5	310.2	1.675349	519.6932
	16	£0	£0	£0	0	0	1.733986	0
	17	£0	£0	£0	0	0	1.794676	0
	18	£0	£0	£0	0	0	1.857489	0
	19	£0	£0	£0	0	0	1.922501	0
	20	£0	£118	£141	258.5	310.2	1.989789	617.2325
	21	£0	£0	£0	0	0	2.059431	0
	22	£0	£0	£0	0	0	2.131512	0
	23	£0	£0	£0	0	0	2.206114	0
	24	£0	£0	£0	0	0	2.283328	0
	25	£0	£118	£141	258.5	310.2	2.363245	733.0786
	26	£0	£0	£0	0	0	2.445959	0
	27	£0	£0	£0	0	0	2.531567	0
	28	£0	£0	£0	0	0	2.620172	0
	29	£0	£0	£0	0	0	2.711878	0
	30	£0	£165	£165	329	394.8	2.806794	1108.122
TOTALS		£118	£987	£1,011	2115			4414.974

Large Sites (20+ to 40ha) - Low technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)	
Scheme Start Year	2024	0.7			
Scheme Year:	1		0.7		
	2				
	3		0.7	0.8	
	4				
	5		0.7	0.8	
	6				
	7				
	8				
	9				
	10		0.7	0.8	
	11				
	12				
	13				
	14				
	15		0.7	0.8	
	16				
	17				
	18				
	19				
	20		0.7	0.8	
	21				
	22				
	23				
	24				
	25		0.7	0.8	
	26				
	27				
	28				
	29				
	30		1	1	
TOTALS		0.7	5.9	5.8	
TOTAL		12.4			

		Review initial Monitori ng Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Year total	Corporate Overheads	Inflation (3.5%)	TOTAL
Scheme Start Year	2024	£165	£0	£0	165	197.4	1	197.4
Scheme Year:	1	£0	£165	£0	165	197.4	1.035	204.309
	2	£0	£0	£0	0	0	1.07123	0
	3	£0	£165	£188	353	423	1.10872	468.988
	4	£0	£0	£0	0	0	1.14752	0
	5	£0	£165	£188	353	423	1.18769	502.391
	6	£0	£0	£0	0	0	1.22926	0
	7	£0	£0	£0	0	0	1.27228	0
	8	£0	£0	£0	0	0	1.31681	0
	9	£0	£0	£0	0	0	1.3629	0
	10	£0	£165	£188	353	423	1.4106	596.683
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.51107	0
	13	£0	£0	£0	0	0	1.56396	0
	14	£0	£0	£0	0	0	1.61869	0
	15	£0	£165	£188	353	423	1.67535	708.673
	16	£0	£0	£0	0	0	1.73399	0
	17	£0	£0	£0	0	0	1.79468	0
	18	£0	£0	£0	0	0	1.85749	0
	19	£0	£0	£0	0	0	1.9225	0
	20	£0	£165	£188	353	423	1.98979	841.681
	21	£0	£0	£0	0	0	2.05943	0
	22	£0	£0	£0	0	0	2.13151	0
	23	£0	£0	£0	0	0	2.20611	0
	24	£0	£0	£0	0	0	2.28333	0
	25	£0	£165	£188	353	423	2.36324	999.653
	26	£0	£0	£0	0	0	2.44596	0
	27	£0	£0	£0	0	0	2.53157	0
	28	£0	£0	£0	0	0	2.62017	0
	29	£0	£0	£0	0	0	2.71188	0
	30	£0	£235	£235	470	564	2.80679	1583.03
TOTALS		£165	£1,387	£1,363	2914			6102.81

Large Sites (20+to 40ha) - Moderate technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)	
Scheme Start Year	2024	0.8			
Scheme Year:	1		0.8		
	2				
	3		0.8	1	
	4				
	5		0.8	1	
	6				
	7				
	8				
	9				
	10		0.8	1	
	11				
	12				
	13				
	14				
	15		0.8	1	
	16				
	17				
	18				
	19				
	20		0.8	1	
	21				
	22				
	23				
	24				
	25		0.8	1	
	26				
	27				
	28				
	29				
	30		1.2	1	
TOTALS		0.8	6.8	7	
TOTAL		14.6			

		Review initial Monitori ng Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Year total	Corporate Overheads	Inflation (3.5%)	TOTAL
Scheme Start Year	2024	£188	£0	£0	188	225.6	1	225.6
Scheme Year:	1	£0	£188	£0	188	225.6	1.035	233.496
	2	£0	£0	£0	0	0	1.07123	0
	3	£0	£188	£235	423	507.6	1.10872	562.785
	4	£0	£0	£0	0	0	1.14752	0
	5	£0	£188	£235	423	507.6	1.18769	602.87
	6	£0	£0	£0	0	0	1.22926	0
	7	£0	£0	£0	0	0	1.27228	0
	8	£0	£0	£0	0	0	1.31681	0
	9	£0	£0	£0	0	0	1.3629	0
	10	£0	£188	£235	423	507.6	1.4106	716.02
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.51107	0
	13	£0	£0	£0	0	0	1.56396	0
	14	£0	£0	£0	0	0	1.61869	0
	15	£0	£188	£235	423	507.6	1.67535	850.407
	16	£0	£0	£0	0	0	1.73399	0
	17	£0	£0	£0	0	0	1.79468	0
	18	£0	£0	£0	0	0	1.85749	0
	19	£0	£0	£0	0	0	1.9225	0
	20	£0	£188	£235	423	507.6	1.98979	1010.02
	21	£0	£0	£0	0	0	2.05943	0
	22	£0	£0	£0	0	0	2.13151	0
	23	£0	£0	£0	0	0	2.20611	0
	24	£0	£0	£0	0	0	2.28333	0
	25	£0	£188	£235	423	507.6	2.36324	1199.58
	26	£0	£0	£0	0	0	2.44596	0
	27	£0	£0	£0	0	0	2.53157	0
	28	£0	£0	£0	0	0	2.62017	0
	29	£0	£0	£0	0	0	2.71188	0
	30	£0	£282	£235	517	620.4	2.80679	1741.33
TOTALS		£188	£1,598	£1,645	3431			7142.11

Large Sites (20+to40ha) - High technical difficulty

		Review initial Monitoring Plan (days)	Review of monitoring report (days)	Site Visit (days)	
Scheme Start Year	2024	1			
Scheme Year:	1		1		
	2				
	3		1	1	
	4				
	5		1	1	
	6				
	7				
	8				
	9				
	10		1	1	
	11				
	12				
	13				
	14				
	15		1	1.5	
	16				
	17				
	18				
	19				
	20		1	1.5	
	21				
	22				
	23				
	24				
	25		1	1.5	
	26				
	27				
	28				
	29				
	30		1.5	1.5	
TOTALS		1	8.5	9	
TOTAL		18.5			

		Review initial Monitori ng Plan (£)	Review of monitori ng report (£)	Site Visit (£)	Year total	Corporate Overheads	Inflation (3.5%)	TOTAL
Scheme Start Year	2024	£235	£0	£0	235	282	1	282
Scheme Year:	1	£0	£235	£0	235	282	1.035	291.87
	2	£0	£0	£0	0	0	1.07123	0
	3	£0	£235	£235	470	564	1.10872	625.317
	4	£0	£0	£0	0	0	1.14752	0
	5	£0	£235	£235	470	564	1.18769	669.855
	6	£0	£0	£0	0	0	1.22926	0
	7	£0	£0	£0	0	0	1.27228	0
	8	£0	£0	£0	0	0	1.31681	0
	9	£0	£0	£0	0	0	1.3629	0
	10	£0	£235	£235	470	564	1.4106	795.578
	11	£0	£0	£0	0	0	1.45997	0
	12	£0	£0	£0	0	0	1.51107	0
	13	£0	£0	£0	0	0	1.56396	0
	14	£0	£0	£0	0	0	1.61869	0
	15	£0	£235	£353	588	705	1.67535	1181.12
	16	£0	£0	£0	0	0	1.73399	0
	17	£0	£0	£0	0	0	1.79468	0
	18	£0	£0	£0	0	0	1.85749	0
	19	£0	£0	£0	0	0	1.9225	0
	20	£0	£235	£353	588	705	1.98979	1402.8
	21	£0	£0	£0	0	0	2.05943	0
	22	£0	£0	£0	0	0	2.13151	0
	23	£0	£0	£0	0	0	2.20611	0
	24	£0	£0	£0	0	0	2.28333	0
	25	£0	£235	£353	588	705	2.36324	1666.09
	26	£0	£0	£0	0	0	2.44596	0
	27	£0	£0	£0	0	0	2.53157	0
	28	£0	£0	£0	0	0	2.62017	0
	29	£0	£0	£0	0	0	2.71188	0
	30	£0	£353	£353	705	846	2.80679	2374.55
TOTALS		£235	£1,998	£2,115	4348			9289.18

Appendix A

Benchmarking of BNG Monitoring and Reporting Fees

Case study examples for monitoring fees in other local planning authorities

Leeds City Council

- Charge a one off-fee for 'Biodiversity Monitoring & Reporting Body' function
- Two-tier fee, scaled by number of BUs involved in the agreement
- £2.5k for up to 10 biodiversity units or £5k for over 10 biodiversity units (where units purchased directly from a private Habitat Bank or on developers' own land*)

COMMENTS:

- No indication of allowance for price inflation over 30 years.
- Simple, easy to understand.
- This applies only to non-council land.
- They suggest cost is in line with similar monitoring obligations of other S106 items such as Highways
- *W.Yorks Combined Authority also setting up a habitat banking vehicle (HBV) for selling Units on council land. The pricing of BUs will build in fees for 'habitat monitoring' (by a partner body) and for the 'BNG monitoring and reporting body function' (by the LPA).

Buckinghamshire County Council

- Charging a one-off fee for Biodiversity Monitoring
- Developed a Monitoring Fees Calculator – an excel spreadsheet based on estimated staff time
- Uses an assumed officer day rate of £700
- Uses an assumed inflation rate of 3.5% per annum
- Uses an assumed corporate overheads multiplier of 1.4 (ie 40%)
- Fees Calculator based on several input variables and pre-determined values:
- Size of BNG offset site (small 0-10ha, medium 11-20ha, large >20ha)
- Technical Difficulty of BNG habitats involved (Low, Moderate, High – use highest present on site)
- Number of monitoring events = 10, plus initial review of plan year zero – Some years reviewing report only, some years report plus site visit (4, 5 or 7 occasions depending technical difficulty)
- Estimated time per report or site visit (range: small sites of low diff to large sites of high difficulty)
- Track record/ experience level of site manager (a lower scale if they already manage more than 10 existing sites for nature)

COMMENTS

- Rather involved; initially complicated to understand but generates the figures automatically.
- The calculator would be consulted for each new agreement.
- Useful approach and the calculator could be adapted or simplified.
- Fixed inflation projection could draw criticism.
- Could also be used for levying a fee at time of each monitoring event rather than a one-off up-front payment, index linked for actual inflation using CPI or RPI.

New Forest Council

- Charging a one-off fee for Biodiversity Monitoring
- Based on 10 officer days (at £400) plus 2.5 general officer support days (at £250) for review of reports
- Based on five monitoring points at years 2, 5, 10, 20 and 30
- Flat fee of £4625, 'developments up to 50 units' (but units here meaning dwellings, I think)

- Developments over 50 units 'Minimum £4,625. Additional rate charged if physical inspection likely to take additional time.'
- 'Subject to annual indexation uplift using the Retail Prices Index (RPI).'

COMMENTS

- RPI indexation applied to agreements is revised annually, but as it is still a one-off fee charged up-front this does not factor the ongoing cost (of officer time etc) increasing over the 30 years.
- On the other hand, a very straightforward approach to inflation and there will be an income stream from new agreements which rises year on year with RPI.
- Their proposals, as of March '22, also set out different fees for the range of other s106 agreements eg POS, affordable housing.

Bracknell Forest Council

- Charging a one off-fee for 'administration monitoring' of 106 agmts for BNG.
- Scaled by area; up to one hectare £3600
- Over one hectare £3660/ha pro rata

COMMENTS

- Based on estimate of hours 60hrs/ 60+hrs spent in admin and monitoring.
- No mention of indexation so does not factor costs increasing over 30 years.
- Pro rata the most expensive eg a 25ha site x £3600 = £90,000 compared to Bucks £50k for 20-40ha, high complexity.

Calderdale Council (per guidance published Dec 2022)

- One-off charges payable 'to cover facilitation, monitoring and strategic biodiversity delivery':
- £2000 per BU 'to cover the cost of monitoring over 30-year period'
- £1000 per BU 'strategic biodiversity delivery charge'
- £2000 per BU one-off 'facilitation charge' for Council owned land-banks

COMMENTS

- The above were arrived at based on a proposal to sell BUs on council land priced at £20k per BU.
- The monitoring cost and the facilitation charge each being 10% of 20k, the strategic charge being 5% of 20k.
- For Habitat Banks, only the strategic charge would be levied, £1000.
- Monitoring fee plus Strategic charge applies to other cases.
- Facilitation charge applies to council land banks for baseline surveys, management plans etc.
- Strategic fee to contribute to biodiversity projects such as LWS surveys and management advice.
- Would query whether the strategic fee can be justified for BNG or whether a statutory duty of LPA.

South Cambridgeshire District Council

- 'District Council Ecologist Monitoring Fee' payable at each monitoring event
- 'To cover the cost of monitoring the Habitat Site and reviewing the Management Plan and the Monitoring Report'
- Paid in ten instalments years 1, 2, 3, 4, 5, 10, 15, 20, 25, 30
- Index Linked by way of CPI

COMMENTS

- Appears to be the only one of these case studies levying a fee at each monitoring event.

Verna - free Monitoring Fees Calculator for LPAs

- Based on discussions with various LPAs during development of a BNG software solution
- Excel based calculator using several input variables:
- Monitoring years
- Officer salary, time and overheads
- Inflation at 5%

COMMENTS

- Calculates an up-front payment. Assumes 5% inflation. Assumes 25% on costs. Allows you to input hours and salary for several different officers eg planning, ecology, legal.
- Does not factor in size and complexity tiers but references Bucks example for this.
- Using some very rough NYC inputs it estimated a monitoring cost in region of £4000
- But doesn't differentiate by size or complexity of habitat site.
- [Free tool: How to calculate Biodiversity Net Gain monitoring charges – Verna](#)

Appendix C

Extract from North Yorkshire Council Financial Rules and Procedures

Financial Procedure Rule 23 states:

23.2 Fees and Charges

23.2.1 The Council is responsible for approving the fees and charges policy. Any departure from the approved policy requires the approval of the Executive. Unless permitted all fees and charges should be subject to annual review. The CFO will provide detailed guidance on the setting and review of fees and charges. Corporate Directors are responsible for the establishment and ongoing review of fees and charges payable in respect of the services and functions provided by their directorate.

23.2.2 A full list of the current year's approved fees and charges should be made available on the Council's website. The fees and charges for the following financial year should be published on the website by 31 December of the preceding year.

23.2.3 The correct rate of VAT should be applied to all fees and charges.

Appendix D

Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated October 2023)

Biodiversity Net Gain Monitoring Fees

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email communications@northyorks.gov.uk.



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Community Development – Planning Services
Lead Officer and contact details	Tim Burkinshaw Timothy.burkinshaw@northyorks.gov.uk
Names and roles of other people involved in carrying out the EIA	n/a
How will you pay due regard? e.g. working group, individual officer	individual
When did the due regard process start?	November 2023

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

Introducing a fees calculator for monitoring the delivery of biodiversity sites through legal agreements.

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

Ensure new monitoring obligations from Environment Act are as close to cost neutral as can be achieved. To use such income to offset the increased costs of ecology officer time

Section 3. What will change? What will be different for customers and/or staff?

Fees levied at the signing of legal agreements (section106), which secure the biodiversity sites, will be based upon more reliable cost recovery calculations than at present – where bespoke figures are negotiated between the Authority and the signatory on each occasion.

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

Public consultation has not been carried out.

Work to produce a calculator was benchmarked against six other Local Planning Authorities in England to ensure the calculator principles were fair, reasonable and justifiable, based upon best estimates of officer time required over 30yr agreements.

The resulting calculator and the scale of charges it produces are in line with the fees levied by other benchmarked LPAs at the lower end of the range. Two LPAs fee calculators produce figures and order of magnitude greater.

It is felt that further consultation is not required. New BNG obligations commence in Jan 24 and a charges calculator needs to be in place to ensure greater parity between developers / habitat bank site operators than the current 'bespoke fees' situation.

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result.

Cost neutral as described above.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	X			
Disability	X			
Sex	X			
Race	X			
Gender reassignment	X			
Sexual orientation	X			
Religion or belief	X			
Pregnancy or maternity	X			
Marriage or civil partnership	X			

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..live in a rural area?	X			

...have a low income?	X			
...are carers (unpaid family or friend)?	X			
..... are from the Armed Forces Community	X			

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)

North Yorkshire wide	X
Craven	
Hambleton	
Harrogate	
Richmondshire	
Ryedale	
Scarborough	
Selby	

If you have ticked one or more areas, will specific town(s)/village(s) be particularly impacted? If so, please specify below.

Applies county-wide

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

No combined effect

Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	X
2. Adverse impact - adjust the proposal - The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	
3. Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)	
4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.	
Explanation of why option has been chosen. (Include any advice given by Legal Services.)	

Section 11. If the proposal is to be implemented how will you find out how it is really affecting people? (How will you monitor and review the changes?)

Figures used in the calculator for inflation / salary costs will be revised at least annually.

The overall approach of the monitoring fees calculator will be reviewed after 3-5 years to ensure it is the best and most accurate predictor of actual costs incurred by the council over the lifespan of 30year agreements. This cannot be reviewed sooner until we have collected data on average officer time per agreement from the first monitoring cycles (years, 1,3,5 etc)

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The decision has no equalities implications.

Section 14. Sign off section

This full EIA was completed by:

Name: Tim Burkinshaw
Job title: Biodiversity Net Gain Officer
Directorate: Community Development
Signature: *T.J.Burkinshaw*

Completion date: 24/11/23

Authorised by relevant Assistant Director (signature):

Date:

Appendix E: Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Version 2: amended 11 August 2021

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	BNG Monitoring and Reporting Fees
Brief description of proposal	Fees calculator for NYC officers monitoring third party biodiversity agreements
Directorate	Community Development
Service area	Planning Services - ecology
Lead officer	Tim Burkinshaw
Names and roles of other people involved in carrying out the impact assessment	n/a
Date impact assessment started	24/11/23

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

Other methods of calculating fees appraised and rejected, as less accurate for estimating full cost recovery.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

Cost neutral - intention of fees is full cost recovery.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		x		<p>Proposal is about fees for legal agreements - no implications for emissions.</p>	n/a	n/a
	Emissions from construction		x		<p>Proposal is about fees for legal agreements - no implications for emissions.</p>	n/a	n/a
	Emissions from running of buildings		x		<p>Proposal is about fees for legal agreements - no implications for emissions.</p>	n/a	n/a
	Emissions from data storage		x		<p>Proposal is about fees for legal agreements - no implications for emissions.</p>	n/a	n/a
	Other		x		<p>Proposal is about fees for legal agreements - no implications for emissions.</p>	n/a	n/a
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		x		<p>Proposal is about fees for legal agreements - no implications for waste.</p>	n/a	n/a	
<p>Reduce water consumption</p>		x		<p>Proposal is about fees for legal agreements - no implications for water.</p>	n/a	n/a	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
Minimise pollution (including air, land, water, light and noise)		x		No impact	n/a	n/a
Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		x		Setting fees for monitoring of the legal agreements has no influence on the nature of the habitat work on biodiversity net gain sites.	n/a	n/a
Enhance conservation and wildlife		x		Setting fees for monitoring of the legal agreements has no influence on the nature of the habitat work on biodiversity net gain sites.	n/a	n/a
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape		x		Setting fees for monitoring of the legal agreements has no influence on the nature of the habitat work on biodiversity net gain sites.	n/a	n/a

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
Other (please state below)				n/a	n/a	n/a

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

No.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This Decision has no implications for climate change.

Sign off section

This climate change impact assessment was completed by:

Name	Tim Burkinshaw	
Job title	Biodiversity Net Gain Officer	
Service area	Planning Services - Ecology	
Directorate	Community Development	
Signature	<i>T.J. Burkinshaw</i>	
Completion date	24/11/23	

Authorised by relevant Assistant Director (signature):

Date: