

**Development at Land South of Westwells Road, Westwells Road, Neston – PLANNING
APPLICATION REFERENCE: PL/2024/05527
Governance and Enforcement of Habitat Banks – Chippenham Habitat Bank (WILT18)**

In line with the requirements of Section 100 Environment Act 2021, Environment Bank’s habitat banks are governed under standalone Section 106 agreements with “host” local planning authorities. Now that Responsible Bodies are designated by Defra/Natural England, a number of our habitat banks are likely to be governed under conservation covenant.

Our habitat banks, which serve a variety of developments locally and nationally, are governed and overseen through three important governance structures:

- 1. Legal:** our Leases and Habitat Management Agreements with landowners contain immediately enforceable step-in rights in favour of Environment Bank so we are able to step in and ensure delivery of the habitats in line with the Biodiversity Objectives for that habitat bank.
- 2. Financial:** landowners are paid for their management actions annually in arrears upon evidence of the works having been carried out to a high standard. This means that works are regularly monitored and assessed throughout the life of the habitat bank, and lump sums of cash are not received by landowners early, risking less compliance in the later years due to lack of funding; and
- 3. Section 106/Conservation Covenant:** a Section 106 or Conservation Covenant (entered into by Environment Bank and the landowners of the Habitat Bank) provides LPAs or Responsible Bodies with oversight, enforcement rights and step in rights. Environment Bank is required to provide annual monitoring reports from the together with monitoring payments to the LPA for the full 30+ year covenant period.

We aim to enter into Unilateral Undertakings or bilateral Section 106 Agreements with LPAs as soon as possible following completion of our habitat bank Leases and Habitat Management Agreements with our landowners. This ensures our ability to register our gain sites on Natural England’s Gain Site Register.

We are progressing in accordance with our legal requirement under the Environment Act 2021 to procure the completion of the Section 106 Agreement for this habitat bank as a pre-requisite to registration on the Natural England Gain Site Register.



Alexa Culver
General Counsel
Environment Bank