



## Significant On-site Biodiversity Net Gain (BNG) Monitoring Fee Agreement

Planning Application Reference Number: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address of Planning Application: \_\_\_\_\_

Description of development: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ (the "Development")

Online/telephone payment ref (if known): \_\_\_\_\_

In compliance with the Environment Act 2021, the proposed development includes the provision of a minimum of 10% biodiversity net gain. In accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010 No. 948 as (amended), Swale Borough Council (the "Council") seeks to recover the costs associated with monitoring the provision and establishment of any significant on-site BNG for a period of 30 years by securing a monitoring fee.

As the Applicant, the extent of my liability has been assessed by the Council to be £ ..... (the "Monitoring Fee") and I am accordingly agreeable to paying this Monitoring Fee as a contribution towards the cost of monitoring the BNG provision secured as part of my proposed Development.

I have accordingly now paid the Monitoring Fee and hereby acknowledge and agree that:

1. The Monitoring Fee has been paid to the Council as a contribution towards the cost of the Council undertaking monitoring activity with regard to provision and establishment of significant on-site BNG that is secured as part of the

development proposal for a period of 30 years in accordance with the Environment Act 2021;

- 2. I have been informed of the opportunity to complete a unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) to pay the Monitoring Fee when development commences but have chosen to make this direct payment as an expeditious alternative to relying upon a unilateral undertaking;
- 3. No refund of the Monitoring Fee will be made unless any planning permission granted by the Council is subsequently quashed by the High Court following a legal challenge;
- 4. In respect of any refund, I further acknowledge that:
  - 4.1. I will make the request for a refund from the Council's Section 106 Monitoring Officer in writing;
  - 4.2. the total amount refunded will be the Monitoring Fee less an administration fee of £75 (including VAT);
  - 4.3. no interest accrued on the Monitoring Fee will be refunded;
  - 4.4. in the event of a legal challenge to the grant of planning permission and that planning permission is quashed, no refund will be made until the outcome of such challenge is known (without further challenge) and/or, the application has been re-determined in accordance with the judicial pronouncement (but the Council reserves the right to claim any revised Monitoring Fee that may be required as a result of the lapse of time and the decision notice will not be issued unless and until that revised payment has been made).

**Signature of applicant:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Full name of applicant:** \_\_\_\_\_

**Signed on behalf of Swale Borough Council**



**Emma Wiggins – Director of Regeneration & Neighbourhoods**

This receipt signifies the agreement on behalf of Swale Borough Council to the terms in which the Monitoring is made by the Applicant as set out in this form and in accordance with Section 111 Local Government Act 1972 Section 12 and Section 93 Local Government Act 2003 and Section 1 Localism Act 2011.

**Please send an electronic copy of signed document to [section106@swale.gov.uk](mailto:section106@swale.gov.uk)**

**Or a hard copy of this document to the following address:-**

**Customer Focus and Business Support Manager, Planning Services, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT**