

APPENDIX 4

2009 Section 106 Agreement – Part 3, Schedules 11 and 12

ELEVENTH SCHEDULE
Butterfly Conservation's Covenants

Butterfly Conservation agrees with the LPAs and the Developer:

1. that on receipt, to pay any sum forming part of the Biodiversity Contribution into a Restricted Fund to ensure the transparent tracking of Biodiversity Contribution income, expenditure and any interest accrued;
2. to use the Biodiversity Contribution for the implementation of the Biodiversity Scheme;
3. that it shall within twelve months of receiving payment of the Biodiversity Contribution form an Advisory Group to include representatives of the LPAs and to which the Countryside Council for Wales, Environment Agency Wales and the Developer shall be invited to send representatives;
4. that it shall within thirty-six months of receiving payment of the Biodiversity Contribution provide the Advisory Group with a written Habitat Management Plan;
5. that it shall produce a written annual report to the members of the Advisory Group detailing the outcomes of the Biodiversity Contribution to date under this Deed;
6. to repay to the Authority such amount of the Biodiversity Contribution which has not been expended in accordance with the provisions of this Deed within fifteen years of the date of receipt by Butterfly Conservation of the payment of the Biodiversity Contribution together with any unspent interest as accrued thereon to the date of such repayment.

TWELFTH SCHEDULE

Biodiversity Scheme

1. The Biodiversity Scheme will:
 - 1.1 operate to a Habitat Management Plan within a five kilometre radius of the centre of the Site unless otherwise agreed through the Advisory Group.
 - 1.2 seek to secure the habitat management of a minimum area of fourteen hectares within a period of five years. The remaining area to be secured within a further period of five years, providing a project timeframe of fifteen years;
 - 1.3 focus on off-Site management of sub optimal marshy grassland to ensure it is sympathetically managed and all its interest features are then maintained in favourable condition for the duration of landowner agreements.
2. The Biodiversity Scheme has three distinct phases (which may overlap):
 - 2.1 **Scheme Development Phase:**
 - 2.1.1 A scoping exercise would identify landowners within five kilometres of the Site with suitable marshy grassland.
 - 2.1.2 Where landowners express an interest in participating in the Biodiversity Scheme, site walkovers will be undertaken and an inventory of the land management infrastructure requirements (e.g. fencing, gates, stiles, etc) will be made.
 - 2.1.3 A Habitat Management Plan will be written detailing the proposed works and phasing them according to budget.
 - 2.2 **Implementation Phase:**
 - 2.2.1 The Habitat Management Plan will be implemented with a standard land management agreement for a three year period signed with the landowner.
 - 2.2.2 Where the landowner has the necessary skills, the Biodiversity Scheme will provide materials and the landowner will undertake the works (e.g. fencing). Where the landowner is not capable of undertaking works the scheme would arrange for local contractors to

undertake necessary works using existing Butterfly Conservation contractor tendering protocols.

2.3 Monitoring Phase:

2.3.1 The impact of the works will be assessed using standard monitoring protocols for marshy grassland habitat and key features.

2.3.2 Monitoring will inform feedback to landowners and additional works will be implemented where required.