



# ECOLOGICAL ADVICE SERVICE

## Service Level Agreement for provision of service to Tunbridge Wells Borough Council 2023-24

**March 2023**

### **1. Objective of service**

- To advise Tunbridge Wells Borough Council of the ecological implications of development, and other, proposals.
- To more generally advise on the effective protection, management and enhancement of biodiversity.
- To assist Tunbridge Wells Borough Council meet the requirements of wildlife legislation and policy, and Natural England's Standing Advice to local planning authorities<sup>1</sup>.
- To assist Tunbridge Wells Borough Council in preparing for the introduction of mandatory biodiversity net gain, through support offered by the Kent BNG Officer (for specific detail on the support covered, see Addendum 1).
- To advise Tunbridge Wells Borough Council of biodiversity net gain assessments, biodiversity gain plans and associated habitat management and monitoring plans (see clause 2.8 for conditions relating to the provision of this advice).
- To assist Tunbridge Wells Borough Council in meeting the other natural environment requirements of the Environment Act 2021, including the enhanced Biodiversity Duty and duty of regard to the Kent and Medway Local Nature Recovery Strategy.
- To assist Tunbridge Wells Borough Council in demonstrating professional competence in all of its decisions and activities affecting biodiversity.

### **2. Provision of service**

#### **2.1 Core service and its delivery**

The following services are included under this service:

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<sup>1</sup> Natural England Standing Advice -

<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/default.aspx>

- Provision of ecological advice at any stage as requested within the development management process (screening, scoping, formal application and enforcement).
- Assessment of, and advice on, protected species impact and appropriateness of any proposed mitigation and biodiversity enhancement.
- Assessment of, and advice on, any biodiversity net gain assessments and conclusions; and advice on the appropriateness of any biodiversity gain plans associated habitat management and monitoring plans (see clause 2.8 for conditions relating to the provision of this advice).
- Participation in meetings with developers/applicants pre- and post-submission and attendance at appeal hearings, as requested by Local Planning Authority.
- Impartial assessment of the recommendations of statutory and non-statutory conservation organisations in relation to planning applications and other planning documents.
- Ecological assessment of hedgerows for which a removal notice has been submitted, to ensure compliance with the Hedgerow Regulations 1997.
- Provision of general advice on biodiversity issues.
- One training session for Tunbridge Wells Borough Council development management staff. This will cover general biodiversity considerations within planning; training on biodiversity net gain will be provided by the Kent BNG Officer (as detailed in Addendum 1) .

Work will be completed by a qualified, CIEEM registered ecologist.

Work will be completed within 21 calendar days from receipt of the planning application details and the initial request for advice. When deadlines are less than 21 calendar days, a mutually acceptable response time will be agreed by the service provider and client however all efforts will be made to respond within the requested timeframe.

All communication with applicants, consultants, planning agents and/or other interested parties, including pre-application advice, must be directed through the relevant planning officer at Tunbridge Wells Borough Council as the designated main point of contact. There should be no direct contact unless otherwise agreed by both the service provider and Local Planning Authority. Where direct communication with an interested party has been authorised, the KCC ecologist will respond to their enquiries within five working days.

Use of the service will follow the processes and procedures detailed in the KCC Ecological Advice Service Guidance for Service Users (appended).

## 2.2 Additional services

The following services can be provided outside of this service agreement, at an additional charge:

- Training for staff on ecological issues and biodiversity considerations (content to be determined with Local Planning Authority).
- Ecological advice and input to forward planning activities.
- Additional support/input to development management process where required.

## 2.3 Exclusions and limits on services

The service cannot be used for appeals and inquiries for cases that the KCC ecological advice service has not previously been involved in and/or provided advice on.

When preparing for, and attending, appeals or inquiries, the service level in respect of development management may need to be reduced; this will apply even when input to an appeal is billed separately. Any reduction to the delivery of the core service in this respect will be agreed before work on the appeal commences.

#### 2.4 Period of service

The service level agreement will cover a 12 month period - 1st April 2023 to 31<sup>st</sup> March 2024.

#### 2.5 Level of service

A service of 44 days (308 hours) across the service period (section 2.4) will be provided by this agreement, an average of 11 days per quarter (77 hours). If this quarterly estimate is likely to be significantly exceeded in any one 3 month period then, where possible, KCC request that advance notice is given so that resources can be prioritised and allocated effectively. Monthly reports will assist Tunbridge Wells Borough Council to monitor and manage the level of service (see section 2.6).

#### 2.6 Monitoring of service

A monthly report on time spent to date will be provided to Tunbridge Wells Borough Council within two weeks of the end of the month. A quarterly report will be provided every three months, reporting on use of service against the level of service that has been agreed; the report will also include a standard of service, measured against response to deadline.

The use of the service will be reviewed every quarter to identify if the service level established at the beginning of the year is still appropriate and, where necessary, to put in place appropriate processes to better manage time and/or increase service level (if possible) for the remainder of the year. Should the circumstances require it an SLA review meeting will be held in the third quarter.

It is the responsibility of the Tunbridge Wells Borough Council to ensure the use of ecological advice service is managed effectively in line with the agreed quarterly level of service.

#### 2.7 Increasing service level

Further time, on top of the level of service agreed, can be provided subject to resource availability for an additional charge. Additional time will be agreed by both parties prior to any further work being carried out.

Additional service will be charged at a reduced day rate (see section 3) providing this top up is requested two months before the additional days will be used.

#### 2.8 Development of services relating to biodiversity net gain

In recognition that, at the time of drawing up the 2023/24 service agreement, unknowns relating to the delivery of, and burdens funding for, biodiversity net gain make identifying requirements for this additional advice difficult.

Therefore, a review of the service need for biodiversity net gain will be undertaken June/July 2023 by the latest (timing dependant on Defra announcements) and EAS districts will have the opportunity to revise the service agreement accordingly.

Delivery of additional service will only be possible if the Ecological Advice Service is able to sufficiently expand capacity of the team.

#### 2.9 Location of service

Primarily, advisors will work from Kent County Council offices at: Invicta House, County Hall, Maidstone, Kent ME14 1XX

When necessary advisors can attend Tunbridge Wells Borough Council offices.

Where officers have to travel to council offices or sites/meetings, travel expenses will be charged as well as time to travel.

#### 2.10 Payment for service

Tunbridge Wells Borough Council will provide a purchase order for the service with the first quarter of the service period and will make payment in line with the terms of the invoice, once received. Any agreed additional services provided before February will be invoiced for at point; additional services provided February to March will be invoiced at year end.

The payment provides for provision of the service under the terms outlined in section 2. Refunds will not be made for service not used within the stated period, unless the service is terminated under the conditions outlined in 2.11.

#### 2.11 Termination of service

Tunbridge Wells Borough Council may terminate the service up to two months before the end of the service period. Notice must be given in writing. If two months (or more) notice is given, a refund will be made on a pro rata basis.

The service may be terminated at any time if the provider is unable to meet the service provision requirements.

### 3. Cost of service

#### 3.1 For SLA period 1st April 2023 to 31<sup>st</sup> March 2024

Cost ecological advice, provided for as outlined under section 2	<b><u>£15000</u></b>
Standard annual admin charge	<b><u>£290</u></b>
Additional service day rate (applicable where additional days are requested two months before the additional days will be used)	<b><u>£340</u></b>

#### 3.2 Additional costs for services not included under this SLA and undertaken in SLA period 1st April 2023 to 31<sup>st</sup> March 2024

Additional service day rate (applicable where additional days are requested less than two months before the additional days will be used)	<b><u>£410</u></b>
Further training session (including supporting material)	<b><u>£460</u></b>

### 4. Authorisation for service

Any amendment to the provision of service (section 2) may be authorised, on behalf of Local Planning Authority, by:

Name	Position
Name	Position
Name	Position

Signed on behalf of: <b>Tunbridge Wells Borough Council</b>	Signed on behalf of: <b>Kent County Council</b> Invicta House County Hall Maidstone Kent ME14 1XX
Date:	Date:
Name:  Position:	Name: Helen Forster  Position: Senior Biodiversity Officer

## **Appendices**

### **A1. KCC Ecological Advice Service Guidance for Service Users**

Provided separately.

### **A2. Public Complaints Procedure**

The overall agreement between the Service Purchaser and Service Provider requires that public expressions about the service shall be directed to the Service Purchaser who shall then pursue them with the Service Provider.

In respect of this specification, the named Representative for the Service Purchaser will act as a focus for all formal communications with any complaint and will follow the Service Purchaser's own complaints procedure. The named Representative for the Service Provider will supply any such information as reasonably requested by the Service Purchaser's Representative in order to comply with that procedure.

The Service Purchaser will handle initial informal contact with the public in relation to queries and problems.

### **A3. Re-performing Work**

Work agreed between the Service Provider and Service Purchaser will be carried out to a set of standards that should be confirmed for each piece of work carried out by the Service Provider on behalf of the Service Purchaser. If any work carried out by the Service Provider is requested to be re-performed due to a failure to meet standards or other reason then a case of need will need to be made to the Service Provider by the Service Purchaser. In the first instance the costs to either or both parties for re-performing work will be negotiated between the named representatives in this agreement and be on the basis of the case of need presented.

### **A4. Tunbridge Wells Borough Council responsibilities**

To provide planning and other information in an appropriate timescale to ensure effective response from Kent County Council's Ecological Advice Service Officers.

When attendance of Tunbridge Wells Borough Council offices is required by Ecological Advice Service officer, Tunbridge Wells Borough Council will provide desk space and resources (including IT equipment) as required to support their work.