

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Department for Environment, Food & Rural Affairs (DEFRA) – Biodiversity Net Gain Funding
<b>Decision Maker:</b>	Kathy Freeman - Strategic Director of Resources
<b>Cabinet Member:</b>	Councillor Graham Williamson- Cabinet Member for Development and Regeneration
<b>SLT Lead:</b>	Neil Stubbings – Director of Regeneration
<b>Report Author and contact details:</b>	Linda Beard Senior Planning Policy Officer, Development Planning <a href="mailto:linda.beard@havering.gov.uk">linda.beard@havering.gov.uk</a> 01708 433131
<b>Policy context:</b>	National Planning Policy Framework 2021 London Plan 2021 Havering Local Plan 2016-2031
<b>Financial summary:</b>	The DEFRA Biodiversity grant funding award is £53,614 for 1 April 2023 to 31 March 2024. This is external funding being received by the Council.
<b>Relevant Overview &amp; Scrutiny Sub Committee:</b>	Places
<b>Is this decision exempt from being called-in?</b>	The decision will be exempt from call in as it is a Non key Decision

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**The subject matter of this report deals with the following Council Objectives**

People - Things that matter for residents x

Place - A great place to live, work and enjoy x

Resources - A well run Council that delivers for People and Place. x

## **Part A – Report seeking decision**

### **DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION**

This report seeks approval to:

- Accept grant funding of £53,614 from the DEFRA Biodiversity Net Gain Fund.

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Paragraph 25 (Grant Funded Expenditure) of Part 4.4 (Contract Procedure Rules) of the Constitution:

*25.3 For grants under £500,000 approval will be in accordance with the Scheme of Delegation. Account will be taken in contracts let, in whole or in part, as a result of grant funding, of the terms and conditions and accountability of the Council, and will also have provision to terminate an awarded contract in the event of the grant funding ceasing, in whole or in part.*

Paragraph 3.10.3 (s151 Officer Functions) of Part 3 (Responsibility for Functions) of the Constitution:

*(m) To accept grants and the terms and conditions thereof for and on behalf of the Council.*

### **STATEMENT OF THE REASONS FOR THE DECISION**

#### **1. Background**

1.1 Biodiversity net gain (BNG) is an approach to development and land management, that aims to leave the natural environment in a measurably better state than it was prior to development taking place. This may be achieved by better management of existing habitats or the creation of new habitats, or a combination of both.

1.2 The Environment Act 2021 requires net gain to achieve an improvement of at least 10%. Regulations to implement the provisions in the Environment Act are expected to be in place in late 2023 and will make the 10% BNG mandatory for most development from November 2023 and for small sites from April 2024.

#### **2. Biodiversity Net Gain Grant**

2.1 A total of up to £15.8 million is being made available to local planning authorities in England to support BNG in the 2023/24 financial year. The funding can be used by the local authority

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between 1 April 2023 and 31 March 2024 to deliver measures that prepare for applying at least a 10% biodiversity net gain to developments covered by the requirement. The funding is ring fenced for this purpose.

- 2.2 The funding allocated for the 2023/24 grant is a maximum of £11.06 million. This includes additional funding to allow authorities that were unable to claim their 2022/23 grant to spend an equivalent amount in 2023/24. There is also up to £4.26 million further funding available to allow LPAs who are holding funds in a ring-fenced reserve from 2022/23 to spend up to this allocation in 2023/24.
- 2.3 The grant includes funding for one off set up and preparation costs for BNG assessment between 1 April 2023 and 31 October 2023 and early operation of BNG from November 2023 – 31 March 2024.
- 2.4 The London Borough of Havering has been allocated a grant of £53,614 for BNG preparation work carried out in 2023/24. This includes £26,807 allocated for 2022/23 which has been carried forward by DEFRA to the current financial year. Although, the decision to accept the grant allocation for 2022/23 was made on 29<sup>th</sup> March 2023, communication received from DEFRA on 4 August 2023 stated that DEFRA did not receive the necessary documentation by the deadline of 30 March 2023 in order for the Council to claim the 2022/23 grant. DEFRA has decided to carry forward the grant allocation for 2022/2023 to 2023 / 2024. The total grant of £53,614 is comprised of:

2022 / 2023: £26,807

2023 / 2024: £26,807

### **3. Requirements for receiving the funding**

- 3.1 The offer of Grant Funding is dependent on the Council accepting the requirements as set out in the Grant Determination and signing and returning the Grant Acceptance Form.
- 3.2 The delegated officer of each of the recipient authorities is required to sign and return to the team leader of the Biodiversity Net Gain Team of the Department for the Environment, Food and Rural Affairs the Grant Acceptance Form to be received no later than 31 August 2023.
- 3.3 The completed Grant Acceptance Form must be sent from the email account of the person accepting the conditions on behalf of the local authority.
- 3.4 The funding must only be used by the local authority between 1 April 2023 and 31 March 2024 to deliver measures that prepare for applying at least a 10% biodiversity net gain, as introduced in the Environment Act 2021, to planning permissions granted under the Town and Country Planning Act 1990.
- 3.5 An authority must confirm agreement to the conditions by 31 August 2023 and provide evidence of spend incurred against the condition by 15 September 2023 (for the period 1 April 2023 to 31 August 2023); and by 15 March 2024 (for the period 1 September 2023 to 31 March 2024) to SM-Defra.NetGain@defra.gov.uk by 30 March 2024.

### **Next Steps**

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3.6 Once the grant has been accepted, officers will develop a programme setting out how the grant money will be spent in order to prepare for the introduction of Biodiversity Net Gain in November 2023.

**OTHER OPTIONS CONSIDERED AND REJECTED**

The option of not either submitting a funding application or receiving the awarded grants has been rejected because the Council has a statutory requirement to implement Biodiversity Net Gain through its planning functions.

**PRE-DECISION CONSULTATION**

Not Applicable

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Linda Beard

Designation: Senior Planning Policy Officer

Signature: *Linda Beard*

Date: 14 August 2023

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

There are no specific legal implications or risks arising directly from this submission and subsequent award of funding. In the event of breach of any of the conditions of the grant there is a mechanism for the grant to be recovered by DEFRA.

### FINANCIAL IMPLICATIONS AND RISKS

DEFRA have offered the Council £53,614 from the Biodiversity Net gain Grant 2023/24, subject to the council agreeing and complying with the terms and conditions requirements as set out in the grant determination and signing and returning the Grant acceptance form.

The grant conditions set out that the funding must only be used by the local authority between 1 April 2023 and 31 March 2024 to deliver measures that prepare for applying at least a 10% biodiversity net gain, as introduced in the Environment Act 2021, to planning permissions (unless otherwise exempt) granted under the Town and Country Planning Act 1990.

### HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

There are no Human Resources implications as a result of this decision.

### EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- Foster good relations between those who have protected characteristics and those who do not.

'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council

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is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The DEFRA Biodiversity Net Gain Grant will help the Council with delivering its equality and diversity commitments. Dissemination of information and consultation with officers and residents that may result from the use of the grant will provide opportunities to increase awareness of Biodiversity Net Gain across all protected characteristic groups.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The funding awarded will help Havering with implementing Biodiversity Net Gain which will have positive environmental impacts through improvements to the ecosystem and wildlife conservation. It can also help to improve air quality and contribute to temperature moderation, flood management and soil stability.

### **BACKGROUND PAPERS**

None

### **APPENDICIES**

Appendix 1 – Grant Determination No. 31/6804 for Biodiversity Net Gain Grant 2023/24.  
Appendix 2 – Grant Acceptance statement

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Kathy Freeman  
Strategic Director of Resources

Signed



Name: Kathy Freeman

Cabinet Portfolio held:  
CMT Member title: Strategic Director of Resources  
Head of Service title  
Other manager title:

Date: 30/08/2023

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_