

Operational Decision Record

Publication Date 23 rd August 2023	Decision Reference Number 5011
Decision Title Biodiversity Net Gain Grant and Planning Skills Delivery Fund	
Decision Value £126,807	
Revenue or Capital Spend? Revenue	
Department Resident Services	
Contact Officer (Name, job title, and contact details) Eddie Curry, Head of Greenspace and Natural Environment, eddie.curry@nottinghamcity.gov.uk Charlie Roberts, Biodiversity and Greenspace Policy Officer, charlie.roberts@nottinghamcity.gov.uk	
Decision Taken <ul style="list-style-type: none">• To approve submittance of bids to the Department for Levelling Up, Housing & Communities (DLUC) Planning Skills Delivery Fund & to the Department for Environment Food & Rural Affairs (DEFRA) Biodiversity Net Gain Grant 2023/24;• To approve an in-year extension to the Medium-Term Financial Plan (MTFP) to accommodate the spending of the revenue grant funding;• To approve, in principle the establishment of a new Biodiversity Lead Officer to be funded by the grants and sustained with future Biodiversity Net Gain (BNG) income;• Approve the establishment of a ringfenced revenue sinking fund to help manage future BNG planning income / contributions and be used to fund future maintenance of BNG sites;• To approve the commissioning of specialist consultancy support to help develop biodiversity planning policies and operating procedures;• To delegate the authority to the director of resident's services to procure services and enter into contracts with relating to the project.	
Reasons for Decision and Background Information <p>The Environment Act 2021 includes provisions that make the achievement of 10% biodiversity gain mandatory for most developments under the Town and Country Planning Act 1990. The requirement is due to come into force in November 2023 for most developments (unless exempt) and for small sites from April 2024.</p>	

Biodiversity net gain (BNG) is an approach to development that leaves biodiversity in a measurably better state than before. This means protecting existing habitats and ensuring that lost or degraded habitats are compensated for by enhancing or creating habitats that are of greater value to wildlife and people.

The purpose of the DEFRA Biodiversity Net Gain Grant 2023/24 is to provide funding to the local authorities in England towards lawfully incurred expenditure or expenditure to be incurred by them in delivering biodiversity net gain.

The purpose of the Planning Skills Delivery Fund Grant is an opportunity for local authorities to apply for funding specialist and expert resource in preparation for implementing the proposed planning reform for both plan-making and decision-making. Funding will deliver skills support and knowledge transfer to achieve identified planning outcomes.

Each planning application, post-November, will be required to achieve 10% minimum biodiversity gains either on-site or off-site where this isn't possible. This will provide an opportunity to use Council landholdings as a habitat bank to bring funds in to manage the land for biodiversity.

To perform duties in line with the requirements coming into force in November 2023 Nottingham City Council will need to upskill staff and increase resource. This funding will enable the council to initiate new processes and procedures and will build internal capacity to ensure the delivery of BNG requirements in line with Government guidelines.

Other Options Considered and why these were rejected

Not accepting the grant funding has been rejected as this will restrict the council's ability to implement BNG effectively before the November deadline.

If awarded, failure to accept the grants will threaten the council's ability to undertake compulsory planning obligations. This could put at risk the receipt of future BNG income and in turn will reduce our ability to reach environmental targets set out by the Government and the delivery of the City's Carbon Neutral 2028 strategy (CN28).

Reasons why this decision is classified as operational

These are revenue grants for the remainder of 23/24 financial year to be spent by March 31st 2024. The funding will be used to recruit specialist consultants and internal staff.

Additional Information

Finance Comments

The purpose of this decision is to gain approval to access to the Biodiversity Net Gain Grant, which will give the council access to £126,807 to spend, leading to the creation of a new biodiversity lead officer post in the establishment on a permanent basis as well as other consultant fees.

The value of the decision relating this post is £51,706, which is equivalent to an I grade 1 staffing costs including oncosts. The post would remain as part of the permanent establishment going forward and as such, would need to be funded annually in perpetuity. In the first two years, the Biodiversity Net Gain grant would be used to fund this post, but in subsequent years, the income generated from this area would be sufficient to cover the post.

There will also be an extension to the MTFP to accommodate the spending of this grant in accordance with its requirements in year. These costs would need to be monitored by the service area to make sure costs don't exceed what funding is available as well as making sure the costs are applicable within the grants requirements and policies.

Best value has been considered as this post will be fully funded in the first two years via the grant and it would be self-generating income post in future years as well as generating additional income to the council for a statutory duty service. There will also be a need to ringfence aspects of the contributions and income generated by the programme into a sinking fund for future maintenance of BNG sites in accordance with the requirements of the grant and service.

Advice provided by Sohaib Chaudhry, Senior Commercial Business Partner
10th August 2023.

Planning Comments

The grant funding will enable the training and upskilling of planning colleagues (both policy preparation and development management), ensuring the planning service can meet the BNG statutory duty and prevent delays in decision making on planning applications after the introduction of mandatory BNG in November. The decision to seek funding is therefore strongly supported.

Advice provided by Matt Gregory, Head of Planning Strategy and Geographic Information, 10th August 2023

Legal Comments

If Nottingham City Council (NCC) is successful in its application for grant funding from the relevant government departments, any grant funding will be subject to terms and conditions which must be met, failing which the grant funding could be withheld, reduced or withdrawn in whole or part.

Advice provided by Sarah O'Bradaigh, Senior Solicitor 10th August 2023

HR Comments

As there are staffing implications a staffing decision form would be required in order to create new posts.

Management are proposing to create a new post of Biodiversity Lead. The post will be subject to the job evaluation process, it is anticipated that the grading outcome will be GLPC grade I.

Advice provided by Tara Zindani, HR Consultant, 10th August 2023

Decision Maker (Name and Job Title)
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Mary Lester, Director of Resident Services
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Scheme of Delegation Reference Number
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1 & 7

Date Decision Taken

21 st August 2023
