

## DECISIONS DELEGATED TO OFFICERS

<b>Decision title:</b>	Biodiversity Net Gain (BNG) Feasibility Study for OCC Land
<b>Decision date:</b>	30 April 2024
<b>Source of delegation:</b>	This decision was delegated to officers under Part 4.4 of the Council's Constitution: all executive functions except those in Part 4.5, 4.6 and 4.7 are delegated to the officers in the senior management structure.
<b>What decision was made?</b>	To grant project approval, with an overall budget of £100,000, to carry out a feasibility review of identified parcels of land owned by Oxford City Council (OCC) with a view to assessing the potential to use each for generating Biodiversity Units. These units could potentially be used to provide biodiversity offsetting for OCC developments which will help to ensure that developments which OCC carries out are offset on OCC-owned land where possible. It will also support ecological improvements to OCC-owned land.
<b>Purpose:</b>	The decision will enable the Council to gain an understanding of what BNG can be delivered on selected OCC-owned sites and work through the legal, planning, property and financial aspects of delivering biodiversity offsetting as a land owner, to establish if it is a viable option for the Council to pursue.
<b>Reasons:</b>	<p><b><u>Background</u></b></p> <p>Legislation now requires developments to provide 10% Biodiversity Net Gain, meaning that a development will result in more or better-quality natural habitat than there was before development. This is measured by comparing the biodiversity on a site before the development, with that in the development proposal, and it is measured in biodiversity units.</p> <p>This often cannot be achieved on-site, particularly within the constraints of a city-centre development, so instead it can be bought 'offsite'. The developer pays for these offsite biodiversity units. Currently, any Oxford City Council developments requiring offsite biodiversity units would be obliged to purchase these from an external provider, potentially at substantial cost to the Council.</p> <p>The number of biodiversity units required to replace habitat lost on a development site depends on many factors, one of which is the distance to the 'replacement' site. For example, a developer will have to buy more</p>

units if the offsite location is out of the council boundary or relevant National Character Area (NCA) (Mid-Vale Ridge or Upper Thames Clay Vales). The Regen Team and OxPlace will likely require offsetting on numerous projects – there are currently no worked up BNG schemes within the Oxford boundary that projects can choose from, while little information is publicly available regarding the relevant NCAs.

If an external provider cannot be found for the appropriate type of biodiversity units, it is possible for a developer to buy statutory biodiversity credits – these range in estimated cost from £42,000 to £230,000 ([www.gov.uk](http://www.gov.uk)) for the types that may be required for developments in Oxford, and a developer must buy two credits for each one biodiversity unit required, plus pay VAT on top. The statutory credits have been priced deliberately high by the Government to encourage developers to focus on biodiversity gain on sites close to their developments.


This Officer Decision Notice is for an overall budget of £100,000 to carry out a feasibility review of identified parcels of land owned by OCC with a view to assessing the potential to use each for generating Biodiversity Units. These units could potentially be used to provide biodiversity offsetting for OCC developments. This will include both land and waterways. It is not likely that there would be surplus potential areas and available biodiversity units to sell to other developers. This is due to an anticipated shortage of suitable land within city ownership.

It is considered that this has the potential to be an ‘Invest to Save’ feasibility project – the Regen and OxPlace project teams have already spent on biodiversity offsetting when the policy requirement was for only 5% net gain, with more anticipated on upcoming projects already in the planning stages for 2024/25 and beyond. This money is being paid either to external providers for offsite biodiversity Units or to the Government for Statutory Credits. It is hoped that the council will be able to sell biodiversity units to council-run developments. There will be costs associated with the 30-year ongoing management and monitoring, and these will be assessed as part of this feasibility study.


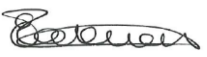
An external ecological consultant will be engaged to carry out habitat surveys, modelling and reporting on the council-owned sites that have been put forward by the Corporate Property team for this project.

	The project will consider the financial, legal, and planning aspects of committing a parcel of land to BNG for a legally required 30-year minimum period. It will also develop a business case and thorough process, including model legal agreements, financial modelling and a system for recording, managing and monitoring of any BNG that is developed on Council-owned land.
<b>Decision made by:</b>	Nigel Kennedy Head of Financial Services 30 April 2024
<b>Other options considered:</b>	The only other option is not to do this work. Council developments would then be obliged to purchase any offsite biodiversity units from external providers, or government biodiversity credits at significant cost.
<b>Documents considered:</b>	None
<b>Key or Not Key:</b>	Not key
<b>Wards significantly affected:</b>	None
<b>Declared conflict of interest:</b>	None
<b>This form was completed by:</b> <b>Name &amp; title:</b> <b>Date:</b>	Laura Davis Environmental Sustainability Support Officer  23 April 2024

### Approval checklist

<b>Approver</b>	<b>Name and job title</b>	<b>Date</b>
<b>Decision maker</b>	Nigel Kennedy, Head of Financial Services 	30 April 2024

### Consultee checklist

<b>Consultees</b>	<b>Name and job title</b>	<b>Date</b>
<b>Senior officer</b>	Mish Tullar, Head of Corporate Strategy 	24 April 2024
<b>Head of Law and Governance</b>	Emma Jackman, Head of Law & Governance 	30 April 2024