

Minutes of a meeting of the Climate and Environment Panel (Panel of the Scrutiny Committee) on Tuesday 27 June 2023

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Committee members present:

Councillor Hollingsworth (Chair)

Councillor Kerr

Councillor Miles

Officers present for all or part of the meeting:

David Butler, Head of Planning Services

Rachel Williams, Planning Policy and Place Manager

Daniel Young, Principal Planner

Mish Tullar, Head of Corporate Strategy

Mai Jarvis, Environmental Sustainability Lead

Rose Dickinson, Carbon Reduction Team Manager

Tristan Carlyle, Ecology and Biodiversity Officer

Matt Whitney, Local Nature Partnership Manager

Alice Courtney, Scrutiny Officer

Also present:

Councillor Anna Railton, Cabinet Member for Zero Carbon Oxford and Climate Justice

Councillor Louise Upton, Cabinet Member for Planning and Healthier Communities

Apologies:

Councillor Dunne sent apologies.

1. Declarations of Interest

Cllr Hollingsworth declared that he was the Chair of Trustees of Cripsey Meadow Allotment Association, the largest allotment association in Oxford, which permitted the use of herbicides if needed. It was not a pecuniary interest; he made the declaration for reasons of transparency as one of the recommendations under agenda item 6 touched on issues that allotment associations in general may or may not permit within their rules.

2. Chair's Announcements

None.

3. Notes of the previous meeting

The Panel **agreed** the notes of the meeting held on 09 March 2023 as a true and accurate record.

4. Climate and Environment Panel Work Plan

The Panel considered the provisional Work Plan and the list of suggested items for Scrutiny-commissioned reports at Appendix A.

The Scrutiny Officer advised that the list of items at Appendix A had been scored and ranked in accordance with the TOPIC criteria (Timely, Oxford Priority, Public Interest, Influence and Cost). The Panel agreed to focus on areas where Scrutiny input could add the most value.

The Panel **agreed** to add the following items to the Work Plan and requested that the Scrutiny Officer work with officers to schedule the items throughout the remainder of the municipal year.

- **Tree Planting and Maintenance** – the current tree strategy pre-dated the Council declaring a climate emergency and did not mention climate change or climate mitigation; Oxford Direct Services (ODS) had also been established since the current strategy was approved. Piece of work around reviewing the existing strategy, inputting into a new strategy and looking at how the Council works across divides in relation to tree planting (County, City and ODS responsibilities/remits).
- **Energy generation/solar potential on Council buildings** – exact scope to be defined at a later date.
- **Air Pollution** – exact scope to be defined at a later date. Broadly to frame a discussion around the OxAir Air Quality Sensor Pilot recommendations and look at progress since the report was published; discussion around the Council's Air Quality Action Plan; possible look at indoor air pollution.
- **Retrofit** – more broadly than just on heritage buildings.
- **Council policies, projects and actions** – focus on two key areas: parks and green space management and the operational/action plans that stem from strategies; and biodiversity net gain management.
- **Waste** – review of changes to the structure of waste collection and disposal, after clarity is gained from Central Government on the proposals. *Possible item depending on timescales and whether the Scrutiny Committee wishes to review.*

5. Report back on recommendations

The Panel **noted** the following Cabinet responses to its recommendations:

- Development of a Biodiversity Strategy for Oxford
- Fleet Decarbonisation

6. DRAFT Carbon Reduction and Sustainable Retrofit Guidance for Historic Buildings Technical Advice Note

Cllr Upton, Cabinet Member for Planning and Healthier Communities introduced the DRAFT Carbon Reduction and Sustainable Retrofit Guidance for Historic Buildings

Technical Advice Note (TAN), which was intended to act as a helpful guide for residents who were thinking about retrofitting their home.

Daniel Young, Principal Planner added that the Local Plan 2036 set out the Council's specific policies which would be supported by the TAN; the TAN was one of many tools to assist residents in interpreting the policies within the current Local Plan 2036.

The Panel was advised that a key aim in updating the TAN from the previous version was to make it shorter and clearer, ensure alignment with the Council's net zero ambitions and help give applicants the best chance of their retrofit application being successful.

During discussion, the Panel raised a wide range of questions and noted the following:

- The Panel's scope for input into the TAN did not include veering into detailed technical discussion.
- Gardens were not within scope of the TAN; references to curtilage and gardens was more related to buildings within the garden or curtilage.
- The TAN would be updated again once the Local Plan 2040 had been approved and published to ensure alignment.
- The document included a lot of technical jargon and was quite densely worded, which would impact accessibility and usability by applicants.
- It would be useful to incorporate previous advice given to local community projects for reference.
- Assumptions had been made relating to customer experience which were not necessarily correct.
- The TAN had been shared with partners via the Zero Carbon Oxford Partnership (ZCOP) for feedback.
- The TAN included a number of institutional case studies and only one domestic case study; the inclusion of more domestic case studies would be useful.
- There were various examples of best practice from other local authorities that could be drawn on.
- The Council could do more to support retrofit applications and needed clearer messaging that it was committed to actively supporting applicants to go through the retrofit process.

The Panel **agreed** to recommend to Cabinet that:

1. The Council reviews the language used in the TAN to ensure it is accessible to residents and incorporates a glossary to explain technical terms.
2. The Council includes more examples of successful domestic scale retrofit projects, including for non-listed buildings in conservation areas, as well as in listed buildings.
3. The Council challenges its existing assumptions around customer experience in relation to retrofit applications and seeks to engage with organisations and individuals who have gone or are currently going through the retrofit process to understand their experiences and feed those into the TAN and the broader planning process to improve usability and overall customer experience.
4. The Council reviews its existing Article 4 Directions to see whether they create unnecessary obstacles to applicants wanting to install carbon retrofit measures.
5. The Council, looking at the approach taken by the Royal Borough of Kensington and Chelsea, considers using Local Development Orders to make clear that certain low carbon approaches will be approved by the Council.

6. The Council makes it clear in the TAN and broader messaging that it supports retrofit applications in heritage and conservation areas and will actively support applicants to go through that process.
7. The Council takes a much clearer approach to setting out for householders and applicants what its response will be to proposals for specific retrofit measures, being clear about how that might vary from conservation area to conservation area.

Cllr Louise Upton, Cabinet Member for Planning and Healthier Communities; David Butler, Head of Planning Services; Rachel Williams, Planning Policy and Place Manager; and Daniel Young, Principal Planner left the meeting and did not return.

7. Biodiversity Update [presentation]

Tristan Carlyle, Ecology and Biodiversity Officer delivered a presentation and highlighted that the narrative around the Council's thinking on biodiversity was unchanged, but the legislative framework was changing and so the Council was required to review resourcing and how it did things.

The presentation focused on a number of key areas, including Biodiversity Net Gain requirements and implementation; the Environment Act 2021 and the enhanced biodiversity duty placed on local authorities; the Nature, Environment and Rural Communities Act 2006; additional reporting requirements; the Local Nature Recovery Strategy; and the Biodiversity Strategy. *A copy of the slides is included in the minutes pack.*

Matt Whitney, Local Nature Partnership Manager delivered a presentation giving an overview of the Local Nature Partnership (LNP), progress to date and how the LNP interacts with the wider local strategic landscape. *A copy of the slides is included in the minutes pack.*

During discussion, the Panel raised a wide range of questions and noted the following:

- The 'Council as landlord' function should be included within the biodiversity baseline assessment exercise.
- The Council should seek to use its influence to promote a commitment to biodiversity among partners and local stakeholders.
- There was an opportunity for the Council to collaborate and exchange knowledge with others across the City, in the interests of promoting biodiversity.
- The Zero Carbon Oxford Partnership (ZCOP) did not currently have a workstream dedicated to biodiversity.
- The Council should continue to seek out biodiversity best practice.

The Panel **agreed** to recommend to Cabinet that:

1. The Council ensures the inclusion of its function as both a residential and institutional landlord within the biodiversity baseline assessment exercise.
2. The Council seeks to collaborate and exchange knowledge with other local landowners and institutions in the interests of promoting biodiversity citywide.
3. The Council suggests a dedicated biodiversity workstream be added to the Zero Carbon Oxfordshire Partnership's existing workstreams.
4. The Council continues to seek out emerging biodiversity best practice in other local authorities.

8. Dates of future meetings

The Panel **noted** the dates and times of future meetings.

The meeting started at 6.00 pm and ended at 8.08 pm

Chair

Date: Thursday 7 September 2023

When decisions take effect:

Cabinet: after the call-in and review period has expired

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

All other committees: immediately.

Details are in the Council's Constitution.

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Biodiversity Update

Tristan Carlyle
Principal Ecology and Biodiversity Officer
27.06.23

Changing Landscape

- Expansion of biodiversity net gain / biodiversity offsetting.
- Strengthened biodiversity duty.
- New reporting requirements.
- Supporting authority for new Local Nature Recovery Strategy.
- Commitment to produce Biodiversity Strategy.

Biodiversity Net Gain

- The principle underpinning net gain is that developers should leave biodiversity better than they found it.
- The Environment Act will require most development to deliver net gain, effectively extending existing planning policy in Oxford.
- Biodiversity metrics are the system of measurement used to determine whether a development delivers net gain.

Oxford Local Plan 2036: Policy G2

Compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain

for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation. Offsetting measures are likely to include identification of appropriate off-site locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site. When assessing whether a site is suitable for compensation, consideration will be given to the access, enjoyment and connection to nature that the biodiversity site to be lost has brought to a locality. A management and monitoring plan might be required for larger sites. The calculation should be applied to the whole site.

The Environment Act 2021

- The Environment Act 2021 has achieved royal assent. However, the sections relevant to biodiversity net gain **have not come into force**.
- Major development will need to comply with the Act from November 2023, minor development from April 2024.
- Some of the key requirements will be:
 - Development must deliver 10% net gain.
 - Habitat must be secured and managed for at least 30 years.
 - Offsite gains will be added to a new biodiversity net gain register.

The Environment Act 2021

- Tasks arising from BNG in relation to development management:
 - Reviewing metrics, biodiversity gain plans, monitoring reports.
 - Securing BNG via condition, obligation, or conservation covenant.
 - Registering and updating information held on BNG (onsite).
 - Undertaking enforcement actions.

Biodiversity Offsetting

- It is the developer's responsibility to propose suitable biodiversity offsetting where required to demonstrate biodiversity net gain.
 - Deliver units on other land under their control.
 - Purchase units from a third-party.
 - Purchase statutory credits.
- Shortage of sites in Oxford.
- Specific challenge to delivery in urban areas.
 - Land prices, access, economies of scale.
- Investigating viability of using Oxford City Council land.

Biodiversity Offsetting

- Key Requirements:
 - Land must be managed for a minimum of 30 years.
 - Management must deliver very specific outcomes.
 - Monitoring must be undertaken to confirm management is successful.
 - Remedial measures required if management is unsuccessful.
 - Included on BNG register (if delivered post-November 2023).

Biodiversity Duty

- Council previously had statutory duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006.
 - On January 1st 2023 this became a duty to conserve **and enhance**.
- (1) A public authority which has any functions exercisable in relation to England must from time to time consider what action the authority can properly take, consistently with the proper exercise of its functions, to further the general biodiversity objective.
- (1A) After that consideration the authority must (unless it concludes there is no new action it can properly take)—
- (a) determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and
 - (b) take such action as it considers appropriate, in the light of those policies and objectives, to further that objective.

Biodiversity Duty

- The legislation emphasises the conservation, restoration or enhancement on habitats and species of principal importance (defined under Section 41).
- The Council must also have regard to the relevant local nature recovery strategy (LNRS) and any relevant species conservation or protected site strategy prepared by Natural England.
- Oxfordshire County Council is leading the process of creating a LNRS for Oxfordshire.

Biodiversity Duty

- Oxford City Council must undertake its first 'consideration' by December 31st 2023. Thereafter the Council will need to repeat the process at least once every five years.
- Collating information from across the Council to understand past, present and proposed future actions.
- Aim to assess how effective actions have been and what barriers exist to considering or delivering better outcomes for biodiversity.

Reporting Requirements

- Oxford City Council will need to meet additional reporting requirements in relation to both biodiversity net gain and the enhanced biodiversity duty.
- The first report must be completed by December 31st 2025, with each subsequent report completed within five years.

Reporting Requirements

- (3) A biodiversity report so published must contain—
- (a) a summary of the action which the authority has taken over the period covered by the report for the purpose of complying with its duties under section 40(1) and (1A),
 - (b) a summary of the authority's plans for complying with those duties over the period of five years following the period covered by the report,
 - (c) any quantitative data required to be included in the report by regulations under subsection (8)(b), and
 - (d) any other information that the authority considers it appropriate to include in the report.
- (4) If the authority is a local planning authority, its biodiversity report must also contain—
- (a) a summary of the action taken by the authority in carrying out its functions under Schedule 7A to the Town and Country Planning Act 1990 (biodiversity gain as condition of planning permission) over the period covered by the report,
 - (b) information about any biodiversity gains resulting or expected to result from biodiversity gain plans approved by the authority during that period, and
 - (c) a summary of the authority's plans for carrying out those functions over the five year period following the period covered by the report.

Local Nature Recovery Strategy

- Oxfordshire County Council expected to be responsible authority for producing the LNRS.
- Each LNRS must:
 - Agree priorities for nature's recovery.
 - Map the most valuable existing areas for nature.
 - Map specific proposals for creating or improving habitat.
- Oxford City Council will be a supporting authority, feeding into the LNRS, ensuring it dovetails with the planning system and also reflects local thinking on BNG.

Biodiversity Strategy

- Oxford City Council has committed to producing a biodiversity strategy covering the City of Oxford.
- First step forming a Steering Committee, invitations issued aiming for wide representation, due to host first meeting in July.
- Baseline exercise will be undertaken to pull together the various disparate sources of data and information and generate a baseline understanding of the state of nature in Oxford.
- Identify what the most pressing issues in the areas of ecology and biodiversity are, what solutions may exist to address these, and what can practically be influenced through Biodiversity Strategy.

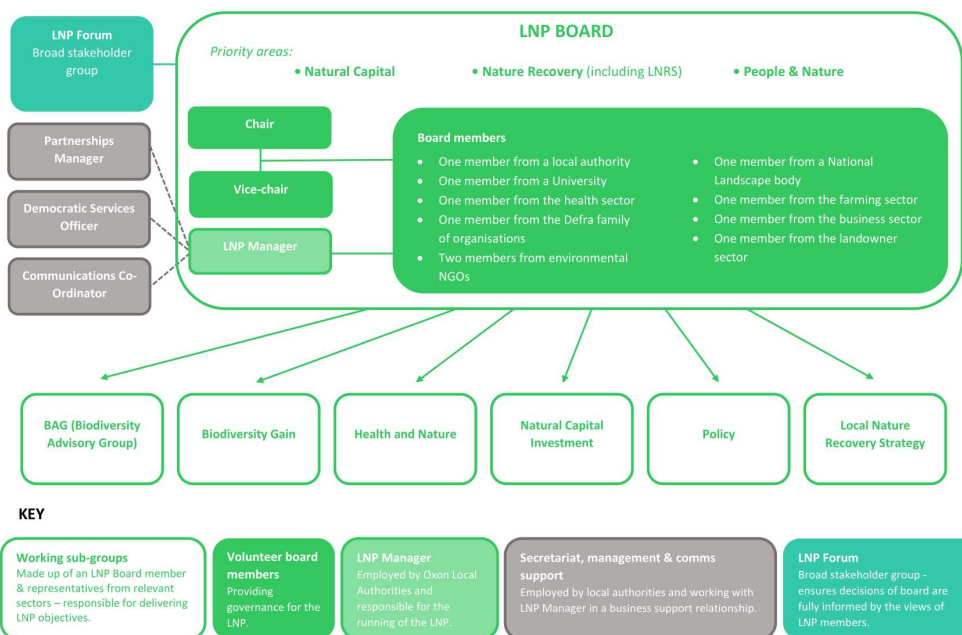


OXFORDSHIRE LOCAL NATURE PARTNERSHIP

Radically enhancing nature, its positive impact on our climate and the priority it's given, helping to make Oxfordshire a county where people and nature thrive

Matt.whitney@southandvale.gov.uk

Oxfordshire Local Nature Partnership



Wider partnership context

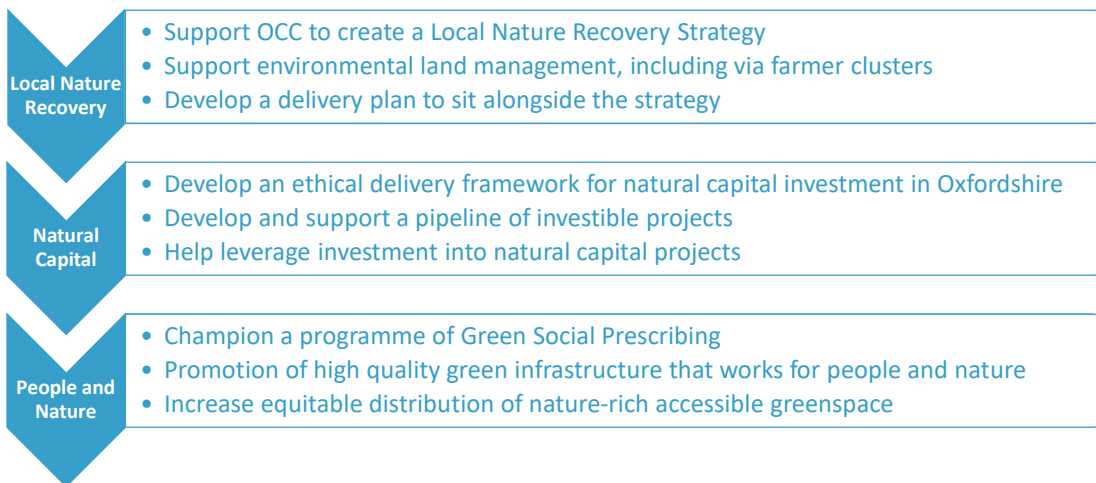
- Future Oxfordshire Partnership (FOP)
- Oxfordshire Inclusive Economy Partnership (OIEP)
- Local Nature Partnership (LNP)



Our partners



How we're helping nature recover



Progress to date



- supported development of Net Zero Roadmap and Action Plan (PAZCO), ensuring multifunctional nature-based solutions are considered and prioritised for their cost effectiveness and co-benefits
- design of a project to explore the creation of a land-based carbon sequestration market (through Pathways to Zero Carbon Oxfordshire (PAZCO)), ensuring **high integrity carbon offsetting** contributes to nature recovery in Oxfordshire
- formed a policy subgroup to provide a single, positive voice in **influencing strategic policy and local plans**
- developed draft **guiding principles for biodiversity net gain (BNG)**, including supporting exceedance of minimum requirements, targeting BNG to the Local Nature Recovery Strategy, and ensuring gains are delivered locally. These will help ensure this policy delivers maximum biodiversity uplift.
- developed a draft **Oxfordshire Nature Finance Strategy** which will leverage private finance and funding for environmental enhancement in Oxfordshire
- co-led preparatory work for the **LNRS**, that will establish priorities and map proposals for specific actions to drive nature's recovery and provide wider environmental benefits

And more....



Any questions?

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