

To: Cabinet
Date: 17 April 2024
Report of: Climate and Environment Panel
Title of Report: Biodiversity Net Gain

Summary and recommendations	
Purpose of report:	To present Panel of the Scrutiny Committee recommendations for Cabinet consideration and decision
Key decision:	No
Scrutiny Lead Member:	Councillor Alex Hollingsworth, Panel Chair
Cabinet Member:	Cllr Anna Railton, Cabinet Member for Zero Carbon Oxford and Climate Justice
Corporate Priority:	Pursue a Zero Carbon Oxford
Policy Framework:	Council Strategy 2020-24
Recommendation: That the Cabinet states whether it agrees or disagrees with the recommendations in the body of this report.	

Appendices	
Appendix A	Draft Cabinet response to recommendations of the Scrutiny Committee

Introduction and overview

1. The Climate and Environment Panel met on 27 February 2024 to consider a Scrutiny-commissioned item on Biodiversity Net Gain. It was recommended that the Panel receive a presentation followed by an opportunity for discussion; and agree any recommendations.
2. The Panel would like to thank Councillor Anna Railton (Cabinet Member for Zero Carbon Oxford and Climate Justice) and Tristan Carlyle (Ecology Officer) for attending the meeting to present and answer questions.

Summary and recommendations

3. Tristan Carlyle, Ecology Officer delivered a presentation which set out an overview of Biodiversity Net Gain, including the statutory regulations and

national guidance; monitoring arrangements; Biodiversity Gain Plans; and identification of Council land for Biodiversity Net Gain purposes.

4. The Panel asked a range of questions, including questions relating to the development of the offsite Biodiversity Net Gain market; monitoring guidance; responsibility for monitoring of offsite arrangements; 'stacking' of biodiversity and carbon offsetting on the same site; the scope of the project to identify Council land for Biodiversity Net Gain purposes; and the interaction of statutory credits with viability calculations during the Planning process.
5. The presentation highlighted that the monitoring arrangements in relation to Biodiversity Net Gain were not well established, with DEFRA and Natural England deliberately avoiding being prescriptive. The Panel was advised that a great deal of the monitoring arrangements would be left to the discretion of Local Planning Authorities (i.e. individual councils). During discussion on this matter, the Panel queried whether or not the Council intended to produce monitoring guidance and, if so, the timetable for producing such guidance.
6. In response, the Panel was informed that there was no requirement for the Council to produce guidance on monitoring and it could prove quite difficult as there was a need to ensure there was flexibility to account for different approaches to Biodiversity Net Gain. However, it was noted that there may be scope to produce limited guidance in relation to onsite Biodiversity Net Gain, which would be more beneficial if agreed on a countywide basis. In addition, the Panel sought clarity on responsibility for monitoring offsite Biodiversity Net Gain in terms of whether the local authority where the development was located was responsible for monitoring, or whether it was the local authority area which hosted the offsite biodiversity unit(s); the Panel suggested that this could be incorporated into guidance.
7. Following discussion, the Panel was of the view that, despite there being no formal requirement for the Council to produce monitoring guidance, it would be useful for guidance to be established. In order to enable consistency across Oxfordshire in terms of type and frequency of monitoring, the Panel agreed it would be of benefit for countywide guidance to be produced.

Recommendation 1: That the Council coordinates with the other Oxfordshire Districts to establish basic Biodiversity Net Gain monitoring guidance for certain habitats to ensure a consistent set of principles and processes across the county.

8. The presentation also highlighted the slow and patchy development of offsite biodiversity units, which was as a result of the nature of biodiversity offsetting model required under the statutory regulations. The regulations required that any offsite biodiversity offsetting must specify what the offsetting would provide at the point at which the money was paid for the biodiversity unit. The Panel noted that a project was underway to identify Council-owned land with the potential to provide biodiversity units. The Panel sought clarification of the scope of this project in terms of size of land being considered and current use (e.g. was wall and roof potential in scope, for instance) and was advised that, in theory, biodiversity units could be delivered on any type of land. Size of land was, however, an important consideration and the aim would be to first identify larger

sites as it would be more difficult to deliver biodiversity units across a large number of smaller sites. Land was currently being identified by the Corporate Assets team.

9. During discussion, the Panel agreed that the Council had a role to play in developing and being a key provider within the offsite biodiversity offsetting market locally, as this would help ensure that biodiversity units were available in Oxford or close to Oxford. Much of this could be done through the existing land identification project.

Recommendation 2: That the Council, through its project to identify Council-owned land with the potential to provide biodiversity units, seeks to identify sufficient sites so as to establish itself as a key provider of biodiversity units locally, thus strongly encouraging the uptake of biodiversity units in Oxford or as close to Oxford as possible.

Report author	Alice Courtney
Job title	Scrutiny Officer
Service area or department	Law and Governance
Telephone	01865 529834
e-mail	acourtney@oxford.gov.uk

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