

**Record of Officer's Decision**

**The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

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| <b>Date of Decision:</b>                                                                                          | 10/9/25                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Decision Maker (Officer):</b>                                                                                  | Lee Heley, Corporate Director (Place & Wellbeing) & Deputy Chief Executive                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):</b> | <p>Cabinet Decision 6th October 2023 - Minute No. 38 (c) (d)<br/>Cabinet Decision 20th December 2024 – Minute No. 100 (2)</p> <p>Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers paragraph 4.3 (1) – the Corporate Director has delegated authority to discharge executive functions within their respective service areas (Part 3.43). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4(ii))).</p> |
| <b>Identify which Portfolio Holder(s)/Committee Chairman consulted?</b>                                           | Cllr Ivan Henderson, Portfolio Holder for Economic Growth, Regeneration and Tourism                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Ward Member(s) consulted?</b>                                                                                  | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Is it a Key Decision?</b>                                                                                      | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Is it subject to call-in?</b>                                                                                  | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Decision Made:</b>                                                                                             | <p>To enter into a contract with HAROLD'S PARK WILDLAND LIMITED (company registration number 15566075) to purchase 0.03 Biodiversity Net Gain Units for the Victoria Street project which is being delivered as part of the wider Homes for Dovercourt Capital Regeneration Projects scheme.</p> <p>The services have a total cost of £840.00 plus VAT.</p>                                                                                                                                          |
| <b>Reason for Decision (if a report was produced to</b>                                                           | The requirement to provide Biodiversity Net Gain is a national requirement set out within the National Planning Policy Framework and further established                                                                                                                                                                                                                                                                                                                                             |

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| <p><b>support the Decision, refer to or attach it):</b></p>                         | <p>within the planning consent received for the development (ref. 24/01911/FUL). The consent includes the following condition:<br/> <i>4 CONDITION: The development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority (see note), and (b) the planning authority has approved the plan (see note).</i></p> <p><i>REASON: In order to accord with Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and amended by The Biodiversity Gain (Town and Country Planning) Modifications and Amendments (England) Regulations 2024</i></p> <p>The planning consultants have submitted an application to discharge the condition, which this decision will support (ref. 25/01202/DISCON)</p> <p>It was explored as to whether the necessary BNG could be provided on site as part of the development however this was found not to be possible. Therefore the only option for discharging this requirement is to purchase BNG credits off site. A specialist ecologist was procured and appointed as part of the planning process who prepared the necessary calculations to inform the BNG credits purchased.</p> <p>The planning consultant appointed for the development provided support in procuring quotations from suitable organisations to satisfy this requirement.</p> |
| <p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p> | <p>The services have been procured in line with the Procurement Procedure Rules as set out within Part 5 of the Council's Constitution:<br/> Section 4,<br/> 4.2 Quotations (Procurement up to £50,000 excluding VAT)<br/> 4.2.1 Procurement up to £10,000 (excluding VAT)</p> <p>The Council has a statutory duty as the developer to provide BNG as part of the development:<br/> Planning conditions are typically established upon the granting of planning permission under sections 70(1) and 72 of the Town and Country Planning Act 1990. However, it's essential to note that the biodiversity gain condition operates under a distinct statutory framework, specifically outlined in paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. This condition is deemed to apply to all planning permissions granted for land development in England.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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|                                                                                                                                                                                                                                                  | Funding is allocated to the project as part of the Capital Regeneration Projects programme and this cost will be funded from this capital budget.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                        |
| <b>NEW : Details of Local Government Reorganisation and/or Devolution considerations</b>                                                                                                                                                         | <p>Clause 18 of the agreement allows for:<br/> “The Buyer shall be entitled to assign its interest, rights and obligations under this Agreement to any Group Company at any time without the consent of the Owner”</p> <p>This allows for the agreement to be transferred to the future authority following Local Government Reorganisation</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                        |
| <b>Details of any Alternative Options Considered and rejected (together with reasons):</b>                                                                                                                                                       | <p>1 – Not to purchase the credits: The Council has a statutory duty as the developer to provide BNG as part of the development. As it has been established by the appointed consultant team that it is not possible to accommodate sufficient BNG on site, purchasing credits is the only available option to discharge this duty.</p> <p>2 – Purchase from an alternative company: a minimum of 3 quotations were sought from suitable organisations. The selected organisation provided the best value as part of the Request for Quotation process.</p> <p>3 – Not to purchase credits: This option was not progressed as it would be in contravention of the planning consent received for the scheme.</p> <p>4 – Not to progress the scheme: This would forfeit substantial government funding and could risk securing funding in the future.</p> |                                                        |
| <b>Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision)</b><br><br><b>If relevant, a note of the dispensation granted by the Monitoring Officer:</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                        |
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| <p><b>Reason Decision, or supporting Report, is not published:</b></p> <p><i>Tick one or more of the specific exemptions,</i></p> <p><b><u>and</u></b></p> <p><i>Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).</i></p> | If Report is not to be published – tick one of the following boxes: |                                                                                                                                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                            | The report supporting the Decision contains confidential information                                                                                                                                                                              |
|                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                            | The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                            | <ul style="list-style-type: none"> <li>• Relates to an individual</li> </ul>                                                                                                                                                                      |
|                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                            | <ul style="list-style-type: none"> <li>• Likely to reveal the identity of an individual</li> </ul>                                                                                                                                                |
|                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                            | <ul style="list-style-type: none"> <li>• Relating to financial or business affairs of a person or organisation</li> </ul>                                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                            | <ul style="list-style-type: none"> <li>• Relates to a claim for legal professional privilege in legal proceedings</li> </ul>                                                                                                                      |
|                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                            | <ul style="list-style-type: none"> <li>• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment</li> </ul> |
|                                                                                                                                                                                                                                                                                                                                      | <input type="checkbox"/>                                            | <ul style="list-style-type: none"> <li>• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</li> </ul>                                                                          |
| <p><u>And</u> is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p> <p>Reasons: [insert]</p>                                                                                                           |                                                                     |                                                                                                                                                                                                                                                   |

### **Officers**

Signed: Lee Heley Title: Corporate Director (Place & Wellbeing) &  
[Confirmed via email] Deputy Chief Executive

### **In consultation with:**

Signed: Cllr Ivan Henderson **Portfolio Holder for Economic Growth,**  
[Confirmed via email] **Regeneration and Tourism**

**Dated: 10/9/25**