

ASHFIELD DISTRICT COUNCIL: OFFICER DECISION RECORD

Please use this form to record those executive decisions which are taken by officers and are **not** designated as 'Key Decisions' – or in other words those decisions which are **not** included in the Forward Plan. There is a separate form for recording Key Decisions.

You should also use this form to record decisions about those functions which are reserved to the Council or to its committees. The Constitution explains what these reserved functions are and who is responsible for them.

1. Title / Subject Matter:

Delivering Biodiversity Net Gain - Mycelia Software Contract

Detail the requirements to directly award work to Verna Earth Ltd to supply and maintain the Cloud based program: Mycelia. The program will enable the Authority to meet its mandatory requirements to deliver Biodiversity Net Gain (BNG) and will be funded through the Department of Environment, Food and Rural Affairs (Defra) BNG Burden Grant. The deadline for submission to Defra for the 2023/24 Grant is 15th March 2024.

2. Decision Reference No: FP/02/2024

3. Decision Taken:

To purchase the Cloud based programme: Mycelia from Verna Earth Ltd, as a tool for the Council to assess and monitor Biodiversity Net Gain as part of the planning process. The procurement satisfies the Contract Procedure Rules as the amount falls within the £10,000 limit where the requirement is that a budget is allocated and the Chief Officer need not obtain quotations.

4. Reasons for the Decision:

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 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 came into force in February 2024.

Ashfield District Council has been awarded grant funding from the Department for Environment, Food and Rural Affairs (Defra) towards the implementation of BNG requirements. The grant funding for Ashfield for 2023/24 is £26,807.00 and covers the 12-month period from 1 April 2023 to 31 March 2024. There is also an additional £16,128.04 ring-fenced reserve remaining from the 2022/23 grant.

A total of £42,935.04 remains to be evidenced and claimed by the 15th March 2024.

The key benefits and features of Mycelia include:

- Save time across teams and throughout the BNG process, both pre-determination and post-determination.
- Drive better environmental outcomes, using tools designed by ecologists and environmental scientists, with links to wider issues including Local Nature Recovery Strategies.
- Catch and manage risks, with smart checks, alerts, and prioritisation underpinned by ecological science.

The program has been reviewed by the Digital Transformation Team, who have confirmed that it is suitable for the functions required to support the Council in its implementation of BNG.

The program will enable the Council to fulfil its responsibility towards mandatory BNG in the planning system, and to comply with the provisions of the National Planning Policy Framework 2023.

5. Alternative Options Considered / Rejected:

Not to purchase the Cloud based program: Mycelia and undertake the assessment and monitoring of BNG in-house, and not claim the full grant funding for this element of BNG work before the final deadline of 15 March 2024. This would result in a loss of the grant funding and the Council not moving forward as successful as it could with the implementation of BNG. The Council has a duty to implement BNG and if the programme is not secured there is a risk that we will not meet our statutory requirements. **Not recommended.**

6. Implications

Legal: The grant funding must be spent on delivering the project as per the conditions of the grant funding. Failure to do so could result in recovery of the grant. Legal Services will provide advice and assistance to ensure the transactions are formalised by way of the correct legal documentation.

The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1).

The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK legislation, every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations. [HC 25/3/24]

Finance: Spend will be contained within the value of grant provided and spent within the grant conditions, with no additional cost to the Council. [AP 21/03/2024]

Human Resources: There are no Human Resources implications related to the Report. [KB 21/3/24]

Environment / Sustainability – The grant and work contribute towards achieving the requirement for sustainable development set out in Section 39 of the Planning and Compulsory Purchase Act 2004 and the National Planning Policy Framework 2023.

Name / Title of the officer taking the Decision:

Use your own name and title. Do not 'pp' for a more senior officer who has asked you to take the decision.

Assistant Director Planning – Christine Sarris
Date: 25th March 2024

Name / Title of the relevant Lead Cabinet Member consulted (if appropriate)

(This decision is not subject to call-in and is circulated for information only). **If a Cabinet Member has a conflict of interest relating to this decision, then this should be declared and a request for dispensation will be considered.**

Date:

Name / Title of the relevant Committee Chairman consulted (if appropriate)

(for non-Executive/Council side function decisions)

Date:

The completed form should be emailed to the Democratic Services Team:

democratic.services@ashfield.gov.uk

They will arrange for it to be published on the Council's web site.

EXEMPT OR CONFIDENTIAL BACKGROUND INFORMATION IN SUPPORT OF THE DECISION

Use this section to share any confidential information that would not be published or placed on the Council's web site. The information will only be shared within the Authority, as appropriate.