North Yorkshire Council

Corporate Director of Community Development

DEFRA Grant 2024/25 for Biodiversity Net Gain (BNG) burdens

Report of the Corporate Director of Community Development.

1.0 PURPOSE OF REPORT

1.1 Recommend acceptance of offer of a government grant 31/7104 from DEFRA for 2024/25, ring-fenced for Biodiversity Net Gain burdens, of £231,116.

2.0 SUMMARY

2.1 The government's flagship Biodiversity Net Gain (BNG) policy came into force in spring 2024. BNG is now mandatory in the planning process for new developments in England. Introducing BNG has placed a significant burden on English Local Planning Authorities (LPA).

2.2 Government committed to assisting LPAs with the additional costs involved in establishing BNG processes. The current grant offer is the latest in a series of section 31 grants made to all English LPAs as 'BNG Burdens funding'. This year's grant, cited as Biodiversity Net Gain Grant Determination 2024/2025 [No.31/7104], is the same amount as the preceding award being £231,116

2.3 The grant offer letter is appended as Appendix A, 'S31 Grant Determination 31-7104 Biodiversity Net Gain' from the Department for Environment, Food and Rural Affairs (DEFRA).

2.4 This grant will be awarded in arrears, to be claimed by providing to DEFRA two 'evidence of spend summaries', in line with the grant terms. The evidence of spend submissions are required in two six-monthly instalments, the first by 15 Oct 2024 and the second by 15 Mar 2025, using form 'Annex C(ii)', appended as Appendix B.

2.5 A condition of the grant that local authorities must confirm agreement to the grant conditions to claim the grant, by submitting it to DEFRA by 28 June 2024 the form, 'S31 Grant Acceptance template Annex C (i)', appended as Appendix C.

3.0 BACKGROUND

3.1 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.

3.2 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 on 12 February 2024 for major developments (unless exempt) and on 2 April 2024 for small sites (unless exempt).

3.3 The purpose of this grant is to provide funding to the local authorities in England towards expenditure lawfully incurred or to be incurred by them in delivering biodiversity net gain. Any further funding for this purpose, beyond this period, would be confirmed in due course.

3.4 The grant covers the 12-month period from 1 April 2024 to 31 March 2025.

3.5 This funding through a Section 31 government grant follows previous awards of BNG Burdens funding which North Yorkshire has greatly benefitted from.

3.6 In March 2022, Defra provided £10,047 of grant funding to each Local Planning Authority (LPA) (County and District) in England to prepare for BNG. The Defra funding from March 2022 was pooled by the legacy authorities and used to appoint a BNG Officer to prepare the authority for the mandatory roll-out of BNG.

3.7 In March 2023, Defra offered additional revenue funding to all eight of the North Yorkshire (legacy) LPAs to support ongoing preparatory work for BNG to cover the period 2022-23. This award was £43,467 to Harrogate Borough Council, falling in the higher band based on number of in-scope planning applications per annum and £26,807 to the other seven LPAs. This funding totalled £231,116. Due to the late provision of this funding by DEFRA, the grant conditions allowed carry forward into 2023-24.

3.8 In March 2024 an 'evidence of spend summary' was submitted to DEFRA to set out how that grant had been spent in 2023-24. This spend report was accepted by DEFRA and provided a clear indication of the wide range of eligible expenditure by local authorities that DEFRA would in practice accept within its grant terms of 'expenditure lawfully incurred or to be incurred by them in delivering biodiversity net gain'.

3.9 The 2023-24 Evidence of Spend Summary included officer salaries, external training, recharges for legal work in-house and externally, recharges for other business support and discrete project work related to BNG by external suppliers, such as a strategic land review and a mapping of strategic significance project. All of these were accepted by DEFRA and give added confidence in the interpretation of the grant terms.

3.10 The purpose of the report is:

1/ To seek permission of the Corporate Director of Resources as Chief Finance Officer in Consultation with the Executive Member for Finance and Executive Member for Open to Business to authorise the acceptance of the Biodiversity Net Gain Grant No.31/7104 offered by DEFRA to the value of £231,116 to offset the council's costs in implementing mandatory Biodiversity Net Gain.

2/ To provide context to Decision-takers of how the grant may be spent in line with the conditions set out by Defra.

3/ To delegate to officers the allocation of this grant funding to service spending priorities in line with the terms of the grant and keep records of relevant spend for the Evidence of Spend Summary in March 2025.

4.0 ACCEPTANCE OF STATUTORY DIRECT AWARD GRANT FOR BNG BURDENS

4.1 Resource constraints are a major concern for local planning authorities. As a result of the introduction of Mandatory BNG there is a need to prepare policy guidance, development management systems, new legal arrangements and increase ecological staff resource and to provide training to officers and Members.

4.2 All planning permissions bound by mandatory BNG are required to submit a significant amount of additional ecological information that the authority's officers must review and comment upon, requiring additional staff resource, and new workflow systems.

4.3 Securing BNG the commitments from developers requires additional input from legal services to draw up new types of section 106 agreements. The number of s106 agreements required per year is substantially increased due to BNG. These agreements run for 30 years and must be monitored. Once the agreements are signed however, North Yorkshire Council has in place a schedule of monitoring fees to recover costs of those monitoring duties.

4.4 New software and data systems are emerging in the market which can help planning authorities manage BNG cases and improve efficiency of the review and sign-off for BNG proposals and the monitoring and enforcement of agreements. A pre-procurement process is underway to explore these options and such a system would be a valid spend of grant in 2024-25.

4.5 There is an ongoing need for training in the BNG process for all staff involved and for planning committee members. External specialist training was procured last year using the previous BNG burdens grant and is in line with the terms of the grant.

4.6 The council is statutorily bound to to deliver BNG, incurring these financial burdens. DEFRA grant No.31/7104 is offered to North Yorkshire Council to help alleviate some of those burdens. Accepting the grant offer will enable us to submit a claim to recoup some of these costs at year-end.

4.7 Aspects of these expenditure items are already committed e.g. salaries of ecologists in the Planning Service to provide an increased ecological resource. Other uses of the grant are subject to further discussion. A cross-service BNG working group is established which will take forward these discussions to allocate the grant to the most appropriate areas of work.

4.8 The grant terms are very broad and cover anything the authority deems related to BNG. The guidance says: 'The uses to which the funding can be put are broad so there is no definitive list. Examples of eligible expenditure include expansion of current ecologist capacity, upskilling current ecologist resource, training, production of guidance, cost of staff time in implementing mandatory BNG, and scoping/baselining/mapping work to assess BNG opportunities.'

4.9 Eligible spend which was successfully claimed in 2023-24 included salaries, external training, legal work in-house and commissioned externally, recharges for other business support and discrete project work by external suppliers.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 The only alternative is not to accept the grant and would mean the authority has to bear the cost of BNG itself.

6.0 FINANCIAL IMPLICATIONS

6.1 If we choose not to accept the grant there are negative implications. BNG is now a statutory duty and would mean the authority has to bear the cost of BNG itself.

6.2 We are not bound by the terms to spend 100% of the grant offered and there are no penalties for not doing so. The grant must be claimed in arrears so there is no risk of clawback. Additional explanation of the grant terms and process has been supplied by DEFRA as an FAQs document appended as Appendix F.

6.3 The authority must provide two Evidence of Spend summaries covering six-month periods: by 15 October 2024 (for the period 1 April 2024 to 30 September 2024); and by 15 March 2025 (for the period 1 October 2024 to 31 March 2025), using the Evidence of Spend template (Annex C (ii)) for each period.

6.4 There is no requirement to split/profile the spend across the two evidence periods; the spend can take place at any time in 2024/25. If the spend for either of the two evidence periods is zero, the Annex C (ii) evidence of spend template must still be submitted but with a zero claim.

7.0 LEGAL IMPLICATIONS

7.1 Grant terms which are appended to this report have been considered by NYC Legal Services and there are no concerns in that regard. Any contracts entered into in respect of the grant funding will be in accordance with the Council's Procurement and Contract Procedure Rules, and if relevant the Public Contracts Regulations 2015.

8.0 EQUALITIES IMPLICATIONS

- 8.1 An Equalities Impact Assessment has been completed as Appendix D to this report.
- 8.2 No equalities issues are raised by the matters addressed in this Report.

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 A Climate Change Impact Assessment has been completed as Appendix E to this report.
- 9.2 No adverse climate change issues are raised by the matters addressed in this Report.

10.0 REASONS FOR RECOMMENDATIONS

10.1 Accepting this grant offer will help council budgets by allowing us to claim up to £231,116 in arrears for additional staff or other costs of introducing BNG.

11.0 RECOMMENDATION

i) That the Corporate Director of Community Development accepts the direct award of a statutory Section 31 Grant of £231,116 offered by Defra to support the council's ongoing work on mandatory Biodiversity Net Gain.

APPENDICES:

Grant terms

- Appendix A 'S31 Grant Determination 31-7104 Biodiversity Net Gain'
- Appendix B 'S31 Evidence of Spend template Annex C (ii)'
- Appendix C 'S31 Grant Acceptance template Annex C (i)'
- Appendix D Equalities Impact Assessment
- Appendix E Climate Change Impact Assessment
- Appendix F 'BNG Grant 2024-25 No.31-7104 FAQs'

Nic Harne Corporate Director – Community Development County Hall Northallerton 20/05/2024

Report Author – *Tim Burkinshaw Biodiversity Net Gain Officer* Presenter of Report – *Tim Burkinshaw Biodiversity Net Gain Officer* Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



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8 April 2024

To all Local authorities listed in Annex A,

Dear colleagues,

Section 31 (Local Government Act 2003) Grant Determination Letter for Biodiversity Net Gain Grant 2024/25: Grant No. 31/7104

This Determination is made between:

- (1) The Secretary of State for Environment, Food and Rural Affairs and
- (2) The local authorities listed at Annex A.

Background

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 on 12 February 2024 for major developments (unless exempt) and on 2 April 2024 for small sites (unless exempt).

Purpose of the Grant

The purpose of this grant is to provide funding to the local authorities in England listed at Annex A, towards expenditure lawfully incurred or to be incurred by them in delivering biodiversity net gain. Any further funding for this purpose, beyond this period, would be confirmed in due course.

Grant amounts

The grant covers the 12-month period from 1 April 2024 to 31 March 2025.

• The funding allocated for the 2024/25 grant is a maximum of £10.55 million.

Local authorities have been placed in one of two bands, with the amount per authority listed at Annex A.

Band	2024/25
Band 1 (authorities with 500 or fewer applications of types that fall within the scope of BNG)	£26,807
Band 2 (authorities with 501 or more applications of types that fall within the scope of BNG)	£43,467

Note: grant allocations for 2024/25 for the four local authorities that were created on 1 April 2023 include the grant amounts that the authorities they replaced would have been allocated.

This grant is subject to conditions, which can be found at Annex B.

Payment of the grant will be made in arrears. Details of how to claim the grant will be provided on receipt of the grant acceptance.

Templates for grant acceptance and provision of evidence of spend are included at Annex C.

Enquiries

For all enquiries about BNG please contact <u>SM-Defra.NetGain@defra.gov.uk</u>

Signed by authority of the Parliamentary Under Secretary of State (Minister for Nature), Department for Environment, Food and Rural Affairs.

Lisa Keenaghan Deputy Director, Biodiversity net gain

Department for Environment, Food and Rural Affairs

REVENUE grant determination (ring-fenced)

Biodiversity Net Gain Grant GRANT DETERMINATION 2024/2025: No. 31/7104

The Secretary of State for Environment, Food and Rural Affairs (The Rt Hon Steve Barclay MP) ("the Secretary of State"), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the Biodiversity Net Gain Grant Determination 2024/2025 [No.31/7104].

Purpose of the grant

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them to apply a minimum 10% increase in biodiversity to planning permissions (unless otherwise exempt) granted under the Town and Country Planning Act 1990.

Determination

3) The Secretary of State determines as the authorities to which the grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex A.

Grant conditions

4) Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Secretary of State determines that the grant will be paid subject to the conditions in Annex B.

Treasury consent

5) Before making this determination in relation to local authorities in England, the Secretary of State obtained the consent of the Treasury.

UK Government Branding

6) The Grant Recipient shall at all times during and following the end of the Funding Period:

6.1 comply with requirements of the Branding Manual in relation to the Funded Activities; and

6.2 cease use of the Funded by UK Government logo on demand if directed to do so by the Authority.

7) **Branding Manual** means the HM Government of the United Kingdom of Great Britain and Northern Ireland 'Funded by UK Government branding manual' first published by the Cabinet Office in November 2022 and is available at:

https://gcs.civilservice.gov.uk/guidance/marketing/branding-guidelines/ including any subsequent updates from time to time.

Signed by authority of the Secretary of State for Environment, Food and Rural Affairs

Lisa Keenaghan, Deputy Director, Biodiversity net gain, Department for Environment, Food and Rural Affairs

8 April 2024

Annex A – List of authorities

Local Authority	2024/25 BNG grant allocation for period 01/04/2024 to 31/03/2025
Adur District Council	£26,807
Amber Valley Borough Council	£26,807
Arun District Council	£26,807
Ashfield District Council	£26,807
Ashford Borough Council	£26,807
Babergh District Council	£26,807
Barking and Dagenham London Borough	£26,807
Barnet London Borough	£43,467
Barnsley Metropolitan Borough Council	£26,807
Basildon District Council	£26,807
Basingstoke and Deane Borough Council	£26,807
Bassetlaw District Council	£26,807
Bath and North East Somerset Council	£26,807
Bedford UA	£26,807
Bexley London Borough	£26,807
Birmingham City Council	£43,467
Blaby District Council	£26,807
Blackburn with Darwen Borough Council	£26,807
Blackpool Borough Council	£26,807
Bolsover District Council	£26,807
Bolton Metropolitan Borough Council	£26,807
Boston Borough Council	£26,807
Bournemouth, Christchurch and Poole Council	£43,467
Bracknell Forest Borough Council	£26,807
Braintree District Council	£26,807
Breckland District Council	£43,467
Brent London Borough	£43,467
Brentwood Borough Council	£26,807
Brighton and Hove Council	£43,467
Bristol Council	£43,467
Broadland District Council	£26,807
Bromley London Borough	£43,467
Bromsgrove District Council	£26,807
Broxbourne Borough Council	£26,807
Broxtowe Borough Council	£26,807
Buckinghamshire Council	£43,467
Burnley Borough Council	£26,807

Calderdale Metropolitan Borough Council£26,807Cambridgeshire and Peterborough Combined Authority£26,807Cambridgeshire County Council£26,807Carnden London Borough£43,467Cannock Chase District Council£26,807Canterbury City Council£26,807Carnterbury City Council£26,807Carnterbury City Council£26,807Carnterbury City Council£26,807Central Bedfordshire UA£43,467Charnwood Borough Council£26,807Cheitmsham Borough Council£26,807Cheitmsham Borough Council£26,807Cheitmsham Borough Council£26,807Cheitenham Borough Council£26,807Cheitenham Borough Council£26,807Cheitenham Borough Council£26,807Chesteriel Borough Council£26,807Chesteriel Borough Council£26,807Chester District Council£26,807Chichester District Council£26,807City of Bardford Metropolitan District Council£26,807City of Bradford Metropolitan District Council£26,807Colchester Borough Council£26,807Corwall Council£26,807 <th>Bury Metropolitan Borough Council</th> <th>£26,807</th>	Bury Metropolitan Borough Council	£26,807
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FAST DEVON DISTICT COUNCILE F43.467	East Devon District Council	£43,467

East Hampshire District Council	£26,807
East Hertfordshire District Council	£26,807
East Lindsey District Council	£43,467
East Riding of Yorkshire Council	£43,467
East Staffordshire Borough Council	£26,807
East Suffolk District Council	£43,467
East Sussex County Council	£26,807
Eastbourne Borough Council	£26,807
Eastleigh Borough Council	£26,807
Elmbridge Borough Council	£26,807
Enfield London Borough	£43,467
Epping Forest District Council	£26,807
Epsom and Ewell Borough Council	£26,807
Erewash Borough Council	£26,807
Essex County Council	· · ·
Exeter City Council	£26,807
-	£26,807
Fareham Borough Council	£26,807
Fenland District Council	£26,807
Folkestone and Hythe District Council	£26,807
Forest of Dean District Council	£26,807
Fylde Borough Council	£26,807
Gateshead Metropolitan Borough Council	£26,807
Gedling Borough Council	£26,807
Gloucester City Council	£26,807
Gloucestershire County Council	£26,807
Gosport Borough Council	£26,807
Gravesham Borough Council	£26,807
Great Yarmouth Borough Council	£26,807
Greater London Authority	£26,807
Greater Manchester Combined Authority	£26,807
Greenwich London Borough	£26,807
Guildford Borough Council	£26,807
Hackney London Borough	£43,467
Halton Borough Council	£26,807
Hammersmith and Fulham London Borough	£26,807
Hampshire County Council	£26,807
Harborough District Council	£26,807
Haringey London Borough	£26,807
Harlow District Council	£26,807
Harrow London Borough	£26,807
Hart District Council	£26,807
Hartlepool Council	£26,807
Hastings Borough Council	£26,807
Havant Borough Council	£26,807

Havering London Borough Herefordshire Council	£26,807
	£43,467
Hertfordshire County Council	£26,807
Hertsmere Borough Council	£26,807
High Peak Borough Council	£26,807
Hillingdon London Borough	£43,467
Hinckley and Bosworth Borough Council	£26,807
Horsham District Council	£26,807
Hounslow London Borough	£43,467
Hull City Council	£26,807
Huntingdonshire	£26,807
Hyndburn Borough Council	£26,807
Ipswich Borough Council	£26,807
Isle of Wight Council	£26,807
Isles of Scilly Council	· · · · · · · · · · · · · · · · · · ·
	£26,807
Islington London Borough	£43,467
Kensington and Chelsea Royal Borough	£43,467
Kent County Council	£26,807
Kings Lynn and West Norfolk Borough Council	£43,467
Kingston upon Thames Royal Borough	£26,807
Kirklees Metropolitan Borough Council	£43,467
Knowsley Metropolitan Borough Council	£26,807
Lambeth London Borough	£43,467
Lancashire County Council	£26,807
Lancaster City Council	£26,807
Leeds City Council	£43,467
Leicester City Council	£26,807
Leicestershire County Council	£26,807
Lewes District Council	£26,807
Lewisham London Borough	£43,467
Lichfield District Council	£26,807
Lincoln City Council	£26,807
Lincolnshire County Council	£26,807
Liverpool City Council	£26,807
Liverpool City Region Combined Authority	£26,807
London Borough of Richmond upon Thames	£43,467
Luton Borough Council	£26,807
Maidstone Borough Council	£26,807
Maldon District Council	£26,807
Malvern Hills District Council	£26,807
Manchester City Council	£43,467
Mansfield District Council	£26,807
Medway Borough Council	£26,807
Melton Borough Council	£26,807

Merton London Borough Mid Devon District Council Mid Suffolk District Council Mid Sussex District Council Middlesbrough Borough Milton Keynes Council Mole Valley District Council	£26,807 £26,807 £43,467 £26,807 £26,807 £26,807 £26,807 £26,807
Mid Suffolk District Council Mid Sussex District Council Middlesbrough Borough Milton Keynes Council	£43,467 £26,807 £26,807 £26,807 £26,807 £26,807
Mid Sussex District Council Middlesbrough Borough Milton Keynes Council	£26,807 £26,807 £26,807 £26,807
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New Forest District Council	£26,807
Newark and Sherwood District Council	£26,807
Newcastle City Council	£26,807
Newcastle-under-Lyme Borough Council	£26,807
Newham London Borough	£26,807
Norfolk County Council	£26,807
North Devon District Council	£26,807
North East Combined Authority	£26,807
North East Derbyshire District Council	£26,807
North East Lincolnshire Council	£26,807
North Hertfordshire District Council	£26,807
North Kesteven District Council	£26,807
North Lincolnshire Council	£26,807
North Norfolk District Council	£26,807
North Northamptonshire	£43,467
North of Tyne Combined Authority	£26,807
North Somerset Council	£26,807
North Tyneside Metropolitan Borough Council	£26,807
North Warwickshire Borough Council	£26,807
North West Leicestershire District Council	£26,807
North Yorkshire Council ¹	£231,116
Northumberland County UA	£43,467
Norwich City Council	£26,807
Nottingham City Council	£26,807
Nottinghamshire County Council	£26,807
Nuneaton and Bedworth Borough Council	£26,807
Oadby and Wigston Borough Council	£26,807
Oldham Metropolitan Borough Council	£26,807
Oxford City Council	£26,807
Oxfordshire	£26,807
Pendle Borough Council	£26,807
Peterborough City Council	£26,807
Plymouth City Council	£26,807
Portsmouth City Council	£26,807
Preston city Council	£26,807
Reading Borough Council	£26,807
Redbridge London Borough	£26,807

Redcar and Cleveland Borough Council	£26,807
Redditch Borough Council	£26,807
Reigate and Banstead Borough Council	£26,807
Ribble Valley Borough Council	£26,807
Rochdale Metropolitan Borough Council	£26,807
Rochford District Council	£26,807
Rossendale Borough Council	£26,807
Rother District Council	
	£26,807
Rotherham Metropolitan Borough Council	£26,807
Rugby Borough Council	£26,807
Runnymede Borough Council	£26,807
Rushcliffe Borough Council	£26,807
Rushmoor Borough Council	£26,807
Rutland County Council District Council	£26,807
Salford Metropolitan District Council	£26,807
Sandwell Metropolitan Borough Council	£26,807
Sefton	£26,807
Sevenoaks District Council	£26,807
Sheffield City Council	£43,467
Shropshire County UA	£43,467
Slough Borough Council	£26,807
Solihull Metropolitan Borough Council	£26,807
Somerset Council ¹	£150,695
South Cambridgeshire District Council	£43,467
South Derbyshire District Council	£26,807
South Gloucestershire Council	£43,467
South Hams District Council	£43,467
South Holland District Council	£26,807
South Kesteven District Council	£26,807
South Norfolk Council	£43,467
South Oxfordshire District Council	£43,467
South Ribble Borough Council	£26,807
South Staffordshire District Council	£26,807
South Tyneside Metropolitan Borough Council	£26,807
South Yorkshire Mayoral Combined Authority	£26,807
Southampton City Council	£26,807
Southend on Sea City Council	£26,807
Southwark London Borough	£43,467
Spelthorne Borough Council	£26,807
St Albans District Council	£26,807
St Helens Metropolitan Borough Council	£26,807
Stafford Borough Council	£26,807
Staffordshire County Council	£26,807
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Staffordshire Moorlands District Council	£26,807

Stevenage Borough Council	£26,807
Stockport Metropolitan Borough Council	£26,807
Stockton-on-Tees Borough Council	£26,807
Stoke-on-Trent City Council	£26,807
Stratford-on-Avon District Council	£43,467
Stroud District Council	£26,807
Suffolk County Council	£26,807
Sunderland City Council	£26,807
Surrey County Council	£26,807
Surrey Heath Borough Council	£26,807
Sutton London Borough	£26,807
Swale Borough Council	£26,807
Swindon Borough Council	£26,807
Tameside Metropolitan Borough Council	£26,807
Tamworth Borough Council	£26,807
Tandridge District Council	£26,807
Tees Valley Combined Authority	£26,807
Teignbridge District Council	£26,807
Telford and Wrekin Council	£26,807
Tendring District Council	£26,807
Test Valley Borough Council	£26,807
Tewkesbury Borough Council	£26,807
Thanet District Council	£26,807
The West Yorkshire Combined Authority	£26,807
Three Rivers District Council	£26,807
Thurrock Council	£26,807
Tonbridge and Malling Borough Council	£26,807
Torbay Borough Council	£26,807
Torridge District Council	£26,807
Tower Hamlets London Borough	£43,467
Trafford Metropolitan Borough Council	£26,807
Tunbridge Wells Borough Council	£26,807
Uttlesford District Council	£43,467
Vale of White Horse	£26,807
Wakefield Metropolitan District Council	£26,807
Walsall Metropolitan Borough Council	£26,807
Waltham Forest London Borough	£43,467
Wandsworth London Borough	£43,467
Warrington Borough Council	£26,807
Warwick District Council	£26,807
Warwickshire County Council	£26,807
Watford Borough Council	£26,807
Waverley Borough Council	000.007
waveney borough council	£26,807

Welwyn Hatfield District Council	£26,807
West Berkshire District Council	£26,807
West Devon Borough Council	£26,807
West Lancashire District Council	£26,807
West Lindsey District Council	£26,807
West Midlands Combined Authority	£26,807
West Northamptonshire	£43,467
West of England Combined Authority	£26,807
West Oxfordshire District Council	£26,807
West Suffolk District Council	£26,807
West Sussex County Council	£26,807
Westminster City Council	£43,467
Westmorland and Furness Council ¹	£93,825
Wigan Metropolitan Borough Council	£26,807
Wiltshire County UA	£43,467
Winchester City Council	£26,807
Windsor and Maidenhead Royal Borough Council	£26,807
Wirral Metropolitan Borough Council	£26,807
Woking Borough Council	£26,807
Wokingham District Council	£26,807
Wolverhampton Metropolitan Borough Council	£26,807
Worcester City Council	£26,807
Worcestershire County Council	£26,807
Worthing Borough Council	£26,807
Wychavon District Council	£26,807
Wyre Borough Council	£26,807
Wyre Forest	£26,807

Table notes

¹Grant amounts for 2024/25 for the four local authorities that were created on 1 April 2023 include the grant amounts that the authorities they replaced would have been allocated.

Annex B

GRANT CONDITIONS

1. The funding must only be used by the local authority ("the authority") between 1 April 2024 and 31 March 2025 to deliver measures that apply at least a 10% biodiversity net gain, as introduced in the Environment Act 2021 to planning permissions (unless otherwise exempt) granted under the Town and Country Planning Act 1990.

- 2. The Biodiversity Net Gain Grant 2024/25: Grant No. 31/7104 does not authorise spend of any funds from previous years' grants that are being held in a ring-fenced reserve.
- 3. An authority must confirm agreement to the grant conditions, by completing the grant acceptance form at Annex C, and sending it to <u>SM-Defra.NetGain@defra.gov.uk</u> by 28 June 2024.
- An authority must provide updates of evidence of spend incurred against the condition in paragraph 1 by completing the evidence form provided at Annex C and sending to <u>SM-Defra.NetGain@defra.gov.uk</u> by:
 - 15 October 2024 for the period 1 April 2024 to 30 September 2024;
 - 15 March 2025 for the period 1 October 2024 to 31 March 2025.

Eligible expenditure

- 5. Eligible expenditure means payments made by the authority or any person acting on behalf of the authority, between 1 April 2024 and 31 March 2025, for the purposes as set out in paragraph 1. The work to which the spend relates must take place in the 2024/25 financial year.
- 6. If the authority incurs any of the following costs, they must be excluded from eligible expenditure:
 - a) contributions in kind
 - b) payments for activities of a political or exclusively religious nature
 - c) depreciation, amortisation or impairment of fixed assets owned by the authority
 - d) input VAT reclaimable by the authority from HM Revenue & Customs
 - e) interest payments or service charge payments for finance leases

f) gifts, other than promotional items with a value of no more than £10 in a year to any one person

g) entertaining (Entertaining for this purpose means anything that would be a taxable benefit to the person being entertained, according to current UK tax regulations)h) statutory fines, criminal fines or penalties

- 7. The authority must not deliberately incur liabilities for eligible expenditure before there is an operational need for it to do so.
- If an authority is unsure if expenditure planned is considered eligible expenditure they should contact the Department for Environment, Food and Rural Affairs ("the Department") at <u>SM-Defra.NetGain@defra.gov.uk</u> before spending those funds so the Department can confirm if it would be considered eligible expenditure.
- 9. For the purpose of defining the time of payments, a payment is made by the authority when money passes out of its control (or out of the control of any person acting on behalf of the authority). Money will be assumed to have passed out of such control at the moment when legal tender is passed to a supplier (or, if wages, to an employee),

when a letter is posted to a supplier or employee containing a cheque, or an electronic instruction is sent to a bank to make a payment to a supplier or employee by direct credit or bank transfer.

Payment arrangements

- 10. Grant will be paid in arrears on receipt of an invoice.
- 11. If at any time the authority becomes aware that payment in arrears is not suitable due to financial arrangements within the authority, the authority must inform the Department as soon as possible. The Secretary of State reserves the right to alter the timing of grant payments accordingly.

Financial Management

12. The authority must maintain a sound system of internal financial controls.

13. If the authority has any grounds for suspecting financial irregularity in the use of any grant paid under this funding agreement, it must notify the Department immediately, explain what steps are being taken to investigate the suspicion and keep the Department informed about the progress of the investigation. For these purposes "financial irregularity" includes fraud or other impropriety, mismanagement, and the use of grant for purposes other than those for which it was provided.

Records to be kept

- 14. The authority must maintain reliable, accessible and up to date accounting records with an adequate audit trail for all expenditure funded by grant monies under this Determination.
- 15. The authority and any person acting on behalf of the authority must allow:
 - a) the Comptroller and Auditor General or appointed representatives; and
 - b) the Secretary of State or appointed representatives;

free access at all reasonable times to all documents (including computerised documents and data) and other information as are connected to the grant payable under this Determination, or to the purposes for which grant was used, subject to the provisions in paragraph 18.

- 16. The documents, data and information referred to in paragraph 16 are such which the Secretary of State or the Comptroller and Auditor General may reasonably require for the purposes of his financial audit or any department or other public body or for carrying out examinations into the economy, efficiency and effectiveness with which any department or other public body has used its resources. The authority must provide such further explanations as are reasonably required for these purposes.
- 17. Paragraphs 16 and 17 do not constitute a requirement for the examination, certification or inspection of the accounts of the authority by the Comptroller and Auditor General under section 6(3) of the National Audit Act 1983. The Comptroller and Auditor General

will seek access in a measured manner to minimise any burden on the authority and will avoid duplication of effort by seeking and sharing information with the Audit Commission.

Breach of Conditions and Recovery of Grant

- 18. If the authority fails to comply with any of these conditions, or if any overpayment is made under this grant or any amount is paid in error, or if any of the events set out in paragraph 20 occurs, the Secretary of State may reduce, suspend or withhold grant payments or require the repayment of the whole or any part of the grant monies paid, as may be determined by the Secretary of State and notified in writing to the authority. Such sum as has been notified will immediately become repayable to the Secretary of State who may set off the sum against any future amount due to the authority from central government.
- 19. The events referred to in paragraph 20 are:
 - a. the authority purports to transfer or assign any rights, interests or obligations arising under this Determination without the prior agreement of the Secretary of State;
 - b. any information provided in any application for grant monies payable under this Determination, or in any subsequent supporting correspondence is found to be significantly incorrect or incomplete in the opinion of the Secretary of State;
 - c. it appears to the Secretary of State that other circumstances have arisen or events have occurred that are likely to significantly affect the authority's ability to achieve the activities set out in the Determination;

Annex C (ii)

Please provide a summary evidencing work carried out in 2024/25 to prepare for mandatory Biodiversity Net Gain in accordance with the grant conditions of Grant No.31/7104 (max. 500 words), and value of works completed. (See notes on page 2.)

Local authority: North Yorkshire Council

For period (delete as applicable):

01/04/2024 to 30/09/2024 / 01/10/2024 to 31/03/2025

NB. See note on page 2 for information on what to include in the summary.

Total value of works:	£
Summary completed by (name)	
Summary completed by (email)	
Date completed	

The summary of work must be submitted to <u>SM-Defra.NetGain@defra.gov.uk</u> by 15 October 2024 for spend between 1 April 2024 and 30 September 2024, and 15 March 2025 for spend between 1 October 2024 and 31 March 2025.

Notes

1. It is a condition of the grant that local authorities must provide two separate updates of evidence of eligible spend incurred to date: (1) by 15/10/2024 (for the period 01/04/2024 to 30/09/2024); and (2) by 15/03/2025 (for the period 01/10/2024 to 31/03/2025).

The work being claimed for must take place in the 2024/25 financial year.

These updates should be made by completing this evidence template and submitting it to <u>SM-Defra.NetGain@defra.gov.uk</u>

Who should complete the form?

2. The person completing and returning the evidence should have the necessary authority to do so. Defra is unable to advise who this should be as it is a decision for each local authority to make in line with their authority's internal processes.

What detail of evidence is required?

3. We have asked for a summary of activity (max. 500 words), and total value of that activity. You should satisfy yourself that the activity and value of activity has been spent in line with the grant conditions. This value of activity can be any measures that prepare to implement mandatory biodiversity net gain, including staff time. If we require further information, we will follow up with the local authority as needed following submission.

What to include in your summary

- Details of each separate item of work carried out in the period concerned.
- The spend for each item.
- Total value of the spend evidenced (entered in the "Total value of works" box). The total entered should not be more than your local authority's total grant allocation and should reflect the evidence you have provided.

Annex C (i)

Confirmation of agreement to conditions: Biodiversity Net Gain Grant 31/7104 (1 April 2024 to 31 March 2025).

Biodiversity Net Gain Grant: 1 April 2024 to 31 March 2025

On behalf of **The North Yorkshire Council**, I confirm acceptance of the conditions as set out in Annex B of Grant Determination No.31/7104, Biodiversity Net Gain Grant (1 April 2024 to 31 March 2025).

This completed Grant Acceptance must be sent from the email account of the person accepting the conditions on behalf of the local authority.

Name	Paul Foster
Email address	Paul.Foster@northyorks.gov.uk
Position	Assistant Director - Resources
Date	20/05/24

Acceptance of grant conditions must be submitted to <u>SM-Defra.NetGain@defra.gov.uk</u> by 28 June 2024.

Notes

- It is a condition of the grant that local authorities must confirm agreement to the grant conditions to claim the grant, by completing this grant acceptance form and submitting it to <u>SM-Defra.NetGain@defra.gov.uk</u> by 28 June 2024.
- 2. The person completing and returning the acceptance should have the necessary authority to do so. Defra is unable to advise who this should be as it is a decision for each local authority to make in line with their authority's internal processes.



Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated October 2023)

Title of proposal

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Community Development
Lead Officer and contact details	Tim Burkinshaw timothy.burkinshaw@northyorks.gov.uk
Names and roles of other people involved in carrying out the EIA	Tim Burkinshaw timothy.burkinshaw@northyorks.gov.uk
How will you pay due regard? e.g. working group, individual officer	n/a
When did the due regard process start?	n/a

Section 1. Please describe briefly what this EIA is about. (e.g. are you starting a new service, changing how you do something, stopping doing something?)

Accepting a govt grant from DEFRA for supporting work on a new statutory duty (Biodiversity Net Gain in planning)

OFFICIAL

Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it? (e.g. to save money, meet increased demand, do things in a better way.)

This will help council budgets by allowing us to claim up to £231k for additional staff or other costs of introducing BNG

Section 3. What will change? What will be different for customers and/or staff?

No change for customers or staff

Section 4. Involvement and consultation (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

n/a

Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result. This will help council budgets by allowing us to claim up to £231k for additional staff or other costs of introducing BNG

OFFICIAL

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
Age	Y			
Disability	Y			
Sex	Y			
Race	Y			
Gender reassignment	Y			
Sexual orientation	Y			
Religion or belief	Y			
Pregnancy or maternity	Y			
Marriage or civil partnership	Y			

Section 7. How will this proposal affect people who	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
live in a rural area?	Y			
have a low income?	Y			
are carers (unpaid family or friend)?	Y			
are from the Armed Forces Community	Y			

Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)				
	n/a no equality impacts			
Craven				
Hambleton				
Harrogate				
Richmondshire				
Ryedale				
Scarborough				
Selby				
If you have ticked or impacted? If so, plea	ne or more areas, will specific town(s)/village(s) be particularly as specify below.			

Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.

no

Sec	ction 10. Next steps to address the anticipated impact. Select one of the	Tick		
following options and explain why this has been chosen. (Remember: we have an				
ant	icipatory duty to make reasonable adjustments so that disabled people can access	chosen		
ser	vices and work for us)			
1.	No adverse impact - no major change needed to the proposal. There is no	Y		
	potential for discrimination or adverse impact identified.			
2.	Adverse impact - adjust the proposal - The EIA identifies potential problems or			
	missed opportunities. We will change our proposal to reduce or remove these			
adverse impacts, or we will achieve our aim in another way which will not make				
	things worse for people.			
3.	Adverse impact - continue the proposal - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)			

OFFICIAL

 Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped. 				
Explanation of why option has been chosen. (Include any advice given by Legal Services.)				
There are no equalities implications				

Section 11. If the proposal is to be implemented how will you find out how it is really
affecting people? (How will you monitor and review the changes?)

n/a

Section 12. Action plan. List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.							
Action Lead By when Progress Monitoring arrangements							

Section 13. Summary Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

There are no equalities implications

Section 14. Sign off section

This full EIA was completed by:

Name: Tim Burkinshaw Job title: Biodiversity Net Gain Officer Directorate: Community Development Signature: T.J.Burkinshaw

Completion date: 07/05/24

Authorised by relevant Assistant Director (signature):

Date:

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email <u>climatechange@northyorks.gov.uk</u>

Title of proposal	DEFRA Grant 2024/25 for Biodiversity Net Gain (BNG) Burdens				
Brief description of proposal	Accept offer of a government grant from DEFRA. The offer is a section 31 grant to be spent in the financial year 2024/25 on new burdens arising from the introduction of mandatory Biodiversity Net Gain in 2024.				
Directorate	Community Development				
Service area	Planning – Planning Policy and Place				
Lead officer	Tim Burkinshaw				
Names and roles of other people involved in carrying out the impact assessment	n/a				

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on	No Effect on	No effect on
	emissions	emissions	emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water	No effect on water	No effect on water
	usage	usage	usage
Pollution (air, land, water, noise, light)	No effect on	No effect on	No effect on pollution
	pollution	pollution	
Resilience to adverse weather/climate events	No effect on	No effect on	No effect on
(flooding, drought etc)	resilience	resilience	resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on	No effect on	No effect on ecology
	ecology	ecology	
Heritage and landscape	No effect on	No effect on	No effect on heritage
	heritage and	heritage and	and landscape
	landscape	landscape	

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	Continue to full CCIA:	
Reason for decision			
Signed (Assistant Director or equivalent)			
Date			

Biodiversity net gain grant 2024/25: Grant No. 31/7104

Frequently asked questions

The information below is intended to provide answers to common questions. It does not replace the conditions as set out in the Section 31 grant determination or other grant documentation.

What is the process of claiming the grant?

- If the local authority is content to accept the conditions of the grant, the Grant Acceptance template (see Annex C (i) of the grant determination) should be returned to Defra's Biodiversity Net Gain Team at <u>SM-Defra.NetGain@defra.gov.uk</u> as soon as possible, and no later than 28 June 2024.
- The grant conditions require two Evidence of Spend summaries to be completed and submitted to <u>SM-Defra.NetGain@defra.gov.uk</u>: one, to be submitted by 15 October 2024, for the period 1 April 2024 to 30 September 2024; and a second, to be submitted by 15 March 2025, for the period 1 October 2024 to 31 March 2025. A template is provided at Annex C (ii) of the grant determination.

EVIDENCE

What is required for the Evidence of Spend summaries?

Guidance on completion of the Evidence of Spend summaries is contained in the Notes section of the Evidence of Spend template at Annex C (ii) of the grant determination.

What figure should go in the "Total value of works" box?

The total value of the spend evidenced. The total entered should not be more than your local authority's total grant allocation and should reflect the evidence you have provided.

What can the funding be used for?

The funding can be used by the local authority between 1 April 2024 and 31 March 2025 to deliver measures that prepare for applying at least a 10% biodiversity net gain to developments covered by the requirement. The uses to which the funding can be put are broad so there is no definitive list. Examples of eligible expenditure include expansion of current ecologist capacity, upskilling current ecologist resource, training, production of guidance, cost of staff time in implementing mandatory BNG, and scoping/baselining/mapping work to assess BNG opportunities in your area. If you want to check if any other uses for the funding are eligible please contact <u>SM-Defra.NetGain@defra.gov.uk</u>.

Is the funding ring-fenced?

Yes.

Can the 2024/25 funding be carried over for use in future years?

No - unspent funds from the 2024/25 grant cannot be carried over for use beyond the 2024/25 financial year.

Can the grant be used to pay for work that is commissioned in 2024/25 but will take place after 31 March 2025?

No - as the grant is being paid in arrears you can only claim for work that actually takes place in 2024/25. You are therefore not able to claim for any work (for example, salary costs) going beyond 31 March 2025. If works are underway you can claim for the portion of the work that is completed in 2024/25.

What about work that takes place between the 15 March 2025 deadline and 31 March 2025?

While the deadline for submission of the second evidence return is 15 March 2025, you can include work that will be carried out up to 31 March 2025 in your evidence return.

What happens if we miss the 15 March 2025 deadline for submission of the second evidence return?

If we do not receive your evidence returns by the deadline we will be unable to pay your grant.

Does the spend need to be split/profiled across the two evidence periods?

There is no requirement to split/profile the spend across the two evidence periods; the spend can take place at any time in 2024/25.

What if the spend for either of the two evidence periods is zero?

This is allowed under the grant conditions but you are still required to submit the evidence of spend summary. For example if your spend for the first evidence period was zero, you would submit the evidence form for that period confirming zero spend. You can then spend up to the full grant amount in the second period.

PAYMENT

How will the grant money be paid?

Each authority will be issued with a purchase order before the end of September 2024. Payment will be made in arrears. We will contact all authorities after each evidence round to confirm we have validated your evidence and that you can therefore invoice for payment. We will also confirm the amount for which you can invoice. Invoices should not be submitted before we have confirmed we have validated your evidence.

Where will the purchase order be sent?

The purchase order will be sent automatically to the contact for your authority as logged on our finance system; this is usually your accounts team. Please get in touch after the end of September at <u>SM-Defra.NetGain@defra.gov.uk</u> if you require a copy of your purchase order.

How will we know it's time to submit an invoice?

We will contact all authorities after each evidence round to confirm we have validated your evidence and that you can therefore invoice for payment; we will confirm the amount for which you can invoice. Invoices should not be submitted before we have confirmed we have validated your evidence.

Where do I send the invoice?

When you submit an invoice please submit it to the email address shown on the purchase order: <u>APinvoices-DEF-U@gov.sscl.com</u>. You must quote the purchase order on the invoice or it will be rejected.

Important dates to note:

- **28 June 2024:** deadline for submission of Grant Acceptance to Defra.
- **15 October 2024:** deadline for submission of first Evidence of Spend summary.
- **15 March 2025:** deadline for submission of second Evidence of Spend summary.

Further questions?

Any queries about the grant can be directed to Defra at: <u>SM-Defra.NetGain@defra.gov.uk</u>