

ADHS DECISION – 7

Title: Installation and three-year maintenance of the Exacom Biodiversity Net Gain Module

Executive summary

The proposal is to install Exacom’s Biodiversity Net Gain module, which will allow OPDC’s Planning team to monitor compliance with the requirement for new development to achieve a 10% uplift in biodiversity value, through on-site or off-site measures. The contract would cover installation of the software, as well as five years of maintenance costs. This is to be funded wholly by way of a grant from Defra.

Decision

That the Head of Planning Enforcement and Compliance, James Hughes, approves:

- i. £19,000 to install Exacom’s Biodiversity Net Gain Module, and to provide five years of software maintenance, including:

Year 1: Installation and Maintenance: £7,000

Year 2: Maintenance: £3,000

Year 3: Maintenance: £3,000

Year 4: Maintenance: £3,000 + RPI

Year 5: Year 4 Maintenance Charge + RPI

Head of Service

I do not have any disclosable interest in the proposed Decision. It is consistent with OPDC’s priorities and has my approval.

Signature: J. Hughes

Date: 21.01.2025

PART 1: NON-CONFIDENTIAL FACTS AND ADVICE

1. Background and context

- 1.1 The government introduced a [Biodiversity Net Gain \(BNG\)](#) requirement in February 2024, which requires new development to achieve a 10% uplift in post-development habitat value against the pre-development baseline, either through on-site or off-site measures.
- 1.2 BNG is mandatory in England under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#).
- 1.3 OPDC intends that uplifts in habitat value required by the BNG regime will be secured through Section 106 (S106) legal agreements, that obligate developers to deliver and maintain habitats, of a requisite type, quantum, and quality, over a 30-year period.
- 1.4 OPDC therefore requires software which can enable the monitoring of BNG covenants secured by S106 agreement.

2. The proposal and how it will be delivered

- 2.1 OPDC currently administers all S106 agreements through the Exacom software package, for which a BNG module has now been made available. Upon installation, this module would allow OPDC to validate the biodiversity metric for a development proposal, enabling a BNG assessment to be undertaken. Once the assessment has been undertaken, it would then allow legal obligations for the delivery of biodiversity improvements to be logged, and for periodic review milestones to be set up over a thirty-year period. It would therefore provide a means by which OPDC could ensure developers' compliance with the BNG regime.
- 2.2 OPDC wishes to enter a contract with Exacom for installation of the BNG module and its maintenance for a five-year period. This would ensure that OPDC can monitor biodiversity obligations using the same software as all other S106 obligations to avoid duplication of work and to ensure maximum efficiency.
- 2.3 The software provider, Exacom, would install the module and provide annual maintenance, while OPDC Planning colleagues would operate the module on a day-to-day basis, to ensure developers' compliance with their biodiversity commitments.
- 2.4 The total cost for five years is £19,000 + RPI (of which, indexation will apply to £6,000), split as below:
 - Year 1: Installation and Maintenance: £7,000
 - Year 2: Maintenance: £3,000
 - Year 3: Maintenance: £3,000
 - Year 4: Maintenance: £3,000 + RPI
 - Year 5: Year 4 Maintenance Charge + RPI

- 2.5 This will be wholly funded from a Department of Environment, Food and Rural Affairs (DEFRA) grant of £26,807 which has been awarded to OPDC to support the implementation of Biodiversity Net Gain.

3. Objectives and expected outcomes

- 3.1 The key outcome would be improved biodiversity within the OPDC area, with 10% uplifts, at minimum, being achieved for new development over a thirty-year period. This is already required by law, but the installation of the BNG module would provide a means by which OPDC could proactively monitor and ensure compliance with the requirement.
- 3.2 Furthermore, Exacom can generate reports, which will allow for effective oversight of schemes' compliance with BNG obligations, for instance identifying where a habitat review is overdue and allowing officers to take remedial action where required.

4. Strategic fit

- 4.1 This proposal would support OPDC's intention to lead the way in environmental sustainability, as set out in its Corporate Strategy. It would support measurable enhancements in biodiversity value at new development sites, where this is possible, and off-site enhancements where this cannot be achieved. The overall result would be the successful integration of nature into the urban environment.
- 4.2 The proposal coheres with OPDC's core value of Stewardship, helping to preserve and enhance the area's biodiversity assets, and in so doing, creating healthy and welcoming neighbourhoods that foster a sense of community and belonging.

5. Project governance and assurance

- 5.1 It is intended that the contract will be let through a Framework Contractor. The contract will be managed by OPDC's Planning team, who will liaise with Exacom regarding any performance issues with the software.
- 5.2 The Senior Responsible Officer is the Head of Planning Enforcement and Compliance, and the Project Leads are the Senior Planning Policy Officer and Team Leader (CIL and Section 106).

6. Risk, Issues and Opportunities

- 6.1 There is very limited risk attached to the project. OPDC is already using Exacom's software successfully. A video demonstration of the BNG module's functionality has been provided and the Planning team are satisfied that it will provide the necessary service. It is also noted that numerous other Local Planning Authorities are successfully using Exacom's BNG module.
- 6.2 Entering a contract for an initial five-year period also gives OPDC the option to review whether the Exacom BNG module is meeting the Planning service's needs and, if not, to consider alternative providers.

7. Equity, Diversity and Inclusion Comments

- 7.1 OPDC must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation as well as to the need to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not.¹
- 7.2 Improving biodiversity brings benefits for local people, positively impacting health and wellbeing, for instance through the impacts of urban greening on air quality. This has the capacity to support Objective 4 of the Mayor's EDI Strategy, to 'improve Londoner's air quality and access to green space... so that inequalities in exposure to harmful pollution and climate risks are reduced.'

8. Social Value and Environment

- 8.1 **Sustainability** – The project will play a major role in supporting the delivery of sustainable neighbourhoods within the OPDC area. It will ensure that green infrastructure and biodiversity is secured and delivered as an obligation for new development and provide a robust basis for monitoring these obligations. It will provide assurance that these commitments are being met, over a thirty-year period.
- 8.2 **Inclusive Growth** – Delivering Biodiversity Net Gain is a requirement for new development. Therefore, having an effective BNG monitoring system is essential to enabling job-creating development to come forwards. As per the Local Plan, it is envisaged that the OPDC area has the capacity to deliver 36,350 jobs over the next 20 years.
- 8.3 **Community Engagement** – Enhanced biodiversity within the local area may bring with it opportunities for community engagement. These have not been scoped in detail at this stage, but could for instance include educational initiatives to allow local people to engage with nature in their neighbourhood.
- 8.4 **Design Quality** – The integration of biodiversity and green infrastructure into development is integral to good design, and to creating places that are both attractive and functional.

9. Other considerations

- 9.1 There are no other considerations that need to be considered in the taking of this decision.

The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Fulfilling this duty involves having due regard to: the need to remove or minimise any disadvantage suffered by those who share a protected characteristic or one that is connected to that characteristic; taking steps to meet the different needs of such people; and encouraging them to participate in public life or in any other activity where their participation is disproportionately low. Compliance with the Equality Act may involve treating people with a protected characteristic more favourably than those without the characteristic. The duty must be exercised with an open mind and at the time a Decision is taken in the exercise of the OPDC's functions.

10. Conflicts of interest

- 10.1 No one involved in the preparation or clearance of this Form, or its substantive proposal, has any conflict of interest.

11. Financial comments

- 11.1 Expenditure of up to £20,000 (being £19,000 plus RPI estimate); assuming an RPI of not more than 5% in each of years 4 and 5, this will fall within this limit. This will be wholly-funded by a Defra grant of up to £26,807, to be received by March 2024, then released on a matching basis for each of the five financial years, resulting in a nil net cost to OPDC.
- 11.2 As the grant is greater than the present value estimate of RPI, OPDC is safely protected from volatile inflation on this contract. Defra has confirmed in writing: “for the purchase of BNG software/modules [Defra] will accept the [grant] claim as long as is procured in the financial year concerned and it’s clear that it is for BNG purposes.” Therefore, the grant conditions permit drawing down on the full estimated value, but not necessarily recognising the full value immediately but over the course of the licence term as proposed here.

12. Summary timeline

Activity	Date
Procurement of contract	February 2025
Delivery start date	February 2025
Milestone 1 ² : Initial review of software effectiveness	November 2025
Delivery end date	February 2030
Evaluation period	December 2029 – February 2030
Project closure	February 2030

Appendices

- Appendix 1: Quote – OPDC – BNG 5 Years – January 2025

Other supporting papers

- None

² In order to demonstrate VFM/Contract being managed, it is good practice for each project to have a review and ensure the project is fulfilling its objectives.

PUBLIC ACCESS TO INFORMATION

Information in this Form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA). OPDC aims to publish the Form within three working days of approval.

If immediate publication risks compromising the implementation of the Decision (for example, impacting a procurement process), it can be deferred until a specific date (when it will be published). Deferral periods are kept to the shortest length strictly necessary.

Part 1 – Deferral

Publication of this Part 1 is to be deferred: **No**

Part 2 – Confidential information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in or attached to any separate Part 2 Form, together with the rationale for withholding the information at this time.

There is a separate and confidential Part 2 Form: **No**

DECLARATIONS

Drafting officer: James Stanfield has drafted this Form in accordance with OPDC procedures, including for handling conflicts of interests, and confirm that:

Advice: The Governance, Finance and Legal teams have commented on the proposal.


CONFIRMATIONS

Section 106 funding: N/A

Review: This Decision was circulated for **Senior Review** on 27/01/2025

Head of Finance

Financial and legal implications have been appropriately considered in the preparation of this Form.

Signature: 

Date: 27/01/2025