



HARTLEPOOL BOROUGH COUNCIL

OFFICER DECISION RECORD

Department:	Development, Neighbourhoods and Regulatory Services
Division:	Development, Neighbourhoods and Regulatory Services (Development and Growth) Estates and Asset Management Section
Date of Decision / Issue of Licence:	4 th July 2023
Officer Making Decision:	Denise McGuckin (Managing Director)
Subject / Description & Reason for Decision:	<p>Grant of a Lease of land at The Fens Hart shown verged red on the plan below, and taking of a sub-lease and Management Agreement.</p> <p>A tender exercise has recently been successfully completed in relation to land at the Fens and Nine Acres to grant a 6 year farm business tenancy. The remainder of the land, extending to 34.15 acres (13.8 hectares) has been identified as suitable for the creation of Biodiversity Net Gain (BNG) habitat units. Under the Environment Act 2021 new developments will be required from November of this year to increase site biodiversity by 10% . Whilst some developments will be able to achieve this on site, others will not, and will need to purchase habitat units in off-site locations. Generally these will need to be within the borough boundaries.</p> <p>In order to ensure that developments in Hartlepool requiring off site BNG units are able to proceed in future years it is desirable to have a supply within the borough.</p> <p>Following negotiations with a national BNG unit provider, terms have been agreed for the grant of a long term lease which will allow the provider to carry out habitat creation, register the units on the Site Gain Register and sell the units to developers working in the borough. There are currently some uncertainties in relation to the statutory framework as the necessary secondary legislation has not yet been passed but the structure of the lease allows time for this to be resolved, as well as for the initial habitat creation work to mature.</p> <p>The Council will take a sub-lease of the land and enter into a Management Agreement under which the property will be</p>

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managed and the habitats maintained. It is the intention to grant a sub-sublease to a suitable third party who will carry out the maintenance and farm the land within the constraints of the BNG requirements.

Planning permission is not required for the principal works although some aspects may do so.

Grant of the lease will provide a supply of BNG units, provide an enhanced income to the Council from the property and enhance the natural environment in the area.

The lease terms are set out in the **CONFIDENTIAL ANNEX**.

Type of Decision: Non Key

Nature of Delegation Being Exercised: Committee Delegated Authority

In accordance with paragraph 4.2 of the Delegation Scheme set out at Part 3 of the Constitution the Managing Director is authorised to exercise any of those functions delegated to the Directors and hereby exercises the delegation as set out below:

DRD74	Power to approve land and property disposal, leases, lettings, licences, wayleaves, easements, undertaking and concluding rent reviews, lease renewals and the release and amendments of restrictions, covenants and other land and property matters within prescribed thresholds as set out in the Finance and Policy committee arrangements
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Alternative Options Considered and Rejected:

Consideration has been given to providing BNG units directly but rejected for this site.

Any Declared Register of Interest No

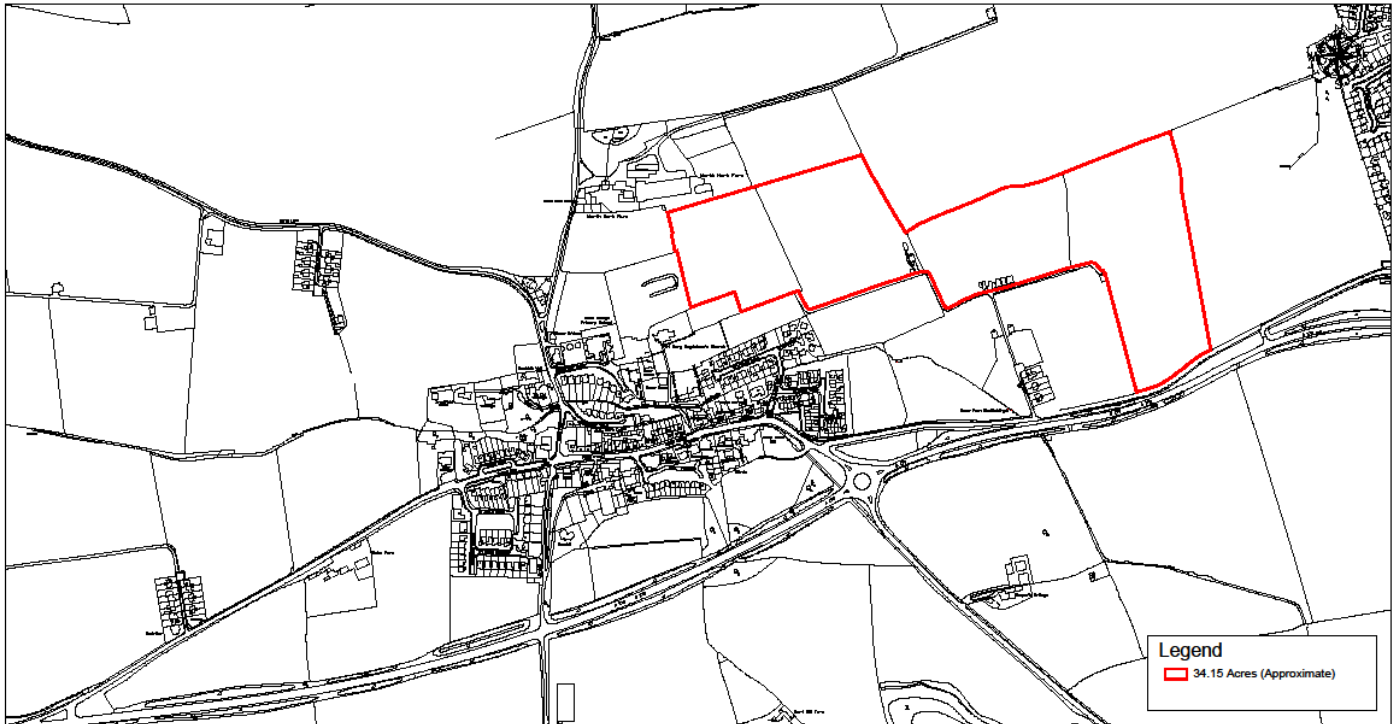
OFFICER WITH THE DELEGATION

SIGNED: _____

NAME: Denise McGuckin _____

POSITION: Managing Director _____

DATE: 4th July 2023 _____



LOCATION Land at Hart Village, Hartlepool

Legend
 34.15 Acres (Approximate)

DRAWN BY	CT	DATE	07/08/23
SCALE	1:5000 @ A3		
DRWG NO	E/G/1064		

DEED PACKET P172193

OS MAP NZ4834

HARTLEPOOL BOROUGH COUNCIL

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