

Report to	Cabinet
Date of meeting	15 th February 2022
Lead Member / Officer	Cllr Brian Jones (Lead Member for Waste, Transport and the Environment), Cllr Tony Thomas (Lead Member for Housing and Communities), Cllr Julian Thompson Hill (Lead Member for Property & Finance) / Alan Smith (BIM Head of Service & Climate and Ecological Change Programme Senior Responsible Owner), Steve Gadd (Head of Finance & Assets)
Report author	Andrew Cutts (Climate Change Programme Manager)
Title	Proposed scheme of delegated decision making for land acquisition (freehold and leasehold) for carbon sequestration and ecological improvement purposes

1. What is the report about?

- 1.1 This report is about introducing a new scheme of delegated decision making for land acquisition (freehold/leasehold) for carbon sequestration and ecological improvement purposes so that land can be more promptly and effectively acquired, particularly in an auction scenario, so that the Council delivers upon its Climate Change and Ecological Emergency declaration and the subsequent targets within its Climate and Ecological Change Strategy (2021/22 – 2029/30).

2. What is the reason for making this report?

- 2.1 A decision is required on whether or not to introduce the new scheme of delegated decision making as proposed.

3. What are the Recommendations?

- 3.1 For Cabinet to approve the introduction of the new scheme of delegated decision making for land acquisition (freehold/leasehold) for carbon sequestration and ecological improvement purposes as proposed in Appendix 1.
- 3.2 That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.

4. Report details

- 4.1 See Appendix 3 for detail on the Council's Net Carbon Zero and Ecologically Positive 2030 targets and rationale for acquisition for the purposes of carbon sequestration and ecological improvement.
- 4.2 See Appendix 4 for detail on the Council's current approach for acquisition (freehold/leasehold) for purposes of carbon sequestration and ecological improvement and how that would look under this proposed scheme of delegated decision making.

4.1 Proposed scheme of delegated decision making

- 4.1.1 An identified risk (see Appendix 6) in successfully achieving our carbon sequestration targets is around the successful acquisition of land which comes on the open market, often in an auction selling environment, with short deadlines between advertisement and final bids. This was confirmed as an issue in September 2021 when 2 sites were available for purchase via auction which would have scored highly using the land assessment matrix (Appendix 5) but were not pursued due to not being able to complete the existing scheme of delegated decision making in the time available between advert and auction.
- 4.1.2 In order to secure sites in a prompt and effective manner it is proposed a new scheme of delegated decision making is put in place for specific site acquisitions for the purposes of carbon sequestration and ecological improvement. This would involve both financial aspects under the jurisdiction of Strategic Investment Group and land use aspects under the jurisdiction of Asset Management Group as outlined in the Council's Constitution.
- 4.1.3 The proposed new scheme of delegated decision making is provided in full in Appendix 1 and a description is below.

For acquisitions up to £1m in value and having costs within the budget envelope agreed by Budget Board for the Climate and Ecological Change Programme Land Use Workstream it is proposed that:

Strategic Investment Group delegate the decision for spending of capital for specific site acquisition to / that Asset Management Group delegate decisions on proposals for specific site acquisitions to:

the Head of Finance and Property in consultation with the Section 151 Officer, Monitoring Officer and Lead Member for Property & Finance, in conjunction with the Corporate Landlord, Lead Member for Waste, Transport and the Environment (covering Net Carbon Zero Council) and Lead Member for Housing and Communities (covering Ecologically Positive Council), to negotiate the acquisition of land for purposes of carbon sequestration and ecological improvement as long as the land in question does not meet any of the stated disqualifying criteria.

5. How does the decision contribute to the Corporate Priorities?

- 5.1 The approach outlined will make a direct contribution to delivering upon the Council's Climate Change and Ecological Emergency declaration which committed the Council to become Net Carbon Zero by 2030, and the subsequently adopted Climate and Ecological Change Strategy, by supporting the increase in tonnage of carbon sequestered by Council owned/operated land and at the same time directly contributing to the achievement of Ecologically Positive Council by 2030 by increasing the number of hectares of Council owned/operated land in the highest species richness categories.
- 5.2 The approach outlined will support the Council in making its contribution to the Welsh Government policy for the public sector to be carbon neutral by 2030, for Wales to meet its legally binding target of reducing emissions to Net Zero by 2050 and supports the Council's statutory duty under Section 6 of the Environment (Wales) Act 2016 to "seek to maintain and enhance biodiversity".

6. What will it cost and how will it affect other services?

- 6.1 Capital costs include any costs related to the acquisition of the land e.g. purchase cost, and any costs related to converting the land into woodland e.g. tree planting, and ecological improvement interventions e.g. habitat creation, livestock fencing. External grants would be sought wherever possible to provide a funding mix alongside capital allocated to the Climate and Ecological Change Programme each year as part of the budget setting process.
- 6.2 Revenue costs include fees and charges related to acquisition of the land which cannot be capitalised and costs related to the management of the asset thereafter. For woodland creation at scale, the approach being undertaken is that of natural regeneration wherever

possible. For woodland creation within communities the approach being undertaken is that of 'right tree, right place' to avoid unnecessary tree maintenance or failure. Sites acquired are likely to be added to the Countryside Services asset portfolio and will be reviewed from an ongoing management perspective. Revenue costs may be identified and external grant will be sought to supplement management budgets across all sites.

6.3 The likely impact on other service areas are as follows:

- Strategic Assets and Legal - in relation to land acquisition negotiations.
- Climate Change Team – providing project management to assess potential land acquisitions and deliver any subsequent woodland creation and habitat enhancement activity.
- Countryside Services – providing specialist advice for carbon sequestration and ecological improvement plans; undertaking operational management and maintenance.
- Democratic services - to manage a notice of decision process to enable sufficient awareness in case Members wish to call in the executive delegated decision.

7. What are the main conclusions of the Well-being Impact Assessment (WIA)?

7.1 See Appendix 2 for the full WIA.

8. What consultations have been carried out with Scrutiny and others?

8.1 The Climate and Ecological Change Strategy and the targets within, including the requirement to increase carbon sequestration, was consulted widely during 2020 and was positively received. This included 2 public engagement periods in January/February and November/December 2020 as well as engagement with all Member Area Groups, Cabinet and Lead Members. The Strategy was presented and adopted by Council, by unanimous vote, in February 2021. See [23rd February 2021 Council paper](#) for further information.

8.2 The proposed approach for land use and land acquisition for the explicit purposes of carbon sequestration and ecological improvement has been developed collaboratively with support of officers from: Strategic Assets, Valuation and Estates Team, Countryside Services, AONB, and the Climate Change Team. The officer group is supportive of the proposed approach.

- 8.3 Asset Management Group reviewed a paper on the proposed scheme of delegation on 19th July 2021 and approved the recommendation to introduce the scheme. This included a statement from the Corporate Landlord which supported the recommendations (Appendix 7).
- 8.4 Strategic Investment Group reviewed a paper on the proposed scheme of delegation on 27th July 2021 and approved the recommendation to introduce the scheme but only marginally. Under the recommendation of the Monitoring Officer, it was agreed to take the decision of whether or not to introduce this new scheme of delegated decision making to Cabinet.
- 8.5 Specific engagement work has been undertaken with Denbighshire agricultural stakeholders in January 2022, including with: Coleg Cambria – Llysfasi, Jones Peckover, Farmers' Union of Wales. Positive conversations were had with all that engaged in discussion.
- 8.6 The Monitoring Officer has confirmed the delegation process and wording is sufficient.

9. Chief Finance Officer Statement

- 9.1 It is clear that land use and acquisition for carbon sequestration and ecological improvement purposes form a key part of the agreed Net Carbon Zero Target Programme. It is important to note that the annual budget allocation will still be subject to reports to the Budget Board and ultimately approval by Cabinet and Council and that individual projects over £1m will still require Cabinet approval. It is the professional opinion of senior officers within property and the programme that these proposals will help to secure sites in a prompt and effective manner and help the Council to achieve the 2030 target. On that basis the proposals are supported. If not approved, then an honest appraisal of the Council's ability to meet the agreed target should be brought forward.

10. What risks are there and is there anything we can do to reduce them?

- 10.1 Pertinent risks provided in Appendix 6.

11. Power to make the decision

- 11.1 See Appendix 8.