

Report to: Cabinet



Date of Meeting 8 June 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

Commissioning of work for wildlife site impact assessment and mitigation

Report summary:

For Cabinet to note that two Exemptions to Contract Standing Orders have been granted in respect of two separate studies:

1. A local plan Habitat Regulation Assessment; and
2. A mitigation strategy to address adverse impacts that would otherwise arise.

In each case the estimated contract values fall below thresholds at which we need to report to Cabinet. However, being prudent in approach and because potential extra work might add to final costs we draw to the attention of Cabinet that the exemptions have been granted.

There is a legal requirement to undertake an assessment under the Habitat Regulations when producing a new local plan. Amongst other matters this work will help with drafting and refinement of plan policy and is particularly concerned with the possible adverse impacts that development could cause to the highest tier of designated wildlife sites (Special Areas of Conservation and Special Protection Areas).

The above work (beyond any reasonable doubt) will show that unless there are mitigations measures put in place new residential developments and new tourism accommodation in East Devon, on the western side of the District, will result in adverse impacts on the designated sites of the Exe Estuary and the Pebblebed Heaths. The mitigation strategy (which we are also commissioning on behalf of Teignbridge and Exeter councils) will set out how adverse impacts can be mitigated.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

That Cabinet notes that the attached Exemption to Standing Orders have been approved in accordance with the Council's Contract Standing Orders Rule 3.2 in respect of the appointment of Footprints Ecology.

Reason for recommendation:

To notify Cabinet that the Exemptions to Contract Standing Orders have been granted.

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Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

Equalities impact Low Impact

Climate change Low Impact

Risk: High Risk; the absence of or inappropriate work could result in the local plan not being adopted and/or development not being able to go ahead.

Links to background information

Link to [Council Plan](#)

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

Financial implications:

This work is included within existing approved budgets

Legal implications:

The contract value falls below the threshold set out in the Public Contracts Regulations 2015 and therefore the EU procurement procedure (which is still currently relevant) does not apply and an exemption can be validly relied upon pursuant to the Council's Contract Standing Orders Rule 3.2. The reason for using the exemption in this case appears justified.'