

## Record of Officer Decision

<b>Decision title:</b>	Approval for the development of the phosphate credit framework by Ricardo-AEA Ltd for £22,739
<b>Date of decision:</b>	27 <sup>th</sup> January 2022
<b>Decision maker:</b>	Interim Service Director Highways, Environment and Waste
<b>Authority for delegated decision:</b>	A cabinet member decision to commission the work and the delegated authority to take all operational decisions necessary to implement the scheme was taken on 10 <sup>th</sup> August 2020.  <a href="https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7049">https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7049</a>
<b>Ward:</b>	
<b>Consultation:</b>	Head of Service for Environment, Climate Emergency & Waste, Service Manager for Built & Natural Environment, Commercial Services Team. Finance Team. Legal Team.
<b>Decision made:</b>	Ricardo–AEA Ltd to create a phosphate credit framework to be used by Herefordshire Council when allocating phosphate credits to developers for phosphate credits generated by the wetlands project.
<b>Reasons for decision:</b>	<p>Since the European Court of Justice 'Dutch Case' ruling, planning consents in the River Wye are limited based on their phosphate (P) loading to the river.</p> <p>Herefordshire Council (HC) initially contracted Ricardo as a consultant on P budgets. They produced an Interim Phosphate Delivery Plan and provided an approach to calculate P budgets through a calculator, which is used for the wetland credit system by developers.</p> <p>For HC's Integrated Constructed Wetlands project, wetland sites are built adjacent to sewage treatment works to lower the P levels released into the river generating P credits that can be traded with developers. However, currently HC is lacking a policy framework for the allocation of P credits for development that meets HC's strategic goals.</p> <p>Ricardo have known expertise and experience in the field, and as they have previously worked with HC in creating the phosphate calculator (a key feature in the credit allocation system) they already have a knowledge background in regards to HC's Integrated Constructed Wetlands project.</p> <p>They will provide HC with a working set of criteria and draft policy documents for use in scoring planning applications across the key areas of environment, community and economy. This framework will be used to allocate P credits to developers. The framework is needed as current demand for P credits by developers outstrips supply and HC does not have a policy framework in place to enable them to exchange the credits.</p> <p>This decision is necessary as without a framework to allocate credits development will be on hold and HC will not be able to meet LEP grant requirements. It could also lead to further substantial loss of expenditure and have a negative effect on economic growth.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	<b>Equality and legal considerations:</b> Ricardo were selected through a low value procurement exercise to show CPR's were followed.

	<p><b>Risks:</b></p> <ul style="list-style-type: none"> <li>• <b>Raised cost:</b> This project is one of a kind, and is not found elsewhere in England. Because of this there is always the risk that projected costs might have to rise in the future due to unforeseen complications.</li> <li>• <b>Challenge to policy:</b> Policy could be challenged in the future.</li> </ul>
<b>Details of any alternative options considered and rejected:</b>	<p><b>Alternatives considered were:</b></p> <ul style="list-style-type: none"> <li>• <b>Option one:</b> No framework for allocating credits. This isn't viable in regards to logistics, legal, equality and risk mitigation. <b>Rejected.</b></li> <li>• <b>Option two:</b> Framework created by HC. Legal and equality risk as HC could be challenged on objectivity and personal vested interest. <b>Rejected.</b></li> <li>• <b>Option three:</b> Ricardo creates framework. Ricardo has known expertise in the area and are an objective exterior consultant. This mitigates legal risks and goes in hand with equality considerations. <b>Accepted.</b></li> </ul>
<b>Details of any declarations of interest made:</b>	None

I am an officer delegated to make the decision

**Signed:**

**Print Name:** Phil Crossland

**Job Title:** Interim Service Director – Highways, Environment & Waste