

Decision under Delegated Powers

Officer Requesting Decision

Group Leader, Plans, Policy and Place

Officer Making the Decision

Head of Planning and Growth

Recommendation

To authorise the release of £44,189.67 received in respect of a section 106 agreement attached to planning permission P/19/0394/2.

The money will be used to support the Hathern Community Woodland project, which the Council has already committed to delivering and has a statutory duty under the Natural Environment and Rural Communities Act (NERC S40).

Reason

The release of this funding is in accordance with the relevant clause in the section 106 agreement attached to planning permission P/19/0394/2, Loughborough Road Mountsorrell, which states ‘ the sum of £80,369 (Indexed Linked) payable by the Owner to the Borough Council towards woodland (including scrub) planting and woodland enhancement within the Borough of Charnwood with priority given to sites within the parishes of Mountsorrel and Quorn for the enhancement and security of long term management of biodiversity’. There are currently no identified sites appropriate for woodland planting within the priority parishes and following an internal consultation it has been identified that the monies could be used to fund long term conservation management of the newly planted Hathern Community Woodland.

Authority for Decision

There is a delegation in the Constitution to all Heads of Service “to pay over section 106 Monies in respect of non-housing items received by the Borough Council as the responsible authority, but which will not result in expenditure by the Council and where the Head of Service by the Head of Finance and Property Services” (Item 8 on Page 8-15)

For all Heads of Service to approve the release of funds they must be satisfied that the works to be carried out fulfil the requirement as set out in the section 106 agreement and have written confirmation for the relevant body that the monies are used for their intended purpose. Any unspent monies after 5 years of receipt by the Borough Council shall be returned to the developer as per the relevant clause within the section 106 agreement.

Decision and Date



22 May 2023

Background

An assessment of the ecological impact of the development permitted under planning application P/19/0394/2 identified a net loss of 2.08 Habitat Units, requiring a payment of £80,369 (Indexed Linked) to fund equivalent habitat creation and enhancement. In accordance with the ecological mitigation hierarchy, it was determined that priority should be given to woodland creation and enhancement.

The Council does not currently have an adopted Biodiversity Net Gains Delivery Strategy which identifies sites for S106 spend within the parishes of Mountsorrel or Quorn. Given that only half of the contribution is being requested the remaining contribution could potentially be spent within these parishes at a later date if suitable projects are identified.

Following internal consultation, it has been identified that half of this sum could be awarded to fund long term conservation management of the newly planted Hathern Community Woodland for the purpose of providing ecological enhancement equivalent to a minimum of 1.04 habitat units.

The planting of Hathern Community Woodland has been part funded by a grant associated with ecological mitigation for HS2. Therefore, the award of funding should follow the presentation of a management plan explaining how active conservation management will enhance the woodland beyond what could reasonably be expected from planting alone.

Financial Implications

The money has been received and there are no financial implications for Charnwood Borough Council

Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
There are no risks identified with this decision	Unlikely	None	Very Low (1 - 2)	N/A

Key Decision:

No

Background Papers:

All contained on planning files P/19/0394/2