

## Decision under Delegated Powers

### Officer Requesting Decision

Group Leader Development Management

### Officer Making the Decision

Head of Legal and Electoral Services

### Recommendation

That a Section 106 Agreement Deed of Variation be signed to secure the following variation to planning obligations under Planning Permission reference P/20/0701/2 for : Creation of solar photovoltaic park on agricultural land including erection of fencing with CCTV and associated landscaping.

West Beacon Farm, Deans Lane, Woodhouse Eaves, LE12 8TE

The developers have submitted a planning application pursuant to s73 of the 1990 Act (reference P/22/1619/2) to vary condition 3 of planning permission reference P/20/0701/2 and the Council is minded to grant planning permission for that variation subject to the prior completion of this Deed of Variation.

### Comprising:

Commitment to undertake a revised landscaping scheme excluding land to the east of the site known as 'Felicity's Wood'. It was included within the s106 original approved application P/20/0701/2 as 'to be retained'. This alteration is required in order to address a drafting error including this wood within the s106 associated original approved application P/20/0701/2 as it is not on the developer's ownership or control.

It is considered that sufficient landscaping and existing screening that is within the applicants control will remain in order to satisfy the requirements to screen the development and produce biodiversity habitat. This includes land to the east of the site – but not including Felicity's Wood – shown as being retained which would provide adequate screening along this boundary.

### Reason

The S106 Agreement is required to make the development acceptable in planning terms, to ensure an adequate, revised, approach to landscaping is carried out without dependence upon a third party.

### Authority for Decision

The application is a matter delegated to the Head of Planning and Growth under 8.2 Item 1(vi) of the Scheme of Delegation to Officer who has made a resolution to grant outline planning permission following the completion of the

S106 Agreement to be agreed under the delegated authority of the Head of Legal and Electoral Services and subject to conditions, reasons and advice notes.

### Decision and Date

N.Ford  
13.06.2024

### Background

The full background of planning application P/20/0701/2, including the original Uniltareta Undertaking, is provided in the planning file at [https://pap.charnwood.gov.uk/PublicAccess\\_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DM&FOLDER1\\_REF=PLN582632](https://pap.charnwood.gov.uk/PublicAccess_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DM&FOLDER1_REF=PLN582632)

### Comments from HR

Not applicable

### Financial Implications

None

### Risk Management

Risk Identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
Applicant doesn't comply with the S106 Agreement	Very Low	Low	Very Low (1 - 2)	Routine monitoring of the S106 Agreement.

Key Decision: No

Background Papers

P/20/0701/2– *Planning File*