

Decision under Delegated Powers

Officer Requesting Decision

Principal Ecological Officer

Officer Making the Decision

Head of Planning and Growth

Recommendation

1. That the sum of £58,857.93 of S106 monies are released for a biodiversity offsetting project to create 0.66Ha of traditional orchard on land on the estate of Brooksby Melton College.
2. That the Council enters into a S106 legal agreement with Brooksby Melton College to secure the delivery and long-term monitoring of the biodiversity offsetting at the Brooksby College Site.

Reason

The release of this funding is in accordance with the relevant clauses in the Unilateral Undertakings pursuant to S106 of the Town and Country Planning Act 1990 attached to the planning permissions listed below in table 1.

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 has been determined to be the relevant Head of Service by the Head of Finance and Property Services” (Item 8 on Page 8-10)

For all Heads of Service to approve the release of funds they must be satisfied that the works carried out fulfil the requirement as set out in the section 106 agreement and have written confirmation from the relevant body that the monies are to be used for their intended purpose.

Decision and Date



19 December 2024

Head of Planning and Growth

Background

Core Strategy policy CS13 requires new development to provide sufficient ecological mitigation to avoid no net loss in biodiversity. Where mitigation has not been able to be provided within the development boundary, as a last resort, compensation may be provided off site, through biodiversity off setting payments. These payments have been made under S106 agreements with developers, requiring payments to be used to provide measurable biodiversity enhancements. The Council's role is to identify projects to ensure that the S106 monies are spent appropriately in order to deliver the required mitigation in accordance with the S106 agreement.

An opportunity has been identified to create an area of traditional orchard as biodiversity offsetting on a part of the Brooksby Melton College estate that lies within the Parish of Rearsby. This land in question is part of a single field compartment that straddles the Borough Boundary and lies partly within Melton.

The College propose to create the orchard and subsequently manage it in perpetuity as part of their educational programme. This would include an element of engagement with local communities and would therefore also include an element of managed public access. The project would generate a minimum of 1.41 Habitat Units.

The project is a particularly good match with the Unilateral Undertaking for application P/22/0669/2, which requires the creation of woodland habitat on publicly accessible land in the Parish of Rearsby. However, the total potential for the project proposed by Brooksby College exceeds the offsetting associated with P/22/0669/2. Therefore, additional S106 payments have been identified that meet the requirements of spend set out within the S106 agreements. The list of proposed payments is shown below in table 1.

Table 1: Offsetting payments proposed for use

Planning Reference	Location	Payment /£	Habitat Units	Purpose
P/19/0218/2	7, King St Sileby	6,573.26	0.35	Biodiversity enhancement in Sileby or Borough of Charnwood
P/20/0797/2	34-36 Station Rd Rearsby	1,845.43	0.11	Biodiversity enhancement in Rearsby or Borough of Charnwood
P/20/1905/2	128 Cotes Rd Barrow	3,794	0.05	Off-site habitat creation with priority given to Parish of Barrow
P/20/2236/2	125 Cotes Rd Barrow	11,038.01	0.02	Off-site habitat creation with priority given to Parish of Barrow
P/21/1571/2	Ferriers Close	15,971	0.17	Habitat creation and

	Wymeswold			enhancement within the Borough
P/22/0376/2	2 Seymour Rd Burton	3,129	0.1	Habitat creation and enhancement within the Borough
P/22/0669/2	Gaddesby Lane Rearsby	10,239.70	0.21	Woodland creation on publicly accessible land in the parish of Rearsby
P/23/0025/2	85 Brook St Wymeswold	3,138.53	0.13	Enhancing offsite biodiversity within the Borough
P/23/0220/2	Land adj Wood Close Wyvernhoe Dr Quorn	3,129.0	0.14	Biodiversity Enhancements in the Borough
TOTAL		58,857.93	1.28	

The units generated by the proposed project would be slightly higher than those required by the suggested S106 contributions. For a project of this scale it is very difficult to get an exact match between units required and those generated. However, the 0.13 units above the 1.28 units required by the project means that the minimum requirement for biodiversity enhancement will be provided with a slight buffer (IE a net gain of just over 10% will be generated). This is an acceptable position because it accords with policy and meets the minimum requirement of the S106 contributions.

The Chair of the Plans Committee has been consulted on the confirmation and no adverse comments have been received.

Financial Implications

U Mistry 3/12/12

The scheme will be added to the capital programme and fully funded by the S106 contributions listed above.

Risk Management

Risk identified	Likelihood	Impact	Overall Risk	Risk Management Actions Planned
That the biodiversity enhancement work is not undertaken	Unlikely (2)	Minor (1)	2	Liaison and monitoring visits with Brooksby staff to ensure implementation

Key Decision

No

Background Papers

Brooksby College Field Assessment and BIA