

**Extended Delegated Decisions Meeting:** 07 August 2020

**Application No:** W/16/0279

**Town/Parish Council:** Bishops Tachbrook

**Case Officer:** Lucy Hammond

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**Land off Seven Acre Close, Bishops Tachbrook**

Outline application for up to 50 dwellings together with associated access, public open space and landscaping

For AC Lloyd (Homes) Ltd

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**INTRODUCTION**

This report relates to the above planning application which was referred to Planning Committee on 24 May 2016 where it was resolved to grant planning permission subject to the signing of a Section 106 Agreement.

This proposal seeks a minor alteration to the content of the Section 106 Agreement, specifically in relation to the Biodiversity Offsetting clause.

**RECOMMENDATION**

The Head of Development Services in consultation with the Chair of Planning Committee is recommended to resolve to agree the proposed changes to the Section 106 agreement to allow;

- The omission of the requirement for the applicant to have to pay to Warwickshire County Council, prior to first occupation of the development, the sum of £157,717 towards securing the long term management of biodiversity within the vicinity of the application site; and
- Instead, the applicant will purchase 5.15 Biodiversity Offsetting Units from the Alscot Estate, in lieu of making a direct financial payment to the County Council (as agreed with the County Council Ecologist).

**HISTORY**

**W/16/0279** - Outline planning application for the construction of up to 50no. dwellings together with associated access, public open space and landscaping – **APPROVED 28 JUNE 2016**

**DETAILS OF THE CHANGES**

- To remove the requirement for the applicant to have to pay a financial contribution (in this instance £157,717) directly to Warwickshire County Council, prior to the first occupation of the development, which would be

put towards securing the long term management of biodiversity within the vicinity of the application site;

- To instead, require the applicant to purchase 5.15 Biodiversity Offsetting Units from the Alscot Estate, in lieu of making a direct financial payment to the County Council, an approach which has already been agreed with the County Council Ecologist.

## **RELEVANT POLICIES**

- National Planning Policy Framework
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- DM1 - Infrastructure Contributions (Warwick District Local Plan 2011-2029)

## **ASSESSMENT**

The main issue relevant to the consideration of this is whether the amended details would continue to enable the delivery of a sustainable development that mitigates its impact through appropriate infrastructure contributions having regard to the Council's policies and national planning guidance.

The sole issue relates to the Biodiversity Offsetting clause in the S.106 agreement which, in conjunction with the approved planning permission, seeks to ensure that the development provides for sufficient biodiversity enhancements and safeguards against any net loss, and where possible, and appropriate, resulting in a net gain.

The original Committee Report identified that there would be a loss which could be compensated for on-site subject to appropriate habitat creation and management proposals. In the event this were not feasible then the loss should be offset; this would be included within the S.106 agreement.

To that end, the extant S.106 agreement requires that, prior to the first occupation of the development, the applicant shall pay the sum of £157,717 to Warwickshire County Council towards securing the long term management of biodiversity within the vicinity of the application site.

However, on 27th March this year, Warwickshire County Council entered into a management agreement under Section 39 of the Wildlife and Countryside Act 1981 in relation to land forming part of the Alscot Estate. The management agreement provides for the provision by the Alscot Estate of identifiable biodiversity net gain, and allows "biodiversity offsetting units" to be purchased in order to offset the ecological impacts of development.

The applicant has now agreed with the County Ecologist that it will purchase 5.15 Biodiversity Offsetting Units from the Alscot Estate in lieu of making a direct financial payment to the County Council. The County Ecologist agrees that this is sufficient to offset the effects of the scheme and has agreed to the proposal. It is proposed that the biodiversity offsetting units must be purchased prior to first occupation of the development, in order to mirror the timing of the present obligation.

A deed of variation is required to make the necessary amendments to the S.106 agreement. A draft deed has been supplied by the applicant and agreed by the County Council.

For the avoidance of doubt, this report seeks authority to replace the requirement to pay a financial contribution to the County Council directly with the requirement to purchase 5.15 Biodiversity Offsetting Units from the Alscot Estate instead.

### **SUMMARY / CONCLUSION**

The proposed changes to the Section 106 Agreement require authority from the Head of Development Services in consultation with the Chair of Planning Committee to update the terms of the Section 106 Agreement to omit the requirement for the applicant to pay a financial contribution to the County Council in respect of Biodiversity Offsetting, but instead, purchase the relevant amount of Biodiversity Offsetting Units (5.15) from the Alscot Estate in lieu of the financial contribution.

These elements have been fully justified and the Head of Development Services is requested to authorise the changes as set out within this report.